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Clifton Court, L.P.  
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Sacramento, CA 95818  
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June 8, 2017

Hearing Officer Tam Doduc  
Hearing Officer Felicia Marcus  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Sur-Rebuttal

Dear Co-Hearing Officers Doduc & Marcus:

Petitioners continue to claim that moving the points of water diversion for their California WaterFix will cause no injuries to any legal users of water. Furthermore, they claim that if our land at Clifton Court (CCLP) is taken we will not be injured because we will be justly compensated.

During our rebuttal testimony, Mr. Mizell presented DWR-920, which is a Judgment in condemnation pursuant to stipulation and stipulation for part of my grandparents' farm at Clifton Court. We would like you to look closer at this document Mr. Mizell presented.

In order to understand this document, you must first understand the times. Over 50 years ago the State of California had the best roads and schools in the nation. Business was booming. Much like today's California WaterFix tagline "Big Gulp, Little Sip", DWR sold the idea of the State Water Project (SWP) with the proviso that they would only take water in the winter to help prevent flooding in the Delta. DWR would only pump 5,000 cfs. The top engineers worked on this new state of the art project. Nothing like the SWP had ever been built in California.

Mr. & Mrs. Danielson bought the farm in December of 1961. With my father and mother as tenants, Mr. & Mrs. Danielson spent well over \$100,000 transforming the run-down farm into a show piece. They were beginning to reap the rewards of their hard work in 1967 when DWR took their land. Mr. & Mrs. Danielson, the landowners, were represented by Downey, Brand, Seymour & Rohwer, considered one of the best water law firms in Sacramento at the time. When their land was taken in August of 1967 under an order of immediate possession, they could not possibly have known of the long ordeal they would face or how drastically the State's operations would change.

### 1970 Judgment (DWR-920) Regarding DWR's Change in the Amount of Water Pumped South at CCF, Doubling from 5,000 cfs to 10,000 cfs

The 1970 Judgment does not say that DWR will double the amount of water they ship south. We were overwhelmed when DWR increased their pumping to 10,000 cfs. This meant that between the SWP and the CVP over 6,700,000 gallons/minute of water were scouring our levees. Dirt and debris plugged and damaged our pumps. Our levees were sucked away. Water levels were lowered, resulting in overloads and burnout of our irrigation pumps.

No EIR was ever done. Our levees were started in the 1870's. Prior to the exportation of water by DWR/CVP the whole of Clifton Court diverted approximately 30-40 cfs. The SWP/CVP diverted over 15,000 cfs. DWR/CVP dropped in their extensive pumping - 375 times more than Clifton Courts peak diversion of 40 cfs - without ever fortifying the levees or compensating landowners for damages. Just from the 1970's judgement to the early 1980's, we spent over \$400,000 to counter damages.

As time went on, we found our pumps could not handle the excessive State & Federal pumping that caused Old River to reverse its natural flow. Pumps in use had to be replaced with much more expensive pumps that cost more to run. From the 1990's onward, our pumps could not handle the water hyacinth that was sucked down to the Tracy Fish Facility, causing Old River to be completely choked with plants for over a mile.

### 1970 Judgment (DWR-920) Regarding Levee Damage

The 1970 Judgment (DWR-920) paid \$15,000 for the damage to our mile of levees, which was caused by hundreds of loads of rock being trucked over our levee roads in the 1960's during the construction of the Forebay. Mr. & Mrs. Danielson spent over \$54,000 reengineering the levees in 1970.

The Judgment did not mention how DWR would pay for future damages to the levees. No one had dealt with the type of damage that happens when you pump 15,000 cfs. SWP & CVP's extensive pumping weakened our levees that had been rocked and reengineered in 1970. Our levees had to be re-rocked by 1980. When the SWP rocked the Clifton Court Forebay and the CVP rocked the Delta Mendota Canal in the mid 1970's they never looked at or tested the strength of our levee, the only levee directly abutting both of these two mammoth projects.

### 1970 Judgment Regarding SWP & CVP 24 Hour Security Patrols

When this Judgment was signed both SWP & CVP maintained 24 Hour Security Patrols. There were never any trespassers on either project. In the late 1970's both SWP & CVP stopped 24 hour patrols since they said the patrols were too expensive. Soon afterwards we ongoing vandalism that continues to this day.

### 1970 Judgment Regarding Change in Water Quality

DWR did not mention that their pumping, especially during the summer, would cause our irrigation water to turn muddy brown, thereby wrecking pumps and concrete ditches and costing us thousands of dollars in damages yearly.

### 1970 Judgment Regarding Seepage

In a breakdown of the money awarded to Mr. & Mrs. Danielson - "exhibit c" - \$112,000 worth of the settlement went toward reworking the irrigation and drainage system. \$1,620 was paid for seepage damage. Mr. Danielson believed the State engineers when they said that the Clifton Court Forebay did not need a cutoff wall. The engineers said the Forebay was lined with a concrete treated base and would not seep. Was Mr. Danielson wrong to take these engineers' word? Was he wrong to depend on their honesty and integrity? Mr. Mizell seems to think that since Mr. Moore signed this Judgment, DWR does not have to correct seepage problems with the Forebay.

### 1970 Judgment Regarding Public Safety Hazard

Mr. & Mrs. Danielson and Mr. & Mrs. Moore expected DWR to maintain and run the SWP. Knowing that seepage can weaken levees/embankments and even cause failure, they never dreamt that a public facility such as the Forebay, which is a type of dam, would be allowed to have seepage problems that would be ignored. They assumed that if a seepage problem developed, it would be fixed. As we have seen with the Oroville Dam, DWR has a bad habit of ignoring problems and simple maintenance. When small problems aren't fixed they can become huge disasters. Public Safety issues should never be ignored

### 1970 Judgment Regarding Future Damages

There is nothing in the 1970 Judgment that tells how future damages will be dealt with. Considering our farm has received no money for damages since this Judgment, perhaps DWR planned all along on not paying for damages. We have years of damages and years of SWP/CVP ignoring our requests to work out and fix damages. We should not have the expense and time of suing the State for reparations.

Most recently when we reached out to the Delta Field Division Acting Chief, Amber Candela-Cooney regarding seepage damage, she wrote back (CCLP-32) and basically said that since "seep 6" was operating efficiently, the DWR facilities were not a source of seepage on our property.

To the best of our knowledge, Seep 6 is built on a berm. The bottom of that sump pump is above our ground level. Furthermore, we know that CCF was built without a cutoff wall and we believe that a cutoff wall has not been added. So we wrote back (CCLP-33) and asked very specific questions, such as: "How deep is Seep 6?"; "What type of pump is it?"; "How far down do you drain the seepage water?"; "What is the purpose of seep 6?" As of June 8, 2017, we have heard nothing. We filed a formal complaint with DWR and have heard nothing. DWR

evidently does not feel it needs to respond to our complaints. Evidently they are above the law.

Why sign the 1970 Judgment?

So why did Mr. & Mrs. Moore sign the Judgment? Mr. & Mrs. Danielson were the landowners and Mr. Danielson believed that he and his lawyers had negotiated the best deal. Mr. Danielson had a heart attack in 1969 and was in ill health. He needed the trauma of over three years of condemnation proceedings to be finished. Signing was the last necessary step before the settlement money was released. As tenants signing this Judgment, Mr. & Mrs. Moore respected the wishes of Mr. & Mrs. Danielson.

We hope you can see why we are pessimistic that we will be treated fairly if our land is condemned for the California WaterFix. Our fifty years of experience have shown us that neither the SWP or CVP take responsibility for the damage they cause. They cannot be trusted.

Sincerely,

Suzanne Womack