

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 9
0 at its 8/22/78
meeting.

CALENDAR ITEM

26.

6/78
W 503.779
W 503.767
Eagan

RATIFICATION OF DISCLAIMERS OF COMPENSATION IN
UNITED STATES v. 623.01 ACRES, U. S. DIST. CT.
(E. D. CAL.) NO. S 74-692-TJM, AND UNITED STATES
v. 993.38 ACRES, U. S. DIST. CT. (E. D. CAL.)
NO. S 74-456-PCW

The State Lands Commission is a party to 2 condemnation
actions brought by the United States; United States v.
623.01 Acres, U. S. District Court (E. D. Cal.) No.
S 74-692-TJM, and United States v. 993.38 Acres, U. S.
District Court (E. D. Cal.) No. S 74-456-PCW.

Both actions involve the taking of temporary, 24-month
easements for purposes of surveying, appraisal, test borings,
and other exploratory work necessary to the design of the
Marysville Reservoir Project of the United States Army
Corps of Engineers. Portions of the land in both actions
needed for these temporary easements are located in the
bed of the Yuba River. After consultation between the State
Lands Commission's staff and the Attorney General's Office,
it was determined that extensive preparation and research
would be required to determine possible State ownership
of the bed of this portion of the Yuba River; that even
if there were a tenable ownership claim and even if it
could be proven to the satisfaction of the court, the com-
pensation to the State for those portions of the temporary
easement parcels lying in the bed of the river would be
minimal; and that the cost of such proof would far outweigh
any possible compensation the State would receive in the
condemnation award.

Pursuant to noticed motion of the United States, a hearing
was had before the court on June 8, 1978, to determine
compensation or to set a trial date. At this hearing, the
private claimant to both the river bed and adjacent upland
areas within the condemnation parcels waived compensation
and stipulated to a dismissal of the action. In view of
both this stipulation by the private party and the con-
siderations outlined above, the Attorney General, after
consultation and with the approval of the Commission's
staff, entered a disclaimer of compensation, but not of
any ownership interest which the State may have in the
parcels, on behalf of the State Lands Commission. Because
of the timing of the State Lands Commission. Because
was not sufficient time to obtain prior authorization from
the Commission.

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CALENDAR ITEM NO. 26. (CONTD)

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RATIFY THE ATTORNEY GENERAL'S ACTION IN FILING DISCLAIMERS OF COMPENSATION BUT NOT OF ANY OWNERSHIP INTEREST ON BEHALF OF THE STATE LANDS COMMISSION IN UNITED STATES v. 623.01 ACRES, U. S. DIST. CT. (E. D. CAL.) NO. S 74-692-TJM, AND UNITED STATES v. 993.38 ACRES, U. S. DIST. CT. (E. D. CAL.) NO. S 74-456-PCW.
2. AFFIRM THAT THE DISCLAIMERS RATIFIED ABOVE ARE WITHOUT PREJUDICE TO ANY CLAIM OF OWNERSHIP WHICH THE STATE MAY HAVE REGARDING THE LANDS INVOLVED IN THE ABOVE-REFERENCED FEDERAL CONDEMNATION ACTIONS.

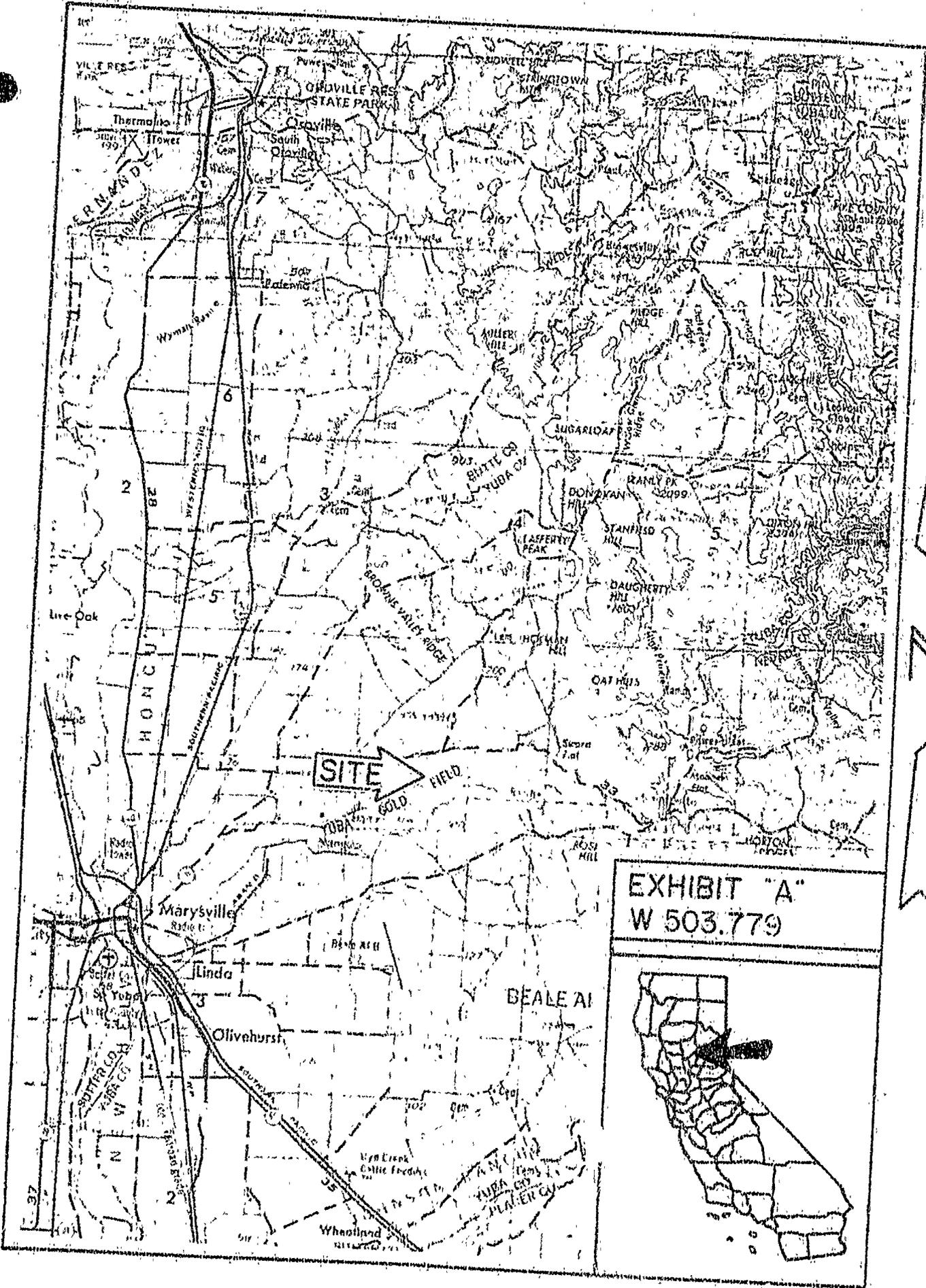


EXHIBIT "A"
W 503.779



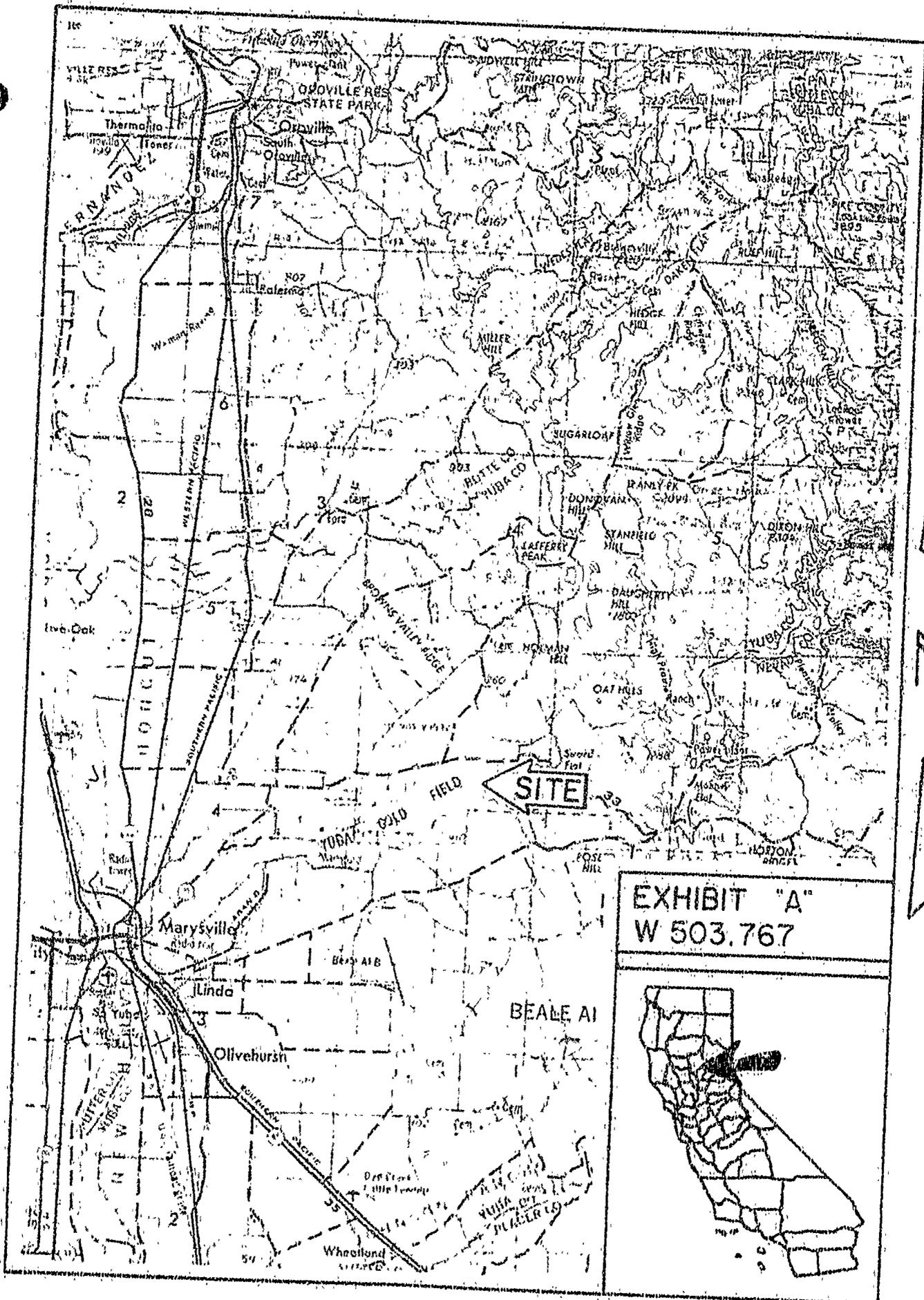


EXHIBIT "A"
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