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*Mr. W. M. ...*  
*H. K. ...*  
*Sign*

SEP 28 1928

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

Reference is made to the proposed purchase of 70 acres of land in Amador County, California, from Louis Alpers, at a cost of \$3,000. In this connection, attention is invited to the Solicitor's opinions of September 21, 1927, and February 14, 1928 (M. 23331), upon the case.

This purchase has not been completed because of the existence of a contract dated December 18, 1925, providing for the sale of minerals underlying the 70 acres mentioned and other lands. The Solicitor in his opinion of February 14, 1928, approved by the Department on the same date, requested that an effort be made to secure from the purchaser of the minerals a relinquishment to the United States of such rights as they may have in the land included in this proposed purchase. This matter was taken up with the Superintendent of the Sacramento Agency, and we are now in receipt of a report explaining the present status of the case, to which your attention is invited. It will be observed that Mr. Alpers does not own the minerals, and that another long term mineral lease has been executed.

We wish to again invite attention to the fact that the Indians for whose benefit the purchase is to be made have lived on the land for a long period of years; that the 70-acre tract has been investigated for minerals and found not worthy of mining; and that operations with respect to this land have been abandoned. Therefore, the possibility that mining operations will prevent undisturbed use of the land by the Indians is extremely remote. As it is now apparent that the minerals cannot be acquired with the land, and as the Indians have constantly occupied the surface without any known disturbance through mining activities, it is the belief of this Office that the purchase should be completed, notwithstanding the minerals do not accompany the land. There are twenty or more Indians

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on this tract, and it is greatly to their interest to have the land established as a permanent home for them. As the matter now stands, they are on privately owned property and are subject to removal at any time by the owner thereof.

The matter is therefore being resubmitted for further consideration in connection with the additional facts recently reported. If completion of the purchase embracing surface rights only is satisfactory to the Department, matters relating to policy of title insurance and recording of the deed will be promptly taken up in the field.

Respectfully,

9-LW-20-1

EMB

Commissioner.

DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
OCT -2 1928

Completion of the purchase of 70 acres of land referred to in the foregoing letter from the Office of Indian Affairs is hereby authorized.

Sgd: JOHN H. EDWARDS  
Assistant Secretary.