BOOK 77 PAGE 784

the nature and ownership of the land or claim thereto over which it is necessary to obtain a right-of-way in order to reach the surrounded claims, and the exact description thereof by legal subdivisions. If the land is surveyed, it will give full details as to why consent to use of the right-of-way is denied or not secured and as to the steps which have been taken to secure the right to use it. The petition should state whether any other right-of-way is available and if so, give reasons why it is not feasible or desirable to use that right-of-way.

(c) If the petition is based on other legal impediments, they must be set out and their effect described in detail.

§ 3852.3 Notice of action on petition, to be recorded.

The claimant must file or record in the office in which he filed or recorded his notice of petition, a copy of the order or decision disposing of the petition.

§ 3852.4 Period for which deferment may be granted.

If the showing made in conformity with the preceding section of this Part 38 of Title 43 Management will grant a deferment for an initial period not exceeding one year. The period shall begin at the date designated by the decision under the regulations in this part. Upon petition, the one year period may be renewed for another year in the discretion of the authorized officer. If the petition for deferment is denied, the effective date of the deferment period, the claimant will be notified by the authorized officer of the date on which the deferment period ends.

§ 3852.5 When deferred assessment work is to be done.

All deferred assessment work may be begun at any time after the determination of the claimant but must be completed by 1 year after the end of the assessment year commencing after the expiration or cancellation of the claim for the deferment. The completion of such deferred assessment work shall be in addition to the annual assessment work required by law for each year.

PART 3860—MINERAL PATENT APPLICATIONS

Subpart 3861—Surveys and Plats

Sec.
3861.1 Application for survey.
3861.1-1 Applications for surveys.
3861.1-2 Surveys.
3861.1-3 Plats and field notes of mineral surveys.
3861.2 Particulars to be observed in mineral surveys.
3861.2-1 Particulars to be observed in the survey of every mining claim.
3861.2-2 Conflicts with unsurveyed claims.
3861.2-3 Mill sites.
3861.2-4 Tunnel sites.
3861.2-5 Adjoining mineral surveys.
3861.3 Mill sites.
3861.3-1 Requirements.
3861.3-2 Applications.
3861.4 Contract for surveys.
3861.5 Payment.
3861.5-1 Payment.
3861.6 Appointment and employment of deputy mineral surveyors.
3861.6-1 Appointments.
3861.6-2 Employment.
3861.6 Plats of surveys.
3861.6-1 Payment of charges of the public survey office.
3861.7 Posting.
3861.7-1 Plat and notice to be posted on claim.
3861.7-2 Proof of posting on claim.

Subpart 3862—Mineral Mining Claim Patent Applications

3862.1 Each claim patent application; general.
3862.1-1 Application for patent.
3862.1-2 Adverse claimant.
3862.1-3 Evidence of title.
3862.1-4 Waiver, relative to destroyed or lost records.
3862.1-5 Protest or protest that a notice was erroneously, incomplete, withdrawn, and unapproved.
3862.2 Citizenship.
3862.2-1 Citizenship of corporation and of associations applying through agents.
3862.2-2 Citizenship of individuals.
3862.2-3 Failure to disclose nature of trust.
3862.3 Possessory rights.
3862.3-1 Right to possession.
3862.4 Certificate of [illegible] required.
3862.4-1 Certificate of [illegible] required.
3862.4-2 Certificate of [illegible].
3862.4-3 [illegible] of certificate.
3862.4-4 [illegible] of certificate.
3862.4-5 Certificate of [illegible].
3862.5 [illegible] of publication.
3862.5-1 [illegible] of publication.
3862.5-2 [illegible] of publication.
3862.5-3 [illegible] of publication.
3862.5-4 [illegible] of publication.
3862.6 Posting of notices.
3862.6-1 Posting of notices in [illegible].
3862.7 Application for patent, when filed.
3862.7-1 Proofs, time of patent proceedings after completion of work; adverse claims; expenses.
3862.8 Patents for mining claims.
3862.8-1 Land ordered in patents.

Subpart 3863—Proceedings Adverse Claim Filed

3863.1 Filing of adverse claim; patent application rejected.
3863.1-1 Application for patent.
3863.1-2 Proof of [illegible] for patent.
3863.1-3 Duty to give notice to adverse claimant.
3863.1-4 Application for patent; conditions [illegible].

Subpart 3864—Action on Patent

3864.1 Mill site [illegible] entered.
3864.1-1 Application for patent.
3864.1-2 Mill site [illegible] to conform [illegible].
3864.1-3 Mill site [illegible] survey.
3864.1-4 Proof of [illegible] plat.

Subpart 3861—Surveys and plats

§ 3861.1 Survey of mining claims.

§ 3861.1-1 Application for survey.

The claimant is required, in the first place, to have a correct survey of his claim made under authority of the proper cadastral engineer, such survey to show with it survey the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. He is required to have a correct survey where patent is applied for and where the mining claim is in vein or lode formation, or covers lands not surveyed in accordance with the U.S. system of rectangular surveys, or where the mining claim fails to conform with the legal subdivisions of the federal surveys. Application for authorization of survey should be made to the appropriate land office (see § 1821.2-1 of this chapter).

[Circ. 2220, 31 F.R. 16775, Dec. 31, 1966]

§ 3861.1-2 Survey must be made subsequent to recording notice of location.

The survey and plat of mineral claims required to be filed in the proper land office with application for patent must be made subsequent to the recording of the location of the claim of the laws of the State or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a mineral surveyor such location survey cannot be substituted for that required by the statute, as above indicated. All matters relating to the duties of mineral surveyors, and to the field and office work to be observed in the execution of mineral surveys, not set forth in Chapter IX of the Manual of Surveying Instructions for the Survey of Public Lands of the United States, 1947.

§ 3861.1-3 Plats and field notes of mineral surveys.

When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

§ 3861.2 Surveys specific.

§ 3861.2-1 Particulars to be observed in mineral surveys.

(a) The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on each side in each direction from the point of discovery or other well-defined place on the claim, should be represented on the plat of survey and in the field notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict