

① - S. SIMS
C.W.C.

Clifton Court, L.P.
Sheldon G. & Nancy D. Moore
[REDACTED]
Lincoln, CA 95648

March 17, 2012

Susan Sims
Executive Officer
California Water Commission
1416 Ninth Street
P.O. Box 942836
Sacramento, CA 95746

Dear Ms. Sims,

As per your request, we are sending written comments to you for the March 21, 2012 California Water Commission meeting. We have many concerns that we wish to discuss. Our first concern is that there has been no response to our letters. We wrote a letter on January 9, 2012 stating many of our concerns and asking that the January hearing be delayed. At the January 18, 2012 meeting, Mr. Allan Davis stated that the owner had not identified any specific concerns. When our daughter, Suzanne Womack, sent the Commission and DWR certified letters on January 25, 2012 with our letter of January 9th attached, we finally received a reply from the Commission stating that the DWR staff would be in contact. Finally on March 17, 2012 we received a letter. How can we make any decisions without timely answers to our questions? The only other letter we have received is a demand that the owner of record tell Tom O'Neil that our daughter/partner, Suzanne Womack, is an official representative. Of course she is. She is part of the next generation who intend to carry on with our property.

What is the project?

First of all we have never been told what the project is and why there is a necessity to drill again. According to the February 20, 2012 Sacramento Bee front page article, our property is going to be a new 900 acre forebay. How can the newspaper know what is planned and when you have not informed the landowners?

Drilling Location

The State has given us no reason why they need to drill in that specific spot. In fact since there is not a scale on the map, we really have no idea where the drilling will take place. We only know that it will be in the middle of a field. We don't know why the temporary road makes a button hook, or how the road crosses over our permanent concrete ditches. We don't know why you can't drill at the edge of the field We do know from our experience of farming around the electricity tower obstructions already in our field, that it costs about \$2,000 per year, per obstruction to farm around obstructions.

Vernal Pools

At the January 18, 2012 meeting, our daughter asked why DWR didn't drill on State land less than 100 feet away. She was told that there were vernal pools there. When we moved to Clifton Court in 1961, there were no vernal pools on any of the properties. Our daughter helped save the vernal pools at Mather Field as part of her class's winning entry to the Disney Environmental Challenge. As your geologists know, true vernal pools are formed over millions of years. We believe the State should drill on their property to cause the least private injury.

Permanent Non-exclusive Easement

Although you are offering other owners temporary easement options, DWR is only offering us a permanent non-exclusive easement. We believe a permanent non-exclusive easement will put a further cloud on the title of our property.

State already drilled on our property this past summer without permission.

This past summer, the DWR drilled on another section of our property. At the January 18, 2012 meeting, DWR claimed that they did not know that the property was ours. Seriously! Has the State never heard of the County Recorder? No compensation has been offered for this blunder.

State's offer to acquire the property...

The State's offer of \$600 is ridiculous. We have already spent much more than that just in the time it has taken to read all the paperwork we have been bombarded with. Just as you don't work for free, neither do we. You place an undue burden on the individual in this adverse condemnation. We have done nothing wrong. Our only crime is to own property that the State covets. Criminals are treated better than we are. We request the State supply us with counsel of our choice to deal with this unprovoked harassment.

State should pay for past damages.

We are tired of paying for the State boondoggles. Every time the State is involved with our land we end up having to pay. We've spent over \$1.2 million dollars re-rocking our levees that have been damaged by all the pumping. Just recently we gave our new tenant \$30,000 to control the squirrels on the State property that have over run our property. The State doesn't patrol the Forebay as it once did, nor does it maintain the gates and fences, thus creating an attractive nuisance that attracts as many as 15 fishermen per day. They vandalize pumps and leave trash everywhere. Despite numerous letters and phone calls over the years, nothing has ever been done. We are told that the State doesn't have the money to do anything.

Finally, why is the State wasting its precious money moving ahead with this project that is fiscally and environmentally unsound. The California Water Project was originally only supposed to take water from the North during the rainy season. As we live next to the gates, we know that they are never open during the rainy season. The California Water Project has already caused enormous problems to the Delta. If the flow to Los Angeles is increased, surely the damage will increase. We ask that the Commission use its considerable power to stop wasting taxpayer money.

Sincerely,

 + 
Sheldon & Nancy Moore

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



March 16, 2012

Mr. Sheldon G. Moore
Clifton Court, L.P.
[Redacted]
Lincoln, California 95648

DWR No.: DCAP-533
County: Contra Costa
APN: 001-081-020

Ms. Suzanne Womack
[Redacted]
Sacramento, California 95818

We wrote 2 separate letters. Why didn't DWR write 2 replies?

SUBJECT: Response to Property Owner Concerns

The Department of Water Resources (DWR) is in receipt of Mr. Moore's letter dated January 9, 2012 (see enclosed Exhibit A) and Ms. Womack's letter dated January 24, 2012 (see enclosed Exhibit B). This will serve to address the concerns raised in each of the letters. *Very confusing!*

DWR's goal has always been to successfully negotiate an agreement with the owners of record for the property rights necessary for the Bay Delta Conservation Plan (BDCP), a highly sensitive and very challenging water program that benefits California's constituents.

No Negotiation

It is also DWR's responsibility to protect each property owner's privacy by ensuring that DWR negotiates only with the owners of record. In order to verify ownership, DWR obtained a title report for the above-referenced parcel that identifies the ownership as follows:

*1 Phone call
Mid December*

- Clifton Court, L.P., a California limited partnership, as to an undivided 75% interest;
- Alba C. Moore, Trustee of The Alba C. Moore survivor's Trust UTA dated February 21, 2007, as to 7.5833% of a 25% interest; and
- Alba C. Moore, Trustee of The Moore Exemption Trust UTA dated February 21, 2007, as to 17.4167% of a 25% interest.

We always pay land tax. Always received bill

I have enclosed page two (2) from the above-referenced title report that details the ownership (see enclosed Exhibit C). At this time, DWR has found no vesting documents for this parcel that conflict with the title company's conclusion.

It took until 29th December to receive a

load of letters from Tom O'Neil.

Regarding the limited partnership, the California Secretary of State website lists Linda M. Matson, [redacted] Stockton, California 95207, as the "Agent for Service of Process" for Clifton Court L.P. In addition, DWR viewed the Certificate of Limited Partnership filed by Sheldon and Nancy Moore upon forming the limited partnership in 2009. The Moores designated Ms. Matson as the Agent for the limited partnership and listed themselves -- Sheldon and Nancy Moore -- as the general partners of the limited partnership. There are no other general partners listed in the business entity filing.

The 2010 Schedule K-1 IRS tax document enclosed in Ms. Womack's letter lists her as a limited partner of Clifton Court, L.P. The California Corporations Code defines a general partner as an agent in the ordinary course of business who may bind the limited partnership, whereas a limited partner is defined as a partner who does not have the right or the power to act for or bind the limited partnership.

Given the title report, the limited partnership filings with the California Secretary of State, the Corporations Code, and Ms. Womack's tax document, DWR is left to conclude that Ms. Womack receives income from the limited partnership, but has no authority to act on behalf of Clifton Court L.P. If any other documentation exists that identifies Ms. Womack as general partner, DWR will work with the title company to correct this issue. This solution has been offered in previous correspondence to Mr. Moore. Further, if the Moores wish to provide written authorization designating Ms. Womack or others as their representative(s) for this matter, DWR will certainly honor that designation.

Sheldon & Nancy Moore were out of the country. Since DWR refused to push back hearings, Suzanne Womack forced to attend.

The remainder of this letter addresses additional concerns expressed in both of the letters. For reference and organizational purposes, DWR has used the headings from Ms. Womack's letter (Exhibit B).

"Copy of 2009 drilling report." The 2009 drilling referenced by Ms. Womack was not performed on the subject parcel (i.e. Contra Costa APN 011-081-020) that is currently before the California Water Commission (Commission). DWR has not conducted geotechnical explorations on the above-referenced parcel in support of the BDCP. Rather, DWR conducted geotechnical explorations in 2009 on another parcel owned by Clifton Court, L.P. (previously owned by Sheldon and Nancy Moore) which was allowed under a Contra Costa County Superior Court order dated May 6, 2009 and signed by the Honorable David B. Flinn, Judge of the Superior Court and was in support of the Bay Delta Conservation Plan. Information collected by DWR in the performance of geotechnical explorations can be obtained by the owner of record (Clifton Court, L.P.) Upon request from Clifton Court, L.P. DWR will provide the raw geotechnical data collected from the property.

parcels = 4'x4' We have 630 acres Told by EWC to request from DWR.

"Cloud on Title." The owners of record received a letter dated October 13, 2011 providing an explanation that addresses this concern. DWR has enclosed the letter with the relevant portions highlighted for your convenience (Exhibit D).

No negotiation offered.
Requested meeting in 1/9/12 letter.

"Other Concerns." The materials submitted to the Commission for the Wednesday, January 18, 2012 meeting were submitted by DWR on Wednesday, January 11, 2012, one week prior to the meeting as required by the Commission to allow ample time for preparation. Mr. Moore's letter dated January 9, 2012 was received and date-stamped by DWR on Wednesday, January 11, 2012. By the time DWR received Mr. Moore's letter, DWR's materials had already been submitted to the Commission. Therefore, the information provided in the staff report was true and correct at the time the report was submitted to the Commission. Thank you for bringing this to DWR's attention so we can ensure that all current information is presented before the Commission next week.

← DWR
IGNORE!
REQUES
TO PUSH
BACK
Hearing
✓

"Drill on Adjacent Property." DWR has conducted geotechnical explorations on the adjoining state property. As further geotechnical data is necessary, DWR is seeking entry onto the subject property to gather data that is needed to complete an Environmental Impact Report and Environmental Impact Statement for the BDCP. More specifically, the proposed geotechnical studies are necessary because the subject property lies within the footprint of the proposed Byron Tract Forebay. The geologic data collected will help to identify the vertical profiles along the perimeter of the Byron Tract Forebay embankment, will help evaluate the needs to safely support the Forebay embankment, will help address the necessary measures and methods needed to insure that the proposed Byron Tract Forebay meets the safety requirements in accordance with Division of Safety of Dams criteria, and will help identify potential impacts due to requirements of soft ground foundation improvements. Additionally, DWR will be transmitting a letter informing owners of the testing to be conducted by DWR in the performance of geotechnical explorations.

Best
GUESS
No
Scale
on
map
✓ to pinpoint
drilling location

Told CWC
at 1/18
hearing
that couldn't
drill on
State
Land
because
it was
Vernal
pool

"Lack of Sufficient Funding." DWR takes maintenance of its existing facilities seriously and we appreciate your feedback regarding this issue. The Delta Field Division (DFD) is responsible for the daily activities that occur at Clifton Court Forebay. DFD has advised that they have a security guard periodically patrolling Clifton Court Forebay. If people are fishing inside the fenced area at the intake gates, the security guard informs them that they are not to be inside the fenced area and instructs them to leave.

Like
proof of
Patrol
times
in bait
schedule

DFD also conducts a rodent management program at both the Skinner Fish Facility and Clifton Court Forebay area. This program is conducted annually in accordance with the recommendations of DWR's Pesticide Control Advisor, Division of Environmental Services, and the Division of Safety of Dams.

DFD
→ Just told
our tenant
that state can't bait
squirrels

"Lack of Confidence." The drilling referenced in the letters was performed on State and Federal property and is not illegal. Regarding Mr. Moore's contention that DWR is responsible for damages to his property, DWR takes such allegations very seriously and encourages the ownership to file a claim with the State Victim Compensation and Government Claims Board. A claim can be filed for any loss or expense that has been suffered as a result of DWR activities. For convenience, a claim form is enclosed (Exhibit E).

↳ We own
15' between
Herdlyn Rd.
& Delta Mendota
Canal

Mr. Sheldon G. Moore; Ms. Suzanne Womack
March 16, 2012
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Unfortunately, the remaining issues expressed in Mr. Moore's letter are outside the scope of DWR's request to acquire an easement to conduct geotechnical studies in support of the BDCP.

Finally, if it is the landowners' desire that DWR include others in future mailings, please provide DWR with updated vesting documentation that will supplement the current title report, or as an alternative, feel free to designate a representative to represent the ownership in this matter.

If there are any other questions or concerns, please contact Thomas O'Neil at (916) 653-7654, toll free at (866) 688-3227, or at toneil@water.ca.gov. Again, DWR remains committed to negotiating a resolution to this matter.

Sincerely,

ORIGINAL SIGNED BY

Allan Davis
Supervising Land Agent

Enclosures

cc: Alba C. Moore, Trustee, Alba C. Moore Survivors Trust and Moore Exemption Trust, [REDACTED] Granite Bay, California 94746

→ DWR has made no attempt to set up meeting