

**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
MINUTES
June 16, 2025 AT 9:00 A.M.
SUPREME COURT CHAMBERS, MAZUREK JUSTICE BUILDING
HELENA, MT**

Members Present

Greg Gianforte, Governor
Susie Hedalen, Superintendent of Public Instruction
Austin Knudsen, Attorney General
James Brown, Commissioner of Securities and Insurance
Christi Jacobsen, Secretary of State
Dawnell Fuller, Land Board Secretary

Members Absent

None

Testifying Staff

Amanda Kaster, DNRC Director
Brian Bramblett, DNRC Chief Legal Counsel
Ryan Wiess, DNRC Trust Lands Deputy Administrator
Jessica Hoag, DNRC Recreational Use and Public Access Coordinator

Attachments

Related Materials, Attachment 1 – sign-in sheet
Related Materials, Attachment 2–Litigation update packet

Call to Order

00:00:00 Governor Gianforte called the meeting to order.

00:39:00 Austin Knudsen, Attorney General moved to approve the May 19, 2025 minutes. The motion was seconded by Christi Jacobsen, Secretary of State and carried unanimously.

00:01:04 Austin Knudsen, Attorney General moved to approve the June 16, 2025 agenda. The motion was seconded by Christi Jacobsen, Secretary of State and carried unanimously.

Business Considered

0625-1A & B Timber Sales

00:01:14 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:02:40 Christi Jacobsen, Secretary of State moved to approve item 0625-1A & B. The motion was seconded by Austin Knudsen, Attorney General and carried unanimously.

Board Discussion/Comments: N/A

0625-2 Communitization Agreement: Bullion Wells

00:02:59 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:03:55 Christi Jacobsen, Secretary of State moved to approve item 0625-2. The motion was seconded by Austin Knudsen, Attorney General.

Board Discussion/Comments:

00:04:02 Austin Knudsen, Attorney General

00:04:36 Greg Gianforte, Governor

00:04:45 The motion to approve item 0625-2 carried unanimously.

0625-3 Oil and Gas Lease Sale

00:04:50 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:05:27 Austin Knudsen, Attorney General moved to approve item 0625-3. The motion was seconded by Susie Hedalen, Superintendent of Public Instruction and carried unanimously.

Board Discussion/Comments: N/A

0625-4A & B Cabin and Homesite: Final Approval for Sale

00:04:45 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:07:14 Austin Knudsen, Attorney General moved to approve item 0625-4A & B. The motion was seconded by Christi Jacobsen, Secretary of State and carried unanimously.

Board Discussion/Comments: N/A

0625-5 Easements

00:07:47 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

00:08:25 Susie Hedalen, Superintendent of Public Instruction moved to approve item 0625-5. The motion was seconded by Austin Knudsen, Attorney General.

Board Discussion/Comments:

00:08:37 James Brown, Commissioner of Securities and Insurance-abstained due to a conflict of interest.

00:08:57 The motion to approve item 0625-5 carried 4-0.

0625-6 Request for Approval to Initiate Rulemaking to Amend Recreational Use Rules

00:09:10 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment:

00:010:30 Ellie Brighton, Montana Stock Growers Association

00:11:27 Susie Hedalen, Superintendent of Public Instruction moved to approve item 0625-6. The motion was seconded by James Brown, Commissioner of Securities and Insurance.

Board Discussion/Comments:

00:11:40 Austin Knudsen, Attorney General

00:11:48 Amanda Kaster, DNRC Director

00:12:02 Jessica Hoag, DNRC Recreational Use and Public Access Coordinator

00:12:51 Austin Knudsen, Attorney General

00:13:04 Jessica Hoag, DNRC Recreational Use and Public Access Coordinator

00:13:50 Greg Gianforte, Governor

00:13:58 Jessica Hoag, DNRC Recreational Use and Public Access Coordinator

00:14:31 Greg Gianforte, Governor

00:14:33 Jessica Hoag, DNRC Recreational Use and Public Access Coordinator

00:14:47 Austin Knudsen, Attorney General

00:14:48 Greg Gianforte, Governor

00:14:55 The motion to approve item 0625-6 carried unanimously.

0625-7 Informational Item – DNRC Quarterly Litigation Update

00:15:02 Amanda Kaster, DNRC Director, gave an overview of the item.

Public Comment: N/A

Board Discussion/Comments:

00:16:05 Greg Gianforte, Governor

00:16:20 Amanda Kaster, DNRC Director

00:16:35 Greg Gianforte, Governor

00:16:42 Brian Bramblett, DNRC Chief Legal Counsel

00:16:45 Greg Gianforte, Governor

00:16:19 Brian Bramblett, DNRC Chief Legal Counsel

00:17:45 Greg Gianforte, Governor

00:17:48 Brian Bramblett, DNRC Chief Legal Counsel

00:18:39 Greg Gianforte, Governor

00:18:44 Brian Bramblett, DNRC Chief Legal Counsel

00:18:56 James Brown, Commissioner of Securities and Insurance

00:19:44 Brian Bramblett, DNRC Chief Legal Counsel

00:19:56 Amanda Kaster, DNRC Director

00:19:58 James Brown, Commissioner of Securities and Insurance

00:19:56 Amanda Kaster, DNRC Director

00:20:17 James Brown, Commissioner of Securities and Insurance

00:20:32 Brian Bramblett, DNRC Chief Legal Counsel

00:20:48 Ryan Wiess, DNRC Trust Lands Deputy Administrator

00:21:17 James Brown, Commissioner of Securities and Insurance

00:21:25 Greg Gianforte, Governor

These abbreviated summary minutes and the audio recording will become the official adopted minutes at the next Land Board meeting when the board votes to officially approve them. Until then they are considered a draft.

General Public Comment

00:21:45 Jocelyn Cahill, Senior Ag Water Right Alliance/Executive Director
00:23:51 Greg Gianforte, Governor
00:23:55 Jocelyn Cahill, Senior Ag Water Right Alliance/Executive Director
00:23:56 Greg Gianforte, Governor
00:24:04 Jocelyn Cahill, Senior Ag Water Right Alliance/Executive Director

Adjournment

00:24:21 Adjournment

PRESIDENT

ATTEST

/s/ _____
Greg Gianforte, Governor

/s/ _____
Amanda Kaster, DNRC Director

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 minutes summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.

June 16, 2024 at 9:00 am
Supreme Court Chambers, Mazurek Justice Building
Helena, MT

Check to be added to the interested parties list.

[illegible]

This sign-in sheet is a public record under Title 2, Chapter 6 of the Montana Code Annotated, but may not be reproduced or distributed for use as a mailing list without the permission of the named individuals under 2-6-1017, MCA.



To: Montana State Board of Land Commissioners
From: Brian C. Bramblett, DNRC Chief Legal Counsel
Date: June 16, 2025
RE: Litigation Update

This Litigation Update does not include bankruptcy proceedings that include state trust land leases, permits, or land use licenses as an asset of the bankruptcy estate; or administrative hearings/contested case proceedings related to state trust land leases, permits, or land use licenses.

GENERAL LITIGATION

No new cases to report.

Status of cases reported on October 20, 2024:

Williams Family Trust v. DNRC and Hensley

- Montana's First Judicial District, Broadwater County (DDV-2019-14).
- Issue: Judicial review proceeding and breach of contract claim filed by former lessee related to disputed improvement valuation.
- Current Status: Pretrial discovery related to the contract claim.

River Oxbow Ranch, et. al. v. Montana Land Board, DNRC, et al.

- Montana's Fifteenth Judicial District, Roosevelt County (DV-2021-47).
- Issue: Lawsuit for quiet title seeking to resolve riverbed and island ownership in Roosevelt County and seeking mesne profits for royalties paid to DNRC. Montana Land Board and DNRC filed a counterclaim.
- Current Status: Identifying additional necessary parties for joinder.

McDonnel, et al v State, Montana Land Board and DNRC

- Montana's Eighteenth Judicial District, Gallatin County (DV-16-2024).
- Issue: Lawsuit alleging nuisance, negligence, breach of fiduciary duty and seeking permanent injunction filed by multiple landowners located near a trust land parcel used for public shooting.
- Current Status: Pretrial discovery.



Valley Garden Land and Cattle v. DNRC, AM Welles, and Riverside Contracting

- Montana's Fifth Judicial District, Madison County (DV 29-2024-0036).
- Issue: Lawsuit challenging asphalt plant on trust land parcel alleging violation of MEPA, §§77-3-201, et seq., public participation, Water Use Act and Montana Constitution.
- Current Status: Pretrial motions and briefing.

Valley Garden Land and Cattle v. DNRC and AM Welles

- Montana's Fifth Judicial District, Madison County (DV 29-2023-0037).
- Issue: Lawsuit challenging gravel pit expansion on trust land parcel alleging violation of MEPA, §§77-3-201, et seq., public participation, Water Use Act and Montana Constitution.
- Current Status: Post-trial briefing related to scope of remedies.

Held, et al. v. State

- Montana Supreme Court (DA 23-0575).
- Issue: Lawsuit challenging MEPA exception for GHG, in part, as it relates to trust land leases that directly or indirectly result in increased CO2E. The Montana Supreme Court affirmed and remanded to resolve Plaintiffs' attorney fees claim.
- Current Status: Litigating entitlement and amount of attorney fees.

WATER COURT LITIGATION

The water right cases listed below include all water right litigation to which the Montana State Board of Land Commissioners (SBLC) is a party. Ownership objections to water rights with point(s) of diversion (POD) on private land and place(s) of use (POU) on state trust land are identified as: **Ownership (POD on private land/POU on state trust land)**. The ownership objections to water rights with POD on private land and POU on state land in this Litigation Update were filed before the Land Board's May 20, 2024, motion requiring prior approval for such objections. Future Litigation Updates will include the date an objection was approved by the SBLC in the case summary.

New matters:

41F-0173-R-2025

- Claimant: SBLC
- Issue: Claim No. 41F 214429-00 contains a DNRC issue remark regarding the name of the source.
- Current Status: SBLC filed a statement of agreement on the name of the ditch in question on May 8, 2025 and is waiting on court approval.

41I-1053-R-2025

- Claimant: North Bridger Mountain Land and Cattle Company LLC
- Objector: SBLC

- Issue: **Ownership (POD on private land/POU on state trust land).** SBLC objected to Claim No. 41I 190751-00, which is a livestock direct from source with one or more PODs and POUs on state trust land.¹
- Current Status: The parties filed a settlement agreement creating an implied water right owned by SBLC for the portion of the water right appurtenant to state trust land on April 28, 2025, and are waiting for court approval.

41S-0071-R-2024

- Claimant: SBLC
- Objector: SBLC
- Issue: Self-objection to resolve issue remarks on Claim Nos. 41S 18155-00, 41S 18200-00, 41S 21653-00, 41S 42853-00, 41S 47789-00, 41S 47811-00, 41S 47835-00, 41S 47843-00, 41S 47850-00, 41S 101593-00, 41S 101594-00, 41S 112271-00, 41S 215296-00, and 41S 30029050.
- Current Status: SBLC filed verified motions to amend the claims to resolve these self-objections on January 6, 2025, and is waiting on court approval.

43P-0009-I-2025

- Claimant: SBLC
- Objector: Sunlight Ranch Co.
- Issue: Sunlight Ranch Co. objected to Claim Nos. 43P 30112161 based on a scrivener's error in the location of the POD/POU.
- Current Status: The parties filed a settlement agreement addressing clerical errors on March 10, 2025, and was approved by the Water Court on June 9, 2025.

40O-0001-I-2024

- Claimant: Buggy Creek Livestock LLLP
- Objectors: SBLC; US BIA; US BLM
- NOIA: Assiniboine & Sioux Tribes of Fort Peck
- Issue: **Ownership (POD on private land/POU on state trust land).** SBLC objected to Claim No. 40O 30136580, which is a livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a July 21, 2025, settlement agreement deadline.

40O-0061-I-2024

- Claimant: Antelope Ranch Inc.
- Objector: SBLC
- Issue: **Ownership (POD on private land/POU on state trust land).** SBLC objected to Claim Nos. 40O 30134608 and 40O 30134611 which are for livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a June 23, 2025, settlement agreement deadline.

¹ For a livestock direct from source claim, the POU on state trust land is associated with a POD on state trust land. The POD on private land is not associated with the POU on state trust land.

40O-0070-I-2024

- Claimant: Buggy Creek Livestock LLLP
- Objector: SBLC
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim Nos. 40O 30136576, 40O 30136588, and 40O 30163348 which are for livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a June 23, 2025, settlement agreement deadline.

40O-0071-I-2024

- Claimant: Buggy Creek Livestock LLLP
- Objectors: SBLC; US BLM
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim Nos. 40O 30136577 and 40O 30136625 which are for livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a June 23, 2025, settlement agreement deadline.

40O-0080-I-2024

- Claimant: Cornwell Ranch
- Objector: SBLC
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim Nos. 40O 30136085 and 40O 30137029 which are for livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a June 16, 2025, settlement agreement deadline.

40O-0082-I-2024

- Claimant: Cornwell Ranch
- Objectors: SBLC; US BLM
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim Nos. 40O 30135293, 40O 30136082, 40O 30136084, 40O 30137032, 40O 30137036, 40O 30137766, and 40O 30137772 which are for livestock direct from source with one or more PODs and POUs on state trust land.
- Current Status: The parties have a June 16, 2025, settlement agreement deadline.

41F-0133-R-2025

- Claimants: HRMT Land LLC; SBLC
- Issue: SBLC Claim No. 41F 30106559 and HRMT Land LLC Claim No. 41F 30114717 (stock watering) contain a DNRC issue remarks regarding potential overlap of the POUs.
- Current Status: The parties entered a settlement agreement June 2, 2025, pursuant to which SBLC will file a statement of non-interest on the HRMT Land LLC claim because SBLC already has a water right for the POU.

41I-0151-R-2025

- Claimant: Galzagorry
- Objector: SBLC

- Issue: Galzagorry Inc. Claim No. 41I 30132306 (stock watering) contains a DNRC issue remark regarding location of the POU's on both state trust land and private land. The POD for this claim is on state trust land.
- Current Status: The parties have a July 15, 2025, settlement agreement deadline.

Status of cases reported on October 20, 2024:

40A-0363-R-2022

- Claimant: McFarland White Ranch Inc.; SBLC
- Objector: McFarland White Ranch Inc.; SBLC
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim Nos. 40A 211602 and 40A 211604 (surface water flood irrigation via ditch) filed by McFarland White Ranch Inc. with a POU on state trust land. McFarland White Ranch Inc. objected to SBLC being listed as co-owner on Claim Nos. 40A 30002022 and 40A 110020 (sprinkler irrigation) with a POU on state trust land.
- Current status: In 2022, MacFarland White Ranch Inc. filed a motion and statement agreeing that SBLC is co-owner of all four rights. Issues unrelated to state ownership are still being resolved.

41K-0310-R-2021

- Claimants: SBLC; Blenton Ranch Co.
- Issue: **Ownership (POD on private land/POU on state trust land)**. Claim Nos. 41K 11389, 41K 35197, and 41K 160385 (flood irrigation via headgate) contain DNRC issue remarks regarding the type of historical right, priority date, and flow rate.
- Current Status: The parties filed a settlement agreement regarding the priority date and creating an implied water right owned by SBLC for the portion of the water right appurtenant to state trust land on March 7, 2025, and are waiting on court approval.

41M-0011-I-2024

- Claimant: SBLC
- Objectors: Blackfeet Tribe, US Bureau of Indian Affairs (BIA)
- Issue: Claim Nos. 41M 30109682 and 41M 301109683 pertain to water that is in a section that is partly owned by the State and partly by the Tribe. The tribe objected to all elements and ownership of SBLC's claim.
- Current Status: The parties filed a settlement agreement to remove that portion of the place of use located on Tribal land on May 5, 2025 and are waiting on court approval.

40A-0375-R-2022

- Claimant: 71 Ranch LP
- Objectors: 71 Ranch LP; SBLC
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Claim No. 40A 205645 based on POUs on state trust lands.
- Current Status: SBLC moved for summary judgment, but the case was stayed before 71 Ranch LP responded pending the outcome of *Schutter v. State of Mont. Bd. of Land Comm'rs*, 2024 MT 88. Following the *Schutter* decision, the parties entered into a settlement agreement.

41E-0200-R-2024

- Claimants: DPHHS; SBLC; Lori Norby; Anita and Edward McCauley; North Fork Trust
- Objectors: Edward K. McCauley; Anita L. McCauley; BLM
- Counterobjectors: Lori Norby; Pallister Joint Living Trust
- NOIA: Colette M. Lemieux
- Issue: Claim Nos. 41E 27437, 41E 27438, 41E 30884, 41E 93869, and 41E 94068 contain DNRC issue remarks questioning the type of historical right, priority date, and flow rate, among other issue remarks. SBLC is listed as co-owner of 41E 27438.
- Current Status: This case was placed on a hearing track on May 15, 2025.

41K-0029-R-2023

- Claimant: Broken O Land & Livestock
- Objectors: Broken O Land & Livestock; US BLM; SBLC
- Issue: **Ownership (POD on private land/POU on state trust land)**. SBLC objected to Nos. 41K 96112, 41K 187156, 41K 187157, and 41K 30103793 (flood/ditch/sprinkler irrigation) based on POU's on state trust land.
- Current Status: The parties requested an extension of the settlement agreement deadline.

41I-2031-R-2024

- Claimants: Arnold J. Kolberg; Sharon M. Lewis Revocable Living Trust
- Objectors: Michelle L. Gillespie; Rob Gillespie; SBLC
- NOIA: Michelle L. Gillespie
- Current Status: Closed
- Resolution: Water right was amended to remove state trust land from POU.

41K-0045-R-2023

- Claimants: Merle, Tucker & Rosanna Morris; Alvin & Gladys Meyer
- Objectors: US BLM; SBLC
- Current Status: Closed
- Resolution: The parties entered a settlement agreement creating an implied water right owned by SBLC for the portion of the water right appurtenant to state trust land.

41S-0021-R-2024

- Claimants: Burleighs Angus Ranch Inc.; Scott Sweeney; Veronica E. Sweeney
- Objector: SBLC
- Current Status: Closed
- Resolution: The parties entered a settlement agreement adding SBLC as a co-owner of the water right for the portion of the water right appurtenant to state trust land.

40A-0298-R-2019

- Claimant: Diamond Legacy Ltd. Partnership
- Objectors: SBLC; Diamond Legacy Ltd. Partnership
- Current Status: Closed
- Resolution: Water right was amended to remove state trust land from POU.