



Geocode \_\_\_\_\_

Assessment Code \_\_\_\_\_

Nonproductive, Patented Mining Claim Application
15-6-133(1)(b), MCA

This request must be returned to the local Department of Revenue office on or before the first Monday in June of the current tax year, or 30 days after the date on the assessment notice, whichever is later.

Applicant Name \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ Owner \_\_\_\_\_ Agent \_\_\_\_\_

Property Legal Description (Attach additional pages if more room is needed.)
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Section 1 - Qualifying Criteria

- 1. Does the land meet the definition of being "nonproductive"? (See definition on reverse side.)
2. Is the land described on the application a patented mining claim?
3. Is the land described located outside the limits of an incorporated city or town?
4. In the case of county-municipal consolidation, was the described land located outside the limits of the municipality prior to the consolidation?
5. Is the applicant the owner of record as indicated by the tax roll of the county?

Section 2 - Qualifying Criteria

- 6. Has a certificate of survey been filed on the land described on the application?
7. Are any agricultural commodities grown on the land described on the application?
8. Is any of the surface of the described land leased for a recreational, commercial, residential, industrial, or agricultural use?
9. Is the topography of the property so severe that it precludes development for any purpose other than mining?
10. Is there a covenant or ordinance that restricts the land described on the application from mining?
11. Is any mining activity currently taking place on the land described on the application from mining?
12. Are there any improvements (buildings or structures) located on and used in the mining activity operation of the described land?

Section 3 - Signature

Signature of Applicant \_\_\_\_\_

Date signed \_\_\_\_\_

I affirm that the information provided in this application form is true and correct.

If you do not agree with our determination regarding this application, you will need to file an appeal in writing (15-15-101, MCA).

**Section 4 – Department Use Only**

Date received by Local Department of Revenue Office \_\_\_\_\_

Are there any recreational structures located within one mile of the land described on the application?  Yes  No

Are there any commercial structures located within one mile of the land described on the application?  Yes  No

Are there any commercial operations located within one mile of the land described on the application?  Yes  No

Comments and/or Reason(s) Denied \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Granted  Denied

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_

**Instructions for Application for Nonproductive, Patented Mining Claim Status**

Geocode: This numerical identifier will be completed by the local Department of Revenue office staff.

Assessment Code: This numerical identifier will be completed by the local Department of Revenue office staff.

Name of Applicant: List the name of the property owner. Only the property owner of record or their agent can make application for nonproductive patented mining claim status of lands.

Mailing Address: List the address where the property owner of record will receive their mail.

Question 1: The term “nonproductive” means non-fertile land that is incapable of producing animal or plant matter in commercial saleable quantities.

Question 2: The term “patented” means land purchased from the federal government for the sole purpose of developing a mining operation.

Question 3: The term “incorporated city or town” means any municipality or county area in which the government body has complied with all incorporation provisions outlined in Title 7, MCA.

Question 4: The question is applicable only to city-county consolidation such as Butte-Silver Bow. To correctly respond to Question 4, you must determine whether the land area identified on the application was outside the city limits prior to the consolidation.

Question 5: The applicant for class 3, nonproductive, patented mining claim property tax treatment is required to demonstrate that he/she is the owner of the land for which classification is sought. If, on the date of application, the applicant is presently carried on the tax rolls of the county as the owner of the mining claim, the department will presume that the applicant is the record owner of the mining claim.

If, on the date of application, the applicant is not carried as the record owner of the mining claim on the tax rolls of the county, the applicant will be required to fulfill all criteria set forth below:

- a) Submission of a copy of the United States patent issued in the name of the owner of record or a written certificate from the Bureau of Land Management certifying the ownership of the patented mining claim, and
- b) Submission of a copy of the realty transfer certificate, if provided for by law as of the date of patent issuance, completed by the owner of record or his/her representative or agent, and
- c) Submission of copies of the most recent deeds or security agreements evidencing ownership and a copy of the last assessment on the patented mining claim.

In the event that class 3, nonproductive, patented mining claim property tax treatment is sought for a patented mining claim which is owned by multiple parties, the criteria set forth above must be fulfilled by a majority of the parties or entities currently paying the taxes on the patented mining claim or by the single party or entity paying the taxes on the patented mining claim.

Question 7: Agricultural commodities include, but are not limited to grains, livestock, bees and plant matter grown and harvested for livestock feed.

Question 8: If the answer is yes, please provide a copy of the lease.

Question 10: If the answer is yes, please provide a copy of the covenant or ordinance.