

ORIGINAL

RECORDING REQUESTED BY:

BEAUMONT BASIN WATERMASTER

AND WHEN RECORDED MAIL TO:

Joseph S. Aklufi, Esquire
Aklufi and Wysocki
3403 Tenth Street, Suite 610
Riverside, California 92501

Attorneys for the Beaumont Basin
Watermaster

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

DOC # 2006-0112028

02/15/2006 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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RESOLUTION 2006-02

A RESOLUTION OF THE
BEAUMONT BASIN WATERMASTER
RECOGNIZING THE DESIGNATION OF A SPECIFIC AMOUNT
OF OVERLYING WATER RIGHTS TO SPECIFIC PARCELS

WHEREAS, the Beaumont Basin was adjudicated by Judgment entitled San Timoteo Watershed Management Authority v. City of Banning, et al. (Riverside County Superior Court Case No. RIC 389197) ("Judgment");

WHEREAS, one of the defendants, Manheim, Manheim & Berman, a California general partnership ("MMB"), is the owner of 122 acres identified in Exhibit D of the Judgment as Assessor Parcel Nos. 407-200-009, -011 and -012 and 407-210-001, -002 and -004, which Parcels are commonly and collectively referred to as "Sunny-Cal North";

WHEREAS, MMB desires to sell Sunny-Cal North to a third party, and, in connection with such sale, to transfer 300 acre feet of Overlying Rights awarded under the Judgment to MMB and its affiliated co-defendant, Sunny-Cal Egg & Poultry Company ("Sunny-Cal");

WHEREAS, to facilitate the transfer of Sunny-Cal North to a third party, MMB and Sunny Cal desire that the Watermaster recognize that 300 acre feet of the MMB/Sunny-Cal Overlying Water Rights awarded under the Judgment be designated for use on Sunny-Cal North and henceforth be placed in the name of MMB alone, or its transferee upon any sale or transfer of Sunny-Cal North. MMB and Sunny Cal further desire that the remaining 1,484 acre feet of MMB/Sunny-Cal water rights awarded under the Judgment be designated for use on the Sunny-Cal parcels listed in Exhibit D of the Judgment (excluding the MMB parcels encompassing the 122-acre Sunny-Cal North property, as described above) and henceforth be placed in the name of Sunny-Cal alone, or in the name of its transferee upon any sale or transfer of such remaining parcels.

NOW, THEREFORE, the Beaumont Basin Watermaster hereby resolves as follows:

1. Designation of Rights. At the special instance and request of co-defendants MMB and its affiliate, Sunny-Cal, the Beaumont Basin Watermaster hereby recognizes the designation of 300 acre feet of Sunny-Cal's and MMB's Overlying Water Right to Sunny-Cal North. Such 300 acre feet of Overlying Rights shall henceforth be placed in the name of MMB alone or its transferee upon any sale or transfer of Sunny-Cal North.

2. Adjusted Right. With the recognition of the designation of the 300 acre feet described in paragraph 1, above, to MMB, the Overlying Water Right of Sunny-Cal of 1,784 acre feet, as set forth in Column No. 4 of Exhibit "B" to the Judgment, is hereby reduced to 1,484 acre feet, all of which shall be applicable to the remaining properties identified in Exhibit D of the Judgment as owned by Sunny-Cal. Further, henceforth, such 1,484 acre feet of Overlying Water Rights shall be placed in the name of Sunny Cal alone, or its transferee upon any sale or transfer of Sunny-Cal of such parcels.

3. Effect of Judgment on Successors and Assigns. The Judgment provides, in Article VII.4, that the Judgment "shall be binding on and shall inure to the benefit of . . . successors and assigns of the parties."

4. Further Documentation or Action. The Chief of Watermaster Services is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonably required to carry out the purposes and intent of this resolution, including, without limitation, to acknowledge the transfer of the 300 acre feet of Overlying Rights allocated herein to MMB to any purchaser of Sunny-Cal North.

5. Effective Date. The effective date of this designation is February 7, 2006.

6. Recording and Notice. The Chief of Watermaster Services shall record this Resolution and shall mail a true, correct and complete copy as follows:

Manheim, Manheim & Berman and
Sunny-Cal Egg & Poultry Company
c/o Steven M. Anderson, Esquire
Best, Best & Krieger
Post Office Box 1028
Riverside, California 92502

BEAUMONT BASIN WATERMASTER

By

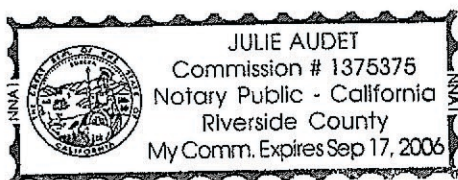


GEORGE JORRITSMA, Chairman of the
WATERMASTER

STATE OF CALIFORNIA)
) SS.
COUNTY OF Riverside)

On February 7, 2006, before me, Julie Audet, Notary Public, personally appeared George Torritsma, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/~~she/they~~ executed the same in his/her/their authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Julie Audet
Notary Public in and for said County and State

(S E A L)