

Editorial

WATER WAR FIRES UP

DELTA RESIDENTS ARE STANDING THEIR GROUND, PUTTING UP A GOOD FIGHT

One hundred-plus Delta landowners have won round one in the latest fight over water flowing through the giant estuary.

A Superior Court judge has denied the state Department of Water Resources access to the land for drilling operations that would measure the feasibility of digging two giant tunnels under the Delta.

The tunnels, of course, are but the latest attempt to divert water from the Delta and send it to south Valley farmers and thirsty south state and Bay Area residents. Proponents are not calling it a peripheral canal, but that is what it is, even if it is a pair of tunnels. The idea is to divert part of the flow of the Sacramento River in the Freeport area and transport it through the tunnels to the giant pumping stations near Tracy.

Exactly how this enhances Delta water quality, protects the estuary's environment and increases total water supply is substantially less clear than water in the Delta.

Delta landowners, who oppose what they see as water robbery, faced the double-whammy of having their water rights drained away and having to give the DWR access so state officials could figure out exactly how to do it.

The landowners sued and so far have managed to tie the DWR up in court for two years. The decision last week by San Joaquin County Superior Court Judge John P. Farrell basically found the drilling constituted a "taking" of property under the law.

That ended the beginning round. It did not end the issue. The state can still negotiate easements, grab access through eminent domain or appeal Farrell's ruling.

Still, the landowners' willingness to battle the state should send a clear signal that they will not simply roll over, all in the best "whiskey's for drinkin', water's for fightin' over" tradition of California's water wars.