

# EXHIBIT 9

TO

MEMORANDUM IN SUPPORT OF MOTION IN LIMINE TO ESTABLISH THE UNITED STATES' LEGAL ENTITLEMENT TO A FEDERAL RESERVED WATER RIGHT AND TO LIMIT THE SCOPE OF EVIDENCE NECESSARY AT TRIAL

Civil No. 05-cv-49053

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# FEDERAL REGISTER

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*Washington, Saturday, June 22, 1940*

*The President*

**EXECUTIVE ORDER**

**WITHDRAWAL OF PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A BOMBING AND GUNNERY RANGE**

**CALIFORNIA**

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, 40 Stat. 843, 848 (U.S.C., title 10, sec. 1341), it is hereby ordered that all the public lands within the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws including the mining laws, subject to valid existing rights, for the use of the War Department as a bombing and gunnery range:

*San Bernardino Meridian*

- T. 9 N., R. 6 W., secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and sec. 29 to 32, inclusive.
- T. 10 N., R. 6 W., S½SW¼ and S½SE¼ sec. 5, E½ sec. 6, secs. 7, 8, 17 to 20, inclusive, and secs. 29 to 32, inclusive.
- T. 9 N., R. 7 W., secs. 1 to 36, inclusive.
- T. 10 N., R. 7 W., secs. 7 to 36, inclusive.
- T. 9 N., R. 8 W., secs. 1 to 36, inclusive.
- T. 10 N., R. 8 W., sec. 6, NE¼ and SW¼ sec. 7, S½SE¼ sec. 9, S½ and S½NE¼ sec. 10, secs. 11 to 16, inclusive, S¼, NE¼ and S½NW¼ sec. 17, S½SW¼ and SE¼ sec. 18, secs. 19 to 36, inclusive.
- T. 8 N., R. 9 W., secs. 1 to 6, inclusive.
- T. 9 N., R. 9 W., sec. 1 to 36, inclusive.
- T. 10 N., R. 9 W., secs. 1 to 12, inclusive, NW¼, and NE¼NE¼ sec. 13, SW¼ and N¼ sec. 14, secs. 15 to 20, inclusive, N¼ and NW¼SW¼ sec. 21, NE¼NW¼ sec. 22, S½SW¼ and SE¼ sec. 23, S½, S½NW¼ and NE¼ sec. 24, secs. 25 to 28, inclusive, E½W½ and E½ sec. 32, secs. 33 to 36, inclusive.
- T. 8 N., R. 10 W., secs. 1 and 2.
- T. 9 N., R. 10 W., secs. 1, 2, 11 to 14, inclusive, secs. 21 to 25, inclusive, secs. 35 and 36.
- T. 10 N., R. 10 W., secs. 12, 13, 24, 35 and 36.

This order supersedes Executive Orders No. 6583 of February 6, 1934, No. 7707 of September 11, 1937, and No. 7740 of November 15, 1937.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
June 20, 1940.

[No. 84501]

[F. R. Doc. 40-2533; Filed, June 21, 1940; 9:45 a. m.]

**EXECUTIVE ORDER**

**AUTHORIZING THE APPOINTMENT OF RUSSELL STURGIS TO THE POSITION OF ASSISTANT TERRITORIAL REPRESENTATIVE IN THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, WITHOUT REGARD TO THE REQUIREMENTS OF THE CIVIL SERVICE RULES**

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is hereby ordered that Russell Sturgis may be appointed to the position of assistant territorial representative in the Wage and Hour Division, Department of Labor, without compliance with the requirements of the Civil Service Rules, provided that such appointment shall not thereby confer a competitive classified civil-service status.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
June 20, 1940.

[No. 84511]

[F. R. Doc. 40-2536; Filed, June 21, 1940; 9:45 a. m.]

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