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ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES AZMILS DATA

PRIMARY NAME: SHEEP SPRINGS

ALTERNATE NAMES:

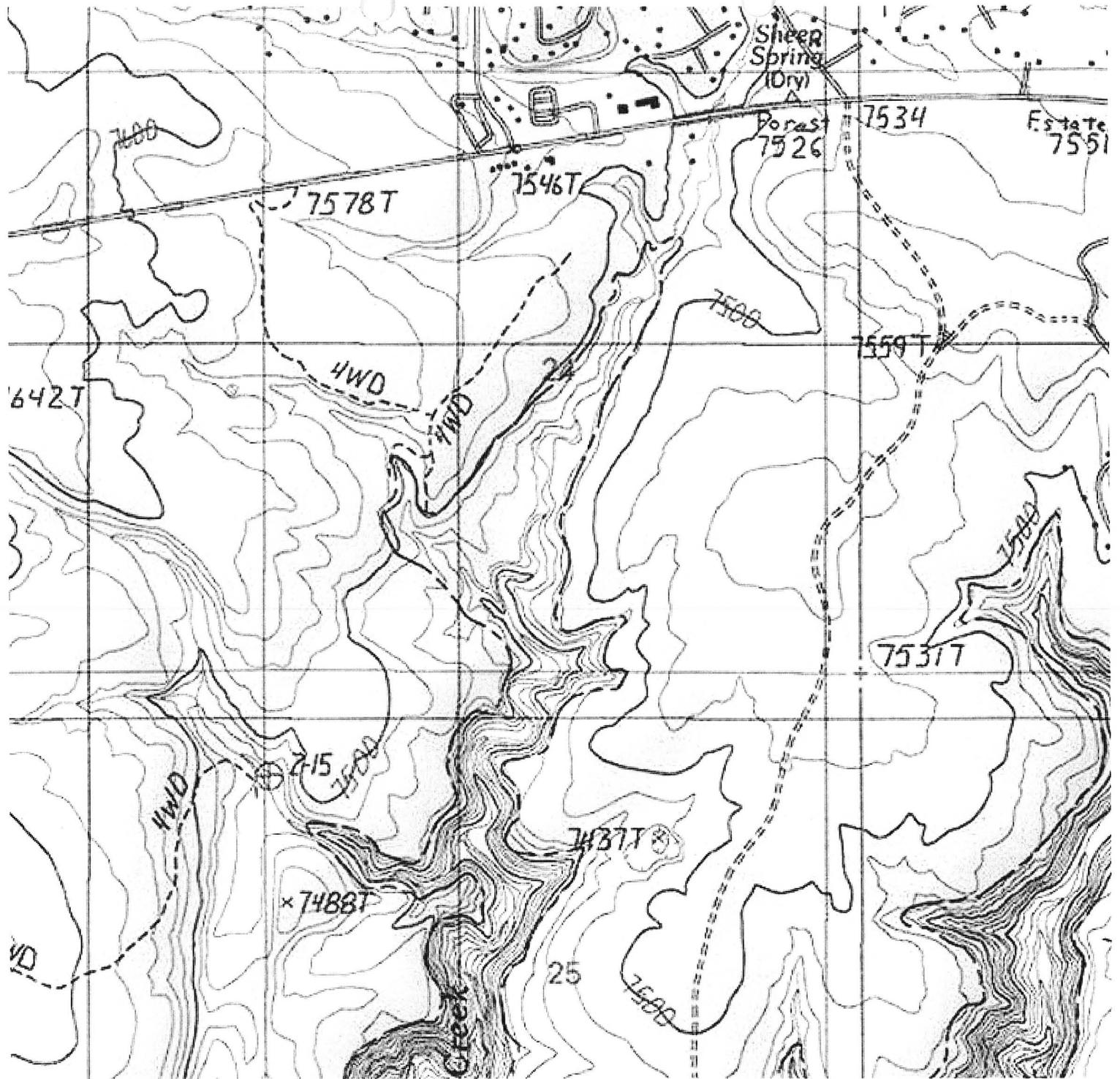
COCONINO COUNTY MILS NUMBER: 554

LOCATION: TOWNSHIP 11 N RANGE 14 E SECTION 24 QUARTER  
LATITUDE: N 34DEG 19MIN 27SEC LONGITUDE: W 110DEG 48MIN 03SEC  
TOPO MAP NAME: O W POINT - 7.5 MIN

CURRENT STATUS: DEVEL DEP

COMMODITY:  
MANGANESE

BIBLIOGRAPHY:  
ADMMR SHEEP SPRINGS FILE





## United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

LESLIE AND LUCY NEILSON

IBLA 72-181

Decided December 20, 1972

Appeal from decision (A-6337) by Arizona State Office, Bureau of Land Management, rejecting application to purchase land pursuant to the Mining Claims Occupancy Act.

Affirmed.

Mining Claims: MINING CLAIMS OCCUPANCY ACT - Principal Place of Residence

A qualified applicant for conveyance of land under the Mining Claims Occupancy Act of October 23, 1962, must have been on that date a residential occupant-owner of valuable improvements in an unpatented mining claim which constituted for him a principal place of residence, and where on that date an applicant has only occupied the claim in a tent and small portable trailer, which were removed during the winter months, there were not valuable improvements on the claim which could constitute a residence under the Act.

APPEARANCES: Leslie T. Neilson and Lucy Neilson, pro se.

## OPINION BY MRS. THOMPSON

Leslie T. Neilson and Lucy Neilson have appealed from the decision of the Arizona State Office, Bureau of Land Management, dated October 22, 1972 (A-6337), which rejected their application for fee title to a five-acre tract of land. This application was filed on June 16, 1971, pursuant to the Mining Claims Occupancy Act of October 23, 1962, as amended, 30 U.S.C. §§ 701-709 (1970).

The tract is within the unpatented Sheep Springs Manganese No. 1 lode mining claim which was declared null and void for lack of a discovery by an Administrative Law Judge's decision (A-4443), dated December 2, 1970. An appeal by the Neilsons to this Board was summarily dismissed March 31, 1971 (IBLA 71-141).

The State Office found that the Neilsons were not qualified applicants under the Mining Claims Occupancy Act as they were not residential occupant-owners of improvements constituting a principal place of res-

idence on October 23, 1962. As defined by section 2 of the Mining Claims Occupancy Act (30 U.S.C. § 702):

\* \* \* a qualified applicant is a residential occupant-owner, as of October 23, 1962, of valuable improvements in an unpatented mining claim which constitute for him a principal place of residence and which he and his predecessors in interest were in possession of for not less than seven years prior to July 23, 1962.

We have carefully considered appellants' objections to the decision below and their reasons for appeal. We find there is no basis for disturbing the conclusion reached below in view of appellants' statements in this appeal. Although appellants deny certain statements of the facts concerning their occupancy and improvement of the tract as stated in the decision, they admit other facts which establish that they are not qualified applicants.

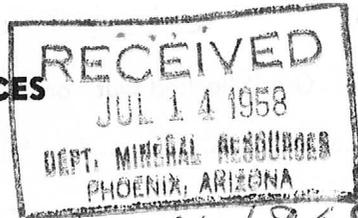
In response to the statement in the decision that they did not reside on the mining claim during the period 1954 through 1959 except for a few short term visits when roads were passable, they state in part:

This statement is entirely false. During this period we resided in a large tent and a small portable trailer thru out the summer while we were doing the improvements necessary to fulfill our claim obligations. We left only when winter weather made it necessary for us to go to a lower altitude.

They also state the tent and trailer were removed each winter to protect them from the weather. They admit they moved a house trailer on the claim in 1963, and indicate it remained on the property and a building was constructed around the trailer in 1966. They also admit they did not live on the claim during the winters of 1953 through 1970, but assert that they have retained residence there since 1963.

The Mining Claims Occupancy Act limits a qualified applicant to one with valuable improvements on the claim as of October 23, 1962. These must have been a principal place of residence, and the applicant must have had possession for seven years prior thereto. Therefore, the crucial issue is whether the admitted facts show there were "valuable improvements" on the claim at that time and if they would be a "principal place of residence." The alleged improvements on this claim prior to October 23, 1962, were the tent and small trailer which were removed each winter. These do not constitute "valuable improvements" within the meaning of the Act.

DEPARTMENT OF MINERAL RESOURCES  
State of Arizona  
MINE OWNER'S REPORT



Date July 11, 1958

1. Mine: ✓ Sheep Springs
2. Location: Sec. 24 Twp. 11<sup>N</sup> Range 14<sup>E</sup> Nearest Town Heber Distance 14 mi  
Direction S.W. Nearest R.R. Snowflake Distance 51 mi
- Road Conditions: good
3. Mining District and County: Mogollon Coconino Co.
4. Former Name of Mine: Sheep Springs
5. Owner: ✓ Les Neilson & Lam Moran & Co.  
Address: Snowflake Ariz Box 104
6. Operator: Les Neilson  
Address: Snowflake Ariz Box 104
7. Principal Minerals: ✓ manganese
8. Number of Claims: Lode Patented Unpatented  
Placer 8 1/2 Patented in process Unpatented
9. Type of Surrounding Terrain: mountainous
10. Geology and Mineralization: Lime, Sandstone & red clay
11. Dimension and Value of Ore Body: small claims one pit  
valued at \$150,000.00

Please give as complete information as possible and attach copies of engineer's reports, shipment returns, maps, etc. if you wish to have them available in this Department's files for inspection by prospective lessors or buyers.

12. Ore "Blocked Out" or "In Sight": About 750ft long and 400ft in width with other ores still unmeasured

Ore Probable: From 100 to 150 thousand tons is estimated 20 to 30% of dirt is ore

13. Mine Workings—Amount and Condition: open pit ore

No.	Feet	Condition
Shafts		
Raises		
Tunnels		
Crosscuts		
Stopes		

14. Water Supply: available

15. Brief History: Has been worked and owned by Mr Les Neilson for the past 5 yrs, is now being patented by Mr Thomas L Moran and Co. which includes Les & Lucy Neilson

16. Remarks: We have maps, assay and reports but are not available to free time, can be had if wanted.

17. If Property for Sale, List Approximate Price and Terms: Property is being patented and will be for sale later

18. Signature: Les Neilson