

# Supreme Court supports San Diego water transfer

Michael Gardner, San Diego Union Tribune, 3-15-12

SACRAMENTO — The state Supreme Court without comment Wednesday upheld the ongoing transfer of water from Imperial Valley farmers to San Diego County.

But in doing so the court untied only one of many legal knots involving the water sale and broader 2003 seven-state pact to share the Colorado River.

“Certainly we are relieved and very pleased with the result,” said Dan Hentschke, general counsel for the San Diego County Water Authority.

The case now returns to Sacramento County Superior Court to hear some thorny environmentally-related challenges associated with the transfer and river deal.

The Imperial County Board of Supervisors and the county’s Air Pollution Control District were two of a number of parties challenging the transfer.

“We are looking forward with great enthusiasm in trying the environmental case in Sacramento,” said Antonio Rossman, an attorney representing Imperial County. “We emphasize, as did the court of appeal, that the (agreement) has not been validated environmentally,”

Much is at stake for the San Diego region. In 2011 alone, the Imperial Irrigation District sold San Diego 80,000 acre feet — enough to serve the needs of 160,000 average households for the year. Eventually the amount ramps up to 200,000 acre feet annually.

Steve Bilson, a founding member of Protect Our water and Environmental Rights, which has been challenging the agreement, said water agencies are using ratepayer dollars to protect the transfer and broader Colorado River deal “to keep the taxpayers on the hook. It’s the little guy who is stuck with rising water rates year after year and no recourse.”

Imperial County and its air pollution district contend that elements of the transfer will speed the decline of the troubled Salton Sea, straddling Imperial and Riverside Counties. As the lake recedes, the exposed playa could be whipped up by frequent wind storms, posing health risks to residents.