



ADMINISTRATIVE RULES OF MONTANA



36.25.102 DEFINITIONS

When used in this sub-chapter, unless a different meaning clearly appears from the context:

- (1) "Agricultural land" means land which is principally valuable for the production of crops;
- (2) "Animal unit" means 1 cow, 1 horse, 5 sheep, or 5 goats;
- (3) "Animal-unit-month carrying capacity" (A.U.M.) means that amount of natural feed necessary for the complete subsistence of one animal unit for one month;
- (4) "Best interests of the state" means those considerations that will produce the maximum return to the state with the least damage to the long-term productivity of the land;
- (5) "Board" means the board of land commissioners of the state of Montana;
- (6) "Cabinsite" means land occupied or to be occupied for a non-commercial use as a temporary or principal place of residence, for a single family, or equivalent of the same, and the supporting buildings, in the immediate vicinity;
- (7) "Crop" means such products of the soil as are planted and harvested, including but not limited to cereals, vegetables and grass maturing for harvest or harvested, but not including grass used for pasturage;
- (8) "Custom farming" means farming for another at a fixed fee. Such fixed fee may not be based on a crop share percentage.
- (9) "Department" means department of natural resources and conservation;
- (10) "Director" means director of natural resources and conservation, chief administrative officer of the department of natural resources and conservation;
- (11) "Full market value" means the most probable price in terms of money that a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and the seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus;
- (12) "Grazing land" means land which is principally valuable for pasturage or the feeding of livestock on growing grass or herbage;
- (13) "Handicapped lessee" means a lessee certified by the department of public health and human services to have a physical or mental impairment that substantially limits one or more major activities, such as writing, seeing, hearing, speaking, or mobility, and that limits the lessee's ability to obtain, retain, or advance in employment;

- (14) "Land use license" or "license" means a contract by which the department conveys an interest in state lands for a specific term and fee, and for a use other than that for which the land is classified;
- (15) "Lease" means a contract by which the board conveys state lands for a term of years for a specified rental, and for the use for which the land is classified;
- (16) "Lease fee adjustment" means the process by which the department applies the rental rate contracted in the lease to the most recent appraised market value to determine if it is necessary to alter the annual rental payment. The adjustment will occur at the review period defined in the lease and at the time of renewal;
- (17) "Lessee" means the person or persons in whose name a surface lease appears on record in the offices of the department, whether such person or persons be the original lessee or a subsequent assignee. The term "lessee" also includes, where the context of the rule may indicate, any person who is the apparent successful bidder for a surface lease but with whom a formal surface lease has not been completed and finalized;
- (18) "Licensee" means the person or persons in whose name a license appears on the record in the offices of the department, whether such person or persons be the original licensee or subsequent assignee;
- (19) "Pasturing agreement" means a sublease in which the lessee personally retains full management and control of the land and livestock;
- (20) "Person" means any individual, firm, association, corporation, governmental agency or other legal entity;
- (21) "Qualified applicant" means any person who has filed an application and who may become a qualified lessee or licensee;
- (22) "Standard lease form" means the lease form then currently in use and approved by the board;
- (23) "State" means the state of Montana;
- (24) "State lands" means all lands for which the surface leasing is under the jurisdiction of the board as defined by 77-1-202, MCA;
- (25) "Sublease" means any agreement, written or oral, between a lessee and a third party whereby the third party is accorded the use of all or any part of the lessee's leasehold interest, including pasturing agreements;
- (26) "Sublessee" means the person or persons to whom a lessee has leased all or part of the unexpired term of his lease;
- (27) "Surface" means the superficial part of land including the soil and waters which lie above any minerals;
- (28) "Timber land" means land which is principally valuable for the timber that is on it, for the growing of timber or for watershed protection;
- (29) "Tract" means the land or portion thereof as described by a specific lease or license or application for the same;
- (30) "Unleased land" means land that is not under lease at the time of an application to lease or land on which the lease has been recently canceled by the department or surrendered by the lessee;

(31) "User" means any lessee, sublessee, licensee, or permittee.

Authorizing statute(s): 77-1-209 and 77-2-328, MCA

Implementing statute(s): 77-1-202 and 77-2-318, MCA

History: NEW, 1987 MAR p. 17, Eff. 1/16/87; AMD, 1988 MAR p. 73, Eff. 1/15/88; AMD, 1990 MAR p. 2284, Eff. 12/28/90; TRANS, 1996 MAR p. 2384; AMD, 2001 MAR p. 22, Eff. 1/12/01.