



# Filing a New Claim After Closure

## New Filing Steps for Lapsed Unpatented Mining Claims or Site

### New Federal Mining Claim

Bureau of Land Management (BLM) – Guidance for Locators

#### What Happens When a Claim Lapses?

Unpatented mining claims and sites are interest-based property rights governed by federal and state laws. If the annual maintenance fee is not paid or a waiver request is not submitted by September 1, the claim is automatically forfeited. There is no grace period beyond this date—it is a statutory deadline set by Congress.

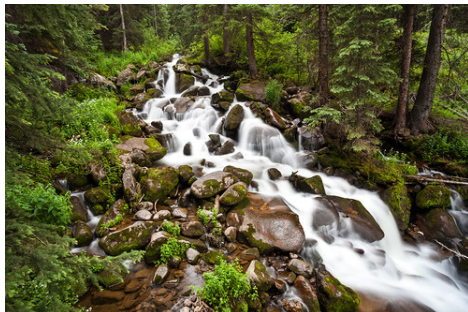
**IMPORTANT NOTE:** All annual filings in the form of a maintenance fee payment or a [Maintenance Fee Waiver](#) are due annually on September 1. This is a strict date and is not curable if missed.

#### Can I Reinstate My Old Claim or Site?

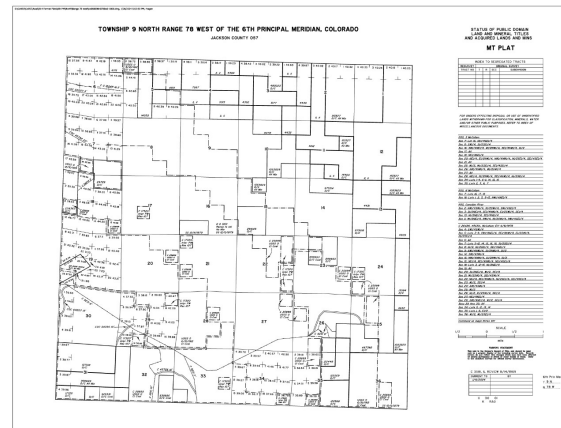
No. Once a claim or site is forfeited due to non-payment or a missed waiver submission, it cannot be reinstated. A new claim or site must be filed, which will be assigned a new BLM serial number. Federal mining law does not provide a mechanism for reopening a lapsed (forfeited) unpatented mining claim. A new mining claim or site must be filed in the form of a Certificate of Location (COL), or Location Notice.

#### Important Information for Former Claimants:

- **New Filing Number:** Your newly filed claim or site will receive a different BLM serial number (e.g., CO123456789). Use this number for all future filings and correspondence.
- **New Filing Date:** Your location and filing dates must reflect the most recent location.
- **No Legal Tie to Old claim:** The new claim or site is treated as entirely new and does not retain any prior assessment work, waiver status, or claim history.
- **Risk of Overlap:** It is possible that another party has located a claim over the same land—even one day after your lapse. This other claim would be senior to a newly filed claim. Disputes over overlapping claims must be resolved in civil court.
- **Multiple Claimants:** If the original claim or site had multiple co-locators, and the same claimants file the new claim or site, each new locator must be listed again with updated contact information, to include a current address. Co-claimants are not carried over automatically.



Creek in Colorado, by BLM



Master Title Plat, by BLM

#### Locating a New Mining Claim or Site, Here's How:

##### Step 1: Confirm Land is Still Open and Available

Before filing a new claim or site, verify that the land is still open to mineral entry (mining) and not already claimed. Filing over withdrawn or private land will result in your claim being declared null and void.

**Avoid "Top-Filing":** Accidentally filing over an existing, active claim (top-filing) does not result in an automatic rejection or refund. The BLM must accept all filings—even overlapping ones. This creates a junior claim, which may lead to legal, civil conflicts with a previously filed claim.

#### How to Check Land Status:

- [BLM Mineral & Land Records System \(MLRS\)](#)
- [BLM Colorado Interactive GIS Map](#)
- [Colorado Mining Claim Packet](#)
- [BLM General Land Office \(GLO\)](#)

**Note:** Even a one-day gap after forfeiture can open the land to new claims or sites. Bear in mind the BLM follows a first-come-first-served basis for designating senior rights, and the order in which a new claim or site is received is based on the legal location date and BLM- filing timestamp.

##### Step 2: Physically Locate and Mark the Claim or Site

To establish a new mining claim or site, you must physically locate—also known as staking the corners—on the ground according to federal and state law. Required Actions:

- Clearly identify and mark your valuable mineral discovery
- Mark claim boundaries and corners with posts or monuments
- Post a new Certificate of Location (COL) at the site
- Important: If no corner posts exist, the claim was never properly located. Filing without marking is considered a paper claim and may be automatically deemed invalid – void for failure to comply with State and Federal Law.

### Step 3: Prepare the Certificate of Location (COL)

Create a new COL with updated information.

Include:

- Claim or site name (same or different from lapsed claim), and claim or site type (lode, placer, mill site, tunnel site)
- Meridian, township, range, section, and quarter sections
- Legal land description (aliquot part or metes & bounds)
- Names and current addresses of all locators
- Date of location (must be within 90 days of ground staking)
- File a map with a sketch of boundaries and discovery point

**IMPORTANT NOTE:** You cannot use a previously filed COL or submit a version that has been whited out or altered. All Certificate of Location forms must be new, original documents.

Form Options:

- The optional BLM COL form (available upon request), or
- A self-created form with all required elements

### Step 4: Record with the County Recorder

Submit the new COL to the county clerk and recorder where the claim is located.

Deadlines (State Law):

- Placer claims: within 30 days of location date
- Lode claims, mill sites and tunnel sites: within 90 days of location date

**Tip:** Check local fees and formatting requirements. Missing this step can impact the validity of your claim.



Mining Claim Corner Post, By BLM

### Step 5: File with BLM Colorado State Office

Within the same 90-day window (Federal Law), submit the following to the BLM Colorado State Office:

- A copy (or original) of the county-recorded COL
- A map showing the claim's precise location
- The applicable fees

Fee Schedule (current):

- \$274.00 per claim:
  1. \$200.00 maintenance fee
  2. \$49.00 location fee
  3. \$25.00 processing fee

Placer claims 20.01 acres or more, are \$200 per each additional 20 acres:

- 20.01 – 40 acres - \$400 per claim
- 40.01 – 60 acres - \$600 per claim, and so on.

Example Certificate of Location and Associated Map, By BLM

## Know Your Responsibilities

### After filing, ensure you:

- On or before September 1 of every year, pay fees or apply for a Waiver.
- Perform annual assessment work (if using a Waiver), and submit your Affidavit of Annual Assessment Work annually on or before December 30.
- Contact the BLM or Forest Service before any surface disturbance (see the BLM Colorado Field Offices column for contact information in your area).

### Checklist: Filing Your New Claim or Site

1. Confirm land is open to mineral entry
2. Mark claim corners and post new notice
3. Prepare and sign new COL
4. Record COL with county
5. File recorded copy, map, and fees with BLM

### Questions or Help?

BLM Colorado State Office – Solid Minerals Program  
Public Room: Building 40,  
Denver Federal Center,  
Lakewood, CO 80215  
Phone: (303) 239-3770  
Mailing: PO Box 151029,  
Lakewood, CO 80215  
[www.blm.gov/colorado](http://www.blm.gov/colorado)

## BLM Colorado Field Offices

### ROCKY MOUNTAIN DISTRICT

Royal Gorge Field Office  
3028 E. Main St.  
Cañon City, CO 81212  
(719) 269-8500

San Luis Valley Field Office  
1313 E. Highway 160  
Monte Vista, CO 81144  
(719) 852-7074

### UPPER COLORADO RIVER DISTRICT

Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, CO 81652  
(970) 876-9000

Grand Junction Field Office,  
2815 H Road  
Grand Junction, CO 81506  
(970) 244-3000

### NORTHWEST DISTRICT

Kremmling Field Office  
2103 E. Park Ave.  
Kremmling, CO 80459  
(970) 724-3000

Little Snake Field Office  
455 Emerson St.  
Craig, CO 81625  
(970) 826-5000

White River Field Office  
220 E. Market St.  
Meeker, CO 81641  
(970) 878-3800

### SOUTHWEST DISTRICT

Gunnison Field Office  
2500 E. New York Ave.  
Gunnison, CO 81230  
(970) 642-4940

Tres Rios Field Office  
29211 Highway 184  
Dolores, CO 81323  
(970) 882-7296

Uncompahgre Field Office  
2465 S. Townsend Ave.  
Montrose, CO 81401  
(970) 240-5300