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8 **BEFORE THE**

9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10 HEARING IN THE MATTER OF CALIFORNIA
11 DEPARTMENT OF WATER RESOURCES
AND UNITED STATES BUREAU OF
12 RECLAMATION REQUEST FOR A CHANGE
IN POINT OF DIVERSION FOR CALIFORNIA
13 WATER FIX

**SUR-REBUTTAL TESTIMONY OF
ALLAN DAVIS**

14
15 I, Allan Davis, do hereby declare:

16 I am a Supervising Right of Way Agent employed by the Department of Water
17 Resources (DWR). My Statement of Qualifications is Exhibit DWR-934.

18 The purpose of my testimony is to provide evidence rebutting claims in the
19 Rebuttal Testimony of Suzanne Womack, which states: "Despite our protests, the SWP
20 engineers built the Clifton Court Forebay without cutoff walls. For nearly fifty years we
21 have suffered from seepage problems along the mile plus banks of the Forebay that now
22 border our farmland to the north. SWP's engineering mistake has cost our farm hundreds
23 of thousands of dollars in lost crop and extra pumping costs." (Exhibit CCLP-30, p. 1.) In
24 her rebuttal testimony, Ms. Womack also states that in 2016/2017 there was seepage on
25 her land from Clifton Court Forebay (CCFB), and she sent a letter to the DWR field
26 division complaining of seepage issues. (Exhibit CCLP-30, p. 2.)

27 The DWR Exhibits listed below and submitted with this testimony apply to
28 properties described as Numbers D-SL-159, D-SL-156, and D-SL-156-A. These

1 properties are now shown on DWR-949, Contra Costa Assessor's Map. I also reference
2 a map already submitted for this hearing, DWR Exhibit-616, which shows DWR's
3 proposal for California Water Fix construction at CCFB and possible acquisition of
4 property at CCLP.

- 5 1. DWR-936, Judgment in Condemnation Stipulation (Parcel No. D-SL-159)
- 6 2. DWR-937, Final Order of Condemnation (Parcel No. D-SL-159)
- 7 3. DWR-946, Judgment in Condemnation Stipulation (Parcel No. D-SL-156)
- 8 4. DWR-947, Final Order of Condemnation (Parcel No. D-SL-156)
- 9 5. DWR-938, Map Clifton Court property, January 30, 1968
- 10 6. DWR-939, RD 802 Resolution Release of Property Damage
- 11 7. DWR-948, Map Clifton Court property, June 8, 2017
- 12 8. DWR-949, Contra Costa County Assessor's Map, 1999
- 13 9. DWR-950, Director's Deed (Parcel No. D-SL-156-A), March 16, 1971

14 These are true and correct copies of these documents, and I can explain their contents.

15 The Judgments and Final Orders describe DWR's acquisition of property rights to Parcel
16 Nos. D-SL-156, D-SL-156-A, and D-SL-159 and settlement of other issues, including
17 seepage concerns, when Clifton Court Forebay (CCFB) was constructed in 1968.

18 These documents show that Mr. Moore agreed to a settlement regarding Parcel
19 No. D-SL-159 in 1970, including receipt of funds, that released the State from liability, and
20 specifically the release of liability for "all damages to the remaining property resulting, or
21 to result, from seepage of water from the said public improvement," which is CCFB. (See
22 Exhibit DWR-936, at 7:12-27.)


23 I am familiar with the Clifton Court LP property, also known as the Remainder
24 (CCLP Property), based on my work in the Delta. In addition, based on my overall
25 technical expertise in the right of way/real estate field, I have the knowledge and
26 expertise to explain that the State's intent with the aforementioned documents was to
27 make the owner whole for any expenses that might be incurred in restoring the utility of
28 the remaining property that is now CCLP, which included but was not limited to any

1 damages for seepage.

2 In her rebuttal testimony, Ms. Womack also states: "[n]either the SWP or CVP
3 offered to rock our dirt sloped levees when they initially rocked their own levees." (Exhibit
4 CCLP-30, p. 4.) Exhibit DWR-939, the RD 802 Resolution, which was signed by Sheldon
5 Moore, accepted compensation for damage to levees and levee roads from the
6 construction of CCFB in 1968-1970. This release, coupled with the Judgment referred to
7 in the Resolution, indicates that the Danielson's and Moore's were given compensation
8 for "claims for levee and levee road damage," which contradicts Ms. Womack's statement
9 on page 4 of her rebuttal testimony and quoted above. In 1970, DWR paid for the claims
10 of damage to the subject property, which appears to be the same timeframe Ms. Womack
11 referred to in her testimony "when they initially rocked their own levees."

12 Based upon DWR's right-of-way practices, my interpretation of these documents is
13 that they demonstrate the goal of DWR and the landowners, one of which is Ms.
14 Womack's father, Sheldon Moore, to memorialize their concurrence with addressing and
15 satisfying all outstanding issues related to the acquisition of property rights as well as
16 liability, and specifically the release of liability of the State for all damages to the
17 remaining property, including but not limited to damages resulting, or to result, from
18 seepage of water from the said public improvement and to costs of damage to levees and
19 levee roads due to the construction of CCFB.

20 Executed on June 9, 2017 in Sacramento, California.

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23 _____
24 Allan Davis
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