



Legislation and Law

Arizona Sides With Nevada to Back Canal Lining Project

Arizona has sided with Nevada in opposition to a legal effort to halt the lining of the All-American Canal, an action the two states say could reduce their Colorado River supplies. Mexico now uses the seepage from the unlined canal.

At issue is a class-action lawsuit filed by a coalition of Mexican business leaders and California environmental groups to stop the canal lining. Lining the canal with concrete would capture much of the seepage, about 67,000 acre feet per year, with "saved" water then going to the San Diego County Water Authority per a complicated Colorado River deal brokered by the federal government.

The lawsuit claims that Southern California's water gains would be at the expense of Mexican farmers and south-of-the-border wetlands. The wetlands are home to more than 100 bird species including some that are endangered. It is argued that widespread environmental and economic harm would result.

The situation once again demonstrates that allocating scarce water resources in the West often is zero-sum proposition: water gained by San Diego is water lost to other users and other uses. It is another situation of interests claiming and protecting shares of an over allocated river and squeezing out every available drop.

Plaintiffs argue that seepage from the All-American Canal and its predecessor, the Alamo, has recharged the aquifer supplying Mexicali Valley for over 100 years and has been used to develop and support an agricultural economy. They further argue that the blending of seepage with the groundwater stabilizes salinity levels and maintains water quality in the Mexicali aquifer. Without it groundwater quality would deteriorate; the aquifer could become unusable.

The suit further alleges that lining the canal violates U.S. environmental laws because its effects on Mexican wetlands and migratory birds have not been studied.

Mexico has raised strong objections to U.S. plans to line the canal and has indicated it will send a diplomatic note to the United States protesting the project. Foreign Relations Secretary Luis Ernesto Derbez said his country prefers a negotiated settlement but considers Mexicans' right to the water to be "inalienable." A press statement said Mexico will "totally defend" its access to the water.

Claiming that Mexico is merely taking advantage of a temporary bonus, U.S. interests argue that the cross-border seepage in fact belongs to California as part of its Colorado River entitlement. The International Boundary and Water Commission supports this position.

If the canal remains unlined and seepage to Mexico continues, the federal government may have to dip into other water sources to cover demands; a drawdown from Lake Mead would be a likely option. The reservoir stores water for Arizona, Nevada and California. Whether the deficiency would come from California's allocation or whether all the lower basin states would share it is uncertain.

This suit has the distinction among Colorado River cases of raising questions relating to international law as it pertains to the ownership of the river water. Complications are inevitable. For example, the case could likely take years due to the complexity of adjudicating international water rights.

Extending from 20 miles northeast of Yuma, the All-American Canal, a 65-year-old aqueduct, dips south and runs along the U.S.-Mexico border into Imperial County east of San Diego. The Coachella Canal is a branch of the All-American Canal, serving communities north of the Salton Sea, including Palm Springs, Palm Desert and Indian Wells.