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CALENDAR ITEM

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Johas-Rusconi

AUTHORIZATION FOR SUIT FOR TRESPASS AND CONVERSION.

APPLICANT: Robert Westbrook
Reservation Ranch, Inc.
c/o David L. Schneider
LACO Associates
212 J Street
Eureka, California 90501

AREA, TYPE LAND AND LOCATION: Gravel extraction on tide and submerged lands on the north bank of Bailey Bar and Ranch Bar in the bed of the Smith River in Del Norte County, T 18 N, R 1 W, HBM, Sections 28, 29, 32, 33 and T 17 N, R 1 W, HBM, Section 11.

BACKGROUND: In October of 1976, the Staff of the State Lands Commission received a copy of the Department of Fish and Game Notification from Mr. Robert Westbrook of his intention to extract gravel from the bed of the Smith River. On January 5, 1977, the staff asked the applicant for specific information as to the location of the proposed extraction. This information was received and it was determined that the State of California had an interest in the bed of the Smith River at the point of the extraction. Staff then notified the applicant that it would be necessary to secure a permit from the State Lands Commission for the extraction of the gravel. The applicant was again notified on February 18, 1977 of the permit requirement. On February 9, 1977, staff notified the North Coast Regional Commission of the California Coastal Zone Conservation Commission of the State's interest in the project and the failure of the applicant to secure a permit from the State Lands Commission. This notice has also been given to the United States Army Corps of Engineers.

CURRENT SITUATION: On August 25, August 31, and December 5, 1977, the applicant was again notified

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that he was extracting gravel from State-owned land, was liable in conversion for the value of the gravel taken, and would need to secure a permit from the State Lands Commission. All of these notices were met either with silence or the steadfast claim by the applicant of fee ownership.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO ELIMINATE THE CONTINUING TRESPASS AND CONVERSION OF GRAVEL OF ROBERT WESTBROOK, RESERVATION RANCH, INC., FROM STATE-OWNED TIDE AND SUBMERGED LAND IN THE BED OF THE SMITH RIVER, DEL NORTE COUNTY.

STATE OF CALIFORNIA - STATE LANDS COMMISSION

LEASE NO. _____

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ATTACHMENT "A"

Section 4

LAND DESCRIPTION

All that certain parcel of land within the State owned bed of the Sacramento River, being in the County of Yolo, State of California, more particularly described as follows:

COMMENCING at a point in the centerline of the east levee of Reclamation District #811, said point being the northwesterly corner of Parcel A, as shown on that certain Record of Survey map entitled "Portion of Land lying Between S.L.S. No. 653 and S.L.S. No. 354 near Broderick", filed in Book 9 of Maps and Surveys at page 82 in the office of the Yolo County Recorder; thence N 47° 09' E a distance of 474.0 feet more or less along the northwesterly line of said Parcel A and the northeasterly prolongation thereof to a point on the high water mark on the right bank of the Sacramento River said point being the TRUE POINT OF BEGINNING; thence
N 47° 09' E a distance of 25 feet; thence
S 36° 00' E a distance of 92 feet; thence
N 54° 05' E a distance of 96 feet; thence
S 37° 05' E a distance of 149 feet; thence
N 52° 40' E a distance of 68 feet; thence
S 38° 10' E a distance of 318 feet; thence
S 27° 25' E a distance of 216 feet; thence
S 60° 53' 37" W a distance of 169.83 feet; more or less to the high water mark on the right bank of the Sacramento River; thence meandering upstream along the high water mark on the right bank of the Sacramento River to the point of beginning,

Containing 2.623 acres. Basis of bearings for this description is the centerline of the east levee of said Reclamation District No. 811, being the southwesterly line of the aforementioned Parcel A, said line being shown as N 28° 00' W on said Record of Survey,

END OF DESCRIPTION

Prepared

Shirley Hester

Checked

David L. Fullerton

Reviewed

J.P. Collins

Date

8/20/76