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10/01/85

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES FILE DATA

PRIMARY NAME: CHARBONNEAU CLAY

ALTERNATE NAMES:
MORRISTOWN KAOLIN DEPOSIT

MARICOPA COUNTY MILS NUMBER: 217

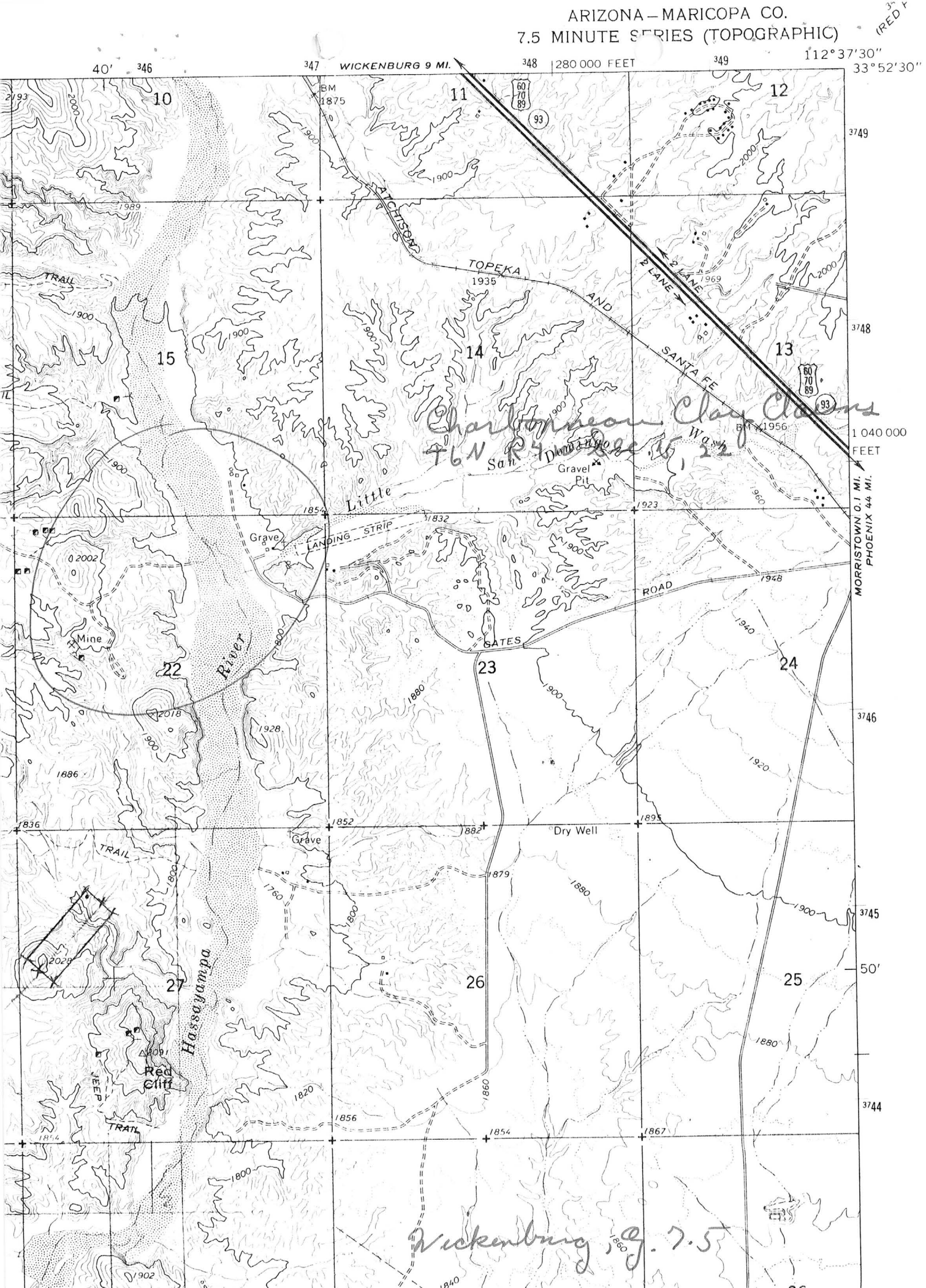
LOCATION: TOWNSHIP 6 N RANGE 4 W SECTION 15 QTR. SW
LATITUDE:N 33DEG 51MIN 35SEC LONGITUDE:W 112DEG 39MIN 57SEC
TOPO MAP NAME: WICKENBURG SW - 7.5 MIN

CURRENT STATUS: EXP PROSPECT

COMMODITY:
CLAY-(M)KAOLIN (CHINA CLAY) -
PRIMARY

BIBLIOGRAPHY:
USGS WICKENBURG SW QUAD
ADMMR CHARBONNEAU CLAY CLAIMS FILE

ARIZONA – MARICOPA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



Charbonneau Clay Claims
T6N R4W Sec. 15, 22

Wickenburg, G. 7.5

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

Field Visit

1. **Information from:** Field visit to collect sample by KAP & NJN
2. **Address:**
3. **Phone:**
4. **Mine or property name:** Charbonneau Clay
5. **ADMMR Mine file:** same
6. **County:** Maricopa
7. **MILS Number:** Maricopa 217
8. **Operational Status:**
9. **Summary of information received, comments, etc.:**

   A sample was collected to be tested as a functional filler by Murco Wall Products of Buckeye.

   No activity has taken place at the property since previous visit.

Date: March 23, 1989

Ken A. Phillips

July 17, 1962

(W. H.)

Lewis A. Smith says Mr. Charbonneau has clay claims - "CHAR-R-R"

in S.15, 22, T. 6 N., R. 4 W.

CHARBONNEAU CLAY CLAIMS — Maricopa County

Sec. 15, 22, T6N, R4W

KAP WR 2/14/80: The Phoenix Brick Company, Phoenix, Arizona, phone 258-0444, reported that their brick is being made exclusively with Arizona raw materials. They are operating an open pit clay mine in Tolleson, Arizona, and in Pantano, Arizona.

KAP WR 5/31/85: Bill Moss of MMD Inc., 5823 E. Thomas Road, Scottsdale, Az. 85251, phone 949-7463 reported he has drilled the Charbonneau Clay (f) deposit on the west bank of the Hassayampa River at Morristown, Maricopa County. He has sent us a sample to submit to the US Bureau of Mines for testing. Mr. Moss calls the deposit their Morristown "Kaolin" Deposit. A copy of his letter of May 30, 1985 was provided for the file. NOTE: The Charbonneau Clay file has contained a number of comments and reports on properties and operations which are not related to the Charbonneau occurrence and have been removed. (Previously included were comments pertinent to the Phoenix Brick Co. among others.)

KAP WR 7/12/85: A visit was made to the Charbanneau Clay Claims (f) Maricopa County. Recent rotary drilling was noted. Four samples of clay were taken for submission to the U.S. Bureau of Mines for evaluation. The samples are described on a separate report. The material is white to slightly purplish white dense clay. The deposit measures an estimated 350 feet in a north-south direction and 150 feet in an east-west direction. Outcrops and cuts expose the deposit over a vertical depth of about 20 feet. The deposit occurs in younger metamorphics (meta gneisses and granites). Two 4" diameter holes have recently been drilled to an undetermined depth. Sample #28006 is from the cuttings of the SE hole while the cuttings from the NW hole contained too much country rock and alluvial over burden to be of any value. Samples #28004 through #28007 were taken during the visit while sample #28008 was submitted by Bill Moss (see file entry of KAP WR 5/31/85).

KAP WR 11/8/85: Bill Moss and Jerome P. Mills were in and briefly discussed activities at the Charbonneau Clay deposit (file), Maricopa County. They refer to the deposit as the M.M. & M Alunite Property. The unpatented land position is held as the G & W Lode claims by Jerome P. Mills, President, Mills Mining & Development Inc., 5823 East Thomas Road, Scottsdale, Arizona 85251, phone 949-7463. In 1985 two 4" diameter holes were drilled in the clay to a depth of 100 feet.

CHARBONNEAU CLAY CLAIMS

MARICOPA COUNTY

Active Mine List Nov. 1967 - 2 men
Active Mine List April 1968

Mr. W. H. Charbonneau phoned to tell us a party in Maryland is to take 100,000 tons per year and possibly more of his 99 percent pure kaolin, "the purest deposit in the United States". FPK Note 2-4-70

W. H. Charbonneau, 1616 W. Glendale Avenue, regarding his clay near Morristown. Mr. Charbonneau has has turned the property over to his nephew Donald G. Charbonneau, 4507 Avalanche Avenue, Yakima, Washington. Attorney for the Charbonneaus is Philip T. Goldstein of Phoenix. FTJ WR 5/15/72

Mr. Goldstein, attorney for Mr. Charbonneau, said that the kaolinite deposit near Morristown had reverted back to Charbonneau but the case is to be appealed. FTJ WR 10/16/72

Telphone conversation Nov. 10, 1972 with George Boyd - ASU - Chemistry Department. For Phoenix Cascade Corp. doing studies on Charbonneau Kaolinite. This is a study for making hi-temperature refractories. They have fired this material and due to no shrinking they do not believe it is Kaolinite. One of the associates thinks it is Mullite but Mr. Boyd disagrees - he thinks it possibly might be kyanite.

Mr. Boyd said Dr. Royse is now teaching at Evergreen State College in Washington. He also stated that Georgia Kaolin Co. is interested in mining the claims but he personally believes they may be too valuable to mine for ordinary paper filler and whitener. JHJ 11-10-72

Visited Kaolinite property. Pit had changed, dozer idle, material scraped into pit, mixed overburden and kaolinite - poor work. FTJ WR 1/11/73

In Morristown - went to Kaolinite mine; it was idle. FTJ WR 3/9/73

Went to Morristown - Kaolinite quarry - idle. FTJ WR 5-11-73

8/20/73 - Telephone call to Mr. Jett: Telephone call from Mr. Charbonneau - father - said he has his claims back now - Mr. Royce has lost - clay no good for paper, but is good for pottery - going to contact the Japanese and offer it to them.

Thursday, Jan. 23 - Went to the Horseshoe Dam vicinity and got some grab samples of the so called clay. It appears to be weathered tuff in which the alteration has not extended to the clay stage. The deposit crops out for close to 2 miles and in a generally E-W direction and dips 10°-50° to the south, the dip increases to the west as the deposit approaches the mountains. In places there are hard layers from a few inches to a few feet in thickness. Near the east end of the outcrop the lower portion becomes quite massive forming a cliff 15 to 20 feet high. In only a very few places noted were there clay-like material and it is only 4"-6" thick. Took 4 samples of clayey material to Walt Statler for analysis for Al_2O_3 and SiO_2. The samples were all grabs from the Charbonnean, Cibola, Horseshoe and Franconia deposits. Mr Statler charges $12.00 per sample. GWWR

CHARBONNEAU CLAY CLAIMS

Mr. W. H. Charbonneau called to say that he has optioned his clay claims to a brick outfit (Phoenix Brick Co., Mr. Campbell Sr.) Mr. Campbell wants some of the clay as soon as the road across the Agua Fria can be repaired. LAS WR 3-11-66

Mr. W. H. Charbonneau was in relative to his clay deposit west of Morristown. He had a letter of 1966 vintage from Phoenix Brick Co. stating that they wanted some of his clay for blending. However, the Hassayampa River raised hob with the road crossing and as soon as this is repaired hauling can begin. LAS WR 3-18-66

Mr. W. H. Charbonneau, 1814 N. Laurel Avenue, Phoenix, reported that Phoenix Brick Yard is hauling some of his clay from west of Morristown. Charles Jonas recently contacted him and secured a sample for testing. Charles Jonas represents a ceramic outfit. LAS WR 8-12-66

Phoenix Brick Yard - 1814 S. 7th Ave. - was steadily worked throughout the fiscal year; according to Archie Campbell, pres., although on a low capacity basis. They also market brick in the Tucson area. The clay is a blend from their quarries (1) in Pantano Wash East of Tucson, (2) 86th Ave. west of Phoenix, and purchased clay (25-30 carloads annually) from International Pipe & Ceramic Corp., at Elsenor, California. They also recently - 3 weeks ago - signed a 10-year agreement with W. H. Charbonneau - 1814 N. Laurel St., Phoenix - to use his white rock, 4 miles west of Morristown, on a royalty basis.

This rock is added to the clay blends to prevent shrinking during the drying and firing stages. This is a great help in maintaining brick shapes, consistency. LAS Annual Report 6-1967

DEPARTMENT OF MINERAL RESOURCES

STATE OF ARIZONA

FIELD ENGINEERS REPORT

Mine	Phoenix Brick Yards (Charbonneau Clay Claims)	Date	October 9, 1967
District	Salt River Mts. District - Maricopa Co.	Engineer	Robert F. Playter

Subject: Phoenix Clay Pit - 83rd Avenue and Van Buren - Phoenix

I was advised by telephone that they continue to operate the clay pit at the above location with two men employed. They also operate a clay pit south of Tucson, also with two men.

Mine: Charbonneau Clay (file)

Date: September 9, 1985

County: Maricopa

Engineer: Ken A. Phillips

Subject: Samples taken July 9, 1985

Sample No. 28004
Description: Trowel sample taken from loose stockpile material - mixed fines and coarse to gravel size material - white with rare stained particle.

Sample No. 28005
Description: Cuttings from rotorary drill hole on lower east bench cut. Hole is 12" in diameter, but only a couple of feet deep. Material is white and primarily fine drill cuttings.

Sample No. 28006
Description: Cuttings from upper south drill hole. Drill hole 4' in diameter, many feet deep. Possibly same material as submitted by Mr. Moss. Clean white fine material.

Sample No. 28007
Description: Grab sample of outcrop material from all over the property. Most specimens contain dirt and iron stained material.

Sample No. 28008
Description: Sample submitted by Mr. Moss. Fine ground white clay.

Samples Nos. 28004, 5, 6, and 8 have been submitted to the U.S. Bureau of Mines for evaluation.

MMD INC.

Mills Mining & Development Inc.
5823 East Thomas Road
Scottsdale, Arizona 85251
602-949-7463

May 30, 1985

Department of Mines and Mineral Resources

Mineral Building - Fairgrounds

Phoenix, Arizona 85007

ATTENTION: Ken Phillips

Dear Ken:

Pursuant to our telephone conversation on 5-29-85 regarding our Morristown "Kaolin" deposit, please find enclosed samples for your perusal and evaluation.

The sample may be considered representative covering surface to eighty feet and consists of "down hole hammer" cuttings, pulverized to pass through a two hundred mesh screen.

Your comments and evaluation results will be greatly appreciated.

Yours truly,

M M & M ALUNITE PROPERTIES, INC.

By W. R. Moss

WRM/vlc

ARIZONA DEPARTMENT OF MINERAL RESOURCES
Mineral Building, Fairgrounds
Phoenix, Arizona

1. Information from: Jerry Mills
   Address: 1444 - So. 27th St., Phone 273 - 1421
2. Mine: Chas Black Claims 3. No. of Claims - Patented —
   Unpatented 1 Section
4. Location: 2½ mi W of Morristown - via Gates Road.
5. Sec. 15, 16 21 + 22 Tp. 6N Range 4W 6. Mining District Vulture ? ?
7. Owner: Chas Black, Fred Plummer & Jerry Mills (Thought to be Charbeno Claims
8. Address: 1444 - So 27th St. Phx
9. Operating Co.: G. W. Mining & Mineral Co Phone 273-1421 (J. Mills)
10. Address: ~~For~~ Chas Black Fred Plummer. + Jerry Mills 1444 - So. 27th St, Phx. 85034
11. President: — 12. Gen. Mgr.: —
13. Principal Metals: Ag and Kaolinite 14. No. Employed: 1
15. Mill, Type & Capacity: none
16. Present Operations: (a) Down ☐ (b) Assessment work ☐ (c) Exploration ☑
    (d) Production ☐ (e) Rate _____ tpd.
17. New Work Planned: Testing and assessment Work.
    They were dozing silver outcrop (?) pit about 500' x 200'
    hematite and siderite - which is supposed to carry Ag.
18. Miscl. Notes:
    Kaolin pit is East and practically adjoins silver workings.
    Kaolin pit or open Cut - 200' x 100' exposing face of clayey (?)
    material 20' thick. Bottom of Cut is clay. Look more
    like rhyolite tuff than Kaolin. Has stringer hematite in
    the cut, that may disappear or get larger as work progresses.

Date: 11-11-71

F. T. Johnson
(Signature) (Field Engineer)

IRON KING ASSAY OFFICE

ASSAY CERTIFICATE

BOX 14 — PHONE 632-7410

HUMBOLDT, ARIZONA 86329

ASSAY MADE FOR [illegible] Fairgrounds [illegible], Ariz. 85007

DESCRIPTION	oz/ton Au	oz/ton Ag	Al_2O_3	% Fe	% SiO_2	% Zn	% Cu
[illegible]			3.57		22.42		
Cibola			3.66		11.38		
Franconia			13.89		74.90		
Charleston [illegible] file			14.55		77.22		

CHARGES [illegible]

ASSAYER [illegible]

March 10, 1966

Wm. H. Charbonneau
1814 North Laurel Avenue
Phoenix, Arizona 85007

Dear Sir:

We have, as you know, been testing the material from your claims near Morristown for several years and have determined that we will be able to use large quantities of it in the manufacture of Special Clay Products; as this is the only known material of this kind available.

We recently investigated the claims and determined where we will open the quarry and are now waiting for the river to quit running, as we have to fill for a crossing for trucks.

We do not want to do this until after the spring run off so we will notify you when we believe we can proceed.

Very truly yours

PHOENIX BRICK YARD

A. R. Campbell

A. R. Campbell

ARC:er

APPLIED RESEARCH & TECHNOLOGY, INC.

P. O. BOX 1646
ANNAPOLIS, MARYLAND 21404

PHONE: 263-2964

October 23, 1968

Mr. W. H. Charbonneau
1814 N. Laurel
Phoenix, Arizona 85007

Dear Mr. Charbonneau:

Thank you for your letter of October 18, 1968. I had delayed sending our report to you until I received this additional information.

I am enclosing our Kaolin Analysis dated June 19, 1968 and a clipping from the Electronic News dated October 14, 1968. This article shows that the potential market for Kaolin should increase during the next year or so.

Also, I am returning to you the map showing the mine location; ARC Laboratories report dated January 23, 1956; Gladding, McBean & Co. letter dated June 28, 1957; and the clipping from the New York Times dated May 29, 1966.

I am going to be visiting with Dr. Kelsey from October 25, 1968 through November 3, 1968. I am bringing additional information with me and would like to discuss it with you at this time. I am looking forward to seeing you.

Yours truly,

Joseph F. Vlcek,
President

JFV:tt
Encl. (6)

APPLIED RESEARCH &
TECHNOLOGY, INC.

P. O. BOX 1646
ANNAPOLIS, MARYLAND 21404

PHONE: 263-2964

June 19, 1968

KAOLIN ANALYSIS

Kaolin is a hydrous silicate of aluminum. In nature it occurs as a mixture of clay with sand, limestone, and oxide of iron. This mixture is produced by the erosion of rocks containing feldspar minerals. The purest variety is used for the production of chinaware, and as a papermaking material. Plastic varieties are used for the production of pipe clays, fireproof clays, and potter's clays. This variety shrinks in drying and subsequently in burning without losing its form as a whole, and becomes extremely hard. Certain varieties, known as fusser's earth, are very absorbent of oils and of dyes.

Kaolin with only minor amounts of impurities such as iron, lime, magnesia, free silica, and the alkalis is known under the name of china clay.

Pure Kaolin, $Al_2O_3 \cdot 2SiO_2 \cdot 2H_2O$ or $H_4Al_2Si_2O_9$ consists of 46.30% SiO_2, 39.80% Al_2O_3 and 13.90% H_2O.

Pure Kaolin is rare with a low content of impurities, such as iron or alkalis, it is acceptable to the trade as Kaolin or china clay. Kaolin is used in the ceramic industry, portland cement and the paper industry. The oil industry uses various types of ordinary clay in rotary drilling mud. The rubber industry uses clay in the compounding of certain types of rubber. Among the minor uses are as a filler or extender in paints, linoleum and oil clothes.

Many clays with a wide range of composition, texture and color have sufficient resistance to the action of high temperatures to be classed as fire clays. A clay is considered a fire clay if its fusing point exceeds 2700°F.

Other important applications, especially of pure Kaolin, include the production of transistor housings, relay bases, connectors to be used in RF-Communication systems, headers, feed throughs and varactor and diode packages. The foreign market for these products seems to be very promising.

June 19, 1968

The Kaolin sample; from the Morristown, Arizona area; which was delivered to us by Mr. W. H. Charboneau has the following characteristics.

The flame of a propane torch did not effect the surface appearance of the sample physically or in color. A polished surface showed under the Metallograph, in dark field illumination, the characteristics of colloid glass shims.

The sample seems to be very pure. Only a few red colored spots, probably caused by iron, and dark bowl shaped particles, having a diameter of about 10-15 microns could be detected. Since the darker particles are surrounded by red colored Kaolin, it must be concluded that these particles also contain iron.

Under the microscope small nuggets of pure gold were detected. The total amount of gold is estimated below .1% in weight ratio. Other impurities which were detected are iron, compounds having a brown yellow and black color, red, blue and green crystals, probably Al_2O_3 and titanium compounds and small quartz crystals. The total amounts of impurities is considered not to exceed 1%.

LABORATORY TEST RESULTS:
(Semiquantitive, Spectrum analysis and X-Rays)

SiO_2	>	10% up to 50%
Al_2O_3	>	10% up to 50%
MgO	<	1%
CaO	<	.1%
Ti	<	.1%
Fe_2O_3	<	.1%
Au	<	.1%
CrO_2	«	.1%
Na_2O	«	.1%

Estimated Analysis:

Quartz about 50% to 55%
Kaolinite about 45% to 50%

ARC LABORATORIES

Division of Arizona Research Consultants Inc.

917 W. HATCHER ROAD PHOENIX, ARIZONA WINDSOR 3-3573

FOR: Mr. W. H. Charbonneau
1814 N. Laurel
Phoenix, Arizona

DATE January 23, 1956

LAB No. 1418

RESULTS

Sample: White crude kaolin fairly well consolidated.

Laboratory tests:

Chemical analysis

54.48% Silica SiO_2

41.60% Alumina Al_2O_3

Water immersion

In the raw state no slaking was observed over a period of ten days. This would indicate no Bentonite or Montmorillonite was present. A cube was formed from the pulverized material, dried, and then immersed in water. It disintegrated immediately.

Plasticity

The water of plasticity was very low; 15cc per 100 ga of sample. Plasticity poor.

Shrinkage

Drying shrinkage 1/16" in 15/16"
Firing shrinkage (2300°F) 1/16" in 15/16"
Total shrinkage from fabricated to fired condition was 2/16" in 15/16"

Firing

Maximum firing temperature was 2300° F
A sample of the pulverized material was formed into a small cone and a flat disk. The surface of the disk was marked with a scribe and shrinkage measurements were

As a mutual protection to clients, the public and this corporation, this report is submitted and accepted for the exclusive use of the client to whom it is addressed and upon the condition that it is not to be used, in whole or in part, in any advertising or publicity matter without prior written authorization from this corporation.

made between marks. After firing the material was very friable indicating that the material could stand a higher firing temperature. The cone formed of this material did not melt when the Standard Cone # 7 melted (2300° F)

Firing at 2300° F

Strength poor
Color very white
Sample showed no spalling or pop-outs.

Miscellaneous tests

Crude shows no effervescence when hydrochloric acid was used.

Microscopic examination showed practically no particles of free silica.

The material was easily pulverized to a 200 mesh product on a Braun laboratory pulverizer.

Recommendations:

The sample appears to be a very fine grade of a nonplastic kaolin or china clay. These kaolins are residual white-burning clays consisting of hydrous aluminum silicates and generally possessing little or no plasticity. They are used in the manufacture of porcelain, china, whiteware, pottery, tile and in paper manufacture. The fact that this material burns to a very white color should make it valuable on the present market.

Most consumers of clay use their own particular tests to evaluate clay samples. It is our recommendation that samples of this material be submitted to the following firms:

A. P. Green Co.
Mexico, Mo.

International Minerals & Chemical Co.
Industrial Minerals Div.
2807 So. Fairfax Blvd.
Los Angeles, California

Gladding-McBean & Co.
1348 E. Camelback Rd.
Phoenix, Arizona (Request address of San Francisco Office)

J. M. Huber Co.
100 Park Ave.
New York 17, N. Y.

Respectfully submitted,

ARC Laboratories

George G. Olson

George G. Olson

LAW OFFICES

PHILIP T. GOLDSTEIN, LTD.

PROFESSIONAL ARTS BLDG.
1110 E. McDOWELL ROAD
PHOENIX, ARIZONA 85006
AREA CODE (602)
TELEPHONE 254-5581

PHILIP T. GOLDSTEIN
ERIC J. BISTROW
DAVID N. RAMRAS

OF COUNSEL
THOMAS C. MASON

October 10, 1972

Mr. J. Peter Tonkoff
Tonkoff, Dauber and Shaw
616 Miller Building
Yakima, Washington 98901

Re: Donald G. Charbonneau

Dear Pete:

On September 21, 1972, Judge McFate rendered a memorandum opinion in which he found favorably for the plaintiffs and indirectly for Mr. Charbonneau. The counterclaim and third party complaint against Mr. Charbonneau was dismissed. The opinion, a copy of which is enclosed for Donald Charbonneau's reading, in effect fixes clear and unfettered title in Mr. Charbonneau.

Forms of judgment have been filed, and the defendants have filed objections thereto. Accordingly, no final judgment has been entered as of this date.

I would appreciate your communicating this information and furnishing Don Charbonneau with a memorandum opinion.

We are at the stage of completion of the Wade Church brief. We will have a copy thereof within the next ten days.

Very truly yours,

Philip T. Goldstein

PTG:

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CHESTER F. ROYSE, JR., and KAREN L. ROYSE, husband and wife; ALBERT L. WILSON and SYBIL WILSON, husband and wife, Plaintiffs vs JEROME P. MILLS, CHARLES BLACK, FRED PLUMMER, ROBERT BARKLEY and ALFRED NEAULT, JR., et al., Defendants	No. C-256312 MEMORANDUM OF OPINION
JEROME P. MILLS, CHARLES BLACK, FRED PLUMMER, ROBERT BARKLEY and ALFRED NEAULT, JR., Counter-claimants vs CHESTER F. ROYSE, JR., and KAREN L. ROYSE, husband and wife; ALBERT L. WILSON and SYBIL WILSON, husband and wife, and DONALD G. CHARBONNEAU, Counter-defendants	

This matter has been under advisement. The court finds and rules as follows:

Plaintiffs' motion to amend to allege adverse possession is denied.

This case involves a conflict between placer and lode claimants.

The area in dispute contains an enormous mass of kaolin spread out over an area roughly 1/4 by 1/2 mile which is partially exposed on the surface through rubble and overburden consisting of alluvium and detritis which has slid down from the higher slopes over the deposit. The deposit is irregular in outline and reaches a depth in some places of about 300 feet, and in other places 40 feet. The deposit and its immediate environment contains no veins, no hanging wall and no foot wall as these terms are understood by miners. It is hydrothermal in origin and was formed by alteration

of a rhyolite dome permeated by hot underground waters. When the hydrothermal action took place silica was precipitated in the upper region, forming a thin crust less than 10 feet thick. The entire area is not capped by this silica material. Where it exists it grades in hardness downward through the cap to a mass which is principally kaolin. The crust is much harder than the kaolin, but not so hard as a knife blade, and it drills easily. Both cap and main body of the deposit were originally formed by the same natural process.

The kaolin is mined and is valuable for the material itself and not for any mineral or valuable deposits contained in the material. It is subject to location as a placer.

The placer claims Charr-R-R 1 to 4 inclusive cover a portion of the deposit and were originally located in 1957. In 1961 they were re-located with the assistance of Mr. MacKenzie. They were and have at all times been valid placer claims.

During the period from date of location and recordation of the GW Group of claims (about November, 1968) to the date the plaintiffs located and recorded their Southwest Kaolin group of claims (August, 1971), through no fault of the defendants, many of the monuments which were erected by the defendants (and location notices posted thereon) were torn down or otherwise totally or partially removed, by various third parties, including a Mr. Godfrey, who claimed the ground adversely to the defendants. The defendants made reasonable efforts from time to time to restore and rebuild the monuments, however, at the time the plaintiffs located and recorded their Southwest Kaolinite claims the monuments in the area of conflict were not sufficiently intact to constitute notice of the existence of a lawful lode mining claim or claims.

Shortly before the plaintiffs located and recorded their Southwest Kaolinite claims they received actual notice from defendants' agent that the defendants claimed the ground as lode

claims. At this time the plaintiffs likewise had constructive notice of the recording of the GW location notices. The court concludes that these recorded notices (Exhibit 56) are sufficient in law to constitute valid location notices and that the original monuments erected were in substantial conformity with the descriptions of the claims contained in the notices, and with the O'Leary map, Exhibit 2, in evidence. For example, GW claim No. 1 is situated "600 feet in a southern direction" from the quarter corner common to Secs. 22 and 15. The original east end lines were laid out by lay people using only hand compass and a rope. Some deviation from a straight line is to be expected considering the topography of the country. The end lines on the east side do, however, proceed generally in a "southern" direction as described in the notices. The extent of the deviation shown in Exhibit 2 is within reasonable bounds. The court adopts Exhibit 2 as an accurate map of the GW claims appearing thereon and their positions in relation to the Char-R-R claims.

These GW claims contain gold and/or silver in sufficient quantities and contain within their boundaries veins or lodes sufficiently identifiable, to permit their locations as lode claims under the mining laws. The defendants have sustained their burden of proving the performance by them of the necessary discovery work, monumenting, posting and recording of the location notices (Exhibit 56) prerequisite to the establishment of valid lode mining claims.

The court arrives at the following conclusions:

1. That the kaolin deposit was properly located as placer claims.

2. Defendants had actual and constructive notice of the Charr-R-R claims in 1968 by virtue of the existence on the ground of a sizeable clay pit and corner posts on the claims, and the recorded location notices.

3. Plaintiffs are entitled to the exclusive possession of the Char-R-R claims. To the extent that the GW claims overlap the Char-R-R claims the defendants have acquired no right or title thereto and their occupancy constitutes a trespass.

4. Plaintiffs have not sustained their burden of proof with respect to alleged damages done by the defendants as a result of the trespass.

5. Outside the boundaries of the Char-R-R claims the GW group of claims were properly located as lode claims and the defendants are entitled to the exclusive possession thereof as against the plaintiffs.

6. The plaintiffs are entitled to their costs.

Plaintiffs' counsel will prepare the Findings and Conclusions of Law in accordance with the views expressed herein with such change of form as may be appropriate.

DATED THIS 21 DAY OF SEPTEMBER, 1972.

Hale McCall

JUDGE

CC: Mr. William H. Gooding, Attorney for plaintiffs

Mr. Donald R. Kunz, Attorney for defendant Mills

Mr. Philip T. Goldstein, Attorney for counter-defendant, Donald G. Charbonneau

Mr. Howard W. Gibbons, Attorneys for defendants Plummer and Black

appertaining and all rents, issues and profits therefrom.

IN WITNESS WHEREOF the Grantor has caused this Mining Deed to be executed the 16th day of November, 1971.

W. H. Charbonneau

STATE OF ARIZONA)
) ss
County of Maricopa)

On this, the ____ day of November, 1971, before me, the undersigned Notary Public, personally appeared W. H. CHARBONNEAU, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose therein contained.

WITNESS my hand and seal.

Notary Public

My commission expires:

_____

MINING DEED

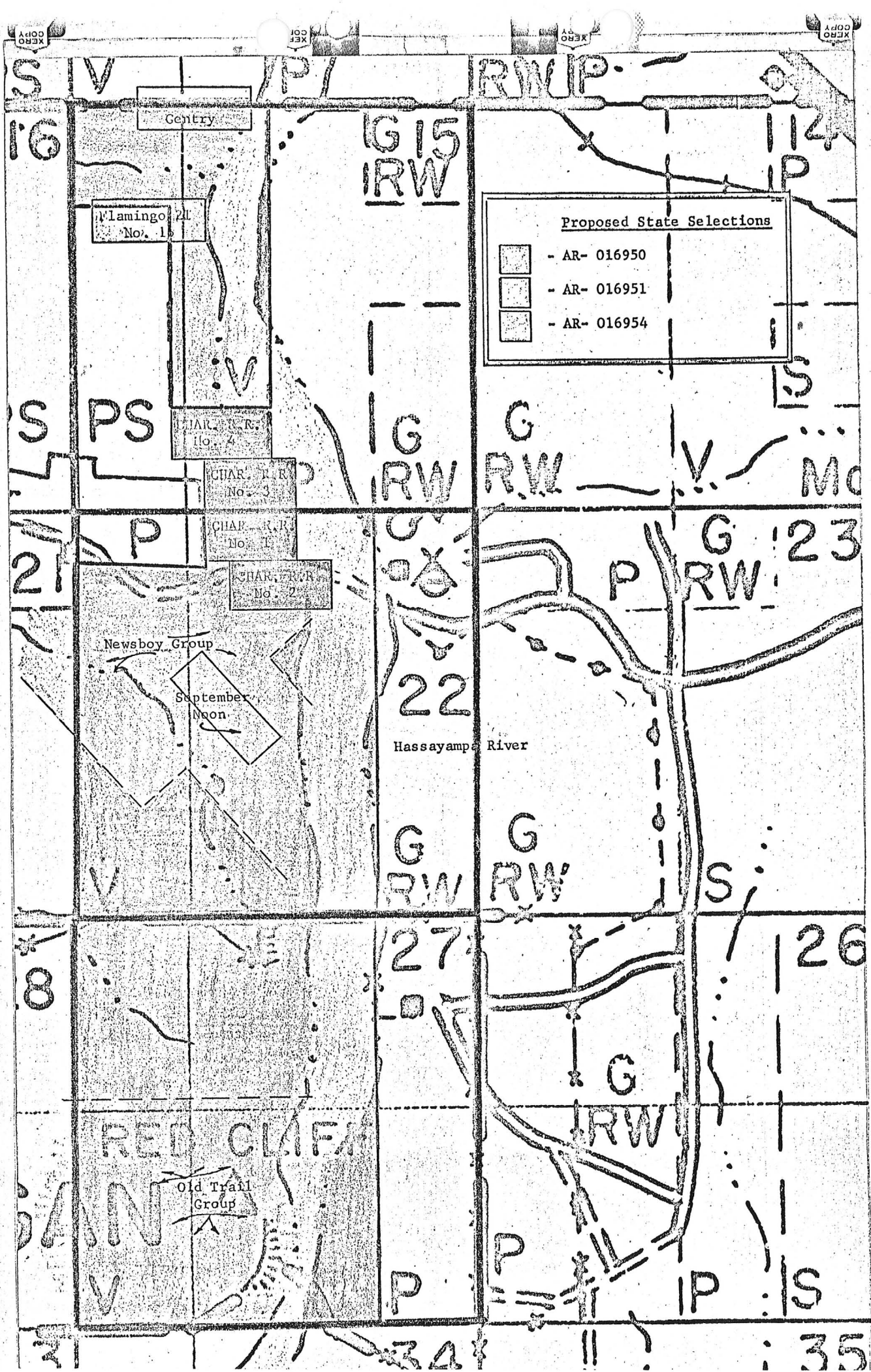
KNOW ALL MEN BY THESE PRESENTS:

For Ten Dollars ($10.00) and other valuable consideration, the receipt of which is hereby acknowledged, W. H. Charbonneau, a single man, Grantor, has granted, sold, bargained and conveyed and does hereby grant, sell and convey to Donald G. Charbonneau, Grantee, and his respective heirs, successors and assigns all of those certain unpatented mining claims described as follows:

> Placer mining claims located in and upon the public domain of the United States in the County of Maricopa, State of Arizona, as follows:
>
> In Section 22, Township 6 North, Range 4 West, of the Gila and Salt River Base and Meridian:
>
> CHAR-R R No. 1,
> recorded in Docket 3971, Page 355;
>
> CHAR-R R No. 2,
> recorded in Docket 3606, Page 489.
>
> In Section 15, Township 6 North, Range 4 West, of the Gila and Salt River Base and Meridian;
>
> CHAR-R R No. 3,
> recorded in Docket 3606, Page 490;
>
> CHAR-R R No. 4,
> recorded in Docket 3606, Page 491.

Free and clear of all liens, covenants, charges, encumbrances or claims except the paramount title of the United States, the rights of Clinton Campbell, Contractor, Inc., a Corporation, as Lessee, and the rights of Chester F. Royse, Jr. and Albert L. Wilson as Lessees under that certain Mining Lease dated the 15th day of June, 1971.

Together with all dips, spurs and angles and all metals, ores, mineral-bearing quartz, rock and earth therein and thereunder and together with all the rights, privileges and franchises incident thereto, appended and appurtenant, or therewith usually had and enjoyed, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or otherwise


Gentry
Flamingo 2L No. 1
CHAR. T.R. No. 4
CHAR. T.R. No. 3
CHAR. T.R. No. 1
CHAR. T.R. No. 2
Newsboy Group
September Noon
Old Trail Group
Hassayampa River
RED CLIFF
Proposed State Selections
- AR- 016950
- AR- 016951
- AR- 016954