

# California water cuts move to those with century-old rights

May 21 2015, by Fenit Nirappil And Scott Smith

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In this photo taken Monday, May 18, 2015, farmer Gino Celli climbs out of a irrigation canal that is covered in dried salt on a field he farms near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)

California farmers who hold rights to water that date as far back as the Gold Rush are bracing for their first state-ordered conservation in decades, as a record drought prompts some of the deepest cuts yet in the country's most productive agricultural state.

After telling cities and towns to slash use by 25 percent and curtailing [water](#) deliveries to some farmers and others, state officials said Wednesday they would start mandatory cuts this week to the state's oldest rights holders, historically spared from water restrictions.

Regulators said those first orders Friday will impact holders of century-old water rights in the watershed of the San Joaquin River, which runs from the Sierra Nevada mountains to San Francisco Bay and is one of the main water sources for farms and communities.

Meanwhile, a second category of senior rights holders—farmers who hold longstanding claims to water because their land lies along the waterways of the Sacramento-San Joaquin river delta—are making a surprise effort to stave off that kind of curtailment order.

They are offering to voluntarily reduce their water use by a quarter. Officials promised a decision Friday on that offer, which would yield on some of the most iron-clad water rights in California, as they try to chart a path forward for a state locked in its driest four-year period on record.

"For me, 25 percent I can handle," said Gino Celli, who farms 5,000 acres of tomatoes, alfalfa and corn in the delta. "Anything more than that, man, I'm done."

It is unclear whether the farmers' offer of voluntary cuts would go far enough to save waterways that are drying up around much of the state, following a winter of below-average rainfall and record-low snows in the Sierra Nevada.

Farmers use 80 percent of all water taken from the land in California. Senior water rights holders alone consume trillions of gallons of water a year, although the state doesn't know exactly how much water they use because of unreliable data collection.

Regulators don't have widespread remote sensors or meters to make sure water isn't diverted.

The cutback orders instead are enforced by honor system and complaints. Only a fifth of junior water rights holders already told to stop pumping from the San Joaquin watershed have confirmed they were complying, a water board official said Wednesday.



In this photo taken Monday, May 18, 2015, farmer Gino Celli checks salt from irrigation water that has dried on the land he farms near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)

Agriculture experts say they expect only modest immediate impact on

food prices from any cuts to the senior water-rights holders.

Farmers will likely use their limited water to grow valuable crops—like almonds—and less valuable crops—like alfalfa—will be grown outside of California, said Jay Lund, director of the Center for Watershed Sciences at the University of California, Davis.

The mandatory cuts scheduled for Friday would be the first to the state's senior-water rights holders overall since the 1970s, and first to senior water-rights holders along the San Joaquin in memory.

"This is challenging. It's not about making everyone happy," said Felicia Marcus, chairwoman of the state Water Resources Control Board, told participants at a public hearing Wednesday on the drought. "It's about figuring out how to make terrible choices in the most fair and equitable way possible."

Board Director Tom Howard said that whatever he decides on the farmers' offer will apply beyond the river delta to the entire basin of the Sacramento River, which supplies most of the surface water in the food-producing Central Valley and the drinking water to homeowners as far south as San Diego.

That deal would not apply to hundreds of other right holders with claims to water before 1914, among few groups spared cutbacks in four years of record dry, until now.

California's water rights system—which Gov. Jerry Brown acknowledges as "somewhat archaic"—is built around the claims staked in the 19th century. Nearly 4,000 companies, farms and individuals are first in line to receive water because they made claims to water before 1914 or have property touching a waterway.



The ranks of senior water-rights holders include the cities of San Francisco and Los Angeles and rural irrigation districts that supply thousands of farms.

Regulators haven't ordered those claimants to stop pumping since 1977, during the state's last major drought. That order applied only to dozens along a stretch of the Sacramento River, and the water board has since gained new power to punish those who illegally take water, including \$10,000 daily penalties.



In this photo taken Monday, May 18, 2015, a tractor tills the dry land on the acreage farmed by Gino Celli, near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)

Delta farmer Rudy Mussi already has ordered tomato plants and prepared fields, and said he needs to know how often, or if, he can water them.

"Until the fine print is out, I don't know," Mussi said Wednesday about joining the farmers' offer of 25 percent cuts. "If I can make it work, hey, I'll do my darndest."

Brown has come under criticism for sparing farmers with senior water rights from the mandatory cutbacks. Increasing amounts of the state's irrigation water goes to specialty crops like almonds, whose growers are expanding production despite the drought.

Mandatory orders could put some farmers in the Delta east of San Francisco out of business, said John Herrick, manager of the South Delta Water Agency.



In this photo taken Monday, May 18, 2015, irrigation pipes sit along a dried irrigation canal on a field farmed by Gino Celli near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)

When the state cutback order comes, Herrick said, the farmers will immediately try to block it in court.

"That doesn't mean we'll win," Herrick said. "But that's what we'll do."



In this photo taken Monday, May 18, 2015, Gino Celli inspects wheat nearing harvest on his farm near Stockton, Calif. Celli, who farms 1,500 acres of land



and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)



In this photo taken Monday, May 18, 2015, Gino Celli inspects wheat nearing harvest on his farm near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)



In this photo taken Monday, May 18, 2015, farmer Gino Celli crosses an irrigation canal that is covered in dried salt on a field he farms near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)



In this May 18 2015 photo, Gino Celli uses a meter to check the salinity in an irrigation canal that runs through his fields near Stockton, Calif. Celli farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)



In this May 18, 2015 photo, Gino Celli draws a water sample to check the salinity in an irrigation canal that runs through his fields near Stockton, Calif. Celli farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues.(AP Photo/Rich Pedroncelli)





In this photo taken Monday, May 18, 2015, Gino Celli inspects wheat nearing harvest on land he farms near Stockton, Calif. Celli, who farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)





In this photo taken Monday, May 18, 2015, Gino Celli inspects some recently sprouted corn on land he farms near Stockton, Calif. Celli farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)



In this photo taken Monday, May 18, 2015, Gino Celli checks the moisture of land just planted with corn seed on land he farms near Stockton, Calif. Celli farms 1,500 acres of land and manages another 7,000 acres, has senior water rights and draws his irrigation water from the Sacramento-San Joaquin River Delta. Farmers in the Sacramento-San Joaquin River Delta who have California's oldest water rights are proposing to voluntarily cut their use by 25 percent to avoid the possibility of even harsher restrictions by the state later this summer as the record drought continues. (AP Photo/Rich Pedroncelli)

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