

Judge denies request to step up delta pumping

John Ellis and Mark Grossi, Fresno Bee, 6-16-11

A judge on Wednesday refused to order water pumps back to full blast at the Sacramento-San Joaquin River Delta, denying a restraining order sought by farm-water officials.

U.S. District Judge Oliver Wanger in Fresno said Interior Department officials had the right to curtail pumping for 14 days to protect migrating fall-run chinook salmon.

West-side farm water officials, who filed for a temporary restraining order last week, said fall-run salmon are not protected under the Endangered Species Act. The cutback was illegal, water officials said.

Tom Birmingham, general manager and counsel for Westlands Water District, said the federal Bureau of Reclamation is obligated to pump as much as it can when there is excess water.

But the federal government's attorney, Charles Shockey, said farmers are getting 80% of their contracted allotment this year and could get more. "Nothing about the pumping restrictions will change that," he said.

He added that the Secretary of the Interior has authority to provide benefits to fish in the delta.

Wanger agreed with the government.

When the government runs pumps in the delta, fish are being killed, Wanger said. The Central Valley Project Improvement Act says the Bureau of Reclamation must protect all fish, not just endangered species, he concluded.

The pumps are at the center of controversy between environmentalists and water users.

Environmentalists say the water pumps are the main culprit in the decline of many protected delta fish, such as the delta smelt, winter-run salmon and steelhead. At the same time, the pumps provide irrigation water to farmers in Westlands Water District and other west-siders on the Central Valley Project.

Farmers hope to get more than the 80% of their contracted allotments if the pumps keep going at capacity. About 2,400 acre-feet of pumping production is being lost daily during the cutback, farm-water officials said. One acre-foot is 326,000 gallons, or a 12- to 18-month supply for an average Valley family.