

27. (APPLICATION TO DREDGE AND FILL, RICHARDSON BAY, MARIN COUNTY, GEORGE LEO ZARO - W.O. 1248, P.R.C. 772.1.) Mr. George Leo Zaro has applied for a permit to dredge a channel in Saucelito Canal and Rosedale Canal in Richardson Bay, Marin County, placing the dredged material on tide land lots and intervening streets adjacent to the two canals. The proposed project is a partial fulfillment of plans of the Board of Tide Land Commissioners in 1871. The area to be filled to an elevation of eight feet above mean lower low water is approximately 1000 feet along the shore and extends approximately 2000 feet into Richardson Bay to the limit of the most bayward tide land lot. Filing fee and expense deposit have been paid.

Protests to Mr. Zaro's proposed project were sent to the U. S. Corps of Engineers by the City of Mill Valley and others. Because of the protests a public hearing was held in Mill Valley on July 15, 1952, Colonel Walsh, District Engineer, presiding. The protests were based on flood-control problems and a proposal for the construction of a dam across the upper portion of Richardson Bay to create a flood-control basin. Following the hearing the Corps of Engineers issued an Army permit to Mr. Zaro for the dredging and disposition of spoils as proposed, on the bases that none of the protests had a direct bearing on navigation, and that construction of a yacht harbor and the access channel would benefit rather than adversely affect navigation. The Northwestern Pacific Railroad Company, as the owner of those lands littoral to the proposed fill area, has waived interest.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO GEORGE LEO ZARO A PERMIT TO DREDGE A CHANNEL IN SAUCELITO CANAL AND ROSEDALE CANAL, MARIN COUNTY, AND PLACE THE DREDGED MATERIAL ON TIDE LAND LOTS AND INTERVENING STREETS, THE CONSIDERATION BEING THE BENEFIT TO NAVIGATION AND THE PARTIAL CARRYING OUT OF PLANS OF THE BOARD OF TIDE LAND COMMISSIONERS.

28. (OWENS LAKE LITIGATION, PEOPLE v. CITY OF LOS ANGELES, SANTA BARBARA SUPERIOR COURT NO. 36863 - GEN.DATA., OWENS LAKE.) On August 21, 1952 (Minute Pages 1617-18, Item No. 33), the Commission authorized the Executive Officer to request the Attorney General to enter into a stipulation whereby this litigation would be settled upon payment to the State by the City of Los Angeles of approximately \$43,000.

Further discussions between the Attorney General and the Department of Water and Power, City of Los Angeles, have resulted in an agreement that the case be settled for \$40,000. The reason for the reduction is that an error of approximately \$2000 was made in the estimate of \$43,000 submitted to the Commission, which included the trial cost of \$22,100 as given by the State, whereas the Court awarded \$20,366. Also, the City insisted that the settlement follow the decision for the Natural Soda Products Company in its Oakland case for 1938 and 1939, wherein the liability of the City was reduced to 50,000 acre feet of water diverted onto Owens Lake in 1939, thus reducing the lost royalty claimed by the State for this year by approximately \$1000.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AMENDING THE RESOLUTION OF AUGUST 21, 1952, IN MINUTE ITEM NO. 33, PAGE 1618, BY STRIKING OUT THE WORDS "APPROXIMATELY \$43,000", AND SUBSTITUTING THEREFOR THE WORDS "\$40,000".