1	DEAN RUIZ - SBN #213515
2	Harris, Perisho & Ruiz 3439 Brookside Road, Suite 210
3	Stockton, CA 95219 Telephone: (209) 957-4254
4	Facsimile: (209) 957-4234 E-mail: dean@hpllp.com
5	Attorneys for SOUTH DELTA WATER AGENCY and CENTRAL DELTA WATER AGENCY
6	
7	JOHN HERRICK - SBN 139125 Law Office of John Herrick
8	4255 Pacific Avenue, Suite 2 Stockton, California 95207
9	Telephone: (209) 956-0150 Facsimile: (209) 956-0154
10	Attorneys for MARK DUNKEL and VALLA DUNKEL
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13	BEFORE THE CALIFORNIA
14	STATE WATER RESOURCES CONTROL BOARD
15	Total New CD CC 1D 1 - Declination control and areas
16	In the Matter of Draft Cease and Desist) REQUEST FOR OFFICIAL NOTICE Order No. 2009-00XX-DWR Enforcement)
17	Action Against Mark Dunkel and Valla) Dunkel)
18	
19	South Delta Water Agency, Central Delta Water Agency and Mark Dunkel and Valla Dunkel
20	(hereinafter collectively "SDWA" and "CDWA" and "DUNKEL") hereby requests that the Hearing
21	Officers in the above-referenced matter before the State Water Resources Control Board ("State
22	Water Board") take official notice of the certified copy of the deed which is attached hereto as
23	Exhibit "A" . Exhibit "A" is the Grant Deed between Joel P. Whitney and Horton C. Fisher dated
24	the 12th day of December, 1876. This deed pertains to the chain of title in the Dunkel matter, and
25	to nearby parcels, and is in evidence in the Mussi matter.
26	Section 648.2 to title 23 of the California Code of Regulations authorizes the State Water
27	Board to take official notice of "such facts as may be judicially noticed by the courts of this state."
28	
	Dage 1
	REQUEST FOR OFFICIAL NOTICE Page -1-

1	(23 Cal. Code Regs. § 648.2.	.) California Evidence Code section 452 enables courts to take judicial
2	notice of the following types	s of matters/information:
3	(a)	The decisional, constitutional, and statutory law of any state of the
4		United State and the resolutions and private acts of the Congress of
5		the United States and of the Legislature of this state.
6	(b)	Regulations and legislative enactments issued by or under the
7		authority of the United States or any public entity in the United
8		States.
9	(c)	Official acts of the legislative, executive, and judicial department of
10		the United States and of any state of the United States.
11	(d)	Records of (1) any court of this state or (2) any court of record of the
12		Unites States or of any state of the United States.
13	(e)	Rules of court of (1) any court of this state or (2) any court of record
14		of the Unites States or of any state of the United States.
15	(f)	The law of an organization of nations and of foreign nations and
16		public entities in foreign nations.
17	(g)	Facts and propositions that are of such common knowledge within the
18		territorial jurisdiction of the court that they cannot reasonably be the
19		subject of dispute.
20	(h)	Facts and propositions that are not reasonably subject to dispute and
21		are capable of immediate and accurate determination by resort to
22		sources of reasonably indisputable accuracy.
23	As the court explains	in Lockhard v. MVM, Inc. (2009) 175 Cal.App.4th 1452, at pages
24	1460-1461:	
25		eed is judicially noticeable under Evidence
26	Cal. Trailer (. 452, subdivisions (c) and (g). (See <i>Evans v</i> . <i>Court</i> (1994) 28 Cal.App.4th 540, 549, 33
27	under Eviden	546 [court may take judicial notice of deed nee Code section 452, subdivision (g)]; Cal-
28	Angeles (1989	come Property Fund II v. County of Los 9) 208 Cal.App.3d 109, 112, fn. 2, 256
	Car.Rptr. 21	[court may take judicial notice of recordation

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REQUEST FOR OFFICIAL NOTICE

of deed under Evidence Code section 452, subdivision (c)].) Its existence and authenticity cannot reasonably be subject to dispute

SDWA, CDWA and DUNKEL further requests that all evidence which is in the record in the Mussi, Pak & Young and Woods Irrigation Company matters be incorporated into the DUNKEL matter. The issues are similar, the parties are identical, and the evidence in these matters is substantially interrelated. The evidence in the record in the Mussi, Pak & Young, and Woods Irrigation Company matters are clearly the type of records and information to which the Board may take judicial notice of in the Dunkel matter pursuant to Evidence Code section 452(d) et seq.

DATED: September 10, 2010

HARRIS, PERISHO & RUIZ

BY DEAN RUIZ

EXHIBIT "A"

Joel A Mating: This Indestrue, made the Enough thence inth day of Danners on thousand ught Moston b. Fisher Sunded and seventy in Astronom ودوروس mente well Alledray frantis of the first patered Deter Birlie faity of the second fast that af lesmuch. What the said fact, of the first fast, for and ····l in consideration of the sum of Disty two thousand five rel H hundred Selection Feld Count the Untel State of 2 America; to him in hand fail by the said factor of the second fruit at a lefter the insealing and delines of these presents the recipl where I what y activately Have granted begand seld connected and confined and by these presents were quant bargain sell, converge and confirm into the said party of the word part and to be heir and runger fore as All those frage and praceis of land situate and being on Charle Stand in jaguin bunt, State of Colfornia, descibed as follows rary 1. o suctional facts of the South Cast 14 of Section ---in the live (20) and of butters Thirty is (6) lying Est 1 for of Mister Durch in Townships 2 North Change & Cast Carre-Mont Dulle Merdian Section Photy two () Think errei the ce (3) Ports for (31), Double 12 feeting Thirty (30), the factional parties Sections Twesty in (20) Twenty serves to nel (y). Twenty eight (28) Twenty mine (2) The to five (3) t and Thirty six (66) lyry douth and Steel of the San Anne Joaquin direct and of Section Party one (1) lying the Cast and doth of Michen Hayle in Sommely 2 مردست North Clarge & Out Wir the allo Meridian : Sections earn. Jus (2) The O Find G & Go Som Ch hen! Eight (8), Aire (9), Ten (10), Eleven (1), Fifteen (51) end Gritain W. Gever leer (7). Eightein W. Ameter & Mit-Junty 60 Junto rac (21), Junty capte 60 The (4) Mit, one (6) At 16 South West to Hath 1/2 of South East 4 and South West 4 feel & Louis Land and Call Carlot

of sections one O and twelve (3) lying West of the San Joogioin River, Ourses Outoff and Duck Slongh the fractional parts of sections Bustern (3), Tourstan (4) Guest, two (22) and Twenty seven (24) lying West of High Ridge Lever which estends from Burns Outoff to Willle Cliver, the freetieral part of Section Thirt, for Gy lying between High Wilge and Middle River, and the fractional fast of Sections Brity two (2) and Thirty three (35) lying North of Middle Piner in Town-Shift I South Clary o. C. it West Deallo Mendian Sections One Q Swelve (2), and Forten (3) in Tranship 1 South Cange 4 East Death Diable Vicidian Fractional parts of Sections There (0) Dive (0) and Six (6) leging Moth of Middle Clives, in To reliefy 1 Courth Jange & East. Mont: Diable Meridian Section Frances (14) E. Jam (18) Twenty three (3), Twenty for (24) Twenty five (25) and the fractional furte of rections section (O) Twenty one (21), wenter two (22), Twenty in (26) Twenty swan (24) Thirty five Got and Thety six (36) lying East of Middle Circ Township I Stouth Range & East: Containing in the whole about Twenty eight thousand one hundred and fifteen and seventy fix hundred the (25115 To) and dogether with all and ring lar the terements, headt conents and appertures therento belonging or in anywise affectaining and the reversion and sever Sions, remainder and remainders, renter werte and furtile thereof Undale all the estate right title, interest property, from essence claim and demand hatrown as well in law as in equity of the said faity of the first part, of, in or to the are described premier and every fast and pural thereof with the appurtmenesses to have and to hold, all and singular, the above mentioned and described francies, together with the opportunition to the said party of the second hart his laid

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and assigns freeze. In Witness Hebereof, the said fruity ofthe of the first fruit has became set his hand and real this lough day and year first above written. 2 641 Signed, Scaled and Schored ... (I Mitney Earl)
in Presence of J. M. Mitney Earl)
Other of California (se. City on Country of San Transisco) On the Sisteenth day of b at etop - Hirty River; 12) and January A. D. One Thousand Eight hundred and seven Louisety seven, before me, James L. King, a Motary Chillie me ani and for said bity and banty , residing therein Township duly commissioned and soon, personally appeared Tructional Just I Allthey known to me to be the person whose name Sorth is i beer bed to the annexed instrument, and he duly est. acknowledged to me that he executed the same Liteen (15) In Witness Whereof, I have hereinte set my hand will tand affired my Official deal, at my office in the City ty one and County of San Francisco, the day and your (27) sast above written. riddle (. S) Junes L. Ang) ining re brandred Rounded at request of M. G. Fisher Jany 22 AD 1579 -Too) acresi ut so minutes part with P. M. herediter in This Indenture, made the Servith Day Confirmed Salaris severof December in the year of our Lord, one Tenge I. Tuthura; thousand eight humded and swenty ssues e right sit, Getween Richard & Course of ddethe County of San Josephin and State of California Joseph of the just part and Jorge G. Frethanny of the same quity to the place, the party of the second fait, Witnessth that the said party of the first for and in amendeation of Aparve and the sum of Elisty swen hundred Dollars Gold Bons ned and of the United States of Angelica, to him in hard full by the said part of the seems just the world nancel his his

1 2 3 4 5	DEAN RUIZ - SBN #213515 Harris, Perisho & Ruiz 3439 Brookside Road, Suite 210 Stockton, CA 95219 Telephone: (209) 957-4254 Facsimile: (209) 957-5338 E-mail: dean@hpllp.com Attorneys for SOUTH DELTA WATER AGENCY		
6	and CENTRAL DELTA WATER AGENCY		
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8	Law Office of Joint Hefrick 4255 Pacific Avenue, Suite 2 Stockton, California 95207		
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10	Email: jherrlaw@aol.com		
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17	Action Against Mark Dunkel and Valla) NOTICE Dunkel)		
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19			
20	I am an attorney duly licensed to practice law in the State of California and participating		
21	in the above referenced matter before the State Water Resources Control Board on behalf of the		
22	South Delta Water Agency and Central Delta Water Agency (hereinafter collectively "SDWA",		
23	"CDWA").		
24	In connection with the Request for Official Notice submitted herewith by SDWA,		
25	CDWA, and DUNKEL, I obtained a certified copy of the deed which is attached to the Request		
26	for Official Notice as Exhibit A. The deed pertains to the chain of title in the Dunkel matter, and		
27	to nearby parcels, and is in evidence in the Mussi matter.		
28			
	DECLARATION OF DEAN RUIZ IN SUPPORT OF REQUEST FOR OFFICIAL NOTICE Page -1-		

1	I declare under penalty of perjury under the laws of the State of California that the
2	foregoing is true and correct.
3	Executed this 10th day of September 2010 at Stockton, California.
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5	Var 22 -
6	Dean Ruiz Attorney for SOUTH DELTA WATER
7	Attorney for SOUTH DELTA WATER AGENCY and CENTRAL DELTA WATER AGENCY
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