

Recent Cases from the Court of Appeal Construing Section 1759
(In Reverse Chronological Order)

15. *In re Groundwater Cases*

154 Cal. App. 4th 659, 2007 Cal. App. LEXIS 1405 (2007)

The Court of Appeal (First District, Division 5) affirmed the dismissal of actions against both Commission regulated water utilities and public water districts. The complaints against the Commission-regulated entities were dismissed because (1) the only water quality standards to which those utilities could be held were those established by the Commission and the Department of Health Services (DHS), (2) Section 1759 precluded the Superior Court from entertaining a challenge to the adequacy of those standards and (3) per *Hartwell*, a “violation” of water quality standards can only occur if the water utility has violated the Commission/DHS standards. The actions against the public entities were dismissed because the plaintiffs could not meet the requirement of the California Tort Claims Act (Gov. Code Section 810, *et seq.*) that they show a violation of a mandatory duty.