

A Community Guide to California's
"Show Me the Water Laws" Including
The Urban Water Management Planning Act
And Senate Bills 610 & 221

Created by the California Water Impact Network
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The Problem...

- ◆ California population may grow to 60 million by 2020.
- ◆ Most of this growth will occur in driest parts of the state.
- ◆ All of our water supplies are under stress, particularly imported supplies.
- ◆ Water is managed by a complex network of agencies; while growth and development are controlled by totally separate agencies (planning departments)

How, then, can we maintain reliability for existing residents in the face of rapid population growth and development?

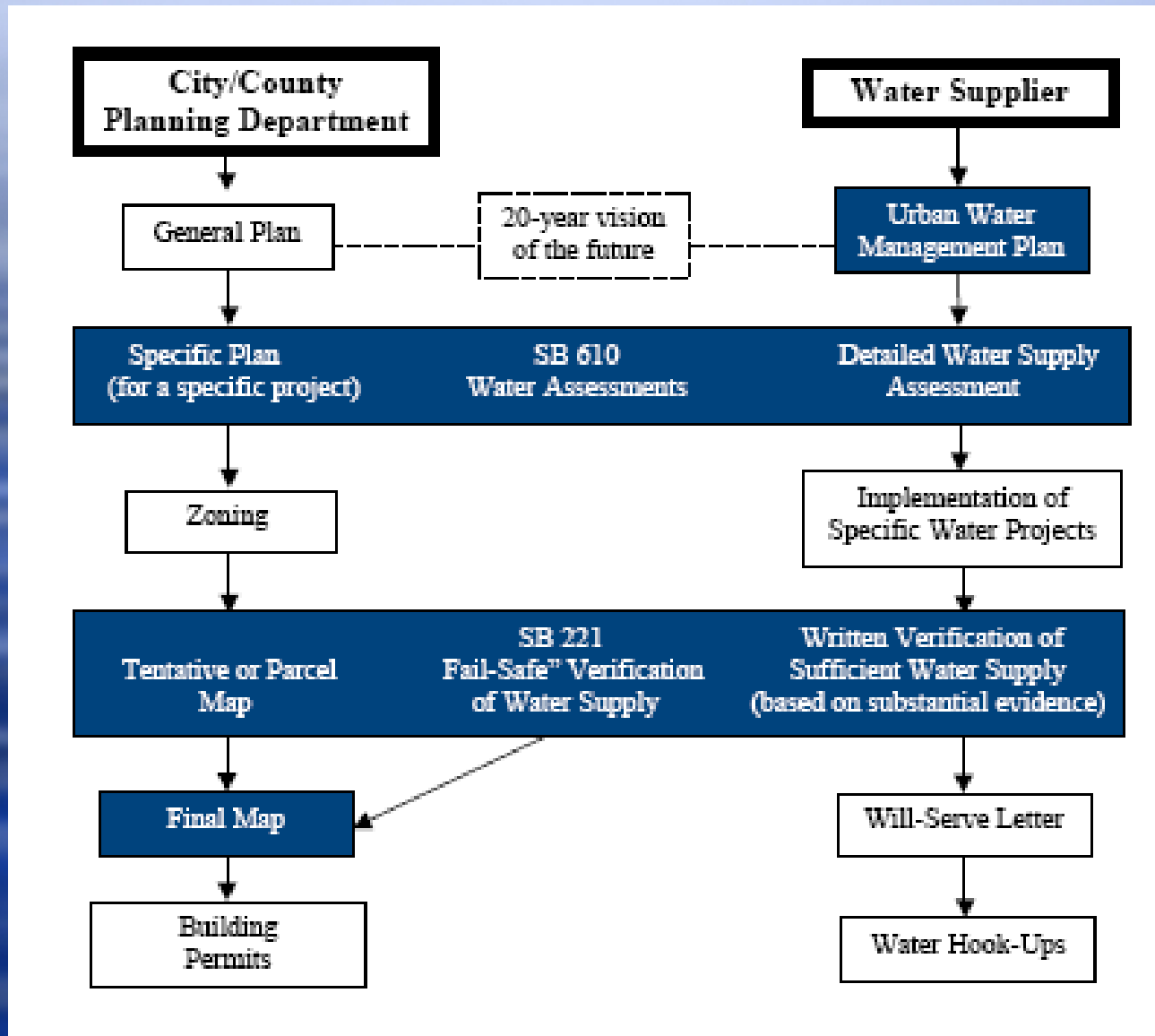
Part of the Solution...

- ◆ Get those who manage water and those who manage growth to communicate with one another to ensure that growth does not outpace reliable water supplies.
- ◆ California has taken several steps toward making this happen:
 - ◆ The California Environmental Quality Act
 - ◆ The Urban Water Management Planning Act
 - ◆ Senate Bill 610
 - ◆ Senate Bill 221

Chapter 2: California's Water Supplies

- ◆ Where does your water supply come from?
 - ◆ Surface Water:
 - ◆ State Water Project ("Paper" v. "Real" Water)
 - ◆ Central Valley Project
 - ◆ Colorado River
 - ◆ Local Supplies
 - ◆ Issues in the Delta
 - ◆ Groundwater
 - ◆ Issues of Contamination
 - ◆ "Banked" Water
- ◆ Who manages your water supply?
 - ◆ State Agencies
 - ◆ Federal Agencies
 - ◆ Wholesale Suppliers
 - ◆ Water Retailers

Relationships Between the Show Me the Water Laws



Chapter 3:

The Urban Water Management Planning Act

- ◆ Requires most water suppliers to prepare a Plan every five years that plans for the future of regional water supplies in light of growth and environmental changes.
- ◆ The Plan must include specific types of information and analyses that evaluates water supply reliability over a twenty year horizon for normal, dry, and multiple-dry years.
- ◆ Citizens must be vigilant to check the quality of the information in the Plan, because it forms the basis for many decisions regarding water.

Chapter 4: Senate Bill 610

- ◆ Requires that land use agencies and water communicate and cooperate in the preparation of a detailed Water Supply Assessment (“WSA”) whenever certain types of projects reach the specific plan phase.
- ◆ The WSA must include “a discussion with regard to whether the public water system’s total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system’s existing and planned future uses, including agricultural and manufacturing uses.” Water Code § 10910(c)(3).

Chapter 5: Senate Bill 221

- Designed to ensure that a sufficient supply of water is really available at the time the project is ready to proceed.
- Prohibits approval of a tentative map, parcel map, or development map for a subdivision unless there is “a sufficient water supply.”
- “Sufficient water supply” means the total water supplies available during normal, single-dry, and multiple-dry years within a 20- year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. Gov. Code § 66473.7(a)(2).

Key Differences Between SB 610 & 221

	SB 610	SB 221
Phase of Development	When specific plan for development is under review.	When tentative map, parcel map, or development map of a subdivision has been submitted for approval.
Coverage	Projects that are (1) subject to CEQA and (2) meet either the threshold size requirements under static, size-based (equivalent water use to 500 unit development) or sliding-scale (increase of 10 percent) tests.	Residential subdivisions that are larger than 500 units or represent an increase of 10 percent or more additional service connections.
Content	<p>Largely the same as UWMPA, with slightly more detail required to document water sources, prior deliveries, and groundwater rights.</p> <p>Also must specifically include projections that show water supply will be sufficient to serve the new project, along with existing uses and planned future uses.</p>	Largely the same as SB 610, with certain specific additional requirements, including detailed documentation of groundwater rights, and an evaluation of the impact upon local agriculture and industry of water delivery to the proposed subdivision.
Consequences of Insufficiency	<p>If analysis indicates supplies will be insufficient, the supplier must include plans for acquiring additional water.</p> <p>If, despite any plans for acquiring additional water, the WSA still indicates an insufficiency, the lead agency may nevertheless decide to approve the project, so long as that decision is supported by substantial evidence.</p>	<p>The map cannot be approved unless either the supplier or the approving agency verifies sufficient water supplies.</p> <p>The approving agency may disagree with the water suppliers' Original Verification, but must support its finding with detailed information about the availability of additional water supplies prior to completion of the subdivision.</p>
Judicial Review	No specific provision for judicial review made in statute. Courts will clearly allow WSAs to be challenged in the context of a CEQA lawsuit once the WSA has been incorporated into a CEQA document.	Requires that challenges to Verifications be filed against public water systems within 90 days of adoption.

Chapter 7: Lessons Learned from Activists on the Ground

The experiences of activists in Santa Clarita and Rohnert Park reveal the following lessons:

- ◆ Begin with a basic understanding of your water supply and the agencies and institutions that help bring that water to you.
- ◆ Find a good lawyer early to help navigate the administrative process and build a credible threat of litigation.
- ◆ Be prepared to use litigation as a last resort, when all else fails. This means being prepared to raise significant amounts of money to pay for legal fees and administrative costs, either through donations or grants.

Lessons Learned Cont...

- Gather as much relevant information as possible through personal contacts and Public Records Act requests, and using experts to help interpret the information and shape follow-up requests.
- Build a strong, diverse coalition that includes at least a few individuals or organizations with relevant subject-matter expertise (e.g. hydrology, native species, etc.)
- Be persistent. Each of these campaigns has had ups and downs, but little or no progress would have been made without the participation of citizens.