

California: Many farmers miss deadline to report water cuts

By FENIT NIRAPPIL Associated Press

A majority of farmers and others holding some of California's strongest claims to water have missed a deadline to confirm they stopped pumping from rivers and streams during the drought, state officials said Monday.

Data show less than a third of the farmers, water districts and communities responded to the State Water Resource Control Board's broadest conservation order ever for those with nearly ironclad water rights.

The board's order earlier this month affected 277 century-old rights to water from the Sacramento, San Joaquin and delta watersheds in the agriculture-rich Central Valley.

State officials expect to demand that even more senior water rights holders stop diverting water as rivers and streams run too dry to meet demand in California's fourth year of drought.

The dry spell has already prompted deep cuts to deliveries from government reservoirs and to farmers with more recent, and less secure, claims to water. Cities and towns serving residents and businesses are also under order to cut water use as much as 36 percent compared to 2013 levels.

Senior water rights holders have been historically spared from cuts, and some are challenging the state's order in court so farmers can keep watering crops and taking care of livestock.

The senior water rights holders who didn't respond to the water board within seven days were expected to take about 200,000 acre feet of water over the summer, a sliver of the state's total water use.

Water rights enforcement manager Kathy Mrowka said she was still reviewing the response data and didn't have an immediate explanation for why it lagged.

Buzz Thompson, a Stanford law professor who studies water rights, said the paltry response rate isn't a surprise given how California's water rights are largely governed by an honor system.

"This is a new situation for everybody," Thompson said. "If you don't get significant voluntary compliance, at some point the board would have to step in and take further action."

Board officials have previously said those ignoring its cutback orders would be the first to face inspections and enforcement. The punishment for taking water is \$1,000 a day and \$2,500 per acre foot, enough water to fill an acre of land a foot deep.

Some people who have not responded to the board may not be illegally taking water because the streams and creeks to which they hold rights have dried out. Others may have missed the state's curtailment notices or are waiting for a court decision before responding.

Those ordered to stop diverting from waterways have other options, including tapping groundwater, buying water at rising costs, using previously stored water or leaving fields unplanted.

Regulators have already ordered thousands of other entities with less secure claims known as junior water rights to stop pumping. Only about a third of them have confirmed they stopped diverting water, although the ones that did respond are among the biggest users.