



CONTACT INFORMATION

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PRINTED: 01/17/2003

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: CRYSTAL PEAK 1 & 2

ALTERNATE NAMES:

GRAHAM COUNTY MILS NUMBER: 294

LOCATION: TOWNSHIP 5 S RANGE 20 E SECTION 5 QUARTER NE
LATITUDE: N 33DEG 01MIN 30SEC LONGITUDE: W 110DEG 19MIN 00SEC
TOPO MAP NAME: SAN CARLOS RESERVOIR - 15 MIN

CURRENT STATUS: PAST PRODUCER

COMMODITY:

GEMSTONE QUARTZ XL
GEMSTONE GARNET XL

BIBLIOGRAPHY:

ADMMR CRYSTAL PEAK 1 & 2 FILE

CRYSTAL PEAK #1 and #2

9/84

GRAHAM COUNTY
T5S R20E Sec. 5

MILS Graham County Index #294

CRYSTAL PEAK #1 and #2

GRAHAM COUNTY
T5S R20E Sec. 5

NJN WR 1/28/83: Andy Clark reported that the San Carlos Indians have declared all tribal land south of the Coolidge Dam Road off limits to non Indians. This will deny him access to his claims, the Crystal Peak #1 and 2, situated in T5S R20E Sec. 5 on land that is within the Coronado National Forest's Santa Theresa Range. Mr. Clark has been producing quartz and garnet mineral specimens from the claims.

NJN WR 9/2/83: Andy Clark reported he is still working his Crystal Peak #1 and 2 claims, Graham County, in the forest but he is having to walk in a few miles as the San Carlos Indians are still denying him road access across their lands.

NJN WR 8/24/84: Andy Clark (c) visited and reported the BLM has now declared his claims at the Crystal Peak #1 & 2 (f) Graham County null and void AB initio. This was due to the mineral rights in the Coronado Forest there having been returned to the San Carlos Indians. A copy of the decision has been placed in the mine file. Mr. Clark has been promised by the San Carlos tribe that he will be allowed to enter the property and remove his mining equipment.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
3707 N. 7th Street
Phoenix, Arizona 85014

IN REPLY REFER TO:

A MC 192645-6
A MC 192965

(943) TR

July 12, 1984

(602) 241-5550

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DECISION

Andy Clark
Tom Ford
P.O. BOX 354
Superior, Arizona 85273

Crystal Peak #1 - A MC 192645
Cold Spring Prospect #1 - A MC 192646
Garnet One - A MC 192965
lode mining claims

Mining Claim(s) Declared Null and Void Ab Initio

Pursuant to the requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1744, and the implementing regulations in 43 CFR 3833.1-2, notice(s) of location for the above-named mining claim(s) were filed for recording in the Arizona State Office of the Bureau of Land Management.

Date Located

March 7, 1983

March 17, 1983

Date Filed

March 22, 1983

March 28, 1983

The location notice(s) and accompanying map(s) show the claim(s) to be located on the following land:

Gila and Salt River Meridian, Arizona

T. 5 S., R. 20 E.
Section 5,

The subject mining claim(s) are invalid and are hereby declared null and void ab initio. The Bureau of Land Management public records show the lands were not open to location of mining claims at the time of their location.

The land has been withdrawn from location and entry under the general mining laws by a mineral entry restoration to the San Carlos Indian Tribe dated June 17, 1963. The land became a part of the San Carlos Indian Reservation on September 19, 1934.

"Mining claims located on land after the land was segregated and closed to mineral entry are properly declared null and void," J. & B. Mining Co., Inc., 69 IBLA 73 (1982).

"Mining claims located on lands which are closed to mineral entry are null and void from their inception as a matter of law, and no property rights are created thereby. Therefore, no contest proceeding, notice, or hearing is required preliminary to a decision holding that such claims are invalid." John A. Ross, Maxine Lidke, 73 IBLA 16 (1983).

An appeal from this decision may be taken to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Parts 1 and 4, and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in the Arizona State Office of the Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011, within thirty days from the receipt of this decision. Do not send the appeal directly to the Board. The appeal and case history file will be sent to the Board from this office. Within thirty days after filing the notice of appeal, file a complete statement of the reasons why you are appealing. This must be filed with the U.S. Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the notice of appeal, no additional statement is necessary. Additionally, within fifteen days after each document is filed, the regulations also require the appellant to serve a copy of the notice of the appeal, statement of reasons, written arguments or briefs on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

If no appeal is taken, this decision constitutes final administrative action of this Department as affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

Mildred C. Kozlow
for Mario L. Lopez
Chief, Branch of Lands and
Minerals Operations

Encl: Regulations
Appeal Procedures
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Sec. 4.411). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL BUREAU OF LAND MANAGEMENT

Mail to
Bureau of Land Management
Arizona State Office
P.O. Box 16563
Phoenix, Arizona 85011

OR

Deliver to
Bureau of Land Management
Arizona State Office
3707 North 7th St. Suite 300
Phoenix, Arizona 85014

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100) or if the subject matter of the appeals involves mineral activities on the Outer Continental Shelf.

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

** Additionally, within 15 days from filing, a copy of the notice of appeal and any statement of reasons, written arguments or briefs must be served on the Field Solicitor, U.S. Dept. of the Interior, 2080 Valley Bank Center, 201 N. Central Avenue, Phoenix, Arizona 85073.