



ADMINISTRATIVE RULES OF MONTANA



36.2.1004 HOMESITE AND FARMYARD LEASES

- (1) Upon issuance of a homesite or farmyard lease, all lands included in such lease shall be reclassified as Class IV. Grazing lands are in Class I; timber and/or watershed lands are in Class II; agriculture lands are in Class III; all other lands are in Class IV. The established rental shall be based on the land values involved in each case.
- (2) Acreage of access roads shall be included in all homesite or farmyard leases and shall be classified as the homesite or farmyard acreage is classified.
- (3) A homesite is defined as land occupied or to be occupied by a dwelling, whether temporary or principal place of residence, and the supporting buildings in the immediate vicinity, if any.
- (4) The department shall chain, or measure in feet, the area to be included in the lease. Each corner of the homesite, or farmyard, shall be identified by a method to be determined by the department.
 - (a) A plat shall be made that will include all measurements and identified corners.
 - (b) The plat will include, with other information, the locations, width and length of the access road.
 - (c) Final lease acreage computation will be computed by the department.
 - (d) Acres will be identified in terms of acres within the smallest legal description possible. (Example: 7.80 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, of section, township, range.)
 - (e) Acres in access road, if applicable, will be computed separately but will be included in total lease acres.

Authorizing statute(s): 77-6-104, MCA

Implementing statute(s): 77-1-202, MCA

History: Eff. 12/31/72; AMD, Eff. 2/5/75; AMD, Eff. 10/5/75; TRANS, from DSL, 1996 MAR p. 771; AMD, 1996 MAR p. 771, Eff. 3/22/96.