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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MERCED

Coordination Proceeding Special Title (Rule 3.550) CSPA GROUNDWATER CASES	Judicial Council Coordination Proceeding Case No. 5185 Merced Superior Court Case No. 22CV-00203 **~~[PROPOSED]~~ FOURTH AMENDED AND SUPPLEMENTAL COMPLAINT FOR REVERSE VALIDATION AND PETITION FOR WRIT OF MANDATE** [CCP §§ 860, 863, 1085] Action filed: March 16, 2020

For its Fourth Amended and Supplemental Complaint for Reverse Validation and Petition for Writ of Mandate, Plaintiff and Petitioner California Sportfishing Protection Alliance (CSPA or Plaintiff) alleges as follows:

1. Pursuant to the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., no earlier than January 14, 2020, the named Defendants and Respondents (collectively Defendants) in this case finally adopted six groundwater sustainability plans for the Delta-Mendota Subbasin, known as California Department of Water Resources Basin No. 5-22.01, pursuant to SGMA, codified at Water Code section 10720 et seq., which together form one coordinated groundwater sustainability plan pursuant to Water Code section 10727(b)(3). The six groundwater sustainability plans that are components of the coordinated groundwater sustainability plan are:

a. Groundwater Sustainability Plan for the Northern and Central Delta-Mendota Regions ("Northern and Central Delta-Mendota GSP").

b. Groundwater Sustainability Plan for the San Joaquin River Exchange Contractors GSP Group in the Delta-Mendota Subbasin ("SJREC GSP").

c. Groundwater Sustainability Plan for Fresno County Management Area A and Management Area B in the Delta-Mendota Subbasin ("Fresno County GSP").

d. Grassland Groundwater Sustainability Plan ("Grassland GSP").

e. Farmers Water District Groundwater Sustainability Agency Groundwater Sustainability Plan ("Farmers GSP").

f. The Aliso Water District Groundwater Sustainability Agency Groundwater Sustainability Plan ("Aliso GSP").

These six component groundwater sustainability plans are sometimes referred to herein as "component GSPs." The coordinated groundwater sustainability plan is sometimes referred to herein as the "coordinated GSP." The coordinated GSP and six component GSPs are sometimes referred to herein as "coordinated and component GSPs."

2. On or before July 20, 2022, Defendants revised the coordinated and component

GSPs after being directed to do so by the Department of Water Resources ("DWR"). References to the coordinated and component GSPs throughout this Complaint and Petition are to the revised coordinated and component GSPs. References to the changes made in 2022 are referred to as the "2022 Revisions."

JURISDICTION

3. Plaintiff brings this reverse validation action pursuant to Water Code section 10726.6, subdivision (a) and the validation statute at Code of Civil Procedure section 863 and this Petition for Writ of Mandate pursuant to Water Code section 10726.6, subdivision (e) and Code of Civil Procedure section 1085 to challenge the validity of the coordinated GSP and each component GSP on grounds that Defendants violated the procedural requirements of SGMA and the public trust doctrine in adopting the coordinated GSP and component GSPs and the coordinated GSP and each component GSP violate the substantive requirements of SGMA, the public trust doctrine and the waste and unreasonable use doctrine.

PARTIES

4. Plaintiff CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (Plaintiff) is a California non-profit public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife and fishery resources and their aquatic ecosystems and associated riparian habitats.

5. Defendants referred to herein as ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF (1) THE NORTHERN AND CENTRAL DELTA-MENDOTA REGIONS GROUNDWATER SUSTAINABILITY PLAN, (2) THE SAN JOAQUIN RIVER EXCHANGE CONTRACTORS GSP GROUP IN THE DELTA-MENDOTA SUBBASIN GROUNDWATER SUSTAINABILITY PLAN, (3) THE GROUNDWATER SUSTAINABILITY PLAN FOR FRESNO COUNTY MANAGEMENT AREA A AND MANAGEMENT AREA B IN THE DELTA-MENDOTA SUBBASIN, (4) THE GRASSLAND GROUNDWATER SUSTAINABILITY AGENCY GROUNDWATER SUSTAINABILITY PLAN, (5) THE FARMERS WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY GROUNDWATER SUSTAINABILITY PLAN, AND (6) THE ALISO WATER DISTRICT

GROUNDWATER SUSTAINABILITY AGENCY GROUNDWATER SUSTAINABILITY PLAN are all persons interested in the validity of said matter.

6. Plaintiff alleges the identity of each Defendant named in the following paragraphs based on information and belief and on that basis alleges that each such Defendant is a Groundwater Sustainability Agency ("GSA") established pursuant to SGMA with jurisdiction over land or water resources in the geographic area subject to the coordinated and component GSPs or a member of one of the GSAs identified as a Defendant herein with jurisdiction over land or water resources in the geographic area subject to the coordinated and component GSPs.

7. Defendant DM-II GROUNDWATER SUSTAINABILITY AGENCY is a multi-agency GSA comprised of the Del Puerto Water District and Oak Flat Water District, formed by Memorandum of Understanding pursuant to Water Code section 10723.6(a); a member of the GSA Coordination Agreement executed by the Groundwater Sustainability Agencies for the six groundwater sustainability plans identified in paragraph 1 above ("GSA Coordination Agreement"); and an adopting agency for the Northern and Central Delta-Mendota GSP.

8. Defendant DEL PUERTO WATER DISTRICT is a local agency as defined in SGMA and has elected to exercise the powers and authorities of a GSA as a member of Defendant DM-II Groundwater Sustainability Agency.

9. Defendant OAK FLAT WATER DISTRICT is a local agency as defined in SGMA and has elected to exercise the powers and authorities of a GSA as a member of Defendant DM-II Groundwater Sustainability Agency.

10. Defendant PATTERSON IRRIGATION DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the Patterson Irrigation District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

11. Defendant WEST STANISLAUS IRRIGATION DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the West Stanislaus Irrigation District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

12. Defendant CITY OF PATTERSON GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Patterson (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

13. Defendant NORTHWESTERN DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY is a multi-agency GSA comprised of the County of Merced and the County of Stanislaus, formed by Memorandum of Understanding pursuant to Water Code section 10723.6(a) and a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

14. Defendant COUNTY OF MERCED GROUNDWATER SUSTAINABILITY AGENCY is a member of Defendant Northwestern Delta-Mendota Groundwater Sustainability Agency, and an adopting agency for the Northern and Central Delta-Mendota GSP.

15. Defendant CENTRAL DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY is a multi-agency GSA formed by a Joint Powers Agreement (between Eagle Field Water District, a California water district; the County of Fresno, a political subdivision of the State of California; Fresno Slough Water District, a California water district; County of Merced, a political subdivision of the State of California; Mercy Springs Water District, a California water district; Pacheco Water District, a California water district; Panache Water District, a California water district; San Luis Water District, a California water district; Santa Nella County Water District, a California County water district; and Tranquility Irrigation District, a California irrigation district) and an adopting agency on behalf of the parties to said Joint Powers Agreement for the Northern and Central Delta-Mendota GSP.

16. Defendant ORO LOMA WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is GSA formed by the Oro Loma Water District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

17. Defendant WIDREN WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is GSA formed by the Widren Water District (which is a local agency as defined in

SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Northern and Central Delta-Mendota GSP.

18. Defendant SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER AUTHORITY GROUNDWATER SUSTAINABILITY AGENCY is a GSA and joint powers authority organized pursuant to the Joint Exercise of Powers Act consisting of four member agencies (i.e., Central California Irrigation District (a local public agency as defined in section 1072l(m) of SGMA), Firebaugh Canal Water District (a local public agency as defined in section 1072l(m) of SGMA), San Luis Canal Company (a mutual water company), and Columbia Canal Company (a mutual water company)), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

19. Defendant CITY OF FIREBAUGH GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Firebaugh (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

20. Defendant CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Los Banos (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

21. Defendant CITY OF DOS PALOS GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Dos Palos (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

22. Defendant CITY OF DOS PALOS is a local agency as defined in SGMA, a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

23. Defendant CITY OF MENDOTA GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Mendota (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

24. Plaintiff is informed and believes and on that basis alleges that the correct spelling of Defendant TURNER ISLAND WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is TURNER ISLAND WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY - 2, which is a GSA formed by the Turner Island Water District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP; therefore, and on that basis, Plaintiff previously amended the Complaint for Reverse Validation to correct the name of Defendant TURNER ISLAND WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY to TURNER ISLAND WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY - 2.

25. Defendant CITY OF NEWMAN GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Newman (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

26. Defendant CITY OF GUSTINE GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the City of Gustine (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

27. Defendant COUNTY OF MADERA GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the County of Madera (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP.

28. Defendant COUNTY OF FRESNO GROUNDWATER SUSTAINABILITY AGENCY FOR DELTA-MENDOTA MANAGEMENT AREA B is a GSA formed by the County of Fresno (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the SJREC GSP and for Fresno County GSP.

29. Defendant COUNTY OF FRESNO GROUNDWATER SUSTAINABILITY AGENCY FOR DELTA-MENDOTA MANAGEMENT AREA A is a GSA formed by the County of Fresno (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Fresno County GSP.

30. Defendant GRASSLAND GROUNDWATER SUSTAINABILITY AGENCY is a GSA formed by the Grassland Water District and the Grassland Resource Conservation District (which are local agencies as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Grassland GSP.

31. Defendant FARMERS WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is GSA formed by the Farmers Water District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Farmers GSP.

32. Defendant ALISO WATER DISTRICT GROUNDWATER SUSTAINABILITY AGENCY is GSA formed by the Aliso Water District (which is a local agency as defined in SGMA), a member of the GSA Coordination Agreement, and an adopting agency for the Aliso GSP.

33. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 1, and having discovered the true name of the Defendant to be: COUNTY OF MERCED, which is a political subdivision of the State of California, a local agency as defined in the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., and is a member of Defendant Northwestern Delta-Mendota Groundwater Sustainability Agency, and which purported to adopt the Northern and Central Delta-Mendota GSP, previously amended the Complaint for Reverse Validation by substituting the true name, COUNTY OF MERCED, for the fictitious name, DOE 1, wherever DOE 1 appears in this Complaint, and hereby confirms this allegation.

34. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 2, and having discovered the true name of the Defendant to be: COUNTY OF STANISLAUS, which is a political subdivision of the State of California, a local agency as defined in the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., and is a member of Defendant Northwest-

ern Delta-Mendota Groundwater Sustainability Agency, and which purported to adopt the Northern and Central Delta-Mendota GSP, previously amended the Complaint for Reverse Validation by substituting the true name, COUNTY OF STANISLAUS, for the fictitious name, DOE 2, wherever DOE 2 appears in this Complaint, and hereby confirms this allegation.

35. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 3, and having discovered the true name of the Defendant to be: GRASSLAND WATER DISTRICT, which is a local agency as defined in the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., a member of the GSA Coordination Agreement, and which purported to adopt the Grassland GSP, previously amended the Complaint for Reverse Validation by substituting the true name, GRASSLAND WATER DISTRICT, for the fictitious name, DOE 3, wherever DOE 3 appears in this Complaint, and hereby confirms this allegation.

36. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 4, and having discovered the true name of the Defendant to be: GRASSLAND RESOURCE CONSERVATION DISTRICT, which is a local agency as defined in the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., a member of the GSA Coordination Agreement, and which purported to adopt the Grassland GSP, previously amended the Complaint for Reverse Validation by substituting the true name, GRASSLAND RESOURCE CONSERVATION DISTRICT, for the fictitious name, DOE 4, wherever DOE 4 appears in this Complaint, and hereby confirms this allegation.

37. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 5, and having discovered the true name of the Defendant to be: MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY, which is a local agency as defined in the Sustainable Groundwater

Management Act (SGMA), codified at Water Code section 10720 et seq., a member of the GSA Coordination Agreement, and which purported to adopt the SJREC GSP and Grassland GSP, previously amended the Complaint for Reverse Validation by substituting the true name, MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY, for the fictitious name, DOE 5, wherever DOE 5 appears in appears in this Complaint, and hereby confirms this allegation. Moreover, Plaintiff is informed and believes and on that basis alleges that the name COUNTY OF MERCED GROUNDWATER SUSTAINABILITY AGENCY - DELTA MENDOTA is an alternate name for MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY; therefore, and on that basis, Plaintiff hereby amends the Complaint for Reverse Validation to correct the name of Defendant COUNTY OF MERCED GROUNDWATER SUSTAINABILITY AGENCY - DELTA MENDOTA to MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY.

38. Upon the filing of the Complaint for Reverse Validation in this action, Plaintiff, being ignorant of the true name of the Defendant, and having designated the Defendant in the Complaint for Reverse Validation by the fictitious name of DOE 6, and having discovered the true name of the Defendant to be: SAN JOAQUIN RIVER EXCHANGE CONTRACTORS GROUNDWATER SUSTAINABILITY AGENCY, which is a local agency as defined in the Sustainable Groundwater Management Act (SGMA), codified at Water Code section 10720 et seq., and which purported to adopt the SJREC GSP, previously amended the Complaint for Reverse Validation by substituting the true name, SAN JOAQUIN RIVER EXCHANGE CONTRACTORS GROUNDWATER SUSTAINABILITY AGENCY, for the fictitious name, DOE 6, wherever DOE 6 appears in the Complaint for Reverse Validation, and hereby confirms this allegation.

39. Plaintiff does not know the true names and capacities of Defendants fictitiously named herein as DOES 7 through 500, inclusive. Plaintiff is informed and believes, and thereon alleges, that such fictitiously named Defendants are responsible in some manner for the acts or omissions complained of herein. Plaintiff will amend this Petition to allege the fictitiously named Defendants' true names and capacities when ascertained.

40. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the Northern and Central Delta-Mendota GSP—namely, DM-II Groundwater Sustainability Agency; Del Puerto Water District; Oak Flat Water District; Patterson Irrigation District Groundwater Sustainability Agency; West Stanislaus Irrigation District Groundwater Sustainability Agency; City of Patterson Groundwater Sustainability Agency; Northwestern Delta-Mendota Groundwater Sustainability Agency; County of Merced Groundwater Sustainability Agency; Oro Loma Water District Groundwater Sustainability Agency; Widren Water District Groundwater Sustainability Agency; County of Merced; and County of Stanislaus—collectively as the "Northern and Central Delta-Mendota GSP Defendants."

41. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the SJREC GSP—namely, San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Agency; City of Firebaugh Groundwater Sustainability Agency; City of Los Banos Groundwater Sustainability Agency; City of Dos Palos Groundwater Sustainability Agency; City of Dos Palos; City of Mendota Groundwater Sustainability Agency; Turner Island Water District Groundwater Sustainability Agency - 2; City of Newman Groundwater Sustainability Agency; City of Gustine Groundwater Sustainability Agency; County of Madera Groundwater Sustainability Agency; County of Fresno Groundwater Sustainability Agency for Delta-Mendota Management Area B; Merced County Delta-Mendota Groundwater Sustainability Agency; and San Joaquin River Exchange Contractors Groundwater Sustainability Agency—collectively as the "SJREC GSP Defendants."

42. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the Fresno County GSP—namely, County of Fresno Groundwater Sustainability Agency for Delta-Mendota Management Area B; and County of Fresno Groundwater Sustainability Agency for Delta-Mendota Management Area A—collectively as the "Fresno County GSP Defendants."

43. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the Grassland GSP—namely, Grassland Groundwater Sustainability Agency; Grassland Water District; Grassland Resource Conservation District; and Merced County Delta-

Mendota Groundwater Sustainability Agency—collectively as the "Grassland GSP Defendants."

44. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the Farmers GSP—namely, Farmers Water District Groundwater Sustainability Agency—collectively as the "Farmers GSP Defendants."

45. Plaintiff hereafter refers to the above-named Defendants who have adopted or have purported to adopt the Aliso GSP—namely, Aliso Water District Groundwater Sustainability Agency—collectively as the "Aliso GSP Defendants."

VENUE

46. Venue is proper in Merced County pursuant to Code of Civil Procedure section 863 and Water Code section 10726.6, subdivisions (a) and (b).

47. Venue is also proper in Merced County for this coordinated action because of an order of the Judicial Council directing that the challenges to the component and coordinated GSPs be coordinated in this action in the Superior Court for the County of Merced.

STANDING

48. Plaintiff and its members are beneficially interested in Defendants' full compliance with SGMA. Plaintiff and its members are and have been directly harmed by Defendants' failures to sustainably manage groundwater in the past and will be harmed by Defendants' unlawful behavior in the future. This harm takes the form of impacts to fisheries, ecosystems, and habitats on which Plaintiff and its members rely for, *inter alia*, research, ecological and scenic value, and recreation. Defendants owed a mandatory duty to comply with SGMA, the public trust doctrine, and the waste and unreasonable use doctrine before approving the coordinated GSP and component GSPs. Plaintiff has the right to enforce the mandatory duties that the law imposes on Defendants.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

49. Plaintiff was not required to exhaust administrative remedies because SGMA does not provide for any administrative remedy that must be exhausted before bringing suit. SGMA does not require that a party file comments or appear at a public hearing before bringing a challenge to a GSP. And Defendants provided no effective administrative remedy that could have been exhausted prior to the adoption of the GSP.

50. In the alternative, CSPA exhausted any administrative remedies that may exist by submitting comments on, *inter alia*, August 19, 2019 and May 15, 2020. These comments, in concert with comments filed by other NGOs and federal and state agencies, raised all substantive issues required to be raised in order to satisfy any exhaustion requirement that may exist.

51. With respect to the 2022 Revisions, SGMA does not provide for any administrative remedy that must be exhausted before bringing suit and/or supplementing an existing action. And Defendants provided no effective administrative remedy that could have been exhausted prior to the 2022 Revisions.

TIMELINESS

52. Plaintiff timely filed this reverse validation action by filing within 60 days of the adoption of the last component GSP of the coordinated GSP. (Wat. Code § 10726.6, subd. (a), Code Civ. Proc. §§ 860, 863.) The last adoption of a component GSP, the West Stanislaus Irrigation District GSA's adoption of the Northern and Central Delta-Mendota GSP, occurred on January 14, 2020. Before that date, no coordinated GSP existed. CSPA filed this action on March 16, 2020.

53. This reverse validation action is additionally timely because it was filed less than 240 days after the adoption of the coordinated GSP. (Wat. Code § 10726.6, subd. (a).)

54. This petition for writ of mandate is timely filed because it was filed within three years of the adoption of the coordinated GSP. (Wat. Code § 10726.6, subd. (e), Code Civ. Proc. § 338.)

55. This supplemental complaint and petition is timely filed within 60 days of the approval of the Revised GSP. Widren Water District GSP approved the revisions to the Northern and Central Delta-Mendota GSP on June 28, 2022. CSPA filed this Fourth Amended and Supplemental Complaint, attached to its Motion for Leave to Fourth Amended and Supplemental Complaint on or before August 29, 2022.

PRIVATE ATTORNEY GENERAL DOCTRINE

56. Plaintiff brings this action as private attorneys general pursuant to Code of Civil Procedure § 1021.5, and any other applicable legal theory, to enforce important rights affecting the public interest. Issuance of the relief requested in this Complaint will confer a significant benefit

on a large class of persons by ensuring that Defendants approve valid coordinated and component GSPs that comply with SGMA and other governing laws.

LEGAL FRAMEWORK

57. In 2014, the Legislature adopted SGMA, which authorizes local agencies in California to form GSAs. GSAs must adopt GSPs to achieve SGMA's goal of sustainable groundwater management. (Wat. Code §§ 10720.1(a) ["it is the intent of the Legislature to . . . provide for the sustainable management of groundwater basins"]; 10725(b); 10727(a); 10727.2(b).) "Sustainable groundwater management" means "the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results." (Wat. Code § 10721(v).)

58. "Undesirable results" include: (1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods; (2) Significant and unreasonable reduction of groundwater storage; (3) Significant and unreasonable seawater intrusion; (4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies; (5) Significant and unreasonable land subsidence that substantially interferes with surface land uses; (6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water. (Wat. Code § 10721(x).)

59. The purpose of a GSP is to facilitate the achievement of a basin's sustainability goal (Wat. Code § 10727(a)), which is the "implementation of measures targeted to ensure that the applicable basin is operated within its sustainable yield" (Wat. Code § 10721(u)). GSPs must "meet the sustainability goal established pursuant to this part" (Wat. Code § 10727(a)) and include: "(1) Measurable objectives, as well as interim milestones in increments of five years, *to achieve the sustainability goal* in the basin within 20 years of the implementation of the plan. (2) A description of how the plan helps meet each objective and how each objective is intended to

achieve the sustainability goal for the basin for long-term beneficial uses of groundwater." (Wat. Code § 10727.2(b).)

60. A basin's "sustainable yield" is "the maximum quantity of water . . . that can be withdrawn annually from a groundwater supply without causing an undesirable result." (Wat. Code § 10721(w).) Thus, a GSP must facilitate achieving no depletions of interconnected surface waters that have significant and unreasonable adverse impacts on the beneficial uses of the surface water in a basin.

61. SGMA authorizes DWR to adopt, and DWR has adopted, regulations governing the contents of and DWR's review of GSPs. (Wat. Code § 10733.2; Cal. Code Regs., tit. 23, § 350 et seq. (DWR Rules).) When a GSA adopts a GSP, it must submit the GSP to DWR for review and DWR must complete its review within two years. (Wat. Code § 10733.4(a), (d).) DWR's role is to "issue an assessment of the plan" and "the assessment may include recommended corrective actions to address any deficiencies identified by the department." (Wat. Code § 10733.4(d).) DWR must either "approve" a GSP or determine it to be "incomplete" or "inadequate." (Wat. Code § 10733.4(d); DWR Rules § 355.2(e).) A DWR finding that a plan is "inadequate" provides the State Water Resources Control Board (Board) with authority to place a basin in "probationary" status, which may lead to the Board adopting a GSP for the affected groundwater basin and imposing fees on landowners and groundwater extractors in the basin. (Wat. Code §§ 10735.8; 10736.6.)

62. Each GSP must include a water budget, which is "an accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored." (Wat. Code § 10721(y).) SGMA requires consideration of the interests of all beneficial uses and users of groundwater, which include "surface water users, if there is a hydrologic connection between surface and groundwater bodies." (Wat. Code § 10723.2(f).) GSPs must also identify "groundwater dependent ecosystems" (Wat. Code § 10723.2(g)) which are "ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface" (DWR Rules § 351(m)). GSPs must also identify minimum thresholds for depletions of interconnected surface water, which are "the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the sur-

face water and may lead to undesirable results." (DWR Rules § 354.28(6).) Thus, both SGMA and the regulations require DWR to consider the interactivity between groundwater pumping and interconnected surface water.

63. SGMA requires that DWR must determine if a GSP "is likely to achieve the sustainability goal for the basin." (Wat. Code § 10733(a).) DWR's Rules additionally provide:

> The Department shall evaluate a Plan that satisfies the requirements of Subsection (a) to determine whether the Plan, either individually or in coordination with other Plans, complies with the Act and substantially complies with the requirements of this Subchapter. Substantial compliance means that the supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable, in the judgment of the Department, to evaluate the Plan, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal for the basin, or the ability of the Department to evaluate the likelihood of the Plan to attain that goal. When evaluating whether a Plan is likely to achieve the sustainability goal for the basin, the Department shall consider the following:
>
> (1) Whether the assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim milestones are reasonable and supported by the best available information and best available science.
>
> (2) Whether the Plan identifies reasonable measures and schedules to eliminate data gaps.
>
> (3) Whether sustainable management criteria and projects and management actions are commensurate with the level of understanding of the basin setting, based on the level of uncertainty, as reflected in the Plan.
>
> (4) Whether the interests of the beneficial uses and users of groundwater in the basin, and the land uses and property interests potentially affected by the use of groundwater in the basin, have been considered.
>
> (5) Whether the projects and management actions are feasible and likely to prevent undesirable results and ensure that the basin is operated within its sustainable yield.
>
> (6) Whether the Plan includes a reasonable assessment of overdraft conditions and includes reasonable means to mitigate overdraft, if present.
>
> (7) Whether the Plan will adversely affect the ability of an adjacent basin to implement its Plan or impede achievement of its sustainability goal.
>
> (8) Whether coordination agreements, if required, have been adopted by all relevant parties, and satisfy the requirements of the Act and this Subchapter.
>
> (9) Whether the Agency has the legal authority and financial resources necessary to implement the Plan.
>
> (10) Whether the Agency has adequately responded to comments that raise

credible technical or policy issues with the Plan.

(DWR Rules § 355.4(b).)

64. The DWR Rules place additional specific requirements on GSAs when establishing sustainable management criteria, undesirable results, minimum thresholds, and measurable objectives. For example and without limitation, GSAs must define undesirable results by including "The criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator." (DWR Rules § 354.26(b).) These criteria "shall be based on a quantitative description of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin." (*Ibid.*) GSAs must likewise quantify minimum thresholds using a "numeric value" that represents a "point in the basin that, if exceeded, may cause undesirable results." (DWR Rules § 354.28(a).) The description of minimum thresholds must include, *inter alia*, supporting information and data, an explanation of how the minimum threshold will avoid undesirable results in the basin and in adjacent basins, an explanation of how the minimum thresholds may affect the interests of beneficial uses and users, and an explanation of each minimum threshold will be measured and monitored. (DWR Rules § 354.28(b).) The minimum threshold for depletions of interconnected surface water must be "the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results." (DWR Rules § 354.28(c)(6).) The GSA must support this minimum threshold by providing "The location, quantity, and timing of depletions of interconnected surface water" and a "description of the groundwater and surface water model used to quantify surface water depletion" or an "equally effective method, tool, or analytical model." (DWR Rules § 354.28(c)(6)(A)-(B).) And each GSA must establish measurable objectives, including 5-year interim milestones, for each sustainability indicator "based on quantitative values using the same metrics and monitoring sites as used to define the minimum thresholds." (DWR Rules § 354.28(a), (b), (c).) GSPs must also include monitoring of "sufficient quality, frequency, and distribution to characterize groundwater and related surface water conditions in the basin and evaluate changing conditions that occur through implementation of the Plan." (DWR Rules § 354.32.)

65. The reasonable and beneficial use doctrine, to which SGMA expressly must comply (Wat. Code § 10720.1(b)), is codified in the California Constitution. It requires that "the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare." (Cal. Const., art. X, § 2; see also *United States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82, 105 ["[S]uperimposed on those basic principles defining water rights is the overriding constitutional limitation that the water be used as reasonably required for the beneficial use to be served."].)

66. The public trust doctrine applies to the waters of the State, and establishes that "the state, as trustee, has a duty to preserve this trust property from harmful diversions by water rights holders" and that thus "no one has a vested right to use water in a manner harmful to the state's waters." The public trust doctrine applies to groundwater where there is a hydrological connection between the groundwater and a navigable surface water body. (*Environmental Law Foundation v. State Water Resources Control Bd.* (2018) 26 Cal.App.5th 844 (*ELF*); *United States v. State Water Resources Control Bd.*, *supra*,182 Cal.App.3d at 106; see also *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 426 ["[B]efore state courts and agencies approve water diversions they should consider the effect of such diversions upon interests protected by the public trust, and attempt, so far as feasible, to avoid or minimize any harm to those interests."].) In *ELF*, the court held that the public trust doctrine applies to "the extraction of groundwater that adversely impacts a navigable waterway" and that the government has an affirmative duty to take the public trust into account in the planning and allocation of water resources. (*ELF*, *supra*, 26 Cal.App.5th at 856-62.) The court also specifically held that SGMA does not supplant the requirements of the common law public trust doctrine. (*Id.* at 862-70.) The public trust doctrine imposes an "affirmative duty on the state to act on behalf of the people to protect their interest in navigable water." (*Id.* at 857.) The doctrine is expansive and flexible—public trust uses include not only navigation, commerce, and fishing, but also hunting, bathing and swimming. (*Ibid.)* Further, "an increasingly important public use is the preservation of trust lands 'in their natural state, so that they may serve as ecological units for scien-

tific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area.' " (*Ibid.* [quoting *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 234].)

67. *ELF* held that the State Board's public trust obligation was independent of, and not limited by, its authority to oversee permitting. (*Id.* at 862 [quoting *National Audubon Society*, *supra*, 33 Cal.3d at 446-47].) Relying on *National Audubon Society v. Superior Court*, *ELF* held that state agencies have "an affirmative duty to take the public trust into account in the planning and allocation of water resources and to protect public trust uses whenever feasible." Further, *ELF* held that "SGMA does not . . . replace or fulfill public trust duties, or scuttle decades of decisions upholding, defending, and expanding the public trust doctrine." (*Ibid.*)

68. GSAs must comply with the holding of *Environmental Law Foundation v. State Water Resources Control Board* in deciding to adopt or approve GSPs. Pursuant to *ELF*, GSAs must: (1) identify any public trust resources within each basin; (2) identify any public trust uses within each basin; (3) identify and analyze the potential adverse impact of groundwater extractions on public trust resources and uses; and (4) determine the feasibility of protecting public trust uses and protect such uses "whenever feasible."

69. In 2019, the California Department of Fish & Wildlife ("CDFW") published "Fish & Wildlife Groundwater Planning Considerations" specifically to provide guidance to GSAs in their efforts to draft GSPs that adequately address both "Groundwater Dependent Ecosystems" ("GDEs") and "Interconnected Surface Waters" ("ISW"). This guide book provides important criteria for judging whether a groundwater sustainability plan adequately addresses these issues.

70. With respect to Interconnected Surface Waters, CDFW's Groundwater Planning Considerations pose three questions that GSPs should answer:

> 1. How will groundwater plans document the timing, quantity, and location of ISW [Interconnected Surface Waters] depletions attributable to groundwater extraction and determine whether these depletions will impact fish and wildlife?
>
> 2. How will GSAs determine if fish and wildlife are being adversely impacted by groundwater management impacts on ISW?
>
> 3. If adverse impacts to ISW-dependent fish and wildlife are observed, how will GSAs facilitate appropriate and timely monitoring and

management response actions?

The coordinated GSP and component GSPs answer none of these questions.

71. CDFW's Groundwater Planning Considerations provide a detailed description of the factors that must be included in GSPs to evaluate impacts on fish and wildlife stream flow depletion from groundwater pumping, including factors relating to species life cycle (e.g., temporal water needs ["aquatic and terrestrial species require different quantities and qualities of water at different times and for different durations"]; spatial water needs ["similar to temporal water needs, species are sensitive to the location and coverage of ISW and GDE wetland habitat available to them"]; hydrologic variability ["water availability is naturally variable, and many species rely on a degree of hydrologic variability"]; water availability ["CDFW expects groundwater budget projections to include fish and wildlife water needs"]; water quality ["Groundwater quality and ISW quality play a significant role in habitat adequacy. Groundwater pumping can impact many components of water quality . . ."]) and factors relating to habitat value (e.g., connectivity ["Habitat connectivity is a key ecological attribute of thriving ecosystems"]; heterogeneity ["Habitat heterogeneity, such as vegetation age and diversity, is a key ecological attribute of many functional ecosystems . . ."]; groundwater elevation ["Groundwater-dependent habitats, including ISW, are particularly susceptible to changes in the depth of the groundwater"].)[1]

72. The coordinated and component GSPs do not include any analysis of these factors, nor do any of them propose a plan or protocol to do so in the future.

[1] "Lowered water tables that drop beneath root zones can cutoff phreatophyte vegetation from water resources, stressing or ultimately converting vegetated terrestrial habitat. Induced infiltration attributable to groundwater pumping can reverse hydraulic gradients and may cause streams to stop flowing, compromising instream dissolved oxygen and temperature characteristics, and eventually causing streams to go dry. The frequency and duration of exposure to lowered groundwater tables and low-flow or no-flow conditions caused by groundwater pumping, as well as habitat and species resilience, will dictate vulnerability to changes in groundwater elevation. For example, some species rely on perennial instream flow, and any interruption to flow can risk species survival. Impacts caused by changes in groundwater elevation should be considered in the evaluation of groundwater management effects on GDEs and ISW." (CDFW, Fish & Wildlife Groundwater Planning Considerations (2019) at p. 11, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=170185, accessed February 9, 2022.)

THE COORDINATION AGREEMENT

73. SGMA provides: "A groundwater sustainability plan may be any of the following: (1) A single plan covering the entire basin developed and implemented by one groundwater sustainability agency. (2) A single plan covering the entire basin developed and implemented by multiple groundwater sustainability agencies. (3) Subject to Section 10727.6, multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin." (Wat. Code § 10727.6.)

74. Water Code section 10727.6 provides: "Groundwater sustainability agencies intending to develop and implement multiple groundwater sustainability plans pursuant to paragraph (3) of subdivision (b) of Section 10727 shall coordinate with other agencies preparing a groundwater sustainability plan within the basin to ensure that the plans utilize the same data and methodologies for the following assumptions in developing the plans: (a) Groundwater elevation data. (b) Groundwater extraction data. (c) Surface water supply. (d) Total water use. (e) Change in groundwater storage. (f) Water budget. (g) Sustainable yield." The DWR Rules place more specific requirements on coordinated GSPs. Plans must be based on a "consistent interpretation of the basin setting." (DWR Rules § 357.4(a). They must also include, *inter alia*, a "coordinated water budget," "sustainable yield for the basin," including "a description of the undesirable results for the basin" and an "explanation of how the minimum thresholds and measureable objectives defined by each Plan relate to those undesirable results, based on information described in the basin setting." (DWR Rules § 357.4(b)(3).) Coordinated GSPs must also include a "coordinated data management system" that complies with the Rules. (DWR Rules § 357.4(e).)

75. The GSAs named as Defendants herein entered into a coordination agreement pursuant to Water Code section 10727(b)(3) and adopted the six GSPs challenged in this action, which are "coordinated pursuant to a single coordination agreement that covers the entire basin," which is the Delta-Mendota Subbasin, known as California Department of Water Resources Basin No. 5-22.01. Pursuant to Water Code section 10727.6 and the coordination agreement, the six GSPs purport to "utilize the same data and methodologies for the following assumptions in developing the plans: (a) Groundwater elevation data. (b) Groundwater extraction data. (c) Surface wa-

ter supply. (d) Total water use. (e) Change in groundwater storage. (f) Water budget. (g) Sustainable yield." Thus, the six GSPs challenged in this action are interdependent with respect to their calculation of water budgets and sustained yield goals as they share a "Common Chapter" that presents their water budget calculations.

76. The six GSPs challenged in this action also share reliance on implementing common projects and management actions in attempting to achieve sustainable yield of groundwater.

77. Therefore, the six GSPs challenged in this action together form one groundwater sustainability plan and are referred to herein as the "coordinated GSP and component GSPs."

FACTUAL BACKGROUND

78. Three distinct runs of Chinook Salmon as well as Central Valley steelhead spawn in the Sacramento-San Joaquin River system, named for the season when the majority of the run enters freshwater as adults. Two of these, Central Valley spring-run Chinook Salmon and Central Valley steelhead, are listed as "threatened" under the Federal Endangered Species Act ("ESA"). Fall-run and late-fall-run Chinook Salmon are listed as "species of concern" under the ESA.

79. Fall-run Chinook Salmon migrate upstream as adults from July through December and spawn from early October through late December. The timing of runs varies from stream to stream. Late-fall-run Chinook Salmon migrate into the rivers from mid-October through December and spawn from January through mid-April. The majority of young salmon of these runs migrate to the ocean during the first few months following emergence, although some may remain in freshwater and migrate as yearlings.

80. Spring-run Chinook Salmon enter the Sacramento River from late March through September. Adults hold in cool water habitats through the summer, then spawn in the fall from mid-August through early October. Spring run juveniles migrate soon after emergence as young-of-the-year, or remain in freshwater and migrate as yearlings. [2]

81. Fall-run Chinook Salmon are currently the most abundant of the Central Valley races, contributing to large commercial and recreational fisheries in the ocean and popular sport fish-

[2] https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon

eries in the freshwater streams. Fall-run Chinook Salmon are raised at five major Central Valley hatcheries which release more than 32 million smolts each year. Due to concerns over population size and hatchery influence, Central Valley fall and late-fall-run Chinook Salmon are a Species of Concern under the federal Endangered Species Act.[3]

82. The National Marine Fisheries' Service's ("NMFS") proposed decision to list Central Valley steelhead as "threatened" under the federal ESA states:

> This coastal steelhead ESU occupies the Sacramento and San Joaquin Rivers and their tributaries. In the San Joaquin Basin, however, the best available information suggests that the current range of steelhead has been limited to the Stanislaus, Tuolumne, and Merced Rivers (tributaries), and the mainstem San Joaquin River to its confluence with the Merced River by human alteration of formerly available habitat. The Sacramento and San Joaquin Rivers offer the only migration route to the drainages of the Sierra Nevada and southern Cascade mountain ranges for anadromous fish. The distance from the Pacific Ocean to spawning streams can exceed 300 km, providing unique potential for reproductive isolation among steelhead. The Central Valley is much drier than the coastal regions to the west, receiving on average only 10– 50 cm of rainfall annually. The valley is characterized by alluvial soils, and native vegetation was dominated by oak forests and prairie grasses prior to agricultural development. Steelhead within this ESU have the longest freshwater migration of any population of winter steelhead.
>
> [. . .]
>
> In the San Joaquin River Basin, there is little available historic or recent information on steelhead distribution or abundance. According to McEwan and Jackson (1996), there are reports of a small remnant steelhead run in the Stanislaus River. Also, steelhead were observed in the Tuolumne River in 1983, and large rainbow trout (possibly steelhead) have been observed at Merced River Hatchery recently. NMFS concludes that the Central Valley steelhead ESU is presently in danger of extinction. Steelhead have already been extirpated from most of their historical range in this ESU. Habitat concerns in this ESU focus on the widespread degradation, destruction, and blockage of freshwater habitats within the region, and the potential results of continuing habitat destruction and water allocation problems.

(Federal Register, Vol. 61, No. 155, August 9, 1996, p. 41554.)

> Steelhead on the west coast of the United States have experienced declines in abundance in the past several decades as a result of natural and human factors. Forestry, agriculture, mining, and urbanization have degraded, simplified, and fragmented habitat. Water diversions for agriculture, flood control, domestic, and hydropower purposes (especially in the Columbia River and Sacramento-San Joaquin Basins) have greatly reduced or eliminated historically accessible habitat. Studies indicate that in most western states, about 80 to 90 percent of the historic riparian habitat has been eliminated.

[3] *Ibid.*

> Further, it has been estimated that during the last 200 years, the lower 48 states have lost approximately 53 percent of all wetlands and the majority of the rest are severely degraded. Washington and Oregon's wetlands are estimated to have diminished by one-third, while California has experienced a 91-percent loss of its wetland habitat. Loss of habitat complexity has also contributed to the decline of steelhead. For example, in national forests in Washington, there has been a 58-percent reduction in large, deep pools due to sedimentation and loss of pool-forming structures such as boulders and large wood. Similarly, in Oregon, the abundance of large, deep pools on private coastal lands has decreased by as much as 80 percent. Sedimentation from land use activities is recognized as a primary cause of habitat degradation in the range of west coast steelhead.

(Federal Register, Vol. 61, No. 155, August 9, 1996, p. 41557.)

83. NMFS' final decision to list Central Valley steelhead as "threatened" under the federal ESA states:

> Modification of natural flow regimes have resulted in increased water temperatures, changes in fish community structures, depleted flow necessary for migration, spawning, rearing, flushing of sediments from spawning gravels, reduced gravel recruitment and the transport of large woody debris. In addition to these indirect effects from dams and other water control structures, they have also resulted in increased direct mortality of adult and juvenile steelhead.

(Federal Register, Vol. 71, No. 3, p. 856.)

84. NMFS's proposed decision to list Central Valley spring-run Chinook salmon as "threatened" under the federal ESA states:

> Chinook salmon (O. tshawytscha) are easily distinguished from other Oncorhynchus species by their large size. Adults weighing over 120 pounds have been caught in North American waters. . . . Chinook salmon are anadromous and semelparous. This means that as adults, they migrate from a marine environment into the fresh water streams and rivers of their birth (anadromous) where they spawn and die (semelparous). Adult female chinook will prepare a spawning bed, called a redd, in a stream area with suitable gravel composition, water depth and velocity. . . . Stream flow, gravel quality, and silt load all significantly influence the survival of developing chinook salmon eggs.

(Federal Register, Vol. 63, No. 45, p. 11483.)

> Native spring chinook salmon have been extirpated from all tributaries in the San Joaquin River Basin, which represents a large portion of the historic range and abundance of the ESU as a whole. The only streams considered to have wild spring-run chinook salmon are Mill and Deer Creeks, and possibly Butte Creek (tributaries to the Sacramento River), and these are relatively small populations with sharply declining trends. Demographic and genetic risks due to small population sizes are thus considered to be high.
>
> Habitat problems are the most important source of ongoing risk to this ESU. Spring-run fish cannot access most of their historical spawning and rearing habitat in the Sacramento and San Joaquin River Basins (which

> is now above impassable dams), and current spawning is restricted to the mainstem and a few river tributaries in the Sacramento River. The remaining spawning habitat accessible to fish is severely degraded. Collectively, these habitat problems greatly reduce the resiliency of this ESU to respond to additional stresses in the future. The general degradation of conditions in the Sacramento River Basin (including elevated water temperatures, agricultural and municipal diversions and returns, restricted and regulated flows, entrainment of migrating fish into unscreened or poorly screened diversions, and the poor quality and quantity of remaining habitat) has severely impacted important juvenile rearing habitat and migration corridors

(Federal Register, Vol. 63, No. 45, p. 11491-92.)

85. NMFS's final decision to designate critical habitat for Central Valley steelhead and Central Valley spring-run Chinook salmon under the federal ESA states, regarding these species' life cycle and habitat needs:

> Juveniles and subadults typically spend from 1 to 5 years foraging over thousands of miles in the North Pacific Ocean before returning to spawn. Some species, such as coho and Chinook salmon, have precocious life history types (primarily male fish known as "jacks") that mature and spawn after only several months in the ocean. Spawning migrations known as "runs" occur throughout the year, varying by species and location. Most adult fish return or "home" with great fidelity to spawn in their natal stream, although some do stray to non-natal streams. Salmon species die after spawning, except anadromous O. mykiss (steelhead), which may return to the ocean and make one or more repeat spawning migrations. This complex life cycle gives rise to complex habitat needs, particularly during the freshwater phase (see review by Spence et al., 1996). Spawning gravels must be of a certain size and free of sediment to allow successful incubation of the eggs. Eggs also require cool, clean, and well oxygenated waters for proper development. Juveniles need abundant food sources, including insects, crustaceans, and other small fish. They need places to hide from predators (mostly birds and bigger fish), such as under logs, root wads and boulders in the stream, and beneath overhanging vegetation. They also need places to seek refuge from periodic high flows (side channels and off channel areas) and from warm summer water temperatures (cold water springs and deep pools). Returning adults generally do not feed in fresh water but instead rely on limited energy stores to migrate, mature, and spawn. Like juveniles, they also require cool water and places to rest and hide from predators. During all life stages salmon require cool water that is free of contaminants. They also require rearing and migration corridors with adequate passage conditions (water quality and quantity available at specific times) to allow access to the various habitats required to complete their life cycle.

(Federal Register, Vol. 70, No. 170, p. 52519.)

86. NMFS's final decision to designate critical habitat for Central Valley steelhead and Central Valley spring-run Chinook salmon also discusses the required scale for analyzing impacts on these species:

> We are now also able to identify "specific areas" (ESA section 3(5)(a)) and

> "particular areas" (ESA section 4(b)(2)) at a finer scale than in 2000. As described in the proposed rule, we have used the State of California's CALWATER watershed classification system, which is similar to the USGS watershed classification system that was used for salmonid critical habitat designations in the Northwest. This information is now generally available via the internet, and we have expanded our GIS resources to use these data. We used the CALWATER Hydrologic Subarea (HSA) unit (which is generally similar in size to USGS HUC5s) to organize critical habitat information systematically and at a scale that, while somewhat broad geographically, is applicable to the spatial distribution of salmon. Organizing information at this scale is especially relevant to salmonids, since their innate homing ability allows them to return to the watersheds where they were born. Such site fidelity results in spatial aggregations of salmonid populations that generally correspond to the area encompassed by HSA watersheds or aggregations of these watersheds.
>
> The CALWATER system maps watershed units as polygons, bounding a drainage area from ridge-top to ridgetop, encompassing streams, riparian areas and uplands. Within the boundaries of any HSA watershed, there are stream reaches not occupied by the species. Land areas within the CALWATER HSA boundaries are also generally not "occupied" by the species (though certain areas such as flood plains or side channels may be occupied at some times of some years). We used the watershed boundaries as a basis for aggregating occupied stream reaches, for purposes of delineating "specific"' areas at a scale that often corresponds well to salmonid population structure and ecological processes. This designation refers to the occupied stream reaches within the watershed boundary as the "habitat area'" to distinguish it from the entire area encompassed by the watershed boundary. Each habitat area was reviewed by the CHARTs to verify occupation, PCEs, and special management considerations (see "Critical Habitat Analytical Review Teams" section below).
>
> The watershed-scale aggregation of stream reaches also allowed us to analyze the impacts of designating a "particular area,"' as required by ESA section 4(b)(2). As a result of watershed processes, many activities occurring in riparian or upland areas and in nonfish-bearing streams may affect the physical or biological features essential to conservation in the occupied stream reaches. The watershed boundary thus describes an area in which Federal activities have the potential to affect critical habitat (Spence et al., 1996). Using watershed boundaries for the economic analysis ensured that all potential economic impacts were considered. Section 3(5) defines critical habitat in terms of "specific areas," and section 4(b)(2) requires the agency to consider certain factors before designating "'particular areas." In the case of Pacific salmonids, the biology of the species, the characteristics of its habitat, the nature of the impacts and the limited information currently available at finer geographic scales made it appropriate to consider "specific areas"' and "particular areas" as the same unit.

(Federal Register, Vol. 70, No. 170, p. 52520.)

87. Groundwater pumping affects habitat for listed and vulnerable species by, inter alia, lowering groundwater tables, decreasing surface water flows, increasing water temperatures, and degrading water quality. All of these impacts and more could be addressed by adequate GSPs, but are not by the coordinated and component GSPs.

SUPPLEMENTAL PROCEDURAL HISTORY

88. Defendant WEST STANISLAUS IRRIGATION DISTRICT GROUNDWATER SUSTAINABILITY AGENCY was the last GSA to adopt a component GSP, adopting the "Northern and Central Delta-Mendota GSP no earlier than January 14, 2020.

89. Plaintiff filed its action in Stanislaus Superior Court on March 16, 2020.

90. On or about May 15, 2020, CSPA filed a comment letter with DWR regarding the coordinated and component GSPs. CSPA also moved to stay the action, based on the doctrine of "primary jurisdiction," until DWR rendered its decision on the coordinated and individual GSPs.

91. The following defendants filed answers in the Stanislaus Action in June 2020: DM-II Groundwater Sustainability Agency, Patterson Irrigation, West Stanislaus Irrigation District, City of Patterson Groundwater Sustainability Agency, Northwestern Delta-Mendota Groundwater Sustainability Agency, Stanislaus County, Central Delta-Mendota Groundwater Sustainability Agency, Ora Loma District Groundwater Sustainability Agency, and Widren Water District Groundwater Sustainability Agency.

92. In June 2020, the GSAs who adopted the other five individual GSPs (i.e., SJREC GSAs, Aliso GSA, Fresno GSA, Farmers GSA, and Grasslands GSA) challenged venue in Stanislaus County. These GSAs filed motions seeking to move claims regarding individual GSPs to the counties in which the principal offices of the adopting GSAs are located (i.e., to their "home" counties). The SJREC GSAs filed a motion to transfer to a neutral county or in the alternative to Merced County and a motion for separate trial. The Grasslands GSA filed a motion to sever the Grassland Groundwater Sustainability Plan claims and a motion for transfer of venue; the Aliso GSA filed a motion to change venue and sever; the Farmers GSA filed a motion to sever and/or to transfer and change venue; and the Fresno GSA filed a motion to sever and transfer.

93. On December 3, 2020, the trial court entered its order granting the motions to sever and transfer venue. As a result, the claims against the Grassland GSP and its adopting agencies as well as the SJREC GSP and its adopting agencies were transferred to Merced County. Claims against the Farmers GSP and its adopting agency and the Fresno County GSP and its adopting agencies were transferred to Fresno County. And claims against the Aliso GSP and its adopting

agency were transferred to Madera County. The action against the Northern Central Delta-Mendota GSP and its adopting agencies remained in Stanislaus County.

94. On or about June 15, 2021, Plaintiff filed a Petition for Coordination with the Judicial Council of California asking that the cases be coordinated before a single judge.

95. On or about October 15, 2021, the Honorable Sonny S. Sandhu of the Stanislaus County Superior Court, acting as coordination motion judge, entered an order granting the Petition for Coordination.

96. On or about November 15, 2021, the Chair of the Judicial Council issued an order authorizing the Presiding Judge of the Merced County Superior Court to assign a coordination trial judge. This order was later amended, on or about March 15, 2022, to correct a typographical error.

97. On or about February 1, 2022, the Presiding Judge of the Merced County Superior Court assigned the Hon. Carol. K. Ash to sit as coordination trial judge in the coordinated action.

98. On or about January 21, 2022, DWR issued its determination (the "Determination Letter") that the component and coordinated GSP was "incomplete" pursuant to Section 355.2(e)(2) of the DWR Rules.

99. Pursuant to the DWR Rules and the Determination letter, the Defendant GSPs had 180 days to revise and resubmit the component and coordinated GSP to DWR.

100. On or before July 20, 2022, Defendants revised and resubmitted their GSPs to DWR.

FIRST CAUSE OF ACTION

(Reverse Validation Action for Violations of SGMA, Public Trust Doctrine, Waste and Unreasonable Use Doctrine: All Defendants)

101. Plaintiff hereby realleges and incorporates the preceding paragraphs of this Complaint as though set forth herein in full.

102. Defendants did not follow the procedures required by SGMA before adopting the coordinated GSP and component GSPs and the coordinated GSP and component GSPs violate the substantive requirements of SGMA in that:

a. The coordinated GSP and component GSPs fail to achieve sustainable

groundwater management, meaning "the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results."

b. The coordinated GSP and component GSPs fail to achieve the sustainability goal established by the coordinated GSP and component GSPs within 20 years. In particular, the identified sustainability goal for the coordinated GSP contradicts SGMA's requirements by failing to require avoidance of undesirable results, including depletion of interconnected surface waters that have undesirable results, meaning significant and unreasonable effects on beneficial uses of surface water.

c. The assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim milestones are not supported by the best available information and best available science.

d. The coordinated GSP and component GSPs do not identify adequate measures and schedules to eliminate data gaps and fail to identify data gaps and make an adequate plan where it lacks information.

e. The sustainable management criteria and projects and management actions are not commensurate with the level of understanding of the basin setting, based on the level of uncertainty, as reflected in the coordinated GSP and component GSPs.

f. The coordinated GSP and component GSPs utilize a common "water budget" that fails to demonstrate achievement of sustainable groundwater management for the Delta Mendota subbasin or the sustainability goal for the coordinated and component GSPs.

g. The interests of the beneficial uses and users of groundwater in the basin and the land uses and property interests potentially affected by the use of groundwater in the basin were not adequately considered. As an example

and without limitation, the coordinated GSP and component GSPs fail to describe how they will avoid further harm to listed salmonids and contribute to their recovery from the brink of extinction, which represents a failure to comply with SGMA's requirement to avoid undesirable results by establishing minimum thresholds, measurable objectives, and interim milestones supported by the best available information and best available science. With respect to identifying the undesirable result of stream flow depletion as a result of pumping inter-connected groundwater, the coordinated GSP and component GSPs treat the topic as an afterthought, when it must be recognized as a critical factor in determining the extinction or recovery of Central Valley steelhead and Central Valley spring-run Chinook salmon, two anadromous salmonid species listed as "threatened" under the federal Endangered Species Act ("ESA").

h. The coordinated GSP and component GSPs fail to substantiate their findings that the projects and management actions identified in the coordinated GSP and component GSPs are feasible and likely to prevent undesirable results and ensure that the basin is operated within its sustainable yield.

i. The coordinated GSP and component GSPs fail to adequately support their findings regarding potential overdraft conditions. In particular, the coordinated GSP and component GSPs conclude that overdraft is not occurring and that the Delta-Mendota Subbasin has been operating sustainably, a conclusion unsupported by evidence and contrary to the conclusions of other agencies, including the Department of Water Resources. As an example and without limitation, the Northern and Central Delta-Mendota GSP's conclusion that "Long-term reductions in storage are not anticipated for either principal aquifer so long as groundwater levels are managed above Upper Aquifer and land subsidence in the Lower Aquifer are managed above the respective proxy minimum thresholds" is directly contradicted by the

change in aquifer storage for the Upper Aquifer, which show long-term downward trend in storage for the Upper Aquifer, even with implementation of proposed Projects and Management Actions. (Revised Northern and Central Delta-Mendota GSP at p. 6-16.)

j. The component GSPs use different and legally insufficient definitions of the sustainability goal, sustainable management criteria, undesirable results, significant and unreasonable adverse impacts, interim goals, minimum thresholds, and measurable objectives. Further, the component GSPs fail to justify the use of these disparate definitions using the best available evidence or in sufficient detail. As a result, the coordinated GSP lacks consistent and legally sufficient definitions of sustainable management criteria, undesirable results, significant and unreasonable adverse impacts, interim goals, minimum thresholds, and measurable objectives, making it impossible to determine if the basin is being managed sustainably, as required by SGMA. As examples and without limitation, the definition of "significant and unreasonable" for the interconnected surface waters sustainable management criteria refers to "a trend of increased interconnected surface water loses for the San Joaquin River" even though interconnected surface waters and groundwater dependent ecosystems in the Subbasin are not limited to the San Joaquin River. As a further example and without limitation, the coordinated and component GSPs' reliance on chronic lowering of groundwater levels as a proxy for the ISW sustainability management criteria violates SGMA because, as an example and without limitation, it allows short term impacts to ISWs in violation of SGMA.

k. The coordinated and component GSPs fail to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal by, *inter alia*, failing to use the best available science, failing to make adequate plans and schedules to collect additional data, and/or failing to consider in-

terconnected surface waters, groundwater dependent ecosystems, or undesirable results in its sustainable yield calculation.

l. The coordinated GSP and component GSPs fail to use the best available information to identify the geographic locations where, and times of year when, groundwater pumping depletes or is likely to deplete stream flow. As an example and without limitation, certain component GSPs' identification of Groundwater Dependent Ecosystems "excludes seasonally-managed areas and wetlands" dependent "on applied surface water." (Revised Northern and Central Delta-Mendota GSP at 5-176); Revised SJREC GSP at p. 48.) This exclusion is arbitrary, unsupported, inconsistent with other component GSPs and also violates SGMA's requirement for identifying GDEs. As a further example, the coordinated GSP's and component GSPs' exclusion of areas more than 100 feet in distance from the San Joaquin River from designation as Groundwater Dependent Ecosystems is arbitrary and unsupported. As an example of an approach the GSAs could have taken to identify GDEs and ISWs in conformance with the law, there are readily available methodologies for identifying stream reaches at risk of groundwater depletion from groundwater pumping, which the coordinated GSP and component GSPs failed to adopt despite being provided the methodology in public comment.

m. To the extent the coordinated and component GSPs purport to map and or characterize the locations and extent of GDEs and ISWs, such attempts are vague, unintelligible, unsupported, and fail to comply with SGMA's requirements.

n. To the extent that the coordinated and component GSPs purport to quantify streamflow depletions, such conclusions are unsupported and fail to quantify the timing of such depletions.

o. The coordinated and component GSPs' sustainable yield calculation fails to

comply with SGMA by allowing levels of pumping that will result in undesirable results. The sustainable yield calculation is also not supported by adequate evidence.

p. Any finding that the project and management actions to decrease groundwater pumping relied upon by the component GSPs are likely to achieve the sustainability goal for the basin is not supported by evidence. As an example and without limitation, In areas where the groundwater table has dropped below the elevation of hydrologic connection to stream channels due to pumping groundwater, the coordinated GSP and component GSPs fail to identify or plan to avoid the undesirable result of continuing loss of stream flow to groundwater.

q. The Coordinated GSP fails to ensure that the coordinated and component GSPs are based upon consistent interpretations of the basin setting and utilize the same data, methodologies, and definitions throughout the six component GSPs. The component GSPs further fail to follow common methodologies and definitions set out in the Common Chapter.

r. The coordinated and component GSPs improperly use Water Year 2013 to represent "current conditions" in violation of SGMA. The coordinated and component GSPs also fail to include recent data in violation of SGMA.

s. The coordinated and component GSPs fail to include sufficient monitoring and/or sufficient plans to establish sufficient monitoring in the future, in violation of SGMA.

103. In adopting the coordinated GSP and component GSPs, Defendant GSAs violated prohibitions on waste and unreasonable use by authorizing activities including extraction of water constituting waste and unreasonable use of such water in a manner that causes unreasonable impacts to beneficial uses and users of that water and the public at large in conflict with the reasonable and beneficial use doctrine and the California Constitution.

104. In adopting the coordinated GSP and component GSPs, Defendant GSAs failed to

consider impacts on public trust resources and failed to attempt to avoid insofar as feasible harm to the public's interest in those resources.

105. The Northern and Central Delta-Mendota GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The Northern and Central Delta-Mendota GSP fails to use readily available information to characterize groundwater dependent ecosystems, interconnected surface waters and depletions of interconnected surface waters attributable to groundwater pumping, as required by SGMA, including by failing to contain adequate maps of interconnected surface waters, failing to quantify seasonal depletions to such waters, failing to justify exclusion of identified groundwater dependent ecosystems and interconnected surface waters (including ephemeral and/or losing streams and areas outside an arbitrarily-selected 100 foot buffer zone) with substantial evidence, and failing to acknowledge and/or include methodologies and data submitted to the Northern and Central Delta-Mendota GSP Defendants during public comment.

b. The Northern and Central Delta-Mendota GSP fails to identify or define undesirable results for interconnected surface waters or reduction of groundwater storage, in violation of SGMA.

c. The Northern and Central Delta-Mendota GSP fails to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal because it relies on projects of unknown feasibility to reduce groundwater pumping, including by assuming the availability of flood flows for recharge and transfers from other water districts.

d. The Northern and Central Delta-Mendota GSP fails to include sufficient monitoring in violation of SGMA. Specifically, it fails to show the relative locations of monitoring sites and wells and interconnected surface waters and groundwater dependent ecosystems and fails to show monitoring sites

and wells will measure impacts to interconnected surface waters and groundwater dependent ecosystems.

e. The Northern and Central Delta-Mendota GSP uses outdated water year data, specifically the outdated 2013 Water Year conditions, in violation of GSP regulations.

f. The Northern and Central Delta-Mendota GSP fails to fully characterize the interconnected surface water conditions along the San Joaquin River within the Subbasin boundary.

g. The Northern and Central Delta-Mendota GSP improperly excludes Groundwater Dependent Ecosystems due in part to a failure to acknowledge that Groundwater Dependent Ecosystems may depend on shallow groundwater regardless of the presence of applied surface water sources.

h. The Northern and Central Delta-Mendota GSP fails to support its projected water budgets or adequately explain how climate change was integrated into these data values in the Northern and Central Delta-Mendota GSP.

i. The Northern and Central Delta-Mendota GSP violates the DWR Rules by using a spreadsheet modeling approach for water budget development that does not adequately account for surface water-groundwater interactions.

j. The Northern and Central Delta-Mendota GSP fails to demonstrate sustainable management for the Upper Aquifer, which evidence shows is in a state of overdraft.

k. The Northern and Central Delta-Mendota GSP fails to include and analyze many Groundwater Dependent Ecosystems in the GSP area.

l. The Northern and Central Delta-Mendota GSP fails to support its use of an arbitrary 100-foot cutoff to exclude potential Groundwater Dependent Ecosystems within 100 feet of the San Joaquin River.

m. The Northern and Central Delta-Mendota GSP improperly disregards very shallow unconfined groundwater as a principal aquifer, even though very

shallow unconfined groundwater falls within DWR's definition of a principal aquifer.

n. Because the coordinated GSP is required to sustainably manage the entire basin, the Northern and Central Delta-Mendota GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

106. The SJREC GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The SJREC GSP fails to establish that it will achieve sustainable management for the interconnected surface water sustainability indicator as required by SGMA, including by failing to establish adequate definitions and/or metrics for undesirable results, minimum thresholds, measurable objectives, and interim milestones. To the extent that the SJREC GSP purports to establish any such metrics and/or definitions, they are contradictory, circular, unquantified, fail to apply to all interconnected surface waters, and fail to show a correlation between depletions of interconnected surface waters and effects on beneficial uses of that surface water as required by SGMA and are unsupported by substantial evidence.

b. The SJREC GSP fails to adequately identify and characterize interconnected surface waters and groundwater dependent ecosystems and environmental beneficial users of groundwater. The SJREC GSP improperly excludes interconnected surface waters and groundwater dependent ecosystems, including those labeled as "deep water level," those adjacent to irrigated fields, and those where supplemental water is applied, without substantial evidence or sufficient analysis and contrary to law. Where the GSP identifies information it purports to lack in order to identify these required components, it fails to identify these as data gaps and fails to make an adequate plan to correct these data gaps. To the extent that it identifies data gaps, it also fails make an adequate plan to correct these data gaps.

c. The SJREC GSP fails to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal because it relies on projects of unknown feasibility to reduce impacts to interconnected surface waters and groundwater dependent ecosystems.

d. The SJREC GSP fails to include adequate monitoring to detect groundwater impacts on interconnected surface waters and groundwater dependent ecosystems.

e. The SJREC GSP fails to support its claim that it has a positive effect on the aquifer with respect to chronic lowering of groundwater levels and reduction in groundwater storage with the best available evidence.

f. Because the coordinated GSP is required to sustainably manage the entire basin, the SJREC GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

107. The Fresno County GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The Fresno County GSP fails to establish the metrics required by SGMA for interconnected surface waters, including metrics for undesirable results, minimum thresholds, measurable objectives, and interim milestones. To the extent that the Fresno County GSP purports to establish any such metrics, they fail to show a correlation between depletions of interconnected surface waters and effects on beneficial uses of that surface water as required by SGMA.

b. The Fresno County GSP claims no overdraft is occurring and there is no overdraft reduction estimate. However, its own tables as well as other evidence contradict this assertion.

c. The Fresno GSP fails to describe an adequate protocol to obtain usable information to identify areas and times with a high risk of groundwater pumping induced stream flow depletion. The Plan also provides no assurance that

the GSAs will gather heretofore unavailable information that would correlate groundwater and surface flow elevations to the life cycle and habitat of listed salmonids at sufficiently fine-grained geographic and temporal scales to evaluate the risk of undesirable results.

d. The Fresno GSP fails to include adequate monitoring to detect groundwater impacts on interconnected surface waters and groundwater dependent ecosystems.

e. Because the coordinated GSP is required to sustainably manage the entire basin, the Fresno County GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

108. The Farmers GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The Farmers GSP fails to establish the metrics required by SGMA for interconnected surface waters, including metrics for undesirable results, minimum thresholds, measurable objectives, and interim milestones. To the extent that the Farmers GSP purports to establish any such metrics, they fail to show a correlation between depletions of interconnected surface waters and effects on beneficial uses of that surface water as required by SGMA.

b. The Farmers GSP fails to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal by, additionally, failing to describe an adequate protocol to obtain usable information to identify areas and times with a high risk of groundwater pumping induced stream flow depletion. The Farmers GSP also provides no assurance that the GSAs will gather heretofore unavailable information that would correlate groundwater and surface flow elevations to the life cycle and habitat of listed salmonids at sufficiently fine-grained geographic and temporal scales to evaluate the risk of undesirable results.

c. The Farmers GSP fails to adequately identify and characterize interconnect-

ed surface waters and groundwater dependent ecosystems and environmental beneficial users of groundwater, by asserting without evidence that "reduced flow in the [San Joaquin River] is not controlled by FWD" and by excluding ecosystems and waters based on insufficient evidence, and making unsupported assumptions about the health and future health of such ecosystems.

d. The Farmers GSP fails to include adequate monitoring to detect groundwater impacts on interconnected surface waters and groundwater dependent ecosystems.

e. Because the coordinated GSP is required to sustainably manage the entire basin, the Farmers GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

109. The Aliso GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The Aliso GSP fails to adequately establish the metrics required by SGMA for interconnected surface waters, including metrics for undesirable results, minimum thresholds, measurable objectives, and interim milestones. To the extent that the Aliso GSP purports to establish any such metrics, they fail to show a correlation between depletions of interconnected surface waters and effects on beneficial uses of that surface water as required by SGMA.

b. The Aliso GSP fails to adequately identify and characterize interconnected surface waters and groundwater dependent ecosystems and environmental beneficial users of groundwater. To the extent that such waters and ecosystems are identified, they are insufficient, contradictory, improperly exclude known waters and ecosystems, and are unsupported by evidence.

c. The Aliso GSP fails to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal because it relies on projects of unknown feasibility to reduce groundwater pumping.

d. The Aliso GSP fails to adequately identify or define undesirable results for interconnected surface waters in violation of SGMA.

e. The Aliso GSP fails to include adequate monitoring to detect groundwater impacts on interconnected surface waters and groundwater dependent ecosystems.

f. Because the coordinated GSP is required to sustainably manage the entire basin, the Aliso GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

110. The Grassland GSP is legally defective, in addition to the grounds stated above, for the following reasons, without limitation:

a. The Grassland GSP's definition of undesirable results for interconnected surface waters is circular, omits any metrics required by SGMA, and fails to show a correlation between depletions of surface water and effects on beneficial uses.

b. The Grassland GSP fails to demonstrate achievement of sustainable groundwater management or the Plan's sustainability goal, in particular, by failing to properly characterize and identify GDEs and ISWs in areas lacking currently sufficient monitoring data on shallow groundwater.

c. The Grassland GSP fails to describe an adequate protocol to obtain usable information to identify areas and times with a high risk of groundwater pumping induced stream flow depletion. The Grassland GSP also provides no assurance that the GSAs will gather heretofore unavailable information that would correlate groundwater and surface flow elevations to the life cycle and habitat of listed salmonids at sufficiently fine-grained geographic and temporal scales to evaluate the risk of undesirable results.

d. The Grassland GSP fails to include adequate monitoring to detect groundwater impacts on interconnected surface waters and groundwater dependent ecosystems.

e. Because the coordinated GSP is required to sustainably manage the entire basin, the Grassland GSP's legal deficiencies require a finding that the coordinated GSP is legally deficient.

111. Each and every violation of SGMA identified above comprises grounds for a court to find that each component GSP and the coordinated GSP is invalid pursuant to Water Code section 10726.6, subdivision (a) and Code of Civil Procedure section 863.

SECOND CAUSE OF ACTION
(Petition for Writ of Mandate for Violations of SGMA, the Public Trust Doctrine, and the Waste and Unreasonable Use Doctrine: All Respondents)

112. Petitioner hereby realleges and incorporates the preceding paragraphs of this Complaint and Petition as though set forth herein in full.

113. Each Defendant identified herein is a Respondent to this Petition for Writ of Mandate.

114. Each Respondent has a mandatory duty to comply with SGMA, the waste and unreasonable use doctrine, and the public trust doctrine.

115. Every ground for reverse validation against each Respondent is likewise grounds for a writ of mandate directing Respondents and each of them to comply with SGMA and other governing law. Each Respondent has failed to fulfill this duty for the same reasons that it has violated SGMA and other governing law for the purposes of the First Cause of Action.

116. Petitioner has no speedy or adequate remedy at law for the violations alleged herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. For an order declaring that Defendants' adoptions of the coordinated GSP and component GSPs are invalid and that the coordinated GSPs and component GSPs are invalid;

2. For a writ of mandate to issue directing that the Defendants withdraw and/or set aside their adoptions of the coordinated and component GSPs and readopt them only in conformance with SGMA, the public trust doctrine, and the waste and unreasonable use doctrine.

3. For an order compelling Defendants to pay Plaintiff's costs of suit;

4. For an order compelling Defendants to pay Plaintiff's reasonable attorneys' fees re-

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

5. For such other relief as the Court may deem proper.

Dated: August 24, 2022

ENVIRONMENTAL LAW FOUNDATION

By: Nathaniel Kane

LAW OFFICES OF THOMAS N. LIPPE, APC

By: Thomas N. Lippe

Attorneys for Plaintiff and Petitioner
California Sportfishing Protection Alliance

VERIFICATION

I, Nathaniel Kane, declare that:

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

2. Plaintiff has its place of business in San Joaquin County, California, and therefore is absent from the county in which I or any other lawyer representing CSPA in this matter have an office. In addition, the allegations of this Complaint for Reverse Validation and Petition for Writ of Mandate primarily reflect my review of the administrative proceedings leading to Defendants' adoption of the coordinated and component GSPs and the adopted coordinated and component GSPs. For these reasons, I make this verification on Plaintiff's behalf.

3. I have read the foregoing Fourth Amended and Supplemental Complaint for Reverse Validation and Petition for Writ of Mandate 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 on August 24, 2022 in Oakland, California.

Nathaniel Kane

Attorney for Plaintiff and Petitioner
California Sportfishing Protection Alliance