

Clouds on the Horizon

Water Worries in the West



Dave Puglia

Executive Vice President, Western Growers



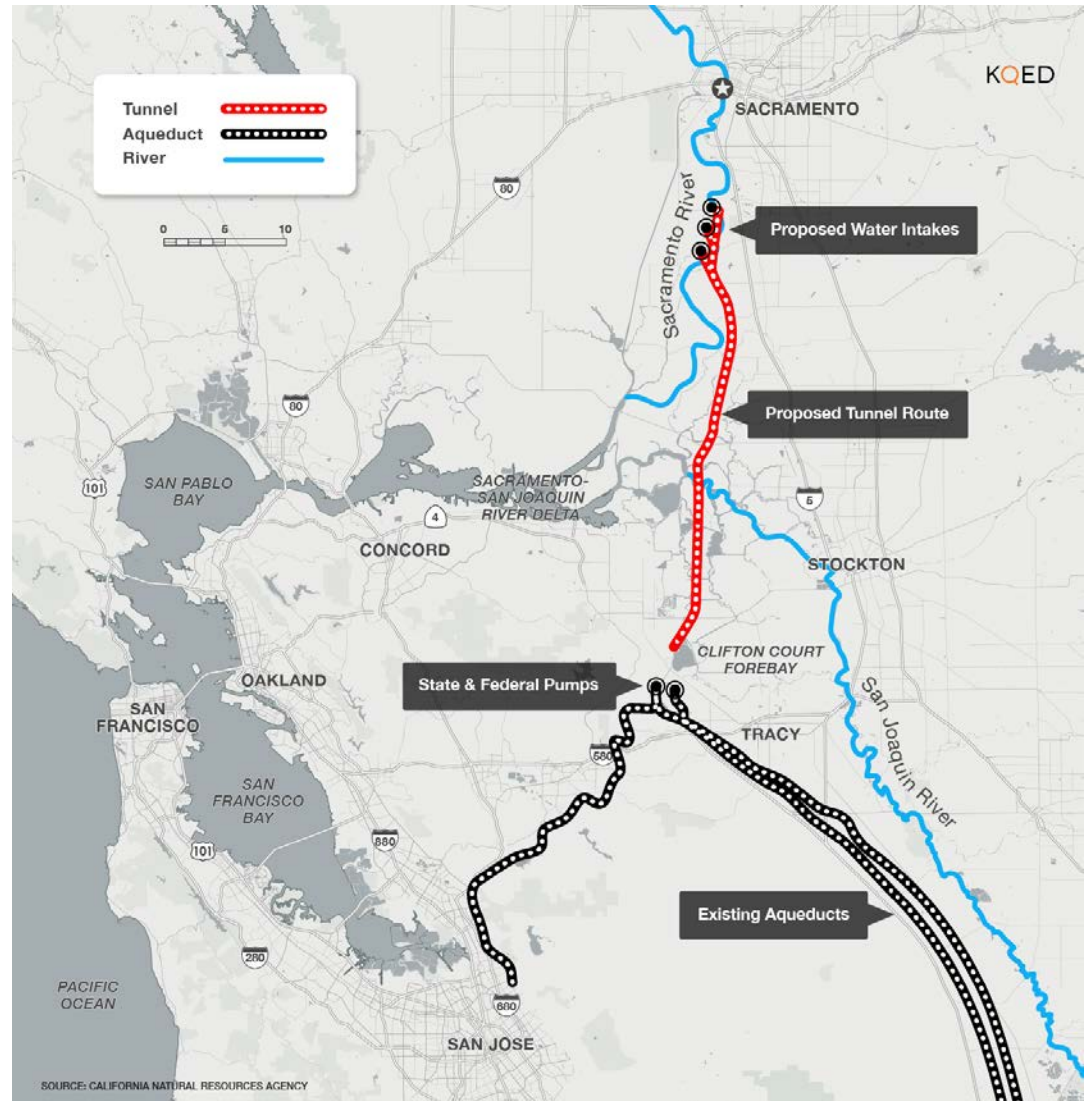
San Joaquin Valley

- 5.3 M acres irrigated
- \$30B Farm gate



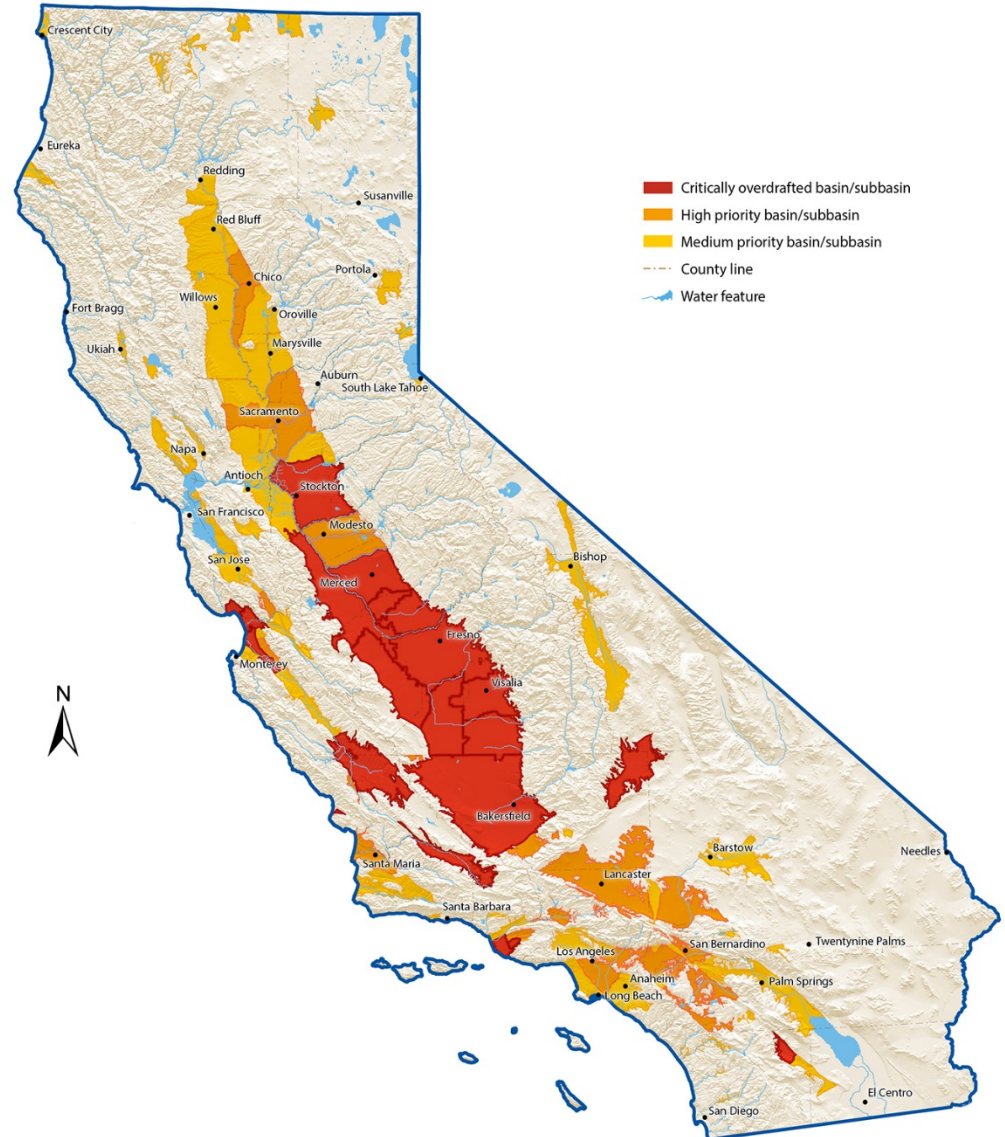
SACRAMENTO – SAN JOAQUIN DELTA CONVEYANCE

- “Peripheral Canal” (Brown 1.0): 15Kcfs
-rejected 1982
- “CA Water Fix” (Brown 2.0): 9Kcfs
-see Gov. Newsom
- “Single Tunnel” (Newsom): 3-4.5cfs?



SGMA – SUSTAINABLE GROUNDWATER MANAGEMENT ACT (2014)

- San Joaquin Valley avg. overdraft: 2 MAF/yr.
- Compliance by 2040 = +/- 500,000 acres out of production



No. D072850

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION 1

MICHAEL ABATTI, AS TRUSTEE, ETC., ET AL.,
Plaintiffs/Respondents/Cross-Appellants,

vs.

IMPERIAL IRRIGATION DISTRICT,
Defendant/Appellant/Cross-Respondent.

On Appeal from the Imperial Superior Court, Case No. ECU07980,
Dept. 9, Honorable L. Brooks Anderholt, Judge Presiding
Telephone: (760) 482-2200

COMBINED APPELLANT'S REPLY &
CROSS-RESPONDENT'S BRIEF

Declaratory Judgment Entered August 25, 2017
Writ of Mandate Entered August 31, 2017

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IMPERIAL IRRIGATION DISTRICT

APPELLANT'S REPLY BRIEF

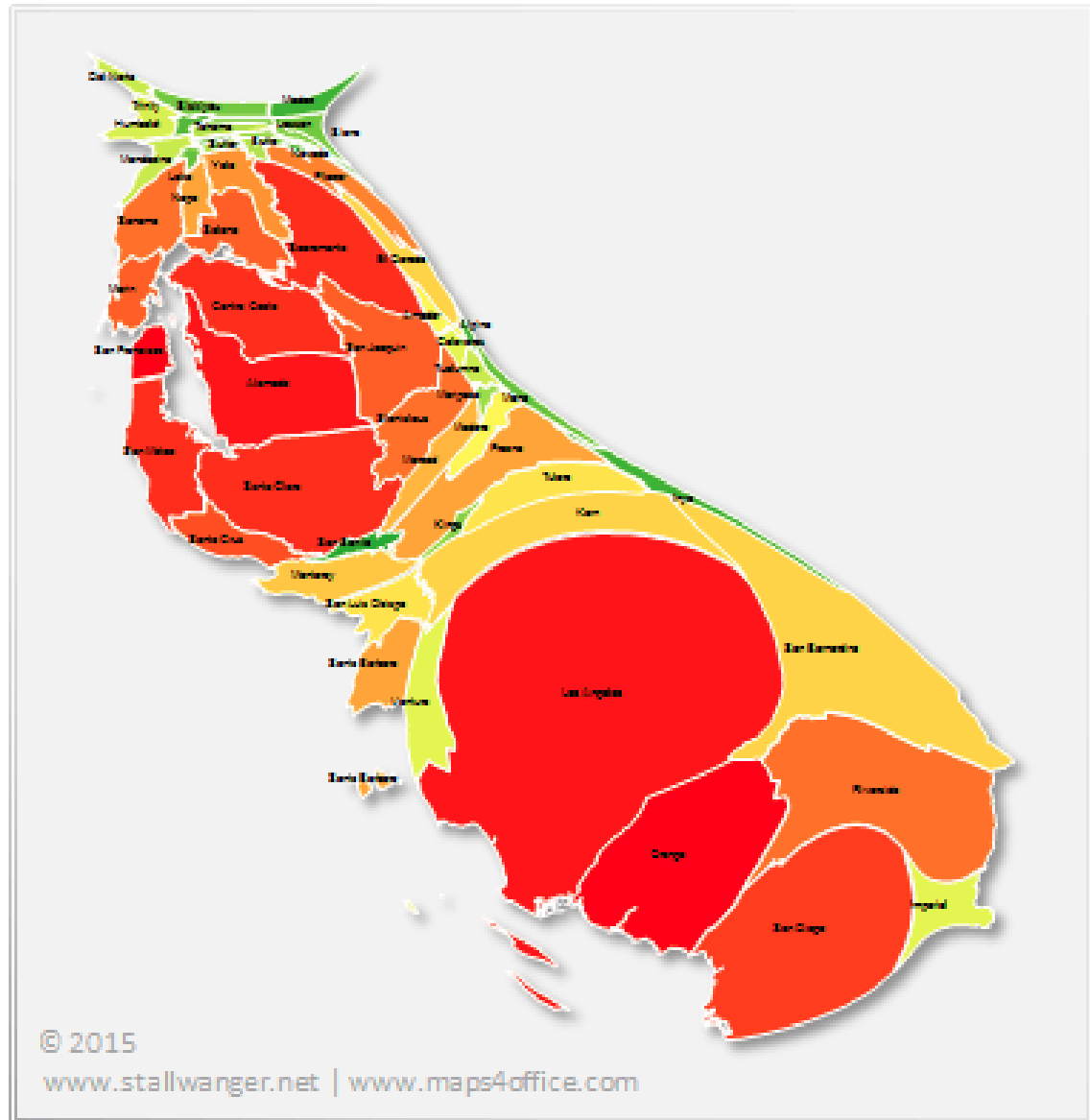
INTRODUCTION

Imperial Irrigation District (“IID”) is the sole owner of the water rights used to supply water to the Imperial Valley from the Colorado River, which is the Valley’s sole source of water. Yet, foundational to the trial court’s decision is the conclusion that the farmers within IID hold those water rights, abrogating IID’s ability to manage the water. This conclusion is flatly wrong as a matter of law.

Respondents Michael Abatti, Trustee of the Michael and Kerri Abatti Family Trust, and Mike Abatti Farms, LLC, argue that they hold pre-1914 vested water rights through their ancestors, and equitable and beneficial ownership of the water rights held by IID, by virtue of being an irrigating landowner. (E.g., RB 29, 51, 68.) Under this construct, IID is simply an irrigation district with powers so limited that they exist solely to

Yes, this is California!

- 40M population
- 80% + reside in highly urbanized areas
- Federal, state elected representatives disconnected from the nation's largest farm industry



Colorado's Contrasting Reality



Colorado's Contrasting Reality

- Upper Basin obligation to Lower Basin
 - DCP as interim plan
 - Long term Colorado River watershed insecurity
 - As a matter of climate
 - As a matter of political/legal reforms
- Advanced groundwater regulation and management delivers twin benefits
 - Sustainable resource management
 - Political/social support for responsible farming
- Water rights/lease-transfer flexibility
- A working ag-enviro partnership

Thank you

