

Water war bubbling up between California and Arizona

Michael Hiltzik, Los Angeles Times, 6-20-14

Once upon a time, California and Arizona went to war over water.

The year was 1934, and Arizona was convinced that the construction of Parker Dam on the lower Colorado River was merely a plot to enable California to steal its water rights. Its governor, Benjamin Moeur, dispatched a squad of National Guardsmen up the river to secure the eastern bank from the decks of the ferryboat Julia B. — derisively dubbed "Arizona's navy" by a Times war correspondent assigned to cover the skirmish. After the federal government imposed a truce, the guardsmen returned home as "conquering heroes."

The next water war between California and Arizona won't be such an amusing little affair. And it's coming soon.

Nineteenth-century water law is meeting 20th-century infrastructure and 21st century climate change, and it leads to a nonsensical outcome.- Bradley Udall, a senior fellow at the University of Colorado Law School

The issue still is the Colorado River. Overconsumption and climate change have placed the river in long-term decline. It's never provided the bounty that was expected in 1922, when the initial allocations among the seven states of the Colorado River basin were penciled out as part of the landmark Colorado River Compact, which enabled Hoover Dam to be built, and the shortfall is growing.

The signs of decline are impossible to miss. One is the wide white bathtub ring around Lake Mead, the reservoir behind Hoover Dam, showing the difference between its maximum level and today's. Lake Mead is currently at 40% of capacity, according to the latest figures from the U.S. Bureau of Reclamation, which operates the dam. At 1084.63 feet on Wednesday, it's a couple of feet above its lowest since it began filling in 1935.

But the rules governing appropriations from the river are unforgiving and don't provide for much shared sacrifice among the states, or among farmers and city dwellers.

The developing crisis can't be caricatured as farmers versus fish, as it is by Central Valley growers irked at environmental diversions of water into the region's streams. It can't be addressed by building more dams, because reservoirs can't be filled with water that doesn't come. And it can't be addressed by technological solutions such as desalination, which can provide only marginal supplies of fresh water, and then only at enormous expense.

Nor can a few wet years alleviate the need for long-term solutions. "We had a solid year this year, which takes a bit of the panic out," says Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California, which serves 19 million residents and gets about half of its water supply from the Colorado. But because "demand outstrips supply, we expect a long-term decline. And possibly because the crisis has been developing slowly, we're nowhere near a solution."

What will be necessary is a fundamental reconsideration of 100 years of water-appropriation practices and patterns. Farmers, whose claims on Colorado River water are senior to all others, may have to give up, or sell off, some of their rights. Strict legal provisions that would turn whole swaths of the inhabited Southwest back into desert to slake the thirst of California cities will have to be reconsidered.

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If the Western drought continues, Arizona would have to bear almost the entire brunt of water shortages before California gives up a drop of its appropriation from the river. Few observers of Western water affairs believe that's politically practical, but few have offered practical alternatives.

A quick history lesson: The Colorado Compact, reached by six of the seven basin states in 1922 under then-Commerce Secretary Herbert Hoover, aimed to replace the tangle of state water allocation laws with a single legal regime in order to get the dam built. (Arizona finally signed the deal in 1944.) But the compact was based on a fraud — an estimate of river flows that Hoover and the states' negotiators almost certainly knew was wildly optimistic.

Many times, the compact has been revised and supplemented to meet changing conditions. In 1968, Congress authorized construction of the Central Arizona Project, a massive aqueduct serving Phoenix and Tucson, by passing the Colorado River Basin Project Act. Arizona agreed to be last in line for water from the Colorado if a serious drought struck.

The bill's drafters probably never thought supplies would become so tight. But the bill from nearly a century of overuse is on the verge of coming due. During the last 50 years, according to figures from the Reclamation Bureau, the population served by the river has grown from 12 million to 30 million. Over that period, the average flow on the river has fallen from 15.5 million acre-feet to as low as 12 million. (An acre-foot serves two households a year.)

The river's apparent abundance has encouraged exceptionally wasteful usage. For example, thirsty forage crops such as alfalfa and pasture land account for as much as half the irrigated acreage in California, according to a report last year by the Pacific Institute. And as my colleague David Pierson reported recently, much of the harvest is shipped to China.

The Pacific Institute finds that stingier but still effective irrigation practices could save nearly 1 million acre-feet a year throughout the Colorado basin, and replacing alfalfa with cotton and wheat would save 250,000 acre-feet. But plainly, a trade pattern that effectively exports the West's scarce water to China isn't sustainable.

Other old assumptions will also have to be discarded. One crucial need is to keep Lake Mead's water level well above 1,000 feet, the point at which it is unable to deliver water to Las Vegas and its ability to generate hydroelectricity is compromised. That task would be considerably eased by draining Lake Powell, the reservoir behind Glen Canyon Dam, upstream of the Grand Canyon.

That proposal has been pushed by the Glen Canyon Institute, a Salt Lake City-based environmental group, but faces hurdles in Utah, Wyoming, Colorado and New Mexico, where residents fear that draining Lake Powell will only allow California, Arizona and Nevada to deprive them of their legal right to the river's flow.

The political resistance to shutting down Lake Powell is intense, though in time it may be trumped by the sheer scale of the water crisis. "We've gone from seeming to be the lunatic fringe to being taken seriously," says M. Lea Rudee, a board member of the Glen Canyon Institute.

Another assumption being challenged is the primacy of agriculture's claim on water. The solution is to buy farmers out, trading cash for their water rights to keep supplies flowing to urban areas. The MWD is working to develop a plan to pay growers to fallow their land to raise the water level of Lake Mead. "But we really don't know what the response will be to a cash offer to take land out of production," Kightlinger says.

What is certain is that the solutions will be complicated and contentious. The last major effort to settle legal rights on the Colorado River involved a sheaf of interstate and interagency pacts known collectively as the Quantification Settlement Agreement. The QSA was reached in 2003 and then litigated for the next 11 years. Last month a federal appeals court upheld the QSA against an environmental challenge, but that may not be the last word — a petition for rehearing is in the works, and a challenge in California state court is still alive.

But these efforts still don't provide a framework for the future. "The arrangements in place right now are politically untenable," Udall says. But what can be done when the solutions are, too?