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Contact: Becky Spurgin, 406-896-5080

If you're a landowner, it's possible that you don't own as much of your property as you think you do. Many of those whose lands were patented under the Stock Raising Homestead Act of 1916 own only the surface rights while the mineral rights are owned by the federal government. This separation of the surface ownership from the mineral ownership is referred to as split estate. Nearly 12 million acres of private land in Montana involve a split estate.

While most think of minerals as oil, gas, gold, or coal, they also include sand, gravel, scoria, and stone. This misunderstanding has led to several recent trespass cases in which landowners were selling gravel or landscape rock without first purchasing them through the Bureau of Land Management. Trespassers may be liable for damages to the United States and subject to prosecution.

The BLM urges landowners planning to sell minerals to contact their local BLM office for assistance in determining the mineral ownership. For more information, the BLM has printed a brochure explaining mineral ownership. It's available by contacting a local BLM office or online at: www.mt.blm.gov/min/brochure.pdf.

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