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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'S  
 REQUEST FOR A CHANGE IN POINT OF  
 DIVERSION FOR CALIFORNIA WATER FIX

**TESTIMONY OF RICHARD ELLIOT**

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**INTRODUCTION**

I am the operations manager for my family's farms, which is known as David J. Elliot & Sons or Stillwater Orchards. Our family has been farming in the Courtland area since the 1860's. We are growers, shippers and packers of seven different varieties of pears, apples, cherries and kiwis. We ship nationwide and export to Canada and Mexico, and you can find our produce locally in Raley's, Belair, Walmart, Costco, Sam's Club, and Safeway as well as many restaurants.

This project adversely affects legacy Delta communities, which are agriculturally based and have deep roots in this Delta soil. Delta farmers have been careful stewards for over 160 years of this very special land. Our sixth generation is now questioning their ability to continue farming in this area due to the Tunnel plan. My family is one of many Delta farms faced with being displaced and uprooted, and we are concerned about not being able to continue farming in this rich farming area due to degraded water quality and other adverse impacts if the Tunnels are built.

We believe that the impact of 10-plus projected years of construction would also make it impossible to continue farming in the area. For instance, construction traffic is a very real concern. We cannot have our fruit sitting on a truck with the sun beating down on it waiting in traffic. We cannot have Raleys, Safeway and others waiting in traffic to get to our farm to pick up their produce. This cannot happen and if it does, they will find other famers outside the Delta to get their produce. This will put us out of business. Trucks with tons of muck, no water supply due to intake interference or destruction, and dewatering for the tunnels, impacted levees roads and bridges is going to paralyze the entire Delta area, and the local people will be forced out. There is no benefit or mitigation for the people that live in the Delta.

Just as the proponents for the Tunnels have been saying how much time and money they have invested in this Tunnels plan, we as Delta farmers have had to do the same—invest money and plan for years until we can harvest our first crop. It can take five to seven years until we bear our first fruit. For instance, some blocks on the ranch at Rose Orchard are still not producing and provide no financial return.

1 With Sacramento's new farm to fork branding, the greater Sacramento area, everyone  
2 should be in opposition to the potential devastation these tunnels would do to the historic farms  
3 in the Delta that established Sacramento's agricultural heritage that they are so proud of. If it  
4 does happen people will look back and say how did this happen? It is not only the fish who are  
5 affected by this flawed plan, but the whole delta ecosystem and legacy Delta communities,  
6 which are spread across five different counties, which include farmers, fishermen, recreational  
7 businesses and agricultural businesses, and also the bay estuary that the Delta feeds into.

### 8 **INJURIES TO WATER USERS**

9 One of my family's farms, the Rose Orchard, is under the footprint of proposed Intake  
10 No. 3. (DWR-2 Errata, slide 19, 22 [S016095, northernmost diversion]; LAND-57, Intake #3.)  
11 We currently grow golden and bosc pears, as well as cherries and apples on this 208-acre  
12 ranch. Documentation of our riparian and pre-1914 water rights for this diversion, as well as  
13 other diversions associated with my family's farming operations, are on file with the SWRCB.  
14 (LAND- 53; see also LAND-7.) We also have a groundwater well on the Rose Ranch, which  
15 also provides water supplies for agricultural and other uses.

16 Ironically, we had another pear ranch in West Sacramento, that was also named "Rose  
17 Orchard," that we lost to eminent domain in the late 1960's. Out of a total of 300 acres of  
18 pears in West Sacramento, 100 acres was carved out for the I-80 freeway where Ikea is now.  
19 We understood that project was for the public benefit. After we lost that ranch, we eventually  
20 transferred the name "Rose Orchard" to the ranch at Hood.

21 Intake #3 would directly take about half of the Rose Orchard for the intake, Tunnels and  
22 a work area. (LAND-57, Intake #3; LAND-69, p. 87.) Though the impact on Rose Orchard is  
23 labeled as "temporary" by Petitioners, this is inaccurate. The Intake would take the best  
24 growing lands, which are closer to the river. Even if a replacement diversion could be  
25 provided, it is not clear that the Orchard would be viable when the best half is obliterated by  
26 Intake #3.

27 Rose Orchard also contains a well that is just east of the Intake #3 footprint. (LAND-  
28 58.) The Engineering report shows that the Tunnels would be placed between 90-120 feet in

1 this location. (LAND-65, Drawing 35.) As explained in LAND-35, the Tunnels may obstruct  
2 subsurface groundwater flow, and cause wells to go dry or worsen water quality. In addition,  
3 this well would be just east of the extensive slurry walls now planned to surround the intake  
4 structure. (DWR-218.) This component of the project would also likely interfere with water  
5 flows beneath the surface.

6 Other water users are also underneath Intake #5 as well. For instance, the Wurster's  
7 ranch would be taken by the project, and his water rights would also be made unusable on  
8 whatever may remain of his lands after the project was built. (LAND-57, Intake #5; see also  
9 Policy Statement of John Wurster.) I can think of no greater injury to a farmer than to directly  
10 destroy his farm and its water supply. Even if compensation is paid, it does not negate the  
11 injury.

12 In addition to the physical interference with surface and groundwater used for our  
13 farming operation, we are also concerned about lower water levels and increased salinity  
14 brought on by the project. I understand the technical details of these injuries are addressed  
15 elsewhere, but want to emphasize that we rely on high quality river water for irrigating our  
16 orchards. We have a right to this water quality under both pre-1914 and riparian rights, as well  
17 as the North Delta Water Agency Contract (DWR-306, 308.) We operate pumps downstream  
18 of the intakes, where the lower water levels are expected to be most severe, and are  
19 concerned about our ability to continue diverting water when the project lowers the levels of  
20 the river and sloughs. As much as the direct interference, these changes likely to be brought  
21 on by the project also injure our water rights.

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## 1 CONCLUSION

2 If a project is for the greater good, we would move aside and accept our fate, but not  
3 when this plan destroys Delta farms and the environment. There are better solutions to  
4 California's water problems. This project is flawed, it will not save the fish, nor restore the  
5 Delta, but will destroy the Delta ecosystem, the historic family farms, the historic legacy  
6 communities plus also harm the Bay estuary if Delta flows are diverted. If the state truly  
7 wanted to save the Delta they would be looking at a plan that worked for everyone and let the  
8 water flow through the Delta so we have a healthy Delta that benefits everyone rather than  
9 diverting it to send to special interests that have the political clout to get the water at the  
10 taxpayers  
11 expense.

12  
13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing statements are true and correct.

15 Executed on the 31st Day of August, 2016, at Southland, California.

16  
17 

18 Richard Elliot