

"The land was advertised for sale with a stipulation that no offer of less than \$4,800 would be accepted. Pursuant to the advertising the application (5209, Sacramento Land District, S.W.O. 6275) of Lewis W. Parsons of Mt. Hebron, California, was received and filed. Mr. Parsons made an offer of \$5,203, or \$8.12+ per acre.

"On the day following the close of advertising, an application was received from Kenneth H. Bishop of Los Angeles, California. Mr. Bishop made an offer of \$8 per acre, or \$5,120. Section 2302(b) of the Rules and Regulations of the State Lands Commission requires that sealed bids must be delivered to the State Lands Division at Sacramento before 4 p.m. of the 30th day following the date of advertisement. The applicant, Kenneth Bishop, failed to submit a bid within the 30-day period prescribed above. Furthermore, the offer made was less than the highest bid received.

"Mr. Earnest, as the first applicant, has the right within 20 days following receipt of written notice to deposit the necessary amount to meet the price fixed by the Commission."

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

THE COMMISSION REJECTS THE BID OF KENNETH H. BISHOP FOR FAILURE TO SUBMIT A BID WITHIN THE 30-DAY PERIOD SPECIFIED IN THE PUBLISHED NOTICE AND AUTHORIZES THE SALE OF SECTION 36, T. 45 N., R. 1 E., M.D.M., CONTAINING 640 ACRES IN SISKIYOU COUNTY, TO THE FIRST APPLICANT, RAYMOND O. EARNEST, AT A CASH PRICE OF \$5,203, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS. IN THE EVENT THE FIRST APPLICANT FAILS TO EXERCISE HIS RIGHT TO MEET THE PRICE FIXED BY THE COMMISSION, THE SUBJECT LAND IS TO BE SOLD TO THE SECOND APPLICANT, LEWIS W. PARSONS, THE HIGH BIDDER, AT \$5,203, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

36. (SALE OF VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, LIEU LAND APPLICATION NO. 5025, SACRAMENTO LAND DISTRICT, SOLANO COUNTY, HENRY ELWOOD PETERS - S.W.O. 5801.) The following report was presented to the Commission:

"An offer has been received from Henry Ellwood Peters, an incompetent person, by Jule O. Pritchard, Guardian of the Estate of Henry Ellwood Peters of Fairfield, California, to purchase the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T. 5 N., R. 2 E., M.D.M., containing 40 acres in Solano County. This land may be obtained by the State from the Federal Government through use of base. Mr. Peters made an offer of \$200, or \$5 per acre.

"The Assessor of Solano County has assessed contiguous land, with improvements, at \$40 per acre, thus indicating its appraised value to be \$80 per acre.

"An inspection and appraisal by a member of the Commission's staff on July 22, 1955, establishes the value of the subject land at \$88 per acre and indicates that said land is suitable for cultivation without artificial irrigation.

"The parcel is situated within the exterior boundaries of ranch holdings owned by the applicant, which was patented by the State in 1876 as swamp and overflowed land to Henry Ellwood Peters, father of the applicant, based upon an application to purchase filed with the State Surveyor General on September 29, 1860. The present applicant and his predecessor in interest have occupied the land and paid taxes thereon from the date of issuance of State patent.

"The original Swamp Land Survey No. 266, embracing the subject land and adjoining lands, was made by the County Surveyor of Solano County on September 27, 1860. The official U. S. plat of survey for this area, approved December 24, 1862, failed to return the subject land as swamp and overflowed land pursuant to the Act of September 28, 1850. Accordingly, the State did not acquire from the United States the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3 which, in turn, had the effect of voiding the State patent as to said parcel issued in 1876.

"Section 3 of Article 17 of the State Constitution provides that lands which are suitable for cultivation shall be granted only to actual settlers under such conditions as shall be prescribed by law.

"Paragraph (e) of Section 2303 of the Rules and Regulations of the State Lands Commission provides that sales of occupied lands shall be accomplished by negotiation by the Division of State Lands. In accordance therewith, the sale price of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T. 5 N., R. 2 E., M.D.M., has been negotiated for \$75 per acre. The negotiated price of \$3,000 has been met by the applicant.

"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.

"The State's application to select the land has been accepted by the Bureau of Land Management, subject to future approval and listing."

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 NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 3, T. 5 N., R. 2 E., M.D.M., CONTAINING 40 ACRES IN SOLANO COUNTY; THE COMMISSION FINDS THAT SAID FEDERAL LAND IS SUITABLE FOR CULTIVATION; THE COMMISSION SELECTS AND AUTHORIZES THE SALE OF SAID LAND, FOR CASH; TO THE OCCUPANT, HENRY ELLWOOD PETERS, AT THE NEGOTIATED CASH PRICE OF \$3,000, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS, UPON THE LISTING (CONVEYANCE) OF SAID LAND TO THE STATE BY THE FEDERAL GOVERNMENT.