

**CALIFORNIA WATER COMMISSION**

715 P STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 902-7328



**Matthew Swanson**  
Chair  
September 26, 2022

**Fern Steiner**  
Vice-Chair

**Samantha Arthur**  
Member

**Daniel Curtin**  
Member

**Kimberly Gallagher**  
Member

**Alexandre Makler**  
Member

**Sandra Matsumoto**  
Member

**Jose Solorio**  
Member

United States Department of Agriculture  
Natural Resource Conservation Service  
Dean Kwasny  
California State Offices  
430 G Street, #4164  
Davis, CA 95616-4164

Subject: APN 033-190-011  
DWR Parcel No. YBSH-146 – Informational Hearing

Dear Dean Kwasny:

This letter serves as notice that the Department of Water Resources (DWR) has sent a notice to the California Water Commission (Commission) that DWR intends to request a Resolution of Necessity at a future meeting. Pursuant to the Commission's Procedures for Resolutions of Necessity and Eminent Domain, the Commission will hold an informational briefing at its October 19, 2022 Commission Meeting. No action will be taken by the Commission at this meeting on this matter.

You are being notified as the holder of the conservation easement on this property, pursuant to the California Code of Civil Procedure (CCP) Sections 1245.235 and 1240.055. You and/or your representative are invited to attend the Commission meeting and comment to the Commission on this matter. Comments will be limited to three (3) minutes, consistent with the Commission's standard practices. The Commission will also consider any written comments you may wish to submit prior to the meeting, pursuant to this Notice. Please submit any written comments at least 3 three business days prior to the Meeting, to allow sufficient time to circulate to the Commissioners for their review.

Please send any written comments to:

Holly Geneva Stout, Esq.  
California Water Commission  
P.O. Box 942836  
Sacramento, CA 94236-0001  
Email: [cwc@water.ca.gov](mailto:cwc@water.ca.gov)

The CCP provides procedures for public agencies to acquire private property for public use. It requires that every agency, which intends to condemn property, notify the owners of its intention to condemn.

Section 1240.030 of the CCP provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are established:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and
3. This property is necessary for the project.

Section 1245.230 of the CCP further requires that the offer required by Government Code Section 7267.2 has been made to the owner of record. The written offer was sent to the address that appears on the County's records on July 21, 2022. DWR will be presenting on the above listed conditions.

Additionally, pursuant to CCP § 1240.055, notice was sent to the address listed above as the holder of a conservation easement on the property on July 20, 2022.

The Commission Meeting is scheduled to take place as follows:

### **California Water Commission – October 19, 2022 Commission Meeting**

Date: Wednesday, October 19, 2022

Time: 9:30 am

Location: State of California, Resources Building

715 P St., First Floor Auditorium

Sacramento, CA 95814

Online: link below

<https://us02web.zoom.us/j/83534702265?pwd=T2VHc0FsNFMwSXhFNWhjK2FhSWJtdz09>

The meeting agenda will be published ten (10) days in advance of the meeting on the Commission's website, [www.cwc.ca.gov](http://www.cwc.ca.gov), and will contain the necessary information related to participation.

A description of the required property that is the subject of this informational briefing is attached to this Notice. Also attached is a copy of the Commission's Procedures for Resolutions of Necessity and Eminent Domain, as of February 20, 2013.

DWR proposes to acquire an easement over Parcel No. YBSH-146 all of Yolo County Assessor's Parcel No. 033-190-011 through the exercise of the power of eminent domain for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project.

The property rights to be acquired are:

Easement: 340± acres  
DWR Parcel No.: YBSH-146

If DWR determines it is necessary to proceed with requesting a Resolution of Necessity, a separate notice will be sent to the address listed above at least 21 days prior to the hearing.

If you have any questions regarding this eminent domain proceeding, please contact Linus A. Paulus, Supervising Right of Way Agent, Acquisition and Appraisal Section, Division of Engineering, DWR, at (916) 702-9384 or at [linus.paulus@water.ca.gov](mailto:linus.paulus@water.ca.gov). If you have questions regarding the Commission meeting or its logistics, please contact Holly Stout, Attorney, California Water Commission, at (916) 902-7098, or [holly.stout@water.ca.gov](mailto:holly.stout@water.ca.gov).

Sincerely,



Joe Yun  
Executive Officer, California Water Commission

Attachments: Property Description  
CWC Procedures for Resolutions of Necessity and Eminent Domain