

**Proposed Cease and Desist Order Hearing**

Check one of the following:

Gallo Vineyards, Inc.  
 Mark and Valla Dunkel  
 Mussi et al.  
 Yong Pak and Sun Young

scheduled to commence  
 May 5, 2010

**Exhibit Identification Index**

Modesto Irrigation District, State Water Contractors,  
 PARTICIPANT: and San Luis & Delta-Mendota Water Authority

Exhibit Identification Number	Exhibit Description	Status of Evidence		
		Introduced	Accepted	By Official Notice
MSS 1	Testimony of Stephen R. Wee			
MSS 1A	Wee Statement of Qualifications			
MSS 1B	Chain of Title Summary			
MSS 1C	Map #131-170-03-C			
MSS 1D	Map #131-170-03-E			
MSS 1E	Map #131-170-03-F			
MSS 1F	April 28, 1891, Deed			
MSS 1G	Map #131-170-03-G			
MSS 1H	November 18, 1925, Agreement			
MSS 1I	January 20, 1925, Deed			
MSS 2A	Sequencing Map 1			
MSS 2B	Sequencing Map 2			
MSS 2C	Sequencing Map 3			
MSS 2D	Sequencing Map 4			
MSS 3	Testimony of Philip Johnson			
MSS 3A	Johnson Statement of Qualifications			
MSS 3B	August 1937 aerial photograph			

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Modesto Irrigation District, State Water Contractors,  
and San Luis & Delta-Mendota Water Authority

PARTICIPANT: \_\_\_\_\_

Exhibit Identification Number	Exhibit Description	Status of Evidence		
		Introduced	Accepted	By Official Notice
MSS 3C	May 1940 aerial photograph			
MSS 3D	July 1957 aerial photograph			
MSS 3E	June 1963 aerial photograph			
MSS 3F	August 1963 aerial photograph			
MSS 3G	May 1968 aerial photograph			
MSS 3H	April 1985 aerial photograph			
MSS 3I	June 1987 aerial photograph			
MSS 3J	March 1993 aerial photograph			
MSS 3K	Sept. 2000 aerial photograph			
MSS 4	Testimony of David A. Goldhamer, Ph.D			
MSS 4A	Goldhamer Statement of Qualifications			
MSS 4B	Consumptive Use Chart			

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PROOF OF SERVICE

I Gilberto J. Castro declare as follows:

I am over 18 years of age and not a party to the within action; my business address is 400 Capitol Mall, Suite 1800, Sacramento, California, I am employed in Sacramento County, California.

On April 1, 2010, I served a copy of the following documents:

**EXHIBIT IDENTIFICATION INDEX AND EXHIBITS FOR HEARING  
REGARDING ADOPTION OF DRAFT CEASE AND DESIST ORDER  
AGAINST: RUDY MUSSI, TONI MUSSI AND LORY C. MUSSI INVESTMENT LP  
(MIDDLE RIVER) - SAN JOAQUIN COUNTY - SCHEDULED TO COMMENCE  
ON MAY 5, 2010**

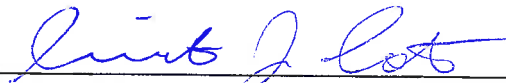
On the following interested parties in the above-referenced case number to the following:

**SEE ATTACHED SERVICE LIST**

BY MAIL

By following ordinary business practice, placing a true copy thereof enclosed in a sealed envelope, for collection and mailing with the United States Postal Service where it would be deposited for first class delivery, postage fully prepaid, in the United States Postal Service that same day in the ordinary course of business.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on April 1, 2010, at Sacramento, California.

  
\_\_\_\_\_  
Gilberto J. Castro

Service List

<p>RUDY MUSSI, TONI MUSSI AND LORY C. MUSSI          INVESTMENT LP          c/o John Herrick, Esq.          4255 Pacific Avenue, Suite 2          Stockton, CA 95207  <a href="mailto:jherrlaw@aol.com">jherrlaw@aol.com</a></p> <p>c/o Dean Ruiz, Esq.          Harris, Perisho &amp; Ruiz          3439 Brookside Road, Suite 210          Stockton, CA 95219  <a href="mailto:dean@hpllp.com">dean@hpllp.com</a></p>	<p>DIVISION OF WATER RIGHTS PROSECUTION TEAM          c/o David Rose          State Water Resources Control Board          1001 I Street          Sacramento, CA 95814  <a href="mailto:DRose@waterboards.ca.gov">DRose@waterboards.ca.gov</a></p>
<p>CENTRAL DELTA WATER AGENCY          c/o Dean Ruiz, Esq.          Harris, Perisho &amp; Ruiz          3439 Brookside Road, Suite 210          Stockton, CA 95219  <a href="mailto:dean@hpllp.com">dean@hpllp.com</a></p>	<p>SOUTH DELTA WATER AGENCY          c/o John Herrick          Attorney at Law          4255 Pacific Avenue, Suite 2          Stockton, CA 95207  <a href="mailto:jherrlaw@aol.com">jherrlaw@aol.com</a></p> <p>c/o Dean Ruiz, Esq.          Harris, Perisho &amp; Ruiz          3439 Brookside Road, Suite 210          Stockton, CA 95219  <a href="mailto:dean@hpllp.com">dean@hpllp.com</a></p>
<p>SAN JOAQUIN COUNTY AND THE SAN JOAQUIN COUNTY FLOOD CONTROL &amp; WATER CONSERVATION DISTRICT          c/o DeeAnne M. Gillick          Neumiller &amp; Beardslee          P.O. Box 20          Stockton, CA 95201-3020  <a href="mailto:dgillick@neumiller.com">dgillick@neumiller.com</a>  <a href="mailto:tshepard@neumiller.com">tshepard@neumiller.com</a></p>	<p>STATE WATER CONTRACTORS          c/o Stanley C. Powell          Kronick, Moskovitz, Tiedemann &amp; Girard          400 Capitol Mall, 27th Floor          Sacramento, CA 95814  <a href="mailto:spowell@kmtg.com">spowell@kmtg.com</a></p>
<p>MODESTO IRRIGATION DISTRICT          c/o Tim O'Laughlin          Ken Petruzzelli          O'Laughlin &amp; Paris LLP          117 Meyers St., Suite 110          P.O. Box 9259          Chico, CA 95927-9259  <a href="mailto:towater@olaughlinparis.com">towater@olaughlinparis.com</a>  <a href="mailto:kpetrुzzelli@olaughlinparis.com">kpetrुzzelli@olaughlinparis.com</a></p>	<p>SAN JOAQUIN FARM BUREAU          c/o Bruce Blodgett          3290 North Ad Art Road          Stockton, CA 95215-2296  <a href="mailto:director@sjfb.org">director@sjfb.org</a></p>

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<p>CALIFORNIA DEPARTMENT OF WATER RESOURCES c/o Erick Soderlund 1416 Ninth Street, Room 1118 Sacramento, CA 95814 <a href="mailto:esoderlu@water.ca.gov">esoderlu@water.ca.gov</a></p>	
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# MSS Exhibit 1

1 Timothy O'Laughlin, State Bar No. 116807  
Kenneth Petruzzelli, State Bar No. 227192  
2 O'LAUGHLIN & PARIS LLP  
P.O. Box 9259  
3 Chico, California 95927  
Telephone: (530) 899-9755  
4 Facsimile: (530) 899-1367

5 Attorneys for MODESTO IRRIGATION DISTRICT

6 Clifford W. Schulz, State Bar No. 039381  
Stanley C. Powell, State Bar No. 254057  
7 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation  
8 400 Capitol Mall, 27th Floor  
Sacramento, California 95814  
9 Telephone: (916) 321-4500  
Facsimile: (916) 321-4555

10 Attorneys for STATE WATER CONTRACTORS

11 Jon D. Rubin, State Bar No. 196944  
12 Valerie C. Kincaid, State Bar No. 231815  
DIEPENBROCK HARRISON  
13 A Professional Corporation  
400 Capitol Mall, Suite 1800  
14 Sacramento, CA 95814-4413  
Telephone: (916) 492-5000  
15 Facsimile: (916) 446-4535

16 Attorneys for SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY

17  
18 BEFORE THE CALIFORNIA

19 STATE WATER RESOURCES CONTROL BOARD

20  
21 In the Matter of Draft Cease and Desist  
22 Order No. 2009-00XX-DWR Against Rudi  
Mussi, Toni Mussi and Lory C. Mussi  
23 Investment LP

**TESTIMONY OF STEPHEN R. WEE**

24  
25 My name is Stephen R. Wee and I am a principal with JRP Historical Consulting, LLC.  
26 In this position, I have served as a consulting historian for major historical research investigations  
27 covering a wide range of topics, including services as an expert historian in legal cases involving  
28 pre-1914 appropriative water rights, riparian water rights, historic inland navigation, and other

1 environmental issues. My Statement of Qualifications is marked as MSS Exhibit 1A.

2 I, and other historians employed by JRP Historical Consulting, LLC working under my  
3 direct supervision, obtained the chain of title documents for San Joaquin County Assessor's  
4 Parcel Number (APN) 131-170-03 (Parcel) from the San Joaquin County Recorder's office in  
5 Stockton, the San Joaquin County Historical Society Museum in Micke Grove, Lodi, and the  
6 California State Lands Commission, in Sacramento. I reviewed each document for the chain of  
7 title and present a summary of each document in MSS Exhibit 1B. MSS Exhibit 1B includes  
8 information on: (1) instrument date; (2) date recorded; (3) grantor; (4) grantee; (5) document  
9 type; (6) document number; and (7) map number.

10 The documents for the chain of title for the Parcel indicate that on July 26, 1869 the State  
11 of California issued to G. D. Roberts Certificate of Purchase No. 2864 and that Certificate of  
12 Purchase No. 2864 issued pursuant to the "Swamp and Overflow Land Act of September 28,  
13 1850" (9 Stats. 519). *See* MSS Exhibit 1C. At the time the State of California issued Certificate  
14 of Purchase No. 2864, the Parcel was part of a larger tract that was contiguous to Burns Cutoff,  
15 the San Joaquin River, Whiskey Slough, and the Middle River. CP 2864 was transferred from  
16 Roberts to Tideland Reclamation Company in 1871 and from Tideland Reclamation Company to  
17 J.P. Whitney in 1875.

18 On November 24, 1876, the United States of America and California issued a patent to  
19 J.P. Whitney. That patent included approximately 40,213 acres, including and all of the lands in  
20 Certificate of Purchase No. 2864 on Roberts Island, including the Parcel.

21 On January 15, 1877, J.P. Whitney transferred the Parcel to Morton C. Fisher as part of a  
22 tract of land in Upper and Middle Roberts Island ("1877 Tract"). *See* MSS Exhibit 1D. As a  
23 result of that transfer, the 1877 Tract remained contiguous to Burns Cutoff, the San Joaquin  
24 River, and the Middle River, but was no longer contiguous to Whiskey Slough.

25 On April 28, 1891, J.R. the Parcel was transferred to Joseph Vasquez as part of a 149.5  
26 acre piece of land ("1891 Tract"). *See* MSS Exhibit 1E. As a result of that transfer, the 1891  
27 Tract was no longer contiguous to Burns Cutoff, the San Joaquin River, and the Middle River.  
28 The deed for the transfer of the 1891 Tract contains no language that preserved riparian water



1 rights. *See* SMS Exhibit 1F. The deed for the transfer of the 1891 Tract states that the transfer is  
2 made “together with all and singular the tenements, hereditaments and appurtenances thereunto  
3 belonging or in anywise appertaining, and the reversion and reversions, remainder and  
4 remainders, rents, issues and profits thereof.”

5 From about April 28, 1891, to March 16, 1916, the 1891 Tract changed ownership  
6 multiple times.

7 The Parcel’s current boundaries result from a transaction dated November 6, 1930. MSS  
8 Exhibit 1G. The Parcel changed ownership multiple times between 1930 and 2010. According to  
9 records of the San Joaquin County Recorder, the current ownership of the Parcel is Rudy Mussi  
10 (22.5 percent), Toni Mussi (22.5 percent), Lory C. Mussi (22.5 percent), Victoria Mussi (22.5  
11 percent), Ann Marie Lagno (3.33 percent), Wendy Lagno (3.33 percent), and Jessica Sandelius  
12 (3.33 percent).

13 The changes reflected in the chain of title described above are depicted graphically in  
14 MSS Exhibits 2A-D.

15 I, and other historians employed by JRP Historical Consulting, LLC working under my  
16 direct supervision, reviewed files of the San Joaquin County Recorder’s office in Stockton, the  
17 San Joaquin County Historical Society Museum in Micke Grove, Lodi, and the California State  
18 Lands Commission, in Sacramento, to identify evidence of water use on the Parcel prior to 1914.  
19 We found no notices of appropriation for water diversion and use filed pursuant to the 1872 Civil  
20 Code for the Parcel or any evidence indicating the Parcel had been irrigated prior to 1914. The  
21 title chain includes a November 18, 1925, agreement between Alice M. Woods, I.N. Robinson,  
22 Josephine V. Jones, and John Vazquez (as owner of the 149.5 acre parcel). *See* MSS Exhibit 1H.  
23 On January 20, 1925, a deed was recorded for land that was the subject of that agreement. *See*  
24 MSS Exhibit 1I.

# MSS Exhibit 1A

## **STEPHEN R. WEE**

PRESIDENT, JRP HISTORICAL CONSULTING LLC

### **EDUCATION**

M.A., History (United States), University of California, Davis

Emphasis on Environmental History, California and the American West

B.A., History, University of Washington, Seattle

Graduated *Magna Cum Laude*

Emphasis on United States History

### **BUSINESS AND PROFESSIONAL CREDENTIALS**

President, JRP Historical Consulting, LLC, 2006-present

Founding Partner and Principal, JRP Historical Consulting, 1981 – 2006

Superior Accomplishment Award in Recognition of Exceptional Performance, Director, California Department of Transportation, June 2002.

Information Center Procedural Advisory Committee, Standing Committee of the California Historic Resources Commission, 1999-2002

Political Action Committee/CHA Editorial Board (1986-1994), Board of Directors/ Executive Board (1997-1999), California Council for the Promotion of History

Commissioner, City of Davis Historical Resources Management Commission, 1990-1993

Historic Resources Subcommittee, California Heritage Resource Data Management Advisory Committee, California Office of Historic Preservation, 1987

Registered Professional Historian, California Council for the Promotion of History, 1985-present

Founding Partner, California-Pacific Research Associates, 1978-1980

Interagency Research Coordinator (Historical Studies), California State Lands Commission / Land Law Division, California Department of Justice, Office of the Attorney General, Sacramento, 1976-77

### **EXPERT WITNESS TESTIMONY AND REPORTS**

*Robert M. Harding, Plaintiff v. City of Elsinore; Santa Ana Watershed Project Authority*, Case No. RIC 445294, Superior Court, State of California, County of Riverside, Western Division. Expert Historian deposition on behalf of defendants regarding history of public roads and trails and their dedication for public uses in Elsinore township and the townsite of Lake Elsinore, 1840s-1920s (October 21, 2009).

*In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, Subcase Nos. 63-30978 & 63-31973,

District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Submission of Expert Report regarding the U. S. Forest Service's Claims to groundwater on Idaho National Forests as a Federal Reserved Water Rights under the Organic Act of 1897, Boise: State of Idaho, Office of the Attorney General, 2008-present.

*Summary Report: Roberts Island and Union Island Riparian Water Rights Investigation, San Joaquin County, CA* (June 2008), Appendix C to the San Joaquin River Group Authority, *South Delta Hydrology and Water Rights*, Report to the State Water Rights Control Board, Bay-Delta Strategic Workplan (2008).

State Water Resources Control Board, Division of Water Rights, Lake Arrowhead Administrative Civil Liability Enforcement Hearing (CDO No. 262.31-18; ACL No. 262.5-40). Expert Report and Testimony before the SWRCB regarding pre-1914 consumptive water rights of the Lake Arrowhead Community Services District and Lake Arrowhead Country Club, November 8-9, 2005. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2005.

*In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, Case No. 39576, District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Submission of Expert report and deposition testimony before US Attorney for Shoshone-Paiute Tribe related to Federal Reserved Water Right Claims for the Duck Valley Indian Reservation, Idaho and Nevada, based upon the purposes for the creation of the Duck Valley Indian Reservation. Boise: State of Idaho, Office of the Attorney General, 2004 - 2006.

*In the Matter of the Determination of the Relative Rights of the Waters the Klamath River a Tributary of the Pacific Ocean. Lead Case No. 003.* Before the Hearing Office Panel for the State of Oregon Water Resources Department. Expert Report on behalf of Klamath Water Users Association and others regarding pre-1909 appropriative water rights claims for certain claimants under the U.S. Bureau of Reclamation's Klamath Irrigation Project, Upper Klamath River Basin, OR and CA. Sacramento: Somach, Simmons & Dunn, Sacramento, Attorneys at Law, 1997-2005.

State Water Resources Control Board, Administrative Civil Liability Complaint Hearings Against Lloyd L. Phelps, Jr., Joey P. Ratto, Jr., and Ronald D. Conn and Ron Silva, et al. (Complaint Nos. 262.5-28 through 30; Water Right Order No. 2004-0004) regarding Riparian Water Right Claims on Roberts Island, San Joaquin County, CA. Testimony for South San Joaquin Water Users Association and O'Laughlin & Paris, Attorneys at Law, February 25, 2003.

California Historic Resources Commission Hearing, Re. Coronado Belt Railroad Eligibility for Listing in the California Register of Historical Resources, Riverside Hearing, November 8, 2002. San Diego: Cities of San Diego, National City, Chula Vista and Imperial Beach, 2002. Provided an expert report and oral testimony before the Commission regarding the eligibility of the Coronado Belt Railroad for listing in the California Register of Historical Resources.

*Orradre v. Monterey County Water Resources Agency.* Water Right Hearing State Water Resources Control Board: Application No. 30532 by Monterey County Water Resources Agency. Submission of declarations on behalf of the applicant relating to pre-1914 water claims for agricultural purposes in the Salinas Valley. Sacramento: Downey Brand Seymour & Rohwer, 2000 – 2001.

*In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, Case No. 63-25243, District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Submission of Expert Report and deposition testimony before US Attorneys for Department of Justice, Environmental and Natural Resources Division related to the U. S. Forest Service's Claims to Federal Reserved Water Rights under the Organic Act of 1897, Boise: State of Idaho, Office of the Attorney General, 1998.

Putah Creek Water Cases. *Solano Irrigation District v. The Names of All Appropriative Water Rights Holders in Upper Basin, et al.*, Solano Superior Court No. 108552 and *Putah Creek Council v. Solano Irrigation District and Solano County Water Agency*, Sacramento Superior Court No. 515766, 1996. Testimony for Solano Irrigation District and Solano County Water Agency.

*Nickel Enterprises v. State of California*, Kern County Superior Court, 1993. Testimony for California Department of Justice, Office of the Attorney General. Historic navigation on the Kern River.

### **LITIGATION RESEARCH SERVICES**

Historical Water Use on the Coeur D'Alene Indian Reservation, Idaho. Northern Idaho Stream Adjudication: Coeur D'Alene Lake, Idaho. Boise: State of Idaho, Office of the Attorney General, 2010-present.

History of Groundwater Development and Use in Antelope Valley to fulfill the changing military missions of Edwards Air Force Base, Kern, San Bernardino and Los Angeles Counties, CA. Historical research related to federal reserved water right claims for military purposes at Edwards AFB. Washington, D.C.: U. S. Department of Justice, 2008 to present.

History of Fontana Union Water Company's Lytle Creek Diversion on the San Bernardino National Forest. Research and prepare a report documenting water diversion and intake facilities on Lytle Creek prior to the establishment of the national forest reserve in 1893. Prepared for Fontana Union Water Company, Cucamonga Valley Water District and San Gabriel Water District for submission to the Chief Counsel for Natural Resources, U. S. Department of Agriculture, 2009.

Historical Research regarding history of public roads and trails and their dedication for public uses in Elsinore township and the townsite of Lake Elsinore, San Diego and Riverside Counties, CA, 1840s-1920s Riverside: Aklufi & Wysoki, Attorneys at Law, 2006-2009.

Groundwater and Federal Reserved Water Rights Under the Organic Act of 1897. *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*. District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Boise: State of Idaho, Office of the Attorney General, 2008-present.

Due Diligence Research on Appropriative and Riparian Water Rights Associated with a large historic ranch in Madera County, CA, 2009 - Present.

Pre-1914 Water Rights Investigation: Merced County, CA, 2008 - Present.

Historic Meandering of the Blackfoot River within a U. S Army Corps of Engineers Flood Control Project Area involving Shoshone-Bannock Indian Lands within the Fort Hall Reservation, Idaho. Boise: Idaho Attorney General's Office, 2008.

Historic Meandering of the River Bend Section of the Russian River, Sonoma County, CA. Sacramento: Lennihan Law, APC, 2008.

Pre-1914 Water Rights Investigation, for a historic ditch on Sheridan Creek, near Inwood, Shasta County, CA. Sacramento: Lennihan Law, APC, 2007-2008.

Historical Water Rights Investigation related to Federal Reserved Water Rights Claim to the Fort Boise Military Reservation, Boise, Idaho. *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System.* District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Boise: State of Idaho, Office of the Attorney General, 2007 - 2008.

Riparian Lands and Agricultural Land Uses Investigation for Roberts and Union Islands, southern San Joaquin Delta, San Joaquin County, CA. Chico: O'Laughlin & Paris LLP, 2007 – 2009.

Pre-1914 Water Rights Investigation for Idyllwild Water District regarding Strawberry Creek, a tributary to the San Jacinto River. SWRCB Complaint No. 33-05-01 In Re. Strawberry Creek, Riverside County, CA. Sacramento: Ellison, Schneider & Harris, Attorneys at Law, LLP, 2007 – 2008.

Historical Water Rights Investigation: Upper and Middle Snake River Basin Water Development for Agriculture vs. Hydroelectric Power Uses, Idaho. *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System,* Idaho Power Company Sub-cases. District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Boise: State of Idaho, Office of the Attorney General, 2006 - Present.

Pre-1914 Water Rights Investigation: White Mallard Duck Club Property, Butte Creek, Colusa, Sutter and Butte Counties, CA. Sacramento: Lennihan Law, APC, 2006-2007.

Historical Investigation of Pre-1914 and Riparian Water Rights to Big Springs (aka, Bass Springs), a Tributary of Montgomery Creek, Shasta County, CA. Chico: O'Laughlin & Paris, Attorneys at Law, 2005-2007.

Historical Investigation and Expert Testimony on Pre-1914 Water Rights of the Lake Arrowhead Community Services District and Lake Arrowhead Country Club, Lake Arrowhead, San Bernardino County, CA. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2004 – 2005.

Historical Investigations on Water Quality of Upper Klamath Lake, Klamath County, Oregon, California. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2004 – 2005.

Historic Research related to the Federal Reserved Water Right Claims for the Duck Valley Indian Reservation, Idaho and Nevada, *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin*

*Water System*, Case No. 39576, District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Boise: State of Idaho, Office of the Attorney General, 2004 - 2007.

Historical Investigations on the Klamath River Fishery, Klamath County, Oregon, and Siskiyou and Humboldt Counties, California. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2004 – 2005.

Riparian Water Rights Investigation, City of Santa Cruz, Santa Cruz County, CA. Sacramento: Lennihan Law, APC and City of Santa Cruz, 2004 - 2006.

Research Related to Santa Clara Valley Water District's Water Rights Under the Central Valley Project and State Water Project and Related Matters, Duane, Morris & Heckscher, LLP, Attorneys at Law, 2004 – 2005.

Historic Research related to the Federal Reserved Water Right Claims of the City of Pocatello (Claim No. 29-11609), *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, Case No. 39576, District Court of the Fifth Judicial District of the State of Idaho, Twin Falls, ID. Boise: State of Idaho, Office of the Attorney General, 2004.

Pre-1914 Water Rights Investigation for a Tract of Agricultural Land located on the Sacramento River above Knights Landing, Yolo County, CA. Downey Brand Seymour & Rohwer, Attorneys at Law, 2004-2005.

Historical Investigation regarding Oroville Dam, Hydroelectric Power Production, and the California State Water Project. Metropolitan Water District of Los Angeles, 2003 – 2004.

Pre-1914 Water Rights Investigation and Jurisdictional Water Rights History of Mathews Reservoir on Cajalco Creek, Riverside County, CA. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law for Metropolitan Water District of Los Angeles, 2003 – 2004.

Pre-1914 Water Rights Investigation, Santa Cruz County, CA. Sacramento: Lennihan Law, APC and City of Santa Cruz, 2003 - 2004.

Pre-1914 Water Rights Investigation: El Dorado Canal, South Fork of the American River Canyon, El Dorado County. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2003 – 2004.

Pre-1914 and Riparian Water Rights Investigation on 1,000 acres near Tracy, San Joaquin County. Sacramento: Lennihan Law, APC, and the City of Tracy, Public Works Department, 2003.

Riparian Water Rights Investigation for Hearing before State Water Resources Control Board regarding Water Claims on Roberts Island, San Joaquin County, CA. Chico: O'Laughlin & Paris, Attorneys at Law, 2003.

Water Rights Investigation for a Coastal Ranch in Monterey County, CA. Sacramento: Kronick, Moskovitz, Tiedemann & Girard, Attorneys at Law August 2002 – 2007.

Legislative History of Selected Provisions of the California Water Code relating to Areas of Origin. Sacramento: Somach, Simmons & Dunn, Attorneys at Law, 2002-2003.

Pre-1914 Water Right Investigation for Water Appropriations on the North Fork of the American River, Sacramento County. Sacramento: Ellison, Schneider & Harris, LLP, Attorneys at Law, 2002.

Historical Occurrences of Salmon and Steelhead Migrations in Solano County Streams. Fairfield: Solano County Water Agency. September 2000 – April 2001.

Legislative History of Selected Provisions of the 1914 Water Code. Sacramento: Ellison & Schneider, LLP, Attorneys at Law, 2000-2001.

*Orradre v. Monterey County Water Resources Agency*. Monterey County, CA. Research regarding pre-1914 and riparian water rights claims in the Salinas Valley. Sacramento: Downey Brand Seymour & Rohwer, Attorneys at Law, 2000 – 2001.

*State of California v. Schoendorf*. Monterey County, CA. Research on land ownership, water rights and domestic water uses of springs located on a section of the Big Sur Coast. Sacramento: Downey Brand Seymour & Rohwer, Attorneys at Law, 2000 – 2001.

Bovin Trust Claim – Klamath River Adjudication. Research on pre-1909 water rights claim on the Link River, Klamath Falls, Oregon. Portland, OR: Davis Wright Tremaine, LLP, Attorneys at Law, 2000.

Historical Research and expert witness services re. claims by the United States for Federal Reserved Water Rights under the Organic Act of 1897 for National Forests within the Snake River Basin. *In Re the General Adjudication of Rights to the Use of Water from the Snake River Drainage Basin Water System, State of Idaho v. United States; State of Idaho; and all unknown claimants to the use of water from the Snake River Drainage Basin Water System*, District Court of the Fifth Judicial District of the State of Idaho. Boise, ID: State Of Idaho, Office of the Attorney General, 1997-2000.

Klamath River Basin Adjudication. Research services for a water rights adjudication on the Klamath River in Oregon. Historical research and expert witness services regarding land and water use, reclamation project development, and the California Oregon Interstate Compact. Sacramento: DeCuir & Somach (Somach, Simmons & Dunn), Sacramento, Attorneys at Law, 1997 - 2005.

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*Identification and Evaluation of the Historic Significance of the 1873 El Dorado Water & Deep Gravel Mining Company Canal (El Dorado Canal), El Dorado County California*. San Francisco: Pacific Gas & Electric Company for the El Dorado National Forest, July 1991.

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#### **MEMBERSHIPS**

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# MSS Exhibit 1B

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
		APN 131-170-03; currently 70.18 acres; in NW and SW of Section 27, T1N/R5E				131-170-03-A 131-170-03-B
7/26/1869		State of California	G.D. Roberts	Certificate of Purchase	CP #2864	131-170-03-C
7/26/1869	11/7/1871	State of California	George D. Roberts	Certificate of Purchase	A:24:57	131-170-03-D
7/30/1869	11/7/1871	G.D. Roberts	Tideland Reclamation Company	Assignment of Certificate of Purchase #2864	A:24:57	



INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
2/25/1875	3/27/1875	Tideland Reclamation Company	Joel P. Whitney	Quitclaim Deed	A:29:576	
11/24/1876	1/17/1877	United States of America and State of California	J.P. Whitney	Patent	P:3:444	
1/15/1877	1/17/1877	Joel P. Whitney	Morton C. Fisher	Deed	A:33:289	131-170-03-E

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
3/15/1877	9/11/1878	Morton C. Fisher, of London, England	James R. Stewart, James Bunten, James King, all of Glasgow, United Kingdom of Great Britain	Deed	A:37:529	
05/14/1877	08/06/1887	John W. Ferris, Receiver, Morton C. Fisher, et al. Defendants	J.R. Stewart, Sir James King, James Bunten, Plaintiffs	Deed	A:62:350	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
4/28/1891	5/4/1891	J.R. Stewart, Sir James King, James Bunten	Joseph Vasquez	Deed	A:71:356	131-170-03-F
4/14/1891	5/4/1891	Wendell Easton	Joseph Vasquez	Quitclaim Deed	A:71:357	
9/30/1911	10/22/1913	Joseph Vasquez	Rosario V. Vasquez (wife)	Deed of Gift	A:208:185	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
12/15/1913	12/16/1913	Joseph Vasquez (death September 28, 1913)	Rosario V. Vasquez (wife)	Termination of Life Estate of Joseph Vasquez, deceased, in subject parcel	A:237:276	
		No document could be located at the San Joaquin County Recorder conveying the subject parcel from Rosario V. Vasquez to Joseph B. Ruiz. Rosario had died by 1916 and Ruiz appears to have been administrator of her estate, as he had been of her husband in 1913.				

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
3/16/1916	3/16/1916	Joseph B. Ruiz	Josephine Vasquez Jones and John E. Vasquez	Deed	A:273:346	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
01/20/1925	01/21/1925	Christina Belluomini and Vincenzo Belluomini, her husband	Alice M. Woods	Deed	OR:65:107	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
11/18/1925	2/6/1934	Alice M. Woods	I.N. Robinson, John Vasquez and Josephine V. Jones	Agreement	OR:444:435	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
11/6/1930	11/6/1930	Josephine Vasquez Jones and Warren Jones (husband)	John E. Vasquez and Anna T. Vasquez (wife)	Deed	OR:337:496	131-170-03-G
12/8/1970	12/9/1970	Estate of Anna T. Vasquez, deceased by Bernadette V. Phillips, administratrix	Rosario E. Patterson	Decree of Final Distribution	OR:3466:160	



INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
4/24/1990	4/24/1990	Estate of Rosario E. Patterson, deceased	Milton Welser (1/2); John Lagno (1/10); Bill Lagno (1/10); Paul Lagno (1/10); Ann Lagno (1/10); Dixeen Lagno (1/10)	Decree of Distribution	90040488	
4/24/1990	4/24/1990	Estate of George R. Patterson, deceased	Milton Welser (1/2); John Lagno (1/10); Bill Lagno (1/10); Paul Lagno (1/10); Ann Lagno (1/10); Dixeen Lagno (1/10)	Decree of Distribution	90040489	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
5/30/1991	6/7/1991	William J. Lagno	John P. Lagno	Warranty Deed	91052871	
9/3/1992	9/4/1992	John Phillip Lagno	Paul S. Lagno	Warranty Deed	92103904	
9/3/1992	9/4/1992	Paul Lagno	Milton Welser	Warranty Deed	92103905	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
4/28/1993	4/28/1993	Ann Lagno	Milton Welser	Grant Deed	93050272	
11/22/1996	12/13/1996	Dixeen Lagno	John Lagno (1/3) Paul Lagno (1/3) Ann Lagno (1/3)	Decree of Distribution	96122984	
12/9/1998	12/24/1998	Milton J. Welser	Milton Joseph Welser Revocable Trust, Milton Joseph Welser, Trustee	Grant Deed	98154298	



INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
6/7/1999	6/16/1999	Milton Joseph Welser Revocable Trust, Milton Joseph Welser, Trustee	Rudy M. Mussi and Toni Mussi (husband and wife) and Lory C. Mussi and Victorian Mussi (husband and wife)	Grant Deed	99078329	
1/3/2001	1/19/2001	John Phillip Lagno	Wendy Lagno	Court Order Determining Succession to Real Property	2001-007744	
4/2/2003	12/14/2005	Paul Lagno	Jessica Sandelius	Order	2005-311706	

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #
		Current Ownership according to a computer search at the San Joaquin County Recorder: Rudy Mussi (22.5%), Toni Mussi (22.5%), and Lory C. Mussi (22.5%), Victoria Mussi (22.5%), Ann Marie Lagno (3.33%), Wendy Lagno (3.33%), and Jessica Sandelius (3.33%).				

INSTRUMENT DATE	DATE RECORDED	GRANTOR	GRANTEE	DOCUMENT TYPE	DOCUMENT #	MAP #

MSS Exhibit 1C

MAP #131-170-03-C

-  Lands adjacent to waterway at time of Certificate of Purchase
-  Lands not adjacent to waterway at time of Certificate of Purchase

CP 2718  
1/21/1869

APPROXIMATE LOCATION  
OF TRACT #131-170-03

CP 2864  
7/26/1869

CP 3321  
7/14/1870

EL PESCADERO



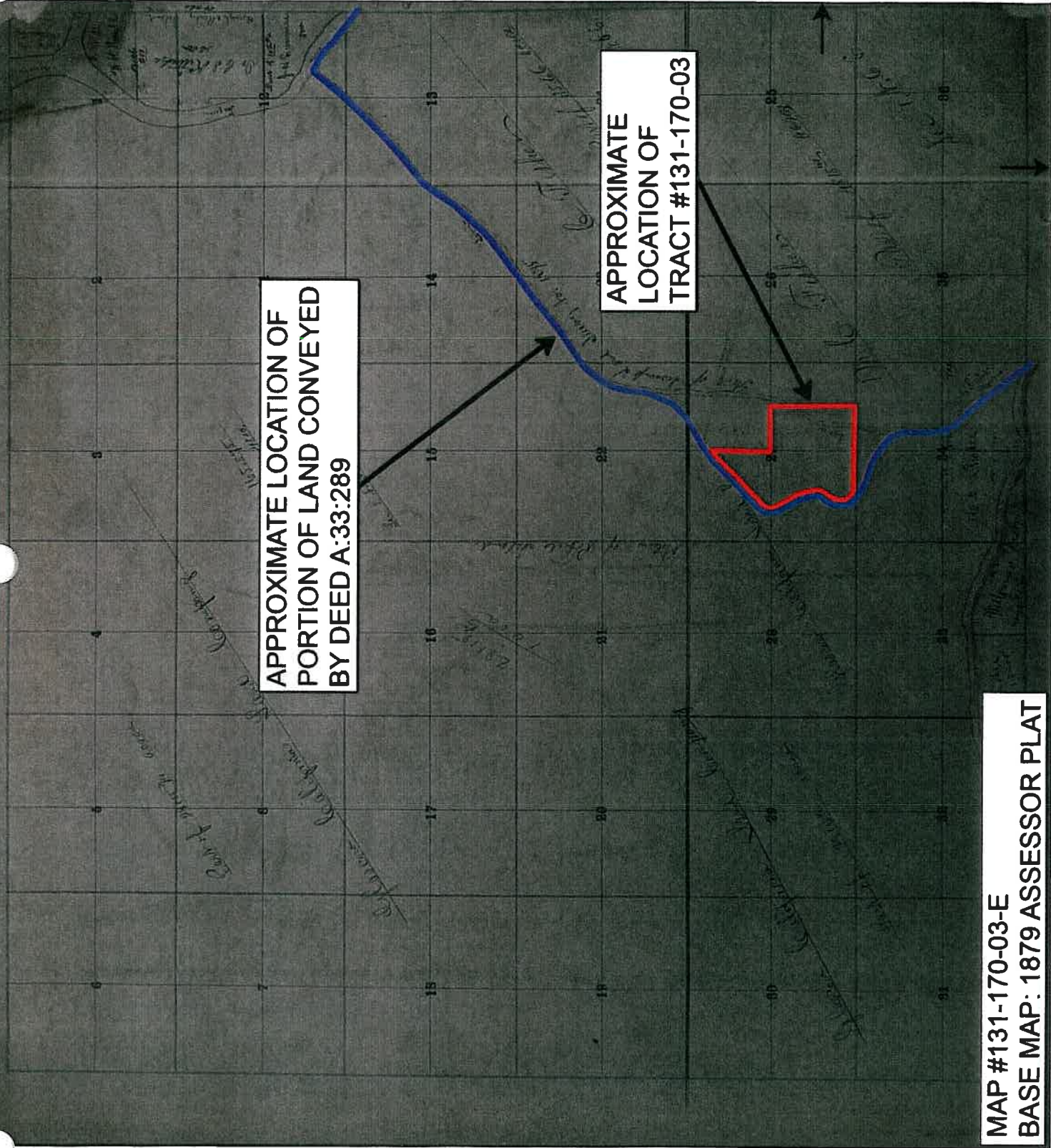
MSS Exhibit 1D

TOWNSHIP No. 1  
RANGE No. 3

APPROXIMATE LOCATION OF  
PORTION OF LAND CONVEYED  
BY DEED A:33:289

APPROXIMATE  
LOCATION OF  
TRACT #131-170-03

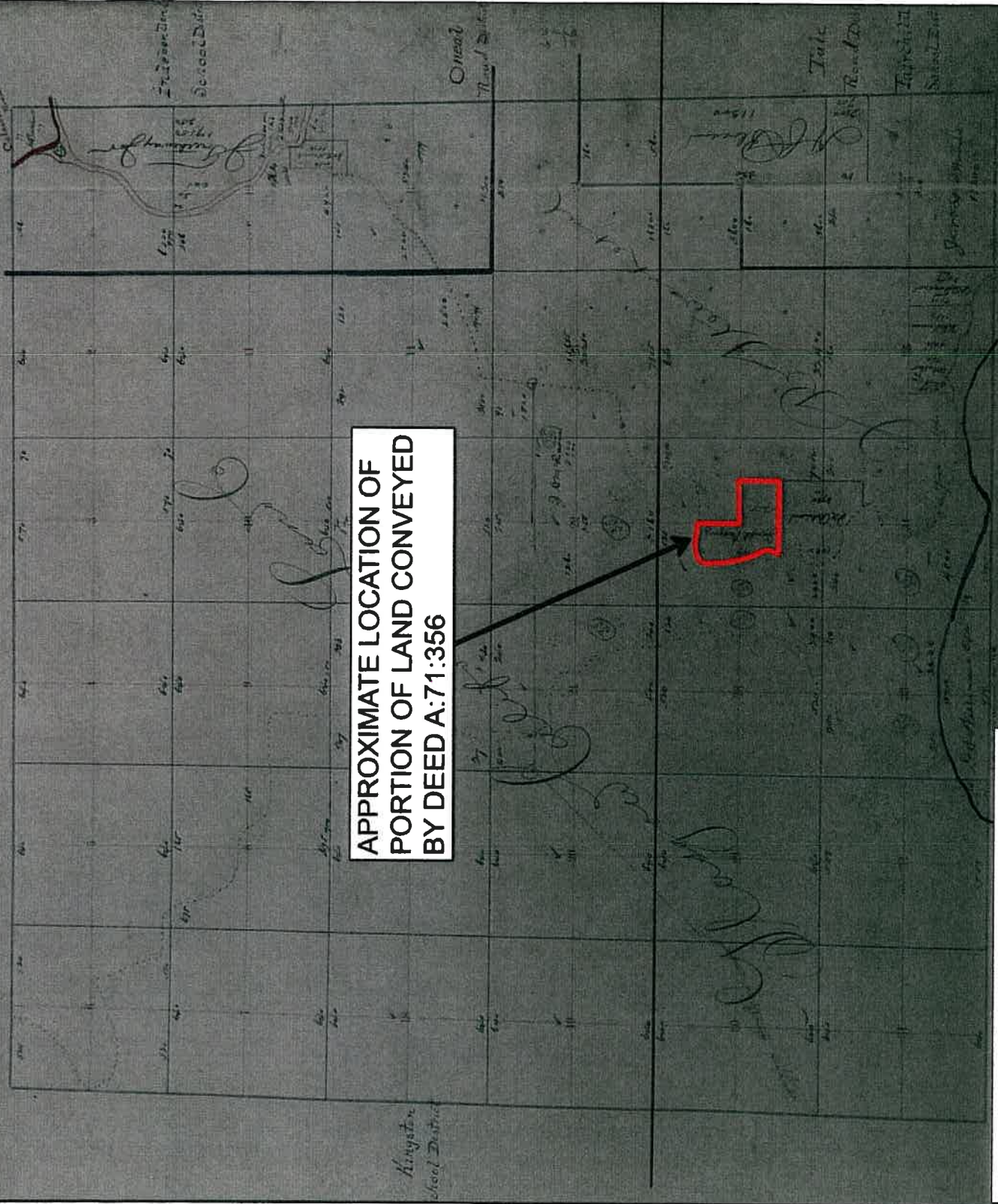
MAP #131-170-03-E  
BASE MAP: 1879 ASSESSOR PLAT



MSS Exhibit 1E

**PRIVILEGED AND CONFIDENTIAL**

Township No. 1 North, Range No. 5 East, East, Mt. Diablo Meridian.



**APPROXIMATE LOCATION OF  
PORTION OF LAND CONVEYED  
BY DEED A:71:356**

**MAP #131-170-03-F  
BASE MAP: 1892 ASSESSOR PLAT**

# MSS Exhibit 1F

✓ Jas Reid Stewart  
 ✓ Jas. Clark Buntton  
 ✓ Jas. King  
 To  
 ✓ Joseph Vaquer

This Indenture, made this Twenty eight day of  
 April in the year of our Lord one thousand eight hundred  
 and ninety one  
 Between James Reid Stewart, James Clark Buntton  
 and James King all of Glasgow of the United Kingdom  
 of Great Britain and Ireland the parties of the  
 first part and Joseph Vaquer of the  
 County of San Joaquin State of California  
 the part 2<sup>d</sup> of the second part

**Witnesseth:** That the said part 2<sup>d</sup> of the first part, for and in consideration of the sum of  
 fifty seven hundred and seventy eight <sup>17.492.50</sup> Dollars. Said 50000 of the United  
 States of America, to them in hand paid by the said part 2<sup>d</sup> of the second part, the receipt whereof is  
 hereby acknowledged, do by these presents grant, warrant, sell, convey and  
 confirm

unto the said part 2<sup>d</sup> of the second part, and to his heirs and assigns forever, all those  
 certain lots pieces and parcels of land situated, lying and being on Roberts  
 Island in County of San Joaquin State of California and bounded and  
 as follows, to-wit:

The North West one quarter (N.W. 1/4) of the South East one quarter (S.E. 1/4) of section  
 Twenty seven (27) the fractional part of the North one half (N. 1/2) of the  
 West one quarter (W. 1/4) of section Twenty seven (27) lying East of a cross levee  
 separating the middle and lower <sup>1/2</sup> of said Roberts Island and the fractional  
 part of the North West one quarter (N.W. 1/4) of section Twenty seven (27) lying South  
 and east of said levee all in Township One North Range Three East (S. 1. N. R.  
 S. E. 1 N. E. 1 M) and containing One hundred and forty nine and one half (149 1/2)  
 Acres more or less according to Aker's survey of the Middle Division of Roberts  
**Island**  
**Together** with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any  
 wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

**To have and to hold,** all and singular the said premises, together with the appurtenances, unto the  
 said part 2<sup>d</sup> of the second part, and to his heirs and assigns forever, subject to tax for the  
 said part 2<sup>d</sup> of the second part, 1891.  
 In witness whereof, the said part 2<sup>d</sup> of the first part have hereunto set their hands and  
 seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
 Jas Reid Stewart  
 Jas Clark Buntton  
 James King  
 Henry Mc Mc Gill  
 James John Wakefield Ferris their attorney

State of California,

County of San Francisco  
 On this 28<sup>th</sup> day of April A.D. 1891  
 before me, Henry Mc Mc Gill a Notary Public in and for the City and County  
 of San Francisco State of California  
 personally appeared John Wakefield Ferris  
 known to me to be the person  
 whose name is subscribed to the within instrument, as the attorney in fact of James Reid Stewart,  
 James Clark Buntton and James King and he the said John Wakefield Ferris acknowledged  
 to me that he signed the names of James Reid Stewart, James Clark Buntton and  
 James King thereto as principals and his own name as their attorney in fact.  
 In Witness whereof, I have hereunto set my hand and affixed my  
 Official seal, at my office in said City and County the day and year last above  
 written  
 Henry Mc Mc Gill  
 Notary Public

Recorded at request of Joseph Vaquer May 4<sup>th</sup> 1891 at 30 mins past 3 P.M.

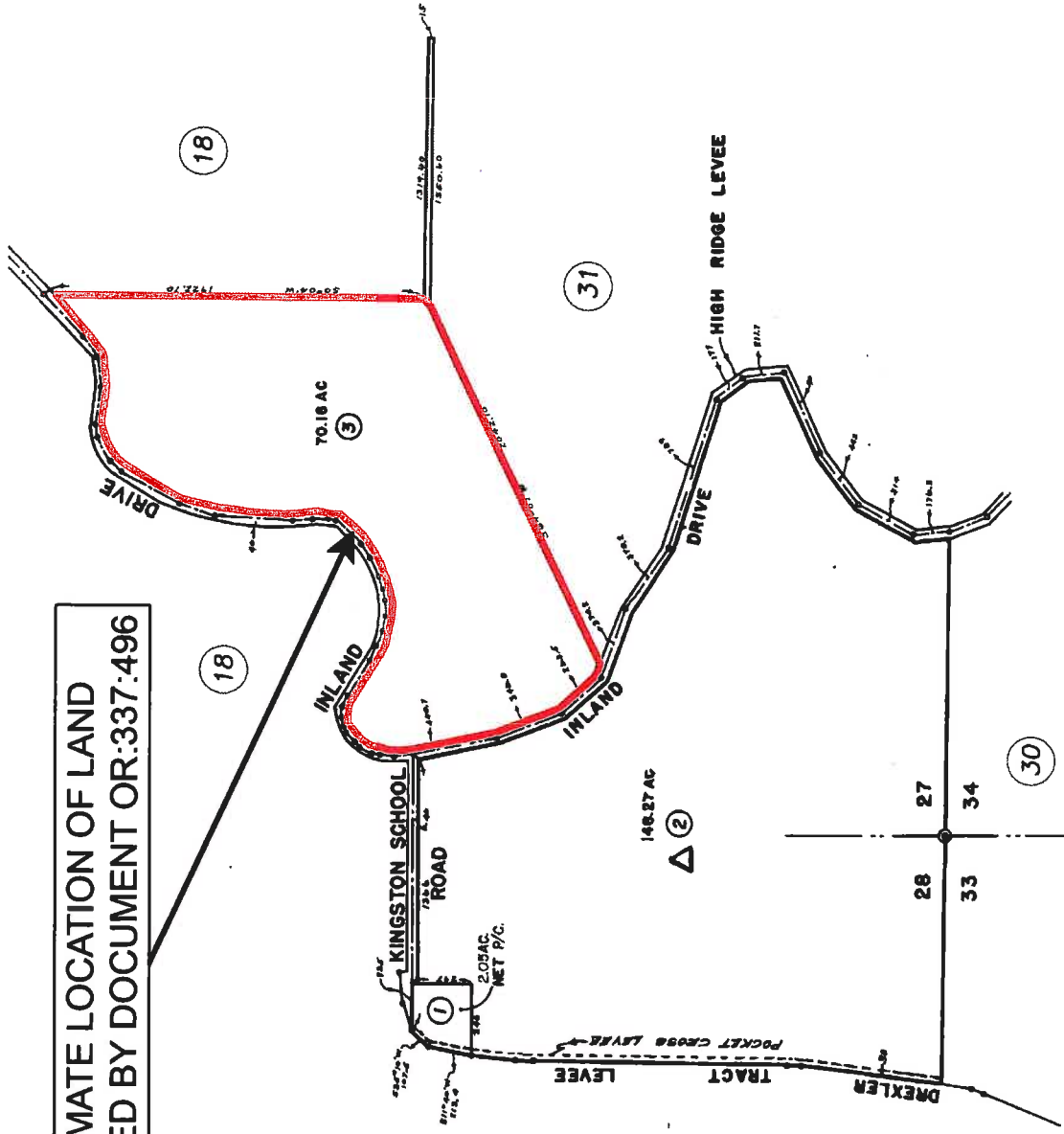
# MSS Exhibit 1G

POR. SECS. 27 & 28., T.1N. R.5E., M.D.B.&M.

131-17

THIS MAP IS FOR ASSESSMENT USE ONLY

APPROXIMATE LOCATION OF LAND CONVEYED BY DOCUMENT OR:337:496



△ — WILLIAMSON ACT PARCELS  
NOTE: Assessor's Parcel Numbers Shown in Circles.  
Assessor's Block Numbers Shown in Ellipses.

Assessor's Map Bk. 131 Pg. 17  
County of San Joaquin, Calif.

PRIVILEGED AND CONFIDENTIAL

MAP #131-170-03-G



# MSS Exhibit 1H



Whereas the said Alice M. Woods acknowledges that she holds the record title to said real property but that nevertheless the parties of the second part are in fact the owners of certain interests therein hereinafter described and that as to said interests said party of the first part holds said title in trust for the parties of the second part; and

Whereas the parties hereto desire to have a fixed and permanent understanding as to the respective ownerships of said parties in and to said strip of land so acquired from Christina Belluomini and in and to said irrigation ditch and said pumping plant;

Now, therefore, it is mutually understood and agreed by and between the parties hereto as follows, to-wit:

That the said strip of land was acquired and said pump and ditch constructed for the purpose of irrigating 1000 acres of land belonging to the party of the first part, said 1000 acres being situate in Township 1 North, Range 5 East, M. D. B. & M.; and for irrigating 150 acres of land belonging to John Vasquez and Josephine V. Jones, said 150 acres being situate in Section 27, Township 1 North, Range 5 East, M. D. B. & M.; and for the purpose of irrigating 108 acres of land belonging to I. N. Robinson, said 108 acres being situate in Sections 27 and 34, Township 1 North, Range 5 East, M. D. B. & M.

That in the construction of said irrigation ditch and the installation of said pump the parties hereto have paid for the same in the following proportions, to-wit: Alice M. Woods 1000/1258ths; John Vasquez and Josephine V. Jones 150/1258ths; and I. N. Robinson 108/1258ths.

The party of the first part acknowledges that the parties to this agreement are the owners of said piece of land so acquired from Christina Belluomini, or said pump and of said ditch in the proportions above set forth, and that as to the proportions of the parties of the second part, the said party of the first part holds the title thereto in trust for the said parties of the second part in the said proportions.

It is further agreed between the parties hereto that in order to irrigate the lands of I. N. Robinson the said irrigation ditch has been constructed over a portion of the lands belonging to the party of the first part and that the said I. N. Robinson, his heirs, successors and assigns, shall forever have the right to use the said ditch so constructed over the land of the party of the first part for the purpose of irrigating his said lands.

It is further understood and agreed that in order to irrigate the lands of John Vasquez and Josephine V. Jones the said irrigation ditch has been constructed over a portion of land belonging to Alice M. Woods and also over a portion of land belonging to I. N. Robinson and it is agreed between the parties hereto that the said John Vasquez and Josephine V. Jones, their heirs, successors and assigns, shall forever have the right to use the said irrigation ditch so constructed over the lands of Alice M. Woods and I. N. Robinson for the purpose of irrigating the said lands of John Vasquez and Josephine V. Jones.

It is further understood and agreed that in order to irrigate the lands of the party of the first part the said irrigation ditch has been constructed over a portion of land belonging to I. N. Robinson and also a portion thereof on land belonging to John Vasquez and Josephine V. Jones and that the said party of the first part, her heirs, successors and assigns, shall forever have the right to use said irrigation ditch so constructed for irrigating the said 1000 acres hereinbefore referred to.

It is the intention of this agreement that the said pumping plant and irrigation system has been constructed for the purpose of irrigating the lands of the respective parties hereto in the respective acreage above set forth and each of the parties hereto agrees with all of the other parties that said irrigation system shall forever be used by the respective parties hereto for the purpose of irrigating the lands of said parties in the amount as to acres above set forth.

It is further agreed between the parties hereto that all of the parties to this agreement have contributed their respective proportions to the installation of said pumping system and to

the construction of said irrigation ditch and that the expenses of maintaining the same shall in the future be borne by the parties hereto in the proportions hereinbefore set forth; that is to say, Alice M. Woods shall pay 1000/1258ths of the cost of maintenance and operation of said irrigation system; John Vasquez and Josephine V. Jones shall pay 150/1258ths of said cost of maintenance and operation of said irrigation system; and I. N. Robinson shall pay 108/1258ths of said cost of maintenance and operation of said irrigation system.

It is the intention of this agreement that all of the parties hereto shall have the opportunity of irrigating their respective lands and, if the occasion requires, a flooding of said lands, and in view of the large percentage of acreage belonging to the party of the first part as compared with the acreage of the parties of the second part, it is anticipated between the parties hereto that the party of the first part will use said irrigation ditch and said pumping plant to a much greater extent than the parties of the second part, and in order that the parties of the second part shall have the opportunity of flooding their said lands it is agreed that should I. N. Robinson or John Vasquez and Josephine V. Jones desire to flood their respective parcels of land, the party so desiring to flood his said land shall give notice to the party of the first part in writing at least twenty days before the time that said party desires to flood his said land and in the event the said parties of the second part or any of them should give to the party of the first part notice in writing of their desire to flood said land, then after the expiration of said twenty days the party so giving said notice shall have the right to use the entire flow of said irrigation ditch for a period of not to exceed ten days, for the purpose of flooding said lands.

IN view of the fact that the parties hereto have not since the installation of said pump and said irrigation ditch attempted to irrigate said lands during the same season, it cannot now be foreseen whether or not the flow from said pumps so installed will be sufficient to irrigate the lands of the respective parties at the same time and it is agreed between the parties hereto that in the event said flowage from said pumps and said ditch is not sufficient for all the parties to irrigate their said lands at the same time, then and in such event the parties of the second part or any of them, should they or any of them desire the exclusive use of said water for irrigating their said lands at any time, shall give to the party of the first part written notice at least ten days before the time they so desire to irrigate their said lands, and, at the expiration of said ten days, the party so giving said notice shall have the use of said water for the purpose of irrigating his said lands for a period not exceeding ten days.

It is the intention of this agreement that all of the parties hereto shall at all times co-operate with each and all of the other parties, in order that the lands of each of the parties to this agreement may be irrigated or flooded, as required, in a manner that will do no injustice and work no hardship to any of the parties hereto, and in the distribution of said water so used for irrigation or flooding, the parties hereto agree at all times to co-operate with each other, to the end that each and all of the parties hereto may receive as much benefit from said irrigation system as is possible.

It is further agreed between all of the parties hereto that said parties will establish such drainage system as may be necessary to drain said lands and that they will bear said expenses of constructing such drainage system in the following proportions: the party of the first part shall pay 600/858ths thereof; I. N. Robinson shall pay 108/858ths thereof; and John Vasquez and Josephine V. Jones shall pay 150/858ths thereof. It is further understood and agreed that as to the land owned by the party of the first part and known as Honker Lake and aggregating approximately 400 acres, it will be necessary for the party of the first part to establish some other system of draining said property and that the cost of installing drainage on said Honker Lake property shall be borne by the party of the first part solely.



# MSS Exhibit 1I

BELOGGINI, CHRISTINA  
BELOGGINI, VINCENZO

TO  
TOOLE, ALICE H.

This instrument, made the 20th day of January  
and amount nine hundred and twenty-five  
MILITARY CHRISTINA BELOGGINI and VINCENZO BELOGGINI  
her husband, both of the County of San Joaquin, State  
of California, the parties of the first part  
and Alice H. Toole of the County of San Joaquin, State  
of California,  
the party of the second part.

WITNESSETH: That the said parties of the first part for and in consideration of the sum of \$250

lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever all that certain lot or parcel of land, situate, lying and being in the

County of San Joaquin, State of California, and bounded and particularly described as follows, to wit:

A strip of land 44 feet wide situated in the County of San Joaquin, State of California, in the Southeast quarter of Section 34, Township 1 North, Range 8 East, N.D.B. & C. and lying east of and adjacent to the center of the Cross Levee forming the dividing line between the properties of J. Grass, et al, and J. Jones and extending from the south side of the County Road along the north line of the Southeast quarter of said Section 34, southerly along said Cross Levee, 1725 feet more or less, to the inside base of levee on the north bank of Middle River, the exact line of said 44 foot strip being described as follows: commencing at an iron pipe in the south line of the County Road along the said north line of the Southeast quarter of said Section 34, said pipe being 44 feet east of the center of said Cross Levee and 1179 feet west of the east line of said Section 34, and being also 25 feet south of the north line of the southeast quarter of said Section 34; thence along the east line of said 44 foot strip as follows: S. 1° 03' W. 104.7 feet; S. 18° 33' W. 85 feet; S. 19° 50' W. 95 feet; S. 27° 50' W. 272 feet; S. 20° 48' E. 95 feet; S. 10° 50' E. 58 feet; S. 15° 48' E. 58 feet; S. 47° 45' E. 38 feet; S. 70° 42' E. 55 feet; S. 79° 47' E. 149 feet; S. 74° 30' E. 92 feet; S. 31° 38' E. 190 feet; S. 52° 05' E. 125 feet; S. 43° 27' E. 84 feet; S. 35° 44' E. 79 feet; S. 33° 54' E. 158 feet to an iron pipe in the northerly base of Middle River Levee;

Also a strip of land 25 feet wide and 102 feet long, more or less, lying east of and adjacent to the center of the above described Cross Levee and north of and adjacent to the above described 44 foot strip of land, and extending from the inside base of levee on the north bank of Middle River southerly to the said north bank of Middle River, the west line of said 25 foot strip being marked on the ground by an iron pipe in the northerly base of Middle River Levee and by an iron pipe on the north bank of Middle River and the west line of above mentioned 25 foot strip being more particularly described as follows: Commencing at the iron pipe at the southwest corner of the above described 44 foot strip, thence southerly across Middle River Levee 102 feet more or less to the north bank of Middle River.

The above described parcels of land contain in the aggregate 1.51 acres.  
(12.00 1/2 Stamp attached and cancelled)

**TOGETHER**, with all and singular the tenements, hereditaments, and appurtenances thereto, belonging or in anywise appertaining and the reversions and reversion, remainder and remainders, rents, issues, and profits thereof.

**TO HAVE AND TO HOLD**, all and singular, the said premises, together with the appurtenances, unto the said part 1 of the second part and to **his** heirs and assigns forever.

**IN WITNESS WHEREOF**, the said part 1 of the first part **have** hereunto set their hand S and seal S the day and year first above written.

Signed, Sealed and Delivered in the presence of  
Christina Belluomini (Seal)  
Vincenzo Belluomini (Seal)  
STATE OF CALIFORNIA  
County of San Joaquin }  
(Seal)  
(Seal)

On this 20th day of January A.D. 1926  
one thousand nine hundred and twenty-five, before me, Alta Yates,  
a Notary Public in and for the County of San Joaquin, State of California, residing therein, duly  
commissioned and qualified, personally appeared Christina Belluomini and Vincenzo  
Belluomini, her husband,  
known to me to be the person whose name S are  
subscribed to the within instrument and they acknowledged to me that  
they executed the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my official seal  
the day and year in this certificate first above written.  
(Notary Seal) Alta Yates, Notary Public  
In and for the County of San Joaquin, State of California.

Not. 1196  
Recorded at the Request of Butter, Hancock & Autherford 1st day of June 1926  
at 1 San Joaquin, Cal. to Book of Official Records, Vol. 65, page 107  
San Joaquin County Record  
Not. 1196  
JAMES H. FINNEY, Recorder  
(17)



# MSS Exhibit 2A

**Mussi - MSS  
Exhibit 2A**

San Joaquin River

Lands provide  
riparian right to  
Parcel

CP 2718  
1/21/1869

Whiskey Slough

Burns Cutoff

APPROXIMATE LOCATION  
OF TRACT #131-170-03

San Joaquin River

CP 2864  
7/26/1869

Middle River

APN 131-170-03 was part of the CP issued by the State of California in 1869. CP 2864 was contiguous to Burns Cutoff, San Joaquin River, Middle River, and Whiskey Slough.

CP 3321  
7/14/1870

# MSS Exhibit 2B

**Mussi - MSS  
Exhibit 2B**

San Joaquin River

Lands provide  
riparian right to  
Parcel

CP 2718  
1/21/1869

Whiskey Slough

Burns Cutoff

APPROXIMATE LOCATION  
OF TRACT #131-170-03

San Joaquin River

CP 2864  
7/26/1869

Middle River

CP 3321  
7/14/1870

In 1877, APN 131-170-03 was conveyed in a larger parcel that included parts of CP 2864 and 3321. The parcel remained riparian to Burns Cutoff, San Joaquin River and Middle River, but was no longer contiguous to Whiskey Slough.

# MSS Exhibit 2C

Mussi - MSS  
Exhibit 2C

San Joaquin River

Lands do NOT provide riparian rights to Parcel

CP 2718  
1/21/1869

Whiskey Slough

Burns Cutoff

APPROXIMATE LOCATION OF TRACT #131-170-03

San Joaquin River

CP 2864  
7/26/1869

an 1891 deed severed contiguity with all watercourses.

Middle River

CP 3321  
7/14/1870

# MSS Exhibit 2D

Mussi - MSS  
Exhibit 2D

San Joaquin River

Lands do NOT  
provide riparian  
rights to Parcel

CP 2718  
1/21/1869

Whiskey Slough

Burns Cutoff

San Joaquin River

APPROXIMATE LOCATION  
OF TRACT #131-170-03

CP 2864  
7/26/1869

In 1930, a conveyance  
formed what is currently  
APN 131-170-03.

Middle River

CP 3321  
7/14/1870

EL PESCADERO



# MSS Exhibit 3

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16 Attorneys for SAN LUIS & DELTA-MENDOTA  
17 WATER AUTHORITY

18 BEFORE THE CALIFORNIA

19 STATE WATER RESOURCES CONTROL BOARD

20  
21 In the Matter of Draft Cease and Desist  
22 Order No. 2009-00XX-DWR Against Rudi  
23 Mussi, Toni Mussi and Lory C. Mussi  
Investment LP

**TESTIMONY OF PHILIP JOHNSON**

24  
25 My name is Philip Johnson, I am a supervising engineering geologist at Cotton, Shires and  
26 Associates. I have over 19 years experience in the field of engineering geology, working on  
27 projects throughout California, including geologic investigations involving slope stability,  
28

1 seismic hazards, sea bluff retreat, groundwater, sedimentary geology, and other geotechnical  
2 issues. A component of this work includes field mapping and aerial photograph interpretation.  
3 My statement of qualifications is marked as MSS Exhibit 3A.

4 I reviewed ten historical, single-framed aerial photographs of APN No. 131-170-03, on  
5 Roberts Island in San Joaquin County, California ("Parcel") taken from 1937 to 2000.

6 The August 1937 aerial photograph shows that, at that time, 98.7 percent of the Parcel was  
7 idle agricultural land that was not irrigated; the remainder was disturbed land that was not  
8 cultivated. MSS Exhibit 3B.

9 The May 1940 and July 1957 aerial photographs show that at those times, 98.7 percent of  
10 the Parcel was planted with row crops and irrigated; the remaining 1.3 percent was disturbed but  
11 not cultivated. MSS Exhibits 3C and 3D.

12 The June 1963 aerial photograph shows that, at that time, 98.7 percent of the parcel was  
13 fallow and not irrigated. MSS Exhibit 3E.

14 The August 1963 and May 1968 aerial photographs show that, at those times, 98.7 percent  
15 of the Parcel was planted with row crops and irrigated; the remaining 1.3 percent was disturbed  
16 but not cultivated. MSS Exhibits 3F and 3G.

17 The April 1985 aerial photograph shows that, at that time, 96.7 percent of the Parcel was  
18 idle agricultural land that was not irrigated; the remaining 3.3 percent was disturbed, but not  
19 cultivated. MSS Exhibit 3H.

20 The June 1987 aerial photograph shows that, at that time, 96.7 percent of the Parcel was  
21 planted with row crops and irrigated; the remaining 3.3 percent was disturbed, but not cultivated.  
22 MSS Exhibit 3I.

23 The March 1993 aerial photograph shows that, at that time, 96.7 percent of the Parcel was  
24 idle agricultural land that was not irrigated; the remaining 3.3 percent was disturbed, but not  
25 cultivated. MSS Exhibit 3J.

26 The September 2000 aerial photograph shows that, at that time, 96.7 percent of the Parcel  
27 was planted with row crops which were recently harvested. MSS Exhibit 3K.

28

# MSS Exhibit 3A

## **Philip L. Johnson**

Supervising Engineering Geologist

### **Registration**

Registered Geologist in California, RG 6196  
Certified Engineering Geologist in California, CEG 2019

### **Education**

M.S., Geology: San Jose State University, San Jose, California, 1990  
B.A., Geology: San Francisco State University, San Francisco, California, 1987

### **Areas of Specialty**

Investigation and repair of landslides; landslide mapping and aerial photograph interpretation; subsurface investigation of landslides; geotechnical construction defect litigation support; dam site investigations; seismic hazard assessment; and sedimentary geology

### **Representative Experience**

Mr. Johnson has over 19 years of experience in the field of engineering geology, working on projects throughout California. He has been involved with numerous geologic investigations involving slope stability, seismic hazards, sea bluff retreat, groundwater, and other geotechnical issues. He also regularly participates in peer review for communities in the San Francisco bay area. He has a variety of areas of expertise including:

- Geologic characterization of landslides for design of mitigation measures. He has investigated numerous landslides ranging from large, deep-seated landslide complexes to shallow colluvial landslides and debris flows.
- Landslide mapping and aerial photograph interpretation. He has mapped landslides in a wide variety of terrain utilizing both field mapping and aerial photograph interpretation.
- Subsurface investigation utilizing downhole logging of large-diameter boreholes, core logging, and trench logging methods.
- Engineering geologic aspects of surface mine reclamation with emphasis on stability of former mine slopes.
- Assessment of seismic ground shaking and fault rupture hazards for large engineered structures as well as light construction. Projects include fault rupture hazard and paleoseismic investigations on the San Andreas, Las Positas, and Valley Side faults.
- Investigation of geotechnical construction defect and building distress related to expansive soils, fill settlement, incipient slope deformation, and landsliding.
- Engineering geologic investigation of dam sites. He was Project Geologist for two potential dam sites for East Bay Municipal Utility District. He also participated in a seismic hazard investigation of

the Foothills fault system for the New Hogan Dam in the Sierra Nevada foothills. He also mapped the geology exposed during construction of a soft ground tunnel at Crystal Springs Reservoir. Recently, he conducted subsurface investigation, field mapping, and permeability testing at an existing dam on the Stanislaus River.

- Fluvial sedimentology with particular emphasis on the use of detailed fluvial architecture to evaluate tectonic basin subsidence and basin history.
- Hydrostratigraphic investigations utilizing core samples, borehole geophysical, and hydrogeologic data.

Recent projects include photogeologic and field mapping of landslides in the Ridge Basin in Los Angeles County; photogeologic mapping of fluvial geomorphic features in the San Joaquin River delta; downhole logging of large-diameter borings during investigation of landslides in the City of Richmond; inspection and evaluation of quarry slopes in Santa Clara County; investigation of an incipient landslide in Clayton; evaluation of fault rupture hazards on the east side of the Coast Ranges; investigation of debris flows in Pacifica, Lafayette, and Orinda; photogeologic evaluation of landslide and fault rupture hazards in Santa Rosa; subsurface investigation of a large, deep-seated landslide in Santa Barbara; a fault rupture hazard investigation along the San Andreas fault in Pacifica; investigation of a large, deep-seated coastal bluff failure in Daly City; subsurface investigation of a gravel quarry slope failure in alluvial and lacustrine sediments in Livermore; photogeologic and field mapping to evaluate geologic constraints to a proposed bicycle trail alignment adjacent to a large landslide complex in San Jose.

As a graduate student, Mr. Johnson studied Tertiary fluvial rocks exposed on the flanks of the Rock Springs Uplift in southwest Wyoming. Based on the spacing of fluvial channels within overbank deposits and thickening of synorogenic sedimentary packages, he was able to evaluate the timing and pattern of Paleocene to early Eocene subsidence across the southern Greater Green River Basin and relate this to thrust faulting within the Uinta and Rock Springs uplifts.

### **Professional History**

Supervising Engineering Geologist, 1995-Present; Cotton, Shires and Associates, Los Gatos, California  
Staff Geologist, 1992-1995; Dames & Moore, San Francisco, California  
Staff Geologist, 1990-1992; Earth Sciences Associates, Palo Alto, California

### **Professional Affiliations**

American Geophysical Union  
Association of Engineering Geologists  
Geological Society of America  
International Association of Sedimentologists  
Society for Sedimentary Geology (SEPM)

### **Publications**

Johnson, Philip L. 2009, Landslides and geomorphic mapping along the Rodgers Creek - Healdsburg fault, Sonoma County, California: in *Proceedings of the 52nd Annual Meeting of the Association of Engineering and Environmental Geologists*, Lake Tahoe, California, p. 81

Johnson, Philip L. and David W. Andersen, 2009, Concurrent growth of uplifts with dissimilar orientations in the southern Green River Basin, Wyoming: implications for Paleocene-Eocene patterns of foreland shortening: *Rocky Mountain Geology*, v. 44, p. 1-16

Johnson, Philip L., Marcum, Dale R. 2007, The Northridge Bluff Landslide: rapid bluff retreat associated with a major coastal landslide in Daly City, California: in Schaefer, V. R., Schuster, R. L., and Turner, A. K., eds., *Conference Presentations, First North American Landslide Conference*, Association of Environmental and Engineering Geologists Special Publication No. 23, p. 1694-1706

Johnson, Philip L., Shires, Patrick, O., 2007, Engineering geologic evaluation of quarry slopes and compliance with California's Surface Mining and Reclamation Act: in *Proceedings of the 50th Annual Meeting of the Association of Engineering Geologists*, Los Angeles, California p. 94

Johnson, Philip L., 2005, The Glen Creek Landslide: a case study in the misuse of the Jahnsian steps during hillslope development: in Ehlen, J., Haneberg, W.C., and Larson, R. (eds.) *Humans as Geologic Agents*, Geological Society of America, Reviews in Engineering Geology, v.11, no. 1, p. 111-121.

Johnson, Philip L., and Cotton, William L., 2005, The Santiago landslide and associated ridge-top graben: implications for paleoseismic landslide studies: *Environmental and Engineering Geoscience* v. 11, no. 1, p. 5-16

Johnson, Philip L. and Cotton, William R., 2003, An alluvium-buttressed landslide complex and the impact of late Quaternary sea level change on landslide topography [abs.]: in *Proceedings of the 46st Annual Meeting of the Association of Engineering Geologists*, Vail, Colorado, p. 62.

Johnson, Philip L. and Cotton, William R., 2002, The Santiago Landslide and associated ridge-top graben: implications for paleoseismic landslide studies [abs.]: in *Proceedings of the 45nd Annual Meeting of the Association of Engineering Geologists*, Reno, Nevada, p. 70-71.

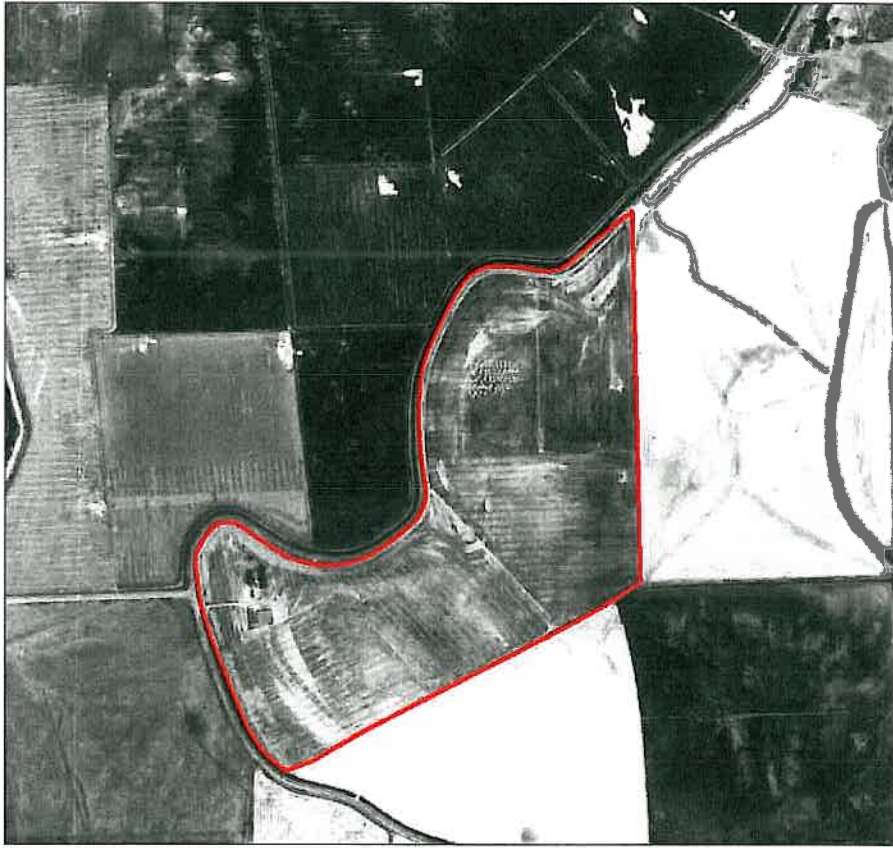
Johnson, Philip L. and Cole, William F., 2001, The use of large-diameter boreholes and downhole logging in landslide investigations: in Horacio Ferriz (ed.) *Engineering Geology in Northern California*, California Department of Conservation, Division of Mines and Geology, Bulletin 210, p. 95-106.

Wallace, J.M. and Johnson, Philip L., 1999, The use of large-diameter boreholes and downhole logging techniques in landslide investigations [abs.]: in *Proceedings of the 42nd Annual Meeting of the Association of Engineering Geologists*, Salt Lake City, Utah, p. 88.

Johnson, P.L., 1990, Laramide basin subsidence and fluvial architecture of the Fort Union and Wasatch Formations in the southern greater Green River basin [abs.]: *American Association of Petroleum Geologists Bulletin*, v. 74, p. 687.

**MSS Exhibit 3B**





**Mussi Investment  
APN 131-170-03  
August 1937**

MSS Exhibit 3C



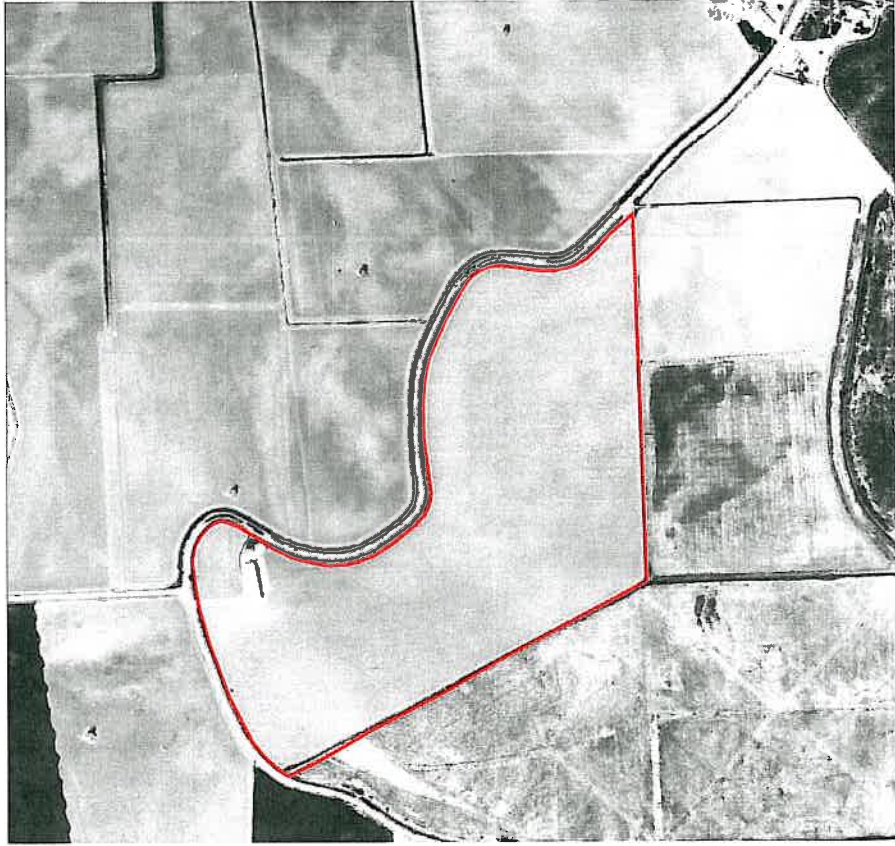
Mussi Investment  
APN 131-170-03  
May 1940

# MSS Exhibit 3D



Mussi Investment  
APN 131-170-03  
July 1957

MSS Exhibit 3E



Mussi Investment  
APN 131-170-03  
June 1963

MSS Exhibit 3F





Mussi Investment  
APN 131-170-03  
August 1963

# MSS Exhibit 3G



**Mussi Investment**  
**APN 131-170-03**  
**May 1968**

MSS Exhibit 3H



Mussi Investment  
APN 131-170-03  
April 1985

MSS Exhibit 3I



**Mussi Investment**  
**APN 131-170-03**  
**June 1987**

# MSS Exhibit 3J





Mussi Investment  
APN 131-170-03  
March 1993

MSS Exhibit 3K



Mussi Investment  
APN 131-170-03  
September 2000

# MSS Exhibit 4

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WATER AUTHORITY

17  
18 BEFORE THE CALIFORNIA

19 STATE WATER RESOURCES CONTROL BOARD

20  
21 In the Matter of Draft Cease and Desist  
22 Order No. 2009-00XX-DWR Against Rudi  
Mussi, Toni Mussi and Lory C. Mussi  
23 Investment LP

**TESTIMONY OF DAVID A.  
GOLDHAMER, Ph.D**

24  
25 My name is David Goldhamer, I am a retired Water Management Specialist and  
26 previously worked in the Department of Land, Air, and Water Resources at the University of  
27 California at Davis. I have over 30 years experience in the fields of soil and water science. My  
28 work includes investigating water management for crops, plant-water relations, regulated deficit

1 irrigation in California, water use requirements in response to sustained water deficits, and  
2 irrigation scheduling. My curriculum vitae is marked as MSS Exhibit 4A.

3 My testimony calculates the net irrigation requirements for Assessor Parcel Number 131-  
4 180-07, in San Joaquin County, California (Parcel) in the three years for which crop information  
5 was provided in the December 14, 2009, Draft Cease and Desist Order No. 2009-00XX-DWR  
6 Against Yong Pak and Sun Young (Draft CDO) – 2006 and 2007. My calculations are  
7 summarized in MSS Exhibit 4B.

8 I calculated the net irrigation requirements to be 187.2 acre-feet of water in 2006 and 2007  
9 for corn and alfalfa.

10 The net irrigation requirements are based on estimates of total crop consumptive uses plus  
11 the leaching requirements, minus the total contribution of perched water and effective rainfall.

12 My calculation of net irrigation requirements are based on the following:

13 The Crops: In the Draft CDO, it states the Parcel was planted with corn and alfalfa in  
14 2006 and 2007. I assumed the Parcel was planted in equal parts corn and alfalfa.

15 Total Crop Consumptive Uses: Total crop consumptive uses are based upon (1) the 10-  
16 year mean reference crop water use values from the Manteca weather station available through  
17 the California Irrigation Management Information System (“CIMIS) program<sup>1</sup>, and (2) crop  
18 coefficient values.

19 Effective Rainfall: Effective rainfall is 50 percent of the 10 year mean (2000-2009) of  
20 total seasonal rainfall provided by the Manteca CIMIS weather station.

21 Perched Water: Contribution of perched water is based upon an assumed depth of 4 feet  
22 and root zones depths published by the United States Bureau of Reclamation’s Pacific Northwest  
23 Cooperative Agricultural Weather Network,<sup>2</sup> and information on root zone depth published by the  
24 University of Tennessee Agricultural Extension Service.<sup>3</sup>

25 Leaching Requirements: The leaching requirement was estimated assuming a desired  
26 leaching fraction of 20 percent, based on *Salt Tolerance of Crops in the Southern Sacramento-*

27 <sup>1</sup>CIMIS data is available online at: <http://wwwcimis.water.ca.gov/cimis/welcome.jsp>.

28 <sup>2</sup>Data available from the United States Bureau of Reclamation, Pacific Northwest Cooperative  
Agricultural Weather Network, at <http://www.usbr.gov/pn/agrimet/irrigation.html#Root>.

<sup>3</sup>Rutledge, Alvin D., James B. Will, Steve Bost. *Commercial Tomato Production*. Agricultural  
Production Service, University of Tennessee PB737 (available at  
<http://www.utextension.utk.edu/publications/pbfiles/pb737.pdf>).

1 *San Joaquin Delta*, by Glenn Hoffman.<sup>4</sup>

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<sup>4</sup> Hoffman, Glenn. J. 2010. *Salt Tolerance of Crops in the Southern Sacramento-San Joaquin Delta*. Pp. 51-56.

MSS Exhibit 4A



## Curriculum vitae

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**Degrees:** B.S., Soil and Water Science, UC Davis, 1971  
M.S., Water Science, UC Davis, 1974  
Ph.D., Soil Science, UC Davis, 1980

**Institution/Location:** Kearney Ag. Center, 9240 S. Riverbend Ave. Parlier, CA 93648

### Research Statement:

There continues to be high demand for information on optimizing irrigation for California's horticultural and agronomic crops. It's clear that while weather-induced droughts will continue to be a periodic problem, institutional-related restrictions in water supply due to demand from municipal and environmental interests must also be addressed. My applied research program deals with developing information on regulated deficit irrigation (RDI). This technique purposely stresses plants at stress-tolerant periods of the season in order to both reduce the consumptive use of water and not lessen but rather possibly enhance grower profit by improved fruit quality. It is a true savings of water. Additionally, I've developed information on using plant-based electronic sensors and thermal data from aerial images to detect water stress in order that RDI be more precisely imposed.

### International Experience:

#### TURKMENISTAN

1998 Flood Irrigation/Water Control/Water Users Groups. Charchow, Turkmenistan, USAID/ACDI.

#### MACEDONIA

1994 Potential of Drip Irrigation in Macedonia. Skopje, Macedonia, USAID/ACDI.  
1996 Adoption of Drip Irrigation in Macedonia. Bitola, Macedonia, USAID/ACDI.

## International Invited Presentations

- 1995 Curso Internacional de Riego. Chillan, Chile.
- 1995 Curso Internacional de Suelo, Riego, y Nutricion. General Roca, Argentina.
- 1996 Agritech. Tel Aviv, Israel
- 1997 El Gran Debat de L'Augua. Lleida, Spain
- 1998 Olives Australia Expo. Hunter Valley, NSW, Australia.
- 1999 El Cultivo del Olivo in el Norte de Mexico. Caborca, Mexico.
- 1999 3<sup>rd</sup> International Symposium on Irrigation of Horticultural Crops. Lisbon, Portugal
- 1999 International Olive Congress. Sevilla, Spain.
- 2003 Australia Fresh Fruit Growing Company Workshop, Melbourne, Australia
- 2005 5<sup>th</sup> International Symposium on Irrigation of Horticultural Crops. Mildura, Australia

## PUBLICATIONS RELEVANT TO IRRIGATION AND WATER MANAGEMENT

- Goldhamer, D.A. and B. Faber. Irrigation in UC Citrus Production Manual. L. Ferguson (ed.). (In Press)
- Goldhamer, D.A. 2008. Irrigation management in UC Pistachio Production Manual. L. Ferguson (ed.). 5<sup>th</sup> edition. Chapter 13 pages 108-123.
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**MSS Exhibit 4B**



Grower; Parcel Acreage 5/C	Crop	Planting Date	Harvest Date	Seasonal Potential Consumptive Use* (inches)	Yearly Effective Rainfall Corn** (inches)	Contribution of Perched Water*** (inches)	Suggested Leaching Requirement Corn**** (inches)	Net Irrigation Requirement***** (inches)	Acreage in Crop Estimated from DWR (acres)	Seasonal Potential Consumptive Use** (acre ft)	Assuming	
											May 1 to Sep 2 Total CU	Assuming May 1 to Sep 2 Total Irrigation Requirement (acre ft)
Mussi	Silage Corn	Apr 15	Jul 13	16.6	6.0	1.7	3.3	12.3	32.4*****	44.9	33.2	
	Silage Corn	Apr 15	Aug 17	23.2	6.0	2.3	4.6	19.5	32.4	62.6	52.7	
70.2 ac	Silage Corn	May 1	Sep 2	22.9	6.0	2.3	4.6	19.2	32.4	61.8	51.8	
	Grain Corn	May 1	Sep 30	25.5	6.0	2.6	5.1	22.1	32.4	68.9	59.6	
	Alfalfa	Jan 1	Dec 31	53.5	6.0	8.0	10.7	50.1	32.4	144.3	135.4	187.2

\* Based on the daily 10 year mean (2000-2009) of reference crop water use (ET<sub>0</sub>) provided by the Manteca (No. 70) automated CIMIS weather station and published crop coefficient values (K<sub>c</sub>). See individual crop sheets.

\*\*Based on the 10 year mean (2000-2009) of total seasonal rainfall provided by the Manteca (No. 70) automated CIMIS weather station and then assuming that effective rainfall is 50% of total.

\*\*\*Estimated from published root zone depths for different crops and assuming perched water located at about 4 ft depth.

\*\*\*\*Estimated assuming a desired leaching fraction of 20%.

\*\*\*\*\*Sum of potential consumptive use minus effective rainfall minus the contribution of perched water plus the leaching requirement.

\*\*\*\*\*Draft Cease and Desist Order states that 64.8 acres of crops but does not breakdown the percentages of corn or alfalfa; assumed 50% in each.