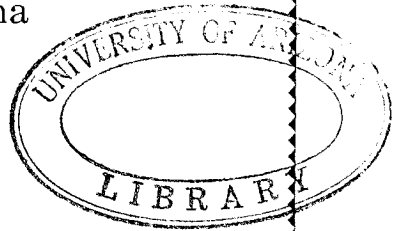


# STATE LAND DEPARTMENT

of the  
State of Arizona



# Rules and Regulations

Governing the

**Grazing and Agricultural Leases, Mineral Leases, Sale and  
Removal of Natural Products, Commercial, Homesite,  
Rights of Way and Sites for Public Use Leases,  
Sale of State Lands and Issuance of Certifi-  
cates of Purchase, and Procedure in  
Conflicts**

Effective July 1, 1943

O. C. WILLIAMS  
State Land Commissioner





TG 9791  
L 252  
1943

## SELECTION OF STATE LANDS

---

### State Land Department

---

State lands may be selected in three different classes:

**FIRST:**

The state institutional lands for the balances remaining unselected in each grant.

**SECOND:**

Indemnity selections for state school sections, or fractions thereof, title to which for any reason is not vested in the state.

**THIRD:**

Selections under the Taylor Grazing Act.

1. Institutional grant selections are original and may be selected from the public domain without reference to any base for exchange.

2. In all cases of selections to be made both under the indemnity provisions and under the Taylor Grazing Act, the department will require of the applicant to select a statement of what if any lands he may have leased which may be used for base in such exchange.

3. No application to select, if the land be within a Taylor Grazing District, will be approved until a letter of approval is obtained from the District Grazier. State leases on land selected in Grazing Districts will not be issued until the selection list is approved for patent.

When Taylor fifteen leases or applications to lease are involved, an approved Taylor 15 lease held by the applicant will be recognized as a priority right for a state selection. If the State Land Commissioner approves said application, a selection list may be filed at his discretion as soon as available base is supplied either by the applicant or the state. If the applicant has made an application for a Taylor 15 lease, and is the only applicant for such, but said application has not been approved by the General Land Office, and there is no conflict on the state records, a state exchange application may be filed at the discretion of the State Land Commissioner. State leases may be issued thirty days after the date of filing of the selection list if there are no protests, rejections, or objections that make it advisable to withhold issuance of a lease until a later date.

The department will hold in suspension any application to select where it is found that the land selected is under a contro-

versy in the Federal Land Office as to whom the leases belong, and no such application will be approved until such controversy is settled. The department will not assume to enter into controversy between different claimants in the Federal Land Office.

4. All selections will be under the policy established by this department not to break up grazing units which have been previously established, nor to take leased land from one who in good faith has developed a grazing unit and give it to another, except in such rare cases as it is shown that there are clear equities in favor of the applicant.

In such cases the burden of proof shall be upon the applicant to change the ownership of the lease.

No applications for selection will be accepted for any tract of land less than forty (40) acres, or legal subdivision.

# GRAZING AND AGRICULTURAL LEASES

State Land Department

---

## GENERAL RULES FOR LEASING OF GRAZING AND AGRICULTURAL LANDS

### Information concerning lands for lease:

Any person desiring to lease state lands may obtain full information from the State Land Department, Phoenix, Arizona, either by calling in person, or by making inquiry through the mails.

If the mail is used persons making inquiry should give definite location by section, township and range, if possible, where they desire to obtain leases. Upon determining what particular locations are desired, requests should be made for a regulation blank form upon which application can be made by giving subdivision, section, township and range.

Grazing and agricultural leases may be issued without advertising for sale for any period of time not exceeding ten years. All applications for agricultural or grazing leases must be accompanied by fee of \$1.00 for filing of application and shall not cover more than one section, or portion thereof.

All applications must be filled out in full, giving detailed information requested. Particularly, each application must show that the applicant is a citizen of the United States.

Upon approval of application regular lease form will be prepared in duplicate and mailed to the applicant who should execute the same and return to this office together with rental for the first year and the sum of \$1.50 for lease issuance fee. If not completed and returned with rental fee within ninety days, same will be cancelled.

Upon receipt of such lease, rental and fees, the office will cause the lease to be executed and the original returned to the lessee.

Lease rental is due and payable annually in advance. Sixty days prior to the due date of annual rental, notice will be mailed to the lessee at his last known address, giving statement of amount of rental to be paid for the ensuing year. All rentals must be kept paid in advance.

In the event the lessee fails to pay the rental when due penalty and interest will be added. The Commissioner may, at his discretion, extend the time of payment upon application of the lessee showing good cause therefor, for not to exceed ninety days. But, in such cases, under the law, the Commissioner will add to said rental a penalty of five per cent, and interest on the delinquent rental plus penalty at the rate of ten per cent per annum until paid.

The Commissioner is not permitted to make more than three

extensions of any lease payment, and any lease upon which the rental remains unpaid for a period of one year is automatically cancelled, and land released to other applicants.

In no event will a lessee who defaults in the payment of rental be permitted to release, assign or sublet any lease until all back rentals and indebtedness have been paid. Where the new lease covers the same land, the amount of rental accrued on the previous lease must be paid in full to the date of new lease, or the new lease dated back to date of cancellation of the previous lease. No lessee will be permitted to use any state land for any period without payment of rental.

Sixty days prior to the expiration date of any lease, notice will be mailed to the lessee or his agent, as the case may be, notifying him of the expiration date, and renewal blanks enclosed in each notice.

Should renewal be desired, same should be filed not more than sixty nor less than thirty days previous to expiration date. Any person may apply for a lease up to and including the date of expiration. However, anyone who desires to maintain a prior or preference right to lease the land because of previous leases must file the application not less than thirty days before expiration date. Those whose applications are not filed during such time lose their priorities.

Grazing rental will be fixed at not less than one cent per acre per year, and at such additional rate as the Commissioner deems proper.

The Commissioner may, at the request of the lessee, or on his own motion cause a reappraisal at the end of any rent payment period, and where reappraisal is at the request of the lessee he shall deposit a sum sufficient to cover costs of appraisal. After such appraisal the rental shall be at not less than the agreed sum.

Any lessee desiring to make or place improvements on the leased lands should first make application to do so. In such application the lessee shall state the exact place proposed improvements are to be placed, the nature and estimated cost thereof, and must secure approval of the State Land Commissioner before making same. No claim for value of such improvements will be recognized unless such notice is given.

Lessees shall keep all taxes paid which are levied against improvements on the lands.

Agricultural leases will be granted at not less than five cents an acre for lands that are not improved, with a provision that the Commissioner may adjust such rental at any time, and particularly at the termination of any year, it being required that the lessee shall furnish the office complete information as to all lands placed in cultivation at the time they are so cultivated, and upon the placing of such land in crop the rental will be fixed by the Commissioner according to crop planted.

The new form of agricultural lease will leave blank the rental for each succeeding year. Sixty days before due date lessee shall

furnish a sworn statement showing the acreage cultivated, the distribution of crops by acres of crops planted, number of acres occupied by buildings, feed lots, and other general yard purposes. The rental will be fixed on the basis of the information furnished or on such further information as the Commissioner may obtain by further investigation or inspection.

Notice of the amount of rental for each ensuing year as fixed by the Commissioner will be sent to the lessee immediately following time of determination.

Every holder of agricultural lease shall pay all water assessments and taxes properly assessed against the leased lands or improvements.

Any person desiring to sublease lands under lease must first have the approval of the Commissioner in writing. In all cases the lessees are held individually responsible for the full performance of all the terms of the original lease, and for the proper protection of the land leased, and of any improvements thereon belonging to the state, against waste, damage, or injury.

**Cancellations:**

Promptly upon a lease having become delinquent, the lessee shall be notified of such delinquency, stating the amount thereof, with interest and penalty, and given thirty days for payment thereof. If not paid within the thirty days, a second notice of the same character shall be sent. If not paid within the second thirty day period, a notice of cancellation shall be given by registered mail, stating that if not paid within twenty days from the date of such notice, that the lease will be cancelled and all improvements on the land held for rental.

If such amount of delinquent rent, penalty and interest be not paid within the twenty day period, the Commissioner will declare the lease cancelled and all improvements on such land held for the payment of the rental due, and cause such statement to be entered on the tract book. Thereafter no new lease shall be issued to such lessee until full settlement for past due rental is made.

No lease will be reinstated after cancellation except when cancelled in error by department.

# MINERAL LEASES

---

## State Land Department

---

Any citizen of the United States, association or corporation organized under the laws of the United States or any state or territory thereof, which has qualified to do business in the state of Arizona, may locate mineral lands under the state law, and after location have a prior right to a lease from the State Land Department, provided always that such locations are in accordance with the law.

Lease of mining property may be issued for a period of twenty years, and may include one or more claims, so long as the same are contiguous. Separate applications must be filed for separate tracts which are not contiguous.

Application for a mining lease must be made out upon the approved form of the department and executed under oath, showing that the person, association, or corporation, is qualified to take the lease, and that they have the right to the same, that the claim has been properly located, and the new application must be accompanied by application fee of \$2.00, and lease issuance fee of \$2.00, together with the sum of \$15.00 for each claim included in the application, to cover first year's rental for such lease.

The lessee shall notify the department of the beginning of mining operations on any land held under lease, giving the location of such operations and the nature thereof, and of any improvements placed on the property, and established cost thereof. Annual reports shall be submitted by such lessee, showing the performance of the annual assessment work on each claim in the amount of \$100.00 and showing any and all work performed, improvements on such property, cost thereof, and covering the mining operations in general, together with the amount of ore mined (in tons), and the returns therefrom, if any, of any shipments of ore for the entire year.

Where mining operations are conducted and ore produced, monthly reports should be submitted at the end of each month showing the amount of ore mined, where from, accompanied by shipping receipts and smelter returns, and by statement of royalty due under the lease, accompanied by a remittance covering royalty to date.

After the first year, should the royalty exceed the amount of yearly rental, no other rental need be paid. In all cases, however, the lessee is required to pay to the state the amount of \$15.00 per claim, regardless of mining operations, from which sum may be deducted any royalties which have been paid the previous year.

All lessees of mining claims must keep the surface of the lands in such condition that the live stock on the range will be



protected against unnecessary hazards caused by prospecting holes, mining shafts and other excavations.

The state reserves the right to lease the surface of the lands for grazing purposes, and the mining lessee shall not be permitted to prevent grazing lessee from grazing his stock on any lands held under mining lease, except in so far as the surface of such lands is necessary for mining operations being conducted by such lessee.

The lessee of the grazing rights on such lands shall be permitted to utilize any available water on such lands which is not exclusively necessary for mining operations.

Should any water be developed by the lessee in its mining operations, other than what is necessary for such operations, excess water shall be deemed available for use of stock or other beneficial purposes.

---

### PROSPECTING REGULATION

Any citizen of the United States who desires to go upon any school or institutional lands of the State of Arizona for the purpose of prospecting for minerals thereon, and who desires to remain on such land for more than five days for such purposes, shall make application to the State Land Commissioner for a prospecting permit, and upon his making such application and stating therein that he is a citizen of the United States, and has reason to believe that such state lands are mineral in character, and describing same, and stating that in good faith he desires to prospect upon and in said lands for said mineral deposits, the Commissioner will issue to such person a prospecting permit authorizing such person to go upon the described state lands and prospect therein and thereon for a period of ninety days from the date thereof, during which time he shall have the right to go on any part of such lands, and to do such work as may be necessary to determine the mineral character of the deposits therein, provided that upon the discovery of valuable minerals such person shall immediately file his notice of location and make affidavit of discovery in the manner provided by law.

If at the termination of this permit the said permittee shall not have made such discovery, he shall no longer occupy the said lands, except that should he have showings which justify further prospecting, and shall make a showing to the State Land Commissioner to the effect that further prospecting may result in a discovery of valuable minerals, the Commissioner may thereupon within his discretion, grant an extension of not to exceed ninety days and only one extension shall be granted in any case.

No person shall be authorized to enter upon and locate upon any state lands for a longer period than five days for the purpose of prospecting under the mineral laws of this State, unless he shall have first obtained such permit.

# SALES AND REMOVAL OF NATURAL PRODUCTS

State Land Department

---

Contracts for removal of sand, gravel, or other natural products of the soil will be made on the basis of not less than three (3) cents per cubic yard for each yard of such material removed from state lands.

Initial application for such contract of sale must be accompanied by the filing fee of \$2.00, together with issuance fee of \$2.00, and such deposit as the commissioner may require, within his discretion, to guarantee payment of the natural products removed.

Monthly reports shall be made by the holder of such contract, showing the amount of material removed, sold, or utilized, and accompanied by a remittance covering the amount due the state.

Proper precautions shall be taken by the holder of such contract to protect the surface against loss or injury to the state or to any person holding an interest in the surface rights. Any damage resulting to the live stock of any person who has a lease on the surface by reason of excavations shall be borne by the holder of the natural products contract.

Any person removing products of the soil from any state land without proper contract, or in violation of the terms of such contract, or who fails to report and pay for the product removed, may be treated as a trespasser on state lands, and subjected to the penalties under the statute.

# COMMERCIAL, HOMESITE, RIGHTS OF WAY AND SITES FOR PUBLIC USE LEASES

State Land Department

---

## RIGHTS OF WAY

All applicants for rights of way leases must prepare an application on the form approved by the department, showing the qualifications of the applicant and the nature of the use for which the right of way is desired, and accompany such application with a fee of \$5.00, together with a map prepared showing the survey of the right of way or site, properly located with respect to public land surveys, so that the right of way or site may be accurately located on the ground by any competent engineer or land surveyor.

The map shall comply with the following requirements: The scale may be 2 inches to the mile on rights of way or sites. The courses and distances of the center line of the right of way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing, or by independent observation, and the distances in feet and decimals thereof.

Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public land survey. The station number and plus distance to point of intersection with the line of public land survey should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner. All subdivisions of the public land surveys within the limits of the survey should be shown in their entirety based upon the official subsisting plats, with the subdivision, section, township, and range marked thereon.

The width of the canal or ditch, or roadway, or other right of way, and high water line mark of reservoirs should be given, and if the width is not uniform, the location and amount of change should be shown.

On pipe lines the diameter of the pipe must be shown.

For reservoirs the capacity in acre feet and area within the high water line mark should be given. Also location and height of the dam. Each copy of the map should bear upon its face affidavit of the engineer who makes the survey and the certificate of the applicant.

All permits for rights of way will be written on the following basis:

\$5.00 per year per mile or fraction thereof, for all telephone, telegraph, gas and oil lines and roadways, not exceeding 100 feet in width.

On lands occupied for reservoirs, water plants, well sites, pumping stations, and other installations, and such additional acreage as may be covered by additional sites or rights of way, or for borrow pits or fills, or for other necessary uses in connection with such rights of way, shall be paid for at the rate of \$5.00 per acre or fraction thereof.

No right of way will be granted for a period of more than five years, but where a right of way exists, and the use is of such a nature that it requires a longer period than five years, renewal application may be filed and renewal granted.

Holder must dispose of all refuse and brush resulting from the construction or maintenance of the use; build and repair such roads or trails as may be destroyed or injured by the construction work or flooding under the permit; build and maintain necessary and suitable crossings to ditches, canals, or conduits, for roads and trails; do all reasonably within the power of permittee to prevent and suppress fires on or near rights of way.

### **LEASES FOR COMMERCIAL AND HOMESITE PURPOSES**

Leases of state land for business, homesite and commercial purposes may be granted by the Commissioner under such conditions and with such terms as the Commissioner may determine.

# SALE OF STATE LANDS AND ISSUANCE OF CERTIFICATES OF PURCHASE

State Land Department

---

Any person over eighteen years of age, who is a citizen of the United States, or who has declared his intention to become a citizen, or any corporation qualified to do business in the State of Arizona, may purchase lands of the state, subject to the discretion of the State Land Commissioner, except that mineral and oil lands are not subject to sale.

Application for purchase of state lands shall be made on the approved form of the State Land Department, giving satisfactory information showing qualifications of the applicant, accompanied by a fee of \$1.00 and a deposit set by the Commissioner, which shall be a guarantee to the department that the applicant will bid the appraised value for such lands, thus protecting the state for the costs incurred in appraising, advertising, and conduct of the sale of such lands.

In case the applicant desires a special sale to be held of the particular lands applied for, a deposit will be required in such sum as the commissioner shall determine.

Upon sale being held, and the land being sold, should the applicant be the successful bidder, such proportionate part of the costs of the sale will be deducted from the deposit as his purchase bears to the whole sale, and balance credited to the initial payment.

In all sales of state lands it is required that the land be appraised, and that the same may not be sold for less than the appraised value.

At the time of sale five per cent of the amount of purchase price is required to be paid before the certificate of purchase is issued, in addition to the cost of such sale.

The balance of the purchase price is to be paid in 38 equal annual installments, with interest on the unpaid amount at the rate of five per cent per annum.

Should the applicant desire to pay the full amount in cash on the date of sale he may do so. However, should he make the initial payment for certificate of purchase and subsequently, after the issuance of certificate of purchase, desire to pay the balance in full, he must pay the amount of interest due and six months advance interest beyond the date of payment.

Any holder of a certificate of purchase who is in good standing may assign the certificate of purchase with the written approval of the State Land Commissioner to any qualified person who assumes the obligation.

No person may purchase more than 640 acres of grazing land, nor more than 160 acres of agricultural land. In all cases where corporations are the applicants or assignees of certificates of purchase, they must furnish the department with proof of their qualifications and designate the agent who is qualified to transact business for and bind the corporation, and submit a resolution of the board of directors of the corporation authorizing such person to act for and on behalf of such corporation.

Certificate of purchase will be issued to the purchaser at such sale upon his compliance with the terms of the sale.

No holder of a certificate of purchase will be permitted to assign any portion other than the whole of such certificate to any other person unless and until it has been determined by the commissioner that the balance of the land held by the holder of the certificate as well as the portion assigned are each of a sufficient value to guarantee the payment of the proportional balance of the purchase price represented by the same proportions of the parts assigned and retained.

No portion of a certificate of purchase shall be patented unless the balance of the certificate shall have been adjudged to be a sufficient security for payment of all balances due the state.

Every holder of a certificate of purchase is required to pay each installment together with the annual interest on the unpaid balance at the time set forth in the certificate. Upon such certificate becoming delinquent, the holder thereof shall be notified within sixty days by registered mail, giving the amount of delinquency, and notifying him that unless such payments, together with interest thereon, shall be paid within sixty days of such notice, that the certificate will be cancelled of record and all interest of the holder together with all improvements located on such land forfeited. If payment be not made within sixty days from date of the notice, the certificate will be declared forfeited together with all improvements on the land, unless upon application by the holder thereof to the Commissioner for an extension of time, a sufficient showing is made to warrant the Commissioner in granting such extension. The Commissioner may extend the time for such payment for a period of not to exceed two years.

On the cancellation of any such certificate of purchase for nonpayment, the Commissioner will declare all improvements, together with the property held under the certificate, forfeited to the state. The payments made by the purchaser, together with the improvements, will be taken as rental for the premises.

# PROCEDURE IN CONFLICTS

State Land Department

---

## RULES OF PROCEDURE IN CONFLICTS

---

1. Whenever it shall appear that two or more persons have applied for lease on the same lands, the State Land Commissioner will require of each of the applicants a statement of the facts on which he bases his claim of preferential right to such lease. Such claim may either be printed or in writing, but it shall plainly state the reasons for the belief that the applicant is entitled to preference, and such reasons must show either a legal or equitable claim to such preference.

2. In all cases of conflicting applications for lease, the Commissioner will notify the parties interested on Form No. 1-C of the existence of such conflicting applications.

Such notice will require each applicant to prepare and serve upon the other applicants and each of them, a copy of his statement of equities or claim of preferential right to lease, clearly setting forth all of the grounds upon which he bases his claim to preference, and make written return to the Commissioner, showing that copy of same has been served upon each of the applicants.

3. The statement of claim and the return showing service of copy thereof must each be verified under oath before some officer authorized under the laws of the State of Arizona to administer such oath, and filed with the Commissioner with thirty days of the date of notice.

4. Form of notice will be furnished to each applicant in case of conflict.

5. Sixty days from date of this notice, unless otherwise notified, a hearing will be held in the office of the State Land Commissioner, in the Capitol Annex, Phoenix, Arizona, at the hour of 10 o'clock A. M., at which time and place the opposing applicants may offer any evidence whether oral or documentary they wish to produce in support of their respective claims; or they may present their claims to preference upon verified statement furnished in accordance with the notice prescribed in Regulation No. 4 hereof.

6. After receiving statements of equities or preferential right to lease submitted by the various parties to the proceedings, and having read and considered the same, unless further evidence is produced, and if further evidence is produced, upon the whole statement in the case on behalf of the various parties, the Commissioner will determine whether any one of the applicants has a preference

right to the lease of such lands. In case he finds that such preference right does exist, he will make an award of such lease in writing to the person so entitled, such award setting forth the findings upon which the award is made.

7. In case he finds that none of them has a preference right, he will notify them of such fact and that the lease will be awarded on the basis of sealed bids submitted in accordance with the rules and regulations of the Department to the highest bidder.

8. In all such cases of conflict any person may appear in person or by an agent designated in writing, or by his attorney employed for that purpose. In case the applicant has an attorney, the Commissioner will recognize such attorney as controlling the case in the interests of the claimant, and the applicant will be bound by whatever action such attorney may take concerning his rights in the proceedings.

9. In case an agent, other than a regularly practicing attorney, is employed by the applicant, such agent must be designated in writing and duly authorized to act and to bind the applicant in such proceedings.

10. Applicants, their attorneys or agents, may by stipulation present the evidence in the form of affidavits, or they may produce witnesses for oral examination, or in cases where witnesses are not available and they desire to have the testimony, they may, by proper notice to all parties interested, take the testimony of such witnesses by deposition in the manner provided by statute for the taking of depositions in court cases.

11. The petitioners may in any and all cases stipulate as to the facts, and submit accurate statement of facts, and in such cases the Commissioner may, unless there is evidence to his knowledge to contradict the same, accept the agreed statement of facts as the basis of his decision in such case.

12. A continuance or postponement of the time of hearing may be granted by the Commissioner upon showing of just cause therefor by any party interested, or by the Commissioner upon his own motion. Provided, however, that in such case notice shall be given to all parties interested of the continuance or postponement. Unless the application is made within sufficient time prior to the time of hearing to give previous notice to all persons interested, the Commissioner will require a showing under oath as to the cause of the postponement, and it must appear that same is necessary or that it is unopposed.

Whenever application is made by any party for postponement or continuance previous to the date of hearing, a copy of such application, together with any evidence in support thereof, must be immediately served upon the parties interested.

Continuances or postponements may be granted by the Commissioner upon stipulation.