

15. (EXCHANGE OF SOVEREIGN LANDS, IMPERIAL IRRIGATION DISTRICT, IMPERIAL COUNTY - W. O. 2218, SOV. LANDS P.L.R.S.) The following report was presented to the Commission:

"At its meeting of April 12, 1956 (Item 25 of Minute page 2629), the Commission authorized the Executive Officer to exchange certain sovereign lands in Sections 25, 35, and 36, T. 16 S., R. 21 E., S.B.M., consisting of 40 acres, with the Imperial Irrigation District for 40 acres of land in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, T. 11 S., R. 13 E., S.B.M., pursuant to Section 6307 of the Public Resources Code which reads as follows:

'§6307. Exchange of lands: Status of land acquired. Whenever it appears to the commission to be in the best interests of the State, for the improvement of navigation, aid in reclamation, or for flood control protection, on navigable rivers, sloughs, streams, lakes, bays, estuaries, inlets, or straits, the commission may exchange lands of equal value, whether filled or unfilled with any state agency, political subdivision, person, or the United States or any agency thereof. Any land so acquired shall have the same status as to administration, control and disposition as the lands for which it was exchanged.'

"When this exchange was first presented to the Commission on November 30, 1955 the staff reported as follows (Minute page 2492):

'It is the opinion of the Commission's staff that the lands desired by the Imperial Irrigation District are lands that come within the categories of the above-quoted section. It is the further opinion of the staff that the lands offered by the Imperial Irrigation District, which the State will acquire through the provisions of the exchange in the above-quoted code section, are also within the categories described in the above-described section, and specifically that they are lands that may be reclaimed. The lands offered by the Imperial Irrigation District consist of 40 acres in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, T. 11 S., R. 13 E., S.B.M. They have been appraised by the Commission's staff and have a value equal to or greater than that of the approximately 40 acres described in Case No. 29807 cited above.

'The office of the Attorney General, through Walter S. Rountree, Assistant Attorney General, has informally advised that the exchange suggested complies with the provisions of the Public Resources Code, and that the State may issue a patent for the lands desired by the Imperial Irrigation District, in exchange for the lands offered to the State by the Imperial Irrigation District, and that Case No. 29807 may then be compromised.'

"In discussing the patent to be issued to the Imperial Irrigation District, the Attorney General now suggests that the Commission make a specific finding in the words of the Statute that the exchange is 'in the best interest of the State for the improvement of navigation, aid in reclamation, and for flood control protection on the Colorado River, a navigable river,' rather than as was stated in the resolution of April 12, 1956, that the exchange was being made 'pursuant to Section 6307 of the Public Resources Code'."

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE RESOLUTION OF APRIL 12, 1956 (MINUTE PAGE 2629), IS REVISED TO READ AS FOLLOWS:

THE MINUTES OF NOVEMBER 30, 1955 (MINUTE ITEM NO. 3, MINUTE PAGES 2492-93), ARE CORRECTED TO READ: "THE EXECUTIVE OFFICER IS AUTHORIZED TO EXCHANGE, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS, AND FURTHER SUBJECT TO CONVEYANCE OF THE MINERALS TO THE UNITED STATES PURSUANT TO SECTION 6402 OF THE PUBLIC RESOURCES CODE, UPON NOTICE OF CONVEYANCE OF THE LAND THERETO, APPROXIMATELY 40 ACRES OF LANDS CLAIMED BY THE STATE TO BE SOVEREIGN LANDS, IN SECTIONS 25, 35, AND 36, T. 16 S., R. 21 E., S.B.M., AND TO RECEIVE THEREFOR FROM THE IMPERIAL IRRIGATION DISTRICT 40 ACRES OF LAND IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 14, T. 11 S., R. 13 E., S.B.M., PURSUANT TO SECTION 6307 OF THE PUBLIC RESOURCES CODE; FURTHER, THE COMMISSION FINDS (1) THAT THE LANDS TO BE RECEIVED BY THE STATE ARE OF EQUAL OR GREATER VALUE THAN THE LANDS TO BE PATENTED BY THE STATE TO THE IMPERIAL IRRIGATION DISTRICT, AND (2) THAT THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE, FOR THE IMPROVEMENT OF NAVIGATION, AID IN RECLAMATION, AND FOR FLOOD CONTROL PROTECTION ON THE COLORADO RIVER, A NAVIGABLE RIVER, AND FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE ATTORNEY GENERAL TO CONSUMMATE THE EXCHANGE AND ENTER INTO A STIPULATION TO COMPROMISE IMPERIAL COUNTY SUPERIOR COURT CASE NO. 29807."

16. (APPLICATION FOR REMOVAL OF BEACH SAND, SANTA BARBARA COUNTY, DIVISION OF HIGHWAYS - W. O. 2299.) The following report was presented to the Commission:

"The Division of Highways has requested that two parcels of tide and submerged lands in Santa Barbara County be set aside as borrow pits for sand to be used in freeway construction. These sites are at the mouth of Tajiguas Creek for the removal of 20,000 cubic yards, and at the mouth of Arroyo Quemado for the removal of 10,000 cubic yards, both sites being east of Gaviota and west (upcoast) from Refugio Beach State Park. Because of the possibility of an effect on the State Park and pursuant to Section 6818 of the Public Resources Code, the matter was referred to the Director of Natural Resources. Colonel Charles T. Leeds, Consulting Seacoast Engineer, was also requested to make a report on the possible effect on the State Beach. The Division of Beaches and Parks recommends a most vigorous opposition. Colonel Leeds reports that removal of sand at the two locations will probably adversely affect the State Beach Park and 'produce similar but lesser effects of the beaches eastward'."

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