

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE SALE IS AUTHORIZED OF THE SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 36, T. 8 S., R. 2 W., S.B.M., CONTAINING 40 ACRES IN RIVERSIDE COUNTY, TO THE SINGLE APPLICANT, GORDON SPENCER, AT THE CASH PRICE OF \$400, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

14. (SALE OF VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, LIEU LAND APPLICATION NO. 4985, SACRAMENTO LAND DISTRICT, EL DORADO COUNTY, WM. L. WEIR - S.W.O. 5734.) The following report was presented to the Commission:

"An offer has been received from Wm. L. Weir of Rescue, El Dorado County, California, to purchase the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  and SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 14, T. 10 N., R. 9 E., M.D.M., containing 30 acres in El Dorado County. This land may be obtained by the State from the Federal Government through use of base. Mr. Weir made an offer of \$150, or \$5 per acre.

"The Assessor of El Dorado County has assessed contiguous land at \$7.50 per acre, thus indicating its appraised value to be \$15 per acre.

"An inspection and appraisal was made by an independent appraiser on April 2, 1955. Said appraisal, on file with the Commission, establishes the value at \$5 per acre and indicates that the land is not suitable for cultivation without artificial irrigation.

"The selection of the subject land is considered to be to the advantage of the State in that the selection thereof will assist the State in satisfying the loss to the School Land Grant and in addition will place said land on the tax rolls of the county in which it is situated.

"The State's application to select the land has been accepted by the Bureau of Land Management, and the land was listed (conveyed) to the State January 10, 1955.

"A protest to the sale of said land to the applicant, Wm. L. Weir, has been filed with the Division of State Lands in the form of a letter dated February 25, 1955 from Mr. Otto Walter Preisig of Rescue, California, wherein Mr. Preisig also petitions and requests issuance of title to him by the State. Mr. Preisig is the present owner of a 40-acre parcel of land which is separated from a public roadway by the 30-acre parcel of land embraced in the subject application. For the past 15 years Mr. Preisig has been utilizing and maintaining an access roadway to his land over the subject 30 acres without the benefit of a formal permit or right-of-way grant from the Federal Government. Mr. Preisig feels that by reason of establishment of his access roadway over the subject land he has priority and, therefore, should be accorded the first right of purchase. Mr. Preisig has been advised by the Division that the State applicant has complied with all laws and regulations governing the purchase of

vacant Federal land under the indemnity selection procedure, and that no reservation of a road right-of-way was set forth in the conveyance to the State by the United States, and no authority of law exists whereby the State may reserve a right-of-way in his favor. In addition, publication of notice of the State selection application occurred once a week for five consecutive weeks in a newspaper of general circulation in the county in which the land is situated, giving public notice to all interested parties that protests to the State's application would be received by the United States Bureau of Land Management. Mr. Preisig failed to submit any protest at that time.

"The matter has been informally discussed with a representative of the Attorney General's Office, and it is felt that the right-of-way problem does not come within State jurisdiction but instead is a matter to be resolved between Mr. Preisig and the State applicant. It is felt that the State is obligated to issue patent to its applicant subject only to such reservations as may be set forth in the conveyance from the United States and subject to such reservations as are mandatory by State Statutes."

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE COMMISSION DETERMINES THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND COMPRISED IN THE  $W\frac{1}{2}$  OF  $SW\frac{1}{4}$  OF  $SE\frac{1}{4}$  AND  $SE\frac{1}{4}$  OF  $SW\frac{1}{4}$  OF  $SE\frac{1}{4}$  OF SECTION 14, T. 10 N., R. 9 E., M.D.M., CONTAINING 30 ACRES IN EL DORADO COUNTY; THE COMMISSION FINDS THAT SAID FEDERAL LAND IS NOT SUITABLE FOR CULTIVATION; THE COMMISSION SELECTS AND AUTHORIZES THE SALE OF SAID LAND, FOR CASH, TO WM. L. WEIR, AT THE MINIMUM CASH PRICE OF \$150, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

15. (SALE OF VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, LIEU LAND APPLICATION NO. 1930, SACRAMENTO LAND DISTRICT, SONOMA COUNTY, CLYDE D. HORNER - S.W.O. 5596.) The following report was presented to the Commission:

"An offer has been received from Clyde D. Horner of San Francisco, California, to purchase the  $S\frac{1}{2}$  of  $SW\frac{1}{4}$  of Section 5,  $S\frac{1}{2}$  of  $SE\frac{1}{4}$  of Section 6,  $N\frac{1}{2}$  of  $NW\frac{1}{4}$  and  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  of Section 8, and Lots 2, 3 and 4 of Section 17, T. 11 N., R. 8 W., M.D.M., containing 404.65 acres in Sonoma County. This land may be obtained by the State from the Federal Government through use of base. Mr. Horner made an offer of \$2,023.25, or \$5 per acre.

"The Assessor of Sonoma County has assessed contiguous land at \$1.50 per acre, thus indicating its appraised value to be \$3 per acre.

"An inspection and appraisal by a member of the Commission's staff on August 16, 1953 establishes the value of the subject land at \$5 per acre. Said appraisal also indicates that said land is not suitable for cultivation without artificial irrigation.