

## UNITED STATES DEPARTMENT OF THE INTERIOR

## GENERAL LAND OFFICE

Washington

CIRCULAR NO. 1278

INFORMATION IN REGARD TO MINING CLAIMS ON THE  
PUBLIC DOMAIN

The purpose of this circular is to furnish brief information pertinent to the location and purchase of mining claims under the United States mining laws.

1. Initiation of rights to mineral land. -- Rights to mineral lands, owned by the United States, are initiated by prospecting for mineral thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim, posting notice of location thereon (see 10), and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc.
2. State mining laws. -- As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.
3. Lands subject to location and purchase. -- Vacant public surveyed or unsurveyed lands are open to prospecting, and upon discovery of mineral, to location and purchase, as are also lands in national forests in the public-land States (forest regulations must be observed), lands entered or patented under the stock raising homestead law (title to minerals only can be acquired), lands entered under other agricultural laws but not perfected, where prospecting can be done peaceably, and lands within the railroad grants for which patents have not issued.
4. Status of lands. -- Information as to whether any particular tract of land is shown by the records to be vacant and open to prospecting may be obtained from the register of the land district in which the tract is situated. Since location notices of mining claims are filed in the office of the county recorder, ordinarily no information regarding unpatented mining claims is obtainable from the district land office or the General Land Office unless application for patent has been filed.
5. Minerals subject to location. -- Whatever is recognized as a mineral by the standard authorities, whether metallic or other substance, when found in public lands in quantity and quality sufficient to render the lands valuable on account thereof, is treated as coming within the purview of the mining laws. Deposits of coal, oil, gas, oil shale, sodium, phosphate, potash, and in Louisiana and New Mexico sulphur, belonging to the United States, can be acquired under the mineral leasing laws, and are not subject to location and purchase under the United States mining laws.



6. Mining locations--Areas. -- Lode locations for minerals discovered in lode or vein formation may not exceed in length 1,500 feet along the vein and in width 300 feet on each side of the middle of the vein, the end lines of the location to be parallel to each other. Placer locations, which include all minerals not occurring in vein or lode formation, may be for areas of not more than 20 acres for each locator, no claim to exceed 160 acres made by not less than eight locators. Placer locations must conform to the public surveys wherever practicable.

7. Who may make locations. -- Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State. Agents may make locations for qualified locators.

8. Number of locations. -- The United States mining laws do not limit the number of locations that can be made by an individual or association.

9. Valid locations--Discovery after conveyance. -- A location is not valid until an actual discovery of mineral is made within the limits thereof. A placer location of more than 20 acres, made by two or more locators and conveyed to a less number before discovery is made, is valid to the extent of 20 acres only for each owner at date of discovery.

10. Locations to be marked on ground--Notice. -- Except placer claims described by legal subdivision, all mining claims must be distinctly marked on the ground so that their boundaries may be readily traced, and all notices must contain the name or names of the locators, the date of location and such a description of the claim by reference to some natural object or permanent monument as will serve to identify the claim.

11. Locations on streams and bodies of water. -- Beds of navigable waters are subject to the laws of the State in which they are situated and are not locatable under the United States mining laws. Title to the beds of meandered nonnavigable streams is in the riparian owner. The beds of unmeandered, nonnavigable streams are subject to location under the United States mining laws if they are unoccupied, as are also the beds of meandered nonnavigable streams when the abutting upland is unappropriated.

12. Maintenance--Annual assessment work--Adverse claim--Jurisdiction. -- The right of possession to a valid mining claim is maintained by the expenditure annually of at least \$100 in labor or improvements of a mining nature on the claim, the first annual assessment period commencing at 12 o'clock noon on the 1st day of July succeeding the date of location. Failure to perform the assessment work for any year will subject the claim to relocation, unless work for the benefit of the claim is resumed before a relocation is made. The determination of the question of the right of possession between rival or adverse claimants to the same mineral land is committed exclusively to the court. (See 18.) However, failure to perform the annual assessment work on a mining claim in Alaska works a forfeiture of the claim, and resumption of work on the claim will not prevent relocation.



13. Expenditures on claim for patent purposes--Lode--Placer--Mill site.--- Five hundred dollars in labor or improvements of a mining nature, must be expended upon or for the benefit of each lode or placer claim, and compliance with the United States mining laws made otherwise, to entitle the claimant to prosecute patent proceedings therefor. Such expenditures must be completed prior to the expiration of the period during which notice of the patent proceedings is published. Patent expenditures on a mill site are not required, but it must be shown that the mill site is used or occupied for mining or milling purposes at the time an application for patent therefor is filed.

14. Patent not necessary. -- One may develop, mine, and dispose of mineral in a valid mining location without obtaining a patent, but possessory right must be maintained by the performance of annual assessment work on the claim in order to prevent its relocation by another.

15. Procedure to obtain patent to mining claims. -- The owner or owners of a valid mining location, or group of locations, on which not less than \$500 has been expended on or for the benefit of each claim, may institute patent proceedings therefor in the district land office. Information as to patent procedure can be obtained from the register of the local land office or from the General Land Office. In general, a survey must be applied for unless the claim is a placer claim located by legal subdivisions, the application for survey to be made to the public survey office in the State wherein the claim is situated. Applications for patent are filed in the district land office. A notice of the application is required to be posted on the land prior to filing the application and to be published by the register after the application is filed.

16. Blank forms. -- No set form of location notices nor of the papers filed in patent proceedings for mining claims is required and no blank forms are furnished by the General Land Office, or by the district land offices, for use in mineral cases. Forms containing essentials are printed by local private parties or concerns. The registers of the local land offices can usually advise you where such forms may be obtained.

17. Common improvements. -- An improvement, made upon one of a group of contiguous claims (cornering is not contiguity) owned in common, may be applied to such claims of the group, in existence at the time the improvement is made, shown to be benefited thereby.

18. Adverse Claims. -- An adverse claim may be filed during the period of publication of notice of an application for patent (or within 8 months after the expiration of the publication period in Alaska), by one claiming a possessory right under another mining location to all or some portion of the land applied for, and must show fully the nature, boundaries, and extent of the area in conflict, to be followed, within 30 days after filing (60 days in Alaska), by suit in a court of competent jurisdiction. If suit is filed, all proceedings on the application, except the filing of the affidavits of continuous posting and publication of the notice of the application, are stayed to await the outcome of the court proceedings.



19. Coowners. -- A coowner not named in the application for patent can not assert his rights by filing an adverse claim, a protest being proper to cause his alleged rights to be considered when the case is adjudicated. If a coowner fails to do his proper proportion of annual assessment work on a claim, or fails to contribute his proportion of the cost thereof, the coowners who have caused the work to be done during any assessment period may, at the expiration of the assessment year, give such delinquent coowner personal notice in writing, or notice by publication in a newspaper published nearest the claim for at least once a week for 90 days, and if at the expiration of 90 days after such notice in writing, or 180 days after the first newspaper publication, such delinquent should fail to contribute his proportion of the expense required, his interest in the claim becomes the property of his coowners who have made the expenditure.

20. Lode in placer. -- If a placer mining applicant fails to state that there is a known lode within the boundaries of the claim, it is taken as a conclusive declaration that he has no right of possession thereto. If no such vein or lode be known the placer patent will convey all valuable mineral and other deposits within the boundaries of the claim. A known lode not included in an application for patent to the claim may be applied for even after issuance of patent to the placer mining claim. Where a placer mining claimant makes application for a placer containing within its boundaries a lode claim owned by him the lode must be surveyed, the lode being paid for on the basis of \$5 per acre and the remaining portions of the placer at the rate of \$2.50 per acre.

21. The United States mining laws are applicable to the following States: Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

22. National parks and monuments. -- With the exception of Mt. McKinley National Park in Alaska and Death Valley National Monument in California mining locations may not be made on lands in national parks and monuments after their establishment.

23. Withdrawals. -- Withdrawals usually bar location under the mining laws, but withdrawals made under the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), permit locations of the withdrawn lands containing metalliferous minerals. Lands withdrawn for water power purposes are not subject to location unless first restored under the provisions of section 24 of the Federal Water Power Act.

24. Minerals in Indian lands. -- In general, the mineral deposits in Indian reservations are subject to leasing and are under the administration of the Office of Indian Affairs.

25. Mineral land in agricultural entries--Protest--Contest. -- Where lands known to be valuable for minerals are embraced in an agricultural filing, other than a stock raising homestead filing, a mineral claimant may initiate a contest thereagainst by filing a protest sworn to and in duplicate, in the



local land office, alleging sufficient facts, which, if proven, will establish the mineral character of the land, and warrant cancellation of the agricultural filing. The protest must be corroborated by one or more witnesses having knowledge of the facts alleged. In the case of stock raising homestead entries, a mineral claimant, whose location antedates the homestead filing, must protest such filing in order to protect his title to the surface of his mining claim.

26. Cost of patent proceedings for mining claims. -- With the exception of the fixed charges, such as the fee for filing an application for patent, which is \$10, the purchase price of lands in lode claims and millsites at \$5 per acre, and \$5 for each fractional part of an acre, and \$2.50 per acre or fraction of an acre for placer lands, unless otherwise provided by law as to certain lands, no estimate can be furnished as to what it will cost to procure a patent. The cost of publication, survey, and abstract of title depends upon the services rendered and vary in each case.

Fred W. Johnson, Commissioner.