

Sheldon Moore  
Suzanne Womack  
Clifton Court, L.P.  
3619 Land Park Drive  
Sacramento, CA 95818

BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

HEARING IN THE MATTER OF  
CALIFORNIA DEPARTMENT OF WATER  
RESOURCES AND UNITED STATES  
BUREAU OF RECLAMATION REQUEST  
FOR A CHANGE IN POINT OF  
DIVERSION FOR CALIFORNIA WATER FIX

Qualifications of  
Sheldon G. Moore  
&  
Suzanne Moore Womack

I am Sheldon G. Moore, 1584 Summerhill Lane, Lincoln, CA 95648. I am a general partner in Clifton Court, L.P, our family farm that was purchased in 1961. I have a Bachelor of Science in Agricultural Economics from the University of California at Berkeley. I was a captain in the United States Air Force and flew Strategic Air Command missions from Travis Air Force Base in B-36 bombers. I grew up on a farm during the Great Depression. I decided early on that I wanted to be a farmer. I have been involved with five farms in my lifetime. I have always been an efficient farmer who is a good neighbor and takes care of problems as they arise. I am the only farmer still alive who farmed Clifton Court before the Clifton Court Forebay (CCF); lived through five years of construction; and experienced over 50 years of ongoing problems and injuries from operations of the State Water Project (SWP) and the Central Valley Project (CVP.) Due to hearing problems and rheumatoid arthritis, I am working with my daughter Suzanne Moore Womack, a general partner in Clifton Court, L.P.

I am Suzanne Moore Womack, 3619 Land Park Drive, Sacramento, CA 95818. My family moved to Clifton Court in 1963 and the farm has been a part of my life from that time forward. Although I am now a retired school teacher, I grew up working on the farm and experienced the many changes and injuries the SWP & CVP caused to our farm.

TESTIMONY OF SHELDON MOORE & SUZANNE WOMACK

INTRODUCTION

We believe the Department of Water Resource's (DWR) and the Bureau of Reclamation's (Reclamation) petition for a change in point of diversion for California Water Fix (CWF) will cause injury to our farm and our senior water rights. According to DWR 2-30, most of our land will be taken for the South Clifton Court Forebay (SCCF.) Only our 3.7-acre island will remain.

Clifton Court, L.P. (CCLP-11) is the last remaining farm of a once vibrant farming community of over 3000-acres of farms established in the 1870's at Clifton Court (CCLP-12). All of Clifton Court originally obtained their water through two flood gates using no electricity, just natural flow. All farms shared two pumps that pumped excess water back into Italian Slough. In 1961, our family bought our 1,100-acre farm from Grace Ritchie because of the farm's size and senior water rights.

A few years later, in the mid 1960's, all of our 1,100 acre farm was condemned for the SWP. A 1967 settlement left us with over 635-acres of land. Due to the CCF our entire farming operation had to change. In the 1960's, over \$112,000 was spent installing tile drainage systems, revising irrigation and pump drainage, and installing a pump at a new diversion point to replace the floodgate. In addition, there were hundreds of hours of time spent researching the best systems and supervising installation. All of this time and money was spent to get the farm back to the farmable state it was in before the CCF was constructed.

Despite increased costs, Clifton Court, L.P. is a successful farm. Over the past 55 years our farm has employed hundreds of people and grown millions of dollars worth of crops – tomatoes, sugar beets, corn, wheat, oat, safflower, milo, alfalfa, sudan grass, and asparagus. We have, however, sustained continued injury from the SWP and the CVP and we will be severely injured if the petitioners are granted a change in diversion point.

INJURY CAUSED TO LEGAL WATER USER IF PETITIONERS CHANGE IN POINT OF DIVERSION FOR CALIFORNIA WATER FIX IS GRANTED

INJURY CAUSED BY LOSS OF LAND:

According to DWR, most of our land will be condemned for the CWF. All that will remain of our land is our 3.7-acre island. Our 55 years of growing crops on our land and all of our knowledge gained through experience will be lost. The history of our family is woven with this farmland. We will lose our way of life. Where can we buy land to replace our 635-acre river front farm with senior water rights? Due to our past experience with the State during our condemnation process in the 1960's, we also know that the CWF can change their plans at any time. They may change their minds at a later date and choose to take less of our land and leave us with a small scrap of non-farmable land.

INJURY CAUSED BY LOSS OF SENIOR WATER RIGHTS:

The water rights for Clifton Court, L.P. go back to the 1870's. They include riparian, pre-1914, and a license (application 4635, permit 2268, and license #1289). Should any of our land be taken, we will lose valuable water rights.

INJURY CAUSED BY LOSS OF WATER QUALITY:

Currently, the water in Old River turns brown and cakes our concrete ditches with layers of muck when the CVP & SWP are pumping water south. According to DWR, the SWP will continue to pump water at the SCCF (DWR-212 pg. 164 14.1.3.1) and the CVP will also continue to pump from Old River. We know our water quality is bad now. However when the new north diversions take 9,000 cfs, we believe that the salinity and turbidity of our water will be worse. We know that any remaining land at Clifton Court, L.P. will be affected by poor water quality.

INJURY CAUSED BY LOSS OF HISTORIC HOME:

In 1889 our farmhouse was barged to its current location and rolled into place (CCLP-13). Albi Houston witnessed this as a young boy, telling us the story in the 1960's. In 1889 the two story home with 4 bedrooms and two baths was a sign that the farm was prospering. Later it survived the 1907 flood (CCLP-14).

INJURY CAUSED TO LEVEE & ISLAND BY CVP & SCCF PUMPING 15,000 CFS:

Before the CVP and SWP, farms in the area pumped less than 50 cfs. The levees were built for this type of water use. The CVP and SWP began pumping a combined 15,000 cfs without ever fortifying the surrounding levees. We were forced to repair, rock, and re-rock our levee and island. Here are some of our expenses: 1970, \$53,618 and 1999, \$90,747 (CCLP-15.) The CWF will continue to pump water from Old River at the CVP and the SCCF; therefore the ongoing damages to our island and levee will be sustained. We feel it is past time for the SWP, CVP, or CWF to take responsibility for the damage

their operations do to the surrounding levees. Levees within a two mile-radius of all intakes need to be maintained by the petitioners.

CCLP -21-4

INJURY CAUSED BY CHANGE IN OUR DIVERSION POINT:

Based on past experiences, when we are forced to change our diversion point, it will cost us. Our two original diversion points (floodgates) were moved and the floodgates were changed to pumps in 1958 by the CVP and 1968 by the SWP (CCLP-16.) In 1961 our farm operated with a floodgate and a siphon pump in the Delta Mendota Canal (DMC.) Electrical costs and pump maintenance were almost nonexistent. Once the CVP and SWP were fully operational and pumping 10,000 cfs and then 15,000 cfs, things changed dramatically. We found that turbidity and the changes in water levels caused by SWP and CVP operations drove up our pumping costs and caused our pumps to burn out. Our pumps' maintenance and replacement have cost us over \$255,000 since 1984 (CCLP-17.) Electrical costs to run the pumps have skyrocketed. Our farmers spend tens of thousands of dollars on electricity every year. Our floodgates ran without any electricity. The true cost of changing diversion points were never born by SWP or CVP. Our costs for the CVP and SWP's moving our diversion points continue to adversely affect us today over half a century later. The petitioners need to take full responsibility for the ongoing costs involved in changing diversion points.

INJURY CAUSED BY CHANGE IN WATER LEVELS:

The change in water levels will also affect any new pump we have at a new diversion point. In the past, the petitioners have neither paid for damages for to pumps due to water level drops, nor have they paid for a new diversion point. Here is what we have experienced. Our pump in the DMC worked as a siphon pump in the 1960's. Once the CVP increased their pumping, we had to use our pump full time. At the same time, as CVP pumped more, the trash on their trash racks at Tracy Fish Facility (TFF) increased, resulting in erratic water levels in the DMC. Poor TFF trash rack cleaning caused the water in the DMC to drop dramatically and unnaturally, up to 13 feet. Whereas a farmer could count on tides, they could not count on the trash on the trash racks. In 1980, we had to add a third diversion point in front of the TFF to deal with dramatic unnatural changes in water levels in the DMC and our subsequent pump cavitation and burn out. Adding a third diversion point cost a huge amount of time and money but was the only way we could ensure that we could divert our legal water right. In 1980, we spent over \$40,227.15 (CCLP-18), not counting management labor. The petitioners have said that they would like landowners to change their diversion points. If most of our land is taken, we could not possibly afford to change our water diversion. CWF would need to make us whole.

INJURY THROUGH PAST CONDUCT:

Both DWR and Reclamation have demonstrated a systematic lack of due care exhibited by response to pleas for help with levee costs, pumping costs, and basic maintenance requests. On all farms it is imperative that neighbors work together on squirrel control, maintenance, and trespassers. For over 25 years we have written letters to remind DWR and Reclamation to take care of their responsibilities. We've spent thousands of dollars replacing pumps and control panels vandalized by fishermen who fish in the DMC or

CCF. In December 2015 we brought to the attention of CCF operations 20 feet of missing fence around the CCF. Somehow the twice daily patrols missed this. Apparently  
CCLP-21-5

it will take until September 2017 to replace the fence because invasive nonnative blackberry bushes have been allowed to grow on the fence line. These bushes might contain nesting birds. Meanwhile this hole is an attractive nuisance that attracts fishermen on a daily basis. We've also lost thousands of dollars of crops to squirrels that make their homes in the banks of CCF. We have spent thousands of dollars baiting squirrels and repairing damages to fields. Despite letters going back to 1990 requesting help for damages, we have never received a penny (CCLP-19.) Based on what the petitioners have done in the past, in the future we will accrue damages that are consistent with the manor in which they have addressed the above mentioned problems.

MAKING PROPERTY OWNER WHOLE FOR INJURIES SUFFERED BY STATE'S PAST PRACTICES OF LACK OF DUE CARE:

The petitioners have said that they will make whole anyone who has a change in diversion point or experiences any damages by this project. According to DWR, they have a fine process for victims to get compensation for damages caused by their actions. In 2012 we had over \$60,000 worth of damage to our fields from squirrels that live in the banks of the CCF. We gave our farmer a check for \$30,000 to fix damages caused by squirrels. We were told at a Water Commission hearing that we could file a claim through the "California Victims Compensation Government Claims Board" (VCGCB) for our damages. We filed the claim. Our claim was denied. At the hearing we were told that we would have to sue the State since our claim was complex and involved a lot of money. VCGCB Executive Officer, Julie Nauman, even wrote a letter to DWR Director, Mark Cowin, and asked that he take care of our squirrel problem and compensate us. We are still waiting to hear from him (CCLP-20.) Who at DWR lives up to the commitment of making people whole? How will the new larger undertaking of the CWF get different results for the adjoining landowners being victimized?

CONCLUSION

All of the problems that caused the loss of time and money that we have described above happened because of the CVP & SWP. We did not choose to spend this money; we had to spend this money just to be able to continue to farm. We could not wait to fix a pump until the CVP/SWP gave us money. All of our crops would have died and we would be out of business. The farm we bought in 1961 had none of the problems we addressed above. The change in diversion points requested by the petitioners will cause Clifton Court, L.P. serious injuries and will not make us whole. DWR's and Reclamation's ongoing lack of diligence in dealing with the issues addressed above is a sign of concern for the massive undertaking that they propose. It leads us to wonder if when they undertake and complete the CWF, will they exercise the same lack of due care and harm on more landowners as we have been harmed for the past half-century?

A TIMELINE OF EVENTS AT CLIFTON COURT, L.P. THAT COST TIME &  
MONEY DUE TO THE OPERATIONS OF SWP OR CVP

- 1961 Bought 1,100 acre farm;
- 1966 Entire farm condemned by SWP;
- 1967 Agreement reached to buy some of the property;
- 1968 State acquires land for more powerlines across farm to power pumps;
- 1968 New irrigation, drainage, and tile drainage system due to CCF-\$112,000;
- 1968/9 Permit process to change diversion location & install river pump;
- 1970 First signs of seepage from CCF;
- 1970 Redo levees.- \$ 53,618;
- 1971 Finally receive money from 1967 settlement;
- 1979/80 Permit process to add a third diversion point & pump-\$ 40,227.15;
- 1980's "STOP PERIPHERAL CANAL!!!" movement;
- 1980's Re-rock levees;
- 6-18-90 Squirrel letter to DWR;
- 3-30-95 Squirrel letter to DWR - Larry Guillen;
- 3-30-95 Squirrel letter to San Luis & Delta Mendota;
- 4-10-95 Follow up letter to San Luis & Delta Mendota – Louie Vasquez;
- 9-11-95 Maintenance problems letter to DWR – Larry Guillen;
- 7-22-96 Squirrel letter to DWR – Larry Guillen;
- Mid 1990's Object to increasing powerlines. Lawyers. Settlement;
- Later 1990's Franchise Tax Board objections to taking of condemnation payment;  
Lawyers. Win!
- 1999 Levees leaking. Time to re-rock-\$90,747;
- 1999-2001 CALFED makes offer to buy farm. Hours of meetings;
- 5-9-02 CALFED suspends effort to buy farm, Reclamation wants to relocate road
- 5-17-02 Replace burned out pump in DMC due to low water levels \$59,466;
- 6-3-02 Letter to Reclamation. Protected rights to public road. Can't relocate;
- 6-3-02 Squirrel letter to Reclamation;
- 6-26-02 Squirrel letter response for DWR;
- 9-3-02 DWR response to request for info. \$3,159,408 spent dredging River's End
- 9-15-02 Letter to DWR- Paul Marshall re: negative impacts;
- 6-23-03 Letter to DOI-Dan Meier re: adverse impact of CVP on pumps, levee, &  
electrical costs.
- 11-1-05 DWR – Kelley Di Pinto want to put dredging material on our property;
- 5-11-11 Take pictures to show squirrel damage and pump damage;
- 6-15-11 Squirrel letter from Contra Costa County re: SWP squirrel problem;
- 12-2011 Letters from Water Commission demanding to drill on our farm;
- 2-15-12 Attend Water Commission meeting. Sue Simms asks us to write her;

- 3-17-12 Letter to Sue Simms describing lack of care by CVP & SWP;
- - CCLP-21-7
- 3-21-12 Water Commission hearing. Alan Davis assures Sue Simms we just need to fill out victim compensation forms to be compensated for squirrel damage;
- 4-6-12 Meet with Tom O'Neil to grant temporary easement to drill on property;
- 5-26-12 File California VCGCB claim. Cost \$25;
- 6-2012 Meet with Julie Spezia, Chuck Gardner & Sergio Valles. BDCP wants to buy farm.
- 6-13-12 After drilling complete, receive letter from DWR-Olivia Garcia saying they are going to drill in a few weeks;
- 6-14-12 Reply to DWR-Olivia Garcia;
- 6-20-12 Victims Compensation tells us we've been denied but can attend hearing;
- 8-16-12 Letter from Victim Compensation Board telling us to pursue court action;
- 8-28-12 cc: of letter to Director Cowin encouraging him to fix problem & pay;
- 9-11-12 Clifton Court Meeting with Sue Simms & Carl Torgersen (Nancy & Sheldon Moore & Suzanne Womack attend) to discuss how DWR can help us;
- 11-2012 Visit farm encounter family trespassing. Send away, but later they return;
- 11-8-12 Letter & pictures of trespassers to Sue Simms & Carl Torgersen. Help!
- 12-14-12 DWR-Carl Torgersen replies. Pledges DWR will do host of things;
- 4-22-14 Letter DWR-Alan Davis;
- 5-5-14 Letter DWR-Alan Davis;
- 5-7-14 BDCP Comments;
- 7-17-14 BDCP
- 7-2014 Attend BDCP "Fair"
- 12-2015 Drive property with new tenant (last farmer went bankrupt). Take pictures of holes in fences. Try to speak to last contact person, gone. Several phone calls later tell Diane Gillis problems. She seems to be making progress. In our experience this means she will be moved on.
- 12-14-15 Letter of complaint to Carl Torgersen. No reply;

This is just a partial list of dates. It does not begin to cover the hundreds of hours fixing and overseeing problems caused by SWP & CVP.