

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

RON No.: 2011-25
Adoption Date: November 16, 2011
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0120-081-0000
DWR Parcel No.: DCAP-154
Owner(s): Donna L. Reed
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 116.15-acre polygonal-shaped parcel is planted to irrigated field crops and is irrigated via the flood method. The property is improved with a residence of unknown age and quality. The subject property is located in an unincorporated area of Sacramento County south of Hood and northwest of Walnut Grove. The property is adjacent to Highway 160 which is a two-lane road servicing the area.

Current Use: Agriculture – Irrigated Field Crops

Encumbrances – Public Use:

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part I 1-4	Various	No (Affects entire parcel)	Misc. Taxes	None	No apparent public use implicated ¹ . No finding required
Part I 5	Sacramento County	No (Affects entire parcel)	Unpaid municipal services	None	No apparent public use implicated ¹ . No finding required
Part I 6	State of California	No (Affects entire parcel)	State Route 160	None	(1) Throughout DWR's proposed use of 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 supply and ecosystem. These

¹ 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
					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 7	Unknown	No (Affects entire parcel)	Adverse claim that some portion of the land has not at any time been within the State of California or County of Sacramento	None	(1) DWR's proposed use of the land would not affect the location of parcel boundaries or claims related thereto. 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

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					1240.610.
Part I 8 – 9, 11	Unknown	No (Affects entire parcel)	High water mark, accretion or avulsion Rights and easements for navigation and fishery	None	<p>(1) DWR's proposed use will not impair any rights of claims regarding accretion or avulsion or any right or easements for navigation and fishery as DWR's proposed use is not located at or near the location of such interests. 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>

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part 1 10	Public	No	Any rights in favor of the public	None	<p>(1) DWR's proposed use will not impair any rights in favor of the public. Throughout DWR's proposed use of the condemned 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>

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part I 12	Sacramento County	Yes	Road Easement	None	<p>(1) Throughout DWR's proposed use of 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.</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 13	Unknown	No (Affects entire parcel)	Not disclosed	None	No apparent property interest. No finding required.

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part II 1	PG & E (successor to Great Western Power Company)	No (Unable to determine location without survey)	Easement for Electrical	None	<p>(1) DWR will cross over easement area via access road en route to drilling site. DWR's proposed use of the access road would be consistent with the existing use of the road and will not interfere with the use of said road by PG&E. 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 II 2	PG&E (successor to Great Western Power Company)	Yes	Easement for Poles	None	<p>(1) DWR will cross over easement area via access road en route to drilling site. DWR's proposed use will not interfere with access to said easement by others. DWR will navigate around existing or future poles when accessing the condemned area. 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>

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part II 3, 5 - 8	Sacramento and San Joaquin Drainage District	Yes	Flood control facilities	None	<p>(1) DWR will cross over easement area via access road en route to drilling site. DWR's proposed use will have no impact on the easement area used for flood control purposes because DWR's proposed use is not located within such easement(s). 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>

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part II 4	SMUD	Yes	Electrical Facilities	None	<p>DWR's proposed activities will not be located in, on or adjacent to the existing easement area therefore DWR's activities will have no impact on this easement. 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 9 - 10	Unknown	No (Affects entire parcel)	Oil and Gas Lease	None	No apparent public use implicated ¹ . No finding required

Number Listed on Map	Interest Holder	Depicted on Map?	Description	DWR Impacts	Recommended Determination on CCP 1240.510 and 1240.610
Part II 11	North Delta Water Agency	No (Affects entire parcel)	Subcontract Agreement	None	No apparent property interest implicated ¹ . No finding required.

1-4 TAXES

5. UNPAID AMOUNTS FOR MUNICIPAL SERVICES **BLANKET TITLE COMPANY EXCEPTIONS**

6. RIGHTS OF THE PUBLIC TO STATE ROUTE 160.**BLANKET TITLE COMPANY EXCEPTIONS**

7. ANY ADVERSE CLAIM THAT LAND NOT WITHIN THE STATE OF CALIFORNIA OR COUNTY OF SACRAMENTO **BLANKET TITLE COMPANY EXCEPTIONS**

8. ANY ADVERSE CLAIM BASED ON HIGH WATER MARK, ACCRETION OR AVULSION **BLANKET TITLE COMPANY EXCEPTIONS**

9. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY **BLANKET TITLE COMPANY EXCEPTIONS**

10. ANY RIGHTS IN FAVOR OF THE PUBLIC **BLANKET TITLE COMPANY EXCEPTIONS**

11. ANY ADVERSE CLAIM BASED UPON LAND INCLUDED WITHIN A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER. **BLANKET TITLE COMPANY EXCEPTIONS**

12. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT.
PURPOSE: DEVELOPMENT RIGHTS DEDICATED TO COUNTY OF SACRAMENTO
AFFECTS: AS SHOWN ON MAP
PURPOSE: INGRESS AND EGRESS
AFFECTS: AS SHOWN ON MAP

13. NOTES ON THE HEREIN MENTIONED MAP. **BLANKET TITLE COMPANY EXCEPTIONS**

SCHEDULE B
PART II

1. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY, A CALIFORNIA CORPORATION
RECORDED: DECEMBER 14, 1912, BOOK 367 OF DEEDS, PAGE 350,
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE

2. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO GREAT WESTERN POWER COMPANY, A CALIFORNIA CORPORATION
RECORDED MAY 15, 1913, BOOK 384 OF DEEDS, PAGE 76, OF OFFICIAL RECORDS

3. EASEMENT(S) FOR FLOOD CONTROL GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED: JANUARY 24, 1924, BOOK 626 OF DEEDS, PAGE 328

4. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO SACRAMENTO MUNICIPAL UTILITY DISTRICT
RECORDED: SEPTEMBER 15, 1954, BOOK 2673, PAGE 308, OF OFFICIAL RECORDS

5. EASEMENT(S) FOR FLOOD CONTROL GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED APRIL 4, 1966, BOOK 660404, PAGE 65, OF OFFICIAL RECORDS

6. MATTERS CONTAINED IN ABOVE "EASEMENT DEED"

7. EASEMENT(S) FOR FLOOD CONTROL GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED: OCTOBER 8, 1969, BOOK 691008, PAGE 36, OF OFFICIAL RECORDS

8. MATTERS CONTAINED IN ABOVE "EASEMENT DEED"

*9. AN OIL AND GAS LEASE

*10. AN OIL AND GAS LEASE

*11. MATTERS CONTAINED IN "SUBCONTRACT AGREEMENT" BY NORTH DELTA WATER AGENCY AND DONNA L. REED DBA DOLLISON REED PROPERTIES RECORDED NOVEMBER 25, 2008, BOOK 20081125, PAGE 1577, OF OFFICIAL RECORDS.



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

SACRAMENTO COUNTY
PREPARED 11/30/12

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**