

50. CLAIM OF STATE LANDS WITHIN THE BED OF THE COLORADO RIVER - W.O. 6746, W.O. 503.536.

After consideration of Calendar Item 34 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

- (1) ASSERTS A CLAIM TO PROPERTY WITHIN THE WESTERN ONE-HALF OF THE BED OF THE COLORADO RIVER, AS SUCH BED EXISTED IN 1942, LOCATED WITHIN OR ADJACENT TO SECTION 24, TOWNSHIP 6 SOUTH, RANGE 23 EAST, SAN BERNARDINO MERIDIAN; AND
- (2) AUTHORIZES THE STATE LANDS DIVISION AND THE ATTORNEY GENERAL TO TAKE ALL NECESSARY ACTIONS TO ESTABLISH AND PROTECT THE STATE'S RIGHTS IN AND TO THIS PROPERTY.

Attachment

Calendar Item 34 (1 page)

## CLAIM OF STATE LANDS WITHIN THE BED OF THE COLORADO RIVER

Two private parties entered into a lawsuit entitled Travis v. J. E. Haddock, Ltd., et al., in which each party attempted to establish its claim to land along the Colorado River in Section 24, Township 6 South, Range 23 East, San Bernardino Meridian. This suit precipitated an investigation which determined that there is a State interest in the area. At the Commission meeting of April 25, 1968, this matter was referred to the Attorney General's office for whatever action the Attorney General might deem advisable. Subsequent to that action, the lawsuit was dismissed, and the parties are to agree on their respective interests.

The investigation has revealed that the last natural channel of the Colorado River in this area is represented by the 1942 position. A man-made cut, called the "Ninth Avenue Cut", was made at this location between July 20 and October 13, 1943, by the Palo Verde Irrigation District. Under law, the State of California is owner of the bed of navigable rivers between low water lines. In this case, California is the apparent owner of the westerly one-half of the 1942 channel. The State of Arizona owns the eastern one-half since the natural river channel was the interstate boundary in 1942.

In order to protect the State's interest in the last natural channel of the Colorado River in the vicinity of Travis v. Haddock, it would appear the State should assert an affirmative claim to the western one-half of the 1942 riverbed.

IT IS RECOMMENDED THAT THE COMMISSION (1) ASSERT A CLAIM TO PROPERTY WITHIN THE WESTERN ONE-HALF OF THE BED OF THE COLORADO RIVER, AS SUCH BED EXISTED IN 1942, LOCATED WITHIN OR ADJACENT TO SECTION 24, TOWNSHIP 6 SOUTH, RANGE 23 EAST, SAN BERNARDINO MERIDIAN; AND (2) AUTHORIZE THE DIVISION AND THE ATTORNEY GENERAL TO TAKE ALL NECESSARY ACTIONS TO ESTABLISH AND PROTECT THE STATE'S RIGHTS IN AND TO THIS PROPERTY.