

EXHIBIT 16

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

DEPARTMENT OF THE AIR FORCE

SUBMITTED BY Hq. USAF

ACQUISITION PROJECT NO. FY-52-1

File

Palmdale

Submitted pursuant to Public Law 155, 82nd Congress.

Station Designation: Palmdale Airport, Los Angeles County, California

Use: Fighter aircraft final assembly and flight testing.

Area: Approximately 4,870 acres.

Estimated cost: \$1,000,000

Authorization Act: (PL 911
81st Congress)

Appropriation Act: (PL 911
81st Congress)

It is proposed to acquire the Palmdale Airport, designate it as an industrial facility and utilize it for the final assembly and flight testing of jet fighter type aircraft now being produced by several West Coast aircraft manufacturers for the Air Force. At present three of the largest aircraft manufacturers producing jet fighter type aircraft are located in highly congested residential areas of Southern California. Flight testing of this type aircraft equipped with thrust augmentation devices, such as afterburners, operating almost continually, as would be required, would create such a nuisance due to inability to suppress the noise that flight activity in these areas would undoubtedly be restricted, if not prohibited. The project requires the acquisition of approximately 4,870 acres of land located in Los Angeles County, California, approximately fifty miles from Burbank, California, on the western fringes of the Mojave Desert, a location distant enough from residential areas that the noise from operation of the jet aircraft would not present a problem.

During World War II, title to approximately 950 acres of the 4,870 acres to be acquired was held in fee simple by the Army Air Forces. Disposal was made to Los Angeles County, California by quitclaim deed dated May 23, 1949. Under the provisions of this deed, the United States Government has the right to recapture not only the original 950 acres but all the additional acreage that has been acquired by the County of Los Angeles as additions to the original airport property which, based on information immediately available, is 3,050 acres. Of the balance, or 270 acres, reports indicate that 710 acres can be acquired without difficulty. Of the residue, 160 acres, one parcel of 80 acres presents an acquisition resistance and the other parcel of 80 acres is involved in the settlement of a bankrupt estate.

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Approximately 27 temporary type, World War II, U. S. Army Corps of Engineers buildings are presently located on the property. In addition, other improvements consist of three concrete runways, two of which are 5,200 feet and one runway 7,000 feet in length, together with fencing, utilities and roadways. Preliminary investigation indicates that the entire 4,870 acres, plus the improvements mentioned in the description above, can be acquired for approximately \$1,000,000.

Tax losses to the County of Los Angeles and the State of California have not been computed as this property, being largely County owned, is tax exempt.

Although, as indicated above, the property in question is recapturable, it is desired to point out that it is the intent of the Air Force to make substantial improvements to this property and to retain it as a permanent installation. If the recapture provisions of the conveying deed are invoked, the entire property, plus the substantial improvements thereon, would revert to the County of Los Angeles at such time as the President or the Congress determine the national emergency to be terminated. There have been no peculiar circumstances reported to this Department with regard to local problems, highways, or power and utilities relocation.

Certification is hereby given that there is not presently available any Government-owned or leased property suitable for this project. This property is to be acquired by the Department of the Air Force and is not space coming under GSA procurement.

It is respectfully requested that approval of the Committee for the acquisition herein outlined be given.

RG 341 Headquarters U.S. Air Force (Air Staff)

Assistant Chief of Staff, Installations. Real Estate Division.

REAL ESTATE FILES, 1941-1955

Monterey Language School, CA, 1948

To

Parks AFB, CA, 1953

Box 9

NN3-341-096-001

1945-1955 PALMDALE AIRPORT, CALIFORNIA