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9 Attorneys for Cross-Defendant,  
10 SHEEP CREEK WATER COMPANY, INC.

11 **SUPERIOR COURT OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

13 Coordination Proceeding  
14 Special Tile (Rule 1550(b))

) Judicial Council Coordination  
) Proceeding No. 4408

15 ANTELOPE VALLEY GROUNDWATER  
16 CASES

) Santa Clara Case No. 1-05-CV-049053  
) Assigned to the Honorable Jack Komar

17 Including Actions:

) **REQUEST FOR JUDICIAL NOTICE**  
) **IN SUPPORT OF SHEEP CREEK**  
) **WATER COMPANY'S MOTION TO BE**  
) **EXCLUDED FROM THE ANTELOPE**  
) **VALLEY GROUNDWATER**  
) **ADJUDICATION, OR, IN THE**  
) **ALTERNATIVE, FOR RECOGNITION**  
) **OF ITS PRIOR RIGHTS TO THE**  
) **WATERS OF SHEEP CREEK**

18 Los Angeles County Waterworks District No.  
19 40 v. Diamond Farming Co.  
20 Superior Court of California, County of Los  
21 Angeles, Case No. BC 325 201

) DATE: October 3, 2008  
) TIME: 9:00 a.m.  
) DEPT: 17

22 Los Angeles County Waterworks District No.  
23 40 v. Diamond Farming Co.  
24 Superior Court of California, County of Kern,  
25 Case No. S-1500-CV-254-348

26 Wm. Bolthouse Farms, Inc. v. City of  
27 Lancaster  
28 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
Superior Court of California, County of  
Riverside, consolidated actions, Case Nos. RIC  
353 840, RIC 344 436, RIC 344 668

) [Filed concurrently with Notice of Motion,  
) Memorandum of Points and Authorities,  
) Declarations of Michael Duane Davis, Chris  
) Cummings and Dr. Ram Arora,  
) Hydrogeologist. and Proposed Order]

29 AND ALL RELATED CROSS-ACTIONS.

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31 REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SHEEP CREEK WATER COMPANY'S MOTION TO  
32 BE EXCLUDED FROM THE ANTELOPE VALLEY GROUNDWATER ADJUDICATION, OR, IN THE  
33 ALTERNATIVE, FOR RECOGNITION OF ITS PRIOR RIGHTS TO THE WATERS OF SHEEP CREEK

Cross-Defendant, Sheep Creek Water Company ("Water Company"), under the provisions of *Evidence Code* Sections 452, subdivisions (c) and (d), and 453, requests that the Court take Judicial Notice of the following attached certified documents:

1.	8/24/1926	<u>Decision 5885 D 119</u> [certification letter attached] Division of Water Rights, Department of Public Works, State of California <i>In the Matter of Application No. 5885 of the Sheep Creek Water Company To Appropriate from Surface and Sub-Surface Flow of Sheep Creek, Tributary to the Mojave Desert Drainage Area in San Bernardino County for Irrigation and Domestic Purposes</i>
2.	Undated (Prior to 5/11/1926)	<u>Complaint</u> Los Angeles County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Co., Case No. 195605
3.	7/20/1926	<u>Opinion on Demurrer</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
4.	Undated	<u>Sheep Creek Water Company's Answer</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
5.	5/29/1929	<u>Memorandum of Motion to Set Cause for Trial</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
6.	Undated	<u>Court's Order of Temporary Injunction</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583

1	7.	9/24/1931	<u>Agreement of Parties In Connection With Stipulation for Judgment</u>
2			Riverside County Superior Court
3			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
4			Case No. 15583
5	8.	Undated	<u>Stipulation for Permanent Injunction</u>
6		(9/24/1931)	Riverside County Superior Court
7			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
8			Case No. 15583
9	9.	1/27/1932	<u>Judgment</u>
10			Riverside County Superior Court
11			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
			Case No. 15583

12 The original certified copy will be available at the time of the hearing, however true and  
13 correct copies of the certified documents are attached hereto as Exhibits 1-9.

14 In this Request for Judicial Notice, Item No. 1 is admissible under *Evidence Code* section  
15 452, subsection (c), which provides that judicial notice may be taken of, "[o]fficial acts of the  
16 legislative, executive, and judicial departments of the United States or of any state of the United  
17 States." *Evidence Code* § 452(c). Furthermore, California courts have upheld the right of a trial  
18 court to take judicial notice of records of a public agency under *Evidence Code* section 452.  
19 *People v. Bartlett* (1962) 199 Cal.App.2d 173, 177. Additionally, under *Evidence Code* section  
20 1530(a), a purported copy of a writing in the custody of a public entity is prima facie evidence of  
21 the existence and content of the writing if the writing purports to be published by the authority of  
22 the public entity in which the writing is kept. *Evidence Code* § 1530(a)(1).

23 Item No. 1 above is a Decision by the Division of Water Rights, Department of Public  
24 Works to grant a permit to extract and divert water from Sheep Creek. The Division of Water  
25 rights obtains its power from the executive branch, and granting a Decision is an official act of  
26 the agency. Additionally, a certified copy of this Decision was obtained from the State Water  
27 Resources Quality Control Board and was thus published by the authority of the public entity in

1 which it is kept.

2 Item Nos. 2-9 are admissible under *Evidence Code* section 452, subsection (d), which  
3 provides that judicial notice may be taken of, "[r]ecords of (1) any court of this state or (2) any  
4 court of record of the United States or of any state of the United States." *Evidence Code* §  
5 452(d). These documents comprise the court record for the case of *Pacific Southwest Trust and*  
6 *Savings Bank, et al. v. Sheep Creek Water Company*, Case No. 195605, Superior Court of  
7 California, County of Los Angeles, 1931, that was thereafter moved to Riverside County.  
8 Therefore, these documents are records of a court of this state.

9 Evidence Code Section 453 states that the trial court "shall take judicial notice" of  
10 matters listed under section 452 upon request and proper notice. *Evidence Code* § 453. All of  
11 the above requests for judicial notice are categorized as matters under section 452.  
12 Additionally, the adverse parties have been sufficiently notified of the request through service of  
13 this motion, and the Court has been provided with all the documents and information enabling it  
14 to take judicial notice. Therefore, the Court should take judicial notice of all nine requested  
15 exhibits.

16  
17 Dated: September 9, 2008

GRESHAM SAVAGE NOLAN & TILDEN,  
A Professional Corporation

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19  
20 By: 

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Marlene L. Allen-Hammarlund  
Attorneys for Cross-Defendant,  
SHEEP CREEK WATER COMPANY, INC.