COMPETING WATER USES — CALIFORNIA STYLE

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Water is something we all pretty much take for granted. It is the most abundant chemical on the surface of this planet. It can be found almost anywhere in a variety of colors and flavors. It is known as the universal solvent.

It also comes in a variety of physical forms. In its solid state it falls as snow, sleet, and hail, creating wintertime magic. It is the essence of the Winter Olympic Games and without it the National Hockey League would go out of existence.

In its vaporous form it becomes the majesty of clouds. It is useful in warding off colds. It provides a means of cooking clams and lobsters. It serves to soothe aching muscles and bodies. And it powers most of the electrical generating capacity of this nation.

In its liquid state, it is perhaps most useful of all. It serves as the highways of the world trade and commerce. It irrigates the crops that yield food for our tables. It's home for innumerable varieties of fish, amphibians, reptiles, insects, and other organisms. When it's moving and when it's at rest it provides immense and necessary pleasure to all of us — whether we swim, boat, sail, water ski, or just watch it. It washes our dishes, cools our automobile, makes our flowers grow, cooks our vegetables, and mixes well with bourbon and scotch.

It is at once common and precious. It is the very elixir of life and as such it is a highly emotional issue.

These days, it's emotional for entirely different reasons than at any time in history.

Throughout the settlement and development of the American West, the availability of water has been the key. For the farmer and rancher it has been an absolute necessity. Early day ranchers settled along the banks of western streams and diverted water directly onto their land. As more settlers moved in, land developers built ditch systems and sold parcels of land along with "ditch rights." Early city dwellers depended mainly on local springs, wells, and water courses. As these supplies began to be inadequate, cities began to look elsewhere, often many miles away, for sources of water. Irrigation, especially in Cali-

fornia, became widespread, and the population of urban centers mushroomed.

Inevitably, there came conflicts. Farmers encroached upon the waters of other farmers; cities planned diversion of waters from the distant watersheds.

Oftentimes, these conflicts were settled on the riverbank, as it were, by gunfights, by blowing up dams and canals, or by the simple expedient of one man hitting another man over the head with a shovel.

As Western society became more "civilized," the battles over water and water rights were settled in court. And the court histories of California are replete with thousands of cases often costing many millions of dollars, consuming decades of litigation. Quasi-judicial institutions have been established to allocate water and sort out the rights of conflicting users.

The fights of the past, while being fights based primarily on economic reasons, have always been clouded by emotion. It is one thing for a person to be accused of simple theft, it is quite another when the alleged theft involves water. In addition, the fights of the past have been between people who largely have wanted the water for consumptive uses — irrigation, domestic purposes, power plant cooling, industrial, and the like.

But the fights of recent years have taken on a new dimension. These battles are not based upon *who* gets to use water, but whether in fact it *ought* to be used at all. And these battles are every bit as long, as costly, and as bitter as water battles of yesterday. Indeed, because these battles are being superimposed on the traditional fights, the picture becomes even more confused, costly, and time consuming. The point has almost been reached where planners and politicians alike throw up their hands in utter frustration because acceptable solutions are ever more difficult to find.

In California over the past 25 years the old battles over competing consumptive uses have largely been settled. But during this span of time, the emerging fights to delay or prevent the consumptive use of water have erupted and continue today.

Let us examine the recent history of California water development, as well as non-development, and examine as well the policy choices that are available to deal with the situation. Even though my comments relate directly to the California scene, I suspect that other battles of this type are occurring in other areas throughout the country, especially in the arid West.

But first, a primer on current California water supplies and uses.

The average annual precipitation that falls on California is almost 200 million acre-feet. (An acre-foot covers one acre one foot deep) After evapotranspiration and sublimation from forest and range lands, an

average of almost 71 million acre-feet of water runs off in rivers and streams. Adding the inflows from Oregon and the Colorado River, a total of about 77 million acre-feet is available in an average year.

This is an enormous quantity of water. If properly managed and controlled it could furnish California with water indefinitely.

Of this total, current net consumptive uses (1980) amount to 33.8 million acre-feet. There is then a balance of about 43 million acre-feet that is, at least theoretically, available for use. For various reasons relating to economics and geology, about 19 million acre-feet is not practical to develop, leaving a developable balance of 24 million acre-feet.

But this 24 million acre-feet is proving to be elusive.

The struggles of the California State Water Project illustrate the point. This project was conceived in the 1950's. In 1960 the voters narrowly approved it and authorized the sale of bonds to finance construction. The state contracted to sell 4.3 million acre-feet of water and construction began in the early 1960's.

Today, the state can deliver only half of what it contracted for. There is no plan at the moment to deliver the balance.

What happened between the optimistic halcyon days of 1960 and 1984?

First, Wild and Scenic Rivers legislation emerged. After four years of bitter struggle, the legislature passed the California Wild and Scenic Rivers Act in 1972. This Act prohibits development on the Klamath, Smith, Trinity, and Eel Rivers on California's North Coast. Immediately then, 18 million acre-feet of the 24 million acre-feet became off limits. Immediately, 18 million acre-feet became dedicated to non-consumptive uses.

Between 1972 and 1979 little activity took place to firm up the State Water Project supplies. This happened because it was projected that the buildup in demand would not exceed the available supply until the late 1980's or early 1990's.

In 1979, at the call of then Governor Jerry Brown, environmental groups and water agencies engaged in a long series of debates. These debates centered on facilities necessary to develop water to firm up the State Water Project. Legislation was introduced. Hearings were held. Governor Brown jawboned. However, the effort fell apart in 1980 when advocates of use and non-use could not agree on the amount of water to be dedicated for environmental, non-consumptive uses.

The effort was again joined in 1981. A bill authorizing additional facilities passed the legislature and was signed by Governor Brown. This time, however, suspicious Northern Californians joined with environmental groups in forcing the issue on the ballot. They took the position that the legislation contained inadequate environmental con-

trols and inadequate safeguards to the Northerner's right to use water. Interestingly, they were joined by some San Joaquin farmers who thought the bill provided too much in the way of controls and safeguards. The measure was defeated by a referendum vote in June, 1982.

It was back to the drawing board for newly elected Governor Deukmejian in 1983. He submitted a plan designed to ease the fears of hostile Northerners. Legislation was again introduced. Hearings were held. But in the spring of 1984 the State Senate adopted amendments offered by environmental groups which gutted the Governor's package. Deukmejian threw in the towel and withdrew from the fight.

So here we are in California in 1984 with an incomplete water plan for the state. And the political leaders of California are totally frustrated by the lack of consensus among Californians.

We have reached a state of gridlock. And, in my opinion, we have reached it because of skillful maneuvering by the advocates of non-use of water. It is not coincidental that the Planning and Conservation League, an umbrella environmental group, has taken credit for blocking all plans to put to beneficial use any of the 6 million acre-feet of developable water remaining in California.

This brings us to the policy choices we face today. These choices are not uniquely California's, although they certainly do apply to California. Indeed, they are fundamental choices that any area faces. And they are not easy choices.

First, the advocates of water development for consumptive use can try to push ahead with their plans and steamroller over all opposition. In some areas this might work. In California I'm convinced it will not. And if California's reputation as a bellwether state is justified, it probably won't work elsewhere either.

Second, we can do nothing. This is really a non-choice. Moreover, it plays into the hands of the advocates of non-use. In California, it cannot work for there are too many forces at play, too many things to be done, too many problems to solve, too many goals to fulfill to make this a truly viable option. Almost uniformly in California, regional groups representing various areas of the state say that the do-nothing option is not acceptable.

I believe, however, that the do-nothing option is very acceptable to what I believe is a small but highly dedicated and articulate group of environmentalists. These people opt for the do-nothing alternative because they believe, rightly or wrongly, that doing something is worse. They don't believe in engineering solutions. They do believe that any tinkering by man with the natural scheme of things is mistaken, bad, or downright evil.

The third choice is to negotiate in good faith with opponents of water development to see if a compatible plan can be put together. In Cali-

fornia, despite the feeling of frustration that I have conveyed, there are some rays of hope.

A recent survey by the University of Southern California in cooperation with the University of California at Davis revealed that among various interest groups and regional groups in California there are a surprising number of issues upon which there is agreement. These issues deal with the need to develop more water and the need to protect environmental values. There are differences as to particular areas but I was impressed by the general agreement of many opposing groups in many areas.

This type of effort needs to be continued and enlarged upon. The two universities' role as perceived by most is that of an unbiased, clinical third party. This is important for the credibility of the institutions is established. A continuing effort by these institutions, carefully done, could break down the deep differences of opinion as well as the regional hostilities that have grown over the years.

An additional effort has been undertaken by the University of California Extension Service in California. The Service, with cooperating public districts, has opened a series of tours in various parts of the state to acquaint state and local political leaders and decision makers with the problems and needs of various farming and urban areas throughout the state. The purpose is not to advocate but to educate, to show firsthand what is going on down on the farm and in the cities.

These kinds of efforts are to be commended for we all need to break down the atmosphere of fear, hostility, and suspicion that hangs over plans to put water to wise and efficient use.

In conclusion, the old fights over water have given way to new fights over water. The old fights focused on competing uses; the new fights focus on whether to use. Our ability to comprehend the depth of feeling of the new participants, to understand the concerns, to cut through rhetoric which sometimes clouds issues, to identify those not interested in solving problems, and to rationally sort out the manner in which development proceeds will determine whether or not the needs of our people and agriculture are met.