

Application No.: S.W.O. 5643
P.R.C. No.: 1319.2
Applicant: D. L. Williams
County: Tehama
Location: W $\frac{1}{2}$ of Section 36
 T. 26 N., R. 7 W.
 S.B.M.
Form of action: Grazing lease
Class of land: School
Proposed use: Grazing only
Area: 320 acres
Term (years): 5
Effective date: June 19, 1953
Annual rental: \$32
Bond: None
Remarks: None

13. (APPLICATION FOR PERMIT TO CONSTRUCT DAM, GREY GOOSE SLOUGH, SANTA CLARA COUNTY, CITY OF ALVISO - W.O. 1152, GEO.-SANTA CLARA CO.) The City of Alviso, lying on low land and, to a substantial extent, on lands subject to flooding after heavy winter rains as well as from extremely high tides, has prepared plans for protection from tides and for taking care of flood waters. These plans include the construction of a dam or levee across the mouth of Grey Goose Slough to prevent tidal flow from encroaching on the City. Grey Goose Slough, while presently being navigable in fact but not by statute, lies within swampland sales and is now claimed by Leslie Salt Co., successors to the original patentee. Objections were raised by the Staff to this project and the City was informed that there were no legal means by which the Commission could permit the permanent closing of navigable waters. In anticipation of possible passage by the Legislature of a bill relieving the trust for navigation and fisheries, the City of Alviso has requested that the Commission grant permission to construct the proposed dam, on the grounds that without such protection the City will be subject to another disastrous flood such as occurred in 1952. The City is financially unable to carry out their plans without outside assistance. Leslie Salt Co. has offered to carry the burden of costs, the company thereby gaining area for an additional salt pond.

At the present time, the Staff is making an investigation of the navigability of all of the sloughs between Alviso and San Mateo bridge on both sides of San Francisco Bay in order to try to settle boundary questions with the Leslie Salt Co. Some of these sloughs are navigable by statutory declaration, others

are navigable in fact at the present time, while others are not now navigable but may have been on September 9, 1850. In certain cases, as with Grey Goose Slough, sales were made across navigable sloughs and, therefore, the patents issued may be in part invalid.

A considerable length of time has already been devoted to these negotiations and more will be required, particularly if quiet title actions become necessary. The solution of the immediate problem could possibly be had by withdrawing the objections heretofore raised, with the proviso that the interests of the State are properly protected.

In view of the Leslie Salt property investigation,

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The Executive Officer is authorized to withdraw the objection to the construction of a dam or levee across the mouth of Grey Goose Slough, and the placing of a tide gate in the north arm of Alviso Slough, Santa Clara County, provided there be reserved to the State the right to require removal of the dam or levee and tide gate, at no expense to the State, should Grey Goose Slough and the north branch of Alviso Slough be determined to be sovereign lands of the State by Court decree or other competent action.

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

Clara M. Bennett
Senior Stenographer-Clerk
STATE LANDS COMMISSION