

MINUTE ITEM

Tract No. 48  
Lands  
meeting. 8/21/84

CALENDAR ITEM

A 7  
S 13

48

08/21/84  
W 503.950  
Fossum  
Judson.

AUTHORIZATION TO FILE A  
LIMITED DISCLAIMER

The State Lands Commission is a party defendant to a condemnation action brought by the United States entitled United States v. 140 Acres of Land, more or less, etc., et al., filed in the United States District Court, Eastern District of California, Civil No. S-78-219-LKK, involving land in Tuolumne and Calaveras Counties.

Upon examination of the Commission's records, pertinent to the area, it was ascertained by staff that Tract No. 701 was located in Section 34, T3N R14E, MDM, and that approximately 12.4 acres of the 140 acres total are within the historic bed of the Stanislaus River. It was further determined that extensive preparation and research would be required to determine possible state ownership of the bed of this portion of the Stanislaus River and that even if the ownership claim of the State could be successfully litigated, compensation to the State for the parcel would be less than \$1,000 and the costs of such proof far outweigh any possible compensation the State might receive in the condemnation award.

Furthermore, the taking by the United States will permit the continued use of the property for navigation, commerce, fisheries, and recreation in that the parcel is within the bed of the New Melones Reservoir.

In order to preserve any interest the State may have in the parcel without requiring the necessity of adjudicating the ownership claim, the staff of the Commission and the Attorney General's office recommend the filing of a Limited Disclaimer of the right of compensation but not of ownership along with the right to reinstatement of any State interest if such parcel becomes no longer necessary for the New Melones Lake and Stanislaus River Basin flood control project.

CALENDAR PAGE	<u>304</u>
MINUTE PAGE	<u>1988</u>

CALENDAR ITEM NO. 48 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

EXHIBITS:

- A. Land Description.
- B. Site Map.
- C. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE A LIMITED DISCLAIMER ON BEHALF OF THE STATE LANDS COMMISSION AS TRUSTEE OF THE STATE'S NAVIGABLE WATERS IN THE CASE OF UNITED STATES OF AMERICA V. 140 ACRES OF LAND, MORE OR LESS, ETC., ET AL., TUOLUMNE AND CALAVERAS COUNTIES, CIVIL NO. S-79-219-LKK, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, THE DISCLAIMER TO BE OF COMPENSATION BUT NOT OF OWNERSHIP OF THE HISTORIC BED OF THE STENISLAUS RIVER AND PROVIDE FOR REVESTMENT OF THE STATE'S INTEREST, IF ANY, SHOULD THE LANDS NO LONGER BE USED FOR THE AUTHORIZED PURPOSES OF THE TAKING.
2. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

EXHIBIT "A"

LAND DESCRIPTION

W 503.950

That portion of the bed of the Stanislaus River in Tuolumne County and Calaveras County, California, lying within the following described parcel of land:

W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ; W $\frac{1}{2}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ;  
NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ; E $\frac{1}{2}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ;  
N $\frac{1}{2}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; and the SW $\frac{1}{2}$  of  
NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 34, T3N, R14E, MDM.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of the Stanislaus River.

END OF DESCRIPTION

PREPARED JULY 27, 1984 BY BOUNDARY AND TITLE UNIT.

CALENDAR PAGE	306
MINUTE PAGE	1990

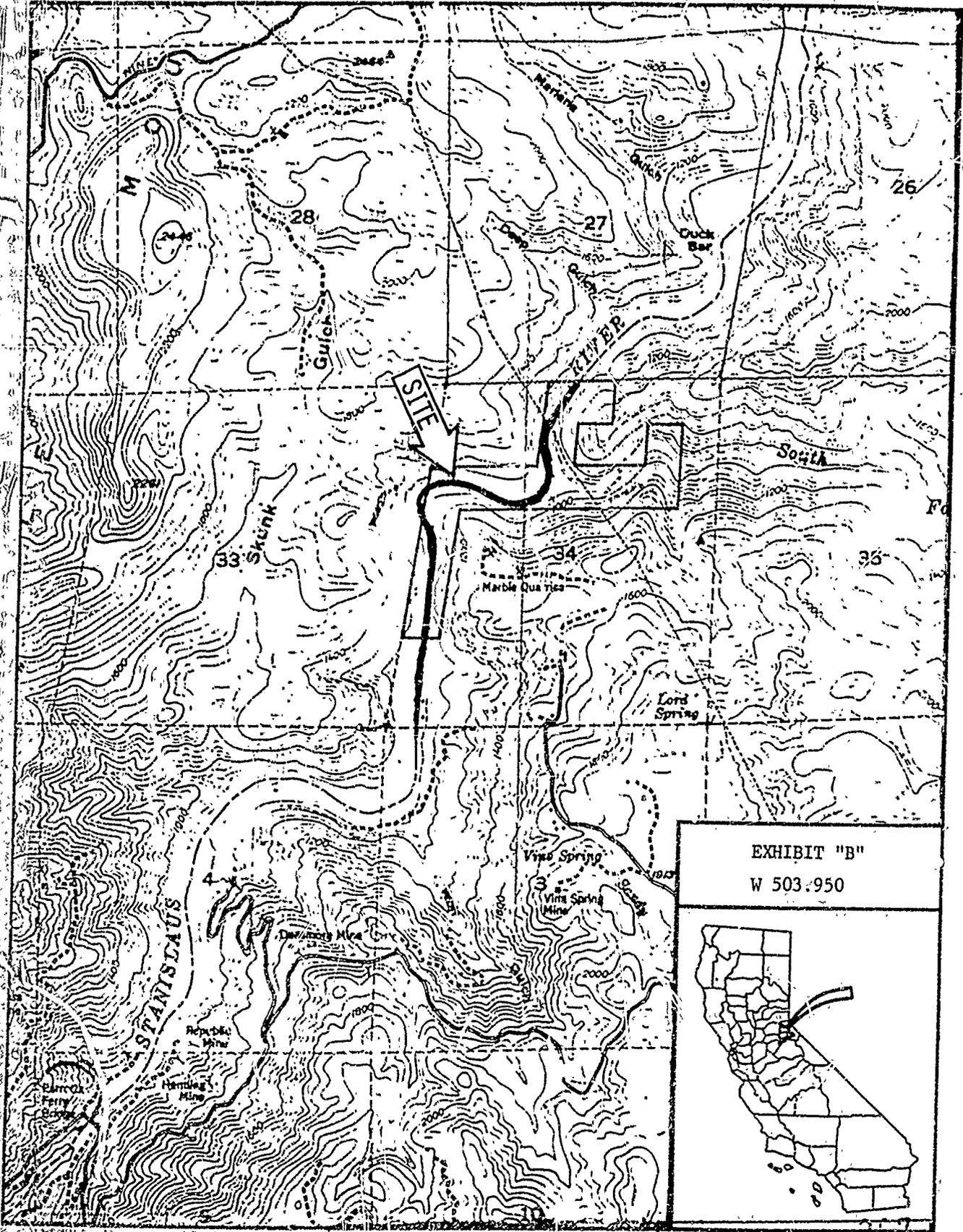


EXHIBIT "B"

W 503.950

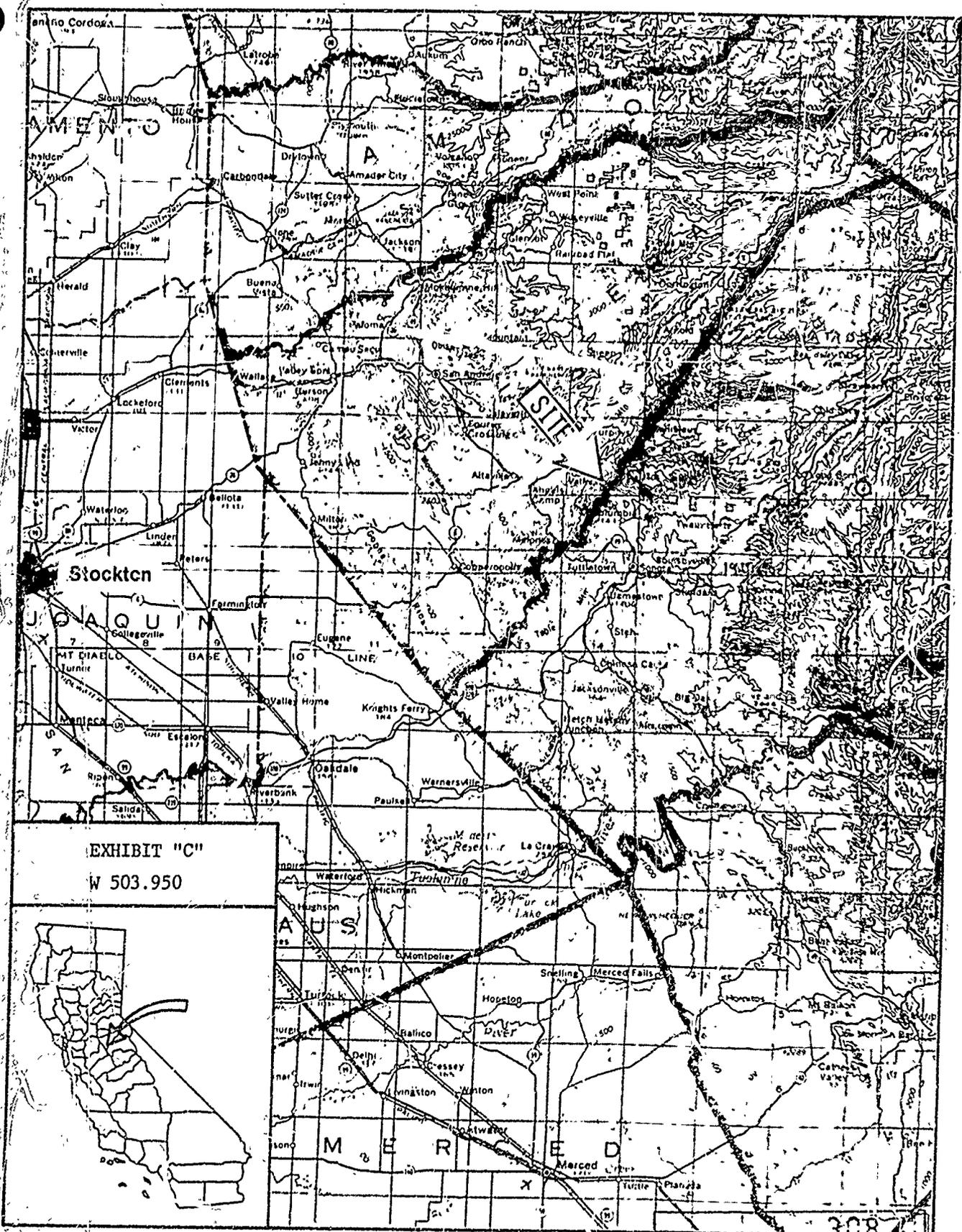


EXHIBIT "C"  
W 503.950



CALENDAR PAGE 308  
MINUTE PAGE 1992