

SEP 14 2022  
ENDORSED FILED  
YUBA COUNTY SUPERIOR COURT  
HEATHER PUGH  
SUPERIOR COURT CLERK  
BY K. RICE  
COURT CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA

MARIEKE FURNEE, GIDEON BEINSTOCK;  
JEANETTE CAVALIERE, DONNA CORSON;  
ISRAEL PERLA; and CHARLES SHARP,

Plaintiffs,

vs.

THE NORTH YUBA WATER DISTRICT, and  
DOES 1 through 100, inclusive,

Defendants.

YOUNG LIFE, INC. a/k/a YOUNG LIFE  
CAMPAIGN, INC., a Texas Corporation,

Real Party in Interest.

Case No. CV PT 21-00436

DECISION

Petitioner's Writ of Mandate came on for hearing before the undersigned on September 13, 2022. The parties appeared through counsel as the minutes reflect. The Court, having reviewed the records and the briefs and heard oral arguments. The matter was submitted.

Petitioners dismissed all but the First, Second, and Sixth Causes of Action of the amended complaint, which allege that the District's decision not to have a water season in 2021 and to provide water to Woodleaf (Young Life) in 2021 violated the California Environmental Quality Act (CEQA) and the District's 2014 irrigation water policies.

The Court concludes that the District's decision not to have a 2021 irrigation season as applicable to petitioners was not a project under CEQA since the District's 2014 policies, the Water Code, and historical practice were consistent with the decision. *County of Mono v. City of Los Angeles* (2022) 81 Cal.App.5th 657.

1 The District's decision to deliver water to Woodleaf in 2021 was pursuant to the renewal  
2 of an annual delivery contract that had been in effect for many previous years. The Court  
3 concludes that the contract is exempt from CEQA under the Class 1 exemption for existing  
4 facilities and the common sense exemption. The unusual circumstances exception does not  
5 apply.

6 The Petition is **denied** as to the First and Second Causes of Action. Abuse of discretion  
7 has not been established. While controversial and subject to debate, the District's 2021  
8 decisions were in accordance with law and supported by substantial evidence.

9 As to the Sixth Cause of Action for alleged violation of the 2014 policies in its decision  
10 not to have a 2021 irrigation season, the Petition is **denied**. The Court concludes that the  
11 District lawfully exercised its discretion under the 2014 policies under the Water Code and its  
12 decision was supported by substantial evidence.

13 The Court **grants** Petitioners' requests for judicial notice except for Exhibit E in support  
14 of their reply and **grants** Respondent's/Real Party in Interest's requests for judicial notice and  
15 **overrules** Petitioners' objections to the Maupin declaration.

16 DATED: September 14, 2022

17 STEPHEN W. BERRIER  
18 STEPHEN W. BERRIER  
19 JUDGE OF THE SUPERIOR COURT  
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1 PROOF OF SERVICE BY MAIL

2 I, the undersigned, hereby declare that I am a citizen of the United States, over the age  
3 of eighteen years, and not a party to the within action. I am employed at Yuba County  
4 Superior Court and my business address is 215 5<sup>th</sup> Street, Marysville, California.

5 On September 14, 2022, I served the within: DECISION on the named parties by  
6 placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid,  
7 in the central depository for mail collection for Yuba County, located at 215 5<sup>th</sup> Street,  
8 Marysville, California, addressed as follows:

9 JOHN P KINSEY Attorneys for Petitioner  
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11 WANGER JONES HELSLEY PC  
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12 SOMACH SIMMONS & DUNN Attorneys for Respondent  
13 A Professional Corporation  
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16 DOWNEY BRAND LLP Attorneys for Real Party in Interest  
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18 BREANA M INOSHITA  
455 MARKET ST STE 1500  
SAN FRANCISCO CA 94105-2442

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

20 Executed on September 14, 2022, at Marysville, California.

21 HEATHER PUGH  
22 CLERK OF THE SUPERIOR COURT

23 By: K. RICE  
24 Court Clerk  
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