

Major Joseph L. Freeman appeared on his own behalf, to contend that he had a valid claim to the land in question, and informed the Commission that this land had been occupied by him, even while he was away in the Service, and that Mrs. Freeman had put in a protest to the Bureau of Land Management on April 14, 1947, and that it wasn't until three weeks later that the State put in its claim. He asserted that he had raised barley and wheat on this particular land; that it is agricultural land; that it was homesteaded as agricultural land. He further informed the Commission that the highway goes right through the land.

The Chairman asked Mr. Freeman if he had homesteaded the 40 acres being discussed, whereupon he stated that he had homesteaded all of the section except the 40 acres in question. He admitted that his house is on Section 29. When questioned by Mr. Peirce as to whether he had actually raised wheat and barley on the particular 40 acres under consideration, he said "Yes".

Mr. Smith informed the Commission that the homestead application for this land had been rejected by the Federal Government on the basis that the land was not suitable for cultivation.

Mr. Smith and the Executive Officer, upon being questioned by the Commission as to the State's interest, stated that the application was handled as a matter of standard procedure upon the application of Mr. Kahler, and it was brought out that Mr. Freeman would have a six months' preferential right to purchase the land on the basis that he had settled on it if it was determined that it is suitable for cultivation.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE COMMISSION DEFERRED ACTION ON THE APPLICATION OF WILMAR THOMAS KAHLER TO PURCHASE VACANT FEDERAL LAND IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  OF SECTION 19, T. 7 N., R. 4 W., S.B.M., CONTAINING 40 ACRES IN LOS ANGELES COUNTY, PENDING A FURTHER INVESTIGATION WHICH IS TO BE MADE OF ANY RIGHTS WHICH JOSEPH L. FREEMAN MAY HAVE WITH RESPECT TO THIS PARTICULAR PARCEL OF LAND; THE COMMISSION'S REPRESENTATIVE IS TO CONTACT MR. FREEMAN.

19. (VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, LIEU LAND APPLICATION NO. 4846, SACRAMENTO LAND DISTRICT, LAKE COUNTY, ERNEST M. MCKEE, SR. - S.W.O. 5403.) The following report was presented to the Commission:

"An offer has been received from Ernest M. McKee, Sr., of Berkeley, California, to purchase the S $\frac{1}{2}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 15, T. 11 N., R. 8 W., M.D.M., containing 440 acres in Lake County. This land may be obtained by the State from the Federal Government through use of base. Mr. McKee made an offer of \$2,200, or \$5 per acre.

"An inspection and appraisal by a member of the Commission's staff on May 24, 1956 establishes the value of the subject land at \$15,400 for the land and \$84,700 for timber situated thereon, or a total value of \$100,100. The applicant has objected to this value on the basis that it is excessive and has requested additional time, which has been granted through August 15, 1956, to complete his own appraisal of the land and to meet the appraised value.

However, in view of the value of the land as compared to the value of the lands given up by the State under the State indemnity selection application, it is considered desirable to have a finding by the Commission that the State should proceed with acquisition from the Federal Government. The State's indemnity selection application has been accepted by the Bureau of Land Management, and the lands were listed (conveyed) to the State on June 15, 1956.

"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 following sale thereof by the State. Furthermore, the lands are not suitable for cultivation without artificial irrigation."

Mr. G. W. Tocher, Attorney, appeared on behalf of Mr. McKee, stating that Mr. McKee had filed his application for the land with the Federal Government in 1951, and that the application was denied by the Federal Government; he further stated that Mr. McKee had appealed the decision and was the real party in interest, as he had gone to a great deal of time and expense to have the land classified for State selection. The application has been pending for five years, and Mr. Tocher contended that the price the State is asking is very high for this type of land. He has sent a request to Washington, D. C., for copies of the pertinent documents in their file regarding whether or not Mr. McKee made a purchase of the land in 1951. Mr. Tocher contended that the appraisal should have been made at the time of the application, rather than when the land was classified or at the present time which is five years later. However, even if the Commission feels the appraisal should be made at this time, it was his contention that the value placed on the land is extremely high.

Mr. Smith of the Sacramento office pointed out that the delay was partially due to the appeal, which took in excess of a year.

Mr. Kirkwood suggested that perhaps an opinion should be requested from the Attorney General as to the time when appraisals should be made, it having been indicated by the Executive Officer that the Commission does not have an opinion covering this point.

According to Mr. Tocher, the Attorney General did render an opinion on January 21, 1947, as to one phase of the problem. Mr. Tocher went on to say that he had not had time to obtain the pertinent documents from Washington or to get a copy of the opinion from the Attorney General, and also that there was a question as to whether the opinion of 1947 was still in effect, but it was his contention that Mr. McKee had gone to considerable time and expense to obtain the land, and that the State had placed an arbitrary figure on it. At this point it was explained to Mr. Tocher by the Commission and its staff that all the Commission was proposing to do was to obtain State jurisdiction over the land in question, and that at the present time the question of price was not to be definitely determined. The Executive Officer recommended granting an extension of the time limit within which additional money would have to be posted by the applicant. Mr. Tocher asked to be put on record as stating that if an agreement cannot be reached on price, his applicant would like to have some recourse.

It was informally agreed that Mr. Tocher should submit his findings on land values to the Commission's staff, and that in turn the staff would submit its recommendations to the Commission. The Executive Officer indicated that after the appraisal material is submitted, a conference could be held to discuss it.

Mr. McKee appeared personally to place before the Commission his contention that the land in question must, under the law, be sold to him at the value that was fixed at the time he bought the covering scrip.

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  $S\frac{1}{2}$ ,  $W\frac{1}{2}$  OF  $NE\frac{1}{4}$  AND  $SE\frac{1}{4}$  OF  $NE\frac{1}{4}$  OF SECTION 15, T. 11 N., R. 8 W., M.D.M., CONTAINING 440 ACRES IN LAKE COUNTY; THE COMMISSION FINDS THAT SAID FEDERAL LAND IS NOT SUITABLE FOR CULTIVATION, AND APPROVES THE SELECTION OF THE SUBJECT LAND, WITH THE UNDERSTANDING THAT THE TIME LIMIT FOR DEPOSITING THE ADDITIONAL MONEY REQUIRED TO MEET THE APPRAISED PRICE BE EXTENDED TO OCTOBER 15, 1956 TO GIVE THE APPLICANT ADEQUATE TIME TO PRESENT HIS RECOMMENDATIONS TO THE STAFF, AND THAT THE STAFF IN TURN MAKE ITS RECOMMENDATIONS TO THE COMMISSION AT THE EARLIEST POSSIBLE DATE, WITH THE APPLICANT AND THE STAFF TO AGREE ON QUESTIONS TO BE POSED TO THE ATTORNEY GENERAL AS TO THE APPROPRIATE TIME OF APPRAISAL.

20. (SALE OF VACANT FEDERAL LAND, OBTAINED THROUGH USE OF BASE, LIEU LAND APPLICATION NO. 10583, LOS ANGELES LAND DISTRICT, KERN COUNTY, REDLOCK CORPORATION - S.W.O. 5592.) The following report was presented to the Commission:

"An offer has been received from Redlock Corporation of South Pasadena, California, to purchase the  $N\frac{1}{2}$  of Section 22, and  $SE\frac{1}{4}$  of Section 24, T. 11 N., R. 13 W., S.B.M., containing 480 acres in Kern County. This land may be obtained by the State from the Federal Government through use of base. The applicant made an offer of \$2,400, or \$5 per acre.

"The lands in this application have been the subject of considerable controversy in the past, by reason of the filing of innumerable small tract applications by individuals directly with the United States Bureau of Land Management, subsequent to the State's filing which were in conflict with the State's indemnity selection application. The matter has been presented to the Commission for consideration in the past; a public hearing was held by the Executive Officer at the direction of the Commission. At its meeting of October 7, 1954 (Item No. 15, Minute Page 2185) the Commission authorized the Executive Officer to proceed with the State indemnity selection applications, filed with the United States Bureau of Land Management, so as to acquire the above-mentioned lands. This action also instructed the Executive Officer to consult with the office of the Attorney General as to compliance with the provisions of Section 7301, 7405.1 and 7406 of the Public Resources Code; approval was given by that office of the procedures herein followed.