

# California water agency relies on flawed system to track use

By GARANCE BURKE Associated Press

A group of powerful California farmers who are volunteering to use less water amid the crippling drought have for years operated under an antiquated state system that relies on self-reported, error-riddled records to enforce cutbacks.

Farmers in the Sacramento-San Joaquin River Delta who hold water rights dating back a century proposed Wednesday to use 25 percent less water on their crops to avoid the possibility of even harsher restrictions by the state later this summer.

If the State Water Resources Control Board agrees to the deal, however, it's unclear how those cuts would actually be enforced.

The delta farmers are part of a fortunate set of several thousand California companies, farms and others who historically have used free water with little oversight, even now that the state is so parched that hundreds of wells have gone dry.

Their special status dates back to claims staked during the Gold Rush, when water was plentiful.

Nobody knows how much water these "senior rights holders" actually use, though it amounts to trillions of gallons each year, according to an investigation last year by The Associated Press.

The system blunts California's ability to move water where it is most needed, especially as its population grows.

When gold miners flocked West in the 1800s, the state drafted laws that rewarded those who first staked claims on the region's rivers and streams. California still relies on that honor system today.

To find out how many entities hold these rights and how much water they use, the AP investigation analyzed the water board's database for 2010 — then the last complete year of reports.

At the time, more than half of the 3,897 entities with active senior and riparian rights to water were corporations, such as the state's biggest utility, Pacific Gas & Electric Co. which creates hydroelectric power, and the Hearst Corp., which has water rights for its Bavarian-style forest compound called Wyntoon.

Also among the biggest rights holders were rural water districts and government agencies.

The water board currently does not require monitoring or meters for superior rights holders. Last week, Gov. Jerry Brown proposed a record \$115.3 billion budget with a provision requiring rights holders to install monitors to track and report their water usage to the state each year.

The state now collects the records every three years on a staggered basis, meaning its information is always out of date. State officials acknowledge it's not adequate when they are dealing with a water crisis.

Those with century-old rights say the system works well because it provides a reliable supply of water. And in a drought, the state lets some of them sell any extra water at the market rate.