



## Environmental Group Allege “Paper Water” In Challenging Water Supply Acquisition by Castaic Lake Water Agency

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Water supply planning for new development in Southern California has a large price tag. To date, Castaic Lake Water Agency (CLWA) has incurred \$ 6.4 million in litigation expenses resulting from challenges by environmental groups since January 2000. In December 2006, CLWA received yet another legal challenge. The California Water Impact Network (CWIN) filed a lawsuit in the Los Angeles Superior Court to challenge CLWA's acquisition of water supplies from the Kern County Water Agency.

### Background

CLWA is a public water agency that wholesales water within nearly two hundred square miles in Los Angeles and Ventura Counties to provide water to Santa Clarita residences and businesses. CLWA operates two water treatment plants, two pump stations, two storage facilities, and over seventeen miles of transmission pipelines. CLWA serves water to four local water purveyors, including Los Angeles County Water District # 36, Newhall County Water District, CLWA Santa Clarita Water Division, and Valencia Water Company.

CWIN is a California non-profit corporation that works to promote the equitable and environmentally sensitive use of California's water, including instream uses, through research, planning, advocacy, public education and litigation.

CWIN has played an active watchdog role in CLWA's water supply management decisions. CWIN is currently involved, along with the Friends of the Santa Clarita River, in a California appellate case challenging the validity of CLWA's urban water management plan. The Water Supply Acquisition

CLWA approved the acquisition of a permanent water supply from the Kern County Water Agency. Under the terms of the transfer, the Kern County Water Agency will provide 11,000 acre feet of Kern River water supplies to the Santa Clarita Valley. CLWA will pay \$ 5 million annually for the water supply. The agreement allows the Kern County water users to substitute water from the State Water Project. CLWA coordinated the preparation of an environmental impact report to support the decision. Prior to approving the transfer, CLWA revised the EIR to address questions raised by environmental groups during public comment.

### Lawsuit

The recent lawsuit asserts that CLWA did not conduct a proper environmental analysis under the California Environmental Quality Act, Pub. Resources Code, section 21000 et seq (CEQA), to support the proposed acquisition of Kern River water supplies. CWIN takes particular issue with the provision for “substitution” of State Water Project water. CWIN asserts

that, in allowing the Kern County water users to pull additional State Water Project water, the agreement threatens the Sacramento/San Joaquin Delta. The lawsuit further asserts that the Kern River already dries up in some places and the transfer of water to the Santa Clarita Valley will further affect the resident aquatic species. CWIN also asserts that the transfer will drain the State's energy resources because it provides for the additional pumping of water over the Tehachapi Mountains to Southern California. Conclusion

This litigation is in its infancy. If the Santa Clarita Valley history is any guide, the outcome of CWIN's lawsuit will not be known until it has run its course through the appellate process. In the event CWIN ultimately prevails, CLWA will likely take a second look at its environmental review for the agreement with Kern County Water Agency and start the CEQA and approval processes anew.