

2d Civil No. B264284

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

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SANTA CLARITA ORGANIZATION FOR PLANNING AND THE  
ENVIRONMENT,

*Plaintiff and Appellant,*

vs.

CASTAIC LAKE WATER AGENCY, et al.,

*Defendants and Respondents.*

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Appeal From The Los Angeles Superior Court, Central District  
Honorable Robert O'Brien, Judge  
Honorable Luis Lavin, Judge  
Los Angeles Superior Court Case No. BS141673

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**RESPONDENT CASTAIC LAKE WATER AGENCY'S  
REQUEST FOR JUDICIAL NOTICE**

**[Evidence Code §§ 451 & 452]**

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CASTAIC LAKE WATER AGENCY

Respondent Castaic Lake Water Agency hereby requests the court to take judicial notice of former Civil Code provisions concerning mutual water companies, which, as noted in respondent's brief, are pertinent in analyzing the term as it is used in article XVI, section 17 of the California constitution, which is a central issue in this appeal.

Accordingly, those former statutes are subject to judicial notice pursuant to Evidence Code section 451, subdivision (a), as the "public statutory law of this state" and, at the very least, subject to judicial notice under section 452, subdivision (c), as the official acts of a state legislature. Accordingly, respondent requests the court to take judicial notice of the following legislative enactments:

Stats. 1895, ch. CXXVI, § 1 (Exh. 1 hereto);  
Stats. 1907, ch. 470, § 1 (Exh. 2 hereto);  
Stats. 1931, ch. 862, § 2 (Exh. 3 hereto);  
Stats. 1933, ch. 533, § 36 (Exh. 4 hereto);  
Stats. 1935, ch. 305, § 1 (Exh. 5 hereto);  
Stats. 1951, ch. 790, § 1 (Exh. 6 hereto);  
Stats. 1955, ch. 1587, § 1 (Exh. 7 hereto); and  
Stats. 1957, ch. 217, § 1 (Exh. 8 hereto).

DATED: March 14, 2016

Respectfully submitted,

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By

  
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WATER AGENCY

# **EXHIBIT 1**

## CHAPTER CXXVI.

*An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the transfer of shares of stock of corporations, and making the shares of corporations engaged in certain business transferable as appurtenances to real property.*

[Approved March 26, 1895.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended to read as follows:

Shares of  
stock.  
personal  
property

How trans-  
ferred.

Irrigation  
stock  
appurte-  
nant to  
certain  
lands.

324. Whenever the capital stock of any corporation is divided into shares, and certificates therefor are issued, such shares of stock, except as hereinafter provided, are personal property, and may be transferred by indorsement by the signature of the proprietor, his agent, attorney, or legal representative, and the delivery of the certificate; but such transfer is not valid, except as to the parties thereto, until the same is so entered upon the books of the corporation as to show the names of the parties by whom and to whom transferred, the number of the certificate, the number or designation of the shares, and the date of transfer; *provided, however,* that any corporation organized for, or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes or for domestic use, may in its by-laws provide that water shall only be so sold, distributed, supplied, or delivered to owners of its capital stock, and that such stock shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued, and a certified copy of such by-law recorded in the office of the County Recorder in the county where such lands are situated, the shares of stock so located on any land shall only be transferred with said lands, and shall pass as an appurtenance thereto.

# **EXHIBIT 2**

SEC. 2. A new section is hereby added to said code, to be numbered six hundred and eight *a* and to read as follows:

Setting  
vessels  
adrift.

**608a.** Every person who willfully and maliciously cuts, breaks, injures, sinks, or sets adrift any vessel of less than ten gross tons, the property of another, is guilty of a misdemeanor.

SEC. 3. A new section is hereby added to said code, to be numbered six hundred and eight *b* and to read as follows:

Injuring  
vessels.

**608b.** Every person who willfully and maliciously cuts, breaks, or injures any vessel of ten gross tons and upwards, the property of another, is guilty of a misdemeanor.

SEC. 4. A new section is hereby added to said code to be numbered 608*c*, and to read as follows:

Sinking  
vessels a  
felony.

**608c.** Every person who willfully and maliciously sinks or sets adrift any vessel of ten gross tons and upwards, the property of another, is guilty of a felony.

#### CHAPTER 470.

*An act to amend section three hundred and twenty-four of the Civil Code, relating to the transfer of stock in corporations.*

[Approved March 22, 1907.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and twenty-four of the Civil Code is hereby amended to read as follows:

Transfer  
of shares of  
stock.

**324.** Whenever the capital stock of any corporation is divided into shares, and certificates therefor are issued, such shares of stock, except as hereinafter provided, are personal property, and may be transferred by indorsement by signature of the proprietor, his agent, attorney, or legal representative, and the delivery of the certificate; but such transfer is not valid, except as to the parties thereto, until the same is so entered upon the books of the corporation as to show the names of the parties by whom and to whom transferred, the number of the certificate, the number or designation of the shares, and the date of the transfer; *provided, however,* that any corporation organized for, or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes or for domestic use, may in its by-laws provide that water shall only be so sold, distributed, supplied, or delivered to owners of its capital stock, and that such stock shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued, and a certified copy of such by-law recorded in the office of the county recorder in the county where such lands are situated, the shares of stock so located on any land

Certain  
stock  
appurte-  
nant  
to land.

shall only be transferred with said lands, and shall pass as an appurtenance thereto. Whenever any officer of any corporation shall refuse to make entries upon the books thereof, or to transfer stock therein, or to issue a certificate or certificates therefor to the transferee as provided by this and the next preceding section, such officer shall be subject to a penalty of four hundred dollars, to be recovered as liquidated damages, in an action brought against him by the person aggrieved.

Refusal to  
enter  
transfers,  
penalty.

#### CHAPTER 471.

*An act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.*

[Approved March 22, 1907.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the state hospital for the purpose of erecting a cottage for the accommodation of patients upon the lands of the Mendocino State Hospital for the care and treatment of acute cases of insanity.

Cottage for  
Mendocino  
State  
Hospital,  
appropriation.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. In calling for bids and awarding the contracts under this act, said board of managers may, if in their judgment such action would be for the best interests of the state, disregard the provisions of section 3 of the act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings" approved March 26th, 1876, as amended March 20th, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

Exempt  
from con-  
tract law.

SEC. 4. This act shall take effect July 1st, 1907.

# **EXHIBIT 3**

written notice was served upon the corporation or its transfer agent in the manner provided for the service of summons in section 411 of the Code of Civil Procedure, stating that an appeal or other further court proceeding had been or was to be taken from or with regard to such judgment or order of court. After the service of such notice neither the corporation nor its transfer agent shall have any duty to register the requested transfer or deliver the new certificate, or registered bond or other security until the corporation or its transfer agent shall have been given a certificate of the county clerk of the county in which such judgment or order of court was given or made, showing that the judgment or order of court has become final.

Mutual  
water  
companies

330.24. Mutual water companies. Any corporation organized for, or engaged in, the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may, in its by-laws, provide that water shall only be so sold, distributed, supplied or delivered to owners of its shares, and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued and a certified copy of such by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith.

#### CHAPTER IX.

##### ASSESSMENTS.

Assessments,  
how levied

331. Assessments, how levied. (1) Shares issued by stock corporations are not assessable except as provided in this article. If the articles expressly confer such authority upon the corporation or the board of directors, and subject to any limitations therein contained, the directors may in their discretion, levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

Nonstock  
corporations

(2) Nonstock corporations may levy dues or assessments or both upon their members, if such authority is conferred either by the articles or by their by-laws, and subject to any limitations therein contained. Such dues or assessments or both may be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership and memberships of one or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles or the by-laws.

Amount  
of levy

The amount of the levy and method of collection of such dues or assessments or both may fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods of collection as the directors may

# **EXHIBIT 4**

SEC. 33. Section 328e of the Civil Code is hereby amended Stats 1931,  
p 1762.  
to read as follows:

328e. Transfers by minors and incompetents. Neither a Transfers  
by minors  
and incom-  
petents domestic corporation nor a foreign corporation keeping transfer books in this State shall be or become liable to a minor or incompetent person in whose name shares are of record on its books because of their transfer on its books at the instance of such minor or incompetent or the recognition of or dealing with such minor or incompetent as a shareholder whether or not such corporation shall have had notice, actual or constructive, of the nonage of such minor or of such incompetency.

SEC. 34. Section 330.6 of the Civil Code is hereby Stats 1931,  
p 1762 amended to read as follows:

330.6. Indorsement or delivery effectual in spite of fraud, duress, mistake, revocation, death, incapacity or lack of consideration or authority. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby, or the delivery of a duly indorsed certificate, is effectual except as provided in section 330.7 of this title, though the indorser or transferor—

(a) Was induced by fraud, duress or mistake to make the indorsement or delivery; or

(b) Has revoked the delivery of the certificate or the authority given by the indorsement or delivery of the certificate; or

(c) Has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate; or

(d) Has received no consideration.

SEC. 35. Section 330.13 of the Civil Code is hereby Stats 1931,  
p. 1762. amended to read as follows:

330.13. Issue of new certificates. Except when a certificate has been lost or destroyed or the shares evidenced by a Issue of  
new cer-  
ificates certificate have been sold for a delinquent assessment or non-payment of the subscription price, a corporation shall not be compelled to issue a new certificate for shares until the old certificate is surrendered to it. In case any part of the delinquent shares represented by an outstanding certificate are sold or forfeited, such certificate must be surrendered to the corporation before the holder thereof shall be entitled to a new certificate for the unsold or unforfeited shares.

SEC. 36. Section 330.24 of the Civil Code is hereby Stats 1931,  
p. 1762 amended to read as follows:

330.24. Mutual water companies. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the Mutual  
water  
companies

county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in section 331 of this title.

Stats 1931,  
p 1762.  
See  
Stats 1933,  
Ch 928  
Assessments,  
how levied

SEC. 37. Section 331 of the Civil Code is hereby amended to read as follows:

331. Assessments, how evied. (1) Shares issued by stock corporations are not assessable, except as provided in the articles. If the articles expressly confer such authority upon the corporation or the board of directors, the directors, subject to any limitations contained in the articles, in their discretion may levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

Non-stock  
corpora-  
tions

(2) Nonstock corporations may levy dues or assessments or both upon their members, if such authority be conferred either by the articles or by their by-laws, and subject to any limitations therein contained. Such dues or assessments or both may be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership and memberships of one or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles or the by-laws.

Amount  
of levy.

The amount of the levy and method of collection of such dues or assessments or both of nonstock corporations may be fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods of collection as the directors may prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

Water dis-  
tributing  
corpora-  
tions.

(3) Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or for domestic use, and which provides in its articles or by-laws that water shall only be sold, distributed, supplied, or delivered to owners of its shares and that such shares shall be appurtenant to certain lands described in the certificate issued therefor, may levy assessments upon its shares, whether or not fully paid, unless provided otherwise in its articles or by-laws. If any shares of any such corporation become delinquent in the payment of assessments, the right to receive water thereon may be denied, and such shares may be sold to pay such delinquent assessments and thereafter may be transferred without said lands as though not appurtenant thereto, and the purchaser or the holder of such shares shall acquire the right to receive the same quantity of water as though such shares had remained appur-

# **EXHIBIT 5**

chapter. All fees collected hereunder shall be deposited with the treasurer of the city, or city and county, or county under whose jurisdiction any such court shall exist.

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CHAPTER 304.

Stats 1933,  
p 60. *An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.*

[Approved by the Governor June 11, 1935. In effect September 15, 1935.]

*The people of the State of California do enact as follows:*

New section. SECTION 1. Section 1219.5 is hereby added to the Agricultural Code to read as follows:

Report of directors of nonprofit cooperatives 1219.5. The board of directors of every association organized hereunder shall cause to be sent to the members thereof not later than one hundred twenty (120) days after the close of the fiscal or calendar year an annual report of the operations of the association, unless such report be expressly dispensed with in the by-laws. Such annual report shall include a balance sheet as of such closing date. Such financial statement shall be prepared from the books and shall be in accordance therewith and shall be prepared in a form sanctioned by sound accounting practice for the association or approved by a duly certified public accountant.

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CHAPTER 305.

*An act to amend section 330.24 of the Civil Code, relating to mutual water companies.*

[Approved by the Governor June 11, 1935. In effect September 15, 1935.]

*The people of the State of California do enact as follows:*

Stats. 1933,  
p 1377. SECTION 1. Section 330.24 of the Civil Code is hereby amended to read as follows:

Mutual water companies 330.24. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be

transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in section 331 of this title. Notwithstanding such provision in its articles or by-laws, any such corporation may sell water to the State, or any department or agency thereof, or to any school district, at the same rates as to holders of shares of such corporations. In the event lands to which any such stock is appurtenant are owned or purchased by the State, or any department or agency thereof, or any school district, such stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to such land from the State department, agency, or school district.

Sale to  
public  
agencies

### CHAPTER 306.

*An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913.*

Stats. 1913.  
p. 81,  
amended.

[Approved by the Governor June 11, 1935. In effect September 15, 1935.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1933,  
p. 2480

Sec. 2. Whenever any private corporation or association is organized for the purpose solely of delivering water to its stockholders or members at cost, and delivers water to no one except its stockholders or members, or to the State or any agency or department thereof, or to any school district, at cost, such private corporation or association is not a public utility, and is not subject to the jurisdiction, control or regulation of the Railroad Commission of the State of California.

Certain  
water com-  
panies not  
public  
utilities

No person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, selling or delivering water exclusively to a water conservation district organized under the laws of the State of California or leasing or otherwise permitting the use of ditches or other water transmission facilities exclusively by such district shall be held to be a public utility within the meaning of this act. No portion of the works, property or water rights of any such parties shall be deemed dedicated to a public use by reason of selling or delivering water to a water conservation district.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Stats 1913  
p. 85.

# **EXHIBIT 6**

Testing and guidance programs in schools, colleges and universities and physical fitness tests given by public or private agencies in connection with employment or issuance or renewal of licenses or permits do not constitute diagnoses within the meaning or intent of this section.

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CHAPTER 789

*An act to amend Section 28145 of the Government Code, relating to compensation for public services in counties of the forty-fifth class.*

In effect  
September  
22, 1951

[Approved by Governor June 1, 1951. Filed with  
Secretary of State June 1, 1951.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 28145 of the Government Code is amended to read:

Plumas  
County  
Salaries

28145. In a county of the forty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

- (a) The auditor, two thousand dollars (\$2,000) a year.
- (b) The district attorney, three thousand dollars (\$3,000) a year.

- (c) Each supervisor, three thousand dollars (\$3,000) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents (\$0 20) a mile, such compensation to be in full for services either as supervisor or for mileage as road commissioner.

- (d) Grand and trial jurors, five dollars (\$5) per day and such mileage fees as are allowed by law.

The compensation provided by this section shall be payable to incumbent officers.

Saving clause

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

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CHAPTER 790

*An act to amend Section 330.24 of the Civil Code to enable mutual water companies to sell water to any public agency and under certain circumstances to other mutual water companies and other persons and declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor June 1, 1951. Filed with  
Secretary of State June 1, 1951.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 330.24 of the Civil Code is hereby amended to read as follows:

330.24. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 331 of this title. Notwithstanding such provision in its articles or by-laws, any such corporation may sell water to the State, or any department or agency thereof, or to any school district, or to any public agency or, during periods of water shortage, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of such corporations. In the event lands to which any such stock is appurtenant are owned or purchased by the State, or any department or agency thereof, or any school district, or public agency, such stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to such land from the state department, agency, or school district, or public agency.

Sale of  
water  
LimitationSame  
Emergency  
sales

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

In view of the present national emergency and in furtherance of measures designed to protect the public health and safety in the event of enemy attack and to minimize the consequences thereof, it is necessary and desirable that private mutual water companies be authorized to make sales of water to any public agency and in case of fire or other emergencies involving danger to the public health or safety to any person. Therefore this legislation is immediately necessary.

## CHAPTER 791

*An act to add Section 1238.3 to the Code of Civil Procedure, relating to the exercise of the right of eminent domain by nonprofit hospitals.*

[Approved by Governor June 1, 1951. Filed with Secretary of State June 1, 1951.]

In effect  
September  
22, 1951

*The people of the State of California do enact as follows:*

SECTION 1. Section 1238.3 is added to the Code of Civil Procedure, to read:

# **EXHIBIT 7**

## CHAPTER 1586

*An act to add Section 203 to the Streets and Highways Code, relating to streets and roads required in connection with state-aided school construction.*

[Approved by Governor July 5, 1955. Filed with  
Secretary of State July 7, 1955.]

In effect  
September  
7, 1955

*The people of the State of California do enact as follows:*

SECTION 1. Section 203 is added to the Streets and Highways Code, to read:

203. Whenever a school district constructs a school building for the construction of which any apportionment is made pursuant to Chapter 1.6 or Chapter 19 of Division 3 of the Education Code and the city, city and county, or county in which such school building is situated requires the construction of any street or road connected with the school premises on which such school building is constructed, the State Allocation Board shall review the requirement and recommend to the governing body of the city, city and county or county a plan of construction adequate to meet the needs of the school district and the safety of the public. If a different plan of improvement or improvement to higher standards than that recommended by the State Allocation Board is required by the governing body of the city, city and county or county, the additional cost thereof shall be borne by the city, city and county, or county in which such school building is situated. Notwithstanding any other provision of this code or any other law limiting the purposes for which money allocated to cities, cities and counties, or counties from the Highway Users Tax Fund or the State Highway Fund may be expended, any of the money so allocated may be expended for the construction of the streets or roads referred to in this section.

Nothing in this section shall be construed to require each cost item included in any charge made pursuant to this section to be separately stated.

## CHAPTER 1587

*An act to amend Section 330.24 of the Civil Code and Sections 2702 and 2705 of the Public Utilities Code, relating to mutual water companies.*

[Approved by Governor July 5, 1955. Filed with  
Secretary of State July 7, 1955.]

In effect  
September  
7, 1955

*The people of the State of California do enact as follows:*

SECTION 1. Section 330.24 of the Civil Code is amended to read:

Mutual  
water  
companies  
Limitation  
on sales

330.24. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 331 of this title.

Exception

Notwithstanding such provision in its articles or by-laws, any such corporation may sell water to the State, or any department or agency thereof, or to any school district, or to any public agency, or, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of such corporations. In the event lands to which any such stock is appurtenant are owned or purchased by the State, or any department or agency thereof, or any school district, or public agency, such stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to such land from the state department, agency, or school district, or public agency.

SEC. 2. Section 2702 of the Public Utilities Code is amended to read:

Public  
utility

2702. Any corporation or association organized for the purpose of delivering water solely to its stockholders or members at cost which delivers water to others than its stockholders or members, or the State or any department or agency thereof or any school district, or any other mutual water company, for compensation, becomes a public utility and is subject to Part 1 of Division 1 and to the jurisdiction, control, and regulation of the commission.

SEC. 3. Section 2705 of the Public Utilities Code is amended to read:

Exception

2705. Any corporation or association which is organized for the purpose solely of delivering water to its stockholders or members at cost, and which delivers water to no one except its stockholders or members, or to the State or any agency or department thereof, or to any school district, or to any other mutual water company, at cost, is not a public utility, and is not subject to the jurisdiction, control or regulation of the commission.

# **EXHIBIT 8**

## CHAPTER 217

*An act to amend Section 330.24 of the Civil Code, relating to the sale of water by mutual water companies to county fire protection districts.*

In effect  
September  
11, 1957

[Approved by Governor April 23, 1957. Filed with  
Secretary of State April 24, 1957.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 330.24 of the Civil Code is amended to read:

330.24. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 331 of this title. Notwithstanding such provision in its articles or by-laws, any such corporation may sell water to the State, or any department or agency thereof, or to any school district, or to any public agency, or, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of such corporations; and provided further, that any such corporation may enter into a contract with a county fire protection district to furnish water to fire hydrants and for fire suppression or fire prevention purposes at a flat rate per hydrant or other connection. In the event lands to which any such stock is appurtenant are owned or purchased by the State, or any department or agency thereof, or any school district, or public agency, such stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to such land from the state department, agency, or school district, or public agency.

## CHAPTER 218

*An act to amend Section 28103 of the Government Code, relating to jurors' fees in counties of the third class.*

In effect  
September  
11, 1957

[Approved by Governor April 23, 1957. Filed with  
Secretary of State April 24, 1957.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 28103 of the Government Code is amended to read:

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 5900 Wilshire Boulevard, 12th Floor, Los Angeles, California 90036.

On March 14, 2016, I served the foregoing document described as:  
**RESPONDENT CASTAIC LAKE WATER AGENCY'S REQUEST FOR JUDICIAL NOTICE** on the interested parties in this action by serving:

**\*\*\*\*\* SEE ATTACHED SERVICE LIST \*\*\*\*\***

(✓✓) By U.S. Mail: The envelope was deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service or Federal Express on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

Executed on March 14, 2016 at Los Angeles, California.

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

\_\_\_\_\_  
Pauletta L. Herndon

*Santa Clarita Organization for Planning and the Environment v.  
Castaic Lake Water Agency, et al.*

Court of Appeal, Second Appellate District, Division Two Case No. B264284

Los Angeles Superior Court Case No. BS141674

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**From:** [nobody@jud.ca.gov](mailto:nobody@jud.ca.gov)  
**To:** [Paula Herndon](#)  
**Subject:** E-File Case B264284, Santa Clarita Organization, Submitted 03-14-2016 04:00 PM  
**Date:** Monday, March 14, 2016 4:01:27 PM  
**Attachments:** [B264284 MOT CastaicLakeWaterAgency.pdf](#)

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The following Appellate Document has been submitted.

Case Type: Civil

Division: 2

Case Number: B264284

Case Name: Santa Clarita Organization for Planning and the Environment v. Castaic Lake Water Agency, et al.

Name of Party: Castaic Lake Water Agency

Type of Document: Motions (MOT)

Name of Attorney or Self-Represented Party Who Prepared Document: Timothy T. Coates

Bar Number of Attorney: 110364