

"112. Meander lines of land that borders upon

"102. In the survey of land bordering upon a body of water the meander line is not run as a boundary, but for the purpose of ascertaining the quantity of land in the sub-divisions rendered fractional by reason of their bordering upon the water."

DECISIONS OF THE DEPARTMENT OF INTERIOR:

My conclusions to the effect that no un-surveyed public land remains between the mean high tide line of the Pacific Ocean and the Rancho Los Cerritos meander line are supported by the following memoranda and references which I collected during my investigation, and which I am transmitting to you for the general file:

My investigation of the matter disclosed a number of items of interest, particularly should a similar case arise at some future time.

As you recall, the case involved the contemplated purchase by private interests of upland lying between the mean high tide line and the meander line, using Valentine Scrip as a medium of exchange in the transaction. It was further contemplated to convey in fee the lands so acquired to the County of Los Angeles in exchange for an oil drilling lease.

Since we have not received further word from the County Counsel concerning this matter I presume the case has been disposed of.

On May 3, 1944 you requested that I make a study of the above subject with a view to assisting the County Counsel in the matter of determining the status of lands lying between the Los Cerritos meander line and the mean high tide line of the Pacific Ocean.

Dear Sir:

Subject: Southernly Boundary of Rancho Los Cerritos  
Your file: "Tide Line at Long Beach"

Mr. Alfred Jones  
County Surveyor  
Los Angeles County  
Los Angeles, Calif.

May 7, 1946

OFFICE OF  
COUNTY SURVEYOR  
AND  
COUNTY ENGINEER

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shall be authorized to issue scrip, in legal subdivisions, to the Land office, under the direction of the Secretary of the Interior, if unsurveyed when taken, to conform, when surveyed, to the general system of United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the

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"Sec. 3. That an appeal shall be taken from the final decision and decree of the said circuit court to the Supreme Court of the United States, by either party, in accordance with the provisions of the tenth section of said Act of March third, eighteen hundred and fifty-one, within six months after the rendition of such final decision; and a decree under the provisions of this Act, in favor of said claim, shall not affect any adverse right or title to the lands described in said decree; but in lieu thereof, the claimant, or his legal representatives, and shall be allowed, patents for an equal quantity of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than the subdivisions provided for in the United States land laws, and, if unsurveyed when taken, to conform, when surveyed, to the general system of United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth circuit court of the United States, of California, be, and here- by is, authorized and required to hear and decide upon the merits, the claim of Thomas B. Valentine, claiming title, under a Mexican grant to Juan Miranda, to a place called the Rancho Arroyo de San Antonio, situate in the county of Sonoma, and State of California, in the same manner, and with the same jurisdiction, as if the claim to the said tract of land had been duly presented to the board of Land Commission- ers under the provisions of the Act entitled "An Act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, and an appeal had been duly taken from their decision to the district court of California by the said Thomas B. Valentine.

"VALENTINE SCRIP  
"An Act for the relief of Thomas B. Valentine

"113. Lines of (survey) run along permanent bodies of water are run as meander lines, the water itself being the true boundary line of the land to be sold, and all accretions after survey and prior to patent pass under the patent when issued, and the Gov- ernment thereafter is not entitled to subsequent accretions." (Page 801, Vol. to 40 Incl., Part 1).

permanent bodies of water determine the quantity of land for sale, but the water line forms the true boundary."

To: Mr. Alfred Jones, County Surveyor  
Subject: Southernly Boundary of Rancho Los Cerritos  
Your file: "Tide Line at Long Beach"

The title company's contention that the Rancho Los Cerritos extends to the ordinary high water mark is based partially on a decision by Judge Jenney in the case of the City of Long Beach vs. Southern California Edison Co. and the Salt Lake R.R. in which the court held that the Mean High Tide Line is the grant boundary. According to Mr. Rea this litigation involved tide lands at the mouth of the old San Gabriel River at the southwest corner of the Rancho Los Cerritos. Mr. Rea further stated that Mr. W.D. Reyborn, one of their staff, prepared certain exhibit maps for the above action which may be examined at the title company offices, upon appointment with Mr. Reyburn.

He pointed out, however, that in his opinion the deeds to Seaside Blvd. conveyed in fee to the City of Long Beach most of the upland lying between Seaside Blvd. and the Ordinary High Water Mark as it existed at the time of the conveyances.

From my conversation with him it appears that their presumption is that the original title to the Grant went to the mean high tide line, and that no undisposed-of public land exists seaward of the meander line.

Contacted Mr. Rea of the Title Insurance & Trust Co. relative to their policy toward title to lands lying between the Los Cerritos meander line and the ordinary high water mark of the Pacific Ocean.

May 3, 1944

MEMO'S. RE SOUTHERLY BOUNDARY OF RANCHO LOS CERRITOS

"Approved, April 5, 1872 (17 Stat. 649)" (Pages 638-639, Public Land Statutes of the United States, 1931, United States Department of the Interior).

said Valentine, or his legal representatives, in accordance with the provisions of this Act: Provided, that no decree in favor of said Valentine shall be executed nor be of any force or effect against any person or persons; nor shall land scrip or patents issue as hereinafore provided, unless the said Valentine shall first execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all his right, title, and interest to the lands covered by said Miranda grant.

To: Mr. Alfred Jones, County Surveyor  
 Subject: Southernly Boundary of Rancho Los Cerritos  
 Your File: "Tide Line at Long Beach"

Contacted the local district land office relative to the title to lands lying southerly of the meander line - Rancho Los Cerritos. Was informed that several applications had been filed for purchase of a portion of these lands by use of Valentine Scrip and

May 8, 1944

All of this information was turned over to the law firm of O'Melvey and Myers, who are holding it for future reference, although I understand the case for which it was secured has been settled out of court. He further stated that the Mexican Decree definitely placed all of the beach land within the grant.

It was his recollection that the Stearns and Hancock surveys were in close agreement excepting that the former survey was based on magnetic instead of true meridian. He stated that during the course of his investigation his investigator, John Selmers, recovered a plat and field notes of a survey by Abel Stearns, executed about the year 1837, embracing the boundaries of the Rancho, together with a Decree of the Mexican court describing the grant by metes and bounds.

He made several years ago on the boundaries of the Los Cerritos Rancho in connection with certain litigation in the Terminal Island area. Contacted Francis Bates regarding certain research

May 3, 1944

Contacted the U.S. Public Survey Office in Glendale relative to their interpretation of the southerly boundary of the Los Cerritos Rancho as shown on the official plat of the Hancock survey. The party with whom I talked was non-committal about the title to lands lying between the meander line and the Pacific Ocean, stating that the determination of title to government lands shown on their plats is a function of the District Land Office. He did, however, inform me that no surveys had been authorized in fraction-  
all sections 1, 2 or 3 T. 5S. R. 13 W. which embrace the strip in question.

May 3, 1944

To: Mr. Alfred Jones, County Surveyor  
Subject: Southerly Boundary of Rancho Los Cerritos  
Your File: "Tide Line at Long Beach"

The application of certain private interests to have the strip lying between the meander line and the mean high tide line

landward from the mean high tide line. Guadalupe that the meander line at places was some 40 or 50 chains appended hereto. It appears from the patent map of the Rancho late to the Guadalupe case. A copy of this information is Office at Glendale certain official correspondence and reports re- At a later date I secured from the Public Survey

In connection with the present case my attention was called to a similar proceeding involving the Rancho Guadalupe in Ventura County. I was informed that in the Guadalupe case the meander line was considerably further from the shore line than in our present case and that the Department of Interior decision ruled that no unsurveyed land existed between the meander line and the ordinary high water mark of the Pacific Ocean. I understand that the area involved was several hundred acres.

Contacted the State Lands Commission relative to ancient records embracing the Rancho Los Cerritos. Examined a Diseno prepared by Abel Stearns May 12, 1834 showing the Santa Gertrudes, Bolsas, Alamitos and Cerritos Ranchos. This record contained no courses or distances, but definitely shows the Cerritos Rancho extending to the shoreline of the ocean. (File 290 S.D. State Lands Commission).

May 8, 1944

It appears that if the lands are classified as unsurveyed public lands the next step would be the granting of authorization for an official survey by the U.S. General Land Office in order to properly identify and describe the parcels embraced by the applications. Was informed that in view of the present oil development in the area, lands therein would probably be classified as mineral, in which case the use of Valentine Scrip for their purchase would be void. that to date no land classification had been made.

To: Mr. Alfred Jones, County Surveyor  
Subject: Southernly Boundary of Rancho Los Cerritos  
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Encl.  
EIM:w

By E. L. Mankey, Asst. Locating Engr.

Yours truly,  
H. I. Comly, Locating Engr.

declared unsurveyed public land was finally appealed to the Secretary of the Interior, resulting in final rejection thereof under the date of August 29, 1930.

6.  
To: Mr. Alfred Jones, County Surveyor  
Subject: Southernly Boundary of Rancho Los Cerritos  
Your File: "Tide Line at Long Beach"

May, 1946.

California.

Copied from original carbon copies on file  
in the Survey Division as furnished by the  
U. S. Public Survey Office, Glendale,

For \_\_\_\_\_  
Referred to \_\_\_\_\_  
Alfred Jones  
County Surveyor & County Engineer

**RECEIVED**  
MAY 23 1946

RANCHO GUADALASCA  
(Ventura County)

Official Correspondence and Data  
relating to the application of certain private  
interests for right to homestead alleged omitted  
public lands lying between the meander line and  
the mean high tide line of the Pacific Ocean

COPY  
Address only the Commissioner of the General Land Office

3 x

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

Washington

Jun. 17, 1929.

In reply please  
refer to 1315613  
"E" W.P.

: Application for survey of  
: alleged omitted lands: Rejected.

District Cadastral Engineer,  
Public Survey Office  
417 Market Street  
San Francisco, California.

Sir:

There have been received by this office through

various sources, including the papers transmitted with the

letter dated May 1, 1929, from the Office Cadastral Engineer,

a series of applications for the survey of alleged unsurveyed

public lands described as lying between the south boundary

of the patented Guadaluasca Rancho and the shore of the Pacific

Ocean, in T. 1S., Rs. 20 and 21 W., S.B.M., California.

It appears that a number of applications for the

survey of the alleged omitted lands were filed in your office

through James Kordina with his letter dated October 15, 1928,

upon consideration of which the Office Cadastral Engineer, in

a letter dated December 15, 1928, addressed to Mr. Kordina,



about the time for the expiration of the period within which appeals should be filed, Messrs. Stivers and Peabody, 409-410 Lincoln Building, Los Angeles, California, by letter dated November 22, 1928, represented to this office that they had just been retained by some of the applicants and requested an extension of time within which to cure certain defects of service of notice upon the State

et al., involving the same lands. the cases of Sylvester G. Creutz et al., Los Angeles 041660 adverse decisions dated Jan. 17, 1927 and May 16, 1927, in had not already been considered by the Department in its any facts with reference to the alleged omitted lands which it being held that the applicants had failed to present by letters dated October 31, 1928, addressed to the others, October 23, 1928, addressed to Winifred M. La Fougere and ters to the individual applicants - by letter "E" dated held for rejection subject to the right of appeal by let- were filed in this office on October 2, 1928, which were plications were about to be filed in your office a series Without any indication of the fact that these ap- bona fides of the applicants.

held certain of these applications for rejection and "ac- cepted" certain others, subject to examination as to the

1315613 "E" WTP

1315613 "R" WTP

authorities of the pendency of the applications and within which to present certain facts not before this office which were deemed material to the interests of their clients.

By letter dated December 11, 1928, to Messrs.

Stivers and Peabody, an extension of time for thirty days was granted within which to cure the defects and to appeal to the Secretary of the Interior from the decisions of this office rejecting the applications.

By letter dated January 10, 1929, Messrs. Stivers

and Peabody reported that they had served notice on the State authorities and had procured affidavits from old settlers as to the conditions existing at the time of the original surveys as compared with those of today, which they transmitted; they also stated that they had served notice on your office of the applications and intimated that they were expecting your office to transmit here the result of your consideration of the matters before you, and asked that action be deferred pending the receipt of such report.

Such report not having been received, you were

called upon by letter dated February 16, 1929, as to your intentions in the matter.

By letter dated February 23, 1929, you transmitted copy of your office letter dated December 15, 1928, to

Upon this showing, this office by letter "E" dated April 26, 1929, addressed to Messrs. Stivers and Peabody vacated its decision dated March 25, 1929, and stated that

the case.

not yet been considered by this office and in view thereof requested that said decision dated March 25, 1929, be reconsidered and that all data in your office be called for with a view to a full consideration of all papers filed in

still on file in your office the applications for survey, together with certain maps, affidavits, etc., which had and Peabody called attention to the fact that there were

By letter dated April 24, 1929, Messrs. Stivers to the right of appeal to the Secretary of the Interior. applications were accordingly held for rejection, subject survey by this office of the alleged omitted lands and the been no evidence presented warranting an investigation or to Messrs. Stivers and Peabody, it was held that there had the papers and by letter dated March 25, 1929, addressed This office then proceeded with consideration of

office before proceeding further in the matter. you would await full consideration of the matter by this James Kordina, one of the applicants and indicated that

1315613 "E" WTP

The Guadaluasca Rancho, confirmed to Ysabel Yorba, was founded on two Mexican grants, the first made May 6, 1836 and the second April 6, 1837, based upon which a survey of the boundaries of the rancho was made by Jas. H. Terrell,

as follows:

The material facts in the case may be summarized

cover.

Of these decisions are transmitted herewith under separate hearing was denied May 16, 1927 (A. 9743 et al.); copies enter portions of the same area, on which a motion for re-Sylvester G. Creutz et al., Los Angeles 041660 et al., to the action of this office in rejecting the applications of of departmental decisions dated January 17, 1927, affirming The area in question had already been the subject

received full and careful consideration. was transmitted and the various papers in the case have now

With your letter dated May 1, 1929, your record

in the case for its consideration.

requested to transmit to this office your entire record

By letter "E" dated April 26, 1929, you were

out of the applications for survey.

abeyance, pending consideration of all questions arising

further action with reference thereto would be held in

1315631 "E" WTP

D.S., under his instructions dated August 1, 1860 which survey was approved March 25, 1861, on which patent was issued September 1, 1873.

Terrell began his survey at a post "Q 1" at the point of the Sierrita de la Laguna, whence he ran in a direct line S 44-1/4° W 413.20 chs. to a rock mound on the shore of the Pacific Ocean, station "Q 2", thence along the sea shore through low sand banks, S 54-3/4° E, 193.00 chs., where he set a large post "Q 3" on the right bank of a slough; thence S 74° E., crossing the mouth of the slough 5 chs. wide and at 25.00 chs. on this course, "leave sand beach and ascend along the southern edge of high chemical hills, the shore of the Pacific Ocean 30 chs. south of line"; from a point on this line, at 280 chs., Point Mugu extended into the sea, and at 364.30 chs. post "Q 4" was established on top of ridge near the shore of the Pacific Ocean for the southeast corner of the rancho; thence along said ridge on the east boundary N 38-3/4° E, 265 chs. to "Q 5", a rock mound, &c. to place of beginning.

In his survey of the boundaries of the R<sup>o</sup> Rio de Santa Clara, the east boundary of which was coincident for a part of its way with the west boundary of the R<sup>o</sup> Guadalupe, deputy Geo. H. Thompson in 1867, reported that corner No. 1 of the Santa Clara Grant was coincident with corner No. 1 of the

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the Guadalasca R<sup>o</sup> and the patent based thereon. being claimed to be public land omitted from the survey of of Terrell's survey from Q 3 to Q 4 and the ocean are now These sand dunes and the area lying between the line the ocean.

are represented as sand dunes actually bordering the shore of dence, one on either side of the opening from the ocean, which the eastward also, thus forming two peninsulas now in evi- westward so as to cover a considerable area, with an arm to as Mugu Laguna, making in from the ocean and extending to the is represented to exist today in the nature of a Laguna, known of having intersected or crossed any body of water such as It is to be remarked that Thompson makes no mention its meanders.

thence westward along the sand beach of the sea shore with chs. to true point for corner on the shore of Pacific Ocean, witness point for his southeast corner, continuing to 480 the latter continuing to 476.30 chs., where he established chs. while Thompson mentions the same item at 475. chs., Terrell had mentioned entering sand hills at 398.50 raphy, but he makes no mention of Q 2 at 413.20 chs. fairly close observance of the intermediate items of topog- guns, whence he ran on Terrell's line S 44-1/4° W., with Guadalasca Grant, at the point of the Sierreta de la La-

1315631 "EM" WTP

Settlement has been made on these lands with a view to entering the same after survey, and a number of applications have been filed by parties claiming settlement rights.

The conditions in the locality of Q 4 have been the subject of investigation, conducted by W.J. Lightfoot, Examiner of Surveys, in 1910, in consequence of which it appeared that Q 4, identified by Jas. R. Glover in 1896, in connection with his survey of public lands in T. 1 S., R. 20 W. was found to be 21.36 chs. from the ocean. Glover extended the boundary to the ocean and meandered the shore. Lightfoot identified Glover's corners, Q 4 and his meander corner, from the former of which he ran N 74° W 81.19 chs. on course 3 of Terrell to an intersection with the ocean and surveyed fractional Sec. 18 and 19, containing 108.35 acres as public lands, the east boundary of which was Glover's extension, the north boundary, the south boundary of the rancho, and the south and west boundaries the meanders of the ocean. This area has been disposed of by patent, Lot 2 Sec. 18 to the Santa Fe Pacific R.R. Co. as lieu land under the act of June 4, 1907 and Lot 4 Sec. 19 as part of Albert W. Marsh's commuted cash entry amended to include said lot.

crudely the surveyor may have run his lines of such south

the true south boundary of the grant, and that however all indications point to the conclusion that the ocean was from the grant bordering on the ocean; on the other hand, tion of the granting authorities to omit any of the lands It may be said that the records develop no inten-

true south boundary between these termini.

mind of the east and west boundaries thereof and of the

this in turn involves a determination of the true ter-

properly to be considered as included in the R<sup>o</sup> Guadalupe, and

This involves the whole question of what lands are

beginning.

east boundary line of the Santa Clara to Q 2, the place of

the R<sup>o</sup> Rio de Santa Clara, thence northeasterly along the

erly following high-water mark to the southeast corner of

grant to high-water mark on the Pacific Ocean, thence west-

S 38-3/4° W., in continuation of the east boundary of the

mined that these lines are on the earth's surface; thence

S 74° E., 364.30 chains to Q 4, wherever it may be deter-

terms of the patent, S 54-3/4° E., 193 chains to Q 3, thence

southwest corner of R<sup>o</sup> Guadalupe, thence following the

public land may be described as beginning at Q 2, the

The area for which applicants are contending is

1315631 "R" WTP



boundary in order to determine the area of the grant, his corners were said to be on or near the ocean, this being his objective as a limiting boundary.

It has been represented on a map filed in connection with the pending applications that through a survey made in July, 1928, by W.E. Starks, Licensed Surveyor and F.W. Chapin, C.E., from Q 4, by a series of traverses reaching to and along the coast highway to the intersection of the latter with the west boundary of the R<sup>o</sup> Guadaluasca as a line of control, there have been developed certain features tending to confirm the suggestion that the record of the survey by Terrell, if attempt be made to reproduce it on the earth's surface, could not be made conformable to conditions now in existence, it being indicated thereon, for instance, that Q 2, the southwest corner of the rancho, would be located in Mugu Laguna, and that the record relation of Q 3, if established by course and distance from Q 2, would place Q 3 out in the waters of the Pacific Ocean; likewise by reversal from Q 4, Q 3 would be found in nearly the same position; an attempt to recover the position of Q 3 according to the topography of Terrell's Survey (on the right bank of a slough) would swing the course from Q 2 to Q 3 through an angle of about 190° to the northward from the record, while

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a further indication is represented of a position for Q 3  
 "as found by Chapin from affidavits of old settlers", which  
 would swing the course from Q 2 to Q 3 through an angle of  
 about 20° to the northward from the record, with a shorten-  
 ing of the length of line of about one-third of its record.  
 These developments throw some additional light  
 upon present day conditions, such as the existence of the  
 inlet from the ocean forming Mugu Laguna extending inland  
 about two and a quarter miles, as far west as the approxi-  
 mate position of the west boundary of the grant, and about  
 a mile east of the opening, south of which on either side  
 of the inlet are shown peninsulas bordering on the south  
 shore of the Laguna on one side and on the ocean on the  
 other. So far as these present day conditions are con-  
 cerned, they cannot be said to justify the assumption that  
 the same conditions prevailed at the time when the original  
 surveys of the two adjoining grants were made. Terrell's  
 southwest corner of the R<sup>o</sup> Guadalupe was reported as having  
 been established on the shore of the ocean at a certain  
 distance from the Sierrita de la Laguna; Thompson's southeast  
 corner of the R<sup>o</sup> Rio de Santa Clara was reported as having  
 been established on the shore of the ocean on the same course  
 but at a greater distance from the same starting point;

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