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CAVALIERE; DONNA CORSON; ISRAEL PERLA; and CHARLES SHARP

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF YUBA**

9
10 MARIEKE FURNEE,

11 Petitioner/Plaintiff,

12 v.

13
14 THE NORTH YUBA WATER DISTRICT, and
DOES 1 through 100, inclusive,

15 Respondents/Defendants.
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20 YOUNG LIFE, INC. a/k/a YOUNG LIFE
CAMPAIGN, INC., a Texas Corporation,

21 Real Party in Interest.
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Case No. CVPT21-00436

**SUPPLEMENTAL DECLARATION OF
DONNA CORSON IN SUPPORT OF
PLAINTIFFS' REPLY TO NYWD'S
OPPOSITION TO THE *EX PARTE*
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER**

Date: May 12, 2021

Time: 1:30 p.m.

Dept: 4

Judge: Judge: Honorable Stephen W. Berrier

1 I, Donna Corson, hereby declare as follows:

2 1. I am over eighteen (18) years of age, and Plaintiff/Petitioner in the above-entitled
3 matter. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and
4 would competently testify thereto.

5 2. I am an irrigator whose property is located within North Yuba Water District
6 (“NYWD”). The property includes fruit-bearing trees and defensible space for fire suppression. I
7 receive irrigation water for my property from NYWD via the Oregon House Dobbins Canal
8 (“OHDC”). Since purchasing the property in 1974, I have observed NYWD’s operations during the
9 irrigation season, including NYWD’s processes for diverting irrigation water into the OHDC, which is
10 described below.

11 3. Irrigators such as myself receive water via an intake facility off of Dry Creek, which
12 diverts water into the OHDC. The intake facility is separated from Dry Creek by a large gravel berm.

13 4. At the beginning of each irrigation season, NYWD removes the berm with earthmoving
14 equipment and boards up Dry Creek to allow only 4 cubic feet per second (“cfs”) to bypass the boards.

15 5. The water then pools up behind the boards, and that allows water to flow in the OHDC.

16 6. During the early part of the irrigation season, the irrigators primarily receive water from
17 Dry Creek through the OHDC.

18 7. Later in the irrigation season, during the dry summer months when Dry Creek flows
19 subside, NYWD supplements that water with deliveries from the Forbestown Ditch (“FTD”).

20 8. NYWD releases water from the FTD into Costa Creek, which flows in to Dry Creek for
21 use in the OHDC.

22 9. This is particularly common in the months of June, July, and August, and has been
23 NYWD’s normal practice until the controversy concerning the piping of the FTD arose.

24 10. Petitioners have prepared a graphic showing the relevant facilities, attached to this
25 Declaration as **Exhibit “A.”**

26 11. I have reviewed the photographs attached to the Declaration of Mr. Moulder on behalf
27 of NYWD. Those pictures are of the OHDC intake facility on the side of the gravel berm where the
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1 water has been blocked. Dry Creek is located on the other side of the berm, which is not clearly
2 depicted in Mr. Moulder’s photographs.

3 12. So the Court can have a better understanding of actual hydrologic conditions at Dry
4 Creek, I am attaching several photographs of Dry Creek adjacent to the sandy berm and the OHDC
5 intake structure, which were taken on April 14, 2021, and April 24, 2021. Those photographs are
6 attached hereto as **Exhibit “B.”** I have observed the flows in Dry Creek over the last several days,
7 and they are nearly identical to what I observed on April 14, 2021, and April 24, 2021.

8 13. **Exhibit B-1** shows Dry Creek with the gravel berm in the background. Dry Creek at
9 this location is approximately 21 feet in width. As you can see from **Exhibit B-1**, Dry Creek at this
10 location is more than a foot in depth—*i.e.*, a depth that covers the knees of a normal sized person.
11 Because a cubic foot per second (“cfs”) measures a volume of the approximate size of a basketball
12 (*i.e.*, a cubic foot), these photographs show the flows in Dry Creek are far more than 4.9 cfs.

13 14. **Exhibit B-2** is a photograph of the gravel berm between Dry Creek and the OHDC.
14 The photograph shows the location at which NYWD annually creates a channel to allow water from
15 Dry Creek to OHDC.

16 15. **Exhibit B-3** depicts the structure where NYWD boards up Dry Creek to allow water to
17 flow into OHDC, while at the same time allowing 4 cfs for fish flows.

18 16. **Exhibit B-4** is another picture of the structure in Dry Creek that is adjacent to OHDC.

19 17. I attended the March 26, 2021, NYWD Board meeting. During the Board’s discussion
20 regarding deliveries to the Irrigators, NYWD Director Eric Hansard stated, “if you want the water, you
21 need to be in favor of the pipe!”

22 18. During the April 23, 2021, NYWD Board meeting, Director Gretchen Flohr pressed the
23 other board members and the General Manager on the decision to decline to supply water to the
24 Irrigators. She was particularly critical of the General Manager’s decision to decline to have the flows
25 measured professionally. The General Manager responded: “Yeah, if three Board members want to
26 give me direction and have us spend money on a hydrographer to have him come and measure the
27 water” he would follow that direction. Director Flohr replied, “Yeah, we need to have the
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1 hydrographer come out.” None of the other Directors supported this basic fact-finding request, and
2 instead directed the General Manager to move to the next agenda item and “go ahead with [the]
3 manager’s report.”

4 I declare under penalty of perjury under the laws of the State of California that the foregoing is
5 true and correct and that this declaration was executed in Dobbins, California on May 7, 2021.


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7 
8 _____
9 Donna Corson

Exhibit “A”

NYWD System Diagram

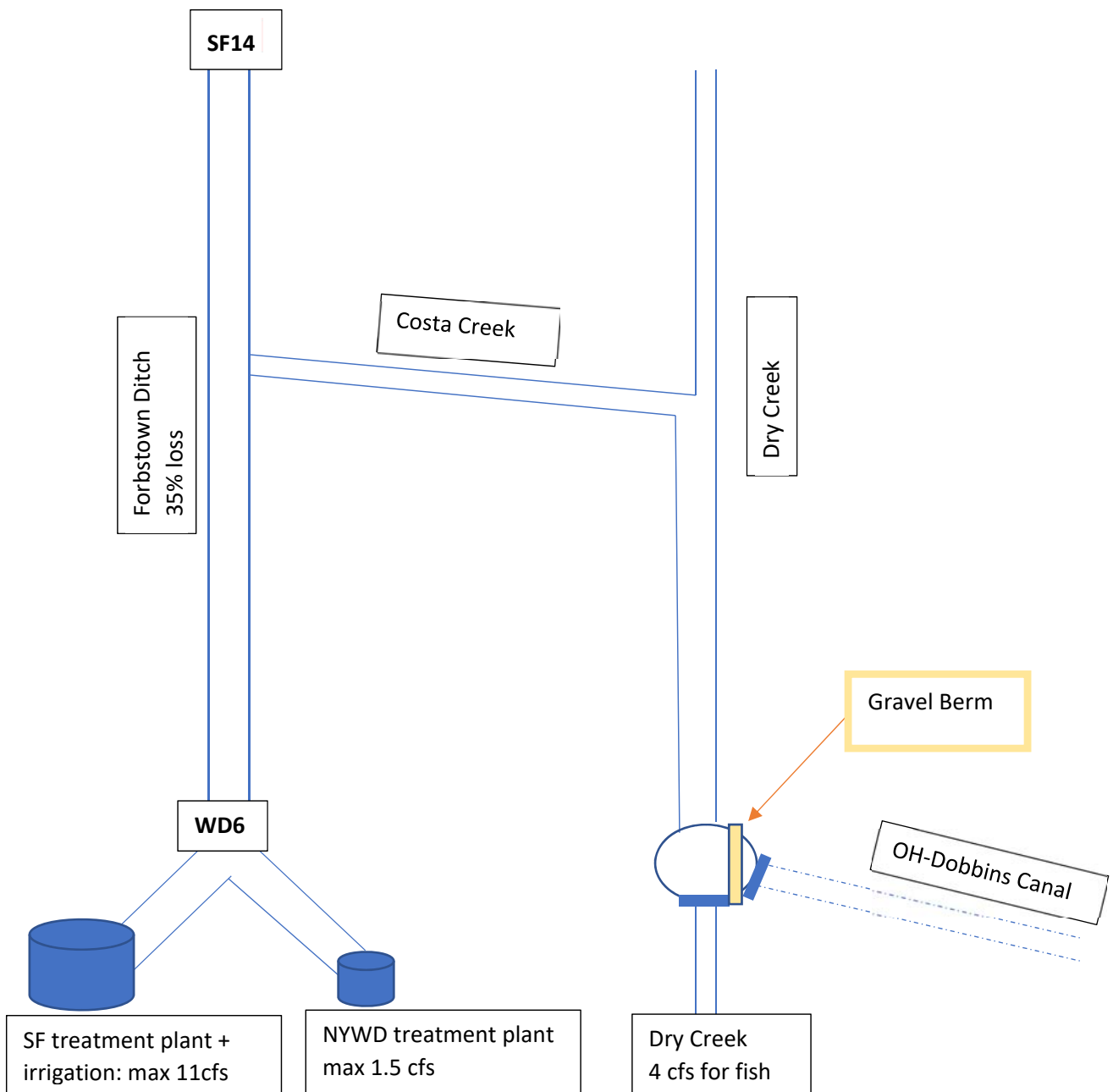


Exhibit “B”



Exhibit B-1



Exhibit B-2



Exhibit B-3



Exhibit B-4

1 **PROOF OF SERVICE**

2
3 My business address is 265 E. River Park Circle, Suite 310, Fresno, California
4 93720. I am employed in Fresno County, California. I am over the age of 18 years and am not
5 a party to this case.

6 On the date indicated below, I served the foregoing document(s)
7 described as **SUPPLEMENTAL DECLARATION OF DONNA CORSON IN SUPPORT**
8 **OF PLAINTIFFS' REPLY TO NYWD'S OPPOSITION TO THE *EX PARTE***
9 **APPLICATION FOR A TEMPORARY RESTRAINING ORDER** on all interested
parties in this action by placing a true copy thereof enclosed in sealed envelopes
addressed as follows:

10 Barbara A. Brenner 11 J. Scott Miller 12 Kerry A. Fuller 13 Lian M. Burnley 14 CHRUCHWELL WHITE LLP 15 1414 K Street, 3 rd Floor 16 Sacramento, CA 95814 Email: barbara@chruchwellwhite.com (Attorneys for Respondent/Defendant The North Yuba Water District)	Woodleaf Young Life Camp 11359 La Porte Rd Challenge, CA 95925 Fax: 530-675-0458 (Via mail and Facsimile)
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17 (BY MAIL) I am readily familiar with the business' practice for collection and
18 processing of correspondence for mailing, and that correspondence, with postage
19 thereon fully prepaid, will be deposited with the United States Postal Service on the
date noted below in the ordinary course of business, at Fresno, California.

20 (BY E-MAIL or ELECTRONIC FILING/SERVICE) C.C.P. § 1010.6 and
21 California Rules of Court, Rule 2.251. Based upon a Court Order, Local Rules of
22 Court, or an agreement of the parties to accept service by e-mail or electronic
23 transmission, I caused the documents to be sent to the person(s) listed above through
24 OdysseyFileCA for service on the parties listed above who are signed up for
electronic service. I did not receive, within a reasonable time after the transmission,
any electronic message or other indication that the transmission was unsuccessful.

25 **EXECUTED ON** May 7, 2021 at Fresno, California.

26 (STATE) I declare under penalty of perjury under the laws of the State of California
27 that the foregoing is true and correct.

28 
Dena Richardson