

MINUTE ITEM

This Calendar Item No. C5.
is approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 1-24-80
meeting.

CALENDAR ITEM

C5.

1/80
W 21727
De La Cruz
PRC 5783

GENERAL LEASE
COMMERCIAL LIVESTOCK USE

APPLICANT: Pacific States Builders
P. O. Box 1278
Alturas, California 96101

AREA, TYPE LAND AND LOCATION:
A parcel of sovereign lands in the bed
of Goose Lake, located in the NW $\frac{1}{4}$ of Section 23,
T48N, R14E, MDM, Modoc County.

LAND USE: Livestock grazing.

TERMS OF PROPOSED LEASE:
Initial period: 10 years from June 1,
1979.

Public liability insurance: Combined single
limit coverage of \$100,000
per occurrence, for bodily
injury and property damage.

CONSIDERATION: \$225 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1. The proposed lease area consists of
State-owned lakebed in Goose Lake within
the NW $\frac{1}{4}$ of Section 23, T48N, R14E,
MDM. The lineal frontage along the
shore is approximately 2,800 feet.
The location of the State's boundary
within this area has not been determined
at this time.

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S 1

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2. The proposed lease area has been used by the applicant's predecessors, for livestock grazing. In 1972, Mr. Howard Welles, lessee of the applicant's predecessor (Lumberman's Acceptance Company), started an adverse possession suit against Lumberman's for the proposed lease area. This has been challenged by Lumberman's Acceptance Company.
3. The applicant has been advised of the current high-low water litigation regarding the State's ownership boundary within navigable lakes such as Goose Lake, and has nevertheless requested a non-judicial lease for the subject property from the State since the applicant feels that they had acquired prior rights to the property from their predecessors.
4. The annual rental is based upon the minimum commercial rate, which in this case is for livestock grazing, for use of the State-owned lands within Goose Lakes.
5. This project is exempt from CEQA because it involves the grazing of livestock where disturbance to soil does not occur.

Authority: 2 Cal. Adm. Code 2907,
Class 4(A).

6. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class A, which authorizes Restricted Use.

Staff has coordinated the project with those agencies and organizations which nominated the sites containing significant environmental values. They have found this project to be compatible with their nomination.

CALENDAR ITEM NO. 05. (CONTD)

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO PACIFIC STATES BUILDERS WITHOUT PREJUDICE TO OTHER PARTIES TITLE CLAIMS OF A 10-YEAR GENERAL LEASE - COMMERCIAL LIVESTOCK USE FROM JUNE 1, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT COVERAGE OF \$100,000 PER OCCURRENCE; FOR LIVESTOCK GRAZING ON FORMER SUBMERGED LANDS AT GOOSE LAKE IN THE NW $\frac{1}{4}$ OF SECTION 23, T48N, R14E, MDM, MODOC COUNTY AS SHOWN ON THE ATTACHED EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 21727

A parcel of land in the State-owned bed of Goose Lake, Modoc County, California, described as follows:

1. Bounded on the north by the Oregon-California border.
2. Bounded on the south by the westerly prolongation of the east-west quarter section line of fractional Section 23, T48N, R14E, MDM.
3. Bounded on the east by the west line of lots 3 and 4 of said fractional Section 23 as shown upon the U. S. Township plat of T48N, R14E, MDM dated 9/20/1872.
4. Bounded on the west by a line located 50 feet westerly of and parallel to the water's edge of Goose Lake.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Goose Lake.

ALSO EXCEPTING THEREFROM any portion located within the right-of-way of the Southern Pacific Railway, formerly Nevada-California-Oregon Railway.

END OF DESCRIPTION

PREPARED 1/9/80 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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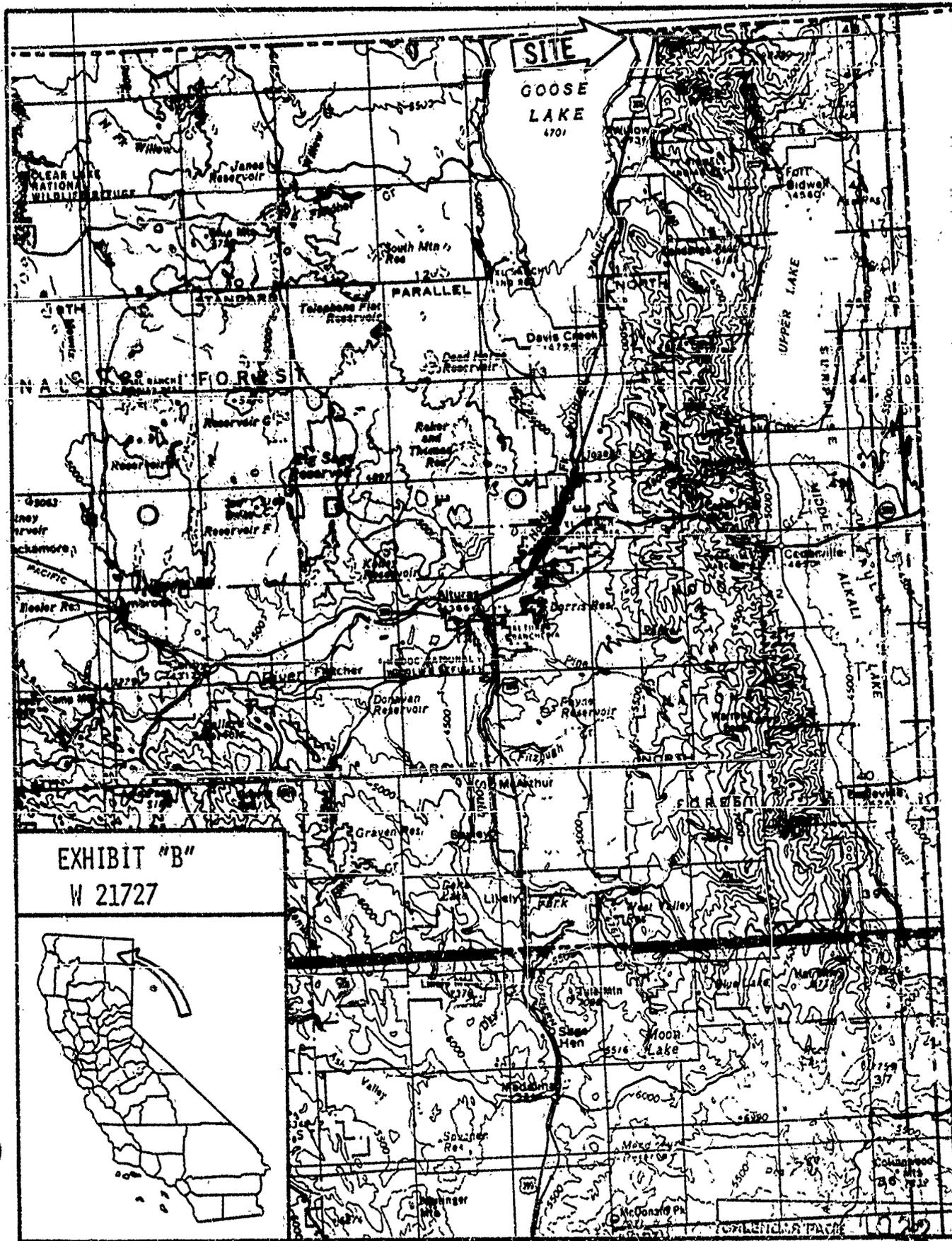


EXHIBIT "B"
W 21727

