

**IN THE MATTER OF  
AMENDED JOINT PETITION OF THE  
IMPERIAL IRRIGATION DISTRICT AND  
SAN DIEGO COUNTY WATER AUTHORITY FOR  
APPROVAL OF A LONG-TERM TRANSFER OF CONSERVED WATER  
PURSUANT TO AN AGREEMENT BETWEEN IID AND SDCWA  
AND  
PETITION OF THE IMPERIAL IRRIGATION DISTRICT TO  
CHANGE THE PURPOSE AND PLACE OF USE AND THE  
POINT OF DIVERSION**

**CALIFORNIA FARM BUREAU FEDERATION'S COMMENTS ON  
ORDER WRO 2002 –**

**Party Status**

The State Water Resources Control Board's (Board) discussion of the California Farm Bureau Federation's (Farm Bureau) party status in these proceedings leaves the organization in a kind of legal purgatory. We don't know whether we are in or out.

On page 10 of the draft order we are told Farm Bureau is among those filing an acceptable protest. But then in the next paragraph, Farm Bureau is not included among those whose "unresolved protests . . . are addressed by this order." Clearly, Farm Bureau's protest was not dismissed. We did appear and are so listed on the appearance list on page 14. Farm Bureau does not view its protest as having been resolved by the Board's draft order, but it was certainly discussed. Farm Bureau put on what it considered to be a case in chief with opening and closing statements, submitted testimony and was cross examined during Phase 1 on that submitted testimony, and finally cross examined several witnesses during the course of Phase 2.

Farm Bureau's status should be clarified in the Board's final order. This could be as simple as including it on the page 10 list of those appearing at the hearing whose unresolved protests are considered resolved by the order.

## **Introduction**

Farm Bureau's participation in these proceedings was generated by the agricultural community's desire to have third party impacts associated with water transfers addressed.

This proposed water transfer may be the largest to date in California from one developed area to another. It is certainly the largest from the agricultural to urban sector.

We are told this is the wave of the future. If so, California needs to begin to address third party impacts early in the review of any proposed transfer and set in place a realistic plan for mitigation before any water moves from the impacted area.

Farm Bureau does not suggest these socio-economic impacts were ignored by the Board in its draft order. But in achieving a result oriented decision, the actual plan of mitigation has been put off until another day.

## **SB 482**

The hearing commenced with the much amended SB 482 in the legislative hopper. It was not signed by the Governor until following the conclusion of testimony, but before the draft order was released. And, of course, it will not be law until the oft repeated drop dead date of December 31, 2002 has passed. Nonetheless, it did provide a convenient crutch to put off wrestling in a meaningful fashion with third party impacts resulting from a fallowing program until another time. If the draft order becomes the final order, these questions as to the appropriate mitigation of the socio-economic impacts of this transfer will remain for another day. And, most likely not until there is another transfer.

## **The Salton Sea**

This Board was presented with a non-fallowing transfer project to which the petitioners had agreed and under which third party impacts could have largely been avoided. With the draft order petitioners are now presented with a resolution as to which there will be no choice but to fallow. This is made necessary by the perceived need to mitigate for impacts to the Salton Sea if the water to be transferred is to be generated through conservation. Yet contained within the decision is the germ plasm for the much predicted demise of the sea, so long as it does not occur within the next 15 years. It seems to be the Board's expectation that in those 15 years someone will step up to the plate and rescue the sea. One can even read into the decision that should that not occur, the Imperial Irrigation District can continue to be the sea's salvation into perpetuity.

Better that the Board would have brought an end to the procrastination in solving the sea's problems and permitted the transfer to proceed without fallowing, thereby sparing the Imperial Valley of much of the socio-economic impacts which will surely occur with fallowing. With a no fallowing decision, California and the federal government would be forced to an early and real addressing of the Salton Sea issue outside of the transfer project. At the same time, this would enable California to meet its 4.4 obligation without the excruciating pain that is occurring outside the purview of this Board among the power players as they move in to begin the dismantling of an agricultural treasure of global importance.

### **The 1000 Lb. Gorilla**

Mr. Rossmann spoke often during the proceedings of the 1000 lb. gorilla in the room whose presence the parties did not want to address.

Perhaps the largest gorilla whose presence was hardly recognized is the Pacific Ocean. Why is not California looking to it for the resolution of the 4.4 problem and the host of additional water needs outside of the service area of the Colorado River? To San Diego's credit, it has recently been reported that it hopes to provide 20% of its water needs through desalinization as early as 2006. So why has San Diego looked east to Imperial County for its future water needs?

One of the Board's rationalizations for approving this transfer is that San Diego, and the other entities dependent on the 800,000 acre feet to be lost to California, would not then reach up into the San Francisco Bay delta for an augmented water supply, an area which in the Board's opinion already has enough water problems to deal with.

A more direct solution to these water problems is for California to simply open its front door and start utilizing the ocean as our coastal water source. California has a 15 year window of opportunity to do this as it relates to its dependence on the Colorado River for a water source. The Pacific Ocean would give us much more water than the currently sought 800,000 acre feet. An opportunity has been lost in these proceedings by failing to point the southland in that direction. This might have been done by simply determining that this transfer is not in the public interest because it serves only to delay moving towards a lasting solution to California's water crisis. This crisis is no longer approaching. It is with us today and is far more reaching than the mere 800,000 acre feet this transfer is intended to partially address. California has been given 15 years to get its house in order. The solution is staring us in the face and we are ignoring it.

## **Economic Impact**

It is a disservice to the Imperial Irrigation District and to the evidence presented in this hearing for the Board to suggest that the economic impact of this transfer may not be as significant as estimated by the District. This has been done in part by suggesting that the farmers in the Imperial Valley will be flexible in their crop mix selections once fallowing is in place, and will simply gravitate to the higher value, lower water use crops rather than continuing to emphasize such crops as alfalfa in their rotation. This flies in the face of the evidence presented in the testimony of Dr. Rodney Smith for the Imperial Irrigation District (R.T. 960-63). It also ignores the evidence put forward by the Farm Bureau in offering the studies coming out of Mendota in the San Joaquin Valley where during periods of water curtailment the growers did not gravitate to high value crops as might be anticipated. In fact, this was one of the most unexpected findings coming out of the Mendota study (CFBF 1 at 13).

## **Palo Verde**

Similarly, the Board should place no real credence in the Palo Verde test program as a measure of what might be anticipated in the Imperial Valley. Palo Verde was a program to examine fallowing and its impact for a two year period. Here we are looking at a water transfer through fallowing which could conceivably last as long as 75 years.

What the Palo Verde program did have during its early review was an on-the-ground planned approach to how a fallowing program might operate. This we never saw in these proceedings. Admittedly, the Board was not supposed to be reviewing a water transfer program made possible through the use of fallowing. But it became clear as the hearing progressed that that was in reality what the parties were dealing with, and the draft decision only serves to confirm that fact.

The fact that many issues could not be addressed in this proceeding because of the failure to have such an operational fallowing plan on the table for review was raised by Farm Bureau, Bill DuBois, and Larry Gilbert, as well as by the County of Imperial.

## **Mitigation**

Dr. Rodney Smith, who has been involved in or studied upwards of 1000 water transfers (R.T. 309, 1001), gave compelling testimony as to how the architects for the rearrangement of water availability have been singularly unsuccessful in mitigating for the socio-economic human impacts of such water movement (R.T. 966-67). Recall in an analogous economic dislocation scenario, the NAFTA process, where it is often claimed there will be significant employment dislocation, a visit to the Trade Adjustment web site shows only

three case studies of success stories resulting from government mitigation intervention (R.T. 967). So unresolvable are these socio-economic impacts resulting from water basin transfers that Dr. Smith testified that the Texas legislature in its wisdom has banned all inter-basin transfers of water in the state because of the unresolvable nature of the socio-economic impacts which flow from such transfers (R.T. 968). Dr. Smith's opinions as to the lack of success of others in the mitigation arena suggest that the studies proposed under the SB 482 scheme are not the answer. They certainly won't generate immediate mitigation action in Imperial County since they are something proposed for the future, and the track record in other areas on this issue would suggest that even following the study no positive results are going to be forthcoming. While Dr. Smith would not concede the economic and personal dislocation from a fallowing transfer might take a generation to resolve, he was prepared to say that such dislocations were significant and had yet to be resolved anywhere in a meaningful fashion (R.T. 968-69). In short, studies, retraining, and throwing money at the problem after the fact, have yet to show a meaningful salutary result.

### **San Diego and Growth**

The Board's discussion of why this transfer will not be growth inducing is not convincing. San Diego stated from the outset it needed the water, in part, for growth. Why is that denied now, and confirmed by the Board in its draft order? Growth in Southern California is the norm. That is not going to change. To suggest Southern California looks for the water after the growth prospect is confirmed is not true, in spite of the popular belief that it is. Rather, Southern California is always looking for water. Not only for reliability, but to ensure future growth. Why are we making such an effort in connection with this project to suggest otherwise?

### **Conclusion**

The approach being used here is so conventional California. If you need more water, you simply appropriate it from the neighbor with the least political muscle. That is the way it has always been. Attempts are made now, of course, to package the appropriation as attractively as possible, but the bottom line is the same. The weak minority must give in to the stronger majority. Unfortunately, this proposed order does nothing to change that equation.

Farm Bureau trusts the Board will take these comments in the spirit in which they are intended. The Board was confronted with a Herculean task. The proceedings throughout were conducted with a degree of civility which was not matched by those outside of the hearing room who were quick with their ready answers to the problem without ever bothering to be a witness to the meaningful debate and thorough examination of the issues which was taking place before the Board. In many respects this proposed order cuts the baby in half. It also, in

some respects, reflects a degree of thinking out of the box. Farm Bureau is simply of the opinion it has not gone far enough. The Board has not taken the opportunity to move the state in a new direction for water management and supply which has the potential to have greater long-term benefits to California than the solution which is proposed in this order.

Dated: October 11, 2002

Respectfully submitted,

CALIFORNIA FARM BUREAU FEDERATION

By \_\_\_\_\_  
Henry E. Rodegerdts

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