

MINUTE ITEM

7/25/74
DJB

23. APPROVAL OF SURVEY AND MAPS OF LOW WATER LINE OF CLEAR LAKE, LAKE COUNTY - W 4563.

During consideration of Calendar Item 21 attached, Mr. E. N. Gladish, Executive Officer, State Lands Commission, advised the Commission that the County of Lake had requested that the item be deferred. He explained that the County would like to review this transaction in connection with some pending litigation in which it is involved. Based on the County's request, the item was deferred.

Attachment:

Calendar Item 21 (2 pages)

APPROVAL OF SURVEY AND MAPS OF
LOW WATER LINE OF CLEAR LAKE, LAKE COUNTY

Clear Lake is a natural, navigable lake, the bed of which is owned by the State of California and under the jurisdiction of the State Lands Commission (Civil Code Section 670 and Public Resources Code Section 6301). By Civil Code Section 830, the owner of the upland bordering a navigable lake takes to the edge of the lake at the low water mark. Through public and court usage, an elevation of Zero on the Rumsey Gage has been accepted as the low water line of Clear Lake, although no legislative action or court adjudication to that effect has been made. The State Lands Commission, at its meeting February 23, 1967, Minute Item 38, made a finding that the low water mark and boundary between State and privately-owned lands at Clear Lake is the intersection of lake elevation Zero on the Rumsey Gage with the last natural shoreline.

During the period August 22, 1949, to May 4, 1964, the bed of Clear Lake was under lease from the State Lands Division to Lake County. When, in 1962, the County Board of Supervisors expressed a desire to cancel the lease, the Division began a survey of the shore of Clear Lake preliminary to the determination of the extent of State interest in the bed of the lake. In 1964, the California Legislature by Senate and Assembly Concurrent Resolutions Chapters 58 and 77, Statutes of 1964, First Extraordinary Session, requested the State Lands Commission to survey the low water mark of Clear Lake in Lake County.

The subject maps consisting of 68 sheets entitled "MAP OF THE LOW WATER LINE OF CLEAR LAKE", have been prepared in response to the Senate and Assembly Concurrent Resolutions, and as an aid to the State Lands Division in its determination of the extent of State ownership in the bed of Clear Lake and in the administration of those lands.

Due to the fact that much of the shore of Clear Lake has been altered by dredging and filling, determination of the location of the last natural low water line by field survey is virtually impossible. The low water line shown on the maps represents a survey of the line of Zero Rumsey Gage elevation as it existed at the time of the State Lands Division survey, unless otherwise noted, and in areas of an altered shoreline is not intended to represent the State of California's claim as to the location of the last natural low water line of Clear Lake.

The line of Zero Rumsey Gage was surveyed at an elevation of 1,318.26 feet above Sea Level Datum of 1929, based on the latest National Geodetic Survey level adjustment for the Clear Lake area published November 1968, and also based on the sea level elevation of the center of a concrete star reference mark in the northeast corner of Courthouse Park in Lakeport which mark is 20.1 feet above Rumsey Gage Zero.

CALENDAR ITEM NO. 21. (CONTD)

By Chapter 639, Statutes of 1973, the State granted the bed of Clear Lake in trust to Lake County. The grant is conditioned on written acceptance by Lake County. To date, such acceptance has not been received.

EXHIBITS: A. Location Map. B. Index Map, Sheet 1 of 68.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE:

1. APPROVAL OF THE SET OF MAPS CONSISTING OF 68 SHEETS AND ENTITLED "MAP OF THE LOW WATER LINE OF CLEAR LAKE, LAKE COUNTY, CALIFORNIA.
2. FILING OF THE MAPS REFERRED TO IN NO. 1 ABOVE WITH THE LAKE COUNTY SURVEYOR UNDER PROVISIONS OF THE LAND SURVEYORS ACT.