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NEVADA GRAZING ALLOTMENTS



Grazing Allotments

Source: *Nevada Grazing Statistics Report and Economic Analysis for Federal lands in Nevada, State of Nevada Department of Agriculture, 2001.*

ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 4/14/03 ROOM: 3161 EXHIBIT M1-2
SUBMITTED BY: Janine Hansen

A "fee simple title" is a **merchantable title** or one not subject to such reasonable doubt as would create a just apprehension and is such a title as would be regarded as merchantable so that **persons of reasonable prudence and intelligence would be willing to take it and pay the fair value of the land.** *Bragg v Chilcote*, 176 Ill.App 371

PUBLIC LAND

Public lands comprise the general public domain; unappropriated lands; the lands not held back or reserved for any special governmental or public purpose. *U. S. v. Garetson*, 42 4. 22, 24.

The words "public lands" are used to describe such as are subject to sale or other disposal under general laws. *Southern Pac. R. Co. v. Ambler Grain & Million Co.*, D.C. Cal., 57 F.2d 536, 539.

It is well settled that all land to which any claims or rights of others have attached does not fall within the designation of public land. *Bardon v. Northern Pac. R. Co.*, 12 S.Ct. 856, 145 U.S. 535, 538, 36 L.Ed. 806.

"Public lands" are lands open to sale or other disposition under general laws, lands to which no claims or right of others have attached... *Northern Pac. Ry Co. v. Wismer*, C.C.A.Wash., 230 F 591, 593.

Having various meanings under different statutes and circumstances, the term "public lands" generally refers to government lands that are open to public sale or other disposition under general laws and that are not held back or reserved for a governmental or public purpose. The phrase "public lands" is synonymous with "public domain." *Kindred v Union P.R. Co.*, 225 US 582, 56 L ed 1216, 32 S Ct 780; *Humboldt County v United States* (CA 9 Nev) 684 F 2d 1276; *Columbia Basin Land Protection Assoc. v Schlesinger* (CA 9 Wash)

Title to lands in territory that is ceded to the United States passes to the federal government, which takes proprietary title **only** to the lands that the ceding government held in the proprietary capacity. *United States v Gardner* (DC Nev) 903 F Supp 1394, (CA 9 Nev)

Property rights that vested prior to the cession of the land will be protected, . . . because a treaty of cession usually protects complete title in real property existing at the time of cession by a foreign government and such title generally need not be presented for confirmation. *Carino v Insular Government of Philippine Islands*, 212 US 449, 54 L Ed 594, 29 S Ct 334; *United States v Coronado Beach Co.*, 255 US 472, 65 L Ed 736, 41 S Ct 3781; *Tyler v Magwire*, 84 US 253, 17 Wall 253, 21 L Ed 576.

STATE JURISDICTION

The Courts of a state must determine the validity of title to land within the state, even if the title emanates from the United States or if the controversy involves the construction of federal statutes; *Garland v Wynn*, 61 US 6, 20 How 6, 15 L Ed 801