

Exhibit RTD-11, revised

Testimony of Tim Stroschane



Outline

- Petition is, in effect, a new water right.
- Petition Facilities would cause harm from flow alterations and impaired and degraded water quality.
- Recommendations.

New Water Right

We present evidence that the Petition is, in effect, a new water right.

- Petition Facilities are a new method of diversion in the Delta as well as new points of diversion.
- No legislative authorization for Petition Facilities.
- Petition Facilities and points of diversion not described in existing water rights.

New Water Right

We present evidence that the Petition is, in effect, a new water right: (cont.)

- Petitioners sought time extensions for existing permitted facilities, delays of which lead to cold-storing of appropriated water.
- We present evidence SWP and CVP are complete.
- We present evidence there are no good causes for Board to grant time extensions to their existing water rights.

Harm

Petition Facilities would harm legal users of water by causing flow alterations that would impair and degrade water quality.

Several ways Petition Facilities would **alter Delta flows**:

- **Remove fresh water** from the Sacramento River.
- **Reverse flows, or “upstream transport”** would occur at times of reduced Delta inflow and could be worsened by Petition Facilities’ operations.
- **Residence time of water would increase** from operation of Petition Facilities.
- **Water source composition** at various Delta locations will be altered by the changed flow regime.

Harm

Flow alterations will lead to water quality changes that would violate water quality objectives and degrade Delta water quality.

- Reduced downstream flow and increased residence time of water would cause **greater upstream incursion of tidal salts and influx of more polluted and saline San Joaquin River water.**
- Degraded surface water quality would affect the **City of Stockton's Delta Water Supply Project intake and groundwater quality** for municipal beneficial uses.

Recommendations

- **License** existing SWP and CVP water rights permits.
- If Board considers the Petition, require Petitioners file a **new water right application**.
 - New priority date.
 - Review for water availability.
 - Carry over permit conditions from existing SWP and CVP water rights.
- Develop **appropriate flow criteria** for Bay-Delta WQCP.
- Update Fully-Appropriated Streams Order 98-08.