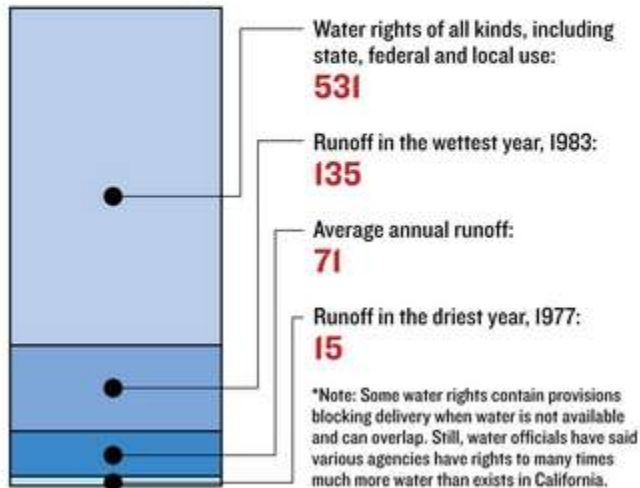


LODE WATER OFFICIALS CRITICAL OF DELTA RESTORATION PROPOSALS

Water rights outstrip reality

An average of 23 inches of rain per year falls in California, about 200 million acre feet of water. About 71 million acre feet of runoff is captured by streams and rivers. The problem is residents and water agencies have legal rights to use far more water each year than is actually available.

Here are the numbers, in millions of acre feet:



Sources: California Department of Water Resources California Water Plan RICK HUDDOCK/The Record

By **Dana M. Nichols**

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SAN ANDREAS - The Delta Stewardship Council's proposals for restoring the Sacramento-San Joaquin River Delta and improving water supply reliability will instead make water supply less reliable for Calaveras County and other mountain areas, Mother Lode water district officials said.

"What it means for Calaveras County and our community is higher water rates, less water available and ultimately our economy will be destroyed. And that's not an exaggeration," Calaveras County Water District General Manager Joone Lopez told the Stewardship Council during a meeting last month.

The Delta Plan, now in its fifth draft, is supposed to reach a final, seventh draft by December. A 2009 law created the Delta Stewardship Council and charged it with devising a plan that will both reverse the catastrophic decline of fish in the Delta and assure more reliable deliveries of water to the two-thirds of California that drinks or irrigates with water taken from the Delta.

But officials from mountain water districts say elements of the plan would likely undermine their long-standing water rights.

Lopez and other critics of the plan also say it focuses too much on setting flows that are supposed to help restore the health of fisheries in the Delta.

The plan does not directly say what those flows should be. It assigns that job to the California Water Resources Control Board. If the state agency fails to achieve that determination by 2014, the plan indicates that state officials could put a halt to the issuance of new water rights allocations.

Lopez said that such a tactic could freeze out Calaveras just as her agency prepares an agricultural water supply proposal that is crucial to the future economic growth of areas west of Valley Springs.

"We do have specific plans to use all that water," Lopez said of river flows to which Calaveras has a long-standing legal right as a county of origin.

Peter J. Kampa, general manager of Tuolumne Utilities District, said that Tuolumne County also stands to lose and see its economic growth stunted if California's water rules are altered as suggested in the draft Delta Plan.

"We also have an emerging wine agricultural interest," Kampa said of economic plans for which Tuolumne County will need to use more water.

Keith Coolidge, chief deputy executive officer for the Stewardship Council, said he thinks the mountain county officials' fears are "overplayed."

Coolidge noted that the state law that created the Delta Protection Commission specifically says that nothing in the law changes existing water rights. And he said that the state Water Resources Control Board is already charged with regularly reviewing minimum flow standards for the Delta. Coolidge said the language proposing a deadline and a ban on new water rights allocations is just a way to "focus the state board on the job that needs to be done."

Finally, Coolidge said the council is an advisory body and has no direct power to enforce such measures. "It is only a recommendation," he said.

Lopez didn't buy that argument.

"Even though they say it is just a recommendation, ... these recommendations over time in the near future will turn into mandates and policies," she said.

The Delta Protection Commission faces the daunting task of trying to pull various California water interests together. Earlier efforts met failure. Most notably, an alliance of state and federal agencies in 1994 launched the CALFED Bay-Delta Program, which was supposed to come up with a science-based way to provide both more water and a healthier environment.

Yet while CALFED channeled millions of dollars to various projects, Delta fish populations continued to decline and water agencies for many years continued to receive less than their full water allotments.

Critics of the Delta Stewardship Council process say it is fundamentally flawed because there already isn't enough water in all the rivers in the state to meet competing demands.

Stockton-based Bill Jennings, executive director of the California Sportfishing Protection Alliance, said mountain water district officials are right to be worried that the plan will hurt them.

"It is essentially a raid on Northern California water supply," Jennings said. "It comes back to the inability of state government to make difficult decisions. The same reason we can't solve our budget crisis is the same reason we can't solve our water crisis. Because very powerful economic and political interests are well served by the status quo."

Jennings said what is remarkable about the complaints lodged by mountain county officials is how restrained and polite they are.

Lopez, for her part, said that even though she knows her district might ultimately have to go to court to protect its rights, she still hopes to avoid that.

"You can't come up with solutions if you have no desire to cooperate," Lopez said. "I want to be able to tell the people I represent, we did our very best."

And Coolidge said he still believes it is possible to achieve the Delta Stewardship Council's mission of both providing more reliable water and healing the Delta.

"Unless you look at what is required in the Delta, you are never going to solve it," Coolidge said. "It needs to be done."

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