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Via mail and email JKassel@waterboards.ca.gov

Mr. James W. Kassel
Assistant Deputy Director for Water Rights
Division of Water Rights
State Water Resources Control Board
P. O. Box 2000
Sacramento, CA 95812-2000

Re: Request for Settlement Meeting: Mussi, et.al., APN 131-170-03
Draft CDO/Order WR 2009-0079, Hearing set for May 5, 2010

Dear Mr. Kassel:

This letter requests you set a settlement meeting as soon as possible regarding the above matter. Below and enclosed is the information indicating that San Joaquin County APN 131-170-03 has retained a riparian right to water. This information is virtually the same as already submitted on behalf of Heather Tanaka, against whom a Complaint was filed. The Tanaka property is one parcel removed from the subject Mussi property, and both abut what was previously Duck Slough on Middle Roberts Island. In addition, both properties were separated from surface connection to the main channels at the same time (1892). Thus the information supporting the riparian right of one is very similar to that supporting the other.

I apologize for the duplication of explanation, information and documents, but want to make sure that there is no confusion about what the record on this matter holds. Per previous communications with the Division, I informed you on a number of occasions that the submittal for Tanaka also contained the supporting documents for Mussi. However, in our last conversation, you suggested I submit it all again specifically for this matter. Other properties in the area are also in this same situation, and I will soon make a similar submittal on their behalf.

INTRODUCTION

Preliminarily, we would like to provide a little historical background in order to give the Division a better understanding of the situation. We note that most landowners in the Delta

Lowlands are part of a process that has sought to prevent the uncontrolled intrusion of water onto the land, either as a part of day-to-day practices, or during high flow events during spring runoffs. Many landowners, when presented with the official inquiry by the SWRCB regarding water rights, express surprise that such inquiries would even be made, given the prior 150 years of reclamation work and control of water on the land. When asked if they have maintained a connection to a waterway or source which might support the retention of a riparian right, the landowners normally reply something like "are you kidding?"

Regardless, it is important to understand how the Delta was reclaimed in order to piece together the history of any particular parcel, especially given the amount of time that has past since these lands were first reclaimed and farming began. Any inquiry into Delta land use must recognize that farmers in the latter part of the 19th Century or the first part of the 20th Century rarely if ever kept records of day-to-day operations of their farming, drainage, or reclamation practices. Whatever records may exist have not yet been located. However, there is no doubt of such activities.

1. Reclamation Practices Included the Use of Interior Island Sloughs for Drainage and Irrigation

The Delta lands are a mixture of areas above and below sea level. Historically, most of it was periodically inundated when high flows, typically during the spring, rose above the natural channels and flooded the land.¹ The natural channels created elevated banks due to the sedimentation of the heavier material which came downstream with the water. The result over the millennia was a system of dendritic channels (see Exhibit "A") which covered most of what we now refer to as the Delta Lowlands. These dendritic channels are more completely described in the Testimony of Chris Neudeck, of Kjeldsen, Sinnock & Neudeck, Civil Engineers, attached hereto as Exhibit "B;" see page 1 therein.

As levees began to be constructed, the smaller channels were filled in, and the larger ones were used for a number of purposes, such as access to the land (there were of course no roads in the Delta in the early years) and to deliver water to and remove drainage from the land. Because farming always seeks to maximize crop production, having the ability to deliver water to a crop is always preferable to being dependent on the vagrancies of the weather. In order to control the delivery of water to lands, the landowners (as farmers and as reclaimers) installed culverts, or pipes at the places where the levees crossed over/dammed the larger channels. These culverts

¹ There can be significant differences between parcels in the Delta Lowlands and those in the Delta Uplands due to the land elevation, groundwater depth and connections to surface streams. However, for purposes of this Response, these differences are irrelevant as the Tanaka Property is in the Lowlands, at or near sea level, with shallow ground water, and the ground water directly connected to the neighboring channels.

were made of wood, clay, and brick (and later metal). Flap gates or other control mechanisms were used to manipulate the water levels in the slough by either trapping the high tide or letting drainage escape on the low tide.² As an example or confirmation of the extent of these culverts or flood gates, see Exhibit "D" which includes estimates for work to be done on Union Island and describes the filling of sloughs and installation of flap gates. For Roberts Island, we have the Report of the Commission of Public Works, California, 1895, which references the damming of "ten sloughs of various sizes" during reclamation work. (See Exhibit "E.")

Further, the existence and use of these culverts and flood gates was also included in Mr. Neudeck's testimony referenced above (see Exhibit "B," pages 1-2). This testimony was originally presented during an earlier SWRCB hearing (enforcement of Term 91 against four Delta diverters). By controlling the entry or exit of water into the old slough channels, the farmers could either irrigate their crops, or drain their land, depending on the need. Mr. Neudeck identified five of these old culverts on Upper Roberts Island alone. Many more are known to have, or still exist, especially on Lower Roberts Island.³

In addition to these managed sloughs, any remnant slough, if its channel bottom was below the level of the ground water, or below the water levels in the surrounding channels would naturally fill with water; rising during high tides (twice daily) or high flow periods, and receding on low tides or during low flow periods. Whether via a neighboring slough, or via the shallow ground water, the land's connections to the surrounding main channels are permanent.⁴ The main thing to remember is that since the lands were of such low elevation, there was (generally)

² This process is generally described in various sources, one of which is attached hereto as Exhibit "C." This Exhibit is *The Settlement Geography of the Sacramento-San Joaquin Delta* by John Thompson, December, 1957, see pages 244-245, 274 and 311.]

³ Unfortunately, the hearing officer failed to understand the evidence at that prior SWRCB hearing when he incorrectly found that the evidence was conflicting about whether the sloughs were connected to the main channels after the levees were built. The evidence was clear that they did (there was no reason for the specifically identified culverts except to connect a slough to a main channel for the purpose of moving/controlling water), but a prosecution team witnesses' assertion that *topographical maps* did not show the subsurface connections apparently confused the hearing officer. Of course, a topo map would not necessarily show, or be expected to show a subsurface pipe through a levee. Regardless, whether or not a topo map should show such a connection, the lack of it on any such map in no way controverts direct evidence of the culverts connecting the sloughs to the larger channel.

⁴ Exhibit "F" is a DWR study which confirms that the shallow ground water of Upper Roberts Island is directly connected to the surface water in the neighboring channels.

always a means by which one could provide water to it. Once reclaimed, the farmers' interest was to control water on the lands, not preclude it.

Lastly by way of historical background, one needs to understand that any land feature (especially in the Delta) which is not straight, is typically an indication of one of these original meandering channels. Landowners generally divide parcels into squares or rectangles (pursuant to our Township, Range, Base and Meridian system) unless the surface terrain precludes it. Since the old sloughs meandered across the landscape, depositing the heavier materials carried by the water, these old waterways created just those surface features which prevented "straight line" divisions of land. When land was being purchased and divided in the late 1800's, the sloughs were still in existence and became the borders to many of the parcels. As per the documents submitted on behalf of Tanaka, deeds of properties in the area originally contained the description "... along Duck Slough/High Ridge Levee ...". This is confirmation that the particular meandering line which now borders the subject property was originally an interior island slough along which one of the early levees was erected.

RESPONSE

2. The Property Maintained a Connection to Duck Slough After "Severance" From the Main Channels and Thus Maintained a Riparian Right

The subject property is San Joaquin County Assessor's Parcel No. 131-170-03, and is approximately 70 acres (hereinafter "Property"). Exhibit "G" is a copy of the Assessor's map locating the Property. According to the evidence set forth below, the Property has always maintained a connection to the neighboring waterways which supports the retention of a riparian right, and has been farmed continuously since before 1914 which supports a pre-1914 right.

Exhibit "HI" are San Joaquin County Assessor's maps showing the larger parcel from which the Property was derived and the subsequent smaller parcel. The largest of these earlier parcels was connected to at least Middle River, Whiskey Slough, Black Slough, the San Joaquin River, Burns- Cutoff, and of course Duck Slough. Just before the Property was "parceled" into the current configuration, it was part of a larger parcel that was connected to at least Middle River, Burns Cut-Off, the San Joaquin River, and Duck Slough.

Pursuant to a chain of title secured in the Tanaka matter and the Assessor's maps, the Property was always part of much larger parcels until 1892, at which time it was purchased by Joseph Vasquez from "James Reid Stewart, et. al."

At this time we do not yet have a chain of title for this Property, but are in the process of getting one. Hopefully this matter can be settled before incurring all of that significant expense.

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The Property was part of the *Swamp and Overflowed Land Survey No. 1275* dated 1869. Exhibit "I" is a copy of the 1876 San Joaquin County Assessor's Parcel map (which shows that the original larger "parcel" included 40,850 acres) and which references *Survey No. 1275*. At this time, the lands were not yet fully reclaimed, and thus "constantly" connected to water. Of special interest on this map is the "blue" line which traces a line from Burns Cut-off in a southwesterly direction to Middle River. Although there is no explanation on the map, the fact that this line is blue suggests that it was the Assessor's notation of this old waterway which stretched across Middle and Lower Roberts Island all the way from Burns-Cutoff to Middle River. Later Assessor maps designate the line "Levee" and then "Cross Levee," while other sources label it "High Ridge Levee." As shown below, Duck Slough followed this same route, and both abut the Property.

It is important to note the method by which the levees, such as the "High Ridge Levee" were created. To create a new levee or improve a "natural" one, soil must be piled up. The easy and economical source of such soil was the immediate area around and near the levee site. Hence, dredges (or even hand labor) would remove soil in the vicinity of the levee site to pile it up on the levee proper. The "borrow pits" which were the sources for this soil were therefor commonly along the route of the levee. When the levee followed an old slough, it was common for the soil to be taken from the slough. The removal of soil deepened/widened the existing slough channel as soil was removed to build up the levee. We know that in this particular area, due to the depth to groundwater, digging a hole/trench/canal immediately results in water seeping into it. When this was done along an existing slough, it created a larger source of open water fed from the main channel to which the slough connected.

In this case, we actually have a written source which confirms this enlargement of the slough abutting the Property. One of the early dredges (which were "floating steam shovels"), the *Sampson*, was actually used to create/improve the High Ridge Levee. The *Sampson* and its sister dredge the *Goliath*, were launched in 1875.

The *Sampson's* first job was on Duck Slough and Burns' Cut-off levees of Roberts Island (FN), but the water was so low that the equipment could not make headway unless a channel 30 by 7 feet was dug. [*The Settlement Geography of the Sacramento-San Joaquin Delta, California*; at page 267; see Exhibit "C."]

The footnote from the above quote states:

The levee followed the right bank of the slough southwestward toward Middle River from the slough's outlet on Burn's Cut-off. The present Honker Lake Tract, the Pocket, and Roberts Island north of the Santa Fe right-of-way (including McDonald Island) would be north of the levee.

This description confirms the process of using the slough itself as the borrow pit, and the deepening of the slough along High Ridge Levee; Duck Slough. Such deepening was necessary to transport the floating dredge which was improving the levee. This leads to the conclusion that from very early on (1875), the creation/improvement of the levee resulted in a substantial waterway (with the very approximate dimensions of 30'X7') in the enlarged Duck Slough. As we see, the Property abutted this Duck Slough.

As referenced above, we note that property descriptions in deeds prior to 1892 included the references to "the Levee constructed along High Ridge and Duck Slough" or "the levee constructed along High Ridge (so called) and Duck Slough from the branch of the San Joaquin River known as Burns-Cutoff . . ." (See for example Exhibit "J"). Post 1890 deeds, though following the same High Ridge and Duck Slough feature simply refer to the meandering line, not the levee or slough.

We will now review the numerous maps which indicate the Property's continuous connection to the surrounding waterways via Duck Slough. As we will see, different maps note different things and are not all consistent. This does not mean the inconsistencies raise doubts about the information. Rather it simply means that map makers were not all interested in noting the same things. A sea captain map might be more concerned with channels accessible by boat; a County map might be more concerned with surface improvements, and a USGS map might be more concerned with natural surface features.

We start with the *San Joaquin County Assessor* map dated 1881-1882, attached hereto as Exhibit "K." This map includes not only the High Ridge Levee line, but also includes a blue line along the same course. Since the levee lines are also present, and the blue line is not a dividing line between any other feature, or political or legal division, it can only represent the water in the slough or sloughs that originally connected Middle River to Burns-Cutoff. This blue line/waterway clearly abuts the Property.

Next is the *Map of a Portion of Roberts Island* dated 1883 (owned by M. C. Fisher and produced by Tucker & Smith, Civil Engineers, Stockton) attached hereto as Exhibit "L." This map shows a hashed line which represents a levee (labeled "Cross Levee") from Burns-Cutoff (a portion of the San Joaquin River south of Rough and Ready Island) running, generally, southwest down to Middle River. In addition to the dashed levee line, there is also a solid line running along the same route. This line indicates a smaller waterway (as opposed to the larger waterways indicated by two solid lines). Thus we have an interior island slough which runs from and connects the San Joaquin River to Middle River. This supports the conclusion that the blue line on the 1876 Assessor's parcel map indeed represents a waterway. This slough and levee are the dividing line between Middle Roberts and Lower Roberts. There is no dispute that the Property abuts this same High Ridge/Duck Slough.

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Next is the *California State Engineer Department Topography and Irrigation Map of San Joaquin County*, dated 1886, attached here as Exhibit "M." This map shows Duck Slough running from T1NR5E Section 12 to T1NR5E Section 27. The Property is in the southern portion of Section 27 and the northern portion of Section 34. Although this map does not show Duck Slough touching the Property, we note that as per the above, the levee appears to clearly follow Duck Slough, and the continuation of that meandering line can only mean the continuation of that slough, or of another, which directly connected to Middle River.

Next is the 1894 Stockton-Bellota Drainage District map produced by the California Commission of Public Works, attached here as Exhibit "N." This map also shows Duck Slough extending from Burns Cut-off.

Next is the *USGS Holt Quadrangle Map* of 1911, attached hereto as Exhibit "O." This map includes coloring of known waterways. As can be seen, the USGS noted that a waterway existed in this same Duck Slough, with water reaching also down into Section 27.

Next is the *Map of California Delta of the Sacramento and San Joaquin Rivers* compiled by Captain Weathers and Captain Petzinger, and dated 1921. It is Exhibit "P." This map is important because it locates a major interior island slough that appears to open/connect to Middle River. This large slough does not reach the Property, but it is very near to it, reaching from Middle River northward to the old site of the Kingston School (founded no later than 1881). Confirming this large interior island slough, is the 1941 *Map of Lands Served by Woods Irrigation Company* attached hereto as Exhibit "Q." As we can see, even as late as 1941, there was a significant interior island slough in this location, meaning that water was available for use on the lands in the area. This slough, according to the 1941 map runs all the way to Trapper Slough.

Tying these all together is the *Denny's Pocket Map of San Joaquin County*, dated 1913 and attached hereto as Exhibit "R." Besides showing cities and Sections, the map's legend indicates it also identifies "Roads, Private Roads, Railroads, Electric Railroads, Creeks and Ravines, *Canals*, and County Boundary Lines" (emphasis added). Clearly identified as a "canal" or "canals" are lines which follow Duck Slough/High Ridge and the slough running to and past Kingston School. These are connected by a short east-west canal from the School's location to approximately where the USGS and State Engineer Department maps show water in Duck Slough.

This interconnection between the slough running up from Middle River to Kingston School and the old Duck Slough is confirmed by the 1976 Department of Water Resources *Areal Geology Sacramento-San Joaquin Delta* map, attached hereto as Exhibit "S." This map clearly shows that the water from Middle River is connected to the water in the slough abutting the Property, even as late as 1976.

The logical conclusion is that the two sources of water (Duck Slough and the slough running past Kingston School) were connected to the Property. Based on the *Denny's Pocket Map of San Joaquin County's* (Exhibit "R") use of the term "canal," this water was provided to the lands along these waterways. As we see, these sources of water run directly by, and abut the Property. Any contrary conclusion is not supported by the facts. Since we know that the Kingston School slough existed through at least 1941, any reference which connects it to other "canals" must mean that water was in all, not some of those canals.

We refer back to the description of the Sampson dredge's activities in building a levee along Duck Slough and its "creation" of a 30'X7' channel to allow the dredge to float and be moved. The combination of designated waterways, enlarged waterways, interconnection with other waterways, canals and sloughs from well before the Property was separated from the main channels to well after, the only reasonable conclusion is that the Property maintained a connection to the neighboring waterways and thus was *not* severed as of 1892.

For ease of reference, we have included Exhibit "T" which combines a number of references to water sources onto a map which also shows the outline of the Property.

We therefor conclude a riparian right exists for the Property.

3. The Property Remained at or Below High Water Mark until the Early 1900's and Thus Maintained a Riparian Right.

A separate line of facts and logic also support the conclusion that water has always been available to the Property, and thus the existence of a riparian right. First in this alternate line of facts is the previously referenced *USGS Holt Quadrangle Map* of 1913 (Exhibit "O") which provides elevations relative to sea level. Although elevations may change over time, as of 1913, the elevations on and around the Property are anywhere from 0.0 ft MSL to 5.0 ft MSL, with the lower portion of the land at the lower elevation. The current depth to ground water is (approximately) 1.0 feet to 3.0 feet per the Declaration of Heather Robinson Tanaka., attached hereto as Exhibit "U."

Second, we have Exhibit "V" which includes a number of San Joaquin County Assessor maps from 1893 to 1898. These maps refer to a "Honker *Bay* Levee" (emphasis added) along the slough which stretches from Middle River, to Kingston School, to Trapper Slough. Currently, some of the lands to the north of the Property are known as "Honker Lake Tract" and are of lower elevation than the Property. The references to "Honker *Bay*" by the Assessor indicate that this "Honker" area was, or at least periodically was, connected by open water to other channels of the region before the levee system/reclamation was completed. The Property abuts this open

water area or "Bay." Having a "Bay" abutting your property strongly suggests your land is riparian to that waterway.⁵

Third, it cannot be disputed that from the 1860's through the early 1990's the reclaimed lands of the area were only partially protected from inundation by the (common) annual high flows of the rivers and streams tributary to the Delta.

In 1872, the Tidelands Reclamation Company initiated the first major reclamation project in San Joaquin County [Union Island] . . . these levees lasted only four years before forty-five miles were destroyed by winter flooding. (See Exhibit "W" *Samfow: The San Joaquin Chinese Legacy* by Syliva Sun Minnick, 1988, at page 65.)

[1872 Staten Island levees] washed away the following spring. (See Exhibit "W" at page 65.)

It was rare that a levee remained intact for more than a year or two. (See Exhibit "W" at page 65.)

The reality was that major floods often weakened the levees so that after a season or two even those thought to be able to withstand the strongest, highest surge of water merely crumbled away under the latest aquatic onslaught. John Thompson estimates that there was no "three-year period that passed between 1852 and 1911 during which some improved land was not inundated" (See Exhibit "W" at pages 65-66.)

. . . but a number of floodings interrupted reclamation and farming. It was difficult to complete three years of successful reclamation and cultivation ... (See Exhibit "C" *The Settlement Geography of the Sacramento-San Joaquin Delta, California*, page 202.)

The fallacy of these beliefs was demonstrated by the inundations that occurred annually between 1871 and 1881; the general floods of 1878 and 1881 shattered

⁵ This "Honker Bay" levee first appears on the Assessor's maps in 1882, and is first called "Cross Levee." On the 1892 map, Trapper Slough first appears, and connects to this levee. The 1893 map then labels the levee as "Honker Bay" levee, indicating that both the Pocket and Honker areas were still subject inundation. The 1897 map labels this levee as "Pocket or Honker" levee. Thereafter (through 1919), the levee is simply referred to as a "levee" or not labeled at all.

the optimism that delta reclamation was practicable. . . . At the same time it was realized that floods and mining debris could bring to them the disasters which had destroyed other projects. . . . (See Exhibit "C" *The Settlement Geography of the Sacramento-San Joaquin Delta, California*, page 223.)

[The Delta had not recovered] from the flood of 1878. . . . Unfortunately, a [Roberts Island] levee break occurred in June 1880 . . . [another flooding disaster] in January 1886, and another bad flood in May 1893. Between later 1889 and 1897 the island was organized into its present reclamation districts. . . . (See Exhibit "C" *The Settlement Geography of the Sacramento-San Joaquin Delta, California*, page 233.)

Thus the record shows that although reclamation efforts date from the 1850's, those efforts in fact did not result in any immediate or reliable separation from the Delta islands from the neighboring waterways. Some times yearly, and certainly regularly, the high flows of winter and spring precipitation and runoff naturally covered the lands with water, including Roberts Island. Of note is that the regular flooding on Roberts Island occurred before and after the alleged 1892 separation. It is contrary to the facts to assert that anytime before the full and adequate reclamation of the islands that the lands were not still "swamp and overflowed," and thus riparian. Regardless of any parceling or "physical severance" of the land from surface connection to the neighboring waterways, the lands of Roberts and other islands remained "connected" to those waterways at high flow events. Per *Anaheim* (1908, 150 Cal. 327, 329) land may be riparian to a stream even though it abuts the stream only when swollen by annual overflows or floods.

4. The Evidence Supports a Conclusion That Water was Used for Irrigation on the Property since Before 1914. Thus Creating a Pre-1914 Right.

Our focus now turns to the use of water on the land. Again, we have not yet found any records of a farmer who kept daily, monthly or even yearly accounts which describe specific farming operations for any particular piece of land during the relevant times herein. Some information does exist, such as Exhibit "X." This Exhibit is an undated map which is in the possession of Quarteroli and Associates, a civil engineering firm located in Stockton, California. The map was used as part of the San Joaquin Valley Counties Association display at the 1915 Panama-California Exposition. The map would seem to predate that Exposition somewhat as the inscription on the map states it was "used by permission of the San Joaquin Valley Counties Association . . ." which apparently was formed in 1910. The map is therefore estimated to have been made between 1910 and 1914.

The importance of these maps is that they list crops such as beans, alfalfa, and potatoes in the area of the Property. Per the declaration of Terry Prichard, attached hereto as Exhibit "Y"

such crops as these would not have been farmed without controlled irrigation. This would have been either surface or subsurface irrigation, or a combination of the two. Those crops require measured, periodic irrigation, and do not normally rely on rainfall or available ground water. This suggests that the lands in the area of, and including the Property, were being irrigated from sometime at or before 1914. The conclusion of irrigation is supported by the above documentation which indicates water was available from Duck Slough, or the canal which replaced it.

We also have the declaration of Ms. Robinson (Exhibit "U") which includes her knowledge of her grandfather and great-grandfather's farming on the Property. Although not a first hand account, to her knowledge, both those gentlemen owned the property for the purpose of farming, and irrigated the lands for that purpose.

We also have general information regarding irrigation practices in the latter part of the 19th Century in the Delta. Flood irrigation, subsurface irrigation, and surface irrigation via water wheels, windmills and low head pumps were also used from at least the 1870's (See Exhibit "C" *The Settlement Geography of the Sacramento-San Joaquin Delta, California* pages 310-311).

Other sources refer to maintenance agreements between landowner and tenant which included digging and maintaining irrigation canals and install irrigation laterals. (See Exhibit "W" *Samfow: The San Joaquin Chinese Legacy* by Syliva Sun Minnick, 1988, at pages 70-71.) Of course this information is not directly tied to the Property, but it supports the conclusions above. If water was available to the Property (from two sources), farming was being done in the area, crops being farmed included those requiring irrigation, and tenant farmers were being required to install and maintain irrigation improvements, the evidence supports the use of water on the land from before and after 1914, thus supporting a pre-1914 right.

The final facts regarding farming and irrigation on the Property relate to when and how the Property currently gets irrigation water. At some time during or before 1925, the owner of the Property, along with Ms. Tanaka's grandfather I. N. Robinson Jr and the owners of neighboring lands joined together and decided to improve their ability to divert water onto their lands. As with other areas in the Delta, as the levees were improved, as technology improved, as old sloughs were filled in, and as farmers squared up their fields, some of them changed from the use of interior island sloughs to the more efficient and reliable systems of pumps and siphons over the levees, rather than pipes through the levees.⁶

⁶ In many places, the use of flood gates or flap gates are still used to bring water to interior island lands.

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This Agreement sets forth the terms by which the parties thereto agreed to create a joint irrigation project which included a canal from Middle River to the subject properties (along virtually the same route as the old Duck Slough/High Ridge Levee). Again we see that the old slough features eventually became portions of the "permanent" irrigation system.

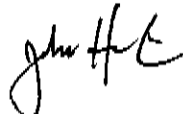
CONCLUSION

Without further inquiry, the evidence supports the conclusions that (i) the Property has had continuous access to water since it was parceled off from a larger piece of land which abutted various channels and thus retained its riparian character, and (ii) that irrigation of crops has been occurring since before 1914 and thus a pre-1914 right exists.

We believe this answers all the issues raised in the Complaint. If you have any questions or would like to discuss the above or review the attached Exhibits with us, please do not hesitate to contact me.

The transmittal letter accompanying this Response sets forth a reservation of additional sources of rights, as well as objections to the Complaint and the SWRCB's authority to make any determinations regarding riparian and pre-1914 rights.

Very truly yours,



JOHN HERRICK

Enclosures