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7 **SUPERIOR COURT OF CALIFORNIA**

8 **COUNTY OF MONTEREY**

9 WATER RATEPAYERS ASSOCIATION OF
10 THE MONTEREY PENINSULA,

Case No.:

11 Petitioner,

PETITION FOR WRIT OF MANDATE

12 vs.

13 COUNTY OF MONTEREY, MONTEREY
14 COUNTY BOARD OF SUPERVISORS,
15 MONTEREY COUNTY WATER
16 RESOURCES AGENCY, CALIFORNIA
17 COASTAL COMMISSION, CALIFORNIA
18 COASTAL COMMISSION BOARD OF
19 COMMISSIONERS,

20 Respondents,

21 CALIFORNIA AMERICAN WATER
22 COMPANY,

23 Real Parties in Interest

24 _____ /
25 Petitioner hereby alleges as follows:

26 **PARTIES**

27 1. Petitioner Water Ratepayers Association of the Monterey Peninsula (“WRAMP”)
28 is a water ratepayers’ advocacy group located in the County of Monterey. WRAMP’s mission is
to advocate in behalf of local Cal Am ratepayers for an adequate and affordable water supply by
all reasonable means. WRAMP is bringing this lawsuit on behalf of and in the name of the State
of California.

1 the Monterey Peninsula. WRAMP and its members will all be specifically affected by the
2 “Cease and Desist Order” (“CDO”) of the State Water Resources Control Board (“SWRCB”)
3 against Cal-Am. The CDO was first imposed in 1995 by the State Board’s Order WR 95-10.
4 Among other matters, the order found that Cal-Am was diverting about 10,730 acre feet per year
5 (afy) of water from the Carmel River without a valid basis of right and directed that Cal-Am
6 should diligently implement actions to terminate its unlawful diversion.

7 8. In 2009, the State Board concluded that Cal-Am continued to illegally divert about
8 7,150 afy from the river without a valid basis of right. In Order WR 2009-0060, the SWRCB
9 ruled that “Cal-Am shall diligently implement actions to terminate its unlawful diversions from
10 the Carmel River and shall terminate all unlawful diversions from the river no later than
11 December 31, 2016.” The SWRCB also imposed a series of annual cut-backs.

12 9. At this point, despite the cut-backs and conservation efforts, Cal-Am has continued
13 its illegal diversions from the Carmel River in order to meet the water demands of the Monterey
14 Peninsula. Further, demand for water far exceeds supply and viable alternatives are still in the
15 planning stages and have not been constructed. As noted above, the State Board’s CDO requires
16 Cal Am to stop most of its pumping from the Carmel River by January 1st, 2017. This is often
17 referred to as the CDO “cliff.” It is broadly recognized that the community would face severe
18 water rationing if the community members were required to meet the CDO “cliff” without new
19 water supply projects. WRAMP and its members, insofar as they reside in Cal-Am’s service
20 area, are beneficially interested in (i) Cal-Am’s efforts to construct a viable alternative to the
21 Carmel River diversion, and (ii) avoiding the water rationing that would occur if Cal-Am does
22 not meet the January 1, 2017, CDO date set by the SWRCB.

23
24 B. Ratepayer Reimbursement of Cal-Am Pre-Construction Costs

25 10. In D.03-09-022, the CPUC authorized Cal-Am to track preconstruction costs
26 related to a long-term water supply project in a memorandum account. In D.06-12-040, the
27 Commission authorized California American Water to recover from ratepayers via Surcharge 1
28 the long-term water supply project costs that it was tracking in that memorandum account. The

1 Commission also approved the Special Request 2 Surcharge (“Surcharge 2”), which could fund
2 the implementation of a water supply solution on a pay-as-you-go basis, but delayed
3 implementation of Surcharge 2 until the issuance of a Certificate of Public Convenience and
4 Necessity (“CPCN”) for a long-term water supply project. In D.11-09-039, the Commission
5 authorized California American Water to increase Surcharge 1 to 15%.

6 11. In a Settlement Agreement dated July 31, 2013, Cal-Am agreed to reduce the
7 amount of Surcharge 2 from its proposed level of approximately \$103 million to \$71.5 million.
8 In addition, the first \$35 million of funds collected under Surcharge 2 will be applied to the
9 lower risk pipeline components of the MPWSP. The remaining \$36.5 million to be applied to
10 the desalination facilities would only be collected after permits to construct the facility have been
11 obtained.

12 12. Cal-Am is currently collecting the Surcharge 1 funds, which are being used by
13 Cal-Am to fund MPWSP development costs until the CPUC approves the new project.
14 (Surcharge 2 has not yet been funded.) WRAMP and its Cal-Am ratepayer members are
15 beneficially interested in (i) ensuring that the Surcharge 1 and Surcharge 2 Funds are used
16 efficiently; (ii) ensuring that the Surcharge 1 Funds are used for development costs that are
17 lawful; and (iii) obtaining a ruling from this Court, before the Surcharge 1 Funds are dissipated
18 (and before more Surcharge 2 Funds are collected), as to whether or not the predevelopment
19 activities of Cal-Am are lawful.

20
21 C. Compelling of Public Duties / Questions of Public Right

22 13. All members of WRAMP are Monterey County and California state taxpayers,
23 whose goal in bringing this lawsuit is to compel the performance of public duties which the law
24 specifically requires. Finally, the questions raised herein are questions of public right and the
25 object of the mandamus is to procure the enforcement of a public duty. WRAMP and its
26 members are interested as citizens in having the laws executed and the duty in question enforced.

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FACTS

1 **I. GENERAL BACKGROUND**

2 14. In 2004, California American Water Company filed Application A.04-09-019
3 seeking a Certificate of Public Convenience and Necessity from the California Public Utilities
4 Commission. The Coastal Water Project (“CWP”) was intended to replace existing Carmel
5 River water supplies for the Cal-Am Monterey District service area that are constrained by the
6 SWRCB decisions. In general, the previously proposed CWP involved the production of
7 desalinated water supplies, increased yield from the Seaside Groundwater Basin ASR system,
8 and additional storage and conveyance systems to move the replacement supplies to the existing
9 Cal-Am distribution system.

10 15. On January 30, 2009, the CPUC published a Draft Environmental Impact Report
11 (EIR) analyzing the environmental impacts of the CWP proposed project (also referred to as the
12 Moss Landing Project), as well as the environmental impacts of two project alternatives-the
13 North Marina Project and the Regional Project. The CPUC published the Coastal Water Project
14 Final EIR (SCH No. 2006101004) in October 2009 and certified the EIR in December 2009
15 (Decision D.09-12-017). A year later, in Decision D.10-12-016, the CPUC approved
16 implementation of the Regional Project alternative.

17 16. Subsequent to approval of the Regional Project, Cal-Am withdrew its support for
18 the Regional Project in January 2012. As a result, on April 23, 2012, Cal-Am filed an
19 application with the CPUC for a reconfigured Monterey Peninsula Water Supply Project (the
20 “MPWSP”) (A.12-04-019), seeking a Certificate of Public Convenience and Necessity (CPCN)
21 to construct, own, and operate a desalination facility for water supply on the Monterey Peninsula.
22 The MPWSP application to the CPUC proposed a subsurface intake feedwater system consisting
23 of slant wells located at the CEMEX sand mining property in Marina, CA.

24 17. The Salinas Valley groundwater basin has been identified as being in overdraft by
25 the California Department of Water Resources, the CCC, and the Monterey County Water
26 Resources Agency (MCWRA) for over 60 years. The sole source of recharge to the aquifer is
27 rainfall and water percolated into the Salinas River from water supply projects paid for, pursuant
28 to Proposition 218 requirements and provisions of the California Constitution, by overlying land

1 owners (assesses) within the basin, including the Ag Land Trust. The overlying water rights
2 holders have paid tens of millions of dollars to protect and restore their groundwater supplies.
3 Cal-Am has not paid anything to protect and preserve the aquifers, and has acquired no
4 groundwater rights in the basin or from those projects.

5 18. The overdraft was initially identified in Monterey County studies of the basin in
6 the 1960's and 1970's, and has been repeatedly identified by more recent MCWRA hydrologic
7 and hydro-geologic studies (U.S. ARCORPS, 1980; Anderson-Nichols. 1980-81; Fuqro, 1995;
8 Montgomery-Watson, 1998). The universally identified remedy for seawater intrusion specified
9 in these studies is the reduction of well pumping near the coast. Further, the overdraft in the
10 North County aquifers has been publicly acknowledged for decades by both the Monterey
11 County Board of Supervisors and the CCC in the certified "North County Local Coastal Plan"
12 (1982), the Monterey County General Plan (1984 and 2010) and the North County Area Plan
13 (1984).

14 19. Land owners within the basin have spent millions of dollars over the last sixty
15 years to build water projects to reverse and remedy the overdraft and recharge the aquifers. Cal-
16 Am has not spent anything to protect the groundwater resources of the Salinas Valley.

17 20. Wells and pumps belonging to the Ag Land Trust, on the Trust's ranch adjacent to
18 the location of Cal-Am's proposed well field, are maintained and fully operational. The Trust's
19 largest well is located west of Highway 1 and within the "cone of depression" area of Cal-Am's
20 proposed "taking" of the groundwater (See Exhibit 2). Its water is being taken and contaminated
21 by Cal-Am's actions that are endorsed by CCC staff and County staff.

22 21. The Trust relies on its groundwater and overlying groundwater rights to operate
23 and provide back-up supplies for the Trust's extensive agricultural activities. The Trust's
24 property was purchased with federal grant funds and the U.S. Department of Agriculture, which
25 has a reversionary interest in the Trust's prime farmland and the Trust's water rights and supplies
26 that underlie the Trust's farm.

27 22. Cal-Am constructed a test slant well and pilot program (including the slant well, a
28 submersible well pump, a wellhead vault, and related facilities). The test slant well was

1 screened at depths corresponding to both the Dune Sand Aquifer and the underlying 180-Foot-
2 Equivalent Aquifer of the Salinas Valley Groundwater Basin. This slant test well has been
3 intermittently operational since April 2015. When operational, the test well has extracted
4 approximately 2,000 gallons per minute from the Dune Sand Aquifer and the 180-foot-
5 Equivalent Aquifer of the Salinas Valley Groundwater Basin.

6 23. Cal-Am's assertions that it intends to pump only seawater from the proposed “test
7 well” is untrue. Cal-Am has conducted water quality sampling that already shows that its
8 proposed extended pumping of that test well will intentionally and significantly draw water from
9 “fresh” potable aquifers (180 ft. and 400 ft.) that underlie the Ag Land Trust property and the
10 property of other local landowners, and aggravate seawater intrusion below the Ag Land Trust
11 property and the property of other local landowners.

12 24. Cal-Am wants to be a junior water appropriator without overlying or senior
13 groundwater rights. Cal-Am has no groundwater rights and cannot acquire any. Cal-Am has
14 conducted water quality sampling that already shows that its proposed extended pumping of the
15 test well has drawn and will continue to intentionally and significantly draw water from “fresh”
16 potable aquifers without a claim of right.

17 25. Further, the test well has resulted and will result in a huge cone of depression in
18 the area surrounding the test well, and the excessive duration (2 years) of Cal-Am’s intended
19 pumping, has resulted and will result in the contamination of surrounding wells (including wells
20 owned by the Ag Land Trust) and the unlawful “taking” of potable groundwater from beneath
21 the adjacent properties. This conduct violates several laws, which the CCC and County of
22 Monterey are required to protect and uphold.

23 26. Finally, MCWRA holds no overlying groundwater rights in the over-drafted
24 Salinas Valley groundwater basin and thus cannot grant any such rights to Cal-Am.

25
26 **II. VIOLATIONS OF MANDATORY NORTH MONTEREY COUNTY LOCAL**
27 **COASTAL PLAN REQUIREMENTS**

28 **A. Applicable Provisions of the Coastal Plan**

1 27. The “test well” directly violates the following policies / mandates of the certified
2 North Monterey County Local Coastal Plan that Monterey County and the Coastal Commission
3 are required to uphold and enforce:

- 4 • NMCLCP 2.5.1 Key Policy: The water quality of the North County groundwater
5 aquifers shall be protected, and new development shall be controlled to a level
6 that can be served by identifiable, available, long term-water supplies. The
7 estuaries and wetlands of North County shall be protected from excessive
8 sedimentation resulting from land use and development practices in the watershed
9 areas.
- 10 • NMCLCP 2.5.3 Specific Policies:
 - 11 ○ The County's Policy shall be to protect groundwater supplies for coastal
12 priority agricultural uses with emphasis on agricultural lands located in
13 areas designated in the plan for exclusive agricultural use.
 - 14 ○ The County's long-term policy shall be to limit groundwater use to the
15 safe-yield level. The first phase of new development shall be limited to a
16 level not exceeding 50% of the remaining buildout as specified in the
17 LUP. This maximum may be further reduced by the County if such
18 reductions appear necessary based on new information or if required in
19 order to protect agricultural water supplies. Additional development
20 beyond the first phase shall be permitted only after safe-yields have been
21 established or other water supplies are determined to be available by an
22 approved LCP amendment. Any amendment request shall be based upon
23 definitive water studies, and shall include appropriate water management
24 programs.
 - 25 ○ The County shall regulate construction of new wells or intensification of
26 use of existing water supplies by permit. Applications shall be regulated
27 to prevent adverse individual and cumulative impacts upon groundwater
28 resources.

22 28. Cal-Am's illegal pumping and then its “wasting/dumping” of the potable
23 groundwater resources will result in significant individual and cumulative adverse impacts,
24 immitigable permanent damage, a continuing nuisance, and irreversible seawater intrusion into
25 the potable groundwater resources and aquifers of the Salinas Valley Groundwater Basin.
26 Further, it will cause irreparable damage to the adjacent protected prime coastal farmlands in
27 violation of the certified Local Coastal Plan.

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B. Harm to the Groundwater Supply

29. The harm to the North Monterey County groundwater supply is evidenced by Cal-Am’s violation of three separate laws. First, Cal-Am’s actions violate the new mandates of Governor Brown's groundwater legislation that specifically identifies (and prohibits) “significant and unreasonable seawater Intrusion” as an “Undesirable Result” that must be avoided in the management of potable groundwater basins, and specifically in the Salinas Valley. (See AB 1739 (Dickinson); SB1168 (Pavley); and SB1319 (Pavley) signed by Governor Brown in October, 2014).

30. Second, Cal-Am, through its test well, intends to intentionally contaminate a potable groundwater supply in violation of multiple state regulations and water quality laws. The California Regional Water Quality Control Board – Central Coast (CCRWQCB) is tasked with the adoption and enforcement of the Water Quality Control Plan for the Central Coastal Basin. The Plan was adopted in June 2011 and references the SWRCB Non-Degradation Policy adopted in 1968 which is required to be enforced by the CCRWQCB: “wherever the existing quality of water is better than the quality of water established herein as objectives, such existing quality shall be maintained unless otherwise provided by the provisions of the State Water Resources Control Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California, including any revisions thereto.”

31. Third, Cal-Am’s test well, and its removal of groundwater from the basin (and discharging that groundwater into the Pacific Ocean) violates several aspects of California groundwater rights law:

- In an over-drafted percolated groundwater basin, there is no groundwater available for junior appropriators to take outside of the basin. (*Katz v. Walkinshaw* (1902) 141 Cal. 116). This is the situation in the over-drafted Salinas Valley percolated groundwater basin, there is no "new" groundwater underlying the over-drafted Salinas aquifers. Cal-Am is a junior appropriator that has no rights to groundwater in the Salinas Valley, and it can't get any.
- The “Doctrine of Correlative Overlying Water Rights,” as created and interpreted

1 by the California Supreme Court in *Walkinshaw*, and as reiterated for the last 110
2 years (most recently in *City of Barstow v. Mojave* (2000) 23 Cal.4th 1224,
3 prohibits any land owner in an over-drafted percolated groundwater basin from
4 pumping more than that land owner's correlative share of groundwater from the
5 aquifer as against all other overlying water rights holders and senior
appropriators. CEMEX (the landowner where Cal-Am's wells are located) is only
allowed to pump a fixed (correlative) amount of water for beneficial uses solely
on its' property.

- 6 • Finally, Cal-Am has not used and has indicated that it intends to not use, but has
7 "dumped" and intends to "dump" the water it pumps from its "test well,"
8 including the Trust's potable water, back into the ocean, thereby constituting a
9 prohibited "waste of water" and a direct violation of Article X, Sec.2 of the
10 Constitution of California and the "Doctrine of Reasonable Use." (*Peabody v.*
11 *Vallejo* (1935) 2 Cal.2d 351-371.)

12 **DUTY TO ENFORCE**

13 32. The California Coastal Commission and the County of Monterey are legally
14 required, duty bound, and obligated to enforce the non-discretionary mandates encompassed by
15 and included in the state certified LCP.

16 33. The legal obligations to enforce the non-discretionary mandates in this state
17 certified LCP, which was unanimously certified and adopted on March 1, 1982 by the California
18 Coastal Commission and adopted by the Monterey County Board of Supervisors in June of 1982,
19 may not be ignored or waived by either the staffs or the voting officials of those two
governmental entities.

20 34. The 1982 certified LCP for North Monterey County is an adopted and enforceable
21 California state coastal plan (certified local coastal plan) as provided for by the State Legislature
22 in the California Public Resources Code and the California Coastal Act. All State agencies,
23 including the Coastal Commission, have a duty and are mandated at all times both to enforce the
24 state certified requirements in the North County LCP policies, and to jealously protect the
25 recognized groundwater resources of the Monterey County Coastal Zone, and particularly to
26 preserve protected and statutorily protected coastal agricultural resources.

27 35. It is mandatory that certified LCP provisions, requiring protection and preservation
28 of identified, recognized, and protected coastal natural resources, are required to be enforced by

1 both the County and the Coastal Commission, even if the threat of damage or loss to protected
2 groundwater resources, or the violation of the mandated protective policies in the certified North
3 County LCP, result from activities that are outside, but immediately proximate, to the
4 jurisdictional coastal area of the North County LCP.

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**FIRST CAUSE OF ACTION AGAINST CALIFORNIA COASTAL
COMMISSION, CCC COMMISSIONERS, COUNTY OF MONTEREY, AND BOS
Violation of the Local Coastal Plan**

36. Petitioner hereby incorporates by reference paragraphs 1 through 35 as if fully set forth herein.

37. The California Coastal Commission and the County of Monterey are legally required, duty bound, and obligated to enforce the non-discretionary mandates encompassed by and included in the state certified LCP.

38. Cal-Am’s slant test well is in violation of Key Policy 2.5.1 of the LCP and the Specific Policies of section 2.5.3 of the LCP, as detailed above. Cal-Am’s pumping from the slant test well is also in violation of state water laws and is causing harm to groundwater supplies. Finally, Cal-Am’s pumping is in violation of the Monterey County Water Resources Agency Act.

39. On May 19, 2016, Petitioner wrote to the County and CCC and demanded that each entity enforce the Local Coastal Plan concerning Cal-Am’s slant test well, for the reasons listed above. During the week of June 20, 2016, the CCC and County each responded that it would not enforce the terms of the LCP. The CCC’s and County’s failure to enforce the terms of the LCP are in direct conflict with state law. This Court’s intervention is therefore required to remedy the CCC’s and County’s action in this regard. Accordingly, the Court should issue a writ of mandate directing the CCC and County to enforce the LCP by issuing a cease-and-desist order to Cal-Am.

1 components have become exposed due to erosion, but the “remedy” contained in Cal-Am’s
2 amended permit application (and approved by the Coastal Commission) does not result in a
3 complete covering of all project components. Rather, certain components will remain above
4 grade, constituting a dangerous condition. Moreover, even this limited covering will not take
5 place immediately, but will occur gradually due to natural sand deposition. This violates Special
6 Condition 6, which requires a full covering of all project components and prompt remedying of
7 violations.

8 45. Fourth, Special Condition 11 prohibits a TDS increase of 2000 ppm. Since the
9 beginning of the test slant well pumping, salinity levels in the monitoring wells have increased
10 significantly more than 2000 ppm, demonstrating Cal Am’s knowing contamination of the
11 statutorily and regulatorily protected groundwater.

12 46. On May 19, 2016, Petitioner wrote to the CCC and demanded that it enforce the
13 permit conditions listed above. During the week of June 20, 2016, the CCC responded that it
14 would not enforce the terms of the permit conditions. The CCC’s failure to enforce the terms of
15 the permit conditions are in direct conflict with state law. This Court's intervention is therefore
16 required to remedy the CCC’s action in this regard. Accordingly, the Court should issue a writ
17 of mandate directing the CCC to enforce the Permit Conditions by issuing a cease-and-desist
18 order to Cal-Am.

19
20 **THIRD CAUSE OF ACTION (AGAINST COUNTY OF MONTEREY, BOS, and**
21 **MCWRA)**
22 **Violation of Agency Act**

23 47. Petitioner hereby incorporates by reference paragraphs 1 through 46 as if fully set
24 forth herein.

25 48. MCWRA is organized and existing under the Monterey County Water Resources
26 Agency Act, Water Code Appendix Chapter 52 ("Agency Act"), and its territory consists of "all
27 of the territory of the county lying within the exterior boundaries of the county." (Agency Act
28 Section 52-4). The Agency Act provides in relevant part:

1 The Legislature finds and determines that the agency is developing a project which
2 will establish a substantial balance between extractions and recharge within the
3 Salinas River Groundwater Basin. *For the purpose of preserving that balance, no*
4 *groundwater from that basin may be exported for any use outside the basin, except*
5 *that use of water from the basin on any part of Fort Ord shall not be deemed such*
6 *an export. If any export of water from the basin is attempted, the agency may*
7 *obtain from the superior court, and the court shall grant, injunctive relief*
8 *prohibiting that exportation of groundwater." (Agency Act § 52-21; emphasis*
9 *added)*

10 49. Cal Am now proposes to obtain the project's source water from aquifers that are a
11 part of the Salinas Valley Groundwater Basin. (See Change in project description in CPUC
12 A.12-04-019, Service of Amended Application dated March 14, 2016.) That proposed action is
13 in direct violation of the state Agency Act, which prohibits the exportation of groundwater from
14 the Salinas Valley. Previously, in this application, Cal Am planned to draw its source water via
15 slant wells from under the seafloor because the company lacked water rights to draw water from
16 the SVGB. This earlier planned action was also supposed to avoid violation of the state Agency
17 Act – the assumption being that the water was not going to be drawn from the SVGB despite the
18 well-known fact (McMillian, 2003) that the basin extends miles out to sea. Now, the source
19 water being affirmed to be groundwater within the SVGB, the Agency Act, as well as the water-
20 rights issue, comes into play.

21 50. Cal Am is planning now to satisfy the Agency Act by returning a fraction of the
22 potable water it produces to the SVGB while exporting a much larger fraction to the Monterey
23 Peninsula, the two fractions corresponding respectively to the fractions of basin-water and
24 seawater in the source water. The tacit premise of this plan is that basin water consists only of
25 potable water, which is all that needs to be returned to the SVGB to satisfy the Agency Act.
26 That promise is untrue. Basin water consists of not only potable but also non-potable
27 components, including salt, which need to be subject to filtration, including desalination, to
28 produce potable water. If the premise were true, desalination would be unnecessary.

51. The Agency Act refers simply to groundwater, consisting of both potable and non-
potable components. Therefore, the Agency Act prohibits the exportation from the SVGB of

1 both components, not just a potable component of groundwater. Moreover, the attempt to
2 redefine groundwater as “potable water under the ground” was foreclosed by CPUC ALJ
3 Weatherford when he ruled that a desalination facility is not an independent “water source”:

4 In addition, Marina Coast assumes that the desalination plant is a “water source,”
5 and based on that assumption, Marina Coast argues that the desalination plant
6 falls outside of the Commission’s purview. (Marina Coast Reply Brief at 1-2.)
7 Marina Coast’s assumption is incorrect. While the proposed desalination plant
8 may produce fresh water, it is not the source or supply of water – the source of
9 water would be the ocean (or possibly groundwater). Treatment of surface water
10 or groundwater does not make the treatment plant the “source” of that water.
11 Likewise here, treatment of seawater (including desalination) does not make the
12 treatment plant the source of the water. (Excerpt from p. 15 of D.12-10-030 (31
13 October 2012.)

14 52. On May 19, 2016, Petitioner wrote to the County and demanded that it enforce the
15 provisions of the Agency Act listed above. During the week of June 20, 2016, the County (on
16 behalf of itself and the MCWRA) responded that it would not enforce the terms of the Agency
17 Act. The County’s and MCWRA’s failure to enforce the terms of the Agency Act are in direct
18 conflict with state law. This Court’s intervention is therefore required to remedy the County’s
19 and MCWRA’s action in this regard. Accordingly, the Court should issue a writ of mandate
20 directing the County and MCWRA to enforce the Agency Act by issuing a cease-and-desist
21 order to Cal-Am.

22 WHEREFORE, Petitioners pray for judgment as follows:

- 23 1. For Alternative and Peremptory Writs of Mandate ordering Respondents to enforce
24 the LCP, Permit Conditions, and Agency Act, by issuing Cease and Desist Orders
25 against Cal-Am;
- 26 2. For a preliminary and permanent injunction against Cal-Am’s continued pumping
27 of groundwater from the Salinas Valley Groundwater Basin, until it complies with
28 the LCP, Permit Conditions, and Agency Act;
3. For costs of suit;
4. For an award of attorney’s fees; and
5. For such other and further relief as the court deems proper.

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Dated: June 28, 2016

BALCH LAW OFFICE

By: _____
David W. Balch

Attorney for Petitioner

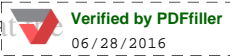
VERIFICATION

I, RON WEITZMAN, declare:

I am the President of WRAMP, the Petitioner in this action. I am authorized to make this declaration on behalf of WRAMP. I make this declaration of my own knowledge, and if called to testify thereto, I could and would competently testify.

I have read the foregoing Petition for Writ of Mandamus and know the contents thereof. The contents therein are true of my own knowledge, except as to those matters that are alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 28th day of June, 2016, in Carmel, California.



Ron Weitzman

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