

CALIFORNIA
LEGISLATURE

1959

Senate Bill
No. 3-89

Introduced by Senator Brown

January 7, 1959

REFERRED TO COMMITTEE ON WATER RESOURCES

An act to add Section 1241.5 to the Water Code, relating to Indian water rights.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1241.5 is added to the Water Code, to
2 read:
3 1241.5. The laws of this State with respect to loss of water
4 rights by nonuse, abandonment, prescription, and lack of dili-
5 gence shall not apply to water rights appurtenant to or for
6 use on any trust land for the period of five years following
7 the conveyance by the United States of an unrestricted title
8 to the land and the water rights appurtenant to or for use on
9 such land.

10 As used in this section, "trust land" means any land in
11 this State (a) to which the United States holds title in trust
12 for any tribe, band, or other group of Indians, or for any
13 particular Indian; or (b) owned by a particular Indian or
14 any tribe, band, or group of Indians subject to a restriction
15 against alienation imposed by the United States; or (c) held
16 by the United States for the use of Indians in California, but
17 not for any particular tribe, band, or group of Indians, or any
18 particular Indian, if any part of such land is occupied by
19 Indians or their families.

20 The Legislature hereby finds and declares that because of
21 historical conditions, the Indians of California will not be in
22 a position fully to utilize and to protect water rights owned by
23 them when unrestricted title to trust land is conveyed to them
24 by the United States. A period is required during which the

LEGISLATIVE COUNSEL'S DIGEST

S. B. 10 as introduced, Brown (Wat. Res.). Protection of Indian water rights.
Adds Sec. 1241.5, Wat. C.
Makes laws re loss of water rights by nonuse, abandonment, prescription, and lack
of diligence inapplicable to Indian water rights for five years following conveyance
by the United States of unrestricted title to trust land and water rights appurtenant
thereto.
Operative upon enactment of federal legislation authorizing establishment of a
California Indian Water Affairs Commission.

1 laws with respect to loss of water rights by nonuse, abandon-
2 ment, prescription, and lack of diligence are suspended with
3 regard to such land and water rights so that they will not lose
4 the benefit of the water rights and the opportunity to make
5 productive utilization of their land. The Legislature further
6 finds and declares that such a suspension of the laws of this
7 State with regard to such water rights is in the public interest
8 and will promote the public welfare since it will promote the
9 economic and social well-being of the Indians and the com-
10 munities in which they reside and will encourage the self-
11 sufficiency of the Indians.
12 This section shall become operative upon the enactment of
13 federal legislation authorizing the establishment of a Cali-
14 fornia Indian Water Affairs Commission.

Senate Bill No. 10

Passed the Senate April 8, 1959

Secretary of the Senate

Passed the Assembly May 13, 1959

Chief Clerk of the Assembly

This bill was received by the Governor this _____
day of _____, 1959, at _____ o'clock _____ M.

Private Secretary of the Governor