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Cadiz Inc. wins groundwater dispute in appellate court decision

By Renee Flannery

For the proposed Cadiz Water Project, a unanimous ruling by a three-judge panel of the 4th District Court of Appeal was a major win and a step forward in the renewable resource company's aim to serve five Southern California counties with groundwater from a Mojave Desert aquifer.

The panel on Tuesday denied writ of mandate and affirmed superior court decisions in six cases brought by the Center for Biological Diversity against respondents San Bernardino County, Santa Margarita Water District and Cadiz, Inc. In the published decision, written by Judge Richard D. Fybel with concurrence by Judge Raymond J. Ikola and Acting Presiding Judge Richard M. Aronson, the court found the project does not violate California Environmental Quality Act provisions.

Through a public-private partnership between Santa Margarita Water District and landowner Cadiz, Inc., the project, once fully implemented, would provide 2.5 million acre feet of water over the next 50 years through a planned 43-mile pipeline connected to the California Aqueduct. The project aims to ultimately serve 400,000 people in Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. However, the construction of the pipeline is also in a legal tangle.

According to Scott S. Slater, CEO of Los Angeles-based Cadiz, Inc., the groundwater is currently being lost and wasted to evaporation. "We know with certainty how much water is evaporating off the dry lakes," Slater said.

The Center for Biological Diversity had argued the pumping of the groundwater would endanger the desert's ecosystem.

Aruna M. Prabhala, staff attorney with the Center for Biological Diversity in Oakland, said the decision was a disappointment but no decision has been made on an appeal.

"Things are pretty uncertain now, we're contemplating next steps in moving forward. We're still concerned about the project. We need to reevaluate and figure out what the next steps are," Prabhala said.

Slater is confident the win in court is a direct result of the work done to ensure that the project's environmental impact is benign.

"Everything that was done in this case was done within the letter of the law and in the spirit of CEQA, giving full and complete state of environmental impacts and there were none," Slater said.

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