

REPORT OF MINERAL EXAMINATION

Claimants: William C. Southern and wife, Patricia Southern
110 Clover Way
Los Gatos, California

Reason for Examination: Administrative problem involving occupancy on a mining claim.

Subject: Validity of mining claims.

Lands Involved: Meander Nos. 1 and 2, Little Homestake, and Buena Vista placer claims on Kerby Flat, sections 7 and 18, T. 38 S., R. 8 W., W.M., Siskiyou National Forest, Josephine County, Oregon.

Land Status: National Forest land within the Power Site Classifications No. 123 withdrawal of January 6, 1926, and No. 14, effective December 12, 1917.

Location Data: See text.

Mining District: Illinois River

Mining Engineer and Dates of Examination: Colver F. Anderson
October 23, 1964, and February 18, 1965

Accompanied by: No one

ABSTRACT

The subject claims occupy most of Kerby Flat near the mouth of Deer Creek about 5 miles west of Selma, a community on the Redwood Highway between Grants Pass and Crescent City.

The claim area comprises a grassy meadow surrounded on the north, east, and south by steep serpentine ridges. Springs provide water for camp use. Timber is second growth after the hills were logged many years ago.

The entire meadow and hillsides below the Illinois River Road are within power site classifications. The subject claims were last located after 1926 when the withdrawal took effect.

The Bureau of Land Management issues null and void decisions for locations such as these where the ground was not open to location. Such decisions are issued in a very short time compared to validity decisions, which are preceded by hearings the results of which are subject to appeals.

The flood resolved the occupancy problem and motorized access to Kerby Flat; so the Government's interest in the area may best be served by not asking for a decision regarding the subject claims at this time.

Location and Topography

The claim area is in Kerby Flat, which is just north of the junction of Deer Creek and the Illinois River. The cabins involved in the occupancy were 5.3 miles from Selma on the Illinois River Road and on unimproved road through Star Flat to Deer Creek and one-half mile down the east bank of the Illinois River. The cabin site is at the end of the road, as shown on the map.

There is a relatively flat area near and north of the cabin site. This is about 10 acres of land dissected by three small drainages from the east. This entire area was under water during the December 1964 flood.

Surface Values

Most of the meadow area is above annual flood levels and is a good recreation site. Camp facilities which would not be damaged by immersion in water would survive a high flood because the meadow is a slack-water basin.

Most of the original trees were logged many years ago, and the present second growth does not have sufficient volume to be commercial.

Pertinent Information

The Kerby Flat area has a long history of claim locations. The only ones which need to be listed now are those which complete a chain of title for the present claimants.

J. D. Revell relocated the Buena Vista claim February 3, 1941. The recordation is in Mine Volume 40, page 304. Revell sold this claim to E. K. Ashcraft on August 26, 1946 (Conveyances Volume 13, page 551).

The Little Homestake placer claim was relocated July 1, 1941, by E. K. Ashcraft. The description of the claim is 660 feet by 1,320 feet instead of 800 feet by 800 feet as a prior claim in Kerby Flat area was described, and it apparently adjoins the south end of the Revell location of the Buena Vista claim. This description would overlap Meander No. 2 halfway.

The original Meander placer claim was located July 2, 1935, by Mrs. "May" Stout, who was Mrs. Mary Stout according to succeeding records. This location notice is filed in Volume 35, page 592.

No notice of location could be found for Meander No. 2. The first mention of this claim is in a so-called "certificate of amended placer location" dated June 27, 1936, and recorded in Mining Records, Volume 36, page 408, in which A. R. and Mary Stout purchase additional claims and describe an additional Meander claim in section 7 covering part of the purchased ground. The two new claims are then called "Meander Group No. 1 and No. 2." The two claims are described in legal dimensions but tied to the center of the Illinois River rather than to an actual subdivision corner.

Revell did the assessment work on the Meander Group No. 1 and No. 2 in 1941 (Volume 40, page 358). The next reference to the claims was in 1946 when Mr. Revell sold the Meander Group and Buena Vista to E. K. Ashcraft. There is no record that Stouts quit-claimed the Meander claims to Revell or that he relocated the claims in his own name.

E. K. Ashcraft sold the Meander Group No. 1 and No. 2, Little Homestake, and Buena Vista claims by quit-claim deed on June 12, 1947, to F. M. Lipe. This transaction is recorded in Conveyances Volume 13, page 563.

The chain of title is complete beginning with the above transaction. F. M. Lipe sold the claims to W. A. Taylor September 13, 1947, Conveyances Volume 13, page 584; W. A. Taylor to Art Savage May 1, 1948, Conveyances Volume 13, page 617; Art Savage to Lester Hurst August 10, 1960, Conveyances Volume 16, page 133; Lester Hurst to William C. and Patricia Southern December 26, 1961, Conveyances Volume 16, page 264.

A claim purchased by A. R. and Mary Stout to be part of the ground on which the Meander Group would be located is the Wildwood No. 2 located April 5, 1932, by Frank Griffin and Nora Carter and recorded in Mines Volume 32, page 575. The Wildwood No. 2 is described as starting on the west bank of the Illinois River; thence across the river easterly about 600 feet to the northeast corner; thence 3,000 feet southerly; thence 600 feet westerly to a stake at the confluence of Deer Creek; thence down the river "6000" feet to the point of beginning intending to locate 40 acres. The Wildwood No. 2 claim would probably be covered by the Meander No. 2, Little Homestake, and part of Buena Vista, which are shown on the map.

James D. Revell relocated the Buena Vista (Volume 40, page 304) in 1941 essentially as it was originally, and E. K. Ashcraft relocated the Little Homestake in 1941 but with significant changes in the description. However, the subsequent quit-claim deeds conveyed the above two claims as originally located.

Since these events a succession of owners has held the four subject claims in peaceful possession, and one claimant was in possession for 12 years. Perhaps this would establish a "color-of-title" ownership of the mining rights.

Conclusions

The descriptions of the subject claims place all of them within land withdrawn for power site classifications. These claims should be declared null and void ab initio.

There has been no occupancy problem on Kerby Flat since the December 1964 flood. All cabins were removed by the water.

A decision regarding these claims can probably be obtained from the Bureau of Land Management in a relatively short time after they receive the case and the necessary supporting documents. In my opinion the documents needed are:

1. Meander location in Volume 35, page 592.
2. Buena Vista locations in Volume 40, page 304, and Volume 36, page 635.
3. Little Homestake locations in Volume 40, page 602, and Volume 36, page 634.
4. Wildwood No. 2 location in Volume 32, page 575.
5. Amended placer location for Meander Group in Volume 36, page 408.
6. A quit-claim deed to show the present owners--Lester Hurst to William C. and Patricia Southern in Conveyances Volume 16, page 264.

Recommendations

Since the Forest has no immediate plan to withdraw this area for a recreation site, the flood destroyed the buildings, and the access road is completely gone in places, there does not seem to be any advantage in requesting the Bureau of Land Management to render a decision at present. The report can be updated if necessary in the future and forwarded for action.

Date SEP 30 1965

COLVER F. ANDERSON

COLVER F. ANDERSON, Mining Engineer

APPROVED:

Date OCT 28 1965

Jack I. Groom

Acting Assistant Regional Forester