

CONFIDENTIAL
M E M O R A N D U M
(Attorney Work Product)

TO: Solo File

FROM: JVH

DATE: 11.15.19 through present

RE: Gunn Creek Ditches

This is an ongoing “stream of info/analysis” memo to track progress on this matter.

- Brian Leach received a notice dated 09/30/19 from DEO that a measuring device and headgate must be installed on each of the two Gunn Ditches by 11/30/19 or diversions from them must cease. The two ditches are:
 - Gunn Ditch, WDID 5800668; and
 - William G Hersom Gunn Ditch, WDID 5800941.
- This notice has prompted an investigation of the ditches and whether they are in use, and if so, for what purposes.
- I investigated these ditches when David Solo was thinking about purchasing the Jeckel and Barnes parcels. I prepared a memo to David dated 02/25/15, which contains some helpful background info.
- Brief summary of water rights:

Gunn Ditch

- Originally decreed in 1907, Case No. 191:
 - 0.66 cfs from Gunn Cr for irr. of up to 40 ac.
 - Approp. date 5/28/1890
- Change of POD approved in 1912
- In 1976, in W-1089-76, water right was changed to:
 - add uses to include: Irr, domestic, piscatorial, stock water and all other beneficial uses; and
 - Extend season of use to year-around.
- In 2007, in Case No. 07CW110, Jeckel’s 0.227 cfs interest was changed to approve APODs at Gunn Ditch AP No. 1 and Gunn Ditch AP No. 2.
- Based on my memo to David and Bob Weiss of 2/25/15, one of these APODs is the infiltration gallery that has historically been used to supply domestic water to the residence on the Jeckel Property. However, the infiltration gallery actually operates as an exempt well under Permit No. 296863.

William G. Hersom Gunn Ditch

- Originally decreed in 1914, Case No. 253:
 - 0.33 cfs from Gunn Cr for irr. of 20 ac, with rt to irrigate additional 40 ac.
 - Approp. date 9/12/1911
- In 1976, Case No. W-1090-76, water right was changed to:
 - add uses to include: Irr, domestic, piscatorial, stock water and all other beneficial uses; and
 - Extend season of use to year-around.
- In 2007, in Case No. 07CW110, Jeckel's 0.30 cfs interest was changed to approve APODs at Gunn Ditch AP No. 1 and Gunn Ditch AP No. 2.

I've prepared an aerial image using DWR's Mapviewer to show locations of these water rights and APODs.