

38. ESTABLISHMENT OF THE LOW WATER MARK AT CLEAR LAKE, LAKE COUNTY -
W.O. 4563, GEO.-LAKE CO.

After consideration of Calendar Item 23 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE LOW WATER MARK AND BOUNDARY BETWEEN STATE AND PRIVATELY OWNED LAND AT CLEAR LAKE IS THE INTERSECTION OF ZERO ON THE RUMSEY GAUGE AT AN ELEVATION OF 1,318.65 FEET, SEA LEVEL DATUM OF 1929 AS MODIFIED BY THE 1956 ADJUSTMENT OF THE COAST AND GEODETIC SURVEY WITH THE LAST NATURAL SHORE LINE.

Attachment
Calendar Item 23 (1 page)

23.

ESTABLISHMENT OF THE LOW WATER MARK AT CLEAR LAKE, LAKE COUNTY - W.O. 4563.

Section 830 of the California Civil Code provides that when property borders upon a navigable lake or stream where there is no tide, the boundary of the upland owner's property is the edge of the stream at low water mark. No official determination of the location of this low water mark has been made at Clear Lake.

The Legislature, by Statutes of 1964, Chapter 77, requested the State Lands Commission to survey the low water mark and establish the boundary line of the lake. The people in the area are anxious to have a determination made to facilitate their building plans. Artificial influences, such as draw-down for irrigation and changing the outlet of the lake, have affected the natural low water mark, and the boundary should be set at the last natural position. In order to keep track of the level of Clear Lake, Captain Rumsey, in about 1900, established a zero point based on continuous U.S.G.S. records since 1873, and records have been kept since then of the lake level with respect to this zero point.

On October 7, 1920, the Superior Court in the case of Gopcevic v. Yolo Water and Power, County of Lake, et al., established zero on the Rumsey Gauge as 20.1 feet below a star in the courthouse yard. Zero on the Rumsey Gauge may also be expressed as an elevation of 1,318.65 feet, sea level datum of 1929 as modified through the 1956 adjustment of Coast and Geodetic Survey. Most of the property owners in the area were parties to that suit, and the decree has been generally followed since then. The State was not a party, but has followed the decree informally in its activities at the lake. To remove uncertainty in boundary lines, it is desirable that the State make a finding as to the accepted boundary.

Construction around the lake has been based upon the assumption that zero on the Rumsey Gauge would eventually be adopted by the State. Any other line at this time would materially interfere with property rights. An adoption by the Commission of this line would facilitate the pending survey and expedite pending construction plans.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE LOW WATER MARK AND BOUNDARY BETWEEN STATE AND PRIVATELY OWNED LAND AT CLEAR LAKE IS THE INTERSECTION OF ZERO ON THE RUMSEY GAUGE AT AN ELEVATION OF 1,318.65 FEET, SEA LEVEL DATUM OF 1929 AS MODIFIED BY THE 1956 ADJUSTMENT OF THE COAST AND GEODETIC SURVEY WITH THE LAST NATURAL SHORE LINE.