



City of Santa Barbara
Public Works Department

WATER EXTRACTION RIGHTS INFORMATION HANDOUT

Why does the City of Santa Barbara require the execution of an Agreement Assigning Water Extraction Rights for proposed development projects?

The City of Santa Barbara has the right to the underground water supply per the City's historic pueblo rights. The Agreement Assigning Water Extraction Rights provides constructive notice to the property owner that they do not have the right to construct a well for water needs on site.

The historic pueblos of California, such as Los Angeles, Santa Barbara and Monterey, each have treaty rights to their underground water supply for development as a domestic water supply. The City of Santa Barbara develops and distributes this water for commercial and domestic purposes and will continue to do so. The City's policy is to eliminate future challenges to the community use of the underground water supply from overlying owners who may believe that they have some paramount right. The requirement for agreement to separately extract and develop water from the ground water supply has been a standard development condition since then.

The City does not use this agreement as a right of entry or access on or over the parcel of real property for development of water, such as for a well or treatment facility. This agreement is not sufficient for the City to construct a well on the site. City wells would be located on public property situated to develop a substantial amount of water. The conveyance is intended as confirmation of the prior right of the City to develop and use underground water supplies for domestic purposes, citywide, in conformity with the City's pueblo right.

The Applicant shall submit the following to the Public Works Department Engineering Counter at 630 Garden Street:

- ☐ Current (six months or less) preliminary title report that identifies the current vesting and a legal description.
- ☐ Name, title if applicable, address and phone number for the property owner(s).

NOTE: If a corporation owns the property, the following shall apply:

The County Recorder's Office has issued an announcement that says:

"In accordance with Section 313 of the California Corporations Code, any document executed by a corporation requires the signature from at least one person from each of the following two groups:

GROUP ONE

Chairman of the Board
President
Vice President (any)

GROUP TWO

Secretary
Assistant Secretary (any)
Chief Financial Officer
Assistant Treasurer (any)"

It also states that "...if an officer holds a title in each of the above groups (dual title), that officer may sign for each of the two groups by two separate signatures with the appropriate title listed with his or her signature."

Agreement Assigning Water Extraction Rights Processing Steps:

- At the time of application for projects which require Planning Commission approval, the applicant is made aware of the requirement to assign water extraction rights to the City
- During the review process of the project building plans, Public Works staff prepares the standard agreement and delivers it to the applicant for execution
- The property owner signs the agreement in the presence of a notary public who also completes the notary acknowledgement
- The agreement is returned to Public Works staff who then prepares a Council Agenda Report to route the agreement for acceptance by City Council, and subsequent execution and recordation by the City Clerk at the County Recorder's office.

**The above addresses Public Works Department concerns and requirements.
Other City Divisions/Departments may have additional requirements.**

For information call (805) 564-5388

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630 Garden Street, Santa Barbara, California, 93101