

28. (APPLICATION FOR PERMIT, SCHOOL LANDS, 3904TH COMPOSITE WING, U. S. AIR FORCE, PLUMAS COUNTY - W.O. 1271, P.R.C. 1248.2.) The 3904th Composite Wing, U. S. Air Force, Stead Air Force Base, Reno, Nevada, has applied for a permit to conduct survival training of aircraft crews on certain school lands in Plumas County. The lands involved are Fractional Section 16, T. 25 N., R. 12 E., Fractional Section 16, T. 25 N., R. 14 E., and Fractional Section 36, T. 26 N., R. 15 E., all M.D.M., lying within the Plumas National Forest. No buildings, dams, or other improvements will be placed on school lands, nor will the normal operation interfere with grazing, lumbering, fishing, hunting, or other activities. Permit is desired for supervised groups of ten to fifteen personnel to cross the land. The National Forest Service has issued a permit to the Air Force for similar use of contiguous land. The subject school land is being used as base in exchange for Federal land in other parts of the State, and will eventually be National Forest Service land. The Forest Service has advised that the permit requested by the Air Force will not interfere with the proposed exchange.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A PERMIT TO THE U. S. AIR FORCE TO CONDUCT SURVIVAL TRAINING OF AIRCRAFT CREWS ON FRACTIONAL SECTION 16, T. 25 N., R. 12 E., FRACTIONAL SECTION 16, T. 25 N., R. 14 E., AND FRACTIONAL SECTION 36, T. 26 N., R. 15 E., M.D.M., PLUMAS COUNTY, FOR A PERIOD OF TWELVE MONTHS, NO STRUCTURES, ROADS OR DAMS TO BE PLACED ON THE PROPERTY, THE CONSIDERATION BEING THAT THE PROPOSED USE IS IN THE PUBLIC INTEREST.

29. (LOCATION OF ALPINE-TUOLUMNE COUNTY BOUNDARY LINE - W.O. 710.) Section 23171 of the Government Code provides:

"Common boundaries and corners inadequately marked: Establishment. All common boundaries and common corners of counties not adequately marked by natural objects or lines, or by surveys lawfully made, shall be definitely established by surveys made jointly by the surveyors of all the counties affected, and approved by the boards of supervisors of the counties, or by a survey made by the State Lands Commission, on application of the board of supervisors of any county affected."

By Resolutions dated June 16, 1950, and July 21, 1950, the Board of Supervisors of Alpine County petitioned the State Lands Commission to investigate and determine the proper location of the common boundary between Alpine and Tuolumne Counties. This petition was not joined in by the Board of Supervisors of Tuolumne County. However, Section 23171 authorizes the State Lands Commission to proceed if any county affected makes application, and as Alpine County agreed to defray all costs to the State Lands Commission, if necessary, the investigation was undertaken. No field surveys or locations are involved at this time.

Chapter 180, Statutes of 1864, is the act creating Alpine County. In Section 2 of that act the common boundary is covered by the description: "thence easterly in a direct line to where the Sonora Trail strikes the Middle Fork of the Stanislaus River; thence easterly along said trail, to the summit of the Sierra Nevada Mountains; . . ." The point of beginning of this direct line is the intersection of the "West Point Road" with the "Big Tree Road" (as described in the act) and there is no controversy over

the location of that point. The difference lies in what was the Sonora Trail in 1864 as designated in the Act, and where it was then located. Several possible routes for that trail have been advanced and considered, as follows:

Route #1 is the "Sonora-Emigrant Route" or the "Old Emigrant Road", via "Strawberry Flat", "Relief Valley" and "Relief Creek" to the summit of the Sierra Nevada Mountains and thence down the Walker River Valley towards Bridgeport.

Route #1A is the "Sonora-Emigrant Route" or the "Old Emigrant Road" as far east as "Relief Valley"; thence it follows along the "East Fork" past "Kennedy's Lake" to the summit.

Route #2 is the "Deadman Creek" route.

Route #3 is the "Clark Fork" route.

The present official map of Tuolumne County shows the common boundary to follow Route #3; that for Alpine County shows the disputed boundary following Route #2.

A legal aspect appears in this controversy through the possible applicability of Chapter 839, Statutes of 1927, and Chapter 1531, Statutes of 1951. These acts provide for the fixing of a boundary line where there has been mutual recognition of the jurisdiction of either county in the area involved by way of assessments and collection of taxes.

Research has been conducted by this office into matters relating to mutual recognition of a boundary and into the location of the Sonora Trail as referred to by the State Legislature. This has involved exploration of sources of maps, publications, documents, and reports, and a study and evaluation of all such material that appeared to be pertinent.

Preliminary Conclusions

Prior to 1862 trans-Sierran travel in this area took what was referred to variously as "Old Sonora Trail", "Sonora Trail", "Sonora-Emigrant Route", "Old Emigrant Road", and "Emigrant Road". This was either or both of Route No. 1 and Route No. 1A.

In the year 1862 a new trail was constructed along Clark's Fork, Route No. 3, under the direction of a Board of Road Commissioners appointed by the counties interested in the construction of a road between Sonora and Bridgeport. This trail followed a proposed route for the road, and was built to facilitate its construction.

Widespread attention was called to this project through the press and otherwise. Traffic was transferred from the old trail to the new one, and in 1863 a bridge was built across the Middle Fork of the Stanislaus River to serve this traffic. Thus the Old Sonora Trail fell into disuse, and a new Sonora Trail came into existence before the act creating Alpine County was drafted and later became law.

This change from the Old Sonora Trail to a new one at a substantially different location explains the application of the designation "Sonora Trail" to

the new route along Clark's Fork by numerous travellers at that time, outstanding among which were those in a party of the State Geological Survey in the summer of 1864. This party definitely followed the Clark's Fork route, and the route they took was designated the Sonora Trail in several places in their report.

Tuolumne County has assessed property and collected taxes thereon in the disputed area continuously since 1901. Supervisorial districts were created by Tuolumne County (the earliest record available being that of September 4, 1880). In 1882 the northern boundary of one of its districts was defined as following Clark's Fork. A long record exists of assumption and exercise of criminal and civil jurisdiction by Tuolumne County over the disputed area.

Present conclusions are:

1. That the Sonora Trail, as referred to in the Act creating Alpine County, followed the Clark's Fork route (designated as Route No. 3).
2. That the southerly county boundary line of Alpine County begins in the SE $\frac{1}{4}$ of Section 13, T. 7 N., R. 17 E., M.D.M. (the point of intersection of the West Point Road with the Big Tree E.) and proceeds southeasterly in a direct line to a point about one-quarter mile below the mouth of Clark's Fork on the common boundary of Sections 21 and 22, T. 6 N., R. 19 E., M.D.M.; thence along the road and trail following up Clark's Fork to the summit of the Sierra Nevada Mountains at Sonora Pass near the middle point of the north line of Section 35, T. 6 N., R. 21 E., M.D.M.

It is believed to be advisable to conduct a public hearing after furnishing interested parties with copies of this minute item, in order that a full discussion of the matter be had in advance of reaching final conclusions.

Mr. William Speer appeared on behalf of Tuolumne County, outlined the methods he had followed in accumulating information on the boundary question, and stated that his research showed that Tuolumne County had been assessing and collecting taxes in the disputed area over a long period of years.

A map designating the routes previously referred to as Route #1, Route #1A, Route #2, and Route #3 was shown to the Commission.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER, UPON DUE NOTICE TO INTERESTED PARTIES AND THROUGH ADVERTISING, TO CONDUCT A PUBLIC HEARING ON THE MATTER OF THE LOCATION OF THE COMMON BOUNDARY LINE OF ALPINE AND TUOLUMNE COUNTIES; THE PURPOSE OF THE HEARING BEING TO OBTAIN EXPRESSIONS OF VIEWS ON THE PRELIMINARY CONCLUSIONS AND SUCH ADDITIONAL INFORMATION BEARING UPON THE SUBJECT AS MAY BE FURNISHED. UPON COMPLETION OF THE HEARING, REPORT SHALL BE MADE TO THE COMMISSION FOR FINAL ACTION.

30. (APPLICATION FOR RENEWAL AND EXTENSION, MINERAL LEASE #15 (303/1921), *PRC 736-2* UNITED STATES BORAX COMPANY, INYO COUNTY - W.O. 674.)⁷³⁴¹⁵ On April 18, 1952 (Minute Page 1546, Item 40), the Commission considered the application of the United States Borax Company for renewal and extension of Mineral Lease #15 (303/1921) for a period of ten years. After consideration of a question raised by protestants as to the ability of the United States Borax Company