

**53C-2-104 Preexisting federal mining claims on trust lands -- Filing of notice -- Conclusive evidence of abandonment.**

- (1) The Legislature recognizes the importance of having an effective state filing system for unpatented federal mining claims located on trust lands prior to the state's acquisition of title that would allow the state to determine the extent of preexisting unpatented mining claims on those lands and eliminate the cloud on the state's title created by abandoned unpatented mining claims, while preserving the rights of owners of valid preexisting unpatented mining claims located on those lands.
- (2) Annually on or before December 31, each owner of an unpatented lode mining claim, placer mining claim, mill site claim, or tunnel site claim located pursuant to the general mining laws of the United States on lands now owned of record by the state in trust for the common schools or other beneficiary institutions shall file with the administration a notice as prescribed by Subsection (3).
- (3)
  - (a) The initial notice required by Subsection (2) that is filed by a claimant shall include:
    - (i) a statement of the owner's intention to hold or abandon the claim;
    - (ii) a brief description of the type and nature of the claim;
    - (iii) the date the claim was located, and the date the claim was filed of record in county and federal records;
    - (iv) a copy of the official record of the notice of location or certificate of location of the claim; and
    - (v) a legal description of the claim, by legal subdivision or metes and bounds description, sufficient to locate the claimed lands on the ground.
  - (b) Each subsequent notice required by Subsection (2) shall include:
    - (i) the name of the claim; and
    - (ii) a statement of the owner's intention to hold or abandon the claim.
- (4)
  - (a) The administration shall note the existence of all claims for which notices have been filed in the central index of all trust lands required under Section 53C-2-101.
  - (b) The administration may impose a reasonable filing fee as a condition for accepting the required notices, not to exceed \$100 per claim, to defray the administrative costs of maintaining an index of claims.
- (5)
  - (a) Failure to file the notice required by this section constitutes an abandonment of the claim by the owner.
  - (b) Filing of the required notice by one owner of a claim in which multiple persons own or claim interests fulfills the filing requirements of this section.
- (6) Filing of a notice under this section does not make valid a claim which is otherwise invalid under other applicable law.
- (7) Acquisition of rights to extract minerals underlying trust lands is governed by Part 4, Mineral Leases.
- (8) This section does not waive any fees, filings, or other requirements imposed by federal law.

Amended by Chapter 247, 2011 General Session