



Written by [Rebecca Terrell](#) on September 7, 2015

Published in the September 7, 2015 issue of [the New American](#) magazine. Vol. 31, No. 17

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## Draining California

A parched California is suffering through its fourth year of severe drought. Governor Jerry Brown declared a state of emergency in 2014 and has since issued increasingly strict mandates, including his April executive order on urban water reduction, calling for fines of \$500 a day for people watering their lawns or taking long showers. “The idea of your nice little green grass getting lots of water every day, that’s just going to be a thing of the past,” said Brown at a press conference held in an uncharacteristically snowless stretch of the Sierra Nevada.



Yet the *California Water Action Plan* published by the state’s Environmental Protection Agency (CEPA) and Department of Food and Agriculture (CDFA) declares, “Much of California’s water system was originally designed to withstand a seven-year dry period without severe damage to the economy and environment.”

A water system ready for seven years of drought, failing in half that time? Brown blames the washout on global warming. “And I can tell you, from California, climate change is not a hoax,” the governor warned ABC News. “We’re dealing with it, and it’s damn serious.”

Indeed, Brown’s Drought Task Force website compares shocking before-and-after pictures of lakes and waterways transformed from verdant vistas into withered wastelands. CNBC reports that the National Oceanic and Atmospheric Administration’s Palmer Drought Severity Index confirms this is the worst California drought in a century.

But CEPA and CDFA admit that “water has always been a scarce resource in California,” and the state’s climate “has always included extended dry periods.” For example, the catastrophic drought of 1862-1865 wiped out southern California’s cattle industry and ushered in a devastating smallpox epidemic, since drought conditions exacerbate the spread of that disease. The Historical Society of Southern California records that “the rainfall for the season of 1862-63 did not exceed four inches, and that of 1863-64 was even less.” How does this drought measure up? California as a whole averages 20 inches per year, according to NASA, which reported in July that since 2012 the state has accumulated a precipitation debt of about 20 inches, the equivalent of almost a year’s worth of rainfall. So it received on average about 13 inches a year for the past three years.

Over time, farmers and ranchers built their own irrigation systems, until the state took over in the 1930s and teamed with the U.S. Department of the Interior to build the Central Valley Project (CVP), providing water from northern California to towns and farmers in the Central Valley. Building on its infrastructure, in the 1960s, then-Governor Pat Brown — the current governor’s father — spearheaded the California Water Project, a complex system of more than 700 miles of reservoirs, canals, tunnels, pumps, and pipelines that store water and deliver it from northern and eastern rivers to more arid



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regions of the state. This famous California Aqueduct justifies the boast that the water system was “originally designed to withstand a seven-year dry period.”

So why is the current drought such a crisis?

It “should not be a crisis at all,” writes U.S. Representative Devin Nunes in a recent *Investor’s Business Daily* editorial. “Much of the media and many politicians blame the San Joaquin Valley’s water shortage on drought, but that is merely an aggravating factor,” claims the California Republican, whose congressional district is centered in the hydro-challenged area. “From my experience representing California’s agricultural heartland, I know that our water crisis is not an unfortunate natural occurrence; it is the intended result of a long-term campaign waged by radical environmentalists who resorted to political pressure as well as profuse lawsuits.”

Former Hewlett Packard CEO and presidential hopeful Carly Fiorina agrees. “Despite the fact that California has suffered from droughts for millennia,” she told Glenn Beck in April, “liberal environmentalists have prevented the building of a single new reservoir or a single new water conveyance system over decades during a period in which California’s population has doubled.”

## What’s That Smelt?

Like Fiorina and Nunes, many blame green extremists — especially the National Resources Defense Council (NRDC) and the Sierra Club — groups continually hammering California with litigation and government lobbying for more than two decades. Their efforts have paid off in laws, regulations, and settlements that siphon off hundred of billions of gallons of water annually for environmental causes and wildlife refuges.

Their posterchild is the delta smelt, a three-inch minnow declared endangered in 1993. Environmentalists claim massive water diversions are necessary to maintain water levels, temperature, and salinity necessary for these and various other California fish species to survive.

Spurred by green propagandists, the U.S. Fish and Wildlife Service (FWS) issued a 2008 “biological opinion” blaming water pumps used to irrigate central and southern California for declining populations of smelt. Central Valley farmers countered with a lawsuit pointing to the faulty data and specious conclusions in the FWS study, but to no avail. “To protect smelt from water pumps, government regulators have flushed 1.4 trillion gallons of water into the San Francisco Bay since 2008,” writes Allysia Finley in the *Wall Street Journal*. “That would have been enough to sustain 6.4 million Californians for six years.”

Instead, it has sustained only drought. As central and southern California transform into a dust bowl, smelt populations have continued to plummet. FWS found a single smelt in its spring trawl survey this year, prompting farmers to demand that the species be declared extinct, allowing them to once again pump water to their parched land. “California fruits and vegetables are sent all over the world,” Republican state Assemblyman Travis Allen told Fox News. “When we are diverting our water to save a few pinky-sized fish and leaving hundreds of thousands of acres fallow — there is something wrong with our priorities.”

Yet even without delta smelt, eco-extremists have plenty of ammunition. “We have 80 fish species in California, like the delta smelt, that are in trouble,” Dr. Peter Moyle of UC Davis told Fox News. “There are other species deserving of protection.”



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For example, the 2006 San Joaquin River Restoration Program ensures massive water diversions to create salmon runs. FWS bolstered the program in 2009 with another green-initiated “biological opinion” that the Chinook salmon are at “high risk” of extinction. The state estimates the program has already cost taxpayers more than \$1.2 billion. Is the expense justified? “The salmon, which have not been in the river for more than half a century,” explains Nunes, “have proven so incapable of sustaining themselves that agents have resorted to plucking them out of the water and trucking them wherever they are supposed to go.” And while they campaign for the salmon, these absurd environmentalists “also champion protections for the striped bass, a non-native species that eats both salmon and smelt.”

For that matter, none of these fish are indigenous to the San Joaquin Delta. “The entire Delta system is not natural at all. It’s a man-made network of islands that functions only thanks to upstream water storage projects,” Nunes points out. “In fact, without man-made storage projects, canals and dams, in dry years such as this the rivers would quickly run dry meaning there would be no water and no fish.”

He reports the toll of California’s misguided environmental policies to be that 70 percent of water runoff from the Sierra Nevada ends up in the Pacific Ocean at the expense of the state’s farmers and residents. During the first three years of drought, California “flushed 652 billion gallons into the ocean due to the aforementioned biological opinions, which have prevented the irrigation infrastructure from operating at full capacity,” laments Nunes.

## **Man Made Drought**

So it seems Mother Nature is the scapegoat, not the culprit, in California’s water shortage. Instead, environmentalists have carefully orchestrated the crisis, with the typical ruse of animal rights to conceal their true agenda: depopulation — in this case, targeting the Central Valley through water deprivation. Nunes recounts a meeting in 2002 with NRDC representatives lobbying for increased water restrictions. They admitted “their goal was to remove 1.3 million acres of farmland from production.”

“They showed me maps that laid out their whole plan,” recalls Nunes. “From Merced all the way down to Bakersfield, and on the entire west side of the Valley as well as part of the east side, productive agriculture would end and the land would return to some ideal state of nature.”

Their propaganda campaign to demonize California’s farmers reinforces his story. The media-parroted eco-myth blames big agriculture robber barons for greedily gulping down 80 percent of the state’s water. But California Department of Water Resources data reveal a gross distortion in this statistic, which conveniently ignores captured water not intended for human use. In reality, roughly 50 percent of California water goes toward environmental causes, while agriculture uses about 40 percent, with residents and businesses sharing the remaining 10. Take away the fish’s share, and *voilà*, farmers use 80 percent!

Meanwhile, environmentalists march relentlessly on toward their 1.3 million-acre goal. And they are unnervingly close to reaching it. Nunes tallies one million acres of farmland that now stand idle due to eco-regulations and water restrictions. And the State Water Resources Control Board is poised to help them capture the remaining 300,000 acres, and then some, by means of mandatory limits on human consumption and use of water.

Even as half of California’s water flowed unreservedly to failed fish preservation schemes, last year state regulators imposed pumping restrictions on junior-rights holders — those with post-1914 water



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permits. This June the Water Board ordered California's senior water-rights holders to stop pumping surface water, a move affecting more than 100 irrigation districts and water agencies across the state. Historically sheltered from government restrictions, senior water rights are those established prior to 1914 when California first started issuing permits. This is only the second time in California history when the state has limited senior rights; the first was in 1977, also under Governor Jerry Brown. Violators of the new restriction face fines up to \$1,000 per day and \$2,500 per acre foot of water, or roughly 326,000 gallons.

Both farmers and residents are already feeling the heat. *The Sacramento Bee* quoted Water Board executive director Tom Howard warning, "There will be some land ending up being fallowed as a result." Electric generation and municipal water supplies are endangered, too. For example, senior right holder Byron Bethany Irrigation District in northern California supplies water to several power plants and, until shortly after the ruling, was the sole water source for one suburban community, which quickly scrambled to buy water from a neighboring district.

One of several districts that have answered the new regulation with lawsuits, Byron Bethany now faces an unprecedented \$1.55 million fine for continuing to draw restricted water. Likewise, West Side Irrigation District based in Tracy, California, about 60 miles east of San Francisco, sued the Water Board and found itself slapped with a hefty fine. The board denies charges by both districts of retaliation for their lawsuits.

Rights holders are justifiably incensed. Last November California voters approved a \$7.5 billion bond to build new water storage facilities. Though the measure was Governor Brown's top priority in his 2014 reelection bid, only "\$750 million [have] been allocated so far, but not a dime for dams." This is according to Stephen Frank, political consultant and publisher of *California Political News & Views*, who relates that more than one-third of the allocated funds, \$287.5 million, is earmarked for smelt preservation and salmon run development.

"Why does Jerry Brown so dislike Californians?" asks Frank. "He openly lied about the water bond.... Now in the midst of a water shortage HE caused, he wants to use close to \$300 million to give water to fish, not people. This may be the sickest policy ever."

Not that Brown doesn't have plans for the remaining \$6.75 billion. He held a July 10 summit in Sacramento to discuss "Leveraging Technology to Build a Drought Resilient California." Greenbiz.com lists some of the high-tech drought defense solutions offered by scientists and policymakers who attended:

Water conservation software based on behavioral science and cloud computing. Agricultural irrigation technology using sensors to measure sap in grape vines. Satellites that measure plant water needs. Home greywater recycling systems. Water meters connected to the Internet. Solar-powered desalination.

Along with plans of government surveillance of water use, there were also suggestions for protecting California's fish. But the day's theme was limited to conserving water resources that will continue to dwindle thanks to government management of water allocation. Brown's agenda omitted reference to storage facilities, dams, pumps, etc. — the measures voters approved last November. Nor was there mention of reversing disastrous environmental policies that perpetuate the crisis.

To add insult to injury, "More than \$320 million that was supposed to be rushed to drought-stricken



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California communities sits unspent in government bank accounts,” according to CBS News Sacramento. This is the balance of the \$687 million Governor Brown set aside back in 2014 when he declared a state of emergency. Lawmakers claimed the funds would upgrade outdated water systems and protect wells from contamination. Pipelines and water-treatment plants have yet to receive funding, though expenditures have ensured a “vanishing pond near Sacramento has been replenished, protecting a popular breeding ground for the threatened giant garter snake.”

Enter the federal government. In December and again in July, the U.S. House passed bills to restore some of the water diverted for salmon and smelt back to farmers in central and southern California. But President Obama has promised to veto such legislation. “Instead, administration policy regarding the crisis has amounted to a welfare program,” noted Jack Kenny, writing for *The New American*. “Josh Earnest, the president’s press secretary, said ... the administration is not considering any policy changes, adding that Obama has offered relief to the state in the form of \$60 million to California food banks and \$15 million for farmers and ranchers.” Unfortunately, those unconstitutionally distributed funds are just as likely to be misallocated as California’s bond money and emergency reserve.

And it’s no use trying to drill a well for relief from the radical assault on surface water. Governor Brown took care of that last September when he signed an unprecedented law that forever limits even private property owners from groundwater pumping. The new restrictions will be phased in during the next decade, turning authority over to the Water Board.

“With the stroke of his pen,” wrote Republican State Senator Jim Nielsen, “the Governor changed over 100 years of water laws — without the people’s input.” He warned, “Californians who rely on groundwater will now have to deal with not only new and unaccountable government agencies that will police water usage; they will be at the mercy of these faceless bureaucrats who will impose unknown fees and fines.” Nunes likewise predicts, “Many farmers will not be able to keep growing food if they continue to receive zero water allocations and are restricted from tapping enough ground water.”

## Water Wars

Water has long been a fighting word in the American West. It’s said that Mark Twain observed on his return from a trip to California, “Out there, whiskey is for drinking, and water is for fighting over.” So is there a solution to this age-old dilemma?

“The bottom line for solving California’s water problem is that there needs to be a move toward a market-oriented method for the distribution of water,” wrote economist Walter Williams in an editorial published in *The New American* online. “Water is distributed in California and other Western states not by market prices but by the political process,” he pointed out. “I need someone to show me that there is such a desperate need for somewhere to grow potatoes, corn and other crops that we need to subsidize making a desert bloom.”

Williams explains a basic economic principle which dictates that, if there is a scarcity of something, the price is probably too low. For years state and federal subsidies have forced this artificial imbalance on taxpayers, who must pay higher prices for their own water as they help foot the bill for farmers. This imbalance is nonexistent in a free market, where agriculture meets demand by the most economic route — e.g., irrigating and farming arid land or importing products — without accusations of over-consumption, and without the government handouts, crippling regulations, and eventual failure that



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inevitably go hand-in-hand.

California agriculture was founded on such a free market system. The September 1910 *Pacific Monthly* magazine records how German settlers who founded Anaheim, just outside Los Angeles, began irrigating their vineyards in 1857, thereby surviving the harsh drought of 1862-1865, even as the desiccated cattle industry perished. Within the next two decades, Anaheim became California's leading wine producer, until most of the vineyards succumbed to a deadly parasite. Instead of throwing their hands up in defeat, farmers found profit in citrus, berries, vegetables, grains, nuts, beans, potatoes, sugar cane, livestock, and a plethora of other agricultural products. The name "Orange County" is a testimony to their free-market entrepreneurialism.

Now that the government divvies up water rights in California, with an inefficient and inflexible system that promises more water than it can deliver, scarcity abounds. Could free market economics make a difference? They have to ask residents in Kern County, north of Los Angeles, where the Tehachapi Basin provides groundwater for residents, industry, and agriculture. In the 2015 edition of their book *Free Market Environmentalism for the Next Generation*, authors Terry Anderson and Donald Leal explain that government mismanagement of the aquifer between the 1930s and 1960s caused exorbitant pumping costs and many dry wells, while "withdrawals from the aquifer exceeded recharge by 60 percent." Acting on behalf of a citizen advisory committee fearful of losing their farms, in 1966 the local water district sued for and won a market-based groundwater rights exchange. In 2006, the California Department of Water Resources credited the move with recovering groundwater levels. "The city of Tehachapi no longer rations water as it did during some periods prior to adjudication," relate Anderson and Leal, "and rising water tables have brought previously marginal wells back into production."

Unfortunately, most other California farmers have shackled themselves with dependence on federal and state subsidies. Now that Big Brother has turned on them, they're crying foul. Yet it should come as no surprise that government distribution of anything encourages costly and inefficient use; water is no exception. Leaving distribution to the free market would allow the price to stabilize and water to be distributed where there is actual need and where it can be used most efficiently. For their own good, Californians should let the market dictate water prices. After all, says Williams, "Government management has been a failure."



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