

23. (ARQUES VS. CITY OF SAUSALITO, MARIN COUNTY SUPERIOR COURT NO. 19784 - W.O. 634) The Commission was informed that Sausalito City Attorney, John B. Ehlen, has informed the Commission that Mr. Donlon J. Arques who owns tideland lots adjacent to Johnson Street in Sausalito has filed quiet title action against the City of Sausalito over Johnson Street and claims Johnson Street by Adverse Possession. The Commission may recall that the area of tide and submerged lands fronting on Sausalito was laid out into blocks and streets to a depth of six feet of water in the 1870's and under the enabling act it was proposed that the area be reclaimed. Under this Legislative Act, the State reserved for public use the streets between the blocks sold by the State. In certain instances some of these blocks have now become filled, but in the main, most of the streets still remain under water.

Where certain of these streets have been filled, owners of lots adjacent to the streets have been occupying the streets and preventing the public from the reserved use in order to obtain access to Richardson Bay. In studying this case it is concluded that there are probably three alternatives for the State:

- (1) To intervene in subject case;
- (2) To bring a separate quiet title action against Arques;
- (3) To file a quiet title action against all persons who are occupying or claiming the streets reserved to the people of the State by the Legislative Act.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to request the Attorney General to proceed against the occupants of these reserved streets in the manner which in his judgment results in the best protection of the interests of the State.

24. (APPLICATION FOR PROSPECTING PERMIT, J. E. HICKS, SAN BERNARDINO COUNTY - W.O. 611, P.R.C. 500) The Commission was informed that an application has been received from Mr. J. E. Hicks of Huntington Park for a permit to prospect for non-metallic minerals on the 40 acres of vacant State school land in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T. 31 S., R. 44 E., M.D.B. & M., San Bernardino County. No data as to any known mineral deposits on the subject area has been found from inspection of the records of the Division of Mines. Field reconnaissance by the State Lands Division has shown that while there has been prior prospecting in the area that there is no current activity, there is no equipment on the property and no deposits of minerals have been developed which can be classified as commercially valuable without the necessity of further prospecting.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to execute and issue a two-year prospecting permit to Mr. J. E. Hicks for forty acres of vacant State school land in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T. 31 S., R. 44 E., M. D. B. & M., San Bernardino County, pursuant to the Public Resources Code, with the royalty payable under any preferential lease, issued upon development of a commercially valuable mineral deposit, to be in accordance with the following schedule: On all ore produced and sold,

12 $\frac{1}{2}$ % of gross sales price up to 1,999 long tons per month  
15% of gross sales price on 2,000 to 3,999 long tons per month  
17 $\frac{1}{2}$ % of gross sales price on 4,000 to 5,999 long tons per month  
20% of gross sales price on all tonnage in excess of 6,000 long tons per month,  
which gross sales price shall be not less than the reasonable market value of  
all the minerals secured from the land and sold or otherwise disposed of or held  
for sale or other disposition.

25. (CANCELLATION OF AUTHORIZATION FOR PROSPECTING PERMIT, TIDE AND SUBMERGED LANDS, SANTA BARBARA COUNTY, J. RUSSELL PEERY - W.O. 579, P.R.C. 486) The Commission was informed that on November 21, 1949, (Minute Page 1032-1033, Item 46) the Commission authorized the Executive Officer to issue a two-year permit to Mr. J. Russell Peery for 40 acres of tide and submerged land in Santa Barbara County, for prospecting for gold and platinum. Forms of prospecting permit were forwarded to Mr. Peery on December 1, 1949, for execution, together with the request for the statutory permit fee. No reply has been received from Mr. Peery.

Upon motion duly made and unanimously carried, a resolution was adopted rescinding the authorization granted on November 21, 1949, for the issuance of a prospecting permit to Mr. J. Russell Peery for 40 acres of tide and submerged lands in Santa Barbara County, and authorizing the Executive Officer to cancel the application for said permit.

26. (TERMINATION OF MINERAL PROSPECTING PERMIT, LLOYD D. ADAMS, SAN BERNARDINO COUNTY, P.R.C. 345) The Commission was informed that Mineral Prospecting Permit P.R.C. 345, issued for a term of two years on February 2, 1948, for prospecting for clay and other non-metallic minerals on Lots 7 and 8, Section 36, T. 9 N., R. 4 E., S.B.B. & M., San Bernardino County, provides that the Commission may, in its discretion, extend the term of the permit for an additional period not exceeding one year. The permittee has not submitted any of the reports required by the permit or requested an extension of the permit. Field inspection by the Division has shown that no substantial work has been performed and that there has been no development of a commercially valuable mineral deposit.

Upon motion duly made and unanimously carried, a resolution was adopted not to extend the Prospecting Permit No. P.R.C. 345 beyond the expiration date of February 2, 1950, and authorizing the Executive Officer to inform Mr. Lloyd D. Adams, the permittee, accordingly.

27. (APPLICATION FOR PREFERENTIAL MINERAL LEASE - PROSPECTING PERMIT - P.R.C. 392 - ROBERT LIVINGSTONE) The Commission was informed that an application has been received, pursuant to the Public Resources Code, from Mr. Robert Livingstone, permittee under Prospecting Permit P.R.C. 392, covering the right to prospect for volcanic cinders in Section 16, T. 6 N., R. 10 E., S.B.B. & M., San Bernardino County, for a preferential mineral lease on the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 16, containing 160 acres. Under Section 6895 Public Resources Code upon establishing to the satisfaction of the Commission that commercially valuable deposits of minerals have been discovered within the limits of any permit, the permittee shall be entitled to a lease for not more than 160 acres of the land embraced in the prospecting permit, if there be that number of acres within the permit. Prospecting permit P.R.C. 392 covering 640 acres was issued February 25, 1949. The application of the permittee reports the survey and