

## Editorial: Westlands settlement deal is a smart compromise

By The Editorial Board

The mere mention of Westlands Water District raises the blood pressure of many environmentalists and other water agencies.

So we are not surprised that the Obama administration's proposed settlement of a lawsuit involving the U.S. Bureau of Reclamation's failure to provide drainage for Westlands growers is being criticized as a sweetheart deal.

Rep. Jerry McNerney, D-Stockton, for example, told Michael Doyle of McClatchy's Washington, D.C., Bureau that the settlement was an "outrageous windfall for Westlands" and vowed to "ask the tough questions necessary when California's largest and very profitable water district is absolved of its obligations at the expense of taxpayers and the environment."

The proposed settlement requires the approval of a federal judge and Congress, so we are confident that it will be thoroughly scrutinized.

A brief history of Westlands should bring up to speed those who are not familiar with this lawsuit.

On a hot August day in 1962, some 15,000 people made their way to a dusty and virtually deserted corner of the central San Joaquin Valley to see President John F. Kennedy kick off construction of the San Luis dam and reservoir.

Kennedy pushed a dynamite plunger that set off a string of explosions for the dam and reservoir, centerpiece of a water project that would transform the Valley's arid west side into a vast swath of productive agricultural land.

"It is a pleasure for me to come out here and help blow up this valley in the cause of progress," Kennedy said to much laughter.

The alluvial soil on this land is among the most fertile in the world. This dirt produces high yields and crops of the highest quality. But without a system to carry away excess irrigation water, the lands over time would become unfit for agriculture because of salt accumulation.

Bureau of Reclamation's answer was to build a 207-mile drain terminating at the confluence of the Sacramento-San Joaquin River Delta with San Francisco Bay. But only 80 miles of drainage to Kesterson Reservoir in western Merced County were built because of public opposition.

Upon filling with the irrigation runoff, the reservoir became home to a fish and wildlife disaster. We quote the Congressional Research Service: "In 1983, studies revealed embryo deformity and mortality among waterfowl nesting at Kesterson Reservoir. It was suspected that these problems were caused by selenium from soils in Westlands that had been carried to Kesterson. ... For that reason, in 1985, Reclamation announced that it would close Kesterson Reservoir."

Westlands, meanwhile, demanded that the federal government keep its promise to provide drainage. The courts have sided with the growers for three decades.

What would taxpayers get with this settlement? Quite a bit, actually.

Bureau of Reclamation doesn't have to build a drainage system estimated to cost \$3.5 billion. Drainage is Westlands' responsibility now. The big hammer in the proposed settlement is a clause that says if Westlands doesn't properly manage drainage, it doesn't get a drop of Central Valley Project water.

Westlands also must permanently retire 100,000 acres of land – reducing the district to 500,000 acres – and its water allocation is reduced by 25 percent to 895,000 acre-feet annually. Finally, the district has agreed to pay Mendota-area farmer Michael Etchegoinberry and others who filed a class-action lawsuit against the Interior Department for the government’s failure to provide drainage.

What would Westlands get out of this deal? Quite a bit, too.

There is forgiveness of \$375 million the district owes the government in Central Valley Project construction costs. Westlands also would take possession of the federal pipes, canals and pumping plants serving the district.

This deal was negotiated on the federal government’s behalf by the Department of Justice’s environmental and natural resources legal team. The proposal is, as Rep. Jim Costa, D-Fresno, said, “a compromise and, like any, there was give and take on both sides.”

The only thing that might satisfy some Westlands critics would be for the district to close up shop. If the critics read closely, they’ll see that the settlement includes that possibility.

Understand: Westland has to come up with drainage that doesn’t harm fish, wildlife or the environment. If the district fails to do so, the federal spigot is turned off.

This is a fair deal for taxpayers, the environment and Westlands growers.