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San Joaquin Valley Farmers Win Major Water Decision

Judge's ruling will result in increased supply of water for west side farms

Los Banos, California – A federal judge has ruled that the Department of the Interior has for several years illegally withheld vital water supplies from farmers on the west side of the San Joaquin Valley for environmental purposes.

U.S. District Judge Oliver W. Wanger, in a much-anticipated decision made public Thursday, said there was no legal basis for the Department of the Interior's method of calculating how much water has been dedicated to environmental restoration.

“This is an enormous victory for water users in the San Joaquin Valley,” said Dan Nelson, executive director of the San Luis & Delta-Mendota Water Authority. “The judge has agreed with our contention that the Department of the Interior has been arbitrarily and illegally withholding water that Congress intended for farmers.”

The San Luis & Delta-Mendota Water Authority consists of 32 water agencies representing approximately 2,100,000 acres of land that receive federal water in the western San Joaquin Valley and San Benito and Santa Clara counties.

“When Congress adopted the Central Valley Project Improvement Act in 1992, it struck a balance and allocated 800,000 acre feet of water per year as the supply for environmental purposes. Since then, the Department of the Interior has implemented policies that resulted in as much as 1.1 million acre feet being reallocated from farmers to fish and wildlife restoration. We've said for a long time that these calculations were wrong and now a federal judge has agreed with us,” Nelson said.

The San Luis & Delta Mendota Water Authority originally filed suit against the Department of the Interior in November, 1997. Since then, numerous water districts joined the litigation. Environmental groups also joined the litigation to support Interior's actions.

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At issue in the lawsuit was the manner in which the Department of the Interior calculated water dedicated to fish and wildlife restoration in the San Francisco Bay-Delta and the rivers that flow into the Delta. Through the use of a complicated formula established by the Clinton administration, Interior regularly withheld far more water from farmers than the 800,000 acre feet authorized by Congress.

“Interior is arbitrarily preferring [environmental] uses over all other water uses that have claims to CVP yield,” Wanger ruled. The formula by which the Department of the Interior had withheld water from farmers, he said, “is an ad hoc choice by Interior to prefer one category of water use over another, without basis in law.”

Thomas Birmingham, general manager of the Westlands Water District, said the decision should result in an immediate increase in water for the highly productive agricultural lands on the west side of the San Joaquin Valley. Westlands was one of several water districts that joined the lawsuit.

In anticipation of the trial in the case, the Bureau of Reclamation prepared a report that indicated a ruling favorable to the water districts could result in as much as 30 percent more water for farmers.

“The farmers in the Klamath Basin have suffered because government policies have favored fish over farmers. The farmers and the communities in the San Joaquin Valley have suffered from the same unbalanced policies. This important court decision will help restore some balance to federal water policies,” he said.

Birmingham said the victory for farmers does not mean the environment lost. “Congress struck a balance when it took 800,000 acre feet of water away from farmers and allocated it for fish and the environment. We accepted that balance as an unfortunate but necessary compromise. What we could not accept was the arbitrary and unjustified taking of more and more of the farmers’ water under misguided and illegal management policies.”

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