

**UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

**STATUS OF OWNERSHIP OF PART OF THE LANDS
ON WHICH PHOSPHATE-BEARING BEDS CROP OUT IN
SOUTHWESTERN MONTANA AND NORTHEASTERN IDAHO**

by

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**This report is preliminary and has not
been edited or reviewed for conformity
with U. S. Geological Survey standards
and nomenclature.**

**The part of this report dealing with Idaho is
based on work done on behalf of the U. S.
Atomic Energy Commission; the part dealing
with Montana was prepared as part of the program
of the Department of the Interior for development
of the Missouri River Basin and of work done on
behalf of the U. S. Atomic Energy Commission.**

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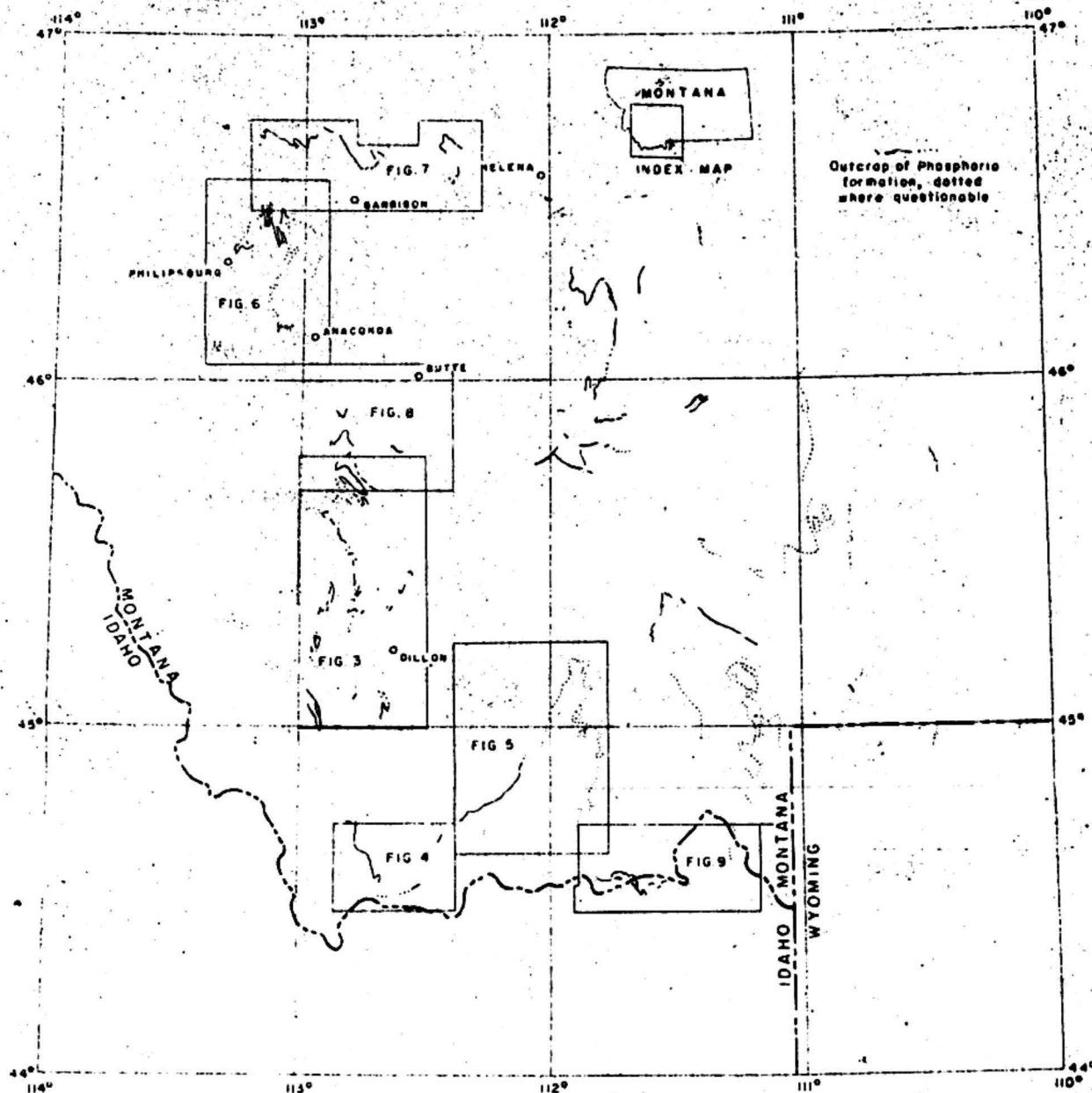
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ABSTRACT

This report and accompanying maps summarize the status of ownership of many phosphate bearing lands in southwestern Montana and northeastern Idaho. Ownership categories discussed are (1) phosphate rights owned by Federal Government, (2) phosphate rights not owned by Federal Government, and (3) ownership status uncertain.

INTRODUCTION

Maps presented in this report summarize the status of ownership of many phosphate lands in the State of Montana. (See fig. 1.) The basic data were compiled from various public records during the Geological Survey's investigation of the western phosphate field, in part as a first step in obtaining permission to explore phosphate deposits and publish information on them. The information is released here in the belief that it may be helpful to those wishing to acquire and develop phosphate deposits in Montana. It should be emphasized that the maps presented here do not constitute official records of ownership and no warranty is made as to their accuracy. However, consistent with the practical results to be accomplished, such care has been exercised to determine status as accurately as the objectives appeared to justify.



INDEX MAP SHOWING THE DISTRIBUTION OF OUTCROPS OF THE PHOSPHORIA FORMATION IN MONTANA, AND THE LOCATION OF MAPS SHOWING THE STATUS OF OWNERSHIP OF PHOSPHATE LANDS (FIGURES 3-9)

10 0 10 20 30 40 MILES

Records examined were those of the Bureau of Land Management, the title and tax records of the respective counties and those of the Conservation Branch of the Geological Survey. Not all of these sources were examined or used with respect to every parcel of land. They were, however, the total sources used in the compilation of the total data. We are indebted to members of all these offices for their generous cooperation, to Hank Adami for compiling part of the data, [REDACTED]
[REDACTED]

CLASSIFICATION OF OWNERSHIP

The categories of ownership listed in the map explanation, figure 2, are a somewhat simplified version of general land classification terms; therefore, the type of ownership included in each category is described more fully here.

PHOSPHATE RIGHTS OWNED BY FEDERAL GOVERNMENT

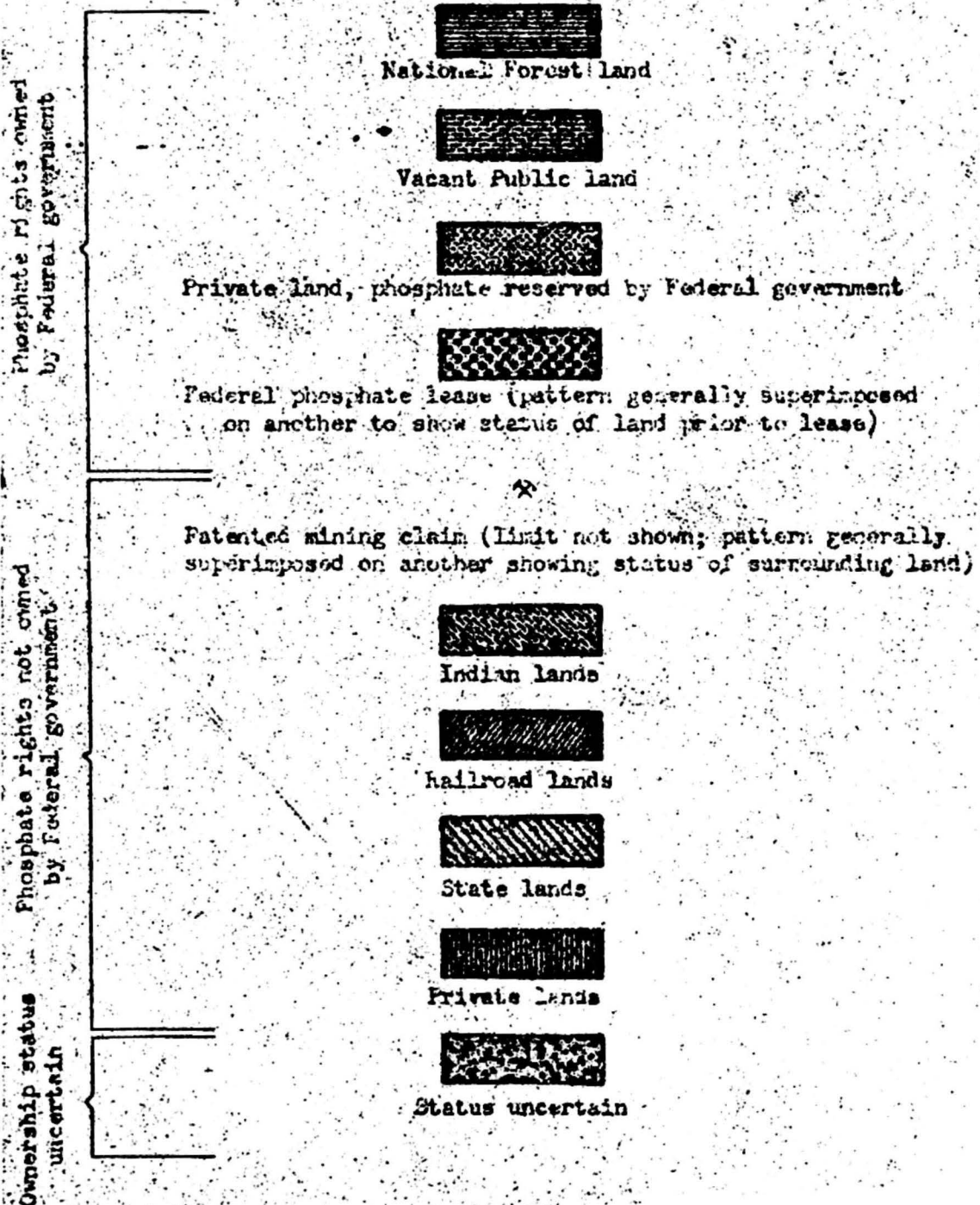
Lands on which title to the phosphate deposits are owned and controlled by the Federal Government are grouped into three general categories on the maps (figs. 3-9): (a) those of the National Forest as to which the government owns both surface and mineral rights, (b) vacant public lands, and (c) lands, the surface to which is owned privately, but were patented by the government with a reservation in some instances of the phosphate minerals, and in other instances, of all minerals. Lands in the latter category were those patented under the Agricultural Homestead Act of July 17, 1914, wherein phosphate minerals were reserved along with certain other minerals, or those patented under the Livestock Homestead Act of December 29, 1916, wherein all minerals were reserved to

EXPLANATION

Outcrop of the Permian phosphate-bearing formations

STATUS OF OWNERSHIP OF PHOSPHATE MINERAL RIGHTS

(No tracts smaller than 40 acres are shown. Where more than one type of ownership is represented in 40 acre tracts, patterns identifying the types of ownership are superimposed)



the government. Generally, all lands with phosphate or total mineral reservation originated under one of these two acts. There are, however, some exceptions to this, in that special legislation for particular purposes directed that the patent contain a reservation of some or all minerals to the government.

Phosphate deposits on the lands described by any of these categories may be leased from the Federal Government as provided in the Mining Leasing Act of 1920, as amended. The location of existing Phosphate Leases is shown on the accompanying maps, but the exact outline or acreage in each is not shown.

It is to be noted that with respect to the lands designated as Vacant Public land, no search has been made to determine whether any land withdrawals exist under appropriate Acts of Congress, or under Executive or Departmental Orders. Likewise, no search has been made or determination attempted to ascertain the existence of unpatented mining claims which often cannot be identified in relation to the public surveys. If any valid mining claims exist, the title may include rights to phosphate minerals.

PHOSPHATE RIGHTS NOT OWNED BY FEDERAL GOVERNMENT

Lands wherein phosphate rights are not owned or controlled by the Federal Government are those for which the government has (a) issued patents to private individuals, which include all or at least phosphate mineral rights, (b) made grants to railroads or to states, or (c) by treaty or Congressional Legislation, set aside lands to Indians.

Private lands shown on the maps include all lands, except mining claims and railroad lands, for which private parties hold title to the surface and phosphate mineral rights. Patented mining claims, patents for which include all mineral rights, are shown in a separate category. The exact acreage or outline of a claim or group of claims is not shown--the symbol merely indicates that the claim lies within lands included in one of the other categories.

Lands classified on the maps as State or railroad lands are those to which surface and mineral rights have not been transferred to individual private ownership. Title to some lands originally owned by the State or railroad has been transferred into private ownership. Generally only the surface rights have been transferred, but this cannot be determined specifically without a complete examination of title. Such a title examination has not been made, except for a few tracts on which precise ownership information was required and which appear on the maps showing two types of ownership superimposed. In these instances it appeared of record that the minerals are owned either by the state or railroad. Therefore, former state and railroad lands wherein surface rights have been transferred are generally shown on the maps as lands for which mineral rights are owned by private parties, and therefore classified as private land, even though a further and complete title examination might disclose that the State or railroads still hold title to some or all of the mineral rights.

Indian lands are those lands to which title originated by treaty with the Federal Government or by Congressional Legislation and are now

vested in an Indian tribe or individual Indians. The mineral rights on these lands cannot be sold but phosphate and other mineral deposits may be leased by negotiation with the Tribal Councils under regulations prescribed by the Bureau of Indian Affairs, Department of the Interior.

OWNERSHIP STATUS UNCERTAIN

The title records examined for some tracts show conflict in ownership or were insufficient to determine category of ownership without complete title search. All such lands are shown on the accompanying maps as ownership status uncertain.