



[This](#) should come as no surprise to anyone who has studied water in the West:

In a new study, researchers analyzed wholesale prices charged by the federal government in California, Arizona and Nevada, and found that large agricultural water agencies pay only a fraction of what cities pay, if anything at all. They said these “dirt-cheap” prices cost taxpayers, add to the strains on scarce water, and discourage conservation—even as the Colorado River’s depleted reservoirs continue to decline.

“Federal taxpayers have been subsidizing effectively free water for a very, very long time,” said Noah Garrison, a researcher at UCLA’s Institute of the Environment and Sustainability. “We can’t address the growing water scarcity in the West while we continue to give that water away for free or close to it.”...

The study analyzed only wholesale prices paid by water agencies, not the prices paid by individual farmers or city residents. It found that agencies serving farming areas pay about \$30 per acre-foot of water on average, whereas city water utilities pay \$512 per acre-foot....

{N}early one-fourth of all the water the researchers analyzed—is delivered for free by the U.S. Bureau of Reclamation to five water agencies in farming areas: the Imperial Irrigation District, Palo Verde Irrigation District and Coachella Valley Water District, as well as the

Truckee-Carson Irrigation District in Nevada and the Unit B Irrigation and Drainage District in Arizona....

The Imperial Irrigation District charges farmers the same rate for water that it has for years: \$20 per acre-foot.

The IID's response - that yes, they get free water, but somehow that doesn't count because it is like "comparing a grape to a watermelon" - is essentially a confession of guilt.



UCLA
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Environment
and Sustainability

Full disclosure: this was a UCLA study, and Garrison is a former student (so I am officially [kvelling](#)). But this confirms what others have found, namely, that you can't solve California's and the West's water problems unless you crack down on Big Ag agencies, which as the study showed, get water from the federal government often for **\$1** an acre-foot.

It's been this way for a while. "[The Imperial Valley belongs to a plutocracy of corporate agricultural and real estate interests that hoard water](#)," says Carolee Krieger, president of the California Water Impact Network, a nonprofit group in Santa Barbara. "They're fighting to control water that California needs to preserve its environment."

Similarly, "[of the 830 billion gallons that flowed through the Imperial Valley in 2021, roughly 240 billion went to alfalfa fields](#). Add in Bermuda, Sudan and Klein grass, and 60% of the valley's irrigated acreage was dedicated to crops that feed animals.

All told, Imperial Valley feed crops consume more water each year than the entire state of Utah.”

And let’s not start sob stories about sturdy rural farmers: the Imperial Irrigation District has rights to 3.1 million acre-feet of Colorado River Water—but those rights are actually held by all of 500 large farming enterprises. [As Propublica reported](#), “Twenty families in the Imperial Valley received a whopping 386.5 billion gallons of the river’s water last year—more than three Western states. Century-old water rights guarantee that supply.”



IID Motto: Let’s Waste A Bunch of Water!

Nor are they good stewards of water: [in 1997](#), Clinton’s Interior Secretary, Bruce Babbitt, praised the state generally for conservation but pointedly “singled out for criticism the Imperial Irrigation District—the largest user of water from the Colorado—citing it for the amount it uses and how it does so.”

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But you might notice the key word: *rights*. And therein really lies the problem. At the end of the day, agriculture – particularly in the Imperial Valley – has senior rights, and so they don’t really care about what happens to anyone else.

Unless.

Water rights are held not by individual farmers; they are not *private* property in the sense we normally think of. In the case of IID, they are held by the district in trust for the users. But of course lots of legal doctrines affect that trust. As the Supreme Court held in [Bryant v Yellen](#) (1980), rights cannot just be changed willy-nilly by federal law (in that case, the Reclamation Act’s restriction of 160 acres to

recipients). But [the California Court of Appeal recently held](#) that individual water users lack appurtenant property rights in water: they only have rights to water services. And of course water rights of any kind are also held subject to, most importantly, the public trust, and possibly [Article X Section 2 of the California Constitution](#), which restricts water to “beneficial use.”

What to do? Well, consider that all these water districts are *public* agencies, creations of state law. And if they can be created by state law, they can be *uncreated* by state law. If they won't play ball, then Sacramento might decide to create new, and more forward-thinking, agencies to manage water resources in the Imperial and Central Valleys. Those new agencies would still have trust responsibilities, but they might manage and interpret those responsibilities quite differently from the current directly-elected boards.

There is, of course, state precedent for abolishing agencies: in 2012, [Jerry Brown got rid of every redevelopment agency in the state](#).

I'm not sure I would go that far – yet. But until and unless Big Ag water agencies clean up their act – and as the pattern of a century shows, there is a lot to clean up – it should be on the table.