



Arizona Department of Mines and Mineral Resources

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ARIZONA LAND OWNERSHIP STATUS

Circular No. 2, Revised July 2001

by Ken A. Phillips, Chief Engineer

Ownership of land and mineral rights in Arizona and its related mineral entry status is complex. It is impossible to make a general statement that will provide a key to the surface and subsurface status of lands. The complex nature of land and mineral entry status is further intensified by the fact that in many areas the surface and mineral rights are under separate ownership.

This paper will outline the procedure by which the ownership and mineral entry status of any particular land may be determined. **However, no procedure can guarantee the exact location, presence, absence or validity of unpatented mining claims on Federal land open to mineral entry.** Actual determination of the presence and validity of mining claims require both a detailed search of the records and on the ground. Further, even though procedures to prevent errors in official records are adhered to by all agencies involved, occasionally errors are discovered.

Detailed information on land, mineral rights and water rights title data is available in a booklet entitled *Manual for Determination of Status and Ownership, Arizona Mineral and Water Rights*.

Detailed information on acquiring mining rights is given in *Laws and Regulations Governing Mineral Rights in Arizona*. Both booklets are available from the Arizona Department of Mines and Mineral Resources, 1502 W. Washington, Phoenix, Arizona 85007.

The following steps may be followed to determine land status for the purpose of determining if land is open for mining claims, state leases or is private land.

First

Determine the exact description of the lands of interest by legal subdivision of the Public Land Survey (township, range, section, and subdivision within the section). The details of the Public Land Survey are described in the figures of this circular.

Second

Contact the United States Bureau of Land Management (BLM) Arizona State Office, 222 North Central, Phoenix, AZ 85004. This BLM office may also be contacted by telephone at (602) 417-9528. Request the surface and mineral status of the area of interest in terms of the legal subdivision by Public Land Survey. The office will give you the surface and subsurface designations applicable. Further, if the surface is under Federal control, the administering agency will be given. If the mineral rights are held by the Federal government, the mineral entry status will also be given. Because Federal law requires mining claims on Federal minerals to be filed with the BLM within 90 days of the date of location, the presence or absence of claims over 90 days old can also be determined from the BLM. The presence or absence of unpatented mining claims, **less than 90 days old**, cannot necessarily be determined from the BLM.

6	5	4	3	2	1	6	5	4	3	2	1	
7	8	9	10	11	12	7	8	9	10	11	12	
18	17	16	15	14	13	18	17	16	15	14	13	T
19	20	21	22	23	24	19	20	21	22	23	24	5
30	29	28	27	26	25	30	29	28	27	26	25	N
31	32	33	34	35	36	31	32	33	34	35	36	
6	5	4	3	2	1	6	5	4	3	2	1	
7	8	9	10	11	12	7	8	9	10	11	12	
18	17	16	15	14	13	18	17	16	15	14	13	T
19	20	21	22	23	24	19	20	21	22	23	24	4
30	29	28	27	26	25	30	29	28	27	26	25	N
31	32	33	34	35	36	31	32	33	34	35	36	
R 2 E						R 3 E						

Figure 1. Example of four townships each containing 36 square miles or sections. An ideal section has 640 acres.

The surface ownership and the mineral status will generally fall into one of the following groupings.

Surface

- Public Land (U.S. Bureau of Land Management or U.S. Forest Service Administration)
- State Trust Lands
- Private ownership (also small tracts of Federal, State, county, city and other specialty designations)
- Special Use Federal Lands (National Parks, Indian Reservations, military bases and gunnery ranges, wildlife preserves, etc.)

Subsurface (mineral status)

- Open to entry under the U.S. General Mining and Mineral Leasing laws.
- Open to entry under the U.S. General Mining and Mineral Leasing laws with restrictions.
- Withdrawn from entry under the U.S. General Mining and/or Mineral Leasing laws. (Claim staking and mineral leasing prohibited)
- Mineral rights held by the State.
- Privately owned mineral rights.

If the information given by the BLM indicates that the land and/or mineral rights of interest are either private or State, the remaining steps may need to be followed.

Third

If the lands in question have been deeded to the State of Arizona, (State lands), the State Land Department, 1616 W. Adams, Phoenix, AZ 85007, (602) 542-4631, should be contacted as to the surface and mineral status under their jurisdiction. Some lands originally deeded to the state have been subsequently transferred to private ownership. Some have also been traded back to the Federal government.

Fourth

If the lands of interest are now known to be private, the County Assessor's Office for the county in which the lands are situated may be contacted to determine the landowner. Please note: The county records, as they pertain to land ownership, begin with the recording of a patent (deed) from the United States or a deed from the State. The county records do not show statutory nor administrative proceedings relating to mineral or surface status prior to issuance of patent. Whether or not Federal land is open or closed under the mining laws **cannot** be determined from the county recorder.

NW NE 40A	NE NW 40A	NW NE 40A	NE NE 40A	NW NE 40A	NE NW 40A	W½ NE¼ 80A	E½ NE¼ 80A
SW NW 40A	SE NW 40A	SW NE 40A	SE NE 40A	SW NW 40A	SE NW 40A		
NW SW 40A	NE SW 40A	NW SE 40A	NE SE 40A	N½SW¼ 80A		SE ¼ 160A	
SW SW 40A	SE SW 40A	SW SE 40A	SE SE 40A	S½SW¼ 80A			

1 section

1 section

Figure 2. Legal subdivisions of a section with size in acres. Sections may be divided in similar manner into smaller fractions. For example a placer claim is 20 acres in size and could be described as the S½SW¼NE¼ of Section 5, Range 3 East, Township 4 North, G.S.R.B. & M.



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