

Action Alert

August 5, 2022

First Victories for AquAlliance in NorthState Groundwater Lawsuits

AquAlliance received *fantastic news* in the last week from three different judges in Colusa and Butte counties who agreed that our three challenges to Groundwater Sustainability Plans (GSPs) were legitimate. The defendants claimed our lawsuits inappropriately used a “reverse validation action” to oppose the Butte, Colusa, and Vina GSPs. Defendants’ primary argument is that the 2014 *Sustainable Groundwater Management Act* (SGMA) “expressly activates” the validation statutes only as to actions brought by *groundwater sustainability agencies*, thus implicitly prohibiting reverse validation actions from being brought by any other party – like AquAlliance.

“A validation action is a unique remedy that provides a conclusive determination as to the validity of a public agency’s actions.”¹ Here, the action is the approval of GSPs by Groundwater Sustainability Agencies made up of local government and many districts that market water. The GSPs encompass large valley portions of Butte, Colusa, and Glenn counties, and each plan presents specific threats to the unsuspecting public dependent on groundwater and to the streams, rivers, trees, and species that are supported by healthy aquifers.

After a negative tentative ruling against us in one case, all three judges listened to our attorney during hearings and affirmed that **our lawsuits seeking to invalidate the GSPs were sound.**

We thank all our supporters and members who make it possible for AquAlliance to take on the water elites and local governments that follow them to the detriment of over 90 percent of the population!

We will now prepare to move to the merits of the cases that contain many dangerous policies and parameters that will allow:

Butte subbasin GSP (Figure 1. Mostly southern Butte County with portions of Colusa and Glenn counties)

- a) Groundwater levels to drop by up to 100% of historic range.
- b) Failure of at least 7 percent of the domestic and very deep aquifer supply wells with no funding or ideas how to mitigate.
- c) Increased groundwater pumping that will result in stream flow loss from 90 to 277 percent.²

Colusa subbasin GSP (Figure 2. The valley portion of Colusa and Glenn counties)

- a) Failure of at least 20 percent of domestic wells, despite the requirement under SGMA that domestic wells be given priority.

¹ <https://www.lexology.com/library/detail.aspx?g=a348074c-2248-4831-8f26-3d9ba767ae15>

² AquAlliance, 2021. Comments on the Butte subbasin GSP: “This shows that the overall percentage of groundwater being pumped will be recharged from the streams in the Butte Subbasin (i.e. stream depletion)... In fact, with the Historical baseline, the loss exceeds the volume of groundwater being pumped, suggesting that the subbasin may be at a tipping point where the impacts from future pumping increases are amplified, causing significantly more harm than just taking 100 percent of the groundwater recharge from surface waters.” pp. 15-16.

- b) The loss of almost 1,000,000 acre feet of groundwater storage by 2070.
- c) Unreasonable and undesirable amounts of land subsidence.

Vina subbasin GSP (Figure 3. Mostly from the Durham area north to the Butte County line in the valley)

- a) Hundreds of wells to fail, yet there is no disclosure of the quantity or a percentage.
- b) Well thresholds that are unreasonably low, including some that are approximately 200% below normal operating ranges.
- c) Loss of wells by small farmers and residents with no provision of funds for mitigation.

The three GSPs as written make it impossible to reach sustainability in the required 20-year horizon. In addition to specific failures noted above, they all identify projects and management actions that are ambiguous and unenforceable. They may cause serious harm, and none of them will protect groundwater dependent ecosystems as explicitly required by SGMA. Lastly, all three GSPs fail to adapt to serious impacts from existing and expected climate change.

To view the lawsuits, go to: <https://aqualliance.net/solutions/litigation/northstate-groundwater-pumping-threats-provoke-lawsuits/>.

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AquAlliance is a 501 (c) (3) non-profit public benefit corporation established to defend northern California waters and to challenge threats to the hydrologic health of the northern Sacramento River watershed to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools and recreation. www.aqualliance.net

Maps

Figure 1. Butte Subbasin

Public Review Draft

Butte Subbasin

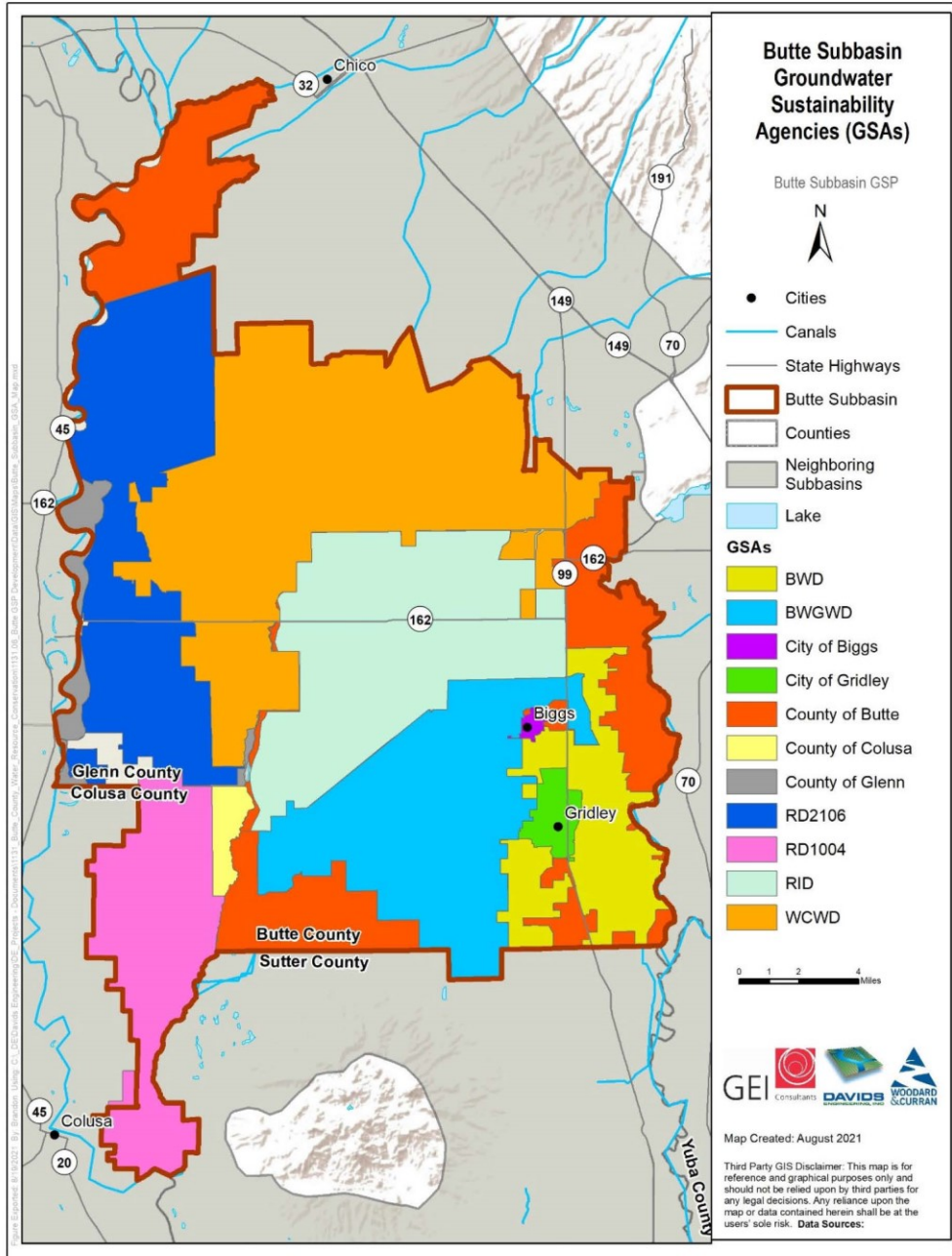
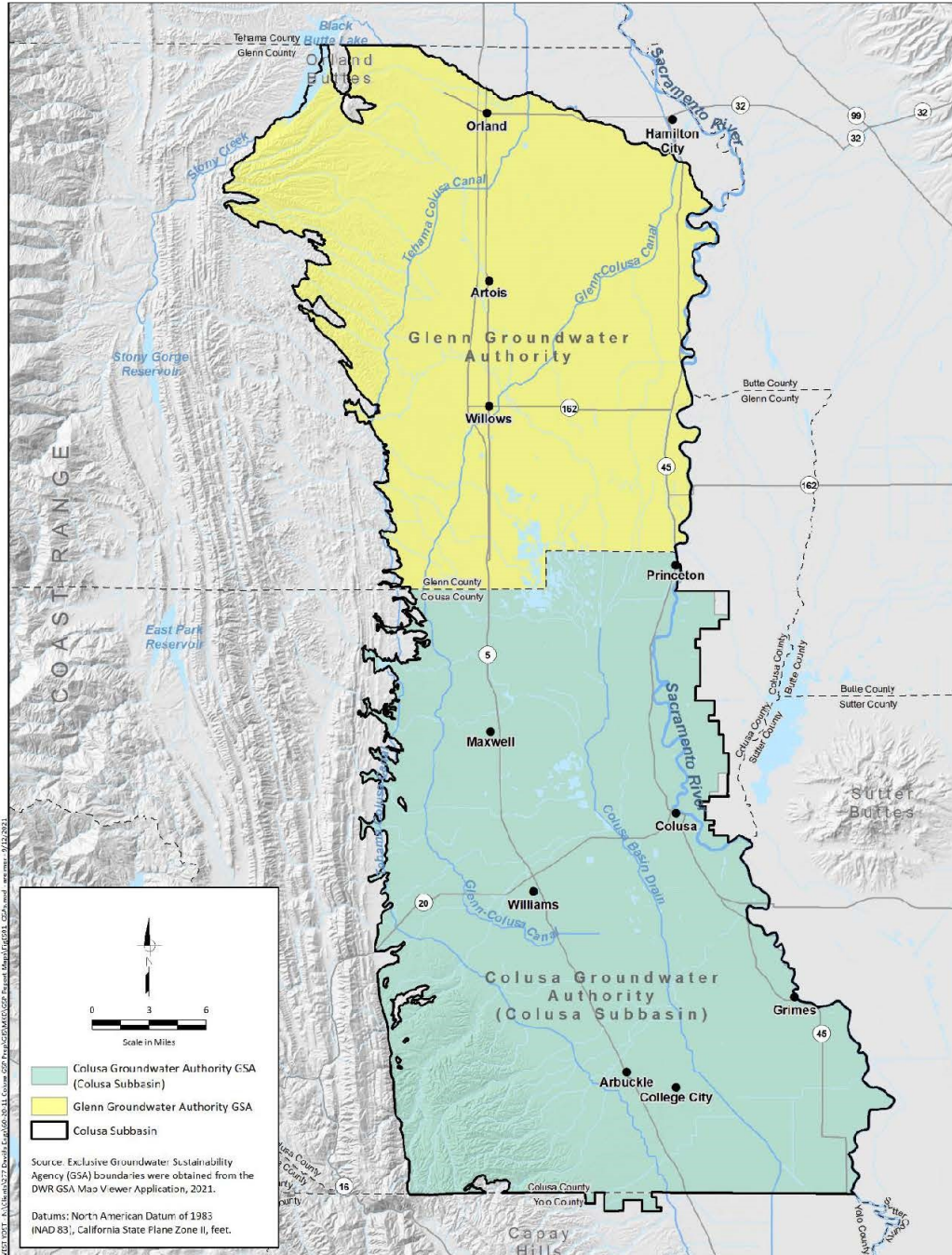


Figure ES-1. Butte Subbasin Boundary and Groundwater Sustainability Agencies

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Figure 2. Colusa Subbasin

Executive Summary



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Figure ES-1. Colusa Subbasin GSAs

Figure 3. Vina Subbasin

