

# Water wars: Imperial Valley being cut out of western US drought plan

[Janet Wilson](#) Updated 7:48 a.m. PT March 14, 2019

The Colorado River provides water for seven western states and Mexico. Heavily overallocated and ravaged by years of drought, the river is also under growing strains due to climate change. Wochit

The Imperial Irrigation District is being written out of a massive, multi-state Colorado River drought plan at the eleventh hour.

IID could sue to try to stop the revised plan from proceeding, and its board president called the latest development a violation of California environmental law.

But Metropolitan Water District of Southern California general manager Jeffrey Kightlinger disagreed, and said Tuesday that attorneys for his agency, the U.S. Bureau of Reclamation and others in a working group are finalizing new documents to remove IID from the Lower Basin Drought Contingency Plan.

"The agreement will be rewritten so IID is not referenced at all, and the net effect of that is Met takes on the risk of potentially contributing 250,000 acre-feet that IID might have," Kightlinger said.

The new deal, without IID, could enable seven states to meet a March 18 deadline set by U.S. Bureau of Reclamation Commissioner Brenda Burman to submit a joint request to Congress to authorize the domestic plans and an international one with Mexico. IID has so far refused to sign onto the plan, saying they want a pledge of \$200 million in federal funds to restore the also badly eroding Salton Sea.



The level of Lake Mead, which stores Colorado River water for use by California and other states, has declined precipitously during a 16-year drought in the Colorado River Basin. *(Photo: AP)*

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Fourteen months ago, Colorado River supplies to farms adjoining the Salton Sea were slashed, increasing toxic salinity for wildlife and unleashing ever larger clouds of hazardous dust from its rapidly drying shoreline.

But Kightlinger, in a statement echoing one by Burman last week, said, "the drought contingency plan is critical to the whole health of the Colorado River and it needs to move forward. We also agree action needs to be taken on the Salton Sea, but we can't hold up one for the other."

The Colorado River and its reservoirs have experienced a historic 19-year

drought. Even with this year's heavy rains and snows, federal officials still project the system could fall below critical levels by next year, triggering voluntary cuts to water supply across the West. The river provides water for five million acres of farmland and 40 million people, including Los Angeles, Phoenix, Las Vegas, Palm Springs and San Diego.

The six other states who are part of the drought plan — Arizona, Nevada, Utah, Wyoming, Colorado and New Mexico — wrote to the head of California's Colorado River Board on Saturday, urging the state to unite with them in seeking authorization from Congress for the drought plans. Without the voluntary plans, Burman has said the federal government will step in and impose cuts if necessary.

MWD's board of directors on Tuesday voted unanimously to contribute the 250,000 acre-feet of additional water that IID had originally offered to contribute to depleted Lake Mead reservoir supplies if necessary.

The MWD board acted despite receiving a strongly worded letter from IID's board president, Erik Ortega, on Monday night, saying rewriting the plan violates the California Environmental Quality Act and constitutes a major revision to the long-negotiated agreement. IID, a sprawling rural district in southeastern California, holds the oldest and largest rights in the state to water from the river. Ortega said it's not legal for a water agency with lesser rights to sign documents and assume responsibility for an agency with greater rights.

Ortega said an MWD “go it alone” (drought plan) was legally indefensible.

"It is an unbelievable assumption (by MWD) that only one minor modification will be needed for a lower priority water rights holder to sign multiple agreements on behalf of a senior priority water rights holder," he said.

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Kightlinger told his board prior to their vote that his staff had concluded the proposal would not violate California environmental laws. He noted that IID's staff had concluded in December that the original drought plan would not violate CEQA either.

"We both agreed," he said. "I don't think it follows that if it was statutorily exempt in December, it isn't statutorily exempt now," he said.

He said while he understood that IID might seek an injunction or take other legal action to stop his agency, "I don't think it would be successful or block this. IID is not harmed by this at all. IID actually got relieved of obligations, so I don't see on what basis they would succeed."

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An IID spokesman said the board will be discussing all their options. In a statement after the Metropolitan water district's vote, Ortega said, "However well-meaning MWD's action is intended, it is simply unworkable and unacceptable to take the IID and the Salton Sea out of the DCP equation."

Coachella Valley Water District on Tuesday also voted to approve their portion of the drought contingency plan and the enabling Congressional language. CVWD board member Peter Nelson, who also chairs the Colorado River Board of California, said before the vote that he still hopes all the California parties, including IID, can work together and join onto the plan, rather than MWD assuming their share.

An "on-ramp" for IID to sign on the drought plan later if it chooses is being provided in the documents, Nelson said.



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The New River flows into the Salton Sea. *(Photo: Jay Calderon and Richard Lui/The Desert Sun)*

Under the Lower Basin DCP, California, Arizona and Nevada agree to store pre-set amounts of water in Lake Mead, largely through conservation, when it drops to certain levels. California would begin making contributions if the lake's elevation drops to 1,045 feet above sea level. Depending on the lake's level, the contributions would range from 200,000 - 350,000 acre-feet a year total. An acre-foot of water is nearly 326,000 gallons, about the amount used by three typical Southern California households in a year.

Under the previously negotiated plan, Palo Verde Irrigation District would contribute 8 percent, CVWD would contribute 7 percent, IID would contribute 125,000 acre-feet a year for the first two years, and Metropolitan would contribute the rest. Metropolitan has now agreed to contribute IID's share if necessary as well, bringing its potential total to nearly two million acre-feet of water between 2020 and 2026.

If Lake Mead's level recovers, much of those storage contributions would be returned to each agency. But worsening climate change and drought make the future of the river supplies through the century uncertain, experts say. They note that the drought plans are just a first step, and that far stronger

measures will probably be needed after 2026.

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