

HELEN E. WALLACE

IBLA 80-202

Decided May 30, 1980

Appeal from decision of the Oregon State Office, Bureau of Land Management, holding mining claim abandoned and void. OR 3833.

Affirmed.

1. Notice: Generally -- Regulations: Generally

All persons dealing with the Government are presumed to have knowledge of duly promulgated regulations.

2. Federal Land Policy and Management Act of 1976: Generally -- Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Recordation

Under sec. 314 of the Federal Land Policy and Management Act of Oct. 21, 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1-2 and 3833.2-1, the owner of a mining claim located before Oct. 21, 1976, must file a copy of the official record of the notice or certificate of location and a copy of the recorded affidavit of assessment work or notice of intention to hold the claim, with the proper Bureau of Land Management Office on or before Oct. 22, 1979, or the claim must be deemed abandoned and void.

APPEARANCES: Helen E. Wallace, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Helen E. Wallace appeals the November 16, 1979, decision of the Oregon State Office, Bureau of Land Management (BLM), declaring

appellant's mining claim abandoned and void for failure to timely file such instruments as are required by 43 CFR 3833.1 and 3833.2 within the time period prescribed.

On July 1, 1964, Winfield Wallace located the Helen's Strike mining claim. Under 43 U.S.C. § 1744 (1976) and regulations 43 CFR 3833.1-2(a) and 3833.2-1(a), copies of the recorded notice or certificate of location and affidavit of assessment work or notice of intention to hold were required to be filed on or before October 22, 1979. The filings were made November 13, 1979. Appellant states that she was not notified or aware of filing requirements, including the October 22, 1979, deadline.

[1] All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations. 44 U.S.C. §§ 1507, 1510 (1976); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Willene Minnier, 45 IBLA 1 (1980); Donald A. Little, 37 IBLA 1 (1978).

[2] The mandate of statute is clear. The owner of an unpatented mining claim located prior to October 21, 1976, had until October 22, 1979, to make the required filings. Failure to comply with the statute and regulations must result in a conclusive finding that the claim has been abandoned and is void. Willene Minnier, *supra*; Joe B. Cashman, 43 IBLA 239 (1979); Walter T. Paul, 43 IBLA 119 (1979); 43 CFR 3833.4(a).

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.

Joseph W. Goss
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Frederick Fishman
Administrative Judge