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05/21/87

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES FILE DATA

PRIMARY NAME: WHITE DIKE

ALTERNATE NAMES:

NIGHT HAWK
COLORADO GROUP

LA PAZ COUNTY MILS NUMBER: 735

LOCATION: TOWNSHIP 2 N RANGE 18 W SECTION 2 QUARTER NW
LATITUDE: N 33DEG 32MIN 52SEC LONGITUDE: W 114DEG 05MIN 36SEC
TOPO MAP NAME: QUARTZSITE - 15 MIN

CURRENT STATUS: PAST PRODUCER

COMMODITY:

TUNGSTEN

BIBLIOGRAPHY:

ADMMR WHITE DIKE FILE

REFERENCES:

SEE: USBM RI 5516 1959 pp-20

SEE: USBM RI 5516 1959 pp-24-25, ~~68~~ 68

See: GJBX-213(82) Geology and Mineral Resources of the Los Angeles, Needles, Salton Sea, San Bernardino, and Trona 1 x 2 NTMS Quadrangles, Pg. 121, Dept. of Energy.

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

INFORMATION FROM MINE CARDS IN MUSEUM

ARIZONA

MM 1225 Tungstite

LaPaz County
Livingston Mine / So of Qua rtzsite
Nighthawk & White Dike Group
(T 2NR 18 W, 53 NW $\frac{1}{2}$)

MILS # 1735

2-ARA's

WHITE DIKE (file)

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

INFORMATION FROM MINE CARDS IN MUSEUM

ARIZONA

LaPaz County
Ellsworth Dist.
Colorado Group

Colorado Mine MILS 735

2 - AKAs

WHITE DIKE (fcb)

MM-K128	Scheelite, Woldramite
K129	Scheelite, Powellite
K130	Scheelite in Calcite
K131	Scheelite in Quartz
K133	Scheelite with Quartz
K134	Wolframite
K135	Wolframite

These specimens are now in the
ADMR Museum see K numbers.
Cabinet

SPECIMEN T-3

K134 K135

Section

Presented by J. R. Livingston

Shelf

Collected by Same

Date received May 19, 1944

Class (principal mineral) Tungsten
(~~S~~cheelite)
Other minerals

Name of mine or claim Colorado

Group Colorado

District Ellsworth

Gangue Tourmaline

County Yuma

Depth at which specimen taken 15 ft.

Location (distance and direction by highway
from what town) 15 miles southeast of Quartzsite

Approximate mineral content (in terms of
average per ton) Tungsten 74%

Quantity

Value \$

Mine active or inactive active

74%

1.35 per lb.

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

! bigger one - powlite + sheelite
\$7.00 ea

MINERAL SPECIMEN FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K134 K135^T3

Specimen No. 1, collected by J. R. Livingston Date 5/19-44
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Scheelite Wolframite Name of mine or claim Colorado
 Minerals contained with minor quantities of micas Fluorite Group "

District Ellsworth
 County Yuma

Gangue Ironstone
 Depth at which taken 15 feet Location (distance and direction by highway from what town) 15 m southeast of Grantsville

Approximate mineral content (in terms of average per ton):
 Owner of property A. M. and J. R. Livingston

Operator same

Mine active or inactive Active

If inactive, when operated _____

Specimen presented by A. M. & J. R. Livingston

Notes: _____

Quantity or %	Value
Copper _____	\$ _____
Gold _____	_____
Silver _____	_____
<u>Fluorite 74%</u>	<u>\$1.25 per lb</u>
<u>K134 3163 oz</u>	<u>K135-2168 oz</u>
<u>9.5 x 8.0 x</u>	<u>14.0 x 9.0 x</u>
<u>6.5 cm</u>	<u>5.0 cm</u>

(Femur) WO₄
 If more space is desired for notes, use other side

SPECIMEN T-7

K 133

Cabinet

Presented by J. R. Livingston

Section

Collected by J. R. Livingston

Shelf

Date received May 19, 1944

Class (principal mineral) Tungsten

Name of mine or claim Colorado

Other minerals Tungsten (in quartz in Tourmaline group)

Colorado

District

Ellsworth

Gangue

County

Yuma

Depth at which specimen taken

Location (distance and direction by highway
from what town) 15 miles southeast of QuartzsiteApproximate mineral content (in terms of
average per ton)

Quantity

Value \$

Mine active or inactive active

Tungsten 50%

1050.00 per ton

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

\$2.00

fl- Scheelite

316 12 oz 14.0 x 10.0 x 7.0 cm

SPECIMEN T-6

K130

Cabinet	Presented by	J. R. Livingston
Section	Collected by	same
Shelf	Date received	May 19, 1944

Class (principal mineral)	Tungsten (Scheelite)	Name of mine or claim	Colorado
Other minerals	Tungsten in calcite spar	Group	Colorado
		District	Ellsworth
Gangue	Tourmaline (black)	County	Yuma
Depth at which specimen taken	15 ft.	Location (distance and direction by highway from what town)	15 miles southeast of Quartzsite
Approximate mineral content (in terms of average per ton)			
Quantity	Value \$	Mine active or inactive	Active
Tungsten 20%	420.00 per ton	If inactive, when operated	
		Owner	A. M. and J. R. Livingston
		Operator	same

Notes:

SPECIMEN T-2

K129

Cabinet

Presented by Mr. and Mrs. J. R. Livingston

Section

Collected by Same

Shelf

Date received April, 1944

Class (principal mineral) Tungsten
(Scheelite)

Name of mine or claim Colorado No. 1

Other minerals

Group Colorado

District Ellsworth

Gangue Black tourmaline

County Yuma

Depth at which specimen taken 8 feet

Location (distance and direction by highway
from what town) 15 miles S.E. of Quartzsite

Approximate mineral content (in terms of
average per ton)

Quantity
30% tungsten

Value \$ 50¢ per lb.
at Tucson

Mine active or inactive Active

If inactive, when operated

Owner Mr. and Mrs. J. R. Livingston

Operator Same

Notes:

82.00

116

80g

fl. Scheelite

9.5x 7.0x 7.0 mm

MINERAL SPECIMEN FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K129^{T2}

Specimen No. _____, collected by _____ Date _____
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Sheelite & Powellite Name of mine or claim Colorado No. 1

Minerals contained Fluorite Group Colorado

Gangue Black tourmaline District Ellsworth

Depth at which taken 8 feet County Yuma

Approximate mineral content (in terms of average per ton): Location (distance and direction by highway from what town) 15 mi. SE of Quartzville

Owner of property Mr. and Mrs. J. R. Livingston

Operator Rams

Mine active or inactive Active

If inactive, when operated _____

Specimen presented by Owner

Notes: _____

If more space is desired for notes, use other side

Quantity or %	Value
Copper _____	\$ _____
Gold _____	_____
Silver _____	_____
<u>Fluorite, approximately</u>	<u>50¢ per lb. at</u>
<u>30%</u>	<u>Yuma</u>
_____	_____
_____	_____
_____	_____

MINERAL SPECIMENS FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K128

T4

Specimen No. 2, collected by _____ Date _____
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Asbestos Name of mine or claim _____

Minerals contained Jungfrau Group Colorado

Iron District _____

Gangue Pyrite County _____

Depth at which taken 15' rock Location (distance and direction by highway from what town) _____

Approximate mineral content (in terms of average per ton):

<u>Quantity or %</u>	<u>Value</u>	<u>Operator</u>
----------------------	--------------	-----------------

Copper _____	\$ _____	Mine active or inactive _____
--------------	----------	-------------------------------

Gold _____	_____	If inactive, when operated _____
------------	-------	----------------------------------

Silver _____	_____	Specimen presented by _____
--------------	-------	-----------------------------

<u>Jungfrau 15%</u>	_____	Notes: _____
---------------------	-------	--------------

_____	_____	<u>powdery - fl. - pale yellow</u>
_____	_____	<u>sheetite - blue</u>

If more space is desired for notes, use other side

58.00

SPECIMEN T-4

K-128

Cabinet
Section
ShelfPresented by J. R. Livingston
Collected by Same
Date received May 19, 1944Class (principal mineral) Tungsten
(scheelite)
Other minerals IronName of mine or claim Colorado
Group Colorado
District Ellsworth
County Yuma

Gangue Tourmaline

Depth at which specimen taken 15 ft.

Location (distance and direction by highway
from what town) 15 miles southeast of QuartzsiteApproximate mineral content (in terms of
average per ton)

Quantity Value \$

Tungsten 15%

Mine active or inactive active

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

*green mica
dark xl wolframite
white x/5 of powellite
coating of scheelite in qt.**9/16 18.0 x 16.0 x 11.0 cm*

SPECIMEN T-8

K131

Cabinet
Section
Shelf

Presented by J. R. Livingston
Collected by J. R. Livingston
Date received May 19, 1944

Class (principal mineral) Tungsten
Ore - Scheelite
Other minerals

Name of mine or claim Colorado

Group Colorado

District Ellsworth

Gangue

County Yuma

Depth at which specimen taken

Location (distance and direction by highway
from what town) 15 miles southeast of QuartzsiteApproximate mineral content (in terms of
average per ton)

Quantity Value \$

Mine active or inactive active

Tungsten 30%

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

NIGHT HAWK AND WHITE DIKE GROUP

PLOMOSA DIST.
YUMA COUNTY

Conference with Joe Livingstone, Wm. Williams and Tom Williams, at Quartzsite 6/9/65

These men are preparing to explore a new copper showing on the White Dike Claims, 11 miles southeast of Quartzsite. These claims adjoin the Night Hawk Group (tungsten) (described in U. S. Bur of Mines RI 5516 (1959 pp 24-25). The copper occurs in kernels and stringers inclosed in white quartz. The kernels consist of bornite, chalcopyrite, chalcocite and limonite, surrounded by a halo of malachite and chrysocolla. A shallow cut has disclosed about 4 feet of vein, that appears to trend NW but the dip has not yet been disclosed. The 4 feet, according to Wm. Williams assayed 9 percent copper and 7 oz of silver to the ton. Black tourmaline in needle clusters showed in some specimens. According to Joe Livingstone the float of this type of ore is traceable for several hundred feet. They hope to get out a car of flux ore soon. The impression gained, from the inspection of a suite of ore specimens that the sulphide blebs, or kernels, may have been part of a massive sulphide vein or body, that was brecciated and later surrounded by the quartz.

William (Bill) Williams' address is P. O. Box 138, Quartzsite.

Lowell Williams and Wm. Williams have moved mining equipment to Joe Livingstone's Night Hawk Claims to develop and mine copper-silver ore (2 tons of which ran 0.20 oz. Au., 18.2 oz. Ag. to a ton and up to 28 percent Cu). Both complained that, since the copper-bearing area adjoins the proposed withdrawal for Crystal or Quartz Hill, ore must be shipped when mined because the rock-hounds in the area would steal it, if it is loose. The withdrawal doesn't effect Joe Livingstone's ground But Wm. Williams said that 100-150 acres around Quartz Hill should be all that should be withdrawn. Asked if the ground south of Livingstone's ground was possible mineral ground, Williams was not able to say since much of this particular area is covered by detritus. They did think that Quartz Hill might possibly have some deeper mineralization. No evidence of more than quartz was seen when visited previously.

CONFERENCE LAS 10/13/65

RI 5516, p. 20, 24, 25, 68

1-8-47

O. R. Benedict Co., 3370 Randolph St., Huntington Park,
Calif.

Requested copy of report on Night Hawk property.



*Minnie Umana
5/19/53*

*Night Hawk
White Dike*

CHARLES H. DUNNING
MINING ENGINEER

1635 W. EARLL DRIVE
PHOENIX, ARIZONA

Sept 3rd, 1951

Preliminary Report
ON
LIVINGSTON TUNGSTEN MINE

To Mr. Eugene Williams,
Farmington, Mo.

I have made a preliminary examination of the Livingston Tungsten Mine near Quartzite and would say that I like it very much as a tungsten prospect.

The property consists of several mining claims and is located approximately 10 miles south from Quartzsite Arizona. It is reached by several roads leading east from Highway 95.

The mineralized zone is somewhat over a mile in length and from 50 to 400 feet wide. It consists of metamorphosed limes and sandstones (quartzite) into which have been injected strong dikes of silica and tourmaline. Epidote and garnet appear as typical accessory contact minerals. Tungsten in the form of scheelite is associated with all of the above minerals but is especially strong where the tourmaline is strong.

The occurrence of the scheelite is sporadic and bunched rather than disseminated, but such occurrence is typical of scheelite in Arizona. High grade spots will probably not be continuous, but on the other hand some of the leanest places may suddenly turn to high grade.

It is therefore doubtful if selected mining for high grade would be successful on an extended or extensive scale, but on the other hand if even a small section of the cropping will average over .5% WO₃ for a wide width (40 feet or more) thus permitting open pit or similar cheap mining, such as operation with proper mill should be successful.

The deposit is probably of pre-Cambrian age and of very deep seated origin. Therefore there is no reason why a change in general conditions should take place in depth. Because of the very extensive nature of the deposit there is danger of spreading out exploration too far. There are too many favorable places to work. This can easily lead on to insufficient determinations at any one place. I would advise that the most favorable general area be selected - large enough to produce say 200,000 tons to open pit or gully hole depth - and that detailed sampling and exploration be confined to such an area. The first stage should be to sample any workings or dumps; second to cut at least two trenches approximately 2 ft deep across the outcrop and sample in sections, thirdly to put down a few exploratory diamond drill holes; and fourthly probably to put down churn drill holes at close coordinates.

CHARLES H. DUNNING
MINING ENGINEER

1635 W. EARLL DRIVE
PHOENIX, ARIZONA

Livingston Tungsten - Sheet 2

If the first two steps as outlined above show a commercial average there should be no trouble in getting government 75% participation for steps 3 and 4.

Mr. Livingston showed me where an engineer (a Mr. Williams of Los Angeles) had sampled across about 200 feet of cropping near the west end. This was divided into five sections and the average was about .75%. This would appear to be a favorable area in which to confine a detailed sampling program.

A spectrographic analysis of a general sample showed no objectionable elements which would cause penalties. Many of our Arizona sheelites carry borderline penalty elements with the added difficulty that when the tungsten is concentrated such elements are also concentrated. It would seem that you are quite free from such trouble in this case. Mr. E. Fernstrom of Tucson has purchased many shipments from Mr. Livingston, and as he must concentrate the shipments to 60% or more $W\text{O}_3$ before marketing, and does not use flotation, it is prima facie evidence that the metallurgical characteristics of the ore are good.

Altogether the venture looks very promising. It needs careful and detailed sampling and exploration to determine that there is enough ore in one spot to permit cheap mining and justify a mill.

Respectfully Submitted,



November 5, 1942

Mr. E. B. Hart
Quartzsite, Arizona

Dear Mr. Hart:

We have several inquiries regarding tungsten properties and believe that there are two groups, either of which would be willing to make an early examination of your Night Hawk and White Dike property.

Will you please furnish us with a rough outline of the price and terms for this property that we may forward this information, together with Mr. Holt's brief report, to interested parties.

Very truly yours

Earl F. Hastings
Assistant Director &
Projects Engineer

EFH:BA

6
9-10-10-27H

DEPARTMENT OF MINERAL RESOURCES
STATE OF ARIZONA
FIELD ENGINEERS REPORT

Mine Night Hawk & White Dike Group

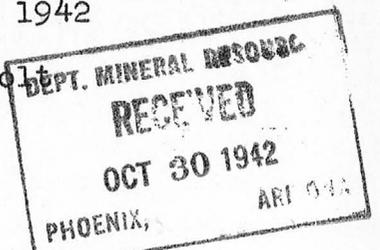
Date October 29, 1942

District Plomosa, Yuma Co., Ariz.

Engineer Elgin B. Holt

Subject:

M E M O R A N D U M



OWNERS: J. R. Livingston, Alice Livingston, & Mrs. Maude Hart, Quartzite, Arizona.

METALS: Tungsten, occurring as scheelite.

NOTE: On my arrival at Quartzite on October 23, I called on E. B. Hart, whose wife is co-owner in this property, and asked him to go with me to the mine. Hart stated he, personally, could not go and that Livingston and wife had gone to Tucson in order to market some scheelite ore. Therefore, I could not make the trip to property as I had planned. Hart, however, gave me the following information about property:

AREA & LOCATION

There are ten lode claims in the group, located in the New Water area, 14 miles southeast of Quartzite, and reached by a fair desert road over which ore can be hauled by truck. These claims were located by present owners around June 15, 1942.

DESCRIPTION OF DEPOSIT

Hart states that the claims mentioned cover a dark colored limestone belt about 700 feet wide, criss-crossed by a stockwork of quartz stringers and veins from one inch to 3 or 4 feet wide, and in which the scheelite is found. This ground was formerly worked for copper and gold coming in streaks and kidneys; original work consisting of shafts from 20 to 100 feet deep. Some of these workings can now be used for mining scheelite. Former owners knew nothing about scheelite being present in this area.

PRESENT WORK - PRODUCTION

Hart further stated that Livingston has only sunk test pits on the various stringers and veins and has took out and marketed about \$1,000 worth of scheelite, assaying about 67% WO₃. Hart has one piece of scheelite ore in his office weighing 60 pounds and assaying about 60% WO₃. So it would seem that this property has considerable merit. I talked to Hart about applying for an R. F. C. loan. He stated he had secured such a loan some years ago to work a gold mine; but that the details of complying with R. F. C. rules in spending the money were so complicated that he did not want to bother with another loan from R. F. C.

This property, so Hart told me, is for sale on reasonable terms.



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203*White Lake No 1,3,4+5
Night Hawk 3,4+5
(See second page)*

R. J. WALL

IBLA 82-782

Decided October 27, 1982

Appeal from decisions of the Arizona State Office, Bureau of Land Management, declaring mining claims, A MC 37908 through 37917, null and void ab initio.

Affirmed.

1. Mining Claims: Lands Subject to--Mining Claims: Relocation--Mining Claims: Withdrawn Land

A mining claim located on land which has been segregated from mineral location is properly declared null and void ab initio. In making such a finding it may be necessary to draw the distinction between an amended location of a claim which predated the withdrawal and a relocation or new location made subsequently.

APPEARANCES: R. J. Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

R. J. Wall appeals from two decisions of the Arizona State Office, Bureau of Land Management (BLM), one dated April 2 and the other April 6, 1982. The April 2 decision declared null and void ab initio the A Dream mining claim (A MC 37908). The April 6 decision declared the Second Chance, Third Chance, Fourth Chance, Fifth Chance, and Flip 1-5 mining claims (A MC 37909 through 37917) null and void ab initio. All the claims were located January 11, 1979, and location notices filed with BLM on March 29, 1979.

Each decision stated as follows:

The above described lands were included in an application for withdrawal for the Kofa National Wildlife Refuge, A 7950, on

INDEX CODE:

43 CFR 2091.2-5(a)
43 CFR 3833.1-2

February 19, 1974. [1/] The application segregated the subject lands from location of mining claims under the General Mining Law of 1872. The withdrawal application was posted on the official records of the Bureau of Land Management, on February 21, 1974.

43 CFR 2091.2-5(a) states in pertinent part: "The noting of the receipt of the application...on the official plats maintained in the proper office shall temporarily segregate such lands from settlement, location, sale, selection, entry, lease, and other forms of disposal under the public land laws, including the mining and mineral leasing laws...."

Since the above listed mining claims were located after the segregative date and noting of the records, said claims are invalid locations and are hereby declared null and void ab initio.

On March 29, 1979, Wall filed documents with BLM concerning 23 mining claims, including documents involving the claims at issue. On April 5, 1979, BLM assigned serial numbers A MC 37895 through A MC 37917 to the claims. Subsequently, on August 7, 1979, BLM sent a letter to Wall stating:

On March 29, 1979 you filed amended location notices for the A Dream, Second Chance through Fifth Chance and Flip #1 through #5 mining claims. These were assigned serial numbers A MC 37908 through A MC 37917, respectively.

Regulations in 43 CFR 3833.1-2 (copy enclosed) require a copy of the original location notice be filed for recording with

1/ A required republication of that action as published in the Federal Register reads as follows:

"The Federal Land Policy and Management Act of 1976, 90 Stat. 2754, established new procedures for publishing and processing withdrawal applications. This notice is a republication of the withdrawal application in accordance with the requirements of the Act to give notice that the application for withdrawal A 7950 is still pending and to give notice of the opportunity for further public hearings.

* * * * *

"Upon the filing of the application for withdrawal on February 19, 1974, all the lands were temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior."

42 FR 4148 (Dec. 22, 1977).

the Bureau of Land Management as well as the latest amendment. Please furnish a copy of the original location notices for the above mentioned claims.

Your location notices for the above claims are not complete for the reason shown above. Failure to furnish original location notices will cause a decision to be issued which rejects your filings and it will be necessary for you to refile under the requirements of 43 CFR 3833.1-2. (Emphasis added.)

In response, BLM received a letter dated August 19, 1979, from an attorney stating:

This letter is in response to your letter directed to my client, Mr. R. J. Wall, of August 7, 1979, a copy of which is attached hereto.

I am writing you at the instruction of your local office given to Mr. Wall. There is a very simple explanation for the problem concerned in your letter of August 7, 1979. Mr. Wall simply went to an office supply store and purchased the location notice forms and used them for filing his claims. Mr. Wall simply did not notice the word "AMENDED" at the top of each form, and intended the forms to be the original location notices. The notices are in fact original location notices filed by Mr. Wall and recorded. (Emphasis added.)

If your office so requires, Mr. Wall will simply strike the word "AMENDED" from each notice and re-record and re-file the location notices. However, as you know, there are timing problems involved in this procedure.

It is our understanding that upon your being advised of the above facts, that the BLM will acknowledge the notices as original notices.

On appeal Wall submitted a copy of two quitclaim deeds. One deed was dated August 13, 1942, and provided for the conveyance of two mining claims, the Night Hawk No. 1 and the White Dike No. 2, from Maude Hart to J. R. Livingston and Alice Livingston. The other deed which was dated September 3, 1942, provided for the conveyance of one-half interest in the White Dike Nos. 1, 3, 4, and 5, and the Night Hawk Nos. 3, 4, and 5 mining claims from Maude Hart to J. R. Livingston and Alice Livingston. Both deeds were notarized on December 2, 1942, and were filed and recorded in Yuma County, Arizona, on December 12, 1942. Wall also submitted copies of checks drawn on his account dated March 15, 1979, and payable to one Evelyn Livingston, as well as a copy of a note dated April 20, 1979, from Evelyn Livingston to Wall which stated that she had accepted his offer. Wall also enclosed copies of "Affidavits of Labor Performed and Improvements Made" which had been filed by Evelyn Livingston with Yuma County, Arizona, on August 26 and 29, 1978.

In his reasons for appeal Wall states that the claims which are the subject of this appeal were originally known as the White Dike Nos. 1 through 5, the Night Hawk Nos. 1 through 8, and the Renegade Nos. 1 through 5 mining claims; 2/ that the claims, under their original names, were sold in 1941 to J. R. Livingston; that Wall acquired the claims in March of 1979; 3/ and that Wall changed the names of the claims when he took possession and "set up legal description to meet the requirement in 1980." 4/ Although not specifically alleged by Wall, it can be deduced that, for purposes of this appeal, he is claiming that location of the subject mining claims predates segregation of the lands upon which the claims are situated and as such the subject claims are not null and void ab initio.

[1] In order to prevail Wall must establish that he is the successor to an interest in mining claims located on the land before its segregation from mineral entry, as claims which are located on land which is segregated from mineral location by a proposed withdrawal are null and void ab initio. George H. Fennimore, 63 IBLA 214 (1982)^a; Allen L. Brannon, Sr., 53 IBLA 251 (1982).^b

The essential question in this appeal is whether the documents filed in 1979 were amended notices of location or whether they were new locations or relocations made after the land had been withdrawn. There is no requirement that an amended location or a relocation state that this is its purpose on its face. Fairfield Mining Co., 66 IBLA 115 (1982)^c; R. Gail Tibbetts, 43 IBLA 210, 228, 86 I.D. 538, 543 (1979).^d

In Tibbetts, supra at 219, 86 I.D. at 543, the Board held

that to the extent that an amended location, i.e., one made in furtherance of an original location, merely changes a notice of location without attempting to enlarge the rights appurtenant to the original location, such amended location relates back to the original. Examples of such amended locations would be a change in the name of the claim (Butte Consolidated Mining Co. v. Barker, 35 Mont. 327, 89 P. 302, aff'd on rehearing, 90 P. 177 (1907); Seymour v. Fisher, 16 Colo. 188, 27 P. 240 (1891)), the exclusion

2/ Wall filed documents for 23 claims in March of 1979. BLM's letter of Aug. 7, 1979, is only concerned with 10 of the 23 claims; 15 claims are referenced here; 10 claims were declared null and void by BLM. Ten claims were listed in total on the quitclaim deeds, eight of which were one-half interest conveyances.

3/ The actual wording in the statement of reasons is: "I accured these claims in March 15, 1979. From Mrs. Evelyn Levinston [apparently Livingston] who was the wife of Joe Levinston * * *." The Mar. 15, 1979, date corresponds to the date on checks, copies of which were provided by Wall, made out by Wall to Evelyn Livingston. The quitclaim deeds list J. R. Livingston and Alice Livingston as grantees.

4/ The record provides no further evidence of what is meant by this statement.

- a) GFS(MIN) 148(1982)
- b) GFS(MIN) 89(1981)
- c) GFS(MIN) 248(1982)
- d) GFS(MIN) 92(1979)

of excess acreage so long as the original discovery point is preserved (see Waskey v. Hammer [223 U.S. 85 (1912)], and a change in the record owners of a claim where such change is reflective of an existing fact (United States v. Consolidated Mines & Smelting Co., 455 F.2d 432, 441 (9th Cir. 1971); Thompson v. Spray, 72 Cal. 528, 14 P. 182 (1887)).

In contrast, a relocation does not relate back to the date of filing of the original notice of location. Fairfield Mining Co., supra at 117, 118. 5/

In United States v. Consolidated Mines & Smelting Co., 455 F.2d 432 (9th Cir. 1971), the Court of Appeals for the Ninth Circuit held that a hearing is required where there is a disputed issue of fact whether the interests of the present mining claimant are adverse to the interests of prior locators (i.e., whether the filing is a "relocation") or whether instead the present owner was the successor to these earlier interests (i.e., whether the filing is an "amended location").

In the present situation, the face of the March 29, 1979, notices indicated that they were amended notices. This was not dispositive; however, upon BLM's request that Wall file a copy of the original location notices, pursuant to 43 CFR 3833.1-2, Wall's attorney specifically stated that "[t]he notices were in fact original location notices filed by Mr. Wall and recorded."

None of the submissions filed by Wall with his appeal give any indication that the lands located in the mining claim location notices of 1979 are the same referred to in earlier documents other than that all the lands are situated in New Water Mining District and all are located in Yuma County, Arizona. Further, the lack of evidence of the original location notices, from which Wall purports to claim a chain of title; the lack of evidence showing conveyancing from J. R. Livingston and Alice Livingston to Evelyn Livingston, and from Evelyn Livingston to J. R. Wall; the fact that one quitclaim deed only conveys one-half interest in enumerated claims, together with the statements of Wall's attorney noted above, leave us with no choice but to conclude that Wall's location of these mining claims does not predate segregation of the lands in question from mineral entry.

We note also that Wall states that he acquired the claims in March 1979. He does not attempt to explain the discrepancy of having filed amended location notices on which indicate he located the claims in January 1979.

5/ In the same case at page 223 the Board described a "relocation" as "the subsequent location of a claim which is adverse to an earlier location, as where the earlier locator has abandoned the claim or failed to make annual expenditure as required. The relocation of the claim by another person after the withdrawal of the land where it is situated does not give him the rights associated with the earlier location, including the right to mine the property even after it is withdrawn."

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Bruce R. Harris

Bruce R. Harris
Administrative Judge

We concur:

C. Randall Grant, Jr.
C. Randall Grant, Jr.
Administrative Judge

Edward W. Stuebing
Edward W. Stuebing
Administrative Judge

These specimens are now in the
ADMR Museum see K numbers.
Cabinet

SPECIMEN T-3

K134 K135

Section

Presented by J. R. Livingston

Shelf

Collected by Same

Date received May 19, 1944

Class (principal mineral) Tungsten
(~~Sheelite~~)
Other minerals:

Name of mine or claim Colorado

Group Colorado

District Ellsworth

Gangue Tourmaline

County Yuma

Depth at which specimen taken 15 ft.

Location (distance and direction by highway
from what town) 15 miles southeast of Quartzsite

Approximate mineral content (in terms of
average per ton) Tungsten 74%

Quantity Value \$
74% 1.35 per lb.

Mine active or inactive active

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

bigger one - powellite + sheelite
\$7.00 ea

MINERAL SPECIMEN FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K134 K135^T3

Specimen No. 1, collected by J.R. Livingston Date 5/19-44
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Acheelite Wolframite Name of mine or claim Colorado
with minor quartz + mica
 Minerals contained Fluorapatite Group "

District Ellsworth
 County Yuma

Gangue Iron sulfide
 Depth at which taken 15 feet Location (distance and direction by highway from what town) 15 m southeast of Quartzite

Approximate mineral content (in terms of average per ton):
 Owner of property A.M. and J.R. Livingston

Operator Same

Mine active or inactive Active

If inactive, when operated _____

Specimen presented by A.M. + J.R. Livingston

Notes: _____

Quantity or %	Value
Copper _____	\$ _____
Gold _____	_____
Silver _____	_____
<u>Fluorapatite 74%</u>	<u>\$1.35 per lb.</u>
<u>K134 3163 oz</u>	<u>K135-2168 oz</u>
<u>9.5 x 8.0 x</u>	<u>14.0 x 9.0 x</u>
<u>6.5 cm</u>	<u>5.0 cm</u>

(Fem.) W.O.
 If more space is desired for notes, use other side

SPECIMEN T-7

K 133

Cabinet

Presented by J. R. Livingston

Section

Collected by J. R. Livingston

Shelf

Date received May 19, 1944

Class (principal mineral) Tungsten

Name of mine or claim Colorado

Other minerals Tungsten (in quartz in Tourmaline group)

Colorado

District

Ellsworth

Gangue

County

Yuma

Depth at which specimen taken

Location (distance and direction by highway from what town) 15 miles southeast of Quartzsite

Approximate mineral content (in terms of average per ton)

Quantity

Value \$

Mine active or inactive active

Tungsten 50%

1050.00 per ton

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

fl. Sheelite

\$2.00

316 12 oz 14.0 x 10.0 x 7.0 cm

SPECIMEN T-6

K130

Cabinet

Presented by J. R. Livingston

Section

Collected by same

Shelf

Date received May 19, 1944

Class (principal mineral) Tungsten
(Scheelite)

Name of mine or claim Colorado

Other minerals
Tungsten in calcite spar

Group Colorado

District Ellsworth

Gangue Tourmaline (black)

County Yuma

Depth at which specimen taken 15 ft.

Location (distance and direction by highway
from what town) 15 miles southeast of Quartzsite

Approximate mineral content (in terms of
average per ton)

Quantity Value \$
Tungsten 20% 420.00 per ton

Mine active or inactive Active

If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes:

SPECIMEN T-2

K129

Cabinet

Presented by Mr. and Mrs. J. R. Livingston

Section

Collected by Same

Shelf

Date received April, 1944

Class (principal mineral) Tungsten
(Scheelite)

Name of mine or claim Colorado No. 1

Other minerals

Group Colorado

District Ellsworth

Gangue Black tourmaline

County Yuma

Depth at which specimen taken 8 feet

Location (distance and direction by highway
from what town) 15 miles S.E. of Quartzsite

Approximate mineral content (in terms of
average per ton)

Quantity
30% tungsten

Value \$
50¢ per lb.
at Tucson

Mine active or inactive Active

If inactive, when operated

Owner Mr. and Mrs. J. R. Livingston

Operator Same

Notes:

82.00

1/16

8oz

fl. - Scheelite

9.5 x 7.0 x 7.0 mm

MINERAL SPECIMENS FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K129 T²

Specimen No. _____, collected by _____ Date _____
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Sheelito + Powellite Name of mine or claim Colorado No. 1

Minerals contained Jungsten Group Colorado

District Ellsworth

Gangue Black tourmaline County Yuma

Depth at which taken 8 feet Location (distance and direction by highway from what town) 15 mi. SE of Quartzvale

Approximate mineral content (in terms of average per ton): Owner of property Mr. and Mrs. J. R. Livingston

Operator Same

Mine active or inactive Active

If inactive, when operated _____

Specimen presented by Owner

Notes: _____

Quantity or %	Value
Copper _____	\$ _____
Gold _____	_____
Silver _____	_____
<u>Jungsten, approx. 30%</u>	<u>50¢ per lb. at Tucson</u>
_____	_____
_____	_____
_____	_____

If more space is desired for notes, use other side

MINERAL SPECIMENS FOR DEPARTMENT OF LIBRARY AND ARCHIVES

K128

T4

Specimen No. 2, collected by _____ Date _____
 (Wrap each specimen, or place in a substantial bag, separately, with a number identical with the number on this card)

Name of ore Bohemite Name of mine or claim _____
 Minerals contained Juniper Group Carbonates
Iron District _____
 Gangue Pyromorphite County _____
 Depth at which taken 15 feet Location (distance and direction by highway from what town) _____

Approximate mineral content (in terms of average per ton):

Quantity or %	Value	Operator
Copper _____	\$ _____	Mine active or inactive _____
Gold _____	_____	If inactive, when operated _____
Silver _____	_____	Specimen presented by _____
<u>Juniper 15%</u>	_____	Notes: <u>powdery - fl. - pale yellow</u>
_____	_____	<u>Sheetite - blue</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

If more space is desired for notes, use other side

58.00

SPECIMEN T-4

K-128

Cabinet

Presented by

J. R. Livingston

Section

Collected by

Same

Shelf

Date received

May 19, 1944

Class (principal mineral)

Tungsten
(scheelite)

Name of mine or claim

Colorado

Other minerals Iron

Group

Colorado

District

Ellsworth

Gangue

Tourmaline

County

Yuma

Depth at which specimen taken 15 ft.

Location (distance and direction by highway
from what town) 15 miles southeast of QuartzsiteApproximate mineral content (in terms of
average per ton)

Quantity

Value \$

Mine active or inactive active

Tungsten 15%

If inactive, when operated

Owner

A. M. and J. R. Livingston

Operator

same

Notes:

green mica
dark xl wolframite
white xls of powellite
coating of scheelite in qt.

9/6 18.0 x 16.0 x 11.0 cm

SPECIMEN T-8

K131

Cabinet
Section
Shelf

Presented by J. R. Livingston
Collected by J. R. Livingston
Date received May 19, 1944

Class (principal mineral) Tungsten
Ore - Scheelite
Other minerals

Name of mine or claim Colorado
Group Colorado
District Ellsworth
County Yuma

Gangue

Depth at which specimen taken

Location (distance and direction by highway
from what town) 15 miles southeast of Quartzsite

Approximate mineral content (in terms of
average per ton)

Quantity Value \$
Tungsten 30%

Mine active or inactive active
If inactive, when operated

Owner A. M. and J. R. Livingston

Operator same

Notes: