



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

03 JAN 2008

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

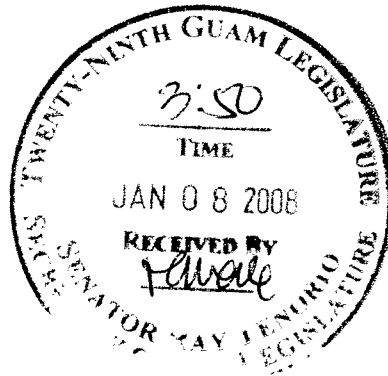
Dear Acting Speaker Calvo:

Transmitted herewith is Bill No. 176(EC), "AN ACT TO AMEND ARTICLE 1, CHAPTER 14 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO DECLARING THE PROPERTY IN AND THE RIGHT TO THE USE OF ALL THE WATER, AT ANY TIME, IN A STREAM, RIVER, OR OTHER SURFACE SOURCE AND WATER LOCATED BENEATH THE GROUND AND IN THE AQUIFER IN GUAM ARE, FOR ALL PURPOSES, VESTED IN THE GOVERNMENT OF GUAM" which I signed into law on January 3, 2008 as Public Law 29-51.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam



Attachment: copy of Bill

cc: The Honorable Ray Tenorio
Senator and Legislative Secretary

Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikte
Print Name & Initials
Time: 11:05
Date: 1-4-08

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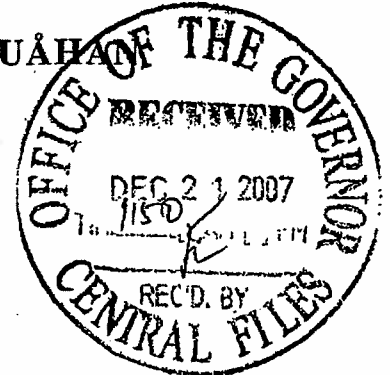
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Eugene Santos



MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910



December 21, 2007

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 170(LS), 171(LS), 176(EC), 177(LS), 190(EC); and Substitute Bill Nos. 127(EC) & 180(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on December 21, 2007.

Sincerely,

RAY TENORIO
Senator and Secretary of the Legislature

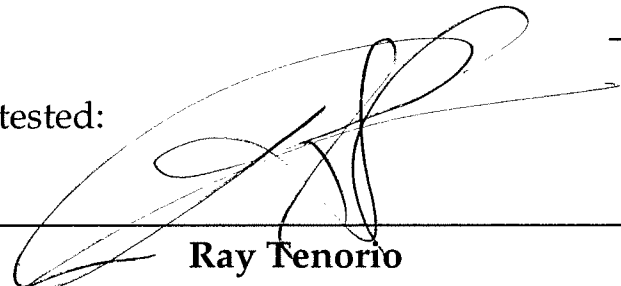
Enclosures (7)

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 176 (EC), "AN ACT TO *AMEND* ARTICLE 1, CHAPTER 14 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO DECLARING THE PROPERTY IN AND THE RIGHT TO THE USE OF ALL THE WATER, AT ANY TIME, IN A STREAM, RIVER, OR OTHER SURFACE SOURCE AND WATER LOCATED BENEATH THE GROUND AND IN THE AQUIFER IN GUAM ARE, FOR ALL PURPOSES, VESTED IN THE GOVERNMENT OF GUAM," was on the 21st day of December, 2007, duly and regularly passed.

Attested:



Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

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This Act was received by *I Maga'lahaen Guåhan* this 21 day of Dec, 2007, at 1150 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 2 January 2008

Public Law No. 29-51

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 176 (EC)

As amended by the Committee on
Judiciary, Natural Resources,
Infrastructure & Cultural Affairs.

Introduced by:

v. c. pangelinan
J. T. Won Pat
Frank F. Blas, Jr.
Edward J.B. Calvo
J. V. Espaldon
Mark Forbes
Judith Paulette Guthertz
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
R. J. Respicio
David L.G. Shimizu
Ray Tenorio

**AN ACT TO *AMEND* ARTICLE 1, CHAPTER 14 OF TITLE 12
GUAM CODE ANNOTATED, RELATIVE TO DECLARING
THE PROPERTY IN AND THE RIGHT TO THE USE OF ALL
THE WATER, AT ANY TIME, IN A STREAM, RIVER, OR
OTHER SURFACE SOURCE AND WATER LOCATED
BENEATH THE GROUND AND IN THE AQUIFER IN GUAM
ARE, FOR ALL PURPOSES, VESTED IN THE
GOVERNMENT OF GUAM.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that
3 protecting the interest of the people of Guam is paramount in the development of
4 Guam's water resources. As such, it is recognized that the waters of Guam are

1 held for the benefit of the citizens of Guam. The development of this life-giving
2 and sustaining resource must be controlled and rest exclusively with the people of
3 Guam.

4 The development of independent water production, transmission and
5 distribution systems *shall* not be permitted. Rather, the development must be
6 integrated. Furthermore, the development of Guam's water resources, production,
7 transmission and distribution *shall* remain under the direction and control of the
8 people.

9 **Section 2. Purpose.** The purpose of this Act is to foster sustainable use of
10 Guam's water resources in continuation of the objectives of conserving and
11 protecting the environment.

12 **Section 3. Water is a Public Asset.** The property in and the right to the
13 use, of all ground water in all surface water sources and in underground sources
14 including, but *not limited to*, the Northern Aquifer, wherever ground water is found
15 in Guam, are for all purposes vested in the government of Guam and are
16 conclusively deemed to have always been vested in the government and is a public
17 asset. No entity *shall* withdraw water from any water source on Guam without the
18 expressed authorization of the Guam Waterworks Authority as provided for in its
19 rules and regulations promulgated pursuant to Section 7 of this Act. Nothing
20 herein *shall* prohibit the development of above ground water catchments systems
21 and the rights to the water collected by such systems *shall* belong to the owners of
22 such systems.

23 **Section 4. Prohibition Against Water Removal.** (a) *No person shall* have
24 any right:

- 25 (1) to drill for, divert, extract, use *or* store water for removal from
26 Guam;
27 (2) to dispose of *or* sell water to a person for removal from Guam;

- 1 (3) to convey *or* transport water for removal from Guam;
2 (4) to remove water from Guam; or
3 (5) of property in respect of water removed *or* intended to be
4 removed from Guam.

5 (b) Notwithstanding any other enactment, a person who acquires water
6 originating in Guam from another person, whether directly *or* indirectly, does *not*,
7 by that acquisition acquire any of the rights described in Subsection (1) through
8 (5).

9 **Section 5. Prohibition Against Guam Water Removal.** A person must
10 *not* remove water from Guam *except* as that person:

- 11 (a) is authorized by law, rule *or* regulation;
12 (b) removes the water in containers of five (5) gallon capacity *or*
13 less, of water that has been packaged in Guam; or
14 (c) obtained the water outside Guam and, at the time of the
15 removal, is in possession of evidence satisfactory to the Guam Waterworks
16 Authority to that effect.

17 **Section 6. Exception for Water to be Used in Transit.** Nothing in this
18 Act prohibits the removal of water from Guam in the ordinary course of carrying
19 the water in vehicles, vessels *or* aircraft for the use of persons, animals *or*
20 necessary for the operation of the vehicle, vessels *or* aircraft, while the persons *or*
21 animals, as the case may be, are being transported in the vehicles, vessels *or*
22 aircraft.

23 **Section 7.** A new Section 14104.2 is hereby *added* to Title 12 GCA
24 Chapter 14 with Subsection (b) of P.L. 20-06:7 amended.

25 **“Priorities for Water Use.** All surface water and ground water in
26 Guam are declared to be a public asset and belong to all of the people of
27 Guam held in trust by the government of Guam. Such water *shall* be utilized

1 as follows:

- 2 (a) First priority *shall* be for use *or* resale by the Guam Waterworks
3 Authority for household use, for bonafide farms, plant nurseries,
4 aquaculture, ranches for other bonafide agricultural uses.
- 5 (b) Second priority *shall* be for any other use by the government of
6 Guam for public recreation and for other public purposes only
7 and not for purposes enumerated in Subsections (c) and (d)
8 below.
- 9 (c) Third priority *shall* be for commercial and industrial use.
- 10 (d) Fourth priority *shall* be for irrigation of golf courses, for
11 irrigation of lawns *or* ornamental gardens.
- 12 (e) Fifth priority *shall* be for any other purposes.

13 Any use of higher priority *shall* have preference over any use of lower
14 priority regardless of which use was first in time.

15 As between water uses of equal priority, first in time *shall* have a temporary
16 priority to the extent of such prior use for so long as the water is actually
17 beneficially used on a regular or seasonal basis, but if not used such temporary
18 water right shall be deemed abandoned pursuant to the common law.

19 The Authority *shall* certify that any approval of water service applications
20 pursuant to the priorities above will *not* diminish *or* impair the quality of water
21 service to customers with a higher priority. GWA approval *shall* be required for
22 the use of all withdrawal of water from any water source in accordance with this
23 Act.

24 The Guam Waterworks Authority *shall* within two hundred sixty (260) days
25 of the enactment, adopt rules and regulations setting forth the application process
26 and approval for water withdrawn from any water source, including, but *not*
27 *limited to*, surface streams and rivers, wells and springs and from the aquifer by

1 any person (individual, corporate *or* local *or* federal government entity, including
2 the military) other than the Guam Waterworks Authority that seeks to withdraw
3 water from any water source on Guam.

4 All water rights and rights to use water *shall* be determined according to the
5 foregoing, and there *shall* be no riparian water rights in Guam. This Act
6 establishes priorities only, and *shall* not establish any vested water rights in any
7 person, other than in the government of Guam.”

8 **Section 8. Severability.** *If* any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such invalidity
10 shall *not* affect any other provision or application of this Act which can be given
11 effect without the invalid provision or application, and to this end the provisions of
12 this Act are severable.