

UNIVERSITY
OF NEVADA
RENO

MINING CLAIM PROCEDURES

FOR NEVADA
PROSPECTORS
AND MINERS

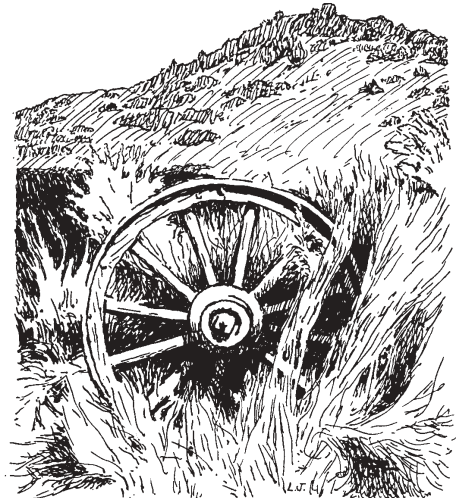
Fifth Edition

by Keith G. Papke
and David A. Davis



NEVADA BUREAU OF MINES AND GEOLOGY

Mackay School of Mines



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**NEVADA BUREAU OF
MINES AND GEOLOGY**



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GENERAL

INTRODUCTION

Most Federal laws regarding mining on public land can be found in the United States Code (USC) under Title 30 “Mineral Lands and Mining” and Title 43, Chapter 35 “Federal Land Policy and Management” (FLPMA), and in the Code of Federal Regulations (CFR) under Title 43 “Public Lands.” The majority of Nevada state laws regarding mining can be found in the Nevada Revised Statutes (NRS) under Chapters 512 through 520 and several other chapters and in the Nevada Administrative Code (NAC) under Chapter 517. These laws were interpreted and refined through numerous court cases. Most of the statements below contain the more pertinent legal references, but a complete set of references for each regulation is beyond the scope of this publication. The law books, however, do contain exhaustive cross references.

Federal (30 USC and 43 CFR) and Nevada (NRS 517) laws concerning mining claims on Federal land are based on an 1872 Federal law titled “An Act to Promote the Development of Mineral Resources of the United States.” Mining claim procedures still are based on this law, but the original scope of the law has been reduced by several legislative changes. The Mineral Leasing Act of 1920 (30 USC Chapter 3A) provided for leasing of some nonmetallic materials; and the Multiple Mineral Development Act of 1954 (30 USC Chapter 12) allowed simultaneous use of public land for mining under the mining laws and for lease operation under the mineral leasing laws. Additionally, the Multiple Surface Use Act of 1955 (30 USC 611-615) made “common variety” materials nonlocatable; the Geothermal Steam Act of 1970 (30 USC Chapter 23) provided for leasing of geothermal resources; and the Federal Land Policy and Management Act of 1976 (the “BLM Organic Act,” 43 USC Chapter 35) granted the Secretary of the Interior broad authority to manage public lands.

Most details regarding procedures for locating claims on Federal lands have been left to individual states, providing that state laws do not conflict with Federal laws (30 USC 28; 43 CFR 3831.1). Because the details vary from state to state, information given in this publication should not be used as a guide for other states. Locating a mining claim involves a series of steps, and the location work is not finished until all steps are completed. Every requirement of the Federal and State laws should be understood and carefully followed to insure the claim will be valid.

This publication is intended only as a general guide and not as a legal guide. Anyone with a specific problem should consult an attorney well versed in mining law. The American Law of Mining, Second Edition, Volumes 1 through 6, edited by the Rocky Mountain Mineral Law Foundation, University of Colorado, Boulder, (the main source of the legal references given in the text) is an excellent reference source; these volumes are available in some libraries including the University of Nevada, Reno, DeLaMare Library. Also, the U.S. Code and Code of Federal Regulations can be found at the Business and Government Information Center at the University of Nevada, Reno, Getchell Library and at most law libraries.

The scope of this publication is limited to the procedures for locating a mining claim. Exploration work; the opening, operating, and closing of mines; and reclamation work require obtaining the appropriate permits and following the

appropriate procedures. These are summarized in NBMG Special Publication L-6 “State and Federal Permits Required in Nevada Before Mining or Milling Can Begin.”

The manuscript was critically reviewed by Douglas A. Driesner of the Nevada Division of Minerals and Larry Steward, Orem Lewis, and Maxine McClair of the Nevada State Office of the Bureau of Land Management. Their constructive help is gratefully acknowledged. Joseph V. Tingley, geologist for the Nevada Bureau of Mines and Geology, also gave many useful comments.

WHAT A MINING CLAIM CAN AND CANNOT BE USED FOR

According to Federal law (30 USC 612), the purpose of an unpatented mining claim is for mineral prospecting, mining or processing operations, and uses reasonably related thereto, which would include erecting and maintaining the necessary structures, workings, machinery, and security measures. Also, “Use and Occupancy Under the Mining Laws” (43 CFR 3715) covers what can and cannot be done on a mining claim. Occupancy, which means full or part-time residency with associated structures and storage and maintenance facilities, is allowed on public land up to 14 days over any 90 day period. For longer periods, occupancy may be allowed for the claim holder or his workers or security people if remoteness, accessibility, and security, for instance, are major issues. However, one needs to consult 43 CFR 3715 and the BLM for more information about all of these items.

Activities specifically forbidden on mining claims include but are not limited to non-mining related habitation, cultivation, animal maintenance, or pasturage; development of small trade or manufacturing concerns; storage, treatment, processing, or disposal of non-mineral, hazardous, or toxic materials or waste that generated elsewhere and brought onto public lands; recycling or reprocessing materials such as scrap electronic parts, appliance, photographic film, and chemicals; searching for buried treasure, treasure trove, or archaeological specimens; operating hobby and curio shops; cafes; tourist stands; and hunting and fishing camps (43 CFR 3715.6). Also, except when necessary to conduct prospecting or mining related operations, timber and other vegetation cannot be removed from an unpatented mining claim (30 USC 612).

A claim holder does have the right to prevent others from prospecting and mining on his or her claim and also the right and duty to safely secure his or her operation from trespassers. However, the claim holder cannot prevent others from crossing his or her claim for uses recognized under the Multiple Surface Use Act of 1955 (30 USC 611-615) or engaging in lawful recreational activities provided that they do not interfere with the claim holder’s operations (*United States v. Curtis-Nevada Mines, Inc.*, 415 F. Supp. 1373 [E.D. Cal. 1976]. Aff’d in part, rev’d in part, 611 F. 2nd 1277 [9th Cir. 1980]).

NONLOCATABLE MATERIALS

A number of minerals and mineral materials are not locatable under the Federal mining laws but must be leased or purchased from the Federal Government. The Mineral Leasing Act of 1920 excluded oil, gas, oil shale, native asphalt, bitumen,

potassium, sodium, phosphate, and coal from being locatable (30 USC 181). The Multiple Surface Use Act of 1955 excluded petrified wood (petrified wood may be freely collected at a rate of up to 25 pounds per day with an annual maximum of 250 pounds, but cannot be bartered or traded unless a permit is obtained [43 CFR 3622]) and “common variety” minerals including sand, stone, gravel, cinder, clay, pumicite, and pumice that has pieces less than 2 inches across (30 USC 611). However, materials having distinct and special value (for example, a building stone with distinct color or splitting characteristics) may not be “common variety” and may be locatable (30 USC 611).

Disagreements have resulted in the courts providing opinions on the locatability of a number of mineral commodities. A few examples are:

Geodes: locatable (*United States v. Bolinder*, 28 IBLA 192 [1976]) are considered to be locatable.

Glass sand: locatable (*United States v. Multiple Use, Inc.*, 120 IBLA 63, 103 [1991]) and

Meteorites: not locatable and the collection of large or otherwise scientifically interesting specimens comes under the Antiquities Act (16 USC 432; *People of the State of California ex rel. Younger v. Mead*, 618 F.2d 618 [1980]).

Obsidian used in lapidary work: not locatable (*United States v. Mansfield*, 35 ILBA 95, 98 [1978]).

A number of court cases have also attempted to define what special properties will make an otherwise common variety mineral commodity sometimes locatable. A few examples are:

Limestone (*United States v. Foresyth*, 15 IBLA 43, 59 [1974]; *United States v. Foresyth*, 100 IBLA 185, 242 [1987]; *United States v. Alaska Limestone Corp.*, supra at 318)

Clay (*United States v. Matthey*, 67 ID 63 [1960]; *United States v. Peck*, 29 IBLA 357, 84 ID 137 [1977]; *United States v. Kaycee Bentonite Corp.*, 64 IBLA 186 [1982]; and many others)

Travertine (*United States v. Smith*, 115 IBLA 398 [1990])

Zeolite (*United States v. Smith*, 115 IBLA 398 [1990])

The State Office of the Bureau of Land Management handles leasing of minerals on all public land in Nevada, and this agency should be contacted if additional information is needed.

Vertebrate fossils such as dinosaurs, mammals, fishes, and reptiles and uncommon invertebrate fossils are not locatable and may only be collected by trained researchers under BLM permit. However, common invertebrate fossils such as plants, mollusks, and trilobites, though also not locatable, may be collected for personal use in “reasonable” quantities, but cannot be bartered or sold (Nevada BLM

“Collecting on Public Lands,” BLM/NV/GI-98/0031). Gemstones (which are generally locatable) and common rock specimens may be collected for personal use on unclaimed sites (Nevada BLM “Collecting on Public Lands,” BLM/NV/GI-98/0031).

PUBLIC LANDS IN NEVADA

About 85% of the land in Nevada is controlled by the Federal Government; most of this land is administered by the Bureau of Land Management, the Forest Service, the Department of Energy, or the Department of Defense. Much of the land controlled by the Bureau of Land Management and Forest Service is open to prospecting and claim location. The distribution of public lands in Nevada is shown on the Bureau of Land Management “Land Status Map of Nevada” (1990) at scales of 1:500,000 and 1:1,000,000. These maps are available at the Nevada Bureau of Mines and Geology publication office.

As land withdrawals are made frequently by the Federal Government, land status should be checked with the State Office of the Bureau of Land Management in Reno before serious prospecting is done in an area. Lands not open to mining claim location include the following: Indian Reservations (25 USC 397, 2102; 25 CFR Part 21 1; *United States v. Shoshone Tribe*, 304 US 111 [1938]); State parks and other State lands; the beds of navigable lakes and streams (43 USC 1311; *United States v. California*, 332 US 19 [1947]); the various National Wildlife Refuges; the Lake Mead National Recreation Area (although mineral leasing is permitted [16 USC 460n-3]); the Great Basin National Park (16 USC 410mm-1); the Black Rock Desert Emigrant Trail Conservation Area and adjacent Black Rock Desert-High Rock Canyon Wilderness (Public Law No. 106-554); the Nevada Test Site, which is operated by the Department of Defense; and military lands (43 USC 158; *Scott v. Carew*, 196 US 100) such as the Hawthorne Ammunition Depot, the Fallon Naval Air Station, and the Navy and Air Force Bombing and Gunnery Ranges. Wilderness areas established by legislation in 1964 (16 USC 11 31-1136) and the Nevada Wilderness Protection Act of 1989 (103 Stat. 1784) are no longer open to prospecting and claim location (16 USC 1133). Proposed wilderness areas on Bureau of Land Management lands are open to prospecting and claim location, but there are Federal regulations which significantly limit surface disturbance in these areas (43 CFR 3802). As there are frequent changes in land status, listing of all lands not open to location is not practical. An examination of the public maps and records at the State Office of the Bureau of Land Management should be made to check the status of any area of interest.

No permits are required for “weekend” or “amateur” prospecting and rock collecting including using hand tools, pans, and metal detectors on land open to prospecting (Nevada BLM “Collecting on Public Lands,” BLM/NV/GI-98/0031), but if you are planning to use a dredge of any kind, you must contact the Nevada Division of Wildlife, 1100 Valley Road, Reno, NV 89512; telephone: (775) 688-1500 for information and permits for that type of prospecting. These types of activities are referred to as “casual use” (43 CFR 3809.5)

Bureau of Land Management regulations regarding surface disturbance and reclamation require that a notice be submitted to the appropriate Field Office of the Bureau of Land Management for exploration activities in which five acres or less are proposed for disturbance (43 CFR 3809.1-1 through 3809.1-4). A plan of

operation is needed for all mining and processing activities, plus all activities exceeding five acres of proposed disturbance. A plan of operation is also needed for any bulk sampling in which 1,000 or more tons of presumed ore are proposed for removal (43 CFR 3802.1 through 3802.6, 3809.1-4, 3809.1-5). The BLM also requires the posting of bonds for reclamation for any surface disturbance caused by more than casual use (43 CFR 3809.500 through 3809.560). The Forest Service has regulations regarding land disturbance in forest lands (36 CFR Subpart A). Both agencies also have regulations pertaining to land disturbance in proposed wilderness areas. Anyone planning to do work that will disturb the surface of any public land should contact one of these agencies.

WHERE TO PROSPECT

A decision on where to prospect can be guided by many factors. These include such elements as the residence of the prospector, personal interests, and accessibility and topography of areas. Geologic and economic factors also should be considered: the type of material being sought, the location and geology of known occurrences of such material in Nevada, the proximity to market or transportation facilities, the demand and market value for the material, and many others.

Books on prospecting methods and on general geology are available in many libraries and book stores. Geologic publications of the Nevada Bureau of Mines and Geology and the U.S. Geological Survey—especially maps showing locations of mining districts and active mines and the distribution of various mineral commodities, as well as the reports on individual counties—will be helpful to the prospector. However, neither the Nevada Bureau of Mines and Geology nor the U.S. Geological Survey will provide detailed advice to the individual prospector on places to search.

LODE VERSUS PLACER CLAIM

Mineral deposits are located either by lode or placer claims (43 CFR 3840). The locator must decide whether a lode or placer claim should be used for a given material; the decision is not always easy but is critical. A lode claim is void if used to acquire a placer deposit, and a placer claim is void if used for a lode deposit. The 1872 Federal law requires a lode claim for “veins or lodes of quartz or other rock in place” (30 USC 26; 43 CFR 3841.1), and a placer claim for all “forms of deposit, excepting veins of quartz or other rock in place” (30 USC 35). More generally, any vein, lode, zone, or belt of mineralized rock lying between boundaries that separate it from the neighboring rock, even if these boundaries are gradational, should be located as a lode claim. Particles and nuggets of gold contained in gravel or sand should be located as a placer claim. The form of the deposit, and not whether it contains a metal or nonmetal, is the controlling factor. Building stone, diatomite, pumice, salt, and some other materials are commonly located as placers (30 USC 161, 162, 611), and disseminated copper and disseminated gold deposits are located as lodes. (“Disseminated” means that the mineral is finely distributed throughout a volume of solid rock.) An unpatented placer claim gives no rights to known lodes present within its boundary (30 USC 37; *Clipper Mining Co. v. Eli Mining and Land Co.*, 194 US 220 [1904]); if a lode is known to exist, it should be located by a lode claim.

If uncertain as to whether to locate a lode or placer claim, the prospector should seek advice from the State Office of the Bureau of Land Management or a mining attorney. An alternative solution is to locate or “double stake” the mineral deposit by both types of claims, but because a placer cannot be located over a lode claim, the placer claim must be located and recorded first (30 USC 37; *Clipper Mining Co. v. Eli Mining and Land Co.*, 194 US 220 [1904]). Additionally, a properly located lode claim has extralateral (apex) rights: a vein or lode on such a claim can be mined downward beyond the side lines of the claim (30 USC 26). A placer claim does not have such rights.

A mill site claim is used to locate nonmineral land for use in milling or processing of mineral materials (43 CFR 3844). A tunnel site (termed “tunnel right” under Nevada law NRS 517.150 through 517.180) is not strictly a claim but is used to obtain control of the ground and any unknown lode deposits through which the tunnel or adit is driven (30 USC 27; 43 CFR 3843).

LOCATING CLAIMS

WHO CAN LOCATE

Federal law (30 USC 22, 24, 25; 43 CFR 3832.1, 3841.4-1) and Nevada law (NRS 517.010) regulate who can locate a mining claim. Any citizen of the U.S. or any person who has declared his intention to become a citizen of the U.S. can locate a mining claim. There is no restriction regarding the person’s age or residence. A corporation organized in any state, a partnership, or two or more qualified persons can also locate a claim. Agents can locate claims for any qualified person, group, partnership, or corporation even if they are not qualified to locate claims for themselves.

The minimum age limit for staking a mining claim is not well defined. Federal and case law (43 CFR 3832.1; *Thompson v. Spray*, 14 P 182 [Cal. 1887]) only state that minors who are U.S. citizens and have reached the “age of discretion” can stake a mining claim. Nevada law does not set a minimum age limit. Parents of minors may also stake mining claims on behalf of their children (*United States v. Haskins*, 59 IBLA 1, 88 [1981]; *West v. United States*, 30 F2d 739 [DC Cir 1929]).

FORMS REQUIRED

The Nevada Division of Minerals has developed suggested forms necessary for locating and maintaining claims (NRS 513.075). Filled-out examples of these forms are among the exhibits at the back of this publication. These forms can be obtained from either the NBMG sales office in Reno or from the Nevada Division of Minerals at 400 West King, Suite 106, Carson City, NV 89710; telephone: (775) 684-7040. They can also be downloaded from the Internet for free at http://minerals.state.nv.us/forms/forms_miningclaim.htm.

NUMBER OF CLAIMS

There is no restriction on the number of claims that a person may locate. However, the required acts of location must be completed for each claim and a valid discovery must ultimately be made within the limits of each claim.

DISCOVERY

A discovery of valuable mineral on each claim is essential to create a valid claim, whether lode or placer (43 CFR 3841.3-1, 3842.1-1). A lode discovery is not adequate for a placer claim, nor is a placer discovery adequate for a lode claim (*Cole v. Ralph*, 252 US 286, 295, 296 [1920]). The term “discovery” was not defined in the 1872 Federal mining law, and this has caused much controversy. For many years starting in the late 19th century, the Department of Interior and the courts used the “prudent man” test: that the “discovery” must be of sufficient size and quality that a person of ordinary prudence would be justified in further expenditure of time and money with a reasonable chance of success in developing a mine. In the past two decades, however, the Department of Interior and the courts have become stricter concerning what constitutes a discovery and have added the “marketability” test. This test holds that a valid discovery has not been made until sufficient work has been done to show that the material can be produced and sold at a profit under present conditions. This is the type of discovery required for a mineral patent.

A discovery may be in an outcrop, a pit, or a drill hole. The discovery does not have to be at the location monument or at any particular place on the claim, but it must be in a locatable portion. The discovery can be made before or after the claim is located, but a valid discovery is necessary to establish valid ownership of the claim. In earlier days, when the definition of “discovery” was much more lenient, most discoveries were made before location. At the present time, with the use of both the “prudent man” and “marketability” tests, most discoveries are made after the date of location, and many claims do not have valid discoveries. When two parties claim the same ground the first discovery may determine ownership.

Federal law (30 USC 26; 43 CFR 3831.1) requires that a discovery be made before a claim can be valid. However, the courts generally have recognized that a certain amount of time is necessary to make a discovery. During this time the locator has possessory rights (*pedis possessio*) (*Union Oil Co. of California v. Smith*, 249 US 537 [1919]), but these rights depend on the actual physical occupancy of each claim, the exclusion of rival locators, and a diligent effort to make the discovery (*Cole v. Ralph*, 252 US 286, 294 [1920]; *Geomet Exploration v. Lucky Mc*, Ariz., 601 P2d 1339 [1979]). However, if someone else—acting in good faith and without force or fraud—makes a valid discovery on a conflicting claim, the discoverer’s claim probably is the valid one (*Cole v. Ralph*, 252 US 286, 294 [1920]; *Geomet Exploration v. Lucky Mc*, Ariz., 601 P2d 1339 [1979]). A valid discovery removes the land from unappropriated public domain and the claim holder has exclusive possession of the minerals (30 USC 26).

In conflicts between the claim holder and the Federal Government, it is absolutely essential that there be a valid discovery—using the present interpretation—on each claim. Patent procedures should never be started until enough work has been done to prove a valid discovery by both the “prudent man” and the “marketability” tests. If these conditions are not met, the Federal Government may rule that the claim involved in patent procedures is invalid.

DETERMINING LAND STATUS

Prior to locating a claim or even doing extensive prospecting, you should determine whether the area is open to location or whether it is private property or is covered by patented or unpatented mining claims. To do this, the location of the area must be accurately known. Topographic maps prepared by the U.S. Geological Survey (available for purchase at the Nevada Bureau of Mines and Geology and at some commercial establishments) are helpful because they show the public land surveys.

After you have determined the exact location of a proposed claim, you should check for private ownership or patented mining claims using the Bureau of Land Management Master Title Plats (MTP), and Historical Indices (HI) or other maps at the State Office of the Bureau of Land Management. Tax records in the County Assessor's office should also be consulted. To determine whether or not the ground is covered by unpatented claims, the area should be searched for monuments used to mark claims or for location notices, and the mining-claim maps available in the County Recorder's office should be studied. In addition to the State Office of the Bureau of Land Management, records of unpatented claims and plat maps, which are updated at least once a month, of all unpatented claims located on or after July 1, 1971 (NRS 517.050; NAC 717.120 to 517.190) are kept by the County Recorder of the county in which the claims are located. The State Office of the Bureau of Land Management also maintains both microfiche (current only through 1999) and on-line indices of unpatented mining claims listed by geographical (legal) description, claimant name, claim name, or a Bureau of Land Management-assigned serial number. However, the on-line version at <http://www.blm.gov/lr2000> (Land and Mineral records - LR2000 System), requires downloading BLM software to operate.

It is important to both physically inspect the area of interest and review the records with caution, because there may be times when a valid claim exists but not all of the monumentation and records are in place. As will be discussed in more detail later, the locator has 60 days after posting a notice of location to erect all the necessary monumentation (NRS 517.030) and 90 days to file the necessary paperwork (NRS 517.040, 517.050; 43 USC 1744; 43 CFR 3833.1-2). Also, obliteration or removal of the notice of location, such as from storms or vandals, does not invalidate a claim (*Tonopah and Salt Lake Mining Co. v. Tonopah Mining Co.*, 125 Fed 389 [C.C. D. Nev. 1903]).

LOCATING A LODGE CLAIM

LOCATING THE CLAIM

Figure 1 shows the general form, size, and monuments for lode claims. The maximum size of a lode claim is 1,500 feet in length and 600 feet in width. As far as possible, the long axis of the claim should be along and parallel to the vein or lode and the claim should extend 300 feet on both sides of the centerline of the vein or lode (30 USC 23; 43 CFR 3841.4-2). The location monument, which must be on ground open to location (*McElligott v. Krogh*, 90 P 823 [1907]; *Cram v. Church*, 340 P2d 11 16 [1959]) (fig. 2), can be at any place along the centerline of the claim. For convenience it is often placed near one end of the claim. Generally a claim is located

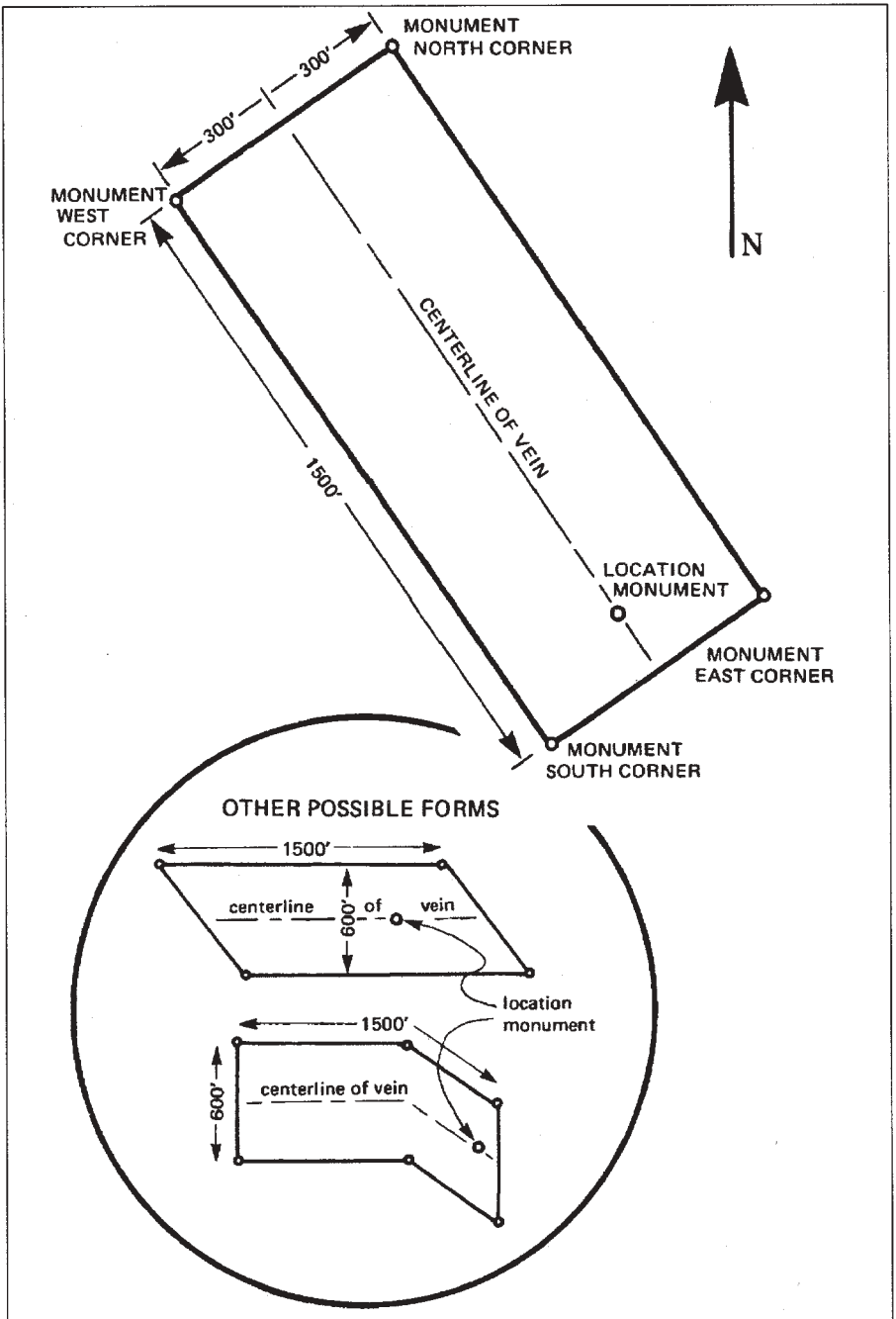


FIGURE 1. General form, size, and monument locations for lode claims.

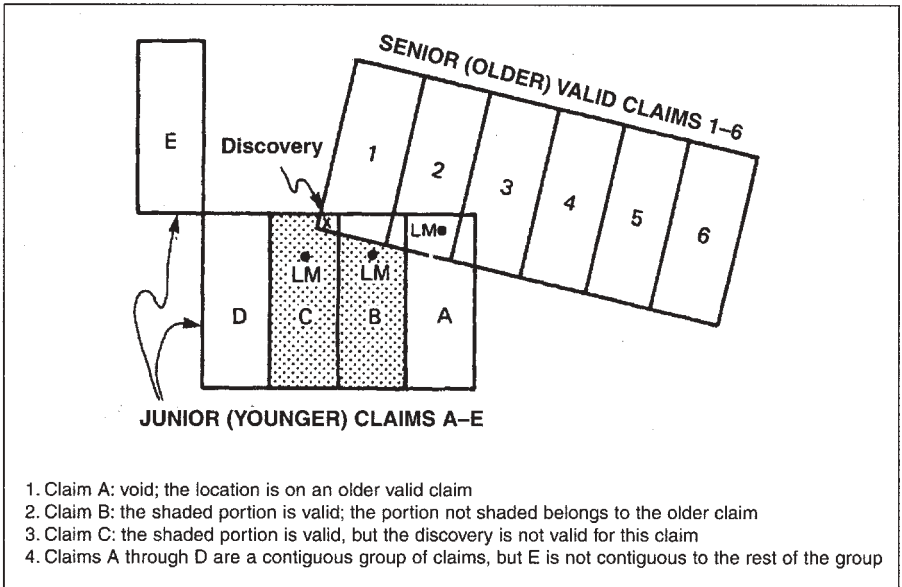


FIGURE 2. Map showing possible effects of staking over older, valid lode claims.

with a rectangular shape, but this shape is not always practical. The end lines (the 600-foot-long lines) must be parallel (30 USC 23) to obtain extralateral (apex) rights.

Initially, a location monument is erected and the notice of location (Exhibit 1) is posted on or in the monument. Figure 3 shows common methods of placing the notice of location in the discovery monument. The monument should be similar to those required to mark the claim boundaries (see section on marking boundaries) (NRS 517.010). A separate notice of location is necessary for each claim (NRS 517.195). If more than one claim is listed, the notice of location is void for all claims except the first one described; if it cannot be determined which claim is described first, all are void. The notice of location must state the name of the claim, the name and mailing address of the locator or locators, the date of location, the number of feet claimed along the length of the vein in each direction from the location monument, the number of feet claimed on each side from the center line of the vein, and the general direction of the vein (30 USC 28; NRS 517.010). A duplicate copy of the notice of location may be filed promptly with the County Recorder to give better legal protection, but this is not required by law. Persons other than the locator may be present during the location procedure, and they can sign the notice of location as witnesses; however, witnesses are not required by Nevada law. Putting a false date on a notice of location or making a false material statement on a certificate of location or a map renders the claim void and is a Class D felony and is punishable by imprisonment for a minimum term of 1 year and a maximum term of not more than 4 years. In addition to any penalty the court may impose a fine of not more than \$5,000 (NRS 193.130; NRS 517.300).

MARKING BOUNDARIES

Nevada State law (NRS 517.030) requires that the locator must define the boundaries of the lode claim by placing a monument at each corner within 60 days from the date of location (fig. 1). If the side lines are not straight, a monument should be placed at each bend. Boundary monuments can be placed on ground already claimed, but the location monument and the discovery must be on ground open to location (fig. 2).

According to Nevada State law (NRS 517.030) the monuments may consist of any of the following:

- A. a blazed and marked tree, with top removed and minimum diameter of at least 4 inches, protruding at least 3 feet above the ground;
- B. a rock in place capped by smaller rocks to a total height of at least 3 feet;
- C. a wooden post at least 1½ by 1½ inches square or a metal post (securely capped if hollow) at least 2 inches in diameter; the wooden post or metal pipe must be at least 4 feet long set 1 foot into the ground or, if digging a hole is impractical, placed in a mound of earth or rocks;
- D. a stone (not a rock in place) at least 6 inches in diameter and 18 inches long with two-thirds of its length set in a mound of earth or rock 3 feet in diameter and 2½ feet high; or
- E. a durable plastic pipe if it was set before March 16, 1993, provided that it is at least 3 inches in diameter, 4 feet long, set 1 foot into the ground, and is securely capped with no open perforations.

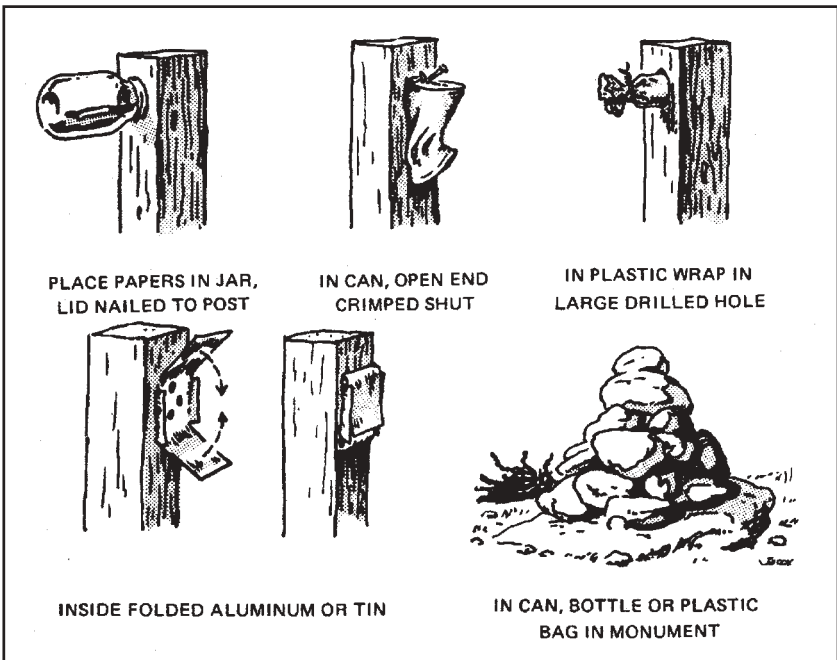


FIGURE 3. Common methods of placing notice of location in discovery monument.

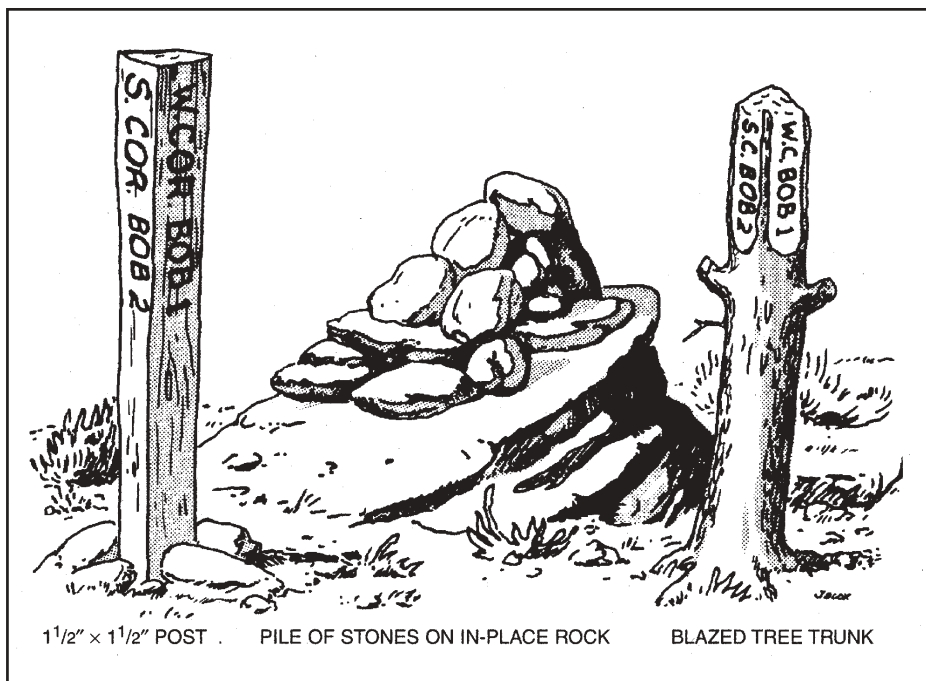


Figure 4 (above) shows examples of some claim monuments.

Nevada law (NRS 517.030) states that plastic pipe used as claim markers before March 16, 1993, can be replaced with other valid legal markers without affecting the validity of the claim, modifying the date of location, or requiring the filing of an additional or amended map. However, within 60 days of the change, the claimant must file with the county clerk a notice of remonumentation (Exhibit 2) containing the name of the claim, the book and page number or the document number of the certificate of location or the most recent amendment to the certificate of location, the book and page number or document number of the claim map filed pursuant to NRS 517.040, and a description of each valid legal monument created. The notice may contain more than one claim.

All monuments must be marked to designate their positions on the claim boundary. Federal law (30 USC 28) requires that claim boundaries be sufficiently marked so they can be readily traced; the locator may wish to clear brush and blaze trees along a claim boundary in a vegetated area. A “witness” monument may be used where it is dangerous or impractical to erect a monument (NRS 517.030). For example, a witness monument could be erected at the edge of a steep canyon with the notation “SE corner of Cat No. 3 would be 50 feet east of this point.”

Monuments marking a mining claim are protected by law and willful removal or destruction is no less than a misdemeanor and punishment will be in proportion to the cost of restoring or replacing the moved, defaced, or destroyed monuments (NRS 206.220). Punishment for a misdemeanor includes a fine of up to \$1000 and/or imprisonment in the county jail for up to 6 months (NRS 193.150).

CLAIM MAP

Nevada State law (NRS 517.040) requires that two copies of a map showing the claim must be prepared and filed with the County Recorder within 90 days after posting a notice of location. These must be filed at the same time as the certificate of location. The claim map is used by the county to prepare a series of maps, which are updated at least monthly, showing all unpatented claims active on or located on or after July 1, 1971 in that county (NRS 517.040; NAC 517.120 to 517.190).

The size of each map sheet must be either 8½ by 14 inches or 24 by 36 inches. Any 8½- by 14-inch sheet must be capable of being photocopied. Any 24- by 36-inch sheet must be a mylar print or other material capable of being reproduced by standard means. The map scale must be no smaller than 500 feet to the inch (that is, a claim 1,500 feet long must be shown with a length of at least 3 inches on the map). The map must show the position of the location monument and the claim boundaries in relation to other claims, and establish numbers for the claim boundary monuments. A single map may be used for more than one claim, but each claim should be labeled with its name. Figure 5 is an example of a map that would meet these requirements. All claim maps are to be prepared in a similar manner.

The map must show the relationship of the claim or claim group to the public land survey or to a readily identifiable landmark so that the claims can be plotted on the mining maps maintained by the county. Whenever possible, the claim should be tied by measured distance and direction to a section corner. Where the land has not been surveyed or a section corner cannot be found, the claim must be tied by distance and direction to a natural landmark or a readily identifiable artificial landmark which is customarily shown on a map (for example, a bench mark monument or the intersection of two roads).

Locators need not employ a surveyor or engineer, but should do the work and prepare the map to the best of their ability. However, locators who willfully make false material statements are guilty of a Class D felony which is punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of not more than 4 years. In addition to any penalty the court may impose a fine of not more than \$5,000 (NRS 193.130; NRS 517.300).

The map description should also state the township and range and, if possible, the section and quarter section in which the claim and the landmark are situated. It is also desirable to have the following information on the map: the type of claim (lode or placer), the date of location of the claim, the name and mailing address of the locator, the county, the type of monuments used, the bearing and distance between monuments, the scale of the map, and a north arrow (true or magnetic). The claim map is a public record. The County Recorder cannot refuse to accept a map unless he or she can affirmatively show that the map does not accurately reflect the location of all the claims.

Nevada law (NRS 517.215) allows the County Recorder to make changes on the county claim map to eliminate inaccuracies with unpatented claims. The County Recorder must notify the claim owners, and the claim owners must request a hearing within 30 days if they wish to contest the change. Also, according to NAC 517.180, if the map filed by the locator does not have sufficient information for the claim or

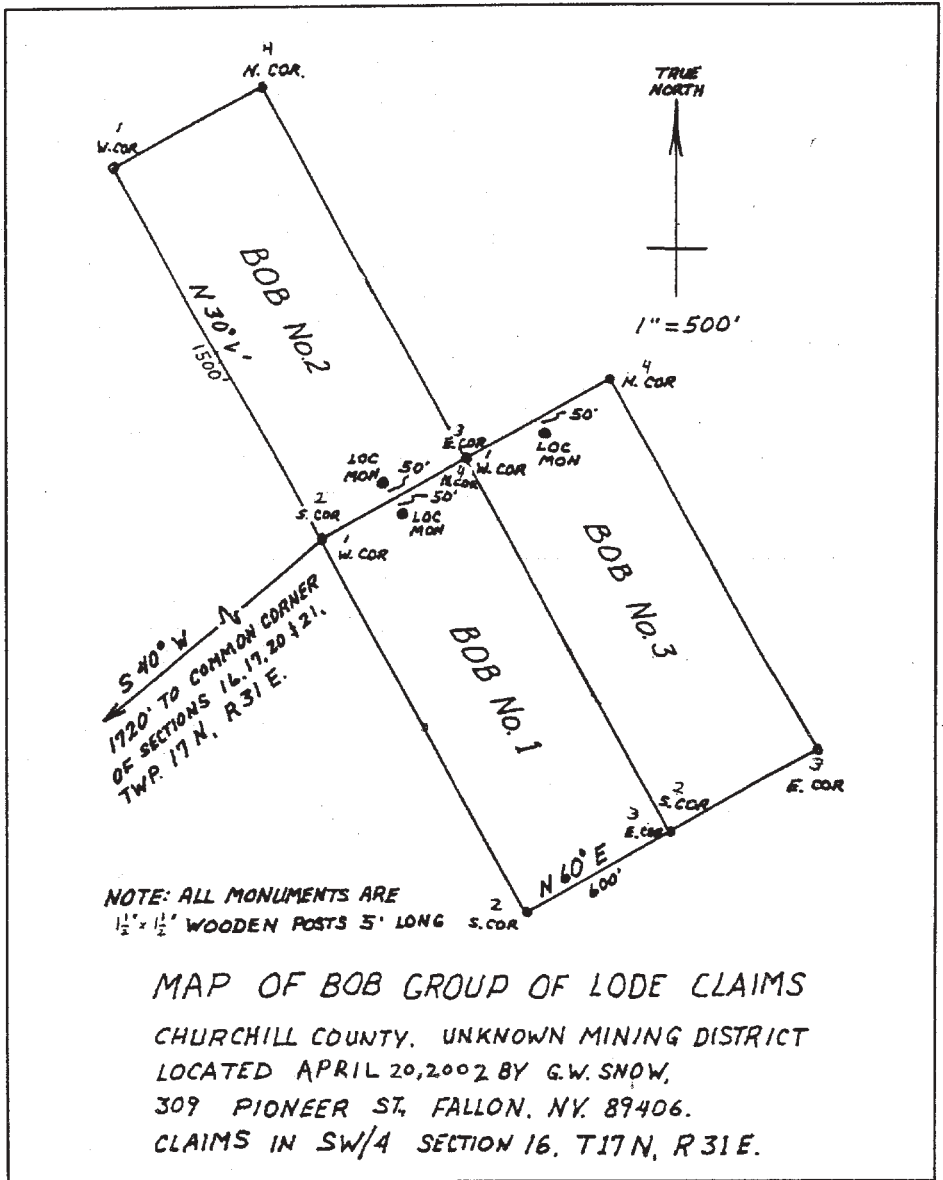


FIGURE 5. Example of a claim map.

claims to be plotted on the county map, the county surveyor must promptly notify the claim holder of the deficiency. The claim holder must then file an amended map with the County Recorder.

Nevada law (NRS 517.213; NAC 517.160) requires the County Recorder to include all patented mines and mining claims on the county map and clearly distinguish them from unpatented claims. When a registered surveyor files a record of survey showing the location of a patented mine or mining claim, the County Recorder must conform the county map to the record of survey if there is any discrepancy between the two.

CERTIFICATE OF LOCATION

Nevada State law (NRS 517.050) requires that locators must record their claims by filing duplicate copies of a certificate of location (Exhibit 3) with the County Recorder within 90 days after posting the notice of location. (The certificate of location is a separate document from the notice of location which must be posted on the monument when the claim is located). The certificate of location must state the name of the claim, the name and mailing address of the locator or locators, the date of location, the number of feet claimed along the length of the vein in each direction from the location monument, the number of feet claimed on each side from the center of the vein, the general direction of the vein, a statement that the work of location consisted of making a map as provided in Nevada Revised Statutes (NRS 517.040), and the location and description of each corner and its markings. A claim is void if a certificate of location containing the above information is not filed within the 90-day period. The required map must be filed with the County Recorder simultaneously with the location certificate. Each claim must have a separate certificate (NRS 517.195). Similar claim information must also be filed within 90 days of the location with the State Office of the Bureau of Land Management (43 USC 1744) (see section on Bureau of Land Management regulations). The fees for filing a certificate of location are listed in Appendix B. Any claims located on or after July 1, 1971, which do not include the information on the certificate and location required by NRS 517.040 are invalid, Claims validly located prior to July 1, 1971, and kept current since that time are not affected.

EXTRALATERAL RIGHTS

A lode location gives the rights to any lodes, veins, or other minerals whose apex or top lies within the area of the claim (30 USC 26). If the end lines of the claim are parallel, the locator also obtains extralateral (apex) rights. These allow the locator to follow any vein or lode that has its top within the claim downward beyond the side line of the claim. Figure 6 shows the extralateral rights for a lode claim. Often the owners of adjacent claims enter into a boundary or side line agreement to avoid complications that can be caused by extralateral rights; such an agreement might provide that the owners could only mine that portion of the vein that lies vertically beneath their claims. There are many complications to extralateral rights and anyone directly involved with such rights should consult a mining attorney.

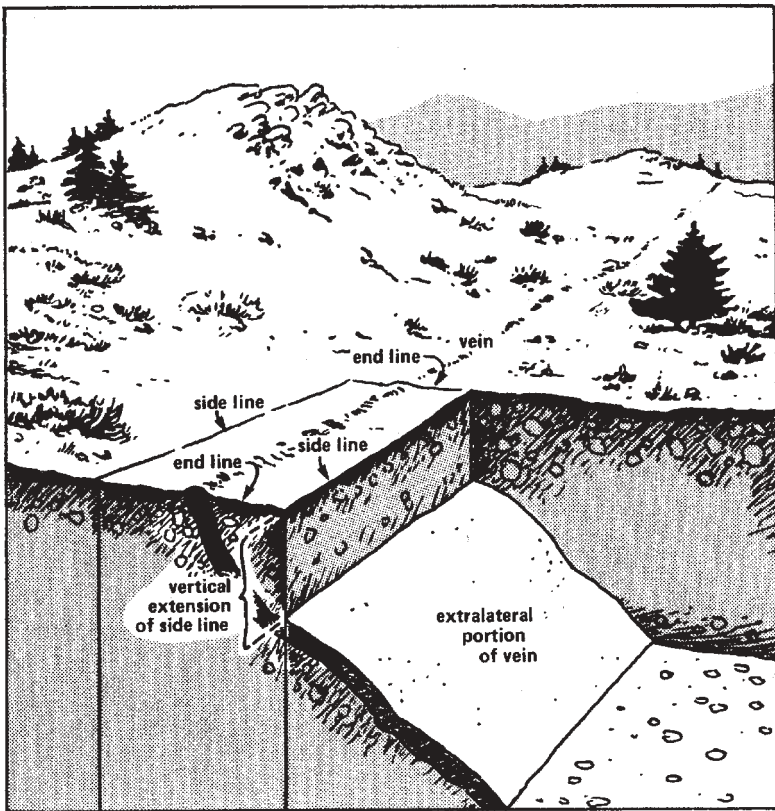


FIGURE 6. Extralateral rights of a lode claim.

RELOCATING AN ABANDONED LODGE CLAIM

Federal law (43 CFR 3833.0-5q) and Nevada State law (NRS 517.080) state that a lode claim that has been abandoned by its previous owner can be relocated by erecting a new location monument, completing a new notice of location, erecting new monuments or adopting and repairing old ones, and filing two copies of a claim map and two copies of a certificate of location with the County Recorder as specified in NRS 517.040. See Appendix B for filing fees.

BUREAU OF LAND MANAGEMENT REGULATIONS

Bureau of Land Management regulations (43 USC 1744; 43 CFR 3833.1-2) require that the locator of a mining claim, mill site, or tunnel site file a copy of the notice or certificate of location with the State Office of the Bureau of Land Management. If the notice or certificate of location does not adequately show the location of the claim or site, then a map or narrative description of the location is also required. Failure to file this information within 90 days after the claim is located voids the claim. The certificate must include the name and current mailing address of the owner or owners, the type of claim, and the location of the claim by township,

range, section(s), and quarter section(s). The map should be similar to the one required by Nevada State law. See Appendix B for Federal fees, which must also be paid within 90 days after the claim is located or the claim is void. This is very important to note, because the Bureau of Land Management too often receives the location information without payment on the 90th day, which voids the claim. Questions regarding these regulations or other Federal mining laws or regulations should be addressed to the State Office of the Bureau of Land Management.

CHECKLIST FOR LOCATING A LODE CLAIM

1. At the time of discovery
 - a. Erect a location monument at the point of discovery, making certain that the monument is on open unclaimed ground.
 - b. Prepare a notice of location (Exhibit 1) for each claim and post it on or in the monument. This notice of location can be recorded with the County Recorder for added legal protection.
2. Within 60 days after date of location:
Erect and mark monuments at all corners of the claim.
3. Within 90 days after the date of location:
 - a. Prepare a map of the claim or group of claims.
 - b. Prepare a certificate of location for each claim (Exhibit 3).
 - c. File the map and certificate of location with the County Recorder for the county where the claim is located.
 - d. File the map and other necessary documents with the State Office of the Bureau of Land Management.

LOCATING A PLACER CLAIM

LOCATING THE CLAIM

An individual or company can locate a placer claim up to 20 acres in area (30 USC 35; 43 CFR 3842.1-2). As nearly as practical, a placer claim must conform to the system of public land surveys, which means it should conform to the boundaries of a section and take a legal subdivision (aliquot part) of the section. This conformity may not be possible if the area is unsurveyed, if there are preexisting claims, or if the claim follows the bed of a meandering stream. Even in these cases, however, the boundaries should be oriented north-south and east-west if possible. In laying out a placer claim, it is helpful to remember that a 20-acre plot is 1,320 feet ($\frac{1}{4}$ of a mile) long and 660 feet ($\frac{1}{8}$ of a mile) wide. Figure 7 gives the general form and monuments required for placer claims. Only one discovery is needed for a placer claim, regardless of its size, but in a dispute with the Federal Government or during patent proceedings the locator must show the mineral character of each 10-acre parcel of the claim. There is no limit to the number of placer claims or association

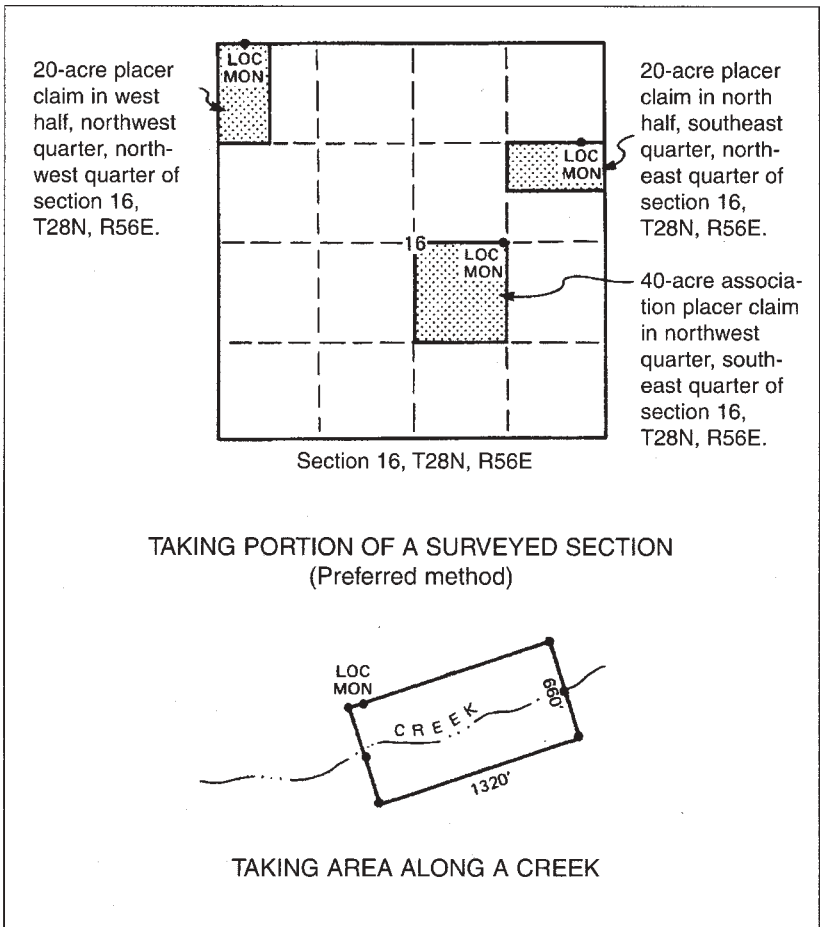


FIGURE 7. General form and monument locations for placer claims.

placer claims (see below) that can be located, but a valid discovery ultimately must be made on each claim.

Nevada State law (NRS 517.090) requires that, to locate a placer claim in Nevada, a monument similar to those used for a lode claim is erected at any point along the north boundary and a notice of location is posted at this monument as specified in NRS 517.030. The notice of location (Exhibit 4) must contain the name of the claim, the name and mailing address of the locator or locators, the date of location, and the number of feet or acres claimed. It should also contain a description of the claim by legal land subdivision, or if irregular, a description by distances and bearings, and show the relationship of the claim to a natural landmark or a readily identifiable artificial landmark which is customarily shown on maps (NRS 517.090). A separate notice of location is required for each claim (NRS 517.195). The notice may be filed promptly with the County Recorder for added legal protection, but the laws do not require such filing.

ASSOCIATION PLACER CLAIM

A group of from two to eight qualified individuals or companies may locate an “association” placer claim containing 20 acres per individual or company. Thus, two persons or companies can locate a 40-acre placer claim, and eight persons or companies can locate a 160-acre placer claim. An association placer claim must be in one contiguous parcel. (Contiguous parcels of land are ones that lie side by side or end to end with common boundaries. Parcels touching only at their corners are not contiguous) (43 CFR 3842.1-2). Each party in an association placer claim must have a full legal interest in the claim and a formal partnership agreement among them is strongly recommended. The use of “dummy” locators such as friends or company employees (people who will have no real ownership interest) to obtain more acreage than legally allowed is fraud and the entire claim would be void.

After a valid discovery is made, each party in an association placer may transfer their interest as they wish without affecting the validity of the claim (*Rooney v. Barnette*, 200 F. 700, 708 [9th Cir. 1912]; *Chittim v. Belle Fourche Bentonite Products Co.*, 60 Wyo. 335, 149 P.2d 142, 148 [1944]). However, if before a discovery is made, they transfer their interest to one individual, and afterwards the individual makes a valid discovery, then only the 20 acres surrounding that discovery will be considered valid (*United States v. Ickes*, 98 F.2d 271 [D. C. Cir.], *cert. denied*, 305 U.S. 619 [1938]; *United States v. Nickol*, 47 IBLA 183, GFS[MIN] 86 [1980]; *United States v. Harenberg*, 9 IBLA 77, GFS[MIN] 19 [1973]).

MARKING BOUNDARIES

If the placer claim is located according to legal land subdivision, the location monument is the only monument required (43 CFR 3831.1; NRS 517.090). If the claim is not located in this manner, Nevada law (NRS 517.090) states only that the marking of the boundaries and the location point be done in the same manner and by the same means as required for marking boundaries of a lode claim (see section on locating a lode claim; marking boundaries). Erection and marking of monuments at all corners or bends of the placer claim is recommended. The monuments must be placed within 60 days after the date of location.

CLAIM MAP

Nevada State law (NRS 517.100) requires that within 90 days after posting the notice of location, two copies of a map showing the placer claim must be prepared and filed with the County Recorder along with two copies of the certificate of location. This map, which can include more than one placer claim, should be similar to the map required for a lode claim (see section on locating a lode claim; claim map (NRS 517.040; NAC 517.120 to 517.190). All claim maps are to be prepared in a similar manner. If the placer claim is a legal land subdivision, its description should be given on the map. Where the land has not been surveyed by the Federal Government or where a section corner cannot be found, the map must describe the position of the boundary monuments in relation to each other, establish numbers for each of these monuments, and tie the claim to a natural landmark or a readily identifiable artificial landmark.

CERTIFICATE OF LOCATION

Nevada State law (NRS 517.110) requires that the locator must record his placer claim by filing duplicate copies of the certificate of location with the County Recorder within 90 days after posting the notice of location. Exhibit 5 is a sample of a certificate of location for a placer mining claim located by aliquot part of the public land survey. Exhibit 6 is a sample of a certificate of location for a placer mining claim not located by aliquot part of the public land survey. The certificate must contain the name of the claim and its designation as a placer claim, the name and mailing address of the locator or locators, the date of location, and the number of feet or acres claimed. As with the notice of location, the certificate of location should also include a description of the claim. A claim is void if the certificate of location and the map are not filed within 90 days from the date of location or if any of the required information is missing. A separate certificate of location is required for each placer claim (NRS 517.195).

LOCATING TAILINGS OR WASTE DUMPS

Nevada State law (NRS 517.115) states that, for tailings or waste that was deposited on unappropriated public domain and has not been worked for 10 successive years, their original title or right of possession is considered abandoned, and they are now considered locatable by placer claim.

OTHER INFORMATION

A placer claim has no extralateral (apex) rights; the placer material cannot be mined beyond the boundary of the claim. Although Nevada law does not mention the subject, an abandoned placer claim can be relocated in the same manner as an abandoned lode claim (43 CFR 3833.0-5q) (see section on relocating an abandoned lode claim).

BUREAU OF LAND MANAGEMENT REGULATIONS

Regulations concerning filing of information on a placer claim are the same as for a lode claim (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations). See Appendix B for Federal fees. BOTH the location information must be filed and the fees must be paid with the State Office of the Bureau of Land Management within 90 days after the date of location or the claim is void.



CHECKLIST FOR LOCATING A PLACER CLAIM

1. At the time of discovery:
 - a. Erect a location monument at some point along the north boundary of the claim.
 - b. Prepare a notice of location for each claim and post it on or in the monument (Exhibit 4). This notice of location can be recorded with the County Recorder for added legal protection.
2. Within 60 days after date of location:

If the claim was not located according to legal land subdivision, erect and mark monuments at all corners and bends in the claim boundaries. These monuments are not required if the claim was located by legal land subdivision.
3. Within 90 days after the date of location:
 - a. Prepare a map of the claim or group of claims.
 - b. Prepare a certificate of location for each claim (either Exhibit 5 or 6).
 - c. File the map and certificate of location with the County Recorder for the county where the claim is located.
 - d. File the map and other necessary documents with the State Office of the Bureau of Land Management.

LOCATING A MILL SITE

Federal law (43 CFR 3844) and Nevada law (NRS 517.120 through 517.140) allow the owner of a lode or placer claim, a mine, or a mill or reduction works to locate 5 acres of nonmineral land as a mill site. A mill site where the owner does not own a lode or placer claim is referred to as a custom or independent mill site. More than one mill site may be located if additional nonmineral land is necessary. An area 660 by 330 feet is exactly 5 acres. A mill site is not valid unless actually used for mining or milling purposes (43 CFR 3844.1).

A mill site is located by posting a notice of location (Exhibit 7) on the site. The location monument can be situated anywhere on the boundaries or within the mill site. This notice must contain the name and mailing address of the mill site locator or locators, the name of the lode claim, placer claim, mine, or mill, the date of location, and the number of feet or acres claimed. It must also include a description, by legal land subdivision or other means, so that the location of the mill site can be determined with reasonable certainty (NRS 517.130). A separate notice of location must be posted for each mill site (NRS 517.195).

The boundaries are marked in the same manner as those for a placer claim (see section on locating a placer claim; marking boundaries). Within 90 days of the date of location, the locator must file duplicate copies of a certificate of location containing the same information as the notice of location and duplicate copies of a

map (not to exceed 3 feet by 4 feet in size) of the mill site with the County Recorder (NRS 517.140). Exhibit 8 is a sample of a certificate of location for a mill site located by aliquot part of the public land survey. Exhibit 9 is a sample of a certificate of location for a mill site not located by aliquot part of the public land survey.

A mill site is void if the certificate of location does not give all the information listed above or does not include a description that will identify the location of the mill site with reasonable certainty. A separate certificate of location must be posted for each mill site (NRS 517.195). Regulations of the Bureau of Land Management require that the mill site be registered with them within 90 days after the date of location, in the same manner as a lode claim (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations).

TUNNEL RIGHT (SITE)

Federal law refers to this as a “tunnel site,” and Nevada law refers to this as a “tunnel right.” Federal laws (30 USC 27; 43 CFR 3843) and Nevada laws (NRS 517.150 through 517.180) provide for location of a tunnel right. A tunnel right is not a mining claim (*Creede and Cripple Creek Mining and Milling Co. v. Uinta Tunnel Mining and Transportation Co.*, 196 US 337 [1905]), but it gives the locator the right to drive a tunnel or adit for a maximum distance of 3,000 feet from the portal (entrance) along a line marked on the surface. The owner has the right to 1,500 feet of any blind vein or lode (one that does not outcrop) or previously unappropriated one, which the tunnel owner can then locate with a lode claim staked on the ground surface (30 USC 27; NRS 517.180). After commencement of the tunnel, other parties are prohibited from prospecting for and locating lode claims along the line of the tunnel unless the lodes already appear on the surface or were previously known. However, the tunnel is considered abandoned if work has not been done on it in at least 6 months (30 USC 27; 43 CFR 3843.1). Though no law or cases specifically deal with this, locators may not claim two or more tunnel rights end-to-end in an attempt to obtain more than 3,000 feet.

A tunnel right or location is made by posting a notice of location (Exhibit 10) at the point where the tunnel is to be started (43 CFR 3843.2; NRS 517.150). The notice of location must contain the name and mailing address of the locator or locators, the date of location, the proposed course or direction of the tunnel, the proposed height and width of the tunnel, the position and character of the surface monuments that mark this course, and the location of the tunnel by reference to a natural landmark or a readily identifiable artificial landmark (43 CFR 3843.3; NRS 517.150). A separate notice of location must be posted for each tunnel right (NRS 517.195).

Within 60 days after posting the notice of location, monuments marking the line of the proposed tunnel must be placed on the surface, at intervals of not more than 300 feet, from the starting point to the end of the tunnel. The monuments must be similar to those required for a lode claim (43 CFR 3843.2; NRS 517.160) (see section on locating a lode claim; marking boundaries). Within 90 days after the location, the locator must file a certificate of location (Exhibit 11) and two copies of a map comparable to that required for a lode claim with the County Recorder (43

CFR 3843.3; NRS 517.140, 517.170). A separate certificate of location must be posted for each tunnel right (NRS 517.195). The Bureau of Land Management requires that the data be filed with them within 90 days after location (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations).

AMENDING A MINING CLAIM

Federal regulation (43 CFR 3833.0-5p) and Nevada law (NRS 517.200) provide that the locator, or the person assigned the claim, can amend a mining claim if there is an error in the certificate of location, if the necessary location procedures were not completed prior to filing the original certificate, or if the person wishes to change the boundaries of the claim or to obtain a part of an overlapping claim that has since been abandoned. An amendment can be made at any time. Boundary monuments may be moved if this is necessary to make the change, as long as the change does not interfere with the rights of others that exist at the time of the amendment. The amended certificate of location and a new map, if one is needed, must be filed with the County Recorder and also with the State Office of the Bureau of Land Management (43 CFR 3821.2). When a common error occurs in more than one certificate of location, the locator may amend them by recording one document that describes the error, states the desired amendment, and makes reference to the claims by name, date of recording, and the book and page of recording. See Appendix B for filing fees.

An amendment relates back to the original date of location and there is no loss of priority. An amended claim should not be confused with a relocated claim. A relocated claim is a new claim and retains no rights from the earlier claim (43 CFR 3833.0-5q). Relocating is discussed in the section “Relocating an abandoned lode claim.”

TRANSFER OF INTEREST

The Supreme Court ruled that despite the fact that the Federal Government holds the title, unpatented mining claims are real property and therefore can be bought, sold, transferred, willed, inherited, and liened the same as any other real estate (*Forbes v. Gracy*, 94 US 762 [1876]). In Nevada, the transfer of interest of unpatented mining claims is done the same way as for any other real estate transactions. A number of Nevada State laws deal with the transfer of interest in real estate and should be consulted, especially NRS 111 “Estates in Property; Conveyances and Records” (NRS 111.010 defines “conveyance,” “estates and interest in lands,” and “lands” and NRS 111.312 is about the recording of documents), NRS 113 “Sales of Real Property,” and NRS 148 “Sales, Conveyances and Exchanges” as part of “Wills and Estates.” For more information, one should contact a real estate agent or mining attorney.

Federal law (43 CFR 3833.3) requires that when a claim holder sells, assigns, or otherwise conveys his or her interest in an unpatented mining claim, mill site, or tunnel right, the transferee (person receiving the interest) must file a notice of transfer

of interest with the Bureau of Land Management within 60 days. This also holds if the transferee inherits the interest. The notice of transfer of interest must contain the serial number originally assigned by the Bureau of Land Management, the name and mailing address of the transferee(s), and a copy of the legal instrument or document required by State law for the transfer of interest.

PATENTING MINING CLAIMS

Federal law (30 USC 29-38, 42; 43 USC 661) provides for the patenting of a mining claim. A claim may be patented by the Federal Government if it has a valid discovery and improvements totaling at least \$500 have been made for the benefit of the claim. Once the claim is patented, the claimant has clear and absolute title to the claim, and neither the claim maintenance fee nor the annual expenditure for labor or improvement and affidavit attesting to this work is required. An unpatented claim is not subject to property taxes (NRS 361), but a patented claim is entered on the tax roll (NRS 362.010-362.240). The patenting process is complicated and often expensive, and it is by no means certain that a patent will be issued. (In order to patent a claim, it is usually necessary for it to be part of an operating, profitable mine.) A mill site can also be patented (30 USC 42a).

Anyone interested in obtaining a patent should contact the State Office of the Bureau of Land Management for information. However, it should be noted that the Interior and Related Agencies Appropriation Act of 1994 authorized a moratorium on spending appropriated funds for the acceptance of new mineral patents applications, or the processing of mineral parent applications that have not yet received First Half Final Certificate. The moratorium is effective from October 1, 1994, and has been subsequently extended through September 30, 2002.

CLAIM MAINTENANCE FEE AND ANNUAL ASSESSMENT WORK ON AN UNPATENTED CLAIM

CLAIM MAINTENANCE FEE

Federal law (30 USC 28f; 43 CFR 3833.1-5) requires an annual claim maintenance fee of \$100 per claim (see Appendix B) be paid at the State Office of the Bureau of Land Management on or before September 1. During the initial assessment year (the year of location), the claim maintenance fee must be paid at the time the notice of location is filed with the Bureau of Land Management. Failure to pay the claim maintenance fee will void the claim.

The claim maintenance fee is required to be adjusted every 5 years after the date of enactment (1993) by the Secretary of the Interior to reflect the Consumer Price Index published by the Bureau of Labor Statistics. He may also make the adjustment more frequently if he deems it reasonable to do so. However, all claim owners must be notified by the Secretary of the Interior no later than July 1 of the year of the adjustment (30 USC 28j). Exhibit 12 is a sample of a claim maintenance fee form.

Nevada law (NRS 517.230) also requires that on or before November 1 of each year that the annual assessment work is not required, the claimant, or someone in his behalf, must make and have recorded with the County Recorder a notice of “intent to hold” (Exhibit 13). This is an affidavit that must include the name and mailing address of the claimant, the name of the mining claim, the Bureau of Land Management serial number if any, and a statement that the claimant intends to hold the claim. The notice of intent to hold is proof that the claimant intends to hold the claim from 12 p.m. on September 1 of the year before the affidavit was made and recorded until 11:59 a.m. on September 1 of the year the affidavit was made and recorded.

SMALL MINERS’ EXEMPTION

A waiver of the claim maintenance fee may be granted to claim holders who nationally hold no more than ten mining claims, mill sites, or tunnel sites or any combination thereof. This means, for instance, that if a person holds five claims and/or sites in any other states, he can hold no more than five in Nevada to qualify for a waiver. If a waiver of the claim maintenance fee is granted, the claim holder is then required to perform the annual assessment work as outlined in the next several sections (43 CFR 3833.1-6; 30 USC 28f).

To file for a waiver, the claim holder must file a waiver certificate (Exhibit 14) on or before the September 1 of the assessment year for which the waiver is sought. The waiver certificate shall contain the mining claim and site names and Bureau of Land Management serial numbers, a declaration by the claimant and all related parties that they own no more than ten claims and sites nationwide on the date the waiver statement is due, a declaration that specifies that the assessment work requirements have been or will be completed by the date the payment is due (on or before September 1) for the coming assessment year, the names and mailing addresses of all owners maintaining an interest in the claims and sites, and the signatures of all owners of the mining claims and sites for which the waiver is claimed. The claimant must file this annually on or before each September 1 (43 CFR 3833.1-7). If a waiver is denied, the claim maintenance fee must be paid within 30 days of the denial or the claim will be voided (43 CFR 3833.1-6). If the waiver is found to be defective for any reason, the claimant has 60 days after the receipt of written notification of the defect(s) by the Bureau of Land Management to either fix the problem or pay the \$100 claim maintenance fee due for that period (30 USC 28f).

ANNUAL ASSESSMENT WORK REQUIREMENTS

Federal mining law (30 USC 28; 43 CFR 3851.1) requires that labor or improvement worth at least \$100 be done annually for each unpatented lode or placer claim in which the claim owner has been exempted from paying the claim maintenance fee (see previous section). State law (NRS 517.230) only regulates the recording of assessment work (see “Recording Annual Assessment Work” below).

If a number of claims are held as a group and are contiguous, the labor or improvement can be done on any of the claims or outside the group if the work

definitely benefits all the claims in the group; the total work must be equivalent to a least \$100 for each claim. (A contiguous group of claims are claims held by the same locator that lie side by side or end to end with common boundaries or overlap. Claims touching only at their corners are not contiguous.) Association placer claims require \$100 annual work, regardless of their size. The assessment work may be done by the owner or by anyone he or she designates. Annual assessment work is not required for a mill site or tunnel right, but a notice of "intent to hold" (not to be confused with the notice of intent to hold filed with the County Recorder as required by NRS 517.230 when the claim maintenance fee is paid) must be filed each year with the State Office of the Bureau of Land Management on or before December 30 (43 USC 1744). The "small miner" waiver certificate filed on or before September 1 may be considered as a notice of intent to hold if accompanied with the \$5 per claim assessment filing fee (43 CFR 3833.1-7c) (Appendix B).

DEFINITION OF ANNUAL ASSESSMENT WORK

Any labor or improvement that tends to benefit the claim or group of claims and discloses or develops valuable minerals will qualify as assessment work. Beneficial work could include the cost of sinking shafts, pits, or trenches; running adits or drifts; mining ore; the value of materials actually consumed in these activities (explosives for example); salary of a watchman if one is needed; drilling costs; purchase and installation of necessary machinery or buildings; dewatering workings; building roads; and geological, geochemical, or geophysical work conducted by qualified experts. Costs of labor must be calculated at the prevailing wage in the area. Repetitive road maintenance, annual clearing of brush, and other such activities that do not disclose or develop the minerals on the property are not proper annual assessment work. Among the other expenditures that cannot be used for assessment work are costs of negotiations, legal fees, travel costs, and personal expenses. Labor or improvement by a trespasser does not count toward the requirement.

A geological, geochemical, or geophysical survey can be used as part of the assessment (30 USC 28-1, 28-2; 43 CFR 3851.2) but it must be verified by a detailed report, filed with the County Recorder, that gives the location where the work was performed in relation to the discovery point and the boundaries of the claim; the nature, extent, and cost of the survey; the basic findings of the survey; and the name, address, and professional background of the expert or experts who conducted the work. Such surveys may not be applied as annual assessment work on a claim or claim group for more than 2 consecutive years or for a total of more than 5 years. The work cannot be repetitive of a previous survey of the same claim. A qualified expert is defined as an individual qualified by education or experience to conduct such a survey.

ASSESSMENT YEAR

The assessment year starts at noon on September 1, and labor or improvements worth at least \$100 must be made for each claim by noon on the following September 1 (43 CFR 3851.1a, b). Assessment work is not required in the assessment year in

which the claim is located (43 CFR 3851.1b); nevertheless some people file a notice of intent to hold with the County Recorder for added protection. Annual assessment work is not cumulative and excess work done in one assessment year cannot be credited against the next year's requirement. Sometimes the assessment requirement for two years is done "back-to-back": work might begin on August 15 and continue through September 15, thus validating two assessment years with one project. In such a case, the claim owner should file separate affidavits for each assessment year.

RECORDING ANNUAL ASSESSMENT WORK

Nevada law (NRS 517.230) requires that an affidavit ("proof of labor") attesting to completion of the work be filed with the County Recorder on or before November 1 following the end of the assessment year. The document filed with the County Recorder must be signed by the person making the statement and must contain the following information: the amount of money expended or the value of the labor or improvement; the character of the expenditure, labor, or improvement; a description of the claim or the part of the claim affected by the work; the assessment year for which the work was done and the dates on which it was done; the name of the claim owner or the person at whose expense the work was done; and the name of the person or organization who performed the work.

The affidavit must be signed in the presence of a notary public. For a contiguous group of claims only one affidavit is required for that year, if the same work applies to all the claims. Exhibit 15 is the short form of the affidavit of annual assessment work. A long form is also available upon request for those who need to be more detailed in the description of their work. See Appendix B for filing fees. The filing of the affidavit with the County Recorder is prima facie evidence of performance of the required labor or improvement. Failure to perform annual assessment work (even though a "proof of labor" statement has been filed) makes a claim subject to relocation by another person. This action, however, will often lead to litigation, and a mining attorney should be consulted before attempting to relocate such a claim.

Federal regulations (43 USC 1744) require that a copy of the recorded affidavit of annual assessment work for a lode or placer claim or a notice of intent to hold a mill site or tunnel right be filed at the State Office of the Bureau of Land Management on or before December 30 of each year (starting the calendar year following the calendar year in which the claim was located). The notice of intent to hold a mill site or tunnel right must be in the form of a letter or other notice signed by the owner(s) or their agent(s). It must contain any change of mailing address of the owner(s) plus the BLM serial number assigned when the official record of the notice or certificate of location was filed in the BLM office (43 CFR 3833.2-5). See Appendix B for the filing fee. Failure to record the original claim, mill site, or tunnel right with the State Office of the Bureau of Land Management or failure to record evidence of assessment work or notice of intent to hold within the prescribed time causes the claim, mill site, or tunnel right to be void. If this



mistake is made, the void claim can be relocated. A claim holder should be particularly aware of three common problems that can result in the loss of a claim:

1. If a claim were located in September 1995, for example, the first proof of labor is not required until 1997. Because the Bureau of Land Management requires a document to be filed each calendar year, however, the locator should file a notice of intent to hold in 1996.
2. If a claim were located in December 1995, for example, and the location certificate filed with the Bureau of Land Management in 1996, it will still be necessary to file a notice of intent to hold or a proof of labor in 1996. (Such a notice is required in each calendar year following the calendar year of location.)
3. If assessment work were done early (in October 1995, for example) and the proof of labor were filed with the Bureau of Land Management in 1995, a notice of intent to hold must be filed in 1996. Alternatively, the claim owner can refile the proof of labor with the Bureau of Land Management. However, there must be a filing every calendar year.

MILITARY ACTIVE DUTY EXEMPTION

Military personnel on active duty may, under certain circumstances, be qualified for an exemption from both the claim maintenance fee and the annual assessment work (43 CFR 3833.1-6, 3851.6). This is pursuant to the Soldier's and Sailor's Relief Act (50 USC Appendix 565). To qualify, the military person must file a notice of his or her entry into active military service with the proper BLM office. This notice will excuse the person from paying the claim maintenance fee or performing the annual assessment work until 6 months after the person is released from military service or from a military hospital, whichever is later. However, the person cannot hold the subject claim or site with a related party who does not qualify under the Soldier's and Sailor's Relief Act.

The notice must be filed in the assessment year the person entered active duty, or if active duty began prior to August 30, 1994, in the assessment year the person wishes the benefits to begin. The notice must be certified and contain a list of all the mining claims and sites and their Bureau of Land Management serial numbers (43 CFR 3833.1-7). The payment of the claim maintenance fee or performance of the assessment work will resume in the assessment year next following the assessment year the person was released from active duty or from a military hospital, whichever is later.

CHECKLIST FOR WORK REQUIRED BY THE SMALL MINERS' EXEMPTION

1. File the waiver certificate with the Bureau of Land Management by the September 1 preceding the assessment year for which the waiver is sought.
2. Complete the assessment work by September 1 of the assessment year.

3. Record the proof of labor with the County Recorder by November 1 following the assessment year.
4. File the proof of labor and notices of intent to hold any mill sites or tunnel rights with the Bureau of Land Management by December 30 following the assessment year.



APPENDIX A. List of Nevada County Recorders and Bureau of Land Management offices

COUNTY RECORDERS IN NEVADA

The following list gives the physical and mailing addresses and telephone numbers of county recorders in Nevada. Please send correspondence to the P.O. box address where listed.

Carson City
Recorder
Courthouse
885 E. Musser St., Rm. 1028
Carson City, NV 89701
(775) 887-2260
www.carson-city.nv.us/clerk/

Churchill County
Recorder and Auditor
Courthouse
155 N. Taylor St. #131
Fallon, NV 89406
(775) 423-6001
www.churchillcounty.org/recorder/

Clark County
Recorder
500 S. Grand Central Pkwy.
2nd Floor
P.O. Box 551510
Las Vegas, NV 89155-1510
(702) 455-4336
[www.co.clark.nv.us/recorder/
recindex.htm](http://www.co.clark.nv.us/recorder/recindex.htm)

Douglas County
Recorder and Auditor
Courthouse
1616 8th St.
P.O. Box 218
Minden, NV 89423
(775) 782-9027
<http://recorder.co.douglas.nv.us/>

Elko County
Recorder
Courthouse
571 Idaho St. Room 103
Elko, NV 89801
(775) 738-6526
web page coming soon

Esmeralda County
Recorder and Auditor
Courthouse
233 Crook St.
P.O. Box 458
Goldfield, NV 89013
(775) 485-6337
no web page

Eureka County
Recorder and Auditor
Courthouse
10 S. Main St.
P.O. Box 556
Eureka, NV 89316
(775) 237-5263
[www.co.eureka.nv.us/audit/
auditor01.htm](http://www.co.eureka.nv.us/audit/auditor01.htm)

Humboldt County
Recorder
25 West 4th St.
Winnemucca, NV 89445
(775) 623-6412
[www.humboldt-county-nv.net/
recorder/contactinfo.htm](http://www.humboldt-county-nv.net/recorder/contactinfo.htm)

Lander County
Recorder and Auditor
315 S. Humboldt
Battle Mountain, NV 89820
(775) 635-5173
[landercounty.com/
county/clerk.htm](http://landercounty.com/county/clerk.htm)

Lincoln County
Recorder and Auditor
Courthouse
1 Main St.
P.O. Box 218
Pioche, NV 89043
(775) 962-5495
no web page

Lyon County
Recorder
Courthouse
27 S. Main St.
Yerington, NV 89447
(775) 463-6581
www.lyon-county.org

Mineral County
Recorder and Auditor
Courthouse
105 South A St.
P.O. Box 1447
Hawthorne, NV 89415
(775) 945-3676
no web page

Nye County
Recorder and Auditor
Courthouse
101 Radar Rd.
P.O. Box 1111
Tonopah, NV 89049
(775) 482-8145
[www.nyegov.com/
recorder.htm](http://www.nyegov.com/recorder.htm)

Pershing County
Recorder and Auditor
Courthouse
P.O. Box 736
Lovelock, NV 89419
(775) 273-2408
www.pershingnv.com/auditor.htm

Storey County
Recorder and Auditor
Courthouse
B St.
P.O. Box 493
Virginia City, NV 89440
(775) 847-0967
no web page

Washoe County
Recorder
Courthouse
1001 E. 9th St.
P.O. Box 11130
Reno, NV 89520-0027
(775) 328-3661
www.co.washoe.nv.us/recorder

White Pine County
Recorder and Auditor
Courthouse Plaza
801 Clark St. Suite 1
Ely, NV 89301
(775) 289-4567
no web page

BUREAU OF LAND MANAGEMENT OFFICES FOR NEVADA

The following list gives the physical and mailing addresses and telephone numbers of the State and Field District Bureau of Land Management Offices for Nevada. Please send correspondence to the P.O. box address where listed.

State Office

1340 Financial Blvd.
Reno, NV 89502
(775) 861-6500
www.nv.blm.gov

or

P.O. Box 12000
Reno, NV 89520

Field Offices

Battle Mountain
50 Bastian Rd.
Battle Mountain, NV 89820
(775) 635-4000
fax 635-4034
www.nv.blm.gov/bmountain/

Carson City
5665 Morgan Mill Rd.
Carson City, NV 89701
(775) 885-6000
www.nv.blm.gov/carson/

Elko
3900 E. Idaho St.
Elko, NV 89801
(775) 753-0200
www.nv.blm.gov/elko/

Ely
702 N. Industrial Way
HC33 Box 33500
Ely, NV 89301-9408
(775) 289-4865
www.nv.blm.gov/ely/

Las Vegas
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301
(702) 515-5000
www.nv.blm.gov/vegas/

Susanville
602 Cressler St.
P.O. Box 460
Cedarville, CA 96104
(530) 279-6101
www.ca.blm.gov/surprise/

Winnemucca
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445-2921
(775) 623-1500
www.nv.blm.gov/winnemucca/

APPENDIX B. Fees for filing mining claims, mill sites and tunnel rights (sites)

STATE AND COUNTY FEES

Except where noted, each fee is per mining claim, mill site, or tunnel right. These fees are paid to the County Recorder at the time of filing.

1. Fee to support Division of Minerals (DOM) (NRS 517.185) \$5.00
2. Fee to support DOM program to identify dangerous conditions at inoperative mines (NRS 513.094) \$1.50
3. County Recorder fee (NRS 247.305) \$14.00 first page, \$1.00 per extra page
4. Lode claim fee to maintain county mining claim map file (NRS 517.040) \$15.00 plus \$4.00 per document
5. Placer claim fee to maintain county mining claim map file (NRS 517.100) \$1.00 per acre plus \$4.00 per document
6. Notice of intent to hold fee (247.310) (for those paying claim maintenance fee) \$2.00 plus \$4.00 per document
7. Affidavit of work fee (247.310) (for those doing assessment work in lieu of paying claim maintenance fee) \$2.00 plus \$4.00 per document

FEDERAL FEES

Each fee is per claim, mill site, or tunnel site and is to be paid to the Bureau of Land Management. All fees must be paid in U.S. currency, postal money order, or negotiable instrument payable in U.S. currency or by an accepted credit card to the Department of the Interior, U.S. Bureau of Land Management (43 CFR 3833.1-3). All fees are non-refundable unless claim, mill site, or tunnel site are found to be null and void, abandoned by operation of law, or otherwise forfeited at the time fees are submitted (43 CFR 3833.1-1).

8. Service fee (43 CFR 3833.1-4) \$10.00
9. Location fee (30 USC 28g; 43 CFR 3833.1-4) \$25.00
10. Annual claim maintenance fee (30 USC 28f; 43 CFR 3833.1-5) \$100.00
11. Assessment filing fee (43 CFR 3833.1-4) \$5.00
12. Claim amendment service fee (43 CFR 3833.1-4) \$5.00
13. Transfer of interest fee (43 CFR 3833.1-4) \$5.00 per document

APPLICATION OF STATE/COUNTY AND FEDERAL FEES

RECORDING FEES FOR LODE CLAIMS

State/County: 1, 2, 3, 4, 6, 7

Federal: 8, 9, 10, 11

RELOCATING FEES FOR ABANDONED LODE CLAIM

State/County: 1, 2, 3, 4, 6, 7

Federal: 8, 9, 10 or 11

RECORDING FEES FOR PLACER CLAIMS

State/County: 1, 2, 3, 5, 6, 7

Federal: 8, 9, 10 or 11

RECORDING FEES FOR MILL SITES

State/County: 1, 2, 3, 4, 6, 7

Federal: 8, 9, 10 or 11

RECORDING FEES FOR TUNNEL SITES

State/County: 1, 2, 3, 4, 6, 7

Federal: 8, 9, 10 or 11

RECORDING FEES FOR AMENDING A MINING CLAIM, MILL SITE, OR TUNNEL SITE

State/County: 1, 2, 3

Federal: 12

RECORDING FEES FOR TRANSFERRING INTEREST

Federal: 13

EXHIBITS

The following are some examples of filled in suggested Nevada forms (NRS 517.150) and BLM forms referred to in the text. Some Nevada forms are also available with space for more than one locator, and a long form for the assessment work is also available. The forms exhibited here are in compliance with changes in NRS 247.110, which deals with the format of forms to be filed with the county recorders, that are due to go into effect July 1, 2003. The main change is that the area for the county recorder's stamp will be moved to the upper right hand area of the form.

**NOTICE OF LOCATION
LODE MINING CLAIM**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Bob No. 1 Lode Mining Claim in the following quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SW</u>	<u>21</u>	<u>17N</u>	<u>31E</u>	<u>NAD BM</u>

in Churchill County, Nevada, on the 16th day of September, 2003.

Name and mailing address of locator G. W. Snow
is: 309 Pioneer St
Fallon, NV 89406

The Claim is approximately 1500 feet long and 600 feet wide, such that 50 feet are claimed in a northwest direction and 1450 feet in a southeast direction from the point of discovery (monument of location), at which the Notice of Location was posted, together with 300 feet on each side of the monument of location and center line of the Claim. The general course of the lode or vein is from the northwest to the southeast direction.

The number, location and markings on each corner monument are as follows:

<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1: <u>west corner</u>	<u>W. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2: <u>south corner</u>	<u>S. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3: <u>east corner</u>	<u>E. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4: <u>north corner</u>	<u>N. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

The work of location consisted of making a claim map as provided in NRS 517.040.

Dated this 16th day of September, 2003.

SIGNATURE OF LOCATOR:

By George W. Snow
Owner, Claimant, or Agent Signature

George W. Snow
Owner, Claimant, or Agent Name (printed)

**NOTICE OF REMONUMENTATION
MINING CLAIM(S) AND SITE(S)**

TO ALL WHOM IT MAY CONCERN:

Pursuant to N.R.S. 517.030(7), the undersigned hereby gives notice that he replaced plastic claim monuments during the period July 21, through July 23, 2003 for the following claim group(s) situated in Lander, County, Nevada:

RECORDER'S STAMP

<u>Claim Names(s)</u>	<u>Certificate Recorded in Book/Page</u>	<u>Amendments Recorded in Book/Page</u>	<u>NMC Number</u>
<u>Sage No. 1</u>	<u>Book 36 p157</u>		<u>21485</u>
<u>Sage No. 2</u>	<u>Book 36 p157</u>		<u>21486</u>
<u>Sage No. 3</u>	<u>Book 36 p158</u>		<u>21487</u>
<u>Sage No. 4</u>	<u>Book 36 p158</u>		<u>21488</u>

The claim map filed pursuant to N.R.S. 517.040 was recorded as Document Number 3706, Book 36, Page 159.

The plastic monuments described in the original Certificate(s) and claim map(s) have been replaced by: 1 1/2" x 1 1/2" wooden posts
(Description of new monuments)

and marked with the claim name and designation of the monument. The side centers of the claim were not replaced.

Dated this 30th day of July, 2003.

SIGNATURE OF LOCATOR:

By Sheila Cranston
Owner, Claimant, or Agent Signature

Sheila Cranston
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV.8/16/2002 LV)
Nevada Notice of Remonumentation, - NRS 517.030

Exhibit 2. Sample notice of remonumentation

**CERTIFICATE OF LOCATION
LODE MINING CLAIM**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Bob No. 1 Lode Mining Claim in the following quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SW</u>	<u>21</u>	<u>17 N</u>	<u>31 E</u>	<u>MDBM</u>

in Churchill County, Nevada, on the 16th day of September, 2003.

RECORDER'S STAMP

Name and mailing address of locator is: G. W. Snow
309 Pioneer St.
Fallon, NV 89406

The Claim is approximately 1500 feet long and 600 feet wide, such that 50 feet are claimed in a northwest direction and 1450 feet in a southeast direction from the point of discovery (monument of location), at which the Notice of Location was posted, together with 300 feet on each side of the monument of location and center line of the Claim. The general course of the lode or vein is from the northwest to the southeast direction.

The number, location and markings on each corner monument are as follows:

<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1: <u>west corner</u>	<u>W. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2: <u>south corner</u>	<u>S. cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3: <u>east corner</u>	<u>E cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4: <u>north corner</u>	<u>N cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

The work of location consisted of making a claim map as provided in NRS 517.040.

Dated this 18th day of September, 2003.

SIGNATURE OF LOCATOR:

By George W. Snow
Owner, Claimant, or Agent Signature

George W. Snow
Owner, Claimant, or Agent Name (printed)

Exhibit 3. Sample certificate of location for a lode claim

**NOTICE OF LOCATION
PLACER MINING CLAIM**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the
Gold Dust Placer Mining Claim in the following quarter section(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SE</u>	<u>6</u>	<u>24 N</u>	<u>25E</u>	<u>MDBM</u>

in Churchill County, Nevada, on the 5th day of August, 2003.

Name and mailing address of locator is: John Hope
706 Taylor St.
Reno NV 89506

The Placer Claim is approximately 1320 feet in the NE-SW direction. Said Placer Claim contains 20 acres, more or less. The monument of location is located at the north corner (northerly boundary) of the Claim, at which point the Notice of Location was duly posted.

The number, location and markings on each corner monument are as follows:

	<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1:	<u>west corner</u>	<u>W. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2:	<u>south corner</u>	<u>S. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3:	<u>east corner</u>	<u>E. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4:	<u>north corner</u>	<u>N. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

Dated this 5th day of August, 2003.

SIGNATURE OF LOCATOR:

By John Hope
Owner, Claimant, or Agent Signature

John Hope
Owner, Claimant or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/20/2002 LV)
Nevada Placer Notice of Location - NRS 517.090
Not Located by Aliquot Part of Rectangular Survey

Exhibit 4. Sample notice of location for a placer claim

**CERTIFICATE OF LOCATION
PLACER MINING CLAIM LOCATED BY ALIQUOT PART OF
RECTANGULAR SURVEY**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has located the
Doge Placer Claim in the
following quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>N 1/2 SE 1/4 NE 1/4</u>	<u>6</u>	<u>24N</u>	<u>28E</u>	<u>MD 3M</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RECORDER'S STAMP

in Churchill County, Nevada, on the 14th day of July, 2003

The monument of location is located at the NE corner (northerly boundary) of the Claim, at which point the Notice of Location was duly posted.

Name and mailing address of locator is: Frank Hope
106 New St.
Reno NV 89506

The Placer Claim is approximately 1320 feet in the east-west direction and 660 feet in the north-south direction, being the N 1/2 SE 1/4 NE 1/4 (legal subdivision) of the above described section. Said Placer Claim contains 20 acres, more or less.

Dated this 4th day of August, 2003.

SIGNATURE OF LOCATOR:

By Frank Hope
Owner, Claimant, or Agent Signature

Frank Hope
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Placer Certificate of Location - NRS 517.110
Located by Aliquot Part of Rectangular Survey

Exhibit 5. Sample certificate of location for a placer mining claim located by aliquot part of rectangular survey

**CERTIFICATE OF LOCATION
PLACER MINING CLAIM**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Gold Dust Placer Mining Claim in the following quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SE</u>	<u>6</u>	<u>24 N</u>	<u>28 E</u>	<u>MD BM</u>

in Churchill County, Nevada, on the 5th day of August, 2003.

RECORDER'S STAMP

Name and mailing address of locator is: John Hope
202 Taylor St.
Reno, NV 89506

The Placer Claim is approximately 1320 feet in the NB-SW direction. Said Placer Claim contains 20 acres, more or less. The monument of location is located at the north corner (northerly boundary) of the Claim, at which point the Notice of Location was duly posted.

The number, location and markings on each corner monument are as follows:

<u>No.</u>	<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1:	<u>west corner</u>	<u>W. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2:	<u>south corner</u>	<u>S. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3:	<u>east corner</u>	<u>E. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4:	<u>north corner</u>	<u>N. cor Gold Dust</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

Dated this 19th day of August, 2003.

SIGNATURE OF LOCATOR:

By John Hope
Owner, Claimant, or Agent Signature

John Hope
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Placer Certificate of Location - NRS 517.110
Not Located by Aliquot Part of Rectangular Survey

Exhibit 6. Sample certificate of location for a placer mining claim not located by aliquot part of rectangular survey

**NOTICE OF LOCATION
MILL SITE**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Goshen Mill Site in the following quarter section(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SE</u>	<u>22</u>	<u>29N</u>	<u>31E</u>	<u>MDBM</u>

in Pershing County, Nevada, on the 10th day of September, 2003.

Name and mailing address of locator Harvey Green
is: 590 Water St.
Love Lock, NV 89419

Said locator is the proprietor or owner of the Goshen Nos. 1, 2, and 3 (un)patented mining claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the NE-SW direction and 330 feet in the NW-SE direction. Said Mill Site contains 5 acres, more or less. The monument of location is located at the north corner (northerly boundary) of the Mill Site, at which point the Notice of Location was duly posted.

The number, location and markings on each corner monument are as follows:

	<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1:	<u>west corner</u>	<u>W. cor Goshen</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2:	<u>south corner</u>	<u>S. cor Goshen</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3:	<u>east corner</u>	<u>E. cor Goshen</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4:	<u>north corner</u>	<u>N. cor Goshen</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

Dated this 10th day of September, 2003.

SIGNATURE OF LOCATOR:

By Harvey Green
Owner, Claimant, or Agent Signature

Harvey Green
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Mill Site Notice of Location - NRS 517.130
Not Located by Aliquot Part of Rectangular Survey

**CERTIFICATE OF LOCATION
MILL SITE LOCATED BY ALIQUOT PART OF
RECTANGULAR SURVEY**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has located the
Kate Mill Site in the following
quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>sw</u>	<u>14</u>	<u>29N</u>	<u>31E</u>	<u>MDBM</u>

RECORDER'S STAMP

in Pershing County, Nevada, on the 19 day of September, 2003.

The monument of location is located at the northeast corner (northerly boundary) of the Mill Site, at which point the Notice of Location was duly posted.

Name and mailing address of locator is: Henry Green
610 Water Street
Love lock, NV 89419

Said locator is the proprietor or owner of the Kate Nos. 1 and 2
(un)patented mining claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the north-south direction and 330 feet in the east-west direction, being the sw/4 (legal subdivision) of the above described section. Said Mill Site contains 5 acres, more or less.

Dated this 2nd day of October, 2002.

SIGNATURE OF LOCATOR:

By Henry Green
Owner, Claimant, or Agent Signature

Henry Green
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Mill Site Certificate of Location - NRS 517.140
Located by Aliquot Part of Rectangular Survey

Exhibit 8. Sample certificate of location for a mill site located by aliquot part of rectangular survey

**CERTIFICATE OF LOCATION
MILL SITE**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Goshen Mill Site in the following quarter sections(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SE</u>	<u>22</u>	<u>29 N</u>	<u>31 E</u>	<u>MDBM</u>

in Pershing County, Nevada, on the 10th day of September, 2002

RECORDER'S STAMP

Name and mailing address of locator is: Harvey Green
590 Water St.
Lovelock NV 89419

Said locator is the proprietor or owner of the Goshen Nos. 1, 2, and 3 (un)patented mining claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the NE-SW direction and 330 feet in the NW-SE direction. Said Mill Site contains 5 acres, more or less. The monument of location is located at the north corner (northerly boundary) of the Mill Site, at which point the Notice of Location was duly posted.

The number, location and markings on each corner monument are as follows:

<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1: <u>west corner</u>	<u>W. cor</u>	
No. 2: <u>south corner</u>	<u>S. cor</u>	
No. 3: <u>east corner</u>	<u>E.</u>	
No. 4: <u>north corner</u>	<u>N.</u>	

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint on posts).

Dated this 2nd day of October, 2002

SIGNATURE OF LOCATOR:

By Harvey Green
Owner, Claimant, or Agent Signature
Harvey Green
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Mill Site Certificate of Location - NRS 517.140
Not Located by Aliquot Part of Rectangular Survey

Exhibit 9. Sample certificate of location for a mill site not located by aliquot part of rectangular survey

**NOTICE OF LOCATION
TUNNEL RIGHT**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the
Star Tunnel Right in Clark County, Nevada,
on the 1st day of October, 2003.

Name and mailing address of locator is:

Jane Jones
1645 River St.
Las Vegas, NV 89107

The proposed course or direction of the tunnel is N10°E; the proposed height is
7 ft. and width is 5 ft., and proposed length is 3000 ft.

The location of the tunnel entrance is as follows: starts in the SW 1/4 of
section 35, T18S, R69E, MDBM, 1500ft S80°W Cross
VABM 4112 shown on the U.S. Geological Survey topographic
map of Overton Beach

The position and character of the surface monuments including the location monument are as follows:

Rock monuments at the starting point and every 300 ft
for a total distance of 3000 ft.

Dated this 1st day of October, 2003.

SIGNATURE OF LOCATOR:

By Jane Jones
Owner, Claimant, or Agent Signature

Jane Jones
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/20/2002)
Nevada Tunnel Right Notice of Location - NRS 517.150

Exhibit 10. Sample notice of location for a tunnel right (site)

**CERTIFICATE OF LOCATION
TUNNEL RIGHT**

TO ALL WHOM IT MAY CONCERN:

The undersigned hereby certifies that he has caused to be located the Star Tunnel Right in Clark County, Nevada, on the 1st day of October, 2003.

Name and mailing address of locator is:

Jane Jones
1645 River St.
Las Vegas NV 89107

RECORDER'S STAMP

The proposed course or direction of the tunnel is N10°E; the proposed height is 7 ft and width is 5 ft, and proposed length is 3600 ft.

The location of the tunnel entrance is as follows: starts in the SW 1/4 of section 35, T18S, R69E, MDBM, 1500' S80°W from VABM 4112 shown on the U.S Geological Survey topographic map of Overton Beach

The position and character of the surface monuments including the location monument are as follows:

Rock monuments at the starting point and every 300ft for a total distance of 3000 ft.

Dated this 24th day of October, 2003.

SIGNATURE OF LOCATOR:

By Jane Jones
Owner, Claimant, or Agent Signature

Jane Jones
Owner, Claimant, or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002)
Nevada Tunnel Right Certificate of Location - NRS 517.170

Exhibit 11. Sample certificate of location for a tunnel right (site)

**AFFIDAVIT AND NOTICE OF INTENT TO HOLD
MINING CLAIM(S) AND SITE(S)**

TO ALL WHOM IT MAY CONCERN:

The undersigned certifies that the owner or claimant intended or intends to hold the mining claim(s), mill site(s), and/or tunnel site(s) listed below from 12:00 p.m. on September 1 of the year before this affidavit was made and recorded, until 11:59 a.m. on September 1 of the year that this affidavit was made and recorded.

The claim map showing said claim(s) is filed as Document Number 361,013 in the Clark County records.

RECORDER'S STAMP

Name of claim(s) or site(s):

Gold Strike No.1
Gold Strike No.2
Gold Strike No.3

BLM Serial No(s):

NMC - 20124
NMC - 20125
NMC - 20126

Name and mailing address of owner or claimant:

Ira Danley
3108 Jerome Ave.
Las Vegas, NV 89154

STATE OF NEVADA
COUNTY OF _____

Subscribed and sworn to by

_____ before me this
_____ day of _____, 20__.

Dated this 31st day of July, 2003.

By Ira Danley
Owner, Claimant, Agent, or Lessee Signature

Ira Danley
Owner, Claimant, Agent, or Lessee Name (printed)

NOTARY PUBLIC

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
Nevada Affidavit/Notice of Intent to Hold, NRS 517.230

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MAINTENANCE FEE WAIVER CERTIFICATION

FORM APPROVED
OMB NO. 1004-0114
Expires: December 31, 2002

SEE INSTRUCTIONS ON REVERSE

1. This small miner waiver is filed for the assessment year beginning at noon on September 1, 2001 and ending at noon on September 1, 2002.
2. The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, 2001.
3. The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form, an affidavit of assessment work must be recorded by the December 30th following the filing of this waiver.
4. The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only); a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.
5. The undersigned understand that mill and tunnel sites may also be listed upon this waiver and be waived from payment of the maintenance fee; and that a notice of intent to hold for these sites is required to be recorded by the December 30th immediately following the filing of this waiver.
6. The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001; the filing or recording of a false, fictitious, or fraudulent document with the Bureau of Land Management may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.
7. The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM RECORDATION SERIAL NUMBER
1. <u>Lucky No. 1</u>	<u>NMC - 20012</u>
2. <u>Lucky No. 2</u>	<u>NMC - 20013</u>
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

The owner(s) (claimants) of the above mining claims and sites are:

John B Shaw
(Owner's Name - Please Print)
P.O. Box 7000
(Street or P.O. Box)
Elko NV 89802
(City) (State) (Zip Code)

John B Shaw
(Owner's Signature)

Nancy R. Shaw
(Owner's Name - Please Print)
P.O. Box 7000
(Street or P.O. Box)
Elko NV 89802
(City) (State) (Zip Code)

Nancy R. Shaw
(Owner's Signature)

(Owner's Name - Please Print)

(Street or P.O. Box)

(City)

(Owner's Signature)

(Continued on reverse)

Exhibit 14. Sample claim maintenance fee waiver certificate

(Owner's Name - Please Print)

(Owner's Signature)

(Street or P.O. Box)

(City)

(State)

(Zip Code)

(Owner's Name - Please Print)

(Owner's Signature)

(Street or P.O. Box)

(City)

(State)

(Zip Code)

(Owner's Name - Please Print)

(Owner's Signature)

(Street or P.O. Box)

(City)

(State)

(Zip Code)

(Owner's Name - Please Print)

(Owner's Signature)

(Street or P.O. Box)

(City)

(State)

(Zip Code)

INSTRUCTIONS

1. This certification is made under the provisions of § 1744 of Title 43 and § 28-28k of Title 30 of the United States Code; and the regulations thereunder (43 CFR Part 3830).
2. The claimant(s) must fill in the dates in paragraph 1 for the beginning and ending of the assessment year for which this waiver is sought.
3. The claimant(s) must fill in the date in paragraph 2 for the beginning of the assessment year for which this waiver is sought.
4. All claim and site names and Bureau of Land Management (BLM) serial numbers must be listed for the mining claims, mill sites, and tunnel sites for which the waiver is sought.
5. All owners of the mining claims, mill sites, and tunnel sites and their addresses must be given.
6. This waiver form must be signed by all the claimants or their designated agent, in original form. If an agent is designated, a notarized designation of agent, signed by all of the claimants with proper address given, must be submitted with this waiver.
7. This form must be filed no later than September 1st for the upcoming assessment year in the BLM State Office where the mining claims or sites are recorded, or the waiver cannot be granted by the BLM. (Example: to obtain a waiver for the assessment year 2000, which begins at noon on September 1, 1999, you must qualify for and file for a waiver no later than September 1, 1999 in the proper BLM State Office).
8. For all mining claims which require assessment work, you must record an affidavit of labor on or before the December 30th immediately following the filing of this waiver. For all other mining claims or sites waived, you must record a notice of intent to hold on or before the December 30th immediately following the filing of this waiver.
9. Mill and tunnel sites may also be listed upon this waiver and be waived from payment of the maintenance fee. A notice of intent to hold for these sites is required to be filed by the December 30th following the filing of this waiver.

NOTICE/BURDEN HOURS STATEMENT

The Privacy Act of 1974, as amended, and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with the information required by this certification of waiver from rental fees.

AUTHORITY: 30 U.S.C. 28-28k; 43 U.S.C. 1201, 1457, 1740, and 1744; and 43 CFR 3830.

PRINCIPLE PURPOSE: This information is to be used to verify that the owner(s) (claimant(s)) of a mining claim has complied with 30 U.S.C. 28f and is entitled to perform assessment work in lieu of paying the maintenance fee for the mining claims listed on this form.

ROUTINE USE: (1) Adjudication of the claimant(s) certification of waiver from paying the maintenance fee otherwise required by 30 U.S.C. 28f. (2) Disclosure may be made to appropriate Federal agencies when location is made within the agency's geographic area of responsibility. (3) Information from the record and/or the record will be transferred to the appropriate Federal, State, or local agency, or a member of the public in response to a specific request for pertinent information. (4) Information may also be provided to the Department of Justice or in a proceeding before a court or adjudicative body; or to Federal, State, local or foreign agencies when needed for enforcement of civil or criminal codes or applicable regulations concerning title rights upon the public land.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of this information is required by 30 U.S.C. 28f and 43 CFR Part 3830 for those qualified claimants wishing to take the small miner waiver allowed. Failure to supply the information required in this form to support the claimants certification of waiver from payment of the otherwise required maintenance fees will result in the waiver being disallowed and the mining claims subject to forfeiture by BLM under 30 U.S.C. 28i.

The Paperwork Reduction Act of 1995 requires us to inform you that:

This information is being collected to allow the BLM to determine if you qualify for a waiver from the payment of \$100 per mining claim or site maintenance fee established in 30 U.S.C. 28f and the implementing regulations at 43 CFR 3830. A response to this request is required in accordance with the statute to obtain your benefit.

BLM would like you to know that you do not have to respond to this, or any other, Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

Public reporting burden for this form is estimated to average 8 minutes (0.133 hours) per response, including time to review instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate, or any other aspect of this form, to the U.S. Department of the Interior, Bureau of Land Management, (1004-0114) Bureau Clearance Officer (WO-630), Mail Stop 401 LS, 1849 C St., N.W., Washington, D.C. 20240.

FOR OFFICIAL USE ONLY

AFFIDAVIT OF ANNUAL ASSESSMENT WORK
(Short Form)

TO ALL WHOM IT MAY CONCERN:

The undersigned, John B. Shaw, certifies that at least ONE HUNDRED AND 00/100 DOLLARS (\$100.00) per claim was expended for development, labor and improvements, or equivalent value added, as the annual assessment work for the assessment year ending September 1, 2004 for the following unpatented mining claim(s) generally located in the following sections(s):

RECORDER'S STAMP

<u>Name of Claim(s)</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>Lucky No. 1</u>	<u>3</u>	<u>21N</u>	<u>65E</u>	<u>MDBM</u>
<u>Lucky No. 2</u>	<u>3</u>	<u>21N</u>	<u>65E</u>	<u>MDBM</u>

BLM Serial No(s):	Name and mailing address of owner or claimant:
NMC- <u>20012</u>	<u>John and Nancy Shaw</u>
NMC- <u>20013</u>	<u>P.O. Box 7000</u>
NMC- _____	<u>Elko, NV 89802</u>

The work consisted of drilling a 200' deep hole

The work described above was performed at the following locations: 200' north of the discovery monument on the Lucky No. 1 claim
 Said work was performed between October, 7, and October 8. A total of more than Two Hundred and 00/100 DOLLARS (\$ 200) was expended in performing the work, or equivalent value added. The work was performed by: Jackson Drilling Co. 201 Zeno St. Wells NV 89835

STATE OF NEVADA
 COUNTY OF _____

Subscribed and sworn to by _____

before me this _____ day of _____, 20__.

 NOTARY PUBLIC

All of the aforesaid unpatented mining claims are contiguous and work on, or for the benefit of, any one claim or group of claims tends to develop all the claims. The work was performed for the purpose of developing the mineral potential of the claims and to maintain and hold such claims.

Dated this 29th day of October, 2003.

By John B. Shaw
 Owner, Claimant, Agent, or Lessee Signature

John B. Shaw
 Owner, Claimant, Agent, or Lessee Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8/16/2002 LV)
 Nevada Proof of Labor, 30 USC Sec. 28 - NRS 517.230

Exhibit 15. Sample affidavit of annual assessment work

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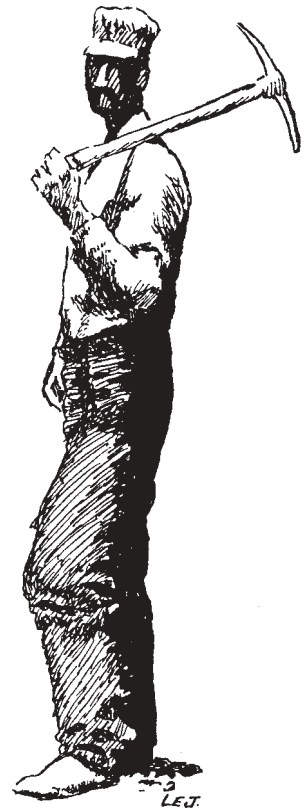
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