

AGENDA
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
July 17, 2023, at 9:00 a.m.
Supreme Court Chambers, Mazurek Justice Building
Helena, MT

ACTION ITEMS

- 0723-1 Timber Sales** **Approved 5-0**
A. Coyote Green Doe
Benefits: Public Buildings
Location: Missoula County
B. Twin J
Benefits: Common Schools
Location: Sanders County
- 0723-2 Land Banking Parcel: Preliminary Approval for Sale** **Approved 5-0**
A. Gallatin County
Benefits: Montana Tech
Location: Gallatin County
B. Ravalli County
Benefits: Common Schools
Location: Ravalli County
- 0723-3 Cabin & Home Sites: Set Minimum Bid for Sale** **Approved 4-1**
A. Blaine County
Benefits: Common Schools
Location: Blaine County
B. Chouteau County
Benefits: Common Schools
Location: Chouteau County
C. Judith Basin County
Benefits: Montana Tech
Location: Judith Basin County
- 0723-4 Cabin & Home Sites: Final Approval for Sale** **Approved 4-1**
Benefits: MSU 2nd
Location: Missoula County
- 0723-5 Easements** **Approved 5-0**
Benefits: Public Land, Common Schools, MT Tech,
Location: Mineral, Carter, Lewis & Clark, Richland, Madison, Valley Counties
- 0723-6 Land Use License** **Approved 5-0**
Benefits: Public Land Trust – Navigable Waterways
Location: Yellowstone River, Rosebud County
- 0723-7 Real Estate Management Bureau Amending Administrative Rule** **Approved 5-0**
Benefits: Public Land Trust – Navigable Waterways
Location: State of Montana

PUBLIC COMMENT

0723-1

TIMBER SALES

A. Coyote Green Doe

B. Twin J

**Land Board Agenda Item
July 17, 2023**

0723-1A Timber Sale: Coyote Green Doe

**Location: Missoula County
Sections 14 and 24 T13N, R15W**

Trust Beneficiaries: Public Buildings

Trust Revenue: \$311,052 (estimated, minimum bid)

Item Summary

Location: The Coyote Green Doe Timber Sale is located approximately 6.5 miles east of Potomac, Montana.

Size and Scope: The sale includes 6 harvest units (*552 acres*) of ground-based logging.

Volume: The estimated harvest volume is 17,449 tons (*2.542 MMBF*) of sawlog.

Estimated Return: The minimum bid is \$17.84 per ton, which would generate approximately \$311,052 for the Public Buildings Trust and approximately \$55,288.50 in Forest Improvement fees.

Prescription: This sale would utilize shelterwood and individual tree selection harvest prescriptions.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 1.6 miles of new permanent road construction, 1.81 miles of road reconstruction and 6.9 miles of road maintenance.

Access: Access is obtained through State-owned roads.

Public Comments: Three public comments were received from nearby residents with concerns about wildlife, aesthetics, silviculture and forest regeneration. All concerns were addressed in the environmental assessment (EA) document.

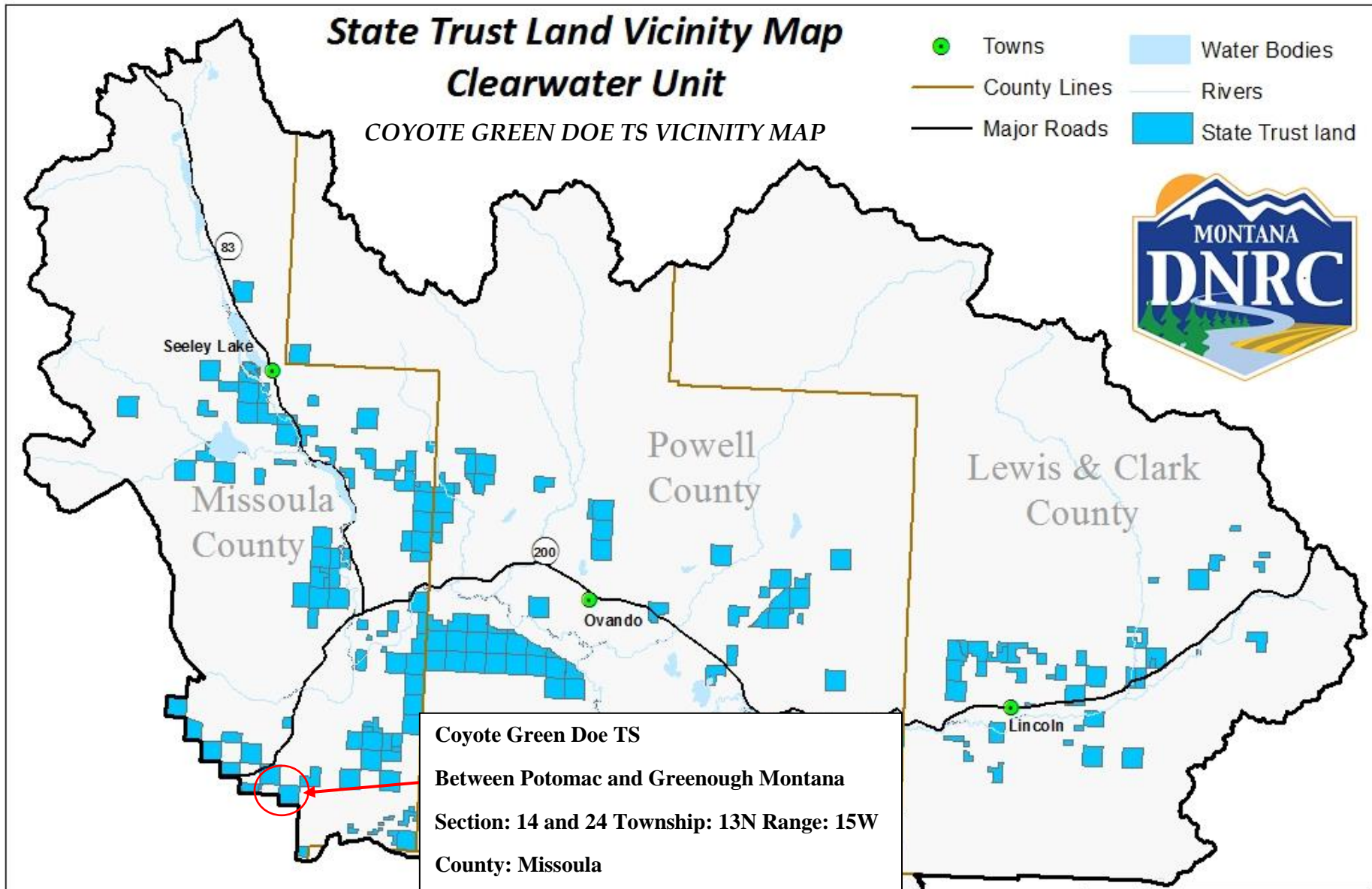
DNRC Recommendation

The DNRC recommends the Land Board direct DNRC to sell the Coyote Green Doe Timber Sale.

State Trust Land Vicinity Map Clearwater Unit

COYOTE GREEN DOE TS VICINITY MAP

- Towns
- County Lines
- Major Roads
- Water Bodies
- Rivers
- State Trust land

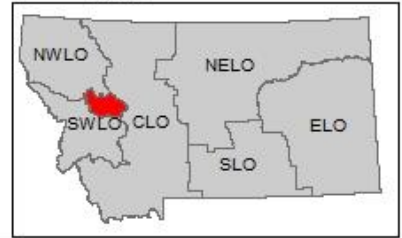


Coyote Green Doe TS
Between Potomac and Greenough Montana
Section: 14 and 24 Township: 13N Range: 15W
County: Missoula

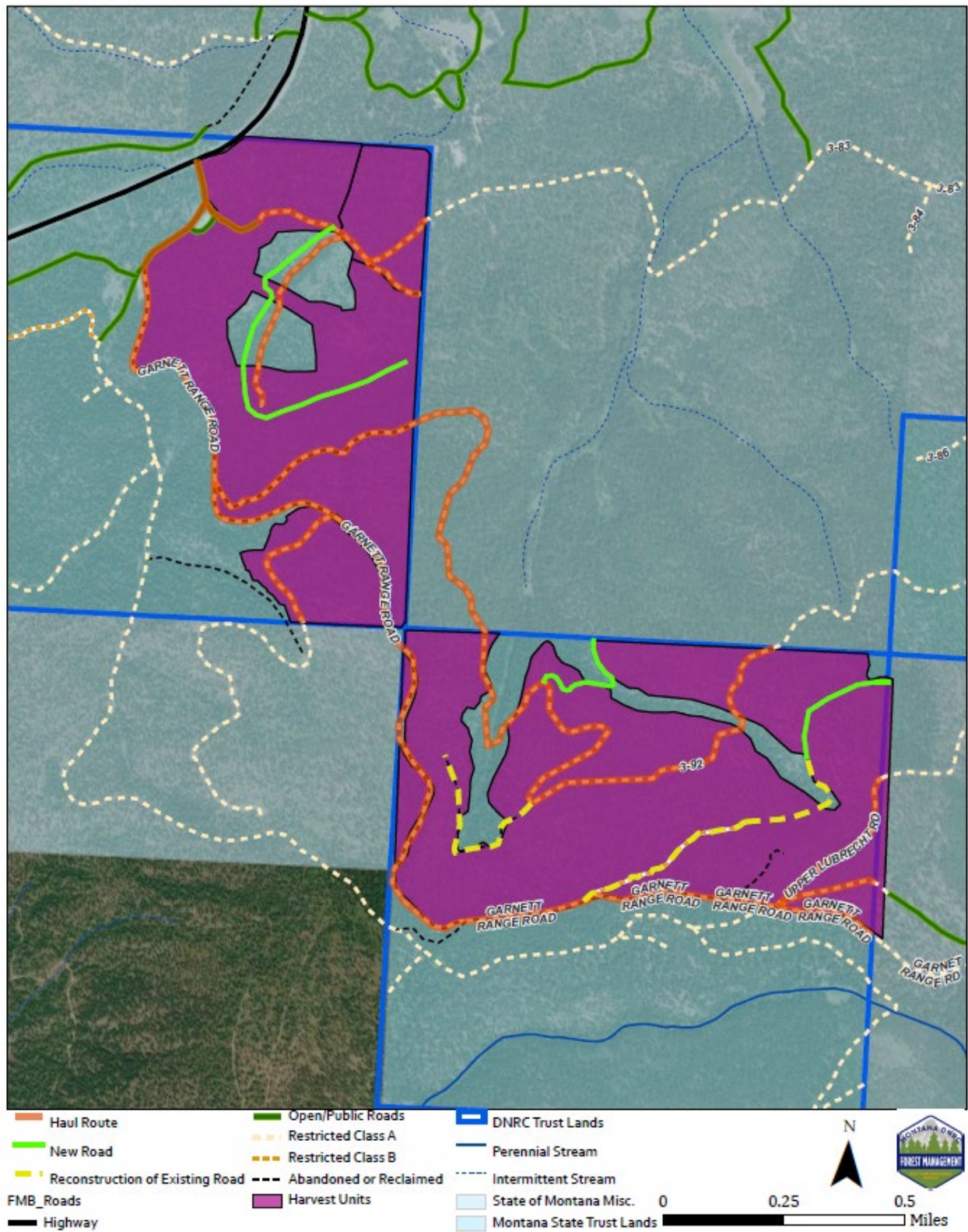


Produced by Montana Department of Natural Resources and Conservation 11/1/2019

Datum: NAD 1983 State Plane



Coyote Green Doe Timber Sale Haul Route and Harvest Units



**Land Board Agenda Item
July 17, 2023**

0723-1B Timber Sale: Twin J

**Location: Sanders County
S12 T 25N R 27W**

Trust Beneficiaries: Common Schools

Trust Revenue: \$237,453 (estimated, minimum bid)

Item Summary

Location: The Twin J Timber Sale is located approximately 30 air miles north of Plains, Montana.

Size and Scope: The sale includes 9 harvest units (236 acres) of skyline and tractor logging.

Volume: The estimated harvest volume is 15,635 tons (2.275 MMBF) of sawlogs.

Estimated Return: The minimum bid is \$15.19 per ton, which would generate approximately \$237,453 for the Common Schools Trust and approximately \$60,504 in Forest Improvement fees.

Prescription: This sale would utilize shelterwood and seed tree harvest prescriptions designed to capture the value of trees susceptible to insects and disease and reduce fuel load.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 3.5 miles of new permanent road construction and 3.5 miles of road maintenance.

Access: Access to the timber sale is obtained with a Temporary Road Use Permit from Green Diamond Resources Company.

Public Comments: Three public comments were received. Thompson River Lumber Company expressed support for the project. Sanders County Commissioners also expressed support for the project and requested management of weeds on disturbed vegetation sites. A Northern Cheyenne tribal representative reviewed the project and deferred future comment to the nearest tribe in Plains. DNRC incorporated all concerns into project planning and design.

DNRC Recommendation

The DNRC recommends the Land Board direct DNRC to sell the Twin J Timber Sale.

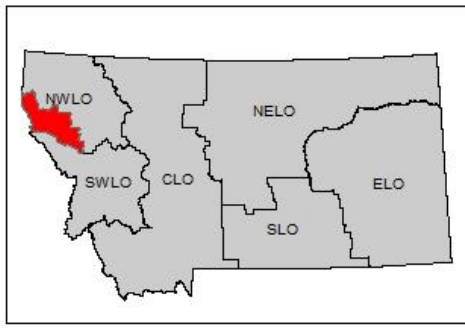
State Trust Land Vicinity Map Plains Unit

Twin J Timber Sale Vicinity Map



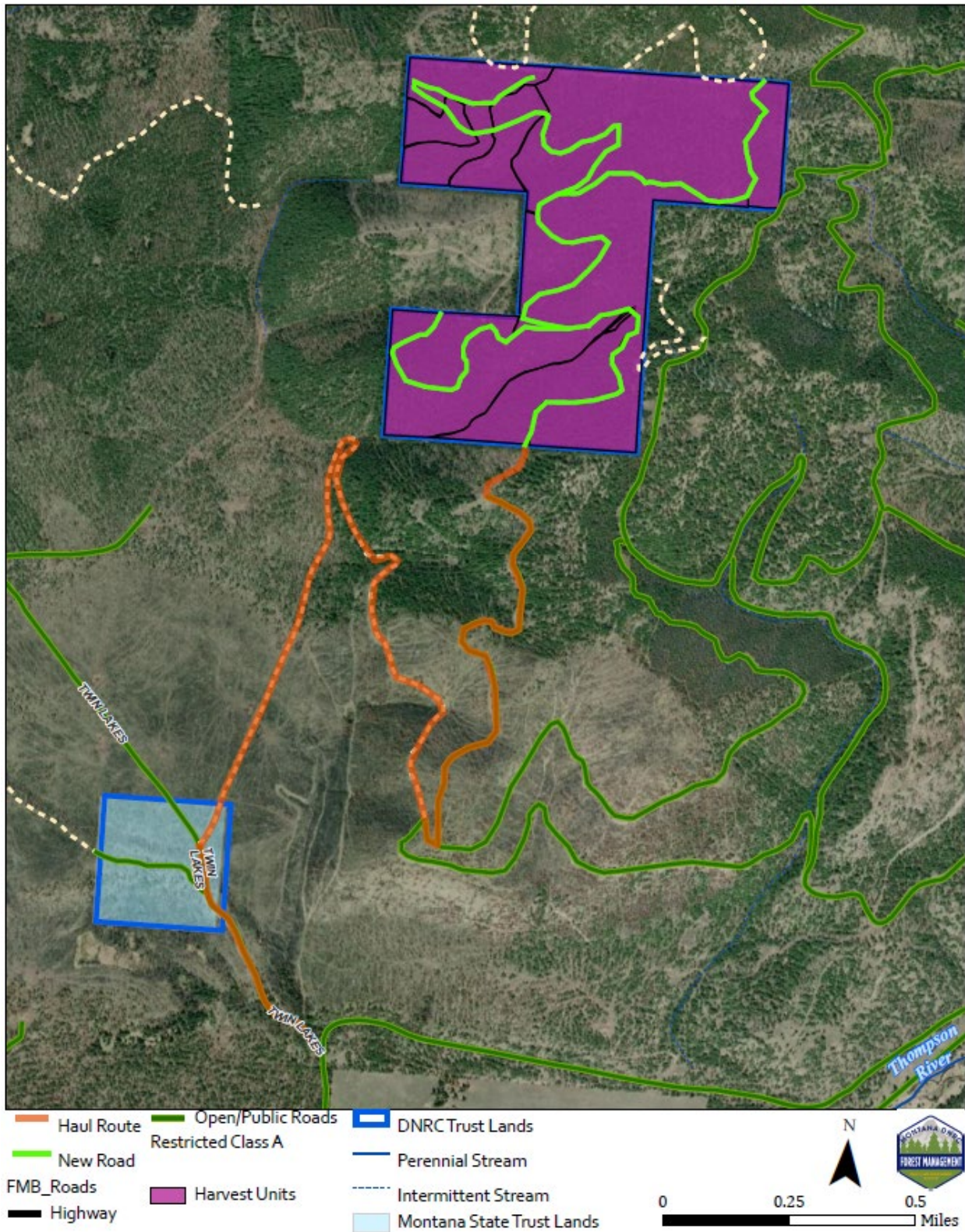
- Rivers
- Water Bodies
- State Trust Lands
- Towns
- Major Roads

Project Name: Twin J
Project Location:
S12 T25 R27
County: Sanders



Produced by Montana Department of Natural Resources and Conservation 11/1/2019
Datum: NAD 1983 StatePlane

Twin J Timber Sale Haul Route and Harvest Units



0723-2

LAND BANKING PARCEL

Preliminary Approval for Sale

A. Gallatin County

B. Ravalli County

**Land Board Agenda Item
July 17, 2023**

0723-2A Land Banking Parcel: Preliminary Approval for Sale

Location: Gallatin County

Trust Benefits: Montana Tech

Trust Revenue: Appraisal to be completed after preliminary approval

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately 34.42 acres nominated for sale in Gallatin County. The sale was nominated by the lessee and is located approximately 4 miles east of Three Forks, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
2059	≈34.42±	PT NE4 T2N-R2E, Section 34	Mountain West Veterinary, LLC.,	Montana Tech

The Sale parcel has been used primarily for livestock grazing purposes and has below average productivity for agricultural and grazing lands statewide.

Sale No. 2059 is entirely surrounded by private land and is not legally accessible by the public. The sale of this parcel would not restrict or eliminate access to adjacent private land. Public comments include one reply from The Montana Department of Fish, Wildlife and Parks encouraging the continued use of the property as open land and/or agriculture and recommend wildlife friendly fencing. Other public comments received were informational inquiries and do not affect the sale.

MEPA scoping has been completed, and no potentially negative issues related to the sale of this parcel have been identified.

With the Land Board's preliminary approval to sell this parcel, DNRC can continue the due diligence necessary to fully evaluate and process this parcel for sale.

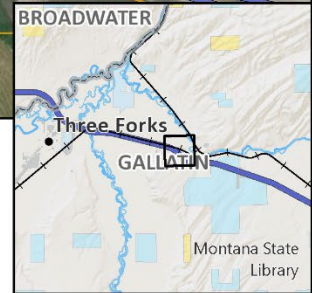
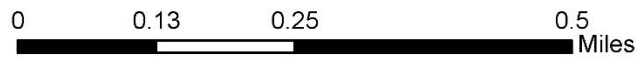
DNRC Recommendation

The DNRC recommends the Land Board grant preliminary approval to sell this parcel.



- Land Banking Sale Nomination - Sale 2059
- State Trust Lands
- Cadastral Parcels

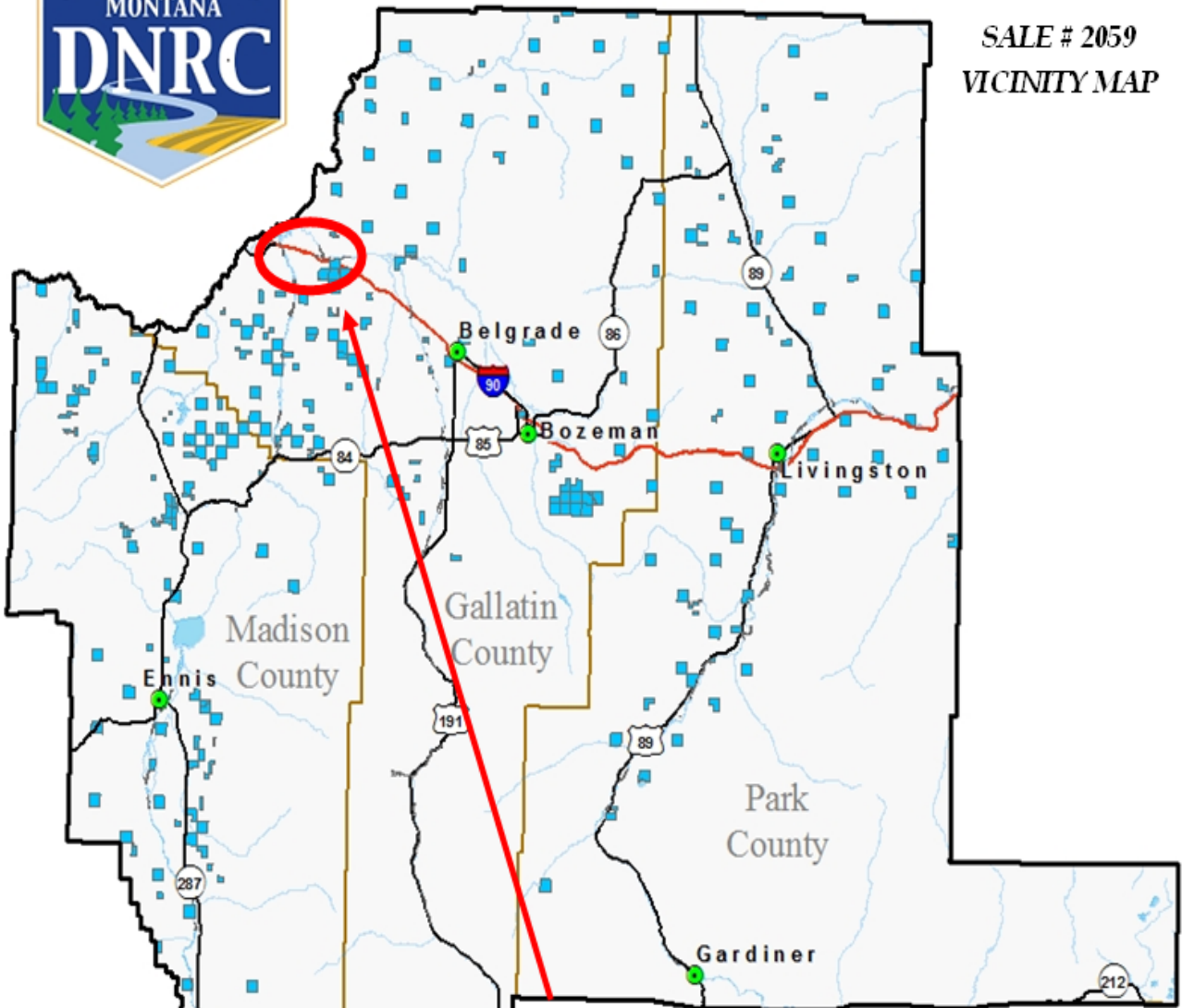
- PLSS Township
- PLSS First Division





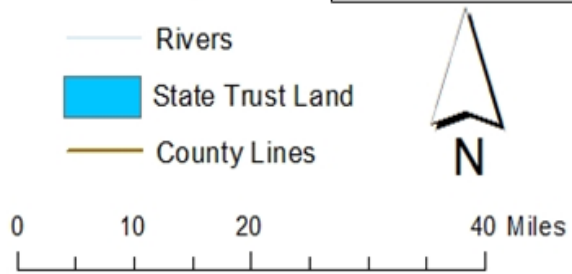
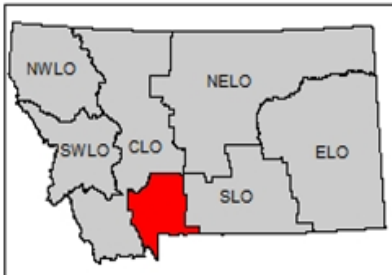
State Trust Land Vicinity Map Bozeman Unit

SALE # 2059
VICINITY MAP



	Towns
	Water Bodies
	Interstate
	Major Roads
	Rivers
	State Trust Land
	County Lines

Sale # 2059
Mountain West Veterinary, LLC.,
Section 34, T2N-R2E
Gallatin County



**Land Board Agenda Item
July 17, 2023**

0723-2B Land Banking Parcel: Preliminary Approval for Sale

Location: Ravalli County

Trust Benefits: Common Schools

Trust Revenue: Appraisal to be completed after preliminary approval

Item Summary

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately 80 acres nominated for sale in Ravalli County. The sale was nominated by the lessee and is located approximately 4 miles south of Hamilton, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
2063	80±	S2SW4 T52- R20W Section 16	Elk Park Ranch Montana, LLC.,	Common Schools

The Sale parcel has been used primarily for livestock grazing purposes and has below average productivity for agricultural and grazing lands statewide.

Sale No. 2063 is entirely surrounded by private land and is not legally accessible by the public. The sale of this parcel would not restrict or eliminate access to adjacent private land. Public comments included a comment from an adjoining landowner concerned about the implications the sale of state land may have for their private property, as well as a herd of elk that frequent the area. Other public comments received were information inquiries and do not affect the sale.

MEPA scoping has been completed, and no potentially negative issues related to the sale of this parcel have been identified.

With the Land Board's preliminary approval to sell this parcel, DNRC can continue the due diligence necessary to fully evaluate and process this parcel for sale.

DNRC Recommendation

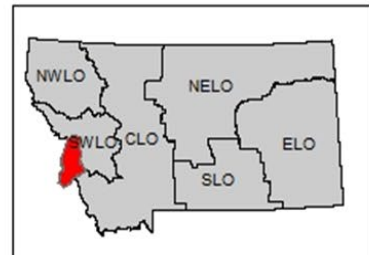
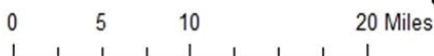
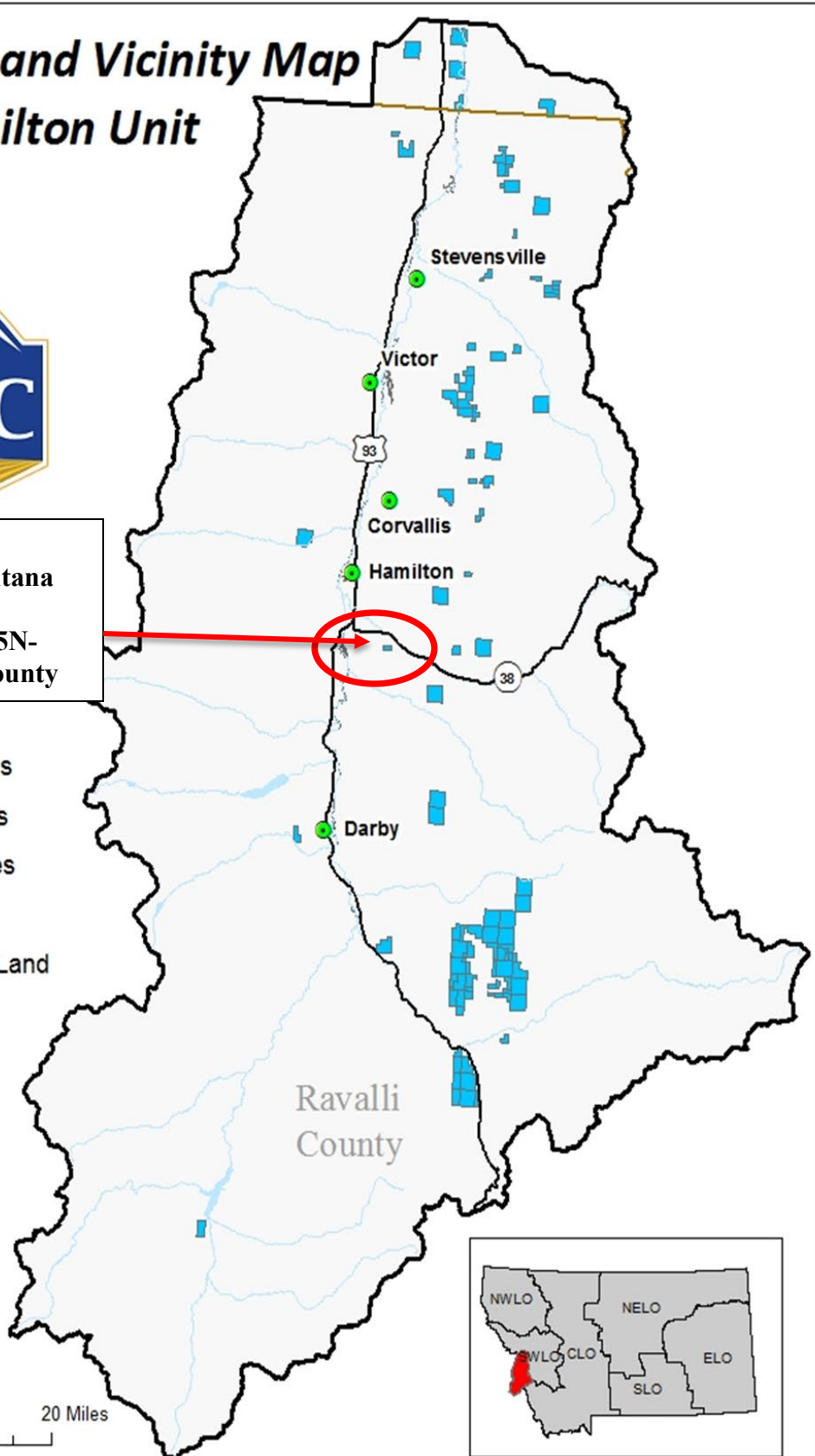
The DNRC recommends the Land Board grant preliminary approval to sell this parcel.

State Trust Land Vicinity Map Hamilton Unit



Sale #2063
Elk Park Ranch Montana
LLC.,
S2SW4 Section 16, T5N-
R20W Ravalli County

- Towns
- County Lines
- Major Roads
- Water Bodies
- Rivers
- State Trust Land



Produced by Montana Department of Natural Resources and Conservation 11/1/2019
Datum: NAD 1983 StatePlane

0723-3

CABIN & HOME SITES

Set Minimum Bid for Sale

- A. Blaine County
- B. Chouteau County
- C. Judith Basin County

**Land Board Agenda Item
July 17, 2023**

0723-3A Cabin and Home Sites: Set Minimum Bid for Sale

Location: Blaine County
Trust Benefits: Common Schools
Trust Revenue: \$12,000

The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) home site nominated for sale in Blaine County. The sale was nominated by the lessee in conjunction with the 2020-2021 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
1156	4.8±	TRACT 1 OF COS 370137 T33N-R19E, Section 36	Mary Lou & Bruce Butcher	Common Schools

Background:

Preliminary Land Board approval was granted in April of 2020 (Approved 5-0) for this site to be included as part of the 2020-2021 Cabin Site Sales Program.

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for the proposed sale. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. This sale will have no effect to state-owned heritage properties.

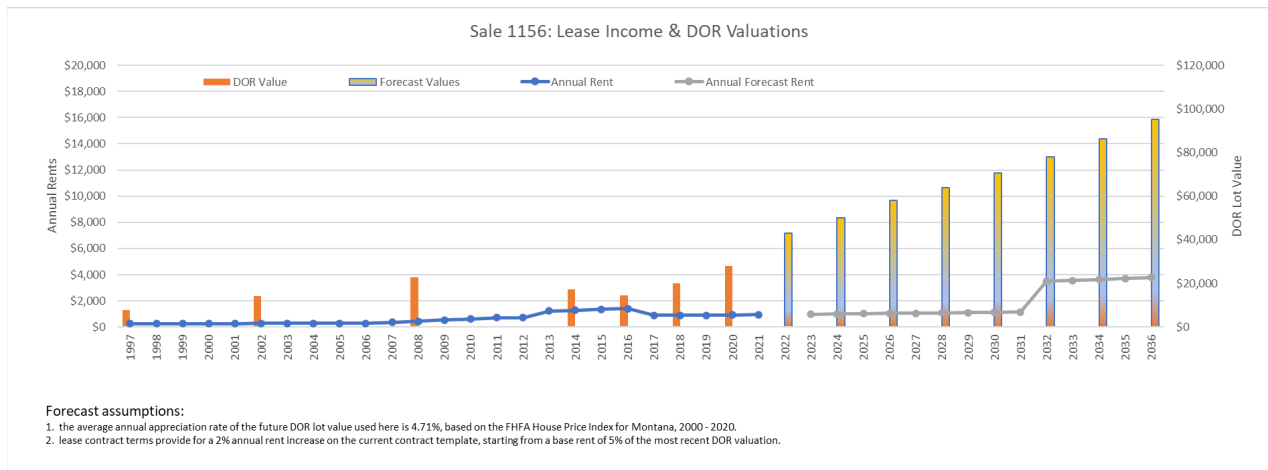
Access/Recreational Use:

As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin site sale program that the public is permitted to use for recreation. Rather, the funds generated by this sale will go towards purchasing new lands that will have dedicated public access and recreational opportunities.

Economic Analysis:

Short term – The average rates of return on the sale parcel is 5.426%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 1156-Review of Past Income and Values; Forecast Income & Values



Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 3.33% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher, ranging from 3.58% on acquisitions purchased within the last five years to 3.89% for lands acquired within the last ten years. Figure 2 shows hypothetical lot values derived from the 3-year average net revenue of the current lease, at a sample range of income rates of return that could be anticipated when the sale proceeds are used for a land banking acquisition.

Figure 2: Lot Values derived from 3-year Average Net Income at Sample Rates of Return

Sale Number		Rate of Return at Current Appraised Value for Land	Average Rate of Return on all Land Banking Acquisitions	Average Rate of Return on Land Banking Acquisitions within the last 5 years	Average Rate of Return on Land Banking Acquisitions within the last 10 years
	Income Rate of Return	5.426%	3.33%	3.58%	3.89%
1156	5.426%	\$12,000	\$19,552	\$18,186	\$16,737

Appraised Values of Land and Improvements:

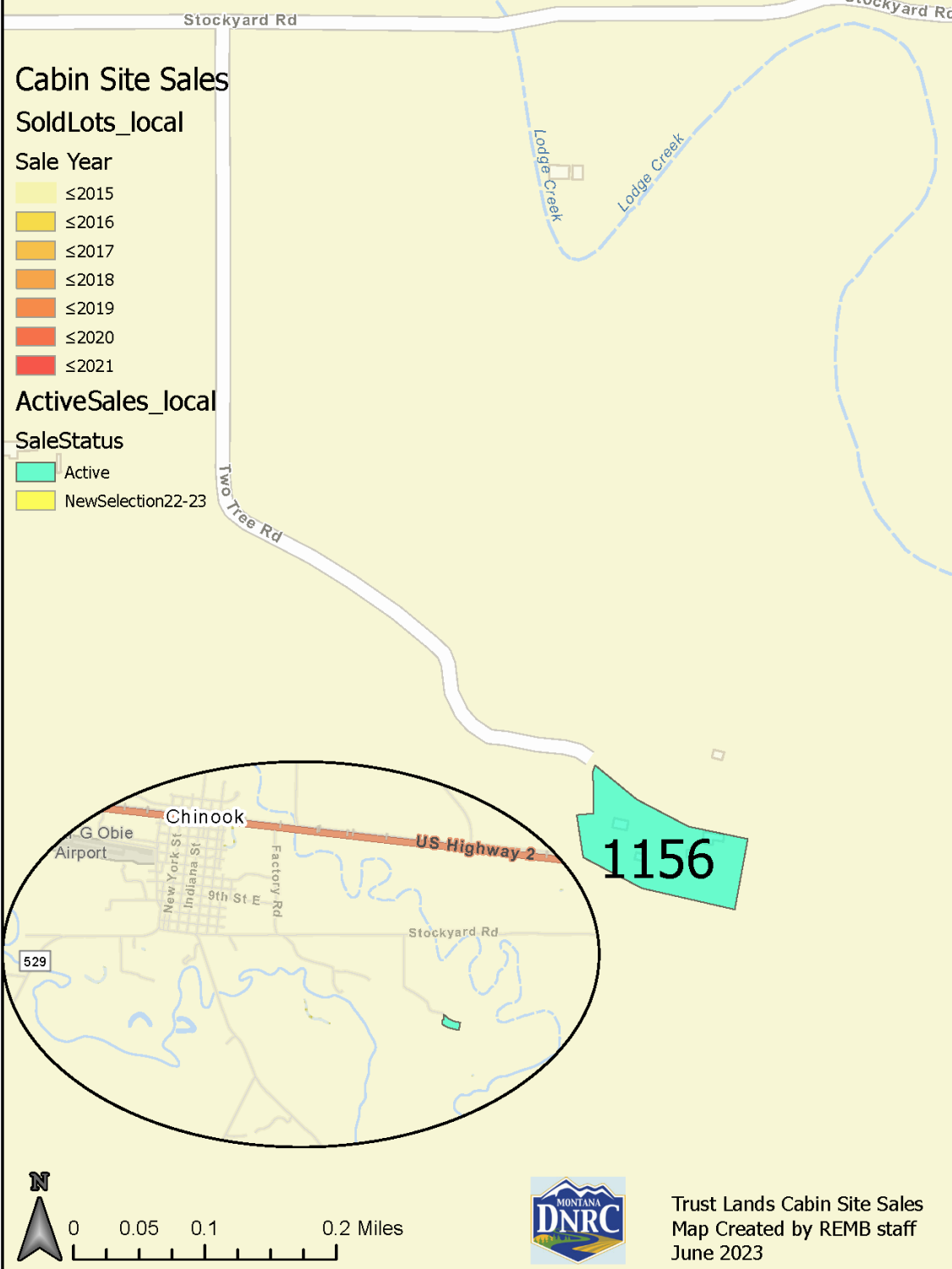
The appraisal was prepared by Montana General Certified Appraiser Ernest F. Goettlich V of Northern Acres Appraisal Services, LLC in Havre.

Sale No.	Appraised Land Value	Appraised Improvements Value
1156	\$12,000	\$228,000

DNRC Recommendation

The DNRC recommends that the Land Board set the minimum bid for this home site at the appraised land value and the maximum value of compensation for the improvements shown above.

Blaine County Sale #1156



**Land Board Agenda Item
July 17, 2023**

0723-3B Cabin and Home Sites: Set Minimum Bid for Sale

Location: Chouteau County

Trust Benefits: Common Schools

Trust Revenue: \$50,000

The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) home site nominated for sale in Chouteau County. The sale was nominated by the lessee in conjunction with the 2020-2021 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
1158	10.42±	Tract 1, CHOUTEAU COUNTY COS 220A T24N-R7E, Section 28	Olson Farms, Inc.	Common Schools

Background:

Preliminary Land Board approval was granted in April of 2020 (Approved 5-0) for this site to be included as part of the 2020-2021 Cabin Site Sales Program.

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for the proposed sale. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. The sale will have no effect to state-owned heritage properties.

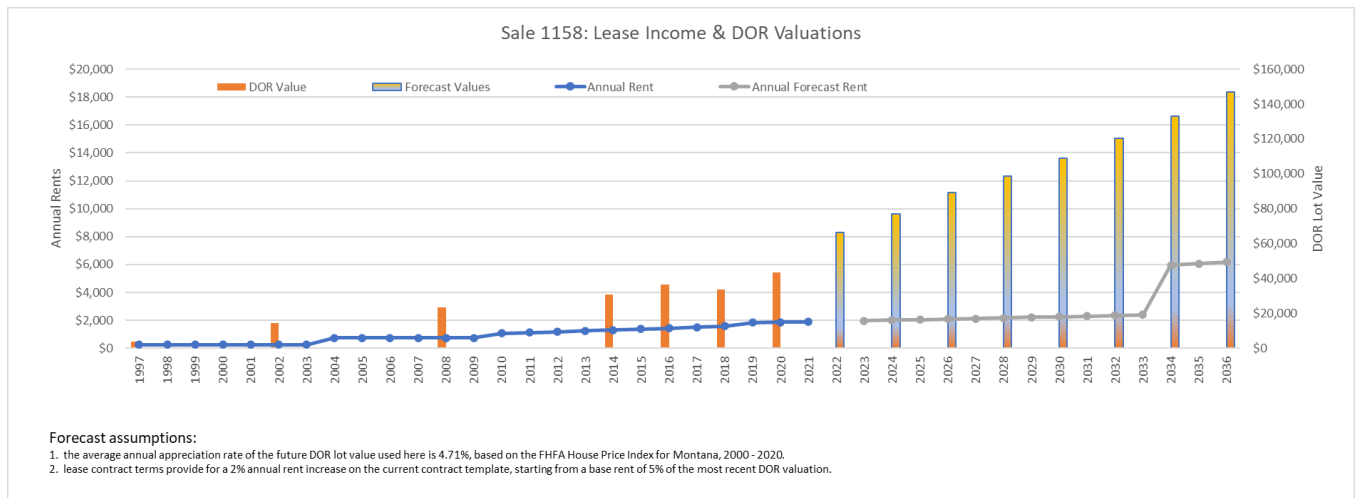
Access/Recreational Use:

As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin site sale program that the public is permitted to use for recreation. Rather, the funds generated by these sales will go towards purchasing new lands that will have dedicated public access and recreational opportunities.

Economic Analysis:

Short term – The average rates of return on the sale parcel is 2.625%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 1158-Review of Past Income and Values; Forecast Income & Values



Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 3.33% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher, ranging from 3.58% on acquisitions purchased within the last five years to 3.89% for lands acquired within the last ten years. Figure 2 shows hypothetical lot value derived from the 3-year average net revenue of the current lease, at a sample range of income rates of return that could be anticipated when the sale proceeds are used for a land banking acquisition.

Figure 2: Lot Values derived from 3-year Average Net Income at Sample Rates of Return

Sale Number		Rate of Return at Current Appraised Value for Land	Average Rate of Return on all Land Banking Acquisitions	Average Rate of Return on Land Banking Acquisitions within the last 5 years	Average Rate of Return on Land Banking Acquisitions within the last 10 years
	Income Rate of Return	2.625%	3.33%	3.58%	3.89%
1158	2.625%	\$50,000	\$39,417	\$36,665	\$33,743

Appraised Values of Land and Improvements:

The appraisal was prepared by Montana General Certified Appraiser Ernest F. Goettlich V of Northern Acres Appraisal Services, LLC in Havre. The sale proponent appealed the values determined by the appraiser and requested a hearing regarding the appraised land value and the value of improvements. The administrative hearing was held on January 18, 2023. As part of the evidence submitted for the hearing, the petitioners submitted a second appraisal, which was prepared according to the same scope of work. This second appraisal was prepared by Montana General Certified Appraisers J. Scott Crosby and Valerie Crosby of Crosby Analytics, LLC in Cowley, Wyoming. Administrative Law Judge Martin Balukas' recommendation to the Land Board is to set the values as shown below:

Sale No.	Recommended Minimum Bid for the Land	Recommended Maximum Value of Compensation for Improvements
1158	\$50,000	\$354,000

DNRC Recommendation

The DNRC recommends that the Land Board set the minimum bid for this home site at the recommended minimum bid for the land and the recommended maximum value of compensation for the improvements shown above.

Chouteau County Sale #1158

Cabin Site Sales

SoldLots_local

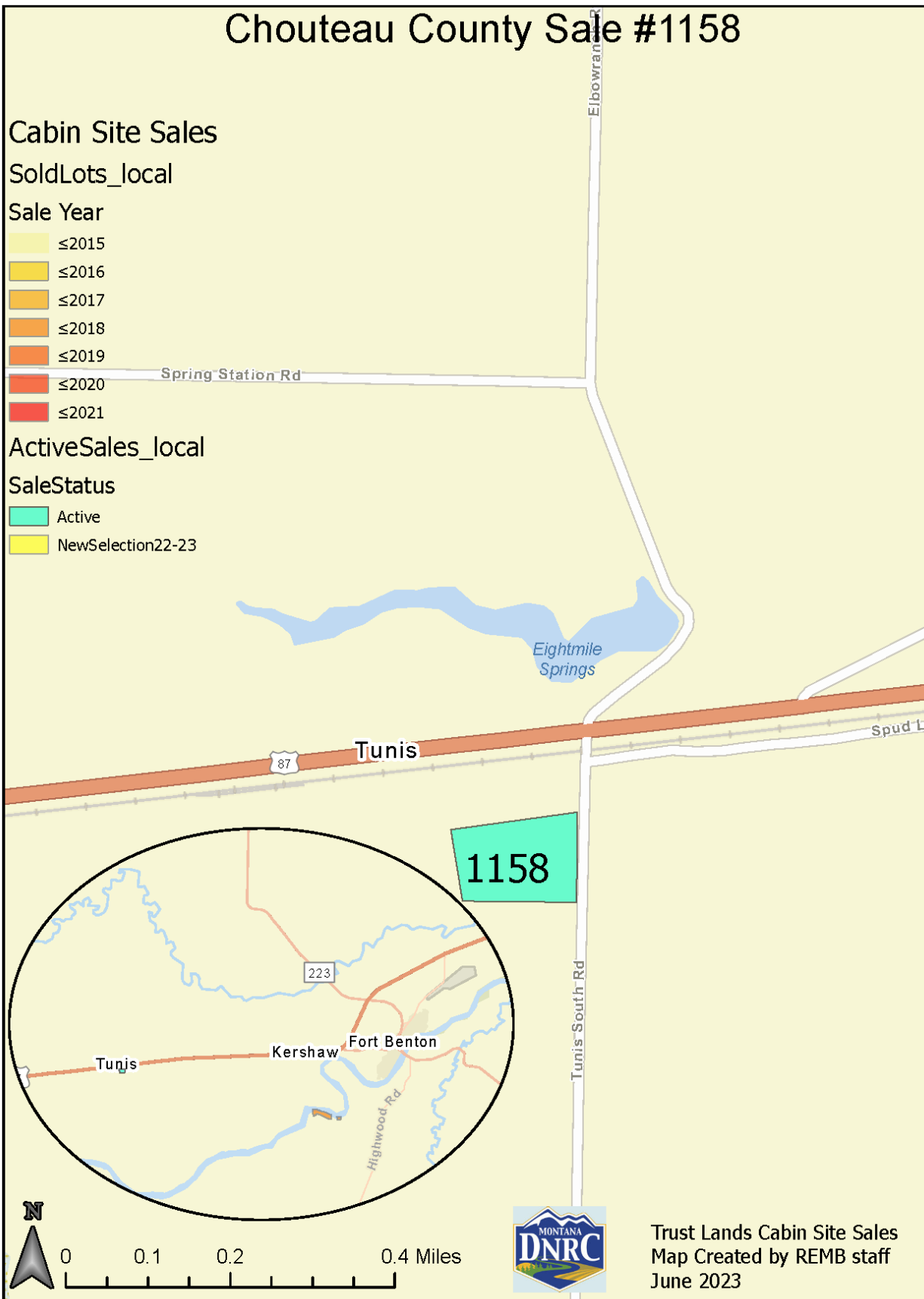
Sale Year

- ≤2015
- ≤2016
- ≤2017
- ≤2018
- ≤2019
- ≤2020
- ≤2021

ActiveSales_local

SaleStatus

- Active
- NewSelection22-23



**Land Board Agenda Item
July 17, 2023**

0723-3C Cabin and Home Sites: Set Minimum Bid for Sale

Location: Judith Basin County

Trust Benefits: Montana Tech

Trust Revenue: \$42,000

The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) home site nominated for sale in Judith Basin County. The sale was nominated by the lessee in conjunction with the 2022-2023 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2036	6.92±	Tract 1 of Judith Basin COS 443 T17N-R10E, Section 22	Kenneth Annala	Montana Tech

Background:

Preliminary Land Board approval was granted in December of 2022 (Approved 4-1) for this site to be included as part of the 2022-2023 Cabin Site Sales Program.

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for the proposed sale. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. The sale will have no effect to state-owned heritage properties.

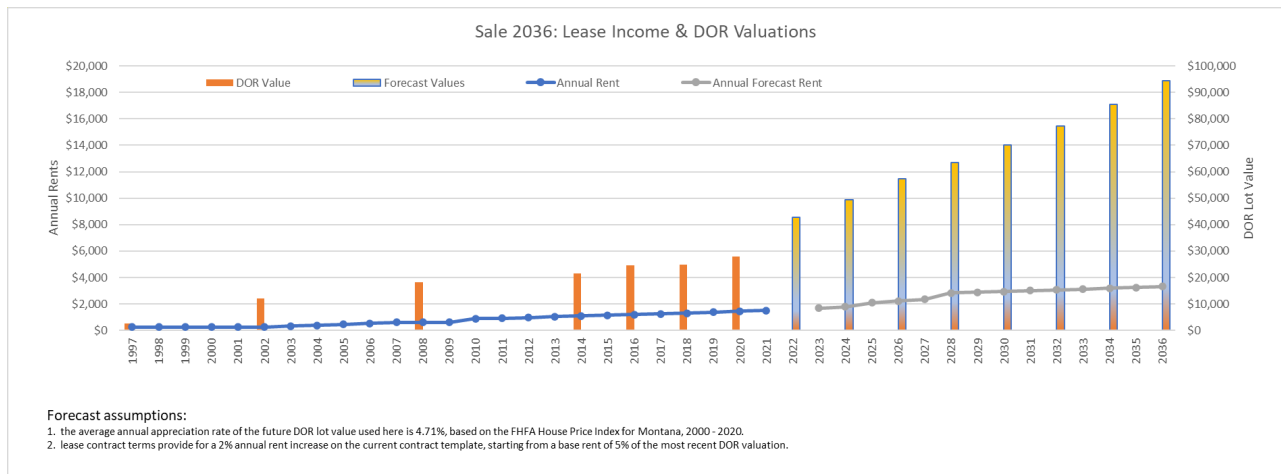
Access/Recreational Use:

As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin site sale program that the public is permitted to use for recreation. Rather, the funds generated by this sale will go towards purchasing new lands that will have dedicated public access and recreational opportunities.

Economic Analysis:

Short term – The average rates of return on the sale parcel is 2.503%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 2036-Review of Past Income and Values; Forecast Income & Values



Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 3.33% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher, ranging from 3.58% on acquisitions purchased within the last five years to 3.89% for lands acquired within the last ten years. Figure 2 shows hypothetical lot values derived from the 3-year average net revenue of the current lease, at a sample range of income rates of return that could be anticipated when the sale proceeds are used for a land banking acquisition.

Figure 2: Lot Values derived from 3-year Average Net Income at Sample Rates of Return

Sale Number		Rate of Return at Current Appraised Value for Land	Average Rate of Return on all Land Banking Acquisitions	Average Rate of Return on Land Banking Acquisitions within the last 5 years	Average Rate of Return on Land Banking Acquisitions within the last 10 years
	Income Rate of Return	2.503%	3.33%	3.58%	3.89%
2036	2.503%	\$42,000	\$31,573	\$29,368	\$27,028

Appraised Values of Land and Improvements:

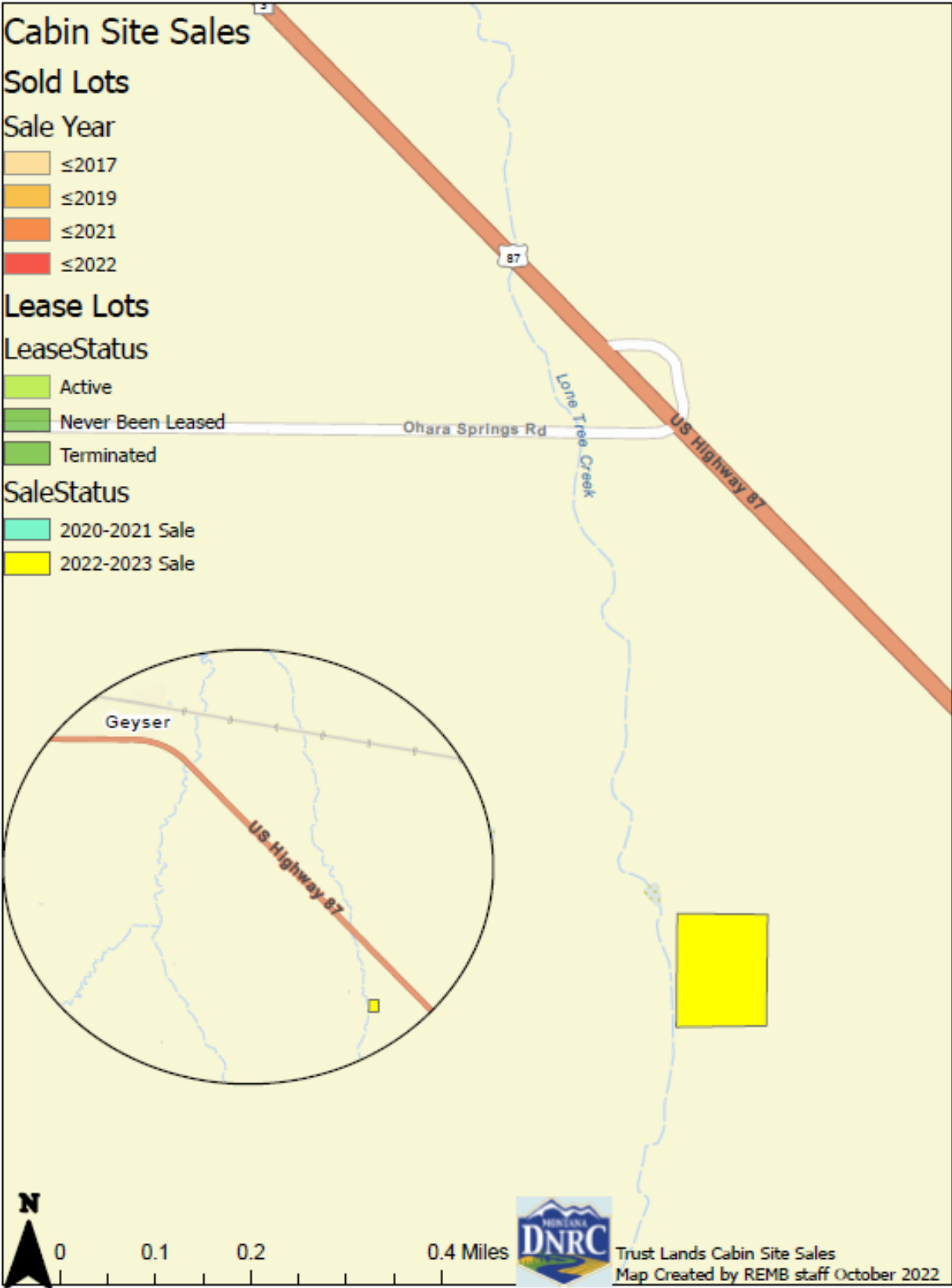
The appraisal was prepared by Montana General Certified Appraisers J. Scott Crosby and Valerie Crosby of Crosby Analytics, LLC in Cowley, Wyoming.

Sale No.	Appraised Land Value	Appraised Improvements Value
2036	\$42,000	\$608,000

DNRC Recommendation

The DNRC recommends that the Land Board set the minimum bid for this home site at the appraised land value and the maximum value of compensation for the improvements shown above.

Sale 2036, Judith Basin County



0723-4

CABIN & HOME SITES
Final Approval for Sale

Missoula County

**Land Board Agenda Item
July 17, 2023**

0723-4 Cabin and Home Sites: Final Approval for Sale:

Location: Missoula County

Trust Benefits: MSU 2nd

Trust Revenue: \$247,000

The Department of Natural Resources and Conservation (DNRC) is requesting final approval for two (2) cabin sites nominated for sale in Missoula County. These sales were nominated by the lessees in conjunction with the 2022-2023 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2006	1.051±	Lot 17, Clearwater River West Shore, COS 5310 T16N-R15W, Section 10	John & Sheila Devins	Montana State University
2016	0.508±	Lot 19, Morrell Flats, COS 5840 T16N-R15W, Section 14	Freda & Wade Rathbun	Montana State University

Background:

Preliminary Land Board approval was granted in April of 2022 (Approved 4-1) for these sites to be included as part of the 2022-2023 Cabin Site Sales Program. The Land Board set minimum bid for the cabin sites at the appraised land values and the maximum value of compensation for the improvements in March of 2023 (Approved 4-1).

Cultural/Paleontological Resources:

A Class I level of cultural resource inventory was conducted for each of the proposed sales. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. These sales will have no effect to state-owned heritage properties.

Access/Recreational Use:

As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general public. State lands classified as cabin or home sites are closed to general recreational use by the public in accordance with ARM 36.25.150(1)(a). Therefore, the State is not selling land under the cabin site sale

program that the public is permitted to use for recreation. Rather, the funds generated by these sales will go towards purchasing new lands that will have dedicated public access and recreational opportunities.

Economic Analysis:

Short term – The average rates of return on these sale parcels are shown in Figure 1 below. The parcels will continue to receive these returns if they remain in state ownership. The income rates of return will likely grow smaller, as average annual value appreciation is greater than the annual rent increase.

Figure 1: Rates of Return at Current Appraised Values

Sale No.	Rate of Return	Sale No.	Rate of Return
2006	1.764%	2016	1.62%

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through DNRC’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 3.33% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher, ranging from 3.58% on acquisitions purchased within the last five years to 3.89% for lands acquired within the last ten years.

Appraised Values of Land and Improvements:

The appraisal of these cabin sites was prepared by Montana General Certified Appraiser Elliott M. Clark, MAI of Clark Real Estate Appraisal of Whitefish, Montana. Each of the sale proponents appealed the values determined by the appraiser and requested a hearing regarding the appraised land values. The administrative hearings were held on December 20, 2022. Administrative Law Judge Martin Balukas’ recommendation to the Land Board was to set minimum bid at the appraised land values. The Land Board set the minimum bid for the land and maximum value of compensation for improvements in March of 2023, at the appraised values shown below.

Sale Nos.	Minimum Bid for Land	Maximum Value of Compensation for Improvements	Final Sale Price
2006	\$181,000	\$475,000	\$181,000
2016	\$66,000	\$240,000	\$66,000

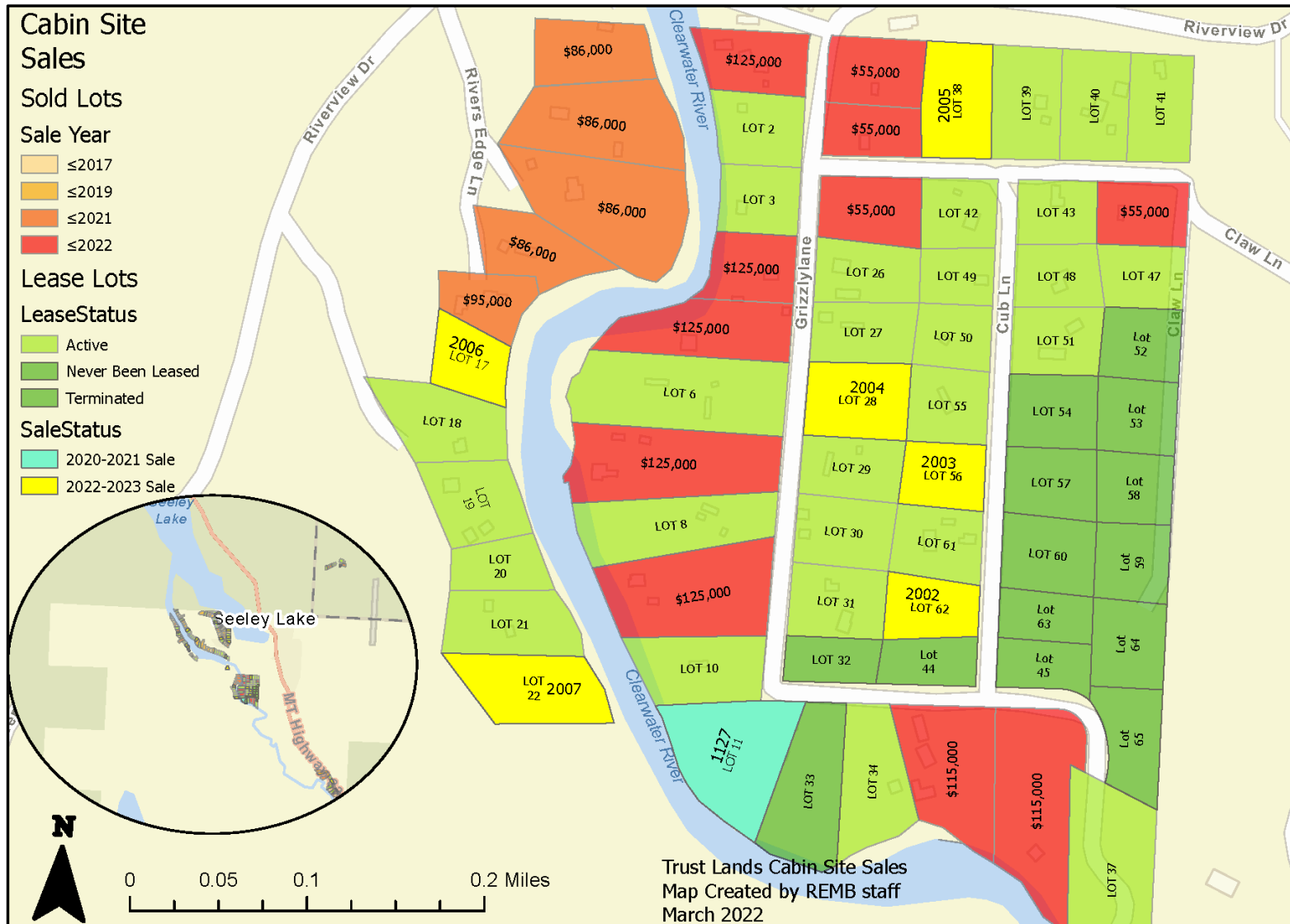
Sale Price

The cabin sites sold at public auction on June 8, 2023. There was one qualified bidder for each sale. The sites sold for the final sale prices listed above.

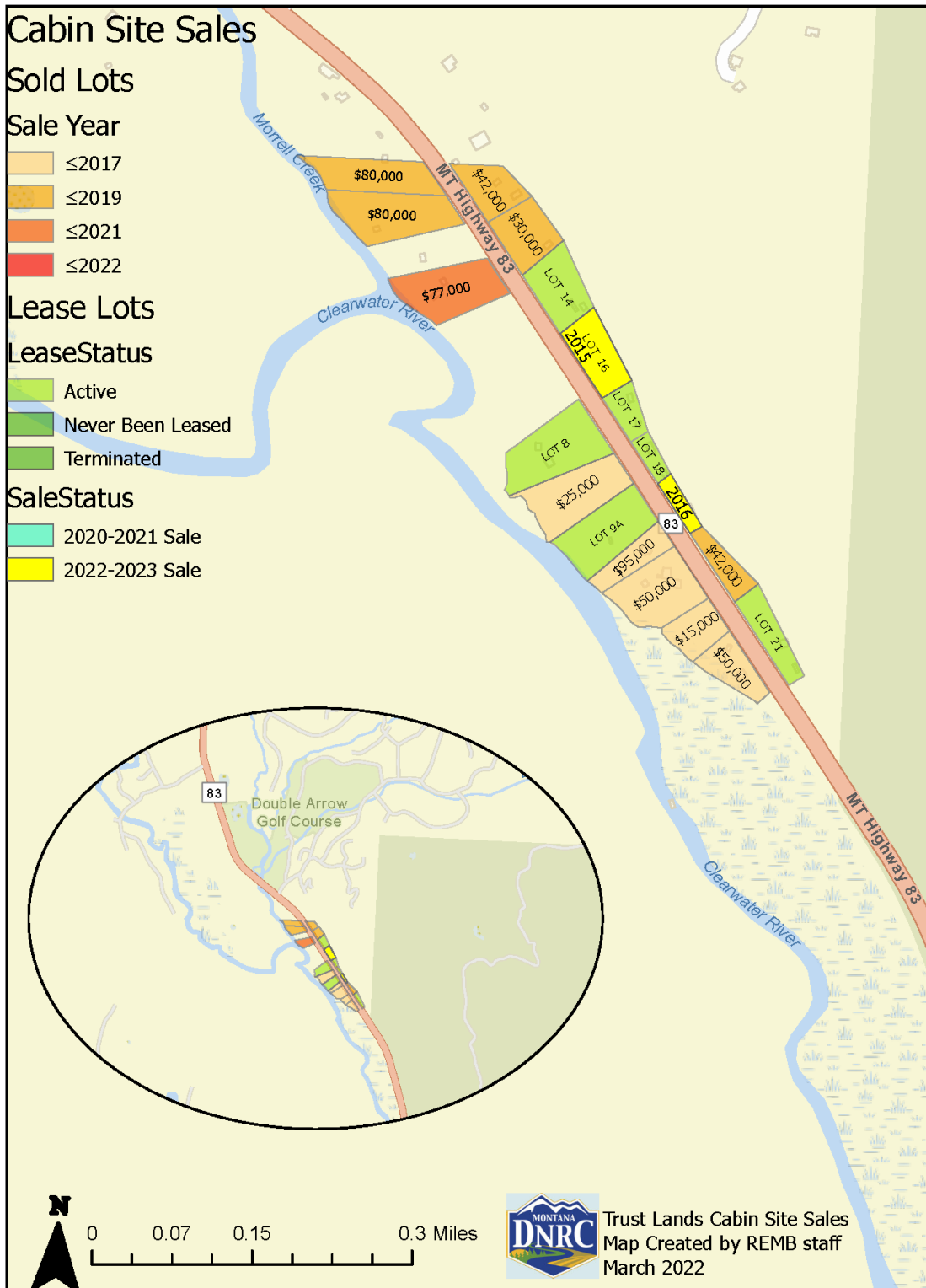
DNRC Recommendation

The DNRC recommends that the Land Board grant final approval for the sale of these cabin sites at the values shown above.

Clearwater River, Missoula County



Morrell Flats, Missoula County



0723-5

EASEMENTS

**Land Board Agenda Item
July 17, 2023**

0723-5 Easements

Location: Carter, Lewis & Clark, Madison, Mineral, Richland, Valley Counties

Trust Benefits: Common Schools, Montana Tech, Public Land Trust – Navigable Waters

**Trust Revenue: Common Schools = \$67,687.00
Montana Tech = \$4,035.00
Public Land Trust – Navigable Waters = \$9,232.00**

Item Table of Contents

Applicant	Right-of-Way Purpose	Term	Page(s)
St. Regis – Mineral County Sewer District	Buried Municipal Sewer Pipeline	Permanent	41-42
Southeast Electric Cooperative	Overhead Transmission Lines	Permanent	43-44
Vision Net, Inc.	Buried Fiber Optic Cable	Permanent	45-46
Oneok Rockies Midstream, LLC	Buried Natural Gas Pipeline	Permanent	47-48
3 Rivers Telephone, Co-op, Inc.	Buried Fiber Optic Cable	Permanent	49-58
Dry Prairie Rural Water Authority	Buried Water Pipeline	Permanent	59-72

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: St. Regis Sewer District
P O Box 130
Superior, MT 59872

Application No.: 19556
R/W Purpose: a buried 7" municipal sewer pipeline
Lessee Agreement: N/A (Nav. River)
Acreage: 0.27
Compensation: \$9,232.00
Legal Description: 30-foot strip across the Clark Fork River in S2SW4, Sec. 19,
Twp. 18N, Rge. 27W, Mineral County
Trust Beneficiary: Public Land Trust – Navigable Waters

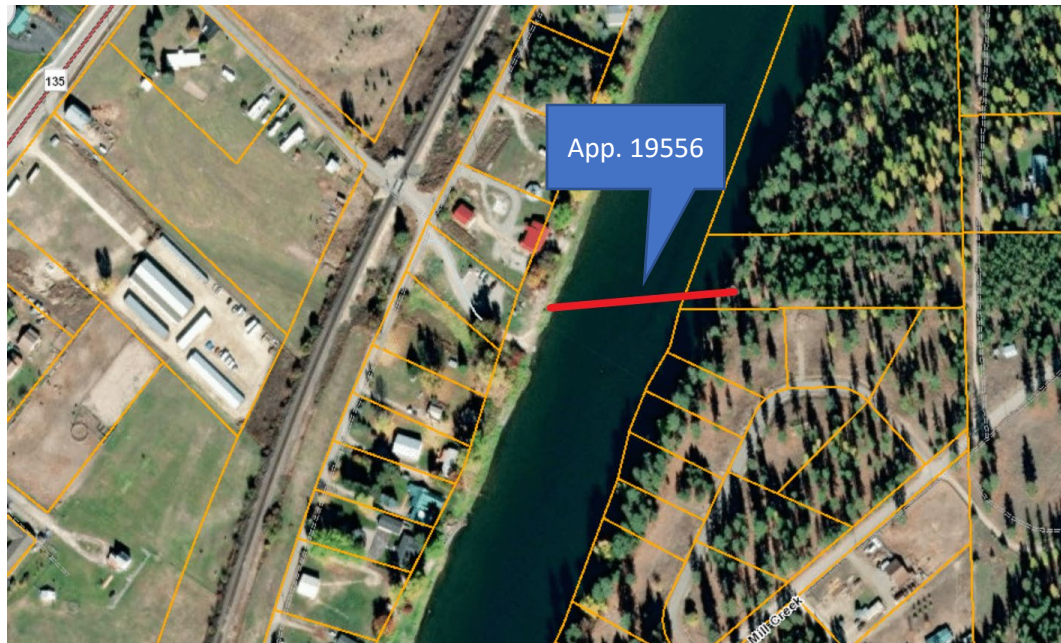
Item Summary

St. Regis Sewer District is requesting an easement to place a new 7" municipal sewer pipeline under the Clark Fork River. The District received an easement in 1996 for the original sewer mainline pipeline, which was trenched into the riverbed and has been in use since then. However, that original pipeline has been damaged over time and was recently repaired to avoid sewage leaking into the river. It has been determined that a new pipeline, to be directional bored 30-feet under the riverbed, is the safest and most economical solution to the issues with the current pipeline. The current pipeline will be cleaned and capped and abandoned in place until a plan is in place to remove it safely and with minimal impact to the riverbed. The old pipeline will remain under authorization from the original easement until its removal at which point the easement will be terminated.

DNRC Recommendation

The DNRC recommends approval of the application of St. Regis Sewer District.

Application 19556



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Southeast Electric Cooperative
P O Box 369
Ekalaka, MT 59324

Application No.: 19565
R/W Purpose: two overhead 115 kV transmission lines
Lessee Agreement: ok
Acreage: 8.49
Compensation: \$10,188.00
Legal Description: 60-foot strip through E2NE4, SW4NE4, NW4SE4, E2SW4,
Sec. 16, Twp. 6S, Rge. 62E, Carter County
Trust Beneficiary: Common Schools

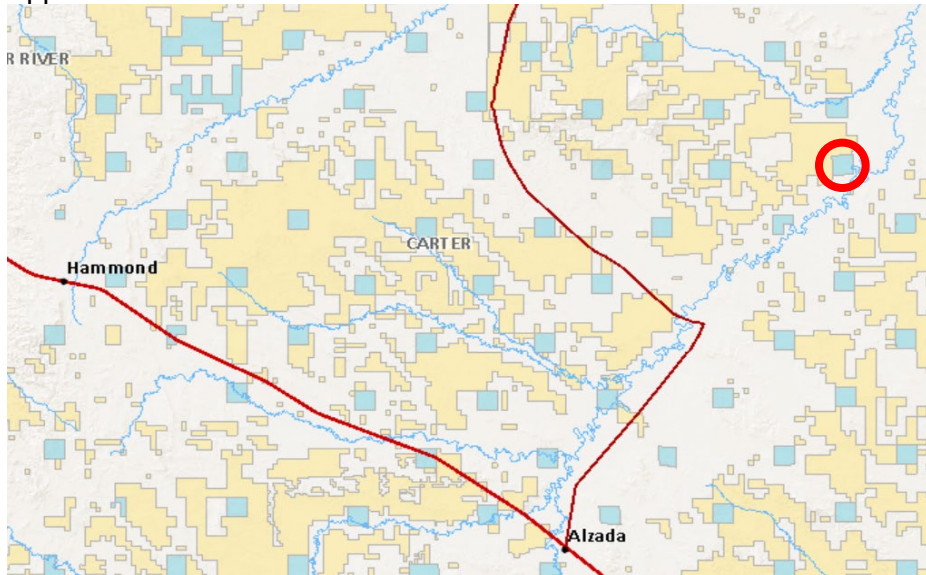
Item Summary

Southeast Electric Cooperative is requesting an easement to construct a new overhead 115kV overhead electric transmission line across State Trust land to increase the electrical reliability in rural Carter County. During the course of the analysis of the request it was discovered that Southeast Electric had constructed an overhead 24.5kV electric distribution line in trespass in the same alignment in 2013. Southeast Electric plans to upgrade this existing trespass distribution line into a 115kV transmission line, thus having two transmission lines within the same easement corridor. The original easement request was amended to widen the corridor to include both electric facilities. A recent field review by DNRC staff discovered that new power poles have been installed without authorization while the application was in the review process. Therefore, as a result of the 2013 trespass and the new unauthorized construction activity, and pursuant to §77-1-125, MCA, the DNRC is recommending a trespass penalty be imposed equal to the maximum 3 times the land value for the land area disturbed. The compensation shown above includes the land value for the 60-foot requested corridor (\$5,094.00) and the recommended trespass penalty for the area disturbed as a result of the unauthorized installation (20-foot wide disturbance multiplied by land value of \$600/acre multiplied by 3 = \$5,094.00).

DNRC Recommendation

The DNRC recommends approval of the application of Southeast Electric Cooperative.

Application #19565



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Vision Net, Inc.
222 N. 32nd Street, Suite 400
Billings, MT 59101

Application No.: 19567
R/W Purpose: a buried fiber optic cable
Lessee Agreement: N/A (unleased)
Acreage: 0.67
Compensation: \$32,160.00
Legal Description: 20-foot strip through W2W2, Sec. 8, Twp. 11N, Rge. 3W,
Lewis and Clark County
Trust Beneficiary: Common Schools

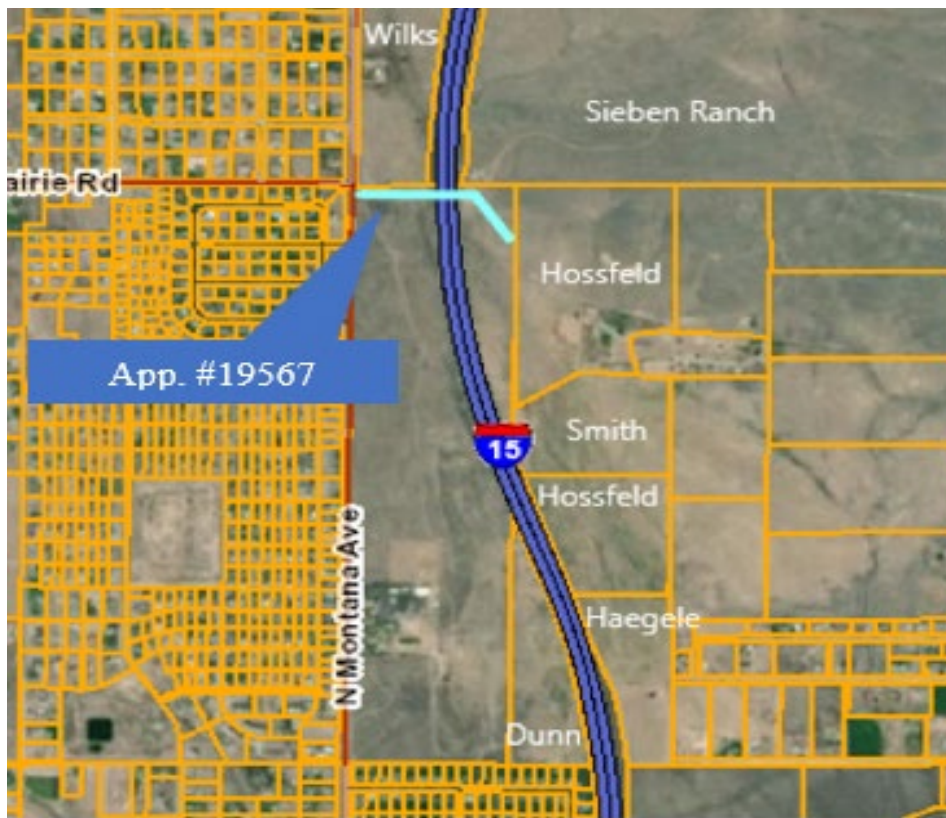
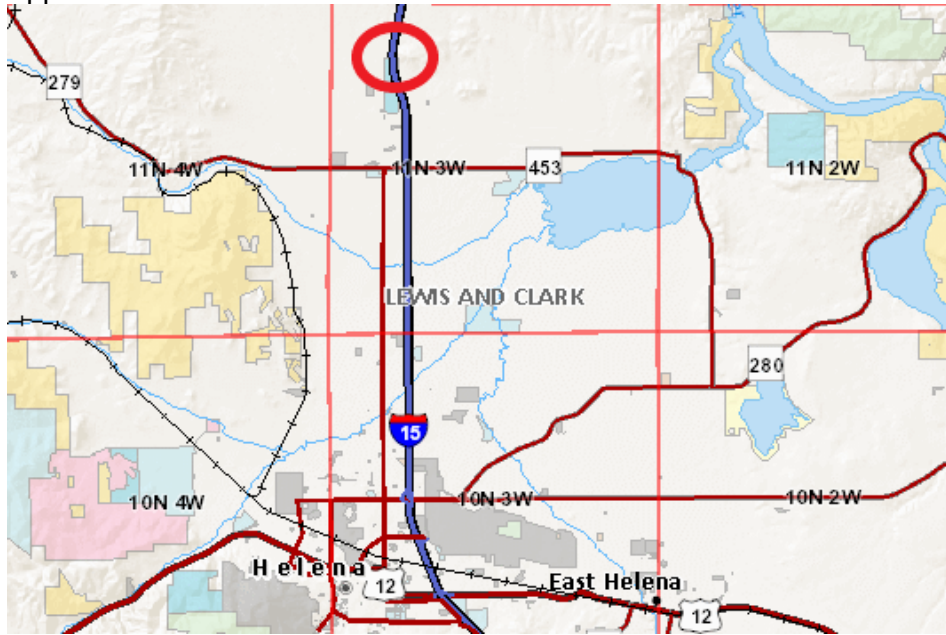
Item Summary

Vision Net, Inc. is requesting an easement for a buried fiber optic line, which was installed in trespass on State Trust Land in October, 2022. The DNRC was in discussions with Vision Net regarding the easement application process in January, 2022 and received an incomplete application in September, 2022. When DNRC became aware of the unauthorized construction of the line on November 4, a cease and desist letter was sent to Vision Net. A fully completed application package was submitted shortly thereafter. The fiber optic line provides service to a new cellular tower on private lands. Pursuant to §77-1-125, MCA, the DNRC is recommending a trespass penalty be imposed equal to the maximum 3 times the land value for the land area disturbed. The compensation shown above includes the land value for the 20-foot requested corridor (\$8,040.00) and the recommended trespass penalty for the area disturbed as a result of the unauthorized installation (20-foot wide disturbance multiplied by land value of \$12,000/acre multiplied by 3 = \$24,120.00).

DNRC Recommendation

The DNRC recommends approval of the application of Vision Net, Inc.

Application #19567



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Oneok Rockies Midstream, LLC
896 25th Street SE
Sidney, MT 59270

Application No.: 19568
R/W Purpose: a buried 6" natural gas pipeline
Lessee Agreement: ok
Acreage: 2.38
Compensation: \$14,791.00
Legal Description: 33-foot strip through W2NE4, NW4SE4 Sec. 16, Twp. 26N, Rge. 58E, Richland County
Trust Beneficiary: Common Schools

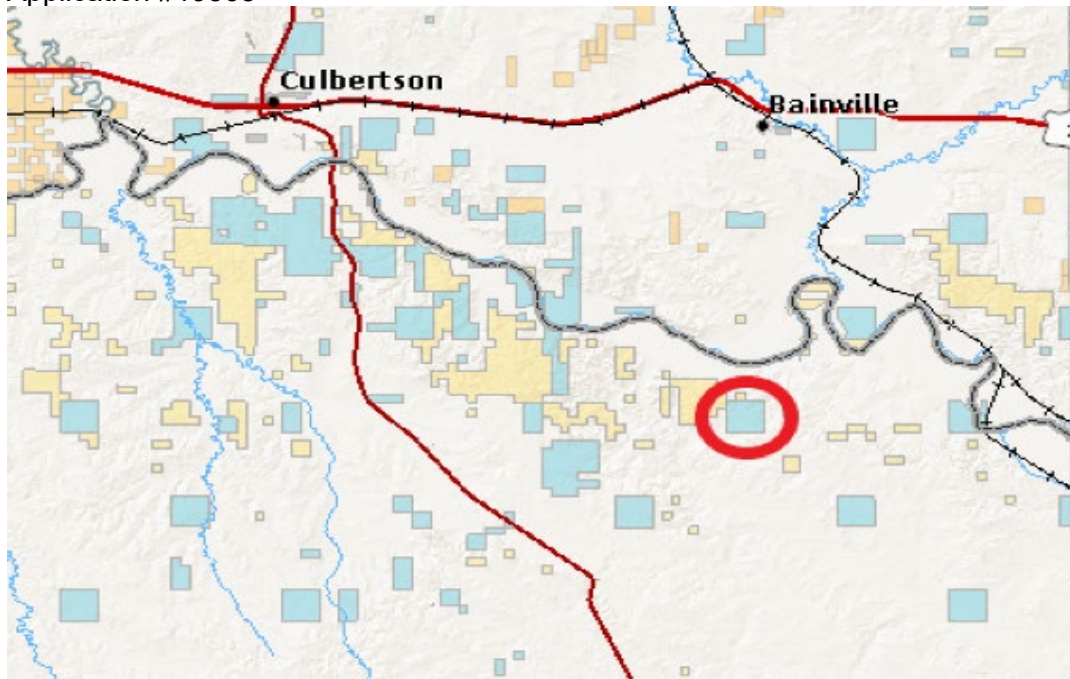
Item Summary

Oneok Rockies Midstream, LLC has submitted an application to convert a previously obtained Land Use License for a buried 6" natural gas pipeline to an easement. The pipeline was constructed in 2012 pursuant to the license. Consistent with pipeline easements, a 30-year term easement is recommended to be issued.

DNRC Recommendation

The DNRC recommends approval of the application of Oneok Rockies Midstream, LLC for a term of 30 years.

Application #19568



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Coop, Inc.
PO Box 429
Fairfield, MT 59436

Application No.: 19569
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 0.52
Compensation: \$780.00
Legal Description: 10-foot strip through N2NW4, Sec. 18, Twp. 6S, Rge. 4W,
Madison County
Trust Beneficiary: Montana Tech

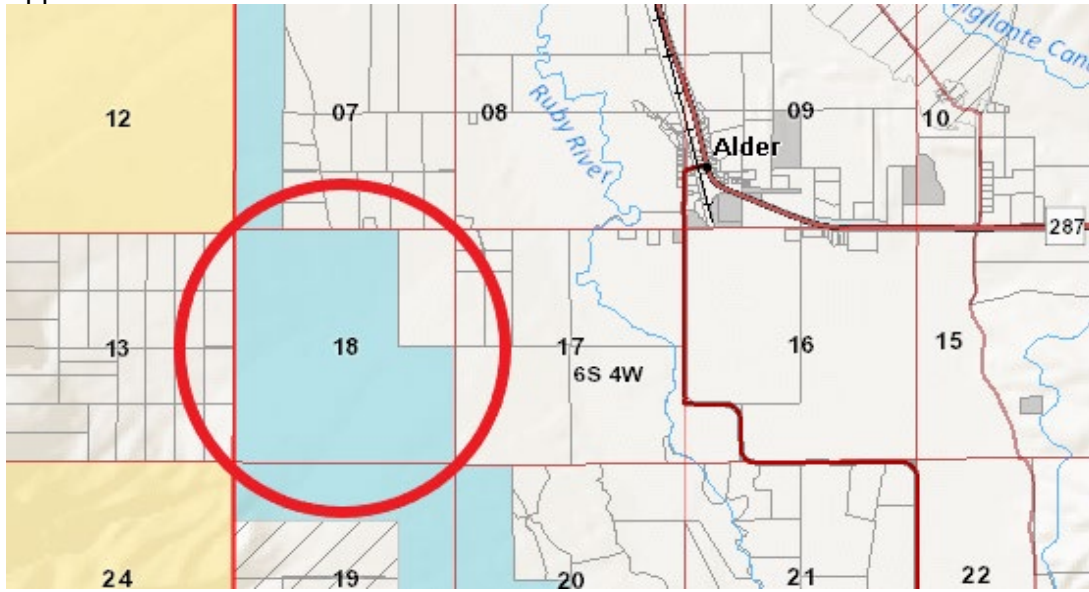
Item Summary

3 Rivers Telephone Co-op, Inc. is requesting an easement to install a buried fiber optic cable. This line is part of a project to provide high speed data and broadband services to rural Montana customers in the Sheridan exchange area. The existing copper telephone cables in this area are aging and have reached their useful life, preventing 3 Rivers from fulfilling service requests for broadband services. The new fiber optic cable will be primarily trenched adjacent to existing roads, therefore minimal impacts are expected to occur. The proposed route is the most direct route between terminus locations.

DNRC Recommendation

The DNRC recommends approval of the application of 3 Rivers Telephone Co-op, Inc.

Application #19569



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Coop, Inc.
PO Box 429
Fairfield, MT 59436

Application No.: 19570
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 0.33
Compensation: \$495.00
Legal Description: 10-foot strip through SE4NE4, NE4SE4, Sec. 19, Twp. 6S,
Rge. 4W, Madison County
Trust Beneficiary: Montana Tech

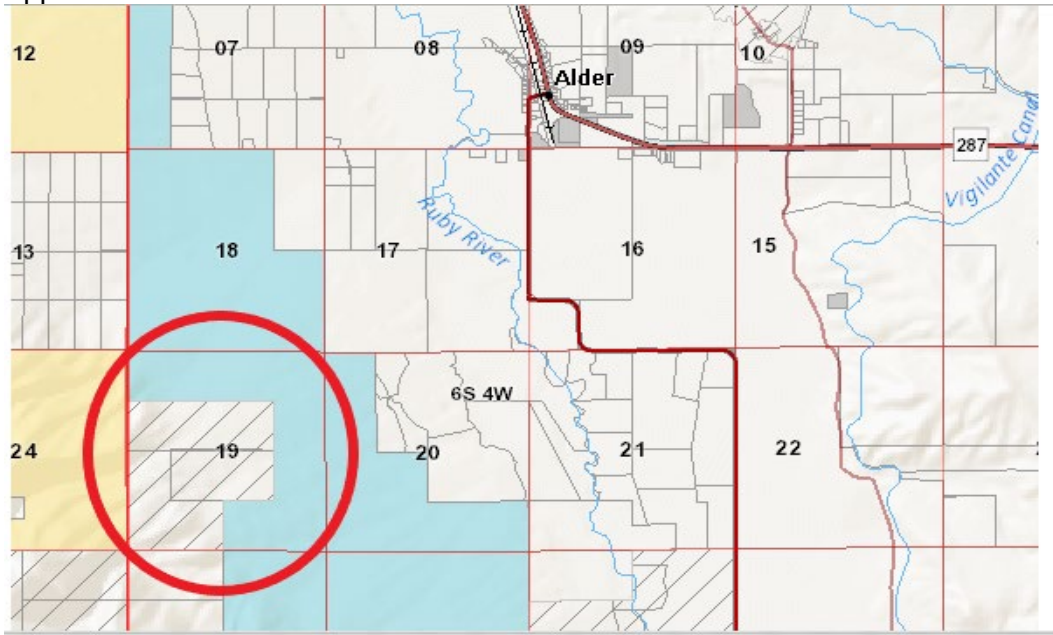
Item Summary

Continuation of 3 Rivers Telephone Co-op, Inc. applications.

DNRC Recommendation

The DNRC recommends approval of the application of 3 Rivers Telephone Co-op, Inc.

Application #19570



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Coop, Inc.
PO Box 429
Fairfield, MT 59436

Application No.: 19571
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 1.14
Compensation: \$1,710.00
Legal Description: 10-foot strip through SW4NW4, NE4SW4, S2SE4, Sec. 20, Twp.
6S, Rge. 4W, Madison County
Trust Beneficiary: Montana Tech

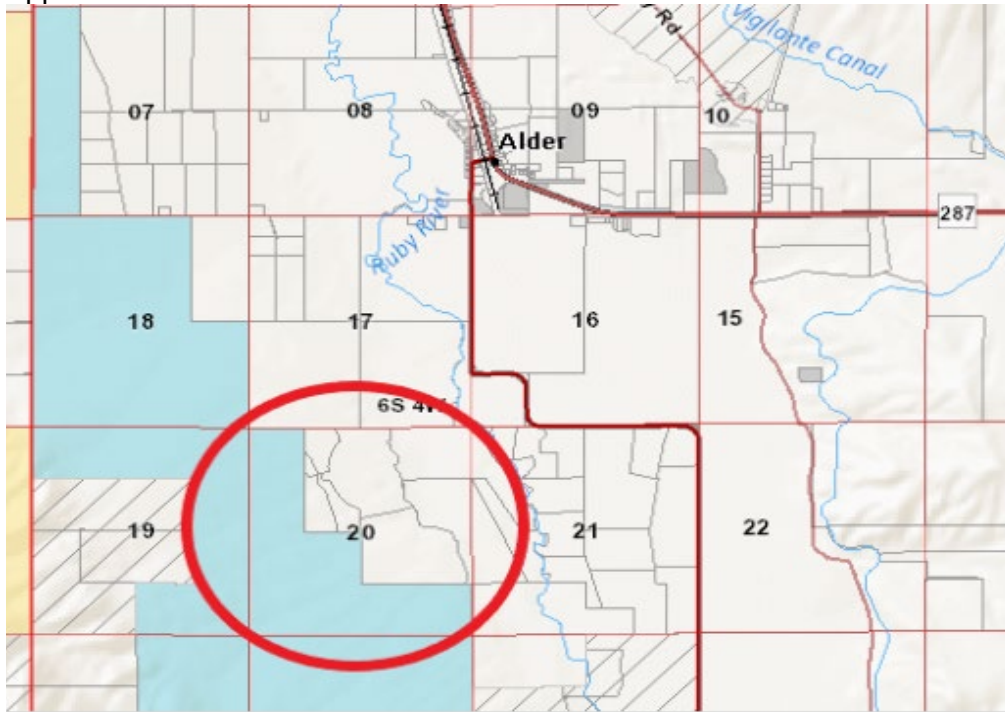
Item Summary

Continuation of 3 Rivers Telephone Co-op, Inc. applications.

DNRC Recommendation

The DNRC recommends approval of the application of 3 Rivers Telephone Co-op, Inc.

Application #19571



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Co-op, Inc.
PO Box 429
Fairfield, MT 59436

Application No.: 19572
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 0.70
Compensation: \$1,050.00
Legal Description: 10-foot strip through E2NE4, Sec. 29, Twp. 6S, Rge. 4W,
Madison County
Trust Beneficiary: Montana Tech

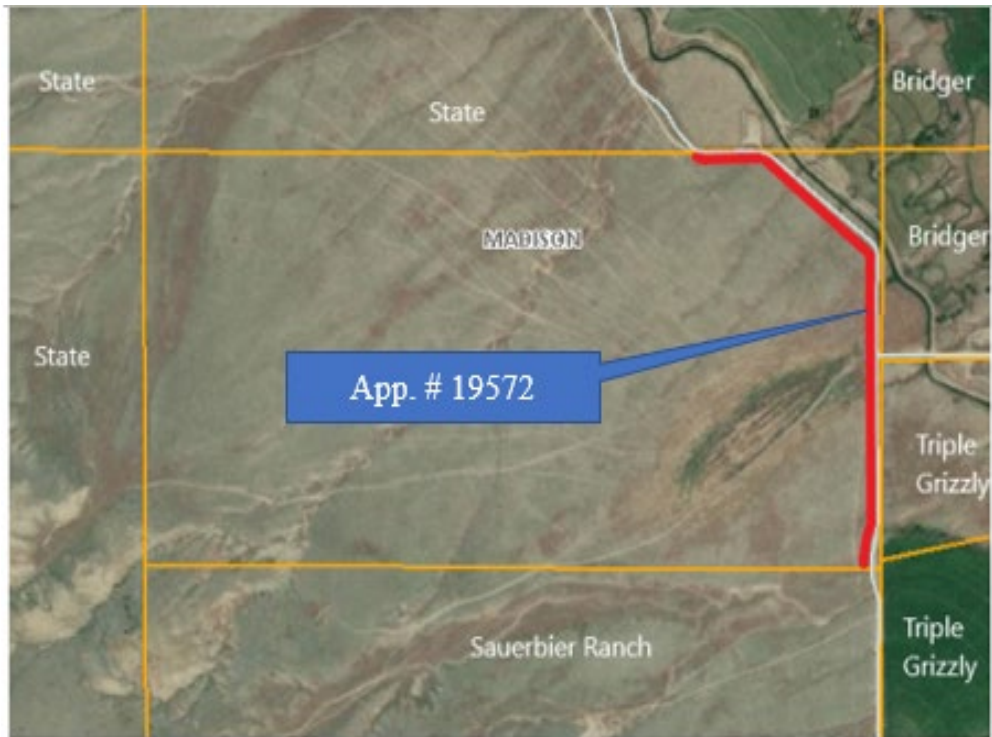
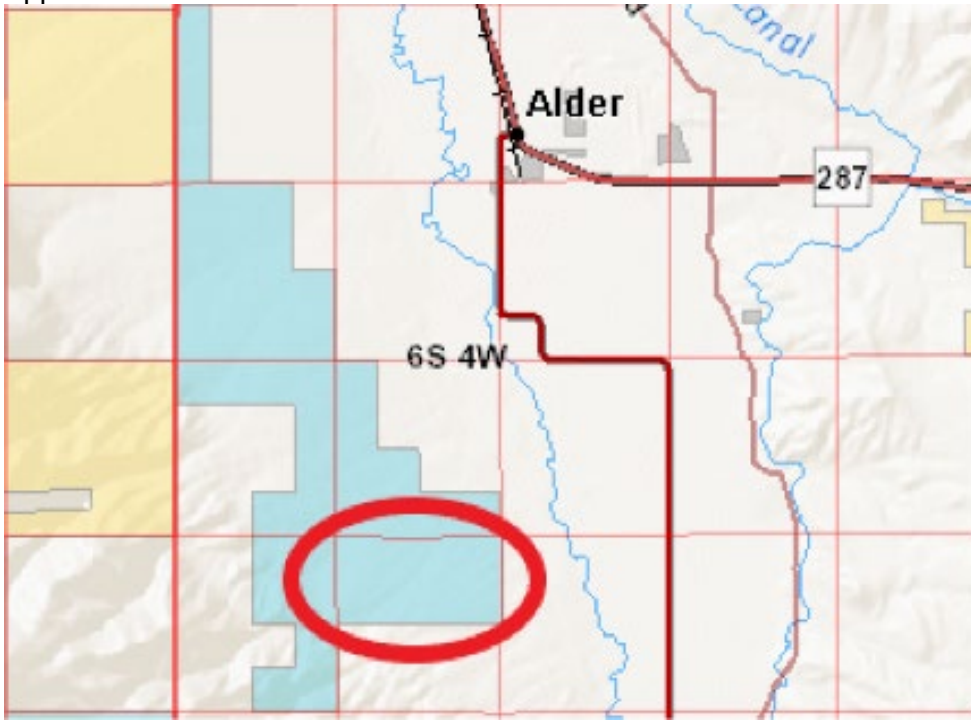
Item Summary

Continuation of 3 Rivers Telephone Co-op, Inc. applications.

DNRC Recommendation

The DNRC recommends approval of the application of 3 Rivers Telephone Co-op, Inc.

Application #19572



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: 3 Rivers Telephone Co-op, Inc.
PO Box 429
Fairfield, MT 59436

Application No.: 19573
R/W Purpose: a buried fiber optic cable
Lessee Agreement: ok
Acreage: 0.70
Compensation: \$1,050.00
Legal Description: 10-foot strip through S2SW4, SW4SE4, Sec. 16, Twp. 7S,
Rge. 4W, Madison County
Trust Beneficiary: Common Schools

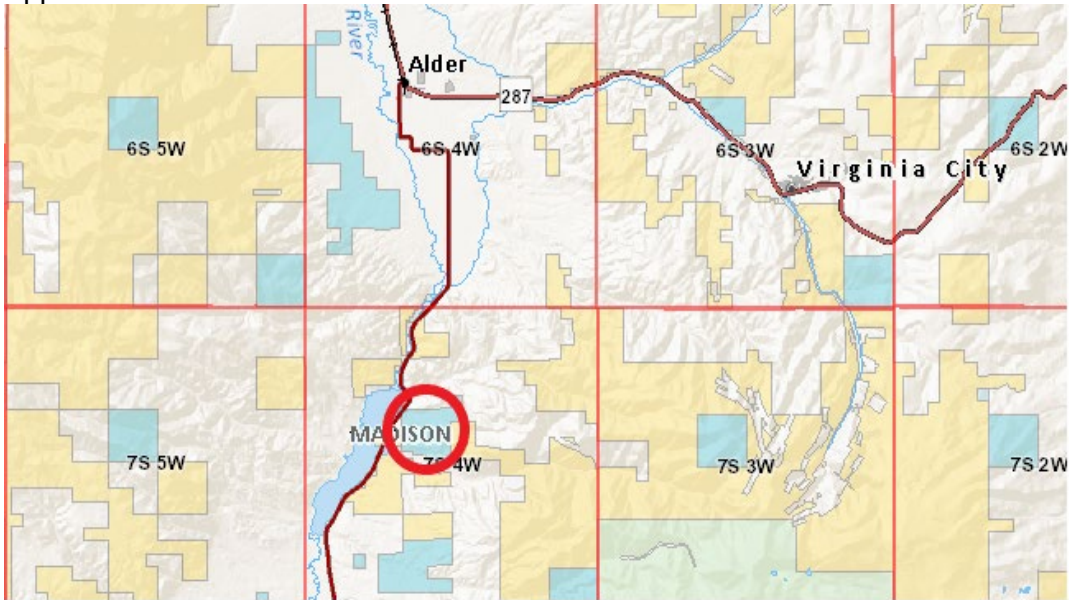
Item Summary

Continuation of 3 Rivers Telephone Co-op, Inc. applications.

DNRC Recommendation

The DNRC recommends approval of the application of 3 Rivers Telephone Co-op, Inc.

Application #19573



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19574
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 0.91
Compensation: \$364.00
Legal Description: 30-foot strip through SW4SW4, Sec. 15, Twp. 31N, Rge. 40E,
Valley County
Trust Beneficiary: Common Schools

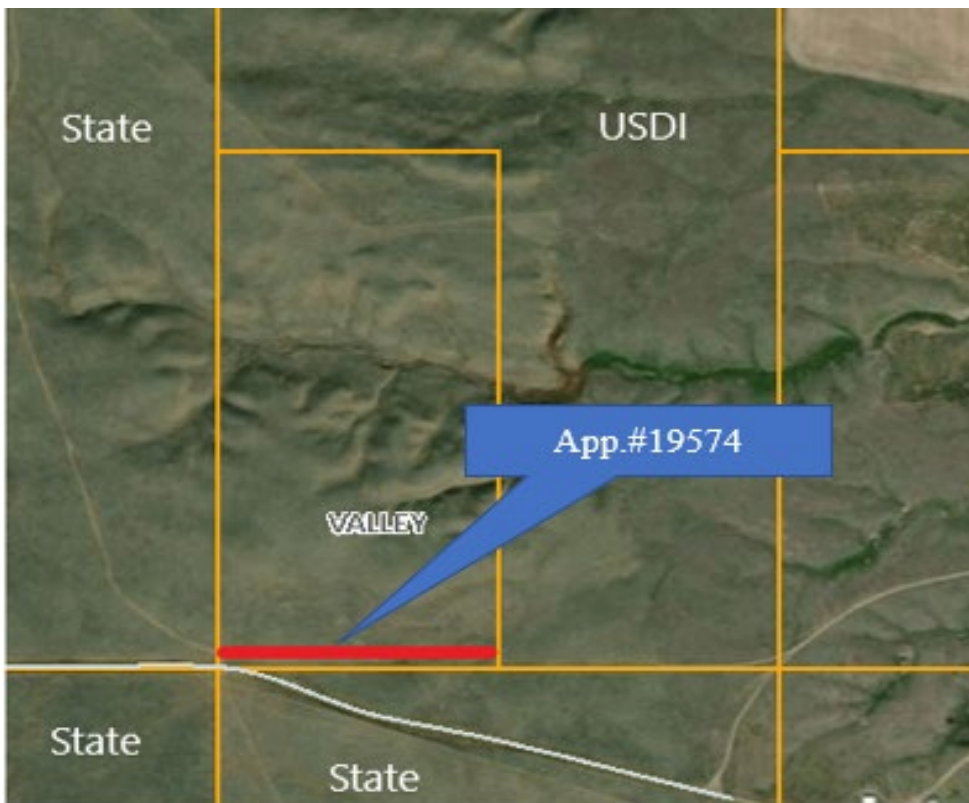
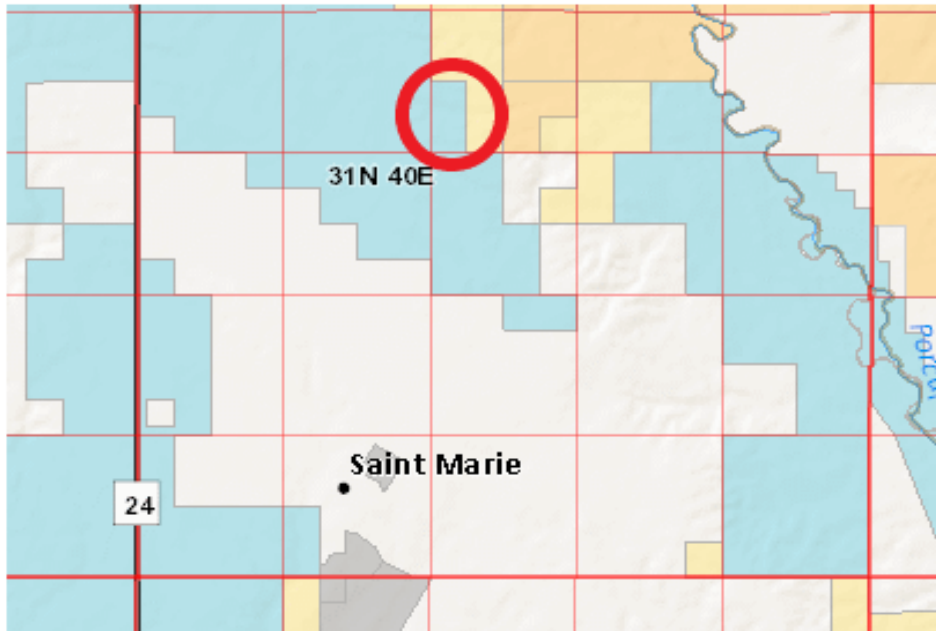
Item Summary

Dry Prairie Rural Water Authority has made application to install multiple buried water pipelines to serve the rural areas in Valley County. The proposed pipeline is part of the federally funded water system under construction to bring quality drinking water to this area. The selected routes follow existing roads where practical, which causes minimal impacts and is the most cost effective for the project.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19574



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19575
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 3.94
Compensation: \$1,576.00
Legal Description: 30-foot strip through S2S2, Sec. 16, Twp. 31N, Rge. 40E,
Valley County
Trust Beneficiary: Common Schools

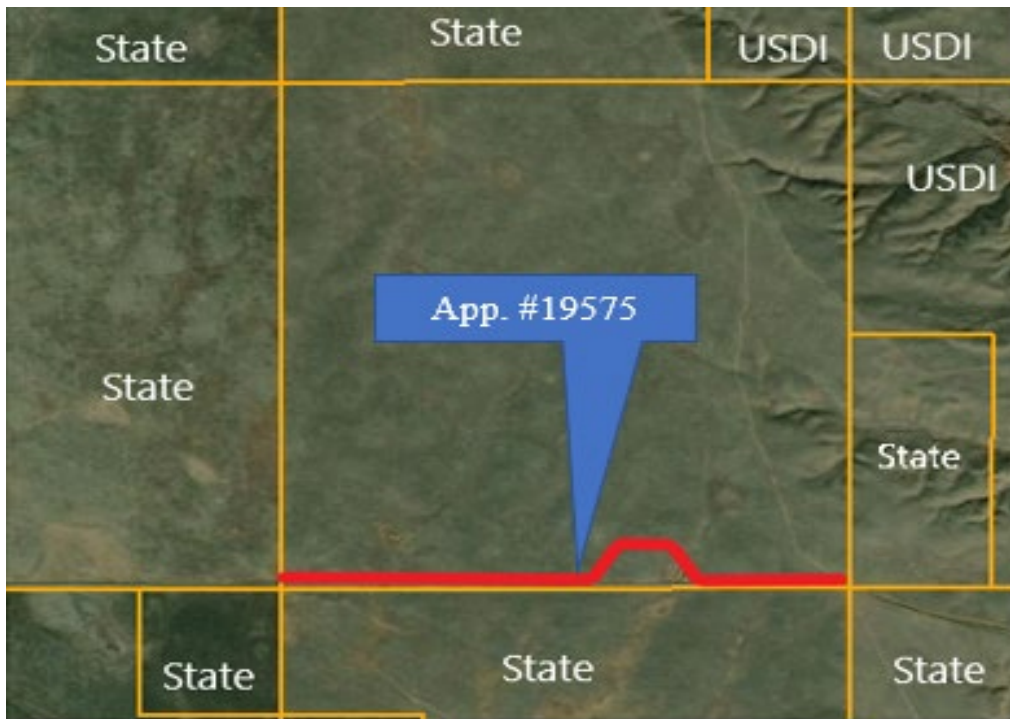
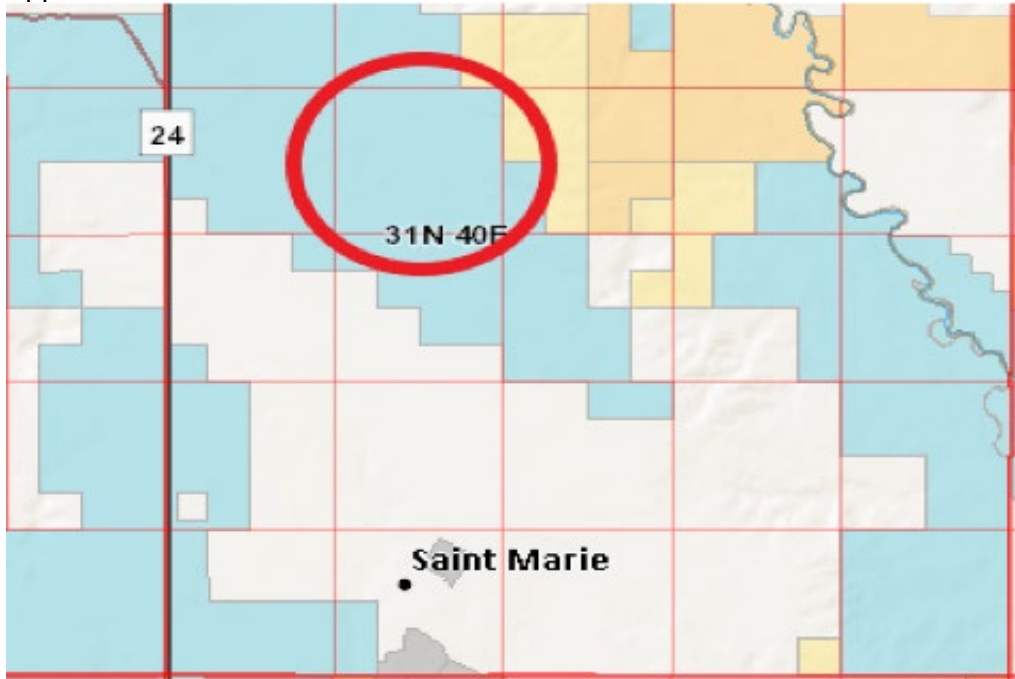
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19575



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19576
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 3.17
Compensation: \$1,268.00
Legal Description: 30-foot strip through S2SE4, SE4SW4, Sec. 17, Twp. 31N,
Rge. 40E, Valley County
Trust Beneficiary: Common Schools

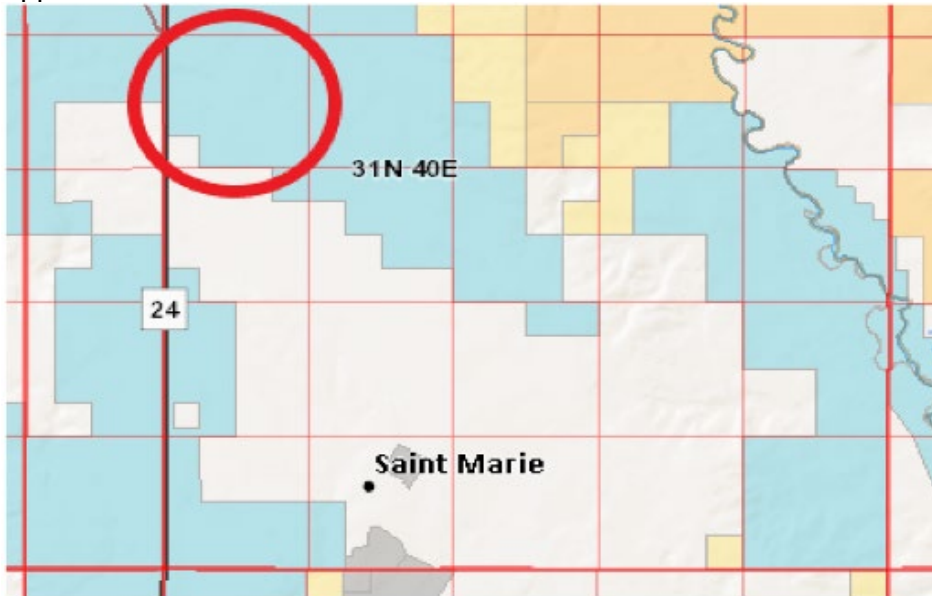
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19576



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19577
R/W Purpose: a buried 2" water pipeline
Lessee Agreement: ok
Acreage: 1.15
Compensation: \$460.00
Legal Description: 30-foot strip through E2SW4, Sec. 11, Twp. 34N, Rge. 40E,
Valley County
Trust Beneficiary: Common Schools

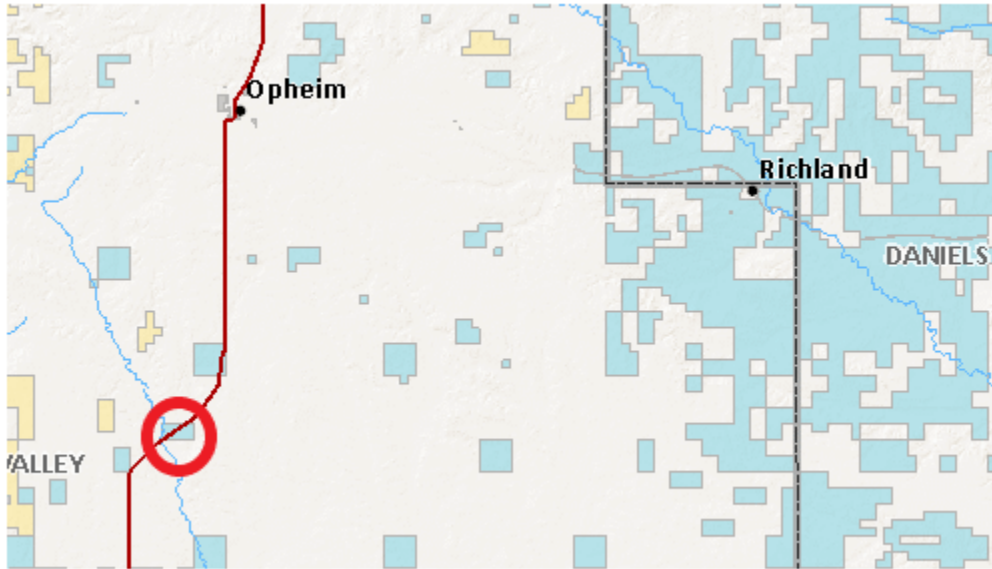
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19577



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19578
R/W Purpose: a buried 2" water pipeline
Lessee Agreement: ok
Acreage: 3.01
Compensation: \$2,559.00
Legal Description: 30-foot strip through E2SE4, SE4NE4, Sec. 16, Twp. 34N,
Rge. 40E, Valley County
Trust Beneficiary: Common Schools

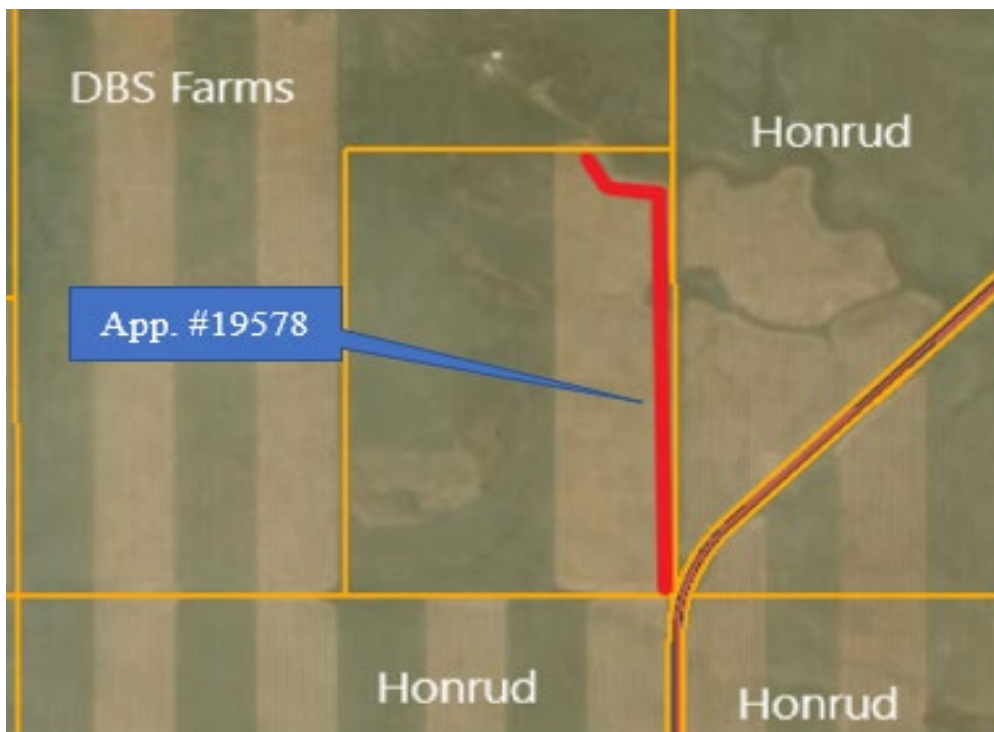
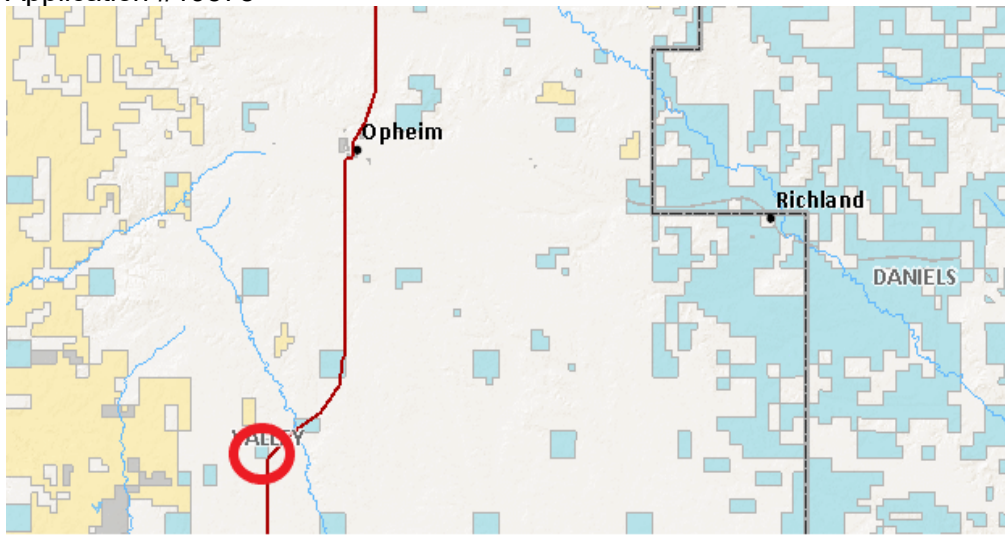
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19578



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19579
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 3.73
Compensation: \$3,171.00
Legal Description: 30-foot strip through W2W2, Sec. 16, Twp. 35N, Rge. 40E,
Valley County
Trust Beneficiary: Common Schools

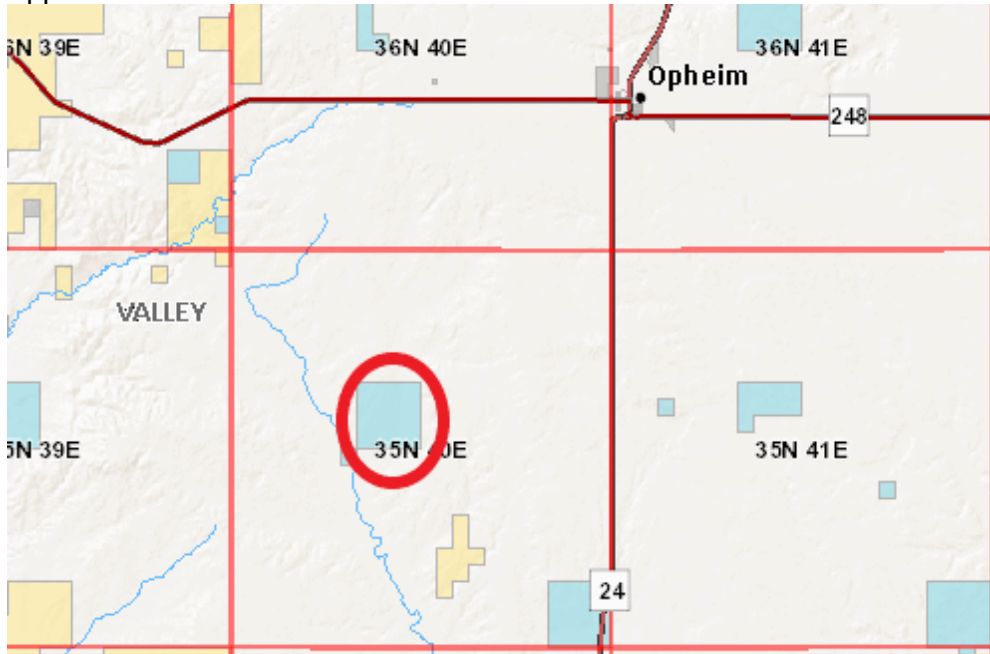
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19579



APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Dry Prairie Rural Water Authority
PO Box 577
Culbertson, MT 59218

Application No.: 19580
R/W Purpose: a buried 3" water pipeline
Lessee Agreement: ok
Acreage: 0.17
Compensation: \$100.00
Legal Description: 30-foot strip through SW4NW4, Sec. 2, Twp. 35N, Rge. 43E,
Valley County
Trust Beneficiary: Common Schools

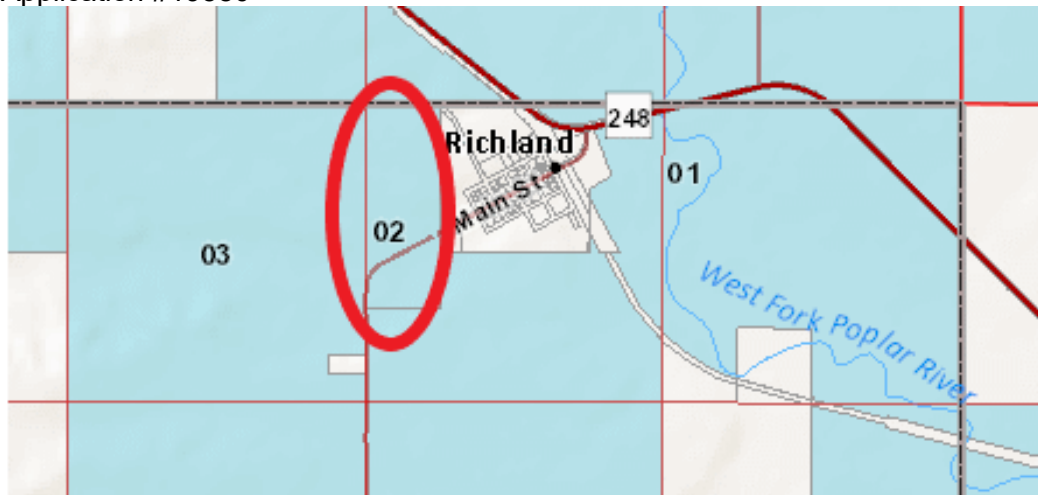
Item Summary

Continuation of Dry Prairie Rural Water Authority applications.

DNRC Recommendation

The DNRC recommends approval of the application of Dry Prairie Rural Water Authority.

Application #19580



0723-6

LAND USE LICENSE

**Land Board Agenda Item
July 17, 2023**

0723-6 Land Use License

Location: Yellowstone River, Rosebud County

Trust Benefits: Public Land Trust – Navigable Waterways

Trust Revenue: \$3,000.00

Item Table of Contents

Applicant	Land Use License Purpose	Term	Page(s)
Sheffield Ranch Co.	To place 475 linear feet of riprap on a portion of the Yellowstone River that is eroding due to annual flooding, in particular after the 2022 flood event.	10 years	76-78
Sheffield Ranch Co.	To install a new irrigation intake that will replace an existing intake located upstream where the river is generally migrating away from.	10 years	79-81

NAVIGABLE WATER LAND USE LICENSE
July 17, 2023

Applicant: Sheffield Ranch Co.
1337 Road 158
Rosebud, MT 59347

License No.: LUL 30X-23000XX
Purpose: Placement of riprap and repair of existing riprap.
Acreage: 0.5
Compensation: \$1,500.00
Legal Description: NE ¼ NW ¼ Sec. 1 T6N R44E
Trust Beneficiary: Public Land Trust – Navigable Waterways

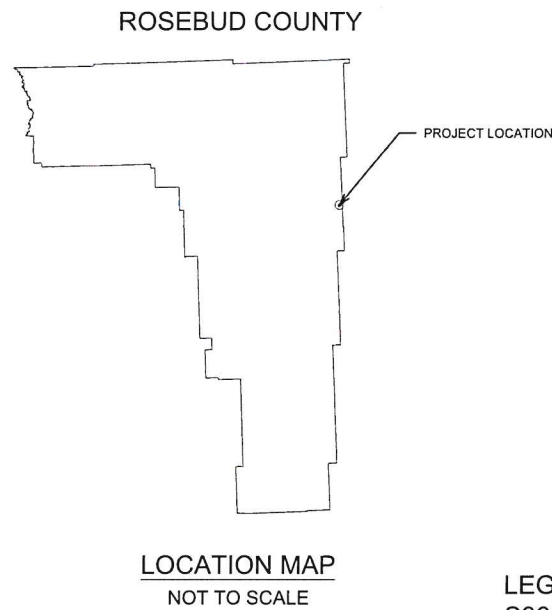
Item Summary

The purpose of this license is for placing 475 linear feet of riprap on a portion of the Yellowstone River bank that is eroding due to annual flooding events. Additionally, the applicant is requesting to repair 300 linear feet of riprap that is currently in place just upstream of an existing irrigating intake. This portion of the bank was severely damaged during the 2022 flood event. This will be a ten year license. Pursuant to ARM 36.25.1102(3), a land use license for this purpose is subject to final land board approval.

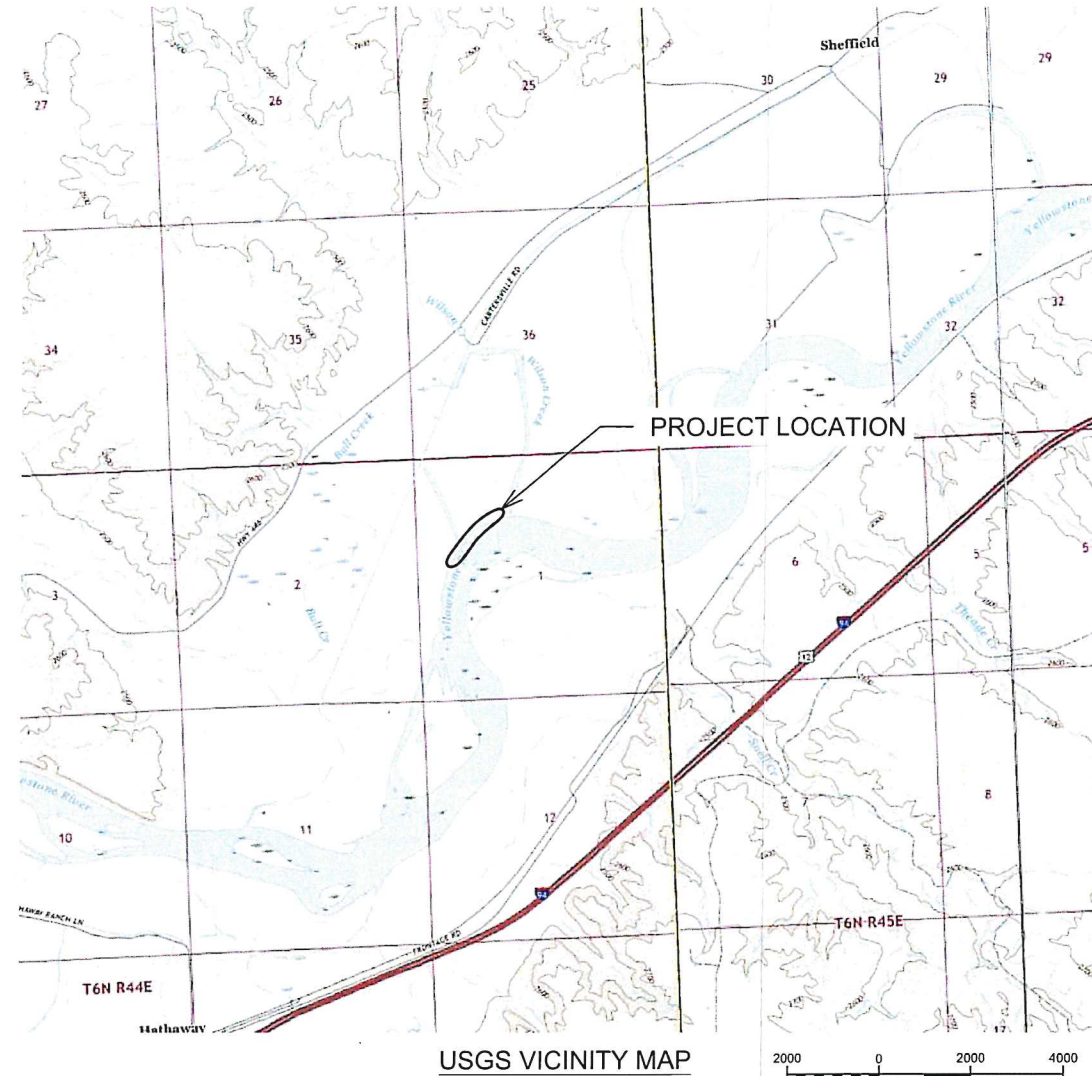
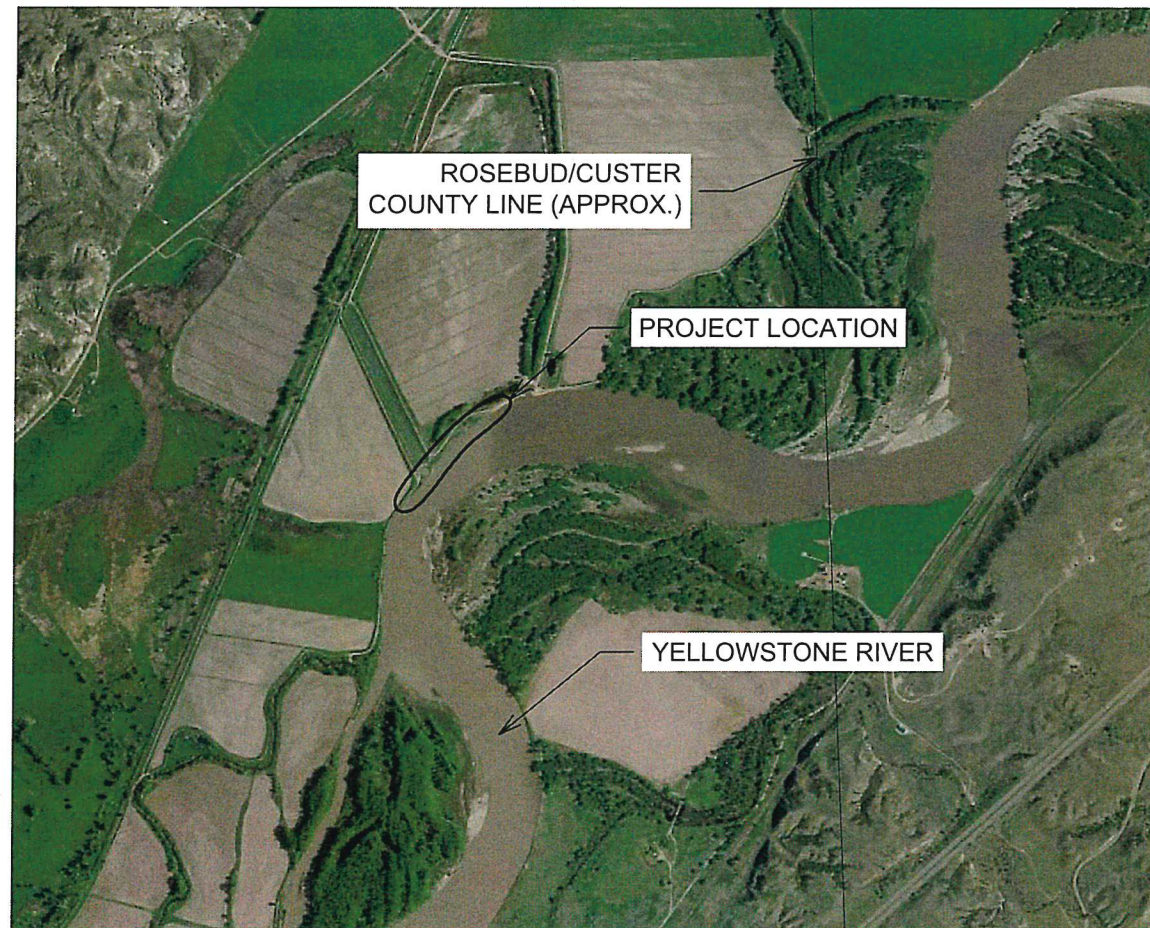
DNRC Recommendation

The DNRC recommends approval of the license for the Sheffield Ranch Co.

SHEFFIELD RANCH IRRIGATION INTAKE ROSEBUD COUNTY, MONTANA



LEGAL DESCRIPTION:
S36, T07 N, R44 E



SHEET INDEX

SHEET	DESCRIPTION
1	CIVIL COVER SHEET
2	EXISTING CONDITIONS & AQUATIC RESOURCES
3	UPSTREAM SITE PLAN
4	DOWNSTREAM SITE PLAN
5	DETAIL SHEET



Know what's below.
Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

WGM GROUP, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.



PERMIT SET
NOT FOR CONSTRUCTION

CIVIL COVER SHEET
SHEFFIELD RANCH BANK STABILIZATION
ROSEBUD COUNTY, MT

NO.	DESCRIPTION	DATE

PROJECT: 22-03-30
LAYOUT: CV
SURVEYED: N/A
DESIGN: HTM
DRAFT: LRC
APPROVE: MAM
DATE:

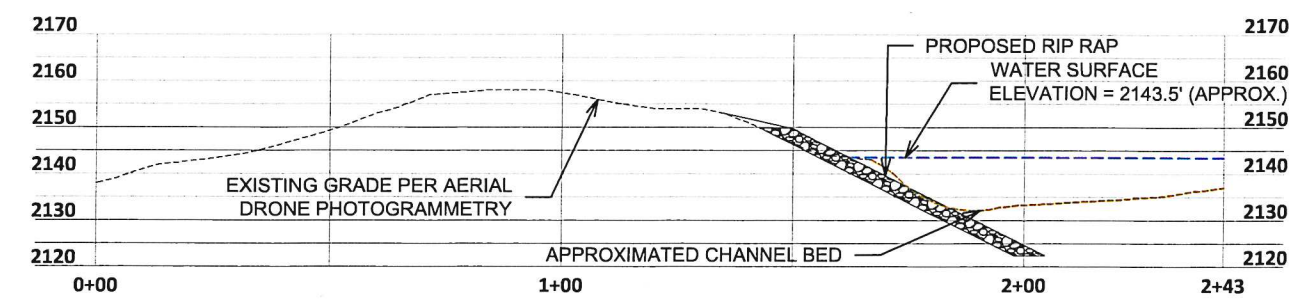
FEBRUARY 2023

SHEET 1 OF 5

DOWNSTREAM SITE PLAN
SHEFFIELD RANCH BANK STABILIZATION
ROSEBUD COUNTY, MT







CHANNEL SECTION - PLAN VIEW

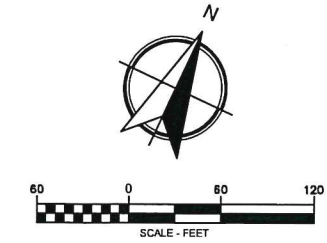


CHANNEL SECTION - PROFILE VIEW

LEGEND

-  PROPERTY LINE PER MT CADASTRAL
-  FLOW DIRECTION
-  ORDINARY HIGH-WATER MARK (APPROX.)
-  RIPARIAN AREAS PER NWI DATABASE

GENERAL NOTE:
ELEVATIONS SHOWN ARE APPROXIMATE ONLY. TOPOGRAPHIC DATA IS BASED ON AERIAL DRONE PHOTOGRAMMETRY CAPTURED IN SEPTEMBER 2022 AND MAY NOT ACCURATELY REPRESENT "BARE EARTH" ELEVATIONS. DRONE DATA HAS NOT BEEN SURVEY CONTROLLED USING GROUND GPS TO CORRELATE TO A STANDARD DATUM. CONTOURS SHOWN ARE 2-FT AND 10-FT CONTOURS. WETLAND AND RIPARIAN INFORMATION DEPICTED IS PER THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLAND INVENTORY. FLOODPLAIN INFORMATION FOR THIS PROJECT AREA IS "NOT PRINTED" PER THE PUBLICLY AVAILABLE FEMA DATABASE.



REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 22-03-30
LAYOUT: PROJECT PLAN
SURVEYED: N/A
DESIGN: H/M
DRAFT: LRC
APPROVE: MAM
DATE: FEBRUARY 2023

NAVIGABLE WATER LAND USE LICENSE
July 17, 2023

Applicant: Sheffield Ranch Co.
1337 Road 158
Rosebud, MT 59347

License No.: LUL 30X-23000XX
Purpose: To construct a new irrigation intake structure.
Acreage: 0.5
Compensation: \$1,500.00
Legal Description: NE ¼ SE ¼ Sec. 28 T7N R45E
Trust Beneficiary: Public Land Trust – Navigable Waterways

Item Summary

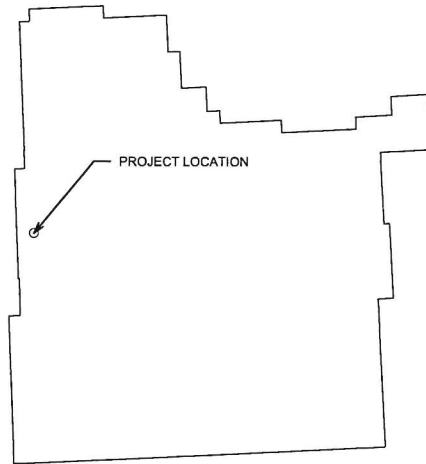
The proposed project consists of constructing a new irrigation intake structure approximately ¼ mile downstream of an existing irrigation structure that is not operating due to river migration. Additionally, 300 linear feet of riprap bank repair is proposed adjacent to the intake location, much of which was damaged during the 2022 flood event. This will be a ten year license. Pursuant to ARM 36.25.1102(3), a land use license for this purpose is subject to final land board approval.

DNRC Recommendation

The DNRC recommends approval of the license for the Sheffield Ranch Co.

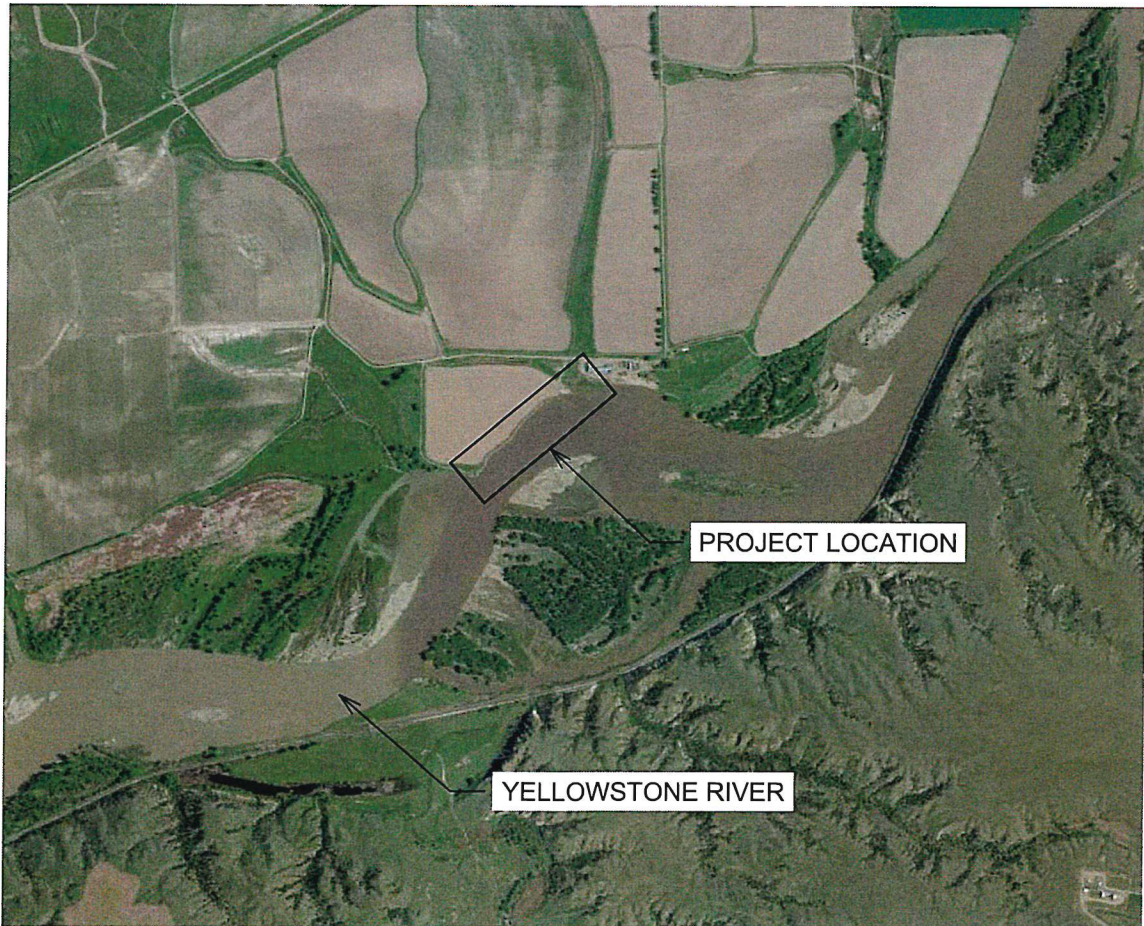
SHEFFIELD RANCH IRRIGATION INTAKE CUSTER COUNTY, MONTANA

CUSTER COUNTY

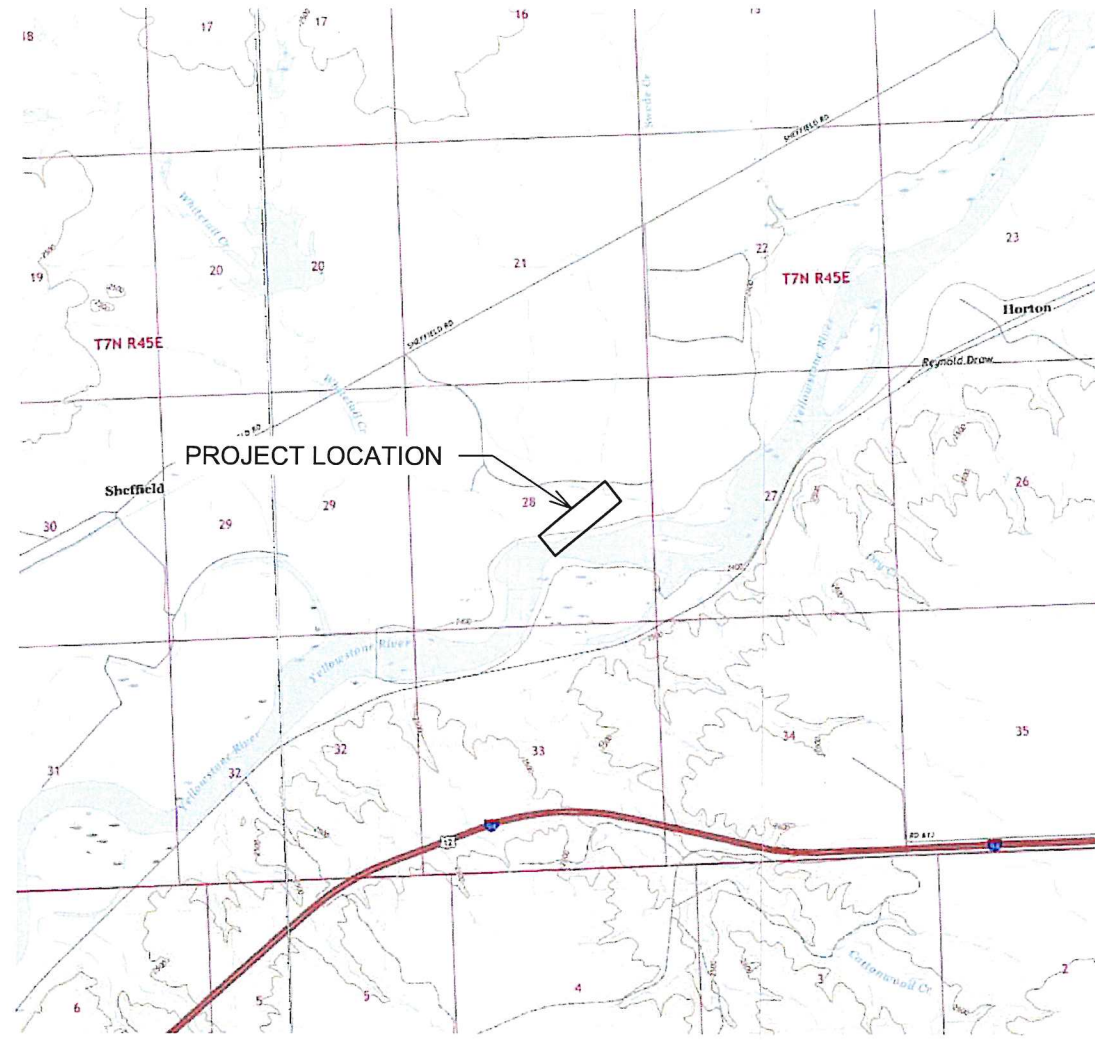


LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:
S28, T07 N, R45 E



AERIAL VICINITY MAP



USGS VICINITY MAP



SHEET INDEX

SHEET	DESCRIPTION
1	CIVIL COVER SHEET
2	PROJECT OVERVIEW
3	IRRIGATION INTAKE SCHEMATIC
4	IRRIGATION INTAKE DETAILS
5	RIP RAP STABILIZATION DETAILS



WGM GROUP
WWW.WMGROUP.COM

PRELIMINARY

PLOTTED: 2/24/23
SAVED: 2/24/23

CIVIL COVER SHEET
SHEFFIELD RANCH IRRIGATION INTAKE
CUSTER COUNTY, MT

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT: 22-03-30
LAYOUT: CV
SURVEYED: N/A
DESIGN: HTM
DRAFT: LRC
APPROVE: MAM
DATE:

FEBRUARY 2023

SHEET 1 OF 5



Know what's below.
Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

WGM GROUP, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.



WGM GROUP
WWW.WGMGROUP.COM

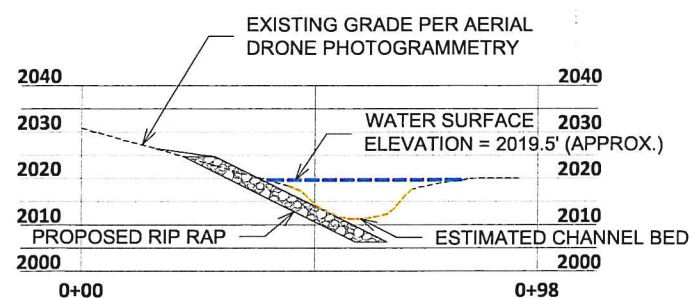
PRELIMINARY

PLOTTED: 2/24/23
SAVED: 2/24/23

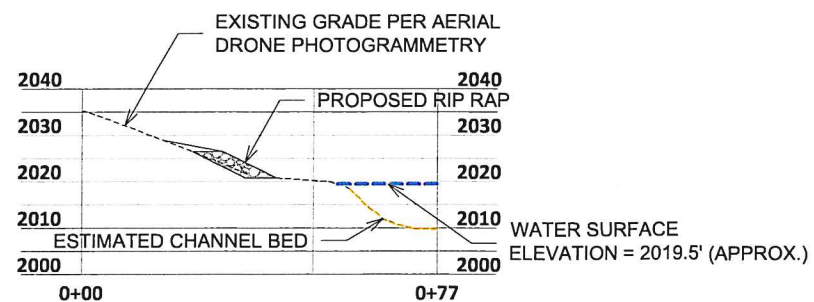
IRRIGATION INTAKE SCHEMATIC
SHEFFIELD RANCH IRRIGATION INTAKE
CUSTER COUNTY, MT



CHANNEL SECTION - PLAN VIEW



CHANNEL SECTION A-A - PROFILE VIEW

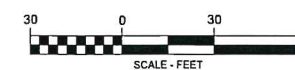


CHANNEL SECTION B-B - PROFILE VIEW

GENERAL NOTE:
ELEVATIONS SHOWN ARE APPROXIMATE ONLY. TOPOGRAPHIC DATA IS BASED ON AERIAL DRONE PHOTOGRAMMETRY CAPTURED IN SEPTEMBER 2022 AND MAY NOT ACCURATELY REPRESENT "BARE EARTH" ELEVATIONS. DRONE DATA HAS NOT BEEN SURVEY CONTROLLED USING GROUND GPS TO CORRELATE TO A STANDARD DATUM. CONTOURS SHOWN ARE 2-FT AND 10-FT CONTOURS. WETLAND AND RIPARIAN INFORMATION DEPICTED IS PER THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLAND INVENTORY IN CONJUNCTION WITH THE DRONE AERIAL SURVEY. FLOODPLAIN INFORMATION FOR THIS PROJECT AREA IS "NOT PRINTED" PER THE PUBLICLY AVAILABLE FEMA DATABASE.

LEGEND

- FLOW DIRECTION
- ORDINARY HIGH-WATER MARK (APPROX.)
- WETLANDS PER NWI DATABASE



REVISIONS:
NO. DESCRIPTION DATE

PROJECT: 22-03-30
LAYOUT: IRRIGATION INTAKE SCHEMATIC
SURVEYED: DRONE
DESIGN: HTM
DRAFT: HTM
APPROVE: MAM
DATE:

FEBRUARY 2023

SHEET 3 OF 5

FILE: W:\Projects\220330\CAD_Data\Design\220330_Sheffield_Shop_Site.dwg

0723-7

REAL ESTATE MANAGEMENT
BUREAU AMENDING
ADMINISTRATIVE RULE

**Land Board Agenda Item
July 17, 2023**

0723-7 Approval to Proceed with Amending Rule to Allow the DNRC to Issue Land Use License on Non-Adjudicated Waterways without Land Board Approval

Location: State of Montana

Trust Benefits: Public Land Trust – Navigable Waterways

Trust Revenue: Unknown

Item Summary

The Real Estate Management Bureau is seeking Land Board authority to continue with the process of amending ARM 36.25.1102 to allow the DNRC to issue land use licenses on non-adjudicated navigable waterways without requiring Land Board approval. This proposal is consistent with DNRC authority for issuing other term land use licenses on state trust lands pursuant to ARM 36.25.108. The authority to initiate this process was granted at the May 2023 Land Board meeting.

If approved, the rule change proposal notice will be filed with the Secretary of State's Office. There will be a 30 day comment period and a public hearing on September 7, 2023. After the notice and hearing, the DNRC would seek final Land Board approval for adoption of the rule change in October 2023.

DNRC Recommendation

The DNRC recommends approval of this request to continue the rulemaking process to amend the Navigable Waterways land use license rule.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 36.25.1102 pertaining to) PROPOSED AMENDMENT
navigable waterways)

TO: All Concerned Persons

1. On September 7, 2023, at 10:00 a.m., the Department of Natural Resources and Conservation will hold a public hearing in the Montana Room, First Floor, located at 1539 Eleventh Avenue, Helena, MT, and via Zoom, to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting: <https://mt-gov.zoom.us/j/84336639597?pwd=VHo1Wk9rUmRKME5vM1VRMUpad0dUdz09>; Meeting ID: 843 3663 9597; Password: 416356
- b. Dial by Telephone: +1 646 558 8656; Meeting ID: 843 3663 9597; Password: 416356; Find your local number: <https://mt-gov.zoom.us/j/84336639597?pwd=VHo1Wk9rUmRKME5vM1VRMUpad0dUdz09>

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require accommodation, contact the department no later than 5:00 p.m. on August 28, 2023, to advise us of the nature of the accommodation that you need. Please contact Jamie Price, Department of Natural Resources and Conservation, 1539 Eleventh Avenue, P.O. Box 201601, Helena, MT 59620-1601, 406-444-6615, or e-mail DNRCOAH@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

36.25.1102 PURPOSE AND APPLICABILITY

(1) and (2) remain the same.

(3) The department may, upon request by an applicant, issue an easement, or lease, ~~or license~~ for the board's approval of the use of a river bed which is not yet adjudicated as navigable.

(a) Any such easement, or lease, ~~or license~~, which is voluntarily sought by an applicant, shall only convey a contingent right to use the riverbed based upon the validity and extent of the board's title to the river bed.

(b) The department may issue such contingent-right easements and leases, ~~and licenses~~ only where the department has historical documentation that the river was susceptible of use in commerce at statehood.

(c) through (c)(ii) remain the same.

(4) The department may, upon request by an applicant, issue a license for the use of a river bed which is not yet adjudicated as navigable.

(a) Any such license which is voluntarily sought by an applicant, shall only convey a contingent right to use the riverbed based upon the validity and extent of the board's title to the river bed.

(b) The department may issue such contingent-right licenses only where the department has historical documentation that the river was susceptible of use in commerce at statehood.

(4) remains the same but is renumbered (5).

AUTH: 77-1-1109, 77-1-1117, MCA

IMP: 77-1-1109, MCA

REASON: Currently, Unit Office staff have the authority to approve Land Use Licenses (LULs) for other uses outside of navigable waterways. LULs for navigable waterways are mostly used for erosion control, flood impact reduction, and general irrigation systems maintenance. Due to the timeliness of these LULs, the added step of acquiring Land Board approval costs the landowner critical waiting time for these activities. These LULs are typically for less than one acre and generate very little revenue for the trust. For these reasons, rule amendment would allow for more efficient use of staff time and better ability to respond rapidly to flood and other impacts.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted in writing to: Martin Balukas, Department of Natural Resources and Conservation, 1539 Eleventh Avenue, P.O. Box 201601, Helena, MT 59620-1601, or e-mail at DNRCOAH@mt.gov, and must be received no later than 5:00 p.m. on September 7, 2023.

5. Martin Balukas, Department of Natural Resources and Conservation, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 2 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Brian Bramblett
BRIAN BRAMBLETT
Rule Reviewer

/s/ Amanda Kaster
AMANDA KASTER
Director
Natural Resources and Conservation

Certified to the Secretary of State July 25, 2023.