

## **Biden administration re-issues \$400 million bill to Fresno's Westlands Water District**

**BY DAN WALTERS**

JULY 06, 2021 10:48 AM

Read more here: <https://www.fresnobee.com/opinion/op-ed/article252598848.html#storylink=cpy>

*Irrigated fields in the Westlands Water District border Interstate 5 west of Tranquillity in 2015. DAMON WINTER THE NEW YORK TIMES*

The powerful interests who vie for shares of the state's ever-changing water supply — dubbed “water buffaloes” — are adept at fending off political and legal assaults by their rivals and the outcomes of their clashes are often stalemates.

That's why it was surprising in June to see two game-changing decrees out of Washington, one from the new Biden administration and another from the Supreme Court, affecting two of the state's most prominent water interests, Southern California's Imperial Irrigation District and the Fresno-based Westlands Water District.

Neither attracted much media attention, but both could have long-term effects on how huge portions of the state's water supply are managed.

The Supreme Court unanimously refused to hear [an appeal by Imperial Valley farmer Mike Abatti](#), who contended that Colorado River water flowing into the valley is owned by its farmers, not the Imperial Irrigation District (IID).

The importance of the case is that the IID controls three-quarters of California's allocation of [Colorado River water](#) — more than 3 million acre-feet a year — and Abatti's loss may allow the district to expand sales of water outside its boundaries.

### **CLAIM OFFER**

Imperial's diversions have been underway for more than a century, and until recently the IID's governing board was controlled by the large-scale farmers it served. In recent years, however, the elected five-member board diversified both ethnically and ideologically, and today no farmer holds a seat and three of the five members are Latino.

Those changes brought changes of policy that no longer favored local agriculture, and touched off Abatti's legal challenges on water ownership that ultimately failed in the Supreme Court.

The court's refusal to hear the case “brings closure to this dispute and clarifies certain misunderstandings about IID's water rights,” IID board President James Hanks said.

The farmers served by the even larger Westlands Water District also took a hit last month when the Interior Department very quietly rescinded a 5-month-old memorandum that would have, in essence, cancelled a \$400 million debt owed by Westlands for environmental restoration.

The memorandum, essentially declaring that the restoration work was complete, had been issued on January 19, one day before Joe Biden's inauguration, while Donald Trump appointee David Bernardt was

still interior secretary. It was widely criticized because Bernhardt had been a long-time legal adviser to Westlands.

Once Bernhardt was gone and succeeded by Biden appointee Debra Haaland, California environmental groups and Indian tribes [pressed the new administration](#) to countermand not only the Jan. 19 restoration memo but other pro-Westlands actions, including a permanent water supply contract.

On June 11, the memo was rescinded in a new memo to the regional Bureau of Reclamation office, citing the earlier order's failure to collaborate with the federal Fish and Wildlife Service.

The rescission leaves Westlands and its farmer members still on the hook for the \$400 million, and also indicates that the Biden administration may also cancel the water supply contract and other Trump-era actions that backed farmers in their perpetual battles with environmental groups over water allocations.

The twin decrees arrive from Washington as California experiences another of its periodic droughts, pushing water management back to the top of the political agenda.

Westlands and other agricultural water agencies south of the Sacramento-San Joaquin Delta have seen their allocations slashed to zero, farmers' ability to tap underground aquifers is now subject to regulation and water policy reformers are challenging the hierarchy of water rights, such as the one that gives the Imperial Irrigation District so much power over Colorado River diversions.

Read more here: <https://www.fresnobee.com/opinion/op-ed/article252598848.html#storylink=cpy>