

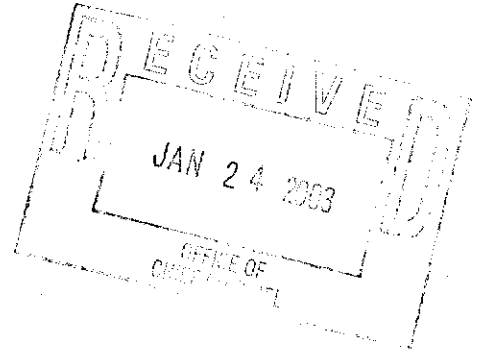


O'Laughlin & Paris LLP

Attorneys at Law

January 22, 2003

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100



Re: Petition filed by Merced, Modesto and Turlock Irrigation Districts

To Whom It May Concern::

Enclosed please find the original and one copy of each Subpoena Duces Tecum served by the San Joaquin River Group Authority, et al., in this matter. Please file the original and return the copies to this office in the envelope provided.

Sincerely,

Jill L. Dragseth
Legal Assistant to
Tim O'Laughlin

Enclosures

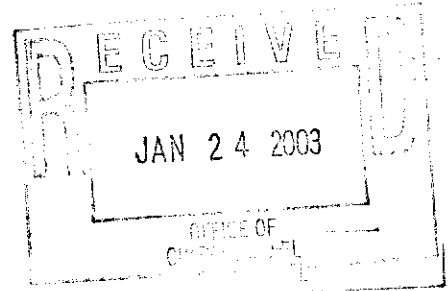
cc: John Herrick w/enclosures
Dante John Nomellini w/enclosures
Karna E. Harrigfeld w/enclosures

2571 California Park Dr., Suite 210
Chico, California 95928
www.olaughlinandparis.com

530.899.9755 tel
530.899.1367 fax

1 Tim O'Laughlin (State Bar No. 116807)
2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
5 Chico, CA 95928
6 Telephone: (530) 899-9755
7 Facsimile: (530) 899-1367

8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District



11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 **In the matter of:**

14 **Petitions for Long Term Change and**
15 **Permanent Change by Merced Irrigation**
16 **District, Modesto Irrigation District and**
17 **Turlock Irrigation District,**
18 **Applications Nos. 1224, 10572, 16186,**
19 **1233 and 14127**

DECLARATION OF TIM
O'LAUGHLIN IN SUPPORT OF
ADMINISTRATIVE SUBPEONA
AND SUBPOENA DUCES
TECUM (California Code of
Regulations § 649.6)

20 I, TIM O'LAUGHLIN, declare as follows:

21 1. I am one of the attorneys for the San Joaquin River Group Authority ("SJRG")
22 in the above-entitled action. This action is for a long term change by Merced Irrigation District,
23 Modesto Irrigation District and Turlock Irrigation District to implement the San Joaquin River
24 Agreement ("SJRA"). This change petition is sought for 47,000 AF of water that may be needed
25 in "double bump" years of the SJRA.

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27 District, Modesto Irrigation District and Turlock Irrigation District claiming, but not limited to,
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each parcel of land you irrigate.

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- 21 E. Any documents supporting your claim of "injury" pursuant to Water Code
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 - i. Any quantifiable loss to crops due to salinity exceedence at Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will "unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will "result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on this 21st day of January, 2003, in Chico, California.



Tim O'Laughlin

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 4255 Pacific Avenue, Suite 2, Stockton, CA 95207

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date 1/21/03 at (place) Chico, CA, California Signature [Handwritten Signature]

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____, California Signature _____

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING
OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____ (signature) _____
 Name: _____
 Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

PROOF OF SERVICE BY MAIL
(Government Code §11440.20)

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I, JILL L. DRAGSETH, declare that:

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within cause. My Business address is 2571 California Park Drive, Suite 210, Chico, California 95928. I am familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day as it is placed for collection in the ordinary course of business.

On January 21, 2003, I served the within **Subpoena Duces Tecum** on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, certified/return receipt requested, addressed as follows, and placed each for collection following ordinary business practices:

John Herrick
South Delta Water Agency
5244 Pacific Avenue, Suite 2
Stockton, CA 95207

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 22, 2003, at Chico, California.


JILL L. DRAGSETH

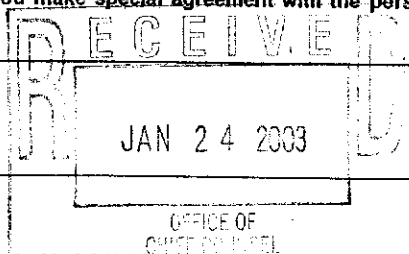
BEFORE THE STATE WATER RESOURCES CONTROL BOARD OF THE STATE OF CALIFORNIA

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone number): Tim O'Laughlin 530/899-9755 O'Laughlin & Paris LLP 2571 California Park Drive, Suite 210 Chico, CA 95928 San Joaquin River Group Authority, Modesto I.D., REPRESENTING: Merced I.D., Turlock I.D. TITLE OF THE PROCEEDING: VAMP: Long-Term Transfer Hearing	FOR STATE WATER BOARD USE ONLY
<input type="checkbox"/> SUBPOENA <input type="checkbox"/> RE HEARING <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM <input type="checkbox"/> RE DEPOSITION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): William Salmon

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a. Date: <u>February 4, 2003</u>	Time: <u>10:00 a.m.</u>
b. Address: <u>211 E. Weber Avenue, Stockton, CA 95202</u>	



2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
- b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
- c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: <u>Tim O'Laughlin</u>	b. Telephone number: <u>530/899-9755</u>
--------------------------------	--

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)

5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: January 21, 2003

T. O'Laughlin
(signature)

Name: Tim O'Laughlin

Title: Attorney for San Joaquin River Group Auth., Merced Irrigation Dist., Turlock Irrigation District and Modesto Irrigation District

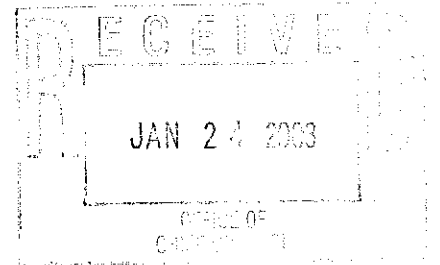
(See reverse for Endorsement on Subpoena, if used, and Proof of Service)



Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

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2 William C. Paris, III (State Bar No. 168712)
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2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

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Date <u>1/21/03</u>	at (place) <u>Chico, CA</u>	Signature
	, California	

(For California sheriff, marshal, or constable use only)
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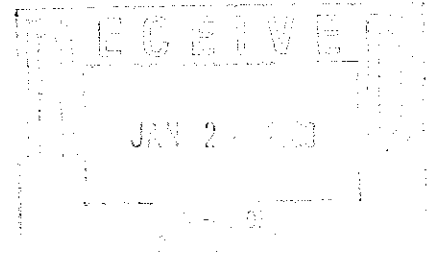
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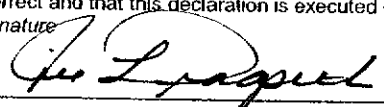
personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 4255 Pacific Avenue, Suite 2, Stockton, CA 95207

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date 1/21/03 at (place) Chico, CA Signature 
 _____, California

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____ Signature _____
 _____, California

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____

(signature)

Name: _____

Title: _____
State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

PROOF OF SERVICE BY MAIL

(Government Code §11440.20)

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I, JILL L. DRAGSETH, declare that:

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within cause. My Business address is 2571 California Park Drive, Suite 210, Chico, California 95928. I am familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day as it is placed for collection in the ordinary course of business.

On January 21, 2003, I served the within **Subpoena Duces Tecum** on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, certified/return receipt requested, addressed as follows, and placed each for collection following ordinary business practices:

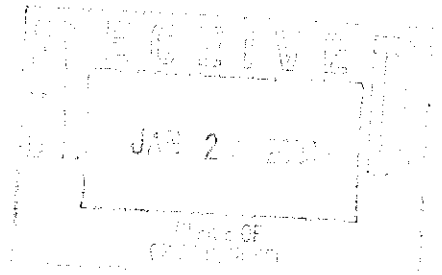
John Herrick
South Delta Water Agency
5244 Pacific Avenue, Suite 2
Stockton, CA 95207

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 22, 2003, at Chico, California.


JILL L. DRAGSETH

1 Tim O'Laughlin (State Bar No. 116807)
2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
5 Chico, CA 95928
6 Telephone: (530) 899-9755
7 Facsimile: (530) 899-1367

8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District



11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 **In the matter of:**

14 **Petitions for Long Term Change and**
15 **Permanent Change by Merced Irrigation**
16 **District, Modesto Irrigation District and**
17 **Turlock Irrigation District,**
18 **Applications Nos. 1224, 10572, 16186,**
19 **1233 and 14127**

20 **DECLARATION OF TIM**
21 **O'LAUGHLIN IN SUPPORT OF**
22 **ADMINISTRATIVE SUBPEONA**
23 **AND SUBPOENA DUCES**
24 **TECUM (California Code of**
25 **Regulations § 649.6)**

26 I, TIM O'LAUGHLIN, declare as follows:

27 1. I am one of the attorneys for the San Joaquin River Group Authority ("SJRG")
28 in the above-entitled action. This action is for a long term change by Merced Irrigation District,
Modesto Irrigation District and Turlock Irrigation District to implement the San Joaquin River
Agreement ("SJRA"). This change petition is sought for 47,000 AF of water that may be needed
in "double bump" years of the SJRA.

2. South Delta Water Agency has protested the petitions by Merced Irrigation
District, Modesto Irrigation District and Turlock Irrigation District claiming, but not limited to,

1 "injury to legal user of water," "resulting in substantial injury" to water right, "unreasonably
2 affecting" their water right. The documents requested will lead to the discovery of admissible
3 evidence in this proceeding.

- 4
- 5 A. Any and all documents supporting your claim to a pre-1914 water right.
 - 6 B. Any and all documents supporting your claim to a riparian water right for
7 each parcel of land you irrigate.

- 8 (1) Parcel Map
- 9 (2) Chain of Title
- 10 (3) Any and all water rights reserved to the parcel
- 11 (4) Statements of Use (1995 to present)
- 12 (5) Proof of Use
- 13 (6) Points of Diversion
- 14 (7) Place of Use
- 15 (8) Any subdivisions of the parcel

- 16 C. Any and all documents supporting your claim to a post-1914 water right.

- 17 (1) Application
- 18 (2) Permit
- 19 (3) License
- 20 (4) Statements of Use (1995 to present)

- 21 D. Documents you will be submitting to the SWRCB pursuant to Water Code
22 §1703.6(c)(2).

- 23 E. Any documents supporting your claim of "injury" pursuant to Water Code
24 §1702, including but not limited to:

- 25 1. For every water right you claim:
 - 26 a. Hydrology modeling
 - 27 b. Impacts to water quality caused by this proposed change at
28 your Point of Diversion.
 - 29 c. Impacts to flow rate at Vernalis caused by this change.
 - 30 1. time of year
 - 31 2. duration

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3. magnitude of change

d. Impacts to water surface elevation at your Point of D
Diversion.

1. time of year

2. duration

3. magnitude of change

2. Only for property claiming a valid water right that will have injury
due to the proposed change.

a. Crop plantings by year (1995 to present)

b. Acreage planted by year

c. Yield of crop by year

d. Difference in yield for any years 1998-2202

e. Crop commodity price by year for crops planted 1995 to
present

f. Crop insurance claims for 1995 to present

g. Acreage followed by year 1995 to present

h. Years from 1995 to present that the property was double
cropped

i. Any quantifiable loss to crops due to salinity exceedence at
Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will
"unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will
"result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that
the foregoing is true and correct, and that this declaration was executed on this 21st day of
January, 2003, in Chico, California.


Tim O'Laughlin

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

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Address where served: 4255 Pacific Avenue, Suite 2, Stockton, CA 95207

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
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 , California

(For California sheriff, marshal, or constable use only)
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ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____
 _____ (signature)
 Name: _____
 Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

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PROOF OF SERVICE BY MAIL
(Government Code §11440.20)

I, JILL L. DRAGSETH, declare that:

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within cause. My Business address is 2571 California Park Drive, Suite 210, Chico, California 95928. I am familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day as it is placed for collection in the ordinary course of business.

On January 21, 2003, I served the within **Subpoena Duces Tecum** on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, certified/return receipt requested, addressed as follows, and placed each for collection following ordinary business practices:

John Herrick
South Delta Water Agency
5244 Pacific Avenue, Suite 2
Stockton, CA 95207

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 22, 2003, at Chico, California.


JILL L. DRAGSETH

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

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone number): Tim O'Laughlin 530/899-9755 O'Laughlin & Paris LLP 2571 California Park Drive, Suite 210 Chico, CA 95928 San Joaquin River Group Authority, Modesto I.D., REPRESENTING: Merced I.D., Turlock I.D.	FOR STATE WATER BOARD USE ONLY
TITLE OF THE PROCEEDING: VAMP: Long-Term Transfer Hearing	
<input type="checkbox"/> SUBPOENA <input type="checkbox"/> RE HEARING <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM <input type="checkbox"/> RE DEPOSITION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Dr. Gerry Orlob

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a. Date: <u>February 6, 2003</u>	Time: <u>1:30 p.m.</u>
b. Address: <u>211 E. Weber Avenue, Stockton, CA 95202</u>	

2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
- b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
- c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: <u>Tim O'Laughlin</u>	b. Telephone number: <u>530/899-9755</u>
--------------------------------	--

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)

5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: January 21, 2003

T O'Laughlin
(signature)

Name: Tim O'Laughlin

Title: Attorney for San Joaquin River Group Auth., Merced Irrigation Dist., Turlock Irrigation District and Modesto Irrigation District

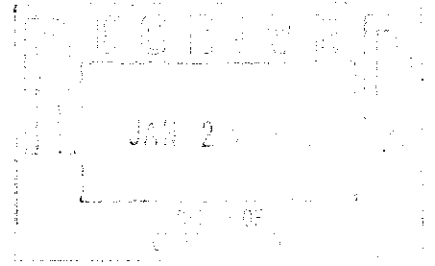


Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)

1 Tim O'Laughlin (State Bar No. 116807)
2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
5 Chico, CA 95928
6 Telephone: (530) 899-9755
7 Facsimile: (530) 899-1367

8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District



11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 **In the matter of:**

14 **Petitions for Long Term Change and**
15 **Permanent Change by Merced Irrigation**
16 **District, Modesto Irrigation District and**
17 **Turlock Irrigation District,**
18 **Applications Nos. 1224, 10572, 16186,**
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20 **DECLARATION OF TIM**
21 **O'LAUGHLIN IN SUPPORT OF**
22 **ADMINISTRATIVE SUBPEONA**
23 **AND SUBPOENA DUCES**
24 **TECUM (California Code of**
25 **Regulations § 649.6)**

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28 in the above-entitled action. This action is for a long term change by Merced Irrigation District,
Modesto Irrigation District and Turlock Irrigation District to implement the San Joaquin River
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- 14 (7) Place of Use
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- 17 (1) Application
- 18 (2) Permit
- 19 (3) License
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24 §1702, including but not limited to:

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 - 26 a. Hydrology modeling
 - 27 b. Impacts to water quality caused by this proposed change at
28 your Point of Diversion.
 - 29 c. Impacts to flow rate at Vernalis caused by this change.
 - 30 1. time of year
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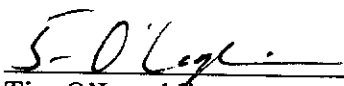
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- 3. magnitude of change
- d. Impacts to water surface elevation at your Point of D Diversion.
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- 2. Only for property claiming a valid water right that will have injury due to the proposed change.
 - a. Crop plantings by year (1995 to present)
 - b. Acreage planted by year
 - c. Yield of crop by year
 - d. Difference in yield for any years 1998-2202
 - e. Crop commodity price by year for crops planted 1995 to present
 - f. Crop insurance claims for 1995 to present
 - g. Acreage followed by year 1995 to present
 - h. Years from 1995 to present that the property was double cropped
 - i. Any quantifiable loss to crops due to salinity exceedence at Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will "unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will "result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on this 21st day of January, 2003, in Chico, California.



Tim O'Laughlin

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): <input type="checkbox"/> (1) were paid. Amount: \$ _____ <input type="checkbox"/> (2) were not paid. <input type="checkbox"/> (3) were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 4255 Pacific Avenue, Suite 2, Stockton, CA 95207

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
Date 1/21/03 at (place) Chico, CA, California Signature *[Signature]*

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct and that this certificate is executed on:
Date _____ at (place) _____, California Signature _____

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____ (signature) _____
Name: _____
Title: _____
State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

PROOF OF SERVICE BY MAIL
(Government Code §11440.20)

I, JILL L. DRAGSETH, declare that:

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within cause. My Business address is 2571 California Park Drive, Suite 210, Chico, California 95928. I am familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day as it is placed for collection in the ordinary course of business.

On January 21, 2003, I served the within **Subpoena Duces Tecum** on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, certified/return receipt requested, addressed as follows, and placed each for collection following ordinary business practices:

John Herrick
South Delta Water Agency
5244 Pacific Avenue, Suite 2
Stockton, CA 95207

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 22, 2003, at Chico, California.


JILL L. DRAGSETH

BEFORE THE STATE WATER RESOURCES CONTROL BOARD THE STATE OF CALIFORNIA

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone number): Tim O'Laughlin 530/899-9755 O'Laughlin & Paris LLP 2571 California Park Drive, Suite 210 Chico, CA 95928 San Joaquin River Group Authority, Modesto I.D., REPRESENTING: Merced I.D., Turlock I.D. TITLE OF THE PROCEEDING: VAMP: Long-Term Transfer Hearing	FOR STATE WATER BOARD USE ONLY
<input type="checkbox"/> SUBPOENA <input type="checkbox"/> RE HEARING <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM <input type="checkbox"/> RE DEPOSITION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Kurt Sharp

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a. Date: February 3, 2003	Time: 1:30 p.m.
b. Address: 211 E. Weber Avenue, Stockton, CA 95202	

2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
- b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
- c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Tim O'Laughlin	b. Telephone number: 530/899-9755
-------------------------	-----------------------------------

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)

5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: January 21, 2003

Tim O'Laughlin
(signature)

Name: Tim O'Laughlin

Title: Attorney for San Joaquin River Group Auth., Merced Irrigation Dist., Turlock Irrigation District and Modesto Irrigation District

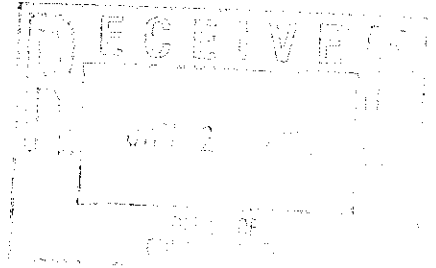


Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)

1 Tim O'Laughlin (State Bar No. 116807)
2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
5 Chico, CA 95928
6 Telephone: (530) 899-9755
7 Facsimile: (530) 899-1367

8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District



11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 **In the matter of:**

14 **Petitions for Long Term Change and**
15 **Permanent Change by Merced Irrigation**
16 **District, Modesto Irrigation District and**
17 **Turlock Irrigation District,**
18 **Applications Nos. 1224, 10572, 16186,**
19 **1233 and 14127**

20 **DECLARATION OF TIM**
21 **O'LAUGHLIN IN SUPPORT OF**
22 **ADMINISTRATIVE SUBPEONA**
23 **AND SUBPOENA DUCES**
24 **TECUM (California Code of**
25 **Regulations § 649.6)**

26 I, TIM O'LAUGHLIN, declare as follows:

27 1. I am one of the attorneys for the San Joaquin River Group Authority ("SJRG")
28 in the above-entitled action. This action is for a long term change by Merced Irrigation District,
Modesto Irrigation District and Turlock Irrigation District to implement the San Joaquin River
Agreement ("SJRA"). This change petition is sought for 47,000 AF of water that may be needed
in "double bump" years of the SJRA.

2. Central Delta Water Agency has protested the petitions by Merced Irrigation
District, Modesto Irrigation District and Turlock Irrigation District claiming, but not limited to,

1 “injury to legal user of water,” “resulting in substantial injury” to water right, “unreasonably
2 affecting” their water right. The documents requested will lead to the discovery of admissible
3 evidence in this proceeding.
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5 A. Any and all documents supporting your claim to a pre-1914 water right.

6 B. Any and all documents supporting your claim to a riparian water right for
7 each parcel of land you irrigate.

8 (1) Parcel Map

9 (2) Chain of Title

10 (3) Any and all water rights reserved to the parcel

11 (4) Statements of Use (1995 to present)

12 (5) Proof of Use

13 (6) Points of Diversion

14 (7) Place of Use

15 (8) Any subdivisions of the parcel

16 C. Any and all documents supporting your claim to a post-1914 water right.

17 (1) Application

18 (2) Permit

19 (3) License

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21 D. Documents you will be submitting to the SWRCB pursuant to Water Code
22 §1703.6(c)(2).

23 E. Any documents supporting your claim of “injury” pursuant to Water Code
24 §1702, including but not limited to:

25 1. For every water right you claim:

26 a. Hydrology modeling

27 b. Impacts to water quality caused by this proposed change at
28 your Point of Diversion.

c. Impacts to flow rate at Vernalis caused by this change.

1. time of year

2. duration

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3. magnitude of change

d. Impacts to water surface elevation at your Point of D Diversion.

1. time of year

2. duration

3. magnitude of change

2. Only for property claiming a valid water right that will have injury due to the proposed change.

a. Crop plantings by year (1995 to present)

b. Acreage planted by year

c. Yield of crop by year

d. Difference in yield for any years 1998-2202

e. Crop commodity price by year for crops planted 1995 to present

f. Crop insurance claims for 1995 to present

g. Acreage followed by year 1995 to present

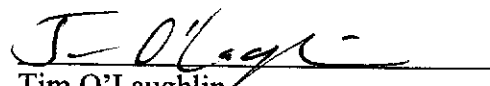
h. Years from 1995 to present that the property was double cropped

i. Any quantifiable loss to crops due to salinity exceedence at Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will "unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will "result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on this 21st day of January, 2003, in Chico, California.


Tim O'Laughlin

PROOF OF SERVICE OF SUBPOENA
 (Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 235 East Weber Avenue, Stockton, CA 95201

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date 1/21/03 at (place) Chico, CA Signature [Signature]
 _____, California

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____ Signature _____
 _____, California

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING
OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____
 _____ (signature)
 Name: _____
 Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

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

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone number):

Tim O'Laughlin
 O'Laughlin & Paris LLP
 2571 California Park Drive, Suite 210
 Chico, CA 95928
 530/899-9755

FOR STATE WATER BOARD USE ONLY

San Joaquin River Group Authority, Modesto I.D.,
 REPRESENTING: Merced I.D., Turlock I.D.

TITLE OF THE PROCEEDING:

VAMP: Long-Term Transfer Hearing

- SUBPOENA RE HEARING
 SUBPOENA DUCES TECUM RE DEPOSITION

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Rudi Mussi

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a.	Date: February 3, 2003	Time: 10:00 a.m.
b.	Address: 211 E. Weber Avenue, Stockton, CA 95202	

2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
 b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
 c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)

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a. Name: Tim O'Laughlin	b. Telephone number: 530/899-9755
-------------------------	-----------------------------------

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. **WITNESS FEES:** You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)
5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: January 21, 2003

Tim O'Laughlin
 (signature)

Name: Tim O'Laughlin

Title: Attorney for San Joaquin River Group Auth.,
 Merced Irrigation Dist., Turlock Irrigation
 District and Modesto Irrigation District

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)



Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

1 Tim O'Laughlin (State Bar No. 116807)
2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
5 Chico, CA 95928
6 Telephone: (530) 899-9755
7 Facsimile: (530) 899-1367

8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District

11 **STATE OF CALIFORNIA**

12 **STATE WATER RESOURCES CONTROL BOARD**

13 **In the matter of:**

14 **Petitions for Long Term Change and**
15 **Permanent Change by Merced Irrigation**
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24 **TECUM (California Code of**
25 **Regulations § 649.6)**

26 I, TIM O'LAUGHLIN, declare as follows:

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Agreement ("SJRA"). This change petition is sought for 47,000 AF of water that may be needed
in "double bump" years of the SJRA.

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District, Modesto Irrigation District and Turlock Irrigation District claiming, but not limited to,

1 "injury to legal user of water," "resulting in substantial injury" to water right, "unreasonably
2 affecting" their water right. The documents requested will lead to the discovery of admissible
3 evidence in this proceeding.
4

- 5 A. Any and all documents supporting your claim to a pre-1914 water right.
6 B. Any and all documents supporting your claim to a riparian water right for
7 each parcel of land you irrigate.
8 (1) Parcel Map
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11 (4) Statements of Use (1995 to present)
12 (5) Proof of Use
13 (6) Points of Diversion
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16 C. Any and all documents supporting your claim to a post-1914 water right.
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18 (2) Permit
19 (3) License
20 (4) Statements of Use (1995 to present)
21 D. Documents you will be submitting to the SWRCB pursuant to Water Code
22 §1703.6(c)(2).
23 E. Any documents supporting your claim of "injury" pursuant to Water Code
24 §1702, including but not limited to:
25 1. For every water right you claim:
26 a. Hydrology modeling
27 b. Impacts to water quality caused by this proposed change at
28 your Point of Diversion.
c. Impacts to flow rate at Vernalis caused by this change.
1. time of year
2. duration


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- 3. magnitude of change
- d. Impacts to water surface elevation at your Point of D Diversion.
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 - d. Difference in yield for any years 1998-2202
 - e. Crop commodity price by year for crops planted 1995 to present
 - f. Crop insurance claims for 1995 to present
 - g. Acreage followed by year 1995 to present
 - h. Years from 1995 to present that the property was double cropped
 - i. Any quantifiable loss to crops due to salinity exceedence at Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will "unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will "result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on this 21st day of January, 2003, in Chico, California.



Tim O'Laughlin

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 235 East Weber Avenue, Stockton, CA 95201

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date 1/21/03 at (place) Chico, CA, California Signature *[Handwritten Signature]*

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____, California Signature _____

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING
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Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____
 _____ (signature)
 Name: _____
 Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

BEFORE THE STATE WATER RESOURCES CONTROL BOARD THE STATE OF CALIFORNIA

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone number)

Tim O'Laughlin
O'Laughlin & Paris LLP
2571 California Park Drive, Suite 210
Chico, CA 95928

530/899-9755

FOR STATE WATER BOARD USE ONLY

San Joaquin River Group Authority, Modesto I.D.,

REPRESENTING: Merced I.D., Turlock I.D.

TITLE OF THE PROCEEDING:

VAMP: Long-Term Transfer Hearing

SUBPOENA

RE HEARING

SUBPOENA DUCES TECUM

RE DEPOSITION

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Thomas Zuckerman

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a. Date: February 3, 2003 Time: 8:00 a.m.
b. Address: 211 E. Weber Avenue, Stockton, CA 95202

2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
- b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
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a. Name: Tim O'Laughlin b. Telephone number: 530/899-9755

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

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(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: January 21, 2003



Tim O'Laughlin (signature)

Name: Tim O'Laughlin

Title: Attorney for San Joaquin River Group Auth.,
Merced Irrigation Dist., Turlock Irrigation
District and Modesto Irrigation District

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2 William C. Paris, III (State Bar No. 168712)
3 **O'LAUGHLIN & PARIS LLP**
4 2571 California Park Drive, Suite 210
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6 Telephone: (530) 899-9755
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8 Attorneys for San Joaquin River Group Authority,
9 Merced Irrigation District, Turlock Irrigation District,
10 and Modesto Irrigation District

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12 **STATE WATER RESOURCES CONTROL BOARD**

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21 D. Documents you will be submitting to the SWRCB pursuant to Water Code
22 §1703.6(c)(2).

23 E. Any documents supporting your claim of "injury" pursuant to Water Code
24 §1702, including but not limited to:

25 1. For every water right you claim:

26 a. Hydrology modeling

27 b. Impacts to water quality caused by this proposed change at
28 your Point of Diversion.

c. Impacts to flow rate at Vernalis caused by this change.

1. time of year

2. duration

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- 3. magnitude of change
- d. Impacts to water surface elevation at your Point of Diversion.
 - 1. time of year
 - 2. duration
 - 3. magnitude of change
- 2. Only for property claiming a valid water right that will have injury due to the proposed change.
 - a. Crop plantings by year (1995 to present)
 - b. Acreage planted by year
 - c. Yield of crop by year
 - d. Difference in yield for any years 1998-2202
 - e. Crop commodity price by year for crops planted 1995 to present
 - f. Crop insurance claims for 1995 to present
 - g. Acreage followed by year 1995 to present
 - h. Years from 1995 to present that the property was double cropped
 - i. Any quantifiable loss to crops due to salinity exceedence at Vernalis from 1995 to present.

F. Any documents supporting your claim that the proposed change will "unreasonably affect" your water right pursuant to Water Code §1707.

G. Any documents supporting your claims that the proposed change will "result in substantial injury" to your water right pursuant to Water Code §1736.

4. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on this 21st day of January, 2003, in Chico, California.



Tim O'Laughlin

PROOF OF SERVICE OF SUBPOENA
 (Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: 235 East Weber Avenue, Stockton, CA 95201

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date 1/21/03 at (place) Chico, CA, California Signature [Signature]

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____, California Signature _____

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____ (signature) _____

Name: _____

Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

PROOF OF SERVICE BY MAIL
(Government Code §11440.20)

I, JILL L. DRAGSETH, declare that:

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within cause. My Business address is 2571 California Park Drive, Suite 210, Chico, California 95928. I am familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day as it is placed for collection in the ordinary course of business.

On January 21, 2003, I served the within **Subpoena Duces Tecum** on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, certified/return receipt requested, addressed as follows, and placed each for collection following ordinary business practices:

Dante John Nomellini
Central Delta Water Agency
235 East Weber Avenue
Stockton, CA 95201

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 22, 2003, at Chico, California.


JILL L. DRAGSETH