



Informational Item: Informational briefing on Commission responsibilities related to eminent domain proceedings for State Water Project facilities and public comment (WC § 11575, CCP § 1245.220)

Background

The Department of Water Resources may acquire property for constructing, maintaining or operating State Water Project facilities but it may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity. The governing body is the California Water Commission.

Ward Tabor, DWR Assistant Chief Counsel and Allan Davis, Chief of Real Estate Services for the Delta Engineering Branch will provide an overview the Eminent Domain process and the California Water Commission's role.

NOTE: This agenda item is an informational briefing only and no action will be taken by the Commission on any project, proposed project or property at this meeting.

CCP 1245.220. A public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets the requirements of this article.

CCP 1245.210. As used in this article, "governing body" means: (h) In the case of a taking by the Department of Water Resources, the California Water Commission.

CWC 11575. For the purpose of constructing, maintaining, and operating the project and for the purpose of providing and substituting new facilities for facilities to be taken or destroyed, the department may acquire for and in the name of the state, by gift, exchange, purchase, or eminent domain proceedings, within or without the state, any and all water, water rights, rights-of-way, easements, land, electric power, power resources and facilities, and property or appurtenances thereto of every kind and description and any appurtenances to any such property as the department determines to be required and necessary for the proper construction, maintenance, and operation of the project and for effectuating the purposes and objects to be accomplished by the construction, maintenance, and operation of the project, and for providing and substituting new facilities for facilities taken or destroyed.

Agenda Item: 7

Meeting Date: July 20, 2011

Page 2

Attachment

Presentation: The Commission's Role in Eminent Domain

Contact

Ward Tabor

Assistant Chief Counsel, DWR

(916) 653-4829

Sue Sims

Department of Water Resources

(916) 653-6055