



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-10

July 29, 1997

To: Board of Directors (Legal and Claims Committee Action)

From: *for* General Manager

Submitted by: Gary M. Snyder
Chief Engineer

Subject: Resolution of Necessity Directing the General Counsel to Condemn Property Required for the Inland Feeder Project in Riverside County, California, identified by Assessor's Parcel Numbers, MWD's Right-of-Way Parcel Numbers and Owners' Names on the Attachment hereto. [Two-thirds vote required]

[Handwritten signatures of Timothy D. and Gary M. Snyder over their typed names.]

RECOMMENDATION

It is recommended that the Board of Directors adopt, by a two-thirds vote, the attached resolution declaring the necessity for the Project and for the properties described in Exhibits A and B, attached thereto, and directing the General Counsel to commence condemnation proceedings in Riverside County to acquire the easements.

EXECUTIVE SUMMARY

The Metropolitan Water District will require the tunnel easements across the real property described in Exhibits A and B, attached hereto, located in Riverside County, California, for portions of the Inland Feeder Project. Offers to purchase the easements as required by California Government Code section 7267.2 were made, but no agreements have been reached. A resolution of necessity is recommended to authorize the commencing of an eminent domain action to acquire the properties.

DETAILED REPORT

Metropolitan seeks to acquire permanent tunnel easements through four properties located in the Riverside Badlands north of the 60 freeway. These tunnel easements are required for the construction and operation of the Inland Feeder Project.

Parcel INFED1-10-120PEA1 crosses a 95-acre property owned by Marylouise Zuppardo. The tunnel will be at a depth of approximately 230 feet. Parcel INFED1-11-100PEA1 affects a 462-acre property at an approximate depth of 545 feet. This parcel is owned by Riverside-Clark, LLC, and others. Parcel INFED1-11-120PEA1 is within a 320-acre property, owned by the Morring and Walker families, at an approximate depth of 620 feet. Finally, Parcel INFED1-12-102PEA1 involves a 10-acre parcel, and the tunnel will be approximately 175 feet below the surface. This parcel is owned by Ronald and Dorothy Fosdick.

Each of the properties is vacant land, and the easement on each was valued at a nominal value of \$1,000. Offers to purchase the easements were made to the owners, but no agreement on the purchase has been reached for any of these parcels.

On July 1, 1997, notices of intention to adopt a resolution of necessity and for an opportunity to appear and be heard before the Special Committee on Real Property Management on July 22, 1997, as to the necessity for the Project and the taking of the easements, were served on the property owners. Several parties responded and addressed the Special Committee on Real Property Management as set forth in the attached Summary of Hearing and Recommendation of the Special Committee on Real Property Management.

Transmitted herewith is the form of resolution declaring the necessity of the Project and the acquisition of the easements described in Exhibits A and B, attached thereto, and directing to General Counsel to commence condemnation proceedings in Riverside County to acquire the easements.

On February 9, 1993, your Board certified that the Final Environmental Impact Report for the Inland Feeder Project had been completed in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines, and that it had reviewed and considered the information contained in that document. Your action on the subject resolution is therefore in compliance with CEQA. No further environmental documentation or review is necessary for your Board to act on this request.

**SUMMARY OF HEARING AND RECOMMENDATION
OF THE SPECIAL COMMITTEE ON
REAL PROPERTY MANAGEMENT REGARDING ADOPTION
OF A RESOLUTION OF NECESSITY TO CONDEMN
CERTAIN PROPERTY FOR THE INLAND FEEDER PROJECT**

On July 22, 1997, at the offices of The Metropolitan Water District of Southern California, a hearing was held by the Special Committee on Real Property Management of the Board of Directors. Committee Chairman Jerry King presided. The Committee was called to order and a quorum was present.

Deputy General Counsel Joseph Vanderhorst made a presentation to the Committee regarding the Inland Feeder Project. He stated that the Project has been under study since 1988, and is needed to provide additional conveyance capacity in Metropolitan's system. This will increase the efficiency of ground and surface water storage, improve system reliability by creating an alternative delivery system to the Colorado River Aqueduct, and allow an increase in water quality by blending Colorado River and State Water Project water. Five alternative alignments were studied during the planning process, and in February, 1993, Metropolitan's Board of Directors certified the Final EIR for the Project and selected the Far East Combination alignment as the preferred alternative. Mr. Vanderhorst submitted a copy of the Final EIR and the Statement of Findings into the record.

Mr. Vanderhorst advised the Committee that the parcels which are the subject of the hearing are located in Riverside County north of the 60 freeway. All of the rights being acquired are subsurface easements, and no surface rights are involved. Each of the easements sought for acquisition were appraised in accordance with Uniform Standards of Professional Appraisal Practice, and have been certified as being prepared in accordance with the unbiased professional analysis of each appraiser. The full amount of each appraisal was offered to the owners of each property, along with a summary statement of the appraisal. Mr. Vanderhorst submitted copies of the offer letters and appraisal summaries into the record.

Mr. Vanderhorst further advised the Committee that notice of the hearing on adoption of the resolution of necessity had been sent to the record owners of each property, and he submitted a copy of the proof of service of the notice into the record. He advised the Committee that the purpose of the hearing is to make a determination regarding whether the public interest and necessity require the proposed Project, whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, whether the property to be acquired is necessary for the Project, and whether the property owner had been offered the full amount of the appraised value for the property interests sought to be acquired.

Project Manager James Gallanes then made a presentation regarding the Project and the subject properties. Mr. Gallanes described the tunnel as a 12-foot inside diameter facility. The contractor will be allowed to use either a tunnel boring machine or "drill and blast" methods for constructing the tunnel. In either construction method, the contractor will be limited to avoid vibrations being felt at the ground surface. There will be no restrictions on use of the ground surface as a result of the easements. The tunnel will have a steel lining to prevent groundwater infiltration.

Directors Peterson and Little asked about the need for, and impact of, using the "drill and blast" method of construction. Mr. Gallanes responded that it was an option for the contractor to use this method due to the type of rock material which would be encountered in construction. There will be monitoring at the surface, and the contractor will be required to keep any vibrations felt at the surface to a minimum.

Chairman King invited the property owners and their representatives to make presentations to the Committee. Mr. Vanderhorst advised the Committee that a letter from Susan Trager, attorney for Marylouise Zuppardo, was distributed at the outset of the meeting. A copy of the letter is attached to this summary. The letter raises several issues related to the resolution of necessity including the adequacy of the technical data to support the alignment chosen for the Project, and whether the appraisal adequately considered the impact on the remaining property. Mr. Vanderhorst responded to those issues by stating that the alignment was selected after an extensive planning and environmental review process. The recent geotechnical data being collected through entry on the subject property was for the purpose of obtaining information for the construction process rather than for the selection of the alignment. The appraisal did consider the impact of the tunnel on the value of the property, and the conclusion reached is that there was no loss in the surface uses of the property, and no loss in value.

Benjamin Morring stated his objections to the resolution for the acquisition of an easement under his property. He felt that the appraisal did not adequately consider the impact on the property and that longer easements should have been valued at higher amounts. He also is concerned about the effect the Project may have on deferring development of his property stating that the Riverside County Planning Department would not provide an answer to his inquiries regarding the use of the property above the tunnel.

Director Miller moved to recommend approval of the resolution of necessity. The motion was seconded, and the Committee voted to approve the recommendation, with Director Parker voting against.

LAW OFFICES OF
SUSAN M. TRAGER
A PROFESSIONAL CORPORATION
THE LANDMARK BUILDING
2100 S. E. MAIN STREET
SUITE 104
IRVINE, CALIFORNIA 92614

SUSAN M. TRAGER
MICHELE A. STAPLES
LAURA P. COUCH

TELEPHONE
(714) 752-8971
TELECOPIER
(714) 863-9804

July 21, 1997

Mr. Jerry A. King, Chairman, and
Members of the Special Committee on
Real Property Management
Attention: Mr. John Wodraska
General Manager
Metropolitan Water District
of Southern California
350 South Grand Avenue
Los Angeles, CA 90071

Re: Objections to Metropolitan Water District of Southern
California's Right to Condemn Real Property Owned by
Mary Louise Zuppardo (INFED1-10-120 PEA1) (Tunnel
Easement) Agenda Item 4-C

Dear Mr. King, Members of the Committee, and Mr. Wodraska:

We are the attorneys for Mary Louise Zuppardo, the owner of a 93-acre parcel of land in Riverside County which the Metropolitan Water District of Southern California ("MWD") purposed to condemn for the construction of a tunnel to house facilities as part of the Inland Feeder Project. We understand that MWD plans to acquire through the exercise of its power of eminent domain, a permanent subsurface easement in that property, and that MWD is considering the adoption of a Resolution of Necessity ("Resolution") to condemn land owned by Ms. Zuppardo. The matter is scheduled to be considered by the Special Committee on Real Property Management ("Committee") July 22, 1997 as part of Agenda Item 4-C.

On Friday, July 18, 1997, I spoke with Mr. Joseph Vanderhorst to advise him that Ms. Zuppardo is hospitalized, and will be unable to speak on her own behalf at the July 22, 1997 meeting. He agreed that this letter will be treated as her objection to MWD's right to condemn her property, as if she appeared personally.

Since 1993, Ms. Zuppardo has cooperated fully with MWD's Right of Way and Engineering departments, and has willingly executed MWD's requested rights of entry. In exchange, she has asked to be provided with the technical data generated, to enable her to evaluate the impacts of MWD's proposed project. To

Mr. Jerry King
Members of the Special Committee
on Real Property Management
Mr. John Wodraska
July 21, 1997
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date, MWD's contractor has provided only one drilling core. If that is the only data generated to date, it is doubtful that the Committee can find, and then recommend to the full Board of Directors, that the statutory prerequisites to adoption of a resolution of necessity have been met.

I. MWD Cannot Adopt a Resolution of Necessity to Condemn the Zuppardo Site until it Is Able to Make the Findings Required under CCP §1240.030 to Commence Condemnation Proceedings.

The exercise of a public agency's power of eminent domain is limited by the California constitution and by California statutes. Before a governing board may properly vote to condemn private property, prerequisites must be met, and findings made.

In this case, MWD cannot initiate condemnation of the Zuppardo property until it first completes the necessary technical, environmental and cost studies and resolves the many unanswered questions including: whether Zuppardo's land is necessary for the Inland Feeder project, or whether an alternative site would cause less of an impact to private property. Proceeding with its adoption of a Resolution of Necessity on MWD's current record would constitute an abuse of discretion, giving rise to a judicial order of dismissal of a condemnation proceeding.

MWD must find that each of the prerequisites to the exercise of its power of eminent domain set forth in CCP §1240.030 have been satisfied before it may adopt a Resolution of Necessity with respect to the Zuppardo site. That statute provides that the power of eminent domain may be exercised only if all of the following elements have first been established:

- (a) The public interest and necessity require the project;
- (b) The project is planned or located in a manner that will be most compatible with the greatest good and the least private injury; and
- (c) The property sought to be acquired is necessary for the project.

Mr. Jerry King
Members of the Special Committee
on Real Property Management
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The clear purpose of the statutory prerequisites is to prevent a government entity from appropriating private property until the entity has finally established that the particular private property is necessary to further a public project. Without the technical data before it, MWD cannot make the findings required to adopt a Resolution of Necessity to condemn the Zuppardo site.

A. MWD cannot show that the public interest and necessity require the Inland Feeder Project. The concept of public interest and necessity embodied in CCP §1240.030(a) embraces "all aspects of the public good including but not limited to . . . environmental . . . considerations." Senate Comment, supra, at 490. With respect to the proposed Inland Feeder Project, MWD's failure to provide Ms. Zuppardo with technical data generated during its period of entry on her property suggests that MWD has neither completed its environmental review nor evaluated the suitability of the site or sites for the proposed tunnel project. Thus, on its current record, MWD cannot find that the public interest and necessity require the condemnation of the Zuppardo site for the construction of any project.

B. MWD cannot show that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The prerequisite set forth in CCP §1240.030(b) "involves essentially a comparison between two or more sites, [and] has also been described as the 'necessity for adopting a particular plan' for a given public improvement." Senate Comment, supra, at 490 (quoting Chevalier v. Stimson, 42 Cal.2d 299, 307 (1959)) (emphasis added). Thus, on its current record, MWD cannot find that the project is planned or located in the manner that will be compatible with the greatest public good and the least private injury.

C. MWD cannot find that the property sought to be acquired is necessary for the project. The prerequisite set forth in CCP §1240.030(c) prevents the taking of property by eminent domain unless the property is necessary for a proposed project. Senate Comment, supra, at 490-91. "This aspect of necessity includes the suitability and usefulness of the property for the public use." Id. at 491.

Mr. Jerry King
Members of the Special Committee
on Real Property Management
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MWD has not yet determined that the Zuppardo site is more suitable and useful for the contemplated Inland Feeder improvements than the other sites under consideration. Thus, on its current record (as has been represented to Ms. Zuppardo), MWD cannot find that the Zuppardo site is necessary for the Inland Feeder.

II. The MWD Board Cannot Properly Adopt a Resolution of Necessity to Condemn Ms. Zuppardo's Land until an Adequate Appraisal Statement Has Been Given to Ms. Zuppardo Offering Just Compensation for the Part Taken and for Damages to the Remainder (Government Code Section 7267.2), Taking into Account All of the Impacts the Proposed Project Will Ultimately Have on Ms. Zuppardo's Remainder.

MWD's current appraisal and appraisal statement are inadequate. MWD's offer of probable compensation is based on an appraisal which does not take into account the proposed tunnel's impacts to her remaining property.

If the offer of probable compensation does not take into account the effects of the public project's impact on the remainder, the offer inadequate as a matter of law. Without taking into account the effects that construction and operation of MWD's proposed tunnel would have on the remaining property, MWD's appraisal statement falls short of the statutory requirements.

Ms. Zuppardo has been advised by MWD's Right of Way agents that MWD's proposed tunnel will have no effect on the use of her remaining property, and that she is free to build any structure on top of the easement. However, she has not been provided with any documentation -- either in the form of an appraisal -- or in a draft agreement -- preserving her right to do so. Thus, she has been forced to engage counsel to protect her rights. She is also aware of the impacts of the construction of MWD's San Jacinto Tunnel on the movement of and continued availability of groundwater both upstream, downstream, and along the right of way of the Tunnel itself.

Without the data generated (if any) by MWD during the period of its right of entry, she has no way to verify the representations of the Right of Way agents, and absent such data,

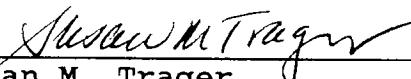
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Mr. Jerry King
Members of the Special Committee
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Mr. John Wodraska
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MWD Committee members, likewise, are unable to make the requisite statutory findings. Ms. Zuppardo respectfully urges the Committee and the MWD Board to hold off on adopting its Resolution of Necessity until these important factual matters can be evaluated. In the event the Committee fails to postpone consideration until the facts are before it, Ms. Zuppardo objects to MWD's right to condemn her property.

Sincerely,

LAW OFFICES OF SUSAN M. TRAGER
A Professional Corporation



Susan M. Trager

SMT:my

cc: Joseph Vanderhorst, Esq.
Ms. Marylouise Zuppardo
Ms. Jan Zuppardo

RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA DIRECTING THE CONDEMNATION OF CERTAIN PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE (INLAND FEEDER PROJECT)

BE IT RESOLVED by the Board of Directors of The Metropolitan Water District of Southern California (the "District").

Section 1. The District's Board hereby finds and determines that the public interest and necessity require, for public use, the construction, operation and maintenance of water conveyance facilities ("Inland Feeder Project") in the County of Riverside for the transportation and distribution of water for use within the District's boundaries and that certain properties situated in the County of Riverside are necessary therefor.

Section 2. The easements to be acquired for the public use set forth in section 1, above, consist of the parcels of land described in Exhibits A attached hereto and incorporated herein by reference and shown on Exhibits B attached hereto and incorporated herein by reference. Parcel No. INFED1-10-120PEA1 is located within the District's boundaries. The remaining properties are located outside the District's boundaries.

Section 3. The District's Board hereby declares its intention to acquire the easements described in Exhibits A and B attached, by proceedings in eminent domain as authorized by the Metropolitan Water District Act (Stats. 1969, Ch. 209, as amended).

Section 4. The District's Board hereby finds and determines that the proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 5. The District's Board hereby finds and determines that the easements described in Exhibits A and B attached hereto are necessary for the proposed Project.

Section 6. The District's Board hereby finds and determines that the offers required by Government Code section 7267.2 have been made to the owners of record of the properties described in Exhibits A and B, attached hereto.

Section 7. The District's General Counsel is hereby directed to commence proceedings in the Superior Court of California, County of Riverside for the purpose of condemning and acquiring the easements described in Exhibits A and B attached hereto, and to take such steps as may be necessary to secure an order of court permitting the District to take possession of the easements described in Exhibits A and B attached hereto for the uses and purposes herein described. He is authorized to take such actions and steps as he deems necessary

in connection with such proceedings, including the amending of the complaint to reduce the extent of the easements to be acquired so as to reduce the compensation payable in the action where such change could not substantially impair the construction and operation of the said public works, and to incur expenses necessary and incidental to the action.

I HEREBY CERTIFY that the foregoing resolution was adopted at the regular meeting of the Board of Directors of The Metropolitan Water District of Southern California held the 19th day of August, 1997, by vote of two-thirds of all its members, and I further certify that the foregoing is a full, true and correct copy of the resolution.

Executive Secretary
The Metropolitan Water District of
Southern California

ATTACHMENT TO LETTER 8-10

Assessor's Parcel No.	MWD Parcel No.	Owner's Name
413-400-017	INFED1-12-102PEA1	Ronald E. and Dorothy A. Fosdick
413-140-003	INFED1-11-120PEA1	Benjamin "Tom" Morring, Sr., Phyllis Ann Morring, Trustees; Derek and Dawne Walker
413-140-012, -013	INFED1-11-100PEA1	Riverside-Clark, LLC; Richard W. Rahe, Trustee; Morris Engel and Tona Lena Clark, Trustees; Eli Boyer; Donald M. and Mary M. Hickethier
422-030-001, -002	INFED1-10-120PEA1	Marylouise Zuppardo

EXHIBIT A

A permanent easement to construct, operate, maintain, and reconstruct a tunnel for the purpose of transporting water through and across each of the properties located in the County of Riverside, State of California, described herein as Parcels INFED1-12-102PEA1, INFED1-11-120PEA1, INFED1-11-100PEA1, INFED1-10-120PEA1, and shown on the Exhibits B, attached hereto;

EXHIBIT A

INFED1-12-102PEA1
(Tunnel Easement)
Ronald E. Fosdick, et ux

All that portion of Parcel 2 and all that portion of Lot A of Parcel Map No. 7471, in the County of Riverside, State of California, as shown on map filed in Book 28, page 50 of Parcel Maps, in the office of the County Recorder of said County, as conveyed by Grant Deed to Ronald E. Fosdick and Dorothy A. Fosdick recorded March 13, 1986 as Instrument No. 57707 of Official records of said County, lying between the elevations of 1665.0 feet and 1719.4 feet inclusive, based on the North American Vertical Datum of 1988 as published in May 1994 by the National Geodetic Survey, and lying within the following described strip of land:

A strip of land 100 feet wide lying 50 feet, measured at right angles, on each side of the following described line:

Commencing at the north quarter corner of Section 19, Township 2 South, Range 2 West, San Bernardino Meridian, being marked by a 1" i.p. tagged L.S. 3442 as shown on Record of Survey filed in Book 97, pages 69 and 70, of Record of Surveys, records of said County; thence easterly along the north line of said Section 19, S 89° 27' 48" E 807.01 feet to the TRUE POINT OF BEGINNING of said described line; thence S 03° 12' 03" E 3679.41 feet; thence S 01° 52' 05" W 1534.70 feet to a point on the south line of said Section 19, said point being N 89° 38' 36" W 1660.62 feet from the southeast corner of said Section 19 as marked by a 2" i.p. w/wood plug tagged RCE 862 flush as shown on said Record of Survey.

The sidelines of said 100 foot wide strip are to be extended or shortened so as to terminate on the south line of said Section 19.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman, P.L.S. 6241

Date

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October 3, 1995

EXHIBIT B

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"

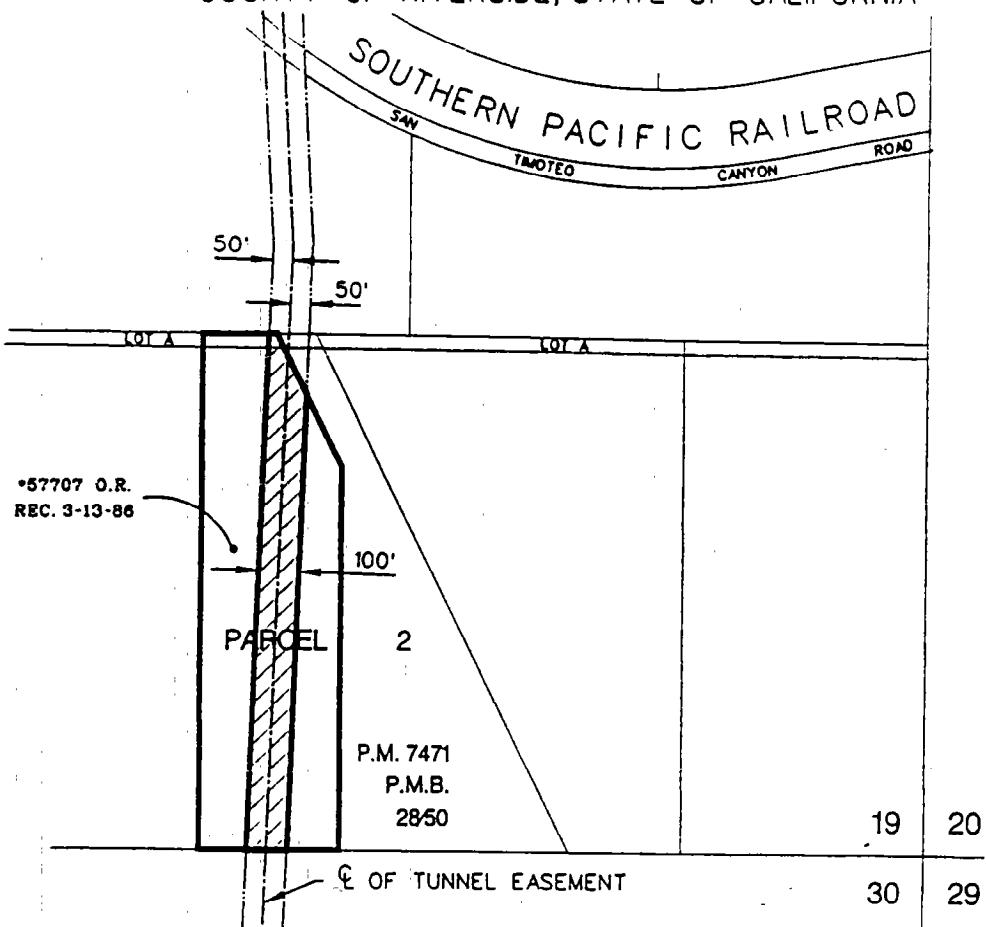
POR. PARCEL 2, P.M. 7471, P.M.B. 28, PG. 50,

SECTION 19, T 2 S., R 2 W., S.B.M.

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



NOT TO SCALE



LEGEND

EL. 1896'

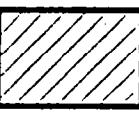


APPROXIMATE GROUND ELEVATION

EL. 1719.4'



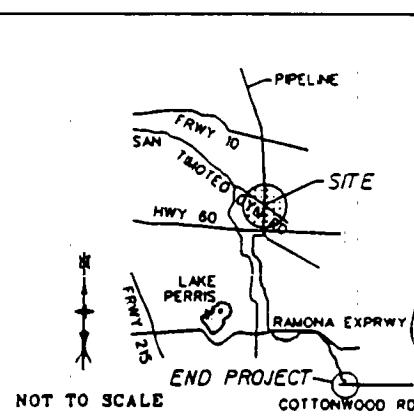
EL. 1665.0'



PERMANENT TUNNEL EASEMENT
INFED1-12-102PEA1

END VIEW

VICINITY MAP

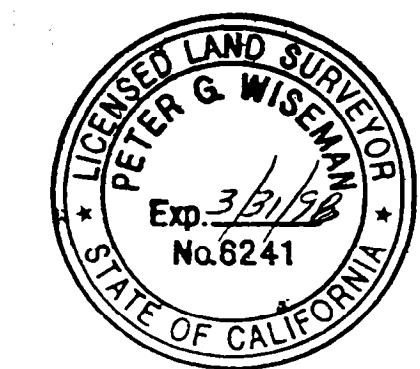


PREPARED UNDER MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

DATE

10/16/95



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

INLAND FEEDER
PERMANENT TUNNEL EASEMENT
(RIVERSIDE BADLANDS TUNNEL)

RONALD E. FOSDICK, et ux

TO

MWD

INFED1-12-102PEA1

EXHIBIT A

INFED1-11-120PEA1
(Tunnel Easement)
Benjamin T. Morring Sr. &
Phyllis Ann Morring
Trustees, et al

All that portion of the southeast quarter of Section 30, Township 2 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, lying between the elevations of 1665.0 feet and 1719.4 feet inclusive, based on the North American Vertical Datum of 1988 as published in May 1994 by the National Geodetic Survey, and lying within the following described strip of land:

A strip of land 100 feet wide lying 50 feet, measured at right angles, on each side of the following described line:

Commencing at the northeast corner of said Section 30 being marked by a 2" i.p. w/wood plug tagged RCE 862 up 2.0' as shown on Record of Survey filed in Book 97, page 73, of Record of Surveys, records of said County; thence westerly along the north line of said Section 30, N 89° 38' 36" W 1660.62 feet to the TRUE POINT OF BEGINNING of said described line; thence S 01° 52' 05" W 5256.92 feet to a point on the south line of said Section 30, said point being N 89° 34' 26" W 1767.16 feet from the southeast corner of said Section 30 as marked by a 1½" i.p. tagged RCE 2479 up 0.5' as shown on said Record of Survey.

The sidelines of said 100 foot wide strip are to be extended or shortened so as to terminate on the south line of said Section 30.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman, P.L.S. 6241

Date

10/3/95



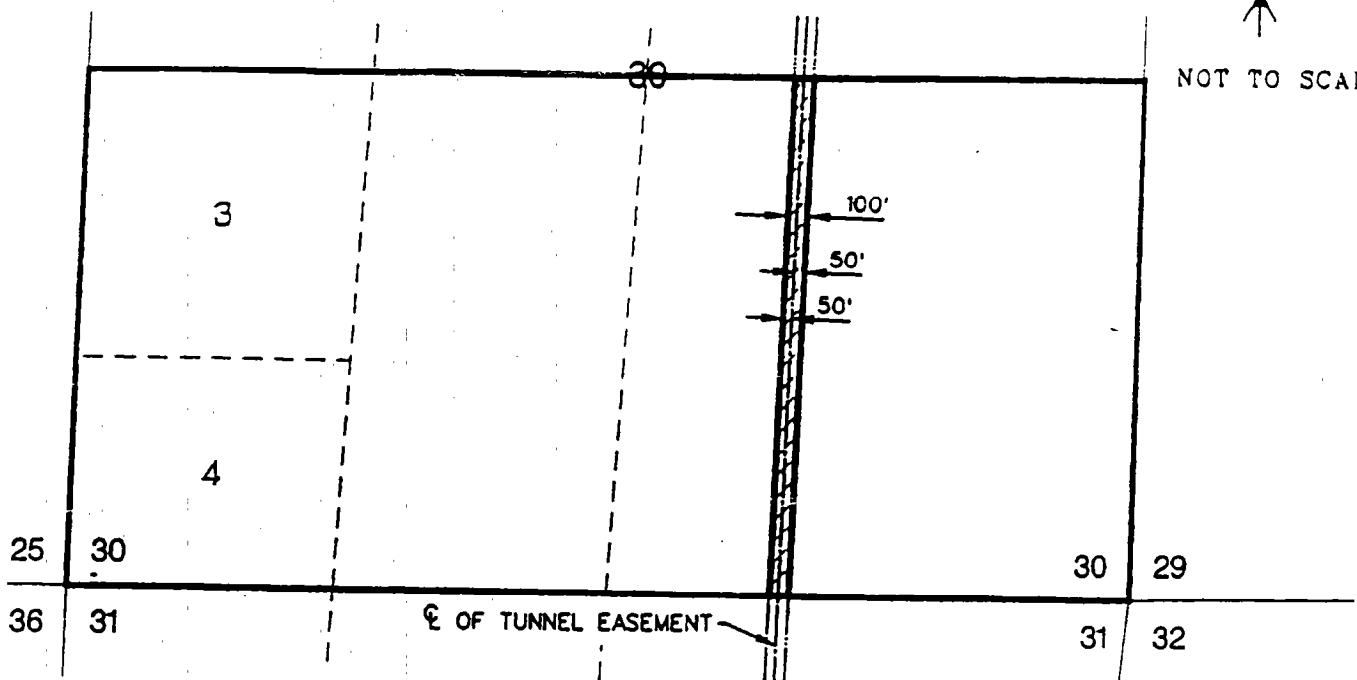
EXHIBIT B

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"

POR. SEC. 30, T. 2 S., R. 2 W., S.B.M.,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

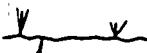


NOT TO SCALE



LEGEND

EL. 2340'



APPROXIMATE GROUND ELEVATION

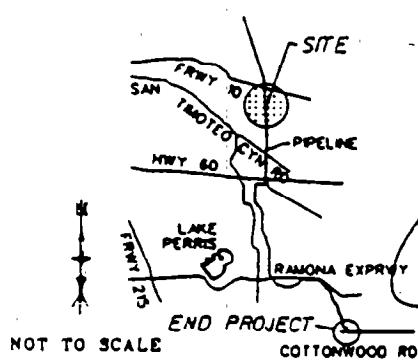
EL. 1719.4'



PERMANENT
TUNNEL EASEMENT
INFED1-11-120PEA1

END VIEW

VICINITY MAP



PREPARED UNDER
MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

DATE

10/3/95

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA	
INLAND FEEDER PERMANENT TUNNEL EASEMENT (RIVERSIDE BADLANDS TUNNEL) BENJAMIN T. MORRING SR. & PHYLLIS ANN MORRING, TRUSTEES, ET AL	
TO MWD INFED1-11-120PEA1	

10-2-95 LK/R8

'svrrw/inland/row/exhib/11/120pea1.dgn

EXHIBIT A

INFED1-11-100PEA1
(Tunnel Easement)
Richard W. Rahe, et al

All that portion of that certain parcel of land lying within Section 31, Township 2 South, Range 2 West, San Bernardino Meridian, in the County of Riverside, State of California, as conveyed by Quitclaim Deed to Richard W. Rahe et al, recorded May 17, 1977 as Instrument No. 87901, of Official Records of said County, lying between the elevations of 1665.0 feet and 1719.4 feet inclusive, based on the North American Vertical Datum of 1988 as published in May 1994 by the National Geodetic Survey, and lying within the following described strip of land:

A strip of land 100 feet wide lying 50 feet, measured at right angles, on each side of the following described line:

Commencing at the northeast corner of said Section 31 being marked by a 1 $\frac{1}{4}$ " i.p. tagged RCE 2479 up 0.5' as shown on Record of Survey filed in Book 97, pages 63 through 66, inclusive, of Record of Surveys records of said County; thence westerly along the north line of said Section 31, N 89° 34' 26" W 1767.16 feet to the TRUE POINT OF BEGINNING of said described line; thence S 01° 52' 05" W 5241.07 feet to a point on the south line of said Section 31, said point being S 89° 39' 06" W 1811.17 feet from the southeast corner of said Section 31 as marked by a 3/4" i.p. tagged L.S. 4055 as shown on said Record of Survey.

The sidelines of said 100 foot wide strip are to be extended or shortened so as to terminate on the north and south lines of said Section 31.

EXCEPTING therefrom that portion lying within the land conveyed to the County of Riverside by Deed recorded March 7, 1966 as Instrument No. 24247 of Official Records of said County.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman, P.L.S. #6241

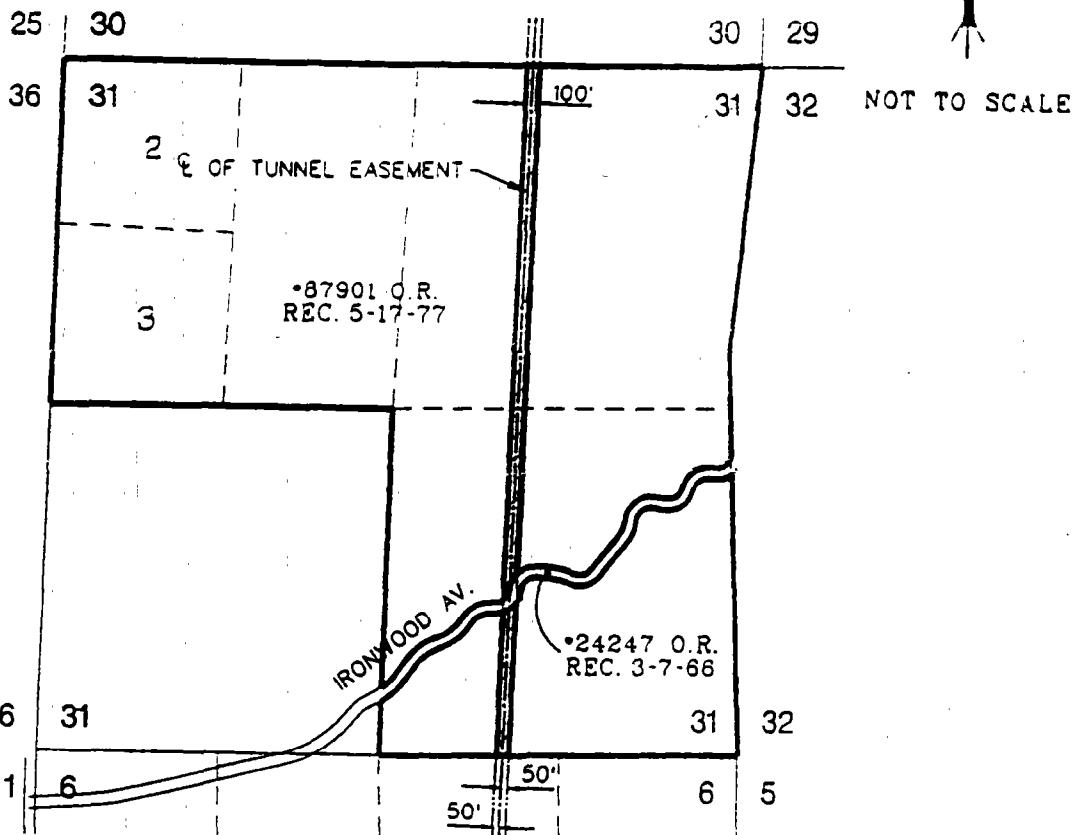
Date

9/27/95



EXHIBIT B
 "THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"

POR SECTION 31, T. 2 S., R. 2 W. SBM,
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LEGEND

EL. 2265'



APPROXIMATE
GROUND ELEVATION

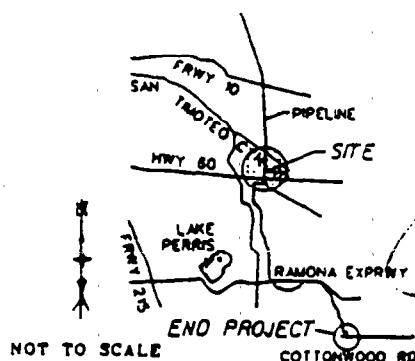
EL. 1719.4'



PERMANENT
TUNNEL EASEMENT
INFED1-11-100PEA1

END VIEW

VICINITY MAP



PREPARED UNDER
MY SUPERVISION

Peter G. Wiseman P.L.S. 6241

DATE

9/27/95



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

INLAND FEEDER
PERMANENT TUNNEL EASEMENT
(RIVERSIDE BADLANDS TUNNEL)

RICHARD W. RAHE, ET AL

TO

MWD

INFED1-11-100PEA1

EXHIBIT A

INFED1-10-120PEA1
(Tunnel Easement)
Marylouise Zupardo

That portion of Government Lot 2, Section 6,
Township 3 South, Range 2 West, San Bernardino Meridian, in
the County of Riverside, State of California, lying between
the elevations of 1665.0 feet and 1719.4 feet inclusive,
based on the North American Vertical Datum of 1988 as
published in May 1994 by the National Geodetic Survey, and
lying within the following described strip of land 100 feet
wide lying 50 feet, measured at right angles, on each side of
the following described line:

Commencing at the northeast corner of said Section
6, as shown on Record of Survey filed in Book 99, pages 61
through 90, inclusive, of Record of Surveys of said County,
said northeast corner being marked by a 3/4" i.p. tagged L.S.
4055 dn 0.1'; thence along the north line of said Section 6,
S 89° 39' 06" W 1811.17 feet to the TRUE POINT OF BEGINNING
of said described centerline; thence S 01° 52' 05" W 2740.77
feet to the northerly right of way line of State Highway 60,
conveyed as Parcel A to the State of California by Grant Deed
recorded May 13, 1964 in Book 3692, page 141 of Official
Records of said County.

The sidelines of said strip of land shall be
prolonged or shortened so as to terminate on the northerly
and southerly lines of said Government Lot 2, respectively.

PREPARED UNDER MY SUPERVISION

Peter G. Wiseman, P.L.S. 6241

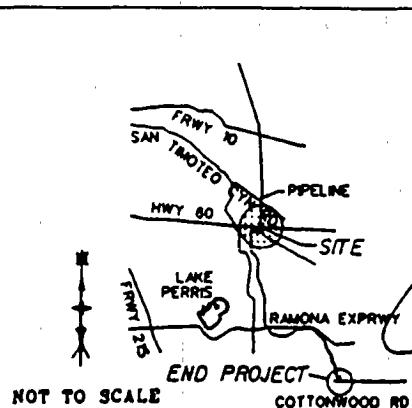
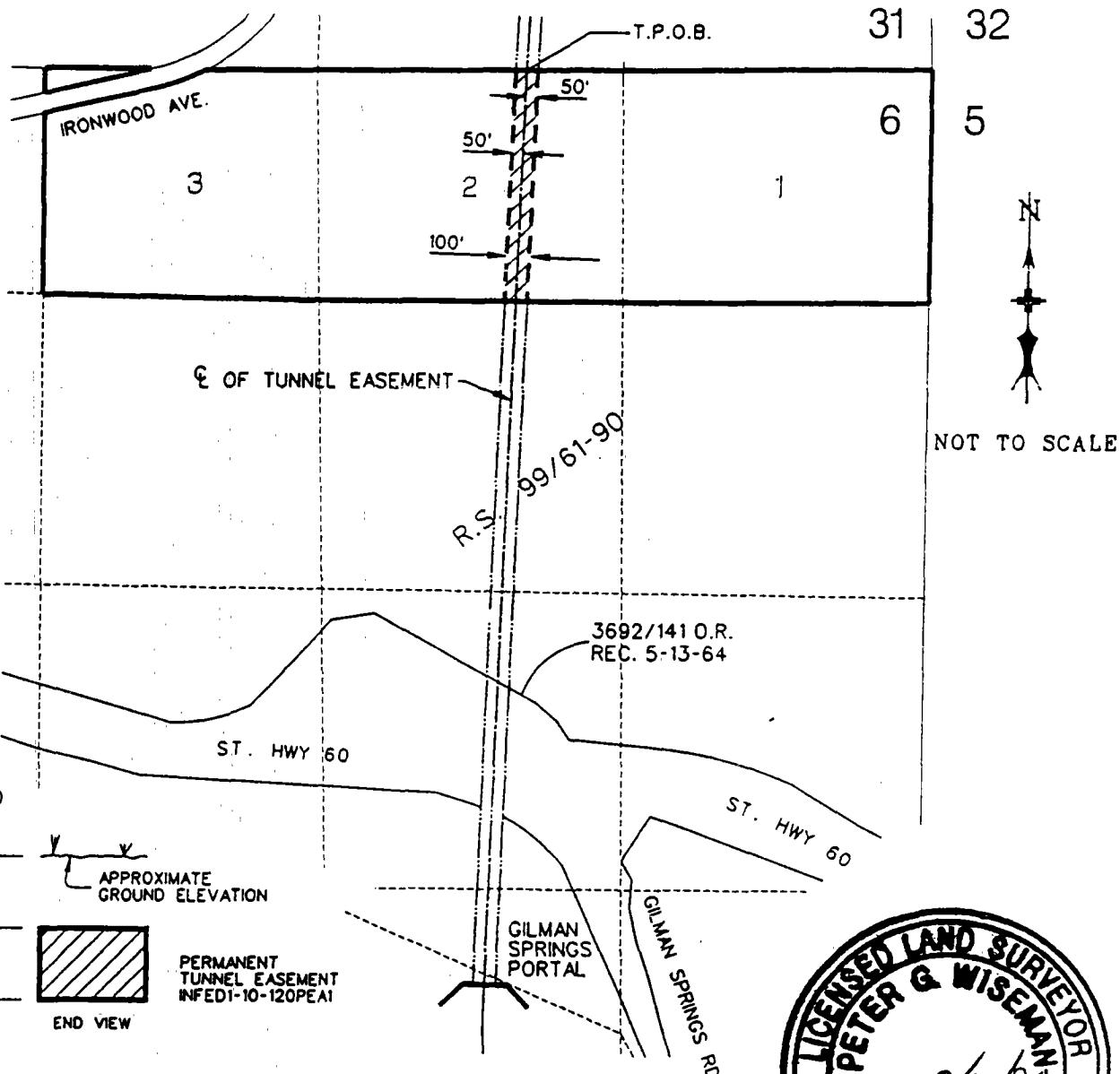
Date

12/26/95



EXHIBIT B

"THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION"
POR. GOV. LOT 2,
SECTION 6, T. 3 S., R. 2 W., S.B.M.
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



Peter G. Wiseman P.L.S. 6241
DATE 12/26/95

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
INLAND FEEDER
PERMANENT EASEMENT
(RIVERSIDE BADLANDS TUNNEL)
MARYLOUISE ZUPPARD
TO
MWD
INFEDI-10-120PEAI