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Volume 7 ; Book 12

TOMBSTONE

Mining District

Cochise County

ARIZONA

Stewart Mines Claims - #5
Patent Claim Applications



**Southwestern
Exploration
Associates**

**Mineral Exploration &
Natural Resource
Consultants**

Tucson, Arizona





BRUCE BABBITT
GOVERNOR

State Land Department

STATE OF ARIZONA
1624 WEST ADAMS - 4TH FLOOR
Phoenix, Arizona 85007

OFFICE OF
STATE LAND COMMISSIONER

February 1, 1979

RECEIVED

FEB 5 1979

JAMES STEWART COMPANY
PHOENIX, ARIZONA

Mr. Roger M. Horne ✓
James Stewart Company
707 Mayer Central Building
3033 N. Central Ave.
Phoenix, Arizona 85012

Re: Application for Renewal - Mineral Lease #11-786
Arizona State Land Dept. Order to Show Cause
Findings and Recommendation of Hearing Officer

Dear Mr. Horne:

Your letter of January 12, 1979 to Governor Babbitt with respect to the above referenced application has been reviewed by the Mineral Staff of the State Land Department. The staff report is enclosed for your information.

As you know, the Department's Order of August 4, 1978, postponed until February 1, 1979 final disposition on this application. As requested in your letter of January 29, 1979, we are extending the final disposition of this application until March 2, 1979. You will receive the appropriate notice in a few days.

Sincerely,

John M. Little
Acting Commissioner

JML:cm

Enc.

January 29, 1979

Mr. John W. Little
Acting State Land Commissioner
Arizona State Land Department
1624 West Adams
Phoenix, Arizona 85007

Dear Mr. Little:

Re: Mineral Lease M-786
Application for Renewal

In the matter of the application for renewal of Mineral Lease M-786, an Order To Show Cause hearing was held and evidence was presented in support of renewal. Thereafter the Commissioner ordered that on February 1, 1979 that a further order be made to be based on findings and evidence presented since the hearing.

This is to request an extension of time and postponement of the February 1 order to facilitate further submission of evidence and meetings with your staff both on and off the subject property.

This request is made in light of the following circumstances:

- (1) Additional exploration drilling has been done on the subject property since the hearing.
- (2) There is a continuing conflict and question as to the nature and sufficiency of evidence and data presented and further consultation between your staff and our technical experts would serve both the interests of the state and our interest in the property.
- (3) Our engineering and geological personnel live out of state and additional time is needed to arrange and coordinate their visits with your staff both on and off the property.
- (4) An additional field trip to the property by our technical experts and your geologists is essential to the proper resolution of the question of renewal.

Therefore it is respectfully requested that no order be made on February 1 and that additional time be allowed for determination of questions regarding the renewal of M-786.

Thank you for your consideration in this matter.

Very truly yours,

Roger M. Horne

RMH:vs

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STATE LAND DEPARTMENT

M E M O R A N D U M

TO: John M. Little
Acting Commissioner

DATE: January 25, 1979

FROM: A. K. Doss *AKD*

SUBJECT: Letter to Governor Babbitt from M.S. Horne of 1-12-79

This memorandum is addressed to the complaints in a letter dated January 12, 1979 to Governor Babbitt by M. S. Horne, president of James Stewart Company,

To begin with, the second paragraph of the State Land Department lease contract states in part, "leased for the purpose of extracting and shipping ores and mineral substances." The Department has 795 active mineral leases of record and only 30+ are paying royalty to the State. Consequently, the Mineral and Energy Division has been taking a hard look at all old leases as they come up for renewal to assure that the leases meet the criteria for issuance of a mineral lease. Having (or "showing") discovery of a valuable mineral deposit is the primary consideration for issuance of a mineral lease, and in reviewing old mineral lease renewal applications, we have found that most were issued without adequate proof of discovery or with none at all.

The order (dated 8-4-78) alluded to in the letter of complaint was a result of a hearing held July 6, 1978. The findings and order suggested additional exploration for discovery and the State Land Commissioner's order granted a six months' extension for this purpose. A copy of the order is attached.

It is interesting to note that the letter of complaint was not written immediately following the order but immediately before the end of the extension of time granted for additional exploration. It is also interesting to note that Mr. Horne and the James Stewart Co.'s connection with this matter did not emerge until 13 months after the expiration of the lease. Up until that time, the Department was dealing with the lessee of record, Mr. Charles Suiter, president of Charleston Mines, Inc.

The data submitted to the Governor with the complaint letter is exactly the same data submitted to the Department at the July 6, 1978 hearing. In rebuttal to the allegations of the complainant, please find attached a detailed and comprehensive 5 page report by John P. Kellogg analyzing the subject data submitted at the hearing. This report by Kellogg is very clinical, unbiased, and objective, and completely refutes the various allegations by Mr. Horne as to (1) "unsupported findings and recommendations," (2) "extensive data and evidence summarily disregarded by staff," (3) "casual statements of dismissal," (4) "complete lack of tech-

nical competence and professional good faith," (5) "staff did not examine or study the evidence presented," (6) "our strong suspicions that they (the Department staff) had a predetermined policy and intention to cancel the lease regardless of anything to be presented supporting the renewal."

Mr. Horne, in paragraph 2 of his letter, states he and others have spent over \$1,500,000.00 in exploration on this and adjacent properties, obviously without discovery of valuable mineral deposit on M-786. This is indeed unfortunate, but however unfortunate, it still does not constitute discovery. During the six month extension, Roger Horne indicated to the Department by phone that a drilling rig was being moved on M-786 for the purpose of establishing discovery. The Department has never been apprised of the location or results of this drill hole, but even in casual consideration, I think that it is safe to assume that if the hole were drilled with successful results of discovery that the Department would have been immediately notified in compliance with the order of the State Land Commissioner.

It has been suggested to the applicant, as it has to many others, that as long as a continuing search for discovery is being conducted, a prospecting permit would be the more appropriate vehicle. In my opinion, this should suffice to answer Mr. Horne's letter, but attached is additional support in the form of quotes from publications and excerpts from case citations pertinent to the subject problem of discovery of valuable mineral deposit.

AKD/lj

Attachments

January 12, 1970

Honorable Bruce Rabbitt
Governor of The State of Arizona
State Capital
Phoenix, Arizona 85007

Dear Governor Rabbitt:

Re: Application for Renewal--Mineral Lease #11-786
Arizona State Land Dept. Order To Show Cause
Findings and Recommendations of Hearing Officer

This is to voice our complaint and to call your attention to a case of inexcusable and unjustifiable error in the unjust and completely unsupported findings and recommendations of the staff of the Arizona State Land Department in the above designated matter. Our aggravation and appeal to the assistance of your office is not based solely on the adverse findings, but primarily on the fact that the extensive data and evidence we presented at the Order To Show Cause hearing was completely ignored and summarily disregarded by the staff of the State Land Department.

Over 200 pages of highly pertinent, relevant and very valuable geological and technical data was submitted in support of the Mineral Lease Renewal. Over the past twenty (20) years we and others under contract with us have expended on the exploration and development of this and adjacent properties over \$1,500,000. This exploration work clearly determines that the State Claims are part of a valuable mining district. The Hearing Officer's casual statements of dismissal and the Geologist's denial that there was data supporting renewal, indicate a complete lack of technical competence and professional good faith and show that the staff did not examine or study the evidence presented. Their inappropriate handling of this matter also tends to support our strong suspicions that they had a predetermined policy and intention to cancel the lease regardless of anything to be presented supporting the renewal, notwithstanding the fact that hearings such as the one here in question are supposed to be fair and impartial and the resulting decisions based on an unbiased and objective analysis of the evidence and facts.

We have furnished you herewith the following materials pertinent to this case:

1. Copy of the Order to Show Cause and Letter setting the time.
2. A complete set of the evidence and data presented at the hearing.
3. The Findings of the hearing officer and Order.
4. Copy of a letter to us from our engineer and technical consultant, Mr. C. A. Cosgrove. (Mr. Cosgrove's comments and reactions are self-evident from his letter).

We respectfully request that your office assist us in obtaining a proper and professional consideration and analysis of the geological and other data presented in support of the renewal of the mineral lease. Thank you for your consideration of and your support in this matter.

Very truly yours,

M. S. Horns
President

MSH:vs
Enclosures

SETH HORNE FAMILY LIMITED PARTNERSHIP

XXXXXXXXXXXXXXXXXXXX
4004 UNIVERSITY DR. #106
FAIRFAX, VIRGINIA 22030
PHONE (703) 591-5074

10560 Main Street, #413

22 September 1978

RECEIVED

OCT 5 1978

JAMES STEWART COMPANY
PHOENIX, ARIZONA

James Stewart Company
707 Mayer Central Building
3033 North Central Avenue
Phoenix, Arizona 85012

ATTENTION: Mr. M. Seth Horne

REFERENCE: Charleston Mine - State Claims 1-8 - Section 36,
T20 5, R21E

Dear Mr. Horne:

I was amazed to receive a copy of the "Findings and Recommendations of Hearing Officer and Order of the Commissioner" in the matter to review Mineral Lease No. M-786. It is quite obvious that the presentation we made and the data furnished was only cursorily reviewed, and the decision to deny the lease application was firmly made prior to the meeting of July 10, 1978. The following comments pertain to items in their letter.

1. A surface geology map was submitted and does show surface volcanics. It also shows area trends and faulting; information important to any mining development, and as important to the eight State claims as to any other portion of the overall property.
2. Data prepared by Lloyd A. Hewitt, Geophysicist, dated August 10, 1970. (Note this report has been amended and updated after this date as new information and data became available)
"General Information of the Charleston Basin"
This is dismissed as nothing; but is, in fact, a comprehensive array of drill hole logs, assay reports, geophysical data, and other pertinent data, very costly to obtain. These all tend to show a valuable mineral property in the Charleston Basin.
"Nothing Specific Relating to State Lands"
This is clearly ignoring one of the major components of this report. This data is the Deep Induced Polarization Probes (I. P.) and the Isopac Maps prepared from data from these probes. These Isopacs of

James Stewart Company
Mr. M. Seth Horne
22 September 1978

1
Page 2.

metallic sulphide contents in the meta-sediments show very strong anomalies of the Charleston mineral District at elevations below surface of 1,000 feet, 2,000 feet, and 3,200 feet. These anomalies do cover the specific land in question, i.e., State Claims 1-8, as well as the total basin. These I. P. Probes show a vast mineral impregnation of the sediments, the top of which, lies about 1,000 feet below the surface and are covered by volcanics. Because of the depth of these volcanics, there is very little surface indications of the mineral deposit. It can be noted here that our drilling--diamond drill holes ranging from 2,100 feet to over 5,000 feet--has verified the findings of the geophysical probe anomalies, both as to lateral extent and as to mineral content. They further showed that this mineral basin extends far below the 3,200 foot depth, our level of the deepest Isopac.

It is puzzling to me that a geologist and Hearing Officer would pass over, without consideration, this very vital information.

Further, they state "Nothing specific relating to State lands, except Hole #4 shows a log with possibility as discovery of copper on State land." The log shows a definite discovery of copper, disseminated mineral in sedimentary beddings. Any review of the assays of this hole, which were also furnished, would also show that there are substantial values in lead, zinc, and silver, but, of course, the dominate value is the copper. Ore grade is evident in several locations, but particularly at 1,790 to 1,802 foot depths.

Items 3, 4, 5, 6, 7, and 8 were submitted to show that this property was a large, mineralized district and that this district is covered by 1,000 feet[±] barren, young volcanics. To consider the eight State claims in question as isolated and apart from the mineral district would be to negate any possibility of mine development. I know of no geologist, mining engineer, or mining company who would undertake to develop a mining property, at the depths demanded by this property of 1,500 feet to 5,000 feet plus, with only eight claims. Certainly, no prudent man would consider it. We have not considered the eight State claims in question as a separate entity in our development program, but as a part of the whole property.

Our continued development of this property (eight claims under lease) in conjunction with the overall development of the Charleston Mine could do nothing but benefit the State of Arizona. The surface does not supply enough grass on the 160 acres to feed one small cow. Certainly, no other use is evident in the foreseeable future; so, for these reasons, one wonders what is back of this action by the State.

James Stewart Company
Mr. M. Seth Horne
22 September 1978

Page 3.

After approximately nineteen consecutive years of leasing these eight claims under the Department's Regulations, and expending a vast sum of money on these, as well as the balance of the property, their cancellation action does not appear either equitable or reasonable. In fact, it appears to me as a breach of faith or implied contract by the State of Arizona, as we have continued to expend funds over the years in development of this property on the strength of our leases and Federal Mining Claims. If the validity of continuity of State leases does not exist, we have been mislead.

No one will expend the sums of money necessary to drill to the three and four thousand feet depths (approximately \$80,000 to \$100,000 per hole) without assurances of overall control of the property. As for putting in a surface adit or shaft until the total property is completely drilled, this would be most impractical and a ridiculous expectation.

Our efforts, spread over a period of years, have been to develop a property which would be an asset to our Country and the State of Arizona, as well as to provide our Company a future profit. However, it appears that our public officials feel that this Country no longer needs or wants development of any nature. Heretofore, being a native Arizonan, I have been proud that Arizona was not following the path of impediment to development which is so prevalent in some other states and most definitely here in Washington's maze of bureaucracy. Apparently, I have been wrong in this attitude.

Actions similar to this have contributed greatly to the many problems the mining industry faces in this Country (and in Arizona) and certainly help to retard what was once an important and viable factor in the development of this Country. I feel that their decision is unjust and unfair.

Yours very truly,


C. A. Cosgrove

CAC/pa

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA
BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF APPLICATION TO RENEW
MINERAL LEASE NO. M-786 FOR THE STATE
LAND DESCRIBED AS FOLLOWS:

M&B IN N $\frac{1}{2}$, SECTION 36, TOWNSHIP 20
SOUTH, RANGE 21 EAST, ALSO KNOWN AS
STATE MINERAL CLAIMS NOS. 1 THRU 8,
142.50 ACRES, GILA AND SALT RIVER
BASE AND MERIDIAN.

LESSEE: CHARLES H. SUITER

ORDER TO EXTEND TIME
FOR LESSEE TO COMPLY
WITH ORDER OF THE
STATE LAND COMMISS-
SIONER DATED AUGUST
4, 1978

Pursuant to letter request of January 29, 1979 from
Roger M. Horne for the J a m e s S t e w a r t Company to extend
the time for compliance with the Order of the State Land
Commissioner dated August 4, 1978, the Acting State Land Commissioner
acknowledges receipt of the request and allows the extension.

NOW, THEREFORE, IT IS HEREBY ORDERED that the time be
and hereby is extended from February 1, 1979 to March 2, 1979
for the lessee to comply with the State Land Commissioner's
Order of August 4, 1978.

DATED, this 5th day of February, 1979.

STATE
LAND
DEPARTMENT
SEAL

ACTING STATE LAND COMMISSIONER

Certified #570049 - Charles H. Suiter
#570050 M. S. Horne, President, James Stewart Co.

RECEIVED

FEB 6 1979

JAMES STEWART COMPANY
PHOENIX, ARIZONA

STATE LAND COMMISSIONER OF THE STATE OF ARIZONA
BEFORE THE STATE LAND COMMISSIONER

1 IN THE MATTER OF APPLICATION TO RENEW)
2 MINERAL LEASE NO. M-786 FOR THE STATE)
3 LAND DESCRIBED AS FOLLOWS:)

4 M&B IN N½, SECTION 36, TOWNSHIP 20)
5 SOUTH, RANGE 21 EAST, ALSO KNOWN AS)
6 STATE MINERAL CLAIMS NOS. 1 THRU 8,)
7 142.50 ACRES, GILA AND SALT RIVER)
8 BASE AND MERIDIAN.)

9 LESSEE: CHARLES H. SUITER)
10)
11)
12)
13)

FINDINGS & RECOMMENDATIONS OF HEARING OFFICER AND ORDER OF THE COMMISSIONER

14 Pursuant to an Order to Show Cause dated June 5, 1978
15 the hearing thereof was held July 10, 1978 as ordered. Mr.
16 Charles Suiter, President of Charleston Mines, Inc., lessee, was
17 not present, M. S. Horne, Roger Horne and Clarence Cosgrove
18 representing the James Stewart Company, who has been assigned
19 power of attorney June 27, 1978, and John P. Kellogg representing
20 the State Land Department were present. Evidence was presented
21 and argument was made by all parties present and from the files
22 of the Department the following findings and recommendations are
23 made to the Commissioner:

24 That on June 27, 1977, Charles H. Suiter for Charleston
25 Mines, Inc. filed application to renew Mineral Lease No. M-786,
26 within the time provided by law so to do.

27 That Charles H. Suiter, lease renewal applicant,
28 submitted his justification through letter dated June 5, 1978,
29 attached hereto and hereof made a part.

30 At the hearing Messrs. Horne, Horne and Cosgrove sub-
31 mitted the following exhibits:

- 32 1. A surface geology map, scale 1.-24,000, by J. R. King, only surface volcanics shown on state lands.
2. Data prepared by Lloyd A. Hewitt, geophysicist, dated August 10, 1970. General information of Charleston Basin. Nothing specific relating to state lands, except hole #4 shows a log with possibly a discovery of copper on state land. From the presentation it is difficult to determine the value of the copper showings.
3. Title "Fairbank" prepared by J. R. King shows no clear relationship to state land area.
4. Prepared by Hewitt Enterprises of Sandy, Utah, contains induced polarization and resistivity data taken along two traverses, one of which crosses state lease No. M-786. There is one weak anomaly, at best, shown.
- 5 & 6. Prepared by Gallagher Vanadium and Rare Minerals Corporation with no relationship shown to state mineral lease No. M-786.
7. More "Gallagher" information, but no legal land locations shown.
8. Geophysical profiles - traverses by Heinrichs Geoexploration Company relating to "Charleston Area".

CC Clarence Cosgrove
CC Clyde Lums

9/12/78

1 From the above exhibits, John P. Kellogg, geologist
2 and engineer, Arizona State Land Department found: "There is no
3 commercial orebody delineated, developed, or discovered. All
4 that has been shown is that the favorability may be there to
5 encourage further exploration."

6 That on May 1, 1978 John P. Kellogg of State Land
7 Department went to the site and found no surface openings on
8 state land. Assays and samples presented were not taken from
9 the State Land but from 1000 or more feet from the State land.

10 That following the hearing related hereto, M. S. Horne
11 for James Stewart Company, sent to State Land Department a copy
12 of an agreement between Charleston Mines, Inc. and James Stewart
13 Company to be filed. The agreement had been entered into June 1,
14 1957, but never filed with State Land Department; an amendment
15 added to the agreement September 21, 1962 includes working
16 relationship between Charleston Mines, Inc. and James Stewart
17 Company relating to the 8 claims on State land.

18 Upon the testimony had and received, it is the finding
19 of the Hearing Officer that during the twenty years of the prior
20 lease no mineral production was had from the State land described
21 hereinabove. That the market for copper and other related
22 minerals is not promising, at this time, however some evidence
23 was shown toward an area where showings of copper are present
24 even though lessee and applicant to renew has not fully complied
25 with the law by showing a discovery of a valuable mineral deposit
26 on each of the eight claims on State land. Some showings appear
27 and are more favorable by the same ownership on adjoining non-
28 state lands, which would lead a reasonable prudent person to wish
29 to explore further into the mineral possibilities on the State
30 land.

31 IT IS THEREFORE recommended from this hearing that the
32 application to renew mineral lease No. M-786 be denied and that
applicant be allowed to file for a prospecting permit in order
to control and complete the further exploration for mineral in
the general area of the state claims related hereto.

Dated, this 1st day of August, 1978.

Louis C. Duncan

Louis C. Duncan
Hearing Officer

12

ORDER

1 The Arizona State Land Commissioner having read the
2 foregoing findings and recommendations, and it appearing that a
3 substantial question, namely whether valuable minerals exist on
4 the premises, has arisen between lessee and the Commissioner,
5 and the Commissioner being advised of the fact that lessee has
6 maintained his lease in the subject property for over twenty (20)
7 years, and further being cognizant that the laws of Arizona provide
8 for lessee possession until such questions are resolved:

9 "A.R.S. 27-237. Review by commissioner
10 All questions arising between a locator or
11 lessee and the commissioner under this article
12 shall be subject to review as in other cases
13 involving state lands, and the locator's or
14 lessee's right to possess and operate his claim
15 shall continue until the question is finally
16 determined."

17 IT IS HEREBY ORDERED that the consideration of dis-
18 approval or denial of the renewal application be withheld until
19 February 1, 1979, within which time the renewal applicant may
20 present proof of valuable mineral, and the Mineral Division of
21 the Arizona State Land Department is directed to visit the premises
22 with lessee at lessee's request to be shown the existence and
23 locations of such deposit, and

24 IT IS FURTHER ORDERED that on February 1, 1979 the
25 Department will enter its further order consistent with the
26 findings and showings made during said period of time.

27 Dated, this 4th day of August, 1978.
28 STATE
29 LAND
30 DEPARTMENT
31 SEAL

A. J. Betting
STATE LAND COMMISSIONER

32 Cert. #570278 - Charles H. Suiter
 5008 W. Weldon
 Phoenix, Az. 85031
 #570279 M. S. Horne, President
 James Stewart Co.
 3033 N. Central Ave.
 Phoenix, Az. 85012

13

TO: A. K. Doss, Director
FROM: John P. Kellogg, Geologist
DATE: July 19, 1978
SUBJECT: Findings from data submitted to SLD on July 6 in support of renewal of Mineral Lease No. 786.

A hearing was held at 10 A.M., July 6, with M. S. Horne, Roger Horne, and Clarence Cosgrove representing the James Stewart Company, and John P. Kellogg representing the SLD. Mr. Louis C. Duncan presided as hearing officer. Mr. Cosgrove is geologist for the James Stewart Company. Mr. Charles H. Suiter, president of Charleston Mines, Inc., the lessee of record, was not present. On June 27, 1978, over thirteen months after Mr. Suiter was advised of the lease expiration of M-786, he assigned Power of Attorney to the James Stewart Company on matters relating to aforesaid lease. During that past year Mr. Suiter was unable to furnish the SLD any information, including maps, reports, drill logs or assays pertaining to his lease, despite repeated requests from this Division. At the hearing, the reason for this deficiency was revealed: he had not been given these data, and, presumably, had never seen them.

On May 10 the writer made a field examination of subject property, with completely negative results.

At the hearing, Messrs. Horne, Horne and Cosgrove submitted a large bulk of material (after a year's delay) to the State Land Department in support of renewal of Mineral Lease No. 786. The eight included exhibits have been reviewed, and are reported on, below, in their order of presentation.

1. Surface geology map, scale 1.-24,000, by J. R. King, September 1975. Ten sections of land covered, including State lands in Section 36. Only surface volcanics shown on State section. No veins, no minerals, no outcrops, no evidence.
2. A large number of unassembled, confusing, largely unnumbered sheets in a plastic bag. Difficult to correlate. "Charleston Mine, Charleston, Arizona" indexed, with #1 a report by Lloyd A. Hewitt, Geophysicist (Hewitt Enterprises, Draper, Utah); "Data Completion Report" August 10, 1970. Mineralized zone not proven, with influence based upon deep induced polarization prospecting. Three drill holes in ore (?) noted "in immediate vicinity of old Charleston Lead Mine," with a 4th hole "drilled off the mineralized zone, with very little mineralization." These holes not located. Airborne magnetics over entire tombstone district, including Charleston Basin; also induced polarization in Charleston Basin. Note: geophysical prospecting not acceptable as proof of valuable mineral deposit.

Hewitt concludes, "It is difficult to relate ore in one hole to the next, because of the wide-spaced drilling." He recommends "drilling on shorter hole spacings and general exploration drilling." Note: still no reference to work done on State lease.

Following are 2 page-size maps, blurred xerox copies, of 1:24,000 quad map, with no data added. One of these is incomplete and unreadable.

Following are 2 page-size maps, reduced scale, showing drill hole overlay covering area. Two holes, DDH #4, 3310 ft. T.D., and DDH #7, 3595 ft., T.D. fall within periphery of State lease. No further information.

Following 7 page-size sheets are of geophysical contour maps at scales too small for meaningful interpretation. One induced potential closed contour anomaly at Charleston Mine only, not on State lease. Again, these data not acceptable as proof of valuable mineral.

Following are nine depth-profile resistivity and induced-potential graphs. No correlation to plan, geographically or otherwise. Of no supportive value whatever.

Next sheet is a vertical section illustrating DDH #1, #2, and #4, with very generalized geology. No mineralized intervals, and no assay information. Of no supportive value.

Next are ASARCO's Geologic Logs for holes Chs-1, 2, & 3. No locations, elevations, coordinates, or assays given. Under Mineralization column, only infrequent "traces" of chalcopryrite noted. These data constitute a totally negative argument to the existence of underground valuable mineral.

Next is a seven-page stapled report titled "Generalized Descriptive Log," sub-titled Charleston Lead Mine Cochise County James Stewart Construction Co., for Horne (Stewart) #5 Drill Hole. Hand-typed; no standard form. Geological description for footage intervals. "Traces" and "specks" and "stringers" of lead, zinc or copper infrequently noted. Where copper occurs over broad zone (1672-1700) total amount estimated only. No meaningful assay intervals. A poor presentation of a log to a hole not located on State lease.

Following are three more drill logs for holes 1, 2, and 4 on log forms with the following data not completed: collar elevation, coordinates, bearing, depth, scale, started, completed, and logged by whom. Hole No. 1 virtually non-mineral, except for pyrite. Hole No. 2 shows small intervals with estimated percentages of total sulfides, including pyrite. No assays, no apparent commercial mineral. Holes 1 and 2 are not located on state

lease. The last log, for Hole No. 4, is the first appearance, through all this empty morass, of any information directly connected to state lease M-786. Briefly, there are three zones or "beds" of recorded mineralization that might, under certain favorable conditions, be termed "commercial grade" copper, lead and zinc. These depth intervals are 1478-1481, 1791-1802, and 1812-1822. There follows, at widely-spaced intervals, several thin zones of mineralization with percentages of "total sulfides," which could mean primarily worthless iron pyrite, to the bottom of the hole, shown as 3303 feet on this log.

The next item, an "Assay Summary" for DDH #4, is the last appearance, in all this wasteland of paper, of anything concerned with the State lease. In the column under "Footage" (meaning "interval") there is disagreement with the other log, above. Furthermore, the intervals are duplicated, with different assays, or out of sequence with each other.

It is not possible to calculate a weighted average grade for any metal value for any overall width with any sense.

The remaining material in Exhibit No. 2 is irrelevant and immaterial to the support for valuable mineral discovery on State Lease M-786: three log sheets for hole Chs-1, none showing ore grade for any of the metals; a sheet-page stapled log report for Drill Hole #2, with the now familiar duplicate, mixed-up footage intervals, with two possible ore-grade sections that do not appear on the first log for this hole; a certificate of assay from Rochin Engineering and Assay Office in Douglas for "D.D.H. Stewart No. 5" showing narrow, scattered intervals of low grade values of primarily low-grade zinc; 28 Certificates of Analyses from Skyline Labs, Inc. for Drill Holes Chs-1 and Chs-2; of the 220 separate assay determinations, only 2 are of commercial grade copper, with all other metals nil; a sheet labeled "Sample Sites Geochemical Overlay," with the closest site to State Lease M-786 over 1 1/2 miles distant; two sheets of assays unidentified but presumably for the geochemical site samples; lastly, 6 pages of "Thin Section Report from Charleston Mine," 2 pages of "Polished Section Report on Charleston Mine," and a totally obliterated xerox copy of something unrecognizable.

3. Exhibit No. 3 is titled "Fairbank," and consists of one page-size xerox sheet of the Fairbank 7 1/2' quad with cryptic numbers, arrows, circles, letters and lines inked on it, with no explanation whatever.

Following the above are five stapled pages, of four drilling reports for ASARCO by C.X.M. Drilling Co., Bailey, Colorado, covered by a map titled "Drilling Progress Map for the month December '74 Charleston Project," by J. R. King. There are 3 ASARCO holes, and four "previous holes;" at a scale of 1"= 1 mile, each drill hole "dot" covers over 400 feet, and cannot be accurately plotted. Furthermore, the "Daily Drilling Reports" are the drillers' work-and-time sheets, containing no pertinent information whatever.

- 16
4. This exhibit from Hewitt Enterprises, of Sandy, Utah, contains induced polarization and resistivity data taken along two traverses, one of which crosses State Lease M-786. There is one weak anomaly at best, which may signify nothing. No proof of valuable mineral.
 5. and 6. "Gallagher Property" - Gallagher Vanadium and Rare Minerals Corporation, started in area in 1923. Undated report A. B. Frenzel, Denver, Colorado of 17 unnumbered pages, and undated report by A. L. Flagg, of 19 unnumbered pages. This general mass of material, consisting of histories, production records, smelter settlement sheets, assays, with no identified locations of anything, including mine workings, claims, geology, or samples, with no coherent logic to the readable portions of maps. The claims are in Section 6 to the south of State Sec. 36, except for a small overlap "conflict" area on claims State #6 and State #7. The general vein trend (wherever it is) is NE-SW, at about the same bearing as the Charleston Lead vein trend one mile plus to the north, with the State Lease M-786 about midway between. Hence, there is nothing in this entire "Gallagher" exhibit to argue mineral occurrence on the state leases.
 7. More "Gallagher" information: "Areal Geology and Assay Map." Virtually undecipherable, with no legal land location reference.
 8. Geophysical profiles-traverses by Heinrichs Geoexploration Company. No identity as to geographical location except the title "Charleston Area." Apparently these were run over the Gallagher claims to the south.

Conclusions: for the central purpose and aim of this "evidence," and the ostensible intent in presenting it - to convince by factual data that M-786 should be renewed for another 20 years due to commercial orebodies having been discovered and developed, about 99% of the total package can be winnowed away. Either this muddle of amateurish, disconnected, largely unrelated, poorly conceived material was presented with (a) no conception of what is required, or (b) to impress a non-technical mind with the very size of its bulk.

Of the 1% that does apply (logs for DDH #4), this is so poorly presented, with no real professional attempt at clarity, coherence or consistency, that it is suspect. Besides, one drill hole does not an orebody make. But, even were this hole offset by several nearby holes (say, 200 to 500 feet), and essentially the same mineralized horizons were penetrated so that vertical sections would prove continuity for the three separate, thin mineralized zones, at depths from 1478 through 1322 feet; it is the writer's opinion, as an experienced engineer, that this "ore" would not be economically recoverable. Two two-compartment shafts, to 1900 feet, including sump and skip-pocket, would probably cost \$350/ft. today's prices, or \$1,260,000. Timbered, double-track drifts and crosscuts would probably cost a minimum of \$120/ft. in good ground conditions. In broken, heavy ground, requiring steel sets, horizontal development workings could cost \$500/foot (I have engineered

such workings that cost \$1500/foot.) Add the cost of a surface plant, including hoists and headframes, all the numerous support facilities and a processing plant, since the grade of "ore" is too low for shipping as crude, and there may be an expenditure of \$20 to \$30 million before any mining begins. And mining costs would be extremely high; the stoping (presumably nearly horizontal) of two ten-foot "ore" zones, separated by ten feet of waste, would mean mining this ten-foot interval of waste also, and either disposing of it as "back-fill," or including it to dilute the "ore" grade. Support design for this thirty-foot high "room" would be a major problem. Any technique would be costly. There will be a major water problem, with the San Pedro River Valley only one mile distant (note Mr. Suiter's letter of June 9, 1977, in which he says "Your lease 786 has the only source of adequate water for future mining operations.")

According to the "evidence" submitted on July 6, there is no commercial orebody delineated, developed, or discovered. All that has been shown is that the favorability may be there to encourage further exploration.

John P. Kellogg
John P. Kellogg

18
June 30, 1978

Mr. Louis C. Duncan, Administrator
Contract Audit and Review
Arizona State Land Department
415 State Office Building
1632 West Adams
Phoenix, Arizona 85007

Dear Mr. Duncan:

RE: Order to Show Cause
Mineral Lease No. 11-786

An Order to Show Cause hearing has been set up at 10 a.m. on July 10 pertaining to N&B in the North 1/2 of Section 36, T 21 N, R 21 E, also known as State Mineral Claims Nos. 1 thru 8, C & SRB&M. These claims are in the name of Charles H. Suiter. These claims were actually taken out by us in the name of Charles H. Suiter in accordance with a contract that we had with Mr. Suiter pertaining to federal claims in the same area. We have a Power of Attorney from Mr. Suiter giving us the right to handle this matter, a copy of which is attached.

Our chief engineer who has handled most of the work in this area, Mr. C. A. Cosgrove, is now working for us in Virginia. However, he is, at the present time, in California. We have arranged for him to be in Phoenix on Wednesday, July 5. We are therefore requesting that the hearing be moved up to July 6 so that Mr. Cosgrove might be in attendance.

Contrary to the findings of Mr. John P. Kellogg, we have done extensive drilling on the State Claims and on adjacent properties, and have logs by our geologist, Clyde Davis; we have a large number of assays; and we have preserved the core samples.

We entered into a contract with American Smelting & Refining a few years ago pertaining to this and other properties in the area. They spent a great deal of money in drilling and mineral exploration, and gave up at the time because of the energy crisis. They have indicated that sometime in the near future they would like to reactivate this contract.

There is no question whatsoever of there being high mineralization in these State Claims generally below 1000 feet in depth.

We understand that you are on vacation. We will telephone you on Wednesday morning, July 5, to see whether it is possible for you to move the hearing date ahead to the morning of July 6. Your cooperation and services are very much appreciated.

Very truly yours,

JAMES STEWART COMPANY

M. S. Horne
President

MSH:ef
Encl

BLM Sect 6 R. 22E.
1/21/13



United States Department of the Interior **RECEIVED**

IN REPLY REFER TO

A-14697 (JLJ)
Rest. (943)

BUREAU OF LAND MANAGEMENT

MAR 29 1983

ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073
(602) 261-4774

JAMES STEWART COMPANY
PHOENIX, ARIZONA

MAR 28 1983

CERTIFIED-MAIL RETURN RECEIPT REQUESTED

DECISION

James Stewart Company

Restoration Application
A-14697

Petition to Restore Lands to Mineral Entry Denied

On August 8, 1980, the above-named applicant filed Restoration Application A-14697, pursuant to the Act of April 23, 1932 (43 U.S.C. 154), to restore to mineral entry the following described land:

T. 21 S., R. 22 E., GSR Mer., Arizona
Section 6, W $\frac{1}{2}$.

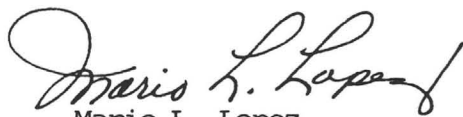
The subject lands are included within a withdrawal for the Bureau of Reclamation. Public Land Order 5269, dated October 11, 1972, withdrew the above-described lands for the Charleston Dam and Reservoir Site.

The Bureau of Reclamation opposes the opening of the above-described land because of the intense local interest in the development of the Charleston Dam and Reservoir.

It has been concluded that mining operations on the land would interfere with development of the Charleston Dam and Reservoir. Therefore, petition for restoration A-14697 is hereby denied.

A period of 30 days from receipt of this decision is allowed within which to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is to be taken, the notice of appeal must be filed in this office (not the Board) so that the case file can be transmitted to the Board. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U. S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073, not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

If no action is taken within the time allowed, the case will be closed without further notice.


Mario L. Lopez
Chief, Branch of Lands and
Minerals Operations

Enclosures

Encl. 1 - Form 1842-1

Encl. 2 - Appeal Regulations

21
E
April 27, 1982

Mr. Mario L. Lopez
Chief, Branch of Lands and Minerals Operations
United States Department of the Interior
Bureau of Land Management
2400 Valley Bank Center
Phoenix, Arizona 85073

Dear Mr. Lopez:

In reply to your letter of April 20 concerning our application A-14697, the West 1/2 of Section 6, T 21 S, R 22 E, is close to claims we already have in this area.

James Stewart Company is drilling every year on claims we have in the Charleston District, and we would like to do this on Claim A-14697 as there is good mineralization in the area.

Sincerely yours,

Harvey L. Hayes
Property Manager

HLH:ef



United States Department of the Interior E D

BUREAU OF LAND MANAGEMENT

ARIZONA STATE OFFICE

2400 VALLEY BANK CENTER

PHOENIX, ARIZONA 85073

(602) 261-4774

APR 26 1982

JAMES STEWART COMPANY
PHOENIX, ARIZONA

IN REPLY REFER TO

A-14697 (JLJ)

Rest. (943)

April 20, 1982

Mr. M. S. Horne
President
James Stewart Company
707 Mayer Central Building
3033 North Central Avenue
Phoenix, Arizona 85012

Dear Mr. Horne:

This will refer to your application A-14697 for restoration to mineral entry, affecting the lands described as follows:

T. 21 S., R. 22 E., GSR Mer., Arizona
Section 6, W $\frac{1}{2}$.

These lands are included in the Bureau of Reclamation's withdrawal for the Charleston Dam and Reservoir (PLO 5269 of October 11, 1972). The Bureau of Reclamation has requested additional information as to the type and extent of development you plan on these lands.

Please furnish the information to this office. We will then forward the material to the Bureau of Reclamation. If you have any questions, please do not hesitate to call.

Sincerely,

Mario L. Lopez
Chief, Branch of Lands and
Minerals Operations



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073
(602) 261-4774

RECEIVED

DEC 30 1980

JAMES STEWART CO.

IN REPLY REFER TO

A-14697 (MH)
Rest. (943)

December 22, 1980

Mr. M. S. Horne
President
James Stewart Company
707 Mayer Central Building
3033 North Central Building
Phoenix, Arizona 85012

Dear Mr. Horne:

This will refer to your application A-14697 for restoration to mineral entry, affecting the following described land:


T. 21 S., R. 22 E., GSR Mer., Arizona
sec. 6, W $\frac{1}{2}$

The subject land is withdrawn from entry for the Charleston Dam and Reservoir (PLO 5269 of October 11, 1972) by the Water and Power Resources Service (formerly Bureau of Reclamation).

The Water and Power Resources Service reports that, although the President recommended that the Charleston Dam and Reservoir be deleted from the Central Arizona Project, the Secretary is considering a proposal to extend the terminus of the Tucson Aqueduct. The status of the Charleston Dam and Reservoir is being reexamined pending a determination if the portion of the authorized cost ceiling allocated to the Charleston Dam and Reservoir can be used to offset the cost of the Tucson Aqueduct. It is expected that a decision will be made in late 1981. Water and Power Resources Service recommends that the land not be opened to mineral location and entry pending that determination.

We will, therefore, hold your application in abeyance pending the Secretary's decision on this proposal.

Sincerely,


Mario L. Lopez
Chief, Branch of Lands and
Minerals Operations

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

No. 121834

RECEIPT AND ACCOUNTING ADVICE

A LEASE? APPL. RESTORATION TO MINERAL ENTRY SUBJECT

APPLICANT:

JAMES STEWART CO.,
3033 N. CENTRAL AVE., STE 207
PHOENIX, AZ 85012

RECEIVED
BUREAU OF LAND MANAGEMENT
2400 Valley Bank Center
Phoenix, Arizona 85073

REMITTER IF DIFFERENT THAN APPLICANT:

ASSIGNOR:

SERIAL NUMBER	*	ASG	TYPE	STATE	ACRES/UNITS	RATE	CTY	FUND SYMBOL	AMOUNT

REFER TO THE ABOVE CASE SERIAL NUMBER IN ALL CORRESPONDENCE.

PLEASE INFORM THIS OFFICE OF ANY CHANGE IN ADDRESS

NOTE: This notice is a receipt for monies paid the United States. If these monies are for required fees in connection with your application to lease, purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an authorization to utilize the land applied for and it does not convey any right, title, or interest in the land for which application is made.

RECEIVED

AUG 15 1980

JAMES STEWART COMPANY
PHOENIX, ARIZONA

MAKE FILE & LABEL
SECTION 6
TOWNSHIP 21 S
RANGE 22 E

RECEIPT

JAMES STEWART COMPANY

October 21, 1980

MEMO TO FILE:

Re: Application for Lode Claims in the West 1/2 of
Section 6, T 21S, R 22 E----this land is now
set aside for the Charleston Reservoir or Dam
Project.

The attached is a letter to the BLM wherein we made application for lode claims which area is now set aside for the Charleston Reservoir or Dam Project. Inasmuch as we have made a request to this particular parcel or piece of said section, we will have first right to file for lode claims in the event this land is made available to the public, and taken out of the Charleston Dam Allotment.

It is our feeling that the land mentioned above will never be developed into a reservoir or dam. We therefore have done the necessary filing required to get first rights to this property. We believe that said land has rich silver deposits on it.



Roger P. Smith

RPS:rps
Letter Attached
Receipt Attached



United States Department of the Interior RECEIVED

IN REPLY REFER TO

AD 4697 (MH)
Rest. (943)

BUREAU OF LAND MANAGEMENT

ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073
(602) 261-4774

SEP 22 1980

JAMES STEWART COMPANY
PHOENIX, ARIZONA

September 17, 1980

Mr. M. S. Horne
President
James Stewart Company
707 Mayer Central Building
3033 North Central Avenue
Phoenix, Arizona 85012

Dear Mr. Horne:

This will acknowledge receipt of your application, filed on August 9, 1980, for restoration to mineral entry, affecting the following described lands:

T. 21 S., R. 22 E., GSR Mer., Arizona
sec. 6, W $\frac{1}{2}$.

We have assigned serial number A-14697 to this application and would appreciate your referencing this number in future correspondence regarding the case.

These lands are within an existing withdrawal: Water and Power Resources Service (formerly Bureau of Reclamation) withdrawal for the Charleston Dam and Reservoir (PLO 5269 of October 11, 1972). We have requested comments from Water and Power Resources Service regarding your application for restoration to mineral entry.

Upon receipt of the requested report, we will let you know. If you have any question, please do not hesitate to contact this office.

Sincerely,

Mildred C. Kozlow

Mildred C. Kozlow
Acting Chief, Branch of Lands
and Minerals Operations

JAMES STEWART COMPANY

REAL ESTATE INVESTMENTS AND DEVELOPMENT

707 MAYER CENTRAL BUILDING

3033 NORTH CENTRAL AVENUE • PHOENIX, ARIZONA 85012


602-264-2181

August 6, 1980

Bureau of Land Management
U. S. Department of The Interior
Arizona State Office
2400 Valley Bank Center
Phoenix, Arizona 85073

RECEIVED
BUREAU OF LAND MANAGEMENT
PHOENIX, ARIZONA
AUG 8 2 12 PM '80

Gentlemen:

 This company is the owner of several mining claims and properties in the area of Charleston, Arizona. We wanted to file claims on the West 1/2 of Section 6, T 21 S, R 22 E, ~~as well as the area outside of the Boquillas Land Grant in Section 36, T 21 S, R 21 E.~~ We were advised that all of this area was under withdrawal in connection with the Charleston Dam Project.

There are several old mining prospects on these properties, including some patented claims. All of this property is adjacent to properties that we control adjacent thereto to the north.

It is requested that the above described area be open for mineral entry and we be allowed to locate claims in accordance with established law and practices.

Enclosed is our check in the amount of \$10 as a non-refundable service charge. Also, in accordance with Chapter 11 of the Bureau of Land Management Regulations, this application is submitted in duplicate.

This company over the past twenty years has done very extensive mineral exploration work in the immediate area, including extensive geological work on the properties enumerated above. We have drilled several exploration holes in Section 36 adjacent to the north, some of which went to a depth of over 3,000 feet. We have extensive data and reports showing that this area is a highly mineralized area. As a matter of fact, active mines were operated on the property in question as well as on Section 36 (called the Charleston Lead Mine) many years ago.

Very truly yours,



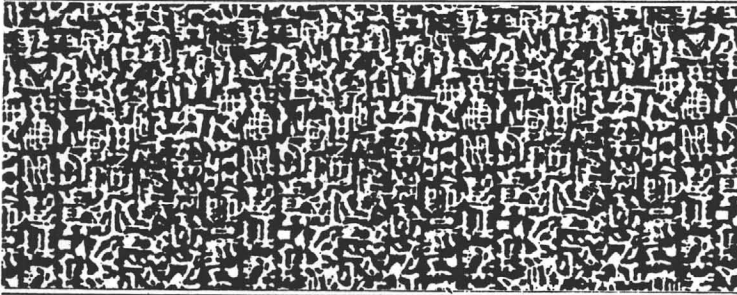
M. S. Horne
President

MSH:vs
Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECORD OF REMITTANCE RECEIVED

DO NOT ACCEPT AS RECEIPT
UNLESS MACHINE VALIDATED



RECEIPT

AMOUNT RECEIVED

*Temporary Receipt
James Stewart Co.
Rec'd \$10 Apr 8
Restoration to
Mineral Entry
8-8-80 L.H.H.*



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

OFFICIAL FILE COPY

RECEIVED AUG 4 1980

Action

Action Taken

Date	To	Initials
6/5	100	AL
8/4	100	AL
8/5	100	AL
8/7	100	AL
	400	
	150	

Memorandum

To: Assistant Secretary, Land and Water Resources

From: Associate Solicitor, Energy and Resources

Subject: Central Arizona Project: Tucson Aqueduct

By memorandum of May 27, 1980, you requested our opinion on the Secretary's authority, under Title III of the Colorado River Basin Project Act of September 30, 1968, Pub. L. 90-537, 82 Stat. 887, 43 U.S.C. § 1521 et seq. (the Act), to specify the terminus and capacity of the Tucson Aqueduct /Colorado River source (Colorado Aqueduct) and, in the event Charleston Dam and Reservoir and the Tucson Aqueduct/San Pedro source (San Pedro Aqueduct) were deleted from the Tucson Division, whether the Central Arizona Project (CAP) costs allocated to the construction of Charleston Dam and Reservoir and the San Pedro Aqueduct can be used to offset the increased costs of an enlarged and longer Colorado Aqueduct.

The Act directs the Secretary to:

construct, operate, and maintain the Central Arizona Project consisting of the following principal works:
... (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; ... 43 U.S.C. § 1521(a).

The Act itself does not specify the terminus and capacity of the Tucson aqueducts, nor does it incorporate by reference any reports which do so. In such cases, the Solicitor has concluded

that Congress meant to accord the Secretary substantial discretion to modify the project features to fit changing needs so long as the basic facilities Congress described were built to carry out the project purposes. 85 I.D. at 337, 339.

JUL 21 1980

RECEIVED JUL 31 1980

Action

Action Taken

Date	To	Initials
7/31	100	AL
7/31	105	AL

File copies to: 100 400, 700 \$

Sub-Secretary, Bureau City

105
APO

30

The legislative history of the Act reveals that one of the primary project purposes was construction and operation of the Colorado Aqueduct to deliver a supplemental water supply to the Tucson metropolitan area. See e.g. S. Rep. No. 408 (Committee on Interior and Insular Affairs) 90th Cong., 1st Sess. 30 (1967) and H.R. Rep. No. 1312 (House Committee on Interior and Insular Affairs) 90th Cong., 2d Sess. 60 (1968). Accordingly, we conclude that the Secretary may size and terminate this feature at a capacity and at a location within the Tucson metropolitan area, which, in the reasonable exercise of his discretion, he determines are best suited to meet the overall purposes of the Act and his responsibility thereunder to convey Colorado River water to meet the needs of the water users of the Tucson metropolitan area.

The question of deletion of Charleston Dam and Reservoir and the San Pedro Aqueduct is governed by the rule that where Congress specifically designates in authorizing legislation the features to be a part of the total project, the Secretary may not substantially deviate from those general requirements without Congressional approval. 85 I.D. 337. The Act specifically lists "Charleston Dam and Reservoir" and the "Tucson aqueducts" as "principal works." 43 U.S.C. § 1521(a) (emphasis added). Congress' use of the plural form in the statutory designation of the Tucson "aqueducts" and the references in the legislative history to the San Pedro Aqueduct as a "major project feature," see S. Rep. No. 408, pp. 12 and 29; H.R. Rep. No. 1312, p. 59, make it clear that this facility, like Charleston Dam and Reservoir, is a project component that cannot be deleted without Congressional approval. Accordingly, any administrative decision not to construct Charleston Dam and the San Pedro Aqueduct should receive confirmation by Congress before it can be considered to be fully effective.

As to the issue of transfer of project ceiling, it is our view that the portion of the overall authorized project cost ceiling allocated to construction of Charleston Dam and Reservoir and the San Pedro Aqueduct may not be used to offset the cost of the Colorado Aqueduct, unless it can be determined that a portion of the cost of those features will serve the same project purposes as the revised Colorado Aqueduct, i.e., delivery of a supplemental water supply to the Tucson metropolitan area. The applicable legislative history suggests that such a determination would be legally permissible. While that history indicates that the primary purposes of Charleston Dam and Reservoir are water conservation, recreation, fish and wildlife uses, sediment detention and flood control, it also supports the proposition that Congress intended that feature to serve the additional purpose of providing a source of water for the Tucson metropolitan service area via the San Pedro Aqueduct. Thus, that portion of the authorized project cost ceiling allocated to providing supplemental and industrial water to the Tucson metropolitan area out of Charleston Dam and Reservoir through the San Pedro Aqueduct could be used to offset the costs of the Colorado Aqueduct since the funds would be applied to meet the same Congressional purpose. While we believe that the transfer of project cost ceiling we have suggested is legally permissible we would also recommend that the Secretary should, at a minimum, specifically notify Congress of this cost ceiling adjustment. Alternatively, in order to resolve any doubts that might exist

as to the Secretary's authority to transfer this portion of the overall cost ceiling, this might be made part of a legislative proposal to de-authorize Charleston Dam and the San Pedro Aqueduct.

If we can be of further assistance, please advise.



John R. Little, Jr.
Associate Solicitor
Division of Energy and Resources

Chapter II—Bureau of Land Management

§ 3816.4

§ 3815.8 Notation required in application for patent; conditions required in patent.

(a) Every application for patent for any minerals located subject to this act must bear on its face, before being executed by the applicant and presented for filing, the following notation:

Subject to the provisions of section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144).

Like notation will be made by the manager on the final certificates issued on such a mineral application.

(b) Patents issued on such applications will contain the added condition:

That this patent is issued subject to the provisions of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), with reference to the disposition, occupancy and use of the land as permitted to an entryman under said act.

✓ Subpart 3816—Mineral Locations in Reclamation Withdrawals

SOURCE: 35 FR 9744, June 13, 1970, unless otherwise noted.

§ 3816.1 Mineral locations.

The act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), authorizes the Secretary of the Interior in his discretion to open to location, entry and patent under the general mining laws with reservation of rights, ways and easements, public lands of the United States which are known or believed to contain valuable deposits of minerals and which are withdrawn from development and acquisition because they are included within the limits of withdrawals made pursuant to section 3 of the reclamation act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416).

§ 3816.2 Application to open lands to location.

Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate and filed in the proper office, must describe the land the applicant

desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits. Each application shall be accompanied by a \$10 nonrefundable service charge.

§ 3816.3 Recommendations of Bureau of Reclamation to open lands.

When the application is received in the Bureau of Land Management, if found satisfactory, the duplicate will be transmitted to the Bureau of Reclamation with request for report and recommendation. In case the Bureau of Reclamation makes an adverse report on the application, it will be rejected subject to right of appeal.

§ 3816.4 Recommendations as to reservations and contract form.

If in the opinion of the Bureau of Reclamation the lands may be opened under the act without prejudice to the rights of the United States, the report will recommend the reservation of such ways, rights and easements considered necessary or appropriate, and/or the form of contract to be executed by the intending locator or entryman as a condition precedent to the vesting of any rights in him, which may be necessary for the protection of the irrigation interests.

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

Subpart 3821—O and C Lands

Sec.

3821.1 General provisions.

3821.2 Requirements for filing notices of locations of claims; descriptions.

3821.3 Requirement for filing statements of assessment work.

3821.4 Restriction on use of timber; application for such use.

3821.5 Application for final certificates and patents.

Subpart 3822—Lands Patented Under the Alaska Public Sales Act

3822.1 Subject to mining location.

Suiter 1717-App

March 9, 1981

Mr. William Brooke
2139 East Salano Drive
Phoenix, Arizona 85016

Dear Mr. Brooke:

With regard to our telephone conversation of March 3, 1981 about a patent for the Charleston Suiter 12 claims, a patent has been started; but at this time, we have not received any word as to what is being done. All assessments have been performed for the purpose of complying with the laws of the United States and the State of Arizona on unpatented mines for the values of mineral contained therein.

On April 15, 1981 there is to be a meeting between BLM and the State Land Mining Department in regard to situations like ours. We would like to have the patent from BLM as soon as possible.

Thank you for your cooperation in this matter.

Sincerely yours,

Harvey L. Hayes
Property Manager

HLH:vs

PAT. LANDS



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land Office
3022 Federal Building
Phoenix, Arizona 85025

IN REPLY REFER TO

LO

AR 032442

October 2, 1963

Mr. Charles H. Suiter
President, Charleston Mines
5008 West Weldon Avenue
Phoenix, Arizona 85031

Dear Mr. Suiter:

Reference is made to your Mineral Patent Application, AR 032442, embracing the Brother George, Mary Jo, Pass Over, Chief Justice, Father Lode, Rare Metals, Mother Lode, L. P. W. No. 2, Connecting Links, Mary and George, Sweet-Heart, and Woolery lode mining claims, situate in the Tombstone Mining District, in secs. 25 and 36, T. 20 S., R. 21 E., GSR Mer., Arizona, filed April 1, 1963.

On October 2, 1963, you filed a withdrawal of Mineral Patent Application AR-032442, in its entirety. The withdrawal is hereby accepted without prejudice for you, or your successor-in-interest, to refile at a future date, and the case is closed.

The survey plats and field notes under M. S. No. 4599, the certified copy of the Articles of Incorporation, Certificate of Good Standing, Certificate of Title and supplement, certified copies of twelve location notices, maps and miscellaneous pertinent papers are herewith returned for your files, and use if and when you refile for patent.

Sincerely yours,

D. F. Whitenton
Acting Manager

35

CHARLESTON MINES—TOMBSTONE, ARIZONA

KAOLIN

ZINC

GROUND MUSCOVITE

LEAD

COPPER

CHARLES H. SUITER, PRESIDENT

5008 West Weldon Avenue, Phoenix, Ariz. 85031
October 1 1963

Mr Fred J. Weiler, State Director
United States Land Office
3022 Federal Building
Phoenix, Arizona, 85025

Re: Patent Application AR 032442;
MS 4599. Secs. 25 & 26, T20S,
R21E., G&SRM., Cochise County.

Dear Mr Weiler:

Reference is made to our letter to you of June 12, 1963 and your reply of June 14, 1963, regarding suspension of proceedings in connection with our Patent Application AR 032442, MS 4599, until October 1, 1963, pending negotiations to consolidate the several interests involved, into one ownership.

While negotiations are still in the works and have been some what stimulated by reason of recent increases in the prices of zinc and lead, the date and time for the possible consummation of such a deal remains quite unpredictable at this time. In the light of existing circumstances it is our judgement that patent procedure in connection with our mining claims cannot be resumed until such time as the subject claims are owned and in possession of one entity and conditions do not justify our asking your office for an indefinite extension. We assume however, that a new application for patent, based on Survey MS 4599, might be filed later by a single qualified owner of the possessory title.

We respectfully request that your office consent to the withdrawal of the Charleston Mines' application for patent No. AR 032442 - MS 4599, subject to such rules as are applicable to the matter. Please advise me of your pleasure.

Very truly yours,

CHARLESTON MINES

Charles H. Suiter President



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Land Office
3022 Federal Building
Phoenix 25, Arizona

IN REPLY REFER TO: 36

LO
AR 032442

June 14, 1963

Charleston Mines
Att: Charles H. Suiter, President
5008 West Weldon Avenue
Phoenix 31, Arizona

Gentlemen:

Reference is made to your Mineral Patent Application, AR 032442, embracing twelve lode mining claims in Mineral Survey No. 4599, situate in secs. 25 and 36, T. 20 S., R. 21 E., GSR Mer., Arizona.

We appreciate your cooperation in negotiating to consolidate all interests and all interested parties into the one Charleston Mines corporation so the Certificate of Title can be approved to show full possessory right and title vested in the applicant. Your request for additional time within which to clear the title has been given favorable consideration.

We will withhold further action on the above-mentioned application until October 1, 1963, in accordance with your request of June 12. As soon as your proposed consolidation of interests has been completed, please file a supplemental Certificate of Title to reflect the action taken, so we can immediately submit the title for review and recommendation by our legal counsel.

Sincerely yours,

Roy T. Helmandollar
Roy T. Helmandollar
Manager

PAT. 13

CHARLESTON MINES—TOMBSTONE, ARIZONA

KAOLIN

ZINC

GROUND MUSCOVITE

LEAD

COPPER

CHARLES H. SUITER, PRESIDENT

5008 West Weldon Avenue, Phoenix 31, Arizona
June 12, 1963

Mr Fred J. Weiler, State Director
United States Land Office
3022 Federal Building
Phoenix 25, Arizona

Re: Request for temporary suspension
Patent Application AR 032442; MS
No. 4599. Secs. 25 & 36, T 20 S,
R 21 E., G.&S.R.M. Cochise Co.

Dear Mr Weiler:

With regard to the above patent application filed in your office about April 1, 1963, I understand that the contract of sale, covering subject mining claims, dated June 1, 1957, between the Charleston Mines and the James Stewart Company, is causing some concern and may be a road-block in your consideration and processing of our patent application. To me this is not an unexpected development and I have been wondering how it would be handled when you came to it. In ordinary real-estate deals title can be passed subject to existing encumbrances - I am quite certain that this is not the case with regard to federal patents.

Attached to our patent application AR 032442, is a certified copy of the Stewart contract on which is endorsed cash payments of approximately \$66,000. - in addition the Stewart Company have expended considerable money on the claims, so they definitely have a very substantial equity interest in the property. Further than this, the Stewart Company has given a sub-contract to the Heron Mining Company, a Colorado Corporation, which contract is not of record, for the exploration and development of the mining claims - they too have expended in the past year a considerable sum of money in geological, geo-physical and magnetometer surveys and are now planning the construction of a small mill and the sinking of a shaft.

I wish to point out that my corporation, the Charleston Mines, was in effect forced into the survey of our claims by the State of Arizona filing application for patent (AR-031495) to school Section 36, T20S, R21E, in which section part of our mining claims are located. We appeared to have no choice but to cause a segregation survey to be made - it was definitely the responsibility of the Charleston Mines and not the Stewart Company's. The survey, being the major cost, then led to my decision to apply for patent.

Negotiations are now underway whereby it is hoped to consolidate all interests and all interested parties into the one Charleston Mines corporation - coming at the vacation season of the year, this is going to take some time - therefore in the light of this and the above information, I respectfully request that patent application No. 032442, MS No. 4599, of the Charleston Mines be tabled for the present and that consideration and action on the application be suspended until October 1, 1963. I will await your advice.

Respectfully,

CHARLESTON MINES

Charles H. Suiter President

STATE PAT.
S. 36. T. 20S. R. 21E

L.S. Sect. 6

38

MEMORANDUM TO FILE

January 27, 1981

RE: Gallagher Claims - Section 36, T 20 S, R 21 E

The attached is the complete BLM file on the record of BLM holdings in Section 36. Section 36 was given to the State of Arizona for public school lands. Before this actual transfer took place, there was a period of time wherein all current holders of mining claims on said section had to file notice regarding this. This file clearly illustrates that Suiter was the only one who answered this request from the BLM, and thereby is the only one having valid mining claims in this section.

Therefore, all recorded claims by the Gallagher group in Section 36 have no foundation.

These documents should clarify this stand.

Roger P. Smith

RPS :ef
Attachments



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073

IN REPLY REFER TO

A MC 71973 thru
A MC 71996 (952)

39

January 9, 1980

Alanco Ltd.
Box 5843
Tucson, AZ 85703

Gentlemen:

This letter is to identify the serial numbers we have assigned to your mining claim location notices filed in this office on October 16, 1979.

<u>Serial Number</u>	<u>Name of Claim</u>
A MC 71973	Abie's Irish Rose 1-15-59
A MC 71974	Lennie Leigh
A MC 71975	Little Loui
A MC 71976	Gallagher-Bradshaw
A MC 71977 thru A MC 71979	Gallahger-Bradshaw #1 - #3
A MC 71980	Side Shot
A MC 71981	Blanket
A MC 71982 thru A MC 71984	Blanket #1 - #3
A MC 71985	Stella 3-21-23
A MC 71986	Maggie 3-22-29
A MC 71987	Union Flag
A MC 71988 thru A MC 71989	Blanket #8 - #9
A MC 71990	Blanket #5
A MC 71991	May Powell 10-27-23
A MC 71992	Aurora 3-19-23
A MC 71993	Necessity
A MC 71994	Blanket No. 4 12-3-58
A MC 71995	Blanket No. 6 Annex
A MC 71996	Blanket No. 7

Please refer to the claim names and the serial numbers in any future correspondence.

This will also acknowledge receipt of your Affidavit of Labor Performed and Improvements Made for the above claims for the year 1978-1979.

366 3-13-29

(EXHIBIT B)

AD

A MC 71973

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Scale 1"=1000'

GALLAGHER - BRADSHAW CLAIMS

GALLAGHER - VAN DYKE CORP.

KHAN - ARIZONA CORP.

TOMBSTONE MINING DISTRICT
COCHISE COUNTY ARIZONA

ALANKO LY

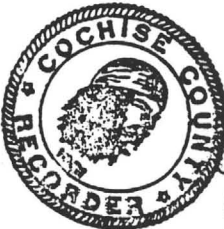
A MC 71973

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EXHIBIT "A"

NAME OF CLAIM	DOCKET	PAGE
Gallagher-Bradshaw	69	54
Gallagher-Bradshaw -1-	69	55
Gallagher-Bradshaw -2-	69	56
Gallagher-Bradshaw -3-	69	57
Blanket	69	36
Blanket -1-	69	37
Blanket -2-	69	38
Blanket -3-	63	523
Blanket -4-	203	388
Blanket -5-	63	525
Blanket -6-	203	389
Blanket -7-	203	387
Blanket -8-	69	9
Blanket -9-	69	10
Stella	69	40
May Powell	62	522
Maggie	69	41
Side Shot	69	58
Necessity	67	570
Union Flag	69	8
Aurora	62	225
Abbies Irish Rose	207	386
Lennie Leigh Amended	954	143
Little Loui Amended	954	144

BUREAU OF LAND MANAGEMENT
PHOENIX, ARIZONA
1979 OCT 16 PM 3:34



STATE OF ARIZONA
COUNTY OF COCHISE] ss.

WITNES MY HAND AND OFFICIAL SEAL
CHRISTINE RHODES, COUNTY RECORDER

DEPUTY
INDEXED
FILED
OCT 15 1979
C.M.C.

I HERESY CERTIFY THAT THE WITHIN
INSTRUMENT WAS FILED AND RECORDED
AT REQUEST OF: *Bill Henderson*

FEE \$ 13.00 *Box 153*
DATE OCT 9 '79 *10:40 AM*
DOCKET 1369 PAGE 236 NO 23106
237

041 1369 PAGE 237

EXHIBIT "A"

LEASE AND OPTION TO PURCHASE

This LEASE AND OPTION TO PURCHASE, made and entered into this 1st day of August, 1974, by and between GALLAGHER VANADIUM AND RARE MINERALS CORPORATION, an Arizona corporation, whose address is Suite 1024, Commodore Perry Building, Austin, Texas 78701, hereinafter referred to as "LESSOR", and KNOX-ARIZONA CORPORATION, an Arizona corporation, with its principal place of business at 8967 Ladue Road, St. Louis, Missouri 63124, hereinafter referred to as "LESSEE",

WITNESSETH:

That the said LESSOR, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, and other valuable considerations, the receipt of which is hereby acknowledged, and in further consideration of the royalties, covenants and agreements hereinafter reserved and by said LESSEE to be kept, paid and performed, have granted, demised and let, and by these presents do grant, demise and let unto said LESSEE, all of its right, title and interest in and to the following described patented and unpatented lode mining claims located in the Tombstone Mining District, Cochise County, State of Arizona, described herein, and a part hereof as set forth in an original accepted and certified proposal, hereinafter referred to as the "mining property":

PATENTED CLAIMS

Buena Vista
Richmond
McClallen

U. S. Mineral Survey No. 260 - 1881
U. S. Mineral Survey No. 261 - 1881
U. S. Mineral Survey No. 262 - 1881

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A MC

71-87

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PRINCETON, ARIZONAUNPATENTED MINING CLAIMS

Recorded in the office of the County Recorder, Cochise County,
Bisbee, Arizona

	Book	Page
Gallagher-Bradshaw	69	54
Gallagher-Bradshaw -1-	69	55
Gallagher-Bradshaw -2-	69	56
Gallagher-Bradshaw -3-	69	57
Blanket	69	36
Blanket -1-	69	37
Blanket -2-	69	38
Blanket -3-	63	523
Blanket -4-	203	388
Blanket -5-	63	525
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Blanket -7-	203	387
Blanket -8-	69	9
Blanket -9-	69	10
Stella	69	40
May Powell	62	522
Maggie	69	41
Side Shot	69	58
Necessity	67	570
Union Flag	69	8
Aurora	62	225

SECTION 1 - LESSEE'S RIGHT TO CONDUCT MINING OPERATIONS

The LESSOR does hereby lease and demise to the LESSEE, with option to purchase, the aforesaid mining property, as described, for the term of Twenty (20) years from and after the date hereof, and subject to the terms of purchase and option; giving and granting to LESSEE, during the full term of LESSEE'S possession hereunder, the full and exclusive right to explore, develop, control, and mine said property; to mine, extract, remove, ship or further process ores and values from said mining property; to perform, without restrictions, such other activities on said mining property as may be necessary or desirable in the carrying out of the aforementioned activities, to determine the methods to be utilized in concentrating, purifying and processing the mining

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products; and to market and sell the same to such purchaser or purchasers and at such prices LESSEE shall determine to be advantageous. PROVIDED, FURTHER, that all construction, mining and other work done by LESSEE upon or within the mining property shall be performed in a good workmanlike manner, and in full requirements of United States and State of Arizona mining regulations as presently exist and as may be later adopted.

SECTION 2 - ROYALTIES

In the event that LESSEE shall mine, mill and/or further concentrate ores or values including specimens and other benefits, then LESSEE shall pay LESSOR as mining royalties therefor, a sum of money equal to Five (5) per cent of the value when sold at the mine head, or of the net smelter returns, for all said ores, minerals, metals and by-products sold by the LESSEE. The smelter returns, as provided above shall be less smelter, truck and transportation expenses incurred by LESSEE. Any United States Government subsidies which may hereafter be granted, increasing the value of the ores or metals mined hereunder, shall be shared by the LESSOR and LESSEE upon the same percentage basis as the royalty payments due the LESSOR.

As a minimum mining royalty, the LESSEE shall pay to the LESSOR on August 1, 1974 and each year thereafter, the sum of Five Thousand Dollars (\$5,000.00) either in cash, stock or royalty whichever is the greatest for each year; all cash, stock or royalties paid shall apply toward the payment of the total price of Five Hundred Thousand Dollars (\$500,000.00) to be paid within the Twenty (20) year period. All payments are to be paid

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directed to the account of GALLAGHER VANADIUM AND RARE MINERALS CORPORATION, American National Bank, Austin, Texas. Ore purchasers will deduct and make direct settlement as specified to LESSOR.

It is understood and agreed that the five (5) per cent net smelter return above mentioned will be applied against the purchase price.

SECTION 3 - LESSOR'S RIGHT TO INSPECT PROPERTY

LESSOR shall have the right to enter upon said mining property for the purpose of examining LESSEE'S mining operations and explorations and shall have the right to use all passageways, ladders, hoists and other means of ingress and egress for such purposes, PROVIDED, HOWEVER, that they do not interfere with the operations of the LESSEE, and FURTHER PROVIDED that such entry and examination shall be at LESSOR'S risk and hazard.

SECTION 4 - COVENANT OF TITLE

The LESSOR for itself, its heirs, administrators, executors, successors and assigns, does hereby covenant and agree that it is the owner and holder of all of the patented and un-patented mining claims and of all of the mineral content therein, as described, and free and clear of any adverse claims; that, as of the time such claims were located, the land upon which said locations were made was situated on the public domain and was subject to location under the mining laws of the State of Arizona and of the United States of America, and that such locations were properly made and that location notices were duly filed in the office of the County Recorder for Cochise County, Arizona.

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and, at all times since, location assessment work required to be made by the State of Arizona and the United States of America has been so made, and the affidavits of such assessment work has been properly executed and filed for record. The LESSOR does hereby covenant and agree that it is the owner in fee simple of the patented mining claims, and of all minerals, ores, sands and mining products thereon and therein.

SECTION 5 - COMPLIANCE WITH LAWS

LESSEE agrees that, at all times during the term of this Agreement and when it is conducting mining operations upon the above described mining property, it will comply with all Federal, State and County laws pertaining to safety, public liability and property damage. "NO LIEN" notices will be kept posted upon the mining property.

SECTION 6 - LIENS, ENCUMBRANCES, ETC.

LESSOR covenants that there are, as of this date of Agreement, except as expressly provided for herein, no liens or encumbrances on the above described mining property and that there are no debts or obligations which may be or hereafter become a lien or encumbrance upon said mining property, or upon the minerals or mineral rights in connection therewith, including real property taxes.

LESSEE agrees to pay all real property taxes levied and assessed against said mining property during the term of this Agreement, and to pay all property taxes levied and assessed upon the machinery, equipment, buildings, and other property owned by

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the LESSEE and utilized in connection with the above described mining property. LESSEE, further, agrees to pay all licenses, severance taxes or use taxes which may be levied, during the term of this Agreement either by the United States Government or by the State of Arizona, upon the mineral products produced from said mining property. In the event that the validity of such tax or taxes shall be contested, the failure of the LESSEE to pay such tax at the time the same shall become due, prior to the determination of the validity of such contest, shall not constitute a violation of the terms and conditions of this Agreement. It is understood, however, that LESSEE shall not be liable for the payment of that portion of the net proceeds tax assessed to the LESSOR as royalty holder.

All charges and expenses incurred by LESSEE, or those in privity with it, shall be promptly paid by LESSEE, and if any valid lien shall be filed against said premises by reason of any such charges and expenses, LESSEE agrees to promptly pay and discharge such lien or liens, or to make any required bond, upon any contest thereof and hold LESSOR harmless, including all costs or charges incurred or allowed in connection therewith, and further agrees to hold LESSOR harmless on account of any lien or liens or claim for costs or expenses. LESSEE will, subject to the provisions aforesaid, save and keep harmless, LESSOR from all costs, loss or damage which may arise by reason of or on account of injury to or death of any persons employed by LESSEE in or upon said mining claims, or any part thereof, or which may arise of or on account of injury to or death of any other person or to livestock, or damage to any personal or real property as a

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result of any work or operations of LESSEE. LESSEE shall maintain adequate public liability insurance coverage and Workmens Compensation coverage in amounts required by law.

SECTION 7 - IMPROVEMENTS ON CLAIMS

At its sole discretion and expense, LESSEE shall have the right to erect upon the mining property such buildings and structures and install thereon such machinery, mills or other mining plant equipment or property as it shall deem necessary or advisable to carry on its mining operations, and LESSEE shall have the full right to possession and use of water flowing upon such mining property for mining purposes, and shall have the right to drill such wells and use the water therefrom, to construct ditches, roads, power and pipe lines, dikes, drains or diversion works and all other facilities upon or across any portion of said mining property, and to make such alterations as it may desire in connection with mining operations thereon and therein and in compliance with the established regulations pertaining unpatented mining claims as now permitted and adopted.

It is agreed that title to all machinery, equipment, mining plants, buildings, power and pipe lines, and all other structures placed upon the above described mining property by LESSEE shall be and remain the sole and exclusive property of LESSEE at all times, and LESSEE shall have the right and privilege to remove all or any part of the same at any time and, in the event of forfeiture, cancellation, or termination of this Agreement, any and all such mining plants, machinery, equipment, buildings, structures, power and pipe lines, etc., may be removed

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PHOENIX, ARIZONA

by LESSEE within a period of One Hundred Twenty (120) days from the date of such termination. PROVIDED, HOWEVER, that such ownership and right of removal by LESSEE shall not include underground timbers, structures or improvements supporting any portions of any mine or mines still workable and accessible for any underground mineral extraction, nor the timbers and ladders of the workable and serviceable shafts, nor the rails, air and water pipes installed therein, nor the head frames thereon.

LESSEE shall perform, at its own expense, all assessment work necessary to keep the unpatented claims within the mining property in good standing and such work shall be completed and proof thereof furnished to LESSOR at least ninety (90) days prior to the expiration of the applicable annual period for such work. PROVIDED, HOWEVER, that if either party should terminate this Agreement and the effective date of such termination is at least One Hundred Eighty (180) days prior to the end of the current annual period for the completion of the assessment work, LESSEE, upon delivery to LESSOR of a verified summary of all applicable work performed by or on behalf of the then current annual period, shall be relieved of its obligation to perform the assessment work for that annual period. If the effective date of the termination is less than One Hundred Eighty (180) days prior to the end of such annual period, LESSEE will remain obligated to perform the assessment work for that annual period.

LESSEE shall record affidavits of annual labor for each year that it performs the assessment work under this Lease, and certified copies thereof furnished the LESSOR.

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PHOENIX, ARIZONA

maps, geological sections, aerial photographs and such other data or information obtained by or loaned to LESSEE in its mining or exploration work.

It is further understood and agreed that after one (1) year from date hereof, should LESSEE relinquish such property or properties, or should this Agreement be voluntarily terminated by LESSEE, or forfeited by the failure of LESSEE to perform, or its failure to make any of the minimum or royalty payments herein provided, then the sole and only remedy of LESSOR shall be the retention as liquidated damages of the monies not paid to LESSEE for ore, minerals, metals and/or by-products extracted from claims and sold, and/or stock piled, and the recovery of full possession of the mining property.

Upon such termination of this Agreement, and the relinquishment of right of possession of said property, LESSEE agrees that all underground ore pockets or chutes will be left intact; PROVIDED, HOWEVER, that in any year in which LESSEE shall cancel or terminate this Lease, it will pay all ad valorem taxes for the year in which the cancellation becomes effective.

SECTION 10 - FORFEITURE

In the event that LESSEE fails to make any of the payments as herein provided, or fails to perform any of the covenants hereof, then and in that event, LESSOR shall have the option of declaring this Agreement forfeited by giving written notice to LESSEE, by registered or certified mail, postage prepaid, return receipt requested, which notice shall specify the particulars wherein the Agreement is not being carried out and providing that,

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SECTION 8 - CLAIM CORRECTIONS

LESSEE shall maintain all location notices and claim monuments and take such other measures as may be required to keep the unpatented claims in good standing. LESSEE shall have the exclusive right, at its own expense, to amend in good faith the locations of any unpatented mining claim within the mining property, to relocate any of such claims and to locate any fractions discovered within or contiguous to the exterior boundaries of the mining property. All such amendments, relocations and new locations shall be in the name of the LESSOR and the rights of the parties under this Lease shall extend to any of these amended locations, relocated mining claims or newly located mining claims.

SECTION 9 - RELEASE AND RELINQUISHMENT

It is understood and agreed that LESSEE may, at any time, relinquish to LESSOR any or all of the aforementioned mining claims upon giving thirty (30) days written notice of intention to terminate this Agreement as to such property or properties, PROVIDED, HOWEVER, that this Lease shall not be terminated until one (1) year from date hereof. Upon termination of this Lease, LESSEE will furnish a Quit Claim Deed in proper form or a release of Lease as required by LESSOR; also within ninety (90) days after termination or expiration date, LESSEE shall furnish LESSOR with the drilling logs, drill cores (except those portions used for assay or metallurgical test purpose), property maps, surveys, claims survey maps showing the location of drill holes and the lines of any geophysical surveys, assays of sampling, mineral

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unless the delinquent payment is made or the failure to perform corrected within sixty (60) days from the date of notice, said Agreement shall be immediately forfeited and terminated and, upon such forfeiture and termination, LESSEE shall be without right, title or interest in and to the above described mining claims, but the buildings, structures, or other plant machinery and equipment, etc., placed by LESSEE on said mining property may be removed by it as herein before provided.

SECTION 11 - FORCE MAJEURE

It is agreed that LESSEE shall be excused and shall not be responsible hereunder for delays, failures, or omissions in performance of any of the terms, provisions and conditions of this Agreement incumbent upon it to be kept and performed, where such is due to or the result of inclement or winter weather conditions which would make performance of mining operations undesirable or impracticable, or where the performance of mining operations would be unprofitable to LESSEE, or where such failure is due to or the result of a cause of any kind beyond the control of LESSEE including, but not limited to, fire, war, governmental action or orders, strikes, lockouts, injunctions, inability to obtain power, failure of transportation facilities, or breakage of machinery or equipment. In no event will LESSEE'S obligation to pay the minimum royalty, taxes, and to perform the required assessment work as hereinbefore provided, be excused except as a result of governmental or court action, order or injunction.

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SECTION 12 - ASSIGNMENT

The parties hereto may assign their rights under this Lease to any financially responsible person or corporation so long as the other party hereto consents to such assignment in writing, which consent shall not unreasonably withheld.

SECTION 13 - NOTICES

All notices to be given hereunder to either party by the other shall be sent by registered or certified mail, postage prepaid, return receipt requested.

TO LESSOR

GALLAGHER VANADIUM AND RARE
MINERALS CORPORATION
Suite 1024 - Commodore Perry Building
Austin, Texas 78701

TO LESSEE

KNOX-ARIZONA CORPORATION
8967 Ladue Road
St. Louis, Missouri 63124

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FEDERAL BUREAU OF LAND MANAGEMENT

Either party may change such place of notice at any time by giving written notice thereof to the other party in the manner provided hereinabove.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

GALLAGHER VANADIUM AND RARE
MINERALS CORPORATION

By 

(SEAL)

LESSOR

KNOX-ARIZONA CORPORATION

By [Signature]

(SEAL)

LESSEE

STATE OF TEXAS)
COUNTY OF TRAVIS) SS.

The foregoing instrument was acknowledged before me
this 31 day of July, 1974, by [Signature]
Sublette as Secretary of GALLAGHER VANADIUM
AND RARE MINERALS CORPORATION, a corporation.

[Signature]
Notary Public

My commission expires:
6-1-75

STATE OF Missouri)
COUNTY OF St. Louis) SS.

The foregoing instrument was acknowledged before me
this 30th day of July, 1974, by William A. Knox
as President of KNOX-ARIZONA CORPORATION,
a corporation.

[Signature]
Notary Public

My commission expires:

1/2/75

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BLM & STATE
OCT 16 10 00 AM '79
PHOENIX, ARIZONA

Quitclaim Deed

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B.L.M. STATE OFFICE
OCT 16 10 00 AM '79
PHOENIX, ARIZONA

THIS INDENTURE, Made the 13 day of September, 1975,
between Charles Hatcher, Tombstone, Ariz.
C. Neil Vogel Tucson, Ariz.

Grantors and Knox Arizona Corporation, An Arizona Corporation.

Grantee _____,

WITNESSETH: That the said grantor s, for and in consideration of the sum of _____
\$ 10.00 and other consideration DOLLARS
to them in hand paid by the said grantee _____, the receipt whereof is hereby confessed
and acknowledged, has, released and quit-claimed, and by these presents do _____
release and quitclaim unto the said grantee _____, and to its heirs and assigns forever,
all the right, title, interest, claim and demand which the said grantors have in and to
the following described property situated in the County of Cochise, and

State of Arizona, to-wit: The unpatented Mining Claims listed below

<u>Abbias Irish Rose</u>	<u>207</u>	<u>386</u>
<u>Lennie Leigh July 3, 1958</u>	<u>193</u>	<u>588</u>
<u>Amended August 28, 1974</u>	<u>954</u>	<u>143</u>
<u>Adjoins and parallels Beuna Vista Pat. 260</u>		
<u>Little Loui July 3, 1958</u>	<u>193</u>	<u>589</u>
<u>Amended August 28, 1974</u>	<u>954</u>	<u>144</u>
<u>Adjoins and parallels side line Lennie Leigh</u>		
<u>Recorded Quit Claim August 17, 1970</u>	<u>719</u>	<u>80-81</u>

TO HAVE AND TO HOLD the same together with all the appurtenances thereunto belonging,
to the grantee its heirs and assigns forever.

IN WITNESS WHEREOF, the said grantors ha s have hereunto set his their
hand And the day and year first above written.

x Charles Hatcher
C Neil Vogel

STATE OF ARIZONA } ss.
County of Cochise

On this the 16 day of September, 19 75, before me,
Opal L. Giles
Charles Hatcher, the undersigned Notary Public, personally appeared

_____, known to me (or satisfactorily proven) to be the
person _____ whose name is subscribed to the within instrument and acknowledged that _____
executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires 5-14-79

Opal L. Giles
Notary Public.

STATE OF ARIZONA } ss.
County of Pima

On this the 17 day of September, 19 75, before me,
Josephine Teichman, the undersigned Notary Public, personally appeared
C. Neil Vogel

_____, known to me (or satisfactorily proven) to be the
person _____ whose name _____ subscribed to the within instrument and acknowledged that he
executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires My Commission Expires June 13, 1979

Josephine Teichman
Notary Public.

No. _____	
Quitclaim deed	
Short Form	
FROM	TO
Dated _____, 19 _____	
Filed and Recorded at Request of _____	
at _____, A. D. 19 _____	
M. _____	
Book _____	Pages _____
County Recorder.	
Deputy Recorder.	

County Recorder.

WITNESS my hand and official seal the day and year first above written.
County, Arizona, at pages _____
and duly recorded in Book No. _____ of _____ Records of _____
at _____ o'clock _____ M., on this _____ day of _____, 19 _____,
the County and State aforesaid, do hereby certify that the within instrument was filed for record
I, _____, County Recorder in and for

County of _____ } ss.
STATE OF ARIZONA,

[illegible]

PUBLISHER'S AFFIDAVIT

STATE OF ARIZONA }
County of Cochise } ss.

Clayton A. Smith, being first duly sworn, deposes and says: That he is the publisher of THE TOMBSTONE EPITAPH, a newspaper published weekly in Tombstone, Cochise County, State of Arizona, and the

LEGAL NOTICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Land Office
2022 Federal Building
Phoenix 35, Arizona

June 6, 1962
TO WHOM IT MAY CONCERN:
Notice is hereby given that the State of Arizona under the provisions of the Act of June 21, 1934, has filed in this office Application for Patent, Arizona 031495, for lots 1, 2, 3, 4, 5, 6, 7, 8, 9, S $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 36, T. 20 S., R. 21 E., GSR mer., Arizona.

During the five-weeks period of publication of this notice, or any time thereafter and before final approval, this office will receive protests and contests as to the land embraced in the application.
D. F. WHITENTON,
Acting Manager.

J5-A3

Application for School
Section Patent Arizona
031495 (State #00065)

a copy of which is hereto attached, was first published in its issue dated the 5 day of July, 1956 62 and was published in each issue of said newspaper for five issues, the last publication thereof being in its issue dated the 2 day of

August, 1956 62

Clayton A. Smith
Publisher, Tombstone Epitaph

Received
8-1-62
RECEIVED
LAND OFFICE
BUREAU OF LAND MANAGEMENT

AUG-3 1962

Subscribed and sworn to before me this 2 day of Aug., 1956 62

PHOENIX, ARIZONA

Mabel A. Smith
Notary Public

My Commission expires the 20 day of July, 1964.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
3022 Federal Building
Phoenix, Arizona 85025

IN REPLY REFER TO:
LO:R&W
Appln. to Pat.
AR-031495

I HEREBY CERTIFY that I have this
date received Patent No. 02-64-0052, issued
on State Application to Patent, Arizona 031495,
for delivery to the State Land Commissioner.

State Land Dept
BY *[Signature]*
DATE *11-4-63*



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Land Office
3022 Federal Building
Phoenix 25, Arizona

IN REPLY REFER TO:

LO
AR 032442

June 14, 1963

Charleston Mines
Attn: Charles H. Suiter, President
5008 West Weldon Avenue
Phoenix 31, Arizona

Gentlemen:

Reference is made to your Mineral Patent Application, AR 032442, embracing twelve lode mining claims in Mineral Survey No. 4599, situate in secs. 25 and 36, T. 20 S., R. 21 E., CSR Mer., Arizona.

We appreciate your cooperation in negotiating to consolidate all interests and all interested parties into the one Charleston Mines corporation so the Certificate of Title can be approved to show full possessory right and title vested in the applicant. Your request for additional time within which to clear the title has been given favorable consideration.

We will withhold further action on the above-mentioned application until October 1, 1963, in accordance with your request of June 12. As soon as your proposed consolidation of interests has been completed, please file a supplemental Certificate of Title to reflect the action taken, so we can immediately submit the title for review and recommendation by our legal counsel.

Sincerely yours,

Roy W. Mandollar
Roy W. Mandollar
Manager

CHARLESTON MINES—TOMBSTONE, ARIZONA

KAOLIN

ZINC

GROUND MUSCOVITE

LEAD

COPPER

CHARLES H. SUITER, PRESIDENT

5008 West Weldon Avenue, Phoenix 31, Arizona
June 12, 1963Mr Fred J. Weiler, State Director
United States Land Office
3022 Federal Building
Phoenix 25, ArizonaRe: Request for temporary suspension
Patent Application AR 032442; MS
No. 4599. Secs. 25 & 36, T 20 S,
R 21 E., G.&S.R.M. Cochise Co.

Dear Mr Weiler:

With regard to the above patent application filed in your office about April 1, 1963, I understand that the contract of sale, covering subject mining claims, dated June 1, 1957, between the Charleston Mines and the James Stewart Company, is causing some concern and may be a road-block in your consideration and processing of our patent application. To me this is not an unexpected development and I have been wondering how it would be handled when you came to it. In ordinary real-estate deals title can be passed subject to existing encumbrances - I am quite certain that this is not the case with regard to federal patents.

Attached to our patent application AR 032442, is a certified copy of the Stewart contract on which is endorsed cash payments of approximately \$66,000. - in addition the Stewart Company have expended considerable money on the claims, so they definitely have a very substantial equity interest in the property. Further than this, the Stewart Company has given a sub-contract to the Heron Mining Company, a Colorado Corporation, which contract is not of record, for the exploration and development of the mining claims - they too have expended in the past year a considerable sum of money in geological, geo-physical and magnetometer surveys and are now planning the construction of a small mill and the sinking of a shaft.

I wish to point out that my corporation, the Charleston Mines, was in effect forced into the survey of our claims by the State of Arizona filing application for patent (AR-031495) to school Section 36, T20S, R21E, in which section part of our mining claims are located. We appeared to have no choice but to cause a segregation survey to be made - it was definitely the responsibility of the Charleston Mines and not the Stewart Company's. The survey, being the major cost, then led to my decision to apply for patent.

Negotiations are now underway whereby it is hoped to consolidate all interests and all interested parties into the one Charleston Mines corporation - coming at the vacation season of the year, this is going to take some time - therefore in the light of this and the above information, I respectfully request that patent application No. 032442, MS No. 4599, of the Charleston Mines be tabled for the present and that consideration and action on the application be suspended until October 1, 1963. I will await your advice.

Respectfully,

CHARLESTON MINES

 President

62
LO:R&W
Appln. to Patent
AR - 031495
RAH

Land Office
3022 Federal Building
Phoenix, Arizona 85025

November 1, 1963

Obed M. Lassen
State Land Commissioner
State Office Building
Phoenix, Arizona 85007

Dear Mr. Lassen:

I am enclosing Patent No. 02-64-0052, confirming the title of the State of Arizona to the following described land:

Gila and Salt River Meridian, Arizona.

T. 20 S., R. 21 E.,

Sec. 36, Lots 5, 6, 7, 8, 10, 11,
12, 13, 14, and 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{4}$ SE $\frac{1}{4}$.

Total - 451.77 acres.

The title to the lands vested in the State of Arizona under the Act of June 20, 1910, upon the acceptance of the Plat of Survey by the Bureau of Land Management on May 17, 1945.

Sincerely yours,

Roy T. Helmandollar
Manager

Enclosure

AJS

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There are now deposited in the Bureau of Land Management of the United States, an application by the State of Arizona, and a decision of the Land Office at Phoenix, Arizona, directing that a patent issue to the State of Arizona under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1185), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the following numbered school section lands in place granted for the support of common schools and the title to which vested in the State of Arizona under the Act of June 20, 1910 (36 Stat. 557), upon the acceptance of the Plat of Survey by the Bureau of Land Management on May 17, 1945:

Gila and Salt River Meridian, Arizona.

T. 20 S., R. 21 E.,
Sec. 36, Lots 5, 6, 7, 8, 10, 11,
12, 13, 14, and 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 451.77 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934, and as evidence of the title which was granted to and vested in the State of Arizona to the above described land on May 17, 1945, for the support of common schools, as aforesaid and in confirmation of such title for such purpose, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Arizona, and to its assigns, the land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said State of Arizona, and to its assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the land hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

Phoenix, Arizona.

GIVEN under my hand, in the District of Columbia, the
FIRST day of NOVEMBER in the year of
our Lord one thousand nine hundred and SIXTY-THREE
and of the Independence of the United States the one hundred
and EIGHTY-EIGHTH.

[SEAL]

For the Director, Bureau of Land Management.

By

Roy T. Helms
Manager, Arizona Land Office.

Patent Number 02-64-0052

11-1-1963

St. Appl. to Pat.
#2

63

ALO-50 (3)
12-7-61

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Land Office
3022 Federal Building
Phoenix, Arizona
Phoenix, Ariz. 85025

In reply refer to:
Appln. for Patent
Arizona 031495

October 31, 1963

DECISION

State of Arizona : Application for Patent
: Arizona 031495

Approved for Patent

The State of Arizona has filed application, Arizona 031495, under the Act of June 21, 1934 (48 Stat. 1185; 43 U.S.C. 871a), for the issuance of patent, as evidence of title, to certain described lands granted to the State by the Act of June 20, 1910 (36 Stat. 557), for the support of common schools.

Plats of surveys of the lands were accepted by this office subsequent to February 14, 1912, the date the State was admitted into the Union. Evidence of publication in the manner prescribed by 43 CFR, 270.32, has been furnished and no protest has been filed. There are no adverse claims of record and the lands do not appear to be affected by any prior conditions, limitations, easements, or rights acquired from or with the consent of the United States, nor are they affected by any withdrawals or reservations before the State's rights attached. A report from the Geological Survey indicates that the lands were not known to be valuable for any minerals on the date title to the lands vested in the State. The lands have not been used as base in support of an approved indemnity selection.

Since it appears that title to the lands vested in the State of Arizona, under the Act of June 20, 1910, supra, upon the date of acceptance of plats of survey as hereinafter indicated, and pursuant to order no. 684 (26 F.R. 8216), August 28, 1961, as amended, the application is hereby approved for patenting, as to the following described lands, patent to contain a reservation according to proviso to the Act of August 30, 1890 (26 Stat. 391):

Gila and Salt River Meridian, Arizona	Acres
Lots 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 36, T. 20 S., R. 21 E.	451.77

Plat accepted May 17, 1945.

Roy T. Helmandollar
Manager

02-64-0052

STATE NO. 00065

AR- 031195

PHOENIX, ARIZONA

A M E N D E D

APPLICATION FOR PATENT TO THE NUMBERED
SCHOOL SECTIONS IN PLACE, GRANTED TO THE
STATE OF ARIZONA, UNDER ACT OF CONGRESS
APPROVED JUNE 20, 1910 (36 Stat. 557).

THE STATE OF ARIZONA, hereby makes application under the provisions of
the Act of June 21, 1934 (48 Stat. 1185) for patent to the following numbered
school sections in place granted to the State under the terms of the Enabling Act
approved June 20, 1910 (36 Stat. 557) and the Act of January 25, 1927 (44 Stat. 1026)

GILA AND SALT RIVER BASE AND MERIDIAN - ARIZONA

TOWNSHIP 20 SOUTH , RANGE 21 EAST

SECTION 36 - LOTS 5 to 8; 10 to 15 & NE $\frac{1}{4}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ -

451.77 ACRES

TOWNSHIP , RANGE

and excepting from said patent such areas as have heretofore been reconveyed
to the UNITED STATES for reclamation purposes.

Dated at Phoenix, Arizona this 7 TH day of OCTOBER , 19 63 .

Paul J. Farnum
GOVERNOR OF THE STATE OF ARIZONA

SEAL OF THE
STATE OF ARIZONA

Orlando J. Farnum
STATE LAND COMMISSIONER OF ARIZONA

Robert W. Farnum
ATTORNEY GENERAL OF ARIZONA

Acting as a Selection Board

A T T E S T:

Wesley B. Farnum
SECRETARY OF STATE

66

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Land Office
3022 Federal Building
Phoenix 25, Arizona

June 6, 1962

TO WHOM IT MAY CONCERN:

Notice is hereby given that the State of Arizona under the provisions of the Act of June 21, 1934, has filed in this office Application for Patent, Arizona 031495, for lots 1, 2, 3, 4, 5, 6, 7, 8, 9, S¹/₂NE¹/₄, E¹/₂NE¹/₄, NE¹/₄SW¹/₄, and W¹/₂SE¹/₄ sec. 36, T. 20 S., R. 21 E., GSR mer., Arizona.

During the five-weeks period of publication of this notice, or any time thereafter and before final approval, this office will receive protests and contests as to the land embraced in the application.

D. F. Whitenton
Acting Manager

To be published once each week for five consecutive weeks in the Epitaph, Tombstone, Arizona, First publication July 5, 1962.

Land Office
3022 Federal Building
Phoenix 25, Arizona

LO
Apln. for Pat.
Arizona 031495

June 6, 1962

DECISION

State of Arizona

Application for Patent
Arizona 031495

Publication Directed

On April 18, 1962, the above applicant filed application Arizona 031495 under the provisions of the Act of June 21, 1934 (48 Stat. 1185), for patent on lots 1, 2, 3, 4, 5, 6, 7, 8, 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the N $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 36, T. 20 S., R. 21 E., GSR mer., Arizona

The plat of survey was accepted on May 17, 1945 and the State's title attached on that date.

If a patent issues, it is to contain a reservation according to proviso of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. section 945).

Publication notice has issued in accordance with 43 CFR 270.30, and publication will be in the Epitaph, Tombstone, Arizona.

In accordance with 43 CFR 270.32, the State of Arizona must file proof of publication in this office within 30 days after the last publication. Failure to take this action will result in the case being closed without further notice.

D. F. Whitenton
Acting Manager

Enclosure

LO:BNKirsch:nkc 6-6-62

4-095
(May 1944)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

(Place)

State of Arizona Involving *SS.*
vs. *Ap. Pat.*
Ariz. 031495

PERSONAL SERVICE OF NOTICE

I hereby acknowledge the delivery to me of a true copy of the decision
of the *Act. Manager* in the above-
entitled case, dated *June 6, 1962*

Signed by me this *10th* day of *June*, 19*62*

State of Arizona
Lester

Notice.—The local officers will accept this acknowledgment of service from only those persons who, in compliance with the regulations, 43 CFR, Part I (8 F.R. 7023, 7283), are authorized to represent parties in proceedings before the Department of the Interior, or from a party in interest acting solely for himself.

69

STATE LAND DEPARTMENT

OBER M. LASSEN
STATE LAND COMMISSIONER
PHONE 271-4621

STATE OF ARIZONA
STATE OFFICE BUILDING
PHOENIX 7, ARIZONA
April 17, 1962

LOUIS C. DUNCAN
MANAGER
PHONE 271-4621

112 APR 18 AM 11:21

ORIGINAL

ACCOUNTING DIVISION
PHONE 271-4622

LEASING DIVISION
PHONE 271-4634

LEGAL DIVISION
PHONE 271-4626

MINERAL, OIL & GAS
PRODUCTION DIVISION
PHONE 271-4628

SALES DIVISION
PHONE 271-4631

SERVICE DIVISION
PHONE 271-4637

SOIL CONSERVATION
DIVISION
PHONE 271-4625

WATER DIVISION
PHONE 271-4629

WATERSHED
MANAGEMENT DIVISION
PHONE 271-4633

Mr. Roy T. Helmandollar
Manager, Land Office
Bureau of Land Management
P. O. Box 148
Phoenix 1, Arizona

AR- 031495

Subject: Section 36, Township 20 S,
Range 21 E.

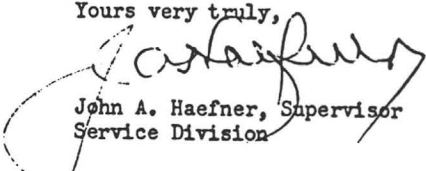
Dear Mr. Helmandollar:

Attached is Application for Patent to the above numbered School Section in Place. It is presumed that title to this section vested to the State upon approval of survey, namely May 17, 1945.

An examination of the records in the Cochise County Recorder's Office revealed that ten mining claims were located in the North half of this section at varying times during the year 1928, as per the attached resume.

Your preferred attention to the above request will be appreciated.

Yours very truly,


John A. Haefner, Supervisor
Service Division

JAH:gd

attach. - 4

STATE NO. 00065

AR- 031495

PHOENIX, ARIZONA

APPLICATION FOR PATENT TO THE NUMBERED
SCHOOL SECTIONS IN PLACE, GRANTED TO THE
STATE OF ARIZONA, UNDER ACT OF CONGRESS
APPROVED JUNE 20, 1910 (36 Stat. 557).

THE STATE OF ARIZONA, hereby makes application under the provisions of
the Act of June 21, 1934 (48 Stat. 1185) for patent to the following numbered
school sections in place granted to the State under the terms of the Enabling Act
approved June 20, 1910 (36 Stat. 557) and the Act of January 25, 1927 (44 Stat. 1026)

GILA AND SALT RIVER BASE AND MERIDIAN - ARIZONA

TOWNSHIP 20 South , RANGE 21 East

Section 36 - Lots 1 to 9; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$;

584.15 Acres

TOWNSHIP , RANGE

and excepting from said patent such areas as have heretofore been reconveyed
to the UNITED STATES for reclamation purposes.

Dated at Phoenix, Arizona this 17 day of APRIL, 19 62.



Paul G. Farnin
GOVERNOR OF THE STATE OF ARIZONA

John D. Farnin
STATE LAND COMMISSIONER OF ARIZONA

Robert W. Schell
ATTORNEY GENERAL OF ARIZONA

Acting as a Selection Board

ORIGINAL

STATE NO. 00065

AR- 031495

PHOENIX, ARIZONA

RECEIVED
LAND OFFICE
BUREAU OF LAND MANAGEMENT

APPLICATION FOR PATENT TO THE NUMBERED
SCHOOL SECTIONS IN PLACE, GRANTED TO THE
STATE OF ARIZONA, UNDER ACT OF CONGRESS
APPROVED JUNE 20, 1910 (36 Stat. 557).

APR 18 1962

11-21A
PHOENIX, ARIZONA

THE STATE OF ARIZONA, hereby makes application under the provisions of the Act of June 21, 1934 (48 Stat. 1185) for patent to the following numbered school sections in place granted to the State under the terms of the Enabling Act approved June 20, 1910 (36 Stat. 557) and the Act of January 25, 1927 (44 Stat. 1026)

GILA AND SALT RIVER BASE AND MERIDIAN - ARIZONA

TOWNSHIP 20 South , RANGE 21 East

Section 36 - Lots 1 to 9; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$;

584.15 Acres

TOWNSHIP , RANGE

and excepting from said patent such areas as have heretofore been reconveyed to the UNITED STATES for reclamation purposes.

Dated at Phoenix, Arizona this 17 day of APRIL, 19 62.



Daul J. Fannin
GOVERNOR OF THE STATE OF ARIZONA

(Signature)
STATE LAND COMMISSIONER OF ARIZONA

(Signature)
ATTORNEY GENERAL OF ARIZONA

Acting as a Selection Board

EXTRACTS FROM BOOK OF MINES NO. 67,
COCHISE COUNTY RECORDER

AR- 031495

Page 236

Brother George
Located: Lee O. Woolery 1-28-28
 $\frac{1}{4}$ mile Southwest of Rad Crow patent
Recorded 3-29-28

Page 237

Mary Jo
Located: L.O.W. 1-28-28
 $\frac{1}{8}$ mile Southwest from Rad Crow patent
Recorded 3-29-28

Page 238

Pass Over
Located: L.O.W. 2-11-28
 $\frac{1}{4}$ mile westerly Rad Crow
Recorded 3-29-28

Page 286

Chief Justice
Located by L.O.W. 2-11-28
 $\frac{1}{8}$ mile westerly from Rad Crow
Recorded 4-27-28

Page 287

Father Lode
By L.O.W. 2-14-28
 $\frac{1}{4}$ mile southerly from Rad Crow
Recorded 4-27-28

Page 288

Rare Metals
By L.O.W. 2-11-28
 $\frac{1}{4}$ mile Southwesterly from Rad Crow Patent
Recorded 4-27-28

Page 559

Connecting Lengths
By L.O.W. 9-1-28
Joins Rad Crow and Bald Eagle
Recorded 11-26-28

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AR- 031495

EXTRACTS (Continued)
Page Two

Page 560

Mary and George
By George O. Woolery 9-1-28
"... about 1800' in a Westerly direction from Howell
Springs on the Rad Crow patented mine and bounded on
the Easterly side by the Pass Over and on the Southerly
side by the Brother George and Woolery mining claims."
Recorded 11-26-28

Page 561

Sweet-Heart
By George A. Woolery 9-1-28
"... 1200' in a southeasterly direction from Howell
Spring on the Rad Crow patented mine and bounded on
the northside by the Bald Eagle and on the west by
Mary Jo and Father Lode mining claims."
Recorded 11-26-28

Page 562

Woolery
By Gloria M. Woolery 9-1-28
"about $\frac{1}{2}$ mile southwesterly from Rad Crow patented
mine."
Recorded 11-26-28

* * * *



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

MAY -3 1954

My dear Mr. Suiter:

Secretary McKay has asked that I reply to your letter of April 2 in which you have requested certain information as to the policies and procedures of the Department in the administration of the United States mining laws.

The delay in the processing of applications for mineral patents, which you mention as having been noted by the mining fraternity during the past several years, is a matter which we have had under investigation and to which we have given special attention in the interests of better serving the individual miners and mining companies who are desirous of developing the mineral deposits on the public domain. As a result of this investigation the mining functions of the Bureau of Land Management are now in the process of decentralization to offices of that Bureau in the respective States, and it is expected that the new procedures now being effected will expedite the handling of these applications.

You have further inquired as to the status of valid mining claims located on unsurveyed lands which, following survey, are found to be in numbered school sections granted to the State under its Enabling Act. With respect to this question it can be said, in general, that the owners of such prior claims would not be affected by the subsequent operation of the Enabling Act or by virtue of the act of January 25, 1927 (44 Stat. 1026), which extended these grants to include school sections known to be mineral in character.

In cases involving grants of lands to a State under its Enabling Act the presumption is that the school sections passed to the State either under the original grant or by operation of the 1927 act referred to above. However, this presumption can be overcome by the mineral claimant on his showing that the mining claim was valid and subsisting on the effective date of the school-land grant. Since it would be necessary for the mineral claimant to establish the validity of his claim under the mining laws, the burden would fall upon him to prove the necessary facts in connection therewith. If the rights of the mineral claimant are established, it would be impossible for the State to abrogate those rights by any action on its part. An interest in a valid mining claim is "property" in the highest sense of the term and is protected by the constitutional guarantees in the same manner as are other forms of property.

75

You have correctly pointed out that the mining laws do not require that mining locations on the public domain be recorded with any agency of this Department. While legislation has been enacted requiring such recordation of mining claims for certain limited areas, Congress has not thus far extended that legislation to general application. However, mining claims may be validly located on public lands which are included in Taylor Grazing Act leases, and the leases do in fact contain provisions which adequately protect the rights of entry of mineral prospectors and locators.

In accordance with your request I am enclosing a copy of the Taylor Grazing Act of June 28, 1934, with amendments to October 1, 1949.

I trust that the above information will be of assistance to you and to the members of your association.

Sincerely yours,

(sgd) Ormē Lewis

Assistant Secretary of the Interior

Mr. Charles E. Suiter
Assistant Secretary, Tombstone Council
Arizona Small Mine Operators Association
P. O. Box 246
Tombstone, Arizona

Enclosure

76



OFFICE OF
State Land Department
STATE OF ARIZONA
Phoenix, Arizona
February 25, 1954

ROGER ERNST
STATE LAND COMMISSIONER

Mr. Charles H. Suiter
Charleston Lead Mines Company
Box 347
Tombstone, Arizona

Dear Mr. Suiter:

We have your letter of February 18 in which you set out several questions to be answered. We have found the following information.

1. Date of Government Survey of said tract? Survey was completed February 24, 1941. Plat approved February 10, 1945.
2. Date that plat of survey was filed and accepted? Filed December 24, 1947, accepted May 17, 1948.
3. Date that the State's title to Sections 2 and 36 in said tract, attached? Date of filing of plat December 24, 1947, date of acceptance May 17, 1948. In this case the State took title May 17, 1948.

We trust that the facts outlined above is the information you were seeking, and that the answers fully satisfy your present inquiry. It is a pleasure to be of service to you.

Yours very truly,

ROGER ERNST

By Robert E. Smith
Robert E. Smith,
Office Manager

12-24-47

CHARLESTON LEAD MINES COMPANY
UNINCORPORATED
BOX 347

TOMBSTONE, ARIZONA

CHARLES H. SUITER
GENERAL MANAGER

February 18 1954

Bureau of Land Management
New Post Office Building
Phoenix, Arizona

Gentlemen:

I desire some factual information with regard to:

that portion of Twp 20 S, Range 21 E that lies east
of and adjoining the Boquillas Nogales Land Grant.

Kindly advise me as to what the records of your office
show in regard to the following:

1. Date of Government survey of said tract? Feb. 1941
2. Date that plat of survey was ~~filed and~~ accepted? May 17, 1945
Officially filed in the Land Office Dec. 24, 1947.

Thank you.....

Very truly yours,

Land and Survey Office
Room 501, Main Post Office
Phoenix, Arizona mta.

Charles H. Suiter

RECEIVED
BUREAU OF LAND MANAGEMENT

1954 FEB 23 AM 10:45

REGION V
PHOENIX, ARIZONA

78

State Land Department

STATE OF ARIZONA

OFFICE OF
HOWARD J. SMITH
STATE LAND COMMISSIONER

PHOENIX, ARIZONA

Nov. 30th,
1934.

Messrs. Lee O. & Geo. A. Woolery,
Bisbee, Arizona.

Gentlemen:-

Replying to your letter of November 21st,
Sections 25, 26, 35 and 36, Township 20 South, Range 21
East, are not state land and according to our records,
are unsurveyed.

Yours very truly,

HOWARD J. SMITH, Commissioner,

By

Wm. Alberts,
Deputy Commissioner.

LF

VERNON VAUGHN
STATE LAND COMMISSIONER

DON C. BABBITT
DEPUTY COMMISSIONER

ADDRESS ALL COMMUNICATIONS
TO THE COMMISSIONER

OUR RECORD NO. _____

State Land Department

STATE OF ARIZONA

OFFICE OF THE

State Land Commissioner

PHOENIX, ARIZONA

GEO. A. MACDONALD
CHIEF ACCOUNTANT

FIELD DIVISION

R. A. WALTERS
R. J. COLEMAN
R. R. FREEMAN

August 3, 1926.

Mr. Geo. A. Woolery,
Tombstone, Arizona.

Dear Sir:

Answering your letter of the 31st, have to advise that while land remains unsurveyed it is a part of the public domain. The State cannot take jurisdiction.

After survey the State takes the land subject to whatever burdens may have attached to it while a part of the public domain.

Respectfully yours,

Vernon Vaughn, Commissioner,

By *Don C. Babbitt*
Deputy Commissioner

DCB:ET

LEGAL REFERENCE AND KIND OF TRANSACTION

Appln. to Patent

6/21/1934

File Code

8.0

Serial Number

031495

State of Arizona
State Land Department
Phoenix, Arizona

NAME AND MAILING ADDRESS

DESCRIPTION OF LAND

T. 20 S., R. 21 E.,

Sec. 36, Lots 1 to 9; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$,--

-584.15-A.

- Exclusive of Brother George, Mary Jo, Pass Over,
- Chief Justice, Father Lode, Rate Metals, Connecting-
- Links, Mary and George, Sweet-Heart and Woolery mining
- claims which are unpatented and not yet surveyed.

T. 20 S., R. 21 E.,

Sec. 36, Lots 5 to 8; 10 to 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

451.77 acres

DATE

ACTION TAKEN

Apr. 18, 1962

Application filed.

Apr. 18, 1962

~~USM~~ and USGS reports requested.

May 21, 1962

G.S. Report received.

May 6, 1962

Acting Manager directs publication in the Epitaph, Tombstone, Arizona.

Aug. 3, 1962

Proof of Publication filed.

Aug. 6, 1962

Protest filed by Charleston Mines, 5008 West Weldon Avenue, Phoenix 31, Arizona.

Aug. 21, 1962

Amended application filed for the above lands, exclusive of the Brother George, Mary Jo, Pass Over, Chief Justice, Father Lode, Rate Metals, Connecting Links, Mary and George, Sweet-Heart and Woolery mining claims.

Aug. 23, 1962

Memo. to Office Cadastral Engineer requesting that if mineral application filed for the above claims, to prepare a segregation, supplemental plat at the same time the mineral survey plats are made, since we have this application pending. Letter to State advising application must be suspended until application for mineral patent filed, and supplemental plat prepared for lands outside the claims.

Aug. 23, 1962

Amended application filed.

Oct. 16, 1963

Manager's Decision approves for patent.

Oct. 31, 1963

Patent No. 02-64-0052 issued.

Nov. 1, 1963

FRC DENVER

Acc. # 66-A-89

Gr. # 49

Box # 347485 347646

JUL 7 1963

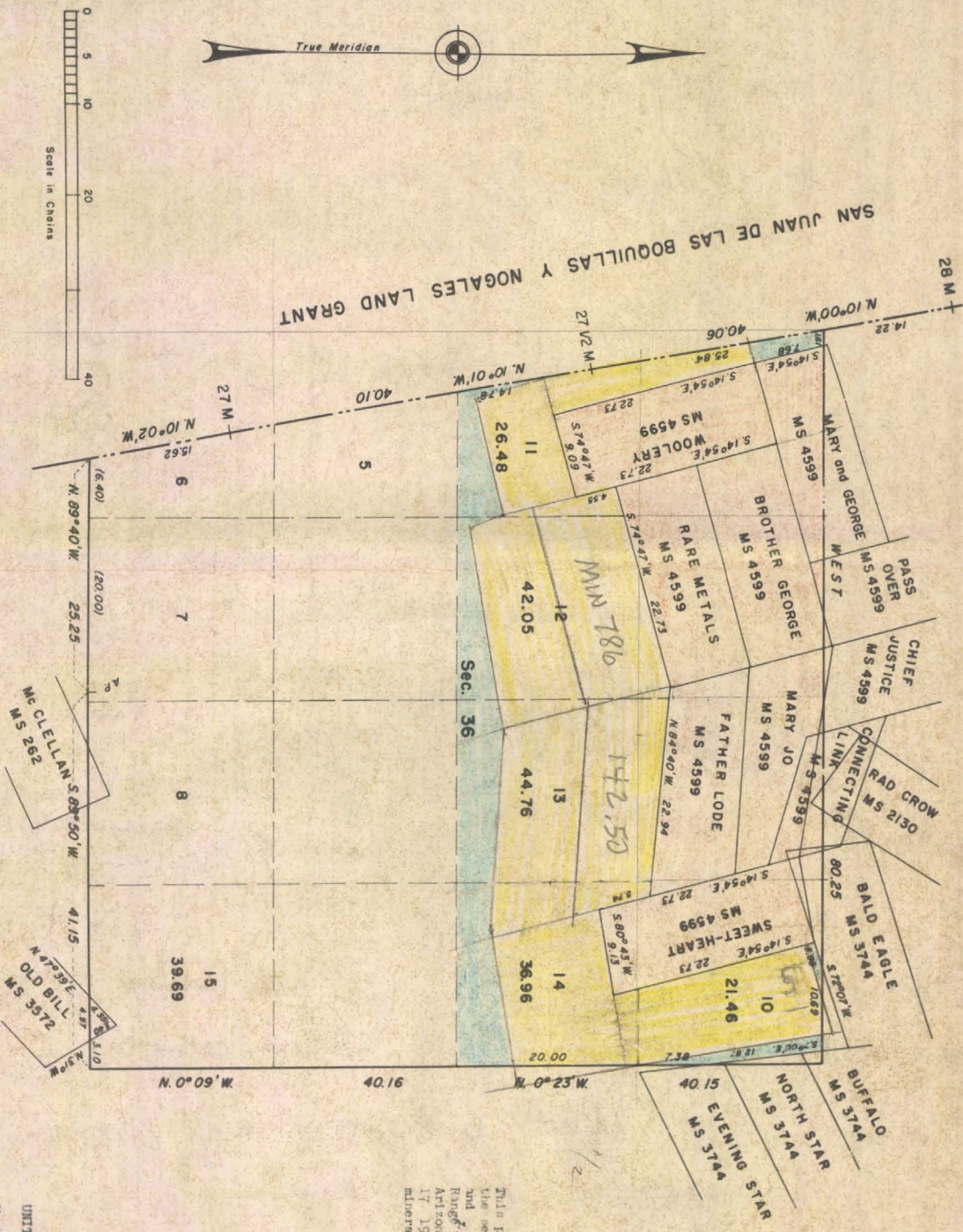
ORIGINAL

2389 A

TOWNSHIP 20 SOUTH, RANGE 21 EAST, OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA

SUPPLEMENTAL PLAT OF SEC. 36

OFFICIALLY FILED 8-10-1963



This plat showing amended lotting created by the segregation of Mineral Survey Nos. 3572 and 3599 in section 36, Township 20 South, Range 21 East, Gila and Salt River Meridian, Arizona, is based on the plat accepted May 17, 1945, and the record of the approved mineral surveys.

OPRINGS - BLM MIN
SURVEY 131-65
GILSON MIN 786
SYRTE LBN 142.50
Five
LARS BURN P 10882
29-21

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C.
July 30, 1963

This plat, showing amended lotting, is based upon the official records, and having been correctly prepared in accordance with the regulations, is hereby accepted.

For the Director

ESD L

8-4:30

884-5811 ~~Sentinel~~ ~~Issue~~

OLD SHARDS & workings on Rd to S of Rd.

Pickup LAB in Tucson

Chemical Analysis for Silver Copper & lead ore

in pts/1,000 lbs/sample

to # of samples in this area

Big Place

US GS

R. J. Assm PI Just in of Freeman
are com into
Tucson

Assmo gone there

~~an~~
~~workings~~

Copper shows
color staining in rocks

chip of green & blue
stain & color
in the sand

take these samples for show posit.
chemical analysis

Call Monday Morning

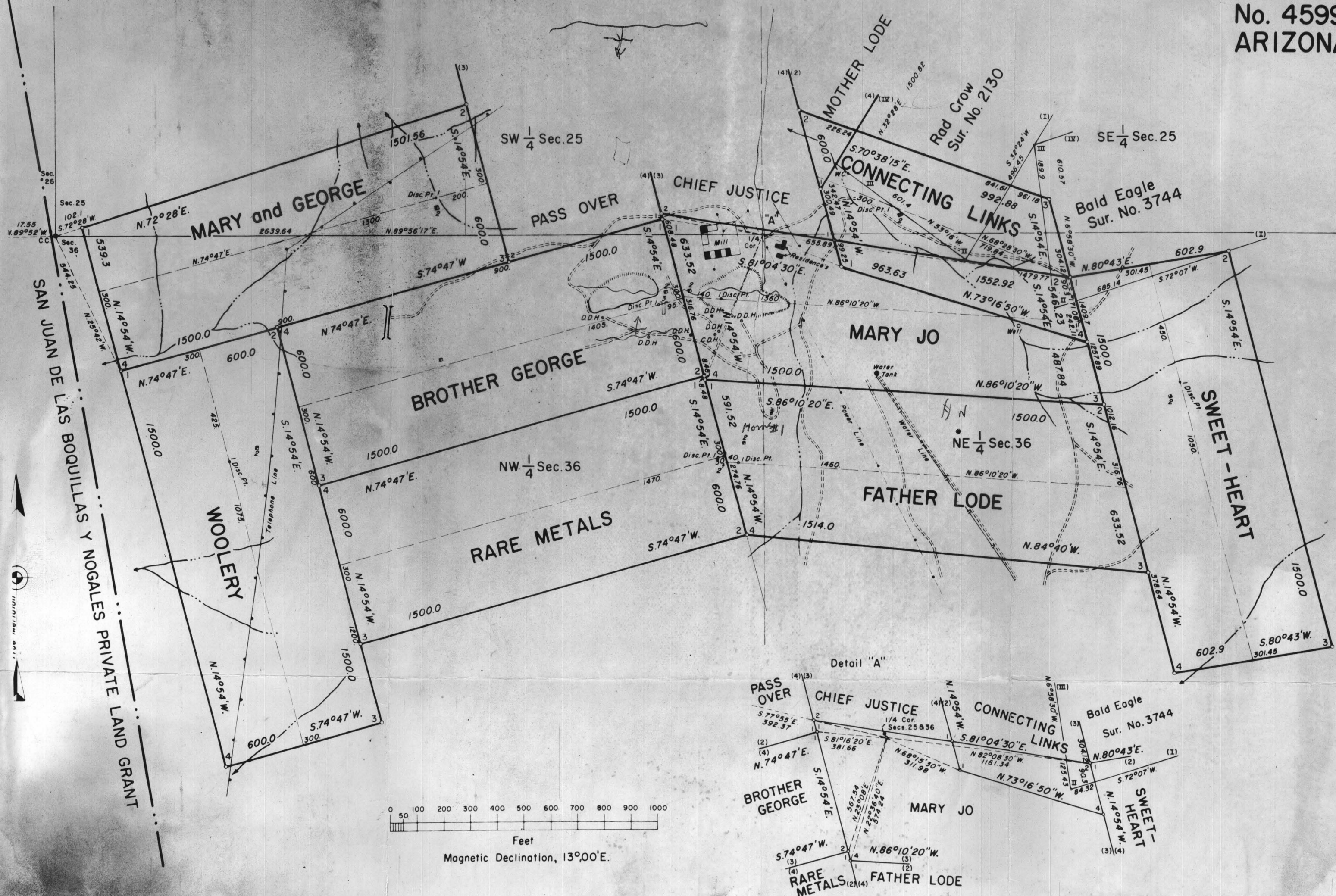
write a report & map showing what
has been done

have samples ANALYZED & ATTACHED Report

written by me — Geo. France

T.20S.,R.21E.,G.8S.R.M.

MINERAL SURVEY No. 4599 ARIZONA

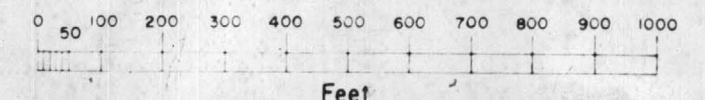


MINERAL SURVEY No. 4599 ARIZONA

CLAIM OF
CHARLESTON MINES

KNOWN AS THE
BROTHER GEORGE, CHIEF JUSTICE,
CONNECTING LINKS, FATHER LODE,
L.P.W. No. 2, MARY and GEORGE, MARY
JO, MOTHER LODE, PASS OVER, RARE
METALS, SWEET-HEART & WOOLERY
COMPRISING 12 LODES

SITUATE IN
Secs. 25 & 36, T. 20S., R. 21E., G. & S. R. M.
COCHISE COUNTY
Tombstone Mining District
Arizona Land District
Lat. 31°39'30"N., Long. 110°09'30"W., at Cor. No. 1,
Brother George



Magnetic Declination, 13°00'E.

Surveyed Oct. 12 to Dec. 8, 1962
By Robert Lenon, Mineral Surveyor

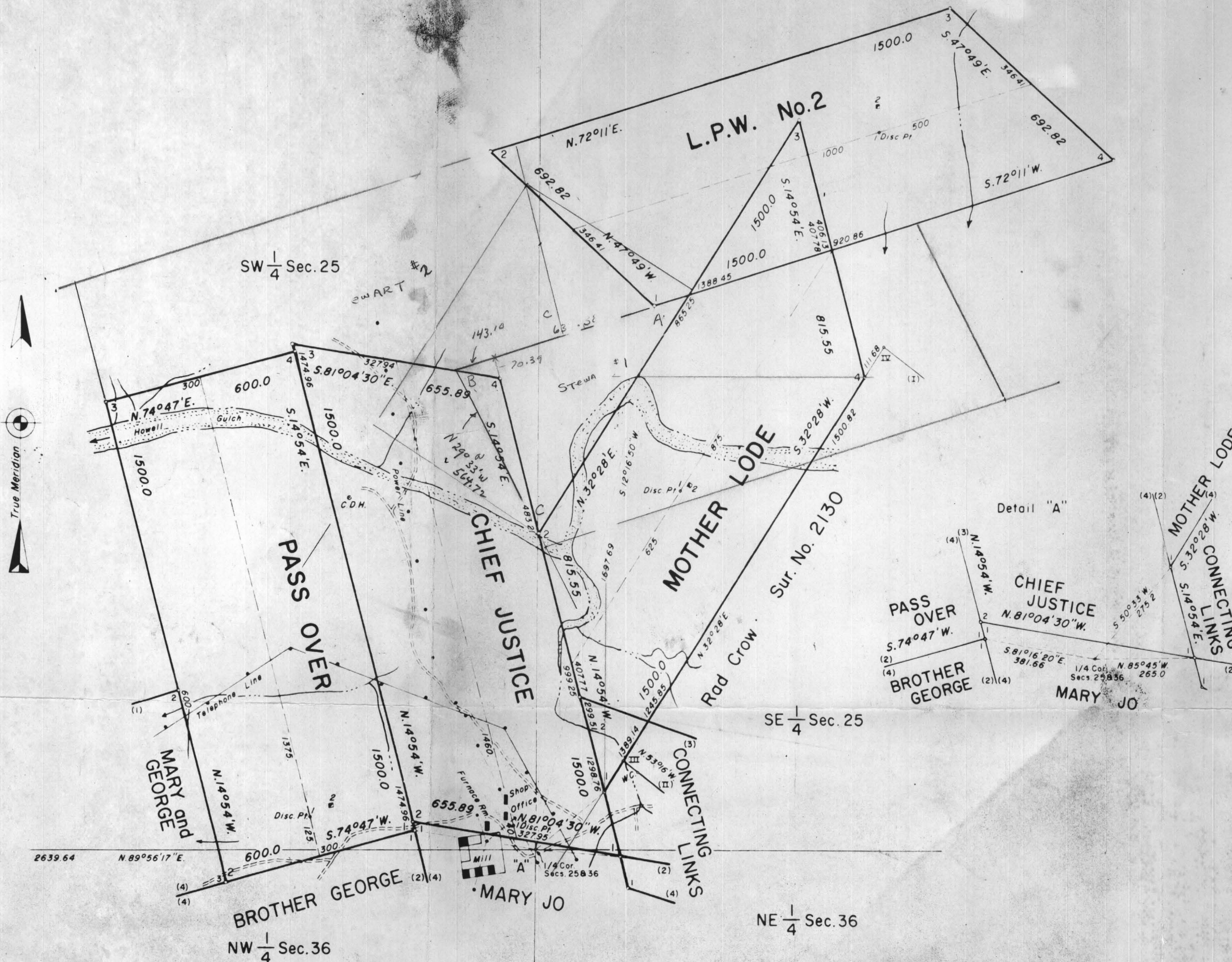
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Phoenix, Arizona, March 5, 1963

I hereby certify that this plat of Mineral Survey
No. 4599, Arizona, is strictly conformable to the field notes
of said survey which have been examined and approved.

Jeff. Weiler
State Director

T. 20S., R. 21E., G. & S. R. M.

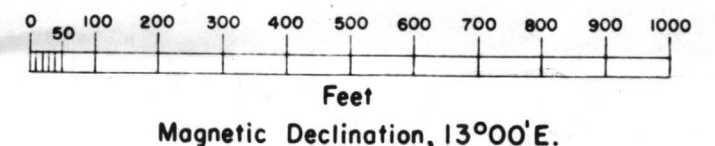


MINERAL SURVEY No. 4599 ARIZONA

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Brother George



Surveyed Oct. 12 to Dec. 8, 1962
By Robert Lenon, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

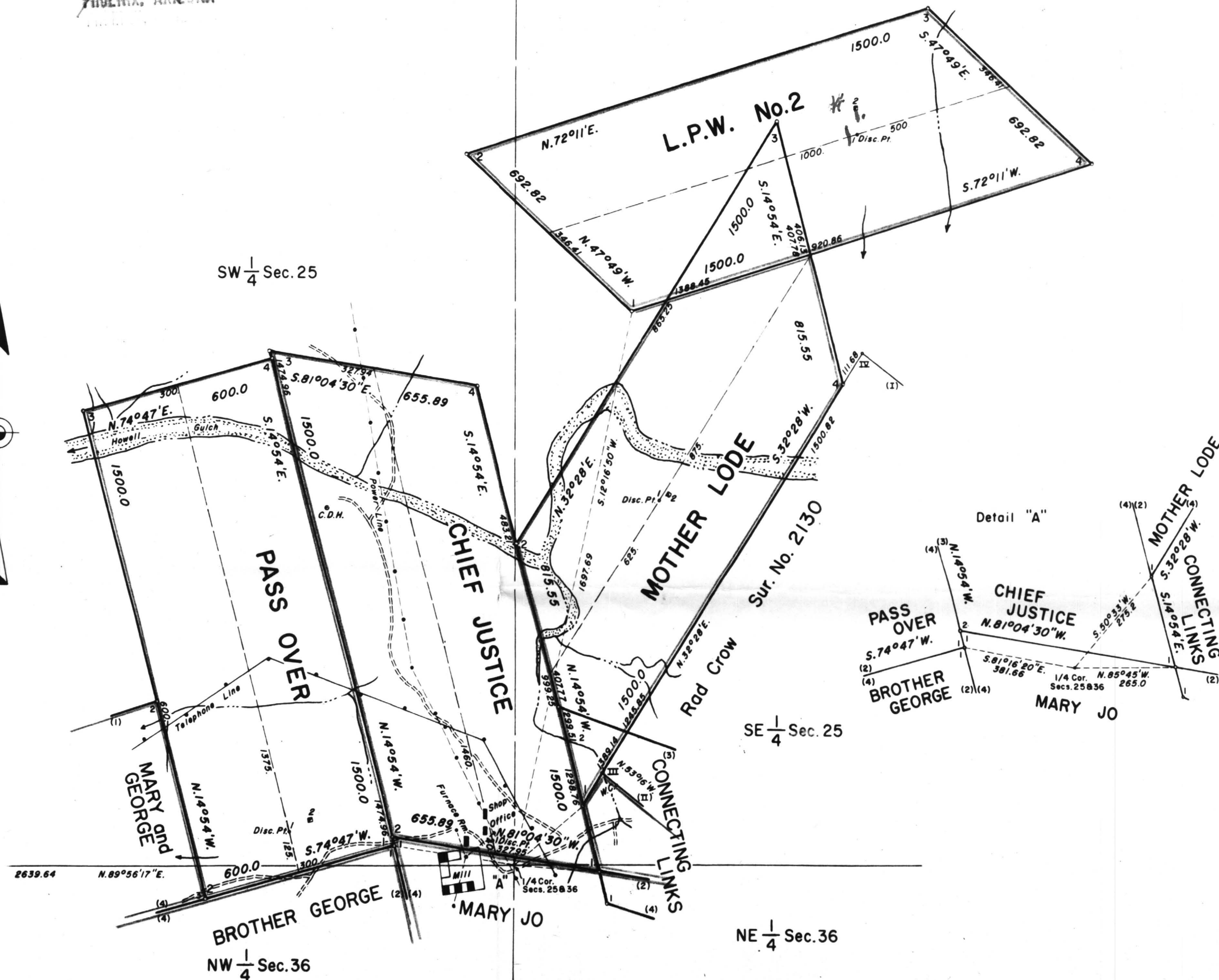
Phoenix, Arizona, March 5, 1963

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No. 4599, Arizona, is strictly conformable to the field notes
of said survey which have been examined and approved.

Jeff. Weber
State Director

T.20S., R.21E., G. & S.R.M.

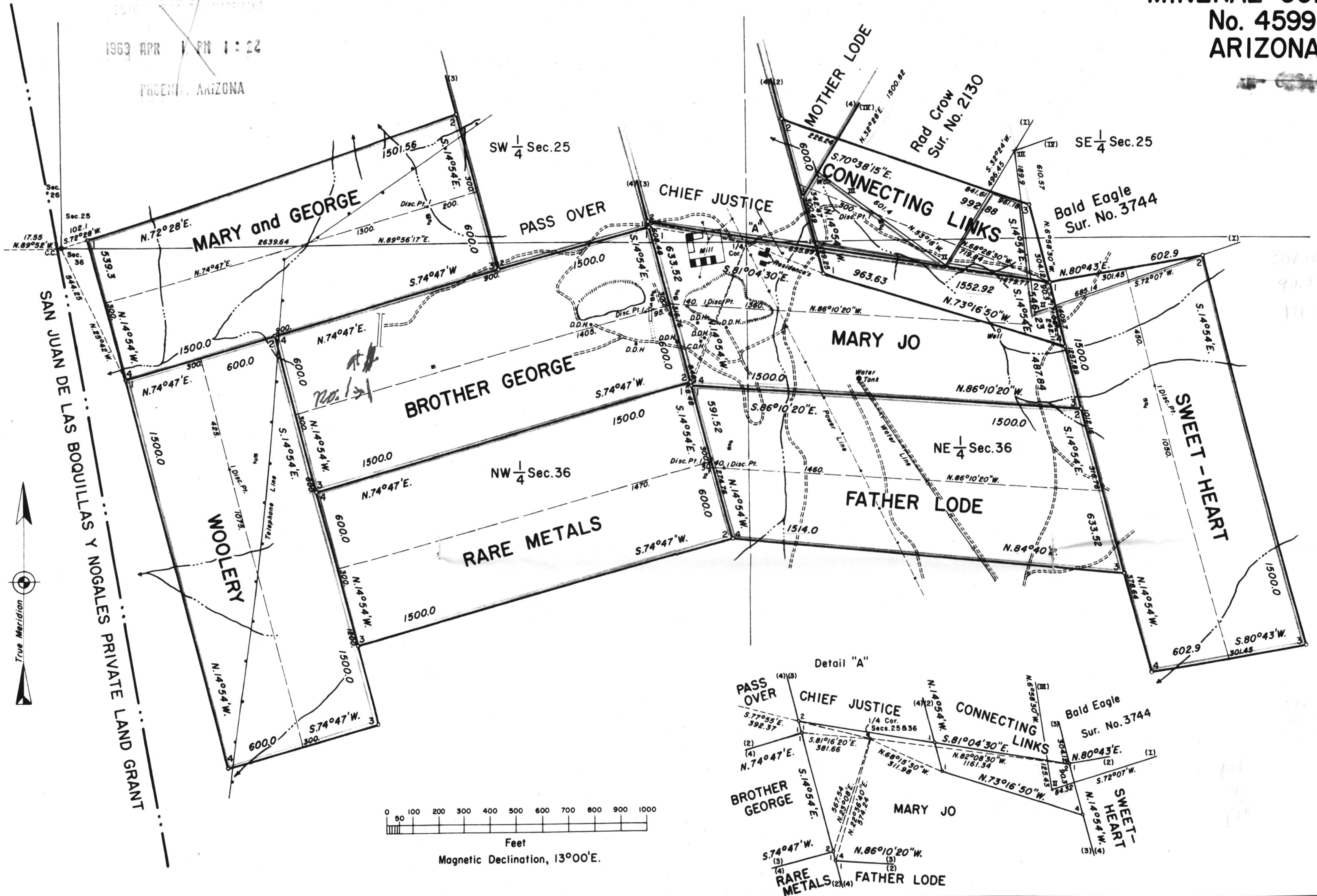
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BUREAU OF LAND MANAGEMENT
1963 APR 1 PM 1:22
PHOENIX, ARIZONA



T.20S.,R.21E.,G.&S.R.M.

MINERAL SURVEY
No. 4599
ARIZONA

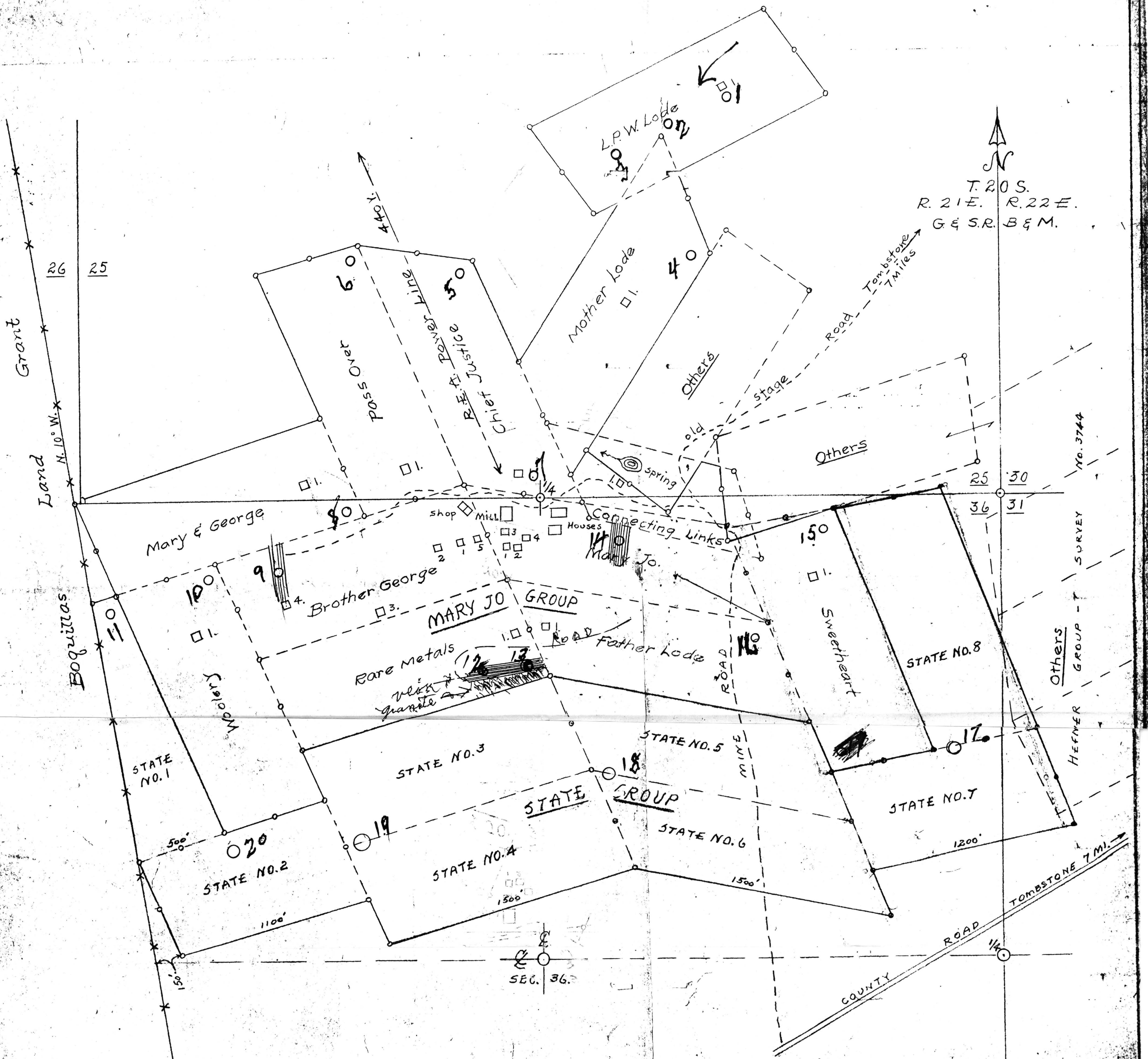
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LAND OFFICE
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PHOENIX, ARIZONA



MAP

Disc.

- | | | |
|-------------------------------|-----------------|----------|
| 1. W Ect. | 17. N end ct. | |
| 2. W Ect. | 18. W end ct. | |
| 3. W Ect. | 19. W end ct. ? | possible |
| 4. ^{South} EAST Ect. | 20. W end ct. | conflict |
| 5. South E ct | 21. W end ct. | LPW #2 |
| 6. South Ect. | | |
| 7. W Ect. | | |
| 8. W Ect. | | |
| 9. E Ect. | | |
| 10. S Ect. | | |
| 11. S Ect | | |
| 12. W end cent. | | |
| 13. W end ct. | | |
| 14. W end cent. | | |
| 15. W end cent. | | |
| 16. W end cent. | | |



PLAT OF MARY JO GROUP OF 12 CLAIMS AND STATE GROUP OF 8 CLAIMS
 CHAS. H. SUTTER - CHARLESTON MINES - TOMBSTONE, ARIZONA
 SCALE - ONE INCH = 400 FEET