

**SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET**  
**PROPOSED ACTION IN EMINENT DOMAIN**  
**CALIFORNIA WATER COMMISSION**  
 November 16, 2011

**RON #:** 2011-09  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 119-0230-085-0000 (Sacramento County)  
**DWR #:** DCAP-113  
**Owner:** **Melvin E. Seebeck, Jr., Lois Arlene Seebeck, Trustees of the Seebeck Family Trust and Cynthia K. Seebeck**

**Statistics**

AS OF NOVEMBER 9, 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	2	57	46	2	44

**Property Rights to be Acquired**

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Rights</u>
Unit A	32 sq. ft.	Permanent Non-Exclusive Easement
Unit B	20,000 sq. ft.	Temporary Construction Easement
Unit C	2,870 sq. ft.	Temporary Access Easement

**Parcel Information**

**Current Use:** Rural home site and pear orchard  
**Zoning:** AG 20 DW (Agriculture, 20-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:** Two (2) CPTs and two (2) drill holes

**Previous Contacts**

**Temporary Entry Permit (TEP) Phase**

LETTERS (5)

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

TELEPHONE CALLS (6)

- Left messages, message from owner, conversation with owner (7/28/10, 8/11/10, 9/08/10, 9/09/10, 9/21/10, and 2/08/11).

SITE VISITS (1)

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

## Recent Contacts

### First Written Offer (FWO) Phase

- **FWO package included the following documents: Cover Letter, Valuation Summary Statement, Right of Way Contract, Easement Deed, Map of the Proposed Acquisition Area, Comparable Data List, Comparable Sales Map, and Payee Data Record**
- **Agent confirmed receipt of the FWO package.**

### LETTERS (12)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Temporary Easement Alternative, Notices of Intent to Adopt Resolution of Necessity, Letter providing clarification regarding permanent easement and hazardous materials, Appraisal Cost Reimbursement Agreement, Letter regarding staking, (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/13/11, 9/27/11, 10/13/11, 10/24/11, 10/25/11, and 10/31/11).

### TELEPHONE CALLS (12)

- DWR called and/or left messages requesting return call. (8/04/11, 8/16/11, 9/08/11, 9/23/11, 9/28/11, 10/05/11, 10/11/11, and 10/27/11)
- DWR called and spoke with owner (partial interest) and discussed the project and the FWO; owner expressed opposition to the project; will not authorize entry (8/04/11 and 8/16/11).
- DWR called and spoke with owner's tenant to discuss proposed drill sites; tenant indicated he was not the appropriate contact for this parcel; he leases the property identified in DCAP-222. (11/02/11 and 11/03/11)

### EMAILS (6)

- Email to owner's legal counsel requesting to schedule appointment to discuss staking. (10/21/11)
- Email transmitting Appraisal Cost Reimbursement Agreement to owner's legal counsel; hard copy sent to owner by mail. (10/24/11)
- Emails to owner, owner's legal counsel, and owner's tenant to follow-up on staking of easements and scheduling of appointment. (thrice on 11/02/11)
- Email to owner and owner's legal counsel informing that DWR staff completed the staking of the proposed easements; appraiser should have no problem identifying the proposed drill sites. (11/07/11).

### SITE VISITS (2)

- DWR stopped by owner's (partial interest) residence in Clarksburg; left door hanger and business card. (9/28/2011)
- DWR staff staked proposed easements. (11/04/11).

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

Owner's legal counsel expressed concern regarding the legal description; believes the legal description is inadequate. DWR has provided a valid legal description which was submitted with the FWO. **No specific concerns identified in relation to the location of the proposed drill sites.**

## **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.