

# The San Diego Union-Tribune.

## Court: CalFed should consider pumping less water to thirsty south

By Juliana Barbassa  
ASSOCIATED PRESS

12:10 a.m. October 14, 2005

SAN FRANCISCO – The agency overseeing the state's largest source of fresh water may have to review its water distribution plan after an appellate court ruled that it failed to consider cutting water deliveries to Southern California.

The California Bay-Delta Authority, known as CalFed, was created five years ago to protect the health of the Sacramento-San Joaquin river delta while ensuring that Californians who depend on its water for irrigation and home use have their needs met.

But the Sacramento judges who wrote the 3rd District Court of Appeals decision last week said that the environmental document the agency relied on to set its current course was too narrow in scope. It did not examine the possibility of pumping less water out of the delta to growing subdivisions and thirsty farmland to the south, the judges wrote.

The state's population is projected to grow from about 37 million today to 49 million by 2020, with half that increase in Southern California. CalFed assumed it had a duty to meet that need, and didn't consider the alternative, the opinion said.

"If there is not water to support the growth, will it occur as projected?" the ruling said. "As the state reaches the limit of available water and must seek other sources such as desalination, water will become more expensive to obtain and California's appeal will lessen."

Defendants include CalFed, irrigation districts relying on water from the Sacramento-San Joaquin river delta, urban water agencies in Southern California and others. They said it's too early to know if revisiting the agency's environmental impact study would mean a decrease in water exports to homes and farms.

State and CalFed authorities are still reviewing the court's 224-page decision. But other defendants played down the ruling's relevance.

"Whether or not it'll have an impact in the long term remains to be seen," said Tupper Hull of the Westlands Water District, one of the defendants.

But the environmentalists and delta area farm groups that brought the suit said this was an opportunity to do more for the fragile ecosystem's deteriorating health.

"The court clearly called a time out in the headlong rush to export more water from the Sacramento-San Joaquin River delta," said delta advocate Bill Jennings. "It's fascinating to think of an alternative with less exports in light of the catastrophic crash of aquatic life in the delta."

The delta is the heart of California's water wars. Its water feeds thirsty, growing southern California subdivisions, acres of farmland in the Central Valley, and cities in the north. The maze of canals and marshes also sustains a dwindling population of endangered fish and other wildlife.

The agency's goal is to balance both demands – but "the commitment to fixing the delta has been pretty shallow," said Dante Nomellini, attorney for the Central Delta Water Agency and a number of other plaintiffs. "We want to get them the water they need, but leave the northern part of the state whole. Let's not destroy the rivers here in the process."