UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

JUL 5 - 1949

My dear Mr. Kelly:

Reference is made to your letter of May 17, relating to various title problems in connection with lands transferred by the War Assets Administration to the State of Arizona, and also lands conveyed by the State of Arizona to the United States in certain exchanges.

From a copy of a letter to you April 19, 1949, from Clarence W. Hall, Regional Counsel of the War Assets Administration, enclosed with your letter, it appears that the S½S½ sec. 3, T. 1 S., R. 5 W., G. & S.R.M., Arizona formed a part of Luke Army Airfield Auxiliary No. 7. Our records show that this land was conveyed to the United States in connection with an exchange application Phoenix 080834, and patent No. 1129863 was issued to the State for the selected land in that exchange on April 6, 1949. This land was not within an area withdrawn or reserved for the use of the Department of the Army. Thus neither the Army nor the War Assets Administration had any jurisdiction over the land after it was conveyed to the United States and any attempt by them to convey it to the State would be ineffective.

This Department will be glad to consider an application filed by the State to lease this land under the Airport Leasing Act of May 24, 1948 (45 Stat. 728; 49 U.S.C. sec. 729), as amended. The land could also be made the subject of another state selection under the exchange provisions of Section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended. Applications under either of these acts should be filed with the Manager of the District Land Office at Phoenix, Arizona. Title also might be obtained under the provisions of Section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 170, 179; 49 U.S.C. secs. 1201, 1115). An application under the latter act should be filed with the Administrator, Civil Aeronautics Administration, Washington 25, D. C. Copies of the regulations under the Airport Acts are enclosed.

If there are questions involved as to any of the lands in Marana Army Airfield Auxiliary Nos. 1, 2, and 5, Douglas Army Airfield Auxiliary No. 3 or "at Fort Huachuca" mentioned in the second and

third paragraphs of your letter, in which the facts differ from those relating to Luke Army Airfield Auxiliary No. 7, please identify the lands and the exchange applications involved, as this Department is not able to identify the lands by these designations alone.

As to the lands in Public Land Orders Nos. 16 and 251, these were public lands reserved for the use of the Army. It is understood that these lands were declared surplus by the Army and that the War Assets Administration transferred the lands to the State of Arizona on March 2, 1949 for State National Guard use. This transfer of title would not be affected by the provisions in the public land orders for the return of jurisdiction to the Department of the Interior at the end of the sixth months' period following the termination of the unlimited National Emergency.

Sincerely yours,

(Sgd) C. Girard Davidson

Assistant Secretary of the Interior.

Mr. Robert O. Kelly
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Enclosure 533

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