



STATE OF ARIZONA
DEPARTMENT OF MINES AND MINERAL RESOURCES

ARIZONA MINING LAW CHANGE - 1987

CIRCULAR NUMBER 15

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Monumenting requirements for lode, placer and millsite claims in Arizona has been changed. The Thirty-eighth Session of the Legislature of the State of Arizona has enacted an amendment to the Arizona Revised Statutes, ARS 27-202 and ARS 27-204 which specify how mining claims are to be monumented. The amended law requires placement of the location monument (sometimes called the discovery monument) for new lode mining claims on the centerline of the claim. Further the amendment eliminates the requirement for end center monuments on placer and millsite claims. The change will become effective on August 17, 1987.

The change affects mining claims located on or after August 17, 1987 both on Federal Lands in Arizona and on State Trust Lands in Arizona. Mining claim monumenting procedures in other states are not affected. Claims located before August 17, 1987 do not have to be changed. The details of how mining claims located under the 1872 Mining Law on Federal Lands are monumented is left to each state on an individual basis. Each state is somewhat different.

Harvey W. Smith, E.M., a registered U.S. Mineral Surveyor with Del Tierra Engineering and Mining, Scottsdale, explained that the change was necessary to bring State implementation of the Federal Mining Law into compliance with Federal requirements for mineral surveys of mining claims prior to patent.

The elimination of end center monuments for placer and millsite claims corrects an error accidentally incorporated in revisions that were made in the law in 1977. Only the corners and angle points (if any) of the boundaries of placer and millsite claims must be monumented.

It should be noted the amendments as enacted contains a provision that "This act does not affect the validity of the location or monumentation of any lode, placer or millsite claim completed pursuant to law in effect before the effective date of this act."

A copy of the new legislation, Laws of 1987, Chapter 77, Senate Bill 1125 as enacted is included on the back of this page.

Laws and Regulations Governing Mineral Rights In Arizona published by the Arizona Department of Mines and Mineral Resources explains mining claims in detail. It is highly recommended that anyone currently holding or planning to acquire mining claims in Arizona obtain a current copy. Additional information is also available by contacting the Department's engineers at the agency's Phoenix or Tucson offices.

LODE, PLACER, AND MILLSITE MINING CLAIMS -
LOCATING AND MONUMENTING

CHAPTER 77

SENATE BILL 1125

AN ACT

RELATING TO MINERALS, OIL AND GAS; PRESCRIBING METHODS OF LOCATING AND MONUMENTING LODE, PLACER AND MILLSITE MINING CLAIMS; AMENDING SECTIONS 27-202 AND 27-204, ARIZONA REVISED STATUTES, AND AMENDING TITLE 27, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 27-205.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 27-202, Arizona Revised Statutes, is amended to read:

27-202. Method of locating a lode claim; monument;
location notice; amendments

A. Location of a lode, ~~placer or millsite~~ claim shall be made by erecting on the surface ~~at one corner~~ ON THE CENTERLINE within the boundaries of the claim a conspicuous monument of stones not less than three feet in height, or an upright post securely fixed and projecting at least four feet above the ground, in or on which there shall be posted a location notice, signed by the name of the locator. The location notice shall contain:

1. The name of the claim located.
2. The name and address of the locator.
3. The date of the location.
4. The length and width of the claim in feet, and the distance in feet from the location monument to each end of the claim.
5. The general course of the claim.
6. The locality of the claim with reference to some natural object or permanent monument whereby the claim can be identified and, if known to the locator, the identification of the section, township and range in which the notice of location of the claim is posted.

B. Until the requirements of subsection A are complied with, no right of location is acquired.

C. The notice may be amended at any time and the monument changed to correspond with the amended location, but no change shall be made which will interfere with the rights of others. If such amendment changes the exterior boundaries of the claim, a new or amended map, plat or sketch shall be recorded pursuant to section 27-203 showing such change.

Sec. 2. Section 27-204, Arizona Revised Statutes, is amended to read:

27-204. Monumenting lode claims

The boundaries of a lode, ~~placer or millsite~~ claim shall be monumented by six substantial posts projecting at least four feet above the surface of the ground, or by substantial stone monuments at least three feet high, one at each corner of the claim and one at the center of each end line of a lode claim. Substantial posts may be of any material as may be readily distinguished as monuments and shall be not less than one and one-half inches in cross section. ~~When the point of a monument is at the same point and coincides with a monument of the survey of the United States, the monument of the government survey shall be deemed a mining claim monument.~~ Each monument erected by the locator shall be marked to identify the corner or end center of the claim or claims for which it was erected.

Sec. 3. Title 27, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 27-205, to read:

27-205. Locating and monumenting placer and millsite claims

THE LOCATOR OF A PLACER MINING OR MILLSITE CLAIM SHALL LOCATE THE CLAIM IN THE SAME MANNER AS PRESCRIBED FOR A LODE CLAIM, EXCEPT THAT:

1. THE LOCATION NOTICE SHALL BE POSTED ON A SEPARATE MONUMENT AT ONE CORNER OF THE CLAIM WITHIN THE BOUNDARIES OF THE CLAIM.
2. ONLY THE CORNERS OR ANGLE POINTS OF THE CLAIM MUST BE MONUMENTED.

Sec. 4. Savings

This act does not affect the validity of the location or monumentation of any lode, placer or millsite claim completed pursuant to law in effect before the effective date of this act.

Approved by the Governor, April 16, 1987.

Filed in the Office of the Secretary of State, April 17, 1987.

Changes or additions in text are indicated by CAPITALS; deletions by ~~strikeouts~~