

**PREPARED FOR THE CALIFORNIA WATER COMMISSION  
AMENDED RESOLUTION OF NECESSITY  
DEPARTMENT OF WATER RESOURCES (DWR) STAFF REPORT – ENCUMBRANCES  
March 20, 2013**

**RON No.:** 2012-25  
**Adoption Date:** February 15, 2012  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 132-0010-014-0000  
**DWR Parcel No.:** DCAE-122  
**Owner(s):** Lucille J. Christesen Family Trust, Lorraine Croup 1992 Trust  
**Rights to be Acquired:** Permanent Non-Exclusive Easement, Temporary Construction Easement, and Temporary Access Easement

**AMENDMENT PURPOSE**

The purpose of this amendment is to include additional findings in the Resolution of Necessity regarding the impacts of the acquisition on the existing encumbrances as identified in California Code of Civil Procedure Sections 1240.510 and 1240.610.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.510.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use the property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.610.

## **PARCEL INFORMATION**

Detailed Parcel Description: The subject property is an 8.46± acre rectangular shaped parcel improved with a small single family residence, small shop and is currently planted to row crops. The property is located in an unincorporated area of Sacramento County, along the Sacramento River, north of Hood. The property is accessed from State Route 160, a two-lane maintained local thoroughfare connecting the Sacramento Delta communities and the Sacramento Metropolitan area.

Current Use: Agriculture – Rural home-site with hobby agricultural use or horse ranch

**Encumbrances – Public Use:**

<b>Number Listed on Map</b>	<b>Interest Holder</b>	<b>Depicted on Map?</b>	<b>Description</b>	<b>DWR Impacts</b>	<b>Recommended Determination on CCP 1240.510 and 1240.610</b>
Part I 1-2	Various	No (Affects entire parcel)	Misc. Taxes	None	No apparent public use implicated <sup>1</sup> . No finding required
Part I 3	Unknown	No	Unpaid Amounts for municipal services	None	No apparent public use implicated <sup>1</sup> . No finding required
Part I 4	Public	No	Rights of the public in and around that portion of land lying within street, road or highway	None	(1) DWR will cross over easement area via access road en route to drilling site. Throughout DWR's proposed use the condemned area, the public will continue to have transportation access on streets, roads, and highways. Therefore, DWR's proposed use satisfies CCP 1240.510.  (2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water

<sup>1</sup> Where the phrase of "No apparent public use" appears, it means that based on the information received from the title company the interest does not appear to represent a public use. Therefore, no finding is required.

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
					supply and ecosystem These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.
Part I 5	Unknown	No	Adverse claim that land is not within property boundaries	None	<p>(1) DWR's proposed use will not change the location of the land. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.</p>

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Part I 6	Unknown	No	Adverse claim based on high water marks, accretion or avulsion	None.	No apparent public use implicated <sup>1</sup> . No finding required
Part I 7	Public	No	Rights and Easement for navigation and fishery	None	(1) DWR's proposed use will have no impact on navigation or fishery. Therefore, DWR's proposed use satisfies CCP 1240.510.  (2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.
Part I 8	Public	No	Any rights in favor of the public	None	(1) DWR's proposed use will not impair any rights in favor of the public. Throughout DWR's proposed use of the condemned

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					<p>area, the public will continue to have transportation and other access on streets, roads, public places, and highways. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.</p>
Part I 9	Unknown	No	Adverse claim based upon a navigable river, slough, or other navigable body of water	None following survey	(1) DWR's proposed use will not impair any rights or claims regarding navigation. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate

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					<p>that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610</p>
Part II 1	PG&E (Successor to Great Western Power Company)	No	Electrical facilities easement	None	(1) DWR's proposed use will not change existing land uses. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate

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					<p>that DWR's proposed activities would impair or interfere with the existing land uses, DWR will not carry out such activities at the affected location. Therefore, DWR's proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610</p>
Part II 2	Sacramento and San Joaquin Drainage District	Yes	Easement for levee	None	<p>(1) DWR will cross over easement area via access road en route to drilling site. Throughout DWR's proposed use the condemned area, the District will continue to have access to the levee. Therefore, DWR's</p>

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					<p>proposed use satisfies CCP 1240.510.</p> <p>(2) DWR's proposed use will enable the collection of geotechnical data to support the evaluation of potential conveyance facilities in the Delta with respect to maintaining the stability of the Delta's water supply and ecosystem. These efforts affect the State of California as a whole. DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610</p>
Part II 3	D.H. Johnston and Jane Johnston	No	Pumping Agreement		No apparent public use implicated <sup>1</sup> . No finding required



FIDELITY NATIONAL TITLE INSURANCE COMPANY NO.CAFNT0934-0934-0010-005011209Z-FNTIC-2012-G1  
DATED FEBRUARY 15, 2012

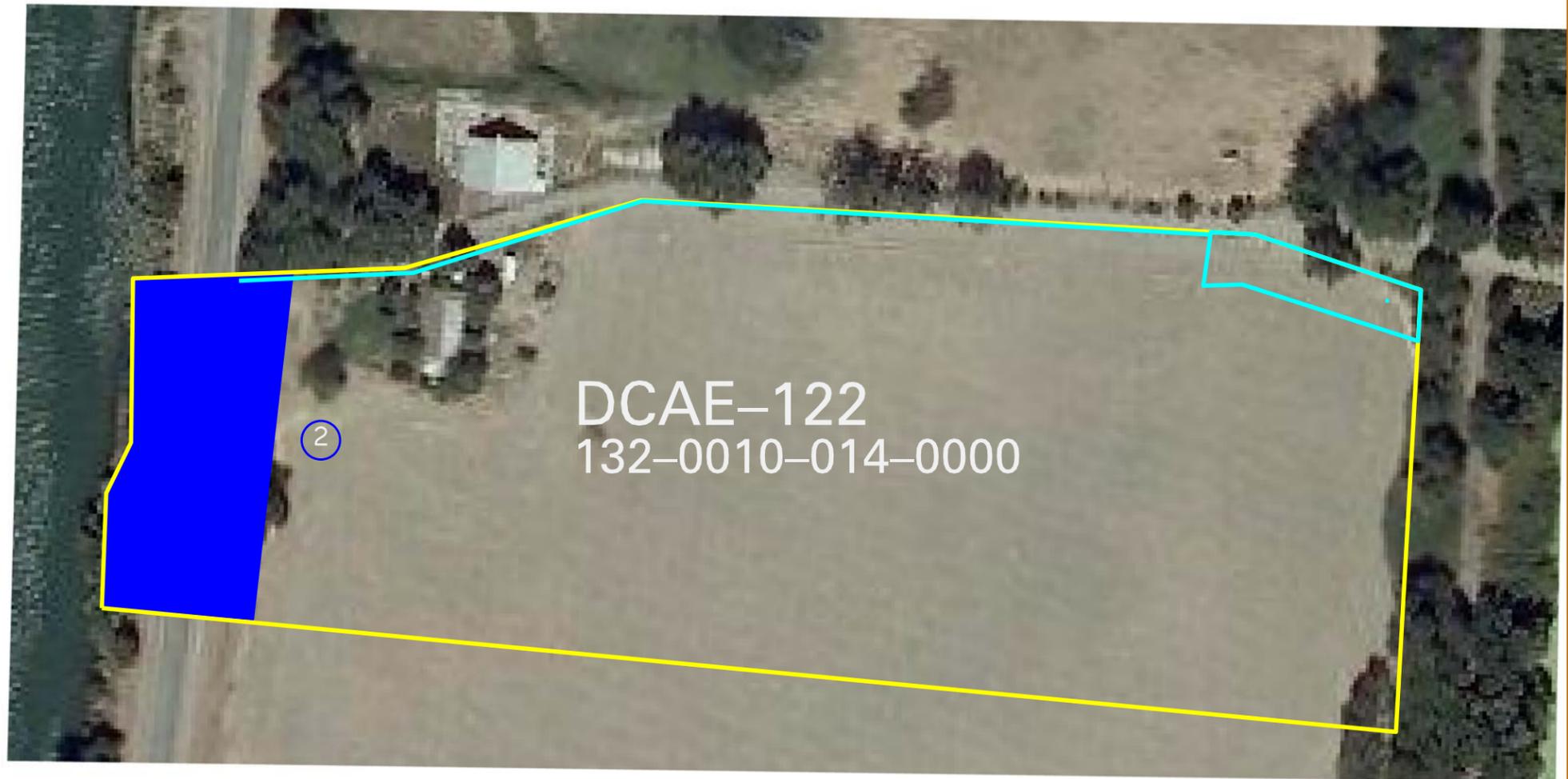
SCHEDULE B  
PART I

1-2 TAXES

- 3. ANY UNPAID AMOUNTS NOW OWING FOR MUNICIPAL SERVICES  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 4. RIGHTS OF THE PUBLIC TO STATE HIGHWAY 11.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 5. ANY ADVERSE CLAIM THE BOUNDARIES OF THE STATE OF CALIFORNIA AND COUNTY OF SACRAMENTO  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 6. ANY ADVERSE CLAIM BASED UPON THE HIGH WATER MARK, ACCRETION OR AVULSION OF THE SACRAMENTO RIVER.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 7. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 8. ANY RIGHTS IN FAVOR OF THE PUBLIC.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 9. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT WITHIN A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER. **BLANKET TITLE COMPANY EXCEPTIONS**

SCHEDULE B  
PART II

- 1. EASEMENT(S) FOR THE ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY RECORDED JULY 13, 1912, BOOK 358, PAGE 370, DEEDS- **EXPIRED**
- ② EASEMENT(S) FOR LEVEE GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT RECORDED JUNE 3, 1922, BOOK 604, PAGE 45, DEEDS
- 3. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "PUMPING AGREEMENT" BY PTER CECCARELLI AND ADA CECCARELLI BETWEEN D.H. JOHNSTON AND JANE JOHNSTON RECORDED JANUARY 21, 1939, BOOK 736, PAGE 79, OF OFFICIAL RECORDS.  
**UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**



**LEGEND:**  
 PROPERTY LINE ————  
 ACQUISITION LINE ————  
 \*AFFECTS ENTIRE PARCEL

STATE OF CALIFORNIA  
 THE NATURAL 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  
 PARCEL TITLE EXCEPTIONS**

SACRAMENTO COUNTY  
PREPARED 11/29/12