

# **Constitutional and Statutory Protections Designed to Support Consensus on Future California Water Development**

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# Legislature and Bond Bills

- Legislature acting on bond measure without substantive protections is a mistake.
  - Two Reasons:
    - Policy protections for State's water resources must precede or accompany any request for popular vote.
    - The 2007 bond act proposals, and Delta Vision Task Force Report, contained selective but incomplete policy.

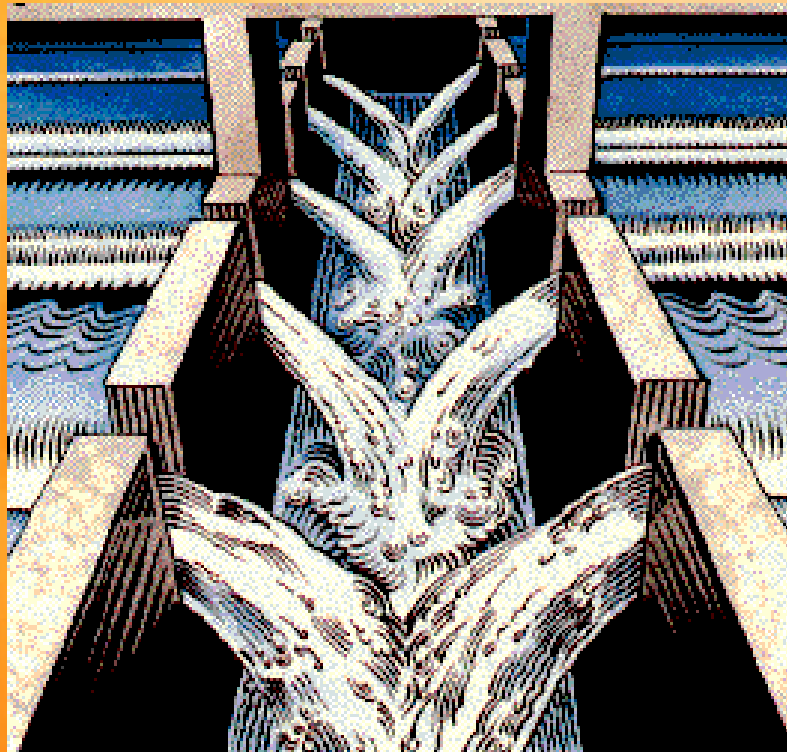


# California in the 1920s



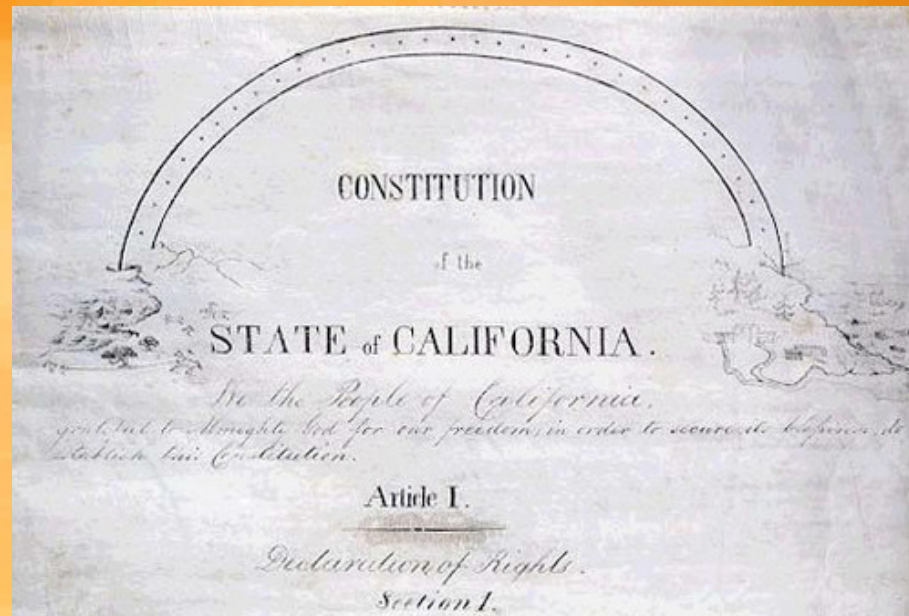
- California Supreme Court ruling in *Herminghaus v. Southern California Edison Co.* (1926) 200 Cal. 81
  - Venerated riparian rights over all appropriative uses.
  - Reaction produced constitutional amendment adopted in 1928, which forms our bedrock mandate for reasonable and beneficial use. (Art. X, § 2)

# California now at a new crossroad paralleling 1928



- Excesses have placed our ecosystems and water reliability at great risk.
- We are witnessing “the end of California water”: Delta, Colorado, Eastern Sierra.
- Climate change imposes a transcendental constraint.
- Certain measures should be considered for public debate as part of bond act.

# Measures to be considered:



- #1

- Adoption into the Constitution of the public trust doctrine.

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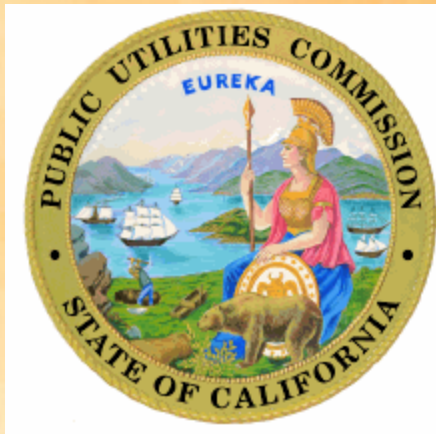
- #2

- Adoption into the Constitution of the watershed of origin doctrine.



# Measures to be considered:

 California Environmental Protection Agency  
**STATE WATER RESOURCES CONTROL BOARD**



- #3

- Establishment into the Constitution of the State Water Resources Control Board as a constitutional agency on par with the Public Utilities Commission.

# Measures to be considered:



- #4

- Confirmation by statute or resolution that SWP contract articles 18(1) and 18(b) be reinstated to conform distributions to environmental realities.

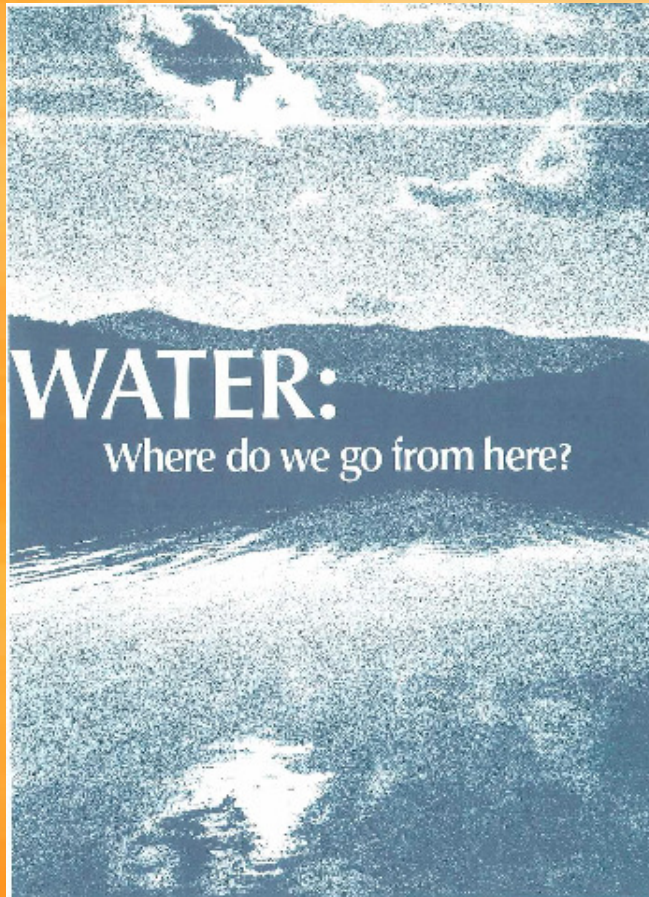


# Measures to be considered:



- #5
  - To ensure judicial review of water resource determinations, any party claiming an interest can intervene in litigation, but not force its dismissal.

# Peripheral Canal, 26 years on (1982-2008)



- Totalitarian rejection in the North
- Tepid support in the South
- Why: cost and environment
- Missing: trust

# Owens River, 93 years on (1913-2006)

