

Executive Summary

The use of irrigated water for livestock feed crop production is both wasteful and unreasonable during this time of drought in California; such use also conflicts with the “waste or unreasonable use” section of the California Constitution.

The wasteful, unreasonable use of irrigation water for livestock feed production is manifest within four areas of California water use and policy: hay exports, continued flood irrigation of alfalfa and irrigated pasture, the April 6, 2015, Temporary Urgency Change Order (TUCO), and the extreme groundwater depletion within the San Joaquin Valley.

The applied water value for four livestock feed crops alone (alfalfa, irrigated pasture, corn, and almond hulls) constituted just over 42% of all water applied in California agriculture in 2012.

It is wasteful for California irrigation water to be used to grow feed resources for the very inefficient animal-based protein/fat/carbohydrate production system when a smaller fraction of that irrigated water could be used to grow equivalent amounts of plant-based protein and carbohydrates.

It is unreasonable for California water to be used during this time of drought for activities (such as alfalfa-related livestock feed production) that are likely to generate even more water scarcity in California (by way of livestock-associated methane emissions into the atmosphere.)

California continues to unreasonably export some of its water in virtual form through significant international exports of alfalfa and other hay.

Flood irrigation devoted to alfalfa and irrigated pasture production (nearly two million acres combined in 2010) is a wasteful and unreasonable method of use of water, as well as a wasteful and unreasonable use of water.

Based on the analysis provided in the comment, the April 6, 2015, TUCO is likely promoting the wasteful and unreasonable use of irrigation water to produce livestock feed crops in the area associated with the San Joaquin River Exchange Contractors Water Authority (SJRECWA). Methane emissions associated with dairy cows in the SJRECWA service area are converted in CO₂ equivalents using methane GWPs associated with both 20 year and 100 year intervals.

The use of pumped groundwater from already-depleted groundwater aquifers in the southern Central Valley to produce livestock feed is a wasteful, unreasonable use of water. Scarce groundwater has been used for irrigation of crops in Tulare County that will be partially converted into significant amounts of methane and then emitted by livestock into the atmosphere. Such emissions will likely contribute to a long-term reduction in precipitation that will limit groundwater aquifer recharge in the future.

The SWRCB is required to act on the matter of wasteful, unreasonable use of water being used to produce livestock feed. The mandatory legal authority to buttress SWRCB action has three components. First, the SWRCB and the courts can nullify “beneficial” use of water, if such use is wasteful and/or unreasonable. Second, the SWRCB can reduce and/or eliminate wasteful, unreasonable water use to rebalance an unbalanced situation. Third, the SWRCB is *required* to re-balance imbalanced situations.

The SWRCB and the courts continue to use an anachronistic concept of “balancing” in relation to drought. New circumstances require a reconceptualization of “balancing” in order to reduce the strain that contemporary California society has been imposing on the natural world, including the native forests of California that are currently being adversely impacted by climate change.

The April 6, 2015 TUCO does not accord with the Public Trust legal doctrine that the SWRCB is required to enforce with regard to currently endangered native fish species, the environment, and the climate.