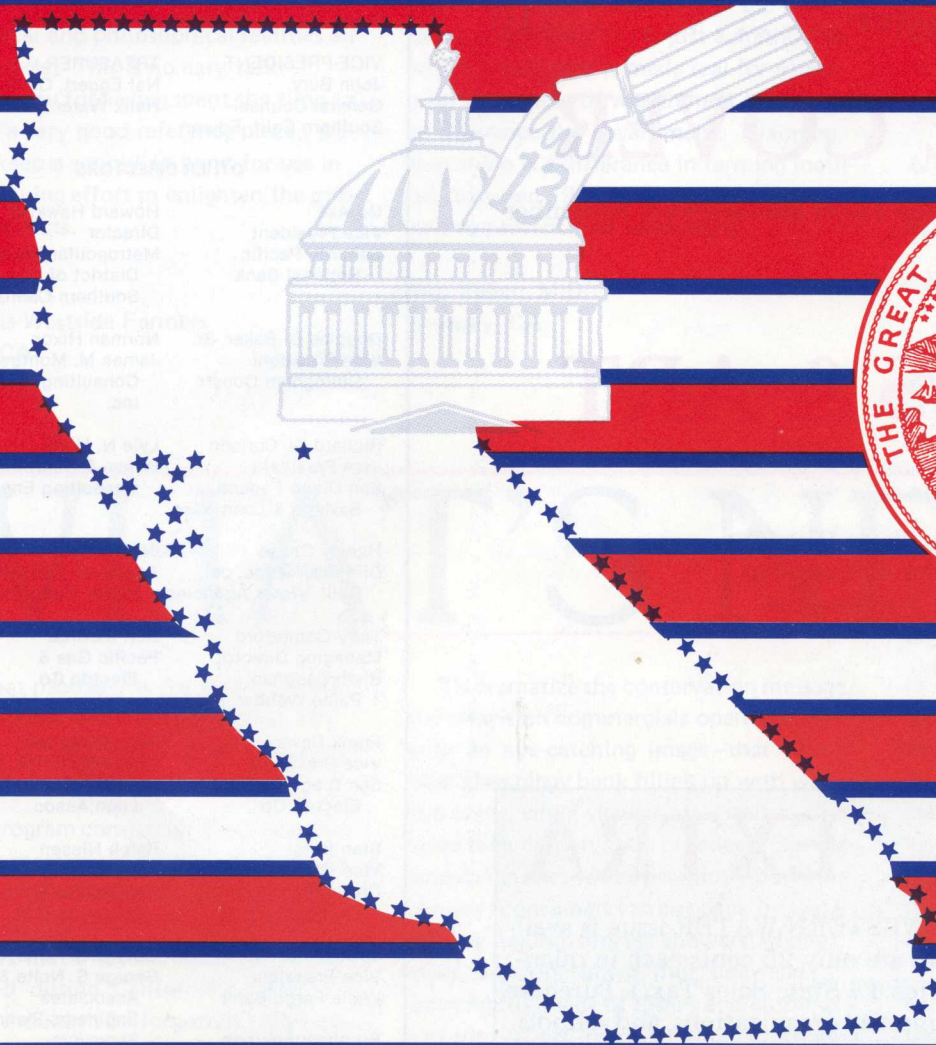


WESTERN WATER

September/October 1982



Proposition 13 Water Resources Initiative



Published by Western Water Education Foundation

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ON THE COVER

A graphic depiction of Proposition 13 on the statewide November ballot.

PHOTOS & ART

Orange County Water District
 U.S. Army Corps of Engineers
 U.S. Bureau of Reclamation
 Cathy Clark-Ryll
 Marvin Wieben

EXTRA — EXTRA

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WESTERN WATER

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WESTERN WATER is published bi-monthly by the Western Water Education Foundation, 1007 Seventh St., Suite 315, Sacramento, 95814 (916-444-6240). Annual Subscription is \$15. Balance of the Foundation's Water Information Program may be supported by contributing larger amounts.

Editor — Rita Schmidt Sudman
Editorial Assistant — Jo Schock

LETTERS

Dear Editor:

Your comprehensive article on revision of the 1902 Reclamation Act managed to make a complicated subject interesting and easy to read.

You managed to capture a variety of viewpoints with objectivity, provide informative flashbacks of history, and relate the political and philosophical realities all in one article. This is no easy task!

Thank you for having spent the time to produce a very good reference piece. We plan to keep a supply on hand for use in the continuing effort to enlighten the public on the facts.

John Weidert
California Westside Farmers
Fresno, CA

Dear Editor:

In your July/August 1982 issue of WESTERN WATER you have on page 10 an article "The Imperial Valley Case" which has many errors. . .

The real question is land owned by little people. In California and Arizona which use about 95 percent of the water being distributed, (it) is just a method by which democracy is made real for otherwise the people of wealth have the money to influence the government. Claiming that there is a difference in farming methods between 1900 and 1982 just is rhetoric to prevent true democracy.

Ben Yellen, M.D.
Brawley, CA

Dear Editor:

I very much appreciated your coverage of the 1902 Reclamation Law and 1982 legislation.

I am curious, however, as to why there was no mention of the Wright Act and the very successful land reform through tax reform in the California State irrigated districts of Modesto Turlock earlier in the century. This important piece of legislation deserves to be better known.

Alanna Hartzok
Henry George School of Social Science
San Francisco, CA

Editor's Note:

Local areas gained more control of water in the 1887 Wright Act. The act reaffirmed the state's commitment to the use of water for agriculture and local development.

WHAT'S NEW

In what probably is the first undertaking of its kind, a seven-agency pilot TV/radio water conservation program got underway August 2.

The program consists of 30-second conservation messages aired on San Francisco Bay Area television and radio stations throughout the month of August to tell customers that the good water-use habits developed during California's 1976-77 drought shouldn't be forgotten. Also emphasized are the short- and long-term savings in energy, in money, and in the capital plant expansion needed to meet peak demand.

Major contributors to the program are Contra Costa Water District, the lead agency, and East Bay Municipal Utility District. The other participants are the Contra Costa County Water Agency, Sonoma County Water Agency, Marin Municipal Water District, Alameda County Water District, and Alameda County Flood Control and Water Conservation District, Zone 7.

To dramatize the conservation message, the television commercials open and close with an eye-catching image—that of a clear glass piggy bank filling up with water and coins, while viewers are urged to continue their conservation practices. Six different vignettes (three per spot) show simple ways consumers can cut back on water use—by taking shorter showers, fixing leaks, watering lawns (not sidewalks), washing full loads of dishes and clothes, and turning off the water while brushing teeth or shaving.

For more information on coordinating or producing such a program or conducting an effectiveness survey, contact John DeVito, General Manager, Contra Costa Water District, P.O. Box H20, Concord, CA 94524 (415) 682-3310.

Preliminary data from Brown and Caldwell's national field study of water conservation methods have turned up some interesting results, according to project manager Bill Maddaus. "The 1981-82 Los Angeles study supports what we found

in our study for the Dublin San Ramon Services District in Northern California the previous year," Maddaus said. "Both field studies showed that we can realistically expect to save 8.5 to 12 gallons of water per day per person (gcd) by installing low-flush toilets, low-flow shower heads, and low-flow lavatory faucets in residential housing."

Savings of this magnitude are important to both water and wastewater agencies. Conservation of our water resources is of obvious benefit, but reduction of sewer flows can be of equal importance. These reductions mean less effluent and reduced demand for carrying capacity in effluent disposal systems. Effluent disposal capacity, not water supply, was the critical factor at Dublin San Ramon.

The work at Los Angeles is part of a study Brown and Caldwell is conducting for the U.S. Department of Housing and Urban Development. Lyle Hoag, principal in charge, and Charlie Lockwood, project engineer, are working with Maddaus on the project.

The Water Reso

By Rita Schmidt Sudman

The initiative, Proposition 13 on the November ballot, adds numerous sections to the State Water Code. Passage of the initiative would indirectly affect all Californians as water users. Essentially the initiative deals with the subjects of conservation, instream uses, and ground water and includes policy, operations, and enforcement provisions. Many of the initiative's proposals were contained in the 1978 final report of the Governor's Commission to Review California Water Rights Law; many of them were not. Legislation to enact some of the initiative's measures previously has been introduced into the state Legislature and has always failed. This initiative seeks to enact some of these policies through a vote of the people.

Proponents hail it as the first major reform of state water policy in 60 years while opponents say the initiative would effect detrimental changes in water law and policy and shift power from local officials to the non-elected State Water Resources Control Board (SWRCB).

A key point of disagreement between proponents and opponents of this initiative is the question of whether uses of water in the stream (instream) for fish and wildlife purposes are given equal or superior status to uses of water out of the stream (offstream) for domestic and agricultural purposes. Some see the initiative as an argument about "fish versus people."

Existing water law declares as state policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. The initiative declares that state policy gives instream uses of water "due consideration" in the state's water rights permit and license system. But opponents argue other provisions would actually upgrade instream rights and make uses for recreation, fish, and wildlife superior to domestic and irrigation uses. In addition, the initiative would impose state-approved conservation requirements on water importers; it would restrict the filling of New Melones Reservoir for water supply purposes until certain conditions are met; and it would require that ground water programs acceptable to the SWRCB be adopted in 11 overdrafted ground water basins in California, primarily the San Joaquin Valley.

Opponents say this proposal is designed to limit agricultural and urban growth in California by imposing

these radical new policies, which are to be enforced by an expanded and expensive state bureaucracy. Water agencies and the SWRCB itself would face more legal challenges, and opponents fear expensive litigation would slow down needed water development. Most proponents agree water development projects would be slowed down, but some proponents say submitting water conservation plans to the SWRCB might make water development easier in cases where the plans show the need for development after local conservation plans are in effect. They also say the measure offers the opportunity for north and south to come together in support of the common goal of improved water management in California.

Conservation

Voluntary conservation programs are in effect in many areas of the state. This initiative would mandate that water agencies supplying 20,000 acre-feet or more annually and involved in interbasin transfers get SWCRB approval of their conservation practices. These agencies would be required to submit their conservation programs to the SWRCB by January 1, 1985, and would not be able to import more water "unless and until an adequate water conservation program has been prepared and is being adequately implemented, as determined by the Board." Proponents want state-approved water conservation programs mandated because they say this will insure implementation of the existing constitutional policy against the waste or unreasonable use of water.

Under this initiative, water suppliers such as the Metropolitan Water District of Southern California (MWD), the East Bay Municipal Utility District, and the city of San Francisco would be required to plan and implement, after SWRCB approval, a conservation program before increasing their water importations. MWD is concerned that increased use of its existing entitlement in future years would make it subject to state-approved water conservation plans. Proponents have attempted to assure the district that ordinary buildup in entitlement deliveries using only existing State Water Project facilities may occur without the need for an approved water conservation program. The California Department of Water Resources' legal office agrees that as long as there are no new State Water Project facilities, like the Peripheral Canal, moving more water through the Delta, MWD can continue to increase imports up to its entitlement. But when new

urces Initiative

facilities are built, conservation programs have to be implemented. Water conservation programs must identify all reasonable water supply alternatives including water conservation, wastewater reclamation, better management practices, and pricing and rate structure changes.

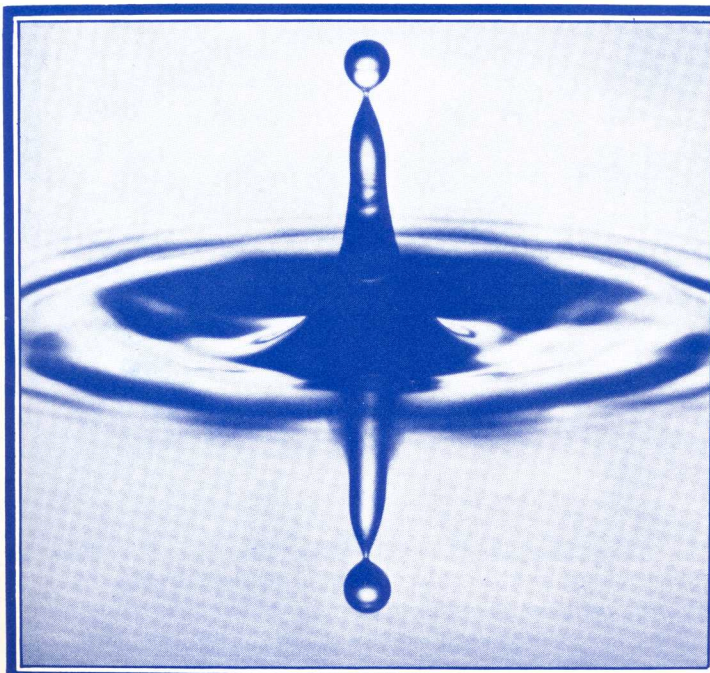
The initiative also states a policy that economic efficiency requires that water users pay the full cost for their water supplies, that subsidies be discouraged, and that use of property taxes to pay for already developed water be phased out. At present some water projects are built to allow for future growth, and part of the capital costs are paid by property taxes. Opponents say these policies to encourage conservation may be inconsistent. For example, the policy requiring customers to pay their full proportionate share of all water costs prevents water agencies from charging higher unit prices as more water is used and thus encouraging conservation. If water conservation costs less on a marginal-cost basis than importation of additional supplies, a water conservation program must be implemented prior to developing new water. One of the opponents' major criticisms of the cost-benefit analysis concept is what they see as the initiative's failure to provide for releases of imported water, particularly during summer low-flow periods, for the improvement of water quality.

Water rates are presently set by local officials who are usually elected by the people. If this initiative is approved, the SWRCB could indirectly set rates in giving or withholding its approval of a conservation program.

Instream Uses

Instream uses have been called a shorthand term for water use in recreation, fish and wildlife preservation, commercial fisheries, aesthetic enjoyment, and scientific study. An important point in this part of the initiative is the change from existing state law which requires a physical diversion of water for a valid appropriation. Under this initiative, the SWRCB could allow the appropriation of water to remain in the stream. Present law requires the SWRCB to balance all potential uses for water, including instream uses, when considering new applications to appropriate water from streams by means of diversions.

The policy section of this initiative also calls for balance and declares its intent "to promote balanced development and preservation of water resources for the benefit of present and future generations of Californians." But under this initiative, opponents insist instream uses of water would be given preferential consideration above that of offstream consumptive uses in the state's water rights and permit system.



NOVEMBER BALLOT

- "Yes" vote approves.
- "No" vote rejects.

WATER RESOURCES. Adds statutes regarding interbasin conservation programs, allowed instream appropriations, Stanislaus River water uses, and critical groundwater overdraft regulation. Fiscal impact: Overall fiscal effect cannot be determined. Could result in \$1.48 million annual costs for six years to State Water Resources Control Board; unknown planning, administrative, and implementation costs; unknown litigation costs; unknown loss of power revenues; and unknown long-term savings in reduced costs to add new water.

They point out that the policy section ignores domestic and irrigation needs, saying, "Water development and use shall conserve water in rivers, streams, and lakes for fishing, recreation, wildlife support, water quality control, and related purposes." Proponents note that domestic irrigation uses are provided for in existing laws. But, the initiative does give increased status to instream uses and could decrease the amount of water available for offstream appropriation by setting up a system of vested instream rights.

The Governor's Commission recommended against permanent instream appropriations, now advocated in the initiative, saying it did not believe that the permit application process is the proper vehicle to institute such protection. Instead the Commission proposed the adoption of instream flow standards which, it said, did provide a method for weighing the various interests in a direct and comprehensive manner. The Commission did, however, support instream appropriation on an interim basis. Recently the SWRCB has attempted to set instream regulations with the objective of setting instream standards, but opposition groups including the Pacific Legal Foundation have sued against all these attempts.

Under the initiative, anyone could apply to appropriate water for an instream use. Also in considering applications to appropriate water for offstream uses, the SWRCB would be prohibited from issuing a permit for a water project which may have an adverse impact on fish or wildlife unless the appropriator implements measures to "offset" those impacts. Proponents say this makes action mandatory which they say is now

only optional for the SWRCB. Offset is a key word which is not defined in the initiative. Although it may be stronger than the word "mitigate," proponents note that it does not preclude continued water development which proponents claim is anticipated by the initiative.

Opponents are concerned this provision gives preferential protection to instream uses over offstream uses, even in those instances where the offstream use is clearly more in the public's interest than the instream use. Proponents say this creation of instream rights is necessary because water projects often degrade streams and destroy the fishery. That is why the California Department of Fish and Game protests 70-80 percent of water rights applications. Opponents are concerned the instream standards would require that future out-of-stream appropriators assume responsibility to maintain all the species in the stream on the assumption that such numbers would have otherwise continued to live had the water not been removed.

Stanislaus River and New Melones Reservoir

This measure would give authority to the SWRCB to restrict the filling of the New Melones Reservoir in order to protect, "to the extent possible," the white water stretch of the Stanislaus River above New Melones Dam. New Melones is a federal project begun in 1966 and completed in 1978. Several attempts have been made through the years to stop construction and now to stop its filling. In 1974 the people of California defeated a ballot measure to halt the project. The SWRCB is fighting the federal government in order to stop the reservoir's filling until contracts for irrigation water are signed.



A key point of disagreement between proponents and opponents of this initiative is the question of whether uses of water in the stream (instream) for fish and wildlife purposes are given equal or superior status to uses of water out of the stream (offstream) for domestic and agricultural purposes. Some see the initiative as an argument about "fish versus people."

The Layperson's Guide to New Melones Dam presents a complex subject in a simple, objective manner. This guide contains a background of the controversy, a detailed chronology, and an up-to-date discussion of the issues.

Proposition 13 on the November 1982 ballot seeks to restrict the storage and sale of water in New Melones Reservoir. Twenty years after it was reauthorized by Congress and four years after construction was completed, the size of the reservoir behind New Melones Dam on the Stanislaus River is still in question. Its operation has been thoroughly tangled by politics. More confusing than ever, the controversy about the dam is the most heated controversy about any dam in California's history.

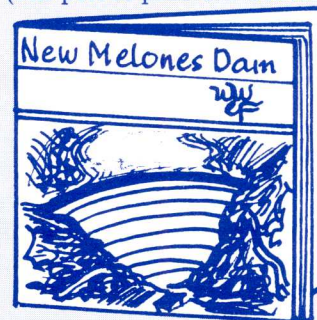
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Under this initiative, impoundment of water behind the dam would be forbidden for purposes other than satisfaction of vested rights, releases to preserve and enhance fish and wildlife, releases for water quality control purposes, flood control purposes, and the generation of hydroelectric power until the Bureau of Reclamation has entered into long-term water service contracts for 75 percent of the firm yield of the project as determined by the SWRCB. Thus, any agency that contracts for New Melones water must condition its contract to provide that it will not become effective until long-term contracts are signed to cover 75 percent of the firm yield of the project.

In addition, the proposition also mandates the SWRCB restrict storage of water, to the extent possible, in the New Melones Reservoir to 808 feet, downstream of Parrott's Ferry Bridge, an area currently under water. At this level the reservoir is about one-eighth full. Opponents say the value of the completed project would be negated since the generation of full-capacity electricity could not be achieved under the initiative. Proponents say filling the reservoir to a "moderate" level is an effective compromise that will provide for irrigation, flood control, power generation, and water quality enhancement, while preserving the natural and recreational qualities of the canyon. The state's power to impose conditions on the Bureau's storage of water in New Melones Reservoir is currently in the courts.

The initiative also states that contracts for the purchase of New Melones water cannot be entered into unless they provide for the payment of the purchaser's proportionate share of operation, maintenance, delivery, and construction costs of the New Melones project. If the initiative passes, the state would be trying

to set the price of water from a federal project and thus the federal law would be in conflict. Proponents say this provision is an attempt to reduce the subsidy in the Central Valley Project (CVP) whereby municipal and industrial water users and hydroelectric power purchasers allegedly subsidize agricultural water users. If enacted, the initiative would continue the legal fight over New Melones since the Bureau has stated the project is part of the Central Valley Project and thus subject to the Bureau's uniform prices. For the Bureau to price this water separately from other CVP waters makes this water very expensive since other components of the CVP were built much earlier than the New Melones project. Many persons agree that the New Melones provisions of the initiative will result in continued litigation over the controversial project.

Ground Water

The annual ground water overdraft of the state is about two million acre-feet. Most of this overdraft, 1.3 million acre-feet, is in the San Joaquin Valley. In some cases overpumping can cause land compaction and subsidence, lessening the capacity of the aquifer for further ground water storage and greatly increasing the cost of pumping. Major ground water basins in Southern California have been managed for years to avoid overdraft through the importation of sufficient water supplies. Only one Southern California ground water basin is included in this initiative, although some opponents say policy sections of the initiative direct all agencies to comply, and the initiative may affect all ground water basins and not just the 11 specified basins.

(Continued on page 12)

In Support

By Harrison C. Dunning

Proposition 13 is supported by elected officials, newspapers, water experts, business people (particularly commercial fishermen), and public interest organizations throughout California. The boards of several water agencies and some farmers also support this initiative measure. Nonetheless, the majority of water agencies and the state's leading farm organizations are in opposition. What are their concerns, and what can fairly be said in response to those concerns?

Three worries are at the heart of the opposition arguments. One is that the initiative makes an unwarranted "transfer of authority" from local water agencies to the State Water Resources Control Board (SWRCB). A second is that the initiative may put "fish over people." And the third is that the initiative would put an "end to needed water development" in California.

"Transfer of authority." Proposition 13 provides for the exercise of authority by local, regional, and state governments in regard to conservation programs for our major water importing areas and in regard to groundwater management in our 11 critically overdrafted groundwater basins. In both cases, local or regional governments are responsible for the design and implementation of programs. The SWRCB is responsible for approving some of these programs, namely the conservation programs where importation from a new facility is planned and the management programs for the 11 groundwater basins.

Clearly these provisions provide for an important state role in water management. But in fact they clarify rather than increase state authority in this area, as an examination of existing state law will show.

Harrison C. Dunning is a Professor of Law at the University of California at Davis where he specializes in natural resources law. During 1977-78 he was the Staff Director for the Governor's Commission to Review California Water Rights Law. Currently he is a member of the California Water Commission. Professor Dunning is the Chairman of the Yes on 13 Committee.

In 1928 the California constitution was amended to prevent "the waste or unreasonable use or unreasonable method of use of water." Under Section 275 of the Water Code, the Department of Water Resources and the SWRCB are currently authorized to "take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state." Thus the state agencies currently have quite sweeping authority to act against an "unreasonable" use of water—authority which probably would cover just about everything anticipated by the conservation and groundwater provisions of Proposition 13.

The reality, of course, is that the state agencies until recently have done very little to implement the constitutional anti-waste policy. So we have existing but largely unexercised state agency power. Will this situation continue if Proposition 13 is defeated?

In my opinion, it will not. Already groups dissatisfied with many of our water management practices are pressing for action under Section 275. For example, recently in separate petitions both Citizens for a Better Environment and the Sierra Association for the Environment filed with the SWRCB for remedies regarding groundwater overdrafting in the San Joaquin Valley. If Proposition 13 fails, I expect many similar actions to be brought.



of Prop 13

How can Proposition 13 improve this situation? Essentially the initiative measure provides a framework for the exercise of state power to implement the constitutional mandate. It provides for procedures and timetables that are lacking in the constitution and present water code. Most importantly, it provides for a sharing of authority with regional and local water agencies—something entirely lacking in present law! Many regional and local agencies seem to be ignoring this point in the current hysteria over a “state takeover.”

“Fish over People.” This slogan is being used to suggest that Proposition 13 unsettles existing priorities and puts the “instream” uses of water in first place. The allegations are incorrect, and the negative response to strengthening instream protection reflects an unfortunate failure to pursue the long-term self-interest of water agencies and agriculture.

The water rights provisions of the instream protection portion of Proposition 13 deal only with “appropriate” rights to surface waters. Existing law provides that these appropriative rights are acquired from the SWRCB by an administrative process. They all are subject to the “first-in-time, first-in-right” priority principal.

Proposition 13 would eliminate the existing rule that only an applicant planning to take physical control of water, for example by building a dam, may be considered for a water right. This rule was applied several years ago to prevent processing of applications filed by the Department of Fish and Game and by California Trout, a private organization.

If Proposition 13 is approved and under the new law the SWRCB awards a water right to, say, the Department of Fish and Game, that right will be senior to later rights and junior to earlier rights on the same stream. That is the way our existing system works. It is very misleading, however, to claim that this priority somehow puts an instream use ahead of other uses in any general way.

In fact, Section 1254 of the Water Code now states that in acting upon applications to appropriate water the SWRCB “shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water.” That provision is not modified by Proposition 13, which simply provides instream applicants with an opportunity long present for others.

As with the water conservation and the groundwater management provisions of Proposition 13, it is important to ask what happens if the initiative is not passed. In my opinion excluding instream interests from equal participation in our water rights system simply intensifies the existing pressure to add stretches of river to the wild and scenic rivers system. Proposition 13 provides a moderate alternative to such action—one it is in the long-term self-interest of water agencies to support.

“End to Needed Water Development.” The final concern is that Proposition 13 will impede water development. The conservation programs required by the initiative include in-basin or “local” water projects, so it seems the real concern is the requirement that in-basin alternatives be studied and, where cost-effective, implemented prior to delivering water from new units in the big interbasin projects such as the State Water Project.

To be sure, the emphasis on cost-effectiveness and on more attention to conservation will function to require very careful analysis before plans for large (and expensive) new interbasin water transfers go forward. But there is another side to that coin. In voting “no” on Proposition 9, the people reflected a political stalemate over completion of the State Water Project. Water agencies interested in projects must ask: “How can that stalemate be broken?”

Two concerns seem to have led to most of the “no” votes on Proposition 9. One was cost; the other was the widespread belief in Northern California that areas of origin are not adequately protected.

Proposition 13 deals with both these concerns. By emphasizing cost-effectiveness, it provides an assurance that future water project proposals will be economically justifiable. And by placing conservation obligations on importers, it gives assurance to those in the area of origin that they are not being asked to export water which will not be used in an efficient manner.

There is, of course, no guarantee that approval of Proposition 13 will bring subsequent approval of any particular water project. Each project must stand or fall on its merits. But by modernizing the policy framework within which the plumbing decisions are made, the initiative offers much more opportunity to water developers than continuation of the status quo. ■

A Prescription for

By John P. Fraser

The so-called "Water Resources Conservation and Efficiency Act" will achieve neither water conservation nor efficiency in water resources management in California in a responsible manner.

It will, however, result in the greatest shift in control over water resources management from local to state government in the history of the state, change historic priorities for water use while preventing the balance of human water needs with those of nature, result in Californians having to pay higher prices for their water while their water supplies are cut to dangerously low levels, and pave the way for a flood of lawsuits.

Because of the loose drafting of the initiative, many of the mandates go far beyond anything that might be considered wise or even reasonable changes in water policy.

Property Taxes

Some provisions of the initiative would appear at first glance to provide a form of property tax relief by stating: ". . . that the use of property taxes to pay for any cost of water development or delivery shall be minimized; and that property taxes shall be phased out for payment of such costs associated with developed water supplies."

In reality, nothing could be further from the truth inasmuch as under the provisions of the California constitution limiting property taxes and statutes implementing those provisions, taxing entities within each county are allocated a portion of the property taxes imposed by the county. If a taxing entity such as a water district is forced to give up its share of property taxes, that share is merely allocated to other taxing entities. The water district is then forced to replace the lost revenues by increasing water rates and

John P. Fraser is Executive Director and General Counsel of the Association of California Water Agencies (ACWA). He is a member of many state and national water associations. ACWA's member water agencies are responsible for about 85 percent of the agricultural, domestic, and industrial water delivered in California. These public water agencies are also involved with the conservation and reclamation of California's water. ACWA was an early opponent of Proposition 13.

the water user ends up paying the same amount of taxes PLUS a higher water bill.

Groundwater Control and Water Conservation

To be able to say, as proponents have, that people in local areas have little to fear from state preemption of local water management decisions, is to ignore some of the clearer language of the initiative in which the State Water Resources Control Board (SWRCB) is given FINAL AUTHORITY over local water conservation and local groundwater programs.

Perhaps one of the more dangerous provisions is the requirement for establishing groundwater management programs in areas of the state with groundwater overdraft problems. The agriculturally rich San Joaquin Valley is one such area. Proposition 13 would require water agencies in overdrafted areas to achieve a "balance" in the areas, and at the same time may well prevent the development of the additional water that is needed to bring the water supply in these basins into balance. If the "balance" cannot be achieved by the development of additional supplies, balance could only be achieved by a reduction in groundwater extractions



Drilling a water well in Orange Co. Ground water accounts for 40% of all the water used in this state.

(Continued from page 7)

The 11 overdrafted basins named in the initiative are: Santa Cruz-Pajaro Basin, Cuyama Valley Basin, Ventura County Basin, Eastern San Joaquin County Basin, Chowchilla Basin, Madera Basin, Kings Basin, Kaweah Basin, Tulare Lake Basin, Tule Basin, and Kern County Basin. Long-term overdraft is defined in the initiative as an overdraft that persists for five or more years.

Proponents of ground water management have previously introduced legislation to enact portions of the Governor's Commission's report recommending local ground water management, but the legislation failed. The Governor's Commission proposals did not require SWRCB approval of ground water programs but only allowed the Board to request that the Attorney General's office intervene through the courts. If the initiative passes, within one year local agencies in the 11 basins shall identify an entity to carry out the initiative's ground water management requirements. If this is not done or there are objections to the entity, the SWRCB will designate an entity for the area or order the local agencies to form a joint powers authority.

Two years after a ground water management authority is designated, a management plan must be adopted

for the area. Proponents say the plan does not mandate the immediate elimination of overdraft, but sets up a process for the eventual accomplishment of the goal.

Opponents say, again more power is given to the SWRCB because it must approve the local ground water plan. New farm lands cannot be put into production in any overdrafted area one year after the plan is approved by the SWRCB unless the land has been irrigated for at least one growing season in the last three years. Opponents worry whether ground water management will become a euphemism for forcing agricultural lands out of production.

Miscellaneous Provisions

Under the initiative, any person can bring a court action to enforce the act. Also any person can sue the SWRCB for any action or inaction taken by the Board in carrying out the provisions and policies of the initiative. Proponents say this is a standard feature of environmental law and will eliminate costly and largely ineffective litigation over a technical requirement. But opponents say this provision is an exception to the general rule that a litigant must be specifically affected by an action to bring a lawsuit; therefore, the door will be open to a tremendous amount of litigation. ■



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