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California water legislation at a standstill

Republicans roll out their own version of a water bill, as state legislators are being held up mostly by obscure water policy details and regional self-interests.

By Bettina Boxall

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Lawmakers have been chewing over water legislation for weeks, unable to seal a final deal despite threats from the governor, weekend negotiating sessions and their own deep desire to disprove the widespread perception that they can't get anything done.

Many of the choking points involve often arcane details of water policy and regional self-interests that haven't always followed the usual partisan lines.

"It's fear of losing water, fear of having to pay for stuff," said Ellen Hanak of the Public Policy Institute. "It's the same old interests," she added, that have for decades impeded any kind of overhaul of California's complicated and increasingly troubled water system.

The Democrats' proposal is broad-ranging, but far from revolutionary. It takes what many water experts have characterized as modest steps in regard to groundwater, urban water conservation and state enforcement of water rights.

It eases the way for a re-plumbing of the Sacramento-San Joaquin River Delta, the state's water hub. But it does not authorize a controversial delta bypass canal. The accompanying, roughly $9-billion bond proposal sets aside money for new storage, but does not dedicate money for any specific dams or reservoirs.

"This is not a radical package. This is not a major change," said Ron Gastelum, interim executive director of the Southern California Water Committee, a nonprofit group of local government, water agencies and businesses.

But it is enough of a change to rattle a lot of people.

Some Bay Area Democrats, who could be expected to back a leadership proposal, have withheld support over delta provisions they fear could ultimately cost local districts water.

Republicans, fiercely fighting some of the fine-print details, rolled out their own version of the bill Tuesday, frustrating Democrats who say they've already compromised enough.

The endorsement of some of the biggest players in delta and water politics has not even assured passage.

In some ways, the split over the bill represents two competing philosophies.

One believes California can build its way out of its water troubles with a delta re-plumbing and new dams and reservoirs. "We need to be sure that any money we spend actually stimulates the economy, creates jobs and brings water. That has to be our top priority," Assembly Republican Leader Sam Blakeslee of San Luis Obispo said Monday.

The other camp, represented largely by Democrats, argues that the answer is more sweeping than infrastructure: The state should start monitoring groundwater use, do a better job of enforcing water rights and crack down on illegal water diversions in the all-important delta watershed. It needs to mandate urban water conservation and force agriculture -- the state's biggest user of water -- to do a better job of measuring and pricing its supplies to promote efficient irrigation.

The conservation provision, which requires the state to cut urban per capita water use by 20% overall, exemplifies the word-by-word back-and-forth that has bogged down talks.

Republicans want to insert language protecting districts that fail to comply with the conservation targets: They could not be sued under the California Constitution's prohibition on waste and unreasonable water use.

But adding that line would undermine a century-old pillar of state water doctrine, insist Democrats and environmentalists. "It's a big deal," said Assemblyman Jared Huffman of San Rafael, one of the Democrats' lead negotiators.

There is a similar fight over the bill's call for the state to determine how much water the delta needs to regain some ecological health. An influential East Bay water agency wants assurances that it won't have to give up water for delta restoration without going through a full-blown evidentiary hearing.

"It's a little bit like the Balkans. There's a lot of history and distrust going back," said Richard Frank, executive director of the Center for Law, Energy and the Environment at UC Berkeley Law School.

It's a fight as old as statehood, he added.

"There's not enough water to go around. . . . Something's gotta give. There are going to be winners and losers here."

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