

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



Mr. Michael Barkowski
United States Fish and Wildlife Service
Realty Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Dear Mr. Barkowski:

The State of California Department of Water Resources is proposing to implement the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project), which has been developed to improve fish passage and increase floodplain fisheries rearing habitat in the Yolo Bypass and the lower Sacramento River basin. The Big Notch Project will require flowage easements to be acquired over several properties.

Our records indicate that United States Fish and Wildlife Service (USFWS) holds a conservation easement identified as Document No. (1999-0011525) in the Official Records of Yolo County (attached) upon property identified as Yolo County Assessor's Parcel Nos. 042-260-019 and 042-270-007, also known as DWR Parcel No. YBSH-135. DWR Parcel No. YBSH-135 is owned by Mr. Daniel Engstrom and Loki Investments, LLC, each with an undivided 50% interest, and is within the Big Notch Project area. DWR is proposing to acquire a flowage easement over these entire properties in conjunction with the Big Notch Project. A copy of DWR's easement deed including legal plat map depicting the area of Parcel No. YBSH-135 and a copy of the inundation modeling impact reports for these properties are attached to this letter.

The Big Notch Project is needed because substantial changes have been made to the historical floodplain of California's Central Valley for water supply and flood control purposes. These activities have resulted in losses of rearing fish habitat, migration corridors, and food web production for fish, negatively affecting native fish species that rely on a floodplain habitat.

The restored habitat will support the growth of a healthy population of salmon and improve conditions for survival of the endangered Delta Smelt and Green Sturgeon native-fish species by improving migration pathways through the Sacramento River, the floodplains of the Yolo Bypass, and the Sacramento-San Joaquin Delta.

As part of DWR outreach activities, DWR and USFWS previously met to introduce the Big Notch Project to USFWS on February 19, 2021. Now that the Big Notch Project is progressing into the land acquisition phase, DWR would like to discuss this specific proposed acquisition with you and any public agencies that funded, or required for

Mr. Michael Barkowski

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permitting, the conservation easement. In addition, you may submit written comments on the acquisition, including identifying any potential conflict between the public use proposed for the property and the purposes and terms of the conservation easement, to DWR at the P.O. Box 942836, Sacramento, CA 94236-0001, Attn: Ashley Wilson, Right of Way Agent, within 45 days from the date this notice.

As the easement holder, the California Code of Civil Procedure Section 1240.055 requires, under certain circumstances (see Code of Civil Procedure Section 1240.055(c)(2)[(A) and (B)]), that you do the following within 15 days of receipt of this notice:

- (1) Forward a copy of this notice by first-class mail to each public entity that provided funds for the purchase of the easement or that imposed conditions on approval or permitting of a project that were satisfied, in whole or in part, by the creation of the conservation easement;
- (2) Inform each public entity that it may also submit written comments, including identifying any potential conflict between the public use proposed for the property and the purposes and terms of the conservation easement, within 45 days from the date of this notice, and that any comments should be submitted to DWR at the address provided on the previous page;
- (3) If forwarding this notice to another public entity (as stated above), please notify DWR of the entity name and contact information.

Thank you for your cooperation. If you have any comments or questions regarding the Big Notch Project or proposed acquisition, or if providing public entity contact information, you may contact me telephone at (916) 902-6718, by email at Ashley.Wilson@water.ca.gov, or at the address provided on the previous page.

Sincerely,

Ashley Wilson
Right of Way Agent

Attachments

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

APN: 042-270-007, 042-260-019

Project Yolo Bypass Salmonid Habitat Restoration & Fish Passage

Parcel No. YBSH-135

WE, DANIEL G ENGSTROM, a married man as his sole and separate property, as to an undivided 50% interest and **LOKI INVESTMENTS, LLC**, a California limited liability company, as to an undivided 50% interest, GRANT to the STATE OF CALIFORNIA, its successors or assigns, hereinafter called STATE, an EASEMENT and right of way, upon, over, and across that real property in the County of Yolo, State of California, identified in the records of the Department of Water Resources as:

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Estate</u>
YBSH-135	361.98 AC	Flowage Easement

Described as follows:

See EXHIBIT "A" attached hereto and made a part hereof.

(In the event of any discrepancy between the above identification and the real property described herein, the real property described will control.)

This Easement Deed is granted effective of the State of California's acceptance of this deed by DANIEL G ENGSTROM, a married man as his sole and separate property, as to an undivided 50% interest and LOKI INVESTMENTS, LLC, a California limited liability company, as to an undivided 50% interest ("Grantor") to the Department of Water Resources of the State of California, a public agency, ("Grantee"),

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the laws of the State of California, Grantor grants and conveys to Grantee the perpetual right-of-way and easement in the real property ("Property") situated in the County of Yolo, State of California, more specifically described in Exhibit A, attached and incorporated by this reference, for the purposes of seasonal floodplain fisheries rearing habitat and fish passage in the Yolo Bypass.

Grantee has the right for the flowage of water over and upon the Property as may be required for the present and future permitted construction and operation of fish passage and floodplain restoration projects, including the right of access by authorized representatives of the Grantee. The flowage right includes the right to flow water and materials and by said flow erode; or place or deposit earth, debris, sediment, or other material.

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties and their respective personal representatives, heirs, successors, and assigns, and shall constitute a servitude running in perpetuity with the Property.

For discussion purposes only

Executed on _____

GRANTOR(S)

STATE OF CALIFORNIA }

SS

County of _____

On _____, 20 ____ , before me, _____

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

[SEAL]

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____

Director of Water Resources

By _____

Attorney in Fact

EXHIBIT "A"

YBSH-135

All that real property situated in portions of Sections 26 and 35, Township 9 North, Range 3 East, MDM, in the unincorporated area of the County of Yolo, State of California, described as follows:

All of that parcel of land described as Parcel 1 in that Grant Deed Doc 2012-0042861, recorded December 21, 2012 in Official Records of Said County.

As shown on EXHIBIT "B" attached hereto.

Containing 361.98 acres, more or less.

KRISTOPHER KLIMA, PLS

DRAFT

**YBSH-135
FLOWAGE EASEMENT
DANIEL G. ENGSTROM (50%)
LOKI INVESTMENTS LLC (50%)**

**PARCEL 1 OF DEED
DOC NO. 2012-0042861
REC. DECEMBER 21, 2012
361 AC. +/-**



SACRAMENTO RIVER

042-260-019

042-270-007

Note: Information shown on this map is compiled from numerous sources and may not be complete or accurate. This includes Assessor parcel lines and numbers provided by Yolo county. DWR makes no claims, representations, or warranties (express or implied) concerning the validity, reliability, or accuracy of the GIS data contained herein. All areas shown are approximations based on GIS calculations. Each user is responsible for determining its suitability for his or her intended use or purpose. This exhibit does not represent a survey and is for informational purposes only.

SOUTHERN PACIFIC RAILROAD

PORTIONS OF SECTION 26 & 35,
T.9 N., R.3 E., M.D.M.,
COUNTY OF YOLO

YOLO BYPASS SALMONID HABITAT AND FISH RESTORATION PROGRAM
BIG NOTCH PROJECT - PHASE 3 PARCELS
FLOWAGE EASEMENT EXHIBIT "B"

This exhibit does not represent a survey and is for informational purposes only.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING - GEOMATICS BRANCH

12/20/2021