

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

RON No.: 2012-04
Adoption Date: February 15, 2012
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 132-0210-032-0000 & 132-0210-054-0000
DWR Parcel No.: DCAS-339
Owner(s): Wurster Ranches, LP
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 639.31± acre polygonal shaped parcel that is currently planted to irrigated field crops, pear orchard, and a vineyard. The property is improved with two agricultural out buildings of unknown size and quality and is located in an unincorporated area of Sacramento County, south of Hood and northwest of Walnut Grove. The property fronts State Highway 160, which is a two-lane maintained road that services the area, and Lambert Road, a two lane county maintained road.

Current Use: Agriculture – Irrigated Field Crops, Orchard, and Vineyard

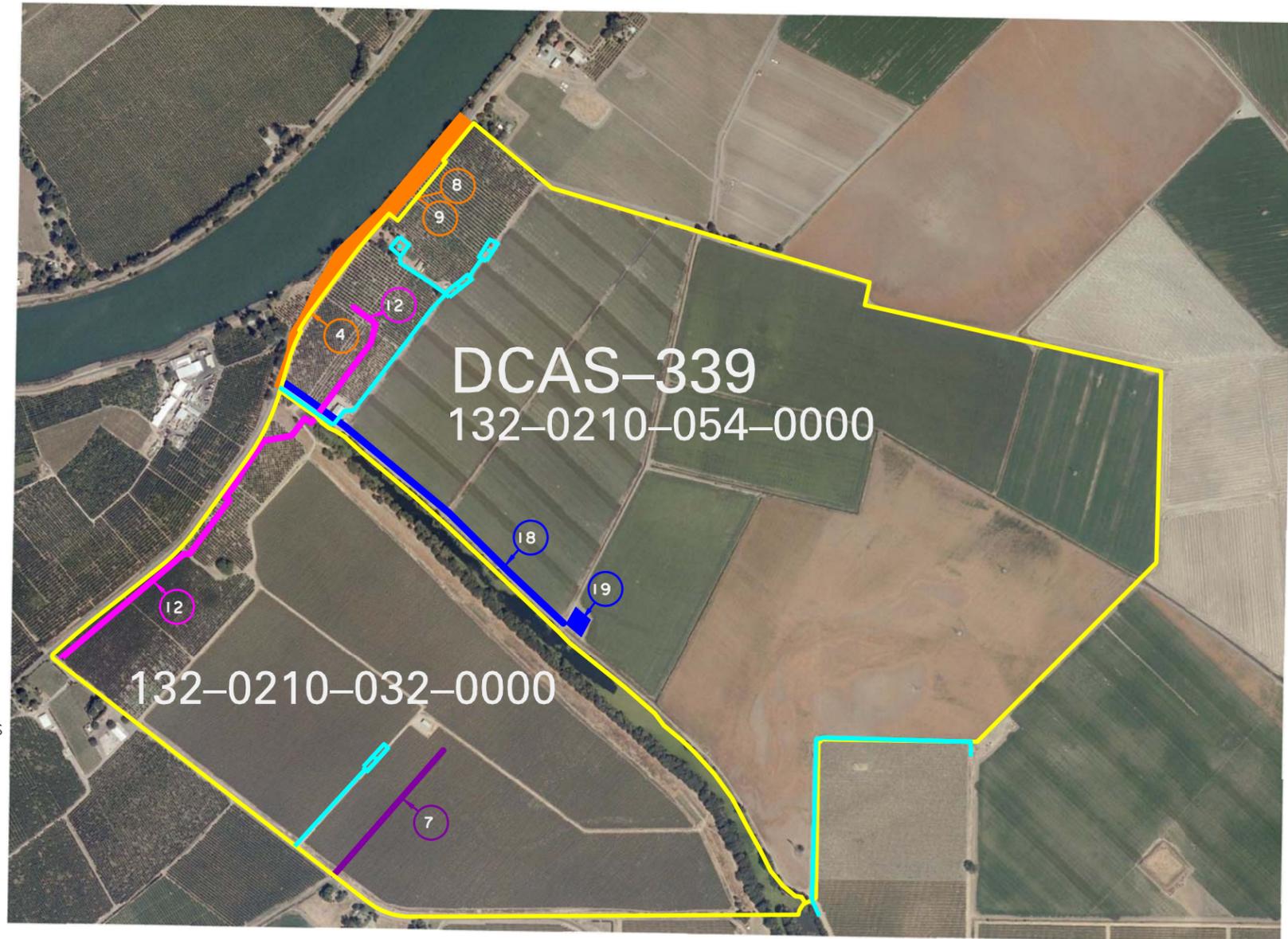
DATED FEBRUARY 15, 2012

SCHEDULE B
PART I
1-2 TAXES

- 3. **RIGHTS** OF THE PUBLIC TO STATE HIGHWAY 24 AND LAMBERT ROAD.
- 4. ANY ADVERSE CLAIM BASED UPON THE ASSERTION OF HIGH WATER MARK, AVULSION AND ACRETION.
BLANKET TITLE COMPANY EXCEPTIONS
- 5. RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY **BLANKET TITLE COMPANY EXCEPTIONS**
- 6. ANY RIGHTS IN FAVOR OF THE PUBLIC **BLANKET TITLE COMPANY EXCEPTIONS**
- 7. ANY ADVERSE CLAIM BASED UPON A NAVIGABLE RIVER, SLOUGH, OR OTHER NAVIGABLE BODY OF WATER.
BLANKET TITLE COMPANY EXCEPTIONS

SCHEDULE B
PART II

- 1. EASEMENT(S) FOR RIGHT OF WAY FOR LEVEES GRANTED TO RECLAMATION DISTRICT NO. 551
RECORDED SEPTEMBER 29, 1894, BOOK 153 OF DEEDS, PAGE 544
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE
- 2. EASEMENT(S) FOR CONSTRUCT AND MAINTAIN A GRANTED TO RECLAMATION DISTRICT NO. 551
RECORDED MARCH 13, 1906, BOOK 270 OF DEEDS, PAGE 34
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE
- 3. EASEMENT(S) FOR ELECTRICAL GRANTED TO GREAT WESTERN POWER COMPANY, A CALIFORNIA CORPORATION
RECORDED MAY 14, 1913, BOOK 384 DEEDS, PAGE 68
UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE
- ④ EASEMENT(S) FOR FLOOD GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, A CORPORATION
RECORDED MAY 31, 1922, BOOK 604 DEEDS, PAGE 22
- * 5. MATTERS CONTAINED "AGREEMENT" BY BLACHE H. PATIGIAN EXECUTED AND GEORGE B. GREENE
RECORDED JUNE 28, 1933, BOOK 402, PAGE 353, OF OFFICIAL RECORDS.
- 6. MATTERS CONTAINED IN "DEED" BY CENTRAL PACIFIC RAILWAY COMPANY, A CORPORATION AND
FRANK H. HOLLISTER ET AL. RECORDED APRIL 4, 1946, BOOK 1230, PAGE 298, OF OFFICIAL RECORDS.
RESERVATION OF MINERAL RIGHTS AND EXISTING ACCESS POINTS
- ⑦ EASEMENT(S) FOR ELECTRICAL GRANTED TO SACRAMENTO MUNICIPAL UTILITY DISTRICT
RECORDED SEPTEMBER 21, 1951, BOOK 2104, PAGE 583, OF OFFICIAL RECORDS
- ⑧ EASEMENT(S) FOR FLOOD GRANTED TO SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED FEBRUARY 1, 1967, BOOK 670201, PAGE 39, OF OFFICIAL RECORDS
- ⑨ MATTERS CONTAINED "EASEMENT DEED" BY SOPHIE A. WURSTER EXECUTED AND
SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT
RECORDED FEBRUARY 1, 1967, BOOK 670201, PAGE 39, OF OFFICIAL RECORDS.
- * 10. MATTERS CONTAINED IN "RESOLUTION NO. 71-AP-20 RESOLUTION TO ESTABLISH AN AGRICULTURAL
PRESERVE WITHIN SACRAMENTO COUNTY" BY COUNTY OF SACRAMENTO
RECORDED FEBRUARY 25, 1971, BOOK 710225, PAGE 258, OF OFFICIAL RECORDS.
- * 11. COVENANTS AND RESTRICTIONS IMPOSED BY A LAND CONSERVATION CONTRACT EXECUTED PURSUANT TO
SECTION 51200 ET SEQ. CALIFORNIA GOVERNMENT CODE.
EXECUTED BY: SOPHIE A. WURSTER AND THE COUNTY OF SACRAMENTO, A POLITICAL SUBDIVISION
RECORDED: FEBRUARY 25, 1971, BOOK 710225, PAGE 263, OF OFFICIAL RECORDS
- ⑫ EASEMENT(S) FOR COMMUNICATION FACILITIES GRANTED TO GENERAL TELEPHONE COMPANY OF CALIFORNIA
RECORDED: AUGUST 30, 1977, INSTRUMENT NO. 130138, BOOK 770830, PAGE 1072, OF OFFICIAL RECORDS
- * 13. AN OIL AND GAS LEASE LESSEE: PETROLEUM PROPERTIES CORPORATION
RECORDED: AUGUST 26, 1996, BOOK 19960826, PAGE 1029, OF OFFICIAL RECORDS
- * 14. AN OIL AND GAS LEASE LESSEE: ASPEN EXPLORATION CORPORATION, A DELAWARE CORPORATION
RECORDED: OCTOBER 4, 2001, BOOK 20011004, PAGE 554, OF OFFICIAL RECORDS
- 15. MATTERS CONTAINED IN "GRAPE PURCHASING CONTRACT" BY JEROME J. LOHR AND RONALD B. RANKIN AND
E. & J. GALLO WINERY, A CALIFORNIA CORPORATION
RECORDED MAY 21, 2004, BOOK 20040521, PAGE 825, OF OFFICIAL RECORDS.
AFFECTS 132-0210-032-0000
- * 16. AN OIL AND GAS LEASE LESSEE: ARCHER EXPLORATION, INC., A NEVADA CORPORATION
RECORDED: DECEMBER 10, 2004, BOOK 20041210, PAGE 691, OF OFFICIAL RECORDS
- 17. MATTERS CONTAINED IN "PIPELINE EASEMENT AND RIGHT OF WAY AGREEMENT" BY GEORGE K. WURSTER
AND JOHN A. WURSTER, AS SURVIVING TRUSTEES OF THE GEORGE K. AND BETTY C. WURSTER 1989 REVOCABLE TRUST ETAL.
AND BETWEEN LONGBOW, LLC, A NEVADA LIMITED LIABILITY COMPANY
RECORDED DECEMBER 10, 2004, BOOK 20041210, PAGE 693, OF OFFICIAL RECORDS. **UNABLE TO DETERMINE LOCATION WITH DATA AVAILABLE**
- ⑧ MATTERS CONTAINED IN "MEMORANDUM OF RIGHT OF WAY" BY GEORGE K. WURSTER EXECUTED AND
DELA GAS GATHERING, INC.,
RECORDED FEBRUARY 9, 2005, BOOK 20050209, PAGE 534, OF OFFICIAL RECORDS.
- ⑨ MATTERS CONTAINED "MEMORANDUM OF SURFACE FACILITY AGREEMENT" BY GEORGE K. WURSTER
AND JOHN A. WURSTER, AS SURVIVING TRUSTEES OF THE GEORGE K. AND BETTY C. WURSTER 1989 REVOCABLE TRUST ETAL.
AND DELTA GATHERING, INC., A CALIFORNIA CORPORATION
RECORDED FEBRUARY 9, 2005, BOOK 20050209, PAGE 535, OF OFFICIAL RECORDS.



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 11/30/12