

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED APPROVING THE CONTENTS OF THE LETTER QUOTED ABOVE AND AUTHORIZING THE EXECUTIVE OFFICER TO SUBMIT IT TO THE STATE ENGINEER.

32. (WITHDRAWAL FROM SALE OF VACANT SWAMP AND OVERFLOWED LAND, S. & O. LOCATION NO. 4259, SAN BERNARDINO COUNTY, JAMES N. GATES - S.W.O. 506.) At the meeting of June 30, 1952, the Commission authorized deferment of action on Mr. James N. Gates' application to purchase 231.67 acres of swamp and overflowed land in San Bernardino County, pending study of a quiet title suit filed in the Superior Court, San Bernardino County, Case No. 73163, entitled F. Winifred Louthain v. State of California.

Investigation of the particular lands now discloses that although the lands have been returned to the State by the United States under the Arkansas Act, the question of the boundary between California and Arizona may become involved. Since settlement of the boundary problem between Arizona and California is of major importance, it probably will be advisable to withdraw these lands from sale for a definite period of time, during which time progress may have been made in the location of this boundary, and enter into a stipulation in the case agreeing to such withdrawal of the land from sale provided the case is dismissed.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION IN THE CASE OF F. WINIFRED LOUTHAIN v. STATE OF CALIFORNIA, SAN BERNARDINO COUNTY, SUPERIOR COURT CASE NO. 73163, WHEREUNDER THE STATE WILL WITHDRAW THE LANDS INVOLVED IN THE CASE FROM SALE FOR A DEFINITE PERIOD OF TIME NOT TO EXCEED THREE YEARS, SUBJECT TO THE CONDITIONS THAT THE CASE WILL BE DISMISSED, AND THAT AT THE EXPIRATION OF THE PERIOD OF WITHDRAWAL THE COMPLAINANT, F. WINIFRED LOUTHAIN, WILL BE ADVISED THAT THE LANDS HAVE AGAIN BEEN MADE OPEN FOR ENTRY AND SALE.

33. (OWENS LAKE LITIGATION, PEOPLE v. CITY OF LOS ANGELES, SANTA BARBARA SUPERIOR COURT NO. 36863 - GSN.DATA, OWENS LAKE.) The Commission will recall that in the Santa Barbara County damage action, the State was awarded, for the flooding of Owens Lake by the City of Los Angeles for the period prior to December 15, 1937, an amount of \$5,094, together with interest thereon at 7% from January 1, 1939, and costs in the amount of \$22,100.24. No damage award was made for the year 1937 subsequent to December 15, and for the years 1938 and 1939, although the damage for that period, as claimed by the State, amounted to approximately \$15,000. The State has appealed this lack of damage award for these latter years because subsequently the Natural Soda Products Company was awarded damages for these same years. Judgment in that case had not been rendered at the time of the judgment in the Santa Barbara case. Simultaneously the City of Los Angeles appealed the latter case. Both appeals are now pending in the Second District Court of Appeals. The State has filed its opening brief, but the City has not filed its answer, and the case is due to be placed on calendar within the relatively near future.

The City of Los Angeles, Department of Water and Power, has made overtures to settle this litigation without further trial. At the conference wherein this matter was discussed, the Department of Water and Power, City of Los Angeles, was represented by Samuel B. Morris, General Manager and Chief