

FW: RE: FW: YACSD Well Erosion Project

From: [mcginty7691](mailto:mcginty7691@gmail.com) <mcginty7691@gmail.com>

10/19/2020 11:43 AM

To: [Karen](#), [Karen Glendenning](#)

This is the email from PSV

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Paul Giuntini <paulg@pacificusreg.com>

Date: 10/15/20 5:32 PM (GMT-05:00)

To: Tim <mcginty7691@gmail.com>

Cc: David Giuntini <davidg@pacificusreg.com>, [Ira Glasky](mailto:Ira.Glasky@farwestindustries.com) (iglasky@farwestindustries.com)

Subject: RE: FW: YACSD Well Erosion Project

Tim-

I realize you are on vacation, but I thought you would want an answer sooner rather than later.

Thank you for the additional information about YACSD's proposed repairs around Well #2. Based on your representations that YACSD has obtained all governmental permits and authorizations of whatever nature required by any and all governmental agencies for YACSD's proposed well erosion repair work and that YACSD has accurately provided all relevant information, including but not limited to, the current status of the erosion as well as the proposed repair work, Palm Springs Village-309, LLC ("PSV") has no objection and consents to you proceeding with the proposed well erosion project. Please note that this consent is provided as an accommodation only and PSV is not making, and has not made, any determinations regarding the sufficiency of the approvals and/or consent given to YACSD by the relevant agencies.

YACSD shall be solely responsible for all costs associated with the well erosion project and hereby indemnifies and releases PSV for any and all liabilities, claims, causes of action, damages, costs, including delay costs and attorney's fees and expenses, resulting from any unpermitted work or any damage caused during the repair work, including any damage (including impermissible fill) to environmentally sensitive areas or any areas determined to be waters of the United States and subject to the jurisdiction of the Army Corps of Engineers, California Department of Fish and Wildlife, or any other relevant governmental agency. YACSD shall name PSV and its agents and representatives as additional insured by endorsement under its relevant insurance policies prior to commencing the well erosion repair work.

Please let me know when you start and finish the project. We also ask that you send us photos of the completed work for our files.

We further ask that you acknowledge receipt of this email and YACSD's understanding and approval of its contents.

Thanks,

Paul

From: Tim <mcginty7691@gmail.com>
Sent: Thursday, October 1, 2020 2:39 PM
To: Paul Giuntini <paulg@pacificusreg.com>
Cc: David Giuntini <davidg@pacificusreg.com>
Subject: Re: FW: YACSD Well Erosion Project

Hi Paul,

I have attached documents to this email.

1. Drawing PDF attached of repair with cement blocks to surround the eroded bank and repaired as specified in the permit issued by DFW. (Attachment Drawings)
2. I have attached emails from Kathy Norton and Debre Mahnke. Lourdes Mertens at the State Water Resources Control Board is over seeing that agencies involvement and they are fine to proceed with the DFW permit. (RE_ [Non-DoD Source] RE_ Silvertip Lodge SPK-1998-00509 (UNCLASSIFIED) and Silvertip Lodge State Water Board)
3. Attached are pictures and drawing showing how we are going to access the repair. We will enter the property by the dirt road off Fish Camp Lane and proceed to the North South easement. We will lay down steel plates over the culvert pipe in the creek bed to protect it. Proceed along that easement to the east west easement. Then proceed west down the easement to the well. All repairs will be done from the easement and over the well to the creek bank. We plan on staying within the easements for this repair. (Attachments 1,6,7 and 11)
4. Attached is our insurance policy and also the DFW permit. (YACSD Ins Coverage 2020-2021) (LSA - Final and Final email from DFW)

Please review and let me know if you need anything else.

Thanks,

Tim

----- Original message -----

From: Paul Giuntini <paulg@pacificusreg.com>

Date: 9/29/20 2:00 PM (GMT-08:00)

To: Tim McGinty <mcgintyt@pacbell.net>

Cc: David Giuntini <davidg@pacificusreg.com>

Subject: YACSD Well Erosion Project

Hi Tim,

In response to your email to David about the commencement of the YACSD Well Erosion Project ("Project") we respectfully, but firmly, request that you delay the Project work until we can obtain the following:

1. A drawing and specifications of the actual work to be performed.
2. Verification from the various agencies (previously provided by David) that the work is authorized. We are concerned because Palm Springs Village ("PSV") is the owner of the property under your easement and has continued dialogue with those agencies about other matters. We do not want to be subject to any disciplinary action by those agencies for YACSD's failure to properly permit your Project activity.
3. Please provide us a description as to how you will access the Project. If you need to access outside of your easement, we are willing to cooperate, but will need an indemnification agreement which we can prepare prior to the Project work proceeding.
4. Also, we would need to review your insurance to be certain we are covered if there is any damage to the PSV property.

We realize that your project is time sensitive, but we just want to make sure we are protected. Thanks to you and others we are in a new era of mutual

respect and cooperation with the YACSD and want that to continue. Rest assured that we are not trying to impede your Project.

Regards,

Paul