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7 Attorneys for Respondents  
CITY AND COUNTY OF SAN FRANCISCO and  
8 SAN FRANCISCO PUBLIC UTILITIES COMMISSION

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA  
11

12 TIMOTHY JAMES DUMMER,

13 Petitioner,

14 vs.

15 SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION, CITY AND COUNTY OF  
16 SAN FRANCISCO, DEPARTMENT OF  
WATER RESOURCES, STATE WATER  
17 RESOURCES CONTROL BOARD,  
DEPARTMENT OF FISH AND WILDLIFE,  
18 THE STATE OF CALIFORNIA, ALAMEDA  
COUNTY SHERIFF'S OFFICE, SANTA  
19 CLARA COUNTY SHERIFF'S OFFICE,

20 Respondents.  
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Case No. HG19041020

**RESPONDENTS CITY AND COUNTY OF SAN  
FRANCISCO AND SAN FRANCISCO PUBLIC  
UTILITIES COMMISSION'S RETURN TO  
THE WRIT OF MANDATE**

Date Action Filed: October 18, 2019

Attached Documents: Exhibits A - B

1 Respondents City and County of San Francisco and San Francisco Public Utilities Commission  
2 (“Respondents”) make the following return to the Writ of Mandate (“Writ”) filed in this action on  
3 January 28, 2022. The Writ, attached hereto as Exhibit A, required Respondents to:

4 1) Immediately commence the process at Calaveras Reservoir required by Health and  
5 Safety Code § 117045, to determine if opening the reservoir to public fishing will or will not affect the  
6 purity and safety for drinking and domestic purposes of the water collected in the reservoir, and to  
7 determine if there are terms and conditions upon which public fishing may be conducted in the  
8 reservoir and on its surrounding land.

9 2) Complete such process within 6 months after service of said writ.

10  
11 **ACTIONS TAKEN IN COMPLIANCE WITH THE WRIT**

12 Consistent with this Court’s Order and Judgment Granting Petition for Writ of Mandate filed  
13 on January 21, 2022, and in compliance with the Writ, the Respondent San Francisco Public Utilities  
14 Commission adopted Resolution No. 22-0135 in which (1) the Commission determined, subject to the  
15 results of any CEQA review and the analysis of the State's Office of Drinking Water, that shoreline  
16 fishing by the public can occur under terms to be set by the General Manager without affecting the  
17 purity and safety for drinking and domestic purposes of the water collected in Calaveras Reservoir,  
18 and (2) the Commission authorized the General Manager to develop the terms and conditions of a  
19 fishing program; obtain the City Planning Department's review of that program under CEQA; request  
20 an amendment to the drinking water permit from the State's Office of Drinking Water; and, present to  
21 this Commission proposed amendments to the 2000 Alameda Watershed Management Plan to allow  
22 limited public shoreline fishing at Calaveras Reservoir. Resolution No. 22-0135 is attached hereto as  
23 Exhibit B.

**CONCLUSION**

1           Having now complied with the terms of the Writ, Respondents request that the Court discharge  
2 the Writ in its entirety.

3  
4 Dated: August 8, 2022

5                                 DAVID CHIU  
6                                 City Attorney  
7                                 WAYNE SNODGRASS  
8                                 TARA M. STEELEY  
9                                 Deputy City Attorneys

10                                By: s/Tara M. Steeley  
11                                TARA M. STEELEY

12                                Attorneys for Respondents  
13                                CITY AND COUNTY OF SAN FRANCISCO  
14                                and SAN FRANCISCO PUBLIC UTILITIES  
15                                COMMISSION

**EXHIBIT A**

**TO**

**RESPONDENTS CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO  
PUBLIC UTILITIES COMMISSION'S RETURN TO THE WRIT OF MANDATE**

1 Timothy J. Dummer  
2 C/O 7527 Blue fox Way  
3 San Ramon, California  
4 616-633-6778  
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Petitioner and Plaintiff, In Pro Per

Superior Court of the State of California  
County of Alameda

12 Timothy James Dummer	)	Case: HG19-041020
	)	
13                                   Petitioner,	)	<b>WRIT OF MANDATE</b>
	)	
14                                   v.	)	
	)	
	)	
16 San Francisco Public Utilities Commission,	)	
17 City and County of San Francisco, Department	)	
18 of Water Resources, State Water Resources	)	
19 Control Board, Department of Fish and	)	
20 Wildlife, the State of California, Alameda	)	
County Sheriff's Office, Santa Clara County	)	
Sheriff's Office.	)	
	)	
21                                   Respondents.	)	

22  
23 **TO RESPONDENTS CITY AND COUNTY OF SAN FRANCISCO AND SAN**  
24 **FRANCISCO PUBLIC UTILITIES COMMISSION:**

25           The hearing on Petitioner's Writ of Mandate having been held and this Court, on January  
26 21, 2022, having issued its Order and Judgment Granting Petition for Writ of Mandate, now  
27 issues this Writ commanding performance from the Respondents. A copy of the court's Order is  
28 attached hereto. This Court has determined that Respondents have a present and ministerial duty

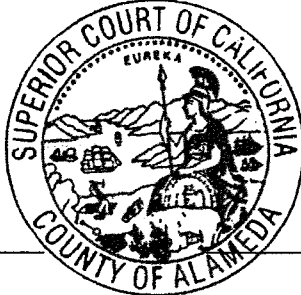
1 to determine if public fishing will not affect the purity and safety for drinking and domestic  
2 purposes of the water collected in the Calaveras Reservoir.

3  
4 NOW THEREFORE, Respondents, CITY AND COUNTY OF SAN FRANCISCO and  
5 SAN FRANCISCO PUBLIC UTILITIES COMMISSION, in compliance with said order and  
6 judgment, and in compliance with the Health and Safety Code, **you are HEREBY**  
7 **COMMANDED** to:

- 8 (1) Immediately commence the process at Calaveras Reservoir required by Health and  
9 Safety Code § 117045, to determine if opening the reservoir to public fishing will or  
10 will not affect the purity and safety for drinking and domestic purposes of the water  
11 collected in the reservoir, and to determine if there are terms and conditions upon  
12 which public fishing may be conducted in the reservoir and on its surrounding land.  
13 (2) Complete such process within 6 months after service of this Writ.

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17 Date:

1/28/22



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Clerk of the Court

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FILED  
ALAMEDA COUNTY

JAN 21 2022

CLERK OF THE SUPERIOR COURT  
By \_\_\_\_\_ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

TIMOTHY JAMES DUMMER

Petitioner,

vs

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION, CITY AND COUNTY OF SAN  
FRANCISCO

Respondent,

Case No. HG19041020

ORDER AND JUDGEMENT GRANTING  
PETITION FOR WRIT OF MANDATE

The Petition for Writ of Mandate filed by Timothy James Dummer ("Petitioner") against the City of County of San Francisco, and the San Francisco Public Utilities Commission, ("Respondents") came on regularly for hearing in Department 17 of the above named court on November 19, 2021, Judge Frank Roesch presiding. Petitioner Timothy James Dummer appeared in pro per, and Deputy City Attorney Tara Steeley appeared on behalf of Respondents City and County of San Francisco and San Francisco Public Utilities Commission. Having heard argument and considered the papers filed by the parties, the Court hereby rules as follows:

The Petition for Writ of Mandate is GRANTED.

1 The City and County of San Francisco and the San Francisco Public Utilities  
2 Commission have a present ministerial duty to make a determination as to whether fishing in the  
3 Calaveras Reservoir can be accomplished without “affect[ing] the purity and safety for drinking  
4 and domestic purposes of the water collected in the reservoir” under Health & Safety Code §  
5 117045.

6 The City and County of San Francisco and the San Francisco Public Utilities  
7 Commission are Ordered to commence the evaluation required to make such determination  
8 immediately and to complete the evaluation and to make such determination within six months  
9 of service of the Writ in this case. The determination by the City and County of San Francisco  
10 shall consider, inter alia, all of the variables described in Health & Safety Code §§ 117040,  
11 117045, 117050, 117055, 117060 and 117065.

12 The petitioner must provide a form of Writ consistent with this Order to be issued by the  
13 court for service of process on the respondent.  
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17 Dated: January 20, 2022



18 Frank Roesch  
19 Judge of the Superior Court  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Timothy James Dummer</b> C/O 7527 Blue Fox Way San Ramon, California  TELEPHONE NO.: 616-633-6778                      FAX NO. (Optional): E-MAIL ADDRESS (Optional): CAAdvanced@aol.com ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</b> STREET ADDRESS: 24405 Amador St. MAILING ADDRESS: 24405 Amador St. CITY AND ZIP CODE: Hayward, California 94544 BRANCH NAME: Hayward Hall Of Justice	
PETITIONER/PLAINTIFF: Timothy James Dummer  RESPONDENT/DEFENDANT: San Francisco Public Utilities Commission, et. al.	
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>	CASE NUMBER: HG19041020

*(Do not use this Proof of Service to show service of a Summons and Complaint.)*

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:  
C/O 7527 Blue Fox Way, San Ramon, California
3. On (date): 3/1/2022 I mailed from (city and state): Dublin, California  
the following documents (specify):  
Writ of Mandate

The documents are listed in the Attachment to Proof of Service by First Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
  - a.  **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

- a. Name of person served: Tara Steeley
- b. Address of person served:  
1 Dr. Carlton B. Goodlett Place,  
Room 234  
San Francisco, Calif. 94102

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(F)).

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

Date: 3/1/2022

Kari Dummer  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)

**EXHIBIT B**

**TO**

**RESPONDENTS CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO  
PUBLIC UTILITIES COMMISSION'S RETURN TO THE WRIT OF MANDATE**

**PUBLIC UTILITIES COMMISSION**

**City and County of San Francisco**

Resolution No. 22-0135

WHEREAS, Public fishing is not currently permitted on Calaveras Reservoir under the 2000 Alameda Watershed Management Plan; and

WHEREAS, California Fish and Game Code Section 5943 provides that the “owner of a dam shall accord to the public for the purpose of fishing, the right of access to the waters impounded by the dam during the open season for the taking of fish in the stream or river, subject to the regulations of the commission”; and

WHEREAS, California Health and Safety Code Section 117045 requires “the public agency owning or operating” a reservoir to (1) “determine that the public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir,” and (2) obtain from the State’s Office of Drinking Water (a division of State Water Resources Control Board) “a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land” before opening any reservoir to public fishing; and

WHEREAS, In the case of *Dummer v. San Francisco Public Utilities Commission*, the Superior Court for the County of Alameda ordered the San Francisco Public Utilities Commission to determine, pursuant to California Health and Safety Code Section 117045, whether allowing public fishing at Calaveras Reservoir “will or will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and to determine if there are terms and conditions upon which fishing may be conducted in the reservoir and on its surrounding land;” and

WHEREAS, The water in Calaveras Reservoir is currently filtered and disinfected at the Sunol Valley Water Treatment Plant prior to use; and

WHEREAS, SFPUC Staff have preliminarily determined that the SFPUC could develop a program for limited shoreline fishing by members of the public at Calaveras Reservoir that would not affect the purity and safety for drinking and domestic purposes of the water collected in Calaveras Reservoir; and

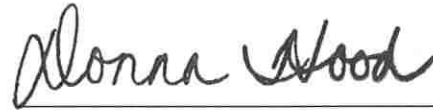
WHEREAS, This action does not constitute a “project” under the California Environmental Quality Act (“CEQA”) Guidelines Section 15378 because it would not result in any commitment to any specific project that would result in a physical change in the environment; and

WHEREAS, Public fishing cannot begin at Calaveras Reservoir until environmental review under CEQA has been completed and this Commission has reviewed and considered the CEQA determination and has approved the project; and this Commission obtains an amendment to the drinking water permit from the State’s Office of Drinking Water, amends the 2000 Alameda Watershed Management Plan to allow fishing, and, if all necessary approvals are granted, construct improvements to provide limited public access; now, therefore, be it

RESOLVED, That this Commission hereby determines, subject to the results of any CEQA review and the analysis of the State's Office of Drinking Water, that shoreline fishing by the public can occur under terms to be set by the General Manager without affecting the purity and safety for drinking and domestic purposes of the water collected in Calaveras Reservoir; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to develop the terms and conditions of a fishing program, obtain the City Planning Department's review of that program under CEQA; request an amendment to the drinking water permit from the State's Office of Drinking Water; and present to this Commission proposed amendments to the 2000 Alameda Watershed Management Plan to allow limited public shoreline fishing at Calaveras Reservoir.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 12, 2022.*

A handwritten signature in cursive script that reads "Alonna Hood". The signature is written in black ink and is positioned above a horizontal line.

*Secretary, Public Utilities Commission*

**PROOF OF SERVICE**

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 234, San Francisco, CA 94102.

On August 8, 2022, I served the following document(s):

**RESPONDENTS CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO PUBLIC UTILITIES COMMISSION’S RETURN TO THE WRIT OF MANDATE**

**[PROPOSED] ORDER ON RETURN TO WRIT OF MANDATE**

on the following persons at the locations specified:

Timothy James Dummer  
c/o 7527 Blue Fox Way  
San Ramon, CA 94583  
Telephone: 616-633-6778  
Email: CAAdvanced@aol.com

Honorable Judge Frank Roesch  
Alameda County Superior Court  
1225 Fallon Street  
Dept. 17  
Oakland CA 94612

[PETITIONER, in pro per]

[VIA PERSONAL SERVICE]

in the manner indicated below:

**BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. **A declaration from the messenger who made the delivery**  **is attached** or  **will be filed separately with the court.**

**BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: holly.chin@sfcityatty.org  in portable document format ("PDF") Adobe Acrobat.

**BY ELECTRONIC SERVICE:** Pursuant to San Francisco Superior Court Local Rule 2.10 and California Rules of Court 2.253(b)(2), I caused the documents to be served electronically through **OneLegal** in portable document format ("PDF") Adobe Acrobat.

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

Executed August 8, 2022 at San Francisco, California.



\_\_\_\_\_  
Pamela Cheeseborough