

Much-maligned rice farmers now key to California's water future

By **SETH HETTENA**, Associated Press Writer

WILLIAMS, Calif. (AP) - The rumble of Don Bransford's approaching pickup truck rousts egrets and blue herons, scattering them above gold and green rice fields drying in the afternoon heat of harvest-time in the Sacramento Valley.

They're examples of the hundreds of species of birds that have taken sanctuary in the marsh-like rice paddies of California, and Bransford, a third-generation rice farmer, says it's his duty to protect them.

"I've got a very living environment on my farm," he said. "I don't believe you rape the environment for the benefit of a few dollars."

It wasn't long ago that California's rice farmers were attacked for doing just that.

From its beginnings feeding newly arrived Chinese miners and railroad workers, California's rice-growing industry evolved into a powerful and much-maligned part of the state's agricultural economy.

Rice farmers were criticized as water hogs for relying on millions of dollars in federal subsidies to grow a low-value, water-intensive crop. They choked the autumn air around the state capital with smoke by burning enormous piles of post-harvest debris and made Sacramento's drinking water taste funny with chemicals draining from their fields.

Over the past decade, however, that image has changed as the rice industry has adopted practices that have won over even some of its harshest critics. Most recently, the industry has been helped by California's search for long-term solutions to its quest for water.

Rice farmers, beneficiaries of cheap and plentiful federal water supplies, now find themselves playing a critical dual role as environmental stewards and suppliers of water for the state's ever-expanding cities.

The north-to-south transfer of water has been a sore point for generations in Northern California. The north has most of the supply; the south most of the people.

The Los Angeles and San Diego regions have long tapped the Colorado River for much of their water but can't rely on that source alone. A pact reached last month between seven western states that share the Colorado means California will draw even less from the river in the future, leaving northern supplies as a likely way to make up the difference.

Rice growers already have been selling increasing amounts of water to Southern California during the past 10 years. The Sacramento Valley, home to much of the state's rice industry, has become a major source of that water, accounting for up to 45 percent of all water sold in the state in some years, according to a Public Policy Institute of California study.

"We need to somehow be a solution to this state's water problems," said Bransford, 56, president of the Glenn-Colusa Irrigation District, the third-largest in the state and the biggest in Northern California. "You cannot put a wall up around these counties and think that you're going to keep that water from moving south."

It's a conciliatory approach not often heard among California farmers, known for zealously defending their water rights from thirsty Southern Californians.

"I do not see them as the enemy," said Charles Mathews, a 65-year-old rice grower who heads the Cordua Irrigation District.

Cordua has been selling water for years to the Los Angeles-based Metropolitan Water District, which supplies water for about 18 million people in Southern California.

Mathews said rice farmers ended decades of resistance to selling water in the early 1990s, when the state was stricken by drought.

"Either we were going to find a way to give them water, or they were going to take it from us," he said.

Rice has been harvested in California ever since farmers in Butte County sowed the first crop in 1912 on hard clay soil that would support little else.

Today, about 2 million tons are produced each year in the Sacramento Valley, making California the nation's No. 2 rice producer behind Arkansas. California rice winds up in sushi bars, Budweiser beer, breakfast cereal and pet food.

But only about 60 percent of the state's crop is used domestically. The rest is exported, mostly to Japan. Canada, Turkey, Jordan, Liberia and other countries also buy California rice.

The industry also is propped up by federal farm subsidies, more than any other crop in California. The government paid \$1.5 billion to rice growers over the past seven years, according to data compiled by the Washington, D.C.-based Environmental Working Group. Critics say the subsidies encourage unsustainable agriculture.

"It's pretty likely that rice would not be grown on that land without the subsidies," said Ken Cook, the Environmental Working Group's president.

As California began running short of water, environmentalists began to scrutinize what others viewed as another form of subsidy: water.

The amount of water required to grow a single ounce of rice is enough to run a load of laundry in the typical washing machine. Roughly 2.2 million acre-feet of water is used to grow rice in California each year - more than four times the amount of water used by Los Angeles, for which homeowners pay 26 times as much. Much of the rice water comes from the U.S. Bureau of Reclamation through its Shasta and Northern Trinity dams.

Leading the environmental attack was Marc Reisner, the author of the 1986 book "Cadillac Desert." Reisner made a powerful case against the industry, saying rice farmers were growing a "monsoon" crop in a desert.

Instead of ignoring such critics, rice farmers quickly reached out.

By the time of his death in 2000, Reisner had changed his mind and declared rice farmers the most progressive of the state's many agricultural interests.

For example, when herbicides used by rice growers fouled Sacramento's drinking water, growers solved the problem by delaying the discharge of waste water for a few weeks, which allowed the chemicals to break down naturally.

Mathews met with Reisner after the publication of "Cadillac Desert," saying with a wink that he needed to get to know his enemy. It's an approach that's common in the rice world.

"We're different, frankly, than the rest of agriculture in how we tend to approach more from a collaborative way than an adversarial," said Tim Johnson, president of the California Rice Commission.

Earlier this year, Bransford's irrigation district and two others in the Sacramento Valley signed one-year contracts to sell up to 31 billion gallons of water for nearly \$10 million to the Metropolitan Water District.

Growers say the water sales offer them a steady cash flow and a safety net if there is a price collapse in the volatile rice market. To that end, rice farmers are now considering long-term deals to ship water from north to south.

The Yuba County Water Agency and the Western Canal Water District are exploring deals to sell water to Southern California for a decade or more, said Tim Quinn, a vice president at Metropolitan.

"These guys are focused on problem-solving," Quinn said. "They've evolved from being obstructionist."

Bransford said he believes Glenn-Colusa could sell off a tenth or more of its water without harming the local farm economy. Farmers who free up water for sale by fallowing land help their soil, ensuring better yields in the future, he said.

That kind of talk concerns environmentalists such as Barry Nelson, a senior policy analyst at the National Resources Defense Council.

An NRDC study found 11 Sacramento Valley water districts used on average about 70 percent of the water they were entitled to between 1997 and 2001. Nelson worries rice growers could someday order the extra water that is rightfully theirs and sell it to thirsty Southern California.

"It's quite astonishing that in a state that says it's short of water that we could be proposing to give away massive amounts of water," he said.

Bureau spokesman Jeff McCracken said the charge is a misleading one. Federal law prevents such so-called "paper sales" of water from occurring. California's rice farmers can only sell water they would have used, but decided instead to conserve, usually through fallowing land.

"You cannot sell what you do not use," he said.

Even critics, however, agree that rice is different from other crops in California's fertile Central Valley.

Rice paddies attract huge numbers of ducks, which have few places left to nest and feed in a state that has lost nearly 90 percent of its wetlands to development and agriculture.

For rice farmers, flooding fields in winter was the answer to a huge public-relations and environmental problem.

For years, growers had burned the post-harvest stubble, creating a thick haze that blanketed the valley and nearby Sacramento. By 1990, lawmakers in the state capital had seen enough smoke and introduced a law to ban the burning of so-called rice straw.

Today, farmers decompose the straw by tilling it back into the soil, drowning it in water and allowing it to rot. Water is poured into a quarter million acres each year, attracting Canada geese, swans and ducks.

"In a funny way, if the subsidies went away, it would be really bad for the environment," said Dawit Zeleke, who manages the Nature Conservancy's Sacramento River project. "They wouldn't be flooding rice fields anymore."

In a 15-mile circle of rice country, the Audubon Society counted 40,000 birds in last year's Christmas bird count.

"Although growing rice in the middle of summer in an area that is effectively a desert doesn't make a whole lot of sense ecologically, it does provide a tremendous amount of wildlife benefit," the Audubon Society's Ed Pandolfino said. "We would much rather see that water being used in a way that helps the farmers and also provides some wildlife habitat than to be used to support more and more houses."

Today, an industry once derided as wasteful and environmentally damaging is finding ways to do both - providing water to a thirsty state and creating habitat where much has been lost.

"We need to protect the resources, and if we don't we're going to have problems," said Bransford as he drove past acres of his rice fields. "If you anticipate these problems, it's much easier to deal with them than if you have a wreck and have to dig yourself out of a hole."

On the Net:

California Rice Commission: <http://www.calrice.org>

USA Rice Federation: <http://www.usarice.com>

Department of Agriculture primer: <http://www.ers.usda.gov/Briefing/Rice>

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Water-meter mandate signed

Folsom covered by law; Sacramento may be next

By Stuart Leavenworth and Maija-Liisa Young -- Bee Staff Writers
Published 2:15 a.m. PDT Saturday, October 11, 2003

Outgoing Gov. Gray Davis has signed legislation requiring Folsom, Fresno and several other Central Valley cities to install water meters on all homes within 10 years.

The new law leaves Sacramento as the only major Central Valley city without a mandate to measure the water it consumes. But environmentalists say they hope to change that next year.

"We plan to move forward in the next session of the Legislature," said Jim Metropulos of the Sierra Club. "Arnold Schwarzenegger has said that conservation is the first part of dealing with our water problems, so we hope he will join us."

Water meters became a contentious issue this year when Assemblywoman Christine Kehoe, D-San Diego, introduced a bill requiring all homes statewide to include meters.

The measure ran afoul of Darrell Steinberg, D-Sacramento, who killed the bill in the Assembly Appropriations Committee he chairs. So Kehoe amended the measure to exclude Sacramento. The resulting legislation, AB 514, passed the Senate and House. Davis signed it late Thursday, without comment. Under the new law, all cities receiving water from the Central Valley Project must install meters on residential and nonagricultural commercial buildings by Jan. 1, 2013.

This includes Folsom with 6,600 unmetered homes, Fresno with 97,489 unmetered homes, and parts of Citrus Heights, Fair Oaks, Orangevale, Roseville, Sacramento County and the San Juan Suburban Water District. The law primarily affects Folsom and Fresno, which stood to lose their federal water contracts because of city ordinances banning water meters. Most other cities receiving federal water had already started a program to install water meters, as required by the 1992 Central Valley Project Improvement Act. Two Folsom leaders said Friday that they were generally pleased with the new law.

"The best incentive to conservation is water meters," said Folsom Councilwoman Kerri Howell, who was disappointed the bill doesn't include any financial assistance.

Folsom Vice Mayor Eric King said the bill "trumps the local charter amendment" that prohibits water meters.

"I think we always believed we would be installing water meters sooner or later," King said. "This just helps clarify the timing."

Sacramento, which has a city charter banning water meters, doesn't receive its water through a federal water contract, so it is not subject to either the federal meter mandate or the new state law.

Studies have shown that water meters generally result in 30 percent reduction in water consumption, and also reduce overall energy use and sewage treatment.

Nonetheless, meters have sparked fierce resistance in Sacramento. City leaders say it could cost more than \$100 million to retrofit about 100,000 unmetered homes.

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State details water plans

The new blueprint stresses conservation and recycling efforts to meet future demands.

By Stuart Leavenworth -- Bee Staff Writer

Published 2:15 a.m. PDT Wednesday, October 8, 2003

California's first new water plan since the Pete Wilson administration is calling for a multibillion-dollar investment in water conservation, recycling and other programs to quench the state's growing thirst by 2030.

The plan endorses more investigation of water storage projects but says the state can easily gain about 5 million acre-feet -- enough for about 10 million new households -- by investing in better use of existing supplies.

Drafted by a diverse group of stakeholders over three years, the Department of Water Resources blueprint was released Tuesday and is already generating criticism.

Unlike a 1998 water plan produced by Wilson appointees, the new blueprint doesn't tout the need for new reservoirs nor project dire shortages. Nor does it call for statewide regulation of groundwater -- a measure long touted by environmentalists but opposed by many farm districts.

Instead, the report recommends a portfolio of relatively "easy-to-implement" fixes -- ranging from water recycling to replenishment of aquifers. It even calls for a state program of seeding clouds to generate more precipitation -- an idea once dismissed as a Jules Verne fantasy.

Jonas Minton, deputy director of DWR, said the new water plan reflects the huge strides some cities and farmers have made in using water more wisely. "Every day, farmers are finding ways to get more crop per drop," said Minton, a former director of the Sacramento Water Forum.

Some farm leaders, however, say the report overestimates the savings that can be achieved through beefed-up water conservation and recycling. The possible impact, they fear, is that cities will increasingly turn to farm districts for water as the state grows to a projected population of 51 million by 2030. "We feel that the water plan, as now drafted, would lead to a disastrous shortage of water and food," said Alex Hildebrand, a Delta farmer and engineer who sat on an advisory panel for the report.

Although DWR produces dozens of reports each year, the California water plan (also known as Bulletin 160) sets the tone of water policy for years to come. Under state law, the water plan must be updated every five years, to ensure the reliability of California's water supplies.

In 1998, DWR projected the state could experience shortages of up to 6 million acre-feet annually by 2010. Conservation advocates said the Wilson administration overlooked the move toward increased use of low-flow toilets,

drip irrigation and other water-saving measures, and so the Davis administration changed its approach.

Betsy Reifsnider, executive director of Friends of the River, said DWR didn't adopt many of the recommendations pushed by her group and others. Some environmentalists, she said, wanted more emphasis on farm conservation. Others wanted restrictions on groundwater pumping similar to those in other states.

Reifsnider, however, said DWR did its best to achieve a rough consensus among a wide gulf of opinions.

"This process was much more transparent than the one in 1998," she said. Like a recent report from the Bush administration -- "Water 2025" -- the state report reflects some grim fiscal realities.

Back in the Gov. Pat Brown era, state and federal agencies spent billions on reservoirs, aqueducts and other infrastructure to move water around the state. Those funds no longer exist -- or are being spent correcting environmental problems from the past.

So cities are looking at alternatives.

According to the draft plan, increased urban conservation could save up to 2 million acre-feet a year by 2030, and another 1.2 million acre-feet could be saved by urban recycling of water at a cost of \$8 billion. More agricultural conservation could save another 500,000 acre-feet, says the draft report, which will include full-cost estimates in its final form.

The report wades gingerly through two of the most contentious water issues in California -- whether to increase the size of the Delta water pumps and build five proposed water-storage projects in the Central Valley.

In its draft, DWR recommends continued studies of such projects -- including expansion of the Los Vaqueros Reservoir in Contra Costa County. But it did not include water storage among its top tier of projects that have a high likelihood of being implemented.

Reifsnider said she expects DWR's core recommendations to stand no matter the results of Tuesday's recall election.

"If Trek Thunder Kelly becomes governor, however, all bets are off," said Reifsnider. She was referring to the Los Angeles artist/candidate who has vowed "to break the seventh seal" and bring about Armageddon.

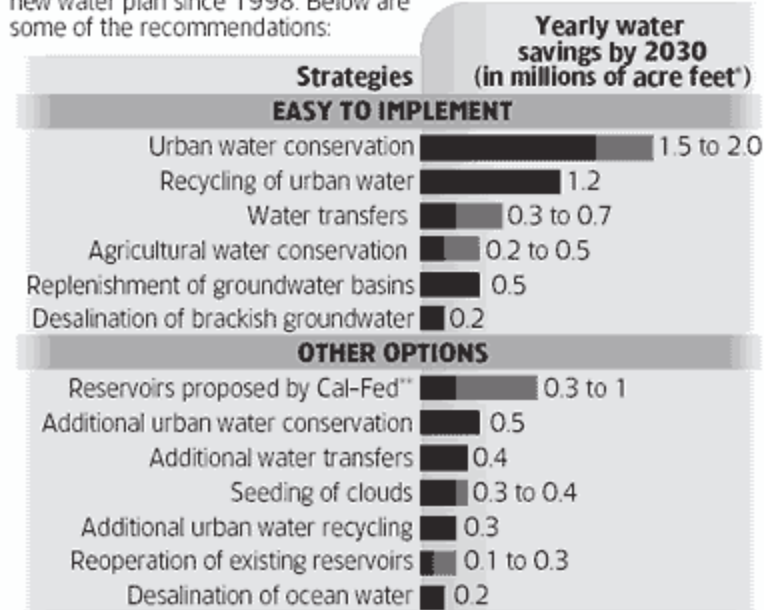
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break the seventh seal" and bring about Armageddon.

State water plan

The Department of Water Resources released a draft Tuesday of its first new water plan since 1998. Below are some of the recommendations:



*An acre-foot is about 326,000 gallons.

**A multagency effort to restore the Sacramento-San Joaquin Delta

Source: California Department of Water Resources, briefing draft, "An Investment Guide for California's Water Future." Available at DWR Web site, www.waterplan.water.ca.gov

Sacramento Bee/Mitchell Brooks

Desal panel gets an earful

By JONATHAN SEGAL

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If a task force charged with studying the statewide feasibility of desalination projects didn't want to hear about specific water projects Tuesday night, they came to the wrong place.

In the midst of a two-day meeting in Monterey, California Desalination Task Force members held a public session to hear local perspectives on the general issues surrounding the conversion of seawater to sink water. What they got was a whole lot of talk about the local water board, the Carmel River and the proposal to build a desalination plant in Moss Landing.

The 25-member committee is holding the fourth of five meetings around the state to examine the desalination issue. At the end of its tour it will compile a report to be submitted to the State Assembly. The committee does not have

any power over specific water projects, although members will be touring Elkhorn Slough this morning.

"This group is not going to be making a decision on those projects," said Greg Bourne, the group's facilitator. "Let's not get into a point-counterpoint."

Still, representatives from local environmental and development interests addressed the committee, voicing concerns that the proposed plant could foul the environment and encourage growth, or discourage growth by limiting the water supply into the county's future.

Larry Foy, president of the Monterey County Hospitality Association and a candidate for the Monterey Peninsula Water Management District board, told the committee that it is necessary to build a desalination plant to allow the community to have some growth, if only for remodeling existing buildings.

"These communities are pretty much built out," Foy said.

Another water board candidate, local architect Marc Béique, also spoke at the meeting, telling the committee that growth and the environment were the issues polarizing the county's water debate.

"Tremendous resistance has been brought to bear in the name of the environment," he said.

Former State Assemblyman Fred Keeley, now the executive director of the Planning and Conservation League and Foundation, told the task force that desalination must be used only to replace existing, but overtaxed, sources of water, like the Carmel River. Using desalination plants to provide new water for growth would be a bad idea, Keeley said.

"It is neither good or bad. It is a tool to be used in the pursuit of something," Keeley said. "In this community, it's about Cal-Am, and Moss Landing. The issue that really drives the debate is whether it is going to be replacement water or new water."

Kevin Tilden, spokesman for California-American Water Co., offered a brief presentation about the Moss Landing desalination proposal.

"Every gallon we take from the Coastal Water Project is a gallon we don't have to take from the Carmel River," he said. "We do not believe that further conservation is a reasonable option for the community."

County Supervisor Lou Calcagno warned the task force that the Moss Landing desalination plant proposal could not pass the Board of Supervisors if it did not provide water outside the Peninsula.

"The other supervisors aren't going to support the project. They don't gain anything from the project. This supervisor, politically, would be insane to support the project," said Calcagno. "When you create a desalination facility, it's got to be for the total community."

While the forum was not designed to hear specific proposals for solutions to the Peninsula water troubles, Task Force Chairman James Minton, deputy director of the state Department of Water Resources, said he was not surprised that people had strong opinions to share about local issues.

"We were aware that desalination proposals are a hot topic in Monterey County, which was one of the reasons we came here to understand the kind of issues that the public is concerned about," Minton said after joking that he would enjoy a glass of wine. "Input from the public in Monterey County helped us understand how different parties view growth-related issues."

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Water Talks Send Ripple of Fear North

**By Tony Perry
Times Staff Writer**

August 24, 2003

The clash of Southern California water agencies over the Colorado River is threatening to touch off an even more strident water fight: this one between ever-thirsty Southern California and ever-suspicious Northern California.

In the annals of California water wars, no conflict matches north versus south for acrimony. For newcomers to the Golden State, here's the short course: The north has the water, the south has the people, and politically powerful forces in the north believe the twain should not meet.

As a proposed deal involving the Metropolitan Water District of Southern California and three other agencies over the Colorado River appears to be disintegrating, a growing number of politicians, environmentalists and newspapers in Northern California fear that the MWD will turn northward for more water.

For many in the north, that prospect serves as a rallying cry to put aside intramural differences and mount a defense against a common enemy.

"The north-south rivalry, and the sense that it's 'our' water and that Southern California wants it, is always alive, just below the surface," said Thomas Graff, attorney for the Oakland-based Environmental Defense, a force in California water issues.

Late Thursday, Assemblyman Joe Canciamilla (D-Pittsburg), chairman of the Assembly water committee, announced he was planning hearings to expose what he sees as a destructive proposal by the MWD to take more water from the Sacramento-San Joaquin Delta through the California Aqueduct.

Canciamilla joined those who angrily accuse the MWD of trying to kill the Colorado River deal. They say its purpose was to maintain the agency's dominance over distribution of water allocations for urban and suburban agencies and to prevent San Diego, its biggest customer, from throwing off its dependence on the MWD for nearly all its water purchases.

Though the threat of retaliatory legislation is nothing new in water matters — and few anti-MWD bills have survived the legislative process — the Canciamilla announcement put the MWD on the defensive.

MWD officials quickly responded that, even as their district was being accused of coveting more water from Northern California, the district was actually signing an agreement to provide water to help the Chinook salmon of Northern California's lower Klamath River.

"This idea that Southern California is going to ravage the north or the Colorado River is out of date," said MWD Vice President Adan Ortega. "We don't think Assemblyman Canciamilla understands that 53% of our demand is satisfied by recycling, conservation and recovery, not from the Colorado or Northern California."

In an agreement signed Friday, the MWD authorized the federal government to release as much as 50,000 acre-feet of water owned by the MWD and stored in the Shasta Reservoir. The water, purchased by the MWD from Northern California rice farmers, will help raise the level of the lower Klamath, protecting the imperiled salmon population.

Canciamilla's announcement was made within minutes of a joint denunciation of the MWD issued by the San Diego County Water Authority, the Coachella Valley Water District and the Imperial Irrigation District.

The three smaller agencies accuse the MWD of deliberately sabotaging a proposed deal between Imperial and San Diego, a deal thought by state and federal officials to be crucial in getting Southern California to live within a water budget.

MWD officials disagree with that assessment. The dispute centers on matters of money

and hydrology. The two sides differ over how to pay for saving the Salton Sea and who is more realistically calculating how much surplus Colorado River water will be available for coastal Southern California.

Negotiations are set to resume this week, with mediation by former Assemblyman Richard Katz, the governor's top water advisor.

In a statement released after negotiations in Sacramento broke down last week, the strongest sentiment may have been one in a matter-of-fact tone.

Imperial's lead attorney, John Carter, one of the state's most respected lawyers in the arcane field of water law and water politics, said he suspected that the MWD had a backup plan to take effect once it scuttled the San Diego-Imperial deal: seeking use of the MWD's Colorado Aqueduct to bring some of Imperial's share of the Colorado River to San Diego.

"Metropolitan has already demonstrated where they must go to replace these lost Colorado River supplies: the fragile Bay Delta and the Central Valley," Carter said.

Pat Mulroy, general manager of the Las Vegas-based Southern Nevada Water Authority, went further. The MWD, she charged, planned to "drain" Northern California.

By day's end, Canciamilla had made his announcement and the polarization over water matters had resumed.

"It's hard for Northern Californians to be cooperative if they think Southern Californians aren't getting their act together," Graff said.

The 738,000-acre Sacramento-San Joaquin Delta, which provides drinking water for 22 million Californians and is vital to the state's agricultural economy, has long been the flash point in the north-south feud.

Seen from the south, it's the bottleneck that keeps Southern California from getting as much water from the north as it was promised when voters endorsed construction of the California Aqueduct in 1960. Seen from the north, it is an environmentally fragile resource that could be further damaged if more water were pumped out to be sent south through the aqueduct.

For half a century, Republican and Democratic governors alike have suggested that a so-called "peripheral canal" be built, looping around the delta to connect the Sacramento River to the State Water Project and its north-south canal. The north has been passionately opposed to that idea.

Deal boosts project to share river water

By Stuart Leavenworth -- Bee Staff Writer - (Published August 13, 2003)

A \$690 million water project that will serve a half-million people in Sacramento County and the East Bay cleared a major hurdle this week when 67 state water contractors agreed to drop a lawsuit against it.

The legal settlement means the Freeport Regional Water Authority, made up of Sacramento County and the East Bay Municipal Utility District, can push ahead with remaining studies for a new water intake on the Sacramento River, scheduled for completion in 2008.

If built, the water project would draw as many as 185 million gallons daily from the Sacramento River near Freeport. Without it, county officials say they would be forced to limit growth or further deplete south county groundwater supplies, and the East Bay could face severe rationing in a drought.

"This is extremely good news," said Dennis Diemer, general manager of EBMUD, after the deal was unveiled Tuesday.

The Freeport project faces separate litigation from federal water contractors and three water agencies. But Diemer said he's hopeful that the remaining lawsuits can be resolved.

"This puts us on track to have peace with the majority of the water contractors statewide and fashion a settlement with the remaining parties," he said.

Two decades in the making, the Freeport project is a peace treaty of sorts between the East Bay and Sacramento. By drawing water from the Sacramento River, EBMUD would end its claim on American River water and draw from a source that does not include the entanglements of Delta water. Sacramento County, meanwhile, would receive East Bay's help on a project it has long sought -- an alternative to overtaxed groundwater supplies.

Some of the region's biggest proposed developments -- such as the 22,000-home Sunrise-Douglas community in Rancho Cordova -- will depend on the extra river water. County officials said they hope the extra water could reduce the need for pumping groundwater, which otherwise might cause levels in local aquifers to drop 160 feet.

Some water agencies, from Southern California to the San Joaquin Valley, have questioned why Freeport is rushing ahead, while their projects languish. Others wonder how the federal government can provide the East Bay with additional water during droughts, given that federal reservoirs such as Shasta and Folsom don't have enough water for fish, farms, cities and other needs during bountiful years.

Greg Gartrell, assistant manager of the Contra Costa Water District, said EBMUD originally planned on taking water from the American River during wet years, using supplies conserved by a proposed Auburn Dam.

Now, he said, the East Bay wants to draw 100 million gallons daily from the Sacramento River during the driest of times, which could hurt supplies of cold water in Shasta and Folsom needed for salmon and other fish.

"We want them to find ways to offset those impacts," said Gartrell, whose agency has filed suit against the EBMUD diversion. "We want to make sure their project protects the Delta and other water users."

Responding to those concerns, the Freeport Regional Water Authority released a 15-pound, three-volume environmental report this week that concludes the project would have "no significant impact" on fish, water quality or water users downstream.

The authority's analysis said the project would reduce water flowing into the Delta by one-half of 1 percent if the 1987-1992 drought were repeated.

"We are talking about a very small amount of water," said Stuart Somach, a lawyer for the Freeport authority.

EBMUD would pump river water three out of 10 years, on average, said Eric Mische, Freeport's general manager.

Under its contract with the U.S. Bureau of Reclamation, EBMUD could take no more than 165,000 acre feet -- enough for 330,000 households -- over a three-year period. Sacramento County could take as many as 68,000 acre feet in any given year.

So far, no statewide environmental groups have threatened to block the Freeport project. Far more concern has come from residents of south Sacramento, who have protested the possible alignment of a 7-foot-wide pipeline that would link the Freeport intake to the Folsom South Canal.

Originally, the Freeport authority was exploring whether to build the pipeline along Meadowview, Mack and Gerber roads. Because of protests by residents and some city council members, the authority is studying a preferred route that would have the pipeline along Cosumnes Parkway and Gerber Road.

Under the settlement announced Tuesday, State Water Project contractors received assurances that their water deliveries would not be affected by the Freeport project. Both parties agreed to "work together in good faith" to resolve any endangered-species issues that might arise. In exchange, the contractors agreed to drop their lawsuit, and Freeport officials agreed to support plans to expand the state water pumps in the Delta.

Meetings on the Freeport project are planned in Sacramento on Sept. 4 and Sept. 11. For more information and a copy of the environmental report, contact the Freeport authority at (916) 326-5480 or check its Website at www.FreeportProject.org.

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MICHAEL HILTZIK / GOLDEN STATE

Resource Crisis of the Century Lacks a Water-Based Solution

Michael Hiltzik

August 11, 2003

The last time a spring-run Chinook salmon was spotted in the upper San Joaquin River was in 1950. That was a few years after the completion of the Friant Dam just outside Fresno, which would eventually provide irrigation water to a million acres of some of the most productive farmland in the world at the expense of turning much of the river into a dry arroyo.

One of the very few surprising things about this situation is that it took 38 years for the first major lawsuit to get filed. But that finally happened in 1988, when the San Francisco office of the Natural Resources Defense Council, at the head of a coalition of more than a dozen environmental groups, sued to keep the federal government from renewing a series of leases awarding San Joaquin water to the irrigation districts served by the dam.

Over the next 11 years, the environmentalists enjoyed an unbroken record of success in federal courts on their claim that the dam operators were violating state law by failing to protect downstream fisheries.

At that point, they entered into settlement discussions with the Friant Water Users Authority, which represents irrigation and water districts with claims on the dammed water. The aim was to find a way of restoring the river to health (the environmentalists' goal) without seriously disrupting the users' way of life (the authority's).

Those discussions, part of which were conducted under federal mediation, broke down four years later, when it became clear that the restoration of a thriving salmon population and the absence of disruption to the farmers were not "achievable at the same time," in the words of Kole Upton, a Chowchilla grower of cotton, wheat, corn, potatoes and almonds who is chairman of the Friant Water Users Authority.

That brings the timeline up to today, when each side is probably more bitter and mistrustful of the other than on the day the lawsuit was filed.

"Everybody's beginning to realize this is really an attack on our water supply," says Denis Prospero, a Madera almond and grape farmer active in the fight.

"It doesn't sound to me like they're acknowledging their stewardship responsibility to the river," Jared Huffman, an attorney for the NRDC, says of the water authority. "It sounds to me like hostage taking."

Now, city dwellers separated by a comfortable swath of geography from the state's big middle might find it easy to dismiss something that sounds like a parochial dispute between a bunch of San Joaquin Valley farmers and a clutch of Bay Area fish-huggers.

But the fact is there's no fight more emblematic of what is certain to be the California resource crisis of the 21st century: water. No issue is more all-encompassing and none harbors more potential effect on the economy of the entire state.

The San Joaquin River dispute, in particular, touches on some of the critical questions hovering over California's future, including what steps we will take to preserve our first-in-the-nation standing in agriculture; how much residential growth we are willing to accept; and where we will strike the balance between development and its inevitable environmental impacts.

This is also one of those issues, by the way, that underscore the peril of placing California's future in the hands of political novices who think they can solve problems by switching on the star power and cranking it up to "dazzle."

In fact, if Governor-Anoint Schwarzenegger is hankering for a taste of what he'll be in for in Sacramento, he should take a close look at the intertwined interests, all of them arguably legitimate and many of them seemingly irreconcilable, demanding a voice in statewide water policy. Then he can go on Leno to tell us what he'll do about it.

In this case the details are particularly complex because Friant Dam not only serves, but helped create, the local farm economy. Part of the vast Central Valley Project of the 1940s, the dam produced a reliable source of irrigation water and helped stem the flood threat downstream, both prerequisites for making the area's fields, vineyards and orchards flourish.

When the dam was completed in 1944, farm demand was so low that most of the inbound water was released downstream. But as agriculture expanded, the farmers claimed more of the water for their own ends; by the mid-'50s so little flowed downstream that two stretches of the river, starting about 30 miles from the dam, were rendered all but permanently dry.

Not only was the salmon fishery destroyed, but the lack of dilution from any upstream flow also left water reaching the Sacramento Delta from the lower San Joaquin heavily polluted by farm runoff.

In time, the regional water demand far outstripped even what was produced by the dam. Users in the three-county Friant service district today draw an estimated 700,000 acre-feet of water more from the ground than can be replenished by natural flows every year. They know this is untenable, because the farmers know how much deeper the water table lies under their land every year. When he acquired his farm in 1975, Proserpi says, he had to drill down 85 feet to hit water. Now it's 135 feet.

This much history is pretty much stipulated by both sides in the lawsuit. The devil, to paraphrase a cliché, is in the future.

The plaintiffs contend that the court rulings mean, in effect, that the U.S. Interior Department, whose reclamation bureau operates the dam, will have to restore the river by allowing as much as 450,000 additional acre-feet of water a year to flow downstream.

That's equivalent to about 30% of what the reservoir yields to the farm users every year, but the environmentalists say it could be absorbed by the farmers if they implemented a combination of novel water management techniques. Among them: out-of-district water purchases, conservation and recycling.

The users say the only way to produce that much new water is by building a new dam a few miles upstream of Friant, preferably at a spot known as Temperance Flat. This would increase storage on the river enough to yield 200,000 more acre-feet, while producing enough seasonal flexibility to keep the lower river wet and further mitigate the flooding threat.

The problem is that "dam" is the dirty word, so to speak, in this conversation. The Natural Resources Defense Council opposes new dams as a matter of principle. If nothing else, the group says, the projected \$1-billion price tag for Temperance Flat makes it a pipe dream.

But it's also clear that the need for a new dam is almost an article of faith to many influential people in the San Joaquin Valley. "Our restoration plan is based on new water," says Upton, using a code phrase for the new dam.

To say that the two sides in this fight don't speak a common language is an understatement. When I asked Upton about the NRDC's proposals for freeing up water by recycling and conservation, he summed them up with a blunt: "Horse manure!"

"We're the most conservation-minded farmers in the world," he says. "On my farm, every drop is recirculated." He and other farm spokesmen in the region suggest that the environmentalists are either too ignorant of agricultural practices to properly assess the remaining potential of conservation and recirculation, or determined to restore the river at any price (to the farmers, that is).

The plaintiffs, in return, argue that one group of users — "the fundamentalist dam builders," in Huffman's words — have fixated on a dam project because they imagine it's a way to get the federal government to take them off the financial hook for the river's restoration. The plaintiffs argue that the dam lobby has overstated the economic loss farmers would suffer from any non-dam alternative to producing water for the river. To persuade local forces to support the dam, Huffman says, "they've set up a false choice."

One thing that isn't fair is to suggest that the farmers are oblivious to the serious changes they face in their way of life.

During a boat trip I took last week to see the Temperance Flat dam site at the behest of dam supporters, I found them fully alive to the obstacles and the expense confronting such a huge project. They also understood that a new dam producing 200,000 acre-feet a year would scarcely make a good-sized dent in the region's annual overdraft of 700,000 acre-feet a year.

"We're going to have to take land out of production," I was told by Jim Cobb, a Fresno farmer and vice president of the Resource Management Coalition, a group of water users working on its own restoration plan. "There's no way around it."

But the accommodations farmers make to water policy, he argued, have to be part of a discussion about the chronic imbalance of water supply and demand in California, which spends billions of dollars to move water from areas that have more than their share to those that use more than exists in their local watersheds.

I've heard NRDC spokesmen say that regional self-reliance is the key to solving the state's water issues. But the truth is that only when people understand that a desalination plant in Southern California may help relieve the strain on supplies in Fresno and Madera counties will we be on our way to a sensible statewide water policy.

*

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Plan Alters Water Flow to L.A.

Draft proposal calls for the state and U.S. to cooperate on shipping and storage in a bid to replace a 15% loss from the Colorado River.

From Associated Press

August 9, 2003

SAN DIEGO — More water would flow to Los Angeles and San Diego under a plan that

would alter the way Northern California water flows south through a vast system of state and federal pumps, aqueducts and reservoirs, officials said Friday.

The draft proposal, negotiated last month over days of closed-door meetings in Napa, frees up additional water for the south by merging the operations of the State Water Project and the federal Central Valley Project. A public hearing and environmental review are scheduled before the plan becomes final.

The Metropolitan Water District of Southern California, the biggest State Water Project contractor, stands to gain an additional 250,000 acre-feet of water from the system each year, said Tim Quinn, an MWD vice president who attended the meetings.

Quinn said the proposal makes room in the Sacramento-San Joaquin Delta for the MWD to draw even more Northern California water that it has purchased from farmers. Metropolitan wasn't able to get all the water it bought last year from Sacramento Valley rice farmers because the system was full, he said.

Environmentalists said the MWD was looking to the north as a relief valve to make up its losses from the Colorado River. The agency that serves 17 million people lost some of its river supply when the Interior Department cut the amount of water the state can draw from the Colorado this year by 15%.

"MWD is looking at a big hole in that aqueduct they have kept full," said Tom Graff, a lawyer with Environmental Defense. "Realistically, in the long or short run, the only way they could make up that shortfall is to look north."

Long-standing political differences between the U.S. Bureau of Reclamation and state Department of Water Resources prevented the two agencies from operating their systems more efficiently. The state has bigger pumps, but lacks storage; the federal government has plenty of storage, but fewer pumps.

Under the proposal, the federal government would store state project water in its reservoirs. The state would ship some federal water south through its pumps, said Jeff McCracken, a Bureau of Reclamation spokesman.

Environmentalists and others were upset that they were kept out of the talks, which involved officials in the Bureau of Reclamation, state water department, MWD and other big water agencies.

Participants were quick to say, however, that the meetings were not secret.

"The notion that there's back-room, cigar-filled-room stuff going on is pretty preposterous," Quinn said.

The Bureau of Reclamation met Friday with representatives of the Hoopa Valley Tribe, which was concerned that its rights to the Trinity River in Northern California would be

put in jeopardy by the Napa proposal. Officials assured them that their rights would be protected, said Michael Orcutt, director of the Hoopa Fisheries Department.

The plan hinges on the Army Corps of Engineers approving a permit to send 27% more water through the state's Harvey O. Banks Pumping Plant near Stockton. In addition, an agreement must be approved to commit some Northern California water agencies to reducing their supplies to help the Delta.

Another beneficiary would be the Fresno-based Westlands Water District.

Under the proposal, the bureau would be able to let farmers know earlier in the year and with more accuracy how much Central Valley Project water they would be receiving.

Dueling water bills split Congress California's old divisions between north and south again apparent

[Edward Epstein, Chronicle Washington Bureau](#)

Monday, July 28, 2003

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Washington -- California's water wars are back in Congress.

This time, the fight is over efforts to renew the landmark CalFed program that was created to restore the San Francisco Bay and Sacramento-San Joaquin River Delta, cut water pollution and guarantee supplies to farmers and booming urban areas.

Despite protests from both sides that they want to reach an agreement to satisfy the needs of a rapidly growing, water-hungry state while protecting the environment, the divisions and the rival lineups are familiar.

Democratic Sens. Dianne Feinstein and Barbara Boxer and Reps. Ellen Tauscher, D-Walnut Creek, and George Miller, D-Martinez, have introduced bills backed by environmentalists.

Rep. Ken Calvert, R-Riverside, who chairs the House Resources subcommittee on Water and Power, has a rival bill backed by Central Valley growers and thirsty districts that want to get more water from the water-rich northern California.

"Our bills are on different wavelengths," Feinstein told Calvert's subcommittee in testimony on Thursday about her five-year, \$800 million proposal. "I'm concerned that we get a bill" to reauthorize CalFed, she added.

Without a renewal of the CalFed framework, proposals for California water- storage and environmental protection projects would have to go piecemeal through a Congress that already feels California sucks up too much of the money available for such work.

A source of particular disagreement is the provision in Calvert's bill that, in effect, preauthorizes such vast and controversial water-storage projects as heightening the Shasta Dam or vastly expanding Los Vaqueros Reservoir in eastern Contra Costa County.

This reversal of traditional policy goes on to say that once the secretary of the interior or the heads of other federal water agencies authorize such a project, Congress would have 120 days to block their action.

"This is like going to a building contractor who says, 'We don't know the costs, we don't have subcontractors or the materials, and we don't know the building's size, but we want you to give us the go-ahead anyway.' It's irresponsible, and it's unnecessary," said Edward Osann, a Washington-based consultant for the Natural Resources Defense Council.

The provision could be unconstitutional, he said, and could lead to lawsuits of the type that the collaborative CalFed process hammered out in 1995 was designed to avert. CalFed involves more than 20 state and federal agencies and scores of local water districts and others.

Many environmentalists object to such big projects as the proposal to raise Shasta Dam, already one of the nation's biggest, to create another 300,000 acre-feet of water storage, or expanding Los Vaqueros to add 200,000 more acre- feet. An acre-foot is enough water to cover an acre of land to a depth of 1 foot -- about what the average family of four consumes in a year.

Steve Hall of the Association of California Water Agencies said that in earlier versions of her bill Feinstein included provisions similar to the 120-day rule but dropped them after Boxer objected.

For rapidly growing areas of California that use delta water, every acre-foot is vital.

"Most of the money in CalFed so far has been front-loaded for the environment," Calvert said. "Now we're saying there has to be a move forward to get more water out of this.

"More storage has got to be part of the solution," added Calvert, whose home county is among the fastest-growing in the nation. It gets water from

the Colorado River, local wells and from the Los Angeles area's Metropolitan Water District but looks to the Delta as a source for fresh water supplies.

Calvert said objections to his bill's 120-day provision are overblown. Getting a project authorized by federal authorities and Congress is a far cry from actually getting money to build it through the annual appropriations process.

For instance, he said, the long-planned Auburn Dam is an authorized project,

but money has not been made available.

Another difference between the Democratic and Republican bills is that the Democrats embrace in full the so-called record of decision negotiated in 2000.

The long document set forth in detail all aspects of CalFed work, from preserving endangered fish and wildlife species in the Delta to providing drinking water for two-thirds of California and irrigating San Joaquin Valley farmlands.

Calvert's bill embraces the 2000 agreement's general principles but doesn't reiterate all its specifics.

"Calvert's bill untethers CalFed from the record of decision," said Osann, meaning that environmentalists suspect the Republicans want to emphasize water- storage projects that would move more water to the thirsty south.

"His bill is ambiguous. It says federal agencies can do anything they want with water in California," he added.

Calvert, whose co-sponsors on the bill include several Central Valley and Southern California House Democrats, said his bill accepts the principles of the 2000 pact.

But he expressed frustration with environmentalists, saying he has tried to negotiate with them: "It's difficult to get them to be for anything. I have tried mightily."

Feinstein told Calvert's committee that she won't abandon the 2000 agreement: "I am concerned that we maintain the record of decision. It's the only thing we can agree upon."

But she also maintained that she is willing to work with majority Republicans on a deal. She said, "I'm concerned that we not come to loggerheads."

Senate Energy and Natural Resources Committee Chairman Pete Domenici, R-N.M. , has promised Feinstein that he will allow her bill a vote by the panel.

Calvert said Feinstein, a Democratic moderate who frequently works with Republicans, is someone he can negotiate with. "There are differences, but there are a lot of similarities too," he said of the competing bills.

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Water district speaks out

Leaders, PUC commissioners to discuss desal plant

By JONATHAN SEGAL

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The Peninsula water board wants to be heard.

Leaders of the Monterey Peninsula Water Management District have arranged private meetings next month with four out of five members of the state's Public Utilities Commission to discuss proposals to build desalination plants in Moss Landing and Sand City. The water board's chairman said he will lobby the commission to give the water district a voice in the projects' progression.

"Optimally, the district would be the lead agency to study both of those projects," said Alexander Henson, chairman of the water board.

However, in the face of an administrative law judge's ruling last week that the commission is the agency best qualified to deal with the Moss Landing proposal, Henson said he at least wants to make sure that the local water board has some say in that project's review. Additionally, Henson said he will also speak in favor of the water board's pet project, a desalination plant in Sand City, although the California-American Water Company favors the Moss Landing site.

"They have made the decision, in Germany, that they want to do the plant in Moss Landing. Until they are persuaded otherwise, that's what they are going to do it," Henson said. "If there is a plant that is approved for construction in Sand City, I think they will change their mind."

Henson and acting water district general manager Fran Farina said that the Sand City plant is a better option than the Moss Landing proposal because it would be smaller, relieve the overtaxed Carmel River, and take less time to build. Farina said the Moss Landing project might serve the needs of North Monterey County and Santa Cruz as well.

"You then expand the focus of the project to something that is much larger than merely trying to solve the problem of the Carmel River," she said. "That expansion can add years to the process. That's unacceptable."

But the water board isn't united over the meetings' purpose. Sand City Mayor David Pendergrass, who also sits on the water board, said he does not believe there should be two desalination projects. He also said the board's majority, led by Henson, is biased.

"The district has a narrow view of water for no growth," Pendergrass said.

Cal-Am spokesman Kevin Tilden said the company believes that water district representatives have the right to meet with the utilities commissioners even though the company disagrees with the water board's stance.

"We probably disagree with what's best for the community," Tilden said. "We're supportive of their rights to meet with the commissioners."

Tilden said that the company "strongly supports" the utilities commission for the position of lead agency reviewing the Moss Landing proposal. The lead agency takes the primary role in reviewing a project for development.

Additionally, Tilden said the Moss Landing site is superior to Sand City because of the site's close proximity to the Duke Energy power plant. Tilden said a desalination plant would be able to get power from the Duke plant, lessening the environmental impact and using the power plant's cooling water outflow to dilute the salty brine from the desalination plant.

Farina said it is conceivable that two desalination plants could be built in the county. She said Cal-Am has already met with the commissioners and that it's the water board's right to lobby them as well.

The water board has meetings arranged with Commissioner Michael Peevey on Aug. 5 and commissioners Geoffrey Brown, Carl Wood and Susan Kennedy on Aug. 26.

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Davis Cools Water-Dispute Rhetoric

Lake Oroville is still not available for the MWD to use as a storage site, the governor says. But he offers to help find another location.

**By Tony Perry
Times Staff Writer**

June 14, 2003

Gov. Gray Davis moved Friday to soften his administration's confrontational rhetoric toward the Metropolitan Water District of Southern California and pledged support for the district's controversial plan to buy \$10 million worth of water from farmers in Northern California.

In a letter to the top Western water official in the Bush administration, Davis offered the "full cooperation of the state of California" in finding a reservoir to store the water, which the governor's administration had previously threatened to let spill into the sea. The district purchased the water for shipment to Southern California during "dry" years.

"If we work together, I am optimistic that MWD will receive the water they purchased," Davis wrote to Assistant Interior Secretary Bennett Raley.

The governor's letter came at the conclusion of a week of tough talk and political maneuvering in Sacramento and Washington over water issues that pit Northern California against Southern California, San Diego versus Los Angeles, and California against six other Western states that depend on the Colorado River.

On Tuesday, the Davis administration sent the state's water picture into further disarray by announcing that it would not allow the giant Southern California water supplier to store 100,000 acre-feet of water — enough for 200,000 families for a year — in Lake Oroville, the state's reservoir north of Sacramento.

In making the earlier announcement, a gubernatorial spokesman said the MWD had made a bad business deal by buying water without having a place to store it. And the governor's top water negotiator said the agency could not look for state help at Lake Oroville while, at the same time, resisting another water sale that the governor thinks is crucial to the state's survival.

Tuesday's action was widely seen as the governor's attempt to pressure the MWD to approve the other deal: a sale by the water-rich Imperial Valley to thirsty San Diego County. Davis, like his Republican predecessor, supports the deal, but the MWD board has expressed reservations. The MWD owns the aqueduct needed to deliver the water to San Diego.

On Wednesday, the Western water czar for the federal government offered to find space in a U.S. government reservoir for the 100,000 acre-feet. Raley suggested that to do otherwise would constitute an unconscionable waste of a precious resource by the Davis administration. With no place to store it, the water would pour into the Sacramento-San Joaquin Delta and then into San Francisco Bay and the ocean.

Outmaneuvered politically, Davis continued to maintain Friday that the state reservoir at Lake Oroville is full while writing Raley that he appreciates the offer of federal storage space.

At the same time, the governor said he is calling officials of the four water agencies involved in the stalled Imperial-to-San Diego sale to a meeting Monday in Sacramento.

Ronald Gastelum, president and chief executive officer of the MWD, a regional wholesaler that provides water to 18 million people in six counties, said he was gratified by the governor's statement. "No one, north or south, supports waste," Gastelum said.

One of the most divisive issues in the Imperial-San Diego deal involves how to fix some of the problems of the Salton Sea, which survives on agricultural runoff from the Imperial Valley. If the Imperial Irrigation District sells water to San Diego, the amount of runoff will decrease, raising the salinity level of the

environmentally imperiled sea.

Federal law requires that partners in any water deal arrange to repair resulting environmental damage. Davis, in a last-minute effort to save the San Diego deal, has proposed spending \$200 million from Proposition 50, the \$3.1-billion bond measure passed by state voters in November to provide for water and environmental projects.

MWD board members have yet to endorse the idea of spending that much money from the bond measure for the Salton Sea, noting that there was no indication during the election campaign that the sea would receive such a large amount.

"Our member agencies, outside San Diego, are convinced that if you spend Proposition 50 money in a way different than the voters were promised, next time you go after [state water bond] money, somebody is going to remember and you're not going to get it," said Adan Ortega, MWD vice president.

Davis relents -- he'll help water to flow south

Confusing week for L.A. area, Valley farmers closes with the delivery back on.

By Dale Kasler -- Bee Staff Writer - (Published June 14, 2003)

Gov. Gray Davis dived into the melodrama of Southern California's water purchase Friday, promising the state's "full cooperation" to get the water delivered safe and sound.

Two days after a scolding by the U.S. Interior Department for potentially letting billions of gallons of water flow out the Golden Gate, the governor did an apparent about-face and pledged his support for the Metropolitan Water District of Southern California's recent purchase.

"It's certainly entertainment," said water expert Tom Graff of Environmental Defense in Oakland.

Earlier in the week, state officials said they wouldn't help the MWD take delivery of \$10.5 million worth of water it bought from Sacramento Valley rice farmers. The MWD needed to have the water stored at Lake Oroville or it would be lost.

Davis aides said the lake was full, but the state wouldn't help the MWD even if there were space at Oroville. Reason: Davis is irked that the MWD is opposing a big Southern California water-sharing agreement he brokered in March.

Assistant Interior Secretary Bennett Raley then stepped in, offering to store the water at the federal government's Shasta Lake. The Bush administration official also chided the Democratic governor for the "tragic loss of this irreplaceable resource."

In reply, Davis spokesman Byron Tucker said the state welcomed Raley's offer but, because of the logistical complexities surrounding the movement of water, couldn't guarantee that the state could get the purchase to the MWD. But Friday, the governor seemed to take it a step further, all but declaring that the MWD will get its water.

"I pledge to you the full cooperation of the State of California," Davis said in a letter to Raley. "If we work together, I am optimistic that MWD will receive the water they purchased."

MWD spokesman Adan Ortega Jr. said Davis changed course because the controversy was turning into an embarrassment for him.

"The state was going to waste water," Ortega said. The amount of water involved is enough to supply about 200,000 households for a year.

Tucker said Davis hadn't changed his mind. "It's always been his intention to be helpful to Metropolitan if the state could be of assistance," he said.

Raley said in an interview that he welcomed Davis' response.

In his letter, Davis also summoned representatives of the MWD and the other big three Southern California water agencies to Sacramento on Monday to discuss the water-sharing agreement, which he believes is necessary to avoiding a statewide water shortage.

The agreement would restore California's access to a big slice of the Colorado River -- a slice cut off Jan. 1 by the U.S. government because California failed to finalize a blueprint for gradually scaling back its use.

The blueprint consists of a sharing agreement among the MWD and three neighboring water agencies, an agreement the MWD opposes in its current form.

Ortega said the MWD is "looking forward to the resumption of talks" ordered by Davis.

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Water deal goes south -- water doesn't

**By Dale Kasler and Stuart Leavenworth -- Bee Staff Writers -
(Published June 11, 2003)**

The state is preventing Southern California from getting its hands on millions of gallons of water it bought from Sacramento Valley farmers, letting the water flow out the Golden Gate as punishment for Southern California's opposition to a crucial water-sharing arrangement championed by Gov. Gray Davis.

The state's move is "pretty brazen," said Adan Ortega Jr., spokesman for the Metropolitan Water District of Southern California. Barring a reversal, MWD will lose all the water it bought from the Sacramento Valley, he said.

Richard Katz, senior adviser to the governor, said the state can't transfer the water south because there's no room at Lake Oroville, the main reservoir of the State Water Project, where it would have to be stored first.

But even if there was room at Oroville, the state wouldn't cooperate with MWD, he said. That's because MWD is resisting a water-sharing deal that Davis believes will stave off a statewide crisis, Katz said.

"It didn't make a lot of sense to help an agency develop an independent supply of water at the same time that they're holding up (the agreement)," Katz said Tuesday.

Earlier this year MWD spent about \$14 million buying water from Sacramento Valley rice farmers who agreed to idle part of their land. The farmers have already been paid and MWD isn't seeking refunds, Ortega said.

The deal called for 130,000 acre-feet to flow through the Sacramento-San Joaquin Delta and down the California Aqueduct to MWD's system. Ortega said MWD planned to put the water, a year's supply for 260,000 households, into storage for dry-weather years. An acre-foot is 326,000 gallons.

But heavy rains -- and state water politics -- spoiled MWD's plans.

The first 30,000 acre-feet -- worth about \$3.5 million -- flowed to the Pacific because heavy spring rains meant there wasn't enough capacity in the Delta pumps to transfer the water south, Ortega said.

Sensing that the remaining 100,000 acre-feet was in similar jeopardy, MWD asked the state to store it in Oroville, where it could be kept until it could be pumped south, Ortega said.

Thomas Hannigan, who just retired as director of the state Department of Water Resources, said in a letter in late May that his agency would store MWD's water at Oroville as long as the storage didn't interfere with other state water operations.

But Katz said there was never a contract for storage, and now there's no room at Oroville because of the wet weather.

"Mother Nature made the decision," Katz said.

Ortega said MWD paid about \$10.5 million for the water that's flowing into the Pacific.

"This \$10.5 million cannot be recovered by the taxpayers and ratepayers of Southern California," Ortega said. MWD serves 17 million Southern Californians.

Although MWD stands to lose the water it was expecting, the urban agency isn't in a crisis mode. Those heavy rains have increased the supply MWD gets from its share of the State Water Project.

"They had a good April. They got lucky. We all did," said Tom Graff, a lawyer and water expert at Environmental Defense in Oakland.

Katz said MWD knew when it purchased the Sacramento Valley water that there was a chance of losing it if a storage problem arose.

"Metropolitan understood when they signed the contract (with the farmers) that they were taking the risk," Katz said.

This isn't the first time the Davis administration has gone after MWD over its reluctance to sign onto the big water-sharing agreement.

In May, state officials suspended payments earmarked for MWD's Hayfield water storage project in Riverside County.

Katz said pressuring MWD is justified by the magnitude of the state's water problems.

"We're looking for a statewide solution to this water crisis and MWD needs to be a constructive member of that," Katz said.

The crisis is this: The U.S. government has cut off California's access to up to 800,000 acre-feet a year of Colorado River water because the state missed a deadline for finalizing a water-sharing plan that would gradually curb California's chronic over-use of the Colorado.

The centerpiece of the plan was a proposed sale of conserved water from Imperial Valley farmers to the San Diego County Water Authority, enabling the state to scale back its reliance on the Colorado. Imperial was balking at the sale and the deadline passed.

Davis revived the plan in March by offering \$200 million in state dollars to minimize environmental damage likely to occur at the Salton Sea. The lake depends on water that historically runs off Imperial farms but would now be diverted to San Diego.

The fragile peace appears to be breaking down. MWD says it won't go along with spending \$200 million to make the San Diego-Imperial transfer work, saying the money was designated for water projects in Southern California. MWD also says it's concerned that a major drought on the Colorado means there will be far less water available to California than originally thought.

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Bay may benefit from water fight

State to release \$10 million worth

[Jane Kay, Chronicle Environment Writer](#)

Wednesday, June 11, 2003

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The San Francisco Bay may get an unexpected dose of fresh water this summer as a result of a fight between Southern California's largest water agency and the Davis administration.

On Tuesday, the Metropolitan Water District of Southern California learned that the state wouldn't ship or store the 100,000 acre-feet of water that the agency bought from rice farmers in the Sacramento Valley.

Worth \$10 million and enough to serve 400,000 people for a year, the water is now entering Lake Oroville on the Sacramento River and will be released into the river's delta and ultimately out the Golden Gate, the state says.

"I'm swimming the Alcatraz race in September. It'll be the most expensive water that I've swum in," said Adan Ortega, spokesman for the Southern California water agency.

"In time of tight budgets, it's beyond our wildest imagination that anyone would waste this much water or this much money," Ortega said.

PURCHASED FROM GROWERS

In January, Metropolitan, which serves 18 million customers, bought the water from Sacramento Valley growers either retiring rice fields or using groundwater instead of rain and snowmelt. The state Department of Water Resources had agreed to store the water until the pumps in the Sacramento River Delta were free to ship it through the California Aqueduct to storage basins between Bakersfield and Fresno, Ortega said.

The state's reversal stems from the contentious talks in recent months over a water-saving Colorado River agreement.

The governor wants Southern California water agencies to sign the agreement,

which would result in more water from the river to California. When that didn't happen, Interior Secretary Gale Norton cut California's share by 15 percent.

The water agency says it objects to using money from Proposition 50, a water quality bond passed by voters, to satisfy conditions of the agreement.

THE GOVERNOR'S SIDE

But Byron Tucker, a spokesman for the governor's office, said the water agency had brought on its own predicament. "Met made some severely bad management decisions when it agreed to purchase the excess water before it had a plan in place to store the water in Northern California," Tucker said.

The state had cautioned that there might be no room to store the water, Tucker said.

"Met cannot have it both ways," he said. "They've been trying to kill the agreement to bring Colorado River water to California, and at the same time trying to build a backup water supply if the Colorado deal fails."

The state is trying to get the water agency to "come back to the agreement," Tucker said, and is "certainly open to evaluating how we can help them" on the \$10 million of water.

As for aid to the bay, Barry Nelson, a Natural Resources Defense Council analyst, said, "I'm delighted if the bay gets more water. This is a great time of year for it. The young fish are swimming in the Delta, and a little extra water helps them move into the bay safely away from the giant state and federal water pumps."

However, he said, "We know what's happening here. Met is trying to figure out how to get more diversions from the bay and delta system to replace the Colorado River water. We're concerned there will be more pressure from Southern California to divert more water in a way that could damage the bay."

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Water's a big gamble for casino planners Source at Sonoma site of questionable quality, quantity

[Pamela J. Podger, Chronicle Staff Writer](#)

Sunday, June 8, 2003

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URL: <http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/06/08/BA289180.DTL>

That precious California commodity -- water -- may prove to be a major obstacle for an Indian tribe with dreams of building a swank casino in pastoral southern Sonoma County.

Greg Sarris, chair of the Federated Indians of Graton Rancheria, detailed plans this week for a casino with 1,900 slot machines and a 200-room hotel along scenic Highway 37.

But the availability of water is essential; without it, many proposed projects in California have shriveled.

"I guarantee you -- water is the biggest physical constraint for the proposed casino," said Jim Harberson, a former Sonoma County supervisor who now works as a consultant for the neighboring Port Sonoma Marina.

Pamela Jeane, deputy chief engineer at the Sonoma County Water Agency, said what little water there is in the area is of poor quality.

"In the flat area near the bay, water quality tends to be pretty bad," she said. "There are bay muds and because of that the yields are very low, in other words you can't get a lot of water out."

Just how much water the facility might require is an open question. County officials said they didn't know, and Sarris said he could not hazard a guess without knowing how many people the hotel and casino might attract.

Neighboring ranchers and officials at nearby Infineon Raceway, where the land is located below or just barely above sea level, say their water is brackish and high in boron, a naturally occurring mineral. They worry about the impact of the tribe's plans on their wells and the aquifer. Environmentalists fret about overdraft that could cause subsidence, or sinking lands as the groundwater is siphoned.

"If they had come to me and asked where would be the worst location to frustrate wetlands restoration, I would say right where they are proposing a casino," said Marc Holmes, who heads wetlands restoration for the Bay Institute in Novato.

But Sarris believes the tribe will find a solution to the water question and summarily rules out concerns that the tribe will build a desalinization plant on the shores of environmentally sensitive San Pablo Bay.

"There is no desalinization plant. Personally, I would haul in water before I do that," he said at a press conference Wednesday night.

Sarris said exploratory well drilling and tests have been done. He promised that any wells drilled by the tribe would be done in a manner that would not impact neighbors or harm the aquifer.

"We're drilling and digging some wells," he said. "We don't want to do anything that will affect their (neighbors') wells or water tables. So, we're doing a lot of tests."

Steve Page, president and general manager at Infineon Raceway, said water drawn from several wells on the shoulder of Sears Point is managed very carefully. On some occasions, raceway officials have trucked in drinking water.

"Water in this area is not very abundant," Page said. "Any additional wells in the area is something we would keep an eye on and it would be something we would have some concerns about."

Fifth-generation farmer Fred Dickson, 56, grows oats, wheat and other grains on 650 acres adjacent to the 2,000-acre spread where the casino would go. He said his water is drawn from two wells, sunk 285 feet and 350 feet deep through the bay muds.

"The water here tastes funny," said Dickson, who uses well water for washing. "At the casino, they have water there, but whether it is good water, there is some question. That is just the local gossip."

Northpoint Joint Ventures, which is providing the financial muscle for the proposed casino, pulled permits for drilling on April 7 and May 22, according to Sonoma County Planning Director Pete Parkinson.

Parkinson said the county doesn't have a groundwater management program in place, and his office doesn't have a structure for monitoring or reporting on groundwater depletion, so it's up to neighbors to keep close watch.

He said he didn't know if Sonoma County supervisors, who officially oppose the casino plans, could deny permits for more wells. "That is something we would need to look at very carefully."

Jim Mickelson of Jerry & Don's Yager Pump and Well Service in Petaluma was hired by casino supporters to do some drill tests. He declined to talk about what the tests found, citing confidentiality. Speaking generally, he said it costs about \$18,000, or \$60 a foot, for a 300-foot well designed for commercial operations.

"They want to know what the availability of water is. They don't want to put something in there and then find out down the road that there isn't any water for their project. They have to make sure that there is enough for the neighbors and for themselves," Mickelson said. "Somebody was going to do that job. We're a local company and are happy they spent the money locally."

Randy Poole, general manager of the Sonoma County Water Agency that sells water wholesale to nine water districts in Marin and Sonoma counties, said even with conservation efforts he expects his agency's conveyance system will reach its capacity in four to six years. He said aquifer studies are planned for the Petaluma basin in the future.

Major water lines in Sonoma and Marin counties don't run to the proposed casino site. The closest are a few miles away and are private lines installed by Port Sonoma for a temporary supply from the North Marin Water District that has averaged 5 acre-feet in each of the last three years.

"Our water out there is delivered on a limited basis and can be interrupted at any time," said Chris DeGabriele, manager of the North Marin Water District in Novato. "There is no water available for fire protection or any development.

And I don't believe we could be compelled to provide service."

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U.S. tries to cool off water hot spots

By Stuart Leavenworth -- Bee Staff Writer - (Published May 29, 2003)

Will the Central Valley be the epicenter of the West's next great water crisis? The Bush administration wants to explore that question during a July 10 regional conference in Sacramento. The meeting is one of nine that federal officials are holding across the West to engage farmers, environmentalists, water managers and others in a collaborative initiative known as Water 2025. Administration leaders say they want to encourage more water trading and conservation to avoid conflicts such as the one that ripped through the Klamath Basin on the California-Oregon border two years ago. "This administration went through a searing experience in the summer of 2001," said Bennett Raley, an Interior Department undersecretary, in a conference call with reporters Wednesday.

Following a dry winter, federal officials in 2001 were forced to cut back water for farmers in the Klamath Basin to benefit imperiled fish. The administration then gave farmers a water boost the next year, only to watch thousands of salmon die in the lower Klamath River.

Raley and others fear that similar conflicts could erupt elsewhere, including the Sacramento-San Joaquin Delta, where disputes over fish and water are legendary. Along with farm regions around Fresno, the Delta was included in a map, released by Interior last month, that showed places where "existing supplies are not adequate to meet demands for people, farms or the environment."

In launching Water 2025 last month, Interior Secretary Gale Norton said the administration was seeking an initial investment of \$11 million from Congress. Those funds could be used to help develop water banks, conservation programs and research into desalination of ocean water, said Norton, adding that she has no plans to pre-empt state programs. Although environmentalists often criticize Bush and Norton, some say they welcome the administration's direction.

"The Interior Department has a lot right with Water 2025," said Steve Malloch, executive director of the Western Water Alliance, a Seattle-based group that includes Trout Unlimited and other conservation organizations. "Over-allocation of water is a fundamental problem across the West," Malloch said. "The region is growing, but a lot of water has been locked up. ... Something has to change."

At the same time, he said, administration officials have sometimes seemed hostile toward environmental concerns, making partnerships difficult.

"We appreciate their efforts to work collaboratively, but that doesn't relieve them of their obligation to enforce the Endangered Species Act and look at how water is being used," Malloch said.

Raley and Reclamation Commissioner John Keys said Wednesday they plan to attend each of the nine meetings, either together or separately. Response from those attending, said Raley, could shape a final map of the West's hot spots for water conflicts as well as funding priorities.

About the Writer

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Water meetings

The Sacramento meeting of Water 2025 will be July 10 at the Hilton Sacramento, 2200 Harvard, from 9 a.m. to noon. Attendees must register by contacting the Bureau of Reclamation by phone at (916) 978-5100 or by e-mail at JMCCRACKEN@mp.usbr.gov.

Other conferences:

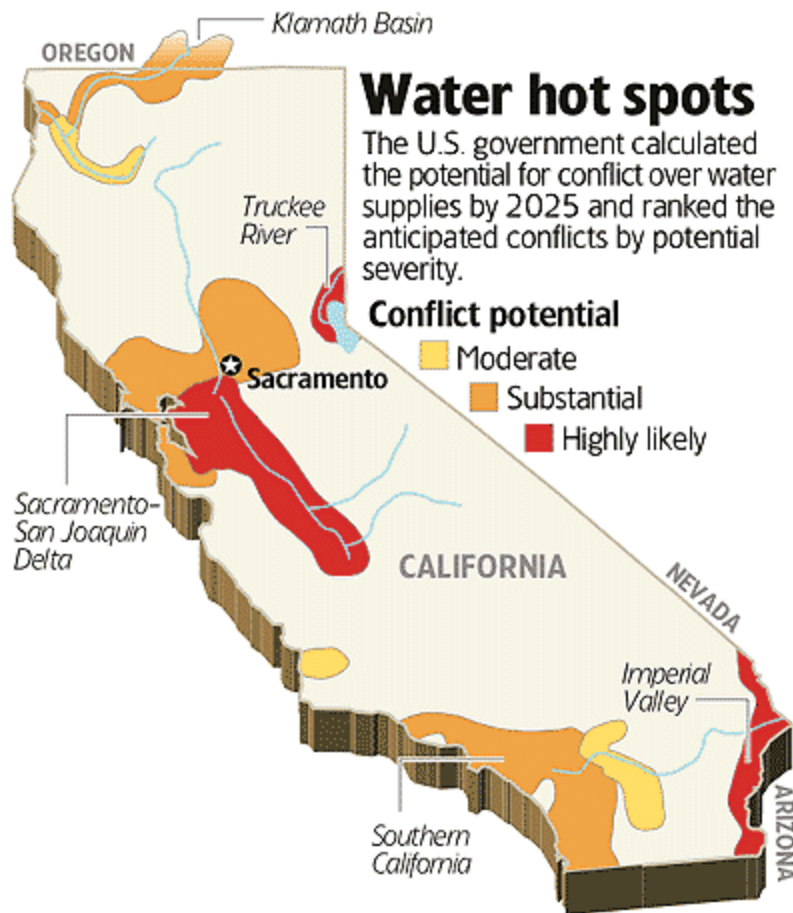
- * Denver -- June 6
- * Phoenix -- July 8
- * Las Vegas -- July 9
- * Salt Lake City -- July 16
- * Boise, Idaho -- July 17

* Billings, Mont. -- July 29

* Albuquerque, N.M. -- Aug. 12

* Austin, Texas -- Aug. 14

More information can be found at www.doi.gov/water2025



Capital's meter ban under siege

By Stuart Leavenworth -- Bee Staff Writer - (Published May 11, 2003)

In California's capital, electricity is metered; natural gas is metered. So, in their own way, are gasoline and most telephone service.

Yet for seven decades, Sacramento residents have sprinkled their lawns and washed their cars with little worry about their water bills. For that, they can thank a single sentence added to the city charter in 1920 that reads: "No water meters shall ever be attached to residential water service pipes."

In the view of many legislative observers, this could be the year that Sacramento's meter ban, enacted when Woodrow Wilson was president, is finally given the big flush. At the urging of environmental groups and Southern California interests, lawmakers are weighing a bill to require meters on all homes statewide, including 110,000 in Sacramento, within five to 10 years.

If enacted, the legislation, introduced by Assemblywoman Christine Kehoe, D-San Diego, would affect about 670,000 unmetered households statewide, including those in Fresno, Folsom, Sacramento and other communities in the region.

In Sacramento, city officials estimate it could cost the city at least \$100 million to retrofit homes with meters, causing water rates to rise 78 percent in five years.

But Sacramento may have little choice. California's water picture has changed dramatically since the early 1990s, when the city last fended off an assault on its meter ban. About 94 percent of California's 35 million people now have water meters on their homes, and conservation has become the mantra in Southern California and the Bay Area, whose residents use about half as much water per person as those in Sacramento.

In addition, several of the region's suburbs have started retrofitting homes with meters, a trend that further isolates Sacramento.

Rich Plecker, general manager of the Fair Oaks Water District, says attitudes are changing. The region is seeing an influx of newcomers from the Bay Area, where metering is commonplace, and fears about droughts are mounting.

"When I got here in 1996, you couldn't say the word water meter," recalls Plecker. "By 1998, you could say water meter, but not loudly. Now, you can say water meter. Water meters are a reality."

Whether they become a reality in Sacramento remains to be seen.

In the city's leafy neighborhoods, many residents joke that unmetered water is their birthright. Others share the views of city resident Sean South, who finds it ironic that San Diego, with its chronic water shortages and suburbs sprawling into the desert, is meddling with Sacramento's plumbing.

"It is such hypocrisy," said South, who used to live in San Diego. "They haven't done anything to control their growth or plan for water shortages. But they want us to meter our water?"

Southern California, however, isn't the only region backing Kehoe's legislation. Fresno, which once stood in solidarity with Sacramento and also has a city charter banning meters, now stands to lose its federal water supply if it doesn't meter usage. Since Fresno leaders doubt they could persuade voters to change the charter -- it takes a two-third's vote -- they are backing Kehoe's bill as a way to solve their dilemma.

Unable to marshal many allies, Sacramento officials are trying to convince lawmakers that: a) water meters are too expensive for the city to install in

10 years; b) they would result in negligible conservation of water; and c) they merit some state funding if the Legislature chooses to mandate them. In a recent letter to Kehoe, City Councilman Steve Cohn painted a bleak picture of streets being torn up, city budgets being strained and elderly people being socked with rising water bills.

"To our knowledge, no other city in America has undergone a water meter retrofit program on such a massive scale and in such a short time frame as mandated under this legislation," wrote Cohn.

City officials point to two expenditures that, in their view, make Kehoe's bill untenable.

First, they say, Sacramento would need to spend about \$1,000 per home to add meters to 110,000 residences. (Over the past seven years, city officials have installed meters on about 20 homes through a little-known city program in which homeowners can volunteer for the retrofits. The \$1,000 figure was derived by averaging the cost of those retrofits.)

But the work wouldn't stop there. City officials say they also would need to spend up to \$270 million to relocate thousands of water lines that now go into people's back yards. Otherwise, officials say, meters would have to be installed in back yards, posing access problems for meter readers and other workers.

Meter advocates question both sets of figures. Barry Nelson, a senior analyst for the Natural Resources Defense Council, says Sacramento could install 110,000 meters for far less per unit than it costs for a few dozen meters. Sacramento's ultimate outlay, he said, might be closer to that projected by the city of Fresno, which is calculating that it can retrofit 80,000 homes at \$500 per unit.

Nelson also scoffs at an oft-repeated claim by Sacramento officials: Water conservation isn't very important in the capital, since about half of all water used returns to the Sacramento River and can be used downstream.

"I'm sorry, but it's not much of a treat to drink Sacramento's treated sewage and storm water," said Nelson, who lives in the Bay Area. "They are not doing us any favors."

A former director of Save the Bay, Nelson helped write 1992 federal legislation, the Central Valley Project Improvement Act, that required communities receiving federal water to measure their consumption. Because of the law, the U.S. Bureau of Reclamation has told cities which contract for federal water that they will lose their supplies if they don't install meters. That warning has prompted Roseville, Citrus Heights and several other areas that contract for federal water to start retrofitting thousands of homes.

On a recent weekday, Harry Antaramian stood outside his Fair Oaks home and watched construction crews tear up part of Niblick Way to replace a fire hydrant and install four water meters, one of them on his home.

So far, the Fair Oaks Water District has placed meters on about one-fourth of the district's 13,000 residences, tackling the easiest jobs first. Average costs have ranged between \$885 and \$1,025 per installation, and to pay for the \$13 million project, the district has raised water rates, causing the typical monthly water bill in Fair Oaks to rise from \$22 to \$29 in four years.

Antaramian said he can live with the added size of his flat-rate bill, but is wary of what may happen when the district starts charging him for metered rates in several years.

"If the water charge is reasonable, it is a good idea," said the 85-year-old retiree. "But if it gets exorbitant, there will be trouble."

In Sacramento's suburbs, trouble and water metering are old friends.

In the mid-1980s, the San Juan Water District started installing meters.

Customers revolted. Meters were vandalized. A grand jury was convened.

"We were severely punished," recalls Jim English, manager of the San Juan district, which has 9,600 residential customers and sells water to several other districts.

Hoping to avoid more backlash, suburban water districts have organized elaborate programs to educate customers about metering, prepare them for installation work and help them reduce water use.

It has been partly successful. In Fair Oaks, Plecker faced a revolt from Ray "Digger" Young, manager of the 12-acre Fair Oaks Cemetery, who complained that metered rates would cause his water bills to quadruple.

To maintain peace at the cemetery, Plecker cut a deal. His crews were allowed to use cemetery land to practice using backhoes (digging graves in the process). In exchange, the cemetery district agreed to pay higher water bills, but not as high as the original proposal.

In Sacramento, city officials are unsure if they can bury the meter legislation and appear to be angling for favorable amendments. The bill has passed through two Assembly panels and sits in the Appropriations Committee, headed by Assemblyman Darrell Steinberg, a Democrat from Sacramento.

In his position, Steinberg could easily bottle up the bill or kill it outright, but there might be a price to pay. The Sacramento region already has lost out on state water grants because of the perception it wastes water. "If Sacramento killed the bill, it would shine a light on all of the city's other requests for funding," said Nelson of the NRDC.

During his legislative career, Steinberg has supported bills mandating affordable housing quotas and environmental controls on other cities, such as a bill last year that forced the Bay Area to conduct tougher smog-control tests.

In this case, however, Steinberg says that Kehoe's approach needs to be more flexible.

"This debate ought to be about conservation, not a state mandate to achieve conservation," said Steinberg. "It is appropriate for the state to set standards and goals, but it ought to be up to the local governments on how to achieve them."

About the Writer

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Posted on Mon, Apr. 07, 2003, Contra Costa Times

Auburn dam support hurts Folsom project

Rep. John Doolittle, R-Rocklin, holds enough clout among House Republicans to block other American River projects

By Mark Sherman
ASSOCIATED PRESS

WASHINGTON - Badly needed improvements to Sacramento's flood-control system, including raising the height of Folsom Dam, have widespread political support.

The exception is Rep. John Doolittle, whose district is upstream from Sacramento. He is holding up improvements that would all but end chances for another project that he has long championed but most others had given up for dead: The Auburn dam.

Doolittle, R-Rocklin, holds enough sway among majority Republicans in the House to block other American River projects that might further erode the Auburn dam's diminished viability.

His most recent efforts have focused on preventing Congress from approving raising the Folsom Dam by seven feet. Sacramento officials consider the Folsom project -- the dam is between Auburn and Sacramento -- a critical element in providing the city with enough protection to handle a flood 50 percent larger than any on record.

Storms in 1986 and 1997 showed how precarious the situation is in the state's capital, where 400,000 people live at the bottom of a Sierra watershed.

Mixed in with hyperbolic predictions of mass death and destruction if the Folsom project goes forward, Doolittle acknowledged the link between that project and the Auburn dam.

"I am always looking for a way to further that cause," he said about the Auburn dam. "What is done at Folsom relates ultimately to that issue."

If not for an earthquake in 1975, the issue would have been long settled. Congress approved a dam at Auburn, a former gold-mining town in the Sierra foothills, in the 1960s.

The quake halted work, and the discovery of a fault beneath the dam site led to a redesigned structure that would contain more concrete than Hoover Dam.

By the time the new \$1 billion proposal came to a vote in Congress, a combination of environmental and budget concerns defeated the dam. Even when Republicans took control of Congress in 1995, Doolittle failed to push the dam through a House committee that was led by a vocal dam proponent.

The two defeats caused many advocates of the dam to search for something else, said Joe Countryman, an engineer in Sacramento who helped design the Auburn dam when he worked for the Army Corps of Engineers.

"I finally got it through my thick skull that it wasn't going to happen," Countryman said. "I started thinking about what we could do."

Doolittle's continuing fight for the Auburn dam is familiar to budget watchdogs, said Aileen Roder, who studies California water issues for Taxpayers for Common Sense, a Washington-based advocacy group.

"Auburn has come to epitomize a member pushing for his own pork," she said.

Doolittle is undeterred by the criticism. The Folsom project simply will not provide enough flood protection for Sacramento, he said.

"They are talking about a totally inadequate solution, but one that will spend gobs of money. It's extraordinarily unwise," he said. "How public officials can stick their heads in the sand and possibly endanger hundreds or perhaps thousands of lives, I do not understand."

Rep. Bob Matsui, D-Sacramento, a onetime Auburn dam proponent, said he still would welcome the dam but sees no chance of getting it through Congress.

"If John could get 218 votes for Auburn dam, let's move. Let's do it," Matsui said. "He's got a Republican House, a Republican Senate and a Republican president. Well, deliver it for us then."

Both sides agree that doing nothing poses the greatest risk of all.

Yet the impasse shows no signs of ending. If anything, the dispute has widened to include delaying a new bridge across the American River to replace the road atop Folsom Dam, which authorities closed in February after identifying it as a potential target for terrorists.

The resulting congestion in Folsom has irritated residents and business owners.

"It's a pain in the butt all the way around," said Cliff Bell, owner of the bar inside the Historic Folsom Hotel, which sits next to an alternate route used by commuters.

Bell said the heavy traffic is hurting his business.

"This back parking lot used to be full this time of day. Now, people don't want to deal with the traffic, so they don't stop by," he said.

Doolittle and Rep. Doug Ose, R-Sacramento, whose district includes Folsom, say the road closure is a homeland security issue and want the federal government to pay for a new \$66 million bridge, even though regulations typically call for local governments to pay part of the cost.

Their bill won House Resources Committee approval last year but was not taken up by the full House, in part because the Bush administration opposed it.

That opposition remains this year, complicating the Republicans' plans.

Matsui, joined by Democratic Sens. Barbara Boxer and Dianne Feinstein, wants to tie the bridge to the Folsom project. The dam road would have been closed in any event to complete the work on the dam, and the Corps of Engineers is willing to provide \$24 million to build a temporary bridge.

The Democrats' plan would take that deal, then get the money necessary to upgrade it to a permanent four-lane bridge through the regular transportation funding process. Folsom would have to come up with \$8 million under that scenario.

Doolittle and Ose said it is unfair to ask Folsom to pay any of the cost. But Ose, who supports both the Auburn and Folsom projects, also was willing to join with Matsui in February to try to put the Democratic proposal in this year's catchall spending bill.

Ose could not attract any Republican votes and the effort failed.

"This is so frustrating," said Ose, who is considering running against Boxer next year. "I'm trying to find the happy medium. You'd think after 15 years, people would want to compromise and get beyond this thing."

Plans for expanding reservoir

Environmentalists wary of Lyons Dam proposal

By Audrey Cooper

Record Staff Writer

Published Sunday, February 23, 2003

The agency that cleans Stockton's drinking water and a foothill water agency are dusting off a decades-old proposal to enlarge a dam on the Stanislaus River's south fork.

The new dam would create a reservoir eight to 10 times larger than the current one behind Lyons Dam, located in Tuolumne County upstream of New Melones Lake. The water could flow to Stockton homes, farms and businesses, as well as to users in Tuolumne County.

If built, the enlarged Lyons Dam would be the major first on-stream dam built in California since Melones Lake became the enlarged New Melones Lake in 1979. River dams are generally unpopular in California because they flood miles of important riverside habitat, whitewater used by kayakers, and impede fish migration.

But water officials looking into the Lyons Dam proposal hope that since one dam already exists, a bigger one won't raise too many hackles.

Stockton East Water District, the Tuolumne Utilities District and other water officials from the region expect to meet this week to discuss how the groups could divvy up the water stored behind a bigger Lyons Dam.

Also on the table is how to share the project's estimated \$40 million construction cost. Past TUD reports suggest additional costs could bring the project's total price tag to over \$72 million

The plans, first discussed in 1982, call for a dam to hold 50,000 acre-feet of water. When built, Lyons Dam held 6,200 acre-feet of water, but sediment accumulation has cut that storage, according to reports.

An acre-foot is enough to cover an acre of land in water one-foot deep. It's also enough to meet the needs of about five people for a year.

The expanded dam could produce up to 47,500 acre-feet of water a year, said Kevin Kauffman, Stockton East's general manager.

More than 20,000 acre-feet of that water could flow to Stockton until Tuolumne County's need for the water grows. In the longterm, Stockton East hopes to get about 20,000 acre-feet a year from the dam, or enough for 100,000 new residents.

Barring major obstacles, the locally financed dam could be built about two years after the water agencies sign on, Kauffman said.

Dams that need congressional approval can take more than 15 years to build, he said.

Environmental groups say they are skeptical about the plan and worry about possible environmental damage.

The Stanislaus River is already home to several dams, and likely doesn't have much extra water to give up to Stockton and Tuolumne County, said Ron Stork, a senior policy advocate at Friends of the River.

"If they think they're going to get tens of thousands of acre-feet out of the river, they would have to be stealing someone else's water. Ordinarily that causes some big fights," Stork said.

Ironically, Stockton East is supposed to get some of that water in downstream New Melones Reservoir.

The water district has been in court with the U.S. Bureau of Reclamation for years because the district says it doesn't get the water it was promised out of New Melones.

"It's an advantage for us to have stored water above New Melones that nobody could control but us. Right now if (the bureau) wants to release our water for the environment, all we can do is sue them," Kauffman said.

Other nearby water districts -- including South San Joaquin Irrigation District and Oakdale Irrigation District -- may have concerns about a plan to take more water from the Stanislaus, but those issues could be resolved before the dam goes up, Kauffman said.

U.S. Bureau of Reclamation spokesman Jeffrey McCracken said his agency may not oppose the dam, depending on the type of water rights the groups obtain.

However, other obstacles may stand in the way. Carrie King, a scientist at the Central Sierra Environmental Resource Center or CSERC, said the dam would flood more than three miles of valuable riverside habitat used by rare amphibians.

Because so much of the Stanislaus River is already altered by dams, the natural habitat above Lyons Dam is that much more valuable, King said.

"However, since it is an existing dam site, we recognize that there may be fewer problems there than in other places. There are definitely pluses and minuses that residents will have to consider," she said.

CSERC advocates are also concerned that the extra water will allow unprecedented development in Tuolumne County, ruining the area's rural character.

Less water spilling over the dam also means less water to flush out algae and other unnatural accumulation of debris that affects the river's flow, said CSERC's executive director, John Buckley.

"Stockton East water users might never see the impacts of their water district adding to already-existing problems for the South Fork Stanislaus River, but they would definitely be adding to those impacts," Buckley said.

Lyons Dam is owned by Pacific Gas and Electric Co. and operated to assist hydropower projects.

PG&E spokesman Jon Tremayne said that the company hadn't been approached about plans to expand the dam, but wouldn't necessarily oppose expansion if it didn't affect PG&E ratepayers.

* To reach reporter Audrey Cooper phone **546-8298** or e-mail **acooper@recordnet.com**

Fresno faces meter mandate

Water meters are inevitable, a federal official says, but opponents point to vague language in legislation.

By Michael Doyle
Bee Washington Bureau

(Published Thursday, February 20, 2003, 5:55 AM)

WASHINGTON -- The Bush administration's Western water chief insists Fresno needs meters -- no ifs, ands or buts.

"We're willing to work with the city to get the meters in," Bureau of Reclamation Commissioner John Keys said in an interview, "but they've got to get them in."

Fresno is not unique. Folsom, a city of 52,000 east of Sacramento, also faces metering requirements in its federal water contract, which comes up for renewal next year. In due course, cities from Coalinga and Orange Cove to Roseville and Redding will confront the metering implications in a sweeping, if imprecisely written, 1992 law.

But Fresno, Folsom and other cities that are reluctant about mandating water meters can find at least some backing in the tangled legislative history of the 1992 federal law.

In Folsom, voters in November approved an anti-meter ballot measure. It blocks the city from charging residents for retrofitting houses with water meters. Fresno voters in 1992 changed the city charter to ban meter reading, and in March 2000 the city rejected a proposal that would have allowed it voluntarily.

Federal officials insist the cities' contracts will expire and future federal water supplies dry up if meters aren't installed. For Fresno, federal supplies account for about 60,000 acre-feet a year; for Folsom, 1,600 older homes rely on the federal water.

"We're not going to be vindictive about it," Keys said, adding, "It's expensive, but when you consider the consequences, it's not too difficult."

Keys, a 34-year veteran of the Bureau of

Reclamation, administers the agency that runs the Central Valley Project. The series of reservoirs, canals and pumping plants stretching from Redding to Bakersfield is most famous for irrigating 3 million acres of the nation's most fertile farmland.

But more than 15% of the CVP's water serves cities and industries.

The 1992 law states that "water measuring devices or water measuring methods of comparable effectiveness" be installed within five years of any CVP contract's renewal. The law doesn't require that water rates be pegged to metered use, but price as a conservation incentive appears to be the clear implication.

"You can't plan for the future if you don't know how much water you use and where you're using it," Keys said.

Skeptics, including former Fresno Mayor Jim Patterson, cite the ambiguity in the 1992 law's phrasing. If Congress specifically meant individual "water meters," Patterson said, lawmakers would have said so.

There's at least some evidence supporting Patterson's view, though this plunges one into the thicket of divining congressional intentions.

In June 1992, the House Interior and Insular Affairs Committee completed its official report on its version of the legislation that would become the Central Valley Project

Improvement Act. This report specified that the water measurement section "does not require the metering of all homes receiving water" under the CVP contracts.

Such committee reports aren't legally binding, but they are typically taken as a statement of what lawmakers mean by the laws they pass.

"It does not mean metering of individual homes," Joe Raeder, a former congressional staffer who now lobbies for Central Valley cities and water groups, said of the water measurement provision, "though the bureau decided otherwise later."

The Senate acted after the House. However, the final conference report that accompanied the 1992 legislation did not include elaboration on the meter issue. The final report, reflecting the completed work of congressional negotiators, was silent on the issue, and lawmakers did not appear to address it during debate.

Which leaves the question: What did Congress really have in mind?

Dan Beard, who helped write the law as a key House staffer and who later served as Bureau of Reclamation commissioner, said in an interview that the clear intent was to require household meters.

"This was, to be perfectly honest, one of the minor ... items to be finished," Beard said, adding that "you tend to use in statutes general language rather than specific language."

The reporter can be reached at mdoyle@mcclatchydc.com or (202) 383-0006

Carving up California South bags North's water

[Grant Davis](#)

Sunday, February 16, 2003

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The demise of the Colorado River water transfer deal between Southern California's urban water providers and the Imperial Irrigation District, along with the U.S. Interior Department's subsequent decision to cut 15 percent of California's take of the Colorado, may not have the Metropolitan Water District shaking in its boots, but it is causing serious concerns up north.

The transfer was the key part of a larger agreement between California and the other Western states dependent upon Colorado River to reduce California's chronic overuse of the river. Without the deal, California is facing the immediate loss of about 800,000 acre-feet of water, enough for 1.6 million or more Southern California households for a year.

The Metropolitan Water District, which wholesales water to 18 million people throughout Southern California, says the loss, while bad, - isn't causing a crisis. As reported in The Chronicle, district officials claim they can make up the cut through water conservation practices (the district reduced average customer usage from 210 gallons a day in 1989 to 170 gallons), groundwater development, desalination projects - and by buying water from Northern California's farmers.

And therein lies the rub. Pressure to export more Northern California water - already high - is bound to increase. The district is already involved in negotiations to purchase some 200,000 acre-feet from Sacramento Valley rice farmers - water these growers may not be entitled to sell because of overstated demand, insufficient conservation and inadequate stream-flow protection in the region. The implications for the ecology of other northern state rivers, including the Klamath and Trinity, are not encouraging.

Of equal concern to conservationists and Northern Californians are the potential effects on the Sacramento-San Joaquin River Delta and San Francisco Bay. On average, half of the water that would normally flow to the bay is already diverted upstream or exported from the delta to San Joaquin Valley farms and Southern California cities, with disastrous consequences for the health of the estuary's endangered species and habitats.

There are a number of major potential impacts to the bay from moving increased amounts of water south through an already strained bay/delta system. As I write this, the allowed limits for "taking" (that is, killing) endangered spring-run chinook salmon at the delta pumps are being exceeded. Additional pumping will only increase the likelihood that the impacts on endangered fisheries, including other salmon runs, will be worsened. Delta water quality and habitat conditions will also suffer as a result. To add insult to injury, the increased pumping would be taking place at a time when recent federal and state protections for the bay/delta system are being weakened by lax government enforcement, budget shortfalls and a legal onslaught from agribusiness and developers.

Conservationists understand the need people have for water - we use it ourselves, after all. But we also know that in these days of limits,

especially in semi-arid California, the most reliable source of water lies in water users being more efficient with existing supplies.

To get there, we recommend:

More thoughtful urban development policies;

More aggressive water conservation, including changes in urban landscaping practices and management of farm runoff;

Innovative reclamation and recycling;

Increased use of our neglected groundwater resources (cheaper and more environmentally friendly than building new reservoirs); and

Stronger emphasis on protecting our remaining natural heritage will help us weather the latest water "crisis."

By supporting these wise water-management initiatives, we can help ensure that Southern California meets its needs and relieves some of the pressure on our fragile bay/delta system.

Grant Davis is executive director of the Bay Institute, which works to protect and restore the San Francisco Bay ecosystem and reform Western water policy.

Kern water rights decision still murky

By VIC POLLARD, Californian Sacramento Bureau

e-mail: vpollard@bakersfield.com

Saturday February 08, 2003, 10:33:51 PM

Use it or lose it.

That has always been a bedrock principle of California water law.

And a Kern County irrigation district appears on the verge of losing some of its historic rights to Kern River water because Bakersfield and another water district have been using the water for decades.

But a final resolution is nowhere near in the court case involving a classic California water war that has been going on for more than 25 years.

It involves the Kern Delta Irrigation District's rights to the first water in the river that flows into Bakersfield, up to 300 cubic feet of water per second if that much is available.

That is a lot of water, about 250,000 acre-feet per year, or enough for 500,000 homes.

And for most of this century Kern Delta and the previous owner of those rights, Kern County Land Co. and later Tenneco West, had no way to use more than about half of it, according to court documents.

Bakersfield's water department and the North Kern Water Storage District took advantage of that, using the remaining water in addition to the river water they owned outright. Bakersfield used about a third of Kern Delta's unused water for its city water supply, and North Kern captured about two-thirds of it, mostly in the winter time when it "banked" the water in its underground storage program for irrigation use in the summer, according to the documents.

Kern Delta and its predecessors had no groundwater storage program. They could only use water in the summer for irrigation and watch water flow by in the winter. The current dispute arose in 1976 when Kern Delta acquired the rights to the 300 cubic feet of water per second in a complicated transaction from the city.

Kern Delta began using more of the water than previous holders of the rights and it is now launching its own groundwater banking program, hoping to use all the water. But North Kern complained for years that the rights to the water Kern Delta's predecessors could not use had been forfeited and that it belonged to its historical users, Kern Delta and the city.

It cited California law that says rights to any water that is not put to a "reasonable and beneficial use" is forfeited -- use it or lose it.

Negotiations got nowhere, officials say, and Kern Delta eventually sued.

The case was moved out of Kern County, and a Tulare County Superior Court judge ruled largely in North Kern's favor, holding that Kern Delta had given up more than 90,000 acre-feet of water per year, based on average uses.

But the judge refused to award the water to North Kern and the city. Instead, he ruled it reverts to the public and the state water rights board must decide who owns it.

Kern Delta appealed, and in a decision issued last week, the 5th District Court of Appeal in Fresno largely agreed with the trial court.

However, the appellate panel disagreed with the method used to calculate the amount of water forfeited, contending the trial court overstated the amount Kern Delta had given up. It sent the case back to the trial court for a determination of the amount of water involved. The appeals court did not deal with the question of whether the water belongs to North Kern and the city, leaving that in the lap of the lower court. However, water law experts say if the issue goes to the state board, Kern Delta will probably get all or most of the water because it has legal rights to far more water than is available in the river in most years. Gene Bogart, Bakersfield's water chief, said the appellate panel "reinforced the original decision that there has been forfeiture, but again, how much and who owns it, that's still the question."

Kern Delta's attorney, Gene McMurtrey, disagreed, saying the issue of whether the water was forfeited may not yet be resolved. Nevertheless Kern Delta officials were pleased that the appellate court felt that the district had forfeited less water than the original trial judge had ordered.

"We're better off today than we were before," McMurtrey said.

But North Kern is even better off, said its attorney, Ernest A. Conant.

"The appellate decision confirms what North Kern's position has been, that Kern Delta has lost a portion of their rights because they historically have not used them."

\$25m water deal in works

By Mark Grossi

The Fresno Bee

Published 02/07/03 05:20:28

Coastal-area growers are nearing a \$25 million deal to buy an entire west Fresno County water district and move its water supplies to their land near Watsonville.

The farming water, which comes from Northern California via canals, would solve years of problems for both the Watsonville growers and landowners in the Broadview Water District, near Firebaugh.

But the sale of this 9,100-acre west-side district makes brows furrow among county leaders who don't want to see precious irrigation water leave the area and land taken out of production.

County officials worry about losing jobs and property tax income if land is retired. In the past, the county opposed efforts to permanently transfer water out of the San Joaquin Valley.

Temporary water sales -- occurring over a few growing seasons -- are a common part of the irrigation business because Fresno County agriculture has chronic water shortages. But a deal permanently moving an entire water district's federal supply out of the Valley has not happened, federal officials say.

Aside from losing some jobs and some property tax income on this small piece of the vast west side, county officials have a much bigger fear. Would this deal encourage other farmers to sell their lands and water?

County Supervisor Phil Larson, who has opposed permanent transfers out of the area, said he is discussing the Broadview deal with those involved.

"I can't say any more about it," Larson said.

Others are speaking openly about the deal, which has been in the works for two years and probably will take an additional 12 to 18 months to complete.

Representing farmers in the Watsonville area, Charles McNiesh, general manager of the Pajaro Valley Water Management Agency, said his organization is interested in Broadview's 27,000-acre-foot water supply from the federal Central Valley Project.

Each acre-foot -- about 326,000 gallons of water -- is pumped from the Sacramento-San Joaquin River Delta down to Fresno County. If Pajaro buys all of the acreage from the 30 landowners in the district, it would own the Northern California water.

The Pajaro Valley needs more water because well pumping is dropping the underground water table below sea level. When that happens, seawater starts pushing into the underground water, fouling the fresh water supplies and making it unusable on crops.

For years, Pajaro has been looking for about 19,000 acre-feet of water to ease the problem. In most years, Broadview's supply would either take care of the need or come close.

The Pajaro Valley makes up about 30,000 acres of farmland in the Watsonville area, McNiesh said. "Eighty-five percent of the water here is used for agriculture -- strawberries, lettuce, raspberries, herbs, flowers. It's high-value crops."

In west Fresno County, Broadview landowners must cope with a problem more familiar to San Joaquin Valley agriculture -- drainage. Irrigation water seeps down into a shallow water table below the ground's surface, and a layer of clay soil prevents it from draining away.

Slowly, the salty drain water is rising toward crop roots, and it will eventually poison the land. It is the same problem affecting about 200,000 acres in the neighboring Westlands Water District.

"It's terribly impacted," said Gary Sawyers, attorney for Broadview.

Pajaro has worked on the agreement for two years. At one point, Westlands entered the bidding, but Broadview landowners last month decided to stick with the Pajaro deal.

After the agreement is signed and environmental documentation completed, the U.S. Bureau of Reclamation, which owns the Central Valley Project, must approve moving the water to the Watsonville area.

Finally, construction of a 22-mile pipeline is needed from the federal project into Pajaro Valley. It would not be completed until 2007, at the earliest.

"It seems like a pretty good arrangement for both sides," McNiesh said.

Except that Fresno County might lose property value and jobs if the Broadview land is fallowed. Pajaro officials met with Supervisor Larson last week. McNiesh said Larson took a firm stance in opposition to water supplies leaving the county.

But Larson did not close the door, McNiesh said. Pajaro probably would not need all of the federal water allotment each year, McNiesh added, leaving options to keep the Broadview land in production.

The options could include pumping some of the shallow drain water beneath the surface for use on salt-tolerant crops, such as alfalfa, officials said. Other ideas are being explored.

"Legally, we could probably make this deal work without Fresno County, but practically, we do need Fresno County to support this," McNiesh said. "We're prepared to make this work."

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Westlands deal approved

By Jerry Bier

The Fresno Bee

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Ending litigation he described as having "a long, torturous and extremely complex history," a federal judge late Thursday approved a \$140 million deal to retire 33,000 acres of poisoned land in the Westlands Water District.

U.S. District Judge Oliver W. Wanger granted motions in favor of about 150 landowners who sued the federal government over damage to their farms that they blamed on the lack of a promised drainage system in the sprawling Westlands district.

The settlement was reached in December, but Wanger held two hearings to consider protests by so-called "intervenors," made up of environmental groups and Contra Costa County water interests.

The Bureau of Reclamation has agreed to pay the landowners -- more than 100 members of some of the Valley's oldest and most prominent farming families and agricultural corporations, including former California Secretary of State Bill Jones -- \$107 million in damages.

Westlands will pay the landowners \$33 million and assume ownership -- and water rights -- of all but about 1,600 acres of the land to be retired.

Objections to the massive settlement swirled around the possible use of Central Valley Project Improvement Act funds that have been earmarked for environmental purposes, including wildlife estuaries and the restoration of water flow on the once-giant San Joaquin and Trinity rivers.

The judge noted that none of the CVPIA funds are proposed for use in the initial payment to the landowners and that questioning "the lawfulness of the funding source is premature."

"Until the United States announces it intends to, or actually does, use CVPIA restoration funds to pay any portion of the settlement, the legality of such an action is not ripe for decision," Wanger concluded.

At a court hearing last month, Maria Iizuka, a Department of Justice lawyer representing the bureau, said the initial \$5 million payment in the settlement contains no restoration funds and there is no evidence the CVPIA money will ever be used.

But if Congress wishes to appropriate the money, it is "within its prerogative," Iizuka added.

The Bush administration has proposed using \$1.7 million from the restoration fund as part of a \$34 million payment due in September, but Congress has yet to act on the budget and, in a rare show of unanimity, all of California's U.S. representatives and its two senators have objected to tapping any of the state's water projects to pay for the settlement.

Hal Candee, a senior lawyer with the Natural Resources Defense Council, one of the intervenors in the 12-year-old lawsuit, said he had not seen the judge's ruling and could not comment in detail.

"But if it's true, the court made no finding as to the lawfulness of the ... settlement or funding," Candee said, "those issues could go back to Congress to decide how best to protect the taxpayers and the environment."

Lawyers for Westlands and the landowners also had not read the judge's order in detail but applauded Wanger's decision clearing the way for the settlement to go forward.

"Hopefully now, a great number of people who have been farming out there ... are going to be able to go on with their lives," said Theodore A. Chester Jr., one of the Los Angeles lawyers representing the landowners.

Chester said the consent order signed by the judge is "binding on the federal government, so it should be the end of the case."

Sacramento attorney Daniel J. O'Hanlon, who represents Westlands, called the judge's order "good news," adding that it appeared from initial reports that the judge had approved the agreements as proposed.

The 33,000 acres affected by the settlement are part of an estimated 200,000 acres that officials are seeking to retire from irrigated farming in the 600,000-acre Westlands district, which stretches 70 miles along the western edge of the Valley.

Negotiations are continuing to retire the remaining 167,000 acres.

The agreement, much like the settlement deal, would relieve the government of its drainage obligation in return for payment to property owners. Estimates on the cost of the buyout range as high as \$500 million.

The legal battle "has a long, torturous and extremely complex history which is coming to an end," Wanger wrote in his 48-page opinion. "The settling parties have found a way to resolve a seemingly immutable conflict upon terms that are fair, adequate and reasonable."

Wanger agreed to retain future jurisdiction over the settlement and to preside over any disputes over its terms.

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Dam plan sparks outcry

BID TO BOOST VALLEY WATER SUPPLY COULD AFFECT PARK

By Frank Sweeney

Mercury News, Jan 26, 2003

Santa Clara Valley Water District officials, trying to take the stink out of delta water imported from the Central Valley, have sparked a dam-vs.-park dispute in the mountain wilderness east of Gilroy.

Much as Hetch Hetchy Reservoir drowned a beautiful valley in Yosemite National Park, this controversy is brewing over the possibility of a new reservoir spreading into 86,000-acre Henry W. Coe State Park.

Water district officials emphasize that a reservoir is one of 16 alternatives -- including a new pipeline or a desalination plant -- being analyzed to resolve the water quality problem, and that a decision is years away.

But environmentalists say any consideration of a new reservoir in a state park is unacceptable.

"We are a wilderness park in the midst of one of the most densely populated areas in the country," said Teddy Goodrich of the Pine Ridge Association, an official group of park volunteers. Goodrich, who has lived in Gilroy since 1941, is the park historian -- she wrote her master's thesis on the subject.

"Putting a dam even on the periphery is going to change the character of the park dramatically," she said. "A dam would turn it into just another recreation area" with noise, pollution and law enforcement problems.

The water quality problem is a result of fluctuating levels of water stored at San Luis Reservoir. Low levels in the fall allow algae to grow, making the water difficult or impossible to treat for household use.

About 40 percent of the water used in Santa Clara County for drinking, industry and irrigation comes from the Sacramento-San Joaquin River Delta, through State Water Project and federal Central Valley Project canals to San Luis Reservoir near Los Banos.

Widely used source

San Luis is an off-stream reservoir; it would not fill naturally. It was built to hold more than 2 million acre-feet of delta water until the supply is needed by Central Valley farmers, Southern California cities and Santa Clara and San Benito counties.

On the west side of San Luis, the powerful Pacheco Pumping Plant pulls water from the reservoir and sends it flowing by gravity through 36 miles of the San Felipe Project's tunnels and pipelines to the base of Anderson Dam and into the county's system.

In the spring, there's good quality water in San Luis Reservoir, but the Santa Clara Valley Water District's reservoirs are often full from winter storms. There's little room to store the imported water.

During the summer, Central Valley farmers and Southern California cities draw water from San Luis and by fall the surface level drops to a low point -- about 15 percent full.

High temperatures and winds mix up the water, creating algae blooms in the top 30 feet of the reservoir. The algae gets into the pumping plant and causes taste and odor problems that make the water difficult to treat for household use. When the reservoir drops to about 10 percent full, the algae concentration becomes so great that the water can no longer be treated.

So in the fall, when Santa Clara Valley reservoirs are low enough to accept water from San Luis Reservoir, the water is lost because it's not usable.

Water district officials acknowledge that building a new reservoir to solve the problem because it would allow for more water storage is a touchy issue, and have dropped several potential dam sites from consideration.

``Putting a huge reservoir in the middle of Coe Park is probably not the best idea," said Kurt Arends, who is managing the water district's study. ``There are huge impacts, and a lot of people think raising an existing dam is better than building a new one."

Officials are still considering three reservoirs among the alternatives:

- Building Los Osos, a new dam that would inundate 2,000 acres of land inside and outside the park's southern edge;
- Expanding existing Pacheco Reservoir along Highway 152 15-fold, extending it into the park;
- Enlarging existing Anderson Reservoir by raising the height of the dam east of Morgan Hill.

Delta water imported in the San Felipe Project system through Pacheco Pass could be pumped into the reservoir, then pumped out when needed later.

Another alternative is to build a pipeline to take water directly from the federal Delta -Mendota Canal or San Luis's O'Neill Forebay, bypassing the main reservoir. This conduit could be linked to the San Felipe system.

A desalination plant to treat sea water from Monterey Bay also is among alternatives under study.

During the next few months, the study team will narrow the alternatives to a half-dozen for environmental, engineering and economic studies and public review, Arends said.

“Our goal is to carry forward a range: some concept of a bypass, a storage reservoir, a water quality control approach,” Arends said. “Right now, we’re at the concept level.”

A new reservoir in the park is only one approach, he said.

Habitat at risk

Coe State Park -- an area that Ohlone Indians once called home -- spreads across rugged mountains and deep canyons east of Gilroy. Oak woodland and savanna cover much of the landscape, along with chaparral, grassland and riparian woodland along streams. Ponderosa pine forest covers some of the higher ridges of the second-largest state park in California.

Mountain lions, black-tailed deer, ground squirrels, coyotes, raccoons, bobcats and wild pigs roam the park. There are also golden eagles, California quail, jays, woodpeckers, red-tailed hawks, turkey vultures, western bluebirds and wild turkeys.

Either dam would destroy park habitat for threatened and endangered species such as yellow-legged frogs, tiger salamanders and kit foxes, said Goodrich of the Pine Ridge Association.

The Pacheco dam would inundate eight recorded archaeological sites, one with known human remains. It would also block access to eastern portions of the park, and would flood potential trails from the Dowdy Ranch, the park entrance north of Bell's Station due to open in 2004.

If the Los Osos Dam is built, access would be cut off to the southern portion of the park, which is popular with mountain bikers and equestrians. Eight recorded archaeological sites also would be flooded there. The long-closed Gilroy Hot Springs resort, soon to be acquired by the state from the Nature Conservancy, “will be beachfront property,” Goodrich said.

“It is difficult to believe that the water district would even think about taking this precious open space away from the people of California,” Goodrich said, hiking through a section of the park called Hunting Hollow. “It almost makes me sick to my stomach to think of this.”

The Nature Conservancy is just starting to study the issue, said Peggy McNutt, the organization's central coast director. “We have been working to protect natural resources in this area.”

State officials have not weighed in on the issue.

`` We'd be very concerned and look much more closely if it became the No. 1 alternative," said Roy Stearns, chief spokesman for the state parks department. `` It's a little premature to say we'd oppose any or all dams at this point. We'll wait and see which one is a serious contender, then look at it."

The parks department does not have a blanket policy against a reservoir, Stearns said. `` We know there are legitimate concerns of this water district, but we are concerned and would look very closely at impacts. Our people will not be shy about saying what they think."

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Rice growers enter new water market Critics say deal would dry up wetlands

[Glen Martin, Chronicle Environment Writer](#)

Thursday, January 23, 2003

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A plan by a Southern California water district to buy water from Sacramento Valley rice farmers to replace lost allotments from the Colorado River is being touted as innovative and pragmatic by its supporters.

The purchase by the Metropolitan Water District, the supporters say, would be an indication that "water marketing" -- the sale of water from one agency to another -- has finally come of age.

But critics of the plan say it could have dire environmental consequences, drying up thousands of acres of wetlands in Sacramento Valley wildlife refuges and duck clubs. Such wetlands support millions of waterfowl, wading birds and shorebirds.

Conservationists also say the fallowing of so much rice land could have an impact on migratory geese and ducks, which depend on leftover rice from harvested fields to support them through the winter.

"They (Metropolitan Water District) are just going hell-bent-for-leather to get water, and the farmers are willing to sell," said Bob McLandress, the director of the California Waterfowl Association, a group that supports wetland restoration to benefit the state's wild waterfowl. "Everybody is running for the money, and we need to raise the alarm."

The proposal calls for Sacramento Valley rice farmers to sell about 200,000 acre-feet of water to the Metropolitan Water District this year. It would require the fallowing of 40,000 acres of rice land -- about 10 percent of the Sacramento Valley's total rice acreage.

Supporters of the sales say the critics' fears are overblown and that the needs of public wildlife refuges and private wetland restoration projects will be met.

"The commitment to meet Northern California water requirements is very strong," said David Guy, a spokesman for the Northern California Water Association, which represents the interests of more than 70 irrigation districts in the state. "That includes wildlife."

Tim Quinn, the Metropolitan Water District's vice president of state water projects, said transfers represent a progressive and flexible approach to dealing with water requirements, but he emphasized that they are only one part of a larger plan.

"We're looking for a balanced portfolio to meet our needs," Quinn said. "Not just transfers, but also desalinization, conservation and reclamation."

The state wields a potentially big stick over the transfers in the form of the California Environmental Quality Act, which requires extensive studies of any project that could significantly affect California's environment. So far, however, the Department of Fish and Game -- which has the authority to apply the act to the transfers -- has declined to state its position on the plan.

After repeated phone calls from The Chronicle, Fish and Game spokesman Steve Martarano said he had no comment on the matter.

The debate centers on "tailwater" -- the water drained off after rice fields are flooded. That water is now used to saturate tens of thousands of acres of marshland in the Sacramento Valley managed by about 10 government refuges and scores of duck clubs.

While specific numbers remain unclear at this point, conservationists think the amount of tailwater available to clubs and refuges could fall by 10 to 20 percent as water is shipped south. Most clubs and refuges have only secondary water rights and so will have no say if primary water-rights holders decide to transfer their water elsewhere.

The water districts involved in the transfers say the sales will not affect the amount of water available for wetlands. But wildlife advocates, contending that a direct correlation can be drawn between the acres of rice

under cultivation and the amount of tailwater available, say those claims are specious.

Conservation is being given short shrift, say plan critics, as powerful south state municipalities clamor for water and rice farmers with primary water rights rush to accommodate the demand.

"This could be done right, but it isn't clear it's going to be done that way," McLandress said. "Water is essential to (wetland-dependent wildlife), and we, therefore, are concerned about any water transfers."

In theory, letting rice land lie fallow is acceptable, McLandress said, especially "because we could work in some auxiliary benefit. Much of that land could be managed as upland brood areas for ducks. But when you talk about sacrificing wetlands on the duck clubs -- which certainly seems possible under the plan -- that's another matter entirely. These are permanent projects that provide tremendous benefit to wildlife."

Government refuge managers are also concerned about the transfers.

"The way things are right now, I think we can handle the 20 percent cuts," said Don Blake, the manager of the Upper Butte Basin Wildlife Area south of Chico. The wildlife area consists of three refuges that typically support more than 1 million ducks and geese during the winter migration.

"We can pump groundwater at this point to make up the shortfall," said Blake. "But what concerns me most is the future. . . . They can either curb growth down in Southern California or find more water, and right now, north state surface water is the cheapest option. There will be major impacts up here beyond a 20 percent cut, and I'm afraid that's what's coming."

But water district representatives counter that nothing is cast in concrete at this point.

"Nobody should jump to conclusions where we are going from here," said Metropolitan Water District spokesman Quinn. "The notion that our demand will grow beyond 200,000 acre-feet is not necessarily an accurate reading."

Besides, said Quinn, only "conserved" water currently will be shipped south -- the water the rice actually uses to grow.

"To raise rice, you have to flood it with more water than it actually uses," he said. "Tailwater will still be available."

Ted Trimble, the general manager of the Western Canal Water District, the agency that supplies tailwater to the Upper Butte Basin refuges, agreed that water will still be provided to valley wetlands.

"I don't know about other irrigation districts, but I don't see a decrease in the amount of water we supply to the refuges," said Trimble. "We have an agreement with (the Butte Sink Waterfowl Association, which represents several duck clubs) dating from 1922 to supply them with between 20,000 and 25,000 acre-feet of tailwater, and we told them we're going to honor that agreement."

But many duck club owners are skeptical of such assurances, saying the reasoning behind them is erroneous.

One such owner, an engineer who specializes in water projects and is in the process of converting several hundred acres of rice land to permanent marsh in the Sacramento Valley, said his club's secondary rights are restricted "to diverting return rice-field flow from creeks and canals."

He was recently notified that the rice farmers who send tailwater to his property would be shipping water to Southern California.

"The districts may claim otherwise, but the fact is if you have less rice, you will have less return water in those creeks," said the club owner, who requested anonymity because he is contemplating a lawsuit over the issue. "There will also be less water in the aquifers, due to reduced recharging, so there won't be as much groundwater available."

Conservationists would like Fish and Game to step in with rigorous California Environmental Quality Act investigations of the transfers, and they suspect that the lack of action may reflect the priorities of Gov. Gray Davis' administration.

"This administration is concerned about Southern California, and Southern California is concerned about water," said Bill Kier, a director of the Marin Municipal Water District, a former Fish and Game biologist and a private fisheries and wildlife consultant. Whether or not Fish and Game has gotten explicit directions on the water transfers, he said, "this is what happens when a strong political focus is brought to bear on these kinds of issues."

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New bill may roil state's waters

The threat to seize supplies from Imperial has farmers elsewhere fearing for their own.

**By Dale Kasler and Stuart Leavenworth -- Bee Staff Writers -
(Published January 13, 2003)**

Don Bransford is a pioneer of sorts, a Colusa County rice grower who is negotiating a landmark sale of water from his farm and others in the Sacramento Valley to the lawns and swimming pools of thirsty Southern California.

But Bransford gets nervous when he hears legislators threaten to unilaterally seize water from farmers in the Imperial Valley as a means of helping Los Angeles, San Diego and other Southern California cities.

If they can just take water from Imperial, Bransford and other farmers fear, they can take it from them.

"The urban folks will dry up the countryside if they can, by legislation, start taking water away from agriculture," said Bransford, president of the Glenn-Colusa Irrigation District, the largest irrigation district in the Sacramento Valley.

Last Tuesday, two influential state senators, Mike Machado and Sheila Kuehl, said they would introduce legislation this week that would cut the Imperial Irrigation District's water supply by almost 10 percent. Both legislators say their intent is to pressure Imperial into approving a crucial water sale to San Diego it rejected last month. But if the ploy doesn't work, the bill would move legislators into a realm they haven't ventured into before.

For more than a century in California, water rights have been defined by the courts or, alternately, regulatory bodies such as the State Water Resources Control Board. Blaming Imperial for triggering a potential statewide water crisis, Machado and Kuehl want lawmakers to assume part of that role, and it's a prospect that makes many farmers nervous, regardless of where they live.

"If they can do it there, they can do it here, too," said Alex Hildebrand, a prominent grower and water leader in the Manteca area. "It's a precedent that says, 'To hell with our children's food supply.' "

Machado, a farmer himself, says his fellow growers have little to fear.

Although his proposed legislation would be groundbreaking, he said, a bigger concern is what will happen if Imperial's five-member board doesn't budge, and California continues to lose much of its water from the Colorado River.

"Three people in Imperial County cannot have the power to affect the destiny of 35 million Californians," said Machado, D-Linden, and the new chairman of the Senate Agriculture and Water Resources Committee. "They cannot have the power to affect the quality of life, the environment and the economy."

The legislative maneuver comes at a volcanic moment in California's water world. Across the state, many farmers are starting to sell water to cities.

Some are convinced that, if they don't, the urban areas may take the water

from them, one way or another. Others see the sales as a good way to raise income during a period of depressed farm prices.

That fitful transition took a detour last month when a major water sale came to a vote in the Imperial Valley, which grows winter vegetables, alfalfa and other crops in a parched corner of southeastern California. To the amazement of nearly everyone, Imperial's board narrowly rejected the water sale to San Diego, scuttling a key part of California's plan to reduce its consumption from the Colorado River.

Because of Imperial's vote, the federal government has followed through on a threat to cut a significant chunk of urban Southern California's water. It also is reducing Imperial's supply this year by about 7 percent, a decision that Imperial is challenging in court.

If the proposed legislation were enacted, Imperial would lose another 10 percent -- and would be completely responsible for the resulting environmental impacts on the Salton Sea, which depends on leftover irrigation flows from Imperial's farms.

Imperial officials said they are being blamed unfairly for California's water crunch. They say they're willing to sell some water, but want to do it under their terms, and don't like being bullied by legislation they described as "counterproductive."

Others say the proposed legislation could have ripple effects far beyond Imperial County. Kevin O'Brien, who represents agricultural districts in the Sacramento Valley, said the precedent could make some farmers less willing to sell their water voluntarily.

"If the message is, 'If you're not going to accept the deal on our terms, we're going to take your water,' people might rethink their views on water transfers," he said.

Ironically, some of those complaining loudest about the proposed legislation are farmers who can help Southern California during its current water squeeze.

With the feds cutting back supplies from the Colorado River, the Metropolitan Water District of Southern California has gone shopping in Northern California. Already it has negotiated a \$20 million deal with Bransford and leaders of other water agencies across the Sacramento Valley.

Machado said he has concerns about such water sales. In particular, he said, the sales will require moving more water south through the Sacramento-San Joaquin Delta, which already is plagued with environmental bottlenecks.

"They are just relocating the problem to us and Northern California," he said. Bransford, however, said rice farmers made a major water sale in 2001 to San Joaquin Valley farmers with no ill effects on the Delta or anyone else. On the other hand, the entire water market could be harmed if the Legislature seized some of Imperial's water, he said.

"It sets us back 20 years," he said. "A lot of people are going to be very apprehensive about allowing any water to move."

Although they grow different crops and live in much different climates, farmers in the Sacramento Valley and Imperial County share something in common -- abundant water rights. Under California law, rights are awarded on a "first-come, first-served" basis, and during the early 1900s, farmers

were the first to claim large shares of the water from the Colorado and Sacramento rivers.

In Imperial's case, it usually takes about 3.1 million acre-feet of water each year. That's two-thirds of California's share of the river, and one-fifth of the river's entire flow through seven states and Mexico. An acre-foot is 326,000 gallons, or a year's supply for one to two families.

Since the 1980s, critics have complained that Imperial is being wasteful by using relatively large volumes of water to grow low-value crops such as alfalfa in the desert. Under California law, property owners can lose their water rights if they're found to be wasting them. But the law is vague, and the issue rarely has come up.

Under the plan by Machado and Kuehl, a Democrat from Santa Monica, Imperial's consumption from the Colorado would be limited to 2.6 million acre-feet, a sort of baseline minimum established in a 1979 U.S. Supreme Court case. That's about 16 percent less than what Imperial traditionally has used -- and far less than what it believes it is authorized to consume.

Machado said his bill wouldn't deprive Imperial of its water rights; it merely would cut the district back to the rights set by the Supreme Court in 1979. It would also ensure that Imperial is using its water for "beneficial" purposes, he said.

But Imperial lawyer John Penn Carter said it's up to state hearing boards, not politicians, to decide whether someone is wasting water.

"You can't make that determination in a vacuum just because you want to," Carter said.

If the bill becomes law, experts predict a landmark legal battle that could redefine how water is allocated in California.

Stuart Somach, a Sacramento water lawyer whose clients include Imperial, said the state probably would be ordered to pay for any water it takes.

"Water rights are property rights, and as property rights they have constitutional protections," Somach said. "If they are taken, you are compensated for the taking."

About the Writer

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Westlands Water Deal Is Assailed

Feinstein, Boxer join in opposing U.S. bid to tap state water projects for \$140-million settlement.

By Mark Arax
Times Staff Writer

January 10 2003

FRESNO -- Ever since the federal government proposed a \$140-million settlement for a handful of families whose farms have been turned into a salt wasteland, the deal has been plagued by one question: Where would the money come from?

California's two senators, along with 31 members of Congress representing every part of the state, are objecting to a plan that would fund the settlement by raiding several other water projects statewide.

In a letter Wednesday to U.S. Atty. Gen. John Ashcroft and Secretary of the Interior Gale Norton, Democratic Sens. Dianne Feinstein and Barbara Boxer were joined by a majority of the state's congressional delegation in criticizing the newest funding plan.

To help pay for the settlement, which would retire 32,400 acres of salt-laden farmland, the Department of the Interior is seeking to tap into \$24 million in statewide water projects, including reclamation efforts in Long Beach, Orange County, the San Gabriel Valley and San Diego.

The elected officials, urging a different approach, want the settlement money to come out of the Department of Justice's Judgment Fund.

"We urge you to refrain from tapping authorized California water projects and funds to settle the dispute," the letter states. "The precedent being set.... is politically unacceptable to any and all states."

In a decade-long lawsuit, the farming families had argued that the U.S. Bureau of Reclamation and their own Westlands Water District had failed to build a drainage system to remove the toxic runoff from irrigating an ancient seabed. This failure to finish one of the biggest irrigation projects in the West doomed their land, they said, turning fertile soil into a boggy salt land.

Last month, as a settlement to the lawsuit was announced, the Interior Department proposed that at least some of the money come from a fund to restore the fisheries of Northern California. Environmentalists then filed objections to the settlement in court.

Four prominent families, including California Secretary of State Bill Jones and his relatives, would receive a total of \$70 million from the federal government under the proposed deal.

Westlands deal faces criticism

By David Whitney

Bee Washington Bureau

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The California congressional delegation reacted angrily to a proposal by the Interior Department to raid funding from a variety of state projects to help finance a \$140 million plan to retire 33,000 acres of Westlands Water District farmland.

Under terms of the proposed settlement, the Bureau of Reclamation has agreed to pay the landowners -- more than 100 members of some of the Valley's oldest and most prominent farming families and agricultural corporations, including former California Secretary of State Bill Jones -- \$107 million in damages.

Westlands has agreed to pay \$33 million and would obtain ownership of the 33,000-plus acres, plus water rights.

In a notice sent to Capitol Hill this week, the Interior Department said it planned to pay the first \$34 million installment on the settlement by redirecting money that had been approved by Congress for other projects.

Some \$10 million of that was coming out of U.S. Army Corps of Engineers projects in Delaware, but the remainder was largely coming out of California projects.

Among these is a proposed \$5 million redirected from Central Valley Project funding for equipment maintenance and replacements, and \$5 million from a Bureau of Reclamation project to pump water from the American River to provide domestic supplies for the Placer County Water Authority.

Lawmakers expressed their outrage in a letter the delegation sent to Attorney General John Ashcroft and Interior Secretary Gale Norton.

The delegation said the money should be taken out of a Justice Department account set up to pay for court judgments, not by cutting funding already approved for ongoing and completely unrelated projects.

"The precedent being set to pay the settlement from nonaffiliated projects within California is a policy that is politically unacceptable to any and all states," the delegation letter said.

The delegation said that if the Interior Department didn't back off, it would push legislation to force the Bush administration to leave the existing projects alone.

In a further demonstration of its anger, the delegation said it is looking into holding hearings on why the Interior Department is raiding the state programs to pay for the federal government's liability.

By late Wednesday, the letter had been signed by seven of the state's House Republicans, seven of its House Democrats and Sen. Dianne Feinstein.

Freshman Rep. Devin Nunes, R-Tulare, signed the letter.

"Taking the money from California to pay for that is a very bad idea," Nunes said Thursday. "It's just not right."

Nunes said he and other California lawmakers are prepared to introduce legislation that would force the Justice Department to use its so-called "judgment fund" to pay for the Sumner Peck settlement.

"That's what the judgment fund is for," Nunes said.

Westlands Water District General Manager Tom Birmingham was in Washington this week, noting in an interview that water district officials likewise believe the Justice Department was wrong in its view that the judgment fund couldn't be used for the settlement. Birmingham said Westlands lawyers have prepared legal arguments to show that the Justice Department fund can be properly tapped, thereby sparing other water districts.

Among the Interior Department's targets for the money are water reuse and recycling projects in San Jose, San Diego, Orange County, Long Beach and elsewhere that total some \$6.2 million.

"These projects are driven by local sponsors and will go forward with reduced federal funding," the Interior Department said in its notice to Capitol Hill.

The Interior Department said the Placer County project involved replacement of pumps that can easily be delayed and "limited operations can continue with temporary pumps."

The 33,000 acres are just the start of the land retirement plan.

Michael Doyle of The Bee's Washington Bureau contributed to this report. The reporter can be reached at dwhitney@mcclatchydc.com or (202) 383-0004.

Klamath Crisis Overestimated, Study Says

A report, disputed by farmers, finds that the economy felt a minimal effect when water was withheld in 2001 to save imperiled fish.

By Eric Bailey
Times Staff Writer

January 3 2003

Back in the parched year of 2001, the water-starved farmers of the Klamath Basin embraced what seemed a common-sense bit of conventional wisdom. Everyone said that steep cuts that year in irrigation water, which for generations had turned the fertile region into an agricultural oasis each spring, were hitting hard in the pocketbook. By most accounts, the local economy suffered a loss topping \$250 million.

But an exhaustive study of the Klamath crisis has concluded the losses weren't nearly so severe. In fact, the region might even have turned a profit in a year dubbed a disaster.

The 400-page report produced by researchers at Oregon State University and UC Davis estimates that the Klamath Basin, which straddles the Oregon-California border, experienced at worst a loss of \$11 million and at best reaped \$10 million in gains.

Environmentalists have jumped on that finding as proof of their long-held belief that the 2001 crisis was overblown by the 1,400 farmers who grow potatoes, onions, alfalfa and other crops across the basin's 235,000 agricultural acres.

But farmers say their pain was indeed genuine and that the economic study, produced by a computer model, failed to reflect the real world.

"Seeing what happened around here, there's no way anyone is going to accept the notion that 2001 was a wash," said Dan Keppen, Klamath Water Users Assn. executive director. "These findings reflect the incredible disconnect between folks in an academic setting and those who actually saw what occurred on the ground."

The Klamath crisis erupted after a dry winter prompted federal officials to

cut off irrigation diversions so more water was available for two species of endangered sucker fish in Upper Klamath Lake and coho salmon in the river downstream.

Despite two years of fighting since the crisis erupted, little headway has been made to resolve differences between farmers and a coalition of environmentalists, fishermen and Native American tribes.

Authors of the report acknowledge that the 2001 growing season saw considerable pain in the region. More than half the basin was left dry as irrigation flows were reduced to help the fish, they determined.

But the flood of federal and state assistance that poured into the Klamath region helped offset steep losses. The report estimated that net crop revenue dropped between \$27 million and \$46 million, while between \$35 million and \$37 million in government aid went into the pockets of farmers.

The report's authors note that their estimate did not figure in long-term costs, such as depressed land values and agricultural contracts canceled because of the water shortage. They also said that the real-world costs of the water cutback didn't evaporate, but rather were shifted from the backs of the farmers to the wallets of taxpayers.

Meanwhile, a separate study of the Klamath crisis by the Wilderness Society determined that the bulk of the farm subsidies during 2001 went to a small percentage of farmers.

The study determined that just 10 farm families in the basin collected nearly 20% of the government subsidy money, with one pair of brothers reaping nearly \$900,000. Many of those families helped lead the fight for increased bail-out money, said Pete Rafle of the Wilderness Society. "Those who had the best connections got the most money."

In addition, farmers who leased agricultural land in federal wildlife refuges in the basin reaped a disproportionate share, Rafle said. The 39 farm families that lease refuge land received nearly a third of the federal funding distributed in 2001, according to the Wilderness Society report.

Environmentalists would like to see farming halted on those refuge lands, which each year serve as habitat for the biggest concentration of migratory birds commuting on the Pacific Flyway. The subsidy money granted refuge farmers in 2001 makes it only tougher to push them off, Rafle said. "These people are profiting handsomely, so they have even more incentive to stick it out."

Farmers on the refuge lands, considered the most fertile agricultural turf in the entire basin, have long maintained that they suffered considerably in 2001 and the government money only began to blunt the pain. They contend that farming has a place on the refuges because crops serve as food for migratory birds.

Court order diverts Trinity water to farms Activists worry about potential fish kills

[Glen Martin, Chronicle Environment Writer](#)

Friday, January 3, 2003

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Water releases down the Trinity River, home to rich salmon and steelhead fisheries, have been significantly reduced due to a recent and little publicized decision by a San Joaquin Valley federal judge.

The order by Fresno U.S. District Court Judge Oliver Wanger cuts the maximum flow of water by as much as 45 percent, which environmentalists say sets the stage for huge fish kills similar to the ones that occurred last summer on the Trinity and Klamath rivers near the Oregon border.

Wanger's ruling came in a suit filed by the Westlands Water District, a 600, 000-acre tract of farmland in the western San Joaquin Valley near Fresno. Westlands and other irrigation districts have challenged the plan for water flows authorized by Bruce Babbitt, the U.S. Secretary of the Interior under President Bill Clinton.

Westlands spokesman Tupper Hull said Wanger's ruling was the result of a "comprehensive and judicious look at the situation."

Westlands and other parties "don't dispute the need to re-evaluate Trinity flows and work toward a restoration of the river," Hull said. "All issues, including enhancement (of the riverbed), need to be looked at."

In his latest decision, Wanger concluded that the Babbitt plan didn't analyze the impact that increased Trinity flows would have on endangered species in the Sacramento River and its delta. Water diverted from Lewiston Dam on the Trinity flows down the Sacramento River to the delta, where it is recaptured by huge pumps for export to farms and cities further south.

The ruling capped annual releases from Lewiston Dam down the Trinity at 369, 000 to 452,600 acre-feet of water, depending on the yearly run-off. The Babbitt plan authorized a range of 340,000 to 815,000 acre-feet. An acre-foot is equivalent to 325,851 gallons of water.

Environmentalists say the flows permitted under Wanger's decision are inadequate to sustain the salmon and steelhead fisheries of the Trinity, the Klamath River's largest tributary.

"Without the big flows authorized (under the Babbitt plan) during wet years,

you'll see impaired downriver migration of young fish, silting in of the (spawning grounds) and warmer water temperatures," said Tom Stokley, the principal natural resources planner for the Trinity County Planning Department.

"That will all increase salmon mortality."

In September, thousands of chinook salmon, coho salmon and steelhead trout died in the two rivers -- the result, fisheries advocates say, of increased irrigation on croplands in the Upper Klamath Basin.

But basin farmers and federal officials say there is no definitive proof that the agricultural diversions caused the die-off.

OTHER WATER CONCERNS

The ruling is particularly worrisome to environmentalists because of a Dec. 27 decision made by Interior Secretary Gale Norton to slash the amount of Colorado River water the state annually receives by several hundred thousand acre-feet -- enough to serve 1.2 million people.

Shortly after Norton's announcement, Southern California water managers said they will be forced to look to Northern California water resources to make up at least part of the shortfall.

Wanger's decision is the latest in a series of rulings from his court that have pecked away at the Babbitt plan, starting with an injunction issued shortly after the plan was authorized in 2000.

In basic terms, Wanger's decisions will allow more water to flow to San Joaquin Valley irrigation districts -- especially Westlands -- and less down the river.

"This is basically a matter of the judge playing into the hands of large irrigators at the expense of north state fishery resources," said Byron Leydecker, a member of the board of governors for CalTrout, a state wild fisheries advocacy group.

While Wanger's most recent decision allows work to proceed on 47 salmon habitat-enhancement projects that were approved under the Babbitt plan, it also concluded that the plan didn't adequately consider other approaches to fishery restoration on the Trinity, such as reconfiguring river channels and removing vegetation encroaching on spawning grounds.

The judge directed the Department of the Interior to prepare a new environmental impact statement on the Babbitt plan that addresses alternative restoration approaches in greater detail.

A STALKING HORSE

But environmentalists and Native Americans who live on the Trinity/Klamath watershed say "mechanical" approaches to restoring the river are a stalking horse designed to keep the water going south at the expense of the fish.

"What the judge has done is use the flow levels pegged for dry and critically dry years as the sole benchmarks, even during years of very heavy precipitation," Stokley said.

The Hupa and the Yurok, the native tribes that live on the Trinity, depend on the Trinity's salmon for both sustenance and religious ceremonies.

Susan Masten, the Yurok tribal chairwoman, said the flows set by Wanger "aren't what's needed for the long-term health of the fishery, and we're not happy with that. If you deny the river what it needs, you get fish kills like we did last summer."

Still, said Masten, there were some aspects of Wanger's decision she found tolerable -- even heartening.

"He did chastise the federal government for failing to meet its trust obligations to the tribes (in regard to fisheries)," Masten said. "And though he capped the flows at the levels set for dry and critically dry years, that still results in more water than we've had in the past."

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Inaction speaks louder than words: Two years ago, the **Sacramento Municipal Utility District** joined a lawsuit against the federal government, the Hoopa tribe and the Yurok tribe to block a promising restoration plan that would give more water for fish and natural habitat on the Trinity River.

Some of the water shunted out of the Trinity, 200 miles north of here, provides cheap hydropower to Sacramento before it is used to irrigate the farm fields of the giant **Westlands Water District**. The restoration plan would have cost the average SMUD ratepayer about \$2 a year at the most. In joining the suit, SMUD staff put Sacramento ratepayers in the shameful position of carrying water for Westlands, the real instigator behind the suit and the one who has the most to gain from tapping the Trinity River.

This October, SMUD's elected board of directors had a chance to drop out of the suit, to end the utility's meddling and to reaffirm its commitment to "green" power. But, despite months of pressure from local environmental groups and ratepayers to stop litigating, the board refused and voted instead to "continue discussions." And what do you know? Three weeks ago, as the board struggled to get its collective head out, SMUD and Westlands won the suit, effectively flushing the Trinity's future down the drain.

The tribes are likely to appeal, but the feds might just sit it out. (Come on, we're talking about Interior Secretary **Gale Norton** here.) Meanwhile, the rest of us can thank the SMUD board's inspired leadership for saving about 17 cents on this month's bill. Way to go guys.