

# Water Review

*A Perspective On Western Water Issues Prepared By The Family Farm Alliance And Its Members*

## CALIFORNIA

# Dealing With Drought

## California Crisis Deepens As Regulatory, Hydrologic Water Supply Curtailments Strike

**L**ast month, California Governor Arnold Schwarzenegger proclaimed a statewide drought and declared a state of emergency in the Counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern. Those areas are largely served water by the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation).

This combined regulatory / hydrologic drought essentially thwarted the ability of water managers

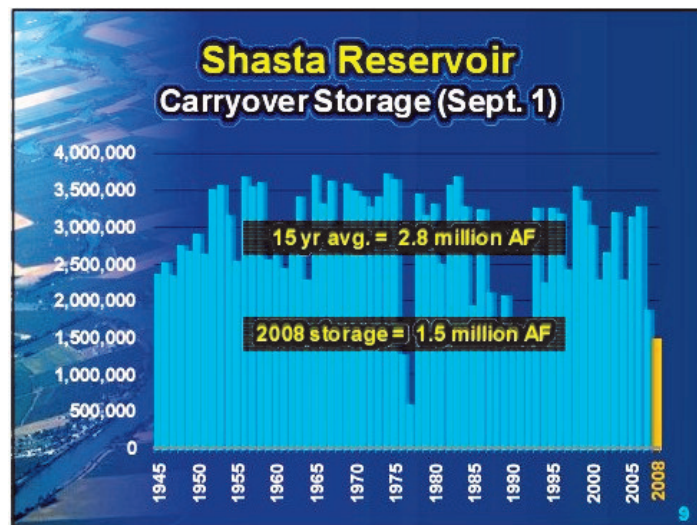
### Hearing Held On The California Crisis

—Please see report and photos on Pages 3 and 4

this year to move water out of the Delta during wet months and into San Luis Reservoir for use during the dry season.

**NOW, WATER USERS ARE SCRAMBLING** to enhance supplies in the short-term by looking at alternative groundwater sources, putting together water transfers and exchanges, and pleading with government agencies for regulatory relief.

As prospects for implementing these alternatives diminish, local water users have developed a ration-



ing proposal intended to avoid a catastrophic total depletion of stored water in San Luis Reservoir, which has traditionally provided a reliable water supply in winter months.

This edition of the *Family Farm Water Review* has been prepared with assistance of Diepenbrock Harrison, a Sacramento (CALIFORNIA) law firm that represents agricultural water users in the San Joaquin Valley.

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# Water Crisis

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## BACKGROUND

This year, DWR will allocate to its contractors 35% of their maximum contract entitlements. Those agencies that contract with Reclamation will receive only 40% of their contract supplies.

Kern County Water Agency, the largest agricultural contractor with DWR, declared a water supply emergency, as nearly 100,000 acres of permanent crops are being under-irrigated.

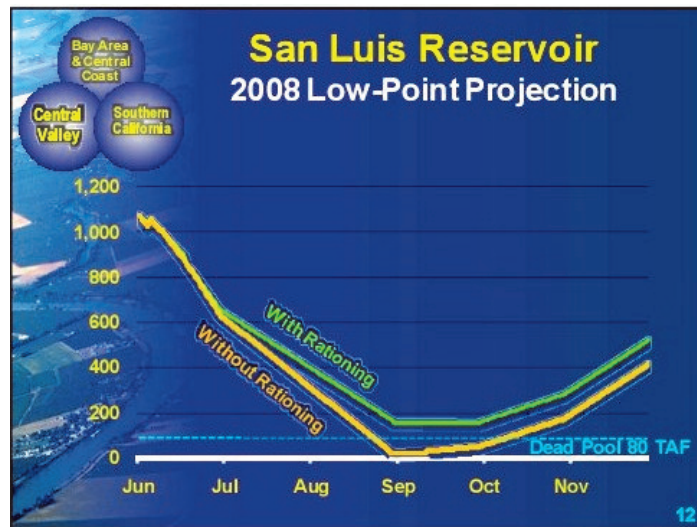
Westlands Water District, which contracts with Reclamation, estimates over 200,000 acres it serves will be fallowed this year. In addition, Westlands and approximately 40 other water districts have been forced to ration water to farmed lands, leaving less than six inches of water, on average, to quench the thirst of permanent crops like almonds over a three-month period. Typically, almond trees need 48 inches of water in a year.

**METROPOLITAN WATER DISTRICT** of Southern California declared a water supply alert, implementing a mandatory 30% cut in supplies for its

**'Today's dry conditions turn to severe drought much faster due to the ever tightening regulatory belt'**  
 —JON RUBIN, DIEPENBROCK HARRISON ATTORNEY

agricultural water users. Likewise, the San Diego County Water Authority cut water supplies by 30% for approximately 5,000 growers in San Diego County.

These water shortages will significantly impair the multi-billion dollar farm economy of California, with estimated crop losses already in the millions of dol-



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lars and full-time and seasonal job losses in the thousands. The low water allocations, the crop losses, and the action by California's Governor result from dry conditions compounded by the effects of environmental regulations.

**UNDOUBTEDLY, 2008** has been dry. March, April, and May were marked by record low precipitation. However, California has previously been able to withstand drier conditions.

For example, during the 1987-1992 drought, many water users did not experience reduced delivery until its third year. California persevered through those conditions by maximizing the flexibility of its water supplies. Much of that flexibility is now gone. In contrast, the recent, few short, dry spells resulted in emergency proclamations or significant damage.

"Today's dry conditions turn to severe drought much faster due to the ever tightening regulatory belt," said Jon Rubin, an attorney with Diepenbrock Harrison.

**IN 1992, CONGRESS ENACTED** the Central Valley Project Improvement Act (CVPIA), which modified the priorities of the federal Central Valley Project (CVP). Two years later, the California State Water Resources Control Board issued its Decision 1631, a decision affecting diversions from the Mono Lake Basin.

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# Fresno Hearing Puts Focus On Water Crisis

## Four Congressmen Hear About Drought's Effects, Suggestions For Federal Actions

**T**he crisis created by California's natural and regulatory droughts has been given a thorough going over by the House Water and Power Subcommittee.

Two subcommittee members, Chairwoman Grace Napolitano (CALIFORNIA) and Jim Costa (CALIFORNIA), were joined at the July 21 field

hearing in the Fresno (CALIFORNIA) City Hall's council chambers by two San Joaquin Valley Republican Congressmen, former subcommittee Chairman George Radanovich and Devon Nunes.

**THROUGH TESTIMONY** from three panels of witnesses, many drawn from the ranks of Central California water managers and

House Water and Power Subcommittee Chairwoman Grace Napolitano listens to the testimony given in Fresno on July 21.



J. Randall McFarland

Friant Water Authority General Manager Ronald D. Jacobsma (left), a member of the Family Farm Alliance's Advisory Committee, testifies. Listening are Westlands Water District General Manager Tom Birmingham (center), and San Luis and Delta-Mendota Water Authority General Manager Dan Nelson.

users, the Subcommittee heard most aspects of the region's deepening water supply crisis detailed although little new ground appeared to be plowed.

Mr. Radanovich did state that he plans to introduce legislation to provide emergency relief for Delta water exporters from the Endangered Species Act.

The ESA is a root cause of a court-ordered reduction in State Water Project and federal Central Valley Project pumping from the Delta to protect the threatened Delta smelt.

"We have to be able to do everything to utilize every single drop," Chairwoman Napolitano said. She said the crisis would "force us to be more proactive." She ac-

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# Fresno Hearing: Water Crisis Is The Focus

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knowledge, “We know the situation here is dire.”

She added, “The worst-case scenario, we agree, is a judge making decisions for us.” Her colleagues concurred.

**REP. COSTA** represents much of the valley’s West Side where water supply curtailments have taken the greatest toll. He praised the U.S. Bureau of Reclamation, State Department of Water Resources, districts and farmers for “thinking outside the box in the most creative ways” in trying to arrange short-term relief.

“We cannot continue to kick this can down the road,” Mr. Costa said. “Nobody in their right mind would want us to be dependent upon (foreign) sources of food.”

Mr. Costa, known as the state’s top water lawmaker during his career in the Legislature, pointed out California’s population is on its way to growing to 50 million. “We have a system designed for 20 million.”

**WESTLANDS WATER** District General Manager Tom Birmingham said his agency’s unprecedented decision this year to ration water “has had consequences.”

Many growers have abandoned already-planted annual crops such as tomatoes, garlic and melons. “Some growers took the extreme step of abandoning permanent crops such as vineyards and almonds,” Mr. Birmingham said.

Throughout Westlands, he said, growers have laid off about 23% of their workers, and more in some cases, with additional job losses likely this fall.

Two civic leaders from impoverished Mendota in western Fresno



J. Randall McFarland

Signs and placards are a part of most Western water hearings but few are like this one, carried during the Fresno hearing by a likeness of Darth Vader. In red under the emblem of a well known organization are the words “radical environmentalists.”

County said unemployment is soaring to perhaps 50%, businesses are failing, crime is up and school enrollments are falling.

**FRESNO COUNTY** Supervisor Phil Larson testified some 20,000 acres have been fallowed for lack of a water supply with an estimated crop loss of \$86 million.

Another 50,000 acres will probably be idled in the autumn, possibly costing the nation its access to fall lettuce, 95% of which at times comes from Fresno County. Westlands has already idled some 200,000 acres in the past 15 years.

Western Fresno County grower

Stuart Woolf said growers are using poor quality groundwater which is damaging the soil and root structures, but know there is no way to plan for or ever implement groundwater recharge or banking.

Even in wet years, western San Joaquin Valley users no longer receive full water supplies, and groundwater recharge requires surplus water, of which there is none.

A **SOLUTION** will require a package, said Dan Nelson, who manages a West Side CVP conveyance contractor agency, the San Luis and Delta-Mendota Water Authority.

Many speakers called for the Delta’s problems to be “fixed” as a vital step and all four House members present expressed strong support for development of new surface water storage such as Temperance Flat and Sites reservoirs.

Friant Water Authority General Manager Ronald D. Jacobsma said his East Side CVP conveyance agency believes a comprehensive water infrastructure program, improved Delta infrastructure and conveyance would be a big help. So would simplifying water transfer procedures.

**SEVERAL EXPRESSED** fear that more environmental pumping restrictions and another drought year next year could cut SWP and CVP supplies to 10% or less.

State DWR Director Lester Snow testified “The drought is a symptom. The real problem is a lack of investment in California’s water supply system,” including infrastructure and storage.

A failure to respond would not only be devastating in the valley but to the whole state, Mr. Snow said.

# Water Crisis: Effects Of Regulatory Actions Mount

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More recently, the Colorado River Water Use Plan was issued, which reallocated water available from the Colorado River water.

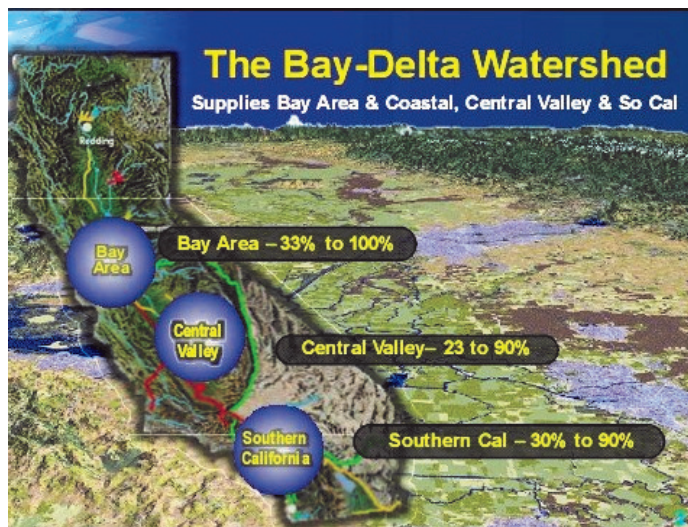
## IMPACTS

The result of these regulatory actions has been a substantial reallocation of water from farms and people to the environment.

“The CVPIA and the federal court decision are likely to reprioritize close to 2 million acre-feet of water this year for environmental purposes,” said Mr. Rubin, “water that would have otherwise been available for the counties now in a state of emergency.”

The situation facing farmers on the west side of the San Joaquin Valley is unprecedented. Because farmland within Westlands accounts for 20% of the \$5 billion agricultural production of Fresno County – the nation’s No. 1 farm county – the potential economic impacts could be enormously devastating. Fresno County has already reported impacts of \$73 million to its agricultural sector. This hydrologic/regulatory drought will have a major impact on the San Joaquin Valley’s multibillion-dollar agriculture industry and local economy.

**THE CURRENT DROUGHT** has already forced some orchardists to abandon trees. San Joa-



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quin producers have already walked away from at least 10,000 acres of tomatoes, melons and cotton, abandoned in the fields to wither and die because there will not be enough water to finish out the irrigation season.

Others are paying escalated prices – up to \$950 per acre-foot when the rationing announcement was made in late May – in exchange for water from neighbors.

**BIGGER PROBLEMS LOOM** in the future. The ability of local producers to secure annual operating loans when their water supply is so uncertain is a huge concern. Impacts will also be extended and felt by consumers, as well. Produce prices will likely ramp up another 5%, on top of the 5% increase already noted with food prices in the last year.

## SOLUTIONS

During this time of increased regulation, California agriculture has not remained idle. It has been investing billions of dollars in infrastructure and conservation programs. These efforts have obviously not been enough.

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# Water Crisis: Two Delta Plans Taking Shape

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The events of this year demonstrate California's water system is broken. Several planning efforts are under way that are intended to identify and implement solutions.

Governor Schwarzenegger initiated a process known as Delta Vision and established an independent Blue Ribbon Task Force. The goal of the Delta Vision is to develop a strategy for managing the Sacramento-San Joaquin Delta as a sustainable ecosystem that will continue to support environmental and economic functions that are critical to the people of California ([www.deltavision.ca.gov](http://www.deltavision.ca.gov)).

Concurrently, State and federal agencies, water districts, and environmental organizations are preparing a "Bay-Delta Conservation Plan." The Plan is being developed to improve and make water supplies more reliable while helping to recover endangered and sensitive species and their habitats ([www.resources.ca.gov/bdcp](http://www.resources.ca.gov/bdcp)).

Both of these efforts appear to be leading to a single conclusion, which has been clear in the minds of many Central Valley farmers for years.

"California must increase its ability to store and convey water in order to meet the water demands of its residents and avoid conflict with environmental regulations," said Rubin.

"The time to study and study and study is over," said Mario Santoyo, assistant general manager of the Friant Water Authority, at a recent field hearing in Mendota (CALIFORNIA) conducted by members of the California State Assembly. "It's time to take action."

Governor Schwarzenegger drew attention to this crisis when he issued last month's drought declaration, which many hope will light a fire under state legislators to finally support the governor's plan to build new dams, repair Delta levees, and implement more conservation measures. The governor's latest compromise bond proposal — co-sponsored by U.S. Senator Dianne Feinstein — is intended to jumpstart negotiations to put a comprehensive water bond package on the November bal-

lot. California water users welcomed the Schwarzenegger / Feinstein effort aimed at addressing the state's worsening water crisis.

"We strongly support this latest bi-partisan effort to kick-start negotiations on a comprehensive water bond," said Tim Quinn, executive director of the Association of California Water Agencies. "California is in the most severe water crisis in recent history, and there is literally no time to waste."

**'California is in the most severe water crisis in recent history, and there is literally no time to waste'**

— TIM QUINN, ACWA

It's hugely important that we have a specific, bi-partisan proposal on the table as something we can negotiate around. We urge the Legislature to move ahead with its negotiations."

However, long-time dam opponents immediately objected to the Schwarzenegger / Feinstein proposal, since it includes provisions to advance new water supply projects.

"Governor Arnold Schwarzenegger's proposed water bond represents more of the same old policy," said Jim Metropulos, with Sierra Club California. "In the face of 21st-century advances in water conservation technology, underground storage, water-efficient buildings and low-water landscaping, we don't need to build more monoliths."

If the drought declaration ultimately contributes to a massive bond measure being placed on the November ballot to fund these actions, San Joaquin farmers may look back at the Governor's declaration years from now and breathe a sigh of appreciation.

## TO LEARN MORE

For more information on this topic, please contact Jon Rubin or Valerie Kincaid at the law offices of Diepenbrock Harrison, 400 Capitol Mall, Suite 1800, Sacramento, CA 95814. Office phone: (916) 492-5000.