



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

DATE: June 28, 2024

TO: Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez,
Planning and Resource Management Officer
Development Services and Capital Projects, Attn: William M. Kettler,
Deputy Director
Development Services and Capital Projects, Attn: Chris Motta, Division Manager
Development Services and Capital Projects, Attn: Tawanda Mtunga,
Principal Planner
Development Services and Capital Projects, Attn: Attn: James Anders,
Principal Planner
Development Services and Capital Projects, Current/Environmental
Planning, Attn: David Randall, Senior Planner
Development Services and Capital Projects, Policy Planning, Attn:
Mohammad Khorsand, Senior Planner; Alex Pretzer; Dominique Navarette
Development Services and Capital Projects, Zoning & Permit Review,
Attn: Daniel Gutierrez, Senior Planner
Development Services and Capital Projects, Development Engineering,
Attn: Laurie Kennedy, Office Assistant III
Water and Natural Resources Division, Attn: Augustine Ramirez, Division
Manager
Water and Natural Resources Division, Attn: Roy Jimenez, Senior Planner
Water and Natural Resources Division, Transportation Planning, Attn:
Hector Luna, Senior Planner/Darren Findley, Senior Engineering
Technician/Brody Hines, Planner
Water and Natural Resources Division, Community Development, Attn:
Yvette Quiroga, Principal Planner
Design Division, Attn: Mohammad Alimi, Division Manager;
Erin Haagenson, Principal Staff Analyst
Resources Division, Attn: Daniel Amann, Division Manger
Resources Division, Special Districts, Attn: Christopher Bump, Principal Staff
Analyst
Road Maintenance and Operations Division, Attn: Wendy Nakagawa,
Supervising Engineer
Department of Public Health, Environmental Health Division, Attn: Deep
Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,
Environmental Health Specialist;
Agricultural Commissioner, Attn: Melissa Cregan
Sheriff's Office, Attn: Captain Ryan Hushaw, Kevin Lolkus, Lt. Brandon
Purcell, Kathy Curtice, Adam Maldonado
Southern California Edison Company, Attn: Brian Thoburn, Cindy Calemno,
Jeff Clark
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric
Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey/Cultural
Resources Director

Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman,
Director/Shana Powers, Cultural Director
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson
Department of Fish and Wildlife, Attn: R4CEQA@wildlife.ca.gov
Fresno County Fire Protection, Attn: FKU.Prevention-Planning@fire.ca.gov
State Water Resources Control Board, Division of Drinking Water, Fresno District,
Attn: Cinthia Reyes
CA Regional Water Quality Control Board, Attn:
centralvalleyfresno@waterboards.ca.gov
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn:
Michael Corder, Senior Air Quality Specialist, Patia Siong, Air Quality Specialist
County Counsel, Attn: Alison Samarin, Deputy County Counsel
CALTRANS, Attn: David Padilla, Division Chief/Nicholas Isla, Transportation Planner
Sierra Resource Conservation District, Attn: Kelly Kucharski

FROM: Alyce Alvarez, Planner
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 8026 and Amendment Application No. 3844

APPLICANT: James N. Clark

DUE DATE: July 15, 2024

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to allow rezone of an existing 15.02-acre parcel currently zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and C-4 (Central Trading). The project proposes to rezone the AL-20 portion of the project site to the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District with shared use of existing well subject to conditions restricting further subdivision unless/until community water is available, and the C-4 Zone District to remain. If this rezone is approved, the Applicant intends to subdivide the parcel into three (3) 2-acre parcels and a remainder. The remainder parcel would be comprised of land zoned C-4 and R-1-B(c) (120-260-14).

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

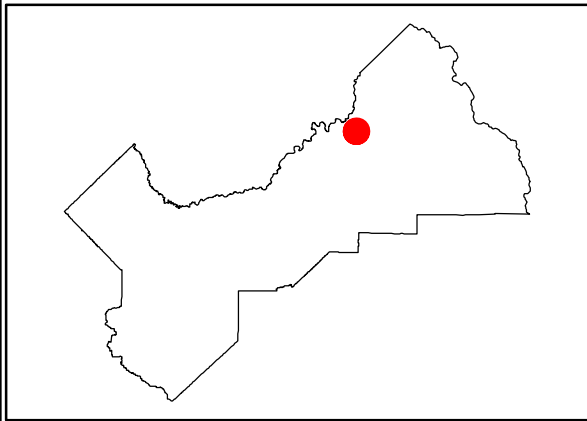
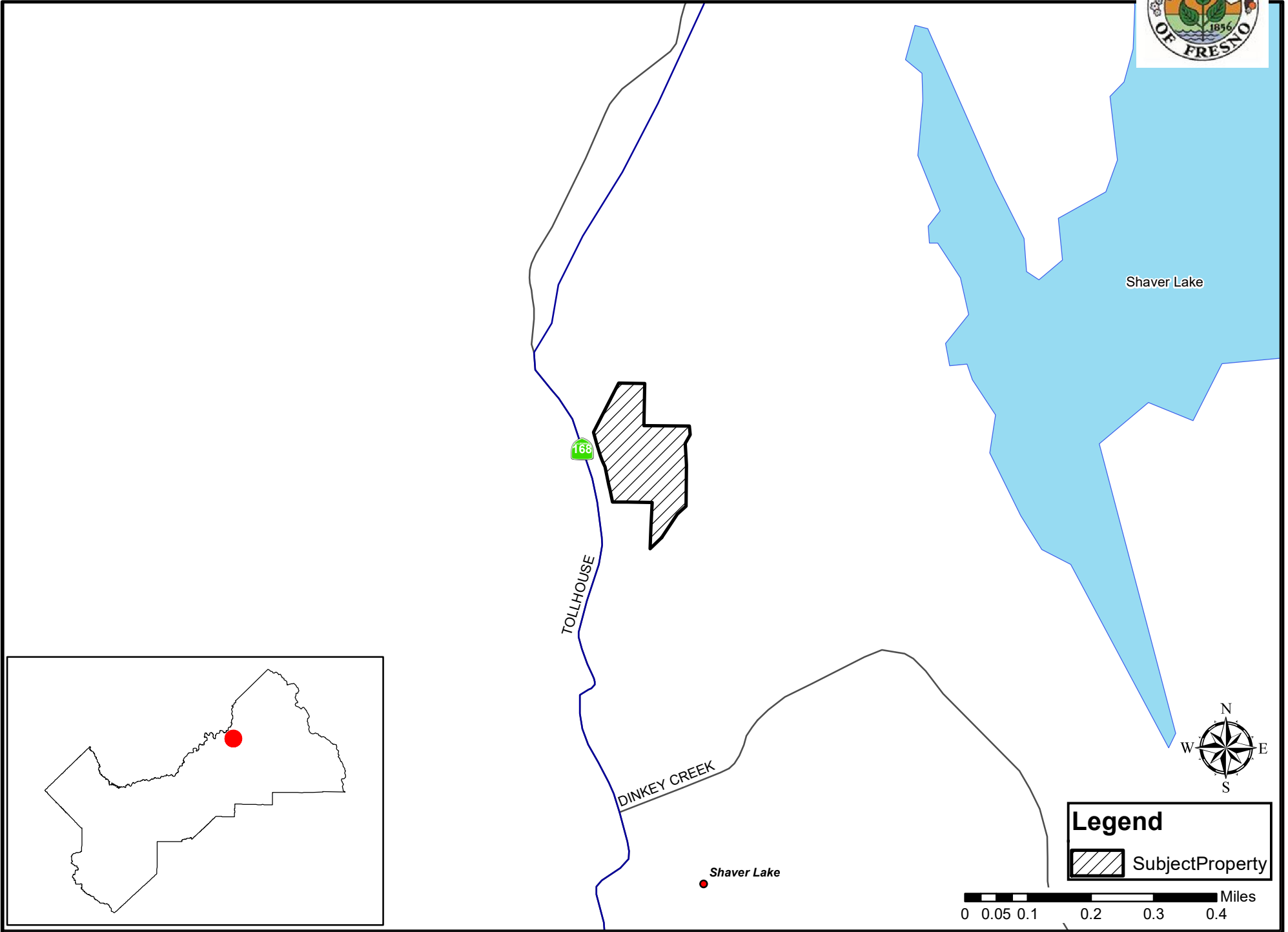
Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **July 15, 2024**. Any comments received after this date may not be used.


If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).

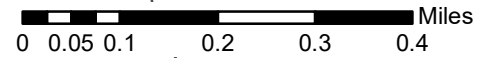
Please address any correspondence or questions related to environmental and/or policy/design issues to me, Alyce Alvarez, Planner Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-9669, or email alyalvarez@FresnoCountyCA.gov.

LOCATION MAP

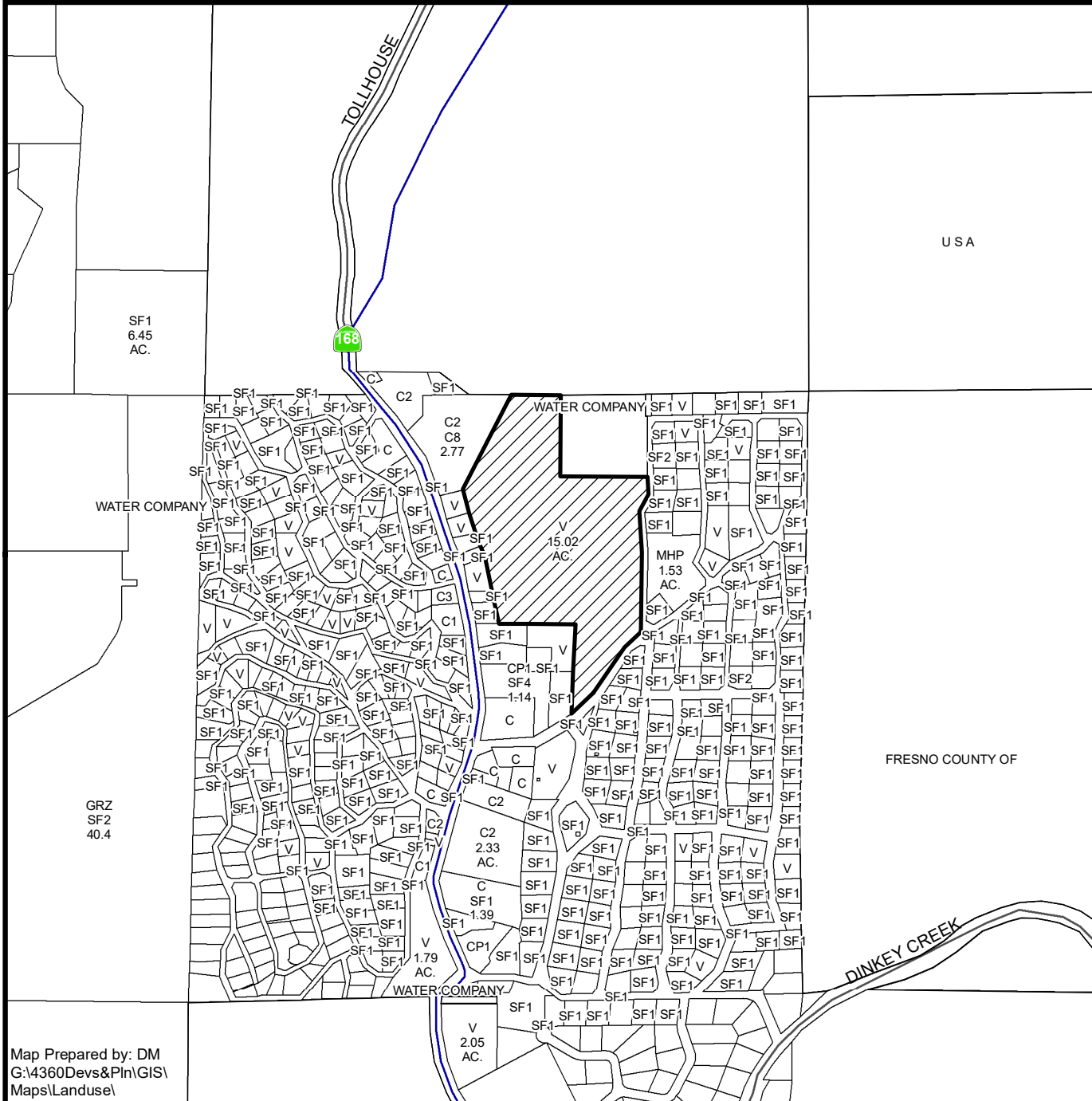


Legend

 SubjectProperty



EXISTING LAND USE MAP

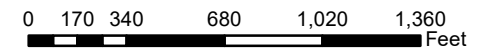


LEGEND

- AP1 - APARTMENT
- C - COMMERCIAL
- C# - COMMERCIAL
- CP# - OFFICE COMM./PROF
- GRZ - GRAZING
- I - INDUSTRIAL
- MHP - MOBILE HOME PARK
- SF#- SINGLE FAMILY RESIDENCE
- V - VACANT

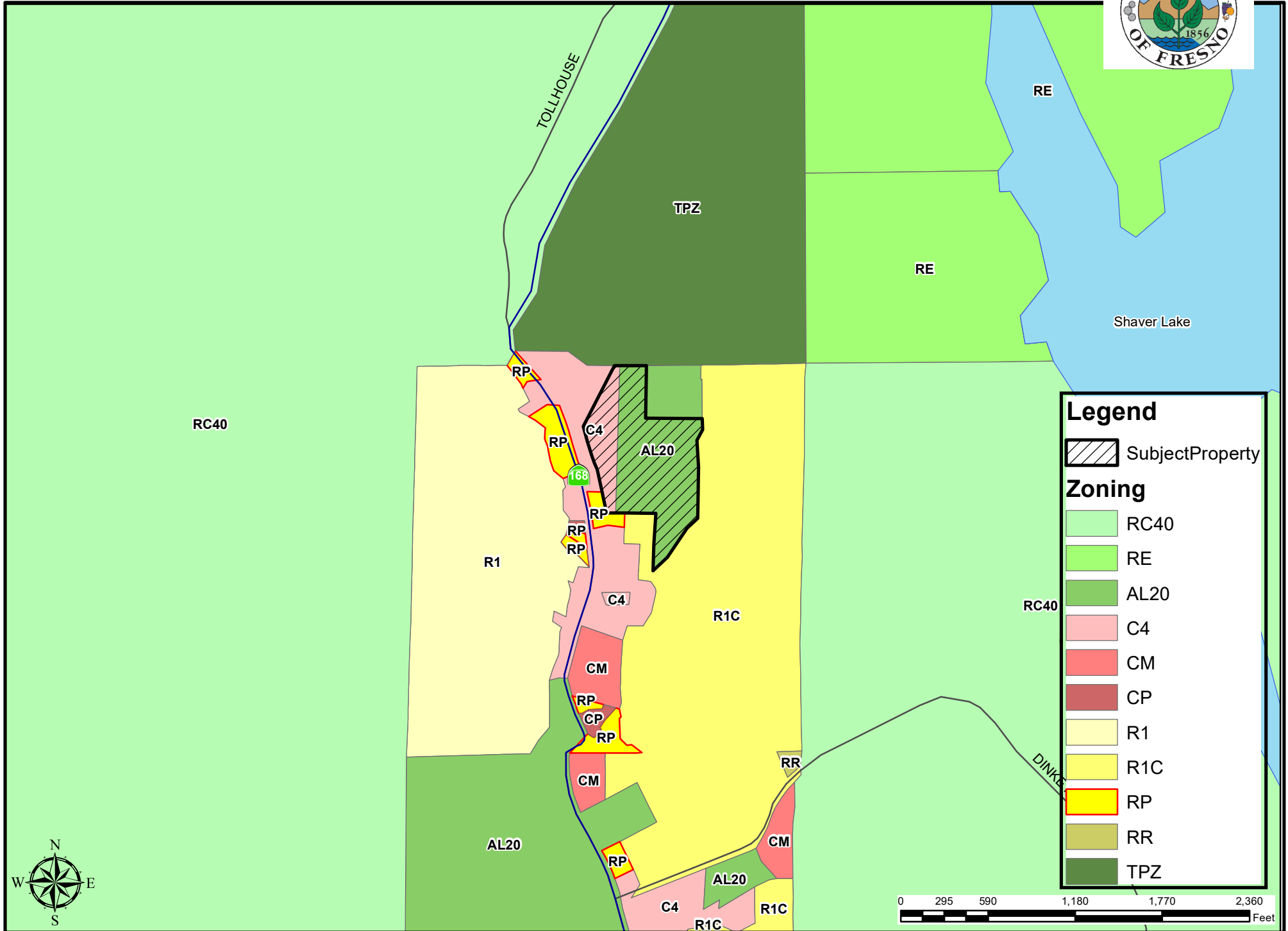
LEGEND:

 Subject Property

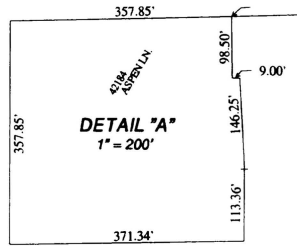
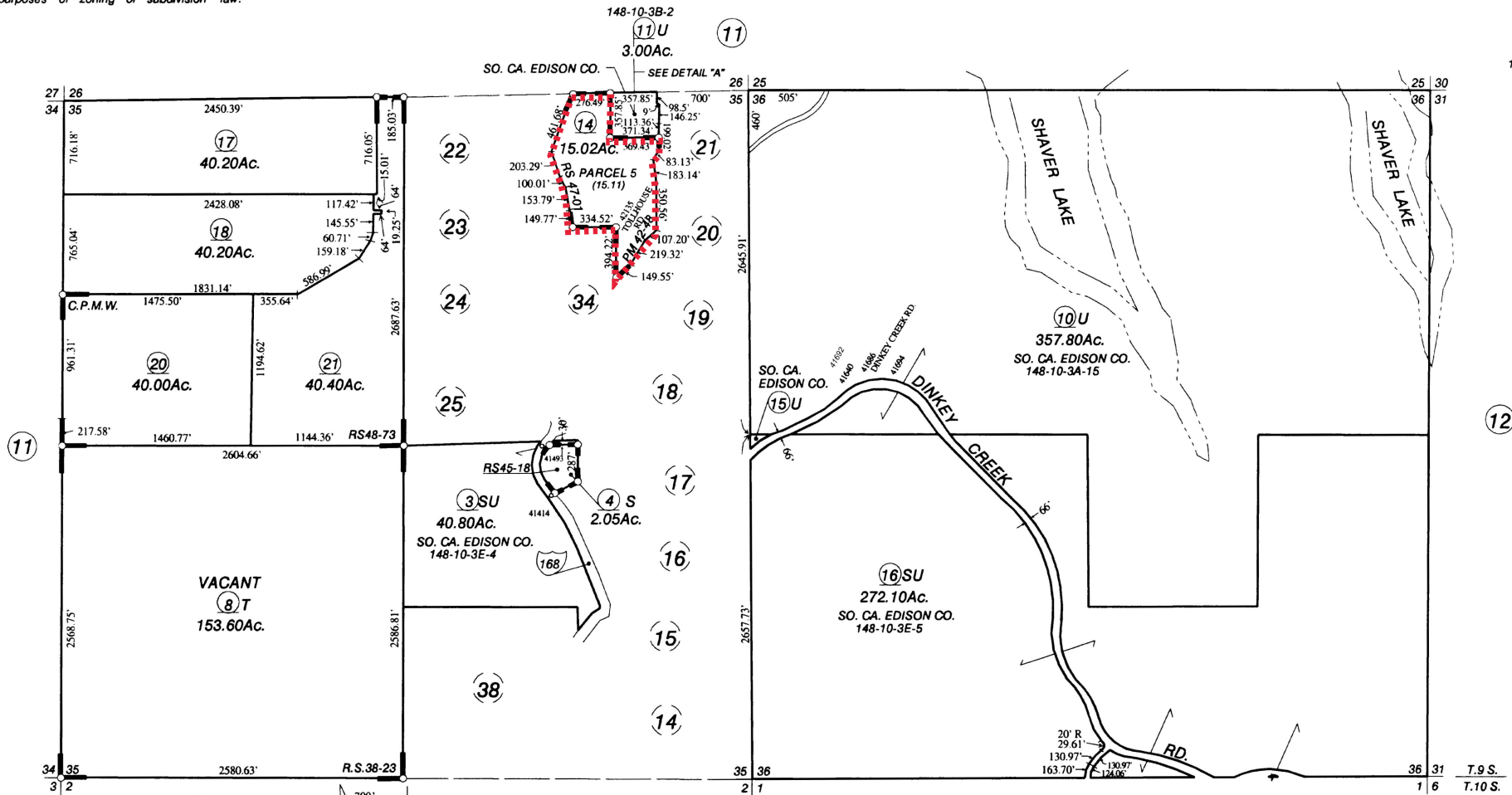


Department of Public Works and Planning
Development Services Division

EXISTING ZONING MAP



--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.



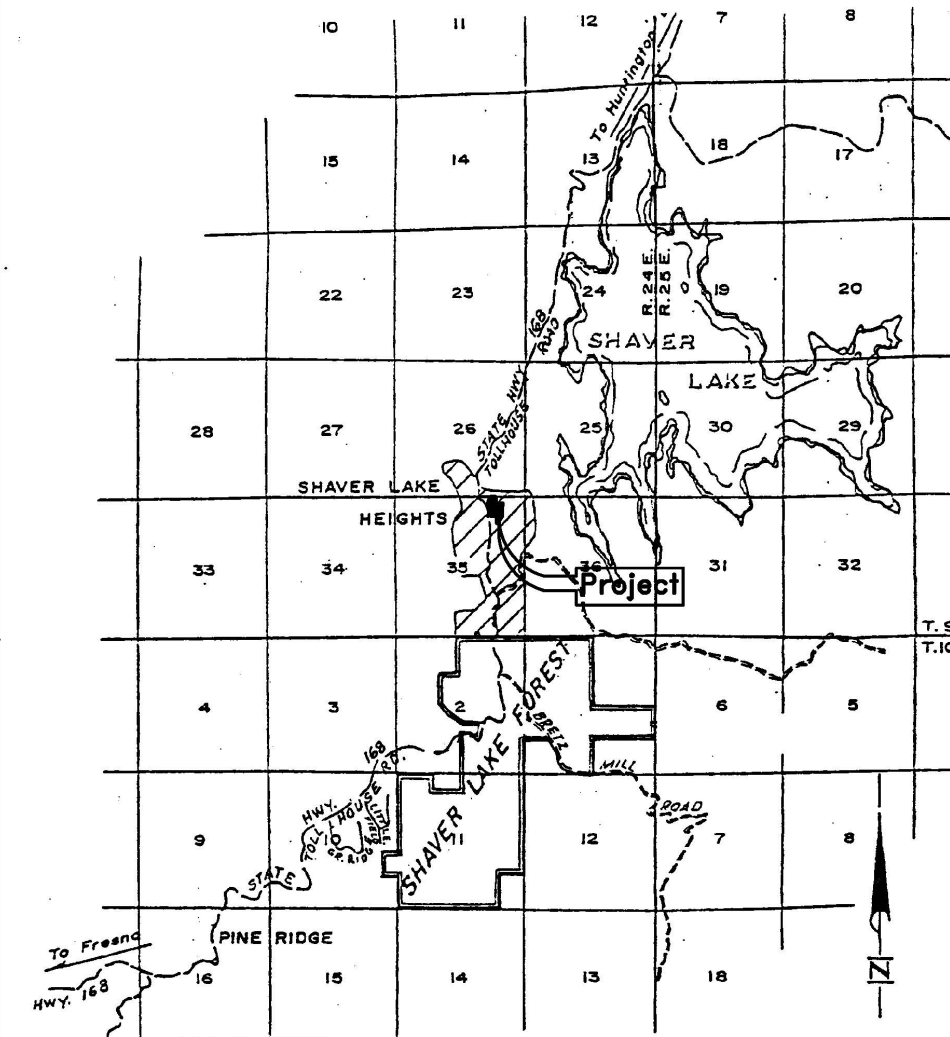
Bk. 130

Certificate of Parcel Map Waiver No. 02-04, Doc. No. 50701, 3-7-05
Parcel Map No.6118 - Bk.42, Pg.48
Record of Survey - Bk.38, Pgs.23-31
Record of Survey - Bk.45, Pg.18
Record of Survey - Bk.47, Pg.01
Record of Survey - Bk. 48, Pg. 73

Assessor's Map Bk.120 - Pg. 26
County of Fresno, Calif.

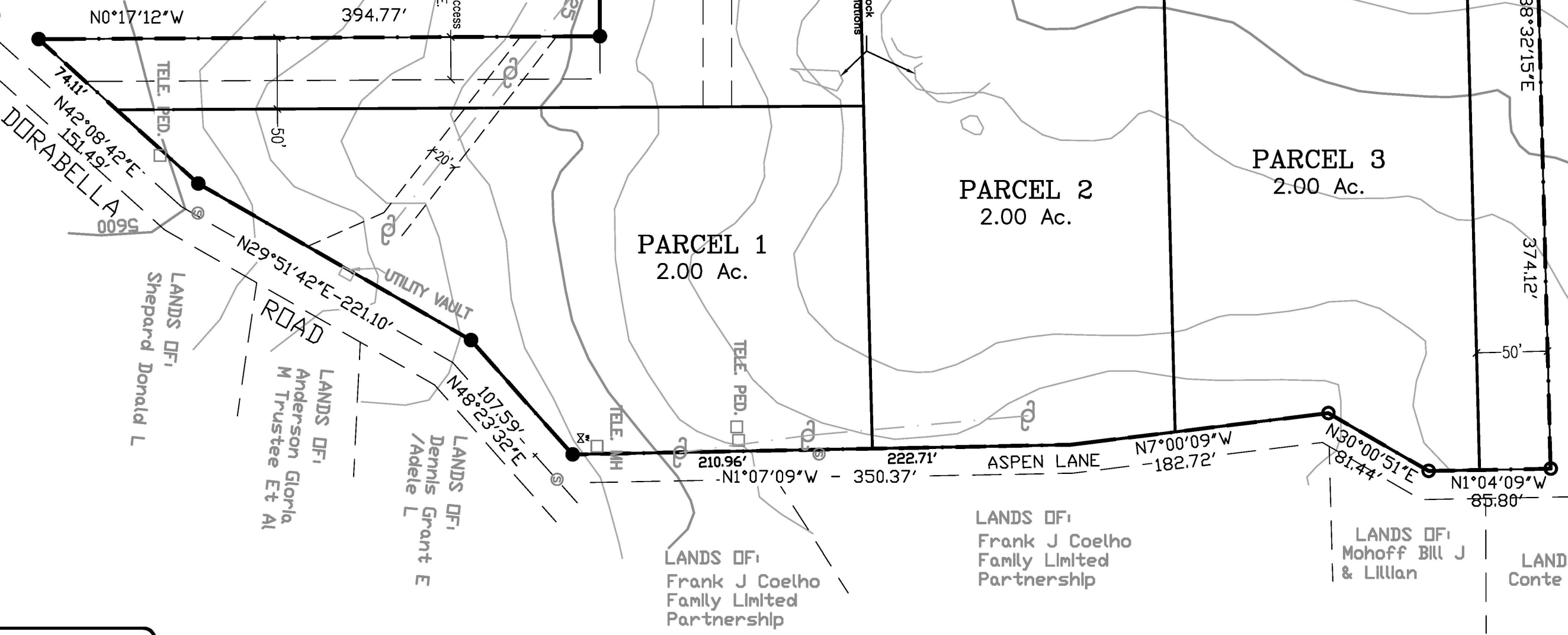
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Tentative Parcel No. _____



VICINITY MAP
0 1 2 3
MILES

BASIS OF BEARINGS



Legal Description
PARCEL 5 (REMAINDER)
PM 6118, BK 42, PG 48, FCR.
15.18 ACRES

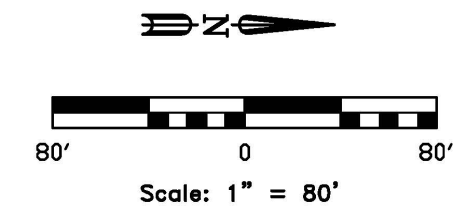
BASIS OF BEARINGS:
THE WESTERLY LINE OF THE SUBJECT PROPERTY IN QUESTION TAKEN TO BE N0°17'12"W AS PER RECORD OF SURVEY RECORDED IN BOOK 47 AT PAGE 1, FRESNO COUNTY RECORDS.

PREPARED FOR :

Jim Clark
1805 28TH ST.
BAKERSFIELD, CA
661-325-5751

PREPARED BY:

STRAHM ENGINEERING ASSOCIATES, INC.
5100 N. Sixth St. # 117, FRESNO CA. 93710
PH. (559) 227-9690 FAX (559) 227-9860



SHEET 1 OF 1 SHEETS

Previous Aerial Topo Generated Contour Lines



Fresno County Department of Public Works and Planning

Date Received:

(Application No.)

MAILING ADDRESS:

Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:

Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class)/Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other Tentative Parcel Map

DESCRIPTION OF PROPOSED USE OR REQUEST:

Rezone an existing dual-zoned 15.02 acre parcel from A-20 District to the R-1-B(c) District with the existing area zoned C-4 to remain zoned C-4. Conditional R-1-B zoning is to limit the R-1-B area number of parcels to 4 of 2 acre minimum parcel size with shared use of an existing well (until such time as adequate water supply is available for additional lots). The R-1-B(c) area to be parceled into 3 each 2-acre parcels plus Remainder which Remainder would also include the presently (and to remain) zoned C-4 area.

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: north side of Dora Bella Avenue approximately 415' east of SR-168
between State Route 168 and Aspen Lane
Street address: none assigned

APN: 120-260-14 Parcel size: 15.02 acres Section(s)-Twp/Rg: S 35 - T 9 S/R 24 E

ADDITIONAL APN(s): none

I, Rod Strahm (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Table with 5 columns: Name, Address, City, Zip, Phone. Rows include James N. Clark (owner), James N. Clark (applicant), and Strahm Engineering (representative).

CONTACT EMAIL: strahmrod@aol.com,

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: Fee: \$
Ag Department Review: Fee: \$
Health Department Review: Fee: \$
Received By: Invoice No.: TOTAL: \$

UTILITIES AVAILABLE:

WATER: Yes [X] / No []
Agency: shared existing well, 4 lots maximum
SEWER: Yes [X] / No []
Agency: FCSA#31

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E

Related Application(s):

APN # - - -
APN # - - -
APN # - - -
APN # - - -

Zone District:

Parcel Size:



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

INITIAL STUDY APPLICATION

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY

IS No. 8026

Project No(s). _____

Application Rec'd.: _____

GENERAL INFORMATION

1. Property Owner: James N Clark Phone/Fax 661-706-5751

Mailing Address: 1805 28th St. Bakersfield CA 93301
Street City State/Zip

2. Applicant: same Phone/Fax: _____

Mailing Address: _____
Street City State/Zip

3. Representative: Strahm Engineering Phone/Fax: 227-9690

Mailing Address: 5100 N. 6th St. #117, Fresno CA 93710
Street City State/Zip

4. Proposed Project: Rezone a dual zoned property (AL-20 & C-4) to R-1-B(c) for the AL-20 area & tentative parcel map to create 3 ea 1/2 ac parcels & Remainder - Conditional zoning is max 4 parcels

5. Project Location: North side of Dora Bella Ave. approximately 415' East of SR 168 between SR 168 & Aspen Lane

6. Project Address: none assigned

7. Section/Township/Range: 35 / 9S / 24E 8. Parcel Size: 15.02 acres

9. Assessor's Parcel No. 120-260-14 OVER.....

10. Land Conservation Contract No. (If applicable): NA

11. What other agencies will you need to get permits or authorization from: NONE

<input type="checkbox"/> LAFCo (annexation or extension of services)	<input type="checkbox"/> SJVUAPCD (Air Pollution Control District)
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Division of Aeronautics	<input type="checkbox"/> Department of Energy
<input type="checkbox"/> Water Quality Control Board	<input type="checkbox"/> Airport Land Use Commission
<input type="checkbox"/> Other _____	

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? Yes No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District¹: AL-20 & C-4

14. Existing General Plan Land Use Designation¹: Residential & Commercial

ENVIRONMENTAL INFORMATION

15. Present land use: vacant forested w/ existing well
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:
water well, SCE power line overhead - see plan.

Describe the major vegetative cover: mixed conifer forest

Any perennial or intermittent water courses? If so, show on map: NONE

Is property in a flood-prone area? Describe: NO

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):
North: SCE Forest lands; NE corner water tanks
South: Dora Bella Ave., residential
East: Aspen Lane, residential, trailer park
West: commercial along SR 168

17. What land use(s) in the area may be impacted by your Project?: none

18. What land use(s) in the area may impact your project?: none

19. Transportation:

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?
 Yes No

B. Daily traffic generation:

I. Residential - Number of Units 4 maximum
Lot Size 1/2 ac. ±
Single Family
Apartments none

II. Commercial - Number of Employees NA
Number of Salesmen 1
Number of Delivery Trucks 1
Total Square Footage of Building NA

III. Describe and quantify other traffic generation activities: none

20. Describe any source(s) of noise from your project that may affect the surrounding area: vacant land now - ultimately four residences

21. Describe any source(s) of noise in the area that may affect your project: none of significance (residences, & related traffic)

22. Describe the probable source(s) of air pollution from your project: autos, fireplaces - none at this time/permits - vacant land

23. Proposed source of water:
 private well shared by maximum of 4 users.
 community system³--name: _____ OVER.....

24. Anticipated volume of water to be used (gallons per day)²: peak day - 1728 gal
 (0.79 pm x 1440 min x 4 rooms)
25. Proposed method of liquid waste disposal:
 septic system/individual
 community system³-name FCSA #31 - assigned units exist.
26. Estimated volume of liquid waste (gallons per day)²: 4 x 260 gal/lot = 1040 gal.
27. Anticipated type(s) of liquid waste: residential
28. Anticipated type(s) of hazardous wastes²: none
29. Anticipated volume of hazardous wastes²: none
30. Proposed method of hazardous waste disposal²: none
31. Anticipated type(s) of solid waste: residential
32. Anticipated amount of solid waste (tons or cubic yards per day): 0.11 cu/day
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): unknown
34. Proposed method of solid waste disposal: commercial service
35. Fire protection district(s) serving this area: Shaver Lake Volunteer & Cal Fire
36. Has a previous application been processed on this site? If so, list title and date: no
37. Do you have any underground storage tanks (except septic tanks)? Yes _____ No X
38. If yes, are they currently in use? Yes _____ No NA

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

Rodney J. Strahm
 SIGNATURE

8/13/20
 DATE

¹Refer to Development Services and Capital Projects Conference Checklist

²For assistance, contact Environmental Health System, (559) 600-3357

³For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

STATE FISH AND WILDLIFE FEE

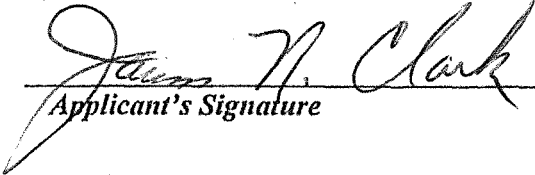
State law requires that specified fees (effective January 1, 2020: \$3,343.25 for an EIR; \$2,406.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).
2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.


Applicant's Signature

8/19/2020
Date

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY

AND WHEN RECORDED MAIL TO

JAMES N. CLARK
DEBORAH E. CLARK
1805 28TH STREET, STE 101
BAKERSFIELD, CA. 93301



Fresno County Recorder
William C. Greenwood
DOC- 2002-0097938

Acct 2-Chicago Title Company
Thursday, JUN 13, 2002 08:00:00
TCF \$1.00 MOD \$2.00 MIC \$1.00
DRF \$5.00 TTU \$275.00
Ttl Pd \$285.00

Nbr-0000025465
JJC/R6/1-2

Escrow No. 5591417 - CRP
Order No. 5591417 - LE

APN: 120-260-14

Assessor's Parcel No:
120-260-14

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$275.00

- unincorporated area City of
- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
ROY W. BURKE AND BONNIE M. BURKE, husband and wife, as joint tenants and
GENE D. MINTZ AND SHARON A. MINTZ, husband and wife, as joint tenants

herby GRANT(S) to
JAMES N. CLARK AND DEBORAH E. CLARK, AS TRUSTEES OF THE JAMES AND DEBORAH CLARK FAMILY
TRUST DATED SEPTEMBER 19, 2001

the following described real property in the
County of FRESNO, State of California:
Parcel 5 of Parcel Map No. 6118, according to the map thereof recorded in Book 42,
Page 48 of Parcel Maps, Fresno County Records.

APN: 120-260-14

SEE SIGNATURE EXHIBIT ATTACHED HERETO

Dated February 27, 2002

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO) SS.

On this 24th day of 2002 before me.

SALLY J. LEON, Notary Public.

a Notary Public in and for said County and State, personally appeared

ROY W. BURKE; BONNIE M. BURKE;

GENE D. MINTZ; SHARON A. MINTZ

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sally J. Leon
Signature of Notary
SALLY J. LEON
Date My Commission Expires



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE:
IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

FOR NOTARY SEAL OR STAMP

DBT 11/10/02-1c Name Street Address City, State & Zip

SIGNATURE EXHIBIT

Roy W. Burke

ROY W. BURKE

Bonnie M. Burke

BONNIE M. BURKE

Gene D. Mintz

GENE D. MINTZ

Sharon A. Mintz

SHARON A. MINTZ
J

LEGAL DESCRIPTION
AL-20 DISTRICT
APN-120-260-14

That real property situate in the County of Fresno, State of California being Parcel 5 of Parcel Map No. 6118, according to the map thereof recorded in Book 42, Page 48 of Parcel Maps, Fresno County Records,

EXCEPTING there from that area situate west of the West Line of the NE 1/4 of the NE 1/4 of Section 35, Township 9 South, Range 24 East, Mount Diablo Base and Meridian, Government Records.

ClarkAL-20DistrictLgl20.813

STRAHM ENGINEERING ASSOCIATES

SUMMARY REPORT CLARK PROPERTY WELL TEST AUGUST / SEPTEMBER 2005

An extended pumping and recovery yield test of the Clark Property well was performed by this firm in August / September of 2005.

The well was pumped beginning August 12 at 10:27 AM to September 19 at 2:50 PM, a period of 38 days, with a maximum pumping rate of 15.46 gpm and an end of pumping rate of 5.5 gpm. A total of 494,048.4 gallons was pumped for an average pumping rate of 8.99 gpm.

The maximum drawdown depth was 129.58 feet; the pre-test static water level was 23.85 feet for a realized drawdown of 100.73 feet.

Recovery to 90 percent of drawdown was plotted from eleven days of recovery measurements to occur on recovery day 50.

The 120th day pumping rate was projected to be 2.6 gpm. Fresno County Waterworks District No. 41 community system supply criteria would allow 75% or 1.95 gpm at 0.3 gpm/unit for supply adequate for 6.5 units.

The Fresno County individual well supply test criteria, likely more appropriate for the shared well use being considered for the four units maximum, would be as follows:

1. Pump the well for a minimum of 4 and a maximum of 48 hours. Test duration is dependent upon the well yield and the time of year in which the test is conducted.
2. For tests conducted in September and October, the well shall have a minimum end of test discharge rate of 5 gpm without storage or 1 gpm with 2,000 gallons storage (plus fire regulation requirements). The minimum volume of water that shall be pumped is 2,880 gallons.

Expanding the test criteria for four units would have Item 1 remain the same with Item 2 extrapolated to either 20 gpm without storage or 4 gpm with 8,000 gallons of storage (plus fire regulation requirements) with the minimum volume of water pumped being 11,520 gallons.

The following is interpreted from the 2005 yield pumping test data

A total of 20,703 gallons were pumped from start of pumping at 10:27 AM on 8/12/05 to 8:25 AM on 8/13/05 (21 hours and 58 minutes) with an end pumping rate of 15.6 gpm. The calculated period for pumping the required 11,520 gallons at 15.6 gpm would have been 739 minutes or by 10:46 PM on the same day - 8/12/05.

Recovery measurements were not possible as the long term pumping test continued. However, the average pumping rate of 15.6 gpm reasonably indicates at least 90% recovery within the following same period 739 minutes. (The overall long term test recovery was adequate.)

RECORDING REQUESTED BY:

James M. Clark
1805 28th Street
Bakersfield, CA 93301

WHEN RECORDED, MAIL TO:

James M. Clark
1805 28th Street
Bakersfield, CA 92301

AGREEMENT REGARDING WELL ACCESS AND USE OF WATER SYSTEM

DATE: _____, _____

RECITALS: The undersigned represent that they are the sole owners of that certain real property situate in Fresno County, California in the unincorporated area commonly known as Shaver Lake, and within the Southeast quarter of the Northeast quarter and the northeast quarter of the southeast quarter of Section 35, Township 9 South, Range 22 East, Mount Diablo Base and Meridian. Said real property is hereinafter referred to as Parcels 1 through 3 of Parcel Map _____ and Remainder (collectively, the "LAND"). The undersigned do hereby covenant on behalf of themselves and their successors in interest the following agreement. This covenant shall run with the LAND and be binding upon the undersigned, their heirs, successors and assigns.

AGREEMENT: Now, therefore, in consideration of the Recitals and the mutual covenants contained herein below, the parties agree as follows:

Section 1. Delivery and Use of Water.

- (1) The existing well located on the Remainder is made available to supply water to the LAND (Parcels 1 through 3 of Parcel Map _____ and Remainder) for domestic use.
- (2) The domestic use for which water is to be furnished consists of usual residential uses such as household use and landscape irrigation for one single family residence and possible guest house on each Parcel.
- (3) The water to be furnished under this agreement is not to exceed an average of 432 gallons per peak season day (0.30 gpm) per Parcel without prior written approval by the Remainder property owner with all well yield in excess of such usage being reserved for the Remainder property, which is contemplated but not required to be served together with Parcels 1 through 3, ultimately by a community water system.
- (4) Water delivery to the LAND shall be from the well by the pipeline existing to the property line of each of Parcels 1 through 3 with individual water meters required to be installed for each parcel at time of building permit issuance.
- (5) The water system common facilities consist of, but not be limited to, the water well, concrete pad, well pump, pressure

tank, electrical service, fenced enclosure for the well site facilities, two-inch diameter HDPE pipeline from the well to each parcel frontage service point.

(6) Use of the water system common facilities shall be by a license with ownership retained by the Remainder property ownership for possible conveyance to a community water system operator such as but not necessarily the County of Fresno or a mutual water company.

Section 2. Allocation of Operation and Maintenance Costs.

(1) Costs of operating and maintaining the common water system shall be shared proportionate to use by those Parcels having installed and operable water services ("Obligated Parcels").

(2) Payment for incurred costs shall be made current by all obligated parcels so as to not needlessly burden other parcels except in emergency circumstances (see Section 10).

(3) One or more parties may advance the necessary funds in emergency circumstances, with reimbursement to then be forthcoming within 30 days from the other parties for equal expense to each obligated parcel. No party shall be unilaterally responsible for incurred water system costs unless being the only Obligated Parcel.

Section 3. Future Community Public Water System. Parcels 1 through 3 shall be required, upon creation of a community system that is contemplated in conjunction with subdivision of the Remainder property, to be served water from the community system and shall be subject to the costs of such service.

Section 4. No Liability as to Quantity or Quality. The Remainder property owner does not guarantee or assume any liability or obligation concerning the quantity or quality of water to be provided under this agreement or concerning the continuing availability of water for use by Parcels 1 through 3 other than per Section 1(3) above.

Section 5. Failure to Pay. In the event any owners fail to contribute to the costs of maintaining said well, as provided in Section 2 herein above, the then owners shall have the right to pursue all legal of equitable remedies against said owners, including the following:

(1) The right to collect interest on the amount, then due until paid at a rate equal to the maximum rate of interest permitted by law.

(2) The right to reasonable attorney's fees incurred in connection with the enforcement of this agreement.

(3) The right to take any actions necessary to terminate the defaulting party's use of the well during the period of the default.

Section 6. Connection. Parcels 1 through 3, or the then owners of said parcels shall be obligated to construct, at their sole cost and expense, any pipelines or improvements necessary to transport the domestic water from said water system common well facilities to their respective homes/home sites. The owners of Parcels 1 through 3 shall have the right to enter onto the Remainder parcel for the maintenance of the common well facilities, unless and until a community

system is created for service to the Remainder property and Parcels 1 through 3. Parcels 1 through 3 and Remainder or the then owners of said Parcels, shall be solely responsible for all maintenance and service charges and costs incurred and related liability in connection with the use of their individual home/home site pipeline and connection facilities.

Section 7. Restrictions. No interested party to this agreement shall construct, locate or relocate any individual sewage disposal system element to within 150 feet of the subject well.

Section 8. Amendment. This agreement may be amended to assure equitable readjustment of shared costs or when there may be any other significant changes including the occupancy or use of the involved properties. Any amendment must be by the consent of all parties, and be by written agreement. Excepting the unilateral use designation by the undersigned of water in excess of the allocation per Section 1 (3) above, and excepting creation of the contemplated community water system and operating entity.

Section 9. Easement Area. The common well site and pressure system area are by this agreement to be established as an easement area of 20 feet square about the well oriented north-south and east-west together with 20 feet wide access and utilities easement, relocatable at the option of the owner of the Remainder, to allow for operation and maintenance of all elements of the system included therein. The easement area may be unilaterally conveyed, at time of community water system and operating entity creation, to the operator of the system. All rights of operation by Parcels 1 through 3 shall extinguish upon conveyance to and commencement of operations by a community system entity.

Section 10. Emergency. Any of the "Obligated Parcels" may act to correct an emergency situation in the absence on-site or action by the other party(s). An emergency situation shall be defined as failure of any portion of the shared "common" system to deliver water upon demand. The cost to correct the problem will be shared equally by Parcels 1 through 3 whether or not of "Obligated Parcels" status. Except following commencement of operations by the community system entity when that entity shall be obligated for such correction.

Section 11. Arbitration. All parties agree to binding arbitration of any dispute of impasse between parties with regard to the system or terms of agreement. Binding arbitration shall be through the American Arbitration Association or similar body and may be initiated at any time by any party to the agreement. Arbitration costs shall be equally shared by parties to the agreement.

Section 12. Binding on Heirs, Successors and Assigns. This agreement and all the rights and obligations here under shall be binding upon and insure to the benefit of the parties hereto and their heirs, successors, assigns and personal representatives.

Section 13. Partial Invalidity. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion

thereof shall not affect the validity or enforceability of any other provision hereof.

Section 14. Titles and Parts. The titles of the parts and paragraphs of this agreement are for the convenience of the reader only and no presumption or implication of the intent of the parties hereto as to the construction of this agreement shall be drawn therefrom.

IN WITNESS WHEREOF, the parties hereto have each executed this Agreement Regarding Water Service on the day and year first above written.

OWNERS:


James M. Clark


Deborah E. Clark