

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
 October 19, 2011

RON #: 2011- 06
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 043-050-004-000 (Yolo County)
DWR #: DCAW-140
Owner: Steven S. and Susan M. Oates; John W. and Rosalia Fernandez-Merwin;
 Alison L. Merwin-Eyster

Statistics

AS OF OCTOBER 12, 2011					
# of Parcels to be Acquired	# of Parcels Acquired	Remaining Parcels to Acquire	# of Owners to Appear	# of Owners to Settle	Remaining Number of Owners to Appear
59	1	58	46	1	45

Property Rights to be Acquired

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Rights</u>
Unit A	16 sq. ft.	Permanent Non-Exclusive Easement
Unit B	10,000 sq. ft.	Temporary Construction Easement
Unit C	34,330 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Agriculture – Irrigated Field Crops
Zoning: Agricultural Preserve Zone (A-P)
Date of First Written Offer: July 7, 2011
Amount of Agency’s Latest Written Offer: Offer made pursuant to approved staff appraisal.
Amount of Owner’s Latest Counter Offer: N/A
Type of Geotechnical Activity: One (1) CPT and one (1) drill hole

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (6)

- Initial mailing of TEP, follow-up letters, and referral to AG letter (4/10/09, 4/24/09, 5/04/09, 5/12/09, 5/18/09, and 5/29/09).

TELEPHONE CALLS (5)

- Left messages and conversations with owners at multiple phone numbers. (7/01/09, 7/07/09, 7/07/09, 7/8/09, and 7/31/09)

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use. (11/30/09)

Recent Contacts

First Written Offer (FWO) Phase

LETTERS (8)

- Notice to Appraise Letter, First Written Offer, response letter/Temporary Easement Alternative, follow-up letters, invitations to Commission meeting, and Notice of Intent to Adopt Resolution of Necessity (5/02/11, 7/07/11, 7/29/11, 8/01/11, 8/15/11, 8/30/11, 9/09/11, and 9/27/11).

TELEPHONE CALLS (13)

- DWR called and left messages at multiple phone numbers requesting return call. (7/08/11, 7/08/11, 8/02/11, 8/18/11, 8/18/11, 8/22/11, 8/22/11, and 8/31/11)
- DWR called and spoke with owner (partial interest) and was directed to speak with spouse. (7/08/11 and 8/18/11)
- DWR called and spoke with owner (partial interest) and discussed the response letter; owner confirmed sharing all information with remaining owners; owner (partial interest) needs to discuss FWO with remaining owners and reach a decision. (8/02/11)
- DWR called and spoke with owner (partial interest) and was directed to speak with spouse; owner confirmed she is receiving information from other owner. (8/02/11)
- DWR called and spoke with owner (partial interest) and discussed FWO and temporary easement alternative; owner to discuss temporary easement alternative with remaining owners and reach a decision. (10/11/11)

EMAILS (3)

- DWR emailed owner and expressed desire to discuss FWO; owner replied with a list of questions. (7/18/11)
- DWR responded to owner's questions via email with a response letter attached. (7/29/11)
- Owner emailed DWR and decided against making any decision on FWO until after court hearing; DWR requested clarification on what hearing owner was referring to and expressed desire to maintain communication. (8/19/11)

Areas of Main Concern to Owner and DWR's Response

- Owner expressed concern with DWR's acquisition of a permanent easement.

DWR informed owner of the temporary easement alternative.

Why Necessary to Initiate Eminent Domain Action

DWR has been unable to reach an agreement to acquire the necessary property rights through either negotiation or attempted negotiation. DWR desires to initiate eminent domain action to ensure that DWR meets its geotechnical schedule.