

**January 18, 2003**

**The Law and the River  
By ANTONIO ROSSMANN**

**BERKELEY, Calif.**

On New Year's Day, Californians woke up to a new reality as painful as any hangover. The secretary of the interior cut the delivery of Colorado River water to Southern California by nearly one-fourth of what urban areas there consume in a year.

The secretary, Gale A. Norton, said her action was forced by the Law of the river — that venerable collection of laws and agreements between the Interior Department and the districts that use Colorado River water. She says she had no other choice because the districts could not agree by a Dec. 31 deadline on how to cut back on the water they drew. She singled out for blame the Imperial County Irrigation District for refusing to let some of its agricultural water go to San Diego.

In reality, the deadline was a distraction. What's going unnoticed in the furor is the Interior Department's own failure to protect the environment and its indifference to the fate of endangered wildlife in the region. If Ms. Norton will not change course, her actions call for a New Law of the River.

The Dec. 31 deadline Ms. Norton invoked is not dictated by the Law of the River, as she claims. It was inherited from her predecessor, Bruce Babbitt, and she was free not to impose it. In 2000 Mr. Babbitt established that deadline, expecting that the Imperial-to-San Diego transfer would prove environmentally acceptable. But he was wrong. Recent California State Water Board hearings revealed that the transfer would instead produce terrible consequences: every acre-foot of water transferred to San Diego would shrink the Salton Sea, an inland body of water into which Imperial's agricultural runoff drains. Before the construction of the Hoover Dam, floods from the Colorado naturally filled the sea; since then it has been sustained by Imperial Valley runoff.

At year-end, officials at Imperial could not agree to the transfer because it would have meant choosing one of two equally unacceptable alternatives: letting productive farmland lie fallow to sustain the sea or destroying one of the nation's largest avian habitats and creating a regional air-quality hazard from the particles that would be emitted if the shoreline of the Salton Sea receded.

Over the protests of Imperial County, Ms. Norton insisted that Mr. Babbitt's artificial deadline be met. She also seized part of Imperial's allocation of river water to punish the district for not agreeing to the transfer. When the district

challenged that seizure in federal court, her department responded two days ago by threatening further cutbacks in water allocated to Imperial.

The Interior Department has taken California's water districts to task for broken deadlines and failed responsibilities, yet it is guilty of those very sins. It has failed by two years to meet a real deadline: the one Congress set for a Salton Sea restoration plan. The department is also charged by Congress to enforce the Endangered Species Act, but it has ignored the impact of its actions on those species inhabiting the Salton Sea.

Forty years ago, a handful of Supreme Court justices all but predicted that the Interior Department would fabricate the crisis now facing California. In its 1963 *Arizona v. California* decision, the court found that in authorizing the Hoover Dam, Congress had delegated to the secretary of the interior authority to apportion the river among Arizona, Nevada and California.

The majority gave the secretary virtually unlimited discretion to distribute surplus in times of plenty and to cut deliveries in times of drought. Three justices dissented, warning against "a single appointed federal official vested with absolute control, unrestrained by adequate standards, over the fate of a substantial segment of the life and economy of three states." Ms. Norton's punishment of California painfully vindicates the dissenters' apprehension.

The Supreme Court fashioned the old Law of the River to meet the needs of mid-20th century America. The justices now need to use federal mandates to refashion a contemporary law, one that respects community will and ecological stability along the Colorado as much as proprietary consumption.

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