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7 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**  
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9 **IN RE CALIFORNIA WATERFIX,**  
10 **CALIFORNIA DEPARTMENT OF**  
11 **WATER RESOURCES AND U.S.**  
12 **BUREAU OF RECLAMATION'S**  
13 **PETITION FOR CHANGES IN**  
14 **WATER RIGHTS, POINTS OF**  
15 **DIVERSION/RE-DIVERSION**

**GRASSLAND WATER DISTRICT**  
**OPENING STATEMENT AND**  
**SUMMARY OF TESTIMONY**

16 **I. OPENING STATEMENT**

17 The California WaterFix project is the most significant proposal in decades to  
18 increase the reliability of water supplies south of the Delta. Originally proposed as a new  
19 conveyance facility that would be integrated into the operations of the Central Valley  
20 Project (CVP) and State Water Project (SWP), the WaterFix would 'lift all boats' for  
21 south-of-Delta water users, protecting against increasing water delivery constraints while  
22 honoring senior water rights and environmental priorities.

23 The U.S. Bureau of Reclamation (Reclamation) anticipated the use of 45% of the  
24 WaterFix conveyance capacity, and repeatedly represented that this share would include  
25 water deliveries to wildlife habitat areas (refuges) in the San Joaquin Valley, which are  
26 described in the Central Valley Project Improvement Act (CVPIA) as "mitigation" for the  
27 construction and operation of the CVP. The WaterFix would also reduce diversions from  
the south Delta pumps, and add new Delta outflow requirements.

1 In September 2017, Reclamation announced that it would not itself participate in  
2 the WaterFix project, but would allow individual contractors to receive deliveries of CVP  
3 water through the WaterFix facilities as a supplemental CVP water allocation. This  
4 “participation” approach would require future mitigation to address adverse water supply  
5 impacts to non-participants, and it essentially eliminated the possibility of operating the  
6 WaterFix as previously proposed. The resulting uncertainties are particularly acute for the  
7 wildlife refuges that depend on firm CVP water deliveries on a monthly schedule.

8 In light of Reclamation’s participation approach and the reluctance of CVP water  
9 contractors to participate in the WaterFix, much remains to be determined about the  
10 ultimate conveyance capacity, participation, construction phases, and operational plan for  
11 the project. Moreover, Reclamation’s participation approach is not a binding decision and  
12 is therefore subject to potential future changes. At this point, however, it must be  
13 presumed based on clear written statements by Reclamation that the WaterFix will not be  
14 operated as proposed, or in accordance with existing CVP operations—to meet the  
15 requirements of senior water-right holders and refuges before CVP water deliveries are  
16 made to other south-of-Delta contractors.

17 Instead, Reclamation envisions developing future mitigation measures and  
18 operational strategies that will enable compliance with its obligations to wildlife in the  
19 San Joaquin Valley. The prospect of such future measures, and discussions about their  
20 adequacy, cannot be postponed until after the water rights for the CVP and SWP are  
21 permanently changed through this proceeding. Unreasonable and unlawful injury to  
22 wildlife, recreation, local economies and the public interest would ensue without the  
23 inclusion of wildlife-protective conditions by the SWRCB.

## 24 **II. SUMMARY OF TESTIMONY**

25 The CVPIA refuges contain most of the remaining wetlands in the San Joaquin  
26 Valley, and are among the most important areas for wildlife in California and North  
27 America. Reliable deliveries of CVP water have stabilized and restored species of state

1 concern, supported growing recreational interests, and bolstered local economies.

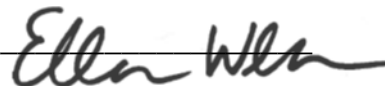
2 Grassland Water District expert Mark Petrie is a professional biologist who  
3 specializes in migratory waterfowl and their habitat needs, particularly in the Central  
4 Valley. His written testimony and referenced exhibits describe the history of formal  
5 protections and programs intended to ensure the continued health of migratory bird  
6 populations that rely on CVPIA refuges. He also explains the ecological significance of  
7 refuge water deliveries from the CVP.

8 Grassland Water District expert Eric Hansen is a professional biologist who  
9 specializes in threatened and endangered terrestrial species, notably reptiles and  
10 amphibians, and in particular the giant garter snake. His written testimony and referenced  
11 exhibits review the history of protections and programs intended to ensure the continued  
12 health of California species of special concern. He also explains the ecological  
13 significance of refuge water deliveries for these species.

14 Grassland Water District expert Ricardo Ortega is the General Manager of  
15 Grassland Water District and a trained biologist. His written testimony and referenced  
16 exhibits explain the importance to wildlife, recreation, and the public interest of the 14  
17 CVPIA refuges located south of the Delta, which receive CVP water supply.

18 Each expert concludes their testimony with professional opinions about the  
19 adverse impacts to wildlife and the public interest that would occur if the California  
20 WaterFix project is operated in a way that interferes with water deliveries from the Delta  
21 to the refuges.

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24 Grassland Water District

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27 Ellen Wehr, General Counsel

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