

Lauren J. Caster (AZ Bar No. 004537)
Gregory L. Adams (CA Bar No. 305085)
FENNEMORE CRAIG, P.C.
2394 E. Camelback Rd., Ste. 600
Phoenix, Arizona 85016-3429
Telephone: 602-916-5367
lcaster@fclaw.com
gadams@fclaw.com

**BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

HEARING IN THE MATTER OF CALIFORNIA)	
DEPARTMENT OF WATER RESOURCES AND)	TESTIMONY OF
UNITED STATES BUREAU OF RECLAMATION)	WILLIAM LUCE
REQUEST FOR A CHANGE IN POINT OF)	
DIVERSION FOR CALIFORNIA WATERFIX)	

I. SUMMARY

1. My testimony begins with a statement of my qualifications and work experience. I then provide general background on the Second Amended Contract for Exchange of Waters, Contract Ilr-1144, Second Amendatory (Exhibit No. DOI-10) (“Exchange Contract”) and on the creation of the Friant Division of the Central Valley Project (Friant Division). I describe the Friant Division service area and features of the Friant Division. Next, I discuss how water is made available to the Friant Division. Finally, I discuss Reclamation’s decision to allocate no water to the Friant Division in 2014 and 2015, Reclamation’s release of water from Millerton Lake during those years for delivery to the Exchange Contractors, and the impact of those actions on Friant Division water users.

II. QUALIFICATIONS

2. I am the Interim General Manager of the Friant Water Authority, and have served in that capacity since July 2015.
3. I was employed as the Resources Manager of the Friant Water Authority from August 2006 through June 2014. My responsibilities included monitoring implementation of the Stipulation of Settlement (Settlement) filed September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, CIV No. S-88-1658-LKK/GGH.
4. I worked for the United States Bureau of Reclamation from July 29, 1974 through August 19, 2006. During that time, I served in various capacities and locations: in Edna, Texas (as a Civil Engineer/Construction Inspector, 1974 to 1977); in Sacramento, California (as a Civil Engineer in the Regional Office's Irrigation Operation and Maintenance (O&M) Branch, 1977 to 1981); in Washington D.C. (as a General Engineer in the Washington Liaison Office for the Assistant Commissioner – Dam and Structural Safety, 1981 to 1982); in Carson City, Nevada (as a Civil Engineer in Planning and Operations Division of the Lahontan Basin Projects Office, 1982 to 1983); in Sacramento, California (as the Chief of the Water O&M Branch in the Regional Office, 1983 to 1988); in Fresno, California (as the Assistant Project Superintendent of the Fresno Office, Central Valley Project (CVP), 1988 to 1990); and in Fresno, California (first with the title of Project Superintendent of the Fresno Office (CVP), then subsequently with a change in the title of the

position to Area Manager and a change in the name of the office to the South-Central California Area Office (SCCAO), 1990 to 2006).

5. As the Area Manager of the SCCAO, my responsibilities included supervision of the O&M of Friant Dam and the Tracy Fish Collection Facility; administration of the contracts between Reclamation and the water agencies receiving water from the Friant Division; administration of the Exchange Contract; and oversight of transfer agreements for the O&M of the Madera Canal, the Friant-Kern Canal, the C.W. “Bill” Jones Pumping Plant (formerly known as the Tracy Pumping Plant), and the Delta-Mendota Canal. Administration of contracts between Reclamation and the water agencies receiving water from the Friant Division included the responsibility for determining and allocating the available water supply for those agencies from the San Joaquin River each year.
6. In July 2014 I began a consulting business (Bill Luce Consulting, LLC). My primary client was the Friant Water Authority. Among my contractual responsibilities for the Friant Water Authority was monitoring implementation of the Settlement. My consulting firm’s contract with Friant Water Authority remained in effect until July 2015, when I was hired to serve as Interim General Manager of Friant Water Authority.
7. I have two bachelor degrees from the University of Delaware, one in Civil Engineering and one in Liberal Arts. I am a Professional Civil Engineer registered in the State of California (C 30642).

III. FRIANT DIVISION

8. Construction of Friant Dam and the creation of the Friant Division were made possible by the execution of the Exchange Contract. Under the Exchange Contract, historic water rights holders along the San Joaquin River agreed not to exercise certain rights in exchange for a substitute supply of water from the Sacramento River, its tributaries, and the Sacramento-San Joaquin Rivers Delta. Water that otherwise would have been subject to reserved rights to San Joaquin River water, as provided in the Contract for Purchase of Miller & Lux Water Rights (July 27, 1939) (FWA-34), and to certain rights to San Joaquin River water acquired outright by the United States, is now delivered for beneficial use by Friant Division contractors.
9. The Friant Division service area includes portions of Madera, Fresno, Tulare, Kings, and Kern Counties. The principal features of the Friant Division include Friant Dam, Millerton Lake and the Madera and Friant-Kern Canals. Friant Dam and Millerton Lake regulate the run-off of the San Joaquin River for diversion into the Madera and Friant-Kern Canals to provide supplemental and new irrigation water for beneficial use by Friant Division contractors. A true and correct copy of a map depicting the contractors located within the Friant Division is identified as Exhibit No. FWA-60.
10. The Friant Division was designed to be a “conjunctive use” project. That means the Friant Division was designed to divert high flows in wet years for groundwater recharge, for subsequent withdrawal and use during years of below normal precipitation.

11. The San Joaquin River above Friant Dam has an annual average unimpaired runoff of 1,818,000 acre-feet (Water Years 1901-2007).
12. Reclamation has water service or permanent repayment contracts with the Friant Division contractors totaling approximately 2,200,000 acre-feet.
13. Water made available to the Friant Division under the contracts is divided into two classes. The first 800,000 acre-feet of water developed in a water year that can be made available to the Friant Division contractors is considered Class 1 water. The remainder of water developed in that water year that can be made available to the Friant Division contractors is considered Class 2 water.
14. When determining the amount of water that can be made available to Friant Division contractors, Reclamation first estimates the amount of runoff that will occur based on the estimated existing snowpack above Friant Dam and assumed future precipitation levels. Reclamation then estimates the amount of that runoff that must be devoted to certain downstream riparian or senior appropriative water rights not subject to replacement by substitute water from the Sacramento River, its tributaries, and the Delta pursuant to the Exchange Contract and to the Restoration Flow release requirements under the Settlement, as well as assumed losses through seepage and evaporation. The amount of water available for beneficial use by Friant Division contractors is the difference between those two estimates. If the amount of water available for Friant Division contractors is more than 800,000 acre-feet, then Class 2 water will be available.
15. In water years 2014 and 2015, Friant Division contractors received no allocation from the United States under their contracts.

16. As shown on Exhibits FWA-81 and FWA-82, in 2014 and 2015 Reclamation released water from Millerton Lake for delivery to the Exchange Contractors at Mendota Pool. During those years, at times more water was released from Millerton Lake and delivered to the Exchange Contractors than would have been available to them from the natural flow of the San Joaquin River.
17. As a result, many acres of orchards and vineyards in the Friant Division died or were removed, and many acres intended for annual crops were not planted. In addition, because recharge from the application of water to crops was diminished or in some areas nonexistent, groundwater elevations fell within the Friant Division. As a result, several small towns that rely on groundwater had little or no water available and a number of wells used for domestic and agricultural purposes went dry.

Respectfully submitted,

A handwritten signature in blue ink that reads "William Luce". The signature is written in a cursive style and is underlined.

WILLIAM LUCE