

THE REASONABLE USE DOCTRINE & AGRICULTURAL WATER USE EFFICIENCY

A Report
to the State Water Resources Control Board
and
the Delta Stewardship Council



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Water Code Section 85230

(d) The Delta Watermaster shall submit regular reports to the board and the council including, but not limited to, reports on water rights administration, water quality issues, and conveyance operations.

Water Code Section 85021

- The policy of the state of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.

Water Code Section 85023

- The longstanding constitutional principle of reasonable use and the public trust doctrine shall be the foundation of state water management policy and are particularly important and applicable to the Delta.

Water Code Section 85303

- The Delta Plan shall promote statewide water conservation, water use efficiency, and sustainable use of water.

Why This Report

- Importance of Reasonable Use Doctrine
- Agricultural sector
 - o Uses much water
 - o Leads nation in efficiency practices
 - o Incremental increases in efficiency will save water

Relevance of Report to the Delta

- More efficient use upstream can increase flows into the Delta
- More efficient use within the Delta can increase Delta outflows
- Water quality benefits of reducing agricultural return flow

The Reasonable Use Doctrine

– The Law

- State Constitution
- State Statutes
- Court Decisions
- Board Decisions/Plans

– The Doctrine

- All water use, regardless of the type of right, must be reasonable
- State shall take all appropriate action to prevent the unreasonable use of water

Efficient Water Use

- Again, statutes and case law require and encourage efforts to:
 - o Improve efficiency
 - o Improve Irrigation Management Practices
 - o Reduce saline or polluted drainage water

Conclusion:

- Inefficient water use is unreasonable water use

Application of Reasonable Use Doctrine

- Historically has been reactive
- Doctrine may be used more broadly to promote efficient water use

Promoting Efficient Agricultural Water Use

- Many, if not most, of the state's farmers are engaging in efficient water use
- More efficient practices are in use, are proven and save water
- Use Doctrine to promote more widespread application

Benefits of More Efficient Water Use

- Reduced water use
- Reduced return flow (water quality)
- Reduced need to purchase more expensive water
- Increased yields
- Reduced energy use

Ways to Use Water More Efficiently

- Consumptive water use reductions are key
- Practices that reduce consumptive use by reducing evaporation and evapotranspiration (ET)
 - Improved delivery systems (water on demand)
 - Irrigating only when necessary
 - More efficient scheduling of water use
 - Crops varieties that use less water
 - Irrigation systems that reduce ET

Specific Recommendations

- Convene a Reasonable Water Use Summit
- Create a Reasonable Use Unit
- Streamline Enforcement
- Conduct Proceeding(s) regarding inefficient water use
- Promote modernization of water delivery systems
- Evaluate conservation practices at on-farm level
- Look at transfers of conserved water
- Financial Incentives

Conclusions

- 1) Inefficient water use is unreasonable water use
- 2) Convene a Summit
- 3) Consider recommendations at the Summit and/or employ as early actions