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01/03/89

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES FILE DATA

PRIMARY NAME: HARENBERG NO. 1 CLAIM

ALTERNATE NAMES:

COCONINO COUNTY MILS NUMBER: 305

LOCATION: TOWNSHIP 23 N RANGE 8 E SECTION 18 QUARTER NE  
LATITUDE: N 35DEG 22MIN 56SEC LONGITUDE: W 111DEG 35MIN 01SEC  
TOPO MAP NAME: O'LEARY PEAK - 7.5 MIN

CURRENT STATUS: PAST PRODUCER

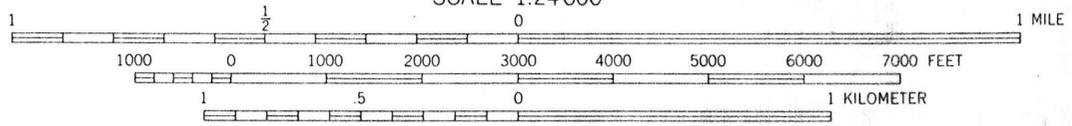
COMMODITY:  
PUMICE CINDERS

BIBLIOGRAPHY:  
ADMMR HARENBERG NO. 1 FILE

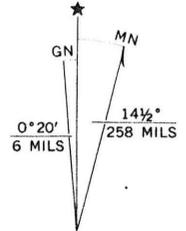


E. R. 8 E. 35' FLAGSTAFF 17 MI. (SUNSET CRATER WEST) 3654 1 SE 450 32'E

SCALE 1:24000



CONTOUR INTERVAL 20 FEET  
DATUM IS MEAN SEA LEVEL



TM GRID AND 1966 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

## ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

VERBAL INFORMATION SUMMARY

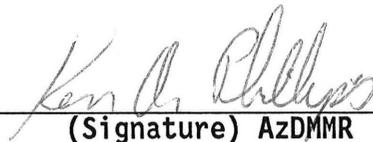
May be Reproduced

1. Information from: Jim Sell, Receiver, Avanti Mortgage Company  
Address: 1628 E. Bethany Home Road, Phoenix, AZ 85016
  2. Phone: 266-6171
  3. Mine: Harenberg No. 1 Claim
  4. ADMMR Mine File: HARENBERG NO. 1 CLAIM
  5. County: Coconino
  6. MILS Number: 305
  7. District: (mining) \_\_\_\_\_ (or mineral) \_\_\_\_\_
  8. Township: 23 N Range 8E Sec(s) NW, NE Sec. 18
  9. USGS Topographic Map: O'Leary Peak
  10. Location (descriptive): 18 miles northeast of Flagstaff about 1/4 mile west of US Hiway 89 on the north side of Forest Route 552
  11. Number of Claims: Patented 1 (40 acres assoc) Unpatented \_\_\_\_\_
  12. Owner(s): (if different from above) Avanti Mortgage Company  
c/o Jim Sell, Receiver
  13. Address: 1628 E. Bethany Home Road, Phoenix 85016
  14. Operating Company: \_\_\_\_\_
  15. Pertinent People and/or Firm: \_\_\_\_\_
- 
16. Commodities: Pumice - Cinders or Scoria
  17. Operational Status: Idle - for sale (MILS CURSTAT: Past Producer)
  18. Summary of information received, comments, etc.: \_\_\_\_\_

Mr. Sell, who has been appointed receiver for Avanti Mortgage Company reported this 40 acres of patented placer on volcanic cinders is one of the assets of the company to be liquidated. He needed a consultant to determine the quantity of mineable cinders. Mr. Sell hired Mason Coggin and has promised us a copy of the report.

Information from the BLM indicates the claim was patented to Urban and LaVaun Harenberg on September 12, 1974, patent number AZ750026 and case file A7828.

Date: October 1988

  
\_\_\_\_\_  
(Signature) AzDMMR

HARENBERG No. 1 CLAIM

COCONINO COUNTY

RRB 8/16/85

Visited Harenberg No. 1 Claim (MILS #305). There is indication of recent activity but ~~no~~<sup>no</sup> one was around. There is a sign for Cindeco Inc. Mining & Development, Flagstaff. Cindeco is not listed in the Flagstaff phone book.

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## United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

HEARINGS DIVISION  
4015 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22203

UNITED STATES  
v.  
URBAN HARENBERG ET AL.

IBLA 72-78

Decided June 14, 1973

Appeal from the decision of Administrative Law Judge 1/ Dent D. Dalby holding that the Lava placer mining claim is null and void.

Affirmed.

**Mining Claims: COMMON VARIETIES OF MINERALS - Discovery - marketability - profitability**

Mining claims located for material which is principally valuable as common fill to bring low ground up to grade or to serve as base material for roads, airport runways, building foundations, and the like, have never been valid under the mining law, and evidence of profitable sales for such purposes can not validate such a claim.

**Mining Claims: COMMON VARIETIES OF MINERALS - Defined**

A deposit of volcanic cinders which are only suitable for use in the manufacture of cement blocks must be regarded as a common variety mineral material within the context of the Act of July 23, 1955, when the evidence shows that other such deposits occur commonly in the area and are similarly used.

**Mining Claims: COMMON VARIETIES OF MINERALS - Discovery - marketability - proof - Location Prior to July 23, 1955; PRACTICE AND PROCEDURE - Contests - generally - Determination of Validity - Hearings - evidence - presumptions**

In a contest of the validity of a mining claim, located for a common variety of mineral prior to July 23, 1955, the absence of any development of the claim or any sales of the minerals for legitimate purposes may raise a presumption that the value of the minerals was not then sufficient to justify the cost of their extraction, processing and delivery in competition with

1/ The change of title of the hearing officer from "Hearing Examiner" to "Administrative Law Judge" was effectuated pursuant to order of the Civil Service Commission and implemented by amendment of Subtitle A, Title 43, Code of Federal Regulations, 38 F.R. 10939 (May 3, 1973).

**INDEX CODE:**

43 CFR § 3711.1(b)(1973)

11 IBLA 153

GFS(MIN) 65(1973)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

Full decision in Gower Federal  
Service - Mining

UNITED STATES v. URBAN HARENBERG, ET AL.

IBLA 71-196

Decided January 16, 1973

Appeal by both parties to Contest No. Arizona 756 from the decision of Administrative Law Judge Dent Dalby, holding the Harenberg No. 1 mining claim to be valid to the extent of 40 acres.

Affirmed.

Mining Claims: COMMON VARIETIES OF MINERALS - Defined

A deposit of volcanic cinders which are suitable for use in the manufacture of cement blocks must be regarded as a common variety mineral material within the context of the Act of July 23, 1955, when the evidence shows that other such deposits occur commonly in the area and are similarly used, and the fact that the subject deposit has qualities which are particularly well-suited to this purpose does not alter its essential character as common cement block material.

Mining Claims: DISCOVERY - Nature of Requirement - marketability requirement

A favorable showing of bona fides in development is recognized as one the factors which can serve to demonstrate the marketability of a mineral from a particular deposit, but development is not a requirement of the law and the fact of development or nondevelopment is merely evidentiary, the test being whether the present capability of profitably extracting the mineral exists, and, where location was barred after a given date, whether the mineral could have been extracted and removed profitably prior to the critical date.

Mining Claims: COMMON VARIETIES OF MINERALS - Discovery - marketability

Where one engaged in the manufacture of block from volcanic cinders demonstrates a history of problems with material sources, an expansion of the business over 25 years of continuous operation, and a large capital investment in plant facilities, it was reasonable and prudent for him to locate a mining claim for cinders and to hold it as a reasonable reserve source of supply.

Mining Claims: DISCOVERY - Common Varieties of Minerals - Nature of Requirement - geological inference - Proof

Geologic inference may be relied upon to establish the extent and potential value of a mineral deposit which has been physically exposed within the limits of the claim.

Mining Claims: PLACER LOCATIONS

Where an association placer embracing 160 acres is located by eight associates, and where prior to the discovery of a valuable mineral deposit, six of the co-locators transfer their interest to the other two, a subsequent qualifying discovery by the remaining two co-locators will serve to validate the claim to a maximum area of 40 acres.

APPEARANCES: Richard L. Fowler, Attorney-in-Charge, for the Forest Service, and Urban M. Harenberg, pro se.

OPINION BY MR. STUEBING

Both the Forest Service and mining claimants have appealed from the Administrative Law Judge's decision of January 18, 1971, holding that the Harenberg No. 1 placer mining claim is valid to the extent of 40 acres. 1/

The claims was located as a 160-acre association placer, and situated in sections 7 and 18, T. 23 N., R. 8 E., G. & S.R.M., in the Coconino National Forest, Arizona.

In their respective appeals the Forest Service contends that the entire claim is invalid and the claimants, Urban and LaVaun Harenberg, contend that it is valid as to 80 acres rather than 40 acres. *NW 1/4 NE 1/4 Sec 18 T23N, R8E.*

The contestant charged, inter alia, that the cinders present on the claim are a common variety within the context of the Act of July 23, 1955, 30 U.S.C. § 611 (1972). The contestees maintained that they have a special and distinctive value by reason of certain physical properties which make them especially suitable for the manufacture of cinder block. The Judge applied the standards enunciated in United States v. Minerals Development Corporation, 75 I.D. 127 (1968), and found that although the cinders in question are of better quality than some of the other deposits in the area, they

1/ The title of the presiding officer at the time of the hearing was "Hearing Examiner". This has since been changed to "Administrative Law Judge" pursuant to the order of the Civil Service Commission, 37 F.R. 16787 (August 19, 1972).