

06° 48" E., 66.24 ft.; S. 63° 26' 06" E., 134.16 ft.; S. 59° 48' 07" E., 141.15 ft.; S. 60° 32' 30" E., 124.03 ft. and S. 60° 51' 57" E., 69.83 ft.; thence across artificially accreted tide land S. 29° 08' 03" W., 75 ft. more or less to the line of mean high tide as it exists from day to day, thence northerly and westerly along the said line of mean high tide as same exists from day to day to a point which bears S. 34° 14' 34" W., 200 ft. more or less from the point of beginning; thence across artificially accreted tide land N. 34° 14' 34" E., 200 ft. more or less to the place of beginning.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTION OF THE COMMISSION OF AUGUST 25, 1943 WITH RESPECT TO LEASE BETWEEN THE STATE LANDS COMMISSION AND THE STATE PARK COMMISSION FOR THE ACCRETED TIDELANDS KNOWN AS THE LIGHTHOUSE CAVE, WILL ROGERS BEACH AND AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE DIRECTOR OF FINANCE, PURSUANT TO SECTION 13110 OF THE GOVERNMENT CODE, TO TRANSFER JURISDICTION WITHOUT CONSIDERATION OF THE ACCRETED LANDS DESCRIBED FROM THE STATE LANDS COMMISSION TO THE STATE PARK COMMISSION.

26. (SALE OF VACANT FEDERAL LAND OBTAINED THROUGH USE OF BASE, SCRIP APPLICATION NO. 10452, LOS ANGELES LAND DISTRICT, RIVERSIDE COUNTY, LYLE NEWCOMER - SAC. W.O. 5165) The Commission was informed that on June 14, 1949, it authorized the filing for lieu selection of 520 acres in Section 22, T. 3 S., R. 3 E., S.B.M., Riverside County, for which land application has been made by Mr. Lyle Newcomer.

Subsequently the selection (No. L.A. 078694) was filed with the United States, and on January 3, 1950, the Director of the Bureau of Land Management rejected the State's application. The decision stated that the public interest appears to be that the land is more suitable for disposal by the United States at public sale. This decision was transmitted to Mr. Newcomer with the advice that he had thirty days to protest the rejection. Mr. Newcomer advised that he would protest the decision but requested that ninety days be asked of the Bureau of Land Management in which to file a protest, (technically the 90 days would run from March 29, 1950). On May 10, 1950, the State on behalf of Mr. Newcomer filed a brief which had been prepared by his attorney, Northcutt Ely, Esq., protesting the decision of the Bureau of Land Management. The Indemnity Selection of Mr. Newcomer was filed with the Bureau of Land Management on May 4, 1949.

After filing with the Bureau of Land Management the State was informed that Mr. S. A. Guiberson, Jr., in connection with his proposed cement plant near Palm Springs had filed on February 15, 1949 with the Federal Government an application for a public sale application for purchase of this same land under the Isolated Tract Provisions of Federal Law. Before the Isolated Tract Provisions of Federal Law could be applied and notice of sale under this Isolated Tract Provision could be accomplished the Bureau of Land Management must classify the land as coming under the proper provision of law. In the meantime and prior to classification however, the State's application had been filed for selection as indemnity school land. It is the State's contention that the State's selection takes priority over the Isolated Tract sale provisions of Federal law.

Mr. Lyle C. Newcomer's protest over the decision of the Director of the Bureau of Land Management was filed within the ninety days period which had

been allowed. Zash Lamar Cobb, Esq., attorney for Mr. S. A. Guiberson, Jr., filed on September 12, 1950, with Bureau of Land Management and answering brief to the Newcomer appeal. On November 13, 1950, the State on behalf of Mr. Newcomer filed the State's reply brief in the case of the State's selection.

While these arguments were going on the Western States Land Commissioners Association in convention on June 22 and 23, 1950, in Denver took cognizance of the Bureau of Land Management's position to ignore the Federal Indemnity Selection laws and passed a resolution in support of HR 8553 and HR 8554 introduced by Congressman John Phillips in the 81st Congress, 2nd Session. These bills clarify the Federal law and make it mandatory on the part of the United States to accept State lieu selections. These bills give priority over other type of applications to the State's Indemnity Selections. However, these bills did not get through the 81st Congress, second session and have been re-introduced by Congressman Phillips into the 82nd Congress, first session as HR 1293 and HR 1294.

On December 24, 1950, Northcutt Ely, Esq., attorney for Mr. Newcomer suggested that the State Lands Commission ask the Attorney General to write a brief in support of the appeal heretofore filed through the State by Mr. Newcomer. This brief has now been prepared by the Attorney General and is now ready for submission by the State to the Bureau of Land Management.

In summary it may be stated that this rejection by the Bureau of Land Management of Mr. Newcomer's State selection has now become a matter of prime importance to the State of California in that the Bureau of Land Management is circumventing the Federal law with respect to State selections.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO FIGHT FOR APPROVAL OF INDEMNITY SELECTION NO. LA 078694.

27. (FEDERAL PATENT FOR SECTION 16 (TRACT 39), T. 16 N., R. 13 E., S.B.M. - SAC. W.O. 5307) The Commission was informed that the NW $\frac{1}{4}$ of Section 16, T. 16 N., R. 13 E., S.B.M., was identified by survey as shown by the township plat approved May 6, 1857, and title thereto is considered to have vested in the State of California without issuance of patent or other instrument of conveyance upon approval of the survey thereof, under the School Land Grant made by the Act of March 3, 1853.

Plat of completion of survey and independent resurvey of T. 16 N., R. 13 E., S.B.M., accepted May 20, 1942, shows as Tract 39 within Sections 8 and 17 the land shown on the plat approved in 1857 as the NW $\frac{1}{4}$ of Section 16.

The new Section 16 shown on the 1942 plat consists of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and Lots 1 and 2, containing 632.39 acres. In order to obtain a definite ruling on the status of the new Section 16 and of Tract 39, it is necessary that the State file an application for a patent under the Act of June 21, 1934 (48 Stat. 1185; 43 U.S.C. 1946 E.D., Sec. 871a). Authority for the State to make such application is set forth in Section 6206.5 of the Public Resources Code.