

MINUTE ITEM

Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 2
to 0 at its 4-27-78
meeting.

MINUTE ITEM

4/78
Trout

20. CONSIDERATION OF INTEREST IN PROPOSED BOUNDARY SETTLEMENT
AND EXCHANGE AGREEMENT, COLORADO RIVER, RIVERSIDE
COUNTY - W 21735.

During consideration of Calendar Item 20, attached, Mr. James F. Trout, Chief, Division of Land Management and Conservation, stated the applicant has requested that the boundary settlement and exchange agreement be consummated within 1 year instead of 5 years as recommended by staff in paragraph 3, page 131 of the subject Calendar Item. This change was approved by the Commission and will be reflected in the proposed agreement.

Upon motion duly made and carried, the resolution as presented in Calendar Item 20 was adopted by a vote of 2-0.

Attachment: Calendar Item 3 (4 pages).

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CALENDAR ITEM

20.

4/78
W 21735
Trout

CONSIDERATION OF INTEREST IN PROPOSED
BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT
COLORADO RIVER, RIVERSIDE COUNTY

Senate Bill 1385/1978 affects a section of the Colorado River near Sixth Avenue north of Blythe. Its purpose is to establish the property boundaries on the basis of the location of the river as of December 1, 1977. The bill, even if enacted, would accomplish little if anything in resolving boundary problems for upland parties.

In the vicinity of Blythe, the Colorado River has occupied many beds since California statehood. This area shares a problem common to much of the river's 250 miles as California's border with Arizona. The Blythe area is important for agricultural and recreational uses. Unresolved boundary problems limit both public and private parties in management and development of their lands. Old river beds are frequently found within lands now actively used by ranchers, farmers and those catering to recreationists. In an effort to obtain some certainty in this area, private parties have contacted their legislators seeking statutory remedies. SB 1385 by Paul Carpenter, had been set for hearing.

One required element of any final settlement of boundaries along the Colorado River is the consent or agreement of the party owning the left (or east) half of the riverbed. In most cases this will be either the State of Arizona or the Colorado River Indian Nation - both involved in the Blythe area. Hence, any unilateral action by California will not effectively fix the boundary. Absent the agreement of Arizona or of the Colorado Indian Nation on the location of the boundary line no certainty is possible without protracted litigation.

Staff has attempted to approach the problem on a positive basis. Boundary settlement and exchange agreements are preferred to lengthy and expensive litigation. However, these settlement and exchange agreements take time to consummate. Many potential parties to such agreements are reluctant to start necessary work without an expression of interest on the part of others, especially the State.

In the area which is the subject of Senate Bill 1385 a boundary agreement may be possible. A potential purchaser

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of the uplands in the area has indicated a willingness to do the necessary surveying work. The proposal under consideration is that the Commission would quitclaim all right, title and interest of the State of California, under the jurisdiction of the Commission, in the described parcel to the owners of record in exchange for the delivery of deeds sufficient to vest and clarify title in the Commission to the westerly one-half of the existing river channel approximately between River Points 12.06 and 12.08 to the present mean high water line. The State's deed would be executed and recorded when and upon the condition that the State obtains title to the westerly one-half of the present bed of the river.

Other elements of the exchange would include that:

- (1) The transaction be conditioned upon the issuance of a boundary line warranty by a title company in an amount to be specified, insuring as to all parties necessary to effectuate the agreement;
- (2) The exchange would not become effective until all parties determined by the State as necessary to the transaction had executed the agreement and any required deeds had been recorded;
- (3) The exchange must be concluded within 5 years after its approval by the Commission;
- (4) The Commission would satisfy itself that the land which is received is of at least equal value to that which is given up. (For this purpose, the State Lands Commission's Staff would review values of the parcels to be exchanged);
- (5) Any survey affecting the lands at issue, made by the upland owner would be subject to approval by the Commission before recordation.

Staff recommends that the Commission express its willingness to consider a boundary settlement and exchange agreement of the form described above. At such time as the agreement has been prepared in final form it would be submitted to the Commission for its consideration.

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EXHIBITS: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION EXPRESS A WILLINGNESS TO CONSIDER AN APPROPRIATE BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT ON THE COLORADO RIVER BETWEEN RIVER POINTS 12.06 AND 12.08 WHEN ALL LEGAL REQUIREMENTS ARE SATISFIED. THE COMMISSION EXPRESSLY RESERVES THE RIGHT TO REVIEW THE FINAL SETTLEMENT TERMS AND APPROVE OR DISAPPROVE OF THE AGREEMENT OR OF ANY PART THEREOF AT THAT TIME.

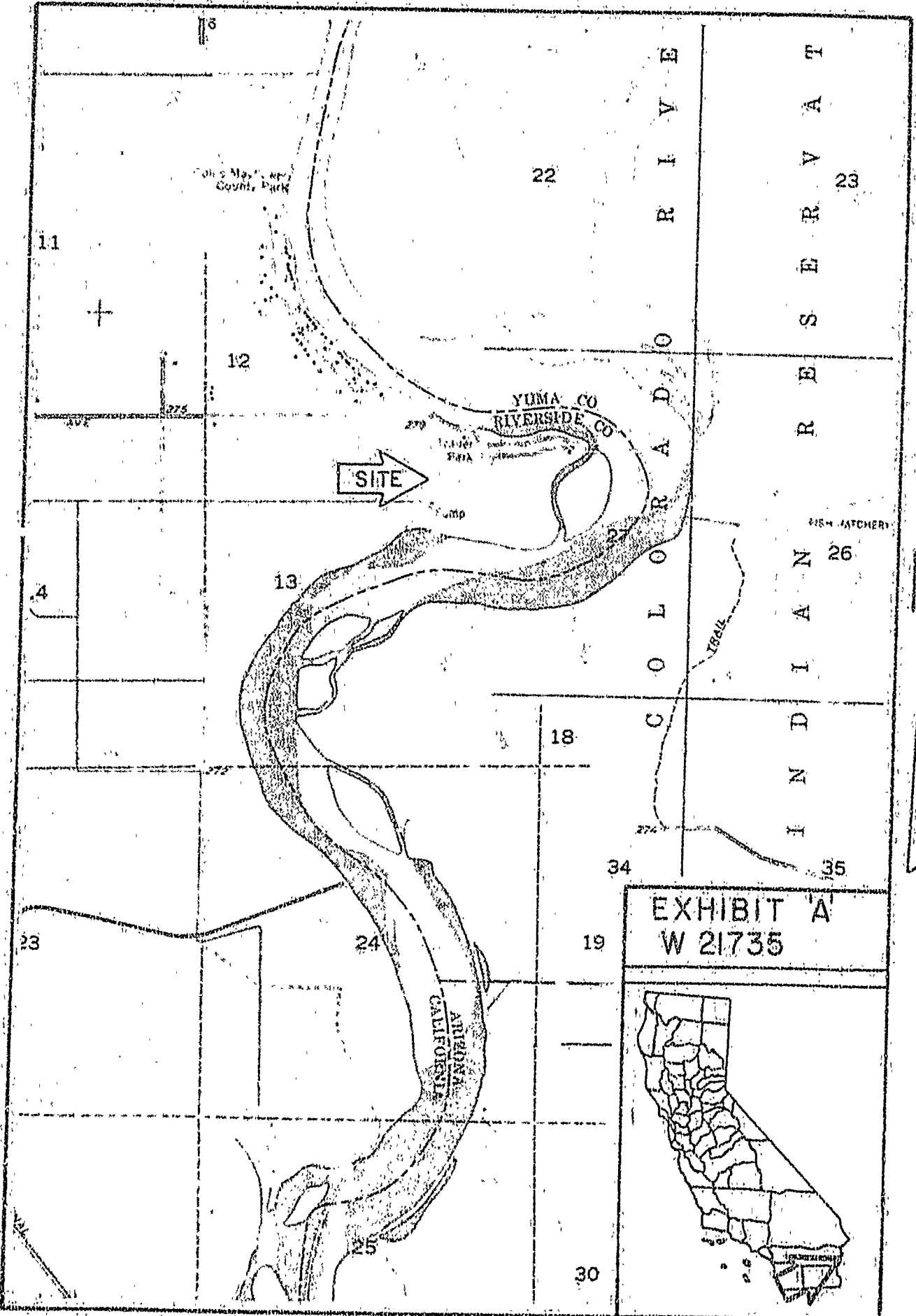


EXHIBIT 'A'
W 21735

