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March 1, 2011

Mr. Charles R. Hoppin
Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

Dear Mr. Hoppin:

RE: "The Reasonable Use Doctrine & Agricultural Water Use Efficiency"

We would like to solicit your consideration of the California State Board of Food and Agriculture's perspectives on the report recently issued to the State Water Resources Control Board and the Delta Stewardship Council titled: "The Reasonable Use Doctrine & Agricultural Water Use Efficiency." We took the added step of inviting Delta Watermaster Craig Wilson to present the report to the California State Board of Food and Agriculture at our meeting held on January 26, 2011. After deliberating its findings we concluded that by going outside his statutory jurisdiction, the Delta Watermaster's report in effect contributes to inefficiency by all California water users because its premise reinforces outdated and selective stereotypes that allow others to take for granted their own waste and inefficiency without addressing the means and methods to encourage the exponential increase of water use efficiency methods in every sector. Furthermore, by going outside of his jurisdiction, the Delta Watermaster failed to address issues within this jurisdiction that are key to improving conditions in the Delta as well as the quality of water exported downstream.

During the past five years the California State Board of Food and Agriculture has heard similar reports from other experts including the University of California Agricultural Extension Service, as well as other universities and special interest groups. We have learned that many of the recommended water efficiency measures recommended by Mr. Wilson and others have been already adopted by many significant farming operations in the state. The real question is "why have these measures *not* been exponentially encouraged and implemented beyond the rhetorical and demonstration stages?"

Agriculture as a Strategic Priority

The report's implied premise is that California's water supply demands overall can be addressed by invoking the "Reasonable Use Doctrine" on farmers who are judged to be using water on crops deemed to be inefficient throughout the state. The California State Board of Food and Agriculture recently issued its 2030 Ag Vision Report that includes recommendations on the efficient use of the California's natural resources



including water. In summary, our premise is that the ability to grow food and fiber is a strategic priority that is central to maintaining a healthy society and civil order. Throughout history societies have achieved this objective by diverting water and growing crops in places where many essential crops were not indigenous. The implication that “efficiency” can be defined by pure economic terms or in terms of an efficiency standard that mimics the natural climate where food and fiber is grown alone betrays the reason for maintaining a plentiful and affordable food supply. We grow food and fiber not only as a means to using natural resources but to promote public health, economic prosperity and civil order. The Watermaster’s report completely ignores these factors as a component of beneficial use.

State Water Board’s Responsibility to Promote Overall Efficiency

Naturally we agree with Article 10, Section 2 of the California Constitution stating that “the waste or unreasonable use or unreasonable method of use of water be prevented,” although we dispute the context used in the Watermaster’s report. Given the Constitution’s application to the whole state, we believe that yours and other state agencies have a responsibility to assure that the whole water system is calibrated for its efficient operation overall. The California State Board of Food and Agriculture is deliberating a brief white paper on this subject as outlined in the recently adopted 2030 Ag Vision Report. The Delta Watermaster would have been well advised to consult the Ag Vision Report and members of the California State Board of Food and Agriculture in the process of forming his report on agricultural water use efficiency. The board has been asked to present its Ag Vision report and approach to water to the Department of Water Resources Water Plan Steering Committee and to the California State Water Commission. No such invitation has been forthcoming from the State Water Resources Control Board and the Delta Watermaster – we in essence had to ask to have the Watermaster’s report presented after reading accounts about it in the news media.

Given the current lack (as well as in the immediate future) of a “Delta solution” contributing to the state’s need for water reliability and environmental stewardship, our board has been contemplating how agriculture can help to create and promote efficiency of the water system overall *as it exists today*. According to the State 2009 Water Plan Update, metropolitan areas of the state waste 3 million acre-feet of water annually, while 600,000 acre-feet of additional conservation can be attained from spreading well-known water use efficiency methods throughout agriculture. Under the report’s premise focused on agriculture, it is implied that water conserved by agriculture could be diverted for urban and environmental purposes without first identifying how agricultural water savings can be used to buffet supplies during droughts in order to grow food and fiber.

In the last year, some state agencies contributed to the lack of efficiency of the state’s water system by standing in the way of and slowing exchanges between agricultural water users and urban agencies. Several local irrigation districts and urban water agencies have attempted to make up for inadequate state/federal water storage strategies by exchanging water that would otherwise be lost. The loss would result from the lack of a storage strategy and coordination between state and federal entities that operate facilities such as the San Luis Reservoir. California currently operates under a flawed “Take It or Leave It” approach to water storage for farmers that encourages inefficiency and outright waste by the operators of state and federal facilities. We believe that farmers and irrigation districts that institute efficiencies and/or find the means to secure supplies from other farmers, should be able to utilize a strategy to store

excess supplies to mitigate drought impacts on their operations FIRST. This would be key to improving operation of both surface and groundwater storage resources.

We believe that exchanges allow different sectors of the state to work together in a manner that is mutually beneficial while contributing to the efficiency of our water system statewide as it currently exists – preventing the mixed messages that make it next to impossible for urban agencies to sustain water conservation programs when drought is not perceived and agricultural diversions are e proposed as a crutch. Threatening agricultural water rights is also a fundamental impediment to agricultural conservation identified in the California Water Plan 2009 update.

The Ag Vision Approach to Water

The Ag Vision Report takes the position that to encourage future adoption of water efficiency methods, agricultural water use efficiency already achieved must first be accounted for. According to the Ag Vision report, *“California Growers have significantly increased efficiency as measured by ‘crop per drop.’ Between 1967 and 2000 the amount of water applied to the state’s irrigated cropland increased 9.6 percent....During the same period, production for field crops, fruit and nut crops and vegetable and melon crops jumped from 35.8 to 67.7 million tons, an increase of 89 percent.”*

By extension of that premise, the California State Board of Food and Agriculture’s Water Committee has been evaluating how efficiency measures can benefit groundwater storage and cooperation between already efficient farmers and those who need help with supplies to bridge drought and regulatory shortages as well as in adopting water use efficiency methods. We have identified a strategy that includes technology transfer and education.

History of Financial Accountability Cannot Be Ignored

In terms of water stakeholders in the state, farmers are the only ones who are restrained from waste and inefficient plantings by financial institutions that issue or withhold funds partly on the basis of the ability to secure, save, use and store water. Thus finances have a bearing in the adoption of on-farm water conservation methods few outside of agriculture care to account for. For example, in an environment where water supplies are not guaranteed for reasons ranging from the enforcement of the Endangered Species Act to low priority allocations for agriculture in several parts of California (parts of the Central Valley, the Coastal Plain of Southern California and the Imperial Valley), the prospect of an arbitrary standard for the Reasonable Use Doctrine itself would discourage loans and investments for agricultural conservation. In places where water rights could be lost over the invocation of such a doctrine, its very notion argues against water efficiency investments.

The Delta Watermaster Ignores the Delta

The time, financial resources and talent devoted to the Delta Watermaster’s report and misapplied outside of his statutory jurisdiction would have been better spent on crucial priorities within the Delta. Such priorities include an audit of Delta diversions to clarify legal and illegal practices; analysis of ammonia levels, its patterns and sources as a means to preventing disputes; as well as streamlining water rights verification and enforcement practices.

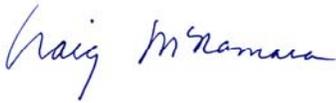
Invitation to A More Productive Dialogue

As mentioned earlier, findings that agricultural conservation can result in water savings benefiting California are nothing new. Our board has received such reports almost annually by different not-for-profit institutes, universities and even foreign government agencies. We would like to invite a more productive dialogue with the State Water Resources Control Board and other state agencies to discern the institutionalized impediments to the wider adoption of water use efficiency in farms throughout the state. Among the factors we invite you to consider are:

- 1.) Achieving system-wide water efficiency as an interim “no regrets” statewide measure, rather than as a selective burden.
- 2.) The use of normal-year agricultural water savings to buffet supplies during droughts in order to grow food and fiber FIRST.
- 3.) The orchestration of a statewide storage strategy encouraging exchanges of conserved water and responsible water transfers that provide farmers the financial resources to re-invest in more efficiency measures.
- 4.) Strategies for exponential adoption of agricultural water use efficiency methods.

Thank you for taking the time to consider our comments, recommendations and invitation to a more productive dialogue.

Best regards,



Craig McNamara
President

cc: The Honorable Karen Ross, California Department of Food and Agriculture
Timothy H. Quinn, Association of California Water Agencies
Danny Merkley, California Farm Bureau Federation