

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/78
meeting.

CALENDAR ITEM

26.

10/78
W 503.854
W 503.856
W 503.952
Johas-
Rusconi

AUTHORIZATION FOR DISCLAIMER

The State Lands Commission is a party to 3 condemnation actions brought by the United States, entitled United States of America v. 4.8 Acres of Land, More or Less, Civil No. S76-428-PCW, and United States of America v. 4.6 Acres of Land, More or Less, Civil No. S76-436-TJM, both filed in the United States District Court, Eastern District of California, both involving land in the North Fork of the American River in Placer County, and United States of America v. 50.2 Acres of Land, More or Less, filed in the United States District Court, Eastern District of California, Civil No. S74-502-PCW, involving land on the Middle Fork of the American River in both Placer and El Dorado Counties. A fee simple in the lands involved for the purpose of the Auburn Dam and the Auburn-Folsom South Unit of the Central Valley Project is the interest being condemned.

Upon examination of the Commission's records pertinent to the area, it was ascertained that the American River flows through all 3 areas of the proposed condemnation parcels at a point substantially above the statutory head of navigation. Extensive historical research and field investigation would be necessary before a definite judgment on the issue of State ownership could be made.

Because of the above, plus the fact that the compensation would be minimal (assuming that a fee interest in the State were found), the expense of additional investigation necessary for an informed determination on navigability would not appear to be justified.

Accordingly, it is proposed that the Commission disclaim any right to compensation without disclaiming any ownership interest which it may have in a portion of the land subject to condemnation.

- EXHIBITS: A. Location Map. B. Location Map.
- C. Location Map.

A 3, 7

S 1, 13

CALENDAR ITEM NO. 26. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF THE RIGHT TO COMPENSATION BUT NOT OF ANY OWNERSHIP INTEREST IN THE LANDS TO BE CONDEMNED IN UNITED STATES OF AMERICA V. 4.8 ACRES OF LAND, MORE OR LESS, PLACER COUNTY, CIVIL NO. S76-428-PCW, UNITED STATES OF AMERICA V. 4.6 ACRES OF LAND, MORE OR LESS, PLACER COUNTY, CIVIL NO. S76-436-TJM, AND UNITED STATES OF AMERICA V. 50.2 ACRES OF LAND, MORE OR LESS, PLACER AND EL DORADO COUNTIES, CIVIL NO. S74-502-PCW, ALL FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA.
2. AFFIRM THAT THE DISCLAIMERS RATIFIED ABOVE ARE WITHOUT PREJUDICE TO ANY CLAIM OR OWNERSHIP INTEREST WHICH THE STATE MAY HAVE IN THE LAND TO BE CONDEMNED.

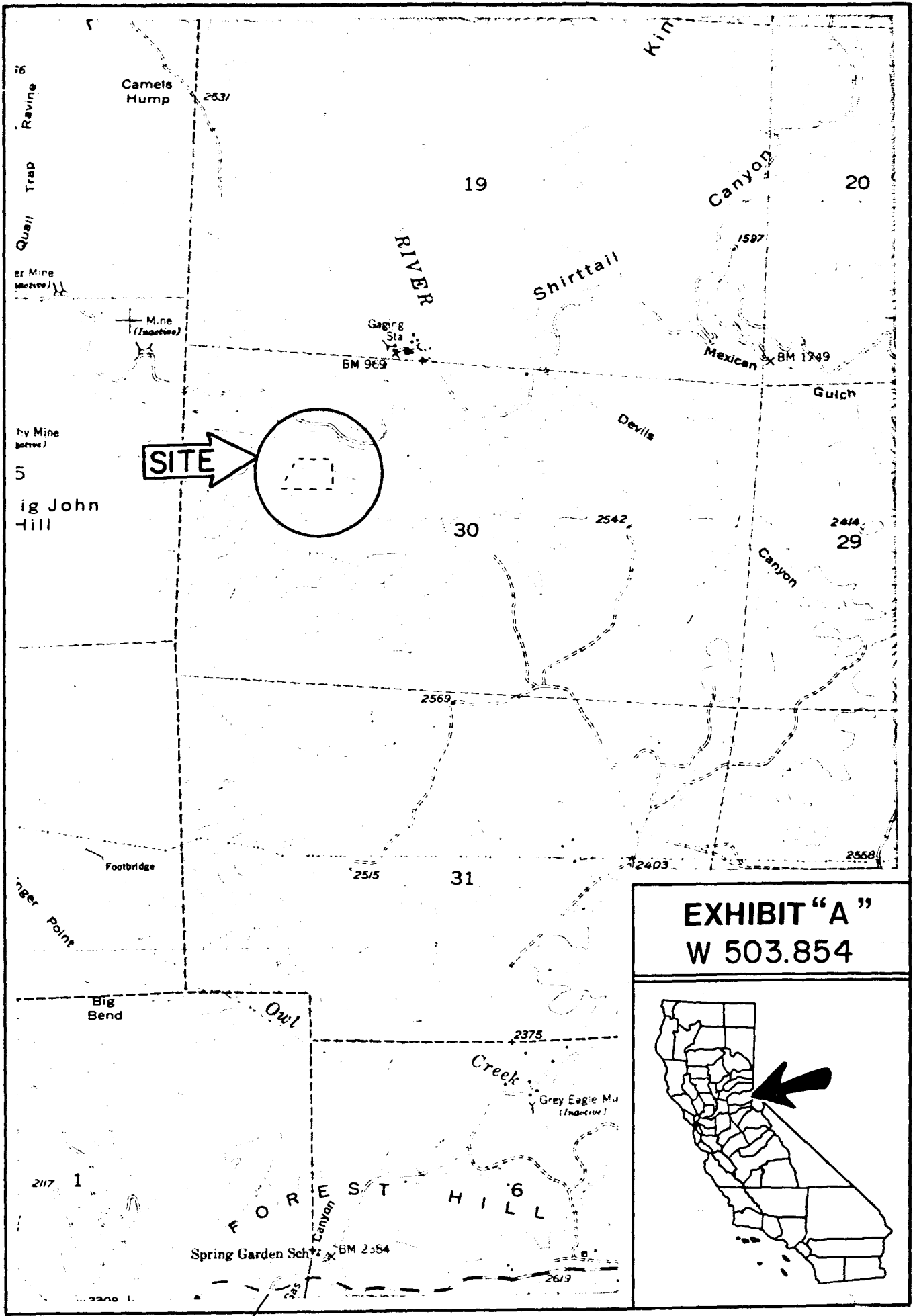


EXHIBIT "A"
W 503.854



15 Miles to Auburn

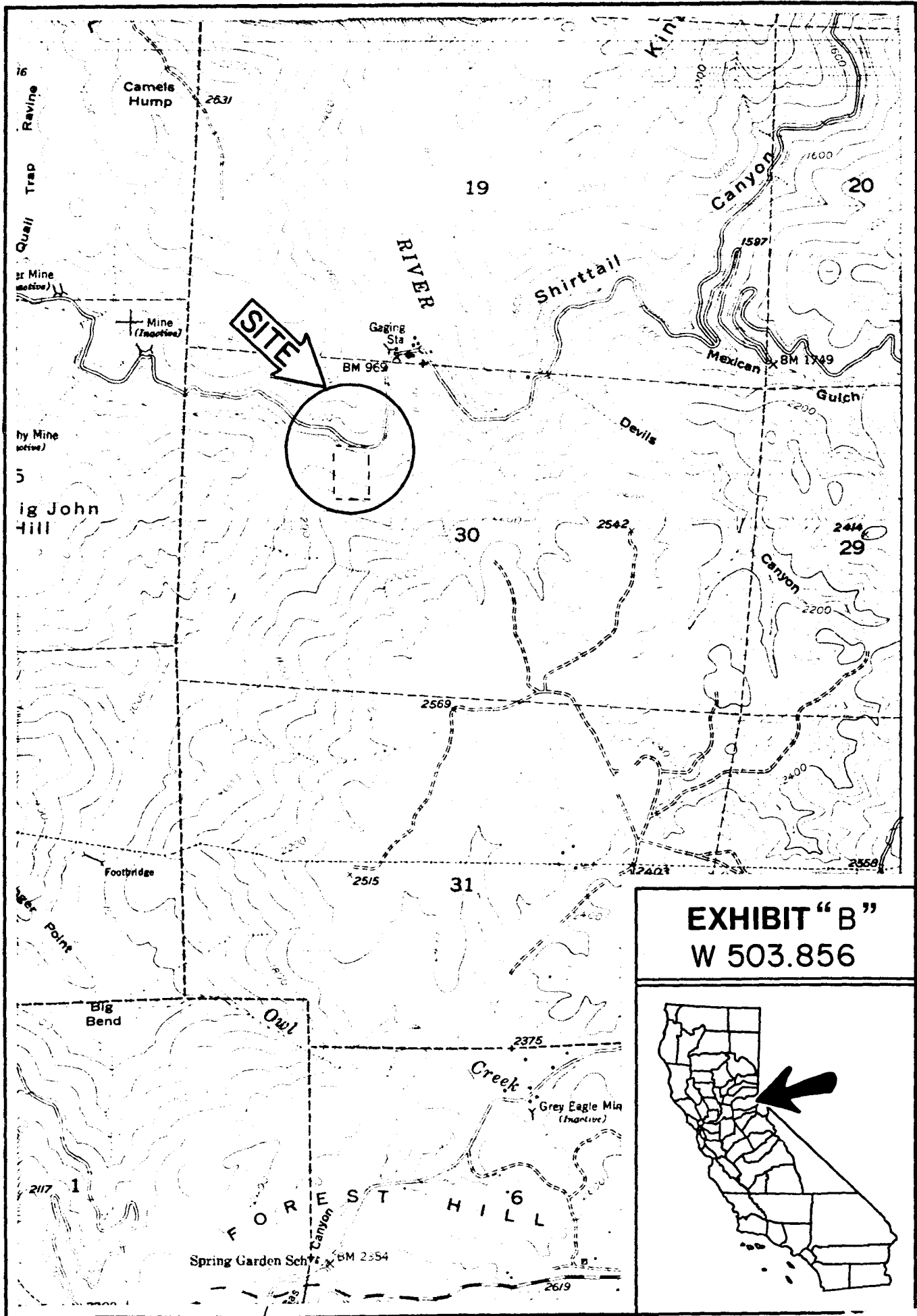


EXHIBIT "B"
W 503.856



15 Miles to Auburn

9 Miles
to Auburn

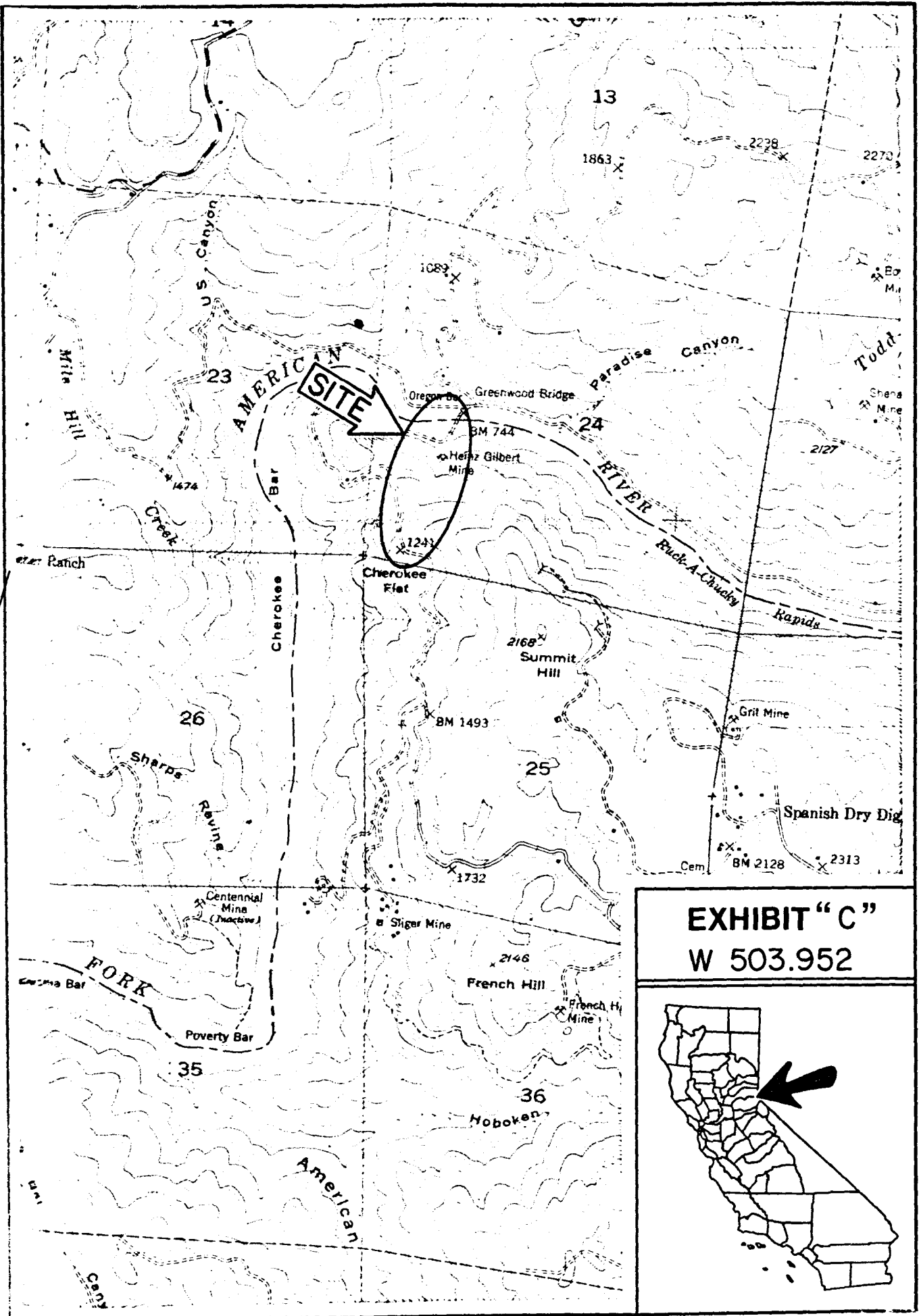


EXHIBIT "C"
W 503.952

