

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

CALENDAR ITEM

22

11/29/82
W 503.924
Judson
Fossum

AUTHORIZATION TO FILE A LIMITED DISCLAIMER

The State Lands Commission is a party to a condemnation
action brought by the United States entitled United States
v. 10.92 acres of land, more or less, etc., et al, filed
in the United States District Court, Eastern District of
California, Civil No. S-77-507-MLS involving land in Tuolumne
County.

Upon examination of the Commission's records pertinent
to the area, it was ascertained that tract No. 321 was
located in Section 34, Township 2 North, Range 13 East,
Mount Diablo Meridian and that approximately 1.7 acres
of the 10.92 acres total were within the historic bed of
the Stanislaus River. It was further determined that extensive
preparation and research would be required to determine
possible state ownership of the bed of this portion of
the Stanislaus River; that even if the ownership claim
of the State could be proven to the satisfaction of the
court, compensation to the State for the parcel would be
approximately \$100 and that the costs of such proof far
outweigh any possible compensation the State might receive
in the condemnation award.

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Furthermore, the taking by the United States will not destroy the use of the property for navigation, commerce, fisheries or recreation in that the parcel is within the existing bed of the Melones Reservoir and has been covered by these waters for many years.

In order to preserve any interest the State may have in the parcel without requiring the necessity of adjudicating the ownership claim, the staff of the Commission and the Attorney General's office recommend the filing of a limited disclaimer of the right of compensation but not of ownership along with the right to revestment of any State interest if such parcel becomes no longer necessary for the Melones Reservoir and Stanislaus Basin flood control project.

EXHIBIT: A. Description.
 B. Site Map
 C. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:
AUTHORIZE THE ATTORNEY GENERAL TO FILE A LIMITED DISCLAIMER ON BEHALF OF THE STATE LANDS COMMISSION AS TRUSTEE OF THE STATE'S NAVIGABLE WATERS IN THE CASE OF UNITED STATES OF AMERICA v. 10.92 ACRES OF LAND, MORE OR LESS, ETC., ET AL, TUOLUMNE COUNTY, CIVIL NO. S-77-507-MLS, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, THE DISCLAIMER TO BE OF COMPENSATION BUT NOT OF OWNERSHIP OF THE HISTORIC BED OF THE STANISLAUS RIVER AND PROVIDE FOR REVESTMENT OF THE STATE'S INTEREST, IF ANY, SHOULD THE LANDS NO LONGER BE USED FOR THE AUTHORIZED PURPOSES OF THE TAKING.

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EXHIBIT "A"

LAND DESCRIPTION

W 503.924

A parcel of land in Section 34, T2N, R13E, MDM, Tuolumne County, California,
more particularly described as follows:

That portion of the NE 1/4 of the SW 1/4 of said Section 34
lying within Tuolumne County.

END OF DESCRIPTION

PREPARED NOVEMBER 9, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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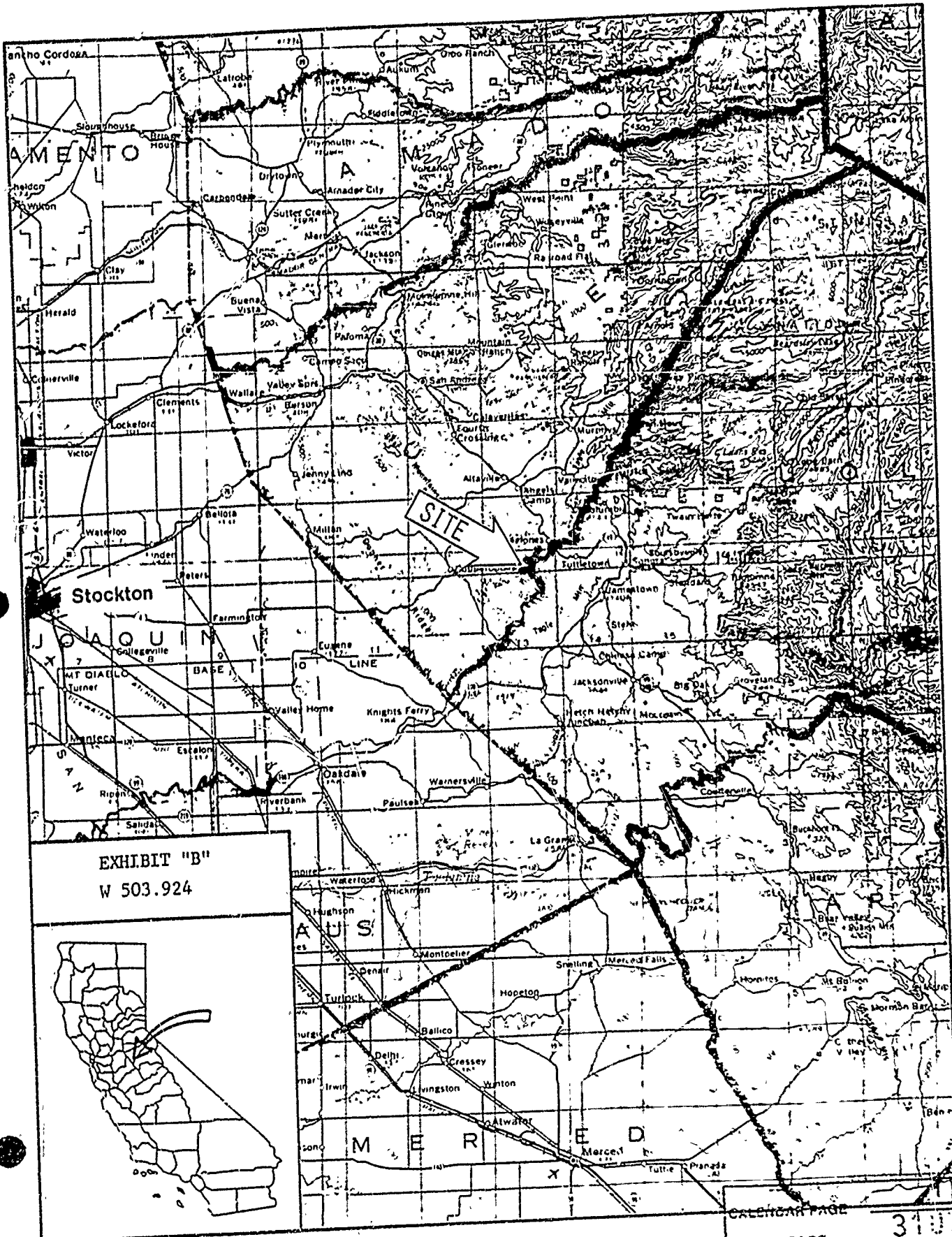


EXHIBIT "B"
W 503.924



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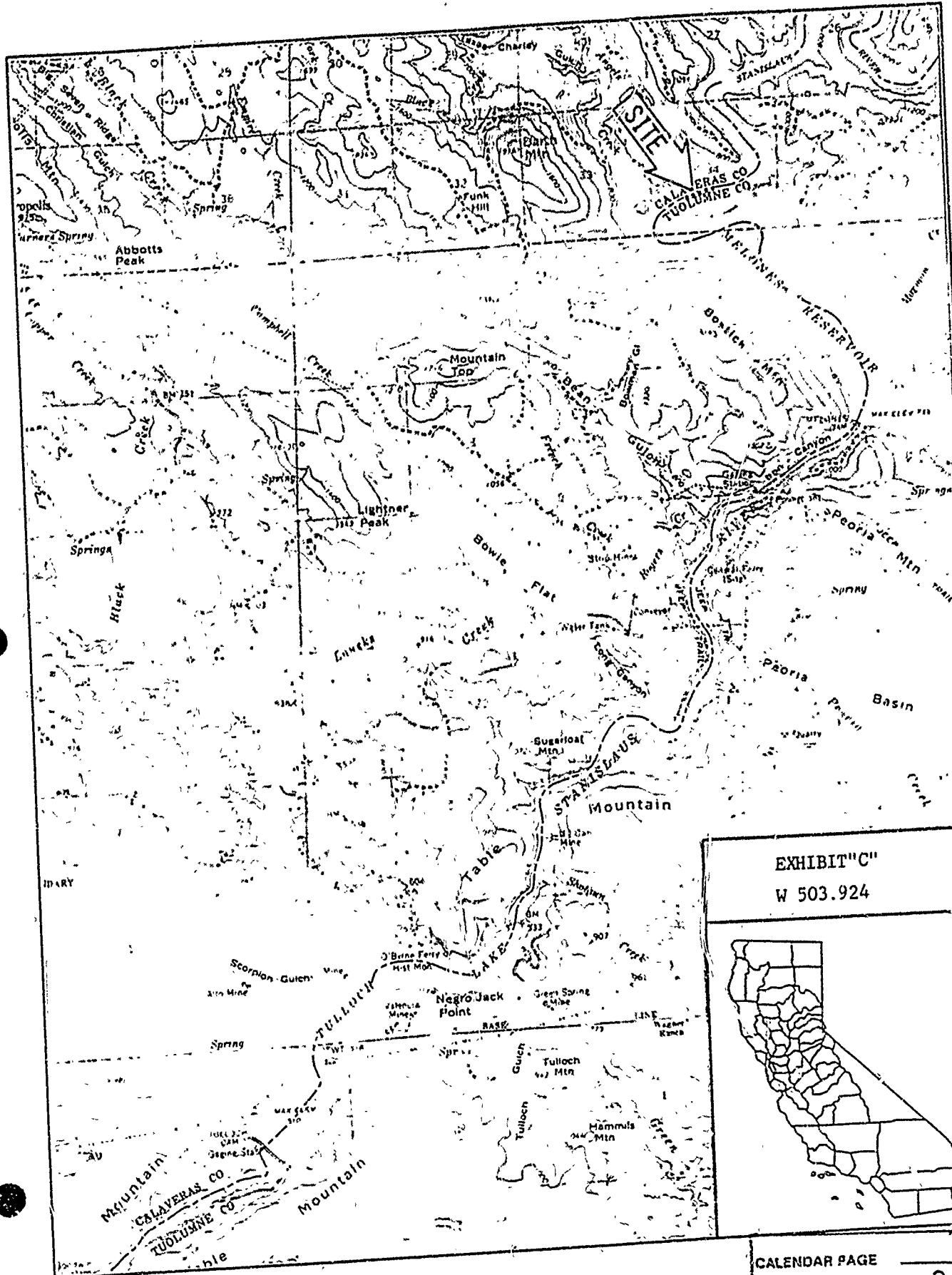


EXHIBIT "C"
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