



COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

GENERAL MANAGER
Jim Barrett

ASSISTANT GENERAL MANAGER
Robert Cheng

December 12, 2017

Frank J. Spevacek, City Manager
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

Dear Ladies and Gentlemen:

Subject: Unrecorded Federal Right-of-Way

Existing federal right-of-way (easements and fee-owned land) are not always shown on subdivision Final Maps. This is often the result of the absence of a recorded instrument conveying right-of-way to the United States. Coachella Valley Water District (CVWD) requires that all federal right-of-way be accommodated during subdivision project design and identified on the Final Map.

CVWD provides domestic water, wastewater, recycled water, irrigation/drainage and regional stormwater protection throughout the Coachella Valley. Accordingly, CVWD holds significant infrastructure and associated right-of way. In addition, CVWD has responsibilities for United States Bureau of Reclamation (USBR) infrastructure and associated right-of-way. The USBR infrastructure includes the Coachella Branch of the All-American Canal (Coachella Canal), protective works (flood protection dikes and channels) and irrigation distribution pipelines (laterals).

USBR obtained the majority of its right-of-way via notices through the exercise of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945) (Act). Enclosed is a copy of a USBR letter dated April 17, 1990 describing USBR authority and rights under the Act. It further explains that right-of-way notices were not required to be filed of record with the County Recorder. Sometimes these unrecorded rights-of-way can be overlooked and lead to interference.

We encourage subdividers, engineers, title insurance companies, and others to coordinate with CVWD at the earliest stages of a proposed subdivision to determine if unrecorded federal easements exist.

We appreciate your assistance in providing CVWD the opportunity to review and mitigate any potential interference with CVWD and USBR infrastructure and associated right-of-way.

If you have any questions, please call Kelly Esmeralda, Senior Right-of-Way Specialist, at (760) 398-2651, extension 2280.

Sincerely,

Carrie Oliphant
Assistant Director of Engineering
Enclosure/1/as

Frank J. Spevacek, City Manager
City of La Quinta
December 12, 2017
Page 2

cc: see mail merge list

Christopher Wallis (with enclosure)
U.S. Bureau of Reclamation
Resource Management Office
7301 Calle Agua Salada
Yuma, AZ 85364

Marc Maynard (with enclosure)
U.S. Bureau of Reclamation
Lower Colorado Region
Post Office Box 61470
Boulder City, Nevada 89006-1470

KE:s\Eng\ROW\2017\Dec\Unrecorded ROW ltr
File: 0652.21



United States Department of the Interior

— RECEIVED —

BUREAU OF RECLAMATION
LOWER COLORADO REGIONAL OFFICE
P.O. BOX 427
BOULDER CITY, NEVADA 89005

APR 19 1990

APR 17 1990

IN REPLY
REFER TO:

C.V.W.D.

LC-422
LND-3.00

Mr. Thomas E. Levy
General Manager and Chief Engineer
Attention: Mr. David Keeley
Right-of-Way Technician
Coachella Valley Water District
P.O. Box 1058
Coachella CA 92258

TO	DATE	FROM
BOARD		SEE GM
CHIEF MGR		DRAFT REPLY FOR GM
ASST. GM		REPORT FOR GM
ASST. TO GM		COORDINATE
SECRETARY		FILE
COUNSEL		NOTE & RETURN TO
REC. CL.		NOTE & FILE
DEPARTMENT		5-COPYURE
ENGINEERING		APPROVAL
FINANCE		INFORMATION
INSPECTION		COMMENTS
LEGAL SERVICES		
PLANNING		
PROPERTY		
REC. MGMT.		
TRAINING		
WATER RESOURCES		
ADMIN. SERV.		
CCC		WPC

Subject: Right-of-Way for Lateral 102.3, Coachella Division, All-American Canal System (Easement)

Dear Mr. Levy:

You have inquired as to the right-of-way reserved to the United States for Lateral 102.3 as shown on Drawing No. B-645 "Laterals 100.9 to 106.9 and Sublaterals Right-of-Way Key Map/Unit 2." This lateral is located in the NE1/4NW1/4SW1/4NW1/4 of sec. 10, T. 6 S., R. 8 E., SBM, Riverside County, California.

Rights-of-way for irrigation facilities are usually obtained by the United States through the exercise of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945) (Act). This Act reserves rights-of-way for ditches and canals ". . . in all patents for lands hereafter taken up under any of the land laws of the United States or on entries on claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for ditches or canals constructed by the authority of the United States." When the Bureau of Reclamation (Reclamation) obtained the rights-of-way for the Coachella Canal sublaterals, the property owners were notified by means of a right-of-way notice that Reclamation was exercising its right under the above Act. These right-of-way notices were not required to be filed of record with the County Recorder by Reclamation.

We hope this is the information you require. If anything further is needed, please feel free to contact us.

Sincerely,

Robert W. Johnson
Robert W. Johnson **ACTING FOR**
Regional Supervisor of
Water, Land, and Power

The United States of America,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 4560. }

Application 9351.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Los Angeles, California, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

JAMES L. McLAIN

has been established and duly consummated, in conformity to law, for the southwest quarter of Section twenty-six in Township six south of Range eight east of the San Bernardino Meridian, California, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said James L. McLain

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said James L. McLain

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL) GIVEN under my hand, at the City of Washington, the thirteenth day of January, in the year of our Lord one thousand nine hundred and eight and of the Independence of the United States the one hundred and thirty-second.

By the President, *Theodore Roosevelt*

By *M. W. Young*, Secretary.

J. A. [Signature]
Recorder of the General Land Office.