



Untimely Objection Received M2023002

George Quist <gquist@hotmail.com>

Sun, Apr 16, 2023 at 11:52 AM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Elliott. Hello. This is are response to the Untimely Objection letter from Angela Hampt, dated April 10, 2023.(Past the public comment period of April 5th 2023).

Thank you! George and Jennifer Quist

gquist@hotmail.com

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3 attachments



Untimely Objection Received M2023002.pdf
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Untimely Objection from Angela Hampt M2023002.pdf
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Assertion that the Three Point and Four Point claims are invalid.docx
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This letter is in response to the assertion that the Three Point and Four Point claims are “my mining claim” by Ms. Angela Hampt. Ms. Hampt’s subject claim is identified as “Grateful 1” [with CMC No. 289055.]

We are not the proper authority to declare a mining claim invalid, which is what this objection is asserting—that the Three Point and Four Point unpatented lode claims (“subject claims”) are invalid for, in order for Ms. Hampt’s assertion to be correct, that must be the case.

We can only state the general aspects of ownership and operations on subject claims as determined from our records, Teller County records, and BLM records. The Three Point (CMC No. 242088) and Four Point (CMC No. 242083) unpatented lode mining claims are ours and are active and have been properly maintained since our current ownership in 1992.

The Three Point and Four Point (subject claims) were originally located in 1974 by John O. Buckner (a certified surveyor) who passed away approximately 2010 in partnership with Carl A. Quist (also deceased and father of present claimant.)

The subject claims were refiled in 1992 by George L. Quist to reflect new ownership.

It was much later determined that Mr. Buckner made an error when he wrote up the certificate of location and location map solely because of recent availability of GPS. (In all fairness to Mr. Buckner, he and Mr. Quist used a sextant and the sun to determine positions.) The location certificate and map from 1974 did not accurately reflect the actual location of the posts in the field. An amendment was filed in 2017 to correct the location certificate and map. No changes were made to the posts in the field and no other adjoining claims were affected. (Junior adjoining claims, which can be readily determined by the higher CMC number, particularly the Blue Smoky [CMC No. 250918] and Wolf Fang [CMC No. 251713] were already tied in to the subject claims’ posts in the field.)

Our understanding of mineral law addressing monuments is based on this: “As a general rule, if the recorded description of a mining claim differs from its actual situs on the ground, the physical markings on the ground control, so long as they have been maintained.” *Patsy A. Brings, supra at 327. Mineral Law Sixth Edition.*

As a result, the paperwork was amended to reflect the actual location intended by the original claimant of 1974.

The original posts on the subject claims have been diligently maintained since 1974, including after the Hayman Fire in 2002 and during episodes where other persons have vandalized and removed posts. All operations from date of location in 1974 to current date were within the original posted area. All plans of operation in effect and prospecting permits have been approved based on the claim posts in the field and as represented by maps that correlated with the posts.

The current owner can certify and provide records (and where applicable, photographs) that show that there has been no break in assessment work, filing responsibilities, maintenance of a plan of operations with the Forest Service and a current prospecting permit (which is currently being converted to a mining permit), maintenance of claim markers, and other maintenance responsibilities since he acquired the subject claims. Various prospecting bonds have also been held on subject claims since the early 90s and current bonds are in place.

It is our understanding that the act of a junior claimant (CMC No. 289055) overlapping current and active mining claims does not transfer ownership to the junior claimant or in any way invalidate the current owners’ interests. We reject the assertion that Ms. Hampt is the owner of the area that she has overlapped.

Sincerely, George and Jennifer Quist

4/15/2023