



1231 Eleventh Street  
P.O. Box 4060  
Modesto, CA 95352  
(209) 526-7373

October 18, 2013

To: [WesternPalms@aol.com](mailto:WesternPalms@aol.com) (via Email Only)  
Emerson Drake

Re: California Public Records Act Request

Dear Mr. Drake:

On October 9, 2013, Modesto Irrigation District received a Public Records Act Request in which you made the following requests:

1. "I would like the record of the claim and or all claims made by Jim Mortensen against the Modesto Irrigation District. I would like to know the amounts, dates, and reason."

In accordance with Government Code section 6253, MID will comply with your requests to the extent you have described identifiable records that are not privileged or otherwise exempt from production under the California Public Records Act, or other applicable law.

Attached are documents related to a claim presented by James Gartin Mortensen to the Modesto Irrigation District on November 26, 1984.

Should you have any questions, please do not hesitate to call me.

Sincerely

Joy A. Warren  
General Counsel

Attachments

Copy: Roger VanHoy  
Pat Mills

JOHN E. GRIFFIN  
THOMAS BOONE CONWAY  
JACK R. JONES  
JOHN E. GRIFFIN, JR.  
NORMA J. WOLLESEN  
KENNETH C. COCHRANE

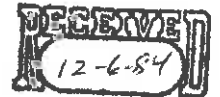
GRIFFIN, CONWAY & JONES  
ATTORNEYS AT LAW  
1008-12TH STREET  
MODESTO, CALIFORNIA

AREA CODE 209  
TELEPHONE 577-6100

MAILING ADDRESS:  
P. O. BOX 966  
MODESTO, CA 95353

December 3, 1984

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



Modesto Irrigation District  
P. O. Box 5355  
Modesto, California 95352

Re: James Gartin Mortensen/Modesto  
Irrigation District  
Claim for Damages

Gentlemen:

Enclosed please find a duly receipted copy of  
the Claim for Damages with regard to the above-entitled  
action.

I would appreciate it if you would direct any  
further communication in regard to this matter to the  
undersigned.

Very truly yours,

GRIFFIN, CONWAY & JONES

  
THOMAS B. CONWAY

TBC/bjs

Enclosure

12/6/84

Letter sent to Hunt & Murray

CLAIM AGAINST MODESTO IRRIGATION DISTRICT  
(for Damages to Real Property)

Duplicate

TO THE MODESTO IRRIGATION DISTRICT:

The undersigned hereby presents the following claim:

1. NAME OF CLAIMANT: James Gartin Mortensen
  - a. POST OFFICE ADDRESS OF CLAIMANT: 6161 Tully Road, Modesto, CA 95350
  - b. TELEPHONE NO.: (209) 545-3458
  - c. DRIVER'S LIC. NO.: M0926023
2. Post office address to which the person presenting this claim desires notices to be sent:  
Griffin, Conway & Jones, P. O. Box 966, Modesto, CA 95353
3. Occurrence, transaction or event from which the claim arises:
  - a. DATE: 5/27/84      b. TIME: 8:00 A.M.      c. PLACE (exact and specific location): 6161 Tully Road, Modesto, CA 95350
  - d. How and under what circumstances did the injury, damage or loss occur? Specify the particular occurrence, event, act or omission you claim caused the injury, damage or loss (use additional paper if necessary): M.I.D. canal behind the claimant's residence at above address spilled and water flowed under the foundation of claimant's residence causing total loss to claimant's residence.
  - e. What particular act or omission of the MID or its employees, caused the alleged injury, damage or loss? M.I.D. and its employees allowed water to overflow

4. Give a description of the injury, damage, or loss, so far as is known at the time of this claim. If there were none, state "none": loss of dwelling house and garage and one outbuilding.

5. Give the name(s) of the MID employee(s) claimed to have caused the injury, damage or loss: Unknown

6. Name and address of any other person injured: N/A

7. Name and address of the owner of any damaged property: Same as above

8. Damages claimed:

- a. Amount claimed as of this date: \$ 90,000.00 replacement cost of house &
- b. Estimated amount of future damages: \$ \_\_\_\_\_ outbuilding
- c. Total amount claimed: \$ \_\_\_\_\_
- d. Basis for computation of amount claimed (include copies of all bills, invoices, estimates, etc.): Unknown, future damages for loss of use of premises and demolition costs.

9. Names and addresses of all witnesses, hospitals, doctors, etc.:

a. John Welty Costner Road, Modesto, California

b. \_\_\_\_\_

c. \_\_\_\_\_

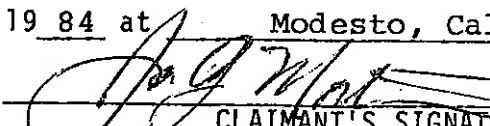
d. \_\_\_\_\_

10. Any additional information that might be helpful in considering claim: Claimant notified M.I.D. on 5/27/84 of flooding and has been negotiating with M.I.D.'s insurance carrier since May 30, 1984.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code Section 72; Insurance Code Section 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 20th day of November, 19 84 at Modesto, California

  
CLAIMANT'S SIGNATURE

I HEREBY ACKNOWLEDGE THAT I AM IN RECEIPT OF A COPY OF THE CLAIM AGAINST MODESTO IRRIGATION DISTRICT ON THIS 26th DAY OF NOVEMBER, 1984.

*John D. Wilson*  
SECRETARY

MODESTO IRRIGATION DISTRICT

P. O. BOX 4060 • MODESTO • CALIFORNIA 95352

TO: Warren F. Gant, General Counsel

November 27, 1984

FROM: Vickie Ehrler

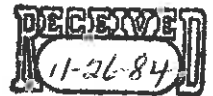
SUBJECT: Claim against the District  
by James Gartin Mortensen

Moved by Director Beck, seconded by Director Fiscalini, that the claim against the Modesto Irrigation District by James Gartin Mortensen for damages that occurred on May 27, 1984 to his residence at 6161 Tully Road, Modesto, CA., in the amount of \$90,000 be referred to the District's General Counsel for his recommendation. Motion carried.

xc: Michael Morey  
Giddings, Corby, Hynes, Inc.

67

CLAIM AGAINST MODESTO IRRIGATION DISTRICT  
(for Damages to Real Property)



4:25 A.M.

*Franklin*

TO THE MODESTO IRRIGATION DISTRICT:

The undersigned hereby presents the following claim:

1. NAME OF CLAIMANT: James Gartin Mortensen
  - a. POST OFFICE ADDRESS OF CLAIMANT: 6161 Tully Road, Modesto, CA 95350
  - b. TELEPHONE NO.: (209) 545-3458
  - c. DRIVER'S LIC. NO.: M0926023
2. Post office address to which the person presenting this claim desires notices to be sent:  
Griffin, Conway & Jones, P. O. Box 966, Modesto, CA 95353
3. Occurrence, transaction or event from which the claim arises:
  - a. DATE: 5/27/84      b. TIME: 8:00 A.M.      c. PLACE (exact and specific location): 6161 Tully Road, Modesto, CA 95350
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4. Give a description of the injury, damage, or loss, so far as is known at the time of this claim. If there were none, state "none": loss of dwelling house and garage and one outbuilding.

5. Give the name(s) of the MID employee(s) claimed to have caused the injury, damage or loss: Unknown

6. Name and address of any other person injured: N/A

7. Name and address of the owner of any damaged property: Same as above

8. Damages claimed:

- a. Amount claimed as of this date: \$ 90,000.00 replacement cost of house &
- b. Estimated amount of future damages: \$ \_\_\_\_\_ outbuilding
- c. Total amount claimed: \$ \_\_\_\_\_
- d. Basis for computation of amount claimed (include copies of all bills, invoices, estimates, etc.): Unknown, future damages for loss of use of premises and demolition costs.

9. Names and addresses of all witnesses, hospitals, doctors, etc.:

a. John Welty Costner Road, Modesto, California

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

10. Any additional information that might be helpful in considering claim: Claimant notified M.I.D. on 5/27/84 of flooding and has been negotiating with M.I.D.'s insurance carrier since May 30, 1984.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code Section 72; Insurance Code Section 556.1)


I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 20th day of November, 19 84 at Modesto, California

  
CLAIMANT'S SIGNATURE



I HEREBY ACKNOWLEDGE THAT I AM IN RECEIPT OF A COPY OF THE  
CLAIM AGAINST MODESTO IRRIGATION DISTRICT ON THIS 26th DAY  
OF NOVEMBER, 1984.

  
SECRETARY

MODESTO IRRIGATION DISTRICT

P. O. BOX 4060 • MODESTO • CALIFORNIA 95352

TO: Joan Wishon

January 7, 1985

FROM: Warren Gant

SUBJECT: Claim of James Gartin  
Mortensen

This claim should be rejected by resolution of the Board of Directors.

Notice of rejection of the claim should be mailed to James Gartin Mortensen, c/o Griffin, Conway & Jones, P. O. Box 966, Modesto, California 95353, Attention: Mr. Thomas B. Conway.

An appropriate record concerning the date of mailing the notice should be retained so that, if necessary, proof of mailing the notice on a specific date can be made.

RESOLUTION NO. 85-~~8~~ REJECTING CLAIM OF  
JAMES GARTIN MORTENSEN

BE IT RESOLVED by the Board of Directors of the Modesto Irrigation District that the claim of JAMES GARTIN MORTENSEN for money or damages presented on November 26, 1984, is rejected, and the Secretary of the District's Board of Directors is authorized and directed to give proper written notice of such rejection.

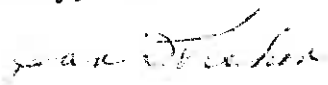
RESOLUTION NO. 85-8  
RESOLUTION - REJECTING CLAIM OF  
JAMES GARTIN MORTENSEN

BE IT RESOLVED by the Board of Directors of the Modesto Irrigation District that the claim of JAMES GARTIN MORTENSEN for money or damages presented on November 26, 1984, is rejected, and the Secretary of the District's Board of Directors is authorized and directed to give proper written notice of such rejection.

The foregoing resolution was introduced by Director Fiscalini, who moved its adoption, seconded by Director Cowan, and adopted unanimously by a vote of all Directors present.


oOo

I, JOAN WISHON, Secretary of the Board of Directors of the MODESTO IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true, and correct copy of a resolution duly adopted at a regular meeting of said Board of Directors held on the 8th day of January, 1985.

  
Secretary of the Board of Directors  
of the Modesto Irrigation District

No. 627158

RECEIPT FOR CERTIFIED MAIL

SENT TO	James Gartlin Mortensen c/o Griffin, Conway & Jones	POSTMARK OR DATE
STREET AND NO.	Attn. Thomas B. Conway	
P. O., STATE AND ZIP CODE	P. O. Box 966	
OPTIONAL SERVICES FOR ADDITIONAL FEES	<input checked="" type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> RETURN RECEIPT <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> SPECIAL DELIVERY (extra fee required)	CONSULT POSTMASTER FOR FEES MODERATE POSTAGE

PS Form 3800 Jan. 1979 3800 NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See other side)

● SENDER Complete sections 1, 2, and 3. Add your address in the "RETURN TO" space on reverse

1. The following service is requested (check one).

Show to whom and date delivered..... 15¢

Show to whom, date, & address of delivery.. 35¢

RESTRICTED DELIVERY Show to whom and date delivered..... 65¢

RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: *Tom Thomas Mortensen*  
*James Gartlin Mortensen*  
*Griffin, Conway & Jones*  
*P.O. Box 966*  
*Modesto, Ca 95353*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	627158	

(Always obtain signature of addressee or agent)

I have received the article described above.

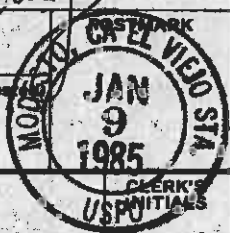
SIGNATURE  Addressee  Authorized agent

*James L. Pacheco*

DATE OF DELIVERY **JAN 9 1985**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

NOTICE OF REJECTION OF CLAIM

To: JAMES GARTIN MORTENSEN, c/o Griffin, Conway & Jones,  
P. O. Box 966, Modesto, California 95353, Attention: Mr.  
Thomas B. Conway:

NOTICE IS HEREBY GIVEN that the claim which you  
presented to the MODESTO IRRIGATION DISTRICT on November  
26, 1984, was rejected by resolution of the Board of  
Directors of the MODESTO IRRIGATION DISTRICT adopted on  
January 8, 1985.

W A R N I N G

Subject to certain exceptions, you have only six (6)  
months from the date this notice was personally delivered  
or deposited in the mail to file a court action on this  
claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice  
in connection with this matter. If you desire to consult  
an attorney, you should do so immediately.

DATED: January 8, 1985.

MODESTO IRRIGATION DISTRICT,  
an irrigation district

By *James G. Jones*  
Secretary