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21 Power Authority

22 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

23 **BEFORE THE**

24 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

25 HEARING IN THE MATTER OF
26 CALIFORNIA DEPARTMENT OF WATER
27 RESOURCES AND UNITED STATES
28 BUREAU OF RECLAMATION'S
REQUEST FOR A CHANGE IN POINT OF
DIVERSION FOR CALIFORNIA WATER FIX

**DECLARATION OF OSHA R. MESERVE IN
SUPPORT OF LOCAL AGENCIES OF THE
NORTH DELTA ET AL.'S RESPONSES TO
OBJECTIONS OF DWR AND SLDMWA**

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28 Email: mvanzandt@hansonbridgett.com

Attorneys for Protestants Islands, Inc.

1 I, Osha R. Meserve, declare:

2 1. I am an attorney licensed to practice law in the State of California, a shareholder
3 at Soluri Meserve, A Law Corporation, and an attorney of record for the Local Agencies of the
4 North Delta, Bogle Vineyards/DWLC, Diablo Vineyards/DWLC, and Stillwater Orchards/DWLC
5 (“LAND et al.”). I have personal knowledge of the matters contained in this declaration, and if
6 called as a witness, I could and would testify competently to all such matters. I make this
7 declaration in support of LAND et al., Islands, Inc., and the San Joaquin County Protestants’
8 responses to the testimony and exhibit objections of the Department of Water Resources
9 (“DWR”) and San Luis & Delta-Mendota Water Authority (“SLDMWA”).

10 2. Additional information in response to DWR’s objections to LAND’s evidentiary
11 exhibits are as follows:

12 3. My office worked with LAND et al.’s experts to obtain a true and correct copy of
13 any references that their testimony relied upon. I then worked with co-counsel to submit these
14 exhibits as evidence. Based on this, I can attest that LAND exhibits LAND-1, LAND-2, LAND-
15 5, LAND-6, LAND-8, LAND-50, LAND-51, LAND-52, LAND-55, LAND-61, LAND-66, LAND-67,
16 LAND-68, LAND-69, LAND-70, and LAND-73 are true and correct copies.

17 4. My office worked with Islands, Inc.’s experts to provide me with a true and correct
18 copy of references that their testimony relied upon. I then worked with co-counsel to submit
19 these exhibits as evidence. Based on this, I can attest that Islands, Inc. exhibits II-4, II-5, II-6,
20 II-7, II-11, II-17, II-18, II-20, II-31, II-33, II-34, II-35, II-36, II-37, II-38 and II-39 are true and
21 correct copies.

22 5. LAND-3, LAND-4, LAND-5, LAND-6, LAND-7, LAND-57, LAND-58, LAND-59,
23 LAND-60, and LAND-61 are various maps of the proposed Tunnels and associated facilities in
24 context of the surrounding environment and existing water users. I worked with BSK
25 Associates and also the San Joaquin County Public Works to develop these figures based on
26 project information provided by Petitioners.

27 6. LAND-3, LAND-4, LAND-5, LAND-6, LAND-7, LAND-57, LAND-58, LAND-60,
28 and LAND-61 were prepared by BSK Associates using Arcmap 10.4 software using the ESRI

1 World Imagery basemap. They display features from the California WaterFix (“CWF”) adapted
2 from the 2015 Bay Delta Conservation Plan. (See Exhibit A, October 14, 2016 Email from
3 Kevin Grove.)

4 7. LAND-2

5 a. This is an excerpt from Volume 2 of the Conceptual Engineering Report
6 (“CER”); LAND-65 is the entire CER Volume 2. DWR has already entered
7 Volume 1 as relevant evidence. Volume 2 of the CER is the Mapbook and is
8 helpful to understanding the proposed Petition. LAND-2 is a true and correct
9 copy of a page of CER Volume 2 used during cross-examination of Petitioners
10 regarding injury to water users in the vicinity of the three proposed new
11 diversions. LAND-2 is a true and correct copy.

12 8. LAND-8

13 a. I obtained this document from the website for the Municipal Water Quality
14 Investigations Annual Meeting. LAND-8 is a true and correct copy.

15 9. LAND-57

16 a. This document was obtained from a Public Records Act Request to
17 Metropolitan Water District. This document was prepared as part of the
18 Delta Habitat Conservation and Conveyance planning process, of which
19 DWR is part. LAND-57 is a true and correct copy.

20 10. LAND-59

21 a. This document was produced based on data from San Joaquin County
22 Environmental Health Department by a San Joaquin County engineer.
23 The well coordinates were based on either the provided latitude or
24 longitude numbers, or based on the centroid of a parcel where only the
25 well’s parcel assessment number was provided. Marinas were assumed
26 to have a well to provide water to their customers. (See Exhibit B, August
27 31, 2016 Email from Gerardo Dominguez.) LAND-59 is a true and correct
28 copy.

1 11. LAND-60

2 a. I worked with Russel Van Loben Sels to identify the location of the
3 Reclamation District 744 water delivery and drainage system under the
4 footprint of proposed Intake 2 as well as the diversions identified in Exhibit
5 DWR-2, slide 21, and BSK Associates placed those locations on its
6 Tunnels basemap. LAND-60 is a true and correct copy.

7 12. LAND-61

8 a. I worked with John Worster to identify the location of the water delivery
9 and drainage system under the footprint of proposed Intake 5 as well as
10 the diversions identified in Exhibit DWR-2, slide 23, and BSK Associates
11 placed those locations on its Tunnels basemap. LAND-61 is a true and
12 correct copy.

13 13. LAND-69

14 a. This document was obtained from a Public Records Act Request to
15 Metropolitan Water District and was prepared as part of the DHCCP effort,
16 which is a program within DWR. LAND-69 is a true and correct copy.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct to the best of my personal knowledge.

19 Executed in Sacramento, California on November 2, 2016.

20 

21 _____
22 Osha R. Meserve

1 **STATEMENT OF SERVICE**

2 **CALIFORNIA WATERFIX PETITION HEARING**
3 **Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

4 I hereby certify that I have on this 2nd day of November 2016, submitted to the State
5 Water Resources Control Board and caused a true and correct copy of the following
6 document(s):

7 **DECLARATION OF OSHA R. MESERVE IN SUPPORT OF LOCAL AGENCIES OF THE**
8 **NORTH DELTA ET AL.'S RESPONSES TO OBJECTIONS OF DWR AND SLDMWA**

9 to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current**
10 **Service List** for the California WaterFix Petition Hearing, dated October 6, 2016, posted by the
11 State Water Resources Control Board at
[http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfi](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)
12 [x/service_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

13 I certify that the foregoing is true and correct and that this document was executed on
14 November 2, 2016.

15 Signature: 

16 Name: Mae Ryan Empleo

17 Title: Legal Assistant for Osha R. Meserve
18 Soluri Meserve, A Law Corporation

19 Party/Affiliation:

20 Local Agencies of the North Delta

21 Bogle Vineyards/DWLC

22 Diablo Vineyards and Brad Lange/DWLC

23 Stillwater Orchards/DWLC

24 Address:

25 Soluri Meserve, A Law Corporation

26 1010 F Street, Suite 100, Sacramento, CA 95814

EXHIBIT A

Osha Meserve

From: Kevin Grove <kgrove@bskassociates.com>
Sent: Friday, October 14, 2016 9:15 AM
To: Osha Meserve
Cc: Erik R; Tony Martin
Subject: Figure Memo For Osha

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Osha,

I hope all is well. Erik contacted me and let me know you needed a brief email memo for the figures we made. If you need additional information to what I provide, please let me know.

The Figures were prepared using ArcMap 10.4 software. All figures were prepared using the software provided ESRI World Imagery basemap*.

The Figures display features from the California WaterFix (CWF) adapted from the 2015 Bay Delta Conservation Plan. To adequately display tunnel infrastructure on select Figures, the tunnel infrastructure was scaled at 1:7.5. Well locations are from a conceptual map based on a preliminary survey of limited available information regarding well locations and depths in the vicinity of the CWF proposed facilities. All locations are approximate on all Figures.

*World Imagery provides one meter or better satellite and aerial imagery in many parts of the world and lower resolution satellite imagery worldwide. The map features 0.3m resolution imagery in the continental United States. For more information on this map, including the terms of use, visit us online.

Thank you and please let me know if you need anything else.

Best regards,

Kevin Grove
Staff Professional II
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BSK Associates provides analytical chemistry, construction observation, ecological services, environmental engineering, geotechnical engineering, construction materials testing, and water resources management. Established in 1966, BSK is employee-owned, and has offices and laboratories throughout California and Washington.

EXHIBIT B

Osha Meserve

From: Dominguez, Gerardo <Gdominguez@sjgov.org>
Sent: Wednesday, August 31, 2016 10:34 AM
To: Osha Meserve
Cc: Nakagawa, Brandon
Subject: Description for mapping of groundwater wells.

Follow Up Flag: Follow up
Flag Status: Flagged

Osha,

I began with a list from SJC EHD with over 9000 records. A little over 6000 wells had APN information and/or lat/long coordinates. We directly mapped the wells with Lat/Long data. To generate points using APN numbers, I placed a point at the centroid. The wells may not be under the dot but they are within the parcel. The red dots are Marinas found in the Delta Boaters Map and Visitors Guide, the assumption is that Marinas have a well in order to provide water to their customers. Well locations can always be physically verified if it comes into question.

Gerardo Dominguez, PE, CPESC, QSD/QSP
Associate Engineer
San Joaquin County Public Works
Water Resource Division
(209) 953-7948