

1 ANDREW TAURIAINEN (SBN 214837)
2 KENNETH PETRUZZELLI (SBN 227192)
3 JOHN PRAGER (SBN 289610)
4 STATE WATER RESOURCES CONTROL BOARD
5 1001 I Street, 16th Floor
6 Sacramento, CA 95814
7 Tel: (916) 319-8577
8 Fax: (916) 341-5896

9 Attorneys for the Prosecution Team

10 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

11 **In the matter of Administrative Civil Liability Complaint issued against G. Scott Fahey and Sugar Pine Spring Water, LP**) **Declaration of Kenneth Petruzzelli in Support of Prosecution Team Objection to Declaration of Glen Hansen in Support of Fahey’s Closing Brief**

12 I, Kenneth Petruzzelli, declare as follows:

- 13 1. I am an Attorney III (Specialist) with the Office of Enforcement of the State Water
14 Resources Control Board (“State Water Board”). I have been a practicing attorney since
15 2003, California Bar No. 227192. I joined the Office of Enforcement in 2015. I have
16 represented the Prosecution Team as lead counsel in the matter of the Administrative Civil
17 Liability Complaint and Draft Cease and Desist Order issued against G. Scott Fahey and
18 Sugar Pine Spring Water, LP (collectively “Fahey”) since about November 17, 2015, when
19 I replaced Andrew Tauriainen. Mr. Tauriainen still serves as co-counsel in the matter.
- 20 2. On December 7, 2015, Fahey requested copies of public records pursuant to the Public
21 Records Act (Govt. Code § 6250 *et seq.*).
- 22 3. Fahey’s Public Records Act request followed an identical request for documents Fahey sent
23 the Prosecution Team on December 1, 2015.
- 24 4. Counsel for the Prosecution Team responded to Fahey’s December 1, 2015 letter by e-mail
25 on December 8, 2015. (WR-77; WR-78.)
- 26 5. Fahey’s requests included nine categories of documents. Of the nine categories, the
27 Prosecution Team determined that five (categories 1, 4, 7, 8, and 9) related to Fahey’s
28 administrative civil liability (ACL) and that the remaining four categories (categories 2, 3,
5, and 6) were exceedingly broad, did not relate to the Fahey ACL, and were more
appropriately addressed through a request for public records.

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- 6. The Prosecution Team disclosed documents with regard to categories 1, 4, 7, 8, and 9 to the extent they were not privileged or attorney client work product and had not previously been disclosed.
- 7. The Prosecution Team responded with regard to categories 5 and 6 on December 9, 2015.
- 8. The Prosecution Team responded with regard to category 2 in two disclosures, one on February 26, 2016 and another on April 21, 2016. A true and correct copy of the February 26, 2016 disclosure is attached to this declaration and marked as Attachment 1. Attachment 1 includes the Excel spreadsheet “2014 Curtailment Cert Reports QCed FINAL other_source checked.” This Excel file was not intended for printing and has therefore been retained in Excel format. A true and correct copy of the April 21, 2016 disclosure is attached to this declaration and marked as Attachment 2. Attachment 2 includes the Excel spreadsheet “2015 Curtailment Forms with Other Box Checked.” This Excel file was not intended for printing and has therefore been retained in Excel format.
- 9. The Prosecution Team completed the Public Records Act responses with disclosures pertaining to category 3 on April 29, 2016. A true and correct copy of the April 29, 2016 disclosure is attached to this declaration and marked as Attachment 3.

I declare under penalty of perjury to the laws of the State of California that the foregoing is true and correct. Executed June 21, 2016, at Sacramento, California.



Kenneth Petruzzelli

Service List
(November 13, 2015; Revised January 5, 2016)

<p>DIVISION OF WATER RIGHTS SWRCB Office of Enforcement Prosecution Team Kenneth P. Petruzzelli 1001 I Street, 16th Floor Sacramento, CA 95814 kenneth.petruzzelli@waterboards.ca.gov</p>	<p>G.SCOTT FAHEY AND SUGAR PINE SPRING WATER , LP Abbott & Kindermann, LLP Diane G. Kindermann Glen C. Hansen 2100 21st Street Sacramento, CA 95818 dkindermann@aklandlaw.com ghansen@aklandlaw.com</p> <p>Bart Barringer Law Offices of Mayol & Barringer P.O. Box 3049 Modesto, CA 95353 bbarringer@mblaw.com</p>
<p>TURLOCK IRRIGATION DISTRICT Arthur F. Godwin Mason, Robbins, Browning & Godwin, LLP 700 Loughborough Driver, Suite D Merced, CA 95348 agodwin@mrgb.org</p>	<p>MODESTO IRRIGATION DISTRICT William C. Paris, III O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com</p>
<p>CITY AND COUNTY OF SAN FRANCISCO Robert E. Donlan Ellison, Schneider & Harris L.L.P. Attorneys at Law 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 red@eslawfirm.com</p> <p>Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>	

Petruzzelli, Kenneth@Waterboards

From: Petruzzelli, Kenneth@Waterboards
Sent: Friday, February 26, 2016 10:39 AM
To: 'Glen Hansen'
Cc: Prager, John@Waterboards; O'Hagan, John@Waterboards; Tauriainen, Andrew@Waterboards; Mrowka, Kathy@Waterboards; 'wrhearing@waterboards.ca.gov'; Diane Kindermann Henderson; agodwin@MRGB.ORG; 'Bill Paris'; anna.brathwaite@mid.org; lwood@olaughlinparis.com; red@eslawfirm.com; jonathan.knapp@sfgov.org
Subject: G. Scott Fahey December 7, 2015 Public Records Act Request Category 2
Attachments: 2015 Curtailment Forms with Other Box Checked.xlsx; PRA Response (2.26.16).pdf

Mr. Hansen,

Please see the attached correspondence from the Prosecution Team disclosing documents responsive to your Public Records Act request of December 7, 2015. This disclosure responds in part to documents falling under category 2 of your request. We are continuing to search for documents responsive to your request.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Ken Petruzzelli, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 319-8577
fax: (916) 341-5896
kenneth.petruzzelli@waterboards.ca.gov

February 26, 2016

Via US Mail and e-mail to: ghansen@aklandlaw.com

Glen Hansen
Abbott & Kindermann LLP
2100 Twenty First Street
Sacramento, CA 95818

Re: G. Scott Fahey December 7, 2015 Public Records Act Request Category 2

Dear Mr. Hansen,

On December 7, 2015, you requested copies of public records pursuant to the Public Records Act (Govt. Code § 6250 *et seq.*). Your request include nine categories of documents. Your Public Records Act request followed an identical request for documents you sent me on December 1, 2015. I responded to your December 1, 2015 letter by e-mail on December 8, 2015. Of the nine categories, I determined that five (categories 1, 4, 7, 8, and 9) related to *Fahey* and that the remaining four (categories 2, 3, 5, and 6), since did not relate to *Fahey*, were more appropriately addressed through a request for public records. I disclosed documents with regard to categories 1, 4, 7, 8, and 9 to the extent they were not privileged or attorney client work product and had not previously been disclosed. I responded with regard to categories 5 and 6 on December 9, 2015.

Category 2 of your request was for:

All Curtailment Certification Forms ("Forms") received by the Board from any and all primary owners between April 1, 2014, and July 1, 2015, where the box on the Form for "OTHER I have additional information explaining how much water I am diverting, the use of that water, the measure being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency" was marked or checked off.

Attached is a spreadsheet consisting of raw data from all of the curtailment certification forms that the Water Rights Division received through its website in 2015 from people who checked the "OTHER" box. Column AE, titled "other_source_ck," indicates whether the filer checked the "OTHER" box. Column AF, titled "other_specify," is the person's explanation for checking the "OTHER" box. Please note, I have only attached an electronic copy of the spreadsheet, because it was not intended for printing.

We are continuing our search for documents responsive to Category 2 and 3. We will withhold documents responsive to your request if Government Code sections 6254 and 6255 exempt them from disclosure. At this time, we have yet to determine whether we will need to withhold any future records or for what specific reason.

The Public Records Act provides for a requestor to pay for the costs of producing documents. As we identify and compile disclosable documents that are responsive to your request, I will contact you with an estimate of the costs for reproduction or scanning of the requested documents prior to sending any documents out for reproduction or scanning. Included with any documents sent in response to this request you will find an invoice for the costs of producing those documents. Please remit payment immediately for the amount specified. Any additional documents will necessitate additional charges, and we will invoice those charges as they accrue.

Should you have any questions please do not hesitate to contact me by phone at 916-319-8577 or by electronic mail at kenneth.petruzzelli@waterboards.ca.gov.

Sincerely,



Kenneth Petruzzelli
State Water Resources Control Board, Office of Enforcement
Attorney for Prosecution Team

Ec: Attached Service List
wrhearings@waterboards.ca.gov

State Water Resources Control Board
John O'Hagan
John.O'Hagan@waterboards.ca.gov

State Water Resources Control Board
Kathryn Mrowka
Kathy.Mrowka@waterboards.ca.gov

State Water Resources Control Board
Andrew Tauriainen
Andrew.Tauriainen@waterboards.ca.gov

State Water Resources Control Board
John Prager
John.Prager@Waterboards.ca.gov

Enclosures (electronic only)

Service List

(Revised January 5, 2016)

<p>DIVISION OF WATER RIGHTS SWRCB Office of Enforcement Prosecution Team Kenneth P. Petruzzelli 1001 I Street, 16th Floor Sacramento, CA 95814 kenneth.petruzzelli@waterboards.ca.gov</p>	<p>G.SCOTT FAHEY AND SUGAR PINE SPRING WATER , LP Abbott & Kindermann, LLP Diane G. Kindermann Glen C. Hansen 2100 21st Street Sacramento, CA 95818 dkindermann@aklandlaw.com ghansen@aklandlaw.com</p> <p>Bart Barringer Law Offices of Mayol & Barringer P.O. Box 3049 Modesto, CA 95353 bbarringer@mblaw.com</p>
<p>TURLOCK IRRIGATION DISTRICT Arthur F. Godwin Mason, Robbins, Browning & Godwin, LLP 700 Loughborough Driver, Suite D Merced, CA 95348 agodwin@mrqb.org</p>	<p>MODESTO IRRIGATION DISTRICT William C. Paris, III O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com</p>
<p>CITY AND COUNTY OF SAN FRANCISCO Robert E. Donlan Ellison, Schneider & Harris L.L.P. Attorneys at Law 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 red@eslawfirm.com</p> <p>Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>	

ATTACHMENT 1

February 26, 2016 Public Records Act Disclosure

Excel File 2014 Curtailment Cert Reports QCed FINAL other_source checked

Petruzzelli, Kenneth@Waterboards

From: Petruzzelli, Kenneth@Waterboards
Sent: Thursday, April 21, 2016 9:00 AM
To: 'Glen Hansen'
Cc: Diane Kindermann Henderson; 'wrhearing@waterboards.ca.gov';
bbarringer@mblaw.com; agodwin@MRGB.ORG; 'Bill Paris'; anna.brathwaite@mid.org;
lwood@olaughlinparis.com; red@eslawfirm.com; jonathan.knapp@sfgov.org;
Tauriainen, Andrew@Waterboards; Prager, John@Waterboards; O'Hagan,
John@Waterboards; Mrowka, Kathy@Waterboards
Subject: PRA Request Category 2 for 2014
Attachments: PRA Response (4.21.16); 2014 Curtailment Cert Reports QCed FINAL other_source
checked.xlsx

Mr. Hansen,

Please see the attached response to your request for public records. This response is for documents falling under Category 2 of your request for curtailment forms submitted in 2014. The attached spreadsheet compiles information from those responses. We are continuing our search for documents responsive to Category 3 of your request. Please do not hesitate to contact me if you have any questions.

Ken Petruzzelli, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 319-8577
fax: (916) 341-5896
kenneth.petruzzelli@waterboards.ca.gov



State Water Resources Control Board

April 21, 2016

Via US Mail and e-mail to: ghansen@aklandlaw.com

Glen Hansen
Abbott & Kindermann LLP
2100 Twenty First Street
Sacramento, CA 95818

**Re: G. Scott Fahey December 7, 2015 Public Records Act Request Category 2
Forms for 2014**

Dear Mr. Hansen,

On December 7, 2015, you requested copies of public records pursuant to the Public Records Act (Govt. Code § 6250 *et seq.*). Your request included nine categories of documents. It followed an identical request for documents you sent me on December 1, 2015 for documents related to the *G. Scott Fahey and Sugar Pine Spring Water, LP - Administrative Civil Liability and Cease and Desist Order Hearing* ("Fahey ACL/CDO"). I responded to your December 1, 2015 letter by e-mail on December 8, 2015. Of the nine categories, I determined that five (categories 1, 4, 7, 8, and 9) related to the Fahey ACL/CDO and that the remaining four (categories 2, 3, 5, and 6) did not relate to the Fahey ACL/CDO and were more appropriately addressed through a request for public records. I disclosed documents with regard to categories 1, 4, 7, 8, and 9 to the extent they were not privileged or attorney-client work product and had not previously been disclosed. I responded with regard to categories 5 and 6 on December 9, 2015.

Category 2 of your request was for:

All Curtailment Certification Forms ("Forms") received by the Board from any and all primary owners between April 1, 2014, and July 1, 2015, where the box on the Form for "OTHER I have additional information explaining how much water I am diverting, the use of that water, the measure being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency" was marked or checked off.

I responded with regard to Category 2 for Forms received by the Board from primary owners in 2015 with a letter dated February 26, 2016. That letter included a spreadsheet compiling the

Mr. Glen Hansen

- 2 -

raw data of all of the Forms received by the Board from any and all primary owners in 2015 where the box on the Form for "Other Source" was checked.

The 2014 and 2015 Forms both had a box for "Other Source" under the category of "Alternate Source." However, the language "OTHER I have additional information explaining how much water I am diverting, the use of that water, the measure being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency" only appeared on the 2014 Forms.

Attached is a spreadsheet consisting of raw data from all of the curtailment certification forms that the Water Rights Division received through its website in 2014. Column AB, titled "other_check," indicates whether the filer checked the "OTHER Source" box. Column AC, titled "other_specify," is the person's explanation for checking the "OTHER Source" box. Column AO, titled "solesource_ck," indicates whether the filer checked the "Sole Source of Water for Human Health & Safety" and safety box. Column AT, titled "otheralternate_txt," indicates the explanation provided for "OTHER I have additional information explaining how much water I am diverting, the use of that water, the measure being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency." I have only attached an electronic copy of the spreadsheet, because the spreadsheet was not intended for printing.

We are continuing our search for documents responsive to Category 3. We will withhold documents responsive to your request if Government Code sections 6254 and 6255 exempt them from disclosure. At this time, we have yet to determine whether we will need to withhold any future records or for what specific reason.

The Public Records Act provides for a requestor to pay for the costs of producing documents. As we identify and compile disclosable documents responsive to your request, I will contact you with an estimate of the costs for reproduction or scanning of the requested documents prior to sending any documents out for reproduction or scanning. Included with those documents you will find an invoice for the costs of producing those documents. Any additional documents will necessitate additional charges, and we will invoice those charges as they accrue.

Should you have any questions please do not hesitate to contact me by phone at 916-319-8577 or by electronic mail at kenneth.petruzzelli@waterboards.ca.gov.

Sincerely,



Kenneth Petruzzelli
State Water Resources Control Board, Office of Enforcement
Attorney for Prosecution Team

Mr. Glen Hansen

- 3 -

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State Water Resources Control Board
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Andrew.Tauriainen@waterboards.ca.gov

State Water Resources Control Board
John Prager
John.Prager@Waterboards.ca.gov

Enclosures (electronic only)

Service List

(Revised January 5, 2016)

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<p>TURLOCK IRRIGATION DISTRICT Arthur F. Godwin Mason, Robbins, Browning & Godwin, LLP 700 Loughborough Driver, Suite D Merced, CA 95348 agodwin@mrgb.org</p>	<p>MODESTO IRRIGATION DISTRICT William C. Paris, III O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com</p>
<p>CITY AND COUNTY OF SAN FRANCISCO Robert E. Donlan Ellison, Schneider & Harris L.L.P. Attorneys at Law 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 red@eslawfirm.com</p> <p>Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>	

ATTACHMENT 2

April 21, 2016 Public Records Act Disclosure

Excel File 2015 Curtailment Forms with Other Box Checked

Petruzzelli, Kenneth@Waterboards

From: Petruzzelli, Kenneth@Waterboards
Sent: Friday, April 29, 2016 3:08 PM
To: 'Glen Hansen'
Cc: 'wrhearing@waterboards.ca.gov'; Diane Kindermann Henderson; bbarringer@mblaw.com; agodwin@MRGB.ORG; 'Bill Paris'; anna.brathwaite@mid.org; lwood@olaughlinparis.com; red@eslawfirm.com; jonathan.knapp@sfgov.org; Tauriainen, Andrew@Waterboards; Prager, John@Waterboards; O'Hagan, John@Waterboards; Mrowka, Kathy@Waterboards
Subject: Fahey PRA Response Category 3
Attachments: PRA Response (4.29.16).pdf

Mr. Hansen,

Please see the attached correspondence responding to your Public Records Act request dated December 7, 2015. This response is for documents related to Category 3 of your request – “All written correspondence from April 1, 2014 and July 1, 2015, between the Board and the Primary Owners of the water right applications who signed the Forms described in item 2, above, which correspondence was made or sent following the submission by the Primary Owners of the Forms.” Attached are the documents responsive to Category 3 of your request.

I have previously provided documents responsive to your request. As a result, this completes our response to your Public Records Act request. Should you have any questions please do not hesitate to contact me.

Ken Petruzzelli, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 319-8577
fax: (916) 341-5896
kenneth.petruzzelli@waterboards.ca.gov



State Water Resources Control Board

April 29, 2016

Via US Mail and e-mail to: ghansen@aklandlaw.com

Glen Hansen
Abbott & Kindermann LLP
2100 Twenty First Street
Sacramento, CA 95818

Re: G. Scott Fahey December 7, 2015 Public Records Act Request Category 3

Dear Mr. Hansen,

On December 7, 2015, you requested copies of public records pursuant to the Public Records Act (Govt. Code § 6250 *et seq.*). Your request included nine categories of documents. It followed an identical request for documents you sent me on December 1, 2015 for documents related to the *G. Scott Fahey and Sugar Pine Spring Water, LP - Administrative Civil Liability and Cease and Desist Order Hearing* ("Fahey ACL/CDO").

I responded to your December 1, 2015 letter by e-mail on December 8, 2015. Of the nine categories, I determined that five (categories 1, 4, 7, 8, and 9) related to the Fahey ACL/CDO and that the remaining four (categories 2, 3, 5, and 6) did not relate to the Fahey ACL/CDO and were more appropriately addressed through a request for public records. I disclosed documents with regard to categories 1, 4, 7, 8, and 9 to the extent they were not privileged or attorney-client work product and had not previously been disclosed. I responded with regard to categories 5 and 6 on December 9, 2015, Category 2 Forms for 2015 on February 26, 2016, and Category 2 Forms for 2014 on April 21, 2016.

Category 3 of your request was for:

All written correspondence from April 1, 2014 and July 1, 2015, between the Board and the Primary Owners of the water right applications who signed the Forms described in item 2, above, which correspondence was made or sent following the submission by the Primary Owners of the Forms.

Attached are documents responsive to your request. This completes our response to your request for public records. Should you have any questions please do not hesitate to contact me by phone at 916-319-8577 or by electronic mail at kenneth.petruzzelli@waterboards.ca.gov.

Mr. Glen Hansen

- 2 -

Sincerely,



Kenneth Petruzzelli
State Water Resources Control Board, Office of Enforcement
Attorney for Prosecution Team

Ec: Attached Service List
wrhearings@waterboards.ca.gov

State Water Resources Control Board
John O'Hagan
John.O'Hagan@waterboards.ca.gov

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Enclosures (electronic only)

Service List

(Revised January 5, 2016)

<p>DIVISION OF WATER RIGHTS SWRCB Office of Enforcement Prosecution Team Kenneth P. Petruzzelli 1001 I Street, 16th Floor Sacramento, CA 95814 kenneth.petruzzelli@waterboards.ca.gov</p>	<p>G.SCOTT FAHEY AND SUGAR PINE SPRING WATER , LP Abbott & Kindermann, LLP Diane G. Kindermann Glen C. Hansen 2100 21st Street Sacramento, CA 95818 dkindermann@aklandlaw.com ghansen@aklandlaw.com</p> <p>Bart Barringer Law Offices of Mayol & Barringer P.O. Box 3049 Modesto, CA 95353 bbarringer@mblaw.com</p>
<p>TURLOCK IRRIGATION DISTRICT Arthur F. Godwin Mason, Robbins, Browning & Godwin, LLP 700 Loughborough Driver, Suite D Merced, CA 95348 agodwin@mrqb.org</p>	<p>MODESTO IRRIGATION DISTRICT William C. Paris, III O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com</p>
<p>CITY AND COUNTY OF SAN FRANCISCO Robert E. Donlan Ellison, Schneider & Harris L.L.P. Attorneys at Law 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 red@eslawfirm.com</p> <p>Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>	

Gunnersfield Enterprises, Inc.

P.O. Box 626

Maxwell, CA 95955

September 20, 2015

Mr. Murage Ngatia

Curtailment Inspector

3500 Industrial Boulevard

West Sacramento, CA 95691

Dear Mr. Ngatia:

REF: Application ID: A012429 License No. 004690

Gunnersfield Enterprises, Inc., Douglas B. McGeoghegan, Agent

In response to your email of September 2, 2015, I am attaching copies of the information you requested in the order requested:

EXHIBIT 1: Water Purchase orders/Invoices from Colusa Drain Mutual Water Company for **433.13 acres**

EXHIBIT 2: In-Basin Supplemental Water Supply Transfer Agreement between Glenn-Colusa Irrigation District and Colusa Drain Mutual Water Company, dated April 15, 2015

Acreage planted to rice in 2015: 595.1 acres m/l

EXHIBITS 3, 4 and 5: Well tests documentation from well tests performed by Durham Pump Company prior to irrigation season 2015

EXHIBIT 5: Summary sheet showing calculations with regard to ground-water pumping.

Total Estimated Groundwater Pumped:

North 10 Well: 369 acre feet

South 5 Well: 51.4 acre feet

North 4 Well: 33.0 acre feet

Total 453.4 acre feet

I hope you find this information adequate for your 2015 water rights inspection.

Please feel free to call with additional questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D B McGeoghegan". The signature is written in a cursive, flowing style.

Douglas B. McGeoghegan

Vice President

Gunnersfield Enterprises, Inc.

Colusa Drain Mutual Water Company

520 Market Street, Suite 3
P. O. Box 329
Colusa, CA 95932

Invoice

DATE	INVOICE #
5/20/2015	15-0516w

BILL TO
McGeoghegan Farming Venture PO Box 626 Maxwell, CA 95955

TERMS	DUE DATE
Net 30	5/31/2015

DESCRIPTION	ACRES	RATE	AMOUNT
1st Installment of Non-Full Cost Water Charge for Rice at final cost of \$33.00/ac 1061 acres x 37.50% USBR 2015 Allocation Rate ~ Gunnersfield Enterprises	397.88	16.50	6,565.02
1st Installment of Non-Full Cost Water Charge for Rice at final cost of \$33.00/ac 94 acres x 37.50% USBR 2015 Allocation Rate ~ Evelyn Thompson, Et.AL	35.25	16.50	581.63
2nd Installment of Non-Full Cost Water Charge for Rice at final cost of \$33.00/ac 94 Acres x 37.50% USBR 2015 allocation Rate - Evelyn Thompson, Et.AL	35.25	16.50	581.63

PAID JUN 12 2015

Total	\$7,728.28
--------------	------------

Colusa Drain Mutual Water Company

520 Market Street, Suite 3
 P. O. Box 329
 Colusa, CA 95932

Invoice

DATE	INVOICE #
7/1/2015	15-0806w

BILL TO
McGeoghegan Farming Venture PO Box 626 Maxwell, CA 95955

PAID
 07/22/2015

TERMS	DUE DATE
Net 30	7/31/2015

DESCRIPTION	ACRES	RATE	AMOUNT
2nd Installment of Non-Full Cost Water Charge for Rice at final cost of \$33.00/ac	397.88	16.50	6,565.02

PAID JUL 22 2015

Total	\$6,565.02
--------------	------------

**COLUSA DRAIN MUTUAL WATER COMPANY
 2015 WATER ORDER CONFIRMATION**

RECEIVED MAY 20 2015

Responsible for Water Payment

Landowner: _____
 Tenant: _____
 Share Acres: _____

2015 Initial Water Order:

Crop	Acres
Rice	_____
Pasture	_____
Alfalfa	_____
General*	_____

2015 Confirmed Water Order:

Allocation under the Contract with the USBR for the 2015 irrigation season is limited to 37.50% of ordered acres.

Crop	Acres Confirmed		USBR 2015 Allocation Rate	2015 Allocated Acres	2015 Water Rates \$/AC	2015 Water Cost
Rice	1061	X	37.50% =	397.88 X	\$33.00 =	\$ 13130.04
Alfalfa	_____	X	37.50% =	_____ X	\$27.00 =	\$ _____
Pasture	_____	X	37.50% =	_____ X	\$31.00 =	\$ _____
General*	_____	X	37.50% =	_____ X	\$25.00 =	\$ _____
Total Cost						\$ _____
X 50% =						\$ 4565.02

DUE: 5/31/15

* Please indicate general crops grown (including wetlands) and acreage _____
(If ordering water for a wetland please provide FSA documentation showing the full amount of the acreage.)

I will not be utilizing my Contract entitlement in 2015.
 I am interested in additional allocation should it become available.

By confirming this order and making payment for the 2015 Water Allocation I understand that due to the dry conditions and limited water supplies available to the upstream water districts, water supplies in the Colusa Drain will be limited and there is no assurance water will be available for diversion at my pumps. I also understand that by purchasing water, if the State Water Resources Control Board curtails my water rights, I will be able to continue to divert water from Colusa Drain, if it is available, to supply up to the allocated acres identified above.

Sumnerfield Eros, Inc;
McGeosheyan Farming Venture P, LLC
 Landowner / Water User Signature _____ Date 5/20/15

COLUSA DRAIN MUTUAL WATER COMPANY 2015 WATER ORDER CONFIRMATION

Responsible for Water Payment

Landowner: Sylvia Thompson
 Tenant: 1111 Thompson
 Share Acres: 94

2015 Initial Water Order:

Crop	Acres
Rice	<u>94</u>
Pasture	_____
Alfalfa	_____
General*	_____

2015 Confirmed Water Order:

Allocation under the Contract with the USBR for the 2015 irrigation season is limited to 37.50% of ordered acres.

Crop	Acres Confirmed		USBR 2015 Allocation Rate	2015 Allocated Acres	2015 Water Rates \$/AC	2015 Water Cost
Rice	<u>94</u>	X	37.50% =	<u>35.25</u> X	\$33.00 =	\$ <u>1163.25</u>
Alfalfa	_____	X	37.50% =	_____ X	\$27.00 =	\$ _____
Pasture	_____	X	37.50% =	_____ X	\$31.00 =	\$ _____
General*	_____	X	37.50% =	_____ X	\$25.00 =	\$ _____
Total Cost						\$ _____
X 50% =						\$ <u>581.63</u>

DUE: 5/31/15

* Please indicate general crops grown (including wetlands) and acreage _____
(If ordering water for a wetland, please provide FSA documentation showing the full amount of the acreage.)

- I will not be utilizing my Contract entitlement in 2015.
- I am interested in additional allocation should it become available.

By confirming this order and making payment for the 2015 Water Allocation I understand that due to the dry conditions and limited water supplies available to the upstream water districts, water supplies in the Colusa Drain will be limited and there is no assurance water will be available for diversion at my pumps. I also understand that by purchasing water, if the State Water Resources Control Board curtails my water rights, I will be able to continue to divert water from Colusa Drain, if it is available, to supply up to the allocated acres identified above.

Sylvia Thompson et al By
[Signature]
 Landowner / Water User Signature

Date 5/20/15

**IN-BASIN SUPPLEMENTAL WATER SUPPLY TRANSFER AGREEMENT BETWEEN
GLENN-COLUSA IRRIGATION DISTRICT
AND
COLUSA DRAIN MUTUAL WATER COMPANY**

This In-Basin Supplemental Water Supply Transfer Agreement ("Agreement") is made and entered into as of this April 16, 2015, by and between Glenn-Colusa Irrigation District ("GCID"), and Colusa Drain Mutual Water Company ("Company"), (collectively, along with their successors and assigns, the "Parties").

Recitals

1. GCID is a public agency located in Glenn and Colusa Counties, California, created and existing under the Irrigation District Law (Division 11 of the California Water Code, commencing with section 20500), and is empowered to transfer and sell its surplus water for use outside its boundaries.
2. The Company includes lands located outside GCID, but either immediately adjacent to GCID's boundaries, or otherwise conveniently served with water from the Colusa Drain (hereinafter referred to as "Transfer Lands").
3. GCID may have water available to the Company under California Water Code Section 22259 and other provisions of the law.
4. GCID's Board of Directors has found and determined that GCID is willing to make available water for use by the Company on the Transfer Lands according to the terms of this Agreement.
5. The transfer of water under this Agreement is consistent with GCID's Water Transfer Policy which provides agricultural users within the Sacramento Valley the highest priority for water transfers from GCID.
6. GCID received consent from the United States Bureau of Reclamation ("Reclamation") for the long-term transfer of Base Supply and Project Water to Colusa Drain Mutual Water Company under GCID's Sacramento River Settlement Contract No. 14-06-200-855A-R-1. This request for consent would allow the transfer of up to 45,000 acre-feet of water annually commencing with contract year 2013 and continuing through contract year 2017.
7. Water Year 2015 has been determined to be a Critical Year according to the provisions of the Sacramento River Settlement Contracts. Therefore, Sacramento River Settlement Contractors including, GCID will receive 75% of the Base Supply and Project Water quantities identified in their Settlement Contracts.

8. Due to dry conditions, Reclamation has informed Water Service Contractors both north and south of the Delta that they will receive no water under their contracts in 2015.
9. Article 15(b)(2) of the Company's contract with Reclamation states that during water short years when 22,200 to 29,600 acres of land within the Company's service area order water from the Company the acreage that may be irrigated within the Company will be increased by an amount equal to 25 percent of the difference between the contractual allocations to the Sacramento River Settlement Contractors and the contractual allocations to Project water service contractors north of the Sacramento-San Joaquin River Delta.
10. Article 15(b)(3) of the Company's contract with Reclamation states that during water short years when 29,600 acres within the Company's service area order water from the Company the acreage that may be irrigated within the Company will be increased by an amount equal to 50 percent of the difference between the contractual allocations to the Sacramento River Settlement Contractors and the contractual allocations to Project water service contractors north of the Sacramento-San Joaquin River Delta.
11. The Company anticipates water orders for 2015 will exceed 29,600 acres. Therefore, the acreage that may be irrigated within the Company in accordance with Article 15(b)(3) of its Contract with Reclamation is 37.5% ($0.50 \times (75\% - 0\%)$) of the ordered acres.
12. GCID has asserted and the Company acknowledges that due to dry conditions and reductions in supplies available to GCID under its Settlement Contract, there is no assurance water will be available within the Colusa Drain. Company acknowledges that any water supply that is available in the Colusa Drain will likely be intermittent and unreliable, and GCID shall bear no responsibility for assuring any availability of water supplies in the Colusa Drain for Company's use.

NOW, THEREFORE, in consideration of the above Recitals and the mutual covenants and conditions contained herein, the parties agree as follows:

Agreement

1. **Recitals Incorporated.** The truth and accuracy of the foregoing Recitals are hereby acknowledged by the Parties, and the recitals are incorporated herein by reference and made a part hereof for all purposes.
2. **Definitions.** In addition to the words and terms elsewhere defined herein, the following words and terms as used herein shall have the following meanings unless the context or use clearly indicates another or different meaning:

- “Base Supply Water” means up to 19,000 acre-feet of water which is diverted by GCID under the GCID Sacramento River Settlement Contract No. 14-06-200-855A-R-1 during the period April through October, and delivered to the Company pursuant to this Agreement.
- “Project Water” means up to 19,000 acre-feet of Central Valley Project water diverted by GCID for its own use under the GCID Sacramento River Settlement Contract No. 14-06-200-855A-R-1 during the period April through October, and available to the Company pursuant to this Agreement.
- “Transfer Lands” means the Colusa Drain Mutual Water Company lands that receive Transfer Water or Supplemental Water pursuant to this Agreement.
- “Transfer Water” means that combination of Project Water and Base Supply Water not to exceed a total of 19,000 acre-feet available to Colusa Drain Mutual Water Company under the terms of this Agreement.
3. **Term.** This Agreement shall be effective on the date that it is executed by the Company and returned to GCID, and shall continue through the 2015 irrigation season. No right of renewal or right to enter into extensions of this Agreement or to enter into any new water transfer agreement is expressly granted hereunder, nor may such a right be implied from the execution of this Agreement.
4. **Quantity of Transfer Water.** GCID shall transfer to the Company, during the term of this Agreement, up to 19,000 acre-feet of Transfer Water. The Company shall accept this Transfer Water during the term of this Agreement, for reasonable and beneficial use on the eligible Transfer Lands depicted on Exhibit A, attached hereto. The Transfer Water will include Base Supply Water. The actual quantity of water transferred under this Agreement will be calculated by the Company based on actual diversions from the drain.
5. **Delivery Conditions and Schedule.**
- a. After GCID has met all of its obligations to landowners within GCID and has met any additional obligations that it may have, GCID may, at its sole discretion, determine that it has surplus water to sell under this Agreement. The parties acknowledge that this Agreement does not guarantee that surplus water will be available to the Company but only governs how that water will be made available, and the terms of its delivery should GCID determine that surplus water will be provided to the Company.
 - b. If Reclamation or any other federal, state or local regulatory agency places any conditions upon its approval of the water transfer under this Agreement, including, but not limited to, requiring the payment of money, the imposition of an unacceptable level of environmental restoration fees, or the provision of additional water, then either GCID or the Company may, in good faith,

Exhibit 2

elect to terminate this Agreement. If this Agreement is so terminated, neither GCID nor the Company shall have any liability to the other, excepting the hold harmless and indemnification obligations set forth in Article 9 of this Agreement.

6. **Point of Delivery and Measurement.**

- a. GCID shall deliver the Transfer Water hereunder at GCID's drainage locations to the Colusa Drain. The Company shall be solely responsible for making all arrangements to convey the Transfer Water from said delivery points; provided, however, that GCID will cooperate with the Company in its efforts to prevent illegal diversions of water from the Colusa Drain. Any such cooperation by GCID shall be in a manner that GCID, at its sole discretion, deems reasonable and necessary, and shall be limited to any illegal diversions upstream of the Davis Weir.
- b. In the event that the Company determines that Transfer Water was not available for diversion the payment described in Article 7 below will be reduced by \$17.60 for each acre-foot of water determined to be unavailable for diversion.

7. **Rate and Method of Payment.** If any Transfer Water is delivered under this Agreement, the Company shall tender to GCID a payment of \$17.60 per acre-foot no later than November 30, 2015.

8. **Obtaining Approvals.** GCID and the Company shall jointly obtain all necessary approvals required to effectuate the transfer of water under this Agreement, including all necessary approvals from Reclamation. In the event that the parties are unable to obtain all approvals, this Agreement shall terminate and neither GCID nor the Company shall have any liability to the other, excepting the hold harmless and indemnification obligations set forth in Article 9 of this Agreement, and their respective share of the NEPA and CEQA out-of-pocket costs.

9. **Hold Harmless and Indemnification.** The Company shall indemnify, defend and hold safe and harmless GCID and its directors, officers, agents, employees, and insurers from any and all claims, judgments, damages, penalties, costs, liabilities, and losses (including without limitation, sums paid in settlement of claims, actual attorneys' fees, paralegal fees, consultant fees, engineering fees, expert fees and any other professional fees), which arise from or are related in any way to the conveyance, use, and distribution of water under this Agreement. The Company acknowledges that GCID and its respective directors, officers, agents, employers, and insurers, shall not be responsible for the quality of water delivered, or interruptions and reductions in service to the Company due to water shortages, system failures, accidents, or inadequate capacity, whether caused by the active or passive negligence of GCID or otherwise.

10. **Water Rights Not Affected.** No transfer of water pursuant to this Agreement shall confer any appropriative, public trust or other right to water on any person or entity. Nothing in this Agreement shall act as a forfeiture, diminution or impairment of any rights of GCID to its full deliveries of water as allocated by Reclamation in years after the expiration of the Agreement, and shall in no way prejudice any of GCID's rights thereto. Consistent with the provisions of California Water Code Sections 109, 475, 1011, 1244 and 11961, the parties agree that no transfers under this Agreement, nor the Agreement itself, is evidence of the availability of surplus water beyond the term of the Agreement, nor evidence of lack of beneficial use of the water involved in the transfer, and they shall not contend otherwise. The only rights granted to the parties as a result of this Agreement are those expressly set forth herein.
11. **Severability.** The invalidity, illegality or unenforceability of any provision of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
12. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of California.
13. **Entire Agreement.** This Agreement contains the entire understanding of the parties related to their interests, obligations, and rights in connection with the subject matter set forth herein. All prior communications, negotiations, stipulations and understandings, whether oral or written, are of no force or effect and are superseded except as referenced herein.
14. **Assigns and Successors.** This Agreement shall be binding upon, and inure to the benefit of, the assigns or successors-in-interest of the parties herein. The water to be transferred pursuant to this Agreement may not be sold, leased or otherwise transferred by the Company to third parties, excepting Company shareholders, without the prior written consent of GCID.
15. **Time.** Time is of the essence in the performance of each and every term of this Agreement.
16. **Captions.** The paragraph and subparagraph captions in this Agreement are for convenience only and shall not be used in construing the Agreement.
17. **Additional Documents.** Each party agrees to make, execute, and deliver any and all documents and to join in any application or other action reasonably required to implement this Agreement.

✓ 18. **Notice.** Any and all communications and/or notices in connection with this Agreement shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Thaddeus Bettner
Glenn-Colusa Irrigation District
344 East Laurel Street
Post Office Box 150
Willows, California 95988

Jim Wallace
Colusa Drain Mutual Water Company
520 Market Street, Suite 3
Post Office Box 329
Colusa, California 95932

The parties may change the foregoing addresses by providing written notice in compliance with this paragraph.

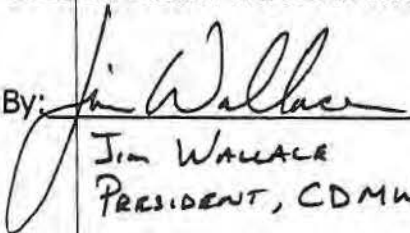
✓ 22. **Counterparts.** This Agreement may be executed in counterparts as though a fully integrated document, or by facsimile signature.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

GLENN-COLUSA IRRIGATION DISTRICT

COLUSA DRAIN MUTUAL WATER COMPANY

By: 
Dennis Michum,
Finance Director

By: 
Jim WALLACE
PRESIDENT, CDMWC

3



2313 DURHAM-DAYTON HWY.
PO BOX 60
DURHAM, CA 95938
530-891-4821 PHONE, 530-891-0613 FAX

PUMP EFFICIENCY TEST REPORT

Nameplate HP on motor:	125
Motor RPM	1900
Motor Efficiency	
Meter factor (K _m):	not used
Depth of Pump	100 ?
Pump Make	Lely
Driver Make	Deere
Discharge Head Type	Cast
Column Diameter (in)	12
Shaft Length (ft)	100
Shaft Diameter (inches)	2.50

Customer: Doug McGeoghegan
Test Date: 03/02/15 Meter #: N/A

Pump
Location: North 10 Pump

GPS: N 39* 20.934'
W 122* 05.035'

Run Number

1 2 3

			1	2	3	
Standing Water Level (ft)			7			
Drawdown (ft)			40			
Pumping Water Level (ft)	1	Total Dynamic Head	47			
Discharge Pipe above ground (ft)						
Discharge Pressure at Gage (psi)				14		
Discharge Pressure at Gage (ft)	2					
Total Lift (ft)	3			79.3		
Column Friction Losses (ft)						
Discharge Head Loss (ft)				1		
Total Dynamic Head (ft)	4			80.3		
Flow Rate (GPM)			Q	5561		
Water Horsepower	5			112.8		
Number of dial rotations		Input Horsepower				
Time for dial rotations (secs)				0		
OR						
KW from meter						
Input Horsepower	6		error			
Thrust Bearing Losses (hp)	7	Brake HP	0			
Shaft Losses (hp)	8					
Brake Horsepower (hp)	9			#VALUE!		
Impeller Efficiency	10			#VALUE!		
Pumping Plant Efficiency	11		#VALUE!			

KWH/AF 12 #VALUE!

P.G. & E. RATE SCHEDULE: N/A Pump Tester: Phil Guffy

Pump Tag 5000 @ 70' Head



PUMP EFFICIENCY TEST Information & Data Sheet

All Fields in Gray are required and must be completed

Caller Name	Doug McGeehegan	Date	3/2/15
Phone Number		Cell Number	682-3161
Job Site Address	North 10 Pump		
Directions	GPS Loc: N39°20.934' W122°05.039'		
Pump Starting Procedures			

Account Name		Existing Acct?	Y <input type="checkbox"/> N <input type="checkbox"/>
Mailing Address for New Account	N/A, Complete address info		

Annual Oper. Hours		Crop	Rice	Sounding Access	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Water #	N/A	PG&E Rate		Time of Use?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
H.P.	125 Amarillo	Pump Info/Size	Lely 12"	Motor Brand	John Deere

Pump Type	(Check one each)	Drive Type	Water Source
<input checked="" type="checkbox"/> Vert. Turbine Jet		<input checked="" type="checkbox"/> Electric Motor	<input checked="" type="checkbox"/> Well
<input type="checkbox"/> Submersible Propeller		<input type="checkbox"/> Diesel Engine	<input type="checkbox"/> River
<input type="checkbox"/> Mix Flow		<input type="checkbox"/> Gas Engine	<input type="checkbox"/> Canal
<input type="checkbox"/> Other		<input type="checkbox"/> Natural Gas Engine	<input type="checkbox"/> Tank/Reservoir
		<input type="checkbox"/> Propane Engine	
		<input type="checkbox"/> Other	

GPM	5561
Well Diameter	
Area	607.5
Kh	
Constant (1 or ?)	
Revolutions	
Otech. Pipe ID	
Motor Eff.	
Tube Diameter	

Velocity	10.3	10.4	7.9	8.0
SWL	7			
PWL	47			
Drawdown				
PSI	14			
RPM	1800			
Pump Set				

Rated Amps:	1-	2-	3-
Volt			
Amps	N/A		
KW			
PF			

Remarks: 5 min Return 9'

Comments for Final Report:
Pump 5000 @ 70' Head

Technician: Phil Gentry

#4



2313 DURHAM-DAYTON HWY.
PO BOX 60
DURHAM, CA 95938
530-891-4821 PHONE, 530-891-0613 FAX

PUMP EFFICIENCY TEST REPORT

Nameplate HP on motor:	10
Motor RPM	1740
Motor Efficiency	88%
Meter factor (K _m):	not used
Depth of Pump	60?
Pump Make	Lassen
Driver Make	G E
Discharge Head Type	Cast
Column Diameter (in)	8
Shaft Length (ft)	60
Shaft Diameter (inches)	1.25

Customer: Doug McGeoghegan
 Test Date: 03/02/15 Meter #: ?
 Pump Location: South 5 Pump
 GPS: N 39° 20.734'
W 122° 05.893'

Run Number

1 2 3

			1	2	3	
Standing Water Level (ft)			4			
Drawdown (ft)			42			
Pumping Water Level (ft)	1	Total Dynamic Head	46			
Discharge Pipe above ground (ft)						
Discharge Pressure at Gage (psi)						
Discharge Pressure at Gage (ft)	2			2.0		
Total Lift (ft)	3		48.0			
Column Friction Losses (ft)						
Discharge Head Loss (ft)			1			
Total Dynamic Head (ft)	4		49.0			
Flow Rate (GPM)		Q	621			
Water Horsepower	5		7.7			
Number of dial rotations						
Time for dial rotations (secs)			0			
OR						
KW from meter		Input Horsepower	8.8			
Input Horsepower	6			11.8		
Thrust Bearing Losses (hp)	7		0			
Shaft Losses (hp)	8					
Brake Horsepower (hp)	9	Brake HP	10			
Impeller Efficiency	10		74%			
Pumping Plant Efficiency	11		65%			

KWH/AF 12 77

P.G. & E. RATE SCHEDULE: ? Pump Tester: Phil Guffy



#4

Declaration of Kenneth Petruzzelli
PUMP EFFICIENCY TEST
 Attachment 3
 Information & Data Sheet

All Fields in Gray are required and must be completed

Caller Name	Doug McGeoghagan	Date	3/2/15
Phone Number		Cell Number	682-3161
Job Site Address	South 5 Pump		
Directions		GPS Loc:	N 39° 20.734' W 122° 05.893'
		Pump Starting Procedures	

Account Name		Existing Acct?	Y <input type="checkbox"/> N <input type="checkbox"/>
Mailing Address for New Account	If No, Complete address info		

Annual Oper. Hours		Crop	Rice	Bounding Access	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Water S	?	PG&E Rate	?	Time of Use?	Y <input type="checkbox"/> N <input type="checkbox"/>
H.P.	10	Pump Mfg/Size	Lusson 8"	Motor Brand	GE

Pump Type	(Check one each)	Drive Type	Water Source
<input checked="" type="checkbox"/> Vert. Turbine		<input checked="" type="checkbox"/> Electric Motor	<input checked="" type="checkbox"/> Well
<input type="checkbox"/> Jet		<input type="checkbox"/> Diesel Engine	<input type="checkbox"/> River
<input type="checkbox"/> Submersible		<input type="checkbox"/> Gas Engine	<input type="checkbox"/> Canal
<input type="checkbox"/> Propeller		<input type="checkbox"/> Natural Gas Engine	<input type="checkbox"/> Tank/Reservoir
<input type="checkbox"/> Mix Flow		<input type="checkbox"/> Propane Engine	
<input type="checkbox"/> Other		<input type="checkbox"/> Other	

GPM	621
Well Diameter	
Area	162.2
Kft	
Constant (1 or ?)	
Revolutions	
Disch. Pipe ID	8 1/4
Motor Eff.	
Tube Diameter	

Velocity	4.2	4.2	3.5	3.6
SWL	4'			
PWL	46			
Drawdown				
PSI	2' Head?			
RPM	1740			
Pump Ser				

Rated Amps:	1-	2-	3-	
	Volts	231	235	232
	Amps	26.3	25.9	25.9
	KW	8.9	8.7	8.8
	PF	.85	.83	.85

Remarks: 5 min Return 5'6"

Comments for Final Report:

Technician: Ph. I Guffy

#5



2313 DURHAM-DAYTON HWY.
PO BOX 60
DURHAM, CA 95938
530-891-4821 PHONE, 530-891-0613 FAX

PUMP EFFICIENCY TEST REPORT

Nameplate HP on motor:	125
Motor RPM	1770
Motor Efficiency	90%
Meter factor (K _p):	not used
Depth of Pump	120'
Pump Make	Love
Driver Make	GE
Discharge Head Type	Fab
Column Diameter (in)	12
Shaft Length (ft)	120
Shaft Diameter (inches)	2.50

Customer: Doug McGeoghegan
Test Date: 03/02/15 Meter #: 1009916799

Pump
Location: North 4 Pump

GPS: N 39° 21.380'
W 122° 06.347'

Run Number

1 2 3

			1	2	3	
Standing Water Level (ft)			10			
Drawdown (ft)			76			
Pumping Water Level (ft)	1	Total Dynamic Head	86			
Discharge Pipe above ground (ft)						
Discharge Pressure at Gage (psi)						
Discharge Pressure at Gage (ft)	2			1.5		
Total Lift (ft)	3			87.5		
Column Friction Losses (ft)						
Discharge Head Loss (ft)				1		
Total Dynamic Head (ft)	4			88.5		
Flow Rate (GPM)			Q	3696		
Water Horsepower	5			82.6		
Number of dial rotations			Input Horsepower	0		
Time for dial rotations (secs)						
OR						
KW from meter			108.3			
Input Horsepower	6		145.1			
Thrust Bearing Losses (hp)	7	Brake HP	0			
Shaft Losses (hp)	8					
Brake Horsepower (hp)	9			131		
Impeller Efficiency	10		63%			
Pumping Plant Efficiency	11		57%			

KWH/AF 12 159

P.G. & E. RATE SCHEDULE: ? Pump Tester: Phil Guffy

Customer flow meter 3750



#4

Declaration of Kenneth Petruzzelli
PUMP EFFICIENCY TEST Attachment 3
 Information & Data Sheet

All Fields in Gray are required and must be completed

Caller Name	Doug McGroghgan	Date	3/2/15
Phone Number		Cell Number	
Job Site Address	North 4 Pump		
Directions		GPS Loc:	N39°21.380' W122°06.347
		Pump Starting Procedures	

Account Name		Existing Acct?	Y <input type="checkbox"/> N <input type="checkbox"/>
Waiting Address for New Account		If No, Complete address info	

Annual Oper. Hours		Crop	Rice	Sounding Access	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Water #	1009916779	PG&E Rate		Time of Use ?	Y <input type="checkbox"/> N <input type="checkbox"/>

H.P.	125	Pump Mfg/Size	Love	Motor Brand	G/E
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Pump Type	(Check one each)	Drive Type	Water Source
<input checked="" type="checkbox"/> Vert. Turbine		<input checked="" type="checkbox"/> Electric Motor	<input checked="" type="checkbox"/> Well
<input type="checkbox"/> Jet		<input type="checkbox"/> Diesel Engine	<input type="checkbox"/> River
<input type="checkbox"/> Submersible		<input type="checkbox"/> Gas Engine	<input type="checkbox"/> Canal
<input type="checkbox"/> Propeller		<input type="checkbox"/> Natural Gas Engine	<input type="checkbox"/> Tank/Reservoir
<input type="checkbox"/> Mix Flow		<input type="checkbox"/> Propane Engine	
<input type="checkbox"/> Other		<input type="checkbox"/> Other	

GPM	3698
Well Diameter	
Area	375.2
Kh	
Constant (1 or ?)	
Revolutions	
Disch. Pipe ID	
Motor Eff.	
Tube Diameter	

Velocity		9.4	9.8		9.9	9.8
SWL	10'					
PWL	86'					
Drawdown						
PSI	1.5' Head					
RPM	1770					
Pump Sel						
Rated Amps:		1-	2-	3-		
Volts		474	476	478		
Amps		154	152	154		
KW		109	107	109		108.3
PF		.86	.85	.85		

Remarks: 5min Return 13'6"

Comments for Final Report: Customer Flow Meter 3750

EXHIBIT #5

GROUNDWATER PUMPING ESTIMATE

North 10 Well:

357.9 hours of operation @ 5600 gallons per minute, (per Durham Pump Test)

= 120,254,400 gallons @ 326,000/acre foot= **369 acre feet yield m/l**

South 5 Well:

450 hours of operation, (estimated, as well service is aggregated with shop facility)

=450 hours of operation @ 621 gallons per minute, (per Durham Pump Test)

=16,767,000 gallons @ 326,000/acre foot= **51.43 acre feet yield m/l**

North 4 well:

Although Durham Pump Test showed yield of 3700 gallons per minute, a flow meter was installed prior to the irrigation season which reads out in acre feet pumped.

Thus: **33 acre feet yield**

TOTAL ESTIMATED GROUNDWATER PUMPED **453.43 ACRE FEET**

Plumas Geo-Hydrology
LAND AND WATER RESOURCES

P.O. Box 1922, Portola, CA 96122
tel. (530) 836-2208

August 25, 2014

Dean Marsh
Sauers Engineering, Inc.
440A Lower Grass Valley Road
Nevada City, CA 95959

Reg.: Willow Springs, water supply for City of Portola.

Dean,

Following our August 20 field inspection of the "Willow Springs" water supply source for the City of Portola, I would like to summarize my observations.

The so-called "Willow Springs" are a group of 10 round concrete cisterns (#1 through #10) that are buried into alluvium to a depth of 10 to 15 ft, to capture shallow groundwater. Shallow groundwater is migrating through alluvial deposits on top of a low permeability pyroclastic volcanic rock formation. It is possible that this groundwater originates from one source, such as a fault zone located a distance further north (uphill) of the cisterns.

Each cistern is placed vertically on the underlying bedrock ledge, with groundwater entering from a horizontal collector well made from cement cinder blocks, reaching into the formation up to 50 ft. Groundwater entering the cisterns is then captured into a pipeline which eventually merges with the pipelines from the other cisterns. Each cistern is covered with a cast iron 'manhole' cover.

In my opinion, by design and location this type of installation is equivalent to a shallow "collector well".

Since in all ten cisterns the groundwater table is at least five to ten ft below the land surface, by nature of their design these water sources do not meet the definition of a spring:

"A spring is a water resource formed when the side of a hill, a valley bottom or other excavation intersects a flowing body of groundwater at or below the local water table, below which the subsurface material is saturated with water."

US Geol. Survey: "The Water Cycle - Water Science for Schools",
<http://water.usgs.gov/edu/watercyclesprings.html>

"Topographic low spots provide the simplest mechanism for the formation of springs.... formed when the water table reaches the surface"

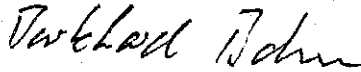
C.W. Fetter, Applied Hydrogeology, 1988, p. 231

Although the cisterns are located in an area where several springs indicate shallow groundwater, the apparent objective of these collector designs was not to develop and divert a spring, but to capture shallow groundwater and divert it into a pipeline.

Among all eleven water sources that constitute the so-called "Willow Springs", only "Spring #11" meets the above definition of a spring. Furthermore it can be argued that the installation at site #2 affects spring flow immediately below the site, where a seep emerges from the hillslope.

I hope these observations can clarify the situation.

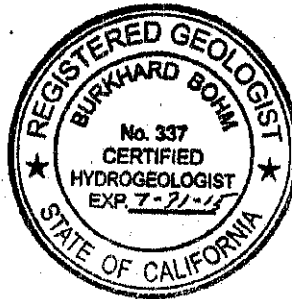
Sincerely,



Burkhard Bohm

Hydrogeologist

CCHG Lic. 337





EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

**DIVISION OF WATER RIGHTS
DROUGHT CURTAILMENT INSPECTION**

Water Right ID: A017069 License/Permit/Statement Number: 10013

Owner Information		Permitted Use of Water ² Check all that apply	Acres	Direct Diversion Season:	Collection to Storage Season
Primary Owner:	City of Portola	<input type="checkbox"/> Aesthetic			
Address:	PO BOX 1225 PORTOLA, CA 96122	<input type="checkbox"/> Aquaculture			
Phone:	530-832-4216	<input type="checkbox"/> Domestic			
Email:	r.meacher@ci.portola.ca.us	<input type="checkbox"/> Dust Control			
County Parcel No:		<input type="checkbox"/> Fire Protection			
County:	Plumas	<input type="checkbox"/> Fish & Wildlife Preser- vationand Enhance- ment			
Agent Information:		<input type="checkbox"/> Frost Protection			
Agent:	Robert Meacher	<input type="checkbox"/> Heat Control			
Address:	City Manager	<input type="checkbox"/> Incidental Power			
Phone:	530-832-6800	<input type="checkbox"/> Industrial			
Email:	r.meacher@ci.portola.ca.us	<input type="checkbox"/> Irrigation			
Diversion Information:		<input type="checkbox"/> Milling			
Source Water:	Unnamed SpringsTrib to Unamed Stream and Willow Creek	<input checked="" type="checkbox"/> Mining			
Point of Diversion Type ³ :	Developed Spring	<input checked="" type="checkbox"/> Municipal		Jan 1 - Dec 31	
Max Direct Diversion Rate:	1.17 CFS	<input type="checkbox"/> Other			
Max Collection to Storage Amt.:	0 AF	<input type="checkbox"/> Power			
Water Right Face Value:	600 AF	<input type="checkbox"/> Recreational			
		<input type="checkbox"/> Snow Making			
		<input type="checkbox"/> Stockwatering			
		<input type="checkbox"/> Water Quality			

¹Fill out prior to field inspection

²Verify permitted uses during inspection

³Print map to also verify POD location prior to performing inspection

Inspection Date: August 6, 2014
SWRCB Investigator (title): Kyle Wooldridge WRCE
Participating Agency Investigator (title): _____
Person Interviewed: Robert Meacher
Title: City Manager
Phone: _____ Phone: _____
Consent for Inspection Provided by⁴: Robert Meacher
Receipt of Curtailment Notice: Y N
Did the owner/operator submit the Curtailment Certification Form Y N

Diversion and Use Information Statements from Interviewee:

1. Is the owner/operator using water this curtailment season? Y N
2. If #1 is "Yes", under what basis of right does the owner/operator claim to be diverting water (check those that apply)?
 - Riparian (Statement No _____) Are all parcels riparian to the source? Y N
If no Statement on file, will the owner/operator file a Statement the following year? Y N
 - Pre-1914 (Statement No S014471 /2 /3)
 - Permit or License (App No _____)
 - Contract or Purchased (Contact information Lake Davis (DWR))
 - Non-jurisdictional groundwater
3. Which types of diversions are occurring during this curtailment season?
 - Direct Diversion Rate at time of inspection Less than 1 cfs
 - Visually estimated Measured with _____
 - Diversion to seasonal storage (not regulatory storage)
 - At time of inspection, is reservoir filling? Y N
 - Was inflow spilling or being bypassed? Y N
 - If reservoir was not filling at inspection, when did it last fill per owner? _____
 - Pumping from well
 - Rate at time of inspection _____
 - If no pumping at time of inspection, when was pump last used per owner? _____

Additional Diversion and Use information: City has four potential drinking water sources:
1) License 10013 (A017069) - Curtailed
2) Lake Davis (DWR Contract) - Reduced and allotment exceeded
3) Pre-1914 Claims - Are not connected to City's treatment and distribution system
4) Groundwater wells - Contaminated (Arsenic) and not authorized for primary source
Currently City's only usable source is DWR Contract and minimal amount under Pre-1914.

⁴Include title if different than owner/operator.

Diversion Works Information—provide information for PODs under curtailed rights and for alternate rights⁵:

1. Diversion by Pump Applicable Not Applicable

Make: _____ HP: _____ Rated Capacity: _____ Meter Reading⁶: _____

Intake Diameter (inches) _____ Outlet Diameter (inches) _____


⁷Electric Diesel Unleaded Other (specify): _____

Analog Digital Power Company: _____

Meter No: _____

Meter Reading⁸: _____

Example Analog Meter Reading



Digital Meter Reading
Meter cycles through multiple units. Be sure to record KWH (kilowatt-hours), not just KW (kilowatts). KWH is a measurement of total electricity used to-date.

Is the electric meter only for the pump? Y N

If "YES", request billing records for previous month.

(check if you requested) Consent Denied

If "NO", what else is connected to the meter, describe: _____

Hour meter reading: _____

Motor Description: _____

Location: Lat _____ Long _____

Is this an authorized POD under this curtailed water right? Y N

Is the POD location consistent with the POD location on file⁹? Y N

Is water being diverted from this POD:

At time of inspection? Y N

During curtailed season? Y N

Is this POD being used under an alternative water right? Y N

Which alternate water right? _____

What is the source of water for this pump? _____

Is there flow in the source? Y N

Purpose of Use (check all that apply):

Domestic Irrigation Fire Protection Stockwatering Other (specify) _____

Additional Pump Information: _____

⁵Repeat pages for more than one POD for each diversion works type.

⁶May be an inline meter or there may not be one present. Take photo of meter. ⁷Take photo of meter.

⁸Example reading on Diagram: 19666. Note: if the pointer appears to point directly at a number, use that number if the pointer to the dial on the Right has passed 0. ⁹Refer to POD map printed prior to compliance inspection.

Diversion Works Information—provide information for PODs under curtailed rights and for alternate rights:

2. Diversion by gravity ditch or pipe Applicable Not Applicable

Pipe Pipe diameter Multiple Location: Lat _____ Long _____

Upstream valve control? Y N Downstream valve control? Y N

Is this an authorized POD under this curtailed water right? Y N

Is the POD location consistent with the POD location on file¹⁰? Y N

Is the POD being used:

at time of inspection? Y N

during curtailment season? Y N

Is this POD being used under an alternative water right? Y N

Which alternate water rights? Potential non-jurisdictional claim

What is the source of water? Unnamed Springs

Is there flow in the source? Y N

Ditch Depth: _____ Width: _____ Length: _____

Location: Lat _____ Long _____

Is this an authorized POD under this curtailed water right? Y N

Is the POD location consistent with the POD location on file¹¹? Y N

Is the POD being used:

at time of inspection? Y N

during curtailment season? Y N

Is this POD being used under an alternative water right? Y N

Which alternate water right(s)? _____

What is the source of water? _____

Is there flow in the source? Y N

Purpose of Use (check all that apply):

Domestic Irrigation Fire Protection Stockwatering Other (specify) Municipal

Additional Information: PODs consist of 12 developed springs on a hillside above the confluence of an unnamed stream and Willow Creek. Each box can bypass when necessary, however the City effectively bypasses using a control valve downstream and returning any diverted water to Willow Creek.

^{10 & 11} Refer to POD map printed prior to compliance inspection.

Diversion Works Information—provide information for PODs under curtailed rights and for alternate rights:

3. Diversion by Reservoir Applicable Not Applicable

Location: Lat _____ Long _____

Is this an authorized POD under this curtailed water right? Y N

Is the POD location consistent with the POD location on file¹²? Y N

Is water being collected to storage: At time of inspection? Y N During curtailed season? Y N

Is water being withdrawn from storage: At time of inspection? Y N During curtailed season? Y N

Is this POD being used under an alternative water right? Y N

Which alternate water right? _____

What is the source of water? _____

Is there flow in the source? Y N

*What is the vertical distance from water surface to top of spillway or berm? _____(feet)

Purpose of Use (check all that apply):

Domestic Irrigation Fire Protection Stockwatering Other (Specify): _____

On-Stream \longrightarrow Is it managed so that collected water is bypassed? Y N

What method is used to bypass water?

Siphon Portable Pump Outlet Pipe Bypass Structure or Channel

How often (frequency) do they bypass water?

Daily Bi-Weekly Weekly Monthly Other: _____

Does the owner/operator maintain reservoir level records and bypass amounts?

Y \longrightarrow Request copies. (Check if requested) Consent Denied

N \longrightarrow Request owner/operator maintains records. Consent Denied

Off-Stream \longrightarrow What method is used to fill the reservoir?

Siphon Portable Pump Inlet Pipe Bypass Structure or Channel

Additional Information: Original License authorized diversion at an in-stream reservoir,
however this POD was abandoned in 1973 at the request of Public Health, and the springs
were developed as an alterative method of diversion. The new PODs were added to the License
in 1991, and the original was removed.

¹²Refer to POD map printed prior to compliance inspection.

Use Type Information:

- 1. Is the "Use Type" observed consistent with the permitted uses on page 1? Y N
- 2. If "No", indicate the non-permitted use types observed: _____

Place of Use Information:

- 1. Date last served with water? City ceased diversion on May 27 due to curtailment.
- 2. Describe Condition of POU: Municipal
- 3. How much do they divert for irrigation? 0 (gpm, cfs) Amt: 0 (gal, acre-ft) Frequency: N/A
- 4. How much do they divert for other uses:
 Domestic _____ (gal, arce-ft), Frequency: _____ Population served 3000
 Other: Municipal including domestic, commercial, and industrial (gpm, cfs, gal, acre-ft)
- 5. If irrigation, does land appear to be: Visible Crop Planted Fallow Ground Saturated
 If you selected "Visible Crop" or "Planted", indicate crop type: _____
 If you selected "Fallow", ask whether owner/operator intends to plant? Y N
 If "Yes", what does the owner/operator intend to plant? _____
 If you selected "Ground Saturated", ask when they irrigated and for how long? _____ (date) _____ (time)

Additional Place of Use Comments: _____

Irrigation System Information:

- 1. Main line diameter: _____ (inches) Material: PVC Steel Concrete Clay
- 2. Select irrigation system type: Sprinkler Drip Micro Sprayer Flood

Additional Irrigation System Comments: _____

Inspection Findings:

- 1. Is the owner/operator in compliance with the curtailment notice certification? Y N
- 2. Was there an unauthorized diversion? Y N

Description: City has ceased diversion under license.

Is there a potential threat of unauthorized diversion? Y N

Description: It is physically possible, however City staff indicated that they intend to comply, and are actively working with Division staff to find a solution for their supply shortage.

Corrective Action(s): NA

Additional Inspection Comments: City staff is considering several options for alternative sources for their demand, as well as implementing conservation measures. The city has expressed interest in developing a groundwater offset project, diverting water from springs under prior rights, and is in litigation with DWR regarding contract water.



Spring well with cover removed.



Inside spring well. Perforated horizontal pipe collects sub-surface water and enters the well from the left side. Vertical pipe at center bypasses flow when water level exceeds 4-6 inches. Horizontal pipe at right diverts water to collection system.



Vertical bypass pipe with cap removed so that all water is bypassed, due to cricket infestation.

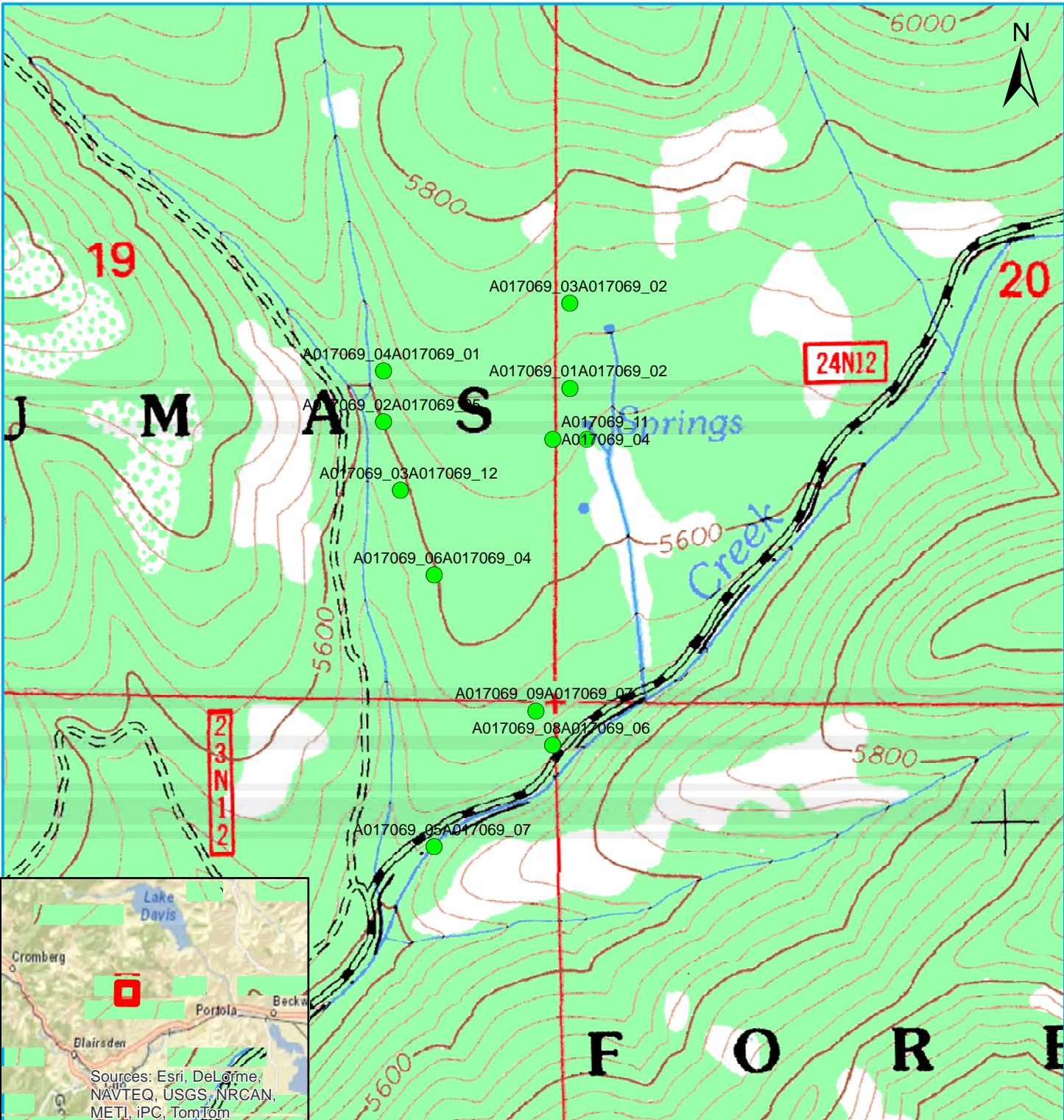


Hillside above POD. No evidence of natural channel.



Discharge of water diverted at Pre-1914 well. Pipe disconnected from distribution system (at right).

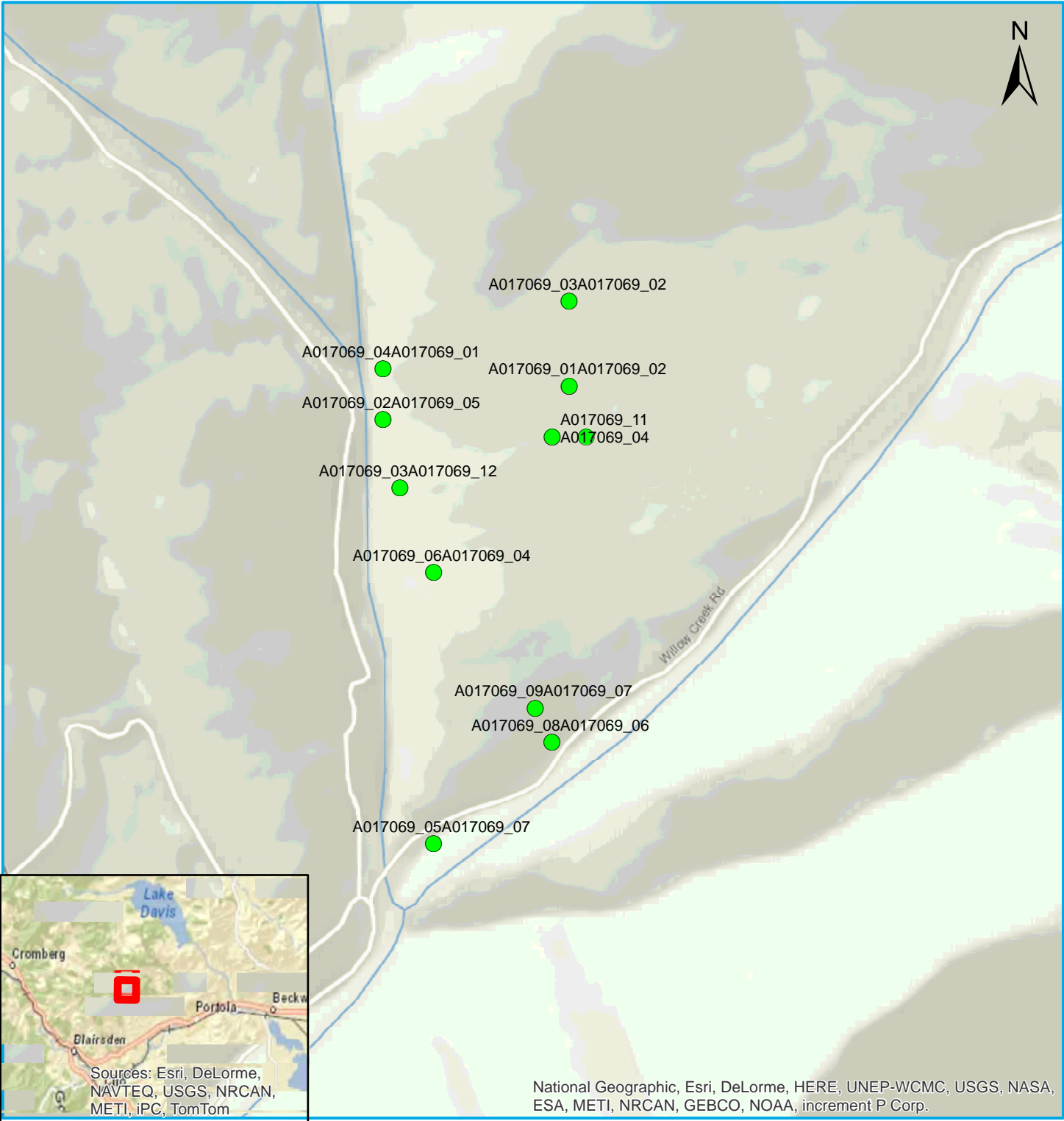
WATER RIGHT FILE NUMBER A017069



OWNER:	City of Portola	WATER RIGHTS APPLICATION NUMBER		STATE OF CALIFORNIA STATE WATER RESOURCE CONTROL BOARD DIVISION OF WATER RIGHTS			
SOURCE:	Unnamed Springs Trib to Willow Creek						
COUNTY:	Plumas	A017069					
IMAGERY:							
PUBLIC LAND DESCRIPTION		SCALE:	1:10000	MAP BY:	K. Wooldrige	08/05/2014	

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

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State Water Resources Control Board

Robert Meacher, City Manager
City of Portola
P.O. Box 1225
Portola, CA 96122

Dear Mr. Meacher:

WATER RIGHT LICENSE 10013 (A017069) OF CITY OF PORTOLA – 12 UNAMED SPRINGS WITHIN WILLOW CREEK WATERSHED IN PLUMAS COUNTY

Water Right License 10013 currently authorizes the City of Portola (City) to divert water from 12 Unnamed Springs within the Willow Creek watershed for its municipal use. The license originally authorized diversion of water directly from Willow Creek, but in 1991 the City petitioned to change the point of diversions to the current locations. The State Water Resources Control Board (State Water Board) approved the change in point of diversion by Order dated May 29, 1992 without investigation of the spring source.

The State Water Board's Division of Water Rights (Division) received your August 27, 2014 e-mail addressed to Les Grober, Assistant Deputy Director for the Division. The e-mail transmitted to the Division an August 25, 2014 letter from Burkhard Bohm, CHG, to Dean Marsh of Saur's Engineering, Inc. In the letter, Mr. Bohm summarized his observations from an August 20, 2014 field inspection of the Unnamed Springs, which are listed as the authorized points of diversion under water right License 10013. He found that the diversion facilities consist of a group of cisterns connected to horizontal wells drilled up to fifty feet into the hillside. Mr. Bohm concludes the diversion structures at ten of the points of diversion are located and designed so that the water is diverted from shallow groundwater at least five to ten feet below the land surface, and do not meet the definition of a spring. Mr. Bohm goes on to say that only "Spring #11" meets the definition of a spring.

Division staff inspected the points of diversion and reviewed available geologic maps of the area, and did not find any evidence that contradicts Mr. Bohm's opinion. California water law presumes that the source of groundwater is a percolating aquifer unless evidence is available to support that a specific groundwater diversion is from a subterranean stream flowing in a known and definite channel. Division staff has no specific evidence that the City's groundwater diversions are from a subterranean stream flowing in a known and definite channel.

If the City wishes to claim that all the the points of diversion covered by License 10013 identified by Mr. Bohm are solely diversions of percolating groundwater that are outside the permitting authority of the State Water Board, the City can request the revocation of License 10013 using the Request for Revocation Form available at:

http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/rev_request.pdf.

Robert Meacher, City Manager
City of Portola

- 2 -

However, due to findings related to Spring #11, the City may want to consider partial revocation of License 10013, or full revocation of License 10013 with a cessation of use or complete removal of diversion works at Spring #11. Until such a request is made, the Division must presume that water diverted from at least Spring #11 is subject to its permitting authority and to the current curtailment.

If you have any questions regarding this matter, please contact Laura Lavallee at (916) 341-5422 or by e-mail at Laura.Lavallee@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Laura Lavallee, P.O. Box 2000, Sacramento, CA, 95812-2000.

Sincerely,

John O'Hagan, Assistant Deputy Director
Division of Water Rights

CURTAILMENT CERTIFICATION FORM

Please return within 7 days of receipt of the Notice of Curtailment of Water Diversion to:

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95814-2000

Email completed Curtailment Certification form to:
SWRCB-curtailment-certification@waterboards.ca.gov
Fax: 916-341-5400

WATER RIGHT SUBJECT TO THE 2014 WATER DIVERSION CURTAILMENT:

Please update Water Right Owner Information (if different from addressed):

Water Right Application or Statement No(s): A 021647
Owner: Cold Springs Water Company
Address: 29820 Hwy 108
City: Cold Springs State: CA Zip: 95335

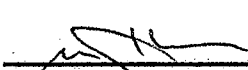
CURTAILMENT CERTIFICATION

Please check the applicable boxes below:

- NO DIVERSION – I hereby certify that I will not be diverting any water under the above specified water right during the 2014 water diversion curtailment period.
- ALTERNATE SOURCE – I hereby certify that I will not be diverting any water under the specified water right during the 2014 curtailment period. However, I will be serving all or a portion of its place of use with my alternate source(s) of water, as specified below:
 - Ground (well) water
 - Senior Post-1914 Appropriative Water Right (specify Permit/License No.): _____
 - Riparian water right(s) and/or pre-1914 appropriative water right(s)*
 - Water use is reported under Statement of Water Diversion and Use No(s): _____
 - My use is excluded from filing a Statement of Water Diversion and Use under California Water Code section 5101 (generally, because the use included in other sufficient reports, or is from a spring that does not flow off your property).
 - None of the above.
 - Contract (purchased) water from _____
 - Will serve the place of use by withdrawing water stored under Permit/License No. _____ prior to start of this curtailment period.
 - Other source (specify) _____
- SOLE SOURCE OF WATER FOR HUMAN HEALTH & SAFETY –
 - I hereby certify that the water right being curtailed is the only source of water available for human health & safety needs.
 - I also certify that I have looked into alternative water supplies from the following:
 - Groundwater Well
 - Bottled Water
 - Purchase Supply
 - Other _____
- HYDROELECTRIC POWER GENERATION – I hereby certify that I am directly diverting water for hydroelectric power generation or other non-consumptive use and all water diverted is returned to the stream.
- OTHER – I have attached an additional sheet explaining how much water I am diverting, the use of that water, the measures being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency. _____

* Please note that only limited natural or abandoned water is available during a curtailment period. Water released from upstream storage projects is not available to divert under a riparian or pre-1914 right.

I declare that the information in this certification is true to the best of my knowledge.

Name: <u>Jeff Kerns</u>	Phone No.: <u>209-965-3716</u>
Signature: 	Email: <u>JKerns@yotitle.com</u>
	Date: <u>4/29/15</u>

Cold Springs Water Company
29820 Highway 108
Cold Springs, CA 95335

State Water Resources Control Board
Division of Water Rights
P O Box 2000
Sacramento, CA 95814-2000

April 29, 2015

RE: Water Right Application A021647

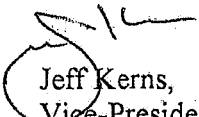
Dear Sirs:

The diversion on Kerns Creek is Cold Springs Water Company's main source of water for the health and safety of our 530 customers and 1 commercial customer.

We have been consulting with Kassy D. Chauhan, P.E. Senior Sanitary Engineer, Merced District, State Water Resources Control Board regarding other options, so far to no avail.

We respectfully request you allow us to reduce the amount of water we divert from .25 CFS to .07 CFS, a 73% reduction. We serve 530 families in the Cold Springs area of Tuolumne County. We have no other source of except 1 well that can only supplement our surface water right. This well has been very unreliable and has failed us in the past. Our customers are 100% metered and we are requiring a 30% reduction from 2013 levels. With the .07CFS amount of water combined with our conservations efforts we will be able to keep water to our 530 family's homes. All water diverted but not used by our system is immediately returned to the North Fork of the Tuolumne River.

Sincerely,


Jeff Kerns,
Vice-President
Cold Springs Water Company

WB-SWRCB-Curtailment-Certification

From: Sandra Tucker <sandra@coldspringsrealty.com>
Sent: Wednesday, April 29, 2015 2:25 PM
To: WB-SWRCB-Curtailment-Certification
Cc: Pete Kerns; Jeff Kerns
Subject: Water Right A021647
Attachments: Samsung SCX-5x30 Series_20150429141345.pdf

Please find attached our curtailment certification form.

Cold Springs Water Company

