

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**January 20, 2015, at 9:00 a.m.**  
**Justice Building, 215 N. Sanders, Supreme Court Chambers**  
**Helena, MT**

**Please note:** *The Land Board has adopted the audio recording of its meetings as the official record, as allowed by [2-3-212, MCA](#). These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to an electronic copy of these minutes and the audio recording is provided from the Land Board webpage at <http://dnrc.mt.gov/LandBoard>. The written minute's summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.*

**Members Present**

Governor Steve Bullock  
Attorney General Tim Fox  
Commissioner of Securities and Insurance Monica Lindeen (via telephone)  
Secretary of State Linda McCulloch  
Superintendent of Public Instruction Denise Juneau

**Members Absent**

None

**Testifying Staff**

John Tubbs, DNRC Director  
Shawn Thomas, DNRC Trust Land Management (TLMD) Administrator

**Attachments**

Related Materials, Attachment 1 – Sign-in Sheet,  
Related Materials, Attachment 2 – written testimony submitted via fax by Randall Knowles

**Call to Order**

00:00:00 Governor Bullock called the meeting to order.  
00:00:01 Mr. Fox moved to approve the December 15, 2014, minutes. The motion was seconded by Ms. Juneau and carried unanimously.

**Business Considered**

**115-1 Timber Sales**

**A. Iron Excaline**

00:00:21 Mr. Tubbs gave an overview of the item.  
00:00:48 Ms. McCulloch moved to approve item 115-1A. The motion was seconded by Ms. Juneau and carried unanimously.

**B. King Hemlock**

00:01:04 Mr. Tubbs gave an overview of the item.  
00:02:11 Mr. Fox moved to approve item 115-1B. The motion was seconded by Ms. Juneau.

**Board Discussion/ Comments**

00:02:23 Governor Bullock  
00:02:38 Mr. Thomas

00:03:11 The motion to approve item 115-1B carried unanimously.

### **C. Spring Bear**

00:03:16 Mr. Tubbs gave an overview of the item.

00:03:49 Ms. McCulloch moved to approve item 115-1C. The motion was seconded by Ms. Juneau.

#### **Board Discussion/ Comments**

00:04:11 Ms. McCulloch

00:04:33 Mr. Thomas

00:04:50 Ms. McCulloch

00:04:51 Mr. Thomas

00:05:03 Ms. McCulloch

00:05:15 The motion to approve item 115-1C carried unanimously.

### **115-2 Administrative Rule Proposal – Conservation Strategies (MAR 36-22-162)**

00:05:21 Mr. Tubbs gave an overview of the item.

00:06:51 Ms. Lindeen moved to approve item 115-2. The motion was seconded by Mr. Fox.

00:07:06 The motion to approve item 115-2 carried unanimously.

### **115-3 Sale of Cabin and Home Sites: Final Approval for Sale – Sale 711**

00:07:12 Mr. Tubbs gave an overview of the item.

00:07:58 Mr. Fox moved to approve item 115-3. The motion was seconded by Ms. McCulloch.

00:08:10 The motion to approve item 115-3 carried unanimously.

### **115-4 Easements**

00:08:18 Mr. Tubbs gave an overview of the item.

00:09:05 Ms. Juneau moved to approve item 115-4. The motion was seconded by Ms. McCulloch.

00:09:21 The motion to approve item 115-4 carried unanimously.

## **INFORMATION ITEM**

### **115-5 Historic Right of Way Program**

00:09:30 Mr. Tubbs gave an overview of the item.

#### **Board Discussion/Comments**

00:10:03 Mr. Thomas

00:12:57 Governor Bullock

00:13:03 Mr. Thomas

00:13:53 Ms. McCulloch

00:14:16 Mr. Thomas

00:14:49 Ms. McCulloch

00:15:09 Mr. Thomas

00:15:37 Mr. Tubbs

### **General Public Comment**

00:16:55 Mr. Tubbs regarding written testimony submitted by Randall Knowles (see Related Materials, Attachment 2)

### **Adjournment**

00:17:06 Adjournment

PRESIDENT

ATTEST

/s/ Steve Bullock  
Steve Bullock, Governor

/s/ John E. Tubbs  
John E. Tubbs, DNRC Director



## Randall Gene Knowles

SPHR, BS Economics, DTM, Chevalier, DCPA  
3017 Ninth Avenue South – Great Falls, Montana 59405-3421  
406-452-7250 office 406-799-1547 cell & text [knowlesmontana@Juno.com](mailto:knowlesmontana@Juno.com)

January 19, 2015

Julie Hendrickson  
Executive Assistant  
DNRC Director's Office  
Tel. (406) 444-0505 Fax (406) 444-2684  
[JulieHendrickson@mt](mailto:JulieHendrickson@mt).

Dear Mr. Tubbs,

I have faxed 7 pages of comments stemming from the agenda for January 20, 2015. Please share them with the Land Board members. Thank you for including the term of the easements on this agenda.

Sincerely,  
Randall G. Knowles



115-4

**Land Board Agenda Item**  
**January 20, 2015**

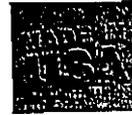
<b>115-4 Easements</b>	
<b>Location:</b>	Carter, Chouteau, Hill, Judith Basin, Liberty, Richland, Stillwater, Teton, Toole
<b>Trust Benefits:</b>	Common Schools, Montana Tech, Public Buildings
<b>Trust Revenue:</b>	Common Schools = \$ 101,600.00 Montana Tech = \$100.00 Public Buildings = \$ 5346.00

*Thank you!*  
*Randy*

**Item Table of Contents**

Applicant	Right-of-Way Purpose	Term	Page(s)
Mid-Rivers Telephone Cooperative	New Telecommunications Utility	Permanent	1-5
3 Rivers Communications	New Telecommunications Utility	Permanent	6-11
3 Rivers Communications	Historic Utility	Permanent	12-13
Allen Beck	Historic Private Access Road	Permanent	14-15
Ralph J. Peterson	Historic Private Access Road	Permanent	16-17
Northwestern Corporation, d/b/a NWE	New Gas Utility	30-Year	18-19
Sarah Stevenson	Historic Private Access Road	Permanent	20-21
Susan & Mark Elings, Et. Al.	Historic Private Access Road	Permanent	22-23
Belle Fourche Pipeline Company	New Oil Utility	30-Year	24-29
Anderson Family Properties, LLC	New Private Access Road	Permanent	30-31
Toole County	Historic Public Access Road	Permanent	32-58
Marias River Ranches, Inc.	Historic Private Access Road	Permanent	57-58

115-4



Randall Knowles  
3017 9th Ave. S.  
Great Falls, MT 59405

## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Allen Beck  
78 1st Lane NE  
Fairfield MT 59436

Application No.: 16777  
RW Purpose: a private access road for the purpose of conducting normal farming and ranching operations

Lessee Agreement: N/A (Historic)  
Acreage: 0.77  
Compensation: \$462.00

Legal Description: 20-foot strip through SE4SW4, Sec. 21 & SE4SW4, Sec. 22,  
Twp. 21N, Rge. 6W,  
Teton County

Trust Beneficiary: Public Buildings

#### Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

#### DNRC Recommendation

The director recommends approval of this historic right of way application.

*NOT clear which ranch wants a  
Historic use easement? Broken  
or Benton?*

Allen and Ralph want to travel <sup>115-4</sup>  
 the same easement. So, are they the Broken O  
 Ranch or are they the Benton Ranch?  
 Rights of Way Applications

January 20, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Ralph J. Peterson  
 522 21st Street  
 Black Eagle MT 59414

→ NOT ON cadastral site.

Application No.: 16778  
 R/W Purpose: a private access road for the purpose of conducting normal farming and ranching operations  
 Lessee Agreement: N/A (Historic)  
 Acreage: 0.77  
 Compensation: \$462.00  
 Legal Description: 20-foot strip through SE4SW4, Sec. 21 & SE4SW4, Sec. 22, Twp. 21N, Rge. 6W, Teton County  
 Trust Beneficiary: Public Buildings

Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

DNRC Recommendation

The director recommends approval of this historic right of way application.



Randall Knowles  
 3017 9th Ave. S.  
 Great Falls, MT 59405

115-4

*This should reflect the Name(s) on the  
Cadastral Map, so we know where  
they want to go?*

**Rights of Way Applications**

**January 20, 2015**

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Susan & Mark Elings, Et. Al.  
638 Horseshoe Bend  
Lewistown MT 59457

Application No.: 16783

R/W Purpose: a private access road to a single family residence and associated outbuildings and for conducting normal farming and ranching operations

Lessee Agreement: N/A (Historic)

Acreage: 1.61

Compensation: \$443.00

Legal Description: 20-foot strip through N2NW4, Sec. 9, Twp. 28N, Rge. 4E, Liberty County

Trust Beneficiary: Common Schools

*→ They do not own any  
property in Liberty  
County and only 9  
acres in  
Jergus County*

Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to a single family residence and associated outbuildings and for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

DNRC Recommendation

The director recommends approval of this historic right of way application.

*How do we know it is historic if the  
names do not<sup>22</sup> match up?*

 Randall Knowles  
3017 9th Ave. S.  
Great Falls, MT 59405

115-4



Randall Knowles  
3017 9th Ave. S.  
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### Rights of Way Applications

#### January 20, 2015

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Anderson Family Properties, LLC PO Box 1007 Canadian TX 79014
Application No.:	16790
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	0.021
Compensation:	\$350.00
Legal Description:	tract of land in SW4SW4, Sec. 16, Twp. 4S, Rge. 18E, Stillwater County
Trust Beneficiary:	Common Schools

*This appears to be a simple corner crossing. I assume the property is NOT worth \$35,000 per acre. There must be a minimum charge? about \$325<sup>00</sup> Min + 25<sup>00</sup> for the Easement?*

Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

DNRC Recommendation

The director recommends approval of this historic right of way application.

115-4



Randall Knowles  
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## Rights of Way Applications

### January 20, 2015

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant: Marias River Ranches, Inc.  
PO Box 571  
Shelby MT 59474

Application No.: 16840  
RAW Purpose: a private access road to two family residences and associated outbuildings and for the purpose of conducting normal farming and ranching operations

Lessee Agreement: N/A (Historic)  
Acreage: 1.72  
Compensation: \$516.00  
Legal Description: 30-foot strip through NE4NE4, SW4NE4 Toole County

Trust Beneficiary: Public Buildings

*3W 31N?*

#### Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to two family residences and associated outbuildings and for conducting normal farming and ranching operations. The road has been in place for years and authorization for continued use is being requested pursuant to 77-1-130, MCA, which allows for recognition of such historic access.

*This would be (could be) an opportunity to settle the General Road Case for FWP.*

#### Department Recommendation

The director recommends approval of this historic right of way application.