

WALTER EVERLY

IBLA 80-823

Decided January 6, 1981

Appeal from decision of the Montana State Office, Bureau of Land Management, requiring mining claimant to furnish information about where his claims (MMC 48208-48213) are situated.

Affirmed.

1. Mining Claims: Recordation

Under 43 CFR 3833.1-2(c) BLM may require a mining claimant to supplement his initial filing of recordation information with additional information including a description of the lands in his claims, according to the rectangular survey system, and to within a quarter section.

APPEARANCES: Walter Everly, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

On October 17, 1979, Walter Everly filed copies of certificates of location and affidavits of annual assessment work for the Coyote Nos. 1-6 lode mining claims with the Montana State Office, Bureau of Land Management (BLM), which assigned them serial numbers M MC 048208-048213. On March 19, 1980, BLM wrote Everly to advise him that it was unable to determine from this information where the claims were situated. BLM enclosed a copy of the plat for the area and invited him to sketch in his claims so that they might be recorded accurately. Everly apparently ignored this request.

On July 2, 1980, BLM wrote Everly that he had failed to meet the requirements of 43 CFR 3833.1-2(c)(5) and (6) in that he had not specified where the claims were situated according to the rectangular survey system. Again, BLM provided a copy of the plat so that Everly could so indicate.

On July 30, 1980, Everly (appellant) filed an appeal from this decision, asserting that he did not think that the area had been surveyed and that he wished to use the next 30 days to ascertain this fact. The record indicates that a survey of the land was approved in 1940.

[1] BLM properly required appellant to supplement his certificate of location to reflect the quarter section where it is situated. Under 43 CFR 3833.1-2(c)(5) 1/ BLM may require a claimant to furnish a description of the location of his claim to within a quarter section, if this information was not provided with his original filing. As the land has been surveyed, this information was readily ascertainable.

Accordingly, 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.

Edward W. Stuebing

Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

James L. Burski
Administrative Judge

1/ This section provides as follows:

"(c) The copy of the notice or certificates filed in accordance with paragraphs (a) and (b) of this section shall be supplemented by the following additional information unless it is included in the copy:

* * * * *

(5) For all claims or sites located on surveyed or unsurveyed lands, a description shall be furnished. This description shall recite to the extent possible, the section(s), the approximate location of all or any part of the claim or site to within a 160 acre quadrant of the section (quarter section) or sections, if more than one is involved. In addition, there must be furnished the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable * * *." [Emphasis supplied.]

