

# Stunning Legal Victory in Owens Valley

*Judge Hammers DWP*

*by Mike Prather, Outreach Coordinator, Owens Valley Committee*

*Editor's note: We are excited to share this good news on the restoration front from our friends and aqueduct neighbors the Owens Valley Committee.*

Following a three day evidentiary hearing in April and a strong ruling in June, Inyo County Superior Court Judge Lee Cooper brought out the “big stick” on July 25, 2005 and thumped the Los Angeles Department of Water and Power (DWP) for its chronic delays in implementing the re-watering of 62 miles of the Lower Owens River. Legal action brought by the Owens Valley Committee, the Sierra Club, and the California Attorney General’s Office requested that the court impose monetary punishments and reductions in groundwater pumping in order to provide DWP with incentives to complete the Lower Owens River Project (LORP) as soon as possible.

The LORP is mitigation for the destruction of springs and wetlands from groundwater pumping that DWP conducted between 1970 and 1990 to fill its “second” aqueduct. This pumping lowered water tables in the Owens Valley, causing the desiccation of large springs and wetlands. Since the Lower Owens River has been dry since the first Los Angeles aqueduct was finished in 1913, the project’s goals call for the creation of 62 miles of riparian habitat and a warm water fishery, with possible willow-cottonwood stands as well as marshes and meadows. However, flows in the river have not yet occurred, despite DWP’s agreement in 1997 to begin the flows in June of 2003.

In the arid American west, re-watering on this scale is as rare as the occurrence of rain. Equally rare is a judge who will help water find its way back into a dry river. “This case has gone on long enough,” said Judge Cooper. “LADWP has been



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*A glimpse of the future for the Lower Owens River.*

out of compliance with the California Environmental Quality Act since 1973. This mitigation should have been accomplished years ago. This can’t be tolerated. No deadlines have been properly met. It’s time it stops.”

Cooper’s order was a strong and severe one—Los Angeles will be permanently denied the use of its “second” aqueduct unless they meet his list of conditions. Initial flows in the river must begin by January 25, 2007 with full flows underway within six months after that. Groundwater pumping will be reduced from 90,000 acre-feet per year (AF/yr) to just over 57,000 AF/yr until the LORP is completed. In addition, Los Angeles is ordered to spread nearly 17,000 AF/yr of surface water to recharge lowered water tables (water tables are from two feet to twenty feet below the 1985 baseline levels in all well fields in the Owens Valley). Beginning on September 5<sup>th</sup> of this year, Los Angeles has been fined \$5,000 per day until the project is completed, and that money will go to the California Department of Fish and Game and

Inyo County to fund monitoring and restoration expenses.

It now appears that the Lower Owens River has a real chance to begin flowing. Although this water is four years late, thanks to Judge Cooper and his list of conditions there are impressive incentives for DWP to honor its commitments. As California Attorney General Bill Lockyer put it, “Even the mighty DWP has to obey the law.”

The champagne will be chilled and ready for the initial flows, so be prepared to join the folks in the Owens Valley for celebrations! ❖

## For More Information

There are always next steps even after huge accomplishments like the recent court ruling. The Owens Valley Committee encourages you to join them in their work in the Owens Valley: see the new visitor center in Lone Pine at 134 E. Bush St., visit online at [www.ovcweb.org](http://www.ovcweb.org), or email [ovc@lonepinetv.com](mailto:ovc@lonepinetv.com).