

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AND ISSUE TO MR. ANDREW THICKSTUN A PREFERENTIAL MINERAL LEASE IN THE STANDARD FORM AUTHORIZED UNDER THE PUBLIC RESOURCES CODE COVERING 151 ACRES IN LOTS 7, 8, 9, 13 AND 17 IN THE SOUTH-EASTERLY QUARTER OF SECTION 36, T. 18 S., R. 12 E., M.D.M., FRESNO COUNTY, HERETOFORE INCLUDED IN PROSPECTING PERMIT P.R.C. 1250.2, AT THE ROYALTY RATES SPECIFIED IN SAID PROSPECTING PERMIT, AND AT AN ANNUAL RENTAL OF \$151, SUBJECT TO THE DEPOSIT BY THE LESSEE OF A PERFORMANCE BOND IN THE AMOUNT OF \$1000.

28. (APPLICATION FOR APPROVAL OF LOCATION, TELEPHONE AND TELEGRAPH LINE CROSSING THE SAN JOAQUIN RIVER, STANISLAUS COUNTY, PACIFIC TELEPHONE AND TELEGRAPH COMPANY - W.O. 1336, P.R.C. 779.1.) The Pacific Telephone and Telegraph Company has applied for approval of the location of its telephone and telegraph lines with necessary appurtenances across the San Joaquin River near Crows Landing, Stanislaus County. This application is in addition to those acted on by the Commission and shown in Item 28, Pages 1608 to 1613 inclusive, Minutes of August 21, 1952. The subject crossing is 532.70 feet in length, a width of 100 feet being requested. Filing fee and expense deposit have been paid.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WITH THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, APPROVING THE LOCATION OF A TELEPHONE CROSSING OF THE SAN JOAQUIN RIVER, STANISLAUS COUNTY, PURSUANT TO THE ACTION TAKEN BY THE COMMISSION ON AUGUST 21, 1952, AS SHOWN IN ITEM 28, PAGES 1608 TO 1613 INCLUSIVE OF THE MINUTES.

29. (ANNEXATION OF TIDE AND SUBMERGED LANDS, CITY OF HUNTINGTON BEACH, RESOLUTION NO. 1099, JANUARY 16, 1950; RESOLUTION NO. 1149, MAY 7, 1951 - GEO., ORANGE CO.) On January 6, 1950, and on May 7, 1951, the City Council of Huntington Beach annexed two parcels of State Tide and Submerged Lands situated in the Huntington Beach offshore oil field to the City of Huntington Beach. In the Notice of Publication of these annexations, the City of Huntington Beach set hearings for February 6, 1950, at 7.30 p.m., and June 4, 1951, at 8.00 p.m., respectively, in the City Council Chambers of the City Hall, of the City of Huntington Beach, for the purpose of receiving objections to the proposed annexations.

In connection with the hearings that were held with respect to these annexations, the Executive Officer transmitted two letters which are as follows:

"February 6, 1950.

"City Council,  
City of Huntington Beach,  
Huntington Beach, California.

Gentlemen:

This office has been advised that a hearing is to be held on February 6, 1950, in the City Council Chambers of the City of Huntington Beach, California, said hearing relating to Resolution No. 1099 of the City Council which proposes to annex certain territory contiguous to the City.

The State of California is the owner of tide and submerged lands below the high water mark on the coast of California extending seaward to the marginal belt. It is understood that the area proposed to be annexed lies entirely within the lands thus described as owned by the State of California.

Assuming that no questions of ownership are involved in this procedure, this office interposes no objection to the proposed annexation.

Yours very truly,

(Signed) Rufus W. Putnam  
RUFUS W. PUTNAM  
Executive Officer"

"Geo-Orange County  
H.B. Annexation -  
Tidelands

June 4, 1951

"City Council  
City of Huntington Beach  
California

Gentlemen:

This office has been notified of the hearing to be held on June 4, 1951 in the Council Chamber of the City of Huntington Beach, California, on Resolution No. 1149 of the City Council, proposing to annex certain uninhabited territory contiguous to the city.

As you have been informed previously, the State of California is the owner of the tide and submerged lands seaward of the ordinary high water mark of the coast of California and extending seaward to the marginal belt. It is understood from the aforesaid Resolution No. 1149 that the area proposed to be annexed includes only lands owned by the State of California, as described hereinbefore.

On the assumption that no questions of title to tide and submerged lands are involved in the proposed annexation procedure, the Division of State Lands interposes no objection to such annexation.

Very truly yours,

(Signed) Rufus W. Putnam  
RUFUS W. PUTNAM  
Executive Officer"

Because of the legal situation as it has now developed, the City of Huntington Beach is desirous of having the above quoted letters confirmed by a Resolution of the State Lands Commission.

A short discussion was held as to the possibility of the State's interests being affected by the proposed annexations, but it was concluded that such annexations will be in conformity with State statutes over which the State Lands Commission has no control, and that the question of anticipating possible future problems that might arise as a result of such annexations therefore is not pertinent at this time.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING AND CONFIRMING THE SENDING OF THE LETTERS DATED FEBRUARY 6, 1950, AND JUNE 4, 1951, AS SENT TO THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH WITH RESPECT TO RESOLUTIONS NOS. 1099 AND 1149 OF THE CITY COUNCIL OF HUNTINGTON BEACH.

30. (PROPOSED LEGISLATION - W.O. 1141.) Section 6357 of the Public Resources Code reads as follows:

"Authority to establish. The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, either by arbitration or action to quiet title, whenever it is deemed expedient or necessary."

There are problems incident to the Commission's jurisdiction pursuant to Section 6301 of the Public Resources Code on boundaries of State-owned lands that involve the determination of the low-water mark on nontidal rivers, streams, and lakes. Sections 6107, 6461, and 7555 of the Public Resources Code involve such boundaries in quiet title actions. Furthermore, Section 830 of the Civil Code (with reference to boundaries of lands fronting on water) states that when the land borders "upon a navigable lake or stream where there is no tide, the owner takes to the edge of the lake or stream, at low water mark." It is believed necessary to introduce legislation to provide that the Commission may establish the ordinary low-water mark on navigable rivers, streams, or lakes, this to be done by amending Section 6357 quoted above.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER AND STAFF TO HAVE INTRODUCED INTO THE LEGISLATURE AN AMENDMENT TO SECTION 6357 OF THE PUBLIC RESOURCES CODE TO PROVIDE THAT THE COMMISSION MAY ESTABLISH THE LOW-WATER MARK ON NAVIGABLE RIVERS, STREAMS, AND LAKES, IN ADDITION TO THE PRESENT AUTHORITY FOR ESTABLISHING THE ORDINARY HIGH-WATER MARK AND ORDINARY LOW-WATER MARK ON TIDAL WATERS AS SET FORTH IN SECTION 6357.