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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF MONTEREY**
10

11 CALIFORNIA AMERICAN WATER,

12 Plaintiff,

13 v.

14 CITY OF SEASIDE, et al.,

15 Defendants.

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17 MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT,

18 Intervenor.

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20 MONTEREY COUNTY WATER
RESOURCES AGENCY,

21 Intervenor.

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23 AND RELATED CROSS ACTIONS.
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Case No. M66343

**DEFENDANT CITY OF SEASIDE'S
REQUEST FOR JUDICIAL NOTICE**

Assigned for All Purposes to the Honorable
Robert O'Farrell

Action Filed: August 14, 2003

1 PLEASE TAKE NOTICE THAT pursuant to California Code of Civil Procedure section
2 430.30(a), California Evidence Code sections 452 and 453, and California Rules of Court
3 3.1113(a) and 3.1306(c), Defendant City of Seaside ("City") respectfully requests that the Court
4 take judicial notice of Exhibits A, B, and C to the Declaration of Russell McGlothlin
5 ("McGlothlin Declaration"), made in support of the City's concurrently filed Motion for
6 Approval of In Lieu Groundwater Storage Program:

- 7 1. Seaside Basin Watermaster's Declaration of Total Usable Storage Space, dated
8 February 3, 2010, attached to the McGlothlin Declaration as **Exhibit A**.
- 9 2. Letter from the Seaside Basin Watermaster Board of Directors, dated August 12, 2019,
10 attached to the McGlothlin Declaration as **Exhibit B**.
- 11 3. Agreement for Storage and Recovery of Non-Native Water from the Seaside
12 Groundwater Basin, made between California American Water Company and the
13 Seaside Basin Watermaster, entered into on October 21, 2011, attached to the
14 McGlothlin Declaration as **Exhibit C**.

15 California Evidence Code section 452(d) permits the Court to take judicial notice of "[r]ecords of
16 (1) any court of this state or (2) any court of record of the United States or of any state of the
17 United States." (*See Day v. Sharp* (1975) 50 Cal.App.3d 904, 914.) The Court may take judicial
18 notice of the Watermaster's own records. (*See Craan v. Cty. Of Kern* (Cal. Ct. App. May 23,
19 2008) 2008 WL 2154045, at *2 [court taking judicial notice of records of water releases as
20 determined by the Watermaster].) Accordingly, the Court may take judicial notice of the materials
21 attached as exhibits to the McGlothlin Declaration.

22 Dated: September 4, 2019

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25 By: 
26 Russell McGlothlin
27 Attorneys for Defendant
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