

MINUTE ITEM

1. EXCHANGE APPLICATION NO. 65, DELBERT J. SARGENT, IMPERIAL COUNTY - S.W.O. 5729.

The Executive Officer stated that negotiations between Mr. Sargent and Imperial County had not reached any conclusions or degree of acceptability since the meeting of the Commission in November 1963. He then presented the recommendation of the staff as outlined in Calendar Item 1 attached. Thereafter the matter was opened for discussion.

Mr. Orlando Foote, County Counsel for Imperial County, reviewed the intent of a resolution from the Imperial County Board of Supervisors, dated February 3, 1964, stating the willingness of the Board to enter into a lease with Mr. Sargent.

Mr. Alcott Harberger, from the County Administration Office of the County of Imperial, outlined the offers that had been made in response to the requests made by Mr. Sargent, regarding mineral water rights, acreages, and land uses. He pointed out the need for action because of a potential fire hazard and public health problems created by the large number of people, mostly retired, currently living in trailers in the area.

Mr. Sargent, appearing on his own behalf, claimed that the amount of water being offered by the County was insufficient for his needs, and that the proposed lease being offered to him implied conditions that were intolerable. He presented a map and a proposed compromise.

Chairman Champion was of the opinion that, inasmuch as the Commission was not sitting as a Court of Equity, the various agreements necessary between Mr. Sargent and the Imperial County Board of Supervisors should be worked out between those parties, without involvement of the Commission.

Deputy Attorney General Paul M. Joseph stated that the Commission could exercise its discretion and was free to act in recognition of the public interest and to withdraw the exchange application to the United States.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED

- (1) REJECTING THE APPLICATION FILED BY DELBERT J. SARGENT ON JANUARY 22, 1954, AS AMENDED ON OCTOBER 26, 1956, COVERING THE SE $\frac{1}{4}$ OF NW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF NE $\frac{1}{4}$, SW $\frac{1}{4}$ OR NE $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$, SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF NE $\frac{1}{4}$, SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 2, T. 9 S., R. 12 E., S.B.M., CONTAINING 220.125 ACRES IN IMPERIAL COUNTY;
- (2) DIRECTING THE RETURN OF ALL DEPOSITS TO THE APPLICANT EXCEPT FOR FILING FEES; AND
- (3) DIRECTING THE WITHDRAWAL OF EXCHANGE APPLICATION NO. 65, SERIAL NO. 0133945, LOS ANGELES LAND DISTRICT, FILED WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT, TO SELECT SAID LANDS FOR THE BENEFIT OF DELBERT J. SARGENT;

WITH THE EXPLICIT UNDERSTANDING THAT THE MINIMUM LEASE PROPOSALS TO MR. SARGENT MADE BY THE IMPERIAL COUNTY BOARD OF SUPERVISORS WILL CONTINUE TO BE OFFERED TO HIM AND WITH THE STRONGEST POSSIBLE RECOMMENDATION THAT IMPERIAL COUNTY DO ALL IT CAN TO SUPPLY MR. SARGENT WITH A GREATER AMOUNT OF WATER THAN SUGGESTED BY THE MINIMALS.

Senator Quick expressed recognition of Mr. Sargent's fish development, and the County's purpose in providing a development for the aged who personally enjoy the area. He stated that the matter had been presented well and offered his support toward consummation of a satisfactory agreement.

Attachment

Calendar Item 1 (1 page)

CALENDAR ITEM

1.

EXCHANGE APPLICATION NO. 65, DELBERT J. SARGENT, IMPERIAL COUNTY - S.W.O. 5729.

At the Commission's meeting of November 6, 1963, in Los Angeles, an item was considered which involved an exchange application filed with the United States Bureau of Land Management for the benefit of Delbert J. Sargent. The County of Imperial had requested the Commission to cancel Mr. Sargent's exchange application for the reason that the County wished to acquire directly from the United States fee title to the land involved and to other lands so as to develop for public purposes the Hot Mineral Spa area in Imperial County.

The Commission, after considering the views presented both by Mr. Sargent and by representatives of the County, requested Mr. Sargent and County representatives to undertake negotiations looking toward the continuation, through a mutually satisfactory lease arrangement, of Mr. Sargent's tropical fish hatchery operation situated on a portion of the lands which are the subject of the exchange transaction.

At the request of both Mr. Sargent and the County representatives, the Commission, at its meeting of December 20, 1963, deferred consideration of the matter until its next regular meeting in January.

The Division has been advised that negotiations between the parties have taken place.

On January 30, 1964, representatives of Imperial County appeared before the State Lands Commission, prepared to make a progress report on such negotiations. Because of Mr. Sargent's nonappearance, the matter was scheduled for determination at a special meeting of the State Lands Commission on February 5, 1964.

IT IS RECOMMENDED THAT THE COMMISSION:

- (1) REJECT THE APPLICATION FILED BY DELBERT J. SARGENT ON JANUARY 22, 1954, AS AMENDED ON OCTOBER 26, 1956, COVERING THE SE $\frac{1}{4}$ OF NW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF NE $\frac{1}{4}$, SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$, SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF NE $\frac{1}{4}$, SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 2, T. 9 S., R. 12 E., S.B.M., CONTAINING 220.125 ACRES IN IMPERIAL COUNTY;
- (2) DIRECT THE RETURN OF ALL DEPOSITS TO THE APPLICANT EXCEPT FOR FILING FEES; AND
- (3) DIRECT THE WITHDRAWAL OF EXCHANGE APPLICATION NO. 65, SERIAL NO. 0133945, LOS ANGELES LAND DISTRICT, FILED WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT, TO SELECT SAID LANDS FOR THE BENEFIT OF DELBERT J. SARGENT.