

August 27, 1986

STATEMENT OF WILLIAM T. O'LEARY  
REGARDING BYRON-BETHANY IRRIGATION DISTRICT'S  
USE OF WATER IN JULY AND AUGUST OF 1977

I am a civil engineer and an employee of CH2M HILL CALIFORNIA, INC. I am currently Chief Engineer and Assistant Regional Manager of the firm's San Francisco Regional office. Prior to its merger with CH2M, I was an employee of Clair A. Hill & Associates from 1969 until 1971.

Starting in 1962 the Byron-Bethany Irrigation District (BBID) retained Clair A. Hill & Associates to serve as its District Engineer. For the next several years thereafter the District undertook a major improvement project, financed through the Small Reclamation Projects Act of 1956, and the firm provided engineering services for the design and construction of those improvements. I served as Project Manager and, as such, was responsible for the design of those facilities.

During this same period the State was planning and designing various facilities as a part of the State Water Project, including the Tracy Pumping Plant for export of water to the south. Plans for this facility involved excavation of its intake channel between Old River and the new plant. This channel severed the Main Canal of BBID, and the State Department of Water Resources (DWR) planned to build a large diameter pipe flume across the channel to replace the canal.

The District proposed to DWR that the State pay the District the estimated cost for the pipe flume, and in lieu of the canal crossing of the channel, the District would construct two pump stations on the channel, one to pump water to the north and the other, to the south. This would eliminate the need for the proposed pipe flume and its future cost of operation and maintenance. The proposal was agreeable to the State and an agreement to that effect was drawn up and executed in 1964. I was a party to the negotiations for the agreement and participated in several meetings with the District Board, its attorney, and representatives of DWR in that regard. As a result of this agreement the District planned to build the two pump stations on the Intake Channel instead of improving its existing main pumping plant on Old River, and those two pump stations were included in the Improvement Project. In order to meet its irrigation needs during the construction of the State Channel and design and construction of the two pump stations, the District constructed and operated a temporary "inverted siphon" pipeline system across the channel to serve the southern half of the District.

Since completion of the two pumping stations, the District has taken water from the channel in accordance with its long standing water right and the terms of its 1964 Agreement with the State.

It was my understanding at that time that the peripheral canal would be constructed as a part of the State Water Project and the water quality available to the District from the intake channel would not deteriorate. Given the present situation without the peripheral canal or some similar trans-delta facility, the quality of water in the channel is affected by many factors occurring within and around the delta. Water released from the State's Oroville Dam may contribute

to water quality in the channel, along with many other sources and many other factors, but the operation of the State's pump station on the channel has a more immediate effect on both water quality and water levels within the channel. Under this condition, with State export water having to be drawn through and around the many channels and islands of the delta, the District is subject to damage as well as to benefit by the operation of the SWP.

During the drought of 1976/1977 it is my opinion that water would have been available to the District without the operation of the SWP or any other major water supply projects, just as it had been available for the many years the District operated prior to construction of those projects. The delta waters surrounding the District are subject to tidal action, so the District's supply, unlike that of diverters on upstream rivers, is always available even in times of drought. In my opinion therefore the District did not benefit from and should not be obligated to pay for any quantity of water that is claimed to have been provided by the State during July and August of 1977.

The quality of water in the channel may have been affected by operation of the SWP during that period. In fact, as indicated above, it could have been worsened as well as improved. There are many, almost innumerable, factors upstream of the District's pump stations that will have an impact on quality in the channel, but there is only one significant factor downstream, and that is the State's Pumping Plant. During typical drought conditions with low inflow to the delta and marginal encroachment of saline water from the Bay, operation of the State's Pumping Plant can draw in saline water through the delta and into the channel. It is significant to note that the Emergency Order of the SWRCB in June of 1977 used "Clifton Court Forebay and Tracy Pumping

Plant", the inlet to the channel, as the quality control point for Delta Protection and maintenance of salinity levels elsewhere in the delta. It is also significant that a minimum level of quality (200 ppm chlorides) as well as a maximum (300 ppm chlorides) was established by that order. This serves to demonstrate the degree of control the State can exercise over the quality of water in that channel, and its potential impact on BBID.

State records indicate that the level of chlorides in the channel did not exceed 300 ppm during July and August of 1977. During that period the District used that water, as available, just as it has every other year, regardless of quality. To my knowledge the District has never refrained from using delta water because of its quality, and I believe it would have used water during that period regardless of drought conditions and regardless of the impact of the SWP. In my opinion the water available in the channel during that period was of usable quality for the crops of the District and it would have been usable quality without the SWP operations. I cannot say with certainty whether the quality of water available to the District was improved or worsened by the various operations of the SWP. It is my opinion however that if it were improved, the small increment of betterment would have had little or no effect on the crops of the District, and that no measurable benefit would be received.

I declare under penalty of perjury that the foregoing is true and correct and that if I am called as a witness to testify in this matter, I could and would personally, competently and affirmatively testify as to the truth and accuracy of the matters stated herein.

Executed on August 27, 1986 and again on the 3rd day of  
September 1986, in Emeryville, County of Alameda, State of  
California.



---

William T. O'Leary  
CH2M HILL CALIFORNIA, INC.

SFR9/215