



Westlands Water District

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FOR IMMEDIATE RELEASE

December 14, 2010

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Westlands Water District Statement by Thomas W. Birmingham, General Manager Regarding the U.S. District Court Ruling on Delta Smelt

Today the United States District Court for the Eastern District of California issued its decision on the validity of the Delta smelt biological opinion, which was released in December 2008. Judge Oliver Wanger's balanced and carefully articulated ruling marks another important victory for good science and the public interest. As the court concludes, "The public cannot afford sloppy science and uni-directional prescriptions that ignore California's water needs."

Westlands joined with the State of California and other public water agencies serving two-thirds of California's people in bringing this action challenging the federal restrictions on water deliveries which have severely reduced public water supplies, eliminated thousands of jobs and cost the state's economy billions of dollars. We are thrilled with the court's decision, which will send the current federal biological opinion on Delta smelt back to the Fish and Wildlife Service for a thorough overhaul.

Among other things, the district court has found that:

- The Fish and Wildlife Service failed to rely on the best scientific data available in violation of the Endangered Species Act;
- The limits on flows set by the smelt biological opinion were arbitrary and capricious, relying on a deeply flawed and inappropriate methodology;
- The Fish and Wildlife Service's manipulation of data created material bias in violation of the Endangered Species Act;
- There is no support in the scientific evidence for the biological opinion's assertion that operations of the state and federal pumps have contributed to the impacts of other stressors on the smelt.

Judge Wanger's ruling brings us another step closer to accomplishing California's coequal goals of restoring the Delta environment and ensuring that the public will have

an adequate and reliable water supply. California's water needs for the future require that everyone share a commitment to conservation, strict attention to the best practices of wise water use and a readiness to making sure that our use of water is accomplishing the beneficial effects we intend. This ruling will help to assure that those same prescriptions are applied to the federal government as well.

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