

BUREAU OF LAND MANAGEMENT

Mineral Surveys

With Belle Craig

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CADASTRAL SURVEY

Mineral Surveys

Mineral surveys exist in many of the western states. These special surveys require unique skills when conducting resurveys. The expanded coverage of the resurvey of mineral surveys in this edition of the Manual will be explained by Belle Craig.

Next, we are going to discuss Mineral Surveys. A mineral survey is a survey of a mining claim. Mineral surveys are official surveys executed by a U.S. Mineral Surveyor under the direction of a BLM Cadastral Chief in the jurisdiction where the mining claim lies or is located. A mineral surveyor can be the basis of a mineral patent. This Manual describes the general principles of both survey and resurvey of mineral surveys as well as mineral segregation surveys.

This Manual also makes a distinction between location surveys and original mineral surveys. Location surveys can be done by the miner himself. The miner can locate himself. Original mineral surveys are only done by U.S. Mineral Surveyors.

However, in this chapter we also discuss resurveys. You do not have to be a U.S. Mineral Surveyor to do mineral retracement and resurveys. Another thing I would just like to mention in passing is this Manual does a pretty good job of discussing the connection between a term called end line parallelism with respect to a term called extralateral rights. I suggest you look those terms up and do a little bit of reading.

The most important part of this chapter that has changed is expanded instructions on resurvey of mineral surveys. There are three overlapping objectives of dependent resurvey of mineral lands. The first is to adequately protect and mark the subsurface rights to the mineral estate. The second is to adequately protect and mark the surface rights or rights of the landowner. The third is to properly mark the boundaries of the remaining federal interest lands.

Let us take a look at a mineral segregation survey. This is a dependent resurvey and segregation of mineral lands. I am going to zoom in and take a closer look at Section 5. In this segregation survey, you can see that we segregated the mineral claims from the remaining federal land in this section. We have returned acreages and lotted against those mineral claims. That is the purpose of a mineral segregation survey. If you come across a record of a mineral segregation survey, at least you will know what you are looking at.

They do not always retrace the boundaries of the claims so you will want to look very carefully at the plat. If you look up in the northwest quarter corner therein section 5, we have a mineral claim called the Gertrude. Now, I have gone ahead and pulled the mineral survey plat for the Gertrude lode.

We are going to zoom in a little bit closer so that we can look at a little of the detail. I just want to talk about a couple of things here, terminology. The short lines on this survey lode are called end lines and the long lines are called side lines.

In dependent resurveys, there are some important things to bear in mind. Unlike the rectangular system of survey where rules are based on simultaneous conveyances, rights to mineral lands are often located by sequential conveyances. A general principle that applies to mineral surveys and patents is first in time, first in right.

I would like to suggest that you read the section on physical location and title conflict because this Manual does a good job of describing administrative processes for patenting claims and why certain dates are important in understanding for instance junior/senior rights. An example is location date. The date a miner locates his claim is important. If a miner files a location certificate or an amended location certificate, and BLM records that location date, it may become important understanding junior/senior title rights.

Two important dates that I really pay attention to are when the mineral survey plat is filed. Because this controls survey, survey corners and boundaries. The mineral patent date is another important date for controlling title purposes. When you are doing resurveys of mineral claims it is important for you to understand what actually was patented, who has title to what.

Another important thing when resurveying mineral surveys is you really need to do a lot of research and good research is critical.

Another subject that I wanted to talk about is technical gaps and overlaps. Whenever you do retracements it is often common that you discover technical gaps and overlaps between what are supposed to be contiguous claims. The Manual clarifies that when the relationship is found to be in substantial agreement with the official record any intermediate monument that are supposed to be on the same line will be returned as common to the claims, unless there is evidence of fraud, mistake or a gross error.

In summary, this Manual has more instructions on retracement and restoration of patented mineral surveys. More instructions on important dates affecting mineral and surface rights. It also has additional instructions on the nature of junior/senior rights with regard to mineral surveys. We encourage you to read Chapter 10 because it has a lot of information for all of us surveyors.