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ARIZONA
LAND STATUS AND OWNERSHIP
DETERMINATION

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INTRODUCTION

The determination of land status and ownership and the interpretation of the myriad of federal and state laws, administrative orders, patent and deed reservations is a problem that has baffled not only the mineral prospector, but many real estate agents and attorneys.

Records of land ownership and status are maintained at the federal, state and county levels and it is important to understand the limits of each record system. The federal records relate to the existing federal ownership and indicate the nature of any disposal. Likewise, the records of the State Land Department relate only to the management and disposal of lands of the State of Arizona. County records relate to private ownership, and it is impossible to determine mineral status of federal or state lands based on a search of the county records.

The material in this booklet was prepared for inclusion in *Laws and Regulations Governing Mineral Rights in Arizona*, a publication available from the Arizona Department of Mineral Resources, Mineral Building, Fairgrounds, Phoenix, Arizona 85007, and therefore emphasizes mineral status and ownership. Because interest in land ownership and status is not limited to those in mineral exploration these materials have been published separately.

A special note of thanks is due to the Arizona State Office of the Bureau of Land Management whose usual courtesy and cooperation were of great assistance in the preparation of this booklet.

John C. Lacy

LAND STATUS AND OWNERSHIP DETERMINATION

GENERAL

The public land laws of the United States have created a wide diversity of estates in land each having its own idiosyncrasies. In addition, the lands in public ownership are subject to daily changes in the applicability of the various public land laws, including the mining laws, by virtue of congressional and administrative withdrawals. It is therefore impossible to publish an accurate state-wide land status map that would not be obsolete almost immediately. By following the procedures outlined below, however, a reasonably accurate determination of status can be obtained.

It should be emphasized that most of the records described in this booklet are secondary sources. The primary sources are deeds, patents, laws, executive orders and similar documents. The interpretation of these various laws, conveyances and other documents frequently involves a legal determination and an attorney should be consulted if anything more than an informal determination is desired.

PUBLIC LAND SURVEY

The first step in determining land status is to locate the land in question with reference to the public survey system. A good starting point is the topographic maps published by the United States Geological Survey (USGS) (7.5 minute series will show the land on a scale of 1" equals 2000').

These maps are available from most engineering supply stores.

The USGS maps are based upon the public survey system which was authorized by an Act of Congress in 1785 and covers most of the United States with the exception of the 13 original states, some other eastern states, and Texas. In the areas that are included within this system, it is the basis for land descriptions.

Under the public survey system, lands are surveyed into townships six miles square. Surveys start from an initial point where a "base line" is carried east and west, and a "principal meridian" north and south. In Arizona, the initial point is at the confluence of the Salt and Gila Rivers, approximately twelve miles west of Phoenix and hence the name of the meridian, the Gila and Salt River Meridian, usually abbreviated G&SRM. Townships are numbered consecutively north and south and ranges east and west, according to the distance and direction from the initial point. Thus, Kingman is in Township 21 North, Range 17 West; St. Johns is in Township 13 North, Range 28 East; Bisbee is in Township 22 South, Range 24 East; and Yuma is in Township 8 South, Range 23 West.

Each township is subdivided into 36 sections, each one mile square (the boundaries of which run due north and south and east and west in a regular and uniform township). Every four townships are bordered with a guide meridian and a standard parallel to permit adjustments for the curvature of the earth or other problems of surveying. These survey adjustments are made on each of the townships between the standard parallel and guide meridian by making the individual sections on the north and west side larger or smaller (depending on the nature of the adjustment necessary) through

the use of "lots." The standard lot size is 40 acres, but lots can be larger or smaller, as required.

The foregoing is illustrated on the opposite page. Four townships are shown, along with the numbering of the sections within the townships. Additional diagrams show how a single section is further subdivided into 40-acre tracts, and how land within a section may be described.

Since 1910 the surveyor has been required to set an iron pipe with a brass cap at the corner of each section which is stamped with the township, range, and section corners. At each half-mile on every section line a pipe is also set whereon the cap is stamped "S 1/4"--or the corner of a quarter-section, often called a quarter-corner. A line on the cap will be N-S, or E-W, and the sections on either side of the line numbered thus 8|9 or $\frac{3}{10}$.

Public land surveys made prior to 1910 are marked by stone corners. These are firmly set stones and, for section corners, will be notched on the south and the east side with as many notches as the corner is miles from the south and the east boundary of the township. Thus, a corner common to sections 15, 16, 21, 22, for example, will have 3 notches on its south side or edge, and 3 notches on its east side or edge. The quarter-section corners have "1/4" chiseled on the stone.

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

FOUR TOWNSHIPS WITH 36 SECTIONS EACH

NW-NW 40 A	NE-NW 40 A	NN-NE 40 A	NE-NE 40 A	1/4	1 MILE	1/2	NW-NW 40 A	NE-NW 40 A	W 1/2 80 A	E 1/2 80 A	
SW-NW 40 A	SE-NW 40 A	SW-NE 40 A	SE-NE 40 A	1/4		1/2	SW-NW 40 A	SE-NW 40 A	NE 1/4 80 A	NE 1/4 80 A	
NW-SW 40 A	NE-SW 40 A	NW-SE 40 A	NE-SE 40 A	1/4		1/2	N 1/2 SW 1/4 80 A	SE 1/4 160 A			
SW-SW 40 A	SE-SW 40 A	SW-SE 40 A	SE-SE 40 A	1/4		1/2	S 1/2 SW 1/4 80 A				
1/4 1/4 1/2				1 MILE			1/2 1/2				1 MILE
I SECTION						I SECTION					

PUBLIC LAND GRANTS

The laws authorizing the transfer of public lands into private or local public ownership forms a significant part of the history of the United States. The understanding of the extent of ownership rights rests in large part on an understanding of the nature and extent of these grants, and the following is a brief discussion of the most common grants within the State of Arizona. The parenthetical reference is the abbreviation of the particular grant as it appears in the public land records as maintained by the Bureau of Land Management, which records are discussed on pages 14 through 29.

Patents

The "cash entry" patents were granted under the Public Land Sale Act of April 24, 1820, and permitted the highest bidder at a public auction to purchase public lands (CE Pat). These patents usually contain no reservations of mineral.

There are a number of different Acts of Congress that authorize sales of public lands that are shown on the BLM records as Public Sale Patents (PS Pat). The most common in Arizona is the Isolated Tract Act of August 3, 1846, as amended, which permitted the sale of up to 1,520 acres of isolated public lands at public auction and also permitted the owners of adjoining lands to apply for purchase of up to 760 acres, the greater part of which was not suitable for cultivation. The Public Sale Patents normally do not reserve minerals, but the patents should be carefully checked.

The Homestead Acts, the first of a series of which was approved by Congress on May 20, 1862,

form the basis of many of the early patents issued in Arizona. These patents are found mainly in the areas adjacent to water courses where surface water was available for irrigation (HE Pat). Prior to 1909, these patents contained no reservation of mineral but any patents issued subsequent to 1909 should be closely checked for mineral reservations.

The Townsite Act of July 1, 1864, and the many amendments thereto, provided a method of transferring public lands to an organized city or town (or a local judge in the absence of an organized city or town) in trust for subsequent conveyance to individuals as town lots (Tns Pat). The status of mineral rights within a townsite patent is extremely complicated and can depend upon the knowledge concerning the existence of mineral values at the time of issuance of the patent and the priority of possession of various rights.

The General Mining Law of May 10, 1872, superseded the Lode Location Act of July 26, 1866, and the Placer Act of July 9, 1870, and authorized the issuance of patents to mineral lands (lode and placer mining claims) and certain non-mineral land for purposes ancillary to mineral development (millsites). Lode claims and some placer claims and millsites are not located according to the public survey system, and a special "mineral survey" is therefore required to place the claim on the public land records. Once the survey is approved, the outside boundary of the survey is shown on the public land records by its mineral survey number (MS). When patent is issued, the outline of the patent (which may not include the entire area within the mineral survey) is shown on the public land records as patented land (ME

Pat). It is important to note that the survey of a mining claim or millsite is not a determination of validity and claims within some old mineral surveys are sometimes found to have been abandoned.

The Desert Land Act was passed on March 3, 1877, and provided an authorization to patent 640, but subsequently only 320 acres, of desert land. The act required the entryman to place a certain portion of the land into cultivation by irrigation (DLE Pat). These patents usually contain no reservations of mineral.

The Treaty of Guadalupe Hidalgo and the Gadsden Treaty recognized certain rights in land granted under the laws of Spain and Mexico. In response to delays in approving these grants, including all the grants in Arizona, the Congress established the Court of Private Land Claims by the Act of March 3, 1891. Some of the grants confirmed by Congress or patents issued pursuant to the orders of the Court of Private Land Claims (PLC Pat) reserved "gold, silver, or quicksilver mines." The Department of the Interior has issued regulations that permit only the patentee, or a successor in interest, the right to develop the minerals under this reservation, and further, the consensus of authority appears to hold that this reservation would apply only to working mines of the reserved minerals at the time the patent was issued. These private land claims did not conform to the public survey system and therefore a special survey was required to place the grant on the public land records. The land within the grant is usually described with reference to mile markers on the perimeter of the grant.

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A substantial amount of land was granted to the railroads under various Acts of Congress between 1850 and 1871 (RRG). These patents generally form a checkerboard pattern within "place limits" of between five to twenty miles on either side of the railroad right-of-way. The patents in Arizona were issued to the Atlantic and Pacific Railroad Company (later Santa Fe Railroad) within place limits of twenty miles on either side of the railroad right-of-way. Where lands were not available, the place limits were extended to thirty miles on either side of the right-of-way for the selection of lieu lands (RRLS). These grants excluded mineral lands, but by a decision of the United States Supreme Court, it was ruled that the issuance of a patent amounted to a determination that the land was non-mineral and a subsequent discovery of minerals would not void the grant. The mineral rights in these lands are, therefore, in private ownership.

The Stockraising Homestead Act of December 29, 1916, amended the original Homestead Act to permit acquisition of private lands by the stock-raising industry. Because of a desire not to convey substantial amounts of coal in the western United States, a reservation of "coal and other minerals . . . together with the right to prospect for, mine, and remove the same . . ." was placed in the patents. These lands are subject to entry under the mining and mineral leasing laws of the United States except where otherwise withdrawn or restricted (SRHE Pat).

The Recreation and Public Purposes Act of June 4, 1926, authorized the issuance of patents to states, counties, municipalities, political subdivisions or non-profit associations or corporations for purposes of parks, schools and other recreation or public purposes (R&PP Pat). When

such a patent is issued, minerals are reserved to the United States under regulations promulgated by the Secretary of Interior. No regulations have been issued concerning locatable minerals and only leasable minerals are available for development.

The Small Tract Act of June 1, 1938, authorizes the sale of tracts limited to five acres for the purpose of cabin, recreational, business sites and other individual purposes. This Act requires a reservation of the oil, gas and other minerals, together with the right to mine and remove the same under such regulations as the Secretary of the Interior may prescribe. The Secretary, however, has issued regulations covering only oil and gas leasing (ST Pat).

Exchanges

Section 8 of the Taylor Grazing Act of July 28, 1934, authorized exchanges of land in order to permit the federal government to consolidate public lands into grazing districts. By the terms of the Act, both private individuals (PX) and the states (SX) were given the authority to exchange lands, and under certain circumstances either or both parties could reserve minerals and other rights. There are also many other exchange authorizations that may or may not permit mineral reservations. Therefore, where such an exchange has taken place, care should be taken to ascertain whether minerals were reserved in the transaction. Where minerals were reserved by the United States, the mineral location and leasing laws of the United States generally apply unless otherwise withdrawn or restricted.

Indian Lands

Indian land rights take several forms, the most familiar of which is the Indian Reservation

(Ind Res) which has usually been created by either aboriginal possession, treaty, Act of Congress, or Executive Order. These lands fall within general categories of tribal or private ownership. Indian private ownership has most frequently been initiated through an allotment (IA) under the General Allotment Act of February 8, 1887. The allotments were granted to an individual under a Trust Patent (Ind Tr Pat) which contained a restriction on alienation for a term of years. Upon satisfaction of certain requirements, and barring other administrative action, a Fee Patent (Ind Fee Pat) was issued to the individual patentee. If information beyond an initial determination that the land is subject to Indian ownership rights is desired, it is advisable to consult the Phoenix Area Office of the Bureau of Indian Affairs, 3030 North Central Avenue, Phoenix, Arizona 85012 (telephone 261-4101) and officials of the reservation in question.

Grants to the State of Arizona

Grants to the State of Arizona can be placed into three separate categories. First, Sections 16 and 36 were reserved for the common schools under the Territorial Organic Act of February 24, 1863, and Sections 2 and 32 were added to these reserved sections by the State Enabling Act of June 20, 1910. These four "school sections" in each township generally vested in the State of Arizona upon completion of the survey or entry into the Union, whichever occurs later (SG). If one of these sections is being examined, an immediate question should be raised as to whether or not it is state land. Occasionally, the state waived its right to one of these numbered sections to use as offered lands in an exchange under which

circumstances the BLM records are usually annotated "SX Waiver, All Min" indicating the waiver and that minerals are in federal management. The second category occurs where these school sections were unavailable for the state because the land was subject to a previous grant or claim, and the state was therefore authorized to select "indemnity" or "lieu" lands (IL). The third category of state lands is generally called a "state selection" which was authorized under the terms of the State Enabling Act (SS), which granted to the state the right to select some 2,350,000 acres of federal lands for various public purposes.

Both the Organic Act and the Enabling Act applied only to "non-mineral" lands, and the question frequently arose concerning whether an appropriate mineral examination of the land had been made or where minerals were subsequently discovered. To resolve these doubts, Congress passed, on January 25, 1927, an Act to grant to the states those lands known to be mineral but made the proviso that any sales grants, deeds or patents issued by the state for such mineral lands should contain a reservation to the state of "all the coal and other minerals together with the right to prospect for, mine and remove the same . . ." and that such minerals could not be disposed of by the state and "shall be subject to lease by the State as the State legislature may direct. . ."

BUREAU OF LAND MANAGEMENT RECORDS

The public land records of the United States are maintained by the Bureau of Land Management which in 1946 replaced the General Land Office which had been first established by the Act of

April 25, 1812. The General Land Office opened its first Arizona office in Prescott in 1870 which was open until 1904. In 1873 a second office was opened in Florence until it moved to Tucson in 1881, and subsequently moved again to Phoenix in 1905.

The Phoenix office has been the only Arizona office since 1905 and is designed as the Arizona State Office of the Bureau of Land Management (2400 Valley Bank Center, Phoenix, Arizona 85073, telephone 261-3706). This office maintains a unified set of public land records for the entire state. These records are based upon the public survey system and show (1) the nature of any transfer of ownership out of the federal government, common examples are discussed on pages 6 through 10 of this booklet; (2) lands acquired by the United States from private ownership; (3) the existence of withdrawals of land from operation of the public land laws; (4) the existence of federal permits and leases on public lands; (5) the location and nature of range improvements constructed pursuant to authorizations under grazing leases; (6) rights-of-way and special use permits granted by the United States; and (7) mineral surveys of mining claims which may or may not be patented. It should be emphasized that unless unpatented claims have been surveyed by a mineral surveyor they will not be shown on these records.

The basic records of the BLM consist of a Master Title Plat ("MT Plat" or "MTP"), which gives a graphic representation of current land status by township showing ownership of the public lands and several interests between the United States and non-federal ownership, and a Historical Index ("HI") which is a tabular chronological

listing by township of all transactions under the public land laws that affect the township's status.

The following plats are also part of this system:

- Supplemental Plat which contains the same information that would normally be placed on the MTP, but which is enlarged to show a maximum of four sections where the normal scale does not permit an adequate representation.

- Use Plat which shows the same basic information that appears on the MTPs, but also shows temporary use permits, free use permits and all federal prospecting permits and leases other than for oil and gas and geothermal rights.

- Oil and Gas Plat (O&G Plat) which shows applications and leases of oil and gas on federal lands.

- Geothermal Plat (GEO Plat) which shows applications and leases of oil and gas on federal lands.

- Mineral Location Plat (ML Plat) [currently in the project stage], which shows the serial number of unpatented mining claims recorded pursuant to the Federal Land Policy and Management Act of October 21, 1976 (BLM Organic Act). The serial numbers are placed on the plat within the quarter section or quarter sections of the place of location and are removed upon the failure of the claimant to file an assessment affidavit or notice of intent to hold.

These records are maintained in a set of tract books with HIs bound consecutively on the

left-hand side of the tract book and the MTPs and various other plats on the right. These pages are 20" by 25" and copies may be obtained from the BLM State Office at \$2.00 per page.

The MTPs and HIs use a system of symbols (see page 29) and abbreviations (see pages 25 through 28). A sample MTP is shown on pages 23 and 24, and a number of examples are reproduced at actual scale on pages 21 and 22.

Other records maintained by the Bureau of Land Management that can prove helpful include:

- Mining District Sheets (called "Connecting Sheets" in many other western states) which show the surveyed mining claims within the various mining districts.

- Mineral Surveys which are indexed by the number of the survey.

- Serial Registers which give a chronological listing of the actions taken in a particular case file of the BLM records. The serial numbers that are used began with the prefix "PHX" on July 1, 1908, which was changed to "AR" on January 31, 1950, and changed again to "A" on July 1, 1966.

- Intermediate Scale Maps which are published in two editions, one called the Surface Management edition and the other the Surface and Minerals Management edition. The maps are 30" x 42" (scale 1:100,000) and are available from the State Office at a cost of \$2.50 per map. Both editions are color coded to show ownership status and management jurisdiction of the various federal agencies as well as roads and trails, streams,

many range improvements, towns, and other physical features. The Surface and Minerals Management edition uses shading symbols to identify federal mineral management. The maps are based upon the public survey system, but also show a 10,000-meter grid based on a transverse Mercator Projection, and the 50,000-foot grid of the Arizona coordinate system. Only a few areas of the state are presently available, but the BLM is engaged in a continuing effort to complete the project.

These records will show the land ownership in one of the following general groups:

Public Lands administered by the BLM

Reserved Public lands administered by
the Forest Service

Special use federal lands (National
Parks, Monuments, Indian reseva-
tions, Military Reservations,
Wildlife preserves)

State trust lands (in some instances
mineral rights may have been
reserved to the United States)

Lands in private ownership (in many
instances mineral rights have
been reserved to the United
States)

Based on the above, the mineral rights may be determined to be owned by (1) the citizens of the United States, (2) the State of Arizona, or (3) in private ownership. If the minerals are in federal ownership, they may be open to entry under

the mineral location and mineral leasing laws of the United States, open to entry with certain restrictions, or withdrawn from entry under either or both the mineral location or mineral leasing laws.

If the result of this examination shows that the land is either privately owned or owned by the State of Arizona, additional steps must be taken to examine the records of the State of Arizona for state lands or county records for private lands.

The illustrations on the following pages are portions of an MTP and show:

1. Surveyed lots on the northern and western sides of township for adjustments in survey, lot 1 is shown, the first number being the lot designation and the second number is the number of acres within the lot.

2. Right-of-way for pipeline (BLM serial no. PHX 086067) 25 feet on either side of center line.

3. State land selected under Enabling Act grants (Selection list no. 3).

4. Range improvements, storage tank (BLM serial no. A 2850, project no. 4145), fence line (BLM project no. A3-15-317), and cattleguard (project no. 040).

5. Private land (patent no. 1095726), minerals reserved to the United States.

6. Private land (patent no. 1078941), no mineral reservations.

7. Private land (patent no. 1147861), fissionable minerals reserved to the United States.

8. Withdrawal by Act of Congress dated October 5, 1962.

9. State land, school grant, survey approved July 28, 1908 (title attached upon admission into the United States).

10. Application by State (BLM serial no. A 6460) for selection as state land (indemnity list).

11. Mineral survey no. 3887, unpatented surveyed mining claims.

12. Private land, patented mining claims.

13. Application for withdrawal (BLM serial no. A 8873).

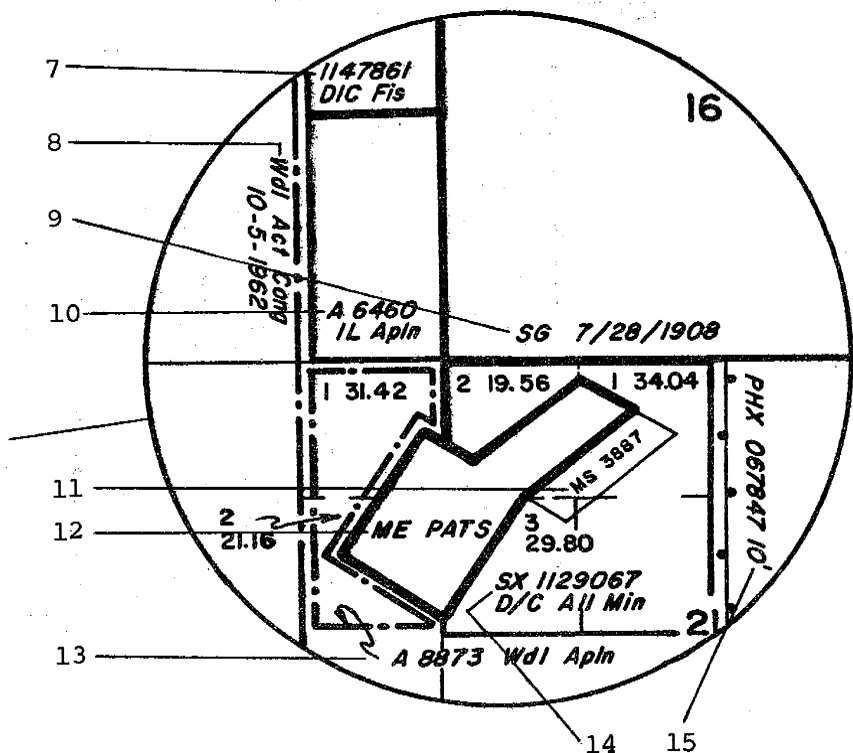
14. State land acquired by exchange (patent no. 1129067), minerals reserved to the United States.

15. Right-of-way for telephone line (BLM serial no. PHX 067847) ten feet on either side of center line.

"All Min" means that minerals were reserved to the United States in a patent or the minerals were reconveyed to the United States after being previously disposed of by the United States.

"D/C" means that a right-of-way to construct ditches and canals under the authority of the United States has been reserved. This reservation has been placed in all patents since August 30, 1890.

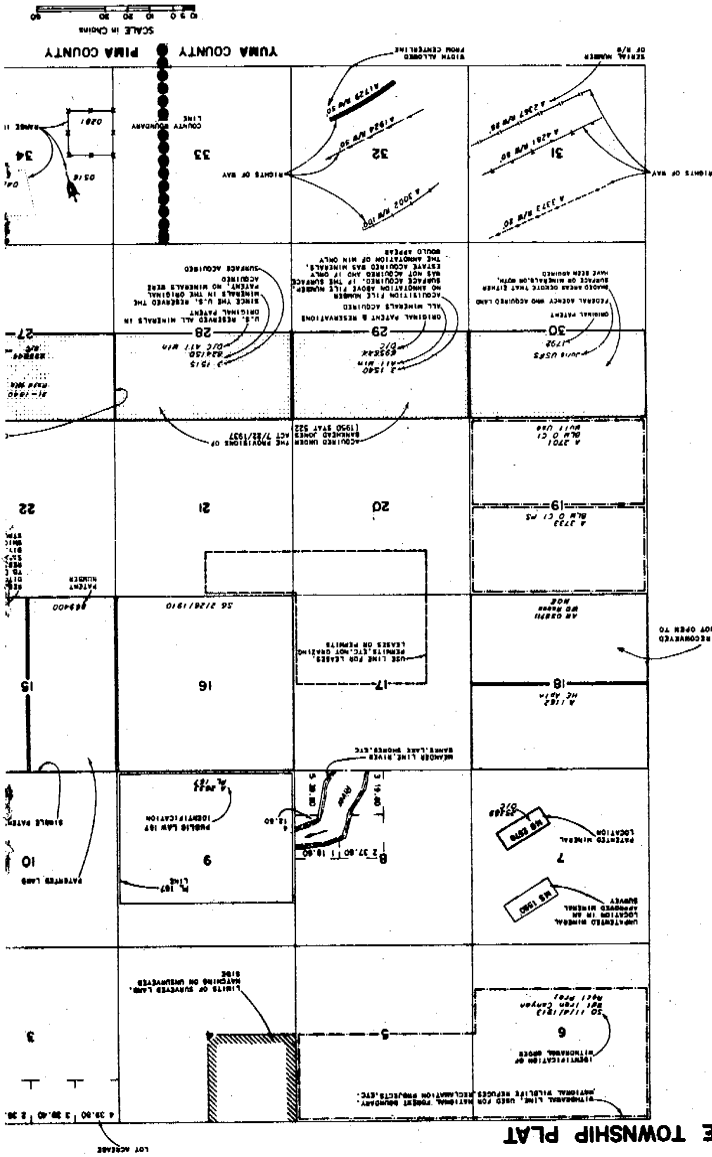
"Fis" means that fissionable minerals were reserved to the United States by the patent. The requirement for this reservation was eliminated in 1954 and the present owner may apply for a new or supplemental patent without the reservation.



TOWNSHIP 0 SOUTH RANGE 00 WEST OF THE GN

NAME OF COUNTY IN WHICH TOWNSHIP IS LOCATED.
IF THE TOWNSHIP IS LOCATED IN MORE THAN ONE
COUNTY, THE COUNTY NAMES ARE NEXT TO COUNTY LINE
COUNTY

SAMPLE TOWNSHIP PLAT



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

NOTE: THIS SPACE IS USED FOR ITEMS WHICH AFFECT THE ENTIRE TOWNSHIP AND FOR ITEMS THAT CANNOT BE PLOTTED. EACH ENTRY IS SELF-EXPLANATORY.

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLAYS:

GBR Mar
T. . . . S
M. . . . W

COMMON ABBREVIATIONS
used on
LAND OFFICE RECORDS

A	acre or acres	Comm S	Communication site
Acq	acquired	C/T	Color of Title
Act of		Cur Pat	curative patent
Cong	Act of Congress	D/C	ditches and/or canals
Adm S	administrative site	DLE	desert land entry
AHE	Additional homestead entry	EHE	enlarged homestead entry
All Min	All minerals reserved	Elim	elimination
ADHE	Adjusted homestead entry	Enlgmt	enlargement
Amend	amendment	EO	Executive Order
ANS	Air Navigation Site	Esmt	Easement
Apln	application	Exp	expire(d)
Asgn	assignment	Ext	Extended, extension, extend
ASRHE	Additional stockraising homestead entry	FAA	Federal Aviation Administration
Auth	authorization	F&WS	Fish & Wildlife Service
BIA	Bureau of Indian Affairs	FHA	Farmers Home Admin.
BLM	Bureau of Land Management	Fis	Fissionable materials
BR	Bureau of Reclamation	FLS	Forest lieu selection
Canc	cancellation, cancelled	FLUP	Free Land Use Permit
CE	cash entry	FPA	Federal Power Act
CHE	Commuted homestead entry		
Cl	classification		

FPC	Federal Power Commission	LS	lieu selection
		Lse	lease
FS	Forest Service	Mat S	material site
FUP	Free Use Permit	M&B	metes and bounds
FX	Forest exchange	MC	mineral certificate
GLO	General Land Office	ME	mineral entry
		Mer	meridian
GSR Mer	Gila & Salt River Meridian	Mil Res	military reservation
		Mill S	Millsite
Hdq S	Headquarters Site	Min	mineral
		ML	Mineral location
HDS	Homestead declaratory statement	Mod	modification
		Mon	monument
HE	homestead entry	MS	mineral survey
		MTP	Master Title Plat
HES	homestead entry survey	Nav Mer	Navajo Meridian
		nc	non-competitive
HI	Historical Index	NF	National Forest
		NOE	Not open to entry
Hwy	highway		
IA	Indian allotment	NOL	Not Open to Lease
IL	Indemnity list (State land)	NP	National Park
		NRL	National Resource Lands
Ind Res	Indian reservation		
Ind Tr	Indian Trust	NWR	National Wildlife Refuge
Intpr	Interpretation		
IS	Indemnity selection	O	Order
		OE	Open to Entry
IT	Isolated tract	OG	oil and gas
KGRA	Known Geothermal Resource Area	Pat	Patent
		Per	permit
Lat	latitude	Pho	phosphate
Long	longitude	PL	public law

PLC	private land claim	Resc	Rescind, Rescinded
PLO	Public Land Order	Rest	restoration or restored
Pot	potash or potassium	Rev	revocation, revoked
Pr Per	Prospecting permit	RHE	reclamation homestead entry
Pre	pre-emption	RI	range improve-ment
Proc	Proclamation	RR	railroad
Proj	project	RRG	railroad grant
Prop	Propose, proposed	RRIS	Railroad indemnity selection
Prot Wdl	Protective Withdrawal	RRLS	railroad lieu selection
PS	public sale	R/W	right-of-way
PW Res	public water reserve	Ry	railway
Pwr		S	State
Proj	power project	SAH	soldier's additional homestead
Pwr S	power site	SB Mer	San Bernardino Meridian
PX	private exchange	SDW	stock driveway
QCD	quitclaim deed	Sec	section
R	range	Sec of the Int	Secretary of the Interior
Rec Lse	recreation lease	Segr	Segregate or segregated
R&PP	recreation & public purposes	Sel	selection or selected
Recl		SG	State Grant
Wdl	reclamation withdrawal	SLUP	special land use permit
Recon	reconveyed	SO	Secretary's Order
Rej	rejected, rejection		
Rel	relinquished or, --ment		
Res	reservation, reserve		

Sod	Sodium	Sus	Suspended
Spec Per	Special Permit	SX	State Exchange
SRHE	stockraising	T (or	
	homestead	Tp)	township
	entry	Tel	telephone
SS	State	Teleg	telegraph
	Selection	Temp	temporary
ST	Small tract	Term	terminate,
Sta	station		termination
ST Cl	Small tract	Tns	Townsite
	class-	Tps	townships
	ification	Tr	tract
ST Lse	Small tract	Trans	transmission
	lease	WD	warranty deed
Subdiv		Wdl	withdrawal
Und	subdivisions	Wdn	withdrawn
	undefined	WP	Water Power
Subj	subject	X	exchange or
Suppl	supplemental		exchanged
Sur	survey or		
	surveyed		

STANDARD MAP SYMBOLS FOR LAND RECORDS AND STATUS USE Bureau of Land Management

Withdrawals		Settlement (Towns & Cities)	
Patents		Cemetery	
Leases		Historic Ruins	
PL 167 Determination Area		River & Island	
Limits of surveyed land, (hatching on unsurveyed side)		Stream	
Railroad		Lake & Island	
Telephone Line		Marsh or Swamp	
Power transmission line		Spring (Improved)	
Hwys: Hard surface		Reservoir	
Graveled		Pipe line or Conduit	
Imp. dirt		Canal or Ditch Flume	
Trail		Artesian Well	
Fence		Windmill & trough storage	
Acq. land		County Road	
Bridge		Established Livestock Route	
Land Treatment Area (Reseeding, Brush Eradication, Contour trenching, Diking, Ripping, Fire burn, etc.)		Access Control	
Water pumping plant		Mine Prospect	
Telegraph line		Corridor (R/W's)	
School		Drainage Easement	
Mine or Quarry		Cultivated Land	
Spring		Cattle Guard	
Water well		Corral	
Water well (with trough)		Airplane landing Field	
Water well (with trough & storage)		Gauging Station	
Storage tank		Mine Shaft	
Stock pond or earthen tank		Radio Station	
Dike or Levee		Communication Site	
Rainwater Catchment			

STATE LAND DEPARTMENT RECORDS

The Arizona State Land Department (1624 West Adams Street, Phoenix, Arizona 85007, telephone 271-4631) maintains records of all lands that are or have been owned by the state. Where lands have been conveyed out of state ownership, the state's records will not show any information after the transfer is complete. The State Land Department also maintains records of many of the water rights established under state law.

Land Records

The State Land Department's public records concerning land are maintained in tract books indexed according to the public survey system. The records of most townships are preceded by a cover sheet showing a township plat and indicating by color code the location and source of title of all state land within the township. This cover sheet is not kept current and, therefore, the information may be inaccurate. Consecutive sheets for each section of state land follow the cover sheet, most of which contain information about the nature and date of the state's title (for example, date of approval of survey, identification of indemnity list) and an "Abstract of Entries" containing notations of actions of the State Land Department entered in a manner similar to the Historical Index pages of the Bureau of Land Management records. The Abstract of Entries shows the current status of leases and permits issued by the State Land Department. They are, however, often imprecise in the description of affected lands, particularly where the land cannot be described by regular legal subdivisions. It is therefore often necessary to check the lease files of the land in question. If only the current status of a lease is desired, such information is usually available

from a computer printout which is available at the Phoenix office and also at the Tucson office (100 East Alameda, Tucson, Arizona 85701, telephone 882-5480).

The State Land Department also publishes two sets of maps on a scale of 1" equals 2 miles. One set of maps shows the state surface ownership and the other shows the state mineral ownership. These maps are available at the Phoenix and Tucson offices for \$1.00 per page.

The results of the examination of the records of the State Land Department will show either that the state land has been sold or is being administered by the State Land Department. If a person desires to make application for a prospecting permit, it should be noted that the absence of a mineral lease or prospecting permit on a particular tract of state land does not guarantee it is open for the issuance of a prospecting permit. The State of Arizona mineral location laws permit the staking of mining claims, and the claimant is required to file the location notice with the State Land Department within 30 days after the date of location. The State Land Department must therefore allow 30 days to elapse before notifying an applicant for a prospecting permit whether the land was open on the date of a prospecting permit application. Where the land has been sold, the county records concerning private lands must be reviewed; however, the examiner should examine the patent to determine whether the state reserved the mineral rights.

If a reservation of mineral rights has been made by the state, the date of the reservation is important. Prior to 1954 there was no state legislative authority for reservations by the State

Land Department; from the period of 1954 through 1967 an undivided 1/16 interest was reserved and subsequent to 1968 authority has existed for reservations of all minerals. If a reservation was made prior to 1954, an attorney should be consulted to determine the validity of the reservation.

Water Rights Records

Arizona follows a dual system for the acquisition of water rights. Percolating groundwater has been held by judicial decision to be the property of the owner of the overlying ground and water flowing in streams, springs and underground streams may be acquired by the first person to divert the water and put it to a beneficial use (called "appropriation"). The State Land Department is charged with supervising or managing many aspects of these rights and, as a part of this function, maintains several record systems.

Starting in 1948 for irrigation wells and since 1968 for all water wells, the driller has been required to file a "notice of intent to drill" a water well with the State Land Department prior to beginning drilling. These notices, along with the report of the driller after completion of drilling, are placed in individual record jackets and the information within the reports placed on computer. A computer printout is available showing the location of all these wells according to the public land survey system. This same printout will give a file number which will permit the computer to provide details of information contained within any individual file.

Since 1919, water has been appropriated by filing an application with the State Land Depart-

ment to appropriate water. If the Department approves, a permit is issued, and upon proof of a diversion and making a beneficial use of water, a Certificate of Water Right is issued. Once the certificate is issued, the water right constitutes private property, and any subsequent transfers will be shown only in the county records. These rights of appropriation are indexed in the State Land Department records by (1) the point of diversion according to the public land survey; (2) the name of the appropriator; (3) the permit number; (4) the certificate number; and (5) the name of the river or stream (by drainage system).

This record system for rights of appropriation has two serious gaps involving rights acquired before 1919 and court adjudicated water rights. This first deficiency will be cured by a 1974 water rights registration act (assuming its constitutionality) which requires pre-1919 claims of rights of appropriation, not subsequently settled by court decree, to be filed with the State Land Department by June 30, 1978. These claims are being placed in a claims registry which is indexed in a manner similar to that of the post-1919 rights. The second gap in the State Land Department record system is due to the fact that the State Land Department, by statute, has no jurisdiction over court-decreed rights. The two foremost examples of court decreed rights in Arizona are the Kent Decree governing rights along the Salt River and the Gila Decree governing rights along the Gila River. These two decrees contain the greatest volume of decreed rights, but there are numerous minor decrees that are not indexed separately in any state or county record system. The State Land Department, however, is making an effort to ascertain the existence of these decrees and to note them in the State Land Department records.

COUNTY RECORDS

The records dealing with private ownership of real estate are found in the office of the assessor, treasurer, and recorder of the county in which the property is located, and ownership may be determined by a search of these records. It should be emphasized, however, that the determination of whether or not an individual has an unencumbered ownership (that is, not subject to liens, judgments, unpaid taxes, etc.) is a complicated procedure, and considerable experience is necessary to achieve a reliable determination.

County Assessor's Office

The assessors of the various counties are required to determine the value of privately owned real property within the counties (with the exception of some classes of property that are centrally assessed by the State Department of Revenue). As a part of this determination, the assessor maintains a subdivision code book based upon either the public land survey or street addresses identifying tracts of land by a code number specifying a Book, Map, and Parcel number. The assessor's office also maintains bound volumes containing separate maps of each section in the county upon which the code numbers are indicated. By the use of the code number, the name and address of the person or entity paying taxes on the parcel may be determined through a block book or computer printout. This determination may not be current, however, because although the assessor's basic records are updated based upon documents recorded in the county recorder's office, the changes are not shown on the computer files until the current tax roll is completed and printed after receipt of centrally assessed figures in July of each year.

Where the mineral estate, or part of the mineral estate, has been severed by a private reservation (that is, a private party has made a reservation of mineral rights in the process of selling the parcel) the mineral rights are assessed separately and normally have a special code number. This separate assessment, however, is not always reflected in assessor's records as the reserved mineral estate may be overlooked.

County Treasurer's Office

Once the county assessor has determined the full cash value of a parcel of property, it is the duty of the county treasurer to collect taxes on that parcel. The treasurer's records (tax roll) will show whether the taxes on the parcel have been paid or are delinquent. If the taxes are delinquent, the date and amount of the delinquency will be indicated in a back tax book. This book is cross indexed by both the name of the owner and the parcel number. If delinquency continues, the treasurer is required to initiate action to sell the tax lien on the parcel at a public auction for the amount of the unpaid taxes, plus interest and administrative charges. This sale usually takes place during February of the year following the year the taxes become delinquent. For example, the taxes becoming delinquent on November 1, 1975, and May 1, 1976, would be sold at public auction in February 1977. In the event a sale is held, the treasurer will issue a "certificate of purchase." The buyer of the certificate of purchase can then file an action in Superior Court to foreclose the right of the delinquent property owner to redeem the property after three years from the date of sale. After five years, the treasurer can, upon demand of the owner of the certificate of purchase, initiate an

action to foreclose a right of redemption through an advertising process. Following foreclosure of the right of redemption, the treasurer will issue a "treasurer's deed" to the owner of the certificate of purchase. All of the above information will be shown in the treasurer's office according to the parcel number assigned by the Department of Revenue.

In the process of examining the indexes of the county recorder's office, described below, the treasurer's deeds are very difficult to find because they are frequently indexed under the name of the treasurer who was in office when the deed was issued. Therefore, the examination of the treasurer's records is particularly important in determining the existence of any treasurer's deeds.

County Recorder's Office

The county recorder's office is the official place to record deeds, encumbrances, easements, rights-of-way, liens, and agreements. The county recorder's records usually begin with the recording of the original patent (deed) from the United States or the State of Arizona and will not normally show any transactions prior to the issuance of the patent.

These records are indexed under various categories which vary from county to county but are usually based upon an alphabetical listing of the names of the parties involved in a particular transaction.

The examiner should, as an initial step, determine what indexes are maintained by the particular recorder's office, and determine the method of indexing. Quirks in the method of

indexing can lead to serious oversights; for example, in some counties individuals are indexed separately from corporations and other entities using trade names.

The recorder can maintain either a single name index, which is usually set up for computer retrieval, or separate indexes by category. Where separate indexes are maintained, the following are probably the most commonly used in determination of land ownership:

- Deeds, indexed by grantor (seller) and grantee (buyer).

- Deeds of Mines, indexed by grantor and grantee. This index will include patented and unpatented mining claims, although sometimes patented claims are also indexed under Deeds.

- Mines, location notices indexed by the name of the mining claim and the locator. This index is sometimes also divided between Mining Records and Notices of Location.

- Miscellaneous Records. This index will list agreements, options to purchase, affidavits of annual assessment work (in absence of a separate index), affidavits of drilling for location work on unpatented mining claims, notices of non-liability for labor or materials furnished, and many other documents not falling within the general categories separately indexed.

- Mortgages, indexed by mortgagor and mortgagee. There may also be a separate index showing releases and assignments of mortgages.

- Judgments, indexed by the creditor and debtor.

- Leases, indexed by lessees and lessors.
- Lis pendens, (Latin for "a suit pending") indexed by the name of the plaintiff and defendant indicating that there is a dispute regarding title.

In addition to the indexes, each document is noted in a daily blotter which is the only record of a document until the document is indexed by category. The indexes will list the recorded documents and indicate the book and page of the recorder's records where the document can be found which may be in a number of bound forms or on microfilm. Note that these various indexes are not tied to the public land survey, and ownership information on a parcel of property may not be obtained from the recorder's records based only upon a legal description.

The current ownership of land can be determined by tracing the grantors and grantees of a parcel or interest in property through successive transactions and also checking the various indexes for liens, mortgages, and leases to determine if the owner's title is somehow encumbered.

The ownership of unpatented mining claims can be determined only through the method described above. This is done by examining the index to mining deeds beginning with the name of the original locator and checking through the buyers of all or a portion of the claim or claims. Another source of ownership information is from affidavits of performance of annual work which many times recite the name of the owner of the claims. These recitations are often incomplete and inaccurate, but usually give a good indication of the active assertion of ownership.

Anyone dealing with unpatented mining claims should bear in mind, however, that regardless of how clear the record ownership of an unpatented mining claim appears, the basis of this possessory right depends on whether the work required by statute for the location and maintenance of a claim has actually been performed on the ground. There is presently no existing procedure to accurately determine the presence of conflicting rights of third parties without a thorough examination of the ground.