

I respectfully request that you consider sponsoring the following amendment between lines 15 and 16;

“WHEREAS, a study addressing the confusion and conflicts caused by the declaration of navigability and titles vested by patents from the United States will provide valuable information to the Legislative Assembly concerning the determination of lawful ownership and tax treatment;”.

My name is Dean A. Hoistad. I reside at 2100 Lincoln Hills Dr. in Missoula, Montana 59802, phone 406-239-5000. I and my two brothers, who reside in Seattle, WA, own undivided interests in a parcel of inundated land located in DeGroat Township of Ramsey County in District 15. The land has been in our family for generations. See attached Patent establishing the original transfer of ownership before statehood. After the property was inundated around 2012, my father enrolled in a ten-year water storage program with NRCS which provided guaranteed annual payments. Following my father's death in 2020, I began managing my mother's affairs, including the inundated property.

I telephoned Gary Heiser, the Sovereign Land Manager, and asked him if my mother should continue paying annual property tax assessments from Ramsey County. He informed me the state owns all land in Ramsey County inundated by water connected with navigable Devils Lake, and said it makes no sense for anyone to pay property taxes on land they don't own. I asked him about the risk of the county foreclosing on the land if the taxes were not paid, and he informed me the county could never provide a legal title or proof of valid ownership if it foreclosed on state-owned property and sold it at auction for back taxes.

In the spring of 2023, when our mother died, my brothers and I became joint owners of the property. Later that year the NRCS water bank storage contract terminated. Despite our best efforts, all attempts to enter a new water storage contract failed. Therefore, in the summer of 2023, I met with Gary Heiser at his office in the DWR to revisit the question of ownership. During our face-to-face meeting, he reiterated what he had told me in our previous telephone conversation and promised he would provide the information in writing so I could share it with my brothers.

In December 2023, I telephoned Andrea Travnicek, the Director of DWR, about the status of Mr. Heiser's responses to my written questions and answers to some additional questions I had about other issues. She assured me my questions to Mr. Heiser about our ownership, along with the other information I requested, would be provided.

In May 2024, I received the following answers to my questions about our inundated property ownership:

What is the status of preparing the answers to the questions set forth in my email to the Sovereign Land Manager, G. Heiser, following our meeting at his office in July? We discussed the questions and his responses which we had previously discussed in an earlier telephone conversation roughly a year before. See the attached copy of my email documenting our meeting and setting forth my questions. Mr. Heiser said he would provide written

responses and I would like to know when I might expect to receive them.

You followed up your August 4, 2023, meeting with Mr. Heiser with an August 4, 2023 email that listed 6 specific questions (copied below). The DWR's legal counsel has the following response to the questions asked:

In *Matter of Ownership of Bed of Devils Lake*, 423 N.W.2d 141 (N.D. 1988), the North Dakota Supreme Court affirmed the district court's judgment "that the OHWM follows the fluctuating elevation of Devils Lake." *Id.* at 143. Shortly thereafter, the 8th circuit in *101 Ranch v. United States*, 905 F.2d 180, 185 (8th Cir. 1990) affirmed the State's title in trust for the public to "lands which are or will become submerged." Therefore, the State claims title and holds in trust for the public the land submerged by Devils Lake up to the current OHWM, as it exists from time to time. For the remainder of the questions, the Hoistads' will need to seek their own legal counsel.

1. Who owns the Hoistad brothers' land, them or the state?
2. If the state owns their land when and how did the state obtain ownership of their land?
3. Is the dry portion of their land owned by the state or is only the inundated portion owned by the state?
4. Are Hoistad brothers required to pay property taxes on their land to Ramsey County while their land is owned by the state?
5. Are Hoistad brothers required to turn over to the state any payments they receive for their land from NRCS or other government agencies, so long as their land is owned by the state?
6. Do Hoistad brothers have legal liability for what occurs on their land so long as it owned by the state?

Requiring inundated landowners to pay for uncertain answers to basic legal ownership questions is unfair. On behalf of my brothers and other inundated patent landowners, I respectfully request Concurrent Resolution 3018 be amended to include language providing for the investigation and clarification of inundated pre-statehood patent land ownership and that the following language be inserted between lines 15 and 16:

WHEREAS, a study addressing the confusion and conflicts caused by the declaration of navigability and titles vested by patents from the United States will provide valuable information to the Legislative Assembly concerning the determination of lawful ownership and tax treatment;