

# Prospective landowners should understand the basics of Wyoming mineral rights

There are several factors to understand about mineral rights if purchasing property in Wyoming.

There are two types that may be included in land ownership: surface rights and mineral rights. A landowner may own the rights to everything on the surface but not the rights to underground resources such as oil, gas, and minerals.

Since mineral rights can be sold separately from the land itself, even if you own the land, someone else may hold ownership of what's below it.

## Ownership and potential conflict

Subsurface mineral rights supersede the surface property rights of landowners. There has been conflict and litigation in split land and mineral asset ownership in Wyoming. That being said, plenty of landowners are pleased with their agreements with subsurface owners and appreciate some added perks like improved roads and additional water sources for livestock.

A landowner will normally be approached by those entities that own or lease the mineral rights to the land before any activity on the land occurs; however, the mineral rights owner has no obligation to notify the landowner about their intentions or when they will access the minerals.

Mineral exploration and extraction can disturb a landscape and require both access and easements. But a surface landowner is usually able to work with subsurface owners to specify routes, establish allowances for surface infrastructure, or receive compensation for surface estate disturbances.

Research the mineral rights thoroughly before making any purchasing decision. Visit with an attorney well-versed in mineral law. A title search or review of mortgage paperwork is needed to see who the surface owner is, who the subsurface owner is, and who is the user of the subsurface minerals.



[Drilling for core samples](#)

If a property owner owns or has purchased the mineral rights with a property, the property owner may be approached to sell or lease those rights at some point. Negotiation of lease contracts is complicated, and obtaining legal representation is encouraged.

The odds are against prospective landowners from owning any subsurface rights, since most of those rights are owned by the federal government. Most of the West had the surface and the mineral estate divided thanks to the Stock-Raising Homestead Act of 1916, so only those private land parcels with mineral rights recorded for ownership previous to December 29, 1916, automatically retained their mineral estate.

## Mineral rights history

When President Woodrow Wilson and the 64th Congress passed the third Homestead Act, they decided to retain the subsurface rights to provide

*continues page 25*

# and saves money

Be sure to target the plant where the herbicide will be absorbed. Leaves generally uptake more herbicide than flowers and stems (unless the herbicide is soil-active).

## How to calibrate

Not calibrating your sprayer comes with alarming implications. On the flip side, the act of calibrating your sprayer is quite simple! There are guides, handbooks, phone apps, cheat sheets, online videos, and even specialized equipment to help achieve proper calibration. If using a wand-type sprayer, the 1/128th method is our favorite (partially because the math is done for you!):

- [bit.ly/wyo-sprayer-calibration](http://bit.ly/wyo-sprayer-calibration)
- [uwoextension.org/ranchtools/sprayer-calibration](http://uwoextension.org/ranchtools/sprayer-calibration)

A multi-nozzle boom-type sprayer can be calibrated using a similar principle:

- [bit.ly/multi-nozzle-calibration](http://bit.ly/multi-nozzle-calibration)

Some sprayers have a “boomless” broadcast sprayer. Follow this example for calibration details:

- Video: [bit.ly/atv-boom-calibration](http://bit.ly/atv-boom-calibration)
- PDF: [bit.ly/atv-boom-calibration-pdf](http://bit.ly/atv-boom-calibration-pdf)

No two people apply herbicides exactly the same. When using a hand sprayer, one person may walk at a slower pace than another. Over- or under-application of the desired herbicide may occur if applicator differences are not accounted for, making calibration even more crucial.

Principles mentioned here are important for all pesticides, not just herbicide applications. Learn more by reading the “What are pesticides and what does this mean for you?” article in the Winter 2020 *Barnyards & Backyards*.

Calibration is not something to fear as you will likely find that calibration will save time, the environment, and even some money.

Is there a herbicide sprayer calibration rock star list? **Jenna Meeks** would be on it. She is the special projects manager with the Goshen County Weed and Pest Control District. She can be reached at (307) 532-3713 or at [gocoweeds@gmail.com](mailto:gocoweeds@gmail.com).

Mineral rights continued from page 24

income for the federal government. The Department of Interior’s Bureau of Land Management (BLM) provides management of all federal mineral rights, including these lying under 58 million acres of private land and an additional 642 million acres under BLM, forest service parcels, and other lands.

To find out if the government precluded the mineral rights on a parcel from being transferred, an interested party can access the BLM website at [gloreCORDS.blm.gov/LandCatalog/Catalog](http://gloreCORDS.blm.gov/LandCatalog/Catalog) and then zoom in on the county, township, range, and section until the patent record for the original settler is visible.

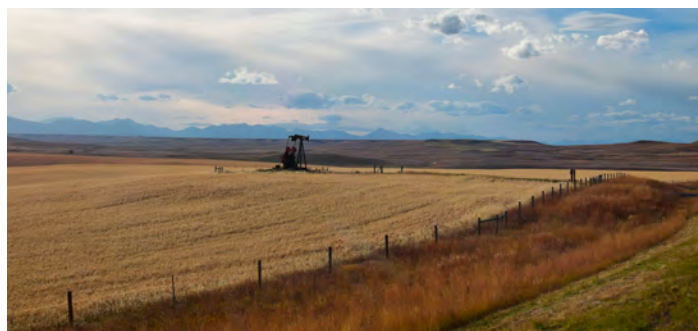
If it has “Coal and other minerals reserved to U.S.” then the government owns the rights including sand, gravel, and others. If not listed, the mineral rights may belong to the landowner; however, mineral rights are usually accompanied by a court-recorded “mineral title opinion” to be valid. These are usually connected to the deed or purchase agreement. If not, then someone else, possibly the heirs of the original owner, owns the minerals. Some mineral rights are owned by many people together.

## See Wyoming Statutes

Wyoming has a number of mineral right laws, Wyoming Statutes 30-5-101 to 30-5-127 and also 30-5-401 to 30-5-410, which can be found online or by visiting the Wyoming Oil and Gas Commission website at [wogcc.wyo.gov](http://wogcc.wyo.gov).

It should be noted that under the right guidelines individuals can still stake out, record, and work prospector claims in certain locations. Do your homework!

**Scott Cotton** is a University of Wyoming Extension area extension educator for agriculture, rural living and disaster preparedness. The Cotton family has held land and some mineral rights in the West since 1877. He can be reached at [scotton1@uwyo.edu](mailto:scotton1@uwyo.edu) and has additional resources available.



Rui Serra Maia, shutterstock.com