

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, California 95814-4413
Telephone: (916) 492-5000
15 Facsimile: (916) 446-4535

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
Woods Irrigation Company

TESTIMONY OF STEPHEN R. WEE

23
24 My name is Stephen R. Wee and I am a principal with JRP Historical Consulting, LLC.
25 In this position, I have served as a consulting historian for major historical research investigations
26 covering a wide range of topics, including services as an expert historian in legal cases involving
27 pre-1914 appropriative water rights, riparian water rights, historic inland navigation, and other
28

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

2 I, and other historians employed at JRP Historical Consulting, LLC working under my
3 direct supervision, reviewed files of the San Joaquin County Recorder's office in Stockton to
4 determine if Woods Irrigation Company filed a notice of appropriation for water diversion and
5 use pursuant to the 1872 Civil Code. Neither I nor any other historians employed at JRP
6 Historical Consulting located a notice.

7 In my review of the files of the San Joaquin County Recorder, I located a notice of
8 appropriation for water diversion and use filed by T. C. McChesney on August 11, 1911. MSS
9 Exhibit 1B is a true and correct copy of the T. C. McChesney Water Appropriation Notice
10 contained in Miscellaneous Book G, volume 26, at page 569. On February 21, 1912, T. C.
11 McChesney assigned this water right to the River View Land & Water Company. MSS Exhibit
12 1C is a true and correct copy of this assignment contained in Miscellaneous Book G, volume 27,
13 at page 417. The water filing became the foundation for the water rights transferred on
14 October 8, 1924 by the River View Land & Water Company to the Banta-Carbona Irrigation
15 District. MSS Exhibit 1D is a true and correct copy of the deed for this transfer contained in the
16 Official Records, volume 57, at page 87.

17 I also searched the California State Archives for historical records related to the litigation
18 involving the Woods Irrigation Company, which was resolved in the California Supreme Court
19 case *Woods Irrigation Company v. Department of Employment*, 50 Cal. 2d 174 (1958) (Exhibit
20 PT-10). MSS Exhibit 1E is a true and correct copy of a transcript I obtained from the California
21 State Archives taken at a trial on September 16, 1955 in the County of Sacramento Superior
22 Court, which includes the "Certificate of Official Shorthand Reporter."