

Indian Wells  
(760) 568-2611  
Irvine  
(949) 263-2600  
Los Angeles  
(213) 617-8100  
Ontario  
(909) 989-8584

**BB&K**  
**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

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(925) 977-3300  
Washington, DC  
(202) 785-0600

**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

**BBK**  
**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**

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WEBER VALLEY HEIGHTS  
NON-PROFIT ASSOCIATION

**COPY of Document Recorded**  
on MAY 24 1990 as No. \_\_\_\_\_  
has not been compared with  
original. **191167**  
COUNTY Recorder  
RIVERSIDE COUNTY, CALIFORNIA

GRANT OF EASEMENT

This deed for grant of easement April 12, 1990, by

and Joann Campbell, to, Paul and Esther Klausing, Pat Kessler, Robert Franko and Deborah St. Pierre, Leroy and Janice Smith, Don and Sue Leuschen, Ronald and Alicia Leuschen, Earl and Adele Blackwelder, Gilbert and Norma Gaston, George and Mary Harris, Darren and Susan Moore, granters.

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

A circle of land, 30 feet in Diameter, surrounding the well location on the south side of, that portion of the Northwest quarter of the Southwest quarter of Section 4, Township 7 South, Range 1 East, San Bernardino Meridian, according to the Official Plot thereof, shown as Parcel 2 on a record of Survey Map on file in Book 53, page 40 of Record of Surveys, Riverside County Records. Rights of the public in and to that portion of the herein described land lying within public roads.

An easement, 30 feet in width, for road purposes, with the right to convey to other, over and across that portion of a roadway commonly known as 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.

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

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

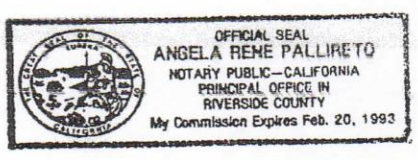
*Charles E. Campbell*

CHARLES CAMPBELL

*Jo Ann 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 Publ

(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

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

LEGAL DESCRIPTION:

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

Assessor's Parcel Number: 571 - 040 - 002

County of Riverside  
Department of Health  
Environmental Health  
Services Division

*lot 2 - rs 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 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 1/4 4 75 13 R  
PHYSICAL ADDRESS OF WELL 44100 Ginger Circle Community Hemet  
APN 541-040-002

NAME Weber valley Heights Assn. DRILLER L.O. Lynch Well Drilling, Inc.  
MAILING ADDRESS 44135 Perryman Lane P.O. Box 1038  
Hemet, Ca. 92343  
CITY & STATE Hemet, Ca. 92343

By Charlene Robbins  
Charlene Robbins

DOH-SAN-025 (Rev. 8/86)

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

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) 654-7724 • (714) 654-2860

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 sanitary 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

CC Jeff Hall