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6 Attorneys for GLENN-COLUSA IRRIGATION  
7 DISTRICT

8  
9 BEFORE THE  
10 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

11  
12 HEARING ON THE MATTER OF  
CALIFORNIA DEPARTMENT OF WATER  
13 RESOURCES AND UNITED STATES  
BUREAU OF RECLAMATION REQUEST  
14 FOR A CHANGE IN POINT OF DIVERSION  
FOR CALIFORNIA WATER FIX.

WRITTEN TESTIMONY OF  
THADDEUS BETTNER

15  
16 This testimony is offered on behalf of the Glenn-Colusa Irrigation District (GCID).

17 **I. INTRODUCTION**

18 My name is Thaddeus Bettner, and I have served as the General Manager for  
19 GCID since 2006. I am a registered civil engineer with the State of California with  
20 26 years of experience in the planning, design, operation, and management of water  
21 delivery systems for irrigation and water agencies on the local, state, and federal level.  
22 I am actively involved with the efforts of the Northern California Water Association,  
23 Association of California Water Agencies, and the United States Committee on Irrigation  
24 and Drainage. I am familiar with the scope and extent of GCID's water rights and  
25 GCID's beneficial use of water under its water rights.

26 **II. SUMMARY AND PURPOSE OF TESTIMONY**

27 The purpose of my testimony is to identify, provide a brief description of, and  
28 document the water rights held and claimed by GCID that are subject to injury by the

1 proposed California WaterFix Project. GCID holds a combination of pre- and post-1914  
2 appropriative water rights to divert water from the Sacramento River and certain  
3 tributaries. GCID also holds a water rights settlement contract with the United States,  
4 which governs GCID's diversions from the Sacramento River and supplemental water  
5 provided by the Central Valley Project during the irrigation season. GCID's water rights,  
6 its settlement contract, and other operative documents are identified, documented, and  
7 briefly described below. This testimony is not intended to be an exhaustive description  
8 of GCID's water rights, but includes the water rights that would be subject to injury by the  
9 proposed California WaterFix Project that is the subject of this proceeding.

### 10 III. DISTRICT BACKGROUND

11 GCID is an irrigation district formed pursuant to the California Irrigation District  
12 Law (Wat. Code, §§ 20500-26677) and is dedicated to providing reliable, affordable  
13 water supplies to its landowners and water users, while ensuring the environmental and  
14 economic viability of the region. GCID is the largest irrigation district in the Sacramento  
15 Valley. GCID's service area covers approximately 175,000 acres within Glenn and  
16 Colusa Counties, and is located about 90 miles north of Sacramento. Approximately  
17 140,000 acres of land are farmed within GCID, which contains a diverse working  
18 landscape including a variety of crops such as rice, tomatoes, almonds, walnuts,  
19 orchards, vine seeds, cotton, alfalfa, and irrigated pasture. GCID also conveys water to  
20 three Federal wildlife refuges totaling more than 21,000 acres, to private wetland and  
21 habitat lands of approximately 1,200 acres, and to more than 50,000 acres of seasonally  
22 flooded irrigated lands in the fall and winter that also serve as surrogate wetlands for the  
23 Pacific Flyway.

24 GCID's primary point of diversion is at its Hamilton City Pumping Plant located at  
25 River Mile 154.8<sup>1</sup> on the Sacramento River (Latitude/Longitude coordinates

26  
27 <sup>1</sup> This river mile delineation is measured from the "I" Street Bridge in Sacramento. The U.S. Army Corps of  
28 Engineers measures river miles on the Sacramento River from its confluence with the San Joaquin River  
in the Delta. Using that approach puts GCID's main point of diversion at River Mile 206.

1 39.79533595; - 122.05411825). The water is diverted from the Sacramento River  
2 through the world's largest flat plate fish screen, and is conveyed through GCID's  
3 65-mile long Main Canal and laterals to landowners as far south as the area around  
4 Williams, California. A map depicting GCID's service area and places of use under its  
5 water rights is included as Exhibit GCID-3.

6 **IV. WATER RIGHTS OF GLENN-COLUSA IRRIGATION DISTRICT**

7 **A. Sacramento River Settlement Contract**

8 In 1964, GCID and the United States, acting by and through the United States  
9 Bureau of Reclamation (Bureau) entered into a water rights settlement contract that  
10 resolved GCID's protest that operation of the Central Valley Project would impact GCID's  
11 vested senior water rights on the Sacramento River. In negotiating GCID's original  
12 Sacramento River Settlement Contract and the other original Sacramento River  
13 Settlement Contracts, the Bureau, the State of California, and the Sacramento River  
14 Delta Water Users (including GCID), undertook significant research to identify water  
15 rights, and performed detailed analyses to determine the yield of the water rights, held  
16 by GCID and the other contractors. These efforts resulted in the quantities of Base  
17 Supply (natural flow) and Project water (supplemental water supplies) agreed to and  
18 identified in the Settlement Contracts.

19 On February 28, 2005, GCID renewed its Settlement Contract with the United  
20 States for a period of 40 years. A true and correct copy of GCID's renewed Sacramento  
21 River Settlement Contract (Contract No. 14-06-200-0855A-R-1) is included as  
22 Exhibit GCID-4. Under the renewed contract, GCID remains entitled to divert up to  
23 720,000 acre-feet annually (AFA) of Base Supply water, and up to an additional  
24 105,000 AFA of Project water (as uniquely defined in the contract) for a total of  
25 825,000 AFA, between April 1 through October 31 of each year. A true and correct copy  
26 of the Judgment validating GCID's renewed Settlement Contract, as entered by the  
27 Glenn County Superior Court on June 14, 2005, is included as Exhibit GCID-5.  
28

1     **B.     Pre-1914 Water Rights**

2             GCID holds an adjudicated pre-1914 appropriative water right (with a 1904 priority  
3     date) for diversions from Stony Creek, pursuant to a federal court decree entered in  
4     1930 by the United States District Court for the Northern District of California known as  
5     the Angle Decree. A true and correct copy of the Angle Decree is included as  
6     Exhibit GCID-6. GCID's decreed pre-1914 water rights to divert from Stony Creek are  
7     referenced in and covered by GCID's Sacramento River Settlement Contract. See  
8     Exhibit GCID-4, at pp. 3, 6, 21-22.

9             GCID has on file with the State Water Resources Control Board (SWRCB) its  
10     Statement of Diversion and Use No. S007367 regarding pre-1914 water rights for  
11     diversions from the Sacramento River, and related water rights filings with a priority date  
12     as early as 1883. A true and correct copy of S007367 is included as Exhibit GCID-7.  
13     A chart summarizing the related pre-1914 water rights filings is included as  
14     Exhibit GCID-8. True and correct copies of the Supplemental Statements of Diversion  
15     and Use (Supplemental Statements) for S007367, as on file with the SWRCB and  
16     reflecting use under these pre-1914 water rights for 2011 through 2015, are included as  
17     Exhibit GCID-9.

18             GCID also has on file with the SWRCB its Statement of Diversion and Use  
19     No. S007368 regarding diversions and re-diversions from the Colusa Basin Drain at  
20     Mile 29.84 (tributary to the Sacramento River). A true and correct copy of Statement  
21     S007368, as on file with the SWRCB, is included as Exhibit GCID-10. True and correct  
22     copies of the Supplemental Statements for S007368, as on file with the SWRCB and  
23     reflecting use under these pre-1914 water rights for 2011 through 2015, are included as  
24     Exhibit GCID-11.

25     **C.     Post-1914 Water Rights**

26             GCID has six post-1914 appropriative water rights licenses, and one post-1914  
27     water rights permit to divert water from the Sacramento River, and certain tributaries,  
28     with a priority date as early as 1915. GCID's post-1914 water rights permit allows GCID

1 to divert up to 182,900 AFA between November 1 and March 31 of the following year for  
2 fish and wildlife enhancement via rice straw decomposition, and for irrigation, and it has  
3 a priority date of February 18, 1999. This permit contains SWRCB Standard Permit  
4 Term 91, and therefore is subject to curtailment when Term 91 conditions are in effect.  
5 A chart summarizing GCID's post-1914 water rights is included as Exhibit GCID-12.

6 True and correct copies of GCID's water rights licenses and permit, as reflected in  
7 documents on file with the SWRCB, and as summarized in the above referenced chart,  
8 are included as Exhibits GCID-13 - 19. True and correct copies of GCID's Reports of  
9 Licensee and Progress Reports by Permittee, as on file with the SWRCB and reflecting  
10 use under these rights for 2011 through 2015, are included as Exhibit GCID-20.<sup>2</sup>

11 **V. INJURY TO GCID'S WATER RIGHTS AND SUPPLIES**

12 As explained briefly above, GCID holds Sacramento River Settlement Contract  
13 No. 14-06-200-0855A-R-1 with the Bureau regarding GCID's diversions from the  
14 Sacramento River. GCID also holds various senior pre-1914 and post-1914  
15 appropriative water rights for diversions from the Sacramento River and certain  
16 tributaries, and GCID's post-1914 water rights permit contains SWRCB Standard Permit  
17 Term 91.

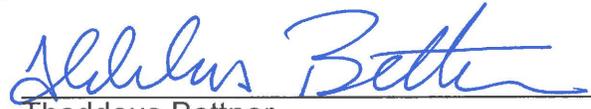
18 Based upon the expert work of and testimony by MBK Engineers that has been  
19 submitted on behalf of the Sacramento Valley Water Users (which includes GCID), it is  
20 my understanding that with the WaterFix Project constructed and operating, there is an  
21 increased risk of injury to GCID and other legal users of water. In particular, the Bureau  
22 would have more opportunities to divert water at the proposed new North Delta intakes,  
23 including water that was previously stored in Shasta Reservoir. As such, if the Bureau is  
24 able to remove more stored water with the WaterFix Project in place, and carryover  
25

26 <sup>2</sup> In addition to the water use within GCID under its pre-1914 and post-1914 water rights as reported to the  
27 SWRCB, GCID transferred (considered as use) 3,100 acre-feet of water in 2013 pursuant to provisions of  
28 the Central Valley Project Improvement Act. In addition, GCID transferred 4,400 acre-feet in 2013,  
23,252 acre-feet in 2014, and 67,024 acre-feet in 2015, pursuant to consent letters or forbearance  
agreements with the Bureau.

1 storage water levels in Shasta Reservoir are lower than they otherwise would be without  
2 the project, the Bureau could be required to operate Shasta Reservoir in a manner that  
3 requires lower releases in order for the Bureau to meet regulatory requirements  
4 (including maintenance of Shasta Reservoir's coldwater pool). This could adversely  
5 impact the Bureau's performance of its Sacramento River Settlement Contract  
6 obligations to GCID. In addition, MBK Engineers' analysis indicates that there would  
7 likely be a more frequent occurrence of Term 91 water right curtailments than would  
8 otherwise occur in the absence of the WaterFix Project.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Executed on this 30th day of August 2016, at Sacramento, California.

12   
13 Thaddeus Bettner

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