

MINUTE ITEM

22
Item
lands
1/25/79
meeting.

CALENDAR ITEM

22.

1/79
S&O Survey
913 - Yolo
Baker

REQUEST FOR SWAMP LAND LIST
AND SWAMP LAND PATENT

The United States plats of survey approved March 28, 1864, October 1, 1867 and April 3, 1872, segregated as swamp land the N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 12, T11N, R1E, MDM said plats did not segregate as swamp land the S $\frac{1}{2}$ SW $\frac{1}{2}$ and SW $\frac{1}{2}$ SE $\frac{1}{2}$ of the subject Section 12.

Swamp Land List No. 3, Marysville Land District was issued by the United States to the State on December 19, 1866. Then, as prescribed by federal statute, the Governor requested issuance of a United States patent. Said patent, No. 3, Marysville Land District approved July 20, 1867, embraced the N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 12, T11N, R1E, MDM.

On January 28, 1868, the State Surveyor General accepted for filing the application of A. J. Downs to purchase, "...under the provisions of an Act to provide for the sale of certain lands belonging to the State, approved April 27 1863,..." the S $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 12, T11N, R1E, MDM, containing 80 acres.

Duplicate full-paid Certificate of Purchase No. 2548 was surrendered by assignee, Yolo County Savings Bank and State patent embracing the S $\frac{1}{2}$ SW $\frac{1}{2}$ of the subject Section 12 was issued on December 19, 1899.

By letter dated September 19, 1916, the Register of the United States Land Office, advised the State Surveyor General that a homestead entry had been filed on the S $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 12, T11N, R1E, MDM said letter also advised that "...a photo lithographic copy of a plat approved April 3, 1872, is also on file which shows that the State included the above land in its swamp and overflow segregation prior to 1866. It does not appear that said tract has ever been listed or approved to the State." The State's reply of September 20, 1916, advised the Register of the State's claim to the 80 acre parcel and stated that a letter requesting certification to the State of the land had been transmitted to the Commissioner of the General Land Office. The Assistant Commissioner's reply of October 10, 1916, advised the State Surveyor General that the property in question appeared

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to be subject to the claim of the State. Apparently, no action was taken subsequent to 1916 until the State was advised by letter on November 9, 1978, that a prior final determination had been made on January 24, 1879, that title to the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12, T11N, R1E, MDM, had vested in the State of California under the Act of September 28, 1850.

Section 2625.1 (b) of Title 43, United States Code of Federal Regulation, requires that the Governor request the issuance of a United States swamp land patent after the list has been approved and delivered.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF:

1. REQUEST THAT THE UNITED STATES BUREAU OF LAND MANAGEMENT ISSUE TO THE STATE A SWAMP LAND LIST EMBRACING THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 12, T11N, R1E, MDM.
2. MAKE APPROPRIATE ARRANGEMENTS FOR THE GOVERNOR TO REQUEST FROM THE UNITED STATES A SWAMP LAND PATENT EMBRACING THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 12, T11N, R1E, MDM, IN YOLO COUNTY, CONTAINING 80 ACRES, MORE OR LESS.

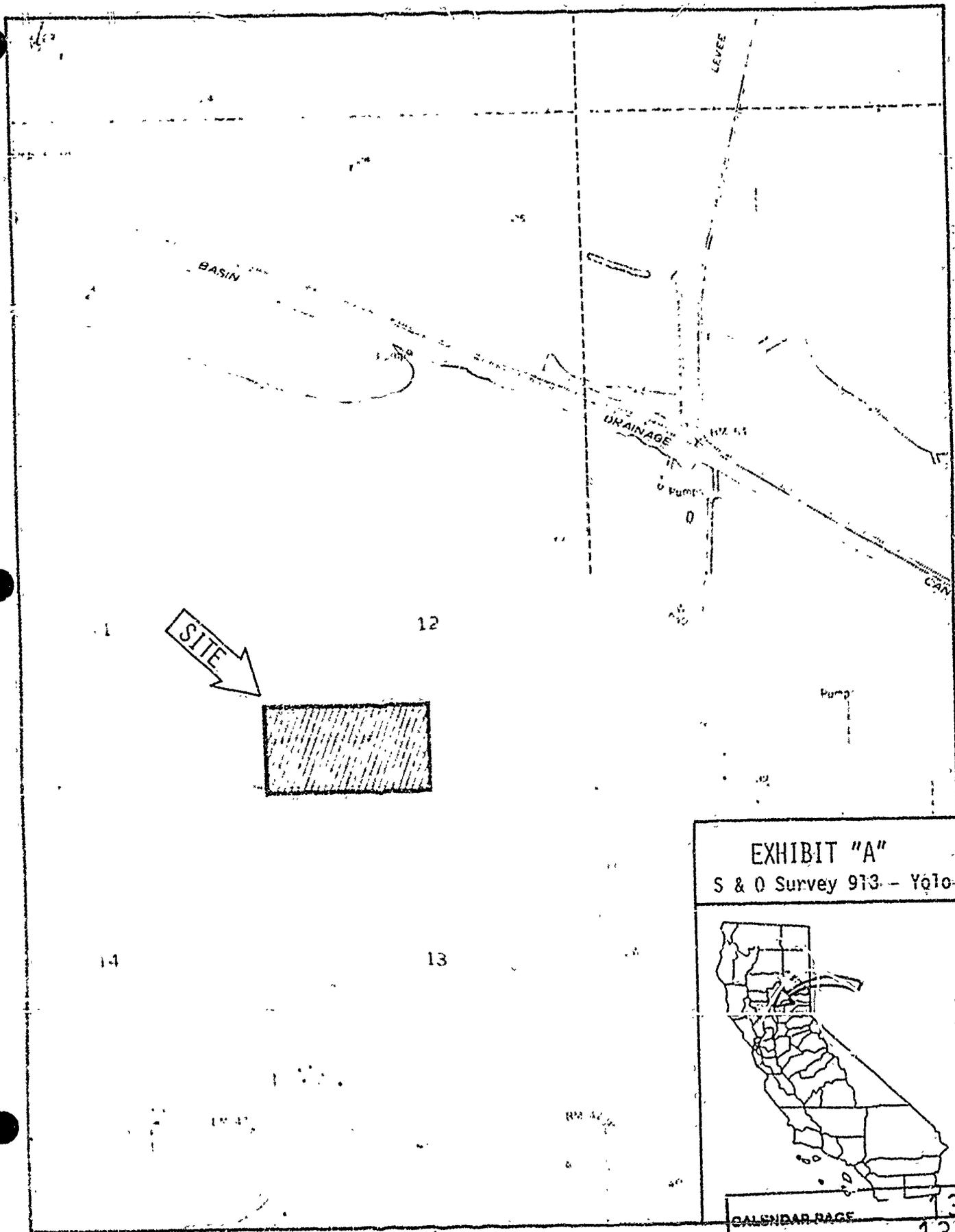


EXHIBIT "A"
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WOODLAND 12 miles