

417290



WILLIAM D. KELLER
United States Attorney
FREDERICK M. BROSIO, JR.
Assistant U. S. Attorney
Chief, Civil Division
BRYAN N. FREEMAN
Assistant U. S. Attorney
1100 U. S. Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: 688-2474
Attorneys for Plaintiff,
United States of America

FILED

APR 23 1974

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED

APR 15 1974

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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DEPUTY



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LONESOME VALLEY LAND COMPANY,
INC., etc., et al.,
Defendants.

No. 72-1623-HP Civil
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This matter having come on regularly before the Court, the Court having considered the records and files herein, and the Court being fully advised in the premises now finds and makes the following:

FINDINGS OF FACT

1. This is a civil action brought by the United States of America to, among other things, recover possession from the defendants of the real property and premises situate in the County of Riverside, State of California, and described as follows:
Section 1, except lots 2, 3, and 4, and Section 12, except lot 2, Township 5 South, Range 23 East, S.B.M., together with any accretions thereto; Fractional Section 6; North One-Half of Northwest One-Quarter, Northwest One-Quarter of Northeast One-Quarter and lots 1, 2, 3 and 4 of Fractional Section 7, Township 5 South, Range 24 East, S.B.M.,

1 as created by the plat accepted May 21, 1962,
2 together with any accretions thereto;

3 2. The jurisdiction of this Court attaches by virtue of
4 28 U.S.C. 1345, and the above-mentioned lands are located entirely
5 within the County of Riverside, State of California, and within
6 the Central District of California;

7 3. The United States is the owner in trust for the Colorado
8 River Indian Tribes of a portion of the lands mentioned in para-
9 graph 1 hereinabove, said lands having been reserved at all times
10 as a part of the Colorado River Indian Reservation by the Execu-
11 tive Order of May 15, 1876, and are described as follows:

12 The lands as shown on the Bureau of Land Management
13 survey of Township 5 South, Ranges 23 East and 24 East,
14 San Bernardino Meridian, California, accepted May 21, 1962.

15 Township 5 South, Range 23 East:

16 Section 1: Lots 7, 8, 9 and 10

17 Section 12: Lots 3 and 4

18 Township 5 South, Range 24 East:

19 Section 6: Lots 1, 2, 3, 4 and 5, the Southwest
20 One-Quarter of the Southeast One-Quarter,
21 the Southwest One-Quarter, and the South
22 One-Half of the Northwest One-Quarter.

23 Section 7:

24 Lots 1, 2, 3 and 4, the North One-Half of
25 the Northwest One-Quarter, and the Northwest
26 One-Quarter of the Northeast One-Quarter.

27
28 Containing 813.57 acres, more or less.

29
30 Together with any accretions easterly thereof
31 formed subsequent to said survey.

32 The remainder of the lands mentioned in paragraph 1 hereinabove

1 is owned by the United States in its sovereign capacity and with-
2 drawn from public entry, and is more particularly described as
3 follows:

4 The lands as shown on the Bureau of Land Management
5 survey of Township 5 South, Ranges 23 East and 24 East,
6 San Bernardino Meridian, California, accepted May 21, 1962.

7 Township 5 South, Range 23 East:

8 Section 1: Lots 1, 5 and 6, the South One-Half
9 of the Northwest One-Quarter and the
10 Southwest One-Quarter;

11 Section 12: Lot 1, the West One-Half of the
12 Northeast One-Quarter, the Northwest One-Quar-
13 ter, the Southwest One-Quarter, and the
14 Southeast One-Quarter.

15 4. There has been no disposal by said United States, by
16 patent or otherwise, of title to the lands referred to in para-
17 graph 1 above, or any part thereof;

18 5. The above-mentioned lands have never been restored to
19 public entry, nor has any part thereof been so restored;

20 6. The defendants have occupied, and now occupy, portions
21 of the above-mentioned lands, and have withheld, and do now
22 withhold, possession thereof from the plaintiff, contrary to its
23 title and right of possession.

24 Based upon the preceding Findings of Fact, the Court now
25 makes the following:

26 CONCLUSIONS OF LAW

27 7. The plaintiff, United States of America, in the capacity
28 described in paragraph 3 above, is now, and has at all times been,
29 the owner, and entitled to possession, to the exclusion of
30 defendants, of the real property described in paragraph 1 above
31 wrongfully occupied by defendants;

32 8. The defendants have wrongfully and unlawfully occupied

1 portions of said property, without any right, title or interest
2 therein, and have continued wrongfully and unlawfully to occupy
3 portions of said property, and have withheld, and do now withhold,
4 wrongfully and unlawfully, possession thereof from the plaintiff.

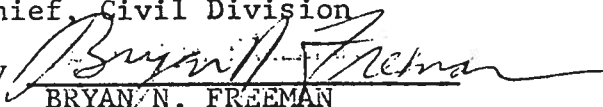
5 DATED: This _____ day of _____, 1974.

6
7 
8 UNITED STATES DISTRICT JUDGE

9
10
11 PRESENTED BY:

12 WILLIAM D. KELLER
13 United States Attorney

14 FREDERICK M. BROSIO, JR.
15 Assistant U. S. Attorney
16 Chief, Civil Division

17 By 
18 BRYAN N. FREEMAN
19 Assistant U. S. Attorney

20 Attorneys for Plaintiff,
21 United States of America
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1 WILLIAM D. KELLER
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4 Assistant U. S. Attorney
1100 U. S. Courthouse
5 312 North Spring Street
Los Angeles, California 90012
6 Telephone: 688-2474
7 Attorneys for Plaintiff,
United States of America



FILED

APR 23 1974

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By [Signature]

ENTERED

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

APR 23 1974
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By [Signature] Deputy

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 LONESOME VALLEY LAND COMPANY,)
15 INC., etc., et al.,)
16 Defendants.)

No. 72-1623-HP Civil

JUDGMENT

17 This matter having regularly come before the Court, the
18 Court having considered the records and files herein, and the
19 Court having made its Findings of Fact and Conclusions of Law,

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

21 1. That the plaintiff, United States of America, is the
22 owner in trust for the Colorado River Indian Tribes of the real
23 property and premises described as follows:

24 The lands as shown on the Bureau of Land Management
25 survey of Township 5 South, Ranges 23 East and 24 East,
26 San Bernardino Meridian, California, accepted May 21, 1962.

27 Township 5 South, Range 23 East:

28 Section 1: Lots 7, 8, 9 and 10

29 Section 12: Lots 3 and 4


30 Township 5 South, Range 24 East:

31 Section 6: Lots 1, 2, 3, 4 and 5, the Southwest
32 One-Quarter of the Southeast One-Quarter,

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the Southwest One-Quarter, and the South One-Half of the Northwest One-Quarter.

Section 7:

*AS CREATED BY SAID SURVEY
ACCEPTED MAY 21, 1972* 

Lots 1, 2, 3 and 4, the North One-Half of the Northwest One-Quarter, and the Northwest One-Quarter of the Northeast One-Quarter.

Containing 813.57 acres, more or less.

Together with any accretions easterly thereof formed subsequent to said survey.

That the plaintiff, United States of America, is the owner in its sovereign capacity of the real property and premises described as follows:

The lands as shown on the Bureau of Land Management survey of Township 5 South, Ranges 23 East and 24 East, San Bernardino Meridian, California, accepted May 21, 1962.

Township 5 South, Range 23 East:

Section 1: Lots 1, 5 and 6, the South One-Half of the Northwest One-Quarter and the Southwest One-Quarter;

Section 12:

Lot 1, the West One-Half of the Northeast One-Quarter, the Northwest One-Quarter, the Southwest One-Quarter, and the Southeast One-Quarter.

2. That the possession by the defendants, and each of them, of said property is, and has been, without any right, title or interest therein;

3. That plaintiff recover possession of said real property and premises wrongfully occupied by the defendants;

4. That the defendants remove themselves and all personal belongings from said real property and premises, wrongfully

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occupied by them, within thirty (30) days following the entry of this judgment;

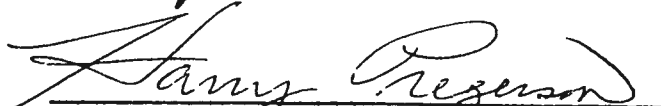
5. That the defendants may not and shall not in any manner interfere with plaintiff's right to administer, possess, and control said real property and premises from and after thirty (30) days following the entry of this judgment;

6. That the defendants cease and desist from trespassing on said real property and premises from and after thirty (30) days following the entry of this judgment;


7. That plaintiff's second cause of action filed herein is hereby dismissed with prejudice;

8. That each party bears his own costs of suit.

DATED: This 23d day of April, 1974.


UNITED STATES DISTRICT JUDGE

PRESENTED BY:
WILLIAM D. KELLER
United States Attorney
FREDERICK M. BROSIO, JR.
Assistant U. S. Attorney
Chief, Civil Division

By 
BRYAN N. FREEMAN
Assistant U. S. Attorney

Attorneys for Plaintiff,
United States of America

417289



FILED

MAY 3 - 1974

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BY DEPUTY

1 WILLIAM D. KELLER
2 United States Attorney
3 FREDERICK M. BROSIO, JR.
4 Assistant U. S. Attorney
5 Chief, Civil Division
6 BRYAN N. FREEMAN
7 Special Assistant to the U. S. Attorney
8 1100 United States Courthouse
9 312 North Spring Street
10 Los Angeles, California 90012
11 Telephone: (213) 688-2474

12 Attorneys for Plaintiff
13 United States of America

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17
18 Plaintiff,
19
20 v.
21
22 LONESOME VALLEY LAND COMPANY,
23 INC., etc., et al.,
24
25 Defendants.

26 CIVIL NO. 72-1623-HP
27 STIPULATION AND ORDER FOR
28 AMENDMENT OF JUDGMENT BY
29 INTERLINEATION

30 IT IS HEREBY STIPULATED by and between the parties,
31 through their respective attorneys of record, that the Court
32 be requested to make an amendment to the Judgment entered herein
on April 23, 1974, by interlineation of the phrase:

"as created by said survey accepted May 21, 1962,"
before the word "the" on line 4 of page 2, in paragraph 1 of
said Judgment, as shown on Exhibit "A" attached hereto.

This stipulation is entered into, and the Court's
approval of the same is respectfully requested, in order to
clarify the legal description contained in the Judgment.

DATED: This 8th day of May, 1974.

33 hereby attest and certify on 9/24/91
34 that the foregoing document is a fair, true
35 and correct copy of the original on file in
36 my office, and in my legal custody.

37 CLERK, U.S. DISTRICT COURT
38 CENTRAL DISTRICT OF CALIFORNIA
39 Deputy



40 WILLIAM D. KELLER
41 United States Attorney
42 FREDERICK M. BROSIO, JR.
43 Assistant U. S. Attorney
44 Chief, Civil Division

45
46 BRYAN N. FREEMAN
47 Special Assistant to the
48 United States Attorney

DATED: This 8th day of May, 1974.

CLAYSON, STARK, ROTHROCK & MANN
DONALD D. STARK
ROY H. MANN
SAMUEL A. GREENBURG

Donald D. Stark
DONALD D. STARK
by Roy H. Mann
Attorneys for Defendants *Felton*
prisoner to
telephonically

ORDER

Based upon the foregoing stipulation and good cause appearing therefor, the Judgment entered herein on April 23, 1974, is hereby ordered amended, by interlineation, as follows:

By adding the phrase:

"as created by said survey accepted May 21, 1962," immediately before the word "the" in line 4 of page 2, in paragraph 1 of said Judgment.

DATED: This 8th day of May, 1974.

Samuel A. Greenburg
UNITED STATES DISTRICT JUDGE

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the Southwest One-Quarter, and the South One-Half of the Northwest One-Quarter.

Section 7: *as created by said survey accepted May 21, 1962*

Lots 1, 2, 3 and 4, the North One-Half of the Northwest One-Quarter, and the Northwest One-Quarter of the Northeast One-Quarter.

Containing 813.57 acres, more or less.

Together with any accretions easterly thereof formed subsequent to said survey.

That the plaintiff, United States of America, is the owner in its sovereign capacity of the real property and premises described as follows:

The lands as shown on the Bureau of Land Management survey of Township 5 South, Ranges 23 East and 24 East, San Bernardino Meridian, California, accepted May 21, 1962.

Township 5 South, Range 23 East:

Section 1: Lots 1, 5 and 6, the South One-Half of the Northwest One-Quarter and the Southwest One-Quarter;

Section 12:

Lot 1, the West One-Half of the Northeast One-Quarter, the Northwest One-Quarter, the Southwest One-Quarter, and the Southeast One-Quarter.

2. That the possession by the defendants, and each of them, of said property is, and has been, without any right, title or interest therein;

3. That plaintiff recover possession of said real property and premises wrongfully occupied by the defendants;

4. That the defendants remove themselves and all personal belongings from said real property and premises, wrongfully

T. 4 S., R. 23 E.

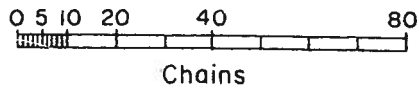
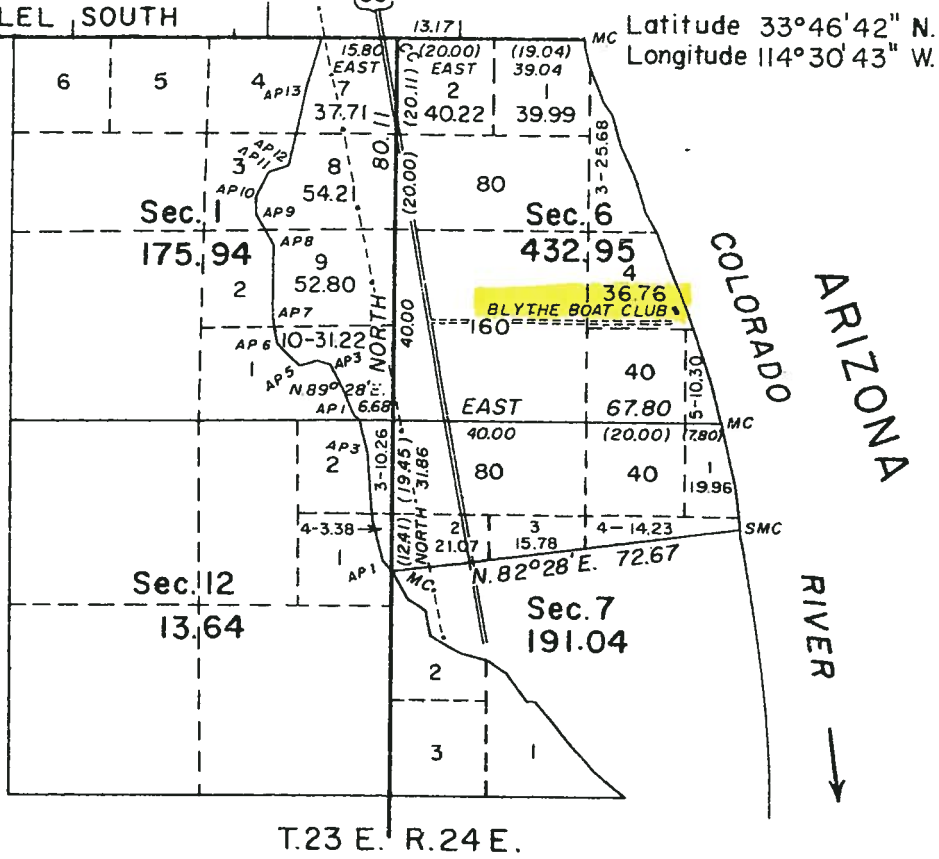
Sec. 35

Sec. 36

RD PARALLEL SOUTH

95

Latitude 33°46'42" N.
Longitude 114°30'43" W.



Area Surveyed 813.57 Acres

This plat represents the survey of accretion lands not shown upon previous official plats.

The meanders of the right bank and portions of the boundaries and subdivisional lines of T_s. 5 S., R_s. 23 and 24 E., were surveyed by O.P. Callaway, Deputy Surveyor, in 1874, as shown upon the consolidated plat approved December 28, 1874. A portion of the east boundary and additional section lines within T. 5 S., R. 23 E., were surveyed by W.F. Benson, Deputy Surveyor, in 1879, as shown upon the plat approved May 22, 1879. The subdivision of T. 5 S., R. 23 E., was completed by W.J. Lightfoot, U.S. Surveyor, in 1916, as shown upon the plat approved April 21, 1917. The sections adjoining the right bank in each township were resurveyed and the adjusted record meander lines of the right bank were reestablished in 1958 by Roger F. Wilson, Cadastral Surveyor, under Group 445, as shown upon the respective plats accepted July 22, 1958. A portion of the north boundary, being the First Standard Parallel South, was surveyed concurrently with these surveys, as reported in the record for T. 4 S., R. 23 E.

Since the time of the original surveys, and prior to 1926, the Colorado River has moved in a general easterly direction by normal processes of erosion and accretion to the formation of considerable lands in front of the areas as originally returned. Lots 2, 3 and 4, sec. 1 and Lot 2, sec. 12, T. 5 S., R. 23 E., patented in 1926, are limited by the adjusted record meander line of 1874, which as previously reported, has been adopted as a fixed and limiting boundary. This boundary, within secs. 1 and 12, is portrayed as the solid line with numbered angle points. Except as new areas, as surveyed, are shown hereon, the lottings and areas are as shown upon the plats referred to.

These surveys were executed by Harold D. Corbin, Cadastral Surveyor, from October 23 to December 12, 1961, pursuant to supplemental special instructions dated October 19, 1960 and October 3, 1961, for Group 459, California.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. May 21, 1962

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and

T. 5 S.

RANGES 23 AND 24 EAST OF THE SAN BE

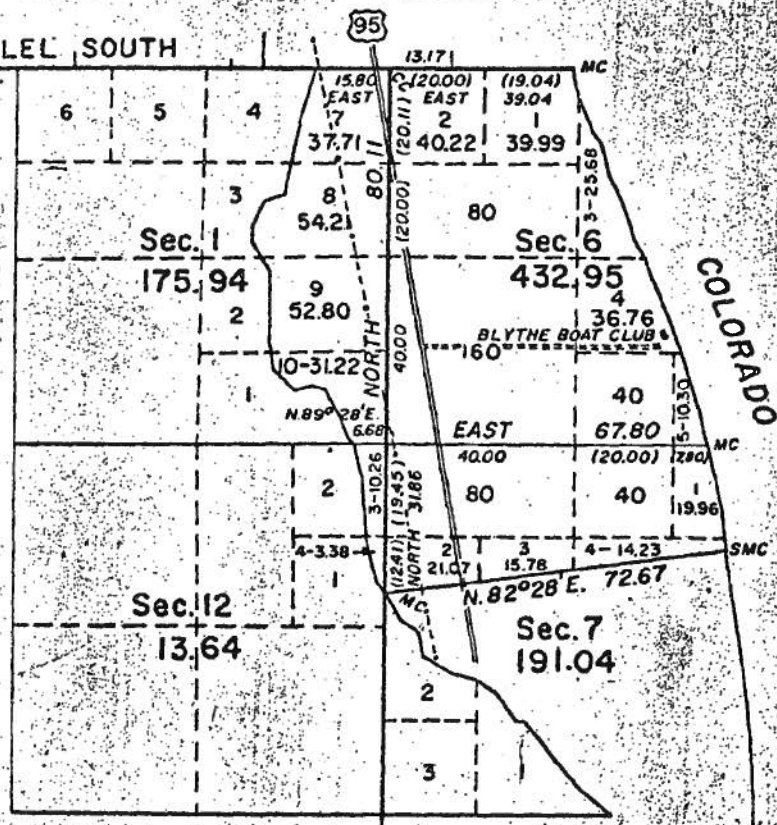
ACCRETION SURVEY

T. 4 S., R. 23 E.

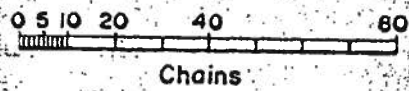
Sec. 35

Sec. 36

STANDARD PARALLEL SOUTH



T. 23 E. R. 24 E.



Area Surveyed 813.57 Acres