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19
20 **BEFORE THE**
21 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

22 ENFORCEMENT ACTION ENF01949 -
23 DRAFT CEASE AND DESIST ORDER
24 REGARDING UNAUTHORIZED OR
25 THREATENED UNAUTHORIZED
26 DIVERSIONS OF WATER FROM OLD
27 RIVER IN SAN JOAQUIN

28 In the Matter of ENFORCEMENT ACTION
ENF01951 -ADMINISTRATIVE CIVIL
LIABILITY COMPLAINT REGARDING
UNAUTHORIZED DIVERSION OF WATER
FROM THE INTAKE CHANNEL TO THE
BANKS PUMPING PLANT (FORMERLY
ITALIAN SLOUGH) IN CONTRA COSTA
COUNTY

**STATE WATER CONTRACTORS'
REQUEST FOR OFFICIAL NOTICE
OF PUBLICATIONS OF THE
CALIFORNIA DEPARTMENT OF
WATER RESOURCES**

Hearing Date: March 21, 2016

1 Pursuant to California Evidence Code Sections 450 et seq., State Water Contractors (“SWC”)
2 hereby requests that the Hearing Officers take official notice of the publications of the California
3 Department of Water Resources listed below. Evidence Code Section 452 (d) provides that a court
4 may take may take judicial notice of, *inter alia*, “[r]ecords of (1) any court of this state or (2) any
5 court of record of the United States or of any state of the United States. All of the documents listed
6 below are records of an agency of the State of California, the California Department of Water
7 Resources, and, accordingly, official notice is proper.

- 8 1. Department of Public Works, Bulletin No. 21, Irrigation Districts in California (1929). A true
9 and correct copy is available at
10 http://www.water.ca.gov/waterdatalibrary/docs/historic/Bulletins/Bulletin_21/Bulletin_21_1929.pdf. This document is also already submitted by West Side Irrigation District as exhibit
11 WSID006 in the above-referenced proceedings.
- 12 2. Department of Public Works, Bulletin No. 27, Variation and Control of Salinity in Sacramento-
13 San Joaquin Delta and Upper San Francisco Bay (1931). A true and correct copy is available at
14 http://www.water.ca.gov/waterdatalibrary/docs/historic/Bulletins/Bulletin_21/Bulletin_21_1929.pdf. This document has already been submitted by SWC as exhibit SWC0004 in the above-
15 referenced proceedings.
- 16 3. Department of Public Works, Sacramento-San Joaquin Water Supervisor’s Report for Year 1931
17 (August 1932). A true and correct copy is available at
18 http://www.water.ca.gov/waterdatalibrary/docs/historic/Bulletins/Bulletin_23/Bulletin_23_1931.pdf. This document is also already submitted by West Side Irrigation District as exhibit
19 WSID008 in the above-referenced proceedings.

20 Dated: February 21, 2016

DUANE MORRIS LLP

21 By: 
22 Thomas M. Berliner
23 Jolie-Anne S. Ansley

Attorneys for State Water Contractors