

1 Trent W. Orr, State Bar No. 77656  
A. Yana Garcia, State Bar No. 282959  
2 EARTHJUSTICE  
50 California Street, Suite 500  
3 San Francisco, CA 94111  
torr@earthjustice.org  
4 ygarcia@earthjustice.org  
Tel: (415) 217-2000  
5 Fax: (415) 217-2040

6 *Attorneys for Protestant Restore the Delta*

7  
8 **BEFORE THE**  
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10  
11 HEARING IN THE MATTER OF  
12 CALIFORNIA DEPARTMENT OF WATER  
13 RESOURCES AND UNITED STATES  
14 BUREAU OF RECLAMATION REQUEST  
FOR A CHANGE IN POINT OF DIVERSION  
FOR CALIFORNIA WATERFIX

**TESTIMONY OF IXTZEL REYNOSO**

1 I, Ixtzel Reynoso, a resident of Clarksburg, California, do hereby declare:

2 1. I am an adult over the age of eighteen. I have personal knowledge of all the facts  
3 contained in this declaration, except those stated on information and belief. As to those statements  
4 based on information and belief, I believe them to be true. If called to testify, I would and could  
5 completely and truthfully testify as to the statements contained herein.

6 2. During the summer time I often wake up to the rhythmic sound of sprinklers in the  
7 alfalfa field directly west from my bedroom, I go to bed listening to the low hum of a grape harvester  
8 trudging through the vineyard north of my bedroom, and I sometimes arrive home midday to a  
9 bucket full of cucumbers from the field east of our home that some friendly workers left on our  
10 doorstep. I live in the North Delta along with my mother, father, and younger brother. Although my  
11 family history in the Delta goes beyond my birth, I have lived, worked, and gone to school in the  
12 North Delta for the past 3 years. In these three years I have met some of the hardest working people.  
13 These are the caretakers of the land; they wake up at the crack of dawn to set up rain pipes, till the  
14 soil, and harvest the crop through the late hours of the night. I have worked side by side with my  
15 classmates, their siblings, and their parents in the fruit packing sheds during the late summer months.  
16 I have heard the stories of friends and their moms who were unable to procure a job in the packing  
17 sheds and had to work in the fields, covered from head to toe in clothing in order to protect  
18 themselves from the unforgiving heat. Yet I rarely hear complaints. The overwhelming sense of  
19 thankfulness is astounding, all over the simple opportunity to work, work that relies on water  
20 suitable for farming.

21 3. I am currently a student at the University of the Pacific. I will recount interviews I  
22 held with my peers, family friends, a caring librarian, and an experienced English language  
23 development teacher in the Clarksburg area, an environmental justice community. Some people I  
24 interviewed will lose their jobs or their homes and have limited resources for relocation if the tunnels  
25 are built. These are people whose education will be put on hold or dreams of farming in the Delta  
26 will be shut down, individuals whose livelihood will be destroyed if the twin tunnels are built and  
27 the flow of the Delta compromised.

1           4.       The North Delta houses a large environmental justice community. A quick drive  
2 down any rural road will display the disparity that occurs in the community. The small run-down  
3 houses between fields and orchards where field workers and their families reside are often loaned to  
4 the family by their bosses, who live in nicer, larger houses nearby. If you decide to visit the  
5 Clarksburg library during lunch time in any summer month, you will find Margaret Kaplan, the  
6 librarian, passing out free lunches for children and their families, no questions asked. (RTD-62.) In  
7 that same visit, you can head across the street to Clarksburg Community Church where a non-profit  
8 distributes food once a week. On my first day at Delta High School in January 2013, I noticed that  
9 every single person in the lunch line before me received free lunch. I was met with odd looks by the  
10 lunch ladies when I paid for my meal. Walk into Delta High School in the morning, and you will be  
11 met by a large group of Spanish-speaking freshman and sophomores waiting outside the door of Ms.  
12 Rodriguez, the English Language Development teacher. The services provided in the schools,  
13 churches, and libraries all around the North Delta have been adapted to support the environmental  
14 justice community in order for the upcoming generations to lead better lives. But as much help as  
15 community organizations provide, the backbone to the livelihood of the environmental justice  
16 community is agriculture jobs, provided by the healthy flow of Delta water.

17           5.       Proof of the struggles of the community lies clearly in the large role that the library  
18 plays in the community. Margaret Kaplan has been the librarian at the Yolo County Library  
19 Clarksburg Branch for about three and a half years. It was during my time serving as student  
20 representative on the Friends of the Clarksburg Library that I realized her impact and the importance  
21 of her work in the community, especially the environmental justice community. During my  
22 interview Margaret explained her goals for the library, the role of the library in the community,  
23 which shows the need that can be found in and around Clarksburg. Margaret painted a clear picture  
24 of her role in the community without much prompting. She explained her entrance into the  
25 community three and a half years ago: “I worked really hard as an outsider to get to know everyone  
26 and make everyone feel comfortable so that they feel like this is their library... all of the community  
27 uses the library... everyone is welcome”. She paused, smiled, and continued: “I see the library  
28 more as a community center.” She listed the various bilingual programs that are offered, yoga

1 classes, and lunch distributions. She recounted a touching story showcasing the unique uses the  
2 library serves for the community: “There is a family who uses the library daily, they come here,  
3 they eat a couple of meals here, it’s the whole family, mom and kids spend a good six hours here,  
4 whenever we are open. I have no idea where they live or the situation they are in but they like to use  
5 the internet and microwave, they know they can come here, no judgments.” Margaret, along with  
6 the various organizations that work with the library, have created a safe place to support and uplift a  
7 community that desperately needs the help. Their efforts will be destroyed if the environmental  
8 justice community loses their main source of income in agriculture.

9         6.         I became the teacher’s assistant for Jennifer Rodriguez, the English language  
10 development instructor, during my senior year at Delta. My eyes were opened to certain struggles  
11 my peers encountered in education. Ms. Rodriguez works tirelessly teaching beginning,  
12 intermediate, and advanced English courses to students at Delta High School. She works with  
13 students who recently migrated to the United States and those who have been born here but for  
14 whom English is still a second language. I sat down with her during the final days of the school year  
15 as she prepared paperwork. I asked her about her work, her classes, and the unique struggles her  
16 students face. She began our interview with, “I speak Spanish, it’s nice I can communicate with  
17 them, it gives them someone they can feel comfortable with right away... not that it’s a job  
18 requirement but it’s very beneficial here.” I asked her if she could describe the community that she  
19 works in, and she began to describe the community from her lens as an educator: “It’s a community  
20 of have and have nots...the reason why my students are here is because they have a job, or their  
21 parents have a job here...parents are not terribly educated, and they don’t have the cultural capital to  
22 comfortably participate in the classroom, this creates many roadblocks for their education.” I then  
23 asked her about the future of her students if their parents’ jobs in agriculture were to disappear. She  
24 responded: “Although we have a lot of migrant workers, the kids are actually very stationary, we  
25 don’t think of them as the typical migrant kids who are at one school for two months then at another  
26 school for two months, it’s not like that traditional model. They work around the kids’ schedules. If  
27 the jobs go away, the kids will be uprooted again. The parents may or not be able to find jobs.  
28 That’s a horrible outlook for the welfare state for the kids. That is a huge chunk of our school’s

1 population.” I asked about the jobs of the teachers, she sighed and responded: “We are deemed a  
2 necessary school because of our location so I don’t really know how that would play into staffing,  
3 but if we lost a lot of our students there would have to be a lot of cuts... We all would be impacted...  
4 We already work really hard to provide all the services that we do and that would be drastically  
5 curtailed. Our school will become a ghost ship. We have a lovely little school, and I would hate to  
6 see it lost.” Stability in education is vital to the success of students who already have educational  
7 setbacks, and loss of income will lead to additional struggles for families and students who live  
8 within the North Delta region.

9         7.       The community is clearly in a fragile state, it is a community that is building its roots,  
10 and it cannot be displaced in its current condition. As I have noted previously, success in education  
11 will provide stability and long-term success for many in the environmental justice community.  
12 Many of my peers have gone on to community college after graduating from high school but still  
13 live at home due to their families’ financial situation. The following two interviews portray the  
14 effect the twin tunnels would have on two of my peers who decided to continue their education in  
15 hopes of making everything their families have gone through worth it.

16         8.       In the deeper rural parts of the North Delta lies the home of Angelica Perez and her  
17 family of 6. She is the eldest of four children and has become the first in her family to attend school  
18 beyond middle school. Angelica is currently a student at Sacramento Community College, and I met  
19 her for our interview at a café between her break between school and work. Ms. Perez has lived in  
20 the Delta for a greater part of her life; her parents moved from Mexico 19 years ago and have been  
21 working hard, day in and day out, in order to support their growing family. I asked her where or  
22 who her parents worked for. She responded: “My mom works for Kellan Farms and my dad works  
23 for the Pylman family who farms in the Delta.” When I asked her if she ever worked in agriculture,  
24 she laughed and responded: “I have, every summer since I turned 15.” One hundred percent of her  
25 family income came from work in agriculture until she found a job at a Home Depot near her  
26 community college. I then asked her what would happen to her family if a suitable water supply was  
27 no longer available to the farmers her parents work for. She took a second to find words: “We  
28 would probably, I don’t know, we would be even more broke than we are now, I guess. We

1 wouldn't have any income." We moved on to the next question. "Would you be able to afford a  
2 place in Sacramento if your family would be forced out of their home due to the lack of work and  
3 water? How would it affect your education?" I asked. Angelica shook her head: "No, I would have  
4 to cut down my classes in order to work, they [her parents] would expect me to work in order to  
5 provide for my siblings." With that hard-hitting question, we ended the interview. Afterwards,  
6 Angelica added that she was thankful for the fact that her family paid for their own housing and were  
7 not additionally reliant on farmers for housing, unlike the family of her best friend.

8         9. My next interview was with Julian Jimenez, whom I met for our interview on the  
9 banks of a slough across from Delta High School. I began by asking him about his background.  
10 Julian has grown up in Clarksburg along with his two younger brothers. "My parents immigrated  
11 from Mexico and resided in Fresno for a couple of years before moving to Clarksburg to raise us." I  
12 asked him if he had ever worked in agriculture before. He laughed at the obvious question: "I  
13 began working in the agriculture as a teenager, and I've worked in various agriculture jobs around  
14 the Delta ever since. Right now I do custom baling all over the Delta." His father works raising  
15 livestock in Rio Vista while his mother cleans houses. Julian and I participated in the same Future  
16 Farmers of America program at Delta; ask anyone in the program what Julian's dream is, and they  
17 would laugh and answer "JJ Farms," because Julian's dream is common knowledge. He loves  
18 farming; that's what he wants to do. He is currently going to Consumes City College and studying  
19 crop production management. Very plainly and simply, he said: "Everything my family does,  
20 everything I want to do is heavily reliant on water." His dream lies in adequate water suitable for  
21 farming. His livelihood lies in the waters of the delta, from the water that he drinks, to the water  
22 consumed by the cows his dad cares for, to the water used to irrigate the fields that he bales.

23         10. The final interview I conducted for this testimony was with Juan Pozas and his  
24 family. I was touched by the love and caring in the house, and I quickly realized the sensitivity that  
25 the subject of the future created. Immediately upon my arrival I was greeted with a smile and a  
26 frothy cup of freshly squeezed pineapple juice. The house is small, without central heating and air; a  
27 small stove and sink sit next to a wood burning stove. The kitchen takes up about fifty percent of the  
28 total house. Alejandrina, Juan's wife, was cooking dinner and had set up a plastic chair lined with

1 pillows in order for Juan to be able to sit through dinner with the least amount of pain possible.  
2 After greeting us, Alejandrina walked over to a bedroom to the right of the kitchen. She held Juan's  
3 arm as he clung on to his cane and slowly walked over to the table. He firmly shook my hand and  
4 sat in his chair. I then proceeded to ask him a couple of questions. His eldest son and wife were also  
5 sitting at the table, along with my father, who attends church with the family. When I asked Juan  
6 how long he had been working for his employer John, he quickly responded, "trienta anos, y no mas  
7 e trabajado para John," which translates to, "thirty years, and I've only worked for John in those  
8 thirty years." I then asked where his water came from. He pointed outside the driveway where the  
9 well sat. I asked what would happen if the well ran dry or his water became contaminated. His son  
10 laughed and said "I don't know what we would do." Juan just shook his head. I hesitated before the  
11 next question because I knew how heavy it would be for the family. I asked what would happen if  
12 the boss would be forced to sell the land, and all three at the table looked at each other, and a  
13 murmur of many responses came from Juans's son and wife. Finally, Juan said, "nos quedariamos  
14 en la calle." Silence followed. This translates to "we would be out on the street." I quickly thanked  
15 them for answering the questions, and we proceeded to eat some fruit and enjoy lighter conversation.


16       11. Juan Pozas immigrated to the United States from Mexico. He was lucky enough to  
17 have support from his employer to gain citizenship. He was known for his loyalty and hard work;  
18 Juan's employer set him up in a house across the street from his own house. Juan worked 30 years  
19 for John. Unfortunately his employment with John ended after his body could no longer take the  
20 strenuous work, and he ended up with a broken back. Due to his work and loyalty over the last 30  
21 years, John has allowed Juan and his family to stay in the home. As outlined in the interview, Juan  
22 and his family are in an even more severe situation than other farm worker families that live in the  
23 Delta. Without the physical capability of working again, Juan relies on the kindness of his employer  
24 for a home. If John were to be forced to sell his land due to the negative effects of the tunnels on his  
25 business or if parts of his land lie in the path of the tunnels, Juan and his family could very well end  
26 up on the street.

27       12. Mr. Pozas has died since I spoke with him. My testimony faithfully reflects my notes  
28 and recollection of my conversation with him.

1           13.     These interviews are unable to capture the full impact that the twin tunnels will have  
2 on the fragile community in the place that I call home. Personally, agriculture created a building  
3 block for my family to grow from; my grandfather, my aunts and uncles, and my parents all worked  
4 in the fields. I have heard about and experienced the strenuous agriculture labor, but I know that  
5 without those jobs my parents would not have been able to get through school. They wouldn't have  
6 been able to attend university and receive their teaching credential and lead the impactful lives they  
7 live today. Their jobs in agriculture provided a home for my father's family of ten, jobs created by  
8 the healthy flows of the Delta. I owe my current life to the flow of the Delta. The environmental  
9 justice community will lose its livelihood if the flows of the Delta are compromised, their education  
10 will be detrimentally impacted, their hopes and dreams will be stalled, their wells will no longer  
11 pump drinkable water, and their jobs and homes will be lost.

12           I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct. Executed this 6 day of September, 2016, at

14 Stockton, California.

15   
16 IXTZEL REYNOSO