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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 BIGGS-WEST GRIDLEY WATER DISTRICT,
24 BUTTE COUNTY, BUTTE WATER
25 DISTRICT, CITY OF BIGGS, CITY OF
26 GRIDLEY, COLUSA GROUNDWATER
27 AUTHORITY, GLENN COUNTY,
28 RECLAMATION DISTRICT 1004,
RECLAMATION DISTRICT 2106, RICHVALE
IRRIGATION DISTRICT, WESTERN CANAL
WATER DISTRICT, ALL PERSONS
INTERESTED IN THE MATTER OF THE
VALIDITY OF THE BUTTE SUBBASIN
GROUNDWATER SUSTAINABILITY PLAN,
and DOES 1 through 500,

Defendants.

Case No.: **22CV00347**

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

F I L E D Superior Court of California
County of Butte
2/17/2022
F I L E D
By Sharif Elmallah, Clerk Deputy
[Signature]
Electronically FILED

1 **INTRODUCTION**

2 1. Plaintiffs AQUALLIANCE, CALIFORNIA WATER IMPACT NETWORK, and
3 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (collectively, “Plaintiffs”) hereby
4 sue Defendants BIGGS-WEST GRIDLEY WATER DISTRICT, BUTTE COUNTY, BUTTE
5 WATER DISTRICT, CITY OF BIGGS, CITY OF GRIDLEY, COLUSA GROUNDWATER
6 AUTHORITY, GLENN COUNTY, RECLAMATION DISTRICT 1004, RECLAMATION
7 DISTRICT 2106, RICHVALE IRRIGATION DISTRICT, WESTERN CANAL WATER
8 DISTRICT, (collectively, “Defendants”), and ALL PERSONS INTERESTED IN THE MATTER
9 OF THE VALIDITY OF THE BUTTE SUBBASIN GROUNDWATER SUSTAINABILITY
10 PLAN for violations of the Sustainable Groundwater Management Act, California Water Code
11 section 10720, *et seq.* (“SGMA”).

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

16 3. The Butte Subbasin has been designated as a medium priority basin.

17 4. Defendants are each the designated Groundwater Sustainability Agencies for the
18 Butte Subbasin. Defendants entered into a “Cooperation Agreement” in 2019, in which Defendants
19 agreed to cooperate in the development of a single GSP for the Butte Subbasin.

20 5. On December 15, 2021, Defendant BIGGS-WEST GRIDLEY WATER DISTRICT
21 authorized and approved the Butte Subbasin Groundwater Sustainability Plan (“Butte Subbasin
22 GSP”). On December 14, 2021, Defendant BUTTE COUNTY, by and through its Board of
23 Supervisors, authorized and approved the Butte Subbasin GSP. On December 9, 2021, Defendant
24 BUTTE WATER DISTRICT authorized and approved the Butte Subbasin GSP. On December 14,
25 2021, Defendant CITY OF BIGGS, by and through its City Council, authorized and approved the
26 Butte Subbasin GSP. On December 6, 2021, Defendant CITY OF GRIDLEY, by and through its
27 City Council, authorized and approved the Butte Subbasin GSP. On December 13, 2021, Defendant
28 COLUSA GROUNDWATER AUTHORITY authorized and approved the Butte Subbasin GSP. On

1 December 7, 2021, Defendant GLENN COUNTY, by and through its Board of Supervisors,
2 authorized and approved the Butte Subbasin GSP. On December 8, 2021, Defendant
3 RECLAMATION DISTRICT 1004 authorized and approved the Butte Subbasin GSP. On
4 December 7, 2021, Defendant RECLAMATION DISTRICT 2106 authorized and approved the
5 Butte Subbasin GSP. On December 16, 2021, Defendant RICHVALE IRRIGATION DISTRICT
6 authorized and approved the Butte Subbasin GSP. On December 21, 2021, Defendant WESTERN
7 CANAL WATER DISTRICT authorized and approved the Butte Subbasin GSP.

8 6. The Butte Subbasin GSP fails to achieve sustainable groundwater management for
9 the Butte Subbasin and fails to provide for the management and use of the Butte Subbasin
10 groundwater in a manner that can be maintained during the planning and implementation horizon
11 without causing undesirable results. Far from halting overdraft and achieving balance between
12 pumping and recharge, the Butte Groundwater GSP accepts: the reduction of groundwater levels
13 100 percent below the historic range for the basin, the failure of at least 7 percent of the domestic
14 wells and very deep wells in the subbasin, the loss of between 90 and 277 percent of stream flows
15 due to increased groundwater pumping, losses of stream flows that exceed groundwater pumping
16 amounts (i.e., crossing a tipping point and amplifying / magnifying those impacts), significant and
17 harmful land subsidence, and harmful impacts to connected terrestrial ecosystems. Disclosure and
18 analysis of these undesirable results, as well as other impacts to domestic wells, water quality,
19 groundwater dependent ecosystems, and land subsidence, is insufficient and improperly deferred.

20 7. Plaintiffs bring this lawsuit to require Defendants to comply with SGMA, seeking
21 from this Court an order and judgment declaring that Defendants' approval of the Butte Subbasin
22 GSP violated SGMA and is therefore invalid, as well as other such relief as the Court may deem
23 proper.

24 **PARTIES**

25 8. Plaintiff AQUALLIANCE is a California public benefit corporation headquartered in
26 Chico, California. Its mission is to defend northern California waters and the ecosystems these
27 waters support and to challenge threats to the hydrologic health of the Sacramento River watershed.
28 This includes escalating attempts to divert and withdraw more surface water and groundwater from

1 the hydrologic region. AquAlliance’s members include farmers, scientists, businesses, educators,
2 and residents all of whom have significant financial, recreational, scientific, aesthetic, educational,
3 and conservation interests in the aquatic and terrestrial environments that rely on waters of the
4 Sacramento River Watershed and Bay-Delta estuary, including the areas in and effected by the Vina
5 Subbasin. This hydrologic system provides water for orchards, homes, gardens, businesses,
6 wetlands, streams, rivers, terrestrial habitat, and myriad species, which in turn allows AquAlliance
7 members to live, fish, hunt, cycle, photograph, camp, swim, and invest in northern California.

8 9. Plaintiff CALIFORNIA WATER IMPACT NETWORK (“C-WIN”) is a California
9 non-profit public benefit organization with its principal place of business in Santa Barbara,
10 California that advocates for the equitable and sustainable use of California’s freshwater resources
11 for all Californians. C-WIN is dedicated to upholding the common law Public Trust Doctrine and
12 other legal protections in the Sacramento River and the San Francisco Bay / Sacramento - San
13 Joaquin Delta Estuary. Members of C-WIN’s board of directors reside in, use, and enjoy the
14 Sacramento River watershed, including areas in and effected by the Butte Subbasin. They use the
15 rivers of the Central Valley and the Bay-Delta for nature study, recreation, and aesthetic enjoyment.

16 10. Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (“CSPA”) is
17 a California non-profit public benefit organization established in 1983 with its principal place of
18 business in Stockton, California. CSPA’s organizational purpose is the protection, preservation, and
19 enhancement of the public trust, fisheries and associated aquatic and riparian ecosystems of
20 California’s waterways. This mission is implemented through active participation in federal, state
21 and local agency processes, education and organization of the fishing community, restoration
22 efforts, and vigorous enforcement of environmental laws enacted to protect fisheries, habitat and
23 water quality. Members of CSPA reside in the Sacramento River watershed, including areas in and
24 effected by the Butte Subbasin, where they view, enjoy, and routinely use the ecosystem for
25 boating, fishing, and wildlife viewing. CSPA’s members derive significant and ongoing use and
26 enjoyment from the aesthetic, recreational, and conservation benefits of California’s rivers and
27 streams.

28 11. Defendant BIGGS-WEST GRIDLEY WATER DISTRICT is a California Water

1 District with its principal office located in Gridley, Butte County, California. It was formed on
2 September 24, 1942, by a vote of landowners within the proposed district. It is a California Water
3 District formed and operated under the provisions of the California Water District Law and is
4 responsible for providing irrigation water to agricultural and environmental water users within its
5 service area boundary. It is one of the eleven designated Groundwater Sustainability Agencies for
6 the Butte Subbasin, each of which signed a Cooperation Agreement with the purpose of: (a)
7 developing, adopting, and implementing a single, legally sufficient GSP for the Butte Subbasin in
8 order to implement SGMA requirements and achieve the sustainability goals in SGMA; (b)
9 cooperatively carrying out the purposes of SGMA; (c) coordinating Basin-wide public involvement
10 and stakeholder outreach and engagement in development and implementing the GSP; and (d)
11 maintaining mutual respect for the autonomy of individual members and preservation of each
12 member's separate legal authorities, powers, duties, and rights as separate public agencies and
13 GSAs. Defendant BIGGS-WEST GRIDLEY WATER DISTRICT, along with the ten other
14 designated GSAs for the Butte Subbasin, prepared and adopted the Butte Subbasin GSP that is the
15 subject of this lawsuit.

16 12. Defendant BUTTE COUNTY a California County with its principal office located in
17 Oroville, Butte County, California. It is one of the eleven designated Groundwater Sustainability
18 Agencies for the Butte Subbasin, each of which signed a Cooperation Agreement with the purpose
19 of: (a) developing, adopting, and implementing a single, legally sufficient GSP for the Butte
20 Subbasin in order to implement SGMA requirements and achieve the sustainability goals in SGMA;
21 (b) cooperatively carrying out the purposes of SGMA; (c) coordinating Basin-wide public
22 involvement and stakeholder outreach and engagement in development and implementing the GSP;
23 and (d) maintaining mutual respect for the autonomy of individual members and preservation of
24 each member's separate legal authorities, powers, duties, and rights as separate public agencies and
25 GSAs. Defendant BUTTE COUNTY, along with the ten other designated GSAs for the Butte
26 Subbasin, prepared and adopted the Butte Subbasin GSP that is the subject of this lawsuit.

27 13. Defendant BUTTE WATER DISTRICT is a California Water District with its
28 principal office in Gridley, Butte County, California. It was formed and operated under the

1 provisions of the California Water District Law and is responsible for providing irrigation water to
2 agricultural water users within its service area boundary. It is one of the eleven designated
3 Groundwater Sustainability Agencies for the Butte Subbasin, each of which signed a Cooperation
4 Agreement with the purpose of: (a) developing, adopting, and implementing a single, legally
5 sufficient GSP for the Butte Subbasin in order to implement SGMA requirements and achieve the
6 sustainability goals in SGMA; (b) cooperatively carrying out the purposes of SGMA; (c)
7 coordinating Basin-wide public involvement and stakeholder outreach and engagement in
8 development and implementing the GSP; and (d) maintaining mutual respect for the autonomy of
9 individual members and preservation of each member's separate legal authorities, powers, duties,
10 and rights as separate public agencies and GSAs. Defendant BUTTE WATER DISTRICT, along
11 with the ten other designated GSAs for the Butte Subbasin, prepared and adopted the Butte
12 Subbasin GSP that is the subject of this lawsuit.

13 14. Defendant CITY OF BIGGS is a general law city located in Butte County, California.
14 It is one of the eleven designated Groundwater Sustainability Agencies for the Butte Subbasin, each
15 of which signed a Cooperation Agreement with the purpose of: (a) developing, adopting, and
16 implementing a single, legally sufficient GSP for the Butte Subbasin in order to implement SGMA
17 requirements and achieve the sustainability goals in SGMA; (b) cooperatively carrying out the
18 purposes of SGMA; (c) coordinating Basin-wide public involvement and stakeholder outreach and
19 engagement in development and implementing the GSP; and (d) maintaining mutual respect for the
20 autonomy of individual members and preservation of each member's separate legal authorities,
21 powers, duties, and rights as separate public agencies and GSAs. Defendant CITY OF BIGGS,
22 along with the ten other designated GSAs for the Butte Subbasin, prepared and adopted the Butte
23 Subbasin GSP that is the subject of this lawsuit.

24 15. Defendant CITY OF GRIDLEY is a general law city in Butte County, California. It is
25 one of the eleven designated Groundwater Sustainability Agencies for the Butte Subbasin, each of
26 which signed a Cooperation Agreement with the purpose of: (a) developing, adopting, and
27 implementing a single, legally sufficient GSP for the Butte Subbasin in order to implement SGMA
28 requirements and achieve the sustainability goals in SGMA; (b) cooperatively carrying out the

1 purposes of SGMA; (c) coordinating Basin-wide public involvement and stakeholder outreach and
2 engagement in development and implementing the GSP; and (d) maintaining mutual respect for the
3 autonomy of individual members and preservation of each member’s separate legal authorities,
4 powers, duties, and rights as separate public agencies and GSAs. Defendant CITY OF GRIDLEY,
5 along with the ten other designated GSAs for the Butte Subbasin, prepared and adopted the Butte
6 Subbasin GSP that is the subject of this lawsuit.

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

20 17. Defendant GLENN COUNTY is a California County with its principal office located
21 in Willows, Glenn County, California. It is one of the eleven designated Groundwater Sustainability
22 Agencies for the Butte Subbasin, each of which signed a Cooperation Agreement with the purpose
23 of: (a) developing, adopting, and implementing a single, legally sufficient GSP for the Butte
24 Subbasin in order to implement SGMA requirements and achieve the sustainability goals in SGMA;
25 (b) cooperatively carrying out the purposes of SGMA; (c) coordinating Basin-wide public
26 involvement and stakeholder outreach and engagement in development and implementing the GSP;
27 and (d) maintaining mutual respect for the autonomy of individual members and preservation of
28 each member’s separate legal authorities, powers, duties, and rights as separate public agencies and

1 GSAs. Defendant GLENN COUNTY, along with the ten other designated GSAs for the Butte
2 Subbasin, prepared and adopted the Butte Subbasin GSP that is the subject of this lawsuit.

3 18. Defendant RECLAMATION DISTRICT 1004 is a California Reclamation District
4 with its principal office located in Colusa, Colusa County, California. It was formed for the purpose
5 of providing water and water resources to its District 1004 landowners. Defendant
6 RECLAMATION DISTRICT 1004 is one of the eleven designated Groundwater Sustainability
7 Agencies for the Butte Subbasin, each of which signed a Cooperation Agreement with the purpose
8 of: (a) developing, adopting, and implementing a single, legally sufficient GSP for the Butte
9 Subbasin in order to implement SGMA requirements and achieve the sustainability goals in SGMA;
10 (b) cooperatively carrying out the purposes of SGMA; (c) coordinating Basin-wide public
11 involvement and stakeholder outreach and engagement in development and implementing the GSP;
12 and (d) maintaining mutual respect for the autonomy of individual members and preservation of
13 each member's separate legal authorities, powers, duties, and rights as separate public agencies and
14 GSAs. Defendant RECLAMATION DISTRICT 1004, along with the ten other designated GSAs
15 for the Butte Subbasin, prepared and adopted the Butte Subbasin GSP that is the subject of this
16 lawsuit.

17 19. Defendant RECLAMATION DISTRICT 2106 is a California Reclamation District
18 with its principal office located in Chico, Butte County, California. It was originally formed in 1978
19 and reestablished in 2015 for the purpose of creating a groundwater sustainability authority.
20 Defendant RECLAMATION DISTRICT 2106 is one of the eleven designated Groundwater
21 Sustainability Agencies for the Butte Subbasin, each of which signed a Cooperation Agreement
22 with the purpose of: (a) developing, adopting, and implementing a single, legally sufficient GSP for
23 the Butte Subbasin in order to implement SGMA requirements and achieve the sustainability goals
24 in SGMA; (b) cooperatively carrying out the purposes of SGMA; (c) coordinating Basin-wide
25 public involvement and stakeholder outreach and engagement in development and implementing
26 the GSP; and (d) maintaining mutual respect for the autonomy of individual members and
27 preservation of each member's separate legal authorities, powers, duties, and rights as separate
28 public agencies and GSAs. Defendant RECLAMATION DISTRICT 2106, along with the ten other

1 designated GSAs for the Butte Subbasin, prepared and adopted the Butte Subbasin GSP that is the
2 subject of this lawsuit.

3 20. Defendant RICHVALE IRRIGATION DISTRICT is a California Irrigation District
4 with its principal office located in Richvale, Butte County, California. It is one of the eleven
5 designated Groundwater Sustainability Agencies for the Butte Subbasin, each of which signed a
6 Cooperation Agreement with the purpose of: (a) developing, adopting, and implementing a single,
7 legally sufficient GSP for the Butte Subbasin in order to implement SGMA requirements and
8 achieve the sustainability goals in SGMA; (b) cooperatively carrying out the purposes of SGMA;
9 (c) coordinating Basin-wide public involvement and stakeholder outreach and engagement in
10 development and implementing the GSP; and (d) maintaining mutual respect for the autonomy of
11 individual members and preservation of each member’s separate legal authorities, powers, duties,
12 and rights as separate public agencies and GSAs. Defendant RICHVALE IRRIGATION
13 DISTRICT, along with the ten other designated GSAs for the Butte Subbasin, prepared and adopted
14 the Butte Subbasin GSP that is the subject of this lawsuit.

15 21. Defendant WESTERN CANAL WATER DISTRICT is a California Water District
16 with its principal office located in Richvale, Butte County, California. It is one of the eleven
17 designated Groundwater Sustainability Agencies for the Butte Subbasin, each of which signed a
18 Cooperation Agreement with the purpose of: (a) developing, adopting, and implementing a single,
19 legally sufficient GSP for the Butte Subbasin in order to implement SGMA requirements and
20 achieve the sustainability goals in SGMA; (b) cooperatively carrying out the purposes of SGMA;
21 (c) coordinating Basin-wide public involvement and stakeholder outreach and engagement in
22 development and implementing the GSP; and (d) maintaining mutual respect for the autonomy of
23 individual members and preservation of each member’s separate legal authorities, powers, duties,
24 and rights as separate public agencies and GSAs. Defendant WESTERN CANAL WATER
25 DISTRICT, along with the ten other designated GSAs for the Butte Subbasin, prepared and adopted
26 the Butte Subbasin GSP that is the subject of this lawsuit.

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

1 interested in the validity of the Butte Subbasin GSP.

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

7 **JURISDICTION AND VENUE**

8 24. 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 Butte
10 Subbasin GSP on the grounds that Defendants violated the procedural requirements of SGMA in
11 adopting the Butte Subbasin GSP and the Butte Subbasin GSP violates the substantive requirements
12 of SGMA.

13 25. 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 26. 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 27. 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 28. This action is entitled to calendar preference over all other civil actions before this
27 court under Code of Civil Procedure section 867.

28 29. Venue is proper in Butte County pursuant to Water Code section 10726.6, subdivision

1 (b) and Code of Civil Procedure section 863, as eight of the eleven Defendant GSAs have their
2 principal offices in Butte County: Biggs-West Gridley Water District, Butte County, Butte Water
3 District, City of Biggs, City of Gridley, Reclamation District 2106, Richvale Irrigation District, and
4 Western Canal Water District. Defendants Colusa Groundwater Authority and Reclamation District
5 1004 have their principal offices in Colusa County while Defendant Glenn County has its principal
6 office in Glenn County.

7 **STATUTORY AUTHORITY TO BRING THIS ACTION**

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

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

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

19 **CAUSE OF ACTION**

20 **(Violation of SGMA)**

21 33. Plaintiffs hereby reallege and incorporate all paragraphs of this Complaint as though
22 set forth herein in full.

23 34. The Butte Subbasin GSP fails to achieve sustainable groundwater management and
24 fails to provide for “the management and use of groundwater in a manner that can be maintained
25 during the planning and implementation horizon without causing undesirable results,” including in
26 the manners described in the paragraphs below.

27 35. The Butte Subbasin GSP improperly accepts the lowering of groundwater levels by
28 up to 100% of historic range.

1 36. The Butte Subbasin GSP improperly accepts the failure of at least 7 percent of
2 domestic and very deep supply wells in the Butte Subbasin, despite the requirement under SGMA
3 that domestic wells be given priority.

4 37. The Butte Subbasin GSP improperly accepts the loss of stream flow of between 90 to
5 277 percent due to increased groundwater pumping.

6 38. The Butte Subbasin GSP improperly defers required and necessary disclosure and
7 analysis of undesirable results, including impacts to domestic wells, groundwater dependent
8 ecosystems, surface waters and waterways, and land subsidence.

9 39. The Butte Subbasin GSP fails to identify and/or adequately support its findings that
10 the projects and management actions it identifies are feasible and likely to prevent undesirable
11 results and ensure that the basin is operated within its sustainable yield.

12 40. The Butte Subbasin GSP is not likely to achieve its sustainability goal within 20
13 years.

14 41. The Butte Subbasin GSP's assumptions, criteria, findings, and objectives, including
15 the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim
16 milestones are not supported by the best available information and best available science.

17 42. The Butte Subbasin GSP fails to provide for adequate monitoring, mitigation, and
18 prevention of water quality impacts, including the spread of contaminants, caused by groundwater
19 pumping.

20 43. The Butte Subbasin GSP improperly accepts unreasonable and undesirable amounts
21 of land subsidence.

22 44. The Butte Subbasin GSP improperly accepts significant data gaps in place of required
23 disclosure, analysis, and mitigation, and fails to identify reasonable measures and schedules to
24 eliminate data gaps.

25 45. The Butte Subbasin GSP identifies projects and management actions that are
26 ambiguous, unenforceable, and may cause serious harm to the Butte Subbasin.

27 46. The Butte Subbasin GSP and its sustainable management criteria and projects and
28 management actions do not adequately disclose, describe, or address the existing conditions of the

1 Butte Subbasin, outflows from the subbasin, and/or the conditions that will exist after
2 implementation of planned projects and management actions.

3 47. The Butte Subbasin GSP does not adequately support its findings regarding potential
4 overdraft conditions.

5 48. The interests of the beneficial uses and users of groundwater in the basin, and the land
6 uses and property interests potentially affected by the use of groundwater in the basin, were not
7 adequately considered.

8 49. The Butte Subbasin GSP fails to adequately identify and consider Groundwater
9 Dependent Ecosystems, and improperly defers this required identification and consideration.

10 50. The Butte Subbasin GSP fails to adequately consider the impacts of climate change,
11 and improperly defers consideration of climate change impacts and addressing the effects of such
12 impacts on the GSP to vague, undefined, and unenforceable adaptive management measures.

13 51. Defendants failed to adequately respond to comments. Responses that are provided
14 are incomplete, ambiguous, and inadequate. Responses improperly cite documents not included
15 with the GSP and improperly defer to individual GSAs to answer some comments.

16 52. Defendants did not adequately engage the public in planning and adopting the Butte
17 Subbasin GSP.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray for the following relief:

20 1. For an order declaring that Defendants' adoption of the Butte Subbasin GSP is invalid
21 and that the Butte Subbasin GSP is invalid;

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

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

25 4. For such other relief as the Court may deem proper.
26
27
28

1 DATED: February 15, 2022

LAW OFFICE OF ADAM KEATS

2
3 By: Adam Keats

4 Adam Keats
5 Attorney for AquAlliance, California Water Impact
6 Network, and California Sportfishing Protection
7 Alliance

8
9 **VERIFICATION**

10 I, Adam Keats, declare that:

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

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

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

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

21 Executed this 15th day of February, 2022, in San Francisco, California.

22
23 By: Adam Keats

24 Adam Keats