

5 SIMS

Suzanne Womack  
[REDACTED]  
Sacramento, CA 95818

January 25, 2012

Allan Davis, Supervising Land Agent  
Department of Water Resources  
Division of Engineering, Real Estate Branch  
1416 Ninth Street, Room 425  
Sacramento, CA 95814

Dear Mr. Davis,

Today I received a letter dated 1/24/12 from your Policy Analyst, Rachel Ballanti. She informs me that I am not on the title of the Clifton Court property and that I should have the owner of record contact Tom O'Neil. I am very concerned by DWR's attempts to bully me. My father, Sheldon Moore, wrote Tom O'Neil on 1/9/12. In addition to strenuously objecting to any drilling on our property, he asked that the hearing be delayed until all six owners of Clifton Court, LP were properly notified. I am enclosing a copy of my father's letter as well as my K-1 from my 2010 Federal Tax Return that shows the income I received as a partner of Clifton Court, LP.

Copy of 2009 drilling report

As per the California Water Commission's recommendation, I request that a copy of all information reported as a result of the 2009 drilling be sent to all partners of Clifton Court, LP. According to the Engineering Geologist, Mark Pagenkopp, the State drilled to 185' in 2009. In addition we would like to know exactly what you will be testing for when you drill and specifically why each test is necessary.

Cloud on Title

On 12/15/11 Tom O'Neil wrote that because landowners were concerned over the permanent easement and the potential "cloud on title", DWR was offering a temporary easement option. However after the 1/18/12 meeting, when I carefully read the material that was presented, I noticed that DWR was calling for a permanent non-exclusive easement. Your 1/24/12 "Notice of Intent to Adopt Resolution of Necessity" also calls for a permanent non-exclusive easement. Why did you change your offer? We do not want a permanent non-exclusive easement.

Owner Concerns

At the 1/18 hearing Mr. Davis, you said that the owner has not identified any specific concerns. That is completely false. The owners have many concerns. In the same letter of 1/9/12 that informed Mr. O'Neil of the six partners, my father also wrote about numerous concerns.

### Drill on Adjacent Property

At the 1/18 hearing, I asked why the drilling wasn't done 200' away on State property. The Engineering Geologist's reply was that there were vernal pools there. The early maps show the area in the Delta as swamp and overflow areas. The vernal pools are on the East side of the San Joaquin Valley. The property adjacent to our property is bare land. Although the State gained ownership through the condemnation in the 60s, I believe the land is privately owned today. There are no vernal pools on this property. Why doesn't the State drill on this property? Why must you drill on the spot you have chosen? We want to know what specifically is planned for this spot?

### Lack of Sufficient Funding

Currently the State does not maintain Clifton Court Forebay. Patrols have been eliminated. Fences surrounding the forebay have been cut in numerous places. Gates are left open. This provides an attractive nuisance for trespassers who want to fish. Two of our pumps have been vandalized on a regular basis by these trespassers. The State continues to not control the squirrel population on its property resulting in tens of thousands of dollars of crop damage to our adjacent farm. Finally all of the nearby pumping erodes our levees. Over the years, we have had to spend over 1.5 million to fix damages directly caused by the State. When we ask that the State maintain their property, we are told that there is no money. Before we consider going forward with any new State proposals, we ask that the State pay for past damages.

### Lack of Confidence

I would like to express my disgust with DWR drilling on our property this summer without consent. When I asked at the 1/18 hearing why DWR drilled on our property without permission, I was told that DWR didn't know it was our land. If DWR can't read a property map correctly, how can they possibly manage to build a complex water system? If DWR can drill illegally, what is the point of these hearings? We seek compensation for DWR's illegal drilling.

I look forward to receiving answers to all my questions. I expect my comments to be a part of your written findings in the "Meeting Notice and Agenda" at the California Water Commission's 2/15/12 hearing.

Sincerely,

  
Suzanne Womack

Cc: Susan Sims

**DEPARTMENT OF WATER RESOURCES****CALIFORNIA WATER COMMISSION**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 651-7501



January 24, 2012

Suzanne Womack  
[REDACTED]

Sacramento, California 95818

Dear Ms. Womack:

Attached is a copy of a letter that was sent out today regarding the Clifton Court property notifying the owner of record that the property will be considered for a Resolution of Necessity at the next California Water Commission meeting on February 15, 2012. This courtesy copy is being provided in response to the request you made at the previous Commission meeting to receive notices regarding this property. We plan to continue sending you copies of notices for this property regarding any Commission proceedings.

However, according to the Department of Water Resources (DWR) Real Estate Branch staff, your name is not listed on the property title nor with the Secretary of State as a contact for this property. We would encourage you to have the owner of record contact Tom O'Neil, DWR Land Agent, at [toneil@water.ca.gov](mailto:toneil@water.ca.gov) or (916) 653-7654 and let him know that you are an official representative for this parcel.

If you have additional questions or concerns, please feel free to contact me at [rballant@water.ca.gov](mailto:rballant@water.ca.gov) or (916) 653-7937.

Sincerely,

*Rachel Ballanti*

Rachel Ballanti  
Policy Analyst

Schedule K-1 (Form 1065)

2010

Final K-1 Amended K-1 OMB No. 1545-0099

Department of the Treasury Internal Revenue Service

For calendar year 2010, or tax year beginning ending

Partner's Share of Income, Deductions, Credits, etc. See separate instructions.

Part I Information About the Partnership

A Partnership's employer identification number
B Partnership's name, address, city, state, and ZIP code
CLIFTON COURT, LP
LINCOLN, CA 95648-8348
C IRS Center where partnership filed return
OGDEN, UT
D Check if this is a publicly traded partnership (PTP)

Part II Information About the Partner

F Partner's identifying number
F Partner's name, address, city, state, and ZIP code
SUZANNE M WOMACK
SACRAMENTO, CA 95818
G General partner or LLC member-manager Limited partner or other LLC member
H Domestic partner Foreign partner
I What type of entity is this partner? INDIVIDUAL
J Partner's share of profit, loss, and capital:
K Partner's share of liabilities at year end:
L Partner's capital account analysis:
M Did the partner contribute property with a built-in gain or loss?

Part III Partner's Share of Current Year Income, Deductions, Credits, and Other Items

Table with 2 columns: Item number and Description. Rows include: 1 Ordinary business income (loss) 0., 2 Net rental real estate income (loss), 3 Other net rental income (loss), 4 Guaranteed payments, 5 Interest income, 6a Ordinary dividends, 6b Qualified dividends, 7 Royalties, 8 Net short-term capital gain (loss), 9a Net long-term capital gain (loss), 9b Collectibles (28%) gain (loss), 9c Unrecaptured sec 1250 gain, 10 Net section 1231 gain (loss), 11 Other income (loss), 12 Section 179 deduction, 13 Other deductions, 14 Self-employment earnings (loss) 0., 15 Credits, 16 Foreign transactions, 17 Alternative min tax (AMT) items, 18 Tax-exempt income and nondeductible expenses, 19 Distributions, 20 Other information.

\*See attached statement for additional information.

For IRS Use Only

Sheldon G. Moore

Lincoln, CA 95648

01/09/2012

Tom O'Neil, Land Agent  
Dept. of Water Resources  
P.O. Box 942836  
1416 Ninth Street, 425  
Sacramento, CA 95814

Dear Mr. O'Neil and others:

Thank you for your letter of December 29, 2011. We are perplexed why you have been unable to reach us by mail. We have had the same mailbox at the Clifton Court ranch since 1963. There have been changes in address by the US Postal Service, but we are the one address on Herdlyn Road. Furthermore we have had many dealings with the Department of Water Resources. In fact in 2009 we received many letters at our Lincoln address regarding testing you performed at the Clifton Court ranch that year. You failed to answer the precise reasons for your request. I believe that an article, "Delta plan, an inside job, needs legislative scrutiny", on page E-2, Sacramento Bee, 01/08/12, by Assembly Person, Alyson L. Huber, explains our problems with your actions.

Are you aware of all the drilling that has taken place here in the past 40 years? In the past six months holes have been drilled on our property. We own property south of Herdlyn Road and north the intake channel for the Delta Mendota Canal. Why didn't the State of California seek permission for that drilling?

It is clear to me that the State is and has been harassing us since 1972. Each threat or action by the State costs us at least \$2000 for each first response. During the years of 1999-2000, after realizing that both the Federal Department of Interior and the California Department of Water Resources had a constant string of requests we were expected to comply with, I suggested that they buy the property. They were given permission to drill and study as they desired. They drilled enough holes to thoroughly mess up our property. A final meeting was scheduled to meet with both Mr. Floyd Summers, US Bureau of Reclamation and Ms. Jane Scott, State of California, on 9/12/01 or 9/13/01. We were called telling us that because of the cowardly attach on the USA, 9/11/2001, both the Federal and State were not interested in our property. They had no funds. An 800 + page report of this joint study, dated August 2001, was sent to us in the fall of 2001. A report such as this had to cost millions of dollars.

Your latest request to drill is perplexing and vague. You could drill requested hole about 200' West of your spot and you would be on State owned property. I know

that our area has been drilled and re-drilled in the past. A complete lack of sensitivity is shown in your requests. We know the mess and disruption of the past requests.

Today we are in a position that we insist that the both the Federal and State agencies correct and rectify mistakes, lack of critical actions and stone walling of the past and go forth in an open and honest manner. Both Federal and State agencies that are adjacent to us are guilty of gross changes in operations that have led to a form of adverse possession for us by increasing our costs. I suggest that we meet and discuss the total lack of action by any State agency to solve the problems of squirrel control, levee rocking and trespassers. We cannot ignore the States' lack of actions any longer. I have just completed a very costly change of operators on this ranch and on November 1, 2011, gave a check in the amount \$30,000, to the tenant as part of squirrel control costs. I estimate these costs to total over \$200,000. We have lost tens of thousands to crop and control costs since 2003. It is sad that the State of California would be such a bully.

We know the main problems in the California Delta today are a result of Federal and State water exports. In our fifty years in the Delta, we have never seen a realistic environmental study on the effect of massive water exports on the area. We deplore the secrets of these actions.

There are a total of six owners of the Clifton Court, LP. We are the General Partners. We ask that you notify each owner of your request to drill on our property. Furthermore, we ask that you delay the California Water Commission meeting on January 18, 2012. We would like to attend this meeting, but we will not be available until after March 15, 2012. Our mail is on hold until the March date.

Sincerely,

Sheldon & Nancy Moore

**DEPARTMENT OF WATER RESOURCES**

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



December 15, 2011

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

DWR No.: DCAP-533  
County: Contra Costa  
APN(s): 011-081-020

Alba C. Moore, Trustee  
Alba C. Moore Survivors Trust dated 2/21/07  
Moore Exemption Trust dated 2/21/07  
[REDACTED]  
Granite Bay, California 95746

SUBJECT: Purchase of Property Rights

In reference to the Department of Water Resources (DWR) recent request to purchase the necessary property rights for conducting geotechnical studies in support of the Bay Delta Conservation Plan, I am enclosing a draft Right of Way Contract for a Temporary Easement as an alternative to the permanent easement DWR is currently seeking. I have also enclosed the sample deed for the Temporary Non-Exclusive Easement for your review.

Landowners have expressed concern over the permanent easement and the potential "cloud on title." Therefore, DWR is offering a temporary easement option. Please let me know if you have any questions or suggested revisions as DWR is committed to working out an agreement that is amenable to both parties.

As indicated by previous correspondence, DWR is on a limited schedule to obtain the necessary property rights in order to begin the geotechnical studies during the May through October 2012 season. I hope you have had adequate time to consider the offer and will be able to provide our office with a firm response very soon. If there are outstanding issues to be resolved, I am available to address these matters. I can be reached at (916) 653-7654, toll free at (866) 688-3227, or at [toneil@water.ca.gov](mailto:toneil@water.ca.gov).

Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom O'Neil".

Tom O'Neil  
Associate Land Agent

Enclosure

Temporary 10' Wide  
 Access Road ( 22,080 sq ft)  
 Temporary Construction  
 Easement (10,000 sq ft)  
 4'x4' Drill Hole Easement

001-081-020  
 DCAP-533

*Drill here*



N.T.S.

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

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

Contra Costa County

DELTA HABITAT CONSERVATION  
 AND CONVEYANCE PROGRAM  
 EXHIBIT A