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10 Attorneys for YONG PAK, SUN YOUNG, RUDI MUSSI,  
TONI MUSSI, and LORY C. MUSSI INVESTMENT, LP

11  
12 **BEFORE THE CALIFORNIA**  
13 **STATE WATER RESOURCES CONTROL BOARD**  
14

15 In the Matter of Draft Cease and Desist ) **REQUEST FOR OFFICIAL NOTICE**  
16 Order No. 2009-00XX-DWR Against )  
17 YONG PAK and SUN YOUNG and Order )  
18 No. 2009-00XX Against RUDI MUSSI, )  
TONI MUSSI, and LORY C. MUSSI )  
INVESTMENT, LP )

19  
20 South Delta Water Agency, Central Delta Water Agency, Yong Pak and Sun Young, Rudi  
21 Mussi, Toni Mussi, and Lory C. Mussi Investment, LP hereinafter collectively ("SDWA,"  
22 "CDWA," and "MUSSI and PAK") hereby requests that the Hearing Officers in the above-  
23 referenced matter before the State Water Resources Control Board ("State Water Board") take  
24 official notice of the certified copies of the three (3) deeds which are attached hereto as Exhibits A-C  
25 respectively. **Exhibit "A"** is the Grant Deed between Glasgow California Land Company and Willis  
26 G. Witter dated October 10, 1892. **Exhibit "B"** is the Grant Deed between Glasgow California Land  
27 Company and Willis G. Witter dated December 21, 1892. **Exhibit "C"** is the Grant Deed between  
28 Glasgow California Land Company and Frank E. Lane dated March 7, 1896. These deeds  
specifically pertain to the issues before the State Board in the Pak and Young matters.

1 Section 648.2 to title 23 of the California Code of Regulations authorizes the State Water  
2 Board to take official notice of "such facts as may be judicially noticed by the courts of this state."  
3 (23 Cal. Code Regs. § 648.2.) California Evidence Code section 452 enables courts to take judicial  
4 notice of the following types of matters/information:

- 5 (a) The decisional, constitutional, and statutory law of any state of the  
6 United State and the resolutions and private acts of the Congress of  
7 the United States and of the Legislature of this state.
- 8 (b) Regulations and legislative enactments issued by or under the  
9 authority of the United States or any public entity in the United  
10 States.
- 11 (c) Official acts of the legislative, executive, and judicial department of  
12 the United States and of any state of the United States.
- 13 (d) Records of (1) any court of this state or (2) any court of record of the  
14 Unites States or of any state of the United States.
- 15 (e) Rules of court of (1) any court of this state or (2) any court of record  
16 of the Unites States or of any state of the United States.
- 17 (f) The law of an organization of nations and of foreign nations and  
18 public entities in foreign nations.
- 19 (g) Facts and propositions that are of such common knowledge within the  
20 territorial jurisdiction of the court that they cannot reasonably be the  
21 subject of dispute.
- 22 (h) Facts and propositions that are not reasonably subject to dispute and  
23 are capable of immediate and accurate determination by resort to  
24 sources of reasonably indisputable accuracy.

25 As the court explains in *Lockhard v. MVM, Inc.* (2009) 175 Cal.App.4th 1452, at pages  
26 1460-1461:

27 "The grant deed is judicially noticeable under Evidence  
28 Code section 452, subdivisions (c) and (g). (See *Evans v.*  
*Cal. Trailer Court* (1994) 28 Cal.App.4th 540, 549, 33  
Cal.Rptr.2d 646 [court may take judicial notice of deed

1 under Evidence Code section 452, subdivision (g)]; *Cal-*  
2 *American Income Property Fund II v. County of Los*  
3 *Angeles* (1989) 208 Cal.App.3d 109, 112, fn. 2, 256  
4 Cal.Rptr. 21 [court may take judicial notice of recordation  
of deed under Evidence Code section 452, subdivision (c)  
].) Its existence and authenticity cannot reasonably be  
subject to dispute . . . .

5 SDWA, CDWA, and MUSSI and PAK further request that all evidence which is in the  
6 record in the Mussi and Dunkel matters be incorporated into the Pak matter and that all evidence  
7 in the record in the Pak and Dunkel matters be incorporated into the Mussi matter. It is further  
8 requested that all evidence which is in the record in the Woods Irrigation Company (“WIC”)  
9 matter be incorporated into the Mussi and Pak matters. The issues are similar, the parties are  
10 identical, and the evidence in these matters is substantially interrelated. Moreover, the parties,  
11 including the Prosecution Team, previously agreed that examination of certain witnesses in the  
12 WIC hearing be incorporated in the Mussi, Pak & Young, and Dunkel matter. Additionally,  
13 several of the witnesses in the Mussi, Pak, WIC, and Dunkel matters were examined together as  
14 to issues pertaining to both the Mussi and Pak properties.

15 The evidence in the record in the WIC and Dunkel matters is clearly the type of records  
16 and information to which the Board may take judicial notice of in the Mussi and Pak matters  
17 pursuant to Evidence Code section 452(d) et seq.

18  
19 DATED: August 30, 2010

**HARRIS, PERISHO & RUIZ**

20  
21 BY

  
\_\_\_\_\_  
**DEAN RUIZ**

# EXHIBIT A

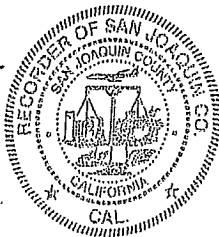


I hereby certify that this is a true copy of  
the record consisting of 1 pages if the  
seal of this office is impressed in purple ink.

AUG 26 2010

*Kenneth W. Blakemore*

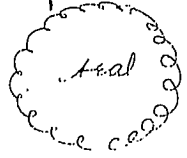
KENNETH W. BLAKEMORE  
Assessor-Recorder-Co Clerk  
San Joaquin County, CA



# EXHIBIT B

me Geo. E. Wilhoit, as Notary Public in and for said County, personally appeared Samuel Schneider known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and official seal.



Geo. E. Wilhoit  
Notary Public

Recorded at the Request of R. E. Wilhoit & Sons Dec. 20<sup>th</sup> 1892 at 10 minutes past 12.00 h.

<p>Glasgow Californian Band Co. &lt; limited &gt; Do Witter Willis St.</p>	<p>This Indenture Made this Twenty first day of December A. D. 1892 Between The Glasgow Californian Band Company</p>
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limited, of Glasgow, in the United Kingdom of Great Britain and Ireland, the party of the first part, and Willis St. Witter, of the County of San Mateo, State of California, the party of the second part.

Witnesseth: That the said party of the first part for and in consideration of the sum of Ten Dollars, Gold Coin of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever That certain tract of land known as the "Trapper's Lough Tract" situated on the lower division of Roberts Island, San Joaquin County, California, described as follows: Commencing at the South west corner of the North west quarter of the North west quarter of Section Twenty one, Township One, North Range Five East the said corner to



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Thousand three hundred and twenty feet West  
of a point which is Two hundred feet north of  
a point in the center of the Honker Lake cross  
levee, where a short length of scraper levee  
has been started in the direction of Trappers  
slough; thence running One thousand three  
hundred and twenty feet due East to a point  
in the center of the "Honker Lake" cross levee;  
thence following the center line of said "Honker  
Lake" cross levee to a point thirty feet West  
of the Westerly slope of the "Pocket" cross levee;  
thence Southwesterly following the direction of  
said "Pocket cross levee" to the junction of the  
same with middle river at or about the center  
of section Thirty three Township One, North Range  
Five East; thence following the meanderings  
of the north bank of Middle River in a Westerly  
direction to the mouth of Trappers slough; thence  
following the southeasterly bank of Trappers  
slough and the southeasterly bank of the main  
or westerly branch thereof to its head; thence  
in a straight line to the point of beginning,  
containing Three thousand acres more or less.

The right is hereby granted to the party of  
the second part his heirs or assigns to connect  
a levee or levees with the existing Honker Lake  
cross levee at any point where the land  
hereby conveyed is bounded by said levee.

And the right is hereby reserved to the party  
of the first part, its successors and assigns to  
connect the middle river levee on the West bank  
of Trappers slough with the levee that now is  
hereafter may be built on the East bank at the  
mouth of Trappers slough.

hereditaments and appurtenances thereunto  
belonging, or in anywise appertaining, and  
the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof.

To have and to hold, all and singular the  
said premises, together with the appurtenances  
unto the said party of the second part, and to  
his heirs and assigns forever.

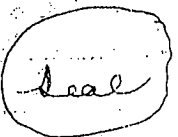
In Witness Whereof, the said party  
of the first part has hereunto set its hand and  
seal the day and year first above written.

Signed, sealed and believed in  
the presence of } The Glasgow Californian  
James B. King. } Land Company, Limited } Seal  
By John W. Ferris } Seal  
Its Attorney in fact

State of California, }  
City and County of San Francisco. } Not.

(On the Twenty  
fourth day of December A.D. one thousand eight  
hundred and ninety two before me, James B. King,  
a Notary Public in and for said City and County,  
residing therein, duly commissioned and sworn,  
personally appeared John W. Ferris known to me  
to be the person whose name is subscribed to  
the annexed instrument as the attorney in fact  
of The Glasgow Californian Land Company limited  
and the said John W. Ferris acknowledged to me  
that he subscribed the name of The Glasgow  
Californian Land Company limited thereto as principal  
and his own name as attorney in fact, and as  
such attorney in fact executed said instrument.

In Witness Whereof, I have hereunto set my  
hand and affixed my official seal at my office  
in the City and County of San Francisco, the day  
and year last above written.



James L. King  
 Notary Public 208 California  
 St. San Francisco

Recorded at the request of Willis G. Witter  
 Dec. 27<sup>th</sup> 1892. at 18 min. past 2. o'clock P.M.

Vaughan Frances E.  
 Vaughan James L.  
 To  
 Timmin Francis M.  
 Timmin Elizabeth

This Indenture, made  
 this First day of December  
 A.D. 1892.

Between Mrs Frances E.  
 Vaughan and James L. Vaughn  
 her husband of the County

of Los Angeles and State of California the parties  
 of the first part and Francis Marion Timmin  
 and Elizabeth Timmin his wife of the County of  
 San Joaquin and State of California the parties of  
 the second part,

Witnesseth: That the said parties of the  
 first part, for and in consideration of the sum  
 of Thirty two hundred and fifty dollars, valid  
 coin of the United States of America, to them in  
 hand paid, by the said parties of the second  
 part, the receipt whereof is hereby acknowledged,  
 does by these presents grant, bargain, sell and  
 convey unto the said parties of the second part  
 and to their heirs and assigns forever all that  
 certain lot, piece, or parcel of land, situate, lying  
 and being in the town of Lodi, County of  
 San Joaquin, State of California, and bounded  
 and particularly described as follows, to-wit:

Lots Three 137 and Four 147 in Block Three 72  
 according to the official map or survey of the  
 said Town of Lodi. The same being more fully  
 described as follows to-wit commencing at the  
 SW corner formed by the intersection of

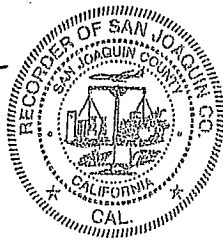
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I hereby certify that this is a true copy of  
the record consisting of 4 pages if the  
seal of this office is impressed in purple ink.

AUG 26 2010

*Kenneth W. Blakemore*

KENNETH W. BLAKEMORE  
Assessor-Recorder-Co Clerk  
San Joaquin County, CA



# EXHIBIT C

amount for the purchase money contained in any receipt executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligations to the proper application of the purchase money according to the trusts aforesaid.

In Witness Whereof the said party of the first part by resolution of its Board of Directors, has caused these presents to be subscribed by its President and Secretary and its corporate name and seal to be affixed the day and year first above written.

Strangers Union of San Joaquin Valley  
By Jas Marsh its President  
By A. M. Ashley its Secretary

We accept the foregoing Trust  
Sidney Maxwell }  
H. M. Lyone }     Witness

State of California }  
County of San Joaquin }

On this 12th day of March, A. D. 1896, before me J. C. Connolly a Notary Public in and for said County of San Joaquin, State of California, personally appeared James Marsh known to me to be the President, and A. M. Ashley known to me to be the Secretary of the corporation that executed the within instrument; and acknowledged to me that such corporation executed the same.

In Witness Whereof I have hereunto set my hand and seal, at my office in said County of San Joaquin, the day and year in this certificate first above written.

J. C. Connolly Notary Public  
In and for the County of San Joaquin, State of California  
Recorded at Request of Sidney Maxwell Mar 12th 1896 at 2c min  
part 14 1/2

Glasgow Cal. Land Co  
Limited  
Law Frank E

This instrument made this 7th day of March, in the year of our Lord one thousand eight hundred and ninety six.

Between the Glasgow California Land Co (limited) of Glasgow Scotland the party of the first part and Francis E Lane, of the City of Stockton, County of San Joaquin State of California, the party of the second part.

Witnesseth; That the said party of the first part, for and in consideration of the sum of Ten Dollars, Gold Coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and by these presents part, has... with the said party of the second part...

In here and assign forever all those parcels and tracts of land  
 lying and being in the County of San Francisco  
 State of California more particularly described as follows  
 beginning at a point 80 feet west of the west base of Pocket  
 level where it is intersected by the E. & W. center line of Dec 27  
 T. 1 N. R. 5 E. M. 10 M. thence in a North westerly direction  
 following a line 80 feet west of west base of said level to the junction  
 of the Pocket and Shonker Lake levels in N. 76. 14 Dec 27  
 T. 1 N. R. 5 E. thence east along the center of Shonker Lake Level  
 to its junction with High Ridge level in N. W. 1/4 of Dec 27. T. 1 N. R.  
 5 E. thence along the center of High Ridge level in a South westerly  
 direction to a point where said level is intersected by the E. & W.  
 center line of Dec 31, T. 1 N. R. 5 E. thence west to the North base of  
 Middle Basin thence following the meandering of Middle Basin  
 in a North westerly direction to a point S. 1. 40. 00 distant 153  
 chains from the junction of the Pocket level with the said  
 said level thence west along the river bank 80 feet thence N. 10  
 40 E. 153 chains to a point 80 feet west from the aforesaid  
 junction thence in a northerly direction following a line 80 feet  
 west of the western base of Pocket level to point of beginning  
 containing 394 6/100 acres

Together with all and singular the tenements, hereditaments  
 and appurtenances thereto belonging or in any wise appertaining  
 and the reversion and reversions, remainders and remainders  
 with issues and profits thereof

To have and to hold all and singular the said premises  
 together with the appurtenances unto the said party of the second  
 part and to his heirs and assigns forever.

In witness whereof the said party of the first part has  
 hereunto set his hand and seal the day and year first  
 above written.

Signed, sealed and delivered } The Glasgow California Land Co. 23  
 in the presence of } per John W. Ferris  
 Attorney in fact

State of California }  
 City and County of San Francisco }  
 On the seventh day of March A.D. One Thousand Eight  
 Hundred and ninety six before me James R. King a Notary  
 Public in and for said City and County residing therein  
 duly commissioned and sworn personally appeared John  
 W. Ferris known to me to be the person whose name is  
 subscribed to the aforesaid instrument and the attorney in  
 fact of the Glasgow California Land Co. Limited and the  
 said John W. Ferris acknowledged to me that he subscribed  
 the name of the Glasgow California Land Co. Limited  
 on the said instrument and his name as attorney in fact

in such attorney in fact executed said instrument.  
 In Witness Whereof I have hereunto set my hand  
 and official seal at my office in the City  
 and County of San Francisco the day and year last above  
 written.

James L. King, Notary Public  
 Within and for the City and County of San Francisco  
 State of California.

Recorded at request of S.C. Wilcott March 13th 1906. at 11 min  
 past 11 A.M.

Mrs. Anna  
 Do  
 Fitzsimmons & Co. Liatta

San Francisco the Fourth  
 day of March in the year of our  
 Lord one thousand nine hundred  
 and six between Mrs.

Anna K... of the County of San Francisco, State of  
 California the party of the first part and the Liatta Fitz-  
 simmons & Co. of the State of said the party of  
 the second part. Witness that the said party of the  
 first part for and in consideration of the purchase price and  
 cancellation of that certain mortgage...  
 mortgage dated February 28th 1903... Anna K...  
 to Liatta Fitzsimmons & Co. as recorded in book "13" fol 56 of mortgage  
 page 132 & 133 page 134...  
 was assigned by Liatta Fitzsimmons & Co. to  
 the said party of the second part...  
 of said...  
 the said party of the second part...

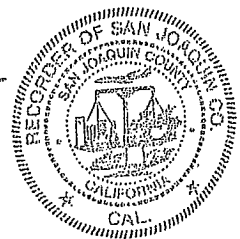


I hereby certify that this is a true copy of  
the record consisting of 3 pages if the  
seal of this office is impressed in purple ink.

AUG 27 2010

*Kenneth W. Blakemore*

KENNETH W. BLAKEMORE  
Assessor-Recorder-Co Clerk  
San Joaquin County, CA



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4 E-mail: [dean@hp1lp.com](mailto:dean@hp1lp.com)

5 Attorneys for SOUTH DELTA WATER AGENCY  
and CENTRAL DELTA WATER AGENCY

6 **JOHN HERRICK - SBN 139125**  
7 Law Office of John Herrick  
4255 Pacific Avenue, Suite 2  
8 Stockton, California 95207  
Telephone: (209) 956-0150  
9 Facsimile: (209) 956-0154  
Email: [jherlaw@aol.com](mailto:jherlaw@aol.com)

10 Attorneys for YONG PAK, SUN YOUNG, RUDI MUSSI,  
11 TONI MUSSI, and LORY C. MUSSI INVESTMENT, LP

12  
13 **BEFORE THE CALIFORNIA**  
14 **STATE WATER RESOURCES CONTROL BOARD**  
15

16 In the Matter of Draft Cease and Desist ) **DECLARATION OF DEAN RUIZ IN**  
17 Order No. 2009-00XX-DWR Against ) **SUPPORT OF REQUEST FOR OFFICIAL**  
18 YONG PAK and SUN YOUNG and Order ) **NOTICE**  
19 No. 2009-00XX Against RUDI MUSSI, )  
TONI MUSSI, and LORY C. MUSSI )  
INVESTMENT, LP )

20  
21 I am an attorney duly licensed to practice law in the State of California and participating  
22 in the above referenced matter before the State Water Resources Control Board on behalf of the  
23 South Delta Water Agency and Central Delta Water Agency (hereinafter collectively "SDWA",  
24 "CDWA").


25 In connection with the Request for Official Notice submitted herewith by SDWA,  
26 CDWA, Yong Pak, Sun Young, Rudi Mussi, Toni Mussi, and Lory C. Mussi Investment, LP, I  
27 obtained certified copies of the three (3) deeds which are attached to the Request for Official  
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Notice as Exhibits A-C. Said exhibits are true and correct copies of the certified deeds I obtained and pertain to the Pak and Young parcel.

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

Executed this 30<sup>th</sup> day of August, 2010, at Stockton, California.

  
\_\_\_\_\_  
Dean Ruiz  
Attorney for South Delta Water  
Agency and Central Delta Water  
Agency