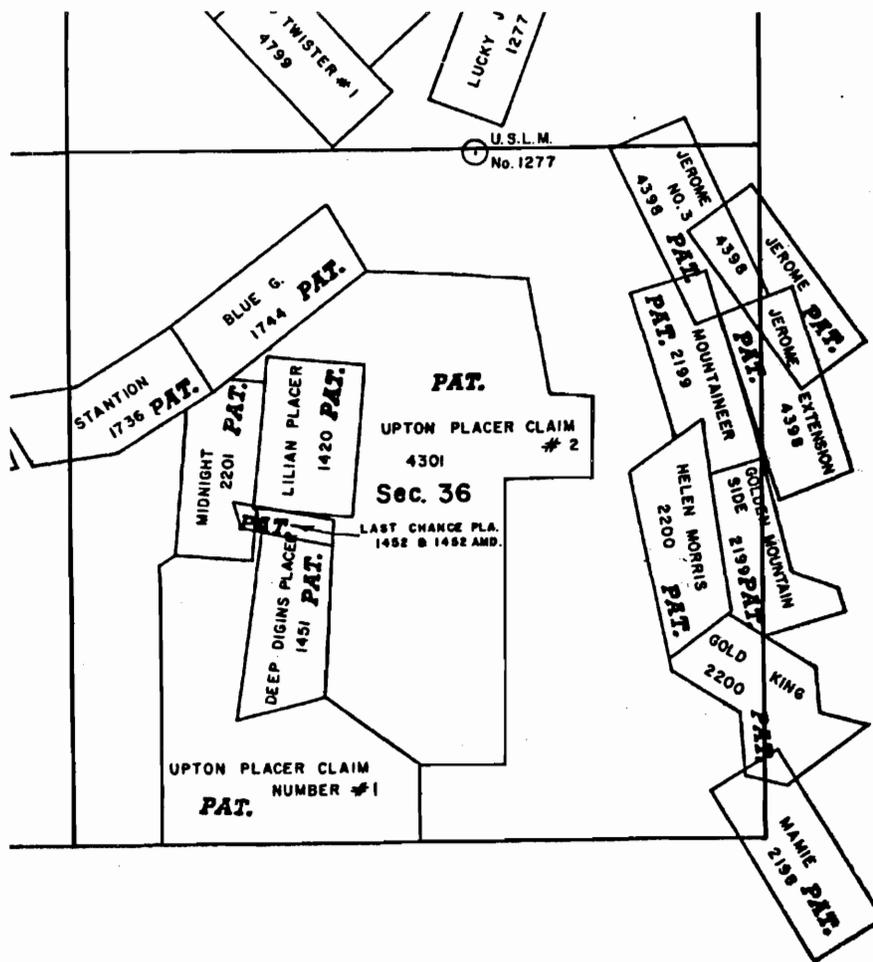


# Manual For Determination Of Status and Ownership; Arizona Mineral And Water Rights

## Land Status Determination

### Special Report 23



Arizona Department of Mines  
and Mineral Resources



# Arizona Department of Mines and Mineral Resources

1502 West Washington, Phoenix, AZ 85007 Phone 602-771-1600  
1-800-446-4259 in Arizona FAX 602-771-1616 [www.mines.az.gov](http://www.mines.az.gov)

## GUIDE TO ONLINE LAND STATUS RECORDS

*Circular 126, September, 2007, version 1.2 rev. 8-2010*

A supplement to Special Report 23, *Manual For Determination of Status and Ownership, Arizona Mineral and Water Rights*, by J.C. Lacy, 1999

Recently there has been a revolution in how public records are accessed. Record searches previously required visiting an office, but today most may be accessed remotely via the Internet.

### Federal

#### Master Title Plats -

[https://www.blm.gov/az/mtps/mtp\\_index.htm](https://www.blm.gov/az/mtps/mtp_index.htm) - (MTPs) for Arizona. Title information surface, minerals easements etc. for the entire state by township. Supplemental plats are also on line.

**LR2000** - [www.blm.gov/lr2000](http://www.blm.gov/lr2000) - Search information on leases, permits, contracts, grants, agreements, mineral patents, etc. issued by the BLM for the following activities: oil and gas, coal and other minerals, sand, gravel, rights-of-ways, land exchanges and acquisitions, land use withdrawals, mineral patents, land classifications, land claims, land sales, legal land description, mining claim recordation and status.

**Geocommunicator** - [www.geocommunicator.gov](http://www.geocommunicator.gov) - Interactive map viewer allows you to search and display most of the land and mineral, status, and mining claims case records along with reference maps including surface management agency boundaries, active and closed mining claims, topographic maps, and aerial imagery.

**General Land Office (GLO) Federal Land Patent Records** - [www.gloreCORDS.blm.gov](http://www.gloreCORDS.blm.gov) - Provides access to Federal land conveyance records for the Public Land

States. They also provide image access to more than two million Federal land title records for Eastern Public Land States, issued between 1820 and 1908. Images of Serial patents (land titles issued between 1908 and the mid-1960s) are currently being added to the Land Patent Website.

### State of Arizona

#### State Land Department Interactive Map Server -

[www.land.state.az.us/maps/server\\_help\\_swsmr/online\\_maps.htm](http://www.land.state.az.us/maps/server_help_swsmr/online_maps.htm)

View a variety of on-line Arizona State maps showing the location of State Trust Land and Federal Lands in Arizona. Online maps display grazing leases and surface management areas, but not ownership or mineral leases.

### Arizona Counties

The table below lists the Arizona counties that have online resources available for determining the current ownership of land by tracing grantor and grantee transactions on a particular property or unpatented mining claim. Most counties have records from the 1800s; available online material is usually more recent as noted below.

County	Web Site	Phone	On-line Records	Document Image Available	Dates Available
Apache	<a href="http://www.co.apache.az.us">www.co.apache.az.us</a>	928 337-7514	Yes	No	1986 - present
Cochise	<a href="http://www.co.cochise.az.us">www.co.cochise.az.us</a>	520 432-8350	Yes	N/A	1985- present
Coconino	<a href="http://www.coconino.az.gov">www.coconino.az.gov</a>	928 779-6585	Yes	Yes	1983 - present
Gila	<a href="http://www.co.gila.az.us">www.co.gila.az.us</a>	800 291-4452	Yes <sup>1</sup>	Yes	1985 - present
Graham	<a href="http://www.graham.az.gov">www.graham.az.gov</a>	928-428-3560	Yes	Yes	1986 - present
Greenlee	<a href="http://www.co.greenlee.az.us">www.co.greenlee.az.us</a>	928 865-2632	Yes	Yes	1978 - present
La Paz	<a href="http://www.co.la-paz.az.us">www.co.la-paz.az.us</a>	928 669-6136	Yes	No	1984 - present
Maricopa	<a href="http://www.maricopa.gov">www.maricopa.gov</a>	602.506.3535	Yes	Yes	1871 - present
Mohave	<a href="http://www.co.mohave.az.us">www.co.mohave.az.us</a>	928 753-0701	Yes	No	1991 - present
Navajo	<a href="http://www.co.navajo.az.us">www.co.navajo.az.us</a>	928 524-4194	Yes	Yes	1989 - present
Pima	<a href="http://www.co.pima.az.us">www.co.pima.az.us</a>	520 740-4350	Yes	Yes <sup>2</sup>	1987 - present
Pinal	<a href="http://www.co.pinal.az.us">www.co.pinal.az.us</a>	520-866-6000	Yes	Yes	1980 - present
Santa Cruz	<a href="http://www.co.santa-cruz.az.us">www.co.santa-cruz.az.us</a>	520 375-7990	Yes	No	1987 - present
Yavapai	<a href="http://www.co.yavapai.az.us">www.co.yavapai.az.us</a>	928 771-3244	Yes	Yes	1976 - present
Yuma	<a href="http://www.co.yuma.az.us">www.co.yuma.az.us</a>	928 373-6020	No	N/A	N/A

<sup>1</sup> Under Grantor Grantee Index on Links navigation bar.

<sup>2</sup> Only with a subscription fee.

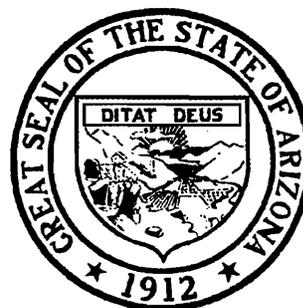
**MANUAL FOR DETERMINATION OF STATUS AND OWNERSHIP  
ARIZONA MINERAL AND WATER RIGHTS - Fourth Edition**

**By John C. Lacy**

---

ARIZONA DEPARTMENT OF MINES AND MINERAL RESOURCES

SPECIAL REPORT 23



**STATE OF ARIZONA  
Jane Hull, Governor**

**Phoenix, Arizona  
1999**

**Arizona Department of Mines and Mineral Resources**

1502 West Washington  
Phoenix, Arizona 85007-3210  
602-255-3795 Fax 602-255-3777  
www.admmr.state.az.us

Willis D. (Doug) Sawyer, Director

**BOARD OF GOVERNORS**

Eric A. Nordhausen, Tucson  
Chairman

William J. Miller, Phoenix  
Member

Sydney Hoff-Hay, Phoenix  
Vice Chairman

Ken C. Bennett, Phoenix  
Member

Leroy Kissinger, Tucson  
Secretary

# CONTENTS

---

<b>Forward</b> . . . . .	<b>1</b>
<b>Introduction</b> . . . . .	<b>2</b>
<b>Public Land Survey System</b> . . . . .	<b>2</b>
<b>Public Land Grants</b> . . . . .	<b>3</b>
<i>Patents</i> . . . . .	3
<i>Exchanges</i> . . . . .	7
<i>Indian Lands</i> . . . . .	7
<i>Grants to the State of Arizona</i> . . . . .	7
<i>Implicit Ownership of the State of Arizona</i> . . . . .	8
<i>Acquired Lands</i> . . . . .	8
<b>Bureau Of Land Management Records</b> . . . . .	<b>8</b>
<i>Land Status and Use Records</i> . . . . .	8
<i>Computer Assisted Records</i> . . . . .	9
<i>Mineral Location Records</i> . . . . .	9
<i>Other Records</i> . . . . .	10
<i>BLM Abbreviations</i> . . . . .	17
<b>Forest Service Records</b> . . . . .	<b>20</b>
<b>State Land Department Records</b> . . . . .	<b>21</b>
<b>Department Of Water Resources Records</b> . . . . .	<b>22</b>
<i>Surface Water Rights</i> . . . . .	22
<i>Groundwater Rights</i> . . . . .	23
<i>Effluent</i> . . . . .	24
<i>Adjudication Program</i> . . . . .	24
<b>County Records</b> . . . . .	<b>26</b>
<i>County Assessor's Office</i> . . . . .	26
<i>County Treasurer's Office</i> . . . . .	26
<i>County Recorder's Office</i> . . . . .	26
<b>A Final Caution</b> . . . . .	<b>28</b>
<b>Appendix</b> . . . . .	<b>29</b>

## FIGURES

Figure 1. Illustration of townships . . . . .	5
Figure 2. Illustration of legal subdivisions . . . . .	5
Figure 3. Illustrations of examples of lotting . . . . .	6
Figure 4. Illustration of a MT plat with historic index . . . . .	12
Figure 5. Illustration of line weights and annotations . . . . .	13
Figure 6. Sample mining claim indexes . . . . .	14
Figure 7. Sample MT plat . . . . .	15
Figure 8. Illustration of standard map symbols for land records . . . . .	20
Figure 9 Map of active management areas and irrigation non-expansion areas . . . . .	25

## Forward

The determination of land status and ownership for mineral and water rights involves the interpretation of a myriad of federal and state laws, administrative orders, patent and deed reservations.

In order to make such a determination, the records of land ownership and status as maintained at the federal, state and county levels must be examined 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 owned by 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.

This booklet was an outgrowth of a "status map" published in early editions of a booklet entitled *Laws and Regulations Governing Mineral Rights in Arizona*, by Victor H. Verity, available from the Arizona Department of Mines and Mineral Resources. The map created problems because it could not be kept current and the scale prohibited any accurate representation of affected areas. Therefore, this booklet was originally published in 1977 for use in conjunction with the *Mineral Rights* booklet and therefore emphasized mineral status and ownership. However, because interest in land ownership and status is not limited to those engaged in mineral exploration, these materials were published separately. This second edition includes changes in various record systems since the first edition as well as an expanded treatment of water rights and several other areas.

The usefulness of this booklet is in large part due to the assistance provided by Tom Reitmeyer and Marsha Luke at the Arizona State Office of the Bureau of Land Management who, together with the BLM office staff, provided the Master Title Plat illustrations along with their usual courtesy and cooperation in reviewing the text of both editions. Considerable assistance was also provided by Richard Gessner of the operations division of the Department of Water Resources for an explanation of the current records system of the Department.

John C. Lacy

Tucson, Arizona

December 1998

# Manual For Determination Of Status And Ownership; Arizona Mineral And Water Rights

by John C. Lacy

## Introduction

---

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 statewide 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 include deeds, patents, laws, executive orders and similar documents. Occasionally these secondary sources do not accurately reflect the information in the primary source. Further, 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 System

---

The first step in determining land status is to locate the land in question with reference to the public land survey system. A good starting point is the topographic maps published by the United States Geological Survey (USGS) The "7.5 minute series" will show the land on a scale of 1" equals 2000'. These maps are available from the USGS, many engineering supply stores, and most map shops. These maps show the public land survey system (where the land has been surveyed) over a base of topographic and man-made features so a position on the ground can usually be determined without the need for real map reading expertise.

The public land survey system 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 land 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 in 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.

Lots are also used when a natural feature or separate survey has resulted in some irregularity within any of the regular 40-acre subdivisions within each individual section. The most frequent example of a natural feature is a stream bed and the most common separate sur-

vey is a mineral survey for a lode mining claim.

The foregoing is illustrated on pages 5 and 6. 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 a pipe is also set whereon the cap is stamped "S 1/4" and is 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 in several ways. Various instructions issued in 1855 and 1881 permitted government surveyors to use both post and stone corners. These corners may also be verified by

## 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. 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 8 through 11.

### Patents

The "cash entry" patents (CE Pat) 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. These patents usually contain no reservations of mineral.

There were a number of different Acts of Congress that authorized 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

subsurface evidence because these instructions to surveyors suggested burying a portion of charcoal or a charred stick at the monument. Fruit tree seeds were also frequently planted to make a clump of trees at the site of a corner.

Posts were to be set at least two feet in the ground and the portion of the post protruding above the ground was squared off to three inches on a side for sections and four inches for townships and at least two feet above the ground. Stones were required to be 18 inches long with three-fourth of their length set in the ground. In each case, the section corners were notched on the south and the east sides with as many notches as the corner is miles from the south and the east boundaries 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 or on the face of the post.

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, particularly those issued after 1900.

The Homestead Acts (HE Pat), 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. 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 (Tns Pat), 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. 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) (some earlier surveys are referred to by lot tract numbers beginning with 37 in each township). When a 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 found to have been abandoned.

The Desert Land Act (DLE Pat) was passed on March 3, 1877, and provided an authorization to patent 640 acres (subsequently reduced to 320 acres) of desert land. The act required the entryman to place a certain portion of the land into cultivation by irrigation. These patents usually contain no reservation 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, 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 reserved by this provision, and the consensus of authority appears to hold that this reservation would apply only to working mines of the reserved minerals at 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.

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, owned by the patentee or its successors in interest.

The Stockraising Homestead Act of December 29, 1916 (SRHE Pat), amended the original Homestead Act to permit acquisition of private lands by the stockraising 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.

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.

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

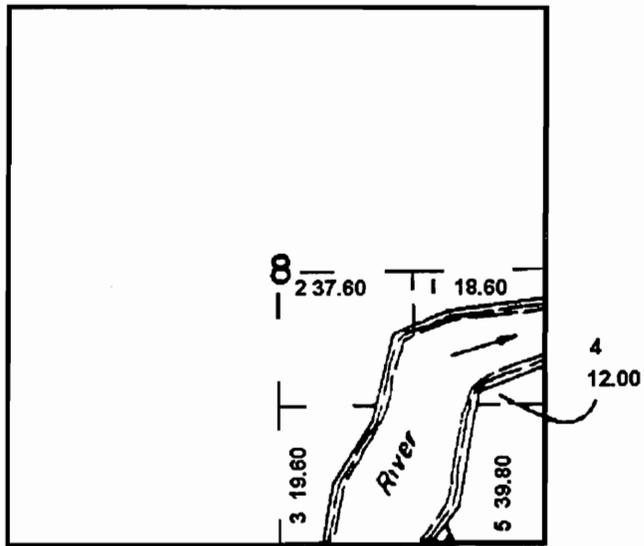
---

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

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

NW-NW 40 A	NE-NW 40 A	NW-NE 40 A	NE-NE 40 A	NW-NW 40 A	NE-NW 40 A	W ½ NE 1/4 80 A	E ½ NE 1/4 80 A
SW-NW 40 A	SE-NW 40 A	SW-NE 40 A	SE-NE 40 A	SW-NW 40 A	SE-NW 40 A		
NW-SW 40 A	NE-SW 40 A	NW-SE 40 A	NE-SE 40 A	N ½ 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	S ½ SW 1/4 80 A			
¼ mi	¼ mi	½ mi		½ mi		½ mi	
1 mile				1 mile			

**Figure 2.** Legal subdivisions of 2 sections with size in acres. Sections may be divided in a similar manner into smaller fractions.



MEANDER LINE, RIVER BANKS, LAKE SHORES, ETC

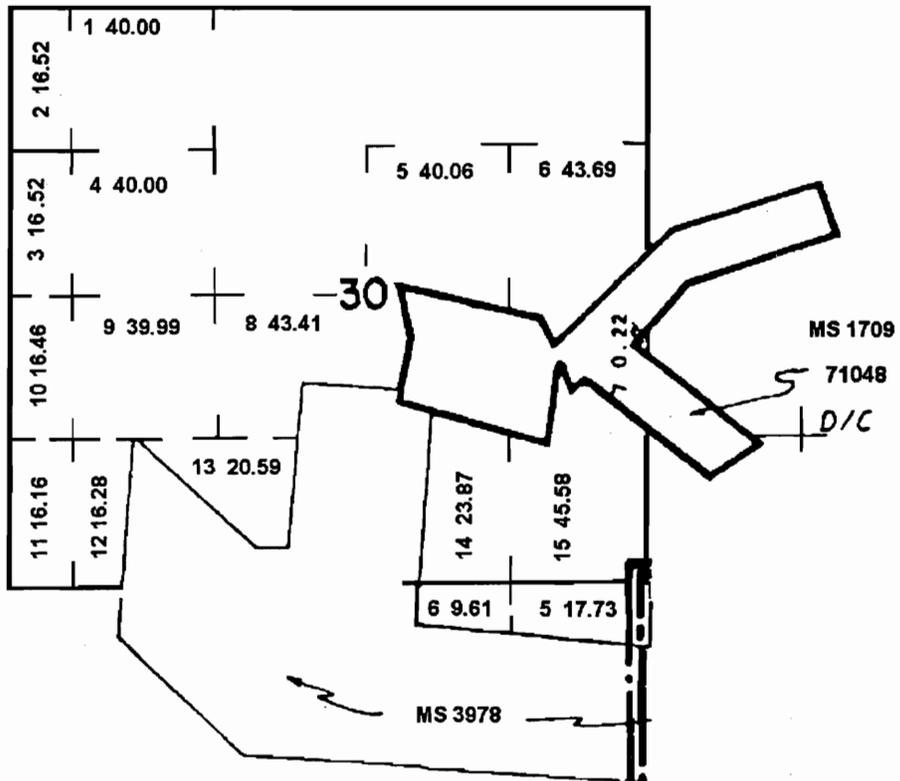


Figure 3. Examples of lotting for meander lines around river (Section 8), for 'oversize' section for surveying adjustments, and for patented and unpatented mineral surveys (Section 30).

The Small Tract Act of June 1, 1938 authorized the sale of tracts limited to five acres for the purpose of cabin, recreational, business sites and other individual purposes (ST Pat). This act requires a reservation to the United States 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.

The Federal Land Policy and Management Act of October 21, 1976 repealed most authority under which patents had previously been issued (including many of the acts discussed in this section) and substituted the authority under this act. This act is thus the current authority for most federal land grants and includes the right to purchase land (PS Pat), the right to purchase the mineral estate by the owner of the surface (CMI Pat. or Conv. Min. Int. Pat.), or exchange (FX, PX, or SX Pat. depending on whether the exchange is a forest, private or state exchange). In most cases, except special circumstances and in exchanges, minerals are reserved to the United States and subject to disposal under regulations to be promulgated by the Secretary of the Interior. The Secretary, however, has not issued any regulations.

### **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, (see appendix for address and telephone number), 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 in each township 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 are generally vested in the State of Arizona upon completion of the public land 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 concerns circumstances 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 called a "state selection" authorized under the terms of the State Enabling Act (SS), which granted the State of Arizona the right to select some 2,350,000 acres of federal lands for various public purposes.

Both the Territorial 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."

### **Lands Implicitly Owned by the State of Arizona**

In addition to the lands granted to the State of Arizona under the terms of the Enabling Act by the United States, the state, as a sovereignty, owns the land beneath waterways that were "navigable in fact" as of February 14, 1912, the date of admission to the Union.

Rivers or inland waterways will be "navigable in fact" by the rulings of the United States Supreme Court as "when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

### **Acquired lands**

Under the Bankhead Jones Act of July 22, 1937 the United States repurchased previously patented private lands. Mineral rights in these lands do not become part of the public domain, but are subject to special mineral leasing acts. These lands are indicated on the public land records as shaded with a series of dots.

---

## **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. It was open until 1904. In 1873 a second office was opened in Florence, 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 designated as the Arizona State Office of the Bureau of Land Management (see appendix for address and telephone number). This office maintains a unified set of public land records for the entire state. These records are based upon the public land survey system and show (1) the nature of any transfer of ownership out of the federal government, common examples are discussed on pages 3 through 8 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 (this information is not currently maintained, however, and the respective district offices should be

consulted for this information); (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 an unpatented claim has been surveyed by a mineral surveyor and the survey approved by the Cadastral Engineer's office, it will not be shown on these records. Abbreviated versions of many of these records are also available at the Resources Area Offices (see appendix for addresses and telephone numbers).

Arizona Strip Field Office, St. George, Utah  
Havasu Field Office, Lake Havasu City  
Kingman Field Office, Kingman  
Phoenix Field Office, Phoenix  
Safford Field Office, Safford  
Tucson Field Office, Tucson  
Yuma Field Office, Yuma

### **Land Status and Use Records**

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

ical listing by township of all transactions under the public land laws that affect the township's status. These records are current as of 1985. The most current information is received from a combination of these records and a computer data base discussed below and therefore both records systems must be used to obtain the complete records.

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 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 geothermal rights on federal lands.

These records are maintained in a set of plat books with HIs bound consecutively on the left-hand side of the plat 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.

The MTPs and HIs use a system of symbols (see page 20), abbreviations (see pages 17 through 19), and annotations. A sample MTP is shown on pages 15 and 16, a number of examples of "typical" entries are reproduced at actual scale on pages 22 and 23, and some of the basic annotations are explained on page 13.

### **Computer Assisted Records**

The BLM State Office has two different automated computer programs set up for public use to search their records. The programs are ALMRS (Automated Land and Mineral Record System) and (RCA) On-line Record Case Access). These programs have information concerning the status of land. The four search modes available in these programs are random, geographic list, serial register page, and mining claim serial pages. The random search permits a particular case type to be looked at. An example of case types includes rights of way, oil

and gas permits, geothermal or all uses. Within each particular case type a low-high search may be used to investigate all the cases within each case type. The second search is permitted via a geographic list, which searches using legal land description information. A serial page search allows for the history of a particular case to be searched. The random, geographic list, and serial register page searches do not furnish information regarding mining claims. For information about mining claims a mining claim serial page search is needed. This type of search yields information regarding payments, transfers, and rights of ways for mining claims.

The BLM also has available two reports entitled an LTT990 and a legal land description report. The LTT990 is a geographic report of all mining claims within the state of Arizona broken down by Township, Range and Section. Only the most current information about a mining claim is available from the LTT990. The legal land description report is a list of all legal land descriptions of property within the State of Arizona sorted by Township. The legal land descriptions are broken down into 40 acre parcels or lots.

### **Mineral Location Records**

Of particular interest for persons seeking to acquire or determine the nature of mineral rights, are the various indexes related to mining claims. All mining claims established under the federal mining law are required to be filed with the State Office of the Bureau of Land Management where they are given an individual "serial number." All filings related to that mining claim are kept in an individual records jacket. Where a series of claims are filed at the same time, information related to the group (for example, group assessment affidavits) is maintained in a "lead file."

All mining claims are then indexed under four separate microfiche files according to (1) the name of the claim (claim name/number index), (2) by section, township and range of the public land survey system (geographic index), (3) the name of the owner (claimant index), and (4) the serial number assigned to the claim by the Bureau of Land Management (serial number index). The name of the owner of the mining claim is updated according to filings of notices of change of ownership required by federal regulations. When a file is closed as a result of a failure to maintain the claim, abandonment or other action, the date the file was closed will appear in a column under the head-

ing "case closed." An example of the display of information concerning the same claim in each of these files is shown on page 14.

The computer printout that is used to create the microfiche is updated periodically and the date of the printing is displayed on the first line of each entry page. Current information shown on the serial logs for mining claim filings made after the date of the microfiche can also be accessed by computer using township and range.

### Other Records

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 and are filed according to the public land survey system.

- Mineral surveys that are indexed by the number of the survey. These surveys are maintained on microfilm that also includes a copy of the mineral surveyor's field notes.

- Serial Registers that give a chronological listing of the actions taken by federal agencies in a particular case file of the BLM records. The serial numbers began with the prefix "PHX" on July 1, 1908 was changed to "AR" on January 31, 1950, changed again to "A" on July 1, 1966, and have used AZA since July 1, 1976.

Patents and orders referred to on the HI's and MRP's are available on microfilm called Control Document Indices (CDI).

- Intermediate Scale Maps are published in two editions, one called the Surface Management edition and the other called 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 nominal cost 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. As with any map, however, changes in management and

ownership subsequent to the publication date of the map must be considered and the maps should not therefore be considered absolutely reliable.

- General Land Office Plats that show the historical progress of surveys of individual townships. These plats are helpful to show historic surface features as well as a "mineral" classification of lands that may have prevented an "in-place grant" from vesting in the State of Arizona upon its admission to the Union.

- 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 Reservations, Military Reservations, Wildlife Preserves);

- State trust lands (in some instances, mineral rights may have been reserved to the United States as a result of exchanges); and

- 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 (1) in public ownership or (2) to have been conveyed out of public ownership to either the State of Arizona, or private parties. If the minerals are owned by the public (i.e., federal management), 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.

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 cattle guard (Project No. 040).

5. Private land (Patent No. 1095726). The "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", shown here and in items 6, 7 and 14, 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 required by law to be placed in all patents since August 30, 1890 and will be implied to be in the patent if not shown.

6. Private land (Patent No. 1078941), no mineral reservations.

7. Private land (Patent No. 1147861). The "Fis" notation means that fissionable minerals were reserved to the United States by the patent. This reserved mineral estate was quitclaimed to the owner of the surface by a federal law in 1958.

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

9. State land, school grant, survey approved July 28, 1908 (title attached upon admission of Arizona into the United States on February 14, 1912).

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.

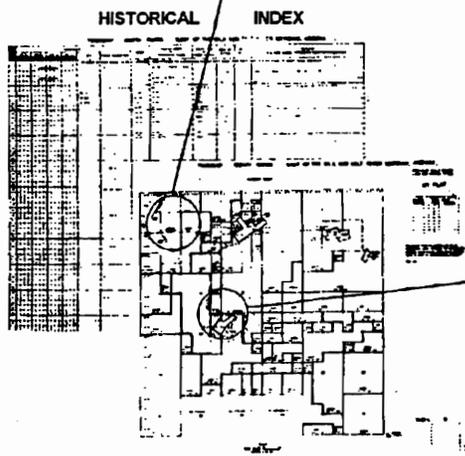
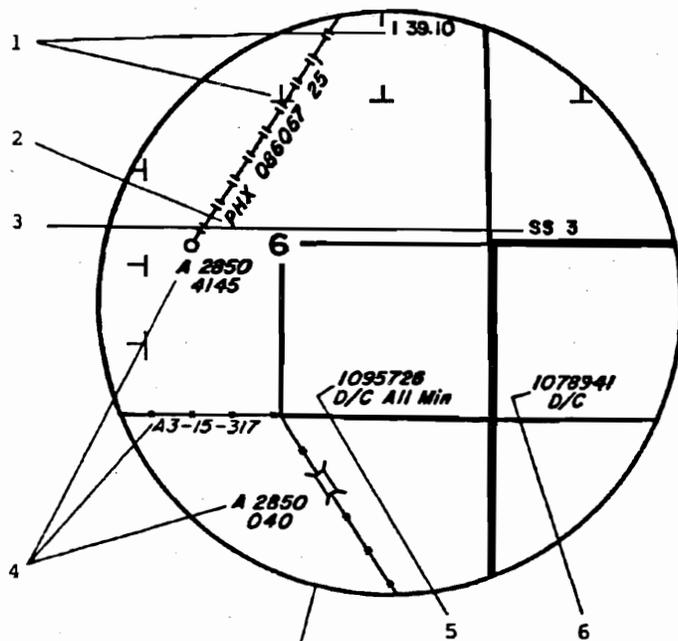
12. Private land, patented mining claims.

13. Application for withdrawal (BLM Serial No. A 8873).

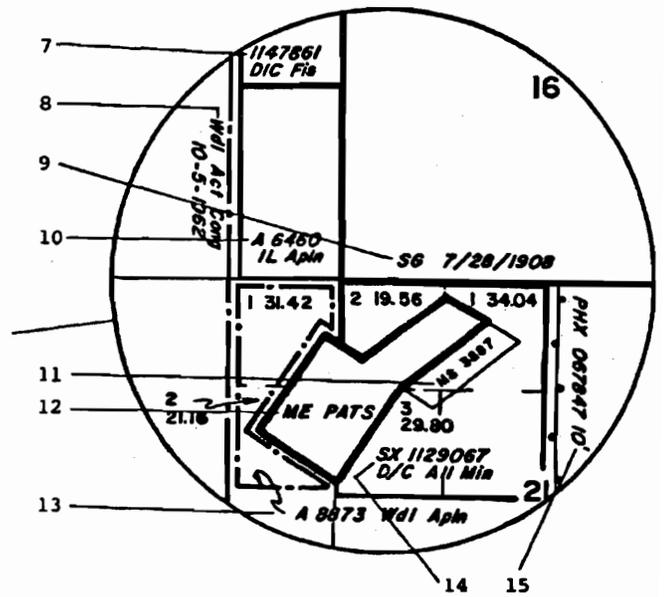
14. State land acquired by exchange (Patent No. 1129067), minerals reserved to the United States.

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

Figure 4. Master title plat.



MASTER TITLE PLAT



Withdrawal line

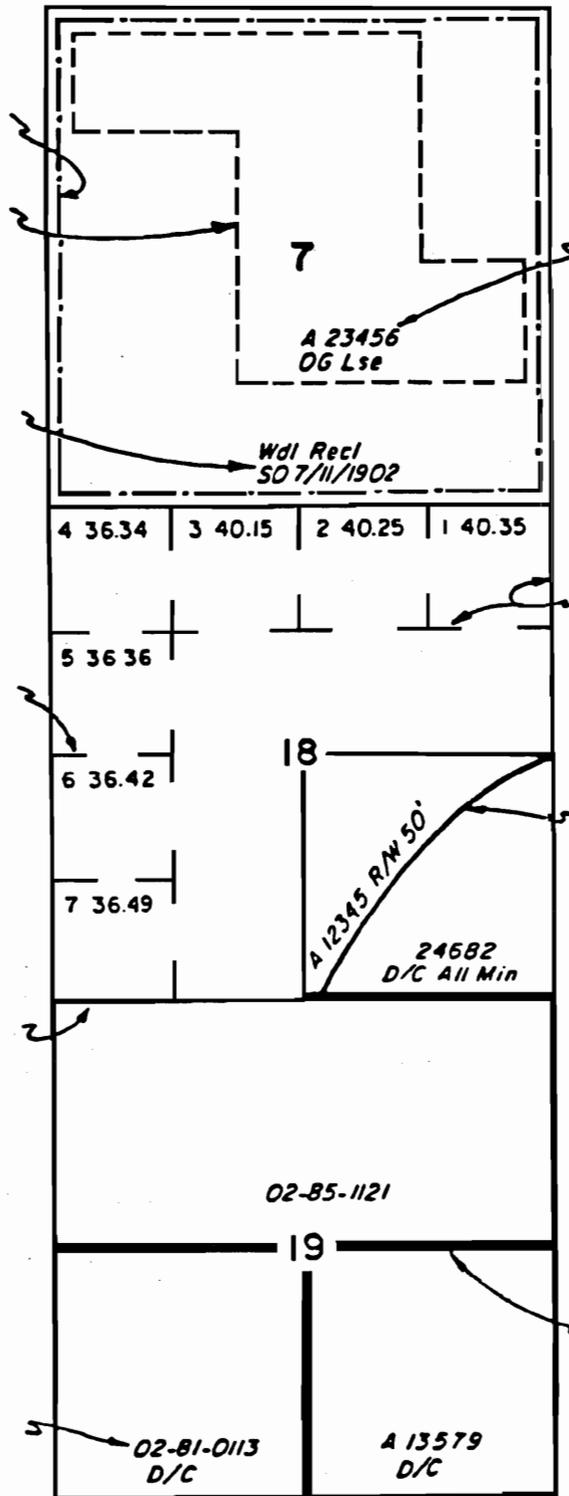
Lease line

Annotation gives kind, date and authority

Tick marks indicate boundaries of lots

A single-weight patent line indicates that the land on one side is patented and the other side is unpatented. When there is no patent annotation, vacant federal land is indicated.

Patent annotation



Annotation. This is the reason for any line. It always appears at the lower portion of the area encompassed by the line in question.

Survey-weight line shows or retraces the survey lines on a cadastral plat to the extent of lots and sections lines.

A single-weight patent line encompasses the land described in a patent. This line also used to denote highway rights-of-way.

Double-weight patent line is the result of two single-weight patent lines abutting land that is patented on both sides of the line.

Figure 5. Examples of line weights and annotations shown on master title plats.

REPORT DATE: AUG 26, 1986		UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANGEMENT						Page NO: 2700	
STATE: ARIZONA		PCN: LT893PP		CLAIM NAME/NUMBER INDEX					
-- LEGAL DESCRIPTION --									
CLAIM NAME/NUMBER	SERIAL NO.	CLAIMANT(S)	MER	TWNSHP	RANGE	SEC	SUBDV	LOCATION DATE	CASE CLOSED
DIG DEEP # 2	187783	BURTON LAWRENCE SR	14	8 N	7 W	7	SW	8/14/1982	19/83/0104
DIG DEEP # 3	187784							8/14/1982	19/83/0104
DIG DEEP # 4	187785							8/14/1982	19/83/0104
DIG DEEP # 5	187786							8/14/1982	19/83/0104
DIG DEEP # 6	187787							8/14/1982	19/83/0104
DIG DEEP # 7	187788							8/14/1982	19/83/0104
DIG DEEP # 8	187789	MARINO THOMAS		12.2 N	2 W	23	SW	8/14/1982	19/83/0104
DIG DUG	184731	PAULETTO DAVID						8/25/1982	19/85/1017
DIG IT	139162	BORZANSKY EDWARD		5 N	10 W	6	NW	6/20/1981	
DIGBASE	152556	GOLD DEPOSITORY		10 S	16 E	16	NE	6/20/1981	19/85/0622
DIGGER	88570	THOMPSON GLYADYS		37 N	9 E	4	NE	5/07/1901	
DIGMORE # 1	292725	THOMPSON CLAUDE		38 N	9 E	33	SE	8/24/1983	19/85/0815
	11416	AMERSON ALBERT		19 S	15 E	25	SE		
		SCHEER MARIE		6 N	5 W	2	SW	5/31/1977	

REPORT DATE: AUG 26, 1986		UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANGEMENT						Page NO: 2700						
STATE: ARIZONA		PCN: LT893PP		GEOGRAPHIC INDEX										
-- LEGAL DESCRIPTION --														
TWNSHP	RANGE	SEC	SUB DV	GEO CTY	BLM DIST	SERIAL NO.	CASE TYPE	CLAIM NAME/NUMBER	CLAIMANT(S)	LEAD FILE	COUNTY BOOK; PAGE	LOCATION DATE	LATEST ASSMT-YR	CASE CLOSED
5 N	5 W	35	NE	13	2	144284	PL	PCJ #224	PERRY VERNON MOSER CHARLES	144242	5559;220	9/02/1981	1985	
5 N	5 W	35	SE			144291	PL	PCJ #237	JACOBS DANIEL C PERRY VERNON MOSER CHARLES	144242	5559;205	9/02/1981	1985	
6 N	5 W	1	NE			27737	LD	BLACK HAWK WIC 1	JACOBS DANIEL C GUERARD ALICE FREEPORT EXPLORTN	27736	\ \	9/19/1978	0000	19/79/0215
			NE			222012	LD	WIC 3		222012		3/15/1984	0000	19/86/0410
			NE			222016	LD	WIC 5		222012		3/15/1984	0000	19/86/0410
			E2			222018	LD	WIC 7		222012		3/15/1984	0000	19/86/0410
			SE			222020	LD	WIC 9		222012		3/15/1984	0000	19/86/0410
			SE			222022	LD	WIC 11		222012		3/15/1984	0000	19/86/0410
	2	SW				11416	PL	DIGMORE #1	SCHEER MARIE		2252;889	5/31/1977	1985	

REPORT DATE: AUG 26, 1986		UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANGEMENT						Page NO: 9238			
STATE: ARIZONA		PCN: LT893PP		CLAIMANT INDEX							
-- LEGAL DESCRIPTION --											
CLAIMANT NAME	CLAIMANT ADDRESS	CITY	ST	ZIP	SERIAL NO.	CLAIM NAME/NUMBER	MER	TWNSHP	RANGE	SEC	SUBDV
SCHEALL LEON & ASSOC SCHEELE KEN	PO BOX 501 BOX 2150	DEWEY APACHE JCT	AZ	86327 85220	223884 124725	BS 325 CONNIE M #5	14	14 N 2 S	3 E 11 E	33 16 17	NE, S2 NW NE
					124726 124727 124728	CONNIE M #6 CONNIE M #7 CONNIE M #8				16	NW SW SW
SCHEELE KENNETH SCHEELE THEO	RT 1 BOX 2150 SP10 BOX 2150	APACHE JCT APACHE JCT	AZ	85220	100720 106184	CONNIE M #3 CONNIE M #4				16 17	W2 W2 NE
					124725 124726	CONNIE M #5 CONNIE M #6				16 16	NW NE NW
					124727 124728 100720	CONNIE M #7 CONNIE M #8 CONNIE M #3					SW SW W2
SCHEER MARIE	822 LINCOLN	ANOKA	MN	55503	106184 216512 11415	CONNIE M #4 ENIGMA #4 DIGMOWRE 2 J1				16 10 3	W2 E2 SE

REPORT DATE: AUG 26, 1986		UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANGEMENT						Page NO: 521							
STATE: ARIZONA		PCN: LT893PP		SERIAL NUMBER INDEX											
-- LEGAL DESCRIPTION --															
SERIAL NO.	CAS TYP	CLAIM NAME/NUMBER	CLAIMANTS	MER	TWNSP	RANGE	SEC	SUB DIV	GEO CTY	BLM DST	LEAD FILE	COUNTY BOOK; PAGE	LOCATION DATE	LATEST ASSMT YR	CASE CLOSED
11410	MS	GOLD CROWN MILL	GOLDEN EAGLE CP	14	22 S	10 E	28	SW	23	2	11407	50 100	1 02 1962	0000	1980 0730
11411	MS	GOLD CROWN ML 2	GOLDEN EAGLE CP	14	22 S	10 E	28	SW	23	2	11407	53 15	2 15 1964	0000	1980 0730
11412	LD	BILLIE BOONE	KUNZ & KUNZ GOLDEN EAGLE MN KUNZ & KUNZ	14	23 S	10 E	28	SW	23	2		30 2	7 21 1955	1985	
11413	PL	WEDNESDAY HOPE 4	ROADRUNNER PROS	14	9.2 N	2 E	20	NE	25	2		1015 726	5 09 1976	1985	
11414							32	SW	25	2					VOIDED
11415	PL	DIGMORE #2 J1	SCHEER MARIE HULEGAARD TRUEM	14	6 N	5 W	3	SE	13	2		2252 889	5 31 1977	1985	
11416	PL	DIGMORE #1	SCHEER MARIE	14	6 N	5 W	2	SW	13	2		2252 889	5 31 1977	1985	

\* \* DISCLOSURE \* \* ALL INFORMATION RECEIVED IN THIS OFFICE MAYNOT YET BE LISTED ON THIS REPORT. NAMES AND ADDRESS ARE ENTERED AS THEY APPEAR ON THE LOCATION NOTICE OR ARE ABBREVIATED TO FIT LIMITED SPACE; THEREFOR THEY MAY NOT APPEAR IN THE EXPECTEDSEQUENCE.

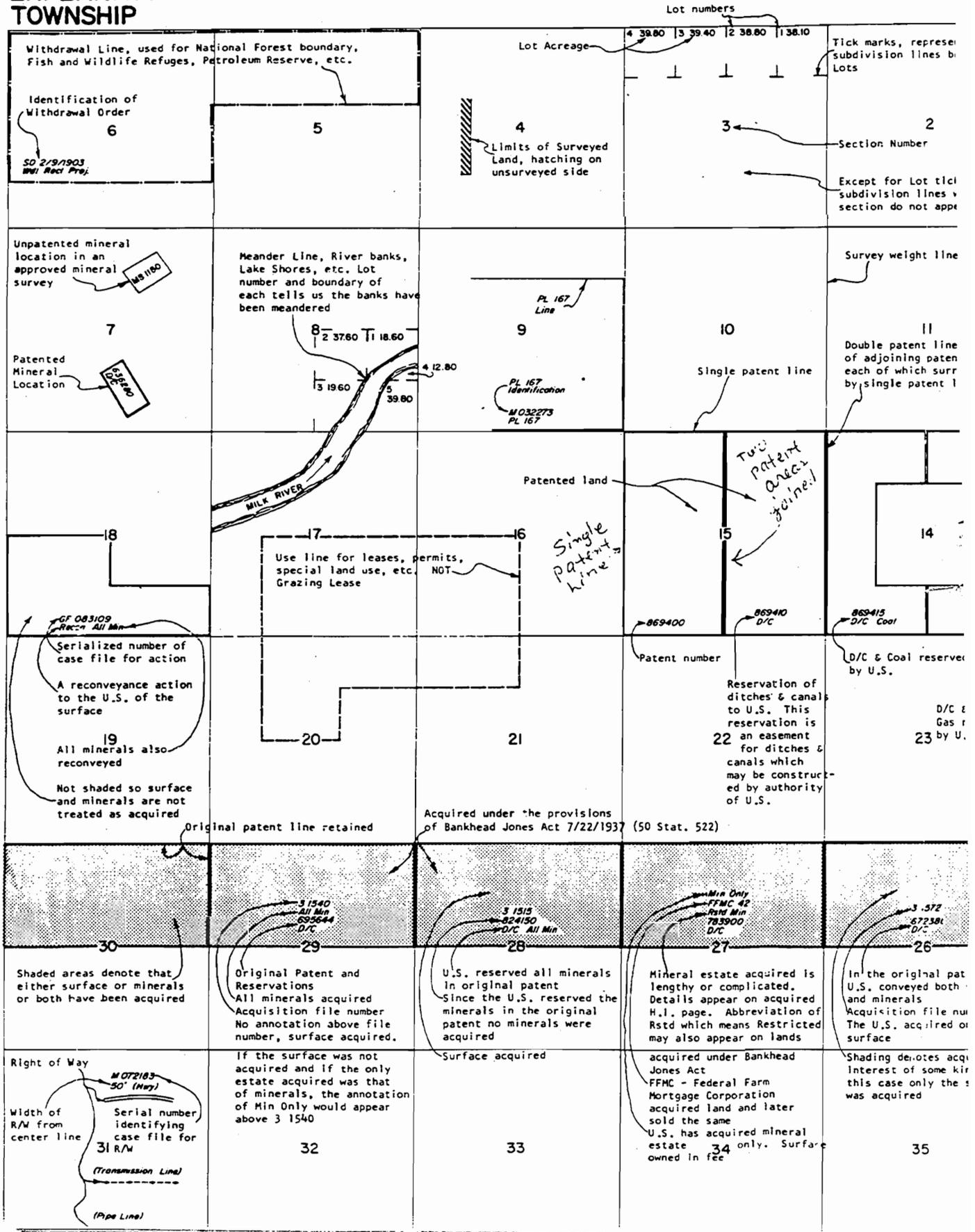
Figure 6. Sample mining claim indexes

# TOWNSHIP 19 NORTH RANGE 20 EAST OF THE PR

Name and number of County in which Township is located. If the Township is in more than one County, See Sections 1, 12, 13 & 24 below.

FERGUS COUNTY 027

## EXPLANATORY TOWNSHIP



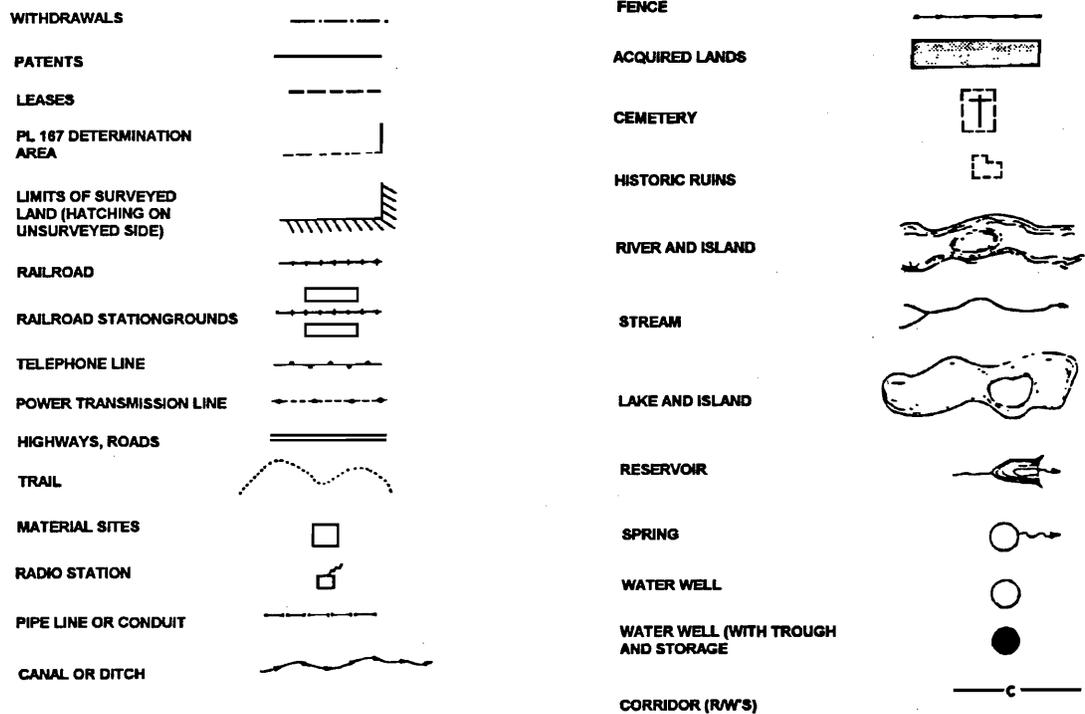


**COMMON ABBREVIATIONS, BUREAU OF  
 LAND MANAGEMENT PUBLIC RECORDS**

A-(number)	Arizona Serial Number	CHE	Commuted homestead entry
A	Acre(s)	Circ	Circular
Acq	Acquired	Cl	Classification
Act of Cong	Act of Congress	Co	Company
ADHE	Adjusted homestead entry	Colo	Colorado
Adm S	Administrative site	Comm P	Community Pit
AEC	Atomic Energy Commission	Comm S	Communication Site
AF	Air Force	Condem	Condemnation
Agri	Agriculture, agricultural	Corp	Corporation
Agri Exp Sta	Agriculture experiment station	C/T	Color of Title
AHE	Additional homestead entry	Cur Pat	Curative patent
All Min	All Minerals		
Allot	Allotment	D	Director
Amdt	Amendment, Amended, Amends	D/C	Ditches and/or Canal
ANS	Air Navigation Site	Ded	Dedication
Apln	Application	Def	Deficiency
Apln Ext	Application for extension	Dept of Agri	Department of Agriculture
App	Appendix	Dept of Int	Department of the Interior
Approp	Appropriation, Appropriate, Appropriated	Des	Designated or Designation
Appvd	Approved	Det	Determination
AR-(number)	Arizona Serial Number	Dist	District
Ariz	Arizona	Div	Division
Arpt	Airport	DLE	Desert land entry
Asgn	Assignment	DM	District Manager
Asph	Asphalt		
ASRHE	Additional stockraising homestead entry	E	East
Auth	Authorization	Eff	Effective
Av Lse	Aviation Lease	EHE	Enlarged homestead entry
		Elim	Elimination
Bdy; Bdrs	Boundary, Boundaries	Eng	Engineering
BIA	Bureau of Indian Affairs	Enlgmt	Enlargement
Blk	Block	EO	Executive Order
BLM	Bureau of Land Management	ES	Exchange survey
BM	Bench Mark	Esmt	Easement
Br	Branch	Excl	Excluding, excluded
BR	Bureau of Reclamation	Exp	Expire(d)
BSFW	Bureau of Sports, Fisheries, & Wildlife	Ext	Extended, extension, extend
C of E	Corps of Engineers	FAA	Federal Aviation Admin.
CA	Communitization Agreement	F&WS	Fish & Wildlife Service
Cad	Cadastral	FC	Final certificate
Canc	Cancellation, Cancelled	Fed	Federal
Cpg	Campground	FHA	Farmers Home Admin.
CDI	Control Document Index	Fis	Fissionable materials
CE	Cash entry	FLS	Forest lieu selection
Cert	Certificate	FLUP	Free land use permit
CFR	Code of Federal Regulation-	Fm U	Farm unit
Ch, Chs	Chain, chains	FPA	Federal Power Act
		FPC	Federal Power Commission
		FR	Federal register
		Frac	Fractional
		FS	Forest Service
		FUP	Free use permit
		FX	Forest exchange
		Gd	Gold
		Geo	Geothermal
		Geol Str	Geologic structure

GLO	General Land Office	Mod	Modification
Geo Plat	Geothermal resource plat	Mon	Monument
GSR Mer	Gila & Salt River Meridian	MS	Mineral survey
		Mtn	Mountain
Hdq S	Headquarters site	MTP	Master Title Plat
HDS	Homestead declaratory statement	Mult Use	Multiple use
HE	Homestead entry		
HES	Homestead entry survey	N	North
HI	Historical Index	N Mon	National Monument
Hwy	Highway	Nav Mer	Navajo Meridian
		nc	Noncompetitive
IA	Indian allotment	NF	National Forest
ID	Interior Decisions	NOE	Not Open to Entry (Surface, Mining and Mineral Leasing)
Iden	Identify, Identification		
IL	Indemnity list-State land	NOL	Not Open to Lease
Illus	Illustration	NOM	Not Open to Mining
Inc	Including, inclusive	NP	National Park
Ind Fee	Indian fee	NRL	National Resource Lands
Ind Tr Pat	Indian Trust Patent	NWR	National Wildlife Refuge
Ind Res	Indian reservation		
Ind Tr	Indian tract	O	Order
Intpr	Interpretation	OE	Open to Entry
IS	Indemnity selection	OG	Oil and Gas
IT	Isolated tract	Oper	Operation
Juris	Jurisdiction	Par	Parcel
		Part	Partially
KCLA	Known coal lease area	Pat	Patent
KGRA	Known geothermal resource area	PD	Public Domain
KGS	Known geologic structure	Per	Permit
KLA	Known leasing area	Pet Res	Petroleum Reserve
		Pho	Phosphate
Lat	Latitude	PHX-(Number)	Phoenix Serial Number
LD	Interior land decisions	PL	Public Law
Lic	License	PLC	Private Land Claim
LO	Land Office	PLO	Public Land Order
Long	Longitude	Pot	Potassium
LS	Lieu selection	Pr Per	Prospecting permit
Lsbl	Leaseable	Pre	Preemption
Lse	Lease	Proc	Proclamation
Ltr	Letter	Proj	Project
LU	Land Utilization	Prop	Propose, Proposed
		Prot Wdl	Protective Withdrawal
Mat S	Material site	PS	Public sale
M&B	Metes and Bounds	PU	Public use
MCOA or MOA	Mining Claim Occupancy Act	Pur	Purchase
ME	Mineral entry	PW Res	Public water reserve
Mer	Meridian	PWR Proj	Power Project
Mgmt	Management	PWR S	Power Site
Mil Pur	Military Purpose	PX	Private Exchange
Mil Res	Military Reservation		
Mill S	Millsite	QCD	Quitclaim deed.
Min	Mineral	Qs	Quicksilver
Min Ccrt or MC	Mineral certificate		
Misc	Miscellaneous	R	Range
ML	Mineral location	R&PP	Recreation & Public Purposes
MLCI	Mineral Location & Contest Index	RB	River Basin
MM	Mineral monument	Rcpl	Reciprocal

Rd	Road	Sta	Station
re	Reference	STS	Small tract sale
Re-cl	Reclassified	Subdiv Und	Subdivisions undefined
Rec Lse	Recreation lease	Subj	Subject
Recl Wdl	Reclamation withdrawal	Sul	Sulfur
Recon	Reconveyed	Suppl	Supplemental
Reg	Regional	Sur	Survey or Surveyed
Rej	Rejected & rejection	Sus	Suspended
Rel	Relinquished or Relinquishment	SX	State exchange
Res	Reservation or Reserved		
Resc.	Rescind, Rescinded	T or Tp	Township (Tps - Townships)
Rest	Restoration or Restored	TC	Timber culture
Resvr	Reservoir	Tel	Telephone
Rev	Revocation or Revoked	Teleg or Tel	Telegraph
Rfg	Refuge	Temp	Temporary
Rgr Sta	Ranger Station	Term	Terminate, Termination
RHE	Reclamation homestead entry	Tns	Townsite
RI	Range Improvement	Tr	Tract
RIP	Records Improvement Project	Trans	Transmission
Rmks	Remarks	Trf	Transfer
RR	Railroad	Trf Juris	Transfer of Jurisdiction
RRG	Railroad Grant	Trfd	Transferred
RRIS	Railroad indemnity selection	Tri Sta	Triangulation Station
RRLS	Railroad lieu selection	Trsp	Trespass
RS	Revised Statutes	T/S	Timber and Stone
Rstd	Restricted		
Rvst	Revested	UA	Unit Agreement
R/W	Right-of-way	Unapprop	Unappropriated
Ry	Railway	Undet	Undetermined
		UNDGD	Underground
S	South	USS	United States Survey
SAH	Soldier's additional homestead	Unsur	Unsurveyed
SB Mer	San Bernardino Meridian	Ur	Uranium
SD	State Director	USAF	United States Air Force
SDO	State Director's Order	USC	United States Code
SDS	Soldier's declaratory statement	USGS	United States Geological Survey
SDW	Stock Driveway		
SDW Wdl	Stock driveway withdrawal	W	West
Sec	Section	WAA	War Assets Administration
Sec of Agri	Secretary of Agriculture	War Dept	War Department
Sec of the Int	Secretary of the Interior	W/Chg	With Change(s)
Segr	Segregate or Segregated	WD	Warranty deed
Sel	Selection	Wdl	Withdrawal
SG	State Grant	Wdn	Withdrawn
SHC	Small holding claim	W/O	Without
Si	Silver	WP	Water Power
Sim	Simultaneous	WP Des	Water Power Designation
SLUP	Special Land Use Permit	WR	Water rights
SO	Secretary's Order	WS	Watershed
Sod	Sodium	Wt	Warrant
Spec Per	Special Permit		
SR	Serial Register	X	Exchange(d)
SRHE	Stockraising homestead entry		
SS	State Selection		
ST	Small tract		
Stat	Statutes at Large		
ST Cl	Small tract classification		
ST Lse	Small tract lease		



**Figure 8.** Standard map symbols for land records and status use.

## Forest Service Records

There are six separate National Forests in Arizona each of which maintains maps and records of land status and private rights within each forest. The forests and their respective offices are as follows: Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto (see appendix for addresses and telephone numbers).

The basic record is a "Status Plat" for each township within the forest each of which has a sepia overlay of "Use Restrictions" showing roads, buildings, administrative sites and other facilities or activities that have been authorized by Special Use Permits. The Status Plats are prepared at a scale of one mile equals two inches making them compatible with the BLM Master Title Plats. In addition to a graphic representation of withdrawals the plats also show surface drainage patterns that may be helpful for planning access.

The original system established by the Forest Service also included a Status Tabular Report similar to the Historical Index of the BLM records and those actions that resulted in the current land status from the original granting of title or management authority. In some cases these reports may still be in the Status Plat books but a computer printout has superseded the Tabular Report system.

In addition to the Status Plat system each Forest Service Office will also have two useful map files.

Each unit of the national Wilderness Preservation System within the boundaries of the respective forest is displayed on maps outlining the unit. These map files will also include legal descriptions of each wilderness boundary once they have been developed.

Each Ranger District within the respective forest is shown on a series of maps based on USGS 7 minute topographic sheets that include the addition of private ownership (indicated with shading) and designation of forest roads and forest trails. In close questions involving a determination of the boundaries of the private lands so shown, copies of records

related to section corners of the public land survey system, homestead surveys, minerals surveys, as well as field notes may be available for surveyors to review in the Forest Supervisor's office.

## **State Land Department Records**

---

The Arizona State Land Department (see appendix for address and telephone number) maintains records of all lands that are or have been owned by the state. Where lands have been conveyed by the state into private ownership, the state's records no longer track current or future activity on the land.

The State Land Department's public records concerning land are maintained in tract books indexed according to the public land survey system through June 30, 1990. As of July 1, 1990, the State Land Department began to use an automated system to maintain their public records and the tract indexes are not correct after this date. The ownership maps, as kept in the tract books, are still kept by the State Land Department, however, they are only updated periodically. Always check the current status of the land by utilizing the automated system for the most current information.

The Arizona State Land Department automated system allows for the search of public land records based on the current status and/or the title history of land. Within the current status or title history inquiry, searches may be performed by the use of information regarding names (rolodex), legal description, application number or lease number for the land. A current status inquiry determines if state trust land is leased, who leases the land and how it is available. While an inquiry into the title history of state trust land will furnish information on how the land has been acquired and/or disposed of by the state. Scrolling through each screen displays such information as surface acreage of the land, oil and gas acreage and mineral acreage.

An additional source of information are the lease files available for each active lease.

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.

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 mineral exploration 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. Where the land has been sold, the county records concerning private lands must be reviewed; however, the examiner should first 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.

## Department Of Water Resources Records

---

Arizona follows a dual system for the acquisition of water rights. Percolating groundwater may be captured and withdrawn from the common supply by the owner of the overlying land for beneficial purposes (as defined by statutes and judicial decisions) while 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 Department of Water Resources (see appendix for address and telephone number) is charged with supervising and managing many aspects of these rights and, as a part of this function, maintains records of water rights established under state law.

### Surface Water Rights

Prior to 1919 a water right claimant needed only to post a notice near the point of diversion to appropriate water. Some (but not all) of these notices were recorded with the County Recorder's Office or filed with the Territorial Secretary of State.

Since 1919 water has been appropriated by filing an application with a state agency (the State Land Department prior to 1978, the Arizona Water Commission during 1979 and 1980, and the Department of Water Resources thereafter) to appropriate water. If the Department of Water Resources approves, a permit is issued, and upon proof of a diversion and making a beneficial use of water (a five-year time period), a Certificate of Water Right is issued. Once the Certificate is issued, the water right constitutes private property, and any subsequent transfers prior to 1986 will be shown only in the county records. In 1986, a law became effective requiring a filing of transfers with the Department of Water Resources, although during the past several years some owners have voluntarily filed assignments, those pre-1986 assignments may be of record. These rights of appropriation (whether an application, permit or Certificate) are indexed 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 water course (by drainage system). The name of the water course may present some problems because some smaller tributaries are sometimes known by different names.

In 1974 the record system for rights of appropriation was supplemented with a required filing for claims of pre-1919 water rights. The deadline for making this filing was July 2, 1979. These claims are indexed in a claims registry in a manner similar to that of the post-1919 water rights.

A gap in the record system still exists, however, due to the fact that "adjudicated" rights were exempted from the pre-1919 water rights filing requirement because the basis for such rights is a court decree. The two foremost examples of court-decreed rights in Arizona are the "Kent Decree" governing rights along the Salt River and "Globe Equity No. 59" 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 Department of Water Resources, however, does have copies of most of these decrees, but in many instances the documents are difficult to understand.

A third form of surface water rights includes "stockponds" that are also indexed in a manner similar to the post-1919 surface water rights.

The computer program maintained by the Department of Water Resources uses a prefix "33" for the applications, permits and Certificates of Water Rights; "36" for the pre-1919 surface water rights filings, and "38" for stockponds any one of which may be searched separately. An integrated program is also available using a "95" prefix that will allow the entire surface water records system to be searched for any of the records systems maintained by the Department of Water Resources. Once a file number is obtained by this indexing system, a file folder can be obtained containing the original information from which the index was prepared. Although the actual records are only maintained in the Phoenix headquarters (see appendix for address and telephone number), computer access to the records system can be obtained from any of the Active Management Area offices (in Tucson, Casa Grande, Prescott, Nogales, and Phoenix).

## Groundwater Rights

Beginning in 1945, groundwater rights became one of the foremost legal battlegrounds in the state, when the state legislature began its first attempts to regulate groundwater use. The major early effort was in 1948, when the legislature gave authorization for the designation of certain "Critical Groundwater Areas," prohibiting new irrigation in areas where groundwater supplies were being depleted faster than they were being replenished. This designation was superseded by the designation of "Active Management Areas" and "Irrigation Non-expansion Areas" under 1980 legislation. The various areas designated under the 1980 law are shown on the map on page 25.

Therefore, since evidence of groundwater production may be useful as a factual basis for existing legal rights as well as proof of continued availability of water, any records systems maintained by the Department of Water Resources may prove helpful.

Starting in 1948 for irrigation wells and since 1968 for all water wells, prior to drilling the driller has been required to file a "notice of intent to drill" a water well with the Department of Water Resources. By regulation, the Department of Water Resources also requires filings for mineral exploration "wells."

In 1980, the Groundwater Management Act was passed and established a comprehensive program for the management of the state's water resources. This act mandated the quantification of existing groundwater usage and established a permitting system for future use. The existing usage was for the most part quantified as "Grandfathered Groundwater Rights" recognized for both irrigation and non-irrigation uses. All water wells, "Grandfathered" rights, permits, and service rights are maintained in separate record jackets at the Phoenix headquarters of the Department of Water Resources and can be accessed through computer in different programs that are tied to the prefix number assigned by the Department. These prefixes and the records are as follows:

- 35 Program: This system includes the pre-1980 notices of intent to drill, reports of the driller after completion of drilling for the post-1948 irrigation wells and all post-1968 wells. This program can be researched by the location of the well according to the public land survey system, the well registration number, and the name of the owner. The informa-

tion also includes some details of information contained within any individual file.

- 55 Program: This program is the most comprehensive index to well filings and was established by a registration requirement for all pre-1980 wells. It also includes all wells permitted under the 1980 Groundwater Management Act. The pre-1980 filings may not be particularly complete but further information may be obtained by cross checking the 35 Program for the same well if the well had been registered under the prior program. For a post-1980 well, the file will contain the driller's logs (including limited lithological information) and the nature of the equipment on the well. In some cases, a well may have more than one number if a separate number was issued to deepen the well. The 55 Program number is assigned to each well whether it is part of a grandfathered right, permit, exempt well, or special circumstance. The information on the program can be accessed by (1) the location of the well according to the public land survey, (2) the 55-Program number, i.e., the well registration number, or (3) the name of the well owner.

- 56 Program: This program contains information regarding cities, towns, and private water companies providing water. The legal description of the service area will show up on the display but more useful information may be obtained from maps of the service areas maintained by the Department of Water Resources at the Phoenix office. Each of the Active Management Areas also has maps of the service areas within its jurisdiction.

- 57 Program: This program contains information regarding irrigation districts.

- 58 Program: This program contains information on Grandfathered Groundwater Rights. The Grandfathered rights are certificated rights and quantify the permitted water usage attached to particular parcels of real property.

- 59 Program: This program contains information about groundwater withdrawal permits issued under the 1980 Groundwater Management Act, including various water withdrawal permits issued by the Department of Water Resources for general industrial use, mineral extraction, or various other permitted uses (i.e., mine dewatering, testing, etc.).

- 60 Program: This program includes information about activities in the "Irrigation Non-Expansion Areas" established for Joseph

City, Douglas Basin and the Harquahala. Within these areas the parties withdrawing water are required to file annual groundwater withdrawal reports, but no water duty or withdrawal fees are imposed.

- 61 Program: This program includes information about the special exemptions recognized under the 1980 Groundwater Management Act for certain activities within each Active Management Area.

- 64 Program: This program includes reports of water recharge activities.

- 78 Program: This program is a "holding file" for information about various Grandfathered Groundwater Rights applications that have not gone to final action.

The 56 through 64 computer programs have been merged into a single system that permits access to all groundwater rights and uses without having to search each system. Thus, the records of the Department of Water Resources can be searched for the wide variety of groundwater rights by (1) the location of the area in question according to the public land survey system, (2) the name of the well and land owner, (3) the registration number assigned within each of the various programs, and (4) the well registration number, i.e., the 55-Program number. A "hard copy" printout can also be obtained to show all file numbers within an individual section of the public land survey system.

Annual well filing information can also be accessed by separate screens and will provide the assigned irrigation water duty, the acre-feet usage on a particular parcel of land in 5-year increments, the water delivered to the property from third parties, and the water removed from the property for delivery to third parties.

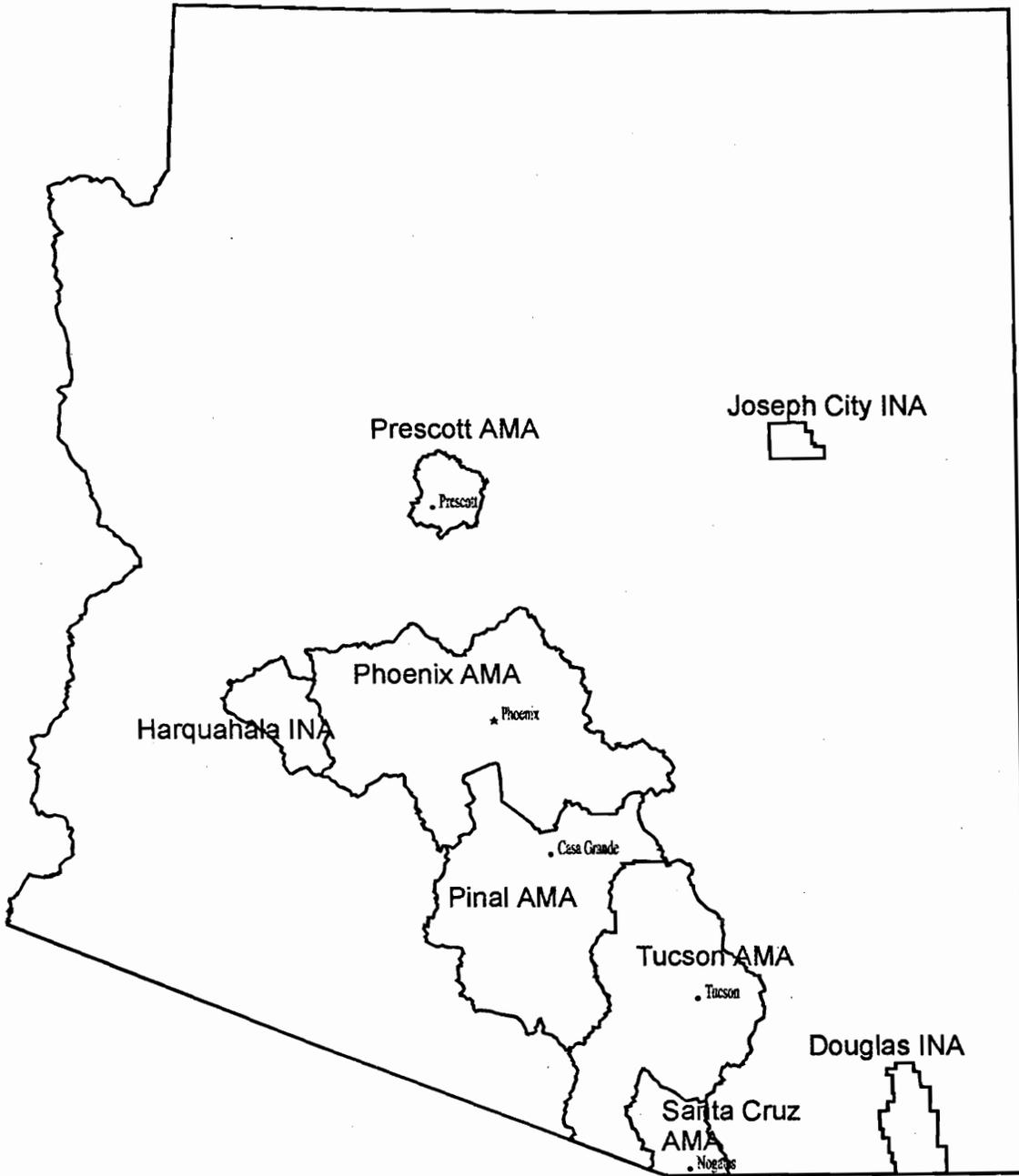
## **Effluent**

The Arizona Superior court has rules that effluent is neither groundwater nor surface water. The Department of Water Resources can only track the use of effluent but has no administrative authority over it until the water is "abandoned." Effluent is "abandoned" when it is released by the owner/operator of a treatment plant into a stream, river, lake etc. Once effluent is commingled with other water (i.e., groundwater or surface water), it is deemed to become either groundwater or surface water for administrative purposes. Thus, effluent released into the Salt River or Santa Cruz River

and commingled with surface water becomes surface water and is subject to the laws of prior appropriation. Any effluent that percolates into the groundwater system becomes groundwater and is subject to the 1980 groundwater code.

## **Adjudication Program**

In 1979, the state legislature established procedures that would result in a general determination of water rights, termed a "general adjudication," along any river system and source within the State of Arizona (excluding the Wilcox Playa in southeastern Arizona and the Colorado River). This adjudication program will eventually cover most of the watersheds in the state and includes both surface and groundwater rights. The various filings made in the adjudication program are maintained by the Department in their 39 Program and can be accessed by (1) the 55-Program (well registration number), (2) the name of the applicant, (3) the public land survey system, and (4) the source of the water (the river or stream).



**Figure 9.** Active management areas and irrigation non-expansion areas in Arizona.

## County Records

---

The records dealing with private ownership of real estate are found in the offices 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 unencumbered ownership of real property (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 system 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 should be assessed separately and normally have a special code number. A failure to separately assess a severed mineral estate has created problems in the past where the surface has been sold for taxes. In 1969, a statute was enacted to specify that the failure to separately assess severed mineral rights would not result in a loss of the estate if the remaining interest was sold for taxes. In any case, a severed mineral estate is

not always reflected in the assessor's records as the reserved mineral estate may have been 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 real property 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, 1996 and May 1, 1997 would be sold at public auction in February 1998. If 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 the 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 that 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. This record may be in a number of bound forms or on microfilm. Note that these various indexes are not tied to the public land survey system, and ownership information on a parcel of property cannot 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 as well as checking the various indexes for liens, mortgages, and leases to determine if the owner's title is somehow encumbered.

The legal 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 that usually 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.

## A Final Caution

---

Anyone dealing with unpatented mining claims should bear in mind that the basis of this possessory right depends on whether a "discovery" of "valuable mineral" has been made and that the claim has been maintained by the performance of work or the payment of a claim maintenance fee. The records of the Bureau of Land Management are of great assistance in making a determination of whether conflicting rights of third parties exist but the records are based on information supplied by the claimant and is occasionally inaccurate. Therefore, with-

out a thorough examination of the ground an examiner cannot be assured that the ground has not been previously appropriated, or if claims appearing of record have been properly established on the ground.

The examiner should also keep in mind that the BLM records, although a good indication of current ownership, are not "title" records. Legal ownership and evidence of any encumbrances on ownership of real property can only be obtained from a search of the county records.

## Appendix

---

### Bureau of Land Management

**Arizona State Office**  
222 North Central  
Phoenix, AZ 85004-2203  
602-417-9528  
Fax 602-417-9556

**Arizona Strip Field Office**  
345 East Riverside Drive  
St. George, UT 84790-9000  
Ph. (435) 688-3200  
Fax (435) 688-3258

**Kingman Field Office**  
2475 Beverly Avenue  
Kingman, AZ 86401-3629  
Ph. (520) 692-4400  
Fax (520) 692-4414

**Lake Havasu Field Office**  
2610 Sweetwater Avenue  
Lake Havasu City, AZ 86406-9071  
Ph. (520) 505-1200  
Fax (520) 505-1208

**Phoenix Field Office**  
2015 West Deer Valley Road  
Phoenix, AZ 85027-2099  
Ph. (623) 580-5500  
Fax (623) 580-5580

**Safford Field Office**  
711 14th Avenue  
Safford, AZ 85546-3321  
Ph. (520) 348-4400  
Fax (520) 348-4450

**Tucson Field Office**  
12661 East Broadway  
Tucson, AZ 85748-7208  
Ph. (520) 722-4289  
Fax (520) 751-0948

**Yuma Field Office**  
2555 East Gila Ridge Road  
Yuma, AZ 85365-2240  
Ph. (520) 317-3200  
Fax (520) 317-3250

### Forest Service

**Arizona Zone Office - Minerals**  
2324 East McDowell Rd  
Phoenix, AZ 85006  
602-225-5262

### Bureau of Indian Affairs

1 North First Street  
Phoenix, AZ 85001  
602-379-6600

### State Agencies

**Dept. Of Mines & Mineral Resources**  
1502 West Washington  
Phoenix, AZ 85007  
602-255-3795

**State Land Department - Minerals Section**  
1616 West Adams  
Phoenix, AZ 85007  
602-542-4628

**Department of Water Resources**  
500 North 3rd Street  
Phoenix, AZ 85004  
602-417-2400