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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

PART TWO TESTIMONY

Since 1961, Clifton Court, L.P. (CCLP) has seen, first hand, the damages caused to fish, wildlife, and recreational users by the Central Valley Project (CVP) operated by the United States Bureau of Reclamation's (USBR) and the State Water Project (SWP) operated by the California Department of Water Resources (DWR). Now the petitioners have created the California WaterFix and claim that a 17 billion dollar project that changes a point of water diversion and adds twin tunnels 200 feet underground will not harm fish, wildlife, or recreational users. They say look at our track record. Trust us.

PUBLIC ACCESS ON ROADWAYS

The petitioners promise that any damage done to public roadways and levees during the construction of the project will be fixed at their expense. We do not believe this. During the construction of the Clifton Court Forebay (CCF), Herdlyn Road was severely damaged by hundreds of construction trucks that used this public road. This same public road was used by our farm as well as many other local fishermen.

Did DWR fix the road and levee? No, our farm spent \$52,150 in September of 1970 exclusively on dredging and basalt rock CCLP-15. This was merely the raw cost without consideration of our administration or engineering costs. In January of 1971, DWR gave us \$15,000 for levee damages as part of our settlement CCLP-36. DWR did not fix construction damage to our public roadway; therefore, how can we trust them to fix other levee roads that they damage? Public roadways are an important part of access for recreational users of water.

PUBLIC SAFETY

CCLP is the only remaining part of over 3,000 acres of successful farms at Clifton Court that were started in the 1800's. Our land stretches to the middle of Old River and includes the levees. Our approximate mile of levee is the only levee that stretches between the start of the CVP at Tracy Fish Facility (TFF) and the start of SWP at CCF. In 1971, we had newly re-rocked and engineered levees and a new pumping and drainage system. We believed we were prepared for the pumping we were told would happen -- SWP pumping 5,000 cfs in winter and the CVP pumping almost 5,000 cfs year round. However, we were not told the truth.

By the early 1980's, the SWP & CVP were pumping a combined total of about 15,000 cfs year round, wrecking havoc on Old River, the fish, and our levees. Our farm license allows us to pump 6.25 cfs. In layman terms, there are about 7.48 gallons in a cubic foot of water – gallons per second -- $15,000 \times 7.48 = 112,200$ gallons. Per minute – $112,200 \times 60 = 6,732,000$ gallons. Per hour -- $6,732,000 \times 60 = 403,920,000$ gallons per hour. Per day -- $403,920,000 \times 24 = 9,694,080,000$ gallons. Nearly 10 billion gallons of water (15,000 cfs) pumped on a daily basis is a far cry from the seasonal crop irrigation pumping of no more than 6.25 cfs of water. Simply put, our levees were not designed to withstand pumping of almost 10 billion gallons of water daily. For a comparison, imagine a fire hose directed full blast on our levee vs. an occasional trickle from a small garden hose.

Later, both the SWP's CCF and CVP's Delta Mendota Canal were re-engineered and fortified with rock to help withstand the onslaught of the heavy pumping of water that even caused the river to reverse flow at times. Did either water project inspect our levee or offer to re-rock our levee? No. We completely re-rocked our levee and island in the early '80's. By 1999 we spent over \$90,000, plus a \$5,000 engineering report, just fixing a levee leak. We cannot afford to pay for damages caused to our levees by the pumping at CVP & SWP. The damage to our levees is not normal wear and tear: it is abuse.

In the spring of 2017 when CVP & SWP were pumping a record 22,000 cfs, (more than 14 billion gallons a day) Clifton Court Forebay closed for emergency repairs. No one from SWP or CVP contacted us, nor did they examine our levees despite this emergency situation. Our levees are in peril due to extreme pumping by the CVP at one end of our levee and by the SWP at the other end of our levee. All who live at Clifton Court are in peril due to the extreme and constant pumping at the SWP & CVP that weaken our levees that were never engineered for this use.

Does the California WaterFix fix this peril? No. According to Mr. Bednarski's remarks regarding our levee on 8/10/16 (page 20 line 6): "So, as far as the California WaterFix is concerned, I do not believe we have any plans to make improvement to that levee." It is interesting to note that no one from DWR/SWP or USBR/CVP has ever looked at our levees. Why does the California WaterFix, DWR, SWP, USBR, and CVP expect a private citizen to pay for the damage caused by the operations of their facilities? Why doesn't our public safety matter?

WATER QUALITY

The residents of Clifton Court have always pumped their household water from the Old River. There has been a steady degradation of water quality since the amount of pumping has increased at both projects. At times our water turns brown from the silt in the water from the land sucked from the levees. We have spent thousands of dollars on water filtration systems and thousands of dollars replacing pumps burned out by silt. Does DWR/USBR have the right to wreck our water quality so that they can pump water south?

PUBLIC ACCESS TO WATERWAYS

Growing up on the river, our family enjoyed boating on the river and fishing. However, the SWP & CVP pumping pulled the water hyacinth into Old River. The hyacinth blocks the entire river from side to side for up to a mile in front of our property (CCLP-39). Old River can be blocked for months at a time. SWP & CVP increased pumping only aggravates the problem. The Tracy Fish Facility (TFF) is where water hyacinth is removed from The Delta. Depending on the year, our access to recreational enjoyment on Old River is cut off by the back log of water hyacinth clogging Old River waiting to be pulled from the water at the TFF. The WaterFix offers no solutions to the water hyacinth problem.

HARASSMENT BY PUBLIC AGENCY

We do not believe that DWR/SWP has the right to harass the public living near their facilities. We have been harassed many times over the last 50 years with various requests. The request we received last summer illustrates our problems. In August 2017, I received a letter from Utility Crafts Superintendent, Amber Candela-Cooney, (CCLP-40). We believe Amber works for DWR, but since the letter was not written on letterhead, we can only make assumptions. She writes, "This letter is in response our (sic) meeting on June 27, 2017 regarding our adjacent properties at Clifton Court Forebay, and your drainage system." I have never met Amber Candela-Cooney, nor did I attend a meeting on June 27, 2017.

She goes on to say, "Based on our discussions, the Department of Water Resources (DWR) would like to issue a Temporary Entry Permit (TEP), which would allow you and/or your representative access to DWR owned property to replace/repair the siphon breakers as well as perform maintenance on the leaking pipes that drains (sic) your tail water into Clifton Court Forebay." We have reached a new low. We own nothing on DWR property. However, DWR wants us to repair their pipes and siphon breakers on their own property. Will the California WaterFix continue to harass the public who happen to live next to their property? Why should we have to spend any time or money just because we live next to the SWP and CVP?

CONCLUSION

The petitioners for the California WaterFix would like you to believe that they will take our prosperous farm and justly compensate us for our losses. However their past record speaks for itself. We have no reason to trust that the California WaterFix will take all of our farm. In the

1960's they took part of our land. In 2002, a sale to Cal Fed, a DWR and USBR joint project, was called off due to lack of funds.

Clifton Court, L.P. believes that DWR/SWP and USBR/CVP's refusal to accept responsibility for the damage their actions and operations cause is indicative of how they will run the California WaterFix. They will depend on someone else to fix the damage they cause to levees during construction. They will depend on someone else to fix levees damaged by their pumping and they will disregard the public safety risks they are causing. They will ignore water quality problems their pumping causes. They will ignore the fact that the water hyacinth problem, made worse by their pumping, eliminates public access to the river by local recreational users of water near the TFF. Finally, we believe that they will continue to harass the public who happen to live near their project.

Is it too much to ask that the public who lives on the great rivers of the Delta be allowed to enjoy a peaceful life?