

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

RON No.: 2011-14
Adoption Date: January 18, 2012
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0010-002-0000
DWR Parcel No.: DCAP-223
Owner(s): River Maid Land Company, a California Limited Partnership
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 a 44.86-acre rectangular-shaped parcel improved with an older but updated single family residence and garage. Additional improvements include a pear orchard with an underground solid set irrigation system and agricultural outbuildings. The subject property is located in an unincorporated area of Sacramento County south of Freeport, along the Sacramento River. Access to the property is provided by Highway 160, a two-lane state maintained local thoroughfare connecting the Sacramento Delta communities and the Sacramento Metropolitan area.

Current Use: Agriculture - Orchard

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 1-3	Various	No (Affects entire parcel)	Misc. Taxes	None	No apparent public use implicated ¹ . No finding required.
Part I 4	RD 744	No (Affects entire parcel)	Taxes and Assessments	None	(1) DWR's proposed use will have no impact on any rights to the Reclamation District to collect taxes and assessments. 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.

¹ Where the phrase "No apparent public use" is used, it means that based on the information received from the title company the interest does not appear to represent a public use. 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 I 5	Unknown	No (Affects entire parcel)	Unpaid amounts for municipal services`	None	No apparent public use ¹ implicated. No finding required.
Part I 6	Public	No (Affects entire parcel)	Rights of the public to state highway	None	<p>(1) DWR will cross over easement area via access road en route to drilling sites. DWR's proposed use of the access road will not impair or interfere with the road, and will be consistent with the existing use of the road. Throughout DWR's proposed use 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 DWR's proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP</p>

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					1240.610.
Part I 7	Unknown	No	Adverse Claim on based on land accreted	None	(1) No apparent public use ¹ implicated. No finding required.
Part I 8	Public	No (Affects entire parcel)	Adverse Claim of land included in navigable waters	None following survey	<p>(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 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</p>

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					proposed use is more necessary than the public use to which the property is already appropriated and, therefore, satisfies CCP 1240.610.
Part I 9	Public	No (Affects entire parcel)	Rights and easements for navigation and fishery	None	<p>(1) DWR's proposed use will have no impact on rights and easements for navigation or fisheries because DWR's proposed use will not be located in areas of the parcel where such claims or rights might be applicable. 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 10	Public	No (Affects entire parcel)	Public land use	None	<p>(1) DWR's proposed use will not impair any rights in favor of the public. Throughout DWR's proposed use 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>
Part II 1	PG&E (Successor to Great Western Power Company)	Yes	Electrical Facilities Easements	None following survey	(1) DWR's proposed use will not impair or interfere with use or function of electrical facilities easements. Condemned areas will be thoroughly surveyed once

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					<p>DWR has permission to enter properties to identify location of facilities. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing facilities, 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	Delta Telephone and Telegraph Company	No (Unable to determine location)	Communication Easement	None following survey	(1) DWR's proposed use will not impair or interfere with communication facilities, rights or easements associated

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		without survey)			<p>therewith. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing easements and land uses. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing easements or 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>

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Part II 3	Wallace and Mary Briggs	Yes	Ingress & egress road easement	None	No apparent public use ¹ implicated. No fining required.
Part II 4	Public	No (Affects entire parcel)	C.C.&R.'s imposed by land conservation act	None following survey	<p>DWR's proposed use will not change existing land uses or force any land out of agricultural production. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate 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</p>

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					property is already appropriated and, therefore, satisfies CCP 1240.610.
Part II 5	General Telephone Company of California	No (Unable to determine location without survey)	Easement for Communication	None following survey	<p>(1) DWR's proposed use will not impair or interfere with communication facilities or rights associated therewith. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm existing land uses. If these surveys indicate 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</p>

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Part II 6	George & Dixie Wilson	No	Private Access, utility easement	None	Easement not located within parcel boundaries. No finding required.
Part II 7	State of California	No	Access & Utilities document	None	The boundaries described in the title report do not fall within property boundaries. No findings required.

FIDELITY NATIONAL TITLE CO.
NO. CAFNT0934-0934-0010-005011207Z-FNTIC-2011-GL

DATED SEPTEMBER 22, 2011

SCHEDULE B
PART I

1-3 TAXES

4. **TAXES** AND ASSESSMENT FOR RECLAMATION DISTRICT 744 **BLANKET TITLE COMPANY EXCEPTIONS**
5. ANY UNPAID AMOUNTS NOW OWING FOR MUNICIPAL SERVICES **BLANKET TITLE COMPANY EXCEPTIONS**
6. RIGHTS OF THE PUBLIC AS TO STATE HIGHWAY. **BLANKET TITLE COMPANY EXCEPTIONS**
7. ANY ADVERSE CLAIM BASED UPON THE ASSERTION LAND HAS ACCRETED.
BLANKET TITLE COMPANY EXCEPTIONS
8. ANY ADVERSE CLAIM LAND HAS BEEN INCLUDED WITHIN A NAVIGABLE RIVER,
SLOUGH, OR OTHER NAVIGABLE BODY OF WATER.
BLANKET TITLE COMPANY EXCEPTIONS
9. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY.
BLANKET TITLE COMPANY EXCEPTIONS
10. ANY RIGHTS IN FAVOR OF THE PUBLIC WHICH MAY EXIST ON SAID LAND IF
SAID LAND OR PORTIONS THEREOF ARE
OR WERE AT ANY TIME USED BY THE PUBLIC. **BLANKET TITLE COMPANY EXCEPTIONS**

SCHEDULE B
PART II

- ①. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO:
GREAT WESTERN POWER COMPANY RECORDED DECEMBER 14, 1912, BOOK 367,
PAGE 363, OF DEEDS
2. EASEMENT(S) FOR COMMUNICATION GRANTED TO
DELTA TELEPHONE AND TELEGRAPH COMPANY RECORDED MAY 9, 1918, BOOK 488
OF DEEDS, PAGE 32 **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- ③. EASEMENT(S) INGRESS AND EGRESS FOR ROAD GRANTED TO WALLACE R. BRIGGS
AND MARY F. BRIGGS
RECORDED FEBRUARY 28, 1942, BOOK 933, PAGE 461, OF OFFICIAL RECORDS
4. COVENANTS AND RESTRICTIONS IMPOSED BY A LAND CONSERVATION CONTRACT
EXECUTED PURSUANT TO
* SECTION 51200 ET SEQ. CALIFORNIA GOVERNMENT CODE.
RECORDED: FEBRUARY 25, 1971, BOOK 710225, PAGE 495, OF OFFICIAL
RECORDS
CONTRACT NO.: 71-AP-047
5. EASEMENT(S) FOR COMMUNICATION GRANTED TO
GENERAL TELEPHONE COMPANY OF CALIFORNIA, A CORPORATION
RECORDED FEBRUARY 9, 1972, BOOK 720209, PAGE 233, OF OFFICIAL
RECORDS **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
6. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "PRIVATE ACCESS
AND UTILITIES EASEMENTS"
EXECUTED BY STATE OF CALIFORNIA EXECUTED BY AND BETWEEN GEORGE C.
WILSON AND DIXIE M. WILSON RECORDED JANUARY 10, 1991, BOOK 910110,
PAGE 685, OF OFFICIAL RECORDS **NOT ON PARCEL**
7. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "ACCESS AND
UTILITIES" DATED NONE SHOWN,
EXECUTED BY DARRELL M. WILSON, A MARRIED MAN EXECUTED BY AND BETWEEN
STATE OF CALIFORNIA
RECORDED JANUARY 10, 1991, BOOK 910110, PAGE 686, OF OFFICIAL
RECORDS, **NOT ON PARCEL**



SACRAMENTO COUNTY
PREPARED 11/30/12

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**