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69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 791

GRANTING PUBLIC LANDS TO THE COUNTY OF KERN, CALIF., FOR PUBLIC-PARK PURPOSES

MAY 6 (calendar day, MAY 8), 1926.—Ordered to be printed

Mr. STANFIELD, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany H. R. 8916]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 8916) granting public lands to the county of Kern, Calif., for public-park purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in the report of the House Committee on the Public Lands (H. Rept. No. 442), which is appended hereto and made a part of this report, as follows:

[House Report No. 442, Sixty-ninth Congress, first session]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8916) granting public lands to the county of Kern, Calif., for public-park purposes, having had the same under consideration, report the same back to the House without amendment and recommend that the bill do pass.

The land affected by this bill consists of four tracts of about 2 acres each, situated in the town site of Ford, in the county of Kern, State of California, in naval petroleum reserve No. 2. By Executive Order No. 3862 of June 11, 1923, the lands now comprising Ford town site were eliminated from naval petroleum reserve No. 2 and reserved for town-site purposes. Four drilling sites of approximately 2 acres each were reserved in each 40-acre tract within said town site. In all, 28 drilling sites were reserved.

Many homes of modest type have been built in Ford town site. There is practically no shade and little vegetation of any kind except such as has been planted by the householders. These drilling sites are barren except for a growth of sagebrush, and during the long hot summer months vegetation will not grow unless cared for continuously. It is the purpose of the county of Kern, in which Ford town site is situated, to improve these tracts as parks, thereby adding somewhat to the beauty of Ford town site and the comfort of its citizens.

The bill provides that conveyance shall be made of said land, or such portion thereof as said county may select, to the county of Kern, State of California, upon payment by said county at the rate of \$1.25 per acre. Conveyance shall be made solely for public-park purposes and shall not include any lands which

at the date of issuance of patent shall be covered by valid existing bona fide right or claim initiated under the laws of the United States. The bill provides that there shall be reserved to the United States, its grantees or lessees, all oil, coal, and other mineral deposits that may be found in the land, and all necessary use of the land for prospecting for and extracting the same. It is also provided that the county of Kern shall not have the right to sell or convey the land granted, or any part thereof, or to devote the same to any other than public-park purposes, and that if said land shall not be used for public-park purposes the same, or such parts thereof not so used, shall revert to the United States.

The following letters to the chairman of the Committee on the Public Lands from the Secretary of the Navy and the Secretary of the Interior recommend that H. R. 8916 be enacted.

DEPARTMENT OF THE NAVY,
Washington, February 17, 1926.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of February 5, 1926, inclosing a bill (H. R. 8916) "Granting public lands to the county of Kern, Calif., for public-park purposes," and requesting a report by the department thereon, I have the honor to inform you that in view of the provision "That said county shall not have the right to sell or convey the land herein granted, or any part thereof, or to donate the same to any other purpose than as hereinbefore described, and that if said land shall not be used for public-park purposes the same or such parts thereof not so used shall revert to the United States," and the provision that reserves to the United States all oil, coal, or other mineral deposits that may be found on the land, this department recommends that the bill H. R. 8916 be enacted.

Sincerely yours,

CURTIS D. WILBUR, *Secretary of the Navy.*

INTERIOR DEPARTMENT,
Washington, February 16, 1926.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt of your letter dated February 5, 1926, requesting a report on H. R. 8916, entitled "A bill granting public lands to the county of Kern, Calif., for public-park purposes."

The said bill proposes to grant four tracts in the town site of Ford, Kern County, Calif., which have been reserved as "drilling sites" to Kern County "for public-park purposes and for the use and benefit of said county." The bill requires payment for the tracts at the rate of \$1.25 per acre and contains a proviso reserving to the United States, its grantees or lessees, all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the said land for prospecting for and extracting the same.

By Executive Order No. 3862 of June 11, 1923, the SW. $\frac{1}{4}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 12, T. 32 S., R. 23 E., Mount Diablo meridian, were eliminated from naval petroleum reserve No. 2 and reserved for town-site purposes. By the terms of the order all oil and gas deposits in the lands were retained in the reserve for the use and benefit of the Navy. The lands were subsequently surveyed as Ford town site, and most of the unreserved lots in the town site have been disposed of under sections 2382 to 2386, United States Revised Statutes, subject to the conditions and limitations of the act of July 17, 1914 (38 Stat. 509).

The settlement of Ford town site was made when the lands were embraced in naval petroleum reserve No. 2. It appears that the settlement was caused by a strike in the oil fields and that many of the employees of the companies in the field were compelled as a result of the strike to remove from the various leases on which they had been employed and that they made their settlements on the lands here in question.

This department, by letter dated March 27, 1923, submitted to the Secretary of the Navy the matter of restoring said lands from the naval petroleum reserve, exclusive of the oil and gas deposits, so that they could be disposed of to the town-site occupants, and advised the Secretary of the Navy that it was proposed

to protect the interests of the Government by reserving the oil and gas deposits in the land together with four drilling sites of 2 acres each on each 40-acre tract involved. Under date of March 30, 1923, the Acting Secretary of the Navy concurred in the suggestions of this department.

By letter dated June 9, 1923, a proposed order eliminating the lands in question from the naval petroleum reserve, exclusive of the oil and gas deposits, was submitted to the President and in this order it was stated that four drilling sites of approximately 2 acres each would be reserved on each 40-acre tract. The order was signed by the President and it is now Executive Order No. 3862, above referred to. Altogether, 20 drilling sites were reserved.

While the said bill if enacted into law would reserve to the Government all mineral deposits under the four drilling sites referred to in the bill, it is thought that the interests of the Government would be best protected by retaining title in the Government to both the surface and to the mineral deposits. If such title is retained, no question can ever arise as to the right of the Government to explore or drill for oil on all or any part of the land. If there is a surface claimant, the rights or alleged rights of such claimant would always have to be taken into consideration in connection with any contemplated operations.

So far as this department is concerned, no objection would be interposed to the enactment of the said measure if it were amended so as to authorize the Secretary of the Interior, in his discretion, to issue a permit to Kern County, Calif., to use the surface of any or all of the four drilling sites in question for park purposes, provided the Secretary of the Interior is given full power and authority to prescribe the terms and conditions under which the permit may be issued, provided he is given the power to revoke the permit at any time when in his opinion the public interests may make such action necessary or desirable, and provided it is stated that if the permit be revoked the county shall not have any right or claim against the United States for damages or as compensation on account of improvements made on the land by the county.

If the said bill be amended as indicated, it is suggested that the amended measure be submitted to the Secretary of the Navy for consideration, in view of the interest of the Navy Department.

The map of the town site of Ford, referred to in line 11, page 1, and line 1, page 2, of H. R. 8916, was accepted by the Commissioner of the General Land Office on April 3, 1924. The date, July 31, 1923, given in line 5, page 2, is the date of the approval of the instructions to the surveyor who made the survey of the town site, and need not be referred to.

Very truly yours,

HUBERT WORK.

INTERIOR DEPARTMENT,
Washington, February 25, 1926.

HON. N. J. SINNOTT,
*Chairman Committee on Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: February 16, 1926, in response to request, I submitted report on H. R. 8916, a bill which proposed to grant certain reserved drilling sites in the town of Ford, Calif., within naval reserve No. 2, to the county of Kern for public-park purposes, subject to a reservation to the United States of the oil and gas deposits therein and to the sole use by the county of the lands for public-park purposes. I suggested that it might be well to amend the bill so as to simply give a permit or lease for park purposes; also that as the matter related to lands in a naval reserve, it should be submitted to the Secretary of the Navy for consideration.

I am now in receipt of information that H. R. 8916, as introduced, has been made the subject of a favorable report by the Secretary of the Navy. In view of his action, the Navy Department being the one primarily interested, I now desire to advise you that I have no objection to the enactment of H. R. 8916, in its present form.

Very truly yours,

HUBERT WORK, *Secretary.*

The first part of the book is devoted to a general survey of the history of the subject, and to a discussion of the various methods which have been employed in its study. The second part is devoted to a detailed examination of the various theories which have been advanced to explain the phenomena which are observed in the course of the experiment.

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