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Comments to: Draft order regarding Imperial Irrigation District's (IID) and the San Diego County Water Authority's (SDCWA) petition to transfer conserved water from IID to SDCWA and to change the point of diversion, place of use, and purpose of use under Permit No. 7643.

The Reason Public Policy Institute is a Los Angeles-based public policy think tank that engages the policy process, seeking strategies that emphasize cooperation, flexibility, local knowledge, and results. Reason is keenly aware of the importance of rational water policy to the state of California and the important role that the IID/San Diego transfer can play, and is working to promote the common ground that exists between the agricultural and environmental communities involved in the transfer process.

To date, the transfer process has paid scant attention to cooperation, flexibility *or* results. In fact, the Draft petition makes it clear that the political imperatives of moving water to the populous coast outweigh the economic and environmental effects of the transfer on the Imperial basin. That the SWRCB decision is based on the notion that "to the extent that environmental impacts are not fully mitigated, and to the extent that fallowing may result in adverse socio-economic impacts, the public interest in the transfer outweighs those adverse impacts" (p. 87) highlights this point.

This sentiment is problematic. It does not reflect the potential for an effective transfer with few economic and environmental impacts, and should be reconsidered.

The first priority of the transfer should be to maintain, if not improve, the economics and the environment of the Imperial Valley basin. While many (including the IID) seem to think these two concerns are incompatible, they are not as far removed as the parties to the transfer seem to think. Reason has brought farmers and environmentalists together in both formal and informal settings, and has found remarkable agreement among them, including a commitment to providing water for environmental uses, protecting species, improving agricultural economics, addressing socio-economic concerns, and providing better recreational opportunities.

Currently, the Draft petition sanctions ephemeral outcomes for environmental mitigation. The Board should mandate specific performance measures to gauge any mitigation, so

that real results will be encouraged. Possibilities include numbers and variety of species, quality of habitat, etc.

It will be impossible to achieve these results, however, without the inclusion and cooperation of these two groups. Allowing politics to trump other concerns over water transfers sets a dangerous precedent that will only lead to even more acrimonious fights in the future. Instead, the Board should seek a better definition of water rights. Stronger water rights for both farm and environmental interests should be affirmed – not just for agricultural use but for environmental use (including return water) – so that further arguments over who has the right to transfer what are less likely.

In conclusion:

- Statements to the effect that the public interest outweighs adverse effects should be stricken.
- It should be even more explicitly affirmed that the public interest should not be able to trample water rights.
- Any environmental or economic mitigation requirements should be judged by performance measures devised and monitored by federal and state agencies of jurisdiction and special commission, such as the Salton Sea Science Office.

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