

Department of the Army  
CORPS OF ENGINEERS  
Los Angeles District  
Phoenix Local State Field Office  
210 W. Adams Street  
Phoenix, Arizona

April 21, 1949

Refer to File No.  
601.1 x 602 (Ft. Huachuca Artillery  
Range) PSLRS

Mr. Robert O. Kelly  
Surplus Property Purchasing Agent  
State of Arizona  
1826 W. McDowell Rd.  
Phoenix, Arizona

Dear Mr. Kelly:

Referring to your letter of April 18, 1949, we hesitate to set up the information we have against that of your own State Land Department. However, the following information may be verified at the State Land Department, being a record of our search down to approximately January 11, 1949.

Exchange has been completed on 7255.79 acres. Action is pending for exchange on 4741.25 acres; rejected and appeal filed, 440 acres; land on which no exchange offer is pending, 2502.70 acres.

Regarding the question in the 5d paragraph of your letter as to what effect the transfer of a acreage would have on your Deeds, Mr. Frank Mayfield, Attorney of the War Assets Administration from San Francisco, who was in this office April 14 to secure information on the title to the Luke Auxiliary Fields, during a discussion of Ft. Huachuca and the effect of these exchanges, confirmed the writer's view point on the two phases of the matter.

- a. As to those Sections on which exchange had been completed prior to the delivery of the Deed from the W.A. A. to the State, title was vested in the United States of America but under the jurisdiction of the Department of the Interior and W.A.A. had no authority to execute a valid Deed to the fee title. In the case of Luke Auxiliary Field #7 where a similar situation arose, he states that the State in order to secure possession must secure a twenty year lease from the Department of Interior but they will not get fee title.
- b. As to the Sections on which exchange has not been consummated, W. A. A. quit claims its interest to the State and then from time to time exchanges are approved by the Department of Interior and it would appear that the State then divests itself of its title in the section involved as Deeds executed by the State to the Government are accepted.

Since the State is offering these lands for exchange at the instigation of the Department of the Army and the Department of the Army transferred Ft. Huachuca to the W. A. A. for disposal, it appears this question should be submitted to the Department of the Army for its opinion on this matter, and as to those exchanges not completed, see whether they should not be stopped immediately, and as to the exchanges that have been completed, if the W. A. A. did not have authority to convey title, see whether the Department of the Army could secure the cooperation of the Department of Interior, Bureau of Land Management, to execute a Deed to the State of Arizona of these Sections within the confines of the Ft. Huachuca Artillery Range in return for a reconveyance by the State to the Government of any lands the State had received in exchange for the Ft. Huachuca Section as it conveyed to the Government.

Accordingly, your letter is being referred to our superior offices for study and advice upon which to base reply.

a/ Ed Atkinson  
Chief, Phoenix Real  
Estate Field Office