

Appeal from a decision of the Arizona State Office, Bureau of Land Management, declaring a mining claim null and void ab initio. AMC 214457.

Affirmed.

1. Mining Claims: Withdrawn Land -- Withdrawals and Reservations:
Reclamation Withdrawals

A mining claim located on land previously withdrawn from appropriation under the mining laws by a first form reclamation withdrawal is null and void ab initio.

APPEARANCES: Maynard C. Campbell, Jr., pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Maynard C. Campbell, Jr., has appealed from a decision of the Arizona State Office, Bureau of Land Management (BLM), dated February 14, 1984, declaring the Liberty Bell 112 placer mining claim, AMC 214457, null and void ab initio. 1/ The claim is situated in the SE 1/4 of sec. 5, T. 8 S., R. 21 W., Gila and Salt River Meridian, Yuma County, Arizona.

The mining claim was located on January 14, 1984, and recorded with BLM on February 3, 1984. In its decision, BLM held the claim to be null and void ab initio because it was located within land withdrawn from public entry under a First Form Reclamation Withdrawal. A review of the BLM status plat shows that the land was withdrawn for the Colorado River Storage Project by Secretarial Order on March 14, 1929.

In his statement of reasons for appeal, appellant does not address the First Form Reclamation Withdrawal. He states that records in the Yuma County

1/ The locators of the mining claim are listed as Brigitta A. Campbell, Maynard C. Campbell, Jr., Eugene R. Ralph, and Larry V. Bruner. The notice of appeal is signed Maynard C. Campbell, Jr., et al. A letter filed with BLM on July 20, 1984, in which appellant acknowledges the invalidity of certain claims of the partnership including the Liberty Bell 112, states that Larry Bruner purchased the interest of Ralph and refuses to participate in the defense of the claims.

recorder's office indicate that the lands in question have automatically reverted to the United States from Yuma County, Arizona. He further contends that sections of the documents on file in the recorder's office state that the lands were effectively opened to mineral entry as of March 30, 1967. The appellant does not indicate what documents he examined at the County office or how they relate to the reclamation withdrawal. No copies of the documents were submitted on appeal.

[1] We have reviewed a copy of a recommendation for a First Form Reclamation Withdrawal, seeking the withdrawal from public entry of lands described therein. All of sec. 5, T. 8 S., R. 21 W., is included in the description. On March 14, 1929, this recommendation was approved by the Acting Secretary. The effect of such a withdrawal is set forth succinctly in Elmer G. Thomas, 66 IBLA 92 (1982): "It is well settled that a mining claim located on land withdrawn from mineral entry by a first form reclamation withdrawal order is properly declared null and void ab initio." The withdrawal presently appears on the BLM master title plat. While appellant suggests otherwise, he presents no evidence to show that the land on which his claim is located has been restored to public entry.

We conclude therefore, that BLM properly declared the Liberty Bell 112 mining claim null and void ab initio, because it was located on land withdrawn from mineral entry.

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.

Gail M. Frazier
Administrative Judge

We concur:

Will A. Irwin
Administrative Judge

R. W. Mullen
Administrative Judge

