

MINUTE ITEM

This Calendar Item No. 37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 2
to 0 at its 5/22/86
meeting.

CALENDAR ITEM

37

A 1

S 4

05/22/86
W 503.1043
AD 48
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AUTHORIZATION FOR SETTLEMENT OF LITIGATION
REGARDING LANDS ADJACENT TO THE
SACRAMENTO RIVER

In 1974, plaintiffs Louis and Virginia Spanfelner filed an action for adverse possession and quiet title concerning a parcel of land adjacent to the Sacramento River in Tehama County near the town of Tehama. (Louis Spanfelner, et ux, v. Nelson E. Bartoo, Tehama County Superior Court No. 17261).

That parcel, depicted in Exhibit "B" and hereafter referred to as "subject parcel", is comprised of approximately 54 acres and is presently shaped roughly as a triangle with two channels of the Sacramento River (main and east) on two sides and Antelope Creek on the third. Plaintiffs owned property immediately to the north of the subject parcel and had used the parcel in question for several years for grazing purposes. Plaintiffs sued a number of adjoining property owners, based on a claim of adverse possession. Judgment was entered in favor of the plaintiffs in 1977, but Donald and Leslie Kelly, predecessors-in-interest to one of the defendants, were able to set aside the judgment as to themselves. The Kellys subsequently filed a cross-complaint against the Spanfelners, a number of other private parties, and the State. The case was subsequently bifurcated with the adverse possession issue tried separately from and before the issue of State ownership. The Spanfelners prevailed on the issue of adverse possession after trial in November 1980. On January 15, 1982, the Court entered findings of fact and conclusions of law and judgment quieting title to the subject parcel in favor of the plaintiffs as against all defendants except the State on the basis of adverse possession.

CALENDAR ITEM NO. 37 (CONT'D)

Staff and Attorney General's office, as well as the Spanfelners, have determined that resolution of the respective title interests of the State and the Spanfelners within the subject parcel is not warranted at this time because of uncertainties surrounding the physical conditions of the river, the expenses which would be involved and the number of additional parties which would have to be involved to resolve the question of sovereign ownership interests in this portion of the bed of the Sacramento River.

They have, therefore, proposed to enter into a stipulation for judgment whereby the State, through the Commission, would disclaim any interest in the subject parcel, except that portion which may be located within the bed of the Sacramento River below the ordinary high water mark. For purposes of the stipulation, the Sacramento River is defined as including the main and east channels thereof and the relevant portion of Antelope Creek. The location of the ordinary high water mark would not be determined.

The stipulation expressly recognizes and preserves the public's rights to use, at any time, any portion of the subject parcel below the ordinary high water mark of the river as well as any portion thereof, whether below or above the ordinary high water mark, actually covered by the navigable waters of the river for purposes of commerce, navigation, fishing, environmental and related recreational activities.

The proposed stipulation for judgment and judgment has been drafted by the Attorney General's office and reviewed by staff and is on file in the offices of the Commission.

AB 884: N/A.

EXHIBITS: A. Site Map.
B. Subject Parcel Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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.

CALENDAR ITEM NO. 37 (CONT'D)

2. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL AND STAFF COUNSEL TO ENTER INTO THE STIPULATION FOR JUDGMENT AS DESCRIBED ABOVE IN SUBSTANTIALLY THE PROPOSED FORM AND TO TAKE ALL OTHER ACTION NECESSARY TO SETTLE AND TERMINATE THE CASE OF LOUIS SPANFELNER, ET UX, ET AL, V. NELSON E. BARTOO, ET UX, ET AL, TEHAMA COUNTY SUPERIOR COURT NO. 17261.

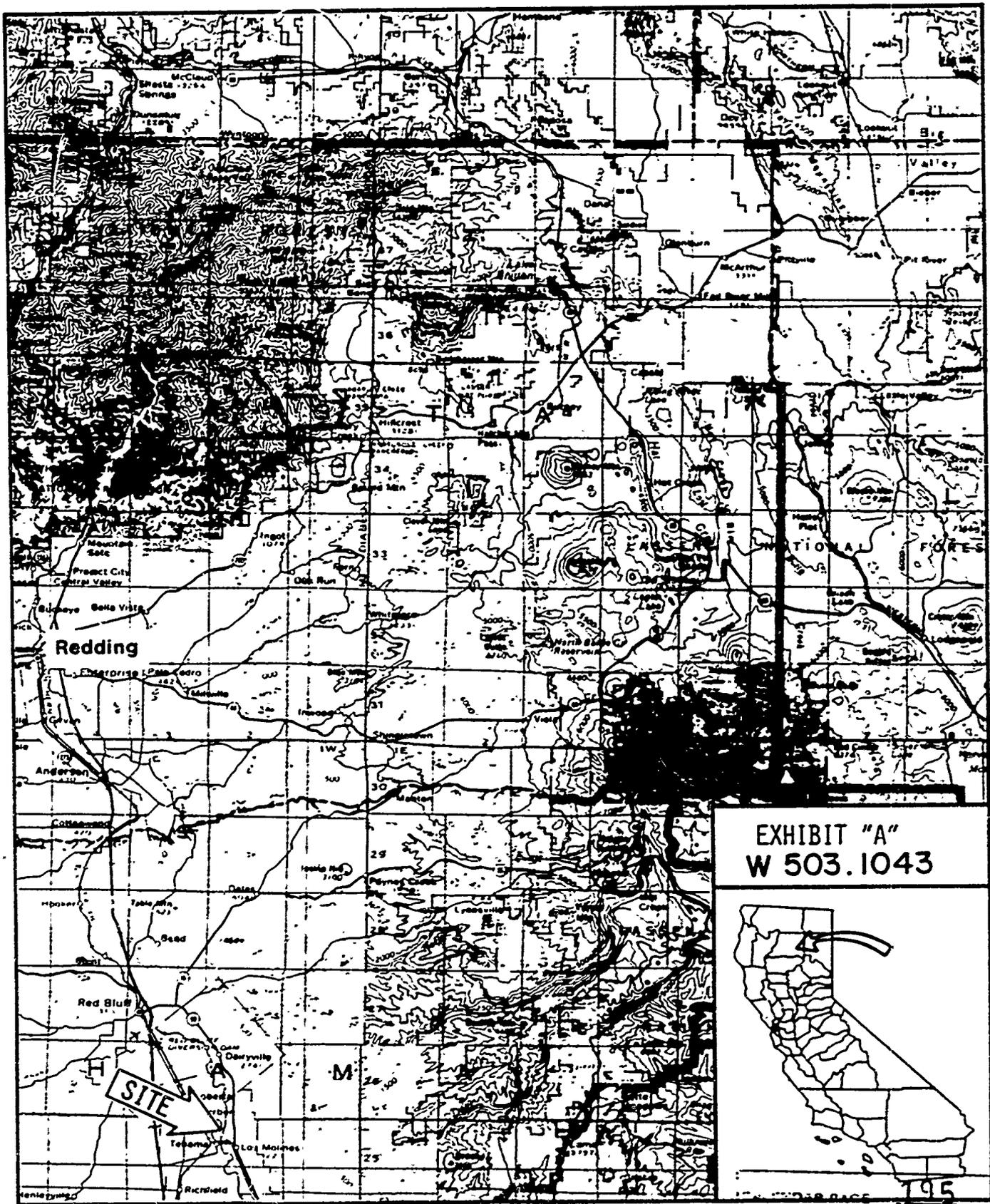


EXHIBIT "A"
W 503.1043



