

# Planning Application

PJR-001

**Application Type(s):**

File # ORD 19-0011

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Admin Cert. Compliance          | <input type="checkbox"/> Design Review Admin.   | <input type="checkbox"/> Minor Subdivision                   | <input type="checkbox"/> Use Permit                          |
| <input type="checkbox"/> Ag. or Timber Preserve/Contract | <input type="checkbox"/> Design Review Full     | <input type="checkbox"/> Voluntary Merger                    | <input type="checkbox"/> Variance                            |
| <input type="checkbox"/> Conditional Cert. of Compliance | <input type="checkbox"/> General Plan Amendment | <input checked="" type="checkbox"/> Ordinance Interpretation | <input type="checkbox"/> Zone Change                         |
| <input type="checkbox"/> Cert. of Modification           | <input type="checkbox"/> Lot Line Adjustment    | <input type="checkbox"/> Second Unit Permit                  | <input checked="" type="checkbox"/> Other: <i>legal non-</i> |
| <input type="checkbox"/> Coastal Permit                  | <input type="checkbox"/> Major Subdivision      | <input type="checkbox"/> Specific/Area Plan Amendment        | <i>conforming</i>  |
| <input type="checkbox"/> Zoning Permit for: _____        |   |  | <i>determination</i>   |

By placing my contact information (name, address, phone number, email address, etc.) on this application form and submitting it to Sonoma County PRMD, I understand and authorize PRMD to post this application to the internet for public information purposes, including my contact information.

PRINT CLEARLY											
APPLICANT						OWNER (IF OTHER THAN APPLICANT)					
Name <u>Russian River Recreation &amp; Park Dist.</u>						Name <u>Sweetwater Springs Water District</u>					
Mailing Address <u>PO BOX 195</u>						Mailing Address <u>PO BOX 48</u>					
City <u>Guerneville</u>		State <u>CA</u>		Zip <u>95446</u>		City <u>Guerneville</u>		State <u>CA</u>		Zip <u>95446</u>	
Day Ph <u>707 869 9184</u>			Email <u>rec.park@gmail.com</u>			Day Ph <u>707 869 4000</u>			Email <u>SWS@monitor.net</u>		
Signature <u>[Signature]</u>				Date <u>10/22/19</u>		Signature <u>[Signature]</u>				Date <u>11/19/19</u>	
Billing Responsible Party (At-Cost Only) <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Other: _____											
OTHER PERSONS TO RECEIVE CORRESPONDENCE											
Name/Title						Name/Title					
Mailing Address						Mailing Address					
City		State		Zip		City		State		Zip	
Day Ph ( )			Email			Day Ph ( )			Email		
PROJECT INFORMATION											
Address(es) <u>17448 RIVER LN.</u>						City <u>Guerneville</u>					
Assessor's Parcel Number(s) <u>071-220-068</u>											
Project Description <u>Russian River Rec. &amp; Park has secured matching grant thru open space to purchase this lot, maintain it and keep public in perpetuity. This lot has been a public access point to the Russian River at least until 1950's as evidenced in attached letters. The lot is in a residential neighborhood</u>											
Acreage <u>0.6785</u>						Number of new lots proposed <u>none</u>					
Site Served by Public Water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>yes but not hooked up to my knowledge</u>						Site Served by Public Sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>yes but not hooked up</u>					
TO BE COMPLETED BY PRMD STAFF											
Planning Area <u>4</u>		Supervisory District		<input type="checkbox"/> Critical Habitat		<input checked="" type="checkbox"/> Urban Service		Groundwater		<input checked="" type="checkbox"/> 1/2	
Current Zoning <u>R1 B6 IDU F1 F2</u>				<input checked="" type="checkbox"/> NPDES		<input type="checkbox"/> Williamson Act		Availability		<input type="checkbox"/> 3/4	
<u>LG/116 AC 50/50 VOH</u>				Specific/Area Plan		<u>---</u>		Subject to		<input checked="" type="checkbox"/> EX	
General Plan Land Use <u>URI</u>				Parcel Specific Policy		<u>---</u>		CEQA		<input type="checkbox"/> YES	
Application resolve planning violation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Violation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				File No. <u>---</u>			
Previous Files <u>none</u>				Penalty application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Application accepted by <u>H. Spencer</u>				Date <u>12-25-19</u>							
Approved by				Date							

# Supplemental Application Information

Existing use of property: Owned by water district - always used as access pt. to River by community Acreage: 0.67

Existing structures on property: none

Proximity to creeks, waterways and impoundment areas: 100+ ft to Russian River

Vegetation on site: native & non-native species - dense

General topography: mostly covered in vegetation - there is driveway & trail

Surrounding uses to North: Residential South: residential

(Note: An adjoining road is not a use.) East: Residential West: Russian River - may be north facing

New structures proposed (size, height, type): none -

## Rec & Park

Number of employees: Full time: 1 Part time: 2 Seasonal: 3

Operating days: M-F Hours of operation: 9-5 PM Rec & Park

Number of vehicles per day: Passenger: Unknown - public Trucks: Our district - 3

Water source: none Sewage disposal: none

Provider, if applicable: \_\_\_\_\_ Provider, if applicable: \_\_\_\_\_

New noise sources (compressors, power tools, music, etc.): \_\_\_\_\_

Grading proposed: NO Amount of cut (cu. yds.): \_\_\_\_\_ Amount of fill (cu. yds.): \_\_\_\_\_ Will more than one acre be disturbed by construction of access roads, site preparation and clearing, fill or excavation, building removal, building construction, equipment staging and maintenance, or other activities? Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, indicate area of disturbance (acres): \_\_\_\_\_ Identify method of site drainage (sheet flow, storm drain, outflow to creek or ditch, detention area, etc.): \_\_\_\_\_

Vegetation to be removed: NO immediate plans -

Will proposal require annexation to a district in order to obtain public services: Yes \_\_\_\_\_ No X

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used or processed on this site? Yes \_\_\_\_\_ No X

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized? Yes \_\_\_\_\_ No X

Fire safety information (existing/proposed water tanks, hydrants, emergency access and turnaround, building materials, etc.): UNKNOWN

Month UNKNOWN Year 1950's to current

Description of Use(s): This parcel has been used as a public access point to the Russian River as evidenced by many attached letters. Included, is a letter from the Genelly family which sold the lot to Citizens Utility in the 50's. The Genelly family owned many lots that made up Vacation Beach.

Month UNKNOWN Year 1950's to current

Description of Use(s): This lot has also served as an access point to the Russian River for many fishermen over the decades to a fishing hole referred by locals as "RIP WRAP".

Month \_\_\_\_\_ Year early 1900's to 1953

Description of Use(s): See email from Genelly family - this family sold the lot to Citizens Utility in 1953

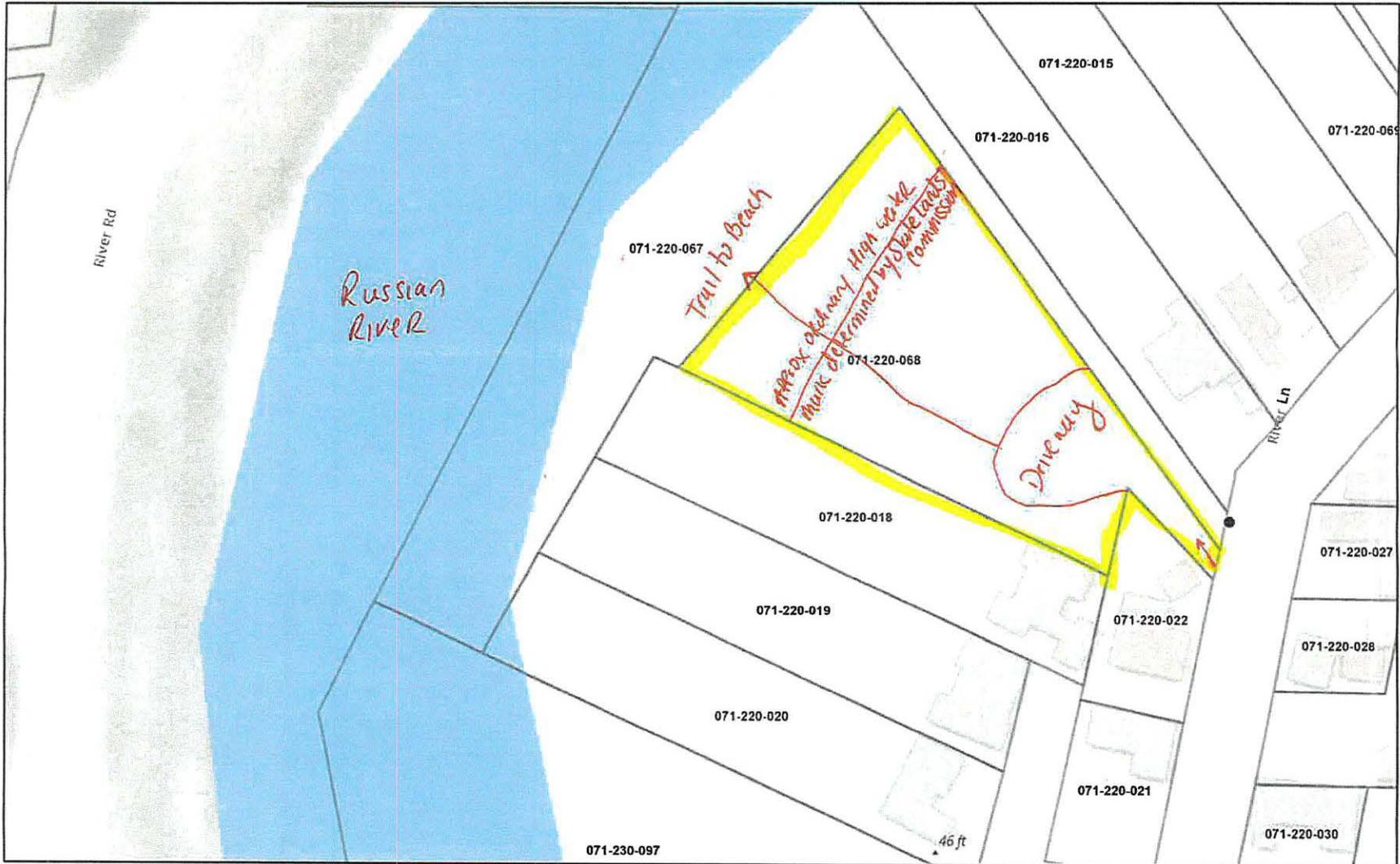
Month \_\_\_\_\_ Year \_\_\_\_\_

Description of Use(s): \_\_\_\_\_

Month \_\_\_\_\_ Year \_\_\_\_\_

Description of Use(s): \_\_\_\_\_

# Site Plan - 17448 River Ln | 071-220-068



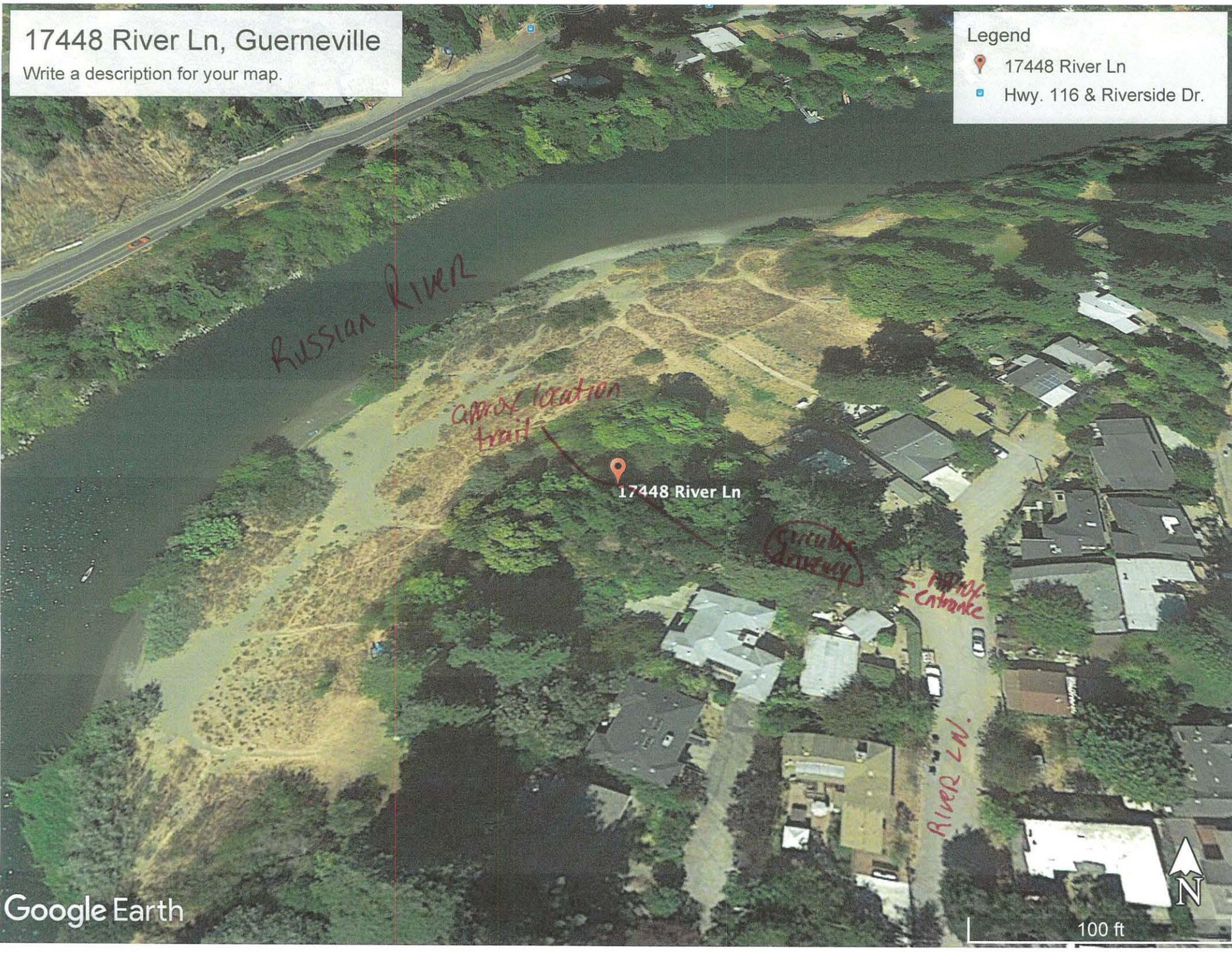
Representations on this map are approximate

# 17448 River Ln, Guerneville

Write a description for your map.

Legend

-  17448 River Ln
-  Hwy. 116 & Riverside Dr.



**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

**JENNIFER LUCCHESI**, Executive Officer  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-0204**  
**Contact Fax: (916) 574-1925**

March 7, 2017

File Ref: SD 2014-08-13.7

Paige MacDonell, Administrator  
Russian River Recreation and Park District  
P.O. Box 195  
Guerneville, CA 95446

Leonard Gabrielson, Land Surveyor  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Dan Cahill, Senior Code Enforcement Inspector  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Steve Ehret  
Sonoma County Regional Parks  
2300 County Center Drive Suite 120A  
Santa Rosa, California 95403

Jennifer Kuszmar  
Sonoma County Agricultural Preservation and Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401

Steve Mack  
Sweetwater Springs Water District  
P.O. Box 48  
Guerneville, CA 95446

Subject: Survey at Vacation Beach, adjacent to the Russian River

Dear Colleagues:

Thank you for taking the time to meet with California State Lands Commission (Commission) staff last October regarding the survey of the Russian River at Vacation Beach and the public access issues. Staff has now completed the survey locating the ordinary high water mark (high water) of the Russian River adjacent to Sonoma County Assessor's Parcel Numbers (APN) 071-220-018, 071-220-019, 071-220-020, 071-220-067, and 071-220-068, located in Guerneville, Sonoma County.

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or court decision. On navigable non-tidal waterways, including lakes and rivers, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to high water, except where the boundary has been fixed by agreement or court decision. Such boundaries may not be readily apparent from present day site inspections.

As we discussed in our meeting, the Russian River, at the subject locations, is a navigable and possibly tidal waterway and, therefore is State sovereign land under the jurisdiction of the Commission. Because of concerns raised by property owners, local residents, and municipalities regarding public access at this location, Commission staff conducted a survey to determine the location of high water. While staff has not made a final determination as to whether this section of the river is tidally-influenced, the bed of the river below high water is within the Commission's jurisdiction and subject to the Public Trust Doctrine.

Commission surveyors completed a field survey at Vacation Beach adjacent to APNs 071-220-018, 071-220-019, 071-220-020, 071-220-067, and 071-220-068 on July 26, 2016 with a follow-up field survey on August 29, 2016. Based on the field survey data, Commission staff determined that high water is located at Elevation 27.35 feet, NAVD88, as shown on the enclosed topographic survey maps dated December 20, 2016. The determination of high water is based upon analysis of the best evidence known to Commission staff at the time of the survey and as the maps were being prepared. Evidence presented to Commission staff that may indicate a more accurate position of high water with respect to any specific parcel is welcome and will be carefully considered.

We have sent information on the survey and a copy of the topographic survey maps to the owners of the above-mentioned parcels and the local residents who expressed concerns over structures blocking public access along the river. We encourage all interested parties to contact Commission staff to verify whether updates have been made.

The bed of the Russian River lying below high water is subject to the Public Trust Doctrine. It is a violation of the Public Trust Doctrine for the land below high water to be used in a way that is incompatible with the Public Trust needs of the public. Any unauthorized improvements or nuisance within lands subject to the Public Trust may discourage and possibly violate the rights of the public to access the Russian River at this location.

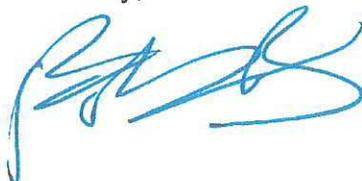
Under California law, the State may require removal of any nuisance or illegal obstruction on lands subject to the Public Trust. The State is not required to compensate for removal of these improvements if the improvements were made without obtaining the requisite permits consistent with the law. Any party seeking to construct improvements on the area lying below high water at the subject location must contact the Commission to request a statement that the proposed use is consistent with Public Trust needs. *State of California v. Superior Court of Lake County (Lyon)*, 29 Cal. 3d 210, 219; *State of California, et al. v. Superior Court of Placer County (Fogerty I)*, 29 Cal. 3d 240 (1981).

In addition, the Russian River at this location, is subject to a public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The easement right of the public must not be restricted or impeded.

This conclusion is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

If you have any questions, please contact Public Land Manager, Ninette Lee, at (916) 574-1900.

Sincerely,



Brian Bugsch, Chief  
Land Management Division

Enclosure

cc: Ninette Lee  
Public Land Manager  
CSLC

Jamie Garrett, Staff Attorney  
CSLC

Tennis Wick, Director  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Nathan Quarles, Deputy Director  
Engineering and Construction Division  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Charity Koch  
Community Services Officer  
Sonoma County Sherriff, Guerneville Substation  
1st & Church Streets  
Guerneville, CA 95446

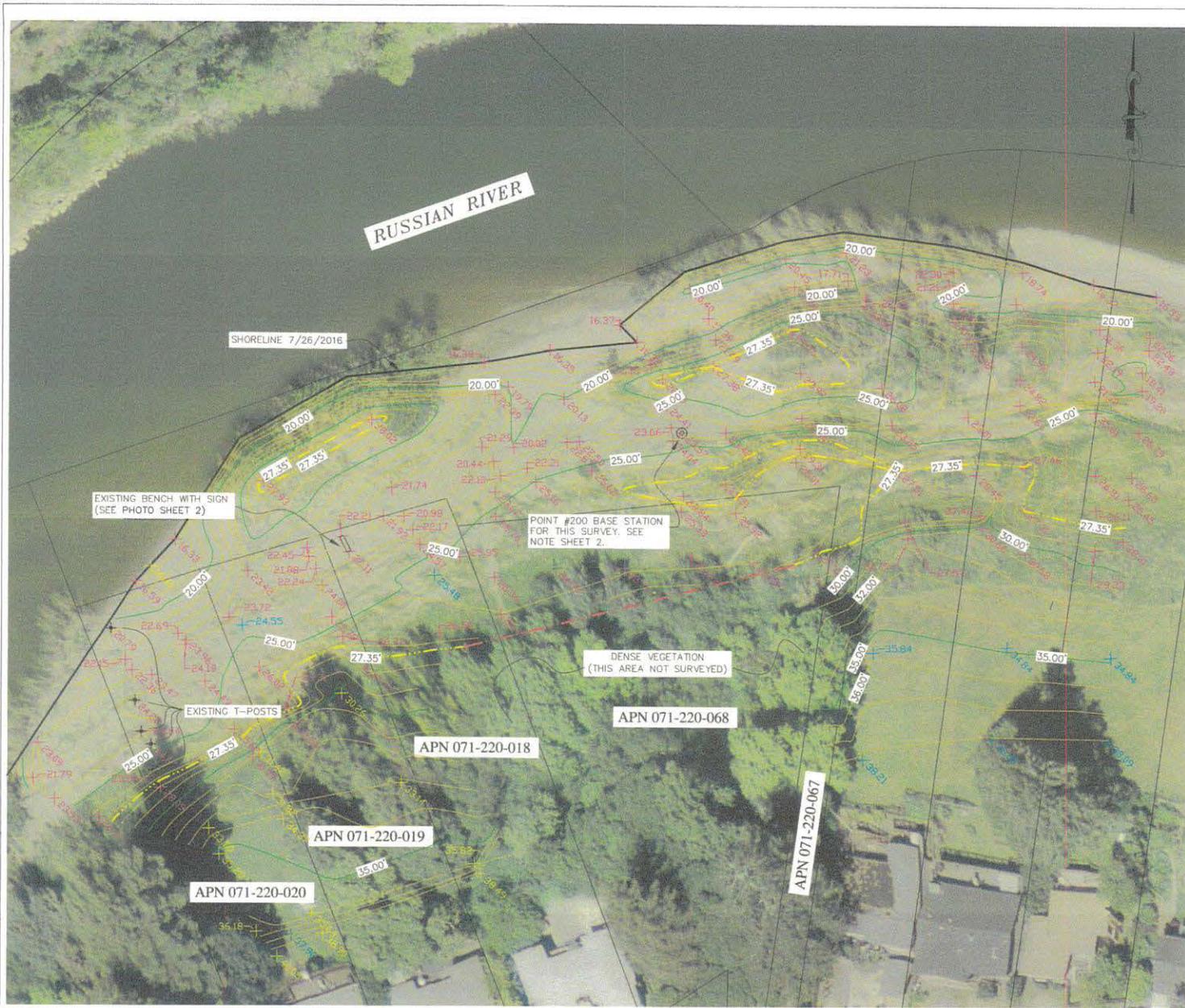
Ed Sheffield, District Representative  
Office of California State Assembly Member Jim Wood  
50 D Street, Suite 450  
Santa Rosa, CA 95404

Matthew A. Montgomery, Legislative Director  
Office of California State Senator Mike McGuire  
50 D St., Suite #120A  
Santa Rosa, CA 95404

Susan Upchurch  
District Director to Efren Carrillo  
Sonoma County Board of Supervisors  
575 Administration Drive, Room 100 A  
Santa Rosa, CA 95403

Lynda Hopkins  
Supervisor District 5  
Sonoma County Board of Supervisors  
575 Administration Drive, Room 100 A  
Santa Rosa, CA 95403

bcc: Jennifer Lucchesi  
Colin Connor  
Grace Kato  
Jim Koepke  
Dan Frink  
Sheri Pemberton



THE HORIZONTAL COORDINATES SHOWN HEREON WERE DERIVED FROM POST PROCESSING GPS MEASUREMENTS AGAINST THE TWO SHOWN CONTINUOUSLY OPERATING REFERENCE STATIONS (C1, C2) AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). THE TWO CSRC STATIONS USED HAVE A PUBLISHED ACCURACY CLASSIFICATION OF LESS THAN OR EQUAL TO 01" (2 cm) PER THE 1998 FEDERAL GEOGRAPHIC DATA COMMITTEE "GEOSPATIAL POSITIONING ACCURACY STANDARDS".

5-10-21  
 PREPARED BY: DANIEL J. FRINK L.S. 8864  
 1/25/2017  
 DATED



**VERTICAL BENCHMARK**

THE VERTICAL BENCHMARK FOR THIS SURVEY IS NATIONAL GEODETIC SURVEY STATION HPGN D CA 04 RS (PID JT9634). THE ELEVATION OF THIS POINT IS TAKEN TO BE 61.72' NAVD 88. THIS ELEVATION IS BASED ON THE ORTHOMETRIC HEIGHT ADJUSTMENT (NAVD88) ELEVATION PUBLISHED IN THE CENTRAL COAST HEIGHT MODERNIZATION PROJECT 2007.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 2 (EPOCH 2011.00) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATIONS REFERENCE STATIONS (CORS) P196 AND P197 BEING N 8° 01' 13" W AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). DIVIDE GRID DISTANCES BY .9999616 TO OBTAIN GROUND DISTANCES. DISTANCES ARE GRID UNLESS OTHERWISE NOTED.

**LEGEND**

- DEFINED ELEVATION CONTOUR (ELEVATION LISTED ON PLAN)
- ESTIMATED CONTOUR (ELEVATION LISTED ON PLAN)
- CONTOUR MAJOR (5' INTERVAL)
- CONTOUR MINOR (1' INTERVAL)
- ASSESSOR PARCEL LINEWORK (LOCATION APPROXIMATE)
- SHORELINE 7/26/2016 (16.3' NAVD88)
- + XX.XX FIELD SURVEY POINTS (NAVD88 ELEVATIONS)
- + FOUND T-POST

**TOPOGRAPHIC SURVEY  
 VACATION BEACH, RUSSIAN RIVER  
 GUERNEVILLE - SONOMA COUNTY**

CALIFORNIA STATE  
 LANDS COMMISSION



DRAWING NAME: VACBEACH-TOPO.DWG		SHEET <b>1</b> 1 OF 2
DRAWN BY: D.FRINK PLS 8864	FILE NO.: SD2014-08-13.7	
CHECKED BY: J.KOEPKE PLS 8497	SCALE: 1"=30'	
DATE: 12/20/2016		



SEASONAL SWM DAM LOCATED JUST DOWNSTREAM OF GUERNEVILLE BRIDGE, APPROXIMATELY 1.3 MILES UPSTREAM OF VACATION BEACH SITE.



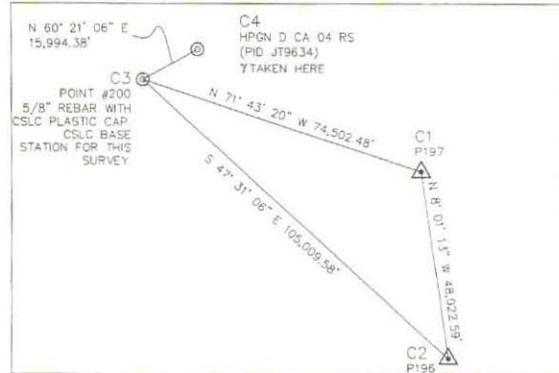
PHOTO GIVEN TO SLC BY JOHN HARRELD (LOCAL RESIDENT NEAR VACATION BEACH). PHOTO DATED 2/8/2015 AT 5:04 PM. RIVER GAUGE AT 17.11' (28.69' NAVD88). APPLYING THE CALCULATED DIFFERENCE OF -83' FOR VACATION BEACH AREA (SEE NOTE 1 THIS SHEET), WATER ELEVATION = 27.86' NAVD88.



BENCH WITH WILDLIFE HABITAT SIGN. PHOTO TAKEN 7/26/2016.

## CONTROL DIAGRAM

APPROX. SCALE: 1" = 20,000'



CCS83, ZONE 2 (2011.00)					
	DESCRIPTION	NORTHING (SURVEY FEET AS PUBLISHED BY CSRC/NGS)	EASTING (SURVEY FEET AS PUBLISHED BY CSRC/NGS)	NORTHING (THIS SURVEY)	EASTING (THIS SURVEY)
C1	P197 (CSRC)	1,918,821.39	6,341,838.22		
C2	P196 (CSRC)	1,871,268.51	6,348,538.43		
C3	BASE STATION - POINT #200			1,942,187.28	6,271,094.64
C4	HPGN D CA 04 RS (JT9634)	1,950,099.14	6,284,995.04	1,950,099.31	6,284,995.00



$\gamma = -0'36''34.7''$   
 GROUND DISTANCE = GRID DISTANCE  
 0.99996610  
 AT STATION HPGN D CA 04 RS  
 (PID JT9634)  
 ELEVATION = 61.72' NAVD88

## NOTES

1) CSRC MEAN HIGH WATER SURVEY BASED ON CALCULATED MHW ELEVATIONS USING THREE DIFFERENT SCENARIOS. THE FIRST SCENARIO USED THE UPPER 25% OF HOURLY HIGH WATER ELEVATIONS FOR 2015 - 2016 YEARS (27.35'). THE SECOND SCENARIO USED THE UPPER 10% OF HOURLY HIGH WATER ELEVATIONS FOR 2015 - 2016 YEARS (32.24'). THE THIRD SCENARIO USED THE HIGHEST ANNUAL FLOW ELEVATIONS (BELOW THE GAUGE PUBLISHED FLOOD LEVEL) OVER THE LAST 19 YEAR PERIOD (39.95'). ELEVATIONS WERE OBTAINED FROM U.S.C.S. GAUGE STATION LOCATED AT GUERNEVILLE BRIDGE (GVB). THE FIRST SCENARIO (ELEVATION 27.35') MATCHED UP WITH THE CURRENT VEGETATION LINE ADJACENT TO VACATION BEACH. THIS ELEVATION WAS USED FOR THE PURPOSE OF THIS SURVEY, AS A BEST REPRESENTATION OF THE ORDINARY HIGH WATER MARK AT VACATION BEACH. WATER SURFACE AT VACATION BEACH MEASURED 16.29' NAVD88 ON 7/26/2016 AT 8:24 AM. THE GUERNEVILLE GAUGE (GVB) INDICATED WATER SURFACE WAS 8.34' (GAUGE DATUM), 19.92' NAVD88 AT 8AM THE SAME DAY. A SEASONAL SWM DAM WAS IN PLACE ON THIS DAY BETWEEN STATION GVB AND VACATION BEACH. THE DAM MEASURED TO BE 2.8' HIGH. TAKING THIS 2.8' INTO CONSIDERATION, IT IS ESTIMATED THAT THERE IS A 83' DIFFERENCE BETWEEN GAUGE HEIGHT AND WATER ELEVATION AT VACATION BEACH. THIS 83' WAS SUBTRACTED FROM THE CALCULATED HW ELEVATION. MHW HORIZONTAL AND VERTICAL LOCATIONS DETERMINED BY FAST STATIC GPS OBSERVATIONS POST PROCESSED AGAINST CSRC STATIONS SHOWN ON THE HORIZONTAL CONTROL PLAN, AND THE BENCH REFERENCED ON SHEET 1.

2) THE UNITS FOR ALL COORDINATES AS SHOWN ARE US SURVEY FEET, UNLESS OTHERWISE NOTED.

3) AERIAL PHOTOGRAPHY PER APRIL 2011 U.S. GEOLOGICAL SURVEY HIGH RESOLUTION ORTHOIMAGERY FOR SONOMA COUNTY, CALIFORNIA. THE AERIAL IMAGERY SHOWN HEREON IS SHOWN FOR GENERAL REFERENCE PURPOSES ONLY.

4) THIS PLAT HAS NOT BEEN APPROVED BY THE STATE LANDS COMMISSION AND DOES NOT CONSTITUTE AN OFFICIAL PLAT OF SUCH COMMISSION. NOR DOES IT ESTABLISH THE BOUNDARY LINES OR LIMITATIONS OF ANY STATE-OWNED LANDS DEPICTED HEREON. THIS PLAT CONSTITUTES A PRELIMINARY STAFF-USE-ONLY PLAT NOT INTENDED FOR PUBLIC USE/CONSUMPTION AND IS SUBJECT TO CHANGE. THE PRELIMINARY NATURE OF THIS PLAT WOULD NOT REQUIRE SUBMITTAL OR RECORDATION PURSUANT TO B&PC 8762.

5) THE BOUNDARY BETWEEN STATE SOVEREIGN LAND AND THE UPLAND OWNER IS DEFINED BY CALIFORNIA CIVIL CODE §8307, WHEN IT BORDERS UPON A NAVIGABLE LAKE OR STREAM, WHERE THERE IS NO TIDE, THE OWNER TAKES TO THE EDGE OF THE LAKE OR STREAM, AT LOW-WATER MARK. IN ADDITION, A RETAINED PUBLIC TRUST EASEMENT EXISTS OVER THE LANDS BETWEEN HIGH AND LOW WATER AS DESCRIBED IN PEOPLE V. SUPERIOR COURT (LYON), 29 CAL 3D 210 (1981), IN PEOPLE V. SUPERIOR COURT (FOGERTY), 29 CAL 3D 240 (1981) AND IN BESS V. COUNTY OF HUMBOLDT, 3 CAL APP. 4TH 1544 (1992).

6) THE HIGH WATER LINE AS SHOWN HEREON IS BASED UPON ANALYSIS OF THE BEST EVIDENCE KNOWN TO THE STAFF OF THE STATE LANDS COMMISSION AT THE TIME OF THIS SURVEY AND AS THESE MAPS WERE BEING PREPARED. EVIDENCE PRESENTED TO THE COMMISSION OR ITS STAFF THAT MAY INDICATE A MORE ACCURATE POSITION OF THE HIGH WATER LINE WITH RESPECT TO ANY SPECIFIC PARCEL IS WELCOME AND WILL BE CAREFULLY CONSIDERED. INTERESTED PARTIES SHOULD CONTACT THE STAFF OF THE STATE LANDS COMMISSION TO VERIFY WHETHER ANY UPDATES HAVE BEEN MADE.

## TOPOGRAPHIC SURVEY VACATION BEACH, RUSSIAN RIVER GUERNEVILLE - SONOMA COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



DRAWING NAME:

VACBEACH-TOPO.DWG

SHEET

2

DRAWN BY: D.FINIK PLS 8864

FILE NO.:

CHECKED BY: J. KOPPE PLS 8487

SD2014-08-13.7

DATE: 12/20/2016

SCALE: 1"=30'

2 OF 2

NOTICE OF EXEMPTION

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Russian River Recreation & Park District
PO Box 195
Guerneville, CA 95446

County Clerk
County of: Sonoma

This notice was posted on 09/19/2019
and will remain posted for a period of thirty days
through 10/20/2019
Doc No.49-09192019-397

Project Title: Request for Legal Non-Conforming Use Determination at Vacation Beach
Projection Location - Specific: 17448 River Lane, Guerneville, CA, aka "Vacation Beach"

Project Location - City: Guerneville Projection Location - County: Sonoma

Description of Nature, Purpose and Beneficiaries of Project:

The lead agency is seeking a determination by the Permit and Resources Management Department that the public facility use of the subject property is a legal non-conforming use.

Name of Public Agency Approving Project: Russian River Recreation & Park District

Name of Person or Agency Carrying out Project?

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268):
Declared Emergency (Sec. 21080(b)(3); 15269(a):
Emergency Project (Sec. 21080(b)(4); 15269(b)(c)):
Categorical Exemption. State type and section number: Existing facility (Guidelines 15301); Common Sense exception (Guidelines 15061(b)(3)
Statutory Exemptions. State code number:

Deva Marie Proto, County Clerk
BY: Darrell Light, Deputy Clerk

Reasons why project is exempt:

The subject property has historically, beginning since at least the 1940's, been used as a public facility, giving the public access to the Russian River. There will be no change in use or density and can be seen with certainty that there is no possibility that the activity may leave significant effect on the environment.

Lead Agency: Russian River Recreation & Park District
Contact Person: Paige MacDonell

Area Code/Telephone/Extension: 707-869-9184

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title

Signed by Lead Agency Date received for filing at OPR:
Signed by Applicant



State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

RECEIPT NUMBER: 49-09192019-397
STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY RUSSIAN RIVER RECREATION AND PARK DISTRICT	LEAD AGENCY EMAIL	DATE 09/19/2019
COUNTY/STATE AGENCY OF FILING SONOMA	DOCUMENT NUMBER 19-0919-02	

PROJECT TITLE  
 REQUEST FOR LEGAL NON CONFORMING USE DETERMINATION AT VACATION BEACH

PROJECT APPLICANT NAME RUSSIAN RIVER RECREATION AND PARK	PROJECT APPLICANT EMAIL	PHONE NUMBER (707) 869-9184
PROJECT APPLICANT ADDRESS 17448 RIVER LANE	CITY GUERNEVILLE	STATE CA
		ZIP CODE 95446

**PROJECT APPLICANT** (Check appropriate box)

- Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

**CHECK APPLICABLE FEES:**

- |   |            |          |
|---|------------|----------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,271.00 | \$ _____ |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)   | \$2,354.75 | \$ _____ |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW         | \$1,112.00 | \$ _____ |
| <br>  |            |          |
| <input checked="" type="checkbox"/> Exempt from fee   |            |          |
| <input checked="" type="checkbox"/> Notice of Exemption (attach)  |            |          |
| <input type="checkbox"/> CDFW No Effect Determination (attach)  |            |          |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)                   |            |          |
| <hr/>   |            |          |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00   | \$ _____ |
| <input type="checkbox"/> County documentary handling fee  |            | \$ _____ |
| <input type="checkbox"/> Other  |            | \$ _____ |

**PAYMENT METHOD:**

- Cash   
  Credit   
  Check   
  Other

**TOTAL RECEIVED**    \$ 50.00

SIGNATURE <b>X</b> <i>Darrell Light</i>	AGENCY OF FILING PRINTED NAME AND TITLE Darrell Light, Deputy County Clerk-Recorder
--	--

**From:** Kathleen Genelly kgenelly@comcast.net  
**Subject:** 17448 River Lane  
**Date:** November 6, 2019 at 11:15 AM  
**To:** Paige MacDonell rec.park@gmail.com

---



To whom it may concern,

The property in question, located at 17448 River Lane, Vacation Beach, Guerneville, Ca, was previously owned by my family since the early 1900's until 1953 when it was then sold to Citizens Utility. It has always been used as a right-away for anyone who lived at Vacation Beach so that they could access the beach for recreation.

Regards,

Herbert A Genelly Jr.

17449 ←  
River Lane,  
Westerly Beach  
right-away  
to beach.



(Front view of western beach)  
↓  
Beach sand

Back of postcard

August 9, 2019

To whom it may concern,

My name is Richard Deering and I have lived in the Russian River since 1966. The property at 17448 River Lane, Guerneville, Ca has been open to the public since I've been a resident. In addition, it has been open to the public since the 1940's.

Thank you,

Richard Deering  
17402 Neeley Rd  
Guerneville, CA 95446

A handwritten signature in blue ink that reads "Richard G. Deering". The signature is written in a cursive style with a long, horizontal flourish extending to the right.

**From:** Victor Teshin vnteshin@comcast.net  
**Subject:** Russian River Sweetwater Springs River Access  
**Date:** November 14, 2019 at 1:21 PM  
**To:** rec.park@gmail.com  
**Cc:** Susan.Upchurch@Sonoma-County.org



***Vic Teshin***

2493 Deer Springs Dr  
Paso Robles, CA 93446

I am 66 years old. My parents, my friends and I and my sister and her children have been using the beach access since 1955. We would like to see the beach access remain as "public". We have never had a problem with denial of access in the past.

Attached are just a few pictures that show our times on the beach. We would like to have the access to this special place continue for us and for future generations. Thank you!

***Vic Teshin***

H: 805-286-4675

C: 925-330-3333

[vnteshin@comcast.net](mailto:vnteshin@comcast.net)







**From:** lanaclemens@gmail.com  
**Subject:** Russian River Sweetwater Springs River Access  
**Date:** November 14, 2019 at 2:02 PM  
**To:** rec.park@gmail.com  
**Cc:** Susan.Upchurch@Sonoma-County.org



Lana Clemens  
1205 Echo Court  
Paso Robles, CA 93446

I was very disturbed to hear that access to the "Little Beach" at Vacation Beach is in jeopardy of being denied to the public.

I have been using this beach since 1955. I am 70 years old. I have many wonderful memories enjoying this beach as a child with my parents. My husband and I vacationed at Vacation Beach every summer and brought our children there. Although I have moved out of the Bay Area, I still go to the Russian River every summer and enjoy the "Little Beach" with my grandchildren.

I would hate to see public access suddenly denied after so many years.

Thank you for your consideration.  
Lana Clemens

**From:** Margaret Dodderer dodderer3@gmail.com  
**Subject:** Support for Exception Permit and Sale of Sweetwater Springs Little Beach Access Area to Russian River Recreation and Parks  
**Date:** September 29, 2019 at 9:09 AM  
**To:** rec.park@gmail.com  
**Cc:** Susan.Upchurch@sonoma-county.org



---

September 29, 2019

To Whom It May Concern:

Little Beach and the access area has been part of our family for over 60 years! As children, our grandparents and parents took us up there every summer for 2 months or more. We grew up swimming and playing at this beautiful little beach. We have also taken our children, who have taken their children to this wonderful place. We have many generations (5 at this point) of memories. The special smell of the plants and sand are etched in our memories even to this day! Access to this beach was very important to us since we carried our swimming mats, towels, umbrella and picnic snacks down the path to enjoy a wonderful day at the beach. The friends that we met there have been a part of our lives even to this day. It is a small area, but the happiness it brought us as children is priceless! We totally support Sweetwater Springs selling that area to the Russian River Recreation and Parks so that we know the traditions of many generations will continue in the future so that all can enjoy!

Thank you so much and the best of luck!

Margaret Dodderer & Family  
HCR 30 Box 92  
Las Vegas, NV 89124  
702-524-4376



Virus-free. [www.avast.com](http://www.avast.com)

**From:** Katherine Meyer katherinemeyer4@gmail.com

**Subject:** River access at Vacation Beach

**Date:** October 2, 2019 at 11:04 AM

**To:** Susan.Upchurch@sonoma-county.org Susan.Upchurch@Sonoma-County.org

**Cc:** rec.park@gmail.com



Dear Susan,

It has been brought to my attention that the "Little Beach", as we call it, is in danger of being closed off for use by the public. I have been coming to this beach since a child growing up at vacation beach (born in 1946). Now even though I live in Colorado, my family still resides there and I come each summer on vacations. I have seen river access cut off as people purchase properties (Aldos, the Russian River Inn - all had beautiful beaches open to the public when I was growing up and are no longer available for people to use).

I feel we need to fight for the public use of land that has been traditionally open and not let it be closed.

Thank you for your consideration.

Katherine Meyer  
411 North Pine St  
Gunnison, CO 81230

**From:** Xenia Zabelin xyzabelin@gmail.com  
**Subject:** Sweetwater Springs beach access at Vacation Beach  
**Date:** October 3, 2019 at 6:11 PM  
**To:** Susan.Upchurch@sonoma-county.org, rec.park@gmail.com



Xenia Zabelin

239-16<sup>th</sup> Avenue

San Francisco, CA 94118

To whom it may concern:

I am writing because I am concerned about the situation with the access to the beach on Vacation Beach on the Russian river.

My husband and I bought the property on Vacation Beach in 1951 and I own it still. Our family has been going to that beach ever since, that means my children my grandchildren and their many friends.

It is impossible to imagine being at the river and not having access to the river. Nature has given us this beautiful river and the access to it should not be limited to those who own a river front property. We always used the easement along the water company property not realizing it was private property. In older days there was a water pumping tower but it did not deter us from using that easement. In those days there was no actual trail, we were using the cascading rocks of the brook which in summer was dry. It was only comparatively recently that a trail has appeared through the bushes and blackberry growth.

Please do everything possible to keep this beach accessible to the public. Thank you for your efforts and we look forward to visiting the beach again next season.

Respectfully,

Xenia Zabelin

**From:** John Harreld harreldj@gmail.com  
**Subject:** Beach access  
**Date:** October 4, 2019 at 9:46 AM  
**To:** Palge MacDonell rec.park@gmail.com



To whom it may concern,

My name is John Harreld, and I have been a homeowner and full time resident in the Vacation Beach area of Guerneville for over 15 years. Throughout this time and without interruption or exception, my experience has been that the path running from River Lane to the public trust beach on the Russian River has been available to myself and the general public to use as a means to access the river. My understanding is that the lot through which the access trail runs corresponds to APN # 071-220-068, currently owned by Sweetwater Springs Water District.

This beach and river access trail is very important resource to full-time locals as well as vacation renters, and my opinion is that the use of this property should remain as it has been for many decades, regardless of current or future ownership of the lot.

Regards,  
John Harreld

17455 River Lane  
Guerneville, CA 95446  
707-318-6002

From: "Nick Mironov" <nickvmironov@gmail.com>  
Subject: Russian River Sweetwater Springs River Access  
Date: October 4, 2019 at 2:03:45 PM PDT  
To: <rec.park@gmail.com>  
Cc: <Susan.Upchurch@Sonoma-County.org>

Nick Mironov  
826 – 32<sup>nd</sup> Ave  
San Francisco CA 94121

I am 66 years old. My parents, I, and my wife and children have been using the beach access since 1950. We would like to see the beach access remain as "public". We have never had a problem with denial of access in the past.

Attached are just a few pictures that show our times on the beach. We would like to have the access to this special place continue for us and for future generations.

*Nick Mironov*  
*Cell: (415) 680-0878*





**From:** Laura laurared01@sbcglobal.net  
**Subject:** Vacation Beach Sweetwater Springs Parcel with Beach Access  
**Date:** September 15, 2019 at 9:54 PM  
**To:** rec.park@gmail.com



Dear Russian River Recreation and Parks District,

I am writing to you regarding the Sweetwater Springs parcel that allows access to beach foot trail to the Russian River in the Vacation Beach neighborhood.

I understand the Sweetwater Springs may be selling the parcel and permission to use the trail may not be possible depending on the new land owners.

Our family has owned our home at 17754 Orchard Avenue since the 1930's. I am writing on behalf of myself, my Mother and Brother who have been using the trail from River Lane down to the Russian River Beach/riverbank every Summer our entire lives (over 50 years).

In the 1970's and 1980's the access was wider, full of boulders and to the right of the current, safer path. My father used to tie up his boat at the beach and we would swim, float, fish or take the boat for a ride. The tradition continue today with my nephews who search for rocks to skip and minnows to capture.

Personally we have never had a uncomfortable or bad experience using the trails or the beach. Even on days when the beach areas are full, everyone is kind and just enjoying a day at the river. I do hope we will be able to continue to access the river using the trail.

If you have any questions or would like any additional information, please do not hesitate to reach out. We do not rent our home (long or short-term) and have always felt like the trail was our neighborhood gem.

Sincerely,

Laura, Sharon, Matt (and family) Giffether

17554 Orchard Avenue

Guerneville, CA

**From:** Hans Bruhner hbruhner@pcmloan.com

**Subject:** Sweetwater Springs Access

**Date:** September 11, 2019 at 6:27 PM

**To:** Susan Upchurch Susan.Upchurch@sonoma-county.org, lynda.hopkins@sonoma-county.org, rec.park@gmail.com

**Cc:** John Harreld harreldj@gmail.com



To Whom it may concern:

My family has been visiting and enjoying the beach at River Lane in Guerneville since the summer of 2000 right after we moved to Guerneville. We moved to Orchard Avenue in Vacation Beach in 2003 and this became our main beach. Our neighborhood beach was a big factor in choosing our home, and we have spent many days picnicking, napping, paddling and swimming there. We look forward to seeing our neighbors, vacationers, and members of the public who have discovered this treasure, and to paddling with many of them. It is our understanding that this access has been here for a very long time.

We access the beach via the path on the Sweetwater Springs property (at the fishing sign). This path has always been available to us, and we have never received any notice to the contrary. We usually carry our kayaks or paddleboards down the path too, so that we can explore the river. We have searched up and down the river, and have discovered limited public access paths to the beach, and very few that are safe and easy to negotiate when carrying a kayak or paddleboard. Our public access is a rare treasure.

It is in the public interest to maintain access to safe neighborhood entry points to the river. The river and our public beach have drawn homeowners and vacationers like us to our region and neighborhood for over 100 years, and we understand from our neighbors who have been in the area for generations that this beach access has always been public. It is the responsibility of elected officials to protect the public interest by ensuring any land sale protects public access to our beach in perpetuity, so that future generations of vacationers and homeowners can continue to enjoy this natural resource.

There is no question that this beach itself is available to the public as I have seen the study by the California Lands Commission. This is purely a question of access and the parcel currently owned by Sweetwater Springs Water District has provided that access for a very long time. It is the perfect thing for the Parks Department to acquire this parcel so that the neighborhood and the public can enjoy this gem of a beach now and in the future.

Thank you for your consideration,

**Hans Bruhner**

**Mortgage Advisor | Branch Manager**

MLO 243484

cell/text **707.529.9951**

office/fax 707.887.1275 or 415.843.0142

**PINNACLE  
CAPITAL**



**From:** Heather S. Howard, PhD, MPH Dr@heatherhoward.com  
**Subject:** Vacation Beach Public River Access  
**Date:** September 12, 2019 at 2:04 AM  
**To:** rec.park@gmail.com  
**Cc:** Susan.Upchurch@sonoma-county.org



---

Heather Howard & Jorge Sanchez Suarez  
17537 Orchard Avenue  
Guerneville, CA 95446  
(917) 650-6765

September 12, 2019

To Whom it May Concern:

Our family has been visiting Guerneville and enjoying the beach at River Lane since the summer of 2013. We fell in love with the area and purchased our home in Vacation Beach in 2014, so that we could spend more time there as a family. Our neighborhood beach was the main reason we chose our home, and we spend most days picnicking, napping, paddling and swimming there. We look forward to seeing our neighbors, vacationers, and members of the public who have discovered this treasure, and to paddling with many of them. Our home is a vacation rental, and our guests also select our home due to the easy access to this neighborhood beach.

We access the beach via the path on the Sweetwater Springs property (at the fishing sign). This path has always been available to us, and we have never received any notice to the contrary. We usually carry our kayaks or paddleboards down the path too, so that we can explore the river. We have searched up and down the river, and have discovered limited public access paths to the beach, and very few that are safe and easy to negotiate when carrying a kayak or paddleboard. Our public access is a rare treasure.

It is in the public interest to maintain access to safe neighborhood entry points to the river. The river and our public beach have drawn homeowners and vacationers like us to our region and neighborhood for over 100 years, and we understand from our neighbors who have been in the area for generations that this beach access has always been public. We are relying on our elected officials to protect the public interest by ensuring any land sale protects public access to our beach in perpetuity, so that future generations of vacationers and homeowners can continue to enjoy this natural resource. We appreciate the work you are doing on behalf of our community.

Thank you for your consideration,  
Heather Howard and Jorge Sanchez Suarez

October 21, 2019

Russian River Recreation & Parks District  
P.O. Box 195  
Guerneville, Ca 95446

My name is Angelina T. Lavroushin. I am 83 years old and three generations of my family have enjoyed the Russian River beach which appears to be in danger of being closed to the public.

When my four children were young, we spent every summer at Russian River, renting a small cabin and enjoying swimming and playing at this beach.

Every evening groups of families walked up and down Orchard Ave, socializing and having fun. Many long-term friendships were formed there and still exist today.

My daughters continued the tradition and brought their children to the same beach.

It seems unfair that one person can deprive so many of the pleasure of enjoying the beauty of the River, the surrounding mountains and this wonderful beach.

Please keep it open to the public and the future generations to enjoy  
Thank you. Angelina T. Lavroushin



Angelina Lavroushin  
PO Box 523  
Nice, CA 95464

October 7, 2019

From: Vera Mironov  
722 Balboa St.  
San Francisco, Ca. 94118-3727

To whom it may concern,

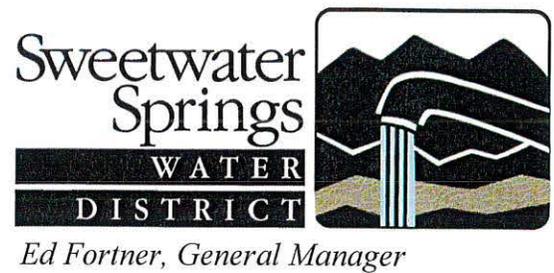
It has come to my attention that beach access to the Sweetwater Springs Beach at Vacation Beach is being challenged.

I am writing to support that beach access remain open to the public.

My family has used this beach for many, many years starting in 1950. My late husband, my children, my grandchildren and many, many friends have used this beach for many years.

It should definitely remain open to the public.

Sincerely,  
Vera Mironov



To: Russian River Recreation and Parks District Board of Directors

CC: Paige MacDonell, Administrator

Dear Board of Directors,

Sweetwater Springs Water District (SSWD) owns a parcel on 17448 River Lane, Guerneville, CA that the Russian River Recreation and Parks District (RRR&PD) desires to purchase. This lot is located in the Vacation Beach area and the lot borders the Russian River. The lot was the site of a groundwater well that SSWD purchased with all other Citizens Utilities property in 1992. Historically, and to our knowledge certainly from 1992 to present, the lot has been used as a neighborhood pathway to Vacation Beach and the Russian River.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Fortner", is positioned below the word "Sincerely,".

Ed Fortner  
General Manager  
Sweetwater Springs Water District  
[efortner@sweetwatersprings.com](mailto:efortner@sweetwatersprings.com)  
707-869-4000

To: Paige MacDonell, Administrator Russian River Recreation and Parks District

CC: Russian River Recreation and Parks District Board

Dear Ms. MacDonnell,

I began working for Citizens Utilities Company of California in 1988. From 1988 until today, the Utility owned lot at 17448 River Ln. that was used as a groundwater well site, was also always used as a casual neighborhood path to Vacation Beach.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Bushgen". The signature is fluid and cursive, with a large initial "J" and "B".

Jack Bushgen  
Senior Crew Supervisor  
Sweetwater Springs Water District  
707-869-4000

RECORDER'S STATEMENT

FILED THIS 31 DAY OF January, 2019.  
AT 3:39 PM. IN BOOK 803 OF MAPS, AT PAGE(S) 1-2, AT THE REQUEST OF THE COUNTY SURVEYOR.

Deva Marie Probst  
COUNTY RECORDER  
Lia Wilson  
DEPUTY COUNTY RECORDER

2019009504  
DOCUMENT NO.  
\$11.00  
FEES

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT  
THIS 23rd DAY OF JANUARY, 2019.

LEONARD H. GABRIELSON, PLS 7886  
COUNTY SURVEYOR, SONOMA COUNTY



DEPUTY COUNTY SURVEYOR

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF RUSSIAN RIVER RECREATION AND PARK DISTRICT IN APRIL, 2017.

ADAM S. RIVERA, PLS 8451  
EXPIRATION DATE 12/31/20



REFERENCES

- (R1) CORPORATION QUITCLAIM DEED DN: 1992-0041217
- (R2) VACATION BEACH SUBDIVISION NO 3 50 MAPS 38-40
- (R3) PARCEL MAP # 4959 247 MAPS 29
- (R4) TRUST TRANSFER DEED DN: 2009-070986
- (R5) GRANT DEED DN: 2017-000236
- (R6) QUITCLAIM DEED DN: 87-046755
- (R7) GRANT DEED BOOK 1287 PAGE 300
- (R8) SURVEY BY CALIFORNIA STATE LANDS COMMISSION FILE REF: SD2014-08-13.7

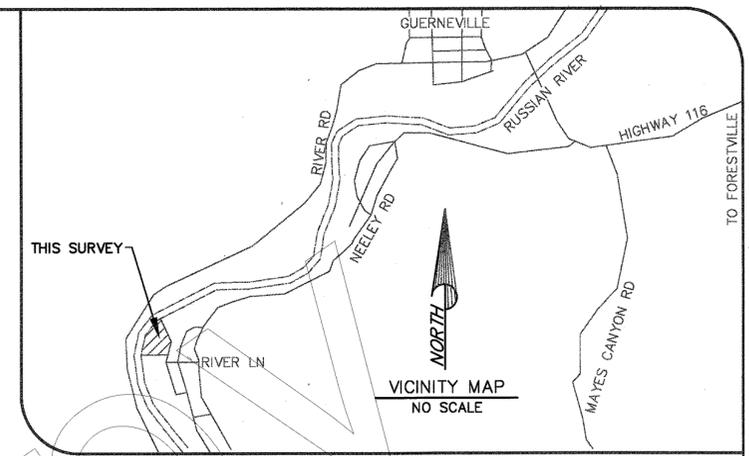
BASIS OF BEARINGS: S88°43'00"E

BETWEEN FOUND 3/4 INCH IRON PIPE MONUMENT AND A 6X6 CONCRETE MONUMENT AS SHOWN ON THAT CERTAIN MAP ENTITLED "SUBDIVISION NUMBER 3 VACATION BEACH" FILED IN BOOK 50 OF MAPS AT PAGE 38-40.

ELEVATION DATUM AND ORDINARY MEAN HIGH WATER NOTE

THE ELEVATIONS PUBLISHED IN THIS SURVEY ARE BASED ON TWO STATIC GPS OBSERVATIONS PROCESSED THROUGH O.P.U.S. WITH THE PRECISE EPHEMERIS (igs19414.eph[precise]). ALL ELEVATIONS IN THIS SURVEY ARE PUBLISHED ON THE NAVD 88 DATUM COMPUTED USING GEOID 12B. THE CONTOUR FOR THE ORDINARY MEAN HIGH WATER MARK PUBLISHED ON THIS MAP WAS DERIVED USING THE SONOMA COUNTY LIDAR CONTOUR DATA FROM 2013. THE FOLLOWING CAPTION IS REQUIRED TO BE PUBLISHED ON ALL MAPS REFERENCING THE LIDAR CONTOUR DATA:

LIDAR DATA AND ORTHOPHOTOGRAPHY WERE PROVIDED BY THE UNIVERSITY OF MARYLAND UNDER GRANT NNX13AP69G FROM NASA'S CARBON MONITORING SYSTEM (DR. RALPH DUBAYAH AND DR. GEORGE HURTT, PRINCIPAL INVESTIGATORS). THIS GRANT ALSO FUNDED THE CREATION OF DERIVED FOREST COVER AND LAND COVER INFORMATION, INCLUDING A COUNTYWIDE BIOMASS AND CARBON MAP, A CANOPY COVER MAP, AND DEMS. THE SONOMA COUNTY VEGETATION MAPPING AND LIDAR PROGRAM FUNDED LIDAR DERIVED PRODUCTS IN THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, SUCH AS DEMS, HILLSHADES, BUILDING FOOTPRINTS, 1-FOOT CONTOURS, AND OTHER DERIVED LAYERS. THE ENTIRETY OF THIS DATA IS FREELY LICENSED FOR UNRESTRICTED PUBLIC USE, UNLESS OTHERWISE NOTED. ANY USE OF THESE DATA, INCLUDING VALUE-ADDED PRODUCTS, WITHIN REPORTS, PAPERS, AND PRESENTATIONS MUST ACKNOWLEDGE NASA GRANT NNX13AP69G, THE UNIVERSITY OF MARYLAND, AND THE SONOMA VEGETATION MAPPING AND LIDAR PROGRAM AS THEIR SOURCE.



RECORD OF SURVEY

OF THE LANDS OF SWEETWATER SPRINGS WATER DISTRICT

AS DESCRIBED IN DOCUMENT NUMBER 1992-0041217, PARCEL 50 BEING OFFICIAL RECORDS OF SONOMA COUNTY, AND LYING WITHIN TOWNSHIP 8 NORTH, RANGE 10 WEST MDM&M.

COUNTY OF SONOMA STATE OF CALIFORNIA  
SCALE: 1" = 40' APN: 071-220-068 DATE: MARCH, 2017



1702 4TH STREET SANTA ROSA, CA 95404  
www.hoganls.com Tel (707) 544-2104  
JOB # 2560 ROS 17-0065 Fax (707) 522-2105

- NOTES:
1. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
  2. ALL TIES SHOWN HEREON ARE PERPENDICULAR UNLESS SHOWN OTHERWISE.
  3. ALL DIMENSIONS OF PIPES ARE INSIDE DIAMETER.



NOTICE OF EXEMPTION

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Russian River Recreation & Park District
PO Box 195
Guerneville, CA 95446

County Clerk
County of: Sonoma

This notice was posted on 09/19/2019
and will remain posted for a period of thirty days
through 10/20/2019

Doc No.49-09192019-397

Project Title: Request for Legal Non-Conforming Use Determination at Vacation Beach
Projection Location - Specific: 17448 River Lane, Guerneville, CA, aka "Vacation Beach"

Project Location - City: Guerneville

Projection Location - County: Sonoma

Description of Nature, Purpose and Beneficiaries of Project:

The lead agency is seeking a determination by the Permit and Resources Management Department that the public facility use of the subject property is a legal non-conforming use.

Name of Public Agency Approving Project: Russian River Recreation & Park District

Name of Person or Agency Carrying out Project?

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268):
Declared Emergency (Sec. 21080(b)(3); 15269(a):
Emergency Project (Sec. 21080(b)(4); 15269(b)(c)):
Categorical Exemption. State type and section number: Existing facility (Guidelines 15301); Common Sense exception (Guidelines 15061(b)(3))
Statutory Exemptions. State code number:

Deva Marie Proto, County Clerk
BY: Darrell Light, Deputy Clerk

Reasons why project is exempt:

The subject property has historically, beginning since at least the 1940's, been used as a public facility, giving the public access to the Russian River. There will be no change in use or density and can be seen with certainty that there is no possibility that the activity may leave significant effect on the environment.

Lead Agency: Russian River Recreation & Park District
Contact Person: Paige MacDonell

Area Code/Telephone/Extension: 707-869-9184

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title

Signed by Lead Agency Date received for filing at OPR:
Signed by Applicant



State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

RECEIPT NUMBER: 49-09192019-397
STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY RUSSIAN RIVER RECREATION AND PARK DISTRICT	LEAD AGENCY EMAIL	DATE 09/19/2019
COUNTY/STATE AGENCY OF FILING SONOMA	DOCUMENT NUMBER 19-0919-02	

PROJECT TITLE  
 REQUEST FOR LEGAL NON CONFORMING USE DETERMINATION AT VACATION BEACH

PROJECT APPLICANT NAME RUSSIAN RIVER RECREATION AND PARK	PROJECT APPLICANT EMAIL	PHONE NUMBER (707) 869-9184
PROJECT APPLICANT ADDRESS 17448 RIVER LANE	CITY GUERNEVILLE	STATE CA
		ZIP CODE 95446

**PROJECT APPLICANT** (Check appropriate box)

Local Public Agency    
  School District    
 Other Special District    
 State Agency    
 Private Entity

**CHECK APPLICABLE FEES:**

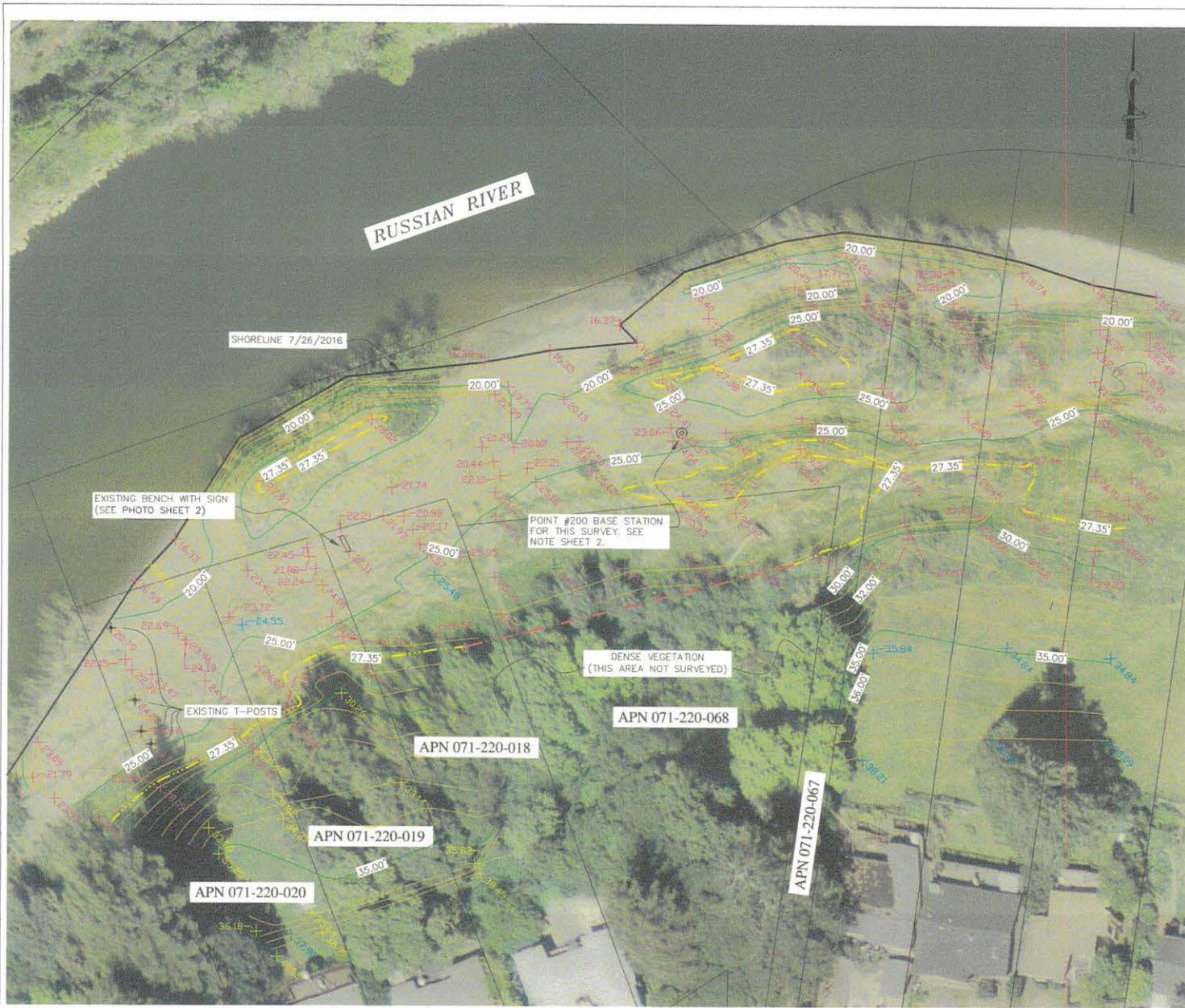
<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,271.00	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,112.00	\$ _____
<input checked="" type="checkbox"/> Exempt from fee		
<input checked="" type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
<hr/>		
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input type="checkbox"/> County documentary handling fee		\$ _____
<input type="checkbox"/> Other		\$ _____

**PAYMENT METHOD:**

Cash    
 Credit    
 Check    
 Other

TOTAL RECEIVED    \$ \_\_\_\_\_ **\$50.00**

SIGNATURE <b>X</b> <i>Darrell Light</i>	AGENCY OF FILING PRINTED NAME AND TITLE Darrell Light, Deputy County Clerk-Recorder
--	--



THE HORIZONTAL COORDINATES SHOWN HEREON WERE DERIVED FROM POST PROCESSING GPS MEASUREMENTS AGAINST THE TWO SHOWN CONTINUOUSLY OPERATING REFERENCE STATIONS (C1, C2) AS PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). THE TWO CSRC STATIONS USED HAVE A PUBLISHED ACCURACY CLASSIFICATION OF LESS THAN OR EQUAL TO 01" (2 cm) PER THE 1998 FEDERAL GEOGRAPHIC DATA COMMITTEE "GEOSPATIAL POSITIONING ACCURACY STANDARDS".

5-10-21  
 PREPARED BY: DANIEL J. FRINK L.S. 8864  
 1/25/2017  
 DATED



**VERTICAL BENCHMARK**

THE VERTICAL BENCHMARK FOR THIS SURVEY IS NATIONAL GEODETIC SURVEY STATION HPGN D CA 04 RS (PID JT9634). THE ELEVATION OF THIS POINT IS TAKEN TO BE 61.72' NAVD 88. THIS ELEVATION IS BASED ON THE ORTHOMETRIC HEIGHT ADJUSTMENT (NAVD88) ELEVATION PUBLISHED IN THE CENTRAL COAST HEIGHT MODERNIZATION PROJECT 2007.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 2 (EPOCH 2011.00) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATIONS REFERENCE STATIONS (CORS) P196 AND P197 BEING N 8° 01' 13" W AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC). DIVIDE GRID DISTANCES BY .9999616 TO OBTAIN GROUND DISTANCES. DISTANCES ARE GRID UNLESS OTHERWISE NOTED.

**LEGEND**

- DEFINED ELEVATION CONTOUR (ELEVATION LISTED ON PLAN)
- ESTIMATED CONTOUR (ELEVATION LISTED ON PLAN)
- CONTOUR MAJOR (5' INTERVAL)
- CONTOUR MINOR (1' INTERVAL)
- ASSESSOR PARCEL LINEWORK (LOCATION APPROXIMATE)
- SHORELINE 7/26/2016 (16.3' NAVD88)
- + XX.XX FIELD SURVEY POINTS (NAVD88 ELEVATIONS)
- + FOUND T-POST

**TOPOGRAPHIC SURVEY  
 VACATION BEACH, RUSSIAN RIVER  
 GUERNEVILLE - SONOMA COUNTY**

CALIFORNIA STATE  
 LANDS COMMISSION



DRAWING NAME: VACBEACH-TOPO.DWG		SHEET <b>1</b> 1 OF 2
DRAWN BY: D.FRINK PLS 8864	FILE NO.: SD2014-08-13.7	
CHECKED BY: J. KOEPKE PLS 8497	SCALE: 1"=30'	
DATE: 12/20/2016		



SEASONAL SWM DAM LOCATED JUST DOWNSTREAM OF GUERNEVILLE BRIDGE, APPROXIMATELY 1.3 MILES UPSTREAM OF VACATION BEACH SITE.



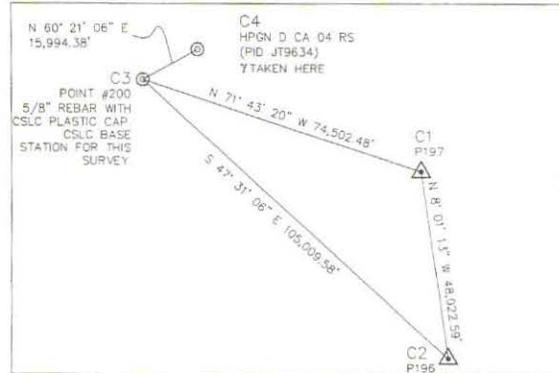
PHOTO GIVEN TO SLC BY JOHN HARRELD (LOCAL RESIDENT NEAR VACATION BEACH). PHOTO DATED 2/8/2015 AT 5:04 PM. RIVER GAUGE AT 17.11' (28.69' NAVD88). APPLYING THE CALCULATED DIFFERENCE OF -83' FOR VACATION BEACH AREA (SEE NOTE 1 THIS SHEET), WATER ELEVATION = 27.86' NAVD88.



BENCH WITH WILDLIFE HABITAT SIGN. PHOTO TAKEN 7/26/2016.

## CONTROL DIAGRAM

APPROX. SCALE: 1" = 20,000'



CCS83, ZONE 2 (2011.00)					
	DESCRIPTION	NORTHING (SURVEY FEET AS PUBLISHED BY CSRC/NGS)	EASTING (SURVEY FEET AS PUBLISHED BY CSRC/NGS)	NORTHING (THIS SURVEY)	EASTING (THIS SURVEY)
C1	P197 (CSRC)	1,918,821.39	6,341,838.22		
C2	P196 (CSRC)	1,871,268.51	6,348,538.43		
C3	BASE STATION - POINT #200			1,942,187.28	6,271,094.64
C4	HPGN D CA 04 RS (JT9634)	1,950,099.14	6,284,995.04	1,950,099.31	6,284,995.00



$\gamma = -0'36''34.7''$   
 GROUND DISTANCE = GRID DISTANCE  
 0.99996610  
 AT STATION HPGN D CA 04 RS  
 (PID JT9634)  
 ELEVATION = 61.72' NAVD88

## NOTES

1) CSRC MEAN HIGH WATER SURVEY BASED ON CALCULATED MHW ELEVATIONS USING THREE DIFFERENT SCENARIOS. THE FIRST SCENARIO USED THE UPPER 25% OF HOURLY HIGH WATER ELEVATIONS FOR 2015 - 2016 YEARS (27.35'). THE SECOND SCENARIO USED THE UPPER 10% OF HOURLY HIGH WATER ELEVATIONS FOR 2015 - 2016 YEARS (32.24'). THE THIRD SCENARIO USED THE HIGHEST ANNUAL FLOW ELEVATIONS (BELOW THE GAUGE PUBLISHED FLOOD LEVEL) OVER THE LAST 19 YEAR PERIOD (39.95'). ELEVATIONS WERE OBTAINED FROM U.S.C.S. GAUGE STATION LOCATED AT GUERNEVILLE BRIDGE (GVB). THE FIRST SCENARIO (ELEVATION 27.35') MATCHED UP WITH THE CURRENT VEGETATION LINE ADJACENT TO VACATION BEACH. THIS ELEVATION WAS USED FOR THE PURPOSE OF THIS SURVEY, AS A BEST REPRESENTATION OF THE ORDINARY HIGH WATER MARK AT VACATION BEACH. WATER SURFACE AT VACATION BEACH MEASURED 16.29' NAVD88 ON 7/26/2016 AT 8:24 AM. THE GUERNEVILLE GAUGE (GVB) INDICATED WATER SURFACE WAS 8.34' (GAUGE DATUM), 19.92' NAVD88 AT 8AM THE SAME DAY. A SEASONAL SWM DAM WAS IN PLACE ON THIS DAY BETWEEN STATION GVB AND VACATION BEACH. THE DAM MEASURED TO BE 2.8' HIGH. TAKING THIS 2.8' INTO CONSIDERATION, IT IS ESTIMATED THAT THERE IS A 83' DIFFERENCE BETWEEN GAUGE HEIGHT AND WATER ELEVATION AT VACATION BEACH. THIS 83' WAS SUBTRACTED FROM THE CALCULATED HW ELEVATION. MHW HORIZONTAL AND VERTICAL LOCATIONS DETERMINED BY FAST STATIC GPS OBSERVATIONS POST PROCESSED AGAINST CSRC STATIONS SHOWN ON THE HORIZONTAL CONTROL PLAN, AND THE BENCH MARK REFERENCED ON SHEET 1.

2) THE UNITS FOR ALL COORDINATES AS SHOWN ARE US SURVEY FEET, UNLESS OTHERWISE NOTED.

3) AERIAL PHOTOGRAPHY PER APRIL 2011 U.S. GEOLOGICAL SURVEY HIGH RESOLUTION ORTHOIMAGERY FOR SONOMA COUNTY, CALIFORNIA. THE AERIAL IMAGERY SHOWN HEREON IS SHOWN FOR GENERAL REFERENCE PURPOSES ONLY.

4) THIS PLAT HAS NOT BEEN APPROVED BY THE STATE LANDS COMMISSION AND DOES NOT CONSTITUTE AN OFFICIAL PLAT OF SUCH COMMISSION. NOR DOES IT ESTABLISH THE BOUNDARY LINES OR LIMITATIONS OF ANY STATE-OWNED LANDS DEPICTED HEREON. THIS PLAT CONSTITUTES A PRELIMINARY STAFF-USE-ONLY PLAT NOT INTENDED FOR PUBLIC USE/CONSUMPTION AND IS SUBJECT TO CHANGE. THE PRELIMINARY NATURE OF THIS PLAT WOULD NOT REQUIRE SUBMITTAL OR RECORDATION PURSUANT TO B&PC 8762.

5) THE BOUNDARY BETWEEN STATE SOVEREIGN LAND AND THE UPLAND OWNER IS DEFINED BY CALIFORNIA CIVIL CODE §8307, WHEN IT BORDERS UPON A NAVIGABLE LAKE OR STREAM, WHERE THERE IS NO TIDE. THE OWNER TAKES TO THE EDGE OF THE LAKE OR STREAM, AT LOW-WATER MARK. IN ADDITION, A RETAINED PUBLIC TRUST EASEMENT EXISTS OVER THE LANDS BETWEEN HIGH AND LOW WATER AS DESCRIBED IN PEOPLE V. SUPERIOR COURT (LYON), 29 CAL 3D 210 (1981), IN PEOPLE V. SUPERIOR COURT (FOGERTY), 29 CAL 3D 240 (1981) AND IN BESS V. COUNTY OF HUMBOLDT, 3 CAL APP. 4TH 1544 (1992).

6) THE HIGH WATER LINE AS SHOWN HEREON IS BASED UPON ANALYSIS OF THE BEST EVIDENCE KNOWN TO THE STAFF OF THE STATE LANDS COMMISSION AT THE TIME OF THIS SURVEY AND AS THESE MAPS WERE BEING PREPARED. EVIDENCE PRESENTED TO THE COMMISSION OR ITS STAFF THAT MAY INDICATE A MORE ACCURATE POSITION OF THE HIGH WATER LINE WITH RESPECT TO ANY SPECIFIC PARCEL IS WELCOME AND WILL BE CAREFULLY CONSIDERED. INTERESTED PARTIES SHOULD CONTACT THE STAFF OF THE STATE LANDS COMMISSION TO VERIFY WHETHER ANY UPDATES HAVE BEEN MADE.

## TOPOGRAPHIC SURVEY VACATION BEACH, RUSSIAN RIVER GUERNEVILLE - SONOMA COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



DRAWING NAME:

VACBEACH-TOPO.DWG

SHEET

2

DRAWN BY: D.FINN PLS 8864

FILE NO:

CHECKED BY: J. KOPPE PLS 8487

SD2014-08-13.7

DATE: 12/20/2016

SCALE: 1"=30'

2 OF 2

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1869**  
**Contact Fax: (916) 574-1925**

October 17, 2014

File Ref: SD 2014-08-13.7

Paige MacDonell  
Administrator  
Russian River Recreation and Park District  
P.O. Box 195  
Guerneville, CA 95446

**Subject:** Jurisdictional Determination in the Russian River, adjacent to Assessor's Parcel Numbers 071-220-018, 071-220-019, and 071-220-067, near Guerneville, Sonoma County

Dear Ms. MacDonell:

This letter is in response to your request for a determination by the California State Lands Commission (CSLC) as to whether it asserts a sovereign title interest in the Russian River adjacent to the above-mentioned parcels.

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or court decision. On navigable non-tidal waterways, including lakes and rivers, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward

to the ordinary high water mark, except where the boundary has been fixed by agreement or court decision. Such boundaries may not be readily apparent from present day site inspections.

The Russian River, at the subject location, is State sovereign land under the jurisdiction of the CSLC; however, the extent of the State's sovereign interest has not been determined. Based upon a preliminary review of our in-house records, we have determined that the State has a sovereign interest in the bed of the Russian River to the low water mark. A claim to the high water mark of the Russian River could not be determined upon review of our in-house records. Development of information sufficient to make such a determination would require extensive research. Given the limited resources of this agency, the expenditure of time, effort and money for additional research is not warranted in this situation without reimbursement.

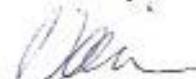
Staff reviewed the deeds for the subject parcels and found that APNs 071-220-018 and 071-220-019 have littoral calls to the low water line. The deed for APN 071-220-067 calls to the centerline of the Russian River adjacent to APNs 071-220-018 and 071-220-019. Because the State has a sovereign interest in the Russian River adjacent to these two parcels, the State's ownership would extend over APN 071-220-067 to the minimum location of the low water mark. Therefore, based on staff's review, it does not appear that APN 071-220-067 would have an interest waterward of APNs 071-220-018 and 071-220-019.

The Russian River, at the subject location, is subject to a public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The proposed project must not restrict or impede the easement right of the public.

This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

If you have any questions please contact me at (916) 574-1869 or by e-mail at [ninette.lee@slc.ca.gov](mailto:ninette.lee@slc.ca.gov).

Sincerely,



Ninette Lee  
Public Land Manager

cc: Jessica Rader, Senior Staff Counsel  
CSLC

**From:** [Paige MacDonell](#)  
**To:** [Hannah Spencer](#)  
**Subject:** Fwd: letter dated 10/17/14  
**Date:** Monday, December 9, 2019 6:45:11 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hannah,

Please add the following email string to our application.

thank you,

**Paige MacDonell** | Administrator  
Russian River Recreation & Park District  
Office 707.869.9184  
email [rec.park@gmail.com](mailto:rec.park@gmail.com)  
[www.russianriverrecpark.org](http://www.russianriverrecpark.org)

Begin forwarded message:

**From:** "Lee, Ninette@SLC" <[Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov)>  
**Subject:** RE: letter dated 10/17/14  
**Date:** December 6, 2019 at 4:26:00 PM PST  
**To:** Paige MacDonell <[rec.park@gmail.com](mailto:rec.park@gmail.com)>

Dear Paige,

As a follow-up to your call last week, you have requested clarification on the field survey completed by our surveyors at Vacation Beach on July 26, 2016. Our surveyors also completed a follow-up survey at Vacation Beach on August 29, 2016. The plat that we sent to you and other local agencies and interested parties on March 7, 2017, as prepared, is preliminary in nature. A licensed surveyor cannot fix a boundary. The plat represents a claim that the California State Lands Commission (Commission) would or could make. The plat has also not been approved by the Commission, which is why Note #4 was left on it. That being said, as of now, what is shown on the plat represents what Commission staff believe to be the State's interest at that location.

In addition, you have requested clarification regarding language in our letter to you dated October 17, 2014. Below I have copied the questions from your email with our

explanation in blue.

1. In the letter it is stated “state’s ownership would extend over APN 071-220-067 to minimum location of the low water mark”. Does this mean the public has the right to cross that property from 17448 River Ln to get to the river?

Based upon a preliminary review of our in-house records, we determined that the State has an ownership interest in the bed of the Russian River extending to the ordinary low-water mark (OLWM) at this location. The deed for APN 071-220-067 calls to the center of the Russian River and includes land that we determined is owned by the State. Given this information and also because a Public Trust easement exists at this location between the ordinary high- and low-water marks, the public would not be trespassing on APN 071-220-067 if they accessed the river via 17448 River Lane (APN 071-220-068) and remained below the ordinary high water mark. However, the public does not have a right to cross the portion of the property above the ordinary high-water mark unless the upland owner grants them permission.

2. In addition please clarify the following sentence “therefore, based on staff’s review, it does not appear that APN 071-220-067 would have an interest water ward of APNs 071-220-018 and 071-220-019”. What does this mean?

As stated above, we determined the State owns the bed of the Russian River to the OLWM. We have not conducted a survey to determine the location of OLWM at this location but we reviewed the deeds for APNs 071-220-018 and 071-220-019 and both include calls to the low water line. The State’s ownership would extend beginning at this point into the Russian River. Please note this review was based on a preliminary review of our in-house records. An extensive study of this area, including field surveys and archival research, would be necessary to determine the exact nature and extent of the State’s interest. Due to limited staff and funding, conducting such a study is not possible within the foreseeable future.

Feel free to contact me if you have any additional questions.

Sincerely,

Ninette



**Ninette Lee**, Public Land Manager

**CALIFORNIA STATE LANDS COMMISSION**

Land Management Division | Northern California Region  
100 Howe Avenue, Suite 100-South | Sacramento | CA 95825  
Phone: 916.574.1869 | Email: [ninette.lee@slc.ca.gov](mailto:ninette.lee@slc.ca.gov)



---

**From:** Paige MacDonell <[rec.park@gmail.com](mailto:rec.park@gmail.com)>

**Sent:** Tuesday, December 03, 2019 11:43 AM

**To:** Lee, Ninette@SLC <[Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov)>

**Subject:** letter dated 10/17/14

Hi Ninette,

Please see attached correspondence from State Lands on 10/17/14. I would like confirmation that I’m reading this correctly.

In the letter it is stated “state’s ownership would extend over APN 071-220-067 to minimum location of the low water mark”.

Does this mean the public has the right to cross that property from 17448 River Ln to get to the river?

In addition please clarify the following sentence “therefore, based on staff’s review, it does not appear that APN 071-220-067 would have an interest water ward of APNs 071-220-018 and 071-220-019”.

What does this mean?

thank you,

**Paige MacDonell** | Administrator  
Russian River Recreation & Park District  
Office 707.869.9184  
email [rec.park@gmail.com](mailto:rec.park@gmail.com)  
[www.russianriverrecpark.org](http://www.russianriverrecpark.org)

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

**Warning:** If you don’t know this email sender or the email is unexpected,  
**do not** click any web links, attachments, and **never** give out your user ID or password.

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-0204**  
**Contact Fax: (916) 574-1925**

September 25, 2020

File Ref: SD 2014-08-13.7

**VIA REGULAR MAIL & EMAIL**

Subject: Survey at Vacation Beach, adjacent to the Russian River

Dear Mr. and Mrs. O'Flynn:

In July 2016 Commission staff conducted a field survey of the ordinary high water mark (high water) of the Russian River adjacent to Assessor's Parcel Numbers (APN) 071-220-018, 071-220-019, 071-220-020, 071-220-067, and 071-220-068, located in Guerneville, Sonoma County. Using the information from the field survey and other available data, Staff prepared a topographic survey dated December 20, 2016 and determined that the available evidence indicated that high water was located at Elevation 27.35 feet, NAVD88. The 2016 Commission Staff survey was preliminary in nature and intended for staff use. However, due to the significant interest in the information, Commission staff shared the survey, which included a note:

"This plat has not been approved by the State Lands Commission and does not constitute an official plat of such Commission. Nor does it establish the boundary lines or limitations of any state-owned lands depicted hereon. This plat constitutes a preliminary staff-use-only plat not intended for public use/consumption and is subject to change. The preliminary nature of this plat would not require submittal or recordation pursuant to B&PC 8762."

In January 2020, staff received a memorandum from interested parties. The memorandum provided additional information that staff had not been aware of at the time of the 2016 survey. Staff have learned of additional factors since 2016 that have influenced staff's opinion, including: a seasonal dam downstream, a scour line on the opposite bank, a small grove of trees just downriver, and an ordinary high water mark determination recently done by a third party biologist (Prunuske Chatham, Inc.) for an unrelated project upstream (Guerneville River Park).<sup>1</sup> As a result, staff further analyzed the subject property in light of the new information and consulted additional sources to resolve the issues raised by the memorandum. In doing so, staff determined that the 2016 survey should be

revised to best reflect the current high water at the subject property based on the best available data and science. Given the complexity of the area, staff found that the high water line at this location was most accurately reflected in a range of elevations.

Incorporating the new information and the additional analysis into prior work, staff determined that high water is located between an Elevation of 17.8 and 20.7 feet, NAVD88 at the subject property. This determination of high water is based upon analysis of the best evidence known to staff at this time. It is important to understand the limitations of what an ordinary high water survey shows in this situation. At this location, the State holds sovereign fee ownership of the riverbed up to the low water mark and a Public Trust easement landward to the high water.<sup>1</sup> The Russian River lying below high water is subject to the Public Trust Doctrine. And it is a violation of the Public Trust Doctrine for the land below high water to be used in a way that is incompatible with the Public Trust needs of the public.

The boundary between state ownership and private ownership has not been fixed by agreement or court decision at this location. This means that the boundary line is ambulatory and subject to change. While the high water survey does indicate the Public Trust boundary line at a specific moment in time, the survey does not fix that boundary and the State's band of ownership may naturally migrate landward or waterward of its current location over the course of time.

While it may be legal, subject to local permitting rules and regulations, for a private landowner to post signs to exclude members of the public from accessing their private property landward of the ordinary high water line, caution should be exercised in placing improvements on lands that may be submerged in the future. The Russian River is susceptible to severe seasonal flooding and climate change events. Private improvements can become hazards when submerged and may impede navigation and public access or be dislodged and impact public lands and resources. Additionally, as the high water line migrates landward, any permanent improvements existing within that natural migration may unlawfully trespass on the state's sovereign land.

In addition, the Russian River at this location is subject to a public navigation servitude—a principle of the Commerce Clause of the United States Constitution.<sup>2</sup>

provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft, regardless of the underlying fee ownership. Such uses include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The rights of the public to use the navigation servitude must not be restricted or impeded. Placement of improvements in areas that might become submerged would unlawfully impede the navigation servitude and could create hazards. For additional information, please see *A Legal Guide to the Public's Rights to Access and*

---

<sup>1</sup> Civ. Code §§ 670, 830; *State of California v. Superior Court (Lyon)* (1981) 29 Cal.3d 210, 232.

<sup>2</sup> U.S. Const., art. I, § 8, cl. 3.

Use *California's Navigable Waters* available at: <https://www.slc.ca.gov/wp-content/uploads/2018/11/2017-PublicAccessGuide.pdf>.

Staff's conclusions, based on the totality of information it has developed or reviewed, are without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to the Commission's attention. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

If you have any questions, please contact Public Land Manager, Ninette Lee, at (916) 574-1900.

Sincerely,



Brian Bugsch, Chief  
Land Management Division

cc: Elise VanDyne, Field Representative  
Lynda Hopkins  
Supervisor District 5  
Sonoma County Board of Supervisors  
575 Administration Drive, Room 100 A  
Santa Rosa, CA 95403

Nathan Peacock  
Code Enforcement Inspector II  
Permit Sonoma  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Jeremy Fonseca  
Deputy County Counsel  
Sonoma County  
575 Administration Drive  
Santa Rosa, CA 95403

Steve Ehret  
Sonoma County Regional Parks  
2300 County Center Drive Suite 120A  
Santa Rosa, California 95403

Tennis Wick, Director  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Nathan Quarles, Deputy Director  
Engineering and Construction Division  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Karen Hancock  
Community Services Officer  
Sonoma County Sheriff, Guerneville Substation  
1st & Church Streets  
Guerneville, CA 95446

Ed Sheffield, District Representative  
Office of California State Assembly Member Jim Wood  
50 D Street, Suite 450  
Santa Rosa, CA 95404

Matthew A. Montgomery, Legislative Director  
Office of California State Senator Mike McGuire  
50 D St., Suite #120A  
Santa Rosa, CA 95404

Paige MacDonell  
Administrator  
Russian River Recreation and Park District  
P.O. Box 195  
Guerneville, CA 95446

Leonard Gabrielson  
Land Surveyor  
Sonoma County Permit and Resource Management Division  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Jennifer Kuszmar  
Sonoma County Agricultural Preservation and Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401

Sweetwater Springs Water District  
P.O. Box 48  
Guerneville, CA 95446

Donna Vincent

James and Barbara Vincent

Nina Kalinovsky

John Harreld

Ellie Hoffman

Nikolai Sharkov

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1869**  
**Contact Fax: (916) 574-1925**

October 17, 2014

File Ref: SD 2014-08-13.7

Paige MacDonell  
Administrator  
Russian River Recreation and Park District  
P.O. Box 195  
Guerneville, CA 95446

**Subject:** Jurisdictional Determination in the Russian River, adjacent to Assessor's Parcel Numbers 071-220-018, 071-220-019, and 071-220-067, near Guerneville, Sonoma County

Dear Ms. MacDonell:

This letter is in response to your request for a determination by the California State Lands Commission (CSLC) as to whether it asserts a sovereign title interest in the Russian River adjacent to the above-mentioned parcels.

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or court decision. On navigable non-tidal waterways, including lakes and rivers, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward

to the ordinary high water mark, except where the boundary has been fixed by agreement or court decision. Such boundaries may not be readily apparent from present day site inspections.

The Russian River, at the subject location, is State sovereign land under the jurisdiction of the CSLC; however, the extent of the State's sovereign interest has not been determined. Based upon a preliminary review of our in-house records, we have determined that the State has a sovereign interest in the bed of the Russian River to the low water mark. A claim to the high water mark of the Russian River could not be determined upon review of our in-house records. Development of information sufficient to make such a determination would require extensive research. Given the limited resources of this agency, the expenditure of time, effort and money for additional research is not warranted in this situation without reimbursement.

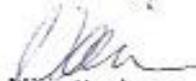
Staff reviewed the deeds for the subject parcels and found that APNs 071-220-018 and 071-220-019 have littoral calls to the low water line. The deed for APN 071-220-067 calls to the centerline of the Russian River adjacent to APNs 071-220-018 and 071-220-019. Because the State has a sovereign interest in the Russian River adjacent to these two parcels, the State's ownership would extend over APN 071-220-067 to the minimum location of the low water mark. Therefore, based on staff's review, it does not appear that APN 071-220-067 would have an interest waterward of APNs 071-220-018 and 071-220-019.

The Russian River, at the subject location, is subject to a public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The proposed project must not restrict or impede the easement right of the public.

This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

If you have any questions please contact me at (916) 574-1869 or by e-mail at [ninette.lee@slc.ca.gov](mailto:ninette.lee@slc.ca.gov).

Sincerely,



Ninette Lee  
Public Land Manager

cc: Jessica Rader, Senior Staff Counsel  
CSLC

1168013

35



1992 0041217

OFFICIAL RECORDS OF SONOMA COUNTY BERNICE A. PETERSON

When recorded return to:  
Sweetwater Springs Water Dist.  
P. O. Box 900  
Monte Rio, CA 95462

AT REQUEST OF  
04/10/1992  
FEE: \$  
TT: \$

FIRST AMERICAN TITL  
08:00:00  
PGS: 35  
PAID

AKN 72 216.08 70-352-03  
70 294.08 72-031-08  
70 350.08  
70 150 12 69-060-04  
71 150 11 69-060-11

Documentary Transfer Tax NONE  
R&T \$11922 Deed to Public Agency

Recording fees - none per Government Code 6103

CORPORATION QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

CITIZENS UTILITIES COMPANY OF CALIFORNIA, a California corporation\*\*\* does hereby remise, release and forever quitclaim to:

SWEETWATER SPRINGS WATER DISTRICT, a county water district organized pursuant to Water Code Section 30000 et seq

Those certain parcels of land, water rights, easements and right of way described in Exhibits "C", "C-1" and "C-2" attached hereto and made a part hereof.

Dated April 1, 1992

CITIZENS UTILITIES COMPANY OF CALIFORNIA, a California corporation

By Charles J. Weiss  
Charles J. Weiss  
Secretary

\*\*\*SUCCESSOR IN INTEREST BY MERGER TO PUBLIC UTILITIES CALIFORNIA CORPORATION, A CALIFORNIA CORPORATION

State of California)  
County of Fairfield) ss.

On this the 1st day of April 1992, before me, the undersigned Notary Public, personally appeared Charles J. Weiss, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the within instrument in his authorized capacity as Secretary of the corporation therein named, and that by his signature on the same, the corporation, upon behalf of which the person acted, executed the same.

Victoria M. Crawford  
VICTORIA M. CRAWFORD  
NOTARY PUBLIC  
MY COMMISSION EXPIRES JUL. 31, 1996

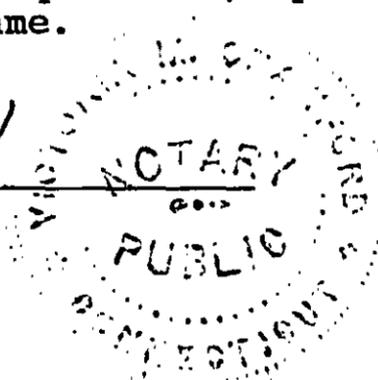


Exhibit "C"

Citizens Utilities Company of California real property rights in the Guerneville area Sonoma County California, described as follows:

Parcel 1:

Beginning at a 3/8" iron pipe monument marking the Northwesterly corner of Lot 84 as shown on Map No. 4, Eagle Nest, recorded in Book 20 of maps, page 11, Sonoma County Records; thence N. 87°30' E., along the Northerly line of said Lot 84, 30 feet to a 3/8" iron pipe monument; thence N. 2°30' W., 30 feet; thence S. 87°30' W., 30 feet to a 3/8" iron pipe monument; thence S. 2°30' E., 30 feet to the point of beginning.

A.P. No.: 70-230-79

Parcel 2:

Southwest quarter of the Northeast quarter of Section 21, Township 8 North, Range 10 West, Mount Diablo Meridian.

Saving and excepting therefrom all oil, gas, minerals and rock as contained in Deed to Citizens Resources Company, a Delaware Corporation recorded December 3, 1971 in Book 2585 of Official Records at page 659, Records of Sonoma County, California.

Saving and excepting therefrom all Timber Rights as contained in Deed to Citizens Resources Company, a Delaware Corporation recorded December 3, 1971 in Book 2585 of Official Records at page 664, records of Sonoma County, California.

Parcel 2A:

A right of way from the Northeast quarter of the Northeast quarter to the Southwest quarter of the Northeast quarter of said Section 21.

A.P. No.: 70-350-08

Parcel 3:

Northeast quarter of the Northeast quarter of Section 21, Township 8 North Range 10 West, Mount Diablo Meridian.

Saving and excepting therefrom all oil, gas, minerals and rock as contained in Deed to Citizens Resources Company, a Delaware corporation recorded December 3, 1971 in Book 2585 of Official Records at page 659, Records of Sonoma County, California.

Saving and excepting therefrom all Timber Rights as contained in Deed to Citizens Resources Company, a Delaware corporation recorded December 3, 1971 in Book 2585 of Official Records at page 664, Records of Sonoma County, California.

Parcel 3A:

A right of way from the North east quarter of the Northeast quarter to the Southwest quarter of the Northeast quarter of said Section 21.

A.P. No.: 70-350-3

Parcel 4:

Beginning at a point on the West line of Sec. 15, T. 8 N., R. 10 W., which is South 660 feet from the Northwest corner of the said Southwest quarter of the S. W. 1/4 of Section 15; thence from said point of beginning, and along the West line of Section 15, North 660 feet to the Northwest corner of said Southwest quarter of the Southwest quarter; thence along the North line of said Southwest quarter of the Southwest quarter, East 660 feet to a point; thence South 45 degrees West, 933.4 feet to the point of beginning.

Excepting therefrom all timber, existing and future, upon said land as conveyed to Citizens Resources Co., by Deed recorded December 3, 1971 in Book 2585 of Official Records, page 661, Sonoma County Records.

Also excepting therefrom all oil, gas, minerals and rock as conveyed to Citizens Resources Co., by Deed recorded December 3, 1971, in Book 2585 of Official Records, page 678, Sonoma County Records.

Parcel 4A:

The right to use a right of way 20 feet in width across the property of Hans Baagoe, the center of which right of way is described as follows:

Beginning at a point on the West line of the before mentioned Section 15, which is North 263.0 feet from the Southwest corner of said Section 15; thence from said point of beginning, and along the center of said right of way, the following courses and distances: North 51 degrees 12' East, 187.5 feet; thence North 29 degrees 03' East, 81.6 feet; thence North 1 degrees 47' West, 96.5 feet; thence North 14 degrees 29' East, 98.3 feet; thence North 12 degrees 36' East, 110.8 feet; thence South 27 degrees 34' East, 127.2 feet; thence North 5 degrees 83 degrees 83' East, 79.9 feet; thence South 44 degrees 57' East, 48.4 feet; thence North 78 degrees 21' East, 51.6 feet; thence North 55 degrees 19' East, 62.1 feet; thence North 83 degrees 14' East, 90.8 feet; thence North 54 degrees 23' East, 68.0 feet; thence North 25 degrees 01' East, 52.8 feet; thence North 10 degrees 12' West, 120.2 feet; thence North 80 degrees 33' East, 149.8 feet; thence North 70 degrees 39' West, 164.5 feet; thence South 75 degrees 31' West, 68.9 feet; thence South 88 degrees 45' West, 32.8 feet; thence North 52 degrees 09' West, 73.7 feet; thence North 10 degrees 37' West, 55.0 feet; thence North 84 degrees 37' East, 90.0 feet; thence North 75 degrees 47' East, 72.2 feet; thence North 86 degrees 02' East, 92.5 feet; thence North 68 degrees 01' West, 73.8 feet; thence North 34 degrees 08' West, 60.2 feet; thence North 4 degrees 48' West, 39.3 feet; thence North 70 degrees 06' East, 130.5 feet; thence North 64 degrees 46' East, 73.0 feet, more or less, to the North line of the Southwest quarter of the Southwest quarter of Section 15.

Excepting therefrom that portion lying within Parcel below.

The Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 15, Township 8 North, Range 10 West, M.D.B. & M.

A.P. No.: 69-060-11

Parcel 5:

The Southeast quarter (SE 1/4) and the South half of the Northeast quarter (S 1/2 of NE 1/4) of Section 16, T. 8 N., R. 10 W., M.D.B. & M.

Excepting therefrom all timber existing and future, upon said land as conveyed to Citizens Resources Co., by Deed recorded December 3, 1971 in Book 2585 of Official Records, page 680, Sonoma County Records.

Also excepting therefrom all oil, gas, minerals and rock as conveyed to Citizens Resources Co., by Deed recorded December 3, 1971, in Book 2585 of Official Records, page 657, Sonoma County Records.

A.P. No.: 69-060-04

Parcel 6:

Beginning at the Most Northwesterly corner of Lot 191, as described on the Map entitled, "Map No. 10, Eagle Nest", filed in the Office of the County Recorder of Sonoma County, on March 13, 1909 and recorded in Book 23 of Maps, page 5; thence South 60 degrees 45' West, 20 feet; thence South 1 degrees East, 97 feet, more or less; thence North 60 degrees 45' East, 60 feet, more or less, to the Southwesterly corner of said Lot 191; thence North 19 degrees 15' West, and along the Southwesterly side of said Lot 191, 54 feet; thence North 45 degrees 45' West, and along the Southwesterly line of said Lot 191, 33 feet to the point of beginning.

A.P. No.: 70-294-20

Parcel 7:

Lot Number 319, as numbered and designated upon the Map entitled, "Map No. 9, Eagle Nest, Sonoma Co., Cal., the property of the Russian River Land Co., T. 8 N., R. 10 W., M.D.M.", filed in the Office of the County Recorder of Sonoma County, on March 13, 1909, and recorded in Book 23 of Maps, page 4.

A.P. No.: 70-262-38

Parcel 8:

Lot 55, as shown on that certain map entitled "Map No. 6, Eagle West, Sonoma Co., Cal.", filed in the office of the County Recorder of Sonoma County, State of California, on August 17, 1907 in Book 20 of Maps at page 13.

A.P. No.: 70-220-12

Parcel 9:

That certain lot or parcel of land situate, lying and being in Township 8 North, Range 10, West, M.D.B. & M., Sonoma County, California, more particularly described as follows:

Starting at the common Northerly corner of Lots 146 and 147, as said Lots are shown and delineated on that certain map or plat, entitled, "Map No. 7 Eagle Nest", recorded August 17, 1907 Sonoma County Records, thence N. 7 dg. 16' E. 75.82 feet to an iron pipe driven in the ground which is the point of beginning of the tract of land to be herein described; thence from said point of beginning. N 22 dg. 56' W. 24.0 feet to an iron pipe; thence S. 67 dg. 04' W. 24.0 feet to iron pipe; thence S. 22 dg. 56' E. 24.0 feet to an iron pipe; thence N. 67 dg. 04' E. 24.0 feet to the point of beginning.

A.P. No.: 070-200-42

Parcel 10:

Lots numbered 4, 5, 6, 7, 8, 9 and 10 in Block C, as numbered and designated upon the map entitled "Map of Highland Park, the property of Delbert L. Westover, situated adjoining to the Town of Guerneville, Sonoma County California filed in the office of the County Recorder of Sonoma County on April 13, 1907 in Book 20 of Official Records at page 4, Records of Sonoma County, California.

Excepting and reserving from the Northerly side of Lot 10, a strip of land, 5 feet wide and also a strip of land 5 feet wide along a portion of the Westerly end of said Lot 10. All as described in a deed given by D.L. Westover to T.C. Keluersh, dated January 16, 1917.

Parcel 11:

Also that certain lot, in Block C, as numbered and designated upon the map entitled, "Map of Highland Park, the property of Delbert L. Westover, situated adjoining the town of Guerneville, Sonoma County, California", filed in the office of the County Recorder of Sonoma County, on April 13, 1907, and recorded in Book 20 of Maps, page 4, and marked "Reservoir", and bounded on the North by the North line of said property, on the West by Lots 9 and 10; on the South by Lots 8 and 13, on the East by Lots 11 and 12, all in Block C, said lot being 50 by 101.6 feet.

Parcel 12:

A strip of land 5 feet wide bounded on the North by the North line of the property of Russian River Water Company now or formerly bounded on the South by a line parallel with the said North line 5 feet distant therefrom and being parts of Lots 10 and 11 and lot marked "Reservoir" in Block C as numbered and designated upon the map entitled, "Map of Highland Park, the property of Delbert L. Westover, situated adjoining the town of Guerneville, Sonoma County, California", filed in the office of the County Recorder of Sonoma County, on April 13, 1907, and recorded in Book 20 of Maps, page 4.

Parcel 13:

Also a strip of land 5 feet in width across the West end of Lot 10, Block C, as numbered and designated upon the map entitled, "Map of Highland Park, the property of Delbert L. Westover, situated adjoining the town of Guerneville, Sonoma County, California", filed in the office of the County Recorder of Sonoma County, on April 13, 1907, and recorded in Book 20 of Maps, page 4, the center line of said strip conforming to the center line of Sunset Avenue, and extending from the North line of said property to the North end of Sunset Avenue, as on said map.

A.P. No.: 70-070-40

Parcel 14:

Lots Nos. 42 and 43, all in Block "B", as the same are shown upon that certain Map entitled, "Map of Highland Park, the property of Delbert Westover, situated adjoining the Town of Guerneville, Sonoma Co. Cal.", etc., filed April 13, 1907 in Book 20 of maps, page 4.

Excepting therefrom a strip of land of a uniform width of 5 feet, the Northerly line of which is coincident with the Northerly line of said Lots 42 and 43.

A.P. No.: 70-070-35

Parcel 15:

A strip of land 3 feet wide extending from Sunset Avenue to Woodland Avenue, Through Lot 4, Block D, on Map entitled, "Map of Highland Park", filed in the Office of the County Recorder of Sonoma County on April 13, 1907 and recorded in Book 20 of Maps, page 4, and described as follows:

Beginning at a point on the Easterly line of Lot 4, Block "D", distant 20 feet Southerly from the Northeasterly corner of Lot 4, and running thence Westerly and parallel to the Northerly line of Lot 4, to the Easterly line of Woodland Avenue; thence Southerly, along the Easterly line of Woodland Avenue, a distance of 3 feet; thence Easterly and parallel with the Northerly line of Lot 4, to the Westerly line of Sunset Avenue; thence Northerly, along said Westerly line of Sunset Avenue, a distance of 3 feet to the point of beginning.

A.P. No.: 70-070-31

Parcel 16:

A strip of land 5 feet wide bounded on the North by the North line of The Property of Russian River Water Company now or formerly bound on the South by a line parallel with the said North line 5 feet distant therefrom and being part of Lot 12, in Book D, as numbered and designated upon the Map entitled, "Map of Highland Park, the property of Delbert L. Westover, situated adjoining the Town of Guerneville, Sonoma, Co., Calif.", filed in the Office of the County Recorder of Sonoma County, on April 13, 1907, and recorded in Book 20 of Maps, page 4.

A.P. No.: 70-070-23

Parcel 17:

A strip of land 5 feet wide bounded on the North by the North line of The Property of Russian River Water Company now or formerly bounded on the South by a line parallel with the said North line 5 feet distant therefrom part of Lots 40, 42 and 43, in Block B, as numbered and designated upon the Map entitled, "Map of Highland Park, the property of Delbert L. Westover, situated adjoining the Town of Guerneville, Sonoma Co., Calif.", filed in the Office of the County Recorder of Sonoma County, on April 13, 1907, and recorded in Book 20 of Maps, page 4.

A.P. No.: 70-070-15

Parcel 18:

Lot 1 of Section 35, Township 8 North, Range 11 West, Mount Diablo Meridian.

Saving and excepting therefrom all oil, gas, minerals and rock as contained in Deed to Citizens Resources Company, a Delaware Corporation recorded December 3, 1971 in Book 2585 of Official Records at page 659, Records of Sonoma County, California

Saving and excepting therefrom all Timber Rights as contained in Deed to Citizens Resources Company, a Delaware Corporation recorded December 3, 1971 in Book 2585 of Official Records at page 664, Records of Sonoma County, California

A.P. No.: 105-240-07

Parcel 19:

Lot 9, Block 3, as numbered and designated upon the map entitled "Tract No. 113, Map of Riverlands Heights, a portion of the S.E 1/4 of section 29 T.8 N. R. 10 W. & a portion of the lands of J.K. & Marian E. Wright O. R. 441-254, County of Sonoma, State of California", recorded in the Office of the County Recorder of Sonoma County, California on July 13, 1950 in Book 65 of Maps, pages 11 and 12.

A.P. No.: 071-120-54

Parcel 20:

Lot Four (4) of Section 36, Township 8 North, Range 11 West, M.D.B.&M.

Excepting therefrom all Timber rights as contained in Timber Deed to Citizens Resources Company, a Delaware corporation recorded August 19, 1974 in Book 2890 of Official Records at page 935, Records of Sonoma County, California.

Excepting therefrom all oil, gas, mineral and rock rights as contained in Document to Citizens Resources Company, a Delaware corporation recorded August 19, 1974 in Book 2890 of Official Records at page 938, Records of Sonoma County, California.

A.P. No.: 72-021-08

Parcel 21:

The Northerly ninety (90) feet of Lot 44 as numbered and designated on the Map entitled "El Bonita", in Sonoma County, California; being in Section 29, Township 8 N., Range 10 W., M. D. M., which said Map was recorded in the Office of the County Recorder of Sonoma County March 21, 1912 in Liber 27 of Maps, page 23.

A.P. No.: 70-110-09

Parcel 22:

Being a portion of Lot 5, Block 3 of Belden Addition to Guerne Wood Heights as the same is recorded in Book 61 at page 27 of Sonoma County Maps and particularly described as follows:

Beginning at the most Westerly corner of Lot 5, Block 3, thence from the said point of beginning N. 57 degrees 07' E. 30.0 feet; thence S. 38 degrees 18' 40" E. 30.0 feet; thence S. 57 degrees 07' W. 30.0 feet; thence N. 38 degrees 18' 40" W. 30.0 feet to the point of beginning.

A.P. No.: 72-173-05

Parcel 23:

Lot Fourteen (14), in Block E, as numbered and designated upon the Map entitled "In Sec. 31, T. 8 N., R. 10 W., M.D.M., Map of Guerne Wood Heights, an Addition to Guerne Wood Park, Sonoma Co., California, the property of Guerne and McLane, surveyed April 14th, 1903, by L. M. Ricksecker, Surveyor", filed in the Office of the County Recorder of Sonoma County, California, on May 11, 1903, and recorded in Book 15 of Maps, page 10.

A.P. No.: 72-160-06

Parcel 24:

Commencing at a 3/4" iron pipe monument marking the Northeasterly corner of Lot 5, Block A, as shown on Map of Subdivision No. 1, East Guerne Wood, recorded in Book 48 of Maps, pages 1 and 2, Official Records of Sonoma County; thence South 83 degrees 49' East 192.8 feet to a 3/4" iron pipe monument marking the point of beginning of the tank site to be described; thence South 65 degrees 12' East 50 feet; thence South 24 degrees 48' West 45 feet; thence North 65 degrees 12' West 50 feet; thence North 24 degrees 48' East 45 feet to the point of beginning.

Parcel 24A:

Limitation of the generality of the rights of way and easements hereinafter granted, the right to lay, maintain, repair, relay, replace, relocate and remove such pipe lines and mains and accessory appliances, fixtures and connections, for the conveyance of water, as from time to time shall be necessary or convenient to the operation of a water system, over and across an easement and right of way 20 feet in width (together with reasonable ingress thereto and reasonable egress therefrom) the center line of which is described as follows:

Beginning at the 3/4" iron pipe monument marking the Northeasterly corner of Lot 5 as described above; thence North 85 degrees 39' East 44.4 feet; thence South 72 degrees 32' East 88.3 feet; thence South 69 degrees 33' East 51.1 feet to a point in the Westerly line of the tank site above described; which point bears South 24 degrees 48' West 24.54 feet from the 3/4" iron pipe monument, marking the Northwesterly corner of said tank site.

A.P. No.: 71-180-09

Parcel 25:

That certain place, parcel, or tract of land lying, being and situated in Section 29, Township 8 North, Range 10 West, M.D.B. & M., particularly described as follows:

Beginning at an iron pipe monument which marks the Southeast corner of the Southwest one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 29, township and Range aforescribed; thence S. 89 degrees 33' W. 72.83 feet; thence N. 0 degrees 01' E. 35.19 feet; thence N. 89 degrees 59' E. 40.0 feet; thence S. 0 degrees 01' W. 30.0 feet; thence N. 89 degrees 33' E. 32.83 feet; thence South 5.0 feet to the point of beginning.

Parcel 25A:

An easement over a five foot (5') strip of land bounded on the South by the South line of Section 29; on the West by the most Easterly corner of the tract of land shown on Map, "Record of Survey", filed in Book of Maps, No. 51, at page 20, Sonoma County Records; on the East by the West line of the hereinabove described tract of land; and on the North by a line parallel to and five (5') feet North from the South line of said Section 29. The purpose of said easement to be for ingress and egress, the laying and maintaining of pipe lines, conduit or electric switch control wires or for any other purpose necessary for the uninterrupted supply of water.

A.P. No.: 71-130-28

Parcel 26:

A portion of Block 29 as numbered and designated upon the Map entitled "Map of Subdivision, Russian River Heights The Property of L.L. Cnopius" filed on June 12, 1903 is Book 15 of Maps, page 15, as being more particularly described as follows:

Beginning a point from which the most Southerly corner of above-mentioned Block 29, bears South 45 feet; thence North 30 feet; thence South 70 degrees 00' East 25 feet; thence South 30 feet; thence North 70 degrees West 25 feet to the point of beginning.

A.P. No.: 72-215-01

Parcel 27:

Being that portion of Sec. 36 T. 8. N. R. 11 W. M. D. B & M., particularly described as follows:

Beginning at a point which bears N. 51 degrees 26' W. 300.75 ft. from the SW Cor. of Lot 2 Block 7 GuerneWood Terrace No. 5 recorded in Book 45 of Maps at pages 48 and 49, February 16, 1927; thence N. 83 degrees 09' W. 423.06 feet; thence S. 71 degrees 46' W. 305.64 feet; thence S. 40 degrees 25' W. 132.76 ft; thence S. 70 degrees 20' W. 134.97 ft.; thence N. 42 degrees 25' W. 104.6 feet; thence N. 71 degrees 03' W. 488.03 ft.; thence S. 9 degrees 30' W. 822.1 ft.; thence S. 42 degrees 00' E. 470.1 feet; thence N. 54 degrees 21' E. 342.6 ft.; thence N. 10 degrees 48' W. 222.06 feet; thence N. 13 degrees 08' E. 240.63 ft.; thence N. 50 degrees 52' E. 106.58 ft.; thence N. 70 degrees 20' E. 237.7 feet; thence N. 40 degrees 25' E. 130.02 ft.; thence N. 71 degrees 46' E. 204.96 ft.; thence S. 83 degrees 09' E. 378.54 ft.; thence N. 6 degrees 51' E. 200.0 ft. to the point of beginning.

A.P. Nos.: 72-021-19 & 14

Parcel 28:

Being a parcel of land in Section 25, Township 8 North, Range 11 West, M. D. B. and M., and being more particularly described as follows:

**WELL SITE**

Commencing at the Northerly corner of Lot 6 Block "C" Monte Rosa Subdivision No. 1 as the same is shown on that map recorded in Book 48 of Maps at page 19, Sonoma County Records; thence from said point of commencement South 70 degrees 40' 20" West 110.08 feet to a 3/4" iron pipe and the point of beginning of the parcel of land to be herein described.

Thence from said point of beginning South 72 degrees 26' East 25.00 feet to a 3/4" iron pipe; thence South 17 degrees 34' West 25.00 feet to a 3/4" iron pipe; thence North 72 degrees 26' West 25.00 feet to a 3/4" iron pipe; thence North 17 degrees 34' East 25.00 feet to a 3/4" iron pipe and the point of beginning of the above described parcel of land.

A.P. No.: 72-310-19

Parcel 29:

commencing at the most Northerly corner of Lot 6, Block "C", Monte Rosa Subdivision No. 1, as above described; thence from said point of commencement South 70 degrees 40' 20" West 110.08 feet to a 3/4" iron pipe; thence North 27 degrees 57' 30" West 798.86 feet to a 3/4" iron pipe and the point of beginning of the parcel of land to be herein described; thence from said point of beginning North 2 degrees 36' East 27.38 feet; thence curving to the right with a radius of 574.95 feet thru an angle of 0 degrees 36' 24" for a distance of 6.09 feet to a 3/4" iron pipe; thence South 66 degrees 16' West 84.85 feet to a 3/4" iron pipe; thence South 23 degrees 44' East 30.00 feet; thence North 66 degrees 16' East 70.00 feet to the point of beginning of the above described parcel of land. Basis of Bearing: Monte Rosa Subdivision No. 1.

A.P. No.: 72-320-25

Parcel 30:

Lot 11, Block B as said Lot is numbered and designated upon that certain map entitled "Subdivision No. 1 Alfonzo's River Terrace, Section 6, Township 7 North, Range 10 West., M.D.B. & M., Sonoma County, California", filed June 29, 1933 in Book 48 of Maps, page 42 and 43, Sonoma County Records.

A.P. No.: 71-260-41

Parcel 31:

Lots 38 and 39 Block B as said Lots are numbered and designated upon that certain Map entitled "Subdivision No. 1 Alfonzo's River Terrace, Section 6, Township 7 North, Range 10 West, M.D.M. & M. Sonoma County, California", etc., filed June 29, 1933 in Book 48 of Maps, page 42 and 43, Sonoma County Records.

A.P. No.: 71-260-50

Parcel 32:

Lots 18, 19, 19A, 20, 23, 33, 34, 35, 35A, 36, 36A, 37, 59, 60, 61, 62, 63, 63 1/2, 64, 65, 65A, 66, 66A, 67 and 68, Block B as said Lots are numbered and designated upon that certain map entitled "Subdivision No. 1 Alfonzo's River Terrace.

Section 6, Township 7 North, Range 10 West., M.D.B. & M. being in Sonoma County, California", etc., filed June 29, 1933 in Book 48 of maps, pages 42 and 43, Sonoma County Records.

A.P. No.: 71-260-48

Parcel 33:

Lots 26, 28, 29, 30 & 31, Block B, as said Lots are numbered and designated upon that certain Map entitled "Subdivision No. 1 Alfonzo's river Terrace, Section 6, Township 7 North, Range 10 West, M.D.B. & M., Sonoma County, California", etc, filed June 29, 1933 in Book 48 of Maps, page 42 and 43, Sonoma County Records.

Parcel 34:

Also that portion of Lot 27 of said "Alfonzo's River Terrace", lying North and west of the following described line: Commencing at the most Northerly corner of said Lot 27; thence South 32 degrees 30' East, 46 feet to the point of beginning; thence Southwest in a straight line to a point on the Southwesterly Boundary line of said Lot 27, from which the most Southerly corner of Lot 27 bears South 20 degrees 31' East 42.22 feet.

A.P. No.: 71-260-46

Parcel 35:

1, 2, 3, 4, 5, 6, 11, 13, 14, 16, 17, 42, 43, 44, 45, 46, 47, 48, 49, 49A, 50, 50A, 51, 52, 53, 54, 55, 56, 56A, 57, 57A, 58, 69, 70, 71, 72 and 73, Block B as said Lots are numbered and designated upon that certain Map entitled "Subdivision No. 1 Alfonzo's River Terrace, Section 6, Township 7 North, Range 10 West, M.D.B. & M., Sonoma County, California", etc., filed June 29, 1933 in Book 48 of Maps, page 42 and 43, Sonoma County Records.

A.P. No.: 71-260-51

Parcel 36:

Lot Numbered 169 as delineated upon the Map of Subdivision No. 1, Monte Cristo, filed in the Office of the County Recorder of Sonoma County, California, January 10, 1910, in Book 21 of Maps, at page 13, Sonoma County Records.

A.P. No.: 94-053-03

Parcel 37:

Being in the Bodega Rancho, and a portion of that 135 acre tract of land as shown and designated upon Sheet No. 1 of that map entitled, "Map Showing a portion of the Bodega Rancho Sonoma County, California", and map being on file in Book 29 of Maps, at page 11, Sonoma County Records, this portion thereof being particularly described as follows:

Being at a point which is North 3700.9 feet from corner No. B 184 of the Patent Survey of Bodega Rancho, as shown on above described map; thence North 79 degrees 30' East, 1410.4 feet, thence North 6 degrees 35' West, 351.1 feet; thence South 88 degrees 19' West, parallel to the Southerly line of Tier "H", as shown and designated on "Map of Monte Rio Park", filed in Book 15 of Maps, page 4, Sonoma County Records, and 20 feet Southerly therefrom, a distance of 93.95 feet, more or less; thence North 67 degrees 46' West, parallel to the Southerly line of Tier "G", as shown and designated on "Map of Monte Rio Park Addition No. 4", filed in Book 20 of maps, at page 26, Sonoma County Records, and 20 feet Southerly therefrom a distance of 231.25 feet; thence North 51 degrees 56' West, parallel to the Southerly line of Tier "L", as shown on above described map of Monte Rio Park Addition No. 4, and 20 feet Southerly therefrom, a distance of 177.6 feet to the Southerly line of Alpine Terrace, as shown and designated on Map of Monte Rio Park Addition No. 5, filed in Book 21 of Maps, at page 9, Sonoma County Records; thence along the Southerly line of Alpine Terrace, as shown on above described map, the following courses and distances, South 89 degrees 08' West, 15.2 feet; North 60 degrees 21' West, 87.2 feet; North 87 degrees 28 1/2' West, 43.2 feet; South 45 degrees 09 1/2' West, 111.86 feet; North 84 degrees 21' West, 43.13 feet; North 41 degrees 57' West, 118.9 feet, to a point which bears South 48 degrees 30' West, a distance of 10 feet from monument #38 in Alpine Terrace, as shown on above described Map No. 5; thence North 20 degrees 20' West, 46.33 feet to the most Westerly corner of Lot 1, Tier "O", Map No. 5, above described; thence North 52 degrees 02' West, 693.61 feet to the West line of the aforescribed 135 acre tract; thence South, along said West line, 1328.86 feet to the point of beginning.

Excepting therefrom all existing and future timber as contained in Timber Deed recorded December 3, 1971 in Book 2585 of Official Records, page 666, Sonoma County Records.

Also excepting therefrom all oil, gas, minerals and rock rights as contained in Deed recorded December 3, 1971 in Book 2585 of Official Records, page 669, Sonoma County Records.

A.P. No.: 96-010-01

Parcel 38:

Lots 38 & 39, Tier I, as numbered and designated upon that Certain Map entitled "Addition No. 1, Monte Rio Park" filed in the Office of the County Recorder of Sonoma County on May 1, 1905 in Book 18 of Maps at page 2, Sonoma County Records.

A.P. No.: 95-113-03 (ptn)

Parcel 39:

A tract of land in Sec. 7, T. 7 N., R. 10 W., M. D. B. & M., County of Sonoma, State of California, and more particularly described as follows:

Beginning at a point which is the most Easterly corner of Lot 5, Tier M. as numbered and designated on a Map entitled "Breen's Addition to Monte Rio, Sonoma County, California, being in Sec. 7 T. 7 N., R. 10 W., M. D. M.," recorded in the Office of the County Recorder, County of Sonoma, State of California, on Sept. 16, 1910; running thence N. 21 degrees 50' E. 150.0 feet to a point; thence S. 21 degrees 50' W. 150.0 feet to a point which point is the most Easterly corner of Lot 3, Tier M as numbered and designated on the aforesaid map; thence S. 82 degrees 30' E. 100.0 feet to the point of beginning.

A.P. No.: 94-121-03

Parcel 40:

Located in the Southwest quarter of Section 6, Township 7 North, Range 10 West, M.D.M., and being a portion of the 68.20 acre tract of land conveyed to Mary T. Breen by that certain Decree in the Matter of the Termination of the Joint Tenancy Interest of Hugh Breen, deceased, said Decree being dated June 29, 1945 and recorded June 29, 1945 in Book 646 of Official Records, page 51, Recorder's Serial No. B-95846, Sonoma County Records, said portion being more particularly described as follows:

Commencing at an iron pipe monument set at the Northwesterly corner of the tract of land shown on Record of Survey recorded in Book 49 of Maps, page 67, Sonoma County Records, said point being on the Southwesterly line of the State Highway, and known as Road IV-Son-104-A of the survey of said Highway; thence North 7 degrees 57' East and crossing said Highway a distance of 68.90 feet, more or less, to the division fence line between the lands conveyed to William C. Bagley and wife by Deed recorded November 10, 1944 in Book 623 of Official Records, page 219, Recorder's Serial No. B-84768, Sonoma County Records, and said lands of Mary T. Breen, said point being the point of beginning of the parcel of land to be herein described; thence from said point of beginning North 33 degrees 44' East and along the division fence line between said lands of Bagley and Breen, a distance of 423.70 feet to a 3/4 inch iron pipe monument; thence South 55 degrees 19' East 125 feet to a 3/4 inch iron pipe monument; thence South 34 degrees 41' West 125 feet to an iron pipe monument; thence North 55 degrees 19' West 102.90 feet to a point and from which point a 3/4 inch iron pipe monument set on said division line bears North 55 degrees 19' West a distance of 20 feet; thence South 33 degrees 44' West 306 feet to the Northeasterly line of said Highway; thence North 41 degrees 22' West and along the Northeasterly line of the Highway a distance of 20.70 feet; thence leaving said Highway North 33 degrees 44' East a distance of 2.30 feet to the point of beginning.

Excepting therefrom all that portion conveyed to the State of California by Deed recorded June 2, 1953 in Book 1211 of Official Records, page 267, Sonoma County Records.

A.P. No.: 94-080-1

Parcel 41:

Being a portion of Lot 10, in Block 6, as said Lot and Block are numbered and designated upon the Map entitled, "Subdivision No. 2 of Rio Campo, a portion of Sections 5 & 6, T. 7 N., R. 10 W., M.D.B. & M.," and filed in the Office of the County Recorder of Sonoma County on June 30, 1927 in Book 47 of Maps, pages 16, 17 and 18, said portion being more particularly described as follows:

Commencing at the common corner to Lots 10, 11, 12 and 13, in said Block 6; thence South 20 degrees 38' East along the division line between Lots 10 and 11 a distance of 40 feet to a point, said point being the point of beginning of the parcel of land to be herein described; thence from said point of beginning North 20 degrees 38' West and returning along said division line 40 feet to the common corner to said Lots 10, 11, 12 and 13; thence North 71 degrees 13' West along the division line between Lots 10, 13 and 14 a distance of 40.70 feet to the common corner to Lots 8, 9 and 10; thence South 2 degrees 30' East along the division line between said Lots 9 and 10, a distance of 40 feet; thence Southeasterly in a direct line 51.25 feet, more or less, to the point of beginning.

Parcel 41A:

An easement for all general Right of Way purposes, and for the joint use and benefit of the grantee herein, and its successors in interest, and the grantors herein, and their successors in interest, over and along a strip of land 5 feet in width and described as commencing at the common corner, to Lots 10, 11, 12 and 13 in said Block 6; thence South 20 degrees 38' East along the division line between Lots 10 and 11 a distance of 40 feet to a point, said point being the point of beginning of the strip of land to be herein described; thence from said point of beginning and continuing South 20 degrees 38' East along said division line 55.60 feet to the Northerly line of Ridgcrest Drive; thence Westerly along said Drive a distance of 5 feet; thence North 20 degrees 38' West parallel with and 5 feet Westerly of said division line a distance of 58.50 feet, more or less, to the Southerly line of the hereinabove described parcel of land; thence Southeasterly along said line a distance of 6 feet, more or less, to the point of beginning.

A.P. No.: 94-160-30

Parcel 42:

Being a thirty foot diameter tract of land which is a portion of Section 11, Township 7 North, Range 11 West, M.D.B. & M. and particularly described as follows:

Commencing at a 6" x 6" concrete monument located at the angle point on the Westerly right of way line of Laurel Dell Avenue as shown on Map of Russian River Meadows Subdivision, recorded January 21, 1948 in Book 59 of Maps at pages 8 and 9, Sonoma County Records; thence along the Westerly right of way line of said Laurel Dell Avenue, South 5 degrees 09' 30" East 419.40 feet; thence leaving said Westerly right of way line of Laurel Dell Avenue, North 88 degrees 42' East 155.98 feet to the center of a well, said well being the center of the herein described thirty foot diameter tract of land.

Parcel 42A:

An easement, ten feet wide for roadway, utility and pipe line purposes along the following described centerline:

Commencing at a 6" x 6" concrete monument located at an angle point on the Westerly right of way line of Laurel Dell Avenue as shown on map of Russian River Meadows Subdivision, recorded January 21, 1948 in Book 59 of Maps at pages 8 and 9, Sonoma County Records; thence along the Westerly right of way line of said Laurel Dell Avenue, South 5 degrees 09' 30" East 419.40 feet; thence leaving the Westerly line of said Laurel Dell Avenue, North 88 degrees 42' East 50.11 feet to the Easterly right of way line of said Laurel Dell Avenue and the point of beginning of the herein described centerline; thence continuing North 88 degrees 42' East 90.87 feet to the herebefore described thirty foot diameter tract of land.

Parcel 42B:

An easement for pipe line purposes along the following described line:

Commencing at the Most Northerly corner of Lot 14 of Russian River Meadows Subdivision, recorded January 21, 1948 in Book 59 of Maps at pages 8 and 9, Sonoma County Records; thence along the Southerly right of way line of Sylvan Way as shown on said map, South 47 degrees 30' 30" West 17.85 feet; thence leaving the Southerly right of way line of said Sylvan Way North 43 degrees 29' 30" West 50.00 feet to the Northerly right of way line of Sylvan Way and the point of beginning of the herein described pipe line easement; thence from said point of beginning North 43 degrees 29' 30" West 0.60 feet; thence South 89 degrees 12' 30" West 353.67 feet to the herebefore described thirty foot diameter tract of land.

A.P. No.: 96-180-36

Parcel 43:

Beginning at the most Easterly corner of Lot 18 in Block "A", as shown upon the Map entitled "Map of Subdivision No. One, Drake Estates, Sonoma County, Cal.", etc., filed April 27, 1936 in Book 50 of Maps, pages 34 and 35, Sonoma County Records; thence along the Northeast and Northerly line of said Block "A", North 26 degrees 44' West 183.64 feet, more or less, to the most Northerly corner of Lot 14, Block "A" as shown upon the Map above referred to; thence North 63 degrees 16' East along the Northeasterly extension of the Northwesterly line of said Lot 14 to the centerline of the Russian River; thence along the center line of the Russian River in a Southeasterly direction to a point which bears North 38 degrees 46' East from the point of beginning; thence South 38 degrees 46' West to the point of beginning.

Parcel 43A:

A Right of Way for the installation maintenance, repair and replacement of water pipe lines only, over and across the following described lands:

Commencing at the Southeasterly corner of Lot 13 in Block "A" as same is shown upon the Map herein referred to; thence along the Southern boundary of said Lot 13, South 63 degrees 16' West, 147.44 feet to the Southwest corner thereof; thence South 26 degrees 44' East 10 feet to the Northwest corner of Lot 14 in said Block "A"; thence along the Northern line of said Lot 14, North 63 degrees 16' East, 147.44 feet to the Northeast corner thereof; thence continuing North 63 degrees 16' East to the center line of the Russian River; thence along said center line Northwesterly 10 feet, more or less, to a point which bears North 63 degrees 16' East from the point of commencement; thence South 63 degrees 16' West to the point of commencement.

Being a tract designated "Lane" and the extension thereof, all as said lot and block and lane are shown upon that certain map entitled "Map of Subdivision No. One, Drake Estates, Sonoma County, Cal.", etc., filed April 27, 1936 in Book 50 of Maps, pages 34 and 35, Sonoma County Records.

A.P. No.: 71-025-22

Parcel 44:

Beginning at a point which bears South 54 degrees 21' East, 302.6 feet from the most Southerly corner of Lot No. 20, said Lot being shown and designated upon the Map entitled, "Map of the Subdivision of Sheridan", on file in Book 16 of Maps, page 10, Sonoma County Records; thence from said point of beginning, South 63 degrees 10' East, 223.6 feet; thence North 28 degrees 10' East, 103.15 feet; thence North 51 degrees 50' West 218.85 feet; thence South 39 degrees 10' West, 150.0 feet to the point of beginning.

Parcel 44A:

Easement for the purpose of the passage of men and vehicles and of laying, maintaining, operating, repairing and removing pipes and pipe lines over, along and under the following described 20 foot strip of land; beginning at a point on the Southeasterly line of the right of way of the Northwestern Pacific Railroad, South 45 degrees 31' East, 60.0 feet from the most Southerly corner of Lot No. 20, Subdivision of Sheridan, heretofore above described; thence from said point of beginning, South 51 degrees 50' East, 244.7 feet; thence South 63 degrees 10' East, 229.03 feet; thence South 82 degrees 13' East, 103.35 feet; thence North 7 degrees 50' East, 20.0 feet; thence North 82 degrees 10' West, 100.0 feet; thence North 63 degrees 10' West, 223.6 feet; thence North 61 degrees 60' West 242.63 feet to a point on the above described right of way line; thence Southwesterly, along said right of way line, 20.0 feet to the point of beginning; subject to a reservation unto North Shore Land Company and its assigns of the right at all times to pass over and across said 20 foot strip of land.

A.P. No.: 97-130-08

Parcel 45:

Lot 63, Tier J. as shown on that certain Map entitled Mesa Grande Addition No. 1 filed in the Office of the County Recorder of Sonoma County on March 6, 1906 in Book 19 of Maps, at page 5, Sonoma County Records.

A.P. No.: 95-023-13

Parcel 46:

A portion of Lot 101, Tier I, as delineated upon Map of Mesa Grande Addition No. 1, filed in the Office of the County Recorder of Sonoma County, California March 6, 1906, in Book 19 of Maps at page 5, Sonoma County Records, particularly described as follows:

Beginning at a point on the line common to said Lot 101 and Lot 100, distant thereof Northeasterly 26.5 feet from the corner common to said Lots 100, 101 and to Lots 102 and 103; thence Southeasterly in a direct line to a point on the Southerly line of said Lot 101, distant thereon Easterly 24.5 feet from the Southerly corner common to said Lots 101 and 103; thence Easterly along the Southerly line of Lot 101, to the most Easterly corner of said Lot 101; thence Northerly along the Easterly line thereof to the Easterly corner common to said Lots 100 and 101; thence Westerly along the said line common to Lots 100 and 101, to said point of beginning.

A.P. No.: 95-022-30

Parcel 47:

Being a portion of Lot 17, Block 3, as numbered and designated upon the map entitled "Belden Addition to GuerneWood Heights" filed in the Office of the County Recorder of Sonoma County on August 24, 1948 in Book 61 of Maps, page 27, and particularly described as follows:

Commencing at the most Westerly corner of Lot 11, Block 3, thence from the point of commencement N. 78 degrees 19' E. 31.92 feet; thence N. 82 degrees 08' 50" E. 59.34 feet to the true point of beginning of the parcel of land herein described; thence from the point of beginning N. 82 degrees 08' 50" E. 30.0 feet; thence curving to the left with a radius of 15.0 feet a distance of 34.96 feet; thence N. 51 degrees 28' W. 45.33 feet; thence S. 1 degrees 30' 20" W. 58.95 feet to the point of beginning.

A.P. No.: 72-173-19

Parcel 48:

Portion of GuerneWood Heights filed in the Office of the County Recorder of Sonoma County in Book 15 of Maps, at page 10, North Park Street and Block B, South Park Street and Block C, and designated on Recorded Map as "Park Site".

A.P. No.: 72-160-23

Parcel 49:

Beginning at a point on the Southerly line of the Southeast quarter of the Northeast quarter of Section 29, T. 8 N., R. 10 W., M. D. B. & M., 130.0 feet Easterly from the Southwest corner thereof; thence Easterly along the Southerly line above described, to a point on the East side, left hand bank of the Russian River; thence Northeasterly along the East side, left hand bank of the Russian River to a point which is 200 feet North of the above mentioned Southerly line produced; thence Westerly and parallel to above mentioned Southerly line, to a point which is 27.6 feet Southeasterly and on a line at a right angle to the present fence line of the Northwestern Pacific Railroad Company, and at a right angle to center line of the Northwestern Pacific Railroad Company, thence South 33 degrees 49-1/2' West, 244 feet to the point of beginning.

Parcel 49A:

Also a right of way, 40.0 feet in width, parallel to, and along the last course above described, saving and excepting therefrom any portion within the right of way of the Northwestern Pacific Railroad Company.

A.P. No.: 70-140-01

Parcel 50.

Beginning at the most Northerly corner of the parcel of land conveyed by George Munk, a single man, to Chester Leonard and wife by Deed dated July 29, 1954 and recorded August 5, 1954 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. E-26784; thence South 41 degrees 08' 20" East and along the Northeastern line of said Leonard Parcel a distance of 64.36 feet; thence North 11 degrees 17' East to a point that bears 20 feet measured at right angles from the extension Southerly of the Southwestern line of the parcel of land described in the Deed conveyed by Herbert A. Genelly and wife to Alexander Smirnov and wife, by Deed dated September 29, 1946 and recorded February 7, 1947 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. C-37339; thence North 35 degrees West and parallel with the said Southwestern line of Smirnov Parcel a distance of 291 feet, more or less, to the low water line of Russian River as it existed on July 23, 1885; thence Southwesterly and along said low water line to the most Northerly corner of the parcel of land conveyed by Mae Toivari and husband to Barbara La Vita Smith, by Deed dated March 24, 1954 and recorded April 2, 1954 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. E-17745; thence South 64 degrees 01' 20" East and along the Northern line of said Smith parcel a distance of 253.33 feet to a point on the Western line of said Leonard Parcel; thence North 13 degrees 45' 40" East a distance of 54.4 feet to the point of beginning.

A.P. No.: 71-220-68

Parcel 50A:

Together with, but without limitation of the generality of the rights of way and easements hereinafter granted, a right of way and easement to construct, reconstruct, replace, use, maintain, repair, relocate or remove such pipe lines and mains, and accessory appliances, fixtures and connections, for the conveyance of waters as from time to time shall be necessary or convenient to the operations of a water system, on and across the following described property:

Beginning at the Southeast corner of Lot 5, Block A, as shown upon the Map entitled "Subdivision No. 3 Vacation Beach, Sonoma County, California", filed June 3, 1936 in Book 50 of maps, pages 38, 39 and 40, Sonoma County Records; thence North 11 degrees 17' East a distance of 26.92 feet to the true point of beginning of the parcel of land to be herein described; thence North 71 degrees 24' West a distance of 144.53 feet; thence North 11 degrees 17' East a distance of 5.08 feet; thence South 71 degrees 24' East a distance of 145.53 feet to the Western line of Orchard Avenue as shown on said Subdivision Map; thence South 11 degrees 17' West and along said Western line of Orchard Avenue to the true point of beginning.

Parcel 51:

A tract of land in Sections 6 and 7, T. 7 N., R. 10 W., M. D. B. & M., County of Sonoma, State of California and described as follows:

Beginning at a point distant South 63 degrees 06' East, 395.2 feet, more or less, from the Northwest corner of Sec. 7, T. 7 N., R. 10 W. M. D. B. & M., and on the Southeasterly line as defined by the present fence of the land described in the Deed from Hugh Breen and wife, to David King, dated April 4, 1903, and recorded June 9, 1903, in Liber 206 of Deeds, page 264; running thence North 36 degrees 04' East, 265.0 feet, more or less, along said fence to a point in the Southwesterly line of the County Road; thence in a Southeasterly direction, along the Southwesterly line of said County Road, 20.0 feet, more or less, to a point; thence south 36 degrees 04' West, 265.0 feet, more or less, to a point which bears South 55 degrees 54' East, 20.0 feet from the point of beginning; thence South 55 degrees 54' East, 290.0 feet to a point; thence South 36 degrees 04' West, 487.5 feet, more or less, to a point in the center of the Russian River; thence in a Northwesterly direction, down the center of said Russian River to a point which bears South 36 degrees 04' West, 354.8 feet, more or less, from the point of beginning; thence North 36 degrees 04' East, 354.8 feet, more or less, to the point of beginning.

Excepting therefrom all that portion conveyed to the State of California by Deed recorded April 2, 1952 in Book 1118 of Official Records, page 150, Sonoma County Records.

Excepting therefrom all that portion conveyed to the State of California by Deed recorded May 22, 1953 in Book 1209 of Official Records, page 150, Sonoma County Records.

A.P. No.: 94-090-19

Parcel 52:

Being in the Bodega Rancho, and in Township 7 North, Range 10 West, M. D. B. & M., and a part of that 95 acre tract shown and designated upon Sheet No. 2 of that Map entitled "Map showing portion of the Bodega Rancho, Sonoma County, Cal.", said map being on file in Book 29 of Maps, page 12, Sonoma County Records, this portion thereof being particularly described as follows:

Beginning at a point on the South line of that certain tract of land conveyed to C. H. Crawford by Deed dated November 10, 1906 and recorded in Book 233 of Deeds, page 195, Sonoma County Records, North 89 degrees 41' West 200.0 feet from the Southeast corner of said Crawford Tract, an iron pipe set in concrete and South 40 degrees 20' West 780.7 feet from the point where the section line between Sections 17 and 18, Township 7 North, Range 10 West, intersects the North line of said Bodega Rancho; thence from the said point of beginning, North 89 degrees 41' West along the South line of said Crawford Tract, and the Westerly continuation thereof, 3370.0 feet; thence South 1880.0 feet; thence North 69 degrees 42' East, 2334.7 feet; thence North 57 degrees 28' East, 1375.0 feet; thence North 3 degrees 53' East, 311.5 feet to the point of beginning.

Excepting all existing and future timber as contained in Timber Deed to Citizens Resources Company, a Delaware Corporation recorded August 19, 1974 in Book 2890 of Official Records, page 935, Sonoma County Records.

Also excepting therefrom all oil, gas, minerals and rock as contained in Document to Citizens Resources Company, a Delaware corporation recorded August 19, 1974 in Book 2890 of Official Records, page 938, Sonoma County Records.

Parcel 52A:

Also a right of way and easement for the purpose of the passage of men and vehicles and of laying, maintaining, operating, repairing and removing pipes and pipe lines, over along and under the following described 20 foot strip of land; beginning at the Northeast corner of the above described 92.11 acre tract; thence South 89 degrees 41' East, 200 feet; thence North 38 degrees 53' East 398.2 feet along the Southeasterly line of the Crawford Tract hereinabove described; thence South 45 degrees 0' East, 20 feet; thence South 38 degrees 53' West, 409.97 feet; thence North 89 degrees 41' West, 210.87 feet; thence North 3 degrees 53' East, 20 feet to the point of beginning, subject to a reservation unto North Shore Land Company and its assigns of the right at all times to pass over and across said 20 foot strip of land.

A.P. Nos.: 74-200- 2 & 4

Parcel 53:

Lot 23 in Block "F" as shown upon the Map entitled "Map of Subdivision No. One, Drake Estates, Sonoma County, California", etc., filed April 27, 1936 in Book 50 of Maps, pages 34 and 35, Sonoma County Records.

A.P. No.: 71-030-20

Parcel 54:

Beginning on the Westerly line of Lot 28, Tier "J", as shown and designated on the Map of Monte Rio Park Addition No. 1, filed in Book 18 of Maps, at page 2, Sonoma County Records, 48 feet Northerly from the Southwesterly corner thereof; thence South 87 degrees 26' West, 262.8 feet to an intersection with Course No. 3 of Tract "B" hereinabove described; thence South 29 degrees 01' East, along Course No. 3, a distance of 282.5 feet; thence South 13 degrees 27' West along Course No. 2, 196.7 feet; thence North 46 degrees 00' East, 351.1 feet, more or less, to a point on the Southerly line of said Tier "J", 68 feet Westerly from the Southeast corner of Lot 25, said Tier J, the most Westerly corner of the Southeasterly one-half of Lot 25, Tier J, above described; thence along the Westerly line of Tier J, North 55 degrees 58' West 90 feet, and North 2 degrees 28' West, 156 feet to the point of beginning.

A.P. No.: 95-120-01 (ptn)

Parcel 55:

A Parcel of land situate in the State of California, County of Sonoma, in the North 1/2 of the Southwest 1/4 of Section 16, Township 8 North, Range 10 West, M.D.B. & M., and being a circle of land with the radius of 25.00 feet and its radius point located South 43 degrees 41' 31" East, 1304.89 feet from the 1/4 corner common to Sections 16 and 17 of said Township, also the radius point is at the Southerly-most corner of an existing concrete slab, 12 feet square, said slab is the base for a water tank.

The basis of bearings is found monuments on record of survey filed in Book 269 of Maps at page 4, Sonoma County Records.

A.P. No.: 69-060-21

Parcel 55 A&B:

Robert S. Malkin and James F. Walsh Grantor(s) hereby grant to Citizens Utilities Company of California a corporation, Grantee, its successors and assigns, easements as described herein for the installation, construction, reconstruction, maintenance, repair and operation of water lines, and related appurtenances, and work auxiliary thereto, in, over, and across, and upon the real property, situated in the unincorporated area of Sonoma County, California, and described in Grant Deed to Malkin and Walsh and recorded at Book 3391 page 165 of Official Records, as recorded in said County. Said below described Easements are appurtenant to and for the benefit of that certain circular land parcel being conveyed in fee and described herein.

1. Road Way Easement

An easement over existing private road as it now exists, or as it will exist in the future, on heretofore described parcel, to provide 'Citizens Utilities Company of California, ingress and egress to the circular parcel being conveyed in fee as described herein.

2. Pipeline Easement

An exclusive easement, twenty (20) feet wide, the centerline of which is the existing pipeline as it now exists, wither above or below ground. Permission is hereby granted to reroute pipeline within easement limits as defined above, to maintain pipeline, or to install different type of size of pipeline or related water facilities. Rerouting of pipelines within easements shall be at locations agreeable to Grantor and Grantee.

Parcel 55C:

3. Pipeline Easement

An exclusive easement, twenty (20) feet wide, for installation of pipelines, and appurtenances either above or below ground, to connect any water tank located at or upon the circular parcel, being conveyed in fee as described herein to existing pipelines, as described in pipeline easement No. 2. Route of easement to follow route of roadway as it now exists or will exist in the future.

Parcel 55D:

Easements as shown in Easement Deed from Elizabeth C. Faylor to Citizens Utilities Company of California, a corporation recorded January 6, 1989 under Document No. 89-001601, Sonoma County Records.

Parcel 56:

Also Lot 26 in Block 22, as shown on Map entitled, "Map of Block 22 in Subdivision "A" of the property of the Russian River Heights Land Company, in Montesano Park, as re-surveyed and subdivided October, 1905", filed in the Office of the County Recorder of Sonoma County, California, on November 25, 1905 and recorded in Book 18 of maps, page 20.

A.P. No.: 72-240-31

Parcel 57:

Being a portion of Section 36, T. 8 N. R. 11 W., M.D.M., and more particularly described as follows:

Beginning at point which is N. 80°30' W. 25 feet from the northwest corner of Lot 6 in Block 8 of Guerneville Terrace, Map #5, as shown on the map recorded in Book 46 at page 49, Sonoma County Maps; thence N. 80°30' W, 50 feet; thence S. 6°35' W. 54.1 thence S. 83°25' E. 50 feet; thence N. 6°35' W, 51.8 feet to the point of beginning.

A.P. No.: 072-060-07

Parcel 58:

Beginning at the Southeasterly corner of Lot No. 7, Tier J. Mesa Grande Addition No. 1, a map of said Addition No. 1, being on file in Book 19 of Maps, at page 5, Sonoma County Records, said point being also the Northwesterly corner of 152, Tier I, Monte Rio Park Addition No. 2, a map of said Addition No. 2, being on file in Book 19 of Maps, at page 29, Sonoma County Records; thence from said point of beginning, along the Westerly line of Lots 152 and 151, as shown on said map of Monte Rio Park Addition No. 2, South 166.92 feet to the most Southerly corner of said Lot No. 151; thence North 80 degrees 00' East, 200.3 feet to the Southeasterly corner of Lot No. 146; thence South 12 degrees 00' West, 41.13 feet to the Southwesterly corner of Lot No. 144; thence South 23 degrees 00' West 200.43 feet to the Southwesterly corner of Lot No. 140; thence leaving the said Westerly line of Tier I, South 44 degrees 30' West, 188.7 feet; thence South 87 degrees 33-1/2' West, 219.2 feet; thence North 49 degrees 23' West, 219.43 feet; thence North 38 degrees 47-1/2' East, 286.36 feet; thence North 14 degrees 07' West, 125.50 feet; thence South 87 degrees 44' East, 103.0 feet; thence North 14 degrees 07' West, 12.0 feet; thence North 4 degrees 23' East, 47.4 feet; thence North 27 degrees 53' East, 49.0 feet; thence South 62 degrees 35' East, 26.0 feet; thence South 43 degrees 24' East, 87.3 feet; thence South 78 degrees 49' East, 50.0 feet to the point of beginning.

Excepting all that portion conveyed to John P. Castagnola, et ux, recorded June 23, 1977 in Book 3252 of Official Records, page 286, Sonoma County Records.

Also excepting therefrom timber rights conveyed to Citizens Resources Company, a Delaware Corporation by Grant recorded August 19, 1974 in Book 2890 of Official Records, page 935, Serial No. P-16070.

Also excepting therefrom oil, gas, minerals and rock rights conveyed to Citizens Resources Company, a Delaware Corporation, by Grant recorded August 19, 1974 in Book 2890 of Official Records, page 938, Serial No. P-16071.

A.P. No.: 95-061-15

Parcel 59:

Being a portion of Lot 3, Block 61, Russian River Heights as recorded in Book 15 of maps at page 16, Sonoma County Records more particularly described as follows:

Commencing at the most Northerly corner of said Lot 3; thence from said point of commencement and along the Northerly lot line of said Lot 3, S 78 degrees 47' West 82.49 feet to an iron pipe marking the point of beginning of the parcel of land to be herein described.

Thence from said point of beginning and continuing along said lot line S. 78 degrees 47' W. 62.03 feet to a 1/2" iron pipe; thence leaving said lot line S. 11 degrees 13' E. 30.88 feet, from which point a shiner in a 12" redwood tree bears S 11 degrees 13' E 8.57 feet; thence along the Northeasterly edge of Upper Terrace Road S. 62 degrees 06' E. 50.23 feet from which point a shiner in the South side of an 8" Madrona Tree bears S. 9 degrees 01' W. 1.42 feet; thence leaving said road N. 9 degrees 01' E. 66.68 feet to the point of beginning of the above described parcel of land.

Parcel 59A:

An easement for the right to lay, relay and maintain pipe lines for the purposes of conveying water on said Upper Terrace Road.

A.P. No.: 94-210-6

Parcel 60:

Beginning at a point on the Northerly line of the Northeast quarter of the Southeast quarter of Section 29, T. 8 N., R. 10 W. M. D. B. & M., 130.0 feet Easterly from the Northwest corner thereof; thence on a curve, tangent of which is South 33 degrees 00' West, and curving in a Southerly and Southeasterly direction, with a radius of 64.39 feet, for a distance of 138.89 feet to a point which is on a line parallel to the Northerly line of the Northeast quarter of the Southeast quarter above described and 100.0 feet distance at right angles therefrom; thence Easterly parallel to above described Northerly line 229.98 feet; thence North 33 degrees 00' East 120.05 feet; thence Westerly along the Northerly line of the Northeast quarter of the Southeast quarter above described, 350.0 feet to the point of beginning.

A.P. No.: 70-120-21

Parcel 61:

Tract "F": Beginning at the Southwesterly corner of Lot No. 65, Tier J, as shown and designated on the map of Mesa Grande Addition No. 1, filed in Book 19 of Maps, at page 5, Sonoma County Records; thence from said point of beginning, South 14 degrees 58' East 275 feet; thence North 75 degrees 02' East, 164.0 feet; thence North 14 degrees 58' West, 275 feet to the Southeasterly corner of Lot No. 63 Tier J, above described; thence South 75 degrees 02' West, 164.0 feet to the point of beginning.

A.P. No.: 95-023-12

Parcel 62:

Lot No. 99, Tier I, as shown and designated upon that Map entitled "Map of Mesa Grande Addition No. 1", on filed in Book 19 of Maps, page 5, Sonoma County Records.

A.P. No.: 95-022-29

Parcel 63:

Commencing at a 3/4" iron pipe monument which bears North 19 degrees 39' East 13.49 feet from the Southeasterly corner of Lot 9, Block B, as shown on Map of Subdivision No. 1 of East Guernewood, recorded in Book 48 of Maps, pages 1 and 2, Official Records of Sonoma County; thence South 73 degrees 29' East 200.2 feet to a 3/4" iron pipe monument marking the Southwest corner of the parcel of land to be described as a tank site; thence from said point of beginning North 12 degrees 28' East 72.7 feet to a 3/4" iron pipe monument; thence South 77 degrees 32' East 71.8 feet to a 3/4" iron pipe monument; thence South 12 degrees 28' West 72.7 feet to a 3/4" iron pipe monument; thence North 77 degrees 32' West 71.8 feet to the point of beginning.

Parcel 63A:

Together with, but without limitation of the generality of the rights of way and easements hereinafter granted, the right to lay, maintain, repair, relay, replace, relocate and remove such pipe lines and mains, and accessory appliances, fixtures and connections, for the conveyance of water, as from time to time shall be necessary or convenient to the operation of a water system, over and across, an easement and right of way 20 feet in width (together with reasonable ingress thereto and reasonable egress therefrom), the center line of which is described as follows:

Commencing at the Northeasterly corner of Lot 9 above described; thence South 19 degrees 39' West 10 feet to the point of beginning of the 20 foot easement to be described; thence South 71 degrees 36' East 58 feet; thence South 15 degrees 12' East 90.4 feet; thence South 57 degrees 29' East 72.6 feet; thence North 79 degrees 56' East 43.8 feet; thence North 38 degrees 31' East 41.6 feet to a point in the Southerly line of the tank site above described; said point bears South 77 degrees 32' East 30.94 feet from the 3/4" iron pipe monument marking the Southwesterly corner of said tank site.

A.P. No.: 71-210-17

Parcel 64:

Beginning at the most Northerly corner of Lot 362, as numbered and designated upon the map entitled, "Map No. 9, Eagle Nest, Sonoma County, California", filed in the office of the County Recorder of Sonoma County, on March 13, 1909, and recorded in Book 23 of Maps, page 4; thence South 57° West, 25 feet; thence South 33° East, 40 feet; thence North 57° East, 25 feet; thence North 33° West, 40 feet to the point of commencement.

A.P. No.: 70-260-46

Parcel 65:

A portion of that parcel of land described in Deed No. 28045 to State of California recorded April 23, 1964, in Volume 2039, page 372, Official Records of Sonoma County, described as follows:

Commencing at the Northwesterly corner of said parcel; thence along the Northerly line of said parcel S. 73 degrees 04' 25" E., 26.54 feet; thence S. 15 degrees 39' 31" W., 107.98 feet to the Westerly line of said parcel; thence along last said line N. 1 degrees 55' 35" E., 111.76 feet to the point of beginning.

A.P. No.: 94-010-29

Parcel 66:

Lot 38, Block D, as numbered and designated on that certain Subdivision entitled "Summerland Tract" filed in the Sonoma County Recorder's Office on February 4, 1909 in Book 23 of Maps, at page 1 1/2, Sonoma County Records.

A.P. No.: 72-014-42

Parcel 67:

Lot 49, Block C as numbered and designated on that certain Subdivision of "Summerland Tract" filed in the Sonoma County Recorder's Office on February 4, 1909 in Book 23 of Maps at page 1 1/2, Sonoma County Records.

A.P. No.: 72-014-14

Parcel 68:

Commencing at the most Easterly corner of Lot C as delineated upon Map of Mesa Grande Addition No. 1, recorded March 6, 1906 in Book 19 of Maps, at page 5, Sonoma County Records; thence South 71 degrees 44' 30" East 90.62 feet to the Northwesterly line of the County Road (formerly Northwestern Pacific Railroad Right of Way); thence along said Right of Way line South 37 degrees 08' West 306.60 feet to the true point of beginning of the parcel of land here described; thence South 69 degrees 11' East to the Northwesterly line of the Right of Way as established by Record of Survey recorded November 5, 1954 in Book 71 of Maps at page 12, Sonoma County Records; thence along said Right of Way line South 37 degrees 26' West 124.94 feet; thence North 69 degrees 11' West to a point South 37 degrees 26' West 124.94 feet from said true point of beginning; thence continuing North 69 degrees 11' West 100 feet to the water's edge on the left bank of the Russian River; thence Northerly up said left bank of said river to its intersection with a line projected North 69 degrees 11' West from the most Westerly corner of Lot J of said Mesa Grande Addition No. 1; thence along said projected line South 69 degrees 11' East to said most Westerly corner of Lot J; thence along the Southerly line of said Lot J, South 69 degrees 11' East 26.90 feet to the most Southerly corner of Lot J; thence in a direct line Easterly to said true point of beginning.

A.P. No.: 95-011-14

Parcel 69:

Being in the Bodega Rancho and in Township 7 North, Ranges 10 and 11 West, MDB&M, this portion thereof being bounded and particularly described as follows:

BEGINNING at the Southeast corner of that certain 70 acre tract of land shown and designated upon Sheet No. 1 of that map entitled, "Map showing a portion of the Bodega Rancho, Sonoma County, California", said map being on file in Book 29 of Maps, at page 11, sonoma County Records, said point of beginning being on the East line of the Bodega Rancho, and North 3068.0 feet from corner No. B 184 of the Patent Survey of said Bodega Rancho; thence from said point of beginning (Course No. 1) North along the said East line 1970.0 feet; thence (Course No. 2) North 13°27' East, 589.2 feet; thence (Course No. 3) North 29°01' West, 282.5 feet; thence (Course No. 4) West 610.0 feet to the Northwest corner of said 70 acre tract; thence (Course No. 5) North 47°55' West, 1567.5 feet; thence (Course No. 6) South 82°04' West, 624.0 feet to a point below the intake in the gulch tributary to "Mesa Grande Gulch"; thence (Course No. 7) south 18°47 1/2' West, 1392.77 feet to a point below the intake in the bottom of "Mesa Grande Gulch"; thence (Course No. 8) South 66°00' West, 717.2 feet; thence (Course No. 9) North 79°35' West, 1270.0 feet to a point (Course No. 10) South 4°04' East, 1670.1 feet to a point which is on the Northerly line of property of E.E. LaFRANCHI; thence (Course No. 11) South 69°58' East, 948.2 feet to a point on the Northerly line of the property of E.E. LaFRANCHI; thence (Course No. 12) South 62°14' East, 673.6 feet to a point on the Northerly line of the property of E.E. LaFRANCHI; thence (Course No. 13) South 53°26' East, 496.2 feet; thence (Course No. 14) North 36°34' East, 562.7 feet; thence (Course No. 15) North 65°07' East, 832.6 feet to the southwesterly corner of the said 70 acre tract; thence (Course No. 16) south 70°47' East, 1747.4 feet to the point of beginning, containing 293.06 acres of land.

Excepting therefrom all existing and future timber as contained in Timber Deed recorded December 3, 1971 in Book 2585 of Official Records, page 672, Sonoma County Records.

Also excepting therefrom all oil, gas, mineral and rock as contained in Deed recorded December 3, 1971 in Book 2585 of Official Records, page 675, Sonoma County Records.

A.P. No.: 97-130-10 & 11 and 95-120-01 (portion)

Parcel 70:

Commencing at the most Easterly corner of Lot 16, Block E as shown on the map of East Guernewood filed in the office of the County Recorder April 22, 1929 in Book 48 of Maps at page 1, Sonoma County Records; thence South 29°34' West 10.05 feet; thence North 19°19' West, 206.84 feet to the point of beginning of this parcel; thence North 36°25' East, 50.00 feet; thence South 53°35' East, 50.00 feet; thence South 36°25' West, 50.00 feet; thence North 53°35' West, 50.00 feet to the point of beginning.

AP 71-190-13

Parcel 71:

Commencing at a 3/4" iron pipe in the Southeast corner of Lot 22, Block "B" as numbered and designated on that certain map of Subdivision No. 1 of East Guernewood, filed in Book 48 of Maps, pages 1 and 2, Sonoma County Records; thence South 52°47' East 341.38 feet to a 3/4" iron pipe marking the Northwest corner of a parcel of land 150 feet by 150 feet, to be used as a tank site and spring site, together with all water rights to this spring; thence South 10°05' West 150 feet; thence South 79° 55' East 150 feet; thence North 10°05' East 150 feet; thence North 79°55' West 150 feet to the point of beginning, containing 0.516 acre, more or less.

Parcel 71a:

TOGETHER WITH, but without limitation of the generality of the rights of way and easements hereinafter granted, the right to lay, maintain, repair, relay, replace, relocate and remove such pipe lines and mains, and accessory appliances, fixtures and connections, for the conveyance of water, as from time to time shall be necessary or convenient to the operation of a water system, over and across an easement and right of way 20 feet in width (together with reasonable ingress thereto and reasonable egress therefrom), the center line of which is described as follows:

Commencing at the Northeasterly corner of Lot 22 above described; thence North 45°53' East 10 feet to the point of beginning of the center line of the 20 feet easement; thence South 19°56' West 96.5 feet; thence South 5°08' East 53.1 feet; thence South 31°13' East 97.6 feet; thence South 44°04' East 98 feet; thence South 46°43' East 82.4 feet; thence South 50°13' East 49.5 feet to a point in the Westerly line of the spring site above described, which point bears South 10°05' West 73.43 feet from the 3/4" iron pipe monument marking the Northwesterly corner of said spring site.

AP 71-210-14

**Parcel 72:**

All interests in easements and rights of way for roads, pipelines, tanks, pumps, and water system facilities and all incidental rights thereto, vested in Citizens Utilities Company of California as of March 1, 1992, lying within that portion of Sonoma County California, lying West of the North-South range line (and the North and south extensions thereof) common to Range 9 West and Range 10 West, Mount Diablo Base and Meridian.

All interests in rights to water and to water use of any character whatsoever, exercised or unexercised, including but not limited to surface and ground water rights, appropriative rights, riparian rights, overlying rights, and spring water rights held by Citizens Utilities Company of California and lying within that portion of Sonoma County California, lying West of the North-South range line (and the North and South extensions thereof) common to Range 9 West and Range 10 West, Mount Diablo Base and Meridian. These rights include without limitation all right, title, and interest evidenced by the State Water Resource Control Board License 528, (Permit No. 1505, Application 3291), Permit No. 19515 (Application No. 24929), Statements of Water Diversion and Use Nos. 09054, 09055, 09056, 09076, 09077, 09078, 09079, 09080, 09081, 09082 and 09083, and any other indicia of water rights held by Citizens Utilities Company of California, all of which are incorporated by reference herein.

Exhibit "C-1"

Citizens Utilities Company of California real property rights in the Guerneville area Sonoma County California, described as follows:

Parcel 1:

Lot 1, Block 14 of Parcel 26, previously known as the property of Russian River Heights Land Company and filed in the Office of the County Recorder of Sonoma County on June 16, 1904 in book 16 of Maps, page 22;

BEING ALSO that property conveyed by Russian River Water Company to Public Utilities California Corporation (of which Citizens Utilities Company of California is successor in interest) on October 8, 1928, and recorded in Book 212, page 146, of the Sonoma County Records.

AP No. 72-216-08

Parcel 2:

Beginning at the most Westerly corner of Lot 181, as numbered and designated upon the map entitled, "Map No. 10, Eagle Nest", filed in the office of the County Recorder of Sonoma County, on March 13, 1909, and recorded in Book 23 of Maps, page 5; thence North 18° 51' West, 63.3 feet to the common corner of Lots 194 and 195 and 182, as designated on above map; thence North 47°45', East, 58.4 feet; thence South 64°30' East, 22 feet, to the most Northerly corner of said Lot 181; thence South 25°30' West, and along the Northwesternly line of said Lot 181, 100 feet to the point of beginning.

BEING ALSO PARCEL 7 on Page 2 of Deed of Indenture dated October 8, 1928, from Russian River Water Company to Public Utilities California Corporation (of which Citizens Utilities Company of California is successor in interest), and recorded in book 212, page 146, of the Sonoma County Records.

AP No. 70-294-08

Parcel 3:

BEING a portion of Section 32, T. 8 N., R. 10 W., M.D.B. & M. and particularly described as follows:

Beginning at a 3/4" diameter iron pipe marking the Southeast corner of the Southwest one-quarter of the Southeast one-quarter of Section 29, T. 8 N., R. 10 W., M.D.B. & M.; thence South 50.00 feet; thence West 50.00 feet; thence North 45.00 feet; thence South 89°33' West 221.42 feet; thence South 0°27' East 25.00 feet; thence South

**Exhibit "C-1"**

89°33' West 25.00 feet; thence North 0°27' West 30.00 feet; thence North 89°33' East 296.42 feet to the point of beginning.

Basis of Bearings, "Record of Survey of a Portion of Sections 29 and 32, T. 8 N., R. 10 W., M.D.B. & M." as recorded in Book 54 of Maps at Page 6, Sonoma County Records.

AP No. 71-150-12

Parcel 4:

Commencing at the one-quarter section corner common to sections 29 and 32, T. 8 N., R. 10 W., M.D.B. & M.; thence North 89°15' East 228.6 feet to a point on the Easterly side of Drake Road, (a County road), said point also being the Westerly common corner of the land of Laura A. Birkhofer as described in the Decree of Final Distribution dated March 25, 1955 and recorded April 15, 1955, in the office of the County Recorder of Sonoma County under recorder's Serial No. E-47309 and the land of Mary Clara Frazier as described in Deed recorded in the office of the County Recorder of Sonoma County under Recorder's Serial No. C19087 and the point of beginning of the parcel of land to be herein described; thence along the common property line of said Birkhofer and Frazier lands South 0°45' East 30.00 feet; thence South 89°15' West 20.00; thence North 0°45' West 20.00 feet; thence South 89°15' West 92.33 feet to the Easterly side of Drake Road; thence along the Easterly side of said road North 35°29' East 12.40 feet to the point of beginning.

Basis of Bearings, Subdivision No. 1 of Riverlands as recorded in Book 50 of Maps at Pages 60 and 61, Sonoma County Recorder's office.

AP No. 71-150-11

End of Exhibit "C-1"

Exhibit "C-2"

Citizens Utilities Company of California timber, gas, oil, mineral and rock rights and interests in the Guerneville area, Sonoma County California, within the following described parcels:

Parcel 1:

Northeast quarter of the Northeast quarter of Section 21, Township 8 North Range 10 West, Mount Diablo Meridian.

A.P. No.: 70-350-03

Parcel 2:

Lot Four (4) of Section 36, Township 8 North, Range 11 West, M.D.B. &M.

A.P. No.: 72-021-08

Parcel 3:

Southwest quarter of the Northeast quarter of Section 21, Township 8 North, Range 10 West, Mount Diablo Meridian.

A.P. No.: 70-350-08

Parcel 4:

Lot 1 of Section 35, Township 8 North, Range 11 West, Mount Diablo Meridian.

Parcel 5:

The Southeast quarter (SE 1/4) and the South half of the Northeast quarter (S 1/2 of NE 1/4) of Section 16, T. 8 N., R. 10 W., M.D.B. &M.

A.P. No.: 69-060-04

Parcel 6:

Beginning at a point on the West line of Sec. 15, T. 8 N., R. 10 W., which is South 660 feet from the Northwest corner of the said Southwest quarter of the S. W. 1/4 of Section 15; thence from said point of beginning, and along the West line of Section 15, North 660 feet to the Northwest corner of said Southwest quarter of the Southwest quarter; thence along the North line of said Southwest quarter of the Southwest quarter, East 660 feet to a point; thence South 45 degrees West, 933.4 feet to the point of beginning.

A.P. No.: 69-060-11

End of Exhibit "C-2"

**End of Document**