

COPING WITH THE "NEW NORMAL"

James Marion

To gaze out the window on a flight from the verdant springtime bloom of the Southeast is an exercise in juxtaposition. The landscape below turns rapidly from bright greens to amber browns, then into a deep red terracotta, finally fading to sandy gray and sun-bleached white. On the horizon, the urban skylines of San Diego, Los Angeles, and San Francisco frame the edge of the continent, and an undeniably evident reality takes hold. California, with its 39 million people, sits tenuously on the dividing line between two vast deserts. One is wet, the other arid. Taming and irrigating the latter was one of the great engineering feats of the last century. But in the new century, climate change and population growth have spawned increasing sea-level rise and prolonged drought. The deserts are on the rebound, and now Californians face a generational imperative to slow their advance before the effects reap untold billions in damage and render the modern way of life in the American West, as we know it, completely unsustainable.





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At the heart of this struggle is water. On one side, the ocean will eventually have too much of it. A recent study funded by concerned business leaders, including former New York City mayor Michael Bloomberg, former U.S. Treasury secretary Hank Paulson, and former Farallon Capital Management hedge fund manager Tom Steyer, among others, projects that \$10 billion in state property will literally be under water by 2050. By the end of the century, the report estimates, that figure will have nearly doubled. On the other side, the Sierra Nevada snowpack and, per the laws of gravity the entirety of California, does not have anywhere near enough water. By the time Governor Jerry Brown announced mandatory cutbacks in water consumption in early April, snow in the Sierras stood at 6 percent of the average. California's drought is now in its fourth year. By most measurements it is the worst drought since the 1800s, when such measurements were first taken.

It is this winter's anemic snowfall coupled with Governor Brown's call for conservation over the past two years that seem to have finally spurred a sense of urgency among the public. The State Water Resources Control Board (State Water Board) announced that as recently as February, Californians in cities and towns had reduced their water consumption by only 2.8 percent, which was actually down from the 8 percent water savings in January. Those statistics seem to lend credence to the governor's call for an immediate 25 percent mandatory reduction in urban water use statewide. Adding weight to the effort, in late March the state legislature passed emergency legislation—AB 91 and AB 92—that fast-tracks more than \$1 billion in funding for drought relief and critical water infrastructure projects.

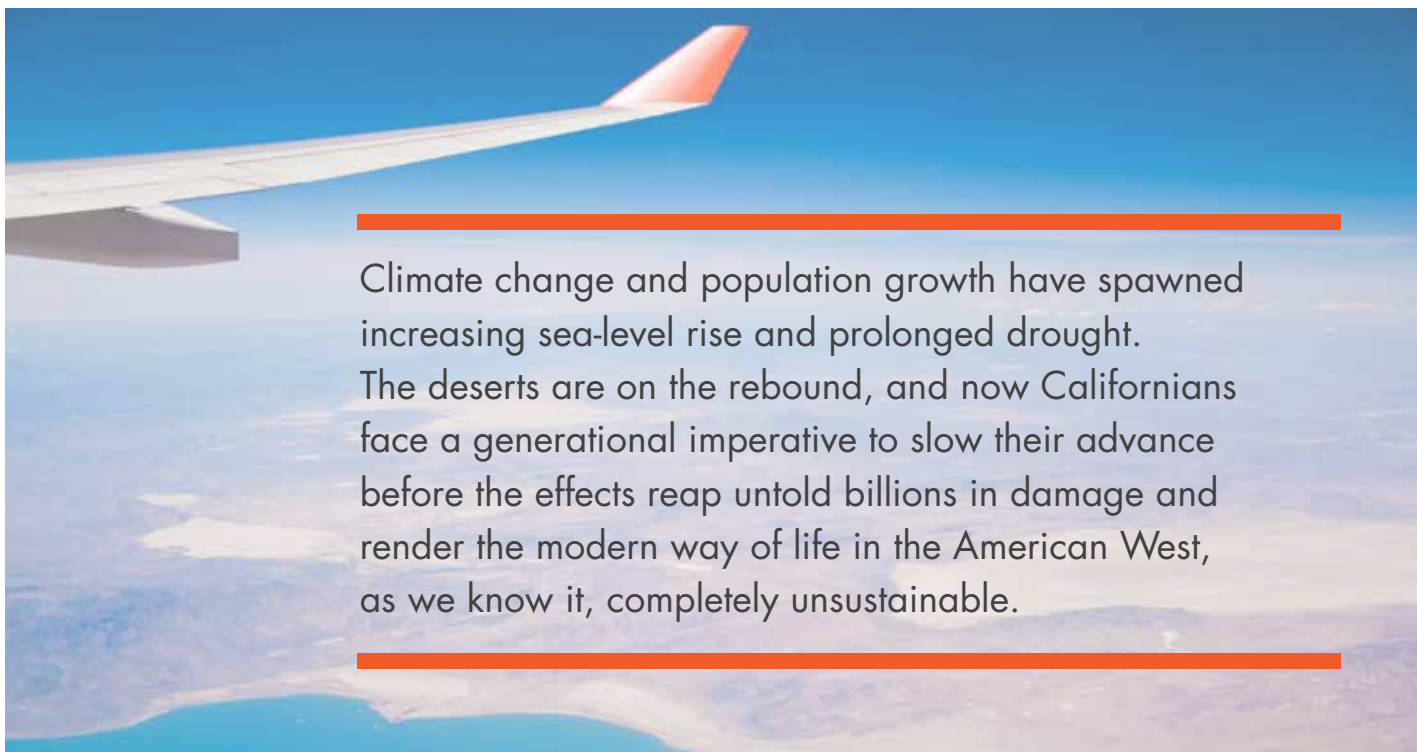
The California Energy Commission then approved new water-appliance standards that aim to save more than 10 billion gallons of water in the first year. Over time, savings from applying these standards is estimated to reach 105 billion gallons per year—more than three times the annual amount of water used by the city of San Francisco.

While much of the popular discourse has centered on a need to stop unnecessary watering of highway medians, along with the water imprint of certain thirsty produce—one almond apparently requires one gallon of water to exist—the longer conversation will likely be significantly more complex. The ramifications of conservation policy threaten to send ripples, if not waves, through the “senior rights” water law regime that dates back to the nineteenth century, when the first ranchers and farmers to utilize water sources established priority of access to those sources over junior claimants. This system will be put to the test as statewide scarcity forces increased curtailment of these centuries old water rights. Curtailment already affected more than 5,000 water rights in 2014, contributing to conditions that led to the fallowing of more than 400,000 acres of farmland with the corresponding loss of

thousands of agricultural jobs, a situation the State Water Board already warns is likely to be repeated this year. The specter of redistribution now looms large in the minds of the many senior rights holders, as does the prospect of contentious litigation in defense of those rights.

In the short term, Californians might look to increased rainfall from the sky for relief. But the conditions on the ground suggest the need for prolonged change in attitudes, policy, and behavior. How tumultuous that change will be remains to be seen, but as farmers, businesses, and whole municipalities struggle for survival from the Central Valley to the Mexican border, one thing seems certain: water consciousness is the “new normal.”

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