

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

- **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, Temporary Easement Alternative, Notices of Intent to Adopt a Resolution of Necessity, Letter providing clarification regarding permanent easements and hazardous materials, and Appraisal Cost Reimbursement Agreement (6/01/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/09/11, 9/12/11, 9/27/11, 10/13/11, 10/17/11, and 10/25/11)

### TELEPHONE CALLS (6)

- DWR called and left messages requesting return call; explained in detail the Right of Way Contract for Temporary Easement alternative; called to encourage negotiations. (8/04/11, 8/18/11, 10/07/11, 10/24/11, 11/04/11)
- DWR called and left message regarding the removal of the RON from the CWC October meeting. (10/17/11)

### EMAILS (3)

- DWR replied to owner's email requesting information regarding the independent appraisal and attached the independent appraisal agreement; hard copies were sent via U.S. Mail. (10/17/11)
- DWR sent email informing owner of the RON being removed from the CWC October meeting. (10/17/11)
- DWR sent email encouraging negotiations and reiterating DWR's desire to reach an amenable agreement; attached copy of the Right of Way Contract for a temporary easement and encouraged owner to review and provide revisions to address any concerns. (10/31/11)

## 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. **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.