

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

to qualify as a lessee pursuant to the provision of Section 6801 of the Public Resources Code relating to citizenship of lessees, and charges by protestants that the applicant is a monopoly and therefore not entitled to a State lease, final action on authorization for renewal and extension was deferred until completion of a review by the Office of the Attorney General of the objections made. A further letter of protest from the original protestants has been received this date (June 30, 1952) contending as follows:

1. That the Commission meeting considering the subject item should be held in Los Angeles.
2. That the Commission meeting considering the subject item should be restricted solely to consideration of the proposed lease renewal.
3. That the terms and conditions of the proposed lease extension and renewal are unfair to the State.
4. That the protestant offers "to double or triple anything that the applicant in this lease desires to grant to the State."

An opinion of Deputy Attorney General J. F. Hassler, Jr., received by the Division of State Lands in response to inquiry made pursuant to the direction of the Commission, states that the United States Borax Company is qualified as to citizenship, that the subject lands have not been involved in anti-trust proceedings, and that the applicant has a preferential right to receive a renewal and extension of Mineral Lease #15 (303/1921) upon such reasonable terms and conditions as may be prescribed by the Commission.

The proposed form of lease renewal will result in a simplification of lease administration and accounting procedures, because such renewal conforms to the standard form of mineral lease authorized heretofore by the Commission and includes the standard royalty schedule authorized by the Commission on October 24, 1951 (Minute Page 1471, Item 20). This schedule will produce a royalty of \$1.55 per ton of ore produced and sold during the first year of the extension of the lease, with increased rates for any increased values of production. The minimum royalty under the schedule in the future will be \$1.27 per ton, which is equal to the average royalty paid during the last nine years of operation under the preceding lease extension.

In response to a question by Mr. Kuchel as to whether it was the usual practice to grant preferential rights in such cases to the original applicants who had pioneered the land, Mr. Coleman, Attorney for the United States Borax Company, stated that it was Federal practice to do so.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO THE UNITED STATES BORAX COMPANY A RENEWAL AND EXTENSION OF MINERAL LEASE #15 (303/1921), FOR A TERM OF TEN YEARS, EFFECTIVE MAY 10, 1952, SUBJECT TO THE DEPOSIT BY THE LESSEE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$2000 AS REQUIRED BY SECTION 13 OF THE LEASE EXTENSION AND RENEWAL.