

Central Basin Municipal Water District v. Water Replenishment District of Southern California (Dec. 10, 2012) 211 Cal.App.4th 943

The Water Replenishment District declared a “water emergency” in the Central Basin, an adjudicated groundwater basin. The adjudication imposed a “physical solution” to groundwater overdraft within the basin and authorized the Water Replenishment District to declare a water emergency, subject to specific limitations on groundwater pumping.

The Central Basin MWD challenged the declaration, asserting that it should be subject to CEQA. The trial court sustained the Water Replenishment District’s demurrer, effectively upholding the water emergency. The Court of Appeal affirmed the demurrer.

In the published portion of this decision, the Court found that CEQA is inapplicable to the Water Replenishment District’s action because “the declaration of a water emergency by itself has no environmental impact and therefore is not a project within the meaning of CEQA.” In addition, because the adjudication of the water basin strictly limits the Water Replenishment District’s authority to change any part of the terms for groundwater use set out in that judgment, the decision is ministerial. Further, even if the Water Replenishment District’s action were subject to CEQA, CEQA is trumped by the physical solution imposed by the adjudication of the groundwater basin. CEQA cannot be used “to frustrate the physical solution in the Central Basin.”