

WILSON MORTON ASSAF & McELLIGOTT

JAMES T. MORTON  
PHILIP D. ASSAF  
PEGGY L. McELLIGOTT (1926-1982)  
THOMAS B. ADAMS  
SHERRON S. DAVIS  
GERALD A. LASTER  
JAMES L. COPELAND  
MAYER A. DANIEL  
JOAN E. BRIODY

JAMES M. FARMELEE  
ROBERT K. BOOTH, JR.  
DEBRA L. CAUBLE  
JAMES A. HILDEBRAND

ATTORNEYS AT LAW  
630 NORTH SAN MATEO DRIVE  
P. O. BOX 152  
SAN MATEO, CALIFORNIA 94401  
(415) 342-3523

ERNEST A. WILSON  
OF COUNSEL

AUTOMATIC TELECOPIER  
GP3 (415) 342-6392

PLEASE REPLY TO:

P. O. BOX 152  
SAN MATEO, CA 94401

June 12, 1985

Mr. Ted Merry  
District Manager  
Bear Valley Water District  
P. O. Box 5027  
Bear Valley, CA 95223

Dear Mr. Merry:

For your information and use, the Bear Valley Water District was duly formed and approved at an election by the voters within its boundaries on July 30, 1968, pursuant to the California Water District Law, Division 13 of the Water Code of the State of California.

Enclosed is a copy of Resolution No. 68-39, A Resolution Canvassing Election Returns, Declaring Results of Election, and Order Declaring District Duly Formed.

Very truly yours,

  
Joan E. Briody  
WILSON MORTON ASSAF & McELLIGOTT

JEB:om  
Enclosure

RECORDED AT REQUEST OF

INDEXED

AT 2 MIN PAST 4 P M  
VOL 10 OFFICIAL RECORDS, PG 5588-13-68  
ALPINE COUNTY, CALIFORNIA

Wm. CHRIS. MANN

COUNTY RECORDER

DOC # 276

FEE *de*RESOLUTION NO. 68-39A RESOLUTION CANVASSING ELECTION RETURNS, DECLARING  
RESULTS OF ELECTION, AND ORDER DECLARING DISTRICT  
DULY FORMED

## BEAR VALLEY WATER DISTRICT

RESOLVED, by the Board of Supervisors of the County of Alpine,  
State of California, that

WHEREAS, on the 31st day of May, 1968, at the hour of 2:00  
o'clock P.M. in an adjourned regular meeting of this Board, a  
petition, duly signed by the holders of title to a majority in  
area of the land therein described in accordance with law, for the  
incorporation of a portion of the territory of said County into the  
Bear Valley Water District, under Division 13 of the Water Code of  
the State of California, as amended, was presented to this Board;

WHEREAS, Monday, the 1st day of July, 1968, at 1:00 o'clock  
P.M., in the Supervisors Room, Courthouse, Markleeville, California,  
were fixed as the time and place of hearing of the petition;

WHEREAS, pursuant to notice duly given, at said time and place  
a hearing was held on said petition, evidence was taken, and all  
persons interested were given an opportunity to be heard on the  
subject of said petition;

WHEREAS, at the conclusion of said hearing and on the 1st day  
of July, 1968, this Board adopted its resolution in which it granted  
the petition for incorporation, established and fixed the boundaries  
of the proposed district, and called an election at which the question  
of said incorporation should be submitted to the voters of said ter-  
ritory, and the five Directors of the Board of Directors and an  
Assessor, Tax Collector and Treasurer of said district should be  
elected;

WHEREAS, said resolution ordered said election to be held on Tuesday, the 30th day of July, 1968, within the boundaries so established, and established one special election precinct for the conduct thereof, and designated the polling place and election officers therefor;

WHEREAS, in and by said resolution said Board further directed that notice of said election should be given as required by law and that the Clerk of said Board should publish notice of said election for formation and for the election of the first Board of Directors of said District in the Tahoe Daily Tribune, at least once a week for at least three weeks previous to the election, the form of which notice of election was set forth in said resolution;

WHEREAS, it now duly appears that notice of said election was duly and legally given by the publication of notice as by said Code and said resolution and order of this Board directed;

WHEREAS, it appears that a board of election was duly appointed and a board of election duly qualified in accordance with law; that before the opening of the polls, said board of election duly posted a list of voters and the number of votes each was entitled to cast; that the polls at said election were open for the hours appointed therefor; that ballots for the election were duly provided and cast; and that said election was duly held and conducted on the 30th day of July, 1968;

WHEREAS, it further appears that said board of election duly determined the total number of votes cast on ballots and at the close of the polls immediately opened the ballot box, tallied the votes cast, canvassed the votes and declared the result, posted the results at the entrance of the polling place, and forwarded to the County Clerk for this Board of Supervisors a certificate showing the results of the election and the number of votes cast for or against each candidate and proposition, and all ballots and papers

used at the election, all in the time, form and manner as required by said law and by said resolution, and in accordance with the law governing such elections;

WHEREAS, it further appears that the Clerk of this Board has certified and recorded with the County Recorder of the County of Alpine the certificate showing the results of the election received from said board of election; and

WHEREAS, it further appears that this Board has met on the 5th day of August, 1968, said date being the date of the next regular meeting of said Board following such election, and has canvassed the returns of said election as required by law, from which it appears that the said proposition for the formation of said District was duly submitted to the qualified voters of said proposed District, and that the number of votes cast in favor of and in opposition to said proposition are as hereinafter set forth, and five Directors for the Board of Directors, and an Assessor-Tax Collector-Treasurer of said District were elected as hereinafter set forth;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. That said election was duly called, held and conducted in the said territory on Tuesday, the 30th day of July, 1968, and the votes cast thereat were tabulated and the returns made and canvassed in the time, form and manner as required by law, and the proposition voted upon thereat was as follows:

"Shall the proposition to form Bear Valley Water District under the California Water District Law be adopted?"

2. That for the purpose of holding said election, one election precinct was duly established and provided, which precinct included the whole of said proposed Water District, and was designated as Consolidated Precinct No. 1.

3. That at said election in said precinct the number of votes

cast at said election for the formation of such Water District was 43601, of which total number of votes cast in said proposed district 43601 votes were cast in favor of the adoption of said proposition, and no votes were cast against the adoption of said proposition.

4. That the total number of votes cast in said District for and against the proposition is as follows:

SPECIAL ELECTION PRECINCT	TOTAL
For	<u>43601</u>
Against	0

5. That at said election a majority of the votes cast within said proposed Water District were in favor of the adoption of said proposition and the formation of said Bear Valley Water District, and said proposition was duly adopted.

6. That the territory so proposed to be incorporated is hereby declared to be duly organized and formed as a District under the name designated for it, to wit: Bear Valley Water District, pursuant to Division 13 of the Water Code, as amended, of the State of California, entitled "California Water District Law".

7. That the territory comprising the said District is situate in the County of Alpine, California, and particularly bounded and described in Exhibit "A" attached hereto and by reference made a part hereof.

8. The County Clerk of said County of Alpine shall immediately cause to be filed for record with the County Recorder of said County of Alpine, a certified copy of this resolution, together with a certified copy of the certificate of results pursuant to Section 35111 of the Water Code.

9. Said County Clerk shall immediately file with the Secretary of State of the State of California a certified copy of this resolution in lieu of the certificate to be filed with said Secretary

of State pursuant to Section 34503 of the Water Code.

10. Said County Clerk shall also cause to be filed with the County Assessor of Alpine County and with the State Board of Equalization, a statement of creation of said District, setting forth the legal description of its boundaries and a map or plat indicating the boundaries, as required by Sections 54900 to 54903, inclusive, of the Government Code.

11. The candidates voted for in said election for the five offices of Director and the office of Assessor, Tax Collector, and Treasurer of Bear Valley Water District, and votes cast for each of the candidates therefor were as follows:

<u>DIRECTOR</u>	<u>VOTES FOR AT POLLS</u>	<u>TOTAL</u>
James Kless	<u>43601</u>	<u>43601</u>
James Murphy	<u>43601</u>	<u>43601</u>
C. Bruce Orvis	<u>43601</u>	<u>43601</u>
James L. Orvis	<u>43601</u>	<u>43601</u>
William Verigin	<u>43601</u>	<u>43601</u>
 <u>ASSESSOR, TAX COLLECTOR and TREASURER</u>		
H. B. Werner	<u>43601</u>	<u>43601</u>

12. That the following candidates

James Kless  
James Murphy  
C. Bruce Orvis  
James L. Orvis  
William Verigin

being the five receiving the largest number of votes cast for Directors of said District, are hereby declared elected to the offices of Director, and H. B. Werner, being the one receiving the largest number of votes cast for Assessor, Tax Collector and Treasurer of said District, is hereby declared elected to said office.

13. That on behalf of the Board of Supervisors of the County of Alpine, the Clerk of said Board shall issue certificates of election to each of the successful candidates.

14. The County Clerk of Alpine County is further directed to cause this resolution and order to be entered in full upon the minutes of this Board as a statement of the results of said election.

\* \* \* \* \*

PASSED and ADOPTED by the Board of Supervisors of the County of Alpine, California, at a regular meeting of said Board held on the 5th day of August, 1968, by the following vote of the members of the Board:

AYES, and in favor thereof, Supervisors: Egger, Chain, Cellerd, Bruns and Love

NOES, Supervisors: none

ABSENT, Supervisors: none

/s/ Hubert Bruns  
Chairman of said Board

ATTEST:

/s/ Wm . Chris Mann  
Clerk of said Board

State of California )  
County of Alpine ) ss

I, Wm Chris Mann, County Clerk and Ex-Officio Clerk of the Board of Supervisors of Alpine County, California, do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by the Board of Supervisors of said County, and State, this 5 of Aug, 1968

BOOK 10 PAGE 563

Wm Chris Mann  
Wm Chris Mann, Co Clerk & Clerk  
of Board of Supervisors

DESCRIPTION OF PROPOSED BEAR VALLEY  
WATER DISTRICT

All that certain lot, piece or parcel of land, situate, lying and being a portion of Sections 7 and 18, T. 7 N., R. 18 E., and a portion of Section 12, T. 7 N., R. 17 E., M.D.B. & M., Alpine County, California, being more particularly described as follows:

## PARCEL "A"

Beginning at the  $\frac{1}{4}$  corner common to said Sections 7 and 18 and running thence N.  $0^{\circ} 16' 30''$  W. 371.94 feet along the  $\frac{1}{4}$  section line of said Section 7; thence leaving said  $\frac{1}{4}$  Section, Section line S.  $78^{\circ} 39' 44''$  W. 487.50 feet; thence, Northerly along a 160 foot radius curve, concave to the East a distance of 114.39 feet; thence along a tangent to the preceding curve N.  $27^{\circ} 40' 46''$  E. 432.67 feet; thence along a 340 foot radius curve concave to the West a distance of 199.73 feet; thence, along a radial line to the preceding curve N.  $84^{\circ} 01' 17''$  E. 64.94 feet; thence, S.  $40^{\circ} 20'$  E. 254.00 feet; thence, S.  $17^{\circ} 51' 30''$  E. 150.00 feet; thence, S.  $40^{\circ} 51'$  E. 145.00 feet; thence, N.  $89^{\circ} 43' 30''$  E. 108.00 feet to its intersection with the above described  $\frac{1}{4}$  Section line; thence, along said  $\frac{1}{4}$  Section line N.  $0^{\circ} 16' 30''$  W. 3490.31 feet to the North  $\frac{1}{16}$  corner of said Section 7; thence, N.  $89^{\circ} 18' 00''$  W. 1392.00 feet along the North boundary of the  $S\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 7; thence, leaving said North boundary S.  $39^{\circ} 56' 56''$  W. 139.19 feet along a radial line to the following curve; thence, Westerly along a 140 foot radius curve concave to the South a distance of 172.14 feet; thence, S.  $59^{\circ} 30'$  W. 310.00 feet; thence, Westerly along a 310 foot radius curve, concave to the north, a distance of 125.70 feet; thence, S.  $82^{\circ} 44'$  W. 270.00 feet; thence, SouthWesterly along a 315 foot radius curve concave to the SouthEast a distance of 231.46 feet; thence, along a course not tangent or radial to the previous curve, N.  $71^{\circ} 40'$  W. 50.00 feet; thence, S.  $56^{\circ} 25'$  W. 91.03 feet to the West boundary of said Section 7; thence, along said West boundary S.  $1^{\circ} 25' 30''$  W. 517.00 feet; thence leaving said West boundary East 79.07 feet; thence, S.  $8^{\circ} 41'$  E. 70.00 feet; thence, SouthWesterly along a 110 foot radius curve concave to the NorthWest a distance of 175.17 feet to its intersection with the above described West boundary; thence along said West boundary S.  $1^{\circ} 25' 30''$  W. 81.61 feet to the West  $\frac{1}{4}$  corner of said Section 7; thence, continuing along said West boundary S.  $00^{\circ} 47'$  E. 671.06 feet to the NorthEast corner of the  $S\frac{1}{4}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 12; thence along the North boundary of said  $S\frac{1}{4}$  of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$  S.  $89^{\circ} 55'$  W. 139.61 feet; thence, leaving said North boundary S.  $12^{\circ} 00'$  E. 264.44 feet; thence SouthEasterly along a 240 foot radius curve concave to the NorthEast a distance of 354.65 feet; thence, N.  $83^{\circ} 20'$  E. 168.68 feet; thence, N.  $6^{\circ} 40'$  W. 280.00 feet; thence, N.  $76^{\circ} 55' 06''$  W. 89.73 feet; thence, N.  $23^{\circ} 08' 55''$  W. 150.08 feet; thence, N.  $36^{\circ} 52' 12''$  W. 125.00 feet; thence, N.  $12^{\circ} 15' 53''$  W. 117.69 feet; thence, N.  $84^{\circ} 44' 46''$  W. 70.09 feet to its intersection with the above described West boundary; thence, along said West boundary N.  $00^{\circ} 47'$  W. 96.02 feet; thence, leaving said



West boundary N. 79° 51' E. 94.81 feet; thence, N. 36° 04' E. 252.00 feet; thence, N. 20° 27' E. 300.00 feet; thence, N. 43° 08' E. 217.00 feet; thence, N. 13° 04' W. 166.00 feet; thence, N. 17° 44' E. 192.00 feet; thence, N. 58° 27' E. 434.00 feet; thence, N. 9° 53' W., 115.26 feet; thence, N. 59° 30' E. 191.93 feet; thence, Easterly along a 60 foot radius curve concave to the South, a distance of 111.33 feet; thence, S. 14° 11' 23" E. 129.05 feet; thence, S., 56° 00' W. 99.15 feet; thence, S. 15° 00' W. 174.00 feet; thence, S. 6° 25' E. 92.00 feet; thence, S. 30° 00' E. 102.00 feet; thence, S. 45° 40' E. 102.00 feet; thence, S. 8° 25' E. 81.00 feet; thence, S. 77° 00' E. 100.00 feet; thence, S. 13° 00' W. 304.82 feet; thence, Southerly along a 440 foot radius curve, concave to the East a distance of 216.69 feet; thence, along a radial bearing to the previous curve S. 74° 46' 59" W. 75.83 feet; thence, S. 16° 00' 27" E. 634.61 feet; thence, S. 82° 06' 20" E. 378.59 feet; thence, S. 29° 35' 23" E. 779.68 feet; thence, S. 75° 51' 44" E. 252.93 feet; thence, S. 14° 00' E. 115.00 feet; thence, Southerly along a 260 foot radius curve concave to the West, a distance of 189.14 feet; thence, S. 27° 40' 46" W. 432.67 feet; thence, Southerly along a 240 foot radius curve, concave to the East, a distance of 170.89 feet; thence, S. 13° 07' E. 212.09 feet; thence, Southerly along a 160 foot radius curve concave to the West, a distance of 165.09 feet; thence, along a course not tangent to the previous curve S. 88° 57' 01" W. 197.39 feet to its intersection with the SouthEast boundary of Lot 232 in Bear Valley Tract No. 1; thence, S. 38° 14' 10" W. 15.00 feet; thence, NorthWesterly along a 240 foot radius curve, concave to the SouthWest, a distance of 203.23 feet; thence, N. 82° 51' W. 328.06 feet; thence, N. 14° 33' E. 170.00 feet; thence, N. 46° 13' E. 270.00 feet; thence, N. 7° 31' 51" E. 80.46 feet; thence, N. 31° 27' 30" W. 201.93 feet; thence, N. 88° 26' 40" W. 57.09 feet; thence, N. 85° 41' W. 105.00 feet; thence, S. 53° 17' W. 385.00 feet; thence, S. 82° 37' W. 80.00 feet; thence, S. 7° 23' E. 265.00 feet; thence, SouthEasterly along a 190 foot radius curve concave to the NorthEast, a distance of 250.26 feet; thence, S. 82° 51' E. 463.41 feet; thence, S. 28° 32' W. 401.10 feet; thence, S. 38° 49' W. 617.34 feet; thence, S. 45° 40' W. 80.00 feet along a radial bearing to the following curve; thence, SouthEasterly along a 630 foot radius curve, concave to the NorthEast, a distance of 322.80 feet; thence, along a bearing not tangent or radial to previous curve S. 18° 35' W. 127.00 feet; thence, S. 71° 27' E. 120.00 feet; thence, S. 3° 48' 07" E. 109.27 feet; thence, S. 56° 45' E. 245.68 feet; thence, S. 33° 15' W. 140.94 feet; thence, Southerly along a 140 foot radius curve concave to the East, a distance of 117.98 feet; thence, S. 15° 02' E. 29.58 feet; thence, N. 74° 36' E. 80.00 feet; thence, N. 15° 02' W. 29.08 feet; thence, Northerly along a 60 foot radius curve, concave to the East, a distance of 50.56 feet; thence, N. 33° 15' E. 331.47 feet; thence, N. 78° 38' 46" E. 937.76 feet to its intersection with the  $\frac{1}{4}$  Section line of said Section 18; thence, along said  $\frac{1}{4}$  Section line N. 00° 32' 30" W. 1240.00 feet to the Point of Beginning and containing an area of 156.09 Acres, more or less.

PARCEL "B"

Beginning at a point from which the  $\frac{1}{4}$  corner common to said Sections 7 and 18 bears the following two courses: First; N.  $78^{\circ} 38' 46''$  E. 900.00 feet; thence Second, N.  $00^{\circ} 32' 30''$  W. 1,240.00 feet and running thence along the centerline of a 10 foot wide easement, being 5 feet each side of the following described line, S.  $38^{\circ} 57'$  W. 160.00 feet; thence Southerly along a 200 foot radius curve concave to the East, a distance of 72.46 feet; thence S.  $18^{\circ} 11' 30''$  W. 293.35 feet; thence Southerly along a 650 foot radius curve concave to the East, a distance of 319.54 feet; thence S  $9^{\circ} 58' 30''$  E. 80.00 feet to a point lying 15.00 feet East of the Northwest corner of a 100 foot square with sides bearing North-South and East-West which will include the Sewage Treatment Plants.