

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

Engineer; Burton S. Grant, Assistant General Manager; Gilmore Tillman, Attorney; and Rex Goodcell, Attorney; the State was represented by Assistant Attorney General Walter L. Bowers; Special Attorney Burdette Daniels; Rufus W. Putnam, Executive Officer, and J. Stuart Watson, Assistant Executive Officer, of the State Lands Commission.

Tentatively, and subject to approval by the Commissioners of the Department of Water and Power, City of Los Angeles, and the State Lands Commission, settlement is proposed whereunder the State would receive approximately \$43,000 to end the litigation.

The Department of Water and Power of the City of Los Angeles advised that the above settlement has been agreed to in principle by the Board of Commissioners for the Department of Water and Power, City of Los Angeles.

The above settlement was discussed with no commitment and without any consideration being given to an agreement for use of Owens Lake as a place to waste any excess water over and above the capacity of the present aqueduct that will result from power plants being constructed in the Owens River Gorge. This matter is for subsequent discussions, and will be presented to the State Lands Commission, and perhaps to the Legislature, at such time as any program has been evolved.

Mr. Rex Goodcell, Jr. appeared on behalf of the Department of Water and Power of the City of Los Angeles to thank the Commission for the State's cooperation in working out an agreement that will settle the controversy, and expressed the hope that in the future the City and the State would be able to settle their mutual problems on an amicable basis.

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 SANTA BARBARA SUPERIOR COURT CASE NO. 36863 WHEREBY THE LITIGATION WILL BE SETTLED UPON PAYMENT TO THE STATE OF APPROXIMATELY \$43,000, BY THE DEPARTMENT OF WATER AND POWER, CITY OF LOS ANGELES, THE EXACT AMOUNT OF THE SETTLEMENT TO BE DETERMINED BY THE ATTORNEY GENERAL.

34. (TRANSFER OF JURISDICTION, SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, SACRAMENTO RIVER LANDS, SACRAMENTO COUNTY - P.R.C. 190, and SACTO. COUNTY, PROP. LANDS - J.T.I. 1.) The Commission may recall that in March, 1945, in order to properly manage the mineral rights in certain State lands on Wood and Duck Islands in the Sacramento River, nominally owned by the Sacramento and San Joaquin Drainage District, the Reclamation Board transferred control and possession to the State Lands Commission. This agreement, dated February 21, 1945, was executed by the Sacramento and San Joaquin Drainage District; and by Carlyle Lynton, Executive Officer of the State Lands Commission; and was approved by the Attorney General. However, research of the minutes of the meetings of the Commission does not show that authority for acceptance of this jurisdiction was ever given. A question as to this feature has recently arisen because of the fact that the Natural Gas Corporation of California, which holds the mineral lease, did not find the transfer of jurisdiction recorded.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED CONFIRMING THE ACTION OF THE EXECUTIVE OFFICER IN ACCEPTING JURISDICTION AND

*Amended per
John S. P. 1634
9/30/52*