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Testimony Before the
Committee on Resources, Subcommittee on Water and Power
United States House of Representatives

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

It is an honor and privilege to appear before this Committee to testify on this issue. First, I would like to again commend the legislators, Federal, State, and local, for working together on San Joaquin Valley water issues in a productive and bi-partisan manner. Cooperation and consensus among all the people who depend on this water to sustain their livelihoods is the only way we can resolve the difficult challenges ahead. I am Kole Upton, Chairman of the Friant Water Users Authority, Director on the Chowchilla Water District Board, and a family farmer in Merced County.

The Friant Water Users Authority consists of twenty two member agencies that receive water from the Friant Division of the Central Valley Project. The Friant Service area consists of approximately fifteen thousand mostly small family farms on nearly one million acres of the most productive farmland in the nation. The Friant Division sustains underground water supplies relied upon by residents, businesses and industries in the embedded cities within the Friant service area. Those cities, such as Fresno, Orange Cove and Lindsay, are now amongst the fastest growing cities in the state.

BACKGROUND

The Central Valley Project Improvement Act (CVPIA) was passed some 14 years ago. It has never been altered, changed, or amended. Every attempt to make it more effective is met by howls from some in the environmental community that any change is an affront to the Almighty.

It is the height of arrogance and hubris to maintain the view that this law crafted without agricultural representatives in the room is the model of perfection to which all legislation should emulate.

Because of the conjunctive nature of the Friant Service Area, we urban and rural water users depend on Friant surface water deliveries for the continued existence of our communities and farms. We are painfully aware that many interests outside of our service area feel the continuing need to pontificate about how we utilize our water supplies. We are also realistic in the knowledge that CVPIA will not be repealed.

However, despite its possible Divine origins, we feel CVPIA could benefit from some minor adjustments to make it more efficient. A few changes would help us more effectively utilize the scarce water supplies available to this area. My testimony today will focus on two key areas: Tiered water pricing and water transfer provisions of the CVPIA.

TIERED WATER PRICING

This concept is that you charge a person more as they increase their surface water usage. The idea is to force him to be more efficient. Notwithstanding the fact that we already have some of the most water efficient farms in the world, CVPIA purists insist that this provision results in better efficiency.

Friant is a conjunctive use area that depends on underground and surface water supplies. The underground is our bank that provides us relief during droughts. We have to use all our surface water available during wet cycles. If the price is too high for the surface water, the farmer simply turns off his canal pump and turns on his deep well, exacerbating groundwater overdraft problems. This is counterproductive to the goal we are trying to achieve. This provision needs to be dropped, particularly in conjunctive use areas.

As an elected director, it is my duty to explain the water situation to my constituents and try to get them to cooperate with

the goals. In this case, if I explain to the farmer that we are going to help him by increasing the cost of his water during wet cycles, he will respond in two ways. One, he will shut off his surface pump and turn on his deep well. Two, he will call the district office and inquire as to when I am next up for election. For too long, CVPIA has required local officials to try to implement patently stupid policies.

HISTORIC TRANSFERS

CVPIA as currently implemented creates unnecessary impediments to water transfers including historical water transfers with neighboring districts that benefit all water users within the region, and makes water use more efficient, particularly in a highly volatile hydrological area such as the San Joaquin Valley. CVPIA should be amended to facilitate water transfers as a highly effective water management tool. Requiring crop idling or conservation requirements to support certain water transfers is unnecessary, time consuming and expensive.

CONCLUSION

Hopefully, your committee can accomplish some well needed changes to CVPIA. This would help our area better manage water supplies in the short run. For the long term future, we need a new dam at Temperance Flat. We recognize that the outside interests I previously mentioned will do everything in their power to stop this area from building a desperately needed surface storage facility. These interests apparently prefer to see floods like 1997 inflicted on Valley residents rather than work cooperatively with us to build a dam that would benefit all users including environmental interests.

Friant Dam is too small, and Temperance Flat could replace a significant portion of water supplies that may be committed for San Joaquin River restoration. Opponents maintain that early dams built on rivers were damaging to the environment, and, therefore, it follows that all future dams are also harmful. This is like saying that if the Wright Brothers' plane had crashed that we should not have planes. The fact is that we can now build dams that are environmentally sensitive. The proposed site of Temperance Flat may very well be the most benign on stream storage location in all of California.

The infrastructure bond that Governor Schwarzenegger was promoting included surface storage. We believe that the Governor recognized the vast multipurpose benefits of additional surface storage on the San Joaquin River. At the end of the day, the bond turned into an ornament laden Christmas tree with something for everyone...except the Central Valley. Surface storage and funding for Highway 99, less than five percent of the total bond package was intolerable for the state legislature and ultimately led to the failed effort to place a bond on the June ballot. We thank our valley elected officials at the local, state and federal level in supporting the basic needs for our region.

Is not it time, Congressmen, for the Central Valley to be treated equally with the rest of California?