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Testimony

Before the Committee on Natural Resources

United States House of Representatives

“California Water Crisis and Its Impacts: The Need  
For Immediate and Long-Term Solutions”

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## Testimony

Mr. Chairman and Members of the Committee

It is an honor and privilege to appear before the House Committee on Natural Resources. I appreciate the opportunity to testify concerning the subject of the hearing: "California Water Crisis and Its impacts: The need for immediate and long term solutions".

We are family farmers who live on our farm. It was started when our father returned from World War II. With my brother and sons, I grow pistachios, almonds, wheat, corn, barley, oats, and occasionally pima cotton. As most farmers in the Friant service area, we are in a conjunctive water use area. Our water comes from both surface water supplies and the underground aquifer.

I am appearing as an individual at this hearing and not as a representative of any of the water or agricultural organizations of which I am board member.

### THE PROBLEM

This latest drought has magnified and exposed the water crisis being inflicted on the East Side of the San Joaquin Valley. The availability of adequate and affordable surface water is essential to the future of this Valley. It was the depletion of the underground aquifers in the 1920's and 1930's that led to the building of Friant Dam.

Remarkably, we are facing the same scenario now. However, it is not because of the lack of surface water, it is due to the surface water being 'reallocated' because of the San Joaquin River Settlement and the enacting legislation. Surface water that should have been used in lieu of underground water and used to replenish the underground aquifers has instead been redirected to flow to the ocean. Had the redirection of this immense amount of surface water resulted in some magnificent environmental achievement or the saving of some species, then perhaps it might have been worth it.

However, the reallocation from East side users has not resulted in any environmental improvements. The San Joaquin Restoration water releases have been totally wasted because none of the projects to get the River ready for salmon have been completed. With no other options, farmers have turned to the underground aquifers to sustain their crops. Now, we are in crisis with the underground being depleted at an unsustainable rate.

The proposed solution by the environmental community and its allies in the government is to demand regulation of underground pumping. They allege farmers are acting irresponsibly by depleting the underground, and are trying to use this ruse as a reason to further hamstring and control water usage by farmers.

### THE SAN JOAQUIN RIVER SETTLEMENT

To understand this situation, we must first review the San Joaquin River Settlement. The concept of settlement was advanced by Senator Feinstein and Congressman Radanovich. There were two co-equal goals: 1. Attempt to revive a self-sustaining salmon fishery on the main stem of the San Joaquin River (Restoration Goal), and 2. Mitigate the water losses of the folks that have depended on this surface water for decades (Water Management Goal).

The Settlement was signed on Sept. 13, 2006, and Senator Feinstein required all parties to sign a 'blood oath' promising to abide by its terms, conditions, and goals. The key to the Water Management Goal was the ability to recirculate the restoration water back to the southern Friant districts once it reached the Delta. However, NRDC (the Natural Resources Defense Council) the primary environmental plaintiff in the Settlement and the negotiations aggressively continued to participate and inject itself into critical litigation and regulatory matters after the signing of the Settlement with a view of doing damage to Delta conveyance and thus to recirculation efforts.

The bottom line is that the water losses cannot be mitigated and the co-equal Water Management Goal is a sham.

In addition, the goal of a self-sustaining salmon fishery is also not achievable. First the funding has dried up, and none of the projects required to get the River ready for salmon have been completed. Nevertheless, the environmentalists and some government officials continue to demand that hundreds of thousand of acre-feet be released to the ocean anyway. Also, the environmentalists own data shows that the water temperatures caused by global warming will be too hot for salmon to survive.

Finally, the promise of no harmful impacts to third parties as a result of actions involving the Settlement has also been broken. An example is the farmers along the San Joaquin River who have had their permanent crops damaged by water seeping up in to the root zone because of restoration flows.

### THE IMMEDIATE SOLUTION

For the first time in many years, there is proposed legislation in both the House and the Senate to address the water situation in California. For the East Side of the San Joaquin Valley, it is imperative that the revision of the San Joaquin River Settlement be 'on the table' and part of the legislation. The revision is simple. Change the River Restoration goal from a self-sustaining salmon fishery to an extension of the current 40 mile, robust fishery that currently exists below Friant Dam. This concept will provide us with a live fishery 360 days/year and allow achievement of the Water management Goal.

In addition, it will save billions of dollars. Some of these savings could be used to enhance the salmon fisheries currently in existence that are in the cooler climates required for salmon viability. Harmful Third party impacts will also be eliminated. The result would be a live river, more total salmon, and the return of the availability of hundreds of thousands of acre-feet of surface water that is essential to the East Side.

#### LONG TERM SOLUTIONS

There are several long term solutions required for this area to be able to maintain its ability to feed the nation and the world. They are:

1. An appropriate revision of the Endangered Species Act (ESA) that allows for the worthwhile goals of the Act to be achieved without decimating areas like the San Joaquin Valley, and the food supply of the United States. Concurrent with that legislation, a proposed law requiring environmental water releases be held to the same standards for efficiency and accountability as required of urban and agricultural uses. Water is a public resource and should not be wasted by any user. So, if an environmental water release is not accomplishing the task for which it is being released, then it should be made available to the other water users so it may be beneficially used for society.
2. A water balance analysis is done for the San Joaquin Valley so that residents and decision makers know the extent and seriousness of the situation. Following that analysis, a determination be made as to how many acres of productive farm land must be permanently fallowed to get the area in to water balance.
3. A new dam built at Temperance Flat with public funds. Twice in the last 20 years, flood events have resulted in the loss of millions of acre-feet of water because Friant Dam is too small. Water banking by itself cannot address this problem because it takes time for the water to percolate in water banks. The additional storage will provide the time to store the water and then be released over time. In addition, this water can be available for in-lieu recharge which is the most effective means of underground replenishment.

There is nothing sinful about a society investing in its own infrastructure. A new dam is the investment in the future food security of the United State. It would provide the additional water needed to help restore some water balance to the area, as well as significant flood control benefits. However, without revising the San Joaquin River Settlement, a new dam would be virtually useless. The only solution would then be to permanently fallow hundreds of thousands of more acres of productive farm land.

## CONCLUSION

We are at a crossroads for the East Side of the San Joaquin Valley. For some 50 years, we have thrived due to the foresight, planning, and wisdom of our forefathers. Leaders of both political parties worked together to provide an opportunity for the World War II generation by building Friant Dam and enacting Reclamation Law. This generation responded magnificently by creating a robust society of small and medium sized communities embedded in 1,000,000 acres of productive farm land. This land has nourished this country and the world. It has been a government program that worked.

Now, all that is at risk not because of any continuing natural calamity, but because of a continuing series of overreaching environmental laws passed by Federal and State legislators and enforced by bureaucrats and judges. The only solution is to revise these onerous laws. The time to act is now.