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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

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Subject

H-3860-1 - MINERAL PATENT APPLICATIONS PROCESSING

1. Explanation of Material Transmitted: This release transmits a new Handbook which explains the processes and procedures for adjudicating mineral patent applications and issuing mineral patents. The Handbook also explains how the applicable laws and regulations relate to the patent application process.
2. Reports Required: None.
3. Materials Superseded: None.
4. Filing Instructions: File as directed below, immediately following the Manual Section.

REMOVE:

None

INSERT:

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(Total: 95 Sheets)

Assistant Director, Energy and
Mineral Resources



Processing Mineral Patent Applications



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2. BLM/FS Memorandum of Understanding
3. Mineral Patent Application Checklist

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CHAPTER I - INTRODUCTION

A. Purpose. This handbook gives the procedures and processes to follow in implementing the regulations in 43 CFR 3860. It is to be read and used in conjunction with the Federal regulations at 43 CFR Groups 3700 and 3800, Bureau manual group 3860, and other program guidance.

B. Authority of the Secretary of the Interior Under the Mining Laws. The authority of the Secretary of the Interior with respect to public lands is set forth in Cameron v. United States, 252 U.S. 450, (1920), where the U.S. Supreme Court stated:

By general statutory provisions, the execution of the laws regulating the acquisition of rights in the public lands and the general care of these lands is confided to the Land Department, as a special tribunal; and the Secretary of the Interior as the head of the Department, is charged with seeing that this authority is rightly exercised to the end that valid claims may be recognized, invalid ones eliminated, and the rights of the public preserved.

The power of the Department to inquire into the extent and validity of the rights claimed against the Government does not cease until the legal title has passed. [The Department's] province is that of determining questions of fact and right under the Public Land Laws, of recognizing or disapproving claims according to their merits, and of granting or refusing patents as the law may give sanction for one or the other.

The authority to administer the mining law program has been delegated to the Director of the Bureau of Land Management (BLM) by the Secretary of the Interior. The Departmental Manual states that the "Bureau is responsible for mineral and realty activities on all the public lands and for mineral activities on large areas of Federal land managed by other agencies. This includes the administration of the General Mining Laws." (See 135 DM 1.3B and 235 DM 1.A.) The BLM's authority in this regard emanates from its succession to the duties and responsibilities of the General Land Office and the Grazing Service, through Reorganization Plan No. 3 of 1946 (60 Stat. 1097) and Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

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C. References. Other sources of information include:

Judicial and Departmental case law, including decisions of the Interior Board of Land Appeals.

Maley, T.S. (1985); Mining Law from Location to Patent; Mineral Land Publications, P.O. Box 1186, Boise, ID, 83701.

Maley, T.S. (1984); Mineral Title Examination; Mineral Land Publications, P.O. Box 1186, Boise, ID, 83701.

Rocky Mountain Mineral Law Foundation (1984, 2nd ed); American Law of Mining; Matthew Bender & Co., 1275 Broadway, Albany, NY, 12201; 6 vols.

Lindley, C.H. (1914, 3rd ed.); A Treatise on the American Law Relating to Mines and Mineral Lands within the Public Land States and Territories and Governing the Acquisition and Enjoyment of Mining Rights in Lands of the Public Domain; reprinted 1988, Fred B. Rothman & Co., Littleton, CO, 80127, 3 vols. (Also referred to as Lindley on Mines.)

Copp, H.N. (1881, 1890); United States Mineral Lands; Laws Governing their Occupancy and Disposal; Henry N. Copp, Washington, D.C. 2 vols.

Copp, H.N. (1874); Decisions of the Commissioner of the General Land Office and the Secretary of the Interior under the United States Mining Statutes of July 26, 1866, July 9, 1870, and May 10, 1872; Henry N. Copp, Washington, D.C.

Mineral patent adjudicators in other BLM State Offices.

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CHAPTER II - PRE-APPLICATION PROCEDURES

A. Outreach with Prospective Applicants.

1. Brochures and Letters. When prospective patent applicants request information, send a letter explaining the basics of the patenting process. (See Illustration 1 for a sample letter.) The letter should discuss the application fee, application format, mineral surveys, and certificate of title. Enclose appropriate information, including the pamphlet "Patenting a Mining Claim on Federal Lands," with the letter to help the applicant start the application process. Invite the applicant to request a meeting with the mineral patent adjudicator, mineral examiner, and cadastral surveyor, if appropriate.

2. Sample Application. Invite the applicant to review other patent applications on file. Select one or two applications which consist of like claims. If possible, show the applicant a mineral report, so the applicant understands what the field examination by a geologist or mining engineer covers.

B. Conference with Applicant.

1. Purpose. The purpose of the conference is to help the applicant and to make the adjudicator's job easier. At this time, the adjudicator has an opportunity to explain what the applicant needs to do to file an application which will speed rather than hinder the progress of the application. Also, problem areas such as title and claim name consistency are easier to discuss and remedy face-to-face rather than in writing once an application is filed.

2. Preparing for the Conference. Reserve a conference room or a private office where interruptions will not occur. Allow 2 hours of time so the applicant feels all questions will be answered thoroughly. Check the mining claim recordation files to verify the claims have met the statutory recording requirements of FLPMA. Check land status to verify the claims are not null and void ab initio. Check title information. The adjudicator should be prepared to discuss findings at the conference.

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3. What to Discuss. Plan the discussion in advance so that you have an orderly conveyance of information. If the applicant is well prepared, a question-answer format, where the applicant asks questions to fill in knowledge gaps, works well. If the applicant is not prepared to ask questions, or has trouble with the myriad regulations and requirements of the patent application process, explain the process step-by-step. Either way, plan to discuss the following:

a. Sec. 314 of FLPMA/Land Status. If the applicant has a problem with mining claim recordation or land status, explain the problem and how it can be corrected.

b. Mineral Survey. If a mineral survey is needed, explain why. If required, a mineral survey must be requested after the claim location date. Explain that the applicant pays the mineral surveyor because the survey is for his benefit alone and does not benefit American taxpayers. Explain that the deposit he pays BLM is the Bureau's fee for reviewing and approving his mineral surveyor's work. (See 43 CFR 3861.1-2.)

If a mineral survey has been done and it is an old survey, verify that the chain-of-title on the mining claims has not been broken. If title has been broken, say the applicant did not file evidence of assessment work one year and the claims were declared abandoned and void, a new mineral survey must be done. This may be information which the applicant could find difficult to accept, so the adjudicator may wish to bring a copy of Walter Bartol, 19 IBLA 82 (1975), for legal support.

c. Title Requirements. Meeting title requirements usually causes applicants the most problems. Claims located 100 years ago, or even 20, 30, or 40 years ago, often have convoluted titles. The patent applicant must hold full possessory title at the time of application, but it may be permissible to perfect title after the application is filed. For example, a husband and wife may apply for patent, but the husband was the original claim locator. In this instance, the husband may quitclaim the mining claim from himself to both he and his wife after they have applied for patent. In this way, they are perfecting title after the application has been filed.

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Based on the mining claim records in the recordation file, conduct a title search before the conference, and be prepared to discuss with the applicant any problems in the chain-of-title. Ascertain from the applicant whether other conveyance documents exist. At this time, ask the claimant to bring in all documents of record concerning title of the claims for review before the applicant applies for patent. Title problems are easier to resolve informally, before an application is filed.

d. Discovery Requirements. Sometimes applicants misconstrue or misunderstand the mining law, so it is important to explain to them that their claims will be examined by a geologist or mining engineer to verify that a discovery exists. Explain to the applicant that a profitable mining operation has always been considered as the best evidence of the discovery of a valuable mineral deposit. The chapter entitled "Discovery Under the Mining Law of 1872," in Terry Maley's book, Mining Law from Location to Patent, contains information on discovery.

So that the applicant is aware of the serious nature of the mineral examination, other points to discuss include exploration versus development, loss of discovery, the effects of any withdrawals subsequent to claim location, and discovery on each claim. After discussing these points with the applicant, the applicant will probably know if a discovery exists. This information is covered in Maley's chapter on discovery.

e. Mineral Examination. The claim will be examined by a geologist or mining engineer to verify the discovery after the first half of the mineral entry final certificate has issued. Explain that the mineral examiner will schedule an examination time and that the applicant will be invited to join the examiner or send a representative. Mineral examinations are covered in Manual Section 3891 and Handbook 3890-1.

Encourage the applicant to talk to the examiner before applying for mineral survey or patent. The applicant is about to embark upon a lengthy and expensive enterprise, so he should assess his chances for success before spending time and money. Advise the applicant to visit the mineral examiner in the office of the surface management agency, such as the BLM District Office or Forest Service national forest, to discuss what the examination may show.

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For example, the area may not be mineralized. The mineral examiner may know the personal history of the claim and believe the claim cannot survive a critical examination. After a discussion with the mineral examiner, the applicant should have enough information to decide whether to apply for a mineral survey and patent.

f. Timeframes. Be realistic in explaining timeframes to the prospective applicant. BLM policy is to process a patent application from start to complaint or patent issuance in 2 years. Other agencies may not follow this timeframe. Let the applicant know he can speed the patent process by filing a complete application and by answering all requests for additional information promptly. As a rule, the amount of time needed for processing the various steps of the application is:

-Application adjudication	3 months
-Additional requirements	2 months
-Newspaper publication	3 months
-Affidavit, statement of charges and fees, purchase price	1 month
-Final certificate, first half	1 month
-Mineral exam and report	12 months
-Patent issuance	2 months

g. BLM/NPS Interagency Agreement. If the mining claims are located on lands where the National Park Service (NPS) is the surface management agency, let the applicant know that BLM will, with NPS participation, conduct the validity examination of the mining claims and BLM will prepare the mineral report. (See Appendix 1 for a copy of the BLM/NPS Interagency Agreement.)

h. BLM/FS Memorandum of Understanding. If the mining claims are located on lands where the Forest Service (FS) is the surface management agency, the FS conducts the validity examination of the mining claim and prepares the mineral report. The BLM reviews and approves the FS mineral report prior to its official acceptance by the BLM. (See Manual Section 3060.3.) (See Appendix 2 for a copy of the BLM/FS Memorandum of Understanding.)

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C. Preapplication Requirements

1. Mineral Survey. If a mineral survey is required, the survey must be completed and approved before the applicant applies for patent.

2. Notice of Intention to Apply for Patent. The Notice of Intention to Apply for Patent has to be posted on the claim before the applicant applies for patent. If a group of contiguous claims is involved, the notice is posted on one claim only. If a group of contiguous claims and a group of contiguous mill sites are involved, but the two groups are not contiguous, a notice of intention is posted on each group of claims. This is the only time dual posting is required.

The notice contains the following information:

- Date of posting
- Applicant name
- Claim name
- BLM serial number
- Mineral survey number or legal description
- Mining district
- County
- Names of adjoining and conflicting claims

If a mineral survey was done, a copy of the survey plat also has to be posted on the claim. Two people have to witness that the survey plat and notice of intention are posted on the claim. The credible witnesses must sign a statement that the plat and notice are posted upon the claim in a conspicuous place. The statement must give the date and place of the posting. Two copies of the survey plat, field notes, witness statements, and notice of intention to apply for patent must be submitted as part of the mineral patent application. If the application is for a placer claim or mill site located by legal subdivision on surveyed lands, a mineral survey and plat are not required. However, a complete legal description must be given in the notice.

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The notice of intention to apply for patent must be posted before the applicant files the patent application with BLM. The notice must be free of errors. For example, claim names used must be those shown on the location notice or last amended location notice, if applicable. If a claim name on the location notice is Smith #1, the claim name in the notice of intention to apply for patent must also be Smith #1, and not Smith 1 or Smith No. 1.

The legal description must be accurate. If the posted notice of intention to apply for patent does contain an error, the notice has to be amended and posted in the same manner as the original notice. The applicant has to amend his application by filing a letter with BLM explaining that the amended notice of intention was posted on the claim on a certain date. The date the amendment is filed with BLM becomes the patent application date. It is important to understand this is the application date because it affects the date used in newspaper publication and the stipulation of known lodes in the issuance of placer patents.

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CHAPTER III - APPLICATION PROCESS - PREPUBLICATION

A. Receiving.

1. Where Filed. Two copies of the mineral patent application including lode, placer, mill site, lode-mill site combinations, or placer-mill site combinations shall be filed with the proper BLM office having jurisdiction over processing the application. These offices are the respective State Offices having adjudicative responsibility over the mineral estate, whether or not the surface is federally owned. (See 43 CFR 1821.2-1.)

2. Cashier/Filing. The application will be received by the cashier only if the application is accompanied by the proper nonrefundable service charge of \$250 plus \$50 for each additional mining claim under application. An association placer is considered as one claim. The purchase price must not be accepted if it is included with the application. If the purchase price is submitted with the application, the cashier must notify the mineral adjudicator prior to disposition of the funds. (See Part B.3 of this chapter.)

The cashier will stamp the date and time received on the application, assign a serial number to the case, and prepare the accounting advice.

Any documents submitted with the application that are marked proprietary or confidential should be removed from the file and hand carried to the mineral adjudicator. (See Part C.7 of this chapter.)

3. ALMRS/Case Recordation Entry. The ALMRS data must be entered showing correct legal description or mineral survey and cross-referenced with the proper mining claim recordation files. Care should be given to see that the proper surface management agency is noted. (See Illustration 2 for a sample serial register page.) All processing actions must be entered into ALMRS. Care must be taken to ensure that appropriate data entries are made throughout the patenting process. In addition, the mining claim recordation data base must be updated to show the date of application and any actions affecting issuance of the mineral entry final certificate, patent, or contest complaint.

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4. Docket. The case file is prepared and the application is entered into the case tracking system.

5. Title Plat Notation. The office responsible for master title plat notation must note the application on all status plats. The adjudicator must check the status plats to ensure that the application is properly noted.

6. Mineral Adjudicator. The mineral adjudicator performs a complete review to ensure each application contains the required documents, affidavits, and statements, in accordance with Parts II through VI of this chapter. Form 3860-1, Minerals Worksheet and Schedule of Exclusions, must be kept current and be filed as the top document in the case file at all times. In addition, the adjudicator may wish to use the Mineral Patent Application Checklist. (See Appendix 3 for the checklist.) This checklist is a working tool and does not become a part of the official file.

B. Initial Review.

1. Mining Claim Recordation. The mining claim recordation files for the claims under patent application should be thoroughly reviewed in order to verify that (1) recording requirements of Section 314 of the Federal Land Policy and Management Act of October 21, 1976, (FLPMA) (43 U.S.C. 1744) have been met; (2) the correct legal description and name of the claim has been used in the application; and (3) no discrepancies exist between the title evidence submitted with the application and the record title evidence filed pursuant to the recordation requirements of Section 314 of FLPMA. (See Manual Section 3833.)

2. Public Laws and Dates Affecting the Validity of Mining Claim Locations. A review of the application relative to the classification of mining claims under P.L. 83-585 should be completed in order to determine whether or not the mining claim locations are valid. The following table, taken from Handbook 3890-1 - Mineral Examiners Handbook, provides a summary for this review:

Mining claims or mill sites located on	Valid.
or before August 13, 1954, on vacant	
lands later covered by mineral leases	
or permits.	

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Mining claims or mill sites located on or before July 31, 1939, on lands covered by mineral leases or permits or applications for same, or known to be valuable for leasable minerals.	Invalid.
Mining claims or mill sites located between August 1, 1939, and February 10, 1954, on land covered by mineral leases or permits or applications for same, or known to be valuable for leasable minerals.	Valid only if compliance with the provisions of PL 83-250 and/or PL 83-585.
Mining claims or mill sites located between February 10, 1954, and August 13, 1954, on land covered by mineral leases or permits or applications for same, or known to be valuable for leasable minerals.	Invalid.
Mining claims or mill sites located after August 13, 1954, on lands covered by mineral leases or permits or applications for same, or known to be valuable for leasable minerals.	No conflict because of separation of rights to locatable and leasable minerals.

3. Payment of Nonrefundable Service Charge. Each mineral patent application shall be accompanied by a nonrefundable service charge of \$250 per application and the initial mining claim or site, plus \$50 for each additional mining claim or site contained within the application.

A patent application with insufficient service charges is not fully filed. Notify the applicant of the additional service charges required. The application will be considered filed as of the date additional service charges are received.

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The purchase price must not be accepted if it is submitted with the application. (See Scott Burnham, 100 IBLA 94 (1987), Norman Whittaker on Reconsideration, 102 IBLA 162 (1988) and U. A. Small, 108 IBLA 102 (1989).) (Also refer to Chapter 6 of this handbook covering the mineral entry final certificate for further discussion and the legal effect of acceptance of the purchase price.) Under the public land laws and the mining law, the purchase price for the land contained within the application can only be accepted when publication has been completed, any adverse claims have been properly settled, and final proofs have been filed. (See U. A. Small, 108 IBLA 102, 107 (1989) and 43 CFR 3862.4-6.) The authorized officer shall, upon receipt of the proof of publication, and all else being regular, call for the statement of charges and fees, proof of posting, and the purchase money. Equitable title will vest to the mineral patent applicant on the day that the purchase price is accepted by the Bureau. (See U. A. Small, supra; United States v. Norman Whittaker (On Reconsideration), supra; and American Law of Mining, Sec. 51.10(2), 2nd Ed (1988).)

4. Land Status. Check status plats and historical indices to ensure that the mining claim was located on lands that were open to mineral entry on the date of the location.

5. Supporting Papers for Patent Applications. After the notice of intention to apply for a mineral patent has been posted on the claim, the patent application (no particular form established) will be filed in duplicate in the proper BLM office. The application must be supported by the items listed below. Processing the application is discussed in Parts III through VI of this chapter.

a. Narrative Statement. This should include the information required in 43 CFR 3862.1-1. The application must be signed in the land district where the mining claims are located.

b. Mineral Survey. Two copies of the survey plat and field notes must be filed with the application.

c. Notice of Intention to Apply for Patent. Proof that notice of intention to apply for patent was posted on the claim.

d. Service Charge. Payment of nonrefundable service charge.

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- e. Atomic Bomb Project. Statement by applicant regarding the atomic bomb project.
- f. Citizenship. Proof of citizenship.
- g. Mineral Deposit Information. Showing as to mineral deposit. (See Part E of this chapter.)
- h. Proof of Title. Proof of title (abstract or certificate of title) with certified copies of the original and all amendments to the location notice of each claim. (See Part D of this chapter, 43 CFR 1863.5, and 43 CFR 3862.1-3.)
- i. Publisher's Agreement. Agreement of publisher to hold applicant responsible for the cost of publishing the legal notice.
- j. Statements for Placer Patent Applications. Additional statements are required for placer patent applications. (See Part F.2 of this chapter.)
- k. Statements for Mill Site Patent Applications. Additional statements are required for mill site patent applications. (See Part F.3 of this chapter.)
- l. Conflicting Lands. Statement by applicant describing conflicting lands that are to be excluded from the patent application.

C. Processing Application and Supporting Documents.

Upon completion of the initial review of the application, the mineral adjudicator will process the application in accordance with the following information:

1. Execution in Land District. Applications for mineral patent must be executed in the land district where the claim is located. If the applicant is a nonresident, the applicant's duly authorized agent may execute the application. Proof of the appointment of a duly authorized agent must be by power of attorney. (See Floyd R. Bleak, 26 IBLA 378 (1976).)

The application must be filed in the proper BLM office within 10 days after it is signed by the applicant. If the application is executed more than 10 days prior to filing, the application must be rejected, since compliance with the time limit is impossible. (See 43 CFR 1821.2-2 and G. Donald Massey, 114 IBLA 209 (1990).)

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If a mining claim for which patent is applied lies within the lands that are under the jurisdiction of two separate land offices, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices. The statements as to posting the plat and notice on the claim are to be signed within the respective land districts, as well as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is located. (See 43 CFR 3862.1-1(c).)

2. Mineral Survey. A mining claimant who wishes to patent a lode claim must have the claim surveyed under authority of the cadastral survey office before a mineral patent application can be filed. (See 43 CFR 3861.) In addition, a placer claim or mill site located on unsurveyed land or located by metes and bounds legal description (e.g., gulch placer) must have a mineral survey completed before a mineral patent application can be filed.

An application form for survey may be obtained from the BLM cadastral survey office. The applicant, by private contract, chooses his own mineral surveyor from a list of United States mineral surveyors. It is a private arrangement between the claim owner and the mineral surveyor. The mineral survey must be approved by the Chief of Cadastral Survey of the appropriate State Office.

The adjudicator is responsible for the final review of the survey plat and notes prior to patent issuance in order to assure proper patent issuance. For further guidance and information, refer to Chapter X, "Mineral Surveys," in the Manual of Surveying Instructions 1973, U.S. Department of the Interior, Bureau of Land Management.

The adjudicator should review the mineral survey plat for any obvious errors in the plat and field notes, which may have been overlooked in the cadastral review process, such as claim name, numbers, missing information, and errors in bearings and distances.

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Two copies of the field notes and survey plat must be submitted with the patent application. If a mineral survey has been made, the plat must be posted with the notice of application on the claim. One copy of the field notes and plat will be returned with, and be part of, the patent, if issued. (See 43 CFR 3861.1).

3. Proof of Posting on the Claim. Prior to filing the mineral patent application, the applicant is required to post notice of intention to apply for patent, together with a copy of the plat of survey, in a conspicuous place upon the claim. The notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat of survey.

After posting the plat and notice, the claimant submits the application, along with two copies of the plat and field notes; two copies of the statement of two credible witnesses that the plat and notice are posted conspicuously upon the claim, giving the date and place of posting; and two copies of the notice so posted. (See 43 CFR 3861.7.)

4. Conflicting Claims/Exclusions. The applicant is required to file a statement of exclusions involving conflicts with unpatented mining claims and mineral surveys as shown on the plat of survey. The exclusions must be expressly stated by claim name and survey number. If the conflict is between claims included in the application, the applicant must state from which claim the conflict is to be excluded. If a conflict includes a claim owned by someone other than the applicant, it is the option of the applicant to include or exclude the conflicting portions in the application. If a conflict does not exist, it must be so stated in the patent application.

5. Atomic Bomb Project. Every application for patent, based on a mining claim located after August 1, 1946, shall include a statement as to whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project. (See 43 CFR 3862.1-1(b).)

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6. Proof of Citizenship.

a. Corporations. All corporations organized under the laws of the United States, or any State therein, are considered "citizens" under the mining laws. Therefore, a corporation must be incorporated under the laws of the United States or of any single State in order to be considered a citizen for patent application purposes. A certified copy of the charter or certificate of incorporation must be submitted with the application.

The applicant must provide certification by the appropriate State entity that the corporation is in good standing and authorized to conduct business in the State where the claims are located. A president or vice-president of a corporation may execute an application for patent provided corporate documents grant such authority for signature.

b. Agents. Written authorization from the corporation or association is required before an agent can act on their behalf.

c. Associations/Partnerships. Incorporated associations or partnerships require the same documents as corporations. Unincorporated associations or partnerships require evidence of citizenship of each member of the association or partnership.

d. Individuals. Native born citizens must file a statement giving date and place of birth and present residence. Aliens who have declared their intent to become U.S. citizens must file a statement giving date, place, location of the Court of Declaration, and present residence. Naturalized citizens must submit copies of their naturalization papers and certificates.

e. Trustees. All trustees must fully disclose the nature of the trust and the name of the cestui que trust. The trustee must furnish proof of citizenship for himself/herself and for each of the beneficiaries. The final certificate must contain the names of the trustee and all beneficiaries.

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7. Proprietary or Confidential Information. All properly marked proprietary or confidential information should be combined for removal from the case file. (See Manual Section 1273.) Where this kind of information is included with the application, the cashier should consult with the patent adjudicator for the transmittal of such data to its proper place of storage. Generally this will be with the Deputy State Director for Mineral Resources. CONFIDENTIAL INFORMATION CANNOT BE RELEASED WITHOUT THE WRITTEN CONSENT OF THE OWNER OF SUCH INFORMATION. Government employees and officers who release confidential information without the written permission of the owner are in violation of 18 U.S.C. 1905, which requires that all such violators be removed from office or their job, and, if prosecuted and convicted, be fined up to \$1,000 or jailed for up to one year, or both.

A memorandum of understanding with other surface management agencies may allow other agencies (the cooperating agency) certain responsibilities. The other agency is essentially under contract to BLM. For the purposes of 18 U.S.C. 1905, the agency is a secondary office of control for the Department of the Interior in handling proprietary and confidential information submitted by a mining claimant whose mining claim is being examined. The agency cannot release such proprietary or confidential material except in accordance with BLM Manual 1273.

8. Agreement of Publisher. The applicant must furnish an agreement of the publisher to hold the applicant for patent solely responsible for charges of publication. If no reason appears for rejection of the patent application, notice of application will be published at the expense of the claimant. (For publication procedures, see Chapter 4 of this handbook.)

D. Evidence of Title. (See 43 CFR 3862.1-3, 43 CFR 1863.5, and 30 U.S.C. 29.)

1. Types of Title.

a. Possessory. Possessory title is the lowest form of title, arising from the mere occupation of a property in the expectation of acquiring a further, more secure legal hold to the land. The absolute title is held by another. The owner of an unpatented mining claim, prior to discovery, has only a possessory title to the land contained within the mining claim.

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b. Equitable. A property interest of a person whom equity regards as the real owner, although the legal title is held by another. The owner of an unpatented mining claim with a discovery has an equitable title to the land within the mining claim which the courts would recognize as a vested property right.

c. Fee or Absolute. A patent conveys the fee or absolute title of the United States to another. It converts the equitable title to a fee title with respect to a mineral patent.

2. Chain-of-Title.

a. Complete Record of Ownership. The chain-of-title is the complete record of ownership of the mining claim from its date of location to the date of adjudication. It consists of the location certificate, amended location certificates, quitclaim deeds, transfer documents, liens, wills, proofs of labor, and any other document affecting title. It must account for all co-owners who have entered or left the title chain. The title records and abstract must be in conformance with the State's statute of frauds. All breaks in the title chain must be accounted for, either by court decrees quieting title or by invoking adverse possession under 30 U.S.C. 38. Failure to repair breaks in the chain-of-title may result in patent application rejection or, if appropriate, advancing the date of location and priority forward to the end of the most recent break in title chain.

(1) A citizen may acquire any one of three possible estates (title interest) in mineral lands upon the public domain as follows:

(a) A location of a mining claim, giving a possessory title only.

(b) After making a location, the locator may comply with the requirements of the law and pay the required purchase price, thus acquiring the equitable title.

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(c) The locator may then proceed and obtain a patent, thereby acquiring the legal title (fee or absolute). (See U.S. v. Rizzinelli, D.C. Idaho 1910, 182 F. 675, 681; Benson Min. Co. v. Alta Min. Co., Ariz. 1892, 12 S.Ct 877, 145 U.S. 428, 430, 36, L.Ed. 762; Dahl v. Raunheim, Mont. 1889, 10 S.Ct. 74, 132 U.S. 260, 261, 33 L.Ed. 324; Iba v. Central Assn, 1895, 40 P. 527, 5 Wyo. 355, 366; O'Connel v. Pinnacle Gold Mines Co., C.C. Wash. 1904, 131 F. 106, 110, affirmed, 140 F. 854, 4 L.R.A., N.S., 919; Fulkerson v. Chisna Min. Co., Alaska 1903, 122 F. 782, 786, 58 C.C.A 582; Poncia v. Eagle, 1915 152 P. 208, 28 Idaho 60.)

(2) The only distinction between a patentee to a mining claim and a mineral claimant to a valid mining claim is in the ownership of the fee interest.

(3) The regulations at 43 CFR 3862.1-3 require that the patent applicant support his or her right to title by submitting acceptable evidence which indicates full possessory title is vested with the applicant.

(a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of location and transfers of mining claims or by an abstractor of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by State law to execute such a certificate. The person, association, or corporation must be acceptable to the BLM.

(b) A certificate of title must conform substantially to a form approved by the Director. BLM Form 3860-2 is such a form. (See Illustration 3.)

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations. These documents must be certified by the legal custodian of the record of mining locations, i.e., county clerk or district recorder (for Alaska).

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(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent is received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the filing of the application and shows full title in the applicant. As soon as practicable thereafter, the applicant must file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application.

(f) The title evidence must be prepared by a qualified individual, association, or corporation. Individual abstractors must be attorneys-at-law or professional or official abstractors qualified and authorized by State law to prepare and certify abstracts. They cannot have an interest in the land to be acquired, and they cannot be related to the applicants. The requirements by each State may differ somewhat, and therefore, patent adjudicators need to be familiar with the legal requirements applicable in their States.

(g) Patent applicants may not prepare their own title evidence. Although the applicant may be qualified to prepare such evidence, a conflict of interest exists since the applicant is a party to the entry.

(h) Title companies must be qualified and authorized by State law to furnish abstracts or certificates of title in the State where the land lies, and have their home offices or a well established branch office located in the State where the land lies. The title company must affix its seal on the Certificate of Title form.

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3. Submittal of Title Evidence by Applicant. The evidence of title, whether in the form of an abstract or a certificate of title (BLM Form 3860-2), must be dated to include the day of the filing of the application. Failure to include title evidence with the patent application is a curable defect. An application for patent without the certificate of title or abstract may be accepted as long as the application contains a statement that the evidence of title is forthcoming. The requirements of 43 CFR 3862.1-3(e) are also met if the evidence of title is received within a reasonable period after the date of filing. If deficiencies exist in the evidence of title, such additional evidence as required may be submitted at a later date.

4. Form and Contents of Abstracts. Abstracts are generally prepared by an incorporated title company or by a professional or official abstractor. Abstracts may be prepared by an attorney who also obtains curative data and frequently supplements the abstract with a history of the title and an opinion as to its sufficiency. The following requirements are, therefore, subject to modification to adapt them to the type of abstract commonly in use in the locality where the land is situated.

a. Form and Arrangement. The abstract should be printed or typewritten (or consist of photostatic copies of original documents). The description of the land covered by the abstract should appear on a caption page. Where the descriptions in abstracted items are the same as those contained in the captions, or in proceeding instruments, the descriptions should not be copied again, but the abstractor should indicate that the same lands are involved. The various entries should be numbered and appear in the chronological sequence of recording. Affidavits and other papers submitted by the abstractor with the abstract should be numbered or lettered and referred to by such number or letter in the item of the abstract to which they relate.

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b. Contents, In General. The abstract should contain a sufficient summary of the material portions of every recorded instrument affecting the title to the land described in the caption, to enable the examiner to determine the nature and effect on such instruments. No attempt is made to specify all items which must be shown in the abstract, but the following, which are sometimes omitted, must be shown exactly as they appear in the records: marital status of all grantors and grantees; the consideration and receipt thereof; the dates of execution, acknowledgment, and recordation of each instrument; the due date of any unsatisfied mortgages or deeds of trust, and the amount of the indebtedness secured thereby; and any reservations, limitations, or conditions. Abstracts which contain illegible photostats of instruments are not acceptable.

5. Evidence Relating to Destroyed or Lost Records. (See 43 CFR 3862.1-4.) In the event that the mining records have been destroyed by fire or otherwise lost, a statement of that fact should be made. Secondary evidence of possessory title must be filed with BLM. Such evidence may consist of a statement of the claimant relative to the location, occupancy, possession, and improvements. The claimant's statement must be supported by the statement of other parties cognizant of the facts. In the case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession which tend to establish the claim should be filed. Where an abstract is used as title evidence, the abstract should begin with the first available record and be supplemented by the following:

a. Certificate of Abstractor. A certificate of the abstractor as to the fact of lost or destroyed records, and that no reservations, limitations, encumbrances, or defects in the title are known to the abstractor.

b. Proof of Compliance. Proof of compliance with requirements of statutory proceedings, if any, to establish titles affected by the loss or destruction of the records.

c. Secondary Documentary Evidence. Secondary documentary evidence, complying with statutory requirements, which, if offered in a judicial proceeding, would be admissible as evidence of title. Evidence of title by adverse possession is also acceptable.

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6. Mining Claim Recordation. The mining claim recordation files for the claims under patent application should be thoroughly reviewed in order to verify that no discrepancies exist between the title evidence submitted with the application and the record title evidence filed pursuant to the recordation requirements of Section 314 of FLPMA. The mining claim recordation files may or may not reflect up-to-date title evidence. The minimum filing requirements of the Act must be met. (See Manual Section 3833.)

7. Title Opinion. The opinion as to the sufficiency of the title evidence submitted with the patent application is normally done by the adjudicator. Where the acceptability of the title evidence cannot be resolved by the adjudicator, then a title opinion should be requested from the Solicitor.

8. Adverse Possession. Under the provisions of 30 U.S.C. 38, the holding and working of a claim for the period of time equal to the relevant State statute of limitations is the legal equivalent of proofs of acts of locating, recording and transfer. This provision does not alter other requirements of the mining laws, such as the necessity of a discovery or limitations on acreage. (See Vivian L. Ames et al., 99 IBLA 99 (1987).) "Holding and working" a claim requires more than just the mere performance of assessment work, and is only established where claimants have maintained actual, open, and exclusive possession of the claim for the term of the local statute of limitations for adverse possession of real estate. Evidence of exploitation of the mineral deposit by parties other than the claimants without permission from or compensation to the claimants will preclude such a finding. (See United States v. Leroy S. Johnson et al., 100 IBLA 322 (1987).) The requirements needed to establish adverse possession are:

- a. Title. Origin of title.
- b. Possession. Continued possession of the claim.
- c. Area. Area of possession.
- d. Nature of Mining. Nature and extent of mining.
- e. Opposition. Any opposition to the possession by other parties.

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f. Litigation. Any litigation concerning the claim, its outcome, and the statement of the court as to its decision.

g. Other Facts. Any other facts having a direct bearing upon the claimant's possession of the claim. (See 43 CFR 3862.3-1.)

h. Assessment Work. Assessment work must have been performed upon the claim as required by law.

9. Statute of Frauds. The legal notion of the "Statute of Frauds," whose root is from early English law (29 CarII c.3, 1677), was adopted in similar form by most of the United States. The Statute of Frauds is the applicable State recording statute which basically requires or provides that for a document to be legal it must be recorded. The statute provides that a lawsuit or action in a contractual matter, including, but not limited to mining claims, must have a basis in a written agreement or contract signed by the party (or his or her agent) who is subject to the contract. In this context, the mining location notice or conveyance documents associated therewith are the affected contract. Specifically applied, locators must provide sufficient title evidence showing through a chain-of-title that their interest in a claim is based upon legally acceptable written evidence. The significant case to support this notion is Hugh B. Fate, Jr., 86 IBLA 215 (1985). This decision supports the right of the United States to invoke the "Statute of Frauds" in order to clear title to the public lands.

10. Publishing Out Co-Owners. A legal remedy exists for a patent applicant who has a title problem resulting from an instance where a co-owner fails to contribute his portion of the annual assessment work. (See 43 CFR 3851.4.)

The purpose of the procedure is "to provide a speedy, convenient, and effective method of taking from one co-tenant his interest in the property and giving it to another without the intervention of courts or juries." This statutory procedure is the exclusive method by which one co-owner may divest a delinquent co-owner of his interest in a claim. (See 2 AMERICAN LAW OF MINING, Sec. 46.04, 2nd Ed (1988).)

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The regulatory instructions at 43 CFR 3851.4 provide that, upon the failure of any one of several co-owners to contribute his or her proportion of the required expenditures, the co-owners who have performed the labor or made the improvements as required may, at the expiration of the year, give the delinquent co-owner personal notice in writing. Notice by publication in the newspaper published nearest the claim for at least once a week for 90 days may also be given. Upon the expiration of 90 days after such notice in writing, or upon the expiration of 180 days after the first newspaper publication of notice, and the delinquent co-owner has failed to contribute his or her proportion to meet such expenditures or improvements as aforesaid, his or her interest in the claim by law passes to the co-owners who have made the expenditures. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the statement of the publisher as to the facts of publication, giving dates, and a printed copy of the notice published should be furnished to BLM. The claimant must also state that the delinquent co-owner failed to contribute the proper proportion within the period fixed by the statute.

E. Showing as to Mineral Deposit. The patent application should be supported by a narrative statement that corroborates the applicant's basis for patent issuance. Certain geologic information including an adequate economic evaluation must be incorporated into the patent application in order for the agency mineral examiner to understand how the claims will be developed in a manner to support the concept that a discovery has been made and that patent should issue.

1. Required Geologic Information. The application for patent to lode and placer claims must fully describe the reasons why the deposit claimed is believed to be a valuable mineral deposit. This should include sufficient details for the mineral examiner to determine that the applicant has a reasonable prospect of success in developing the mineral deposit claimed. It is important that the adjudicator confer with the mineral examiner as to the adequacy of the geologic and economic data. A field examination is then conducted to confirm the facts contained in the application. Ideally, each application should contain the following information:

a. General Geology. Complete description of general geology.

b. Economic Geology. Complete description of economic geology and mineralization.

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c. Description of Mineral Deposit. Complete description of mineral deposit as to quantity and quality (ore reserves by grade).

d. Discovery Points. Complete description of all discovery points.

e. Maps. Maps and results of drilling, sampling, and analysis of samples (if other than routine methods of analysis).

f. Workings. Complete description of all workings and improvements on the claim.

g. Mining Method. Description of mining or extraction method.

h. Beneficiation. Description of beneficiation or metallurgical or other processing of the raw material.

i. Transportation Method. Description of transportation method from mine to mill or processing plant, and, if appropriate, to market.

j. Economic Analysis. Economic analysis, including actual or estimated mining, processing and other costs, value or price of product, and estimated profitability, including estimated costs of reclamation as may be required under law or regulation.

k. Industrial Minerals. In addition, application for widespread construction-type or industrial minerals such as limestone, gypsum, or bentonite, when locatable, must contain information to satisfy the marketability rule. This includes such data as (1) why the deposit in question should be considered a locatable mineral; (2) a complete description of the market for the mineral from the deposit, including market specifications, market demand and future trends, and market prices; and (3) an economic analysis showing the actual or estimated profitability of the sale of the mineral from the deposit in the marketplace.

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2. Discovery and Marketability. See Manual Section 3891 covering validity determinations and Handbook 3890-1 - Handbook For Mineral Examiners for additional information on discovery and marketability concepts, and other geological information necessary to support the validity of the claims. Portions of Manual Section 3891 covering "metallic minerals" and "present value" are included herein.

a. Metallic Minerals. Where the dominant value is a metallic mineral, or a mineral commodity that is deemed to be intrinsically valuable, there is little room for doubt that it can be marketed. "Intrinsically valuable" means that the mineral may be sold in worldwide markets at prices that can be confirmed by the mineral examiner. By its very nature, an intrinsically valuable mineral (i.e., gold, silver, lead, zinc, beryllium) is deemed marketable. Therefore, merely showing the nature of the mineral usually meets the test of marketability.

b. Present Value. The existence of a valuable mineral deposit within the mining claim must be established in light of current market conditions and price trends. If, at the time of validity determination, the deposit has been depleted or a major change in economic conditions (such as canceling of commodity price supports or government buying programs) has occurred, the fact that the mining claim may, at one time, have been profitably worked is of no avail. (See Adams v. United States, 318 F.2d 861 (1963) and United States v. Denison et al., 71 I.D. 144 (1964).)

F. Special Requirements.

1. Lode Claims. An applicant for patent to a lode claim is required to furnish a full description of the vein or lode. The applicant must also state whether ore has been extracted, and, if so, the amount and the value. The applicant must describe where, within the limits of the claim, the vein or lode is exposed. In addition to the improvements mentioned in the field notes, the applicant must describe in detail shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, course, and distance to the nearest survey corner. The statement of the description and value of improvements must be supported by a statement of one or more credible, disinterested witnesses.

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2. Placer Claims.a. Statement of Description and Value of Improvements.

An applicant for patent to a placer claim must show that the land applied for is placer ground containing valuable deposits not in vein or lode formation, and that title is sought not to control water courses or to obtain valuable timber, but because of the mineral therein. This statement, of course, must relate to the character of the deposit and the natural features of the ground. If the claim is for a deposit of placer gold, the yield per pan or cubic yard as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which the applicant bases his allegation that the claim is valuable for its deposits of placer gold, must be stated. If it involves a deposit other than gold, the applicant must describe fully the amount, nature and extent of the deposit, and state the reason why the applicant regards it as a valuable mineral deposit. A lode discovery will not sustain a placer location, nor will a placer discovery sustain a lode location. (See Cole v. Ralph, 252 U.S. 286 (1920).)

b. Ten-Acre Rule. In addition to having a discovery on each mining claim, each 10-acre legal subdivision of a placer mining claim must be mineral in character in order to proceed to patent. (See United States v. Bunkowski, 5 IBLA 102, 79 I.D. 43 (1972), McCall v. Andrus, 628 F.2d 1185 (1980).)

c. Natural Features. The applicant is required to describe fully the natural features of the claim. Streams must be fully described as to course and amount of water carried. A statement must be made as to the kind and amount of timber and other vegetation thereon and adaptability to mining or other uses. If the placer claim is all placer ground, that fact must be stated in the application and supported by accompanying proofs.

d. Known Lodes. A description of all known lodes (veins) situated within the boundaries of the claim must be given. A specific declaration must be furnished for each lode intended to be claimed. In all cases, whether the lode is claimed or excluded, it must be surveyed and marked upon the plat and described in the field notes. In addition, the area of the lode veins and the area of the placer ground must be given separately. All other lodes known to exist on the date the patent application is filed are, by the silence of the applicant, excluded by law from all claim of whatever nature, possessory or otherwise, by the applicant.

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e. Description of Improvements When a Mineral Survey Is Not Required. When mining claims are described by legal subdivision on surveyed lands, a mineral survey is not required. Therefore, the claimant should describe in detail the shafts, cuts, tunnels, and other workings claimed as improvements, giving the dimensions, value, and the course and distance thereof to the nearest corner of the public surveys, in addition to the data required above.

f. Disinterested Witnesses. This statement of description and value of improvements must be supported by statements of two disinterested witnesses.

g. Lands Covered by a Placer Claim Must Be Contiguous. It is well established that lands covered by a single placer claim must be contiguous. Two separate tracts that corner are not contiguous and cannot be included in a single location. (See W. G. Singleton, 75 IBLA 168 (1983).)

If a mining claimant has a location consisting of two separate tracts which corner, he can select one of the two tracts to maintain under the original location. The other tract may be covered by a new location providing the land is open to mineral entry.

h. Oversized Placers. As a general rule, an oversized placer mining claim is not completely void. Only the excess portion is void. The owner of the oversize claim is given a reasonable period of time to select that portion of the claim he or she wishes to retain. Any person who makes a location over any part of the oversized claim is a trespasser and his or her location is void.

i. Association Placers and Dummy Locators. The mining law and regulations at 43 CFR 3842.1 provide that placer claims located after May 10, 1872, shall not include more than 20 acres for each individual claimant and may not exceed 160 acres for an association of up to 8 individuals.

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An association of locators may locate a claim with the understanding that a corporation will be organized by them for the purpose of developing the claim, if the locators retain, through the corporation, their respective interests in the claim. However, if persons merely lend their names to a corporation in order to enable it to acquire more ground than is allowed, the locations are invalid. (See Alumina Development Corporation of Utah, 77 IBLA 366 (1983).) An association placer located by several stockholders for a corporation who locate the claim as dummy locators is void to the extent of the interests located in their names.

A corporation is considered to be an individual claimant, and therefore, may not locate placer claims of more than 20 acres each. (See Big Horn Limestone Co., 46 IBLA 98 (1980).)

j. Discovery Required Before Transfer of Association Placer Claim. It is permissible for an individual to acquire an association placer claim over 20 acres in size. However, it is essential that a sufficient number of individuals made the original location, and that a discovery was made within the limits of the claim prior to the date of transfer. In United States v. Harenburg, 9 IBLA 86 (1973), the Board said, "If a discovery had been effected prior to the conveyance, the entire 160-acre claim would have been valid and would have passed to the contestees. However, if no discovery then existed, the two Harenburgs could hold only a minimum of 40 acres in one association placer claim. A transferee of an association placer who makes a discovery after the transfer has a right to patent only 20 acres."

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3. Mill Sites.

a. General. While the United States has the authority to restrict a claimant to the land actually used for mining and milling purposes, the examination as to actual use should generally be limited to each 2-1/2-acre aliquot part of the location (United States v. Elmer H. Swanson, Livingston Silver, Inc., 93 IBLA 1 (1986).) The 2-1/2-acre rule shall be invoked only when mill sites are located on public lands which have since been closed to the operation of the mining laws. In all cases, if the use of the 2-1/2-acre rule would result in isolated or noncontiguous parcels of public land, the rule shall not be applied. If the long-term planning for an operation shows that a presently unoccupied 2-1/2-acre subdivision of a mill site will be used for purposes reasonably incident to mining or processing operations, it shall not be invoked, even if the subdivision is contiguous to public land.

b. Mineral Survey. Mill sites described by legal subdivision on surveyed lands do not require a mineral survey. If the mill sites are on unsurveyed land or are described by metes and bounds, a mineral survey is required.

c. Procedure for Securing a Patent. The procedure for securing a patent for a mill site is the same as that for obtaining a patent to a lode or placer mining claim. When included in an application for a lode claim, a copy of the application, together with a copy of the plat, must be posted on the mill site as well as on the lode claim. Where an application is filed for an independent mill site, a copy of the notice of intention to apply for patent and a copy of the mineral survey plat, if appropriate, must be posted on the site. A notice of intention to apply for a patent must be posted on a mill site located in connection with a placer claim.

d. Proof of Nonmineral Character. All applications for patent to mill sites must be accompanied with proof of the nonmineral character of the land. Use or occupancy of the land for mill site purposes must be shown. These proofs must be supported by statements of two or more persons. In the case of an independent mill site, proof of the improvements and use thereof must be shown.

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e. Dependent Mill Site. Lands entered as mill sites, not exceeding 5 acres of nonmineral land per mill site, may be included in a patent application for a lode or placer mining claim and may be patented therewith. This is known as a dependent mill site. The mill site may also be patented in separate proceedings. The mill site law is contained in 30 U.S.C. 42. This law permits the location of mill sites in conjunction with placer mining claims. No mill site in connection with a placer claim could be located prior to the date of that act, March 18, 1960.

In connection with lode claims, the mill site must be noncontiguous to the vein or lode. However, it has been held that a mill site in conjunction with a lode claim may contact a side or end line, provided the claimant demonstrates that the lode or vein does not extend into any part of the ground covered by the mill site. (See Coeur d'Alene Crescent Mining Company, 53 I.D. 531 (1931); and Montana-Illinois Copper Mining Company, 42 L.D. 434 (1913).) The mill site must be used or occupied for mining or milling purposes in conjunction with a valid mining claim. (See United States v. Skidmore, 10 IBLA 322 (1973).)

f. Independent or Custom Mill Site. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may locate and receive a patent for a mill site. This is known as a custom mill, and it must be operable and used for mining and milling purposes. (See United States v. Leland J. Cuneo et al., 15 IBLA 304, (1974).) Reduction, as used in this paragraph, means reduction of the ore either in size or to its component metals. Independent or custom mill sites do not apply to placer claims.

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CHAPTER IV - NOTICE OF MINERAL PATENT APPLICATION

A. Methods of Notice.

1. Requirements. Three concurrent methods of giving notice of an application for patent are required. They are posting on the claim, publishing in a newspaper, and posting in the BLM public room of the same office where the application is filed.

2. Publication of Notice. Publication of the notice of mineral patent application should be ordered at such time as the application is complete and an acceptable showing that title has vested in the applicant is received. The adjudicator is responsible for ensuring that the notice to be published contains the information from the notice of intention posted on the claim, and that the description of the claim and the lands are accurately reflected in the notice.

a. Designation of the Newspaper. The name of the newspaper in which the notice is to be published may be furnished by the applicant. The newspaper designated must be of established character and of general circulation published nearest the vicinity of the claim. The authorized officer has the discretion to designate a newspaper best suited for the purpose of giving the greatest publicity to the notice, although it may not be the one published nearest the claim. This decision, although subject to review, will not be set aside in the absence of an abuse of discretion. (See 43 CFR 1824.1-2.) The designation of a newspaper is not subject to collateral attack. (See Murphy v. Howard Copper Co., 28 Ariz. 42,235 P. 147 (1925).)

Various publications contain directories of newspapers that publish legal notices. The directories usually list the newspapers by state and show the dates they are published, addresses, and other information. One such publication is the IMS AYER Directory of Publications. In addition, the following list of State/Regional/National Newspaper Associations may be of some assistance in obtaining directories of newspapers:

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Alaska Newspaper Assn., 2425 W. 67th St., Anchorage, AK 99502
 Arizona Newspapers Assn., 711 E. Missouri, Ste. 119, Phoenix,
 AZ 85014

Arkansas Press Assn., 1701 Broadway, Little Rock, AR 72206
 California Newspaper Assn., 1127 11th St., Rm. 1040,
 Sacramento, CA 95814

Colorado Press Assn., 1336 Glenarm Pl., Denver, CO 80204

Idaho Newspaper Assn., PO Box 1067, Boise, ID 83701

Montana Press Assn., 1900 N. Main, Ste. C, Helena, MT 59601

Nebraska Press Assn., 1120 K St., Lincoln, NE 68508

Nevada State Press Assn., Box 137, Carson City, NV 89702

Oklahoma Press Assn., 3601 N. Lincoln, Oklahoma City, OK 73105

Oregon Newspaper Assn., 7150 SW Hampton St., Ste. 232,
 Portland, OR 97223

South Dakota Press Assn., Box 2230, Brookings, SD 57007

Utah Press Assn., 467 East Third South, Salt Lake City,
 UT 84111

Washington Newspapers Assn., 3838 Stone Way N., Seattle,
 WA 98103

Wyoming Press Assn., 710 Garfield, Ste. 248, Laramie, WY 82070

b. Agreement of Publisher. The applicant must furnish an agreement from the publisher that the newspaper will hold the applicant responsible for the costs of publishing the notice. (See Illustration 4.)

c. Period of Publication. The 60 days of publication required for notice of mineral patent application are complete when the notice has been inserted in nine successive issues of a weekly newspaper and the full statutory period has elapsed. (See Davidson v. The Eliza Gold Mining Co., 29 L.D. 224 (1899).) The first day of publication is excluded in calculating the 60-day period. Publication of the notice in a tenth issue, after expiration of the period allowed for filing adverse claims would be meaningless. Publication shall be one of the following:

(1) Daily paper. Publish in the Wednesday issue for nine consecutive weeks.

(2) Weekly, semi-weekly, or tri-weekly paper. Publish on the same day of each week for nine consecutive weeks.

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d. Instructions to Publisher. The notice of mineral patent application shall be sent by the adjudicator to the newspaper editor with specific instructions as to the dates the notice must be published, and that a copy of the first publication shall be furnished to the authorized officer to review for accuracy. (See Illustration 5.) The publisher is also required to furnish a sworn statement that the notice was published for the statutory period. (See Chapter V of this Handbook.)

e. Errors in Publication. The published notice must be closely reviewed to ensure that no typographical errors have been made and that the description of the claim is accurate. If corrections are necessary after publication has commenced, contact the editor and require publication of a corrected notice for the full 9-consecutive-week period. Notify the applicant that the claim must remain posted during the additional publication period. If the correction is minor and does not affect the legal description, it may not be necessary to republish the notice. For example, if the published notice identifies the SW1/4 and the correct description is the S1/2SW1/4, it would not be necessary to republish because the description, although incorrect, is actually included in the published description.

(1) Errors made by the newspaper. Additional costs incurred shall be at the expense of the publisher.

(2) Errors or omissions made by BLM. Additional costs incurred shall be at the expense of the Federal Government.

f. Contents of Published Notice. The published notice must include all the data contained in the notice posted on the claim. The notice can include more than one patent application. (See Illustration 6.) The notice must be as brief as possible using standard abbreviations, but not so brief as to be unintelligible to the average reader. (See Illustration 7.) At a minimum, the notice must contain:

(1) Date of posting on the claim. (See 43 CFR 3861.7-1.)

(2) Name of claimant.

(3) Name of claim.

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(4) Book and page, or instrument number, of county recordation.

(5) Mineral survey number.

(6) Mining district and county.

(7) Name of conflicting and adjoining claims. If none exist, that must be stated in the notice. Exclusions must be shown in the notice. If a known vein or lode exist within the placer claim in a patent application, information about the existing lode or vein must be indicated in the published and posted notices. (See Illustration 6.)

(8) Location. For lode claims, give connecting line to nearest U.S. mineral survey monument or corner of public land survey as shown on survey; also, give the boundary of the claim by courses and distances. If the application contains numerous claims, the perimeter boundary is described by courses and distances. For placer and mill site claims, describe the location by aliquot parts of a legal subdivision, section, township, range, meridian, and state. If a mineral survey has been performed, describe the claim in the same manner as lode claims described above.

(9) Notice to adverse claimant. Each notice of mineral patent application should contain the following statement: "Any and all persons with adverse claims to the mining ground, mineral deposits, or any part of the described lands are hereby notified that such adverse claims must be duly filed according to law (30 U.S.C. 29), and regulation (43 CFR 3871) with the authorized officer, Bureau of Land Management, _____ State Office, within 60 days after commencement of the publication of this notice. Should such adverse claimant fail to file within the time allowed, the adverse claim will not be considered."

(See Illustration 6 for a placer claim notice, Illustration 7 for a lode claim notice, and Illustration 8 for a mill site notice.)

3. Early Publication of Notice. In the usual course of processing an application for patent, publication is not ordered until such time as preliminary adjudication has been completed and the applicant's title is approved. If the application is reasonably complete, the applicant may request early publication, in writing, at the applicant's option and risk.

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4. Posting Notice of Mineral Patent Application. A copy of the notice of mineral patent application to be published shall be posted in the appropriate BLM State Office public room for the full 60-day period coinciding with the dates of publication. The law requires that this document remain posted for the entire 60-day period. If this notice is not properly posted, the notice of mineral patent application must be posted again and published again in the newspaper at the expense of BLM. Proof of posting in the public room must be filed in the mineral patent application file. Evidence of posting may consist of the original posted notice with the date the notice was posted and the date the notice was removed from the public room noted on its face over the signature of the authorized officer. Certification by the authorized officer, on a separate piece of paper, that the notice was posted for the full 60-day period, giving the dates of posting, is also acceptable.

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CHAPTER V - POST PUBLICATION ACTIONS

A. Adverse Claims.

1. Adverse Claim Filed. If an adverse claim is filed during the 60-day period of publication, all actions on the patent application are suspended pending resolution of the adverse claim. (See 43 CFR 3871 and BLM Manual 3871.) The only documents that are allowed to be filed are the statement by the publisher that the notice was published for the required period, and the applicant's own statement of posting during the 60-day publication period. (See 43 CFR 3862.5.)

2. No Adverse Claim Filed. If no adverse claim is filed during the 60-day period of publication, request final proofs from the applicant. Final proofs consist of the proof of publication, proof of continuous posting, and statement of charges and fees which are called for simultaneously with the purchase money. Purchase money cannot be accepted until all proofs are properly filed. (See Parts C and D of this Chapter.)

B. Proof by Applicant of Publication and Posting.

1. Proof of Publication. The applicant is required to furnish a sworn statement from the publisher that the notice was published for the required period, showing the first and last dates of publication. (See Illustration 9.) Newspapers have a standard format for affidavits covering legal advertisements, so the applicant will have no problem obtaining this. (See 43 CFR 3862.4-5.)

2. Proof of Continuous Posting.

a. Applicant. This is the applicant's sworn statement that the plat and notice remained conspicuously posted upon the claim for the entire 60-day publication period, giving the beginning and ending dates of posting. As the 60-day publication period starts the day after the publication notice first appears in the newspaper, the applicant must take care the notice on the claim remains posted and to count the 60 days of posting carefully. Continuous posting by the applicant is a requirement of the law which cannot be waived. (See 43 CFR 3862.4-5.) A sworn statement is required. State law governs as to what is acceptable to constitute a sworn statement. Check the appropriate State code. (See Dennis J. Kitts, 84 IBLA 338 (1985).)

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If the dates of posting shown in the statement do not cover the full 60-day period, advise the applicant that the statement is unacceptable in its present form. If, in fact, the posting was in place for the required time, a new sworn statement giving the proper dates can be accepted.

If the applicant cannot attest that the posting was accomplished for the full 60-day period, publication (at the applicant's expense), posting in the BLM office, and posting on the claim will have to be done again. The law requires that the three methods of notice, i.e., publication, posting on the claims, and posting in the BLM office, must run concurrently for the full 60 days. (See Great Western Lode Claim, 5 L.D. 510 (1887).)

b. BLM Office. Certification that the notice remained posted in the proper BLM office for the full 60-day period may be made by including in the file the original posted notice with the dates of posting and removal noted on its face over the signature of the authorized officer. Also acceptable is a certified notice to the case file that the notice was posted for the full 60-day period, giving the dates of posting. (See Illustration 10.)

C. Payment of Purchase Price and Statement of Charges and Fees.

1. Purchase Price. Purchase money cannot be accepted until all of the required proofs have been filed and any adverse claims have been resolved. If purchase money is prematurely submitted, it must be returned or refunded to the applicant. (See U.A. Small, 108 IBLA 102 (1989).)

The date purchase money is accepted is considered the date of entry, or the date equitable title vests in the applicant if entry is allowed. (See U.S. v. Norman Whittaker (On Reconsideration), 102 IBLA 162 (1988).)

The purchase price for lode claims, mill sites used in connection with lode claims, or independent mill sites, is \$5.00 per acre or fraction thereof. Base computation on total acreage to be patented. (For example: 20 acres + 19.50 acres = 39.50 acres; \$5.00 x 40 = \$200. See 43 CFR 3862.4-6 and 3864.1-2).)

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The purchase price for placer claims or mill sites used in connection with placer claims is \$2.50 per acre or fraction thereof. Base computation on total acreage to be patented. (For example: 20 acres + 19.50 acres = 39.50 acres; \$2.50 x 40 = \$100. See 43 CFR 3863.1(b) and 3864.1-1(c).)

2. Statement of Charges and Fees. A statement by the applicant shall contain the amount of charges and fees paid for the mineral survey (which can be prorated if all the claims in the survey are not under application), application service charge, publication of notice, and purchase money. (See 43 CFR 3862.4-6.)

D. Refund of Purchase Money. Three situations exist whereby purchase money can be refunded.

1. Withdrawal. If the applicant withdraws claims or portions thereof from the application, purchase money for the claims may be refunded when withdrawal is accepted. It is preferable to retain all monies until the case is closed. The final certificate must reflect the withdrawal. (See Changes to the Mineral Entry Final Certificate, Chapter VI, Part E.)

2. Premature Payment. If purchase money is prematurely submitted, it must be returned or refunded to the applicant. (See U.A. Small, 108 IBLA 102 (1989).) If the money has been receipted by Accounts, a refund should be processed in the normal manner. A letter should be sent to the applicant explaining that BLM cannot allow the purchase money to be paid until all of the requirements for patenting (excluding the verification of a discovery for mining claims, or occupation or use for mill sites) have been met.

3. Contest. Where claims have been contested, declared null and void, and all administrative proceedings have been completed, a refund of the purchase money should be made to the applicant.

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CHAPTER VI - FIRST HALF--MINERAL ENTRY FINAL CERTIFICATE

A. Allowance of Mineral Entry.

1. Completion of First Half. Completion of the "first half" of the mineral entry final certificate confirms that mineral entry has been allowed. However, completion of the first half does not authorize patent issuance.

2. What Issuance Means. Issuance of the first half of the final certificate:

-Confirms equitable title is vested in the applicant, subject to the confirmation of a discovery of a valuable mineral deposit by a mineral examiner.

-Certifies that the applicant has satisfactorily complied with all of the "paperwork" requirements of the Mining Law (title, proofs, posting requirements, purchase money).

-Eliminates the need for performance of assessment work and the related filings required by the county and BLM.

-Segregates the land from all further entry under the public land and mineral laws as of the date of acceptance of the purchase money. (See Scott Burnham, 100 IBLA 94, 94 ID 429 (1987).)

-Establishes the date upon which discovery of a valuable mineral deposit must be demonstrated, i.e., no later than the date of issuance of final certificate. (See U.S. v. Norman Whittaker (On Reconsideration), 102 IBLA 162 (1988).)

B. Preparation of First Half--Mineral Entry Final Certificate.

1. Adjudication. Before preparing final certificate, check land status again, assure all proofs meet the requirements, and assure assessment filings are up-to-date.

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2. Preparation and Notification. One original of the final certificate is prepared and it remains in the case file. The applicant is notified by letter that final certificate has issued, that assessment work requirements cease, and that demonstration and verification of discovery are necessary before patent may issue. A copy of the letter should be placed in the mining claim recordation file and sent to the appropriate District Manager or surface management agency. (See Illustration 11.) Where BLM is the surface management agency, notify any right-of-way holders that a patent may issue. (See Illustration 12.)

3. Historical Index. Since issuance of the first half of the final certificate segregates the land, the Historical Index must be noted. The date purchase money was accepted is used with the notation, "Mineral Entry Final Certificate Issued." All status plats must be updated to show mineral entry.

4. ALMRS/Case Recordation Entry. Complete data entry for mining claim recordation data base to show final certificate has issued. This is done because annual assessment filings are no longer required. Also enter appropriate action code in ALMRS.

C. Content of Mineral Entry Final Certificate. Mineral Entry Final Certificate Form 1860-1 must be completed with the following information. The continuation sheet may be used any time additional space is required. (See Illustrations 13 and 14.)

1. Date of Entry. This is the date purchase money is accepted. This date is considered the date of issuance.

2. Amount, Receipt Number, and Date. The amount, receipt number, and date for filing fees and purchase money are taken from the appropriate accounting advices.

3. Statutory Authority. The proper statutory authority is indicated for whichever type of claim or mill site is included in the application.

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4. Names of Applicants. Names of applicants must show as they are to appear in the patent. (See H-1860-1 - Conveyance Documents.) Final certificate and patent issue in the name of the applicant without regard to transfers of title to the claim after the patent application is filed since title inures to the subsequent transferee. If the applicant or new transferee insist on patent issuing in the name of the new owner, the applicant must withdraw the application and the new owner must submit a new application. (See 43 CFR 3862.5-1.)

5. Names of Claims. The names of the claims must agree with the names on the location notices. If there are amended location notices, then the names on the final certificate should agree with the names on the latest amendments. Add mining claim recordation numbers in parentheses after each claim name.

6. Legal Description. If the claim is described by aliquot part, the legal subdivision should be shown. (See Illustration 15.) If the claim is described by mineral survey, enter the mineral survey number in the appropriate space; do not show legal subdivisions.

7. Exclusions. Exclusions must be listed by claim name and survey number. (See Illustration 16.) Portions of any legal subdivisions excluded must be noted. (See Illustration 17.) Caution should be exercised since all conflicts are not necessarily to be excluded.

In the initial application, the applicant must state the exclusions involving conflicts with unpatented mining claims shown on the plat of survey, which may include conflicts with claims owned by another or conflicts between the applicant's claims. If the conflict is between claims included in the application, the applicant must state from which claim the conflict is to be excluded.

If the conflict includes a claim owned by another party, the applicant may exclude the conflict area, but it is up to the applicant to decide to do so. The applicant may opt not to exclude the conflict to see if the other claimant files an adverse claim. If an adverse claim is not filed, or if resolution of the adverse claim is in favor of the applicant, the area of conflict will not be excluded.

Illustrations 15, 16, 17, 18, and 19 show completed final certificates for lodes, placers, mill sites, and claims with mill sites.

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D. Earning Purchase Money. Complete the accounting advice to earn the purchase money submitted for claims listed on the first half of the final certificate. Earning the purchase money completes the allowance of the mineral entry. It is important that the "Remarks" section of the accounting advice clearly shows the date the mineral entry is allowed. (See Illustration 20 for proper completion of the accounting advice.)

E. Changes to the Mineral Entry Final Certificate. Any changes made before issuance of the patent are made by pen and black ink by crossing through the original entry and entering new data. Following are examples of changes:

- Errors in preparation. (See Illustration 21.)
- Partial withdrawal. (See Illustration 22.)
- Complete withdrawal. (See Illustration 23.)
- Cancellation. (See Illustration 24.)

Changes must be initialed and dated by the authorized officer as they occur. A new final certificate is never prepared to reflect changes.

F. Effect of Cancellation of the Mineral Entry Final Certificate. If the final certificate is cancelled in whole or in part, the mining claims affected are subject to the General Mining Law of 1872 and Section 314 of FLPMA.

1. General Mining Law of 1872. Resumption of assessment work is required commencing with September 1 following the date of cancellation.

2. Section 314 of FLPMA. Final certificate is considered a notice of intent to hold for the calendar year during which it was cancelled.

An annual filing is required for the calendar year following the calendar year in which the final certificate is cancelled.

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CHAPTER VII - MINERAL EXAMINATION AND MINERAL REPORT

A. The Mineral Examiner. The mineral examiner must verify the applicant's compliance with the requirements of the mining laws by conducting a mineral examination of the mining claim or mill site. A mineral examiner must be certified by the Director pursuant to Manual Section 3896 - Certification of Mineral Examiners.

The mineral examiner's function is to apply the Department's legal and technical standards, as recognized by law, and to give an opinion as to whether the mining claim or mill site examined has met those requirements. If the requirements have been met, then the mining claim or mill site is deemed valid and clearlisted for patent. If the requirements have not been met, then a mineral contest action may be initiated.

B. Mineral Examination Criteria. Under the Mining Law of 1872, as amended, (30 U.S.C. 22 et seq.), a mining claim constitutes a possessory interest in the land which, if it contains a discovery of a valuable mineral deposit, grants to the applicant the right of possession and the right to purchase when all requirements of the mining laws have been met. This property right may not be declared invalid without proper notice and an opportunity for an administrative hearing in accordance with the Administrative Procedures Act (5 U.S.C. 554 et seq. (1982)) and 43 CFR Part 4.

1. Locatable Minerals. Whatever is recognized as mineral by the standard authorities must be treated as coming within the purview of the mining laws, except as modified by the Mineral Lands Leasing Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.) and the Surface Resources Act of July 23, 1955 (30 U.S.C. 611).

2. Discovery. The test for discovery is the same for all land whether the surface is managed by the Bureau of Land Management, U.S. Forest Service, National Park Service, or other government agency (see IN RE Pacific Coast Molybdenum Co., 75 IBLA 16 (1983); 90 ID 352 (1983)).

3. Prudent Man Rule. The test of discovery is the Prudent Man Rule as set forth in Castle v. Womble, 19 L.D. 455 (1894) and approved by the Supreme Court in Cameron v. United States, 252 U.S. 450 (1920) and Best v. Humboldt Placer Mining Co., 371 U.S. 334 (1963). Castle v. Womble states, in part:

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After a careful consideration of the subject, it is my opinion that where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the statute have been met. To hold otherwise would tend to make of little avail, if not entirely nugatory, that provision of the law whereby 'all valuable mineral deposits in lands belonging to the United States... are... declared to be free and open to exploration and purchase.' For, if as soon as minerals are shown to exist, and at any time during exploration, before the returns become remunerative, the lands are to be subject to other disposition, few would be found willing to risk time and capital in the attempt to bring to light and make available the mineral wealth, which lies concealed in bowels of the earth, as Congress obviously must have intended the explorers should have proper opportunity to do.

The law does not require a guaranteed profit to constitute a discovery, only a reasonable prospect of success.

4. Marketability. The existence of a market (present demand) for the mineral and the ability of the mining claimant to capture a share of that market must be considered when evaluating the validity of the claim. (See Coleman v. United States, 390 U.S. 600 (1968).)

5. Placer Mining Claims. On placer mining claims, in addition to having a discovery, each 10-acre legal subdivision must be mineral in character. (See United States v. Bunkowski, 5 IBLA 102, 79 I.D. 43 (1972), and McCall v. Andrus, 628 f.2d 1185.)

In determining whether land is mineral in character, it is not essential that there be an actual discovery of mineral on the land. It is sufficient that known conditions are such as to reasonably engender the belief that the land contains mineral of sufficient quality and quantity as to make its extraction profitable and justify expenditures to that end. Such a belief may be based upon geologic inference. (See United States v. Southern Pacific Co., 251 U.S. 1 (1919), and Southern Pacific Company, 71 I.D. 224 (1964).)

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C. Mineral Reports. The mineral report documents the results of the mineral examiner's field investigation of the mining claim or mill site and also contains the mineral examiner's conclusions concerning the validity and recommendations to management for future action. The report preparation and review process are given in Manual Section 3060 - Mineral Reports and in Handbook 3890-1, Mineral Examiners Handbook.

1. Conclusions. The mineral examiner will present facts in the mineral report from which conclusions will be drawn as to whether or not the mining claim or mill site has met all of the requirements of the mining laws.

2. Recommendations. The mineral examiner's recommendations made in the mineral report are based upon the facts determined during the mineral examination and the conclusions derived from them.

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CHAPTER VIII - PATENT ISSUANCE

A. Mineral Report. The mineral report sets out the specific claims and/or portions of claims recommended for patent.

1. Claims Recommended for Patent. If all of the claims are recommended for patent, complete the second half of the mineral entry final certificate. (See Illustration 25.)

2. Claims Not Recommended for Patent. If all of the claims are recommended for contest, the application must be processed as provided in Manual Section 3870.

3. When Part of an Application is Recommended for Patent. Patent may issue for claims approved for patent without waiting for a final determination of issues on the contested claims. (See Illustration 26.)

a. Contested Claims. When the mineral report recommends that some claims or portions of claims not be allowed to proceed to patent, the claims must be processed as provided in Manual Section 3870.

b. Supplemental Patent. A supplemental patent shall issue for the contested claims determined to be valid and/or clearlisted by a supplemental mineral report. (See Handbook 1862-1.) (See Illustration 26.) The supplemental patent shall include a reference to the original patent; i.e., "This patent is supplemental to patent (number) issued on (date) and is issued for the purpose of (state reason)." (See Illustration 27.)

B. Final Clearances. It is not necessary to prepare an environmental impact statement before issuance of a patent to a mining claim, as patent of a mining claim is not a major Federal action within the meaning of Sec. 102 of the National Environmental Policy Act. (See 42 U.S.C. 4332 (1972).) (See United States v. Kosanke Sand Corp. (On Reconsideration), 12 IBLA 282 (1973), 80 I.D. 538, and South Dakota v. Andrus, 614 F2d 1190, (8th Cir 1979), Cert. Denied, 449 US 822 (1980).) Final consideration of the following items must be made before completion of the second half mineral entry final certificate authorizing issuance.

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1. Land Status.

a. Legal Description. Check the status of the lands to be included in the patent, and check the complete file again to ensure that the correct legal description has been used throughout the application beginning with the: (1) copy of notice of intention to apply for patent posted on the mining claim, (2) certificate of location, (3) certificate of title, (4) published notice of mineral patent application, (5) first half mineral entry final certificate, and (6) mineral report.

b. Rights-of-Way. If a claim is encumbered with an existing right-of-way, it is important to verify whether or not the right-of-way existed prior to the location of the mining claim.

(1) For mining claims located before the enactment of P.L. 84-167 (Act of July 23, 1955), a right-of-way cannot be established after the location of a mining claim. Therefore, such a right-of-way cannot be reserved in the patent unless the right-of-way is conveyed to the Federal agency by deed or other legal instrument prior to issuance of the patent. (See Solicitor's Opinion M-36493, 65 I.D. 200 (1958) and 30 U.S.C. 615.)

(2) For mining claims located after the enactment of P.L. 84-167 (Act of July 23, 1955), a right-of-way can be established across the mining claim after its location. However, the right-of-way ceases upon the date of patent issuance and cannot be reserved in the patent unless the right-of-way is conveyed to the Federal agency by deed or other legal instrument prior to issuance of the patent. (See Solicitor's Opinion M-36493, 65 I.D. 200 (1958) and 30 U.S.C. 615.)

It is not unusual for mineral patent adjudicators to receive a request from the surface management agency to reserve a right-of-way which may not be appropriate. It is the responsibility of the adjudicator to ensure that proper reservations are reflected in the patent when issued. Personnel from lands and cadastral survey may be able to assist in making the proper determination. Aerial photographs and other agency records are essential in this process.

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2. Conflicting Cases.

a. Mineral Entry Segregation. The issuance of the first half of the mineral entry final certificate segregates the land embraced by the certificate from all forms of entry and appropriation. (See Scott Burnham, 100 IBLA 94, 94 I.D. 429 (1988), and Scott Burnham (On Reconsideration), 102 IBLA 162 (1988).) An application or offer for permit or lease filed in conflict with the mineral entry must be rejected.

b. P.L. 83-250 (Multiple Mineral Development Act of August 12, 1953) and P.L. 83-585 (Multiple Mineral Development Act of August 13, 1954). An impasse developed shortly after enactment of the Mineral Leasing Act of 1920 because a claimant, upon meeting the statutory requirements of the mining law, was entitled to a patent. The law, however, authorized no reservation of the leasing act minerals. Therefore, issuance of patent was in conflict with the rights of a mineral lessee. The result was that mining claims could not be located on lands under permit or lease, or with an existing application for lease or permit, or known to be valuable for leasing act minerals. A Federal lease would also not be valid in areas with existing, valid mining claims. P.L. 83-250 and P.L. 83-585 were enacted to amend the mining laws and the mineral leasing laws to allow mining claim locations for locatable minerals and leasing of the leasing act minerals on the same tracts of public lands.

P.L. 83-250 provided a stopgap relief for mining claimants by permitting use of a relocation procedure for claims located after July 31, 1939, and before January 1, 1953. The validation procedure was available for any claim and reserved to the United States leasing act minerals.

P.L. 83-585 permitted the revalidation of claims validated under the 1953 act for claimants who wanted the additional benefit of the 1954 act. It also authorized validation of claims located after December 31, 1952, and before February 10, 1954, by use of a prescribed relocation procedure. No validation procedure was provided for claims located on lands with leasing act minerals between February 10, 1954, and August 13, 1954.

BLM is not responsible for determining the existence of mining claims on public lands before issuing a lease or permit under the Mineral Leasing Act.

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BLM does not, in fact, generally initiate action to resolve this type of conflict. An applicant seeking patent to land subject to P.L. 83-585 and/or P.L. 83-250, which is covered by a Mineral Leasing Act permit, lease, or an application for a permit or lease, can bring a contest action against the lessee, permittee, or applicant to show that the mining location has the superior right to leasing act minerals.

If the final decision, after a hearing, affirms the patent applicant's right to the leasing act minerals, no subsequent proceedings have any force or effect on these rights. The decision may also provide for the cancellation of that portion of the lease on which the mining claims are held to be valid. This action does not, however, affect the right of the Federal Government to determine the validity of mining claims as to discovery, mineral character, or other requirements under the mining laws.

The owner of any mining claim located before August 13, 1954, may waive or relinquish the rights to leasable minerals prior to issuance of patent.

c. Various Dates Affecting the Validity of Mining Claim Locations.

(1) Mining claims located before enactment of the Mineral Leasing Act, February 25, 1920. Assuming compliance with the general mining laws, which were the only applicable laws during this period of time, absolute fee simple title in valid unpatented mining claims could be obtained upon lands which were later to be known as leasing act lands.

(2) Mining claims located between February 25, 1920, and July 31, 1939. Shortly after the enactment of the Mineral Lands Leasing Act of 1920, the Department of the Interior ruled that a mining claim could not be located on land known to be valuable for leasing act minerals at the time of the location of the claim. (See 30 U.S.C. 501, et seq.) Issuing a patent would be in conflict with the rights of a mineral lessee because the law did not authorize reservation of leasing act minerals. Therefore, mining claims were invalid if located on lands known to be valuable for leasing act minerals, subject to an application for a permit or lease under the leasing act, or under a permit or lease under the leasing act. Aiding legislation has no application because it did not purport to validate mining claims located before July 31, 1939.

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(3) Mining claims located between August 1, 1939 and December 31, 1952. To obtain benefits under P.L. 83-585, the owner of any mining claim located after July 31, 1939 and prior to January 1, 1953, must have posted and filed an amended location notice pursuant to provisions of P.L. 83-250 (Act of August 12, 1953), not later than December 10, 1953. Mining locations not thus validated are null and void ab initio.

(4) Mining claims located between January 1, 1953 and February 9, 1954. To obtain benefits under P.L. 83-585, the owner of any mining claim located after December 31, 1952 and prior to February 10, 1954, must have posted and filed by December 11, 1954, the appropriate amended notice of location required to be filed pursuant to provisions of P.L. 83-585. Mining locations not thus validated are null and void ab initio.

(5) Mining claims located between February 10, 1954 and August 13, 1954. Mining claims located between these dates on lands covered by mineral leases, permits, or applications for same, or known to be valuable for leasable minerals, are invalid.

(6) Mining claims located since enactment of the Multiple Use Mineral Development Act, August 13, 1954. Mining claims located on leasing act lands since the effective date of the 1954 statute are valid and effective to the same extent as all other properly perfected locations, subject, however, to the reservation of leasing act minerals and certain other rights in the United States.

d. Conflicting Entries. If an applicant seeks a patent for land covered by an existing homestead entry which is prima facie valid, the conflicting entry must be removed before the application can be processed. Private contest proceedings may be required. The Secretary of the Interior may order a hearing to adjudicate the validity of the conflicting entry. The applicant has the burden of showing the validity of the mining claim as he or she is challenging a prior entry. Where the provisions of P.L. 83-250 and P.L. 83-585 do not apply, any conflict between outstanding permits or leases under the Mineral Leasing Act or Geothermal Steam Act must be resolved before patent issues. Private contest proceedings may be required.

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3. Notification of Patent Issuance.

a. Grazing Permittees. Advise the District Manager and/or Regional Forester that patent will be issued for mining claims (describing the lands) so that any authorized grazing uses affecting the lands can be terminated. (See Illustration 28.)

b. Right-of-Way Holders. Notify the administrator of the right-of-way, i.e., U.S. Forest Service or BLM District Manager, of patent issuance and its affect on the right-of-way. (See Illustration 29.)

4. Reservations.

a. Right-of-Way for Ditches or Canals Under the Act of August 30, 1890. All mineral patents shall contain the following reservation: "A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945)."

b. Existing Rights-of-Way. See Handbook 1860-1 for specific language.

c. Leasable Mineral Reservation. "All leasing act minerals in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes in accordance with the provisions of the Act of August 13, 1954, as amended (30 U.S.C. 521 and 1002.)"

d. Other Reservations. If specific language is not available, see Handbook 1860-1, Section IV.G.

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5. Special Provisions.

a. Stockraising Homestead Act of 1916. Mineral patents for lands for which the surface has been patented under this Act should include the following provision: "SUBJECT TO: All of the lands above-described have been patented under the provisions of the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862). The grantee hereunder shall have the right to enter upon and occupy only so much of the surface as may be required for all purposes reasonably incident to the prospecting for, mining, and removal of the minerals granted by this patent in accordance with the provisions of such Act, as amended and supplemented (43 U.S.C. 299)."

b. Mineral Locations in Stock Driveway Withdrawals. Mineral patents for claims or portions of claims within a stock driveway withdrawal shall include the following provision: "This patent is issued subject to the provisions of the Act of December 29, 1916 (39 Stat. 862), as amended by the Act of January 29, 1929 (45 Stat. 1144), with reference to the disposition, occupancy and use of the land as permitted to an entryman under said Act." It is essential that the portion of the lands subject to this provision be specifically described if the entire claim is not within the driveway withdrawal.

c. Wilderness Areas.

(1) For claims located before enactment of the Wilderness Act of September 3, 1964 (16 U.S.C. 1131 et seq.), the claims must have a discovery as of the date of enactment to acquire the surface and mineral estates.

(2) Claims located after date of enactment, or preexisting claims not validated by discovery as of the date of enactment, are subject to a reservation of the surface estate to the United States.

(3) For newly created wilderness areas, claims located after date of enactment, or preexisting claims not validated by discovery as of the date of enactment, are subject to a reservation of the surface estate to the United States.

d. Placer Patents Only. The following conditions and stipulations must be included in the patent:

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(1) "That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on (date of filing patent application)." (See Illustration 30.)

(2) "That should any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits be known to exist within the above-described premises on (date of filing patent application), the same is expressly excepted and excluded from this patent." (See Illustration 30.)

C. Mineral Entry Final Certificate. The second half of Form 1860-1, mineral entry final certificate, must be completed to authorize issuance of the mineral patent. (See Illustrations 31, 32, and 33.) It is essential that this document be filled out accurately and contain the following information:

1. Name of Claim. List only the claims (together with the BLM mining claim serial number) that have been clearlisted for patent issuance. The spelling and numerics of the claim names must agree with the first half of the mineral entry final certificate and the certificate of location or amended certificate of location.

2. Legal Description. The legal description given in mineral patents must give sufficient information to clearly identify the lands and acreage. The description should recite the meridian, township, range, section, and aliquot part of the lands to be included in the patent. The description should describe the land as a whole and not as to each mining claim.

a. Mineral Survey. Where the claim is described by mineral survey, the mineral survey number, and the name of the claim will be shown, together with the actual or protracted legal subdivision including the section, township, range, meridian, county (in Alaska, the organized borough), State, and mining district.

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b. Exclusions. Where the applicant identifies in the patent application exclusions within the limits of the claim, such exclusions will be described by mineral survey number and/or patent number and claim name, if surveyed. If unsurveyed, the exclusion will be described by claim name alone, together with a statement that the excluded claim is unsurveyed.

3. Total Acres. Set out the total acres to be included in the patent.

4. Reservations and Exclusions. Reservations and exclusions should be typed in full context. (See Handbook 1860-1, Chapter 3.)

D. Preparation of Patent. The patent document will be prepared from the information furnished on the mineral entry final certificate. (See Manual Section 1862 and Handbooks 1860-1 and 1862-1 for specific details for preparing a patent.)

1. Illustrations of Mineral Patents. See the following illustrations for examples of typical patents for lode, placer, and mill site claims.

a. Lode Claims Within and Outside Wilderness Areas. (See Illustration 34.)

b. Lode Claims With Power Transmission Right-of-Way. Note granting clause to individual; i.e., "...his heirs...." (See Illustration 35.)

c. Placer Mining Claims Subject to Stockraising Homestead Act Patent. (See Illustration 36.)

d. Mill Site Claims. (See Illustration 37.)

2. Name of Patentee. The patent shall be issued in the name of the applicant or applicants. Do not include the names of any who may have acquired an interest in the mining claims after the filing of the application. (See Handbook 1862-1.)

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a. Deceased Applicant. The patent shall be issued in the name of the applicant as shown on the Certificate of Title. If the application is made by an "estate," the patent would issue in the name of the estate. If the applicant dies or transfers the mining claims after the patent application is filed, the patent would issue in the name of the applicant, not in the applicant's heirs or assigns.

3. Patent Signature. The authorized officer shall sign in black ink only the original of the patent. (See Handbook 1862-1.)

4. Patent Delivery. The original patent shall be sent to the patentee or authorized representative by certified mail, deliver to addressee only, return receipt requested. For additional information, see Handbook 1862-1, Chapter 1, III.F. Distribution. (See Illustration 38.)

a. Notice to Right-of-Way Holder. When the patent has been signed, the holder of any right-of-way, lease, or permit granted by the United States over the lands included in the patent should be notified of the issuance of the patent. (See Illustration 39.)

b. Notice to Surface Management Agency. When the patent has been signed, a copy should be submitted to the surface management agency for its records.

c. Notice to State and Local Governments. A copy of the letter submitting the original patent to the patentee should be sent to the clerk and recorder of the county in which the claims are located.

5. Return of Proprietary Data. Upon completion of all administrative actions in connection with the mineral patent application, return the proprietary data to the applicant. (See Manual Section 3060.17A.) (See Illustration 40.) It is important that the decision to return proprietary data is reviewed with the mineral examiner prior to its return. (See Manual Section 1273.42C.)

6. ALMRS/Case Recordation Entry. Complete data entry to show patent has issued using the appropriate action codes. The mining claim recordation file should be closed for mining claims that are patented following procedures identified by State Office handbooks.

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Letter to Prospective Applicant



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:
(Serial No.)
(Case Type)
(Office Code)

Dear _____:

As you requested, we are enclosing a pamphlet entitled "Patenting a Mining Claim on Federal Lands."

Also enclosed is a copy of the revision of regulation 43 CFR 3862.1-2 effective January 3, 1989, increasing service charges for filing a patent application. The revised regulation requires that, "Each Mineral Patent Application shall be accompanied by a nonrefundable service charge of \$250 per application and the initial mining claim or site plus \$50 for each additional mining claim or site contained within the application."

We do not have a specific patent application form. However, the required information and the steps necessary for completing a patent application are outlined in the section of the pamphlet entitled "Supporting Papers for Patent Application," and in subparts 3862 and 3863 in the circular. This section lists the kinds of documentation which must be submitted as part of a patent application.

The first step in patenting a mining claim is to have the claim surveyed. Regulation 43 CFR 3861 (page 21 of the circular) discusses mineral surveys. This step is not required if the claim is a placer and is located by legal subdivision on surveyed lands. We are enclosing Form 3860-5, "Application for Survey of Mining Claim," together with a roster of approved mineral surveyors. The instructions for completing the survey application are on the back of the form. The initial fee is \$_____ for the first claim and \$_____ for each additional claim.

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The enclosed "Certificate of Title on Mining Claims" contains instructions on the reverse side which are self-explanatory. The certificate of title must be certified by an authorized abstractor or title company, and must be accompanied by single copies of the original certificates of location of each mining claim and of the certificates of any amended or supplemental locations. Certificate of title must be brought down to include the date of the filing of the application and must show full title in the name of the applicant.

If you have any questions, please contact _____ of this office, at (telephone number).

Sincerely,

Name and Title of
Authorized Officer

5 Enclosures

Patenting a Mining Claim on Federal Lands
Federal Register publication dated 12/2/88
Form 3860-5 Application for Survey of Mining Claims
Roster of U.S. Mineral Surveyors
Form 3860-2 Certificate of Title on Mining Claims

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Serial Register Page

PCN: OG080P1 DEPARTMENT OF THE INTERIOR PAGE: 1
FORM 1274-18 BUREAU OF LAND MANAGEMENT

CASE ABSTRACT AS OF: 2/ 4/91
05-10-1872;017STAT0092;30USC29 CASE TYPE SERIAL NUMBER
MIN PAT APLN-LODE FS 386202 IDI 27528
COMMODITY- TO BE DEFINED

NAME AND ADDRESS

GREYHOUND MINE&MILL
BOX 5411
BOISE ID 83705
APPLICANT 100.00000 %

DESCRIPTION OF LAND

BOISE MER
T. 14 N. R. 11 E. CUSTER COUNTY, ID
SALMON DISTRICT CHALS-MACKAY RESOURCE AREA
SEC. 4:MS 3674
15.169 ACRES

ACTIONS DATE	CODE	TAKEN	REMARKS
4/05/1990	124	APLN RECD	3:30PM;
4/05/1990	347	FILING FEE RECEIVED	\$250.00;
7/17/1990	610	PUBLISHED	8/2/90-10/4/90;
10/22/1990	104	ADDTL INFO RQST	\$75.00 & STATEMENT;
10/23/1990	103	ADDTL INFO RECD	\$75.00 & STATEMENT;
10/23/1990	212	FINAL CERT ISSUED	FIRST HALF;
10/24/1990	910	REPORT REQUESTED	MINERAL RPT;
*****		PENDING ACTION: INTERMTN REGION	- USFS

GENERAL REMARKS
01 SMITH #2 CODE CLAIM; IMC 143620

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Certificate of Title on Mining Claims

Form 3860-2
(July 1981)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Mineral Entry Serial Number

CERTIFICATE OF TITLE ON MINING CLAIMS

An individual a corporation, hereby

certifies that an examination of the instruments shown by the indices in the office of the Recorder of the County of _____, State of _____, discloses that the title to the mining claim hereinafter described that was acquired by the locators of said claim by the filing of said claim is at the date hereof vested in

- Subject to:
- (1) Paramount title of the United States of America.
 - (2) Any taxes or assessments that may be a lien.
 - (3) The inadequacy of any evidence of labor that may appear of record.
 - (4) Adverse rights which may exist by reason of any encroachment of other mining claims onto the claim hereinafter described or of any overlapping of the boundaries of said claim onto other claims.

The mining claim above referred to is that certain claim situate in the _____ mining district, County of _____, State of _____, more particularly described as follows (*see instructions*):

This certificate is issued and accepted upon the understanding that the liability assumed hereby shall not exceed \$100.

Seal

(Individual or Firm Name)

(Address)

(Date)

By

(Signature)

(Instructions on reverse)

INSTRUCTIONS

1. Description of mining claims may be incorporated by reference to and attachment of a certified copy of certificate of location.
2. A certificate, when executed by a corporation, must:
 - (a) bear the corporate seal;
 - (b) indicate where corporation was organized; and,
 - (c) indicate authority to do business in the state in which the land is located.

GPO 831-955

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Publisher's Agreement

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
LAND OFFICE

In the Matter of the Application)	
of GREYHOUND MINING AND MILLING CO.)	M. S. 3674
an Idaho Corporation, for United)	
States Patent for the SMITH # 2)	<u>PUBLISHERS AGREEMENT</u>
LODE CLAIM, situated in Seafoam)	
Mining District, Custer County,)	
Idaho.)	

RECEIVED
 DEPT OF THE INTERIOR
 BUREAU OF LAND MGMT.
 APR 5 3 33 PM '90
 IDAHO
 BOISE LAND OFFICE

The undersigned, managing editor of the Challis Messenger, weekly newspaper, published at Challis, Custer County, Idaho, does hereby agree to publish the notice required by Section 29, Chapter 2, Title 30 of the United States Code, of the intention of the Greyhound Mining and Milling Company, an Idaho Corporation, to apply for patent to the SMITH # 2 LODE CLAIM designated as Mineral Survey 3674 situated in approximate Section 4, T. 14 N., R. 11 E., Boise Meridian, Custer County, Idaho, and to hold Greyhound Mining and Milling Company, an Idaho Corporation, alone responsible for the cost of publishing the same.

IT IS EXPRESSLY STIPULATED AND AGREED that no claim shall be made against the United States, or any of its officers or agents for such publication.

Dated at Challis, Idaho, this 12th day of March, 1990.

Margaret Parks
 Editor, Challis Messenger

Subscribed and sworn to before me this 12th day of March, 1990.

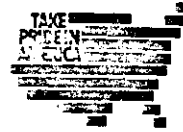
Edith M. Peck
 Notary Public in and for the State of Idaho, Residing at Challis, Idaho

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Instructions to Publisher



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:

(Serial No.)
(Case Type)
(Office Code)

Dear _____:

Enclosed is a copy of the Notice of Mineral Patent Application to be published in the (newspaper nearest the claim or claims) in the (daily or weekly) issue for 2 consecutive weeks beginning on (date of first publication). An agreement signed by you stating that you agree to hold (applicant) solely responsible for the amount due for publishing the notice has been furnished by (applicant).

Please send us a proof of the notice before publication. However, if you use a photocopy process for printing the enclosed notice, you need only send us a copy of the first publication. Please address this to the attention of _____ in this office.

If you have any questions, please contact _____ at telephone _____.

Sincerely,

Name and Title of
Authorized Officer

Enclosure
Notice of Mineral Patent Application

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Notice for Publication

Placer Claims

NOTICE OF MINERAL PATENT APPLICATION

Mineral patent applications (serial number), (serial number), and (serial number), (date of application), Bureau of Land Management, _____ State Office, (address). Notice is hereby given that XYZ Company, (address), has made application for patent to the following mining claims in an unorganized district in _____ County, _____. Mineral patent application (serial number): MAC No. 5A, MAC No. 5B, MAC No. 5C, and MAC No. 5D placer mining claims described as Lots 1, 2, 3, and 4, Sec. 32, T. 9 S., R. 26 E., _____ Meridian, _____, containing 82.21 acres. There is a known existing lode claim within the boundaries of the MAC No. 5B placer mining claim which is in the possession of the applicant. The lode claim is described as the John Doe claim and is recorded in Book 25 of Mining Locations at page 501 in the records of the County Clerk and Recorder of the County of _____, State of _____. There are no other conflicting or adjoining claims of record. The certificates of location were each recorded on October 23, 1986, in Book 23 of Mining Locations at pages 663 through 666, respectively, in the records of the County Clerk and Recorder of the County of _____, State of _____. Mineral patent application (serial number): NED No. 19, NED No. 25, and NED No. 26 placer mining claims described as Lot 13, NE1/4NW1/4, Sec. 33, T. 9 S., R. 26 E., _____ Meridian, _____, containing 52.19 acres. There are no conflicting or adjoining claims of record. The certificates of location were recorded on May 2, 1979, in Book 22 of Mining Locations at pages 527, 531, and 533, respectively, in the records of the County Clerk and Recorder of the County of _____, State of _____. Mineral patent application (serial number): WADE No. 144 and WADE No. 145 placer mining claims described as Lots 5 and 6, Sec. 34, T. 9 S., R. 26 E., _____ Meridian, _____, containing 42.00 acres. There are no conflicting or adjoining claims of record. The certificates of location were recorded on June 27, 1966, in Book 15 of Mining Locations at pages 345 and 346, respectively, in the records of the County Clerk and Recorder of the County of _____, State of _____. Any and all persons with adverse claims to the mining ground, mineral deposits, or any part of the described lands are hereby notified that such adverse claims must be duly filed according to law (30 U.S.C. 29), and regulation (43 CFR 3871) with the authorized officer, Bureau of Land Management, _____ State Office, within 60 days after commencement of the publication of this notice. Should such adverse claimant fail to file within the time allowed, the adverse claim will not be considered.

Name and Title of Authorized Officer

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Notice for Publication

Lode Claims

NOTICE OF MINERAL PATENT APPLICATION

Mineral patent application (serial number), (date of application), Bureau of Land Management, _____ State Office, (address). Notice is hereby given that XYZ Company, (address), has made application for patent to the KC-1, KC-2, and KC-3 lode mining claims, Mineral Survey No. 10000, Sec. 15, T. 9 N., R. 3 W., _____ Meridian, _____ described as follows: Beginning at corner 1 of KC-1, identical with corner 1 of KC Placer of this survey, and identical with section corners common to Secs. 9, 10, 15, and 16, T. 19 N., R. 3 W., _____ Meridian, _____; thence south 0°30'30" east 300 ft. to intersect lode line which bears north 89°17'10" east of this survey; thence south 0°30'30" east 199.94 feet to intersect line 2-3 of Hope of Mineral Survey 2301A; thence south 0°30'30" east 100.06 feet to corner 2 of KC-1, identical with corner 1 of KC-2 of this survey; thence south 0°30'30" east 134.71 feet to intersect line 2-3 of Hope Mill Site of Mineral Survey 2301B; thence south 0°30'30" east 165.29 feet to lode line which bears north 89°17'10" east of this survey; thence south 0°30'30" east 62.01 feet to intersect line 3-4 of Hope Mill Site of Mineral Survey No. 2301B; thence south 0°30'30" east 237.99 feet to corner 2 of KC-2, identical with corner 1 of KC-3 of this survey; thence south 0°30'30" east 65.74 feet to intersect lode line which bears north 89°17'10" east of this survey; thence south 0°30'30" east 65.74 feet to corner 2 of KC-3, identical with corner 2 of KC Placer of this survey; thence north 89°25'20" east 1319.48 feet to corner 3 of KC-3 of this survey; thence north 0°30'30" west 65.74 feet to intersect lode line which bears south 89°17'10" west of this survey; thence 68.84 feet to corner 4 of KC-3, identical with corner 3 of KC-2 of this survey; thence north 0°30'30" west 300.00 feet to intersect lode line which bears south 89°17'10" west of this survey; thence north 0°30'30" west 300.00 feet to corner 4 of KC-2, identical with corner 3 of KC-1 of this survey; thence north 0°30'30" west 300.00 feet to intersect lode line which bears south 89°17'10" west of this survey; thence north 0°30'30" west 300.00 feet to corner 4 of KC-1, identical with corner 4 of KC Placer of this survey; thence south 89°17'10" west 990.68 feet to intersect line 4-1 of Hope of Mineral Survey No. 2301A; thence south 89°17'10" west 328.80 feet to corner 1 of KC-1, identical with corner 1 of KC Placer of this survey and the place of beginning, containing 17.163 acres. The names of conflicting patented mining claims, as shown by Mineral Survey No. 2301A and 2301B, are the Hope lode mining claim and Hope Millsite. The unpatented KC Placer mining claim is in conflict with the KC-1, KC-2, and KC-3 lode mining claims as shown by Mineral Survey 11004. The certificates of location were recorded on July 18, 1977, in Book 63 of Lode Mining Locations at pages 109-114, respectively, in the records of the County Clerk and Recorder of the County of _____, State of _____.

Any and all persons with adverse claims to the mining ground, mineral deposits, or any part of the described lands are hereby notified that such adverse claims must be duly filed according to law (30 U.S.C. 29), and regulation (43 CFR 3871) with the authorized officer, Bureau of Land Management, _____ State Office, within 60 days after commencement of the publication of this notice. Should such adverse claimant fail to file within the time allowed, the adverse claim will not be considered.

Name and Title of Authorized Officer

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Notice for Publication

Mill Sites

NOTICE OF MINERAL PATENT APPLICATION

Mineral patent application (serial number), (date of application), Bureau of Land Management, _____ State Office, (address). Notice is hereby given that XYZ Company, (address), has made application for patent to the Brown No. 1 Mill Site, described as the S1/2NE1/4NE1/4NW1/4, Sec. 11, T. 7 S., R. 6 W., _____ Meridian, _____ Mining District, _____ County, State of _____. The certificate of location was recorded on April 19, 1977, in Book 253 of Mining Locations at page 80, in the records of the County Clerk and Recorder of the County of _____, State of _____. There are no conflicting or adjoining claims of record. Any and all persons with adverse claims to the mining ground, mineral deposits, or any part of the described lands are hereby notified that such adverse claims must be duly filed according to law (30 U.S.C. 29), and regulation (43 CFR 3871) with the authorized officer, Bureau of Land Management, _____ State Office, within 60 days after commencement of the publication of this notice. Should such adverse claimant fail to file within the time allowed, the adverse claim will not be considered.

Name and Title of Authorized Officer

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Affidavit from Publisher

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 10 consecutive weeks, commencing with the issue dated Aug 2 1990 and ending with the issue dated Oct 4 1990

Margaret A Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 4th day of Oct. in the year of 1990, before me, a Notary Public,

personally appeared Margaret Parks known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Edel M Peck
Notary Public for Idaho
Residing at Challis
My commission expires: 3-21-92

**DEPARTMENT OF THE
INTERIOR
BUREAU OF LAND
MANAGEMENT
Maine State Office
3386 Americana Terrace
Boise, Idaho 83706
NOTICE OF
MINERAL APPLICATION**

Mineral Application I-27528, Bureau of Land Management, Idaho State Office, Boise, Idaho, April 5, 1990. NOTICE is hereby given that Greyhound Mining and Milling Co., P.O. Box 5411, Boise, Idaho 83705 has made application for patent to Smith #2 Lode located in approximate Section 4, Unsurveyed T. 14 N., R. 11 E., B.M., Idaho. Located in the Seaforn Mining District, Custer County, the lode is described as Mineral Survey 3674, as follows: Beginning at corner 1, Smith #2 Lode, which is S. 53° 14' 08" E. 6899.51 feet from USLM No. 1 in Unsurveyed T. 14 N., R. 11 E., B.M., Idaho, thence N. 56° 31' 22" E., 600.00 feet to corner 2, thence S. 35° 24' 18" E., 1101.91 feet to corner 3, thence S. 56° 31' 22" W., 600.00 feet to corner 4, thence N. 35° 24' 18" W., 1101.91 feet to corner 1 and point of beginning, Smith #2 Lode, M.S. 3674, is recorded as instrument 191029, and amended as instrument 194441, in the official records of Custer County, Idaho. Adjoining this claim are M.S. 3666B, Ophir and Smith Millaites on the South; M.S. 2573A, Birdie Lode on the East; and M.S. 2573A, Rufus Lode on the North. The Rufus Lode has a 0.278 acre conflict with the Smith #2 Lode. Any and all persons claiming adversely any part or portion of Smith #2 Lode, M.S. 3674, embraced in the patent application are required to file their adverse claims with the Bureau of Land Management, 3386 Americana Terrace, Boise, Idaho 83706, during the 60-day period of publication of this notice or they will be barred by virtue of the federal statutes pertaining to such application for patent.

/s/ Terry S. Maley, Chief
Branch of Mining Law
& Seismic Minerals
Pub: Aug. 2, 9, 16, 23, 30, Sept. 6, 13, 20, 27 & Oct. 4, 1990.

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Certificate of Posting

CERTIFICATE OF POSTING

I, (name of authorized officer), (title of authorized officer),
(State) State Office, Bureau of Land Management, hereby certify
that the attached publication involving mineral patent
application number _____ was posted on the bulletin
board in the public room of this office on (date of posting) and
remained so posted until (date removed).

Date

Signature

(The notice of publication posted on the bulletin board must be
attached to this Certification.)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Notification Letter that First Half Mineral Entry

Final Certificate Has Issued



United States Department of the Interior

BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:

(Serial No.)
(Case Type)
(Office Code)

Dear _____:

First half mineral entry final certificate for mineral patent application (serial number) issued effective (date of entry) for the following mining claims:

<u>Claim Name</u>	<u>Mining Claim Recordation Number</u>
_____	_____
_____	_____
_____	_____

Issuance of the first half of the mineral entry final certificate confirms that the proofs of posting and publication, statement of charges and fees, and purchase money have been submitted and accepted. This action eliminates the requirement that you file an affidavit of assessment work or a notice of intention to hold with the county and the Bureau of Land Management.

Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, or, in the case of mill sites, occupancy or use. This will be verified by a mineral examiner in an on-the-ground examination.

The mineral entry final certificate is typed in original form only, and that document remains in the official file.

Sincerely,

Name and Title of
Authorized Officer

bcc: District Manager or surface management agency
Mining claim recordation lead file (MCR serial number)
Original and duplicate case file (serial number)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Letter to Right-of-Way Holders



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:

(Serial No.)
(Case Type)
(Office Code)

Dear _____:

This is a courtesy notice to let you know that a mineral patent may be issued for lands on which you have a (lease, permit, right-of-way). The Bureau of Land Management requires no action on your part.

On (date), the first half of mineral entry final certificate issued to:

XYZ Mining Company
720 Industrial Park
Wamsutter, WY 82999

for (number) mining claims, located on (date), for the following described lands in mineral patent application (serial number):

_____ Meridian, _____

T. _____, R. _____

Sec. _____:

Sec. _____:

Our records show that you are the holder of record of (lease, permit, right-of-way serial number XX-12345) which may be affected by this potential disposal action.

Disposal of public lands via a mineral patent is an uncertain process, often taking an unspecified period of time. Conveyance of patent from the Bureau of Land Management to the patentee usually occurs within one to five years after issuance of the first half of mineral entry final certificate. However, it may occur in significantly more or less time. Furthermore, all, some, or none of the mining claims in the application may be patented, and the land involved may remain under BLM administration indefinitely.

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

If the lands are patented, your (lease, permit, right-of-way) may be administered by the new landowner, or may expire altogether upon patent issuance. At this time, you may wish to consider your options for continuing your authorization under the potential new ownership.

If you have questions regarding this notice, please contact the BLM office that issued the authorization.

Sincerely,

Name and Title of
Authorized Officer

bcc: File No. (lease, permit, right-of-way)
District Manager

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

First Half Mineral Entry Final Certificate

Form 1860-1 (October 1990)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE	Serial Number <hr/> Date of Entry
Filing Fees, \$	Receipt Number	Date
Purchase Money, \$	Receipt Number	Date
<input type="checkbox"/> R.S. 2325, 30 U.S.C. 29 (Lode) <input type="checkbox"/> R.S. 2329, 2331, 30 U.S.C. 35 (Placer) <input type="checkbox"/> R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode) <i>Independent</i> <input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site- Independent or Placer)		
On this day		
deposited the purchase money in the sum shown above for certain <input type="checkbox"/> lode <input type="checkbox"/> placer mining claim(s) <input type="checkbox"/> mill site(s) described as:		
County _____, State _____, Mining District _____		
EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)		
THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.		
_____ (Signature Date)	_____ (Signature of Authorized Officer)	
_____ (Title)		

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Continuation Sheet,
Mineral Entry Final Certificate

Form 1360-1b (October 1990)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	Serial Number
CONTINUATION SHEET--MINERAL ENTRY FINAL CERTIFICATE		
(Continued)		
<hr/>		
<hr/> <hr/> (Signature Date)	<hr/> <hr/> (Signature of Authorized Officer)	
<hr/> <hr/> (Title)		

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

First Half Mineral Entry Final Certificate,
Legal Subdivision

Form 1860-1
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number
XXXX 43698

Date of Entry
August 1, 1989

Filing Fees, \$	300.00	Receipt Number	145720	Date	January 6, 1989
Purchase Money, \$	100.00	Receipt Number	151803	Date	August 1, 1989
<input type="checkbox"/> R.S. 2325, 30 U.S.C. 29 (Lode) <input checked="" type="checkbox"/> R.S. 2329, 2331, 30 U.S.C. 35 (Placer) <input type="checkbox"/> R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode) Independent					
<input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site- Independent Placer)					

On this day

James L. Doe
456 Oakridge
Sacramento, California 98528

deposited the purchase money in the sum shown above for certain

lode placer mining claim(s) mill site(s) described as:

LPC #33 (XX XX 5432)
LPC #52 (XX XX 6981)

T. 7 N., R. 21 E., MDM, California
Sec. 7: E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$
Sec. 8: W $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$

County Ventura State California Mining District Unknown

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.

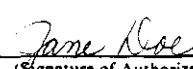
August 2, 1989
(Signature Date)

James Doe
(Signature of Authorized Officer)

Deputy State Director for Mineral Resources
(Title)

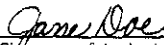
H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

First Half Mineral Entry Final Certificate,
Legal Subdivision Exclusions

Form 1860-1 (October 1990)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Serial Number</td> <td style="padding: 2px;">XX XX 89642</td> </tr> <tr> <td style="padding: 2px;">Date of Entry</td> <td style="padding: 2px;">August 18, 1990</td> </tr> </table>	Serial Number	XX XX 89642	Date of Entry	August 18, 1990
Serial Number	XX XX 89642					
Date of Entry	August 18, 1990					
Filing Fees, \$	250.00	Receipt Number	392370	Date	January 4, 1990	
Purchase Money, \$	45.00	Receipt Number	455481	Date	August 18, 1990	
<input checked="" type="checkbox"/> R.S. 2325, 30 U.S.C. 29 (Lode) <input type="checkbox"/> R.S. 2329, 2331, 30 U.S.C. 35 (Placer) <input type="checkbox"/> R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode) <i>Independent</i> <input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site-Independent or Placer)						
On this day Paul Doe and Jane Doe 2286 Abbey Lane Sacramento, California 98528						
deposited the purchase money in the sum shown above for certain <input checked="" type="checkbox"/> lode <input type="checkbox"/> placer mining claim(s) <input type="checkbox"/> mill site(s) described as: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Cramer Lode (XXXX 15692)</div> <div style="width: 45%;">T. 6 N., R. 12 E., MDM, California Sec. 9: M.S. 6891</div> </div>						
County <u>Amador</u> State <u>California</u> Mining District <u>Clinton</u> EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or claims designed as Successors Successors in conflict with the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 6 N., R. 12 E., Mount Diablo Meridian, containing 2.196 acres.						
THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.						
August 18, 1990 _____ (Signature Date)			<div style="text-align: center;">  _____ (Signature of Authorized Officer) </div> <div style="text-align: center; margin-top: 10px;"> Deputy State Director for Mineral Resources _____ (Title) </div>			

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

First Half Mineral Entry Final Certificate,
Mill Site

Form 1860-1 (October 1990)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE	Serial Number XXXX 21381 <hr/> Date of Entry August 18, 1990
Filing Fees, \$	250.00	Receipt Number 145433 Date January 6, 1990
Purchase Money, \$	25.00	Receipt Number 154276 Date August 18, 1990
<input type="checkbox"/> R.S. 2325; 30 U.S.C. 29 (Lode) <input type="checkbox"/> R.S. 2329, 2331; 30 U.S.C. 35 (Placer) <input checked="" type="checkbox"/> R.S. 2337; 30 U.S.C. 42(a) (Mill Site-Lode) Independent		
<input type="checkbox"/> Act of March 18, 1960; 30 U.S.C. 42(b) (Mill Site- Independent or Placer)		
On this day <div style="text-align: center;"> Karma Corporation 1500 North 11th Street Sacramento, California 98528 </div>		
deposited the purchase money in the sum shown above for certain <input type="checkbox"/> lode <input type="checkbox"/> placer mining claim(s) <input checked="" type="checkbox"/> mill site(s) described as: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> Silver Boy (XX XX 19865) </div> <div style="text-align: center;"> T. 11 N., R. 12 W., MDM, California Sec. 32: MS 6920 </div> </div>		
County <u>Kern</u> State <u>California</u> Mining District <u>Mojave</u> EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)		
THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.		
August 19, 1990 _____ (Signature Date)		<div style="text-align: center;">  _____ (Signature of Authorized Officer) </div>
Deputy State Director for Mineral Resources _____ (Title)		

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

First Half Mineral Entry Final Certificate,
Placer and Mill Site

Form 1860-1
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number
XX XX 20997

Date of Entry
January 4, 1991

Filing Fees, \$	450.00	Receipt Number	145411	Date	January 30, 1990
Purchase Money, \$	1,312.50	Receipt Number	151779	Date	January 4, 1991

R.S. 2325, 30 U.S.C. 29 (Lode) R.S. 2329, 2331, 30 U.S.C. 35 (Placer) R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode) *Independent*
 Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site-Independent ~~or Placer~~)

On this day

Rothfields Mining Corporation
5592 Imperial Way
Sacramento, California 98528

deposited the purchase money in the sum shown above for certain

lode placer mining claim(s) mill site(s) described as:

Mill Site T. 8 N., R. 6 W., MDM, California

Silver Peak (XX XX 9608) Sec. 28: W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

Placer Mining Claims

Silver #1 (XX XX 9200) Sec. 32: NE $\frac{1}{4}$
Silver #4 (XX XX 96023) S $\frac{1}{2}$ NW $\frac{1}{4}$
Silver #8 (XX XX 9421) N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Silver #9 (XX XX 8640) SE $\frac{1}{4}$

County San Bernardino, State California, Mining District Unknown

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.

January 8, 1991

(Signature Date)

James Doe

(Signature of Authorized Officer)

Deputy State Director for Mineral Resources

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Receipt and Accounting Advice

Form 1310-41
(December 1983)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RECEIPT AND ACCOUNTING ADVICE

CALIFORNIA
NO. (ORIGINAL RECEIPT NUMBER) **04**

Subject:

Applicant:
(NAME OF PATENTEE)

Remitter:

Assignor:

LEASE MANAGEMENT DATA									
<input type="checkbox"/> NEW <input type="checkbox"/> UPDATE <input type="checkbox"/> PAYMENT									
ORIGINAL SERIAL NO.	ASG.	TYPE	ST.	CTY.	FUND SYMBOL			ACRES/UNITS	RATE
AMOUNT	ANV. DATE	EXP. DATE	BILL CYC.	S/C	DISTRICT	NEXT BILL	MISC. DATA	U of M	ACTUAL UNITS
ASSIGNMENT SERIAL NO.	ASG.	TYPE	ST.	CTY.	FUND SYMBOL			ACRES/UNITS	RATE
AMOUNT	ANV. DATE	EXP. DATE	BILL CYC.	S/C	DISTRICT	NEXT BILL	MISC. DATA	U of M	ACTUAL UNITS

APPLY REMITTANCE			
ACTION	FUND SYMBOL	CTY.	AMOUNT
FILING FEE			
RENTAL			
PURCHASE MONEY	14 5881	081	50.00
UNEARNED			
REFUND			
TOTAL			50.00
AMOUNT DUE			

Remarks:
PURCHASE MONEY FOR 20 ACRES @ \$2.50 PER ACRE.
MINERAL ENTRY ALLOWED 5-1-90

BY: (ADJUDICATOR'S SIGNATURE) (CURRENT DATE: DATE)

- Lease in Escrow?
- KGS? Of Interest?
- Auto Escalates? Operating Rights?
- Auto Renew? Operator
- Bond Filed?

FOR MMS USE ONLY	
BILLEE NUMBER	FOREST REFUGE
OCS SECTION CODE	

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Final Certificate, Partial Withdrawal

Form 1860-1
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number
XX XX 46888

Date of Entry
July 27, 1990

Filing Fees, \$	300.00	Receipt Number	167540	Date	January 5, 1990
Purchase Money, \$	100.00	Receipt Number	198320	Date	July 20, 1990
<input type="checkbox"/> R.S. 2325, 30 U.S.C. 29 (Lode)		<input checked="" type="checkbox"/> R.S. 2329, 2331, 30 U.S.C. 35 (Placer)		<input type="checkbox"/> R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode)	
<input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site-Independent or Placer)				Independent	

On this day

John L. Smith
123 Memory Lane
Sacramento, California 98528

deposited the purchase money in the sum shown above for certain

lode placer mining claim(s) mill site(s) described as:

~~Rough Road (XX XX 56218)~~
~~Roadless (XX XX 32916)~~

T. 6 N., R. 3 E., MDM, California
Sec. 9: ~~E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$~~
Sec. 10: ~~W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$~~

*Withdrawn 9/20/90
sh 9/20/90*

County Strong State California Mining District Unknown

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.

July 28, 1990

(Signature Date)

James Doe

(Signature of Authorized Officer)

Deputy State Director for Mineral Resources

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Final Certificate, Complete Withdrawal

Form 1860-1
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number

XX XX 92386

Date of Entry

July 20, 1990

Filing Fees, \$	300.00	Receipt Number	198632	Date	January 10, 1990
Purchase Money, \$	175.00	Receipt Number	209575	Date	July 20, 1990
<input checked="" type="checkbox"/> R.S. 2325; 30 U.S.C. 29 (Lode)		<input type="checkbox"/> R.S. 2329, 2331; 30 U.S.C. 35 (Placer)		<input type="checkbox"/> R.S. 2337; 30 U.S.C. 42(a) (Mill Site-Lode)	
<input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site-Independent Placer)				<i>Independent</i>	

On this day

John L. Smith
123 Memory Lane
Sacramento, California 98528

deposited the purchase money in the sum shown above for certain

lode placer mining claim(s) mill site(s) described as:

Gold Dust #1 (XXXX 6922)
Gold Dust #2 (XXXX 6923)

T. 6 N., R. 2 E., MDM, California
Sec. 2: M.S. 3888

*Application withdrawn effective
9/13/90. Mineral entry
cancelled.*

*JH
9/13/90*

County Monterey State California Mining District Bluff

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.

July 21, 1990

(Signature Date)

Jan. Doe

(Signature of Authorized Officer)

Deputy State Director for Mineral Resources

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Final Certificate, Cancelled

Form 1860-1
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FIRST HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number
XX XX 92386

Date of Entry
July 20, 1990

Filing Fees, \$	300.00	Receipt Number	198632	Date	January 10, 1990
Purchase Money, \$	175.00	Receipt Number	209575	Date	July 10, 1990
<input checked="" type="checkbox"/> R.S. 2325; 30 U.S.C. 29 (Lode) <input type="checkbox"/> R.S. 2329, 2331; 30 U.S.C. 35 (Placer) <input type="checkbox"/> R.S. 2337, 30 U.S.C. 42(a) (Mill Site-Lode) Independent <input type="checkbox"/> Act of March 18, 1960, 30 U.S.C. 42(b) (Mill Site- Independent or Placer)					

On this day

John L. Smith
123 Memory Lane
Sacramento, California 98528

CANCELLED

deposited the purchase money in the sum shown above for certain

lode placer mining claim(s) mill site(s) described as:

Gold Dust #1 (XXXX 6922)
Gold Dust #2 (XXXX 6923)

T. 6 N., R. 2 E., MDM, California
Sec. 2: M.S. 3888

*Mineral entry cancelled by
ALJ decision dated 9/20/90.
SH
9/20/90*

County Monterey State California Mining District Bluff

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit, subject to the reservations, exceptions, and restrictions noted herein.

July 21, 1990
(Signature Date)

James Doe
(Signature of Authorized Officer)

Deputy State Director for Mineral Resources
(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Second Half Mineral Entry Final Certificate

Form 1860-1a
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SECOND HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number

THIS PART MUST BE COMPLETED AND SIGNED BEFORE PATENT ISSUES

The following mining claim(s), mill site(s), embracing _____ acres, is(are) hereby approved for patent, subject to the exceptions or reservations as indicated on the reverse side of this form.

NAME OF CLAIM	LAND DESCRIPTION

(Continued on reverse)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Exceptions and Reservations

(Signature Date)

(Signature of Authorized Officer)

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Supplemental Patent,
Second Half Mineral Entry Final Certificate

Form 1560-1c (October 1990)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	Serial Number
SUPPLEMENTAL PATENT SECOND HALF—MINERAL ENTRY FINAL CERTIFICATE		
Final determination having been made concerning the following mining claim(s), mill site(s), embracing _____ acres, the Second Half - Mineral Entry Final Certificate issued on _____ for Patent Number _____ is hereby amended to provide for the issuance of a SUPPLEMENTAL PATENT subject to the exceptions and reservations indicated on the reverse side of this form.		
NAME OF CLAIM	LAND DESCRIPTION	
<i>(Continued on reverse)</i>		

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Supplemental Patent

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

XYZ Company

did on (Date Purchase Price Received) duly enter and pay for certain mining claim or premises, known as the Ned No. 13 placer mining claim situated in the _____ Mining District, (County), (State), and is entitled to a mineral patent pursuant to the General Mining Laws, R.S. 2329, 2331, (30 U.S.C. 35) for the following described premises:

_____ Meridian, _____

T. 9 S., R. 25 E.
sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

Containing _____ acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named claimant the placer mining premises above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, its successors and assigns forever; subject, nevertheless to the following conditions and stipulations:

1. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on (Date of filing patent application); and

2. That should any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from this patent.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and

Patent Number _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Form 1860-10
(March 1985)

(Serial No.)
Page 2

2. All Leasing Act minerals (including geothermal steam and associated geothermal resources) in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

SUBJECT TO: The following-described lands have been patented under the provisions of the Stockraising Homestead Act of December 29, 1916 (39 Stat. 825). The grantees hereunder shall have the right to enter upon and occupy only so much of the surface as may be required for all purposes reasonably incident to the prospecting for, mining, and removal of the minerals granted by this patent in accordance with the provisions of such Act as amended and supplemented (43 U.S.C. 299):

_____ Meridian, _____

T. 9 S., R. 25 E.,
sec. 24, N45W4NEX

This patent is supplemental to patent _____ issued on _____, and is for the purpose of conveying additional land in the mineral patent application.

[SEAL]

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed:

GIVEN under my hand, in _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States the two hundred and _____

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Memo to District Manager

About Grazing Permittees



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:
(Serial No.)
(Case Type)
(Office Code)

MEMORANDUM

TO: District Manager, _____
FROM: State Director, _____
SUBJECT: Mineral Patent Application (serial number)

A mineral patent will be issued in the next few weeks to XYZ Company for _____ mining claims affecting the following described lands in mineral patent application (serial number):

_____ Meridian, _____

T. _____, R. _____

Sec. _____:
Sec. _____:

Any authorized grazing uses affecting these lands should be terminated at this time.

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Memo to District Manager
About Right-of-Ways



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:
(Serial No.)
(Case Type)
(Office Code)

MEMORANDUM

TO: District Manager, _____
FROM: State Director, _____
SUBJECT: Mineral Patent Application (serial number)

A mineral patent will be issued in the next few weeks to XYZ Company for _____ mining claims affecting the following described lands in mineral patent application (serial number):

_____ Meridian, _____
T. _____, R. _____
Sec. _____:
Sec. _____:

Notification should be provided to the grantees of the following identified rights-of-way:

Right-of-way grant (serial number) was approved prior to the location of _____ mining claim. Therefore, the mineral patent, when issued, will be subject to that portion of the right-of-way located in (legal subdivision), Sec. _____. However, that portion of the right-of-way located in _____, Sec. _____ will be subject to the mineral patent as _____ mining claim was located prior to approval of the right of way.

Right-of-way grant (serial number) was approved prior to the location of _____ mining claims. Therefore, the mineral patent, when issued, will be subject to that portion of the right-of-way located in _____, Sec. _____.

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Placer Patent

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

XYZ Company

did on (Date Purchase Price Received) duly enter and pay for certain mining claims or premises, known as the WADE 203, WADE 208, WADE 209, WADE 211, WADE 214, WADE 215, WADE 216, WADE 217, and WADE 218 placer mining claims situated in the _____ Mining District, (County), (State) and is entitled to a patent under the General Mining Laws, R.S. 2329, 2331; 30 U.S.C. 35, to all of the above-named claims, except as to 10 acres only of each of the claims WADE 203, WADE 211, and WADE 217, the premises described as follows:

_____ Meridian, _____

T. 8 S., R. 24 E.

sec. 14,

sec. 14,

sec. 14,

Containing _____ acres

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES OF AMERICA unto the above-named claimant the placer mining premises above described; TO HAVE AND TO HOLD the said premises with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said claimant, its successors, and assigns forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and
2. All Leasing Act minerals (including geothermal steam and associated geothermal resources) in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

Patent Number _____

Form 1860-10
(March 1985)

(Serial No.)
Page 2

SUBJECT TO the following conditions and stipulations:

1. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on (Date of filing patent application); and

2. That should any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from this patent.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed:

{SEAL}

GIVEN under my hand, in _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States the two hundred and _____

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Second Half Mineral Entry Final Certificate

Lodes

Form 1860-1a
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SECOND HALF—MINERAL ENTRY FINAL CERTIFICATE

Serial Number

XX XX 21282

THIS PART MUST BE COMPLETED AND SIGNED BEFORE PATENT ISSUES

The following mining claim(s), mill site(s), embracing 99.98 acres, is(are) hereby approved for patent, subject to the exceptions or reservations as indicated on the reverse side of this form.

NAME OF CLAIM	LAND DESCRIPTION
<p>C.P.D. No. 8 C.P.D. No. 24 C.P.D. No. 28 C.P.D. No. 34 C.P.D. No. 35 C.P.D. No. 36</p>	<p>Portions of Sections 10, 11, 13, 13, 14, and 24, T. 31 N., R. 30 W., Principal Meridian, Montana, designated as M.S. 20965, excepting and excluding the C.P.D. No. 1 through C.P.D. No. 7, C.P.D. No. 9, C.P.D. No. 23, C.P.D. No. 25 through C.P.D. No. 27, C.P.D. No. 29 through C.P.D. No. 35, C.P.D. No. 37 through C.P.D. No. 42 lode mining claims of Mineral Survey No. 20965; AND excluding and excepting the Last Chance No. 3, Last Chance No. 4, Last Chance No. 5, and Last Chance No. 7 lode mining claims of M.S. 10935 from C.P.D. No. 35 and C.P.D. No. 36 claims; and further excluding and excepting all veins, lodes, and ledges through their entire depth, the top or apexes of which lie inside of said excluded ground.</p>

(Continued on reverse)

Exceptions and Reservations

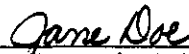
1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All Leasing Act Minerals (including geothermal steam and associated geothermal resources) in the land above-described and the right of the United States, its lessees, permittees and licensees to enter upon the land, prospect for, drill, mine, treat, store and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

3. An easement for a power transmission line held by the Department of Energy, Bonneville Power Administration, under Memorandum of Understanding dated March 27, 1969; Supplement Number 16 dated June 30, 1972; one hundred (100) feet in width across Section 24, T. 31 N., R. 31 W., Principal Meridian, Montana, as shown on right-of-way reservation No. MTM 65086, recorded in the records of the Bureau of Land Management. The United States of America reserves the right to maintain, operate, repair or improve the transmission line so long as needed or used for or by the United States.

January 3, 1991

(Signature Date)



(Signature of Authorized Officer)

Deputy State Director for Mineral Resources

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Second Half Mineral Entry Final Certificate

Placers

Form 1860-1a
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SECOND HALF--MINERAL ENTRY FINAL CERTIFICATE

Serial Number

XXXX 29929

THIS PART MUST BE COMPLETED AND SIGNED BEFORE PATENT ISSUES

The following mining claim(s), mill site(s), embracing 120.16 acres, is(are) hereby approved for patent, subject to the exceptions or reservations as indicated on the reverse side of this form.

NAME OF CLAIM	LAND DESCRIPTION
Ned No. 10 Ned No. 11 Ned No. 12 Ned No. 13	T. 9 S., R. 25 E., P.M., Montana Sec. 24: Lot 2, N $\frac{1}{2}$ NE $\frac{1}{4}$

(Continued on reverse)

Exceptions and Reservations

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All Leasing Act Minerals (including geothermal steam and associated geothermal resources) in the land above-described and the right of the United States, its lessees, permittees and licensees to enter upon the land, prospect for, drill, mine, treat, store and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

SUBJECT TO:

1. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claims or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from this patent.

2. That should any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last named date, the same is expressly excepted and excluded from this patent.

3. All of the lands described above have been patented under the provisions of the Stockraising Homestead Act of December 29, 1916 (30 Stat. 862). The grantees hereunder shall have the right to enter upon and occupy only so much of the surface as may be required for all purposes reasonably incident to the prospecting for, mining, and removal of the minerals granted by this patent in accordance with the provisions of such Act, as amended and supplemented (43 U.S.C. 299).

January 4, 1991

(Signature Date)

Jane Doe

(Signature of Authorized Officer)

Deputy State Director for Mineral Resources

(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Second Half Mineral Entry Final Certificate

Mill Sites

Form 1860-1a
(October 1990)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SECOND HALF--MINERAL ENTRY FINAL CERTIFICATE

Serial Number

XX XX 41635

THIS PART MUST BE COMPLETED AND SIGNED BEFORE PATENT ISSUES

The following mining claim(s), mill site(s), embracing 19.25 acres, (stare) hereby approved for patent, subject to the exceptions or reservations as indicated on the reverse side of this form.

NAME OF CLAIM	LAND DESCRIPTION
<p>BROWN No. 1 MILLSITE BROWN No. 2 MILLSITE BROWN No. 3 MILLSITE BROWN No. 4 MILLSITE</p>	<p>Mineral Survey No. 22009, embracing a portion of Sec. 11, T. 7 S., R. 7 W., Principal Meridian, Montana, and excluding and excepting from this patent all of that portion of the ground within the boundaries of the BROWN No. 20 MILLSITE, Mineral Survey No. 20980</p>

(Continued on reverse)

Exceptions and Reservations

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

February 5, 1991
(Signature Date)

James Doe
(Signature of Authorized Officer)

Deputy State Director for Mineral Resources
(Title)

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Patent for Lands
In and Out of Wilderness

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

XYZ Company

did on (Date Purchase Price Received) duly enter and pay for certain mining claims or premises, known as the Sister #42, Sister #43, Sister #44, Sister #85, Sister #86, Sister #92, and Sister #92A lode mining claims, and is entitled to a patent under the General Mining Laws, R.S. 2325, as amended (30 U.S.C. 29); designated and described as:

Mineral Survey No. 1111, located inside the Blue Mountain Wilderness Area, embracing portions of Sections 26 and 27 in Township 27 North, Range 32 West, _____ Meridian, (County), (State), the said claims are more particularly described in the official field notes and depicted on the official plats which are expressly made a part of this patent and copies of which are attached hereto.

The premises hereinabove granted contain _____ acres.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted all title in or to the surface estate and products thereof. No use shall be allowed of the surface of the claims or the resources therefrom not reasonably required for carrying on mining or prospecting except as otherwise expressly provided in the Wilderness Act of September 3, 1964, PL 88-577 (16 U.S.C. 1131) on that portion of the mining premises more particularly described in the field notes and depicted on the mineral survey plats attached and made a part of this mineral patent; and

WHEREAS XYZ Company is also entitled to a mineral patent pursuant to the General Mining Laws, R.S. 2325, as amended; 30 U.S.C. 29, for the Wolf #70 and Wolf 71A (formerly Wolf #71), and portions of the Wolf #36, Wolf #37, Wolf #54, Wolf #69, Wolf #84, Wolf #85, and Wolf #86 lode mining claims designated as Mineral Survey No. 1113, located outside the Blue Mountain Wilderness Area, embracing portions of Sections 26 and 35 in Township 27 North, Range 32 West, _____ Meridian, _____.

The premises hereinabove granted contain _____ acres.

Patent Number _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Form 1860-10
(March 1985)

(Serial No.)
Page 2

SUBJECT TO a right-of-way for California Peak Road No. 1472 and Idaho Pass Trail No. 499 located outside the Blue Mountain Wilderness Area as shown on the attachment marked "Plate 1, Appendix A," and the right of the United States, its agents, or employees to maintain, operate, repair, use, or improve the same, so long as needed or used for or by the United States. The attachment marked "Plate 1, Appendix A" is expressly made a part of this patent.

NOW KNOW YE. That there is, therefore, granted by the UNITED STATES unto the XYZ Company the lands above described; TO HAVE AND TO HOLD the said lands with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the XYZ Company, its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and

2. All Leasing Act minerals (including geothermal steam and associated geothermal resources) in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in
the day of in the year
of our Lord one thousand nine hundred and
and of the Independence of the United States the two hundred
and

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Patent with Powerline Right-of-Way

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

John Doe

did on (Date Purchase Price Received) duly enter and pay for certain mining claims or premises, known as the C.P.D. No. 8, C.P.D. No. 24, C.P.D. No. 28, C.P.D. No. 34, C.P.D. No. 35, and C.P.D. No. 36 lode mining claims, and is entitled to a patent under the General Mining Laws, R.S. 2325, as amended (30 U.S.C. 29); designated and described as:

Mineral Survey No. 20965, embracing portions of Sections 10, 11, 13, 14, 15, 23, and 24, Township 31 North, Range 30 West, _____ Meridian, (County), (State), the said claims being more particularly described in the official field notes and depicted on the official plats which are expressly made a part of this patent and copies of which are attached hereto; but excluding and excepting from this patent all of that portion of the ground within the boundaries of the C.P.D. No. 1 through C.P.D. No. 7, C.P.D. No. 9 through C.P.D. No. 23, C.P.D. No. 25 through C.P.D. No. 27, C.P.D. No. 29 through C.P.D. No. 35, C.P.D. No. 37 through C.P.D. No. 42 lode mining claims of Mineral Survey No. 20965; AND excluding and excepting from this patent all of that portion of ground within the boundaries of Last Chance No. 3, Last Chance No. 4, Last Chance No. 5, and Last Chance No. 7 lode mining claims of Mineral Survey No. 10935 from C.P.D. No. 35 and C.P.D. No. 36 claims; and further excluding and excepting all veins, lodes, and ledges through their entire depth, the top or apexes of which lie inside of the said excluded ground.

The premises herein granted contain _____ acres.

NOW KNOW YE, That there is, therefore granted by the UNITED STATES unto John Doe the lands above described; TO HAVE AND TO HOLD the said lands with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto John Doe, his heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and
2. All Leasing Act minerals (including geothermal steam and associated geothermal resources) in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

Patent Number _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Form 1860-10
(March 1985)

(Serial No.)
Page 2

3. An easement for a power transmission line held by the Department of Energy, Bonneville Power Administration, under Memorandum of Understanding dated March 27, 1969; Supplement Number 16 dated June 30, 1972; one hundred (100) feet in width across Section 24 in Township 31 North, Range 31 West, _____ Meridian, _____, as shown on right-of-way reservation No. _____, recorded in the records of the Bureau of Land Management. The United States of America reserves the right to maintain, operate, repair, or improve the transmission line so long as needed or used for or by the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed:

[SEAL]

GIVEN under my hand, in _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States the two hundred and _____

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Patent with Stockraising Homestead Act Stipulation

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

XYZ Company

did on (Date Purchase Price Received) duly enter and pay for certain mining claims or premises, known as the Ned No. 10, Ned No. 11, Ned No. 12, and Ned No. 13 placer mining claims situated in the _____ Mining District, (Country), _____ (State), and is entitled to a patent under the General Mining Laws, R.S. 2329, 2331 (30 U.S.C. 35), for the following described premises:

_____ Meridian. _____

T. 9 S., R. 25 E.
sec. 24, Lot 2, N $\frac{1}{2}$ NE $\frac{1}{4}$

containing 120.16 acres.

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES OF AMERICA unto the above-named claimant the placer mining premises above described: TO HAVE AND TO HOLD the said premises with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said claimant, its successors and assigns forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and
2. All Leasing Act minerals (including geothermal steam and associated geothermal resources) in the land above described and the right of the United States, its lessees, permittees, and licensees to enter upon the land, prospect for, drill, mine, treat, store, and remove the same, and to use so much of the surface and subsurface of said lands as may be necessary for such purposes. Act of August 13, 1954, as amended (68 Stat. 708; 30 U.S.C. 521 et seq.).

Patent Number _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Form 1860-10
(March 1985)

(Serial No.)
Page 2

SUBJECT TO the following conditions and stipulation:

1. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from this patent.

2. That should any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from this patent; and

3. The following-described lands have been patented under the provisions of the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862). The grantees hereunder shall have the right to enter upon and occupy only so much of the surface as may be required for all purposes reasonably incident to the prospecting for, mining, and removal of the minerals granted by this patent in accordance with the provisions of such Act, as amended and supplemented (43 U.S.C. 299):

_____ Meridian, _____

T. 9 S., R. 25 E.
sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed:

(SEAL)

GIVEN under my hand, in _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States the two hundred and _____

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Mill Site Patent

Form 1860-8
(May 1985)

The United States of America

To all to whom these presents shall come, Greeting:

(Serial No.)

WHEREAS

XYZ Company

is entitled to a land patent pursuant to the General Mining Laws, R.S. 2337, as amended; (30 U.S.C. 42(a)), for the BROWN No. 1 MILLSITE, BROWN No. 2 MILLSITE, BROWN No. 3 MILLSITE, and BROWN No. 4 MILLSITE, designated as Mineral Survey No. 22009, situated in Section 11, Township 7 South, Range 7 West, _____ Meridian, (County), (State), the said millsites being more particularly described in the official field notes and depicted on the official plat which are expressly made a part of this patent and copies of which are attached hereto; but excluding and excepting from this patent all of that portion of the ground within the boundaries of the BROWN No. 20 MILLSITE, Mineral Survey No. 20980.

The premises herein granted contain _____ acres.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises and in conformity with the said Revised Statutes of the United States, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said XYZ Company, and to its successors, the said premises, designated as Mineral Survey No. 22009, within the exterior lines of said survey; TO HAVE AND TO HOLD said millsites or premises, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said XYZ Company, and to its successors and assigns forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

(SEAL)

GIVEN under my hand, in _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States the two hundred and _____

Patent Number _____

By _____

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Patent Conveyance Letter



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:
(Serial No.)
(Case Type)
(Office Code)

CERTIFIED-RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

IMPORTANT DOCUMENT ENCLOSED

Dear _____:

Enclosed is the original patent document conveying the below-described lands from the United States. This patent should be kept in a safe place. It should also be recorded in the county recorder's office in the county in which the patented lands are located. Recording the patent preserves a permanent record of the document should the original become lost, misplaced, or destroyed. Data concerning the patent is as follows:

Patent number _____ Patent date _____

Claim names:

(Use claim names given in the patent document.)

Land description:

(Use legal description given in the patent document.)

Sincerely,

Name and Title of
Authorized Officer

Enclosure

Patent (w/mineral survey plat if appropriate)

bcc: District Manager or surface management agency
County Assessor

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Notice to Right-of-Way Holder



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:

(Serial No.)
(Case Type)
(Office Code)

Gentlemen:

Our records indicate that you are the holder of right-of-way
(serial number) which was granted for natural gas pipeline
purposes under Section 28 of the Act of February 25, 1920, as
amended (30 U.S.C. 185). The right-of-way crosses the following
described lands:

_____ Meridian, _____

T. _____, R. _____

Sec. _____:
Sec. _____:

This land has been transferred out of Federal ownership by
mineral patent (number). The name and address of the patentee
is:

XYZ Mining Company
720 Industrial Park
Wamsutter, WY 82999

The patent was issued subject to your right-of-way, and the
patentee has succeeded to the interests of the United States in
the right-of-way. When the right-of-way expires, you will have
to negotiate renewal and other terms with the new landowner.

Sincerely,

Name and Title of
Authorized Officer

bcc: District Manager

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Letter Returning Proprietary Data



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



IN REPLY REFER TO:
(Serial No.)
(Case Type)
(Office Code)

Gentlemen:

All final administrative action has been completed for mineral patent application (serial number). Therefore, in accordance with the provisions of BLM Manual 1273.42C - Security, we are enclosing, in a sealed envelope, the original and duplicate copies of information identified as being "privileged and confidential" for the application.

Sincerely,

Name and Title of
Authorized Officer

Enclosure
Sealed envelope containing "Privileged and Confidential"
information

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Interagency Agreement Between
the BLM and the NPS

Interagency Agreement
between
The Bureau of Land Management
and
The National Park Service

For the Administration of the Mining Law of 1872, as amended,
On Lands within the National Park System

1. Introduction

The purpose of this interagency agreement (IA) is to define the responsibilities of the Bureau of Land Management (BLM), Department of the Interior and the National Park Service (NPS), Department of the Interior in the administration of the Mining Law of 1872, as amended, on lands within the National Park System.

2. Authorities

A. BLM

43 U.S.C. 1701 et seq., 30 U.S.C. 22 et seq., 30 U.S.C. 611 et seq.

B. NPS

16 U.S.C. 1 et seq., 16 U.S.C. 1901 et seq.

3. Responsibilities

A. BLM

The BLM is responsible for developing and promulgating the policies to be followed in the administration of the mining laws as pertaining to entry, location and patenting. The BLM regulations that provide for proper location, maintenance, and patenting of mining claims are the definitive executive branch position on such matters. The BLM regulations, instructions, manuals and handbooks contain the standards and procedures to be used for the examination of mining claims and the preparation of mineral reports.

BLM reviews and approves all validity examination reports prepared by NPS or by a contractor which recommend contesting mining claims. BLM, with NPS participation, conducts validity examinations of mining claims or mill sites contained in mineral patent applications. Only BLM may initiate contest actions before the Office of Hearings and Appeals (OHA).

The BLM, in conjunction with the Division of Energy and Resources, Office of the Solicitor (SOL), Department of the Interior, evaluates and interprets the mining law as construed by the OHA, Department of the Interior, and the Courts. Such evaluations and interpretations are the definitive executive branch position on mining law matters.

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Interagency Agreement Between
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B. NPS

NPS is responsible for ensuring that activities associated with the exercise of valid existing mining claims are conducted in a manner that preserves and protects park resources and recreational values. The NPS conducts validity examinations on mining claims located on NPS administered lands to determine if such mining claims are valid. NPS mineral examiners will serve as expert witnesses when the government's case is presented before OHA, including those cases when contractors are employed.

4. Procedures for Patent and Determination of Valid Mining Claims

A. Patent Validity Examinations

BLM adjudicates all mineral patent applications and will notify NPS of the receipt of application once the application is determined to be complete. BLM will, with NPS participation, conduct a validity examination of the mining claims and BLM will prepare the mineral reports. BLM will provide NPS with a list of which mineral patent applications are to be examined at the start of each fiscal year.

B. Determination of Valid Claims

NPS, or its contractor, will conduct validity examinations on mining claims not under patent application in all units of the National Park System. NPS will prepare mineral reports detailing the findings of the validity examination and make appropriate recommendations to BLM. The mineral reports will conform to the standards set out in BLM manuals, handbooks and instructions.

5. Review of Mineral Reports

A mineral report prepared for either a mineral patent application by BLM or a validity examination by NPS, will be transmitted to the appropriate BLM State Office. BLM shall review the mineral report to determine if it is technically correct and suitable for the action recommended. Reports that are not technically correct, or are inadequate for the recommended action will be returned to the author with an explanation of what steps must be taken to correct the document. Mineral reports that are not corrected during a second writing, or that the author will not correct, will be rejected. Reports that meet BLM standards will be approved. Reports will not be available under the Freedom of Information Act (FOIA) from NPS sources. They will be considered as a pre-decisional document subject to possible exemption from mandatory disclosure under FOIA. The recommendations and conclusions of the report will not be released under FOIA.

6. Actions on Mineral Reports

A. Mineral Patent Applications

BLM will act on approved mineral reports, issue patents, or prepare and initiate contest actions before OHA, where appropriate.

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Interagency Agreement Between
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B. Determination of Valid Mining Claims

BLM will act on approved mineral reports by preparing and initiating contests before OHA when contest action is appropriate. Where the report is not corrected on a second writing, or NPS will not correct the report, no contest actions will be initiated by BLM.

7. Appendices and Local AgreementsA. Appendices

Matters related to training of personnel, use of equipment, and other matters on a Nation-wide level not covered in this agreement shall be addressed in appendices to this agreement. Such appendices shall be negotiated independently of this agreement and the agreement shall not depend upon the continuation of any agreements contained in any appendices.

B. Local Agreements

Local or regional level agreements relating to matters covered by this agreement may be negotiated between NPS Regional Director and BLM State Director. Such local agreements take on full force and effect when signed by the State Director and the NPS Regional Director. Local agreements may not alter the basic policies set out in this agreement or its appendices.

8. Administration of the AgreementA. Coordination Meetings

The appropriate field and headquarters officials of BLM and NPS shall meet on not less than an annual basis to review activities conducted under this agreement. NPS and BLM will, on a timely basis, exchange the necessary information, needed to prepare fiscal year budgets.

B. Effective Date and Term of Effect

This agreement shall remain in effect for a period of five years from the date of execution. The date of execution shall be the later date of signature of either party. This may be extended in five year increments by mutual agreement. Either party may terminate this agreement by providing 60 days written notice of their intent to cancel.

ACTING Mary Lou Guier
Director, National Park Service

Robert J. Buford
Director, Bureau of Land Management

4/1/85
Date

5/1/85
Date

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Interagency Agreement Between
the BLM and the NPS

APPENDIX A
Interagency Agreement
between
The Bureau of Land Management
and
The National Park Service

For the Administration of the Mining Law of 1872, as amended,
On Land within the National Park System.

1. Introduction

In accordance with article 7.A of the above Interagency Agreement, the purpose of this appendices is to address a matter related to administration of the Mining Law of 1872, as amended, but is not covered in the content of the Agreement.

2. Training

The BLM currently provides training in mining law administration at the BLM Phoenix Training Center to geologist and/or mining engineers. BLM will allocate slots at the center for NPS personnel on a space available basis. Nomination of qualified trainees by the NPS should be submitted to the Director, 680 BLM by October 1 of the year preceding the year in which the training is desired.

BLM will bill the NPS for costs incurred by the Bureau on SF-1081: Voucher and Schedule of Withdrawals and Credits within one month after training NPS personnel. Cost will be computed on a per-trainee basis and will include a proportionate share of materials, rental, overhead, and other incidental costs incurred. All travel and per diem costs incurred by NPS employees will be borne by NPS.

This appendix shall remain in effect for the period of the Agreement. It is negotiated independent of the Agreement, and the Agreement shall not depend upon the continuation of any agreements contained herein.

ACTING Mary Lou Guier
Director, National Park Service

4/1/85
Date

Robert J. Buford
Director, Bureau of Land Management

5/1/85
Date

H-3860-1 - MINERAL PATENT APPLICATION PROCESSING

Agreement Between
the FS and the BLM

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MINING APPLICATIONS AND CLAIMS
AGREEMENT OF APRIL 1, 1957
BETWEEN FOREST SERVICE - BLM
PROVIDES PROCEDURES FOR HANDLING PATENT APPLI-
CATIONS FOR MINERAL AND NONMINERAL LANDS
AND FOR CERTAIN OTHER ACTIONS AFFECTING
UNPATENTED MINING CLAIMS, WITHIN NATIONAL
FORESTS

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington 25, D. C.

MEMORANDUM OF UNDERSTANDING

Subject: Work Procedures Governing Actions on
Applications or Claims for Lands within
National Forests

The Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture, hereby agree that the procedures set forth below shall be followed with respect to proceedings, applications, entries, or claims which involve lands within national forests, and/or the mineral resources thereof. These procedures are adopted to insure that cooperative and orderly action by the Bureau of Land Management and the Forest Service with respect to such proceedings, applications, entries, or claims, consistent with the assigned functional responsibilities of each agency.

A. APPLICATIONS FOR ENTRY OR PATENT

1. Notice to Forest Service of applications filed; action by land office manager.

Upon filing in the appropriate land office of an applications for entry of or patent to mineral or nonmineral lands included within a national forest, the manager will immediately forward to the forest supervisor in charge of such forest a copy of the applications and of any statement or document required to be filed therewith, together with information as to the

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date the application was filed, the date of filing of the township plat of survey covering the land, if the application is for mineral patent a copy of the plat of the mineral survey if one has been made.

2. Land office action suspended.

The manager will suspend action on each application referred to the Forest Service pursuant to section 1 for a period of 60 days, or upon the written request of the Forest Service, where climatic or other conditions require, for such time, as will enable the Forest Service to make the necessary examination of the lands involved in the claim and prepare for a contest if such action is desirable. Land Office action on the application will be resumed upon expiration of the period of suspension or upon the manager's receipt at an earlier date of the Forest Service report and recommendation for a contest or notice that it does not recommend initiation of a Government contest.

3. Examination and report by Forest Service.

Upon receiving a copy of an application and of other documents and information relating thereto, as provided in section 1 hereof, it will be the responsibility of the Forest Service to make any necessary examination including mineral covering national forest lands included in the application. The regional forester will decide what action will be taken. If he concludes that he will not recommend initiation of a Government contest against the application he will so advise the land office manager. If the regional forester recommends that the application should be contested he will refer the matter to the appropriate attorney in charge; Office of the General Counsel, Department of Agriculture, who will prepare, for the regional forester's signature, a recommendation to the land office manager for initiation of a Government contest. Such request shall be filed in triplicate with the manager.

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4. Recommendation for initiation of Government contest; form and contents.

Recommendations of regional foresters for initiation of Government contest may be made by letter or other appropriate written form. Such recommendations and the information in support thereof, need not be under oath or corroborated. Each recommendation must include, or be accompanied, by the following:

- (a) All information which will be required by the land office manager in the preparation and service of a complaint initiating a Government contest pursuant to the applicable provisions of the rules of practice 43 CFR Part 221.
- (b) A copy of the report of field examination, upon which the recommendation is based.
- (c) Information as follows which will be supplied to the Hearing Examiner, Bureau of Land Management, for his guidance in scheduling a hearing (see Bureau of Land Management Form 4-1333, copy attached):
- (1) Logical place for hearing: _____
_____ (City
or town)
 - (2) Suggested alternate place: _____
_____ (City or
town)
 - (3) Suggestions as to available space for hearing room in cities or towns named and addresses of persons or offices to contact.
 - (4) Estimated time (in days) the hearing will require.

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(5) Preference of the Department of Agriculture, if any as to approximate date for scheduling a hearing and reasons therefor.

(6) A statement indicating whether the Department of Agriculture has reason to believe that it will file with the Hearing Examiner, following service of a complaint initiating a Government contest and answer thereto, a motion for pre-hearing conference as provided for in 43 CFR 221.69.

(7) Any other information which will be helpful to the Hearing Examiner in scheduling and arranging for a hearing, including the number of copies of the transcript of the hearing which the Department of Agriculture desires to receive.

5. Action by Land office manager on recommendation for initiation of a Government contest.

Upon receipt from the regional forester of a recommendation for initiation of a Government contest are present, will prepare, and proceed with service appropriate as to each interested party, of a complaint conforming with 43 CFR 221.68 and the regulations referred to therein. The manager will forward a copy of the complaint to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture.

6. Action by manager upon filing of an answer or expiration of period allowed for such filing.

If an answer to the complaint is not filed as required, the manager will proceed with a decision as provided in 43 CFR 221.65. If an answer is filed, the manager will prepare BLM Form 4-1333, transmitting the contest action to the appropriate Bureau of Land Management Hearing Examiner and requesting that a

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hearing be scheduled. The manager will forward three copies of the request for scheduling of hearing (Form 4-1333) and one copy of the answer to the complaint to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture.

7. Scheduling of Hearing.

The Examiner to whom a contest action has been referred for hearing, will schedule a hearing as soon as practicable and serve notice of the hearing upon all parties, including the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, who will be furnished three copies of the notice of hearing.

Normally, hearings will be scheduled not less than 60 days, nor more than 90, days in advance. A hearing must be scheduled at least 30 days in advance unless all parties request or consent to an earlier hearing date (43 CFR 221.70). The scheduling of hearings 60 to 90 days in advance is intended to provide all parties, including the Government, ample time in which to prepare for hearing.

In scheduling a hearing, the Examiner will give due consideration to any recommendations as to the time for the hearing that have been made in Item 9 of Form 4-1333, transmitting the case to the Examiner.

8. Place for hearing.

Hearings in proceedings under Public Law 167 must be held in the county in which the lands involved are located, unless the mining claimant agrees otherwise. See 43 CFR, Sections 185.131.

In all other types of actions involving hearings, it will be the policy to hold the hearing either in the county where the lands involved are located or at another point that will not unduly increase costs to the private parties or cause them undue difficulties in securing the attendance of witnesses or otherwise presenting their side of the case at the hearing.

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9. Requests for postponements of hearings.

The provisions of 43 CFR 221.71 will be applicable to all requests for postponement of hearings, including any such requests made by a regional forester. Each request for postponement must include specific reason therefor. Requests for postponement will be filed direct with the Hearings Examiner before whom the related contest action is pending.

10. Prehearing conferences.

Any motion by a regional forester for a prehearing conference (43 CFR 221.69) in any contest action involving lands within a national forest will be filed direct with the Hearing Examiner before whom the contest action is pending.

The Hearing Examiner will forward to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, three copies if each notice or order issued by him pertaining to a prehearing conference, or motion therefor, in a contest action that involves lands within a national forest.

11. Officer to represent Government at hearing.

In all hearings relating to applications for entry of or patent to lands within a national forest, the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, will be entered of record as appearing in behalf of the Government and will be responsible for conducting the Government's side of the case.

12. Reporter's service; hearing transcript.

The Hearing Examiner will arrange for stenographic reporting of the hearing and will obtain sufficient copies of the hearing transcript for Government use

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and for use of private parties if they have so requested. Upon receipt of the transcript, the Examiner will forward to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, the number of transcript copies specified in the regional forester's recommendation for initiation of Government contests (see 4c(7) above).

13. Decision by Hearing Examiner.

As promptly as possible after the hearing and expiration of the period allowed by him for the parties to file proposed findings of fact and conclusions of law (43 CFR 221.76 (a)), the Examiner will supply the decision in 5 copies to the attorney in charge, Office of the General Counsel, Department of Agriculture.

In any case in which the Examiner may be instructed to render only a recommended decision (43 CFR 221.76(c)), he will forward his recommended decision to the Director, Bureau of Land Management, together with the case file. The Examiner will not serve the recommended decision on any party to the proceeding, or make distribution of any copies of the recommended decision. The Director will make the initial decision in the case and will serve copies thereof on all parties in the same manner as when the Examiner has rendered the initial decision.

14. Appeals.

Any appeal to the Director, Bureau of Land Management, from the decision of a Hearing Examiner based on a Government contest and a hearing held thereon must be filed in the office of the Examiner who rendered the decision, in accordance with the regulations in 43 CFR 221.2. Any party, including the Government, adversely affected by the decision of a Hearing Examiner may appeal to the Director (43 CFR 221.77).

B. PROCEEDINGS UNDER ACT OF JULY 23, 1955, AFFECTING UNPATENTED MINING CLAIMS.1. Verified statement; referral to Forest Service.

If any verified statement, as prescribed in 43 CFR, sections 185.126 and 185.130, is filed in a land office pursuant to a proceeding under the Act of July 23, 1955

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(69 Stat. 367, 30 U.S.C. 601) and applicable regulations (43 CFR 184, 120-185.137), initiated at the request of the Forest Service, the manager will determine the acceptability of the verified statement and if acceptable, forward a copy of the verified statement to the forest supervisor of the national forest involved, together with information showing the date the statement was filed.

2. Examiner and report by Forest Service.

Upon receiving a copy of a verified statement, the forest supervisor will make a report thereon to the regional forester. The regional forester will order an examination of the mining claim or claims covered by the verified statement and decide what action should be taken. The regional forester will promptly consider the report and will proceed in the same manner as provided in Part A, Section 3, above to notify the land office manager as to whether he recommends that a hearing be held to determine whether the Government shall have the right to manage the vegetative surface resources of the lands within a mining claim or claims involved.

3. Recommendation that hearing be held; form and content.

Recommendation of regional foresters that a hearing be held to determine the rights of the Government to manage vegetative surface resources of lands within a mining claim or claims with respect to which a verified statement has been filed may be made by letter or other appropriate written form. Such recommendations and the information in support thereof need not be under oath or corroborated. Each such recommendation will be filed with the land office in triplicate and must include, or be accompanied by, the following:

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(a) Identification, by name and location, of the claim or claims involved.

(b) A specific recommendation that a hearing be held.

(c) The name and address, so far as it is known, for each person having an interest in the claim or claims.

(d) A statement setting forth in clear and concise language the matters of fact and law constituting the issues upon which the Forest Service will present evidence at the hearing (see 43 CFR 185.131).

(e) Three copies of any stipulations between the Forest Service and any party of parties having an interest in any of the claims respecting rights asserted under a verified statement (see 43 CFR 185.132).

(f) A copy of the report of field examination upon which the recommendation is based.

(g) All of the information required by Part A, section 4(c), above.

4. Referral to Hearing Examiner; action by Examiner.

Upon receipt of a recommendation that a hearing be held, conforming with the preceding section, the manager will transmit the original copy thereof to the appropriate Bureau of Land Management Hearing Examiner, using for this purpose BLM Form 4-1333 and distributing copies thereof as provided in Part A, section 6.

Upon receipt of the recommendation the Examiner will schedule a hearing. The Examiner's notice of hearing will contain a statement of the issues upon which the Government will present evidence at the hearing. The provisions in Part A, section 7 to 14, inclusive, will be applicable to scheduling of the hearing, conduct thereof, and decision thereon.

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5. Stipulation that eliminates necessity of a hearing.

Where following the filing of a verified statement the Forest Service and the mining claimant enter into stipulations that eliminate the necessity of holding a hearing, the Forest Service shall file the original of such stipulation with the land office manager.

6. Waiver of rights by mining claimants; recording, supplying copy to the land office.

If the Forest Service receives or obtains a waiver of rights by mining claimants, as provided in Section 6 of the Act of July 23, 1955, and the regulations in 43 CFR 185.136, that agency will record the waiver in the office where notice or certification of location of the mining claim or claims involved is of record. The Forest Service will also forward to the land office concerned a copy of such waiver, together with information identifying the office in which it was recorded and the date of recording.

The waiver will not be filed with the land office manager unless a verified statement has previously been filed by the claimant.

C. PROCEEDINGS UNDER ACT OF AUGUST 11, 1955, AFFECTING PLACER MINING CLAIMS

1. Location notices and statements of assessment work; referral to Forest Service.

Upon receipt in a land office of the copy of a notice of location of a placer mining claim involving lands within a national forest which has been filed pursuant to the Act of August 11, 1955 (69 Stat. 681, 30 U.S.C. 621), the manager promptly will forward a copy thereof to the forest supervisor of the national forest involved together with information showing

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the date the notice of location was filed in the land office. The manager will also forward to the Federal Power Commission a copy of all such location notices (both lode and place) for a report upon which the manager will determine whether the lands involved are open to mining location in accordance with Section 2 of the Act and 43 CFR 185.103.

2. Action and report by Forest Service

Upon receipt of a copy of notice of location of a placer claim, the forest supervisor will promptly submit a report thereon, based upon such field examination or other action as he deems necessary, to the regional forester. The regional forester will consider the report promptly and will advise the land office manager of his conclusions within 40 days from the date the notice of location was filed in the land office. The report to the manager will indicate either (1) that placer mining operations will not substantially interfere with other uses of the land included within the placer claim, or (2) that placer mining operations will substantially interfere with other uses of the lands included in the claim. If the latter, the report will also include a concise explanation of why substantial interference with other uses of land would occur and a recommendation that a hearing be held as provided by Section 2(b) of the Act of August 11, 1955. If a hearing is recommended, the report will also specify whether the Forest Service is at that time prepared to proceed with the hearing or whether it desires to make a further field examination in advance of the hearing. If the Forest Service is prepared, at the time of its report, to proceed with the hearing, its report and recommendation that a hearing be held will also include or be accompanied by (a) a copy of any report of field examination upon which the recommendation is based, and (b) all of the information required by Part A, 4(c) above.

3. Intention to hold hearing: notice by land office manager.

Where the report to the manager recommends that a hearing be held, the manager will review the recommendation and if he concurs will send to the locator by certified mail, a notice of intention to hold a hearing. The manager will forward three copies of

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the notice to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture. The manager may request such other information he deems necessary from the Forest Service or Field Examiners of the Bureau of Land Management prior to determination as to whether a hearing should be held.

4. Further report by Forest Service.

If the report made to the land office manager as provided in Section 2 above indicates that the Forest Service desires to make further field examination in advance of the hearing, it will proceed to do so as promptly as possible. Upon completion of the field examination the regional forester will make a further report to the land office manager, which report will include or be accompanied by the following: (a) a specific recommendation the (1) a hearing be held, or (2) that the notice of intention to hold a hearing previously served on the locator of the claim involved be withdrawn; (b) a copy of the report of field examination upon which the recommendation is based; (c) if a hearing is recommended, all of the informations required by Part A, Section 4(c).

5. Referral to hearing examiner: action by examiner.

If the land office manager determines from the report he receives from the Federal Power Commission that the land involved are open to mining location he will, upon receipt of a recommendation for hearing conforming with Section 2 or 4 above, transmit the original copy of the recommendation to the appropriate Bureau of Land Management hearing examiner, using for this purpose BLM Form 4-1333, and distributing copies thereof as provided in Part A, section 6.

Upon receipt of the recommendation the examiner will schedule a hearing. The examiner's notice of hearing will include a statement of the reasons, as set forth in the Forest Service recommendation for hearing, why mining operations on placer claim involved will substantially interfere with other uses of the land

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included in the claim. The examiner's notice of hearing will also specify a 30-day period during which any other parties desiring to protest mining operations on the claim may file their protests in the land office. The examiner will supply a copy of the notice of hearing to the manager who will post it in the land office for a period of 30 days prior to the date set for the hearing. The examiner's decision following the hearing will embody an appropriate order as provided in Section 2(b) of the Act of August 11, 1955. In all other respects the provisions of Part A, Sections 7 to 14 inclusive, will be applicable to scheduling the hearing, conduct thereof, and decision thereon. Any party to the hearing, including the Forest Service, if adversely affected by the examiner's decision, will have a right of appeal to the Director.

6. Protests: distribution of copies.

If any protests against the placer claim involved are filed in the land office in response to posting of the notice of hearing in the land office or local publicity concerning the hearing, the land office manager will transmit the original of the protest to the hearing examiner, one copy to the forest supervisor, and one copy to the locator of the placer mining claim, with information showing date of filing.

7. Recording of final order.

Following decision by the examiner and disposition of any appeals therefrom, the land office manager will file a certified copy of the final decision embodying an appropriate order as provided in Section 2(b) of the Act of August 11, 1955, in the same State or county office in which the locator's notice of location is filed.

D. ADVERSE PROCEEDING UNDER BASIC MINING LAWS

1. Applicable procedures.

When the Forest Service desires to recommend adverse proceedings against an unpatented mining claim on lands within a national forest under authority of the basic mining laws of 1872, it will do so by

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filing with the appropriate land office a recommendation for initiation of Government contest. The filing of such recommendation, form and content thereof, and all other matter relating to scheduling and conduct of a hearing and decision thereon will follow the procedures in Part A, section 4 to 14 inclusive, of this Memorandum of Understanding.

E. HEARINGS ARISING FROM APPEALS TO THE DIRECTOR

1. Hearings in cases involving lands within the national forests.

Where the Director, Bureau of Land Management, pursuant to the Rules of Practice (43 CFR, Subpart A of Part 221), orders a hearing on issues of fact relative to a decision before him on appeal, which involve lands within a national forest, three copies of the order directing the hearing and specifying the issues of fact upon which evidence will be received will be forwarded to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, for advice to the Forest Service and such action by that agency as may be appropriate in the specific case involved.

2. Applicable procedures.

All reports, recommendations, or requests submitted by the Forest Service pursuant to the preceding section will be filed with the Director. Insofar as consistent for this purpose, the provisions of Part A, sections 3 and 4, relating to preparation, form, content, and filing of documents will be followed.

The scheduling of hearings and other matters relating thereto will be governed by the provisions of Part A, sections 7 to 12 inclusive.

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In any hearing on issues of fact relating to decisions on appeal to the Director, the Hearings Examiner who conducted the hearing will submit to the Director proposed findings of fact on the issues presented at the hearing (43 CFR 221.20). The examiner's proposed findings of fact will not be served on the parties.

F. GENERAL1. Costs.

Costs of publication pursuant to surface rights determination under the Act of 7/23/55 on Forest Service lands will be paid by the Forest Service. Costs incurred by the Bureau of Land Management in its actions on proceedings, applications, entries, or claims covered by this Memorandum of Understanding, including all cost incurred by Hearing Examiners, and costs for stenographic reporting services chargeable to the Government, will be paid from funds appropriated to the Bureau of Land Management.

2. Estimates of costs.

The Forest Service will supply, as may be requested by the Bureau of Land Management on an annual or quarterly basis, such estimates as may reasonably be required by the Bureau in programming, budgeting for, and administering its work relating to the proceedings, applications, entries, or claims covered by this Memorandum.

3. Instructions to field personnel.

The Bureau of Land Management and the Forest Service will issue to their respective field staffs such instructions as are necessary to implement the provisions of this Memorandum.

4. Effective date; previous procedures superseded.

The provisions of this memorandum will become effective as of the date revised under 43 CFR Part 205, are published in the Federal Register. Upon

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such effective date, the provisions of this Memorandum will supersede all prior procedures observed by the Bureau of Land Management and the Forest Service with respect to the matters covered by this Memorandum.

G. PROCEEDINGS UNDER THE ACT OF OCTOBER 23, 1962 FOR THE RELIEF FOR RESIDENTIAL OCCUPANTS OF UNPATENTED MINING CLAIMS ON LANDS UNDER THE JURISDICTION OF THE FOREST SERVICE.

1. PETITIONS.

A. Notice to Forest Service of petitions filed with State Director for lands under the jurisdiction of the Forest Service.

All petitions will be filed with the State Director as outlined in 43 CFR 260.4. Those pertaining to lands under the jurisdiction of the Forest Service will be forwarded promptly to the appropriate Regional Forester by the State Director.

B. Action by the Forest Service.

The Regional Forester will have the claim, included in the petition, examined by a mineral examiner to determine if in his opinion the claim is valid or invalid. The examiner's opinion will be based on the same standards as apply to validity determinations in examinations and reports in connection with an application for a mineral patent.

1/ The Memorandum of Understanding between the Bureau of Land Management, Department of the Interior and the Forest Service, Department of Agriculture signed by Earl J. Thomas, March 18, 1957, Acting Director, Bureau of Land Management and by V.L. Harper, April 1, 1957, Acting Chief, Forest Service is hereby amended by adding section G.

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The regional Forester will forward the mineral examiner's report and opinion to the State Director.

C. Action by the State Director.

The State Director will, on the basis of the facts in the Forest Service report and other data available, decide whether he believes the claim to be valid or invalid and will so inform the petitioner. This is a Bureau of Land Management decision.

2. APPLICATIONS

A. Notice to Forest Service of applications filed with State Director for lands under the jurisdiction of the Forest Service.

All applications will be filed with the State Director as outlined in 43 CFR 260.5. Those pertaining to lands under the jurisdiction of the Forest Service will be forwarded promptly to the appropriate Regional Forester by the State Director.

B. Action by the Forest Service.

The Regional Forester will forward the application to the Forest Supervisor concerned, who will determine the and authenticity of facts as presented in the application. The Forest Supervisor will prepare a report and recommendation which will include the following:

(a) Statement regarding the authenticity of the facts as presented in the application.

(b) Statement as to the claimant's qualifications as a "Qualified Applicant.

(c) Photographs of all structures on the site.

The Forest Supervisor's report will be forwarded to the Regional Forester who after review and approval will forward to the State Director.

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C. Action by the State Director.

The State Director will review the report and recommendations and if agrees, he will inform the applicant as to whether or not he meets the qualification of a "Qualified Applicant." In the event the State Director feels he cannot adopt the Regional Forester's recommendations, he will notify him and they will attempt to reconcile their differences. If this is not possible, the matter will be considered through the administrative channels of both Departments until an agreement is reached. Final decision, however, as to the qualifications of the applicant is with the Bureau of Land Management.

Applications of applicants that the State Director determines have met the qualifications of a "Qualified Applicant" will be returned to the appropriate Regional Forester by the State Director.

D. Action by the Forest Service on applications which the State Director has determined have met the qualifications of a "Qualified Applicant."

The Regional Forester will forward the "Qualified Applicant's" application to the Forest Supervisor concerned who will examine the site and determine whether or not consent to convey an interest in the site will be given. This is a Forest Service decision.

(a) In the event consent to convey an interest will not be given, the Forest Supervisor will prepare his report and notify the applicant of the decision. The report should reflect the arrangements made for termination of the applicant's occupancy of the unpatented mining claim and for settlement of any liability for the unauthorized use. Copies of this report and the notice to applicant will be sent through the Regional Forester to the State Director for his information.

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(b) When the Forest Supervisor determines that consent to convey an interest should be given he will prepare a report which will include the following:

(1) Terms of the estate to be offered (Fee title and acreage or if not fee title, acreage and length of tenure).

(2) Conditions that must be met before the conveyance may be made.

(3) Limitations and reservations to be contained in the conveyance.

(4) Price to be paid for the conveyance.

(5) Conditions that must be performed by the applicant after conveyance.

After completion the Forest Supervisor will forward his report to the Regional Forester. After review and approval the Regional Forester will discuss with the State Director the price to be paid by the applicant for the interest to be conveyed. Two points must be considered as follows:

(Point 1) When the Regional Forester consents to a conveyance of fee title, his recommendation of price is only advisory and after discussion with the State Director, the Regional Forester will instruct the Forest Supervisor to notify the applicant and outline the size of the area to be conveyed and other conditions and limitations. He will not discuss price. Copies of the notification will be sent to the State Director by the Regional Forester for information.

(Point 2) In all other cases where only an interest less than fee title is to be conveyed, the Regional Forester and the State Director will attempt to arrive at an agreement on price to be paid for the interest to be conveyed before any contact is made with the applicant. In the event the Regional Forester and the State

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Director cannot agree on the price, the matter will be considered through administrative channels of both Departments. Final decision, however, is with the Department of the Interior. After such an agreement, the Regional Forester will instruct the Forest Supervisor to notify the applicant of the interest that will be conveyed and the conditions, limitations and price to be paid for such interest. The Regional Forester will forward to the State Director the conditions to be included in the permit to be issued by the Bureau of Land Management.

E. Action by the State Director.

1. When fee title is to be conveyed the State Director will process the case to patent.
2. When a lesser interest is to be conveyed the State Director will prepare and sign the necessary form or permit and forward to the appropriate Regional Forester for conveying to the applicant.

F. Action by the Forest Service.

All administration of the permit, including the collection of the fee to be paid, will be by the Forest Service.

3. GENERAL

A. Costs.

There will be no reimbursement by either agency for work performed by that agency in connection with this Act.

B. Instructions to field personnel.

The Bureau of Land Management and the Forest Service will issue to their respective field staffs such instructions as are necessary to implement the

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provisions of this memorandum. Sufficient copies of their instructions will be furnished the other agency for distribution to their field staffs.

C. Appeals.

Any person adversely affected by a decision of an officer of the Bureau of Land Management or of the Forest Service shall have the right of appeal under applicable regulations of the Department involved. For appeal purposes, decisions regarding consent to convey and the terms and conditions to be imposed in connection therewith are to be made by officers of the Forest Service. All others are to be made by officers of the Bureau of Land Management. The officer making an appealable decision shall advise the person affected of his appeal rights. The State Director shall be notified when an appeal is taken from a Forest Service decision and he shall be furnished with a copy of the final decision on appeal.

D. Effective date.

The provisions of this memorandum will become effective as of the date signed by both parties.

July 2, 1963
(Date)

/s/ W. S. Swingler
Acting Chief, Forest Service

July 16, 1963
(Date)

/s/ Charles H. Stoddard, Director
Bureau of Land Management

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Serial No. _____

1. APPLICANT IDENTIFICATION (43 CFR 3862.1-1)

Name of applicant _____

Address of applicant _____

Does applicant reside in the Land District _____ (The state where the claims are located.) If so, applicant must sign the application.

Is application signed by applicant _____ (If not, and applicant lives in the Land District, request that applicant sign the application.)

If applicant does not live in Land District, name of authorized agent or attorney-in-fact _____

Address _____

Was authorization by power of attorney filed _____ (If not, request power of attorney from applicant.)

Was application signed in the Land District _____ (If not, have the application signed in the Land District.)

Application filed in duplicate _____ Date signed _____

Date filed _____ Amount of nonrefundable service charge _____ (If service charge did not accompany application, request service charge.)

Receipt No. _____ (43 CFR 3862.1-2)

2. CITIZENSHIP (43 CFR 3862.2)

**INDIVIDUAL: Native born _____ When born _____

Where born _____ Naturalized _____ Date _____

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Number of certificate_____ Declaration of intent to
 become a citizen_____ Date_____ Court_____

Present residence_____

****CORPORATION:** If previously filed, reference by serial
 number_____ (Must be organized under laws of
 U.S. or state laws.)

Certified copy of charter furnished_____ or certificate
 of incorporation furnished_____.

Is certificate in good standing_____. Does corporation
 have authority to do business in State_____. Does the
 corporation's charter allow acquisition of land_____.

Was a copy of the resolution of the board of directors
 authorizing an agent to file the application certified to by
 the secretary of the corporation under its seal
 filed_____. (President or vice president may file
 without such authorization, provided that person has the
 authority to do so.)

****ASSOCIATION:** Citizenship of each member furnished_____
 (43 CFR 3862.2-2). A statement giving date of birth, place of
 birth, and present address of each member may be made by
 authorized agent or each individual member.

****TRUST:** Disclosure of nature of trust_____. If filed
 by attorney in fact, was certified copy of power of attorney
 filed_____. (If not, request certified copy)

3. **EVIDENCE OF TITLE** (43 CFR 3862.1-3 and 43 CFR 1863.5)

****CERTIFICATE OF TITLE:** Name of title company_____

Was corporate seal affixed to certificate_____ (If not,
 request another certificate)

Where was corporation organized_____ Is corporation
 authorized to do business in the State_____ (If not,
 request another certificate)

Was certificate filed on BLM Certificate of Title form_____
 Date of issuance_____

Has a supplemental Certificate of Title been filed showing
 full title vested in the applicant to include the date the

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application was filed_____ (If not, request a supplemental certificate)

Does the certificate include date and time application was filed_____

Does the certificate show title vested in the applicant _____ (If not, request a new certificate)

Is certificate based on original locations_____ on amended locations_____

**ABSTRACT OF TITLE: Name of title company_____

_____ Date of issuance_____

Is date subsequent to date application was filed_____ (If not, request a supplemental abstract.) Certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or affect the title to each claim (43 CFR 3862.1-3)

**CERTIFIED COPIES OF LOCATION CERTIFICATES: Were certified copies of location notices filed_____ (If not, request certified copies.)

Were notices of location certified by legal custodian of the records_____

Do names of claims on notices of location agree with names of claims in application_____ In posted notice_____ In notice to be published_____ In survey_____ In Certificate of Title_____ In abstract of title_____ (Names must agree. If they do not, take appropriate action to reconcile conflicts.)

Does application refer to amended notices of location_____ Does the mineral survey refer to amended notices_____ Were certified copies of amended notices furnished_____

Do names of claims in amended notices of location differ from names of claims in original notices_____ If the answer is yes, do the names in the application, notices, and survey conform to names in amended notices_____ (Names must agree. If they do not, take appropriate action to reconcile conflicts.)

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Did amended location notice take in new ground_____

Are the descriptions in location notices and/or amended notices the same as those described in the application_____

Notice posted_____ Notice to be published_____

Notices appended to survey and as delineated on plat_____

Notices furnished with Certificate of Title_____

**SECONDARY EVIDENCE OF TITLE (43 cfr 3862.3-2): Statute of limitations furnished_____ Certificate of court furnished_____ Corroborative proof furnished_____

Note: Title to mining claims and mill site claims can be established when the title records have been lost or destroyed by a provision in R.S. 2332 (30 U.S.C. 38). Under Section 38, the applicant is not required to produce evidence of location, copies of conveyances or abstracts of title. See Terry S. Maley's book Mining Law From Location to Patent, pp. 502-507.

4. TITLE OPINION

Note: In those cases where the mining law adjudicator has reviewed the submitted documents, as well as the mining claim records, and is satisfied they are acceptable, they need not be submitted to the Regional Solicitor for a title opinion.

If necessary, has title opinion been requested from the Regional Solicitor_____ (send entire case file with memo request)

If published earlier than receipt and approval of title, when did applicant request publication_____

Note: Generally, publication is authorized after title has been found acceptable by mining law adjudicator, or acceptable Regional Solicitor's title opinion has been received, and the application has been found to be reasonably complete.

Date Regional Solicitor's title opinion received_____

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5. MINING CLAIM RECORDATION CHECK ON UNPATENTED MINING CLAIMS
 IN MINERAL PATENT APPLICATION _____ (3860-)
 FOR COMPLIANCE WITH SECTION 314 OF FLPA

MC NUMBER(S) _____

CLAIM NAME(S) _____

LEAD FILE NUMBER _____ PRE-FLPA _____ POST-FLPA _____

LOCATION DATE(S) _____ DATE RECORDED WITH BLM _____

DATE(S) OF AMENDMENT(S) (IF ANY) _____ DATE(S) RECORDED WITH BLM _____

REMARKS _____

1ST ANNUAL FILING DUE AT BLM ON OR BEFORE _____

6

<u>FILING YEAR RECEIVED</u>	<u>DATE RECEIVED</u>	<u>ASSESSMENT YEAR COVERED</u>	<u>AFFIDAVIT</u>	<u>NOIH</u>	<u>AMOUNT PER CLAIM</u>	<u>COUNTY RECORDING INFORMATION</u>	<u>DATE RECORDED</u>
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

BY _____ DATE _____

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7. MINING CLAIM RECORDATION INFORMATION

Has MCR compliance check been requested and completed _____
Was unpatented mining claim timely and properly filed with BLM
to comply with FLPMA _____ (See
mining claim recordation compliance check form on page 6.)

Have annual filings (assessment or notice of intent to hold)
been timely filed for years needed to comply with FLPMA _____

If the answer to any of these questions in Part 7 is "NO," you
may have to reject the patent application. Take appropriate
adjudicative action.

Were the claims/sites contested and declared null and void
before FLPMA _____ If the answer is "YES," the
application must be rejected

8. ATOMIC BOMB STATEMENT (43 CFR 3862.1-1(b))

Was claim located after August 1, 1946 _____ If so, was
statement filed that applicant has not had any direct or
indirect part in the development of the atomic bomb project
_____ (If not, request the statement from the applicant)

9. MINERAL SURVEY (43 CFR 3861.1)

Mineral surveys are required for all lode claims, for those
mill site claims not conforming to the public land surveys,
and for those placer or mill site claims located on unsurveyed
public lands.

Mineral survey number _____

Legal description:

Section(s) _____, T. _____, R. _____, _____ M.

Section(s) _____, T. _____, R. _____, _____ M.

Section(s) _____, T. _____, R. _____, _____ M.

Section(s) _____, T. _____, R. _____, _____ M.

Name of mining district _____

Connected to what permanent monument _____

Date survey was made: From _____ To _____

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Date survey was approved_____ Is date of survey after the date of location_____ (If not, you may have to reject the patent application. Take appropriate adjudicative action) (43 CFR 3861.1-2)

Were field notes and plat filed in duplicate_____ (One of each is to be attached to and returned with patent)

If survey plat has been amended, were amended plat and field notes submitted_____ Verify that maximum length is no more than 1500 feet_____ Are claims contiguous_____ (Applicant may own adjoining patented claims which keep claims in patent application from being contiguous)

Are exclusions described in application_____ Are they delineated on plat_____ Are they described in field notes _____

10. LAND STATUS

(Make copies of all documents affecting land status and place them in the case file; i.e., PLOs, EOs, legislation.)

Bureau of Land Management_____ District Office_____

National Forest_____ Name of Forest_____ Date Forest Service notified that application has been filed_____ (Send a copy of the application, status plat and mineral survey plat to Forest Service with notification of application)

****WITHDRAWALS:**

Was the land open to location on the date the claim was located_____ Is the land still open to location_____ Date the land was withdrawn or segregated from mineral entry_____ Nature of withdrawal (wilderness, park, Native or State selection, power withdrawal)_____ PLO#_____

If land is subject to a power withdrawal: Name_____ Date_____ Is date of location subsequent to the Act of August 11, 1955 (P.L. 359, 43 CFR 3730)_____ If not, the claim may have been located when the land was not open to mineral entry. Compare the location date to the date the withdrawal was established to see if the claim was located before the withdrawal was created. If the claim was located after the withdrawal date, but before August 1, 1955, it is null and void ab initio.

Reclamation withdrawal_____ Date_____ (43 CFR 3816) Reclamation withdrawal was opened to entry on what date_____ Subject to stipulations which were filed with

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BLM on what date_____.

Was land patented with minerals reserved to the United States_____ (Act of December 29, 1916; 39 Stat. 862; stockraising homestead or within a stock driveway) If the answer is yes, does application bear on its face that the application is subject to the provisions of the Act of December 29, 1916 as set forth under 43 CFR 3814.2_____

Were lands reconveyed to the United States_____ If required, has an opening order been issued_____ Date_____

Are there presently any outstanding oil and gas or other mineral leases_____ Serial numbers_____

Check mining claim date of location against entries on the Historical Index which show mineral leases and permits in effect on the date of location. See Manual for validity.

Is date of location after Act of August 13, 1954 (P.L. 585), (68 Stat. 708), (43 CFR 3740)_____ A leasable mineral report is necessary if the claim is located after August 13, 1954, and the land claimed is not in an issued lease or application for lease when ready to issue patent (BLM manuals 3862.81A and 3741.41)

Was claim located after the Act of July 23, 1955 (P.L. 84-167, 69 Stat. 367)_____ If "NO," check the master title plat to see if a P.L. 167 determination has been made. Determine if the surface rights lie with the applicant or the United States. If surface rights lie with the applicant, most reservations for rights-of-way and other surface uses may not be made without the consent of the applicant.

List rights-of-way_____

Were they granted before location of claims_____

See "Access Road Construction--Effect of Waivers and Determinations Given Under Public Law 167, 84th Congress," 65 I.D. 200 (1958), M-36493, and Handbook H-3860-1 for information on which rights-of-way are to be reserved in the patent.

11. IMPROVEMENTS

Has at least \$500 been expended or have improvements of that value been made on each claim_____ (43 CFR 3861.2-2)

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NOTE: Improvements made by a former mining claimant who has abandoned or conveyed the claim cannot be included by the applicant (43 CFR 3861.2-3).

For multiple claims in an application, are there common improvements_____ (43 CFR 3861.2-2) How are the costs of the common improvements allocated_____

Do improvements actually aid in removal and extraction of ore_____

For claims requiring a mineral survey, is the Cadastral Engineer's Certificate of Expenditure attached to the field notes_____ (43 CFR 3861.2-2) If not, ask Cadastral Survey for the Certificate and attach it to the field notes. Are improvements described in the application the same as those described in the mineral survey field notes_____

On placer claims, are cuts, shafts, tunnels, and workings claimed as improvements described in detail_____ (43 CFR 3863.1-3) Are dimensions given_____ Is value stated_____ Is course and distance to nearest corner of public survey given_____

Is description and value corroborated by two disinterested witnesses and filed in duplicate_____ Names of witnesses_____

Was proof of improvements showing value to be not less than \$500 and that improvements were made by applicant or grantors filed_____ (43 CFR 3863.1-2) Note: Exclude buildings, machinery, roadways, geological, geochemical, and geophysical survey work [43 CFR 3851.2(a)(4) and 3861.2-3(b)]

12. DISCOVERY

Kind of deposit_____

Is the information called for in H-3860-1 included_____ (The mineral examiner will advise you of the adequacy of the data and if additional information is required from the applicant.)

****LODE CLAIMS**

Is discovery described in narrative_____ (43 CFR 3862.1-1)

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Is kind and character of vein or lode described in narrative _____

Give precise place within limits of each of the locations where vein or lode has been exposed _____

****PLACER CLAIMS**

Does application contain such data as will support the claim that the land applied for is all placer ground containing valuable mineral deposits not in vein or lode formation _____ (43 CFR 3863.1-3)

If application describes known lodes, is declaration of inclusion or exclusion of lodes contained in application _____ Are known lodes delineated on the survey plat _____

Where there is no known lode or vein, does the fact appear by the statement of two or more witnesses _____ [43 CFR 3863.1-3(b)] Names of witnesses _____

Does application include statement that title is sought not to control water courses or to obtain valuable timber but in good faith because of mineral therein (43 CFR 3863.1-3) _____

What are the natural features of the ground _____

If the claim is for placer gold, give yield per pan or cubic yard as shown by prospecting and development work _____ From what amount of material _____

Distance to bedrock _____ Formation and extent of deposit _____

Other facts on which applicant bases allegation that claim is valuable for deposits of placer gold _____

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If the deposit is building stone or another type of deposit other than gold claimed under the placer laws, is the kind, nature, and extent of the deposit described in narrative _____ (43 CFR 3863.1-3)

Natural features of claim (43 CFR 3863.1-3(a)):

- Streams, course _____
- Amount of water carried _____
- Fall within claim _____
- Kind and amount of timber _____
- Other vegetation _____

****ASSOCIATION PLACERS**

Are the number of locators and acreage consistent with what is allowed by state law _____ If not, take appropriate action

On association placers, were dates of discovery furnished _____ Unless a discovery was perfected before transfer of the claim to a single individual, the individual is only entitled to perfect 20 acres of the claim

****MILL SITE CLAIMS**

Was statement filed by two or more persons capable from acquaintance with the land to testify understandably that land claimed is nonmineral in character _____ Name of persons _____

Is use or occupancy of mill site indicated _____

13. POSTING OF PLAT AND NOTICE OF INTENTION TO FILE APPLICATION FOR PATENT (43 CFR 3861.7-1)

If application is for claims and mill sites, separate posting is required on the claims and on the mill sites.

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MINERAL PATENT APPLICATION CHECK LIST

Did applicant file two copies of the Notice of Intention to Apply for Patent which was posted on the claim _____
Were two copies of Proof of Posting filed _____

Was statement of at least two credible witnesses to posting filed _____ (Statement cannot be from the applicant or attorney-in-fact) Statements dated _____
Names of witnesses _____

Does statement include where the Notice was posted on the claim _____

Was survey plat posted (if claims required a mineral survey) _____ If amended, was amended plat posted _____

Does Notice of Intention include: Date of posting _____
Name of applicant _____ Name of claim _____
Survey number _____ Mining district _____

Description of placer deposits _____ County _____
Names of adjoining and conflicting claims _____

Are conflicts to be excluded described in Notice _____

14. PUBLICATION AND PUBLISHER'S AGREEMENT (43 CFR 3862.4 and 43 CFR 1824)

Newspaper designated _____

Is newspaper the paper published nearest the claim _____

Name of publisher _____

Address _____

Date of Publisher's Agreement submitted by applicant _____
Does agreement include statement that publisher agrees to publish at expense of applicant _____ (If not, request a new Agreement)

Daily paper _____ If it is, the notice is to be published on Wednesdays (43 CFR 1824 and 43 CFR 3862.4-1)

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MINERAL PATENT APPLICATION CHECK LIST

Weekly, semi-weekly, or tri-weekly_____ What day is
paper published_____ Notice is to be published in
9 consecutive issues

****NOTICE FOR PUBLICATION**

Check format of notice to be published against format shown in
43 CFR 3862.4-4

Does notice contain the following: Serial number_____

BLM State Office address_____ Date of posting_____

Name of claimant_____ Name of claims_____

Mineral survey number or legal description_____

Section, township, & range_____ Mining district_____

County_____ For claims requiring a mineral survey, is
tie to the nearest U.S. Mineral Monument or corner of public
land survey as shown on mineral survey plat given_____

Perimeter boundary of claims by course and distance_____

Names of conflicting and/or adjoining claims_____

Exclusions_____ Recording data for original notice and
amendments_____

Does notice also contain adverse claimant statement_____

Sample statement: "Any and all persons asserting adverse
claims to any of the land concerned or any part of or interest
in the same for which patent is being applied, are hereby
notified that unless their adverse claims are duly filed
according to the requirements of the law and the regulations
thereunder, within the 60 day period of publication of the
notice of said application with the _____ State Office,
Bureau of Land Management, Address, all of such claims will be
barred by virtue of the provisions of the statutes thereto
applicable.

Publish notice for 9 weeks (43 CFR 3862.4-1)

First publication_____ Last publication_____

60 days expires_____ Exclude the first publication
date to calculate when the 60 days expires

Does the notice to be published include all data given in the
notice posted on the claim_____ Did applicant agree to
make publication at own risk_____ When was notice posted
in public room_____ Was galley proof or copy of first
publication furnished_____ Was it proof read against
notice furnished to the publisher_____

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MINERAL PATENT APPLICATION CHECK LIST

15. ADVERSE CLAIMS/PROTESTS

Was adverse claim filed_____ If so, how is adverse claim stated_____

Purchaser_____ Locator_____ Evidence of title filed_____ Certified copy of notice of location filed_____ If purchased, amount paid for claim_____ Date purchased_____ Statement of witnesses filed_____ Plat showing conflict filed_____

Was claim filed within the 60 days publication period_____ Was notice of adverse claim given to applicant within 30 days of receipt of adverse claim_____ Has adverse claimant been advised to commence suit in local court within 30 days_____

Has a copy of the notice been sent to the District Office and/or Forest Service_____ A copy of notice to adverse claimant_____

Was adverse claim dismissed_____ Date dismissed_____ Court order dated_____ Certificate of clerk that no appeal was filed received_____ Statement of clerk that judgment is final is received_____

Decision giving status of adverse claim issued before resuming action on case_____

Was a protest filed_____ Protest goes to sufficiency of showing made by applicant or sufficiency of claim and can be filed at any time before issuance of a mineral patent.

16. FINAL PROOF

****PUBLISHER'S AFFIDAVIT AND PROOF OF POSTING OF NOTICE ON CLAIMS (43 CFR 3862.4-5)**

Date received from publisher_____ Date received from applicant_____ Was a copy of the published notice returned with the affidavit of the publisher_____ Was it sworn to by the publisher_____ Date sworn to and notarized_____ Was it published for statutory period, giving first and last dates of publication_____ First date of publication_____ Last date_____ Was proof of posting affidavit submitted by applicant or authorized agent evidencing that the notice remained posted on the claims during the entire 60 day publication period_____ Does proof of posting affidavit state notice and plat remained posted on the claims from_____ through_____ (43 CFR

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3862.4-5) Time posted must cover entire 60 day publication period which includes the 3 or 4 days after the last date of publication

****PUBLIC ROOM NOTICE**

Date the notice posted in the public room was removed from the board _____ Did notice posted in public room remain posted for the entire 60-day publication period _____ Is the certificate as to posting that accompanied the notice for posting properly signed and dated by the public room officer _____ Was notice then filed in case file _____

****STATEMENT OF FEES AND CHARGES**

When was the statement of charges and fees filed _____
Does it include: Nonrefundable service charge _____ Cost of publication _____ Survey cost for claims requiring a mineral survey _____ Application fee _____
Purchase money for _____ acres (lodes \$5.00/acre; placers \$2.50/acre; lode claims with mill sites \$5.00/acre; placer claims with mill sites \$2.50/acre; independent mill sites \$5.00 acre)