

## Water Law

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With water being a scarce but vital resource, litigation over the ownership of water rights continues to grow in importance, both in California and throughout the world. Too often, the public interest in a safe and reliable water supply is being sublimated to corporate greed and profits. CPM has been on the forefront of using the legal process to protect the basic human right to clean drinking water.

If you have information regarding potential water rights violations, please follow up with Julie Fieber.

- Email Julie
- Call Julie at (650) 697-6000.

Significant water law litigation at CPM includes:

### ***Weed Area Water Alliance et al. v. The City of Weed***

CPM represents citizens of the City of Weed bringing claims under the California Environmental Quality Act to set aside a lease with lumber giant Roseburg Forest Products that significantly reduces the City's access to Mount Shasta's pristine Beughan Spring, the city's primary water supply that it has relied upon for over a century. Roseburg is selling Beughan Spring water to Crystal Geysers, which in turn ships the water as far away as Japan. At the same time, the City faces dire water shortages and even contemplated, at one point, relying on rented water trucks to supply drinking water. After declaring a state of emergency, the City, without conducting any environmental review, entered into a new Water Lease Agreement--an action now challenged in this lawsuit. Although the trial court denied the petition for writ of mandate, the case is currently on appeal.

### ***Madera Irrigation District***

CPM represented Madera Irrigation District--a public agency that services over 100,000 acres of farmland with water supply each year in Central California--in a malpractice action against its former general

### **Key Contact**

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counsel for alleged negligent legal advice relating to a major transaction the district was contemplating involving third-party financial investment in the construction of a massive underground water bank for the district in exchange for water rights of the district. After years of hard-fought litigation and a phase one trial, the parties settled the matter with Madera Irrigation District receiving \$7.85 million dollars in full and final settlement of all claims.

### ***Clean Water Act Litigation***

CPM represents a group of non-profits in litigation against the Environmental Protection Agency over the Trump Administration's determination that the Cargill Salt Ponds located in Redwood City were not "waters of the United States" under the Clean Water Act, and therefore not entitled to any federal protection or restriction. The suit was filed under the Administrative Procedures Act, alleging the government's determination was arbitrary, capricious, and contrary to law. The case is currently pending in the Northern District of California.

### ***Proposition 218 Litigation***

CPM is working on class actions and other matters related to alleged overcharges of water rates by public entities. Public entities are not allowed to charge in excess of the actual costs of provided water services, unless the public votes for such a rate structure. California courts have determined that many tiered rate structures violate the requirements of Proposition 218.

## **Noteworthy Cases**

### ***Weed Area Water Alliance et al. v. The City of Weed***

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### ***Madera Irrigation District***

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## **News**

CPM Environmental Justice Attorneys Represent Environmental Protection Groups in Salt Ponds Complaint vs. EPA  
09.24.2019

CPM's fight for water for the citizens of Weed California, featured in UK documentary  
04.17.2018

CPM Fights Pro Bono for Small Town Residents; Who Owns the Water in Weed, California?  
*Sierra Club*, 04.01.2017

Federal Judge Orders Caltrans to Halt Plans to Contaminate Scenic River

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05.02.2014