

**California Department of Water Resources
Maureen Sergent's Testimony Regarding the
Petition for Long-Term Transfer Under Application 16482**

Introduction

My name is Maureen Sergent, testifying on behalf of the Department of Water Resources (DWR). I have more than seventeen years of water resources engineering experience with DWR. My primary responsibilities at DWR include water rights evaluations, conducting water rights investigations, and evaluating potential water transfers.

The purpose of my testimony is to provide a brief overview of the proposed transfer and the reasons why DWR believes the transfer will not result in injury to legal users of water and will not adversely affect fish, wildlife, or other instream beneficial uses.

Proposed Transfer

DWR filed a Petition for Long-Term Transfer (Petition) on February 10, 2010, to authorize the transfer of up to 10,000 acre-feet per year of State Water Project (SWP) water currently delivered to the Tulare Lake Basin Water Storage District (TLBWSD) and Empire West Side Irrigation District (EWSID)—service areas within the SWP authorized place of use—to specific lands within the Westlands Water District (WWD). The lands to receive the transfer water within WWD are owned by the same farming interests receiving the SWP water in TLBWSD and EWSID. The petition requests approval of the proposed transfer through April 2027.

If approved, the transfer would allow the delivery of up to 8,000 acre-feet of water allocated to growers within TLBWSD (Hansen/Vista Verde Farms (Hansen) and Newton Farms (Newton)) and up to 2,000 acre-feet of water allocated to two growers in EWSID (Newton and Brooks Farms (Brooks)) to land currently farmed by the same growers within WWD. In total, up to 6,000 acre-feet could be transferred to land farmed by Hansen, 3,000 acre-feet to Newton lands and 1,000 acre-feet to Brooks. The lands to receive the water are all within the central and southern portions of WWD as shown on **Figure 1**.

The petition for long-term change is limited to only the three growers operations noted above and the specific acreage identified in Figure 1. The Petition does not encompass all of WWD and as such the analysis of the potential impacts of the transfer is limited to potential impacts of the specific proposed transfer. None of those lands adversely affect water quality in the San Joaquin River. All the lands to receive water from the transfer are located in the central and southern portions of WWD outside of the drainage impaired areas, they have no subsurface tile drains and are at least 20 (and up to 40)

miles from the San Joaquin River. DWR's understanding is that the continued irrigation of these lands will not contribute to the San Joaquin River through surface or subsurface flows. DWR is aware of no data that show irrigation of those lands impacts the beneficial uses of groundwater.

The lands to receive water from the proposed transfer are currently in agricultural production and are planted to both permanent crops including almonds and pistachios, and annual crops including tomatoes, garlic, cotton, safflower, and wheat. Approval of the petition would allow the growers to deliver a portion of their SWP supply to their lands within WWD as necessary to augment the surface water available from the Central Valley Project (CVP) to meet their crop water needs.

The information provided in the petition and supporting environmental documentation, provided previously and incorporated here by reference, is summarized below with some slight amendments as noted. It demonstrates that the transfer is in the public interest. It satisfies the requirements contained in Water Code Section 1735 and can be implemented without injuring any other legal users of water or adversely impacting fish, wildlife, or other instream beneficial uses.

Background and Transfer History

DWR has filed a Petition for Temporary Change (consistent with the provisions of Water Code Section 1725) to allow the transfer of SWP water allocated to TLBWSD and available for use by Newton and Hansen within TLBWSD to land owned by them in WWD each year since 2000. In 2009 and 2010 DWR filed Petitions for Temporary Change to allow the delivery of SWP water allocated to EWSID to the land owned by Newton and Brooks within WWD. The SWRCB evaluated and approved the petitions each year. The quantities of water approved and actually delivered under the annual transfers are shown in **Table 1**. Please note that Table 1 contains updated information from that provided in the Petition. Some minor corrections were made to remove some duplication contained in the Petition. DWR is aware of no information claiming or demonstrating an impact to other legal users of water or fish, wildlife or other instream beneficial uses as a result of the previous temporary transfers.

The proposed transfers provide a fill-in supply for periods of low CVP allocation. The CVP final allocation has been declining over the past few decades and has been significantly less the last 5 years (an average of 49% from 2006-2010) than the prior 5 years (an average of 70% from 2001-2005). The three growers participating in the proposed transfers have access to other surface water supplies for use on their lands within TLBWSD and EWSID in addition to their SWP allocation (e.g., Kings River and Tule River). Availability of the individual water supply sources vary and are independent of each other. Each year in which the CVP allocation for their lands within WWD is insufficient to meet projected water demands, the individual growers have historically and will continue to augment CVP supplies with groundwater and alternate surface supplies.

The transfer utilizes the water management tools available to the growers on their combined acreage and thus improves the efficiency of their overall farming operations. The growers do not transfer more water than is required to meet crop water demands relying first on what is available from the final CVP allocations. The quantity of water actually transferred each year will vary (as has been demonstrated by the similar, historical short-term transfers) and is dependent on crop water demand and the total quantity ultimately available in WWD. The high cost of water and improvements in on-farm application methods helps to assure that water is not applied in excess of crop demands and the application rates are consistent with or below standard rates for the crops grown. WWD and the individual growers have implemented measures to improve efficiency and reduce drainage.

Purpose of the Proposed Transfer

The purpose of the proposed long-term transfer (as was the case for the historic short-term transfers), is to secure an adequate supplemental supply of water from a source currently available to the individual growers so that, in the event CVP allocations in a given year are inadequate to meet crop water demands, the growers have an alternate surface supply readily available. The transfer will allow the continuation of historic farming practices on the affected lands within WWD. The total acreage in agricultural production on the land covered by the long-term transfer has not increased during the past ten years in response to approval of the temporary transfer petitions. The transfer is, instead, intended to allow these three growers to make better water management decisions early in the planning season, taking into consideration the annual availability of CVP water, alternate supplies available within the TLBWSD and ESWID service areas, crop yields, market conditions, and similar factors. The increasing uncertainty in CVP supply has necessitated the growers acquiring supplemental supplies early enough each year to be confident they can meet their crop water demands. This often means taking measures to acquire supplemental supplies before final CVP allocations are announced. The supplemental supplies consist of a combination of surface water and, in the case of Hansen, groundwater.

An added benefit of the transfer is that the growers are able to use SWP water to supplement their CVP allocations, as opposed to local groundwater. The average value for electrical conductivity (EC), a measurement of the salinity of the water, at the SWP Harvey O. Banks Pumping Plant in 2007 water was 450 $\mu\text{mhos/cm}$, while the average EC of the local groundwater was 900 $\mu\text{mhos/cm}$. To the extent that growers can use higher quality surface water in lieu of pumping groundwater, the transfer actually reduces total water demands and drainage quantities due to the lower salinity levels of the surface supplies. Irrigating with local groundwater requires higher quantities of irrigation water because growers must flush (leach) the additional salts out of the crop root zones. DWR believes this type of benefit is in the public interest.

The Changes Proposed By the Petition will not Result in Injury to Any Legal Users of Water or Adverse Impacts to Fish, Wildlife, or Other Instream Beneficial Uses

Similar transfers to those currently proposed under the transfer petition have been implemented on the Hansen and Newton properties for the past ten years and on the Brooks properties for the past two years. DWR is aware of no information demonstrating injury or adverse impacts from the past transfers. TLBWSD and EWSID filed its Initial Study with the State Clearinghouse on December 29, 2009. The Negative Declaration was adopted on February 4, 2010. The documents were not challenged. The initial Study/Negative Declaration concluded that there would be no injury or adverse impact associated with the proposed transfers.

The Transfer will not Result in Substantial Injury to Any Legal Users of Water

As stated in the Petition, the water to be transferred is SWP water available south of the Delta and allocated to TLBWSD and EWSID in the year of the transfer. Annual SWP allocations are made based a number of factors including annual hydrology and regulatory restrictions on SWP operations. The water to be transferred is diverted from the Sacramento-San Joaquin Delta consistent with the terms and conditions of DWR's water rights permits, including Water Rights Decision 1641 (D1641). The terms and conditions of D1641 protect other water users from any potential impacts of SWP diversions of natural flow. Further, in the absence of the transfer, the water allocated to TLBWSD and EWSID would be consumptively used or retained in storage within the SWP place of use south of the Delta for the benefit of TLBWSD and EWSID. No additional water is diverted from the Delta as a result of the proposed transfer.

Similar transfers have been implemented annually for the past ten years. DWR is aware of no information that suggests the transfers result in an adverse impact to other water users. Approval of the proposed transfer will allow more efficient and effective management of the overall supplies available to the three growers consistent with State policy and good water management practices.

The Transfer will not Result in Any Significant Adverse Impacts to Fish, Wildlife, or Other Instream Beneficial Uses

Similar transfers to those currently proposed under the long-term transfer petition have been implemented on the Hansen and Newton properties for the past ten years and on the Brooks properties for the past two years. DWR is aware of no information demonstrating adverse impacts from the past transfers. The previous temporary transfers to the three individual growers have provided readily available supplemental supplies at times when the contracted CVP supply is inadequate. The proposed transfers will serve the same purpose. The transfer reduces the need for supplemental groundwater pumping of local groundwater or the acquisition of alternate surface water supplies that would also be delivered to WWD through transfers or exchanges. To the extent that the transfer allows the use of SWP surface water in lieu of pumping

groundwater, groundwater quality could actually improve due to the transfer. Importantly, lands to receive water from the transfer have not been shown to have drainage problems do not discharge to the San Joaquin River.

The water to be transferred is diverted from the Sacramento-San Joaquin Delta consistent with the terms and conditions of D1641 and the provisions of the biological opinions intended to provide protections for Delta smelt and anadromous fish species. DWR will continue to operate the SWP consistent with all regulatory restrictions imposed on its operation. As a result of the above conditions, the transfer will not have any significant adverse impacts to fish, wildlife or other instream beneficial uses.

Attachments:

Figure 1 – Map of Section 1725/1735 Grower Lands in WWD

Table 1 – Summary of Annual Transfers from TLBWSD and EWSID SWP Allocations to Westlands

LONG TERM CHANGE IN PLACE OF USE
 SWP Table A Water from Tulare Lake Basin Water Storage District
 and Empire West Side Irrigation District to Westlands Water District
 UNDER STATE WATER RIGHT PERMIT 16482, APPLICATION 17512

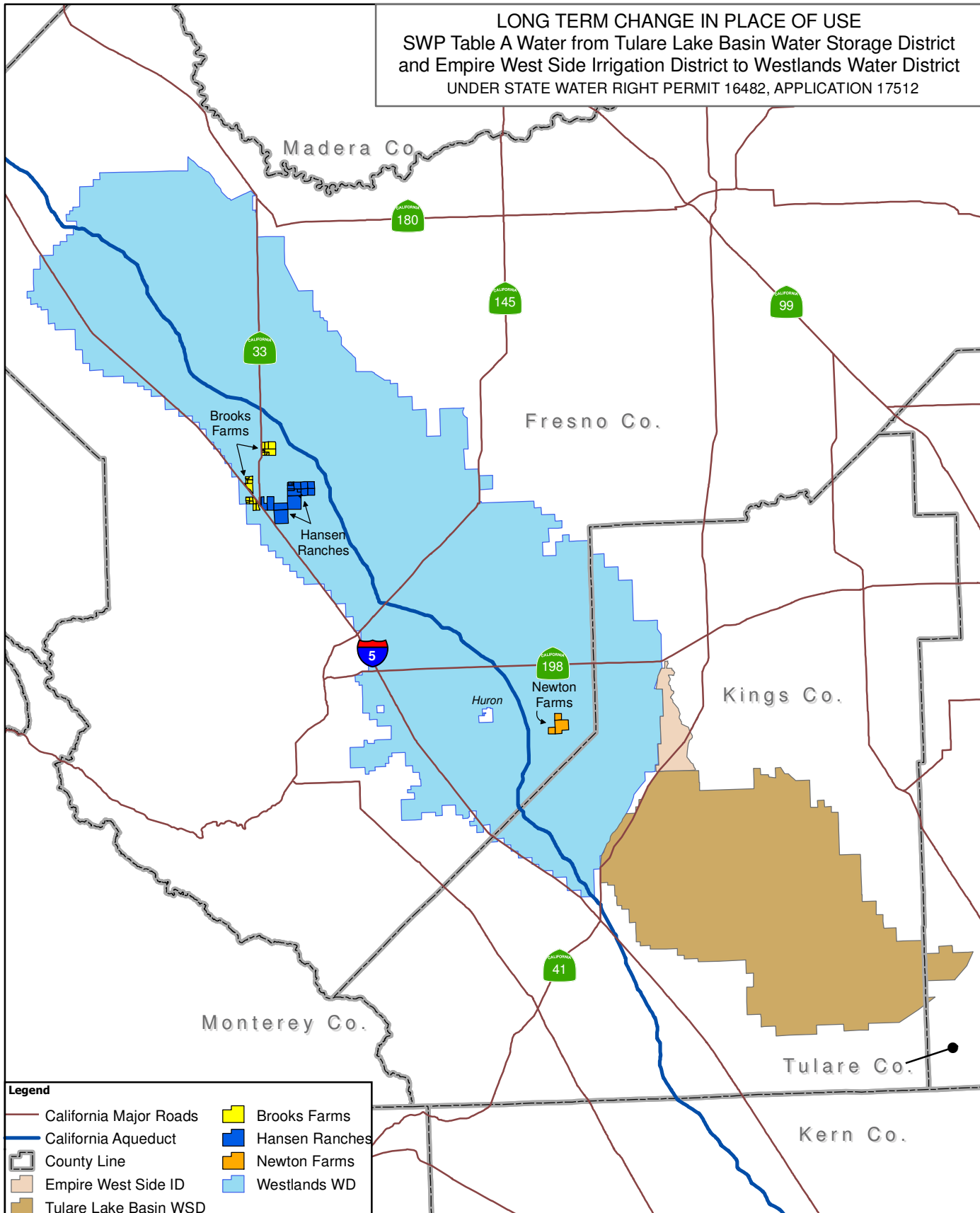


Figure 1

Map of Section 1725/1735
 Grower Lands in Westlands

Table 1
Summary of Temporary Same Landowner Transfers
TLBWSD/EWSID to WWD Lands

Year	CVP Supply Allocation %	Approved SWP Transfer ^(a) AF	Hansen/Vista Verde ^(d)		Newton ^(d)		Brooks ^(e)		Total	
			CVP Supply ^(b) AF	Amount Transferred ^(c) AF	CVP Supply ^(b) AF	Amount Transferred ^(c) AF	CVP Supply ^(b) AF	Amount Transferred ^(c) AF	CVP Supply ^(b) AF	Amount Transferred ^(c) AF
2010	45	10,000	3,855	1,000	1,024	750	1,543	431	6,422	2,181
2009	10	9,000	857	2,000	228	1,590	343	870	1,427	4,460
2008	40	7,000	3,427	1,329	910	0			4,337	1,329
2007	50	5,000	4,284	3,110	1,138	1,230			5,421	4,340
2006	100	6,000	8,744	3,000	2,275	0			11,019	3,000
2005	85	6,000	7,432	3,000	1,934	0			9,366	3,000
2004	70	6,000	6,121	3,000	1,593	850			7,713	3,850
2003	75	6,300	6,558	3,500	1,706	400			8,264	3,900
2002	70	5,000	6,121	1,700	1,593	1,300			7,713	3,000
2001	49	3,975	4,488	2,375	1,115	682			5,603	3,057
Total		64,275	51,886	24,014	13,514	6,802	1,886	1,301	67,285	32,117
Average^(f)		6,428	5,189	2,401	1,351	680	943	651	7,483	3,732

Footnotes

- ^(a) Authorized period of transfer varied depending on the specific terms of SWRCB Order approving the transfer
- ^(b) Final CVP allocation; CVP allocation from March 1 through end of February
- ^(c) Based on calendar year
- ^(d) In 2008, DWR filed petition to transfer up to 7,000 af; due to time required to process petition, DWR filed Temporary Urgency Petition to transfer up to 4,000 af
- ^(e) In 2009 EWSID (Brooks Farms) water was moved under SWRCB Order WR 2009-0033 approving Petition for Change to Consolidate SWP and CVP places of use.
- ^(f) Combined average includes that for Brooks however water was diverted in only two of ten years shown