

Exhibit No. 3
Date 3-11-2019
Bill No. HB229

Thank you Chairman Welborn and members of the Natural Resource Committee for allowing me to speak. I am Mary Ann Murray, M-U-R-R-A-Y. My husband, Lige and I are landowners and ranchers in Garfield County. We are the landowners in the middle of the dispute that led to the litigation and the 2 to 1 decision by the Ninth Circuit panel that you are hearing about today.

We speak in favor of HB 229. We purchased this land from our former partners in 2005. The transaction was a customary ranch sale. Lige and I purchased the ranch and $\frac{1}{3}$ undivided interest in the minerals, with the remaining mineral interest being retained by the sellers.

In 2006 fossil hunters found some important fossils on this property. An agreement between us and the fossil hunters was done in the historical manner in which fossils have been handled in Montana since the early 1900's.

In 2013, we attempted to sell these fossils at auction. That's when the litigation began. The owners who retained an interest in the mineral estate asserted the fossils were minerals and belonged to them. We asked the courts for a declaratory decision on the ownership of fossils. That case is currently under appeal in the Ninth Circuit.

In Eastern Montana, it's not uncommon for ranches to be sold with the seller reserving fossil rights, because of the understanding that fossil rights belong to the surface owners. The Ninth Circuit's recent reversal on the historical understanding of fossils is a taking from the surface owners. Courthouses around the state already consist of deeds filed in this manner.

This leaves landowners and the fossil industry in a quandary. "Rare and exceptional" fossils are minerals, while common or junk fossils belong to the surface owner and if in doubt, you can always litigate on a case-by-case basis. We need some common sense brought to this issue and a law in place to reflect the historical handling of fossils on private lands.

This legislation may not affect our case--that will be decided by the 9th Circuit. But, this legislation will help all those other landowners in Montana who have sold fossils and who could now be sued by the mineral owners.

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Thank you Chairman Welborn and members of the Natural Resource Committee. I speak in favor of HB 229. I am Lige Murray, and I am a landowner and rancher in Garfield County.

Without the passage of HB 229 putting certainty into fossil ownership, we are left with the 9th Circuit deciding Montana's fate. If this decision is allowed to stand, it is a takings. Landowners will lose control over who accesses their lands, because of the manner in which fossil hunters locate fossils after erosion events.

On our ranch, we only own about 10% of the minerals on our overall deeded acres. Mineral ownership can be broken down into quarters of a quarter section, or 40 acres with multiple owners. With this in mind, I am wondering how fossil hunters would be able to contact **ALL** of the mineral owners and come to an agreement, without knowing if any fossils are there.

Mineral owners pay no property taxes. Because taxes are paid by landowners, records are kept current. You can go to county courthouse and find the landowner or download a ownership app for your phone. Oil and mineral companies hire professionals to search mineral ownership, even then mistakes are common. Mineral ownership is not easy to research.

A precedent has been set following federal and state lands that fossils are not minerals and belong to the surface estate. Private lands should follow suit.

It is for these reasons I ask you to support HB 229. Thank you.

I apologize for not being able to attend today's hearing; however, we are currently calving and both my wife and I can't leave at the same time.

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