

MINUTE ITEM

2b. REQUEST FOR AUTHORIZATION TO APPLY FOR UNITED STATES PATENT, SECTION 16, T. 17 N., R. 13 E., S.B.B.& M., SAN BERNARDINO COUNTY - S.W.O. 8108.

After consideration of Calendar Item 18 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, FOR ISSUANCE OF A UNITED STATES PATENT IN FAVOR OF THE STATE, COVERING ALL OF SECTION 16, T. 17 N., R. 13 E., S.B.B.& M., CONTAINING 640 ACRES IN SAN BERNARDINO COUNTY, PURSUANT TO AUTHORITY CONTAINED IN SECTION 6206.5 OF THE PUBLIC RESOURCES CODE AND THE ACT OF CONGRESS APPROVED JUNE 21, 1934 (PUBLIC LAW NO. 440 - 73RD CONGRESS, 43 U.S.C. - SECTION 871-A).

Attachment

Calendar Item 18 (2 pages)

CALENDAR ITEM

18.

REQUEST FOR AUTHORIZATION TO APPLY FOR UNITED STATES PATENT, SECTION 16, T. 17 N., R. 13 E., S.B.B. & M., SAN BERNARDINO COUNTY - S.W.O. 8108.

On September 14, 1961 (Minute Item 24, page 7287), a request for authorization to file action against Pacific Fluorite Company of California (a California corporation) in respect to an apparent trespass and unauthorized removal of minerals from Section 16, T. 17 N., R. 13 E., S.B.B. & M., San Bernardino County, resulted in Commission authorization that the Executive Officer request the office of the Attorney General to take necessary legal action:

1. to eject Pacific Fluorite Company of California (a California corporation) from Section 16, T. 17 N., R. 13 E., S.B.B. & M., San Bernardino County;
2. to quiet the State's title; and
3. to obtain an accounting for rents and profits.

The above action was the result of a discovery that a mining operation for the extraction of fluorite ore was being conducted by Pacific Fluorite Company of California on the subject area, title to which had vested in the State on September 26, 1945, upon the approval and acceptance of the United States survey. The mineral removal represented a possible trespass and unauthorized removal of minerals from State lands. The office of the Attorney General recommended that necessary legal action be taken to protect the State's interest.

A complaint was filed by the State of California in the Superior Court, San Bernardino County, on September 21, 1961. The defendants filed amended answers in this action in February 1965. The State will move to have the matter set for trial in the near future.

The office of the Attorney General has recommended that, while the aforementioned litigation is pending, an application by the State should be submitted to the United States Department of the Interior, Bureau of Land Management, requesting issuance of a patent covering all of subject section, in accordance with the Act of Congress approved June 21, 1934 (Public Law No. 440 - 73rd Congress, 43 U.S.C. - Section 271A). As a result of such request it is expected that a determination will be made by the United States as to the mineral or nonmineral character of the section and the validity or nonvalidity of any mining claims that may have been located on the section as of September 26, 1945. If the mining claims in question or any portions thereof are determined to be valid, the State will be entitled to select other lands of the United States in lieu of the section and to receive an indemnity for the acreage in such valid claims.

CALENDAR ITEM 18. (CONTD.)

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, FOR ISSUANCE OF A UNITED STATES PATENT IN FAVOR OF THE STATE, COVERING ALL OF SECTION 16, T. 17 N., R. 13 E., S.B.B.& M., CONTAINING 640 ACRES IN SAN BERNARDINO COUNTY, PURSUANT TO AUTHORITY CONTAINED IN SECTION 6206.5 OF THE PUBLIC RESOURCES CODE AND THE ACT OF CONGRESS APPROVED JUNE 21, 1934 (PUBLIC LAW NO. 440 - 73RD CONGRESS, 43 U.S.C. - SECTION 871-A).