

STATUS OF MAJOR LITIGATION

12/19/77

Mr. Jan Stevens, Assistant Attorney General, reported on the following litigation:

W 503.882

1. The high-water issue is finally in the Appellate Court. In Fogarty v. State of California, the Attorney General's Office has filed an appeal from an order for injunction that was issued with respect to Lake Tahoe. G22-00
2. In the litigation concerning Anderson Marsh in Clearlake, the County of Lake has obtained permission from the court to withdraw as a co-defendant on the side of the State and to re-enter the case as a plaintiff arguing a low-water boundary rather than a high-water boundary. Mr. Stevens advised the State had pointed out this was inconsistent with their duties as trustee for the State of California of the bed of Clearlake, but the judge felt he should allow them to intervene and would decide their trustee duties later in another proceeding. Mr. Cory asked what the Attorney General's Office felt the Commission should do with a trustee that is moving inconsistent with the trust. Mr. Stevens advised he had spoken to the Commission's Staff concerning initiating a staff investigation and a report to the Commission, and the holding of hearings to ascertain whether the grant should be revoked. Mr. Cory asked Mr. Stevens to confer with Attorney General Evelle Younger concerning his position on this subject. He stated it might be well in the administration of public lands to meet this problem with a united front. W 8670
3. The navigability of Donner Lake for title purposes is before the Superior Court in Nevada County on the State's motion for summary judgment. W 503.799
4. With respect to the Berkeley waterfront, the State has asked the Supreme Court to hear the Murphy decision.