

September 10, 2013

Honorable Loretta Murphy Begen  
Presiding Judge of the Superior Court  
P.O. Box 3488  
Modesto, CA 9353-3488

Re: Response and Recommendations to Civil Grand Jury Report  
Case 13-01C

Dear Honorable Begen:

Enclosed please find the Oakdale Irrigation District's Response to Findings and Recommendations of the Civil Grand Jury.

Sincerely,

OAKDALE IRRIGATION DISTRICT

Steve Knell, P.E.  
General Manager

SK;lfp

Enclosure

cc: Civil Grand Jury

OAKDALE IRRIGATION DISTRICT  
Case 13-01C

RESPONSE TO FINDINGS AND RECOMMENDATIONS

The Oakdale Irrigation District hereby responds to the Findings and Recommendations of the Civil Grand Jury, as follows:

FINDINGS

- F1. Both OID staff and the residents agree that the irrigation line in question does need a permanent repair or replacement

Response: The OID agrees with this finding.

- F2. Several other repairs have been attempted successfully. Leaking is still occurring and flooding at the bottom of the irrigation line continues to occur in the resident's property at the end of the irrigation line. The flooding represents a hazard to traffic.

Response: The OID disagrees with the finding. On May 2, 2013, working with the cooperation of the underlying landowners of parcels 062-011-004 and 062-011-005, OID completed the installation of 520 linear feet of 15-inch pipeline through parcel 062-011-004 and partially through parcel 062-011-005. The replacement significantly reduced the leaking and inundation of the County Road.

- F3. The OID does not have a permanent easement to any of the properties along the irrigation line, but it appears they could invoke a prescriptive easement to do the repair, if necessary.

Response: The OID agrees with this finding.

- F4. OID has presented several solutions in the written response to the Grand Jury, and at the Water Committee Meeting to the residents involved. Possible solutions include: skirting existing obstacles as much as possible, but some damage to the Complainant's retaining wall, fence and tree may occur. The Water Committee also discussed looking into sleeving the existing pipe using PVC pipe.

Response: The OID agrees with this finding.

- F5. Due to a lack of current available funding, no final decision has been made to present to the OID Board at this time. The residents at the Water Committee meeting wanted a permanent solution to the irrigation issue.

Response: OID disagrees with this finding. Working with the cooperation of the underlying landowner of parcel 062-011-005, OID will complete the installation of the remaining portion of the pipeline replacement through said parcel at the conclusion of the 2013 water season.

- F6. The OID Water Commission (Committee) would like the residents to agree to give them permanent easements to the properties involved.

Response: The OID agrees with this finding.

- F7. The OID staff emphasized the importance of doing a permanent repair in an economically feasible way.

Response: The OID agrees with this finding.

- F8. After further legal investigation with the help of the staff in the Stanislaus County Counsel's Office, SSCGJ members determined that OID could do repairs without a formal easement on file; this is called a prescriptive easement. A prescriptive easement is an easement that a public utility company may declare, even if the property owner(s) have not provided the utility company with a formal property easement, in order to perform needed repairs.

Response: The OID agrees with this finding.

## RECOMMENDATIONS

- R1. The Complainant and other residents are strongly encouraged to consider the options presented and discussed at the Water Committee meeting.

Response: The OID agrees with this recommendation.

- R2. OID staff, the Complainant and other residents involved are encouraged to meet together to discuss which option will specifically provide a minimum of property damage, yet also provide a permanent solution to the leaking irrigation line, in a cost effective manner.

Response: The OID agrees with this recommendation, has started that process and will continue until the pipeline is replaced.

R3. OID staff needs to provide all residents involved with a written timeline for the repair to occur, once funding becomes available.

Response: The OID agrees with this recommendation, has started that process and will continue until the pipeline is replaced.

Dated: September 10, 2013

Respectfully submitted,

OAKDALE IRRIGATION DISTRICT

By: Frank Clark  
Frank Clark, President  
Board of Directors

**PROOF OF SERVICE BY MAIL**  
**C.C.P. 1013a**

I declare that I am a resident of or employed in the County of Stanislaus, California. I am over the age of eighteen (18) years and not a party to the within entitled cause. The name and address of my residence or business is Oakdale Irrigation District, 1025 East F Street, Oakdale, California 95361. I am readily familiar with the ordinary practice of the business of collecting, processing, and depositing correspondence in the United States Postal Service and that the correspondence will be deposited the same day with postage thereon fully prepaid.

On September 10, 2013, I served the Response to Findings and Recommendations on the Stanislaus Civil Grand Jury on the parties listed below by placing a true copy thereof enclosed in a sealed envelope for collection and mailing in the United States Postal Service following ordinary business practices at Oakdale, California, addressed as follows:

Honorable Loretta Murphy Begen  
Presiding Judge of the Superior Court  
County of Stanislaus  
P.O. Box 3488  
Modesto, CA 95353-3488

Stanislaus County Grand Jury  
P.O. Box 3387  
Modesto, CA 95353-3387

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed this 10 day of September 2013, at Oakdale, California.

  
Lori Fitzwater-Presley

**Oakdale Irrigation District – Garr Pipeline Status Report**

**PREPARED FOR:** Steve Knell, P.E., General Manager  
**PREPARED BY:** Jason R. Jones, Support Services Manager  
**DATE:** July 2, 2013

**Work completed to date:**

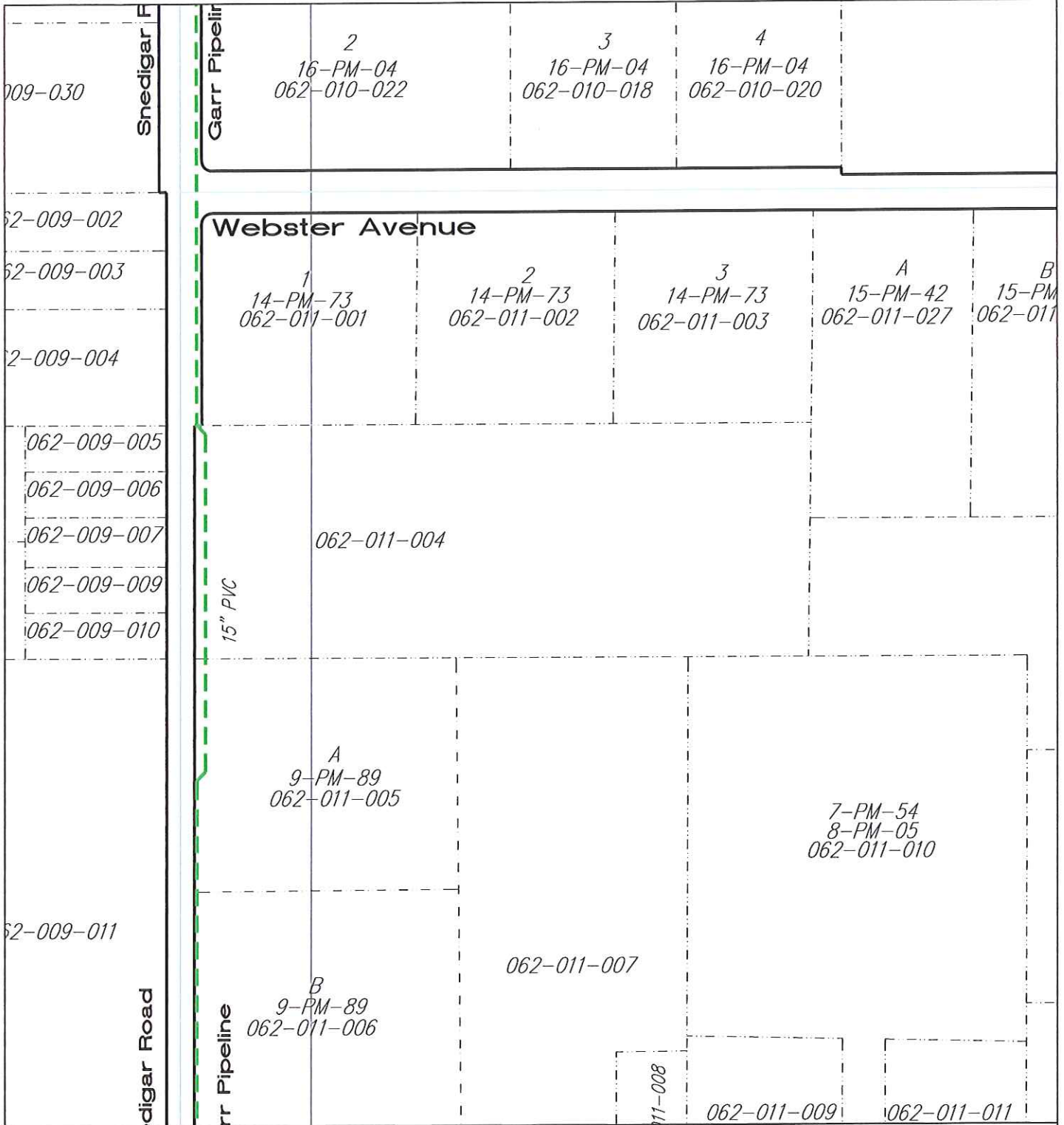
On Monday, April 1<sup>st</sup>, 2013 a field meeting occurred with two of the parcel owners on the Garr Pipeline that had contacted the Oakdale Irrigation District (OID) to discuss the options to replace the existing pipeline through their parcels. OID Water Operations Manager, Eric Thorburn and myself met with Mr. & Mrs. Pirlo (APN: 062-011-004) and Mr. & Mrs. Winstead (APN: 062-011-005) to discuss the options of relocation of the Garr Pipeline. In our discussions the parcel owners were advised that the OID would install a new 15” PVC pipeline at 35’ from centerline of Snedigar Road and angle back to tie into the existing concrete pipeline. The existing pipeline through their parcels would be capped with concrete and abandoned in place. The major concern from the two parcel owners noted above was that water service would not be interrupted to the remainder of the parcels served by the Garr Pipeline as the project commenced.

On May 2<sup>nd</sup>, 2013 OID forces completed the installation of approximately 520lf of 15” PVC in the new alignment. The pipeline was installed through APN: 062-011-004 and partially through APN: 062-011-005 (see attached map). The existing section of pipeline through the two noted parcels that was abandoned in place was causing the majority of the issues.

**Future anticipated work to be completed:**

Upon completion of the current 2013 water season, the remainder of the Garr Pipeline through APN: 062-011-005 will be abandoned in place and the continuation of the new 15” PVC pipeline will be completed through the above noted parcel.

Attachments: Project Site Map



OAKDALE IRRIGATION DISTRICT  
 1205 EAST F STREET  
 OAKDALE CALIFORNIA 95361

*PROJECT SITE MAP  
 GARR PIPELINE 2013  
 MODIFICATION*

DATE: July 2, 2013  
 DRAWN BY: JDF  
 CHECKED BY: ECT

*GARR PIPELINE*

CAD FILE No.  
 2013-07-02-001  
 DWG. No. 1 of 1