

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

RON #: 2011-12
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 156-0050-005-0000 (Sacramento County)
DWR #: DCAP-210
Owner: River Maid Land Company

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	57,620 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Irrigated Field Crops
Zoning: AG 80 (Agriculture, 80-acre minimum)
Date of First Written Offer: August 2, 2011
Amount of Agency's Latest Written Offer: Offer made pursuant to approved staff appraisal.
Amount of Owner's Latest Counteroffer: N/A
Type of Geotechnical Activity: One (1) CPT and one (1) drill hole

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (7)

- Initial mailing of TEP; follow-up letters, referral to AG letter (7/07/10, 8/12/10, 9/03/10, 9/10/10, 9/14/10, 1/26/11, and 2/02/11).

TELEPHONE CALLS (1)

- Spoke with property owner; preferred contact is by email. (9/26/10)

EMAILS (4)

- Follow-up email confirming authorization to negotiate with property owner's representative; follow-up emails addressing owner's questions. (9/13/10, 9/14/10, 1/31/11; 2/01/11)

SITE VISITS (1)

- Conducted site visit for general observation and verification of land use (10/13/10).

Recent Contacts

First Written Offer (FWO) Phase

LETTERS (9)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Temporary Easement Alternative, Appraisal Cost Reimbursement Agreement, and Intent to Adopt Resolution of Necessity (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/13/11, 9/19/11, and 9/27/11).

TELEPHONE CALLS (1)

- Conversation with property owner's representative. Representative requested GIS coordinates for proposed drilling location; discussed temporary easement alternative. (9/12/11)

EMAILS (16)

- Several emails addressing the FWO and the reasons for conducting drilling on the River Maid property; discussed concerns with farming operations and the possibility of moving proposed drill site to an area of less impact; discussed temporary easement alternative and the independent appraisal; discussed California Water Commission meeting. (Various dates from August 4, 2011 through October 6, 2011)

Areas of Main Concern to Owner and DWR's Response

- Owner is concerned about DWR's request for a permanent easement and disagrees with the compensation offered.

DWR offered the temporary easement alternative and discussed the option available to the owner to obtain an independent appraisal. The Appraisal Cost Reimbursement Agreement has been forwarded to the owner's representative.

- Owner has expressed concern regarding impacts to agricultural operations including damages to asparagus crops and interruption with plans to flood the property.

DWR has agreed to move the drill site to the location proposed by owner's representative. DWR informed representative that DWR will work around owner's harvesting schedule and will also pay for any damages caused by its actions.

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.