

1 water rights to Burns Cutoff or the San Joaquin River. MSS Exhibit 1F. The deed for the
2 transfer of the 1891 Tract states the transfer is made “together with all and singular the tenements,
3 hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the
4 reversion and reversions, remainder and remainders, rents, issues and profits thereof.”

5 On December 14, 1909, E.W.S. Woods transferred the Parcel as part of a larger piece of
6 land to Jessie L. Wilhoit and Mary L. Douglass (“1909 Tract”). As a result of that transfer, the
7 1909 Tract lost contiguity with Middle River. MSS Exhibit 1G. The deed for the transfer of the
8 1909 Tract contains no language that preserved riparian water rights. MSS Exhibit 1H.

9 On November 29, 1911, the Parcel was transferred to W. B. and M. F. Walters, as part of
10 a larger parcel. See MSS Exhibit 1I.

11 The Parcel’s current boundaries resulted from a transaction dated November 9, 1951. See
12 MSS Exhibit 1J. From 1951 to 1991, the Parcel changed ownership multiple times. According to
13 records of the San Joaquin County Recorder, Mark and Valla Dunkel are the current owners of
14 the Parcel.

15 The changes reflected in the chain of title, described above, are depicted graphically in
16 MSS Exhibits 2A-F.

17 I, and other historians employed by JRP Historical Consulting, LLC working under my
18 direct supervision, reviewed files of the San Joaquin County Recorder’s office in Stockton, the
19 San Joaquin County Historical Society Museum in Micke Grove, Lodi, and the California State
20 Lands Commission, in Sacramento, to determine if there was any evidence of water use on the
21 Parcel prior to 1914. We found no notices of appropriation for water diversion and use filed
22 pursuant to the 1872 Civil Code for the Parcel. In 1911, two agreements were executed between
23 Wilhoit and Douglass and the Woods Irrigation Company. MSS Exhibits 1K and 1L.