

MINUTE ITEM

22. SALE OF VACANT SCHOOL LAND, APPLICATION NO. 11646, LOS ANGELES LAND DISTRICT, IMPERIAL COUNTY, IMPERIAL IRRIGATION DISTRICT - S.W.O. 7759.

After consideration of Calendar Item 26 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE $N\frac{1}{2}$ OF $SW\frac{1}{4}$ OF SECTION 16 AND SECTION 36, T. 9 S., R. 11 E., AND SECTION 16, T. 10 S., R. 12 E., AS SHOWN ON OFFICIAL U. S. PLATS OF SURVEY APPROVED OCTOBER 6, 1856, AND THE $E\frac{1}{2}$ OF $NE\frac{1}{4}$ OF SECTION 16, T. 11 S., R. 13 E., S.B.M., AS SHOWN ON OFFICIAL U. S. PLAT OF RESURVEY APPROVED DECEMBER 11, 1924, CONTAINING A TOTAL OF 1,440 ACRES MORE OR LESS, IN IMPERIAL COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND AUTHORIZES THE SALE OF SAID LANDS TO IMPERIAL IRRIGATION DISTRICT, WITHOUT ADVERTISING, AT THE APPRAISED CASH PRICE OF \$14,400, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS; AND SUBJECT ALSO TO THE FOLLOWING IMPLIED-IN-LAW CONDITIONS OUTLINED IN OPINION NO. 60/15, DATED JULY 14, 1960, OF THE ATTORNEY GENERAL, BEING INCORPORATED INTO THE PATENT:

1. THIS PATENT IS SUBJECT TO ANY AND ALL PROPERTY RIGHTS, ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, AND SERVITUDES THAT MAY HAVE VESTED, ACCRUED, OR BEEN ISSUED IN ACCORDANCE WITH LAW, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO FLOW WATER ON THIS TRACT OF LAND.
2. THERE IS HEREBY RESERVED TO THE STATE OF CALIFORNIA, ITS PUBLIC AGENCIES, AND ITS SUBDIVISIONS (INCLUDING, BUT NOT LIMITED TO, PUBLIC DISTRICTS) THE RIGHT, AT ANY TIME, TO INUNDATE THIS TRACT TO ANY DEPTH; TO INTERRUPT FOR ANY LENGTH OF TIME THE FLOW OF WATER ON THIS TRACT; OR TO INUNDATE THIS TRACT OR TO INTERRUPT THE FLOW OF WATER THEREON, ALTERNATELY.
3. THERE IS HEREBY RESERVED ANY AND ALL RIGHTS OF THE PUBLIC TO THE USE OF THE OVERLYING WATER OF THE SALTON SEA FOR COMMERCE OR RECREATION, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO HUNT OR TO FISH THEREON.
4. NO RIGHT TO THE USE OF THE OVERLYING WATERS OF THE SALTON SEA FOR NAVIGATION, COMMERCE, RECREATION, HUNTING, OR FISHING IS HEREBY CONVEYED BY THIS PATENT.

Attachment
Calendar Item 26 (2 pages)

CALENDAR ITEM

26.

SALE OF VACANT SCHOOL LAND, APPLICATION NO. 11646, LOS ANGELES LAND DISTRICT, IMPERIAL COUNTY, IMPERIAL IRRIGATION DISTRICT - S.W.O. 7759.

The Commission, by resolutions adopted at its meetings held May 24, 1960 (Minute Item 26, pages 6011-6013), and August 25, 1960 (Minute Item 10, pages 6221-6223), authorized the sale of, among other lands, the $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 16, and Section 36, T. 9 S., R. 11 E., Section 16, T. 10 S., R. 12 E., and $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 16, T. 11 S., R. 13 E., S.B.M., containing 1,440 acres in Imperial County, to the Imperial Irrigation District at the market value established by staff appraisal following the filing of the standard purchase application, without advertising for competitive bids.

In accordance with the aforesaid actions, an application to purchase the above-described lands was filed by the Imperial Irrigation District on September 22, 1960, accompanied by a cash offer of \$10,880.

A staff appraisal shows that the land is not suitable for cultivation without artificial irrigation, and establishes its value at \$10 per acre, for a total of \$14,400. The applicant deposited the necessary amount to meet this value.

The parcels are completely inundated by the waters of the Salton Sea; the highest and best use is for flood control purposes.

With respect to the areas involved herein, Attorney General's Opinion No. 60/15, dated July 14, 1960, recommended that the following implied-in-law reservations be expressly stated in the patent:

1. This patent is subject to any and all property rights, encumbrances, easements, rights of way, and servitudes that may have vested, accrued, or been issued in accordance with law, including, but not limited to, the right to flow water on this tract of land.
2. There is hereby reserved to the State of California, its public agencies, and its subdivisions (including, but not limited to, public districts) the right, at any time, to inundate this tract to any depth; to interrupt for any length of time the flow of water on this tract; or to inundate this tract or to interrupt the flow of water thereon, alternately.
3. There is hereby reserved any and all rights of the public to the use of the overlying water of the Salton Sea for commerce or recreation, including, but not limited to, the right to hunt or to fish thereon.
4. No right to the use of the overlying waters of the Salton Sea for navigation, commerce, recreation, hunting, or fishing is hereby conveyed by this patent.

CALENDAR ITEM 26. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE $N\frac{1}{2}$ OF $SW\frac{1}{4}$ OF SECTION 16 AND SECTION 36, T. 9 S., R. 11 E., AND SECTION 16, T. 10 S., R. 12 E., AS SHOWN ON OFFICIAL U. S. PLATS OF SURVEY APPROVED OCTOBER 6, 1856, AND THE $E\frac{1}{2}$ OF $NE\frac{1}{4}$ OF SECTION 16, T. 11 S., R. 13 E., S.B.M., AS SHOWN ON OFFICIAL U. S. PLAT OF RESURVEY APPROVED DECEMBER 11, 1924, CONTAINING A TOTAL OF 1,440 ACRES MORE OR LESS, IN IMPERIAL COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND AUTHORIZE THE SALE OF SAID LANDS TO IMPERIAL IRRIGATION DISTRICT, WITHOUT ADVERTISING, AT THE APPRAISED CASH PRICE OF \$14,400, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS; AND SUBJECT ALSO TO THE FOLLOWING IMPLIED-IN-LAW CONDITIONS OUTLINED IN OPINION NO. 60/15 DATED JULY 14, 1960, OF THE ATTORNEY GENERAL, BEING INCORPORATED INTO THE PATENT:

1. THIS PATENT IS SUBJECT TO ANY AND ALL PROPERTY RIGHTS, ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, AND SERVITUDES THAT MAY HAVE VESTED, ACCRUED, OR BEEN ISSUED IN ACCORDANCE WITH LAW, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO FLOW WATER ON THIS TRACT OF LAND.
2. THERE IS HEREBY RESERVED TO THE STATE OF CALIFORNIA, ITS PUBLIC AGENCIES, AND ITS SUBDIVISIONS (INCLUDING, BUT NOT LIMITED TO, PUBLIC DISTRICTS) THE RIGHT, AT ANY TIME, TO INUNDATE THIS TRACT TO ANY DEPTH; TO INTERRUPT FOR ANY LENGTH OF TIME THE FLOW OF WATER ON THIS TRACT; OR TO INUNDATE THIS TRACT OR TO INTERRUPT THE FLOW OF WATER THEREON, ALTERNATELY.
3. THERE IS HEREBY RESERVED ANY AND ALL RIGHTS OF THE PUBLIC TO THE USE OF THE OVERLYING WATER OF THE SALTON SEA FOR COMMERCE OR RECREATION, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO HUNT OR TO FISH THEREON.
4. NO RIGHT TO THE USE OF THE OVERLYING WATERS OF THE SALTON SEA FOR NAVIGATION, COMMERCE, RECREATION, HUNTING, OR FISHING IS HEREBY CONVEYED BY THIS PATENT.