



# **MINNESOTA'S MINERAL OWNERSHIP**

**Department of Natural Resources  
Division of Lands & Minerals  
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# MINNESOTA'S MINERAL OWNERSHIP

## Unified Estate

- A Unified Estate exists when the landowner owns both the *surface* **and** *minerals*.

## Severed Estate

- A Severed Estate exists when a landowner severs the surface from the mineral, thereby, creating two separate estates (i.e. a surface owner and a mineral owner).



# MINNESOTA'S MINERAL OWNERSHIP

Unified Estate			
<b>Surface Owner</b>	State	Federal	Private
<b>Mineral Owner</b>	State	Federal	Private

Severed Estates						
<b>Surface Owner</b>	State	State	Federal	Federal	Private	Private
<b>Mineral Owner</b>	Private	Federal	State	Private	State	Federal

# SEVERED MINERAL ESTATE

- State must reserve its mineral rights when conveying its surface interest . *Minnesota Constitution, Article 11, section 10;*  
*Minnesota Statutes, sections 16B.286, 93.01-.04 and 94.14*
- *Every conveyance of state-owned land creates a new severed estate scenario, including sale of tax forfeit land.*
- Once the state reserves a mineral estate for the benefit of all Minnesotans, state law does not authorize the sale of its severed mineral estate. *Minnesota Statutes, sections 93.01-.04 and 94.14.*



# SEVERED MINERAL ESTATE

- Due to fractionalized mineral ownerships, in the early 1970's Minnesota law required severed mineral owners to file a statement claiming ownership with the County Recorder or Registrar of Titles. *Minnesota Statutes, section 93.52*
- Purpose of the Statements is to permit for the taxation of the severed mineral estate.
- Failure to file can result in State obtaining title through forfeiture action. *Minnesota Statutes, section 93.55*



# SEVERED MINERAL ESTATE

- Real Property law has defined the Mineral Estate as being dominant to the Surface Estate
  - What does it mean to be the dominant estate?
    - Mineral estate owner has the right to use so much of the surface as may be reasonably necessary to reach and remove the minerals.
  - Mineral estate owner, thus, has the right of entry and access to explore for and mine minerals beneath the surface estate.



# SEVERED MINERAL ESTATE

- Although the mineral estate may be dominant...
- A surface owner may be entitled to damages to the surface:
  - No law established in Minnesota concerning adequacy of damage amount.
  - State lessees are required to compensate the surface owner for any damage to the surface arising from mineral exploration or mining activities pursuant to a lease of state-owned mineral interests. *Minnesota Rules, part 6125.0700, at paragraph 27*



## RELATED LINKS

- Mineral Rights Ownership in Minnesota  
[http://files.dnr.state.mn.us/lands\\_minerals/mineral\\_ownership.pdf](http://files.dnr.state.mn.us/lands_minerals/mineral_ownership.pdf)
- Non-ferrous Metallic Mineral Leasing  
<https://www.revisor.mn.gov/rules/?id=6125>
- Minnesota's Mining Laws  
[http://files.dnr.state.mn.us/lands\\_minerals/mn\\_mining\\_laws.pdf](http://files.dnr.state.mn.us/lands_minerals/mn_mining_laws.pdf)

