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Supreme Court of California
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S290840

IN THE SUPREME COURT OF CALIFORNIA

BRING BACK THE KERN et al.,
Plaintiffs and Respondents,

v.

CITY OF BAKERSFIELD,
Defendant and Respondent.

NORTH KERN WATER STORAGE DISTRICT et al.,
Real Parties in Interest and Appellants.

[And five other cases.]*

AFTER A DECISION BY THE COURT OF APPEAL, FIFTH DISTRICT • CASE NO. F087487 (LEAD)
CONSOLIDATED WITH F087503/F087549/F087558/F087560/F08770
KERN COUNTY SUPERIOR COURT • GREGORY PULSKAMP, JUDGE
CASE NO. BCV-22-103220

MOTION FOR JUDICIAL NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF BRETT A. STROUD; [SUPPORTING EXHIBITS UNDER SEPARATE COVER]

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MOTION FOR JUDICIAL NOTICE

Pursuant to Evidence Code sections 452, 453, and 459, and California Rules of Court, rules 8.252(a) and 8.520(g), real parties in interest request that this Court take judicial notice of the materials that constitute the legislative history regarding:

- Article X, section 2 of the California Constitution;
- Fish and Game Code section 5937;
- Fish and Game Code section 5946;
- Water Code section 100;
- Water Code section 100.5; and
- Water Code section 1243.

These materials are identified in the attached memorandum and declaration. This legislative history is necessary for this Court to accurately interpret Fish and Game Code section 5937 and Article X, section 2 of the California Constitution.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

This appeal arises from a dispute over the proper water flow of a river. It presents the question whether plaintiffs' proposed water use was "reasonable" and "beneficial" under Article X, section 2 of the California Constitution. The trial court instead found that Fish and Game Code section 5937 determined categorically that plaintiffs' proposed water use was reasonable.

This case requires this Court to interpret a statutory provision (Fish and Game Code section 5937) and a constitutional provision (Article X, section 2). Real parties in interest request that this Court take judicial notice of legislative history materials that will aid in that task.

LEGAL ARGUMENT

I. This Court has the authority to take judicial notice of legislative history materials.

Under Evidence Code section 452, subdivision (c), judicial notice may be taken of "[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States." (See *Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279, fn. 9 [granting request for judicial notice of legislative history material].) Courts may also take judicial notice of "[f]acts and propositions that are not reasonably subject to dispute." (Evid. Code, § 452, subd. (h).) Appellate courts have the same right, power, and duty to take judicial notice as trial courts. (Evid. Code, § 459, subds. (a) & (b).)

II. This Court should take judicial notice of the legislative history materials that are relevant to the statutory and constitutional issues presented.

Plaintiffs have requested judicial notice of legislative materials provisions for Article X, section 2 of the Constitution and section 5937 of the Fish and Game Code. (See Plaintiffs' MJN.) While real parties do not object to any item of legislative history included in plaintiffs' motion, plaintiffs' motion is underinclusive in breadth and depth.

RPIs therefore seek judicial notice of the materials identified here to provide this Court with a fuller, more accurate picture of the relevant legislative history and statutory context:

- Article X, section 2 of the California Constitution;
- Fish and Game Code section 5937;
- Fish and Game Code section 5946;
- Water Code section 100;
- Water Code section 100.5; and
- Water Code section 1243.

All the legislative history materials sought to be noticed are contained in the exhibits filed concurrently with this request. All the materials were obtained from Legislative Intent Service. (Declaration of Brett A. Stroud ¶¶ 3–6.)[1] Citations to the legislative history are to the consecutively paginated exhibits.

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[1] Declarations from employees at Legislative Intent Service authenticating the legislative history materials are included as Exhibit A in the concurrently filed volumes of exhibits. (See Stroud Decl. ¶ 3; 1 MJN 14–66.)

III. Courts routinely take judicial notice of the types of legislative history materials cited here.

The cited materials include bills and proposed constitutional amendments; excerpts from the Assembly and Senate Daily Journal, the Assembly Final History, and the Senate Journal; Legislative Counsel's Digests; excerpts from the Legislative Handbook; ballot measure pamphlets and statements of votes on constitutional amendments; contemporaneous reports from relevant state agencies; correspondence to the Governor; and one contemporaneous news article.

First, as plaintiffs recognize in their motion for judicial notice, courts routinely take judicial notice of legislative history materials when interpreting statutory and constitutional provisions—including proposed bills and constitutional amendments, committee reports, Legislative Counsel digests, and sources showing the actions and votes taken on a bill or constitutional amendment. (See Plaintiffs' MJN 4–5 [collecting cases]; see also *Heckart v. A-1 Self Storage, Inc.* (2018) 4 Cal.5th 749, 767, fn. 8 [taking judicial notice of entire "legislative history" of statute].)[2]

Second, courts judicially notice executive branch materials when interpreting statutory and constitutional provisions. This

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[2] This category comprises the vast majority of the materials of which real parties request judicial notice. (See Stroud Decl. ¶¶ 7–29, 32–56, 58–70, 72, 74–76, 78–81, 83–84, 86–94, 96–103, 105 [exhs. B1–B21, C1–C2, C5–C29, D1–D13, D15, D17–D19, E2–E5, E7–E8, F2–F7, G1–G3, G5–G12, G14]; 1 MJN 67–198, 206–266; 2 MJN 271–452, 454–505; 3 MJN 604–605, 614–626, 653–694, 700–704, 715–740; 4 MJN 745–769, 773–794, 801–802.)

includes materials provided to the governor when deciding whether to sign a bill. (See, e.g., *In re Marriage of Cady & Gamick* (2024) 105 Cal.App.5th 379, 402, fn. 12, quoting *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 41 [materials provided to Governor "can *corroborate* the Legislature's intent"]; *Siskiyou County Farm Bureau v. Department of Fish & Wildlife* (2015) 237 Cal.App.4th 411, 441–442 [considering letter "urging the Governor to sign the bill"].)[3]

It includes agency reports relied on by the Legislature. (See, e.g., *Park v. Deftones* (1999) 71 Cal.App.4th 1465, 1472 [judicially noticing a commission report relied on by the Legislature when enacting a statute]; *People v. Fair* (1967) 254 Cal.App.2d 890, 893 [" 'It is a fundamental rule that a statute should be construed in the light of the history of the times and the conditions which prompted its enactment' "].)[4]

And it includes the " 'contemporaneous construction[s] of a new enactment by the administrative agency charged with its enforcement.' " (See, e.g., *Almond Alliance of California v. Fish and Game Commission* (2022) 79 Cal.App.5th 337, 361.)[5]

Third, courts take judicial notice of contemporaneous articles when construing a bill. (*Greb v. Diamond Internat. Corp.*

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[3] See Stroud Decl. ¶¶ 71, 95, 104 [exhs. D14, G4, G13]; 2 MJN 535–561; 3 MJN 566–603; 4 MJN 770–772, 795–800.

[4] See Stroud Decl. ¶¶ 30–31, 77, 85 [exhs. C3–C4, E1, F1]; 1 MJN 199–205; 3 MJN 627–652, 705–714.

[5] See Stroud Decl. ¶¶ 73, 82 [exhs. D16, E6]; 3 MJN 606–613, 695–699.

(2013) 56 Cal.4th 243, 263, fn. 26 [relying on a "contemporaneous article"]; *American Tobacco Co. v. Superior Court* (1989) 208 Cal.App.3d 480, 487 [relying on "contemporaneous news account"].) That is because "the practical and contemporaneous construction" of an enactment "will be helpful" in ascertaining its meaning. (*Carter v. Commission on Qualifications of Judicial Appointments* (1939) 14 Cal.2d 179, 182.)[6]

This Court should similarly take judicial notice of these materials, which are detailed in the accompanying declaration and included in the concurrently filed volumes of exhibits.

CONCLUSION

For the above reasons, this Court should grant real parties' motion for judicial notice.

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[6] See Stroud Decl. ¶ 57 [exh. C30]; 2 MJN 453.

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DECLARATION OF BRETT A. STROUD

I, Brett A. Stroud, declare as follows:

1. I am an attorney licensed to practice law in the State of California and a partner with Young Wooldridge, LLP, counsel of record for real party in interest North Kern Water Storage District.

2. Accompanying this request are four volumes of exhibits containing true and correct copies of documents obtained from Legislative Intent Service, Inc.

Authenticating declarations from Legislative Intent Service.

3. Attached as Exhibit A are declarations from employees at Legislative Intent Service authenticating the documents that they provided to us for five provisions: Article X, section 2 of the California Constitution; Fish and Game Code section 5937; Fish and Game Code section 5946; Water Code section 100; Water Code section 100; Water Code section 100.5; and Water Code section 1243.

4. While we have endeavored for our exhibits to provide this Court with a complete picture of the relevant legislative history, we have omitted certain materials that Legislative Intent Service provided because they are either irrelevant to the issues before this Court or they need not be judicially noticed.

5. In the first category, for example, the constitutional provision was subject to two nonsubstantive amendments. We

therefore included only the chaptered resolutions showing the Legislature voted to put the amendments to a popular vote and the results of those popular votes. (See 1 MJN 161–189.) Similarly, some of the statutory provisions were subject to nonsubstantive amendments and recodifications. For some of those enactments, we therefore included only excerpts from the chaptered bills showing that the relevant statutory provisions were not substantively changed. (See, e.g., 3 MJN 624–626, 702–704; 4 MJN 801–802.)

6. In the second category, for example, we omitted law review articles because those articles are easily accessible online and, if relevant, may be cited without the need for a request for judicial notice. (See, e.g., 1 MJN 45 [¶ 10]; see *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45, fn. 9 ["A request for judicial notice of published material is unnecessary. Citation to the material is sufficient."].)

Legislative history regarding Article X, section 2 of the California Constitution (Exhibits B1–B21):

Legislative history regarding 1928 amendment:

7. Attached as Exhibit B1 is a true and correct copy of a Report of the Joint Committee of the Senate and Assembly for an Intensive Study of the Water Resources of California and the State's Coordinated Plan for Their Development (1927).

8. Attached as Exhibit B2 is a true and correct copy of Assem. Const. Amend. No. 27 (1927 Reg. Sess.) as introduced March 9, 1927.

9. Attached as Exhibit B3 is a true and correct copy of Assem. Const. Amend. No. 27 (1927 Reg. Sess.) as amended March 29, 1927.

10. Attached as Exhibit B4 is a true and correct copy of Assem. Const. Amend. No. 27 (1927 Reg. Sess.) as amended April 11, 1927.

11. Attached as Exhibit B5 is a true and correct copy of Assem. Const. Amend. No. 27 (1927 Reg. Sess.) as amended April 25, 1927.

12. Attached as Exhibit B6 is a true and correct copy of Stats. 1927, res. ch. 67.

13. Attached as Exhibit B7 is a true and correct copy of relevant excerpts from the Assembly Final History (1927 Reg. Sess.).

14. Attached as Exhibit B8 is a true and correct copy of relevant excerpts from the Assembly Journal (1927 Reg. Sess.).

15. Attached as Exhibit B9 is a true and correct copy of relevant excerpts from the Senate Journal (1927 Reg. Sess.).

16. Attached as Exhibit B10 is a true and correct copy of List of Members, Officers and Committees and the Rules of the Two Houses, Legislative Handbook (1927).

17. Attached as Exhibit B11 is a true and correct copy of relevant excerpts from the Ballot Pamphlet for the General Election of November 6, 1928.

18. Attached as Exhibit B12 is a true and correct copy of relevant excerpts from the 1928 Biennial Report of the Division of Water Rights and State Water Commission.

19. Attached as Exhibit B13 is a true and correct copy of relevant excerpts from the Statement of Vote, Gen. Elec. (Nov. 6, 1928).

Legislative history regarding rejected 1927 amendments:

20. Attached as Exhibit B14 is a true and correct copy of Assem. Const. Amend. No. 19 (1927 Reg. Sess.) as introduced January 20, 1927.

21. Attached as Exhibit B15 is a true and correct copy of relevant excerpts of Assembly Final History (1927 Reg. Sess.).

22. Attached as Exhibit B16 is a true and correct copy of Sen. Const. Amend. No. 14 (1927 Reg. Sess.) as introduced January 20, 1927.

23. Attached as Exhibit B17 is a true and correct copy of relevant excerpts of Senate Final History (1927 Reg. Sess.).

Legislative history regarding 1974 amendment:

24. Attached as Exhibit B18 is a true and correct copy of Stats. 1974, res. ch. 96.

25. Attached as Exhibit B19 is a true and correct copy of relevant excerpts from the Statement of Vote, Gen. Elec. (Nov. 5, 1974).

Legislative history regarding 1976 amendment:

26. Attached as Exhibit B20 is a true and correct copy of Stats. 1976, res. ch. 5.

27. Attached as Exhibit B21 is a true and correct copy of relevant excerpts from the Statement of Vote, Primary Elec. (June 8, 1976).

Legislative history regarding Fish and Game Code section 5937 (Exhibits C1–C30):

Legislative history regarding 1870 enactment:

28. Attached as Exhibit C1 is a true and correct copy of Stats. 1870, ch. 457.

Legislative history regarding 1872 statute:

29. Attached as Exhibit C2 is a true and correct copy of former Penal Code section 637 (1872).

Legislative history regarding 1891 enactment:

30. Attached as Exhibit C3 is a true and correct copy of the 1888 Biennial Report of the State Board of Commissioners.

31. Attached as Exhibit C4 is a true and correct copy of relevant excerpts from the 1890 Biennial Report of the State Board of Commissioners.

32. Attached as Exhibit C5 is a true and correct copy of Assembly Bill 244 (1891 Reg. Sess.) as introduced January 14, 1891.

33. Attached as Exhibit C6 is a true and correct copy of Assembly Bill 244 (1903 Reg. Sess.) as amended January 27, 1891

34. Attached as Exhibit C7 is a true and correct copy of Stats. 1891, ch. 89.

Legislative history regarding 1903 enactment:

35. Attached as Exhibit C8 is a true and correct copy of Senate Bill 150 (1903 Reg. Sess.) as introduced January 15, 1903.

36. Attached as Exhibit C9 is a true and correct copy of Stats. 1903, ch. 22.

Legislative history regarding 1915 enactment:

37. Attached as Exhibit C10 is a true and correct copy of Assembly Bill No. 1533 (1915 Reg. Sess.) as introduced March 25, 1915.

38. Attached as Exhibit C11 is a true and correct copy of Assembly Bill No. 1533 (1915 Reg. Sess.) as amended April 23, 1915.

39. Attached as Exhibit C12 is a true and correct copy of Stats. 1915, ch. 491.

Legislative history regarding 1917 enactment:

40. Attached as Exhibit C13 is a true and correct copy of Senate Bill No. 278 (1917 Reg. Sess.) as introduced January 19, 1917.

41. Attached as Exhibit C14 is a true and correct copy of Senate Bill No. 278 (1917 Reg. Sess.) as amended April 16, 1917.

42. Attached as Exhibit C15 is a true and correct copy of Stats. 1917, ch. 749.

Legislative history regarding 1933 enactment:

43. Attached as Exhibit C16 is a true and correct copy of California Code Commission, Proposed Fish and Game Code (1932).

44. Attached as Exhibit C17 is a true and correct copy of the Report of the California Code Commission for the Years 1931–1932 (Jan. 9, 1933).

45. Attached as Exhibit C18 is a true and correct copy of Assembly Bill No. 310 (1933 Reg. Sess.) as introduced January 12, 1933.

46. Attached as Exhibit C19 is a true and correct copy of Stats. 1922, ch. 73.

Legislative history regarding 1937 enactment:

47. Attached as Exhibit C20 is a true and correct copy of Senate Bill No. 800 (1937 Reg. Sess.) as introduced January 22, 1937.

48. Attached as Exhibit C21 is a true and correct copy of Senate Bill No. 800 (1937 Reg. Sess.) as amended April 9, 1937.

49. Attached as Exhibit C22 is a true and correct copy of Stats. 1937, ch. 456.

50. Attached as Exhibit C23 is a true and correct copy of relevant excepts of the Senate Final History (1937 Reg. Sess.).

51. Attached as Exhibit C24 is a true and correct copy of relevant excepts of the Legislative Counsel's Digest of Bills and Constitutional Amendments Introduced (1937 Reg. Sess.).

52. Attached as Exhibit C25 is a true and correct copy of the Governor's budget message to Leg. (Jan. 14, 1937) Assem. J. (1937 Reg. Sess.) pp. 223–231.

53. Attached as Exhibit C26 is a true and correct copy of relevant excerpts from the Senate Journal (1937 Reg. Sess.).

54. Attached as Exhibit C27 is a true and correct copy of relevant excerpts from the Assembly Journal (1937 Reg. Sess.).

55. Attached as Exhibit C28 is a true and correct copy of relevant excerpts from the Legislative Counsel's Digest of Statutes Enacted (1937 Reg. Sess.).

56. Attached as Exhibit C29 is a true and correct copy of List of Members, Officers and Committees and The Rules of the Two Houses, Legislative Handbook (1937).

57. Attached as Exhibit C30 is a true and correct copy of a Sacramento Bee article entitled *Governor Signs Bill to Increase Fish, Game Board*, Sacramento Bee (June 22, 1937).

Legislative history regarding Fish and Game Code section 5946 (Exhibits D1–D19):

Legislative history regarding 1953 enactment:

58. Attached as Exhibit D1 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as introduced January 6, 1953.

59. Attached as Exhibit D2 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as amended April 16, 1953.

60. Attached as Exhibit D3 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as amended April 21, 1953.

61. Attached as Exhibit D4 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as amended May 14, 1953.

62. Attached as Exhibit D5 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as amended May 28, 1953.

63. Attached as Exhibit D6 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as amended June 4, 1953.

64. Attached as Exhibit D7 is a true and correct copy of Senate Bill No. 78 (1953 Reg. Sess.) as enrolled June 10, 1953.

65. Attached as Exhibit D8 is a true and correct copy of Stats. 1953, ch. 1663.

66. Attached as Exhibit D9 is a true and correct copy of relevant excerpts from the Senate Final History (1953 Reg. Sess.).

67. Attached as Exhibit D10 is a true and correct copy of relevant excerpts from the Legislative Counsel's Digest of Bills and Constitutional Amendments Introduced (1953 Reg. Sess.).

68. Attached as Exhibit D11 is a true and correct copy of the Governor's budget message to Leg. (Jan. 5, 1953) 1 Sen. J. (1953 Reg. Sess.) pp. 35–45.

69. Attached as Exhibit D12 is a true and correct copy of relevant excerpts from the Senate Journal (1953 Reg. Sess.).

70. Attached as Exhibit D13 is a true and correct copy of relevant excerpts from the Assembly Journal (1953 Reg. Sess.).

71. Attached as Exhibit D14 is a true and correct copy of the Governor's File for Senate Bill No. 78 (1953 Reg. Sess.).

72. Attached as Exhibit D15 is a true and correct copy of Legislative Counsel's Digest of Statutes Enacted and Proposed Constitutional Amendments (1953 Reg. Sess.)

73. Attached as Exhibit D16 is a true and correct copy of Official Minutes of the State Water Resources Board Meeting (June 5, 1953).

Legislative history regarding 1957 enactments:

74. Attached as Exhibit D17 is a true and correct copy of relevant excerpts of Stats. 1957, ch. 456.

75. Attached as Exhibit D18 is a true and correct copy of relevant excerpts of Stats. 1957, ch. 1932.

Legislative history regarding 2023 bill:

76. Attached as Exhibit D19 is a true and correct copy of relevant excerpts of Stats. 2023, ch. 132.

Legislative history regarding Water Code section 100 (Exhibits E1–E8):

Legislative history regarding 1913 enactment:

77. Attached as Exhibit E1 is a true and correct copy of relevant excerpts from the California Conservation Commission Report on Natural Resources (Jan. 1, 1913).

78. Attached as Exhibit E2 is a true and correct copy of Stats. 1913, ch. 586.

79. Attached as Exhibit E3 is a true and correct copy of relevant excerpts from the Ballot Pamphlet for the General Election of November 3, 1914.

80. Attached as Exhibit E4 is a true and correct copy of relevant excerpts from the Statement of Vote, Gen. Elec. (Nov. 3, 1913).

Legislative history regarding 1919 enactment:

81. Attached as Exhibit E5 is a true and correct copy of Stats. 1919, ch. 546.

82. Attached as Exhibit E6 is a true and correct copy of the relevant excerpts from the 1919–1920 Third Biennial Report of the State Water Commission of California.

Legislative history regarding 1939 enactment:

83. Attached as Exhibit E7 is a true and correct copy of relevant excerpts of Stats. 1939, ch. 838.

Legislative history regarding 1943 enactment:

84. Attached as Exhibit E8 is a true and correct copy of relevant excerpts of 1943 Stat., ch 368.

Legislative history regarding Water Code section 100.5 (Exhibits F1–F7):

Legislative history regarding 1980 enactment:

85. Attached as Exhibit F1 is a true and correct copy of relevant excerpts from the Governor's Commission to Review California Water Rights Law Final Report (Dec. 1978).

86. Attached as Exhibit F2 is a true and correct copy of Assembly Bill No. 1147 (1979–1980 Reg. Sess.) as introduced March 22, 1979.

87. Attached as Exhibit F3 is a true and correct copy of Assembly Bill No. 1147 (1979–1980 Reg. Sess.) as amended May 7, 1979.

88. Attached as Exhibit F4 is a true and correct copy of Assembly Bill No. 1147 (1979–1980 Reg. Sess.) as amended May 25, 1979.

89. Attached as Exhibit F5 is a true and correct copy of Assembly Bill No. 1147 (1979–1980 Reg. Sess.) as amended July 18, 1979.

90. Attached as Exhibit F6 is a true and correct copy of Stats. 1980, ch. 933.

91. Attached as Exhibit F7 is a true and correct copy of materials in Assembly Water, Parks and Wildlife Committee's File Regarding Assembly Bill No. 1147 (1979–1980 Reg. Sess.).

Legislative history regarding Water Code section 1243 (Exhibits G1–G14):

Legislative history regarding 1959 enactment:

92. Attached as Exhibit G1 is a true and correct copy of Assembly Bill No. 141 (1959 Reg. Sess.) as introduced January 12, 1959.

93. Attached as Exhibit G2 is a true and correct copy of Assembly Bill No. 141 (1959 Reg. Sess.) as amended May 28, 1959.

94. Attached as Exhibit G3 is a true and correct copy of Assembly Bill No. 141 (1959 Reg. Sess.) as amended June 4, 1959.

95. Attached as Exhibit G4 is a true and correct copy of excerpts of Governor's File for Assembly Bill No. 141 (1959 Reg. Sess.).

96. Attached as Exhibit G5 is a true and correct copy of Stats. 1959, ch. 2048.

97. Attached as Exhibit G6 is a true and correct copy of relevant excerpts of Legislative Counsel's Digest of Statutes Enacted (1959 Reg. Sess.).

Legislative history regarding 1967 enactment:

98. Attached as Exhibit G7 is a true and correct copy of Stats. 1967, ch. 284.

Legislative history regarding 1972 enactment:

99. Attached as Exhibit G8 is a true and correct copy of Assembly Bill No. 108 (1972 Reg. Sess.) as introduced January 17, 1972.

100. Attached as Exhibit G9 is a true and correct copy of Assembly Bill No. 108 (1972 Reg. Sess.) as amended February 22, 1972.

101. Attached as Exhibit G10 is a true and correct copy of Assembly Bill No. 108 (1972 Reg. Sess.) as amended March 2, 1972.

102. Attached as Exhibit G11 is a true and correct copy of Assembly Bill No. 108 (1972 Reg. Sess.) as amended March 9, 1972.

103. Attached as Exhibit G12 is a true and correct copy of Stats. 1972, ch. 359.

104. Attached as Exhibit G13 is a true and correct copy of the Governor's File for Assembly Bill No. 108 (1972 Reg. Sess.).

Legislative history regarding 2015 enactment:

105. Attached as Exhibit G14 is a true and correct copy of relevant excerpts of Stats. 2015, ch. 683.

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

Executed February 11, 2025, at Bakersfield, California.

Brett A. Stroud

S290840

IN THE SUPREME COURT OF CALIFORNIA

BRING BACK THE KERN et al.,
Plaintiffs and Respondents,

v.

CITY OF BAKERSFIELD,
Defendant and Respondent.

NORTH KERN WATER STORAGE DISTRICT et al.,
Real Parties in Interest and Appellants.

[And five other cases.]*

AFTER A DECISION BY THE COURT OF APPEAL, FIFTH DISTRICT • CASE NO. F087487 (LEAD)
CONSOLIDATED WITH F087503/F087549/F087558/F087560/F08770
KERN COUNTY SUPERIOR COURT • GREGORY PULSKAMP, JUDGE
CASE NO. BCV-22-103220

[PROPOSED] ORDER

IT IS HEREBY ORDERED that, pursuant to the pertinent provisions of Evidence Code sections 452, 453, and 459, and California Rules of Court, rules 8.252(a) and 8.520(g), judicial notice is taken of the legislative history materials submitted for the following enactments: Article X, section 2 of the California Constitution; Fish and Game Code section 5937; Fish and Game

Code section 5946; Water Code section 100; Water Code section 100.5; and Water Code section 1243.

Dated:_____

_____

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 2/11/2026 by M. Chang, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **BRING BACK THE KERN v. CITY OF BAKERSFIELD (NORTH KERN WATER STORAGE DISTRICT)**
Case Number: **S290840**
Lower Court Case Number: **F087487**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **bcovington@horvitzlevy.com**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL DOCUMENTS	Vol. 4 Exhs to MJN (pp. 741-802)
ADDITIONAL DOCUMENTS	Vol. 3 Exhs to MJN (pp. 562-740)
ADDITIONAL DOCUMENTS	Vol. 2 Exhs to MJN (pp. 267-561)
ADDITIONAL DOCUMENTS	Vol. 1 Exhs to MJN (pp. 1-266)
MOTION	S290840 MJN ISO ABOM (EmbBr)
ADDITIONAL DOCUMENTS	S290840 Response to Plaintiffs' MJN
BRIEF	S290840 ABOM (EmbBr)
PROOF OF SERVICE	S290840 Proof of Service

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

2/11/2026

Date

/s/Benjamin Covington

Signature

Covington, Benjamin (340180)

Last Name, First Name (PNum)

Horvitz & Levy LLP

Law Firm