

1 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
2 Scott S. Slater, Bar No. 117317  
3 [sslater@bhfs.com](mailto:sslater@bhfs.com)  
4 Christopher R. Guillen, Bar No. 299132  
5 [cguillen@bhfs.com](mailto:cguillen@bhfs.com)  
6 Laura K. Yraceburu, Bar No. 333085  
7 [lyraceburu@bhfs.com](mailto:lyraceburu@bhfs.com)  
8 1021 Anacapa Street, 2nd Floor  
9 Santa Barbara, California 93101  
10 Telephone: 805.963.7000  
11 Facsimile: 805.965.4333

12 Attorneys for Plaintiff, SIERRA NORTHERN RAILWAY

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF YOLO**

15 SIERRA NORTHERN RAILWAY, a California  
16 Corporation,

17 Plaintiff,

18 v.

19 CALIFORNIA DEPARTMENT OF WATER  
20 RESOURCES, an agency of the State of California;  
21 CENTRAL VALLEY FLOOD PROTECTION  
22 BOARD, an agency of the State of California;  
23 SACRAMENTO AREA FLOOD CONTROL  
24 AGENCY, a joint powers authority of the State of  
25 California; SACRAMENTO AND SAN JOAQUIN  
26 DRAINAGE DISTRICT, acting by and through the  
27 CENTRAL VALLEY FLOOD PROTECTION  
28 BOARD of the State of California; CITY OF  
WOODLAND, a municipality of the State of  
California; YOLO COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT, a  
special district of the State of California; YOLO  
COUNTY, a county of the State of California;  
RECLAMATION DISTRICT 2035, a special district  
of the State of California; CITY OF WEST  
SACRAMENTO, a municipality of the State of  
California; ALL PERSONS UNKNOWN,  
CLAIMING ANY LEGAL OR EQUITABLE RIGHT,  
TITLE, ESTATE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE COMPLAINT  
ADVERSE TO PLAINTIFF'S TITLE, OR ANY  
CLOUD ON PLAINTIFF'S TITLE THERETO; and  
DOES 1 through 20, inclusive,

Defendants.

ELECTRONICALLY FILED  
by Superior Court of CA,  
County of Yolo,

on 3/28/2022 1:57 PM

By: Natalie Lorenzo, Deputy

Case No. CV2022-0479

**VERIFIED COMPLAINT FOR**

**1. QUIET TITLE; and**

**2. DECLARATORY RELIEF**

[Code Civ. Proc., § 760.010, et seq.;  
Code Civ. Proc., § 1060]

1 37. Despite having no right to take such action, Defendants continue to divert excess  
2 flood waters from the Sacramento River and surrounding tributaries onto the Property. Defendants  
3 claim a real property right or interest that permits such action.

4 38. On information and belief, Defendants also assert that they are under no obligation  
5 or responsibility to repair or maintain the Property as a result of damage caused by their diversion  
6 of excess flood waters across the Property.

7 39. In a letter dated February 17, 2022, attached as **Exhibit G** and incorporated herein  
8 by reference, Plaintiff demanded that Defendants acknowledge their respective lack of interest in  
9 the Fremont Trestle and that Defendants cease and desist the flooding of the Fremont Trestle. With  
10 the exception of SAFCA's February 28, 2022 letter described in paragraph 18, Plaintiff received  
11 no response.

12 **FIRST CAUSE OF ACTION**

13 **(For Quiet Title Against all Defendants)**

14 (Code of Civil Procedure, § 760.020)

15 40. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein,  
16 each and every allegation contained in paragraphs 1 through 40 inclusive.

17 41. Plaintiff is fee owner and in possession of the Property.

18 42. Defendants have no right, title, lien, or interest to divert excess flood water across  
19 the Property.

20 43. Plaintiff is informed and believes that each of the Defendants disputes the preceding  
21 contentions, and asserts a right, whatever it may be, to direct excess flood waters across the Property  
22 or in the reasonable measures Plaintiff may take to protect the Property. Thus, Defendants claim an  
23 interest in the Property that is adverse to Plaintiff.

24 44. Plaintiff seeks to quiet title against any claim asserted by Defendants to a right, title,  
25 lien, or interest to divert excess flood waters across the Property. Defendants' claims are without  
26 any right, and Defendants have no right, title, estate, lien, or interest in the Property or any part of  
27 it.

28

1 45. Plaintiff seeks to quiet title against all Defendants and each of them as of the date of  
2 the filing of this action. The claims of Defendants are uncertain and unknown to the extent they  
3 reach beyond actions and assertions of a right to flow excess flood waters across the Property.

4 **SECOND CAUSE OF ACTION**

5 (For Declaratory Relief Against all Defendants)

6 (Code of Civil Procedure, § 1060)

7 46. Plaintiff re-alleges and incorporates by reference, as though fully set forth herein,  
8 each and every allegation contained in paragraphs 1 through 46, inclusive.

9 47. A dispute has arisen between Plaintiff and Defendants in that on information and  
10 belief Plaintiffs contend that Defendants, without colorable claim of right, easement or otherwise,  
11 have contributed to unreasonably diverted excess flood waters across the Property. In the face of  
12 continuing and expanded diversion of excess flood flows by Defendants, Plaintiff is confronted  
13 with decisions as to whether it may reasonably undertake proposed measures to protect the Property  
14 against these excess flood flows.

15 48. In the alternative, in the event Defendants can establish a right, whatever it may be,  
16 to divert excess flood flows against the Property, Plaintiff requires a determination of the reasonable  
17 measures it may take to mitigate harm to the Property and to third parties, including but not limited  
18 to reasonable notice from Defendants and coordination procedures.

19 49. Plaintiff has no plain, speedy, or adequate remedy at law for the harm resulting from  
20 Defendants' actions.

21 50. A declaration is necessary and appropriate at this time in order to set at rest the  
22 continuing rights, duties, and obligations of the parties with respect to each other, and to allow  
23 Plaintiff to exercise its rights to protect the Property against the diversion of excess flood waters.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for Judgment against all Defendants as follows:

26 **ON THE FIRST CAUSE OF ACTION**

27 1. For issuance of Judgment quieting title in Plaintiff's favor as owner in fee simple of  
28 the Property and that Defendants and each of them have no right, title, estate, lien, or interest in the

1 Property adverse to Plaintiff;

2 2. For a preliminary injunction and permanent injunction prohibiting any actions by  
3 Defendants that violate Plaintiff's rights and interest in the Property;

4 3. For costs of suit including an award of reasonable attorney's fees and costs pursuant  
5 to applicable law; and

6 4. For such other and further relief as the Court deems just and equitable.

7 **ON THE SECOND CAUSE OF ACTION**

8 5. A declaratory Judgment defining the scope of any rights, whatever they may be, of  
9 Defendants, including, but not limited to:

10 a. The amount of excess flood waters that may diverted across the  
11 Property,

12 b. Defendant's respective duties of repair, maintenance and  
13 reimbursement, and cooperation to mitigate harm to Plaintiff and  
14 third parties;

15 c. Actions that may be reasonably taken by Plaintiff right to protect the  
16 Property and the improvements thereon from damages caused by the  
17 easement holder's use of the easement.

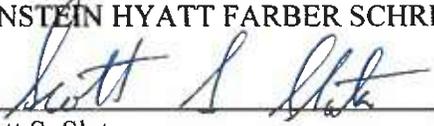
18 6. For a preliminary injunction and permanent injunction prohibiting any actions by  
19 Defendants that violate Plaintiff's rights and interest in the Property;

20 7. For costs of suit including an award of reasonable attorney's fees and costs pursuant  
21 to applicable law; and

22 8. For such other and further relief as the Court deems just and equitable.

23 Dated: March 28, 2022

BROWNSTEIN HYATT FARBER SCHRECK, LLP

24 By: 

25 Scott S. Slater

26 Christopher R. Guillen

27 Laura K. Yraceburu

Attorneys for Plaintiff

28 SIERRA NORTHERN RAILWAY



Sugarfield

King Farms

SACRAMENTO RIVER

Irrigation Culvert Crossing

Stormwater Crossing

Pipe Crossing

Sac River Pump

Sacramento River Pump Railroad

Conaway Ranch

NATOMAS RIVERSIDE

Google Earth

38°41'00.79" N 121°40'01.91" W elev 23 ft eye alt 39931 ft



Pipe Crossing

Sac River Pump

Railroad

Google Earth

38°40'42.57" N 121°38'15.49" W elev 18 ft eye alt 6988 ft

1985



Stormwater Crossing

Conaway

West Side Fwy

Google Earth

1985

38°40'46.01" N 121°40'09.40" W elev 26 ft eye alt 6988 ft



21

Hanson Way

Hanson Way

Hanson Way

Irrigation Culvert Crossing

E Main St

E Main St

E Main St

22

22

22

Quality Cir

Google Earth

1985

38°40'47.21" N 121°42'38.77" W elev 38 ft eye alt 4959 ft