COMMENTS OF AMADOR COUNTY WATER AGENCY, BROWNS VALLEY IRRIGATION DISTRICT, YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND YUBA COUNTY WATER AGENCY FOR STATE WATER RESOURCES CONTROL BOARD'S JUNE 14-15, 1994 BAY/DELTA WORKSHOP

On behalf of Amador County Water Agency, Browns Valley Irrigation District, Yolo County Flood Control and Water Conservation District and Yuba County Water Agency, we submit these comments for the June 14-15, 1994 State Water Resources Control Board Bay/Delta workshop. These comments focus on the first and third issues that were specified for this workshop.

1. The State Board's new Bay/Delta water quality control plan should include recommendations for appropriate actions by other agencies, and not just flow-related objectives.

We support the State Board's decision to consider all factors, and not just diversions, that have contributed and are contributing to the decline of Bay-Delta fish and wildlife resources. Such consideration will be consistent with subdivision (c) of Water Code section 13241, which requires the State Board, when establishing water quality objectives in a water quality control plan, to consider "Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area."[1]

Undisputed evidence indicates that numerous factors, including water pollution, commercial and sport fishing, changes in Delta channel configurations and introductions of exotic species, have contributed to the declines of certain Bay/Delta fish and wildlife species.

Thus, after considering all relevant factors, the State Board should follow up with recommendations like the following to other agencies that can take actions to control these other factors:

a. Regional Water Quality Control Boards: Actions to limit point-source and non-point-source discharges that are adversely affecting the declining Bay/Delta fish and wildlife species.

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[1]Water Code section 13241 on its face applies only to the Regional Water Quality Control Boards. However, under Water Code section 13170, the State Board is authorized to adopt water quality control plans pursuant to Water Code sections 13240-13244.

b. Fish and Game Commission: Regulations to limit the harvesting of declining Bay/Delta fish and wildlife species within the Commission's jurisdiction.

c. Pacific Fisheries Management Council: Regulations to limit ocean harvesting of declining Bay/Delta anadromous fish species.

d. U. S. Army Corps of Engineers: Appropriate actions on Clean Water Action section 404 and Rivers and Harbors Act section 10 permits to protect declining Bay/Delta fish and wildlife species and their habitats.

e. Reclamation Board. Appropriate actions on decisions involving Bay/Delta levees.

f. Department of Fish and Game. Further actions to attempt to control future importations of exotic species.

Making such recommendations will be consistent with subdivision (a) of Water Code section 13242, which requires programs of implementation for water quality control plans to include: "recommendations for appropriate action by any entity, public or private." The State Board should not just adopt flow-related objectives in its new Plan.

2. The State Board should not pre-judge water-rights issues in its new water-quality control plan.

Paragraph (j)(3) of Water Code section 13050 specifies that a water quality control plan must include "[a] program of implementation needed for achieving water quality objectives." Subdivision (a) of Water Code section 13242 further specifies that each program of implementation must include: "[a] description of the nature of actions which are necessary to achieve the objectives."

Consistent with these statutory directions, the State Board's water quality control plan should not specify how the responsibility for meeting new Delta outflow requirements should be allocated among various water-right holders. Procedural due process requires the State Board not decide such allocation issues until it has held a full water-rights hearing and considered all applicable water-rights laws.

Instead, the State Board's new water-quality control plan should just describe in general terms the "nature of actions," like water-rights decisions, that may be used to implement the requirements. Such an approach will be similar to that which the State Board followed in its 1991 Bay/Delta Water Quality Control Plan. (See Water Quality Control Plan for Salinity, 91-15WR, pp. 7-1 to 7-6 (1991).)

3. Upstream water projects besides the CVP and SWP have not had substantial adverse impacts on Bay-Delta fish and wildlife.

During the State Board's May 16, 1994 Bay/Delta workshop, Perry Herrgesell, Chief of the Department of Fish and Game's Bay-Delta and Special Water Projects Division, testified that the adverse impacts of the CVP and SWP on Bay/Delta fish and wildlife fall into three general categories: (a) direct losses of fish entrained in diverted water; (b) effects associated with reduced Delta outflows; and (c) changes in flow patterns and volumes in the internal Delta channels which interfere with fish migration and reduce the Delta's value as fish nursery habitat. (DFG Comments on Key Issues, May 16, 1994, p. 4.)

The impacts of the CVP and SWP on Central Valley chinook salmon are particular graphic. Substantial numbers of juvenile salmon, estimated by DFG to be as high as 2.2 million smolts per year, are directly entrained at the CVP and SWP Delta pumps. Mortality rates are as much as 50 percent higher for smolts that, because of altered flow patterns, pass through the Delta Cross Channel or Georgiana Slough into the Central Delta. (See exh. WRINT-SFEP-3, p. 89.)

In addition to these effects in the Delta, the CVP and SWP also have substantially affected Bay/Delta chinook salmon fisheries by blocking their access to historical spawning grounds. About half the potential spawning habitat in the Sacramento River Basin, including almost all of the spawning habitat for winter-run salmon, was blocked by construction of Shasta Dam. Oroville and Folsom Dams caused substantial additional blockages. (See exh. WRINT-SFEP-3, p. 87.) These dams also affected downstream spawning habitat by interrupting gravel transport. Hatcheries built to mitigate these impacts have produced artificially-raised fish, which have diluted native gene pools and led to higher levels of commercial fishing, thereby overharvesting wild stocks.

In contrast, upstream water projects have not caused these substantial impacts. Upstream water projects do not change the flow patterns and volumes in internal Delta channels. While some upstream water projects entrain substantial numbers of anadromous fish or block access to spawning habitats, the water projects owned, operated and used by Amador County Water Agency, Browns Valley Irrigation District, Yolo County Flood Control and Water Conservation District and Yuba County Water Agency are located sufficiently far upstream that they do not have these adverse impacts. Upstream adverse impacts should be addressed on a project-by-project basis, with measures to specifically mitigate the impacts, and <u>not</u> with some general Bay/Delta requirements.

These upstream water projects have had some effects on Delta outflows, through both direct diversions and storage. However, it is not clear that chinook salmon survival is substantially related to Delta outflows. (Exh. WRINT-NCMWC-19, pp. 7-8.) Moreover, the effects of upstream water projects on Delta

outflows are much smaller than the effects of the CVP and SWP on these outflows for several reasons.

First, because these upstream water projects supply water to water users in the watersheds in which the water originates, return flows from those water users still flow into the Delta, reducing the net impacts of these diversions. In contrast, return flows from water uses in export areas do not return to the Delta.

Second, many upstream projects must bypass water past their diversion and storage facilities, and sometimes even release stored water, to meet instream flow requirements for the rivers on which the projects are located. This water flows into the Delta.

Third, many upstream projects release some of their stored water solely for hydroelectric power generation. This water also flows into the Delta.

Moreover, one of the principal reasons that EPA is advocating higher Delta outflows is to move species of concern like Delta smelt away from potential entrainment at the CVP and SWP pumps:

> For example, Dr. Peter Moyle testified to the State Board that nursery habitat (represented by areas of low salinity) in Suisun Bay is now more important than it was historically due to the high risks of entrainment faced by fishes in the Delta.

(EPA Notice of Proposed Rulemaking, 59 Fed.Reg. 810, 816 (1994), footnote omitted.) Over 70,000 Delta smelt per year have been salvaged from the SWP pumps, and over 90,000 per year from the CVP pumps. Upstream water projects obviously do not have these impacts.

At the State Board's 1992 Bay/Delta hearing, fishery biologist Steven P. Cramer testified in detail about the declines of various Bay/Delta fish species. His testimony shows that the declines in winter-run and spring-run chinook salmon and striped based began about 1970, whereas the declines of Delta smelt, longfin smelt, Sacramento splittail and starry flounder began in the mid-1980's. (Exh. WRINT-NCMWC-19, p. 14.)

Significantly, upstream water development was largely completed before 1970, and did not undergo any substantial changes in either 1970 or the mid-1980's. It therefore is unlikely that upstream water projects caused either of these declines. Instead, factors that did change dramatically in these time periods, like CVP and SWP exports, increased ocean harvests, decreased food availability and extended droughts, are more much more likely to

have caused these declines. (See id., at pp. 3, 14, 21.)[2]

Moreover, the crucial question is not whether or not upstream water projects have had some impacts on Bay/Delta fisheries. Rather, the question is whether the declines that have occurred in species of concern would have occurred if the CVP and SWP had not been built. There is no evidence indicating that the declines would have occurred under these circumstances.

4. The watershed-protection and related statutes require the State Board to curtail all CVP and SWP exports before reducing any diversions or uses by upstream water projects.

Since the adoption of the Central Valley Project Act (Water Code §§ 11100-11985) in 1933, it has been the uniform policy of the State of California that water uses in the watersheds in which water originates have priority over water uses in export areas.

The centerpiece of this policy is Water Code section 11460. It provides:

> In the construction and operation by the department of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the department directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein.

Water Code section 11460 also clearly applies to the federal government's operations of the CVP. (Water Code § 11128.)

In 1984, the Legislature re-affirmed this important state policy with the following findings and declarations:

> (a) The original proponents of the Central Valley Project and the State Water Project stated that the watersheds in which water that those projects develop originates (areas of origin) would not be deprived of needed water in order to supply water to other regions.
>
> (b) Existing state law specifies that a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived directly or

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[2]The dramatic increase in CVP and SWP exports between 1955 and 1989 is highlighted by the attached copy of figure 3 from exhibit WRINT-SFEP-3, p. 11.

indirectly by the federal Central Valley Project and the State Water Project of the prior right to all the water reasonably required to supply the beneficial needs of the watershed or area, or any of the inhabitants or property owners therein, but the United States has challenged the applicability of these state laws to the federal Central Valley Project.

(c) Protection of the areas of origin by all federal, state, and local agencies in California is essential to the public peace and welfare and is essential in order for the state to be able to develop water resources in areas of surplus for delivery to areas of shortage.

(d) The state must demand and require that the area of origin protections be complied with to the fullest extent by all parties with each protected area as defined in Section 1215.5 of the Water Code.

(1984 Cal.Stats., ch. 1655, § 1.)

The State Water Project clearly is any "project under the provisions of this part," as such phrase is used in Water Code section 11460. (See Water Code § 11260.) Pursuant to the California Water Resources Development Bond Act of 1959, which authorized the funding of the SWP, the Delta is within the watershed of the Sacramento River. (Water Code § 12931.)

The watershed protection statute limits CVP and SWP exports and storage for exports in two ways.

First, the CVP and SWP may not divert any water from the Delta, or store any water, that is needed in the Delta for any reasonable beneficial use, including protection of fish and wildlife (see Water Code § 1243), because such CVP and SWP diversions would "directly" deprive the inhabitants and property owners in the Delta of water needed for such uses.

Second, the CVP and SWP may not divert any water from the Delta, or store any water, if and to the extent that doing so would require upstream water users to reduce their reasonable beneficial uses of water, because such CVP and SWP diversions would "indirectly" deprive the inhabitants and property owners in upstream areas of water needed for their beneficial uses.

In 1955, the California Attorney General summarized the salient effect of Water Code section 11460:

> Section 11460 has the effect of reserving to the entire body of inhabitants and property owners in watersheds of origin a priority as against the Water Project Authority [now DWR] in establishing their own water rights in the usual manner as their needs increase from time to time up to the maximum of either their

ultimate needs or the yield of the particular watershed.

(25 Ops.Cal.Atty.Gen. 8, 20 (1955).)

When the California Water Resources Development Bond Act was presented to the California voters in 1960, the Act's principal proponents, Senator Burns from Fresno County and Senator Richards from Los Angeles County, made it very clear that watersheds of origin would be protected:

> No area will be deprived of water to meet the needs of another. Nor will any area be asked to pay for water delivered to another.
>
> . . . .
>
> Under this Act the water rights of northern California will remain securely protected.

(Ballot Arguments in Favor of California Water Resources Development Bond Act, p. 4 (1960)(copy attached).)

In issuing water-right permits to the United States for the CVP, the State Water Rights Board consistently followed the watershed protection statute.

In Decision 893, the State Board stated:

> Any permits of the United States for consumptive use purposes must be considered subject to requirements of Water Code Sections 11460 and 11463.

(Decision 893, p. 35 (1958).)

In Decision 990, the State Board elaborated on this protection:

> It is concluded that the public interest requires that water originating in the Sacramento Valley Basin be made available for use within the Basin and the Sacramento-San Joaquin Delta before it is exported to more distant areas, and the permits granted herein will so provide.

(Decision 990, pp. 72-73 (1961).) The State Board therefore imposed the following permit condition on CVP water rights:

> Direct diversion and storage of water under permits issued pursuant to Applications 5626, 9363, 9364, 9367 and 9368 for use beyond the Sacramento-San Joaquin Delta or outside the watershed of Sacramento River Basin shall be subject to rights initiated by applications for use within said watershed and Delta regardless of the date of filing said applications.

(Id., at p. 85.)

In Decision 1275, the State Board reached similar conclusions regarding the State Water Project:

> . . . the Board is convinced that whatever fine distinctions might be involved in applying the law in favor of one watershed as against another, no question exists that all of the area within the Central Valley Basin is entitled to some specific protection before water is transferred to more distant areas of the State.

(Decision 1275, p. 31.) The State Board therefore imposed the following permit condition on SWP water rights:

> Direct diversion and storage of water under permits issued pursuant to Applications 5630, 14443, 14445A, 17512, and 17514A for use beyond the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, or outside the watershed of the Sacramento River Basin, as defined in Decision D 990 of the State Water Rights Board, shall be subject to rights initiated by applications for beneficial use within said watershed and Delta regardless of the date of filing said applications.

(Id., at pp. 42-43.)

In Decision 1594, the State Water Resources Control Board considered the issue of when Central Valley water-rights holders subject to standard permit term 80 could divert water. The decision adopted standard permit term 91 for Sacramento Valley water users and standard permit term 93 for San Joaquin Valley water users. The basic purpose of these terms is to prevent these water users from diverting water when the CVP and SWP are releasing water to meet Delta water quality objectives. However, the State Board rejected the Bureau of Reclamation's request to be exempted from the watershed protection statute. (Decision 1594, pp. 42-49.) As the State Board summarized:

> . . . an underlying assumption of the Term 91 Method is that in-basin water use is entitled to preference over CVP and SWP exports by virtue of the watershed protection statutes (Water Code sections 11128, 11460-11463).

(Id., at p. 40.)

Given these clear statutory mandates and long line of State Board decisions, it is imperative that the State Board continue to protect and prioritize the needs of water users in the watersheds of origin. Any curtailments in diversions and storage of water to provide for greater Delta outflows should not be made on a pro rata or some other "equitable" basis. Instead, such curtailments should be made on a reverse-priority basis. That is, all diversions and storage for exports by the CVP and SWP, the junior water-right holders, must be curtailed before upstream water

users' diversions or storage are curtailed at all.

Moreover, it is questionable whether upstream water users' diversions or storage should be curtailed at all for Bay/Delta purposes. Even during times when the CVP and SWP are not diverting or storing any water, upstream water users' diversions and storage should not be curtailed to mitigate the impacts of prior CVP and SWP diversions and storage for exports.

Instead of imposing involuntary reallocations of water from upstream water users to CVP and SWP water users, the State Board should allow a free-market system, with voluntary water transfers, to provide water to CVP and SWP users.

5. The Racanelli decision does not require or authorize the State Board to violate the watershed protection statute.

Several parties in these proceedings have suggested that the Court of Appeal's decision in United States v. State Water Resources Control Bd. (1986) 182 Cal.App.3d 82, requires the State Board to apportion part of the responsibility of meeting Delta outflow requirements on upstream water users.

Except for limited exceptions for pollution and excess diversions of water, that suggestion is incorrect.

The belief that the State Board must impose Bay/Delta outflow conditions on other water users apparently comes from the following phrase in the Racanelli decision:

> The implementation program was flawed by reason of the Board's failure, in its water quality role, to take suitable enforcement action against other users as well.

(Id., at p. 126.)

That statement, however, must be considered in the context in which it was made. In it, the Court of Appeal was discussing implementation of adequate water quality objectives under the Porter-Cologne Water Quality Control Act. It was not discussing California water rights law. Thus, the Court of Appeal had stated earlier in its decision:

> . . . in order to fulfill adequately its water quality planning obligations, we believe the Board cannot ignore other actions which could be taken to achieve Delta water quality, such as remedial actions to curtail excess diversions and pollution by other water users.

(Id., at p. 120, emphasis added.) The Court of Appeal thus faulted the State Board for not adopting water-quality objectives that would be reasonably achievable through not only imposing requirements on the CVP and SWP, but also through curtailing excess diversions and pollution by other water users.

We have no objection to such water-quality objectives, or to follow-up actions to curtail excess diversions or pollution. However, these provisions in the Racanelli decision do not go further to authorize the State Board to impose across-the-board curtailments on reasonable and beneficial upstream uses of water.

Other parties to these proceedings also have argued that the State Board has broad authority under article 10, section 2 of the California Constitution and related statutes to modify upstream water projects' water rights. This argument apparently is based on the provisions of the Racanelli decision that held that, under these provisions, the State Board may modify the CVP and SWP water-right permits. (See id., at pp. 129-130.)

Because the CVP and SWP obviously have direct impacts on Delta water quality, particularly through reverse flows, the State Board has broad authority under its power to prevent waste and unreasonable use of water to modify CVP and SWP water rights to provide reasonable levels of Delta water quality.

In contrast, the connections between the activities of upstream water users and diverters and Delta water quality are much more tenuous, because these activities do not cause reverse flows. Accordingly, the State Board's power to modify their water rights is correspondingly lower. The State Board may not modify the water rights of upstream water users unless there is strong evidence that such uses have unreasonably impacted Delta water quality.

Moreover, any such modifications must be consistent with the limited impacts of the upstream diversions, and with the area-of-origin statutes. The last sentence of article 10, section 2 of the California Constitution provides:

> This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

To implement this policy, the Legislature enacted the Water Code. (Modesto Properties Co. v. State Water Rights Board (1960) 179 Cal.App.2d 856, 860.) On the specific issue of the relative priorities of Central Valley and export water rights, the Legislature enacted the area-of-origin statutes, which were cited with approval in the Racanelli decision. (See 182 Cal.App.3d, at pp. 138-139.)

The Legislature therefore already has determined that it is reasonable, and in fact required, for the State Board to give upstream water users water rights that are higher in priority than the CVP and SWP rights. The State Board may not violate this Legislative mandate in any action that it takes to implement the more-general provisions of article 10, section 2 of the Constitution or related statutes.

Significantly, the Racanelli decision did not determine whether or not there was substantial evidence to support the State

Board's actions on the CVP and SWP water rights. (Id., at p. 130, fn. 24.) There must be such substantial evidence to support any future State Board decision to modify the CVP and SWP water rights.

Because the water rights of upstream water projects are fundamental vested rights, not subject to retained jurisdiction like the CVP and SWP rights, there must be even stronger evidence, reviewable by the courts under the independent judgment test, supporting any State Board decision to modify upstream water projects' water rights.

The Racanelli decision concerned degradations in water quality resulting from salinity intrusion. In such cases, relatively straightforward engineering calculations can determine the impacts of the CVP and SWP, and the impacts of upstream water users on Delta salinities.

On the other hand, similar calculations are not possible for the recent declines in fish and wildlife species. However, as previously discussed, these declines have been caused primarily by the large entrainments of fish at the CVP and SWP pumps and the CVP/SWP-induced reverse flows in the Delta. The State Board only may modify upstream water rights if, and to the extent that, these declines would have occurred even if the CVP and SWP had not been operating and exporting water. No party has offered any evidence that such declines would have occurred in the absence of the CVP and SWP.

The Court of Appeal's decision in People ex rel. State Water Resources Control Bd. v. Forni (1976) 54 Cal.App.3d 743, does not lead to a contrary result. In Forni, the court upheld a State Board regulation prohibiting as unreasonable diversions from the Napa River between March 15 and May 15, except to replenish water stored in reservoirs before March 15.

The Forni case does not apply to the State Board's Bay/Delta proceedings for two reasons. First, in Forni, the potential riparian diversions during the frost season could have substantially exceeded the entire flow of the Napa River. Some action therefore was necessary to limit those diversions. Second, in Forni, no statutes specified relative priorities for the relevant water users.

In contrast, diversions and storage of water by upstream water users in the Central Valley do not substantially exceed the total amounts of available water, as demonstrated by the fact that the CVP and SWP still also can store and divert water. Moreover, the Legislature, through the area-of-origin statutes, already has addressed the issue of the relative priorities of upstream and export water users. The State Board's discretion in the Bay/Delta proceedings therefore is much more limited than it was in Forni.

It does not authorize the State Board to impose Delta outflow requirements on upstream water users that would violate the watershed protection statute.

June 14, 1994

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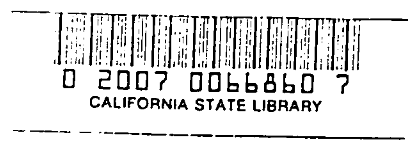

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AN[illegible]
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Figure 3

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DOCUMENTS SECTION

To Be Submitted to the Electors of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 8, 1960

Compiled by RALPH N. KLEPS, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

Part I—Arguments

FOR THE CALIFORNIA WATER RESOURCES DEVELOPMENT BOND ACT. This act provides for a bond issue of one billion, seven hundred fifty million dollars ($1,750,000,000) to be used by the Department of Water Resources for the development of the water resources of the State.	
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AGAINST THE CALIFORNIA WATER RESOURCES DEVELOPMENT BOND ACT. This act provides for a bond issue of one billion, seven hundred fifty million dollars ($1,750,000,000) to be used by the Department of Water Resources for the development of the water resources of the State.	

(For Full Text of Measure, See Page 1, Part II)

Analysis by the Legislative Counsel *

This proposed bond act, entitled the California Water Resources Development Bond Act, would provide $1,750,000,000 derived from state general obligation bonds to assist in constructing a State Water Resources Development System. This System would consist of:

(1) The "State Water Facilities," which would include the Oroville Dam and other dams, aqueducts and facilities needed to transport water from the Sacramento-San Joaquin Delta to designated delivery points in various areas as far south as San Diego County and which would also include a provision for the expenditure of $130,000,000 for loans and grants for local water development projects.

(2) Facilities now or hereafter authorized by law as part of the Central Valley Project or the California Water Plan; and

(3) Additional facilities which the Department of Water Resources deems necessary and desirable to meet local needs, including flood control, and to augment supplies of water in the Delta.

The $1,750,000,000 to be authorized in general obligation bonds would be used to construct the designated "State Water Facilities." However, the measure would specifically require available California Water Fund money (derived principally from revenues received by the State from tideland oil and gas) and surplus project revenues to be first expended on the "State Water Facilities." It would also make bond proceeds, in an amount equal to such expenditures from the California Water Fund, available for the construction of facilities the Department of Water Resources deems necessary and desirable to meet local needs, including flood control, and to augment supplies of water in the Delta. When California Water Fund money and surplus project revenues are no longer needed for the "State Water Facilities," they could be expended upon any facilities of the State Water Resources Development System.

This bond act would pledge the full faith and credit of the State for the payment of the bonds and would appropriate from the General Fund the sum necessary to pay the principal and interest on the bonds. Annual transfers of project revenues to the General Fund would be made to meet bond service payments. If project revenues in any year were insufficient to meet such payment, an amount of money equal to the deficiency would be transferred to the General Fund from project revenues as soon as it became available, with simple interest thereon at the same rate as borne by the bonds.

The Department of Water Resources would be required to enter into contracts for the sale, delivery or use of water or power, or for other services and facilities made available by the State Water Resources Development System, subject to such terms and conditions as may be prescribed by the Legislature. The measure would provide that such contracts shall not be impaired by subsequent acts of the Legislature during the time any of the bonds are outstanding.

* Section 1509.7 of the Elections Code requires the Legislative Counsel to prepare an impartial analysis of measures appearing on the ballot.

Argument in Favor of California Water Resources Development Bond Act

Your vote on this measure will decide whether California will continue to prosper.

This Act, if approved, will launch the statewide water development program which will meet present and future demands of all areas of California. The program will not be a burden on the taxpayer; no new state taxes are involved; the bonds are repaid from project revenues, through the sale of water and power. In other words, it will pay for itself. The bonds will be used over a period of many years and will involve an approximate annual expenditure averaging only $75 million, as compared, for example with $600 million a year we spend on highways.

Existing facilities for furnishing water for California's needs will soon be exhausted because of our rapid population growth and industrial and agricultural expansion. We now face a further critical loss in the Colorado River supply. Without the projects made possible by this Act, we face a major water crisis. We can stand no more delay.

If we fail to act now to provide new sources of water, land development in the great San Joaquin Valley will slow to a halt by 1965 and the return of cultivated areas to wasteland will begin. In southern California, the existing sources of water which have nourished its tremendous expansion will reach capacity by 1970 and further development must wholly cease. In northern Cali-

fornia desperately needed flood control and water supplies for many local areas will be denied.

This Act will assure construction funds for new water development facilities to meet California's requirements now and in the future. No area will be deprived of water to meet the needs of another. Nor will any area be asked to pay for water delivered to another.

To meet questions which concerned southern California, the bonds will finance completion of all facilities needed, as described in the Act. Contracts for delivery of water may not be altered by the Legislature. The tap will be open, and no amount of political maneuvering can shut it off.

Under this Act the water rights of northern California will remain securely protected. In addition, sufficient money is provided for construction of local projects to meet the pressing needs for flood control, recreation and water deliveries in the north.

A much needed drainage system and water supply will be provided in the San Joaquin Valley.

Construction here authorized will provide thousands of jobs. And the program will nourish tremendous industrial and farm and urban expansion which will develop an ever-growing source of employment and economic prosperity for Californians.

Our Legislature has appropriated millions of dollars for work in preparation, and construction is now underway. It would be tragic if this impressive start toward solution of our water problems were now abandoned.

If we fail to act now to insure completion of this constructive program, serious existing water shortages will only get worse. The success of our State is at stake. Vote "Yes" for water for people, for progress, for prosperity!

HUGH M. BURNS
State Senator, President Pro Tem
Fresno County

RICHARD RICHARDS
State Senator
Los Angeles County

Argument Against California Water Resources Development Bond Act

We are entitled to know whether the State really needs a water program of this huge scale. If we do not rush headlong into this undertaking it is entirely possible that a less costly method of supplying our water needs may be found. The claim that a mammoth water development program must be launched immediately should be carefully examined. California has plenty of water and it very well might be less costly to let the people go to the water rather than attempt to move the water to the people. A bond issue in the amount of $1,750,000,000 could impair the credit of the entire State of California. The interest which must be paid on this amount of money is substantial and a question exists as to whether it is something the State can afford.

Northern California can meet its flood control and local water supply problems without running the risk of this development to meet its future requirements. Is there any assurance that additional projects will be built once the works authorized in this Act are completed?

Under the terms of this Act the Legislature is denied its traditional powers to approve or disapprove construction of additional units of the project as they are undertaken. The possibility exists that some additional units of the project may prove to be uneconomical with the result that their construction would have to be financed out of general state taxes unless the Legislature is given the power to halt such a waste of funds.

The Act fails to insure enough water for the north and that the future needs of the areas of origin will be met. In addition, southern California now faces a critical new threat to its future water supplies from the Colorado River as a result of the recent proposed decision of the U. S. Supreme Court Special Master.

Unless this proposal is reversed by the Supreme Court itself, we can be sure that every effort will be made by southern California representatives to further weaken historic northern rights to northern water. It should be remembered that the Special Master's proposed decision would upset claims to water based on historic usage.

Proponents of this Act claim that many northern water needs can be met through the provision that would make 130 million dollars in loans and grants available for local projects. Yet there is nothing in the Act which directs that any of these loans and grants be made to local agencies in the north. It is entirely possible under the language of the Act that all or most of this money could be awarded to southern California.

If this is a worthy program it should have been established on a continuing basis. Instead, there is no provision for further loans and grants once the 130 million dollars has been exhausted. Even the money repaid as a result of these loans will not go into continuation of this program.

It is evident that all areas of the State will need more protection than this act affords.

Vote No.

CHARLES BROWN
State Senator
28th District—Alpine,
Inyo and Mono Counties