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

RON #: 2011-20
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 146-0020-004-0000 (Sacramento County)
DWR #: DCAP-171
Owner: **Amistad Ranches, Inc.**

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

DWR Parcel No.	Area	Rights
Unit A	80 sq. ft.	Permanent Non-Exclusive Easement
Unit B	40,000 sq. ft.	Temporary Construction Easement
Unit C	54,780 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Vineyard and 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: Five (5) CPTs and five (5) drill holes

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (5)

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

TELEPHONE CALLS (1)

- Conversation with owner regarding TEP; owner stated represented by counsel in ongoing COE process. (7/27/10)

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 (8)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Appraisal Reimbursement Agreement, and Notice of Intent to Adopt Resolution of Necessity (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/08/11, 9/09/11 and 9/27/11).

TELEPHONE CALLS (5)

- DWR called and spoke with owner; discussed the project and FWO. Owner agreed to meet with DWR to discuss the proposed drill sites. DWR called the owner requesting proposed revisions to contract; DWR still waiting for revisions (8/05/11, 8/18/11, 8/22/11, 9/06/11 and 9/28/11)

EMAILS (1)

- DWR addressed concerns regarding drill sites and requested revisions from owner of contract (9/15/11)

SITE VISITS (1)

- DWR met with owners regarding moving the proposed drill sites and delivered the Right of Way Contract for Temporary Easement; owner to provide suggested revisions to the contract (9/08/2011)

Areas of Main Concern to Owner and DWR's Response

- Owner requested to move four of the five drill sites; owner stated it will provide requested revisions to temporary easement contract.

  DWR agreed to move drill sites; DWR is waiting for owner's suggested revisions to the temporary easement contract.

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.