

LEE S. SMITH

IBLA 73-318

Decided June 7, 1973

Appeal from a Nevada State Office, Bureau of Land Management, decision rejecting mineral patent application N-7359.

Affirmed.

Mining Claims: Patent

A mineral patent application for a lode mining claim is properly rejected where it is not accompanied with a survey as required by 30 U.S.C. § 29.

APPEARANCES: Mr. Lee S. Smith, pro se.

OPINION BY MR. FRISHBERG

This is an appeal from a Bureau of Land Management decision rejecting a mineral patent application, N-7359. The application was rejected because appellant had failed to submit an official survey of his mining claim.

The procedures to obtain patent to a lode mining claim are set out in the mining law, 30 U.S.C. § 29 (1970), and the regulations, 43 CFR Part 3860. The statute and regulations require a plat of survey of the mining claim. Appellant's application, among other deficiencies, was not accompanied by a survey and was properly rejected for that reason alone.

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

Appellant has indicated his desire to comply with the procedures and has requested information to allow him to do so. In this regard we note that appellant resides in Reno, where the BLM office

is situated. He is invited to visit that office where he will be advised concerning mineral patent requirements and procedures.

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Newton Frishberg, Chairman

We concur:

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Joseph W. Goss, Member

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Martin Ritvo, Member

