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## *Uncompensated Takings*

By Susan A. Sutton

### Dam Equivalents

The Pacific Institute stated in a recent report, *More with Less: Agricultural Water Conservation and Efficiency in California, September 2008*, that conservation will be comparable to “dam equivalents.” The report stated that “water savings achieved through conservation and efficiency improvements are just as effective as new, centralized water storage and are often less expensive.”

Conservation will assuredly come from farmers, and may include mandatory conservation, without compensation. Area of Origin protections prevent that taking of water, conservation gives our water away for nothing! Northern California will be forced to conserve so that the conserved water can be used elsewhere.

Conservation does not address the currently unrealized increase in the California population and its future demand on water. Long term vision is definitely required by our governing bodies. It will take foresight and courage to move all of California as one unit to the future. Water will set the stage for a reallocation of wealth.

After millions of dollars spent on water bonds, no new water, and drought, I guess we should be relying on those “dam equivalents” to help all of us who received water cut-backs.

There are always unintended consequences for actions and inactions.

Californians are experiencing their own form of tsunamis. Each incoming wave is compounding not only the State’s economic viability but individual citizens’ as well.

The first wave was the economic downturn; the implosion of Wall Street. The second wave, the drought, impacted both the urban community with water cut backs and rationing and the agricultural community resulting in land fallowing, increased costs, and massive job losses. The third wave was the regulatory drought, a decision that was a direct impact from the collapse of the Delta. Judge Wagner severely reduced water deliveries to save the Delta Smelt using the Endangered Species Act, an act supported by Congress, to “halt and reverse the trend toward species’ extinction, whatever the cost....” Now the next wave about to hit California is the implementation of the Delta Vision Strategic Plan.

The purpose of the Delta Vision Strategic Plan is to establish a long term, multi-generational, management plan that will address natural resources, infrastructure, land use, governance, and asserts co-equal goals of Delta ecosystem protection with reliable water supplies. Many of the tasks identified require water.

Of concern is the Delta’s Vision’s Flow Requirements. The plan adopted numerous recommendations to increase instream flows and Delta out flows. Specifically the plan calls for:

- increased spring outflows, implement by 2015 (Action 3.4.3);
- increased fall outflows, no later than 2015 (Action 3.4.4);
- increased San Joaquin River spring outflow and fall pulse flows, no later than 1012 and 1015 respectively (Actions 3.4.5 & 3.4.6); and
- increased flows and inundation, timing, and duration of flows in the Yolo Bypass (Action 3.1.1).

The amount of water and where it will come from was not addressed in the Delta Vision Strategic Plan. The plan directs the State Water Resources Control Board to revise the Bay-Delta Water Quality Control Plan to include the new objectives. The plan (Action 3.4.1) charges the Department of Fish and Game with completing recommendations for in-stream flows for the Delta and high priority rivers and streams in the Delta watershed by 2012 and all major rivers and streams by 2018.

How will the State Water Resources Control Board and the Department of Fish and Game determine the quantity of water required for instream flows? What scientific evidence is there that increased flows

### *SAS Strategies & Perspectives*

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or pulse flows actually benefit endangered or threatened species? No scientific evidence was presented in the Delta Vision Strategic Plan. How will all the various flow plans meld together and what impact will they have on the species in the Delta?

Two questions surface that are alarming from an agricultural perspective. Where will the water come from and who pays for it? Currently, there is not enough water to accomplish these goals.

**Eco-Sense Solution**

Develop multiple off-stream storage reservoirs throughout California so that each region can be self-sufficient.

Everyone benefits; rural, urban, and environment ...when there is ample water.

S. A. Sutton

The Delta Vision Strategic Plan, requests “the State Board to use its authority to **determine reasonable use of water** over the coming decades to **evolve away from the generally accepted practices of diverting surface water for irrigated agriculture**” (Action 4.1.3). It further states that the plan “**Creates no expectation of public payment for any water required for ecosystem revitalization**” (Action 7.3.1). **The net result is an uncompensated reallocation of water.**

Conservation appears to be the solution to meet the water demands. One goal is to achieve a 20% reduction in urban per capita water use by year 2020 (Strategy 4.1). The Plan admits that “Even if this target is achieved, current trends indicate that population growth will overtake these conservation gains by 2030.”

What is the equivalent water percentage reduction for agriculture? A state wide agricultural water conservation target is to be established by 2010. The **conservation starting point for agricultural water is 800,000 acre feet** (Action 4.1.3). Remember farmers already relinquished under the CVPIA (signed into law October 30, 1992) 800,000 acre-feet of water annually to fish and wildlife.

The intended outcome of this plan will be to **reallocate water based on a redefined beneficial use, reduce water diversions to include changes in pattern and timing, retire marginal land, and land fallowing.**

What is certain is that this far reaching wave will get all our feet wet and could drown out agricultural vitality in California. What then? Note: Bold added for emphasis.

## *Quotes to Contemplate*

There comes a time when mankind must reflect on the actions of the present as they relate to history. Considering the “changes” we are about to adopt, famous quotes often gives us just such a vehicle.

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“Is money money or isn’t money money. Everybody who earns it and spends it every day in order to live knows that money is money, anybody who votes it to be gathered in as taxes knows money is not money.

That is what makes everybody go crazy....

When you earn money and spend money every day anybody can know the difference between a million and three. But when you vote money away there really is not any difference between a million and three.”

Gertrude Stein (1874–1946)

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“The eighteenth-century Scottish historian Alexander Tytler said: A democracy cannot exist as a permanent form of government. It can only exist until a majority of voters discover that they can vote themselves largesse out of the public treasury.”

Quote usage by P.J. O'Rourke in his 1991 book, Parliament of Whores \*

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“The historical cycle seems to be: From bondage to spiritual faith; from spiritual faith to courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to apathy; from apathy to dependency; and from dependency back to bondage once more.

At the stage between apathy and dependency, men always turn in fear to economic and political panaceas. New conditions, it is claimed, require new remedies. Under such circumstances, the competent citizen is certainly not a fool if he insists upon using the compass of history when forced to sail uncharted seas. Usually so-called new remedies are not new at all. *Compulsory* planned economy, for example, was tried by the Chinese some three millenniums ago, and by the Romans in the early centuries of the Christian era. It was applied in Germany, Italy and Russia long before the present war broke out. Yet it is being seriously advocated today as a solution of our economic problems in the United States. Its proponents confidently assert that government can successfully plan and control all major business activity in the nation, and still not interfere with our political freedom and our hard-won civil and reli-

gious liberties. The lessons of history all point in exactly the reverse direction.” -

Henning W. Prentis, from speech Industrial Management in a Republic, p. 22, March 18, 1943 \*

The Truth About Tytler, by Loren Collins edited version posted online on January 25, 2009

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“Politicians invariably respond to crises -- that in most cases they themselves created -- by spawning new government programs, laws and regulations. These, in turn, generate more havoc and poverty, which inspires the politicians to create more programs . . . and the downward spiral repeats itself until the productive sectors of the economy collapse under the collective weight of taxes and other burdens imposed in the name of fairness, equality and do-goodism.”

On “Atlas Shrugged” by Ayn Rand, Stephen Moore recently summarized her book in The Wall Street Journal, January 9, 2009

**SOUNDS A LOT LIKE TODAY!**