

**STATE OF CALIFORNIA**

Energy Resources Conservation  
And Development Commission

In the Matter of: ) Docket No. 97-AFC-1  
)  
)  
)  
The Application for Certification )  
For the High Desert Power Project [HDPP] )  
\_\_\_\_\_)

**DIRECT TESTIMONY  
OF JACK BEINSCHROTH ON  
WATER  
And Related Matters  
FOR THE  
HIGH DESERT POWER PROJECT**

Respectfully submitted:

February 11, 2000

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Jack Beinschroth

**PREPARED TESTIMONY OF JACK BEINSCHROTH  
ON WATER FOR THE  
HIGH DESERT POWER PROJECT**

**1. Q. Please state your name, place of business and occupation?**

**A.** My name is Adam Jack Beinschroth and I own and operate my own business. I am a registered civil engineer in the State of California since 1953 and have a broad knowledge of water related matters in the State of California and the Southern California high desert in particular.

**2. Q. Are you an expert in the field of Hydrology?**

**A.** I have a considerable amount of knowledge in water related matters. Some people consider my knowledge as expert, but I rather just refer to it as significant. I do have a Masters Degree civil engineering structures with a minor in water resources.

**3. Q. Are you familiar with the Mojave River Adjudication?**

**A.** Yes. I have been involved in studying the overdraft of the Mojave River since the late 1960's.

**4. Q. Were you a party in the Mojave River Adjudication?**

**A.** Yes.

**5. Q. Did you receive a free production allowance under the adjudication?**

**A.** Yes.

**6. Q. Are you familiar with the means that the engineers advised the court was required for balancing and replenishing the current overdraft?**

**A.** Yes.

**7. Q. Will you explain what that means was?**

**A.** Yes. The process that all parties believed was fundamental was that each basin was hydrologically connected so that annual natural flow went to the benefit of each basin. Because of this interconnection of water, each water producer in each basin would be required to reduce production by 5% per

year until the natural inflow of water balanced with the production and required outflow. This process is known as the ramp down.

It was fully anticipated that nearly all-farming operations would cease within five years and that municipal production would purchase the farmers water rights to bring the various basins in balance.

The second part of the process was the purchasing and spreading of water in the basins, through two pipelines from the State Water Project Aqueduct. This spread water would be purchased as either replacement or replenishment water. Any production from the aquifer over a users adjusted Base Annual Production amount.

This water has an average 50% consumptive use, therefore for each acre foot replaced, one half acre foot goes to replenishing the water in the overdrafted basin. This can be easily explained, in that if 50,000 acre-feet of water is purchased by producers, 25,000 acre feet of that water will not be consumed, but returned to the basin.

**8. Q. Were you recently a member of the MWA Board of Directors?**

**A.** Yes. After the resignation of one of the Board members, I was solicited by some of the board members to submit an application to replace the vacant seat, I have owned property in the High Desert for over 35 years and have a keen interest in the overdraft and its cure. I have studied many of the different approaches over the years and felt with my engineering background would be a benefit to the community and I agreed to submit an application. After reviewing all of the applications, I was unanimously approved by all of the Board members and many stated that I was the most qualified to serve, because I understood the engineering behind the adjudication.

**9. Q. When did you become aware of the High Desert Power Project and its proposed use of State Project Water?**

**A.** Soon after being seated on the Board, I found that this was a pending issue both from the MWA Staff and Mr. Gary Ledford, came to virtually every meeting to inform the Board as to the progress and what he perceived as an inequity relative to the HDPP Application as well as a companion project being proposed by the City of Victorville to use reclaimed water on George air Force Base.

**10. Q. Did you independently research these issues and draw your own conclusions?**

**A.** Yes I did.

**11. Q. Can you tell the Committee what your conclusions were?**

**A.** Yes. First, this was the first time that I ever served on an elected board, and while I was familiar with the MWA, I had no idea how much political the board was. I thought everyone on the board understood the adjudication and how it worked. That simply was not the case. I set out to educate my fellow board members of what the requirements were. I could tell that what was being proposed for the High Desert Power Project, was not going to be equitable to the other water producers. I could also determine that if we were to use water 100% consumptively out the Aqueduct, the water basin will never be recharged and the Physical solution adopted by the court will fail.

There was no way to put High Desert Power on a level playing field with all of the other water rights holders without requiring this new 100% consumptive use of water to either retire a free production right or purchase the same amount of water that any producer would have purchase to replenish the water basin. I thought it was simple and that all the Board member could see this. I quickly found that was not the case. I found that some of the board members were politically motivated.

The issue was thoroughly researched by the board and by the MWA staff who informed the Board on how to proceed to amend ordinance 9 to insure that all producers were treated equitably. This action was taken in October 1999.

**12. Q. So the record is clear, after many months of study a majority of the Board of Directors of the MWA, directed staff to amend ordinance #9, to reflect that all new 100% consumptive users of water would be required to pay for two acre feet of water for each acre foot used, is that correct?**

**A.** Yes.

**13. Q. In your opinion as Civil Engineer in the State of California, with a Master Degree, does the amended ordinance provide for an equitable treatment of water use as to that of all producers in the Mojave Water Agency.**

**A.** Yes. But more importantly it provides an mandated means of purchasing water to replenish the severely overdrafted water basin.

**14. Q. Are you aware we are specifically here today to review the contract with the Victor Valley Water District to store and recover water from the overdrafted water basin?**

**A.** Yes.

**15. Q. Have you reviewed the VVWD contract and do you have any opinions about it?**

A. Yes. I have reviewed the contract and the related exhibits, especially the exhibit that shows the various water lines. I have determined that the primary water line, that the MWA, would connect to, which is forecasted to be a 24" Line from the Aqueduct, south to the North side of the proposed power project is capable on a conservative basis of providing at least 9,000 GPM, or 14,000 acre feet of water per year. This is 10,000 acre feet more than what is being proposed to be used by the power Project. With increased pump sizes this pipeline could handle considerably more water than that.

On the distribution side of the Treatment Facility the HDPP, under contract with VVWRA, it is proposed to construct 18" pipelines. These pipelines at 50# of head pressure can easily handily 5,000 GPM or over 9,000 acre feet on an annual basis. Again far more water than what is being projected by HDPP for use in banking and recovery project. In fact the actual well field pipelines are sized at only 12".

In reviewing the distribution plans, I also found that there was an 18" interconnect line shown just south of the Power Plant that ties directly to the VVWRA. Since it is obvious that the plant and pipelines are going to be oversized, then the Victor Valley Water District would have substantial growth inducing capacity without compliance with a settlement agreement entered into with the MWA.

**16. Q. You talked about Growth Inducing Impacts, can you state what you mean?**

A. Yes. Assuming that the plant is designed to treat only 4,000 acre feet of water per year, although these plants are modular and can be easily added onto for further capacity, after the initial banking, the plant would be idle for significant periods of time. I have been advised and I believe that it is the intent of the VVWD, the City of Victorville and the HDPP to treat and sell domestic water directly into the VVWD municipal system. At a minimum this would amount to 3,500 acre feet per year if the banking project works as they anticipate, to as much as 10,000 acre feet per year. This water would be used for development outside the scope of the environmental studies conducted by the California Energy Commission.

**17. Q. Are there any reasons that the Committee should be concerned with the contract?**

A. Yes. The contract allows for VVWD to store and extract water for its own use. The importance of this at this time, it that it has never been studied as to its overall impacts. We do not know what the minimum or maximum might be. You might say it is just a blank check. More importantly what happens if the VVWD does not comply with the CEC conditions, it does not appear that VVWD is under the jurisdiction of the CEC. Further, the CEC should be very concerned that VVWD's contract with HDPP is for a period of 80 years, far exceeding its study period as well as the useful life of the project.

**18. Q. Are there any companion issues that the committee should be concerned about?**

**A.** Yes. The Mojave Water Agency became aware of an application of the City of Victorville to purchase and use reclaimed water at the former George Air Force Base. The agency along with several other producers objected to this use of water.

**19. Q. Can you explain why?**

**A.** The reason for the concern is that many of Board members along with other producers believe that proposed pipeline is being disguised as an irrigation pipeline when the actually intend to use the water in the Power Plant. I have attached as Exhibit "B" to this testimony the exhibit out of the application, which shows the routing of the proposed 18" pipeline.

**20. Q. Can you explain the routing and the capacity of this proposed pipeline?**

**A.** Yes. The pipeline comes south about 1 mile from the HDPP site and runs directly along the property line of the HDPP, and eventually is discharged into an open pond. The conservative capacity of this 18" pipeline at 50# of head pressure, discharging into an open pond, could easily be able to handle 9,000 acre feet per year and not the 1,500 that they are proposing as a part of the application.

**21. Q. Why is this of concern to you?**

**A.** The problem is that if the City is able to set a president that they can use the treated water, this again will affect the balance of the water in the flood plain aquifer and the cost that all producers are required to pay. By way of example, VVWD is proposing to pay \$35.00 per acre-foot for this water, whereas the producers would be required to pay \$177 an acre-foot to replace the water directly from the MWA.

**22. Q. Is this particular application subject to the approval of the California State Water Resources Control Board?**

**A.** Yes. Presently the SWCB has put hearings on this issue on indefinite hold until the California Supreme court makes its final ruling in the Adjudication. The board concluded that Water Rights of the parties may be effected by any decision and has elected not to even hold public hearings until the court rules.

**23. Q. Are you presently a Member of the MWA Board of Directors?**

**A.** No.

**24. Q. Can you explain Why?**

**A.** Yes. After the MWA Board voted in the new consumptive use policy, I received a phone call, from someone representing themselves as being with the High Desert Power Project. They asked me if I would not run or change my vote, and I told them no. They then told me that they were going to use every avenue to get me off the Board.

**25. Q. Can you detail exactly what the High Desert Power Project did to get you off the Board?**

**A.** They put together several mailers, some of which I have attached hereto as Exhibit "C", although there are several more. These mailers made numerous false statements about me, attacking my honesty, integrity and long-standing good name in this community. These mailers along with an extensive phone campaign began just a few days before the election. This campaign cost well over \$90,000 dollars was almost entirely funded by Mr. Buck Johns and his power project partners.

**26. Q. Why is it important for the committee to be concerned with the what the outcome of a Political election is?**

**A.** It is important, primarily from the standpoint of creditability. It is apparent to me that they will spend whatever amount of money they need to gain the political influence that they need to get the project approved. This includes, fabricating lies, distorting half-truths and slandering a person to get their objectives.

**27. Q. Can you be more specific?**

**A.** In my case they stated that I put "One Million Bucks in my pocket", that statement is flat a lie. They further stated that I failed to pay personal property taxes, and showed a copy of bill nearly 10 years old. In researching this bill I found that the bill actually belonged to the owner of the property that I had farmed at one time. If I had of owned the property I would have owed the bill. The county has never informed me of this obligation. They also made many other false claims.

**28. Q. Does this complete your testimony?**

**A. Yes**

# **EXHIBIT "A"**

## **Blown Up Exhibit**

### **From VVWD**

# **EXHIBIT "B"**

## **Sewage Treat Plant Pipeline**

**EXHIBIT "C"**

**CAMPAIGN LIES**