

## Rebuke of DWP Is Praised

**Lockyer, citing agency's 'reckless history,' hails judge's order to restore Owens River. Small rate hikes are foreseen.**

Los Angeles Times, July 12, 2005 by Louis Sahagun

A court order requiring the Los Angeles Department of Water and Power to restore the parched Lower Owens River shows that even powerful public agencies must abide by rules intended to protect the environment, state Atty. Gen. Bill Lockyer said Tuesday.

"Even the mighty DWP has to obey the law," Lockyer said. "This department has a reckless history of stepping on others' property rights and environmental considerations while trying to stick straws in every available water supply in the region to feed growth in Los Angeles."

Also Tuesday, a research group said the financial impact of the judge's ruling on DWP customers would be minimal.

Fed up with the DWP's delays in acting on court orders to bring a 62-mile stretch of the river back to life, Inyo County Superior Court Judge Lee E. Cooper on Monday barred the agency from using a key aqueduct unless it met certain conditions.

Among the conditions is that the DWP reduce its groundwater pumping in the Owens Valley by a third. Cooper also imposed fines of \$5,000 a day until water is flowing again in the river. The fines will begin accruing Sept. 5.

Failure to comply with those conditions would result in a permanent ban against using the so-called Second Los Angeles Aqueduct. The Lower Owens River was sucked dry in 1913 when the Owens River Aqueduct began delivering water to Los Angeles. The Second Los Angeles Aqueduct opened in 1970.

The project to restore the Lower Owens River was designed in 1991 to mitigate excessive groundwater pumping. The project is more than two years behind schedule. The DWP acknowledged that the costs of complying with Cooper's ruling would be passed on to customers, possibly by October.

The DWP would not estimate the size of any rate increases, but Peter Vorster, a hydrologist involved in the case, estimated that bills could rise less than \$1 a month.

That estimate is based on the cost of complying with the judge's ruling — an estimated \$14.3 million a year — compared to the DWP's annual water revenues of \$596 million.

The larger issue is the possible loss of the Second Los Angeles Aqueduct, said Rod Smith, a water resource economist. "The potential loss of that water supply raises issues about the reliability of the city's water service — a cornerstone of its economy."

In previous long legal battles in the eastern Sierra, the DWP has been forced to give up significant amounts of water to steady water levels in Mono Lake, and to re-water parts of the dry Owens Lake to prevent dust storms.

Los Angeles Councilman Tony Cardenas said Tuesday that the loss of any water by the city was notable because most other Western cities are trying to find additional water sources or firm up the sources they have.

L.A. then would have to buy more from the Metropolitan Water District, which has a big supply of water from the California Aqueduct and the drought-depleted Colorado River.