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11/04/96

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES FILE DATA

PRIMARY NAME: REEVES PIT #1

ALTERNATE NAMES:

A & H NO. 3 & 4

MARICOPA COUNTY MILS NUMBER: 22

LOCATION: TOWNSHIP 1 N RANGE 2 E SECTION 23 QUARTER S2
LATITUDE: N 33DEG 24MIN 42SEC LONGITUDE: W 112DEG 07MIN 14SEC
TOPO MAP NAME: PHOENIX - 7.5 MIN

CURRENT STATUS: PAST PRODUCER

COMMODITY:

SAND & GRAVEL

BIBLIOGRAPHY:

OP:REEVES SAND & ROCK INC.
ADMMR REEVES PIT #1 FILE

REEVES SAND & ROCK CO. Republic 3-15-61
2850 W. Broadway Rd. Clipping
Phoenix, Ariz. Phone-BR 6-1292
Frank Henderson - (FTJ WR 11/3/67)
SAND & GRAVEL PLANT on Salt River.

See: Republic Clipping - "Sand & Gravel" file

Mr. Handerson visited office re Carmalita Ward Claims. 11/67

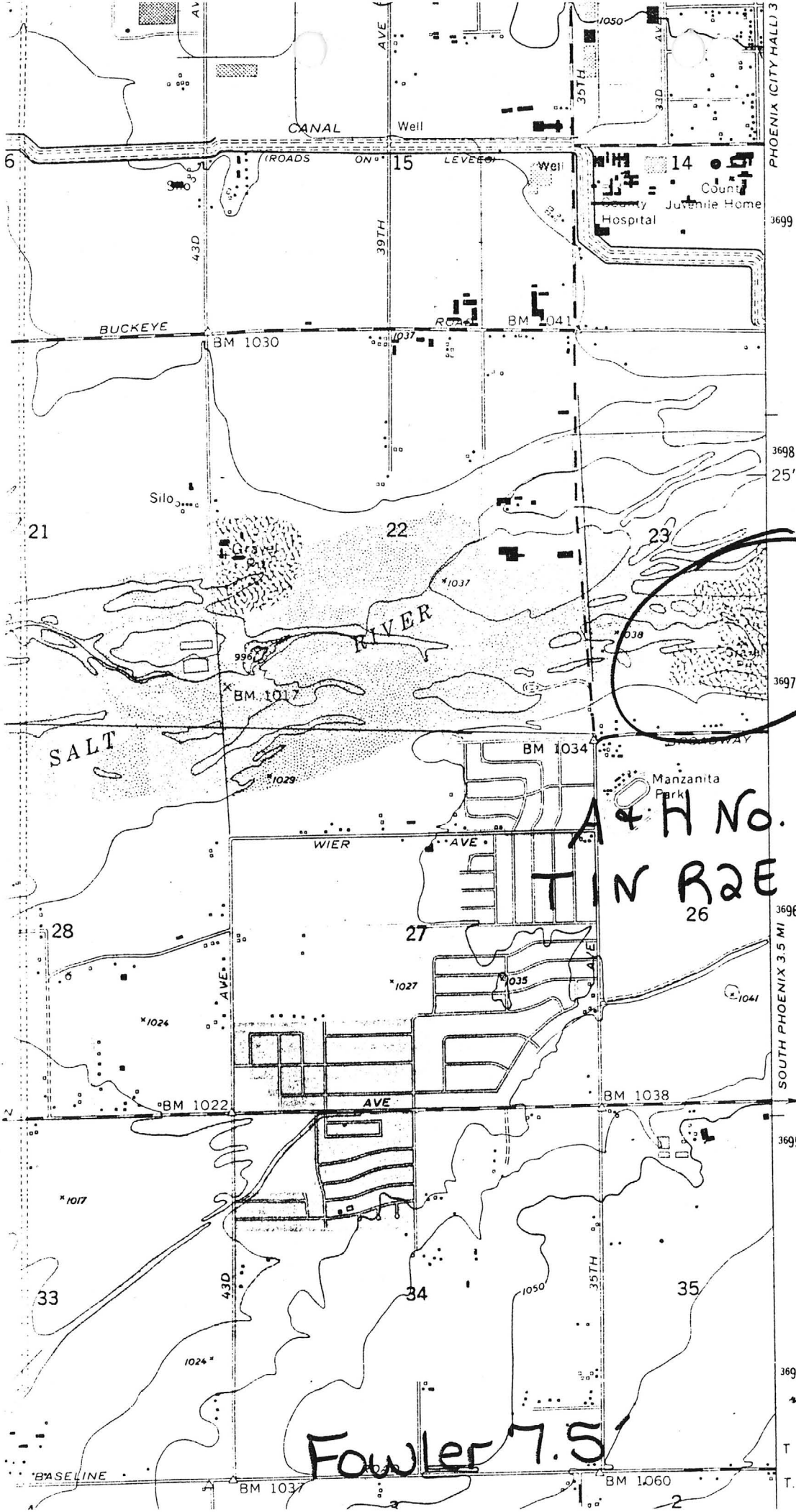
A & H NO. 3 & 4

MARICOPA COUNTY
SALT RIVER MTS. DISTRICT
T1N R2E Sec. 23 S $\frac{1}{2}$ N $\frac{1}{2}$ SW

Maricopa MILS Index #22

AKA: Pit #1, Reeves Pit #1

Fowler 7.5' Quad (included in file)



A & H No. 3+4
T 1 N R 2 E Sec. 23

Fowler 7.5'

PHOENIX (CITY HALL) 3

3699

3698

25'

3697

3696

SOUTH PHOENIX 3.5 MI

3695

3694000m N.

T 1 N.

T 1 S.

6

15

14

21

22

23

28

27

26

33

34

35

BASELINE

BM 1037

BM 1060

BM 1030

BM 1017

BM 1034

BM 1038

*1024

*1027

*1035

*1017

1024

1050

*1041

Silo

Manzanita Park

CANAL

Well

Well

BUCKEYE

WIER

AVE

AVE

AVE

AVE

AVE

(ROADS ON)

LEVEE

39TH

35TH

33D

43D

43D

35TH

PHOENIX (CITY HALL) 3



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

81 I.D. _____

*See Hoover
James
Division*

CITY OF PHOENIX

v.

ALVIN B. REEVES ET AL.

IBLA 73-205

Decided February 1, 1974

Appeal from decision by Administrative Law Judge L. K. Luoma,
declaring placer mining claims null and void.

Affirmed as modified.

Mining Claims: PRACTICE AND PROCEDURE - Administrative Procedure Act -
Hearings - duties - when required

The Administrative Procedure Act requires
an agency to give all interested parties
an opportunity to participate in an
adjudication where time and public
interest permit.

On March 19, 1965, the City of Phoenix (contestant) initiated a private contest to have the A and H Nos. 3 and 4 placer mining claims embracing the S1/2 N1/2 SW1/4 of section 23, T. 1 N., R. 2 E., G. & S.R.M., Maricopa County, Arizona, declared invalid. A hearing was held on May 5, 1969.

The contestees base their claim to the land on location notices filed and recorded in the office of the County Recorder, Maricopa County, Arizona, on May 24, 1955. The City of Phoenix bases its title to the land on Patent No. 832934 issued to the City by the Bureau of Land Management on November 18, 1921. Prior to the issuance of the patent, Executive Order No. 3388, January 22, 1921, temporarily withdrew the land in question

*** from settlement, location, sale and entry for classification and in aid of legislation granting said lands to the city of Phoenix, Arizona, for municipal purposes, and this order shall remain in full force until revoked by the President, or by an act of Congress. (Emphasis added.)

This order withdrew the land from nonmetalliferous mineral location. On July 15, 1921, Congress authorized the transfer of this land to the "City of Phoenix for municipal purposes *** [reserving] to the United States all oil, coal or other mineral deposits found at any time in the land, and the right to prospect for, mine and remove the same ***." Act of July 15, 1921, P.L. No. 67-34, 42 Stat. 143 (Act). Under the authority of the Act, patent was issued to Phoenix.

not subject to the mining laws, as neither that Act nor any other statute provides for disposition of the reserved minerals under the mining laws.

Mining Claims: LOCATABLE PUBLIC LANDS - Withdrawn Lands - effect of withdrawals; PRACTICE AND PROCEDURE - Determination of Validity

A mining claim located on land closed to mineral entry is void.

APPEARANCES: Bruce F. Demaree, Esq., of Richmond, Ajamie, Fay & Warner, Phoenix, Arizona, for appellant. Donald W. Lindhelm, Esq., for appellees.

OPINION BY MRS. THOMPSON

Alvin B. Reeves, and the heirs of A. H. Reeves, 1/ deceased (contestees), have appealed from the October 17, 1972, decision of Administrative Law Judge L. K. Luoma holding their A & H Nos. 3 and 4 placer mining claims null and void for the reason that the sand and gravel deposits were not reserved to the United States, but had been conveyed as part of the surface estate to the City of Phoenix.

1/ Genevieve C. Rippey, Leroy Reeves, and Thelma Reeves.