

Name of Installation: FORT HUACHUCA, ARIZONA
Audit No. 410

REVISED JURISDICTION SUMMARY

This installation presently comprises 58,346.18 acres fee, 13,463.27 acres public domain by withdrawal, 1,536.47 acres lease, and 0.32 acre lesser interests.

Exclusive jurisdiction is vested in the United States over 48,177.31 acres fee, and jurisdiction is not vested in the United States over 10,168.87 acres fee, 13,463.27 acres public domain, 1,536.47 acres lease, or 0.32 acre lesser interests. Prior to disposal, on 25 June 1963, jurisdiction also was not vested in the United States over 33.38 acres fee.

Originally, exclusive jurisdiction had been ceded to the United States over 58,321.84 acres fee and transferred areas acquired for use in connection with this installation by Act of the Legislature of Arizona approved 29 April 1913 (Laws of Arizona of 1913, Chapter 17) which expressly ceded jurisdiction over the military reservation of Fort Huachuca and "all the lands now or hereafter embraced therein." Notice of acceptance of jurisdiction was not issued or required over the original 44,800 acres transferred area, as prior to the Act of Congress approved 1 February 1940 (54 Statute 19, United States Code Title 40, Section 255), acceptance by the United States of the jurisdiction ceded by the State was presumed in absence of circumstances indicating a contrary intention. Vesting of jurisdiction in the United States over the 9,588.66 acres fee, acquired after 1 February 1940 and prior to complete disposal on 1 August 1948, was effected on 26 April 1943 over 122.80 acres fee (former Tracts 43 and 44) and 3,853.18 acres transferred area; on 4 August 1945 over 4,003.64 acres fee (former Tracts 15, 22, 30 through 32, and 33) and 80 acres transferred, and on 1 May 1944 over the balance of the original fee area. The cession statute reserved the right to serve civil and criminal process and ceded jurisdiction only as long as the United States owned the lands. Jurisdiction was not ceded to or accepted by the United States over the original lesser interests and leased areas.

Jurisdiction over the original area retroceded to the State by operation of law and pursuant to the cession statute over 57.39 acres fee upon conveyance to the State of Arizona by Quitclaim Deed, executed on 26 March 1948 and accepted on 6 May 1948; and over the balance of the fee area upon conveyance to the State of Arizona by Quitclaim Deeds executed by the Administrator of War Assets on 14 January 1949 and 2 March 1949, and by correction Deed executed by the Secretary of the Army on 18 April 1950. The right to recapture and revision provisions reserved by the United States did not constitute a sufficient "ownership" by the United States to retain jurisdiction upon the restricted disposal. In the event that jurisdiction is again desired, new letters of acceptance of jurisdiction are required (TJAG Opinion JAGR-1954/3908).

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Revised Jurisdiction Summary - continued.

Exclusive jurisdiction over the 48,177.31 acres fee (Tracts A-100 and A-101) reacquired in 1951 and 1954 is ceded to the United States by Sections 26-251 through 26-253, Article 6, Title 26 of the Arizona Revised Statutes of 1956, effective 9 January 1956. Vesting of jurisdiction in the United States over the 48,177.31 acres fee was effected by notice of acceptance issued by the Secretary of the Army on 8 March 1956 and acknowledged by the Governor as of 9 March 1956.

The cession statute reserves to the State the right to serve civil and criminal process and expressly cedes jurisdiction only for as long as the United States owns the land or uses reserved lands for military purposes.

RECAPITULATION

<u>Current Acreage (Preliminary Audit only)</u>	<u>Jurisdiction Held</u>
48,177.31 acres fee	Exclusive
10,168.87 acres fee	None (Proprietary)
13,463.27 acres public domain	"
1,536.47 acres lease	None
0.32 acre lesser interests	"

By: J.A.H.

Date: 29 May 1967