

# Upper valley omitted land hassle drags on

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Sens. Frank Church and James A. McClure, of Idaho, said they have introduced bills to once and for all settle the long-standing omitted land controversy but U.S. Bureau of Land Management officials contend they are disposing of land on schedule.

The latest shot in this hassle, which has been simmering for 17 years was introduction of a bill last week by Church in the form of an amendment to the 1962 Snake River Omitted Land Act. This would allow the secretary of interior to sell certain public lands along the Snake River to adjacent landowners who had been occupying the land under the good faith belief they owned title to it.

Church said this new bill is necessary because of what he charged was "inordinate amount of time the government has taken to sell the omitted

land."

## Dispute claim

This view is challenged by Martin Benham, Idaho Falls, real estate specialist, and omitted lands coordinator at the district BLM office here.

Benham trots out some figures to prove his point.

The omitted lands for those unfamiliar with the dispute are those claimed by the government along the Snake River because of errors in the original surveys. Local landowners have occupied them for decades, believing them to be part of their property.

Benham says about 80 percent of the approximate 16,000 omitted lands situated along the Snake River north of American Falls to the headwaters already are settled. It's in this Upper Snake River Valley where the dispute centers.

Benham said 13,000 of the 16,000 acres have been resolved, with 5,092 acres sold to the

farmers or otherwise disposed of and 8,500 acres not offered for sale but kept in public ownership. Benham explained this land is retained for such reasons as wildlife habitat, recreational potentials and key access to the river.

He contended there has not been much controversy on the BLM action.

Lawsuits, however, has been filed, including one by former St. Anthony Mayor Merrill J. Rose.

Benham said most of the remaining 3,000 acres are under dispute. He pointed out the law requires that such omitted land must have been occupied, cultivated or had some buildings before March 31, 1961, or else the resident had no valid claim.

"There has not been much arguments on this provision," said Benham.

Church, however, said when the 1962 legislation was passed the BLM was expected to begin new surveys so the title questions could be settled. He contends some 17 years later many of the omitted land claims have not been resolved.

McClure also has a bill and it differs from that of Church mainly that his fixes the market value when the survey was

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made in 1886, while Church's bill places the market value at various stages from 1967. McClure acknowledges the Church version has a better chance for passage.

The McClure value would fix the market value at a cheap level, likely some \$1.75 per acre, which is hardly comparable with values of recent years.

McClure and Church both contend the government made the error of survey in the first place and it should be willing to relinquish claims without benefit of remuneration, a view that is not exactly shared by the BLM.

Church points out Congress passed the 1962 act which gave the secretary of interior the authority to sell these lands at fair market value.

He adds the administration

has repeatedly opposed moves to clear the title, and thus the reason for his latest legislative effort.

"Land inflation has raised prices spectacularly," said Church, "and since the government was at fault in the first place, we feel land prices should be set at no later than 1967. This would be five years after the act was passed and five years was enough time to dispose of the lands."

Church said he hopes to have the Senate Energy and Natural Resources Committee of which he is the ranking majority member and McClure is the second ranking minority member, in Idaho later this summer or in early fall.

He pointed out this would then enable action in the next Congress early next year.