

1 PELTZER & RICHARDSON LC  
2 ALEX M. PELTZER (SBN 216443)  
3 3746 W. Mineral King Ave.  
4 Visalia, California 93291  
5 Telephone: (559) 372-2400  
6 Facsimile: (559) 372-2407  
7 Email: apeltzer@prlawcorp.com

8 Attorneys for FRIANT WATER SUPPLY  
9 PROTECTION ASSOCIATION, an unincorporated  
10 association of public agencies

*Exempt from filing fees  
pursuant to Government Code  
section 6103*

Electronically Filed  
11/19/2020 2:16 PM  
Superior Court of California  
County of Stanislaus  
Clerk of the Court  
By: Erin Barnett, Deputy

\$435 exempt

11 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
12 IN AND FOR THE COUNTY OF STANISLAUS

13 FRIANT WATER SUPPLY PROTECTION  
14 ASSOCIATION, an unincorporated  
15 association,

16 Petitioners,

17 vs.

18 DEL PUERTO WATER DISTRICT; BOARD  
19 OF DIRECTORS OF THE DEL PUERTO  
20 WATER DISTRICT; SAN JOAQUIN RIVER  
21 EXCHANGE CONTRACTORS WATER  
22 AUTHORITY; BOARD OF DIRECTORS OF  
23 THE SAN JOAQUIN RIVER EXCHANGE  
24 CONTRACTORS WATER AUTHORITY;  
25 DOES 1-20, INCLUSIVE,

26 Respondents.

27 DOES 21-100, INCLUSIVE

28 Real Parties in Interest.

Case No. CV-20-005164

**PETITION FOR WRIT OF MANDATE**  
(Code Civ. Proc. §§ 1085, 1094.5; Pub. Res.  
Code §§ 21167, 21168, 21168.5)

*CEQA action subject to preference over all  
other civil actions per Public Resources Code  
§ 21167.1*

**INTRODUCTION**

1. Respondents Del Puerto Water District (“DPWD”) and DPWD’s Board of Directors, certified a final EIR (“FEIR”) for the Del Puerto Canyon Reservoir Project (the “Project”), and approved the Project, on October 21, 2020. Respondents San Joaquin River

1 Exchange Contractors Water Authority (“Exchange Contractors”), as project “partners” with  
2 DPWD, also acted to approve the Project on October 21, 2020, within hours of DPWD’s  
3 certification of the FEIR.

4 2. Among other things, the FEIR and the Project documents show that DPWD intends  
5 to make the Project available for use by its project partners, the Exchange Contractors. The FEIR  
6 and other Project documents show that the Exchange Contractors intend to store in Project facilities  
7 water they receive through their contract with the United States of America (the “Second Amended  
8 Contract for Exchange of Waters” (December 6, 1967), the “Exchange Contract”). However,  
9 storing water received under the Exchange Contract will violate the terms of the Exchange Contract  
10 that require water be delivered only to certain specified points of delivery, which do not include the  
11 proposed point of storage. The Exchange Contract also requires the water be used only on certain  
12 specified agricultural lands, which by implication precludes the right to store water received  
13 thereunder. The FEIR and the Project documents further disclose that the Exchange Contractors  
14 intend to store water in the Project facilities without obtaining a separate right to store appropriated  
15 water as required by California law, or without obtaining a modification of the existing permits  
16 through which the United States operates the Central Valley Project. The FEIR fails to identify the  
17 obtaining of new storage permits, or modification of existing permits, as a Project action; fails to  
18 identify the State Water Resources Control Board (“SWRCB”) as a responsible agency for the  
19 purpose of considering such storage permits or permit modifications; and fails to provide analysis  
20 of impacts to the interests of other water users and the environment related to the proposed new  
21 storage, as expressly requested by the SWRCB.

22 3. Petitioners challenge the approval of the FEIR on various grounds as unlawful and  
23 in violation of the California Environmental Quality Act (CEQA). Petitioners also seek to  
24 invalidate both Respondents’ approvals of the Project and direct that no further Project approval be  
25 considered until the defects of the FEIR are corrected.

26 **PARTIES**

27 *Petitioners*





1 the foothills of the Coast Range Mountains west of Patterson, California and Interstate-5. The  
2 proposed reservoir would provide 85,000 acre-feet (AF) of locally-owned off-stream storage South  
3 of the Sacramento-San Joaquin Delta. The purpose of the proposed project is to develop a feasible  
4 amount of additional South of Delta water storage, utilizing the water after it is moved through the  
5 Delta, conveyed from the Delta-Mendota Canal (DMC) to be stored in the proposed reservoir and  
6 discharged either back to the DMC, or possibly in the future to the California Aqueduct. The project  
7 includes construction of a main dam, four (4) saddle dams, a spillway, inlet/outlet works,  
8 conveyance facilities (including a diversion facility on the DMC, a pumping plant, underground  
9 pipeline and energy dissipation facilities at the DMC outfall, along with related appurtenant  
10 components) and electrical facilities (power supply line and electrical substation).

11 16. On or about December 12, 2019, DPWD published a Notice of Availability of a  
12 Draft Environmental Impact Report (“DEIR”) and Public Meeting Regarding Del Puerto Canyon  
13 Reservoir. DPWD is identified as the lead agency for the purpose of preparing the DEIR, and the  
14 SJRECWA is identified as a responsible agency and project partner.

15 17. On or about January 15, 2020, DPWD held a public meeting to receive comments  
16 on the DEIR. DPWD accepted written comments on the DEIR through January 27, 2020.

17 18. The State Water Resources Control Board (SWRCB) is an agency of the State of  
18 California with the statutorily assigned responsibility for permitting the use, diversion and storage  
19 of the state’s water resources. In such capacity, representatives of the SWRCB responded to  
20 DPWD’s Notice of Intent to Prepare the DEIR with a letter dated July 26, 2019, and subsequently  
21 responded to the Notice of Availability of the DEIR with a letter dated January 27, 2020. In the  
22 July 26, 2019, letter, the SWRCB asserted that “Based on information provided in the notice, it  
23 appears that the project may require one or more water right approvals.” Because of this  
24 conclusion, SWRCB indicated that the DEIR should include a full modeling of proposed diversions  
25 to storage, and the impacts those diversions would have on other Delta diversions and on aquatic  
26 and terrestrial species. In the January 27, 2020, letter, the SWRCB noted that the requested analysis  
27 was not provided, and should have been. The SWRCB specifically noted the following:  
28

1 As discussed in the State Water Board, Division of Water Rights staff comments on the  
2 NOP for the DPCR, the EIR should evaluate the effects the proposed project would have  
3 on diversions from the Delta and any associated impacts to fish and wildlife species in the  
4 Delta and propose appropriate mitigation for any impacts, including cumulative impacts.  
5 The Draft EIR acknowledges the potential for the DPCR to affect Delta exports but the  
6 modeling of the proposed project does not evaluate these effects.  
7 The project description states that "The proposed project operations would be consistent  
8 with the Coordinated Operation Agreement and would not affect existing CVP Delta  
9 pumping operations. However, certain federal benefits may be achieved should  
10 Reclamation choose to pump additional water that could be stored in capacity made  
11 available in San Luis Reservoir by the Project Partners storing water in DPCR, or by  
12 shifting pumping to provide additional Delta pumping capacity during periods of peak  
13 delivery by pumping water for delivery to the Project Partners during non-peak delivery  
14 periods and delivering that water to the Project Partners for storage in DPCR. Any such  
15 modification of Delta pumping by Reclamation would be evaluated by Reclamation in a  
16 separate NEPA document if such pumping is determined to be outside existing certified  
17 environmental documentation and/or operating agreements." (Section 2.3.1, Operations).  
18 Such changes to Delta export operations would be contingent upon the operation of the  
19 DPCR and should be modeled and evaluated accordingly in the DPCR EIR. For example,  
20 if CVP deliveries are stored in DPCR instead of San Luis Reservoir during the winter  
21 through late spring, Reclamation may export additional water at times when lack of  
22 storage space and real time demand would limit exports in the absence of the project. The  
23 magnitude of export modifications cannot be assessed without a model study that  
24 approximates likely operational scenarios. This effort should also analyze whether any  
25 changes to Delta exports due to the proposed project would alter Delta hydrodynamic  
26 processes such as Delta outflow, salinity conditions, reverse flows, and entrainment, and  
27 whether there could be impacts on water quality and biological resources upstream in the  
28 Delta.

19. On or about April 29, 2020, the United States Bureau of Reclamation published a  
notice in the Federal Register of its intent to prepare an environmental impact Statement (EIS)  
pursuant to the National Environmental Policy Act for the Del Puerto Canyon Reservoir Project.  
The notice requested comments be directed to the Bureau of Reclamation on or before May 29,  
2020. The April 29 federal register notice was the first time the members of the Petitioner received  
actual notice of the project, and specifically the role of the Exchange Contractors as project partners.  
Members of the Petitioner, together with other Friant Division districts, responded through their  
legal counsel by providing comments on May 28, 2020. In their letter, the members of the  
Petitioner put the Bureau of Reclamation (and by extension the project partners) on notice of the  
following issues:

- 1) ... *It would appear ..., that SJRECWA members do not have existing rights to divert these supplies into storage at the proposed Project Site. Further, under the permits held by the United States, which supplies the water under the Exchange Contract, storage is permitted only at specified locations, which do not include the Project Site.*

- 1           2) *If the United States and SJRECWA are proposing to amend the Exchange Contract*  
2           *and the underlying water rights to operate the CVP, then that would constitute a*  
3           *major project action for which additional environmental review is required and*  
4           *should be included in the project EIS.*
- 5           3) *The EIS should analyze the impacts to water supplies of other CVP users that are*  
6           *caused by these material changes--this is especially the case in light of the fact that*  
7           *water rights and contractual rights will need to be amended to accommodate the*  
8           *Project. Such an analysis should compare the amended operations to current*  
9           *operations under existing conditions, including a condition that Exchange Contract*  
10           *supplies are not currently allowed to be stored after delivery.*
- 11           4) *These Commenting Districts anticipate that changing exchange contract operations to*  
12           *allow for storage, under certain operational conditions, will have negative impacts on*  
13           *other water users including these Commenting Districts. Such impacts should be*  
14           *described and disclosed and mitigation measures identified.*

15           20. On or about June 15, 2020, Alex M. Peltzer, an attorney for the members of  
16           Petitioner, sent to Anthea Hansen, General Manager of DPWD, a special request for notice of  
17           CEQA documents and meetings, per the provisions of CEQA.

18           21. On or about October 9, 2020, DPWD posted a notice of availability of Final  
19           Environmental Impact Report on the Del Puerto Canyon Reservoir Project ("FEIR"). Notice of  
20           this posting was not received by Attorney Peltzer.

21           22. On or about October 16, 2020, at 5:01 p.m., General Manager Hansen emailed  
22           Attorney Peltzer to inform him that the agenda for the DPWD Board of Directors Meeting of  
23           October 21 was now posted and would be available for review. The 5:01 p.m. email from General  
24           Manager Hansen was itself a forward of an earlier email that General Manager Hansen had sent to  
25           an incorrect email address on October 13, 2020. General Manager Hansen later acknowledged  
26           sending the earlier email to an incorrect email address.

27           23. After belatedly being provided notice of the availability of the FEIR, Attorney  
28           Peltzer reviewed the FEIR with the members of the Petitioner, and based on that review prepared  
a detailed comment letter, pointing out various defects in the FEIR, restating and endorsing the  
comments of the SWRCB, objecting to the approval of the Project unless and until the defects of  
the FEIR are corrected and the requested analysis is provided, and restating the concerns the  
Petitioner members had stated in the comment letter to the April NEPA notice. Petitioner's  
comment letter was sent to DPWD and acknowledged as received via email on October 20, 2020.  
Attorney Peltzer explained the reason for the late submission (that the special request for CEQA

1 notices had not been provide) in a cover email, and explanation that was acknowledged by General  
2 Manager Hansen.

3 24. As noted in the Petitioner's members' comment letter, the FEIR fails to address the  
4 earlier SWRCB comments, and in fact creates additional discrepancies on the question of whether  
5 the Project partners will be seeking new water rights or modification of existing water right permits.  
6 Specifically in response to the SWRCB question on this issue, and the assertion by SWRCB that it  
7 does in fact appear that such new or modified rights must be obtained, the FEIR states the following:

8 The Project Partners will not require a water right permit or other water right approval involving  
9 modification of Central Valley Project water rights. Both DPWD and the Exchange Contractors  
10 have existing contracts with Reclamation for water deliveries from the Central Valley Project. The  
11 DPCR Project would store water that is already entitled to the Project Partners under their existing  
12 Reclamation contracts. Reliable local water storage would allow the Project Partners to take delivery  
of their contracted water supply when it is available during wet periods and store it for use when  
there is demand for irrigation supply. However, the Project Partners will apply to the State Water  
Resources Control Board Division of Water Rights for the right to store a portion of Del Puerto  
Creek flows in the reservoir.

13 25. The preceding conclusion of the FEIR, that the Project Partners will not require a  
14 water right permit or other water right approval involving modification of CVP water rights, is  
15 contradicted by other statements in the FEIR. For example, Page 3.11-16 of Section 3 of Volume  
16 I of the FEIR states the following:

17 3.11.3...

18 In addition, in coordination with the Project Partners, **Reclamation is proposing modification of**  
19 **its existing water rights to incorporate restorage of previously stored water in the Reservoir,**  
i.e., water that has been previously stored in Shasta- Trinity and Folsom, and Friant Dams and  
20 which has been released for delivery to CVP contractors or for storage in San Luis Reservoir. See  
*Chapter 2.3, Operation and Maintenance Requirements* for discussion of reservoir operations.  
(emphasis added.)

21 26. Despite this apparent recognition of the need to obtain a modification of existing  
22 water rights to accommodate this Project, the FEIR concludes that no such modification will be  
23 pursued, and as a result, the FEIR concludes that the water supply impact analysis that the SWRCB  
24 requested, in great detail, can simply be ignored.

25 27. The Petitioner members have identified anticipated impacts of the SJRECWA  
26 members' action to store water in the subject Project facilities. In their May 28, 2020, letter to  
27

1 Reclamation, and in their October 20, 2020, letter preceding the certification of the FEIR, Petitioner  
2 members asserted the following:

3 As other beneficial users of project water, the Commenting Districts have an interest in  
4 understanding how the changes to CVP operations that would be brought about by creating  
5 a new place of storage for the Exchange Contract supply could impact them. The  
6 Commenting Districts are concerned, for example, that storing water that is excess to the  
7 Exchange Contract area demands in one year for use in a later year would have a negative  
8 impact on the ability of Reclamation to satisfy later year Exchange Contract demands,  
9 which would expose the Commenting Districts to losses in later years. These and other  
10 potential impacts are simply unknowable under the current level of analysis provided in the  
11 FEIR.

12 The Petitioner members' comment letter further noted that the water supply impacts analysis that  
13 they were suggesting as being necessary to confirm the lack of any negative impacts to them is the  
14 same analysis that the SWRCB had noted would be required for any application to modify or create  
15 new water storage rights.

16 28. The agenda for the October 21, 2020, meeting of the DPWD Board of Directors  
17 identified the following action: "V. Action Items; A. Board to Consider Resolution Certifying an  
18 Environmental Impact Report, Adopting Environmental Findings and a Statement of Overriding  
19 Considerations, Adopting a Mitigation Monitoring and Reporting Program Under CEQA for the  
20 Del Puerto Canyon Reservoir Project, and Approval of the Del Puerto Canyon Reservoir Project."  
21 Although the agenda refers to a resolution, no written resolution was posted for public review in  
22 advance of the action with the other meeting materials, and no adopted printed resolution has since  
23 been posted or made public.

24 29. On October 21, 2020, Attorney Peltzer, representing the 10 members of the  
25 Petitioner, attended the DPWD Board of Directors Meeting via Zoom teleconference. Attorney  
26 Peltzer made public comments when provided the opportunity, and restated the Petitioner  
27 members' concerns and opposition to the proposed action of certifying the FEIR and approving the  
28 Project unless and until the identified defects in the FEIR are corrected.

30. The DPWD Board of Directors closed the public comment period during the  
October 21, 2020 meeting, and without discussion, approved the staff recommended action of  
certifying the EIR and approving the Project (with no written resolution being provided to the  
public).



1           37.       Petitioner and its members will be directly and substantially affected by the  
2 adverse environmental impacts and water delivery changes that may result from the Project.

3           38.       Petitioner will comply with Pub. Res. C. § 21167.5 by mailing written notice  
4 of this action to DPWD.

5           39.       Petitioner will comply with Pub. Res. C. § 21167.7 and Code of Civil  
6 Procedure § 388 by notifying the Attorney General of California of the commencement of  
7 this action.

8           40.       Petitioner does not have a plain, speedy, or adequate remedy in the ordinary  
9 course of law.

10          41.       A clear and significant benefit will be conferred upon the general public and  
11 Petitioner by DPWD and SJRECWA fully satisfying the requirements of State and local law in  
12 certifying the FEIR and/or approving the Project. A clear and significant benefit will be  
13 independently conferred upon the general public by the Respondents fully satisfying the  
14 requirements of CEQA, and applicable state water rights laws. In instituting this action,  
15 Petitioner seeks to procure enforcement of a mandatory duty. The public of which  
16 Petitioner's members are members is vitally and beneficially interested in assuring that the  
17 mandate of law is fully satisfied and fulfilled. Granting the relief requested by Petitioner  
18 would confer a significant benefit on a large class of persons, in that fundamental rules of  
19 law would be affected.

20          42.       By the authority of Code of Civil Procedure sections 1085 and 1094.5,  
21 Government Code sections 65009, and Public Resources Code sections 21168, 21168.5 and  
22 21168.9, this Court has jurisdiction to issue a Writ of Mandate to set aside DPWD's and  
23 SJRECWA's approval of the Project.

24          43.       Venue is proper in this Court because the causes of action alleged in this  
25 Petition arose in Stanislaus County where both the Project and the agency that approved the  
26 Project are located.

27 ///

28 ///

1 **FIRST CAUSE OF ACTION**  
2 ***(Prejudicial Abuse of Discretion:***  
3 ***Failure to Identify Significant Project Actions and Responsible Agencies)***

4 44. Petitioner realleges and incorporates herein by reference the allegations  
5 contained in Paragraphs 1-43 above.

6 45. As a foundational matter, CEQA requires Lead Agencies to identify the entire  
7 Project, including all actions by other agencies that may be required to approve the project.  
8 CEQA requires that environmental review be based on an accurate, stable and finite project  
9 description. A project description that is inaccurate or unstable results in an ineffective and  
10 unlawful evaluation of environmental impacts.

11 46. The subject Project FEIR contains conflicting statements in the FEIR  
12 documents, as described herein and elsewhere, regarding the issue of whether the Project  
13 includes the action of applying for new or modified water rights permits to accommodate storage  
14 of the water supply received by the Exchange Contractors under the Exchange Contract. Failure  
15 to clearly identify the application for new or modified water rights constitutes a failure to  
16 adequately describe the proposed Project.

17 47. CEQA further requires that all "Responsible Agencies" be identified. A  
18 Responsible Agency is defined as a public agency, other than the lead agency, that has some  
19 discretionary power to approve or carry out the project for which the lead agency is preparing an  
20 EIR (Pub. Res. C. § 21069). The reason for defining Responsible Agencies in an EIR is because  
21 the Responsible Agency will be required to rely on the EIR as the sole review under CEQA for  
22 the Responsible Agency's action.

23 48. By refusing to clearly specify that a water rights application or modification is  
24 required to accommodate operation of the Project (as it clearly is), the FEIR also fails to identify  
25 the SWRCB as a Responsible Agency for this action.

26 49. Failure to adequate define the Project and all Project actions, and failure to  
27 identify SWRCB as a Responsible Agency for purpose of consideration of modification of the  
28 Central Valley Project water rights constitutes a failure to proceed in the manner required by law  
and a prejudicial abuse of discretion.

///

///

1 **SECOND CAUSE OF ACTION**

2 *(Prejudicial Abuse of Discretion: piecemealed environmental review in violation of CEQA)*

3 50. Petitioner realleges and incorporates herein by reference the allegations  
4 contained in Paragraphs 1-43 above.

5 51. CEQA requires that when making discretionary Project approvals, public  
6 agencies consider "the whole of an action, which has a potential for resulting in either a direct  
7 physical change in the environment, or a reasonably foreseeable indirect physical change in the  
8 environment." Piecemealing or segmenting a project into smaller portions resulting in  
9 understated environmental impacts is not permitted.

10 52. CEQA further requires that environmental review be based on an accurate, stable  
11 and finite project description. A project description that is inaccurate or unstable results in an  
12 ineffective and unlawful evaluation of environmental impacts.

13 53. To the extent that DPWD and SJRECWA propose to later determine that water  
14 rights permits or modifications are required, and to only then provide the analysis requested by  
15 the SWRCB, such action would constitute an impermissible piecemealing of the environmental  
16 review required by CEQA.

17 **THIRD CAUSE OF ACTION**

18 *(Prejudicial Abuse of Discretion: failure to identify Project environmental impacts)*

19 54. Petitioner realleges and incorporates herein by reference the allegations  
20 contained in Paragraphs 1-43 above.

21 55. A fundamental purpose of CEQA is to ensure that public agencies identify and  
22 consider all significant environmental effects or impacts of their actions before committing to take  
23 those actions. Where potential impacts have been identified by commenting third parties, and a  
24 suggested analysis is requested to better define such potential impacts, an agency preparing an  
25 EIR must either provide the analysis or provide some other substantial evidence that such analysis  
is not necessary and that the identified potential impact is not likely or not significant.

26 56. DPWD's FEIR expressly refuses to provide the analysis of water supply impacts  
27 that SWRCB has requested, and that Petitioner's members have also requested. As the agency  
28 responsible for making water rights determinations, SWRCB's definition of reasonably-required

1 impacts analysis should be controlling. DPWD's only reasoning for refusing to provide the  
2 requested analysis is that the regulatory action underlying the request (application for new or  
3 modified water rights permits to accommodate a new place of storage) is not applicable. As  
4 described elsewhere, this conclusion is incorrect.

5 57. DPWD's FEIR should provide the requested analysis, and failure to do so  
6 constitutes a prejudicial abuse of discretion and failure to proceed in the manner required by law.

7  
8 **FOURTH CAUSE OF ACTION**

9 ***(Prejudicial Abuse of Discretion: Project Approval by Responsible Agency in Reliance on a  
Defective EIR)***

10 58. Petitioner realleges and incorporates herein by reference the allegations  
11 contained in Paragraphs 1-43 above.

12 59. To comply with CEQA a responsible agency must consider the final EIR prepared  
13 by the lead agency and reach its own conclusions on whether and how to approve the project. An  
14 inadequate or deficient FEIR will be grounds for invalidating both the lead agency's and the  
15 responsible agency's actions approving the Project.

16 60. SJRECWA and its Board of Directors considered the same FEIR that is alleged  
17 herein to be defective as the basis for its October 21, 2020, approval of the Project.

18 61. Reliance on a defective FEIR prepared by DPWD constitutes a prejudicial abuse  
19 of discretion by SJRECWA and a failure to proceed in the manner required by law.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioners pray as follows:

22 1. That this Court issue a peremptory writ of mandate:

23 a. Commanding the DPWD Board of Directors to immediately set aside its  
24 decision to approve the Project;

25 b. Commanding the SJRECWA Board of Directors to immediately set  
26 aside its decision to approve the Project;

27 c. Commanding DPWD and SJRECWA to immediately suspend all activities  
28 in furtherance of the Project;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

d. Commanding DPWD to set aside its decision to certify the FEIR;

e. Commanding DPWD to comply with CEQA in any subsequent action(s) taken to approve the Project;

2. For a stay, temporary restraining order, and/or preliminary and permanent injunction restraining DPWD and SJRECWA from taking any action to carry out the Project pending the outcome of this litigation;

3. That Petitioner be awarded the costs incurred in bringing this action, and reasonable attorney fees pursuant to Code of Civil Procedure 1021.5, the "common benefit" theory, Government Code section 800, or as otherwise provided by law or equity.

4. That the Court grant such other and further relief as may be equitable and just.

Respectfully submitted,

Dated: November 19, 2020

PELTZER & RICHARDSON, LC

By:   
\_\_\_\_\_  
Alex M. Peltzer  
Attorneys for FRIANT WATER SUPPLY  
PROTECTION ASSOCIATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

I am one of the attorneys of record for the party on whose behalf the foregoing Petition for Writ of Mandate is verified. I have read it and know the content thereof. I am informed and believe the matters therein are true and on that ground allege the matters therein are true.

I declare under penalty of perjury, under the laws of the state of California, that the foregoing is true and correct.

Executed at Visalia, California on November 19, 2020.

  
\_\_\_\_\_  
Alex M. Peltzer