



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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MANUAL TRANSMITTAL SHEET

Subject

3863 - PLACER MINING CLAIM PATENT APPLICATIONS

1. Explanation of Material Transmitted: This release updates the previous manual to conform to recent administrative and judicial decisions and the revised rules that became effective January 3, 1989.
2. Reports Required: None.
3. Material Superseded: The material superseded by this release is listed under "Remove" below. No other directives are superseded.
4. Filing Instructions: File as directed below.

REMOVE

INSERT

All of 3863 (Rel. 3-35)

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3863 - PLACER MINING CLAIM PATENT APPLICATIONS

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.01 Purpose. This Manual Section provides the Bureau's policies and procedures for processing mineral patent applications for placer claims. The adjudication process is covered in Handbook 3860-1 - Mineral Patent Application Processing.

.02 Objectives. The objective of this manual section is to ensure that all statutory and regulatory requirements of the 1872 Mining Law are met prior to issuing a mineral patent for a placer mining claim.

.03 Authority.

A. The Placer Act of July 9, 1870 (16 Stat. 217, R.S. 2329, 30 U.S.C. 35).

B. The 1872 Mining Law, as amended, (17 Stat 94, 26 Stat. 1097, R.S. 2329, 2330, 2333, 30 U.S.C. 35-37).

C. 43 CFR 3863.

.04 Responsibility. See Manual Section 3860.04.

.05 References. See Manual Sections 3860.05 and 3862.05.

.06 Policy. See Manual Section 3860.06.

.07 File and Records Maintenance. See Manual Section 3860.07.

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.1 Placer Mining Claim Patent Application. The procedures for applying for a placer claim patent are the same as for a lode claim, with the following exceptions.

.11 Exceptions for Placer Claims.

A. Surveys. Placer mining claims located in conformance with the public land survey on surveyed lands do not require a mineral survey prior to applying for patent. Placer claims located on unsurveyed lands or described by metes and bounds require a mineral survey.

B. Acreage and Ownership. Placer claims are limited in size to 20 acres per locator. Except where limited by State law, up to 160 acres may be located by an association of up to 8 or more locators. One owner may possess up to 160 acres if a discovery is made prior to acquiring the remaining interests in the association placer claim.

C. Proof of Expenditures. If a mineral survey is not required, the claimant must furnish proof that at least \$500 worth of expenditures and improvements has been done for each placer claim in the application. The improvements must be described in detail and mapped to a recognized public survey corner.

.12 Additional Information Requirements. In addition to the information required for a lode claim application, the following information is required to support a placer claim patent application.

A. Title Acquisition for Mineral Values Only. The applicant must state that the land described in the application is being sought in good faith for the mineral values only, and not for control of the water and timber. The application must describe the natural features of the claim, the nature of the streams (course and volume of water), and the timber (amount and types of trees).

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B. Description of the Mineral Deposit. The applicant must furnish the information required by 43 CFR 3863.1-3 concerning the nature and extent of the gold or other valuable mineral claimed in placer form. The information concerning the geology and mineral quantity and quality must be sufficiently detailed for the State Office mineral examiner to determine that the applicant has a reasonable likelihood of success in developing a valuable mine, subject to verification on the ground by the mineral examiner. (See also 43 CFR 3862.8A.)

C. Statement as to Placer Ground. The applicant must state whether the land applied for is all placer ground. Additionally, the applicant must also state if any known veins or lodes exist within the placer claim, or that there are no known lodes or veins within the claim.

1. All Placer Ground. If the land applied for is all placer ground, this must be verified by the written statements of two witnesses who are familiar with the land in the application and can verify the fact that the land is placer ground.

2. Lodes Contained in Placer Ground. If there are known veins or lodes within the placer claim, they must be accounted for in the application (43 CFR 3863.1-4). Otherwise, they are reserved to the United States in the patent. They are to be included in the public notice and posting. The lodes must have a mineral survey and the purchase price paid must be for lode instead of placer ground.

D. Workings and Improvements. The applicant must furnish a detailed statement of all improvements upon the claim, their location, and their value. Two disinterested witnesses must furnish statements verifying the description and value of the improvements.