

California decision on farmer water cuts to apply broadly

By FENIT NIRAPPIL and SCOTT SMITH 39 minutes ago



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SACRAMENTO, Calif. (AP) — A group of California farmers, in a surprising turnaround, is volunteering to give up a fourth of its available water this year, sharing a resource all but guaranteed to them for more than a century.

A senior water official told The Associated Press Wednesday that he would decide whether to accept the offer by Friday. The concession by farmers in the Sacramento and San Joaquin river delta could be one of the most important yet forced by California's record four-year drought.

In exchange for taking 25 percent less river water for irrigation or leaving a quarter of their fields unplanted, the farmers want guarantees that the state won't restrict the remaining 75 percent of the water they've had rights to for more than a century, even if the drought deepens and other users go dry.



The offer was made as these and other "senior water rights holders" face an imminent threat of being included in the mandatory cutbacks that apply to most other California water users.

Water Resources Control Board Director Tom Howard told the AP Wednesday that whatever he decides will apply beyond the river delta to the entire basin of the Sacramento River, which supplies most of the surface water in the food-producing Central Valley and provides drinking water to homeowners across California.

"Should we make an offer like that early, to give people clarity and regulatory certainty, or is there not enough water to really make a difference?" Howard asked. "We're just trying to make sure if the offer makes sense."

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In this photo taken Monday, May 18, 2015, Gino Celli inspects wheat nearing harvest on his farm near ...

The decision on the offer would apply only to those who have rights to water because their property runs alongside a particular river or stream, Howard said. However, it is unclear whether a 25-percent cut to those rights holders would be enough to protect waterways that are drying up around much of the state, following a winter of below-average rainfall and record-low snows in the Sierra Nevada.

Delta water managers say it could become a model for farmers throughout California who are facing curtailments. It also could have an eventual impact on food prices, since California farmers use 80 percent of the water drawn from the land.

State officials had threatened to take action as early as this week against senior water rights, some dating to claims made during the Gold Rush era, long before industrialization in the 20th Century led to climate change. The rights give nearly 4,000 landowners the strongest claims in California to this precious and increasingly limited resource.

Water officials say cuts to Californians whose claims to water date back before World War I, and are among the strongest claims because they are oldest, also are still likely, and would be across the board.

With California's drought showing no signs of easing, the state already has ordered mandatory, 25 percent cutbacks in water use by cities and towns, and greatly curtailed water available to other farmers and others whose rights are less than a century old, and therefore less iron-clad.

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In this photo taken Monday, May 18, 2015, Gino Celli checks the moisture of land just planted with c ...

It is difficult to predict how many farmers elsewhere in California will participate, said attorney Jennifer Spaletta, who represents several Delta growers, but if the water board agrees to the deal, they could plan growing seasons with more certainty.

"From a business standpoint, it makes a lot of sense to do our part and to help in the emergency," Spaletta said. "At this point, obviously we're in an absolute drought emergency."

Gov. Jerry Brown has been criticized for sparing many farmers from the tightening regulations forcing cutbacks in communities throughout the state. This is the second straight year that thousands of "junior water-rights holders,"

whose claims were staked after 1914, have been ordered to stop pumping river water for irrigation.

The reduction farmers propose is reasonable because it matches what the governor has asked of all other Californians, said Jonas Minton, former deputy director of the California Department of Water Resources and now a private adviser on water policy.

"Overall, if agriculture in California reduces its use by 25 percent, the state will weather this bad weather," Minton said. "It's heartening to see that some agricultural water users are willing to do their share."

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In this photo taken Monday, May 18, 2015, irrigation pipes sit along a dried irrigation canal on a f ...

Legally, Delta farmers with the most senior water rights say the state can't stop them from irrigating their crops with river water, said John Herrick, manager of the South Delta Water Agency. He called their proposal a "safe harbor" for both sides, which he said would likely be adopted by other senior rights holders in the San Joaquin and Sacramento River watersheds.

Michael George, the board's Delta Water Master, said he personally believes the proposal "is a reasonable trade-off."

"Nobody benefits if uncertainty persists," George said.

California's 19th-century water laws still protect the earliest claims on rivers, such as the one that made gardens grow on sand dunes in San Francisco, whose mayor hiked into the Sierra in 1902 to nail a claim to an oak tree along the Tuolumne River.

Minton said the system is long overdue for fundamental changes to accommodate a growing population vying for a shrinking amount of water. The drought also exposes California's need for better monitoring of water usage, but given the information available today, he said the proposal is as good as they come.

Terry Chea and Ellen Knickmeyer in San Francisco contributed to this report. Smith reported from Fresno.