

# MINING CLAIM PROCEDURES

FOR NEVADA PROSPECTORS AND MINERS

Sixth Edition

NEVADA BUREAU OF MINES AND GEOLOGY

Special Publication 6



# MINING CLAIM PROCEDURES FOR NEVADA PROSPECTORS AND MINERS

Sixth Edition

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# GENERAL

## INTRODUCTION

Most Federal laws regarding mining on public land can be found in the United States Code (USC) under Title 30 “Mineral Lands and Mining” and Title 43, Chapter 35 “Federal Land Policy and Management” (FLPMA), and in the Code of Federal Regulations (CFR) under Title 43 “Public Lands.” The majority of Nevada state laws regarding mining can be found in the Nevada Revised Statutes (NRS) under Chapters 512 through 520 and several other chapters and in the Nevada Administrative Code (NAC) under Chapter 517. These laws were interpreted and refined through numerous court cases. Most of the statements below contain the more pertinent legal references, but a complete set of references for each regulation is beyond the scope of this publication. The law books, however, do contain exhaustive cross references.

Federal (30 USC and 43 CFR) and Nevada (NRS 517) laws concerning mining claims on Federal land are based on an 1872 Federal law titled “An Act to Promote the Development of Mineral Resources of the United States”. Mining claim procedures still are based on this law, but the original scope of the law has been reduced by several legislative changes. The Mineral Leasing Act of 1920 (30 USC Chapter 3A) provided for leasing of some nonmetallic materials; and the Multiple Mineral Development Act of 1954 (30 USC Chapter 12) allowed simultaneous use of public land for mining under the mining laws and for lease operation under the mineral leasing laws. Additionally, the Multiple Surface Use Act of 1955 (30 USC 611-615) made “common variety” materials nonlocatable; the Geothermal Steam Act of 1970 (30 USC Chapter 23) provided for leasing of geothermal resources; and the Federal Land Policy and Management Act of 1976 (the “BLM Organic Act,” 43 USC Chapter 35) granted the Secretary of the Interior broad authority to manage public lands.

Most details regarding procedures for locating claims on Federal lands have been left to individual states, providing that state laws do not conflict with Federal laws (30 USC 28; 43 CFR 3831.1). Since the details vary from state to state, information given in this publication should not be used as a guide for other states. Locating a mining claim involves a series of steps, and the location work is not finished until all steps are completed. Every requirement of the Federal and State laws should be understood and carefully followed to insure the claim will be valid. This publication is intended only as a general guide and not as a legal guide.

Anyone with a specific problem should consult an attorney well versed in mining law. The American Law of Mining, Second Edition, Volumes 1 through 6, edited by the Rocky Mountain Mineral Law Foundation, University of Colorado, Boulder, (the main source of the legal references given in the text) is an excellent reference source which is updated

annually. These volumes are available in some libraries including the University of Nevada, Reno, DeLaMare Library. Also, the U.S. Code and Code of Federal Regulations can be found at the Business and Government Information Center at the University of Nevada, Reno, Mathewson-IGT Knowledge Center <http://guides.library.unr.edu/government> and at most law libraries. The scope of this publication is limited to the procedures for locating a mining claim. Exploration work; the opening, operating, and closing of mines; and reclamation work require obtaining the appropriate permits and following the appropriate procedures. These are summarized in NBMG Special Publication L-6 “State and Federal Permits Required in Nevada before Mining or Milling Can Begin.” [http://minerals.nv.gov/uploadedFiles/mineralsnvgov/content/Programs/Mining/SPL6\\_StAndFedPermitsRequired\\_Upd20180730das.pdf](http://minerals.nv.gov/uploadedFiles/mineralsnvgov/content/Programs/Mining/SPL6_StAndFedPermitsRequired_Upd20180730das.pdf)

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## **WHAT A MINING CLAIM CAN AND CANNOT BE USED FOR**

According to Federal law (30 USC 612), the purpose of an unpatented mining claim is for mineral prospecting, mining or processing operations, and uses reasonably related thereto, which would include erecting and maintaining the necessary structures, workings, machinery, and security measures. Also, “Use and Occupancy under the Mining Laws” (43 CFR 3715) covers what can and cannot be done on a mining claim. Occupancy, which means full or part-time residency of personnel within associated structures, storage, and/or maintenance facilities, is allowed on public land up to 14 days over any 90 day period. For longer periods, occupancy may be allowed for the claim holder or his or her workers, and/or security people if remoteness, accessibility, and security, for instance, are major issues. However, one needs to consult 43 CFR 3715 and the BLM for more information about all of these items.

Activities specifically forbidden on mining claims include but are not limited to non-mining related habitation, cultivation, animal maintenance, or pasturage; development of small trade or manufacturing concerns;

storage, treatment, processing, or disposal of non-mineral, hazardous, or toxic materials or waste that was generated elsewhere and brought onto public lands; recycling or reprocessing materials such as scrap electronic parts, appliance, photographic film, and chemicals; searching for buried treasure, treasure trove, or archaeological specimens; operating hobby and curio shops; cafes; tourist stands; and hunting and fishing camps (43 CFR 3715.6). Also, except when necessary to conduct prospecting or mining related operations, timber and other vegetation cannot be removed from an unpatented mining claim (30 USC 612). Prospecting activities are not permitted to adversely affect plants, animals, or cultural/archaeological resources which have regulatory protection.

A claim holder does have the right to prevent others from prospecting and mining on his or her claim and also the right and duty to safely secure his or her operation from trespassers. However, the claim holder cannot prevent others from crossing his or her claim for uses recognized under the Multiple Surface Use Act of 1955 (30 USC 611-615) or engaging in lawful recreational activities provided that they do not interfere with the claim holder's operations (United States v. Curtis-Nevada Mines, Inc., 415 F. Supp. 1373 [E.D. Cal. 1976]. Aff'd in part, rev'd in part, 611 F. 2nd 1277 [9th Cir. 1980]).

## **NONLOCATABLE MATERIALS**

A number of minerals and mineral materials are not locatable under the Federal mining laws but must be leased or purchased from the Federal Government. The Mineral Leasing Act of 1920 excluded oil, gas, oil shale, native asphalt, bitumen, potassium, sodium, phosphate, and coal from being locatable (30 USC 181). The Multiple Surface Use Act of 1955 excluded petrified wood (petrified wood may be freely collected in unprotected areas at a rate of up to 25 pounds plus one piece per day with an annual maximum of 250 pounds, but cannot be bartered or traded unless a permit is obtained [43 CFR 3622]) and "common variety" minerals including sand, stone, gravel, cinder, clay, pumicite, and pumice that has pieces less than 2 inches across (30 USC 611) [https://www.blm.gov/sites/blm.gov/files/documents/files/collecting\\_on\\_publiclands.pdf](https://www.blm.gov/sites/blm.gov/files/documents/files/collecting_on_publiclands.pdf). However, materials having distinct and special value (for example, a building stone with distinct color or splitting characteristics) may not be "common variety" and may be locatable (30 USC 611). Various agencies have other regulations covering collecting. For example, collecting is generally not permitted on lands managed by the National Park Service. It is important to ascertain the land status of an area and to check for special regulations prior to collecting.

Disagreements have resulted in the courts providing opinions on the locatability of a number of mineral commodities. A few examples are:

- Geodes: locatable (United States v. Bolinder, 28 IBLA 192 [1976]).



- Glass sand: locatable (*United States v. Multiple Use, Inc.*, 120 IBLA 63, 103 [1991])
- Meteorites: not locatable and the collection of large or otherwise scientifically interesting specimens comes under the Antiquities Act (16 USC 432; *People of the State of California ex rel. Younger v. Mead*, 618 F.2d 618 [1980]).
- Obsidian used in lapidary work: not locatable (*United States v. Mansfield*, 35 ILBA 95, 98 [1978]).

A number of court cases have also attempted to define what special properties will make an otherwise common variety mineral commodity sometimes locatable. A few examples are:

- Limestone (*United States v. Foresyth*, 15 IBLA 43, 59 [1974]; *United States v. Foresyth*, 100 IBLA 185, 242 [1987]; *United States v. Alaska Limestone Corp.*, supra at 318)
- Clay (*United States v. Matthey*, 67 ID 63 [1960]; *United States v. Peck*, 29 IBLA 357, 84 ID 137 [1977]; *United States v. Kaycee Bentonite Corp.*, 64 IBLA 186 [1982]; and many others)
- Travertine (*United States v. Smith*, 115 IBLA 398 [1990])
- Zeolite (*United States v. Smith*, 115 IBLA 398 [1990])

The BLM National Training Center's Knowledge Resource Center has a very extensive list of relevant cases, with links to documents, at <https://www.ntc.blm.gov/krc/viewresource.php?courseID=205>

The State Office of the Bureau of Land Management handles leasing of minerals on all public land in Nevada. The BLM should be contacted if additional information is needed.

Vertebrate fossils such as dinosaurs, mammals, fish, and reptiles, and uncommon invertebrate fossils such as insects, are not locatable and may only be collected by trained researchers under a BLM permit. However, common invertebrate fossils such as plants, mollusks, and trilobites, though also not locatable, may be collected for personal use in "reasonable" quantities, but cannot be bartered or sold (Nevada BLM "Collecting on Public Lands," BLM/NV/GI-98/0031). Gemstones (which are generally locatable) and common rock specimens may be collected for personal use on unclaimed sites (Nevada BLM "Collecting on Public Lands," BLM/NV/GI-98/0031).

## **PUBLIC LANDS IN NEVADA**

Roughly 85% of the land in Nevada is controlled by the Federal Government; most of this land is administered by the Bureau of Land Management, the Forest Service, the Department of Energy, or the Department of Defense. Much of the land controlled by the Bureau of Land Management and Forest Service is open to prospecting and claim

location. The distribution of public lands in Nevada is shown on the Bureau of Land Management “State of Nevada: Surface Management Responsibility” (2003) at 1:500,000 scale. This map is available at the Nevada Bureau of Mines and Geology publication and information office as well as at the BLM Nevada State Office in Reno, and at BLM District and Field Offices. For the most up-to-date land status information, GIS data can be downloaded from the BLM Navigator website here: <https://navigator.blm.gov/home>

As land withdrawals are made frequently by the Federal Government, land status should be checked with the State Office of the Bureau of Land Management in Reno before serious prospecting is done in an area. Lands not open to mining claim location include, but are not limited to the following:

- Indian Reservations (25 USC 397, 2102; United States v. Shoshone Tribe, 304 US 111 [1938])
- State parks and other State lands
- Beds of navigable lakes and streams (43 USC 1311; United States v. California, 332 US 19 [1947])
- Various National Wildlife Refuges
- Lake Mead National Recreation Area (although mineral leasing is permitted [16 USC 460n-3])
- Great Basin National Park (16 USC 410mm-1)
- Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area [NCA] and adjacent Black Rock Desert-High Rock Canyon Wilderness (Public Law No. 106-554); Red Rock Canyon NCA, Sloan Canyon NCA, Basin and Range National Monument [NM] Gold Butte National Monument, Tule Springs Fossil Beds National Monument
- Nevada National Security Site, which is operated by the Department of Energy
- Military lands (43 USC 158; Scott v. Carew, 196 US such as the Hawthorne Ammunition Depot, the Fallon Naval Air Station, and the Navy and Air Force Bombing and Gunnery Ranges.
- Wilderness areas established by legislation in 1964 (16 USC 11 31-1136) and the Nevada Wilderness Protection Act of 1989 (103 Stat. 1784) are no longer open to prospecting and claim location (16 USC 1133). Proposed wilderness areas on Bureau of Land Management lands are open to prospecting and claim location, but there are Federal regulations, which significantly limit surface disturbance in these areas (43 CFR 3802).

No permits are required for “weekend” or “amateur” prospecting and rock collecting including using hand tools, pans, and metal detectors on land open to prospecting (Nevada BLM “Collecting on Public Lands,” BLM/NV/GI-98/0031). If you are planning to use a dredge of any kind, you

must contact the Nevada Department of Wildlife, 6980 Sierra Center Pkwy #120, Reno, NV 89511; telephone: (775) 688-1500 for information and permits for that type of prospecting. Additionally, dredging within certain designated waterbodies requires a permit from the Nevada Division of State Lands, who can be contacted at 901 S. Stewart St., Suite 5003, Carson City, NV 89701; telephone: (775) 684-2720. These types of activities are referred to as “casual use” (43 CFR 3809.5)

Bureau of Land Management regulations regarding surface disturbance and reclamation require that a notice be submitted to the appropriate Field Office of the Bureau of Land Management for exploration activities in which five acres or less are proposed for disturbance (43 CFR 3809.1-1 through 3809.1-4). A plan of operation is needed for all mining and processing activities, plus all activities exceeding five acres of proposed disturbance. A plan of operation is also needed for any bulk sampling in which 1,000 or more tons of presumed ore are proposed for removal (43 CFR 3802.1 through § 3802.6, § 3809.11). The BLM also requires the posting of bonds for reclamation for any surface disturbance caused by more than casual use (43 CFR 3809.500 through § 3809.560). The Forest Service has regulations regarding land disturbance in forest lands (36 CFR Subpart A). Both agencies also have regulations pertaining to land disturbance in proposed wilderness areas. Anyone planning to do work that will disturb the surface of any public land should contact the appropriate agency.

## **LODE VERSUS PLACER CLAIM**

Mineral deposits are located either by lode or placer claims (43 CFR 3840). The locator must decide whether a lode or placer claim should be used for a given material; the decision is not always easy but is critical. A lode claim is void if used to acquire a placer deposit, and a placer claim is void if used for a lode deposit. The 1872 Federal law requires a lode claim for “veins or lodes of quartz or other rock in place” (30 USC 26; 43 CFR 3841.1), and a placer claim for all “forms of deposit, excepting veins of quartz or other rock in place” (30 USC 35). More generally, any vein, lode, zone, or belt of mineralized rock lying between boundaries that separate it from the neighboring rock, even if these boundaries are gradational, should be located as a lode claim. Particles and nuggets of gold contained in gravel or sand should be located as a placer claim. The form of the deposit, and not whether it contains a metal or nonmetal, is the controlling factor. Building stone, diatomite, pumice, salt, and some other materials are commonly located as placers (30 USC 161, 162, 611), and disseminated copper and disseminated gold deposits are located as lodes. (“Disseminated” means that the mineral is finely distributed throughout a volume of solid rock.) An unpatented placer claim gives no rights to known lodes present within its boundary (30 USC 37; *Clipper Mining Co. v. Eli Mining and Land Co.*, 194 US 220 [1904]); if a lode is known to exist, it

should be located by a lode claim.

If uncertain as to whether to locate a lode or placer claim, the prospector should seek advice from the State Office of the Bureau of Land Management or a mining attorney. An alternative solution is to locate or “double stake” the mineral deposit by both types of claims, but because a placer cannot be located over a lode claim, the placer claim must be located and recorded first (30 USC 37; Clipper Mining Co. v. Eli Mining and Land Co., 194 US 220 [1904]). “Double staking” is permitted only when there is no existing valid claim by another party present.

A mill site claim is used to locate nonmineral land for use in milling or processing of mineral materials (43 CFR 3832.30). A tunnel site (termed “tunnel right” under Nevada law NRS 517.150 through 517.180) is not strictly a claim but is used to obtain control of the ground and any unknown lode deposits through which the tunnel or adit is driven (30 USC 27; 43 CFR 3832.40).

## **LOCATING CLAIMS**

### **WHO CAN LOCATE**

Federal law (30 USC 22, 24, 25; 43 CFR 3830.3) and Nevada law (NRS 517.010) regulate who can locate a mining claim. Any citizen of the U.S. or any person who has declared his intention to become a citizen of the U.S. can locate a mining claim. There is no restriction regarding the person’s age or residence. A corporation organized in any state, a partnership, or two or more qualified persons can also locate a claim. Agents can locate claims for any qualified person, group, partnership, or corporation even if they are not qualified to locate claims for themselves. The minimum age limit for staking a mining claim is not well defined. Federal and case law (43 CFR 3832.1; Thompson v. Spray, 14 P 182 [Cal. 1887]) only state that minors who are U.S. citizens and have reached the “age of discretion” can stake a mining claim. Nevada law does not set a minimum age limit. Parents of minors may also stake mining claims on behalf of their children (United States v. Haskins, 59 IBLA 1, 88 [1981]; West v. United States, 30 F2d 739 [DC Cir 1929]).

### **FORMS REQUIRED**

The Nevada Division of Minerals has developed suggested forms necessary for locating and maintaining claims (NRS 513.075). Filled-out examples of these forms are among the exhibits at the end of this publication. These forms can be obtained from either the NBMG publication sales office located at 2175 Raggio Pkwy, Reno, NV 89512; telephone: (775) 682-8766, or from the Nevada Division of Minerals at 400 West King St., Suite 106, Carson City, NV 89703; telephone: (775) 684-

7040. These forms can also be freely downloaded online at <http://minerals.nv.gov/Programs/Mining/MiningClaims/>.

## **NUMBER OF CLAIMS**

There is no restriction on the number of claims that a person may locate. However, the required acts of location must be completed for each claim and a valid discovery must ultimately be made within the limits of each claim.

## **DISCOVERY**

A discovery of valuable mineral(s) on each claim is essential to create a valid claim, whether lode or placer (43 CFR 3841.3-1, 3842.1-1). A lode discovery is not adequate for a placer claim, nor is a placer discovery adequate for a lode claim (Cole v. Ralph, 252 US 286, 295, 296 [1920]). The term “discovery” was not defined in the 1872 Federal mining law, and this has caused much controversy. For many years starting in the late 19th century, the Department of Interior and the courts used the “prudent man” test: that the “discovery” must be of sufficient size and quality that a person of ordinary prudence would be justified in further expenditure of time and money with a reasonable chance of success in developing a mine. At least since the 1960s, however, the Department of Interior and the courts have become stricter concerning what constitutes a discovery and have added the “marketability” test. This test holds that a valid discovery has not been made until sufficient work has been done to show that the material can be produced and sold at a profit under present conditions. This is the type of discovery required for a mineral patent.

A discovery may be in an outcrop, a pit, or a drill hole. The discovery does not have to be at the location monument or at any particular place on the claim, but it must be in a locatable portion of the claim: that is, it cannot be within a valid adversary claim, land not open to location, or private land. The discovery can be made before or after the claim is located, but a valid discovery is necessary to establish valid ownership of the claim. In earlier days, when the definition of “discovery” was much more lenient, most discoveries were made before location. Now, with the use of both the “prudent man” and “marketability” tests, most discoveries are made after the date of location, and many claims do not have valid discoveries. When two parties claim the same ground the first discovery may determine ownership, though this should not be taken to indicate that the first-in-time claimant has an invalid claim until discovery has been documented.

Federal law (30 USC 26; 43 CFR 3832.11, § 3832.21) requires that a discovery be made before a claim can be valid. However, the courts generally have recognized that a certain amount of time is necessary to make a discovery. During this time the locator has possessory rights

(pedis possessio) (*Union Oil Co. of California v. Smith*, 249 US 537 [1919]), but these rights depend on several factors:

- the actual physical occupancy of each claim
- the exclusion of rival locators,
- a diligent effort to make the discovery (*Cole v. Ralph*, 252 US 286, 294 [1920]; *Geomet Exploration v. Lucky Mc, Ariz.*, 601 P2d 1339 [1979]).

However, if someone else—acting in good faith and without force or fraud—makes a valid discovery on a conflicting claim, the discoverer’s claim probably is the valid one (*Cole v. Ralph*, 252 US 286, 294 [1920]; *Geomet Exploration v. Lucky Mc, Ariz.*, 601 P2d 1339 [1979]). A valid discovery removes the land from unappropriated public domain and the claim holder has exclusive possession of the minerals (30 USC 26).

In conflicts between the claim holder and the Federal Government, it is absolutely essential that there be a valid discovery—using the present interpretation—on each claim. Patent procedures should never be started until enough work has been done to prove a valid discovery by both the “prudent man” and the “marketability” tests. If these conditions are not met, the Federal Government may rule that the claim involved in patent procedures is invalid.

## **DETERMINING LAND STATUS**

Prior to locating a claim or even doing extensive prospecting, one should determine whether the area is open to location. It is not open to location if the land is private property or is covered by patented or unpatented mining claims. To determine this, the location of the area must be accurately known. Topographic maps prepared by the U.S. Geological Survey (available for purchase at the Nevada Bureau of Mines and Geology and at some commercial establishments), and downloadable from the USGS National Map (<https://apps.nationalmap.gov/download/>) are helpful because they show the public land survey system. After determining the exact location of a proposed claim, one should check for private ownership or patented mining claims using the Bureau of Land Management Master Title Plats (MTP), and Historical Indices (HI) or other maps at the State Office of the Bureau of Land Management. The use of GPS and analog equipment can be relatively inaccurate, hence the importance of accurate maps for determining claim locations. Tax records and maps in the County Assessor’s office should also be consulted.

To determine whether the ground is covered by unpatented claims, the area should be searched for monuments used to mark claims or for location notices, and the mining-claim maps available in the County Recorder’s office should be studied. In addition to the State Office of the Bureau of Land Management records of unpatented claims and plat maps,

which are updated at least once a month, all unpatented claims located on or after July 1, 1971 (NRS 517.050; NAC 717.120 to 517.190) are kept by the County Recorder of the county in which the claims are located. The State Office of the Bureau of Land Management also maintains both microfiche (current through 1999) and online indices of unpatented mining claims listed by geographical (legal) description, claimant name, claim name, or a Bureau of Land Management-assigned serial number. Records are available online via the BLM LR2000 system at: <https://reports.blm.gov/reports.cfm?application=LR2000>

It is important to both physically inspect the area of interest and review the records with caution, because there may be times when a valid claim exists but not all the monumentation and records are in place. As will be discussed in more detail later, the locator has 60 days after posting a notice of location to erect all the necessary monumentation (NRS 517.030) and 90 days to file the necessary paperwork (NRS 517.040, 517.050; 43 USC 1744; 43 CFR 3833.1-2). Also, obliteration or removal of the notice of location, such as from storms or vandals, does not invalidate a claim (Tonopah and Salt Lake Mining Co. v. Tonopah Mining Co., 125 Fed 389 [C.C. D. Nev. 1903]).

## **LOCATING A LODE CLAIM**

### **LOCATING THE CLAIM**

Figure 1 shows the general form, size, and monuments for lode claims. The maximum size of a lode claim is 1,500 feet in length and 600 feet in width. As far as possible, the long axis of the claim should be along and parallel to the vein or lode and the claim should extend 300 feet on both sides of the centerline of the vein or lode (30 USC 23; 43 CFR 3841.4-2). The location monument, which must be on ground open to location (McElligott v. Krogh, 90 P 823 [1907]; Cram v. Church, 340 P2d 11 16 [1959]) (fig. 2), can be at any place along the centerline of the claim. For convenience it is often placed near one end of the claim. Generally, a claim is located with a rectangular shape, but this shape is not always practical. The end lines (the 600-foot-long lines) must be parallel (30 USC 23) to obtain extralateral (apex) rights.

Initially, a location monument is erected and the notice of location (exhibit 1) is posted on or in the monument. Figure 3A shows common, modern methods of placing the notice of location in the discovery monument. Figure 3B shows methods that were commonly used in the past and may still be seen today. The monument should be similar to those required to mark the claim boundaries (see section on marking boundaries) (NRS 517.010). A separate notice of location is necessary for each claim (NRS 517.195). If more than one claim is listed, the notice of location is void for all claims except the first one described; if it cannot be

determined which claim is described first, all are void. The notice of location must state the name of the claim, the name and mailing address of the locator or locators, the date of location, the number of feet claimed along the length of the vein in each direction from the location monument, the number of feet claimed on each side from the center line of the vein,

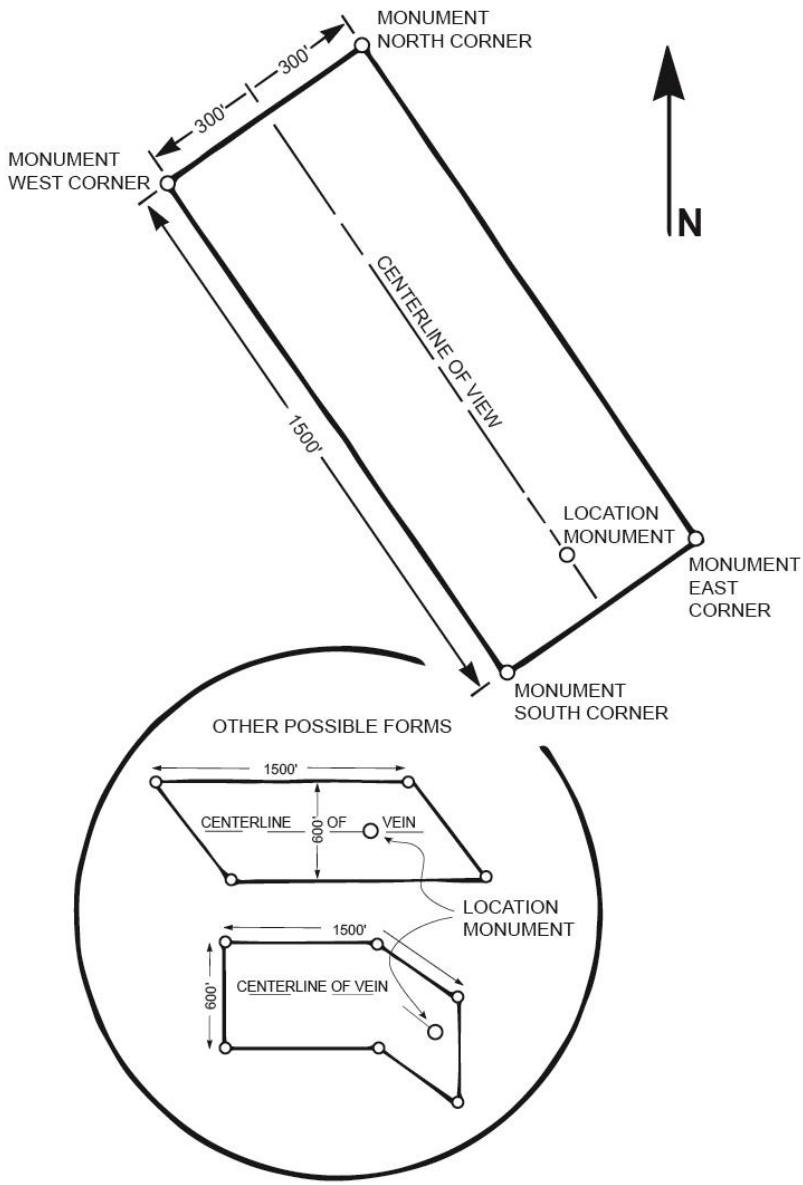
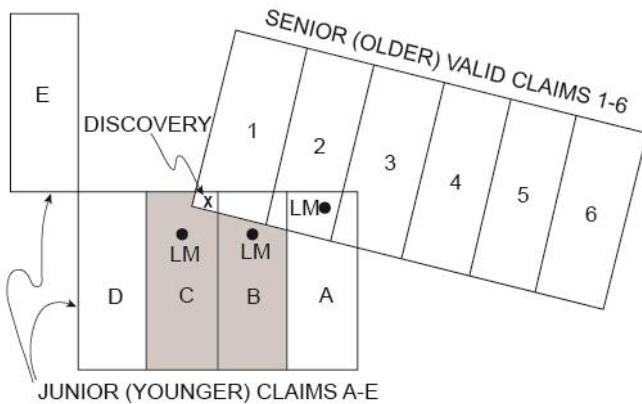


Figure 1. General form, size, and monument locations for lode claims.



and the general direction of the vein (30 USC 28; NRS 517.010). A duplicate copy of the notice of location may be filed promptly with the County Recorder to give better legal protection, but this is not required by law. Persons other than the locator may be present during the location procedure, and they can sign the notice of location as witnesses; however, witnesses are not required by Nevada law. Putting a false date on a notice of location or making a false material statement on a certificate of location or a map renders the claim void and is a Class D felony and is punishable by imprisonment for a minimum term of 1 year and a maximum term of not more than 4 years. In addition to any penalty the court may impose a fine of not more than \$5,000 (NRS 193.130; NRS 517.300).



1. Claim A: void; the location is on an older valid claim
2. Claim B: the shaded portion is valid; the portion not shaded belongs to the older claim
3. Claim C: the shaded portion is valid, but the discovery is not valid for this claim
4. Claim A through D are a contiguous group of claims, but E is not contiguous to the rest of the group

**Figure 2.** Map showing possible effects of staking over older, valid lode claims.

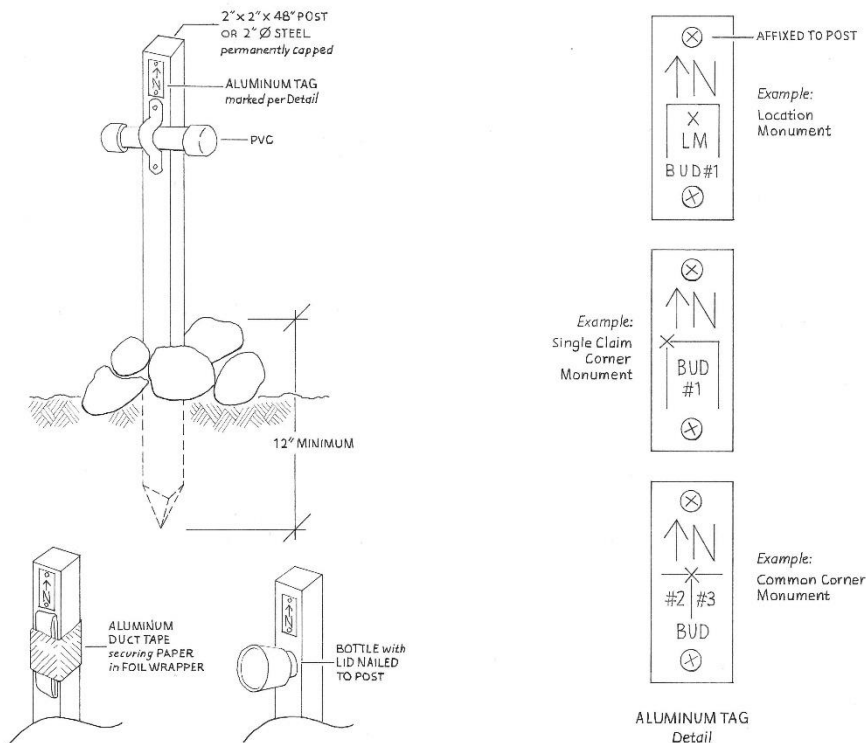
## MARKING BOUNDARIES

Nevada State law (NRS 517.030) requires that the locator must define the boundaries of the lode claim by placing a monument at each corner within 60 days from the date of location (fig. 1). If the side lines are not straight, a monument should be placed at each bend. Boundary monuments can be placed on ground already claimed, but the location monument and the discovery must be on ground open to location (fig. 2). According to Nevada State law (NRS 517.030) the monuments may consist of any of the following:

- A. A blazed and marked tree, with top removed and minimum diameter

- of at least 4 inches, protruding at least 3 feet above the ground, provided that no protected wildlife species are nesting in or on it;
- B. A rock in place capped by smaller rocks to a total height of at least 3 feet;
  - C. A wooden post at least 1.5 by 1.5 inches square or a metal post (securely capped if hollow) at least 2 inches in diameter; the wooden post or metal pipe must be at least 4 feet long set 1 foot into the ground or, if digging a hole is impractical, placed in a mound of earth or rocks;
  - D. A stone (not a rock in place) at least 6 inches in diameter and 18 inches long with two-thirds of its length set in a mound of earth or rock 3 feet in diameter and 2 feet high.

Practically, most monuments are option "C", using four-foot-long 2" X 2" wooden stakes. This is the most economical and easily installed option. Where more physical permanence is desired, the metal pipe option is preferable. These are usually set in concrete or in holes drilled in solid rock.



**Figure 3A.** Common methods of placing notice of location in discovery monument.

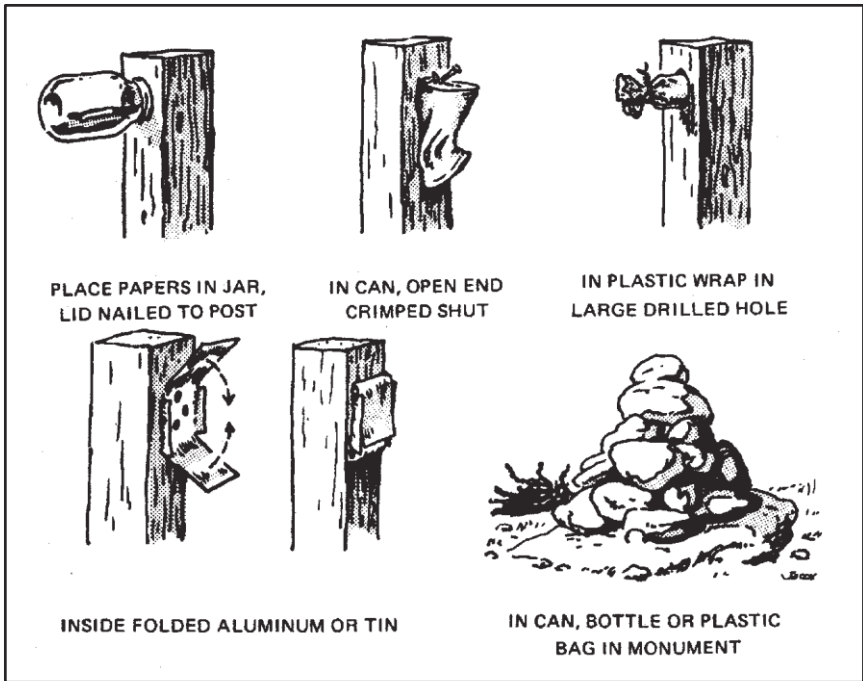


Figure 3B. Common past methods of placing notice of location in discovery monument.

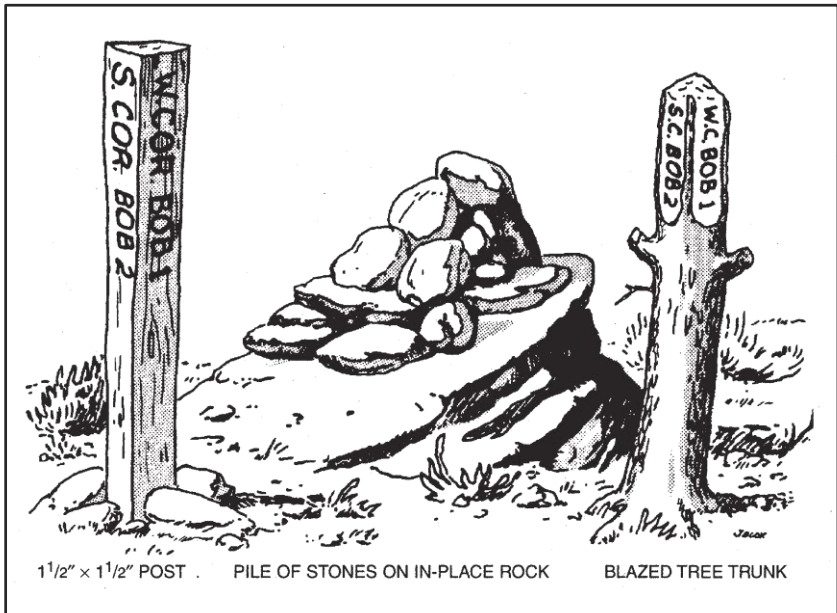


Figure 4. Examples of some claim monuments.

Plastic pipes were allowed prior to March 16, 1993, but concerns about wildlife mortality in uncapped and/or perforated pipes led to a ban on them as of November 1, 2011. Instructions for their replacement and the legal requirements for recording the remonumentation are detailed in NRS 517.030 (Monumenting of claim; required removal of plastic monuments. Available online at: <https://www.leg.state.nv.us/NRS/NRS-517.html>). Remonumentation neither affects the validity of the claim nor requires modifying the date of location, or the filing of an additional or amended map. However, within 60 days of the change, the claimant must file with the county clerk a notice of remonumentation (exhibit 2) containing the name of the claim, the book and page number or the document number of the certificate of location or the most recent amendment to the certificate of location, the book and page number or document number of the claim map filed pursuant to NRS 517.040, and a description of each valid legal monument created. The notice may contain more than one claim.

Plastic pipes may be pushed over or otherwise rendered harmless to wildlife by non-claimants under State and Federal law but may not be removed from their original location except by the claimant during remonumentation. Claimants are required to remove plastic pipes for proper disposal upon remonumentation with one of the above options.

All monuments must be marked to designate their positions on the claim boundary. Federal law (30 USC 28) requires that claim boundaries be sufficiently marked so they can be readily traced; the locator may wish to clear brush and blaze trees along a claim boundary in a vegetated area, again, provided that this does not adversely impact legally protected plants or wildlife. A “witness” monument may be used where it is dangerous or impractical to erect a monument (NRS 517.030). For example, a witness monument could be erected at the edge of a steep canyon with the notation “SE corner of Cat No. 3 would be 50 feet east of this point.”

Examples of graphical methods for marking Location Monuments and Corner Monuments are shown in both figures 3 and 4.

Monuments marking a mining claim are protected by law and willful removal or destruction is no less than a misdemeanor and punishment will be in proportion to the cost of restoring or replacing the moved, defaced, or destroyed monuments (NRS 206.220). Punishment for a misdemeanor includes a fine of up to \$1000 and/ or imprisonment in the county jail for up to 6 months (NRS 193.150).

## **CLAIM MAP**

Nevada State law (NRS 517.040) requires that two copies of a map showing the claim must be prepared and filed with the County Recorder within 90 days after posting a notice of location. These must be filed at the same time as the certificate of location. The claim map is used by the county to prepare a series of maps, which are updated at least monthly,

showing all unpatented claims active on or located on or after July 1, 1971 in that county (NRS 517.040; NAC 517.120 to 517.190).

The size of each map sheet must be either 8.5 by 14 inches or 24 by 36 inches. Any 8.5- by 14-inch sheet must be capable of being photocopied. Any 24- by 36-inch sheet must be a mylar print or other material capable of being reproduced by standard means. While the BLM accepts maps of any practical scale, Nevada counties generally specify that the map scale must be no smaller than 500 feet to the inch (that is, a claim 1,500 feet long must be shown with a length of at least 3 inches on the map). The map must show the position of the location monument and the claim boundaries in relation to other claims and establish numbers for the claim boundary monuments. A single map may be used for more than one claim, but each claim should be labeled with its name. Figure 5 is an example of a map that would meet these requirements. All claim maps are to be prepared in a similar manner.

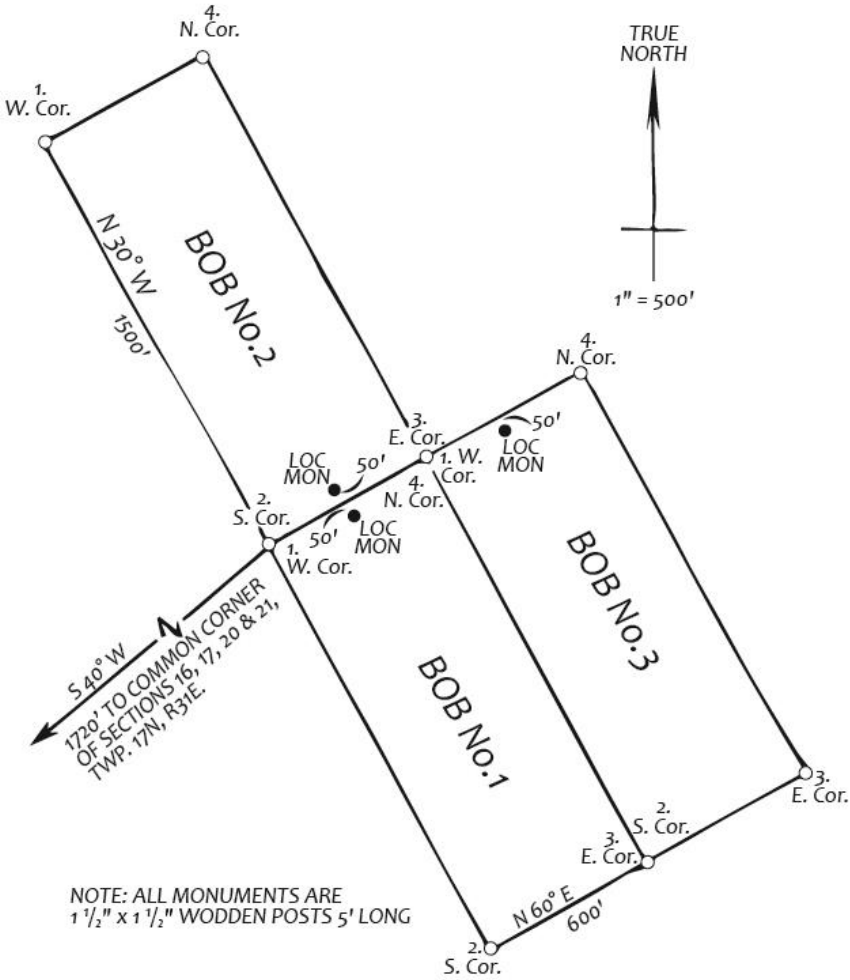
The map must show the relationship of the claim or claim group to the public land survey system (PLSS) that includes Township, Range, and Section, or to a readily identifiable landmark so that the claims can be plotted on the mining maps maintained by the county. Whenever possible, the claim should be tied by measured distance and direction to a section corner. Where the land has not been surveyed or a section corner cannot be found, the claim must be tied by distance and direction to a natural landmark or a readily identifiable artificial landmark which is customarily shown on a map (for example, a bench mark monument or the intersection of two roads).

Locators need not employ a surveyor or engineer, but should do the work and prepare the map to the best of their ability. However, locators who willfully make false material statements are guilty of a Class D felony which is punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of not more than 4 years. In addition to any penalty the court may impose a fine of not more than \$5,000 (NRS 193.130; NRS 517.300).

Significantly, mining claims are one of the few defined land areas which are not required to be determined and "surveyed" by a Professional Land Surveyor. This reflects both the geologic origin of claim law, and the substantial body of court cases which have confirmed the broad right to claim. However, claims are very precisely defined by length and direction (lode claims) or parts of the public land survey system (most placer claims), and the miner should either be comfortable with his or her own mapping skills, or retain an engineer or surveyor to assure that the many possible flaws in locating claims due to poor measurement do not endanger the claims' validity.

The map description should also state the township and range and, if possible, the section and quarter section in which the claim and the landmark are situated. It is also desirable to have the following information on the map: the type of claim (lode, placer, mill, or tunnel site), the date(s)

of location of the claim(s), the name and mailing address of the locator, the county, the type of monuments used, the bearing and distance between monuments, the scale of the map, and a north arrow (true or magnetic). The claim map is a public record. The County Recorder cannot refuse to accept a map unless he or she can affirmatively show that the map does not accurately reflect the location of all the claims.



MAP OF BOB GROUP OF LODE CLAIMS  
 CHURCHILL COUNTY, UNKNOWN MINING DISTRICT  
 LOCATED APRIL 20, 2002 BY G.W. SNOW,  
 309 PIONEER ST., FALLON, NV. 89406  
 CLAIMS IN SW/4 SECTION 16. T17N, R31E.

Figure 5. Example of a claim map.

Nevada law (NRS 517.215) allows the County Recorder to make changes on the county claim map to eliminate inaccuracies that may occur with unpatented claims. The County Recorder must notify the claim owners, and the claim owners must request a hearing within 30 days if they wish to contest the change. Also, according to NAC 517.180, if the map filed by the locator does not have sufficient information for the claim or claims to be plotted on the county map, the county surveyor must promptly notify the claim holder of the deficiency. The claim holder must then file an amended map with the County Recorder.

Nevada law (NRS 517.213; NAC 517.160) requires the County Recorder to include all patented mines and mining claims on the county map and clearly distinguish them from unpatented claims. When a registered surveyor files a record of survey showing the location of a patented mine or mining claim, the County Recorder must conform the county map to the record of survey if there is any discrepancy between the two.

## **CERTIFICATE OF LOCATION**

Nevada State law (NRS 517.050) requires that locators must record their claims by filing duplicate copies of a certificate of location (exhibit 3) with the County Recorder within 90 days after posting the notice of location. (The certificate of location is a separate document from the notice of location which must be posted on the monument when the claim is located). The certificate of location must state the name of the claim, the name and mailing address of the locator or locators, the date of location, the number of feet claimed along the length of the vein in each direction from the location monument, the number of feet claimed on each side from the center of the vein, the general direction of the vein, a statement that the work of location consisted of making a map as provided in Nevada Revised Statutes (NRS 517.040), and the location and description of each corner and its markings. A claim is void if a certificate of location containing the above information is not filed within the 90-day period. The required map must be filed with the County Recorder simultaneously with the location certificate. Each claim must have a separate certificate (NRS 517.195). Similar claim information must also be filed within 90 days of the location with the State Office of the Bureau of Land Management (43 USC 1744) (see section on Bureau of Land Management regulations). Any claims located on or after July 1, 1971, which do not include the information on the certificate and location required by NRS 517.040, are invalid. Claims validly located prior to July 1, 1971 and kept current since that time are not affected, and in practice, conformed copies of the certificate of location and claim map from the County recorder are filed with the BLM, in order to document that the recording and filing are identical.

## EXTRALATERAL RIGHTS

A lode location gives the rights to any lodes, veins, or other minerals whose apex (or top) lies within the area of the claim (30 USC 26). If the end lines of the claim are parallel, the locator also obtains extralateral (apex) rights. These allow the locator to follow any vein or lode that has its top within the claim downward beyond the side line of the claim. Figure 6 shows the extralateral rights for a lode claim. Often the owners of adjacent claims enter into a boundary or side line agreement to avoid complications that can be caused by extralateral rights; such an agreement might provide that the owners could only mine that portion of the vein that lies vertically beneath their claims. There are many complications to extralateral rights and anyone directly involved with such rights should consult a mining attorney.

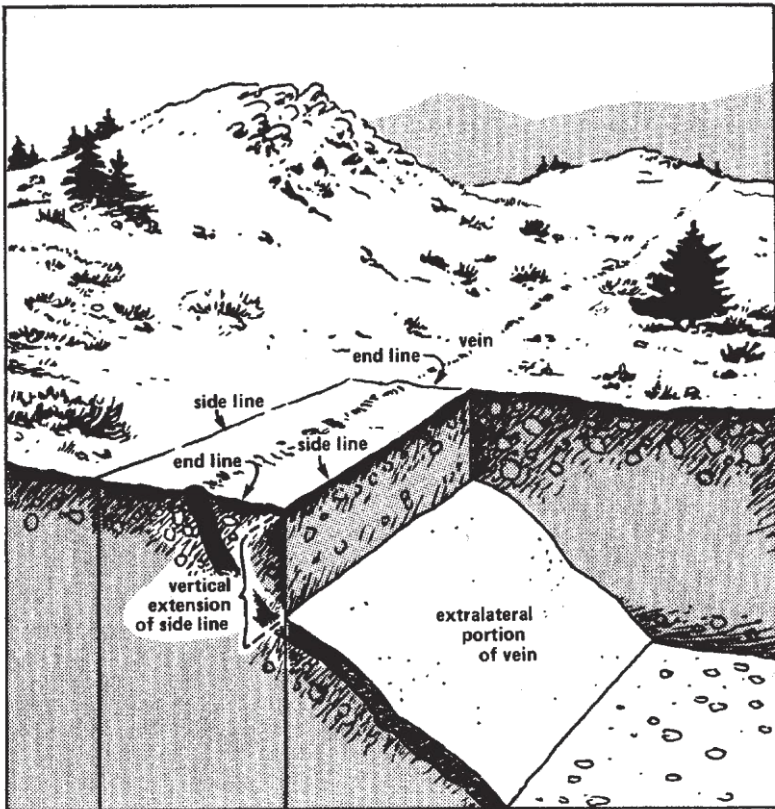


Figure 6. Extralateral rights of a lode claim.



## **RELOCATING AN ABANDONED LODE CLAIM**

Federal law (43 CFR 3833.0-5q) and Nevada State law (NRS 517.080) state that a lode claim that has been abandoned by its previous owner can be relocated by erecting a new location monument, completing a new notice of location, erecting new monuments or adopting and repairing old ones, and filing two copies of a claim map and two copies of a certificate of location with the County Recorder as specified in NRS 517.040. Because filing fees change over time, prospective claimants should contact the County in which claims are being filed for the current fees. County Recorder contact information is provided in Appendix A.

## **BUREAU OF LAND MANAGEMENT REGULATIONS**

Bureau of Land Management regulations (43 USC 1744; 43 CFR 3833.1-2) require that the locator of a mining claim, mill site, or tunnel site file a copy of the notice or certificate of location with the State Office of the Bureau of Land Management. If the notice or certificate of location does not adequately show the location of the claim or site, then a map or narrative description of the location is also required. Failure to file this information within 90 days after the claim is located voids the claim. The certificate must include the name and current mailing address of the owner or owners, the type of claim, and the location of the claim by township, range, section(s), and quarter section(s). The map should be similar to the one required by Nevada State law. Federal fees must also be paid within 90 days after the claim is located or the claim is void. This is very important to note, because the Bureau of Land Management often receives the location information without payment on the 90th day, which voids the claim. Questions regarding these regulations or other Federal mining laws or regulations should be addressed to the State Office of the Bureau of Land Management. Current federal claim fees can be found here: <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/locatable-minerals/mining-claims/fees>

## **CHECKLIST FOR LOCATING A LODE CLAIM**

1. At the time of discovery
  - a. Erect a location monument at the point of discovery, making certain that the monument is on open unclaimed ground.
  - b. Prepare a notice of location (exhibit 1) for each claim and post it on or in the monument. This notice of location can be recorded with the County Recorder for added legal protection.
2. Within 60 days after date of location:
  - a. Erect and mark monuments at all corners of the claim.

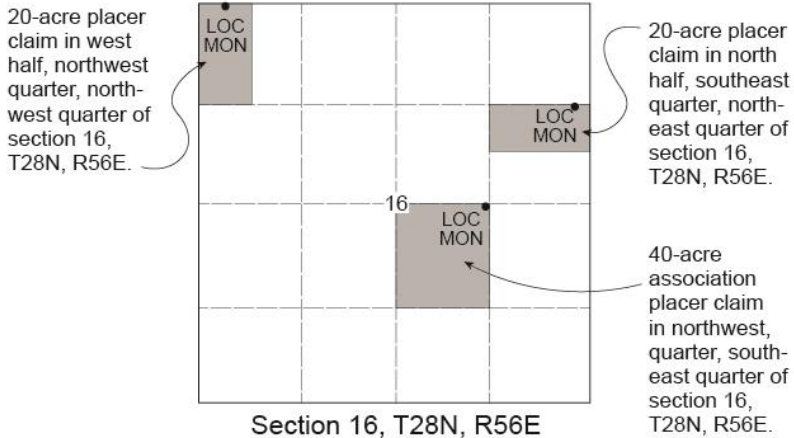
3. Within 90 days after the date of location:
  - a. Prepare a map of the claim or group of claims.
  - b. Prepare a certificate of location for each claim (exhibit 3).
  - c. File the map and certificate of location with the County Recorder for the county where the claim is located.
  - d. File the certificate of location and other necessary documents (claim map) with the State Office of the Bureau of Land Management.

## **LOCATING A PLACER CLAIM**

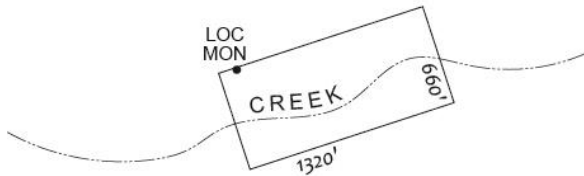
### **LOCATING THE CLAIM**

An individual or company can locate a placer claim up to 20 acres in area (30 USC 35; 43 CFR 3842.1-2). As nearly as practical, a placer claim must conform to the public land survey system, which means it should conform to the boundaries of a section and take a legal subdivision (aliquot part) of the section. This conformity may not be possible if the area is unsurveyed, if there are preexisting claims, or if the claim follows the bed of a meandering stream. Even in these cases, however, the boundaries should be oriented north-south and east-west if possible. In laying out a placer claim, it is helpful to remember that a 20-acre plot is 1,320 feet (1/4 of a mile) long and 660 feet (1/8 of a mile) wide. Figure 7 gives the general form and monuments required for placer claims. Only one discovery is needed for a placer claim, regardless of its size, but in a dispute with the Federal Government or during patent proceedings the locator must show the mineral character of each 10-acre parcel of the claim. There is no limit to the number of placer claims or association placer claims (see below) that can be located, but a valid discovery ultimately must be made on each claim.

Nevada State law (NRS 517.090) requires that, to locate a placer claim in Nevada, a monument similar to those used for a lode claim is erected at any point along the north boundary and a notice of location is posted at this monument as specified in NRS 517.030. The notice of location (exhibit 4A) must contain the name of the claim, the name and mailing address of the locator or locators, the date of location, and the number of feet or acres claimed. It should also contain a description of the claim by legal land subdivision, or if irregular, a description by distances and bearings, and show the relationship of the claim to a natural landmark or a readily identifiable artificial landmark which is customarily shown on maps (NRS 517.090). A separate notice of location is required for each claim (NRS 517.195). The notice may be filed promptly with the County Recorder for added legal protection, but the laws do not require such filing.



### TAKING PORTION OF A SURVEYED SECTION (Preferred method)



### TAKING AREA ALONG A CREEK

Figure 7. General form and monument locations for placer claims.

## ASSOCIATION PLACER CLAIMS

A group of two to eight qualified individuals or companies may locate an “association” placer claim containing 20 acres per individual or company. Thus, two persons or companies can locate a 40-acre placer claim, and eight persons or companies can locate a 160-acre placer claim. An association placer claim must be in one contiguous parcel (Contiguous parcels of land are ones that lie side by side or end to end with common boundaries. Parcels touching only at their corners are not contiguous) (43 CFR 3842.1-2). Each party in an association placer claim must have a full legal interest in the claim and a formal partnership agreement among them is strongly recommended. The use of “dummy” locators such as friends or

company employees (people who will have no real ownership interest) to obtain more acreage than legally allowed is fraud and the entire claim would be void.

After a valid discovery is made, each party in an association placer may transfer their interest as they wish without affecting the validity of the claim (Rooney v. Barnette, 200 F. 700, 708 [9th Cir. 1912]; Chittim v. Belle Fourche Bentonite Products Co., 60 Wyo. 335, 149 P.2d 142, 148 [1944]). However, if before a discovery is made, they transfer their interest to one individual, and afterwards the individual makes a valid discovery, then only the 20 acres surrounding that discovery will be considered valid (United States v. Ickes, 98 F.2d 271 [D. C. Cir.], cert. denied, 305 U.S. 619 [1938]; United States v. Nickol, 47 IBLA 183, GFS[MIN] 86 [1980]; United States v. Harenberg, 9 IBLA 77, GFS[MIN] 19 [1973]).

In practice, association placer claims should be avoided, in that the reduced work of monumentation is negligible compared to the potential for discord, loss of communication with one or more of the associates, or other complications. In particular, future sale of an association placer can be rendered impractical due to the presumptive requirement that all associates agree to the same terms, at the same time. Furthermore, BLM fees are levied on every 20 acres of an association placer, making the annual cost of maintaining a number of individual placers no greater than that of the equivalent acreage of association placer(s).

## **MARKING BOUNDARIES**

If the placer claim is located according to legal land subdivision, the location monument is the only monument required (43 CFR 3831.1; NRS 517.090). If the claim is not located in this manner, Nevada law (NRS 517.090) states only that the marking of the boundaries and the location point be done in the same manner and by the same means as required for marking boundaries of a lode claim (see section on locating a lode claim; marking boundaries). Erection and marking of monuments at all corners or bends of the placer claim is recommended. The monuments must be placed within 60 days after the date of location.

## **CLAIM MAP**

Nevada State law (NRS 517.100) requires that within 90 days after posting the notice of location, two copies of a map showing the placer claim must be prepared and filed with the County Recorder along with two copies of the certificate of location. This map, which can include more than one placer claim, should be similar to the map required for a lode claim (see section on locating a lode claim; claim map (NRS 517.040; NAC 517.120 to 517.190). All claim maps are to be prepared in a similar manner. If the placer claim is a legal land subdivision, its description should be given on the map. Where the land has not been surveyed by

the Federal Government or where a section corner cannot be found, the map must describe the position of the boundary monuments in relation to each other, establish numbers for each of these monuments, and tie the claim to a natural landmark or a readily identifiable artificial landmark.

## **CERTIFICATE OF LOCATION**

Nevada State law (NRS 517.110) requires that the locator must record his placer claim by filing duplicate copies of the certificate of location with the County Recorder within 90 days after posting the notice of location. Exhibit 5 is a sample of a certificate of location for a placer mining claim located by aliquot part of the public land survey. Exhibit 6 is a sample of a certificate of location for a placer mining claim not located by aliquot part of the public land survey. The certificate must contain the name of the claim and its designation as a placer claim, the name and mailing address of the locator or locators, the date of location, and the number of feet or acres claimed. As with the notice of location, the certificate of location should also include a description of the claim. A claim is void if the certificate of location and the map are not filed within 90 days from the date of location or if any of the required information is missing. A separate certificate of location is required for each placer claim (NRS 517.195).

## **LOCATING TAILINGS OR WASTE DUMPS**

Nevada State law (NRS 517.115) states that, for tailings or waste that was deposited on unappropriated public domain and has not been worked for 10 successive years, their original title or right of possession is considered abandoned, and they are now considered locatable by placer claim. Claimants should be aware that physical disturbance of these tailings or waste may make them liable for reclamation of the features.

## **OTHER INFORMATION**

A placer claim has no extralateral (apex) rights; the placer material cannot be mined beyond the boundary of the claim. Although Nevada law does not mention the subject, an abandoned placer claim can be relocated in the same manner as an abandoned lode claim (43 CFR 3833.0-5q) (see section on relocating an abandoned lode claim).

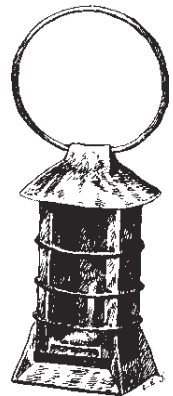
## **BUREAU OF LAND MANAGEMENT REGULATIONS**

Regulations concerning filing of information on a placer claim are the same as for a lode claim (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations). The location information must be filed and the fees must be paid with the State Office of the Bureau of Land Management within 90 days after the date of

location or the claim is void.

## CHECKLIST FOR LOCATING A PLACER CLAIM

1. At the time of discovery:
  - a. Erect a location monument at some point along the north boundary of the claim.
  - b. Prepare a notice of location for each claim and post it on or in the monument (exhibit 4A). This notice of location can be recorded with the County Recorder for added legal protection.
2. Within 60 days after date of location:
  - a. If the claim was not located according to legal land subdivision, erect and mark monuments at all corners and bends in the claim boundaries. These monuments are not required if the claim was located by legal land subdivision.
3. Within 90 days after the date of location:
  - a. Prepare a map of the claim or group of claims.
  - b. Prepare a certificate of location for each claim (either exhibit 5 or 6).
  - c. File the map and certificate of location with the County Recorder for the county where the claim is located.
  - d. File the certificate of location and other necessary documents with the State Office of the Bureau of Land Management.



## **LOCATING A MILL SITE**

Federal law (43 CFR 3844) and Nevada law (NRS 517.120 through 517.140) allow the owner of a lode or placer claim, a mine, or a mill or reduction works to locate 5 acres of nonmineral land as a mill site. A mill site where the owner does not own a lode or placer claim is referred to as a custom or independent mill site. More than one mill site may be located if additional nonmineral land is necessary. An area 660 by 330 feet is exactly 5 acres. A mill site is not valid unless actually used for mining or milling purposes (43 CFR 3844.1).

A mill site is located by posting a notice of location (exhibit 7) on the site. The location monument can be situated anywhere on the boundaries or within the mill site. This notice must contain the name and mailing address of the mill site locator or locators, the name of the lode claim, placer claim, mine, or mill, the date of location, and the number of feet or acres claimed. It must also include a description, by legal land subdivision or other means, so that the location of the mill site can be determined with reasonable certainty (NRS 517.130). A separate notice of location must be posted for each mill site (NRS 517.195).

The boundaries are marked in the same manner as those for a placer claim (see section on locating a placer claim; marking boundaries). Within 90 days of the date of location, the locator must file duplicate copies of a certificate of location containing the same information as the notice of location and duplicate copies of a map (not to exceed 3 feet by 4 feet in size) of the mill site with the County Recorder (NRS 517.140). Exhibit 8 is a sample of a certificate of location for a mill site located by aliquot part of the public land survey. Exhibit 9 is a sample of a certificate of location for a mill site not located by aliquot part of the public land survey.

A mill site is void if the certificate of location does not give all the information listed above or does not include a description that will identify the location of the mill site with reasonable certainty. A separate certificate of location must be posted for each mill site (NRS 517.195). Regulations of the Bureau of Land Management require that the mill site be registered with them within 90 days after the date of location, in the same manner as a lode claim (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations).

## **TUNNEL RIGHT (SITE)**

Federal law refers to this as a “tunnel site,” and Nevada law refers to this as a “tunnel right.” Federal laws (30 USC 27; 43 CFR 3843) and Nevada laws (NRS through 517.180) provide for location of a tunnel right. A tunnel right is not a mining claim (Creede and Cripple Creek Mining and Milling Co. v. Uinta Tunnel Mining and Transportation Co., 196 US 337 [1905]), but it gives the locator the right to drive a tunnel or adit for a

maximum distance of 3,000 feet from the portal (entrance) along a line marked on the surface. The owner has the right to 1,500 feet of any blind vein or lode (one that does not outcrop) or previously unappropriated, which the tunnel owner can then locate with a lode claim staked on the ground surface (30 USC 27; NRS 517.180). After commencement of the tunnel, other parties are prohibited from prospecting for and locating lode claims along the line of the tunnel unless the lodes already appear on the surface or were previously known. However, the tunnel is considered abandoned if work has not been done on it in at least 6 months (30 USC 27; 43 CFR 3843.1). Though no law or cases specifically deal with this, locators may not claim two or more tunnel rights end-to-end in an attempt to obtain more than 3,000 feet.

A tunnel right or location is made by posting a notice of location (exhibit 10) at the point where the tunnel is to be started (43 CFR 3843.2; NRS 517.150). The notice of location must contain the name and mailing address of the locator or locators, the date of location, the proposed course or direction of the tunnel, the proposed height and width of the tunnel, the position and character of the surface monuments that mark this course, and the location of the tunnel by reference to a natural landmark or a readily identifiable artificial landmark (43 CFR 3843.3; NRS 517.150). A separate notice of location must be posted for each tunnel right (NRS 517.195).

Within 60 days after posting the notice of location, monuments marking the line of the proposed tunnel must be placed on the surface, at intervals of not more than 300 feet, from the starting point to the end of the tunnel. The monuments must be similar to those required for a lode claim (43 CFR 3843.2; NRS 517.160) (see section on locating a lode claim; marking boundaries). Within 90 days after the location, the locator must file a certificate of location (exhibit 11) and two copies of a map comparable to that required for a lode claim with the County Recorder (43CFR 3843.3; NRS 517.140, 517.170). A separate certificate of location must be posted for each tunnel right (NRS 517.195). The Bureau of Land Management requires that the data be filed with them within 90 days after location (43 USC 1744; 43 CFR 3833.1-2) (see section on locating a lode claim; Bureau of Land Management regulations).

## **AMENDING A MINING CLAIM**

Federal regulation (43 CFR 3833.0-5p) and Nevada law (NRS 517.200) provide that the locator, or the person assigned the claim, can amend a mining claim if there is an error in the certificate of location, if the necessary location procedures were not completed prior to filing the original certificate, or if the person wishes to change the boundaries of the claim or to obtain a part of an overlapping claim that has since been abandoned. An amendment can be made at any time. Boundary monuments may be moved if this is necessary to make the change, as



long as the change does not interfere with the rights of others that exist at the time of the amendment. The amended certificate of location and a new map, if one is needed, must be filed with the County Recorder and also with the State Office of the Bureau of Land Management (43 CFR 3821.2). When a common error occurs in more than one certificate of location, the locator may amend them by recording one document that describes the error, states the desired amendment, and makes reference to the claims by name, date of recording, and the book and page of recording.

An amendment relates back to the original date of location and there is no loss of priority. An amended claim should not be confused with a relocated claim. A relocated claim is a new claim and retains no rights from the earlier claim (43 CFR 3833.0-5q). Relocating is discussed in the section "Relocating an abandoned lode claim."

## **TRANSFER OF INTEREST**

The Supreme Court ruled that even though the Federal Government holds the title, unpatented mining claims are real property and therefore can be bought, sold, transferred, willed, inherited, and liened as any other real estate (*Forbes v. Gracy*, 94 US 762 [1876]). In Nevada, the transfer of interest of unpatented mining claims is done the same way as for any other real estate transactions. A number of Nevada State laws deal with the transfer of interest in real estate and should be consulted, especially NRS 111 "Estates in Property; Conveyances and Records" (NRS 111.010 defines "conveyance," "estates and interest in lands," and "lands" and NRS 111.312 is about the recording of documents), NRS 113 "Sales of Real Property," and NRS 148 "Sales, Conveyances and Exchanges" as part of "Wills and Estates." For more information, one should contact a real estate agent or mining attorney.

Federal law (43 CFR 3833.3) requires that when a claim holder sells, assigns, or otherwise conveys his or her interest in an unpatented mining claim, mill site, or tunnel right, the transferee (person receiving the interest) must file a notice of transfer of interest with the Bureau of Land Management within 60 days. This also holds if the transferee inherits the interest. The notice of transfer of interest must contain the serial number originally assigned by the Bureau of Land Management, the name and mailing address of the transferee(s), and a copy of the legal instrument or document required by State law for the transfer of interest.

## **PATENTING MINING CLAIMS**

Federal law (30 USC 29-38, 42; 43 USC 661) provides for the patenting of a mining claim. A claim may be patented by the Federal Government if it has a valid discovery and improvements totaling at least \$500 have been made for the benefit of the claim. Once the claim is

patented, the claimant has clear and absolute title to the claim, and neither the claim maintenance fee nor the annual expenditure for labor or improvement and affidavit attesting to this work is required. An unpatented claim is not subject to property taxes (NRS 361), but a patented claim is entered on the tax roll (NRS 362.010-362.240). The patenting process is complicated and often expensive, and it is by no means certain that a patent will be issued. (In order to patent a claim, it is usually necessary for it to be part of an operating, profitable mine.) A mill site can also be patented (30 USC 42a).

Anyone interested in obtaining a patent should contact the State Office of the Bureau of Land Management for information. However, it should be noted that the Interior and Related Agencies Appropriation Act of 1994 authorized a moratorium on spending appropriated funds for the acceptance of new mineral patents applications, or the processing of mineral patent applications that have not yet received First Half Final Certificate. Since October 1, 1994, the BLM has been prohibited by acts of Congress from accepting any new mineral patent applications. The moratorium has been renewed annually through the various Interior Appropriations Acts, and the duration of this moratorium is unknown but was still in effect at the time of this revision in 2018.

## **CLAIM MAINTENANCE FEES AND ANNUAL ASSESSMENT WORK ON UNPATENTED CLAIMS**

### **CLAIM MAINTENANCE FEES**

Current Federal law (30 USC 28f; 43 CFR 3833.1-5) requires an annual claim maintenance fee of \$155 per claim be paid at the State Office of the Bureau of Land Management on or before September 1. During the initial assessment year (the year of location), the claim maintenance fee must be paid at the time the notice of location is filed with the Bureau of Land Management. Failure to pay the claim maintenance fee will void the claim.

The claim maintenance fee is required to be adjusted every 5 years after the date of enactment (1993) by the Secretary of the Interior to reflect the Consumer Price Index published by the Bureau of Labor Statistics. The Secretary of the Interior may also make the adjustment more frequently if deemed reasonable to do so. However, all claim owners must be notified by the Secretary of the Interior no later than July 1 of the year of the adjustment (30 USC 28j). Exhibit 12 is a sample of a claim maintenance fee form. Claim filing and maintenance fees are somewhat complex; however, the BLM maintains a reference online at <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/locatable-minerals/mining-claims/fees>. It is recommended that

this site be consulted before locating, filing, or paying fees on mining claims.

Nevada law (NRS 517.230) also requires that on or before November 1 of each year that the annual assessment work is not required, the claimant, or someone in their behalf, must make and have recorded with the County Recorder a notice of "intent to hold" (exhibit 13). This is an affidavit that must include the name and mailing address of the claimant, the name of the mining claim, the Bureau of Land Management serial number if any, and a statement that the claimant intends to hold the claim. The notice of intent to hold is proof that the claimant intends to hold the claim from 12 p.m. on September 1 of the year before the affidavit was made and recorded until 11:59 a.m. on September 1 of the year the affidavit was made and recorded.

## **ANNUAL ASSESSMENT WORK REQUIREMENTS**

Federal mining law (30 USC 28; 43 CFR 3851.1) requires that labor or improvement worth at least \$155 be done annually for each unpatented lode or placer claim in which the claim owner has been exempted from paying the claim maintenance fee (see previous section). State law (NRS 517.230) only regulates the recording of assessment work (see "Recording Annual Assessment Work" below).

If a number of claims are held as a group and are contiguous, the labor or improvement can be done on any of the claims or outside the group if the work definitely benefits all the claims in the group; the total work must be equivalent to a least \$155 for each claim. (A contiguous group of claims are claims held by the same locator that lie side by side or end to end with common boundaries or overlap. Claims touching only at their corners are not contiguous.) Association placer claims require \$155 annual work, regardless of their size. The assessment work may be done by the owner or by anyone designated by the owner. Annual assessment work is not required for a mill site or tunnel right, but a notice of "intent to hold" (not to be confused with the notice of intent to hold filed with the County Recorder as required by NRS 517.230 when the claim maintenance fee is paid) must be filed each year with the State Office of the Bureau of Land Management on or before December 30 (43 USC 1744). The "small miner" waiver certificate filed on or before September 1 may be considered as a notice of intent to hold if accompanied with the \$5 per claim assessment filing fee (43 CFR 3833.1-7c).

## **DEFINITION OF ANNUAL ASSESSMENT WORK**

Any labor or improvement that tends to benefit the claim or group of claims and discloses or develops valuable minerals will qualify as assessment work. Beneficial work could include the cost of sinking shafts, pits, or trenches; running adits or drifts; mining ore; the value of materials

consumed in these activities (explosives for example); salary of a security guard if one is needed; drilling costs; purchase and installation of necessary machinery or buildings; dewatering workings; building roads; and geological, geochemical, geophysical work conducted by qualified experts. Costs of labor must be calculated at the prevailing wage in the area. Repetitive road maintenance, annual clearing of brush, and other such activities that do not disclose or develop the minerals on the property are not proper annual assessment work. Among the other expenditures that cannot be used for assessment work are costs of negotiations, legal fees, travel costs, and personal expenses. Labor or improvement by a trespasser does not count toward the requirement.

A geological, geochemical, or geophysical survey can be used as part of the assessment (30 USC 28-1, 28-2; 43 CFR 3851.2) but it must be verified by a detailed report, filed with the County Recorder, that gives the location where the work was performed in relation to the discovery point and the boundaries of the claim; the nature, extent, and cost of the survey; the basic findings of the survey; and the name, address, and professional background of the expert or experts who conducted the work. Such surveys may not be applied as annual assessment work on a claim or claim group for more than 2 consecutive years or for a total of more than 5 years. The work cannot be repetitive of a previous survey of the same claim. A qualified expert is defined as an individual qualified by education or experience to conduct such a survey.

## **ASSESSMENT YEAR**

The assessment year starts at noon on September 1, and labor or improvements worth at least \$155 must be made for each claim by noon on the following September 1 (43 CFR 3851.1a, b). Assessment work is not required in the assessment year in which the claim is located (43 CFR 3851.1b); However, the BLM requires a Notice of Intent (NOI) to hold the claim if a small miner fee waiver (see section on small miners' exemption on page 38) is filed for the next assessment year. Annual assessment work is not cumulative and excess work done in one assessment year cannot be credited against the next year's requirement. Sometimes the assessment requirement for two years is done "back-to-back": work might begin on August 15 and continue through September 15, thus validating two assessment years with one project. In such a case, the claim owners will need to file separate affidavits for each assessment year.

## **RECORDING ANNUAL ASSESSMENT WORK**

Nevada law (NRS 517.230) requires that an affidavit ("proof of labor") attesting to completion of the work be filed with the County Recorder on or before November 1 following the end of the assessment year. The document filed with the County Recorder must be signed by the person

making the statement and must contain the following information: the amount of money expended or the value of the labor or improvement; the character of the expenditure, labor, or improvement; a description of the claim or the part of the claim affected by the work; the assessment year for which the work was done and the dates on which it was done; the name of the claim owner or the person at whose expense the work was done; and the name of the person or organization who performed the work.

The affidavit must be signed in the presence of a notary public. For a contiguous group of claims only one affidavit is required for that year, if the same work applies to all the claims. Exhibit 15 is the short form of the affidavit of annual assessment work. The filing of the affidavit with the County Recorder is prima facie evidence of performance of the required labor or improvement. Failure to perform annual assessment work (even though a "proof of labor" statement has been filed) makes a claim subject to relocation by another person. This action, however, will often lead to litigation, and a mining attorney should be consulted before attempting to relocate such a claim.

Federal regulations (43 USC 1744) require that a copy of the recorded affidavit of annual assessment work for a lode or placer claim or a notice of intent to hold a mill site or tunnel right be filed at the State Office of the Bureau of Land Management on or before December 30 of each year (starting the calendar year following the calendar year in which the claim was located). The notice of intent to hold a mill site or tunnel right must be in the form of a letter or other notice signed by the owner(s) or their agent(s). It must contain any change of mailing address of the owner(s) plus the BLM serial number assigned when the official record of the notice or certificate of location was filed in the BLM office. See Appendix A for a list of agencies who may be contacted to obtain current fees. Failure to record the original claim, mill site, or tunnel right with the State Office of the Bureau of Land Management or failure to record evidence of assessment work or notice of intent to hold within the prescribed time causes the claim, mill site, or tunnel right to be void. If this mistake is made, the void claim can be relocated.

## **MILITARY ACTIVE DUTY EXEMPTION**

Military personnel on active duty may, under certain circumstances, be qualified for an exemption from both the claim maintenance fee and the annual assessment work (43 CFR 3835.11(b)). This is pursuant to the Soldier's and Sailor's Relief Act (50 USC Appendix 565). To qualify, the military person must file a notice of entry into active military service with the proper BLM office. This notice will excuse the person from paying the claim maintenance fee or performing the annual assessment work. The BLM will automatically renew the waiver as long as the claimant remains on active duty. The claimant will be responsible for complying with maintenance fee requirements as of the first September 1 or six months

after the claimant is released from active duty status or from a military hospital, whichever is later. However, the person cannot hold the subject claim or site with a related party who does not qualify under the Soldier's and Sailor's Relief Act.

## **SMALL MINERS' EXEMPTION**

A waiver of the claim maintenance fee may be granted to claim holders who nationally hold no more than ten mining claims, mill sites, or tunnel sites or any combination thereof. This means, for instance, that if a person holds five claims and/or sites in any other states, they can hold no more than five in Nevada to qualify for a waiver. If a waiver of the claim maintenance fee is granted, the claim holder is then required to perform the annual assessment work as outlined in the above sections (43 CFR 3833.1-6; 30 USC 28f).

To file for a waiver, the claim holder must file a waiver certificate (exhibit 14) on or before the September 1 of the assessment year for which the waiver is sought. The waiver certificate shall contain the mining claim and site names and Bureau of Land Management serial numbers, a declaration by the claimant and all related parties that they own no more than ten claims and sites nationwide on the date the waiver statement is due, a declaration that specifies that the assessment work requirements have been or will be completed by the date the payment is due (on or before September 1) for the coming assessment year, the names and mailing addresses of all owners maintaining an interest in the claims and sites, and the signatures of all owners of the mining claims and sites for which the waiver is claimed. The claimant must file this annually on or before each September 1 (43 CFR 3833.1-7). If a waiver is denied, the claim maintenance fee must be paid within 30 days of the denial or the claim will be voided (43 CFR 3833.1-6). If the waiver is found to be defective for any reason, the claimant has 60 days after the receipt of written notification of the defect(s) by the Bureau of Land Management to either fix the problem or pay the claim maintenance fee due for that period (30 USC 28f).

## **CHECKLIST FOR WORK REQUIRED BY THE SMALL MINERS' EXEMPTION**

1. File the waiver certificate with the Bureau of Land Management by the September 1 preceding the assessment year for which the waiver is sought.
2. Complete the assessment work by September 1 of the assessment year.
3. Record the proof of labor with the County Recorder by November 1 following the assessment year.
4. File the proof of labor and notices of intent to hold any mill sites or

tunnel rights with the Bureau of Land Management by December 30 following the assessment year.

## MINING CLAIM FEES

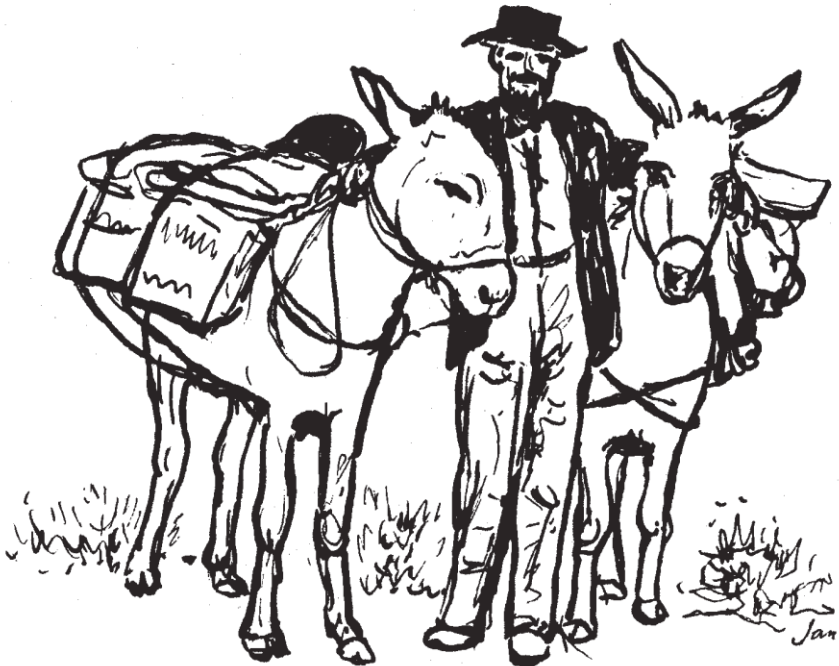
County fees may vary from one county to another. These are available online or via personal contact with the applicable county recorder.

State fees are consistent statewide and are also collected by county recorders. This portion of the total fee is available from the Nevada Division of Minerals at the address listed in Appendix A or online at: <http://minerals.nv.gov/uploadedFiles/mineralsnv.gov/content/Programs/Mining/Clarification%20of%20Fees%20for%20Recording%20of%20Mining%20Documents-070116.pdf>

Federal fees, collected by the BLM Nevada State Office separately from the county and state fees collected by county recorders are also consistent statewide. These may be obtained from the BLM at the contact information listed in Appendix A.

As fees change from time to time, it is important to ensure that the claim filing includes the appropriate payment. Failure to do so may invalidate these claim(s).

Appendix A is a current list of agencies to whom fees may be due, as well as other informational agencies.



# APPENDIX A. List of Nevada Division of Minerals, County Recordors, and Bureau of Land Management Offices

## Nevada Division of Minerals

Commission on Mineral Resources

Division of Minerals

400 W. King St., Ste. 106

Carson City, NV 89703

(775) 684-7040

<http://minerals.nv.gov/>

## COUNTY RECORDERS IN NEVADA

The following list gives the physical and mailing addresses and telephone numbers of county recordors in Nevada. Please send correspondence to the P.O. Box address where listed.

### Carson City Recorder

885 E. Musser Street, Suite 1028

Carson City, NV 89701

(775) 887-2260

<http://carson.org/government/departments-a-f/clerk-recorder/recorders-office>

### Douglas County Recorder

1616 Eighth Street

P.O. Box 218

Minden, NV 89423

(775) 782-9025

<https://www.douglascountynv.gov/cms/One.aspx?portalId=12493103&pageId=13249653>

### Churchill County Recorder

155 N. Taylor Street, Suite 131

Fallon, NV 89406

(775) 423-6001

<http://www.churchillcounty.org/index.aspx?NID=168>

### Elko County Recorder

571 Idaho Street, Room 103

Elko, NV 89801

(775) 738-6526

<http://www.elkocountynv.net/departments/recorder/index.php>

### Clark County Recorder

500 S. Grand Central Pkwy.

2nd Floor

P.O. Box 551510

Las Vegas, NV 89155-1510

(702) 455-4336

<http://www.clarkcountynv.gov/recorder/Pages/default.aspx>

### Esmeralda County Recorder and Auditor

P.O. Box 458

Goldfield, NV 89013

(775) 485-6337

[http://accessesmeralda.com/county\\_offices/auditor\\_recorder/index.php](http://accessesmeralda.com/county_offices/auditor_recorder/index.php)



**Eureka County Recorder**

10 S. Main Street

P.O. Box 556

Eureka, NV 89316

(775) 237-5263

<http://www.co.eureka.nv.us/recorder/recorder01.htm>

**Humboldt County Recorder**

25 West Fourth Street

Winnemucca, NV 89445

(775) 623-6412

<http://hcdcnv.com/recorder/recorder.htm>

**Lander County Recorder**

50 State Route 305

Battle Mountain, NV 89820

(775) 635-8272

[http://www.landercountynv.org/government/recorder\\_s\\_office/index.php](http://www.landercountynv.org/government/recorder_s_office/index.php)

**Lincoln County Recorder and Auditor**

181 North Main Street, Suite 202

P.O. Box 218

Pioche, NV 89043

(775) 962-5495

<http://lincolncountynv.org/departments/recorders-office/>

**Lyon County Recorder**

27 S. Main St.

Yerington, NV 89447

(775) 463-6581

<http://www.lyon-county.org/108/Recorder>

**Mineral County Recorder and Auditor**

105 South A Street

P.O. Box 1447

Hawthorne, NV 89415

(775) 945-3676

[http://www.mineralcountynv.us/government/recorder\\_auditor.php](http://www.mineralcountynv.us/government/recorder_auditor.php)

**Nye County Recorder**

101 Radar Rd.

P.O. Box 1111

Tonopah, NV 89049

(775) 482-8116

<http://www.nyecounty.net/210/Recorder>

**Pershing County Recorder and Auditor**

398 Main Street

P.O. Box 736

Lovelock, NV 89419

(775) 273-2408

<http://pershingcounty.net/government/recorder-auditor/index.php>

**Storey County Recorder**

26 B Street

P.O. Box 493

Virginia City, NV 89440

(775) 847-0967

<https://www.storeycounty.org/338/Recorder>

**Washoe County Recorder**

1001 E. Ninth Street

Reno, NV 89512

(775) 328-3661

<https://www.washoecounty.us/recorder/index.php>

**White Pine County Recorder**

801 Clark Street, Suite 1

Ely, NV 89301

(775) 293-6507

<http://www.whitepinecounty.net/index.aspx?NID=298>

# BUREAU OF LAND MANAGEMENT OFFICES FOR NEVADA

The following list gives the physical and mailing addresses and telephone numbers of the State and District Bureau of Land Management Offices for Nevada. Please send correspondence to the P.O. Box address where listed.

Mining Claim related BLM forms are available online at: <https://www.blm.gov/services/electronic-forms>

Remember that while District and Field Offices may provide maps and offer assistance, only the Nevada State Office can accept claims and claim fees. These may be submitted by mail, in person, or online.

## State Office

BLM Nevada State Office  
1340 Financial Blvd.  
Reno, NV 89502  
(775) 861-6500  
<https://www.blm.gov/office/nevada-state-office>

## District and Field Offices

**Applegate Field Office**  
708 West 12th Street  
Alturas, CA 96101  
(530) 233-4666  
<https://www.blm.gov/office/apple-gate-field-office>

**Carson City District Office**  
5665 Morgan Mill Road  
Carson City, NV 89701  
(775) 885-6000  
<https://www.blm.gov/office/carson-city-district-office>

**Battle Mountain District Office**  
50 Bastian Road  
Battle Mountain, NV 89820  
(775) 635-4000  
<https://www.blm.gov/office/battle-mountain-district-office>

**Elko District Office**  
3900 Idaho Street  
Elko, NV 89801  
(775) 753-0200  
<https://www.blm.gov/office/elko-district-office>

**Caliente Field Office**  
P.O. Box 237  
1400 South Front Street  
Caliente, NV 89008  
(775) 726-8100  
<https://www.blm.gov/office/caliente-field-office>

**Ely District Office**  
702 North Industrial Way  
Ely, NV 89301  
(775) 289-1800  
<https://www.blm.gov/office/ely-district-office>

**Southern Nevada District  
Office**

4701 North Torrey Pines Drive  
Las Vegas, NV 89130  
(702) 515-5000  
<https://www.blm.gov/office/las-vegas-field-office>

**Tonopah Field Office**

1553 South Main Street  
P.O. Box 911  
Tonopah, NV 89049  
(775) 482-7800  
<https://www.blm.gov/office/tonopah-field-office>

**Winnemucca District Office**

5100 East Winnemucca Blvd.  
Winnemucca, NV  
89445  
(775) 623-1500  
<https://www.blm.gov/office/winnemucca-district-office>

# EXHIBITS

The following are some examples of completed suggested Nevada forms (NRS 517.150) and BLM forms referred to in the text. Some Nevada forms are also available with space for more than one locator. The forms exhibited here are in compliance with changes in NRS 247.110, which deals with the format of forms to be filed with the county recorders, which went into effect July 1, 2003. The main change is that the area for the county recorder's stamp has been moved to the upper right-hand area of the forms.

## Exhibit 1. Sample notice of location for a lode claim

The following Document contains no Personal Information as defined by NRS 603A.040

### NOTICE OF LOCATION LODE MINING CLAIM

#### TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

G. W. Snow  
309 Pioneer St.  
Fallon, NV 89406

located the Bob No. 1 Lode Mining Claim on the 16th day of September, 20 18.

The Claim is approximately 1500 feet long and 600 feet wide, such that 50 feet are claimed in a northwest direction and 1450 feet in a southeast direction from the point of discovery (monument of location), at which the Notice of Location was posted, together with 300 feet on each side of the monument of location and center line of the Claim. The general course of the lode or vein is from the northwest to the southeast direction.

Claim is generally located in Churchill County, Section(s): 21 Township: 17N Range: 31E  
Description (optional):

SW 1/4, Section 21, T17N, R31E, MDBM  
Four corners marked with 1 1/2" x 1 1/2" wooden posts with markings "W. cor Bob No. 1" for each direction.

By \_\_\_\_\_  
Locator or Agent Signature  
(circle one)

George W. Snow.  
Locator or Agent Name (printed)

## Exhibit 2. Sample notice of remonumentation

The following Document contains no Personal Information  
as defined by NRS 603A.040

### NOTICE OF REMONUMENTATION MINING CLAIM(S) AND SITE(S)

TO ALL WHOM IT MAY CONCERN:

Pursuant to N.R.S. 517.030(7), the locator hereby gives notice that he replaced plastic claim monuments during the period July 21, 2018 through July 23, 2018 for the following claim group(s) situated in Lander, County, Nevada. The claims are generally located in Section(s): 23 Township 34N Range: 50E :

Claim Name(s)	Certificate Recorded	Amendments Recorded	NMC Number
	in Book/Page	in Book/Page	
Sage No. 1	Book 36 p157		21485
Sage No. 2	Book 36 p157		21486
Sage No. 3	Book 36 p158		21487
Sage No. 4	Book 36 p158		21488

The claim map filed pursuant to N.R.S. 517.040 was recorded as Document Number 3706, Book 36, Page 159.

The plastic monuments described in the original Certificate(s) and claim map(s) have been replaced by:  
(Description of new monuments)

1 1/2" x 1 1/2" wooden posts

and marked with the claim name and designation of the monument. The side centers of the claim were not replaced.

Dated this 30 day of July, 2018.

\_\_\_\_\_  
Locator or Agent Signature (circle one)

\_\_\_\_\_  
Locator or Agent Name (printed)

\_\_\_\_\_  
Address, City, State, Zip

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Notice of Remonumentation, - NRS 517.030

# Exhibit 3. Sample certificate of location for a lode claim

The following Document contains no Personal Information  
as defined by NRS 603A.040

**CERTIFICATE OF LOCATION  
LODE MINING CLAIM**

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

G. W. Snow  
309 Pioneer St.  
Fallon, NV 89406

RECORDER'S STAMP

located the Bob No. 1 Lode Mining Claim in the following quarter section(s):

1/4	Section	Township	Range	Meridian
SW	21	17N	31E	MDB&M
_____	_____	_____	_____	MDB&M
_____	_____	_____	_____	MDB&M
_____	_____	_____	_____	MDB&M

in Churchill County, Nevada, on the 16th day of September, 2018.

The Claim is approximately 1500 feet long and 600 feet wide, such that 50 feet are claimed in a northwest direction and 1450 feet in a southeast direction from the point of discovery (monument of location), at which the Notice of Location was posted, together with 300 feet on each side of the monument of location and center line of the Claim. The general course of the lode or vein is from the northwest to the southeast direction.

The number, location and markings on each corner monument are as follows:

Location	Markings	Description
No. 1: <u>west corner</u>	<u>W. Cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 2: <u>south corner</u>	<u>S. Cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 3: <u>east corner</u>	<u>E. Cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>
No. 4: <u>north corner</u>	<u>N. Cor Bob No. 1</u>	<u>1 1/2" x 1 1/2" wooden post</u>

As erected on the ground each corner monument is marked by metal tags  
(metal tags, paint, etc.)

The undersigned certifies that work of location included making a claim map as provided in NRS 517.040.

Dated this 18th day of September, 2018.

By \_\_\_\_\_ George W. Snow  
Locator or Agent Signature (circle one)      Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Lode Certificate of Location - NRS 517.050

## Exhibit 4A. Sample notice of location for a placer claim

The following Document contains no Personal Information as defined by NRS 603A.040

### NOTICE OF LOCATION PLACER MINING CLAIM

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

Ira Danley  
3108 Jerome Ave.  
Las Vegas, NV 89154

located the Gold Strike No. 1 Placer Mining Claim on the 14 day of September, 2018.

The monument of location is located at the Northwest corner (northerly boundary) of the Placer Claim, at which point this Notice of Location was duly posted.

The Placer Claim is approximately 1320 feet in the East-West direction and 860 feet in the North-South direction. Said Placer Claim contains 20 acres, more or less.

Claim is generally located in Churchill County, Section(s): 6 Township: 24N Range: 28E  
Description (optional):

By \_\_\_\_\_  
Locator or Agent Signature  
(circle one)

\_\_\_\_\_  
Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 12-05-2018)  
Nevada Notice of Location Placer Mining Claim - NRS 517.090

## Exhibit 4B. Sample notice of location for a placer claim (association) (page 1)

The following Document contains no Personal Information  
as defined by NRS 603A.040

**NOTICE OF LOCATION  
PLACER MINING CLAIM (ASSOCIATION)**

TO ALL WHOM IT MAY CONCERN:

The locator hereby certifies that he has caused to be located the \_\_\_\_\_ Placer Mining Claim in \_\_\_\_\_ County, Nevada, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The monument of location is located at the \_\_\_\_\_ corner (northerly boundary) of the Placer Claim, at which point this Notice of Location was duly posted.

The Placer Claim is approximately \_\_\_\_\_ feet in the \_\_\_\_\_ direction and \_\_\_\_\_ feet in the \_\_\_\_\_ direction. Said Placer Claim contains \_\_\_\_\_ acres, more or less.

General Location: Section(s): \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Description (optional):

Please indicate to which address receipts should be mailed after recording.

1	Signature	
	Name (printed)	
	Address, City, ST Zip	
2	Signature	
	Name (printed)	
	Address, City, ST Zip	
3	Signature	
	Name (printed)	
	Address, City, ST Zip	
4	Signature	
	Name (printed)	
	Address, City, ST Zip	



**Exhibit 4B. Sample notice of location for a placer claim  
(association) (page 2)**

5	Signature	
	Name (printed)	
	Address, City, ST Zip	
6	Signature	
	Name (printed)	
	Address, City, ST Zip	
7	Signature	
	Name (printed)	
	Address, City, ST Zip	
8	Signature	
	Name (printed)	
	Address, City, ST Zip	

# Exhibit 5. Sample certificate of location for a placer mining claim located by aliquot part of rectangular survey (page 1)

The following Document contains no Personal Information as defined by NRS 603A.040

**CERTIFICATE OF LOCATION**  
**PLACER MINING CLAIM LOCATED BY ALIQUOT PART OF**  
**RECTANGULAR SURVEY (ASSOCIATION)**

TO ALL WHOM IT MAY CONCERN:

The locator hereby certifies that he has located the Dodge Placer Claim

RECORDER'S STAMP

in the following quarter section(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>N1/2SE1/4</u>	<u>32</u>	<u>24N</u>	<u>28E</u>	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>

in Churchill County, Nevada, on the 14th day of July, 2018.

The monument of location is located on the north boundary of the Claim, as follows:

The Placer Claim is approximately 1320 feet in the East-West direction and 660 feet in the NorthSouth direction, being the N1/2, SE1/4, NE1/4 (legal subdivision) of the above described section. Said Placer Claim contains 20 acres, more or less.

Dated this 4th day of August, 2018.

Please indicate to which address receipts should be mailed after recording.

1	Signature	
	Name (printed)	Frank Hope
	Address, City, ST Zip	106 New St. Reno, NV 89506
2	Signature	
	Name (printed)	
	Address, City, ST Zip	

**Exhibit 5. Sample certificate of location for a placer mining claim located by aliquot part of rectangular survey (page 2)**

3	Signature	
	Name (printed)	
	Address, City, ST Zip	
4	Signature	
	Name (printed)	
	Address, City, ST Zip	
5	Signature	
	Name (printed)	
	Address, City, ST Zip	
6	Signature	
	Name (printed)	
	Address, City, ST Zip	
7	Signature	
	Name (printed)	
	Address, City, ST Zip	
8	Signature	
	Name (printed)	
	Address, City, ST Zip	

# Exhibit 6. Sample certificate of location for a placer mining claim not located by aliquot part of rectangular survey

The following Document contains no Personal Information as defined by NRS 603A.040

## CERTIFICATE OF LOCATION PLACER MINING CLAIM

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:  
John Hope  
700 Taylor St  
Reno, NV 89506

RECORDER'S STAMP

located the Gold Dust Placer Mining Claim

in the following quarter section(s):

1/4	Section	Township	Range	Meridian
SE	6	24N	28E	MDB&M
				MDB&M
				MDB&M
				MDB&M

in Churchill County, Nevada, on the 5th day of August, 2018.

The Placer Claim is approximately 1320 feet in the NE-SW direction. Said Placer Claim contains 20 acres, more or less.

The monument of location is located on the north boundary of the Claim, as follows:

The number, location and markings on each corner monument are as follows:

No.	Location	Markings	Description
No. 1:	<u>west corner</u>	<u>W. cor Gold Dust</u>	<u>1 1/2" x1 1/2" wooden post</u>
No. 2:	<u>south corner</u>	<u>S. cor Gold Dust</u>	<u>1 1/2" x1 1/2" wooden post</u>
No. 3:	<u>east corner</u>	<u>E. cor Gold Dust</u>	<u>1 1/2" x1 1/2" wooden post</u>
No. 4:	<u>north corner</u>	<u>N. cor Gold Dust</u>	<u>1 1/2" x1 1/2" wooden post</u>

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint, etc.).

Dated this 19th day of August, 2018.

Locator or Agent Signature (circle one)

John Hope  
 Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
 Nevada Placer Certificate of Location - NRS 517.110

## Exhibit 7. Sample notice of location for a mill site

The following Document contains no Personal Information  
as defined by NRS 603A.040

### NOTICE OF LOCATION MILL SITE

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

Harvey Green

530 Water Street

Lovelock, NV 89419

located the Goshen Mill Site on the 10th day of September,  
2018.

The monument of location is located at the NW corner (northerly boundary) of the Mill Site,  
at which point this Notice of Location was duly posted.

Said locator is the proprietor or owner of the Goshen Nos. 1, 2, and 3 (un)patented mining  
claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the NE-SW direction and 330 feet in the  
NW-SE direction. Said Mill Site contains 5 acres, more or less.

The Mill Site is generally located in Pershing County, Section(s): 31 Township: 28N  
Range: 30E

Description (optional):

\_\_\_\_\_  
Locator or Agent Signature  
(circle one)

\_\_\_\_\_  
Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Mill Site Notice of Location – NRS 517.130

## Exhibit 8. Sample certificate of location for a mill site located by aliquot part of rectangular survey

The following Document contains no Personal Information  
as defined by NRS 603A.040

**CERTIFICATE OF LOCATION  
MILL SITE LOCATED BY ALIQUOT PART OF  
RECTANGULAR SURVEY**

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

Henry Green  
610 Water Street  
Lovelock, NV 89419

RECORDER'S STAMP

located the Kate Mill Site in the

following quarter section(s):

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SW</u>	<u>14</u>	<u>28N</u>	<u>31E</u>	<u> MDB&amp;M</u>
_____	_____	_____	_____	<u> MDB&amp;M</u>
_____	_____	_____	_____	<u> MDB&amp;M</u>
_____	_____	_____	_____	<u> MDB&amp;M</u>

in Pershing County, Nevada, on the 19th day of September, 2018.

The monument of location is located as follows:

Said locator is the proprietor or owner of the Kate Nos. 1 and 2 (un)patented mining claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the northerly direction and 330 feet in the east - west direction, being the sw/4 (legal subdivision) of the above described section. Said Mill Site contains 5 acres, more or less.

Dated this 2nd day of October, 2018.

\_\_\_\_\_  
Locator or Agent Name Signature (circle one)

Henry Green  
\_\_\_\_\_  
Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Mill Site Certificate of Location  
Located by Aliquot Part of Rectangular Survey NRS 517.140

# Exhibit 9. Sample certificate of location for a mill site not located by aliquot part of rectangular survey

The following Document contains no Personal Information  
as defined by NRS 603A.040

**CERTIFICATE OF LOCATION**  
**MILL SITE**

**TO ALL WHOM IT MAY CONCERN:**

Name and mailing address of locator:

Harvey Green  
590 Water St.  
Lovelock, NV 89419

located the Goshen Mill Site in the following quarter section(s):

**RECORDER'S STAMP**

<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>SE</u>	<u>22</u>	<u>29N</u>	<u>31E</u>	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>
_____	_____	_____	_____	<u>MDB&amp;M</u>

in Pershing County, Nevada, on the 10th day of September, 2018.

Said locator is the proprietor or owner of the Goshen Nos. 1, 2, and 3 (un)patented mining claims generally located in Pershing County, Nevada.

The Mill Site is approximately 660 feet in the NE-SW direction and 330 feet in the NW-SE direction. Said Mill Site contains 5 acres, more or less.

The monument of location is located as follows:

The number, location and markings on each corner monument are as follows:

	<u>Location</u>	<u>Markings</u>	<u>Description</u>
No. 1:	<u>west corner</u>	<u>W cor</u>	_____
No. 2:	<u>south corner</u>	<u>S cor</u>	_____
No. 3:	<u>east corner</u>	<u>E cor.</u>	_____
No. 4:	<u>North corner</u>	<u>N. cor</u>	_____

As erected on the ground, each corner monument is marked as described above by metal tags (e.g. metal tags, paint, etc).

Dated this 2nd day of October, 201.

\_\_\_\_\_  
Locator or Agent Name Signature (circle one)

Harvey Green  
\_\_\_\_\_  
Locator or Agent Name (printed)

# Exhibit 10. Sample notice of location for a tunnel right (site)

The following Document contains no Personal Information  
as defined by NRS 603A.040

## NOTICE OF LOCATION TUNNEL RIGHT

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

Jane Jones \_\_\_\_\_

1645 River St. \_\_\_\_\_

Las Vegas, NV 89107 \_\_\_\_\_

located the Star \_\_\_\_\_ Tunnel Right in Clark \_\_\_\_\_ County, Nevada,  
on the 1st day of October \_\_\_\_\_, 2018.

The proposed course or direction of the tunnel is N10°E \_\_\_\_\_; the proposed height is 7ft \_\_\_\_\_ and  
width is 5ft \_\_\_\_\_, and proposed length is 3000ft \_\_\_\_\_.

The location of the tunnel entrance is as follows: Section: 35 \_\_\_\_\_ Township: 18S \_\_\_\_\_ Range: 69E \_\_\_\_\_  
Description of the tunnel by reference to a landmark:

Starts in the SW1/4 of section 35, T18S, R69E, MDEM, 1500 ft S80°W from VABM 4112 shown on the U.S.  
Geological Survey topographic map of Overton Beach.

The position and character of the surface monuments including the location monument are as follows:

Rock monument at the starting point and 300ft for a total distance of 3000ft.

\_\_\_\_\_  
Locator or Agent Signature  
(circle one)

Jane Jones \_\_\_\_\_  
Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 9-22-2015)  
Nevada Tunnel Right Notice of Location - NRS 517.150



# Exhibit 11. Sample certificate of location for a tunnel right (site)

The following Document contains no Personal Information  
as defined by NRS 603A.040

## CERTIFICATE OF LOCATION TUNNEL RIGHT

TO ALL WHOM IT MAY CONCERN:

Name and mailing address of locator:

Jane Jones  
1645 River St.  
Las Vegas, NV 89107

RECORDER'S STAMP

located the Star Tunnel Right

in the following quarter section(s):

1/4	Section	Township	Range	Meridian
SW	35	18S	69E	MDB&M
				MDB&M
				MDB&M
				MDB&M

in Clark County, Nevada, on the 1st day of October, 2018.

The proposed course or direction of the tunnel is N10°E; the proposed height is 7ft and width is 5ft, and proposed length is 3000ft.

The location of the tunnel entrance is as follows:

Starts in the SW1/4 of section 35, T18E, R69E, MDBM, 1500' S80°W from VABM 4112 shown on the U.S. Geological Survey topographic map of Overton Beach

The position and character of the surface monuments including the location monument are as follows:

Rock monuments at the starting point and every 300ft for a total distance of 3000ft.

Dated this 24th day of October, 2018.

Locator or Agent Signature (circle one)

Jane Jones  
Locator or Agent Name (printed)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Tunnel Right Certificate of Location - NRS 517.170

# Exhibit 12. Sample claim maintenance fee form for placer mining claims (page 1)

Form 3830-5a  
(June 2014)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**MAINTENANCE FEE PAYMENT FORM  
FOR PLACER MINING CLAIMS**

<b>Save</b>
<b>Print</b>
<b>Clear</b>

Remitter Name: <u>Ira Danley</u> Mailing Address: <u>3108 Jerome Ave.</u> City, State, Zip: <u>Las Vegas, NV 89154</u> <input type="checkbox"/> Check here if this is a change of address.	<b>FOR COUNTY RECORDER'S USE</b>
---	----------------------------------

No. of claims 3  
Total due BLM \$ 465

1. The maintenance fee may be paid by cash, check, money order, Bureau of Land Management (BLM) Declining Deposit Account, or credit card (VISA, American Express, Discover, or MasterCard). Payments must be remitted to the BLM State Office where your claim or site is recorded and received on or before September 1. If the payment is mailed, the envelope must be postmarked by a bona fide delivery service on or before September 1 and received at the proper BLM State Office within 15 calendar days after the due date. Payments may also be made by telephone using a credit card. A complete listing of BLM State Offices with their addresses and phone numbers can be found at <http://www.blm.gov>.
2. The maintenance fee for the following claim(s) applies to the assessment year 2018.

CLAIM NAME	BLM SERIAL NO.	ACRES IN CLAIM	PAYMENT DUE TO THE BLM (See Instructions on Page 2)
Gold Strike No.1	NMC-20124	20	\$155
Gold Strike No.2	NMC-20125	20	\$155
Gold Strike No.3	NMC-20126	20	\$155

Use a separate sheet for additional claim names, serial numbers, and claimant names and addresses.

(Continued on page 2)

# Exhibit 12. Sample claim maintenance fee form for placer mining claims (page 2)

## INSTRUCTIONS

1. This is an optional form that may be used to satisfy the requirements for the Bureau of Land Management (BLM) under the provisions of 43 U.S.C. §1744 and 30 U.S.C. §28f and the regulations thereunder (43 CFR part 3834). Since local and State laws may vary, you should contact your local and State agencies where the claims are located to ensure all applicable laws and requirements are satisfied.
2. This form should be used to pay the maintenance fee for placer mining claims only. To pay the maintenance fee for lode mining claims, mill sites or tunnel sites, use Form 3830-5.
3. Complete the section for the number of claims and the amount being remitted to the BLM.
4. Enter the year in paragraph 2 for the applicable assessment year.
5. List all mining claim names and the BLM serial number associated to the claim if the BLM has notified you what the serial number is. Every attempt should be made to include the current BLM serial number for each claim listed. List the acreage for each claim and the amount due based on the acreage. See the chart below for amounts due.
6. The maintenance fee for placer mining claims is paid for every 20 acres of the claim **or portion thereof**. When making a maintenance fee payment for your placer claim, you should make your payment in accordance with the following chart:

Number of acres in the claim	Maintenance Fee Payment Due Per Claim
≤ 20 acres	\$155
> 20 acres but ≤ 40 acres	\$310
> 40 acres but ≤ 60 acres	\$465
> 60 acres but ≤ 80 acres	\$620
> 80 acres but ≤ 100 acres	\$775
> 100 acres but ≤ 120 acres	\$930
> 120 acres but ≤ 140 acres	\$1,085
> 140 acres but ≤ 160 acres	\$1,240
> 160 acres	Contact the BLM

Legend: > means greater than, < means less than, = means equal to

7. The name and current mailing addresses of the person paying the maintenance fee(s) should be listed at the top of the form. If this is a change of address for a claimant, that should also be noted.
8. If needed, an additional sheet can be used to continue listing claim names, BLM serial numbers, acres in claim, payment due or the name and current mailing address of additional claimants.
9. If paying by credit card, you must complete the following credit card information on page 4: (a) exact name on the face of the credit card; (b) amount paid; (c) type of card; (d) credit card number; (e) expiration date of the card; and (f) telephone number. You must also sign page 4 to show authorization to charge the credit card.

## NOTICES

**THE PRIVACY ACT** and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information requested by this form.

**AUTHORITY:** 30 U.S.C. 28f and 43 CFR part 3834 permit collection of the information requested by this form.

**PRINCIPAL PURPOSE:** The BLM will use the information you provide to record the annual maintenance fee payment for the claims listed and to verify that payment has been made in accordance with 30 U.S.C. 28f and 43 CFR part 3834.

**ROUTINE USES:** The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.56(b) and (c).

**EFFECT OF NOT PROVIDING INFORMATION:** Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3834 for claimants paying the annual maintenance fee. The use of this specific form when paying the maintenance fee is optional. However, when paying the maintenance fee, it is the requested information on this form that is required to be submitted along with the fee. Failure to submit all the required information will delay the BLM's processing of the information and may preclude the BLM's acceptance of the maintenance fee payment, which may result in forfeiture of the mining claim(s) by the claimant.

(Continued on page 3)

(Form 3830-5a, page 2)

# Exhibit 12. Sample claim maintenance fee form for placer mining claims (page 3)

COMPLETE THE FOLLOWING FOR CREDIT CARD PAYMENTS:

Exact name as shown on credit card: Ira Danley

Amount Paid: \$ 465

Type of Card:  VISA  MASTERCARD  DISCOVER  AMERICAN EXPRESS

CREDIT CARD NUMBER

1	2	3	4	5	6	7	8	9	0	0	0	0	0	0	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Expiration Date: 12/2024 Telephone No.: 702-664-8765

Signature: \_\_\_\_\_

Title 18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

**NOTE TO BLM EMPLOYEES: DETACH THIS PAGE BEFORE FILING THIS FORM IN APPLICABLE CASE FILES.**

# Exhibit 13. Sample claim maintenance fee form for lode claims (page 1)

Form 3830-5  
(June 2014)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**MAINTENANCE FEE PAYMENT FORM FOR  
LODE CLAIMS, MILL SITES, AND TUNNEL SITES**

Save

Print

Clear

Remitter Name: George W. Snow

Mailing Address: 309 Pioneer St.

City, State, Zip: Fallon, NV 89406

Check here if this is a change of address.

FOR COUNTY RECORDER'S USE

No. of claims/sites 1  
x \$155 per claim/site  
Total due BLM \$ 155

1. The maintenance fee may be paid by cash, check, money order, Bureau of Land Management (BLM) Declining Deposit Account, or credit card (VISA, American Express, Discover, or MasterCard). Payments must be remitted to the BLM State Office where your claim or site is recorded and received on or before September 1. If the payment is mailed, the envelope must be postmarked by a bona fide delivery service on or before September 1 and received at the proper BLM State Office within 15 calendar days after the due date. Payments may also be made by telephone using a credit card. A complete listing of BLM State Offices with their addresses and phone numbers can be found at <http://www.blm.gov>.
2. The maintenance fee for the following claim(s)/site(s) applies to the assessment year \_\_\_\_\_.

CLAIM/SITE NAME	BLM SERIAL NO.
Bob No. 1	NMC-2000092

Use a separate sheet for additional claim/site names, serial numbers, and claimant names and addresses.

(Continued on page 2)

# Exhibit 13. Sample claim maintenance fee form for lode claims (page 2)

## INSTRUCTIONS

1. This is an optional form that may be used to satisfy the requirements for the Bureau of Land Management (BLM) under the provisions of 43 U.S.C. §1744 and 30 U.S.C. §28f and the regulations thereunder (43 CFR part 3834). Since local and State laws may vary, you should contact your local and State agencies where the claims are located to ensure all applicable laws and requirements are satisfied.
2. This form should be used to pay the maintenance fee for lode mining claims, mill sites, and tunnel sites only. To pay the maintenance fee for placer mining claims, use Form 3830-5a.
3. Complete the section for the number of claims and the amount being remitted to the BLM.
4. Enter the year in paragraph 2 for the applicable assessment year.
5. List all mining claim or site names and the BLM serial number associated to the claim or site, if the BLM has notified you what the serial number is. Every attempt should be made to include the current BLM serial number for each claim or site listed.
6. The name and current mailing addresses of the person paying the maintenance fee(s) should be listed at the top of the form. If this is a change of address for a claimant, that should also be noted.
7. If needed, an additional sheet can be used to continue listing claim and site names and BLM serial numbers, or the name and current mailing address of additional claimants.
8. If paying by credit card, you must complete the following credit card information on page 3: (a) exact name on the face of the credit card; (b) amount paid; (c) type of card; (d) credit card number; (e) expiration date of the card; and (f) telephone number. You must also sign on page 3 to show authorization to charge the credit card.

## NOTICES

**THE PRIVACY ACT** and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information requested by this form.

**AUTHORITY:** 30 U.S.C. 28f and 43 CFR part 3834 permit collection of the information requested by this form.

**PRINCIPAL PURPOSE:** The BLM will use the information you provide to record the annual maintenance fee payment for the claims and sites listed and to verify that payment has been made in accordance with 30 U.S.C. 28f and 43 CFR part 3834.

**ROUTINE USES:** The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.56(b) and (c).

**EFFECT OF NOT PROVIDING INFORMATION:** Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3834 for claimants paying the annual maintenance fee. The use of this specific form when paying the maintenance fee is optional. However, when paying the maintenance fee, it is the requested information on this form that is required to be submitted along with the fee. Failure to submit all the required information will delay the BLM's processing of the information and may preclude the BLM's acceptance of the maintenance fee payment, which may result in forfeiture of the mining claim(s) or site(s) by the claimant.

**Exhibit 13. Sample claim maintenance fee form for lode claims  
(page 3)**

COMPLETE THE FOLLOWING FOR CREDIT CARD PAYMENTS:

Exact name as shown on credit card: George W. Snow

Amount Paid: \$ 155

Type of Card:  VISA  MASTERCARD  DISCOVER  AMERICAN EXPRESS

CREDIT CARD NUMBER  

0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Expiration Date: 6/2020 Telephone No.: 775-235-2345

Signature: \_\_\_\_\_

**Title 18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.**

**NOTE TO BLM EMPLOYEES: DETACH THIS PAGE BEFORE FILING THIS FORM IN APPLICABLE CASE FILES.**

# Exhibit 14. Sample affidavit and notice of intent to hold mining claims and sites

The following Document contains no Personal Information as defined by NRS 603A.040

## AFFIDAVIT AND NOTICE OF INTENT TO HOLD MINING CLAIM(S) AND SITE(S)

TO ALL WHOM IT MAY CONCERN:

The undersigned certifies that the owner or claimant intends to hold the mining claim(s) for the assessment year ending September 1, 2018 (insert assessment year).

RECORDER'S STAMP

The claim map showing said claim(s) is filed in the Clark County records. Claims are generally located in Section(s): 35 Township: 18S Range: 69E

Name of claim(s) or site(s):	BLM Serial No(s):
<u>Gold Strike No. 1</u>	<u>NMC-20124</u>
<u>Gold Strike No. 2</u>	<u>NMC-20125</u>
<u>Gold Strike No. 3</u>	<u>NMC-20126</u>

A total number of \_\_\_\_\_ claims is being filed with this document.

Name and mailing address of owner or claimant:  
Ira Danley  
3108 Jerome Ave.  
Las Vegas, NV 89154

Dated this 31st day of July, 2018.

By \_\_\_\_\_  
 Owner, Claimant, Agent, or Lessee Signature  
 (circle one)

Ira Danley  
 Owner, Claimant, Agent, or Lessee Name  
 (printed)

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

Subscribed and sworn to by  
 \_\_\_\_\_  
*(Owner, Claimant, Agent, or Lessee)*  
 before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC *(Signature)*



# Exhibit 15. Sample claim maintenance fee waiver certificate (page 1)

**Print**

**Clear**

Form 3830-2  
(January 2017)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**MAINTENANCE FEE WAIVER CERTIFICATION**

FORM APPROVED  
OMB NO. 1004-0114  
Expires: January 31, 2020

SEE INSTRUCTIONS ON PAGE 2

1. This small miner waiver is filed for the assessment year beginning on September 1, 2018 and ending on September 1, 2019.
2. The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, 2018.
3. The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form, the undersigned must file an affidavit of assessment work with the Bureau of Land Management (BLM) by the December 30th following the filing of this waiver.
4. The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only), a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.
5. The undersigned understand that mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee, and that a notice of intent to hold for these sites is required to be filed with the BLM by the December 30th following the filing of this waiver.
6. The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001, the filing or recording of a false, fictitious, or fraudulent document with the BLM may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.
7. The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM RECORDATION SERIAL NUMBER
1. Lucky No. 1	NMC-20012
2. Lucky No. 2	NMC-20013
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

The owner(s) (claimants) of the above mining claims and sites are:

John B. Shaw			
(Owner's Name - Please Print)		(Owner's Signature)	
P.O. Box 7000	Elko	NV	89802
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
-----			
Nancy R. Shaw			
(Owner's Name - Please Print)		(Owner's Signature)	
P.O. Box 7000	Elko	NV	89802
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
-----			
(Owner's Name - Please Print)		(Owner's Signature)	
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
-----			
(Owner's Name - Please Print)		(Owner's Signature)	
(Owner's Mailing Address)	(City)	(State)	(Zip Code)

(Continued on page 2)

# Exhibit 15. Sample claim maintenance fee waiver certificate (page 2)

(Owner's Name - Please Print)	(Owner's Signature)
(Owner's Mailing Address)	(City) (State) (Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)
(Owner's Mailing Address)	(City) (State) (Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)
(Owner's Mailing Address)	(City) (State) (Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)
(Owner's Mailing Address)	(City) (State) (Zip Code)

18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

### INSTRUCTIONS

1. This certification is made under the provisions of 43 U.S.C. § 1744 and 30 U.S.C. §28-28k and the regulations thereunder (43 CFR Part 3830).
2. The claimant(s) must fill in the dates in paragraph 1 for the beginning and ending of the assessment year for which this waiver is sought.
3. The claimant(s) must fill in the date in paragraph 2 for the beginning of the assessment year for which this waiver is sought.
4. All claim and site names and BLM serial numbers must be listed for the mining claims, mill sites, and tunnel sites for which the waiver is sought.
5. All owners of the mining claims, mill sites, and tunnel sites and their addresses must be given.
6. This waiver form must be signed by all the claimants or their designated agent, in original form. If an agent is designated, a notarized designation of agent, signed by all of the claimants with proper address given, must be submitted with this waiver.
7. This form must be filed no later than September 1st for the upcoming assessment year in the BLM State Office where the mining claims or sites are recorded, or the waiver cannot be granted by the BLM. (Example: To obtain a waiver for the assessment year 2012, which begins on September 1, 2011, you must qualify for and file for a waiver no later than September 1, 2011, in the proper BLM State Office.)
8. For all mining claims which require assessment work, you must record an affidavit of labor on or before the December 30th immediately following the filing of this waiver. For all other mining claims or sites waived, you must record a notice of intent to hold on or before the December 30th immediately following the filing of this waiver.
9. Mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee. A notice of intent to hold for these sites is required to be filed by the December 30th following the filing of this waiver.

FOR OFFICIAL USE ONLY

(Continued on page 3)

(Form 3830-2, page 2)

## Exhibit 15. Sample claim maintenance fee waiver certificate (page 3)

### NOTICES

**The Privacy Act** and 43 CFR 2.223(d) require that you be furnished the following information in connection with the information requested by this form.

**AUTHORITY:** 30 U.S.C. 28f and 43 CFR part 3835 permit collection of the information requested by this form.

**PRINCIPAL PURPOSE:** The BLM will use the information you provide to verify that the owner(s) (claimant(s)) of a mining claim has/have complied with 30 U.S.C. 28f and 43 CFR part 3835 and is/are entitled to perform assessment work in lieu of paying the maintenance fee for the mining claims listed on this form.

**ROUTINE USES:** The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.231(b) and (c).

**EFFECT OF NOT PROVIDING INFORMATION:** Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3835 for those claimants qualified to request the small miner waiver allowed. Failure to submit all the requested information or to complete this form will delay the BLM's processing of the form and may preclude the BLM's acceptance of the maintenance fee waiver request, which may result in forfeiture of the mining claim or site by the claimant.

**The Paperwork Reduction Act** requires us to inform you that:

The BLM collects this information to determine whether or not you are qualified for waiver of maintenance fees.

Submission of the requested information is necessary to obtain or retain a benefit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

**BURDEN HOURS STATEMENT:** Public reporting burden for this form is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0114), Bureau Information Collection Clearance Officer (WO-630), Mail Stop 401 LS, 1849 C St., N.W., Washington, D.C. 20240.

# Exhibit 16. Sample affidavit of annual assessment work

The following Document contains no Personal Information as defined by NRS 603A.040

**AFFIDAVIT OF ANNUAL ASSESSMENT WORK**

TO ALL WHOM IT MAY CONCERN:

John B. Shaw (Owner or Claimant) certifies that at least ONE HUNDRED AND 00/100 DOLLARS (\$100.00) per claim was expended for development, labor and improvement, or equivalent value added, as the annual assessment work for the assessment year ending September 1, 2018 for the following unpatented mining claim(s) in Elko County, generally located in the following section(s):

RECORDER'S STAMP

<u>Name of Claim(s)</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
<u>Lucky No. 1</u>	<u>3</u>	<u>21N</u>	<u>65E</u>	<u>MDB&amp;M</u>
<u>Lucky No. 2</u>	<u>3</u>	<u>21N</u>	<u>65E</u>	<u>MDB&amp;M</u>
				<u>MDB&amp;M</u>

BLM Serial No.(s):	Name and mailing address of owner or claimant:
NMC- <u>20012</u>	<u>John and Nancy Shaw</u>
NMC- <u>20013</u>	<u>P.O. Box 7000</u>
NMC- _____	<u>Elko, NV 89802</u>

A total number of \_\_\_\_\_ claims are being filed with this document.

The work consisted of: drilling a 200' deep hole

The work described above was performed at the following locations:

200' north of the discovery monument on the Lucky No. 1 claim

Said work was performed between the 7th day of October, 2018, and the 8th day of October, 2018. A total of more than Two Hundred and 00/100 DOLLARS (\$200.00) was expended in performing the work, or equivalent value added. The work was performed by: Jackson Drilling Co.

All of the aforesaid unpatented mining claims are contiguous and work on, or for the benefit of, any one claim or group of claims tends to develop all the claims. The work was performed for the purpose of developing the mineral potential of the claims and to maintain and hold such claims.

Dated this 29 day of October, 2018.

By \_\_\_\_\_  
Owner, Claimant, Agent, or Lessee Signature  
(circle one)

John B. Shaw  
Owner, Claimant, Agent, or Lessee Name (printed)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to by

\_\_\_\_\_  
(Owner, Claimant, Agent, or Lessee)  
before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (Signature)

Suggested Form - Nevada Division of Minerals (REV. 8-27-2015)  
Nevada Proof of Labor, 30 USC Sec. 28-1, 28-2 - NRS 517.230

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