

December 5, 2008

**TESTIMONY OF LARRY RUHSTALLER  
ON BEHALF OF THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS**

Good morning Chairman and fellow Committee members, my name is Larry Ruhstaller. I am a San Joaquin County Supervisor and am here today to provide my views on specific issues regarding the Delta Vision Strategic Plan.

San Joaquin County encompasses nearly 920,000 acres of relatively level productive lands with a majority of the lands being used for agriculture. The preservation of agricultural land is a key economic and quality of life component for the County. Recent U.S. Census Bureau figures estimate the County's population at nearly 700,000 which is 15<sup>th</sup> largest in California which is estimated to be the 3<sup>rd</sup> fastest growing County in California.

With nearly two-thirds of the Delta located in San Joaquin County, San Joaquin County is very concerned with urban flood protection, the protection of water quantity and quality available within the Delta and with the significant negative impacts that the Delta Vision Strategic Plan and BDCP process could have on the County's infrastructure, agriculture, business economy, industry, recreation, wildlife and the fragile Delta environment. It was recently estimated that in 2007, Delta crops produced within San Joaquin County alone were valued at nearly \$400 million.

As a result, the Board of Supervisors has approved resolutions objecting to the Delta Vision and BDCP at Board meetings held in 2007 and last month in November and has taken other actions to protect water quality and oppose authorization, funding and construction of a peripheral canal beginning in 1982, then again in 1992, 1998.

**WATER RIGHTS**

A vast number of water users within the Delta beneficially use water pursuant to riparian and/or overlying rights, which are among the most senior of water rights in the state, and are duly protected from the Projects' export operations which are based on *junior* appropriative water rights.

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- The Watershed Protection Act and the Delta Protection Act impose fundamental limitations on the State Water Project and federal Central Valley Project's ("Projects") ability to transfer "surplus" water from the Delta watershed to water-deficient areas to the south and west of the Delta. These protections are in place regardless of the co-equal goals of water supply reliability and environmental protection strategy as put forth by the Delta Vision.
- These acts contain the core protections and assurances including the Delta "common pool doctrine", which the Legislature afforded such water users when the State and Federal Projects were initially authorized, "that the Projects will indeed be limited to the transfer of water that is truly surplus to their needs."
- Situated within the Delta watershed, and with a substantial portion of lands within the boundaries of the "legal Delta", the five Delta Counties rely on the proper interpretation of these acts and other protections as of paramount importance to all in-Delta water users, both human and environmental, that depend on water from that watershed.

#### WATER QUALITY

As mentioned, the San Joaquin County Board of Supervisors has taken strong positions regarding water quality in the Delta because the United States Bureau of Reclamation (Reclamation), and the California Department of Water Resources (DWR), are obligated by State Law under their Water Right Permit terms to operate the Central Valley Projects (CVP) and State Water Project (SWP) in a manner to meet the salinity standards at Vernalis, on the Lower San Joaquin River, and in all locations within the Delta.

Unfortunately, the CVP and SWP have been operated in violation of their Water Right Permit terms. Reclamation and DWR have provided no indication that they intend to take any

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corrective action to meet the salinity standards and currently there is every indication that the State will attempt to degrade or possibly remove water quality salinity standards in the Delta.

Reclamation and the California Department of Water Resources should be looking to reduce export pumping, reduce salinity in the San Joaquin River, or implement other programs to improve flows and water quality.

Water quality objectives exist to protect all beneficial uses of water. In the Sacramento-San Joaquin River Delta, water quality objectives have been set to protect drinking water supplies, agriculture, fish and wildlife. Recreation in the Delta is also a major attraction to County taxpayers and visitors. As discussed, over the past two years, the salinity objectives set forth by the State Water Resources Control Board (State Board) have been regularly exceeded in the South Delta. The violation of these standards can cause extensive damage to crops and has far reaching impacts on fish and wildlife in the Delta. Development of an isolated conveyance facility would only worsen these conditions. San Joaquin County is in support of a Thru Delta conveyance system and enhanced recirculation of higher quality water in the southern delta to resolve existing problem.

#### URBAN FLOOD PROTECTION

There exist major developed communities on the eastern edge of the delta within San Joaquin County, which are protected by a series of levees operated and maintained by a variety of local agencies. Attention to these levees is the paramount public safety issue in the delta and needs recognition and support in the Delta Vision Strategic Plan. San Joaquin County has taken strides to coordinate improved Flood Protection activities within the Stockton Metropolitan area and needs further support from the state and federal agencies. It should also be noted that these urban levees are part of a larger system in that the islands to the west protect the urban levees from seepage and wave action; abandonment of the central delta levees will have a significant impact on urbanized communities.

#### SUMMARY

We agree that actions need to be taken to address the problems within the delta and the statewide issue of water for the present and the future. We will resist inequitable measures to

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the detriment of our county. We support other water resource development activities and actions to develop a truly sustainable Delta that provides water quantity and quality for all beneficial needs, strengthened levees & flood control structures, improved fisheries & wildlife habitat and the protection of transportation corridors and other vital infrastructure in the Delta.

We are also supportive of improved water supply reliability through development and implementation of integrated regional water management planning that highlights the importance of water management strategies like improved agricultural and urban water use efficiency, recycling, reclamation, desalination, ground and surface water storage and conjunctive use of flood waters. Water management strategies of this nature which develop greater regional self-sufficiency, we believe will truly help this State meet its future water supply needs rather than the inopportune resurrection and perpetuation of historically divisive project alternatives such as the peripheral canal or as most recently devised in the Delta Vision, a preferred dual-conveyance alternative. We are also of the opinion that Urban Flood protection is a significant public safety issue that the state should address in this planning process.

This concludes my prepared remarks. Thank You.