Oregon Mining Statutes

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GENERAL PROVISIONS

517.005 Legislative findings. The Legislative Assembly finds and declares that:

(1) Mining contributes to the economy and well-being of the people of Oregon. Mining creates high-paying jobs in parts of this state that, due to a lack of infrastructure and development, are less likely to be capable of diversifying beyond a regional economy based on natural resources. Mining creates secondary industries in the surrounding region and attracts numerous providers of goods and services. Mining also generates significant tax revenues for local governments and provides support for civic and educational projects in local communities.

(2) The mining of minerals is a natural resource use.

(3) In eastern Oregon, including Lake, Harney, Malheur, Baker and Grant Counties, diversifying the types of natural resource uses that contribute to local economies enables those economies to better withstand temporary economic declines that affect specific natural resource uses. In the same way that a diversified economy is good for a large metropolitan area, a diversified natural resource economy is good for eastern Oregon.

(4) Technological advances in the mining industry, coupled with reclamation efforts, have greatly reduced the environmental impacts of mining operations. The size and scope of modern operations is such that the operations do not cause interference with other natural resource uses, particularly in an area as vast as eastern Oregon.

(5) Mining operations should be encouraged and supported in eastern Oregon as a means for residents and communities to improve their economies and well-being. [2015 c.826 §1]

Note: 517.005 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 517 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.
MINING CLAIMS

(Veins or Lodes)

517.010 Location of mining claims upon veins or lodes. (1) Any person, a citizen of the United States, or one who has declared an intention to become such, who discovers a vein or lode of mineral-bearing rock in place upon the unappropriated public domain of the United States within this state, may locate a claim upon such vein or lode by posting thereon a notice of such discovery and location. The notice shall contain:

(a) The name of the lode or claim.
(b) The names of the locators.
(c) The date of the location.
(d) The number of linear feet claimed along the vein or lode each way from the point of discovery, with the width on each side of the lode or vein.
(e) The general course or strike of the vein or lode as nearly as may be, with reference to some natural object or permanent monument in the vicinity, and by defining the boundaries upon the surface of each claim so that the same may be readily traced.

(2)(a) Such boundaries shall be marked within 30 days after posting of such notice by four substantial posts, projecting not less than three feet above the surface of the ground, and made of wood measuring not less than one and one-half inch by one and one-half inch, or by substantial mounds of stone, or earth and stone, at least two feet in height, one such post or mound of rock at each corner of such claims.

(b) During the course of normal maintenance of the claim location posts or monuments, any post that requires replacement and is not constructed of naturally occurring materials shall be replaced by posts that are made of wood measuring not less than one and one-half inch by one and one-half inch on a side and that project not less than three feet above the surface of the ground.

(3) At such time as any lode mining claim is declared invalid by the United States Department of the Interior, Bureau of Land Management or is otherwise dropped by the last claim holder of record without transfer through lease or sale to another person, all claim location posts not made of natural materials shall be removed from the public domain of the United States and at the same time any post made of natural materials shall be removed or dismantled.

[Amended by 1991 c.215 §1]

517.020 [Repealed by 1971 c.228 §1]
517.030 Recording copy of location notice; fee. The locator shall, within 60 days from the posting of the location notices by the locator upon the lode or claim, record with the clerk of the county where the claim is situated, who shall be the custodian of mining records and miners’ liens, a copy of the notice posted by the locator upon the lode or claim and shall pay the clerk a fee for such recording as provided in ORS 205.320, which sum the clerk shall immediately pay over to the treasurer of the county and shall take a receipt therefor, as in case of other county funds coming into the possession of such officer. The clerk shall immediately record the location notice. [Amended by 1971 c.228 §2; 1971 c.621 §33; 1973 c.598 §4; 1975 c.607 §36; 1979 c.833 §31; 1991 c.230 §25; 1999 c.654 §28]

517.040 Abandoned claims. Abandoned claims are unappropriated mineral lands, and titles thereto shall be obtained as specified in ORS 517.010 and 517.030, without reference to any work previously done thereon.

(Placer Deposits)

517.042 “Legal subdivision” defined for ORS 517.042 to 517.052. As used in ORS 517.042 to 517.052, unless the context requires otherwise, “legal subdivision” means a subdivision of a state survey or of a United States survey which has been extended over the geographic area to be described. [1961 c.525 §1]

517.044 Location of claims upon placer deposits; posting notice. Any individual, a citizen of the United States, or one who has declared an intention to become such, who discovers a placer deposit of minerals upon the unappropriated public domain of the United States within this state, which minerals are subject to location under the mineral and mining laws of the United States, may locate a placer claim thereon by posting in a conspicuous place thereon a notice of such discovery and location. The notice shall contain:

(1) The name of the claim.
(2) The name of the individual or individuals locating the claim.
(3) The date of the location of the claim.
(4) The number of feet or acres claimed, together with a description, either by legal subdivisions, if practicable, or if not, then by reference to some natural object or permanent monument in the vicinity of the claim, which will identify the claim located. [1961 c.525 §2]

517.046 Marking boundaries of claim or locating by legal subdivisions. (1) Unless the claim for placer deposit referred to in ORS 517.044 is located by legal subdivisions, the surface boundaries of the claim must be marked so that the same may be readily traced. Such boundaries shall be marked within 30 days after the posting of the notice described in ORS 517.044 by substantial posts or other monuments of the same size, materials and dimensions as in the case of quartz claims. The boundaries of the claim shall be marked at each corner or angle, and, when any side or end of the claim extends for more than 1,320 feet without a corner or angle, then at intervals of not less than 1,320 feet along such side or end.
(2) Where the claim for placer deposit referred to in ORS 517.044 is taken by legal subdivisions, no other reference in the notice of claim required to be posted and filed under the provisions of ORS 517.042 to 517.052 than to the legal subdivisions shall be required and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions in the notice required to be filed under ORS 517.052 shall be deemed the equivalent of marking the surface boundaries of the claim. [1961 c.525 §3]

517.048 [1961 c.525 §4; repealed by 1971 c.228 §1]

517.050 [Renumbered as part of 517.065]

517.052 Recording copy of location notice; fee. The individual locating a placer deposit shall, within 60 days from the posting of the location notice upon the claim, record with the clerk of the county where the claim is situated, a copy of the notice posted by the individual upon the claim. The fee for recording such location notice shall be the fee provided for in ORS 205.320. The clerk shall immediately record the location notice. [1961 c.525 §5; 1971 c.228 §3; 1991 c.230 §26; 1999 c.654 §29]

(General Provisions)

517.060 Correcting defective notice of location. If at any time an individual who has located a mining claim within the meaning of ORS 517.010 or 517.044, or the assigns of the individual, apprehends that the original notice of location of the mining claim was defective, erroneous, or that the requirements of the law had not been complied with before the filing of the notice, such locator or assigns may post and record in the manner now provided by law, an amended notice of the location which shall relate back to the date of the original location. However, the posting and recording of the amended notice of location shall not interfere with the existing rights of others at the time of posting the amended notice. [Amended by 1961 c.525 §7; 1991 c.230 §27]

517.065 Effect of noncompliance with law in locating claim. (1) Subject to ORS 517.060, all locations or attempted locations of quartz mining claims subsequent to December 31, 1898, that do not comply with ORS 517.010 and 517.030 are void.

(2) Except as provided in ORS 517.060, all locations or attempted locations of placer mining claims made after August 9, 1961, that do not comply with the provisions of ORS 517.042 to 517.052 are void. [Subsection (1) formerly 517.050; subsection (2) enacted as 1961 c.525 §6]

517.070 Certain locations subject to prior rights. Any location of any mining claim made upon any natural stream, or contiguous or near to any placer mine, or upon or below the dump of any placer mine, shall be subject to the prior right of all mines in operation prior to the making of such location, to discharge debris, gravel, earth, and slickens which were or may be discharged at the time of making such subsequent location.
517.080 Mining claims as realty. All mining claims, whether quartz or placer, are real estate. The owner of the possessory right thereto has a legal estate therein within the meaning of ORS 105.005.

517.090 Application to claims of law governing transfers and mortgages of realty. All conveyances of mining claims or of interests therein, either quartz or placer, whether patented or unpatented, are subject to the provisions governing transfers and mortgages of other realty as to execution, recordation, foreclosure, execution sale and redemption. However, such redemption by the judgment debtor must take place within 60 days from date of confirmation, or such right is lost. [Amended by 2003 c.14 §339]

517.100 Sums payable on redemption of claim; interest. In case of redemption from sale under judgment, the redemptioner shall pay such sums as are now required by law for redemption under execution sale, and such additional sum as may have been expended upon the property so redeemed by the purchaser under execution, or the assigns of the purchaser, in order to keep alive the possessory right thereto after the execution sale, not exceeding $100 for each claim, with 10 percent interest thereon from date of such expenditures. [Amended by 2003 c.576 §466]

517.110 Grubstaking contracts. All contracts of mining copartnership, commonly known as “grubstaking,” shall be in writing, and recorded with the clerk of the county wherein the locations thereunder are made. Unless contracts of mining copartnership contain the names of the parties thereto and the duration thereof, the contracts are void. [Amended by 1991 c.230 §28]
(5) “Small scale mining” means mining on a valid federal mining claim operating under a notice of intent or plan of operations while using whatever equipment is necessary, as approved by the notice of intent or plan of operations, to locate, remove and improve the claim. [1999 c.354 §1]

Note: 517.120 to 517.135 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 517 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

517.123 Legislative findings. The Legislative Assembly finds that prospecting, small scale mining and recreational mining:
(1) Are important parts of the heritage of the State of Oregon; and
(2) Provide economic benefits to the state and local communities. [1999 c.354 §2; 2013 c.783 §10]

Note: See note under 517.120.

517.125 Rules to be adopted in consultation with affected parties. Any rule pertaining to recreational or small scale mining adopted after June 28, 1999, shall be adopted in consultation with affected parties. [1999 c.354 §3]

Note: See note under 517.120.

517.128 Restricting access to open mining area or mining claim prohibited. A person may not attempt to restrict access to any open mining area or valid mining claim or to harass or interfere in any way with a person engaged in lawful mining activities. [1999 c.354 §4]

Note: See note under 517.120.

517.130 Mineral trespass. (1) As used in this section:
(a) “Bedrock sluice” means a wood or metal flume or trough that is permanently attached to the bedrock of the creek and is equipped with transverse riffles across the bottom of the unit and used to recover heavy mineral sands.
(b) “Deface” includes but is not limited to altering, pulling down, damaging or destroying.
(c) “Dredge” means a subsurface hose from 1.5 to 10 inches in diameter that is powered by an engine and is used to draw up auriferous material that is then separated in the sluice portion of the unit.
(d) “Flume” means a trough used to convey water.
(e) “Quartz mill” means a facility for processing ores or gravel.
(f) “Rocker box” means a unit constructed of a short trough attached to curved supports that allow the unit to be rocked from side to side.
(g) “Sluice box” means a portable unit constructed of a wood or metal flume or trough equipped with transverse riffles across the bottom of the unit and that is used to recover heavy mineral sands.
(2) A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder:
   (a) Enters a mining claim posted as required in ORS 517.010 or 517.044 and disturbs, removes or attempts to remove any mineral from the claim site;
   (b) Tamper with or disturbs a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill or other mining equipment at a posted mining claim; or
   (c) Defaces a location stake, side post, corner post, landmark, monument or posted written notice within a posted mining claim.
(3) Mineral trespass is a Class C misdemeanor. [1999 c.354 §5]

Note: See note under 517.120.

517.133 Interfering with a mining operation. (1) As used in this section, “lawful mining operation” means any small scale mining operation that is in full compliance with state and federal laws.
   (2) A person commits the crime of interfering with a mining operation if the person intentionally:
       (a) Interferes with a lawful mining operation; or
       (b) Stops, or causes to be stopped, a lawful mining operation.
   (3) Interfering with a mining operation is a Class C misdemeanor. [1999 c.354 §6]

Note: See note under 517.120.

517.135 Exemption from crimes of mineral trespass and interfering with a mining operation. (1) ORS 517.128 to 517.133 do not apply to conduct that would otherwise constitute an offense when it is required or authorized by law or judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties or functions.
   (2) As used in subsection (1) of this section, “laws or judicial decrees” includes but is not limited to:
       (a) Laws defining duties and functions of public servants;
       (b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions; and
       (c) Judgments and orders of courts. [1999 c.354 §7]

Note: See note under 517.120.

MINING USING MOTORIZED EQUIPMENT IN BEDS AND BANKS OF RIVERS

517.140 Legislative findings; mining using motorized equipment in beds and banks of rivers. The Legislative Assembly finds that:
   (1) Prospecting, small scale mining and recreational mining are part of the unique heritage of the State of Oregon.
   (2) Prospecting, small scale mining and recreational mining provide economic benefits to the State of Oregon and local communities and support tourism, small businesses and recreational opportunities, all of which are economic drivers in Oregon’s rural communities.
(3) Exploration of potential mine sites is necessary to discover the minerals that underlie the surface and inherently involves natural resource disturbance.

(4) Mining that uses motorized equipment in the beds and banks of the rivers of Oregon can pose significant risks to Oregon’s natural resources, including fish and other wildlife, riparian areas, water quality, the investments of this state in habitat enhancement and areas of cultural significance to Indian tribes.

(5) Between 2007 and 2013, mining that uses motorized equipment in the beds and banks of the rivers of Oregon increased significantly, raising concerns about the cumulative environmental impacts.

(6) The regulatory system related to mining that uses motorized equipment in the beds and banks of the rivers of Oregon should be efficient and structured to best protect environmental values. [2013 c.783 §1]

Note: 517.140 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 517 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

MILLSITES

517.160 Location of nonmineral land as millsite; notice; fee. (1) The proprietor of a vein or lode, or placer claim, or the owner of a quartz mill or reduction works, may locate not more than five acres of nonmineral land as a millsite. Such locations shall be made in the same manner as provided in ORS 517.044 for locating placer claims, except that no discovery or location work is required. Where a millsite is appurtenant to a mining claim, either lode or placer, the notice of location of such millsite shall describe by appropriate reference the mining claim to which it is appurtenant.

(2) The locator of a millsite shall, within 30 days from the date of posting a notice thereon, record a copy thereof with the same county officer. The fee for recording such location notice shall be the fee provided for in ORS 205.320. Such location notices shall be recorded in the same manner as location notices of quartz or placer claims but need have no affidavit of location work attached. [1963 c.123 §1; 1999 c.654 §30]

EXTINGUISHING DORMANT MINERAL INTEREST

517.170 Policy. It is in the interest of the State of Oregon to provide a mechanism for the removal of dormant encumbrances on property which prevent a landowner from using or developing that property in a manner which contributes to the economy and increases the state’s tax base. [1983 c.421 §1]

517.180 Procedure for extinguishing dormant mineral interest. (1) An owner of land in which another person holds a mineral interest, may extinguish the holder’s interest by publishing notice and submitting an affidavit of publication for recording as described in subsections (4) to (9) of this section, unless:
(a) Within the last 30 years, the holder of the mineral interest has submitted a statement of claim for recording in the manner set out in subsection (3) of this section; or
(b) The holder of the mineral interest acquired the mineral interest within the previous 30 years.

(2) For the purposes of this section:
(a) “Mineral interest” includes any interest that is created by an instrument transferring, either by grant, assignment, reservation or otherwise, an interest of any kind in coal, oil, gas or other minerals and geothermal resources, except an interest vested in the United States, the State of Oregon or a political subdivision of the State of Oregon. A mineral interest does not include an interest in sand or gravel.
(b) “Owner of land” includes a vested fee simple owner or a contract purchaser.

(3) The statement of claim referred to in subsection (1) of this section shall be submitted for recording in the office of the clerk of the county in which the land affected by the mineral interest is located and shall contain:
(a) The name and address of the holder of the mineral interest as that name is shown in the instrument that created the original mineral interest; and
(b) The name and address of the current holder of the mineral interest.

(4) To extinguish the mineral interest held by another person, and acquire ownership of that interest, the owner of the land shall publish notice of the lapse of the mineral interest at least once each week for three consecutive weeks in a newspaper of general circulation in the county in which the lands affected by the mineral interest are located. If the address of the mineral interest holder is known or can be determined by due diligence, the notice shall also be mailed by the owner of the land to the holder of the mineral interest before the first publication.

(5) The notice required in subsection (4) of this section shall include:
(a) The name of the holder of the mineral interest, as shown of record;
(b) A reference to the instrument creating the original mineral interest, including where it is recorded;
(c) A description of the lands affected by the mineral interest;
(d) The name and address of the person giving the notice;
(e) The date of first publication of the notice; and
(f) A statement that the holder of the mineral interest must submit a statement of claim to the county clerk within 60 days after the date of the last publication or the mineral interest of the holder may be extinguished.

(6) A copy of the notice and an affidavit of publication of the notice, as described in subsection (7) of this section, shall be submitted to the county clerk within 15 days after the date of the last publication of the notice in the office of the clerk of the county where the lands affected by the mineral interest are located.

(7) The affidavit of publication shall contain either:
(a) A statement that a copy of the notice was mailed to the holder of the mineral interest and the address to which it was mailed; or
(b) If no copy of the notice was mailed, a detailed description, including dates, of the efforts made to determine with due diligence the address of the holder of the mineral interest.
(8) If the owner of the land affected by the mineral interest gives notice as required in subsection (4) of this section and submits a copy of the notice and the affidavit of publication for recording as required by subsection (6) of this section, the mineral interest of the holder shall be extinguished and become the property of the owner of the lands, unless the holder of the mineral interest submits a statement of claim to the county clerk within 60 days after the date of the last publication of the notice.

(9) Upon receipt, the clerk of the county shall record a statement of claim or a notice and affidavit of publication of notice in the Mineral and Mining Record. When possible, the clerk shall also indicate by marginal notation on the instrument creating the original mineral interest the recording of the statement of claim or notice and affidavit of publication of notice. The clerk of the county shall record a statement of claim by cross-referencing in the Mineral and Mining Record the name of the current holder of the mineral interest and the name of the original holder of the mineral interest as set out in the statement of claim.

(10) The provisions of this section may not be waived at any time. [1983 c.421 §2; 1997 c.819 §10; 1999 c.654 §31]

ASSESSMENT WORK

517.210 Recording affidavit of annual compliance. Within 30 days after the performance of labor or making of improvements, or making federal fee payments required by law to be annually performed or made upon any mining claim, the person in whose behalf such labor was performed or improvement or payment was made, or someone in behalf of the person, knowing the facts, shall make and have recorded in the Mineral and Mining Record of the county in which the mining claim is situated, an affidavit setting forth:

(1) The name of the claim or claims if grouped and a reference to the record where the location notice of each such claim is recorded.

(2) The number of days’ work done and the character and value of the improvements placed thereon, together with their location.

(3) The dates of performing the labor and making the improvements.

(4) At whose instance or request the work was done or improvements made.

(5) The actual amount paid for the labor and improvements, and by whom paid, when the same was not done by the claim owner.

(6) That the federal fee requirements have been met by the owner or agent and that the owner or agent intends to hold the claim in good standing for the applicable assessment year. [Amended by 1993 c.443 §1; 1999 c.654 §32]

517.220 Affidavit or lack thereof as evidence; recording fee. The affidavit described in ORS 517.210, when so recorded, or a duly certified copy thereof, is prima facie evidence of the facts therein stated. Failure to file such affidavit within the prescribed time is prima facie evidence that such labor has not been done. The fee for recording the affidavit shall be the fee provided by ORS 205.320. [Amended by 1971 c.621 §34; 1975 c.607 §37; 1979 c.833 §32; 1991 c.230 §29; 1999 c.654 §33]
517.230 Performance of assessment work by co-owners. Whenever any quartz or placer mines are owned by one or more persons, or are owned in common by any persons, any person owning any legal or equitable interest in the mines may perform the annual assessment work upon them which is required by the laws of the United States and Oregon. Such work, when it complies with said laws, shall protect the mines from relocation.

517.240 Failure of co-owner to contribute; notice. Upon failure of any co-owner of any mine to contribute that co-owner’s proportion of expenditures required in assessment work, or to perform or pay for such proportion, the co-owners who performed or caused to be performed the labor or assessment work, may, at the expiration of the year for which the assessment work was performed, give the delinquent co-owner notice that the assessment work for that year has been performed, stating by whom performed, the amount of work performed and the dates between which it was performed; together with a statement of the amount due from the delinquent co-owner for the delinquent co-owner’s proportion of the work, and requiring the delinquent co-owner, within 90 days from the date of service of the notice, to pay to the co-owners who performed or caused to be performed such work, the delinquent co-owner’s proportion. The notice shall further state that if the delinquent co-owner fails or refuses to contribute the proportion due for the work, the interest of the delinquent co-owner in the mine will become the property of the co-owners who performed or caused to be performed the assessment work.

517.250 Form of notice; service; publication. The notice shall be in writing and signed by the co-owner who performed or caused to be performed the assessment work. It shall be served upon the delinquent co-owner personally by the sheriff of the county in which the mine is situated, if the delinquent co-owner is within the county. If the delinquent co-owner can be found in any other county, then the notice shall be served by the sheriff of that county. If the delinquent co-owner cannot be found within the state, or if at the time of giving the notice the delinquent co-owner is without the state, service of the notice shall be made by publication thereof in the weekly newspaper published in the county nearest to where the mine is situated. If there are two or more papers published in the county at the same distance from the mine, the co-owner giving notice may elect in which paper the notice shall be published. If no weekly newspaper is published within the county, service of the notice shall be made by publication in any other weekly newspaper within the state published nearest the mine. The notice shall be published at least once a week for a period of 90 days after the first publication.

517.260 Notice; return and proof of service. If the notice is served by any sheriff as provided in ORS 517.250, the sheriff shall make return by filing the notice with the return showing service with the county recorder, or if there is none, with the county clerk, for the county within which the mine is situated. If personal service cannot be had as provided in ORS 517.250, proof of service shall be made by filing with the county recorder, or if there is none, with the county clerk of the county in which the mine is situated, the notice as published, attached to an affidavit made by the printer, foreman, or publisher of the newspaper, to the effect that it is of general circulation throughout the county, is published weekly, and that the notice was published at least once a week in that newspaper for a period of not less than 90 days after the first publication of the notice.
517.270 Vesting of interest of delinquent co-owner. If at the expiration of 90 days from the date of personal service of the notice upon the delinquent co-owner or from the date of the last publication of the notice, the delinquent co-owner has not paid the proportion of the delinquent co-owner to the co-owners who performed or caused to be performed the assessment work, the title to the interest of the delinquent co-owner in the mine shall be immediately vested in the co-owners who performed or caused to be performed the assessment work.

517.280 Certificate of ownership; issuance. The co-owners who performed the assessment work may file with the county clerk of the county where the mine is situated, their affidavits that the payment has not been made. Upon the filing of such affidavits, the clerk shall record the notice, proof of service and affidavits in the Mineral and Mining Record. The clerk shall then and there issue to the co-owners who performed or caused to be performed the assessment work, a certificate to the effect that the clerk has recorded the notice, proof of service and affidavits of nonpayment, and that the co-owners who performed or caused to be performed the assessment work have become and are the owners of all the right, title and interest of the delinquent co-owner or co-owners of the property. [Amended by 1991 c.230 §30; 1999 c.654 §34]

517.290 Fee for certificate. The certificate described in ORS 517.280 shall not be issued until the co-owners entitled to it pay to the clerk a fee as set by ORS 205.320. [Amended by 1971 c.621 §35; 1975 c.607 §38; 1979 c.833 §33; 1991 c.230 §31]

517.300 Effect of certificate; certified copy of certificate, notice and return admissible as evidence. (1) A certificate issued as provided in ORS 517.280 shall be equivalent to a deed from a delinquent co-owner of all the interest of the delinquent co-owner in and to all mines described in the notice, and shall convey the interest of the delinquent co-owner in the premises to the co-owner or co-owners who performed or caused to be performed the assessment work. The certificate may be introduced in evidence in any cause where ownership of the property may become material. When so introduced, it shall have the same force and effect as would a duly executed and delivered deed from the delinquent co-owner.

(2) A certified copy of the certificate, and of the notice and return, when made and certified to by the county clerk, shall be admissible in evidence in any trial where it is material to establish proof of service of the notice or ownership of the property.

517.310 Recording and indexing certificate; fee; effect. The certificate given by the county clerk shall be recorded in the office of the officer issuing it, upon payment of the fee established under ORS 205.320. The officer shall record and index the certificates in the Mineral and Mining Record. Such indexing and recording shall have the same force and effect as the indexing and recording of deeds to other real property, and shall give like constructive notice. [Amended by 1999 c.654 §35]
517.320 Counteraffidavits of delinquent owner; suit to quiet title; judgment. If prior to the issuing of the certificate there has been filed with the county clerk an affidavit by the delinquent co-owner that the payment has been made, the clerk shall not issue a certificate, but the parties shall be left to establish such fact by suit to quiet the title to the premises. If in the suit it appears either that the assessment work was not performed by the co-owners claiming to have performed it, or that the delinquent co-owner has performed or paid the delinquent co-owner’s proportion of the assessment work, a judgment shall be entered in the suit to that effect; but if it is established that the assessment has been performed by or has been caused to be performed by the co-owners so claiming and that the delinquent co-owner has not performed or paid the delinquent co-owner’s proportion, a judgment shall be entered providing that the co-owners who performed the assessment work to be the owners of all the interest of the delinquent co-owner in the premises. The judgment shall be entitled to record in the Mineral and Mining Record kept by the county clerk in the county, and shall be indexed in the Mineral and Mining Record for the county. [Amended by 1999 c.654 §36; 2003 c.576 §467]

517.330 Accounting for fees. All fees collected under ORS 517.290 and 517.310 are the property of the county in which they are collected, and shall be accounted for by the officer collecting them as other recording fees are accounted for.

517.410 [Amended by 1961 c.419 §1; part renumbered 273.920; remainder renumbered 273.355]

517.420 [Amended by 1955 c.528 §1; 1961 c.419 §2; 1983 c.740 §206; repealed by 1993 c.340 §2]

MINING LEASES

517.430 Use of timber by lessee. (1) The lessee of the Department of State Lands under ORS 273.551 may use down timber found on the premises for fuel, and may cut and use green timber in the construction of buildings required in the operation of a mine on the premises, or for lining test pits or shafts, or for timbering drifts or excavations, or for other mining purposes, but for no other purpose.

(2) The lessee of the State Forester under ORS 273.551 may use down timber found on the premises for fuel and may cut and use green timber for lining test pits or shafts, or for timbering drifts or excavations, or for other mining purposes, but for no other purpose. [Amended by 1953 c.65 §5]

517.440 Lessee, licensee, or operator of mine deemed bailee of yield until payment of lessor and workers. Any lessee, licensee, or person other than the owner, who operates or works a mine, lode, mining claim, or deposit yielding metal or mineral of any kind, has custody and control of whatever metal or mineral may be produced in such operation or work, as bailee only and not as owner, until the sum due the lessor is paid and the wages due from such lessee to the lessor or to any worker who has performed labor under contract of service on, in or about such mine, lode, mining claim, or deposit are wholly paid.