



CONTACT INFORMATION

Mining Records Curator
Arizona Geological Survey
1520 West Adams St.
Phoenix, AZ 85007
602-771-1601
<http://www.azgs.az.gov>
inquiries@azgs.az.gov

The following file is part of the

Arizona Department of Mines and Mineral Resources Mining Collection

ACCESS STATEMENT

These digitized collections are accessible for purposes of education and research. We have indicated what we know about copyright and rights of privacy, publicity, or trademark. Due to the nature of archival collections, we are not always able to identify this information. We are eager to hear from any rights owners, so that we may obtain accurate information. Upon request, we will remove material from public view while we address a rights issue.

CONSTRAINTS STATEMENT

The Arizona Geological Survey does not claim to control all rights for all materials in its collection. These rights include, but are not limited to: copyright, privacy rights, and cultural protection rights. The User hereby assumes all responsibility for obtaining any rights to use the material in excess of "fair use."

The Survey makes no intellectual property claims to the products created by individual authors in the manuscript collections, except when the author deeded those rights to the Survey or when those authors were employed by the State of Arizona and created intellectual products as a function of their official duties. The Survey does maintain property rights to the physical and digital representations of the works.

QUALITY STATEMENT

The Arizona Geological Survey is not responsible for the accuracy of the records, information, or opinions that may be contained in the files. The Survey collects, catalogs, and archives data on mineral properties regardless of its views of the veracity or accuracy of those data.

06/05/87

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES FILE DATA

PRIMARY NAME: GIGANTIC LODE

ALTERNATE NAMES:

YAVAPAI COUNTY MILS NUMBER: 811B

LOCATION: TOWNSHIP 10 N RANGE 1 W SECTION 14 QUARTER N2
LATITUDE: N 34DEG 13MIN 10SEC LONGITUDE: W 112DEG 19MIN 42SEC
TOPO MAP NAME: CROWN KING - 7.5 MIN

CURRENT STATUS: EXP PROSPECT

COMMODITY:
GOLD

BIBLIOGRAPHY:

ADMMR GIGANTIC LODE FILE
BLM AZ MINING CLAIMS FILES 95958 & 61157

GIGANTIC LODGE (file)

YAVAPAI
Peck Mining District

WR KP 9/19/79 Everett Yount is continuing to extend his cross-cut on his Gigantic Lode back and Gigantic Extension in the Peck District. He has what he reports to be free milling gold. He bought the claim in 1966 from Regino Funter.



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

*Gigantic Lode
Pick District
Yavapai County*

EVERETT YOUNT

IBLA 80-184

Decided February 22, 1980

Appeal from letter-decision of the Arizona State Office, Bureau of Land Management, declining to record late-filed location notice. 3833 AR.

Remanded.

1. Mining Claims: FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976--Abandonment--Location Prior to October 21, 1976--Location Subsequent to October 21, 1976--Recordation of Mining Claim; LOCATION PROCEDURES--Location Notice--re-recordation--Relocation; PRACTICE AND PROCEDURE--Timely Filing; STATUTORY CONSTRUCTION.

Under 43 U.S.C. § 1744(b) (1976) the owner of an unpatented mining claim located before Oct. 21, 1976, must file with BLM, a copy of the notice of location before Oct. 22, 1979, or the claim will be conclusively deemed to have been abandoned under 43 U.S.C. § 1744(c). Mining claimants are not relieved of the requirement to timely file their documents where such documents may have been lost in the mail.

Where an unpatented mining claim is located after Oct. 21, 1976, a claimant has 90 days from the date of the new location to file with BLM a copy of the notice of location and if he does so file, BLM should proceed with recordation of the new claim.

APPEARANCES: Everett Yount, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

This appeal is taken from a refusal by the Arizona State Office, Bureau of Land Management (BLM), to record a location notice for appellant's Gigantic Lode mining claim because the notice had not been filed by October 22, 1979, as required by the Federal Land Policy and Management Act of 1976, (FLPMA), 43 U.S.C. § 1744(b) (1976). The letter appealed from suggested that appellant again record his claim by

INDEX CODE: None

refiling in the county recorder's office and mailing a copy of the location notice to BLM within 90 days of the new location date.

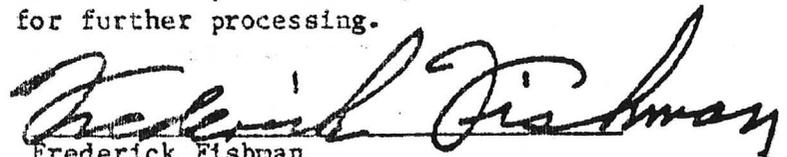
On appeal to this Board, appellant states that he mailed his location notice sometime during September 1979. This assertion is supported by the affidavit of the postal clerk who assisted appellant in preparing his materials for mailing. Appellant states he did not become aware until November 23, 1979, that his location notice apparently was lost in the mail. He thereupon sent a second notice, and that notice was rejected as untimely filed by BLM. Appellant strongly urges that he was not negligent and that his second mailing, even though late, should have been accepted. To demonstrate his diligence appellant has submitted an affidavit describing the assessment work he has performed on the claim in question.

Appellant further states that he has refiled the claim in the county recorder's office. With his statement of reasons he has submitted a location notice and plat of the claim. The statement avers that these documents have also been furnished to the BLM State Office in Phoenix.

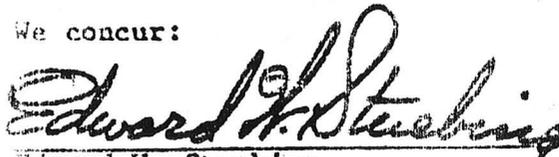
[1] As the Board has previously held, a mining claimant must bear the consequences of loss or nondelivery of his mailings. James E. Yates, 42 IBLA 391 (1979)^a; Amanda Mining and Manufacturing Association, 42 IBLA 144 (1979)^b. Accordingly, BLM properly rejected appellant's second mailing as untimely filed.

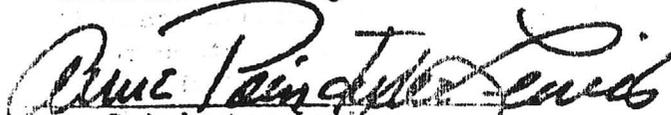
However, since appellant has refiled the location notice with BLM, there appears no reason why that office should not proceed with recordation of appellant's new claim, all else being regular. Accordingly, we will remand the case file to the Arizona State Office.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the case is remanded to the BLM State Office for further processing.


 Frederick Fishman
 Administrative Judge

We concur:


 Edward W. Stuebing
 Administrative Judge


 Anne Poindexter Lewis
 Administrative Judge

^a GFS(MIN) 76(1979)
^b GFS(MIN) 62(1979)