

MINUTE ITEM

This Calendar Item No. 31
was proposed by item
No. 31 State Lands
Commission by a vote of 2
to 0 at its 11/30/77
meeting.

CALENDAR ITEM

31.

11/77
W 503.888
Mills

RATIFICATION OF DISCLAIMER OF COMPENSATION

The Federal Government has filed a condemnation action entitled United States v. 78.42 Acres of Land, etc., United States District Court No. S-77-199-PCW (E.D. Cal.), seeking to acquire certain lands in connection with the New Melones Dam and reservoir; Tuolumne County. A small portion of the land involved in this action is in the historical bed of the Stanislaus River.

The Federal Government subsequently moved for entry of judgment awarding compensation, the motion to be heard on October 11, 1977. From review of the title report prepared by the State Lands Division, and additional investigation, it was determined that the subject reach of the river was not meandered by the United States Deputy Surveyor, that this reach of the river had been covered by the waters of the existing Melones Reservoir since approximately 1927, and that it would be difficult, expensive, and time-consuming to develop evidence at this time that this reach of river was navigable for title purposes prior to 1927, when the river was in natural condition.

Accordingly, after consultation between Division staff counsel and the Office of the Attorney General, and because of the relatively small area involved, it was determined that a disclaimer should be filed as to the right to compensation, but not as to any possible title interest the State may have in the property.

Because of the short time period before the consideration of the motion, it was not possible to obtain prior authorization for the disclaimer from the Commission. Accordingly, on October 11, 1977, the Office of the Attorney General filed a disclaimer of the right to compensation with the court.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION RATIFY THE FILING OF THE DISCLAIMER OF THE RIGHT TO COMPENSATION, BUT NOT OF ANY POSSIBLE TITLE INTEREST, FILED BY THE OFFICE OF THE ATTORNEY GENERAL ON BEHALF OF THE COMMISSION IN UNITED STATES V. 78.42 ACRES OF LAND, ETC., UNITED STATES DISTRICT COURT NO. S-77-199-PCW (E.D. CAL.); TUOLUMNE COUNTY.