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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
on the Commission's own motion of )  
whether Camp Meeker Water System, Inc. )  
has complied with Ordering Paragraphs )  
No. 5 and 6 of D.89-10-033, relating )  
to the filing of a Notice of Intent )  
to Preserve Easements. )

**ORIGINAL**

FILED  
Public Utilities Commission  
JULY 22, 1992  
SAN FRANCISCO OFFICE  
I.92-07-031

ORDER INSTITUTING INVESTIGATION  
AND ORDER TO SHOW CAUSE

On October 17, 1989, the Commission issued Decision (D.) 89-10-033. In this decision, we ordered Camp Meeker Water System, Inc. ("CMWSI") to "enforce its easement rights as necessary to meet its public utility obligations" and to "record a notice of intent to preserve its easements, pursuant to Civil Code § 887.060, in order to preclude any efforts to claim CMWSI has abandoned its easement rights." (See Ordering Paragraphs No. 5 and 6 in Re Camp Meeker Water System [D.89-10-033] (1989) 33 Cal.P.U.C.2d 253, 298.) D.89-10-033 was affirmed by the California Supreme Court in Camp Meeker Water System, Inc. v. Public Utilities Com. (1990) 51 Cal.3d 845.

In monitoring the compliance by public utilities of state law, Commission orders, and related rules and regulations, the Commission Staff ("Staff") in the Water Utilities Branch of the Commission's Advisory and Compliance Division ("CACD") has discovered, investigated and concluded that CMWSI has not complied with Ordering Paragraphs No. 5 and 6 of D.89-10-033, and thus has acted and is continuing to act unlawfully in violation of Section 702 of the Public Utilities Code, which provides:

"Every public utility shall obey and comply with every order, decision, direction, or rule made or prescribed by the [C]ommission in the matters specified in this part, or any

other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees." (Pub. Util. Code, §702.)

The Staff's conclusions regarding CMWSI's unlawful conduct are supported by facts set forth in the attached affidavit of Fred L. Curry, Chief of the Water Utilities Branch. The evidence proffered by Staff is summarized below.

In September 1991, Commission staff wrote to William Chenoweth, President of Camp Meeker Water System, Inc. ("CMWSI"), asking whether the company had complied with Ordering Paragraph Nos. 5 and 6 of Decision (D.) 89-10-033. In this letter, the Staff provided CMWSI with a list of parcels over which Staff staff believed CMWSI had easement rights, and asked CMWSI to verify whether this was a complete and correct list.

In a letter, dated September 26, 1991, the attorney for CMWSI responded to Staff's inquiries of September 1991, and stated that he had advised his client, on legal grounds, not to comply with Ordering Paragraphs No. 5 and 6. In a letter, dated October 15, 1991, the attorney representing CACD's Water Utilities Branch on this matter refuted the legal grounds for CMWSI's refusal to comply with Ordering Paragraphs No. 5 and 6. This letter also informed CMWSI that it was in violation of the law by failing to comply with D.89-10-033.

On December 6, 1991, the Staff met with CMWSI's attorney, in an attempt to resolve the matter informally. Between December 10, 1991 and April 27, 1992, Staff and CMWSI through their attorneys attempted to resolve the issue.

On April 27, 1992, CMWSI recorded a revised Notice to Preserve Easement ("Revised Notice") in the Office of the Sonoma County Recorder. In a letter, dated June 4, 1992, Staff indicated why this recorded notice constituted inadequate notice and how it failed to preserve all of CMWSI's easements. The letter also stated that because the Revised Notice was

inadequate, CMWSI had not fully complied with D.89-10-033. The letter also gave CMWSI until June 15, 1992 to amend the Revised Notice, and record such an amendment. According to Staff, CMWSI failed to amend the recorded notice or file an amendment to this notice.

By the foregoing, it appears that CMWSI has not fully complied with Ordering Paragraphs No. 5 and 6 of D.89-10-033. Accordingly, CMWSI may have violated and may be in continuing violation of Public Utilities Code Section 702.

IT IS ORDERED that CMWSI shall show cause why it should not be held, pursuant to Public Utilities Code Section 2113, in contempt and fined for its failure to comply with a Commission order; why CMWSI and its officers, employees and/or agents should not be ordered to immediately cease and desist from violating Public Utilities Code Section 702, by failing to comply with D.89-10-033; and why other specific remedies and/or penalties, including but not limited to those set forth in Public Utilities Code Sections 2107, 2108 and 2112, should not be ordered, as deemed necessary by the Commission. CMWSI has the burden of showing, given the facts documented by the Staff, why the Commission should not find CMWSI in contempt and issues fines accordingly; issue a cease and desist order, and other specific remedies and/or penalties as it deems necessary.

IT IS FURTHER ORDERED that in furtherance of the above Order to Show Cause, an investigation on the Commission's own motion is hereby instituted, and consolidated for hearing with CMWSI's pending Application (A.)91-01-018.

IT IS FURTHER ORDERED that CMWSI may file a written response to this Order, as may other interested parties. Said responses shall be filed no later than 30 days of issuance of this Order. An original and twelve (12) copies shall be filed with the Commission's Docket Office and a copy served upon each of the parties on the service list for A.91-01-018. A prehearing conference shall be held on this matter before an assigned administrative law judge at a time and place to be determined, at

which time and place CMWSI, Staff and interested parties shall appear and be heard. At a hearing, on a date to be set by the administrative law judge, Staff will present testimony, as to matters contained in the attached Affidavit, and may present additional evidence either by testimony or through documentation concerning the matters relevant to this Order. CMWSI is directed to present testimony responsive to the matters asserted in Staff's Affidavit, and more particularly the items cited in the previous paragraphs of this Order.

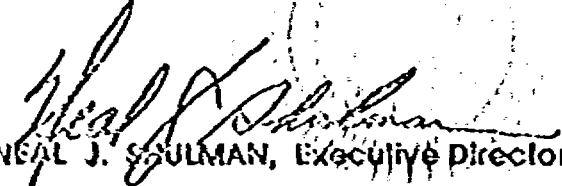
The Executive Director is directed to cause a copy of this Order and the affidavit of Fred L. Curry to be served by certified mail upon Camp Meeker Water System, Inc., whose mailing address is: Attention: William Chenoweth, President, 120 Pleasant Hill Avenue, North, Suite 310, Sebastopol, California 95472; and to serve one copy by mail upon the attorney for Camp Meeker Water System, Inc., at Geary, Shea, O'Donnell & Grattan, 37 Old Courthouse Square, 4th Floor, Santa Rosa, California 95402-1660, Attention: William E. Geary, and upon each of the parties in the service list for A.91-01-018.

This Order is effective today.

Dated July 22, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
NEAL J. SULMAN, Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
on the Commission's own motion of )  
whether Camp Meeker Water System, Inc. )  
has complied with Ordering Paragraphs )  
No. 5 and 6 of D.89-10-033, relating )  
to the filing of a Notice of Intent )  
to Preserve Easements. )

I. \_\_\_\_\_

AFFIDAVIT OF FRED L. CURRY  
IN SUPPORT OF THE  
ORDER INSTITUTING INVESTIGATION  
AND ORDER TO SHOW CAUSE

My name is Fred L. Curry. I am employed by the California Public Utilities Commission ("Commission") as Chief of the Water Utilities Branch in the Commission's Advisory and Compliance Division ("CAD"). My assigned duties include the monitoring of compliance by water utilities with Commission orders, rules and regulations and state law. I declare under oath that the following is true and correct, and based on my personal knowledge. If called as a witness, I could testify competently to the matters contained below.

1. In September 1991, I wrote to William Chenoweth, President of Camp Meeker Water System, Inc. ("CMWSI"), asking whether the company had complied with Ordering Paragraph Nos. 5 and 6 of Decision (D.) 89-10-033. (See Letters, dated September 3, 4 and 6, which are attached collectively as Exhibit 1.)

2. In Ordering Paragraphs No. 5 and 6 of D.89-10-033, the Commission mandated the following:

"CMWSI shall enforce its easement rights as necessary to meet its public utility obligations."

"CMWSI shall record a notice of intent to preserve its easements, pursuant to Civil Code § 887.060, in order to preclude any efforts to claim CMWSI has abandoned its easement rights. CMWSI shall renew this notice periodically in accordance with

Section 887.060. CMWSI shall consult with the Water Utilities Branch of the Commission's Advisory and Compliance Division and the Commission's Legal Division regarding the proper language of the notice."

3. In my letter of September 3, 1991, I also provided CMWSI with a list of parcels over which Commission staff believed CMWSI had easement rights, and asked CMWSI to verify whether this was a complete and correct list.

4. In a letter, dated September 26, 1991, William E. Geary, attorney for CMSWI, responded to my letters of September 1991. (See Exhibit 2.) In this letter, Mr. Geary stated that he had advised his client, on legal grounds, not to comply with Ordering Paragraphs No. 5 and 6.

5. In a letter, dated October 15, 1991, Helen W. Yee, attorney representing CACD Water Utilities Branch, refuted the legal grounds for CMWSI's refusal to comply with Ordering Paragraphs No. 5 and 6. (See Exhibit 3.) Also, in this letter, Ms. Yee indicated that by failing to comply with D.89-10-033, CMWSI was in violation of Public Utilities Code Section 702.

6. Mr. Geary responded in a letter, dated October 18, 1991, to acknowledge receipt of Ms. Yee's letter of October 15, 1991, and to state that CMSWI was willing to meet informally to resolve the issue. (See Exhibit 4.)

7. On December 6, 1991, Commission staff met with CMWSI attorney, William Geary.

8. In a letter, dated December 10, 1991, Ms. Yee sent Mr. Geary a copy of a form for the filing a notice of intent to preserve an easement. (See Exhibit 5.)

9. In a letter, dated December 27, 1991, Mr. Geary wrote indicating CMWSI's intention of complying with Ordering Paragraphs 5 and 6 of D.89-10-033, and stated that he would be preparing a draft Notice of Intent to Preserve Easement. (See Exhibit 6.)

10. On January 17, 1992, a draft of a Notice of Intent to Preserve Easement ("Draft Notice") was sent to Ms. Yee by fax transmission. (See Exhibit 7.)

11. In two letters of March 1992, Ms. Yee wrote to Mr. Geary indicating the inadequacy of the Draft Notice. (See Letters, dated March 3 & 4, which are attached collectively as Exhibit 8.)

12. Since there was evidence that properties were being sold, and because there was no Notice of Intent to Preserve Easements recorded, the Commission staff recorded on March 16, 1992 a document entitled: "Notice of the Decision of the California Supreme Court and Order of the California Public Utilities Commission Concerning the Use of the Properties Listed Below," which I executed before a notary public on March 13, 1992. (See Exhibit 9, for a confirming copy of the Notice only. A copy of the California Supreme Court and the Commission order has not been made a part of this exhibit.) This document was recorded in the Office of the Sonoma County Recorder to provide notice to the public of the existence of the decisions concerning and affecting the use of the properties on which CMWSI had easements.

13. In a letter, dated April 27, 1992, Mr. Geary sent a copy of a revised Notice of Intent to Preserve Easement ("Revised Notice"). (See Exhibit 10.) The Revised Notice was recorded on April 27, 1992 in the Office of the Sonoma County Recorder. Commission Staff had no opportunity to review this Revised Notice prior to its recording by CMWSI.

14. In a letter, dated June 4, 1992, Ms. Yee explained the Commission staff's position of why the Revised Notice did not give adequate notice to subsequent buyers and how it failed to preserve all of CMWSI's easements. (See Exhibit 11.) The letter also stated that because the Revised Notice was inadequate, CMWSI had not fully complied with D.89-10-033. The letter also gave CMWSI until June 15, 1992 to amend the Revised Notice, and record such an amendment.


14. CMWSI neither amended the Revised Notice nor recorded an amendment of the Revised Notice by June 15, 1992.

15. As of July 2, 1992, CMWSI has not amended the Revised Notice, and has not recorded such an amended Notice of Intent to Preserve Easement.

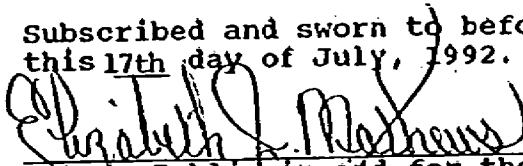
16. As of the date of this affidavit, CMWSI has not recorded an adequate Notice of Intent to Preserve Easements which would comply with Ordering Paragraphs No. 5 and 6 of D.89-10-033.

17. Based upon the foregoing, I believe that CMWSI has and is continuing to violate the law, by failing to comply with a Commission order.

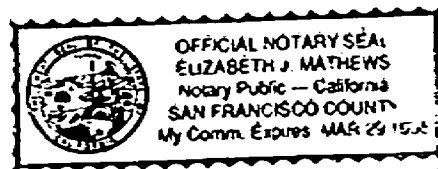
Executed on July 17, 1992, at San Francisco, California.

  
FRED L. CURRY  
Chief of the CACD Water Utilities  
Branch  
California Public Utilities  
Commission

Subscribed and sworn to before me  
this 17th day of July, 1992.

  
Notary Public in and for the City  
and County of San Francisco  
State of California  
505 Van Ness Avenue, Room 5300  
San Francisco, CA 94102

L.S.



1995



**EXHIBIT 1**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 6, 1991

William Chenoweth  
Camp Meeker Water System, Inc.  
120 Pleasant Hill Avenue, North  
Suite 310  
Sebastopol, CA 95472

Re: Notice of Intent to Preserve Easements of Camp Meeker Water  
System, A.83-11-054 & D.89-10-033

Dear Mr. Chenoweth:

A courier attempted to deliver the attached two letters to 7765 Healdsburg Avenue, #11, Sebastopol, California 95472. It appears that the office of Camp Meeker Water System, Inc. has moved from this location. We now have the current address for your company, and are hereby sending these letters to this address.

Since there has been a delay in delivery of these letters, the deadline for your responses to the questions contained in the letter of September 3, 1991 will need to be extended. Consequently, please submit responses to me by September 27, 1991, rather than September 20, 1991.

Very Truly yours,

A handwritten signature in cursive script, appearing to read "Fred L. Curry".

FRED L. CURRY, Chief  
Water Utilities Branch

attachments

cc: William E. Geary, Esq.  
Peter Arth, Jr., General Counsel  
Kenneth Henderson, CACD Director  
All Appearances in A.83-11-054 (without attachments)

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

September 3, 1991

William Chenoweth  
Camp Meeker Water System, Inc.  
7765 Headsburg Avenue, #11  
Sebastopol, CA 95472Re: Notice of Intent to Preserve Easements of Camp Meeker Water  
System, A.83-11-054 & D.89-10-033

Dear Mr. Chenoweth:

I am writing to ask whether Camp Meeker Water System, Inc. ("CMWSI") has complied with D.89-10-033 by recording a notice of intent to preserve its easements, pursuant to Civil Code Section 887.060.

Decision (D.) 89-10-033, which was affirmed by the California Supreme Court in Camp Meeker Water System, Inc. (1990) 51 Cal.3d 845, determined that CMWSI has easement rights over non-utility portions of the land formerly possessed by the Estate of Effie M. Meeker and Paul R. Edwards. Such land was conveyed to the Chenoweths by the deed of November 26, 1951. In Ordering Paragraphs No. 5 and 6 of D.89-10-033, the Commission mandated the following:

"CMWSI shall enforce its easement rights as necessary to meet its public utility obligations."

"CMWSI shall record a notice of intent to preserve its easements, pursuant to Civil Code § 887.060, in order to preclude any efforts to claim CMWSI has abandoned its easement rights. CMWSI shall renew this notice periodically in accordance with Section 887.060. CMWSI shall consult with the Water Utilities Branch of the Commission's Advisory and Compliance Division and the Commission's Legal Division regarding the proper language of the notice."

As of the date of this letter, we have not been notified by CMWSI of what actions, if any, the water utility has taken to comply with the Commission's order to record a notice of intent to preserve its easements. Consequently, I must write this letter to have the following questions answered:

Letter -- William Chenoweth  
September 3, 1991  
page 2

1. What has CMWSI done to comply with the Commission's mandate to record a notice of intent to preserve its easements?
2. If CMWSI has recorded a notice of intent to preserve its easements, pursuant to D.89-10-033, what parcels were listed on the recorded notice to preserve such easements?
3. According to Commission's records, non-utility parcels listed in Attachment A are subject to the Commission order. Does this list constitute a complete and correct listing of non-utility parcels over which CMWSI has easement rights?

If it has not complied with the Commission' order, CMSWI should explain in writing by September \_\_, 1991, the reasons for its noncompliance and fully answer the above Questions #1 and 3. It is noted that the Commission has the statutory authority to impose civil penalties on utilities for noncompliance with its orders, and to take all necessary legal steps to ensure compliance.

Please send your explanation and responses regarding the above to me by September 20, 1991. If you have any questions, please contact me at (415) 557-1863 before September 9, 1991. After this date, I can be reached at (415) 703-1739.

Very truly yours,

  
FRED L. CURRY, Chief  
Water Utilities Branch

attachment

cc: William E. Geary, Esq.  
Peter Arth, Jr., Acting General Counsel  
Kenneth Henderson, CACD Director  
All Appearances in A.83-10-033

## ATTACHMENT A

## Map Book--Page--Parcel

A. P. No. 074	--	080	--	13
A. P. No. 074	--	090	--	01
A. P. No. 074	--	090	--	08
A. P. No. 074	--	110	--	03
A. P. No. 074	--	110	--	04
A. P. No. 074	--	180	--	39
A. P. No. 075	--	040	--	01
A. P. No. 075	--	040	--	02
A. P. No. 075	--	040	--	05
A. P. No. 075	--	040	--	08
A. P. No. 075	--	070	--	03
A. P. No. 075	--	070	--	05
A. P. No. 075	--	070	--	07
A. P. No. 075	--	110	--	24
A. P. No. 075	--	110	--	26
A. P. No. 075	--	110	--	39
A. P. No. 075	--	130	--	12
A. P. No. 075	--	141	--	01
A. P. No. 075	--	142	--	01
A. P. No. 075	--	144	--	03
A. P. No. 075	--	146	--	03
A. P. No. 075	--	146	--	10
A. P. No. 075	--	151	--	01
A. P. No. 075	--	151	--	02
A. P. No. 075	--	152	--	01
A. P. No. 075	--	153	--	01
A. P. No. 075	--	154	--	01
A. P. No. 075	--	154	--	02
A. P. No. 075	--	154	--	03
A. P. No. 075	--	155	--	02
A. P. No. 075	--	157	--	01
A. P. No. 075	--	157	--	02
A. P. No. 075	--	158	--	01
A. P. No. 075	--	158	--	02
A. P. No. 075	--	158	--	03
A. P. No. 075	--	158	--	05
A. P. No. 075	--	158	--	07
A. P. No. 075	--	158	--	08
A. P. No. 075	--	158	--	09
A. P. No. 075	--	158	--	10
A. P. No. 075	--	161	--	01
A. P. No. 075	--	162	--	01
A. P. No. 075	--	162	--	02
A. P. No. 075	--	162	--	04
A. P. No. 075	--	163	--	02
A. P. No. 075	--	164	--	01
A. P. No. 075	--	165	--	01
A. P. No. 075	--	166	--	01

ATTACHMENT A  
(continued)

Map Book--Page--Parc.

A. P. No. 075	--	166	--	02
A. P. No. 075	--	166	--	03
A. P. No. 075	--	167	--	01
A. P. No. 075	--	168	--	01
A. P. No. 075	--	169	--	01
A. P. No. 075	--	171	--	01
A. P. No. 075	--	172	--	01
A. P. No. 075	--	173	--	01
A. P. No. 075	--	173	--	03
A. P. No. 075	--	174	--	01
A. P. No. 075	--	175	--	01
A. P. No. 075	--	176	--	01
A. P. No. 075	--	177	--	01
A. P. No. 075	--	177	--	02
A. P. No. 075	--	177	--	05
A. P. No. 075	--	178	--	02
A. P. No. 075	--	179	--	01
A. P. No. 075	--	179	--	02
A. P. No. 075	--	181	--	03
A. P. No. 075	--	185	--	10
A. P. No. 075	--	191	--	03
A. P. No. 075	--	191	--	05
A. P. No. 075	--	192	--	03
A. P. No. 075	--	192	--	07
A. P. No. 075	--	192	--	11
A. P. No. 075	--	194	--	06
A. P. No. 075	--	202	--	06
A. P. No. 075	--	203	--	05
A. P. No. 075	--	224	--	02
A. P. No. 075	--	232	--	04
A. P. No. 075	--	232	--	05
A. P. No. 075	--	233	--	04
A. P. No. 075	--	246	--	02
A. P. No. 075	--	246	--	03
A. P. No. 075	--	246	--	04
A. P. No. 075	--	250	--	01
A. P. No. 075	--	250	--	10
A. P. No. 075	--	260	--	01
A. P. No. 075	--	260	--	04
A. P. No. 075	--	300	--	02
A. P. No. 075	--	300	--	03
A. P. No. 075	--	300	--	05
A. P. No. 075	--	300	--	07
A. P. No. 075	--	300	--	08
A. P. No. 075	--	300	--	10
A. P. No. 075	--	300	--	12
A. P. No. 075	--	040	--	04
A. P. No. 075	--	300	--	06
A. P. No. 075	--	300	--	09
A. P. No. 075	--	300	--	11

## PUBLIC UTILITIES COMMISSION

503 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

September 4, 1991

William Chenoweth  
Camp Meeker Water System, Inc.  
7765 Healdsburg Avenue, #11  
Sebastopol, CA 95472Re: Notice of Intent to Preserve Easements of Camp Meeker Water  
System, A.83-11-054 & D.89-10-033 -- Correction to Letter of  
September 3, 1991

Dear Mr. Chenoweth:

On September 3, 1991, I sent a letter asking you whether Camp Meeker Water System, Inc. has complied with D.89-10-033, which ordered the company to file a notice of intent to preserve easements. In that letter the explicit due date for your answers to the three questions posed therein was inadvertently left out. Your answers are due no later than September 20, 1991.

Further a copy of this letter was sent to the appearances in A.83-11-054 and not A.83-10-033. A copy was sent to the appearances so as to inform interested parties of whether there has been compliance with the decision issued in this proceeding.

If you have any questions regarding the above, please contact me at (415) 557-1863 before September 9, 1991. After this date, I can be reached at (415) 703-1739.

Very truly yours,

  
FRED L. CURRY, Chief  
Water Utilities Branchcc: William E. Geary, Esq.  
Peter Arth, Jr., Acting General Counsel  
Kenneth Henderson, CACD Director  
All Appearances in A.83-11-054

**EXHIBIT 2**



WILLIAM E. GEARY  
MICHAEL F. O'DONNELL  
PATRICK G. GRATTAN  
THOMAS C. TAYLOR, JR.  
PATRICK C. WILSON  
STEVEN C. MITCHELL  
STEVEN M. OLSON  
JOHN F. GEARY

LAW OFFICES OF  
GEARY, SHEA, O'DONNELL & GRATTAN, P.C.  
37 OLD COURTHOUSE SQUARE  
FOURTH FLOOR  
POST OFFICE BOX 429  
SANTA ROSA, CALIFORNIA 95402-0429  
707-545-1660  
FAX 707-545-1876

DONALD GEARY (1891-1966)  
JOHN F. SHEA (1930-1985)  
RICHARD F. PARSON (1934-1976)

OF COUNSEL  
NANCY A. NUGENT  
THOMAS O. WINTER, M.D.

September 26, 1991

Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, California 94102-3298

Attention: Fred L. Curry, Chief Water Utilities Branch

Re: A. 83-11-054  
D. 89-10-033  
Camp Meeker Water System, Inc.  
Our File Number : 19012-001

RECEIVED  
SEP 30 1991  
LEGAL DIVISION

Gentlemen:

Upon receipt of your letter of September 3, 1991, we attempted to communicate direct with Timothy E. Treacy, Esq., of the PUC legal staff who at the time happened to be on vacation. Mr. Treacy was the attorney who personally appeared and argued the Commission's position before the State Supreme Court. Since he has not returned my call I will respond to your letter direct.

First, Decision (D) 89-10-033 was in part "affirmed" by the California Supreme Court in Camp Meeker Water System, Inc., (1990) 51 Cal. 3d 845 only to the extent that in exercising its legislative power incident to fixing rates the Commission was found to have acted within its jurisdiction.

We redirect your attention to Page 850 of that Decision:

"On Examination of the record it appears that, in the exercise of its ratemaking authority the commission has done no more than construe deeds conveying real property and easements to petitioner and its predecessor. It has done so in the same manner that a court or agency construes any written instrument (see Civ. Code, § 1066 et seq.; Code Civ. Proc., §§ 1857, 2077) for the purpose of ascertaining facts relevant to the merits of the

Re: Camp Meeker Water System, Inc.  
September 26, 1991  
Page Two

application for increased rates, not for the purpose of resolving disputes between parties claiming rights under the deed or to enforce rights conveyed by those deeds. The commission acknowledges that it does not have jurisdiction equivalent to that of a court, to adjudicate incidents of title, and that it would be bound by a judicial ruling in a quite title action brought by any person claiming an interest in the subject property who believes the commission ruling clouds his title. (Code Civ. Proc., § 760.010 et seq.)"

You should also familiarize yourself with Footnote 3 of that Decision in its entirety.

Consequently, as the attorneys for CMWSI, we have advised the Utility to disregard the mandates referred to in your letter of September 3, 1991 as inapplicable and well beyond the jurisdiction of the Commission's ratemaking powers.

You might further confirm with Mr. Treacy the questions by Justice Eagleson at the time of the Supreme Court hearing having to do with the subject and Mr. Treacy's representation to the Court that the proceedings had strictly to do with the Commission's ratemaking powers and his further acknowledgment to the Court that the Commission was not suggesting that it had jurisdiction equivalent to that of a Court to adjudicate incidents of title.

In the event you are of a mind that some issue remains with respect to the subject raised in your letter of September 3, 1991, we would be more than happy to discuss the subject with you.

Very truly yours,

GEARY, SHEA, O'DONNELL &  
GRATTAN, P. C.

By *W. E. Geary*  
WILLIAM E. GEARY  
Attorneys for Camp  
Meeker Water System, Inc.

WEG/wtb

cc: William and Ann Chenoweth  
Jewel Chenoweth  
Pat Aho  
Peter Arth, Jr., Acting General Counsel  
Kenneth Henderson, CACD Director

**EXHIBIT 3**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

October 15, 1991

William E. Geary  
Geary, Shea, O'Donnell & Grattan  
37 Old Courthouse Square, 4th Floor  
Santa Rosa, CA 95402-1660Re: Notice of Intent to Preserve Easements of Camp Meeker Water System, Inc., A.83-11-054 & D.89-10-033

Dear Mr. Geary:

I am writing to acknowledge receipt of your letter of September 26, 1991, in which you stated that as attorneys for Camp Meeker Water System, Inc. ("CMWSI"), you have advised the utility to not comply with Ordering Paragraphs 5 and 6 of D.89-10-033. In these ordering paragraphs, the Commission mandated that CMWSI enforce its easement rights and record a notice of intent to preserve these rights. (D.89-10-033, p. 96.) Since we have not heard from CMWSI, we can only assume that your client has taken your advice and thus will not be complying with these mandates in D.89-10-033.

From your letter of September 26, it appears that you believe that compliance with Ordering Paragraphs 5 and 6 are not necessary because D.89-10-033 was only in part affirmed by the California Supreme Court in Camp Meeker Water System, Inc. v. Public Utilities Com. (1990) 51 Cal.3d 845. Your letter rationalizes that the Supreme Court only affirmed the Commission's jurisdiction over the easements as it relates to its exercise of its legislative power incident to fixing rates. In support of this position, you cite to page 850 and footnote 3 of the Supreme Court decision, and to Tim Treacy's representation that "the proceedings had strictly to do with the Commission's ratemaking powers and that the Commission was not suggesting that it had jurisdiction equivalent to that of a Court to adjudicate incidents of title."

First, your interpretation that the California Supreme Court only in part affirmed the D.89-10-033 is wrong. The California Supreme Court reviewed the sufficiency of the evidence to support the findings of fact and conclusions of law in D.89-10-033, and determined that the evidence supported the decision. (Id. at pp. 865-868.) The court's decision makes no mention that it was reversing D.89-10-033 in any manner.

Second, your claim that the Commission's jurisdiction over the easements merely extend to proceedings in ratemaking is incorrect. First, the Commission's jurisdiction over water utilities extend beyond ratemaking. The California Supreme Court acknowledged that the Commission possesses the authority to

Mr. William E. Geary  
October 15, 1991  
Page 2

"supervise and regulate every public utility in the State and (to) do all things, whether specifically designated in this part of in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction." (Id. at p. 862.) This is described by the Court as including "determin[ing] the facilities, service, and method of service in order to ensure that the service provided is adequate," and "preventing the disposal of such property by indirection, as by failure to exercise or safeguard rights possessed by the utility." (Id; see Pub. Util. Code, §§761 & 851.) Further, the Court stated that:

"The (C)ommission was obligated to determine if the claimed expense for leasing wells on the Chenoweth parcel was justified, and to ensure the CMWSI did not abandon or otherwise dispose of property in the form of easement rights necessary and useful to meet the present and future needs of its customers." (Camp Meeker Water System, Inc. v. Public Utilities Com., supra, 51 Cal.3d at p. 862.)

Further, the Supreme Court noted that it was reasonable for the Commission to order CMWSI to record a notice to preserve the easements, because it was necessary to provide actual notice to any purchaser of the Chenoweth parcels. (Id.) Moreover, the Court believed that this was a reasonable exercise of the Commission's "power and obligation to ensure that the property of CMWSI is not transferred without authorization." (Id.)

Therefore, the California Supreme Court expressed with approval the legal basis for the Commission's authority to order CMWSI to enforce the easement rights pursuant to the two 1951 deeds, and to record a notice of intent to preserve the easements.

Finally, in requesting that CMWSI comply with Ordering Paragraphs 5 and 6, the Commission is not adjudicating incidents of title; rather it is requesting that the utility comply with D.89-10-033 which has been affirmed by the California Supreme Court. By complying with the ordering paragraphs, CMWSI would be acting in its own interest and those of its ratepayers.

By failing to comply with D.89-10-033, CMWSI is violating the law. Section 702 provides:

"Every public utility shall obey and comply with every order, decision, direction, or rule made or prescribed by the (C)ommission in the matters specified in this part, or any

Mr. William E. Geary  
October 15, 1991  
Page 3

other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees." (Pub. Util. Code, §702.)

By its letter of September 3, 1991, the Commission staff has given CMWSI an opportunity to comply with Ordering Paragraphs 5 and 6, and the utility has not done so. Consequently, the staff has no choice but to go forward and do all that is necessary to assist the Commission in securing compliance.

If you have questions concerning the above, please contact me at (415) 703-2474. Thank you for your attention on this matter.

Sincerely,



HELEN W. YEE  
Attorney for the  
Water Utilities Branch

HWY:dp

cc: Camp Meeker Water System, Inc.  
William and Ann Chenoweth  
Jewel Chenoweth  
Pat Aho  
All Appearances in A.83-11-054

**EXHIBIT 4**

WILLIAM E. GEARY  
MICHAEL F. O'DONNELL  
PATRICK G. GRATTAN  
THOMAS C. TAYLOR, JR.  
NANCY A. NUGENT  
PATRICK C. WILSON  
STEVEN C. MITCHELL  
STEVEN M. OLSON  
JOHN F. GEARY

LAW OFFICES OF  
GEARY, SHEA, O'DONNELL & GRATTAN, P. C.  
37 OLD COURTHOUSE SQUARE  
FOURTH FLOOR  
POST OFFICE BOX 429  
SANTA ROSA, CALIFORNIA 95402-0429  
707-545-1660  
FAX 707-545-1876

DONALD GEARY (1958-1966)  
JOHN F. SHEA (1962-1985)  
RICHARD F. PAWSON (1967-1976)

October 18, 1991

Helen W. Yee  
c/o Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, California 94102-3298

Re: Notice of Intent to Preserve Easements of Camp  
Meeker Water System, Inc.  
A.83-11-054 and D.89-10-033  
Our File Number : 19012-001

Dear Ms. Yee:


This will acknowledge your letter of October 15, 1991.

Rather than to immediately embark on yet another issue between the Utility and the PUC we would suggest an informal meeting between the legal representatives of the parties, hopefully to avert the expenditure of further time and effort on both sides, at least as to this issue.

I will be more than happy to meet at our mutual convenience at your offices.

Very truly yours,

GEARY, SHEA, O'DONNELL &  
GRATTAN, P. C.

By   
WILLIAM E. GEARY  
Attorneys for Camp  
Meeker Water System, Inc.

WEG/wtb  
Enclosures

cc: William and Ann Chenoweth  
Jewel Chenoweth  
Pat Aho

RECEIVED  
OCT 22 1991

LEGAL DIVISION



**EXHIBIT 5**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

December 10, 1991

William E. Geary, Esq.  
Geary, Shea, O'Donnell & Grattan  
37 Old Courthouse Square, 4th Floor  
Santa Rosa, CA 95402-1660Re: Notice of Intent to Preserve Easements of Camp Meeker Water  
System, Inc., A.83-11-054 & D.89-10-033.

Dear Mr. Geary:

It was a pleasure meeting with you on Friday, December 6, 1991. The meeting proved to be an informative one, such that the various positions of Camp Meeker Water Systems, Inc. ("CMWSI") and the Staff of the Water Utilities Branch were discussed concerning the issue of CMWSI's compliance with Paragraphs 5 and 6 of D.89-10-033.

During the meeting, you had asked for a sample notice of intent to preserve an easement. I have enclosed a copy of a form for a "Notice of Intent to Preserve Interest", which can be found in Civil Code Section 880.340. Please look at Civil Code Section 880.330 for the requisites of the notice of intent.

Please remember that if CMWSI decides to comply and files the notice of intent to preserve the easements, the utility should not only include those parcels listed in Staff's letter of September 3, 1991, but also, it should include Assessor's Parcel Number 074-180-36.

As discussed in the meeting, if CMWSI has not complied within the next two (2) weeks, Staff will be proceeding with its enforcement of Paragraphs 5 and 6 of D.89-10-033. Hopefully, a resolution will be forthcoming and such further action will be unnecessary.

Sincerely,

Handwritten signature of Helen W. Yee in cursive.

HELEN W. YEE  
Attorney for the  
Water Utilities Branch

Enclosures

## ARTICLE 3. PRESERVATION OF INTERESTS

## Section

- § 880.310. Recordation of notice of intent.  
 § 880.320. Persons entitled to record notice of intent.  
 § 880.330. Requisites of notice of intent.  
 § 880.340. Form of notice of intent.  
 § 880.350. County of recording notice of intent.  
 § 880.360. Slandering title: recording notice of intent.  
 § 880.370. Extension of time for recordation of notice.

*Article 3 was added by Stats.1982, c. 1268, p. 4673, § 1.*

§ 880.310. Recordation of notice of intent

(a) If the time within which an interest in real property expires pursuant to this title depends upon recordation of a notice of intent to preserve the interest, a person may preserve the person's interest from expiration by recording a notice of intent to preserve the interest before the interest expires pursuant to this title. Recordation of a notice of intent to preserve an interest in real property after the interest has expired pursuant to this title does not preserve the interest.

(b) Recordation of a notice of intent to preserve an interest in real property does not preclude a court from determining that an interest has been abandoned or is otherwise unenforceable pursuant to other law, whether before or after the notice of intent to preserve the interest is recorded, and does not validate or make enforceable a claim or interest that is otherwise invalid or unenforceable. Recordation of a notice of intent to preserve an interest in real property creates a presumption affecting the burden of proof that the person who claims the interest has not abandoned and does not intend to abandon the interest.

(Added by Stats.1982, c. 1268, p. 4673, § 1.)

Law Revision Commission Comment  
 1982 Addition

Subdivision (a) of Section 880.310 is drawn from Sections 2(d) and 4(a) of the Model Marketable Title Act and Sections 3-303(3) and 3-305 of the Uniform Simplification of Land Transfers Act (1977). Subdivision (a) imposes no limit on the number of times a notice of intent to preserve may be recorded, so long as the interest has not expired at the time of recordation, preservation of an interest in perpetuity is possible. If a person owns a part interest in real property, the notice of intent preserves only the part interest owned by the person for whom the notice is recorded. If a person owns an interest in real property that is one of several related interests in real property, the notice of intent

preserves only the interest owned by the person for whom the notice is recorded and not the related interests of other persons. However, a person may record an interest on behalf of other owners of the interest, if so authorized by the others. See Section 880.320 (who may record notice).

Subdivision (b) is drawn from Section 3-309 of the Uniform Act, with the addition of language to make clear that a notice of intent to preserve does not affect the validity of any interest in real property under law apart from this title but that the notice creates a presumption against abandonment. (16 Cal.L.Rev.Comm. Reports 401).

§ 880.320. Persons entitled to record notice of intent

A notice of intent to preserve an interest in real property may be recorded by any of the following persons:

- (a) A person who claims the interest.  
 (b) Another person acting on behalf of a claimant if the person is authorized to act on behalf of the claimant or if the claimant is one of a class whose identity cannot be established or is uncertain at the time of recording the notice of intent to preserve the interest.

(Added by Stats.1982, c. 1268, p. 4673, § 1.)

Law Revision Commission Comment  
 1982 Addition

Section 880.320 is drawn from the third sentence of Section 4(a) of the Model Marketable Title Act and Section 3-305 of the Uniform Simplification of Land Transfers Act (1977). (16 Cal.L.Rev.Comm. Reports 401).

§ 880.330. Requisites of notice of intent

Subject to all statutory requirements for recorded documents:

- (a) A notice of intent to preserve an interest in real property shall be in writing and signed and verified by or on behalf of the claimant. If the notice is made on behalf of a claimant, the notice shall include a statement of the authority of the person making the notice.

Additions in text are indicated by underline; deletions by asterisks \* \* \*

(A) The notice shall contain all of the following information:

(1) The name and mailing address of the claimant. If the notice is made by or on behalf of more than one claimant the notice shall contain the name and mailing address of each claimant.

(2) A statement of the character of interest claimed. The statement shall include a reference by record location to the recorded document that creates or evidences the interest in the claimant.

(3) A legal description of the real property in which the interest is claimed. The description may be the same as that contained in the recorded document that creates or evidences the interest in the claimant.

(Added by Stats 1982, c. 1268, p. 4672, § 1)

Law Revision Commission Comment 1982 Addition

Section 880.330 is drawn from portions of Sections 9(a) and (9) of the Model Marketable Title Act and from Sections 2-307(b) and 2-304(b) of the Uniform Simplification of Land Transfers Act (1977). Under subdivision (b) of the interest is a notification that affects the use or enjoyment of more than one parcel of real property that was created by a recorded document containing a general de-

scription of all of the parcels, the legal description required may be the same as the general description. The introductory portion of Section 880.330 makes clear that all other statutory requirements must be complied with. See, e.g., Section 1178 (recorded document must be duly acknowledged or proved and certified) (16 Cal.L.Rev.Comm. Reports 401).

Cross Reference

Recording documents, see § 817.060

§ 880.310. Form of notice of intent

Subject to all statutory requirements for recorded documents, a notice of intent to preserve an interest in real property shall be in substantially the following form:

RECORDING INFORMATION

Recording requested by:

After recording return to:

FOR USE OF COUNTY RECORDER

Indexing Instructions. This notice must be indexed as follows: Grantor and grantee index—each claimant in a grantor.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 850.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant

Name: Mailing address: (must be given for each claimant)

Interest

Character (e.g., power of termination): Record location of document creating or evidencing interest in claimant:

Real Property

Legal description (may be same as in recorded document creating or evidencing interest in claimant):

I assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and I am informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant.

Signed: \_\_\_\_\_ (claimant)

Date: \_\_\_\_\_

(person acting on behalf of claimant)

Additions in text are indicated by underlines; deletions by asterisks

State of \_\_\_\_\_

County of \_\_\_\_\_ ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me (here insert name and quality of officer) personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he (she or they) executed it.

Signed: \_\_\_\_\_ Official Seal

Office: \_\_\_\_\_

(Added by Stats 1982, c. 1268, p. 4672, § 1)

Law Revision Commission Comment 1982 Addition

Section 880.340 incorporates the requirements of Section 880.330 (contents of notice). The introductory portion of Section 880.340 makes clear that all other statutory require-

ments must be complied with. See, e.g., Civil Code § 273118 (printed form) (16 Cal.L.Rev.Comm. Reports 401).

Cross Reference

Recording documents, see § 817.060

§ 880.250. County of recording notice of intent

(a) A notice of intent to preserve an interest in real property shall be recorded in the county in which the real property is situated.

(b) The county recorder shall index a notice of intent to preserve an interest in real property in the index of grantors and grantees. The index entry shall be for the grantor, and for the purpose of this index, the claimant under the notice shall be deemed to be the grantor. If a notice of intent to preserve is recorded by or on behalf of more than one claimant, each claimant shall be deemed to be a grantor and a separate index entry shall be made for each claimant.

(Added by Stats 1982, c. 1268, p. 4674, § 1)

Law Revision Commission Comment 1982 Addition

Section 880.350 is drawn from a portion of Section 3 of the Model Marketable Title Act. The manner of recording the notice is prescribed in Government Code Section 27321.

and the fee for recording is prescribed in Government Code Section 27341 et seq. (16 Cal.L.Rev.Comm. Reports 401).

§ 880.360. Slandering title; recording notice of intent

A person shall not record a notice of intent to preserve an interest in real property for the purpose of slandering title to the real property. If the court in an action or proceeding to establish or quiet title determines that a person recorded a notice of intent to preserve an interest for the purpose of slandering title, the court shall award against the person the cost of the action or proceeding, including a reasonable attorney's fee, and the damages caused by the recording.

(Added by Stats 1982, c. 1268, p. 4676, § 1)

Law Revision Commission Comment 1982 Addition

Section 880.360 is comparable to provisions in a number of jurisdictions that have enacted marketable record title legislation, and makes clear that recording of a notice of intent to preserve an interest under this title is not prohibited. Section 880.360 does not affect the elements of the

cause of action for slandering of title and codifies the measure of recovery for slandering of title, with the addition of reasonable attorney's fees. See § 8 in Summary of California Law Title § 310 (16 of 1979). (16 Cal.L.Rev.Comm. Reports 401).

§ 880.370. Extension of time for recordation of notice

If the period prescribed by statute during which a notice of intent to preserve an interest in real property must be recorded expires before, on, or within five years after the operative date of the statute, the period is extended until five years after the operative date of the statute.

(Added by Stats 1982, c. 1268, p. 4678, § 1)

Additions in text are indicated by underlines; deletions by asterisks

**EXHIBIT 6**

LAW OFFICES OF  
GEARY, SHEA, O'DONNELL & GRATTAN, P.C.

37 OLD COURTHOUSE SQUARE  
FOURTH FLOOR  
POST OFFICE BOX 429  
SANTA ROSA, CALIFORNIA 95402-0429  
707-545-1660  
FAX 707-545-1876

DONALD GEARY (1891-1966)  
JOHN F. SHEA (1936-1985)  
RICHARD F. PARSON (1934-1976)

OF COUNSEL  
NANCY A. NUGENT  
THOMAS O. WINTER, M.D.

WILLIAM E. GEARY  
MICHAEL F. O'DONNELL  
PATRICK G. GRATTAN  
THOMAS C. TAYLOR, JR.  
PATRICK C. WILSON  
STEVEN C. MITCHELL  
STEVEN H. OLSON  
JOHN F. GEARY

December 27, 1991

RECEIVED  
DEC 31 1991

Helen W. Yee  
c/o Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 95402-3298

LEGAL DIVISION

Re: Application No. A. 91-01-018  
Camp Meeker Water System, Inc.  
Our File Number: 19012-001

Dear Mrs. Yee:

I have conferred with the principals of Camp Meeker Water System, Inc., on two separate occasions and we now have the authority of the Utility to undertake to comply with the Ordering paragraphs 5 and 6 of D. 89-10-033.

We will initiate the preparation of a draft of a Notice of Intent to Preserve Easement with appropriate language and will forward the same to you hopefully within the next week.

Thanking you for your courtesies, we are

Very truly yours,

GEARY, SHEA, O'DONNELL & GRATTAN

  
WILLIAM E. GEARY

WEG:dy  
cc: William and Ann Chenoweth  
Jewel Chenoweth

**EXHIBIT 7**

*yee*

LAW OFFICES OF  
**GEARY, SHEA, O'DONNELL & GRATTAN, P.C.**  
 37 OLD COURTHOUSE SQUARE  
 FOURTH FLOOR  
 POST OFFICE BOX 429  
 SANTA ROSA, CALIFORNIA 95402-0429  
 707-545-1660  
 FAX 707-545-1876

WILLIAM E. GEARY  
 MICHAEL F. O'DONNELL  
 PATRICK G. GRATTAN  
 THOMAS C. TAYLOR, JR.  
 PATRICK C. WILSON  
 STEVEN C. MITCHELL  
 STEVEN M. OLSON  
 JOHN F. GEARY

DONALD GEARY (1891-1968)  
 JOHN F. SHEA (1930-1981)  
 RICHARD F. PAVSON (1934-1976)

OF COUNSEL  
 NANCY A. NUGENT  
 THOMAS O. WINTER, M.D.

FAX TRANSMISSION COVER SHEET

Date: January 17, 1992 Our File No.: 19012-001

Our client: CAMP MEEKER WATER SYSTEM, INC.

To: HELEN YEE FAX No.: (415) 703-2262

California PUC, San Francisco  
 (City/State)

From: WM. E. GEARY Telephone No.: (707) 545-1660  
Santa Rosa, California FAX No. : (707) 545-1876

Total Number of Page Transmitted Including Cover Sheet: 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE  
 CALL US IMMEDIATELY AT (707) 545-1660, 8:30 a.m.  
 TO 5:00 p.m.

Fax Operator for this Transmission: Wren

UNLESS OTHERWISE INDICATED OR OBVIOUS FROM THE NATURE OF THIS TRANSMITTAL, THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL, INTENDED FOR THE USE OF THE INTENDED RECIPIENT NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT (OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT), YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS AT OUR EXPENSE.



RECORDING REQUESTED BY

DRAFT/DISCUSSION PURPOSES ONLY

NO WHEN RECORDED MAIL THIS DEED AND, UNLESS  
T WISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME CAMP MEEKER WATER SYSTEM, INC.  
ADDRESS Post Office Box 30  
CITY & Bodega Bay  
STATE California  
ZIP 94952

Title Order No.

Escr6w No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF INTENT TO PRESERVE EASEMENT

This notice is intended to preserve an easement in real property from extinguishment pursuant to Title 5 (commencing with Section 887.060) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant: Camp Meeker Water System, Inc.,  
a corporation  
Post Office Box  
Sebastopol, California 95472

Interest: Easements for all water and water rights appurtenant to the real property described in the deed of November 26, 1951 from Paul R. Edwards and Sonoma County Land Title Company, recorded at the office of the Sonoma County Recorder December 3, 1951, at Book 1093 at page 41, commonly used, or useful, and enjoyed in the operation of said Camp Meeker Water System whether expressly described in said deed or not.

Real Property: Said real property is described as follows:

I assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and

I am informed and believe that the information contained in this notice is true; that further said notice is executed by the undersigned at the order of the California Public Utilities Commission.

State of California, County of Sonoma :

On this \_\_\_\_\_ day of January, 1992, before me, a Notary Public in and for the County and State above mentioned, residing therein, duly commissioned and sworn, personally appeared WILLIAM C. CHENOWETH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the same person described in and whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public in and for  
the State of California.

CAMP MEEKER WATER SYSTEM, INC.

By \_\_\_\_\_  
WILLIAM C. CHENOWETH, President

**EXHIBIT 8**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



March 3, 1992

VIA FACSIMILE (707) 545-1876

William E. Geary, Esq.  
Geary, Shea, O'Donnell & Grattan  
37 Old Courthouse Square, 4th Floor  
Santa Rosa, California 95402-0429

Re: Notice of Intent to Preserve Easements of Camp Meeker  
Water System, Inc., A.83-11-054 & D.89-10-033

Dear Mr. Geary:

In a letter, dated December 27, 1991, you expressed the willingness of your client, Camp Meeker Water System, Inc. ("CMWSI"), to comply with Ordering Paragraphs 5 and 6 of D.89-10-033. On January 17, 1992, you faxed me a draft of a "Notice of Intent to Preserve Easement." On this same day, I spoke to Wren from your office, who said that she was handling the matter. I informed her about the following problems with the draft notice:

1. There was no legal description of the real property. (Wren indicated that she would have a description some time after the Martin Luther King holiday.)
2. The description of interest was deficient, because references should be made to both 1959 deeds, especially to give completeness to the description of the easements, and thus, this would include all properties which are benefited and burdened by the easements.
3. More language is needed to describe the interest. It should include language regarding entry, drilling rights, etc. I suggested that language from the deeds should be used.
4. The real property legal description should have assessor's parcel numbers. I also suggested that the notice include references to the Commission and California Supreme Court decisions.

During my telephone conversation with Wren on January 17, 1992, I also indicated to her that if you did not agree with the above, you should contact me. I further stated that unless the draft notice was changed to include the above, there would not be full compliance.

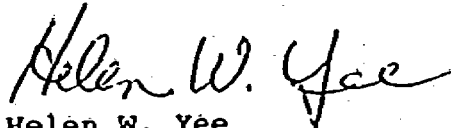
William E. Geary, Esq.  
March 3, 1992  
Page 2

Since another draft of the notice had not been received, I telephoned you on February 10, 1992, and left a message for you to call me. Since you did not return my call of that date, I called again on February 25, 1992.

As of this today, I have not heard from you, or seen another draft addressing the concerns raised in my conversation with Wren of January 17, 1992. I am puzzled by your failure to return my telephone calls, and question whether CMWSI is willing still to fully comply with D.89-10-033.

I would appreciate a response to the above within the next few days. Otherwise, I can only assume that CMWSI has changed its mind about complying. At that point, Staff will go forward and do all that is necessary to assist the Commission in securing compliance. Thank you for your attention of the above matter.

Sincerely,



Helen W. Yee  
Attorney for the  
Water Utilities Branch

HWY:afm

cc: Fred Curry

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

March 4, 1992

VIA FACSIMILE (707) 545-1876William E. Geary, Esq.  
Geary, Shea, O'Donnell & Grattan  
37 Old Courthouse Square, 4th Floor  
Santa Rosa, California 95402-0429Re: Notice of Intent to Preserve Easements of Camp Meeker  
Water System, Inc., A.83-11-054 & D.89-10-033

Dear Mr. Geary:

I am writing to correct an error in my letter of March 3, 1992, sent via facsimile. Item 2 refers to "1959 deeds"; this is an incorrect reference. The reference should read "1951 deeds".

Further, the description of interest should include references to easements held by Camp Meeker Water System, Inc. on properties owned by Bacon, Givens, Tinagero, and the Camp Meeker Park and Recreation District.

I hope to hear from you shortly regarding the concerns I raised in my March 3 letter. Thank you for your attention on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Helen W. Yee".  
Helen W. Yee  
Attorney for the  
Water Utilities Branch

cc: Fred Curry

**EXHIBIT 9**

92 / 28511

Recorded at the Request of  
and Return to:

CONFORMED COPY  
NOT COMPARED  
WITH ORIGINAL  
SONOMA COUNTY

California Public Utilities  
Commission  
Water Utilities Branch  
505 Van Ness Avenue, 3rd Floor  
San Francisco, California 94102

MAR 16 1992

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NOTICE OF THE DECISION OF THE CALIFORNIA  
SUPREME COURT AND ORDER OF THE CALIFORNIA  
PUBLIC UTILITIES COMMISSION CONCERNING THE  
USE OF THE PROPERTIES LISTED BELOW

The Water Utilities Branch of the California Public Utilities Commission request that this notice, the attached decision of the California Supreme Court, and the attached order of the California Public Utilities Commission be recorded on the following properties. References to the legal descriptions, along with assessor's parcel numbers, of the properties are listed below.

This recording constitutes a notice to the public of the existence of the following decisions concerning and affecting the use of the properties listed below: (1) California Supreme Court decision in Camp Meeker Water System, Inc. v. Public Utilities Commission, Case No. S012916, November 15, 1990; and (2) California Public Utilities Commission order in In the Matter of the Application of Camp Meeker Water System, Decision 89-10-033, October 17, 1989. Each of the attached decisions has been certified as a true copy of the original.

The legal description of said properties can be found in the following recorded documents:

(1) Deed of November 26, 1951 from Paul R. Edwards and Sonoma County Land Title Company to Hardin T. Chenoweth, William C. Chenoweth, and L.C. Chenoweth, recorded at the office of the Sonoma County Recorder on December 3, 1951, at Book 1093, pages 41-44; Deed and Assignment of November 29, 1951, from Sonoma County Land Title Company to Hardin T. Chenoweth, William C. Chenoweth and L.C. Chenoweth, recorded at the office of the



Sonoma County Recorder on December 6, 1951, Book 1091, pages 17-23; Grant Deed of December 17, 1985, from Leslie C. Chenoweth and Jewel E. Chenoweth to Leslie C. Chenoweth and Jewel E. Chenoweth, as trustees U/T/A dated November 18, 1985, recorded at the office of the Sonoma County Recorder on June 13, 1990, Official Record Number 1990 0059914; Gift Deed of January 19, 1984, from Leslie Chenoweth and Jewel Chenoweth to Joan Arlene Chenoweth and Pat Chenoweth Aho, recorded at the office of the Sonoma County Recorder on June 13, 1990, Official Record Number 1990 0059908; Grant Deed of July 2, 1990, from William C. Chenoweth and Ann Chenoweth to William C. Chenoweth and Ann Chenoweth, recorded at the office of the Sonoma County Recorder on July 11, 1990, Official Record Number 1990 0069661; Trust Transfer Deed of July 11, 1990, from William C. Chenoweth and Ann Chenoweth to William C. Chenoweth and Ann S. Chenoweth, as Trustees of the Chenoweth Family 1990 Trust, UTA July 11, 1990, recorded at the office of the Sonoma County Recorder on July 11, 1990, Official Record Number 1990 0069662; and Grant Deed of October 2, 1989, from Jewel E. Chenoweth, Surviving Trustee, for the Leslie C. Chenoweth aka L.C. Chenoweth and Jewel E. Chenoweth Trust U/T/A dated November 18, 1985 to Joan Arlene Chenoweth and Pat Chenoweth Aho, recorded at the office of the Sonoma County Recorder on July 11, 1990, Official Record Number 1990 0069625.

A. P. No. 074	--	080	--	13
A. P. No. 074	--	090	--	01
A. P. No. 074	--	110	--	03
A. P. No. 074	--	110	--	04
A. P. No. 075	--	040	--	01
A. P. No. 075	--	040	--	02
A. P. No. 075	--	040	--	05
A. P. No. 075	--	040	--	08
A. P. No. 075	--	070	--	03
A. P. No. 075	--	070	--	05
A. P. No. 075	--	070	--	07
A. P. No. 075	--	110	--	24
A. P. No. 075	--	110	--	26
A. P. No. 075	--	110	--	39
A. P. No. 075	--	120	--	17
A. P. No. 075	--	130	--	12
A. P. No. 075	--	141	--	01
A. P. No. 075	--	142	--	01
A. P. No. 075	--	144	--	03
A. P. No. 075	--	146	--	03
A. P. No. 075	--	146	--	10
A. P. No. 075	--	151	--	01
A. P. No. 075	--	151	--	02
A. P. No. 075	--	152	--	01

A. P. No.	075	--	153	--	01
A. P. No.	075	--	154	--	01
A. P. No.	075	--	154	--	02
A. P. No.	075	--	154	--	03
A. P. No.	075	--	155	--	02
A. P. No.	075	--	157	--	01
A. P. No.	075	--	157	--	02
A. P. No.	075	--	158	--	01
A. P. No.	075	--	158	--	02
A. P. No.	075	--	158	--	03
A. P. No.	075	--	158	--	05
A. P. No.	075	--	158	--	07
A. P. No.	075	--	158	--	08
A. P. No.	075	--	158	--	09
A. P. No.	075	--	158	--	10
A. P. No.	075	--	161	--	01
A. P. No.	075	--	162	--	01
A. P. No.	075	--	162	--	02
A. P. No.	075	--	162	--	04
A. P. No.	075	--	163	--	02
A. P. No.	075	--	164	--	01
A. P. No.	075	--	165	--	01
A. P. No.	075	--	166	--	01
A. P. No.	075	--	166	--	02
A. P. No.	075	--	166	--	03
A. P. No.	075	--	167	--	01
A. P. No.	075	--	168	--	01
A. P. No.	075	--	169	--	01
A. P. No.	075	--	171	--	01
A. P. No.	075	--	172	--	01
A. P. No.	075	--	173	--	01
A. P. No.	075	--	173	--	03
A. P. No.	075	--	174	--	01
A. P. No.	075	--	175	--	01
A. P. No.	075	--	176	--	01
A. P. No.	075	--	177	--	01
A. P. No.	075	--	177	--	02
A. P. No.	075	--	177	--	05
A. P. No.	075	--	178	--	02
A. P. No.	075	--	179	--	01
A. P. No.	075	--	179	--	02
A. P. No.	075	--	181	--	03
A. P. No.	075	--	185	--	10
A. P. No.	075	--	191	--	03
A. P. No.	075	--	191	--	05
A. P. No.	075	--	192	--	03
A. P. No.	075	--	192	--	07
A. P. No.	075	--	192	--	11
A. P. No.	075	--	194	--	06

A. P. No. 075 -- 202 -- 06  
 A. P. No. 075 -- 203 -- 05  
 A. P. No. 075 -- 224 -- 02  
 A. P. No. 075 -- 232 -- 04  
 A. P. No. 075 -- 232 -- 05  
 A. P. No. 075 -- 233 -- 04  
 A. P. No. 075 -- 246 -- 02  
 A. P. No. 075 -- 246 -- 03  
 A. P. No. 075 -- 246 -- 04  
 A. P. No. 075 -- 250 -- 01  
 A. P. No. 075 -- 250 -- 10  
 A. P. No. 075 -- 260 -- 01  
 A. P. No. 075 -- 260 -- 04  
 A. P. No. 075 -- 300 -- 02  
 A. P. No. 075 -- 300 -- 03  
 A. P. No. 075 -- 300 -- 05  
 A. P. No. 075 -- 300 -- 07  
 A. P. No. 075 -- 300 -- 08  
 A. P. No. 075 -- 300 -- 10  
 A. P. No. 075 -- 300 -- 12

(2) Deed of October 30, 1943 from Paul R. Edwards and the Estate of Julia E. Meeker to Camp Meeker Public Recreation District, recorded at the office of the Sonoma County Recorder on February 7, 1944, Book 605, pages 208-209.

A. P. No. 075 -- 040 -- 04  
 A. P. No. 075 -- 300 -- 06  
 A. P. No. 075 -- 300 -- 09  
 A. P. No. 075 -- 300 -- 11

(3) Grant Deed of December 5, 1990, from Joan Arlene Chenoweth, Pat Chenoweth Aho, Jewel E. Chenoweth, William C. Chenoweth, and Ann S. Chenoweth to Terry Ray Tinagero and Geraldine I. Tinagero, recorded at the office of the Sonoma County Recorder on December 12, 1990, Official Record Number 1990 0119836.

A. P. No. 074 -- 090 -- 08

(4) Individual Grant Deed of October 17, 1989, from William M. Bacon and Frieda Jean Marks to C. Sage Givens, recorded at the office of the Sonoma County Recorder on November 16, 1989, Official Record Number 89109926.


A. P. No. 074 -- 180 -- 39

(5) Individual Grant Deed of May 10, 1991, from William M. Bacon to Andrew R. Nardone and C. Sage Givens, recorded at the office of the Sonoma County Recorder on May 16, 1991, Office Record Number 1990 0045084.

A. P. No. 074 -- 180 -- 36

To the best of my knowledge, I hereby declare that the foregoing is true and correct.

Executed March 13, 1992 at San Francisco, California.

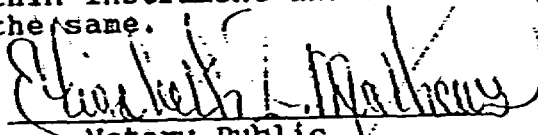
  
Fred L. Curry

Chief, Water Utilities Branch  
California Public Utilities  
Commission  
505 Van Ness Avenue  
San Francisco, California 94102

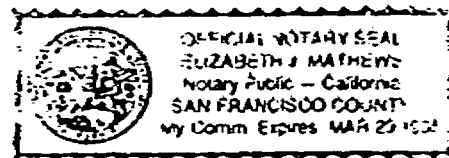
STATE OF CALIFORNIA  
COUNTY OF San Francisco ss

On this 13th day of March, in the year 1992,  
before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared Fred L. Curry,  
personally known to me to be the person whose name is subscribed  
to the within instrument and acknowledged that he  
executed the same.

Signature

  
Notary Public

Elizabeth J. Mathews  
505 Van Ness Avenue, Room 5300  
San Francisco, California 94102



ARS

K.S

EXHIBIT 10

LAW OFFICES OF  
GEARY, SHEA, O'DONNELL & GRATTAN, P.C.

37 OLD COURTHOUSE SQUARE  
FOURTH FLOOR  
POST OFFICE BOX 429  
SANTA ROSA, CALIFORNIA 95402-0429  
707-545-1660  
FAX 707-545-1876

DONALD GEARY (1891-1966)  
JOHN F. SHEA (1930-1985)  
RICHARD F. PAWSON (1934-1976)

OF COUNSEL  
NANCY A. NUGENT  
THOMAS O. WINTER, M.D.

WILLIAM E. GEARY  
MICHAEL F. O'DONNELL  
PATRICK G. GRATTAN  
THOMAS C. TAYLOR, JR.  
PATRICK C. WILSON  
STEVEN C. MITCHELL  
STEVEN M. OLSON  
JOHN F. GEARY  
ANNETTE L. KITTLESON

April 27, 1992

California PUC Commission  
State Building  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Attention: Helen Yee

Re: Camp Meeker Water System, Inc.  
Notice of Preservation of Easement  
Our File Number: 19012-001

Dear Ms. Yee:

Please excuse the delay in the preparation of a revised  
Notice of Preservation of Easement form.

The enclosure includes references to both deeds with  
descriptions and recording data which in turn is constructive  
notice to all prospective purchasers with respect to the  
underlying and potential claim of the Utility where existing  
and/or potential water sources may exist.

I trust you will find the enclosure appropriate.

Very truly yours,

GEARY, SHEA, O'DONNELL &  
GRATTAN, P. C.

By *W. E. Geary*  
WILLIAM E. GEARY

WEG/wtb  
Enclosure  
cc: William and Ann Chenoweth  
Jewel Chenoweth  
Pat Aho

RECEIVED  
APR 29 1992

LEGAL DIVISION

ND WHEN RECORDED MAIL THIS DEED AND, UNLESS  
THERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME CAMP MEEKER WATER SYSTEM, INC.  
ADDRESS Post Office Box 30  
CITY & Bodega  
STATE California  
ZIP 94922



1992 0049038

OFFICIAL RECORDS OF  
SONOMA COUNTY  
BERNICE A. PETERSON

AT REQUEST OF  
04/27/1992 14:18:04  
FEE: \$ 47.00 PGS: 15  
TT: \$ .00 PAID

Title Order No.

Escrow No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONFORMED COPY  
NOT COMPARED  
WITH ORIGINAL  
SONOMA COUNTY,

### NOTICE OF INTENT TO PRESERVE EASEMENT

This notice is intended to preserve an easement in real property from extinguishment pursuant to Title 5 (commencing with Section 887.060) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

**Claimant:** Camp Meeker Water System, Inc.,  
a corporation  
Post Office Box 30  
Bodega, California 94922

**Interest:** Easements for all pipes, connections, water and water right easements had and used, in operation of the system and appurtenant to said system and used or useful in its operation, and all tanks, reservoirs, springs and ditches leading thereto and therefrom as the same are described in the deed of November 26, 1951 from Paul R. Edwards and Sonoma County Land Title Company, recorded at the office of the Sonoma County Recorder December 3, 1951, at Book 1093 at Page 41, whether expressly described in said deed or not.

**Real Property:** Said real property and easements are described in said deed, a copy of which is attached hereto as Exhibit "A". Together with such similar easements as claimant may have in or to or across real property or portions thereof described in the deed of November 29, 1951, Sonoma County Land Title Company to Chenoweth, et al., recorded commencing at 1091, Page 17, Sonoma County Records, December 6, 1951.

Public Utilities  
Commission

This notice is recorded pursuant to  
mandate of the California Public  
Utilities Commission by its Order of  
October 12, 1989 (Decision 89-10-033).

I declare under penalty of perjury that this notice is not  
recorded for the purpose of slandering title to real property.

I am informed and believe that the information contained  
in this notice is true; that further said notice is executed by  
the undersigned at the order of the California Public Utilities  
Commission.

Dated: April 27, 1992 CAMP MEEKER WATER SYSTEM, INC.

By: William C. Chenoweth  
WILLIAM C. CHENOWETH, President

**ALL-PURPOSE ACKNOWLEDGMENT**

NO 209

State of California  
County of Sonoma }

On April 27, 1992 before me, Gloria A. Skanchy  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared William C. Chenoweth  
NAME(S) OF SIGNER(S)

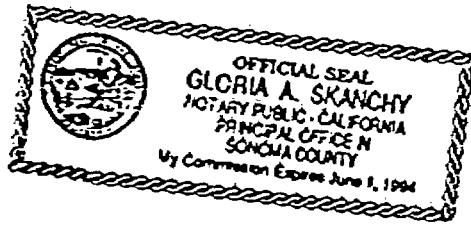
personally known to me - OR -  proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is/are  
subscribed to the within instrument and ac-  
knowledged to me that he/she/they executed  
the same in his/her/their authorized  
capacity(ies), and that by his/her/their  
signature(s) 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.  
Gloria A. Skanchy  
SIGNATURE OF NOTARY

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL(S)
- CORPORATE \_\_\_\_\_  
OFFICER(S) President  
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- SUBSCRIBING WITNESS
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(ES)  
Camp Meeker Water System  
Inc.



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document Notice of Intent to Preserve Easement  
Number of Pages 2 plus exhibits Date of Document 4/27/92  
Signer(s) Other Than Named Above None



W...  
~~CONFIDENTIAL~~  
PAUL R. EDWARDS and SAUCY COURT  
LAND TRUST COMPANY, a California  
Corporation,

-30-

SARLIN T. CENOWITZ, WILLIAM C.  
CENOWITZ, and L. C. CENOWITZ.

DATED: November ~~11~~ 1951

J. G. Hitchcock  
Attorney at Law  
Exchange Bank Building  
Santa Rosa, California

FE. 571

DEED

EX-1003 41



PAUL R. EDWARDS and SONOMA COUNTY LAND TITLE COMPANY, a California Corporation, for valuable and adequate consideration, the receipt of which is acknowledged, hereby grant, sell, and convey unto HARDIN T. CHENOWETH, WILLIAM C. CHENOWETH, and L. C. CHENOWETH, of Sonoma County, California, all of the right, title, and interest of the said grantors in that certain property situated in the County of Sonoma, State of California, and generally known as the Camp Meeker Water System, including all pipes, whether covered or on the surface, used and employed in conveying water to the customers of said system, and all connections and facilities of every kind and character used and useful in the operation of said system, and also all rights, privileges, and easements had, used, and enjoyed in the operation of said system, and also all water and water rights appurtenant to said system and used or useful in its operation, and also all tanks, reservoirs, springs, spring traps, pipes, and ditches leading thereto or therefrom:

All real property situated, lying, and being in the County of Sonoma, State of California, used in connection with the Camp Meeker Water System, a public utility, including the following parcels of real property situated lying and being in the County of Sonoma, State of California, and more particularly described as follows:

In Section 27, Township 7 North, Range 10 West, N.D.B. & M.

1.72 acres in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  being parcels 13 and a part of parcel 12 as said parcels 13 and 12 are shown on the assessor's map of the Camp Meeker Water System on file in the office of the County Assessor of said County of Sonoma.

2.21 acres in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  being parcels 15, 16, 17 and 18 as shown on said assessor's map.

.90 acres in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  being parcel 5 as shown on said assessor's map.

1893 42

.50 acre in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  being parcels 19 and 20 as shown on said assessor's map.

.30 acre in the Easterly part of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  being parcel 21 as shown on said assessor's map.

In Section 20, Township 7 North, Range 10 West, M.D.B.&H.

5 acres in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  being parcel 1 as shown on said assessor's map.

.23 acre in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  being parcels 2 and 3 as shown on said assessor's map.

4.25 acres in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  being parcels 9 and 10 as shown on said assessor's map.

In the Second Addition to Camp Hecker as the same are shown, delineated and designated on the map of the Second Addition to Camp Hecker on file in the office of the County Recorder of said County of Sonoma, the following:

- Lots 41 and 43 in Block 14
- Lots 1, 2, and 3 in Block 10
- Lot 17 in Block 19
- Lot 1 in Block 21
- Lots 1, 2, and 3 in Block 33
- All of Block 36

In Gregson's Addition to Camp Hecker as the same are shown, delineated and designated on the map of Gregson's Addition to Camp Hecker on file in the office of the County Recorder of said County of Sonoma, the following:

Lot 231

Together with any and all other real property in said County of Sonoma now or heretofore used as springs, reservoirs or tank sites in connection with said Camp Hecker Water System, a public utility.

Together with all water and water rights appurtenant to and belonging to the above described land, and all ditches, pipes, and improvements, and all rights, privileges, and easements, belonging thereto or commonly had, used, or enjoyed therewith, together with all of the personal property used in the conduct and operation of said Camp Hecker Water System and owned in common by the said grantors herein.

It is the intent and purpose of this Deed and Instrument

of transfer to convey not only the properties particularly described herein, but also all rights, easements, and privileges and facilities appurtenant to said Camp Hooker Water System and commonly used, had, and enjoyed in the maintenance and operation thereof, whether expressly described herein or not, and this Deed shall be so construed as to accomplish such purpose.

This Deed shall be signed, acknowledged, stamped, and delivered as soon as convenient after permission to so execute it is granted by the Public Utilities Commission of the State of California, and when executed shall be operative and effective on and after the 26th day of November, 1951.

WITHOUT WARRANTY, EXPRESS OR IMPLIED.

IN WITNESS WHEREOF, said PAUL H. EDWARDS and SONOMA COUNTY LAND TITLE COMPANY, a California Corporation, have hereunto set their hands this 26<sup>th</sup> day of November, 1951.

*Paul H. Edwards*  
PAUL H. EDWARDS

SONOMA COUNTY LAND TITLE COMPANY  
a California Corporation

By *[Signature]*  
Vice Pres.

By *[Signature]*  
Assistant Secretary

RECORDED AT REQUEST OF  
*S. D. Mitchell*  
AT 7 MIN. PAST 3 11  
Book 1053, Page 41  
SONOMA COUNTY, CALIFORNIA  
DEC -3 1951

*[Signature]*  
RECORDED  
DEC 2 1951  
SERIAL No. 55394

*[Signature]*  
Huffman



NOV 10 1951

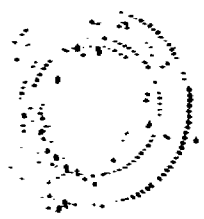
of transfer to convey not only the properties particularly described herein, but also all rights, easements, and privileges and facilities appurtenant to said Camp Hooker Water System and commonly used, had, and enjoyed in the maintenance and operation thereof, whether expressly described herein or not, and this Deed shall be so construed as to accomplish such purpose.

This Deed shall be signed, acknowledged, stamped, and delivered as soon as convenient after permission to so execute it is granted by the Public Utilities Commission of the State of California, and when executed shall be operative and effective on and after the 26th day of November, 1951.

WITHOUT WARRANTY, EXPRESS OR IMPLIED.

IN WITNESS WHEREOF, said PAUL R. EDWARDS and SONOMA COUNTY LAND TITLE COMPANY, a California Corporation, have hereunto set their hands this 26<sup>th</sup> day of November, 1951.

County of Sonoma }  
 On this 26th day of November in the year one thousand nine hundred and fifty-one  
 before me, L. G. HITCHCOCK a Notary Public in and for the  
 County of Sonoma, State of California, residing therein,  
 duly commissioned and sworn, personally appeared  
PAUL R. EDWARDS



known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the county of Sonoma

State of California }  
 County of Sonoma } SS

On this 3rd day of December in the year One thousand  
 Nine hundred and fifty-one before me Jim E. Hopper  
 a Notary Public in and for the County of Sonoma, State of California, residing  
 therein, duly commissioned and sworn, personally appeared H. D. Jones  
 known to me to be the Vice President and Marilyn Latouros  
 known to me to be the Secretary of the Corporation that executed the within instrument and the officers who  
 executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that  
 such Corporation executed the same.



In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and year in  
 this certificate first above written.  
Jim E. Hopper Notary Public  
 in and for said County of Sonoma, State of California

CORPORATION ACKNOWLEDGMENT  
 Form 1116 Pres. No. 1004 of 1950, CALIF.  
 My Commission Expires April 14, 1952

Decree of Partial Ditch

DEED AND ASSIGNMENT

S. O. M. LAND TIRE CO

Walter G. Ashworth

Dated: June 29, 1951

W. H. [unclear] [unclear]

720

Documentary Stamps required are affixed to and cancelled on Decree of Partial Distribution in matter of the estate of Eddie M. [unclear] deceased - recorded

DEED AND ASSIGNMENT

SONOMA COUNTY LAND TITLE COMPANY, a corporation, for and in consideration of the sum of One Dollar and other good and valuable consideration to it paid, does hereby grant unto HARDIN T. CHENOWETH, WILLIAM C. CHENOWETH and L. C. CHENOWETH, Second Parties, all right, title and interest which said First Party acquired in and to the real property described under and pursuant to the terms of the Decree of Partial Distribution entered in the Superior Court of the State of California, in and for the County of Sonoma, in the Matter of the Estate of Effie M. Neeker, also known as Effie Neeker, deceased, Probate Case No. 14131, which said Partial Decree was made and entered in said matter on October 19, 1951, and said First Party does hereby further sell, assign, transfer and set over unto Second Parties any and all interest which said First Party acquired in and to the personal property described and any and all other personal and real property in which said First Party may have acquired any interest by reason of said Decree of Partial Distribution. Said Decree of Partial Distribution describes real and personal property as follows: -----

Highland Farms and adjoining area

Parcel One: Being a parcel of land in the SE 1/4 of Section 27, T 7 N, R 10 W, M D B & N, and more particularly described as follows:

Commencing at a standard 2" iron pipe section corner marker, the common corner of Sections 26, 27, 34 and 35, T 7 N, R 10 W, M. D. B. & N, thence N. 86° 36' 20" W. 938.7 feet to an iron pipe monument, the point of beginning of the parcel of land to be described, and being in the northerly line of the parcel of land described in Book 623 Pages 353 and 354 Official Records of Sonoma County (Panizzera Deed), thence N 88° 45' W. along said northerly line-778.5 feet to a point in the Easterly line of the right of way of the proposed Occidental to Monte Rio Highway, thence following along said right of way line as follows: N. 10° 14' W. 96.4 feet to an iron pipe monument marked C880; thence on a curve to the right, with a radius of 508.9 feet, a distance of 309.8 feet; to an iron pipe monument marked C880; thence N. 24° 40' E. 218.0 feet to an iron pipe monument marked C880; thence on a curve to the left, with a radius of 782.2 feet, through an angle of 23° 51', a distance of 326.0 feet, to an iron pipe monument marked C880; thence N. 89° 11' W. 27.5 feet to an iron pipe monument marked C880; thence on a curve to the left with a radius of 754.7 feet, through an angle of 17° 42', a distance of 233.2 feet to an iron pipe monument; thence leaving said right of way line, N. 72° 11' E., 372.6 feet, along the southerly line of the parcel of land described in Book 453 of Deeds, Page 95, Sonoma County Records, to an iron pipe monument at the southeasterly corner of said parcel; thence N. 71° 15' E. 20 feet, across Stoetz Avenue, to a 4" x 4" concrete monument; thence following along the easterly line of said Stoetz Avenue as follows: N. 19° 40' W. 113.5 feet; thence N. 1° 02' W. 87.6 feet to the southwesterly corner of the parcel of land described in Book 375 of Deeds, Page 158, Sonoma County Records; thence along the southerly line of said parcel S. 77° 47' E. 410.50 feet to the northerly corner of the parcel of land described in Book 316, of Deeds, Page 126, Sonoma County Records; thence following along the westerly line of said parcel and the westerly line of the parcel of land described in Book 492 of Deeds, Page 217, Sonoma County Records, S. 36° 18' E. 296.70 feet; thence along the southerly line of the last mentioned parcel N. 87° 49' E. 562.70 feet to the westerly line of Highland Road; thence along said westerly line S. 39° 30' E. 90.60 feet; thence S. 16° 08' E. 199.00 feet to the northeasterly corner of the parcel of land described in Book 325 of Deeds, Page 433, Sonoma County Records (L. H. Balloy parcel); thence along the northerly line of said parcel S. 66° 54' W. 522.6 feet to the northwesterly corner of said parcel, and the northwesterly corner of the parcel of land described in Book 350 of Deeds, Page 421, Sonoma County Records; thence S. 40° 45' W. 10.0 feet to the center of a 20 foot road described in said deed; thence following along the center of said road as described in said deed as follows: S. 16° 30' W. 128 feet; thence S. 39° 28' W. 178 feet; thence S. 49° 48' W. 101.5 feet; thence S. 66° 58' W. 193.3 feet; thence S. 39° 13' W. 141.60 feet; thence leaving said center line S. 19° 51' E. 159.3 feet; along the westerly line of the last mentioned parcel, to the southwesterly corner of said parcel, being on the northerly line of Highland Road; thence S. 19° 51' E. 20.4 feet



to a point in the southerly side of said road; thence S. 58° 06' W. 1.30 feet along the southerly line of said road to an iron pipe monument; thence S. 29° 38' W. 14.9 feet to the point of beginning, and having an area of 33.0 acres, more or less.

Parcel Two: Being a parcel of land in Sections 26 and 27, T 7 N, R 10 W, N D B & M, and more particularly described as follows:

Commencing at an iron pipe monument in the Easterly line of Highland Road, and in the Southerly line of the parcel of land described in Book 389, Page 471, Official Records of Bonoma County, which point bears N. 0° 36' W. 1063.5 feet from the common corner of Sections 26, 27, 34 & 35 T 7 N, R 10 W, N D B & M, thence following along the Southerly line of said parcel N. 85° 35' E. 247.5 feet to an iron pipe monument, the Southeastery corner of said parcel; thence S. 16° 23' E. 77.9 feet to an iron pipe monument, in the northwesterly line of a public road, 40 feet in width; thence following along the line of said road S. 45° 55' W. 45.7 feet to an iron pipe monument; thence S. 18° 18' E. 199.3 feet to an iron pipe monument; thence S. 66° 48' W. 198 feet to an iron pipe monument; thence N. 16° 06' W. 372 feet to the point of beginning, and having an area of 1.6 acres more or less.

Parcel Three: Being a parcel of land in the south half of Section 27, T 7 N, R 10 W, N D B & M, and more particularly described as follows:

Beginning at a 2<sup>d</sup> standard section marker located at the center of Section 27 above described, thence N. 69° 47' E. 237.9 feet to a point in the southwesterly right of way line of the proposed Occidental - Monte Alto Highway; thence following along said right of way line as follows:

On a curve to the left with a radius of 623.1 feet, through an angle of 14° 59' 1", a distance of 163.0 feet; thence S. 57° 20' E. 135.9 feet; thence on a curve to the right, with a radius of 535.9 feet, a distance of 369.1 feet; thence S. 17° 52' E. 35.2 feet; thence N. 72° 08' E. 12.5 feet; thence S. 17° 52' E. 1066.2 feet; thence on a curve to the right; with a radius of 679.70 feet, a distance of 12.8 feet to the point of beginning of the parcel of land to be described, thence continuing on said curve to the right with a radius of 679.7 feet, a distance of 421.80 feet; thence S. 24° 40' W. 218.0 feet; thence on a curve to the left, with a radius of 611.2 feet, a distance of 372.3 feet, thence S. 10° 14' E. 75.6 feet; thence leaving said line, N. 66° 45' W. 40.7 feet to a point in the easterly right of way line of a county road, known as the Bohemian Road; thence following along said line on a curve to the left with a radius of 620 feet, through an angle of 14° 06' a distance of 152.6 feet; thence N. 25° 16' W. 59.7 feet; thence on a curve to the right, with a radius of 380 feet a distance of 167.5 feet; thence N. 0° 01' W. 146.7 feet; thence on a curve to the right, with a radius of 155 feet, a distance of 163.0 feet; thence N. 60° 14' E. 93.1 feet; thence on a curve to the left, with a radius of 90 feet, a distance of 117.0 feet; thence N. 14° 16' W. 126.7 feet; thence on a curve to the left, with a radius of 2020 feet, a distance of 150.4 feet to a point; thence leaving said line, N 72° 11' E. 188.2 feet to the point of beginning, and having an area of 3.6 acres, more or less.

Parcel Four: Being a parcel of land in the south half of Section 27, T 7 N, R 10 W, N D B & M, and more particularly described as follows:

Beginning at a 2<sup>d</sup> standard section marker located at the center of

Section 27 above described, thence N. 69° 47' E. 237.9 feet to a point in the southwesterly right-of-way line of the proposed Occidental-Monte Rio Highway, thence following along said right-of-way line as follows:

On a curve to the left with a radius of 623.1 feet, through an angle of 14° 59' 1", a distance of 163.0 feet; thence S. 57° 20' E. 135.9 feet; thence on a curve to the right, with a radius of 535.2 feet, a distance of 363.1 feet; thence S. 17° 52' E. 35.2 feet; thence N. 72° 08' E. 12.5 feet; thence S. 17° 52' E. 1066.2 feet; thence on a curve to the right, with a radius of 679.7 feet, a distance of 12.8 feet; thence leaving said line S. 72° 11' W. 186.2 feet, to a point in the easterly right-of-way line of a county road, known as the Bohemian Road; thence following along said line, on a curve to the left, the tangent to which at said point bears N. 16° 32' W. with a radius of 2020 feet a distance of 43.5 feet ~~xxxxxxxxxxxxxxx~~; thence N. 19° 46' W. 179.7 feet; thence on a curve to the right, with a radius of 230 feet, a distance of 89.3 feet; thence N. 2° 29' E. 58.0 feet; thence on a curve to the left with a radius of 270 feet, ~~xxxxxxxxxxxxxxx~~ a distance of 163.7 feet; thence N. 32° 16' W. 61.9 feet; thence on a curve to the right, with a radius of 360 feet, a distance of 119.4 feet; thence N. 14° 16' W. 6.1 feet; thence on a curve to the left with a radius of 320 feet, a distance of 139.6 feet; thence N. 39° 16' W. 50.2 feet; thence on a curve to the right, with a radius of 230 feet, a distance of 130.5 feet; thence N. 6° 46' W. 57.4 feet; thence on a curve to the left with a radius of 245 feet, a distance of 126.3 feet; thence N. 36° 46' W. 22.4 feet; thence on a curve to the left with a radius of 420 feet a distance of 190.6 feet; thence N. 62° 46' W. 12.5 feet; thence on a curve to the right, with a radius of 480 feet, a distance of 284.6 feet; thence N. 28° 46' W. 60.1 feet; thence on a curve to the right, with a radius of 980 feet, through an angle of 2° 11' a distance of 37.5 feet; thence leaving said right of way line, N. 69° 47' E. 29.0 feet to the point of beginning, and having an area of 7.5 acres, more or less.

Parcel Five: Being a parcel of land in the NW 1/4 of Section 27, T 7 N, R 10 W, N D B & M, and more particularly described as follows:

Beginning at the center of Section 27 above described, identified by a standard 2" pipe section marker, thence S 89° 47' W. 29.0 feet to a point in the northeasterly right of way line of a county road known as the Bohemian Road, thence following along the said right of way line as follows: On a curve to the right, with a radius of 960 feet, through an angle of 5° 23' a distance of 92.2 feet; thence N. 21° 11' W. 21.9 feet; thence on a curve to the right, with a radius of 230 feet, a distance of 93.9 feet; thence N. 2° 14' E. 48.7 feet; thence on a curve to the left, with a radius of 120 feet, a distance of 95.1 feet; thence on a curve to the left, with a radius of 320 feet; a distance of 106.7 feet; thence N. 62° 16' W. 79.1 feet; thence on a curve to the right, with a radius of 780 feet, a distance of 163.4 feet; thence N. 50° 16' W. 35.4 feet; thence on a curve to the left, with a radius of 820 feet, a distance of 164.6 feet; thence N. 61° 46' W. 90.1 feet; thence on a curve to the right, with a radius of 255 feet, a distance of 160.2 feet; thence N. 25° 46' W. 81.3 feet to an iron pipe monument; thence leaving said right of way line and following along the southwesterly right of way line of the proposed Occidental - Monte Rio Highway, S. 75° 56' E. 198.4 feet; thence S. 45° 23' E. 130.6 feet; thence on a curve to the right, the tangent to which bears S. 63° 34' E. with radius of 289.5 feet a distance of 129.3 feet; thence N. 37° 59' E. 162.3 feet; thence

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