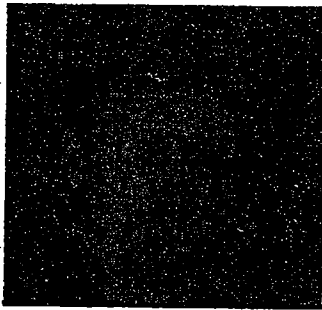


The Signal 1-4-09

Where the water goes



Bill Pecs

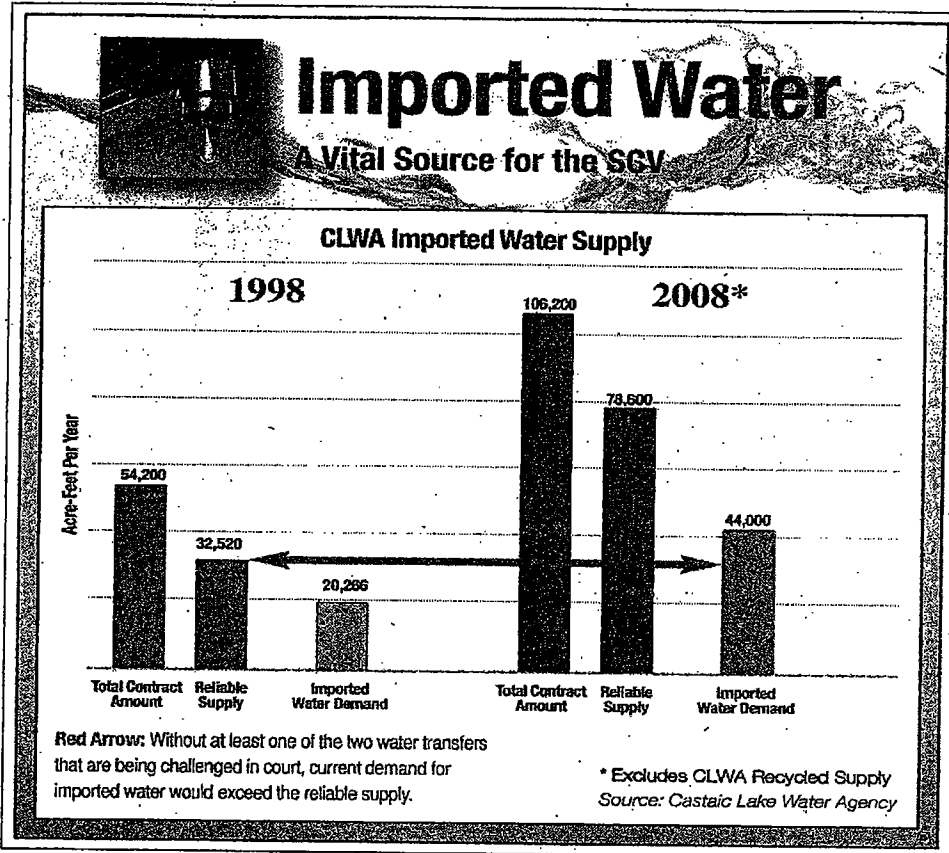
We never forget the drought.

Whether it's the one we're currently enduring, or the 1987-92 drought, or another that will inevitably occur, here at the Castaic Lake Water Agency we keep a vigilant eye toward ensuring the viability of the Santa Clarita Valley's water supply.

In recent months, we have talked about some of those efforts. We've explained how we plan to ensure a reliable supply despite court rulings and regulatory orders limiting the flow of water through the Sacramento-San Joaquin River Delta to the State Water Project. We reported that we've nearly finished an important construction project, at no expense to local residents, to clean up water from wells contaminated years ago by the Whittaker-Bermite explosives plant. And we have provided breakdowns of our water supply, illustrating our acquisition and storage strategies to ensure a safe, reliable supply in good years and bad years alike.

We're proud of these efforts; because they are the result of our professional staff's creativity, energy and expertise — and, because this is our home, too.

However, we remain frustrated with those who would stand between you and your water.



What's unfortunate is that a couple of these cases are still pending, not only needlessly costing SCV ratepayers, but also still seeking to diminish the supply of water that has been legally acquired for present and future valley residents.

William Pecs, president of the CLWA Board of Directors

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Since 1999, CLWA has been forced to spend more than \$9 million defending against a series of legal attacks from so-called environmentalist groups and local activists. To put it bluntly, those attacks are a lot less about protecting the environment than they are about attempting to limit water availability to stop growth.

For example, when the California Water Impact Network and Friends of the Santa Clara River tried to block one of our water-banking programs in 2003, it claimed the program was growth-inducing.

In reality, CLWA banks water so you have the water you need when State Water Project supplies are reduced in dry years. That's part of our job.

What's fortunate is the courts wholly upheld our banking program in the 2003 case, which wrapped up in 2007.

The courts have also backed our overall approach to water supply planning in the face of a series of legal challenges over the past 10 years.

What's unfortunate is that a couple of these cases are still pending, not only needlessly costing SCV ratepayers, but also still seeking to diminish the supply of water that has been legally acquired for present and future valley residents.

Both cases involve water transfers we negotiated on your behalf. The transfers are agreements between a willing buyer, the Castaic Lake Water Agency, and willing sellers, which are other water districts.

Such agreements have been viewed by the bona fide environmental community as the environmentally preferable way for agencies to meet growing demands.

The special-interest groups have had "two bites at the apple," so to speak, regarding our 1999 agreement with the Wheeler Ridge-Maricopa Water Storage District, an agricultural water district in Kern County.

The Reader's Digest version of this decade-long tale of liti-

giousness goes like this:

In 1999, Castaic Lake Water Agency reached an agreement with Wheeler Ridge-Maricopa to acquire 41,000 acre-feet per year of the district's SWP contract amount (an acre foot is enough water to cover an acre of land one foot deep). CLWA paid approximately \$47 million for the transfer, and has been receiving that water since 2000.

The state Department of Water Resources considers this transfer permanent, bringing CLWA's annual State Water Project contract amount to 95,200 acre feet.

In April 1999, the Friends of the Santa Clara River filed a lawsuit challenging CLWA's environmental impact report for the transfer. The trial court ruled in favor of CLWA, but the plaintiffs appealed.

The appellate court found the EIR was adequate in all environmental respects, but ordered CLWA to produce a new EIR due to a procedural technicality.

CLWA prepared a revised EIR in 2004 that cost \$500,000 and the plaintiff subsequently dismissed the case.

Story over, right? Wrong.

In 2005, the Planning and

Conservation League and the California Water Impact Network challenged the revised EIR in separate lawsuits, which were then consolidated into one suit. In 2007, a Superior Court judge upheld the "meat" of the EIR but ruled another technicality needed to be addressed, regarding the "analytical route" taken to establish the EIR's three "water supply scenarios."

Again, the court did not find that the EIR was inadequate from an environmental standpoint. Regardless, the league and the network appealed the ruling, and both sides are waiting for the Court of Appeal to set a date for the case to be heard.

Throughout all of this, the courts have consistently allowed the transfer to remain in effect — and we've been delivering that water to the local water retailers for nearly a decade.

In late 2006, CLWA struck an agreement with the Buena Vista and Rosedale Rio-Bravo water storage districts in Kern County. The agreement transfers 11,000 acre feet of water annually from Buena Vista/Rosedale-Rio Bravo to CLWA.

If you think a pattern is emerging — CLWA acquires water rights, then special-interest groups attempt to block that water from getting to you by filing frivolous environmental lawsuits — then this will reinforce your understanding:

The California Water Impact Network filed another lawsuit challenging the EIR for the Buena Vista/Rosedale-Rio Bravo transfer, which Friends of the Santa Clara River subsequently joined.

This latest lawsuit argued the

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Water

Continued from C4

purchase would provoke unplanned growth and made several allegations that the technical aspects of the purchase were not in line with state law.

However, in November 2007 the court ruled wholly in favor of CLWA. A Superior Court judge found all of the plaintiffs' claims to be without merit — and that CLWA "proceeded in a manner required by law and that the actions of (CLWA) were supported by substantial evidence." Again the court found no environmental deficiencies.

Despite this, the plaintiff appealed in July — yet another bite at the apple. As we enter 2009, we await yet another court date in which CLWA will defend its right to acquire water on your behalf.

The courts have recognized these lawsuits are nothing more than thinly veiled attempts to influence growth policy by abusing the environmental compliance process to stop the transfers.

If the plaintiffs' true purpose was to ensure the transfers cause no environmental harm, they would not continue their pattern of kamikaze litigation after suffering defeat upon defeat, and after the courts have consistently ruled the transfers are environmentally sound.

Further, some of this transfer water is necessary to meet current demands. Without the two transfers, the current annual SCV demand for im-

ported water would exceed CLWA's reliable supply available in 1998, the year before we made the first of the two transfers — as shown in the graphic that accompanies this column.

(The "Total Contract Amount" columns shown in the graphic represent the maximum amounts of imported water that may be available to CLWA in certain but not most years; the "Reliable Supply" columns represent the amounts of imported water CLWA can reliably deliver each year.)

Even leaving aside the drought and other recent challenges to the SWP supply, our situation would be dire — now — if we did not have at least one of the two litigated transfers in place.

We need this water now more than ever due to the mounting water supply challenges we and all other California water agencies face.

It's a good thing for today's residents that CLWA looked ahead in the late 1990s and took action to meet anticipated future needs.

Unfortunately, the special-interest groups have repeatedly — and fortunately to no avail — sued to keep CLWA from doing its job.

What has become clear is the lawsuits were never really about the environment. They have been about growth. And now, they are also about you.

If the special-interest groups get their way, your water supply and your quality of life will be casualties of their war on growth.

William Peci is president of the Castaic Lake Water Agency Board of Directors. His column reflects the agency's views, and not necessarily those of The Signal.