

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.20

During the oral communication section of the agenda for Tuesday, April 20, 2010, Robert Mabee read his statement into the record.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.20**

Board of Directors

Frank D. Marshall III
President

Patrick C. Searl
Vice President

Herbert C. Forst
Secretary

Frank D. Gorman
Treasurer

Larry Minor
Director



26385 Fairview Avenue • P.O. Box 5039 • Hemet, CA 92544
Phone: 951.658.3241 • Fax: 951.766.7031
www.lhmwd.org

Staff

Thomas W. Wagoner
General Manager

Jeff D. Wall, P.E.
Asst. General Manager

Karen Hornbarger
Asst. Secretary/Treas.

LeAnn Markham
Supervisor - Administration

Richard Johnson
Construction Manager

April 8, 2010

Mr. Robert Mabee
3086 Miguel Street
Riverside, CA 92506

Re: LHMWD Right of Way and Facilities Crossing the Bautista Channel

Dear Mr. Mabee:

I received your request that the District issue a new letter and drawing that refers to certain statements made by its former General Manager Leonard Hale on December 13, 1990. I believe that the original language in that letter continues to be consistent with LHMWD current operations, which generally has remained consistent for over 100 years of District ownership.

The District will continue to operate its agricultural water system via the siphon "tubes" that cross under the Bautista Channel in this location. We shall resume in exercising our historic use and benefit from our flume right of way that is the mainstay of our existence.

This being said, I find there is no reason to recertify what manager Leonard Hale penned 20 years ago. The District will carry on and serve its customers via its water delivery facilities and legal right of ways, which have been in effect since the latter part of the 1800's.

Sincerely,

Thomas W. Wagoner
General Manager

- C: Mr. Jeff Stone, Supervisor Riverside County District 3
- Mr. Juan Perez, Riverside County Transportation Director
- Mr. Dusty Williams, General Manager FCFCCD

Submitted by Robert Mabee
 4/20/10 (date) Item oral comm

DIRECTORS

Walter Botliner
President

C.H. Nordal
Vice President

Robert Lindquist, Jr.
Secretary

Watson Gilmore, Jr.
Treasurer

Charles Ludke



Leonard C. Hale
General Manager

Mary E. White
Asst. Sec.-Treas.

Leroy Hamilton
Operations Supervisor

LAKE HEMET MUNICIPAL WATER DISTRICT

40988 FLORIDA AVENUE — P.O. BOX 5038 — HEMET, CALIFORNIA 92344-0809
PHONE (714) 658-3241 FAX (714) 766-7031

December 13, 1990

To Whom It May Concern:

Lake Hemet Municipal Water District owns and operates an irrigation distribution channel, part of which crosses a portion of Section 16, Township 5 South, Range 1 East, San Bernardino Base & Meridian. This system crosses the Bautista Flood Control Channel in this area.

Attached, find a description of the Easement given to Lake Hemet Water Company by Joseph Crawford in 1909 for a "main flume" right-of-way 32 feet wide. The redwood trestle across the Bautista Wash was replaced at the expense of Riverside County Flood Control District with two 30" syphons in 1960 when the Flood Control District constructed the concrete flood control channel through this area. The flume is still in use including the 30" syphons across the Flood Control Channel. The attached drawing, "Detail A", shows the approximate location of Lake Hemet Municipal Water District's flume facilities as it enters the syphon tubes. Also located on the right-of-way near the syphon tubes are pump and pipe facilities enclosed within a chain link cage.

GENERAL ACKNOWLEDGMENT

NO. 1

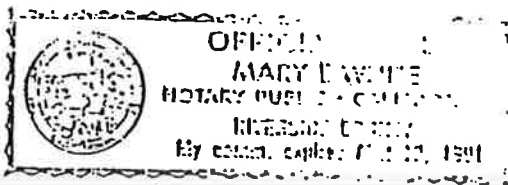
State of California
County of Riverside } SS.

On this the 20th day of December, 1990, before me,

Mary E. White
the undersigned Notary Public, personally appeared

Leonard C. Hale

personally known to me
 I proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged that he executed it.
WITNESS my hand and official seal.



Mary E. White
Notary's Signature

DIRECTORS

Walter Bollner
President

C.H. Nordal
Vice President

Robert Lindquist, Jr.
Secretary

Walson Gilmore, Jr.
Treasurer

Charles Ludke



STAFF

Leonard C. Hale
General Manager

Mary E. White
Asst. Sec.-Treas.

Leroy Hamilton
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40988 FLORIDA AVENUE — P.O. BOX 5038 — HEMET, CALIFORNIA 92344-0809
PHONE (714) 658-3241 FAX (714) 766-7031

December 13, 1990

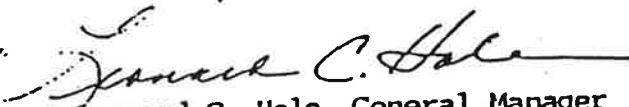
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Lake Hemet Municipal Water District still retains the ownership of the easement and has never relinquished any of its rights in any way.

LAKE HEMET MUNICIPAL WATER DISTRICT


Leonard C. Hale, General Manager

LCH:bw

RECEIVED

MAR 29 1996

Riverside County
Transportation Dept.

December 7, 1990

To: Robert Mabee
Attn: Robert Mabee
27750 Grant
Hemet, CA 92344

Your Reference: Riverside County Flood Control and Water Conservation District
Our No. : C523610

In response to the above referenced application for a Policy of Title Insurance, TICOR TITLE INSURANCE COMPANY OF CALIFORNIA hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth on the attached cover. Copies of the Policy forms should be read. They are available from the office which issued this report.

This Report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a Policy of Title Insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a Policy of Title Insurance, a Binder or Commitment should be requested.

Dated as of December 4, 1990, at 7:30 a.m.

Steve J. Gallagher
Steve Gallagher/ek, Title Officer

The form of Policy of Title Insurance

T. NO. NN00627
1944 CA (9-84)

 TICOR TITLE INSURANCE

dividual)

STATE OF CALIFORNIA
COUNTY OF Riverside } ss.

On December 20, 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Steven J. Gallagher

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature *Steven J. Gallagher*



ered by

(This area for official notarial seal)

Title to said estate or interest at the date hereof is vested in:

✓ Riverside County Flood Control and Water Conservation District

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions contained in said Policy form would be as follows:

1. A right of way in favor of Joseph Crawford, 32.00 feet wide, lying on the Southeasterly side of a line described as follows:

Beginning on the South line of said Section 16, distant 577.90 feet Easterly from the Southwest corner of said section; thence North 40°43'00" East 1,145.70 feet, to the corner No. 8 of herein parcel, said line, herein described, being parallel with and 31.00 feet Northwest of the Southeast face of Lake Hemet Water Company's Flume, as reserved in Deed to H.L. Thompson, recorded November 16, 1909 in Book 291, Page 393 of Deeds and in Deed to Hemet Land Company recorded May 4, 1912 in Book 350, Page 97 of Deeds.

2. An easement over said land for pole lines, and incidental purposes, as granted to Southern Sierras Power Company, by Deed recorded July 9, 1924 in Book 607, Page 574 of Deeds,

Said deed provides that the poles of said line shall be erected within a strip of land 10.00 feet wide the centerline thereof being described as follows:

Beginning at a point on the West line of said Southwest quarter 1,416.60 feet more or less North of the Southwest corner thereof; thence East 92.00 feet; thence North 228.00 feet; thence South 89°17'00" East 1,496.20 feet.

Said Matter Affects : Parcel 1

3. An easement over the Westerly 50.00 feet of said land for roadway, as granted to Riverside County by Deed recorded September 12, 1932 in Book 89, Page 211 of Official Records.

Said Matter Affects : Parcel 1

4. Rights of way, reservations, conditions and restrictions as set out in Deed from Hemet Land Company, recorded July 24, 1946 in Book 766, Page 162 of Official Records.

5. An action commenced May 12, 1960 entitled Riverside County Flood Control and Water Conservation District vs. Lake Hemet Municipal Water District, et al, to condemn a portion of said land therein designated as Parcel No. 4030-18 for Bautista Creek Channel Case No. 72010 Superior Court Riverside County. Notice of the pendency of said action was recorded May 12, 1960 in Book 2694, Page 316 of Official Records.

6. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes,

In Favor of : Robert A. Barnes and Leslie Barnes.
For : Ingress and egress
Recorded : May 15, 1987 as Instrument No. 137239
Affects : As follows:

The unpaved road lying Northeasterly of and adjacent to the Northeasterly 15.00 feet of the Southwesterly 155.00 feet of that certain 200.00 foot wide right of way as shown on Record of Survey filed April 14, 1960 in Record of Survey Book 31, Pages 52-59, inclusive, Records of Riverside County, California, between the Easterly right of way line of Fairview Avenue and the South line of Section 22, Township 5 South, Range 1 East, San Bernardino Meridian.

- ✓7. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes,
- In Favor of : County of Riverside
- For : Public road and drainage purposes, including public utility and public services purposes
- Recorded : May 12, 1988 as Instrument No. 127298
- Affects : Being a portion of Sections 16, 21 and 22, Township 5 South, Range 1 East, San Bernardino Meridian, lying within all or parts of Parcels 4030-16, 4030-17, 4030-17B, 4030-19A, 4030-20, 4030-21A and 4030-22 as shown on Record of Survey, Book 31, Pages 52-59, inclusive, Records of Riverside County, California, described as follows:

A strip of land 40.00 foot in width measured at right angles, lying Easterly of, parallel and concentric with a line which lies 60.00 feet Easterly of, parallel and concentric with the centerline of Bautista Creek as shown on said Record of Survey.

The side lines of said 40.00 foot wide strip of land shall be prolonged or shortened so as to terminate at the Northerly end with the Easterly right of way of Fairview Avenue and terminate at the Southerly end with the Southerly line of Section 22.

D E S C R I P T I O N

The land referred to in this report is situated in the County of Riverside, State of California, and is described as follows:

PARCEL 1:

Parcel 4030-18 in the County of Riverside, State of California, as shown on map filed April 14, 1960 in Record of Survey Book 31, Pages 52 through 59 inclusive, in the Office of the County Recorder of said County.

PARCEL 2:

Parcel 4030-19A in the County of Riverside, State of California, as shown on map filed April 14, 1960 in Record of Survey Book 31, Pages 52 through 59 inclusive, in the Office of the County Recorder of said County.

thousand nine hundred and nine, personally appeared John T. Kubne and for the County of Riverside, State of California, personally appeared John T. Kubne and Frances E. Kubne, his wife, known to me to be the persons described in and whose names are subscribed to the within instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and private seal, at my office in the said County, the day and year in this certificate first above written.

George E. Bennett, Justice of the Peace in and for Riverside County, State of California, in Elsinore Judicial Township.

Received for record Nov. 16, 1909, at 16 min. past 9 o'clock A. M. at request of The Riverside Abstract Co. Copied in book No. 291 of Deeds, page 392 et seq., records of Riverside County, California.

Fees, \$1.10

I. S. Logan, Recorder.

By J. Hamabotton, Deputy Recorder.

11-5,909

JOSEPH GRAYFORD.

10

E. L. THOMPSON.

THIS INSTRUMENT, made the fifth day of November, in the year of our Lord one thousand nine hundred and nine, between JOSEPH GRAYFORD, an unmarried man, of San Jacinto, Riverside County, California, party of the first part and E. L. THOMPSON, of Hemet, Riverside County, California, party of the second part.

WITNESSETH: That for and in consideration of the sum of ten dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the said party of the first part does by these presents grant, bargain, sell, convey

and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot or parcel of land situate in the 1st Section 16, T. 5 S., R. 1 East, S. B. E. & K., County of Riverside, State of California, and bounded and particularly described as follows, to-wit:

Commencing at the S.W. corner of Section 16, T. 5 S., R. 1 E., thence N. 0-15- N. 1648-60 feet by the west line of Section 16 to corner No. 1; thence S. 09-17- E. 1822-00 feet by land now or formerly of same to corner No. 2; thence S. 16-21- E. 117-50 feet along the Luke Hemet water Co.'s right of way to corner No. 4;

thence S. 2-50- E. 117-60 feet by said right of way to corner No. 5: thence S. 14-21- E., 111-0 feet by said right of way to corner No. 6: thence S. 13-54- W., 98-68 feet by said right of way to corner No. 7: thence S. 40-43- W., 350-60 feet by said right of way to corner No. 8: thence S. 0- x 13- W. 876 feet to corner No. 9: thence N. 89-25- W. 1322 feet by the south line of said Section 16 to corner No. 1 the point of beginning, containing 53-43 acres.

~~Reserve~~ For the Lake Hemet Water Co's main flume line a right of way 32 feet wide lying on the southeasterly side of a line described as follows:

Beginning on the south line of said Section 16, distant 577-90 feet easterly from the S.W. corner of said Section, thence N. 40-43- E., 1145-70 feet to corner No. 8 of above parcel. Said line above described being parallel with and 31 feet S.W. of the S.E. face of the Lake Hemet Water Co's flume.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto 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 his hand and seal, the day and year first above written:

Joseph Crawford. (Seal)

State of California. }
County of Riverside. } ss.

On this fifth day of November, in the year one thousand nine hundred and nine, before me, J. W. Ryan, a Notary Public in and for said County of Riverside, State of California, residing therein, duly commissioned and sworn, personally appeared Joseph Crawford, an unmarried man, personally known to me to be the person described in, and whose name is subscribed to and who executed the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, at my office in San Jacinto, in the said County, the day and year in this certificate first above written.

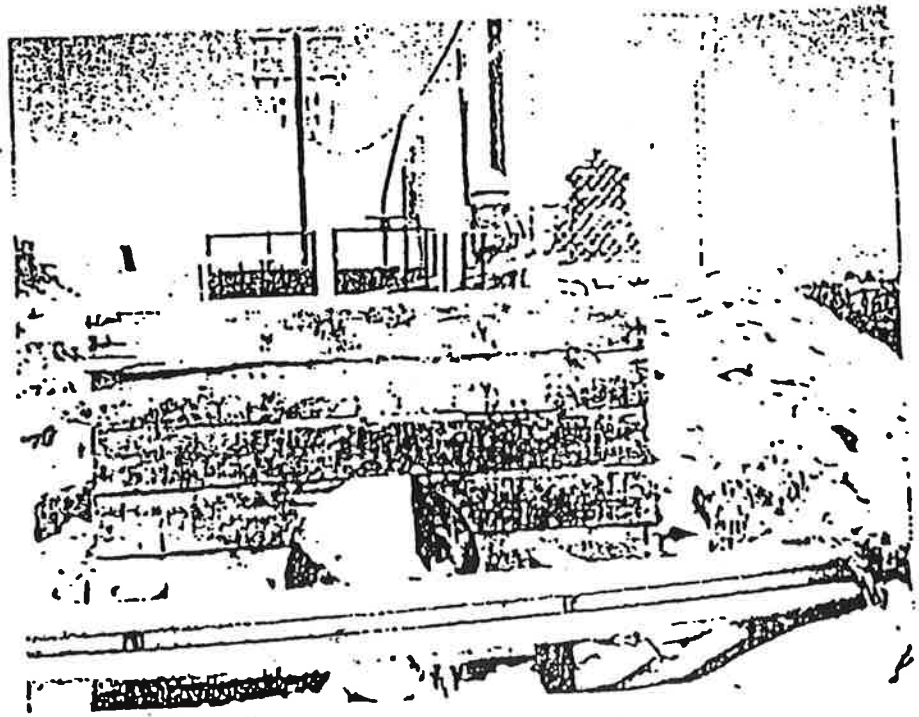
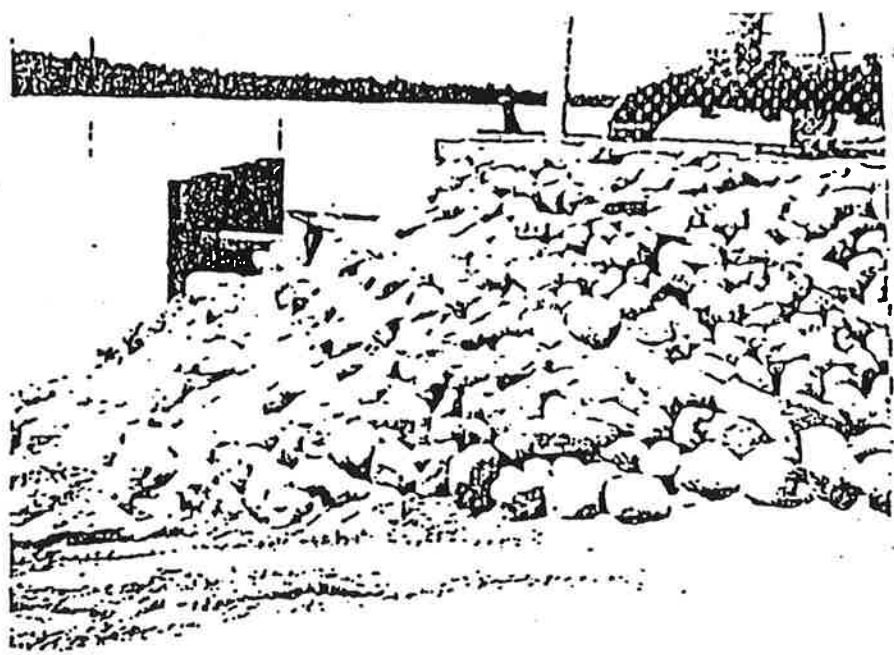
J. W. Ryan; Notary Public
in and for Riverside County,
State of California.

(NOTARIAL)
SEAL

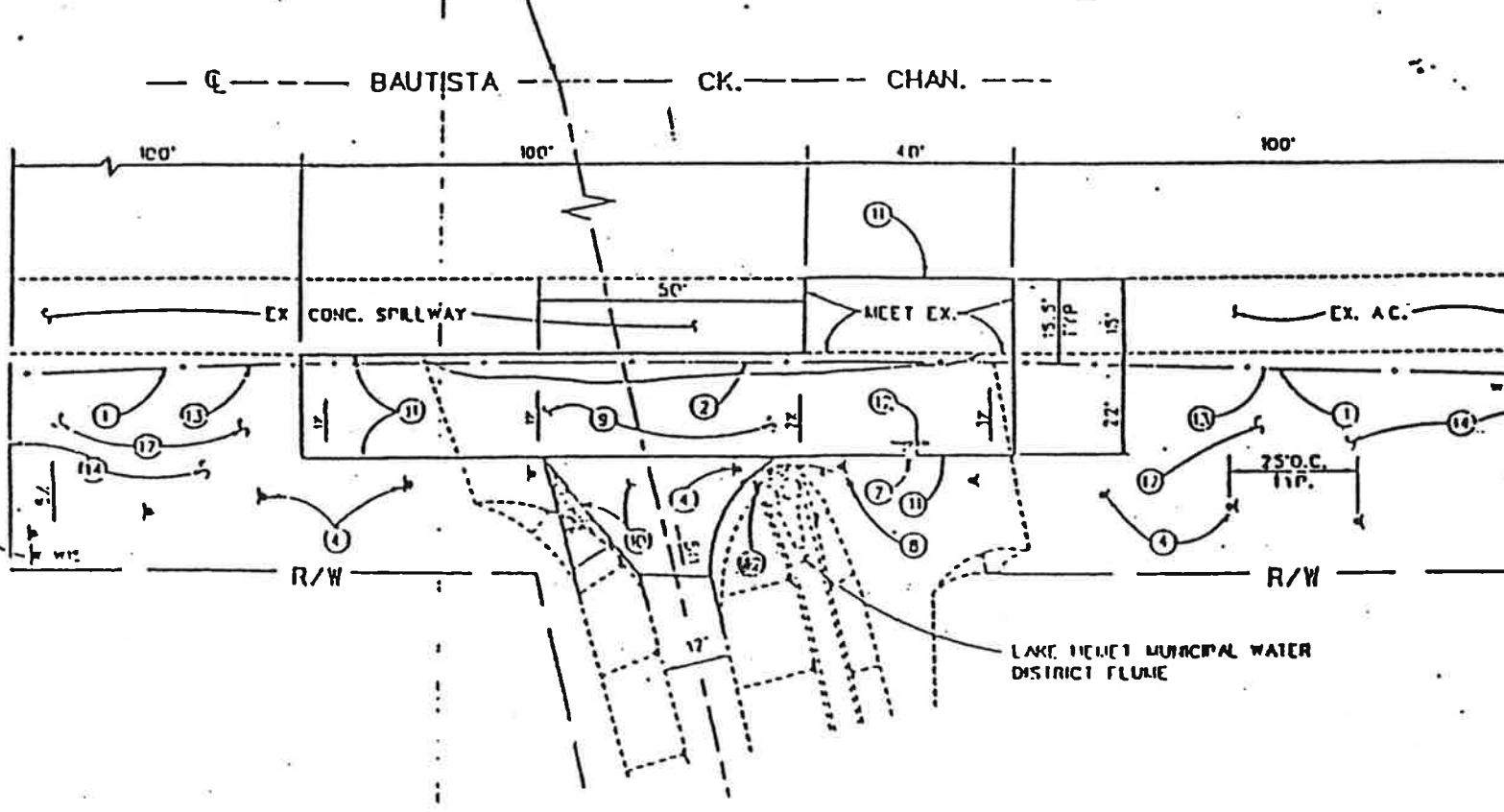
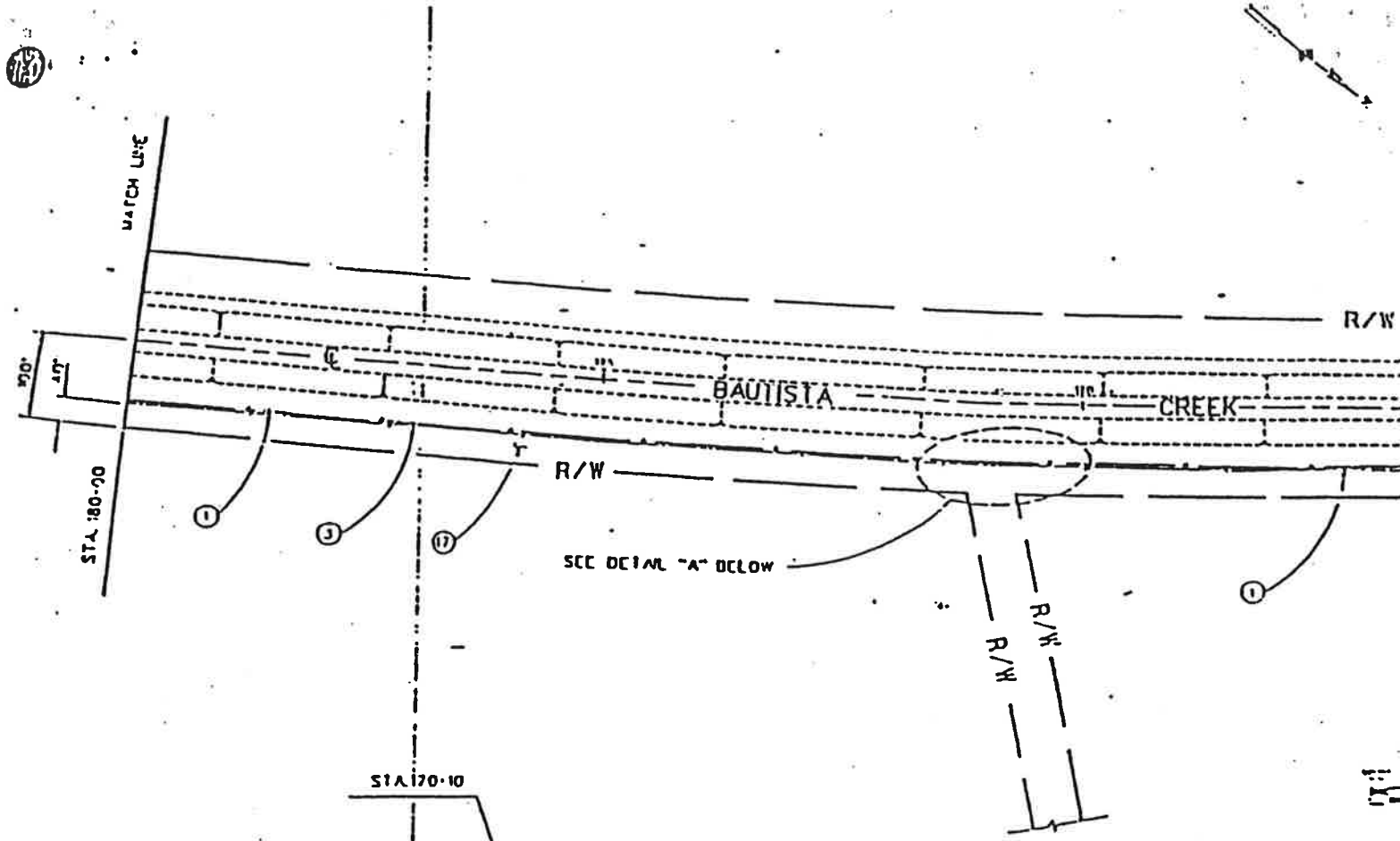
Received for record Nov. 16, 1909, at 45 min. past 11 o'clock A. M. at request of Hemet Land Co. Copied in book No. 491 of Deeds, page 593 et seq., records of Riverside County, California.

Fees, \$1.20

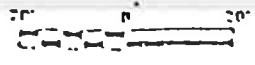
I. S. Logan, Recorder.
By J. Remington, Deputy Recorder.



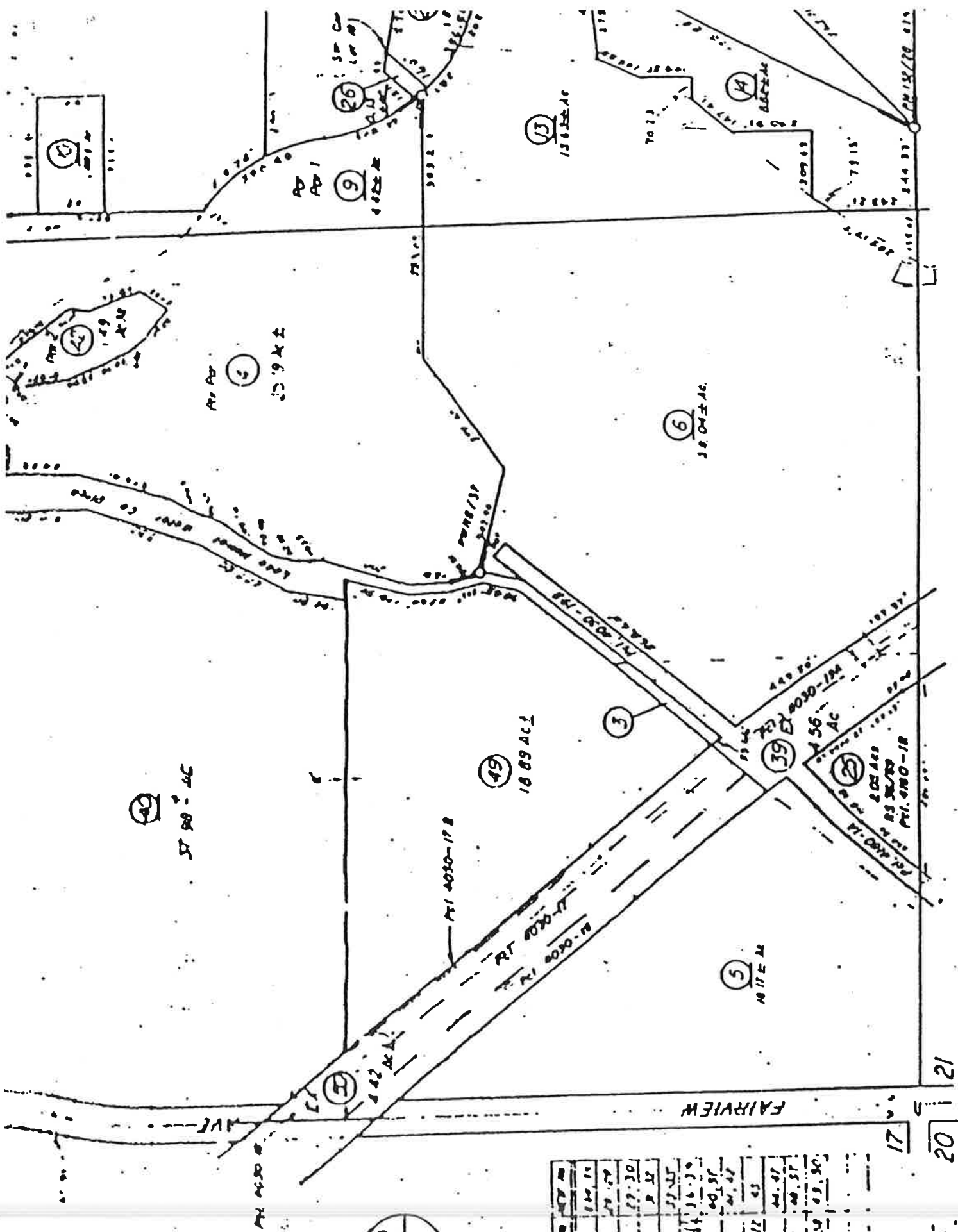
Detail - A



DETAIL "A"



INCH MARK	
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30
31	32
33	34
35	36
37	38
39	40



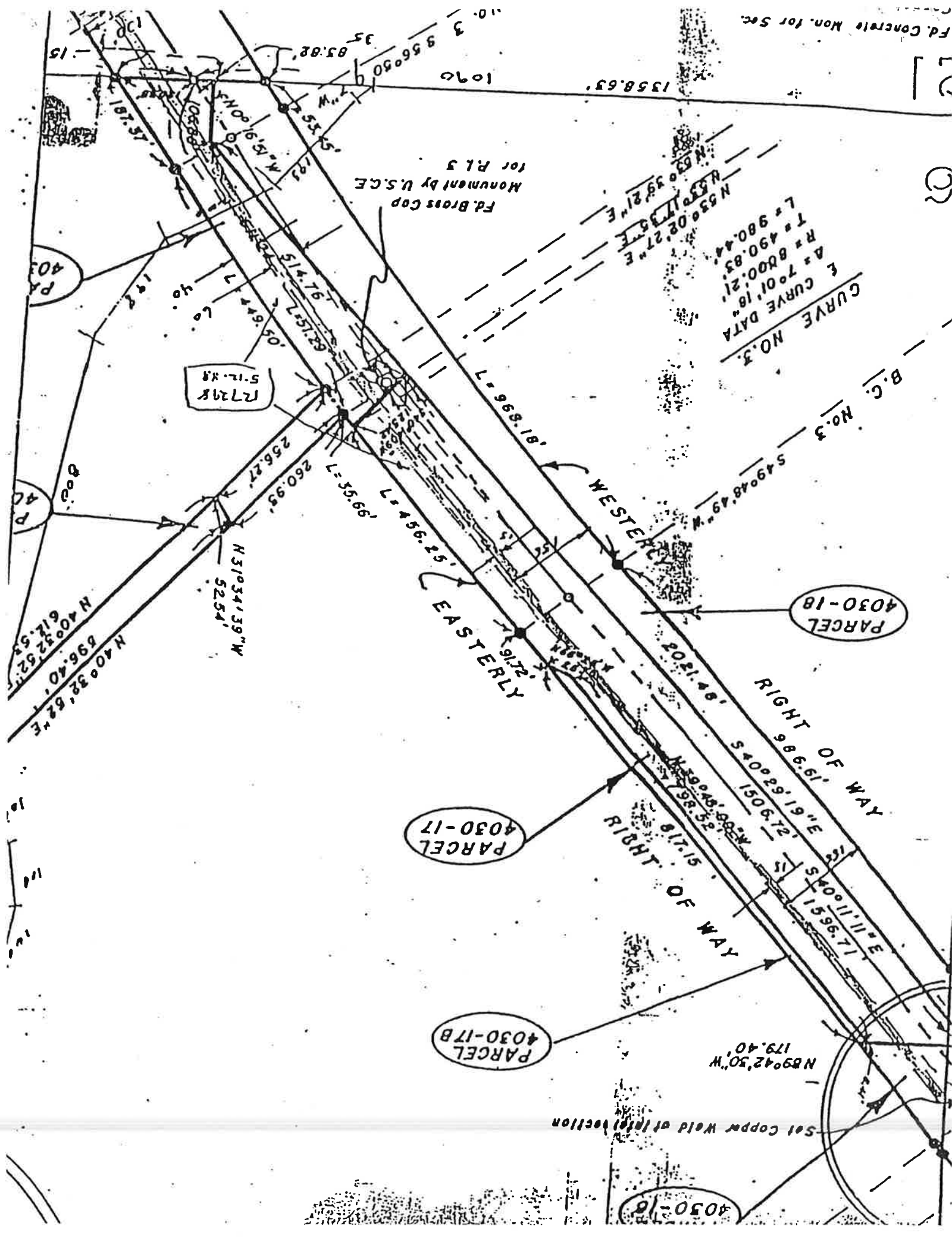
552
16

STATION	BENCH MARK	HEIGHT	DATE
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Date R/S 10/15
R/S M/31
P/R 3/27

BK.

17 20 21



CURVE NO. 3
CURVE DATA
Δ = 70° 01' 18"
R = 8000.83'
L = 980.44'
N 53° 00' 27" E
N 53° 39' 21" E

Fd Brass Cap
Monument by U.S.G.E.
for P.L. 5

PARCEL 4030-18
B.C. No. 3
S 49° 48' 49" W 5490.48'

PARCEL 4030-17
EASTERLY

PARCEL 4030-17B
WESTERLY

PARCEL 4030-16
Soil Copper Weld at (100') section

N 89° 42' 30" W
179.40'

RIGHT OF WAY
150 FT
S 40° 29' 19" E 1506.72'
150 FT

RIGHT OF WAY
150 FT
S 49° 48' 49" W 5490.48'

N 31° 34' 39" W 525.4'
N 40° 32' 52" E 596.40'
N 40° 32' 52" E 612.52'

N 15° 19' 00" W 1056.63'
1358.63'
1090'

PARCEL 4030-15

PARCEL 4030-14

PARCEL 4030-13

100'

Soil Copper Weld at (100') section

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: ROBERT MABLE

Address: 3086 MIGUEL ST
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92506

Phone #: 786-4658

Date: 4-20-10 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

ORAL COMMUNICATIONS

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____