

1 OSHA R. MESERVE (SBN 204240)
2 PATRICK M. SOLURI (SBN 210036)
3 JAMES C. CROWDER (SBN 327653)
4 SOLURI MESERVE, A LAW CORPORATION
5 510 8th Street, Sacramento, California 95814
6 Telephone: (916) 455-7300
7 Facsimile: (916) 244-7300
8 Emails: osha@semlawyers.com;
9 patrick@semlawyers.com; james@semlawyers.com

10 Attorneys for Petitioner
11 Stop the Pacheco Dam Project Coalition

12 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SANTA CLARA

15 STOP THE PACHECO DAM PROJECT
16 COALITION, an unincorporated association;
17 SIERRA CLUB, a non-profit organization;
18 AMAH MUTSUN TRIBAL BAND,

19 Petitioners,

20 v.

21 SANTA CLARA VALLEY WATER
22 DISTRICT, a State Special District, and DOES
23 1 through 10,

24 Respondents, and

25 DOES 11-20,

26 Real Parties in Interest.

CASE NO. 22CV399384

**AMENDED VERIFIED
PETITION FOR WRIT OF MANDATE;
ELECTION TO PREPARE RECORD OF
PROCEEDINGS**

Action Based on
California Environmental Quality Act

(Code Civ. Proc., §§ 1085, 1094.5;
Pub. Resources Code, §§ 21168, 21168.5,
21167.6, subd. (b)(2))

1 **Attorney for Petitioners Amah Mutsun Tribal Band and Sierra Club:**

2 ROGER B. MOORE (SBN 159992)

3 Law Office of Roger B. Moore

4 337 17th Street, Suite 211

5 Oakland, California 94602

6 Telephone: (510) 548-1401

7 Email: rbm@landwater.com

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1 **INTRODUCTION**

2 1. STOP THE PACHECO DAM PROJECT COALITION (“Coalition”), SIERRA
3 CLUB, and AMAH MUTSUN TRIBAL BAND (collectively, “Petitioners”) petition this Court
4 for a Writ of Mandate (“Petition”), directed to Respondent SANTA CLARA VALLEY WATER
5 DISTRICT (“District” or “Respondent”). Petitioners challenge the District’s avoidance of
6 environmental review in its approval of the Phase 2 Geotechnical Investigations for the Pacheco
7 Reservoir Expansion Project (“Investigation Project”). In approving this project, the District,
8 acting as lead agency, relied on a categorical exemption from the California Environmental
9 Quality Act (Pub. Resources Code, § 21000 et seq. [“CEQA”]; see also Cal. Code Regs., tit. 14,
10 § 15000 et seq. [“CEQA Guidelines”].)

11 2. The District’s proposed Investigation Project would conduct extensive operations
12 over the course of eight to seventeen months. During that time, the District proposes to conduct
13 226 borings and dig 57 test pits that would disturb more than 2,500 cubic yards of earth and
14 vegetation. To complete these borings and test pits, the Investigation Project would require
15 contractors to drive trucks, trailers and tracked rigs through the Investigation Project area, and
16 when unable to access the most remote sections of the site, fly helicopters to drop off the
17 materials and equipment needed to conduct geotechnical investigations.

18 3. The Investigation Project area contains numerous special status plants and wildlife
19 species, as well as various cultural resources. Although the Investigation Project would require
20 hundreds of off-road trips, drilling and excavating in an area documented to contain rare plant
21 communities and wildlife, the Notice of Exemption (“NOE”) claims no “serious or major
22 disturbance to an environmental resource.” This is false.

23 4. The major soil and vegetation disturbance and low-flying helicopters, among other
24 activities, would impact plants, wildlife and cultural resources. These impacts must be analyzed
25 and mitigated through the applicable CEQA procedures, not an exemption intended for
26 situations when there is no possibility of a significant environmental effect.

27 5. The District approved the Investigation Project under Public Resources Code
28 sections 15304 (Class 4, “Minor Alterations to Land”) and 15306 (Class 6, “Information

1 Collection”), however, the Investigation Project does not fall within the regulatory language of
2 these exemptions, and cannot excuse the District’s avoidance of environmental review.

3 6. While the District determined that there was no reasonable possibility of
4 significant effect on the environment, the Investigation Project would, in fact, result in
5 potentially significant impacts on the environment and is otherwise not eligible for a categorical
6 exemption from CEQA. Thus, the District erred in relying on exemptions from CEQA to forego
7 the required CEQA review.

8 7. Petitioners seeks a peremptory writ of mandate invalidating the District’s approval
9 of the Investigation Project since, as more fully set forth below, the District’s decision to adopt a
10 NOE approving an Investigation Project that would result in multiple environmental impacts
11 violates CEQA.

12 **PARTIES**

13 8. STOP THE PACHECO DAM PROJECT COALITION is an unincorporated
14 association formed to protect Santa Clara County’s ratepayers and the environment, as well as
15 working ranchlands, from the environmentally destructive, high-cost and high-risk Pacheco
16 Reservoir Expansion Project (“Dam Project”). In collaboration with environmental groups,
17 including Friends of the River, the Coalition has spearheaded the movement to stop the
18 destructive Dam Project and protect the areas’ unique biological, cultural and other resources.
19 The Coalition and its supporters include persons and groups whose members live in Santa Clara
20 County and the Bay Area and appreciate the biological diversity and other values of the Diablo
21 Range and Henry Coe State Park. These resources and interests would be severely injured if the
22 Investigation Project and the Dam Project it supports, move forward.

23 9. Among the Coalition members is the Pacheco Land and Cattle Co., which owns
24 the 6,230-acre Lawler Ranch in southeastern Santa Clara County; the Lawler family has used
25 the ranch for recreational, grazing and other conservation-compatible activities for nearly 60
26 years. A large portion of the ranch, including the historic O’Connor Ranch structures, would be
27 completely destroyed by the Dam Project. The family is committed to conserving the rich
28 historic, agricultural, biological and cultural resources of this unique part of rural California.

1 10. SIERRA CLUB is a national non-profit organization of more than 800,000
2 members, roughly 166,000 of whom live in California. The Sierra Club is dedicated to
3 practicing and promoting the responsible use of the earth’s ecosystems and resources; to
4 educating and encouraging humanity to protect and restore the quality of the natural and human
5 environment; and to using all lawful means to carry out these objectives. The Sierra Club is
6 concerned about and seeks to prevent the many negative environmental impacts that would
7 result from the Dam and Investigation Projects.

8 11. AMAH MUTSUN TRIBAL BAND (“AMTB”) is an active community of nearly
9 600 members, each of whom can trace their individual descent directly to a Mission San Juan
10 Bautista Indian and/or a Mission Santa Cruz Indian. AMTB is extremely concerned about and
11 seeks to prevent the irreparable destructive impacts of the Dam Project and Investigation Project
12 to tribal cultural resources including sacred sites, ceremonial sites, rock art sites and ancestral
13 burial sites.

14 12. On information and belief, SANTA CLARA VALLEY WATER DISTRICT is a
15 special district organized under the Santa Clara Valley Water District Act. (Stats. 1951, ch.
16 1405, p. 3336 et seq.; West’s Ann. Wat. – Appen. (1999 ed. & 2012 supp.) ch. 60, p. 354 et
17 seq.). As the CEQA “lead agency” for the Investigation Project, the District is responsible for
18 preparation of an environmental document that describes the Investigation Project and its
19 impacts and, if necessary, evaluates mitigation measures and/or alternatives to lessen or avoid
20 any significant environmental impacts.

21 13. Petitioners are unaware of the true names and capacities of Respondents DOES 1
22 through 20 and sue such respondents by fictitious names. Petitioners are informed and believe,
23 and on the basis of such information and belief allege that the fictitiously named respondents
24 are also responsible for the actions described in this Petition. When the true identities and
25 capacities of these respondents have been determined, Petitioners will amend this Petition, with
26 leave of Court if necessary, to insert such identities and capacities.

BACKGROUND FACTS

1
2 14. The District is in the process of planning for a Dam Project costing nearly \$3
3 billion, which would be located near the site of the existing Pacheco Reservoir on Pacheco
4 Creek. The Pacheco Reservoir is currently operated by the Pacheco Pass Water District. The
5 current dam is in poor condition and state dam regulators have ordered that due to seismic and
6 other dangers, the outlet gates must remain open. The proposed new reservoir would be
7 roughly 25 times larger than the existing reservoir, and the new dam would be located more
8 than a mile upstream from the current dam. The Dam Project would flood about 1,500 acres of
9 important plant and wildlife habitat, cultural sites over 3,000 years old, as well as more recent
10 yet historic Diablo Range ranching operations dating back to the 1800’s.

11 15. In November 2021, the District circulated the Pacheco Reservoir Expansion
12 Project’s Draft Environmental Impact Report (“Dam Project DEIR”) analyzing the impacts of
13 constructing a new dam on Pacheco Creek. A final environmental impact report has not yet
14 been released.

15 16. The January 26, 2022, AECOM Phase 2 Investigation Work Plan (“Work Plan”),
16 provides details regarding the current geotechnical investigations proposed by the District in
17 furtherance of the Dam Project.

18 17. On April 28, 2022, the District filed a NOE for the Investigation Project with the
19 Santa Clara County Clerk’s office.

20 18. In support of the new Dam Project located near the existing Pacheco Reservoir,
21 the District proposes to conduct extensive geotechnical investigations to include geotechnical
22 borings, test pits, potholes, electrical resistivity surveys, and seismic refraction surveys.

23 19. The Investigation Project would include investigations at nearly 200 different
24 locations in the general vicinity of and within Pacheco Creek and Pacheco Reservoir, and in
25 areas to the east along the proposed transmission line alignment that would provide power to the
26 proposed Dam Project. The majority of these locations are on privately owned land.

27 20. Approximately 226 borings (including rock core drilling, hollow stem auger
28 drilling, and auger/rotary wash drilling) would be drilled within and close to the footprint of the

1 proposed dam; at upstream and downstream borrow areas; on landslides upstream of the
2 proposed dam site; along the conveyance pipeline alignment and pumpstation footprint; on the
3 crest road of the North Fork Dam; along the access road and at the bridge crossing over North
4 Fork Pacheco Creek; along the proposed SR-152 interchange and frontage road; within the
5 proposed North Fork Pacheco Creek restoration area; and along the proposed new transmission
6 line alignment.

7 21. A total of 57 test pits are planned. Test pits would be 10 to 20 feet long, 3 feet
8 wide, and up to 20 feet deep. Following completion of logging and sampling, each test
9 pit/pothole would be backfilled, the site restored to original grade, and seeded with an
10 “appropriate” seed mix. Test pits excavated below the full pool line of the existing reservoir
11 would place side cast material into a dump truck to reduce impacts to the reservoir bottom.

12 22. Drill rigs would access the site either with a truck and trailer, via tracked rig, or
13 via helicopter. A helicopter would be used to transport timbers for constructing temporary
14 drilling platforms, drilling equipment and supplies, and drilling water to approximately 48
15 proposed investigation locations in instances where access cannot be completed by conventional
16 means.

17 **JURISDICTION AND VENUE**

18 23. This Court has jurisdiction over the matters alleged in this Petition pursuant to
19 Code of Civil Procedure sections 1085 and 1094.5 and Public Resources Code sections 21168
20 and 21168.5.

21 24. Venue for this action properly lies in the Superior Court for the County of Santa
22 Clara pursuant to Code of Civil Procedure section 394.

23 25. The Petition was timely filed in accordance with Public Resources Code section
24 21167, subdivision (d). The District filed its NOE for the Investigation Project on April 28,
25 2022, thereby triggering a 35-day statute of limitations.

26 **STANDING**

27 26. Petitioners have standing to assert the claims alleged in this Petition because
28 Petitioners are beneficially interested in this matter, as required by Code of Civil Procedure

1 section 1086. Petitioners have standing to assert the claims raised in this Petition because its
2 members include residents, business owners and property owners within Santa Clara County
3 and the Bay Area and have personal and community interests that are directly and adversely
4 affected by the District's approval of the Investigation Project and the new Dam Project it
5 informs. Petitioners are within the class of persons beneficially interested in, and aggrieved by,
6 the acts of Respondent as alleged below. Petitioners and their members have a beneficial
7 interest in challenging the District's unlawful approval of the Investigation Project that will
8 negatively impact the environmental and public health in Santa Clara County.

9 27. The District's approval of the Investigation Project is also a matter of public
10 interest. To the extent such processes occurred, Petitioners and their members participated in
11 the administrative processes herein, and exhausted available remedies.

12 **IRREPARABLE HARM**

13 28. The District's failures, set forth in this Petition, constitute a prejudicial abuse of
14 discretion within the meaning of the Code of Civil Procedure sections 1085 and 1094.5 and
15 CEQA. (See Code Civ. Proc., §§ 1085, 1094.5; Pub. Resources Code, §§ 21168, 21168.5.)

16 29. Petitioners have no plain, speedy or adequate remedy in the ordinary course of
17 law. If the District's actions regarding the Investigation Project are effectuated, Petitioners and
18 the community will be irreparably harmed. No money damages could adequately compensate
19 for that harm.

20 **PRIVATE ATTORNEY GENERAL DOCTRINE**

21 30. Petitioners bring this action as a private attorney general pursuant to Code of Civil
22 Procedure section 1021.5, and any other applicable legal theory, to enforce important rights
23 affecting the public interest.

24 31. Issuance of the relief requested in this Petition will confer a significant benefit on
25 the general public by requiring the District to comply with CEQA when making decisions
26 regarding the natural environment and water supplies.

1 rationalizations” to support action already taken.” (*Laurel Heights Improvement Association v.*
2 *Regents of Univ. of California* (1988) 47 Cal.3d 376, 395.)

3 39. When the District filed its NOE for the Investigation Project, it was aware that it
4 rendered approval of a discretionary project requiring prior CEQA review in the absence of an
5 applicable exemption. In the NOE, the District identified and described the “Phase 2
6 Geotechnical Investigations for the Pacheco Reservoir Expansion Project,” listed itself as the
7 agency “approving” the “project,” and declined to list the project approval as “ministerial”
8 rather than discretionary. However, the District did not perform environmental review for the
9 Investigation Project pursuant to CEQA. Instead, the District found the Investigation Project
10 exempt from CEQA review pursuant to categorical exemptions found in CEQA Guidelines
11 sections 15304 (Class 4, “Minor Alterations to Land”) and 15306 (Class 6, “Information
12 Collection”). By relying on these exemptions, the District failed to proceed in a manner
13 required by law.

14 40. The District’s reliance on CEQA exemptions is misplaced because a Class 4
15 exemption allows only a minor alteration to the condition of land, which would not include “the
16 removal of healthy, mature scenic trees.” (CEQA Guidelines, § 15304.) The Work Plan states
17 that “where possible” relocation of test pit and boring sites would be required “to minimize the
18 need to trim branches or cut down trees.” Thus, the District admits that trees may be removed.
19 Additionally, several of the test pit sites, which would require excavation holes of 20-foot long
20 and 20-feet deep, are located in heavily wooded areas. The District’s assertion that no healthy,
21 mature trees would be removed is contradicted by conditions in the Investigation Project area.
22 Thus, CEQA Guidelines Class 4 exemption cannot be relied upon to circumvent appropriate
23 CEQA analysis.

24 41. The Class 6 exemption allows for agencies to conduct “basic data collection,
25 research, experimental management, and resource evaluation activities which **do not result in a**
26 **serious or major disturbance to an environmental resource.**” (CEQA Guidelines, § 15306
27 [bold added].) Under the Investigation Project, low-flying helicopters would deliver drilling
28 equipment to remote areas of the Investigation Project site. These areas contain special status

1 species and helicopter operations are likely to result in major disturbances to surrounding
2 wildlife in this remote area. Additionally, the Investigation Project would require extensive use
3 of wheeled and tracked vehicles to traverse the expansive project area. These vehicles may
4 crush or destroy burrows, or otherwise damage special status plant and wildlife habitat or result
5 in take. Thus, the Investigation Project would result in a serious or major disturbance to an
6 environmental resource.

7 42. Furthermore, the District has also ignored the second element of the Class 6
8 exemption which specifies that the exempted activities “may be strictly for information
9 gathering purposes, or as part of a study leading to an action which a public agency **has not** yet
10 approved, adopted, or funded.” (CEQA Guidelines, § 15306.) The Investigation Project is not
11 for the sole purpose of information gathering; the purpose of the Investigation Project is to guide
12 the design and development of the new Dam Project. The Dam Project has already been
13 included in the District’s Capital Improvement Plan, and as of June 2022, the District has spent
14 over \$80 million pursuing the new dam. Thus, reliance on the Class 6 exemption is unfounded.

15 43. Even assuming any CEQA exemption did apply, categorical exemptions are
16 subject to exceptions under which reliance on an exemption is improper. (CEQA Guidelines, §
17 15300.2.)

18 44. Under CEQA Guidelines section 15300.2, subdivision (b), an agency may not rely
19 on an exemption “when the cumulative impact of successive projects of the same type in the
20 same place, over time is significant.” The District has already commenced the first round of
21 geotechnical investigations it calls “Phase 1.” Those investigations are ongoing and create
22 similar impacts to the activities proposed by Phase 2, resulting in piecemealing that CEQA
23 Guidelines section 15300.2, subdivision (b) prohibits. The two phases of geotechnical
24 investigations would combine to create cumulative impacts. Therefore, the cumulative impact
25 exception is applicable and CEQA exemptions cannot be relied upon.

26 45. An exemption may not be relied on when there is a “reasonable possibility that the
27 activity will have a significant effect on the environment due to unusual circumstances.”
28 (CEQA Guidelines, § 15300.2, subd. (c); see, e.g., *Voices for Rural Living v. El Dorado*

1 *Irrigation District* (2012) 209 Cal.App.4th 1096, 1107 [due to the “unusual circumstance” of
2 greatly increasing demand for public water services through an existing pipeline the project had
3 a potentially significant effect, thereby precluding reliance on an exemption].) The
4 circumstances under which the Investigation Project would occur are unusual, creating a
5 reasonable possibility of one or more significant effects to resources listed in CEQA Guidelines
6 Appendix G.

7 46. The Investigation Project area is a particularly sensitive environment containing
8 rare plant and wildlife habitat unique to the area. The Dam Project DEIR provided descriptions
9 of the occurrences of and habitat suitable for bald and golden eagles, California tiger
10 salamander, California red-legged frog and numerous other special status species in the area.
11 Additionally, hundreds of acres of sensitive natural communities in the area would likely be
12 impacted by the activities proposed by the Investigation Project. The Investigation Project
13 would require trucks, and tracked vehicles to traverse through this habitat, along with low flying
14 helicopters, disturbing the wildlife and vegetation. The boring sites and test pits would also
15 create ground disturbances and noise that would also disturb rare plants and wildlife.
16 Additionally, on information and belief, many of the drilling sites are located within or near the
17 existing reservoir footprint. The Dam Project DEIR notes that there are roughly 513 acres of
18 seasonal wetlands in the Dam Project area, some of which are along the shoreline of the Pacheco
19 Reservoir. These wetlands would be impacted by the Investigation Project due to the use of
20 heavy equipment.

21 47. The Investigation Project area contains numerous culturally important sites. The
22 Dam Project DEIR documented over 30 cultural sites in the area. Some of these sites are over
23 3,000 years old. With respect to cultural and historical resources, the Work Plan states that
24 previous surveys were conducted “to identify and avoid biological and cultural resources to the
25 **maximum extent practicable.**” (Bold added.) The Work Plan also states that boring and test
26 pit locations will be “relocated **where possible** to avoid potential impacts to sensitive species
27 and cultural resources.” (Bold added.) The Dam Project DEIR identified numerous cultural
28 resources throughout the new dam site. The Investigation Project includes test pits that are 20

1 feet deep and borings as deep as 300 feet. These activities may result in significant impacts to
2 cultural resources, and the District’s own Work Plan acknowledges that the Project does not
3 avoid all impacts to sensitive species and cultural resources.

4 48. On information and belief, the Investigation Project would negatively impact the
5 hydrology within the current reservoir and downstream of the current dam. Drilling activities in
6 inundated and previously inundated areas would require dewatering, and such water may be
7 released into Pacheco Creek. These activities would cause potentially significant impacts on the
8 hydrology and water quality of surrounding tributaries.

9 49. Furthermore, the Investigation Project would require the use of low-flying
10 helicopters and off-road vehicles to access and deliver equipment to remote areas of the
11 Investigation Project site. Low-flying helicopters would create potentially significant noise and
12 ground disturbance impacts to wildlife in the project area.

13 50. An exception to CEQA exemptions applies if the project “may cause a substantial
14 adverse change in the significance of a historical resource.” (CEQA Guidelines, § 15300.2,
15 subd. (f).) The Investigation Project area contains numerous cultural and historical sites and
16 resources, and the Investigation Project would cause an adverse change in the significance of a
17 historical resources.

18 51. A lead agency may not rely on mitigation to qualify for a categorical exemption.
19 (CEQA Guidelines, § 15126.4, subd. (a)(1)(A); *Salmon Protection & Watershed Network v.*
20 *County of Marin* (2004) 125 Cal.App.4th 1098.) Yet the Work Plan indicates that the
21 Investigation Project relies on de facto mitigation to attempt to address project impacts. For
22 instance, the NOE states that Best Management Practices and “additional project features”
23 would be incorporated into the Project. The Work Plan also refers to the NOE “include[ing]
24 Best Management Practices for **impact avoidance and minimization.**” (Bold added.) To the
25 extent the District attempts to rely on Best Management Practices and unidentified “additional
26 project features” to reduce the significant impacts of the Investigation Project, those conditions
27 are akin to mitigation.
28

1 3. For temporary, preliminary, and permanent injunctive relief to prevent the District
2 from taking further actions to implement or proceed with the Investigation Project;


3 4. An order awarding Petitioners attorneys' fees under Code of Civil Procedure
4 section 1021.5, Government Code section 800, and other applicable authority;

5 5. Costs of suit; and

6 6. Such other and further relief as the Court deems just and proper.

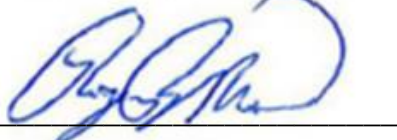
7
8 Dated: August 23, 2022

SOLURI MESERVE,
A LAW CORPORATION

9
10 By: 
11 Osha R. Meserve
12 Attorney for Petitioner
13 Stop the Pacheco Dam Project Coalition
14

15 Dated: August 23, 2022

LAW OFFICE OF ROGER B. MOORE

16
17 By: 
18 Roger B. Moore
19 Attorney for Petitioners
20 Amah Mutsun Tribal Band and Sierra Club
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1 **VERIFICATION**

2 I, Osha R. Meserve, am counsel of record for Petitioner Stop the Pacheco Dam Project
3 Coalition. I sign for Petitioner absent from the county of counsel. I have read the foregoing
4 Amended Petition for Writ of Mandate and know the contents thereof. The same is true of my
5 own knowledge, except as to those matters that are alleged on information and belief, and as to
6 those matters, I believe them to be true.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9 Executed this 23rd day of August 2022, in Sacramento, California.

10 

11 _____
Osha R. Meserve

EXHIBIT A



tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

June 2, 2022

SENT BY U.S. MAIL & EMAIL
(clerkoftheboard@valleywater.org)

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95188-3686

**RE: Notice of Commencement of Action Against
Santa Clara Valley Water District**

To Whom It May Concern:

Please take notice that Stop the Pacheco Dam Project Coalition (“Petitioner”) intends to file a Verified Petition for Writ of Mandate (the “Petition”) pursuant to Code of Civil Procedure sections 1085 and 1094.5, and California Public Resources Code section 21000 et seq. (“CEQA”), against Santa Clara Valley Water District (the “District”). The Petition challenges the District’s approval of the Phase 2 Geotechnical Investigations for the Pacheco Reservoir Expansion Project, which relies on a categorical exemption from CEQA. The lawsuit will be based on violations of CEQA; the exact nature of the allegations and relief sought is described in the Petition that Petitioner plans to file on June 2, 2022.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

ORM/mre

cc: J. Carlos Orellana, Santa Clara Valley Water District Counsel
(COrellana@valleywater.org)

Attachment: Proof of Service

PROOF OF SERVICE

I hereby declare that I am employed in the City of Sacramento, County of Sacramento, California. I am over the age of 18 years and not a party to the action. My business address is 510 8th Street, Sacramento, California 95814.

On June 2, 2022, I served the attached document:

**NOTICE OF COMMENCEMENT OF ACTION AGAINST
SANTA CLARA VALLEY WATER DISTRICT**

on the following parties or attorneys for parties, as shown below:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95188-3686

Service was caused as follows:

✓ **BY FIRST-CLASS MAIL:** I am readily familiar with this business's practice for collecting and processing correspondence for mailing with the U.S. Postal Service. In the ordinary course of business, correspondence would be deposited with the U.S. Postal Service on the day on which it is collected. On the date written above, following ordinary business practices, I placed for collection and mailing at my place of business the attached document in a sealed envelope, with postage fully prepaid, addressed as shown above.

✓ **VIA ELECTRONIC MAIL:** I caused the document to be sent by electronic mail to the addressee at the e-mail address listed above. The document was served electronically from my place of business at 510 8th Street, Sacramento, California 95814 from my electronic service address at legal@semlawyers.com.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California on June 2, 2022.



Mae Ryan Empleo

1 **PROOF OF SERVICE**

2 I hereby declare that I am employed in the City of Sacramento, County of Sacramento,
3 California. I am over the age of 18 years and not a party to the action. My business address is
4 510 8th Street, Sacramento, California 95814.

5 On August 23, 2022, I served the attached document:

6 **AMENDED VERIFIED PETITION FOR WRIT OF MANDATE;
7 ELECTION TO PREPARE RECORD OF PROCEEDINGS**

8 on the following parties or attorneys for parties, as shown below:

<p>9 SANTA CLARA VALLEY 10 WATER DISTRICT 11 J. Carlos Orellana, District Counsel 12 Rita S. Chan, Assistant District Counsel 13 5750 Almaden Expressway 14 San Jose, California 95118 15 Telephone: (408) 630-2755 Facsimile: (408) 315-3471 Emails: Corellana@valleywater.org RChan@valleywater.org <i>Attorneys for Santa Clara Valley Water District</i></p>	<p>THE SOHAGI LAW GROUP, PLC Margaret M. Sohagi Nicole H. Gordon 11999 San Vicente Boulevard, Suite 150 Los Angeles, California 90049-5136 Telephone: (310) 475-5700 Facsimile: (310) 475-5707 Emails: MSohagi@sohagi.com NGordon@sohagi.com <i>Attorneys for Santa Clara Valley Water District</i></p>
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16 Service was caused as follows:

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18 collecting and processing correspondence for mailing with the U.S. Postal Service. On the
19 same day that correspondence is placed for collection and mailing, it is deposited in the
20 ordinary course of business with the U.S. Postal Service. On the date written above, following
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22 attached document in a sealed envelope, with postage fully prepaid, addressed as shown above.

22 ✓ **VIA ELECTRONIC MAIL:** I caused the document to be sent by electronic mail to
23 the addressees at the e-mail addresses listed above. The document was served electronically
24 from my place of business at 510 8th Street, Sacramento, California 95814.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed at Sacramento, California on August 23, 2022.

26
27 
28 _____
Mae Ryan Empleo