REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
AGENDA
July 21, 2025 AT 9:00 A.M.
STATE CAPITOL, ROOM 303
HELENA, MT

ADMINISTRATIVE ITEMS

Approval of the June Land Board Meeting Minutes
Approval of the July Land Board Agenda

ACTION ITEMS

0725-1 Montana Historical Society: Sale of Land **APPROVED 5-0**
Location: Jefferson County
Benefits: Non-Trust Beneficiaries

0725-2 Timber Sale: Beaver Creek **APPROVED 5-0**
Location: Lincoln County
Benefits: Common Schools

0725-3 Cabin and Homesite: Set Minimum Bid for Sale **APPROVED 5-0**

A. *Location: Missoula County*
Benefits: MSU 2nd

B. *Location: Valley County*
Benefits: Common Schools

0725-4 Easements **APPROVED 5-0**
Location: Blaine, Custer, Missoula, and Sweet Grass Counties
Benefits: Capitol Buildings, Common Schools, and Public Land Trust

0725-5 Approval to File Objections on Water Rights (Executive Session) **APPROVED 4-1**
Location: Powell and Deer Lodge County
Benefits: Common Schools

0725-6 Informational Item: Response to Public Inquiry
Location: N/A
Benefits: N/A

0725-7 Informational Item: Legislative Update
Location: N/A
Benefits: N/A

PUBLIC COMMENT

0725-1

MONTANA HISTORICAL SOCIETY

SALE OF LAND

Land Board Agenda Item
July 21, 2025

0725-1 Montana Historical Society: Sale of Land

Location: Jefferson County

Trust Beneficiaries: N/A

Trust Revenue: N/A

Item Summary:
The Montana Historical Society (MTHS) proposes to hold a public auction for vacant property located at 331 West Farm Road near Three Forks, Montana.

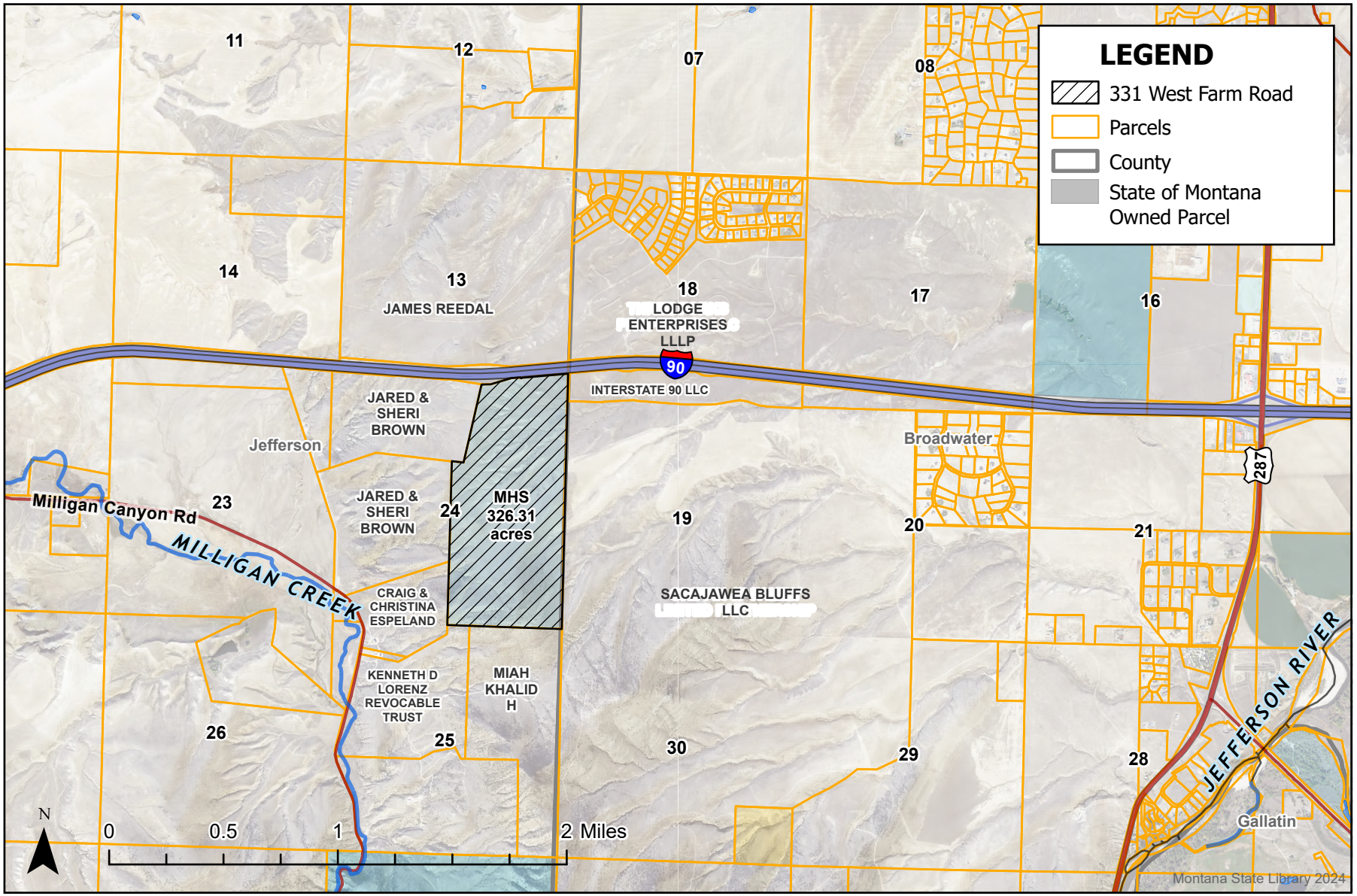
Background:
Thomas Nygard donated 326.31 acres of land to the Montana Historical Society in 2009. The intent of this gift is for the proceeds from the land sale to be designated toward the construction of the Montana Heritage Center. The Land Board previously approved this land for sale in 2017, however, due to a lagging real estate market, the land was not sold. The Land Board again approved the land for sale in May 2024, and MTHS scheduled two auctions in August and September but received no bids.

In March 2025, MTHS received an updated appraisal. Market conditions for undeveloped land in the Three Forks area changed slightly since 2024 but remains positive. The appraisal of the property is in-line with the original valuation of the property at $950,000. With Land Board approval, MTHS will offer the land for sale through public auction with funds benefiting the construction of the Montana Heritage Center. Proceeds from the sale will be utilized immediately.

Location:
This property is located in Jefferson County, approximately three miles west of the Interstate 90 and Highway 297 junction, near the Broadwater County border.

Legal Description:
Tract 1 of COS 222039 F830A, Section 24, T2N, R1W.

Recommendation:
MTHS requests Land Board approval to sell the property at public auction for the appraised value of $950,000.



Parcel Map of 331 West Farm Road with Surrounding Landownership, T2N R1W Section 24, Jefferson County, Montana

0725-2

TIMBER SALE

BEAVER CREEK

Land Board Agenda Item
July 21, 2025

0725-2 Timber Sale: Beaver Creek

Location: Lincoln County

Trust Beneficiaries: Common Schools

Trust Revenue: $117,598 (estimated, minimum)

Item Summary

Location: The Beaver Creek Timber Sale is located approximately 7 miles southwest of Trego, Montana.

Size and Scope: The sale includes 8 harvest units (161 acres) of tractor logging.

Volume: The estimated harvest volume is 5,176 tons (848 MMBF) of sawlogs.

Estimated Return: The minimum bid is $22.72 per ton, which would generate approximately $117,598 for the Common Schools Trust and approximately $22,550 in Forest Improvement fees.

Prescription: This sale would utilize overstory removal, shelterwood and commercial thinning harvest prescriptions designed to enhance vigor of existing stands and to regenerate new stands of timber.

Road Construction/Maintenance: The Department of Natural Resources and Conservation (DNRC) is proposing 4 miles of road maintenance.

Access: Access to the project is obtained through cost share roads with the United States Forest Service.

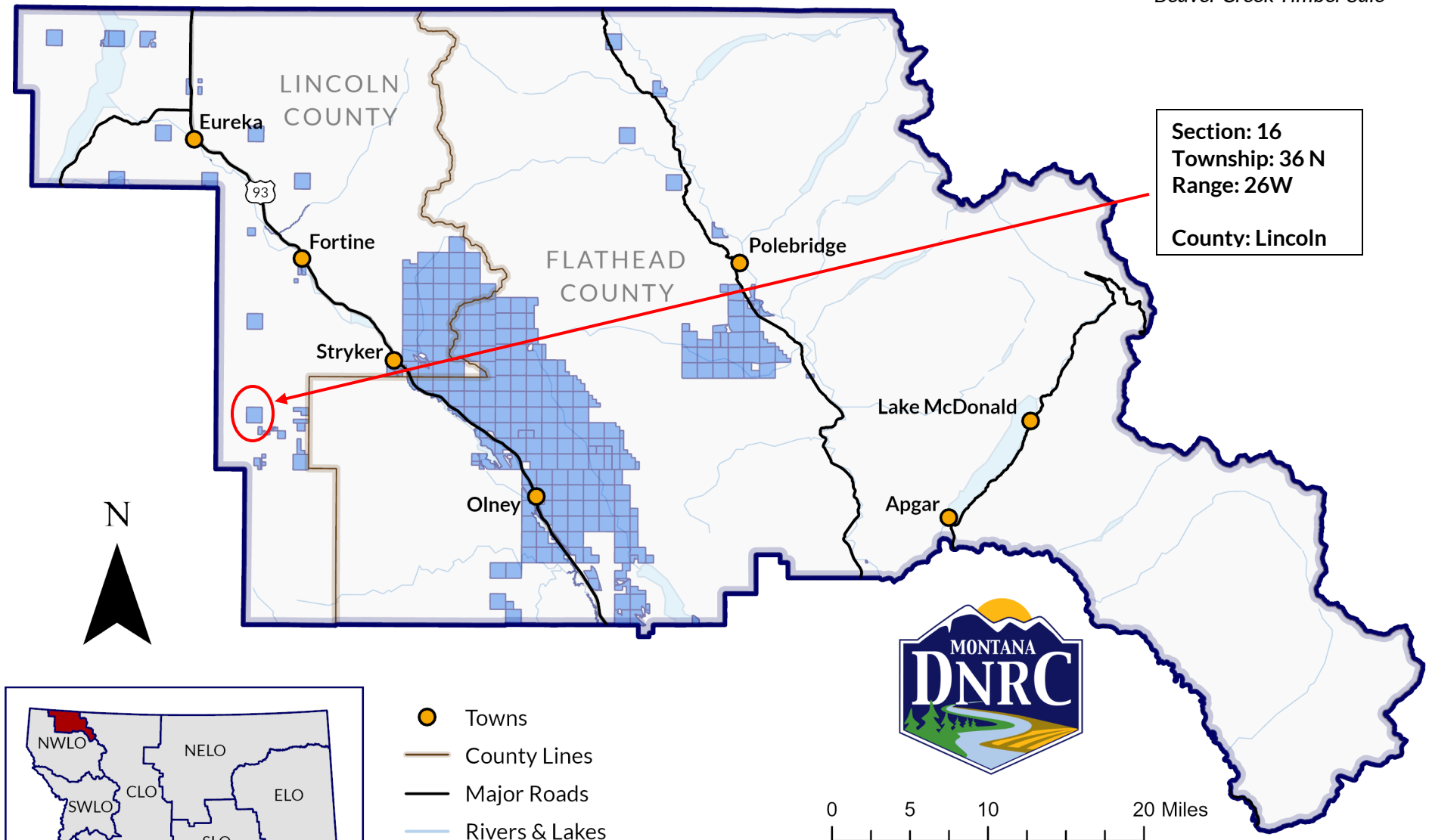
Public Comments: No comments were received.

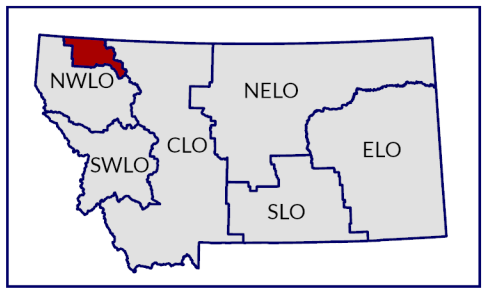
DNRC Recommendation
The DNRC recommends the Land Board direct the DNRC to sell the Beaver Creek Timber Sale.

State Trust Land Vicinity Map

Stillwater Unit

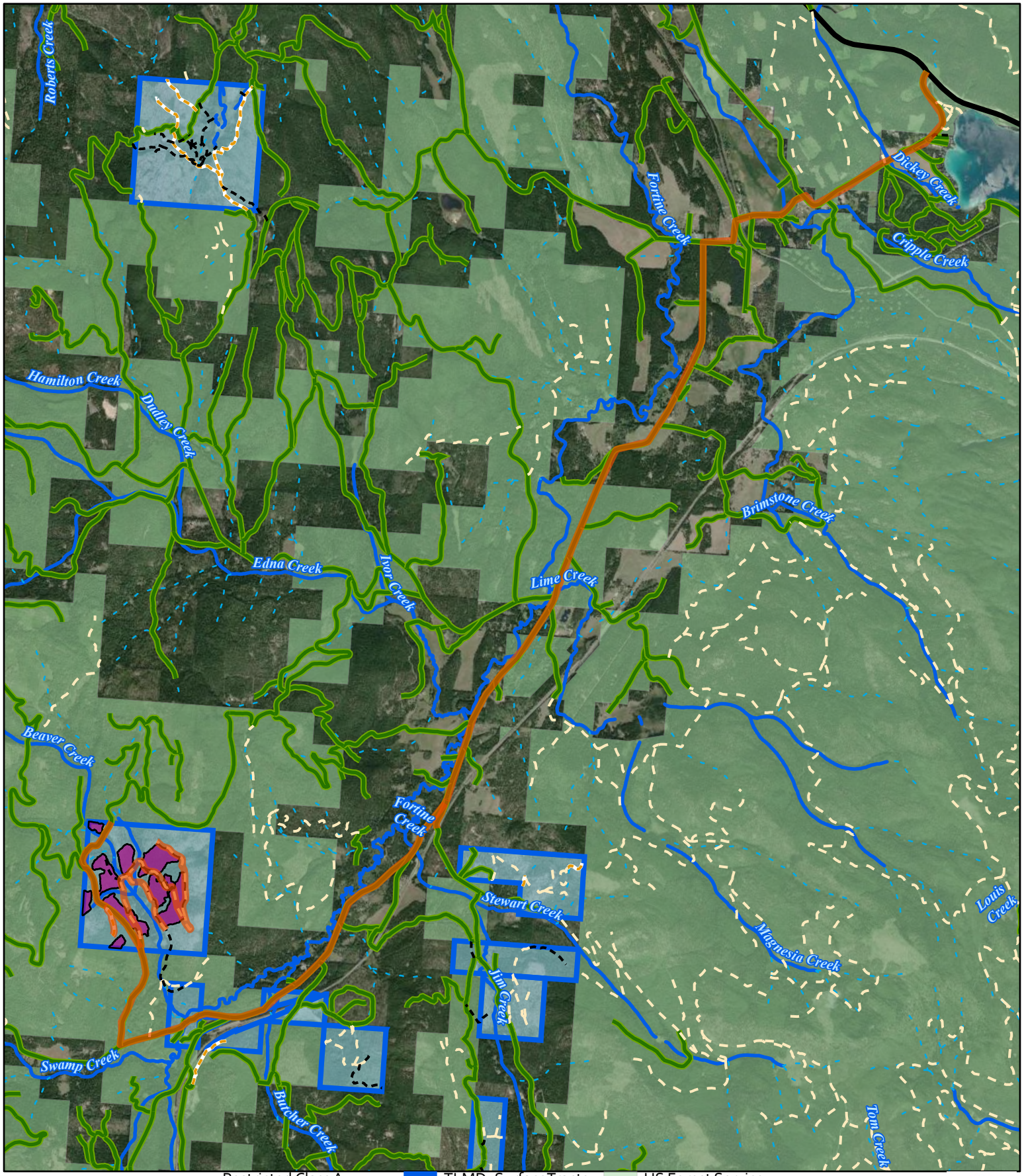
Beaver Creek Timber Sale





Produced by Montana Department of Natural Resources and Conservation — 2025
NAD 1983 State Plane

Beaver Creek Timber Sale Haul Route



Haul Route

FMB_Roads
- Highway
- Open/Public Roads

Restricted Class A
Restricted Class B
Abandoned or Reclaimed

Harvest Units
- Harvest Units

TLMD_SurfaceTracts

Streams

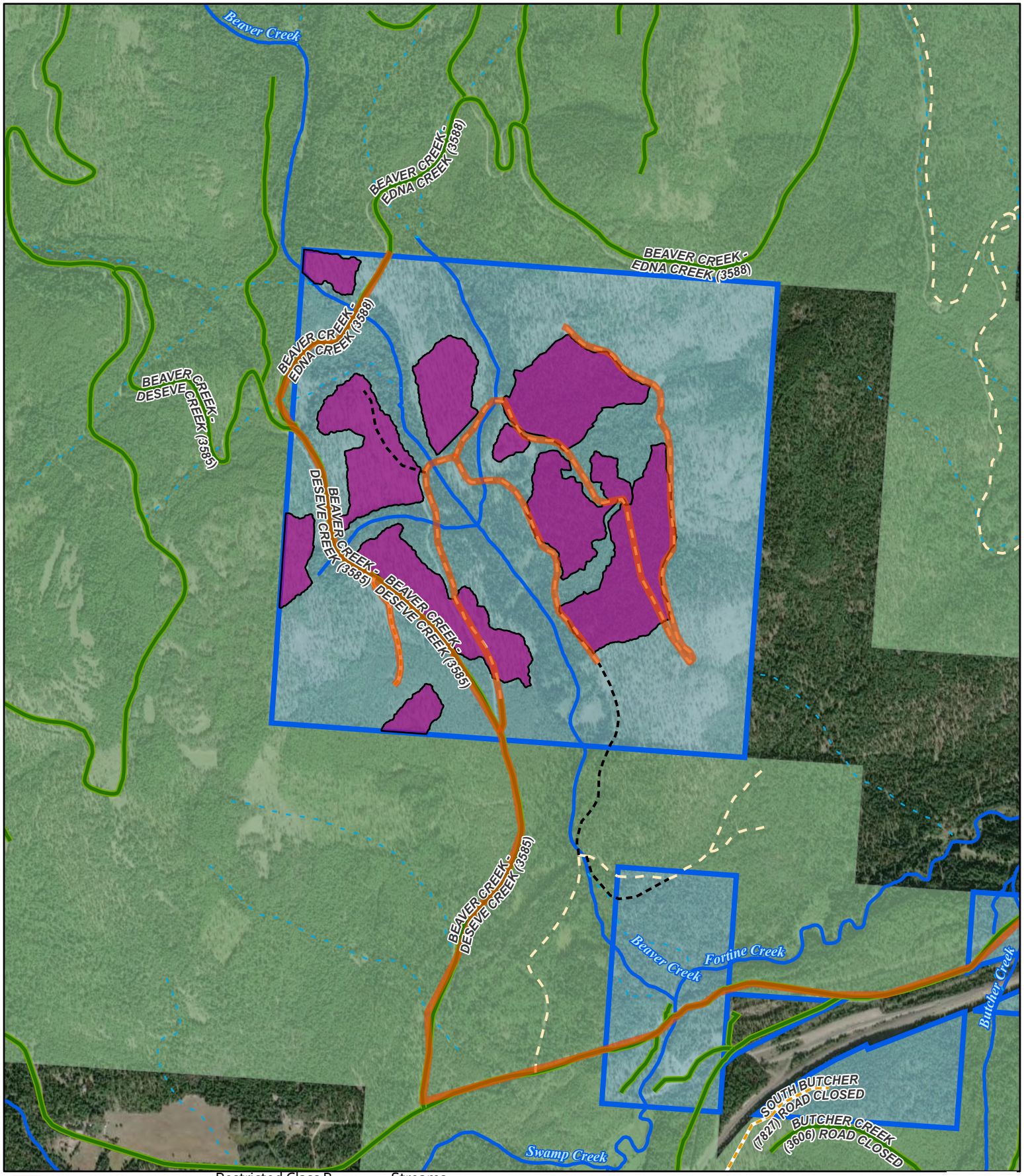
Hydrograph
- Perennial
- Intermittent

US Forest Service
Montana State Trust Lands
Local Government
Local Government

N

0 0.55 1.1
Miles

Beaver Creek Timber Sale Harvest Units



Haul Route

FMB_Roads
- Highway
- Open/Public Roads
- Restricted Class A
- Restricted Class B
- Abandoned or Reclaimed

Harvest Units
- Harvest Units
- TLMD_SurfaceTracts

Streams

Hydrograph
- Perennial
- Intermittent

- US Forest Service
- Montana State Trust Lands

N

0 0.25 0.5 Miles

0725-3

CABIN AND HOME SITES

SET MINIMUM BID FOR SALE

A. Missoula County

B. Valley County

Land Board Agenda Item
July 21, 2025

0725-3A Cabin and Home Sites: Set Minimum Bid for Sale

Location: Missoula County

Trust Beneficiaries: MSU 2nd

Trust Revenue: $120,000

Item Summary:
The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) cabin site nominated for sale in Missoula County. This site was nominated by the lessee in conjunction with the 2024-2025 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2068	1.278 ±	Lot 26, Clearwater East Shore Inland COS 6114 T16N R15W Section 10	Nicholas & Natasha LaCasse and Jason & Michele Poston	MSU 2nd

This parcel is currently leased as a cabin site and produces below average income for residential leases statewide.

Background:
Preliminary Land Board approval was granted in May of 2024 (Approved 5-0) for the site to be included as part of the 2024-2025 Cabin and Home Site Sales Program.

Cultural/Paleontological Resources:
Home sites typically contain numerous privately owned structures and the ground surfaces within most home sites have been extensively disturbed over the course of many years of occupation and development.

For State Antiquities Act compliance, a Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE of each homesite boundary. It should be noted that previous Class III level inventories have been conducted in or around many of the tracts proposed for sale. These sales will have no effect to state-owned heritage properties, and no additional archaeological investigative work will be conducted.

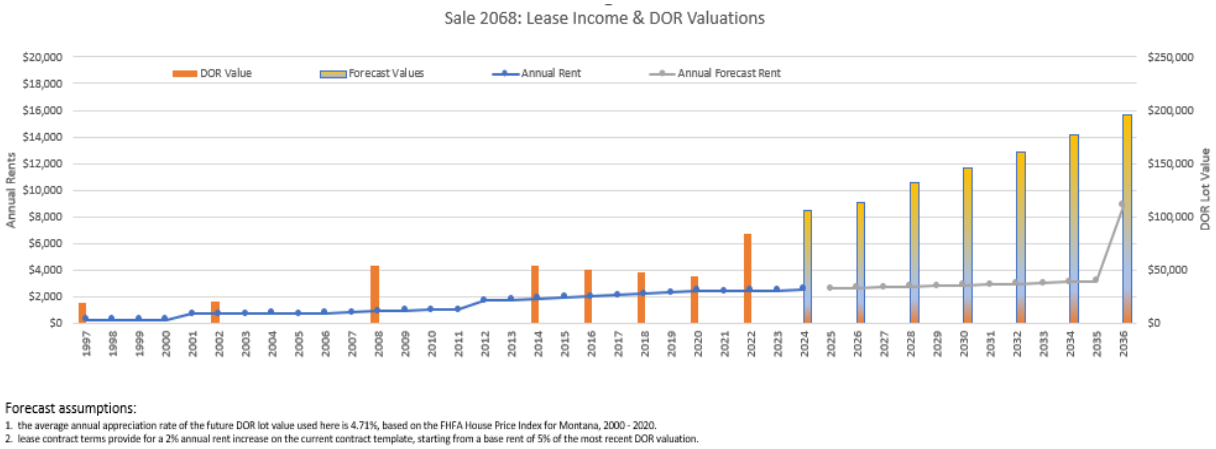
Access/Recreational Use:
As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general 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 rate of return on this sale parcel is 1.661%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller over the next 20 years, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 2068-Review of Past Incomes and Values; Forecast Income & Values:



Forecast assumptions:
1. the average annual appreciation rate of the future DOR lot value used here is 4.71%, based on the FHFA House Price Index for Montana, 2000 - 2020.
2. lease contract terms provide for a 2% annual rent increase on the current contract template, starting from a base rent of 5% of the most recent DOR valuation.

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 3.17% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher at 3.42% 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.

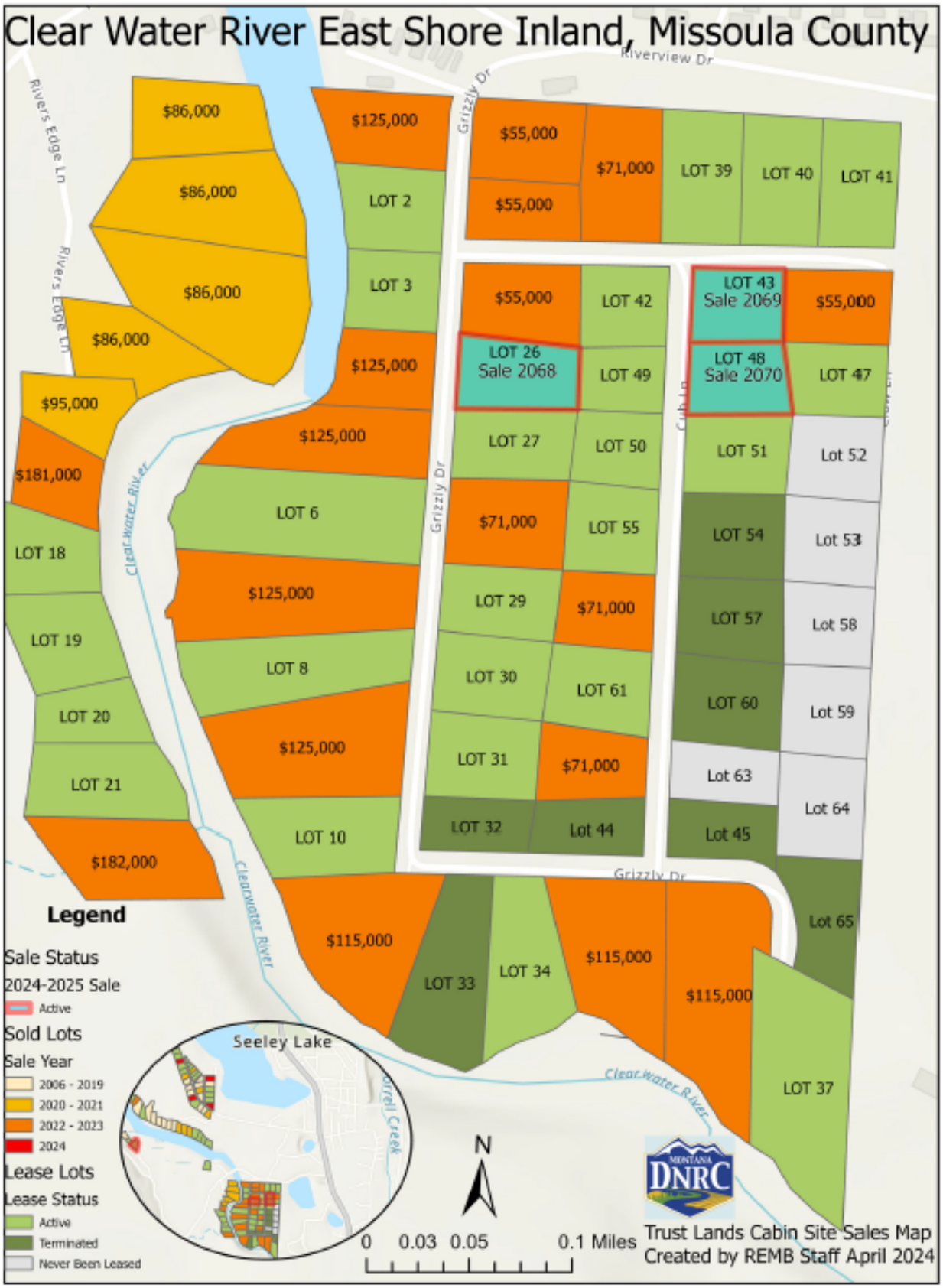
Figure 2: Lot Values derived from 3-year Average Net Income at a Sample Rate of Return:

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 in the last 10 years
	Income Rate of Return	1.661%	3.17%	3.42%
2068	Derived Lot Value	$120,000	$62,890	$58,293

Appraised Values of Land and Improvements:
The appraisal was prepared by Montana General Certified Appraiser Nicholas J. Hogan, MAI of Hogan Real Estate Appraisal Group, LLC in Missoula, Montana.

Sale No.	Appraised Land Value	Appraised Improvements Value
2068	$120,000	$155,000

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


Clear Water River East Shore Inland, Missoula County
Riverview Dr
Grizzly Dr
River's Edge Ln
Clear Water River
Cub Ln
$86,000
$86,000
$86,000
$86,000
$95,000
$181,000
LOT 18
LOT 19
LOT 20
LOT 21
$182,000
$125,000
LOT 2
LOT 3
$125,000
$125,000
LOT 6
$125,000
LOT 8
$125,000
LOT 10
$55,000
$55,000
$71,000
LOT 39
LOT 40
LOT 41
$55,000
LOT 42
LOT 26
Sale 2068
LOT 49
LOT 27
LOT 50
$71,000
LOT 55
LOT 29
$71,000
LOT 30
LOT 61
LOT 31
$71,000
LOT 32
Lot 44
LOT 43
Sale 2069
$55,000
LOT 48
Sale 2070
LOT 47
LOT 51
Lot 52
LOT 54
Lot 53
LOT 57
Lot 58
LOT 60
Lot 59
Lot 63
Lot 64
Lot 45
Lot 65
$115,000
LOT 33
LOT 34
$115,000
$115,000
LOT 37
Legend
Sale Status
2024-2025 Sale
Active
Sold Lots
Sale Year
2006 - 2019
2020 - 2021
2022 - 2023
2024
Lease Lots
Lease Status
Active
Terminated
Never Been Leased
Seeley Lake
Clearwater River
Clear Water River
Grizzly Creek
N
0 0.03 0.05 0.1 Miles
MONTANA DNRC
Trust Lands Cabin Site Sales Map
Created by REMB Staff April 2024

Land Board Agenda Item
July 21, 2025

0725-3B Cabin and Home Sites: Set Minimum Bid for Sale

Location: Valley County

Trust Beneficiaries: Common Schools

Trust Revenue: $55,000

Item Summary:
The Department of Natural Resources and Conservation (DNRC) is requesting to set minimum bid for one (1) home site nominated for sale in Valley County. This site was nominated by the lessee in conjunction with the 2024-2025 Cabin and Home Site Sales Program.

Sale No.	Acres	Legal Description	Nominator	Trust
2074	12.3 ±	Tract 1 Valley County COS 493 T30N R40E Section 20	Brent Shipp, Marvin Shipp, Fay Ann Shipp, Leith Shipp, and Julie McGinnis	Common Schools

This parcel is currently leased as a home site and produces below average income for residential leases statewide.

Background:
Preliminary Land Board approval was granted in December of 2024 (Approved 4-0) for the site to be included as part of the 2024-2025 Cabin and Home Site Sales Program.

Cultural/Paleontological Resources:
Home sites typically contain numerous privately owned structures and the ground surfaces within most home sites have been extensively disturbed over the course of many years of occupation and development.

For State Antiquities Act compliance, a Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE of each homesite boundary. It should be noted that previous Class III level inventories have been conducted in or around many of the tracts proposed for sale. These sales will have no effect to state-owned heritage properties, and no additional archaeological investigative work will be conducted.

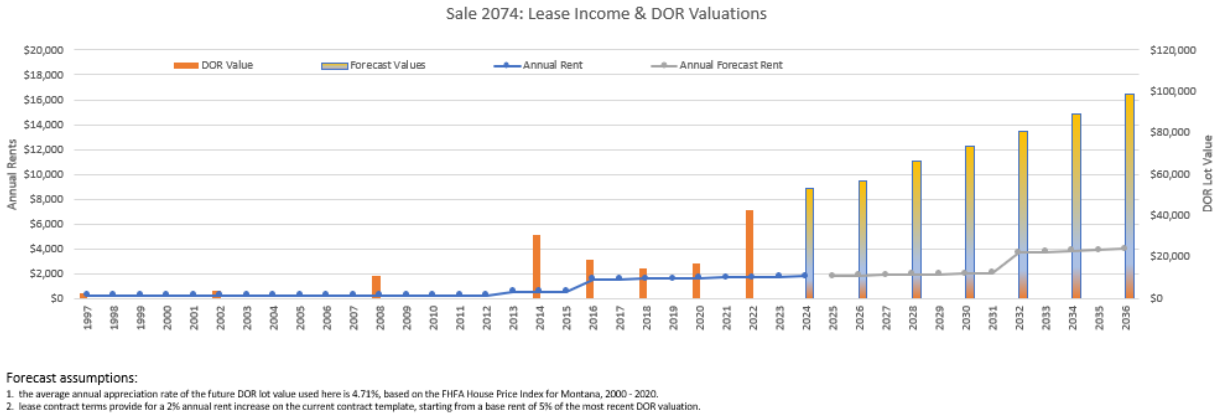
Access/Recreational Use:
As part of the cabin site sale process, the State will convey any access that it has and can be conveyed to the purchaser of the cabin or home site property. Current cabin/home site access is limited to the lessee and does not provide access or recreational use to the general 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 rate of return on this sale parcel is 2.554%. The parcel will continue to receive this return if it remains in state ownership. The income rate of return will likely grow smaller over the next 20 years, as average annual value appreciation is greater than the annual rent increase, as shown in Figure 1 below.

Figure 1: Sale 2074-Review of Past Incomes 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 3.17% on acquisitions with income generated from annual lease payments. However, the rates of return on land acquired more recently have been higher at 3.42% 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.

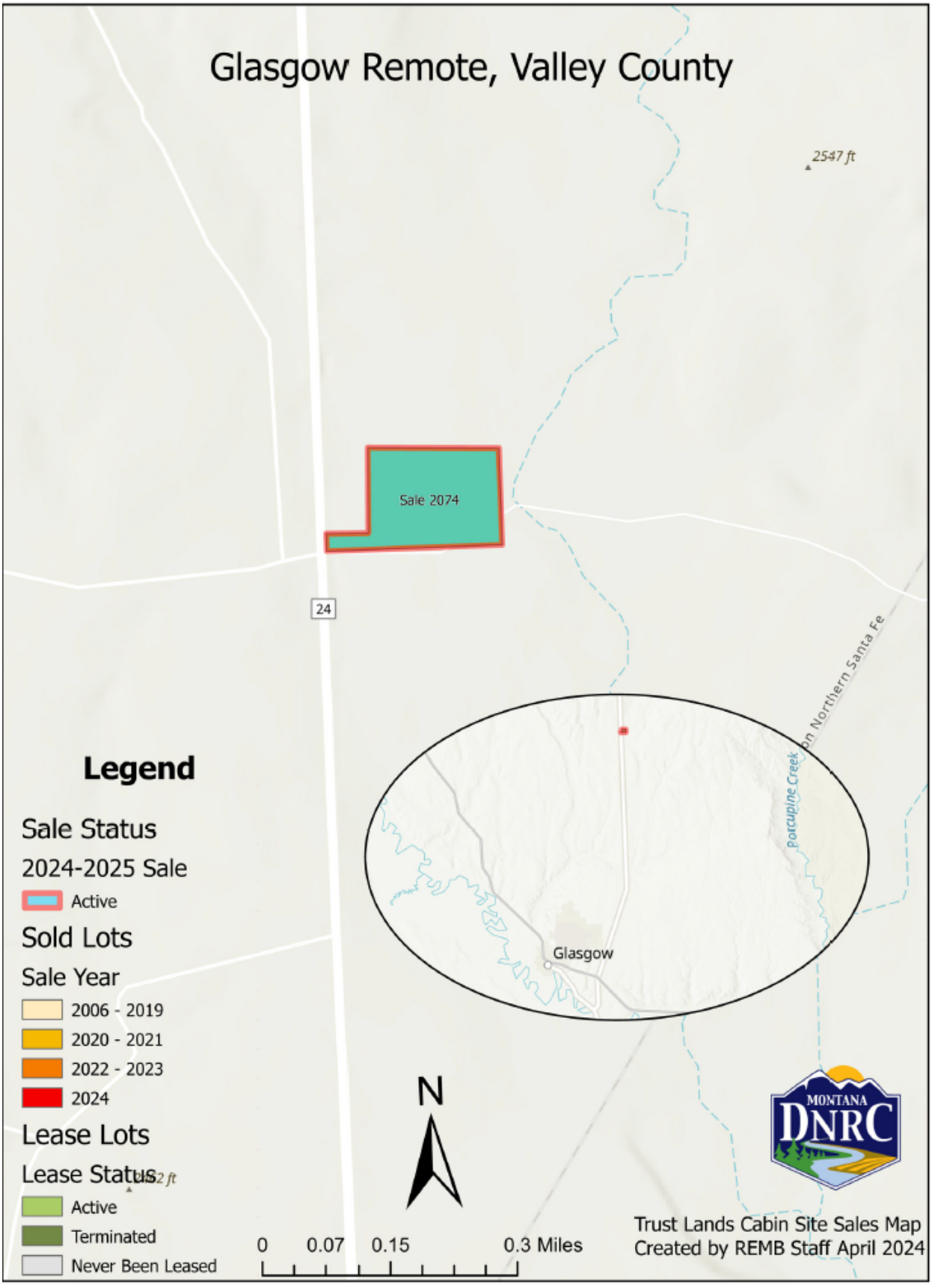
Figure 2: Lot Values derived from 3-year Average Net Income at a Sample Rate of Return:

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 in the last 10 years
	Income Rate of Return	2.554%	3.17%	3.42%
2074	Derived Lot Value	$55,000	$44,306	$41,067

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 Montana.

Sale No.	Appraised Land Value	Appraised Improvements Value
2074	$55,000	$375,000

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.


Glasgow Remote, Valley County
2547 ft
Sale 2074
24
Porcupine Creek
Glasgow
Legend
Sale Status
2024-2025 Sale
Active
Sold Lots
Sale Year
2006 - 2019
2020 - 2021
2022 - 2023
2024
Lease Lots
Lease Status
Active
Terminated
Never Been Leased
N
0
0.07
0.15
0.3 Miles
MONTANA
DNRC
Trust Lands Cabin Site Sales Map
Created by REMB Staff April 2024

0725-4

EASEMENTS

Land Board Agenda Item
July 21, 2025

0725-4 Easements

Location: Blaine, Custer, Missoula, and Sweet Grass Counties

Trust Beneficiaries: Capitol Buildings, Common Schools, and Public Land Trust

Trust Revenue: Capitol Buildings $7,525, Common Schools $7,006, and Public Land Trust $160

Item Table of Contents:

Applicant	Right-of-Way Purpose	Term	Page(s)
Triangle Telephone Cooperative Association, Inc.	Fiber optic cable	Permanent	21-22 & 27-34
Range Telephone Cooperative, Inc.	Fiber optic cable	Permanent	23-24
Sweet Grass County	Bridge replacement	Permanent	25-26
Dept. of Interior, Bureau of Land Management	Exclusive Parking Area	Permanent	35-36

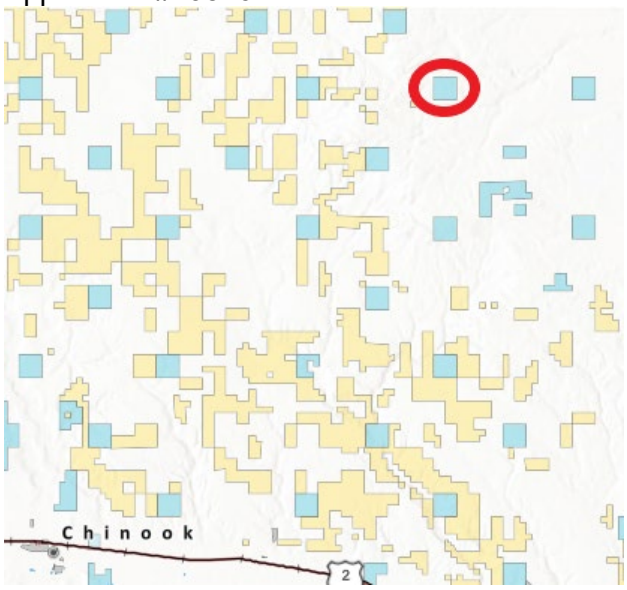
APPLICANTS AND RIGHTS OF WAY INFORMATION

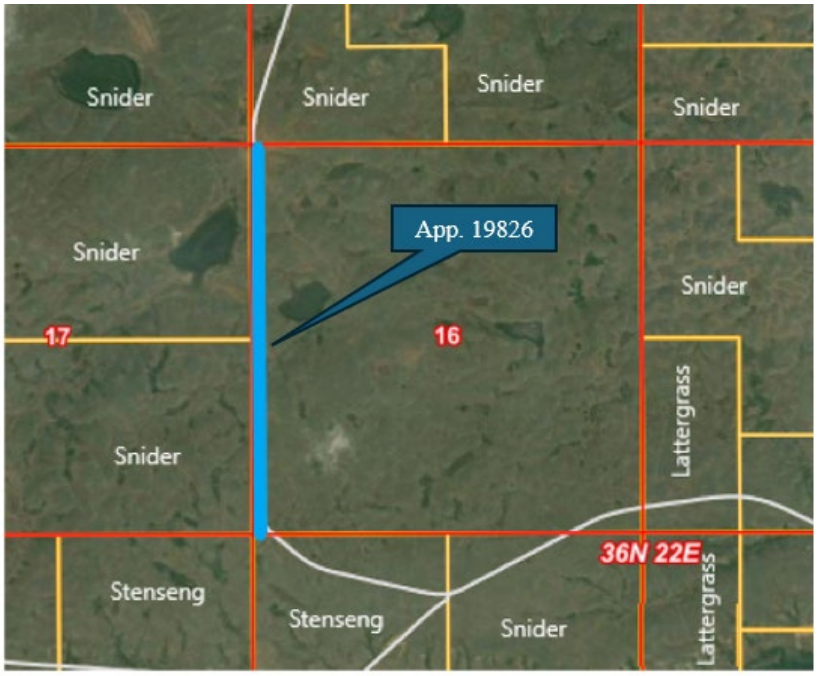
Applicant:	Triangle Telephone Cooperative Association, Inc. PO Box 1220 Havre, MT 59501
Application No.:	19826
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	2.44
Compensation:	$1,220.00
Legal Description:	20-foot strip through W2W2, Sec. 16, Twp. 36N. Rge. 22E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary:
Triangle Telephone Cooperative Association, Inc. is requesting an easement to install a buried fiber optic telecommunications cable. These improvements will offer state-of-the-art telecommunications toll and distribution facilities, as well as future growth capabilities for rural locations. The proposed route was determined by field review as the most direct route between terminus locations while also providing access to existing and future network considerations. The proposed route will provide accessibility for construction and maintenance since it is located primarily along existing roadways.

DNRC Recommendation:
The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19826





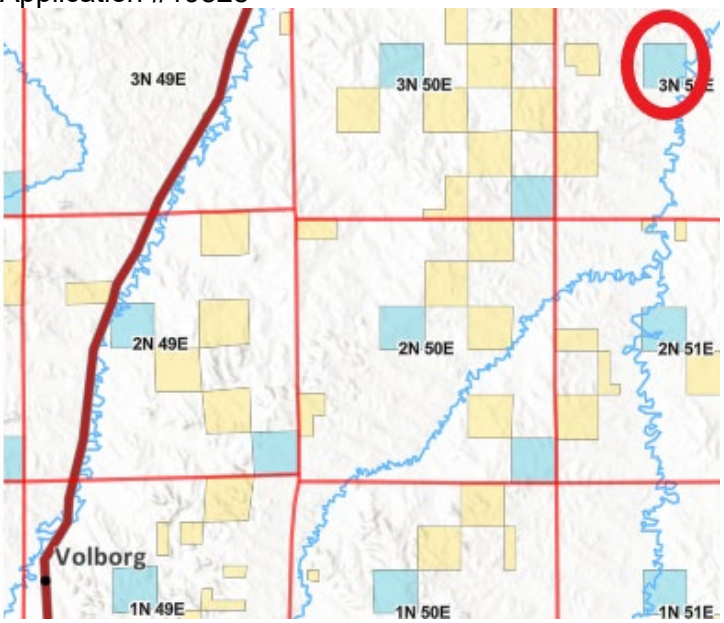
APPLICANTS AND RIGHTS OF WAY INFORMATION

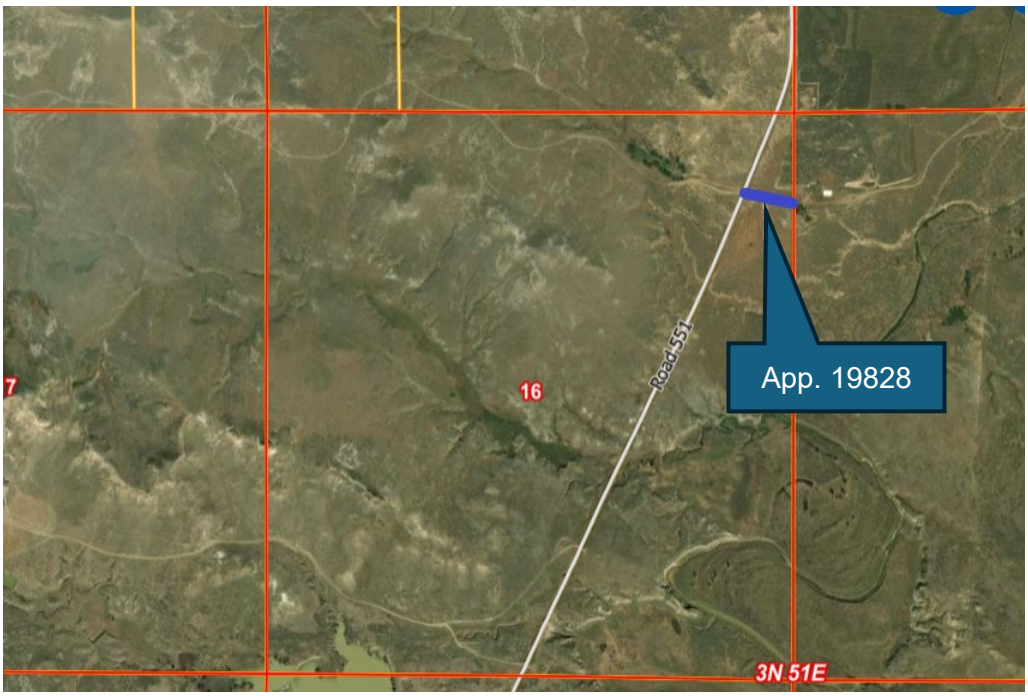
Applicant:	Range Telephone Cooperative, Inc. PO Box 127 Forsyth, MT 59327
Application No.:	19828
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	0.257
Compensation:	$186.00
Legal Description:	20-foot strip through NE4NE4, Sec. 16, Twp. 3N, Rge. 51E, Custer County
Trust Beneficiary:	Common Schools

Item Summary:
Range Telephone Cooperative, Inc. is requesting an easement to install a buried fiber optic telecommunications cable at the request of a rural customer. The proposed fiber optic cable will connect to an existing telecommunications cable installed along a county road under an easement granted by the Land Board in 2010. The cable extension to the private land in adjacent Section 15 will follow an existing two-track trail to minimize disturbance.

DNRC Recommendation:
The DNRC recommends approval of the application of Range Telephone Cooperative, Inc.

Application #19828





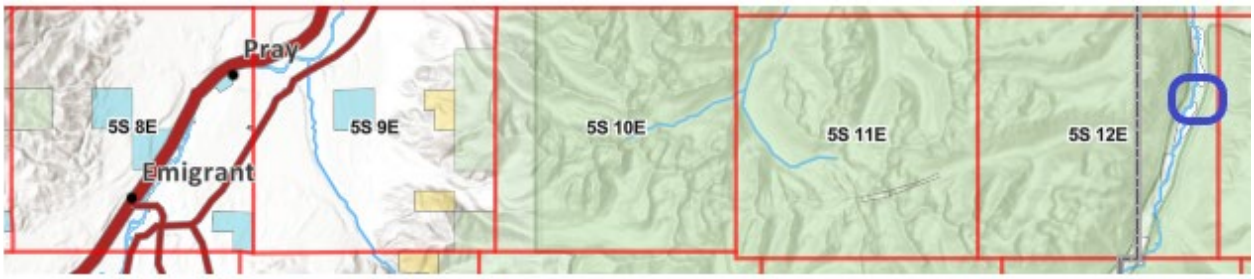
APPLICANTS AND RIGHTS OF WAY INFORMATION

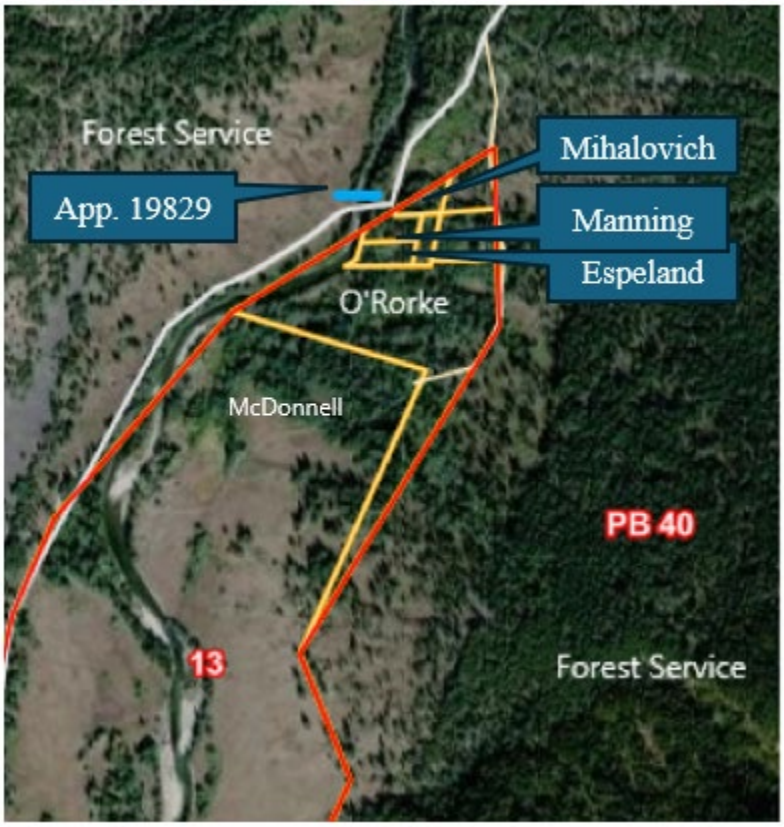
Applicant:	Sweet Grass County PO Box 888 Big Timber, MT 59011
Application No.:	19829
R/W Purpose:	public county bridge
Lessee Agreement:	ok
Acreage:	0.02
Compensation:	$160.00
Legal Description:	16-foot strip through NE4NW4, Sec. 13, Twp. 5S, Rge. 12E, Sweet Grass County
Trust Beneficiary:	Public Land Trust

Item Summary:
Sweet Grass County is requesting an easement to replace the Fleming bridge over the Boulder River. The existing bridge was installed in the 1930's and is restricted in weight load due to its poor condition. A new bridge is proposed on a slightly different alignment, but adjacent to the existing bridge structure. The existing bridge and all abutments and piers will be removed from the river. Permits from other agencies will be required before work commences.

DNRC Recommendation:
The DNRC recommends approval of the application of Sweet Grass County.

Application #19829





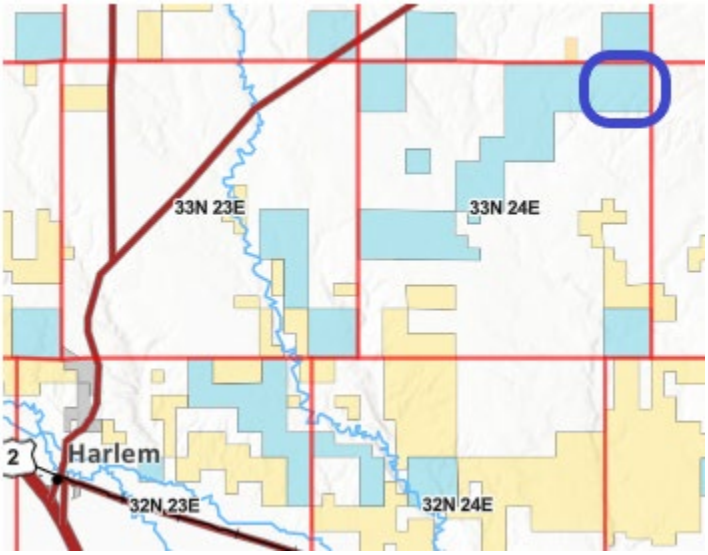
APPLICANTS AND RIGHTS OF WAY INFORMATION

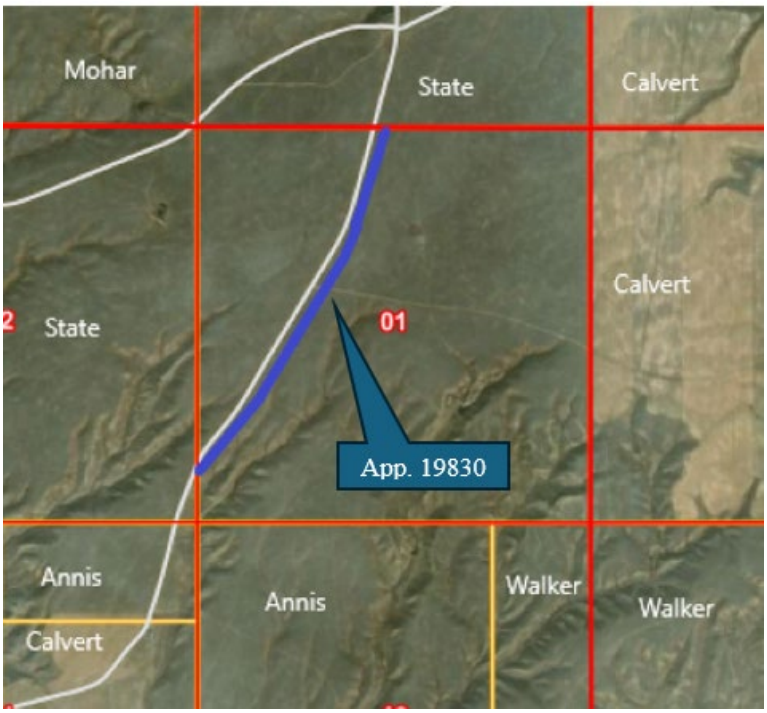
Applicant:	Triangle Telephone Cooperative Association, Inc. PO Box 1220 Havre, MT 59501
Application No.:	19830
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	2.42
Compensation:	$1,210.00
Legal Description:	20-foot strip through Gov. Lot 3, SE4NW4, SW4NW4, W2SW4, Sec. 1, Twp. 33N, Rge. 24E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary:
Triangle Telephone Cooperative Association, Inc. is requesting an easement to install a buried fiber optic telecommunications cable in the Turner exchange. These improvements will offer state-of-the-art telecommunications toll and distribution facilities, as well as future growth capabilities for the community. The proposed route was determined by field review as the most direct route between terminus locations while also providing access to existing and future network considerations. The proposed route will provide accessibility for construction and maintenance since it is located primarily along existing roadways.

DNRC Recommendation:
The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19830





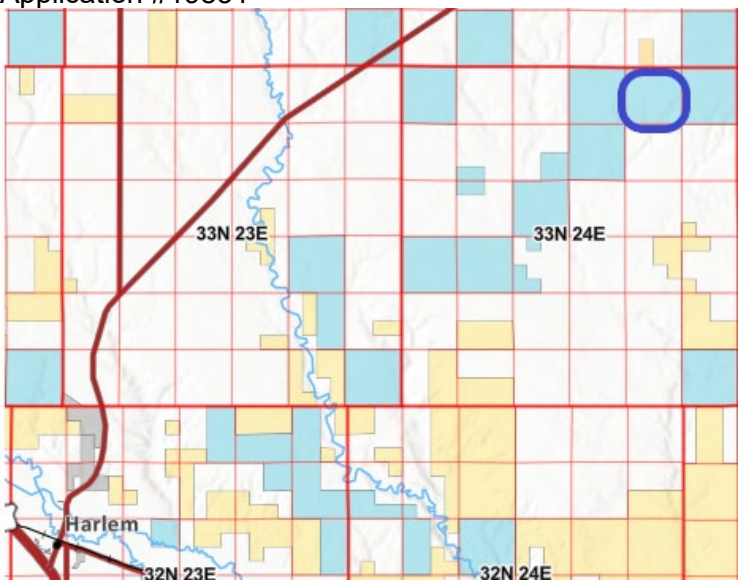
APPLICANTS AND RIGHTS OF WAY INFORMATION

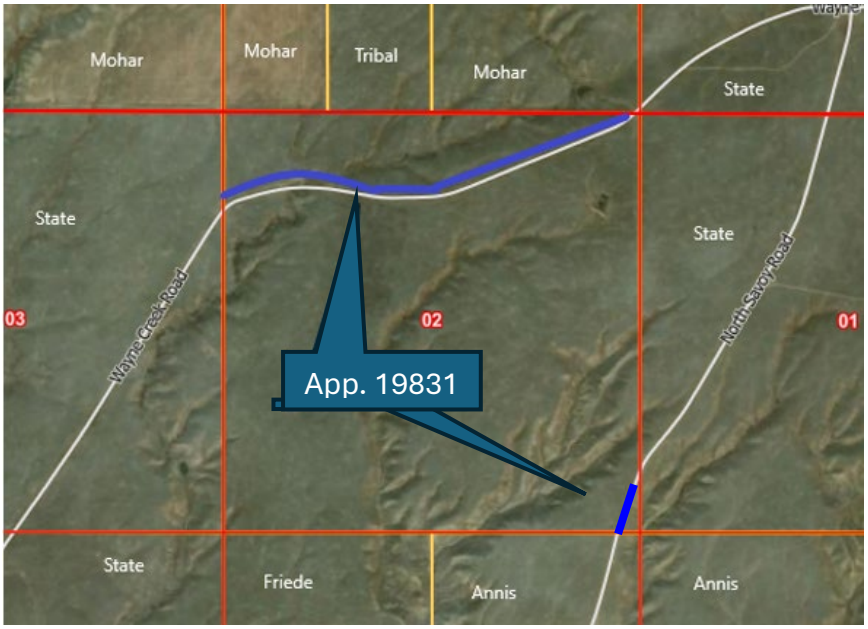
Applicant:	Triangle Telephone Cooperative Association, Inc. PO Box 1220 Havre, MT 59501
Application No.:	19831
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	2.84
Compensation:	$1,420.00
Legal Description:	two 20-foot strips through Gov. Lots 1, 2, 3 & 4; and SE4SE4, Sec. 2, Twp. 33N, Rge. 24E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary:
Continuation of Triangle Telephone Cooperative Association applications.

DNRC Recommendation:
The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19831





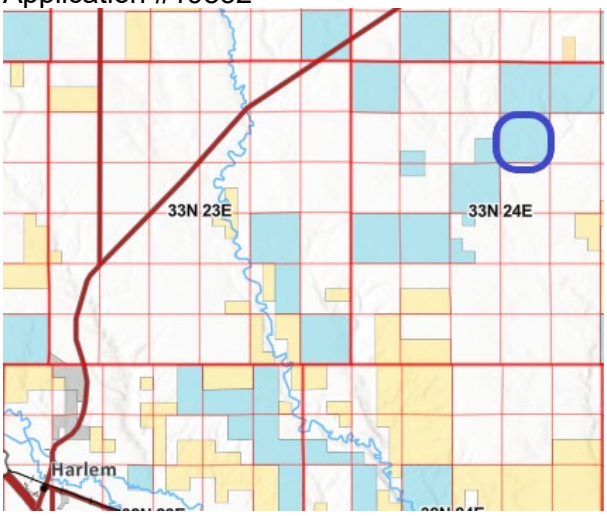
APPLICANTS AND RIGHTS OF WAY INFORMATION

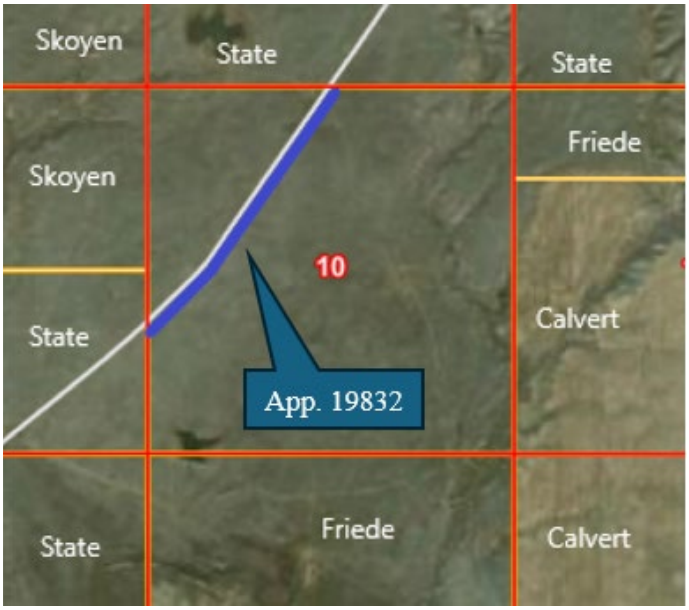
Applicant:	Triangle Telephone Cooperative Association, Inc. PO Box 1220 Havre, MT 59501
Application No.:	19832
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	1.94
Compensation:	$970.00
Legal Description:	20-foot strip through E2NW4, SW4NW4, NW4SW4, Sec. 10, Twp. 33N, Rge. 24E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary:
Continuation of Triangle Telephone Cooperative Association applications.

DNRC Recommendation:
The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19832





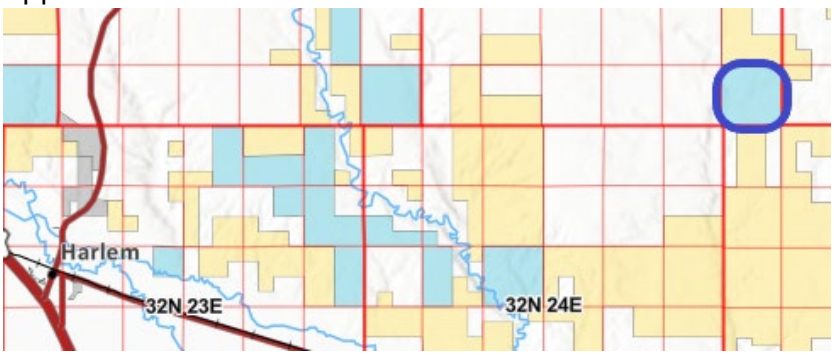
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Triangle Telephone Cooperative Association, Inc. PO Box 1220 Havre, MT 59501
Application No.:	19833
R/W Purpose:	a buried fiber optic cable
Lessee Agreement:	ok
Acreage:	4.00
Compensation:	$2,000.00
Legal Description:	two 20-foot strips through W2E2, SE4SW4; and NW4SE4, NE4SW4, S2SW4, Sec. 36, Twp. 34N, Rge. 24E, Blaine County
Trust Beneficiary:	Common Schools

Item Summary:
Continuation of Triangle Telephone Cooperative Association applications.

DNRC Recommendation:
The DNRC recommends approval of the application of Triangle Telephone Cooperative Association, Inc.

Application #19833



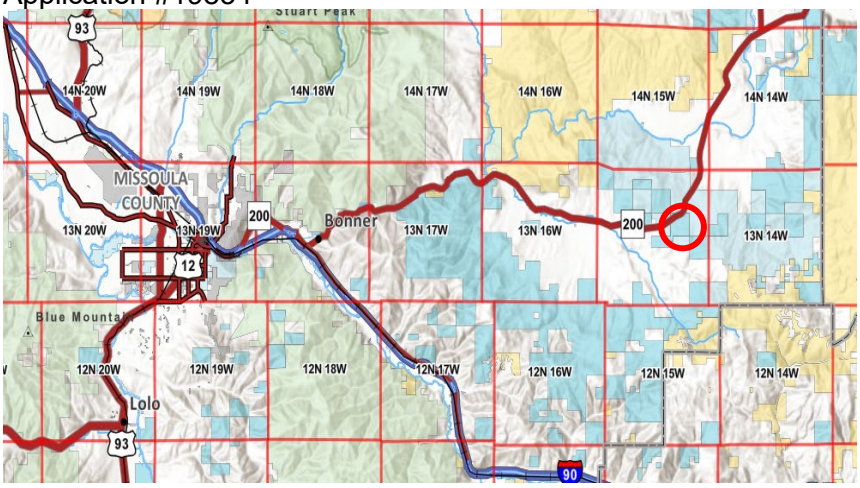
APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Department of Interior Bureau of Land Management 106 N Parkmont Butte MT 59701
Application No.:	19834
R/W Purpose:	an exclusive public parking area
Lessee Agreement:	N/A (Unleased)
Acreage:	2.15
Compensation:	$7,525.00
Legal Description:	a tract of land in NW4NE4, NE4NW4, Sec. 14, Twp. 13N, Rge. 15W, Missoula County
Trust Beneficiary:	Capitol Buildings

Item Summary:
The Bureau of Land Management, Missoula Field Office (BLM) has made application for an exclusive parking area easement. The parking area is adjacent to the Garnet Range Road and has been in existence for several decades, authorized under land use licenses. The parking area is utilized by recreationists year-round and is maintained by the BLM. The Garnet Range Road is authorized under an exclusive easement issued to BLM by the Land Board in 1974.

DNRC Recommendation:
The DNRC recommends approval of the application of the BLM for an exclusive public parking area.

Application #19834



0725-5

APPROVAL TO FILE OBJECTIONS

ON WATER RIGHTS

Land Board Agenda Item
July 21, 2025

0725-5 Approval to File Objections on Water Rights (Executive Session)

Location: Powell and Deer Lodge County

Trust Beneficiaries: Common Schools

Trust Revenue: N/A

Item Summary:
In the examination of Basin 76G, during the Montana water adjudication process, the DNRC identified 18 statements of claim with at least one point of diversion located off of State Trust Lands and at least one place of use on State Trust Lands. The State Board of Land Commissioners is not currently listed as an owner or co-owner on these water rights, even though it appears that a portion of each water right is appurtenant to State Trust Lands.

A table summarizing the claims grouped by claim type, owner, land description, and supplemental rights is attached.

Pursuant to MCA 2-3-203(4), the board may go into closed session to discuss litigation strategy in relation to these statements of claim.

DNRC Recommendation:
The DNRC recommends approval to file these objections through the water court.

Group	Water Right Number	Type	Total POUs	POUs on TL
1	76G 91719 00	Surface	47	4
	76G 91720 00	Surface	47	4
	76G 91721 00	Surface	47	4
	76G 91722 00	Surface	47	4
	76G 91723 00	Surface	47	4
2	76G 91885 00	Surface	16	1
	76G 91894 00	Surface	16	1
	76G 91902 00	Surface	16	1
	76G 91908 00	Surface	16	1
	76G 91909 00	Surface	16	1
	76G 91910 00	Surface	16	1
	76G 91911 00	Surface	16	1
	76G 91914 00	Surface	16	1
	76G 91906 00	Surface	16	1
	76G 91883 00	GW	38	2
3	76G 123333 00	Surface	2	1
4	76G 91467 00	Surface	5	2
	76G 91772 00	Surface	2	1

0725-6

INFORMATIONAL ITEM

RESPONSE TO PUBLIC INQUIRY

Land Board Agenda Item
July 21, 2025

0725-6 Informational Item – Response to Public Inquiry

Location: N/A

Trust Beneficiaries: N/A

Trust Revenue: N/A

Background:
At the Land Board meeting on June 15, 2025, the Senior Ag Water Rights Alliance (SAWRA) claimed that the Department of Natural Resources and Conservation (DNRC) was not following a motion the Land Board passed in May 2024. At the Governor Gianforte's request, SAWRA sent the Land Board a list of cases that they believed to be affected by the motion.

Motion:
The May 20, 2024, motion requires Land Board approval for a complaint, answer, or objection filed by the DNRC: 1) after May 20, 2024; and 2) that asserts a state ownership in a water right with a point of diversion (POD) on private land and a place of use (POU) on state trust land.

Analysis:
DNRC reviewed the list and found that the objections for the Water Court cases SAWRA provided were filed before the May 20, 2024, motion. This means those cases did not require Land Board approval.

SAWRA's list also included four objections to "livestock direct from source" water rights. These are claims where livestock drink water directly from a source, and both the POD and POU are at the same location, i.e., the physical location of the livestock when drinking directly from source.

- DNRC filed objections to these water rights after the May 20, 2024, motion.
- For two of these claims (Statement of Claim 41J 30135969 and 41J 30136117), all PODs and POUs are on state trust land, not private land: the motion does not apply.
- The other two cases (Statement of Claim 41J 30135075 and 41J 30129421) involve both private and state trust land. However, the PODs on private land are not associated with the POUs on state trust land. Accordingly, DNRC did not seek Land Board approval.

Conclusion:
DNRC is following the Land Board's motion. None of the cases listed by SAWRA required Land Board approval under the motion, because they were either filed before the motion or did not meet the motion's criteria. If the Board chose to amend the May 2024 motion to include approval for objections to "livestock direct from source" water rights, it would substantially increase the number of objections and the workload before the Land Board.

0725-7

INFORMATIONAL ITEM

LEGISLATIVE UPDATE

Land Board Agenda Item
July 21, 2025

0725-7 Informational Item – Legislative Update

Location: N/A

Trust Beneficiaries: N/A

Trust Revenue: N/A

Item Summary:
Legislative update on bills impacting Montana State Trust Lands.