

HIBERNIA SILVER MINES, INC.

IBLA 75-247

Decided April 14, 1975

Appeal from decision of the Idaho State Office, Bureau of Land Management, denying petition for deferment of annual assessment work on mining claims (I-8853).

Dismissed.

1. Mining Claims: Assessment Work -- Rules of Practice: Appeals: Dismissal

An appeal from a decision denying a petition for deferment of annual assessment work on mining claims will be dismissed where the petitioner files evidence with its appeal showing that the assessment work was subsequently performed.

APPEARANCES: D. A. Hatfield, President of Hibernia Silver Mines, Inc., for appellant.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Hibernia Silver Mines, Inc., appeals from a decision of the Idaho State Office, Bureau of Land Management, dated November 5, 1974, which denied its petition for deferment of annual assessment work on seven mining claims 1/ for the assessment year ending September 1, 1974.

In substance, the petition, filed pursuant to the Act of June 21, 1949, 63 Stat. 214, 30 U.S.C. §§ 28b-c (1970), and the regulations in 43 CFR Subpart 3852, was denied because the reasons advanced by the appellant did not meet the criteria for granting a deferment contained in the Act and regulation 43 CFR § 3852.1.

1/ The claims are Deadman No. 1, Deadman No. 2, Myrtle, Myrtle No. 2, Lottie L No. 1, Lottie L No. 2, and Hibernia Fraction, situated in Shoshone County, Idaho.

[1] Appellant alleges that the assessment work for the year ending September 1, 1974, has now been completed and the affidavit of annual assessment has been filed with the Clerk and Recorder of Shoshone County. It submitted a copy of said affidavit with the appeal. Its allegation renders the appeal moot.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Martin Ritvo
Administrative Judge

