

INTERIOR BOARD OF LAND APPEALS  
American Colloid Co. and Bentonite Corp.  
154 IBLA 7 (October 16, 2000)

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AMERICAN COLLOID CO.  
BENTONITE CORP.

IBLA 98-21, 98-22, 98-23

Decided October 16, 2000

Appeal from three decisions of the Wyoming State Office, Bureau of Land Management, declaring mining claims null and void by operation of law for failure to disclose the names and addresses of the individual members of a mining association in notices of intention to locate mining claims on Stock Raising Homestead Act lands. WMC 250572 et al.

Reversed.

1. Act of December 29, 1916--Mining Claims: Location--Mining Claims: Notice of Intent to Locate--Mining Claims: Special Acts--Stock-Raising Homesteads: Notice of Intent to Locate Mining Claims

On or after Oct. 13, 1993, mining claims cannot be located on lands patented under the Stock Raising Homestead Act, as amended, until a person who intends to enter such lands to explore for or locate a mining claim has first filed a notice of intent to locate with the proper BLM state office and served a copy of that notice upon the surface owners of record.

2. Act of December 29, 1916--Mining Claims: Location--Mining Claims: Notice of Intent to Locate--Mining Claims: Special Acts--Stock-Raising Homesteads: Notice of Intent to Locate Mining Claims

Where BLM's regulation and notice form relating to the location of mining claims on lands patented under the Stock Raising Homestead Act, as amended, require only the name of the person filing the notice, and the name of the person managing exploration and claim location activities, a properly filed and served notice which does not identify either the name of the mining association or the names and addresses of the individual members is valid, and a decision declaring the mining claims located by the mining association null and void by reason of such alleged defect will be reversed.

3. Act of December 29, 1916--Mining Claims: Location--Mining Claims: Notice of Intent to Locate--Mining Claims: Special Acts--Stock-Raising Homesteads: Notice of Intent to Locate Mining Claims

Even where a mining association is formed before any mining claims have been located, nothing prevents an agent from acting on behalf of the association. There is no statutory or regulatory provision which prohibits the location of a mining claim or the doing of any acts required to complete the appropriation by an agent, and the fact that the locator acted through an agent in such matters does not invalidate the location. Thus, 43 C.F.R. § 3832.1 expressly provides that agents may make locations for qualified locators.

APPEARANCES: R. Dennis Ickes, Esq., Salt Lake City, Utah, Brent R. Kunz, Esq., and Dominique Cone, Esq., Cheyenne, Wyoming, for appellant American Colloid Company; James M. King, Esq., and William R. Marsh, Esq., Denver, Colorado, for appellant Bentonite Corporation; Holly Wheeler, Esq., Office of the Solicitor, U.S. Department of the Interior, Washington, D.C., for the Bureau of Land Management.

#### OPINION BY ADMINISTRATIVE JUDGE PRICE

American Colloid Company (American) and Bentonite Corporation (Bentonite) have timely appealed from three decisions of the Wyoming State Office, Bureau of Land Management (BLM), dated August 27, 1997, declaring the mining claims listed in the Appendix 1/ hereto null and void, in whole or in part, by operation of law 2/ for failure of all locators to file, prior to claim location, notices of intention to locate (NOITLs) mining claims on lands patented under the Stock Raising Homestead Act (the Act or SRHA), as amended, infra. As successors of the claim locators, American and Bentonite each filed a Statement of Reasons (SOR) for appeal and petitioned to stay the decisions. BLM filed separate Answers and a Motion to Consolidate (Motion). By order dated November 25, 1997, this Board granted the stay petitions and took BLM's Motion under advisement. That Motion is herewith granted.

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1/ We have duplicated the lists of the claims BLM appended to each decision, adding only a clarifying caption.

2/ BLM notes that, although the BLM decisions declared mining claims null and void by operation of law, the claims more properly were "legally void ab initio," since the claims were "located unlawfully." (Answer to American at 3, n.1; Answer to Bentonite at 5, n.1.)

[1] The Act 3/ opened lands chiefly valuable for grazing and raising forage crops to homestead settlement. Section 9 of the Act reserved to the United States title to minerals in lands patented under the Act. 39 Stat. 864-65 (1916); Watt v. Western Nuclear, Inc., 462 U.S. 36, 37-39 (1983). In 1993, section 299 of the Act was amended 4/ to provide, among other things, that no person other than the surface owner may enter lands subject (to the Act) to explore for, or to locate, a mining claim on such lands without -

- (i) filing a notice of intention to locate a mining claim [NOITL] pursuant to [§ 299(b)(2)]; and
- (ii) providing notice to the surface owner pursuant to [§ 299(b)(3)].

43 U.S.C. § 299(b)(1)(A) (1994). The notice given to the Department was to be "in such form as the Secretary shall prescribe" and "shall contain the name and mailing address of the person filing the notice and a legal description of the lands \* \* \* sufficient to permit the Secretary to record the notice on the land status records." 43 U.S.C. § 299(b)(2) (1994). The NOITL shall be in writing and shall be sent by registered or certified mail to the surface owner of record not less than 30 days before entry, and shall include:

- (A) A brief description of the proposed mineral activities.
- (B) A map and legal description of the lands to be subject to mineral exploration.
- (C) The name, address and phone number of the person managing such activities.
- (D) A statement of the dates on which such activities will take place.

43 U.S.C. § 299(b)(3) (1994). The implementing regulation, 43 C.F.R. § 3833.1-2(c) and (d), mirrors the 1993 amendment.

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3/ Act of Dec. 29, 1916, 39 Stat. 862, 43 U.S.C. §§ 291-301 (1970). Sections 291-298 of the Act were expressly repealed by section 702 of the Federal Land Policy and Management Act of 1976, Pub. L. No. 94-579, 90 Stat. 2787 and 2789, effective Oct. 21, 1976.

4/ Act of Apr. 16, 1993 (1993 amendment), Pub. L. No. 103-23, 107 Stat. 60, 43 U.S.C. § 299(b)-(p) (1994).

Richard Thayer and seven others formed an association for the purpose of locating placer mining claims. By power of attorney executed on December 21, 1994, and recorded with Johnson County, Wyoming, in April 1995, the other seven individuals appointed Thayer "Attorney-in-Fact with the power to locate, perfect and maintain placer mining claims in our behalf." (Ex. C to Bentonite SOR.) <sup>5/</sup> Thayer filed three sets of NOITLs, <sup>6/</sup> all of which stated only his name and address, and not the names and addresses of the seven other members of the association or even the name of the association. In each case, he essentially duplicated a notice developed by BLM, which ultimately was published as Form 3814-4 (September 1996). Like its precursor, Form 3814-4 fails to require the disclosure of the name of the association or the names and addresses of its members. (Ex. A to American SOR.)

To summarize events leading to the issuance of the August 27, 1997, decisions, following the filing of the NOITLs, on more than one occasion BLM requested further information from appellants' predecessor, but it did not request or require the disclosure of the association members, and certainly did not advise the association or Thayer that failure to provide such information would void the subject mining claims. In fact, BLM ultimately issued letters advising Thayer that the NOITLs were correct when filed. In the case of Bentonite's claims, BLM sought advice from "the Washington Office" regarding the proper implementation of the 1993 amendment, changing its interpretation of the statute once, the details of which need not be recited to reach the merits of these appeals. For our purposes, it is sufficient to note that by January 1996, BLM was satisfied with the NOITLs prepared by Thayer. Shortly after locating the three groups of mining claims here at issue, they were conveyed to American and Bentonite by quitclaim deed.

The NOITLs and the mining claims to which they relate remained in this posture until BLM received a letter from Emerick M. Huber dated July 18, 1997, questioning the number of parties covered by the NOITLs and

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<sup>5/</sup> Appellants' exhibits are identified by letters, whereas BLM's exhibits are numbered.

<sup>6/</sup> Each set included several NOITLs because of the number of surface owners involved. The first set of NOITLs, WYW 137990-138012, was filed on Sept. 22, 1995. These pertain to the mining claims acquired by Bentonite, serialized as WMC 250358-250406 (IBLA 98-22). The second set of NOITLs, WYW 138333-138337, was filed on Jan. 8, 1996, and culminated in the mining claims acquired by Bentonite, serialized as WMC 250520-250537 (IBLA 98-23). The third set, WYW 138325-138339, was also filed on Jan. 8, 1996. The case file contains one other NOITL which was filed on Mar. 13, 1996, but it apparently was not serialized. The mining claims located pursuant thereto, serialized as WMC 250572-250595 (IBLA 98-21), were acquired by American.

the acreage such parties held. He requested that BLM investigate, and if appropriate, declare three claims located by Thayer, the Fred 5, 6, and 7, void. In addition, he submitted a NOITL for the same lands covered by the Fred 5, 6, and 7 claims. (Ex. F to Bentonite SOR.) Huber's letter was followed by the decisions of August 27, 1997, which declared all the mining claims null and void in whole or in part by operation of law, because only one of the eight mining claimants had filed NOITLs, and because the NOITLs accepted by BLM identified only Thayer, he was the only claimant authorized to locate mining claims thereunder during the 90-day segregation period established by the 1993 amendment, 43 U.S.C. § 299(b) (1994). BLM concluded, moreover, that because the mining claims were void in whole or in part, the subsequent transfers of those claims to appellants were rescinded, as the defective NOITLs should not have been accepted by BLM. (Decisions at 1.)

In general, appellants challenge BLM's construction of the 1993 amendment and its implementing regulations as arbitrary and capricious. More particularly, it is argued that the statute requires only the identity of the person who will physically enter the land, and that "[t]he identity of other persons who may become locators of a discovered mineral may not be known until exploration occurs." (American SOR at 9.) Similarly, Bentonite argues that 43 U.S.C. § 299(b)(2) (1994), which governs notice to the Secretary, requires only the name and address of the person filing the notice and a legal description of the land affected thereby, while the notice to the surface owner pursuant to 43 U.S.C. § 299(b)(3) (1994) requires only the name and address of the person managing the exploration activity. (Bentonite SOR at 13.)

Appellants acknowledge that the Act and the 1993 amendment were intended to protect the interests of the surface owner, but contend that no purpose is served by identifying all eight persons. Thus, American asserts that the only rational basis for requiring the identity of claim locators is for the purpose of allocating acreage to each of them, but "[n]either the interest of the Secretary in the acreage limitation upon notice providers, nor the surface owner's interest in who would be engaged in surface activities is advanced by requiring the notice provider to pre-identify future prospective mining locators before exploration occurs," an obligation that allegedly "creates an impossibility for the notice provider." (American SOR at 12.) In a somewhat related vein, Bentonite argues that, during the notice period described in 43 U.S.C. § 299(b)(1) (1994), "[h]aving the names of all co-locators is not important to the surface owner's interest"; instead, the true thrust of the 1993 amendment is "to protect against rival locators and claim jumping – not to limit the persons who, in privity with the persons filing the NOITL, join in claim location thereunder." (Bentonite SOR at 15.)

American argues that "[n]either the 1916 nor the 1993 Acts affirmatively require[s] the person filing the NOITL to be the sole person(s) who

ultimately locates the claim; thus, the regulation at 43 C.F.R. § 3833.1-2(c)(1) either has been misconstrued by the BLM or the regulation is void for exceeding the scope of the statute upon which it is based." (American SOR at 14.) Relying upon a BLM Instruction Memorandum dated November 4, 1993, which by its terms expired on September 30, 1994, Bentonite contends that neither the regulations nor any official pronouncements interpreted the 1993 amendment as requiring the names and addresses of all claimants or adopting any explicit requirement to do so. (Bentonite SOR at 16-20 and Ex. G thereto.)

Appellants contend that under the doctrine of administrative finality, "[t]he BLM cannot, retroactively, reverse its prior determination that the claims had been properly located and recorded under valid NOITL's, and were in good standing in its records." (Bentonite SOR at 25; see also American SOR at 16.)

Appellants further argue that the 1993 amendment does not authorize a forfeiture of the mining claims for failure to comply with its terms. (American SOR at 19-21.) Moreover, the failure to provide the names and addresses of all locators is a curable defect because it is not a statutory requirement. (American SOR at 21-23; Bentonite SOR at 21-25.) In addition, appellants maintain that BLM is estopped from reversing its prior decisions. (American SOR at 16; Bentonite SOR at 26-29.)

Lastly, Bentonite asserts that BLM failed to adjudicate the claims in accordance with principles established under the General Mining Law because BLM invalidated Thayer's interest in the claims as well as the interests of the other seven individuals, and the decision was "instigated" by a rival locator, such that BLM has usurped the jurisdiction of state courts and placed itself in the position of adjudicating a rival claimant dispute. (Bentonite SOR at 29.)

In response, BLM observes that:

In order for an association placer claim to be located, an association must first exist and its members must legally participate in the location process. A person cannot enter SRHA lands as an individual claimant and locate an association claim. Because the regulations prohibit entering SRHA lands unless all potential claimants give proper notice under the SRHA amendments, all members of the association must be identified to the surface owner and the agency. \* \* \* If the association was formed after Thayer filed his NOITL, new NOITLs should have been filed for all association members before the land was entered to locate the placer claims.

(Answer to American at 6.)

BLM further argues that the decisions are entirely consistent with the language of the statute (Answers to American at 7-8 and to Bentonite

at 9-10) and with the regulation (Answers to American at 4-7 and to Bentonite at 6-8); that requiring all association members to be identified in a NOITL serves the statute's purpose (Answers to American at 8-10 and Bentonite at 10-11); that BLM was authorized to declare the mining claims null and void *ab initio* when the association failed to comply with the regulations (Answers to American at 12-14 and Bentonite at 13-15); that neither administrative finality nor estoppel prevented BLM from taking appropriate action when it determined that the association members had not filed the required NOITL (Answers to American at 14-17 and Bentonite 15-18); and that, because an association placer claim is a single claim, it was correct to declare all association interests null and void in their entirety (Answers to American at 17 and Bentonite at 18). With respect to Bentonite's final argument that BLM's decisions constituted an adjudication of rival claimant disputes, BLM responds that it merely enforced the law, and that if the association's NOITLs are a nullity, the land was open to entry by Huber or any qualified person. (Answer to Bentonite at 18-19.)

[2] We begin with the observation that, in the case of patented SRHA lands, at the point when a NOITL is required, there is no mining claim *in esse* and no mining claimants with respect to such lands, <sup>7/</sup> and thus the only questions at such juncture are whether the NOITL form Thayer executed is consistent with the terms of the 1993 amendment to the Act and implementing regulations, and whether it serves the purposes articulated by Congress. On the one hand, appellants contend that the 1993 amendment does not expressly require the identification of all the members of a mining association to perfect a NOITL, and that by its terms only the name and address of the person filing the notice, and the name and address of the person who will manage the exploration and location activities to which the notice pertains are requested under the 1993 amendment. On the other hand, BLM argues that each person, whether individually or in an association, who intends to explore for or locate a mining claim on SRHA lands is required to notify the surface owner of his or intent to do so.

We have no difficulty finding that the language of the 1993 amendment is plausibly susceptible to the opposing interpretations urged by the parties. However, in accordance with the mandate of the 1993 amendment, BLM developed the NOITL form Thayer utilized, and where BLM reasonably

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<sup>7/</sup> As appellants note, the applicable regulation, 43 C.F.R. § 3833.1-2(c)(1), uses the term "claimant" relative to NOITLs. Technically, however, the person who files a NOITL is not a mining claimant. At the point a NOITL is filed, he or she is merely a person who in the future intends to enter the land with the hope and intention of becoming a claimant. Since a NOITL must precede the initiation of a location as a matter of law, we attach no great significance to the usage of "claimant" in the regulation.

could have interpreted and implemented the 1993 amendment to require the disclosure of the mining association's name and/or the names and addresses of all members of the mining association, it plainly did not do so. Thus, the language of the NOITL mirrors that employed in the 1993 amendment and 43 C.F.R. § 3833.1-2(b) and (c) and requests only the name and mailing address of the "person filing this notice," and the name and address of the person who will manage the exploration and location activities. Further, it is undisputed that, in the months that Thayer sought to supply the information requested by BLM to perfect the NOITLs, BLM never articulated the interpretation it now advocates.

Moreover, no further purpose is served by allowing BLM to depart from the plain meaning of the words it chose to employ in developing the NOITL form. In enacting the 1993 amendment, Congress intended to clearly establish the surface owner's right to be informed of an impending mineral entry before it occurs, and this represented a reversal of past practice, which had permitted location of mining claims on lands patented pursuant to the Act without prior notice, subject only to limited bonding requirements:

This "split-estate" arrangement means that private citizens may locate and develop "locatable" minerals – such as gold, silver or copper – from the reserved federal mineral estate – even though there may be an active ranching or farming operation on the land. By rendering the rights of the surface owner subordinate to the rights of individuals seeking to develop the hard rock minerals reserved by the United States, a number of ranching and farming operations have been disrupted, if not outright destroyed.

[The amendment] addresses the need for better coordination between ranchers and miners by imposing notice, planning, reclamation and compensation requirements upon mineral activity.

(H.R. Rep. No. 103-44, at 6 (1993), reprinted in 1993 U.S.C.C.A.N. 93.) See also Karry Keith Klump, 141 IBLA 166, 168 (1997); see generally Brock Livestock Co., 101 IBLA 91 (1988). This fundamental purpose was fully achieved by the NOITLs Thayer executed, regardless of whether the notice was given in the name of the association, its members, or the association's agent. To the extent BLM takes a different view, it should change the NOITL form.

Although this disposes of the predicate for BLM's decisions, we think it important to address one other aspect of these appeals. BLM asserts that an individual may not enter lands patented pursuant to the Act to locate an association placer mining claim, but cites no regulatory or statutory authority, or precedent to support the contention, and for good reason. The argument is not well-founded.

Eight associated persons, each qualified to make location, are essential to the initiation and completion of a location for 160 acres, and these cannot be "dummy locators." Owyhee Calcium Products, Inc., 72 IBLA 235, 239 (1983), aff'd Owyhee Calcium Products, Inc. v. Watt, No. 83-1245 (D. Idaho Sept. 5, 1984). More specifically, "[a] person cannot use the names of his friends, relatives, or employees as dummies, in order to locate for his own benefit a greater area of placer ground than is allowable by law." Alumina Development Corp., 77 IBLA 366, 370 (1983), citing Cook v. Klonos, 164 F. 529, 538 (9th Cir. 1908), modified on other grounds, 168 F. 700 (9th Cir. 1909). Any sham or device entered into whereby one individual is to acquire by location an amount or portion of a placer mining claim in an area of more than 20 acres constitutes a fraud upon the Government, from which title is to be acquired, and any location made pursuant to such scheme or device is without legal support and void. Nome & Sinook Co. v. Snyder, 187 F. 385, 388 (9th Cir. 1911). See also Alumina Development Corp., supra at 369.

This is not a case where the location notices belie appellants' contention that the mining claims were located as an association placer, nor does the present situation resemble that in Allen C. Kroeze, 153 IBLA 140, 145-46 (2000), wherein there was no objective evidence that the mining claim had been located as an association placer claim. Unlike Alumina Development Corporation of Utah, supra at 370, in which a corporation was formed for the purpose of enabling an individual officer to obtain more claim acreage than permitted by law, and unlike the case in Donald D. Hall (On Reconsideration), 95 IBLA 36A (1987), where evidence of the existence of the association was inconclusive, here the location notices clearly indicate that the 160-acre claims were located by eight persons acting as a mining association. There is no suggestion in the record that any of the eight are other than qualified, or that the claims were located to perpetrate a fraud upon the United States, so as to invalidate the mining claims.

[3] An association may be formed either before or after mining claims have been located by the individuals comprising the association. Where an association is formed after its members have located individual placer claims, upon formation of the association, a single placer mining claim emerges in which all its members hold an undivided interest. See 30 U.S.C. § 36 (1994). BLM acknowledges as much. (Answers to American at 6 and to Bentonite at 7.) Even where the association is formed before a mining claim has been located, however, nothing prevents an agent from acting on behalf of the association. As this Board stated in contrasting mining partnerships and mining associations in Owyhee Calcium Products, Inc., supra, "[t]here is no provision prohibiting the location of a mining claim or the doing of any acts required to complete the appropriation by an agent, and the fact that the locator acted by an agent in such matters does not invalidate the location. 58 C.J.S. Mines and Minerals §§ 29(a) and (b) (1948)." Indeed, 43 C.F.R. § 3832.1 specifically provides that "[a]gents may make locations for qualified locators."

In conclusion, we hold that the NOITL form developed by BLM on its face does not require the disclosure of either the name of the mining claim association or the names and addresses of the individual members thereof. Accordingly, NOITLs which did not contain such information complied with the 1993 amendment as reasonably interpreted by BLM in drafting the NOITL form. Having served notice on affected surface owners and otherwise complied with the 1993 amendment, Thayer properly could locate association placer mining claims as attorney-in-fact for the association. There was therefore no proper basis for adverse action against the mining claims thus located, and consequently, no basis for rescinding approval of the transfers of the claims to appellants and thereby opening the land to Huber's attempted mineral entry. In light of our conclusions with respect to the basic premises of BLM's decisions, there is no need to reach the parties' further arguments, and we expressly decline to do so.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the decisions appealed are reversed.

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T. Britt Price  
Administrative Judge

I concur:

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Bruce R. Harris  
Deputy Chief Administrative Judge

IBLA 98-21

LIST OF CLAIMS

NULL AND VOID BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u> | <u>NOITL</u> |            |
|----------------------|-------------------|--------------|------------|
| WMC-250572           |                   | B 2          | WYW-138332 |
| WMC-250575           |                   | B 15         | WYW-138330 |
| WMC-250576           |                   | B 16         | WYW-138329 |
| WMC-250577           |                   | B 17         | WYW-138329 |
| WMC-250578           |                   | B 19         | WYW-138328 |
|                      |                   |              | WYW-138339 |
| WMC-250579           |                   | B 20         | WYW-138328 |
| WMC-250580           |                   | B 21         | WYW-138328 |
| WMC-250581           |                   | B 22         | WYW-138328 |
| WMC-250582           |                   | B 23         | WYW-138330 |
| WMC-250583           |                   | B 24         | WYW-138330 |
| WMC-250584           |                   | B 32         | WYW-138330 |
| WMC-250585           |                   | B 33         | WYW-138330 |
| WMC-250586           |                   | B 39         | WYW-138327 |
| WMC-250587           |                   | B 40         | WYW-138330 |
| WMC-250588           |                   | B 42         | WYW-138330 |
| WMC-250589           |                   | B 43         | WYW-138327 |
| WMC-250590           |                   | B 44         | WYW-138326 |
| WMC-250591           |                   | B 45         | WYW-138326 |
| WMC-250592           |                   | B 60         | WYW-138325 |
| WMC-250593           |                   | B 61         | WYW-138325 |
| WMC-250594           |                   | E 173        | WYW-138338 |
| WMC-250595           |                   | E 174        | WYW-138338 |



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LIST OF CLAIMS

NULL AND VOID IN PART BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u>      | <u>DESCRIPTION</u> | <u>NOITL</u> |
|----------------------|------------------------|--------------------|--------------|
| WMC-250573           | B 9        S2NE SEC 12 | WYW-138331         |              |
| WMC-250574           | B 10       S2NW SEC 12 | WYW-138331         |              |

LIST OF CLAIMS

NULL AND VOID IN PART BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u>      | <u>DESCRIPTION</u> | <u>NOITL</u> |
|----------------------|------------------------|--------------------|--------------|
| WMC-250367           | HORN 24<br>SEC 13 NWNE | SEC 12 SWSE        | WYW-138009   |
| WMC-250369           | HORN 27                | SEC 13 S2NE,NESE   | WYW-138009   |
| WMC-250370           | HORN 30                | SEC 25 W2NE        | WYW-138007   |
| WMC-259371           | HORN 31                | SEC 30 SWSE        | WYW-138008   |
| WMC-250373           | HORN 34                | SEC 33 SWNW,N2SW   | WYW-138006   |
| WMC-250374           | HORN 36                | SEC 6 E2SW         | WYW-138006   |
| WMC-250375           | HORN 39<br>SEC 7 LOT 2 | SEC 7 SENW         | WYW-138006   |
| WMC-250376           | HORN 40<br>SEC 7 LOT 3 | SEC 7 NESW         | WYW-138006   |
| WMC-250377           | HORN 42                | SEC 9 SWSW         | WYW-138006   |
| WMC-250382           | HORN 56                | SEC 24 TR 69       | WYW-138012   |
| WMC-250383           | HORN 59                | SEC 4 SESE         | WYW-138006   |
| WMC-250384           | HORN 60                | SEC 3 SWSW         | WYW-138006   |
| WMC-250387           | HORN 63                | SEC 9 W2SE,NESE    | WYW-138006   |
| WMC-250391           | HORN 69                | SEC 11 TR 38O, 38P | WYW-138012   |
| WMC-250405           | JC 34                  | SEC 26 W2SW,SESW   | WYW-137994   |

LIST OF CLAIMS

NULL AND VOID BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u> | <u>NOITL</u>      |
|----------------------|-------------------|-------------------|
| WMC-250358           |                   | BARN 29           |
| WMC-250359           |                   | BARN 33           |
| WMC-250360           |                   | HORN 10           |
| WMC-250361           |                   | HORN 11           |
|                      |                   | WYW-138010        |
| WMC-250362           |                   | HORN 12           |
| WMC-250363           |                   | HORN 13           |
| WMC-250364           |                   | HORN 20           |
| WMC-250365           |                   | HORN 22           |
| WMC-250366           |                   | HORN 23           |
| WMC-250368           |                   | HORN 26           |
| WMC-250378           |                   | HORN 44           |
| WMC-250379           |                   | HORN 48           |
| WMC-250380           |                   | HORN 49           |
| WMC-250385           |                   | HORN 61           |
| WMC-250386           |                   | HORN 62           |
| WMC-250388           |                   | HORN 66           |
| WMC-250389           |                   | HORN 67           |
| WMC-250390           |                   | HORN 68           |
| WMC-250392           |                   | GBB 17 WYW-138004 |
| WMC-250393           |                   | GBB 18 WYW-138004 |
| WMC-250394           |                   | GBB 19 WYW-138004 |
| WMC-250395           |                   | GBB 20 WYW-138003 |
|                      |                   | WYW-138004        |
| WMC-250396           |                   | JC 5              |
|                      |                   | WYW-137992        |
|                      |                   | WYW-137993        |
| WMC-250397           |                   | JC 6              |
| WMC-250398           |                   | JC 7              |
| WMC-250399           |                   | JC 8              |
| WMC-250400           |                   | JC 29             |
|                      |                   | WYW-138001        |
| WMC-250401           |                   | JC 30             |
|                      |                   | WYW-137998        |
|                      |                   | WYW-137999        |
|                      |                   | WYW-138000        |
| WMC-250402           |                   | JC 31             |
|                      |                   | WYW-137996        |
| WMC-250403           |                   | JC 32             |
| WMC-250404           |                   | JC 33             |
| WMC-250406           |                   | JC 35             |

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LIST OF CLAIMS

NULL AND VOID IN PART BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u>              | <u>DESCRIPTION</u> | <u>NOITL</u> |
|----------------------|--------------------------------|--------------------|--------------|
| WMC-250520           | BARN 1<br>SEC 13               | SW 40 AC OF TR 108 | WYW-138337   |
| WMC-250521           | BARN 12                        | E2SW SEC 20        | WYW-138333   |
| WMC-250522           | BARN 19                        | NWSW SEC 2         | WYW-138336   |
| WMC-250523           | BARN 21                        | E2NW SEC 15        | WYW-138335   |
| WMC-250524           | BARN 25                        | E2NE SEC 22        | WYW-138336   |
| WMC-250525           | BARN 26                        | N2SE SEC 22        | WYW-138336   |
| WMC-250526           | HORN 43                        | SWSE SEC 8         | WYW-138335   |
| WMC-250527           | HORN 46                        | W2NE SEC 17        | WYW-138335   |
| WMC-250529           | HORN 53                        | E2NW,SWNW SEC 27   | WYW-138335   |
| WMC-250530           | HORN 54                        | W2SW SEC 28        | WYW-138335   |
| WMC-250531           | HORN 55<br>SEC 24              | E 80 AC OF TR 58   | WYW-138335   |
| WMC-250534           | HORN 78<br>ABOVE TR 67A SEC 24 | 80 AC OF TR 58     | WYW-138335   |

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LIST OF CLAIMS

NULL AND VOID BY OPERATION OF LAW

| <u>SERIAL NUMBER</u> | <u>CLAIM NAME</u> | <u>NOITL</u>       |
|----------------------|-------------------|--------------------|
| WMC-250528           |                   | HORN 47 WYW-138335 |
| WMC-250532           |                   | HORN 76 WYW-138335 |
| WMC-250533           |                   | HORN 77 WYW-138335 |
| WMC-250535           |                   | FRED 5 WYW-138334  |
| WMC-250536           |                   | FRED 6 WYW-138334  |
| WMC-250537           |                   | FRED 7 WYW-138334  |