

ADVANCED TOPICS & CASE HISTORIES IN MINERAL SURVEY RESURVEYS

COURSE OUTLINE AND OBJECTIVES

A. Introduction

1. Descriptions of the three types of patentable mining claims
2. Characteristics of the Mineral Lands Tenure System
3. Sources of official Colorado BLM records
 - a. BLM Public Room (2850 Youngfield St., Lakewood, CO 80215)
 - b. GLO Records web site <https://glorerecords.blm.gov/default.aspx>
 - c. Denver Regional National Archives

B. Discrepancies in the official record

1. Retracement vs. dependent resurvey
 - a. Once a patent is issued, the General Land Office no longer had authority over the disposed land, which means the Land Office had no authority to instruct the mineral surveyor to reestablish lost, missing or destroyed corners of prior official surveys.
 - b. Prior official surveys were only retraced by the mineral surveyor
 - c. Recognizing when the record positions of prior surveys were shown on the plat
 - i. Before 1899 (no formal instructions or circulars)
 - ii. 1899-1904 (patent descriptions hold over found monuments)
 - iii. After 1904 (Report or Other Corner Descriptions)
2. Examples and Case Histories
 - a. Wasatch Mines Co. (45 LD 10) – Alta, Utah
 - b. Red marginal notations on plats of prior official surveys
 - c. Location certificate depicts the true position of prior official survey
 - d. Amended survey
 - i. Original survey before 1899 & amended between 1899-1904
 - ii. Original survey between 1899-1904 and amended after 1904
 - e. Odd gaps in the record
 - f. Survey has tracts that depict the true positions of prior surveys
 - g. Report and Other Corner Descriptions sections of the field notes

C. The 1899 GLO policy that patent descriptions of prior official surveys must be held over the found, original and undisturbed monuments

1. Case study of the first mineral survey to be required to follow this policy
2. Evolution of the policy over the five years it was in effect
 - a. Grassy Gulch Placer Claim (30 LD 191)
 - b. Hidee Gold Mining Co. (30 LD 420)
 - c. The Lucky Strike Quasi-Contest No. 2172
3. Policy followed in other states
 - a. South Dakota – Mono Fraction Lode Claim (31 LD 121)
 - b. Utah – The policy often forced deputies to falsify their returns

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4. Example of a *Bingered* mineral survey (lode claim and mill site).
5. Cripple Creek Mining District case history with 46 theoretical tracts

D. Rectifying the GLO policy

1. The Act of April 28, 1904 and the importance of original accessories
Does the Act give mineral survey corners special status?
2. Department of Interior Land Decisions issued after the Act
 - a. *Sinnott v. Jewett* (33 LD 91)
 - b. *Drogheda & West Monroe Extension* (33 LD 183)
 - i. Revision of Paragraph 147 of the mining circular
 - ii. Instructions issued to Colorado mineral surveyors

E. Chapter X of the 2009 Manual – Resurveys of Mineral Lands

1. The Nature of Dependent Resurveys of Mineral Surveys
2. Lost Corners
3. Physical Location and Title Conflict
4. Special Cases
5. “Gaps and Overlaps” Not of Record (Gibbonsville examples)
6. Mineral Survey closure change

F. The Sweet Home Mine - A case history with several examples

1. Resurvey of 19 lode mining claims with 30+ adjacent lode claims
2. Recovery of 102 original stone corners. The original mineral surveys and the dependent resurvey are the only surveys conducted for these claims.
3. Mineral surveys conducted from 1873 through 1938
4. Actual field methods employed in a 1932 mineral survey
5. Importance of original accessories to the resurveyor
6. Multiple examples of “moving” stones
7. Gaps and overlaps not of record (Gibbonsville examples)

G. Evaluation criteria for seniority of lode mining claims

1. Seniority of lode claims in different mineral surveys
 - a. Expressly excepting and excluding clause of the patent
 - b. Cases where there are no exclusions – First in time, first in right
2. Seniority of lode claims in the same mineral survey (after 1886)
 - a. Location certificates for first in time, first in right
 - b. Area computation section of the field notes to indicate the claimant’s intent as to seniority
 - c. Acts of the private landowner after the patent was issued

H. Conclusions