

MINUTE ITEM

7/26/71  
JHS

24. AUTHORIZATION TO EXECUTE ON BEHALF OF THE COMMISSION, AND FOR THE ATTORNEY GENERAL TO ENTER INTO A STIPULATED JUDGMENT IN ZETHRAEUS, ET AL., V. STATE OF CALIFORNIA, SUPERIOR COURT, TULARE COUNTY, CASE NO. 71063, W 503.679.

After consideration of Calendar Item 23 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION FINDS IT NECESSARY, EXPEDIENT, AND IN THE BEST INTERESTS OF THE STATE TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT AGAINST THE STATE IN ZETHRAEUS, ET AL., V. STATE OF CALIFORNIA, SUPERIOR COURT, TULARE COUNTY, CASE NO. 71063, AND AUTHORIZES THE EXECUTION OF SAME ON BEHALF OF THE COMMISSION AND AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO SUCH STIPULATION, WHICH JUDGMENT SO ENTERED WILL NOT PREJUDICE THE INTERESTS OF THE STATE IN OTHER PORTIONS OF THE KINGS RIVER.

Attachment:

Calendar Item 23 (1 page)

CALENDAR ITEM

7/71  
W 503.679  
JHS

23.

AUTHORIZATION TO EXECUTE ON BEHALF OF THE COMMISSION, AND FOR THE ATTORNEY GENERAL TO ENTER INTO A STIPULATED JUDGMENT IN ZETHRAEUS, ET AL., V. STATE OF CALIFORNIA, SUPERIOR COURT, TULARE COUNTY, CASE NO. 71063, W 503.679.

On March 8, 1971, Fred J. Zethraeus, Earlyne Zethraeus, and Kings River Golf and Country Club, a corporation, filed an action against the State to quiet title to a small parcel of land on the Kings River in Tulare County. No determination has yet been made as to whether or not the parcel lies in the bed of the Kings River as it last existed in a state of nature. In the opinion of the State Lands Division and the Office of the Attorney General, the potential value of the parcel involved does not justify the expenditure necessary to determine the boundaries of the bed of the river in its last natural position. The private parties have agreed to enter into a stipulated judgment which would not prejudice the interest of the State in other portions of the Kings River by stipulating that the Kings River is a navigable waterway and that the State is the owner of the bed of the river in its last natural location. The boundary is stipulated to be the line as shown on the official plat of the survey of the lands as of the date of patent. Said plat is on file in the office of the Bureau of Land Management and a copy in the files of the State Lands Division.

IT IS RECOMMENDED THAT THE COMMISSION FIND IT NECESSARY, EXPEDIENT, AND IN THE BEST INTERESTS OF THE STATE TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT AGAINST THE STATE IN ZETHRAEUS, ET AL. V. STATE OF CALIFORNIA, SUPERIOR COURT, TULARE COUNTY, CASE NO. 71063, AND AUTHORIZE THE EXECUTION OF SAME ON BEHALF OF THE COMMISSION AND AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO SUCH STIPULATION, WHICH JUDGMENT SO ENTERED WILL NOT PREJUDICE THE INTERESTS OF THE STATE IN OTHER PORTIONS OF THE KINGS RIVER.