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WATER LAW - CALIFORNIA

Paradise Irrigation District v. Commission on State Mandates

Court of Appeal, Third District, California - March 20, 2019 - Cal.Rptr.3d - 2019 WL 1275114 - 19 Cal. Daily Op. Serv. 2555

After Commission on State Mandates denied test claims for subvention by water and irrigation districts, the Superior Court dismissed districts' petition for writ of mandate. Districts appealed.

On rehearing, the Court of Appeal held that water and irrigation districts were not entitled to subvention with regard to costs of complying with Conservation Act requirements.

Water and irrigation districts were not entitled to subvention with regard to costs of complying with Conservation Act requirements, despite fact that, under Proposition 218, a majority of property owners could protest a fee imposed by districts and prevent its imposition; existence of power-sharing arrangement between districts and voters and the possibility of a protest did not divest districts of authority to levy fees to pay for costs of complying with Conservation Act without prior voter approval.