

19. (AGREEMENT FOR EASEMENT NO. 415, RIO VISTA, ALLOTMENT REVISION 57, STANDARD OIL COMPANY OF CALIFORNIA - W.O. 1320.) The Commission was informed that the Standard Oil Company of California, as lessee under Agreement for Easement 415, Rio Vista, has submitted the data relative to the proposed 57th revision of the estimated productive limits of the pools within Rio Vista Gas Field.

The proposed revision is based upon a general review of production data for all the recognized pools, retraction of productive limits of the West Knigh, East Knigh, and East Midland pools having been demonstrated as warranted by the decrease in productivity of edge wells in the respective pools. The proposed revisions have been reviewed by the Staff and found to be a reasonable interpretation of the location of the productive limits of the affected pools. The change in State participation in allocations of production from the Rio Vista Field is shown in the accompanying tabulation, and will result in a minor decrease in the monthly royalty accruing from the West Knigh and East Midland pools and a minor increase in gas royalties from the East Knigh pool.

<u>Pool</u>	<u>Revision 56</u> <u>Effective</u> <u>1/1/52</u>	<u>Revision 57</u> <u>Effective</u> <u>8/1/52</u>	<u>Net Change</u>
East Knigh	0.4923%	0.5050%	+ 0.0127%
West Knigh	10.9883	10.7543	- 0.2340
West Hamilton	13.2610	13.2610	---
East Midland	0.8620	0.8329	- 0.0291

20. (PROPOSED LEGISLATION FOR THE 1953 REGULAR SESSION - W.O. 1141.)

(1) AMENDMENT TO CHAPTER 7, STATUTES OF 1951 (W.O. 721)

This Chapter, in Section 4, authorized the State Controller to transfer from the money held in the Special Deposit Fund submerged land oil royalties (impounded funds) amounts not to exceed \$12,000 per month, commencing with the month of October, 1950, and continuing thereafter for so long as the Stipulations between the Attorney General of the United States and the Attorney General of California may be in effect, to defray the expenses of the State Lands Commission in administering its duties with respect to operation under the submerged land oil and gas leases.

The renewed Stipulations, as entered into on September 24, 1951, and on August 12, 1952, provide respectively that the State may collect up to \$14,000 a month for the period October 1, 1951, through September 30, 1952, and not to exceed \$180,000 per annum for the period October 1, 1952, through September 30, 1953. The actual amount of reimbursement under the above is determined by an audit of actual costs.

Because of this limitation of Section 4, the Controller has taken the position that he is unable to transfer the amounts to which

the State is entitled under the above mentioned renewed Stipulations because he concludes that under the statute he is limited to a transfer of \$12,000 per month. During the Stipulation Year 1951-1952, and under the Stipulation of September 24, 1951, there was approximately \$24,000 (which is determinate by an audit of cost) to which the State was entitled which was not transferred by the Controller. During the Stipulation Year 1952-1953, and under the Stipulation of August 12, 1952, and up until the effective date of an amendment of Chapter 7, there will be an additional sum to which the State will be entitled and which the Controller will be unable to transfer. Assuming the proposed bill becomes effective March 1, 1953, this would amount to \$15,000, but would be limited by an audit of cost.

It is therefore proposed that the Legislature be requested to enact urgency legislation for the immediate preservation of the public peace, health or safety within the meaning of Article 4 of the Constitution, to become effective immediately upon passage, whereunder the State and the Controller may be empowered to transfer from the Special Deposit Fund to the State Lands Act Fund any amounts to which the State is entitled by reason of reimbursements up to the amounts permitted by the renewed Stipulations.

(2) USE OF STATE LANDS BY DISTRICTS, AGENCIES, AND POLITICAL SUBDIVISIONS OF THE STATE

Add a section to the Public Resources Code to provide that where any other code or general statute permits use of State lands, including easements, by any districts, agencies, or political subdivisions of the State, such occupancy shall be in accordance with Division 6 of the Public Resources Code and the rules and regulations appertaining.

(3) PROPOSED CODE COMMISSION'S ADDITIONS TO DIVISION 8 OF THE PUBLIC RESOURCES CODE

If the California Code Commission has not revised proposed Section 8813 of the Public Resources Code, it is suggested by this Division that the section be amended as follows:

"The position of the California Coordinate System shall be as marked on the ground by triangulation or traverse stations whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, and whose coordinates have been computed on the system defined. Any survey or map purported to be based on the California Coordinate System shall have established connections to at least two of such stations."

(4) REPEAL CHAPTER LXXXI, STATUTES OF 1897 (W.O. 1163)

If Chapter LXXXI, Statutes of 1897, has not been repealed by implication through enactment of Sections 120 and 126 of the

Government Code, have introduced a bill for the repeal thereof. This chapter would appear to cede to the United States a strip of land extending from the high-water mark out 300 yards into State-owned submerged lands lying adjacent and contiguous to lands held by the United States and reserved for military purposes.

(5) QUIET TITLE ACTION AGAINST STATE PURSUANT TO SECTION 6461 OF THE PUBLIC RESOURCES CODE

Add a section to or amend Section 6461 of the Public Resources Code, which permits quiet title actions against the State for land claimed by the State in navigable river beds, so that irrespective of any other provisions of law the plaintiff in such action shall be required to set forth specifically what his claims are as to ownership, including source and derivation of title, and also shall be required to make allegations as to his belief of the State's claim of ownership.

(6) CALIFORNIA CODE OF CIVIL PROCEDURE

Have introduced in the Legislature an addition or amendment to the Code of Civil Procedure, requiring that when a complaint in a suit against the State is filed against any official of the State, which official may be acting in several capacities, the service of process shall be accompanied by a written statement advising the defendant in which capacity service is made, and the return of service shall likewise include such capacity.

(7) SUITS AGAINST THE STATE TO QUIET TITLE TO LAND CLAIMED AS SWAMP AND OVERFLOW

Section 7555 of the Public Resources Code provides that where the State had sold Swamp and Overflow Lands, the person claiming or deraigning title thereto under such purchase may bring quiet title suit against the State. This past several years there have been a number of suits filed against the State pursuant to this section wherein the title of the person suing has been obtained through a quit claim deed or a suit for adverse possession against all persons. These suits have involved berms that were left in the water areas of the Sacramento and San Joaquin deltas when the main islands were leveed, or which may have resulted from accretions in the water courses. Because of a lack of records and the fact that there are many such places in the water courses of the delta area, it is proposed that legislation be introduced to eliminate, after a reasonable length of time, all such litigation.

It is proposed that the Legislature enact a law which will give legitimate claimants under a Swamp and Overflow sale by the State an opportunity to reclaim these berms or islands over the next five years by leveeing, provided that they shall have filed within the next two years a document showing that they are the successors in interest by chain of title from an original Swamp and Overflow sale made by the State; the proposed statute to provide that if such filing and reclamation have not occurred within

the period stated above, such property belongs to the State of California and no action may thereafter be filed against the State.

(8) SECTION 126 OF THE GOVERNMENT CODE (W.O. 1163.1)

The question of jurisdiction over State School Lands acquired by the United States through an Order of Immediate Possession has caused considerable trouble with the records of the Commission. It is suggested that Section 126 of the Government Code be amended to provide that Federal jurisdiction pursuant to Section 126 shall not be acquired over lands belonging to the State and sought through eminent domain and for which an Order of Immediate Possession has been obtained until the State obtains from the Federal Government lands in lieu thereof.

(9) SECTION 13106 OF THE GOVERNMENT CODE -- GRANT OF STATE INTEREST TO ABANDONED RIVER CHANNELS

In the codification of the Government Code there was brought forward from Section 675, Division 9, of the Political Code the authority for the Director of Finance to grant and convey by deed or otherwise to abutting property owners interest of the State in and to abandoned river channels. This section is somewhat in conflict with Sections 6216 and 6301 of the Public Resources Code, which place exclusive jurisdiction in the State Lands Commission over such land, including navigable rivers, streams, bays, estuaries, inlets, and straits. It is suggested that Government Code Section 13106 be repealed.

(10) TRANSFER OF FUNDS RESULTING FROM THE SALE OF SCHOOL LANDS, PURSUANT TO CHAPTER 33, STATUTES OF 1950, FIRST EXTRA SESSION

By this statute the Department of Finance was authorized to sell the State's interest in lands in Section 6, Township 8 South, Range 26 East, Mt. Diablo Base and Meridian, containing 40 acres acquired by the Surveyor General as School Lands, and utilized by the Fresno State College until this mountain area was abandoned by this college, and place the money resulting therefrom in the General Fund. Application of this money to the General Fund appears a violation of the State School Land Trust as set forth in Section 4 of Article 9 of the State Constitution. It is therefore suggested that, in collaboration with the Department of Finance, legislation be introduced whereunder the money received from the sale of this land will be transferred by the Controller from the General Fund to the State School Land Fund.

(11) REPEAL OF CHAPTER 630 OF THE STATUTES OF 1865 AND 1866

This statute gives authority for any corporation, company, or individual to lay out and construct any road or highway over any unoccupied public lands of this State or over any lands of the State by donation of Congress or otherwise hereafter acquired. It is suggested that this statute be repealed because it has been superseded by Division 6 of the Public Resources Code wherein the jurisdiction of such lands has been placed under the State Lands Commission.

(12) MINERAL CLAIMS FILED ON STATE LAND PURSUANT TO FEDERAL LAW PRIOR TO ENACTMENT OF CHAPTER 303 OF 1921

Under Federal law and prior to the enactment of Chapter 303 of 1921, whereunder all minerals in State land were reserved to the State, it was possible to file mineral claims on State-owned land. From time to time such claims become a matter of litigation between the State and these claimants, and, because there is no record in the office of the State Lands Commission, it would seem advisable that any legal claims for minerals on State land should be a matter of record in the office of the Commission. It is therefore suggested that a section be added to Division 6 of the Public Resources Code whereunder any claimants of mineral claims on State-owned land which were validly filed prior to enactment of Chapter 303 of 1921, file with the Commission documentary evidence showing that such claim is a valid encumbrance against the State-owned land. This addition to the Code should provide a reasonable time limit, say three years to be allowed, whereunder such filing can be made. After the expiration of the three-year period, the proposed statute should provide that no further claims may be made against the minerals in State-owned land except as provided in the Public Resources Code.

(13) TRANSFER OF UNDELIVERED TIDE LAND COMMISSIONER'S DEEDS FROM THE STATE TREASURER TO THE STATE LANDS COMMISSION

Under an act of March 30, 1868, and amendatory acts, it was provided that in selling tide land lots in the San Francisco Bay area a deed would be delivered upon full payment of the purchase price, indicating transfer of title from the State to the purchaser. In quite a number of cases sales made were not fully paid for, which unpaid sales are of record in the Commission's Office. At the time of the sales, deeds were made out to be delivered upon receipt of the final payment for those lands sold. The State Treasurer has in his custody the deeds which were not delivered because of nonpayment of the full purchase price. In order that the records of the State may be clarified, it is suggested that the Legislature enact a bill transferring the custody of these undelivered deeds from the State Treasurer to the State Lands Commission.

(14) REPEAL OF SECTION 120 OF THE GOVERNMENT CODE (W.O. 1163.3)

Section 120 of the Government Code appears to be in conflict with Section 126 of the Government Code. Under Section 120, which was enacted in 1943, upon receipt of notification of the United States of acceptance of jurisdiction over lands situated in the State, the Governor shall cause to be filed a true and correct copy of said notification in the office of the Recorder of the county in which the lands are located. Section 126 provides that before the acquisition and acceptance of jurisdiction the State Lands Commission shall hold a hearing and make a finding pursuant to the section that such acquisition is in the interests of the State. It would appear that these two sections are in conflict, and the question is whether Section 126 supersedes Section 120. It is therefore suggested that a bill be introduced into the Legislature to effect the repeal of Section 120.

(15) CLARIFY SECTIONS 6851 AND 6854 OF THE PUBLIC RESOURCES CODE WITH RESPECT TO AUTHORITY OF THE COMMISSION FOR LEASING FOR MINERAL DEVELOPMENT LANDS OWNED BY THE STATE AND DEVOTED TO PUBLIC USE

From time to time the authority of the Commission to lease lands owned by the State (Section 6851) and lands dedicated to a public use (Section 6854) for mineral development has been questioned by departments and divisions of the State. It is suggested that a bill be introduced into the Legislature whereunder it is set forth that it is the intent of the Legislature that lands owned by the State, and lands owned by the State and devoted to a public use shall be leased for mineral purposes exclusively by the State Lands Commission. Such leases are to provide, after full consultation with the department for which the land was acquired, that any use of the lands for mineral development shall be subject to such restrictions as will, in the opinion of the agency for which the land is acquired, protect the interest of the department so that the joint use shall not be incompatible for the purpose for which the land was acquired.

(16) ADVERSE POSSESSION OF STATE LAND PURSUANT TO SECTION 1007 OF THE CIVIL CODE AND SECTION 315 OF THE CODE OF CIVIL PROCEDURE

In some instances courts have permitted acquisition of title to Swamp and Overflow and Proprietary Lands of the State under Section 1007 of the Civil Code and Section 315 of the Code of Civil Procedure. Section 1007 of the Civil Code excludes prescription against a county, a city, or an agency, but does not specifically exclude the State. Section 315 of the Code of Civil Procedure prohibits the State from suing if rights of persons have accrued within ten years before the action is brought.

As it is difficult for the State to eject possible trespassers or claimants to State land without knowledge of the trespass, it is suggested that the Civil Code be amended to exclude from prescription all land belonging to the State, including sovereign, proprietary, public, and lands devoted to a public use.

(17) SEAWARD BOUNDARIES OF COUNTIES

Sections 170 and 171 of the Government Code were enacted in 1951 (Chapter 65 of 1951), which Act gave greater definition to the seaward boundaries of the State. However, the existing boundaries of counties bordering on the Pacific were not redefined to conform to these Code sections. This matter has been discussed with Assistant Attorney General Everett W. Mattoon, and it is therefore suggested that, pending agreement and discussion with the counties over these boundaries, a skeleton bill or bills be introduced in the First Session of the Legislature to make explicit the waterward boundaries of the counties in conformity with Sections 170 and 171 of the Government Code.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER AND STAFF TO TAKE STEPS TO HAVE THE ABOVE LISTED LEGISLATIVE MATTERS INTRODUCED INTO THE LEGISLATURE THROUGH THE RULES COMMITTEE OF THE SENATE.