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6 *Attorneys for Petitioners AquAlliance and*
7 *California Sportfishing Protection Alliance*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 AQUALLIANCE; CALIFORNIA
SPORTFISHING PROTECTION ALLIANCE;
11
12 Petitioners,
v.
13 GOVERNOR GAVIN NEWSOM, STATE
14 WATER RESOURCES CONTROL BOARD,
15 Respondents.
16
17

Case No.
PETITION FOR WRIT OF MANDATE;
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF
(Cal. Code Civ. Proc. §§ 1060, 1085)

1 Petitioners AquAlliance and California Sportfishing Protection Alliance (collectively,
2 “Petitioners”) hereby allege as follows:

3 **I. INTRODUCTION**

4 1. This is a petition for writ of mandate brought to compel the mandatory duty of
5 Respondent Governor Gavin Newsom to declare an end to the Drought State of Emergency for
6 the Sacramento River Basin.

7 2. Petitioners further seek temporary and permanent injunctive relief compelling
8 Respondent California State Water Resources Control Board to cease compliance with the
9 provisions of Drought Emergency Executive Order N-7-22, which suspends compliance with the
10 California Environmental Quality Act (CEQA) when considering applications for temporary
11 groundwater recharge permits.

12 3. Indisputable evidence proves that no drought emergency currently exists in the
13 Sacramento River Basin.

14 4. Governor Gavin Newsom’s January 15, 2026, press release, for instance, declares:
15 “state out of drought.” (California’s water resilience strategy shows major progress after winter
16 storms: state out of drought, according to U.S. Drought Monitor | Governor of California.)

17 5. The same press release indicates that drought conditions ended long ago: “Over the
18 course of 2024, the state received average precipitation, helping sustain recharge efforts after the
19 exceptionally wet 2023. These last three years (2023, 2024, and 2025) have seen continued
20 increases in groundwater storage.” (Id.)

21 6. Abundant evidence, below, confirms what is obvious: there is not, and has not been
22 for some time, any drought emergency conditions in the Sacramento River Basin.

23 7. Thus, California Government Code 8629 compels a mandatory duty that the
24 Governor *immediately* terminates his present Drought State of Emergency: “The Governor shall
25 proclaim the termination of a state of emergency at the earliest possible date that conditions
26 warrant.”

27 **II. JURISDICTION AND VENUE**

28 8. The Court has jurisdiction over this matter in accordance with Code of Civil

1 Procedure sections 1060 and 1085.

2 9. Venue is proper in Alameda County in accordance with Code of Civil Procedure
3 section 394, subdivision (a), and section 401, because this matter may be filed in Sacramento
4 County, and the California Attorney General’s Office maintains an office in Alameda.

5 10. This complaint is timely filed within any and all applicable statutes of limitations.

6 **IV. PARTIES**

7 11. Petitioner AQUALLIANCE is a California Public Benefit Corporation organized to
8 protect waters in the northern Sacramento River’s watershed to sustain family farms,
9 communities, creeks and rivers, native flora and fauna, vernal pools, and recreation. AquAlliance
10 has approximately 400 members who rely on Sacramento Valley groundwater for their livelihoods
11 and live, recreate and work in and around waters of the State of California, including the
12 Sacramento River, its tributaries, and the Sacramento-San Joaquin River Bay Delta (“Bay Delta”).
13 AquAlliance’s mission is to defend northern California waters and to challenge threats to the
14 hydrologic health of the Sacramento River watershed. AquAlliance is especially focused on
15 confronting the escalating attempts to divert more and more water from the northern Sacramento
16 River hydrologic region to other parts of California.

17 12. Petitioner CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (“CSPA”)
18 is a non-profit public benefit corporation organized under the laws of the State of California with
19 its main office in Stockton, California. CSPA has approximately 1000 members including member
20 clubs who live, recreate and work in and around waters of the State of California, including the
21 Sacramento River, San Joaquin River, the Delta, Suisun Bay and San Pablo Bay. CSPA is
22 dedicated to the preservation, protection, and defense of the environment, the wildlife and the
23 natural resources of all waters of California. To further these goals, CSPA actively seeks federal
24 and state agency implementation of the Act and other laws and, where necessary, directly initiates
25 enforcement actions on behalf of itself and its members.

26 13. Respondent GOVERNOR GAVIN NEWSOM is the Governor of the State of
27 California, and the person responsible for proclaiming the State of Emergency at issue in this case.

28

1 14. Respondent STATE WATER RESOURCES CONTROL BOARD (“State Water
2 Board” or “SWRCB”) is an agency of the State of California responsible for administering
3 California’s system of water rights, including water rights permits for stream diversions for
4 groundwater recharge.

5 15. The true names and capacities, whether individual, corporate, associate,
6 coconspirator, partner or alter-ego of those Respondents sued herein under the fictitious names of
7 DOES 1 through 10, inclusive, are not known to Petitioners, who therefore sue those Respondents
8 by such fictitious names. Petitioners will ask leave of court to amend this Petition and insert the
9 true names and capacities of these defendants and respondents when the same have been
10 ascertained. Petitioners are informed and believe, and on that basis allege, that each of the
11 Respondents designated herein as a DOE respondent is legally responsible in some manner for the
12 events and happenings alleged in this Petition, and that Petitioners’ alleged injuries were
13 proximately caused by the defendants’ conduct.

14 **V. FACTUAL AND PROCEDURAL BACKGROUND**

15 The Drought Emergency Proclamations and Executive Orders

16 16. On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor
17 Newsom declared States of Emergency across all counties of California due to extreme drought
18 conditions.

19 17. On March 28, 2022, pursuant to the aforementioned State of Emergency, Governor
20 Newsom issued Executive Order N-7-22, which, among other things, exempts certain groundwater
21 recharge projects from CEQA review, stating:

22 To help advance groundwater recharge projects, and to demonstrate the feasibility of
23 projects that can use available high water flows to recharge local groundwater while
24 minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall
25 prioritize water right permits, water quality certifications, waste discharge requirements,
26 and conditional waivers of waste discharge requirements to accelerate approvals for
27 projects that enhance the ability of a local or state agency to capture high precipitation
28 events for local storage or recharge, consistent with water right priorities and protections
for fish and wildlife. For the purposes of carrying out this paragraph, Division 13
(commencing with Section 21000) of the Public Resources Code and regulations adopted
pursuant to that Division . . . are hereby suspended to the extent necessary to address the
impacts of the drought. This suspension applies to (a) any actions taken by state agencies, .
. . and (c) permits necessary to carry out actions under (a)

1
2 18. By and through Executive Order N-3-24, the Governor did, to some extent, rescind
3 the Drought Emergency Proclamation, but retained the State of Emergency in certain regions:

4 WHEREAS drought conditions have improved substantially, and lingering effects of the
5 drought have largely abated in several areas of the California coast, Southern California,
6 and the eastern Sierra Nevada; and

7 WHEREAS today I have therefore terminated the drought State of Emergency in the
8 Counties of Imperial, Inyo, Los Angeles, Marin, Mendocino, Mono, Monterey, Orange,
9 Riverside, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa
10 Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura; and

11 WHEREAS the multi-year nature of this drought, which began three years after the record-
12 setting drought of 2012-2016, continues to have ongoing, significant impacts on the
13 Sacramento and San Joaquin River basins, the Tulare Lake basin, the Scott, Shasta, and
14 Klamath River watersheds, and the Clear Lake watershed, which include many
15 communities with vulnerable water supplies, farms that rely on irrigation to grow food and
16 fiber, and fish and wildlife that rely on stream flows and cool water; and

17 WHEREAS improved conditions have helped rehabilitate surface water supplies, but have
18 not eliminated the effects of the drought that remain in the Sacramento and San Joaquin
19 River basins, the Tulare Lake basin, the Scott, Shasta, and Klamath River watersheds, and
20 the Clear Lake watershed, and many groundwater basins remain depleted from
21 overreliance and successive multi-year droughts; and

22 WHEREAS continued action by the State is needed to address ongoing consequences of
23 the drought emergency in the Sacramento and San Joaquin River basins and the Klamath
24 River and Clear Lake watersheds, including groundwater supply shortages, domestic well
25 failures, and drought-related harm to native fishes; . . .

26 Executive Order N-3-24 therefore retained the Drought State of Emergency for, among other
27 regions, the Sacramento River Basin.

28 19. Executive Order N-3-24 does not specifically define what constitutes the
Sacramento River Basin, but, by process of elimination considering all other counties listed in N-
3-24, and, based on geographic reality, Petitioners contend that the Sacramento River Basin
includes the counties of Solano, Sacramento, Placer, Yuba, Sutter, Yolo, Colusa, Glenn, Butte,
Tehama, and Shasta (hereafter “Sacramento River Basin Counties”).

20. To this day, the State Water Board’s website explains how the Drought Emergency
Proclamation continues to exempt certain groundwater recharge projects from CEQA review:

1 Governor Gavin Newsom’s Executive Order N-7-22, dated March 28, 2022, directs the
2 State Water Board to prioritize temporary water right permits to accelerate approvals for
3 projects that enhance the ability of a local or state agency to capture high runoff events for
4 local storage or recharge, consistent with water rights priorities and protections for fish and
wildlife. The Order also suspends CEQA for State Water Board actions on these types of
temporary permits.

5 Potential applicants should be aware that with issuance of Executive Order N-3-24, the
6 CEQA suspension that had been applicable to some groundwater recharge temporary water
7 right permits (N-7-22) is no longer in effect in counties where the Drought State of
8 Emergency has been terminated (Imperial, Inyo, Los Angeles, Marin, Mendocino, Mono,
Monterey, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Luis
Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura).

9 In absence of a CEQA suspension, compliance with CEQA is required for Board issuance
10 of water right permits, including these temporary permits. Potential applicants should be
11 aware that approval for a new diversion of water generally triggers CEQA, even if the
diversion facilities and place of use existed prior to the filing of an application.

12 SWRCB Groundwater Recharge Permit Approvals

13 21. On October 2, 2025, the State Water Board received two applications from the
14 Tehama County Flood Control and Water Conservation District, each for a 5-year Temporary
15 Permit for Underground Storage (hereafter the “Recharge Permits”).

16 22. On November 25, 2025, AquAlliance and CSPA objected to the approval of the
17 Recharge Permits on the basis, among other things, that SWRCB must complete CEQA review
18 before approval.

19 23. On February 12, 2026, SWRCB approved the Recharge Permits, explaining:

20 Ordinarily, the State Water Board must comply with applicable requirements of CEQA
21 prior to issuance of a temporary permit pursuant to Water Code section 1433 et seq.
22 However, on March 28, 2022, Governor Gavin Newsom issued Executive Order (EO) N-7-
23 22. Item 12 of the EO requires the State Water Board to prioritize permits to accelerate
24 approvals for projects that enhance the ability of a local or state agency to capture high
25 runoff events for local storage or recharge, consistent with water rights priorities and
26 protections for fish and wildlife. The EO suspends CEQA for purposes of carrying out the
27 directives in that paragraph, including the issuance of permits to capture high runoff events
28 for local storage or recharge. The CEQA suspension applies to any actions taken by state
agencies in furtherance of the order’s directives, and for any necessary permits or
approvals required to complete these actions.

29 Past and Current Hydrological Conditions

30 *The U.S. Drought Monitor*

1 24. The U.S. Drought Monitor map for the State of California for February 24, 2026,
2 shows no drought conditions anywhere in the State of California:

3 ***U.S. Drought Monitor***
4 **California**

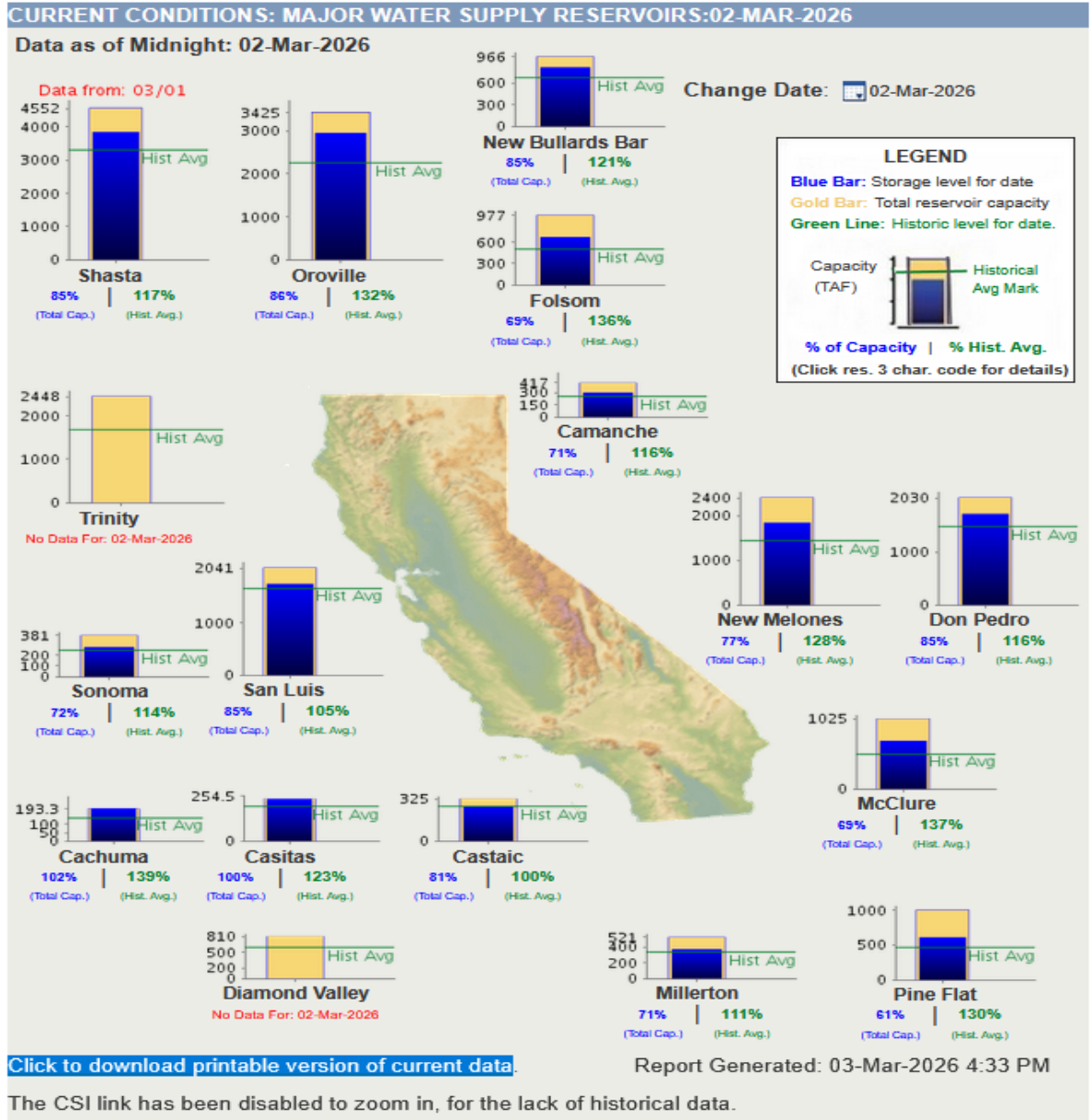
February 24, 2026
(Released Thursday, Feb. 26, 2026)
Valid 7 a.m. EST



17 25. A review of preceding U.S. Drought Monitor maps in six month intervals shows no
18 drought conditions have been present in the Sacramento River Basin Counties since April 4, 2023,
19 which only shows a very small portion of Shasta County in moderate drought.

20 *California Reservoir Storage*

21 26. As of March 2, 2026, all major water storage reservoirs were filled at or above their
22 historic averages, as reported by the Department of Water Resources:



Central Valley Project Allocations

27. The United States Bureau of

Reclamation manages the Central Valley Project ("CVP")(citation omitted), one of "the largest and most important water projects in the United States." *San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581, 591 (9th Cir. 2014) ("*San Luis v. Jewell*"). "The CVP consists of a series of dams[;] . . . 21 reservoirs; 11 hydropower plants; and 500 miles of canals and aqueducts," *id.* at 594 (citation omitted), that deliver irrigation water to the Sacramento and San Joaquin Valleys, and water to cities and industries in Sacramento, the San Joaquin Valley, and the east and south San Francisco Bay Areas. (citation omitted). The key purpose of the CVP is "to transfer water from the Sacramento River [in Northern California] to water-deficient areas in the San Joaquin Valley and from the San

1 Joaquin River to the southern regions of the Central Valley." *San Luis v. Jewell*, 747 F.3d
2 at 591 (citation omitted).

3 (*AquAlliance v. United States Bureau of Reclamation* (E.D.Cal. 2018) 287 F. Supp. 3d 969, 985.)

4 28. The Bureau of Reclamation makes annual and updated "allocations" to entities
5 holding contracts with the Bureau for water delivery through the CVP. According to the Bureau,
6 "Water supply allocations are based on an estimate of water available for delivery and reflect
7 current reservoir storage, precipitation, and snowpack in the Sierra Nevada, as well as contractor-
8 rescheduled water from the last water year."

9 29. During the 2022 drought conditions, Central Valley Project water contractors North
10 of the Delta, including in the Sacramento River Basin, were allocated between 0% and 18% of
11 their contract totals.

12 30. On March 28, 2023, North of Delta users, including in the Sacramento River Basin,
13 were initially allocated 80% of their contract totals, which was increased to 100% on April 20,
14 2023.

15 31. In 2024, North of Delta users, including in the Sacramento River Basin, were
16 allocated 100% of their contract totals.

17 32. In 2025, North of Delta users, including in the Sacramento River Basin, were
18 allocated 100% of their contract totals.

19 33. On February 26, 2026, the United States Bureau of Reclamation announced that
20 North of Delta water users, including in the Sacramento Basin, would be allocated 100% of their
21 contract totals.

22 *Sacramento River Basin Groundwater Use*

23 34. Groundwater pumping in the Sacramento River Basin also indicates that no drought
24 emergency exists.

25 35. For instance, in Tehama County, annual reporting by two local Groundwater
26 Sustainability Authorities (Red Bluff and Corning) clearly demonstrates that groundwater
27 pumping in 2023 (a wet year) and 2024 (a normal year) exceeded the average groundwater
28 pumping amounts for similar historic water years.

1 36. Hence, even during a time in which surface water flows and precipitation have been
2 abundant, groundwater extractions have also increased. These actions and circumstances further
3 demonstrate that no drought emergency exists in the Sacramento River Basin.

4 **VI. LEGAL FRAMEWORK**

5 37. The California Emergency Services Act is codified at Government Code section
6 8550 et seq.

7 38. Government Code section 8558 defines “state of emergency” to mean:
8
9 the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of
10 persons and property within the state caused by conditions such as . . . drought, . . . which,
11 by reason of their magnitude, are or are likely to be beyond the control of the services,
12 personnel, equipment, and facilities of any single county, city and county, or city and
13 require the combined forces of a mutual aid region or regions to combat

14 39. California Government Code section 8571 provides that:
15
16 During . . . a state of emergency the Governor may suspend any regulatory statute . . .
17 where the Governor determines and declares that strict compliance with any statute, order,
18 rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects
19 of the emergency.

20 40. Government Code section 8629 requires that an emergency proclamation must
21 terminate as soon as the emergency subsides:

22 The Governor shall proclaim the termination of a state of emergency at the earliest possible
23 date that conditions warrant. All of the powers granted the Governor by this chapter with
24 respect to a state of emergency shall terminate when the state of emergency has been
25 terminated

26 41. The court has also described the duty to terminate a state of emergency as soon as
27 possible as “an important safeguard.” (*Newsom v. Superior Court* (2021) 63 Cal.App.5th 1099,
28 1116-1117.)

 42. Although the Act implicitly gives the Governor discretion to determine when
conditions warrant the termination of a state of emergency he has proclaimed under the Act,
under well-established California law a writ of mandate will lie to correct an abuse of that
discretion.

1 43. “Where a statute leaves room for discretion, a challenger must show the official
2 acted arbitrarily, beyond the bounds of reason or in derogation of the applicable legal standards.
3 [Citation.] Where only one choice can be a reasonable exercise of discretion, a court may compel
4 an official to make that choice.” (*California Correctional Supervisors Organization, Inc. v.*
5 *Department of Corrections* (2002) 96 Cal.App.4th 824, 827.)

6 44. An emergency does not include correcting an ongoing hazardous condition, unless
7 there is a specific event or occurrence that poses an imminent danger. (*Western Mun. Water Dist.*
8 *v Superior Court* (1986) 187 Cal. App. 3d 1104; *Castaic Lake Water Agency v City of Santa*
9 *Clarita* (1995) 41 Cal. App. 4th 1257; *Los Osos Valley Ass'n v City of San Luis Obispo* (1994) 30
10 Cal. App. 4th 1670, 1682.)

11 45. The California Emergency Services Act grants the Governor authority to respond to
12 conditions of extreme peril to life, property, and the resources of the state stemming from natural,
13 manmade, or war-caused emergencies. (Cal. Gov. Code § 8550.) To effectuate adequate
14 responses to such emergencies, the Governor may suspend the operation of statutes, regulations,
15 or orders where strict compliance would “prevent, hinder, or delay” mitigation of an emergency.
16 (Cal. Gov. Code § 8571.) This includes the power to suspend compliance with CEQA.

17 46. CEQA is purposed with ensuring environmental protection via informed decision-
18 making, tasked with ensuring the maintenance of a quality environment for the people of this
19 state now and in the future, and to ensure that public agencies and the public they serve are fully
20 informed of the environmental consequences of discretionary actions before those actions are
21 approved. (Pub. Resources Code, § 21000 *et seq.*)

22 **VII. STANDING**

23 47. Members of AquAlliance and CSPA reside in the Sacramento River valley.
24 AquAlliance’s members rely on groundwater, rivers, and streams for their homes, businesses,
25 recreation, to irrigate crops, and to participate in the economy of the region. AquAlliance’s
26 members play an active role in water education, planning, policy, and protection. CSPA and its
27 members actively participate in water rights and water quality processes, engage in education and
28

1 organization of the fishing community, conduct restoration efforts, and vigorously enforce
2 environmental laws enacted to protect fisheries, habitat and water quality.

3 48. Members of AquAlliance and CSPA use the Sacramento River and its tributaries to
4 fish, sail, boat, kayak, swim, birdwatch, hike, view wildlife and engage in scientific study,
5 including monitoring activities and depend on healthy groundwater basins to support and enhance
6 surface waters, urban forests and gardens, terrestrial and aquatic habitat, communities, farms, and
7 businesses. AquAlliance's and CSPA's members have enjoyed fishing for salmon and other fish in
8 the Sacramento River watershed, whose numbers and vitality depend on an intact and healthy
9 ecosystem in the Sacramento River watershed. Where elements of that and other ecosystems are
10 reduced or eliminated, AquAlliance's and CSPA's members' business, home, agricultural, and
11 recreational uses and aesthetic enjoyment of those areas are reduced by their awareness of and
12 experience with waterway and habitat degradation, increased demands for water and ensuing
13 costs, economic impacts, increased ambient air temperatures, and despoiled opportunities to
14 recreate.

15 49. Thus, the interests of Petitioners' members, landowners and water rights holders
16 have been, are being, and will continue to be adversely affected by Respondent Newsom's
17 executive orders exempting the SWRCB's compliance with CEQA and the likely dramatic
18 impacts to groundwaters, surface waters, and associated species, ecosystems, and human uses.
19 The relief sought herein will redress the harms to Petitioners and their members, landowners and
20 water rights holders caused by SWRCB's failure to comply with CEQA.

21 50. AquAlliance and CSPA, their members, officers, and water rights holders are
22 deeply concerned about the adverse consequences of exempting consequential public decision-
23 making, year after year, with inadequate environmental review of the adverse direct, indirect, and
24 cumulative impacts of the continuing water transfers approved and facilitated by the state and
25 federal governments. Proposed groundwater recharge projects without CEQA review will likely
26 require the use of additional groundwater, increase depletion of Sacramento Valley groundwater
27 basins and streams, residential and agricultural wells, and have potentially catastrophic impacts on
28 the endangered species, including but not limited to Delta smelt, winter-run and spring-run

1 salmon, giant garter snake, and the yellow-billed cuckoo. Petitioners’ members, landowners and
2 water rights holders will be injured by the additional water diverted from surface waters and
3 groundwater basins and resulting stream impacts without adequate environmental analysis.
4 Consequently, Petitioners and their members, landowners and water rights holders would be
5 directly, adversely, and irreparably harmed, as described herein, until and unless this Court
6 provides the relief prayed for in this complaint.

7 51. Failure by the SWRCB to ensure that groundwater recharge efforts, particularly the
8 Recharge Permits, do not impact listed species and their habitats or degrade water quality as would
9 be obligated under CEQA, harms Petitioners’ members’, officers’, landowners’, businesses, farms,
10 and water rights holders’ interests in the species, economy, personal property, and community.
11 Unless the requested relief is granted, Petitioners’ interests will continue to be injured. The
12 injuries described above are actual, concrete injuries that will occur unless relief is granted by this
13 Court. The relief sought herein, the SWRCB’s compliance with CEQA, would redress Petitioners’
14 injuries. Petitioners have no other adequate remedy at law, and they bring this action on behalf of
15 their adversely affected members.

16 52. Respondent Newsom’s failure to terminate the state of emergency in a timely
17 manner, set forth in this Petition, constitutes a prejudicial abuse of discretion.

18 53. Petitioners have no plain, speedy or adequate remedy in the ordinary course of law.
19 If the SWRCB’s approval of the Tehama Recharge Petition is permitted to proceed in
20 reconsideration without the Court’s issuance of injunctive relief to terminate the drought
21 proclamation’s exemption from CEQA-obligated environmental review, Petitioners and the
22 environment will be irreparably harmed. No money damages could adequately compensate for that
23 harm.

24 **VIII. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

25 54. Petitioners have performed all conditions precedent to this filing and participated in
26 the administrative process. Petitioners actively participated in the administrative process by
27 submitting comments outlining the claims contained herein and waited for consultation with the
28 applicant as the process was described by SWRCB staff, but to no avail. As such, Petitioners have

1 fully exhausted their administrative remedies, to the extent such remedies exist and to the extent
2 that exhaustion of administrative remedies is legally necessary.

3 55. On March 2, 2026, Petitioners provided Governor Newsom notice of its intent to
4 sue. (Exhibit A.)

5 **IX. PRIVATE ATTORNEY GENERAL DOCTRINE**

6 56. Petitioners bring this action as a private attorneys general pursuant to California
7 Code of Civil Procedure section 1021.5, and any other applicable legal theory, to enforce
8 important rights affecting the public interest.

9 A. Issuance of the relief requested in this Petition will confer significant benefits on
10 the general public by, among other benefits, requiring Respondent Newsom to
11 terminate the drought state of emergency in regions where drought conditions no
12 longer exist, permitting the SWRCB to resume compliance with CEQA.

13 B. Issuance of the relief requested in this Petition will result in the enforcement of
14 important rights affecting the public interest. By compelling Respondent Newsom
15 to terminate the no longer necessary drought state of emergency, the SWRCB will
16 be required to conduct CEQA-obligated environmental review for its temporary
17 water permit actions, informing government decision makers and the public about
18 potential, significant environmental effects of proposed activities and disclosing the
19 reasons why a governmental agency approved projects in the manner it chose when
20 significant environmental effects are involved.

21 C. The necessity and financial burden of enforcement are such as to make an award of
22 attorneys' fees appropriate in this proceeding. Absent enforcement by Petitioners,
23 the Recharge Permits might otherwise be deemed valid and unable to be validly
24 contested in its due petition for reconsideration despite its legally and factually
25 inadequate disclosures, analysis, conclusions, mitigation measures, and
26 alternatives, among other things, and, as a result, potentially significant, adverse
27 environmental effects might otherwise have evaded legally adequate environmental
28 review and mitigation in accordance with the California Legislature's policy, in

1 adopting CEQA, of affording the greatest protections to the environment within the
2 scope of the statute.

3 **CLAIM FOR RELIEF**

4 **VIOLATIONS OF EMERGENCY SERVICES ACT**

5 57. Petitioners incorporate by reference each and every allegation contained in
6 Paragraphs 1 through 56 as though fully set forth herein.

7 58. The California Emergency Services Act imposes a mandatory duty for the
8 Governor to terminate a proclamation of emergency conditions at the earliest possible time
9 conditions warrant.

10 59. The overwhelming evidence plainly demonstrates that the Sacramento River Basin
11 is not in any drought condition, much less an emergency drought condition, and has not been for
12 years.

13 60. Each and every day the Governor continues to maintain the Drought State of
14 Emergency for the Sacramento River Basin constitutes an abuse of discretion, and causes
15 irreparable harm to the citizens of said region and to the environment by suspending statutory law
16 adopted for the protection of the environment and the people of the state.

17 WHEREFORE, Petitioners pray for relief as hereinafter stated.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioners pray for relief as follows:

- 20 1. Issue an alternative writ of mandate commanding the Governor to terminate the Drought State
21 of Emergency for the Sacramento River Basin;
- 22 2. Issue an order or show cause why said writ should not issue forthwith;
- 23 3. Issue a preliminary injunction or temporary restraining order enjoining the State Water Board
24 from complying with the CEQA exemption for groundwater recharge projects found in EO N-
25 7-22;
- 26 4. Declare that there are presently no emergency drought conditions in the Sacramento River
27 Basin sufficient to support the declaration of a State of Emergency based on drought;
- 28 5. Award Petitioners their reasonable attorneys' fees and the costs of this action; and,

1 6. Grant other such relief as the Court deems just and proper.

2

3 DATED: March 6, 2026

AQUA TERRA AERIS LAW GROUP

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Jason R. Flanders
Attorney for Petitioners
AquAlliance, and
California Sportfishing Protection Alliance

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VERIFICATION

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2 I, Chris Shutes, am the Executive Director and an authorized representative and member of
3 Petitioner, California Sportfishing Protection Alliance. I have read the foregoing Petition and
4 know the contents thereof to be true and correct. The same is true of my own knowledge, except as
5 to those matters that are alleged on information and belief, and as to those matters, I believe them
6 to be true.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed this 6th day of March, 2026, in Berkeley, California.
9

10 

11 _____
12 Chris Shutes
13 California Sportfishing Protection Alliance
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VERIFICATION

I, Barbara Vlamis, am the Executive Director and an authorized representative and member of Petitioner, AquAlliance. I have read the foregoing Petition and know the contents thereof to be true and correct. The same is true of my own knowledge, except as to those matters that are alleged on information and 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 6th day of March, 2026, in Chico, California.



Barbara Vlamis
AquAlliance

EXHIBIT A



8 RIO VISTA AVE.
OAKLAND, CA 94611

JASON R. FLANDERS
PARTNER

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Via hand delivery and electronic mail

March 2, 2026

Gavin Newsom, Governor
State of California
1303 10th St, Suite 1173
Sacramento, CA 95814
governor@governor.ca.gov

Re: Notice of Intent to Sue to Terminate Drought State of Emergency

To the Honorable Governor Gavin Newsom:

On April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, you proclaimed States of Emergency to exist across all counties in the State due to drought conditions; and, on September 25, 2024, through Executive Order N-3-24, you acknowledged that “drought conditions have improved substantially,” and you therefore terminated the drought State of Emergency for nineteen counties, but retained the State of Emergency for certain areas including the Sacramento River Basin, which remains in effect today.

The environmental nonprofit organizations AquAlliance and California Sportfishing Protection Alliance (CSPA) respectfully request that you immediately terminate the drought State of Emergency for the Sacramento River Basin. According to the California Department of Water Resources,¹ and the U.S. Drought Monitor,² no drought conditions presently exist in the Sacramento River Basin.

Government Code section 8629 mandates this action:

The Governor shall proclaim the termination of a state of emergency at the earliest possible date that conditions warrant.

Drought conditions unquestionably ended many months, if not years, ago. Accordingly, AquAlliance and CSPA urge you to proclaim an end to the drought State of Emergency on or before Thursday March 5, 2026, or contact the undersigned on or before such date to explain your plans for promptly doing so.

¹ <https://cww.water.ca.gov/>

² <https://droughtmonitor.unl.edu/>



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Alternatively, AquAlliance and CSPA intend to immediately seek judicial relief, including but not limited to a preliminary injunction, to suspend and terminate the existing unlawful proclamation of a drought State of Emergency for the Sacramento River Basin. (*See, National Tax-Limitation Committee v. Schwarzenegger* (2003) 113 Cal. App. 4th 1266, 1271 [“Although the Act implicitly gives the Governor discretion to determine when conditions warrant the termination of a state of emergency he has proclaimed under the Act, under well-established California law a writ of mandate will lie to correct an abuse of that discretion.”])

We thank you for your prompt attention to this critical issue.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Jason R. Flanders", is written over the typed name.

Jason R. Flanders
Aqua Terra Aeris Law Group
Counsel for AquAlliance and California
Sportfishing Protection Alliance