

been allowed. Zash Lamar Cobb, Esq., attorney for Mr. S. A. Guiberson, Jr., filed on September 12, 1950, with Bureau of Land Management and answering brief to the Newcomer appeal. On November 13, 1950, the State on behalf of Mr. Newcomer filed the State's reply brief in the case of the State's selection.

While these arguments were going on the Western States Land Commissioners Association in convention on June 22 and 23, 1950, in Denver took cognizance of the Bureau of Land Management's position to ignore the Federal Indemnity Selection laws and passed a resolution in support of HR 8553 and HR 8554 introduced by Congressman John Phillips in the 81st Congress, 2nd Session. These bills clarify the Federal law and make it mandatory on the part of the United States to accept State lieu selections. These bills give priority over other type of applications to the State's Indemnity Selections. However, these bills did not get through the 81st Congress, second session and have been re-introduced by Congressman Phillips into the 82nd Congress, first session as HR 1293 and HR 1294.

On December 24, 1950, Northcutt Ely, Esq., attorney for Mr. Newcomer suggested that the State Lands Commission ask the Attorney General to write a brief in support of the appeal heretofore filed through the State by Mr. Newcomer. This brief has now been prepared by the Attorney General and is now ready for submission by the State to the Bureau of Land Management.

In summary it may be stated that this rejection by the Bureau of Land Management of Mr. Newcomer's State selection has now become a matter of prime importance to the State of California in that the Bureau of Land Management is circumventing the Federal law with respect to State selections.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO FIGHT FOR APPROVAL OF INDEMNITY SELECTION NO. LA 078694.

27. (FEDERAL PATENT FOR SECTION 16 (TRACT 39), T. 16 N., R. 13 E., S.B.M. - SAC, W.O. 5307) The Commission was informed that the NW $\frac{1}{4}$ of Section 16, T. 16 N., R. 13 E., S.B.M., was identified by survey as shown by the township plat approved May 6, 1857, and title thereto is considered to have vested in the State of California without issuance of patent or other instrument of conveyance upon approval of the survey thereof, under the School Land Grant made by the Act of March 3, 1853.

Plat of completion of survey and independent resurvey of T. 16 N., R. 13 E., S.B.M., accepted May 20, 1942, shows as Tract 39 within Sections 8 and 17 the land shown on the plat approved in 1857 as the NW $\frac{1}{4}$ of Section 16.

The new Section 16 shown on the 1942 plat consists of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and Lots 1 and 2, containing 632.39 acres. In order to obtain a definite ruling on the status of the new Section 16 and of Tract 39, it is necessary that the State file an application for a patent under the Act of June 21, 1934 (48 Stat. 1185; 43 U.S.C. 1946 E.D., Sec. 871a). Authority for the State to make such application is set forth in Section 6206.5 of the Public Resources Code.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO MAKE APPLICATION FOR A UNITED STATES PATENT COVERING THE NW $\frac{1}{4}$ OF SECTION 16, T. 16 N., R. 13 E., S.B.M., AS IDENTIFIED BY THE UNITED STATES TOWNSHIP PLAT OF SURVEY APPROVED MAY 6, 1857, NOW SHOWN AS TRACT 39 ON PLAT OF INDEPENDENT RESURVEY OF SAID TOWNSHIP ACCEPTED MAY 20, 1942, AND ALSO FOR THE NEW SECTION 16 SHOWN ON THE 1942 PLAT CONSISTING OF THE W $\frac{1}{2}$, SE $\frac{1}{4}$, W $\frac{1}{2}$ OF NE $\frac{1}{4}$ AND LOTS 1 AND 2, CONTAINING 632.39 ACRES.

28. (SALE OF VACANT SCHOOL LAND, APPLICATION NO. 10476, LOS ANGELES LAND DISTRICT, RIVERSIDE COUNTY, CLIFFORD ELY - SAC. W.O. 5246) The Commission was advised that an offer has been received from Mr. Ely of Hollywood, California, to purchase the S $\frac{1}{2}$ of Section 36, T. 3 S., R. 16 E., S.B.M., containing 320 acres in Riverside County.

Mr. Ely has made an offer of \$640.00 or \$2.00 per acre. The Assessor of Riverside County has assessed contiguous land at \$2.00 per acre, thus indicating an appraised value of the land of \$4.00 per acre. An appraisal by the Commission's staff indicates that the offer as made is adequate.

All land to the north and south and for a short distance east and west is identical, rocky, flat, having little desert growth and no grass. Assessed value of adjacent land at "about \$2.00 an acre, some as low as 50¢ an acre" must cover better land to the east as well as similar land. Appraised value, not in excess of \$2.00 per acre.

The land was advertised for sale with a stipulation that no offer of less than \$640.00 would be accepted. Mr. Ely bid \$640.00.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE SALE OF THE S $\frac{1}{2}$ OF SECTION 36, T. 3 S., R. 16 E., S.B.M., TO THE SINGLE BIDDER, MR. ELY, AT A CASH PRICE OF \$640.00, SUBJECT TO ALL STATUTORY RESERVATIONS, INCLUDING MINERALS, SUBJECT TO EASEMENT GRANTED BY THE STATE OCTOBER 4, 1933, TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR TRANSMISSION LINE ACROSS THE SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 36, CONTAINING 0.8 OF AN ACRE, AND SUBJECT ALSO TO EASEMENT GRANTED BY THE STATE OCTOBER 4, 1933, TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR ROAD PURPOSES 100 FEET IN WIDTH ACROSS THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND W $\frac{1}{2}$ OF SE $\frac{1}{4}$ OF SAID SECTION 36, T. 3 S., R. 16 E., S.B.M.

29. (PROPOSED LEGISLATION, 1951 LEGISLATIVE SESSION - W.O. 540) The Commission was informed that Section 536 of the Civil Code, with respect to use of State lands by telephone and telegraph companies, is inadequate from the standpoint of the State being able to keep a record of the use of State land as required by Section 6219 of the Public Resources Code. Under Section 6301 of the Public Resources Code, the Commission has been given exclusive jurisdiction over ungranted tide lands and submerged lands, but because of the inadequacy of Section 536 of the Civil Code, the telephone and telegraph companies will not recognize the authority of the Commission or the rules and regulations requiring the filing with the State for the use of State lands.

It is proposed the telephone and telegraph companies be required to file with the State Lands Commission for the use of State land just as are railroad companies under Section 465 et seq. of the Civil Code. As a matter of fact, Section 536 and Section 465 et seq. of the Civil Code, are now being recodified into the Public Utilities Code.