

MINUTE ITEM

This Calendar Item No. 31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 2
to 0 at its 7/24/86
meeting.

CALENDAR ITEM

31

A 23

S 13

07/24/86
W 23831
Valentine

DECLARATION OF NO SOVEREIGN INTEREST
SANTA CLARA VALLEY WATER DISTRICT, SANTA CLARA COUNTY

The Commission has been asked by the Santa Clara Valley Water District ("District") to declare that no sovereign interest of the State exists in four thin parcels of property which in the aggregate amount to approximately .38 acres. These parcels lie along the mile-long eastern boundary of land owned by the District in Santa Clara County. Upon review of the facts and law applicable to these parcels, staff has concluded that the District is entitled to a statement that the property is not subject to any sovereign ownership. The facts in support of this conclusion are as follows:

The District claims ownership of these parcels as successor to the patentees of the Rancho Embarcadero de Santa Clara. The Rancho Embarcadero in this location had as its eastern boundary the centerline of the Guadalupe River. The United States did not confirm the Rancho Embarcadero, by issuance of a federal confirmation patent, until 1936. This patent was based on a federal survey of the rancho conducted in 1935 which placed the boundary of the Rancho Embarcadero as the centerline of the Guadalupe River as it flowed in 1935.

The Rancho Embarcadero was bounded on the east by the Rancho Rincon de los Esteros which called for placement of its western boundary at the centerline of the Guadalupe River. The federal confirmation patent to this rancho was issued in 1873 based on an 1862 federal survey which called to the center of the river at its location in 1862.

The intent of the United States was that the two ranchos share a common boundary, the center of the Guadalupe River. However, the difference in time between the two surveys, over 70 years, caused the metes and bounds placement of the center of the river to differ. That is, due to movement of the river channel

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between 1862 and 1935 the described boundary between the two ranchos contains gaps and overlaps. The parcels in questions here lie within one of these gaps.

The District proposes to solve its boundary problem by lot line adjustment with the successors to the Rancho Rincon de los Esteros but needs a statement from the Commission that these parcels aren't subject to State claims of ownership. Since the federal government intended to include the bed of the Guadalupe River in the two ranchos, as evidenced by the boundary calls "to the centerline of the Guadalupe River", staff believes that the Commission should make such a statement. The parcels subject to the proposed disclaimer are depicted on Exhibit "A" and described in Exhibit "B".

EXHIBITS: A. Location Map.
 B. Land Description.

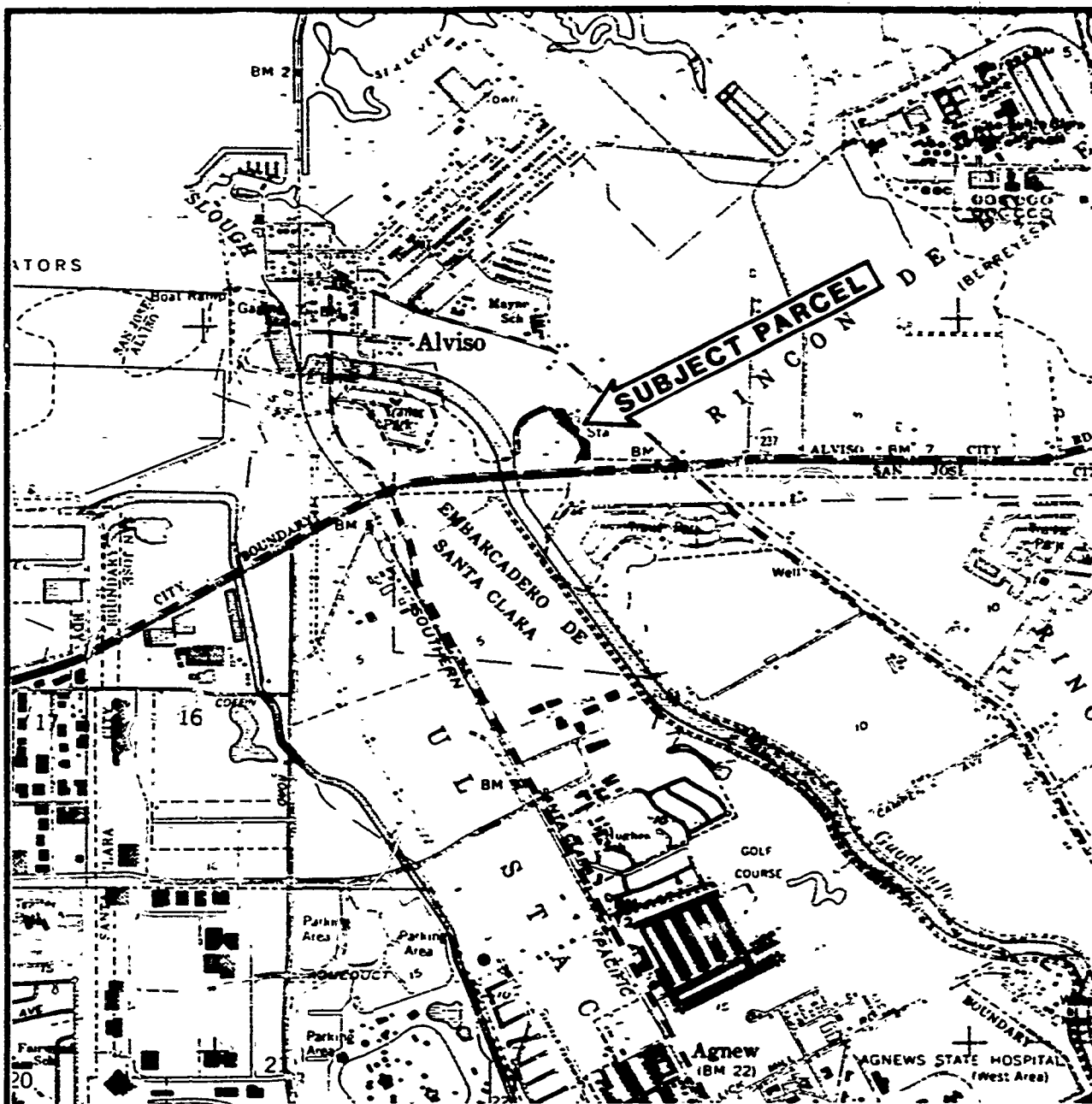
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THE PARCELS OF PROPERTY DESCRIBED IN EXHIBIT "B" AND DEPICTED IN EXHIBIT "A" ARE NOT OWNED BY THE STATE AS SOVEREIGN LANDS, BEING LANDS WHICH WERE INCLUDED WITHIN THE BOUNDARIES OF EITHER THE RANCHO ENBARCADERO DE SANTA CLARA OR THE RANCHO RINCON DE LOS ESTEROS.

(ADDED 07/16/86)

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STATE LANDS COMMISSION
TITLE STUDY PLAT
 A portion of USGS Quadrangle
 Milpitas 1961, pr 1980



Prepared by: **B. Lee** Date: **7-11-86 A: 23 S: 13** **EXHIBIT "A"**

Title Study: **GUADALUPE RIVERBED** **W 23831** **Z 3-N33-E 157**

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SD 86-04-16
Guadalupe Riverbed

EXHIBIT "B"

LAND DESCRIPTION

Any land in the former bed of the Guadalupe River situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

All of those lands lying northerly of the northerly right-of-way line of the Mountain View-Alviso Road; southeasterly of the northeasterly projection of the line having a bearing and distance of N 59° 27' 30" E 345.47' as described in that certain Grant Deed from Santa Clara County Flood Control and Water District to the State of California, recorded on December 27, 1971 in Vol. 9643, Page 10, (SLL #53); westerly and southwesterly of the lands conveyed to Francisco Berryessa and his wife from the United States of America, by Patent dated July 26, 1873, Book C of Patents, Page 58; and easterly and northeasterly of the lands conveyed to Barcilia Bernal from the United States of America, by Patent No. 1086615 dated October 28, 1936, Records of Santa Clara County.

END OF DESCRIPTION

REVISED JULY 9, 1986 BY THE BOUNDARY SERVICES UNIT; M.L. SHAFER
SUPERVISOR

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