

EXPLANATORY ATTACHMENT
to the SWRCB's Online Form Entitled:
“Informational Order Supporting Data”

Riparian Rights: The riparian patent date is the date of the patent from the United States to the State or from the United States to a private party as derived from the referenced Bureau of Land Management records website provided in the online form. If available, the patent date from the State to the private party is used in lieu of the patent date provided by that site. The date of priority for riparian lands is expected to relate back to the time of settlement prior to patent.

The online form has been marked “no” as to severance of riparian rights. The question on the form is compound but in any event the term “severance” reflects a legal conclusion which must be determined in a court adjudication.

Pre-1914 Rights: The Pre-1914 priority date and year that water was first used are based on the estimated time of settlement and use of water on the land where the Point of Diversion is located and/or where the Place of Use served by that Point of Diversion is located. Where available, Certificates of Purchase dates are used to support the estimates. The reporting party reserves the right to support an even earlier date as more historical evidence is located.

The claim of continuous use is made until such time as a court adjudication has determined that such use was not continuous.

Monthly Diversions: The “Direct Diversion” amounts for 2014 are calculated from the Excel spreadsheets posted at sjwater.org and are based on consumptive use estimates multiplied by a multiple to account for additional water that is diverted but not consumed or evaporated. Additional water is also added to the foregoing to account for field flooding, if any. The consumptive use estimates are based on the following:

Central and South Delta, Zone 12: Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 12 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Manteca. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

North or West Delta, Zone 14: Used ITRC REPORT 03-001 ETc Table for Irrigation Scheduling and Design, Zone 14 for Surface Irrigation, Typical year adjusted for the reporting year using CIMIS monthly ETo for Lodi West. For crops not covered by the ITRC report ETc was determined using ratios to alfalfa from Table A-5, DWR Bulletin 168, October 1978.

The “Projected Direct Diversion” amounts for 2015 are derived in the same manner, and based on the same 2014 Excel Spreadsheets, as the amounts for 2014 except that the amounts for 2015 take into consideration any anticipated changes in acreage or crops compared to 2014.

Because the online form instructs: “Do Not report the same value for Riparian and Pre-1914,” the amounts directly diverted are entered into the Pre-1914 boxes and the number one is inserted into the Riparian boxes. Until the Pre-1914 and Riparian rights are adjudicated they are overlapping rights that cannot be legally separated. Moreover, the claim of right for this Statement Number also includes overlying rights, statutory rights and rights derived from use for more than 120 years which can likewise overlap in various respects. (Note: these rights also overlap with any *post*-1914 and contract rights that may be applicable to the places of use at issue herein.)

Maximum Rates of Diversion: The maximum rates of diversion are determined by estimating head conditions and using the siphon and pump capacity graphs posted at sjwater.org. Fluctuation of water levels due to changes in river flows, tides and numerous other factors renders determination of maximum diversion rates somewhat inexact. The relevance of such a maximum rate determination is questionable in that in many cases the maximum rate is not used or only used for a limited period. To avoid double counting, the maximum rates are only entered into the Pre-1914 rights boxes (even though those rates likewise apply to the overlapping Riparian rights).

DECLARATION OF ROBERT AUGUSTO IN SUPPORT OF ORDER FOR ADDITIONAL
INFORMATION, ORDER WR 2015-0002-DWR

I, Robert Augusto, do declare:

1. I am over the age of eighteen, have personal knowledge of the matters stated herein and can and will competently testify to these matters if called upon to do so.

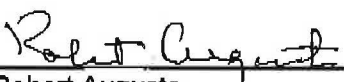
2. I am the owner of parcel number 0042-220-130, an agricultural parcel located on Ryer Island in the Sacramento River in Solano County, California. I have owned this parcel since 1992. Claim number S016918 is appurtenant to this parcel.

3. I make this declaration in response to an Informational Order issued by the State Water Resources Control Board related to water use by Islands, Inc.

4. I have personally reviewed the records of irrigation associated with the subject parcel and its predecessor entities to determine whether the predecessors have continuously used water from the sources in and around Ryer Island since the various Swamp and Overflowed parcels were acquired in the 1860s and 1870s.

5. To the best of my knowledge and based on the records I have reviewed, I and the predecessor owners of the subject parcel have continuously used its pre-1914 and riparian water rights on the subject lands within Ryer Island since at least 1876 up until present.

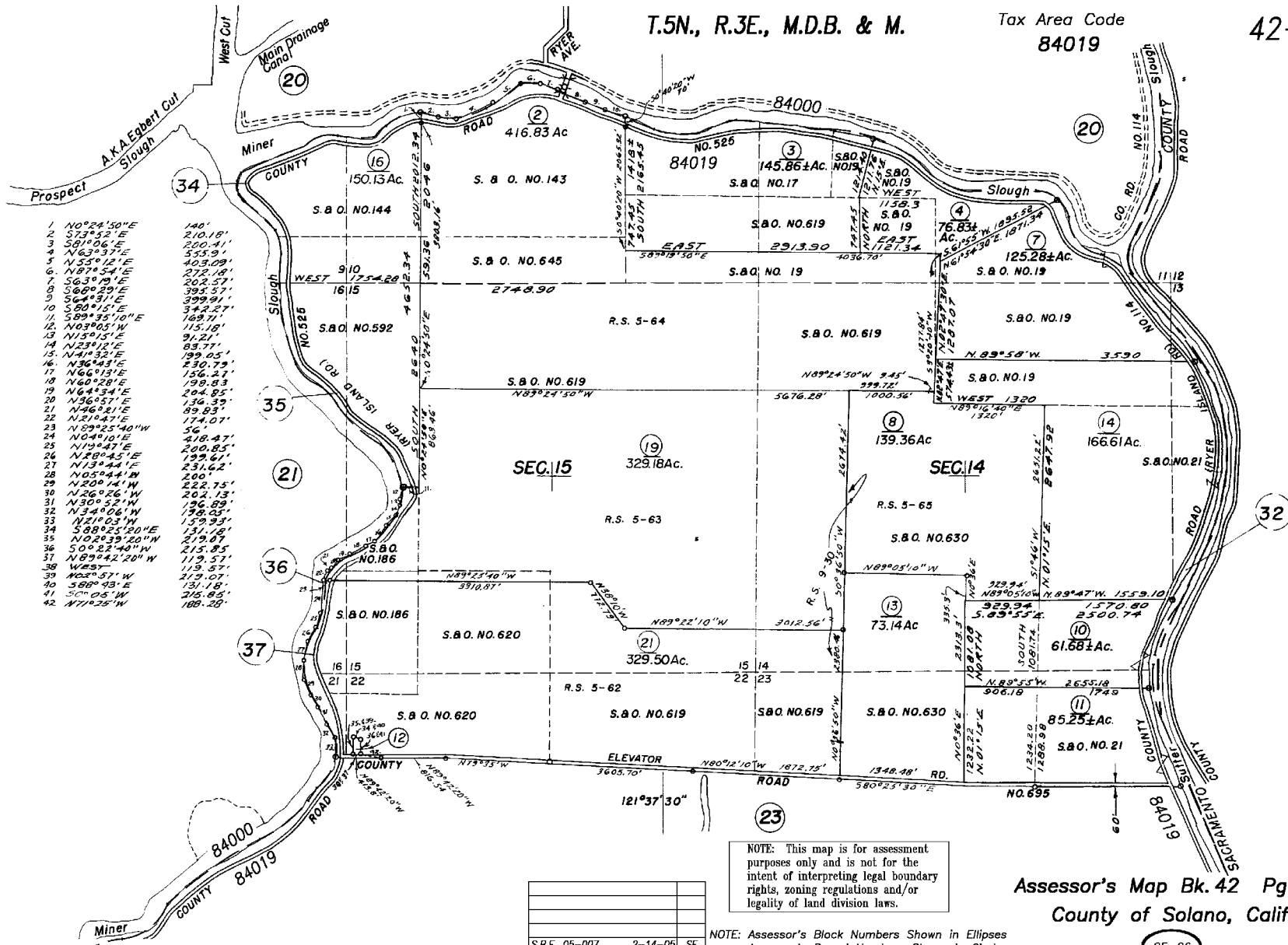
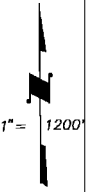
I declare under penalty of perjury under the laws of the State of California that the forgoing statements are true and correct. Executed this 5TH day of March, 2015 at Ryer Island, California.


Robert Augusto

T.5N., R.3E., M.D.B. & M.

Tax Area Code
84019

42-22



- 1 N0°24'50"E 140'
- 2 S13°52'E 210.18'
- 3 S81°06'E 200.41'
- 4 N63°37'E 355.9'
- 5 N53°12'E 403.09'
- 6 N0°54'E 272.18'
- 7 S63°09'E 202.57'
- 8 S60°29'E 393.57'
- 9 S64°31'E 399.91'
- 10 S80°15'E 342.27'
- 11 S89°35'10"E 169.71'
- 12 N03°05'W 115.18'
- 13 N15°15'E 91.21'
- 14 N23°12'E 83.77'
- 15 N41°32'E 199.05'
- 16 N36°43'E 230.73'
- 17 N66°13'E 136.21'
- 18 N60°28'E 139.83'
- 19 N64°34'E 204.85'
- 20 N36°57'E 134.39'
- 21 N46°21'E 89.83'
- 22 N21°47'E 174.07'
- 23 N89°25'40"W 56'
- 24 N04°10'E 418.47'
- 25 N19°43'E 200.85'
- 26 N28°45'E 199.21'
- 27 N13°44'E 234.62'
- 28 N05°44'W 200'
- 29 N20°14'W 222.75'
- 30 N26°26'W 220.13'
- 31 N30°32'W 196.89'
- 32 N34°06'W 198.05'
- 33 N11°05'W 159.93'
- 34 S88°25'20"E 131.18'
- 35 N02°39'20"W 219.07'
- 36 S0°22'40"W 215.85'
- 37 N89°42'20"W 119.57'
- 38 WEST 119.57'
- 39 N02°57'W 219.07'
- 40 S80°43'E 131.18'
- 41 S0°05'W 215.85'
- 42 N71°25'W 188.28'

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

NOTE: Assessor's Black Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

S.B.E. 05-007	2-14-05	SE
S.B.E. 182 D	1-21-89	S.B.
REVISION	DATE	BY

Assessor's Map Bk. 42 Pg. 22
County of Solano, Calif.

05-06

Ryer Island Reclamation District No.501, R.M. Bk. 4 Pg. 2

Copyright (C) 1996, Solano County Assessor/Recorder, All rights Reserved

United States of America---State of California.

To All to whom these Presents shall Come, GREETING:

WHEREAS, Under the provisions of an Act of Congress of the United States, approved the twenty-eighth day of September, A. D. one thousand eight hundred and fifty, entitled "An Act to enable the State of Arkansas, and other States, to reclaim swamp land within their limits," in which Act the manner of selecting and setting apart swamp and overflowed lands is fully set forth; And Whereas, The Legislature of the State of California has provided for the Sale and Conveyance of said lands by statutes enacted from time to time; And Whereas, It appears by the certificate of the Register of the State Land Office, No. 2111, bearing date May 2nd A. D. one thousand eight hundred and Seventy Six, and issued in accordance with the provisions of law, that the tracts of Swamp and Overflowed Lands hereinafter described have been duly and properly surveyed in accordance with law; that full payment has been made to the State for the same, and that

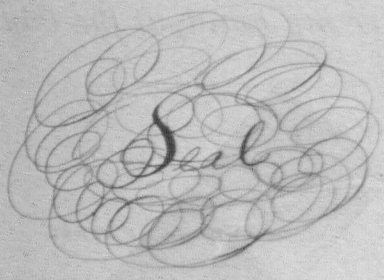
W. M. Ryer - Assignee - is entitled to receive a Patent therefor; said lands being situated in Solano County, and described as follows, to wit: Survey No. 576, 585, 620, 630, 637 Swamp and Overflowed Lands Solano County, Townships No. 4 and 5 North Range No. 3 East, Mount Diablo Meridian; Section No. Portion of Section 2 in Tp 4 N. R. 3 E. and portions of Sections 15, 16, 21, 22, 14, 23, 26 and 35 in Tp 5 N. R. 3 E.

and more particularly described in the field notes of said survey as follows:
Survey 576. Beginning at the Dr. Section Corner on S. line of Sec 2 in Tp 4 N. R. 3 E. Mt Diablo Meridian and running thence N. 87.00 Chs. E 36.26 Chs. S 4.00 E 8.53 Chs. S 21.45 W. 43.00 Chs E 10.00 Chs S 30.25 W. 36.52 Chs. W. 12.42 Chs to place of beginning - Run by the true Meridian, Magnetic Variation 16° 15' East. Survey 585 Beginning at the Dr. Section Corner on the S. line of Sec 35 in Tp. 5 N. R. 3 E. Mt Diablo Meridian and running thence N. 80.00 Chs. E 32.10 Chs. S 19.75 W. 8.57 Chs. S 4.45 E 40.19 Chs. S 4.50 E 31.57 Chs W. 36.26 Chs to place of beginning - Run by the true Meridian Magnetic Variation 16° 15' East. Survey 637 Beginning at the Dr. Section Corner on the S line of Section 26 in Tp 5 N. R. 3 E and running thence E 32.10 Chs N 9.15 E 36.43 Chs N. 2.00 W. 31.00 Chs N. 12.15 E 18.42 Chs. W. 19.98 Chs. S. 40.00 Chs. W. 20 Chs S. 40 Chs to place of beginning run by the true Meridian Magnetic Variation 16° East. Survey 630 Beginning at a point 20.00 Chs South of the Dr. Section Corner on the N. line of Section 23 in Tp 5 N. R. 3 E. Mt Diablo Meridian and running thence W. 20.00 Chs N. 80.00 Chs E 15.08 Chs S 1.30 E 4.64 Chs E 20 Chs S. 1.26 W. 75.38 Chs W. 13.52 Chs to place of beginning, run by the true Meridian Magnetic Variation 16° 15' East. Survey 620 Beginning at a point 20.00 Chs South of the Dr. Section post on the N. line of Section 22 in Tp 5 N. R. 3 E. Mt Diablo Meridian and running thence W. 40.00 Chs N. 29.4 W. 8.85 Chs N. 23 W 9.94 Chs N. 25.10 E 7.43 Chs N 0.45 W. 5.08 Chs E 19.24 Chs N. 11.32 Chs E 25.87 Chs. S 40.00 Chs to place of beginning - Run by the true Meridian; Magnetic Variation 16° 15' East - Containing in all Ten hundred and Sixty five ²¹/₁₀₀ (1065 ²¹/₁₀₀) Acres

Now, Therefore, All the requirements of the Act of Congress, as well as the Acts of the State Legislature in relation to swamp and overflowed lands having been fully complied with, I, William Irwin Governor of the State of California, by virtue of authority in me vested, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto

W. M. Ryer all the above described lands, with the appurtenances thereunto belonging, to have and to hold unto him the said W. M. Ryer his heirs and assigns forever.

IN WITNESS WHEREOF, I, William Irwin, GOVERNOR OF THE STATE OF CALIFORNIA, have caused these Letters to be made Patent, and the Seal of the State of California to be hereunto affixed. Given under my hand, at the City of Sacramento, this, the Thirtieth day of May in the year of our Lord one thousand eight hundred and seventy-Six



ATTEST: Thomas D. East, Secretary of State. William Irwin, GOVERNOR OF STATE.

Countersigned: Wm. Minis, Register of State Land Office.



J. M. CLIFFORD
EXECUTIVE OFFICE



GEORGE C. WILSON
CHAIRMAN
ELLIS C. PATTERSON
MEMBER
HARRY B. BILBY
MEMBER

State Lands Commission

DIVISION OF STATE LANDS
DEPARTMENT OF FINANCE
STATE OF CALIFORNIA
BUSINESS AND PROFESSIONS BUILDING
1050 N. STREET
SACRAMENTO, CALIFORNIA

630 S&O SURVEYS SOLANO
PATENT VOUCHER

SEE.....516 SAME

*Patent Issued
5-13-1876
to
W.M. Ryer*

State of California, }
County of Solano, } ss.

On this Fourth day of

September A. D. one thousand eight hundred and Seventy-one

before me, H. K. Snow County Recorder in and for

said Solano County, personally appeared John B. Lemon

[Empty space for signature or notes]

to me personally known to be the individual described in said and who executed the annexed Instrument, and the said John B. Lemon acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, in said County, the day and year in this Certificate first above written.



H. K. Snow County Recorder.

By H. K. Snow Deputy Recorder.



For and in Consideration of the Sum of
Four Hundred and thirty ⁴²100 dollars to
me in hand paid I do hereby bargain
sell transfer assign and set over to
Washington M. Ryer of the County of
San Francisco and State of California
the annexed Certificate of purchase No 3571
for Swamp and Overflowed Land Survey
No 630 containing Two hundred and Sixty
five $\frac{21}{100}$ ($265\frac{21}{100}$) acres. And also all of
my right title and interest in and
to said land

Witnessed Sep 4th } John B. Emory Seal
1871

Certificate 3511 | May 8
1871
Survey 630, Return of 456
John B. Lemon
265²¹ acres

apartment Sept 24th 1871

John B. Lemon
to
W. M. Ryer

20

1-2

2.

Recorded at request of
W. M. Ryer
Dec. 7. 1871, at 8 o'clock
A. M., in Lib. No. 44
of Deeds, page 170.
Records Solano County
H. K. Snow Sec. Recorder
by H. K. Snow dep. Recorder.

265-21

3511

CERTIFICATE OF PURCHASE.

State Land Office of the State of California,

SACRAMENTO Eighth day of May 1871

No. 3511

IT APPEARING FROM THE CERTIFICATE OF THE COUNTY TREASURER, bearing date the 4th April A. D. 1871 that John B. Semon has paid to the **STATE OF CALIFORNIA** the sum of Seventy One ¹²/₁₀₀ Dollars, being twenty per cent. of the purchase money and first year's interest on the balance, for 265 ²/₁₀₀ Acres of **SWAMP AND OVERFLOWED LAND**, described as follows, in SURVEY No. 630 Solano COUNTY: _____

The frac S E 1/4 of S 23 1/2 W 4, frac S W 1/4 of N E 1/4, E 1/2 of S W 1/4, and frac W 1/4 of S E 1/4 of Section 14, the S E 1/4 of S 23 1/2 W 4, and frac S W 1/4 of N E 1/4 of Section 23, in TOWNSHIP No. 5 North RANGE No. 3 East Mount Diablo MERIDIAN.

Now, Therefore, be it Known, THAT the said John B. Semon having made payment of said twenty per cent., and first year's interest, for the above described tract of Land, is the purchaser of the same; and after having in all other respects complied with the requirements of the laws providing for the sale of said lands, and on **SURRENDERING THIS CERTIFICATE TO THE STATE OF CALIFORNIA**, and after the said Lands have been confirmed to the State, the said John B. Semon or his assigns, shall be entitled to receive a Patent for the same.

Balance of Purchase Money due \$ 212.17

Interest to be computed from 23rd February 1871

In Witness Whereof, the Register of said Land Office has hereto set his hand and affixed his seal of office, the day and date above mentioned.

John W. Post
Register of State Land Office.

SWAMP AND OVERFLOWED LANDS.

PRICE PER ACRE, ONE DOLLAR.

Chattel
Patent

OFFICE OF THE REGISTER OF THE STATE OF CALIFORNIA

State

RECEIVED from
 being payment of years interest on the within described tract of land.
 County Treasurer's Office County, }
 day of 18 County Treasurer.

RECEIVED from
 being payment of years interest on the within described tract of land.
 County Treasurer's Office County, }
 day of 18 County Treasurer.

RECEIVED from
 being payment of years interest on the within described tract of land.
 County Treasurer's Office County, }
 day of 18 County Treasurer.

RECEIVED from
 being payment in full of principal and interest for the within described tract of land.
 County Treasurer's Office County, }
 day of 18 County Treasurer.

Interest to be computed from
 Balance of Purchase Money due
 THIS CERTIFICATE TO THE STATE OF CALIFORNIA, and after the said lands have been confirmed to the said the said
 after paying in full or other respect
 paying into payment of said
 State Treasurer,

County Treasurer's Office,

County, _____ 187

Received of _____

the sum of _____ dollars and _____ cents, being 20 per cent. of the purchase money and interest upon the balance, to the first day of January, 187

\$ _____ County Treasurer.

RECEIVED, also, Three Dollars for the Certificate of Purchase.

\$ _____ County Treasurer.

Certificate Issued ✓
Resurvey of M. 45-6 amended

Swamp and Overflowed Lands.

Pat May 13 1876
_____ Dolano County.

Survey No. 630

Township 5 North

Range 3 East

Sections 14 & 23

Trl. S. E. 1/4 of N. W. 1/4 of S. E. 1/4 of Sec. 14 &

E. 1/2 of S. W. 1/4 of N. W. 1/4 of S. E. 1/4 of Sec. 14 &

N. E. 1/4 of N. W. 1/4 of S. E. 1/4 of Sec. 23

Containing 265 ²¹/₁₀₀ Acres,

Surveyed for Cohin & Gerson

By W. Fitch
County Surveyor.

Rec'd and Filed 21st February 1871

Approved 23rd February 1871

J. W. Burt
Surveyor-General.

By E. Tutchill Deputy.

Approval recorded by me _____

_____ 18

_____ County Surveyor.

Resurvey of Cr: 456

COUNTY SURVEYOR'S OFFICE,

Solano COUNTY, CAL.

SWAMP AND OVERFLOWED LANDS.

Survey No. 630

Township 5 North

Range 3 East

Sections 14 & 23

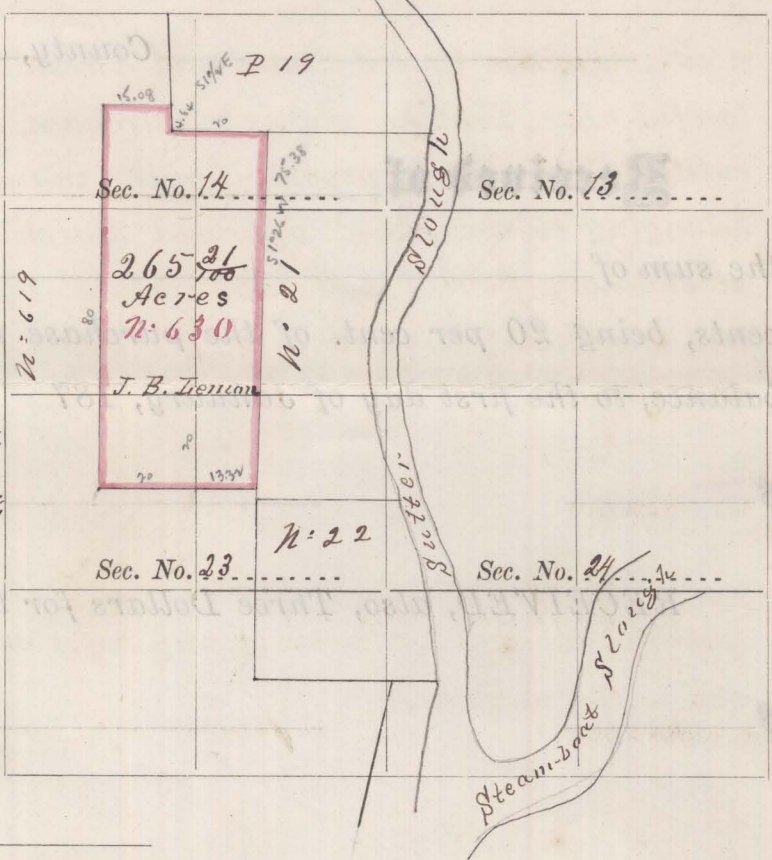
Tr. S. E 1/4 of N. W 1/4, Tr. S. W 1/4 of N. E 1/4, E 1/2 of S. W 1/4 & Tr. N. 1/2 of S. E 1/4 of Sec. 14. Tr. N. E 1/4 of N. W 1/4 & Tr. N. W 1/4 of N. E 1/4 of Sec. 23

Base and Meridian of Mount Diablo.

Containing 265 21/100 Acres,

Surveyed February 20th 1871

for John B. Lennon



FIELD NOTES.

Beginning at a point 20⁰⁰ chains South of the 14 Section corner on the North line of Sec. 23, and running thence West 20⁰⁰ ch. Thence North 80⁰⁰ ch. Thence East 15⁰⁰ ch. Thence S 1-30' E 4⁶⁴ ch. Thence East 20⁰⁰ ch. Thence S 1-26' W 75-32 ch. Thence West 13³² ch. to the place of Beginning Containing 265 21/100 Acres being a resurvey of Cr: 456 formerly made for Peter Storck and forfeited by a Decree of Court

Run by the true Meridian. Magnetic Variation 16-15' East.

Surveyed in accordance with the Act of the Legislature concerning State Lands, approved March 28th, 1868, and the several Acts amendatory thereof and supplemental thereto, and the instructions of the Surveyor-General.

John B. Lennon

County Surveyor of Solano County.

Certified to be a correct copy of the original record in my office.

John B. Lennon

County Surveyor of Solano County.

630

630

John B. Lerron of the County of Solano
being duly sworn, deposes and says he is

a citizen of the United States and a resident of the State of California, of lawful age. That he wishes to purchase, under the provisions of an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March 28, 1868, and the several Acts amendatory thereof and supplemental thereto, a certain tract of Swamp and Overflowed Land in Solano County, lying and situate & being The frac. South East 1/4 of N. W. 1/4, S. W. 1/4 of N. E. 1/4, E. 1/2 of S. W. 1/4 & the N. 1/2 of S. E. 1/4 of Sec. 14 & N. E. 1/4 of N. W. 1/4 & the N. W. 1/4 of N. E. 1/4 of Sec. 24, T. 5 N. R. 3 E being Survey A: 45-6 of Swamp & Overflowed Land & containing 265 ²¹/₁₀₀ Acres more or less and that he does not know of any legal or equitable claim, other than his own to the said land.

John B. Lerron

Sworn and subscribed to before me, this Fourteenth day of February 1871
at Fairfield County of Solano State of California.

W. G. Costigan County Clerk
By Wm. R. Salto Deputy Clerk
of Solano County, California.

Certified to be a correct copy of the original affidavit on file in my office.

Wm. R. Salto
County Surveyor.