

MINUTE ITEM

1/26/73
NJK

16. CANCELLATION OF PURCHASE APPLICATION SL 4289, IN LASSEN COUNTY; DEAN BECKETT - SL 4289.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. CANCELS APPLICATION OF DEAN BECKETT TO PURCHASE SWAMP AND OVERFLOWED LANDS LOCATION NO. 4289, FOR THE FRACTIONAL $N\frac{1}{2}$ OF $SW\frac{1}{4}$ AND $NW\frac{1}{4}$ OF $SE\frac{1}{4}$, SECTION 4, T 28 N, R 15 E, MDM, CONTAINING 27.30 ACRES IN LASSEN COUNTY.
2. AUTHORIZES REFUND OF ALL DEPOSITS SUBMITTED BY MR. BECKETT.

Attachment:

Calendar Item 14 (2 pages)

CALENDAR ITEM

1/73

NJK

14.

SL 4289

CANCELLATION OF PURCHASE APPLICATION SL 4289,
IN LASSEN COUNTY

On March 8, 1968, Mr. Dean Beckett filed a purchase application for the fractional N $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T 28 N, R 15 E, MDM, lying northerly of the U.S. meander line of Honey Lake, Lassen County.

At the time of application the applicant owned the adjacent property. This property was purchased from the Triama Cattle Corporation on June 25, 1964. Sometime prior to this purchase, the Triama Cattle Corporation had constructed cattle corrals occupying approximately 5 acres of the subject parcel. The applicant expressed the opinion the subject land and corrals were included in the purchase. Sometime later he apparently discovered the subject parcel to be State-owned and subsequently filed a purchase application with the State Lands Commission.

The processing of this application has been delayed because of title and legal problems.

Further delay was caused by the following events:

1. On November 17, 1969, the applicant sold his property adjoining the subject parcel.
2. On February 15, 1972, the applicant re-acquired his property through foreclosure.
3. In August 1972, the applicant resold his property.

Heretofore, the applicant's title to this land qualified him as a bona fide applicant. However, now under Title 2, Division 3, Article 5 of the California Administrative Code, his bona fide settler status has been lost and he can no longer qualify as a purchaser for State swamp and overflowed lands. The applicant was so notified by letter on October 5, 1972.

On October 24, 1972, the Department of Fish and Game advised this Division by letter that the subject property is located near its Honey Lake Wildlife Area and borders Honey Lake. The Department of Fish and Game values the subject parcel for wildlife and public use, and recommends it be held in State ownership.

OTHER PERTINENT INFORMATION:

1. The applicant at no time during the period of his application claimed any rights of adverse possession to the subject parcel. Moreover, a search of Lassen County tax records disclosed that no taxes have ever been paid or assessed on the subject parcel.

CALENDAR ITEM NO. 14. (CONTD)

2. The applicant has maintained his application in good standing and has on deposit a balance of \$350. This deposit is pursuant to Section 2301 of the California Administrative Code.

STATUTORY AND OTHER REFERENCES:

1. Public Resources Code: Division 6, Chapter 2, Article 3.
2. Administrative Code: Title 2, Division 3, Section 2300.
3. State Constitution: Article 17, Section 3.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CANCEL APPLICATION OF DEAN BECKETT TO PURCHASE SWAMP AND OVERFLOWED LANDS LOCATION NO. 4289, FOR THE FRACTIONAL $\frac{1}{2}$ OF SW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$, SECTION 4, T 28 N, R 15 E, MDM, CONTAINING 27.30 ACRES IN LASSEN COUNTY.
2. AUTHORIZE REFUND OF ALL DEPOSITS SUBMITTED BY MR. BECKETT.