

Ballanti, Rachel

From: Carol Cave Beck [carolcbeck@msn.com]
Sent: Tuesday, November 15, 2011 7:46 PM
To: California Water Commission
Cc: Thomas H. Keeling
Subject: Re: California Water Commission Meeting 11/16-17/11

Dear Ms. Sims:

I would like to confirm the information in my earlier e-mail for the California Water Commission meeting scheduled for November 16 and 17, 2011 with the following addition:

One of the conditions regarding the proposed Resolution of Necessity related to Item 2 which discusses the least private injury. The proposed temporary access easement (a 10 foot wide access road) runs directly through our orchard. There is no area of the parcel which is not fully planted in pears. The access between trees is less than the size of a pick-up truck. Therefore, this access would result in the destruction or damage of 360 feet (in length) and 10 feet in width of mature producing pear trees. It takes between 30 and 40 years for a pear tree to mature to its full productivity. The same can be said for the proposed construction easement. Additionally, there is an underground irrigation system throughout the area.

Because of the maturity of the trees in the path of your "temporary" proposal significant long-term damage will result.

Thank you.

Carol Cave Beck

From: [Carol Cave Beck](#)
Sent: Monday, October 17, 2011 2:11 PM
To: [Susan Sims](#)
Subject: Fw: California Water Commission Meeting 10/19/11

Please excuse the error in your initial e-mail address.

From: [Carol Cave Beck](#)
Sent: Monday, October 17, 2011 1:50 PM
To: [Susan Sims](#)
Cc: [Thomas H. Keeling](#)
Subject: California Water Commission Meeting 10/19/11

Re: California Water Commission October 19, 2011 Meeting
Parcel No. DCAP-225 (Sacramento County Assessor's Parcel Number 132-0010-005-0000)
Resolutions of Necessity

Dear Ms. Sims:

The owner of the above referenced property (The W. R. Cave Ranch, LLC) will not be available to appear at the meeting of the California Water Commission on October 19, 2011. Thomas H. Keeling, from the law firm

Freeman, D'Aiuto, Pierce, Gureve, Keeling & Wolf, will be at the hearing and is authorized by the W.R. Cave Ranch to speak on its behalf.

Additionally, I have the following comments:

All information received regarding the Resolution of Necessity refers to the Bay Delta Conservation Plan. It is my understanding that any eminent domain proceedings require that the project for which the property is being acquired be authorized and have state funds available. The Bay Delta Conservation Plan does not meet this criteria.

We have received no notice of any other plan for which an eminent domain proceeding would be appropriate.

The terms (not the compensation) for the taking or purchasing of the property change with every correspondence I receive. How can you say that adequate notice has been provided when the terms for the project are not finalized?

Nothing in the materials received address the issue of long-term damage to the property. This is a pear orchard. If it is necessary to remove trees in order to access a location it takes almost 40 years for a replacement pear tree to fully mature.

The California Code of Civil Procedure Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are establish:

(1) The public interest and necessity require the proposed project

California is a state rich in agriculture and agriculture remains an important part of the state's economy. The Delta area is one of the richest farming areas in the state. I do not believe that it is in the "public interest" to destroy this most valuable resource of the State of California.

Carol Cave Beck, Manager
W.R. Cave Ranch, LLC