

***Contra Costa Times***  
**Editorial: Flexible Water Policy**  
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IN A STUNNING BLOW to California water users, a superior court judge ruled that the state's largest water system be shut down unless officials comply with California's endangered species law.

The judge gave the Department of Water Resources 60 days to follow the state's tough environmental law, or the pumps sending water to 23 million Californians will be closed.

The basis for Alameda County Superior Court Judge Frank Roesch's ruling is the water agency's failure to obtain a state permit to kill threatened or endangered salmon and Delta smelt. The agency does have a federal permit to destroy fish but never got a formal state permit.

State water officials argued that a series of agreements and other documents during the past two decades formed a "patchwork" of compliance with the law, whatever that is. The judge didn't buy it and ordered the Department of Water Resources to get a formal state permit to kill fish.

That won't be easy, especially in 60 days. Even if the permit is obtained, the water agency could be forced to deliver less water than it does now.

Clearly, California cannot afford to shut down the pumps for any length of time. Most water users, including the huge Metropolitan Water District that serves the Los Angeles area, have enough supplies to last a few months. But a prolonged water pump shutdown would be exceedingly harmful to the state's economy.

State officials want the judge to reconsider. They say they are trying to develop a long-term conservation strategy and that closing the pumps would be devastating.

Water resources director Lester Snow does not think it is possible to comply with the judge's order in 60 days. He's probably right.

Perhaps one solution would be for the state to issue at least a temporary permit for the water agency to kill fish. Then water officials should work with Fish and Game and other environmental interests to determine what is feasible and work on a reasonable time line.

If the judge's order serves as motivation for state officials, water users and environmental interests to come to a workable agreement on pumping water, so be it.

However, we trust that the court will be open to deadline extensions on closing the pumps if the water agency demonstrates its willingness to comply with environmental laws in a timely fashion.

What's needed is flexibility on all sides and a reasonable solution that protects fish as much as possible while allowing for the delivery of adequate water supplies to the 23 million Californians who rely on the water pumps.