

rec'd
10/30/18
@MTE
Jan.
Wisniewski

1. How can PCI and a brilliant land attorney, Gavin Ricklets as well as the Ravalli County Clerk and Recorders office blatantly ignore 70-16-201, 70-202, 77-1-102, and 70-18-203, MCA?

Perhaps there is a statute, a code, case law, or perhaps constructive fraud?

2. WHAT ARE THE BENEFITS TO THE ENTIRETY OF RAVALLI COUNTY PROPERTY TAX PAYERS THAT FUND THE OPEN LANDS BOND:

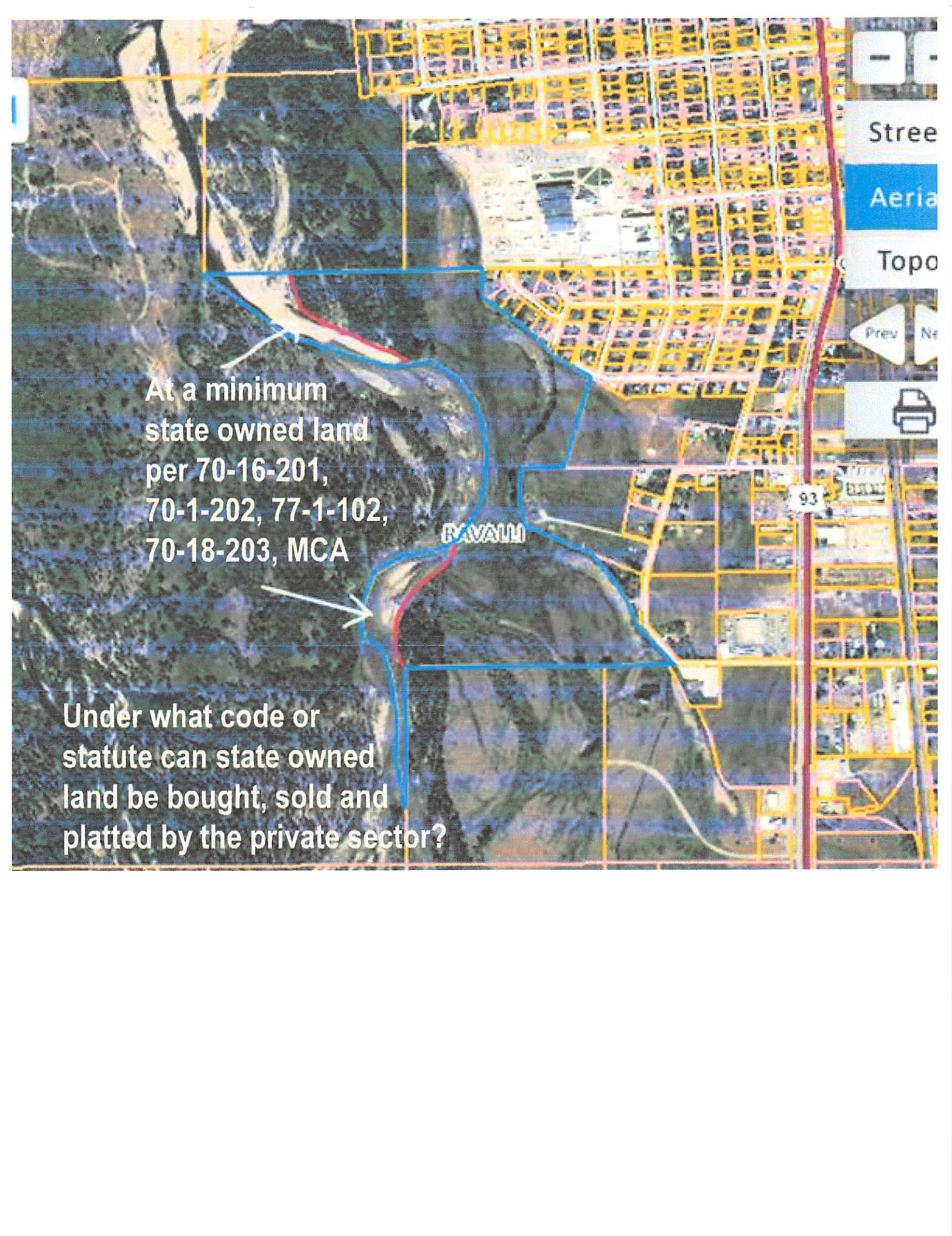
a. that the Open Lands funding buys property to transfer unrestricted NON-BINDING ownership to the City of Hamilton? (No caveats on land use or transactions by the City of Hamilton) (Preferential treatment to a government entity?) **(FUNDING VIOLATION OF THE OPEN LANDS BALLET INITIATIVE?)**

b. Why did the Bitterroot Land Trust have to become involved in the manner in which they did?

c. Why could not Christmann have simply placed a conservation easement on the subject property, collected the cash and taxable benefits and then gifted the said property to the City of Hamilton?

3. Christmann would have gotten the same amount of money, the city would have gotten the same piece of property under the terms and conditions that the Open Lands Bond was intended for, without the outward perception of a fraudulent transaction. Christmann would have received additional tax benefits as well as brownie points making the donation to the City of Hamilton.

Please explain this in detail



At a minimum
state owned land
per 70-16-201,
70-1-202, 77-1-102,
70-18-203, MCA

Under what code or
statute can state owned
land be bought, sold and
platted by the private sector?

**NAVIGABLE WATER WAYS OWNED BY
THE STATE OF MONTANA AND ADMINISTERED BY
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
TRUST LAND MANAGEMENT DIVISION**

May 14, 2014
Subject to Update

The State of Montana holds ownership of the land and minerals located below navigable rivers, streams and lakes and related acreage as established in the Equal Footing Doctrine, Montana statutes, and case law. The Montana Department of Natural Resources and Conservation, Trust Land Management Division administers these lands on behalf of the state.

The Department's authority to administer the ownership of navigable water bodies is referenced in the following:

1. Equal Footing Doctrine (1844)

Based on a U.S. Supreme Court decision (Pollard vs. Hagen 44 U.S. 212) the original 13 states held ownership of navigable riverbeds consistent with English Law. The Supreme Court held that all new states enter the union under equal footing. Therefore, all of the state's would own the lands beneath the navigable rivers and lakes.

2. MCA 70-16-201

Provides for state ownership from the low water mark to the low water mark on navigable water bodies.

3. MCA 70-1-202

Provides for state ownership of all land below the water of navigable lakes or streams.

4. MCA 77-1-102

All lands lying and being in and forming a part of the abandoned bed of any navigable stream or lake between February 19, 1937 to April 15, 2013 belong to the State of Montana, for the School Trust.

5. MCA 70-18-203

Islands and accumulations of land formed in the beds of navigable streams belong to the State of Montana.

The Department considers navigable waterways to be those (waterways or segments of waterways) for which it has historical evidence of use in commerce. The Department believes that based on available evidence and case law, these waterways would be adjudicated as navigable for title purposes. As new navigability data is discovered, the following list of navigable waterways may be revised.

**NAVIGABLE WATER WAYS OWNED BY
THE STATE OF MONTANA AND ADMINISTERED BY
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
TRUST LAND MANAGEMENT DIVISION**

May 14, 2014
Subject to Update

BIG HOLE RIVER

Based on historical evidence supporting navigability, the Big Hole River is commercially navigable from Steel Creek (NW¹/₄, Sec. 15, T2S, R15W) to Divide, Montana (approximately SW¹/₄NE¹/₄SE¹/₄ of Sec. 18, T1S, R10W). Therefore, the state claims ownership of the Big Hole River between these two points.

BIG HORN RIVER

Based on historical evidence supporting navigability and case law, the Big Horn River is commercially navigable from the Wyoming state line to its confluence with the Yellowstone River. Therefore, the state claims ownership of the Big Horn River between these two points.

BITTERROOT RIVER

Based on historical evidence supporting navigability, the Bitterroot River is commercially navigable from the mouth of Jennings Camp Creek on the east fork (SW¹/₄, Sec. 27, T2N, R18W) to its confluence with the Clark Fork River. Therefore, the state claims ownership of the Bitterroot River between these two points.

BLACKFOOT RIVER

Based on historical evidence supporting navigability, the Blackfoot River is commercially navigable from Lincoln, Montana (at bridge ~SE¹/₄SW¹/₄, Sec. 24, T14N, R9W) to its confluence with the Clark Fork River. Therefore, the state claims ownership of the Blackfoot River between these two points.

BOULDER RIVER (Tributary to the Yellowstone River)

Based on historical evidence supporting navigability, the Boulder River is commercially navigable from the northern township line of Township 6 South, Range 12 East, to its confluence with the Yellowstone River. Therefore, the state claims ownership of the Boulder River between these points.

BOULDER RIVER [WEST] (Tributary to the Boulder River)

Based on historical evidence supporting navigability, the West Boulder River is commercially navigable from the southern township line of Township 3 South, Range 11 East, to its confluence with the main stem of the Boulder River. Therefore, the state claims ownership of the West Boulder River between these points.

VOTE IN ALL COLUMNS	VOTE IN ALL COLUMNS	VOTE IN ALL COLUMNS
<p align="center">CONSTITUTIONAL AMENDMENTS, REFERENDUMS AND INITIATIVES</p>	<p align="center">CONSTITUTIONAL AMENDMENTS, REFERENDUMS AND INITIATIVES (continued)</p>	<p align="center">BOND ELECTION</p> <p align="center">RAVALLI COUNTY, MONTANA OPEN LAND GENERAL OBLIGATION BOND ELECTION</p>
<p>CONSTITUTIONAL AMENDMENT NO. 43</p> <p align="center">AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE</p> <p><input type="radio"/> FOR changing the name of the state auditor to the insurance commissioner.</p> <p><input type="radio"/> AGAINST changing the name of the state auditor to the insurance commissioner.</p>	<p>INITIATIVE NO. 161</p> <p align="center">A LAW PROPOSED BY INITIATIVE PETITION</p> <p>This measure would have no significant impact on the revenues, expenditures, or the fiscal liability of the state.</p> <p><input type="radio"/> FOR raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.</p> <p><input type="radio"/> AGAINST raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.</p>	<p>INSTRUCTION TO VOTERS: Fill in the oval before the words "OPEN LANDS BONDS - YES". If you wish to vote for the bond issue; if you are opposed to the bond issue, fill in the oval before the words "OPEN LANDS BONDS - NO".</p> <p>Shall the Board of Ravalli County Commissioners be authorized to issue and sell general obligation bonds of Ravalli County solely for the purpose of preserving open lands in Ravalli County by purchasing land, conservation easements, and other interests in land from willing landowners for the following purposes: (1) to acquire and preserve open lands; (2) to protect the quality of streams in the Bitterroot River; (3) to maintain wildlife habitat; (4) to protect drinking water sources; (5) to pay landowner costs and related transaction costs associated with an approved project; and (6) to pay costs associated with the sale and issuance of bonds in the principal amount of \$10 Million and \$2,000,000 in \$200,000 which bonds shall bear interest at a rate to be determined at the time of sale, payable semi-annually during a term of not to exceed twenty (20) years and redeemable on an interest payment date after one-half of their term, with all expenditures based on recommendations of an Open Lands Board, after public comment, approval by the Board of Ravalli County Commissioners, and subject to Ravalli County's yearly independent audit.</p> <p><input type="radio"/> OPEN LAND BONDS - YES</p> <p><input type="radio"/> OPEN LAND BONDS - NO</p>
<p>CONSTITUTIONAL INITIATIVE NO. 97</p> <p align="center">A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION</p> <p>This measure may require reduced future expenditures in several areas of government services where caseloads historically have grown at a rate exceeding combined growth in population and inflation, such as corrections, Medicaid recipients, or may require reduced future expenditures in other areas to offset those increasing caseload costs.</p> <p><input type="radio"/> FOR limiting the increase in appropriations to the combined growth rate of population and inflation or the largest spending limit for any previous biennium.</p> <p><input type="radio"/> AGAINST limiting the increase in appropriations to the combined growth rate of population and inflation or the largest spending limit for any previous biennium.</p>	<p>INITIATIVE NO. 153</p> <p align="center">A LAW PROPOSED BY INITIATIVE PETITION</p> <p><input type="radio"/> FOR prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.</p> <p><input type="radio"/> AGAINST prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.</p>	<p><input type="radio"/> OPEN LAND BONDS - YES</p> <p><input type="radio"/> OPEN LAND BONDS - NO</p>
<p>CONSTITUTIONAL INITIATIVE NO. 98</p> <p align="center">A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION</p> <p><input type="radio"/> FOR amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.</p> <p><input type="radio"/> AGAINST amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.</p>	<p>INITIATIVE NO. 154</p> <p align="center">A LAW PROPOSED BY INITIATIVE PETITION</p> <p>This initiative requires significant state and local government expenditures to respond to additional property owner claims. Further expenditures to pay property owner claims will depend on future policy choices and whether state and local governments decide to waive regulations instead of paying claims.</p> <p><input type="radio"/> FOR requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.</p> <p><input type="radio"/> AGAINST requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.</p>	
<p align="center">Vote in Next Column</p>	<p align="center">Vote in Next Column</p>	<p align="center">Vote on Next Page</p>