

MICHAEL B. JACKSON (SBN 53808)  
P.O. Box 207  
75 Court Street  
Quincy, CA 95971  
Telephone: (530) 283-1007  
Facsimile: (530) 283-4999  
Email: [mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Attorneys for California Sportfishing Protection Alliance,  
California Water Impact Network, and AquAlliance

OSHA R. MESERVE (SBN 204240)  
SOLURI MESERVE, A LAW CORPORATION  
1010 F Street, Suite 100  
Sacramento, CA 95814  
Telephone: (916) 455-7300  
Facsimile: (916) 244-7300  
Email: osha@semlawyers.com

Attorneys for Protestants Local Agencies of the North  
Delta  
Bogle Vineyards / Delta Watershed Landowner Coalition  
Diablo Vineyards and Brad Lange / Delta Watershed Landowner Coalition  
Stillwater Orchards / Delta Watershed Landowner Coalition

[ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

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

HEARING IN THE MATTER OF  
CALIFORNIA DEPARTMENT OF WATER  
RESOURCES AND UNITED STATES  
BUREAU OF RECLAMATION  
REQUEST FOR A CHANGE IN POINT OF  
DIVERSION FOR CALIFORNIA WATER  
FIX

**WRITTEN REBUTTAL TESTIMONY OF  
BRANDON NAKAGAWA**

1 THOMAS H. KEELING (SBN 114979)  
2 FREEMAN FIRM  
3 1818 Grand Canal Boulevard, Suite 4  
4 Stockton, CA 95207  
5 Telephone: (209) 474-1818  
6 Facsimile: (209) 474-1245  
7 Email: [tkeeling@freemanfirm.com](mailto:tkeeling@freemanfirm.com)

8 J. MARK MYLES (SBN 200823)  
9 Office of the County Counsel  
10 County of San Joaquin  
11 44 N. San Joaquin Street, Suite 679  
12 Stockton, CA 95202-2931  
13 Telephone: (209) 468-2980  
14 Facsimile: (209) 468-0315  
15 Email: [jmyles@sigov.org](mailto:jmyles@sigov.org)

16 JENNIFER SPALETTA (SBN 200032)  
17 SPALETTA LAW PC  
18 P.O. BOX 2660  
19 LODI, CA 95241  
20 Telephone: (209) 224-5568  
21 Facsimile: (209) 224-5589  
22 Email: [jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com)

23 Attorneys for Protestants County of San Joaquin,  
24 San Joaquin County Flood Control and  
25 Water Conservation District, and  
26 Mokelumne River Water and Power Authority  
27  
28

1 I, BRANDON NAKAGAWA, declare:

2 I am the Water Resources Coordinator for San Joaquin County. I received a  
3 Bachelor's of Science Degree in Civil Engineering from the University of the Pacific (UOP) in  
4 2002 with a minor in chemistry. I am a Registered Civil Engineer in the State of California;  
5 License # C 67010. I have been employed by the San Joaquin County Department of Public  
6 Works since January, 2001. My qualifications are further described in SJC-71.

7  
8 As the Water Resources Coordinator for San Joaquin County, I am responsible for  
9 making recommendations to the Public Works Director who reports directly to the Board of  
10 Supervisors on matters relating to water, storm water and groundwater resources, and flood  
11 protection. My work encompasses, without limitation, water management, water quality, water  
12 education, water-related outreach, hydrology, hydrogeology, the Sacramento-San Joaquin  
13 Delta (Delta), and other topics directly or indirectly related to water (e.g., local and regional  
14 economics, agricultural viability, land use planning, development, invasive species  
15 management, levees, coalition building, historical preservation, etc.).

16  
17 My duties and responsibilities include direct oversight and/or direct involvement in a  
18 number of programs, divisions, budget units and initiatives for the San Joaquin County  
19 Department of Public Works. I am the division head for the San Joaquin County Public Works  
20 Water Resources Division, which is directly responsible for the management of the following  
21 budget units: San Joaquin County Flood Control and Water Conservation District - Water  
22 Resources, Water Investigation Zone No. 2, Mokelumne River and Water Power Authority,  
23 Delta Activities, Eastern San Joaquin County Groundwater Basin Authority, and the County  
24 Service Area 54 Stormwater Water Pollution Prevention Program.

25  
26 Throughout my 16-year career at the San Joaquin County Department of Public Works,  
27 I have directly prepared technical documents, studies, environmental documentation, reports  
28

1 and engineering plans and specifications, and numerical groundwater and surface water  
2 models. I have also directed and supervised staff and consultants in the preparation, use,  
3 and reporting of the same items.

4  
5 As examples of prior projects relating to my current testimony, I have directly prepared  
6 text, figures, and graphics for the following groundwater-related documents:

7 2004 - Eastern San Joaquin County Groundwater Management Plan

8 2007 – Eastern San Joaquin County Integrated Regional Water Management Plan

9 2008 – San Joaquin County Flood Control and Water Conservation District 1999-2007  
10 Groundwater Report

11 2014 – Eastern San Joaquin County Integrated Regional Water Management Plan  
12 2014 Update

13 San Joaquin County is designated by the California Department of Water Resources as  
14 the California Statewide Groundwater Elevation Monitoring (CASGEM) monitoring entity for  
15 the portion of the Tracy Subbasin within San Joaquin County which is a significant portion of  
16 the legal boundaries of the Sacramento-San Joaquin Delta. Staff within the San Joaquin  
17 County Department of Public Works Water Resources Division perform the tasks required of  
18 the designated monitoring entity and enlist additional staff throughout the San Joaquin County  
19 Department of Public Works in the spring and fall to perform the semi-annual monitoring  
20 events required by CASGEM. Additionally, San Joaquin County Department of Public Works  
21 has been monitoring well elevations semi-annually since 1971 throughout the entire County.  
22 The semi-annual groundwater reports are published in the San Joaquin County Groundwater  
23 Data Center at <http://www.sjwater.org/Groundwater%20Reports.htm>.

24 Petitioners have not identified the legal users and uses of groundwater within the  
25 vicinity of the proposed tunnel alignment. (See generally, CWF Petition for Change (August  
26 25, 2015) and CWF Addendum and Errata to Petition for Change (September 11, 2015); see  
27 also DWR-57, pp. 15-18 (discussing effects on groundwater levels).) As a result, the impact  
28 of the proposed WaterFix Project on such legal users and uses of groundwater has not been

1 determined. In order to perform this threshold analysis (identifying well-site locations near the  
2 proposed alignment), the WaterFix Project proponents could have used well construction  
3 information readily available to public agencies and retained within DWR, as well as mapping  
4 tools also readily available and free of charge to the general public. However, Petitioners did  
5 not do so.

6 The WaterFix Project proponents could readily have performed a search, locating wells  
7 within the vicinity of the proposed tunnel alignment and other project features. This  
8 information is relevant to the potential injury to legal users of groundwater near the proposed  
9 tunnel alignment and related components of the proposed WaterFix project. As explained in  
10 the Rebuttal Testimony of Marc Del Piero (SJC-76), this analysis would be necessary to  
11 demonstrate a reasonable likelihood that the proposed change will not injure any other legal  
12 user of groundwater.

13 DWR is the repository for well construction information as submitted by well drillers,  
14 well owners, and well permitting agencies. The information is available to government  
15 agencies in accordance with Water Code Section 13752 and subject to the Information  
16 Practices Act of 1977, but is available by request for use in studies or analysis by public  
17 agencies. Public agencies and the general public are instructed by DWR on how to obtain  
18 well completion reports via the DWR Groundwater Information Center at  
19 [http://www.water.ca.gov/groundwater/wells/well\\_completion\\_reports.cfm](http://www.water.ca.gov/groundwater/wells/well_completion_reports.cfm).

20 To demonstrate the availability of well completion reports in the vicinity of the proposed  
21 tunnel alignment, a Well Completion Request Form, available at the following link  
22 [http://www.water.ca.gov/groundwater/docs/WCRR\\_September2015.pdf](http://www.water.ca.gov/groundwater/docs/WCRR_September2015.pdf), was completed at my  
23 direction and under my supervision, requesting all well completion reports in the townships,  
24 ranges, and sections along the proposed alignment of the Tunnels. At my direction, the  
25 request was emailed to the Department of Water Resources ("DWR") on January 31, 2017.  
26 DWR provided a compact disk containing one hundred thirty-four (134) well completion  
27 reports and an indexed spreadsheet of records was received on February 14, 2017.  
28

1           The process of developing a map of wells in the vicinity of the proposed tunnels  
2 alignment starts with the identification of wells constructed for the purpose of producing water  
3 for various uses, including domestic, industrial, irrigation, or public supply. To demonstrate  
4 the process of culling the well completion reports received, DWR's index of well completion  
5 reports listed as monitoring or unused in the WaterUse column heading were withdrawn from  
6 further consideration. There are fifty-six (56) wells denoted as domestic, industrial, irrigation,  
7 or public supply. Of the fifty-six (56) wells denoted as domestic, industrial, irrigation, or public  
8 supply, there are two wells for which a location could not be determined. Additionally, there  
9 are thirty-three (33) blank records under the WaterUse column heading. All thirty-three (33)  
10 well completion reports were visually inspected to deduce if the well was a monitoring well or  
11 a well destruction. Eleven (11) additional wells in Sacramento County and nine (9) additional  
12 in San Joaquin County were added to the list. The total number of wells identified for  
13 mapping is 76.

14           To demonstrate the location of domestic, irrigation, and public supply wells in the  
15 vicinity of the tunnels, the following process was undertaken by San Joaquin County  
16 Department of Public Works Water Resources Division. A well's physical location is either  
17 listed as a situs address and/or hand-drawn or described directly on the well completion  
18 report. In some cases, a separate map may also be attached. Google Maps, a widely  
19 available internet webpage mapping application free to the general public, was used to  
20 approximate the location of the well near the proposed tunnel alignment. Google Maps is also  
21 capable of approximating the latitude and longitude of the well location, which is useful for  
22 mapping features in a Geographical Information System (GIS)-based mapping application.  
23 For example, Google Maps was used to determine the location of a public supply well on the  
24 premises of the local dining icon, Giusti's Place, 14743 Walnut Grove-Thornton Rd., Walnut  
25 Grove, CA 95690, which is marked as SAC1 on **Exhibit SJC-74**.


26           The resulting spreadsheet, titled Wellinformation-FINAL [**Exh. SJC-72**] contains well  
27 completion report information with personal information redacted, links to Google Maps  
28

1 depicting approximate locations of wells, and the latitude and longitude of wells based on the  
2 Google Maps mapping tool.

3 The latitudes and longitudes were used by San Joaquin County Public Works staff to  
4 produce maps depicting the location of the identified wells in proximity to the Tunnels  
5 alignment [**Exhibits SJC-73, SJC-74, and SJC-75**] using ArcMap 10.3. The base map is  
6 ESRI World Imagery available through ArcGIS Online and the Tunnels alignment was based  
7 on 2015 BDCP environmental and engineering documents. (See SWRCB-3; DWR-212.)  
8 **Exhibits SJC-73, SJC-74, and SJC-75** demonstrate how the Petitioners could have easily  
9 identified the locations of well sites near the proposed tunnel alignment. Without that  
10 information, Petitioners cannot determine possible injuries from the WaterFix tunnels, intakes,  
11 forebays and other project components on legal users and uses of groundwater.

12 In my experience, impacts to these wells could include, without limitation, reduced well  
13 production capacity, degradation of water quality, reduced well pumping efficiency, and/or  
14 possible destruction of wells directly in the path of or near the Tunnels. In addition, wells  
15 besides those identified in the well completion reports provided by DWR may be present and  
16 should be investigated as part of any groundwater injury analysis.

17 Executed at Stockton, California, on March 22, 2017.

18   
19 \_\_\_\_\_  
20 BRANDON W. NAKAGAWA, P.E.