

Drilling for Delta tunnel studies blocked in court

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Test drilling for Gov. Jerry Brown's proposed twin tunnels must wait until next spring, despite state officials' warning in court documents that any delay could drive up the cost of the now \$14 billion project, or even render it infeasible.

Judges in San Joaquin, Contra Costa and Sacramento counties denied requests by the state Department of Water Resources to expedite the work so it could be done before the rainy season.

And the state confirmed Monday that it will withdraw a similar request in Yolo County.

For several years landowners have challenged attempts by Water Resources to conduct environmental studies for the controversial project.

Those studies include drilling softball-sized holes hundreds of feet deep to learn more about the composition of the soil.

Water Resources is seeking access to those private lands under eminent domain law, and asked judges in each county to speed up the process.

The judges refused to do so.

The tests may move forward eventually, but Stockton attorney Thomas Keeling - who represents 33 landowners in the four counties - said the decisions reinforce the determination of Delta landowners and may indicate that the tunnels are far from a done deal.

"If DWR's insistence as to how important it is that they complete these drilling activities this year is to be believed, then these modest triumphs are of substantive value in resisting the proposed project itself," Keeling said.

"It's a lot more than a symbolic victory," he added.

In July, Water Resources asked for prompt access to conduct its tests, arguing that time was of the essence and that a secure water supply for millions of Californians was at stake.

With \$140 million already spent by south Valley and Los Angeles-area water districts, further delay in drilling "may result in similar increased costs that could jeopardize the

project altogether by rendering it financially infeasible," the department warned in court papers.

The judges, however, found that the state had failed to name in its legal documents all parties that might have a claim or interest in those properties.

Water Resources said Monday that it has completed some drilling on other lands, and that it will move forward with the tunnel study based on the information it already has.

"But assumptions based on that data will have to be tested by actual drilling," spokesman Ted Thomas said in an email.

It's unclear, he said, if this will cause further delay.

Landowners have also challenged other proposed environmental surveys, aside from the drilling. That issue is pending before an appeals court.

The tunnels would divert Sacramento River water beneath the Delta straight to the Tracy-area pumps that supply farms and cities as far south as San Diego.

Opponents fear the estuary will be ruined from a lack of fresh water, and argue that its levees can be strengthened to safely convey water at far less cost.

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