How to Stake and File a Mining Claim in South Dakota

To stake and file a mining claim in South Dakota, you make a discovery, build a monument where you found it and post a sign on it, mark the boundaries with eight posts, record a location certificate with the county register of deeds, and file with the Bureau of Land Management (BLM). You have 60 days from the day of your discovery to record with the county, and 90 days to file with BLM. A new lode claim costs $274 in BLM fees, plus $30 for the county.

Most of the claims on our South Dakota map are in the Black Hills, where national forest and private land sit side by side, so knowing whose ground you're on matters as much as the paperwork. South Dakota also requires a county filing every year by December 30, even if you pay BLM's yearly fee.

Last checked November 10, 2026. This is a plain-words summary of South Dakota and federal law, not legal advice. Fees and rules change, so confirm dates and costs with your county register of deeds or BLM before you rely on them. The newest version of our South Dakota staking guide is at goldmapsonline.com/how-to-stake-a-mining-claim-in-south-dakota.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 notice	On your discovery monument	Your discovery starts the clock	No fee
2. Mark the boundaries	On the claim	Before you record	Eight posts
3. Record a location certificate	County register of deeds	60 days after discovery	$30
4. File with BLM	Online in MLRS, or BLM in Billings, Montana	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
Yearly county affidavit	County register of deeds	December 30	$30, plus 25 cents per claim

Start with your map

A filled closed box on your South Dakota 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 Pennington County at T1S R2E Sec 12, Black Hills Meridian, with the BLM code 07 0010S 0020E 012. 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. In the Black Hills, that rules out places like Wind Cave National Park, Jewel Cave National Monument and the Black Elk Wilderness.
3. **Know whose land you're on.** Much of the Black Hills is national forest, but private land is mixed in all through it, often with no fence or sign. BLM says it's up to you to know where you are, so check the land status before you set a post.
4. **Watch for South Dakota state land.** Federal mining claims don't apply there. Exploring state land, or ground where the state owns the minerals, takes a lease from the Commissioner of School and Public Lands, and exploring without one can cost up to $1,000 a day.
5. **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.
6. **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. The fees differ, so pick the type that fits what you found.

South Dakota's staking law is written for lode claims and says almost nothing about placers. BLM's packet uses the same markers and county deadline for every South Dakota claim, so this guide does too. A county can also vote to make lode claims narrower, down to 25 feet on each side of the vein, so ask the register of deeds.

Step 1: Post your location notice

South Dakota's law says you can't locate a claim until you've found the vein or lode inside it. Write down the day you make your discovery, because the county deadline counts from it. Then build a monument at the place of discovery and post a plain sign on it. State law asks the sign to give all of these:

- The name of the claim and the name of each locator
- The date of discovery
- **Lode:** how many feet you claim along the vein on each side of the discovery, and the width you claim on each side of the vein
- **Placer:** the number of acres you claim

BLM's packet also asks for the claim's type, the date you post it, a description and each claimant's mailing address, so put those on the sign too. The day you post is your location date for BLM, so post soon after your discovery. There's no official form, and BLM's sample is written for Montana law, so write your own.

Step 2: Mark the boundaries

Mark the boundaries before you record. South Dakota's law asks for eight substantial posts sunk in the ground: one at each corner, one at the middle of each side line and one at the middle of each end line.

Hew or blaze the side of each post that faces the claim, and mark it with the claim's name and which corner, side or end it stands for. If rock or steep ground keeps you from sinking a post, you can set it in a mound of stone. The law gives no post size, so use something solid that will last. Counting the discovery monument, that's nine markers in all.

The law words this rule for lode claims, but BLM's packet asks for the same eight markers on every South Dakota claim, so mark a placer claim the same way. BLM doesn't allow perforated or uncapped pipe as markers, because of wildlife deaths.

Step 3: Record with the register of deeds

Within 60 days of your discovery, record a location certificate with the register of deeds in the county where the claim sits. BLM's packet counts the 60 days from the location date, which can be later, so count from your discovery to be safe. The certificate has to give all of these:

- The name of the claim and the name of each locator
- The date of location
- **Lode:** the feet you claim along the vein each way from the discovery, the width on each side of the vein's center, and the general course of the vein
- **Placer:** the acres you claim
- A description of the claim tied to a natural object or permanent monument, good enough to identify it

A lode certificate that leaves any of these out is void, and a certificate can cover only one claim. State law doesn't mention a map, but BLM's packet says the certificate and the map are both recorded with the county, so bring the map too.

South Dakota's recording law sets these basics for papers about land, so follow them:

- White paper, 8.5 by 11 or 8.5 by 14 inches, printed in black ink in type no smaller than 10-point
- A blank space at least 3 inches tall across the top of the first page, and 1-inch margins everywhere else
- A title, like Location Certificate, at the top of the first page just below that space
- The words "Prepared by" with your name, address and phone number, in the left half of that top space
- Your original signature, not a photocopy, and no Social Security, bank or card numbers

The same law says a paper has to be signed in front of a notary before it's recorded, unless it's on a short list. Location certificates aren't on it, so sign yours in front of a notary. Inside its own county, the register of deeds can also do this, so ask whether the office will.

State law sets the fee at $30 for a certificate of up to 50 pages, and the Lawrence and Perkins County fee lists show the same. The register records each paper as of the date and time it arrives, not the day you mail it, so mail it well before day 60.

If you find a mistake later, or want to change the boundaries, you can record an additional certificate. 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 the recorded certificate, a map of the claim and the fees. You can file online in MLRS at mlrs.blm.gov with a login.gov account, or by mail or in person at BLM's Montana-Dakotas State Office in Billings, Montana, which handles claims in South Dakota. BLM won't take filings by email.

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. South Dakota's own county deadline is 60 days from discovery, so don't count on the full 90.

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. All four steps apply, plus three extra steps from South Dakota's law:

- Set new boundaries, or use the old ones and replace any posts that are missing or destroyed
- Build a new discovery monument
- Say on your location certificate that the claim, or the part you're taking, is located as abandoned property

The law writes these steps for lode claims and has no rule for placers, so do the same for a placer. South Dakota doesn't require any digging for it. Check the old claim's status in BLM's records first, and never move in on ground someone is holding, since South Dakota law makes taking a claim by force, threats or stealth a crime.

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.

South Dakota also requires a county filing every year, whether you pay BLM's fee or do the work. On or before December 30, record with the register of deeds a sworn statement, called an affidavit, of the work you did. If you paid BLM's fee instead, record a notice of intent to hold the claim, which shows you met the federal rules. County fee lists name both papers.

Sign an affidavit in front of a notary, since it's a sworn statement. The fee is $30, plus 25 cents for each claim listed.

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 South Dakota county affidavit is due by December 30 too.

A claim doesn't give you a free hand on the surface. Anything beyond casual use, which means little or no ground disturbance, can need a notice or a plan of operations, so talk to the Black Hills National Forest or the local BLM field office first. If you dig a shaft, cut or pit, South Dakota law says to make it safe for livestock while you use it and to fill or slope it before you leave.

Any dredge used to get gold in South Dakota needs a state mining permit, even just for fun. So do highbankers and heavy equipment. Gold panning and hand tools don't need one.

Who to ask

- **BLM Montana-Dakotas State Office:** Call 406-896-5004 for the public room, or 406-896-5326 for mining claims. The office is at 5001 Southgate Drive, Billings, MT 59101, open 8 a.m. to 4 p.m., Monday to Friday.
- **Black Hills National Forest:** Call the Supervisor's Office at 605-673-9200 before you dig on the forest. The office is at 1019 N. 5th Street, Custer, SD 57730, and the forest's website lists its district offices.
- **South Dakota Office of School and Public Lands:** Call 605-773-3303 about mineral leases on state land, where federal claims don't apply.
- **South Dakota Department of Agriculture and Natural Resources:** Mining permits, including for any dredge, on its minerals and mining page.

Where these rules come from

- South Dakota Codified Laws 45-4: discovery, markers, the certificate, re-staking and the yearly affidavit
- Chapters 7-9, 43-28 and 18-4: document rules, notaries and fees
- Section 5-7-4.1 and DANR's minerals and mining page: state land leases and mining permits
- 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

South Dakota registers of deeds

A claim is recorded in the county where the ground is, and in South Dakota the register of deeds 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	Register of Deeds' address	Phone
Butte	839 5th Ave, Belle Fourche, SD 57717	605-892-2912
Custer	420 Mt Rushmore Rd, Custer, SD 57730	605-673-8171
Dewey *	Mail: PO Box 117, Timber Lake, SD 57656-0117	605-865-3661
Fall River	906 N. River Street, Hot Springs, SD 57747	605-745-5139
Harding	410 Ramsland Street, Buffalo, SD 57720 Mail: PO Box 101, Buffalo, SD 57720-0101	605-375-3321
Lawrence	90 Sherman St., Deadwood, SD 57732 Mail: PO Box 565, Deadwood, SD 57732	605-578-3930
Meade	1300 Sherman Street, Suite 138, Sturgis, SD 57785	605-347-2356
Pennington	900 Concourse Dr, Suite 110, Rapid City, SD 57703	605-394-2177
Perkins	Mail: PO Box 127, Bison, SD 57620	605-244-5620