

1 Adam Keats (SBN 191157)  
2 LAW OFFICE OF ADAM KEATS  
3 303 Sacramento St., Second Floor  
4 San Francisco, CA 94111  
5 Tel: 415-845-2509  
6 Email: adam@keatslaw.org  
7 *Attorney for Plaintiffs AquAlliance, California Water Impact Network, and California Sportfishing*  
8 *Protection Alliance*

9 Michael B. Jackson (SBN 53808)  
10 Attorney at Law  
11 429 West Main Street, Suite D  
12 P.O. Box 207  
13 Quincy, CA 95971  
14 Tel: (530) 283-1007  
15 Email: mjatty@sbcglobal.net

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

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

21 Plaintiffs,

22 vs.

23 COLUSA GROUNDWATER AUTHORITY,  
24 GLENN GROUNDWATER AUTHORITY,  
25 ALL PERSONS INTERESTED IN THE  
26 MATTER OF THE VALIDITY OF THE  
27 COLUSA SUBBASIN GROUNDWATER  
28 SUSTAINABILITY PLAN, and DOES 1  
through 500,

Defendants.

Case No.:

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

1 **INTRODUCTION**

2 1. Plaintiffs AQUALLIANCE, CALIFORNIA WATER IMPACT NETWORK, and  
3 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (collectively, “Plaintiffs”) hereby  
4 sue Defendants COLUSA GROUNDWATER AUTHORITY and GLENN GROUNDWATER  
5 AUTHORITY (collectively, “Defendants”), and ALL PERSONS INTERESTED IN THE  
6 MATTER OF THE VALIDITY OF THE COLUSA 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 Colusa Subbasin has been designated as a high priority basin.

14 4. On December 13 and 14, 2022, Defendants separately authorized and approved the  
15 Colusa Subbasin Groundwater Sustainability Plan (“Colusa Subbasin GSP”). Defendants are the  
16 designated Groundwater Sustainability Agencies for the Colusa Subbasin.

17 5. The Colusa Subbasin GSP fails to achieve sustainable groundwater management for  
18 the Colusa Subbasin and fails to provide for the management and use of the Colusa Subbasin  
19 groundwater in a manner that can be maintained during the planning and implementation horizon  
20 without causing undesirable results. Far from halting overdraft and achieving balance between  
21 pumping and recharge, the Colusa Groundwater GSP accepts the failure of up to 20 percent of the  
22 domestic wells in the subbasin, significant and harmful land subsidence, the loss of up to 1 million  
23 acre feet of storage capacity, and harmful impacts to connected terrestrial ecosystems.

24 6. Plaintiffs bring this lawsuit to require Defendants to comply with SGMA, seeking  
25 from this Court an order and judgment declaring that Defendants’ approval of the Colusa Subbasin  
26 Groundwater Sustainability Plan (“Colusa Subbasin GSP”) violated SGMA and is therefore invalid,  
27 as well as other such relief as the Court may deem proper.

28 **PARTIES**

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

12           8.       Plaintiff CALIFORNIA WATER IMPACT NETWORK (“C-WIN”) is a California  
13 non-profit public benefit organization with its principal place of business in Santa Barbara,  
14 California. C-WIN’s is dedicated to the protection and restoration of fish and wildlife resources,  
15 scenery, water quality, recreational opportunities, agricultural uses, and other natural environmental  
16 resources and uses of the rivers and streams of California, including the Sacramento River, its  
17 respective watershed, and its underlying groundwater resources. Members of C-WIN’s board of  
18 directors reside in, use, and enjoy the Sacramento River watershed, including areas in and effected  
19 by the Colusa Subbasin. They use the rivers of the Central Valley and the Bay-Delta for nature  
20 study, recreation, and aesthetic enjoyment.

21           9.       Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (“CSPA”) is  
22 a California non-profit public benefit organization established in 1983 with its principal place of  
23 business in Stockton, California. CSPA’s organizational purpose is the protection, preservation, and  
24 enhancement of the public trust, fisheries and associated aquatic and riparian ecosystems of  
25 California’s waterways. This mission is implemented through active participation in federal, state  
26 and local agency processes, education and organization of the fishing community, restoration  
27 efforts, and vigorous enforcement of environmental laws enacted to protect fisheries, habitat and  
28 water quality. Members of CSPA reside in the Sacramento River watershed, including areas in and

1 effected by the Colusa Subbasin, where they view, enjoy, and routinely use the ecosystem for  
2 boating, fishing, and wildlife viewing. CSPA’s members derive significant and ongoing use and  
3 enjoyment from the aesthetic, recreational, and conservation benefits of California’s rivers.

4 10. Defendant COLUSA GROUNDWATER AUTHORITY is public joint powers  
5 agency formed on June 29, 2017, pursuant to the Joint Exercise of Powers Act, Cal. Government  
6 Code §§ 6500 et seq. (“JPA Act”) by and among Colusa County Board of Supervisors, Colusa City  
7 Council, Williams City Council, Glenn Colusa Irrigation District, Maxwell Irrigation District,  
8 Westside Water District, Princeton-Codora-Glenn Irrigation District, Provident Irrigation District,  
9 Colusa County Water District, Reclamation District 108, Reclamation District 479, and Colusa  
10 Drain Mutual Water Company. Defendant COLUSA GROUNDWATER AUTHORITY was  
11 formed for the purpose of carrying out the purposes of SGMA, including becoming and serving as  
12 the Groundwater Sustainability Agency for the Colusa Subbasin and developing, adopting, and  
13 implementing a Groundwater Sustainability Plan for the Colusa Subbasin. Defendant COLUSA  
14 GROUNDWATER AUTHORITY prepared, with Defendant GLENN GROUNDWATER  
15 AUTHORITY, the Colusa Subbasin GSP that is the subject of this suit.

16 11. Defendant GLENN GROUNDWATER AUTHORITY is a public joint powers  
17 agency formed on June 20, 2017, pursuant to the Joint Exercise of Powers Act, Cal. Government  
18 Code §§ 6500 et seq. (“JPA Act”) by and among County of Glenn, City of Orland, City of Willows,  
19 Glenn Colusa Irrigation District, Princeton-Codora-Glenn Irrigation District, Provident Irrigation  
20 District, Glide Water District, Kanawha Water District, and Orland-Artois Water District.  
21 Defendant GLENN GROUNDWATER AUTHORITY was formed for the purpose of carrying out  
22 the purposes of SGMA, including becoming and serving as the Groundwater Sustainability Agency  
23 for the Glenn County portion of the Colusa Subbasin and developing, adopting, and implementing a  
24 Groundwater Sustainability Plan for the Glenn County Portion of the Colusa Subbasin. Defendant  
25 COLUSA GROUNDWATER AUTHORITY prepared, with Defendant COLUSA  
26 GROUNDWATER AUTHORITY, the Colusa Subbasin GSP that is the subject of this suit.

27 12. Defendants ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY  
28 OF THE COLUSA SUBBASIN GROUNDWATER SUSTAINABILITY PLAN are all persons

1 interested in the validity of the Colusa Subbasin GSP.

2 13. Plaintiff does not know the true names and capacities of Defendants fictitiously  
3 named herein as DOES 1 through 500, inclusive. Plaintiff is informed and believes, and thereon  
4 allege, that such fictitiously named Defendants are responsible in some manner for the acts or  
5 omissions complained of herein. Plaintiff will amend this Petition to allege the fictitiously named  
6 Defendants' true names and capacities when ascertained.

7 **JURISDICTION AND VENUE**

8 14. Plaintiffs bring this reverse validation action pursuant to Water Code section 10726.6,  
9 subdivision (a) and Code of Civil Procedure section 863, to challenge the validity of the Colusa  
10 Subbasin GSP on the grounds that Defendants violated the procedural requirements of SGMA in  
11 adopting the Colusa Subbasin GSP and the Colusa Subbasin GSP violates the substantive  
12 requirements of SGMA.

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

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

23 17. Code of Civil Procedure section 862 provides that jurisdiction will be complete and  
24 established in this Court as of the date specified and to be published in the summons issued for this  
25 matter.

26 18. This action is entitled to calendar preference over all other civil actions before this  
27 court under Code of Civil Procedure section 867.

28 19. Venue is proper in Colusa County pursuant to Water Code section 10726.6,

1 subdivision (b) and Code of Civil Procedure section 863, as the Colusa Groundwater Authority

2 **STATUTORY AUTHORITY TO BRING THIS ACTION**

3 20. Code of Civil Procedure section 860 provides that a public agency may bring an *in*  
4 *rem* action to determine the validity of any matter which under any other law is authorized to be  
5 determined pursuant to the validation statutes.

6 21. Water Code section 10726.6, subdivision (a) provides that a groundwater  
7 sustainability agency that adopts a groundwater sustainability plan may file an action to determine  
8 the validity of the plan pursuant to the Code of Civil Procedure section 860, *et seq.*

9 22. Code of Civil Procedure section 863 provides that if no proceedings have been  
10 brought by the public agency pursuant to section 860, *et seq.*, any interested person may bring an  
11 action within the time and in the court specified by Section 860 to determine the validity of such  
12 matter. The public agency shall be a defendant and shall be served with the summons and complaint  
13 in the action in the manner provided by law for the service of a summons in a civil action.

14 **CAUSE OF ACTION**

15 **(Violation of SGMA)**

16 23. Plaintiffs hereby reallege and incorporate all paragraphs of this Complaint as though  
17 set forth herein in full.

18 24. The Colusa Subbasin GSP fails to achieve sustainable groundwater management and  
19 fails to provide for “the management and use of groundwater in a manner that can be maintained  
20 during the planning and implementation horizon without causing undesirable results,” including in  
21 the manners described in Paragraphs Nos. 21 through 35, below.

22 25. The Colusa Subbasin GSP improperly accepts the failure of 20 percent of domestic  
23 wells in the Colusa Subbasin, despite the requirement under SGMA that domestic wells be given  
24 priority.

25 26. The Colusa Subbasin GSP improperly accepts the loss of almost 1,000,000 acre feet  
26 of groundwater storage by 2070.

27 27. The Colusa Subbasin GSP improperly accepts unreasonable and undesirable amounts  
28 of land subsidence.

1           28.     The Colusa Subbasin GSP fails to identify feasible projects and management actions  
2 that are likely to prevent undesirable results and ensure that the basin is operated within its  
3 sustainable yield.

4           29.     The Colusa Subbasin GSP identifies projects and management actions that are  
5 ambiguous, unenforceable, and may cause serious harm to the Colusa Subbasin.

6           30.     The Colusa Subbasin GSP fails to adequately support its findings that the projects and  
7 management actions it identifies are feasible and likely to prevent undesirable results and ensure  
8 that the basin is operated within its sustainable yield.

9           31.     The Colusa Subbasin GSP is not likely to achieve its sustainability goal within 20  
10 years.

11          32.     The Colusa Subbasin GSP's assumptions, criteria, findings, and objectives, including  
12 the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim  
13 milestones are not supported by the best available information and best available science.

14          33.     The Colusa Subbasin GSP does not identify reasonable measures and schedules to  
15 eliminate data gaps.

16          34.     The Colusa Subbasin GSP and its sustainable management criteria and projects and  
17 management actions do not adequately disclose, describe, or address the existing conditions of the  
18 Colusa Subbasin and/or the conditions that will exist after implementation of planned projects and  
19 management actions.

20          35.     The Colusa Subbasin GSP does not adequately supports its findings regarding  
21 potential overdraft conditions.

22          36.     The interests of the beneficial uses and users of groundwater in the basin, and the land  
23 uses and property interests potentially affected by the use of groundwater in the basin, were not  
24 adequately considered.

25          37.     The Colusa Subbasin GSP fails to adequately identify and consider Groundwater  
26 Dependent Ecosystems, and improperly defers this required identification and consideration.

27          38.     The Colusa Subbasin GSP fails to adequately consider the impacts of climate change,  
28 and improperly defers consideration of climate change impacts and addressing the effects of such

1 impacts on the GSP to vague, undefined, and unenforceable adaptive management measures.

2 39. Defendants failed to adequately respond to comments. For example:

3 a. Responses improperly respond to comments by directing readers to website  
4 url's, many of which are incorrect, dead, or not active;

5 b. Responses improperly respond to comments by directing readers to  
6 "Administrative Record Files" not included in the GSP; and

7 c. Responses improperly respond to comments by directing readers to  
8 summaries of public meetings.

9 40. Defendants did not adequately engage the public in planning and adopting the Colusa  
10 Subbasin GSP.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs pray for the following relief:

13 1. For an order declaring that Defendants' adoption of the Colusa Subbasin GSP is  
14 invalid and that the Colusa Subbasin GSP is invalid;


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

16 3. For an order compelling Defendants to pay Plaintiffs' reasonable attorneys' fees  
17 related to these proceedings pursuant to Code of Civil Procedure § 1021.5; and

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

19  
20 DATED: February 10, 2022

LAW OFFICE OF ADAM KEATS

21  
22 By:  \_\_\_\_\_

23 Adam Keats  
24 Attorney for AquAlliance, California Water Impact  
25 Network, and California Sportfishing Protection  
26 Alliance  
27  
28



**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 10th day of February, 2022, in San Francisco, California.

By: Adam Keats  
Adam Keats

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