How to Stake and File a Mining Claim in Montana

To stake and file a mining claim in Montana, you post a location notice where you made your discovery, mark the boundaries, record a sworn certificate of location with the county clerk and recorder, and file with the Bureau of Land Management (BLM). Montana gives you 30 days from the day you post the notice to mark the boundaries and 60 days to record with the county, while BLM's deadline is 90 days. A new lode claim costs $274 in BLM fees, plus $20 or more for the county.

Montana's law doesn't list any digging for a new claim, but parts of it still mention discovery work, so to be safe, do some hand digging at your discovery within 60 days. Montana also asks for a sworn statement with the county each year from owners who do the yearly work, and the safe date for it is November 29.

Last checked November 10, 2026. This is a plain-words summary of Montana and federal law, not legal advice. Fees and rules change, so confirm dates and costs with your county clerk and recorder or BLM before you rely on them. The newest version of our Montana staking guide is at goldmapsonline.com/how-to-stake-a-mining-claim-in-montana.html. Check it before you file, since fees and rules can change after you download your maps.

The steps at a glance

Step	Where	Deadline	Cost
1. Post your location notice	At your discovery	This starts the clock	No fee
2. Mark the boundaries	On the claim	30 days after posting	Your posts or stones
Dig to expose the deposit	At your discovery	60 days after posting, to be safe	Your own hand work
3. Record the sworn certificate	County clerk and recorder	60 days after posting	$20 first page, $10 each added page
4. File with BLM	Online in MLRS, or BLM in Billings	90 days after posting	$274 for a lode claim
Keep it each year	BLM	September 1	$200 per lode claim or per 20 acres of placer
Record each year	County clerk and recorder	November 29	$20 first page, $10 each added page

Start with your map

A filled closed box on your Montana map means that section has no active claims today, which makes it a good place to start looking. Its pop-up gives you what the paperwork asks for: the county, the township, range and section, and the BLM code.

One example from the November 2026 map is a closed placer box in Madison County at T6S R3W Sec 33, Montana Principal Meridian, with the BLM code 20 0060S 0030W 033. A box covers a section of about 640 acres and doesn't show a claim's exact edges, so the map tells you where to look and your own checks tell you whether you can stake there.

Check the ground first

1. **Look it up in BLM's records.** Go to reports.blm.gov/reports/MLRS, choose Mining Claims – Geographic Report, enter the BLM code, and tick Active and Filed. Our step-by-step MLRS guide walks through each screen.
2. **Check that the land is open to mining.** BLM's Master Title Plats, on the GLO Records website, show what's open. You can't stake in national parks, national monuments, wilderness areas, Indian reservations or military land, and private land is off limits.
3. **Watch for Montana state land.** Federal mining claims don't apply there. Prospecting or mining on state trust land takes a lease or permit from the Montana Department of Natural Resources and Conservation (DNRC) first.
4. **Walk the ground.** A new claim can take up to 90 days to reach BLM's records, so look for fresh posts and notices before you put up your own.
5. **Make a discovery.** Every claim needs a discovery of a valuable mineral. BLM's test is whether a sensible person would spend more time and money trying to develop a mine there, and recording a claim and paying the fees won't make it valid without one.

Lode or placer

A lode claim covers gold in solid rock, like a quartz vein, and can be up to 1,500 feet long and 600 feet wide. A placer claim covers loose gold in sand and gravel, and can be 20 acres per person, up to 160 acres for a group of eight or more. Montana's staking rules are the same for both, but BLM's fees and the way you describe the claim differ, so pick the type that fits what you found.

If you own a mining claim, you can also locate a mill site on land without valuable minerals. Montana's law says it's located and recorded the same way, with no discovery or digging, and its certificate has to name the claim it goes with.

Step 1: Post your location notice

The day you post the notice is your location date, and every deadline counts from it. Montana's law says to post a written or printed notice where it's easy to see at your point of discovery. It has to give all of these:

- The name of the claim and the name of each locator
- The date of location, which is the day you post it
- About how big the claim is, like 1,500 by 600 feet or 20 acres

BLM's Montana packet also asks for whether it's a lode or placer claim, a description of where it is, and each locator's mailing address, so put them on the notice too. Use a separate notice for each claim. BLM says there's no official form, so you can write your own.

Step 2: Mark the boundaries

Within 30 days after posting, mark the claim on the ground so its boundaries are easy to trace. Montana's law lists four kinds of markers that count, and BLM's Montana packet wants one at each corner. To be safe, put one of these at every corner and every angle of the claim:

- A tree at least 8 inches across, blazed on four sides
- A post at least 4 inches square and 4.5 feet long, set 1 foot in the ground, with a mound of earth or stone around it 4 feet across and 2 feet high
- A stone at least 6 inches square and 18 inches long, set two-thirds in the ground, with the same size mound beside it
- A boulder that stands at least 3 feet above the ground on its uphill side

Mark each one with the name of the claim and which corner it is, by number or direction. Smaller markers leave it up to a court whether your lines can be traced. BLM doesn't allow perforated or uncapped pipe as markers, because of wildlife deaths.

Montana's law doesn't list any digging for a new claim. Other parts of it, and BLM's suggested notice form, still mention discovery work, so to be safe, within 60 days of posting, do enough hand digging at your discovery to expose the vein or the gold-bearing gravel. Take photos and write down what you did and when.

Step 3: Record with the county clerk and recorder

Within 60 days after posting, record a certificate of location with the clerk and recorder in the county where the claim sits. Use a separate certificate for each claim. It has to give all of these:

- The name of the claim, and whether it's a lode or placer claim
- The name and mailing address of each locator
- The date of location
- A description of the claim tied to a natural object or permanent monument, with the section, township and range
- The directions and distances from your discovery point that describe the claim

Montana's law says the certificate has to be sworn before an officer who can give oaths, so sign it in front of a notary. Bring a photo ID, since the notary has to check who you are. BLM says the county needs the original and your map, so record the signed original with the map attached, and keep a copy for BLM.

Montana's recording law sets these page rules:

- White paper, 8.5 by 11 or 8.5 by 14 inches, typed or clearly printed in black ink, at least 10-point type
- Blank margins of 3 inches at the top of the first page, 1 inch at the top of later pages, 1 inch at the bottom and half an inch on each side
- The name and mailing address the clerk should send it back to, in the upper left corner of the first page

A paper that misses these rules is still recorded, but it can cost $10 more. State law sets the fee at $20 for the first page and $10 for each added page, so a one-page certificate with a one-page map attached costs $30. The fee went up on October 1, 2025, so older fee sheets show less. The clerk records a paper only once it's paid, so send the fee with anything you mail.

A certificate counts as recorded when it reaches the clerk's office, not when you mail it, so mail it well before day 60. If you miss the 60 days, Montana's law treats that as first-glance evidence that you gave up the claim.

Recording late can still save it if nobody else has staked the ground first, but don't count on that.

If you find a mistake later, you can fix it with an amended certificate, marking any boundary change on the ground first. It can't take away rights someone else gained in the meantime.

Step 4: File with BLM

BLM needs its own filing by the 90th day, and it advises recording with the county first. Send BLM a copy of your recorded certificate with COL written at the top, plus your map and the fees. You can file online in MLRS at mlrs.blm.gov with a login.gov account, by mail, or in person at BLM's Montana/Dakotas State Office in Billings. BLM won't take filings by email.

The map can be a USGS topo map with the claim drawn on it, or a sketch tied to a natural object or permanent monument. It has to show where the claim sits in the quarter section well enough that someone could find it on the ground. You don't need a surveyor, and claims you file together can share one map.

Claim	Fees	Total
Lode	$25 + $49 + $200	$274
Placer, up to 20 acres	$25 + $49 + $200	$274
Placer, 21 to 40 acres	$25 + $49 + $400	$474

The three fees are the processing fee, the location fee and the first maintenance fee, for claims located on or after September 1, 2026. Each added 20 acres of placer, or part of 20 acres, adds $200.

A claim that isn't recorded with BLM and the county by the 90th day is abandoned and void under federal law, even if the ground is good. BLM says it refunds the location and maintenance fees in that case, after the appeal period.

Re-staking a closed claim

Re-staking a closed claim means making a brand-new claim, and none of the old owner's rights carry over, so all four steps apply. Montana's law says your rights start the day you post your notice, and the old owner can't undo them by coming back while you finish the steps.

You can use an old shaft or pit on the claim as your discovery if it shows the vein or deposit, but the law says you have to do the same discovery work there as on a new claim. So do your hand digging within 60 days, in the old working or at a new discovery. The old markers carry the old claim's name, so put up your own.

Keeping your claim each year

On or before September 1 each year, pay BLM $200 per lode claim, or $200 for each 20 acres of a placer claim, or the claim is forfeited. If you stake before September 1 but file with BLM after it, you'll owe two maintenance fees at once, one for each year, unless you qualify for the small miner waiver and file it when you record the claim.

If you do the yearly work instead, Montana's law says to record a sworn statement of it with the county clerk and recorder within 90 days after BLM's work year ends on September 1, so record it by November 29. If you skip it, the law treats that as first-glance evidence that the work wasn't done and you gave up the claim. The law isn't clear for people who pay the BLM fee, so to be safe, record a sworn statement that you paid by November 29 too, and ask the clerk what it needs. A statement of work has to give all of these:

- The name of each claim, with its section, township and range

- The book and page where its certificate is recorded
- The days of work done, and what improvements you made and their value
- The dates of the work, who asked for it, and what was paid and by whom if the owner didn't do it

Sign it in front of a notary. The fee is the same as for the certificate, $20 for the first page and $10 for each added page.

With 10 or fewer claims nationwide, you can do at least $100 of work on each claim instead of paying. File the free waiver form with BLM by September 1, on paper because it can't be filed online, then file an affidavit of the work with BLM by December 30 at $15 per claim. The Montana county statement is still due by November 29.

A claim doesn't give you a free hand on the surface. Work beyond casual use can need a notice or a plan of operations, so talk to the local BLM field office or Forest Service ranger district first. Montana's mining permit law leaves out hand work with no motorized digging gear that disturbs no more than 100 square feet or 50 cubic yards at a site. Bigger small operations need a Small Miner Exclusion Statement from Montana DEQ, at $100 a year, and placer or dredge work also needs a reclamation bond.

A suction dredge needs a DEQ discharge permit, which covers one dredge at a time, and a 310 permit from the local conservation district. If its intake is 4 inches or less and it stays in the part of the stream under water, it doesn't also need a state mining permit.

Who to ask

- **BLM Montana/Dakotas State Office:** Call 406-896-5326 for mining claims, or 406-896-5004 for the public room. The office is at 5001 Southgate Drive, Billings, MT 59101, open 8 a.m. to 4 p.m., Monday to Friday. It handles claims in Montana, North Dakota and South Dakota.
- **Montana Department of Environmental Quality:** Small Miner Exclusion Statements and suction dredge permits. Call the Water Protection Bureau at 406-444-3080 about dredging, or read DEQ's guide to which permit you need.
- **Montana DNRC Trust Land Management Division:** Call the Minerals Management Bureau at 406-444-2074 about leases and permits on state trust land, where federal claims don't apply.

Where these rules come from

- Montana Code Annotated Title 82, Chapter 2, Part 1: location notices, markers, recording, re-staking and the yearly affidavit
- Montana Code Annotated 7-4-2613 to 7-4-2637 and 70-21-209: document rules, recording dates and county fees
- Montana Code Annotated 82-4-310 and 82-4-305: small mining and suction dredges
- BLM's Montana-Dakotas mining claim packet and mining claim fees
- 43 U.S.C. 1744 and 30 U.S.C. 28f: the yearly filing and the maintenance fee

Montana county clerks and recorders

A claim is recorded in the county where the ground is, and in Montana the county clerk and recorder records it. Call before you mail anything, since offices move and hours change. A star marks an office we couldn't fully confirm on the county's own website, so check its phone number first.

County	Clerk and Recorder's address	Phone
Beaverhead	2 South Pacific Street, Dillon, MT 59725	406-683-3720
Big Horn	121 W 3rd, Hardin, MT 59034	406-665-9731
Blaine	420 Ohio Street, Chinook, MT 59523 Mail: PO Box 278, Chinook, MT 59523	406-357-3240
Broadwater	515 Broadway St., Townsend, MT 59644	406-266-3405
Carbon	17 West 11th Street, Red Lodge, MT 59068 Mail: PO Box 887, Red Lodge, MT 59068	406-446-1220
Carter	214 Park Street, Ekalaka, MT 59324 Mail: PO Box 315, Ekalaka, MT 59324	406-775-8749
Cascade	121 4th Street N, Number 1B-1, Great Falls, MT 59401	406-454-6801
Chouteau	1308 Franklin Street, Fort Benton, MT 59442 Mail: Box 459, Fort Benton, MT 59442	406-622-5151
Custer	1010 Main Street, Miles City, MT 59301	406-874-3343
Daniels	213 Main St., Scobey, MT 59263 Mail: PO Box 247, Scobey, MT 59263	406-487-5561
Deer Lodge	800 Main Street, Second Floor, Anaconda, MT 59711	406-563-4060
Fergus	712 W Main, Suite 204, Lewistown, MT 59457	406-535-5242
Flathead	800 S. Main Street, Kalispell, MT 59901	406-758-5526
Gallatin	311 W. Main St., Room 203, Bozeman, MT 59715	406-582-3050
Garfield	352 Leavitt Ave, Jordan, MT 59337 Mail: P.O. Box 7, Jordan, MT 59337	406-557-2760
Golden Valley	107 Kemp St, Ryegate, MT 59074	406-568-2231
Granite	220 N. Sansome Street, Philipsburg, MT 59858 Mail: PO Box 925, Philipsburg, MT 59858	406-859-3771, ext. 2
Hill	315 4th Street, Havre, MT 59501	406-265-5481, ext. 2323
Jefferson	102 S. Monroe St, Boulder, MT 59632 Mail: PO Box H, Boulder, MT 59632	406-225-4020
Judith Basin	91 Third Street North, Stanford, MT 59479 Mail: P.O. Box 427, Stanford, MT 59479	406-566-2277, ext. 160
Lake	106 4th Avenue E, Polson, MT 59860	406-883-7208
Lewis and Clark	316 North Park Ave., Room #113, Helena, MT 59623	406-447-8306
Liberty	111 1st Street East, Chester, MT 59522 Mail: Po Box 459, Chester, MT 59522	406-759-5365
Lincoln	512 California Ave., Libby, MT 59923	406-283-2306
Madison	103 W Wallace St, First Floor, Virginia City, MT 59755 Mail: PO Box 366, Virginia City, MT 59755	406-898-4406
Meagher	Mail: P.O. Box 309, White Sulphur Springs, MT 59645	406-547-3022
Mineral	300 River Street, Superior, MT 59872 Mail: PO Box 550, Superior, Montana 59872	406-822-3522
Missoula	200 W. Broadway, Missoula, MT 59802	406-258-4752
Musselshell	506 Main Street, Roundup, MT 59072	406-323-1104
Park	414 E. Callender St., Livingston, MT 59047	406-222-4110
Petroleum	302 E. Main Street, Winnett, MT 59087 Mail: PO Box 226, Winnett, MT 59087	406-429-5311
Phillips *	Mail: PO Box 360, Malta, MT 59538	406-654-2423

County	Clerk and Recorder's address	Phone
Pondera	20 4th Avenue SW, Suite 202, Conrad, MT 59425-2383	406-271-4001
Powder River	Mail: PO Box 200, Broadus, MT 59317	406-436-2361
Powell	409 Missouri Ave., Suite 203, Deer Lodge, MT 59722	406-846-9786
Ravalli	215 S 4th Street, Suite C, Hamilton, MT 59840	406-375-6555
Roosevelt	400 2nd Ave S, Wolf Point, MT 59201	406-653-6250
Rosebud	1251 Main St, Forsyth, MT 59327 Mail: PO Box 47, Forsyth, MT 59327	406-346-7318
Sanders	1111 W Main Street, Thompson Falls, MT 59873 Mail: P.O. Box 519, Thompson Falls, MT 59873	406-827-6922
Silver Bow	155 W. Granite St., Butte, MT 59701	406-497-6335
Stillwater	400 East 3rd Avenue North, Columbus, MT 59019 Mail: PO Box 149, Columbus, MT 59019	406-322-8000
Sweet Grass	115 W 5th AVE, Big Timber, MT 59011 Mail: PO Box 888, Big Timber, MT 59011	406-932-5152
Teton	1 Main Avenue South, Choteau, MT 59422 Mail: PO Box 610, Choteau, MT 59422	406-466-2693
Toole	226 1st St. S., Suite 203, Shelby, MT 59474	406-424-8300
Treasure	307 Rapelje Ave, Hysham, MT 59038 Mail: PO Box 429, Hysham, MT 59038	406-342-5545
Valley	501 Court Square #2, Glasgow, MT 59230	406-228-6220
Wheatland	201 A Ave NW, Harlowton, MT 59036 Mail: PO Box 1903, Harlowton, MT 59036	406-632-4891
Wibaux *	203 South Wibaux St., Wibaux, MT 59353 Mail: PO Box 199, Wibaux, MT 59353	406-796-2481
Yellowstone	2825 3rd Ave N, Room 408, Billings, MT 59101 Mail: P.O. Box 35001, Billings, MT 59107	406-256-2786