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

24 HEARING IN THE MATTER OF
25 CALIFORNIA DEPARTMENT OF WATER
26 RESOURCES AND UNITED STATES
27 BUREAU OF RECLAMATION'S
28 REQUEST FOR A CHANGE IN POINT OF
DIVERSION FOR CALIFORNIA WATER FIX

**TESTIMONY OF
RUSSELL VAN LOBEN SELS**

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INTRODUCTION

I am a fourth-generation farmer, vice president and CFO of Amistad Ranches, and secretary and CFO of Esperanza Enterprises. For over 40 years, I have farmed Bartlett pears, tomatoes, wine grapes, alfalfa, and grains in the Sacramento River Delta. I am the chair of the Delta Caucus, composed of the five Delta county Farm Bureaus, that we created to address many of the different processes that are going on in the Delta. I am a trustee for Reclamation District ("RD") 744, formed in 1905, which is located under the northernmost proposed intake for the Tunnels. Reclamation Districts generally manage drainage, but these same systems are also used to deliver irrigation water.

Amistad Ranches farms under the footprint of proposed Intake No. 2. (DWR-2 Errata, slide 21 [S021406, northernmost diversion].) We currently grow grapes, tomatoes, wheat, alfalfa and corn. Documentation of our riparian and pre-1914 water rights for this diversion, as well as other diversions associated with my family's farming operations, are on file with the SWRCB. Although the impact on Amistad Ranches is labeled as "temporary" by Petitioners, as I describe below, "temporary" is inaccurate.

GENERAL CONCERNS

We are very concerned about this project because the construction impacts are so huge. For more than ten years, between the area of Freeport and Courtland, life will be unbearable. We would not be able to do business during the construction period due to interference with numerous aspects of agricultural operations. Even those farms that are not directly under the footprint of the construction will suffer severe consequences if the project is constructed. These so-called short-term impacts will result in an irreparable, permanent loss of agricultural resources. Productive and diverse agricultural land will lie fallow, businesses that depend on agriculture will close, and agricultural employment will decline.

LONG TERM WATER QUALITY AND WATER LEVEL IMPACTS

Wherever you take water out of the river, downstream flow will be reduced. If you take water out of the North Delta, flow to the south and west through the western tributaries will be reduced, and tidal pressure from the ocean will increase. Flow is the hydraulic barrier to the

1 ocean. The inflow of the Sacramento River largely determines water quality in the Delta.
2 When more water is removed, the hydraulic barrier to the ocean is diminished, and salinity
3 intrudes into the Delta. We are concerned that the Twin Tunnels will result in downstream
4 water degradation.

5 Unfortunately, the Petitioners have provided only minimal information regarding water
6 quality impacts in their case in chief. When we requested specific outputs that were discussed
7 in the cross-examination of the Petitioners' modeling witnesses, DWR refused to provide those
8 outputs. (LAND-72.) DWR similarly refused to answer specific water level questions
9 pertaining to areas of concern. (LAND-72.) This lack of documentary support for the
10 assertions in the Petition, including the assertion that there will be no injury to water rights, has
11 hindered our ability to assess and respond to the Petition.

12 **INTERFERENCE WITH WATER DELIVERY AND DRAINAGE SYSTEMS**

13 Construction of the Tunnels will damage Delta agriculture by interfering with surface
14 water delivery and drainage systems and by discharging massive amounts of water during
15 dewatering activities.

16 For Delta agriculture, the groundwater table is often controlled through local
17 management of drainage (both by gravity using control gates, drain sumps, and pumps), as
18 well as through the application of surface water from perimeter pumps and siphons. (See
19 LAND-71, pp. 44-45 [2014 LAND BDCP DEIR/S Comments].) The two systems are directly
20 related as surface water and groundwater are continuously substituted in this system.

21 According to Petitioners, impacts to water users who draw water from the Sacramento
22 River in locations where the proposed Twin Tunnel intakes are located would be "mitigated" by
23 the provision of substitute water supplies. (DWR-2 Errata, slide 19 [referring to "new
24 groundwater wells" and "alternate water supply from a permitted source"].) Using the Amistad
25 Ranches' diversion as one example, water delivery systems in the Delta are largely designed
26 around the specific topography of the area and rely on gravity to efficiently distribute water
27 using no electricity after the water is initially pumped or siphoned from the Sacramento River.
28 LAND-60 shows a conceptual rendering of the water supply and drainage system utilized by

1 RD 744. (LAND-60.) The water delivery system shown in green can be supplied with water by
2 the Amistad Ranches' diversion, which then flows by gravity to the various fields throughout
3 Reclamation District 744.

4 According to the Petitioners, a replacement water diversion would be provided during
5 the years of construction to supposedly avoid injury to our water rights. But if a diversion were
6 placed to the north of the Intake 2 footprint, for instance, the natural topography would not
7 allow for the water to be distributed throughout the 270-acre ranch as it occurs today; the
8 topography of the area is uphill to the south. Additionally, it is difficult to imagine how farming
9 operations such as Amistad Ranches could continue to operate in the middle of a construction
10 zone, even if water could somehow be provided to that portion of the ranch that remained.

11 (See generally LAND-3.)

12 If a diversion is replaced to "mitigate" for injury to a water user, the entire irrigation and
13 drainage system it serves would also likely need to be modified. Ditches in current use are
14 placed according to easements and other property rights that would need to be changed to
15 provide a different water supply configuration. In addition, substitute water supplies would
16 need to be in place prior to the start of construction in order to prevent injury to water users
17 such as our farming operation. Testimony provided by the Petitioners made clear that none of
18 the investigations has taken place that would allow for the careful planning that could possibly
19 avoid injury to water users.

20 In addition, the example discussed above highlights the fact that there are many other
21 diversions and irrigation systems that the project would injure other than those directly under
22 the footprint of the Tunnels/Intakes. Many other water users who depend on RD water delivery
23 and/or drainage systems will also be adversely affected. Those other injuries have not been
24 addressed in the evidence submitted by the Petitioners thus far.

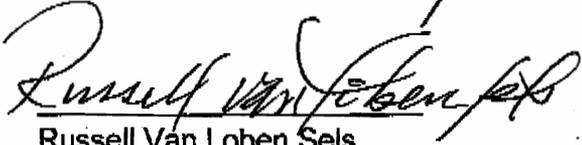
25 **CONCLUSION**

26 I do not believe that the Petitioners have met, or can meet their burden to show that no
27 legal user of water will be injured as a result of granting their Petition. I also believe that the
28 California WaterFix will devastate the Delta. It will not make California's water supply more

1 reliable, will not restore the Delta environment and will not reduce reliance on the Delta. I
2 believe that there are more efficient and effective ways to improve water reliability for California
3 and improve conditions in the Delta in a manner that ensures that Delta agricultural resources
4 are protected and enhanced in accordance with the Delta Reform Act of 2009.

5
6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 statements are true and correct.

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9 Executed this 31st day of August, 2016, at Clarksburg, California

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12 Russell Van Loben Sels

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