

10. Upon motion duly made and carried, a resolution was adopted whereby the Executive Officer was authorized to have allocated to the annual salary appropriation for Dr. Soper, the Division of State Lands Consulting Geologist and Petroleum Engineer, an additional \$300.00, this sum being necessary to compensate Dr. Soper for those services in excess of the service limit set up and provided for in the 1942-43 budget. This additional amount of \$300.00 is to be taken from the present budget item allocation for the salary of Messrs. Atherton and Hortig now both in the armed service.

11. Upon motion duly made, seconded and carried, a resolution was adopted whereby the Commission agreed to accept the sum of four cents per cubic yard for the 31,639.3 tons of sand taken from State school land in connection with the construction of the Sierra Ordnance Depot in Lassen County. At the State Lands Commission meeting of March 23, 1943, a price of five cents per ton had been established as the price to be demanded by the State for this sand. Subsequent investigation and information revealed that these contractors have procured sand from private landowners in this immediate area for one and two cents per yard, and it was therefore determined that the contractor's offer of four cents per yard was fair and should be accepted.

12. The Executive Officer reported that the State Personnel Board had requested information as to the intention of the State Lands Commission relative to the appointment of an Attorney for the Division of State Lands. After a full discussion of this matter, the Executive Officer was instructed to notify the Personnel Board that the matter will be placed on the calendar of the next meeting of the Commission and that they will be informed of the action of the Commission.

13. The Executive Officer informed the Commission of the completion of a survey under contract by the Division of Highways involving the possible trespass of the Southern Pacific Company on State tidelands in the neighborhood of Ortega Hill, Santa Barbara County. The Executive Officer was instructed to discuss the matter with the Southern Pacific Company and negotiate for an agreement with them at a nominal annual charge. It was brought out during this discussion that, at the time of the actual construction of the seawall in this area, it rested entirely upon private land, however, erosion and tidal flow of the ocean have subsequently been the cause of this wall now being partly oceanward of the mean high tide line.

14. The following informative matters were presented in the following order:

(a) In accordance with instructions, an opinion has been requested from the Attorney General relative to the effect of the O.P.A. order on the price the State will receive for Rio Vista and McDonald Island gas under the Standard Oil Company contract where the sale price of gas is tied into the San Francisco Standard fuel oil price. An informal opinion had been received to the effect that the O.P.A. regulation prevails and, therefore, the State cannot collect for the increase that would be effective were it not for the O.P.A. regulation. Pending receipt of formal opinion from the Attorney General the matter was deferred for further Commission action.

(b) The Executive Officer informed the Commission that an informal opinion from the Attorney General had been received which dealt with the question of whether the State Lands Commission is empowered to advertise for bids and lease of tide and submerged lands for oil and gas development where there is no drainage at present from either upland or adjacent tideland wells. The informal opinion held that the Commission was not empowered to advertise and lease such tide and submerged lands, unless there was actual drilling on private lands which threatened the interests of the State. Pending receipt of the formal opinion from the Attorney General the matter was deferred for further action by the Commission.

(c) The Executive Officer informed the Commission that a question had been raised by Mr. McIntyre Faries, Counsel for Universal Consolidated Oil Company, with reference to the Commission's interpretation of Sections 6834 and 6836 of the Public Resources Code, which deal with the time and place for offering bids for the leasing of tide and submerged lands. The Executive Officer stated he had requested the Attorney General to interpret these particular Public Resources Code sections, and that copies of the opinion would be forwarded to the members of the Commission as quickly as the formal opinion had been rendered.

(d) The Commission was informed that Mrs. Robert Sherwood had rejected the Commission's proffered offer to sell to her for \$100.00 the damaged cabin which occupies Lot. No. 36 in Fish Canyon. The Commission had previously declined to sell this cabin at the figure of \$30.00 which had been originally requested by Mrs. Sherwood.

(e) The Commission was advised that the Corte Madera litigation wherein title and settlement to certain tide, swamp and overflowed lands, is involved in Marin County, had not yet gone to trial.

(f) The Commission was informed that a letter had been received from Mr. George A. Clough regarding the Commission's counter-offer to sell for \$300.00 the four strand wire fence together with the posts on Section 16, T. 32 N., R. 14 E., M.D.M. Mr. Clough stated, however, that he would make a survey of the fence and determine if he could accept the Commission's counter-offer of \$300.00.

(g) The Commission was advised that a small number of purchasers of State land had met the interest payment requirements of Chapter 502 of the Statutes of 1943. In view of the fact that the time limitation (June 15, 1943) whereby a delinquent purchaser might request the Commission for an extension of his purchase contract, had not expired, the Commission determined that no action would be taken upon any application for contract revision until the next meeting.

(h) Messrs. James Lewis, Lorne Hillman, Ben Olson and Robert Muckler, all representing the Superior Oil Company, appeared before the Commission and discussed the development of oil on tideland at Seal Beach.

Pending Commissioner's agreement as to date and location of the next Commission meeting, no scheduled time or location was determined.

There being no further business to come before the Commission, the meeting was adjourned.