

Decision Exempting Modification of Judgment Imposing a Physical Solution to Water Rights Issues is Reinstated by California Supreme Court

As a result of a protracted adjudication over overdrafting of the 100,000-acre Los Angeles County West Coast Groundwater Basin, a stipulated judgment imposing a "physical solution" to reduce depletion of groundwater resources has regulated Basin water production and allocations since 1961. The judgment does not, however, contain provisions governing water storage, so in 2009 Golden State Water Company and several public agencies sought to amend the judgment to allow "dewatered" space within the Basin to be used for storage. The court denied their motion, ruling that CEQA review of the proposed amendment would have to be completed by the Water Replenishment District before the court could make findings on the environmental impacts of the water storage proposal. The court of appeal reversed that decision, ruling that the judgment gave the trial court continuing jurisdiction to make modifications needed to address future issues involving water rights and protection of the Basin. In exercising that authority, the court said, environmental concerns should be considered. But an EIR cannot be made a precondition to action by the court since the judgment reserved the power to take further action to the court, to the exclusion of interested public agencies. The court of appeal decision was suspended when the California Supreme Court decided to review the case in December 2011. However, on May 9 the court reinstated the court of appeal decision by dismissing review of the case and ordering that the court of appeal decision be republished in the official reports. [*Hillside Memorial Park and Mortuary v Golden State Water Company*](#), 205 Cal.App.4th 534 (2012)

Blog series

California Land Use & Development Law Report

California Land Use & Development Law Report offers insights into legal issues relating to development and use of land and federal, state and local permitting and approval processes. [View posts by topic](#). [Subscribe ?](#)

[View the blog](#)