

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO HAROLD O. LIND AND THEMA E. LIND A LEASE COVERING CORTE MADERA ARK SITE NO. 19, FOR A PERIOD OF TWO YEARS AT AN ANNUAL RENTAL OF \$56, UPON RECEIPT OF THE FIRST AND LAST YEARS' RENTAL AND THE \$5 FILING FEE, WITH RIGHT OF RENEWAL FOR AN ADDITIONAL TEN YEARS AT SUCH TERMS AND CONDITIONS AS MAY BE DETERMINED PRIOR TO RENEWAL.

30. (APPLICATION FOR PROSPECTING PERMIT, KERN COUNTY, CLIFFORD GILLESPIE - W.O. 1255, P.R.C.1251.2.) An application has been received from Mr. Clifford Gillespie of Los Angeles, California, for permission to prospect for minerals on the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 36, T. 10 N., R. 13 W., S.B.M., containing 80 acres in Kern County. Field reconnaissance by the Staff and review of the records of the Division of Mines have shown that the subject area cannot be classified at this time as known to contain commercially valuable deposits of minerals. The statutory filing fee of \$5 and the permit fee of \$80 (\$1 per acre for a two-year permit) have been deposited by the applicant.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A TWO-YEAR PROSPECTING PERMIT TO MR. CLIFFORD GILLESPIE FOR 80 ACRES OF VACANT STATE SCHOOL LAND IN THE E $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SECTION 36, T. 10 N., R. 13 W., S.B.M., KERN COUNTY, FOR PROSPECTING FOR RARE EARTH, GOLD, SILVER, RADIOACTIVE AND OTHER PRECIOUS MINERALS. THE ROYALTY PAYABLE UNDER ANY PREFERENTIAL LEASE ISSUED UPON DISCOVERY OF COMMERCIALY VALUABLE MINERAL DEPOSITS SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

FOR RARE EARTH MINERALS:

$$R = 3.00 + 0.37 (C - 60.00)$$

FOR GOLD, SILVER, RADIOACTIVE AND OTHER PRECIOUS MINERALS:

$$R = 2.00 + 0.01 (C - 20.00)^2$$

WHERE R = ROYALTY IN DOLLARS AND CENTS PER TON OF ORE

C = WEIGHTED AVERAGE GROSS SALES PRICE PER TON DETERMINED AT THE END OF THE FIRST YEAR OF THE LEASE AND EVERY FOUR YEARS THEREAFTER.

THE MAXIMUM ROYALTY SHALL NOT EXCEED 25% OF THE AVERAGE GROSS SALE PRICE OF THE ORE FOR ALL RARE EARTH MINERALS. THE MAXIMUM ROYALTY SHALL NOT EXCEED 50% OF THE AVERAGE GROSS SALES PRICE OF THE ORE FOR GOLD, SILVER, RADIOACTIVE AND OTHER PRECIOUS MINERALS.

31. (COLORADO RIVER - W.O. 242.) At its meeting on June 30, 1952, the State Lands Commission was advised of the fact that the State Engineer had transmitted for comments a report entitled "LAND USE AND ADMINISTRATION OF THE LOWER COLORADO RIVER VALLEY, HOOVER DAM TO THE INTERNATIONAL BOUNDARY", prepared for the Colorado River-Great Basin Field Committee by the Lower Colorado River Land-Use Committee. The latter was a subcommittee composed of representatives of agencies of the Department of the Interior and of representatives of the Fish and Game Commissions of the States of Arizona, California, and Nevada. The report was issued under date of December, 1951. Following a

conference in the Office of the State Engineer of other State agencies having interests related to the Colorado River, each agency has been preparing its comments on the report. The proposed comments by the Division of State Lands are as follows:

"Mr. A. D. Edmonston, State Engineer
"Division of Water Resources
"Room 401, 1120 'N' Street
"Sacramento, California

Subject: Review of Federal Report on
'Land Use and Administration
of the Lower Colorado River
Valley'

"Further study has been given the proposed report on 'Land Use and Administration of the Lower Colorado River Valley, Hoover Dam to the International Boundary', as prepared for the Colorado River-Great Basin Field Committee by Lower Colorado River Land-Use Committee, dated December, 1951.

"Within the area withdrawn for the Bureau of Reclamation, State lands under the jurisdiction of the State Lands Commission are included, also lands sold by the State with reservation of mineral rights, and lands held in private fee. The State lands can be grouped in five classifications, as follows:

- (1) Lands withdrawn but to be restored 7,091 acres
- (2) Lands sold (mineral rights reserved),
withdrawn but to be restored 1,739 acres
- (3) Lands withdrawn, withdrawal continued 5,204 acres
- (4) Lands sold (mineral rights reserved),
withdrawn, withdrawal continued 4,798 acres
- (5) Sovereign lands in Colorado River Approximately
90 square miles

"From these figures you will note that within the area withdrawn, withdrawal being continued, classes (3) and (4) above, the State of California has fee title or mineral rights to a total of 10,002 acres, and, in addition, to approximately 90 square miles of sovereign lands in the California bed of the river. Fee land is sold by the State with reservation of mineral rights.

"If lands presently withdrawn are restored to entry as indicated, 8,830 acres in classes (1) and (2) above need not be considered. If, however, those lands are not restored, a total area of 18,832 acres is involved. This latter area is to be compared with 90,265 acres of what is reported as State-owned land in Table Number 1, Page 25, of the report. The reason for this wide discrepancy is not apparent.

"State sovereign lands in the Colorado River between the line of mean

low water and the Arizona boundary are estimated as to area. Accurate maps are not available, nor has the location of the boundary between California and Arizona ever been fixed with any degree of accuracy.

"It is understood that actual Federal control along the Colorado River within California is limited to Federal lands in the areas which have been withdrawn for the benefit of the Bureau of Reclamation; lands involved in the Boulder Canyon Project Act; areas enclosed within National park and recreational programs as authorized by the Act of June 23, 1936 (49 Stats., 1894), which includes Lake Mead National Recreational Area; and lands within the Fort Mojave Indian Reservation and the Colorado River Indian Reservation. According to the figures given in Table Number 1, these lands comprise 63% of the total area within the perimeter of the primary withdrawal.

"The major purpose of this report is apparently to present a preliminary plan for future development of areas bordering on the Colorado River, and a conclusion is reached to the effect that the primary use will be recreational, through the provision of wild-life refuge areas and camping facilities. Further agricultural and other developments requiring use of additional water or in conflict with the proposed primary use are to be discouraged, if not prohibited.

"One effect will probably be by way of restrictions on access roads so that they will be kept to a minimum for the protection of wild life in the refuges. This in itself would decrease the freedom of use of State- and privately-owned lands.

"The report under consideration makes reference to the existing program of channelizing portions of the river. It also proposes the restoration of lagoons and side channels for use as wild-life refuges. Details are lacking, so the effect on sovereign lands of the State is unknown.

"The Lower Colorado River Land-Use Committee recommends that the Bureau of Reclamation become the primary administrator of the remaining retained lands outside of existing recreational areas and refuges, and that the land-use plan be refined into a Master Plan by such administrator. Those retained lands constitute about 50% of the total lands inside the perimeter of the primary withdrawal area.

"The advisability of the State of California, or of one of its agencies, endorsing such a proposal is questionable for the reason that the application of a Master Plan, prepared by an agency controlling such a substantial portion of the lands involved, may be expected to influence greatly the use of lands owned or controlled by others. If the effects prove to be adverse, such an endorsement could be construed as a waiver of objection if not as an outright consent. Accordingly, the State Lands Commission has authorized me to advise you that it does not recommend the approval of this report.

"Yours very truly,

"RUFUS W. PUTNAM
"Executive Officer"

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED APPROVING THE CONTENTS OF THE LETTER QUOTED ABOVE AND AUTHORIZING THE EXECUTIVE OFFICER TO SUBMIT IT TO THE STATE ENGINEER.

32. (WITHDRAWAL FROM SALE OF VACANT SWAMP AND OVERFLOWED LAND, S. & O. LOCATION NO. 4259, SAN BERNARDINO COUNTY, JAMES N. GATES - S.W.O. 5206.) At the meeting of June 30, 1952, the Commission authorized deferment of action on Mr. James N. Gates' application to purchase 231.67 acres of swamp and overflowed land in San Bernardino County, pending study of a quiet title suit filed in the Superior Court, San Bernardino County, Case No. 73163, entitled F. Winifred Louthain v. State of California.

Investigation of the particular lands now discloses that although the lands have been returned to the State by the United States under the Arkansas Act, the question of the boundary between California and Arizona may become involved. Since settlement of the boundary problem between Arizona and California is of major importance, it probably will be advisable to withdraw these lands from sale for a definite period of time, during which time progress may have been made in the location of this boundary, and enter into a stipulation in the case agreeing to such withdrawal of the land from sale provided the case is dismissed.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION IN THE CASE OF F. WINIFRED LOUTHAIN v. STATE OF CALIFORNIA, SAN BERNARDINO COUNTY, SUPERIOR COURT CASE NO. 73163, WHEREUNDER THE STATE WILL WITHDRAW THE LANDS INVOLVED IN THE CASE FROM SALE FOR A DEFINITE PERIOD OF TIME NOT TO EXCEED THREE YEARS, SUBJECT TO THE CONDITIONS THAT THE CASE WILL BE DISMISSED, AND THAT AT THE EXPIRATION OF THE PERIOD OF WITHDRAWAL THE COMPLAINANT, F. WINIFRED LOUTHAIN, WILL BE ADVISED THAT THE LANDS HAVE AGAIN BEEN MADE OPEN FOR ENTRY AND SALE.

33. (OWENS LAKE LITIGATION, PEOPLE v. CITY OF LOS ANGELES, SANTA BARBARA SUPERIOR COURT NO. 36863 - (SW. DATA, OWENS LAKE.) The Commission will recall that in the Santa Barbara County damage action, the State was awarded, for the flooding of Owens Lake by the City of Los Angeles for the period prior to December 15, 1937, an amount of \$5,094, together with interest thereon at 7% from January 1, 1939, and costs in the amount of \$22,100.24. No damage award was made for the year 1937 subsequent to December 15, and for the years 1938 and 1939, although the damage for that period, as claimed by the State, amounted to approximately \$15,000. The State has appealed this lack of damage award for these latter years because subsequently the Natural Soda Products Company was awarded damages for these same years. Judgment in that case had not been rendered at the time of the judgment in the Santa Barbara case. Simultaneously the City of Los Angeles appealed the latter case. Both appeals are now pending in the Second District Court of Appeals. The State has filed its opening brief, but the City has not filed its answer, and the case is due to be placed on calendar within the relatively near future.

The City of Los Angeles, Department of Water and Power, has made overtures to settle this litigation without further trial. At the conference wherein this matter was discussed, the Department of Water and Power, City of Los Angeles, was represented by Samuel B. Morris, General Manager and Chief