MINUTE ITEM

This Calendar Item No. 47
was approved [illegible]
No. 41 [illegible]
Commission by vote of 3
to 0 at its 12/15/76
meeting.

CALENDAR ITEM

12/76
W 505 664
CBB

AUTHORIZATION TO FILE DISCLAIMER OF INTEREST

The State Lands Commission is a party to a United States condemnation action brought by the United States Attorney entitled United States v. [illegible] acres of land, more or less, etc., et al., Stanislaus County, filed in the United States District Court, Eastern District of California, Civil No. S-1353, involving land in Stanislaus County, to wit: Parcels S-51 and S-60 located in T2S, R8E, MDM, and Parcels S-78 and S-80, located in T6S, R9E, MDM.

The original complaint sought to acquire temporary easements ending September 1, 1972, for the conduct of surveys and the drilling of test holes. In response to the original complaint, the Attorney General filed a disclaimer on behalf of the Commission on October 19, 1970. By an amended complaint, the Federal Government has sought to extend the term of the easements on Parcels S-51, S-78 and S-80.

Upon examination of the Commission's records pertinent to the area, it was confirmed that there is no interest held by the State Lands Commission in Parcels S-51 and S-80 and that a disclaimer should be filed as to these parcels.

Regarding Parcel S-78, however, the existence of a State claim is uncertain. There is reason to believe that extensive investigation and research could develop a claim to all or a portion of said parcel based upon the assertion that it is sovereign land in the bed of [illegible]. Because the estimated compensation for the temporary easement sought is only $150, however, the staff and the Attorney General's office have concluded that the cost of such an extensive investigation would not be warranted. Because a motion for an order entering the State's default had been noticed for December 15, 1976, it was necessary for the Attorney General to file a disclaimer only as to the right to compensation, specifically not disclaiming the existence of any possible State Lands Commission interest in the parcel. Ratification by the Commission of this action is now sought.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF INTEREST AS TO PARCELS S-51 AND S-80 IN UNITED STATES V. [illegible] ACRES OF LAND, MORE OR LESS, ETC., ET AL., STANISLAUS COUNTY, CIVIL NO. S-1353, AND

2. RATIFY THE DISCLAIMER FILED ON BEHALF OF THE COMMISSION BY THE ATTORNEY GENERAL OF HER RIGHT TO COMPENSATION ONLY FOR THE TAKING OF AN EXTENDED TEMPORARY EASEMENT IN PARCEL NO. S-78 IN SAID ACTION.

A 27

S 14