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ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: BUCK HAVEN

ALTERNATE NAMES:

YAVAPAI COUNTY MILS NUMBER: 231A

LOCATION: TOWNSHIP 12 N RANGE 3 W SECTION 1 QUARTER NE  
LATITUDE: N 34DEG 24MIN 51SEC LONGITUDE: W 112DEG 30MIN 52SEC  
TOPO MAP NAME: WILHOIT - 7.5 MIN

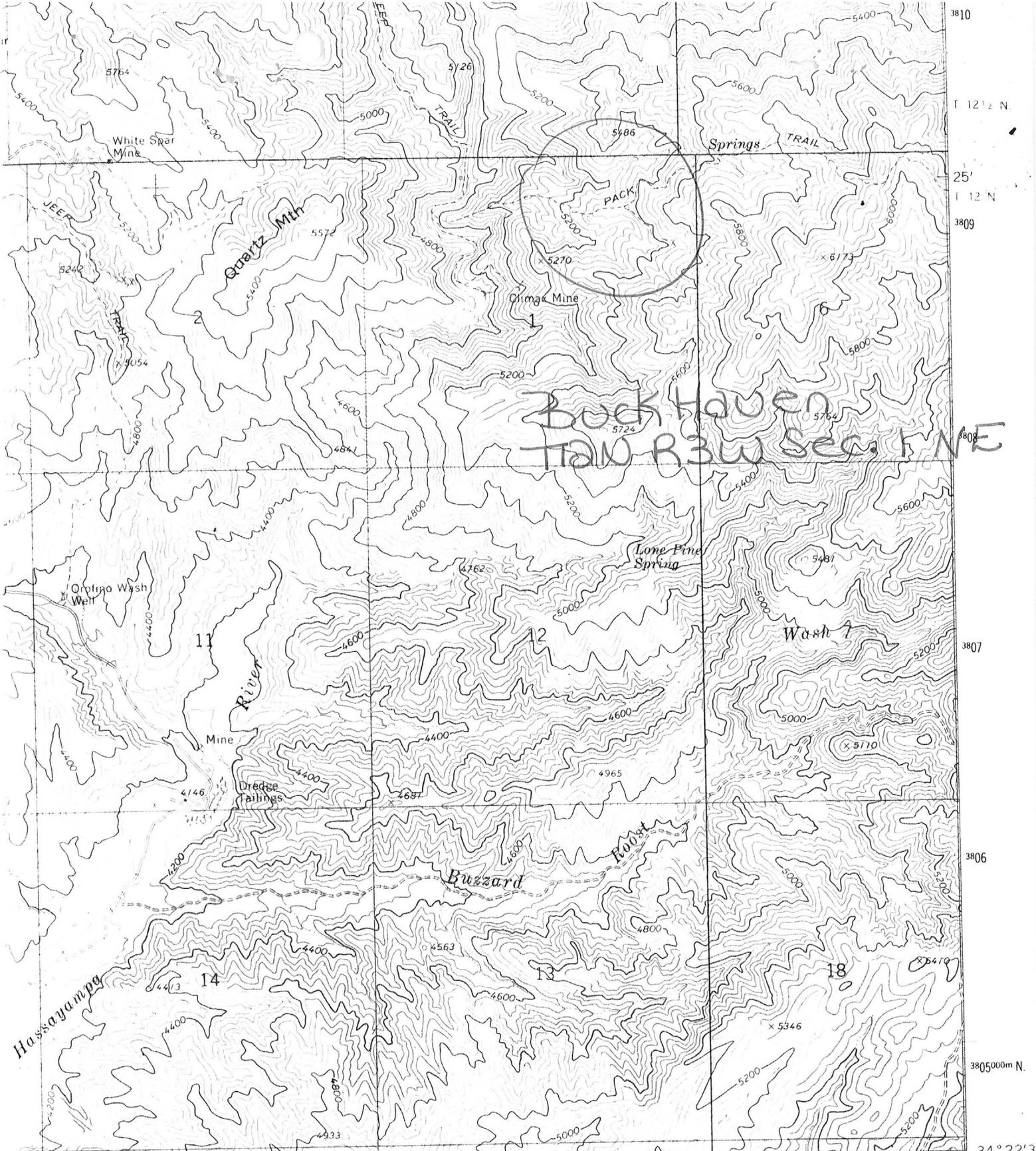
CURRENT STATUS: EXP PROSPECT

COMMODITY:

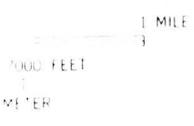
GOLD  
SILVER  
IRON SULFIDE  
COPPER SULFIDE

BIBLIOGRAPHY:

USGS WILHOIT QUAD  
ADMMR BUCK HAVEN MINE FILE



GROVE 8 MI 358 32'30" 359 360 000m E INTERIOR GEODENSAL SURVEY WASHINGTON D.C. - 1973 R. 3 W. R. 2 W 112° 30' 34° 22' 3 3805000m N



- ROAD CLASSIFICATION**
- Primary highway, hard surface
  - Secondary highway, hard surface
  - Light-duty road, hard or improved surface
  - Unimproved road
  - Interstate Route
  - U. S. Route
  - State Route

21-  
 7.5' YA  
 WILHOIT, ARIZ.  
 NE/4 KIRKLAND 15' QUADRANGLE



# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

### INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

HAROLD H. BLOCK

IBLA 83-461

Decided July 12, 1983

Appeal from decision of Arizona State Office, Bureau of Land Management, declaring unpatented mining claims abandoned and void. A MC 68686 through A MC 68688, A MC 68692 through A MC 68694.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Affidavit of Assessment Work or Notice of Intention to Hold Mining Claim—Mining Claims: Recordation

Under sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), the owner of a mining claim located before Oct. 21, 1976, must file a notice of intention to hold the claim or evidence of performance of annual assessment work on the claim by Oct. 22, 1979, and prior to Dec. 31 of each year after the calendar year in which the claim was recorded with BLM. This requirement is mandatory and failure to comply is deemed conclusively to constitute an abandonment of the claim by the owner and renders the claim void.

2. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment—Mining Claims: Abandonment

The conclusive presumption of abandonment which attends the failure to file an instrument required by 43 U.S.C. § 1744 (1976), is imposed by the statute itself. A matter of law, it is self-operative and does not depend upon any act or decision of an administrative official. In enacting the statute, Congress did not invest the Secretary with authority to waive or excuse noncompliance with the statute, or to afford

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INDEX CODE:

43 CFR 3833.2

decision of an administrative official. In enacting the statute, Congress did not invest the Secretary of the Interior with authority to waive or excuse noncompliance with the statute, or to afford claimants any relief from the statutory consequences. Thomas F. Byron, 52 IBLA 49 (1981).<sup>c</sup>

\* \* \* Appellant also argues that the intention not to abandon these claims was apparent \* \* \*. At common law, evidence of abandonment of a mining claim would have to establish that it was the claimant's intention to abandon and that he in fact did so. Farrell v. Lockhart, 210 U.S. 142 (1908); 1 Am. Jur. 2d, Abandoned Property §§ 13, 16 (1962). Almost any evidence tending to show to the contrary would be admissible. Here, however, in enacted legislation, the Congress has specifically placed the burden on the claimant to show that the claim has not been abandoned by complying with the requirements of the Act, and any failure of compliance produces a conclusive presumption of abandonment. Accordingly, extraneous evidence that a claimant intended not to abandon may not be considered. [Emphasis in original.]

53 IBLA at 196-97; 88 I.D. 371-72.

It is unfortunate that the claimant was mentally incapacitated but the responsibility for complying with the recordation requirements of FLPMA rested with him or his agent.

The trustee may wish to consult with BLM about the possibility of relocating these claims.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

  
 \_\_\_\_\_  
 Douglas E. Henriques  
 Administrative Judge

We concur:

  
 \_\_\_\_\_  
 R. W. Mullen  
 Administrative Judge

  
 \_\_\_\_\_  
 Will A. Irwin  
 Administrative Judge

\_\_\_\_\_ c) GFS(MIN) 29(1981)

MA - 45

DEPARTMENT OF MINERAL RESOURCES  
STATE OF ARIZONA  
OWNERS MINE REPORT

Date May 17, 1940

Mine Buck Haven

District Hassayampa District  
Yavapai County

Former name None

Owner Harold H. Block ✓

Operator Harold H. Block

President None

Mine Supt. None ✓

Principal Metals Gold, silver ✓

Production Rate None

Power: Amt. & Type None

Operations: Present Driving a tunnel.

Location 13 miles south of Prescott on  
U.S.89. 1.7 miles down Climax Mine  
road. 0.9 miles East on Forest  
Service trail.

Address 507 Hassayampa Drive  
Prescott, Arizona

Address " "

Gen. Mgr. None

Mill Supt. None

Men Employed None

Mill: Type & Cap. None

Operations Planned No program.

Number Claims, Title, etc. Buck Haven, Buck Trail, Buck Skin, Buck Saw.  
None patented.

Description: Topog. & Geog. Elev. probably between 5300 and 5700 ft. Main workings  
at about 5500 ft. Rugged, steep, rocky, brushy. Claims adjoin on  
side lines forming rectangle 2400 ft. by 1500 ft. or about 80 acres.  
More ground available if need.

Mine Workings: Amt. & Condition Two open cuts.

(over)

**Geology & Mineralization** Subsidence area. Appears to be a diatreme. Intense wall rock alteration, iron stain, chemical stoping. Plan of mineralized area roughly horse shoe shape. Ore occurs mainly on multitudinous transverse fractures of East-West strike and 30 deg. South dip. Native gold (considerable visible) in quartz and gold of pyritic derivation. Also iron and copper sulfides (high grade).

**Ore: Positive & Probable, Ore Dumps, Tailings**

No estimate, but outcrop highly promising. Gold-silver ratio apparently about  $2\frac{1}{2}$  to 1. Two small test lots shipped assayed 2.5 oz. gold per ton. Assays of clean ore as high as 13 oz. gold with numerous pannings much higher

**Mine, Mill Equipment & Flow Sheet**

None.

**Road Conditions, Route**

13 miles first class paved highway. 1.7 miles steep, rough road, passable with care by low clearance cars. 0.9 mile trail, maximum grade 39%.

**Water Supply** Spring on property. Several places where domestic water could be developed. Hassayampa River 0.9 mile from property at 716 feet lower elevation.

**Brief History** Discovered and worked by owner. No previous work. Inaccessibility has hindered development.

**Special Problems, Reports Filed** None.

**Remarks** Appears to be discovery of major importance. Will require large amount of capital to put it into production. Will be necessary to sample extensive deposit by drilling, then develop, probably build tramway and large mill. Will be necessary to use assay walls and possibly mine 60 feet wide.

**If property for sale:** Price, terms and address to negotiate. Property is for sale. Price will be high but terms reasonable. Sampling, development, and equipment will require large amount of capital. Property is not recommended for small operation. Address owner as above.

Signed.....

*Harold H. Block*