

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

**RON #:** 2011-30  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 132-0010-005-0000 (Sacramento County)  
**DWR #:** DCAP-225  
**Owner:** W.R. Cave Ranch LLC

**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	3,630 sq. ft.	Temporary Access Easement

**Parcel Information**

**Current Use:** Agriculture – Orchard  
**Zoning:** Agricultural Preserve Zone 1 (A-P)  
**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 (6)**

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

**TELEPHONE CALLS (2)**

- Left message, call back from owner, conversation with owner (7/29/10 and 7/30/10).

**SITE VISITS (1)**

- Conducted site visit for general observation and verification of land use. (10/07/10)

## **Recent Contacts**

### **First Written Offer (FWO) Phase**

#### **LETTERS (8)**

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Temporary Easement Alternative, and Notice of Intent to Adopt a Resolution of Necessity (6/01/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/12/11 and 9/27/11).

#### **TELEPHONE CALLS (3)**

- DWR called and left messages requesting return call and explaining in detail the Right of Way Contract for Temporary Easement alternative. (8/04/11, 8/18/11 and 10/07/11)

### **Areas of Main Concern to Owner and DWR's Response**

Owner opposed to project and has not provided any design modifications for DWR to consider.

### **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.