

Client Alert

Latham & Watkins
Environment, Land & Resources Department

Governor Schwarzenegger Signs Historic California Water Legislation Into Law

Introduction and Initial Impressions

On November 12, 2009, the Governor signed the last of five water bills (the Water 5), completing a dramatic week that marks the most sweeping attempt since the Peripheral Canal legislation of 1980 to address long-recognized water supply limitations and ecosystem challenges in the Sacramento-San Joaquin Delta. Unlike the Peripheral Canal legislation (defeated in a statewide referendum in 1982), however, the Water 5 does not authorize the construction of, or appropriate state funds for, a Delta canal. Rather, the Water 5 incorporates the user-pays principle for any such canal, specifying that the users of the State Water Project (SWP) and the Central Valley Project (CVP) must pay for it. In addition, the reach of the Water 5 is not limited to the Delta, and likely will have a profound effect on water supply, water quality, land use and natural resources protection throughout the state. Key elements of the Water 5 include the following:

- *An \$11.1 Billion (BB) Water Bond*—The Water 5 proposes to use \$11.1 billion (BB) of state funds for a variety of purposes other than a canal, not only in the Delta, but throughout the state. Funding for water storage (\$3 BB), Delta restoration including levee improvements (\$2.55 BB),

restoration projects in 21 watersheds other than the Delta (\$1.7 BB), regional water management (\$1.4 BB), water recycling and conservation (\$1.25 BB), groundwater cleanup (\$1 BB), and drought relief and wastewater treatment improvements (\$455 million (MM)) is provided. The funds to support these investments will be placed before California voters in a bond measure for an up or down vote on November 2, 2010.

- *Voter Approval Limited to Funding Provisions*—The Water 5 is not all-or-nothing legislation, but its effectiveness would be limited if the November 2, 2010 referendum on the bond does not pass. New Delta governance and land use provisions, new statutory water policies and requirements, and state-wide water conservation mandates of the Water 5 take effect on January 1, 2010, regardless of the fate of the bond measure. This distinguishes the Water 5 from the 1980 Peripheral Canal legislation that was voided completely by the failure of the bond measure to pass in 1982, leaving Californians with no tangible progress from years of planning and legislative efforts.
- *A Potential Path for a Canal*—It is expected that the SWP and CVP users would enter into a users-pay agreement to fund a new Delta canal if the bond measure is approved,

"Although the product of political compromise, the sweep of these new laws is historic, materially affecting both the Delta region *per se* and the balance of the state."

as that measure would shift the restoration burden in large part onto the state General Fund. The Water 5 also allows incorporation of the Bay Delta Conservation Plan (BDCP) into a newly enacted governance scheme for the Delta called the “Delta Plan.” Many observers anticipate that the BDCP, which is under development, will select a new canal as the preferred alternative to route water more efficiently from the Sacramento River to the SWP/CVP pumps. Thus, incorporation of the final BDCP into the Delta Plan, as contemplated by the Water 5, likely would have the effect of making a new canal part of formal Delta law.

– With that said, groundbreaking for any such canal is not near-term, with environmental review still underway (Draft EIR/EIS expected in 2010). In addition, the Water 5 adds new requirements for that EIR/EIS, as well as for baseline fisheries flows.

- *Proposed CALFED Reservoirs “Eligible”*—The Water 5 makes *eligible* the three surface reservoirs identified in 2000 by the former CALFED Bay-Delta Authority (which agency is eliminated by the Water 5) for the \$3 BB storage fund, but does not provide any entitlement relief for these reservoirs, which must independently clear CEQA.
- *Surface/Groundwater Conjunctive Use and Storage*—The storage fund also can be used to expand the underground storage of surface supplies, so-called “conjunctive use.” Increased storage of surface water in underground basins has been a linchpin to water supply reliability in recent years.
- *2020/20 Water Conservation Mandate*—The Water 5 adopts as a state-wide mandate the reduction of per capita urban water usage by 20 percent by the year 2020. An interim mandate of 10 percent urban per capita reduction by 2015 also is included.

- *Delta Stewardship Council*—The Water 5 invests a new Council that succeeds the CALFED Bay-Delta Authority with independent land-use authority, and authority to implement the “Coequal Goals” of the Water 5—water supply reliability and ecosystem protection. The Council will implement the Delta Plan through a new land-use approval process for projects proposed in the vicinity of the Delta that will evoke comparisons to the approval process for the coast of California administered by the California Coastal Commission, although important distinctions are apparent.
- *Potential Effect on Entitlement Proceedings, Statewide*—The conservation mandates and Delta water-supply reliability policies of the Water 5, among other aspects, have the potential to affect entitlement and land use proceedings throughout the state under CEQA, and the Costa and Kuehl bills of 2001.

Although the product of political compromise, the sweep of these new laws is historic, materially affecting both the Delta region *per se* and the balance of the state. This sweeping change in California water, natural resource and land use law should give every project proponent, lead agency and investor pause to consider the implications for entitlement, water supply planning and funding. While the laws do not fund much in the way of specific projects, they herald in a new framework for water resource planning and ecosystem protection, and hold the promise to break through more than a quarter century of water balkanization and special interest group-driven water détente.

Some of these effects may be immediate, as project proponents and lead agencies consider to what extent new findings should be made to support proposed projects, particularly those with the Delta region. The legislation is anticipated to have meaningful

implications for CEQA analysis and Water Supply Assessment/Verification documents statewide, urban and agricultural water authorities, lead agencies and project proponents statewide, and all major development within the primary or secondary zones of the Delta. It will be important for stakeholders to provide prompt input during the various public rulemaking and scientific processes that will proceed in the coming months.

Background: Water Crisis Spurs Governor and Legislature to Act

The systemic problems of the Sacramento/San Joaquin Delta are well documented. Sensitized to the threat of levee failure by Hurricane Katrina, in February 2006 Governor Schwarzenegger declared a state of emergency for the Delta's levee system, noting that "a magnitude 6.5 earthquake in the Sacramento Delta region would likely result in a catastrophic levee failure that threatens the drinking water supply for 24 million citizens in California."¹ California is in year three of a statewide drought—the worst drought since the drought that ended in 1992 and one of the worst on record.² Sea level rise attributed to global climate change is increasing the threat of salt water intrusion into the Delta. Recent biological opinions issued for the Delta smelt and other fish species pursuant to federal and state Endangered Species Acts, and related court decisions, have resulted in significantly reduced water exports from the Delta.

In October 2008, Governor Schwarzenegger's Blue Ribbon Delta Task Force released its Delta Vision Strategic Plan, culminating a two-year study of California's water crisis. The Task Force concluded that, after "almost 40 years of water and ecosystem policy deadlock in California,"³ the crisis in the Delta "worsens each day, posing a higher and higher risk that California's water delivery system will collapse."⁴

On October 11, 2009, the Governor called the Seventh Extraordinary session of the Legislature to address the crisis (hence, the Water 5 are preceded with the "SBX7_" prefix; future references to the Water 5 herein drop the prefix, and simply refer to the bills as "SB 1", "SB 2", etc.). On November 4, 2009, the Legislature passed the Water 5. Over the course of the next week, the Governor signed all five bills, enacting the Water 5 into law.⁵

The 2009 Special Session Water Bills

In this *Alert*, we discuss key provisions of the Water 5 package. In addition, Exhibit 1 illustrates how the \$11.1 BB bond money would be spent, and Exhibit 2 presents a Delta Governance Relationship Chart, which places the new governance structure and the numerous affected agencies in context.

Coequal Goals: Ecosystem Restoration and Water Supply Reliability

The Governor's Blue Ribbon panel emphasized two Coequal Goals for the Delta: ecosystem restoration and water supply reliability. SB 1 codifies the panel's approach, making it a "basic goal[]" of the state to "achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem."⁶ The Coequal Goals arguably are a reasonable expression of preexisting law, including the public trust doctrine, under which fisheries and use of water by people both have been recognized as public trust values to be balanced by the agencies.⁷ Here, the Legislature has declared the balance, and found that there is no relative priority under California law between the Delta ecosystem and a reliable water supply for the state.

This overarching principle already has resulted in controversy. In April 2009, the Central Delta Water Agency and

South Delta Water Agency filed suit against the BDCP Steering Committee.⁸ These agencies, which serve primarily rural customers who depend on in-Delta diversions to support agricultural operations, alleged in part that the coequal goals governing the preparation of the BDCP violate the California Natural Communities Conservation Planning Act by placing the goal of creating water supply on an equal footing with the goal of conservation.⁹ Although Plaintiffs dropped this claim, and the suit itself was dismissed on ripeness grounds, controversy over the coequal goals may continue, especially now that the policy is enshrined into state law.

The Public Trust Doctrine and the Water Rights Savings Clause

SB 1 states that “[t]he longstanding constitutional principle of reasonable use and the public trust doctrine shall be the foundation of state water management policy and are particularly important and applicable to the Delta.”¹⁰ Although this is a novel statement in California statutory law (neither the reasonable use principle nor the public trust doctrine has been identified as being “particularly important and applicable” for any region of the state), it appears that this policy statement can be reconciled with existing case law. As administrator of the public trust, the state has the responsibility to balance beneficial uses of the Delta, whether they be for people, fish, or other important trust values.¹¹ Furthermore, SB 1 evinces no intent to change existing water rights, but instead includes two savings clauses designed to preserve the status quo with regard to existing water rights.¹²

A Canal Between the Lines

State and federal water managers long have recognized that more efficient routing of water from the Sacramento River to the SWP/CVP pumps would improve Delta fisheries,

and water supply reliability.¹³ The BDCP is considering conveyance options including an eastern alignment reminiscent of the Peripheral Canal, and a western alignment.¹⁴ Also under consideration in the BDCP is a tunnel, although it is unlikely that the SWP/CVP users could afford such an expensive solution (\$20 BB+). The Water 5 impose new statutory conditions on any such Delta conveyance infrastructure, but also establish new law that makes such infrastructure more likely.

SB 1 requires the SWP and CVP water contractors to enter into a binding agreement to pay for any future canal before construction of the canal can start, and SB 2 bond funds cannot be used to pay for a canal.¹⁵ SB 1 also requires the State Water Resources Control Board (SWRCB) to issue an order containing minimum in-stream flows for the Delta necessary to support Delta fisheries before construction can begin. These so-called “flow criteria” are designed to protect public trust resources and shall include the volume, quality and timing of water necessary for the Delta ecosystem under different conditions.¹⁶

On the other hand, SB 1 firmly places legislative support behind new conveyance infrastructure, through the “coequal goals” discussed previously, and by declaring that “[p]roviding a more reliable water supply for the state involves implementation of . . . new and improved infrastructure, including water storage and Delta conveyance facilities.”¹⁷ Incorporation of the BDCP into the Delta Plan would tend to support and protect the BDCP’s preferred alternative. No such incorporation can happen unless the Delta Plan analyzes a number of project-specific factors when conducting its CEQA analysis, including a “reasonable range of Delta conveyance alternatives, including through-Delta, dual conveyance, and isolated conveyance alternatives”¹⁸ The Council must

incorporate the BDCP into the Delta Plan if the BDCP qualifies as a Natural Community Conservation Plan under California law, and as a Habitat Conservation Plan under federal law.¹⁹

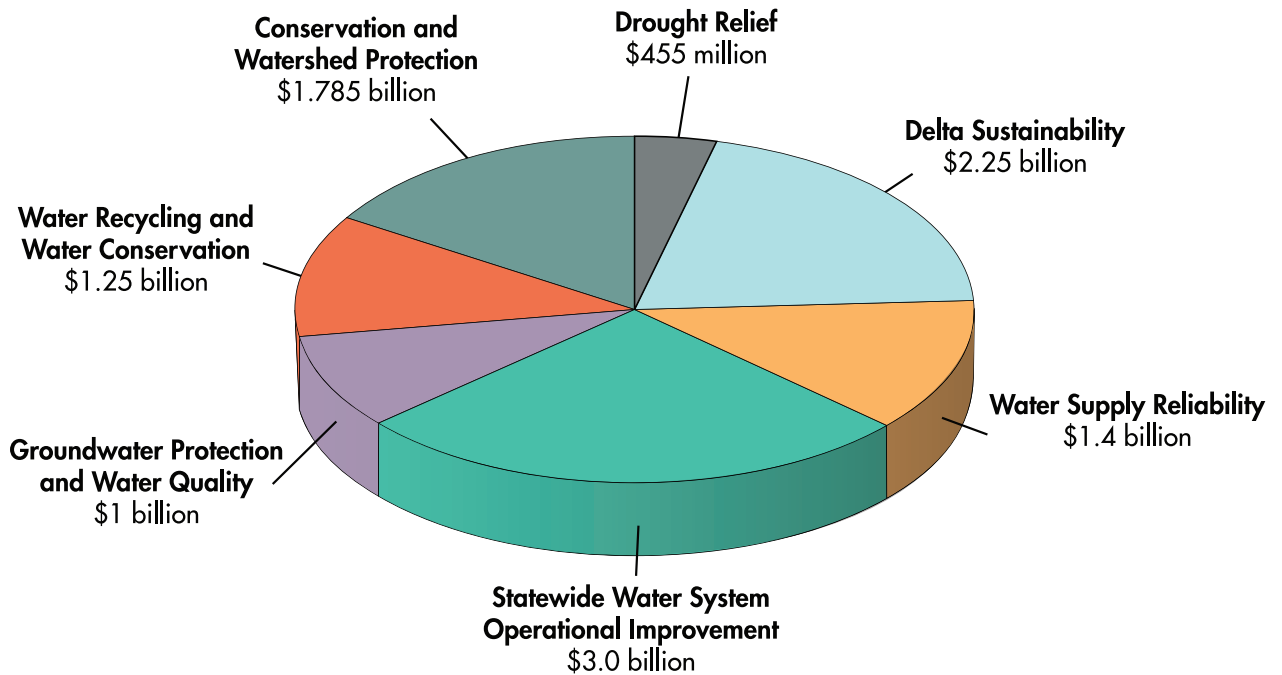
New Water Storage and Who Would Pay For It

SB 1 declares that expanding statewide water storage is an inherent objective of the Coequal Goals for Delta management because new and improved water storage facilities help to provide a more reliable water supply for the state.²⁰ If approved by the voters, SB 2's bond provision will create a \$3 BB storage fund to be allocated by the California Water Commission for various water storage projects (surface storage projects, groundwater storage projects, conjunctive use and reservoir

re-operation projects, local and regional surface storage projects).²¹

SB 2 sets forth general eligibility criteria that each project must satisfy to receive funding, like furthering certain enumerated water storage-related "public benefits" (*i.e.*, ecosystem improvements, water quality improvements, flood control benefits, emergency response and recreation).²² The bill limits surface storage project eligibility to only those three projects identified in the 2000 CALFED Bay-Delta Program Record of Decision, as follows: (1) new in-Delta storage through a lease or purchase of the Delta Wetlands Project (250 thousand acre-feet (TAF)); (2) expanded storage at Shasta Lake (300 TAF); and (3) expanded storage at the Los Vaqueros Reservoir (up to 400 TAF).²³

Exhibit 1:



Source: DWR, 2009 Comprehensive Water Package Summary (Nov. 2009).

Delta Governance Restructured

1. A New Independent State Agency: the Delta Stewardship Council.

As previously noted, SB 1 creates the Delta Stewardship Council, an independent state agency with governing powers over the Delta and the Suisun Marsh. The Council will consist of seven appointed members (four by the Governor, one by the Senate Rules Committee, one by the Speaker of the Assembly and the Chairperson of the Delta Protection Commission). The Council's first function will be to develop and adopt a Delta Plan for the area by January 1, 2012.

Under current law, the existing state agency with land use jurisdiction in the Delta is the Delta Protection Commission (Commission), which only has jurisdiction over the Primary Zone of the Delta. SB 1 expands state agency land use oversight in the Delta in two significant ways. First, SB 1 provides an avenue to expand the boundaries of the Primary Zone, and second, local land use projects in both the Primary and Secondary Zones (with a few limited exceptions) are required to be consistent with the Delta Plan to be developed by the Council.

Consistency with the Delta Plan is required for all "covered actions," defined as any plan, program or "project" (as defined in CEQA²⁴), which occurs in whole or in part within the Delta or Suisun Marsh, will be carried out, approved or funded by a state or a local public agency, and will have a significant impact on achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program.²⁵

A state or local agency proposing to undertake a "covered action" must submit a written certification to the Council finding that the covered action is consistent with the Delta Plan. This consistency consideration can be appealed to a hearing before the Council, which can remand the

certification back to the state or local agency for reconsideration if the Council finds the certification to be unsupported by substantial evidence.

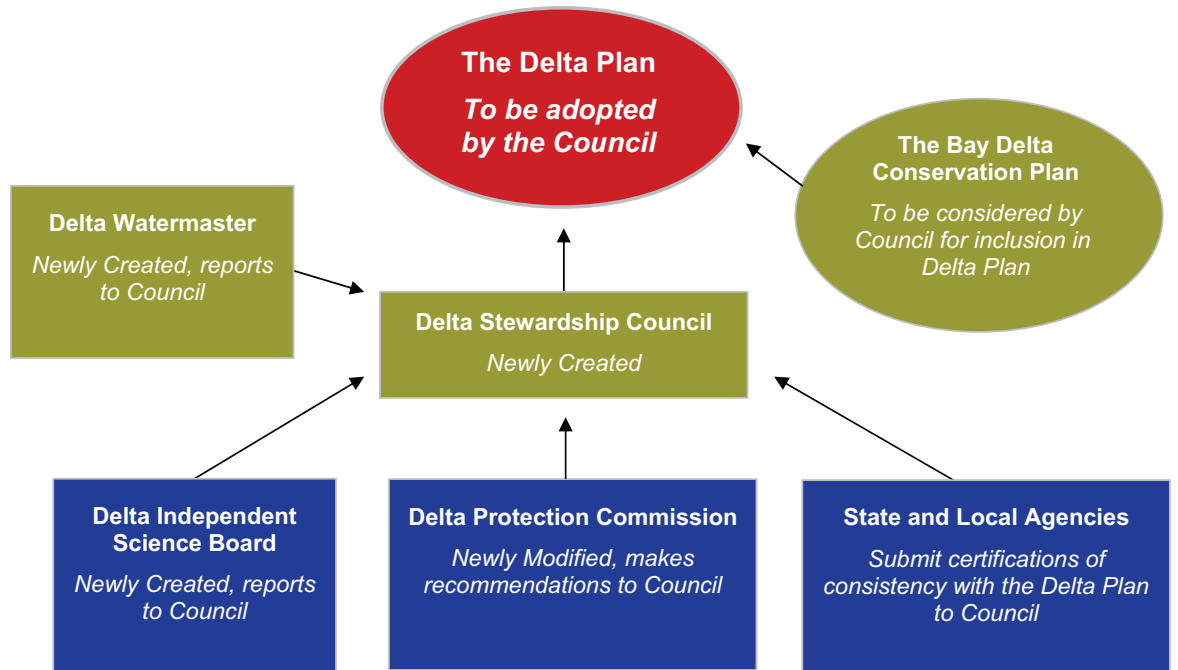
It is unclear what types of actions will trigger the requirement to submit a consistency certification. An agency "that proposes to undertake a covered action, prior to initiating the implementation of that covered action" must submit a certification of consistency.²⁶ Many projects will have obtained all required discretionary approvals *before* the Delta Plan becomes effective and will not, therefore, have received consistency certifications. Once the Delta Plan becomes effective, it is unclear whether by filing new applications for building permits or seeking other ministerial approvals, these projects would be deemed to have initiated "the implementation of [a] covered action," and thereby trigger the requirement to submit a certification of consistency.

Very few projects are exempt from this consistency requirement. Exempt projects include state agency regulatory actions; regional transportation plans; projects within the Secondary Zone determined to be consistent with a sustainable communities strategy as part of SB 375; projects in the Secondary Zone with a CEQA notice of approval or determination filed before the Delta Plan becomes effective; or projects in the Primary Zone with a filed notice of determination, or which is fully permitted, by September 30, 2009.²⁷

2. Certification Process Likely to Cause Delay and Expense

The consistency requirement provides another venue to challenge development in the Delta, and is likely to result in significant delay and expense. While appellants have 30 days to challenge a consistency certification and the Council must hold a hearing within 60 days,²⁸ there is no time limit for the Council to issue a determination. Furthermore, given that the Council meets monthly

Exhibit 2:



and staff resources will likely be limited by budgetary constraints, the Council review process could be very slow.

The Council's Delta Plan also will have implications under CEQA. The CEQA Guidelines require that a project analyze consistency with applicable plans and policies,²⁹ including the Delta Plan for projects within the Delta, and the Commission and Council can comment on this consistency analysis.³⁰ This CEQA review creates another opportunity for the lead agency to impose costly mitigation, which will further increase the costs associated with development in the Delta.

20 Percent Urban Water Conservation by 2020 (SB 7)

1. Urban Conservation

SB 7 codifies the Governor's goal of reducing urban water use statewide by 20 percent per capita by 2020.³¹ The state must make incremental progress by meeting an interim 10 percent reduction by the end of 2015.³² Failure to meet these targets may make urban

water supply retailers ineligible for state loans and grants, although SB 7 explicitly states that the Legislature intends for the funds to be available to facilitate meeting the use reduction goals.³³ SB 7 creates a mechanism to help achieve this statewide goal, whereby urban water suppliers must submit to the DWR water use targets on either an individual or regional basis that result in their meeting the 20 percent reduction target by 2020.³⁴ Accordingly, urban water management plans must now identify base daily per capita water use and reduction targets, as well as present and proposed measures to achieve the required reductions.³⁵

Meanwhile, the DWR will publicly develop standard methodologies for making the necessary reduction calculations.³⁶ In conjunction with the California Urban Water Conservation Council, the DWR must convene a task force to develop alternative best management practices for commercial, industrial and institutional water users

by April 1, 2010, and submit a report to the Legislature by April 1, 2012.³⁷

Making the conservation burden easier on industry, the bill carves out “process water” (defined as “water used for producing a product or product content or water used for research and development”) and excludes water used for “restrooms, landscaping, air conditioning, heating, kitchens, and laundry.”³⁸ Urban retail water suppliers with a substantial percentage of industrial water use in its area may exclude process water from their calculation of gross water use.³⁹

Although an urban water agency's failure to meet the 20 percent water conservation target shall not be a violation of law for any state judicial or administrative proceeding until January 1, 2021, SB 7 does not limit the “use of data reported to the [DWR] or the [SWRCB]” for any other purpose, including “litigation or an administrative proceeding.”⁴⁰

2. Agricultural Conservation

SB 7 also imposes a variety of new conservation requirements upon agricultural water suppliers. Unlike the provisions for urban water use, however, there is no percentage-wide reduction mandate for agricultural water suppliers. Instead, SB 7 requires agricultural water suppliers to implement a wide range of efficient water management practices (EMPs), including the adoption of a pricing structure for customers based, at least in part, on quantity delivered.⁴¹ SB 7 also creates the Agricultural Water Management Planning Act (AWMPA) (an analogue to the 1983 Urban Water Management Planning Act), which requires agricultural water suppliers to adopt agricultural water management plans. Such plans will include a number of elements, including a description of the supplier and its service area, the quantity and quality of water resources of the supplier, an analysis of the effect of climate change on future water supplies, and a report on the EMPs the

supplier has and will be implementing.⁴² Before adopting the plan, the agricultural water supplier must hold a public hearing on the plan, but the preparation and adoption of the plan is exempt from CEQA.⁴³

In-Delta Water Diversions (SB 8)

SB 8 has a dual focus: enforcement and funding. It seeks to reduce and prevent illegal water diversions from the Delta by providing stricter diversion reporting requirements, but does not otherwise strengthen SWRCB's enforcement powers or increase penalties for violating water rights permits and licenses.⁴⁴ Historically, in-Delta agricultural, municipal and industrial diversions have not been reported to SWRCB, despite the fact that they represent 5 percent of the freshwater flows from the Delta. SB 8 removes the diversion reporting exemption to in-Delta diverters and requires all in-Delta diverters to record and report these diversions to SWRCB.⁴⁵ SB 8 also authorizes SWRCB to impose civil penalties on diverters that fail to submit the required reports, tamper with any measuring device, or make material misstatements in connection with the filing of the reports.⁴⁶ To assist the SWRCB in enforcing these obligations, SB 8 includes an annual appropriation of \$3.75 million to the SWRCB to fund 25 additional water rights enforcement personnel.

SB 8 makes \$546 million in bond funding appropriations from Propositions 1E and 84, approved by California voters in November 2006. Specifically, SB 8 appropriates \$250 million for integrated regional water management grants and expenditures for projects to reduce dependence on the Delta for water supply; \$202 million for flood protection projects in the Delta to reduce the risk of levee failures; \$70 million for stormwater management grants; and \$24 million for Natural Community Conservation Plan projects in or around the Delta.

Statewide Groundwater Monitoring (SB 6)

SB 6 includes provisions that establish, for the first time in California's history, a statewide program to monitor and report groundwater elevations. It requires local groundwater management entities to monitor groundwater elevations and report this information to DWR, thereby giving DWR continuing oversight of the conditions of the state's aquifers.⁴⁷ Should DWR recognize any gaps in the groundwater monitoring, it must seek out interested parties to fill those gaps, and then perform the monitoring should local groundwater managers refuse or fail to perform.⁴⁸ Failure to implement a monitoring program has harsh consequences for local groundwater managers: the loss of eligibility for state water grants or loans.⁴⁹

SB 6 helps California catch up with the other western states, all of which have comprehensive state groundwater management. Though SB 6 does not invest DWR or SWRCB with any new authority to reduce or otherwise control groundwater pumping, its monitoring and reporting requirements will enable the state to determine where groundwater is being overdrafted.

Conclusion

Latham & Watkins' Environment, Land and Resources Department attorneys will be tracking this process closely, and are available to advise clients on the potential impacts of these new statutes and of the emerging implementing regulations, to represent clients before the numerous new bodies as they implement their respective programs, and to consider the entitlement, CEQA and water supply implications for new projects.

Endnotes

- ¹ *Governor Schwarzenegger Declares State of Emergency for California's Levee System*, Feb. 24, 2006, <http://gov.ca.gov/index.php?/press-release/268/>.
- ² *See State of Emergency—Water Shortage, PROCLAMATION by the Governor of the State of California*, Feb. 27, 2009, <http://gov.ca.gov/proclamation/11557/>.
- ³ State of California Resources Agency Blue Ribbon Task Force, *Delta Vision Strategic Plan 1* (Oct. 2008).
- ⁴ *Id.* at v.
- ⁵ Gov. Schwarzenegger signed SBX7_6 (groundwater monitoring) and SBX7_8 (Delta water diversions) on November 6, 2009; SBX7_2 (\$11.1 billion water bond) on November 9, 2009; SBX7_7 (water conservation) on November 10, 2009; and SBX7_1 (governance) on November 12, 2009. *See generally* <http://gov.ca.gov/bills/>.
- ⁶ Cal. Pub. Res. Code § 29702(a); *see also* Cal. Water Code §§ 85002 (finding Delta critically important as valuable estuary and wetland ecosystem and as hub of the California water system); 85020 (listing objectives inherent in coequal goals for Delta).
- ⁷ *See National Audubon Soc'y v. Superior Court*, 33 Cal.3d 419, 433-41 (1983).
- ⁸ Discussed in more detail later, the BDCP is a plan being jointly prepared by the Department of Water Resources (DWR) and US Bureau of Reclamation, to "promote the recovery of endangered, threatened and sensitive fish and wildlife species and their habitats in the Sacramento-San Joaquin Delta in a way that will also protect and restore water supplies."
- ⁹ *See Central Delta Water Agency v. U.S. Fish & Wildlife Ser.*, No. 1:09-cv-00861 (E.D. Cal. Sept. 8, 2009); *see* Compl. at ¶ 134 ("The approach of using co-equal goals to guide development of the BDCP violates the purpose of the NCCPA, which is solely focused on the conservation of species and their habitat.")
- ¹⁰ Cal. Water Code § 85023.
- ¹¹ *See National Audubon Soc'y*, 33 Cal.3d at 433-41.
- ¹² Cal. Water Code §§ 85031, 85032.
- ¹³ INTERAGENCY DELTA COMMITTEE, PLAN OF DEVELOPMENT: SACRAMENTO-SAN JOAQUIN DELTA (1965).
- ¹⁴ *See* BDCP Bay Delta Conservation Plan, at <http://baydeltaconservationplan.com/default.aspx>.
- ¹⁵ Cal. Water Code § 79712.

- ¹⁶ Cal. Water Code § 85086(c)(1).
- ¹⁷ Cal. Water Code §§ 85004, 85020.
- ¹⁸ Cal. Water Code §§ 85320(b)(2)(A)—(G).
- ¹⁹ Cal. Water Code § 85320(e).
- ²⁰ Cal. Water Code § 85020(f).
- ²¹ Cal. Water Code § 79741.
- ²² Cal. Water Code § 79743(a)(1) - (5).
- ²³ Cal. Water Code § 79741(a); CALFED Bay-Delta Program Record of Decision, § 2.2.5 (Storage) (Aug. 28, 2000).
- ²⁴ Cal. Pub. Res. Code § 21065.
- ²⁵ Cal. Water Code § 85057.5(a).
- ²⁶ Cal. Water Code § 85225.
- ²⁷ Cal. Water Code § 85057.5(b).
- ²⁸ Cal. Water Code §§ 85225.15 85225.20.
- ²⁹ Cal. Code Regs., tit. 14, § 15125.
- ³⁰ Cal. Pub. Res. Code § 29773(a).
- ³¹ Cal. Water Code §§ 10608(g), 10608.16(a).
- ³² Cal. Water Code § 2 statute symbols 10608.16(b), 10608.24(a).
- ³³ Cal. Water Code § 10608.56.
- ³⁴ Cal. Water Code § 10608.20(a).
- ³⁵ Cal. Water Code § 10608.20(e).
- ³⁶ Cal. Water Code § 10608.20(h).
- ³⁷ Cal. Water Code § 10608.43.
- ³⁸ Cal. Water Code § 10608.12(l).
- ³⁹ Cal. Water Code § 10608.22(e).
- ⁴⁰ Cal. Water Code § 10608.8(a)(2).
- ⁴¹ Cal. Water Code § 10608.48(b).
- ⁴² Cal. Water Code § 10826.
- ⁴³ Cal. Water Code §§ 10841, 10851.
- ⁴⁴ Cal. Water Code § 5107(g).
- ⁴⁵ Cal. Water Code § 5101.
- ⁴⁶ Cal. Water Code § 5107.
- ⁴⁷ Cal. Water Code § 10927.
- ⁴⁸ Cal. Water Code §§ 10933, 10933.5.
- ⁴⁹ Cal. Water Code § 10933.7.

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