

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

*Electronically Filed on October 9, 2012*

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MICHAEL ETCHEGOINBERRY, <i>et al.</i> ,	)	
Plaintiffs,	)	No. 11-564 L
	)	
v.	)	Judge Marian Blank Horn
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFFS’ PROPOSED FINDINGS OF FACT AND SUPPLEMENTAL APPENDIX  
PURSUANT TO COURT’S AUGUST 20, 2012 AND OCTOBER 1, 2012 ORDERS**

Plaintiffs submit the following Proposed Findings of Fact and Supplemental Appendix as a supplement to the Parties’ Joint Stipulation of Facts and Appendix (“Joint Stipulation”) pursuant to this Court’s August 20, 2012 Order (ECF Doc. # 42) and October 1, 2012 Order (ECF Doc. # 47). As with the Joint Stipulation, Plaintiffs’ Proposed Findings of Fact and Supplemental Appendix are submitted in relation to United States’ pending motion to dismiss (ECF Doc. # 9).

Plaintiffs’ Proposed Findings of Fact are presented in chronological order. If available, specific citations to Plaintiffs’ Supplemental Appendix are included. Plaintiffs’ Supplemental Appendix is filed on a CD with the Clerk’s Office (with a courtesy copy to the Court). Additionally, in the electronic version of this document submitted to the Court on CD, Plaintiffs have provided direct hyperlinks to each of the documents cited in Plaintiffs’ Supplemental Appendix (accessible by clicking on the associated number in the Appendix).

Plaintiffs reserve the right to supplement or further amend their Proposed Findings of Fact and/or Supplemental Appendix to the Parties’ Joint Stipulation, subject to the Court’s leave or agreement of the parties, upon discovery of new information.

Fact	Date	Fact	Appendix
P-A	1986	<p>Following April 3, 1985 agreement between United States and Westlands Water District to continue water delivers and halt flow of drainwater in San Luis Drain, Reclamation supports efforts made to provide drainage.</p> <p>Federal Defendants' MPA ISO Federal Defendants' Motion to Dismiss, <i>Sumner Peck Ranch v. Bureau of Reclamation</i>, Case No. CV-F-91-048 (Apr. 20, 1992), at 3:6-9 [PA00003]</p>	<a href="#">P01</a>
P-B	1989 August	<p>Reclamation forms San Luis Unit Drainage Program, "the ultimate goal of which is to achieve a long-term solution to the drainage problem in the San Luis Unit."</p> <p>Declaration of M. Delamore in Opposition to Motion for Summary Judgment, <i>Firebaugh Canal Co. v. United States</i>, Case No. CV-F-88-634 (Feb. 11, 1991), at 2:3-7 [PA00021]</p>	<a href="#">P02</a>
P-C	1990 March	<p>Reclamation issues San Luis Unit Drainage Program Plan of Study. Plan states that "Reclamation will attempt to identify alternatives that would be compatible with potential long-term drainage and fish and wildlife plans" and that "it is possible that meeting the schedule of the [<i>Barcellos Judgment</i>] will involve planning and implementing facilities that provide only short or intermediate term drainage, while long-term drainage solutions are being developed." Plan also sets forth a schedule of program work activities.</p> <p>Reclamation, San Luis Unit Drainage Program Plan of Study (March 1990), at 1-4 [PA00029]</p>	<a href="#">P03</a>
P-D	2002 May	<p>Reclamation issues "San Luis Drainage Feature Re-evaluation Historical Perspective" which provides a brief history of the San Luis Unit and the legislation, projects, and court rulings that have brought Reclamation to the San Luis Drainage Feature Re-evaluation.</p> <p>Reclamation, San Luis Drainage Feature Re-evaluation, Historical Perspective (May 2002) [PA00041-PA00042]</p>	<a href="#">P04</a>

Fact	Date	Fact	Appendix
P-E	2002 May	Reclamation issues “San Luis Drainage Feature Re-evaluation Fact Sheet” which introduces Reclamation’s plan to re-evaluate options for providing drainage to the San Luis Unit of the Central Valley Project. The Fact Sheet provides a historical perspective and a project schedule.  Reclamation, San Luis Drainage Feature Re-evaluation, Fact Sheet (May 2002) [PA00043-PA00044]	<a href="#">P05</a>

Respectfully submitted,

BEVERIDGE & DIAMOND, P.C.

Date: October 9, 2012

/s/ Lily N. Chinn  
 Lily N. Chinn  
 Ryan R. Tacorda  
 456 Montgomery Street, Suite 1800  
 San Francisco, CA 94104  
 Tel: (415) 262-4000 / Fax: (415) 262-4040  
 Email: [lchinn@bdlaw.com](mailto:lchinn@bdlaw.com)  
[rtacorda@bdlaw.com](mailto:rtacorda@bdlaw.com)

Katherine T. Gates  
 Gus B. Bauman  
 1350 I Street, N.W., Suite 700  
 Washington, DC 20005  
 Tel: (202) 789-6000 / Fax: (202) 789-6190  
 Email: [kgates@bdlaw.com](mailto:kgates@bdlaw.com)  
[gbauman@bdlaw.com](mailto:gbauman@bdlaw.com)

KERSHAW, CUTTER & RATINOFF

William A. Kershaw  
 Lyle W. Cook  
 401 Watt Avenue  
 Sacramento, CA 95864  
 Tel: (916) 448-9800 / Fax: (916) 669-4499  
 Email: [wkershaw@kcrlegal.com](mailto:wkershaw@kcrlegal.com)  
[lcook@kcrlegal.com](mailto:lcook@kcrlegal.com)

*Counsel for Plaintiffs*