

35. (GRAZING LEASE APPLICATION, KERN COUNTY, BURRELL REED - S.W.O. 5519, P.R.C. 1255.2.) Application has been received from Burrell Reed of Caliente, California, for a grazing lease for a term of five years on Section 36, T. 29 S., R. 32 E., M.D.M., containing 640 acres in Kern County. This is a request for renewal of his Grazing Lease P.R.C. 1184, which expires on September 30, 1952. We are informed by the Assessor of Kern County that adjoining lands are assessed at \$1.75 per acre.

The applicant advises that the carrying capacity in animal units on this section is about 60 acres per animal, throughout the year; the $\frac{W}{2}$ of this section is not suitable for grazing. The applicant offers 20¢ per acre per year as rental for the 640 acres, which was the rental paid under his former Lease P.R.C. 1184.

UPON MOTION DILY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A FIVE-YEAR GRAZING LEASE FOR SECTION 36, T. 29 S., R. 32 E., M.D.M., CONTAINING 640 ACRES IN KERN COUNTY, TO BURRELL REED, AT AN ANNUAL RENTAL OF \$128 (20¢ PER ACRE), UPON THE TERMINATION OF HIS PRESENT LEASE, THE FIRST AND LAST YEARS' RENTALS TO BE PAID AT THE TIME OF EXECUTION OF THE LEASE.

36. (CONSTRUCTION OF AN ISLAND AND DRILLING OF A WELL; TEXAS COMPANY, WILMINGTON ASSOCIATES, INC., AND MONTEREY OIL COMPANY - P.R.C. 186.) The Commission has been informed, through a letter of September 22, 1952, with respect to the history of Lease P.R.C. 186 at Seal Beach and the proposed construction of the island for further lease development for oil and gas.

The Commission will recall that the City of Seal Beach filed two cases against the State's lessees in the Municipal Court in Seal Beach: (1) A criminal complaint alleging that the defendants, the State's lessees, have violated City Ordinance No. 230, which prohibits oil derricks and drilling within Seal Beach; and (2) a complaint alleging violation of Ordinance No. 354, in that no permit had been applied for or issued under the Building Code. In both of these cases the defendants, the State's lessees, were to appear in court on Friday, September 26, 1952. They have informed the Commission that they would file motions to dismiss the complaints, upon the grounds that the Court had no jurisdiction for the reason that the ordinances are constitutionally invalid. The motions for dismissal were denied on September 26. Pleas of not guilty were entered, and the trial of the actions is set for October 10, 1952. It is probable that the State's lessees will apply to the Superior Court in Orange County for Writs of Prohibition to restrain the Municipal Court at Seal Beach from trying or proceeding with the cases.

The counsel for the State's lessees has advised that it is necessary to name all of the other interested parties, which would include the State Lands Commission. In view of this, the counsel for the State's lessees has requested that the State Lands Commission consider the matter of the State being named in the petition, and further consider requesting the Attorney General to appear in the prohibition proceedings in support of the contentions to be advanced on behalf of the State's lessees.

In consideration of this request the Commission's attention was called to Attorney General's Opinion No. 47-64 of April 4, 1947, wherein the Commission