

## 2005 Urban Water Management Plan Updates: Avoid Litigation Through Careful Planning and Documentation

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Urban water suppliers throughout the state are required to update their Urban Water Management Plans (UWMP) by the end of 2005. (Wat. Code § 10621.) Given recent legislative changes, UWMP's are now crucial in the approval process for new development. Given its heightened importance, UWMP's will no longer simply sit on the shelf, ignored for 5 years until the next required update.

### Urban Water Management Plans are now the primary documents for water and land use decision makers.

UWMP's are now primary source documents for water and land use decision makers, providing crucial water supply and demand forecasting information. We urge water suppliers to include input from cities and counties, regional water suppliers, legal counsel, and the public in preparing these updates. As one agency recently learned, UWMP's can be the focus of litigation. (See *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2004) 123 Cal.App.4th 1.) Broad and comprehensive coordination will help ensure UWMP's are legally defensible.

UWMP's have been useful internal water agency planning tools since 1983. (See Wat. Code 10620 et. seq.) Every public water supplier serving more than 3,000 customers or 3,000 acre-feet of water per year is required to update its UWMP's every five years. The last round of UWMP updates was in 2000.

Since 2000, there have been substantial changes to the UWMP Act, as well as related litigation that should influence the contents of a well-prepared UWMP.

#### Some examples:

- SB 610 (Costa) adds details to the required analysis to be included in the UWMP.
- SB 221 (Kuehl) requires written verifications of water supply for large projects.
- AB 901 (Daucher) requires discussion of certain water quality information.
- SB 672 (Machado) encourages reduced reliance on imported water.
- SB 1348 (Brulte) requires the Department of Water Resources to consider UWMP and demand management when considering eligibility for state grants.
- SB 1384 (Costa) permits reliance on wholesale supplier information in UWMP's.
- SB 1518 (Torlakson) requires the UWMP to discuss recycled water.
- SB 318 (Alpert) requires that UWMP's discuss desalination.
- A recent case held that an adequate water supply discussion is fundamental to an adequate EIR.
- Another case invalidated an UWMP because it failed to fully assess local groundwater contamination impacts on reliability.

Hatch & Parent regularly counsels its clients on the preparation of UWMP's and related water supply assessments and verifications. If you would like more information or assistance, please feel free to contact Heather A. Halsey at (805) 882-1483 or email [HHalsey@HatchParent.com](mailto:HHalsey@HatchParent.com) or contact Rob Saperstein at (805) 882-1417 or email [RSaperstein@HatchParent.com](mailto:RSaperstein@HatchParent.com)