

Denver Law Review

Volume 43
Issue 1 *Symposium - Oil Shale*

Article 7

April 2021

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Recommended Citation

W. F. Meek, Records, Documents and Services of the Colorado Land Office, Bureau of Land Management, 43 Denv. L.J. 83 (1966).

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Records, Documents and Services of the Colorado Land Office, Bureau of Land Management

BY W. F. MEEK*

I. INTRODUCTION

Preliminary to any action taken regarding public lands, or minerals on lands which are owned by the United States, the attorney should have a thorough working knowledge of their status. This paper is designed to explain the material which is available in the Colorado Land Office, a part of the Bureau of Land Management, and to acquaint the researcher with the records systems used in determining land status. In order to understand this system, it is necessary to give a short background of the responsibilities of the Land Office and its resulting activities.

The State of Colorado contains approximately 66 million acres.¹ Of this amount 8½ million acres² are public domain over which the Bureau exercises its duties on both the surface and subsurface. Added to this are the oil and gas, withdrawal, restoration, exchange, right-of-way, mineral claims, mineral occupancy, Public Law 84-167,³ and other Land Office responsibilities over approximately 18 million acres of lands reserved for other agencies, primarily the Forest Service.⁴ Also included is accountability for certain mineral ramifications of approximately 5½ million acres of lands⁵ patented under 1909,⁶ 1910,⁷ and 1914 Acts.⁸ In addition, the Land Office handles all mineral responsibilities on lands patented under the Stockraising Homestead Act of December 29, 1916,⁹ which totals 8½ million acres. And last, but not least in importance, are approximately two million acres¹⁰ of lands acquired under the Bankhead-Jones Act,¹¹ from the Farmers Home Administration, Federal Land Bank, and

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¹ GOVERNMENT PRINTING OFFICE, *Public Land Statistics*, 1963, p. 3, table 1.

² *Id.* at p. 18, table 9.

³ 69 Stat. 367 (1955), 30 U.S.C. § 601 (1965).

⁴ GOVERNMENT PRINTING OFFICE, *Public Land Statistics*, 1963, p. 30, table 10.

⁵ Land Office records.

⁶ 35 Stat. 844 (1909), 30 U.S.C. § 81 (1965).

⁷ 36 Stat. 583 (1910), 30 U.S.C. § 83 (1965).

⁸ 38 Stat. 509 (1914), 30 U.S.C. § 122 (1965).

⁹ 39 Stat. 862 (1916), 45 U.S.C. § 291 (1965).

¹⁰ Land Office records.

¹¹ 49 Stat. 436 (1935), 7 U.S.C. § 343 (1965).

others. All told, the Land Office responsibilities extend over 42 million acres, which is approximately two-thirds of the state.

It has been 190 years since the first land office was opened in Virginia.¹² At that time our national population was about 2¾ million.¹³ It has been 102 years since the first land office was opened in Colorado and 101 years since our present land office was opened in Denver.¹⁴ By 1864 the nation's population had grown to nearly 39 million.¹⁵ As the westward movement increased, so did demands for land. Consequently, over the next twenty-seven years fifteen more offices were opened in Colorado to help with the lease and disposal of the public domain.¹⁶ These land offices were extensively used for varying periods and, as the lands became settled, the offices were gradually consolidated until today we are back to one land office which houses the records accumulated in all sixteen. And the accumulation is substantial. During the past hundred years of operations approximately 150 tract books containing nearly 50,000 pages and about 600 serial books containing 400,000 pages have been filled. There are nearly 6,000 township, townsite, and state boundary plats, about 2,000 segregation, connection, and protraction sheets, and over 33,000 mineral and homestead surveys. The patents for all lands in this state which have been transferred to private ownership have been microfilmed and affixed individually by page to aperture cards. They number well over 400,000 and are segregated by section, township, and range. That patent record has been augmented by about 500 rolls of microfilm which contain all of the patents issued throughout the United States from July 1, 1914, to March 25, 1954. These are in numerical sequence and cover 724,631 title transfers. Their value lies largely in ready identification of mineral reservations which commenced with the Act of July 17, 1914.¹⁷

II. LAND OFFICE RECORDS

The Land Office records are, of course, basic to effective operations by the Bureau of Land Management as well as the public. Unfortunately, time and hard usage have taken their toll as many of the records are badly deteriorated. Some are so tattered, torn, faded, and patched that parts are practically illegible. As to their documentary condition, there has been considerable variation with the Land Offices in the use of symbols, color codes, and abbrevia-

¹² GOVERNMENT PRINTING OFFICE, *Historical Highlights of Public Land Management*, p. 6.

¹³ *Id.* at p. 7.

¹⁴ *Id.* at p. 31.

¹⁵ *Id.* at p. 33.

¹⁶ Land Office records.

¹⁷ 38 Stat. 509 (1914), 30 U.S.C. § 122 (1965).

tions. Uniformity in this respect has been largely lacking. Likewise, certain classes of entries are missing. In some of the earlier offices references to basic documents were sometimes incomplete. This was particularly true of withdrawals. Cross referencing, a helpful tool to abstractors, was likewise seldom employed. Consequently, the accuracy of some of these early records has been questioned. Such questions can, of course, only be resolved by recovery and analysis of the basic documents, a lengthy process at best.

Looking back over the Land Office records, it becomes apparent that oil shale, an energy resource commanding today's spotlight, was a prominent topic over two generations ago. It has been estimated that 30,000 oil shale placer claims have been placed of record in Colorado. While most are "paper" locations which have been abandoned or forgotten, it is believed that nearly 25 per cent are still sufficiently alive to present administrative problems. The contest docket indicates that over 2,000 contests were initiated against a vast number of these claims during the years past. These contests originated from private sources as well as the Government. The usual charges, when appropriate, included fraud, failure to do assessment work, lack of discovery, lack of monumentation, failure to post notices, and abandonment. As for those patent applicants who were successful, serial page entries indicate that 269 oil shale patents covering approximately 1,750 claims have been issued in the last 45 years. These patents cover 259,265 acres, roughly one-fifth of the oil shale lands. Other patents in the area, mostly agricultural, present a variety of reservations such as oil and gas, coal, uranium, nitrates, and, of course, oil shale.

With the increased interest in oil shale more and more individuals are coming to the Land Office for record information. Those who regularly research information, of course, have a minimum of difficulty in wending their way through the maze of records. Those who come infrequently, however, find the paths to their answers somewhat mysterious. It is to those in the second category that the following discourse is directed.

The Land Office records are based on the rectangular system of survey, and Colorado is represented by three meridians, the Sixth Principal, the New Mexico, and the Ute Meridian, in their order of size of area. The Sixth covers approximately three-fourths of the state, being the north and east portions. The New Mexico includes the remaining southwest part of the state, and the Ute, being quite small, includes but 14 townships along the Colorado River near Grand Junction.

The various plats of survey are identified as the original, supplemental, dependent, independent, mineral, homestead entry, town-

site, and segregation plats. The original includes the various sections and subdivisions of the township and shows courses and distances of the survey and monumentation on the ground. Certain topographic features such as water courses and terrain are generally shown. Supplemental plats are of larger scale. They generally include about a section and reflect changes from the original. Dependent resurvey plats are the result of dependent resurveys on the ground. All original monuments possible are recovered and remonumented. Courses and distances reflect the more recent measurements, and missing corners are replaced proportionately. An independent resurvey plat, the result of a completely new survey on the ground, does not necessarily follow the original monumentation. Prior authorized settlement and entry is monumented and identified by tract numbers.

The need for dependent and independent resurvey stems largely from inaccuracies of the early contract surveyors. Plats from these surveys seldom resemble the originals.

A mineral plat reflects the course of the vein or lode on which discovery was made, and generally does not lie in cardinal directions. Plats from homestead entry surveys are similarly oblique in that they generally follow a valley adjacent to or across a water course. Such are usually within National Forests and precede the subdivisional grid. Townsite plats indicate the lots, blocks, streets, and alleys of communities laid out under the townsite laws and regulations.

Specific mention should be made of the segregation sheets. As noted previously, 33,000 mineral plats have been prepared and are of record. Most of these plats fall within the earlier rectangular surveys. As the mineral plats describe lode claims which usually lie oblique to points of the compass, odd-shaped parcels of land are left which do not fit into the rectangular grid. In order properly to identify these parcels, plats showing a segregation of lots were drafted. In fact, 1,790 segregation sheets were prepared and placed in the records. Patents were issued using descriptions noted on these plats. Unfortunately, however, a substantial number of these segregation plats were neither officially approved nor accepted before appearing with the other plat records. Consequently, titles stemming from these plats are occasionally subject to question. This situation can only be cured by updating and securing official approval of the plat which was the source of the land description.

Oil and gas plats are also included in the plat books. These are only diagrammatic and are intended to show the identity and location by aliquot parts of sections of the oil and gas leases currently in effect. Plats identifying known geologic oil and gas structures are also included.

In summary, one can find in the plat books a system of identifying lands. This includes the location of meridians, the numbered townships, and range lines. The identification of patents by serial number and outboundary has generally been added by Land Office notation. In addition, certain plats contain marginal notations, either handwritten or typed on small sheets and posted to the plat. These notations, also added by Land Office personnel, are generally confined to classifications of either surface or subsurface, withdrawals, reservations, and restorations. Due to the differences of management in the various land offices, however, the added bits of information were not consistently noted.

As with the plat books, the tract books are first identified by the township north or south of the baseline. Range identification then follows in the book index which is always found on the counter in the public record room. Each tract book includes several townships with usually three sections to a double page. Subdivisional or lot description follows under each general section heading, along with the number of acres involved and the name of the applicant. This is followed by the date and type of entry, with closing information such as date of final certificate, date and number of the patent, or other final action.

The tract books also reflect the classification, withdrawal, reservation, and restoration actions, both as to surface and subsurface. When the entire township is affected, the notation precedes the information under Section 1. When the areas are more limited, the notations appear with the respective sections affected.

Briefly, the tract books summarize the various actions which have taken place on specific lands over the many years past. While most have been rebound, these books are quite old and reflect long, hard usage.

Each action initiated in a land office is given a serial numbered identification. This is noted to a serial page, along with the date, the description of the land affected, the number of acres involved, the name and address of the initiating party, the type of action, whether the case is an application, a classification or a withdrawal, and any other initial information if pertinent. As the action receives consideration and is processed toward conclusion, each subsequent step is noted to the serial page according to date. While the notations are brief and in summary form, they do give a chronological account of the entire procedure, whether it be adverse or favorable.

At this point it should be noted that each of the sixteen land offices in Colorado started out with entry No. 1 in the serial book system and followed in numerical sequence until consolidation with another office. The index books previously referred to as being on

the counter in the public room of the Land Office list the various offices with the years the office was open and the name of the office into which it was consolidated. Likewise, on the counter is an official map of Colorado showing the original land districts in addition to township identifications, county lines, cities, towns, and other pertinent information. By referring to both map and index, one can determine which serial book is required.

Frequently in the serial books one will find notice of contest action. Rules of practice under administrative procedures allow both private and Government contests. When this action is initiated, a contest number is assigned, and the same practice is followed as with serial pages. Each action taken in the contest is noted to the contest page in a summary manner, giving a chronological account of the entire procedure.

Also of value to the practitioner are an alphabetical index of all entries and the case files. These files, however, are not accessible to the public. If one has a name only, and desires a serial number, an attendant on duty will readily search for the information. If one wishes to review a file, and has proper authority to do so, the file, if available, will be produced at the inspection table. If the file is in the Federal Records Center or the National Archives, an order will be placed immediately, and the requesting party advised on its arrival.

These, then, are the eight main sources of record information: the state map showing the land districts and township identifications, the index books, the plat books, the tract books, the serial registers, the contest books, the alphabetical index, and the case files. In addition to these, it should be mentioned that the Land Office is staffed with personnel who are familiar with the records and are ready and willing to assist in search and interpretation. It is recognized that the knowledge and experience which make it possible for a person readily to determine reliable land status can be gained only in time.

III. PROCEDURE

In the light of the previous discussion, let us assume that a client wishes to patent an oil shale claim and comes to you with the problem. After you have obtained the legal description, the following is a step-by-step procedure:

The importance of title being paramount, you will first determine from the county records whether the claim has been properly recorded and that the chain of title is in order. Proof of possessory title is required with the patent application and is supplied through a certificate of title or abstract of title.

If title appears satisfactory, the first check in the Land Office will be with the counter index to determine, by description, the proper plat and tract books. From both of these books you will determine whether or not other claims, entries, classifications, or reservations might in any way conflict with the subject land. If a claim or an entry does appear on all or part of the land, it will be identified by serial number.

As our hypothetical claim is oil shale in character, it would be located somewhere in the Piceance Creek Basin. The counter index will show that the Glenwood Springs Land Office covered this area from 1884 to July 1, 1927. If the date on a conflicting entry in the tract book falls within these years, reference would then be directed to the Glenwood Springs series. If the date were after July 1, 1927, and prior to June 20, 1949, the counter index will show the entry in the Denver series. On the last-named date final consolidation was accomplished, and all subsequent serial numbers were then given our state prefix.

If the conflicting entry were a withdrawal or classification, such could be verified by the *Federal Register*, available through Land Office personnel assisting in the public room.

If the serial notations indicated a contest had been initiated against the conflicting entry, the contest number would be the key to further information in the contest books.

In this manner one can research the required status and advise his client accordingly.

IV. ADDITIONAL SERVICE

In closing, one additional service deserves particular mention. This is the Land Office library. Included in this library are a set of the U. S. Statutes at Large, the United States Code, the Gower Service, Bureau of Land Management decisions by date and category, bound Departmental decisions, Departmental Index-Digest of decisions and opinions, Colorado Revised Statutes, and the following publications of the Rocky Mountain Mineral Law Foundation: *Proceedings of the Institutes, Law of Federal Oil and Gas Leases*, and the *American Law of Mining*. The library also has available a wealth of other relevant reference material. This library is available for use of the public during regular office hours.

In brief, the Colorado Land Office is a repository of a vast quantity of lands and minerals records and documents which have been accumulating over the past 102 years. It is hoped that the foregoing will help to make this wealth of material more useful to those who become involved in the complexities of public land law.

Denver Law Journal

VOLUME 43

1966

NUMBER 1

Member, National Conference of Law Reviews

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