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'Game over' finally declared in battle over water

Recent court rulings have finally put an end to an expensive legal game that has been played with your water supply for the past decade.

On March 10, the California Supreme Court denied a petition by two activist organizations to review a Dec. 17, 2009 decision by the California Court of Appeal, 2nd District, which had ruled fully in favor of CLWA to acquire additional water supplies for the Santa Clarita Valley.

We were excited to get this great news, as it vindicates one of our more important efforts to provide a reliable water supply for current and future residents in the valley.

The roots of this lawsuit go back a full decade. In 1999, CLWA entered into a water transfer agreement with the Wheeler Ridge-Maricopa Water Storage District, an agricultural water district in Kern County.

Under the agreement, CLWA paid approximately \$47 million to acquire 41,000 acre-feet of the Wheeler Ridge-Maricopa district's annual contract amount from the State Water Project.

At the time, the economics of farming were becoming challenging in the Wheeler Ridge-Maricopa service area and water supplies were needed for growth anticipated in the Santa Clarita Valley by Santa Clarita and Los Angeles County. Many viewed this as a "win-win-win."

Landowners in Wheeler Ridge received a return on their water supply investments that they might not have been able to put to use; the Santa Clarita Valley acquired a water supply at a reasonable price compared to other alternatives; and no new dams and water facilities would be required that might impact the environment.

Nonetheless, the agreement to buy the water was challenged first by the Friends of the Santa Clara River, and later by the Planning and Conservation League and the California Water Impact Network, as a part of a broader effort to wrest control over water supply planning and land use in the Santa Clarita Valley and even statewide.

The challenge was based on the California Environmental Quality Act (otherwise known as CEQA), claiming the environmental analyses of the transfer agreement were technically inadequate, and asking the court to stop the water transfer.

Fortunately for the Santa Clarita Valley, the courts allowed CLWA to deliver the transferred water to local water retailers while the legal challenges were pend-

ing. The transfer water, which increased the quantity of water we received from the State Water Project by 75 percent, has made a huge difference to the Santa Clarita Valley during the current drought.

Now, the courts — all the way up to the state's highest court — have ruled in no uncertain terms that CLWA's environmental documentation of the transfer was in full compliance with CEQA.

CLWA's legal right to acquire the water has been "perfected," so to speak.

How it all happened

When CLWA and Wheeler Ridge-Maricopa struck the agreement a decade ago, CLWA's environmental impact report for the transfer "tiered" off an earlier EIR that was prepared for the Monterey Amendments to CLWA's and other State Water Project contractors' SWP contracts.

One of the many provisions of the Monterey Amendments facilitated the type of agricultural-to-urban transfer implemented by Wheeler Ridge-Maricopa and CLWA. However, after CLWA's EIR was approved, the courts ruled the Monterey Amendments EIR to be inadequate.

Friends of the Santa Clara River sued CLWA, alleging if the Monterey Amendment's EIR was inadequate, so the transfer was the EIR for the 41,000-acre-foot transfer.

The initial trial court ruled in favor of CLWA, but the appellate court ruled that while the EIR was completely adequate from an environmental standpoint, there were procedural technicalities that created a need for a new EIR. So CLWA agreed to prepare a new EIR that did not rely on the invalidated Monterey Amendments EIR. The revised EIR cost \$500,000, but the costs don't end there.

After the second EIR was completed, Friends of the Santa Clara River dismissed its case in Los Angeles County and then took another "bite at the apple" in an attempt to thwart the transfer.

In 2005 they filed separate lawsuits in Ventura County, which were later consolidated into one case, challenging the revised EIR and sent back to Los Angeles County.

In 2007, a Superior Court ruled that the "meat" of the new EIR was again sufficient, but some additional technicalities needed to be addressed. The plaintiffs appealed that ruling, and only with this latest round of appellate court and state Supreme Court rulings has the issue at last been put to rest.

Unfortunately, fighting these lawsuits is expensive. CLWA has been forced to spend more than \$9 million over the past decade fending off legal attacks from so-called n-

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Environmental groups that are trying to limit water availability in order to dictate land-use planning.

At CLWA, we consider it our mission to meet the SCV's current and future water needs, to provide a safe and reliable supply of water and to ensure that we have the resources to not only meet those needs, but also withstand inevitable fluctuations in supply due to external factors like the present drought and the situation in the Sacramento-San Joaquin Delta, about which we have previously written.

Fortunately, the courts have

backed CLWA's overall approach to water supply planning in the face of various legal challenges, and this latest ruling provides additional reinforcement.

So ends a frustrating and lengthy string of court battles in which we have fought to defend your water supply, and to defend our ability to plan for the community's water supply needs. We are elated this exercise finally has been resolved, the 41,000 acre-foot contract allocation is here to stay and the appellate court has told the litigants, once and for all: Game over.

R. J. Kelly is the president of the Castaic Lake Water Agency board of directors. His column reflects the agency's views and not necessarily those of The Signal.