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**EXEMPT FROM FILING FEES
GOV'T CODE § 6103**

12 Attorneys for Petitioner,
13 MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF FRESNO**

16 MCMULLIN AREA GROUNDWATER
17 SUSTAINABILITY AGENCY,

18 Petitioner,

19 v.

20 JAMES IRRIGATION DISTRICT; JAMES
21 GROUNDWATER SUSTAINABILITY AGENCY,

22 Respondents.

CASE NO.:

**VERIFIED PETITION FOR
PEREMPTORY WRIT OF
MANDATE ORDERING THE
JAMES IRRIGATION DISTRICT
AND JAMES GROUNDWATER
SUSTAINABILITY AGENCY TO
COMPLY WITH ITS DUTIES
UNDER THE CALIFORNIA
PUBLIC RECORDS ACT**
(Cal. Code Civ. Pro. §§ 1085 *et seq.*;
Cal. Gov't Code §§ 6250 *et seq.*)

23 **I. INTRODUCTION**

24 1. Under California Code of Civil Procedure §§ 1085 *et seq.* and the California
25 Public Records Act, California Government Code §§ 6250 *et seq.* (“Public Records Act” or
26 “CPRA”), Petitioner MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY
27 (“Petitioner” or “MAGSA”) petitions this Court for a Writ of Mandate (“Petition”) directed to
28 Respondents JAMES IRRIGATION DISTRICT (“JID”) and JAMES GROUNDWATER
SUSTAINABILITY AGENCY (“JGSA”) (altogether “Respondents”) commanding Respondents

1 (Cal. Gov't Code § 6252(c)), and brings this action to enforce its right to receive and inspect
2 public records.

3 20. This Court has jurisdiction pursuant to Government Code § 6258 and California
4 Code of Civil Procedure § 1085.

5 21. Venue is proper in this Court under California Code of Civil Procedure § 394
6 because Petitioner and Respondents are local agencies situated in Fresno County, California. The
7 records in question, or some portion of them, are situated in Fresno County, California. Gov't
8 Code § 6259.

9 **V. LEGAL BACKGROUND**

10 **A. The California Public Records Act**

11 22. Under the CPRA, upon request, any public agency must promptly make publicly
12 available for inspection and copying any record that it prepared, owns, uses, or retains that is not
13 subject to the CPRA's statutory exemptions to disclosure. Gov't Code § 6253.

14 23. "In general, [the CPRA] creates 'a presumptive right of access to any record
15 created or maintained by a public agency that relates in any way to the business of the public
16 agency. [Citation omitted.] Every such record 'must be disclosed unless a statutory exception is
17 shown.'" *City of San Jose v. Sup. Court* (2017) 2 Cal. 5th 608, 616 ("*City of San Jose*"), citing
18 *Sander v. State Bar of California* (2013) 58 Cal.4th 300, 323.

19 24. "Because of the strong public policy in favor of disclosure of public records, such
20 records must be disclosed unless they come within one or more of the categories of documents
21 exempt from compelled disclosure." *Rogers v. Sup. Court* (1993) 19 Cal. App. 4th, 469, 476
22 ("*Rogers*"), citing Gov't Code § 6254.

23 25. Prior to withholding any record responsive to a valid request under the CPRA, the
24 public agency must "demonstrat[e] that the record in question is exempt under [the CPRA's]
25 express provisions...or that on the facts of the particular case the public interest served by not
26 disclosing the record clearly outweighs the public interest served by disclosure of the record."
27 Gov't Code § 6255; see also *New York Times v. Superior Court* (1990) 218 Cal. App. 3d 1579,
28 1583-1585.

1 26. Where an agency seeks to redact or withhold documents based on a statutory
2 exemption, the agency bears the burden to establish that the exemption applies. See, e.g., *Comm.*
3 *Youth Athletic Ctr. v. City of Nat'l. City* (2013) 220 Cal. App. 4th 1385, 1418 (“*Comm. Youth*
4 *Athletic Ctr.*”); *City of Hemet v. Sup. Court* (1995) 37 Cal. App. 4th 1411, 1425, as modified
5 (Sept. 20, 1995); *Rogers*, supra, at 476; *San Gabriel Tribune v. Sup. Court* (1983) 143 Cal. App.
6 3d 762, 773.

7 27. “Generally, ‘exemptions are construed narrowly, and the burden is on the public
8 agency to show that the records should not be disclosed.’” *Comm. Youth Athletic Ctr.*, supra,
9 quoting *Cal. First Amendment Coalition v. Sup. Court* (1998) 67 Cal. App. 4th 159, 167.

10 28. Likewise, under the CPRA “possession” is defined as both actual and constructive
11 possession. *Board of Pilot Commissioners v. Sup. Ct.* (2013) 218 Cal. App. 4th 577, 598. An
12 agency is deemed to have constructive possession of records within the meaning of the CPRA if
13 it has the right to control the records, either directly or through another person. *Anderson-Barker*
14 *v. Sup. Court* (2019) 31 Cal. App. 5th 528, 538, citing *City of San Jose*, supra, at 623. For
15 purposes of the CPRA, “person” is defined as “any natural person, corporation, partnership,
16 limited liability company, firm, or association.” Gov’t Code § 6252(c).

17 29. Local agencies are required to assist requestors with locating records that are
18 responsive to the purpose of their request. Gov’t Code § 6253.1.

19 30. Local agencies may not charge persons requesting public records pursuant to the
20 CPRA more than the direct costs of duplication associated with producing the requested public
21 records. Gov’t Code § 6253(b).

22 31. Any person may institute proceedings by verified petition for a writ of mandate to
23 enforce his or her right to inspect or receive a copy of any public record or class of public
24 records. Gov’t Code §§ 6258, 6259.

25 32. “The court shall decide the case after examining the record in camera, if permitted
26 by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties and any oral
27 argument and additional evidence as the court may allow.” Gov’t Code § 6259(a). “If the court
28 finds that the failure to disclose is not justified, it shall order the public official to make the

1 record public.” Gov’t Code § 6259(b).

2 33. The court must award court costs and reasonable attorney fees to a prevailing
3 petitioner, to be paid by the agency from which the petitioner requested the records. Gov’t Code
4 § 6259(d).

5 **B. The California Constitution**

6 34. Section 3(b) of Article 1 of the California Constitution entrenches and venerates
7 the public’s right to access information as set forth in the CPRA. There is no ambiguity: “[t]he
8 people have the right to access information concerning the conduct of the people’s business, and,
9 therefore, the meetings of public bodies and the writings of public officials and agencies shall be
10 open to public scrutiny.” Cal. Const. art. 1, § 3(b)(1). Further, the California Constitution
11 instructs that a CPRA provision must “be broadly construed if it furthers the people’s right of
12 access, and narrowly construed if it limits the right of access.” Cal. Const. art. 1, § 3(b)(2).

13 **VI. FACTUAL ALLEGATIONS**

14 35. MAGSA serves as the GSA for the McMullin Area of the Kings Subbasin, and is
15 tasked with sustainable groundwater management within its boundaries, including parcel(s) from
16 which Respondent JID extracts groundwater.

17 36. SGMA requires that groundwater basins designated by the DWR as high- or
18 medium-priority basins “subject to conditions of critical overdraft,” as defined in Bulletin 118,
19 be managed by a GSA pursuant to a Groundwater Sustainability Plan (“GSP”) by January 31,
20 2020.

21 37. DWR designated the Kings Subbasin, as identified in Bulletin 118, as a high-
22 priority basin, and as a basin “subject to critical conditions of overdraft” in its 2018 List of
23 Critically Overdrafted Basins.

24 38. MAGSA is authorized by SGMA (Water Code §§ 10720 et seq.) to carry out its
25 various duties and functions in relation to sustainable groundwater management.

26 39. In furtherance of its authority to manage groundwater within its boundaries, and
27 pursuant to and in compliance with SGMA, the MAGSA Board of Directors adopted its GSP at
28 its November 6, 2019 Board of Directors Meeting – the first GSA in the Kings Subbasin to do

1 so.

2 40. With the adoption of its GSP, MAGSA is entering into a new era of groundwater
3 management pursuant to its adopted GSP for its portion of the Kings Subbasin, including the
4 area where Respondent JID continues to extract groundwater.

5 **A. MAGSA's CPRA Requests to Respondents**

6 41. On May 7, 2019, MAGSA submitted a request ("Request") for records pursuant
7 to the CPRA to JID and JGSA via letter seeking documents and other public records related to
8 information regarding JID's wells, JID/JGSA's groundwater recharge activities within
9 MAGSA's boundaries, and JID/JGSA's surface water supplies, projects, facilities, maps, data
10 and plans. See **EXHIBIT A**.

11 42. On May 16, 2019, JID/JGSA's legal counsel responded to the Request via letter,
12 advising that JID/JGSA required an additional fifteen days, until May 31, 2019, to determine
13 whether it had responsive documents in its possession. A true and correct copy of JID/JGSA's
14 May 16, 2019 letter is attached as **EXHIBIT B**.

15 43. On May 31, 2019, JID's legal counsel sent a second letter, advising that
16 JID/JGSA identified documents responsive to MAGSA's Request, but would not make those
17 documents available for review until June 14, 2019. A true and correct copy of JID/JGSA's May
18 31, 2019 letter is attached as **EXHIBIT C**.

19 44. On June 7, 2019, MAGSA's legal counsel sent a letter to JID/JGSA confirming
20 that all records responsive to the Request would be made available to MAGSA for inspection
21 and copying. A true and correct copy of MAGSA's June 7, 2019 letter is attached as
22 **EXHIBIT D**.

23 45. On June 13, 2019, JID/JGSA's counsel responded by letter, asserting that
24 JID/JGSA did not intend to furnish records that fall within several broad categories of records
25 exempt from production under the CPRA, including records not retained in the regular course of
26 business; records pertaining to pending litigation; records subject to the attorney-client privilege,
27 public records subject to the attorney work product doctrine and deliberative process privilege;
28 records constituting utility usage data; and records that JID/JGSA "determined are properly

1 withheld because the public interest served by not making the record public clearly outweighs
2 the public interest served by disclosure of the record.” JID/JGSA and their counsel failed to
3 provide any indication of how many records would be withheld, either in total or under each of
4 the broad categorical exemptions, or who was involved in determining which documents would
5 be withheld. JID/JGSA’s June 13, 2019 letter response is attached as **EXHIBIT E**.

6 46. On June 19, 2019, MAGSA’s General Manager, Mr. Matthew Hurley, emailed
7 JID/JGSA’s General Manager, Mr. Steven Stadler, to coordinate a visit to JID’s office to inspect
8 the records identified in response to the Request. By email on June 20, 2019, Mr. Stadler offered
9 to make the responsive documents available for inspection on June 25, 26, or 27 of 2019. By
10 email on June 20, 2019, Mr. Hurley and Mr. Stadler agreed to meet and review the responsive
11 records on June 26, 2019. A true and correct copy of this June 19 through June 24, 2019 email
12 correspondence between Mr. Hurley and Mr. Stadler is attached as **EXHIBIT F**.

13 47. On June 26, 2019, a JID employee met Mr. Hurley at JID’s offices and presented
14 records to Mr. Hurley contained in seven file boxes and several loose manila file folders. It was
15 clear from the volume alone that a substantial number of documents responsive to the Request
16 were not produced. The JID employee who provided the documents to Mr. Hurley reported that
17 the records provided comprised the entirety of what Mr. Stadler instructed the employee to make
18 available to MAGSA.

19 48. Upon further review, it was clear that JID/JGSA failed to produce most of the
20 documents sought. The production included no recent information regarding JID/JGSA’s
21 groundwater activities within MAGSA’s boundaries, including the wells owned or controlled by
22 JID; no information regarding any groundwater recharge facilities; no information regarding
23 JID’s surface water supplies; almost none of the maps, data, or reports sought.

24 49. The records JID/JGSA provided on June 26, 2019 were primarily dated between
25 2004 and 2014. Four of the seven boxes produced held loose Pacific Gas & Electric (PG&E)
26 bills dated between 2010 and 2014. The production also included booster reports, primarily dated
27 between 2004 and 2013; well production data from 1989 to 1998; and a box with approximately
28 seventy miscellaneous videos, one thumb drive, and some photos, loosely arranged. There were

1 little to no records dated from 1989 to 2004 or after 2016.

2 50. When Mr. Hurley asked Mr. Stadler whether the documents produced included all
3 of the records in JID/JGSA's possession responsive to the Request, Mr. Stadler responded that he
4 had provided all that he was supposed to produce. However, later in the meeting, Mr. Stadler
5 volunteered that JID had additional responsive PG&E bills in storage, and provided Mr. Hurley
6 one additional manila file that "had inadvertently been left out of the 'pile.'" A copy of
7 Mr. Hurley's notes indicating with an "x" the public records MAGSA requested that were not
8 provided by JID/JGSA on June 26, 2019 is attached as **EXHIBIT G**.

9 51. On June 28, 2019, MAGSA's legal counsel wrote a letter to JID/JGSA's counsel
10 demanding that, no later than July 8, 2019, JID/JGSA: (i) make all records responsive to
11 MAGSA's Request available for inspection and copying by MAGSA; and (ii) provide a detailed,
12 written itemization of all records inspected, withheld and/or redacted by JID/JGSA, indicating
13 for each record whether the requested record exists, the scope of the information withheld or
14 redacted, the applicable statutory exemption or privilege for withholding or redacting the record,
15 and the name and title of the person that made the decision to withhold or redact the record, as
16 required by the CPRA. A copy of the June 28, 2019 letter (without attachments) is attached as
17 **EXHIBIT H**.

18 52. By letter dated July 3, 2019, JID/JGSA's counsel responded to MAGSA's legal
19 counsel's June 28, 2019 letter, asserting, in relevant part, that JID/JGSA: (i) timely and fully
20 respond[ed] to the Request"; (ii) made certain unidentified documents available, "in addition to
21 the boxes and envelopes described in [the June 28] letter" (which Mr. Stadler contends that
22 Mr. Hurley did not inspect); (iii) is only obligated "to disclose records in its possession"; and
23 (iv) only failed to produce those documents that did not exist in its files or that were subject to
24 any exemption, as determined by Mr. Stadler alone, without further explanation. A copy of the
25 July 3, 2019 letter is attached as **EXHIBIT I**.

26 53. By letter dated July 18, 2019, and despite having previously asserted that
27 JID/JGSA timely and *fully* responded to MAGSA's Request, JID/JGSA's counsel informed
28 MAGSA's legal counsel that JID/JGSA located additional responsive documents in its

1 possession, and that Mr. Hurley may coordinate with Mr. Stadler to schedule a time to review
2 them. A copy of the July 18, 2019 letter is attached as **EXHIBIT J**.

3 54. By email dated August 7, 2019, Mr. Hurley contacted Mr. Stadler to coordinate a
4 date and time to inspect the additional responsive documents JID/JGSA identified and to review
5 and inventory the documents produced in order to arrange for a copy service. By email dated
6 August 26, 2019, Mr. Stadler and Mr. Hurley agreed to meet on August 29, 2019. When
7 Mr. Hurley arrived at JID's office on August 29, Mr. Stadler provided Mr. Hurley one bound
8 package of daily well reports that included previously produced documents dated between 2012
9 and 2013, and reports for the years 2014 through 2017. When Mr. Hurley asked about the 2018
10 reports, Mr. Stadler responded that those documents "were not ready" to produce. Mr. Stadler
11 also asserted that MAGSA and JID/JGSA's attorneys would need to coordinate a date and time
12 for reproduction of the documents. A copy of the August 7 through August 26, 2019 email
13 exchange is attached as **EXHIBIT K**.

14 55. On September 13, 2019, Mr. Hurley emailed Mr. Stadler, copying legal counsel
15 for MAGSA and for JID/JGSA, again asking when MAGSA may bring a copy service to JID's
16 offices to make copies of the documents produced in response to the Request. To date, JID/JGSA
17 have not responded to this inquiry. A copy of the September 13, 2019 email is attached as
18 **EXHIBIT L**.

19
20 **FIRST CAUSE OF ACTION**
21 **Writ of Mandate For Violation of the California Public Records Act &**
22 **Article 1, § 3 of the California Constitution**
23 **(Gov't Code § 6258; CCP § 1085)**

24 56. Petitioners incorporate herein by reference the allegations of paragraphs 1 through
25 53 above as if set forth in full.

26 57. It has now been more than seven months since MAGSA made its formal Request
27 (and over a year since MAGSA requested the same information by informal means), and it is
28 clear from the limited scope of documents produced, the date ranges of documents absent from
the production (including the dearth of documents dated from the past five to ten years), and
statements by JID/JGSA staff and counsel, that JID/JGSA are withholding a large majority of the

1 records sought. JID/JGSA’s assertion that they need not provide any information beyond blanket
2 assertions that certain exemptions apply to any unidentified documents that may have been
3 withheld – as determined by Mr. Stadler alone – is incorrect.

4 58. As public agencies, JID/JGSA bear the burden to establish a decision to withhold
5 any records responsive to the Request are appropriately subject to a statutory exemption from
6 disclosure under the CPRA. See, e.g., *Comm. Youth Athletic Ctr.*, 220 Cal. App. 4th at 1418; *City*
7 *of Hemet*, 37 Cal. App. 4th at 1425; *Rogers*, 19 Cal. App. 4th at 476; *San Gabriel Tribune*, 143
8 Cal.App.3d at 773. To meet this burden, JID/JGSA must provide far more than the vague
9 assertions offered to date. In particular, JID/JGSA must, at a minimum, identify whether they are
10 withholding or redacting documents responsive to any of the topics identified in the Request and,
11 if so, the number of documents responsive to each category that are being withheld or redacted,
12 the basis for withholding or redacting such documents, and the names of all individuals who
13 were involved in the decision to withhold such documents. Gov’t Code §§ 6253(d); 6255(a)-(b).

14 59. Respondents’ refusal and failure to release responsive records, perform an
15 adequate search for records, or identify whether they are withholding or redacting documents
16 responsive to any of the topics identified in the Request and, if so, the number of documents
17 responsive to each category that are being withheld or redacted, the basis for withholding or
18 redacting such documents, and the names of all individuals who were involved in making the
19 decision to withhold such documents violates the CPRA and Article 1, § 3 of the California
20 Constitution.

21 60. Petitioner requests a Writ of Mandate to compel disclosure of the public records it
22 requested.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Petitioner prays as follows:

25 1. That this Court issue a peremptory writ of mandate directing Respondents to
26 provide Petitioner with all requested records improperly withheld, except those records that the
27 Court determines may lawfully be withheld, and/or issue an Alternative Writ of Mandate and
28

1 Order to Show Cause why Respondents have not provided Petitioner with all responsive
2 documents requested;

3 3. That Petitioner be awarded attorneys' fees and costs pursuant to Gov't Code
4 § 6259 and any other applicable statutes or bases; and

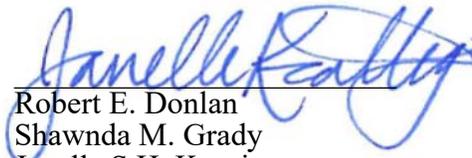
5 4. For such other and further relief as the Court deems proper and just.
6

7 Respectfully submitted,

8 Dated: February 7, 2020

ELLISON SCHNEIDER HARRIS & DONLAN

9
10 By:

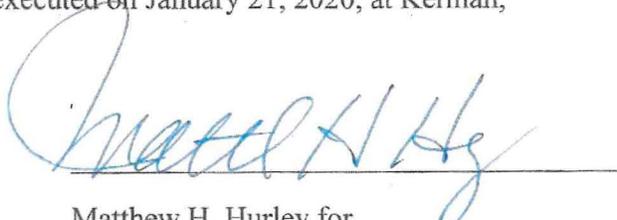


11 Robert E. Donlan
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14 *Attorneys for Petitioner/Plaintiff*
15 *McMullin Area Groundwater Sustainability Agency*
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1 VERIFICATION

2 I, Matthew H. Hurley, am General Manager/Executive Director for McMullin Area
3 Groundwater Sustainability Agency, and am a party to this action. I have read the foregoing
4 *Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief* and
5 know the contents thereof. The matters stated in the *Verified Petition for Peremptory Writ of*
6 *Mandate Ordering the James Irrigation District and James Groundwater Sustainability Agency*
7 *to Comply with their Duties under the California Public Records Act* are true of my own
8 knowledge, except as to matters stated on information and belief, and as to those matters, I
9 believe them to be true.

10 I declare under penalty of perjury of the laws of the State of California that the foregoing
11 is true and correct and that this verification is executed on January 21, 2020, at Kerman,
12 California.

13 

14 Matthew H. Hurley for
15 Petitioner McMullin Area Groundwater
16 Sustainability Agency

EXHIBIT A



Janelle S.H. Krattiger
jkrattiger@eslawfirm.com

May 7, 2019

VIA FIRST CLASS MAIL & EMAIL

Steven Stadler, P.E.
General Manager
James Irrigation District
James Irrigation District Groundwater Sustainability Agency
P.O. Box 757
San Joaquin, CA 93660
Email: sstadler@jamesid.org

RE: California Public Records Act Request

Dear Mr. Stadler:

As you may be aware, this firm represents the McMullin Area Groundwater Sustainability Agency ("MAGSA"). We write pursuant to the California Public Records Act (Government Code §§ 6250 *et seq.*) (the "Act") to formally request copies of the following records, listed in the attached **EXHIBIT A** incorporated herein by this reference, we believe to be filed with, retained by, and/or prepared by the James Irrigation District ("JID") and/or the James Irrigation District Groundwater Sustainability Agency ("JGSA").

Please respond within **ten (10) calendar days** from the date that you receive this request to advise whether the JID or the JGSA has in its possession, custody, or control the public records identified above that are not exempt from disclosure under the Act. (Gov. Code § 6253(c).) Should the JID and/or JGSA refuse to produce some or all of the information requested herein, we ask that you identify, in writing, the scope of the information withheld and the basis upon which you are withholding any such information. (*Id.*) We also request that you advise us of the total cost of duplication necessary to receive copies of such records before preparing the copies so that we can arrange for payment. (Gov. Code § 6253(b).)

Should you have any questions regarding our requests, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Janelle Krattiger". The signature is fluid and cursive, with the first name being more prominent.

Janelle S.H. Krattiger

EXHIBIT A

GROUNDWATER WELL AND OTHER DATA
(Records Request)

I. GROUNDWATER AND/OR MONITORING WELLS:

For each well owned or under the control of the James Irrigation District (“JID”) and/or the James Irrigation District Groundwater Sustainability Agency (“JGSA”) (of all types and all categories [i.e. active, inactive, abandoned, under repair, destroyed, production, monitoring, etc.]) located within the area that is now within the boundary of the McMullin Area Groundwater Sustainability Agency (“MAGSA”) and any well located within two (2) miles of the MAGSA boundary (generally, the James well field(s) area in or near the MAGSA), provide:

1. JID and/or JGSA Well Identifier and any other known well identifier;
2. Well Geo-Location;
3. Well Location by Township, Range and Section;
4. Assessor’s Parcel Number where well is located;
5. Elevation of wellhead;
6. Static water level data for the well for the last 30 years;
7. For each well, the Well Driller’s Report, Driller’s Log and E-log, including development testing data, if available and date completed. (in absence of report, drilled depth, casing depth, casing size and type, perforation type, depth to perforations, construction method, ag or domestic, seal depth);
8. Well videos for life of the well;
9. Well repair log for life of the well.;
10. Motor type, manufacturer, size and/or horsepower and date installed for each well;
11. Pump type, manufacturer, model, pump curves and current depth settings and date installed for each well;
12. Discharge type and size and conveyance connection type and size for each well;
13. Well Efficiency Reports for life of the well;
14. Meter type, manufacturer and read out (i.e., cfs or gpm/AF) and digital or analog type;
15. Water quality reports for life of the well;
16. All available water production/extraction data for each well for the last 30 years on daily, weekly, monthly, quarterly or yearly basis, or any or all, as available;
17. All groundwater elevation readings for each well for the last 30 years, on daily, weekly, monthly, quarterly or annual basis, or any or all, as available, and method of measurement, including whether elevation logged was above sea level and/or depth to groundwater;
18. All electrical billings for the electrical panel feeding the well for the life of the well;
19. List the Well Status: Active or Dormant, Out-of-Service, Abandoned or Destroyed, Production or Monitor.

II. RECHARGE:

1. Location of all recharge facilities of any type utilized by JID and/or JGSA over the past 30 years within the area that is now within the boundary of MAGSA or within 2 miles of said boundary during the same 30-year period;
2. All available water recharge infiltration data for recharge attempts by JID and/or JGSA or for which JID and/or JGSA might claim credit during the last 30 years on daily, weekly, monthly, quarterly or yearly basis, or any or all, as available.

SURFACE SUPPLY:

1. List of current or historical surface water supplies for JID and/or JGSA for the last 30 years which were conveyed through the area that is now contained within the MAGSA boundary, including the source of the water and the conveyance method utilized.

PROJECTS AND FACILITIES:

1. Copies of any and all project description and/or planning materials, including reports, studies, ownership sharing agreements, cost sharing agreements, etc. for any project or projects proposed, under construction, or completed by JID and/or JGSA, of any type, within the area now contained within the boundary of the MAGSA, for the period from 1990 to present;
2. Copies of any and all construction plans, record drawings and/or applicable support documentation for all JID and/or JGSA facilities of any type (i.e. standpipes, discharge piping, underground pipelines, canals, weirs, culverts, turnout structures, equalizing reservoirs, storage reservoirs, recharge facilities, etc.) either existing as of 1990 or constructed or installed from 1990 to date, and an inventory of all capital improvements which JID and/or JGSA claim to currently own within the area now contained within the boundary of the MAGSA.

GENERALLY:

1. Map of well field(s) with all wells identified and labeled as either Active, Dormant, Out-of-Service, Abandoned or Destroyed for all wells existing as of 1990 or placed in service or drilled after 1990, including any and all conveyance utilized by JID and/or JGSA to convey water from the area contained within the MAGSA boundary to JID and/or JGSA during that period;
2. All well depth contour maps developed for the well field(s) area over the last 30 years;
3. All subsurface cross-section data developed for the well field(s) area for the last 30 years;
4. Any and all hydrographs developed for the wells;
5. Any and all land surface elevation data recorded within the well field(s) area over the last 30 years;
6. Any engineer's report(s), of any type, covering the well field(s) areas received during the last 30 years;

7. Any groundwater management plans and/or agricultural water management plans prepared by, for or on behalf of JID and/or JGSA during the last 30 years;
8. Any volumetric delivery data reported by JID and/or JGSA to any government department within the State of California during the last 30 years;
9. Copy of any agreement, legal documentation, conveyance easement, access right of way, well right of way, and/or any other such documents JID and/or JGSA contends support the right of JID and/or JGSA to extract groundwater from within the area now contained within the MAGSA for export to lands located within the JID and/or JGSA boundary(ies).

EXHIBIT B



A Limited Liability Partnership • Est. 1939

Alan F. Doud, Senior Associate

May 16, 2019

VIA EMAIL AND FIRST CLASS MAIL

Janelle Krattiger, Esq.
Ellison, Schneider, Harris, Donlan
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

***RE: Public Record Act Request to James Irrigation District/James
Groundwater Sustainability Agency***

Dear Ms. Krattiger:

Our office serves as general counsel for the James Irrigation District and James Groundwater Sustainability Agency (collectively, "James"). This confirms receipt of your Public Records Act request dated May 7, 2019 (the "Request"). Please direct all future correspondence regarding the Request to me.

Your Request asks the District to furnish numerous records pertaining to James' groundwater and monitoring wells situated within the boundaries of the McMullin Area Groundwater Sustainability Agency and within two (2) miles of said boundary.

In your Request, you demand a response from the District within ten (10) days; i.e., by May 17, 2019. Government Code section 6253(c) provides the District an additional fourteen (14) days beyond the standard 10-day response period to make a determination as to whether the Request, "in whole or in part, seeks disclosable public records" in the District's possession. Given that your Request calls for a broad range of documents generated over the course of decades, the District expects that it will need an additional fourteen (14) days to make the determination described above. The District will therefore notify you in writing of its determination no later than close of business on **May 31, 2019**, and will at that time provide a date by which the District anticipates having responsive documents, if any, ready for your review.

The District reserves its rights to recover costs for duplication and production to the extent authorized by the Public Records Act. Pursuant to your Request, we will advise you of such costs prior to commencing duplication, if duplication, in fact, becomes necessary.

Very truly yours,



Alan F. Doud

EXHIBIT C

May 31, 2019

VIA EMAIL AND FIRST CLASS MAIL

jkrattiger@eslawfirm.com

Janelle Krattiger, Esq.
Ellison, Schneider, Harris, Donlan
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

***RE: Public Record Act Request to James Irrigation District/James
Groundwater Sustainability Agency***

Dear Ms. Krattiger:

This follows my letter to you dated May 16, 2019, regarding the Public Records Act request dated May 7, 2019 (the "Request") that you directed to the James Irrigation District and James Groundwater Sustainability Agency (collectively, "James").

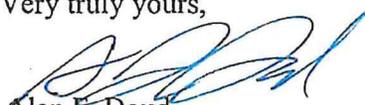
As noted in my May 16th letter, given the breadth of the Request, James needed the additional time afforded to it under the Public Records Act to determine if it has responsive documents in its possession.

This confirms that James has identified documents in its possession that are responsive to your Request and is in the process of compiling them. We expect that responsive documents will be ready by June 14, 2019. At that time, James will make the responsive documents available for your review at its offices to the extent the same are not protected from disclosure by applicable exemption or privilege. Please coordinate with Steve Stadler, General Manager for James, to arrange appropriate times for review.

You will be welcome to make copies of documents made available in response to the Request. Pursuant to the District's duly adopted policy regarding responses to Public Records Act requests, the District's charge for duplication is \$0.20 per page.

Please contact me at (661) 327-9661 if you have any questions or concerns regarding this matter. Otherwise, please contact Mr. Stadler on or after June 14th to schedule a time or times for your review.

Very truly yours,


Alan F. Doud

cc: Steve Stadler

124764.001

EXHIBIT D

June 7, 2019

VIA EMAIL & FIRST CLASS MAIL

Alan F. Doud, Esq.
The Law Offices of Young Wooldridge
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
Email: adoud@youngwooldridge.com

RE: Public Records Act Request to James Irrigation District/James Groundwater Sustainability Agency

Dear Mr. Doud:

This letter is in response to your most recent correspondence regarding the above-referenced matter, dated May 31, 2019, and to confirm the availability of documents responsive to the McMullin Area Groundwater Sustainability Agency's ("MAGSA") Public Records Act ("PRA") Request on June 14, 2019.

As you have not indicated in writing that any records requested are exempt from MAGSA's inspection or copying, nor the scope of any information to be withheld under express provisions of the PRA (as required by Gov. Code §§ 6253(d), 6255), we anticipate all requested records will be made available for inspection and copying at the date and time coordinated with Mr. Steve Stadler, on or after June 14, 2019.

MAGSA is amenable to the James Irrigation District's duplication charge of \$0.20 per page and is prepared to compensate the District for the same.

Should you have any questions or concerns regarding the above, please do not hesitate to contact me. Otherwise, we will be in contact with Mr. Stadler to schedule a time on or after June 14, 2019 to inspect and copy the requested records.

Sincerely,


Janelle S.H. Krattiger

cc: Matthew H. Hurley

EXHIBIT E



A Limited Liability Partnership • Est. 1939

Alan F. Doud, Senior Associate

June 13, 2019

VIA EMAIL AND FIRST CLASS MAIL

Janelle Krattiger, Esq.
Ellison, Schneider, Harris, Donlan
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

***RE: Public Record Act Request to James Irrigation District/James
Groundwater Sustainability Agency***

Dear Ms. Krattiger:

This responds to your June 7, 2019 letter to me regarding the request referenced above. I refer you to my May 31, 2019 letter wherein I confirmed that “James will make the responsive documents available for your review at its offices to the extent the same are not protected from disclosure by applicable exemption or privilege.”

In particular, James does not intend to furnish documents that fall within following exemptions:

1. Records constituting preliminary drafts, notes, or intreragency and intra-agency memoranda not retained by James in the ordinary course of business. (Gov. Code § 6254(a).)
2. Records pertaining to pending litigation to which James is a party, or to claims made pursuant to the Government Claims Act (Gov. Code § 810, *et seq.*), until the pending litigation or claim has been finally adjudicated or otherwise settled.
3. Records protected from disclosure by the attorney-client privilege. (Gov. Code § 6254(k); Evidence Code §§ 912, 952 .)
4. Records protected from disclosure by the attorney work product doctrine. (Gov. Code § 6254(k); Code of Civ. Pro. § 2018.030(a)-(b).)
5. Records protected under the deliberative process privilege under *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325. (Gov. Code § 6254(k).)
6. Records constituting utility usage data. (Gov. Code § 6254.16.)

Janelle Krattiger
June, 13, 2019
Page 2 of 2

7. Records that James has determined are properly withheld because the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Gov. Code § 6255; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1338-9.)

Very truly yours,



Alan F. Doud

cc: Steve Stadler

EXHIBIT F

Janelle S.H. Krattiger

From: sstadler@jamesid.org
Sent: Monday, June 24, 2019 2:12 PM
To: 'Matt'
Cc: Janelle S.H. Krattiger; Alan Doud
Subject: RE: Public Records Request to James ID and James GSA

Matt –

This times will work.

Steven Stadler, P.E.
General Manager
James Irrigation District
8749 9th Street / P.O. Box 757
San Joaquin, California 93660
(559) 693-4356 x110 (phone)
(559) 693-4357 (fax)
sstadler@jamesid.org

From: Matt [mailto:mhurley@mcmullinarea.org]
Sent: Thursday, June 20, 2019 1:15 PM
To: sstadler@jamesid.org
Cc: 'Janelle S.H. Krattiger' <jkrattiger@eslawfirm.com>
Subject: RE: Public Records Request to James ID and James GSA

Thanks for the quick response Steve. Based upon what I know so far, it will likely be a good idea for me to come by and take a look at the extent of the documents that will be provided so that I can assess the scope of the time needed to get it all reviewed, copied, etc.

I suggest I come by for a quick assessment on Wednesday around 11:15 or 11:30, then return on Thursday at 9:00 AM to begin the actual review of the responsive documents. We can discuss further the method of document reproduction and estimated costs on Wednesday, if that works.

Please confirm those times and I will plan on being there as indicated!

Thanks again for the cooperation!

MHH

Matthew H. Hurley
General Manager
McMullin Area Groundwater Sustainability Agency
275 S. Madera Avenue, Suite 301
Kerman, CA 93630
www.mcmullinarea.org
559-515-3339 (office) 408-892-8854 (cell)

From: sstadler@jamesid.org [<mailto:sstadler@jamesid.org>]
Sent: Thursday, June 20, 2019 7:56 AM
To: 'Matt' <mhurley@mcmullinarea.org>
Cc: Alan Doud <adoud@youngwooldridge.com>
Subject: RE: Public Records Request to James ID and James GSA

Matt –

We will have staff availability to assist you with your request next week on Tuesday (6/25), Wednesday (6/26) and Thursday (6/27) between the hours of 9:00 a.m. to 3:00 p.m. Please let us know in advance before you plan to be on site so staff can plan their day accordingly.

As far as the reproduction goes, we can copy them “as we go “or you can mark them for subsequent reproduction. If the reproduction request is large or requires special handling, we will need to get an estimate of those costs before contracting to have the reproduction performed. Reproduction costs must be paid in advance and you are welcome to bring a check for a deposit and we will refund any unused amounts after you are completed with your effort.

Steven Stadler, P.E.
General Manager
James Irrigation District
8749 9th Street / P.O. Box 757
San Joaquin, California 93660
(559) 693-4356 (phone)
(559) 693-4357 (fax)
sstadler@jamesid.org

From: Matt [<mailto:mhurley@mcmullinarea.org>]
Sent: Wednesday, June 19, 2019 11:36 AM
To: sstadler@jamesid.org
Subject: Public Records Request to James ID and James GSA

Steve:

As per the recent communications between our legal counsel, I would like to work with you to establish a reasonable schedule to accomplish the transfer of the requested records and data. Pursuant to that end, I would request that we attempt to determine available dates and time periods during which that may be accomplished. Would you be so kind as to let me know dates and times where our presence in the district office would be a burden.

Likewise, if there are days when it would be better for you and the staff, please advise. I will not be able to determine the overall time it might take or determine the gross number of copies until I am able to make an initial review of the actual files. It is my understanding you will be copying the docs for us....will you be expecting us to mark them for subsequent reproduction or will you want to reproduce them for us as we go? If you have a reasonable estimate of the number of pages we are looking at, I would be happy to provide a check when I come by and we can settle the difference, if any, after we have completed the review.

Thank you in advance for your anticipated cooperation. I look forward to completion of this evolution at the earliest possible time with the least possible interruption to your district's day to day operations!

MHH

Matthew H. Hurley

General Manager

McMullin Area Groundwater Sustainability Agency

275 S. Madera Avenue, Suite 301

Kerman, CA 93630

www.mcmullinarea.org

559-515-3339 (office) 408-892-8854 (cell)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

EXHIBIT G

Site Visit - Scoping
6/26/19 11:15 AM

GROUNDWATER WELL AND OTHER DATA
(Records Request)

I. GROUNDWATER AND/OR MONITORING WELLS:

For each well owned or under the control of the James Irrigation District ("JID") and/or the James Irrigation District Groundwater Sustainability Agency ("JGSA") (of all types and all categories [i.e. active, inactive, abandoned, under repair, destroyed, production, monitoring, etc.]) located within the area that is now within the boundary of the McMullin Area Groundwater Sustainability Agency ("MAGSA") and any well located within two (2) miles of the MAGSA boundary (generally, the James well field(s) area in or near the MAGSA), provide:

- × 1. JID and/or JGSA Well Identifier and any other known well identifier;
- × 2. Well Geo-Location;
- × 3. Well Location by Township, Range and Section;
- × 4. Assessor's Parcel Number where well is located;
- × 5. Elevation of wellhead;
- × 6. Static water level data for the well for the last 30 years;
- × 7. For each well, the Well Driller's Report, Driller's Log and E-log, including development testing data, if available and date completed. (in absence of report, drilled depth, casing depth, casing size and type, perforation type, depth to perforations, construction method, ag or domestic, seal depth);
- × 8. Well videos for life of the well; - 70 total misc
- × 9. Well repair log for life of the well.;
- × 10. Motor type, manufacturer, size and/or horsepower and date installed for each well; well efficiency?
- × 11. Pump type, manufacturer, model, pump curves and current depth settings and date installed for each well;
- × 12. Discharge type and size and conveyance connection type and size for each well;
- × 13. Well Efficiency Reports for life of the well; well efficiency?
- × 14. Meter type, manufacturer and read out (i.e., cfs or gpm/AF) and digital or analog type;
- × 15. Water quality reports for life of the well;
- partial 2004-2013 × 16. All available water production/extraction data for each well for the last 30 years on daily, weekly, monthly, quarterly or yearly basis, or any or all, as available;
- × 17. All groundwater elevation readings for each well for the last 30 years, on daily, weekly, monthly, quarterly or annual basis, or any or all, as available, and method of measurement, including whether elevation logged was above sea level and/or depth to groundwater;
- see billing boxes partial × 18. All electrical billings for the electrical panel feeding the well for the life of the well;
- × 19. List the Well Status: Active or Dormant, Out-of-Service, Abandoned or Destroyed, Production or Monitor.

II. RECHARGE:

- x 1. Location of all recharge facilities of any type utilized by JID and/or JGSA over the past 30 years within the area that is now within the boundary of MAGSA or within 2 miles of said boundary during the same 30-year period;
- x 2. All available water recharge infiltration data for recharge attempts by JID and/or JGSA or for which JID and/or JGSA might claim credit during the last 30 years on daily, weekly, monthly, quarterly or yearly basis, or any or all, as available.

SURFACE SUPPLY:

- x 1. List of current or historical surface water supplies for JID and/or JGSA for the last 30 years which were conveyed through the area that is now contained within the MAGSA boundary, including the source of the water and the conveyance method utilized.

PROJECTS AND FACILITIES:

- see memo
p 2/12/21
x 1. Copies of any and all project description and/or planning materials, including reports, studies, ownership sharing agreements, cost sharing agreements, etc. for any project or projects proposed, under construction, or completed by JID and/or JGSA, of any type, within the area now contained within the boundary of the MAGSA, for the period from 1990 to present;
- x 2. Copies of any and all construction plans, record drawings and/or applicable support documentation for all JID and/or JGSA facilities of any type (i.e. standpipes, discharge piping, underground pipelines, canals, weirs, culverts, turnout structures, equalizing reservoirs, storage reservoirs, recharge facilities, etc.) either existing as of 1990 or constructed or installed from 1990 to date, and an inventory of all capital improvements which JID and/or JGSA claim to currently own within the area now contained within the boundary of the MAGSA.

GENERALLY:

- x 1. Map of well field(s) with all wells identified and labeled as either Active, Dormant, Out-of-Service, Abandoned or Destroyed for all wells existing as of 1990 or placed in service or drilled after 1990, including any and all conveyance utilized by JID and/or JGSA to convey water from the area contained within the MAGSA boundary to JID and/or JGSA during that period;
- x 2. All well depth contour maps developed for the well field(s) area over the last 30 years;
- Schmidt Report
x 3. All subsurface cross-section data developed for the well field(s) area for the last 30 years;
- x 4. Any and all hydrographs developed for the wells;
- x 5. Any and all land surface elevation data recorded within the well field(s) area over the last 30 years;
- x 6. Any engineer's report(s), of any type, covering the well field(s) areas received during the last 30 years;

see mznila
files - partial

see mznila files
- partial

X

7. Any groundwater management plans and/or agricultural water management plans prepared by, for or on behalf of JID and/or JGSA during the last 30 years;
8. Any volumetric delivery data reported by JID and/or JGSA to any government department within the State of California during the last 30 years;
9. Copy of any agreement, legal documentation, conveyance easement, access right of way, well right of way, and/or any other such documents JID and/or JGSA contends support the right of JID and/or JGSA to extract groundwater from within the area now contained within the MAGSA for export to lands located within the JID and/or JGSA boundary(ies).

EXHIBIT H



Janelle S.H. Krattiger
jkrattiger@eslawfirm.com

June 28, 2019

VIA EMAIL & FIRST-CLASS MAIL

Alan F. Doud, Esq.
The Law Offices of Young Wooldridge
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
Email: adoud@youngwooldridge.com

RE: Public Records Act Request to James Irrigation District/James Groundwater Sustainability Agency

Dear Mr. Doud:

My client, the McMullin Area Groundwater Sustainability Agency (“MAGSA”), recently had its General Manager visit the offices of your client, the James Irrigation District (“JID”), to inspect all records in JID’s possession responsive to MAGSA’s California Public Records Act (“PRA”) request dated May 7, 2019. However, when my client began to review the information provided, it became clear that your client had not met its obligations under the PRA. Not only did JID fail to provide all requested records in its possession, JID also failed to provide any itemization whatsoever of the records withheld or redacted pursuant to specific PRA exemptions and/or privileges, as required by the PRA. Consequently, JID is in direct violation of the PRA and has failed to fulfill its public obligation to MAGSA to provide any and all responsive records.

MAGSA has been generous and accommodating to JID throughout this PRA request process, providing several time extensions and being generally flexible regarding JID’s schedule and availability to provide the requested records.

- On May 7, 2019, MAGSA mailed and emailed its PRA request letter to Mr. Steve Stadler. As required by the PRA, the May 7, 2019 letter requested a response from JID within ten (10) calendar days from the date of receipt. A true and correct copy of this May 7, 2019 letter is attached as **Exhibit A**.
- On May 16, 2019, JID responded to MAGSA’s request by letter from your office. Citing the breadth of MAGSA’s request, the May 16, 2019 letter requested additional time to determine whether JID had documents responsive to MAGSA’s PRA request in its possession. Although MAGSA had no statutory obligation to do so, it reasonably granted your request to extend JID’s time to May 31, 2019 to determine whether it had responsive documents. A true and correct copy of this May 16, 2019 letter is attached as **Exhibit B**.

- On May 31, 2019, MAGSA received a letter from your office confirming that JID had identified documents in its possession that are responsive to MAGSA's PRA request and that JID was "in the process of compiling them." The May 31, 2019 letter also noted that the responsive documents would be available two weeks later on June 14, 2019 and to coordinate with Mr. Stadler to schedule a time for MAGSA to review. Although MAGSA had no statutory obligation to do so, it accepted this additional two-week delay proposed by JID to allow it additional time to compile the requested records. A true and correct copy of this May 31, 2019 letter is attached as **Exhibit C**.
- As you suggested in your letter dated May 31, 2019, Mr. Hurley promptly coordinated with Mr. Stadler by email on June 19, 2019 to schedule a time or times for MAGSA to inspect and/or review the records responsive to MAGSA's PRA Request. Pursuant to this email correspondence, Mr. Stadler proposed June 25th, 26th and 27th from 9:00 am to 3:00 pm as dates when JID staff would be available to assist MAGSA with the records review and copying. Mr. Hurley suggested that he stop by the JID office on Wednesday, June 26, 2019 around 11:15 or 11:30 am to inspect the scope of the records for review. Mr. Stadler confirmed by email that "[t]his [*sic*] times will work." A true and correct copy of the email correspondence between Mr. Hurley and Mr. Stadler regarding the scheduling of the inspection of records is attached as **Exhibit D**.

At the agreed upon date and time, Tuesday, June 26, 2019 at approximately 11:05 a.m., Mr. Hurley arrived at the JID offices to inspect and review the requested responsive records. Upon arrival, Mr. Hurley was shown to a back office by a gentleman where a mere seven (7) file boxes and several loose manila files were situated upon a table. Upon being asked by Mr. Hurley whether the files boxes and manila envelopes were intended to be everything responsive to MAGSA's PRA Request, the gentleman indicated that this was what he had been told by Mr. Stadler to let Mr. Hurley review. Mr. Hurley thereupon started to identify what records were there and created a log of the records produced.

Upon further inspection, Mr. Hurley ascertained that the records provided by JID represented records primarily from the years of 2004 to 2014, the grand majority of which were loose Pacific Gas & Electric ("PG&E") bills from the years 2010 to 2014 (representing four (4) of the total of seven (7) file boxes of records provided). In addition to four years of PG&E bills, the other records provided by JID included manila files with records primarily dated from 2010 to 2016; blue-bound files containing booster reports primarily dated from 2004 to 2013; a computer readout of well production data from 1989 to 1998; and a box with seventy (70) miscellaneous videos, one thumb drive, and some photos, loosely arranged. A large majority of the records requested by MAGSA were glaringly absent from the production at JID's office, withheld without any statutory basis, nor any indication whether JID has the records in its possession at all. There were also little to no records whatsoever from the time period 1989 to 2004, or after the year 2016 to the present, with no explanation for this data gap. Attached as **Exhibit E** are cursory notes from Mr. Hurley indicating by an "x" the records MAGSA requested but were not provided by JID on June 26, 2019.

When asked by Mr. Hurley if the seven (7) file boxes and several manila folders represented all of the records in JID's possession that are responsive to MAGSA's PRA request, Mr. Stadler informed him that:

"I have provided all that I was supposed to."

Despite indicating that he had produced all that he was required to, Mr. Stadler later volunteered during Mr. Hurley's inspection that there were more responsive PG&E bills in storage than the four (4) boxes produced, and that he could get those if Mr. Hurley wanted. Mr. Stadler also later came by during Mr. Hurley's inspection and dropped another manila file on the table stating that it "had inadvertently been left out of the 'pile.'"

I was shocked to learn of JID's lack of professionalism, unresponsiveness and blatant disregard for what is required by the PRA. JID's failure to comply with MAGSA's reasonable PRA Request for public documents related to groundwater pumping from within MAGSA's service area is inexcusable. Equally appalling is the amount of time JID took to inspect and compile a mere seven (7) file boxes worth of documents, despite repeated squawking by Mr. Stadler regarding the "breadth" of the documents JID was required to review and compile and the great "burden" the Request created. We are now close to two months out from MAGSA's initial PRA Request letter, with very little to show for it. The PRA requires more than this.

Under the PRA, JID "shall make the records promptly available" to MAGSA. (Gov. Code § 6253(b).) In addition, if any records are withheld or provided in a redacted form, JID is required to respond to MAGSA's request *in writing*, identify the name and title of each person responsible for the decision to withhold or redact, and must state the legal basis under the PRA for its decision not to comply fully with the request *for each record withheld or redacted*. (Gov. Code §§ 6253 (d); 6255(a)-(b).) My letter dated June 7, 2019 (attached as **Exhibit F**) indicated that JID failed to provide a written response conforming to the express provisions of the PRA. Your letter response dated June 13, 2019 (attached as **Exhibit G**) represented a blanket recitation of the exemptions and privileges contained in the Government Code provisions, but failed to indicate: which specific records would be withheld; the scope of the information to be withheld, the name and title of each person responsible for the decision to withhold each record; and/or an adequate basis to withhold any records. Consequently, JID has failed to comply with the PRA's requirements.

Accordingly, MAGSA demands that JID:

- Make all records responsive to MAGSA's PRA Request dated May 7, 2019 available for inspection and copying by MAGSA by no later than **9:00 am on Monday, July 8, 2019** at JID's offices; and
- At the same date and time indicated above, provide MAGSA with a detailed, written itemization of all records inspected, withheld and/or redacted by JID, indicating for each record: whether the requested record exists; and any applicable statutory exemption or

privilege for withholding or redacting the record(s), including the scope of the information withheld and the name and title of the person that made the decision to withhold or redact the record, as required by the PRA.

Although MAGSA prefers to resolve these issues amicably, should JID fail to adequately respond to these demands by the date requested, MAGSA will be left with no other option but to pursue legal action and seek attorney's fees and costs.

Should you have any questions regarding the above, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janelle Krattiger", with a stylized flourish at the end.

Janelle S.H. Krattiger

EXHIBIT I

July 3, 2019

VIA EMAIL AND FIRST CLASS MAIL

Janelle Krattiger, Esq.
Ellison, Schneider, Harris, Donlan
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

**RE: *Public Record Act Request to James Irrigation District/James
Groundwater Sustainability Agency***

Dear Ms. Krattiger:

This responds to your June 28, 2019 letter to me regarding the Request referenced above. Needless to say, James takes exception to your unfounded allegations of delay and failure to meet its obligations under the Public Records Act (PRA).

James remains perplexed regarding the timing and nature of the Request given MAGSA's and James' mutual obligations under the Sustainable Groundwater Management Act (Water Code §§ 10720 *et seq.*) and implementing regulations to work cooperatively on the management of the Kings Subbasin. (Water Code § 10727.6; 23 CCR 357 *et seq.*) Nevertheless, and contrary to the assertions in your June 28th letter, at no time has James questioned MAGSA's rights under the PRA or attempted to thwart them. James acknowledges its obligations under the PRA to timely and fully respond to the Request for groundwater pumping information and other records described in the Request and has done so at each stage of the process.

In your June 28th letter you characterize the amount of time James took to respond to the Request as either delays by James or extensions provided by MAGSA. Neither is accurate. James strictly upheld its obligations under the PRA to timely respond to the Request pursuant to Government Code § 6253(c). In particular, James responded to the Request within the 10-day deadline and noted that it would need such additional time as the PRA expressly provides to determine the extent to which James has disclosable documents in its possession. You note that your client "had no statutory obligation" to grant James' "request to extend." Importantly, (i) the May 16th letter did not constitute a request, and (ii) the additional time was available to James under the express terms of the PRA, and was therefore not MAGSA's to grant or withhold.

James received the Request from your client on May 7th, 2019. The Request identified 33 categories of documents spanning 30 years. James identified, reviewed and compiled responsive records and made them available to your client starting on June 14th; i.e., within a mere 35 days of James' receipt of the Request. Under such circumstances there is no rational basis for suggesting that James' response has been anything other than timely.

Additionally, it remains within James's rights under the PRA to object to the breadth of the Request on the basis that it demands all records containing broad categories of information and is therefore "unduly burdensome." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166.) James also has the right to "impose reasonable restrictions on general requests for voluminous classes of documents restricting copies to specific requests for copies of specific documents." (*Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 761.) Notwithstanding its option to assert these objections, and without waiving its rights, James has accommodated the Request in full in an effort to be cooperative.

Needless to say my client's recollection of Mr. Hurley's visit to James' office on June 26th differs considerably from your client's. Mr. Hurley had documents made available to him that were in addition to the boxes and envelopes described in your letter. Mr. Hurley chose not to inspect those documents. Following his inspection Mr. Hurley advised Mr. Stadler that Mr. Hurley would be arranging for a copy service to duplicate the records and there was no indication from Mr. Hurley that he was dissatisfied with James' response. Mr. Stadler recalls that it was all quite amicable. Consequently, Mr. Hurley's dissatisfaction with the treatment he received and his belief that James withheld responsive documents is news to us.

In your June 28th letter you demand the following:

1. That James, "Make all records responsive to MAGSA's PRA Request dated May 7, 2019 available for inspection and copying by MAGSA by no later than **9:00 am on Monday, July 8, 2019** at JID's offices" (Emphasis original); and
2. That James, "At the same date and time indicated above, provide MAGSA with a detailed, written itemization of all records inspected, withheld and/or redacted by JID, indicating for each record: whether the requested record exists; and any applicable statutory exemption or privilege for withholding or redacting the record(s), including the scope of the information withheld and the name and title of the person that made the decision to withhold or redact the record, as required by the PRA.

With regard to Item 1 above, Mr. Hurley has been and continues to be welcome to come to the James' office at a time mutually agreeable to he and Mr. Stadler to inspect the all responsive records, including those that Mr. Hurley declined to review during his June 26th visit. Please note that the PRA requires James to disclose records in its possession. (Gov. Code § 6253(c).) As noted above, the Request identifies 33 categories of records

Janelle Krattiger
July 3, 2019
Page 3 of 3

spanning 30 years; thus, any purported "data gaps" you referred to in your June 28th letter would be the result of (i) the record no longer existing in James' files to the extent it existed in the first place, or (ii) the record being subject to an applicable exemption (see below).

With regard to Item 2 above, I have already advised in my June 7th letter of James' bases for nondisclosure of certain records. Pursuant to Government Code § 6253(d), which requires the identification of the "names and titles or positions of each person responsible" for the "denial of any request for records," we advise that such determinations are made by Steven Stadler, General Manager of the James Irrigation District and Executive Director of the James Groundwater Sustainability Agency. As for your further demands stated in Item 2, including for a detailed itemization of records, James is under no obligation to provide such information and declines to do so. (*Haynie v. Superior Court* (2001) 26 Cal. 4th 1061, 1074-5.)

This confirms that James has and will continue to satisfy the Request to the extent it is required to do so under the PRA and applicable law. Please advise Mr. Hurley to contact Mr. Stadler to schedule his next visit to James' office.

Very truly yours,



Alan F. Doud

cc: Steve Stadler

EXHIBIT J



A Limited Liability Partnership • Est. 1939

Alan F. Doud, Senior Associate

July 18, 2019

VIA EMAIL AND FIRST CLASS MAIL

Janelle Krattiger, Esq.
Ellison, Schneider, Harris, Donlan
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

***RE: Public Record Act Request to James Irrigation District/James
Groundwater Sustainability Agency***

Dear Ms. Krattiger:

My client has informed me that in its normal course of operations it located additional documents that have been deemed responsive to your client's Request. These documents were not filed in a manner that was in keeping with the District's normal filing practices, which is why they were not previously identified and furnished for your client's review.

Mr. Hurley is welcome to contact Mr. Stadler to schedule a time to review and copy these additional documents, subject to the terms upon which we have previously agreed.

Very truly yours,



Alan F. Doud

cc: Steve Stadler

EXHIBIT K

From: Matt [<mailto:mhurley@mcmullinarea.org>]
Sent: Monday, August 26, 2019 12:56 PM
To: 'sstadler@jamesid.org' <sstadler@jamesid.org>
Subject: RE: Continuing the Public Records Process

Great. I will be out there after the meeting then!

Thanks

MHH

Matthew H. Hurley

General Manager
McMullin Area Groundwater Sustainability Agency
275 S. Madera Avenue, Suite 301
Kerman, CA 93630
www.mcmullinarea.org
559-515-3339 (office) 408-892-8854 (cell)

From: sstadler@jamesid.org [<mailto:sstadler@jamesid.org>]
Sent: Thursday, August 15, 2019 9:20 AM
To: 'Matt' <mhurley@mcmullinarea.org>
Subject: RE: Continuing the Public Records Process

After the workgroup on the 29th should work for me.

Steven Stadler, P.E.

General Manager
James Irrigation District
8749 9th Street / P.O. Box 757
San Joaquin, California 93660
(559) 693-4356 x110 (phone)
(559) 693-4357 (fax)
sstadler@jamesid.org

From: Matt [<mailto:mhurley@mcmullinarea.org>]
Sent: Monday, August 12, 2019 2:46 PM
To: sstadler@jamesid.org
Subject: RE: Continuing the Public Records Process

Aha...but I am at a data conference...both days....how about the following Tuesday the 27th or after the workgroup on the 29th?

MHH

From: sstadler@jamesid.org [<mailto:sstadler@jamesid.org>]
Sent: Monday, August 12, 2019 2:37 PM
To: 'Matt' <mhurley@mcmullinarea.org>
Subject: RE: Continuing the Public Records Process

Matt –

Right now I am open on 8/22 and 8/23 between 9 am and 3 pm.

Steven Stadler, P.E.
General Manager
James Irrigation District
8749 9th Street / P.O. Box 757
San Joaquin, California 93660
(559) 693-4356 x110 (phone)
(559) 693-4357 (fax)
sstadler@jamesid.org

From: Matt [<mailto:mhurley@mcmullinarea.org>]
Sent: Wednesday, August 07, 2019 12:13 PM
To: sstadler@jamesid.org
Subject: Continuing the Public Records Process

Good Afternoon Steve:

It is my understanding through counsel communications that there may be some additional documents which have been discovered which are likely responsive to the records request still pending. I am glad to hear that! As we had discussed since my last visit, I am particularly interested in the records of the pumping production of the wells for the more recent periods than those which you had previously provided.

I am looking at next week or the week after for possible times and dates to return to finish my initial inventory before dispatching the copy company to come make the copies. How does the calendar work for you?

Please advise.

Cheers

MHH

Matthew H. Hurley
General Manager
McMullin Area Groundwater Sustainability Agency
275 S. Madera Avenue, Suite 301

Kerman, CA 93630

www.mcmullinarea.org

559-515-3339 (office) 408-892-8854 (cell)

EXHIBIT L

Janelle S.H. Krattiger

From: Matt <mhurley@mcmullinarea.org>
Sent: Friday, September 13, 2019 2:24 PM
To: sstadler@jamesid.org
Cc: adoud@youngwooldridge.com; Robert Donlan
Subject: Finalization of Production of Documents under our Recent PRA Request

Steve:

Based upon our conversation upon my latest visit to James ID/GSA, it is my understanding that you believe you have provided all documentation which is responsive to our Public Records request. I have inventoried the items and estimated the number of pages at +/- 8,500. With that in mind, I am preparing to engage a copy service to come out to James to accomplish the reproduction of the documents you have mustered.

When I asked about a convenient time and date to arrange for the reproduction, you indicated that you thought that was something the attorneys needed to coordinate. I disagreed, but by this email I am requesting that you and your attorney confer and determine a suitable arrangement by which we can now complete the reproduction of the documents. I expect that probably one to three days may be required depending upon the ease of access and availability of the copy service.

Please advise on some dates in the near future that you believe will work in getting this task completed.

Thank you in advance for your anticipated cooperation!

MHH

Matthew H. Hurley

General Manager
McMullin Area Groundwater Sustainability Agency
275 S. Madera Avenue, Suite 301
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