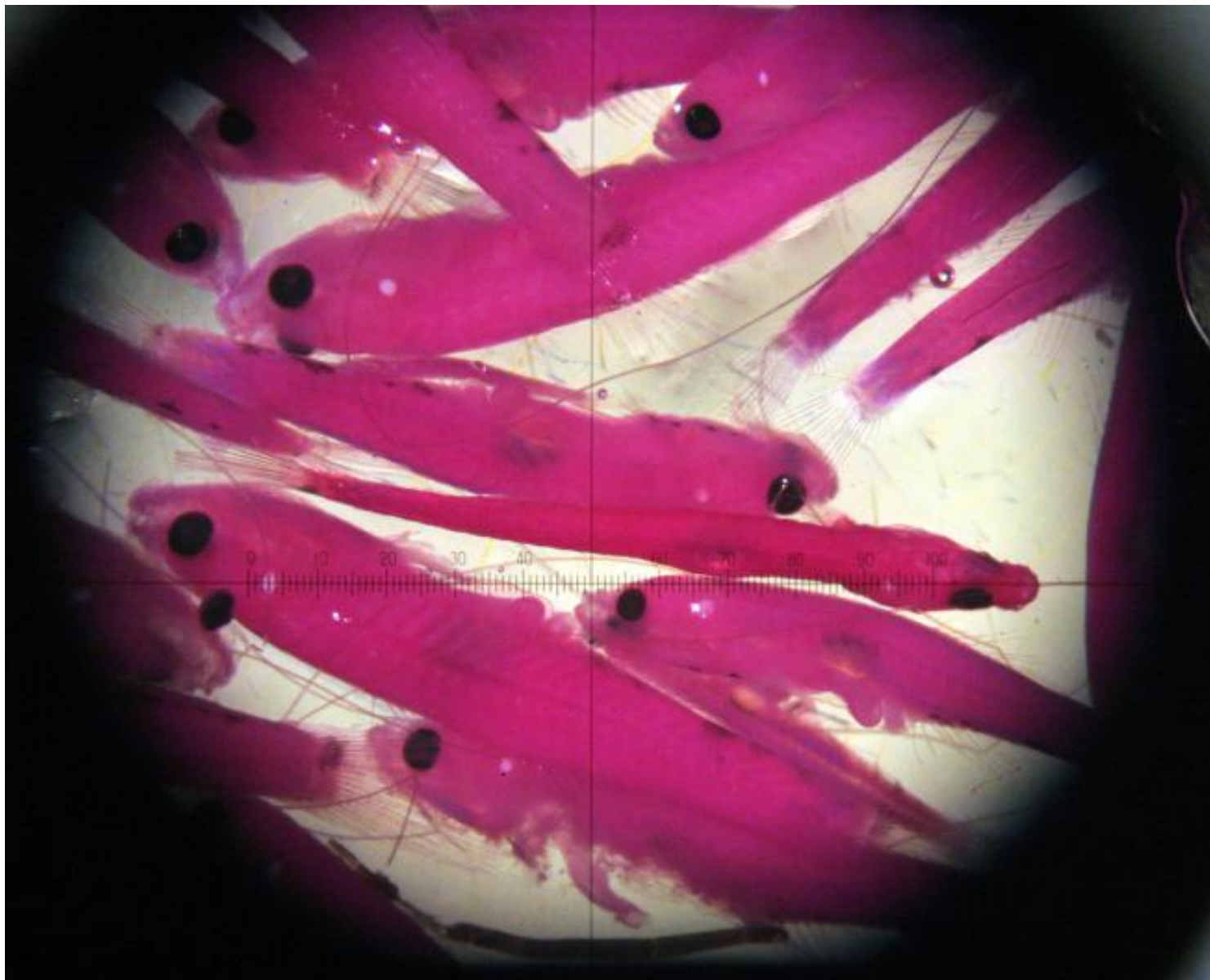


Farmers in dry California decry justices' decision to curtail water to protect threatened fish



FILE - In this July 25, 2005, file photo, tiny fish caught in the Sacramento-San Joaquin Delta river are seen through a microscope at a California Department of Fish and Game laboratory in Stockton, Calif. California farmers struggling with drought say a U.S. Supreme Court decision issued Monday, Jan. 12, 2015, that keeps strict water restrictions in place to protect a tiny, threatened fish has forced them to leave thousands of acres unplanted in the nation's most fertile agricultural region. (AP Photo/Rich Pedroncell, File)

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By SCOTT SMITH, Associated Press

FRESNO, Calif. (AP) — California farmers struggling with drought say a U.S. Supreme Court decision issued Monday that keeps strict water restrictions in place to protect a tiny, threatened fish has forced them to leave

thousands of acres unplanted in the nation's most fertile agricultural region.

The justices rejected appeals from farmers in California's Central Valley and urban water districts who had challenged a U.S. Fish and Wildlife Service plan to safeguard the 3-inch-long Delta smelt, a species listed as threatened in 1993 under the federal Endangered Species Act.

The smelt only lives in the Sacramento-San Joaquin Delta, the largest estuary on the West Coast that supplies much of California with drinking water and irrigates 4.5 million acres of farmland. Farmers contend that vast amounts of water sent into the ocean under the smelt regulations have made the three-year drought worse for them.

Farmers say their economic interests have been ignored while officials seek to protect the fish.

"I'd like to see a little more common sense put into it," said Jim Jasper, an almond farmer whose appeal was denied. "Agriculture has been overlooked."

Because of the drought and restrictions put in place for the smelt, Jasper said that he had to cut down one-fifth of his almond trees last year. The 70-year-old farmer who runs Stewart & Jasper Orchards in Newman says he anticipates taking out some of his citrus crops next year if the dry conditions persist.

The 9th U.S. Circuit Court of Appeals in San Francisco last year had largely upheld the Fish and Wildlife Service's 2008 biological opinion that restrictions were needed on the use of massive pumps that move water from the North through the state's system of canals to deliver it to farms and cities in central and Southern California.

Under the government plans, more water flowing down the Sierra Nevada mountains that melted from the winter snowpack is sent through the delta and into the ocean to protect the smelt.

The decision won't change water flows because protections for the fish were kept in place while the court case played out.

Katherine Poole, an attorney for the Natural Resources Defense Council, said she welcomed the Supreme Court's decision. The Delta smelt's decline signals the poor health of the massive estuary, she said, adding that a healthy delta benefits farmers and the millions who rely on it for drinking water.

"We need to keep this estuary healthy and functional for everybody," Poole said. "The smelt is telling us that we're not doing a good enough job of that right now."

Earthjustice attorney Trent Orr said that the court upholding water restrictions is a victory for the Endangered Species Act. Attempts by the agricultural industry to erode environmental protections fell short, said Orr, who refutes arguments that the smelt is to blame.

"Contrary to their claims, there have been no reductions in water allotment for protection of this species," Orr said. "The drought is what's causing a water shortage, not the smelt."

The Supreme Court's decision can't be appealed further, but attorney James Burling, who represented Central Valley farmers at the Pacific Legal Foundation, said he will continue to challenge the unfair application of the federal environmental law at every opportunity.

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