

# California Civil Code

Boundaries, Water Rights, Easements & Property Law

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## Boundaries (§§829-834)

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### §829 - Surface & Subsurface Rights

The owner of land in fee has the right to the surface and to everything permanently situated beneath or above it.

#### §830 - Water Boundaries (KEY SECTION)

The boundary between adjacent owners is the center of the water mark.

#### §831 - Road Boundaries (KEY SECTION)

"An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown." (Rebuttable presumption)

### §832 - Lateral & Subjacent Support

Each coterminous owner is entitled to lateral and subjacent support. Excavators must provide reasonable notice, use ordinary care, and give adjacent owners at least 30 days for protective measures.

### §833-834 - Tree Ownership

§833: Trees wholly on one property belong to that owner (even if roots extend to neighbor). §834: Trees straddling the boundary belong to both owners in common.

## Accession - Water Changes (§§1014-1018)

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#### §1014 - Accretion (KEY SECTION)

Where land forms by "imperceptible degrees" (gradual accumulation or recession), it belongs to the upland owner.

Key words: IMPERCEPTIBLE DEGREES = boundary moves with water.

#### §1015 - Avulsion (KEY SECTION)

If water carries away land by "sudden violence," the original owner may reclaim it within ONE YEAR. Key words:

SUDDEN VIOLENCE = boundary stays fixed.

### §1016 - Islands in Navigable Streams

Islands in navigable streams belong to the STATE.

### §1017 - Islands in Non-Navigable Streams

Islands in non-navigable streams belong to the shore OWNERS (divided by thread of stream).

## Easements (§§801-811)

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### §803 - Dominant & Servient Tenements

Dominant tenement = land that benefits from easement. Servient tenement = land burdened by easement.

### §811 - Extinguishment of Servitude

- Merger (same person owns both tenements)
- Destruction of servient tenement
- Act incompatible with easement's nature
- Disuse for prescriptive period (if acquired by enjoyment)

## Exam Tips

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- §830: Memorize the three water boundary rules (tidal/navigable/non-navigable)
- §831: "Presumed" means rebuttable - contrary can be shown
- §1014 vs §1015: Gradual (accretion) = boundary moves; Sudden (avulsion) = boundary stays
- §1016 vs §1017: Navigable = State; Non-navigable = Owners