

**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

Mr. Kennan H. Beard III, President  
Yolo Shortline Railroad Company  
1745 Enterprise Boulevard  
West Sacramento, CA 95691

**Daniel Curtin**  
Member

**Kimberly  
Gallagher**  
Member

Subject: APN 057-170-099<sub>1</sub> DWR Parcel No. YBSH-127 Unit A – Informational  
Hearing

**Alexandre Makler**  
Member

**Jose Solorio**  
Member

Dear Mr. Beard:

**Fern Steiner**  
Member

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](mailto: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](http://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 an easement over a portion of Yolo County Assessor's Parcel No. 057-170-099 (YBSH-127 Unit A) 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-127 Unit A      Easement: 43.26± 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](mailto: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](mailto: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**  
**LEGAL DESCRIPTION**

All that certain real property being a portion of projected Sections 28 and 29 in Township 10 North, Range 3 East, Mount Diablo Base and Meridian, Yolo County, State of California, more particularly described in the Deed to the SACRAMENTO AND WOODLAND RAILROAD COMPANY, recorded June 18, 1913 in Volume 83, Page 143, Deeds of said County, also being a portion of the lands conveyed in the Quitclaim Deed recorded October 2, 1992, in Book 2403, Page 671, Official Records of said County described as follows:

All that land lying westerly of a line being the centerline of the East levee road of the Yolo Bypass as it exists presently and described as follows;

**YBSH 127**

**UNIT A**

BEGINNING at a point in said centerline of East levee road and the North line of the lands described in said Deed from which a found 1-inch iron pin marking the Southwest corner of Section 29 as shown on the Record of Survey for Pur Hiran Farms, filed November 19, 2012, in Book 2012 of Maps, at Page 63 of said County records bears South 87°46'39" West 8,253.53 feet, said point also bears North 74°54'41" West 971.71 feet from a found 2-inch iron pipe as shown on the Record of Survey for Layton D. Knaggs, filed March 16, 1982, in Book 11 of Maps & Surveys, at Page 95 of said County records;

Thence from said POINT OF BEGINNING along said centerline the following four (4) courses:

- 1) South 13°24'37" East 94.15 feet;
- 2) South 52°52'04" East 122.74 feet;
- 3) South 30°47'39" East 40.19 feet to the centerline of the railroad tracks and said levee centerline; and
- 4) South 30°47'39" East 60.27 feet to a point in the South line of lands described in said Deed and the centerline of the said levee road.

Excepting therefrom the land described in the Quitclaim Deed to SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT as **PARCEL 12808-A**, Instrument 034050, recorded November 7, 1994, Official Records of said County.

Containing 43.20 acres, more or less.

Bearings and distances used in the above description are based on the California Coordinate System, CCS83 Epoch 2010.00(2011.00), Zone 2, US Survey feet. The above distances are grid, to convert to ground multiply by 1.00006197.

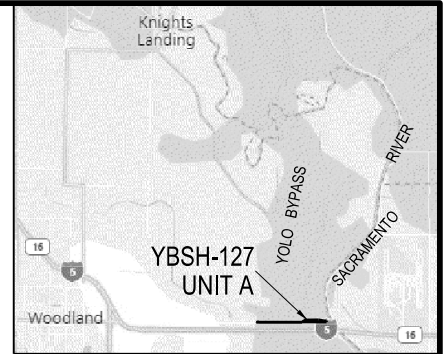
As shown on Exhibit B, attached hereto and by this reference made a part hereof.

End of Description

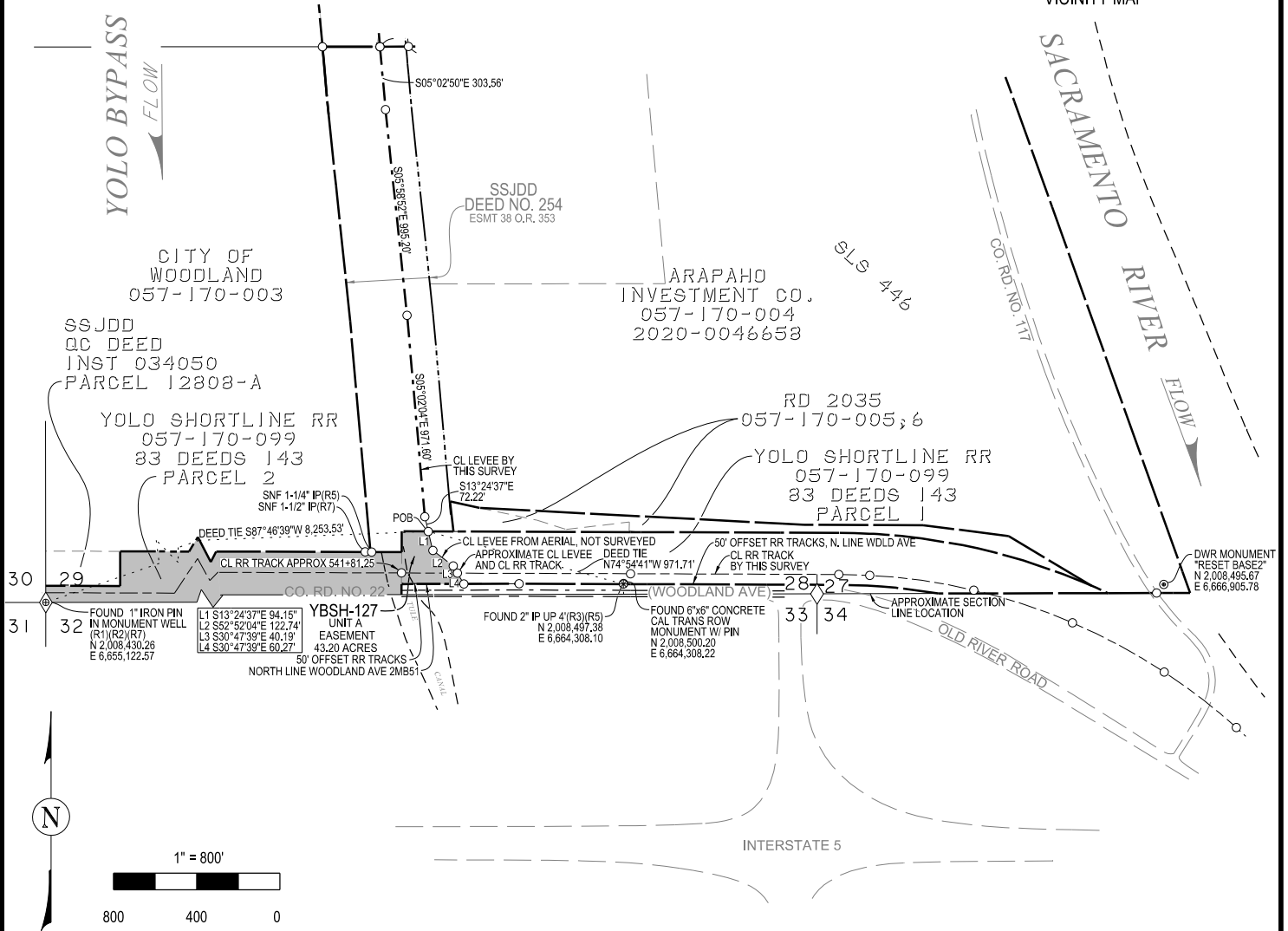


DRAFT

KNAGGS RANCH  
057-170-009



VICINITY MAP



NOTES:

- 1) THIS IS A PRELIMINARY MAP FOR DWR APPRAISAL PURPOSES AND IS SUBJECT TO CHANGE.
- 2) THIS MAP REPRESENTS RECORD INFORMATION AND A LAND SURVEY PERFORMED BY DWR WINTER 2020, REFER TO "GEO20-0030"
- 3) COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM 1983 (CCS83), EPOCH 2010.00 (2011.00), ZONE 2, U.S. SURVEY FT. DISTANCES SHOWN HEREON ARE GRID, TO CONVERT TO GROUND MULTIPLY BY 1.00006197.
- 4) APN INFORMATION HEREIN WAS OBTAINED FROM LANDVISION DIGITAL MAP PRODUCTS.

- REFERENCES:
- (R1) 2012 ROS 52
  - (R2) 2012 ROS 63
  - (R3) 11 M&S 95
  - (R4) 1095 OR 654
  - (R5) 12 M&S 62
  - (R6) 12 M&S 82
  - (R7) 2008-0026694

PORTIONS OF SLS 446  
AND ALSO BEING A  
PORTION OF PROJECTED  
SECTIONS 28 & 29 - T. 10 N., R. 3 E.,  
M.D.B.M., YOLO COUNTY  
CALIFORNIA

DRAWN 11MAY2021 CN

**EXHIBIT B**

YOLO BYPASS SALMONID HABITAT  
RESTORATION AND FISH PASSAGE PROGRAM  
YOLO COUNTY  
YBSH-127 UNIT A EASEMENT-YOLO SHORTLINE RR

STATE OF CALIFORNIA  
THE NATURAL RESOURCES AGENCY

DEPARTMENT OF WATER RESOURCES  
DIVISION OF ENGINEERING - GEODETIC 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](mailto: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](http://cwc.ca.gov) as soon as possible.
- If you require special accommodations, please call (916) 873-5774 or email [cwc@water.ca.gov](mailto:cwc@water.ca.gov).
- For further information about items on this agenda please contact Brianna Shoemaker, [Brianna.Shoemaker@water.ca.gov](mailto:Brianna.Shoemaker@water.ca.gov) or (916) 902-6785 .