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3	bhummer@hansonbridgett.com DAVID C. CASARRUBIAS, SBN 321994	
4	dcasarrubias@hansonbridgett.com 777 S. Figueroa Street, Suite 4200	
5 6	Los Angeles, California 90017 Telephone: (213) 395-7620 Facsimile: (213) 395-7615	
7 8	Attorneys for THE PEOPLE CONCERN, INC. a Agent for BARREL SPRINGS PROPERTIES, LLC	IS
9	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA
10	COUNTY OF LOS ANGEI	LES, CENTRAL DISTRICT
11	Coordination Proceeding Special Title (Rule 3.550 (fka Rule 1550(b))	Judicial Council Coordination Proceeding No. 4408
12	ANTELOPE VALLEY GROUNDWATER	Santa Clara Case No. 2005-1-CV-049053
13	CASES	Los Angeles Superior Court Case Nos. BC364553 and BC391869
14	Including Consolidated Actions:	Assigned to the Hon. Jack Komar
15	and all others similarly situated,	Santa Clara Superior Court
16	Plaintiff,	REQUEST FOR JUDICIAL NOTICE IN
17 18	v.	SUPPORT OF REPLY; DECLARATION OF DAVID C. CASARRUBIAS IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
18 19	LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, et al.	OF REQUEST FOR JUDICIAL NOTICE
20	Defendants	
21	RICHARD A. WOOD, an individual, on behalf of himself and all others similarly situated,	
22	Plaintiff,	
23	V.	
24	LOS ANGELES COUNTY WATERWORKS	
25	DISTRICT NO. 40, et al.	
26	Defendants.	
27	AND RELATED ACTIONS	
28		
	19842169.1	Case No. 2005-1-CV-049053
	KEQUEST FOR JUDICIAL NUTICE; DEC	LARATION OF DAVID C. CASARRUBIAS

1	DECHEST FOD HIDICIAL NOTICE			
1	REQUEST FOR JUDICIAL NOTICE Pursuant to California Evidence Code sections 452 and 453. The Beenle Concern, in			
2	Pursuant to California Evidence Code sections 452 and 453, The People Concern, in			
3	support of its "Reply In Support of Motion By People Concern, Inc. as Agent for Small Pumper or			
4	Non-Pumper Class Member Barrel Springs Properties, LLC for Action and Implementation of			
5	Watermaster Engineer Recommendation of Approval of Barrel Springs Properties, LLC's			
6	September 30, 2022 New Production Application," requests that the Court take judicial notice of			
7	the following resolutions found on the Watermaster's public website and attached to the			
8	Declaration of David C. Casarrubias:			
9	Exhibit A: A true and correct copy of Watermaster Resolution No. R-23-06;			
10	Exhibit B: A true and correct copy of Watermaster Resolution No. R-23-50.			
11	(See Declaration of David C. Casarrubias at ¶¶ 3-5.)			
12	Public agency records and reports are subject to judicial notice pursuant to Evidence Code			
13	section 452. (See, e.g., Geraghty v. Shalizi (2017) 8 Cal.App.5th 593, 602, fn. 4 [local government			
14	reports]; Bravo Vending v. City of Rancho Mirage (1993) 16 Cal.App.4th 383, 405-406 [local			
15	government meeting minutes and agendas]; Pan Pacific Properties, Inc. v. County of Santa Cruz			
16	(1978) 81 Cal.App.3d 244, 255, fn. 2 [resolutions, reports, and other official acts]; <i>McPheeters v</i> .			
17	Board of Medical Examiners of State (1946) 74 Cal.App.2d 46, 47 [public agency records].)			
18	Exhibits A and B are also subject to judicial notice as matters that are "not reasonably			
19	subject to dispute and are capable of immediate and accurate determination by resort to sources of			
20	reasonably indisputable accuracy." (Evid. Code, § 452, subd. (h); see, e.g., Hoechst Celanese			
21	Corp. v. Franchise Tax Bd. (2001) 25 Cal.4th 508, 519, fn. 5.) This includes public agencies'			
22	websites, and the information found therein. (Moehring v. Thomas (2005) 126 Cal.App.4th 1515,			
23	1524, fn. 5.)			
24	Exhibits A and B are relevant because they refute the Watermaster's contention that The			
25	People Concern's Application constitutes the largest single application for New Production that			
26	has been presented to the Watermaster to date. (See Opp. p. 12:12-13.) Thus, these exhibits are			
27	properly before the Court pursuant to Evidence Code sections 452 and 453. Accordingly, The			
28	People Concern respectfully requests that the Court grant this request for judicial notice.			
	<u>19842169.1</u> 2 Case No. 2005-1-CV-049053			
	REQUEST FOR JUDICIAL NOTICE; DECLARATION OF DAVID C. CASARRUBIAS			

1		. 17, 2022		
1 2	DATED: Augu	ust 17, 2023	HANSON BRI	DGETTLLP
3				
4			By: <u>s/ Davia</u> CLAIRE H. CO	<i>d C. Casarrubias</i>
5			ROSSLYN HU	IMMER
6				HE PEOPLE CONCERN, INC. as
7			Agent for BAR LLC	REL SPRINGS PROPERTIES,
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	19842169.1		3	Case No. 2005-1-CV-049053
	RE	QUEST FOR JUDICIAL N	OTICE; DECLARATION OF	DAVID C. CASARRUBIAS

2

DECLARATION OF DAVID C. CASARRUBIAS

I, David C. Casarrubias, declare as follows:

I am an attorney duly admitted to practice before this Court. I am an associate with
 Hanson Bridgett LLP, attorneys of record for The People Concern, Inc. as agent for Barrel Springs
 Properties, LLC. I have personal knowledge of the facts set forth herein, except as to those stated
 on information and belief and, as to those, I am informed and believe them to be true. If called as
 a witness, I could and would competently testify to the matters stated herein.

8 2. I make this declaration in support of The People Concern's Request for Judicial
9 Notice in support of its "Reply In Support of Motion By People Concern, Inc. as Agent for Small
10 Pumper Class Member Barrel Springs Properties, LLC for Action and Implementation of
11 Watermaster Engineer Recommendation of Approval of Barrel Springs Properties, LLC's
12 September 30, 2022 New Production Application."

- 13 3. On August 17, 2023 I visited the Watermaster's public website located at: 14 https://avwatermaster.net/. I then hovered over the "Meetings" drop-down menu located in the 15 upper right hand corner of the webpage. The drop-down menu revealed an option titled 16 "Resolutions/Ordinances." I clicked on that option and it led me to the following webpage: 17 https://avwatermaster.net/resolutions/. That webpage revealed a list of resolutions including 18 Resolution No. R-23-06 and Resolution R-23-50. I clicked on both of those links which revealed 19 pdf attachments of the corresponding resolutions. I downloaded a copy of each resolution and 20 saved them locally as pdfs on my computer system.
- 4. Attached hereto as Exhibit A is a true and correct copy of Watermaster Resolution
 No. R-23-06 located at: <u>https://avwatermaster.net/wp-content/uploads/2023/02/R-23-06-New-</u>
 Prod-Long-Valley-Rd.pdf.
- 5. Attached hereto as Exhibit B is a true and correct copy of Watermaster Resolution
 No. R-23-50 located at: <u>https://avwatermaster.net/wp-content/uploads/2023/06/R-23-50-</u>
 Banuk.pdf.

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

19842169.1	4	Case No. 2005-1-CV-049053
	REQUEST FOR JUDICIAL NOTICE; DECLARATION OF DAVI	D C. CASARRUBIAS

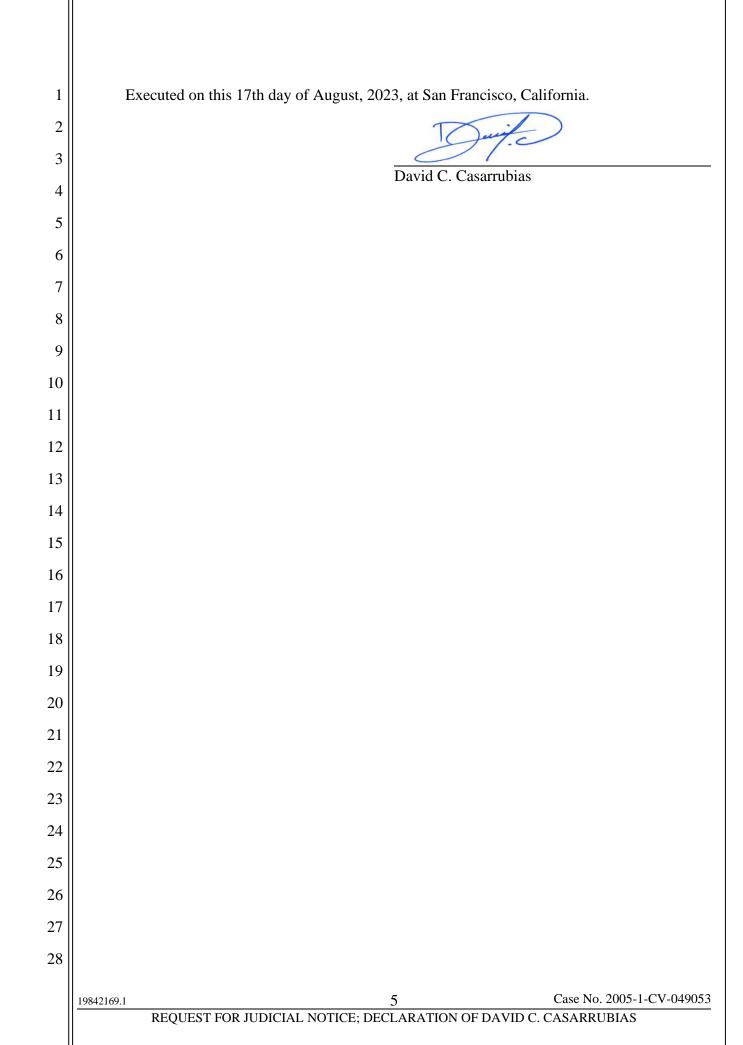


EXHIBIT A

RESOLUTION NO. R-23-06

APPROVING APPLICATIONS FOR NEW PRODUCTION PURSUANT TO THE TERMS OF THE JUDGMENT; ATTACHED EXHIBIT A

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment ("Judgment"), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment; and

WHEREAS, a process for considering and approving applications for new production is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that application for new production be denied or approved, and that approval may be pursuant to certain conditions such as payment of a replacement water assessment: and

WHEREAS, pursuant to the terms of the Judgment, the Watermaster Engineer is required to make certain findings and to consider, investigate and recommend to the Watermaster Board denial or approval, or approval with certain conditions, of these applications consistent with the terms of the Judgment; and

WHEREAS, the Watermaster Engineer has reviewed all the applications listed on attached Exhibit A and has made the appropriate findings, including that the applicant has a right to produce groundwater under the Judgment or otherwise agrees to purchase replacement water. that all conditions for new production are met under the Judgment and the Rules and Regulations, and that no Material Injury will result from the proposed production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and recommendations of the Watermaster Engineer and is prepared to approve the application listed on Exhibit A pursuant to any conditions recommended by the Watermaster Engineer and so noted on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production or new point of extraction of those Parties or Persons whose names and information are listed on attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations.

I certify that this is a true copy of Resolution No. R-23-06 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on February 22, 2023, in Palmdale, California.

2/22/2023 Date:

ATTEST ica Alwan – Secretary

Robert Parris, Chairman

Exhibit A Attachment to Resolution No. R-23-06

APPROVING APPLICATIONS FOR NEW PRODUCTION PURSUANT TO THE TERMS OF THE JUDGMENT

APN#	Amount Requested	Use of Well	Subarea	Applicant/Property Owner
3075-007-001	300 AF	Agriculture	South East	Long Valley Road, L.P.

EXHIBIT B

RESOLUTION NO. R-23-50

APPROVING APPLICATIONS FOR NEW PRODUCTION PURSUANT TO THE TERMS OF THE JUDGMENT; ATTACHED EXHIBIT A

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment ("Judgment"), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment: and

WHEREAS, a process for considering and approving applications for new production is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that application for new production be denied or approved, and that approval may be pursuant to certain conditions such as payment of a replacement water assessment; and

WHEREAS, pursuant to the terms of the Judgment, the Watermaster Engineer is required to make certain findings and to consider, investigate and recommend to the Watermaster Board denial or approval, or approval with certain conditions, of these applications consistent with the terms of the Judgment; and

WHEREAS, the Watermaster Engineer has reviewed all the applications listed on attached Exhibit A and has made the appropriate findings, including that the applicant has a right to produce groundwater under the Judgment or otherwise agrees to purchase replacement water, that all conditions for new production are met under the Judgment and the Rules and Regulations, and that no Material Injury will result from the proposed production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and recommendations of the Watermaster Engineer and is prepared to approve the application listed on Exhibit A pursuant to any conditions recommended by the Watermaster Engineer and so noted on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production or new point of extraction of those Parties or Persons whose names and information are listed on attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations.

I certify that this is a true copy of Resolution No. R-23-50 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on June 28, 2023, in Palmdale, California.

Date: 6/28/2023

ATTEST: : <u>().</u> Jefsica Alwan – Secretary

Robert Parris, Chairman

Exhibit A Attachment to Resolution No. R-23-50

APPROVING APPLICATIONS FOR NEW PRODUCTION PURSUANT TO THE TERMS OF THE JUDGMENT

APN#	Amount Requested	Use of Well	Subarea	Applicant/Property Owner
358-222-16	215 AF	Industrial	West Antelope	Ron Banuk

1	PROOF OF SERVICE			
2	Judicial Counsel Coordination Proceeding No. 4408			
3	Antelope Valley Groundwater Cases Santa Clara County Case No. 2005-1-CV-049053			
4	Los Angeles Superior Court Case Nos. BC364553 and BC391869			
5	STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA			
6	At the time of service, I was over 18 years of age and not a party to this action. I am			
7	employed in the County of Contra Costa, State of California. My business address is 1676 N. California Blvd., Suite 620, Walnut Creek, C 94596.			
8	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REPLY; DECLARATION OF DAVID C. CASARRUBIAS IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE on the interested			
9 10				
11				
12	interface at the Antelope Valley Watermaster's website to all parties on the service list maintained by the website at: <u>www.avwatermaster.org</u> .			
13	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
14				
15	Executed on August 17, 2023, at San Bruno, California.			
16				
17	Debbie Estebanez			
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	PROOF OF SERVICE			