

Office of Administrative Hearings
Department of Natural Resources and Conservation
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**BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA**

JAY AND DIANA WINTERS,)	
Petitioners,)	RECOMMENDATION OF MINIMUM
IN THE MATTER OF THE APPRAISED)	BID FOR THE SALE OF LOT 9,
VALUE OF STATE TRUST LANDS AND)	MCGREGOR LAKE
THE IMPROVEMENTS THEREON.)	

Pursuant to its authority under § 77-2-317(1)(c), MCA, the Department of Natural Resources and Conservation (hereinafter “DNRC”) conducted a hearing in this matter on March 2, 2022, to allow Jay Winters and Diana Winters (“Petitioners”) the opportunity to contest the appraised value of the real property described as Lot 9 of COS #19909, Section 16, T26N, R25W, McGregor Lake, Flathead County, Montana, commonly referred to as Lot 9, McGregor Lake (hereinafter “Lot 9”). I, Cameron Boster, am the hearing examiner appointed by the Department to conduct the informal hearing pursuant to § 77-2-317(1)(c), MCA, and ARM 36.25.705(16).

APPEARANCES

Attorney Terin G. Riley represented Petitioners at the March 2, 2022 hearing. DNRC Chief Legal Counsel Brian Bramblett represented the DNRC.

EXHIBITS

The Department offered and I admitted into the record the following exhibits:

- 1) Appraisal Report of Lots 5, 9, & 21 of COS #19909, Marion, Flathead County, Montana, prepared by Elliot M. Clark, MAI & Christopher D. Clark, of Clark Real Estate Appraisal, dated November 19, 2021.
- 2) Appraisal Review Report, Proposed Cabin Site Sales # 1142, 1143, 1144 Lots 5, 9, & 21 of McGregor Lake, COS # 19909, Section 16, T26N-R25W, P.M.M., Flathead County, Montana, prepared by Seth Goodwin, DNRC Real Estate Specialist, dated November 29, 2021.

Petitioners offered and I admitted into the record the following exhibits:

- 1) Email from Anne Moran to Diana Winters dated January 31, 2020.
- 2) Winters Market Review of Sale No. 1143, Lot 9, on McGregor Lake: Analysis conducted by Barbara Riley, of PureWest Christie's International Real Estate. This exhibit contained many attachments, which are cited in this Order as "Petitioner's Exhibit B-1, B-2, B-3..."
- 3) CV of Barbara Riley, of PureWest Christie's International Real Estate.
- 4) CV of Thomas Wayne Valentic, of Pathfinder Appraisals.

Citations to the audio recording of the hearing are indicated by citing "R 00:00:00."

ISSUE PRESENTED

For the sake of clarity, this Order will summarize the issue presented in this matter before presenting findings of fact and conclusions of law.

The scope of the issue determined by this Order is limited to what is authorized by law. Pursuant to § 77-2-317(1)(c), MCA, "[t]he board shall disclose the results of the appraisal to the

cabin site or home site lessee of the land for sale and shall give that lessee notice and opportunity for an administrative hearing before the department to contest those valuations. The department shall review the arguments and evidence received at the hearing to make a recommendation of the values of the land and the cabin site improvements to the board. The board shall make a final determination on the values of the land and cabin site improvements.” Administrative rule further clarifies that “[t]he lessee or owner of improvements shall present evidence and arguments it wishes the department to consider in recommending values of land and improvements to the board.” ARM 36.25.705(16)(a). The Department then “shall present its findings, conclusions, and recommended values of land and improvements to the board and the lessee or improvements owner.” ARM 36.25.705(17). Finally, “[u]pon receiving the appraisal values or department’s recommendation of values, the board shall set a minimum acceptable bid on the real property comprising the cabin site or home site, and determine the improvement value for compensation to the lessee or improvement owner.” ARM 36.25.705(18).

Therefore, the sole issue presented in this matter is:

1. Upon review of the arguments and evidence received at the March 2, 2022 hearing, what is the DNRC’s recommendation to the Montana Board of Land Commissioners regarding the value of land and improvements on Lot 9?

FINDINGS OF FACT

1. The subject Sale 1143 is a State-owned leased parcel described as:

SALE NO. 1143 – LOT 9, MCGREGOR LAKE, SECTION 16, TOWNSHIP 26
NORTH, RANGE 25 WEST, FLATHEAD COUNTY, STATE OF MONTANA

2. Petitioners are the current lessees of Lot 9 and own the improvements on that parcel.

Petitioners nominated Lot 9 for participation in the cabin site sales program.

3. The value being contested is the cabin site underlying land.¹
4. The Department’s proposed value for the site is \$436,000. *DNRC Exhibit 1*, p. 75. This value was established by Clark Real Estate Appraisal, Elliott M. Clark, with a date of value of September 23, 2021. *Id.* at p. 1.
5. The Appraisal determined a value for Lot 9 using the Sales Comparison Approach. *DNRC Exhibit 1*, p. 11. The Sales Comparison Approach is developed to determine the value of each subject site as if vacant. This is typically the most reliable approach for determining the values of vacant sites. *Id.*
6. To implement the Sales Comparison Approach, the appraisal identified four sales that were deemed appropriate comparable sales. *DNRC Exhibit 1*, p. 73-75. The appraisal determined one 2020 sale of a vacant site along McGregor Lake was a usable comparable sale. *Id.* at 56. However, due to limited usable market data for McGregor Lake, the appraisal also used three comparable sales of similar sites on Bitterroot Lake and Ashley Lake. *Id.*
7. The appraisal determined that statistical analysis and anecdotal data supported the claim that price per front foot was the most applicable unit of comparison for determining the value of Lot 9. *Id.* After making adjustments to account for differences in the characteristics of the comparable sales properties in relation to Lot 9, the Appraisal identified an adjusted price per foot of frontage for the four comparable land sales as follows:

Land Sale 1	\$2,882
Land Sale 2	\$4,208
Land Sale 3	\$3,761
Land Sale 4	\$2,334

¹ Petitioners do not contest the appraised value of the improvements on Lot 9, which were determined by the Appraisal to be worth \$220,000. *DNRC Exhibit 1*, p. 78.

DNRC Exhibit 1, p. 73.

8. Of these four sales, the appraisal determined that Land Sale 1 and Land Sale 4 should be accorded the most weight in determining the value of Lot 9, because these sales bracket Lot 9 in terms of the amount of front footage on the sites. *DNRC Exhibit 1*, p. 75. Of those two, the Appraisal determined that Land Sale 1 should be accorded 25% weight, and Land Sale 4 should be accorded 75% weight since Land Sale 4 is along McGregor Lake and more similar to Lot 9 in the amount of front footage. *DNRC Exhibit 1*, p. 75. Relying on these values and weights, the appraisal reached a rounded per front footage value of \$2,471.00 for Lot 9 [$(\$2,882.00 \times .25) + (\$2,334.00 \times .75) = \$2,471.00$, rounded to \$2,500.00]. *Id.* Lot 9 has 174.39 feet of lakeshore frontage, which results in a value of \$435,975, which the Appraisal rounded up to \$436,000. *Id.*
9. At the March 2, 2022 hearing, Petitioners first elicited testimony from Mr. Wayne Valentic. R 7:30 – 52:00. Mr. Valentic testified at length about his qualifications and experiences as a certified appraiser in the State of Montana. During his testimony, Mr. Valentic provided an overview of the purpose and method of an appraisal, including a review of the comparable sales method. *Id.* Mr. Valentic also testified that in some circumstances, appraisers can perform both retrospective and prospective appraisals at the request of clients.
10. Petitioners explained the purpose of Mr. Valentic’s testimony was to educate the hearing examiner regarding what is “generally expected” in the typical appraisal process, and to comment on whether the length of time between when the Petitioners entered the cabin site sale program and when the appraisal occurred was abnormal. R 42:00 – 42:53. Petitioners confirmed Mr. Valentic did not appraise Lot 9 and would not provide expert testimony regarding the value of Lot 9. *Id.*

11. Petitioners then elicited testimony from Ms. Barbara Riley. R 53:00. Ms. Riley testified that she reviewed the appraisal prepared by Clark Real Estate Appraisal. R 53:30 – 54:00. Ms. Riley testified that her review, Petitioner’s Exhibit B, identified “areas of concern” that warranted discussion. R 54:00 – 55:10. Ms. Riley also testified she had reviewed appraisals “about half a dozen times” in the last ten years. R 55:00 – 55:40.
12. During Ms. Riley’s testimony, both Ms. Riley and Petitioners’ counsel refer to Petitioners’ Exhibit B-5, “Notice of Preliminary Approval for Proposed Cabin/Home Site Sale in Flathead County,” as a contract for sale which entitled the Petitioners to purchase Lot 9. R 57:00.
13. A review of Petitioners’ Exhibit B-5 reveals that this correspondence does not appear to be a contract for sale to any degree. *Petitioner’s Exhibit B-5*. There is no plain language in this document which characterizes it as a contract for sale. *Id.* Rather, this document appears to be a notice that the proposed sale of Lot 9 received preliminary approval from the Board of Land Commissioners and describes some of the procedure that would occur in the future if the Petitioners chose to proceed with the cabin site sale process as outlined in administrative rule. *Id.*
14. As a factual matter, the hearing examiner will not afford weight to factual assertions (and arguments arising from those assertions) which are not supported by evidence. The Petitioners assertion that Petitioners Exhibit B-5 is a contract for sale is not supported by evidence. Rather, this assertion is contradicted by plain-language review of that document, which does not appear to be a contract for sale to any degree. Therefore, the hearing examiner affords no weight to the Petitioners’ assertion that this document is a May 6, 2020, contract for sale of Lot 9. Petitioner’s assertions, arguments, and analysis based on the premise that Petitioners Exhibit B-5 is a contract for sale are similarly afforded no weight.

15. Ms. Riley testified that she was concerned other cabin site sales were not used as comparable sales in the appraisal and testified that including these sales as comparable sales would impact the appraisal of Lot 9. R 59:30 - 1:01:00.
16. Ms. Clark, who wrote the appraisal of Lot 9 in this matter, clarified during her testimony that other state cabin site sales do not constitute arm's length transactions, due to the lessor/lessee relationship between the buyer and the seller, the fact that the lessees are entitled to compensation for their improvements during the sale, the lessees' right to withdraw from the sale process at will, and the fact that the sales are not actively marketed. R 2:37:00.
17. Petitioners asked Ms. Clark to clarify why the real estate price increases caused by COVID-19 were not an "undue stimulus." R 3:24:00. During the DNRC's direct examination of Ms. Clark, she clarified that "undue stimulus" in a sale or appraisal of real estate means a factor outside of the control of a seller, like a court order or a foreclosure. R 2:54:00. Ms. Clark confirmed that, at the time of the appraisal of Lot 9, the increase in market valuations caused by the COVID-19 pandemic was not undue stimulus, but rather an upward trend in the real estate market that she is required to consider in evaluating the value of Lot 9. R 2:55:00.
18. Seth Goodwin, the DNRC real estate specialist administering the cabin site sale program, testified about the 2020-2021 cabin site sale process. R 3:48:00. Mr. Goodwin testified that the DNRC first provided the Petitioners' notice that the 2020-2021 cabin site sale program would be split into two phases. 3:50:00; *Petitioner's Exhibit B-2*, p. 1. Mr. Goodwin explained that the volume of sales proposed for the 2020-2021 cabin site sale program required the DNRC to process the sales in two phases, because only one person administered the program. R 3:50:00.
19. Mr. Goodwin explained that the DNRC's assertion that "[t]he entire process takes approximately 9-10 months" means that the processing a sale takes 9-10 months from the date

the DNRC begins to process the sale. R 3:51:30. The DNRC notified Petitioners that their proposed sale would be processed beginning in 2021. R 3:52:30; *Petitioner's Exhibit B-5*, p. 1.

20. Mr. Goodwin confirmed the DNRC must establish land values in the cabin site sale program by obtaining appraisals from Montana certified general appraisers who follow USPAP guidelines. R 3:53:30. Mr. Goodwin testified the DNRC is bound to do so by ARM 36.25.705. *Id.*

21. Petitioners asked Mr. Goodwin how they could have learned that the effective date of the appraisal would be the date of Lot 9's inspection. R 4:15:00. When Mr. Goodwin answered that the Petitioners could have asked the DNRC at any time, Petitioners responded with laughter. *Id.*

22. As a factual matter, the hearing examiner is not persuaded by the Petitioner's assertions that the DNRC did not clearly communicate when Lot 9 would be processed and when its appraisal would occur. A review of the exhibits submitted for the hearing demonstrates the DNRC explicitly communicated that Lot 9 would be processed and appraised in 2021. *See Petitioner's Exhibit B-2, B-5, B-6, B-7.* Further, based on Mr. Goodwin's testimony the hearing examiner determines that the Petitioners could have asked the DNRC questions about the process if they were unsure of when Lot 9 would be processed or appraised. R 4:15:00.

23. The DNRC requested that the minimum bid for Lot 9 be set at the amount determined by the appraisal, \$436,000. R 4:30:00 – 4:32:35. To justify this request, the DNRC referred to testimony and exhibits introduced at the hearing. *Id.* Specifically, the DNRC noted the valuation determined by the appraisal was the only valuation determined by a certified appraisal, and therefore constituted the only valuation supported by evidence the Land Board

could use to determine current full market value. *Id.* The DNRC noted that the Petitioner’s witness Ms. Barbara Riley testified that she is not a certified appraiser, and that the report Ms. Riley prepared does not constitute a valid appraisal. *Id.* The DNRC also requested the maximum bid for the improvements on Lot 9 be set at \$220,000, arguing that the Petitioners presented no evidence suggesting the improvements valuation in the appraisal should be modified. *Id.* The DNRC argued that the manner in which the DNRC processed the proposed sale of Lot 9 complied with the statutes and regulations applicable to the cabin site sale program. *Id.* Finally, the DNRC argued that changes in market conditions caused by increased demand are simply part of the real estate market, and that the Land Board is required to seek to obtain current full market value. *Id.*

24. The Petitioner requested that the minimum bid for Lot 9 be set at \$363,000, asking for a “downgrading to account for COVID and the extended delay they were not aware of when they entered this program.” Before Petitioners’ counsel provided factual and legal argument supporting the Petitioners’ request for relief, the hearing examiner emphasized that Petitioners’ counsel make specific references to statute, administrative regulation, or precedent to support the argument. R 4:33:00 – 4:35:00.

25. Petitioners’ counsel argued that the “inability to take into account the delays that were no fault of [Petitioners] is incredibly detrimental to them in this process.” R 4:35:00 – 4:36:00. Petitioners referred to an “unwritten rule” that was not communicated to Petitioners, and argued that the unwritten rule prevented Petitioners from making an informed decision about whether they should participate in the cabin site sale program. *Id.* Petitioners did not clearly state what decision or action constituted the “unwritten rule” to which they referred. Petitioners stated they were a “contracting party,” and that the common law entitled them to be an

informed party. *Id.* Petitioners neither cited the common law principle to which they referred, nor presented an argument that such a principle was legally applicable or usable in this hearing. Petitioners noted they could not cite statute, regulation, or precedent to support their request, other than “detrimental reliance on continued information from the DNRC ... that that’s how long this process was going to take.” *Id.* The hearing examiner notes this is not a reference to any specific statute, administrative regulation, or precedent. *Id.*

26. The Petitioners further argued that at no point prior to entering the cabin site sale program did the DNRC inform them that the sale process could take eight to ten months from the date of appraisal and stated the Petitioners could not make an informed decision based on “misinformation.” R 4:36:00 – 4:37:00. The Petitioners stated “they wouldn’t even know where to ask” for this information. The Petitioners argued “you can’t use COVID as a delay standard in explaining why they were pushed to the 2021 round because of lack of staff and things of that nature, and then not account for it in the increase of the market.” *Id.*

27. The hearing examiner, again noting the lack of references to applicable law supporting the Petitioner’s request, asked Petitioner’s what legal argument they could provide for their request. Petitioner responded that their argument was “based on equitable rights and the ability to contract knowingly and form and be bound to a contract. That’s common law from rights of contracting...” R 4:37:00 – 4:38:00. The hearing examiner notes this is not a reference to any specific statute, administrative regulation, or precedent.

28. The hearing examiner asked Petitioners to identify the contract the Petitioner’s claimed provided them the rights they asserted. R 4:37:30 – 4:39:00. The Petitioners identified Petitioner’s Exhibit B-5, “Notice of Preliminary Approval for Proposed Cabin/Home Site Sale in Flathead County.” *Id.* The hearing examiner asked whether the Petitioner characterized this

correspondence as a contract that entitled them to the benefit of administrative process as outline in rule, or as a buy-sell agreement for Lot 9. *Id.* The Petitioner's characterized this correspondence as a "contract for sale," and again claimed they were harmed by a year-long delay that the DNRC did not communicate to Petitioners. *Id.* Petitioners asserted that processing the Petitioner's sale in 2021 with an appraisal date in 2021 was "chang[ing] the terms mid contract." *Id.*

29. The hearing examiner requested Petitioner's identify which term of the purported contract was changed. R 4:39:00 – 4:39:40. The Petitioner did not identify a specific term, but stated "it's not mentioned when the valuation is going to be set," and that "it never specifically says that the appraisal inspection date is going to be the valuation date." *Id.*
30. Petitioner's statements about the notice they were provided and the content of Exhibit B-5 are not correct. Petitioner's claim that they received no notice there would be a year delay before their site was processed or that the appraisal of the site would occur in the summer of 2021. However, Exhibit B-5 states explicitly, "Your site will be processed in 2021, beginning with an appraisal to be scheduled the summer of 2021." Petitioner's Exhibit B-5, p. 1. Petitioner's assertions that they were never provided notice that there would be a year delay, or that the appraisal would occur in 2021, are contradicted by the plain language of this document.
31. The Petitioners concluded their argument by asserting the information provided in Ms. Riley's market analysis was reliable evidence upon which the hearing examiner could recommend a lower site value for Lot 9. R 4:41:30 – 4:43:32. From a standpoint of fact, the hearing examiner disagrees. Ms. Riley testified she is not certified to appraise the value of land in the State of Montana. R 1:18:00 – 1:18:30. Ms. Riley further testified that market analyses like the one Ms. Riley prepared do not comply with USPAP, are "not meant to replace the appraisal process,"

and “are not acceptable to a lender.” R 1:18:30 – 1:19:45. Fundamentally, Ms. Riley confirmed her market analysis is not an appraisal of Lot 9. *Id.* In light of Ms. Riley’s statements regarding her market analysis, the hearing examiner cannot conclude that Ms. Riley’s market analysis constitutes evidence which is reliable enough to recommend lowering the appraised minimum bid value of Lot 9 from \$436,000 to \$363,000.

CONCLUSIONS OF LAW

1. The Montana Constitution specifies that the State must manage state school trust lands for the sole financial benefit of the institutional trust beneficiaries. Act of February 22, 1889, Ch. 180, 25 Stat. 676 (1889); Mont. Const. Art. X §§ 4 and 11. The authority exercised by the State with regard to school trust lands constitutes a “duty of undivided loyalty” on the part of the State to the beneficiaries of the trust. *Montanans for Responsible Use of School Trust v. Board of Land Commissioners*, 1999 MT 263, ¶ 41, 296 Mont. 402, 989 P.2d 800.
2. Art. X, Sec. 4, of the Montana Constitution gives the Land Board “the authority to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulation and restrictions as may be provided by law.” Article X, Section 11 of the Montana Constitution states that “[n]o such land or any estate or interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state.”
3. Prior to selling a cabin site, § 77-2-317, MCA, directs the Land Board to separately determine the full market value of the land and the value of the cabin site improvements existing on the land and that “[t]he appraisal to determine these values must be based on comparable sales

of nearby existing properties with the hypothetical condition that the state parcel to be sold is accessible for all lawful purposes. The appraisal must determine the raw undeveloped value of the parcel and the value of the cabin site improvements.”

4. An “[a]ppraisal’ means the practice of developing an opinion of the value of real property in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) as developed by the appraisal foundation.” Section 37-54-102(1), MCA. The appraisal must use the following definition found at § 70-30-313, MCA, for current fair market value:

70-3-313. Current fair market value. Current fair market value is the price that would be agreed to by a willing and informed seller and buyer, taking into consideration, but not limited to the following factors:

- (1) the highest and best reasonably available use and its value for such use, provided current use may not be presumed to be the highest and best use;
- (2) the machinery, equipment, and fixtures forming part of the real estate taken; and
- (3) any other relevant factors as to which evidence is offered.

5. “The board shall disclose the results of the appraisal to the cabin site or home site lessee of the land for sale and shall give that lessee notice and opportunity for an administrative hearing before the department to contest those valuations. The department shall review the arguments and evidence received at the hearing to make a recommendation of the values of the land and the cabin site improvements to the board. The board shall make a final determination on the values of the land and cabin site improvements.” Section 77-2-317(1)(c), MCA.

6. If a lessee appeals the valuation(s) made in the appraisal, “[t]he lessee or owner of improvements shall present evidence and arguments it wishes the department to consider in recommending values of land and improvements to the board.” ARM 36.25.705(16)(a). The Department then “shall present its findings, conclusions, and recommended values of land and improvements to the board and the lessee or improvements owner.” ARM 36.25.705(17). Finally, “[u]pon receiving the appraisal values or department’s recommendation of values, the board shall

set a minimum acceptable bid on the real property comprising the cabin site or home site, and determine the improvement value for compensation to the lessee or improvement owner.” ARM 36.25.705(18).

7. First, the hearing examiner notes that the Petitioners did not provide the hearing examiner with an appraisal indicating a different current full market value for the land or improvements on Lot 9. FOF 10, 31. Further, the hearing examiner determines that Petitioners did not present other persuasive evidence or testimony proving a different current full market value for the land or improvements on Lot 9. *Id.* Although Petitioners’ witness Mr. Valentic testified that he is a Montana certified general appraiser, he confirmed he would not offer expert testimony regarding the value of Lot 9. FOF 10. Petitioners’ witness Ms. Riley confirmed that she is not a Montana certified general appraiser, and that the market analysis she performed is not a USPAP compliant appraisal usable to determine a value for the land or improvements on Lot 9. FOF 31. For these reasons, the hearing examiner finds the Petitioners did not present sufficient evidence to justify recommending a \$363,000 value for Lot 9.

8. The hearing examiner determines that Petitioners’ argument for \$363,000 value for the land underlying Lot 9 is not based on providing demonstrative evidence indicating a lower current full market value for the land. FOF 10, 31. Rather, Petitioners attempt to present legal arguments suggesting the Petitioners are entitled to insist the minimum bid value for Lot 9 be set at a 2020 price, not current full market value. FOF 24-31.

9. Petitioners’ legal arguments are not persuasive. Petitioners failed to support their arguments with citations to applicable statutes and administrative rules which apply to the cabin site sale process. FOF 24-31. Rather, Petitioners supported their argument with vague references to the common law and general principles of fairness. FOF 27. The hearing examiner determines

that unsupported legal arguments which entirely fail to consider the statutes and administrative rules which govern the cabin site sale process are insufficient to justify recommending a lower site value for Lot 9.

10. The DNRC's recommendation to the Montana Board of Land Commissioners regarding a land value for Lot 9 must consider the Constitutional, statutory, and regulatory obligations which bind the State. COL 1-4. In this matter, the only demonstrative evidence which reliably indicates the current full market land value for Lot 9 is the September 23, 2021 appraisal prepared by Ms. Clark. FOF 4-8, 23. Petitioners have provided no reliable evidence or justified arguments indicating it would be appropriate for the DNRC to recommend a \$363,000 value for Lot 9's land.

11. Even if the Petitioners had provided legal justification for their legal arguments, the hearing examiner finds that those arguments would have failed because the facts do not support them. The Petitioners argument that the DNRC's May 6, 2020 letter is a contract for sale providing Petitioners the right to purchase Lot 9 would fail based on a plain-language reading of that letter. FOF 12-14. Further, the Petitioners' arguments related to fairness and equity would fail because there is no evidence in the record which suggests the Petitioners were treated unfairly. FOF 18-22.

12. Fundamentally, the Petitioners' desire to acquire Lot 9 at a lower, 2020 price overrides neither the State's obligation, nor the school trust's entitlement, to obtain full market value for Lot 9. COL 1-4. Petitioners have not presented persuasive evidence or argument demonstrating the DNRC could recommend a \$363,000 land value for Lot 9 without disregarding applicable law and the weight of the evidence presented.

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RECOMMENDATION OF VALUE

Based on the preceding Findings of Facts and Conclusions of Law, I hereby recommend that the Land Board set the minimum bid for public sale of Lot 9 at \$436,000 for the land and a value of the improvements at \$220,000, for a total value of \$656,000.

Dated this 20th day of April 2022.

/Original signed by Cameron Boster/

Cameron Boster, Administrative Law Judge
Department of Natural Resources
and Conservation
Office of Administrative Hearings
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April 2022 a true and correct copy of the foregoing document was served upon the following individuals in the manner set forth below:

<p><i>ATTORNEY FOR PETITIONERS WINTERS, JAY & DIANA:</i></p> <p>TERIN G. RILEY ATTORNEY AT LAW PO BOX 1370 COLUMBIA FALLS, MT 59912</p> <p>Email: terinriley@gmail.com</p>	<p><input checked="" type="checkbox"/> U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> Via Email:</p>
<p><i>ATTORNEY FOR THE DEPARTMENT:</i></p> <p>BRIAN BRAMBLETT LEGAL UNIT DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 1539 ELEVENTH AVENUE P.O. BOX 201601 HELENA, MT 59620-1601</p> <p>Email: BBramblett@mt.gov Jean.Saye@mt.gov (Legal Assistant)</p>	<p><input type="checkbox"/> U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> Via Email:</p>
<p><i>REAL ESTATE BUREAU REPRESENTATIVE:</i></p> <p>TRUST LAND MANAGEMENT DIVISION DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 1539 ELEVENTH AVENUE P.O. BOX 201601 HELENA, MT 59620-1601</p> <p>Email: Deidra.Kloberdanz@mt.gov ryanweiss@mt.gov Seth.Goodwin2@mt.gov</p>	<p><input type="checkbox"/> U.S. First-class mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Via Fax: <input checked="" type="checkbox"/> Via Email:</p>

*/Original signed by Jamie Price/
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