Agenda Item No. 7

Elliot Family Revocable Trust

Documents provided by DWR in support of Resolution of Necessity 2012-07:

- Supplement to Staff Report: Negotiation Fact Sheet - March 21, 2012
- Geotechnical Exploration Fact Sheet - March 21, 2012
- Draft Resolution of Necessity including Deed and Parcel Map - March21, 2012

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
March 21, 2012

RON #: 2012-07
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0120-001-0000
DWR #: DCAP-143
Owner: **The Elliot Family Revocable Trust**

Statistics

As of March 12, 2012						
# of Parcels to be Acquired	# of Parcels Acquired	# of RONs Acquired	Remaining Parcels to Acquire	# of Owners to Appear	# of Owners Settled	Remaining Number of Owners to Appear
45	7	35	3	38	7	3

Property Rights to be Acquired

DWR Parcel No.	Area	Rights
Unit A	48 sq. ft.	Permanent Non-Exclusive Easement
Unit B	30,000 sq. ft.	Temporary Construction Easement
Unit C	83,690 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Orchard
Zoning: AG80 DW (Agriculture, 80-acre minimum)
Date of First Written Offer: September 7, 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

Previous Contacts

Temporary Entry Permit (TEP) Phase

LETTERS (7)

- Initial mailing of TEP; 2nd mailing of TEP; follow-up letters (4); referral to AG letter (7/07/10, 8/10/10, 8/12/10, 9/03/10, 9/10/10, 1/26/11 and 2/02/11).

TELEPHONE CALLS (4)

- Left messages twice; 2 conversations with owner (7/29/10, 8/04/10, 8/09/10 and 9/08/10).

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 (14)

- Notice to Appraise Letter, First Written Offer, follow-up letters, Letter providing clarification regarding permanent easement and hazardous materials, Letter offering to stake easements, Temporary Easement Alternative, Notification of Consideration of Resolution of Necessity, Commission meeting follow-up letters with agenda, Letter requesting clarification regarding owner's representative, and Notices of Intent to Adopt a Resolution of Necessity (6/01/11, 9/07/11, 10/13/11, 10/18/11, 11/02/11, 11/28/11, 12/27/11, 12/29/11, 1/06/12, 1/24/12, 2/03/12, 2/21/12, 2/28/12, and 3/09/12.)

TELEPHONE CALLS (15)

- DWR called and spoke with owner, discussed the project and the FWO (10/28/11 and 1/12/12).
- DWR called and left message requesting return call (9/14/11, 9/26/11, 11/18/11, 12/9/11, 12/15/11, 12/20/11, 1/03/12, 1/19/12, 1/26/12, 1/27/12, and 2/17/12).
- DWR called and left a detailed voice mail regarding DWR dropping DCAP-270, the reduction of holes from 10 to 3 on DCAP-143, and that the agent wishes to discuss title holder issues (2/03/12 and 2/10/12).

EMAILS (7)

- DWR sent email addressing concerns (1/18/12).
- DWR sent email requesting clarification regarding owner's representative (2/12/12).
- DWR sent emails to coordinate meeting to stake easements (2/21/12, 2/27/12, 2/28/12, and 3/02/12).
- DWR sent email regarding relocation of proposed drill sites (3/08/12).

SITE VISITS (2)

- DWR met with owner's son, daughter, and son-in-law at subject parcel to discuss FWO (1/13/12).
- DWR met with owner's representatives on the property to stake easements (3/05/12).

Areas of Main Concern to Owner and DWR's Response

Owner is concerned with permanent easements clouding the owner's title; DWR has offered the Right of Way Contract for Temporary Easement.

Owner is concerned with the number of drill holes proposed and the locations; DWR has reduced the number of drill holes to three and relocated some of the holes.

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.

GEOTECHNICAL EXPLORATION
MARCH 21, 2012

Background: The initial parcel selections were based on utilizing the most current available data, which included aerial photos, previously drilled holes and other pertinent data to assist in the proposed hole location.

Sites were selected with respect to the alignments identified in the Conceptual Engineering Report (CER) and after consultation with the members of the DHCCP team, which included staff from the environmental, real estate, engineering, and geotechnical disciplines. The criteria established by the team was to obtain relevant soil information for preliminary and final design of facilities and permitting requirements (US Army Corps of Engineers, Division of Safety of Dams, etc.), providing consistency with temporary entry permit language and landowner concerns, to implement and follow the Mitigated Negative Declaration language and required permits, and species to minimize overall impacts. A majority of the sites were selected to provide information and data primarily for the intakes, river crossings, Intermediate Forebay, and the Byron Tract Forebay. Additional sites were selected for the Pipeline/Tunnel Option.

After the Superior Court issued its Order, DWR filed a renewal motion requesting two entry days to conduct surveys solely for the purpose of hole placement. Most of the landowners opposed this motion. The Superior Court declined to rule on the motion on the grounds that the matter was stayed pending DWR's appeal of the Order.

AGENDA ITEM NO.	**7**
LAND OWNER	**Elliot Family Revocable Trust date April 13, 1993**
DWR PARCEL NO.	**DCAP-143**
APN	**132-0120-001-0000**
EXPLORATION NO.	**DCN3-CPT-001, DCN3-CPT-017, DCA-CPT-022, DCN3-DH-001, DCN3-DH-017, DCA-DH-022**
FACILITY	**Pipeline/Tunnel Option**
METHOD	**CPT/DH**
MAXIMUM DEPTH	**200 feet**
REMARKS	**Rationale: Pipeline/Tunnel Option; the geologic data collected will help identify impacts on the local environment and community as a result of the tunnel excavation, will help in determining the optimum tunnel profile along the proposed alignment, and will also address the construction method for tunnel construction shafts and its temporary support during shaft excavation. The geologic data collected for the intake area will help evaluate the feasibility of intake area construction methods in terms of depth of excavation, dewatering, and type of foundation supports as well as the associated impacts to the local environment and community.**

California Water Commission

Resolution No. 2012-07

RESOLUTION OF NECESSITY

A Resolution Determining that the Public Interest and Necessity Require the Acquisition of DWR Parcel No. DCAP-143, a portion of Sacramento County Assessor's Parcel No. 132-0120-001-0000 for the Engineering Geotechnical Project Necessary for Developing Recommendations for the Bay Delta Conservation Plan, a Public Use.

WHEREAS, pursuant to California Water Code Sections 250 and 11580, the Department of Water Resources ("DWR" or "Department") has the authority to acquire by eminent domain, in the name of the people of the State of California, any property necessary for state water and dam purposes;

WHEREAS, DWR may commence an eminent domain lawsuit only if the California Water Commission has adopted a resolution of public necessity;

WHEREAS, in order to adopt a resolution of necessity, the California Water Commission must find: (1) that the project for which the property is to be acquired is necessary, and in the public interest; (2) that the property is necessary for the public project; (3) that the project is located in such a manner as to offer the greatest public benefit with the least private detriment; and (4) that an offer to purchase the property required by Government Code Section 7267.2 has been made to the owner of record;

WHEREAS, DWR has prepared an Initial Study and Mitigated Negative Declaration for Engineering Geotechnical Studies for the Bay Delta Conservation Plan and/or Preliminary Engineering Studies for the Delta Habitat Conservation and Conveyance Program (MND) and filed a Notice of Determination (NOD) on September 23, 2010 (SCH No. 2010062041) (collectively referred to hereafter as "CEQA Documents"). The Project Description, taken from the MND, is as follows:

> The Department of Water Resources (DWR) plans to do further geotechnical information gathering in the Delta. The work includes overwater and land geotechnical borings, cone penetration tests (CPT) and small test pits in order to investigate soils in the Sacramento-San Joaquin Delta between 2010 and 2012. This testing is necessary because of the lack of geotechnical data available to the Department of Water Resources in the relevant area for evaluation possible conservations measured in the Delta. The Department of Water Resources is tasked with providing information for the Bay Delta Conservation Plan for developing conveyance alternatives and the development of the broader goals for Delta improvements addressed by the Delta Stewardship Council for its Delta Plan. Work will continue under this process to gather geotechnical data on proposed conveyance alternatives, and the additional geotechnical exploration

COPY

proposed in this project will aid the Department of Water Resources in meeting its statutory responsibilities with respect to evaluating the feasibility of the proposed conveyance alternatives.

The Department of Water Resources' geotechnical staff and/or its consultants will investigate the engineering properties of the soils in the Delta along various alignment options, including auxiliary structures, as well as the proposed intakes and the proposed forebays for all options. The purpose of the investigation is to gather necessary geotechnical information to support the preparation of a draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed Bay Delta Conservation Plan and/or for preliminary engineering studies for the Delta Habitat Conservation and Conveyance Program. The Department of Water Resources requires Delta soils and groundwater information for conceptual design and construction costs of conveyance facilities and to identify possible constraints and feasibility in developing conveyance alternatives.

WHEREAS, certain real property located within Sacramento County, California, a legal description of which is a part of the attached Deed and incorporated herein by this reference ("the Parcel"), is necessary for conducting Engineering Geotechnical Studies to support environmental studies, feasibility studies and preliminary engineering for making a recommendation for the Bay Delta Conservation Plan ("the Plan");

WHEREAS, the Department of Water Resources needs to conduct cone penetration testing, core drilling and test pits as described in the CEQA Documents to study the best feasible alternative for the alternative water conveyance project;

WHEREAS, DWR has considered the need to acquire Permanent and Temporary Easements ("the Easements") for purpose of conducting geotechnical activities;

WHEREAS, DWR has been unable to negotiate the voluntary acquisition of the Easements;

WHEREAS, the California Water Commission has given notice to the Parcel's owner as required by California law;

WHEREAS, a hearing has been held in the manner provided by law, and the persons whose property is to be acquired have been given a reasonable opportunity to appear and be heard before the California Water Commission on the following issues:

a. whether the public interest and necessity require the project for engineering geotechnical studies, as described above;

b. whether the Project and the acquisition of the Easements are planned and located in the manner that will be most compatible with the greatest public good and least private injury;

COPY

c. whether the Easements to be acquired are necessary for the Project;

d. whether the written offer required by law has been made to the owner of record; and

e. other matters concerning the authority of DWR to engage in such a project or its right to take.

NOW THEREFORE, BE IT RESOLVED BY THE CALIFORNIA WATER COMMISSION AS FOLLOWS:

1. The Commission has reviewed and considered DWR's CEQA Documents, and hereby:
    a. Adopts the Mitigated Negative Declaration for Engineering Geotechnical Studies for the Bay Delta Conservation Plan and/or Preliminary Engineering Studies for the Delta Habitat Conservation and Conveyance Program;
    b. Adopts DWR's mitigation and conservation measures and best management practices;
    c. Adopts DWR's mitigation and monitoring plan;
    d. Adopts the Department of Water Resources' Survey Protocol for Property to be Accessed as Part of the Engineering Geotechnical Studies for the Bay Delta Conservation Plan and/or Preliminary Engineering Studies for the Delta Habitat Conservation and Conveyance Program;
    e. Adopts the Delta Habitat Conservation and Conveyance Program Steps in Drilling and Soil Logging; and
    f. Determines that the Project would not have any significant environmental effects.

2. The Project for Engineering Geotechnical Studies is authorized pursuant to the Central Valley Project Act and the Burns-Porter Act.

3. DWR has demonstrated that it has sufficient funds available for the Project for Engineering Geotechnical Studies.

4. The public interest and necessity require the Project for Engineering Geotechnical Studies, including the acquisition of the Permanent and Temporary Easements described in the attached Deed as part of the Project.

   The Project for Engineering Geotechnical Studies is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

COPY

5. The Easements described in the attached Deed are necessary for the Project.

6. The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record.

7. DWR has complied with the provisions of the California Environmental Quality Act regarding environmental review of the Project.

8. DWR is hereby authorized and empowered to acquire the Permanent and Temporary Easements through the power of eminent domain, including obtaining an order for prejudgment possession.

9. Commission staff shall have a CEQA Notice of Determination filed with the Office of Planning and Research State Clearing House.

10. Within 120 days of completion of its geotechnical work on the property and at no cost to the landowner, the Department will quitclaim its permanent easement in favor of the landowner or, <u>if no permanent easement has yet been acquired, the Department will</u> abandon its attempt to acquire a permanent easement on the property.

11. DWR shall limit its laboratory testing of soil and water samples to the "Geotechnical Laboratory Testing Methods" and the "Special Laboratory Testing Methods" set forth in the "DHCCP Laboratory Testing Methods, Draft Revision 1, Dated: 6-24-11," except that DWR may also perform one or more of the "Environmental Laboratory testing methods" set forth therein in the event DWR observes on-site indicators in the immediate area of the geotechnical activities (e.g., dead vegetation, crusting, discolored soil, odors, etc.) that indicate the likely presence of above-threshold levels of the constituent or constituents which are the subjects of those testing methods.

PASSED, APPROVED and ADOPTED this 21st day of March 2012, by the following vote:

AYES:	_____	ABSENT:	_____
NOES:	_____	ABSTAINED:	_____

_____
Anthony Saracino, Chairperson
California Water Commission

Attest: _____
Executive Officer

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RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES
Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

PERMANENT NON-EXCLUSIVE EASEMENT
(TO THE STATE)

Project Bay Delta Conservation Plan

Parcel No. DCAP-143 (Units A, B, and C)

DAVID J. ELLIOT, JR., and BONNIE JEANNE ELLIOT, CO-TRUSTEES OF THE ELLIOT FAMILY REVOCABLE TRUST DATED APRIL 13, 1993, GRANT to the STATE OF CALIFORNIA, its successors or assigns, hereinafter called STATE, an EASEMENT and right of way, upon, over, and across that real property in the County of Sacramento, State of California, identified in the records of the Department of Water Resources as:

COPY

DWR Parcel No.	Area	Estate
DCAP-143 (Unit A)	48 square feet	Permanent easement
DCAP-143 (Unit B)	30,000 square feet	Temporary easement
DCAP-143 (Unit C)	83,690 square feet +/-	Temporary easement

(In the event of any discrepancy between the above identification and the real property described herein, the real property described will control.)

DCAP-143

UNIT A

A permanent non-exclusive easement for drilling purposes, over, upon, under and through the following described parcel of land, being all that portion described in GRANT DEED recorded as Document number 199608020883 in the office of the County Recorder of Sacramento, State of California, on August 2, 1996, and more particularly described as follows:

Three 4 foot by 4 foot locations as shown and delineated on attached Exhibit "A".

UNIT B

TOGETHER WITH temporary construction easements for the purpose of moving and/or maneuvering construction equipment and vehicles, the temporary storage of equipment, and materials necessary for drilling, together with the equipment used in the drilling of earthwork, the temporary storage of spoil or excavated material during the period of drilling and related construction work, and any other operations necessary and appurtenant to the drilling, over, through, and across the following described parcel of land shown on attached Exhibit "A".

UNIT C

TOGETHER WITH a 10 foot wide temporary access easement for the purpose of moving and/or maneuvering construction equipment and vehicles, during the period of drilling and related construction over and across an existing access and/or service road shown on attached Exhibit "A".

Temporary easements for access and construction shall terminate on October 31, 2013.

All works, structures and facilities remaining on said parcel of land after said termination date shall become the property of Owner and the State shall have no obligation to remove, operate, or maintain any works, structures, or facilities on said parcel of land.

Annette Lockhart
PLS 8246

12 March 2012

PROFESSIONAL LAND SURVEYOR
ANNETTE M. LOCKHART
No. 8246
Exp. 12/31/13
STATE OF CALIFORNIA

COPY

Temporary 10' Wide Access Road (83,690 sq ft)

Temporary Construction Easement (10,000 sq ft)

4'x4' Drill Hole Easement

Sacramento County

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N.T.S.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING - GEODETIC BRANCH

This exhibit does not represent a Survey and is for informational purposes only

DELTA HABITAT CONSERVATION AND CONVEYANCE PROGRAM EXHIBIT A

3/9/2012

aml

COPY

Executed on_____

_____ _____

_____ _____

_____ _____

_____ _____

GRANTOR(S)

STATE OF CALIFORNIA }

SS

County of _____

On _____, 20 ____ , before me, _____

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

COPY

[SEAL]

_____
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this_____ day of _____, 20_____

_____
Director of Water Resources

By_____

_____
Attorney in Fact

Additional documents provided by DWR in support of Resolution of Necessity 2012-07:

- Written Offer to Purchase Property including attached Deed and Parcel Map - September 7, 2011

STATE OF CALIFORNIA -- THE CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

September 7, 2011

David J. Elliot, Jr. & Bonnie Jean Elliot
The Elliot Family Revocable Trust
Post Office Box E
Courtland, California 95615

DWR No.: DCAP-143
County: Sacramento
APN: 132-0120-001-0000

Dear Mr. and Mrs. Elliot:

Our records indicate that you are the owner of certain property situated in Sacramento County, identified as Assessor's Parcel No. 132-0120-001-0000. The State of California Department of Water Resources (DWR), proposes to purchase property rights over this property, identified as DWR Parcel No. DCAP-143, to accomplish the goals of the Bay Delta Conservation Plan.

Section 7267.2 of the California Government Code and the California Relocation Assistance and Real Property Acquisition Guidelines require that each property owner from whom the State of California purchases real property, or an interest therein, be provided with a summary of the appraisal of the real property, or interest therein, as well as the following information:

1. You are entitled to receive full payment prior to vacating the real property rights being purchased, unless you have heretofore waived such entitlement. You are not required to pay recording fees, transfer taxes, or the pro rata portion of the real property taxes which are allocable to any period subsequent to the passage of title or possession.

2. The State will offer to purchase any remnant considered by the State to be an uneconomical unit which is owned by you and which is contiguous to the land being conveyed.

3. The rights to be acquired include a 160 square foot Permanent Non-Exclusive Easement containing ten 4' x 4' areas, a 100,000 square foot Temporary Construction Easement, and a 94,140 square foot Temporary Access Easement.

4. The market value of the property rights being purchased is based upon a market valuation, which is summarized in the enclosed Valuation Summary Statement. As full just compensation for the property rights to be acquired, we offer you $[redacted], as shown on the enclosed Right of Way Contract.

   The State's offer:

   a. Represents the full amount of just compensation for the property rights to be purchased;

   b. Is not less than the approved valuation of the fair market value of the property as improved;

   c. Does not reflect any consideration of, or allowance for, any relocation assistance and payments or any other benefits to which you may be entitled; and

   d. Disregards any decrease or increase in the fair market value of the real property rights to be acquired prior to the date of valuation caused by the public improvement for which the property is to be acquired, or by the likelihood that the property would be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant.

5. In accordance with Section 1263.025 of the California Code of Civil Procedure you are entitled to seek a second opinion on the value of your property and to receive reimbursement of up to $5,000 to pay for reasonable appraisal costs. In order to be reimbursed, you must sign an Appraisal Costs Reimbursement Agreement and engage an appraiser licensed by the State of California with the Office of Real Estate Appraisers. The appraiser must be either a MAI designated appraiser or hold an equivalent designation recognized by the Appraisal Foundation. For further information on the requirements for reimbursement and to ensure that you are aware of proper procedures, please contact DWR prior to engaging an appraiser. The request for an Appraisal Costs Reimbursement Agreement may be submitted to the Department of Water Resources, Real Estate Branch, 1416 Ninth Street, Room 425, Sacramento, California 95814.

6. The owner of a business conducted on a property to be acquired, or conducted on the remaining property, which will be affected by the purchase of the required property, may be entitled to compensation for the loss of goodwill. Entitlement is contingent upon the Grantor's ability to prove such loss in accordance with the provisions of Sections 1263.510 and 1263.520 of the Code of Civil Procedure.

7. If you ultimately elect to reject the State's offer for your property, you are entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.

Included as part of this package, you will find the following information relating to this proposed acquisition:

- Valuation Summary Statement
- Right of Way Contract
- Easement Deed
- Map of the Proposed Acquisition Area
- Comparable Data List
- Comparable Sales Map
- Payee Data Record

Please sign and date the Deed **exactly** as shown in the designated location and have your signatures **notarized**. If needed, a Public Notary can be made available to notarize your signatures. Also, sign and date **two** copies of the Right of Way Contract and complete Sections 2-5 of the Payee Data Record. The Payee Data Record is needed in order for the State to issue payment. Please return the signed Right of Way Contracts and the Payee Data Record along with the notarized Deed in the envelope provided. A fully executed copy of the Contract will be forwarded to you at a later date.

If you have any questions or need additional information, you may contact me directly by telephone at (916) 653-7654, or toll free at (866) 688-3227, or by email at toneil@water.ca.gov.

Sincerely,

Tom O'Neil
Associate Land Agent

Enclosures

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES
Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

PERMANENT NON-EXCLUSIVE EASEMENT
(TO THE STATE)

Project Bay Delta Conservation Plan

Parcel No. DCAP-143 (Units A, B, and C)

DAVID J. ELLIOT, JR., and BONNIE JEANNE ELLIOT, CO-TRUSTEES OF THE ELLIOT FAMILY REVOCABLE TRUST DATED APRIL 13, 1993, GRANT to the STATE OF CALIFORNIA, its successors or assigns, hereinafter called STATE, an EASEMENT and right of way, upon, over, and across that real property in the County of Sacramento, State of California, identified in the records of the Department of Water Resources as:

DWR Parcel No.	Area	Estate
DCAP-143 (Unit A)	160 square feet	Permanent easement
DCAP-143 (Unit B)	100,000 square feet	Temporary easement
DCAP-143 (Unit C)	94,140 square feet +/-	Temporary easement

(In the event of any discrepancy between the above identification and the real property described herein, the real property described will control.)

DCAP-143

UNIT A

A permanent non-exclusive easement for drilling purposes, over, upon, under and through the following described parcel of land, being all that portion described in GRANT DEED recorded in Book 19960802, Page 883 in the office of the County Recorder of Sacramento, State of California, on August 2, 1996, and more particularly described as follows:

Ten 4 foot by 4 foot locations as shown and delineated on attached Exhibit "A".

UNIT B

TOGETHER WITH temporary construction easements for the purpose of moving and/or maneuvering construction equipment and vehicles, the temporary storage of equipment, and materials necessary for drilling, together with the equipment used in the drilling of earthwork, the temporary storage of spoil or excavated material during the period of drilling and related construction work, and any other operations necessary and appurtenant to the drilling, over, through, and across the following described parcel of land shown on attached Exhibit "A".

UNIT C

TOGETHER WITH a 10 foot wide temporary access easement for the purpose of moving and/or maneuvering construction equipment and vehicles, during the period of drilling and related construction over and across an existing access and/or service road shown on attached Exhibit "A".

Temporary easements for access and construction shall terminate on October 31, 2013.

All works, structures and facilities remaining on said parcel of land after said termination date shall become the property of Owner and the State shall have no obligation to remove, operate, or maintain any works, structures, or facilities on said parcel of land.

Kristopher Klima 8/9/2011
LS 8602

LICENSED LAND SURVEYOR
Kristopher Klima
8602
STATE OF CALIFORNIA

Executed on_____

_____ _____

_____ _____

_____ _____

_____ _____

GRANTOR(S)

STATE OF CALIFORNIA }

SS

County of _____

On _____, 20 ____ , before me, _____

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

[SEAL]

_____
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

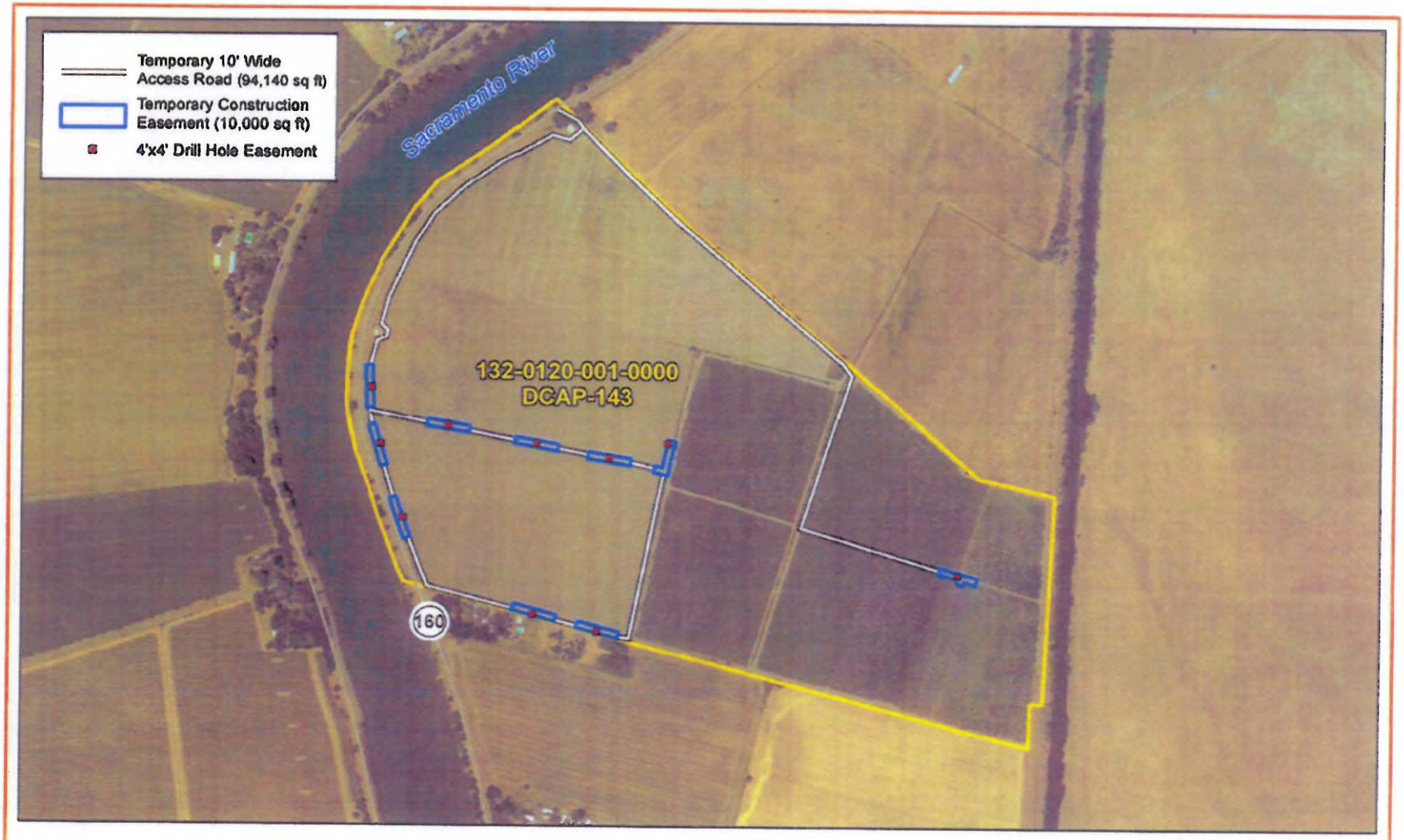
This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this_____ day of _____, 20_____

_____
Director of Water Resources

By_____

_____
Attorney in Fact



Sacramento County

N

N.T.S.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING - GEODETIC BRANCH
This exhibit does not represent a Survey and is for informational purposes only

DELTA HABITAT CONSERVATION AND CONVEYANCE PROGRAM EXHIBIT A