

# Valley districts blamed for ignoring water conservation law

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After largely ignoring a conservation law passed during the last drought, some of California's largest agricultural water districts are facing a lawsuit that would force them to measure how much water farmers use.

The 2009 law was designed to push the state's biggest water users to conserve by closely monitoring their use. Then, the state's agricultural water districts are supposed to charge the farmers, at least in part, based on that use.

But the state doesn't actually know how many agricultural water districts are meeting the new requirements or even inching toward doing so because more than 20 of them have failed to turn in what's called a water management plan. The plans were due more than 18 months ago.

The Environmental Law Foundation, an Oakland nonprofit, sent letters Friday to managers of nearly two dozen districts that the state listed as not following the law. With California facing a historic drought, the nonprofit is threatening legal action before the end of the month if districts don't prove they're complying.

"Especially in this time of drought, everybody needs to pull their weight," said James Wheaton, the foundation's board president and legal director. "The Legislature five years ago ordered agricultural water districts to take the most fundamental, simple conservation measures, which are make a plan, measure how much water and price it accordingly."

The economic theory behind the 2009 law is that if you aren't paying for how much water you actually use, you have little incentive to use less. Most residents of California, whose water use is metered, have long seen their actual water consumption reflected in their bills. With agriculture, which accounts for 80 percent of the water that humans use in the state, it is a different story.

The Environmental Law Foundation decided to file suit after The Center of Investigative Reporting revealed in May that agricultural districts were widely ignoring two water laws.

Water managers at the agricultural districts in question say they're already using water efficiently and the drought is forcing them to be even more careful.

"We comply with the vast majority of what the law requires. We just haven't filed some paperwork to document it," said Robert Kunde, engineer-manager for the Wheeler Ridge-Maricopa Water Storage District in Bakersfield.

The district is investing its time and money in coping with the drought, he said. It provides water to more than 72,000 acres of farmland at the southern end of the San Joaquin Valley, where Kunde says water prices have tripled because of the drought. "If that's not an economic driver for conserving water, there isn't any one available."

Other districts simply decided not to bother.

While districts that have not turned in their water management plans have lost access to \$472 million in

state grants, there is little else the state can do to force them to comply. But under the law, a third party, like the Environmental Law Foundation, can sue districts that fail to do so.

Some districts say they're already following the law while others say they're getting there. Nine of the 22 districts targeted by the nonprofit have provided documentation to the group that they're following the law and will not be sued.

Ted Trimble, general manager of the Western Canal Water District in Oroville, said his district is working on creating a regional plan with other water districts in the area.

Mark Mulkay, general manager of the Kern Delta Water District in Bakersfield, said his district has been measuring water deliveries and charging customers on that basis since the district was created in 1965. But he's not sure whether the district's water management planning meets the state requirements.

"We'll respond," he said. "I just don't know how yet."

### **California water districts face suit over conservation law**

Tulelake Irrigation District

Fresno Irrigation District

Western Canal Water District

Biggs-West Gridley Water District

Wheeler Ridge-Maricopa Water Storage District

Kern Delta Water District

Palo Verde Irrigation District

North Kern Water Storage District

Richvale Irrigation District

Consolidated Irrigation District

Corcoran Irrigation District

Central San Joaquin Water Conservation District

Panoche Water District

Denotes central San Joaquin Valley district

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