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Suit Is Filed Over Plan to Line Canal

- Groups say Mexican wetlands and farms that rely on water seeping from the All-American channel may be hurt if concrete banks are built.

By Bettina Boxall, Times Staff Writer

A long-simmering border dispute flared anew Tuesday when Mexican and California groups sued the U.S. government over a water conservation project that will stop billions of gallons of Colorado River water from seeping under the border every year into an aquifer that supplies the bustling Mexicali Valley.

The suit, filed in U.S. District Court in Las Vegas, said the project would cause widespread economic and environmental harm by capturing water that now steadily leaks from the All-American Canal, a 65-year-old aqueduct that carries Colorado River water to farmlands in the Imperial and Coachella valleys.

The canal improvement project, authorized by Congress in 1988 and finally nearing construction, will replace a 23-mile-long section of the canal with a channel lined with concrete, plugging the leaks. Efficient as it will be, the improved canal highlights a paradox confronting water managers as they look for ways to wring waste from the irrigation systems that crisscross the West. Conservation may not be good for everybody and may come at a cost to the environment and other farmers.

In this case, the suit alleges that the canal project will dry up Mexican farms and deprive south-of-the-border wetlands of water that supports more than 100 bird species, some of them endangered.

Owned by the federal government and operated by the Imperial and other irrigation districts, the 80-mile-long canal transports most of California's share of the Colorado River, diverting it at Imperial Dam, near Yuma, Ariz.

Because it is unlined, the canal loses copious amounts of water as it snakes across the sandy desert. The conservation project is designed to capture much of that seepage — about 68,000 acre feet a year, or enough to supply roughly half a million people. The state will pay the estimated \$135.6-million cost, and as part of a complicated Colorado River deal brokered by the federal government two years ago, most of the saved water will go to the San Diego County Water Authority.

But San Diego's gain will be Mexico's loss. Water has been seeping over the border for a century from the All-American Canal and its predecessor, the Alamo, into the aquifer that supplies Mexicali Valley wells, the plaintiffs argue. "We were using this water for over 100 years and we developed the economy that depends on the seepage," said Rene Acuna, executive director of CDEM, a Mexicali Valley civic group, and one of the plaintiffs in the lawsuit. "We pump it in Mexico. That makes it our water."

The suit further contends that without the canal seepage, the quality of water in the Mexicali aquifer will suffer. "The quantity of seepage at issue is one of the primary sources of recharge to replenish the aquifer and stabilize salinity levels. Without the seepage, the Mexicali Aquifer's groundwater quality is severely compromised and the aquifer ultimately could become completely unusable," the suit states.

U.S. interests say the cross-border water is part of California's Colorado River entitlement, a position supported by the International Boundary and Water Commission.

"The seepage was effectively bonus water, and they don't have a legal right I can see to get it," said Jeffrey Kightlinger, general counsel for the Metropolitan Water District of Southern California, the region's water wholesaler.

Similarly, Gordon Hess, imported water director for the San Diego County authority, said the leakage

"is water allocated to California."

"We believe each country and state has a right and obligation to use their water supply as efficiently as possible," he added.

A spokesman for the U.S. Bureau of Reclamation, which owns the canal and is a defendant in the suit, said he had not seen the claim and could not comment.

The suit alleges that along with violating Mexican water rights, the canal project violates U.S. environmental laws because managers have not studied the effect on south-of-the-border wetlands and the migratory birds that depend on them. Environmentalists say researchers have recently documented nearly 5,000 acres of riparian habitat and marshlands in the Andrade Mesa area that offer refuge to 101 bird species.

"It's very clear when you're in the wetlands where the water is coming from," said attorney Bill Snape, representing Citizens United for Resources and the Environment, a California nonprofit group and one of the plaintiffs in the case.

Snape said U.S. authorities should let the cross-boundary seepage continue and store water from wet years in the Mexican aquifer for the use of both countries.