

Item 10 Hannon Agreement Discussion

Beaumont Cherry Valley Water
District

June 23, 2022



BCVWD / Hannon Water Agreements

- ▶ BCVWD Predecessor (Beaumont Land & Water Company) entered into two agreements (1908 and 1909) with Jeremiah and Elizabeth Hannon to deliver water to certain parcels located within Riverside County, CA

Purpose of Hannon Agreement Review

- ▶ Review water delivery requirements as defined in Hannon Agreements (2/12/1908 and 3/23/1909 Agreements)
- ▶ Review location of Hannon Agreement Properties
- ▶ Review Request for Water Service Letters from two property owners located within or near the Hannon Properties identified in the agreements
- ▶ Discuss Staff concerns related to continued delivery of water under these agreements
- ▶ Discuss next steps regarding resolution of issues

BCVWD / Hannon Water Agreements

- ▶ Said Agreements with the Hannon's were set forth in two agreements as follows:
 - February 12, 1908 Agreement
 - March 23, 1909 Agreement
- ▶ Additionally, the December 30, 1920 sales agreement between BL&WC and the Beaumont Irrigation Water District (BCVWD's predecessor) conveys it's rights, title and interest in said agreements to Beaumont Irrigation District (BID)

February 12, 1908 Agreement – Key Points

1. Jeremiah and Elizabeth Hannon owned land described as:
 - a. The south half of the northeast quarter of Section 29,
 - b. The south half of the Section 29, and
 - c. The northwest quarter of Section 33All in Township 2S / Range 1W

Little San Gorgonio Creek (Edgar Creek/Edgar Canyon) ran through this Hannon Land in 1908 when the Agreements were executed

February 12, 1908 Agreement Key Points

- ▶ The 1908 Agreement provided for:
 - BL&WC right to develop water from Edgar Canyon
 - Hannon Agreed not to object for the following considerations:
 - Delivery of water free of charge to the Hannon Properties identified above at delivery location at some point on northwest quarter of Section 33 (Point A–Figure 1)
 - Agreed flow was 5% of flow of Edgar Creek measured at the point of Diversion (no more than 5 miner's inches and no less than 1 miner's inch)
 - Diverted flows shall include water from wells, drains, tunnels, or other means that would otherwise augment the waters of the streams
 - Flow to be measured on the first day of each month

February 12, 1908 Agreement Key Points

- ▶ A Miner's inch is a rate of flow as follows:
 - Southern California Miner's Inch = 1/50 of a cubic foot per second (0.02 cfs or 8.976 gallons per minute) or 17.28 CCF (units) per day or 518 units per month (1 unit = 100 cubic feet)
- ▶ 1 miner's inch
 - 8.976 gpm or 17.28 CCF/day
- ▶ 5 miner's inches
 - 44.88 gpm or 86.40 CCF/day

March 23, 1909 Agreement Key Points

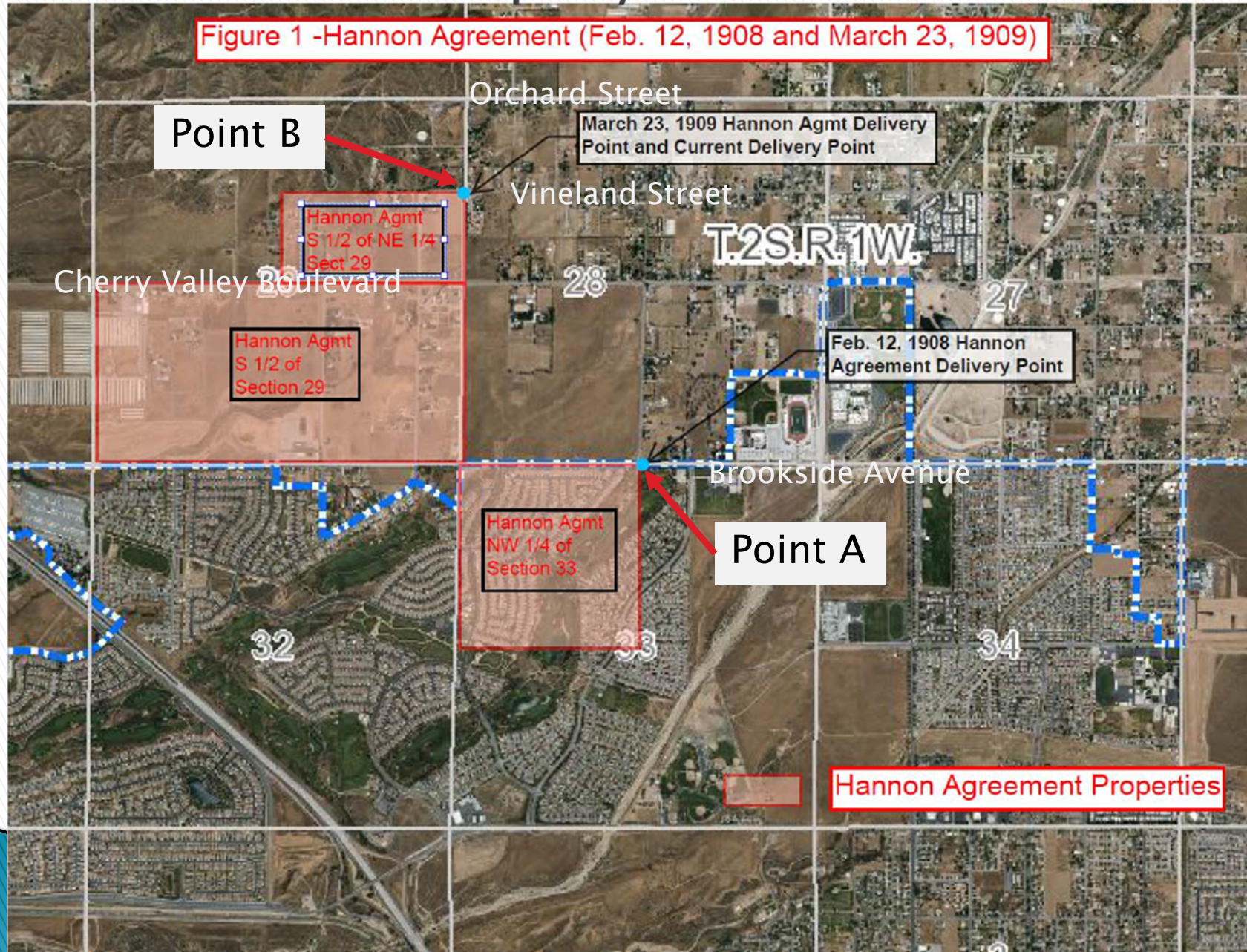
▶ The 1909 Agreement provided for:

- Jeremiah and Elizabeth Hannon Conveyed all rights to the Hannon Domestic Water Company, a corporation, and since the date of the 1908 agreement conveyed to their several children, the land on which the water was to be delivered in the original agreement.
- For \$350, BL&WC granted the second point of delivery at the northeast corner of the south half of the northeast $\frac{1}{4}$ of Section 29 (Point B on Figure 1) also identified by BCVWD Staff as Vineland Street at Union Street, approximately $\frac{1}{2}$ mile west of Nancy Avenue
- The total amount of water to be delivered did not change
- BL&WC not required to deliver water at both locations simultaneously nor a continuous flow to either location
- Hannon Domestic Water Company had right of delivery at either location at intervals of not less than 7 days nor more than 10 days apart at an amount equal to a continuous flow over the time interval, measured as provided in the original 2/12/1908 agreement at a rate not exceeding 20 miner's inches (179.52 gpm)

March 23, 1909 Agreement Key Points

- ▶ The 1909 Agreement provided for:
 - BL&WC could accumulate the flow and deliver at intervals and flow rates mentioned in a continuous run until said water is delivered
 - The Agreement is binding on the successors and assigns of both parties

February 12, 1908 / March 23, 1909 Agreement Property Location



Current Status of Deliveries

- ▶ BCVWD makes deliveries based upon this agreement through two water meters:
 - Account No. 005063-001
 - Account No. 005063-002

Located near the intersection of Vineland Street and Taylor Drive

District Staff turns on Meter 005063-001 every 10 days

District Staff has locked off Meter for Account 005063-002, but lock has been cut off and meter has been turned on by an unknown entity

Staff recommends contacting area parcel owners as well as removing Account No. 005063-002 water meter at this time until delivery requirements (7 to 10 day delivery) are adhered to by recipients of water from Hannon Agreement

Water Service Letter Requests from Two Separate Property Owners

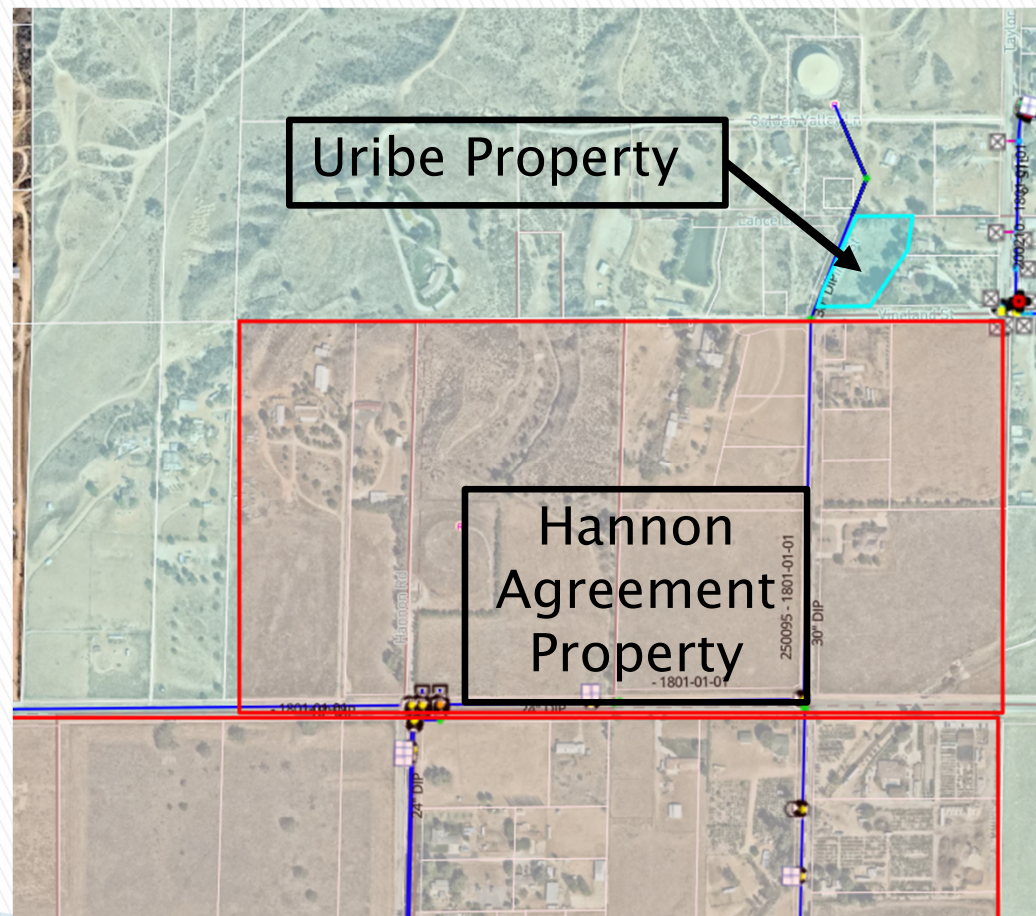
- ▶ Staff has received a Water Service Letter from two separate property owners located within or near the Hannon property identified in the agreements (a third property owner has contacted District Staff via phone but has not requested service)

- ▶ Staff has concerns

- ▶ Staff received the requests from the following Land Owners and their associated Assessor Parcel Numbers are as follows:
 1. Joseph Uribe
Riverside County Assessors Parcel No. 407-140-010
Said property lies north of the Hannon Agreement Properties
 2. Guillermo Aguayo/Susan Samaniego
Riverside County Assessors Parcel No. 407-150-026
Said property lies within the Hannon Agreement Properties

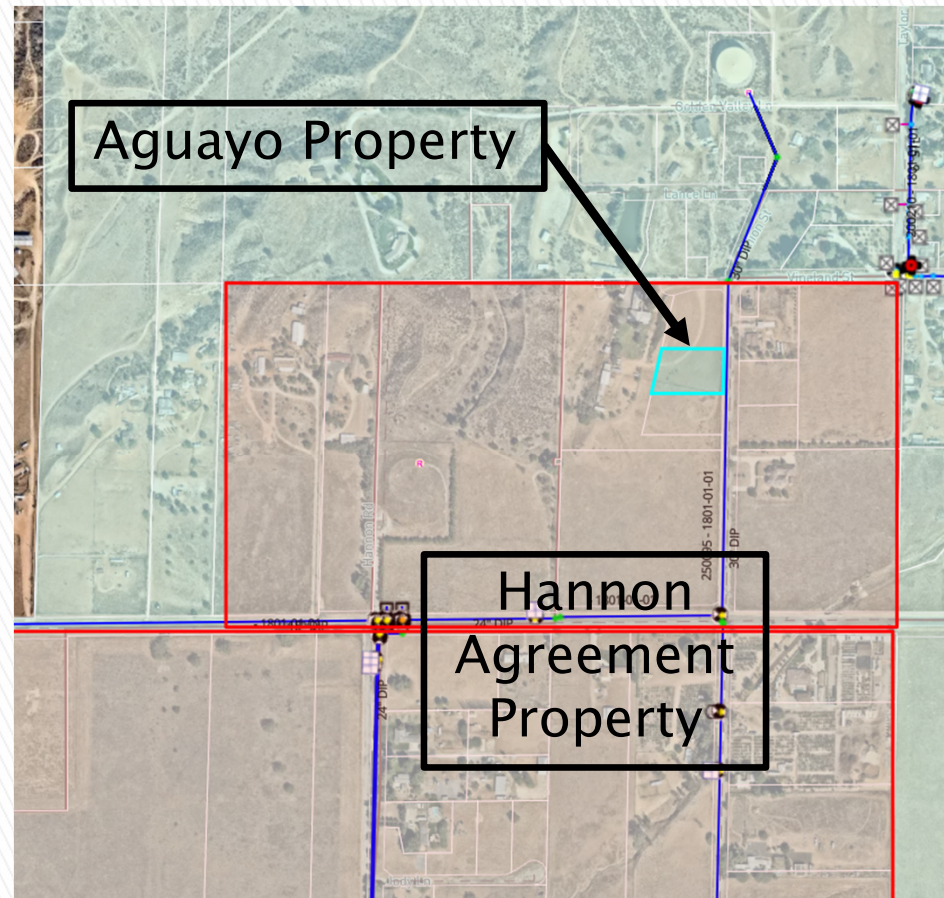
Water Service Letter Requests from Riv. Co. APN 407-140-010

- ▶ Joseph Uribe
 - Riverside County Assessors Parcel No. 407-140-010
 - Said property lies north of the Hannon Agreement Property Area



Water Service Letter Requests from Riv. Co. APN 407-150-026

- ▶ Guillermo Aguayo/Susan Samaniego
 - Riverside County Assessors Parcel No. 407-150-026
 - **Said property lies within the Hannon Agreement Property Area**



BCVWD Issues and Items of Concern

District Staff is concerned that a local property owner may be identifying to these parcel owners that they have water rights to their parcels and that water supply is available through an existing District meter as follows:

Anwar Markos

16531 Bolsa Chica Street, Suite 303, Huntington Beach, CA 92649

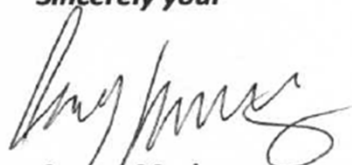
Tel.(714)377-6200 Fax (714)377-4499 Email: armmgmt@gmail.com

April 20, 2022

To Whom it may Concern:

This letter is to confirm that the property located at 10313 Union Street in the City of Cherry Valley APN Number 407-150-026 has water right. This water right is Grandfather dedeed to the property per the agreement between Beaumont Land & Water Company and Hannon Mutual Water Company dated in 1909 and amended in 1924. The meter account number for this water pipe line is:005063-001 which is originated at Vineland & Taylor into the property located at the above mentioned address.

Sincerely your



Anwar Markos

BCVWD Issues and Items of Concern

- BCVWD is only required to provide water deliveries every 7 to 10 days and does not and will not provide continuous delivery to this location
- BCVWD is not required to provide fire flows and/or pressurized flow to any of these locations.
- BCVWD staff is uncertain how Fire Department required fire sprinkler system may be constructed as BCVWD's obligation is an interruptible supply and only delivered every 7 to 10 days per the Agreements.
- BCVWD is concerned that the local area parcel owners may not realize that the water is to be delivered to a point by BCVWD and BCVWD is not responsible for the distribution system that may be utilized by the entity or entities distributing water from said point of delivery within a private water system.
- BCVWD is concerned that the entity taking water and distributing said supplies may be operating an unidentified water system that is not being regulated by any jurisdictional agency or agencies.

Next Steps

- ▶ Send Letters to all affected property owners that the District is aware of regarding the District's concerns:
 - Memorialize BCVWD's position regarding water supply identifying BCVWD's position and obligations for water deliveries required by the Hannon 1908 and 1909 Agreements
 - Identify BCVWD concerns regarding interruptible water supplies
 - Identifying BCVWD concerns regarding private water system operation
 - Identify BCVWD concerns regarding potential lack of fire supply to residential sprinkler systems being installed in new housing units.
- ▶ Prepare letter to jurisdictional agencies inquiring as to private water system status and operational parameters (i.e. Riverside County Department of Environmental Health, State of California Division of Drinking Water, and others?)

Next Steps

- ▶ Send Letters to all affected property owners regarding the following activities:
 - Memorialize BCVWD's position regarding water supply identifying BCVWD position and obligations for water deliveries required by Hannon 1908 and 1909 agreements
 - Identify District concerns regarding interruptible water supplies



Discussion /
Questions