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2 of the State of California
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FILED

6 Attorneys for Plaintiff

MAR 25 1969

7 W. J. PEASE, Clerk, Clerk
CONTRA COSTA COUNTY
BY L. CHOWE, Deputy

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF CONTRA COSTA

DSL-156

11
12 PEOPLE OF THE STATE OF CALIFORNIA,
13 acting by and through the
Department of Water Resources,

No. 105016

14 Plaintiff,

15 vs.
JUDGMENT OF
CONDAMNATION
(Parcel D-SL-156 only)

16 ROY MASSONI; ELWYN J. MULQUEENY,
17 GLADYS MULQUEENY; EVELYN M. GRIFFITH,
also known as EVELYN GRIFFITH; FRANCES
18 MULQUEENY, individually, and as
Executrix of the Estate of MICHAEL O.
MULQUEENY, deceased; LOIS M. WALKER;
GERALDINE M. DECK; DOLORES J. CASTRO;
LIVERMORE PRODUCTIVE CREDIT ASSOCIATION;
BYRON-BETHANY IRRIGATION DISTRICT;
SACRAMENTO AND SAN JOAQUIN DRAINAGE
DISTRICT; THE FEDERAL LAND BANK OF BERKELEY
CALIFORNIA; COUNTY OF CONTRA COSTA, et
al.,

XPSL-156

CK

23 Defendants.

24 Plaintiff, STATE OF CALIFORNIA, acting by and through
25 its Department of Water Resources, through its attorney THOMAS
26 C. LYNCH, Attorney General, by EDMUND E. WHITE, Deputy Attorney
27 General, and Defendants ELWYN J. MULQUEENY, GLADYS MULQUEENY,
28 EVELYN M. GRIFFITH, also known as EVELYN GRIFFITH, FRANCES
29 MULQUEENY, individually, and as Executrix of the Estate of
30 MICHAEL O. MULQUEENY, deceased, LOIS M. WALKER, GERALDINE M.

L. Mason
Clerk

1 DECK and DOLORES J. CASTRO, by and through their attorney,
2 JAMES E. COX, Court and Mellus Streets, Martinez, California,
3 having stipulated that a Judgment of Condemnation may be made
4 and entered by the above entitled court in this proceeding, a
5 copy of said Stipulation having been filed herein; and

6 IT FURTHER APPEARING that Defendant LIVERMORE PRODUCTION
7 CREDIT ASSOCIATION has filed in this proceeding a Disclaimer
8 of any interest in or to said parcel of real property; and

9 IT FURTHER APPEARING that Defendant BYRON-BETHANY
10 IRRIGATION DISTRICT has filed a Disclaimer in this proceeding
11 disclaiming any interest in or to said parcel of real property
12 and disclaiming any interest in or to the just compensation to
13 be paid by plaintiff in this proceeding and consenting to the
14 making and entering of a Judgment of Condemnation; and

15 IT FURTHER APPEARING that SACRAMENTO AND SAN JOAQUIN
16 DRAINAGE DISTRICT has filed a Disclaimer in this proceeding
17 disclaiming any interest in or to said parcel of real property;
18 and

19 IT FURTHER APPEARING that Defendant THE FEDERAL LAND
I. R. Maso20 BERKELEY
Clerk BANK OF CALIFORNIA has filed a stipulation in this proceeding
21 providing for payment to it from any award paid by plaintiff
22 that sum set forth in said stipulation as the amount covered
23 by a lien on said property held by THE FEDERAL LAND BANK OF
BERKELEY
I. R. Maso24 CALIFORNIA; and

25 IT FURTHER APPEARING that Defendant COUNTY OF CONTRA
26 COSTA has or claims an interest in and to said parcel of prop-
27 erty only to the extent of any taxes, liens or assessments on
28 said property, if any; and

29 IT FURTHER APPEARING that Defendants have waived Trial,
30 Findings of Fact and Conclusions of Law, Notice of Entry of
31 Judgment and Notice of Entry of Final Order of Condemnation,

1 and good cause appearing therefor,

2 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
3 DECREED that Defendants ELWYN J. MULQUEENNEY, GLADYS MULQUEENNEY,
4 EVELYN M. GRIFFITH, also known as EVELYN GRIFFITH, FRANCES
5 MULQUEENNEY, individually and as Executrix of the Estate of
6 MICHAEL O. MULQUEENNEY, deceased, LOIS M. WALKER, GERALDINE M.
7 DECK, and DOLORES J. CASTRO each have an undivided 1/7th fee
8 simple interest in and to that parcel of real property herein-
9 after described as Parcel No. D-SL-156.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
11 Defendants LIVERMORE PRODUCTION CREDIT ASSOCIATION, BYRON-
12 BETHANY IRRIGATION DISTRICT and SACRAMENTO AND SAN JOAQUIN
13 DRAINAGE DISTRICT have no interest in or to said parcel of
14 property and have no interest in or to said sum of money herein-
15 after determined to be the just compensation and damages to be
16 paid by plaintiff for the taking, condemning, damaging or use
17 of said real property.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
19 only interest of Defendant COUNTY OF CONTRA COSTA in and to said
20 property or in and to said just compensation or damages is to
21 the extent of any unpaid taxes, liens or assessments, if any.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
23 use for which said property and improvements thereon is herein
24 ordered to be condemned is a public use authorized by law and
25 that the taking of said property is necessary for such use.
26 Said public use is as a part of the Clifton Court Forebay which
27 is a part of the California Aqueduct, a State Water facility.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
29 plaintiff obtained an Order for Possession with respect to said
30 parcel of real property which was effective August 29, 1967.
31 Plaintiff made a deposit in the State Treasury in the sum of

1 THREE HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED TWENTY AND
2 NO/100THS DOLLARS (\$383,120.00) as and for a security deposit
3 in support of said Order of Possession. Subsequent to said
4 deposit, and pursuant to the provisions of Section 1243.7 of
5 the Code of Civil Procedure:

6 1. Defendant FRANCES MULQUEENNEY, as Executrix of the
7 Estate of MICHAEL O. MULQUEENNEY, deceased, by Order of
8 the above entitled Court dated February 9, 1968, with-
9 drew TWENTY-FIVE THOUSAND AND NO/100THS DOLLARS
10 (\$25,000.00), of said security deposit, by State of
11 California warrant dated March 7, 1968.

12 2. Defendant FRANCES MULQUEENNEY, as Executrix of the
13 Estate of MICHAEL O. MULQUEENNEY, deceased, by Order
14 of the above entitled Court dated August 16, 1968,
15 withdrew the sum of FIVE THOUSAND AND NO/100THS DOLLARS
16 (\$5,000.00) of said security deposit, by State of
17 California warrant dated August 26, 1968.

18 3. Defendant DOLORES J. CASTRO, by Order of the above
19 entitled Court dated April 8, 1968, withdrew the sum
20 of TWENTY-FIVE THOUSAND AND NO/100THS DOLLARS
21 (\$25,000.00) of said security deposit, by State of
22 California warrant dated April 25, 1968.

23 4. Defendants LOIS M. WALKER, EVELYN M. GRIFFITH,
24 also known as EVELYN GRIFFITH, ELWYN J. MULQUEENNEY,
25 GERALDINE M. DECK and GLADYS MULQUEENNEY by Order of
the above entitled Court dated June 28, 1968, each
27 withdrew the sum of TWENTY-FIVE THOUSAND AND NO/100THS
28 DOLLARS (\$25,000.00) of said security deposit, by
29 State of California warrant dated July 12, 1968.

30 5. That the total sum withdrawn by the above named
31 defendants pursuant to the Order of this court was

1 ONE HUNDRED EIGHTY THOUSAND AND NO/100THS DOLLARS
2 (\$180,000.00). The sum remaining on deposit with the
3 Treasurer as security for said Order of Possession is
4 the sum of TWO HUNDRED THREE THOUSAND ONE HUNDRED
5 TWENTY AND NO/100THS DOLLARS (\$203, 120.00).

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each
7 of said security deposit withdrawals as set forth hereinabove
8 are part of the just compensation and damages paid or to be
9 paid by plaintiff to said defendants for the taking, condemning,
10 damaging or use of said real property and improvements thereon
11 and the construction of the project.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
13 deposit by plaintiff into court for the benefit of defendants
14 as their interests may appear of the additional sum of THREE
15 HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED AND NO/100THS DOLLARS
16 (\$381,600.00) there shall be condemned to said plaintiff the
17 fee simple absolute title in and to that real property more
18 particularly described in Exhibit A attached hereto and by this
19 reference incorporated herein as though set forth in full and at
20 length.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
22 plaintiff obtained an Order for Possession of said real property
23 and improvements thereon which was effective August 29, 1967.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
I. R. Mason
Clerk BERKELEY
25 defendant THE FEDERAL LAND BANK OF BERKELEY is the holder of
26 a lien pertaining to said property in the amount of SIXTY-SIX
27 THOUSAND FOUR HUNDRED NINETEEN DOLLARS AND TWELVE CENTS
BERKELEY
I. R. Maso
Clerk (\$66,419.12). Said defendant THE FEDERAL LAND BANK OF BERKELEY
28 is entitled to interest on said sum of SIXTY-SIX THOUSAND FOUR
29 HUNDRED NINETEEN DOLLARS AND 12/100THS (\$66,419.12) at the rate
30 of \$10.08425 per day from January 12, 1968, to and including the
31

1 date on which plaintiff deposits in the above entitled court the
2 said sum of THREE HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED AND
3 NO/100THS DOLLARS (\$381,600.00) in satisfaction of this judgment.

I. R. Mason
Clerk
4 Defendant THE FEDERAL LAND BANK OF CALIFORNIA shall be paid upon
5 proper application to the court by said defendant from the said
6 sum deposited by plaintiff said sum of SIXTY-SIX THOUSAND FOUR
7 HUNDRED NINETEEN AND 12/100ths DOLLARS (\$66,419.12) plus interest
8 thereon as set forth herein in satisfaction of said lien.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each
10 of said security deposit withdrawals as set forth hereinabove
11 are part of the just compensation and damages paid by plaintiff
12 to said defendants, and said withdrawals are such payment by
13 plaintiff in addition to said amount of THREE HUNDRED EIGHTY-ONE
14 THOUSAND SIX HUNDRED AND NO/100THS DOLLARS (\$381,600.00) to be
15 deposited by plaintiff in satisfaction of said judgment of con-
16 demnation.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that de-
18 fendant COUNTY OF CONTRA COSTA shall be paid from said deposit
19 into court by plaintiff the amount of any unpaid taxes, liens
20 or assessments, if any, due said COUNTY OF CONTRA COSTA.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED defendants
22 are entitled to interest at the legal rate of 7% on the amounts
23 and for the periods as follows:

- 24 1. On the amount of TWENTY-FIVE THOUSAND AND NO/100THS
25 DOLLARS (\$25,000.00) from August 29, 1967, to and
26 including March 7, 1968.
- 27 2. On the sum of FIVE THOUSAND AND NO/100THS DOLLARS
28 (\$5,000.00) from August 29, 1967, to and including
29 August 26, 1968.
- 30 3. On the sum of TWENTY-FIVE THOUSAND AND NO/100THS
31 DOLLARS (\$25,000.00) from the date of August 29, 1967

1. to and including April 25, 1968.
2. 4. On the sum of ONE HUNDRED TWENTY-FIVE THOUSAND AND
3. NO/100THS DOLLARS (\$125,000.00) from August 29, 1967,
4. to and including July 12, 1968.
5. 5. On the sum of THREE HUNDRED EIGHTY-ONE THOUSAND
6. SIX HUNDRED AND NO/100THS DOLLARS (\$381,600.00), from
7. August 29, 1967, to and including the date of deposit
8. into court for the benefit of defendants, as their
9. interests may appear, of said sum excluding the period
10. of February 3, 1968, to and including March 16, 1968,
11. inclusive.

12. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said
13. withdrawals by defendants in the total amount of ONE HUNDRED
14. EIGHTY THOUSAND AND NO/100THS DOLLARS (\$180,000.00) and said
15. additional payment into court by plaintiff of the sum of THREE
16. HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED AND NO/100THS DOLLARS
17. (\$381,600.00) for the benefit of defendants as their interests
18. may appear is full payment to defendants ELWYN J. MULQUEENY,
19. GLADYS MULQUEENY, EVELYN M. GRIFFITH, also known as EVELYN
20. GRIFFITH, FRANCES MULQUEENY, individually, and as Executrix of
21. the Estate of MICHAEL O. MULQUEENY, deceased, LOIS M. WALKER,
22. GERALDINE M. DECK and DOLORES J. CASTRO, their successors or
23. assigns, or each of them, for the taking, damaging, condemning
24. and use by plaintiff, its agents and successors, of the real
25. property and improvements therein ordered condemned and is full
26. payment to said defendants, their successors or assigns, and each
27. of them, occurring as a result of the severance of this parcel
28. from the property or interest therein of which they are a part
29. and is full payment for all damages by reason of the construction
30. of the public improvements and said sums satisfy in full all
31. damages of every kind and nature suffered by defendants, their

1 successors and assigns, and each of them, by reason of the
2 taking, condemning, damaging or use of said real property by
3 plaintiff STATE OF CALIFORNIA, its agents, successors or assigns.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that taxes
5 with respect to said property shall be cancelled in accordance
6 with and pursuant to the provisions of Section 4986 of the
7 Revenue and Taxation Code of the State of California.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
9 remaining security deposit in the amount of TWO HUNDRED THREE
10 THOUSAND ONE HUNDRED TWENTY AND NO/100THS DOLLARS (\$203,120.00)
11 made by plaintiff with respect to said property be and hereby
12 is ordered released by the Treasurer of the State of California
13 and returned to plaintiff STATE OF CALIFORNIA acting by and
14 through its Department of Water Resources.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
16 defendants shall recover their costs herein as provided by law
17 in the amount of 853.00.

18 DATED: *March 25, 1969*

21 RICHARD E. ARNASON
22 JUDGE OF THE SUPERIOR COURT

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PARCEL D-SL 156

(1)

The South 1/2, the Northwest 1/4 and the West 30 rods of the Northeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian; the East 1/2, the East 1/2 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 24, Township 1 South, Range 3 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM:

a. That portion of Section 24, Township 1 South, Range 3 East, Mount Diablo Base and Meridian and a portion of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian containing 220 acres, more or less, described as follows:

BEGINNING at the Northwest Corner of that certain 4.17 acre parcel of land conveyed by Amelia G. Webber to William C. Ferguson, et al, by deed dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Deeds, page 118, Contra Costa County Records, from which corner a 2-inch in diameter iron pipe stamped "R. E. 5009" bears West 18 feet, and the Northwest Corner of the Northeast Quarter of said Section 19 bears West 403.7 feet and running thence from said point of beginning, South along the West line and its production of the 4.17 acre parcel so conveyed, a distance of 2,170.15 feet to a 2-inch in diameter iron pipe stamped "R. E. 5009"; thence West, parallel to the North line of said Section 19, a distance of 4,328.21 feet to a 2-inch in diameter iron pipe stamped "R. E. 5009"; thence North 1,691.86 feet to a 2-inch in diameter iron pipe stamped "R. E. 5009"; thence South 89° 51' West, 405 feet to a 2-inch in diameter iron pipe stamped "R. E. 5009"; thence North 475 feet to a point on the North line of said Section 24, from which point a 2-inch in diameter iron pipe stamped "R. E. 5009" bears South 187.5 feet and another 2-inch in diameter iron pipe stamped "R. E. 5009" bears North 89° 51' East 219.2 feet; thence North 89° 51' East along the North line of said Section 24, a distance of 1,659.51 feet, more or less, to the Section Corner common to Sections 13, 24, 18 and 19, Township 1 South, Range 3 and 4 East, Mount Diablo Base and Meridian; thence East along the North line of said Section 19, a distance of 3,073.70 feet.

b. That parcel of land described in the deed from Amelia C. Webber to William C. Ferguson, et al, dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Deeds, page 118, as follows:

EXHIBIT A

"Commencing at an iron pipe in the north line of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, bearing East 30 rods from the northwest corner of the northeast 1/4 of said Section 19, running thence West along the north line of said Section 19, 91.3 feet; thence South 1990.4 feet, thence East 91.3 feet to a point in the dividing line between the properties of Ferguson and Webber, bearing North 650 feet from an iron pin in the south line of the northeast 1/4 of said Section 19; thence North along the dividing line between the properties of Ferguson and Webber, 1990.4 feet and to the point of beginning and containing 4.17 acres and being a portion of the northeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian.

c. The parcel of land described in the deed from Amelia C. Webber to William C. Ferguson, et al, dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Deed, page 118, as follows:

Commencing at an iron pipe at the northeast corner of the Southeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian and running thence along the north line of the Southeast 1/4 of said Section 19, West 853.7 feet to a point near the bank of an irrigation canal; thence meandering the bank of said irrigation canal as follows: South $10^{\circ} 14'$ East 158.7 feet; South $25^{\circ} 27'$ East 131.8 feet; South $54^{\circ} 24'$ East 131.7 feet; South $80^{\circ} 55'$ East 123.7 feet; North $87^{\circ} 12'$ East 130.1 feet; North $73^{\circ} 03'$ East 311.7 feet; South $88^{\circ} 21'$ East 111.7 feet to a point in the East line of the Southeast 1/4 of said Section 19; thence along the East line of the Southeast 1/4 of said Section 19, North 277.4 feet to the point of beginning and containing 6.11 acres, and being a portion of the Southeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian.

d. The parcel of land described in the deed from Sigrid Webber to Paul H. Ditzler, dated December 10, 1953, and recorded December 31, 1953, in Book 2248 of Official Records, page 173, as follows:

"Portion of the Southeast 1/4; portion of the Northeast 1/4 of the Southwest 1/4 and a portion of the Southeast 1/4 of the Northwest 1/4 of Section 24, Township 1 South, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the southeast corner of the northwest 1/4 of the Northwest 1/4 of said Section 24; thence from said point of commencement South along the west line of the Southeast 1/4 of the Northwest 1/4 of said Section 24,

114.5 feet to a 3/4-inch iron pipe and the actual point of beginning of the herein described parcel of land; thence from said point of beginning South along said west line and along the west line of said Northeast 1/4 of said Southwest 1/4 of the south line of said Northeast 1/4 of said Southwest 1/4; thence East along said south line to the west line of the Southeast 1/4 of said Section 24; thence South along said west line to the southwest corner of said Southeast 1/4; thence East along the south line of said Southeast 1/4 to a point which bears West 20.6 feet from the southeast corner of said Section 24, being on the southwest line of a 60 feet in width irrigation ditch; thence along said southwest line as follows:

North 41° 19' West, 1596.6 feet;
North 56° 34' West, 2992.04 feet;
North 41° 45' 30" West, 210.45 feet and
North 21° 03' West, 821.09 feet to the point of beginning."

e. That portion of Section 24, Township 1 South, Range 3 East, Mount Diablo Base and Meridian, containing 142.6 acres, more or less, described as follows:

BEGINNING at a 3/4-inch iron pipe with brass plug marked SJSC-4, from which the Southeast Corner of said Section 24 bears South 23° 33' 48" East 4,360.85 feet; thence from said point of beginning South 00° 32' 36" West 2,095.92 feet to a 3/4-inch iron pipe with brass plug marked SJSC-5; thence continuing South 00° 32' 36" West 184.16 feet, more or less, to the Northeasterly property line of the lands of Paul H. Ditzler, as said lands are described in the deed from Sigrid Webber to Paul H. Ditzler, dated December 10, 1953, and recorded December 31, 1953, in Book 2248, of Official Records of Contra Costa County, page 173; thence along said property line, North 55° 20' 22" West 2,116.81 feet, more or less; thence North 40° 31' 01" West 210.24 feet, more or less; thence North 19° 47' 19" West 820.35 feet, more or less, to a point on the East line of the West 1/2 of the Northwest 1/4 of said Section 24, said point being 114.5 feet South of the Southeast Corner of the Northwest 1/4 of said Northwest 1/4 of said Section 24; thence North, along said East line, 1,434.62 feet, more or less, to the North line of said Section 24; thence East along said North line 2,303.53 feet, more or less, to a point on the East line of the lands of Sunland Farms, as said lands are described in the Deed from Sigrid Webber to Sunland Farms, dated March 23, 1956, and recorded May 4, 1956, in Book 2760 of Official Records, page 98; thence South along said East line of Sunland Farms, 187.5 feet, more or less, to a 2-inch iron pipe marked "R. E. 5009"; thence continuing

South 287.5 feet along the hereinabove described lands of Sunland Farms; thence North 89° 51' 00" East, 11.16 feet, more or less, to a point from which a 3/4-inch iron pipe with brass plug marked SJSC-3 bears South 02° 13' 20" East; thence South 02° 13' 20" East 698.24 feet, more or less, to said 3/4-inch iron pipe marked SJSC-3; thence South 54° 31' 21" West 202.20 feet to the point of beginning.

(2)

A portion of the Northeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, containing 10.28 acres, more or less, described as follows:

BEGINNING on the South line of the Northeast Quarter of said Section 19, distant thereon West 853.7 feet from an iron pipe at the Southeast Corner of the Northeast Quarter of said Section 19, and THENCE from said point of beginning along said South line, West 1,291.8 feet to an iron pin which bears East 30 rods from the Southwest Corner of the Northeast Quarter of said Section 19; thence North parallel with the West line of the Northeast Quarter of said Section 19, 650 feet to a stake; thence East 454.7 feet to a stake near the bank of an irrigation canal; thence along the meandering of the bank of said irrigation canal, as follows: South 16° 22' West 172.7 feet; South 5° 03' West 68.7 feet; South 3° 44' East 93.7 feet; South 9° 37' East 147.8 feet; South 22° 29' East 60.7 feet; South 36° 31' East 48.7 feet; South 55° 45' East 55 feet; South 83° 31' East 52.7 feet; North 70° 40' East 104.5 feet; North 48° 03' East 273.6 feet; North 53° 13' East 136 feet; North 80° 17' East 119.7 feet; South 57° 09' East 88.2 feet; South 29° 37' East 151.8 feet and South 10° 09' East 186.4 feet to the point of beginning.

(3)

The riparian rights reserved in the deed from Sunland Farms to State of California, dated June 1, 1960, recorded July 14, 1960, in Book 3660 of Official Records, page 561.

Containing an area of 468 acres, more or less, in the above described portions of land.

EXCEPTING from the above described Parcel, all oil, oil rights, natural gas and natural gas rights provided that Owner, his successors or assigns shall not drill, mine, explore or otherwise operate upon, in or through the surface or upper 500 feet of the subsurface of the lands herein described, in the exercise of any of the herein excepted rights; and provided, further, that owner, his successors or assigns shall not be relieved of any legal obligations he may otherwise have, to maintain lateral and subjacent support to said surface or upper 500 feet of the subsurface of the lands herein described, in the exercise of any of the herein excepted rights.

The foregoing instrument is a correct copy of the recording on file in this office.

APR 22 1969

W. T. PAGGII
County Clerk and ex-officio Clerk of the Superior Court of the State of California in and/or the County of Contra Costa.

By *[Signature]* Deputy Clerk