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15 Attorneys for Petitioner,  
16 TULARE LAKE BASIN WATER STORAGE DISTRICT

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 COUNTY OF SACRAMENTO

19 TULARE LAKE BASIN WATER STORAGE )  
20 DISTRICT, )  
21 Petitioner, )  
22 vs. )  
23 CALIFORNIA DEPARTMENT OF WATER )  
24 RESOURCES; and DOES 1 to 30, inclusive, )  
25 Respondents. )

26 \_\_\_\_\_ )  
27 DOES 31 to 100, inclusive, )  
28 Real Parties in Interest. )

**Case No.**  
**VERIFIED PETITION FOR WRIT OF MANDATE**  
*CEQA action subject to preference over all other civil actions per Public Resources Code § 21167.1*  
**(Code Civ. Proc., §§ 1085, 1094.5; Pub. Res. Code, §§ 21000 et seq.)**

1 Petitioner, Tulare Lake Basin Water Storage District (**District** or **Petitioner**), alleges as follows:

2 1. Petitioner is a California special district formed and operating pursuant to Division  
3 14 of the California Water Code.

4 2. Respondent, California Department of Water Resources (**DWR**) is, and at all times  
5 herein mentioned was, a Department of the State of California subject to all California law. DWR  
6 is the lead agency responsible under CEQA for the proposed Delta Conveyance Project  
7 (hereinafter **DCP** or **Project**), a project seeking to add costly and controversial new pipeline and  
8 other water diversion and conveyance infrastructure to the State Water Project (**SWP**) facilities  
9 in the Sacramento River-San Joaquin River Delta.

10 3. Petitioner contracts with DWR for water from the SWP. The proposed Project  
11 would modify the SWP and may affect the cost and quantity of water available to Petitioner from  
12 the SWP.

13 4. The SWP is a critical part of the District's conjunctive use and groundwater  
14 management programs. The current trend of reduced and interrupted SWP supplies and  
15 increasing costs has had significant impacts on the District and surrounding area. SWP deliveries  
16 have been repeatedly interrupted and reduced due to operational conflicts with threatened and  
17 endangered species in the Delta. The reduced reliability of the SWP supplies, coupled with the  
18 increased costs of these supplies, has resulted in significant impacts to the District. The District  
19 is concerned that DWR's singular fixation on a single-pipeline project that is technically and  
20 legally challenging and incredibly expensive will not meaningfully reduce operational conflicts  
21 in the Delta. DWR must first protect the existing SWP assets it has now, and must not undertake  
22 DCP in a manner that adversely affects existing SWP supplies and SWP contractors that opt-out  
23 of DCP benefits.

24 5. Respondent caused a draft Environmental Impact Report (DEIR) for the project to  
25 be prepared and circulated from July of 2022 to December of 2022. The final EIR (FEIR) was  
26 certified by DWR on December 21, 2023.

27 6. Also on December 21, 2023, DWR, through a document entitled "Decisions  
28 Regarding the Delta Conveyance Project Final Environmental Impact Report," (**Decisions**),

1 DWR, in addition to certifying the FEIR, authorized and adopted the execution and filing of the  
2 Notice of Determination attached hereto as **Exhibit A**, as well as a document entitled “CEQA  
3 Findings of Fact and Statement of Overriding Considerations” (**Statement**) and a Mitigation,  
4 Monitoring and Reporting Program (**MMRP**).

5 7. Petitioner is currently unaware of the true names and capacities of DOES 1 through  
6 30, inclusive, and therefore sue those parties by such fictitious names. DOES 1 through 30,  
7 inclusive, are agents of the State government who are responsible in some manner for the conduct  
8 described in this petition, or other persons or entities presently unknown to the Petitioner who  
9 claim some legal or equitable interest in the Project.

10 8. Petitioner is currently unaware of the true names and capacities of DOES 31  
11 through 100, inclusive, and therefore sue those parties by such fictitious names. DOES 31 through  
12 100, inclusive, are persons or entities presently unknown to Petitioner who may claim some  
13 interest as a real party in interest in the Project. Petitioner will amend this petition to show the  
14 true names and capacities of DOES 31 through 50 when such names and capacities become  
15 known.

16 9. On December 16, 2022, Petitioner submitted a comment letter in response to the  
17 DEIR. A copy of Petitioner’s comment letter is attached hereto as **Exhibit B** and incorporated  
18 by reference.

19 10. Petitioner has complied with Public Resources Code section 261167.5 by prior  
20 service of a notice upon DWR, indicating Petitioner’s intent to file this Petition. Proof of Service  
21 of this notification, with the notification, is attached as Exhibit A to this Petition.

22 11. Petitioner is directly, adversely and irreparably affected, and will continue to be  
23 prejudiced by the certification and implementation of the Project and by the failure of DWR to  
24 comply with CEQA, unless or until this Court provides the relief prayed for in this Petition.

25 12. This Court has jurisdiction over this action pursuant to Code of Civil Procedure  
26 sections 1085, 1094.5, and 1060, and Public Resources Code sections 21168 and 21168.5.

27 13. Petitioner, other agencies, interested groups, and individuals made oral and written  
28 comments during the comment period for the DEIR, and raised each of the legal deficiencies

1 asserted in this Petition.

2 14. In certifying the DCP Final EIR and rendering its final project approval, DWR  
3 violated CEQA in at least the following respects:

- 4 a. Improper Predetermination of the Project
- 5 b. Impermissibly Narrow Project Purpose and Objectives
- 6 c. Improper Piecemealing of Project Analysis, and Failure to Consider the “Whole  
7 of the Action” constituting the project.
- 8 d. Failure to Provide a Stable, Complete and Consistent Project Definition.
- 9 e. Faulty Assessment of Project Baseline.
- 10 f. Faulty Assessment of No Project Alternative.
- 11 g. Failure to Analyze a Reasonable Range of Alternatives.
- 12 h. Faulty and Incomplete Assessment of Project Impacts.
- 13 i. Faulty and Incomplete Assessment of Cumulative Impacts.
- 14 j. Failure to Mitigate Significant Impacts.
- 15 k. Failure to Recirculate EIR Despite Significant New Information.
- 16 l. Failure to Adequately Respond to Comments.
- 17 m. Approval of Defective Project Findings and Statement of Overriding  
18 Considerations.

19 15. Petitioner served DWR with notice of commencement of this action on January  
20 11, 2024. A copy of the notice, and proof of service thereof, are attached hereto as **Exhibit C**  
21 and incorporated by reference.  
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WHEREFORE, Petitioner demands entry of judgment as follows:

- 1. For a peremptory writ of mandate, commanding Respondent DWR to:
  - a. Vacate and set aside approval of the Project and Findings supporting the approval;
  - b. Vacate and set aside certification of the EIR and approval of its Notice of Determination;
  - c. Suspend any and all activity that can result in an adverse change or alteration to the physical environment, until Respondent has complied with all requirements of CEQA and all other applicable state and local laws and regulations as directed by this Court pursuant to Public Resources Code section 21168.9;
- 2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction prohibiting any actions by Respondent that can result in any adverse change or alteration to the physical environment, pursuant to Respondent’s approval of the project and certification of the EIR until Respondent has fully complied with all requirements of CEQA and all other application state laws, policies, and regulation.
- 3. For an award to Petitioner of costs and attorneys’ fees under section 1021.5 of the Code of Civil Procedure; and
- 4. For a grant of such further relief as the Court deems just.

Dated: January 17, 2024

LAW OFFICE OF PETER KIEL PC

By   
Peter J. Kiel

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**VERIFICATION**

I am the General Manager for Petitioner, Tulare Lake Basin Water Storage District, and am authorized to execute this Verification on behalf of Petitioner. I have read the foregoing Petition and Complaint and am familiar with its contents. The facts recited in the Petition and Complaint are true of my personal knowledge.

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

Dated: January 17, 2024



Jacob Westra

# **Exhibit A**

# Notice of Determination

# Appendix D

**To:**

Office of Planning and Research  
*U.S. Mail:* \_\_\_\_\_ *Street Address:* \_\_\_\_\_  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
 County of: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

**From:**

Public Agency: Department of Water Resources  
 Address: 1516 9th St, Sacramento, CA 95814

Contact: Marcus Yee  
 Phone: 916-699-8405

Lead Agency (if different from above): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2020010227

Project Title: Delta Conveyance Project Final EIR

Project Applicant: California Department of Water Resources

Project Location (include county): See Attachment 1 and Figure 1

Project Description:  
See Attachment 2

This is to advise that the California Department of Water Resources has approved the above  
( Lead Agency or  Responsible Agency)

described project on 12/21/2023 and has made the following determinations regarding the above  
(date)  
described project.

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

1516 9th St, Sacramento, CA 95814 or https://www.deltaconveyanceproject.com

Signature (Public Agency): karla Nemeth Title: Director

Date: 12/21/2023 Date Received for filing at OPR: 12/21/2023



## Attachment 1 **Project Location**

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The project area consists of the construction footprint of the project facilities. The physical footprint of the Project would lie primarily within the boundaries of the statutorily defined Delta. Additionally, certain facilities that would be constructed under the Project would be located southeast of the statutory Delta (see Figure 1, Project Location).

California Department of Water Resources

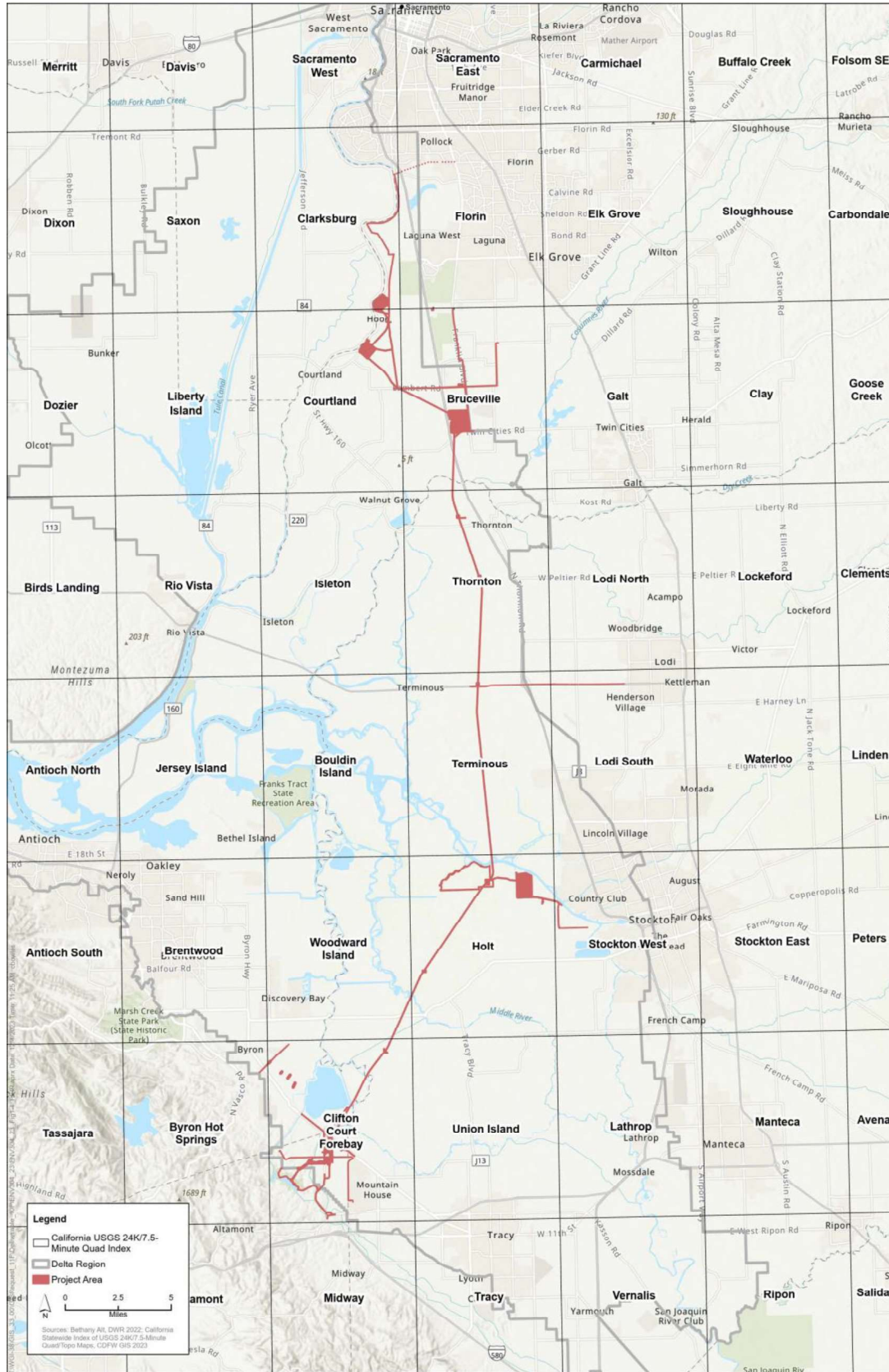


Figure 1. Project Location

## Attachment 2

# Project Description

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The Project consists of the construction, operation, and maintenance of new State Water Project (SWP) water diversion and conveyance facilities in the Delta that would be operated in coordination with the existing SWP facilities.

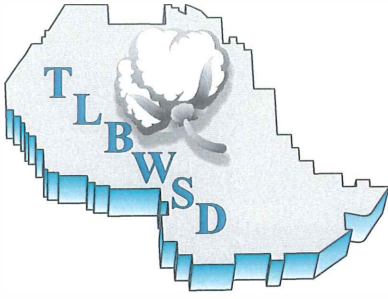
The Project would include the following key components and actions.

- Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that would include fish screens.
- A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south to the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay.
- A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir.
- Other ancillary facilities to support construction and operation of the conveyance facilities including, but not limited to, access roads, concrete batch plants, fuel stations, and power transmission and/or distribution lines.
- Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction.

Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, of the Final Environmental Impact Report (EIR) provides further information on the above components and actions and related activities required as part of the Project (e.g. park-and-ride lots).

The EIR evaluates Project operations based on the Project design and what was known and reasonably foreseeable when the EIR was prepared, but DWR acknowledges that: (1) operations will not occur for well over 15 to 20 years due, in part, to the time required to complete construction of the project, and (2) new information of substantial importance or substantial changes could occur with respect to Project design or the circumstances under which the Project is undertaken. Under these conditions, prior to the commencement of operations, DWR would evaluate whether subsequent CEQA review is required before undertaking any discretionary actions that may be required to change Project design or operational criteria such that they are sufficiently protective to environmental resources.

# **Exhibit B**



# TULARE LAKE BASIN WATER STORAGE DISTRICT

ESTABLISHED SEPTEMBER 1926

1001 CHASE AVENUE, CORCORAN, CALIFORNIA 93212  
PHONE (559) 992-4127 • FAX (559) 992-3891

December 16, 2022

Via Email: [deltaconveyancecomments@water.ca.gov](mailto:deltaconveyancecomments@water.ca.gov)

Department of Water Resources  
Attention Delta Conveyance Office  
P.O. Box 942836  
Sacramento, CA 94236-0001

## Re: Delta Conveyance Project Draft Environmental Impact Report

The Tulare Lake Basin Water Storage District (District) is an agricultural district that delivers surface waters from multiple sources to its landowners. The District contracted for State Water Project (SWP) water to provide a more dependable surface water supply for lands within the District and reduce groundwater pumping. The District appreciates the opportunity to comment on the Delta Conveyance Project Draft Environmental Impact Report (DCP DEIR).

The SWP is a critical part of the District's conjunctive use and groundwater management programs. The current trend of reduced and interrupted SWP supplies and increasing costs has had significant impacts on the District and surrounding area. SWP deliveries have been repeatedly interrupted and reduced due to operational conflicts with threatened and endangered species in the Delta. The reduced reliability of the SWP supplies, coupled with the increased costs of these supplies, has resulted in significant impacts to the District. The District is concerned, however, that the Department of Water Resources' (DWR) singular fixation on a single-pipeline project that is technically and legally challenging and incredibly expensive will not meaningfully reduce operational conflicts in the Delta. DWR must first protect the existing SWP assets it has now, and must not undertake DCP in a manner that adversely affects existing SWP supplies and SWP contractors that opt-out of DCP benefits.

### **Impermissible Piecemealing**

It is well-settled that an agency cannot skirt the requirements of CEQA by piecemeal environmental review.<sup>1</sup> Such "piecemealing" occurs when a large project is chopped into many smaller projects, each with minimal environmental impacts that may be cumulatively disastrous.<sup>2</sup> Here, DWR has divided the former WaterFix project into three separate EIRs- one for the SWP contract extension, a second for the

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<sup>1</sup> *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 31 Cal.App.4th 1170, 1208.

<sup>2</sup> *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284.

contract amendments, and a third EIR for the physical WaterFix project now rebranded as the Delta Conveyance Project. Furthermore, DWR has already issued bond resolution(s) to finance DCP prior to project approval. It is anticipated that a contract amendment will allow SWP contractors to opt-out of DCP water supply benefits, which some contractors will do for financial reasons. Too many opt-outs could affect the financial viability of DCP itself. There is also the concern that DCP operations will adversely affect the water supply for contractors that opt-out.

These issues are relevant in the CEQA context for the DCP DEIR because the direct economic impact of DCP on participating contractors and indirect economic impact on non-participating contracts is significant and may drive significant changes in agricultural production and land use.

DWR is impermissibly piecemealing its environmental review by dividing the Water Fix project into three projects and undertaking a separate EIR for each. DWR has not sufficiently addressed the scope of the larger project in the present DCP DEIR.

### **Predetermination of Project**

A lead agency cannot prejudice and predetermine that a project should be approved prior to completion of CEQA review. “The full consideration of environmental effects CEQA mandates must not be reduced to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined.” *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 135 (internal citations and quotations omitted).

The DCP DEIR is the third iteration of a State Delta conveyance project following the California WaterFix and Bay Delta Conservation Plan (BDCP) (fourth if the CALFED Bay-Delta Program EIR is considered the first serious attempt). Each iteration becomes a smaller, less comprehensive project. The DCP DEIR abandons the aquatic and wetland habitat restoration that was a hallmark of the WaterFix/EcoRestore and BDCP proposals. The DCP DEIR proposes only new North Delta diversion and conveyance facilities to facilitate exports south of the Delta.

Governor Newsom directed DWR to abandon the WaterFix/EcoRestore project and pursue a single tunnel project in 2019. (Executive Order (EO) N-10-19.) This direction is summarized in DWR’s Modernizing Delta Conveyance Infrastructure Q&A<sup>3</sup>:

#### 4. What’s happening with WaterFix?

Governor Newsom recently directed his state agencies to develop a portfolio approach to make California’s water supplies climate resilient. This strategy will build local resilience across the state and is appropriately paired with a single tunnel, smaller capacity project. Under the Governor’s direction, the state is formally withdrawing pursuit of the proposed twin-tunnel WaterFix project. The state is withdrawing all approvals made in compliance with the California Environmental Quality Act and the federal and California Endangered

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<sup>3</sup> <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Modernizing-Delta-Conveyance-Infrastructure-QA-9419a.pdf>

Species Acts, as well as the water rights petition in front of the State Water Resources Control Board. The state will begin environmental permitting, engineering and stakeholder engagement to pursue a single tunnel solution to modernize Delta conveyance.

Similarly, the July 2020 Water Resilience Portfolio directs DWR to “Plan, permit and build new diversion and conveyance facilities (such as a tunnel) in the Sacramento-San Joaquin Delta to safeguard State Water Project, and, potentially, Central Valley Project deliveries drawn from the Sacramento and San Joaquin river systems” (P. 24, Proposal 19.2<sup>4</sup>)

The DCP DEIR differs from the prior conveyance project proposals in that a single tunnel is the only conveyance facility alternative under consideration. The DCP DEIR is evidently prejudging and predetermining that a single tunnel project is the only conveyance project DWR will consider.

While the District supports reasonable and cost-effective conveyance improvements, it begs the question whether marginal conveyance improvements would result if the numerous other Delta stressors such as degraded habitat, invasive species, and western Delta levee integrity are not addressed.

#### **Impermissibly Narrow Purpose and Objectives**

CEQA Guidelines Section 15124, subd. (b) provides that a “clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aide decision makers in preparing findings or a statement of overriding considerations if necessary. The statement of objectives should include the underlying purpose of the project.” The DCP DEIR’s narrow purpose is to “develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of SWP water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta consistent with the State’s Water Resilience Portfolio in a cost-effective manner.” (DCP DEIR, § 1.3.1.) As stated above, the Water Resilience Portfolio proscribes that the conveyance facility shall be a single tunnel.

Consistent with the narrowly limited project purpose, the DCP DEIR adopts project objectives that can be met only by a single tunnel project: address sea level rise, climate change and extreme weather; minimize risk to south-of-Delta exports from earthquakes; to take advantage of certain diversions when endangered species and hydrologic conditions permit that is a poorly disguised code phrase for Sacramento River water that could not be diverted without an isolated conveyance facility like a single tunnel<sup>5</sup>; and to provide general operational flexibility.

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<sup>4</sup> [https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/Final\\_California-Water-Resilience-Portfolio-2020\\_ADA3\\_v2\\_ay11-opt.pdf](https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/Final_California-Water-Resilience-Portfolio-2020_ADA3_v2_ay11-opt.pdf)

<sup>5</sup> The third objective is: “To protect the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements.” (DCP DEIR, § 1.3.1.)

These project purposes and objectives are not broad enough to permit selection of a reasonable range of alternatives.

### **Does Not Consider a Reasonable Range of Alternatives**

If the DCP project objectives sought to address sea level rise and extreme weather affecting all State and SWP facilities in the Delta—including West Delta levees that are essential for maintaining in-Delta water quality, Delta outflows, and preventing salinity intrusion, in addition to Clifton Court Forebay and the Banks Pumping Plant—DCP would be broader and would logically consider multi-benefit conveyance, habit and levee improvement alternatives. The failure to consider broader objectives meeting the basic project purpose has limited the DEIR from considering a reasonable range of alternatives, including alternatives that would meaningfully protect western and central Delta from sea level rise and extreme conditions. DWR should first ensure the protection of the levees and infrastructure we already have; a new tunnel facility for Sacramento River diversions provides no benefit to essential in-Delta diversion infrastructure. Of the four primary alternatives (dual conveyance, isolated conveyance, through-Delta with proposed diversion facility, and through-Delta with proposed diversion facility), any alternatives that lack a north Delta tunnel fail to meet the narrow project objectives.

### **Sea Level Rise and Earthquake Resilience**

Only North Delta tunnel projects alternative are considered in the DCP DEIR because, theoretically, these are the only conveyance facility alternatives that meet the DCP project objectives for resilience to sea level rise and earthquakes. It is correct that new tunnel diversion intakes located in the North Delta would be less vulnerable to sea level rise and earthquakes than a water conveyance corridor through channels in the West and Central Delta adjacent to deeply subsided islands, but resilience of the tunnel means little if the major West Delta levees that repel brackish tidal waters from the North Delta fail.

### **Climate Supply Modeling Uncertainty**

The key premise underlying DCP is that predicted future climate will result in greater winter precipitation and higher winter inflow than historic patterns, and that a North Delta tunnel will more efficiently capture these flows than the existing South Delta pumps can. Relying on predictive models of a highly uncertain climate future is a big gamble for a \$16 billion DCP. The DCP DEIR does not address the climate research that indicates many climate models overestimate future winter precipitation. (L. Dong, L.R. Leung, J. Lu, and F. Song. 2021. “Double-ITCZ as an Emergent Constraint for Future Precipitation Over Mediterranean Climate Regions in the North Hemisphere.” *Geophysical Research Letters* 48, accessible at <https://doi.org/10.1029/2020GL091569>; B. Bane, “Error Correction Means California’s Future Wetter Winters May Never Come,” accessible at <https://phys.org/news/2020-12-error-california-future-wetter-winters.html>.)

Sincerely



Jacob J. Westra  
General Manager



**Exhibit C**

1 Peter J. Kiel (State Bar No. 221548)  
2 LAW OFFICE OF PETER KIEL PC  
3 P.O. Box 422  
4 Petaluma, California 94953  
5 Telephone: (707) 387-0060  
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7 Aubrey A. Mauritson (State Bar No. 272055)  
8 Josh T. Fox (State Bar No. 282072)  
9 RUDELLE, BIXLER, MAURITSON,  
10 EVANS, FOX & BUSS, LLP  
11 1102 North Chinowth Street  
12 Visalia, California 93291  
13 Email: [amauritson@visalialaw.com](mailto:amauritson@visalialaw.com);  
14 [jfox@visalialaw.com](mailto:jfox@visalialaw.com)

15 Attorneys for Petitioner,  
16 TULARE LAKE BASIN WATER STORAGE DISTRICT

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 COUNTY OF SACRAMENTO

19 TULARE LAKE BASIN WATER STORAGE )  
20 DISTRICT, )

21 Petitioner, )

22 vs. )

23 CALIFORNIA DEPARTMENT OF WATER )  
24 RESOURCES; and DOES 1 to 30, inclusive, )

25 Respondents. )

26 \_\_\_\_\_ )  
27 DOES 31 to 100, inclusive, )

28 Real Parties in Interest. )  
\_\_\_\_\_ )

**NOTICE OF INTENT TO FILE CEQA ACTION**

(Cal. Public Resources Code § 21167.5)

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TO: CALIFORNIA DEPARTMENT OF WATER RESOURCES (“DWR”):

PLEASE TAKE NOTICE, under Public Resources Code § 21167.5, that Petitioner, Tulare Lake Basin Water Storage District, a California special district formed and operating pursuant to Division 14 of the California Water Code, intends to file a petition under the provisions of the California Environmental Quality Act, Cal. Public Resources Code § 2100 et seq. (“CEQA”), challenging and requesting to vacate and set aside DWR’s approval of the Delta Conveyance Project (“Project”), as well as DWR’s acts associated with that approval, including, without, limitation, the actions described herein.

On December 21, 2023, DWR approved the Project, approved and certified an insufficient, inadequate final EIR, and also approved and adopted a “Findings and Statement of Overriding Considerations” and a Notice of Determination in connection with the Project. Petitioner challenges and requests to vacate and set aside all such actions, for failure to follow CEQA’s prescriptions.

Dated: January 11, 2024

LAW OFFICE OF PETER KIEL PC

By   
Peter J. Kiel

**PROOF OF SERVICE BY OVERNIGHT MAIL**

STATE OF CALIFORNIA, COUNTY OF TULARE

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to the within action; my business address is 1102 North Chinowth Street, Visalia, California 93291-4113.

On January 11, 2024, I served the foregoing ***NOTICE OF INTENT TO FILE CEQA PETITION*** on all interested parties, by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

**California Department of Water Resources**  
715 P Street  
Sacramento, CA 95814

**California Department of Water Resources**  
P.O. Box 942836  
Sacramento, CA 94236-0001

**By Mail** - I deposited such envelope with the United States Postal Service, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Visalia, California. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

**By Express Service Carrier** - I deposited in a box or other facility regularly maintained by United States Postal Service, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents in an envelope designated by the said express carrier, with delivery fees paid or provided for.

**By Facsimile** - I transmitted from a facsimile transmission machine whose telephone number is 559/733-4922, the afore-described document(s), and a copy of this declaration to the above interested parties at the listed facsimile transmission telephone number.

**By Personal Service** - I delivered such envelope by hand to the addressee.

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

Executed on January 11, 2024, at Visalia, California.

  
DONNA DeSANTOS