

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

**RON No.:** 2012-23  
**Adoption Date:** March 21, 2012  
**Project:** Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)  
**APN:** 132-0210-001-0000  
**DWR Parcel No.:** DCAE-5  
**Owner(s):** George Tsakopoulos and Drosoula Tsakopoulos, Trustees of the Tsakopoulos Family Trust created August 5, 1991  
**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 located in an unincorporated area of Sacramento County, south of Hood and northeast of Walnut Grove. The property is a polygonal shape consisting of 377.45 acres and is currently planted to irrigated field crops, irrigated via the flood method. The subject parcel has no road frontage; access is through the ownership's property to the north or through the levee road of Reclamation District 813.

Current Use: Agriculture – Irrigated Field Crops

**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 1 1-2	Various	No	Misc.Taxes	None	No apparent public use <sup>1</sup> implicated. No finding required.
Part I 3	Unknown	No (Blanket title Company Exception)	Unpaid amounts for Municipal Services	None	No apparent public use <sup>1</sup> implicated. No finding required.
Part I 4	Public	No (Affects entire parcel)	Rights of the public in and around that portion of land lying within street, road or highway	None	(1) DWR's proposed use will not impair any rights to or the use of streets, roads or highways. 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.  (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

<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
					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 5	Unknown	No (Blanket Title Company Exception)	Adverse Claim that land is not within property boundaries	None	(1) No apparent public use <sup>1</sup> implicated. No finding required.
Part I 6	Unknown	No (Blanket Title Company Exception)	Adverse claim based on high water marks, accretion or avulsion	None	(1) No apparent public use <sup>1</sup> implicated. No finding required.
Part I 7	Public	No (Blanket Title Company Exception)	Rights and Easements for Navigation and Fishery	None	(1) DWR's proposed use will have no impact on rights and easements for navigation or fisheries because the proposed use is not located in an area of the parcel where such rights, if they exist, would be exercised. Therefore, DWR's proposed use satisfies CCP 1240.510.  (2) DWR's proposed use will enable the collection of

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					<p>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 8	Public	No (Blanket Title Company Exception)	Undisclosed rights in favor of the public	None	<p>(1) DWR's proposed use will not impair any apparent 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</p>

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Part I 9	Unknown	No (Affects the entire parcel)	Adverse claim within navigable river, slough or other navigable body of water.	None	No apparent public use <sup>1</sup> implicated. No finding required.
Part I 10	Reclamation District # 813	No (Blanket Title Company Exception)	Rights to all laterals, ditches, canals, levees and road	None	<p>(1) DWR's proposed use will not impair any apparent rights of Reclamation District #813. Throughout DWR's proposed use of the condemned area, the RD will continue to have transportation and other access on to all laterals, ditches, canals, levees, 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</p>

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Part I 11	Public	No (Blanket Title Company Exception)	C.C. & R's pursuant to Land Conservation Act (Williamson Act)	None following survey	<p>(1) 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</p>

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Part II 1	PG&E (successor to Great Western Power Company)	No	Utilities – (Unable to determine location without survey)	None following survey	<p>(1) DWR's proposed use will not impair or interfere with use or function of gas or electrical facilities. Condemned areas will be thoroughly surveyed once 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</p>

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Part II 2	Sacramento and San Joaquin Drainage District	No (Unable to determine location without survey)	Levee Easement	None following survey	<p>(1) DWR's proposed use will not impair or interfere with use or function of the levee areas. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to identify location of levee areas. If these surveys indicate that DWR's proposed activities would impair or interfere with the Drainage District's 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</p>

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					<p>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	SMUD	No (Unable to determine location without survey)	Electrical Facilities Easement	None following survey	<p>(1) DWR's proposed use will not impair or interfere with use or function of electrical facilities. Condemned areas will be thoroughly surveyed once 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</p>

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					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 II 4	Nahama & Weagant Energy Company	No (Affects entire parcel)	Oil and Gas lease	None	No apparent public use <sup>1</sup> implicated. No finding required.
Part II 5	Stream Resources, LP	No (Affects entire parcel)	Oil and Gas Lease	None	No apparent public use <sup>1</sup> implicated. No finding required.
Part II 6	Archer Exploration, Inc.	No (Affects entire parcel)	Oil and Gas Lease	None	No apparent public use <sup>1</sup> implicated. No finding required.

FIDELITY NATIONAL TITLE COMPANY NO. CAFNT0934-0934-0010-005011224Z -FNTIC-2012-G 1

DATED MARCH 5, 2012, 07:30A.M.

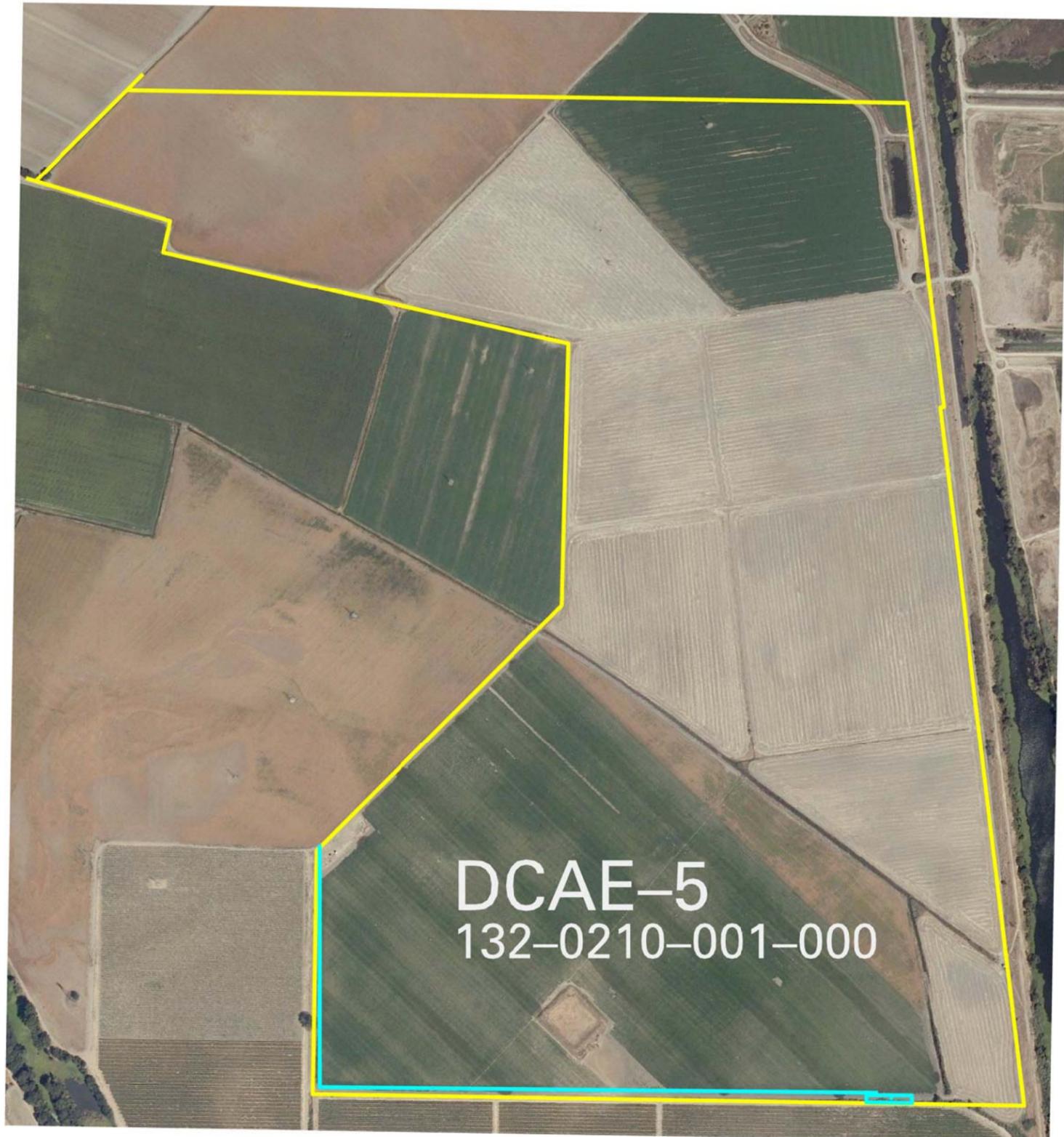
SCHEDULE B  
PART I

1-2. PROPERTY TAXES

- 3. ANY UNPAID AMOUNTS NOW OWING FOR MUNICIPAL SERVICES  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 4. RIGHTS OF THE PUBLIC WITHIN STATE HIGHWAY 160 OR RIVER ROAD. **BLANKET TITLE COMPANY EXCEPTIONS**
- 5. ANY ADVERSE CLAIM THAT LAND HAS NOT BEEN WITHIN THE BOUNDARIES OF THE STATE OF CALIFORNIA AND COUNTY OF SACRAMENTO. **BLANKET TITLE COMPANY EXCEPTIONS**
- 6. ANY ADVERSE CLAIM BASED UPON THE HIGH WATERMARKS OF THE SACRAMENTO RIVER, ACCRETION OR AVULSION.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 7. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 8. ANY RIGHTS IN FAVOR OF THE PUBLIC OVER THAT PORTION AT ANY TIME USED BY THE PUBLIC.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 9. ANY ADVERSE CLAIM BASED UPON WITHIN A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 10. RIGHTS TO THE PUBLIC/ RECLAMATION DISTRICT #813 TO ALL LATERALS, DITCHES, CANALS, LEVEES AND ROAD.  
**BLANKET TITLE COMPANY EXCEPTIONS**
- 11. COVENANTS AND RESTRICTIONS, IF ANY, APPEARING IN THE PUBLIC RECORDS, IMPOSED BY ANY LAND CONSERVATION CONTRACT EXECUTED PURSUANT TO GOVERNMENT CODE SECTIONS 51200 ET SEQ. (ALSO CALLED THE WILLIAMSON ACT).  
**BLANKET TITLE COMPANY EXCEPTIONS**

SCHEDULE B  
PART II

- 1. EASEMENT(S) FOR ELECTRICAL GRANTED TO GREAT WESTERN POWER COMPANY, A CALIFORNIA CORPORATION RECORDED JUNE 16, 1908, BOOK 270 OF DEEDS, PAGE 441 **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- 2. EASEMENT(S) FOR LEVEE GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT RECORDED AUGUST 30, 1922, BOOK 611 OF DEEDS, PAGE 178 **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- 3. EASEMENT(S) FOR ELECTRICAL FACILITIES GRANTED TO SACRAMENTO MUNICIPAL UTILITY DISTRICT RECORDED SEPTEMBER 15, 1954, BOOK 2673, PAGE 318, OF OFFICIAL RECORDS **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- \* 4. AN OIL AND GAS LEASE DATED JANUARY 28, 1993  
LESSOR: GEORGE TSAKOPOULOS AND DROSOULA TSAKOPOULOS, AS TRUSTEES OF THE TSAKOPOULOS FAMILY TRUST  
LESSEE: NAHAMA & WEAGANT ENERGY COMPANY  
RECORDED APRIL 16, 1993, BOOK 930416, PAGE 652, OF OFFICIAL RECORDS
- \* 5. AN OIL AND GAS LEASE DATED NOVEMBER 20, 2000  
LESSOR: GEORGE TSAKOPOULOS AND DROSOULA TSAKOPOULOS, TRUSTEES OF THE TSAKOPOULOS FAMILY TRUST  
LESSEE: STREAM RESOURCES LIMITED PARTNERSHIP  
RECORDED: OCTOBER 29, 2001, BOOK 20011029, PAGE 469, OF OFFICIAL RECORDS
- \* 6. AN OIL AND GAS LEASE DATED FEBRUARY 26, 2004  
LESSOR: GEORGE TSAKOPOULOS AND DROSOULA TSAKOPOULOS, AS TRUSTEES OF THE TSAKOPOULOS FAMILY TRUST  
LESSEE: ARCHER EXPLORATION, INC.  
RECORDED: MAY 25, 2004, BOOK 20040525, PAGE 1270, OF OFFICIAL RECORDS



SACRAMENTO COUNTY  
PREPARED 11/29/12

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**