

**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

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 1-2	Various	No (Affects entire parcel)	Misc. Taxes	None	No apparent public use implicated ¹ . No finding required
Part I 3	Rights of the 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 supply and ecosystem. These efforts affect the State of California as a whole. DWR's

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.

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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 4	Unknown	No (Blanket Title Company Exceptions)	Adverse claim based on high water marks, accretion or avulsion	None	No apparent public use implicated ¹ . No finding required
Part I 5	Unknown	No (Blanket Title Company Exceptions)	Rights and Easement for navigation and fishery	None	<p>(1) DWR's proposed use will have no impact on rights for navigation or fishery. 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</p>

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					1240.610.
Part I 6	Public	No (Blanket Title Company Exceptions)	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>

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Part I 7	Unknown	No (Blanket Title Company Exceptions)	Adverse claim based upon a navigable river, slough, or other navigable body of water	None	<p>(1) DWR's proposed use will not impair any rights or claims regarding navigation. 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	RD 551	No (Unable to determine location without survey)	Rights to ditches, canals, levees and road.	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 RD will continue to have access to ditches, canals, levees, and roads. Therefore, DWR's proposed use satisfies CCP

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					<p>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	RD 551	No (Unable to determine location without survey)	Rights to ditches, canals, levees and road.	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 RD will continue to have access to ditches, canals, levees, and roads. 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	PG&E (Successor to Great Western Power Company)	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 electric 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>

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					<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 4	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 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 II 5	Blanche H. Patigian & George B. Greene	No	Agreement		No apparent public use implicated ¹ . No finding required
Part II 6	Central Pacific Railway Company	No (Affects the entire parcel)	Reservation of mineral rights and existing access points	None	No apparent public use implicated ¹ . No finding required.
Part II 7	SMUD	Yes	Electrical Facilities Easement	None following survey	(1)DWR's proposed use will not impair or interfere with use or function of electric 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

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					<p>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 8 - 9	Sacramento and San Joaquin Drainage District	Yes	Easement for flood	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 proposed use satisfies CCP 1240.510.</p>

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					<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 10	Sacramento County	No (Affects the entire parcel)	Agricultural preserve	None following survey	<p>(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 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>

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					<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 11	Unknown	No (Affects entire parcel)	C&R Imposed by Land Conservation Contract	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</p>

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					<p>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 12	General Telephone Company of California	Yes	Easement for communication facility	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 facility 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</p>

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Part II 13	Petroleum Properties Corporation	No (Affects entire parcel)	Oil & gas lease	None	No apparent public use implicated ¹ . No finding required
Part II 14	Aspen Exploration Corporation	No (Affects entire parcel)	Oil & gas lease	None	No apparent public use implicated ¹ . No finding required
Part II 15	Jerome J. Lohr, Ronald B. Rankin, and E. & J. Gallo Winery	No (Affects APN No. 132-0210-032-0000 only)	Grape purchasing contract	None	The boundaries of this contract are not the boundaries of this parcel. No finding required
Part II 16	Archer Exploration, Inc.	No (Affects entire parcel)	Oil & gas lease	None	No apparent public use implicated ¹ . No finding required
Part II 17	Longbow, LLC	No (Unable to	Pipeline right of way	None following survey	(1) DWR's proposed use will not impair or interfere with the

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		determine location without survey)			<p>pipeline easement. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm the location of the pipeline. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing easement, 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 18	Delta Gas Gathering, Inc.	Yes	Pipeline right of way	None following survey	<p>(1) DWR's proposed use will not impair or interfere with the pipeline easement. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm the location of the pipeline. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing easement, 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</p>

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					1240.610.
Part II 19	Delta Gas Gathering, Inc.	Yes	Pipeline Easement	None	<p>(1) DWR's proposed use will not impair or interfere with the pipeline easement. Condemned areas will be thoroughly surveyed once DWR has permission to enter properties to confirm the location of the pipeline. If these surveys indicate that DWR's proposed activities would impair or interfere with the existing easement, 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.

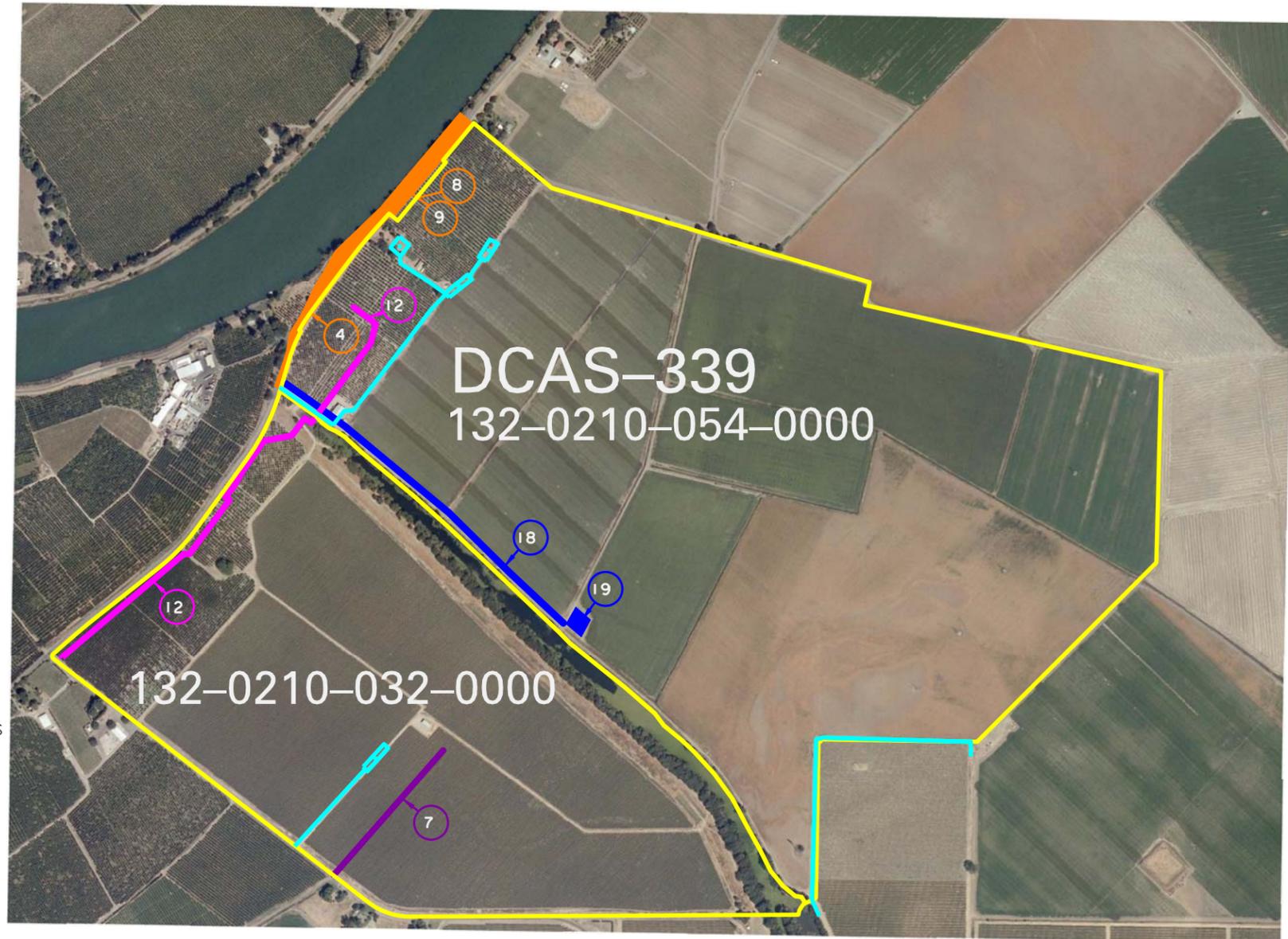
DATED FEBRUARY 15, 2012

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