

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Everett L. DeLano III, SBN: 162608 DeLano & DeLano 220 West Grand Avenue Escondido, California 92025 TELEPHONE NO.: (76) 510-1562 FAX NO.: (760) 510-1565 ATTORNEY FOR (Name): Petitioner San Diego Coastkeeper	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, California BRANCH NAME: Central Division	
CASE NAME: <b>San Diego Coastkeeper v. San Diego County Water Authority</b>	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER:  JUDGE:  DEPT:

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): **SIX (6)**
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 25, 2014  
 Everett L. DeLano, III  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 Everett L. DeLano III (Calif. Bar No. 162608)  
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9 Attorneys for Petitioner

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

12  
13 SAN DIEGO COASTKEEPER, a non-profit )  
14 corporation; )

15 Petitioner, )

16 vs. )

17 SAN DIEGO COUNTY WATER )  
18 AUTHORITY, a public agency, and DOES 1 )  
19 through 5, inclusive, )

20 Respondents. )  
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Case No.

**VERIFIED PETITION FOR WRIT OF  
MANDATE**

(California Environmental Quality Act)

1 **INTRODUCTION**

2 1. This action challenges the approvals by Respondent San Diego County Water Authority  
3 (“Water Authority” or “Respondent”) of the 2013 Regional Water Facilities Optimization and Master  
4 Plan Update and Climate Action Plan (“Project”), and the related failure to comply with the California  
5 Environmental Quality Act (“CEQA”), Pub. Res. Code § 21000, *et seq.*

6 2. Among other things, the Water Authority failed to consider the environmental impacts  
7 associated with the Project, failed to prepare and circulate required environmental analysis, and failed  
8 to consider and adopt feasible alternatives and mitigation.

9 3. Petitioner seeks alternative and peremptory writs of mandate declaring the Water Authority’s  
10 approvals invalid, and enjoining the Water Authority from taking steps to implement the approvals.

11 **PARTIES**

12 4. Petitioner San Diego Coastkeeper is a non-profit organization that seeks to protect and restore  
13 fishable, swimmable, and drinkable waters in San Diego County. Petitioner and its members have been  
14 injured as a result of Respondent’s actions. Respondent’s actions adversely affect the recreational,  
15 vocational, aesthetic, scientific, and environmental interests of Petitioner and its members. The interests  
16 of Petitioner and its members have been and will continue to be adversely affected by Respondent’s  
17 unlawful actions in violation of CEQA. The relief sought in this Petition would redress Petitioner’s and  
18 Petitioner’s members’ injuries.

19 5. Respondent San Diego County Water Authority is a public agency that serves as San Diego  
20 County’s regional water wholesaler, organized under the laws of the state of California with its principal  
21 place of business in San Diego, California.

22 6. Petitioner does not know the true names or capacities of the persons or entities sued herein as  
23 Does 1 through 5, and therefore sue these respondents by such fictitious names. Petitioner will amend the  
24 Petition to set forth the names and capacities of said respondents along with appropriate charging  
25 allegations when the same have been ascertained.

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1 **PROJECT DESCRIPTION AND HISTORY**

2 7. The Project includes two programmatic plans addressing future water development and  
3 conservation: the 2013 Regional Water Facilities Optimization and Master Plan Update (2013 Master  
4 Plan Update) and the Climate Action Plan (CAP).

5 8. The Water Authority issued a Notice of Preparation on or about April 18, 2013. On or  
6 about November 22, 2013, a Draft EIR regarding the Project was made available for public review.  
7 The EIR discussed certain improvement projects as well as the CAP. It claimed the 2013 Master Plan  
8 Update consisted of changes and updates to the Water Authority’s 2003 Regional Water Facilities  
9 Master Plan emphasizing “maximizing efficiency of the existing system.” The EIR also claimed the  
10 CAP was a greenhouse gas reduction plan to identify the Water Authority’s current emissions,  
11 projected future emissions, emission reduction goals, and energy conservation opportunities.  
12 Unfortunately, neither claim was correct. The 2013 Master Plan Update did not emphasize  
13 maximizing efficiency but instead failed to provide for adequate conservation and efficiency.  
14 Likewise, the CAP did not accurately account for current emissions or projected future emissions nor  
15 did it adequately provide for emission reduction goals and energy conservation opportunities.

16 9. Several parties, including Petitioner, submitted comments on the Project and EIR, noting  
17 these and other inadequacies. Commenters noted, *inter alia*, that the CAP reduction goals were  
18 inconsistent with the CARB Climate Change Scoping Plan directives, that the CAP inventory and  
19 reduction measures were inaccurate, that the CAP is not a qualified greenhouse gas reduction plan, that  
20 the Master Plan failed to adequately consider conservation as an achievable “new water” resource, that  
21 the Master Plan failed to adequately consider potable reuse as an achievable “new water” resource, that  
22 the Master Plan failed to address “embedded energy” in the Water Authority’s energy use analysis or  
23 energy management strategies, that the scope of operations used for determining baseline emissions in  
24 the CAP was improperly limited, that the use of pumped storage as an offset for Project emissions was  
25 unsupported, that the Project description omitted and obscured critical information, that the EIR failed  
26 to adequately analyze growth inducing impacts, that the EIR failed to adequately analyze and mitigate  
27 climate change impacts, that the Master Plan did not sufficiently consider the potential for  
28 conservation and environmentally sustainable procurement, that the Project lacked enforceable

1 reductions measures, and that the emissions analysis was flawed. The comments generally expressed  
2 substantial concern with the failure of the analysis to address the numerous Project impacts and to  
3 analyze possible alternatives and mitigation to address those impacts.

4 10. Subsequently, the Supplemental Program Environmental Impact Report (“SPEIR”) was  
5 prepared. The SPEIR concluded that all Project impacts would be mitigated to a less than significant  
6 level. The SPEIR did not substantively or sufficiently address the comments on the draft EIR.

7 11. On March 27, 2014, the Water Authority’s governing board met to consider the Project and  
8 SPEIR. Comments and testimony, including from Petitioner, was received regarding several aspects  
9 of the Project and EIR. Again, commenters expressed substantial concern with the failure of the  
10 analysis to address the numerous Project impacts and to analyze possible alternatives and mitigation to  
11 address those impacts. The Water Authority’s governing board voted to approve the Project and  
12 SPEIR. The Project approvals included certification of the SPEIR, adoption of a mitigation monitoring  
13 and reporting program, and adoption of findings of fact.

14 12. A Notice of Determination was filed on March 28, 2014.

15 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**  
16 **AND INADEQUATE REMEDIES AT LAW**

17 13. Petitioner has exhausted all available administrative remedies, and objections to the Project  
18 have been presented orally and in writing to the Water Authority, as required by Public Resources  
19 Code Section 21177. These include, but are not limited to, letters and oral comments presented during  
20 public hearings.

21 14. Petitioner has complied with the requirements of Public Resources Code Section 21167.5  
22 by mailing a written notice of commencement of this action to the Water Authority. A true and correct  
23 copy of that notice is attached hereto as Exhibit 1.

24 15. Petitioner has advised the Water Authority that Petitioner has elected to prepare the record  
25 of proceedings relevant to the approval of the Project, pursuant to Public Resources Code Section  
26 21167.6. A true and correct copy of that notice is attached hereto as Exhibit 2.



1           27. Respondents' approval of the SPEIR constituted a prejudicial abuse of discretion in that the  
2 SPEIR is not in accord with CEQA, the CEQA Guidelines, and case law, but rather is legally inadequate  
3 and insufficient in numerous respects, including but not limited to, the following:

- 4           a. The Project description is not stable and finite, and is unclear, inconsistent, skewed,  
5 inaccurate and incomplete in numerous respects;
- 6           b. The SPEIR fails to discuss the existing environmental conditions in the affected area,  
7 including but not limited to, conditions on the ground and current planning conditions;
- 8           c. The SPEIR fails to analyze adequately the significant adverse direct, indirect and  
9 cumulative effects of the Project, including but not limited to, the following:
- 10           i. Climate Change impacts, including but not limited to, failing to address  
11 reasonably foreseeable impacts, failing to adequately account for current and  
12 future Greenhouse Gas emissions, failing to provide a sufficient greenhouse gas  
13 reduction plan, failing to meet AB 32 requirements, failing to ensure consistency  
14 with California Executive Order S-3-05, failing to use proper criteria to identify  
15 impacts to global warming, and failing to consider potential health impacts,  
16 including cancer risk;
- 17           ii. Water supply impacts, including but not limited to, failing to address the  
18 shortage of water in the area, failing to adequately provide for water  
19 conservation and reuse, failing to demonstrate an adequate water supply, failing  
20 to consider long-term water needs and supply, failing to provide an adequate  
21 showing that water supply would be available, and failing to analyze the impacts  
22 of the use of and demand for water;
- 23           iii. Air quality impacts, including but not limited to, failing to address reasonably  
24 foreseeable impacts (including the contribution of pollutants, grading related  
25 impacts, and the lack of attainment of air quality standards), failing to use proper  
26 criteria to identify impacts to air quality, and failing to consider potential health  
27 impacts, including cancer risk;
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- 1                   iv. Land use and community character impacts, including but not limited to, failing to  
2                   address requirements for parks and recreation, failing to address inconsistencies  
3                   with relevant habitat planning programs, failing to address effects on the physical  
4                   conditions as they existed at the time of the environmental analysis, and failing to  
5                   address impacts to neighborhood and community character;
- 6                   v. Visual quality and aesthetics impacts, including but not limited to, failing to  
7                   address impacts to existing resources, failing to address impacts associated with  
8                   lighting;
- 9                   vi. Transportation and traffic impacts, including but not limited to, failing to  
10                  consider existing conditions, failing to address reasonably foreseeable impacts to  
11                  traffic and traffic safety (including construction traffic, increased traffic,  
12                  additional delays, narrow roads, overcrowded roads and intersections, additional  
13                  accidents, reduced access, and shifts in travel routes), failing to address impacts  
14                  associated with existing failing streets and roads, failing to consider all  
15                  roadways (including regionally significant arterials, freeways, ramps, and  
16                  interchanges), failing to recognize the Project's impacts in relation to existing  
17                  problems and failing streets and intersections, failing to address safety  
18                  considerations associated with existing and Project traffic, using inaccurate  
19                  baseline data, failing to assess impacts on alternative transportation (such as  
20                  public transit, pedestrian and bicycle usage), failing to address the Project's  
21                  impacts on area roads and intersections, using incorrect criteria to determine  
22                  impacts, failing to consider sight distance, failing to consider impacts if  
23                  mitigation is not fully funded, failing to address impacts to and from parking,  
24                  relying upon unsupported models and data, using unsupported assumptions,  
25                  failing to consider an appropriate share of mitigation for Project impacts, failing  
26                  to analyze adequately impacts to intersections, and failing to analyze all affected  
27                  areas;
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- 1                   vii. Hydrological and water quality impacts, including but not limited to, failing to  
2                   address reasonably foreseeable impacts and the introduction of pollutants to  
3                   groundwater and surface water, failing to discuss post-construction impacts,  
4                   failing to address drainage impacts, and failing to consider criteria for mitigation  
5                   to impacts;
- 6                   viii. Noise impacts, including but not limited to, failing to consider existing noise  
7                   conditions, failing to address reasonably foreseeable impacts, failing to consider  
8                   all likely sources of noise, failing to address impacts caused by proposed  
9                   mitigation, failing to apply applicable standards appropriately, failing to  
10                  consider likely future noise sources, and relying upon unsupported models and  
11                  data;
- 12                  ix. Biological resource impacts, including but not limited to, failing to address impacts  
13                  to open space, failing to address impacts to sensitive habitats and plant and animal  
14                  species, failing to consider impacts of biological resources below the soil, failing to  
15                  consider post-construction impacts, failing to consider impacts to non-native  
16                  grasslands, failing to address impacts of mitigation proposed, failing to address  
17                  impacts to wildlife corridors and wildlife movement, failing to address impacts  
18                  associated with lighting, failing to protect important resources, relying upon old  
19                  and inadequate survey data, lack of a synthesized project analysis, failing to  
20                  provide a regional context, failing to address impacts to wetlands and wetland  
21                  species, failing to address impacts associated with construction and dredging,  
22                  failing to provide for adequate protection of riparian areas, and failing to address  
23                  impacts to other species of concern;
- 24                  x. Archaeological and paleontological resource impacts, including but not limited  
25                  to, relying upon old and unreliable surveys, failing to adequately analyze  
26                  impacts, and inadequately disclosing sites;
- 27                  xi. Historic and cultural resource impacts, including but not limited to, failing to  
28                  consider all available resources, failing to consider the entire extent of the

1 resource, relying upon improper methods of survey and analysis, failing to  
2 adequately analyze impacts, and inadequately disclosing resources and impacts;

3 xii. Agricultural resource impacts, including analyzing existing uses and failing to  
4 consider adequate mitigation for impacts;

5 xiii. Public facilities and services impacts, including but not limited to, failing to  
6 address impacts to parks and recreation, solid waste, electricity, energy, and  
7 wastewater services, failing to ensure clean energy sources for the movement  
8 and treatment of water, and failing to bundle water and energy system  
9 improvements;

10 xiv. Growth-related impacts, including growth inducement associated with the  
11 Project.

12 d. The SPEIR fails to consider adequately the cumulative impacts of the Project and other  
13 projects that are either existing, approved, planned, or reasonably foreseeable, including  
14 future road projects and other developments located both within and outside of  
15 Respondents' physical boundaries;

16 e. The SPEIR illegally defers analysis of reasonably foreseeable impacts;

17 f. The SPEIR improperly segments the Project, piecemealing or otherwise avoiding  
18 reasonably foreseeable impacts, and separately focusing on isolated parts of the whole;

19 g. The SPEIR fails to consider adequately impacts that narrow the range of beneficial uses  
20 of the environment, in violation of Section 15126(e) of the CEQA Guidelines;

21 h. The SPEIR fails to address adequately impacts that cannot be mitigated, including but  
22 not limited to, describing their implications and the reasons why the Project is being  
23 proposed notwithstanding its adverse effects;

24 i. The SPEIR fails to consider adequately the significant irreversible effects of the Project,  
25 in violation of Section 15126(f) of the CEQA Guidelines, including but not limited to,  
26 climate change impacts; air quality impacts; impacts to biological resources; increased  
27 erosion rates; and energy use impacts;

- 1 j. The CAP is not a qualified greenhouse gas reduction plan under CEQA Guidelines  
2 Section 15183.5.
- 3 k. The SPEIR impermissibly defines the Project objectives in a way to attempt to preclude  
4 discussion of reasonable alternatives;
- 5 l. The SPEIR fails to provide an adequate programmatic level of analysis sufficient to  
6 allow tiering.
- 7 m. The SPEIR fails to analyze adequately a reasonable range of alternatives to the Project,  
8 which could reduce substantially Project related impacts, and to evaluate the  
9 comparative merits of the alternatives;
- 10 n. The SPEIR fails to analyze adequately feasible mitigation measures, fails to provide for  
11 mitigation for each environmental effect, illegally relies upon deferred mitigation  
12 measures, and fails to provide for effective and enforceable mitigation; and

13 28. Respondents failed to respond adequately to public comments.

14 **THIRD CAUSE OF ACTION**  
15 **(FAILURE TO ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS THAT IS**  
16 **SUPPORTED BY EVIDENCE IN THE RECORD)**

17 29. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set  
18 forth herein in full.

19 30. Respondents failed to adopt a Statement of Overriding Considerations that is supported by  
20 substantial evidence in the record despite the Project's significant environmental impacts.

21 **FOURTH CAUSE OF ACTION**  
22 **(FAILURE TO ADOPT FEASIBLE MITIGATION MEASURES AND ALTERNATIVES**  
23 **REQUIRED BY CEQA)**

24 31. Petitioner incorporates by reference each of the allegations set forth in this Petition as if set  
25 forth herein in full.

26 32. Respondents failed to consider and adopt feasible alternatives, including but not limited to,  
27 alternatives requiring less impacts that meet some or all of the Project objectives.

28 33. Respondents defined the Project and its objections too narrowly, resulting in a narrowing of  
the consideration of alternatives.

34. Respondents failed to adopt the environmentally superior alternative.



1 approval is obtained from Respondents after the preparation and consideration of adequate environmental  
2 analysis, with adequate notice to interested parties, adoption of findings supported by substantial evidence,  
3 and compliance with applicable requirements;

4 C. For costs of suit;

5 D. For reasonable attorneys' fees; and

6 E. For such other and further relief as the Court deems just and proper.

7 DATED: April 25, 2014

Respectfully Submitted,

8 **DELANO & DELANO**

9  
10 By: 

11 Everett L. DeLano III  
12 M. Dare DeLano  
13 Attorneys for Petitioner  
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**VERIFICATION**

I have read the foregoing Verified Petition for Writ of Mandate and know its contents,


.. I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

X I am an officer of San Diego Coastkeeper, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

.. I am one of the attorneys for \_\_\_\_\_ a party to this action. Such party is absent from the County San Diego, California, where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document(s). I am informed and believe that on that ground allege that the matters stated in it are true.

Executed on April 25, 2014 at San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Megan Bachrens, San Diego Coastkeeper

**EXHIBIT 1**



# DELANO & DELANO

April 24, 2014

*VIA FACSIMILE AND U.S. MAIL*

Thomas V. Wornham, Chair, Board of Directors  
Maureen Stapleton, General Manager  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123

Re: Notice of Intention to Commence Action Under the California Environmental Quality Act

Dear San Diego County Water Authority:

Please take notice that San Diego Coastkeeper intends to commence an action in California Superior Court, alleging, among other things, violations of the California Environmental Quality Act ("CEQA") against the San Diego County Water Authority to challenge the approvals of the 2013 Regional Water Facilities Optimization and Master Plan Update and the Climate Action Plan, including certification of the Supplemental Program Environmental Impact Report, adoption of a mitigation monitoring and reporting program, and adoption of findings of fact ("Project"). Among other things, the petition will seek to vacate the approval of the Project, and to enjoin the Water Authority from taking any further steps to implement the approvals.

If the Water Authority would like to discuss these concerns and their possible resolution, please contact the undersigned immediately. Thank you for your attention to this matter.

Sincerely,

Everett DeLano

EVERETT L. DELANO III  
*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

220 W. Grand Avenue  
Escondido, CA 92025

(760) 510-1562 :: Office  
(760) 510-1565 :: Fax



**EXHIBIT 2**

1 Everett L. DeLano III (Calif. Bar No. 162608)  
2 M. Dare DeLano (Calif. Bar No. 196707)  
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8 [www.delanoanddelano.com](http://www.delanoanddelano.com)

9 Attorneys for Petitioner

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

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13 SAN DIEGO COASTKEEPER, a non-profit )  
14 corporation; )

15 Petitioner, )

16 vs. )

17 SAN DIEGO COUNTY WATER )  
18 AUTHORITY, a public agency, and DOES 1 )  
19 through 5, inclusive, )

20 Respondents. )  
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Case No.

**NOTICE OF ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

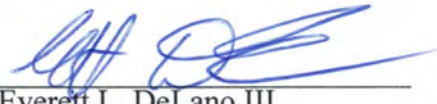
(California Environmental Quality Act)

1 By this notice, Petitioner gives notice that Petitioner elects to prepare the administrative record in  
2 the above-entitled action.

3 DATED: April 24, 2014

Respectfully Submitted,

4 **DELANO & DELANO**

5  
6 By:   
7 Everett L. DeLano III  
8 Attorney for Petitioner

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**EXHIBIT 3**

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**PROOF OF SERVICE**

*San Diego Coastkeeper v. San Diego County Water Authority*

I, the undersigned, declare:

1. I am over the age of 18 years and not a party to this action. I am employed in the County of San Diego, California, in which county the within mentioned service occurred. My business address is 220 W. Grand Avenue, Escondido CA 92025.
2. I am familiar with this office's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service. That practice is to deposit correspondence with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.
3. On April 25, 2014, I served a copy of **VERIFIED PETITION FOR WRIT OF MANDATE** to the following by the following means:

California Attorney General  
Service Deputy  
300 South Spring St.  
Los Angeles, CA 90013

*U.S. Mail*

I declare under penalty of perjury that the foregoing is true and correct.

Dated this Friday, April 25, 2014 at Escondido, California,

  
M. Dare DeLano