

MINUTE ITEM

Calendar Item No. 40
approved as Minute Item
40 by the State Lands
Commission by a vote of 2
1 at its 10-30-80
ing.

CALENDAR ITEM

40.

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BLA 252

AUTHORIZATION TO ENTER STIPULATION FOR ENTRY
OF JUDGMENT IN CALIFORNIA V. ARIZONA AND U.S.A.
TO QUIET STATE'S TITLE WITHIN THE DAVIS LAKE
AREA, COLORADO RIVER

In July 1973 the State Lands Commission was authorized by the Legislature to begin an ownership determination program in selected areas throughout the State. The first location was an 11.3-mile stretch of the former main channel of the Colorado River in the Davis Lake Area, approximately 20 miles downstream from Blythe, California. Because of rechannelization projects completed over the years, the present channel of the river now lies to the east. These projects had the effect of fixing the location of the sovereign land claims of California and Arizona at the last natural location of the riverbed. The purpose of the Davis Lake area project was to locate the sovereign land claims of the two states and to define the common boundary between California's sovereign lands and the lands of upland owners along this reach of the former channel. The United States of America is the principal upland owner. All of the land, including that claimed by Arizona, is now within the political boundaries of California, by virtue of a bi-state compact approved in 1966.

In 1978, California filed an original action in the United States Supreme Court, entitled State of California v. State of Arizona and the United States of America, No. 78, Original, to quiet title as against Arizona and the federal government to California's half of the former main channel of the river in this 11.3-mile reach. The matter was assigned for trial by the Court to a special master. The trial was bifurcated, the first phase relating to preliminary defenses raised by the United States. In June 1980, the special master issued a memorandum decision rejecting these defenses, thus clearing the way for the second trial phase, pertaining to the establishment of the last natural position of the riverbed in the area at issue.

Trial for this second phase had been set for November 17, 1980. In the interim, the parties have discussed settlement of the case and a proposed settlement has been agreed upon,

A. 75
S. 38

CALENDAR PAGE	<u>301</u>
MINUTE PAGE	<u>2601</u>

CALENDAR ITEM NO. 40. (CONTD)

subject to the required approvals. The proposal to settle arises out of the dispute that exists between the two states and the federal government concerning the date on which the avulsive change in the river channel took place, as well as the precise positioning of the banklines on that date. The resolution of this matter by the special master and the Court is subject to considerable uncertainty, and it is the conclusion of both staff and the Attorney General's Office that it is in the public interest to resolve the matter by settlement, as proposed.

In terms of the acreage to be confirmed in California's ownership by virtue of the settlement, the State would receive approximately 4 acres less than the total of 306 acres adjacent to the federal uplands that was originally claimed by the State in this area as a result of its Davis Lake Area Project Boundary Study. In view of the fact that the State will receive under the settlement virtually the total acreage of its claim, and given the uncertainty attendant upon a trial to establish the line between state and federal upland ownership, the staff and the Attorney General recommend acceptance of the proposed settlement.

Metes and bounds descriptions of the three parcels that are the subject of the settlement are on file in the offices of the State Lands Commission. The plat attached as Exhibit "A" shows the approximate location of the three parcels. The settlement will be accomplished by a stipulation for entry of judgment providing for quieting of California's title to the subject three parcels.

EXHIBITS: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE EXECUTION OF A STIPULATION FOR ENTRY OF JUDGMENT AND ALL OTHER DOCUMENTS NECESSARY TO IMPLEMENT A SETTLEMENT OF STATE OF CALIFORNIA V. STATE OF ARIZONA AND THE UNITED STATES OF AMERICA, U.S. SUPREME COURT NO. 78, ORIGINAL, WHEREBY TITLE IS QUIETED IN THE STATE OF CALIFORNIA TO PARCELS 1, 2, AND 3, METES AND BOUNDS DESCRIPTIONS OF WHICH ARE ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.

Blythe 20 Miles



OVERDE PEAK
Parcel 3

Parcel 2

Limits of Davis Lake Project

Radio
Facility
Ranch

WILDLIFE REFUGE

Parcel 1

Cibola

Water

EXHIBIT A
W 503.934



CALENDAR PAGE	301
MINUTE PAGE	2603

(Added, 10/27/80)