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Steven M. Anderson
(951) 826-8279
steven.anderson@bbklaw.com
File No. 29880.00000

June 22, 2016

Mathew L. May
444 South Flower Street
19th Floor
Los Angeles, CA 90071-2901

Re: Water Issues

Dear Mr. May:

Best Best & Krieger LLP represents the Weber Valley Heights Water Association. We have reviewed the letter you provided to the Association. Please direct all future correspondence to this office.

As you may be aware, the prior owners of the property (Charles and Joann Campbell) now owned by Greg and Sherry Reed granted an easement in favor of the Association. See copy attached as Exhibit A. The easement was signed in April 1990 and recorded in May 1990 and by its own terms is for the benefit of the listed grantees (namely, the members of the Association) and an easement appurtenant to the land now owned by the listed Association members and the Reeds.

Under the terms of the easement, the grantees obtained the right to drill, construct, install, equip, operate, use, maintain and repair a water well on the easement site, as well as the rights to construct, reconstruct, install, replace, remove, repair, operate and maintain pipelines and pumps for the transmission and conveyance of water. In addition, the Association members obtained rights of ingress and egress to the above-described facilities.

Pursuant to the Association's easement rights, the Association applied for and obtained a well drilling permit from the County of Riverside in 1990. A copy of the application and the well drilling permit are attached as Exhibits B and C. Well drilling permits are issued by county government, not the State Water Resources Control Board. We also attach a copy of the receipt associated with the drilling of the well in May 1990, which is in the name of and was paid for by the Association. See Exhibit D. Based upon the above, the Association is the owner of the well, not the Reeds.

We also attach as Exhibit E the letter from your clients to Association board members that acknowledges their duty to allow Association access to and use of the well. (As an aside, given the language of the recorded easement insofar as it is intended to benefit Association



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Mathew L. May
June 22, 2016
Page 2

members, we do not understand or agree with the argument in the email that a dedication to the County is at issue in this matter.)

In simple terms, the Reeds have refused to continue paying the monthly water bill and annual assessment fee necessary to continue the operations and conveyance of water by the Association and which fees are being paid by all other Association members. These amounts are reasonable. As members of the Association, the Reeds have agreed to make such payments so that water can continued to be supplied to them. Obviously, the Association expends funds to maintain the system, obtain necessary permits, etc. All Association members pay their fair share for the upkeep of the system. The Reeds will be cut off from Association-provided water if they continue to refuse to timely make the required payments or if they interfere with the Association's ability to access and use its wells and pipelines.

We also disagree with your assertion that the Association's termination notice issued to your clients for non-payment of Association fees bears on water right issues. The Association bylaws make clear that "Ownership of the water rights [of the members] shall remain with the land." Bylaws, Article III. To that end, your clients are free to exercise any overlying or other groundwater rights they may have by drilling their own well (that does not interfere with use of any Association wells) or by making other arrangements to access groundwater. However, unless your clients come into compliance with the Association bylaws and become current on their payments, they will not be allowed to receive water produced by Associations wells or use Association pipelines or other facilities.

The Association appreciates you client's willingness to deal with this matter in good faith. However, the Association believes that involving attorneys in a matter involving about \$500 in payment per year for each member for collective use of water is in itself a potential sign of bad faith.

Please let us know how your clients would like to proceed with this matter.

Sincerely,

Steven M. Anderson
of BEST BEST & KRIEGER LLP

cc: Greg & Sherry Reed
P.O. Box 1525
Hemet, CA 92456

EXHIBIT A

1 WEBER VALLEY HEIGHTS
2 NON-PROFIT ASSOCIATION

COPY of Document Recorded
on MAY 24 1998 as No. _____
has not been compared with
original. **191167**
County Recorder
RIVERSIDE COUNTY, CALIFORNIA
APR 12, 1990

3 GRANT OF EASEMENT

4 This deed for grant of easement
5 and Joann Campbell, to, Paul and Esther Klausing, Pat Kessler,
6 Robert Franko and Deborah St. Pierre, Leroy and Janice Smith, Don
7 and Sue Leuschen, Ronald and Alicia Leuschen, Earl and Adele
8 Blackwelder, Gilbert and Norma Gaston, George and Mary Harris,
9 Darren and Susan Moore, granters.

8 Grantor, for valuable consideration, hereby grants to
9 grantees an easement for the drilling, construction, installation,
10 equipping, operation, use, maintance and repair of a water well
11 and for the construction, reconstruction, installation, re-
12 placement, removal, repair, operation, and maintenance of pipe-
lines and pumps for the transmission and conveyance of water,
13 and for ingress and egress in connection with the exercise of
14 any of the foregoing rights; said easement being described
15 as follows:

13 A circle of land, 30 feet in Diameter, surrounding
14 the well location on the south side of,
15 that portion of the Northwest quarter of
16 the Southwest quarter of Section 4, Town-
17 ship 7 South, Range 1 East, San Bernardino
18 Meridian, according to the Official Plot
19 thereof, shown as Parcel 2 on a record of
20 Survey Map on file in Book 53, page 40 of
21 Record of Surveys, Riverside County Records.
22 Rights of the public in and to that portion
23 of the herein described land lying within
24 public roads.
25 An easement, 30 feet in width, for road purposes,
26 with the right to convey to other, over and across
27 that portion of a roadway commonly known as
28 East Benton Road, as disclosed by mesne deeds
of record. A declaration of Dedication for
public road, public utility and incidental
purposes, recorded March 18 1971, as Instrument
No. 27181. Affects: The South 30 feet of said land.

25 This easement shall be for the benefit of and as an
26 easement appurtenant to the land in the County of Riverside,
27 State of California, more particularly described in Exhibit
28 "A", attached and incorporated.

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IN WITNESS WHEREOF, grantor has executed this deed on the date stated.

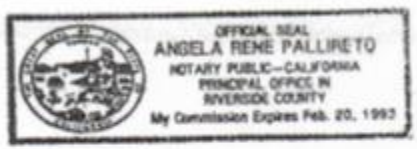
Charles E. Campbell

CHARLES CAMPBELL

Joann Campbell

JOANN CAMPBELL

On April 13 1990 before me, the under signed, a notary public in and for the county and state personally appeared Charles and Joann Campbell, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.



Angela Rene Pallireto

Signature of Notary Public

(NOTARY SEAL)

EXHIBIT B

COUNTY OF RIVERSIDE
DEPARTMENT OF HEALTH SERVICES
ENVIRONMENTAL HEALTH SERVICES DIVISION
4065 COUNTY CIRCLE DRIVE - P.O. BOX 7600
RIVERSIDE, CALIFORNIA
92513-7600

amended

*CK # 3PT
Permit #
16245*

APPLICATION FOR WELL PERMIT

DATE: February 26, 1990

OWNERSHIP:

Owner Name: Weber Valley Heights Assn.

Owner Address: 44135 Perryman Lane

Hemet, CA 92343

DRILLER:

Driller Name: L.O. LYNCH WELL DRILLING & SUPPLY, INC.

Driller Address: P.O. BOX 1920

HEMET, CA 92343

RECEIVED

FEB 27 1990

LEGAL DESCRIPTION:

1/4 1/4 Section 4 Township 7S Range

Assessor's Parcel Number: 571 - 040 - 002

County of Riverside
Department of Health
Environmental Health
Services

*OK [unclear] FEB 27 1990
lot 2 - 1/4 53/40*

Note: State law requires that Section, Township and Range be provided on each well permit issued. If you cannot locate this information, Please make sure you fill in the Assessor's Parcel Number as a second source of reference.

PHYSICAL ADDRESS OF WELL

Same as Owner's address above? Yes XX No (If not the same, fill in the space below.)

ADDRESS/COMMUNITY WHERE WELL IS BEING DUG: 44100 Ginger Circle

Hemet, CA. 92544

PERMIT FEE:

A \$50.00 fee for each well permit is required.

* Please send to the attention of the "Water/Well Desk".

EXHIBIT B

EXHIBIT C

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH - DIVISION OF ENVIRONMENTAL HEALTH

WELL DRILLING PERMIT

No 16245

ALL ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL REPAIRS AND INSTALLATIONS SHALL BE DONE UNDER PERMIT FROM RIVERSIDE COUNTY DEPT. OF BUILDING AND SAFETY.

Date February 27, 19 90
Fee \$50.00

This permit is granted on condition that the person named in the permit will comply with the laws, ordinances and regulations that are now or may hereafter be in force.

LOCATION OF PROPOSED WELL M. Sec. 4 T. 7S. R. 1E

PHYSICAL ADDRESS OF WELL 44100 Ginger Circle
APN 541-040-002 Community Hemet

NAME Weber valley Heights Assn.

DRILLER L.O. Lynch Well Drilling, Inc.

MAILING ADDRESS 44135 Foryyman Lane
Hemet, Ca. 92343

P.O. Box 1928
Hemet, Ca. 92343

CITY & STATE Hemet, Ca. 92343

By *Charlotte Robbina*
Charlotte Robbina

DOM-540-025 (Rev. 8/89)

Permit & Receipt-1st sheet-White • Health Department-2nd sheet-Canary • Well Driller-3rd sheet-Pink • Flood Control-4th sheet-Goldenrod

EXHIBIT D



L. O. LYNCH WELL DRILLING & SUPPLY, INC.

HARDROCK AIR DRILLING • ROTARY METHOD DRILLING • SUBMERSIBLE PUMPS

CONTRACTOR'S LICENSE NO. 375497

MAILING ADDRESS:

TELEPHONE (714) 854-7724 • (714) 854-2860

P. O. BOX 1920, HEMET, CALIFORNIA 92343

1015 SOUTH STATE STREET, SAN JACINTO

FAX Line (714) 654-2060

Attention: Paul Klausing

SOLD TO: Weber Heights Water DATE: April 23, 1990

36040 Happy Hill Lane

Hemet, Ca.

92343

INVOICE# 90-276

TERMS: Now Due

PHONE# 925-9080

ORDER: Contract

SALESMAN: Don

DRILLING:

LOCATION: APN 541-040-002-0

Drill by air method drilling to a depth of 400 feet deep with a 7 inch diameter bore at the rate of \$15.00 per foot.

6000.00

MATERIAL:

20 Feet of 8 inch steel secondary conductor pipe.

200.00

Tax: 6.75% Sales Tax

13.50

Total: Total Amount
Thank You

\$6213.50

We appreciate your business ..

EXHIBIT E

To: Weber Valley Heights Water Association
Deborah St. Pierre, President
Jeff Hall Vice President

As in the letter dated 11-02-2010 you stated the attorney advised WVHA that it is a good idea to erect a fence around the well.

As the owner of the property aka APN # 571040002 in the county of Riverside California better known as 44100 Ginger Circle I am requesting a fence not be erected on the property.

Re-read the 1990 easement. You have a right to a **30 foot diameter circle SURROUNDING the well location** the easement does not grant a right to erect a fence.

I am not by any means denying access to the well or the water conveyance system. The gate is not locked now nor has the chain locked the gate closed. The chain is locked to the gate so that my chain stays in place. The gate is hooked, not locked. Debbie, before you make any false claims about anything make sure you know the facts.

If you insist on erecting a fence please have the attorney contact me so that we (you me and the attorney) are on the same page prior to a fence being installed.

As for the Recorded easement dated March 2 1971 record # 27181 it is not a grant to the public, it was a dedication that was never accepted by the County.

You can call the surveyor's office to verify this fact:
Riverside County Surveyor's Office
Right of Way Section
4080 Lemon St., 8th Floor | Riverside, CA 92501
General. 951.955.6700 | ask for Wesley.

I have the right to fence off the property if I choose to. I have verified the facts.

Once again I am not denying the legal access to the well as stated in the easement dated May 24, 1990 as per record #191167.

Thank you for your prompt attention.

Greg and Sherry Reed

☺ Jeff Hall

END B,B&K documents.

From: Greg Reed

To: County of Riverside, County Council,

These two following Exhibits are not from BB&K.

If you would take a look at a few factors,

When did the current six hundred foot deep well get extended from 400' to 600'?

When did the 20 ft. case as seen on the invoice get changed out with a 50ft case? Where is an Invoice?

It seems that discrepancies are everywhere in relation to real facts about WVHWA. For instance the well was started after May 1, 1990. How was a 400' drilled hole somehow due and payable weeks before starting the new well at 44100 Ginger Circle that is 600 ft. deep? How and when did the name change from Weber Valley Heights Non-profit to Weber Valley Heights Non-profit Association to the current Weber Valley Heights Water Association?

That fictitious duo calling itself WVHWA had no idea that I, under the freedom of information act, requested the following two (2) documents. February 26 1990 well drilling permit application, see Exhibit 1. Well drilling permit 1625, see Exhibit 2.

Note DEH has the exact two files that follow less the red annotations in its archives. Look at the physical address 44135 Perryman lane, APN 571-030-037 and that being ROS 53/47 par 3 as seen on the application. Currently that property is owned by Deborah St Pierre and Robert Franko. Aha, who is up front and center providing DEH information.

This following file blows a monster size hole right through what BB&K was claiming, an aha moment clicked when I compared the files. A hand writing analyses could provide proof of who partially altered exhibit B and Exhibit C documents starting with the word amended. Personally I recognize the authors writing. Compare CK # and Permit 16245 to the word amended.

COUNTY OF RIVERSIDE
DEPARTMENT OF HEALTH SERVICES
ENVIRONMENTAL HEALTH SERVICES DIVISION
4065 COUNTY CIRCLE DRIVE - P.O. BOX 7600
RIVERSIDE, CALIFORNIA
92513-7600

CK # 397
Permit # 16245

APPLICATION FOR WELL PERMIT

DATE: February 26, 1990

OWNERSHIP:

Owner Name: Weber Valley Heights Assn.

Owner Address: 44135 Perryman Lane

Hemet, CA 92343

DRILLER:

Driller Name: L.O. LYNCH WELL DRILLING & SUPPLY, INC.

Driller Address: P.O. BOX 1920

HEMET, CA 92343

RECEIVED

FEB 27 1990

OK [unclear] [unclear] [unclear] 2/27/90

LEGAL DESCRIPTION:

 $\frac{1}{4}$ $\frac{1}{4}$ Section 4 Township 7S Range

County of Riverside
Department of Health
Environmental Health
Services Division

Assessor's Parcel Number: 571 - 030 - 037 (- 0)

lot 3 - R3 53/47

Note: State law requires that Section, Township and Range be provided on each well permit issued. If you cannot locate this information, Please make sure you fill in the Assessor's Parcel Number as a second source of reference.

PHYSICAL ADDRESS OF WELL

Same as Owner's address above? XX Yes No (If not the same, fill in the space below.)

ADDRESS/COMMUNITY WHERE WELL IS BEING DUG:

PERMIT FEE:

A \$50.00 fee for each well permit is required.

* Please send to the attention of the "Water/Well Desk".

This is a true copy of permit #16245
directly from the Department of Environmental Health

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH - DIVISION OF ENVIRONMENTAL HEALTH	
WELL DRILLING PERMIT No 16245	
ALL ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL REPAIRS AND INSTALLATIONS SHALL BE DONE UNDER PERMIT FROM RIVERSIDE COUNTY DEPT. OF BUILDING AND SAFETY.	Date <u>February 27,</u> ⁷⁷²³ <u>19</u> ⁵⁰ <u>90</u>
	Fee <u>\$50.00</u> TOTAL <u>50.00</u> ⁵⁰ CHANGE ⁰
This permit is granted on condition that the person named in the permit will comply with the laws, ordinances and regulations that are now or may hereafter be in force.	
LOCATION OF PROPOSED WELL _____ W _____ N; Sec. <u>4</u> ; T. <u>7S</u> ; R. <u>1E</u>	^{32/27/90 16.35} ^{CHARLENE}
PHYSICAL ADDRESS OF WELL <u>44135 Perryman Lane</u> Community <u>Hemet</u> APN: 571-030-037-0	
NAME <u>Weber valley Heights Assn.</u>	DRILLER <u>L.O. Lynch Well Drilling, Inc.</u>
MAILING ADDRESS <u>44135 Perryman Lane</u>	<u>P.O. Box 1920</u>
CITY & STATE <u>Hemet, Ca. 92343</u>	<u>Hemet, Ca. 92343</u>
	By <u><i>Charlene Robbins</i></u> <u>Charlene Robbins</u>
DOH-SAN-025 (Rev. 9/88)	