

6. (Lake Elsinore - Rights of Public to Use for Navigation) Assemblyman Philip Boyd and Eugene Best, City Attorney of Elsinore, representing the area surrounding Lake Elsinore, appeared before the Commission regarding the problem of use of the Lake for navigation and recreation. John F. Hassler, Jr., Deputy Attorney General, was also present. In earlier conferences it was suggested that, if the State through the State Lands Commission had any jurisdiction over the Lake, public hearings be held to develop factual data.

The Commission was further informed that it appears the town of Elsinore and citizens have purchased from time to time, lands within the Laguna Rancho, which lands are occasionally, partially covered by waters of Lake Elsinore. Furthermore, over the years, the waters of Lake Elsinore have been used for navigation, recreation, fishing and hunting. Recently, the Lake Elsinore Development Corporation, which claims to have entered into an agreement with the owners of Lake Elsinore, has attempted to make a charge to users of the Lake. Records indicate that swampland, now the bed of the Lake, was included within the outermost boundaries of the Laguna Rancho. It is therefore possible that even though the Lake is and was navigable, the United States did confirm it into the original owners of the Rancho. There are a number of legal questions involved in this problem:

1. Whether Lake Elsinore, which is within the boundaries of the Laguna Rancho, was confirmed and patented by the United States to the owners of this Rancho;
2. Whether by use of Lake Elsinore by the public, an easement has been created even though the lands are owned in fee;
3. Whether because the Lake is mineralized, the waters of the Lake come under the jurisdiction of the State Lands Commission.

By informal opinion of January 30, 1948, and after having been furnished maps and notes with respect to ownership of the lake bed, the Attorney General's office has advised as follows:

"There is nothing to my knowledge that confers any authority of jurisdiction upon the State Lands Commission over navigable waters as separate and apart from the land beneath the same, and especially over such navigable waters as may lie above the lands, title to which is vested in private parties and not in the State.

"While the facts may possibly develop some authority and jurisdiction in the State over the waters of Lake Elsinore as apart from the ownership of its bed, and the decision of the Court in City of Elsinore v. Temescal Water Co., 36 Cal. App. (2d) 116, demonstrates the right of interested parties to protect and maintain the waters of Lake Elsinore, I am convinced that as long as the State does not own the bed of said lake your Commission has no authority or jurisdiction over the waters of Lake Elsinore and is not authorized nor empowered to investigate the matters referred to in Assemblyman Boyd's letter, nor to take any action in that regard.

"If there be any duty in the State under the provisions of Article 15, Section 2 of the Constitution to maintain access to the waters of Lake Elsinore and to the use thereof for free navigation, such duty does not devolve upon your Commission."

In view of the informal opinion of January 30, 1948, from the office of the Attorney General with respect to Lake Elsinore, upon motion duly made and unanimously carried, a resolution was adopted respectfully referring Assemblyman Boyd to the Attorney General for guidance and such action by the State as the Lake Elsinore problem warrants.

7. (Request for Deferment of Drilling Requirements - Honolulu - Signal - Macco, Lease No. P.R.C. 308 - Coal Oil Point Area - Santa Barbara County) On October 29, 1947, the Commission approved the deferment of drilling and operating requirements under State Oil and Gas Lease No. P.R.C. 308, not to extend beyond January 17, 1948, on the basis that further work on Lease No. P.R.C. 308 should be predicated on any additional information resulting from current operations under adjoining Lease No. P.R.C. 309.

The Commission was further informed that development work under Lease No. P.R.C. 309 is being continued through the extended drilling of one well and further testing of possible oil productive horizons indicated within the first well drilled under the lease.

The Commission was informed that the Honolulu Oil Corporation has requested an extension of the deferment of the drilling and operating requirements under Lease No. P.R.C. 308 for an additional period of ninety days, until April 17, 1948, within which to analyze current developments and plan any future operations on the lease.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to grant to Honolulu - Signal - Macco, Lessees under State Oil and Gas Lease No. P.R.C. 308, a deferment of drilling and operating requirements under said lease for a period of ninety days, until April 17, 1948, within which to analyze current developments and to plan any future operations on the subject lease.

8. (Application for Assignment Oil and Gas Leases Nos. P.R.C. 308 and 309 - Coal Oil Point Area, Santa Barbara County - Macco Corporation) The Commission was informed that an application has been received from the Macco Corporation, joint lessee together with the Honolulu Oil Corporation and Signal Oil and Gas Company under State Oil and Gas Leases Nos. P.R.C. 308 and 309, Coal Oil Point Area, Santa Barbara County, for assignment of said leases from the Macco Corporation to the Macoil Corporation, the other two lessees to remain the same. This assignment is requested because of the corporate reorganization of the Macco Corporation wherein all of the assets and liabilities of said corporation pertaining to the production of oil or gas are being assigned to the new corporation. The joint interested parties in the lease are agreeable to the assignment and new bonds on behalf of the Macoil Corporation to cover performance by said corporation under the leases have been furnished.