STANLEY RAY HUNT

IBLA 75-234 Decided March 31, 1975

Appeal from decision of the Alaska State Office, Bureau of Land Management, which declared notice of location for homestead settlement (AA-8942) unacceptable for recordation.

Affirmed.

1. Applications and Entries: Generally -- Alaska: Homesteads -- Alaska: Land Grants and Selections: Applications

A notice of location for homestead settlement on lands applied for as a state selection under the Alaska Statehood Act is unacceptable for recordation.

APPEARANCES: Stanley Ray Hunt, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Appeal by Stanley Ray Hunt from the decision of the Alaska State Office, Bureau of Land Management, dated October 9, 1974, which held his location notice unacceptable for recordation because of the prior filing of State of Alaska selection application AA-8933.

This case is on all fours with Conrad S. Huckins, 18 IBLA 357 (1975), recently decided by this Board. Huckins involved a partner of appellant whose settlement claim adjoins appellant's on the south. The facts and reasons for appeal are the same. The homestead settlement notice, indicating date of settlement or occupancy as March 24, 1974, was filed on March 28, 1974. The State of Alaska filed its selection application under the Alaska Statehood Act, 48 U.S.C. Prec. § 21 (1970), on March 22, 1974, for the entire unsurveyed township, which included all of appellant's claim.

As was the case with Huckins, appellant contends that before staking out his claim he checked over and over again with the BLM State Office to see if there were any other prior recorded claims,

and was told each time that the land was open; that there was no public record that the State had selected the land as of the date he filed; and that he and his partner (Huckins) had borrowed and invested approximately $9,000 in equipment and livestock to start the farm. 1/

Although it is apparent from the record that appellant has acted in good faith and has indicated a strong intention to perfect a homestead, it is unfortunate that his occupancy was commenced just two days after the State's selection application was filed.

[1] As the Board said in Huckins,

> * * * Appellants cannot obtain rights to lands for homesteading when those lands have been segregated from settlement by a state selection application. 43 CFR 2627.4(b). Since the lands were segregated before initiation of their claim, the notice of location was not acceptable for recordation. Cf. James Milton Cann, 16 IBLA 374 (1974); 43 CFR 2567.2.

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

Anne Poindexter Lewis
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Frederick Fishman
Administrative Judge

1/ It is apparent from his appeal that appellant and Huckins were going to farm the two claims as partners.