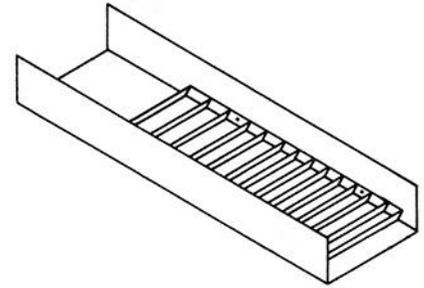




Prospectors Association

444 Winchester PMB 12-D,
Roseburg, OR 97470



THE SLUICE BOX

August 2016

DCPA meets on the 2nd Monday of each month at the Pine Grove Community Church, 1729 Buckhorn Road, Roseburg, OR 97470 at 7:00 pm. There is an optional potluck starting at 6:30 pm. The Board of Directors meeting is at 6:00 and open to all members.

Dues are \$12 per year for single or family. All members need to attend at least 4 functions (meeting, outing, gold show, picnic, etc.) to qualify to mine on our claims unless it's an official outing.

Sunshine:

If you know of anyone who is ill or has had a death in the family, etc let me know so I can send them a card. Walt: 541-459-3489 or wrevens@yahoo.com

From the Meeting:

Opened by President Gary Sturgill.

Guests and new members introduced.

Minutes read and approved.

Treasurers report read and approved.

Claims report given: Annual paperwork in the works.

Legislative report given. Rinehart & Oregon Lawsuit.

Outings announced.

Old Business: Panning booth at Pioneer days in Canyonville.

New Business: Gold Show to possibly be an Outdoor show instead.

Clues to Treasure Hunt given.

Raffles held.

Education: Black Magic Demo by Gary Sturgill

Adjourned.

Claims: Claims Director Mike Eschelmann is working on our annual paperwork to be turned in by September 1.

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Legislative: We are still waiting on the Supreme Court ruling for the Brandon Rinehart case in California. Here is an email I received from James Buchal, his attorney:

“Some of you have asked about the significance of the California Supreme Court’s Order of July 15, 2016 (copy attached), which addresses the requests for judicial notice by the parties (also attached). As you may recall, the trial court had not permitted evidence, the State then attempted to present its own evidence to the Supreme Court, and I told the Court that was improper, but if they were going to open the doors, they should take our evidence too.

In general, the Court has taken a restrictive approach, allowing the State to submit the legislative history of the mining law (State Exhibits A-M) and the Karuk Judgment (State Exhibit Q). The Court refused to allow the State’s data about gold prices and gold mining (State Exhibits N-P). The Court also refused to allow the State to submit portions of the FSEIR as evidence (State Exhibits R-X.) This has the effect of excluding the primary information cited by our opponents concerning environmental impacts, which could be seen as a positive sign.

We had attempted, conditionally, to offset the environmental evidence with our own evidence, and the Court allowed none of this evidence either (Our Exhibits D & 1-13 & 15). The Court did allow some federal materials of ours (and SB 637), but did not allow Judge Ochoa’s ruling (Our Exhibit F), probably because it constitutes unpublished authority. The Court also would not take a copy of the brief of the United States in Granite Rock (our Exhibit 14), and some of the filings in the Oregon Bohmker case (Our Exhibits 16-19); the Court did take the Oregon bill (SB 838, our Exhibit 20).

On the whole, the action signifies that the Supreme Court does not intend to allow any party to make its record before the Supreme Court rather than the trial court, which is the right result. It would have been a bad sign, for example, if the Court took all the FSEIR evidence against suction dredge mining and threw out our responses. I cannot say, however, that all these rulings really foreshadow any ultimate outcome on the merits.”

I don’t understand how you can have a fair hearing if you can’t present your evidence.

In another email he writes:

“Attached are copies of two amicus briefs we have received this week supportive of our position before the Ninth Circuit in the Bohmker appeal challenging Oregon’s mining moratorium. Their support is helpful.”

Two Amicus briefs have been filed in our case by outside entities. The first is from the Mountain States Legal Foundation on behalf of the American Exploration and Mining Association. The second is by the Pacific Legal Foundation for Western Mining Alliance.

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Legislative (cont.): Here's a blog from the Pacific Legal Funds website:

<http://blog.pacificlegal.org/federal-supremacy-protects-miners-rights/>

I attended the Galice Mining District Meeting last month. They haven't heard of anyone being cited for using motorized equipment in either Jackson or Josephine counties. I didn't ask but I suspect that folks who are actively mining with power will not be found working out in the middle of the Rogue where public eyes can see.

What they did mention was that the Forest Service is enforcing the 14 days only camping rule. In 2009 Public Lands for the People won two landmark cases in California representing miners who were staying on their claims for more than 14 days. According to the Mining Law, a claim owner can live there 24/7/365! After the state's loss, the Forest Service started demanding a Notice or Letter of Intent for miners camping longer than 14 days. I think it goes back to "Recreational" miner vs. "Professional" miner. The Mining Law doesn't distinguish one from the other. However, if the Forest Service believes that you're a "Recreational" miner, then they treat you like every other person enjoying the outdoors and are subject to the 14-day limit. If you're a professional miner working an active Federal Mining Claim, then they want that notice or letter informing them of what activity you plan on doing and how much surface area you intend to disturb. In other words, you have to prove to them that you're a "Real" miner! DCPA member Scotty "Digger" Rentoul had this to say: "In the past there was what was called the Prudent Man Rule which meant that a miner was considered serious if he worked his claim like a "prudent man" would". Kerby Jackson of the Galice Mining District did some extensive research on the subject. While he came up with fairly lengthy report, the bottom line is that the Forest Service considers a "Professional" miner as someone who puts in 40 hours per week or more on his claim. I guess you can work any other job in America part-time except for mining!

It's been brought to my attention that one or two of our DCPA members applied for and received DEQ 700 discharge (dredge) permits for ESH waters. I have not heard of this in any other county so these may be isolated cases. Either the powers that be have no idea how to really handle SB838 or they can't read their own interactive map!

Outings: Our outing for August is a work party on Saturday August 13th at our New White Quartz claim on Middle Creek. Members are encouraged to bring their prospecting supplies as mining is considered a form of assessment work to meet our annual requirement. This is Non-Essential Salmon Habitat so we can use powered equipment. Of course, you should have with you the proper mining permits. We will be meeting at the usual McDonalds off the Riddle 103 exit at 8:00 a.m. and taking off a little after. Don't forget to bring some tools; shovels, rakes and maybe even a weed eater, chainsaw or tree trimmer.

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Outings (cont):

We've been invited to be part of this year's Pioneer Days in Canyonville. It's their 50th anniversary so they want us to bring our hooch (replica of a small miner's cabin). We'll need members to help set that up and work our Gold Panning booth. There will be a sign-up sheet at the next meeting. The event opens at 4:00 p.m. on Thursday August 25 and finishes on Saturday the 27th at 5:00 p.m. I'm thinking that set up is on Thursday morning. I don't have a time yet. I've sent an inquiry email and will let everyone know when I receive a response.

A few of our members ventured out to Foster Bar on the Rogue River for a 3-day mining event in July. Vice-President Robert Krewson was nice enough to send me some photos.



The mighty Rogue!



Fruits of labor!

Gold Show: Gary Sturgill brought up the idea of getting outdoor people together and having a show next year. We're not just talking about vendors of Treasure Hunting and recreational equipment/supplies but also organizations representing people who enjoy using our natural resources; Hunters, Fishermen, Off-roaders, Miners, Rock Hounds, etc. Whatever we decide to do we don't want to interfere with the normal "Outdoor Show" held at the fairgrounds.

Treasure Hunt: You have to be at the meeting to receive the clues. At the next meeting Gary will reveal the 4th one.

Education: Gary Sturgill brought in his full size (original) Black Magic (Miller Table) for a demonstration. It was nice to see it in action. I learned two important things. Classify by using a 20 mesh (window screen size) sieve and slow the water down. This unit is supposed to take the place of the Blue Bowl. I've talked to people who have used miller tables. They say that once you try one, nothing else works as good.

Kerby's Corner: *Stampede To Red Dog - Early Days in Southern Oregon (cont.)*

"Further on up Slate Creek, near its forks, was the scene of a genuine Indian ambush on March 23, 1865, that proved the prelude to an attack and prolonged engagement at the Hay ranch. Mr. Olney, a member of Captain O'Neil's company, then stationed at Eight Dollar Mountain, started on that day to return to camp from a trip he had taken to Vannoy's Ferry. He overtook four other men and a boy close to the scene of the ambush with a view of having their company over the mountain. Hardly had they got through exchanging greetings when they were greeted in return with a sudden rattle of firearms. Fifty or a hundred Indians showed up with an evident intention of exterminating the small body of whites. It was no use to undertake to try conclusions with the foe in open fight. But Olney was compelled to dismount and try it afoot, as his horse had come to grief at the first fire. He found his movements greatly impeded by a big pair of spurs, and in endeavoring to free himself from them as he ran, shed one of his boots. He then got tangled up with the remaining spur in such a way that it threw him to the ground. At this the boy, a lad 14 years old named Willie Hay, cried out, "See, he is killed." One of the men named Wright and a genuine hero of the true stamp, said it would not do to leave him that way, and proposed that they go back to his aid. The boy went back with him, and Wright took Olney up behind him on his mule. The mule, thus loaded, naturally fell behind, and, on crossing a gulch, got shot through the flank, which partially upended it, throwing Olney to the ground. Wright, not willing yet to give up his effort to save a newly-found companion, urged Olney to mount again; but the latter refused, and urged Wright to do his best to save himself, for it looked now like Olney's chances were nil. By desperate sprinting and dodging over ridges and gulches he managed to reach a brushy bottom he was aiming for in time to overtake his would-be rescuer once more and see the latter fall from his mule a lifeless corpse. Olney now continued his single-handed game of hide and seek with the Indians all that afternoon and far into the friendly darkness of the succeeding night. Olney, it should be remarked, however, did the hiding, while the redskins did the seeking with all their customary ferocity and alertness.

But while this part of the play was going on, the boy hero of the engagement, together with the rest of the men, had pushed on over the hill to his father's ranch and notified the soldiers on guard at that temporary fortification of the happenings en route, giving out the report that Wright and Olney were both killed. John Davis, Shellback Smith, John Gould, Charley Abrams and J. Sargent, all messmates of Olney, repaired to the summit of the long hill as rapidly as horses could carry them, and immediately plunged into the fight. But as I am drawing on Olney's narration of the events, I will let him do some of the describing in his own words: "They raise the hill and descent at a rapid pace the steep ridge, down which the trail ran towards the forks of the creek."

Kerby's Corner (cont):

"Half way down and they are saluted by a hundred rifle shots from front and both flanks, accompanied by the too well-known Indian yell. Dismounting and tying their horses to the brush, with the bullets and yells growing thicker and louder, the brave little party boldly went into the fight. Taking each a tree, they loaded and fired with good effect, as was plainly indicated next day when the battle-ground was visited. Louder and fiercer grew the uproar; the Indians numbering near two hundred, soon gained the rear of the little party, and poured upon them a hail of rifle and pistol shots. "We must get out of thus," shouted Gould. "They've got us in a tight place; come on." He ran to his horse, and all followed but Davis, who, seeing a number of Indians running towards them, shouted to his companions: "Hurry up, boys, and mount. I'll keep those devils away until you are ready to start. Charlie, untie my horse and hold him until I come." And almost in the same breath, he added: "Go ahead, boys, I'm shot right through the tum-tum." With much difficulty the rest of the party extricated themselves from surrounding difficulties, and, as Olney puts it, "holding their guns in the bridle hand, with revolver in the right, discharging rapid shots at the Indians, they streaked it up the hill and down the trail to the ranch, closely followed by the yelling and disappointed Indians, who were but a few rods in their rear when they reached the gate of the palisades surrounding the ranch."

The fighting, instead of being over with now, was just fairly beginning. Olney's narrative continues: "When Willie Hay and his companions made their appearance at the ranch with the news of the Indian's attack upon them and the killing of Wright and Olney, a courier was at once sent with the intelligence to Captain O'Neil's camp, at the foot of Eight Dollar Mountain. As soon as the news was received, O'Neil ordered the horses and pack mules to be immediately brought up and saddled and packed, and at once set out for the ranch, endeavoring to reach it before the Indians did. But in this he failed, as I shall now relate. Calling the roll he found he had but fifty men fit for duty, and with a pack train of fifteen heavily laden mules he must spare three or four for the special duty of attending to the packs. Forming a vanguard of fifteen men, he sent them forward under Lieutenant Armstrong. The mules followed, and the rear was brought up by the remainder of the company under his immediate command. Away they went at a sharp trot until they had crossed Deer Creek and had entered the heavy timber within two miles of the ranch, when they overtook a pack train passing which with some difficulty, they kept on their way, with the loss of two or three mules which had run into the other train and could not be easily extricated, so they were allowed to remain and come away with the train, which was put to its utmost speed, when the packers had been told that the Indians were ahead. On they go through the heavy pine woods, the bell on the "bell mare" tinkling out hasty music to the loaded train mules behind, while the "Huppah Mulah," "Cahambo," and the everlasting string of Mexican epithets calculated to urge forward the train, were being bellowed and hissed in hasty and excited way. They have reached within half a mile of the ranch, and they hear an occasional rifle shot. Soon comes a crash of reports succeeded by the usual rattling reverberations through the timber of each separate but continuous report and the near yells of the Indians. On they go, the vanguard at a gallop, pack mules ditto; they are too slow. "Forward faster." Another train in the road - Jimmy Lowery and Billy Sutherland's train - Billy on the "bell mare."

Kerby's Corner (cont):

"Jimmy driving up the train; trains at this time on the keen jump. "D ---n the train," says the Captain; but it doesn't make matters any better. The train behind is making good time, and its "bell mare" has overtaken the rear guard. So there are two pack trains and a company of volunteers surging together along the road through the woods towards the ranch. They are now within two hundred and fifty yards of the ranch. Volunteers have left their pack mules behind and gone pell mell through and are firing from behind every tree and bunch of brush into the very faces of the men. Each man, with revolver in hand, yelled defiance and sent shot after shot at the Indians, who, in a few minutes, turned their attention to the pack trains." To be continued...

W.W. Fidler. - OREGON NATIVE SON HISTORICAL MAGAZINE December 1900

Miner's Mall:

This will be a monthly classified advertising area for members who want to buy or sell prospecting and mining equipment (could also include a truck, camper or trailer). Originally I wanted this to not include retailers unless they had something used for sale. As I'm having a hard time getting folks to send things in, I'm allowing commercial vendors who are club members to post ads here.

E-mail them to me: wrevens@yahoo.com Send photos if you like. I'll try to get them in. If you don't have email then call me at 541-459-3489.

Placer Gold Mining Supplies: AUGUST SAVINGS! 20% off any sluice box; 15% off any modifications to your equipment. Contact Gary Sturgill @ 951-850-1582

Metal Detectors and More: CLOSEOUT SALE! 25% off any regular priced new or demo item unless already marked down. This includes metal detectors, sluices, matting, miner's moss, tools, etc. **Used Equipment:** Slightly used White's MXT Metal Detector with Coil Cover: \$639; Slightly used Whites VX3 Metal Detector with coil cover: \$959; New Minelab X-Terra 505 Metal Detector with Koss UR30 headphones, Pro-Pointer pin pointer, 9 inch 18.75 kHz mono coil plus finds pouch & baseball cap: \$800; Used Gold Miner Spiral Wheel: \$200; Gold Magic 12E Spiral Wheel, used once. Works wet or dry! Comes with tub: \$325; Walt @ 541-315-2030

For Sale: RP44 Shaker Table with stand. Retail at \$3000, asking \$2400; located in Gold Beach. Call Douglas @541-247-6707

For Sale: Dixie Doodle Trommel: \$500 motor needs work call Micah @ 541-221-2914

