

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

**RON #:** 2011-17  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 132-0200-019-0000 (Sacramento County)  
**DWR #:** DCAP-163  
**Owner:** **Backer Family Trust**

**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	48 sq. ft.	Permanent Non-Exclusive Easement
Unit B	40,000 sq. ft.	Temporary Construction Easement
Unit C	62,230 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:** Three (3) CPTs, three (3) drill holes, and three (3) test pits

**Previous Contacts**

**Temporary Entry Permit (TEP) Phase**

LETTERS (7)

- Initial mailing of TEP, follow-up letters, and referral to AG letter. (7/12/10, 8/12/10, 9/03/10, 9/10/10, 9/21/10, 1/27/11, and 2/02/11)

SITE VISITS (1)

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

## Recent Contacts

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

- **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 (10)

- 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, and Letter providing clarification regarding permanent easement and hazardous materials (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, and 10/25/11)

### TELEPHONE CALLS (11)

- DWR called and left messages requesting return call. (8/08/11, 8/18/11, 8/30/11, 10/20/11, 10/21/11, 10/28/11, 11/04/11, and 11/08/11)
- Owner called and expressed concern with drilling activities creating artesian wells and requested that DWR inform him about the results of the October meeting of the California Water Commission as he will not be able to attend. (10/19/11)
- Owner called; discussed the Commission meeting. DWR suggested scheduling an appointment, but owner decided to wait until after the Commission meeting being held in November. (10/21/11)
- DWR called owner and requested to schedule appointment to discuss First Written Offer. Again, owner indicated he wanted to wait until after the November meeting. (11/03/11)

### SITE VISITS (4)

- DWR stopped by the property to locate owner (8/26/11 and 9/02/11).
- DWR stopped by listed owner's residence; left door hanger and business card. (9/08/11)
- DWR stopped by listed owner's residence; resident claimed he did not know the owner and that owner did not reside there (9/28/11).

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

- Owner expressed concern with DWR's geotechnical activities.

DWR informed owner that DWR takes great precautions with geotechnical activities and DWR will reimburse owner should any damages occur from such activities.

**No specific concerns identified in relation to the location of the proposed drill site.**

### 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.