

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

- **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 (11)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Appraisal Reimbursement Agreement, Notices of Intent to Adopt Resolution of Necessity, and Letter providing clarification regarding permanent easements and hazardous materials, Letter addressing concerns and encouraging negotiations (5/23/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/08/11, 9/09/11, 9/27/11, 10/13/11, 10/25/11 and 11/4/11).

### 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, 9/28/11 and 10/26/11)

### 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 expressed concern with the proposed drill locations and suggested alternate locations.  
DWR complied with owner's request.**

### 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.