



IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P. O. BOX 937 • IMPERIAL, CALIFORNIA 92251

Faxed and mailed

May 29, 2002

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, D.C. 20510

Dear Senator Feinstein:

Your letter dated May 21, 2002 was received with great interest by the Imperial Irrigation District (IID) and the Imperial Valley community. Since this is a matter of significant importance to this community, let me explain why your letter reflects a number of misconceptions and misunderstandings.

First, it is very important to understand as a backdrop to this whole dialogue that IID has been a committed, if somewhat reluctant participant in the Quantification Settlement Agreement (QSA) water transfers, which includes the IID-San Diego transfer. If we had our way we would retain all of our water rights for use here in the valley – to continue producing high quality agricultural products on some of the most productive farmland in the country. But given the needs of our urban neighbors we have tried to be helpful. This good-neighbor policy has placed us squarely in the middle of trying to implement a complex set of water transfers which, in the end, will move more than 500,000 acre feet of water out of this valley for a rather long period of time – the largest water transfer in the history of this country.

Importantly, the QSA water transfers were originally designed to allow the IID farmers to irrigate the same amount of land with less water. In other words, the lease payments from our urban partners would be used to implement system and on-farm water conservation measures within the district, thus developing the water for transfer while at the same time increasing our overall water use efficiencies and creating much-needed jobs within our community.

Now, however, the playing field has shifted dramatically. Many interested parties, including you, have concluded that there is only one way for the transfers to work from an environmental perspective, and that is for IID to engage in a massive land fallowing program. For a county with one of the highest unemployment rates in the State of California this only means one thing – additional loss of jobs and a significant negative impact on our local economy with widespread third party impacts – all to benefit of some of the wealthiest areas of California. Senator Feinstein, as you know, many farmworkers in the Valley rely on agriculture for their livelihood, and as many as 2000 jobs would be lost under a fallowing program, most affecting the people who can least afford it.

It must be noted that neither the San Diego County Water Authority nor the Metropolitan Water District have considered fallowing the substantial agricultural land in their service areas to generate additional water for urban uses. Yet, the federal government and these agencies are attempting to force IID into a fallowing program under the threat of federal enforcement. For me, as an elected official from this area, representing all of the residents of the Valley and not just landowners, I hope you can understand that this proposed change in direction presents exceedingly difficult challenges and personally causes me to deeply question what is best for my community in the long run.

With this background in mind, let me first correct the suggestion in your letter that an evapotranspiration (ET) fallowing program was put forth at our last meeting with you and the other QSA agencies. Your letter implies that this proposal was either advanced by IID or endorsed by IID, neither of which is true. What is important to understand, although ignored in your letter, is that the IID Board of Directors has not embraced land fallowing as a water transfer alternative. In fact, the Board has unanimously adopted a number of resolutions opposing it. So it is fundamentally misleading to suggest that since an ET fallowing proposal was discussed with you, it should now take on the dignity of the only viable alternative left on the table. As we have told you and your staff very clearly in the past, we do not favor the land fallowing alternative, we are very concerned about the socio-economic impacts and other related problems, and we are extremely reluctant to give up the clear and valuable benefits of conserving water through efficiency conservation.

Your letter also suggests that if IID does not give in to the will of various interested parties such as environmental groups, the Department of the Interior, the State of California, and Senator Feinstein, we will have hell to pay in the form of an attack on our water rights by the Department of the Interior. You also conclude that the Department would prevail in such an attack and as a result some of IID's rights would be taken away "and there would not be any compensation."

I need to inform you that my response to these sorts of allegations must be made with considerable restraint and forced diplomacy. This part of your letter, just like the positions advanced by Assistant Secretary Raley and the Bureau of Reclamation, reflects a fundamental misunderstanding of the facts, a failure to carry out appropriate due diligence, and a misguided endorsement of the use of threats as a means of advancing policy goals or desires. These threats also ignore the legal reality that the Department of Interior is required to comply with the Endangered Species Act, the National Environmental Policy Act, the Clean Air Act and all of the other laws that the environmental community and others claim will block any water transfer using efficiency conservation. At the State Water Board proceedings, representatives of the Regional Water Quality Control Board testified that they didn't want IID to reduce the volume of agricultural runoff to the Sea. The environmental community and the Salton Sea Authority testified that a reduction in agricultural flow to the Sea would have unacceptable environmental impacts. We are sure that you agree that if the impacts of efficiency conservation by IID on the Salton Sea are so great that the transfer cannot be completed, then the Bureau of Reclamation will be similarly unable to take IID's water.

The responsible manner in which water is managed by IID and the farmers in this valley has recently been thoroughly explained in the State Water Resources Control Board proceedings now underway in Sacramento. I will not take the time here to repeat that testimony, but it is important to summarize that IID's on-farm and system efficiencies are some of the highest in the southwest and particularly in the lower Colorado River region. This statement is corroborated by reports from the California Department of Water Resources.

Stated simply, IID uses water efficiently and reasonably, and we do not fear the kinds of unhelpful and counterproductive threats advanced in your letter and echoed by Assistant Secretary Raley. IID and the Imperial Valley community will not be reluctant to protect their important property rights, and we will not be intimidated by uninformed and unsupported threats.

The fundamental message I need to convey in response to your letter is that a major shift to land fallowing, as a means of creating water for conservation and transfer, has not been embraced by our Board and has not been embraced by our community. If interested parties conclude that the best way to achieve that result is to carry out some form of involuntary land fallowing, I am here to inform you that it will not work, it will not achieve the result you desire, and it will only lead to a failure of the QSA water transfers and eventually to litigation.

My only positive response to your letter is in regard to your comments about the need for appropriate socio-economic impact mitigation. Such mitigation would undoubtedly be required were a fallowing program ever to be seriously considered. However, as our representatives have informed your staff on a number of occasions, IID and the Imperial Valley community would prefer to finalize the conservation and transfer program which we have spent several years and millions of dollars developing. Such active conservation measures would (1) create jobs in the Imperial Valley thus avoiding negative third-party impacts, and (2) allow us to farm more efficiently thereby providing protection from ridiculous claims that we are wasting water. Fallowing would accomplish neither of the above goals and would set a dangerous precedent for drying up more and more cropland in the future as water demands grow.

If any additional water is ever transferred from Imperial Valley, I can assure you that such would only occur on the foundation that elected officials like myself have become convinced that such action will be a win-win for the valley. Stated differently, we will never agree to a fallowing-based water conservation/transfer program that results in unmitigated socio-economic impacts, nor will we accept hollow promises that such problems may one day be addressed. This is a very simple matter -- our valley should not be asked to engage in an extreme sacrifice (fallowing up to 75,000 acres; about 120 square miles) simply to benefit our rich and often-times water profligate neighbors to the north and west.

So I do appreciate and welcome your comments about the need to explore the complex issues related to socio-economic mitigation programs and funding. But in the future it would be most helpful to have such comments expressed in a letter offering help, understanding, and assistance as opposed to a letter advancing threats based upon misinformation.

In summary, let me explain that the past five years have been a rough and expensive road for our district and our community. We have attempted to be realistic about the future and therefore we

have attempted, at great expense, to be pro-active and helpful in implementing this huge set of water transfers. But let me be very candid: our patience with this process is wearing thin. As we near the end of a very difficult road we are now being told our community must sacrifice *even more* for our urban neighbors – that we must consider following up to 120 square miles of productive farmland.

Senator Feinstein, all I can say is that the next few months will be exceedingly difficult for the IID Board of Directors and our community. Without diplomacy and care, this whole process may drift off into the courtrooms where only the attorneys will benefit. This scenario would only result in substantial additional delays in getting any of California's long-term water supply issues resolved.

My hope is that you will see the wisdom in avoiding letters such as the one you sent on May 21st. If we are to succeed in this very difficult effort we need your support and your considerable influence. We do not need additional threats and we do not need attempts to *force* painful solutions on to a largely one-industry community that already suffers from high unemployment and low wages.

Since the issues raised in your letter cause extreme and emotional reactions within our community, let me ask in advance for your understanding. In the coming weeks we may all suffer from possibly insensitive rhetoric, but we will all need to rise above that part of the dialogue and focus on the ultimate goal of reaching consensus.

Thank you for paying attention to our concerns. I will look forward to an improved working relationship with you and your staff. Hopefully we can move forward together in an attempt to determine how best to bring about the appropriate and timely implementation of the QSA.

Sincerely,

Stella Mendoza
 STELLA MENDOZA
 President, Board of Directors / *gar*

cc: Senator Feinstein's San Francisco Office
 Secretary Gale Norton
 Representative Duncan Hunter
 Governor Gray Davis