

CALIFORNIA WATER COMMISSION

715 P STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 902-7328



Teresa Alvarado
Chair

February 18, 2022

Matthew Swanson
Vice-Chair

Samantha Arthur
Member

Daniel Curtin
Member

**Kimberly
Gallagher**
Member

Alexandre Makler
Member

Jose Solorio
Member

Fern Steiner
Member

Mr. Kyriakos Tsakopoulos
Angelo K. Tsakopoulos Holdings LP, et al.
7919 Folsom Boulevard, Suite 300
Sacramento, CA 95826

Subject: Informational Hearing
Parcel No. YBSH-144, APN 014-600-076
Parcel No. YBSH-164, APN 014-600-012
Parcel No. YBSH-165, APN 008-010-034

Dear Mr. Tsakopoulos:

This letter serves as notice that the Department of Water Resources (DWR) has sent a notice to the California Water Commission (Commission) that DWR intends to request a Resolution of Necessity at a future meeting. Pursuant to the Commission's Procedures for Resolutions of Necessity and Eminent Domain, the Commission will hold an informational briefing at its March 16, 2022, Commission Meeting. No action will be taken by the Commission at this meeting on this matter.

You are being notified as the owner of this property, or holder of an interest therein, whose name and address appears on the last equalized county assessment roll, pursuant to the California Code of Civil Procedure (CCP) Section 1245.235. You and/or your representative are invited to attend the Commission meeting and comment to the Commission on this matter. Comments will be limited to three (3) minutes, consistent with the Commission's standard practices. The Commission will also consider any written comments you may wish to submit prior to the meeting, pursuant to this Notice. Please submit any written comments at least 3 three business days prior to the Meeting, to allow sufficient time to circulate to the Commissioners for their review.

Please send any written comments to:

Holly Geneva Stout, Esq.
California Water Commission
P.O. Box 942836
Sacramento, CA 94236-0001
Email: cwc@water.ca.gov

The CCP provides procedures for public agencies to acquire private property for public use. It requires that every agency, which intends to condemn property, notify the owners of its intention to condemn.

Section 1240.030 of the CCP provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are established:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and
3. This property is necessary for the project.

Section 1245.230 of the CCP further requires that the offer required by Government Code Section 7267.2 has been made to the owner of record. The written offer was sent to the address listed above that appears on the County's records on December 23, 2021. DWR will be presenting on the above listed conditions. The Commission Meeting is scheduled to take place as follows:

California Water Commission – March 16, 2022, Commission Meeting

Date: Wednesday, March 16, 2022
Time: 9:30 am
Location: Online

The meeting agenda will be published ten (10) days in advance of the meeting on the Commission's website, www.cwc.ca.gov, and will contain the necessary information related to participation.

A description of the required property that is the subject of this informational briefing is attached to this Notice. Also attached is a copy of the Commission's Procedures for Resolutions of Necessity and Eminent Domain, as of February 20, 2013.

DWR proposes to acquire easements over the entirety of Yolo County Assessor's Parcel Nos. 014-600-076 (Parcel No. YBSH-144), 014-600-012 (Parcel No. YBSH-164), and 008-010-034 (Parcel No. YBSH-165) through the exercise of the power of eminent domain for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project.

The property rights to be acquired are:

DWR Parcel No. YBSH-144	Easement:	94.31± acres
DWR Parcel No. YBSH-164	Easement:	41.48± acres

DWR Parcel No. YBSH-165 Easement: 40.32± acres

If DWR determines it is necessary to proceed with requesting a Resolution of Necessity, a separate notice will be sent to the address listed above at least 21 days prior to the hearing.

If you have any questions regarding this eminent domain proceeding, please contact Nathan Myhre, Associate Right of Way Agent, Acquisition and Appraisal Section, Division of Engineering, DWR, at (916) 902-7547, or Nathan.Myhre@water.ca.gov. If you have questions regarding the Commission meeting or its logistics, please contact Holly Stout, Attorney, California Water Commission, at (916) 902-7098, or holly.stout@water.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Yun", with a horizontal line extending to the right.

Joe Yun
Executive Officer, California Water Commission

Attachments: Property Description
CWC Procedures for Resolutions of Necessity and Eminent Domain

EXHIBIT "A"

YBSH-144

All that real property situated in a portion of Section 31, Township 9 North, Range 4 East, MDM, in the unincorporated area of the County of Yolo, State of California, described as follows:

All of that parcel of land described as Parcel 2 per that Grand Deed 2021-0005398, recorded February 10, 2021 in Official Records of said County.

As shown on EXHIBIT "B" attached hereto.

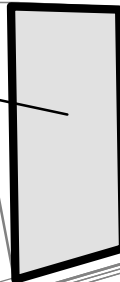
Containing 94.31 acres, more or less.

KRISTOPHER KLIMA, PLS

YBSH-144
FLOWAGE EASEMENT
ANGELO K TSAKOPOULOS HOLDINGS LP (47%)
LOUIS VISMARA (53%)

DRAFT

014-600-076
PARCEL 2 OF DEED:
2021-0005398
94 AC. +/-



Note: Information shown on this map is compiled from numerous sources and may not be complete or accurate. This includes Assessor parcel lines and numbers provided by Yolo county. DWR makes no claims, representations, or warranties (express or implied) concerning the validity, reliability, or accuracy of the GIS data contained herein. All areas shown are approximations based on GIS calculations. Each user is responsible for determining its suitability for his or her intended use or purpose. This exhibit does not represent a survey and is for informational purposes only.

PORTION OF SECTION 31,
T.9 N, R.4 E., M.D.M.,
COUNTY OF YOLO

YOLO BYPASS SALMONID HABITAT AND FISH RESTORATION PROGRAM
BIG NOTCH PROJECT - PHASE 3 PARCELS
FLOWAGE EASEMENT EXHIBIT "B"

This exhibit does not represent a survey and is for informational purposes only.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING - GEOMATICS BRANCH

12/23/2021

EXHIBIT "A"

YBSH-164

All that real property situated in a portion of Section 31, Township 9 North, Range 4 East, MDM, in the unincorporated area of the County of Yolo, State of California, described as follows:

All of that parcel of land described as Parcel 1 per that Grant Deed 2021-0005398, recorded February 10, 2021 in Official Records of said County.

Containing 41.48 acres, more or less.

KRISTOPHER KLIMA, PLS

YBSH-164
FLOWAGE EASEMENT
ANGELO K TSAKOPOULOS HOLDINGS LP (47%)
LOUIS VISMARA (53%)

DRAFT

014-600-012
PARCEL 1 OF DEED:
2021-0005398
41 AC. +/-

Note: Information shown on this map is compiled from numerous sources and may not be complete or accurate. This includes Assessor parcel lines and numbers provided by Yolo county. DWR makes no claims, representations, or warranties (express or implied) concerning the validity, reliability, or accuracy of the GIS data contained herein. All areas shown are approximations based on GIS calculations. Each user is responsible for determining its suitability for his or her intended use or purpose. This exhibit does not represent a survey and is for informational purposes only.

YOLO BYPASS SALMONID HABITAT AND FISH RESTORATION PROGRAM
BIG NOTCH PROJECT - PHASE 3 PARCELS
FLOWAGE EASEMENT EXHIBIT "B"

This exhibit does not represent a survey and is for informational purposes only.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING - GEOMATICS BRANCH

10/04/2021

EXHIBIT "A"

YBSH-165

All that real property situated in a portion of Section 31, Township 9 North, Range 4 East, MDM, in the city of West Sacramento, County of Yolo, State of California, described as follows:

All that parcel of land described as Parcel 3 per that Grant Deed 2021-0005398, recorded February 10, 2021 in Official Records of said County.

Containing 40.32 acres, more or less.

KRISTOPHER KLIMA, PLS

YBSH-165
FLOWAGE EASEMENT
ANGELO K TSAKOPOULOS HOLDINGS LP (47%)
LOUIS VISMARA (53%)

DRAFT

008-010-034
PARCEL 3 OF DEED:
2021-0005398
40 AC. +/-

SOUTHERN PACIFIC RAILROAD

TULE CANAL

SACRAMENTO RIVER



NO SCALE

PORTION OF SECTION 31,
T.9 N, R.4 E., M.D.M.,
COUNTY OF YOLO

Note: Information shown on this map is compiled from numerous sources and may not be complete or accurate. This includes Assessor parcel lines and numbers provided by Yolo county. DWR makes no claims, representations, or warranties (express or implied) concerning the validity, reliability, or accuracy of the GIS data contained herein. All areas shown are approximations based on GIS calculations. Each user is responsible for determining its suitability for his or her intended use or purpose. This exhibit does not represent a survey and is for informational purposes only.

10/04/2021

YOLO BYPASS SALMONID HABITAT AND FISH RESTORATION PROGRAM
BIG NOTCH PROJECT - PHASE 3 PARCELS

STATE OF CALIFORNIA
THE RESOURCES AGENCY

FLOWAGE EASEMENT EXHIBIT "B"

DEPARTMENT OF WATER RESOURCES

This exhibit does not represent a survey and is for informational purposes only.

DIVISION OF ENGINEERING - GEOMATICS BRANCH



Meeting Agenda

Meeting of the California Water Commission
Wednesday, March 16, 2022
Beginning at 9:30 a.m.

As a result of the COVID-19 emergency and pursuant to Government Code 11133 and Executive Order N-1-22, the March 16, 2022 California Water Commission meeting will not have a physical location. This will be a remote-only meeting, conducted via a web-based videoconferencing service called Zoom. The Commission remains committed to transparency. Members of the public will be able to listen to and watch the meeting and comment if desired.

Registration is not required to provide public comments. Members of the public who wish to comment during the meeting can do so by joining on [Zoom](https://us02web.zoom.us/j/87577308241?pwd=a1VDRUdtcnBPTFNNMkhsdS9rYkd2Zz09) (<https://us02web.zoom.us/j/87577308241?pwd=a1VDRUdtcnBPTFNNMkhsdS9rYkd2Zz09>). More detailed instructions on how to use Zoom and participate in the meeting can be found on the [Commission website](#).

Alternatively, members of the public can offer verbal comments by telephone by calling one of the numbers below:

(408) 638-0968
(669) 900-6833
Meeting ID: 875 7730 8241
Passcode: 741932

The meeting will be webcast live at: <https://www.water-ca.com/>. Individuals who only want to watch or listen should use this option as it preserves interactive meeting resources for those who are commenting on items.

1. Call to Order

2. Roll Call

3. Closed Session

The Commission may hold a closed session, as authorized by Government Code §11126(e), to confer with and receive advice from its legal counsel regarding potential litigation, and as authorized by Government Code §11126(a).

4. Approval of February 16, 2022 Meeting Minutes

5. Executive Officer's Report

The Executive Officer will report on various matters addressed since the previous Commission meeting.

6. Commission Member Reports

This is an opportunity for members to disclose any meetings or conversations related to Commission business since the previous Commission meeting.

7. Public Testimony

Although no formal Commission action will be taken, the Commission offers an opportunity for the public to address the Commission on items of interest that are within the Commission's jurisdiction, but that do not appear on the agenda.

8. Consideration of Evidence in Support of Resolutions of Necessity for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project)

On February 10, 2022, the Department of Water Resources (DWR) notified the Commission of its intent to seek Resolutions of Necessity (RON) for the Big Notch Project in furtherance of a potential eminent domain action against the properties listed below. DWR cannot commence an eminent domain proceeding unless the Commission first adopts a RON (Code of Civil Procedure §§1245.210, 1245.220). DWR will present a report, required by the Commission's Procedures for Resolutions of Necessity and Eminent Domain, (adopted August 17, 2011, revised February 20, 2013) ("adopted procedures") containing information required by Code of Civil Procedure §§1245.230, 1240.510, and 1240.610. Possible direction to staff may include requests for additional information or arranging a site visit, with a landowner's consent, consistent with the adopted procedures. No action will be taken to adopt any RONs at this meeting.

8A. Yolo Basin Farms Inc.; Assessor's Parcel Number (APN) 033-220-046

8B. Daniel G. Engstrom, et al.; APNs 042-270-007 and 042-260-019

8C. Filemon D. Ong; APN 008-010-017

8D. Glide in Ranch; APNs 033-180-001, 033-180-002, 033-180-008, 033-180-020, 033-180-023, 033-180-025, and 033-180-026

8E. FarmTogether Stanley, LLC; APN 057-170-010 (portion)

8F. ML Farms Inc.; APN 042-260-021

8G. AJK Farms, LLC; APN 057-160-010 (portion)

8H. Dalhar Farms, LLC; APN 057-160-009 (portion)

8I. Angelo K. Tsakopoulos Holdings LP, et al.; APNs 014-600-076, 014-600-012, and 008-010-034

8J. Yolo Shortline Railroad Company; APN 057-170-099 (portion)

8K. Arapaho Investment Company, LLC; APN 057-170-004 (portion)

8L. Wooden Decoy, LLC; APN 042-340-002

8M. Patrick Realty Corp.; APN 008-010-013

9. Water Storage Investment Program: Consideration of Use of Remaining Funds for Existing Projects' MCEDs (Action Item)

The Commission set aside \$63.9M in funding for a possible second solicitation in the Water Storage Investment Program (WSIP) in January 2021. The Commission chose not to proceed with a second solicitation at its February 2022 meeting and directed staff to prepare information about how the Commission could divide the \$63.9 million among the seven existing WSIP projects' Maximum Conditional Eligibility Determination (MCED) amounts. Commission staff will present options for the remaining \$63.9 million for Commission discussion and consideration. The Commission will decide whether to move forward with augmenting existing WSIP projects' MCEDs.

10. Six-Year Drought: Workplan (Action Item)

Commission staff has developed a proposed workplan to carry out Water Resilience Portfolio Action 26.3: "Develop strategies to protect communities and fish and wildlife in the event of drought lasting at least six years" in response to the December 14, 2021 letter from California's Secretaries for Natural Resources, Environmental Protection, and Food and Agriculture. Staff will present the proposed workplan for Commission discussion and approval.

11. Consideration of Items for Next California Water Commission Meeting

12. Adjourn

The Commission may break for lunch as needed.

At the discretion of the California Water Commission, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action.

Further information regarding this meeting will be available at <https://cwc.ca.gov/>.

- Members of the public shall be provided an opportunity to address the California Water Commission on any agenda item except closed session items. Comments during the public comment period shall be limited to matters within the Commission's jurisdiction. Reasonable time limits may be established for public comments (Government Code Section 11125.7), and the Commission has established a three-minute limit per comment.
- Agenda items may be heard in any order at the discretion of the Commission.
- **Written comments regarding specific items on this agenda will be provided to the Commissioners as part of their meeting packets if they are received by 5:00 p.m. on Monday, March 14, 2022.** Written comments can be submitted to cwc@water.ca.gov. Staff

will make every effort to provide comments received after this deadline electronically, but we cannot make any guarantees.

- Copies of meeting materials are available on the [Commission website](#). Anyone may request hard copies of these materials; however, the Commission may charge a fee covering the cost of providing such materials.
- The Commission intends to provide a webcast of the meeting. However, if technical difficulties interrupt the webcast at times, the full webcast video will be posted at cwc.ca.gov as soon as possible.
- If you require special accommodations, please call (916) 873-5774 or email cwc@water.ca.gov.
- For further information about items on this agenda please contact Brianna Shoemaker, Brianna.Shoemaker@water.ca.gov or (916) 902-6785 .