

UTAH MINING CLAIMS

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See the BLM Minerals Adjudication website at

<http://www.ut.blm.gov/MineralsAdjudication/index.html> to view BLM information.

Locating a Mining Claim in Utah

To file a mining claim, you must be: (1) a United States Citizen; or (2) declared your intent to become a citizen; or (3) a corporation authorized to do business in the United States of America.

1. All mining claims are initiated by erecting a conspicuous monument at the place of discovery and posting thereon a Notice of Location. The notice must contain:
 - a) The name of the claim
 - b) The name and address of the locator of the claim
 - c) The date of location
 - d) If a lode claim, the number of linear feet claimed in length; along the course of the vein each way from the point of discovery, with the width claimed on each side of the center of the vein, and the general course of the vein or lode as near as may be, and such a description of the claim, located by reference to some natural object or permanent monument as will identify the claim
 - e) If a placer or mill site claim, the number of acres or superficial feet claimed, and such a description of the claim or mill site, located by reference to some natural object or permanent monument, as will identify the claim or mill site.
2. Mining claims must be distinctly marked on the ground so that their boundaries can be readily traced.

Affidavit of Performance of Annual Labor or Payment of Maintenance Fee

Within 30 days after the end of the annual period specified in 30 U.S.C. Sec. 28, (Noon, September 1st), the owner of an unpatented lode or placer mining claim, or a mill or tunnel site claim or someone on his behalf, shall file an affidavit in the office of the county recorder of the county in which the claim is located setting forth:

- a) the name and address of the owner of the claim;
- b) the name of the claim and the serial number, if any, assigned to the claim by the United States Bureau of Land Management;

- c) if assessment work was required to be performed under 30 U.S.C. Sec. 28 or other federal law to maintain the claim, a statement that the annual assessment work required to maintain the claim was performed; and
- d) if the assessment work was not required to be performed under 30 U.S.C. Sec. 28 or other federal law, a statement that it is the intention of the owner to hold the claim, and if a claim maintenance fee was paid **on or before September 1** as required by the Interior and Related Agencies Appropriation Act for fiscal year 1999, Pub. L. 105-277 or other federal law, a statement that the fee was paid in a timely manner.

Lands Open to Location of Mining Claims

Most public lands administered by the U.S. Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) are open to location of mining claims. Privately owned lands, trust lands, sovereign lands, national parks and monuments, as well as Indian and military reservations are excluded from location of mining claims. The availability of specific lands can be confirmed by consulting the records of the Federal Land Office, U.S. Bureau of Land Management in Salt Lake City.

Information pertaining to mineral leases on trust owned lands may be obtained from the School and Institutional Trust Lands Administration, 675 East 500 South, Suite 500, Salt Lake City, Utah 84102, (801) 538-5100.

Recordation of Mining Claims

State Requirements

Within 30 days after the date of posting the location notice upon the claim, a copy of the Notice of Location and claim map (optional) must be filed with the County Recorder of the county in which the claim is situated.

BLM - New Claim/Site Recordation Requirements

Within 90 days of location, claims or sites must be recorded with the Bureau of Land Management, Utah State Office, 324 South State Street, Suite 400, PO Box 45155, Salt Lake City, Utah 84145-0155 (see "BLM Fees and Charges" below, for recordation fees). A copy of the official record of the Notice of Location which was or will be filed with the County Recorder along with a map may be filed with the BLM. However, if the Notice does not contain the following information, it must be amended to include the required information:

- a) The name or number of the claim or site and the date of location.

- b) The current mailing address of the owner(s) of the claim or site.
- c) The type of claim or site.
- d) A legal description reciting the approximate location of the claim or site within a quarter section, including the section, township, range, and meridian.
- e) A map showing the location of the claim or site.
- f) If the claim or site is located on unsurveyed land, a sketch or narrative must be furnished describing the claim or site in reference to some topographic, hydrographic or manmade feature. The narrative or sketch must be accurate enough to permit an officer of the agency administering the land to identify and locate the claim or site on the ground.

Failure to meet the 90-day deadline will result in the claim being abandoned and void.

Filings Required to Maintain Claims/Sites with BLM

1. To maintain a mining claim, mill, or tunnel site, a maintenance fee or waiver must be filed **on or before September 1** (see “BLM Fees and Charges” below. for fee amount). In lieu of a maintenance fee, a waiver may be filed by claimants who meet certain criteria **on or before September 1** and proof of labor on or before December 30. Filing must also be recorded with the appropriate County Recorder. Specific questions regarding location fee, maintenance fees, and waivers should be directed to the BLM Utah State Office (801) 539-4001. All maintenance fee and waiver filings are made **in advance** for the upcoming assessment year.
2. Bureau of Land Management policy precludes the use of unfilled perforated PVC pipe or uncapped pipes for mining claim monuments. Modification or replacement of existing PVC monuments will be determined on a site-specific basis.

Recordation of Transfers of Interest

Whenever an interest in a claim is transferred, whether by purchase, gift or inheritance, a Notice of Transfer must be filed with the BLM within 60 days of the date of transfer. A \$5 per claim/site service charge is required for filing transfers of interest.

BLM Fees and Charges

New Claims/Sites (for claims/sites with location date of 8/31/04 or before)

Location Fee	\$25/claim
Maintenance Fee for assessment year 2004	\$100/claim
Service Charge	\$10/claim
Total - prior to 8/31/04	\$135/claim

New Claims/Sites (for claims/sites with location date of 9/1/04 or after)

Location Fee	\$30/claim
Maintenance Fee for Assessment year 2005 or after	\$125/claim
Service Charge	\$10/claim
Total – after 9/1/04	\$165/claim

Additional Service Charges

Proof of Labor/Notice of Intent to hold	\$5/claim
Transfer of Interest	\$5/claim
Amendment	\$5/claim
Deferment of Assessment Work	\$25/application

Types of Mining Claims/Sites

A. Lode Mining Claims: are located upon deposits of mineral which are encased in or surrounded by hard rock, such as veins, fissures, lodes and disseminated ore bodies. By federal law the lode claim cannot exceed 1500 feet along the length of the deposit, nor more than 300 feet to either side of the center line of the deposit. Location of a lode mining claim cannot occur until a lode or vein is discovered on site.

B. Placer Mining Claims: are located upon deposits of loose, unconsolidated material, such as gravel beds, or upon certain consolidated sedimentary deposits lying at the surface. There are few limitations on the exterior dimensions of a placer mining claim, but a single individual cannot locate more than 20 acres in each claim. An association of two owners may locate 40 acres, three may locate 60 acres, etc., up to a maximum of 160 acres in a single placer claim located by eight or more persons. Corporations are limited to 20 acres per claim.

C. Mill Sites: up to 5 acres in size may be located upon non-mineral ground for the purpose of erecting a mill or smelter facility, or for a variety of purposes if the mill site is affiliated with a valid lode or placer mining claim.

D. Tunnel Sites: the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist. A tunnel site is used to explore for unknown veins or lodes.

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REFERENCES

Maley, T.S., 1979. Handbook Of Mineral Law, 2nd edition: MMRL
Publication, Boise, Idaho.

Pruitt, R.G., Ed., 1995. Digest of Mining Claim Law: Rocky Mountain
Mineral Law Foundation, University of Colorado, Boulder.

UCA, Title 40, Chapter 1, Mining Claims, 1994

Utah Code 1994-1995, CODE Co, Provo, Utah.

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