



STAFF RESPONSE TO EMAIL CORRESPONDENCE FROM PAUL PRIBBLE DATED 10.29.19:

(1) The City is aware of the temporary flood storage easements obtained in conjunction with the Lake Elsinore Management Project (LEMP) back in the early 1990's. Additionally, as a condition of entitlement, the project is conditioned to comply with local, state and federal regulations as they relate to development in general and specifically the back basin. Those regulations include:

Santa Ana Regional Board Order No. R8-2010-0033, NPDES No. CAS 618033 as well as any other applicable State Water Board issued permits and requirements. In the permit, flows to the lake are given the 'highest and best use' exemption. It is held that treatment for pollutants and then release of treated flows is a priority for lake recharge. Flows leaving the new development are held to that standard. Additionally, the permit requires that flows leaving a site be evaluated for the potential for detrimental downstream impacts, if noted discharges from the site must be mitigated to prevent potential damage. To that end, the project has submitted a preliminary water quality management plan to address the new development on APN 370-080-019 and has an existing water quality management plan for APN 370-080-027.

Lake Elsinore Municipal Code 15.68, which addresses Flood Plain Management in the back basin and include the following requirements:

No new residential or non-residential structures shall be constructed with the foundation or basement below 1267 feet msl, except as specifically permitted By the City Council on a case-by-case review. LEMC 15.68.010, 020

No additions, alterations, repairs, nor rehabilitation or restoration activities upon existing structures with the foundation or basement below 1267 feet, except as specifically permitted By the City Council on a case-by-case review. LEMC 15.68.030

No person shall import fill material within the "Lake Area" in FEMA designated flood plain without first complying with all applicable local, State and Federal laws and regulations and section 404 of the Clean Water Act. LEMC 15.68.040 (protect flood volume storage capacity of "Lake Area").

Southeast of Lake Levee, no buildings, structures, or improvements shall be erected or used for human occupancy upon all lands below 1265 feet, and no artificial change of the topography of the soil without first complying with all applicable local, State, and Federal Laws, rules and regulations. LEMC 15.68.052

(2) No new or redevelopment is proposed for APN 370-080-027 (32097 Corydon Road); the project does not propose to increase existing flows from the site.

(3) The alleged proposed increase in flows by Riverside County Flood Control and Water Conservation District (RCFCD) is not under the control of the proposed development of APN 370-080-019. Any issues with RCFCD actions should be addressed with them.

(4) Copies of the flood easements are provided for dissemination. They are easements for the temporary storage of flood waters. Since the early 1990's construction of the Lake Elsinore Management Project (LEMP), which improvements included the Levee and Outflow Channel,

there have been no flood events of the like referred to by Mr. Pribble; that was the intent of the LEMP.

The easements state:

Recorded: 10/4/1991

Record No. 345392

Notice of Lis Pendens (Eminent Domain)

Page 1, Line 21–25: “The purpose of the proceeding is the condemnation and taking, under the laws of eminent domain, of temporary flood easements in real property as hereinafter described for the public purpose of the temporary storage and conservation of storm, stream and surface waters.”

Recorded: 9/2/1993

Order for Possession

Page 3, Line 2-5: 3. Plaintiff has an urgent need for the possession of the said easements, and possession of them by plaintiff will not displace or unreasonably affect any person in actual and lawful possession of the real property;

EXHIBIT E

(SPACE BELOW FOR FILING STAMP ONLY)

LAW OFFICES
AKLUF AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(714) 682-5480

NO RECORDING FEE REQUIRED PER
GOVERNMENT CODE SECTION 27383

Attorneys for Plaintiff, SANTA ANA WATERSHED
PROJECT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

SANTA ANA WATERSHED PROJECT
AUTHORITY, a public agency
of the State of California,

Plaintiff,

vs.

BONGIOVANNI CONSTRUCTION COMPANY,
FAY M. BOWSMAN, GLADYS M. BOWSMAN,
CEREAL PARTNERSHP DEVELOPMENT, HON
FAN CHANG, LING LING CHANG,
YOGESHWAR CHATURVEDI, KUSUM
CHATURVEDI, ORACE A. "NICK"
CHILDRESS, TRUSTEE OF THE CHILDRESS)
FAMILY TRUST DATED SEPTEMBER 28,
1990, ROGER DARBY, CHRISTINE
MERRIKEN, ROSE DEITCH, HOWARD B.
DOBYNS, 80 ACRES PARTNERSHIP,
BEVERLY FABEN, HAROLD B. JACOBS AND)
GERALDINE JACOBS, CO-TRUSTEES UNDER)
TRUST AGREEMENT DATED FEBRUARY 25,
1987, BERNARD DEUTCH AND CAROL
DEUTCH, TRUSTEES OF THE DEUTCH
TRUST, FRED FEINBERG, A. ELAINE
FEINBERG, FORTUNE LAKEVIEW - 45,
FORTUNE STONEMAN 9.13, BILLY G.
HALL, LAVERNE M. HALL, EDITH V.
HAMILTON, GLENN MARTIN HAWK AND
BETTY L. HAWK, TRUSTEES UNDER
DECLARATION OF TRUST DATED
JANUARY 16, 1990, ERIC HERTLE,
VICKI RACITI JOHNSON, LAM YOU JONG,
ELY KASS, THOMAS KOVACICH, SHERRY
KOVACICH, STEVEN ATKINSON, CHERI
ATKINSON, KRISHAN S. KRISHNA, ABHA
KRISHNA, ANAT KRISHNA,

CASE NO. 24517
NOTICE OF LIS PENDENS
(EMINENT DOMAIN)

RECEIVED FOR RECORD
AT 8:30 O'CLOCK

OCT - 4 1991

Recorded in Official Records
of Riverside County, California

W. J. [Signature] Recorder
Fees \$ [Signature]

1 LAKE ELSINORE AIRPORT PARTNERSHIP,)
 2 RUY TSUN LEE, SUI PI LEE, GREGORIO)
 3 LINSANGAN, CHRISTINA B. LINSANGAN,)
 4 PHILIP A. MANUELL, DEBORAH ANN)
 5 MANUELL, GEORGE C. LANE AS TRUSTEE)
 6 UNDER THE LANE TRUST DATED)
 7 AUGUST 19, 1982, RUDOLPH R. MARTIN,)
 8 JANICE MARTIN, STEWART MILLER,)
 9 NORMAN INDUSTRIES, INC., LARRY)
 10 PERKINS, PATRICIA PERKINS,)
 11 LEONARD PETTY, DONELDA LORRAINE)
 12 PETTY, T. KEITH POCOCK, PAUL)
 13 PRIBBLE, GIRDHARI S. PUROHIT,)
 14 SHANTI PUROHIT, RATAN L. TIWARI,)
 15 NIRMALA TIWARI, SREENIVASA R.)
 16 NAKKA, HEMALATHA NAKKA, KALI P.)
 17 CHAUDHURI, SUNANDA CHAUDHURI,)
 18 MICHAEL DALE REDMEIER, CATHRINE I.)
 19 REDMEIER, NASEEM RIZVI, DARWIN L.)
 20 ROGERS, SAYKR INC., ANIL SHAH,)
 21 SOUTH LAKE ESTATES JOINT VENTURE,)
 22 OLIVER SPRENGER, SUNNY SPRENGER,)
 23 DONALD F. SPRENGER, JOANN M.)
 24 SPRENGER, MARIE ANN TRUDEAU, AS)
 25 TRUSTEE UNDER DECLARATION OF TRUST)
 26 DATED: OCTOBER 26, 1984, ROBERT A.)
 27 VERMILLION, and DOES 1 through 100,)
 28 inclusive, and ALL PERSONS UNKNOWN)
 CLAIMING AN INTEREST IN THE SAID)
 PROPERTY,)
 Defendants.)

18 NOTICE IS HEREBY GIVEN that the SANTA ANA WATERSHED PROJECT
 19 AUTHORITY, plaintiff, has commenced a proceeding in the above-
 20 named Court against the above-named defendants.

21 The purpose of the proceeding is the condemnation and taking,
 22 under the laws of eminent domain, of temporary flood easements in
 23 real property as hereinafter described for the public purpose of
 24 the temporary storage and conservation of storm, stream and
 25 surface waters.

26 The real property which is subject to and affected by this
 27 proceeding is situated in Riverside County, California and is
 28 described in Exhibit "A" attached hereto and by this reference

1 made a part hereof. The names of the parties who may have an
2 interest in the said real property are:

3	<u>Name</u>	<u>Interest</u>
4	BONGIOVANNI CONSTRUCTION COMPANY	Owner of Record
5	FAY M. BOWSMAN, GLADYS M. BOWSMAN	Owners of Record
6	CEREAL PARTNERSHP DEVELOPMENT	Owners of Record
7	HON FAN CHANG, LING LING CHANG	Owners of Record
8	YOGESHWAR CHATURVEDI, KUSUM CHATURVEDI	Owners of Record
9	ORACE A. "NICK" CHILDRESS, TRUSTEE 10 OF THE CHILDRESS FAMILY TRUST DATED SEPTEMBER 28, 1990	Owner of Record
11	ROGER DARBY, CHRISTINE MERRIKEN	Owners of Record
12	ROSE DEITCH	Owner of Record
13	HOWARD B. DOBYNS	Owner of Record
14	80 ACRES PARTNERSHIP	Owner of Record
15	BEVERLY FABEN, HAROLD B. JACOBS AND 16 GERALDINE JACOBS, CO-TRUSTEES UNDER TRUST AGREEMENT DATED 17 FEBRUARY 25, 1987	Owners of Record
18	BERNARD DEUTCH AND CAROL DEUTCH, TRUSTEES OF THE DEUTCH TRUST	Owner of Record
19	FRED FEINBERG, A. ELAINE FEINBERG	Owners of Record
20	FORTUNE LAKEVIEW - 45	Owner of Record
21	FORTUNE STONEMAN 9.13	Owner of Record
22	BILLY G. HALL, LAVERNE M. HALL	Owners of Record
23	EDITH V. HAMILTON	Owner of Record
24	GLENN MARTIN HAWK AND BETTY L. HAWK, 25 TRUSTEES UNDER DECLARATION OF TRUST DATED JANUARY 16, 1990	Owner of Record
26	ERIC HERTLE	Owner of Record
27	VICKI RACITI JOHNSON	Owner of Record
28		

LAW OFFICES
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3403 TENTH STREET, SUITE 810
RIVERSIDE, CALIFORNIA 92501
(714) 682-5480

1	LAM YOU JONG	Owner of Record
2	ELY KASS	Owner of Record
3	THOMAS KOVACICH, SHERRY KOVACICH, STEVEN ATKINSON, CHERI 4 ATKINSON	Owners of Record
5	KRISHAN S. KRISHNA, ABHA KRISHNA, ANAT KRISHNA	Owners of Record
6	LAKE ELSINORE AIRPORT PARTNERSHIP	Owner of Record
7	RUY TSUN LEE, SUI PI LEE	Owners of Record
8	GREGORIO LINSANGAN, CHRISTINA B. 9 LINSANGAN	Owners of Record
10	PHILIP A. MANUELL, DEBORAH ANN MANUELL, GEORGE C. LANE AS 11 TRUSTEE UNDER THE LANE TRUST DATED AUGUST 19, 1982	Owners of Record
12	RUDOLPH R. MARTIN, JANICE MARTIN	Owners of Record
13	STEWART MILLER	Owner of Record
14	NORMAN INDUSTRIES, INC.	Owner of Record
15	LARRY PERKINS, PATRICIA PERKINS	Owners of Record
16	LEONARD PETTY, DONELDA LORRAINE 17 PETTY	Owners of Record
18	T. KEITH POCOCK	Owner of Record
19	PAUL PRIBBLE	Owner of Record
20	GIRDHARI S. PUROHIT, SHANTI PUROHIT, RATAN L. TIWARI, NIRMALA TIWARI, 21 SREENIVASA R. NAKKA, HEMALATHA NAKKA, KALI P. CHAUDHURI, 22 SUNANDA CHAUDHURI	Owners of Record
23	MICHAEL DALE REDMEIER, CATHRINE I. REDMEIER	Owners of Record
24	NASEEM RIZVI	Owner of Record
25	DARWIN L. ROGERS	Owner of Record
26	SAYKR INC.	Owner of Record
27	ANIL SHAH	Owner of Record
28		

LAW OFFICES
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RIVERSIDE, CALIFORNIA 92501
(714) 632-5480

1 SOUTH LAKE ESTATES JOINT VENTURE

Owner of Record

2 OLIVER SPRENGER, SUNNY SPRENGER,
3 DONALD F. SPRENGER, JOANN M.
SPRENGER

Owners of Record

4 MARIE ANN TRUDEAU, AS TRUSTEE UNDER
5 DECLARATION OF TRUST DATED:
OCTOBER 26, 1984

Owner of Record

6 ROBERT A. VERMILLION

Owner of Record

7 Dated: October 2, 1991

8 AKLUFU AND WYSOCKI

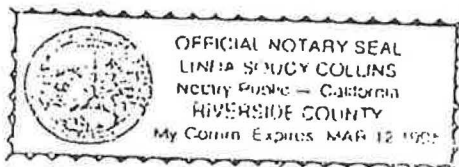
9
10 By Joseph S. Akluhi

JOSEPH S. AKLUFU, Attorneys for
11 Plaintiff

12
13
14
15 STATE OF CALIFORNIA)
16 COUNTY OF RIVERSIDE) SS.

17 On October 2, 1991, before me, the undersigned, a Notary
18 Public in and for said State, personally appeared JOSEPH S.
19 AKLUFU, personally known to me (or proved to me on the basis of
20 satisfactory evidence) to be the person whose name is subscribed
21 to the within instrument and acknowledged that he executed the
22 same.

23 WITNESS my hand and official seal.



(S E A L)

27
28
Linda Shucy Collins
Notary Public

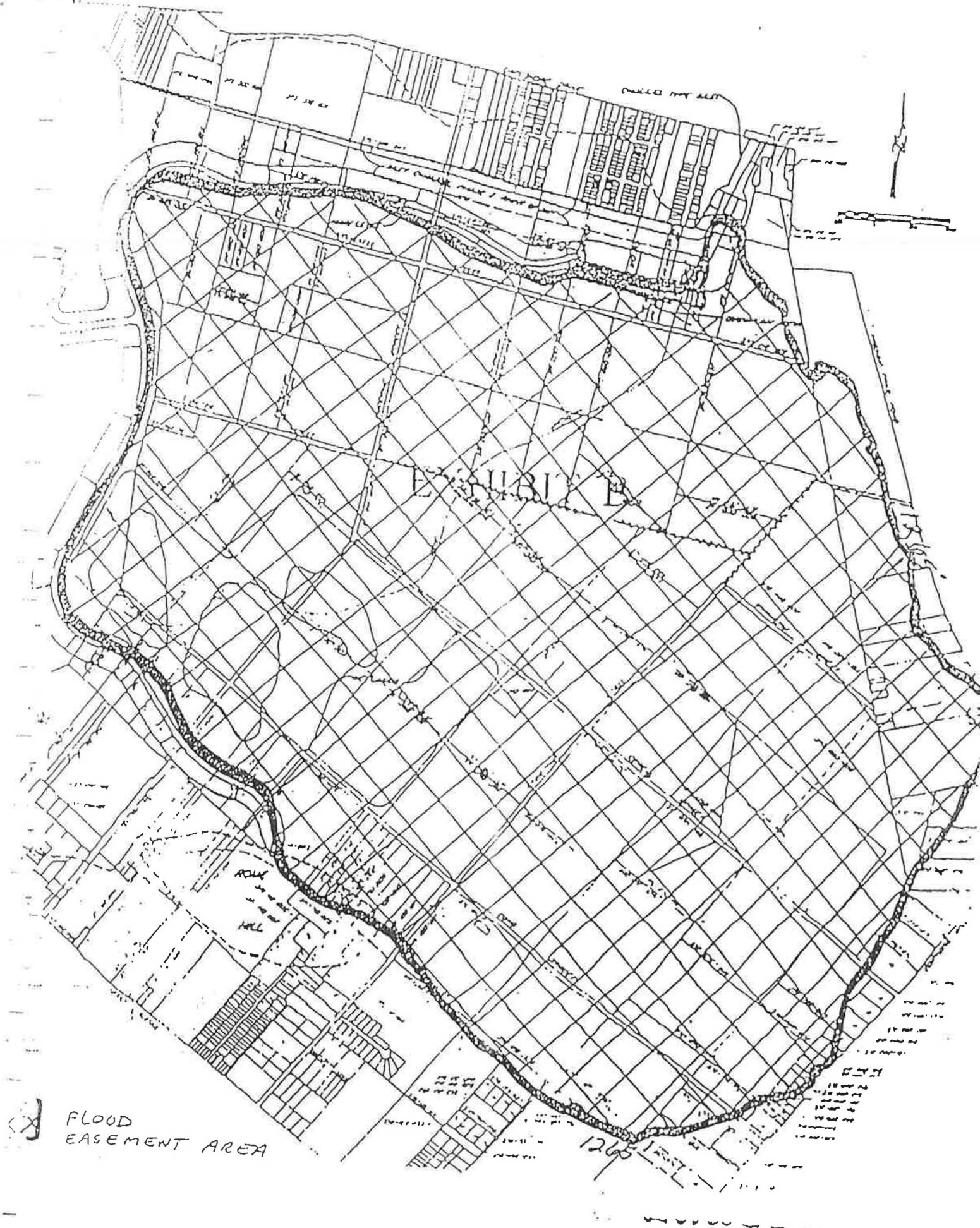
EXHIBIT "A"


370-030-004	370-030-006	370-080-013	371-100-002	370-040-010
370-040-011	370-040-012	370-040-013	371-100-015	370-030-012
371-100-011	370-100-012	371-020-005	370-120-019	371-100-006
371-020-007	370-040-027	373-234-002	373-234-003	373-234-004
373-235-017	373-238-019	373-239-001	373-239-002	373-239-003
373-239-011	371-100-003	371-020-008	371-020-015	370-080-017
371-020-014	370-080-019	365-030-024	370-070-003	370-120-002
371-040-028	370-070-001	370-370-006	370-070-002	370-070-004
370-070-005	370-070-010	370-080-009	370-080-010	370-040-019
370-040-020	370-040-027	370-040-029	370-040-035	365-030-041
365-030-040	370-080-020	370-080-006	370-120-006	370-080-016
371-020-004	365-030-002	370-120-036	370-120-021	365-030-006
365-030-007	365-030-008	365-030-009	365-030-014	365-030-015
365-030-016	365-030-017	365-030-018	365-030-019	365-030-020
365-030-021	365-030-022	365-030-023	365-030-027	365-030-028
365-030-029	365-030-030	365-030-031	365-030-032	365-030-033
365-030-034	365-030-035	365-030-036	365-030-037	371-100-007
371-060-002	371-020-003	370-120-001	370-120-017	370-040-034
370-040-001	370-040-004	370-030-005	370-040-006	370-040-007
370-040-030	370-040-031	370-030-010	365-030-011	365-030-012
365-030-013	365-030-042	371-050-003	371-050-004	371-050-005
370-080-007	370-120-012	370-120-041	370-120-042	370-120-043
370-120-044	371-020-012	365-030-001	370-080-011	370-120-022
371-020-010	371-020-011	373-320-12	373-320-013	371-060-005

NOTE: PARCEL NUMBER CHANGES

NEW NUMBERS:

370120057-7
370120058-8



 FLOOD
EASEMENT AREA

1 JOSEPH S. AKLUFİ (Bar #68619)
2 AKLUFİ AND WYSOCKI
3 3403 Tenth Street, Suite 610
4 Riverside, California 92501
5 909-682-5480

NO FILING FEE REQUIRED PER
GOVERNMENT CODE SECTION 6103

6 Attorneys for Plaintiff,
7 SANTA ANA WATERSHED PROJECT AUTHORITY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE

10
11 SANTA ANA WATERSHED PROJECT
12 AUTHORITY, a public agency of the
13 State of California,

14 Plaintiff,

15 vs.

16 (BONGIOVANNI CONSTRUCTION COMPANY,,)
17 FAY M. BOWSMAN, GLADYS M. BOWSMAN,)
18 CEREAL PARTNERSHP DEVELOPMENT, HON)
19 FAN CHANG, LING LING CHANG,)
20 YOGESHWAR CHATURVEDI, KUSUM)
21 CHATURVEDI, ORACE A. "NICK")
22 CHILDRESS, TRUSTEE OF THE CHILDRESS)
23 FAMILY TRUST DATED SEPTEMBER 28,)
24 1990, ROGER DARBY, CHRISTINE)
25 MERRIKEN, ROSE DEITCH, HOWARD B.)
26 DOBYNS, 80 ACRES PARTNERSHIP,)
27 BEVERLY FABEN, HAROLD B. JACOBS AND)
28 GERALDINE JACOBS, CO-TRUSTEES UNDER)
TRUST AGREEMENT DATED FEBRUARY 25,)
1987, BERNARD DEUTCH AND CAROL)
DEUTCH, TRUSTEES OF THE DEUTCH)
TRUST, FRED FEINBERG, A. ELAINE)
FEINBERG, FORTUNE LAKEVIEW - 45,)
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BETTY L. HAWK, TRUSTEES UNDER)
DECLARATION OF TRUST DATED)
JANUARY 16, 1990, ERIC HERTLE,)
VICKI RACITI JOHNSON, LAM YOU JONG,)
ELY KASS, THOMAS KOVACICH, SHERRY)
KOVACICH, STEVEN ATKINSON, CHERI)
ATKINSON, KRISHAN S. KRISHNA, ABHA)
KRISHNA, ANAT KRISHNA,)

CASE NO. 214517

ORDER FOR POSSESSION

LAW OFFICES
AKLUFİ AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(714) 682-5480

LAKE ELSINORE AIRPORT PARTNERSHIP,)
RUY TSUN LEE, SUI PI LEE, GREGORIO)
LINSANGAN, CHRISTINA B. LINSANGAN,)
PHILIP A. MANUELL, DEBORAH ANN)
MANUELL, GEORGE C. LANE AS TRUSTEE)
UNDER THE LANE TRUST DATED)
AUGUST 19, 1982, RUDOLPH R. MARTIN,)
JANICE MARTIN, STEWART MILLER,)
NORMAN INDUSTRIES, INC., LARRY)
PERKINS, PATRICIA PERKINS,)
LEONARD PETTY, DONELDA LORRAINE)
PETTY, T. KEITH POCOCK, PAUL)
PRIBBLE, GIRDHARI S. PUROHIT,)
SHANTI PUROHIT, RATAN L. TIWARI,)
NIRMALA TIWARI, SREENIVASA R.)
NAKKA, HEMALATHA NAKKA, KALI P.)
CHAUDHURI, SUNANDA CHAUDHURI,)
MICHAEL DALE REDMEIER, CATHRINE I.)
REDMEIER, NASEEM RIZVI, DARWIN L.)
ROGERS, SAYKR INC., ANIL SHAH,)
SOUTH LAKE ESTATES JOINT VENTURE,)
OLIVER SPRENGER, SUNNY SPRENGER,)
DONALD F. SPRENGER, JOANN M.)
SPRENGER, MARIE ANN TRUDEAU, AS)
TRUSTEE UNDER DECLARATION OF TRUST)
DATED: OCTOBER 26, 1984, ROBERT A.)
VERMILLION, and DOES 1 through 100,)
inclusive, and ALL PERSONS UNKNOWN)
CLAIMING AN INTEREST IN THE SAID)
PROPERTY,)

Defendants.)

Based upon the Declaration of Richard Smith and other documents filed in support of plaintiff's Application for Prejudgment Possession, including the First Amended Complaint on file in this proceeding,

IT IS HEREBY ORDERED AND DETERMINED:

1. Plaintiff has made a deposit of the probable amount of just compensation to be awarded herein and filed a Summary of the Basis for Appraisal Opinion, both of which meet the requirements of Code of Civil Procedure, Section 1255.010;

2. Plaintiff is entitled to acquire the easements in real property, as more particularly described in the First Amended

LAW OFFICES
AKLUF AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(714) 682-5480

1 Complaint on file herein, by eminent domain;

2 3. Plaintiff has an urgent need for the possession of the
3 said easements, and possession of them by plaintiff will not
4 displace or unreasonably affect any person in actual and lawful
5 possession of the real property;

6 4. Plaintiff may have possession of the easements described
7 in the First Amended Complaint herein without prior service of
8 this Order for Possession. Plaintiff, however, is to either mail
9 or serve personally a copy of this Order with the Notice of
10 Deposit and Summary of Basis for Appraisal Opinion and the Notice
11 of Lis Penden to the owners of the said real property at their
12 last known address within 30 days from the date this Order is
13 executed;

14 5. Plaintiff is hereby authorized to enter upon and take
15 possession of the easements in real property described in the
16 First Amended Complaint herein on September 10, 1993 in accordance
17 with this Order. Plaintiff is empowered to remove therefrom any
18 persons, obstacles, improvements or structures of any kind or
19 nature thereon situated.

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21 Dated: SEP 2 1993

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JUDGE OF THE SUPERIOR COURT