

Judge denies private land drilling for delta canal

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STOCKTON, CALIF. A judge has denied a state request to drill more than 200 feet deep into private lands in search of the best route for a peripheral canal or an alternative water conveyance system.

The ruling in San Joaquin County court came Friday and could delay studies needed to build a canal or tunnel to divert Sacramento River water from the Sacramento-San Joaquin Delta to farms and cities in Southern California while protecting endangered fish species.

Judge John P. Farrell found that extensive drilling and studies would constitute a taking of property under the law.

State water officials say the drilling would help determine where a canal should start and where to locate tunnels, siphons and barriers.

The idea of building a canal or other conveyance project has been around for decades. In 1982, voters rejected a plan to build a peripheral canal. Most recently, the state has been working on a long-range plan to manage the delta, which will likely include recommendations for some type of canal or tunnel.

Opponents of the canal proposal say it constitutes a water grab by Southern California cities; will contaminate the water supply of farmers in the delta region; and destroy the largest fresh water estuary in the western U.S.

Supporters say it will protect endangered fish species while providing a stable water supply to farmers in the San Joaquin Valley and municipalities in Southern California.

"The conveyance system would isolate fish species from pumping operations and would increase the reliability of water," said Ted Thomas, a spokesman for California's Department of Water Resources.

The state will negotiate with landowners for a price for easements to allow the drilling, Thomas said. If that fails, the state could seek easements through eminent domain.

"The drilling is absolutely necessary to determine soil composition and other information necessary for the construction of the project," Thomas said.

The judge's decision culminates more than two years of legal struggles between the state and

150 delta landowners in five counties who refused access for surveying on their properties. About 25 to 30 would have been subject to the drilling, said Stockton attorney Thomas Keeling, who represented the delta landowners.

Keeling said he expects the state to file additional requests for permission to drill.

Estimates for building a canal around the delta range as high as \$9 billion, while an underground pipeline could cost as much as \$11.7 billion, according to the state Department of Water Resources.

The new canal or tunnel would be built under the State Water Project, which serves mostly urban water users and makes water deliveries to about two-thirds of California's population. It also serves some farmers in the San Joaquin Valley.