

ROY MANN

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KAREN TACHIKI

Today is June the 5th, 2002, and we're here in the offices of Roy Mann to do Roy's oral history. Roy, can you just start off by telling us a little bit about yourself, you know, where you were raised and went to school and things like that.

ROY MANN

Where I was raised and went to school. Well, I was born in Granite City, Illinois. Came to California for the first time with my parents in 1923. Spent some time back in Illinois. Went to grammar school, started grammar school in Illinois, then we moved to Glendale, California. Lived and grew up in Glendale, with an interval, again, went to school in Illinois. Went to Hoover High in Glendale. I graduated from there in 1940. Went to Cal Tech in Pasadena until I left there to go war. I was in the Air Force as a meteorologist, for four years. And, when I came out I went to UCLA. I got married, had babies, went to UCLA, became a chemist and I worked for Eastman Kodak. And then I decided, after talking to a family friend I'd go to law school to be a patent lawyer. After I got to law school, I discovered I could do that bet-

ter than I could do science. So I became a lawyer. I started with a large law firm in Los Angeles, McCutcheon's. They were primarily a San Francisco firm. My classmate, a man named George Grover had been editor-in-chief of the Southern California Law Review ahead of me. He and I had commuted to school together. I became editor-in-chief after he did, and he came out here because he had clerked on the California Supreme Court with a fellow named Don Stark. Don Stark came out here and joined Walter Clayson, started the office where I am now. George got in touch with me and I thought it would be a better place to raise my kids than Los Angeles was going to be. I already could see that the commute was getting to be a bad thing in Los Angeles, so I came to Corona. Walter Clayson had done quite a lot of water work in the Corona-Riverside area because that was the nature of things in this area of Riverside County when he came. So Don Stark got into water law and I got into water law because I came to this office. I came to Corona in 1951. In the late 1950s a woman named Esther Cassell, who was a desert land entryman and whose sister was a desert land entryman, had hired an engineer by the name of

Jack Wooley in Santa Ana to help them develop the Palo Verde Mesa.

They needed to get water on the mesa and put in their crops in order to get a patent on the land. So they were interested in getting a mesa, a mesa water project.

KT

How much land did they intend to develop, do you remember?

RM

Well, the contract, the water delivery contract with the United States and the 7 Party Water Agreement, had provided for 16,000 acres on the Palo Verde Mesa. The district had included 16,000 acres of the mesa in the district at that time. So that was the primary design objective that Mr. Wooley was working on to provide water for the Palo Verde Mesa.

KT

So it was for the full mesa?

RM

No, it was for 16,000 acres of the mesa.

KT

Okay.

RM

Yes.

KT

Okay, the full 16,000.

RM

The full 16,000. The mesa boundaries have never been really defined very well and it's

very difficult geologically speaking or, or geographically speaking, or whatever, to tell exactly where the Lower Palo Verde Mesa is. But the general area where the 16,000 acres is conceded to be on the mesa. Anyway so Ester Cassell et al., a group of desert land entrymen were my clients, and I went to work for them trying to get a water project on the Palo Verde Mesa. That gave rise to the district hiring me to be their attorney. The attorney for the district, back during the formative days and when they were building the dam was a man named Arvin Shaw. Arvin Shaw died. He was replaced by a man named Frank Jenny. Frank Jenny was the attorney for the district. For some reason, I never really knew the whole reason, the board had become disenchanted with Mr. Jenny and so they saw this new attorney who was working to get the mesa water and they wanted to hire me. They wanted me to come to Blythe, but I didn't want to go to Blythe. In fact I had no intention of going to Blythe, so they went ahead and hired me anyway.

KT

And this was . . .

RM

And that was in the summer of 1962. After I became the district's attorney I continued to work and try to get water for the mesa. That was primarily, the biggest thing that they were doing at the time. Since that time I've been attorney for the district and our office still is attorneys for the district. The primary job has been to try to protect their right to water. Because even though the Seven Party Water Agreement, which is incorporated in the water delivery con-

tracts, were the rules of the game, everyone has been finding whatever they can find to play around the rules of the game and get the water. So the primary job that I have had with regard to water for the district, other than just administrative matters for the district, has been to try to protect their water.

KT

Now when you first started off with them, so to speak, and around 1962, I guess the *Arizona v. California* case had already been litigated, substantially, there were Supreme Court arguments, I guess yet to go. Did you get involved in that?

RM

Yes, I, well, I got involved in that, but only in the conferences leading up to the argument and stuff. Northcutt Ely was the primary attorney at that time representing, you might say, California. And it was really presented that way. I participated to the same extent that other attorneys representing contractors participated. But we did not argue the case nor did we submit a separate brief.

KT

Did you, do you recall what kind of major issues were that the agency attorneys sort of strategized about with Mr. Ely, or were there . . .

RM

No, at that time as best I can recall there was pretty much agreement that the Seven Party Water Agreement was, within California, the rules of the game. And consequently California was really united in

getting water for California and that was what everything was directed at. There really wasn't much. In fact I don't recall any friction during that period of time, at least none that involved PVID. Of course I never know what's going on between the other agencies.

KT

After the court's decision in 1963 and decree in 1964, then I think there was a period of time where a lot of work was devoted to trying to identify and define present perfected rights. And certainly PVID has Present Perfected Rights. Do you recall, you know, any . . .

RM

Yes. We did have the Present Perfected Rights thing and in PVID's case there were pretty good evidences of what had been cultivated. And the total amount of water that that meant for PVID wasn't so great that it prevented agreement. So, PVID received, you might say, a pretty fair bargaining position with regard to what they were claiming at the time. There wasn't much argument about what PVID's rights were.

KT

You had pretty substantial evidence. I guess you, you go all the way back to the filings by Thomas Blythe . . .

RM

Yes, you probably, as anybody who has looked at this much is probably already aware that the Present Perfected Rights as determined by the Supreme Court was different than California law.

KT

Right.

RM

California law would have protected the prior filings until they were perfected. And, there was some recognition of that, particularly the Palo Verde Mesa, in the agreement that the parties made. Then the Supreme Court came along and announced Present Perfected Rights. To this day I don't think there is agreement among the parties as to exactly what Present Perfected Rights are.

KT

I think then after the Court's decree in Arizona v. California, another major activity I guess during the '60s then was back in Washington with discussions about authorizations for the Central Arizona Project and California's 4.4 million acre feet entitlement and the priority of the California 4.4 over the CAP and things like that. Did, did you get involved very much in those discussions?

RM

Well, I was involved in that and I met the conferences several times and went to Washington several times on it, meeting with other people and with people from the Department of Interior. But in all of these things MWD was really the leader. They already saw themselves as being tail-end-Charlie on the water and as a consequence, as long as they were willing to leave other people's water alone so to speak, and stay out of controversy with them, MWD was able and did take the leadership on

nearly everything that was coming up with the United States.

KT

Do you recall who was working for MWD on these issues at the time?

RM

No, I couldn't be sure about that. I couldn't be sure.

KT

Did the Colorado River Board have a significant role, do you recall, in these discussions?

RM

Well, the Colorado River Board had a significant role in my view in the sense that it provided an opportunity for these agencies to meet and cooperate with each other, and has over the years I think avoided fights among the agencies themselves over the water. I think the, that the Colorado River Board really has helped a lot in that cooperation deal. At the same time I feel that they have allowed the MWD to take the lead on most water issues, and again because MWD was tail-end-Charlie I think that was fair. No one really had any objection to that, again, as long as MWD left them alone.

KT

I recall reading recently some historical documents around the Seven Party Agreement period of time and I think that PVID at that time, representatives for PVID, were taking the position that they ought to be allowed to transfer, their water rights. Did, did you ever have occasion to

look back at some of those issues?

RM

No. During my time with PVID I don't think any of the trustees have ever brought up the subject of being able to transfer the water rights.

KT

Okay.

RM

As far as I know they never thought of Present Perfected Rights in that way.

KT

Okay. Another major issue I think on the Colorado River generally during the early to mid '60s, are the, some issues with Mexico and salinity on the Colorado River. There was even, I think in 1965, a minute, issued by the International Boundary Water Commission about salinity issues. Did, did you work on that or did PVID have anything to do about that?

RM

Well, I didn't work on that myself. The Palo Verde Irrigation District again has been pretty much left alone in that. In part that was because the actual salinity contribution from the valley itself is relatively small because the valley was first of all flooded all the time prior to the time that it began to be farmed. And I understand there was even Indian farming in there on the flooded lands. And then after farming started, because there's always been return to the river and because they've been irrigating for quite some time, they already had pretty much leached the soil. So about

all the mineral content that goes back into the river from Palo Verde is actually not leeching from prior deposits, but just whatever minerals are left in the water after the plant takes the water out. And that's not been a real serious problem. The real problem that's been discussed a lot was the irrigation of lands that had a preexisting salt content so that you not only were returning the salt that resulted from agriculture but you were also returning salt in the process of reclaiming the land. PVID has never really been in that category. Some reclaimed land existed at the, in the Palo Verde Valley, but it wasn't extensive, so it's never been a real controversy with anyone.

KT

Okay. Operating criteria. I think in the late 1960s, early 1970s, the Secretary solicits views of water users and states and so forth on criteria by which he should operate the river. Did PVID have much of a role in those discussions?

RM

No, not to my knowledge. They never took much of a role in the operating criteria. Palo Verde Irrigation District, as long as nobody has challenged their first priority, generally is in a position to sit back and look at those issues, leave those issues to the people that it will influence.

KT

Right. One I guess relatively recent issue where I guess there has been some discussion with regard to how the priorities flow so to speak would be the Endangered Species Act and what if any obligations do the agencies have despite their priorities. I

think I've heard you express the opinion . .

RM

Yes, PVID is very concerned with the Endangered Species Act. PVID diverts water into the canal directly from the river and, to the extent that that the river is considered a habitat for an endangered species, it could be contended of course that the canals themselves are in a way an extension of the river. And of course they take water out of the canals. And they also return water to the river. So the involvement of the PVID is to watch again that agriculture gets protected so that they can continue to operate. And so they have been concerned because every once in a while somebody pops up who wants to take the endangered species law to its extreme. For example, at PVID, in the canals, we don't see any dead fish. Not ever. So taking the position that somehow the canal damages endangered species is kind of hard to support if you don't produce any dead fish. And they just don't produce any dead fish. They do produce dead fish sometimes when they drain a canal completely of course, because then they run out of water and whatever fish are involved in that. So, it's always been my assumption that PVID is one way or another entitled to a, whatever they call it, permit, limited or has some name, anyway, that they'd be entitled to that.

And what the problem for PVID has been and still is, is that, if the final arrangement that is made requires amounts of money to support endangered species mitigation, PVID will be asked to make a large contribution because they use a lot of water. Not

because they hurt the species, but because if the burden is cast on the people who use the water then PVID's share will be based on water rather than on any damage that they're doing to the environment, or to endangered species.

KT

One kind of interesting transaction that I recall involving PVID related to providing water to a possible power plant, out in Blythe, as I recall, that . . .

RM

Yes. San Diego Gas and Electric came to the Palo Verde Irrigation District and they had plans to build an atomic generating plant. They were going to build it on what is probably part of the lower Palo Verde Mesa, although again the boundaries of the mesa are open to question. And their proposal was a very good proposal in the sense that what they wanted to do was take water from the Palo Verde drain. The Palo Verde drain is the high mineral content water that comes out of the district after it's been used for agriculture. And consequently the use of that water is much to be preferred over taking water directly from the river. It depends on what they do with the residue of their own cooling operations, but that was a very good proposal.

KT

But does that reduce return flow of credits?

RM

Well, it would reduce the return flow of credits, but Palo Verde Irrigation District is not, does not have a discrete amount of water which it's entitled to divert from the

river. So it would not affect that. And also San Diego Gas And Electric at all times planned to get everybody's consent. They never intended to build such a plant without everyone agreeing to it. But it was a good project because they were going to take water from the drain and not require the use of good water, so to speak. They also offered, and part of their project, was to take land in the Palo Verde Valley itself and fallow that land in order to justify the water that they were going to take out. So they made a deal with the PVID. PVID thought it was a good project. They also made a number of arrangements with regard to protecting the land and adjacent farmers. So PVID entered into an agreement with regard to that. SDG&E agreed to pay, continue to pay the water tolls, so overall the, it was a deal which the district approved.

KT

Was this the first time that you recall that a land fallowing kind of arrangement was brought to the PVID board?

RM

No, that would have been 40 years ago when I started suggesting that MWD buy the land and fallow it if they wanted to. No, it has come up from time to time over the years, everybody has always realized that MWD being tail-end-Charlie, if somebody upstream didn't use the water it'd go to MWD. And that was one way to do it.

KT

Tell us a little bit about PVID, I guess, itself, and some of the figures, leaders of PVID that stand out in your mind.

RM

Well, I think the main thing about PVID that big city people might not understand is that PVID, while it is a public agency, really is run by the farmers. It's a district of limited powers and they have stuck strictly to that. They don't do anything else. They provide water. So it's, it's kind of like a private water company but it's a public agency. The board has always been comprised, since I've been their attorney, of people who actually paid the fare, the very people who pay the water tolls. When they vote a water toll they're the very people who are going to pay the biggest share of that. So that at all times their policy really has been strictly the policy of the farmers themselves. It's a very democratic organization in that sense.

KT

Does the board, is it a 1-person-1-vote board or is the . . .

RM

No, it's a landowner voting district. And they've always been. Now again there's an interesting thing down there which I'm sure MWD and their attorneys have studied. Under the water delivery contract, the City of Blythe doesn't have any contract. And all over the Palo Verde Valley in addition to the City of Blythe, there are other water companies. They are all individuals, all those farms spread out away from the water system. They all take water and the Bureau of Reclamation has decided that all that water is river water. Now if all that water is river water, then all of these people are diverting water and they do not have

contracts with the Palo Verde Irrigation District. And Palo Verde Irrigation District does not in any sense furnish them with their water. So the Palo Verde Irrigation District has always, the board has always, realized that all these other people are also involved in this water deal. They've had this balance which they've had to make so they have by and large not taxed or relied on the City of Blythe or the other property owners. They have always had a very small tax because in its early days PVID not only was a water district providing water, but it was providing flood protection as well and they still do to some extent. The flood protection of course is for the benefit of everybody in the valley. As the water law has developed, as the rules of the game have developed, the people in the valley, all of them, are dependent on the Palo Verde Irrigation District's water rights. But the board has always, you might say, put all the burden, or nearly all the burden of the district's operation on the farmers themselves.

KT

Tell us a little bit about some of PVID's leadership. I mean, recently, of course, PVID lost Virgil Jones who was a long-time leader of PVID.

RM

Well, when you say Virgil was the leader of PVID, you're saying something about farmers that isn't correct. A board, the PVID board anyway, being composed of farmers, they are independent people. They don't get led very well. It's like the commercial where they're trying to herd cats. Herding the farmers is kind of like that. They're independent, very strong. So when

you talk about PVID leaders, they have had some leaders. Dana Fisher, who died two or three years ago, while he was active, was very influential on the board. And others, they have never, they've always been a hands-on management thing, too. If you go to a PVID board meeting, one of the trustees is liable to raise the question that out there six miles away where he has a piece of land somebody has broken through and is draining water into the canal and will they take care of that. That sort of attention to it. They are very close on the management itself. They know who the employees are, so it's an unusual kind of situation in that leadership on the board of trustees there is kind of the board itself. Now that's not to say that some individuals on the board haven't exerted more influence over it. And Virgil Jones is a, or was, pardon me, a very persuasive type of person and, but easygoing, not a dictator type at all. And he was a long-time leader but without followers.

KT

He was on the board for many years, right?

RM

Oh, yes, sure. He was on the board many years. But you also have to realize that in landowner voting district, the large farmers can elect themselves to the board. And they do.

KT

Do the, do the board meetings draw a lot of public input from the other farmers, do they come often to the PVID board to express their views?

RM

No, generally my experience with PVID would be that a landowner with a complaint approaches one of the board members themselves and the board member brings it up. Very seldom does anything come up at the board that they didn't know about. And there have been almost no times during the time that I've represented them that there has been any hostility from any appreciable group of people. There is always somebody who disagrees with something. But, generally speaking, no, there hasn't been any real dissent on it. They've always looked at their job as furnishing water. And that's what they do. And they don't do much else. I mean, they try not to do anything else.

KT

Okay. My recollection is, most of the farmers, so to speak, in PVID are, they're not absent, there are not a lot of absentee landowners in PVID, are there? And most of them are, are there . . .

RM

I really can't answer that. I don't know of a survey. I know that there are, now, in the Palo Verde Valley, a number of corporate ownerships. And I guess you'd call those absentees.

KT

Mm hmm.

RM

But generally speaking, farming is a hands-on operation and generally speaking, who-

ever would be on the board would be somebody that was involved in the hands-on operation.

KT

You have, I would imagine at PVID there are families where the land is sort of passed from generation to generation to some extent.

RM

Yes.

KT

Um . . .

RM

There are some. But again, far as I know, nobody's ever made a record of any of that. Anyway, other leadership that you wanted to ask about, other people I remember. There was a man named Underwood who was President when I first came there. He was a good leader. The presidency of the board is, has varied over the years. The board was pretty steadily the same people for many years. There was very little change in the board. And that's because it's a landowner voting district.

KT

Right. And with regard to staff management, that's also been relatively stable, I think.

RM

Yes. The, the staff management, well, yes and no. They've changed managers several times during the time that I've been their attorney. There was a man named Simpson who was the manager when I first came.

And then I believe he was replaced by John Blakemore. And then he was replaced by Virgil Jones. And.

KT

Oh, is that right? Virgil was elected the manager for a while?

RM

Virgil acted as manager for several years because they couldn't find anybody else.

KT

Oh.

RM

And I'm not kidding when I say that these people know what's going on at the district. They take a personal interest in things. They know where these things are that they're talking about. They know what the water distribution problem is there. They pay the bill.

KT

Right.

RM

If they decide to spend money. So, they're really hands-on. And they also contribute a lot themselves personally in the sense that they're all acquainted with farming in the Valley and they're all acquainted with equipment. And they're all acquainted with who the contractors are and so forth. In a sense it's a farm cooperative sort of thing to supply water.

KT

What do you recall when Jerry Davidson came to PVID?

RM

Well, he came to PVID, I think, maybe in the late '60s. He wasn't manager when he came to PVID. He came to work there as an engineer.

KT

Oh.

RM

And he was, so to speak, promoted to manager.

KT

Mm hmm.

RM

When John Blakemore left. And, so, my guess is he had been a manager, or was the manager beginning, let's see, when is this? I think he was the manager by 1980. Maybe, maybe late '70s.

KT

Well, I, in all the time that I worked for Met, which I began in 1981, I guess, until Jerry retired, I mean, he was the manager. He was the only manager I ever knew.

RM

When you came?

KT

Yeah. So, I came in 1981.

RM

Okay, well, then I'd say it was late 1970s he had become manager. He followed John Blakemore.

KT

So, there's, a period of great stability there, I guess. He was there for quite some time then.

RM

Well, the way the board operates, has always operated, is they've been so much hands-on that a good bit of the manager's time is spent trying to do what the board wants done.

KT

Well, as you say, they're paying the bills. And . . .

RM

They're paying the bills.

KT

. . . so, they have a real interest in everyday activities.

RM

And they also know what's going on. It's not a matter of people butting into things they don't know about. They do know about the district.

KT

Right.

RM

And the land in the district.

KT

Right.

RM

Who the farmers are.

KT

Whatever happened, by the way, with your first efforts on helping to develop the mesa? Did that project ever . . . ?

RM

Well, it became a cropper. We had arranged for the financing. We had arranged for the contractor. We had a contractor willing to build it. And we had the draft plans, draft engineering plans. We didn't have the final plans, too expensive at the moment. And we got stopped when Imperial Irrigation District and Coachella and perhaps MWD, we never knew the details, of course, lobbied the Department of Interior to refuse to allow us to cross government land. The mesa was checkerboarded with government land that had not been entered. And so, it was impossible to build the project without the government's consent. And they refused and that was that. There was no way to build the project. So, a number of the Desert Land entrymen went ahead and drilled wells. And irrigated their land with wells. And some, there was some land which could be irrigated by pumping up from the toll of the mesa, not crossing government land. And they did that. So, what's now operating on the mesa is all operating without the necessity of crossing government land.

KT

Do you recall about when that all came about?

RM

That would have been in the '60s. But I can't pin it down more than that.

KT

Did that relate to, I recall, reading recently about a policy that the Department of Interior had called the Ritter Bunn Doctrine, which I think, I couldn't quite figure out, actually, if it just related to the area in Imperial County. But the principle, I think, was the same that you couldn't get rights of way across Federal lands if the purpose of that was to essentially help you to develop land that would utilize Colorado River water. And I think it was in the late 19, maybe 1967 or '69 or something thereabouts.

RM

Sounds familiar.

KT

I was just trying to figure out whether it . . .

RM

That was the result of PVID trying to use its rights to irrigate the Palo Verde Mesa, you see. But the thing is that, understand I didn't research it myself, that Imperial Irrigation District did obtain rights-of-way across government land.

KT

Oh.

RM

After this.

KT

Well, let's see. In the late '80s, I guess, early '90s, Metropolitan and PVID, do get together and negotiate a test land following . . .

RM

Yes.

KT

. . . program. Which I think resulted in about a hundred and eighty thousand acre-feet or thereabouts of water over a two-year period. By taking about 20 percent of the land and keeping it out of irrigation. Do you recall any significant issues, I guess, or issues of concern at the time that program was implemented

RM

Well, no. MWD assured PVID that it was not a precedent for anything. And in fact wrote that into the contract.

KT

Well, it was a test

RM

Yes, I know. Yes, I recall that quite well. What that's all about, really, is the same thing that you've seen all over Southern California. Farmers are businessmen. Even small farmers are businessmen. And when they are offered money which is more than they can possibly make farming, they take it. So, we have less everything. And a project like the fallowing, they can't resist. Because they are fundamentally businessmen. They can't stand on principle and say, hey, I'm not gonna do this. There are some who do. But generally speaking, they look at it as a business proposition. And it was a business proposition.

KT

Do you recall, the community, so to speak, or perhaps, the City of Blythe leadership or anyone, being concerned or . . . ?

RM

Well, that original program didn't create much of a stir. It was temporary. MWD was going to store the water. I think the water was eventually lost completely. I think MWD just wasted the money. Except as a precedent. But, no, it didn't create much of a stir at the time. I think it was done very quickly. It was supposed to be a not secret at all, but it didn't take any period of time, didn't receive much publicity at the time. And, really, it was unopposed by either individual farmers or the district. They all clamored to get in on the money.

KT

Well, I guess, as you say, they're business people and they have to look at the economics of things and here was a potential guaranteed source of income.

RM

You don't even have to look. In the, in this same time period, you can't blame those farmers when you see what's happened to citrus. I mean pure and simple, how can you turn down a hundred thousand dollars an acre when you can only make two or three hundred dollars an acre off of it farming?

KT

Right.

RM

You can't do that. So, just the same thing exactly has been going on all over Southern California.

KT

Tell us a little bit about your thoughts on the Colorado River Board. A little earlier you talked about, you know, one of the useful things which they've done over the years is to provide, I guess, a forum for the agencies to try and work out, you know, some of the issues. The board has had some colorful folks that have been both staff and board members. Do you recall any that particularly stand out?

RM

Well, Do any of them stand out?

KT

In your mind.

RM

In my mind.

KT

For any reason.

RM

No, I really wouldn't say any of them stand out. Of course, those individuals stand out that the circumstances make stand out sometimes. I've really felt the Colorado River Board's main effectiveness, first of all, the staff has provided a means by which communication is kept up with the government and other states on essential items. And without that, I don't know just who would do it. Dealing with the individual contractors doesn't really work because it affects all the contractors. And so, having

the staff available to, first of all, compile the information, to be the communications and so forth, I think that's been really good. The other thing I think that's been really good about the Colorado River Board is people will not do to your face what they'll do behind your back. And having the interested California parties belonging to the same group and having a leader from each group or representative from each group there I think enables them to work out things that might not have been worked out if it hadn't been for the Colorado River Board. So, I think it's done some good internally, as well as externally. Its powers are theoretically limited to dealing externally. But in fact, it's served a real purpose internally, I think, in that it's gotten a lot more cooperation between everybody than would otherwise have been the result. But as far as outstanding leaders go, I don't think on the board itself there really have been outstanding leaders. I think that the staff from time to time has done a really good job.

KT

As you look back on nearly 40 years, I guess, of work representing PVID on various Colorado River matters, what do you think . . .

RM

It's 40 years this year, you see.

KT

That's right. What do you think is the most, significant accomplishment, or the one that you're perhaps proudest of?

RM

Of me?

KT

Yes.

RM

Palo Verde Irrigation District is still entitled to the same amount of water it was when I came.

KT

And that will be your legacy, is that right?

RM

No, my legacy is about to fall.

KT

And why is that?

RM

because they're about to contract to give it away.

KT

But I'm not sure I understand that, I . . .

RM

They are in the process of negotiating a contract in which Palo Verde Irrigation District first priority of water will go to MWD.

KT

But through a land management or a fallowing arrangement, that

RM

Of course, if you don't have the water, you can't farm. Just depends on the order in which you look at it.

KT

I didn't realize when we first began and you started talking about how you sort of started off in, in the water arena, you mentioned Don Stark and, you know, one of your founding partners, Mr. Clayson. Can you just tell us a little bit about, do you have others, have you worked on other water issues, non-Colorado River related?

RM

Oh, sure. In this area, when I first came here, there were still a lot of water problems in the sense of who's got the right to the water? And so, we represented various clients. We even had clients fight over who gets the water from a particular well. We had the Chino Basin litigation in which Don and George and I participated. We have, as I say, water companies that we represented. They've been gradually drying up as public agencies have taken them over. But representing a number of small water companies and the fights. There were fights about, oh, a private water company interfering with the distribution proposals or systems of a public agency. Or a public agency interfering with a private company. There has been the organization of various water companies to provide water for particular areas. We went through all this thing with development and the mutual water companies. We used to form mutual water companies in order to provide water to tracts. We did that a lot. But as time has gone by, the rights to water have kind of dried up in the sense that it's pretty much settled. We very seldom anymore have disputes between people as to who owns the water. It's all pretty much settled, in this area, anyway. And so, most of the water

work now involves administration. Trying to comply with all the laws. Trying to worry about the environmental problems. Trying to, doesn't involve water law at all, except indirectly.

KT

Has your own practice been primarily through all these years, water, water-based, or?

RM

No, no, I would say my primary practice over the years has been business and corporate practice. Primarily.

KT

Oh, I see. Well, as you look back, on water issues generally, do you think that the developments and the evolution of water rights in California's been, did it go in the right direction, so to speak? Or ?

RM

Did it go in the right direction? I do feel, as I said earlier, that nobody is looking out for food production in California. Everyone seems to be assuming that food is going to come from somewhere else, or that some magic is going to come up and that even with all these groves and trees and fields disappearing, somehow production will be met. Because people are people. They're doing this and PVID is involved in that to some extent now. Because basically, the Southern California metropolitan area wants more water. And they don't give a darn about whether that gets rid of agriculture or not. And the farmers, they can't care. They're business people. They can't stand on principle, they're not going too.

And if they do hold out, their kids will give in. So that's part of it. I think the water situation hasn't been headed in the right direction. I think, some better arrangement for the production of agriculture. What that means is only that people will have to pay more for food. If they did, then farmers wouldn't sell.

KT

Mm hmm.

RM

But that's not happened and that's the way it is.

KT

As you think a little bit about the future and you know, right now there are so many events that are occurring or may occur with regard to the Colorado and the future of how the water is allocated and all of the various arrangements; what do you think the future holds for the Colorado River, I guess, generally?

RM

For the Colorado River. Well, the water, as so many people have said, is the lifeblood of Southern California. I don't see any chance that the population will not continue to increase. So, I think the future is to drive agriculture out of Southern California.

KT

You think that an option to that might be to look a little bit more to the Upper Basin states and think about renegotiation of the compact or . . . ?

RM

One time at the Colorado River Water Users Association, a meeting in Las Vegas, the then president, and I can't remember who he was, gave a speech. And he welcomed everybody. And part of his speech was that I'm glad to see all my friends from the other states and all the water agencies here today. And I've been coming here for 20 years and I've gotten acquainted with all of you. He says, I can call all of you friends. And he says, I've learned that you really are nice people and good friends. And you know, he says, I could trust all of you with my wife. But I couldn't trust one SOB with a bucket of water. And that's the situation. I mean, water is it. And I don't know any other solution. I think people will use up the water unless they find some way to make water, which is possible.

KT

Well, at one time, they were cloud seeding, . . .

RM

No, no, I mean, it's possible that they will be able, economically, to afford getting water from the ocean.

KT

Oh, I see.

RM

But the problem is that, who will protect farming? Who will protect food production? Who will do that? And there isn't anybody.

KT

You?

RM

No, I'm bowing out. I'll drink my share of the water and let it go at that. But it seems to me that's the inevitable result of what's going on. I just don't see how society can manage, so to speak, to perfect some kind of a zoning law or something which says, ino, no, we've had all this we're gonna have, we can't have anymore people. We've gotta have food production here. And because everybody is always optimistic, and everybody always assumes that they'll go to the market and it'll all be there. You can't ask the farmers to be the ones who are going to hold out.

KT

We talked earlier about one of the things that you're proudest of, so to speak, is that PVID has the same amount of water today that it had when you began 40 years ago. Is there anything else, that you can think of that you'd like to be remembered for one day?

RM

With regard to PVID, you mean?

KT

Well, with regard to water issues, shall we say.

RM

Well, with regard to water issues, no, I wouldn't say that. Everything that I've worked on has just been what I would regard as routine over the years. I've learned a lot of things that are no longer

useful. I know a lot of water law that nobody needs anymore. Because, as I say, in Southern California, at least, the right to water as such is pretty much settled. The last new water client that I was asked to do anything for inquired about a water right to a well. There wasn't any question about who had the right to that water. That's pretty much what it always comes down to now, you almost never investigate a water right without being able to discover who has the right to that water.

KT

But even though some of the things that you think are no longer useful for anyone to know, the fact is that water rights had to evolve to that stage. I mean, you were involved in a very important phase of water rights development by helping to figure out who did own the water so that could move to the next level of development.

RM

Oh, yes. We were involved in getting it settled. But it's pretty much settled and I think the reason for that is because the water is being used up.

KT

Right.

RM

You see, even 40 years ago, there was still water, literally, that no one was using.

KT

Which could be appropriated.

RM

Yes, which somebody could use. Water was

being used for some surplus uses that people really didn't need one way or the other. The economics of water has just caught up with all that. So now more and more, all the water has been spoken for and legally spoken for and so forth. So, it's very seldom now that you can't tell who owns a particular water right.

KT

Right, right. Well, I think I've covered all of the things that I wanted to cover. I want to thank you for taking the time to share your thoughts with us. Do you have any concluding thought that you'd like to share?

RM

No, I really don't have any concluding thoughts. I do feel that California has done a pretty darn good job, in terms of the Colorado River, and getting the water used and getting it transported and I appreciate the time that I've been working on it and the fact that the agencies who are entitled to this water have avoided fighting with each other. And have joined in trying to get as much water as they can.

KT

Okay, great. Thank you so much.

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