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THE CALIFORNIA WATER WARS / WATER FLOWING TO FARMS, NOT FISH / Environmentalists lose leverage as agribusiness locks in cheap, plentiful supplies -- for decades

Glen Martin, Chronicle Environment Writer Published 4:00 am, Sunday, October 23, 2005

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IMAGE 1 OF 5

westlands_206_mac.jpg Central Valley Broccoli still being harvested near Mendota, Ca. Water in California is increasingly controlled by Central Valley agricultural interests, most specifically Westlands Water ... [more](#)

After 50 years of legal infighting, a victor has emerged in California's water wars -- agriculture.

A decade after environmentalists prevailed in getting more fresh water down the north state's rivers and estuaries to improve fisheries and wildlife habitat, farmers are again triumphant. Central Valley irrigation districts are signing federal contracts that assure their farms ample water for the next 25 to 50 years.

The Bush administration is driving the trend, reversing Clinton-era policies that eased agriculture's grip on the state's reservoirs and aqueducts.

But the Central Valley's largest irrigation districts have also extended their influence by mending alliances with the south state's big urban water districts, repairing a rupture that environmentalists had exploited.

The ramifications of these developments are evident in strikingly different places hundreds of miles apart.

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In the western San Joaquin Valley, a desert is blooming with cotton and produce, all sustained with water from California's northern rivers.

But in the places where this water once flowed -- the delta of the Sacramento and San Joaquin rivers, the Trinity River in the far north state -- fisheries have declined drastically. That's a direct result, biologists say, of water diversions to the south.

First among the winners of the water wars is the Westlands Water District southeast of Fresno -- the nation's largest irrigation district.

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Pancake flat, this 600,000 acres of arid alkali dirt is one of California's most desolate regions.

Yet Westlands is growing riotously: not in homes or shopping malls, but in melons, tomatoes, almonds, cotton and myriad other crops. Its fields produced about \$1 billion in food and fiber last year.

Depending on who's doing the counting -- agricultural partnerships are difficult to untangle -- Westlands has between 200 and 2,500 farmers. Though few in number, they command tremendous influence in the local, state and federal spheres.

"Westlands is politically more powerful than the counties that incorporate it," said Barry Nelson, a senior attorney with the Natural Resources Defense Council, an environmental advocacy group that specializes in litigation.

Westlands gets its water from the federal Central Valley Project, which supplies water to a third of California's cropland and about 50 cities, including Sacramento, San Jose and several in the East Bay and on the Peninsula.

The district's annual allotment of about 1.15 million acre feet -- enough to supply about 2.3 million families -- dwarfs those of all other project participants. The next biggest, the Contra Costa Water District's, is only 185,000 acre feet.

An acre foot is the amount of water that covers an acre a foot deep.

Now, Westlands and other districts are successfully renewing their long-term contracts at current levels and at prices far below those paid by the state's growing cities, despite protests that pumping large volumes of water south is killing Northern California's fisheries.

Westlands is singled out for particular criticism because of its size and the amount of water it receives, but also because the irrigation of its fields produces toxic drain water, threatening state waterways. Some critics say much of its acreage should be taken out of production.

So far, about 200 contracts have been approved, and 80 more are pending, including Westlands'. About 6 million acre feet of annual water deliveries is at stake.

Farmers who get federal water are generally charged a fraction of the free-market rate.

Westlands, for example, pays as little as \$31 an acre foot for its federal water, while the Marin Municipal Water District pays about \$500 an acre foot for water from the Russian River, and Southern California cities pay \$200 an acre foot and up for state project water.

Westlands' current water contract with the Bureau of Reclamation, the federal agency that operates the Central Valley Project, runs to 2008.

Barring unforeseen difficulties, agency officials said, approval of the new contract is expected by mid-February. It will run for 25 years, with an option for a 25-year renewal.

Opponents say the contract does not acknowledge an extreme environmental downside. They say Westlands will actually receive significantly more water than before, at the expense of Northern California's rivers.

Because of legislation implemented during the Clinton administration, Westlands annually received only a percentage of its quota, depending on the availability of water after meeting water quality standards for San Francisco Bay and the delta, said Bill Walker, California director of the Environmental Working Group, an advocacy organization critical of agricultural subsidies.

Now, he said, the intention of the new contract appears to be the full delivery of the quota.

In large degree, Westlands' policies directly reflect the personality of its dynamic general manager, Tom Birmingham.

Birmingham is unapologetic in his defense of the interests of his constituents. In particular, he takes deep umbrage at the "demonization" of his district by environmentalists.

"They've become very adept at employing certain words to convey negative images of us," Birmingham said during a recent tour of the district. "Words like 'large' and 'corporate.' Even our name, Westlands, has somehow been twisted to convey evil. But those images are totally at odds with reality."

Westlands farmers, Birmingham said, have invested heavily in technology to maximize water conservation and minimize environmental impacts. He cited several examples:

- Computers meticulously control water and fertilizer output through drip irrigation lines for thousands of acres.
- Satellite images of fields are regularly consulted to precisely determine problem areas, resulting in the spot application of pesticides rather than landscape-scale spraying.
- Irrigation drain water is collected in tiles and recycled to the fields.

If Birmingham is Goliath, his David counterpart is Tom Stokely, a natural resources planner for Trinity County, 300 miles to the north. Stokely has long claimed that Westlands' water demands threaten the once-mighty, now-struggling salmon runs of the Klamath and Trinity rivers.

Trinity River advocates recently won a court battle against Central Valley irrigators, resulting in more water releases down the river to benefit fish. But Stokely questions whether that is enough, given that most of the river's water still winds up irrigating cropland.

Federal water from the Trinity and Sacramento rivers flows to the delta, where it is pumped south.

Birmingham said his district uses no Trinity water, noting that Westlands water is pumped from the delta to San Luis Reservoir in the winter, when the primary flow is from the Sacramento River. That water is held in the reservoir until Westlands irrigators need it later in the year.

But Stokely said the Central Valley Project must be considered as a whole, with all water held in a theoretical common pot.

And by Westlands taking more water from the delta's communal water pot, Stokely said, less is available for the fisheries of the Sacramento River and its delta, the Trinity River and -- indirectly, because the Trinity is a tributary -- the Klamath River.

"The Trinity River is more than an important salmon stream in its own right," Stokely said. "It's the cold water supply for the Klamath and the Sacramento. Without cold water, salmon die. And it's the essential clean water supply for the delta. By locking up 1.2 million acre feet of CVP water a year, Westlands diminishes the availability of Trinity water in general."

The triumph of Big Agriculture is especially bitter to conservationists because it follows more than a decade of federal legislative moves designed to divide the state's available water in an equitable fashion among farmers, cities and the environment.

A key landmark was the 1992 federal Central Valley Project Improvement Act, designed to end the litigation that had characterized California's water politics for decades.

The act empowered a joint state and federal agency, CalFed, to embark on an ambitious program of environmental restoration in the Central Valley, the delta and San Francisco Bay. It also provided for a significant amount of fresh water to revitalize the beleaguered delta and bay. About 800,000 acre feet of water were earmarked for the delta.

But under the Bush administration, this era of cooperation stuttered, then reversed.

In 2003, CalFed brokered a deal with state and federal project managers and water contractors known as the Napa agreement, providing for greater water exports from the delta, where both the state and federal pumps are located.

Westlands would benefit significantly from the Napa accord in that the agreement would assure stable, large-scale water deliveries to the huge district.

But environmentalists sued to stop the operations plan, claiming the agreement undermines the essential intent of the Central Valley Project Improvement Act: Increased freshwater flows through the delta and bay.

Tupper Hull, a spokesman for Westlands, said the district's analysis of the Napa agreement's operations plan indicates it will not degrade environmental protections.

"This plan will allow the pumps to shut down when there is a threat to the fish and run high when there is no jeopardy," Hull said.

This month, a state appeals court ruled that CalFed's environmental documentation on its current programs is inadequate, because the agency didn't fully consider reducing water exports to Southern California.

A few years ago, Westlands was alienated from the state's urban water districts. At that time, it was unclear where the water would come from for environmental restoration, and municipal water districts and environmentalists had established tentative alliances against large Central Valley irrigators.

Today, the situation is reversed.

"A couple of years ago, I was at loggerheads with Westlands," said Tim Quinn, the vice president for state water project resources for the Metropolitan Water District of Southern California. The district serves 18 million customers and consumes about 1.9 million acre feet of water annually, most of it from the state water project.

Quinn said Westlands was known for playing hardball in the not-so-distant past -- litigating any government agency decision it didn't like, claiming water held by other districts.

"But in recent years, there have been profound changes at Westlands," Quinn said. "They've moved to the center."

Birmingham, he said, "is showing real skill at pounding out centrist solutions."

Westlands critics say the Metropolitan Water District's turnaround can be explained by expedience. The district, they say, is buying water on the open market from agricultural districts; the water interests of big farms and big cities are thus congruent as never before.

"The recent trend of ever-increasing water exports south of the delta is basically benefiting huge water districts, both agricultural and urban," said Hal Candee, a senior attorney for the Natural Resources Defense Council.

Battered though they may be, environmentalists have not given up the fight. The defense council and its allies are expected to sue to block the new Westlands contract if, as expected, it is approved.

Opponents to the contract were heartened by a recent decision issued by U.S. District Judge Lawrence Karlton declaring water contract renewals for eastern San Joaquin Valley farmers illegal because of possible violations of the Endangered Species Act.

East valley farmers get water from Friant Dam on the San Joaquin River. After the dam went up in the 1940s, the San Joaquin essentially dried up, and its once-robust salmon runs disappeared.

"The Friant contracts set a precedent for all other contracts, including Westlands," said Candee, who filed the suit for the Natural Resources Defense Council.

If Birmingham is worried about the upcoming contract, he doesn't show it. Touring his district, surveying its lush crops, he projects nothing but confidence.

"When I took over as manager in 2000, we were getting about 50 percent of our allotment from the CVP," he said. "Now we're getting about 75 percent in most years, and this year we received 90 percent."

"Our relationships with the agencies are improving, and our water supplies are improving. We're doing what we've always done -- putting our water to reasonable and beneficial use as required by our federal contracts, and producing crops of incredibly high value."

Westlands Water District

Size: 600,000 acres.

Number of farms: 600.

Number of working farmers: 200 to 2,500, depending on sources. Environmentalists claim lower numbers; Westlands staffers stand by the higher figures.

Crops: Westlands produces more than 60 food and fiber crops, including almonds, pistachios, cotton, melons, lettuce and alfalfa. It is also an important dairy region.

Annual gross revenues: About \$1 billion.

Amount of water used: Westlands has a contract with the U.S. Bureau of Reclamation for 1.2 million acre feet of water annually. It buys extra water — less than 100,000 acre feet — from other districts.

Delivery system: Westlands gets its water from the federal Central Valley Project. Water is pumped from the delta to San Luis Reservoir through the Delta-Mendota Canal, and from there it is delivered to Westlands through the San Luis and Coalinga canals. Water is then delivered to district farmers through 1,034 miles of underground pipe.

The controversy: Environmentalists claim fisheries and wildlife in San Francisco Bay and the delta of the Sacramento and San Joaquin rivers are being hurt by excessive water exports to the western San Joaquin Valley, especially Westlands.

Where Westlands water comes from

1. Water from north state reservoirs — Shasta Lake on the upper Sacramento River and Trinity Lake on the Trinity River — is sent southward, down the Sacramento River.
2. After entering the delta, the water is pumped to San Luis Reservoir and from there to Westlands.
3. The Westlands Water District has a federal contract for about 1.2 million acre feet of water delivered annually, or about 20 percent of the capacity of the Central Valley Project.

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