

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTION OF OCTOBER 29, 1947, (MINUTE ITEM NO. 6) WHICH GAVE AUTHORITY TO ISSUE A RIGHT OF WAY EASEMENT TO THE MALIBU QUARTERDECK IMPROVEMENT COMPANY FOR 15 YEARS ON STATE TIDE AND SUBMERGED LANDS AT MALIBU BEACH, LOS ANGELES COUNTY.

24. (SALE OF VACANT FEDERAL LANDS OBTAINED THROUGH USE OF BASE, LOS ANGELES LAND DISTRICT, LOS ANGELES COUNTY, PAUL HERBOLD) The Commission was informed that on March 24, 1947, authorization was given for the selection from the Federal Government of the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 14, T. 4 N., R. 13 W., S.B.M., containing 80 acres in Los Angeles County, and the sale thereof to Mr. Paul Herbold at a cash price of \$6.00 per acre, subject to all statutory reservations including minerals.

Mr. Herbold has never complied with the requirements with respect to this selection and the indemnity filing with the Federal Government has never been made.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTION OF THE COMMISSION AUTHORIZING THE SELECTION OF THE N $\frac{1}{2}$  OF NE $\frac{1}{4}$  OF SECTION 14, T. 4 N., R. 13 W., S.B.M., BY REASON OF FAILURE OF THE APPLICANT MR. PAUL HERBOLD TO CONFORM TO STATUTORY REQUIREMENTS.

25. (ASSIGNMENT OF MINERAL LEASE NO. P.R.C. 224, INYO COUNTY, MR. MERLE F. OTTO - W.O. 635) The Commission was informed that an application has been received pursuant to Mineral Lease P.R.C. 224, from Mr. Merle F. Otto, Lessee on 40 acres in Section 36, T. 23 S., R. 42 E., M.D.B. & M., Inyo County, for approval of a conditional assignment to Mr. Russell A. Donnelly of Los Angeles.

An option to purchase the lease through installment payments has been given to Mr. Donnelly by Mr. Otto, subject to approval by the Commission of the assignment of the lease. Mineral Lease No. P.R.C. 224 was issued June 12, 1947, for a term of twenty years for the extraction and processing of gold, silver and other valuable metallic minerals, and provides in part that the Lessee shall not transfer nor assign the lease and shall not sublet said land or any part thereof except upon the prior written consent of the State first had and obtained.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE THE ASSIGNMENT OF MINERAL LEASE P.R.C. 224 FROM MR. MERLE F. OTTO TO MR. RUSSELL A. DONNELLY SUBJECT TO THE FOLLOWING CONDITIONS:

1. MINERAL LEASE P.R.C. 224 IS TO BE AMENDED BY MUTUAL CONSENT OF THE RESPECTIVE PARTIES TO PROVIDE THAT THERE SHALL BE PERFORMED UNDER THE LEASE A MINIMUM OF 720 SHIFTS OF WORK EACH YEAR.

2. THE OPTION TO PURCHASE THE SUBJECT LEASE P.R.C. 224 IS TO BE EXERCISED BY MR. RUSSELL A. DONNELLY ON OR BEFORE JULY 29, 1950.

3. ALL LEASE RESPONSIBILITY IS TO BE RETAINED IN FULL BY MR. MERLE F. OTTO UNTIL FINAL COMPLETION OF THE LEASE SALE.

4. UPON COMPLETION OF THE LEASE SALE MR. RUSSELL A. DONNELLY IS TO DEPOSIT THE PERFORMANCE BOND OF \$1,000. REQUIRED BY LEASE P.R.C. 224.

26. (WURZ VS. STATE, NAPA COUNTY SUPERIOR COURT NO. 11838, QUIET TITLE ACTION AGAINST VACANT STATE SWAMP LANDS - W.O. 560) The Commission was informed that this action was brought by Louis O. and Anna I. Wurz pursuant to authority of Stats. 1949, Chapter 844. The 44.23 acre parcel of land claimed by plaintiffs included approximately 22.5 acres of land patented to the State as swamp lands,

which land was never conveyed by the State. The plaintiffs' claim arose from a certain interpretation of United States patent for certain lands in this vicinity. In the course of many pre-trial conferences between plaintiffs' attorney and the Attorney General's office, a stipulated total cost for evidence of title to the State lands has been agreed upon in the amount of \$787.50, said agreement being based upon an appraised value of \$35.00 per acre. To settle the problem the attorneys have agreed that the case be closed by issuance of a State patent for the land at the agreed price.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE ISSUANCE OF A PATENT TO LOUIS O. WURZ AND ANNA I. WURZ FOR APPROXIMATELY 22.5 ACRES OF SWAMP LAND LYING IN LOT 3 OF SECTION 23 AND IN LOT 6 OF SECTION 26, T. 4 N., R. 4 W., M.D.M., FOR A TOTAL CONSIDERATION OF \$787.50, INCLUDING ALL FEES.

27. (FEDERAL FISH AND WILD LIFE SERVICE, MINERAL RESERVATION, CONDEMNATION CASE U.S. DISTRICT COURT (NORTHERN-NORTHERN) #4574, CIVIL, SISKIYOU COUNTY - W.O. 640, P.R.C. 511) The Commission was informed that the federal government condemned, for the purpose of enlargement of the Lower Klamath National Wild Life Refuge, in Civil 4574, Siskiyou County, 520 acres of school land in Section 16, T. 47 N., R. 3 E., M.D.M., and in the case, by stipulation, minerals were reserved to the State. The State received, under the court decision, \$2080.00, or \$4.00 per acre.

The Federal Fish and Wild Life Service have now requested permission to use rock and allied materials from the former State land for the use in dike construction on the refuge, which materials might be considered as minerals. It is suggested that consideration for the use of this rock is the public benefit to accrue from the Wild Life Refuge and, therefore, the State should permit its use on not only the State land condemned, but on the adjoining land, as shown on the map attached to the letter submitted by the Federal Fish and Wild Life Service on January 24, 1950.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A PERMIT TO THE FEDERAL FISH AND WILD LIFE SERVICE FOR USE OF ROCK AND ALLIED MATERIALS RESERVED TO THE STATE IN JUDGMENT IN CASE U.S.D.C. (NO.-NO.) NO. 4574, INVOLVING 520 ACRES IN SECTION 16, T. 47 N., R. 3 E., M.D.M., WHICH MATERIAL IS TO BE USED FOR THE CONSTRUCTION OF DIKES IN LOWER KLAMATH NATIONAL WILD LIFE REFUGE FOR THE CONSIDERATION THAT THE USE OF THIS MATERIAL IS IN THE PUBLIC INTEREST.

28. (APPLICATION NO. 4708, SACRAMENTO LAND DISTRICT, NAPA COUNTY, CALIFORNIA MEDICAL MISSIONARY AND BENEVOLENT ASSOCIATION - SAC. W.O. 192) The Commission was informed that Honorable George R. Butters, Assemblyman from Brawley, Imperial County, had requested the State to withhold from disposition certain school land on the Colorado River described as Lots 1, 2, 3 and 4, of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 16, T. 13 S., R. 22 E., S.B.M., containing 163.72 acres in Imperial County. The Commission was also informed that the subject land had been designated as base for an indemnity selection of Federal Government land for which the State had received \$8.00 per acre; that a portion of the subject land lies below the operational water line of the Imperial Dam Reservoir and that the State had been requested by the Federal Bureau of Reclamation to initiate action to re-convey title to said land to the United States in exchange for other land. It was pointed out that if the State withdrew the base and substituted other school land base the Federal Government probably would file condemnation proceedings on the subject land; that the matter had been discussed with the Division of Beaches and Parks relative to the acquisition of said land by Beaches and Parks in the event the State substituted other base; and that if the substitution of base was not made before the approval