

MINUTE ITEM

This Calendar Item No. 33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 3
to 2 at its 6/29/82
meeting.

CALENDAR ITEM

33 4

6/29/82
W 503.1259
Kiley

APPROVAL OF AUTHORIZATION
FOR STAFF AND THE OFFICE OF
THE ATTORNEY GENERAL TO
TAKE ACTION ON BEHALF OF THE COMMISSION REGARDING
BRUMBAUGH V. COUNTY OF IMPERIAL,
SUPERIOR COURT NO. 52127,
IMPERIAL COUNTY

BACKGROUND:

Brumbaugh v. County of Imperial is a dispute between the county and a private party over the right of the public to use a road which crosses Mr. Brumbaugh's property and which provides access to the Walters Camp area of the Colorado River near Davis Lake. It is the only access to the river in the immediate vicinity. Mr. Brumbaugh acquired title as successor to a State school land patent issued in 1928. The patent reserved the absolute right to fish, as required by the Constitution. One of the issues in the case will be whether closing the road is, in effect, a cutoff of the public's right to fish from the property. The county has twice declined to close the road and Mr. Brumbaugh has since fenced it off. The Office of the Attorney General has requested that the Commission authorize appropriate action with respect to the suit to argue the access issue. The Commission has spent a great deal of time and money in this area to define and protect public rights which may not be worthwhile unless access is fully protected.

AB 884: N/A.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE APPROPRIATE ACTION ON THE COMMISSION'S BEHALF IN THE CASE OF BRUMBAUGH V. COUNTY OF IMPERIAL, SUPERIOR COURT CASE NO. 52127, IMPERIAL COUNTY AND DO ALL THINGS NECESSARY TO RESOLVE THE DISPUTE.

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S 38

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MINUTE PAGE	<u>1645</u>

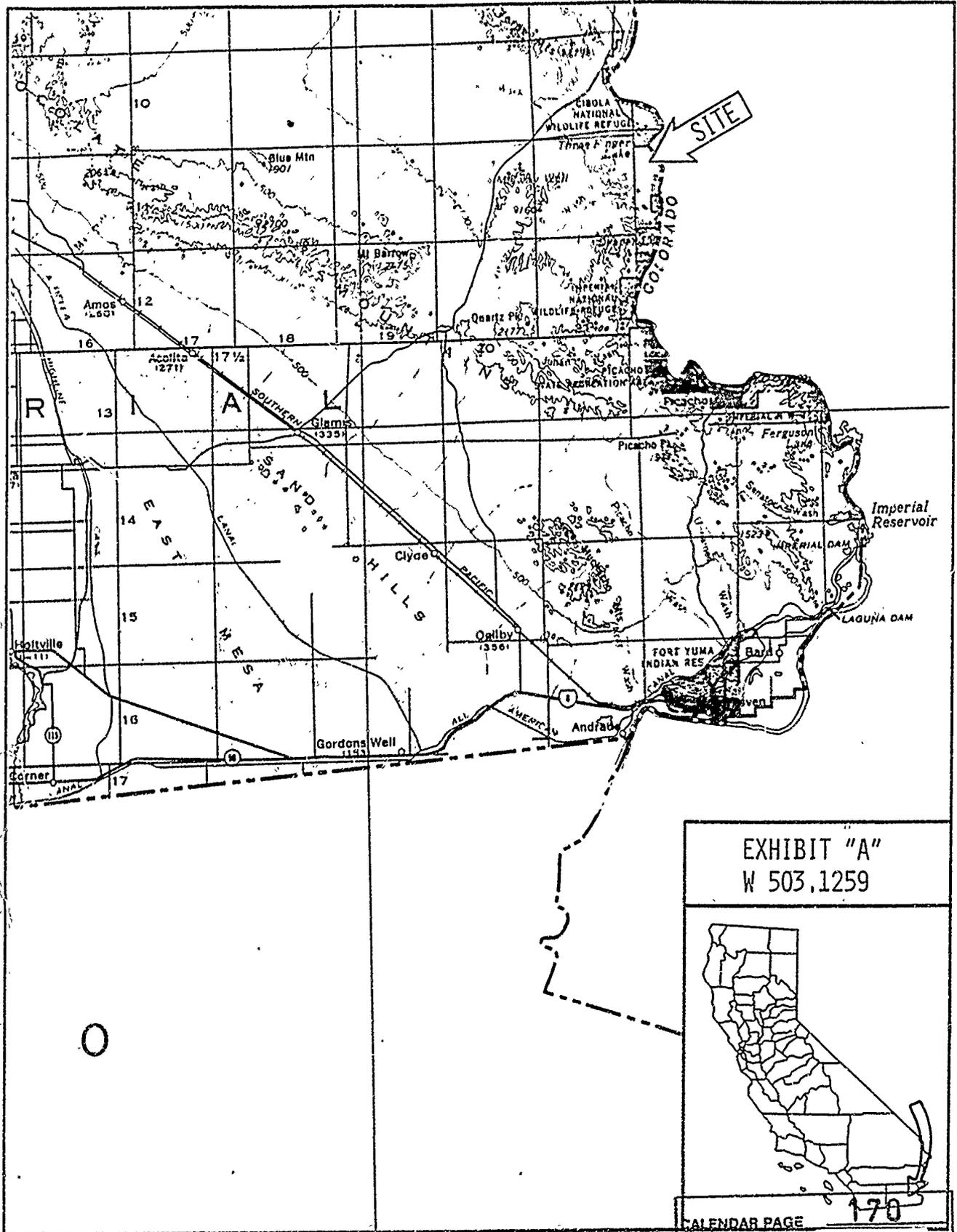


EXHIBIT "A"
W 503,1259

