

MINUTE ITEM

This Calendar Item No. 26  
was approved as Minute Item  
No. 56 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.

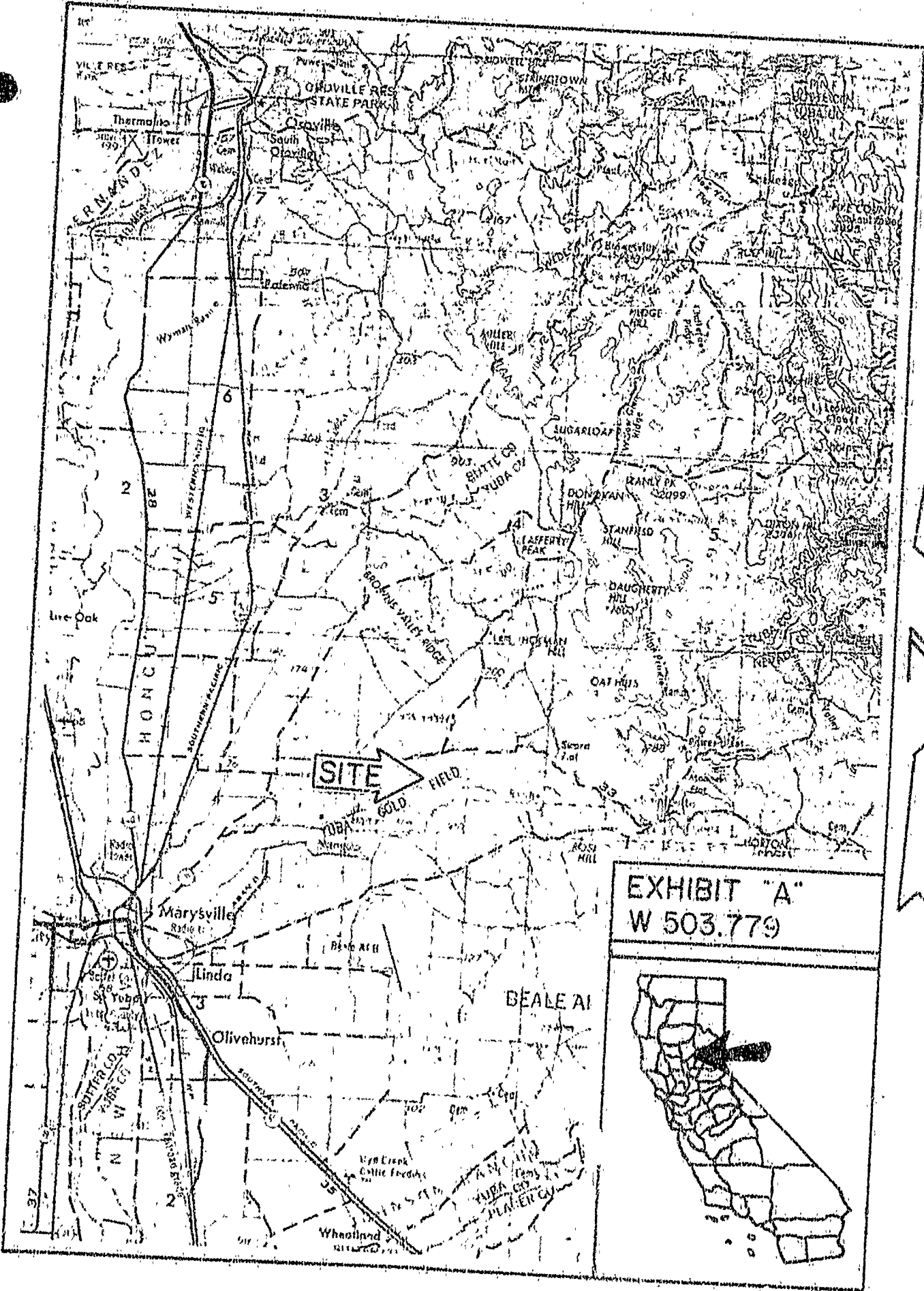
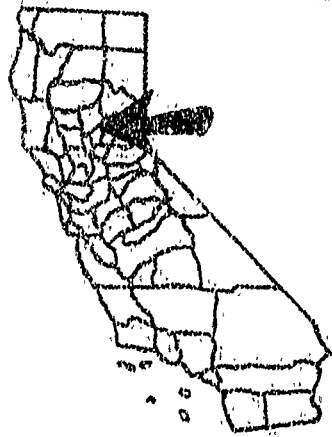


EXHIBIT "A"  
W 503.779



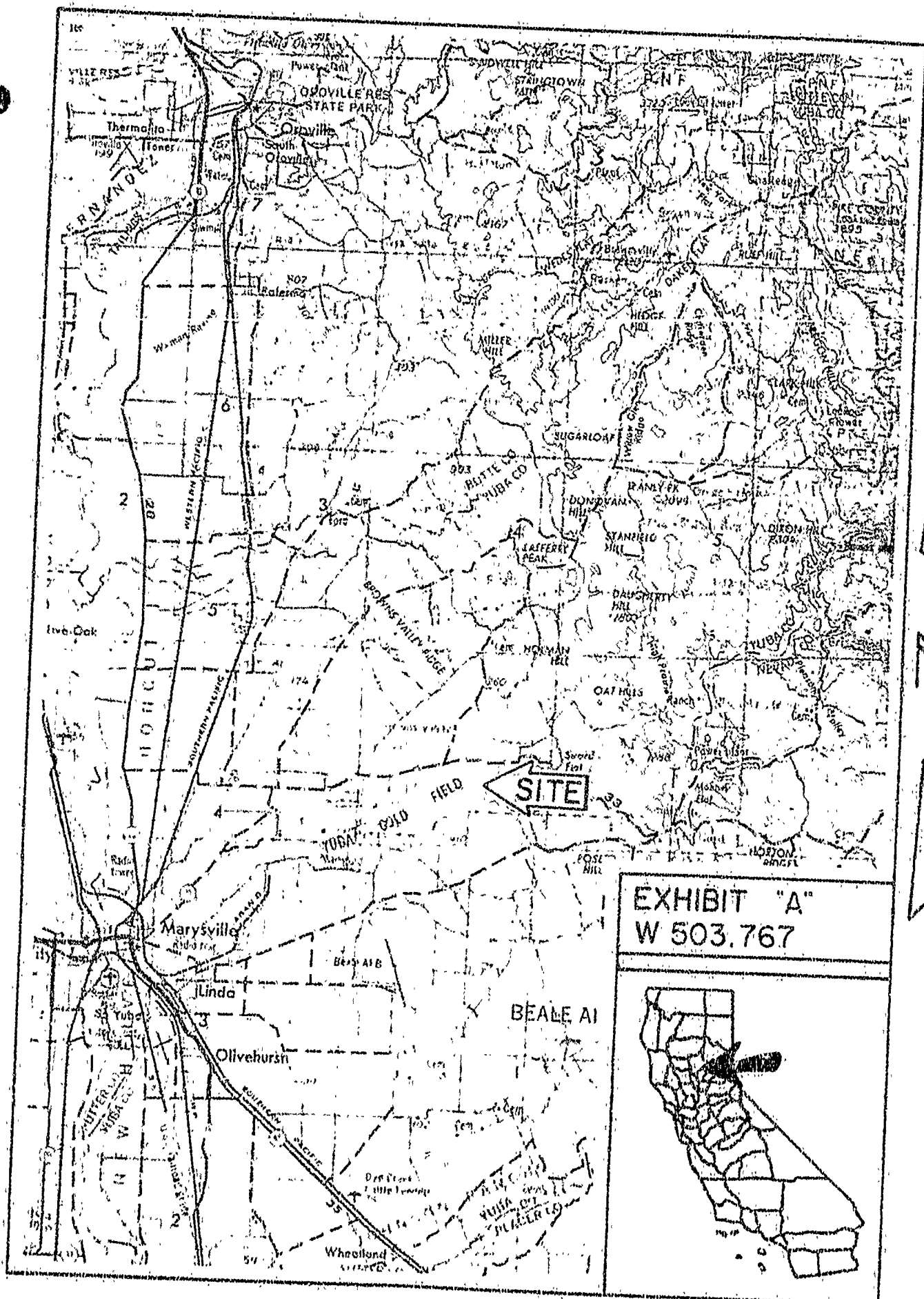


EXHIBIT "A"  
W 503.767

