



As you no doubt know by now, on April Fools' Day Governor Brown [issued an executive order](#) relying on his emergency powers to impose new statewide restrictions on water use. As has been widely noted in the media (for example [by the L.A. Times](#) and [Sacramento Bee](#)) and [by our own Jonathan Zasloff](#), Executive Order B-29-15 focuses almost entirely on urban water use, which accounts for only 20% of California's consumptive use, and essentially gives a pass to agriculture, which accounts for 80%. The Executive Order requires that the State Water Resources Control Board impose restrictions on urban use that will reduce statewide use by 25% compared to 2013 levels. It does not require any such restrictions on agricultural use, relying instead on a mandate that large agricultural suppliers prepare drought management plans, including quantification of water use "to the extent data is available."

I agree with Jonathan: excluding agriculture from the signature provision of this order is silly. It's likely to raise resistance unnecessarily among urban water users, and misses important opportunities to begin dealing with our agricultural water problem. I don't buy the Governor's public justification for exempting agriculture, which is that [farmers have already been through enough pain](#). The cuts imposed on urban users are benchmarked to 2013, before last year's extraordinary restrictions. If agriculture truly is already

experiencing significant cuts, requiring 25% reductions from 2013 use levels (or whatever year is identified as an appropriate benchmark) ought to have essentially no effect. It would provide an important symbolic show of fairness without actually adding to the pain agricultural users are suffering.

There are at least three respects in which the special treatment for agriculture in this Executive Order misses golden opportunities to make sure that agriculture, the state's biggest water consumer, actually is doing its part.

First, if cuts from some benchmark year were mandated, the State Water Resources Control Board could have rewarded agricultural users who have made past efforts to conserve, by requiring that more profligate users keep up. The Order's urban use provisions allow that kind of tailoring, although not quite in the way I would have chosen. There is a huge range in per capita use by urban water districts, as [this map in the N.Y. Times shows](#). Some, but by no means all of the difference is attributable to differing levels of past commitment to water conservation. The Order directs the Board to "consider the relative per capita water usage . . . and require that those areas with high per capita use achieve proportionally greater reductions than those with low use." I would have framed the Order differently, directing the Board specifically to look at changes in urban water use efficiency over the past 25 or 30 years, and ordering districts that have been slow to conserve to make greater reductions than those that have already taken significant steps. And I would have done the same thing for agriculture, requiring differential cuts based on the extent to which conservation has already been induced.

I'm guessing that the Order didn't explicitly call for consideration of past conservation efforts in the urban context because the state doesn't have the necessary information to tailor restrictions in the most sensible way. Many cities still aren't fully metered, and many of those are in high water use areas. Sacramento, for example, only began transitioning to metered connections in 2005, when required to do so by state law. It won't reach its goal of 80% metering [for another 10 years](#). So there's an awful lot we still don't know about who is using how much water within urban districts. (I do, for what it's worth, think the Order allows the Board to take past conservation efforts into account, and I hope it will do so to the extent possible.) The information gap is even wider on the agricultural side, where we have only recently begun to demand reporting of diversions, and we still know little about how reliable that reporting is.

Which leads to the second big miss on the agricultural side. The Order explicitly allows even the largest agricultural suppliers to rely on existing data. Why not demand that large districts do more to gather needed data? Why not mandate that they meter their use and

report it accurately in their drought management plans, or even that they install meters that will report directly to state authorities? Metering is not technically difficult or terribly expensive. The state could subsidize the equipment costs. Agricultural users have consistently and successfully resisted information disclosure mandates. The legislature has proven itself unwilling to stand up to that resistance. The Governor, who doesn't ever need to face voters again, is in the perfect position to take that stand, and the drought provides very strong justification for doing it now.

And finally there's a third big miss, the failure to address groundwater pumping. California agriculture has long relied on groundwater pumping as a drought adaptation strategy, turning to pumping when surface water supplies are restricted. (For that reason, it's not accurate to say that agricultural water supplies were cut last year in the proportion that deliveries from the State Water Project and Central Valley Project were reduced.) That strategy is defensible when droughts are rare and the pressure on groundwater resources is generally light. But neither of those seems to be true anymore. It's past time to get a handle on groundwater use. California missed a chance to do that legislatively last year, adopting only a weak requirement for local planning to achieve sustainability in 20 years. The Governor could have, and should have, seized this opportunity to require that irrigators immediately begin measuring and reporting groundwater use, as well as imposing caps on groundwater pumping in overdrafted watersheds.

Perhaps the Governor lacks confidence in his authority to impose these kinds of requirements on agricultural water users, but he's making aggressive use of his emergency authority in other ways. Thirsty landscaping is an easy target. I don't mind him taking aim at lawns. I agree they don't make sense in the drier parts of the state, and it's past time to stop thinking of them as the esthetic norm. But there's also low-hanging fruit (so to speak) in the world of agricultural water use. The Governor should think (and act) bigger.