

Presentation Outline

Additional Information to assist with the Commission's Role in Eminent Domain

August 17, 2011

INTRODUCTION OF STAFF

PURPOSE OF THIS PRESENTATION

To provide the California Water Commission (CWC) with additional information to assist in their role in the eminent domain process.

Presentation Overview:

Additional Authority (*Legal*)

Geotechnical Information

- Types of exploration, Background of drill site locations, Geotechnical history

Additional Authority of DWR

- A. Project description
- B. State of California's Interest in Managing Water Resources
- C. Authority of DWR
- D. Authority to Acquire Property
- E. The Department Has Ample Authority to Study Water Resources Issues

Types of exploration:

Drill Hole, Cone Penetration Testing (CPT), Test Pits

Drill Hole

- Time to complete: up to 14 work days (includes site reconnaissance/restoration and drilling).
- Diameter and Depth of hole: 4.5-8.5-inch and up to 300 feet
- Backfill procedures: Cement Bentonite grout
- Information to be obtained: Continuous soil sample profile, SPT-N values, and strength of material (lab test)

CPT

- Time to complete: 4-6 hours
- Diameter and Depth of hole: 2-inch and up to 200 feet
- Backfill procedures: Cement Bentonite grout
- Information to be obtained: Soil behavior type, shear wave velocity, liquefaction potential, and ground water level.

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Test Pits

- Time to complete: 2-4 hours
- Size of pit: approximately 3 feet x 12 feet x 15 feet
- Backfill procedures: refill pit with original material
- Information to be obtained: Bulk sample, examine and perform density test, view of soil profile.

Background of drill site locations:

Sites were selected with respect to the alignments identified in the Conceptual Engineering Report (CERs) and after consultation with members of the DHCCP team, which included environmental, real estate, engineering, and geotechnical. The criteria established by the team representatives was to obtain relevant soil information for preliminary and final design of facilities and permitting requirements (US Army Corps of Engineers, Division of Safety of Dams, etc...), providing consistency with Temporary Entry Permit language and landowner concerns, to implement and follow the Mitigated Negative Declaration language and required permits, and species to avoid to minimize overall impacts. Majority of the sites were selected to provide information and data primarily for the intakes, river crossings, Intermediate Forebay, and the Byron Tract Forebay. Additional sites were selected for the Pipeline/Tunnel Option.

Geotechnical History:

2008, 2009, 2010, 2011 Geotechnical Plan Development and Implementation.

2008 Geotechnical Exploration Plan Development

- Began development of plan in April 2008 based on conceptual alignments, barrier, and intake locations. Plan included drill holes along the Eastern, Through Delta, and Western options, and at the Intake locations.
- No exploration was performed on any of the proposed facilities during 2008.

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2009 Geotechnical Exploration Plan Development

- Continued development of plan in April 2008 based on conceptual alignments, and intake locations. Plan included 9 overwater drill holes.
- Drilling completed in 2009:
 - 32 CPT and 18 drill holes along the Eastern, Through Delta and Western Alignments were completed. 11 overwater drill holes were also completed.

2010 Geotechnical Exploration Plan Development

- Continued refinement of plan in January 2010 based on refinement of the proposed conceptual alignments, with focus on Pipeline/Tunnel option, and the intake locations.
- No land drilling was conducted during the 2010 calendar year.
- Overwater drilling began in August 2010.
 - 26 overwater boring were completed at the proposed intake locations and along the Pipeline/Tunnel option.

2011 Geotechnical Exploration Plan Development

- The 2011 exploration plan was basically unchanged from the November 2010 exploration plan. The plan called for drilling on signed Temporary Entry Permit and court ordered entry parcels . In June 2011, the plan was changed to focus on the signed parcels due to court decision. Drilling commenced on May 31, 2011 and is still currently underway.
- Refinement of the current exploration plan continued. The refinement removed approximately 10 exploration locations at each of the intake locations and the nine (9) test pits located at the Intermediate Forebay.
- Although the current plan includes approximately a total of 220 CPT, 186 drill holes, and 94 overwater drill holes, the goal is to complete 119 CPT, 115 drill holes, and 6 test pits in 2012.
- To date we have completed 62 CPT, 37 drill holes, and 37 overwater holes, an additional 6 CPT and 11 drill holes are scheduled to be completed by the end of September 2011 .

Environmental Documentation

Resolution of Necessity Package Distribution Checklist

	<u>Commission</u>	<u>Owner</u>
Letter	✓	✓
Legal Description (Exhibit A)	✓	✓
Map (Exhibit B)	✓	✓
Status of Negotiation Fact Sheet	✓	
Copy of Resolution	✓	
Vicinity Map	✓	

CALIFORNIA WATER COMMISSION

3310 El Camino Avenue, Room LL40
SACRAMENTO, CA 95821

Walter Yep – Vice Chair, Piedmont
Ane D. Deister – Member, Placerville
Martha G. Guzman – Member, Sacramento
William J. Lyons, Jr. – Member, Modesto
Katherine Wilson Moret – Member, Los Angeles
Vacant – Chair
Vacant – Member
Vacant – Member
Vacant – Member

Please Address Communications to:
Peter D. Rabbon, Executive Officer
California Water Commission



FEB 7 2005

Mr. Kenneth Lewis, General Manager
Oakland Scavenger Company, Incorporated
10840 Altamont Pass Road
Livermore, California 94511

Dear Mr. Lewis:

Pursuant to the provisions of California Code of Civil Procedure, Section 1245.235, you have been identified as the owner of certain real property, or an interest therein, proposed to be acquired by the Department of Water Resources (DWR) for the South Bay Aqueduct Improvement and Enlargement Project, Parcel No. DLV-106, through the exercise of the power of eminent domain.

California Code of Civil Procedure, Section 1240.030, 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 project;
- (2) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (3) The property sought to be acquired is necessary for the project; and
- (4) That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

You are hereby notified that it is the intent of the California Water Commission (CWC) at its meeting on March 4, 2005, at 1:00 P.M., in the DWR Auditorium, 1416 Ninth Street, Sacramento, California 95814 to decide if the above conditions have been met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution")

A Resolution, if adopted, will constitute official authorization for DWR to acquire the property, or property interest therein, by exercise of the power of eminent domain.

A legal description and a map of the property that is the subject of this Resolution are enclosed with this notice and marked "Exhibit A" and "Exhibit B," respectively.

Mr. Kenneth Lewis

FEB 7 2005

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The property rights to be acquired are:

DLV-106 Unit A	71.78 acres	Fee
DLV-106 Unit B	0.37 acres	Fee
DLV-106 Unit C	0.06 acres	Permanent Exclusive Monitoring Well Easement
DLV-106 Unit D	1.25 acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit E	3.56 acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit F	0.84 acres	Permanent Exclusive Drainage and Water Pipeline Easement
DLV-106 Unit G	1.76 acres	Permanent Exclusive Drainage Pipeline Easement
DLV-106 Unit H	0.17 acres	Permanent Exclusive Access and Service Road Easement
DLV-106 Unit J	28.54 acres	Permanent Exclusive Construction Easement
DLV-106 Unit K	0.62 acres	Permanent Exclusive Construction Easement

You are further notified that if you file a written request to appear, within 15 days from the mailing of this notice, you are entitled to appear and be heard concerning the matters set forth as conditions in California Code of Civil Procedure, Section 1240.030. Mere depositing of your request in the mail will not satisfy this time limitation. Failure to file a written request to appear within 15 days from the mailing of this notice may result in a waiver of your right to appear and be heard; however, such a waiver will not affect your right to just compensation either by negotiated settlement or through legal process in a eminent domain trial. However, it may preclude you from later challenging the Resolution and the right of DWR to adopt the Resolution based on information you could have presented at the time of this hearing. For your convenience, a request to appear form is included on the bottom of the last page of this notice.

All requests to appear must be sent for filing to the Executive Officer of the California Water Commission, 3310 El Camino Avenue, Room LL40, Sacramento, California 95821. You may fax the request to (916) 574-0682.

Additionally, the Commission will consider any written comments you may wish to submit to it pursuant to this Notice, in lieu of personally appearing before the Commission at its meeting on March 4, 2005, so long as such written comments are filed with the Executive Officer of the Water Commission in Sacramento within the 15-day period.

Mr. Kenneth Lewis

FEB 7 2005

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The CWC must adopt a Resolution of Necessity before an eminent domain proceeding can be commenced. Should the CWC adopt the Resolution, it is anticipated that DWR would commence eminent domain proceedings in the Superior Court of Alameda County.

In any such eminent domain proceeding, the amount of just compensation would be determined at the time of trial.

If you have any questions regarding this matter, please call Allan Davis, Senior Land Agent, Real Estate Branch, Department of Water Resources, at (916) 653-5712.

Sincerely,



Peter D. Rabbon
Executive Officer

Enclosures

CERTIFIED MAIL

cc: Allan T. Davis, Senior Land Agent
Department of Water Resources
Division of Engineering, Real Estate Branch
1416 Ninth Street, Room 425
Sacramento, California 95814

(Cut here)

The undersigned hereby requests to appear before California Water Commission on March 4, 2005 regarding the adoption of a Resolution of Necessity for the South Bay Improvement and Enlargement Project, Dyer Reservoir, DWR Parcel No. DLV-106.

Signature: _____

Name: _____
(Please Print)

Address: _____

Telephone No.: _____ Date: _____

cc: Allan T. Davis, Room 415

EXHIBIT A

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

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

SPACE ABOVE THE LINE FOR RECORDER'S USE

Project SOUTH BAY AQUEDUCT ENLARGEMENT
 DYER RESERVOIR

Parcel No. DLV-106
 G-13A-03

APN 099B-6062-003,005

GRANT DEED
 (CORPORATION)

OAKLAND SCAVENGER COMPANY, INC.

a corporation, organized and existing under and by virtue of the laws of the State of California does hereby GRANT to the STATE OF CALIFORNIA all that real property in the County of Alameda, 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>
DLV-106 Unit A	71.78 Acres	Fee
DLV-106 Unit B	0.37 Acre	Fee
DLV-106 Unit C	0.06 Acre	Permanent Exclusive Monitoring Well Easement
DLV-106 Unit D	1.25 Acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit E	3.56 Acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit F	0.84 Acre	Permanent Exclusive Drainage And Water Pipeline Easement
DLV-106 Unit G	1.78 Acres	Permanent Exclusive Drainage Pipeline Easement
DLV-106 Unit H	0.17 Acre	Permanent Exclusive Access And Service Road Easement
DLV-106 Unit J	28.54 Acres	Temporary Exclusive Construction Easement
DLV-106 Unit K	0.62 Acre	Temporary Exclusive Construction Easement

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

EXHIBIT A

Including, but not limited to, the right to:

1. Construct, lay, operate, patrol, maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove, and replace one or more pipelines for drainage and transportation of water, with all fixtures, power lines, communications, data, or control facilities, and any other devices STATE may wish to construct or permit to be constructed, as well as incidents and appurtenances used or useful in operation of said pipeline, pipelines, and/or devices.
2. STATE is further granted the right to discharge water into any and all streams or natural channels traversed by said pipeline or pipelines and the right of ingress to, egress from, and along the easement herein granted, over and across drives and roadways which now exist or which may hereafter be constructed and the use of which is reasonable to accomplish STATE's purposes.

GRANTORS shall not, subsequent to this grant of easement, grant any easements of any kind whatsoever to others over the following described parcel(s) without prior approval of STATE.

There is expressly reserved to GRANTORS, their successors or assigns, the right to use and enjoy the parcel(s) provided that no use of said parcel(s) shall be made that is inconsistent with the rights herein granted. Inconsistent uses include, but are not limited to:

- 1) The erection or construction of buildings or other structures;
- 2) Construction of roadways, utility crossings, and surface improvements not authorized by STATE;
- 3) The drilling, exploring, operation of mines or wells in or through the upper 300 feet of the subsurface;
- 4) The use of explosives;
- 5) Planting of trees or vineyards;
- 6) Cross fencing without access gates or the denial of access through gates;
- 7) Altering the ground surface elevation by more than one foot without authorization by STATE;
- 8) Installation of solid property or field dividers;
- 9) Encroachments of any kind not authorized by STATE;

Said parcel(s) described as follows:

EXHIBIT "A"

DLV-106

All that real property lying in Section 17, Township 2 South, Range 3 East, M.D.M., County of Alameda, State of California, according to the official plat thereof, more particularly described as follows:

UNIT A

COMMENCING at a found 3/4-inch iron pipe marking the Northwest corner of said Section 17, as shown on the Tract Map, filed February 28, 1984, in Book 142 of Maps, Pages 98-99, in said County;

thence South 20° 31' 03" East 2424.18 feet to a 3/4-inch iron pipe with brass plug marked "A-8" described in Parcel A of Department of Water Resources Parcel DLV-15, recorded August 21, 1963, Reel 970, Image 542, Official Records of said County;

thence along the easterly sideline of said Parcel A, North 21° 42' 15" West 120.64 feet to the Point of Beginning;

THENCE FROM SAID POINT OF BEGINNING, leaving said Easterly sideline the following 9 courses:

- (1) South 82° 08' 07" East 1170.99 feet;
- (2) North 88° 00' 28" East 1045.74 feet;
- (3) North 74° 17' 44" East 212.17 feet;
- (4) South 12° 40' 56" East 280.39 feet;
- (5) South 74° 17' 43" West 552.74 feet;
- (6) South 51° 23' 03" West 612.71 feet;
- (7) South 27° 03' 39" West 767.32 feet to a point designated as Point "A";
- (8) Continuing South 27° 03' 39" West 515.82 feet; and
- (9) South 82° 21' 13" West 1175.41 feet to said easterly sideline;

thence along said easterly sideline North 42° 32' 04" East 208.96 feet to a 3/4-inch iron pipe with brass plug marked "A-12" described in said Parcel A;

thence continuing along said easterly sideline the following 5 courses:

- (1) North 11° 54' 46" East 373.02 feet to a 3/4-inch iron pipe with brass plug marked "A-11" described in said Parcel A;
- (2) North 04° 14' 54" West 877.41 feet to a 3/4 inch iron pipe with brass plug marked "A-10" described in said Parcel A;
- (3) North 08° 51' 51" East 220.65 feet a 3/4 inch iron pipe with brass plug marked "A-9" described in said Parcel A;
- (4) North 18° 05' 17" East 470.24 feet to 3/4 inch iron pipe with brass plug marked "A-8" described in said Parcel A; and
- (5) North 21° 42' 15" West 120.64 feet to the Point of Beginning.

Containing 71.78 acres, more or less.

UNIT B

COMMENCING at a found iron spike marking the Southwest corner of said Section 17 as shown on the Tract Map, filed February 28, 1984, in Book 142 of Maps, Pages 98-99, in said County;

thence North 28° 02' 26" East 1259.51 feet to a 3/4 inch iron pipe with brass plug marked "A-42A" described in the hereinabove mentioned Parcel A; and thence along the westerly sideline of said Parcel A, North 05° 31' 31" East 227.95 feet to the Point of Beginning;

THENCE FROM SAID POINT OF BEGINNING South 24° 25' 09" West 431.35 feet; thence along said westerly sideline of said Parcel A, North 43° 18' 45" East 227.96 feet to 3/4-inch iron pipe with brass plug marked "A-42A";

thence continuing along said westerly sideline, North 05° 31' 31" East 227.95 feet to the Point of Beginning.

Containing 0.37 acre, more or less.

UNIT C

A perpetual exclusive easement and right of way to construct, operate, and maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, remove, and replace a monitoring well over, through, under, and across that portion of said Section 17, more particularly described as follows:

COMMENCING at the hereinabove mentioned Point A; thence South 62° 56' 21" West 372.75 feet to the Point of Beginning; THENCE FROM SAID POINT OF BEGINNING North 27° 03' 39" East 25.00 feet; thence South 62° 56' 21" East 50.00 feet; thence South 27° 03' 39" West 50.00 feet; thence North 62° 56' 21" West 50.00 feet; thence North 27° 03' 39" East 25.00 feet to the Point of Beginning.

Containing 0.06 acre, more or less.

UNIT D

A perpetual exclusive easement and right of way to construct, lay, operate, maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove, and replace one or more pipelines for transportation of water, and all fixtures, devices, incidents and appurtenances used and useful in the operation of said pipeline or pipelines, over, through, under, and across that portion of said Section 17, more particularly described as follows:

COMMENCING at the herein above mentioned Northwest corner of said Section 17;
thence South 72° 59' 00" East 1129.09 feet to a 3/4 inch iron pipe with brass plug marked "A-4" described in the hereinabove mentioned Parcel A;
thence along said easterly sideline, North 78° 45' 28" East 60.25 feet to a point designated as Point "B" and the Point of Beginning;
THENCE FROM SAID POINT OF BEGINNING along the following 3 courses:
(1) South 27° 07' 13" West 484.26 feet;
(2) South 53° 39' 18" West 371.02 feet; and
(3) South 07° 27' 47" West 477.75 feet to the easterly sideline of said Parcel A;

thence along said easterly sideline, North 04° 42' 24" West 468.45 feet to a 3/4-inch iron pipe with brass plug marked "A-6" described in said Parcel A;
thence continuing along said easterly sideline the following 3 courses:
(1) North 56° 28' 19" East 490.63 feet a 3/4 inch iron pipe with brass plug marked "A-5" described in said Parcel A;
(2) North 22° 03' 54" East 404.63 feet to the said 3/4 inch iron pipe with brass plug marked "A-4"; and
(3) North 78° 45' 28" East 60.25 feet to the Point of Beginning.

Containing 1.25 acres, more or less.

UNIT E

A perpetual exclusive easement and right of way to construct, lay, operate, maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove, and replace one or more pipelines for transportation of water, and all fixtures, devices, incidents and appurtenances used and useful in the operation of said pipeline or pipelines, over, through, under, and across that portion of said Section 17, more particularly described as follows:

COMMENCING at the hereinabove mentioned Northwest corner of said Section 17; thence South 27° 58' 35" East 1105.62 feet to a 3/4-inch iron pipe with brass plug marked "A-6" described in the herein-above mentioned Parcel A;
thence along the easterly sideline of said Parcel A. South 04° 42' 24" East 468.45 feet to the Point of Beginning;
THENCE FROM SAID POINT OF BEGINNING, continuing along said easterly sideline, South 04° 42' 24" East 116.51 feet to a 3/4-inch iron pipe with brass plug marked "A-7" described in said Parcel A;
thence continuing along said easterly sideline, South 21° 42' 15" East 644.61 feet;
thence leaving said easterly sideline, South 82° 08' 07" East 399.59 feet;
thence North 08° 49' 29" East 25.05 feet;
thence North 41° 00' 08" West 987.10 feet to the Point of Beginning.

Containing 3.56 acres, more or less.

UNIT F

A perpetual exclusive easement and right of way to construct, lay, operate, maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove, and replace one or more drainage pipelines and pipelines for transportation of water, and all fixtures, devices, incidents and appurtenances used and useful in the operation of said pipeline or pipelines, over, through, under, and across that portion of said Section 17, more particularly described as follows:

COMMENCING at a found iron spike marking the Southwest corner of said Section 17 as shown on the Tract Map filed February 28, 1984, in Book 142 of Maps, Pages 98-99, in said County;
thence North $12^{\circ} 28' 05''$ East 1612.78 feet to a 3/4-inch iron pipe with brass plug marked "A-44" described in the hereinabove mentioned Parcel A and the Point of Beginning;
THENCE FROM SAID POINT OF BEGINNING North $10^{\circ} 55' 48''$ East 701.03 feet a 3/4 inch iron pipe with brass plug marked "A-45" described in the hereinabove mentioned Parcel A;
thence along the westerly sideline of said Parcel A, South $08^{\circ} 20' 15''$ East 316.70 feet to a 3/4-inch iron pipe with brass plug marked "A-44A" described in the hereinabove mentioned Parcel A;
thence continuing along said westerly sideline, South $25^{\circ} 30' 00''$ West 415.42 feet to the Point of Beginning;

Containing 0.84 acre, more or less.

UNIT G

A perpetual exclusive easement and right of way to construct, lay, operate, maintain, and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove, and replace one or more drainage pipelines, and all fixtures, devices, incidents and appurtenances used and useful in the operation of said pipeline or pipelines, over, through, under, and across that portion of said Section 17, more particularly described as follows:

BEGINNING at the hereinabove mentioned iron spike marking the Southwest corner of said Section 17;
THENCE FROM SAID POINT OF BEGINNING along the west line of said Section 17 North $00^{\circ} 40' 41''$ East 983.54 feet;
thence leaving said west line, the following 5 courses:
(1) North $47^{\circ} 43' 15''$ East 160.91 feet;
(2) North $33^{\circ} 41' 00''$ East 104.63 feet;
(3) North $31^{\circ} 22' 00''$ East 167.38 feet;

(4) North 26° 53' 45" East 217.82 feet; and
(5) North 20° 43' 45" East 55.10 feet to the westerly sideline of said Parcel A from which a 3/4-inch iron pipe with brass plug marked "A-44" bears North 81°00' 04" West 46.26 feet;
thence along said westerly sideline South 81° 00' 04" East 20.43 feet;
thence leaving said westerly sideline along the westerly sideline of Parcel C of said Parcel DLV-15, the following 5 courses:
(1) South 20° 43' 45" West 60.33 feet;
(2) South 26° 53' 45" West 219.68 feet;
(3) South 31° 22' 00" West 168.56 feet;
(4) South 33° 41' 00" West 107.49 feet; and
(5) South 47° 43' 15" West 95.91 feet to a point 63 feet easterly of said west line of said Section 17;
thence along a line parallel with and 63.00 feet easterly of said West line of said Section 17, South 00° 40' 41" West 1014.79 feet to the south line of said Section 17;
thence along said south line North 89°24' 06" West 63.00 feet to the Point of Beginning;
Containing 1.76 acres, more or less.

UNIT H

A perpetual exclusive easement and right of way to construct, reconstruct, operate, maintain, and use an access and service road over, through and across that portion of said Section 17, being a strip of land 20.00 feet in width, lying 10.00 feet on each side of the following described centerline:

BEGINNING at the herein above mentioned Point "A";
THENCE FROM SAID POINT OF BEGINNING South 62° 56' 21" East 372.75 feet to the westerly sideline of the herein above described UNIT C and the end of the herein described centerline.

Containing 0.17 acre, more or less.

UNIT J

A temporary easement and right of way for the purpose of moving and/or maneuvering construction equipment and vehicles; the temporary storage of equipment and materials necessary for construction of an aqueduct and earthen dam together with the equipment used in the digging of channels and other earthwork; the temporary storage of spoil or excavated material during the period of the construction or reconstructing of said aqueduct and earthen dam and related construction work; and any other operations necessary and appurtenant to the construction of said aqueduct and earthen dam over, through, and across that portion of said Section 17 more particularly described as follows:

BEGINNING at the hereinabove mentioned Point "B";
THENCE FROM SAID POINT OF BEGINNING along the easterly sideline of the hereinabove described UNIT D, the following 3 courses:

- (1) South 27° 07' 13" West 484.26 feet;
- (2) South 53° 39' 18" West 371.02 feet; and
- (3) South 07° 27' 47" West 477.75 feet to the easterly sideline of the hereinabove mentioned Parcel A;

thence leaving said easterly sideline, along the easterly sideline of the hereinabove described UNIT E, South 41° 00' 08" East 987.10 feet;

thence continuing on said easterly sideline, South 08° 49' 29" West 25.05 feet to the northerly sideline of the hereinabove described UNIT A;

thence along said northerly sideline, South 82° 08' 07" East 771.40 feet;

thence leaving said northerly sideline, the following 4 courses:

- (1) North 20° 47' 18" West 1221.36 feet;
- (2) North 75° 55' 35" West 827.22 feet;
- (3) North 53° 39' 18" East 302.46 feet; and
- (4) North 27° 07' 13" East 556.18 feet to said easterly sideline of said Parcel A;

thence along said easterly sideline, South 78° 45' 28" West 89.27 feet to the Point of Beginning;

Containing 26.54 acres, more or less.

UNIT K

A temporary easement and right of way for the purpose of moving and/or maneuvering construction equipment and vehicles; the temporary storage of equipment and materials necessary for constructing a drainage pipeline, together with the equipment used in the digging of channels and other earthwork; the temporary storage of spoil or excavated material during the period of the construction or reconstructing of said pipeline and related construction work; and any other operations necessary and appurtenant to the construction of said pipeline over, through, and across that portion of said Section 17, more particularly described as follows:

COMMENCING at a found iron spike marking the hereinabove mentioned Southwest corner of said Section 17;

thence North 12° 28' 05" East 1612.78 feet to a 3/4 inch iron pipe with brass plug marked "A-44" described in the hereinabove mentioned Parcel A;

thence along the westerly sideline of said Parcel A, South 81° 00' 04" East 5.41 feet to the Point of Beginning;

THENCE FROM SAID POINT OF BEGINNING, along said westerly sideline South 81° 00' 04" East 40.85 feet;

thence leaving said westerly sideline of said Parcel A, along the westerly sideline of the hereinabove described UNIT G, the following 5 courses:

- (1) South 20° 43' 45" West 55.10 feet;

(2) South 26° 53' 45" West 217.82 feet;
(3) South 31° 22' 00" West 167.38 feet;
(4) South 33° 41' 00" West 104.63 feet; and
(5) South 47° 43' 15" West 160.91 feet to the west line of said Section 17;
thence leaving said westerly sideline of said UNIT G, along said west line of Section 17,
North 00° 40' 41" East 54.66 feet;

thence leaving said west line of Section 17, the following 6 courses:

- (1) North 47° 43' 15" East 118.74 feet;
- (2) North 33° 41' 00" East 98.89 feet;
- (3) North 31° 22' 00" East 165.01 feet;
- (4) North 26° 53' 45" East 214.11 feet;
- (5) North 20° 43' 45" East 44.64 feet to the westerly sideline of said Parcel A;
and
- (6) South 81° 00' 04" East 40.85 feet to the Point of Beginning.

Containing 0.62 acre, more or less.

Bearings and distances used in the above description are based on the
California Coordinate System, CCS27, Zone 3.

Robert E. Chesner



EXHIBIT A

Together with all of the Grantor's right, title, and interest in and to all water and water rights, whether surface or subsurface, or of any other kind, including all appurtenant water and water rights, and all water rights in any way incident to the real property herein described, or used thereon or in connection therewith, and all other appurtenant rights and easements pertaining to said real property.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 20_____.

[[Corporate Seal]]

By _____, _____ President

By _____, _____ Secretary

STATE OF CALIFORNIA

County of _____ } SS.

On _____, 20____, before me, _____

personally appeared _____ personally known to me (or 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.

WITNESS my hand and official seal.

(Seal)

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

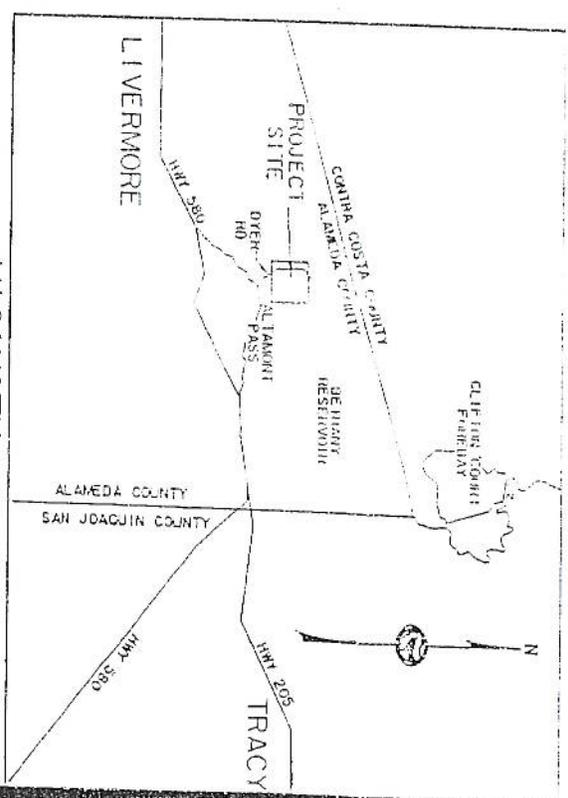
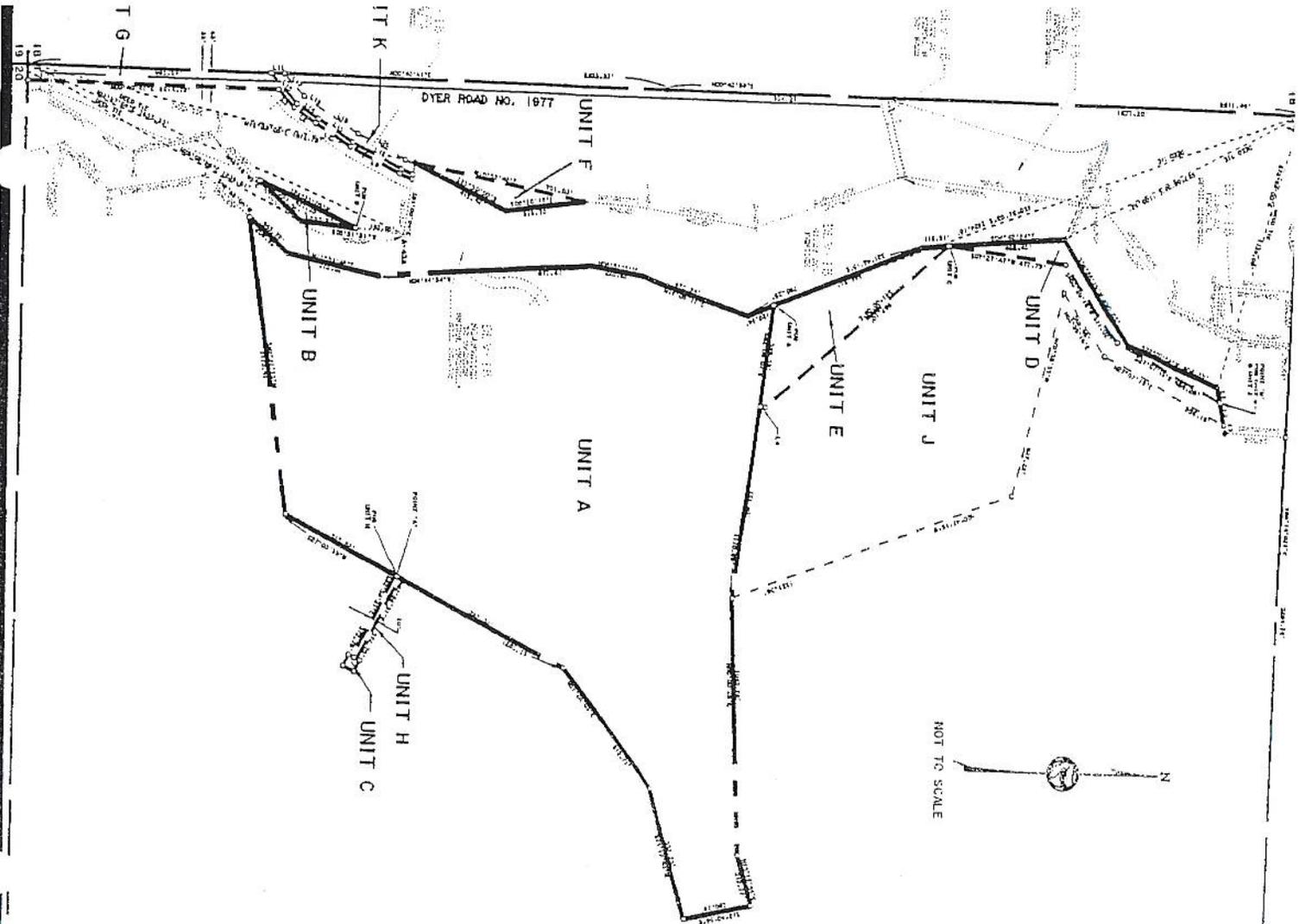
This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

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

Director of Water Resources

By _____

Attorney in Fact



VICINITY MAP
 NOT TO SCALE
OAKLAND SCAVENGER COMPANY, INC

DLV-106

UNIT A - FEE
 71.79 AC.

UNIT B - FEE
 0.37 AC.

UNIT C - PERMANENT EASEMENT
 FOR MONITORING WELL
 0.06 AC.

UNIT D - PERMANENT EASEMENT
 FOR WATER PIPELINE
 1.25 AC.

UNIT E - PERMANENT EASEMENT
 FOR WATER PIPELINE
 3.56 AC.

UNIT F - PERMANENT EASEMENT
 FOR DRAINAGE & WATER PIPELINE
 0.84 AC.

UNIT G - PERMANENT EASEMENT
 FOR DRAINAGE PIPELINE
 1.76 AC.

UNIT H - PERMANENT EASEMENT
 FOR ACCESS ROAD
 0.17 AC.

UNIT J - TEMPORARY CONSTRUCTION EASEMENT
 26.54 AC.

UNIT K - TEMPORARY CONSTRUCTION EASEMENT
 0.62 AC.

EXHIBIT "B"

STATE OF CALIFORNIA
 THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
 DIVISION OF ENGINEERING

STATUS OF NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
BEFORE THE CALIFORNIA WATER COMMISSION

Project: South Bay Aqueduct Improvement and Enlargement Project
Parcel No.: DLV-106
Owners: Oakland Scavenger Company

Nature of Property Rights to be Acquired:

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Estate</u>
DLV-106 Unit A	71.78 acres	Fee
DLV-106 Unit B	0.37 acres	Fee
DLV-106 Unit C	0.06 acres	Permanent Exclusive Monitoring Well Easement
DLV-106 Unit D	1.25 acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit E	3.56 acres	Permanent Exclusive Pipeline Easement
DLV-106 Unit F	0.84 acres	Permanent Exclusive Drainage and Water Pipeline Easement
DLV-106 Unit G	1.76 acres	Permanent Exclusive Drainage Pipeline Easement
DLV-106 Unit H	0.17 acres	Permanent Exclusive Access and Service Road Easement
DLV-106 Unit J	26.54 acres	Temporary Exclusive Construction Easement
DLV-106 Unit K	0.62 acres	Temporary Exclusive Construction Easement

Date of First Written Offer: January 28, 2005

Amount of Agency's Latest Written Offer: Offer made pursuant to approved staff appraisal

Amount of Owner's Latest Counteroffer: None

Current Use: Grazing land

Zoning: Agricultural

Unresolved Areas of Main Concern to Owner and Agency's Position on Such Matters:

Subject property might be part of a designated mitigation area for the landfill operation's expansion. The property is also involved in a Settlement Agreement approved by the Superior Court of the State of California. The landowner's concern is that it might be in violation of this agreement if the property is sold to DWR and thus jeopardize their landfill expansion.

Why Necessary to Initiate Eminent Domain Action:

DWR must initiate eminent domain action to ensure that DWR meets the construction schedule.

CALIFORNIA WATER COMMISSION

Resolution No. 05-01

RESOLUTION OF NECESSITY

A Resolution Determining that the Public Interest and Necessity Require the Acquisition of DWR Parcel No. DLV-106, a portion of Alameda County Assessor's Parcel Nos. 099B-6062-003 and -005 for the South Bay Aqueduct Improvement and Enlargement Project, Dyer Reservoir, a Public Use.

WHEREAS, the Department of Water Resources ("DWR" or "Department") may acquire by eminent domain, pursuant to California Code of Civil Procedure 1245.210 (h), in the name of the people of the State of California, any property necessary for state water and dam purposes;

WHEREAS, DWR may commence an eminent domain lawsuit only if the California Water Commission has adopted a resolution of public necessity;

WHEREAS, in order to adopt a resolution of necessity, the California Water Commission must find (1) that the project for which the property is to be acquired is necessary, and in the public interest; (2) that the property is necessary for the public project; (3) that the project is located in such a manner as to offer the greatest public benefit with the least private detriment; and (4) that an offer to purchase the property required by Government Code Section 7267.2 has been made to the owner of record;

WHEREAS, certain real property located within Alameda County, California, a legal description of which is attached as Exhibit A and incorporated herein by this reference ("the Parcel"), is necessary for the South Bay Aqueduct Improvement and Enlargement Project, Dyer Reservoir ("the Project"), located in the county of Alameda;

WHEREAS, the Project is designed to improve and expand the existing South Bay Aqueduct facilities ("Aqueduct") of the State Water Project. The Improvement and Enlargement Project would bring the existing capacity of the Aqueduct up to its design capacity of 300 cubic feet per second (cfs). The expansion portion of the Project would add 130 cfs of conveyance capacity to a portion of the Aqueduct to meet future conveyance needs, for a total of 430 cfs;

WHEREAS, Dyer Reservoir will be a 425-acre-foot capacity, on-line storage facility in Alameda County that will serve two purposes. First, it will provide storage and regulation for water diverted from the Aqueduct to a proposed adjacent treatment plant, owned by the Alameda County Flood Control and Water Conservation District, Zone 7. Second, it will provide additional storage that will enable DWR to reduce on-peak pumping and power consumption for the Aqueduct. The reservoir itself will cover 27 acres;

WHEREAS, DWR has adopted an Environmental Impact Report for the Project, which was certified on December 30, 2004;

WHEREAS, DWR has considered the need to acquire the Parcel for the purpose of constructing the Project;

WHEREAS, DWR has been unable to negotiate the voluntary acquisition of the Parcel;

WHEREAS, DWR has given notice to the Parcel's owner as required by California law;

WHEREAS, a hearing has been held in the manner provided by law, at which the persons whose property is to be acquired have been given a reasonable opportunity to appear and be heard before the California Water Commission on the following issues:

- a. whether the public interest and necessity require the construction of the South Bay Aqueduct Improvement and Enlargement Project, Dyer Reservoir;
- b. whether the Project and the acquisition of the Parcel are planned and located in the manner that will be most compatible with the greatest public good and least private injury;
- c. whether the Parcel to be acquired is necessary for the Project;
- d. whether the written offer required by law has been made to the owner of record; and
- e. any matters concerning a challenge to the authority of DWR to engage in such a project or its right to take.

NOW THEREFORE, BE IT RESOLVED BY THE CALIFORNIA WATER COMMISSION AS FOLLOWS:

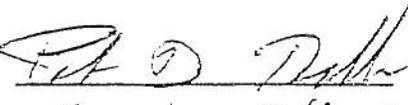
1. The public interest and necessity require the construction and operation of the South Bay Aqueduct Improvement and Enlargement Project, Dyer Reservoir, and the acquisition of the Parcel described in Exhibit A as part of the Project.
2. The acquisition of the Parcel and the improvements to be made are planned and located in the manner that will be most compatible with the greatest public good and least private injury.
3. The Parcel is necessary for the project.
4. The offer required by Section 7267.2 of the Government Code has been made to the owner of record.
5. The provisions of the California Environmental Quality Act regarding environmental review of the Project have been complied with.

6. DWR is hereby authorized and empowered to acquire the Parcel through the power of eminent domain, including obtaining an order for prejudgment possession.

PASSED, APPROVED and ADOPTED this 11TH day of March, 2005, by the following vote:

AYES:	<u>5</u>	ABSENT:	<u>-</u>
NOES:	<u>-</u>	ABSTAINED:	<u>-</u>


Acting Chairperson
California Water Commission

Attest: 
Executive Officer

Mr. Kenneth Lewis, General Manager
Oakland Scavenger Company, Incorporated
10840 Altamont Pass Road
Livermore, California 94511

Ms. Ann Dawn
Trustee of the Judith Joell Griffith Trust
19428 West Riverview Drive
Post Falls, Idaho 83854-6778

Ms. Jo Woolf-Willis, as Trustee of
the Stephanie Lynn Woolf Trust
Post Office Box 310
Huron, California 93234-0310

Ms. Margaret Jo Woolf-Willis
Post Office Box 310
Huron, California 93234-0310

Saginaw Farming Company
Post Office Box 996
Huron, California 93234-0996

**Geotechnical Exploration
Completed Sites as of July 27, 2011**

CPT		60
Drill Holes	Land	30
	Over Water	37

