

SANTA MONICA HOSPITAL MEDICAL CENTER FOUNDATION

IBLA 80-959

Decided December 5, 1980

Appeal from a decision of the Nevada State Office, Bureau of Land Management, declaring the Golden Arrow #316 mining claim abandoned and void. N MC 48461.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Assessment Work -- Mining Claims: Abandonment -- Mining Claims: Assessment Work

Under 43 U.S.C. § 1744(a) (1976) and 43 CFR 3833.2-1(c), the owner of an unpatented mining claim located on Federal lands after Oct. 21, 1976, must on or before Dec. 30 of each calendar year following the calendar year in which such claim was located, file in the proper BLM office evidence of annual assessment work performed during the previous assessment year or a notice of intention to hold the mining claim, or the claim must be presumed abandoned and void.

2. Notice: Generally -- Regulations: Generally -- Statutes

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

APPEARANCES: Robert A. Craig, President.

OPINION BY ADMINISTRATIVE JUDGE GOSS

The Santa Monica Hospital Medical Center Foundation appeals from a decision of the Nevada State Office, Bureau of Land Management (BLM),

rendered August 27, 1980, declaring the Golden Arrow #316 mining claim, N MC 48461, abandoned and void.

The claim was located December 15, 1978, by C. B. and Mary Kearsley et al. It was transferred to appellant by quitclaim deed on December 18, 1979. No affidavit of annual assessment work or notice of intention to hold the claim was received on or before December 30, 1979, as required by 43 U.S.C. § 1744(a) (1976) and 43 CFR 3833.2-1(c). For this reason BLM ruled against the claim.

On September 22, 1980, appellant filed a timely notice of appeal indicating that they did not fully understand the requirements of the law were not understood.

[1] The owner of an unpatented mining claim located after October 21, 1976, must prior to December 31 of each year following the calendar year in which the claim was located file for record either an affidavit of assessment work performed during the year or a notice of intention to hold the claim. 43 U.S.C. § 1744(a) (1976); 43 CFR 3833.2-1(c).

The failure to file required instruments is deemed conclusively to constitute an abandonment of the claim by the owner and it must be declared void. 43 U.S.C. § 1744(c) (1976); 43 CFR 3833.4(a).

[2] While it is unfortunate that the subject claim was omitted from the December 26, 1979, notice of intention to hold mining claims filed by the prior owners, it was the current owner's responsibility to see that all filings were made in compliance with applicable statutes and regulations. All persons dealing with the Government are presumed to have knowledge of duly promulgated statutes and regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Hugh A. Johnson, 50 IBLA 47 (1980); 44 U.S.C. §§ 1507, 1510 (1976).

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:

\_\_\_\_\_  
Gail M. Frazier  
Administrative Judge

\_\_\_\_\_  
Douglas E. Henriques  
Administrative Judge

