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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **IN AND FOR THE COUNTY OF BUTTE**

18 AQUALLIANCE, CALIFORNIA WATER
19 IMPACT NETWORK, and CALIFORNIA
20 SPORTFISHING PROTECTION ALLIANCE,

21 Plaintiffs,

22 vs.

23 VINA GROUNDWATER SUSTAINABILITY
24 AGENCY, ROCK CREEK RECLAMATION
25 DISTRICT, ALL PERSONS INTERESTED IN
26 THE MATTER OF THE VALIDITY OF THE
27 VINA SUBBASIN GROUNDWATER
28 SUSTAINABILITY PLAN, and DOES 1
through 500,

Defendants.

Case No.: 22CV00321

**COMPLAINT IN VALIDATION
[CCP § 863]**

FILED Superior Court of California
County of Butte
2/14/2022
By Sheriff Elmallah, Clerk Deputy
Electronically FILED

1 **INTRODUCTION**

2 1. Plaintiffs AQUALLIANCE, CALIFORNIA WATER IMPACT NETWORK, and
3 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (collectively, “Plaintiffs”) hereby
4 sue Defendants VINA GROUNDWATER SUSTAINABILITY AGENCY, ROCK CREEK
5 RECLAMATION DISTRICT, (collectively, “Defendants”), and ALL PERSONS INTERESTED
6 IN THE MATTER OF THE VALIDITY OF THE VINA SUBBASIN GROUNDWATER
7 SUSTAINABILITY PLAN for violations of the Sustainable Groundwater Management Act,
8 California Water Code section 10720, *et seq.* (“SGMA”).

9 2. SGMA was enacted to halt overdraft and bring groundwater basins into balanced
10 levels of pumping and recharge. SGMA requires local agencies to adopt sustainability plans for
11 high- and medium-priority groundwater basins. Under SGMA, basins must reach sustainability
12 within 20 years of implementing their plans.

13 3. The Vina Subbasin has been designated as a high priority basin.

14 4. Defendants are the designated Groundwater Sustainability Agencies for the Vina
15 Subbasin.

16 5. On December 15, 2021, Defendants authorized and adopted the Vina Subbasin
17 Groundwater Sustainability Plan (“Vina Subbasin GSP”).

18 6. The Vina Subbasin GSP fails to achieve sustainable groundwater management for the
19 Vina Subbasin and fails to provide for the management and use of the Vina Subbasin groundwater
20 in a manner that can be maintained during the planning and implementation horizon without
21 causing undesirable results. Far from halting overdraft and achieving balance between pumping and
22 recharge, the Vina Groundwater GSP accepts: the reduction of groundwater levels up to 200 percent
23 below the wells’ historic range, the failure of up to hundreds of the domestic wells in the subbasin,
24 significant and harmful land subsidence, and harmful impacts to connected terrestrial ecosystems.
25 Disclosure and analysis of these undesirable results, as well as other impacts to domestic wells,
26 water quality, groundwater dependent ecosystems, and land subsidence, is insufficient and
27 improperly deferred.

28 7. Plaintiffs bring this lawsuit to require Defendants to comply with SGMA, seeking

1 from this Court an order and judgment declaring that Defendants' approval of the Vina Subbasin
2 GSP violated SGMA and is therefore invalid, as well as other such relief as the Court may deem
3 proper.

4 **PARTIES**

5 8. Plaintiff AQUALLIANCE is a California public benefit corporation headquartered in
6 Chico, California. Its mission is to defend northern California waters and the ecosystems these
7 waters support and to challenge threats to the hydrologic health of the Sacramento River watershed.
8 This includes escalating attempts to divert and withdraw more surface water and groundwater from
9 the hydrologic region. AquAlliance's members include farmers, scientists, businesses, educators,
10 and residents all of whom have significant financial, recreational, scientific, aesthetic, educational,
11 and conservation interests in the aquatic and terrestrial environments that rely on waters of the
12 Sacramento River Watershed and Bay-Delta estuary, including the areas in and effected by the Vina
13 Subbasin. This hydrologic system provides water for orchards, homes, gardens, businesses,
14 wetlands, streams, rivers, terrestrial habitat, and myriad species, which in turn allows AquAlliance
15 members to live, fish, hunt, cycle, photograph, camp, swim, and invest in northern California.

16 9. Plaintiff CALIFORNIA WATER IMPACT NETWORK ("C-WIN") is a California
17 non-profit public benefit organization with its principal place of business in Santa Barbara,
18 California that advocates for the equitable and sustainable use of California's freshwater resources
19 for all Californians. C-WIN is dedicated to upholding the common law Public Trust Doctrine and
20 other legal protections in the Sacramento River and the San Francisco Bay / Sacramento - San
21 Joaquin Delta Estuary. Members of C-WIN's board of directors reside in, use, and enjoy the
22 Sacramento River watershed, including areas in and effected by the Vina Subbasin. They use the
23 rivers of the Central Valley and the Bay-Delta for nature study, recreation, and aesthetic enjoyment.

24 10. Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE ("CSPA") is
25 a California non-profit public benefit organization established in 1983 with its principal place of
26 business in Stockton, California. CSPA's organizational purpose is the protection, preservation, and
27 enhancement of the public trust, fisheries and associated aquatic and riparian ecosystems of
28 California's waterways. This mission is implemented through active participation in federal, state

1 and local agency processes, education and organization of the fishing community, restoration
2 efforts, and vigorous enforcement of environmental laws enacted to protect fisheries, habitat and
3 water quality. Members of CSPA reside in the Sacramento River watershed, including areas in and
4 effected by the Vina Subbasin, where they view, enjoy, and routinely use the ecosystem for boating,
5 fishing, and wildlife viewing. CSPA's members derive significant and ongoing use and enjoyment
6 from the aesthetic, recreational, and conservation benefits of California's rivers and streams.

7 11. Defendant VINA GROUNDWATER SUSTAINABILITY AGENCY is one of two
8 designated Groundwater Sustainability Agencies for the Vina Subbasin. The VINA
9 GROUNDWATER SUSTAINABILITY AGENCY was created through a Joint Powers Agreement
10 between Butte County, the City of Chico, and Durham Irrigation District with the purpose of (a)
11 providing for the joint exercise of powers common to each of the members and powers granted
12 pursuant to SGMA; (b) cooperatively carrying out the purposes of SGMA; (c) becoming a GSA for
13 purposes of management of the Vina Subbasin in accordance with SGMA; (d) developing,
14 adopting, and implementing a legally sufficient GSP for the Vina Subbasin in order to implement
15 SGMA requirements and achieve the sustainability goals outlined in SGMA; (e) entering into a
16 Coordination Agreement (as applicable) with other GSAs in the Vina Subbasin to mutually achieve
17 groundwater sustainability; and (f) complying with any further legislative mandates that alter or
18 amend SGMA. Defendant VINA GROUNDWATER SUSTAINABILITY AGENCY prepared,
19 with Defendant ROCK CREEK RECLAMATION DISTRICT, the Vina Subbasin GSP that is the
20 subject of this suit.

21 12. Defendant ROCK CREEK RECLAMATION DISTRICT is a political subdivision of
22 the State of California formed and existing pursuant to the provisions of Division 15 of the Water
23 Code (sections 50000 et seq.) of the State of California. ROCK CREEK RECLAMATION
24 DISTRICT was formed on October 15, 1985, by Butte County Board of Supervisor Resolution
25 Number 85-167, and includes an area of approximately 4,625.78 acres in Butte County, California.
26 The District was formed to provide for repair, maintenance, and improvement of natural channel
27 water conveyance and flood protection facilities within the area and also provides groundwater
28 management services pursuant to SGMA. On October 18, 2016, the District elected to become a

1 GSA and sent notice to the California Department of Water Resources of its intent to undertake
2 sustainable groundwater management over its jurisdictional boundaries. Defendant ROCK CREEK
3 RECLAMATION DISTRICT prepared, with Defendant VINA GROUNDWATER
4 SUSTAINABILITY AGENCY, the Vina Subbasin GSP that is the subject of this suit.

5 13. Defendants ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY
6 OF THE VINA SUBBASIN GROUNDWATER SUSTAINABILITY PLAN are all persons
7 interested in the validity of the Vina Subbasin GSP.

8 14. Plaintiffs do not know the true names and capacities of Defendants fictitiously named
9 herein as DOES 1 through 500, inclusive. Plaintiffs are informed and believes, and thereon allege,
10 that such fictitiously named Defendants are responsible in some manner for the acts or omissions
11 complained of herein. Plaintiffs will amend this Petition to allege the fictitiously named
12 Defendants' true names and capacities when ascertained.

13 **JURISDICTION AND VENUE**

14 15. Plaintiffs bring this reverse validation action pursuant to Water Code section 10726.6,
15 subdivision (a) and Code of Civil Procedure section 863, to challenge the validity of the Vina
16 Subbasin GSP on the grounds that Defendants violated the procedural requirements of SGMA in
17 adopting the Vina Subbasin GSP and the Vina Subbasin GSP violates the substantive requirements
18 of SGMA.

19 16. Code of Civil Procedure section 861 provides that jurisdiction of all interested parties
20 may be had by publication of a summons in a newspaper of general circulation designated by the
21 court, published in the county where the action is pending and whenever possible within the
22 boundaries of the public agency, and in such other counties as may be ordered by the court, and if
23 there be no such newspaper in any such county or counties then in some adjoining county.

24 17. Code of Civil Procedure section 861.1 provides that the summons shall be directed to
25 "all persons interested in the matter of [specifying the matter]," and shall contain a notice to all
26 persons interested in the matter that they may contest the legality or validity of the matter by
27 appearing and filing a written answer to the complaint not later than the date specified in the
28 summons, which date shall be 10 or more days after the completion of publication of the summons.

1 26. The Vina Subbasin GSP improperly accepts the failure of up to hundreds of domestic
2 wells in the Vina Subbasin, despite the requirement under SGMA that domestic wells be given
3 priority.

4 27. The Vina Subbasin GSP fails to provide sufficient information regarding accepted
5 domestic well failures, whether in the form of a percentage of total domestic wells in the Vina
6 Subbasin, a map of potential well failures, or other information essential to inform the public of the
7 Vina Subbasin GSP's impacts.

8 28. The Vina Subbasin GSP improperly accepts Minimum Thresholds that are
9 unreasonably low, including some that are approximately 200% below normal operating ranges.

10 29. The Vina Subbasin GSP's Minimum Thresholds permit unreasonable and undesirable
11 impacts on trees, vegetation, and wetlands.

12 30. The Vina Subbasin GSP does not sufficiently discuss or analyze the plan's impacts on
13 trees and other terrestrial vegetation.

14 31. The Vina Subbasin does not sufficiently discuss or analyze the plan's impacts on land
15 subsidence, and/or improperly accepts unreasonable and undesirable amounts of land subsidence.

16 32. Data gaps improperly replace required disclosure, analysis, and mitigation, resulting
17 in the acceptance of undesirable results.

18 33. The Vina Subbasin GSP fails to identify and/or adequately support its findings that
19 the projects and management actions it identifies are feasible and likely to prevent undesirable
20 results and ensure that the basin is operated within its sustainable yield.

21 34. The Vina Subbasin GSP identifies projects and management actions that are
22 ambiguous, unenforceable, and may cause serious harm to the Vina Subbasin.

23 35. The Vina Subbasin GSP is not likely to achieve its sustainability goal within 20 years.

24 36. The Vina Subbasin GSP's assumptions, criteria, findings, and objectives, including
25 the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim
26 milestones are not supported by the best available information and best available science.

27 37. The Vina Subbasin GSP fails to provide for adequate monitoring, mitigation, and
28 prevention of water quality impacts, including the spread of contaminants, caused by groundwater

1 pumping.

2 38. The Vina Subbasin GSP does not identify reasonable measures and schedules to
3 eliminate data gaps.

4 39. The Vina Subbasin GSP and its sustainable management criteria and projects and
5 management actions do not adequately disclose, describe, or address the existing conditions of the
6 Vina Subbasin, outflows from the subbasin, and/or the conditions that will exist after
7 implementation of planned projects and management actions.

8 40. The Vina Subbasin GSP does not adequately support its findings regarding potential
9 overdraft conditions.

10 41. The interests of the beneficial uses and users of groundwater in the basin, and the land
11 uses and property interests potentially affected by the use of groundwater in the basin, were not
12 adequately considered.

13 42. The Vina Subbasin GSP inadequately mitigates the loss of wells by small farmers and
14 residents that will result from implementation of the Vina Subbasin GSP.

15 43. The Vina Subbasin GSP fails to adequately identify and consider Groundwater
16 Dependent Ecosystems.

17 44. The Vina Subbasin GSP fails to adequately consider the impacts of climate change,
18 and improperly defers consideration of climate change impacts and addressing the effects of such
19 impacts on the GSP to vague, undefined, and unenforceable adaptive management measures.

20 45. Defendants failed to adequately respond to comments.

21 46. Defendants did not adequately engage the public in planning and adopting the Vina
22 Subbasin GSP.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs pray for the following relief:

25 1. For an order declaring that Defendants' adoption of the Vina Subbasin GSP is invalid
26 and that the Vina Subbasin GSP is invalid;

27 2. For an order compelling Defendants to pay Plaintiffs' costs of suit;

28 3. For an order compelling Defendants to pay Plaintiffs' reasonable attorneys' fees

1 related to these proceedings pursuant to Code of Civil Procedure § 1021.5; and

2 4. For such other relief as the Court may deem proper.

3
4 DATED: February 14, 2022

LAW OFFICE OF ADAM KEATS

5
6 By: Adam Keats

7 Adam Keats
8 Attorney for AquAlliance, California Water Impact
9 Network, and California Sportfishing Protection
10 Alliance

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VERIFICATION

I, Adam Keats, declare that:

1. I am an attorney duly admitted and licensed to practice before all courts of this State. I am the attorney of record for the Plaintiffs in this action.

2. Plaintiffs have their places of business in Butte, Santa Barbara, and San Joaquin counties, and therefore are absent from the county in which I have my office. I therefore make this verification on behalf of Plaintiffs.

3. I have read the foregoing Complaint in Validation and know the contents thereof; the factual allegations therein are true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of February, 2022, in San Francisco, California.

By: Adam Keats
Adam Keats

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