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Go with the flow on water legislation

All parties have achieved gains, including construction of a controversial canal and a new dam or two, in their negotiations for major water improvements. Now it's time to make the deal happen.

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From Sacramento

Negotiators are on the brink of achieving the most comprehensive California water legislation in half a century. They're also in danger of an embarrassing belly flop.

Both sides -- whether talking about Democrats vs. Republicans, environmentalists vs. farmers, cities vs. burgs -- have attained their top priorities, realizing gains that seemed almost impossible just 18 months ago.

GOP lawmakers and San Joaquin Valley growers have secured a pathway leading to probable construction of a long-controversial canal to carry fresh Sacramento River water around the fragile, brackish delta and directly into an aqueduct heading south. Also, a new state water planning process would likely result in an additional dam or two.

Everyone who depends on delta water -- and most Californians do -- would wind up with a more reliable flow.

Democrats and environmentalists long have fought against both the so-called peripheral canal and what's euphemistically referred to as "above-ground storage," fearing they'd lead to increased water exports from north to south; more for irrigation and swimming pools, less for fish and wildlife.

But the trade-off for acquiescing to the canal and dams is an ecologically restored delta, a once-fertile estuary that's now in danger of becoming a dead sea for salmon and other fish. The Dems and enviros also would gain significantly improved statewide water conservation.

Financing for the delta restoration and up to half the dam construction would come from a $9.4-billion bond proposal on the November 2010 ballot. All the canal cost and at least half the dam funding would be footed by the water users.

The GOP and the farm lobby until recently have shown no interest in fisheries restoration -- indeed, belittling such efforts -- and have been suspicious of state-imposed water conservation. But federal courts have cut off water for irrigation and preserved it for the endangered tiny delta smelt and San Joaquin River salmon. So until the delta is restored ecologically, farmers will be forced to fallow fields and let orchards die.

Meanwhile, there has been a gradual realization among many environmentalists that the biggest threat to the delta is not a carefully regulated peripheral canal. It's the current water transfer system with its giant pumps that have confused,

sucked up and decimated the fish.

"The ecosystem of the delta has collapsed," says Barry Nelson, water project director for the Natural Resources Defense Council. "We're risking the permanent loss of the California salmon fishing industry."

Nelson adds that, with or without a new delta plumbing system, agriculture and urban interests "quietly acknowledge that we're not going back to the record water diversions of the past."

That's why big interests -- the Metropolitan Water District of Southern California, the Westlands Water District in the San Joaquin Valley -- aren't really looking for more northern water. They're seeking a more dependable stream.

The politicians and "stakeholders" have been meeting for months and narrowed their differences to relatively small details. Issues within issues.

They're quibbling over the conservation mandate. Everybody's OK with cutting statewide per capita water use 20% by 2020. But there's a dispute over how much should be pared in each region. There's resentment because Los Angeles and San Francisco could end up being required to cut only 5% because they'd get credit for past efforts.

San Francisco and East Bay interests also are suspicious that the grand plan would endanger their water rights. Negotiators will try to satisfy them with non-guaranteeing "comfort language."

There's a debate about how stiff the penalties should be for illegally diverting water.

An ambitious groundwater monitoring program had been controversial, but has been resolved. Rather than state workers checking on farmers' wells, that would be left to local officials. If they were lax, the local areas wouldn't qualify for state bond money.

But the biggies basically are settled: the canal, dams, delta restoration, a new governing structure for the estuary and the conservation concept.

What's needed now are some handshakes and legislative votes.

So far, there isn't even legislation in print. Senate leader Darrell Steinberg (D-Sacramento), the negotiation leader, wants a firmer agreement before he prints the legal language. He doesn't want it nitpicked to death. Others, however, insist on seeing the language before they sign off on any plan.

"We have a tiny bit of a Catch-22," Steinberg concedes.

"We've beat this horse to death," asserts Sen. Dave Cogdill of Modesto, the Republicans' main man on water. "At some point, somebody's going to have to make a call.

"The real risk is that we make perfect the enemy of good and end up with nothing."

That's what Gov. Arnold Schwarzenegger keeps telling the legislative leaders.

"He's told them they can't get everything they want, but they've already gotten what they need," says a senior advisor, who asked for anonymity.

There is a realization within the Capitol that a unique opportunity exists to finally fix the rotting water system, which hasn't been updated since it was originated by the 1959 Legislature and Gov. Pat Brown.

Schwarzenegger sees himself as a Teddy Roosevelt conservationist and Pat Brown builder. He's eager for a water legacy. The next governor may not be as committed or flexible on policy.

Moreover, legislators are motivated by the third year of drought -- and a desire to prove that they actually can solve big problems.

"What a beginning of a turnaround it would be for the Legislature and state government!" Steinberg says of a potential deal. "We've come too far for this to fall apart. . . . We're coming down to a showdown in the next few days."

The solution is simple: All sides should declare the victory they've won.

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