

MINUTE ITEM

10/75
EPW

8. RIGHT OF WAY; TIDE AND SUBMERGED LANDS IN LAIRD SLOUGH, SAN JOAQUIN AND TUOLUMNE RIVERS, STANISLAUS COUNTY; TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT; W 20702; PRC 5060.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT ON JULY 17, 1974.
2. CERTIFIES THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES ISSUANCE TO THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT OF A 49-YEAR RIGHT OF WAY FROM SEPTEMBER 1, 1975, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST FOR THE CONSTRUCTION AND MAINTENANCE OF A 230 KV TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:
Calendar Item 6 (4 pages)

CALENDAR ITEM

6.

RIGHT OF WAY

10/75
EPW
W 20702

APPLICANTS: Turlock Irrigation District
P.O. Box 949
Turlock, California 95380

and

Modesto Irrigation District
P.O. Box 4060
Modesto, California 95352

AREA, TYPE LAND AND LOCATION:

Three separate parcels, 0.41, 0.21 and 0.15 acres respectively of tide and submerged land in Laird Slough, San Joaquin River, and Tuolumne River, Stanislaus County.

LAND USE: For the construction and maintenance of a 230 KV transmission line.

TERMS OF PROPOSED LEASE:

Initial period: 49 years from September 1, 1975.
Construction

Limiting dates: Beginning: September 1, 1975.
Completion: September 1, 1977.

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is Permittee of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 & 2.
- b. Administrative Code: Title 2, Div. 3,
Arts. 1, 2 & 10.

OTHER PERTINENT INFORMATION:

The annual rental value of the site is estimated to be \$100.

1. A final Environmental Impact Report was prepared by the Turlock Irrigation District and the Modesto Irrigation District, pursuant to CEQA and implementing regulations. A Notice of Determination has been received.

CALENDAR ITEM NO. 6. (CONTD)

2. An action was filed by the City of Ceres in the Superior Court of Stanislaus, Case No. 127485 against the Turlock Irrigation District and the Modesto Irrigation District alleging that the Environmental Impact Report (SCH 73121712) was deficient in that it failed to cite the impact of the transmission line passing in such close proximity to the City of Ceres.

At the conclusion of the trial, the Court held that the Environmental Impact Report was not deficient. Plaintiffs appealed the judgment to the Court of Appeals, 5th District, Fresno, California. The Court of Appeals held that the case was without grounds and dismissed the appeal. Plaintiffs then requested the California Supreme Court to hear the case. The Supreme Court denied the request.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT ON JULY 17, 1974.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO THE TURLOCK IRRIGATION DISTRICT AND THE MODESTO IRRIGATION DISTRICT OF A 49-YEAR RIGHT OF WAY FROM SEPTEMBER 1, 1975, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST FOR THE CONSTRUCTION AND MAINTENANCE OF A 230 KV TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A" (2 pages)

EXHIBIT "A"

W 20702

Three parcels of submerged land being more particularly described as follows:

PARCEL 1:

That portion of a strip of land being 90 feet wide in the State-owned bed of the Tuolumne River within Section 1, T 4 S, R 9 E, MDM, Court of Stanislaus, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the northwest corner of the northeast quarter of said Section 1; thence east along the north line of said Section 1, 1320 feet more or less to the west line of that certain parcel described in the deed recorded July 9, 1964; in Volume 1960 of Deeds, page 485, records of said county; thence S 0° 37' 11" W 850.61 feet; thence S 35° 55' 55" W 1970 feet to the TRUE POINT OF BEGINNING; thence continuing S 35° 55' 55" W 500 feet to the end of the herein described centerline.

PARCEL 2:

That portion of a strip of land being 90 feet wide in the State-owned bed of Laird Slough within Section 25, T 4 S, R 7 E, MDM, County of Stanislaus, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the southwest corner of Section 19, T 4 S, R 8 E, MDM; thence S 00° 03' 45" E along the southerly extension of the west line of said section, 15.61 feet; thence S 65° 39' 27" W 53.13 feet; thence S 89° 26' 12" W 3390 feet to the TRUE POINT OF BEGINNING; thence continuing S 89° 26' 12" W 300 feet to the end of the herein described centerline.

EXHIBIT "A" (CONTD)

PARCEL 3:

That portion of a strip of land being 90 feet wide in the State-owned bed of the San Joaquin River (old channel) within Section 25, T 4 S, R 7 E, MDM, County of Stanislaus, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the southwest corner of Section 19, T 4 S, R 8 E, MDM; thence S 00° 03' 45" E along the southerly extension of the west line of said section, 15.61 feet; thence S 65° 39' 27" W 53.13 feet; thence S 89° 26' 12" W 3788.00 feet; thence S 50° 33' 40" W 150 feet to the TRUE POINT OF BEGINNING; thence continuing S 50° 33' 40" W 200 feet to the end of the herein described centerline.

END OF DESCRIPTION