

# EXHIBIT 1

TO

MEMORANDUM IN SUPPORT OF MOTION IN LIMINE TO ESTABLISH THE UNITED STATES' LEGAL ENTITLEMENT TO A FEDERAL RESERVED WATER RIGHT AND TO LIMIT THE SCOPE OF EVIDENCE NECESSARY AT TRIAL

Civil No. 05-cv-49053

~~CONFIDENTIAL~~

AIR FORCE ORDERS )  
NUMBER 53 )

HEADQUARTERS FOURTH AIR FORCE,  
San Francisco, California,  
July 23, 1942.

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III. CONTROL, JURISDICTION, AND EXEMPTED STATUS OF SEPARATE POST. - The designation of the Muroc Bombing and Gunnery Range, Muroc Lake, California, as a separate post, its exempted status under the meaning of paragraph 6, AFM 170-10, and its direct control and jurisdiction by this Air Force, are hereby announced. Accordingly, the proper station designation thereof is ARMY AIR BASE, MUROC LAKE, CALIFORNIA.

By command of Brigadier General GILES:

EMIL C. KIEL  
Colonel, General Staff Corps,  
Chief of Staff.

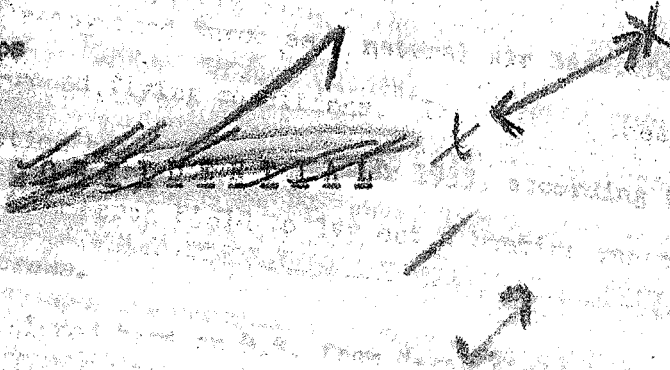
OFFICIAL:

/s/ GEO. A. MILLER  
Colonel, Adjutant General's Department,  
Adjutant General.

OFFICIAL:

MILTON H. LEVINE  
Captain, Air Corps  
Adjutant

~~CONFIDENTIAL~~



In  
says full

See 42  
C. J. Kiel

Muroc, California, was a "whistle stop" railroad station used as a loading center for the Santa Fe Railroad. Located in the middle of a sandy waste dotted with sage brush and joshua trees it owed its very existence to the fact that it was an accessible spot to ship the products of the mines located in the area.

Muroc, despite the fact that the name sounds like some American Indian phrase, is the backward spelling of the name "Corum" and gets its quaint designation from the fact that an early settler named Corum owned the site of the present Army Air Field at one time and reversed his name to apply to the land.

Early details of the place's history are rather vague, consequently all material used herein is a combination of local folklore, and the tales of M/Sgt. Arley J. Fogleman, recently retired from the Air Force, who was one of the first soldiers stationed here.

Rogers Dry Lake, a flat, sandy stretch of what was once the bed of a long-vaporated lake, offered an ideal setting for both racing and testing speedy automobiles. Natural conditions adapted themselves to this purpose without artificial contrivances of any kind. Racing drivers from Los Angeles and nearby cities began to utilize the lake bed for this purpose. Among these early speedsters was Peter De Paula, now a captain in the Air Force.

Pioneers in the airplane world recognized Muroc as a natural air base, for it combined a level terrain with year-round flying conditions. Its waste spaces also provided an excellent site for practice bombings. September 1933, according to Lt. Fogleman, a cadre was sent up from March Field to lay out a bombing range and maintain it for training bomber crews.

Approximately twenty men were assigned here on D.S. from March Field and it was really "detached" service. All fuel, lumber, and other equipment was brought from the "mother" field. Personnel lived in tents heated by coal which was sighted in to them. Electricity was furnished by an old power generator which was always failing.

Fogleman was in charge of the detachment with the rating of technical sergeant. He couldn't get a commanding officer," he asserts, "Commissioned officers would come up from Los Angeles, take one look at the place, and take off for L.A. again without shutting off the motor of their plane."

Eventually a commanding officer took over. This officer was Lieutenant (Now Colonel) Max R. Finnel. The place was made into a training center. Squadrons of members would land on the dry lake bed, bivouac beside their planes, and spend periods of time bombing the nearby ranges.

Local farmers complained that the explosions were breaking windows, causing cows to "freshen" prematurely, scaring sheep, hens and all manner of livestock and generally disrupting agricultural conditions. Government directives were issued placing all target ranges used for bombing a specified distance from farm houses. Eventually it was necessary for the Army to condemn property and evacuate the owners of the nearby farms that the ranges might be utilized to their fullest advantage.

Fogleman's account of the place lays particular stress on the winter seasons when the entire camp would be "rained in" for months at a time. He gives a glowing account of their fire department which consisted of fifteen water buckets manned by the entire detachment in case of a blaze. On one occasion, Fogleman recalls, a water tower burned down depriving the fire fighters not only of the wherewithal to battle the flames, but also their drinking water for several days.

In 1937 a maneuver was held here in which the entire Air Corps of that time participated. Every ranking officer with the exception of General Arnold was present, as Fogleman remembers, and every type of flying craft owned by the government arrived more or less on schedule. There were some 200 planes in all, which represented the United States Air Corps at that time.

Among the trainees of that period was Elliot Roosevelt, who presented his officer's wings to Sgt. Fogleman as a token of his appreciation of the Fogleman capabilities.

BASE HEADQUARTERS HISTORY

Muroc La.

Field from the Bomb and Gunnery Range functioned as a satellite of March  
until 23 July the original Range Maintenance Detachment was sent  
to the 3rd Air Force, General O. Muroc was activated as an Air Base by virtue of  
Special Order #86 dated July 23, 1942. Major Glenn L. Arbogast, Headquarters 4th Air Force (Confidential),  
assumed command of Muroc Army Air Base, per  
Special Order #86 dated July 23, 1942. Lt. Col. Frank D. Gore assumed command of  
the 323rd Base Headquarters Squadron at Muroc, per  
Special Order #193, Headquarters 4th Air Force, dated December 13, 1942.  
Col. Gore promoted to rank of Colonel  
per Special Order #79, Headquarters, 4th Air Force, Washington, D.C., dated  
March 20, 1943.

Previous to this, the Range Maintenance Detachment was the only org-  
anization on the embryo Air Base. On May 1, 1942 the 323rd Base Headquarters  
and Air Base Squadron was activated and became the 323rd Base Headquarters  
Squadron at Muroc.  
For activation details see 323rd organization history.

Medical facilities had been set up at Muroc June 1, 1942 when the Medical  
Detachment Muroc Lake Bomb Range was activated. This organization was trans-  
ferred into Medical Detachment Muroc Lake September 11, 1942. (Details will  
be found in Medical Detachment's organization history.)

On August 17, 1942 the 854th Signal Service Company (Avn.) was activated.  
August 18, 1942 the 950th Guard Squadron was activated, the cadre was furnished  
from the original Bomb and Gunnery Range Squadron and the comparatively new  
323rd Air Base Squadron. August 19, 1942 the Finance Detachment was activated  
by WCCG Fourth Air Force. August 17, 1942 was also the activation date for the  
4th CH Platoon, Detachment #7. October 1, 1943 the 356th AAF Band was activated.  
December 20, 1943 the 7th AAF Bombing and Gunnery Range Squadron was activated

from the remnants of the old Bombing and Gunnery Range Squadron which had  
opened the Base originally. January 31, 1943 the 1021st Quartermaster Platoon  
(colored) was activated and October 18, 1942 the 338th Aviation Squadron (Colored)  
was activated. Last organization activated at Muroc was the 1313th Guard  
Squadron (Colored) which started June 20, 1943.

April 5, 1943 every available man from the Base personnel participated  
in the search for a lost child. Full particulars will be found in the 323rd  
Organization History in the form of clippings from the "Muroc Mirage."

July 8, 1943 four enlisted men from Base Ordnance, attached 323rd, were  
decorated with the Soldier's Medal for heroism in saving lives and property  
during a flood. A Muroc Mirage clipping in the 323rd History carries a full  
account of this, also.

August 19, 1943 Pfc. Jose M. Esparza of the Medical Detachment received  
the Soldier's Medal for heroism in rescuing a dazed pilot from a burning plane.  
The citation accompanying this presentation will be found in the Medical  
Detachment History.

September 21, 1943 a picked group of Anti-Aircraft Artillerymen simulated  
an attack on the Base. The Red Alert was sounded at 0535 PWT. Every available  
man among the personnel of the Base organizations was utilized in the defense.  
The enemy split his forces and feinted from the north and south with the main  
attack coming from the west. By taking advantage of the excellent cover afforded  
the enemy infiltrated through our lines and was able to capture the water tower  
in the vicinity of Base Headquarters. The all Clear sounded at 0756 PWT. Only  
strategic gain by enemy was the water tower at the cost of 66 2/3% of his  
attacking force. Umpires declared the Base had been successfully defended.

October 5, 1943 Lt. Col. William M. Smith, Base Executive Officer, left  
Muroc Army Air Base as commanding officer of a Provisional Overseas Unit by



authority of Special Order #194, Organization histories will carry details on number of men furnished this unit by each squadron.

On 8 November 1943, Army Air Base, Muroc, California was redesignated as Muroc Army Air Field, Muroc, California, per General Orders No. 188, Headquarters Fourth Air Force, dated 26 November 1943.

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