

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**July 20, 2015, at 9:00 a.m.**  
**State Capitol, Room 303**  
**Helena, MT**

**ACTION ITEMS**

- 715-1     **Timber Sale: St. Mary's Lake South**  
*Benefits: Common Schools*  
*Location: Lake County*  
**Approved 5-0**
- 715-2     **Land Banking Parcels: Preliminary Approval for Sale**  
**A. Lake County**  
*Benefits: Common Schools*  
*Location: Lake County*
- B. Granite County**  
*Benefits: Common Schools*  
*Location: Granite County*
- C. Ravalli County**  
*Benefits: Common Schools*  
*Location: Ravalli County*  
**Approved 5-0**
- 715-3     **Land Banking Acquisitions: Final Approval for Purchase**  
**Bullhead Ranch**  
*Benefits: Common Schools, University of Montana, MSU Morrill*  
*Location: Pondera County*  
**Approved 5-0**
- 715-4     **Sale of Cabin and Home Sites: Preliminary Approval for Sale**  
**Flathead and Missoula Counties**  
*Benefits: Montana Tech, Montana State University*  
*Location: Flathead and Missoula Counties*  
**Approved 5-0**
- 715-5     **Sale of Cabin and Home Sites: Set Minimum Bid for Sale**  
**A. Sales 761 and 762 – Echo Lake**  
*Benefits: Montana Tech*  
*Location: Flathead County*
- B. Sales 763 and 764 – Beaver Lake**  
*Benefits: Montana Tech*  
*Location: Flathead County*  
**Approved 5-0**
- 715-6     **Proposed Consent Decree in Salmond Ranch Company, Inc., v. All Known**  
**Persons, et al., Cause No. DV-12-45, Mont. Ninth Judic. Distr. Ct., in Teton County**  
*Benefits: Common Public Schools, Capitol Building*  
*Location: Teton County*  
**Approved 5-0**
- 715-7     **Easements**  
**A. DNRC Easements**  
*Benefits: Acquired Land (Potomac), Common Schools, Deaf & Blind, Public Land*

*Location: Blaine, Carbon, Hill, Jefferson, Missoula, Roosevelt, Teton, Yellowstone Counties*

**B. Non-Trust Easement: Department of Corrections Highway Easement**

*Benefits: Non-Trust Land (Department of Corrections)*

*Location: Jefferson County*

**Approved 5-0**

**PUBLIC COMMENT**



# 715-1

## TIMBER SALE

St. Mary's Lake South

**Land Board Agenda Item  
July 2015**

**715-1 Timber Sale: St. Mary's Lake South**

**Location:** Lake County  
Section 36, T18N, R19W

**Trust Benefits:** Common Schools

**Trust Revenue:** \$ 81,721 (estimated, minimum bid)

**Item Summary**

The St. Mary's Lake South timber sale is located approximately six miles southeast of St. Ignatius, MT. This sale includes one harvest unit totaling 53 acres with an estimated volume of 3,608 tons (601 MBF) of sawlogs. The minimum bid is \$22.65 per ton, which would generate approximately \$81,721 for the Common School trust and \$15,117.52 in Forest Improvement fees. The project is within the Habitat Conservation Plan (HCP) and complies with the commitments outlined in the HCP.

This sale would implement seed tree and shelterwood treatments, allowing healthy regeneration to occur and removing trees affected by root rot, dwarf mistletoe, and bark beetles. This sale will include harvest of western red cedar. These harvest types would result in the maintenance of a two-storied stand. The post-harvest forest would be more open, allowing for the regeneration of seral, disease-resistant stands and a species composition closer to historical conditions. There is no old growth present in this sale.

Approximately 1.2 miles of road will be used to access the timber sale. The Department of Natural Resources and Conservation (DNRC) is proposing 0.3 miles of new road construction, maintenance treatments on 0.75 miles, and reconstruction on 0.15 miles. All roads located on state land will be closed after timber harvest activities are completed.

Access has been obtained to this timber sale via a Temporary Road Use Permit from the Confederated Salish and Kootenai Tribes (CS&K tribe).

The initial scoping notice was mailed on December 30, 2014. The scoping notice was sent to the individuals and groups listed on the statewide scoping list as well as all neighboring landowners and agencies. Four comments were received (CS&K tribe and three landowners). The Confederated Salish and Kootenai Tribe commented but had no issues with the sale. The three comments from landowners contained concerns regarding aesthetics, wildfire risk, and road dust created from logging traffic, and harvest clean-up. Mitigations to address these concerns are as follows:

- Aesthetics: A minimum 100 foot no-cut buffer will be left along the St. Mary's Lake road. This parcel is not visible from Highway 93 or any residential area.
- Fire Danger: Widening the spacing of the leave trees, removing the dead and dying timber, proposed prescribed burning, and treatment of logging slash will reduce the fire danger in the area.

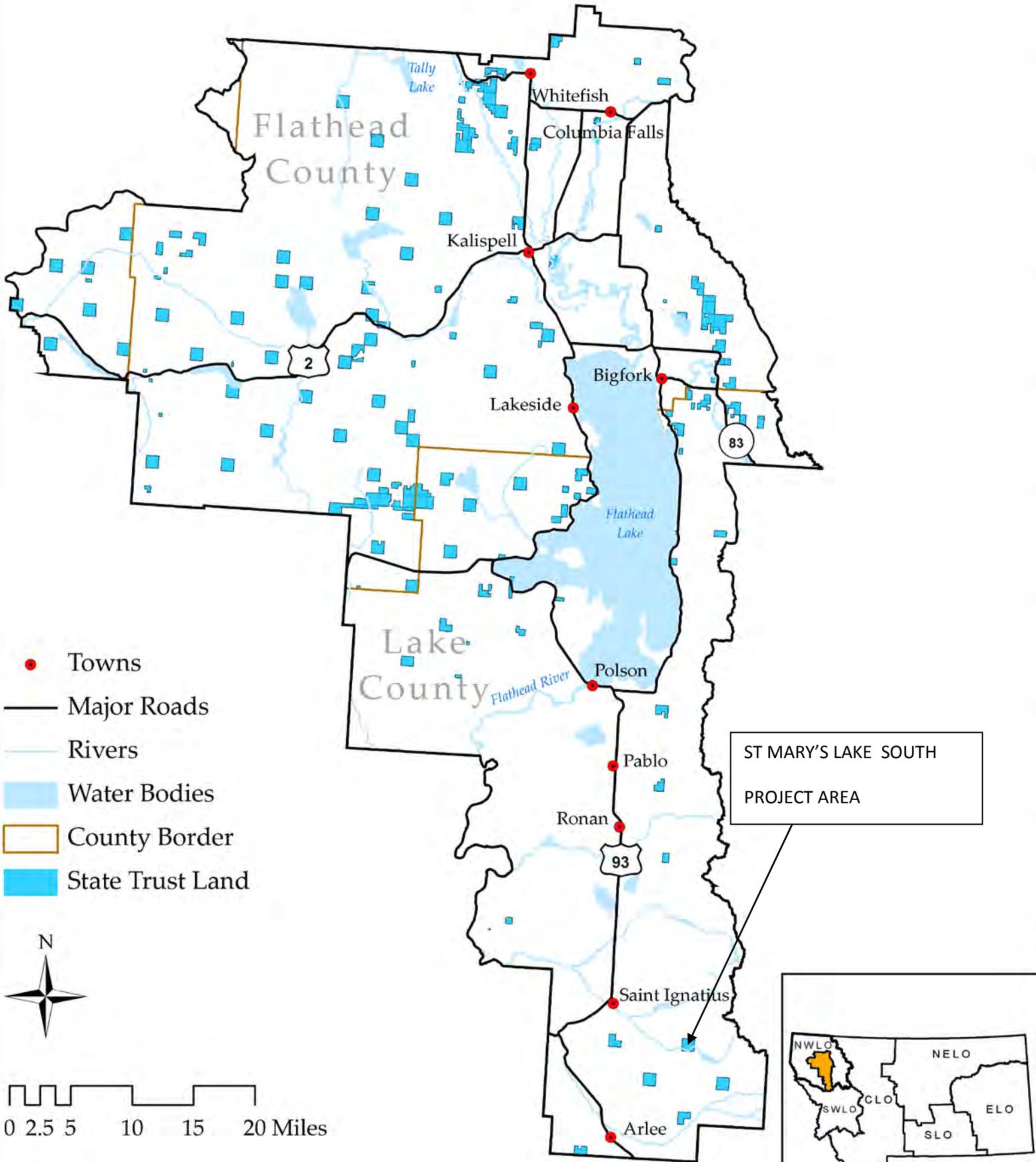
- Logging Traffic and Clean-Up:
  - Log hauling will typically take place during the general “work week”.
  - Signs will be posted making the public aware of log hauling traffic in the area.
  - If necessary, a slower speed limit may be imposed in the timber harvest contract.
  - Harvesting operations would be short in duration. Dust may be created from log hauling on portions of roads during summer and fall months.
  - Contract clauses would provide for the use of dust abatement or require trucks to reduce speed if necessary to reduce dust near any affected residences.
  - All slash piles will be burned.
  - All logging debris will be cleaned up to the extent practical.

**DNRC Recommendation**

The director recommends the Land Board direct DNRC to sell the St. Mary’s Lake South timber sale.

# ST. MARYS SOUTH VICINITY MAP KALISPELL UNIT

715-1

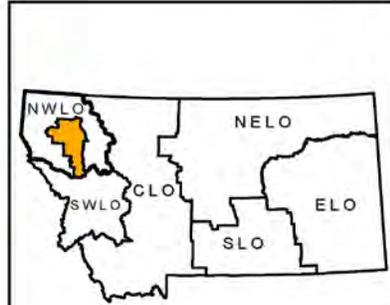


- Towns
- Major Roads
- Rivers
- Water Bodies
- County Border
- State Trust Land



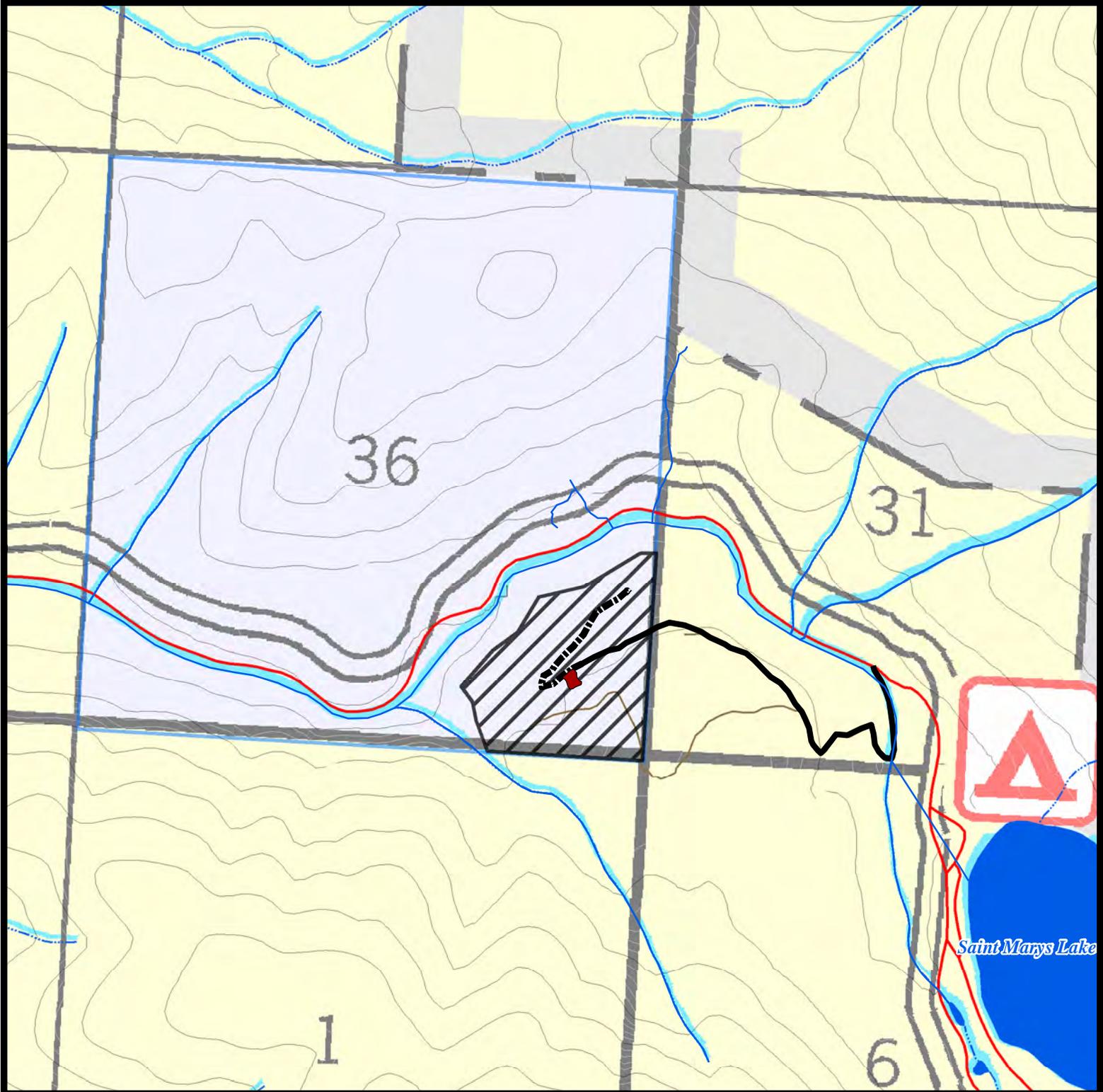
0 2.5 5 10 15 20 Miles

ST MARY'S LAKE SOUTH  
PROJECT AREA



# St. Marys South Timber Sale

715-1

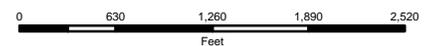


## Legend

- = New Road
- = Existing Road
- = Unit 1
- = Wildlife Hiding Cover (No Activity)

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Montana DNRC  
Northwestern Land Office  
Timber



# 715-2

## LAND BANKING PARCELS: PRELIMINARY APPROVAL FOR SALE

- A. Lake County
- B. Granite County
- C. Ravalli County

**Land Board Agenda Item  
July 20, 2015**

**715-2A Preliminary Approval for Sale of Land Banking Parcel**

**Location: Lake County**

**Trust Benefits: Common Schools**

**Trust Revenue: Appraisal to be completed after preliminary approval**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately 77.61 acres and improvements, known as the Swan Valley Retreat in Lake County. The sale was nominated by DNRC's Swan Unit Office and the parcel is located with the Swan River State Forest south of Swan Lake.

<b>Sale #</b>	<b># of Acres</b>	<b>Legal</b>	<b>Nominator</b>	<b>Trust</b>
686	77.61±	PT E½NE¼, Section 18, T23N-R17W	DNRC - Swan Unit	Common Schools

**BACKGROUND:**

- ❖ In 1967, the Montana State Legislature created the Swan River Forest Camp on this trust land parcel. The camp was a minimum-security correctional institution, administered by the Montana Department of Institutions, dedicated to the care, custody and rehabilitation of at-risk young men ages 16 to 25.
- ❖ In 1993, under the administration of the Department of Corrections ("Corrections", the camp became a military-style boot camp. The facility was abandoned by Corrections in February, 1997 and the Common Schools trust became the owner of the improvements on the land parcel.
- ❖ In 2000, Cornerstone Programs ("Cornerstone"), a national private organization specializing in treatment programs for juvenile offenders, entered into a lease agreement with DNRC to use the camp. Cornerstone terminated their lease with DNRC in March, 2006 and vacated the facility.
- ❖ Since then, DNRC has been unsuccessful in finding another lessee for the facility.

The facility consists of a large lodge, dormitory, kitchen, administration building, large shop, community water system, sewage treatment facility, trailer court, and several small out buildings. The improvements have been unoccupied since 2006, and cost DNRC \$9,000 annually to perform minimal maintenance.

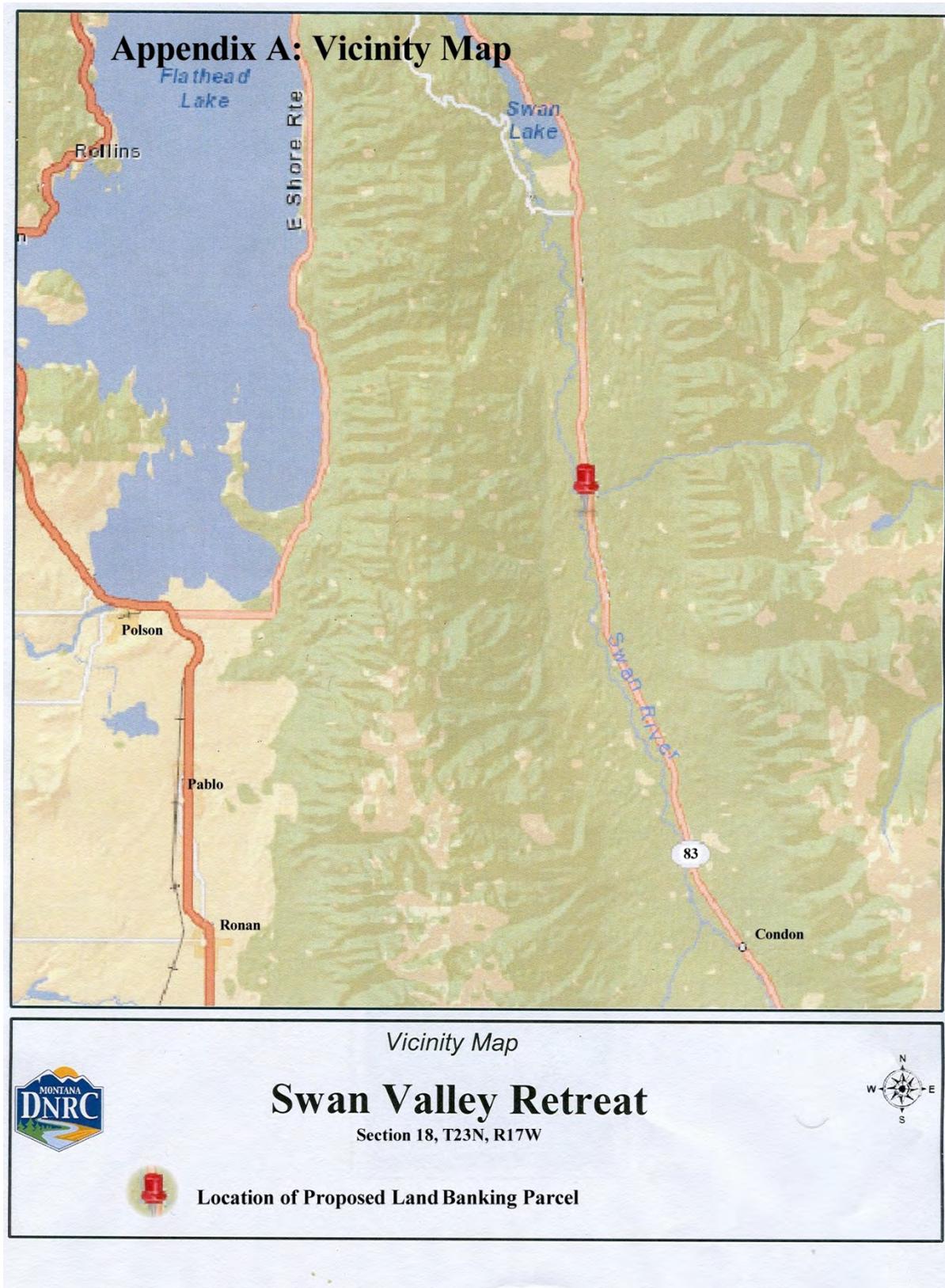
The parcel is legally accessible by the public from US Highway 83 on Goat Creek Road.

No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

**DNRC Recommendation**

The director recommends that the Board give preliminary approval to sell this parcel.

Lake County Sale Location Map



**Sale #686**  
PT E½NE¼, Section 18, T23N-R17W  
Swan Valley Retreat

# Appendix A: Project Area



*Proposed Land Banking Parcel*



## Swan Valley Retreat

Section 18, T23N, R17W

Project Map



**715-2B Preliminary Approval for Sale of Land Banking Parcel**

**Location: Granite County**

**Trust Benefits: Common Schools**

**Trust Revenue: Appraisal to be completed after preliminary approval**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately 160 acres nominated for sale in Granite County. The sale was nominated by the lessee and the parcel is located approximately two miles southwest of Drummond, Montana.

<b>Sale #</b>	<b># of Acres</b>	<b>Legal</b>	<b>Nominator</b>	<b>Trust</b>
758	160±	SW¼, Section 36, T11N-R13W	Washington Limestone LLC	Common Schools

Sale parcel 758 is used primarily for livestock grazing purposes. The parcel has average productivity for grazing lands statewide.

The parcel is not legally accessible by the public.

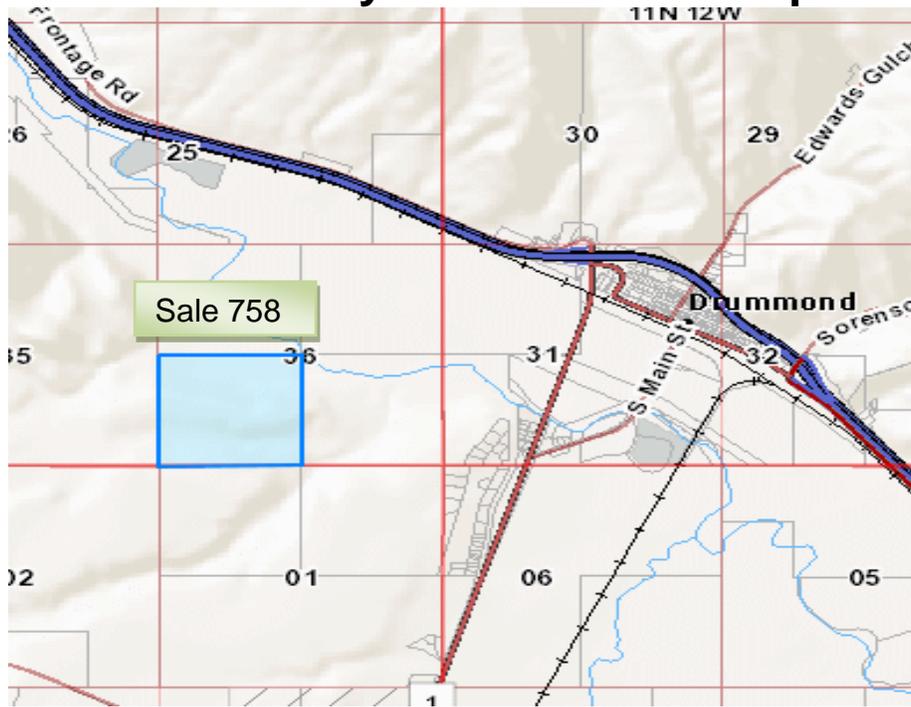
No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

**DNRC Recommendation**

The director recommends that the Board give preliminary approval to sell this parcel.

# Granite County Sale Location Map

715-2B



## Sale #758

SW¼, Section 36, T11N-R13W  
Washington Limestone LLC



**715-2C Preliminary Approval for Sale of Land Banking Parcel**

**Location:** Ravalli County

**Trust Benefits:** Common Schools

**Trust Revenue:** Appraisal to be completed after preliminary approval

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell one parcel totaling approximately 635.51 acres nominated for sale in Ravalli County. The sale was nominated by DNRC – Southwest Land Office and the parcel is located approximately eight miles east of Stevensville, Montana.

<b>Sale #</b>	<b># of Acres</b>	<b>Legal</b>	<b>Nominator</b>	<b>Trust</b>
757	635.51±	Lots 1-7, NW¼, W½NE¼, NW¼SE¼, N½SW¼, Section 36, T9N-R19W	DNRC -SWLO	Common Schools

Sale parcel 757 has been managed primarily for the long term production of forest products, grazing has been a secondary use. The parcel is average in forest productivity and average in revenue return.

The parcel is not legally accessible by the public.

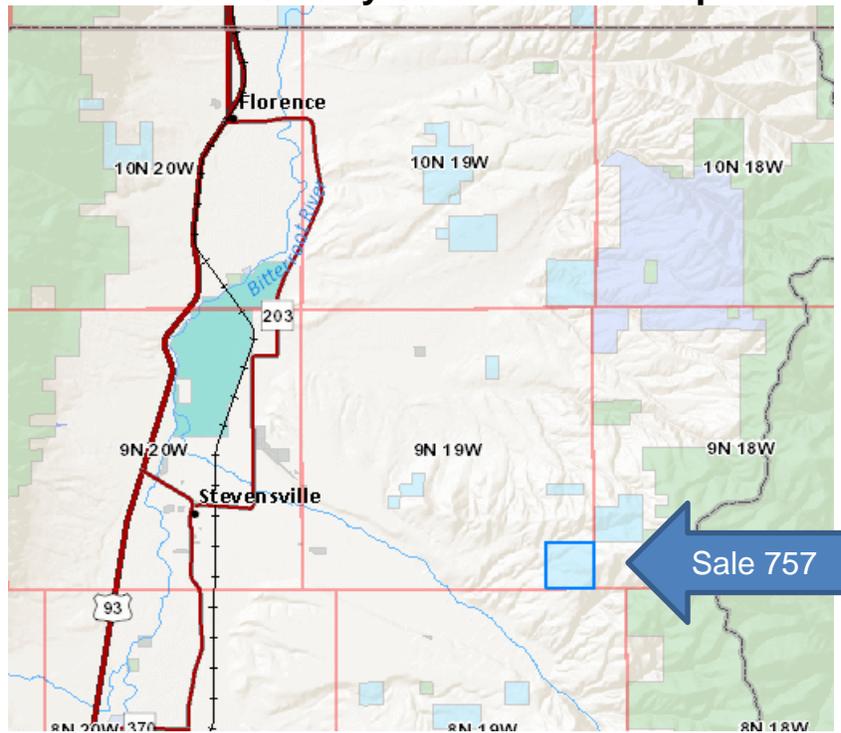
No potentially negative issues were identified through the Montana Environmental Policy Act (MEPA) process regarding the sale of this parcel.

**DNRC Recommendation**

The director recommends that the Board give preliminary approval to sell this parcel.

# Ravalli County Sale Location Map

715-2C



## Sale #757

Lots 1-7, NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
Section 36, T9N-R19W



# 715-3

LAND BANKING ACQUISITIONS:  
FINAL APPROVAL FOR PURCHASE

Pondera County

**Land Board Agenda Item  
July 20, 2015**

**715-3 Land Banking Acquisition: Final Approval for Purchase – Bullhead Ranch**

**Location: Pondera County**

**Trust Benefits: Common Schools, University of Montana and MSU Morrill**

**Trust Revenue: N/A**

**Item Summary**

**Seller:** Dale Seifert, Donald Seifert, Lee Seifert, Sandra Starbuck, and Gene & Cheryl Curry.

**Prospective Buyer:** State of Montana, Department of Natural Resources and Conservation (DNRC).

**Location:** The property is located approximately 15 miles northeast of Conrad, Montana.

**Property Characteristics:** This property totals 2,563.47 acres. It is a mixture of irrigated cropland (362.03 acres), dry cropland (743.56 acres), CRP (366.13 acres), dryland grazing (1,081.75 acres) and a farmstead (10 acres).

DNRC projects the property will generate annual net revenue of \$69,355 generated from agricultural and grazing leases. This is a substantial increase over the net revenue of \$30,594 generated from the lands sold that will be used to purchase this property.

**Recreational Opportunities:** The property would provide good to excellent upland bird and fair big game hunting opportunities. Wildlife in this area include: pronghorn antelope, mule deer, whitetail deer, pheasants, Hungarian partridge, sharp-tail grouse ducks, geese and various other none game mammals and birds. Other recreational opportunities such as hiking and bird watching may also exist.

**Access:** The parcel is accessible by both Bullhead Road and Trunk Butte Road; both are county roads. Purchase of this property would also secure perpetual public access to 400 acres of trust land adjacent to the property.

**Appraised Value:** \$2,550,000.00

<b>Purchase Price:</b>	\$2,500,000.00
<b>Proposed Closing Date:</b>	August 28, 2015
<b>Background:</b>	The Bullhead Ranch received preliminary approval by the Board of Land Commissioners (Board) on August 18, 2014. Since then, the DNRC has engaged in evaluation of the property as required in ARM 36.25.815, Land Banking Rules.
<b>Public Involvement:</b>	The Bullhead Ranch was nominated for state acquisition by the owners under the Land Banking process. A general scoping of this purchase was recently completed by the DNRC. This scoping process included a public notice with the DNRC's intent printed in the local newspaper and direct mailings to Montana Fish, Wildlife and Parks (FWP), Pondera County Commissioners and adjacent land owners.
<b>Selection Considerations and Process:</b>	DNRC secured a purchase agreement for \$2,500,000.00 or the appraised value of the land, whichever was less.
<b>Agency Recommendation:</b>	The director recommends the Board's final approval for acquisition of the Bullhead Ranch.

## Due Diligence Property Evaluation Summary

ACQUISITION REPORT	EXPLANATION												
<b>Seller's Disclosure</b>	No known material defects or environmental concerns reported on the property.												
<b>Acquisition Annual Rate of Return over 20 years</b>	<table border="0"> <thead> <tr> <th><u>Trust</u></th> <th><u>NPV</u></th> <th><u>RoR</u></th> </tr> </thead> <tbody> <tr> <td>MSU Morrill</td> <td>\$ 7,365</td> <td>2.2%</td> </tr> <tr> <td>University of Montana</td> <td>\$ 32,937</td> <td>1.04%</td> </tr> <tr> <td>Common Schools</td> <td>\$ 774,383</td> <td>2.99%</td> </tr> </tbody> </table>	<u>Trust</u>	<u>NPV</u>	<u>RoR</u>	MSU Morrill	\$ 7,365	2.2%	University of Montana	\$ 32,937	1.04%	Common Schools	\$ 774,383	2.99%
<u>Trust</u>	<u>NPV</u>	<u>RoR</u>											
MSU Morrill	\$ 7,365	2.2%											
University of Montana	\$ 32,937	1.04%											
Common Schools	\$ 774,383	2.99%											
<b>Average Annual Rate of Return of property sold</b>	<table border="0"> <thead> <tr> <th><u>Trust</u></th> <th><u>NPV</u></th> <th><u>RoR</u></th> </tr> </thead> <tbody> <tr> <td>MSU Morrill</td> <td>\$ 639</td> <td>0.19%</td> </tr> <tr> <td>University of Montana</td> <td>\$ 10,020</td> <td>0.32%</td> </tr> <tr> <td>Common Schools</td> <td>\$ 348,357</td> <td>1.35%</td> </tr> </tbody> </table>	<u>Trust</u>	<u>NPV</u>	<u>RoR</u>	MSU Morrill	\$ 639	0.19%	University of Montana	\$ 10,020	0.32%	Common Schools	\$ 348,357	1.35%
<u>Trust</u>	<u>NPV</u>	<u>RoR</u>											
MSU Morrill	\$ 639	0.19%											
University of Montana	\$ 10,020	0.32%											
Common Schools	\$ 348,357	1.35%											
<b>Annual Income</b>	<p style="text-align: center;"><u>Irrigated Crop: 362.03 acres</u> Wheat, Barley and Hay Rotation</p> <p style="text-align: center;"><u>Dryland Crop: 743.56 acres</u> Wheat, Barley Pulse Crop Rotation</p> <p style="text-align: center;"><u>Grazing: 1091.75 acres**</u> <u>307 AUMs</u></p> <p style="text-align: center;"><u>CRP : 366.13 Acres</u> Existing Tame Grass</p> <p style="text-align: center;"><u>Projected Total Annual Net Revenue</u></p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tbody> <tr> <td>MSU Morrill</td> <td style="text-align: right;">\$627</td> </tr> <tr> <td>University of Montana</td> <td style="text-align: right;">\$2,804</td> </tr> <tr> <td>Common Schools</td> <td style="text-align: right;">\$65,924</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$69,355</b></td> </tr> </tbody> </table> <p>*All acreage amounts were derived from current FSA Maps and present farming / crop rotations. ** Grazing acreage was adjusted to equal estimated total acreage including the ten acre farmstead site.</p>	MSU Morrill	\$627	University of Montana	\$2,804	Common Schools	\$65,924	<b>Total</b>	<b>\$69,355</b>				
MSU Morrill	\$627												
University of Montana	\$2,804												
Common Schools	\$65,924												
<b>Total</b>	<b>\$69,355</b>												
<b>Classification of property</b>	Agricultural Land and Grazing Land												
<b>Soils/Range</b>	Soils in this area are generally well developed and very productive. USDA – NRCS soil survey indicated Land Capability Classification as a mixture of Class III, and Class IV soils. Soil textures vary from clayey, loams, to clayey loams. Dry land and irrigated crop land soils are highly productive and stable. No till farming operations have been implemented on this property for over 20 years. The current lessee has reported irrigated barley yields of 75 – 100 bu / acre and dryland winter wheat on												

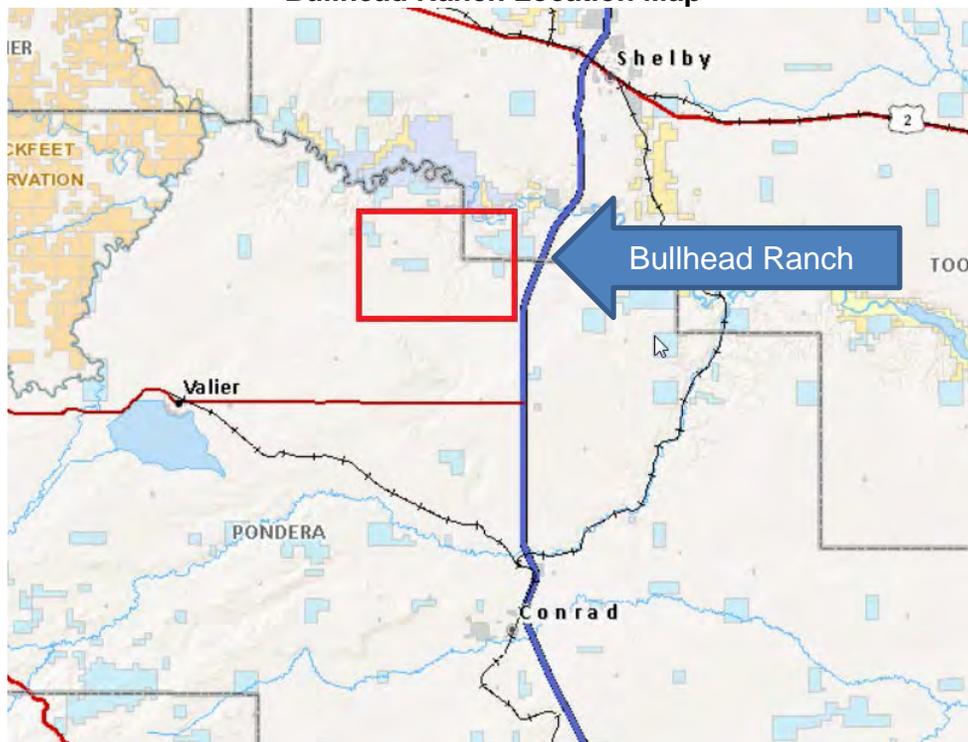
	<p>summer fallow yields of 40 -60 bu/ac. Saline seeps are present on the property. Current management, which promotes salt tolerant vegetation in and around saline seeps, and treating recharge areas are controlling and decreasing the size of these discharge (seep) areas. Montana Saline Salinity Control Association has several ground water monitoring wells on the property. These wells are used to manage saline seeps in the area.</p>
<p><b>Vegetation</b></p>	<p>Native rangeland on this property is typical of the northern mixed grassed prairie. Range sites are in fair to good condition and dominated by silty, thin silty, thin hilly and shallow sites. Species composition is dominated by grasses which include western wheatgrass, green needle grass, plains muhly, needle and thread grass, blue grama, thread leaf sedge, sandberg bluegrass and prairie junegrass. Sub-dominant species include various forbs and shrubs. The native rangeland on this property produces average grass production and is expected to have a carrying capacity of approximately .2 AUMS/Acre</p> <p>CRP acreage is seeded to tame grass species. These stands are dense and well established. Hay acreage on this property mostly introduced species of grass (smooth brome garrisons creeping foxtail, crested wheatgrass) and alfalfa. Hay yields vary between 1 – 2 tons /acre.</p>
<p><b>Range Condition</b></p>	<p>The property is located in the northern mixed grass prairie, Western Glaciated plains 10-14 inch precipitation zone. Range condition is fair to good. The carrying capacity of the property is typical of central Montana and estimated at:</p> <p>Dryland Grazing: <math>1081.75 \text{ acres} \times .2 \text{ AUMs / acre} = 207 \text{ AUMs}</math></p> <p>Aftermath grazing is on the property was set at a rate of 0.1 AUMs / ac. The total aftermath grazing AUMs is approximately 100 AUMs.</p> <p><u>The total AUMs available on the property is approximately 307 AUMs.</u></p> <p>***AUMs are estimated at this time. After final approval the Conrad Unit will complete actual field evaluations to determine appropriate stocking rates.</p>

<b>Weeds</b>	Various common weeds and agricultural nuisance weed are present on the property. No out of control or large patches of noxious weeds were noted on the property. The sellers have an active weed management program across the entire property that includes chemical control and this is expected to occur in future years with a new lessee.
<b>Sacrifice Area</b>	None
<b>Timber Cruises</b>	N/A
<b>Water</b>	The property has 390 irrigations shares in the Pondera County Canal and Reservoir Company. Bullhead Creek runs through the property. There are also seasonal ponds, wetlands and irrigation ditches on the property.
<b>Water Rights</b>	The DNRC will acquire the sellers' 390 shares in the Pondera County Canal and Reservoir Company to be used on the purchased lands. All other water rights on the property will be transferred to the DNRC.
<b>Wildlife (T&amp;E)</b>	No threatened or endangered species are known to be present on the property. Other wildlife on the property include: mule deer, whitetail deer, pheasants, Hungarian partridge, geese, ducks and various other none game mammals and birds.
<b>Fisheries</b>	N/A
<b>Wetlands/Flood plain</b>	There is one large wetland /pothole complex on the property. This area is due to the surrounding irrigation.
<b>Riparian characteristics</b>	1.25 linear miles of Bullhead Creek run thought the property. This area is a narrow riparian area and is representative of north central Montana riparian areas.
<b>Cultural values</b>	It is presently unknown if cultural resources are present. Applicable cultural resource laws will be followed if the subject property is transferred to state ownership.
<b>Mineral characteristics</b>	DNRC will not be acquiring mineral rights with this transaction. There is no active oil and gas development in this area and there is low potential for future oil and gas activity. This area may have potential for sand and gravel pit development, especially outside the irrigated agricultural lands.
<b>Aesthetic Values</b>	The property is entirely agricultural and grazing and does not have any unique landscape structures located on it. The property does not contain any unique vista. It is a typical farm and ranch property representative of area land uses (agriculture).

<b>Recreational Use</b>	The property would provide good to excellent upland bird hunting. DNRC may partner with FWP and Pheasants Forever on upland game bird projects in the future. The property would provide fair big game hunting. Wildlife in this area include: pronghorn antelope mule deer, whitetail deer, pheasants, Hungarian partridge, sharp-tail grouse ducks, geese and various other none game mammals and birds. Other recreational opportunities such as hiking and bird watching may also exist.		
<b>Zoning</b>	None		
<b>Planning</b>	None		
<b>Surrounding land use</b>	Adjacent lands are agricultural land (irrigated and dry cropland) and grazing land.		
<b>Potential for multiple use</b>	The primary use of the property would be agricultural for wheat, barley, pulse crop and hay production and the grazing of livestock. The property is likely to get moderate recreational use during hunting season, particularly upland bird hunters.		
<b>Access to parcel</b>	All tracts on this property are accessible though County roads - Bullhead Road and Trunk Butte Road.		
<b>Infrastructure</b>	The property contains several miles of border and cross fencing. The property also includes ten functional grain bins, two metal sheds / shops, electricity, two water wells, one livestock waterer. The property also includes irrigation water delivery system in the form of open ditches, turn outs and check dams. Two old houses are also on the property and will be demolished after closing.		
<b>Adjacent public lands</b>	The property borders and will provide access to 400 acres of land locked state Trust land on the west side.		
<b>Adjacent conservation easements</b>	None		
<b>Appraised Value</b>	\$2,550,000.00		
<b>Purchase Price</b>	<b>Trust</b>	<b>Funds</b>	<b>Acres</b>
	Morrill	\$28,510	40.51±
	University of Montana	\$270,030	418.64±
	Common Schools	\$2,201,460	2,104.32±
		<u>\$2,500,000</u>	<u>2,563.47±</u>
<b>Summary of Title report</b>	The State has reviewed a preliminary title commitment. The seller warrants the title shall be good, marketable and insurable subject to the exceptions approved by the State.		

<p><b>Summary Phase 1 site analysis</b></p>	<p>A Phase I Environmental Site Assessment was performed by Water &amp; Environmental Technologies of Butte; their review and report found no recognized environmental concerns associated with the property.</p>
<p><b>Notification to Commissioners and adjacent land owners</b></p>	<p>The Pondera County Commissioners have been notified of this proposed acquisition. No opposition has been received.</p>
<p><b>Comments received during public involvement process</b></p>	<p>Public comments have been generally positive and supportive of this purchase, with only one comment not in support of the acquisition. The Conrad Unit received several positive phone calls regarding this purchase. Several area farmers expressed interested in leasing this property from the state, following acquisition.</p>

**Bullhead Ranch Location Map**





# 715-4

SALE OF CABIN AND HOME SITES:  
PRELIMINARY APPROVAL FOR SALE

Flathead and Missoula Counties

**715-4 Cabin and Home Sites: Preliminary Approval for Sale**

**Location: Flathead and Missoula Counties**

**Trust Benefits: Montana Tech, Montana State University**

**Trust Revenue: Appraisal to be completed after preliminary approval**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting preliminary approval to sell 22 cabin and home sites nominated for sale in Flathead and Missoula Counties. These sales were nominated by the lessees and DNRC in conjunction with the 2015 Cabin and Home Site Sale Program.

<b>Six Mile</b>				
<b>Sale #</b>	<b># of Acres</b>	<b>Legal Description</b>	<b>Nominator</b>	<b>Trust</b>
783	1.31±	Lot A, COS 6101, Section 12, T15N-R22W Missoula County	Robynn McKinley Marsh	Montana State University

<b>Beaver Lake</b>				
<b>Sale #</b>	<b># of Acres</b>	<b>Legal Description</b>	<b>Nominator</b>	<b>Trust</b>
784	2.04±	Lot 9, Beaver Lake, Section 20, T31N-R22W Flathead County	Loretta Fauske	Montana Tech
785	1.457±	Lot 16, Beaver Lake, Section 20, T31N-R22W Flathead County	Philip Hambley	Montana Tech
786	1.548±	Lot 11, Beaver Lake, Section 20, T31N-R22W Flathead County	Dennis Theissen, et al.	Montana Tech
787	1.136±	Lot 13, Beaver Lake, Section 20, T31N-R22W Flathead County	June Munski-Feenan, et al.	Montana Tech
788	1.193±	Lot 17, Beaver Lake, Section 20, T31N-R22W Flathead County	Dennis Breed	Montana Tech
789	1.041±	Lot 14, Beaver Lake, Section 20, T31N-R22W Flathead County	DNRC	Montana Tech
790	1.046±	Lot 12, Beaver Lake, Section 20, T31N-R22W Flathead County	DNRC	Montana Tech
791	2.41±	Lot 10, Beaver Lake, Section 20, T31N-R22W Flathead County	DNRC	Montana Tech

<b>Lake Rogers</b>
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792	1.275±	Lot 32, Lake Rogers, Section 30, T27N-R23W Flathead County	Matt Schneider	Montana Tech
793	0.832±	Lot 24, Lake Rogers, Section 30, T27N-R23W Flathead County	Daniel & Tamera Berlyn	Montana Tech
794	1.231±	Lot 31, Lake Rogers, Section 30, T27N-R23W Flathead County	DNRC	Montana Tech
795	1.212±	Lot 16, Lake Rogers, Section 30, T27N-R23W Flathead County	DNRC	Montana Tech

<b>Echo Lake</b>				
796	1.434±	Lot 28, Echo Lake, Section 5, T27N-R19W Flathead County	Danny & Kristy Johnson	Montana Tech
797	1.11±	Lot 27, Echo Lake, Section 5, T27N-R19W Flathead County	John L. & Nina L. Waller	Montana Tech
798	1.455±	Lot 41, Echo Lake, Section 5, T27N-R19W Flathead County	Wade & Amanda Swenson	Montana Tech
799	1.27±	Lot 32, Echo Lake, Section 5, T27N-R19W Flathead County	Echo Lake LLC.	Montana Tech
800	0.965±	Lot 40, Echo Lake, Section 5, T27N-R19W Flathead County	Karen A. Moore, et al.	Montana Tech
801	1.866±	Lot 31, Echo Lake, Section 5, T27N-R19W Flathead County	DNRC	Montana Tech
802	4.292±	Lot 26, Echo Lake, Section 5, T27N-R19W Flathead County	DNRC	Montana Tech
803	4.537±	Lot 25, Echo Lake, Section 5, T27N-R19W Flathead County	Kevin & Jeanette Zemp	Montana Tech
804	1.008±	Lot 39, Echo Lake, Section 5, T27N-R19W Flathead County	Bill & Debra Llewellyn	Montana Tech

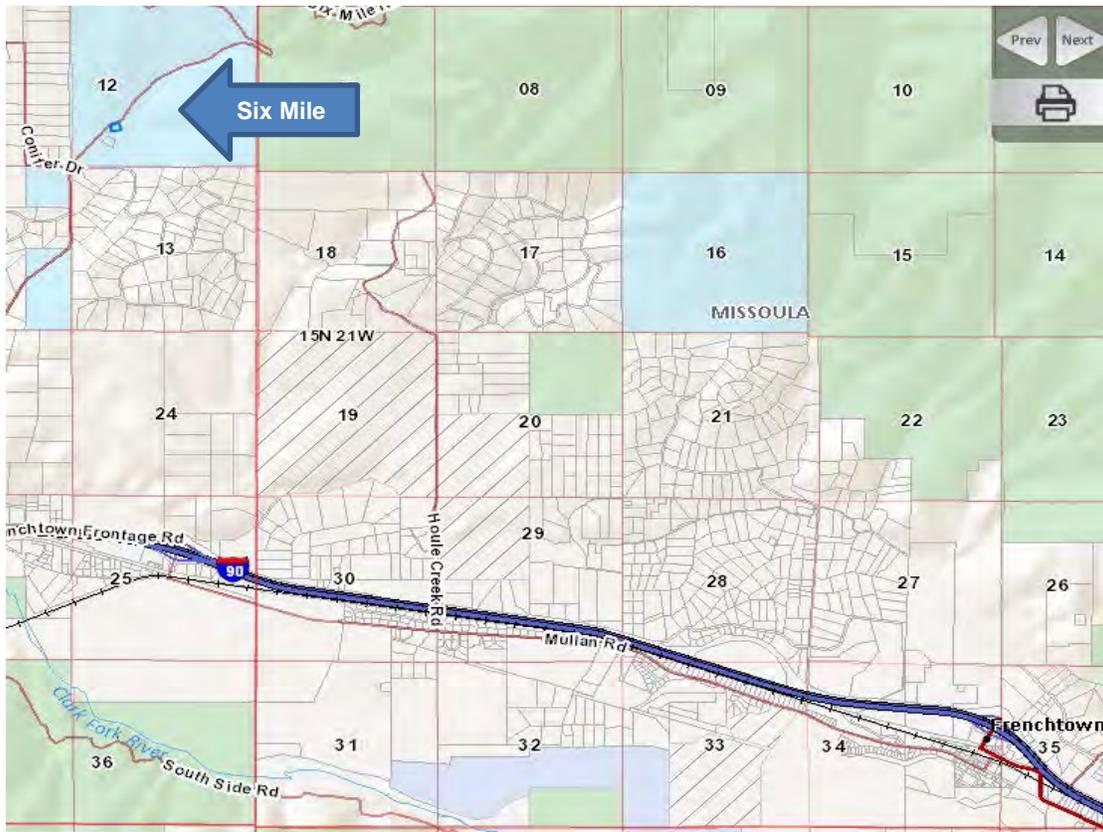
Sale parcels 783, 784, 785, 786, 787, 788, 792, 793, 796, 797, 798, 799, 800, 803 and 804 are currently leased as cabin or home sites and produce an average income for residential leases statewide. Sale parcels 789, 790, 791, 794, 795, 801 and 802 are vacant and produce no income for trust beneficiaries.

Each parcel will be sold with the access that is currently provided to the lessee that DNRC can convey under their lease agreement.

#### **DNRC Recommendation**

The director recommends that the Board give preliminary approval to sell these cabin sites.

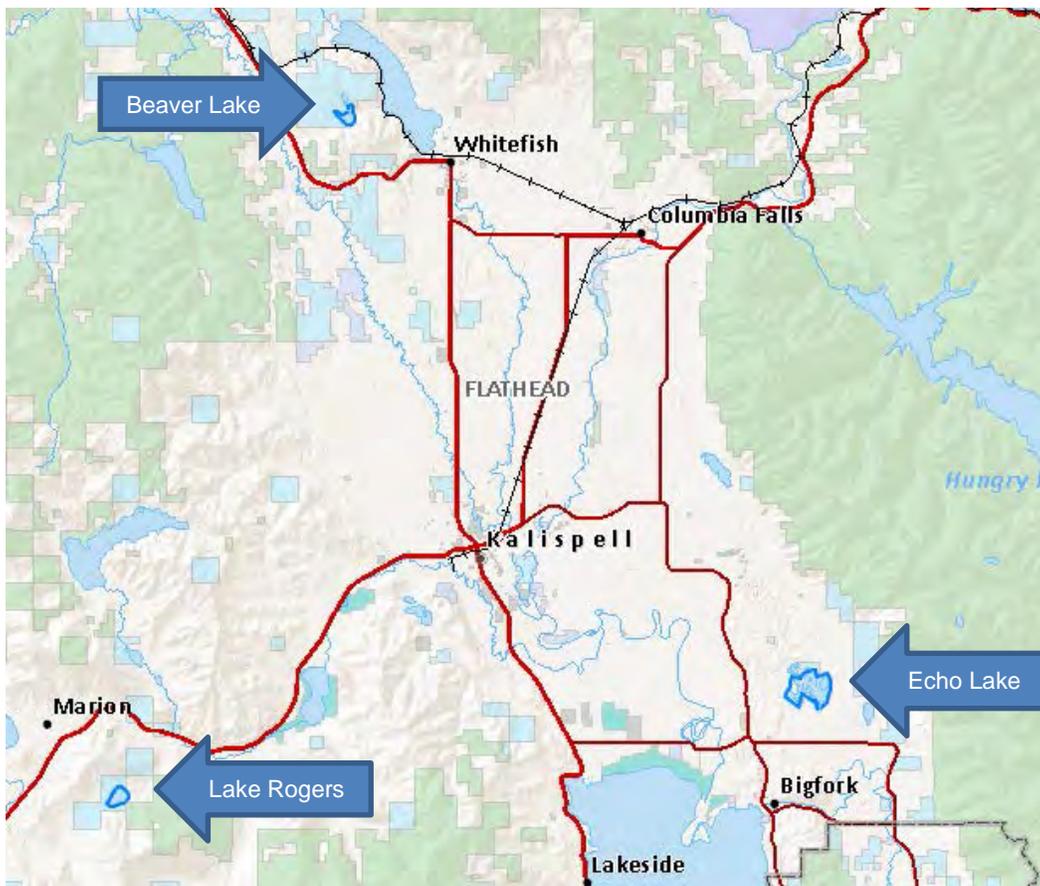
## **Missoula County Sale Location Map**



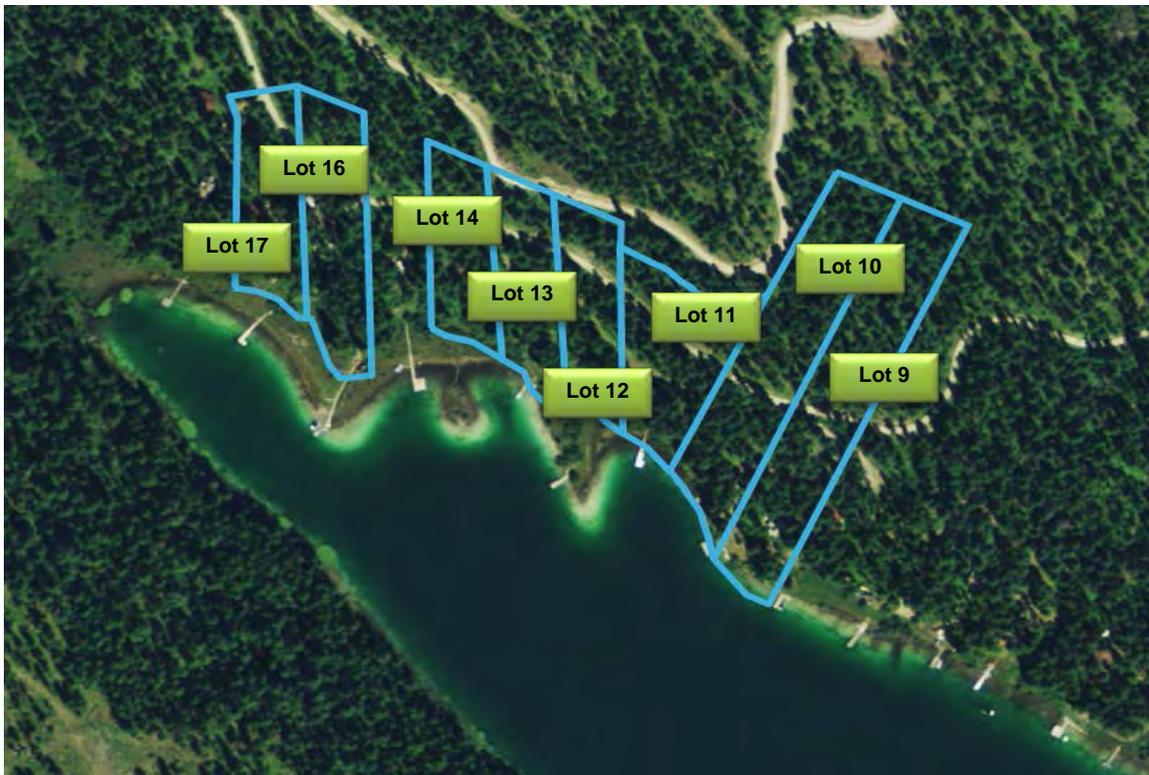
### Six Mile



## Flathead County Sale Location Map

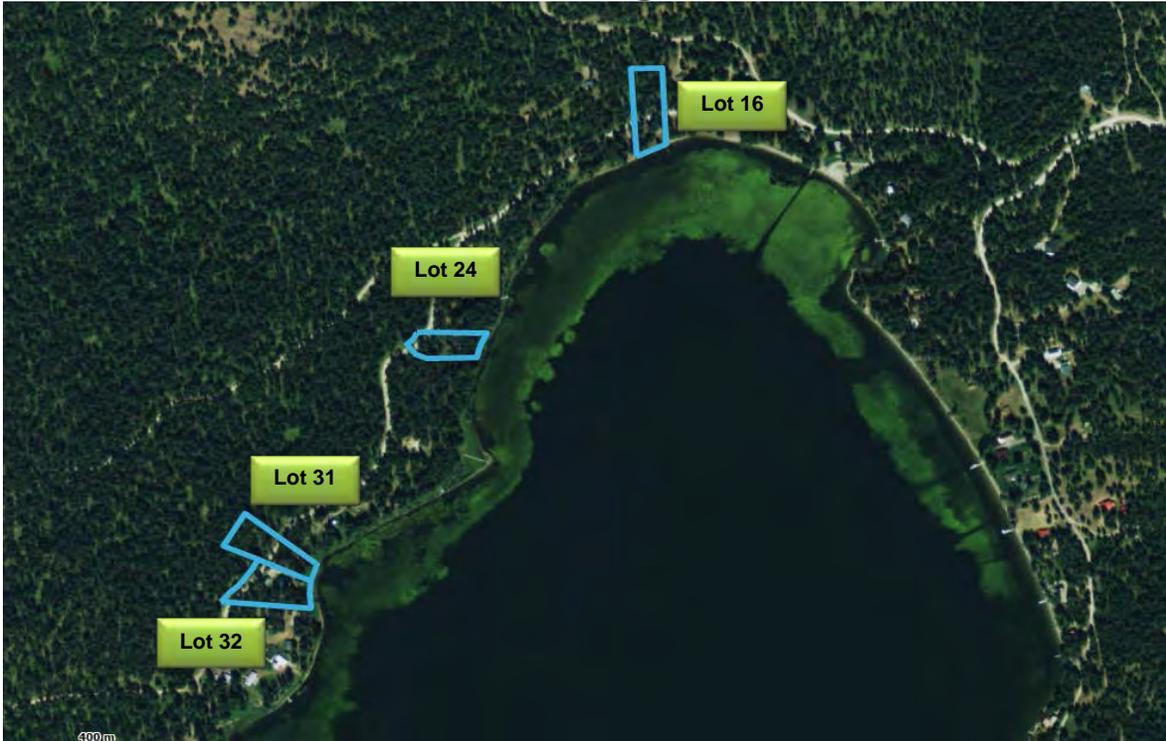


### Beaver Lake



# Lake Rogers

715-4



# Echo Lake



# 715-5

## SALE OF CABIN AND HOME SITES: SET MINIMUM BID FOR SALE

Flathead County

- A. Sales 761 and 762 – Echo Lake
- B. Sales 763 and 764 – Beaver Lake

**715-5A Sale of Cabin and Home Site: Set Minimum Bid for Sale – Sales 761 & 762**

**Location: Flathead County**

**Trust Benefits: Montana Tech**

**Trust Revenue: \$ 870,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on two cabin sites nominated for sale in Flathead County. These sales were nominated by DNRC and are located approximately 13 miles southeast of Kalispell, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
761	3.462	Lot 44, Echo Lake, Section 5, T27N-R19W	DNRC	Montana Tech
762	2.977	Lot 45, Echo Lake, Section 5, T27N-R19W	DNRC	Montana Tech

The parcels are not currently leased and do not produce any income for the trust beneficiary.

The parcels will be sold with the existing access that DNRC can convey.

**Economic Analysis:**

Short term – The average rate of return on the sale parcels is 0percent. These parcels would continue to receive this return if they remain in state ownership.

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through the department’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.35percent on acquisitions with income generated from annual lease payments.

**Cultural/Paleontological Resources:**

A Class I level of cultural resource inventory was conducted for the proposed sale. These sales will have no effect on state owned heritage properties.

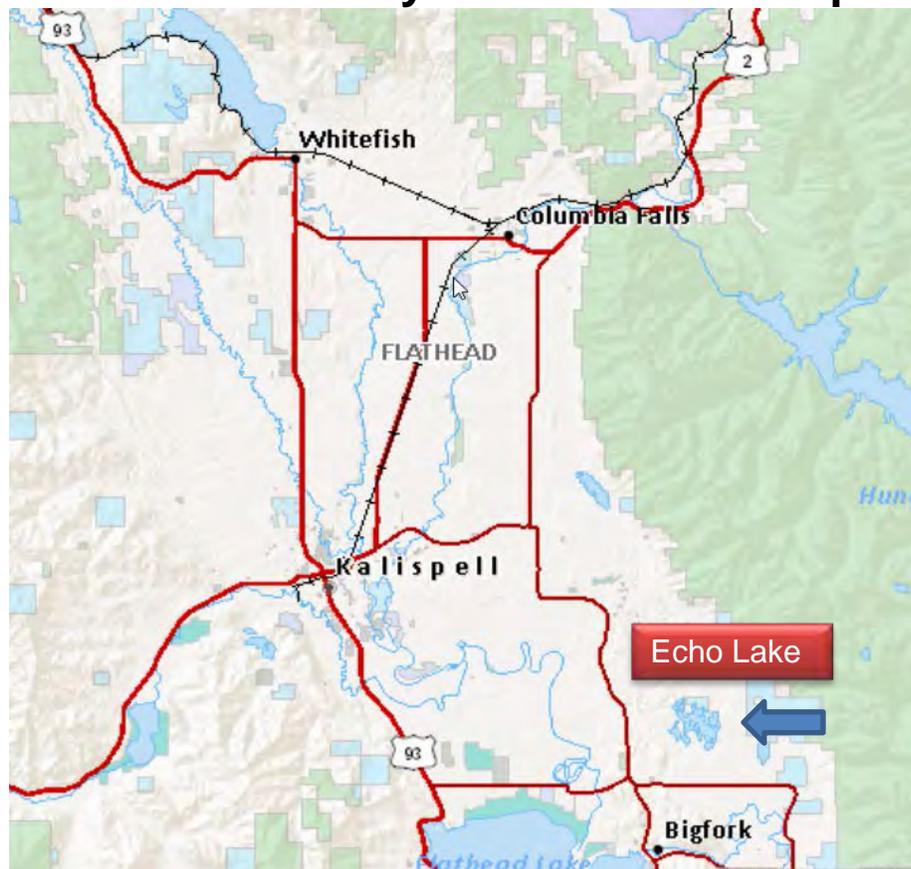
**Appraised Values of land and improvements:**

Sale #	Appraised Value of Land	Appraised Value of Improvements
761	\$420,000	Unimproved
762	\$450,000	Unimproved

**DNRC Recommendation**

The director recommends that the Board set the minimum bid for the cabin site lots at the appraised values.

# Flathead County Sale Location Map



**Sale #761 & 762**  
Lots 44 & 45, Echo Lake, Section 5, T27N-R19W



**715-5B Sale of Cabin and Home Site: Set Minimum Bid for Sale – Sales 763 & 764**

**Location: Flathead County**

**Trust Benefits: Montana Tech**

**Trust Revenue: \$ 356,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on two cabin sites nominated for sale in Flathead County. Sale 763 was nominated by the lessee and sale 764 was nominated by DNRC. These lots are located approximately 4.5 miles northwest of Whitefish, Montana.

<b>Sale #</b>	<b># of Acres</b>	<b>Legal</b>	<b>Nominator</b>	<b>Trust</b>
763	1.914	Lot 6, Beaver Lake, Section 20, T31N-R22W	Brian & Tracy Stoutjesdyk	Montana Tech
764	2.238	Lot 5, Beaver Lake, Section 20, T31N-R22W	DNRC	Montana Tech

Lot 6 is currently leased as a cabin site and produces an average income for residential leases statewide. Lot 5 is not currently leased and does not produce any income for the trust beneficiary.

The parcels will be sold with the access that is currently provided under the lease agreement and can be conveyed by DNRC.

**Economic Analysis:**

Short term – The average rate of return on sale parcel 763 is 3.85percent. The average rate of return on sale parcel 764 is 0percent. The sale parcels would continue to receive these returns if they remain in state ownership.

Long term – The funds from the sale of these parcels would be combined with other sale funds to purchase replacement lands through the department’s Land Banking program. Lands purchased are required to have an equal or greater rate of return than the combined lands that generated the sale funds used for the purchase. To date, the average annual rate of return on acquisitions has been 2.35percent on acquisitions with income generated from annual lease payments.

**Cultural/Paleontological Resources:**

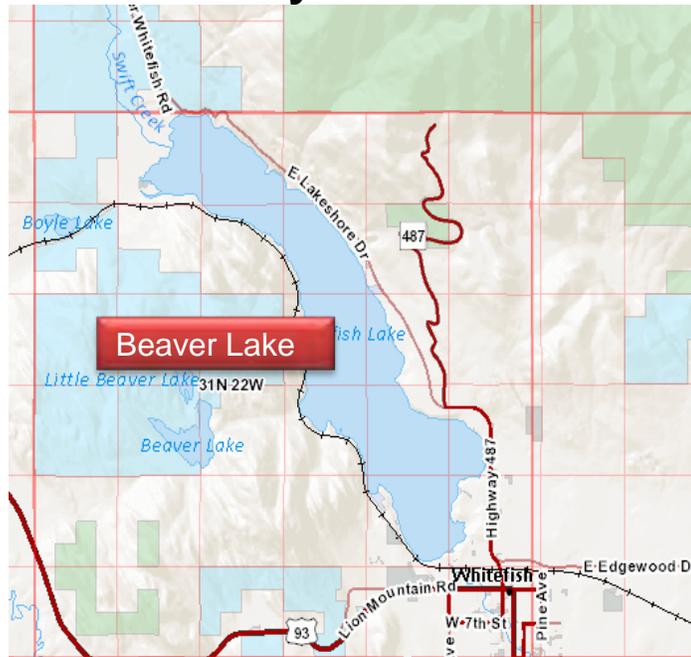
A Class I level of cultural resource inventory was conducted for the proposed sales. Home sites typically contain numerous structures and the ground surfaces within most home sites have been variously disturbed over the course of many years of occupation and development. These sales will have no effect to state owned heritage properties.

Sale #	Appraised Value of Land	Appraised Value of Improvements
763	\$176,000	\$39,000
764	\$180,000	\$5,000

**DNRC Recommendation**

The director recommends that the Land Board set the minimum bid for the cabin site lots at the appraised values and the maximum values of compensation for the improvements shown above.

**Flathead County Sale Location Map**



**Sale #763 & 764**

Lots 5 & 6, Echo Lake, Section 20, T31N-R22W



# 715-6

PROPOSED CONSENT DECREE:

Salmond Ranch Company, Inc.

**Land Board Agenda Item  
July 20, 2015**

**715-6** **Proposed Consent Decree in Salmond Ranch Company, Inc., v. All Known Persons, et al., Cause No. DV-12-45, Montana Ninth Judiciary District Court, in Teton County**

**Location: Teton County**

**Trust Benefits: Common Public Schools and Capitol Building**

**Trust Rights Gained: Acquisition of legal access to trust lands**

**Item Summary**

On October 10, 2012, Plaintiff, Salmond Ranch Company, Inc., brought suit in Salmond Ranch Company, Inc. v. All Known Persons, et al., Cause No. DV-12-45, Mont. Ninth Judic. Distr. Ct., in Teton County, seeking a judicial declaration that the Salmond Ranch Road as it runs across Sections 2, 3, 10, and 11 in Township 23 North, Range 8 West, MPM, in Teton County, is a private road. Teton County and Department of Natural Resources and Conservation (DNRC) made appearances as Defendants to assert public access interests in the road. Defendant, Counter-claimant, and Third-party Plaintiff, Randall Knowles asserted a personal adverse interest in the Salmond Ranch Road and filed Third-party claims against both Teton County and the State of Montana seeking monetary damages for breach of fiduciary duties. DNRC successfully moved the District Court to dismiss Knowles' Third-party party claims against the State of Montana.

All the parties engaged in extensive settlement negotiations, which sought to provide for public access and recreational hunting upon State trust lands in the Deep Creek drainage, while minimizing impacts to the productivity of on-going farm & ranch operations. This included on-site visits by all parties to select a new access route, and to select a location for an appropriate public parking area upon the adjacent State trust lands in Section 15. As a result, all the parties have agreed upon a reasonable compromise to resolve this public access dispute.

Salmond Ranch, Teton County, the Department of Natural Resources and Conservation ("Department"), and Randall Knowles have proposed to settle all issues between them in this case by requesting the Court to resolve all claims in the litigation, and approve a Consent Decree which would include the following conditions:

A 16-foot wide easement be issued by Salmond Ranch to the State of Montana which would provide access for all lawful purposes to State trust lands in Sections 4, 9, 10, 15, 16, 17, 20, 21, 22, and 28 in Township 23 North, Range 8 West, MPM, in Teton County, provided that:

- a) Public access be restricted to July 1<sup>st</sup> to December 31<sup>st</sup> of each year in order to: avoid damage to a pasture and hayfield existing on the private and State lands; and to provide for a period of wildlife security roughly consistent with management restrictions present on the nearby Ear Mountain Wildlife Management Area;

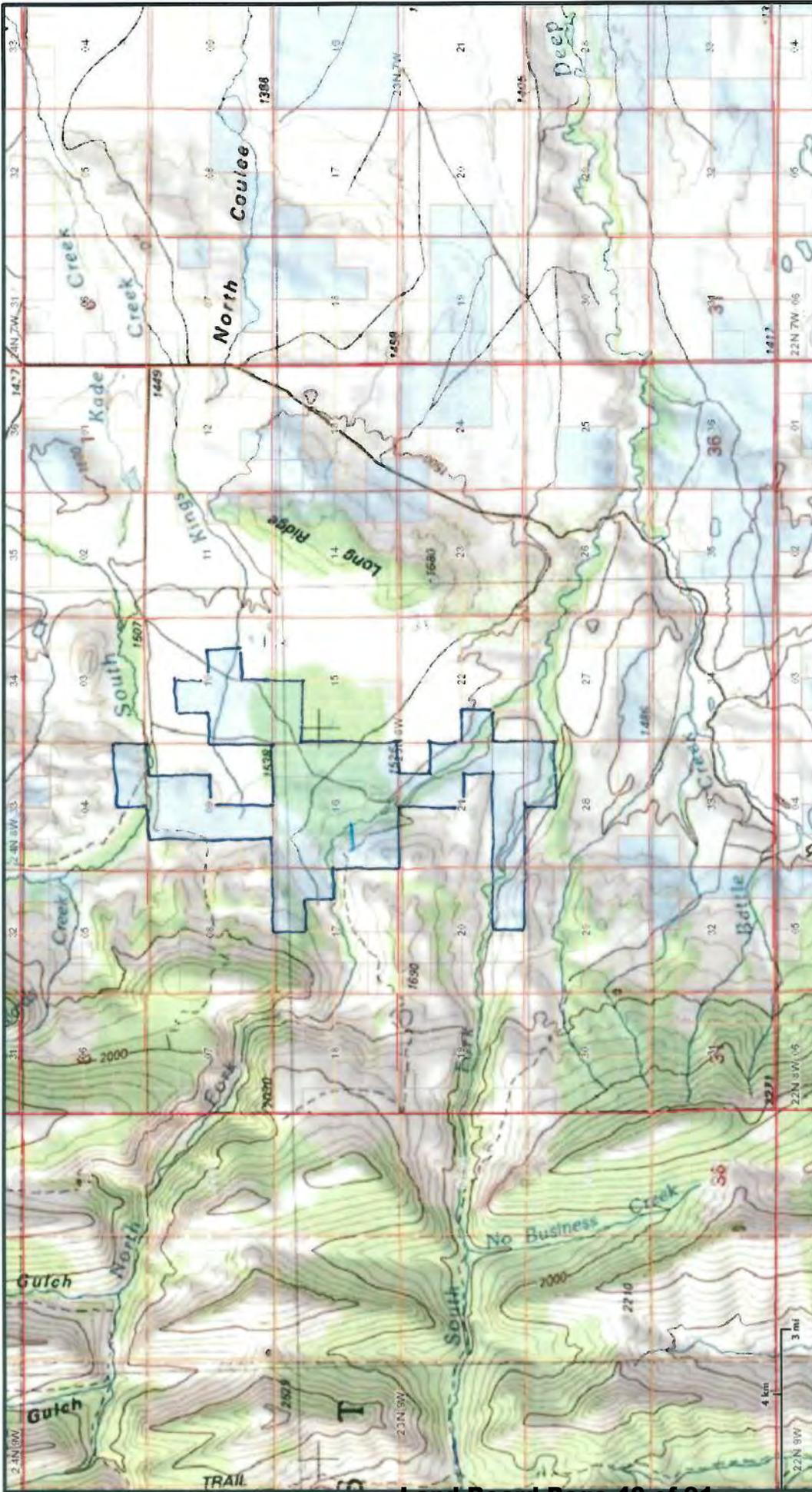
- b) Salmond Ranch would construct the new access road and a 200-foot by 200-foot parking lot area and the Department would reimburse Salmond Ranch up to \$15,000 for conducting this work;
- c) The Department would reimburse Teton County for weed control upon the Salmond Ranch lands adjacent to the new 30-foot public seasonal right-of-way; and would provide three culverts for installation to prevent any sedimentation by the new road as it crosses King Creek and two existing ditches; and,

A copy of the proposed Consent Decree and Easement are included with this item. Salmond Ranch, Teton County, and Randall Knowles have previously approved and executed this proposed Consent Decree.

In addition, the Montana Department of Natural Resources and Conservation would use its best efforts to review and process any application from the U.S. Forest Service or the Bureau of Land Management for a permanent public recreational easement for the access route to the public parking lot on Section 15, the public parking lot on Section 15 and non-motorized public trails to the federal lands. The Department will investigate opportunities for reciprocal access with these agencies and report back to the Board within a year.

**DNRC Recommendation**

The director recommends Land Board approval of the proposed Consent Decree and Easement to resolve this litigation and provide access to the affected state trust lands.

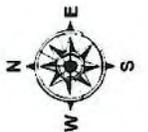


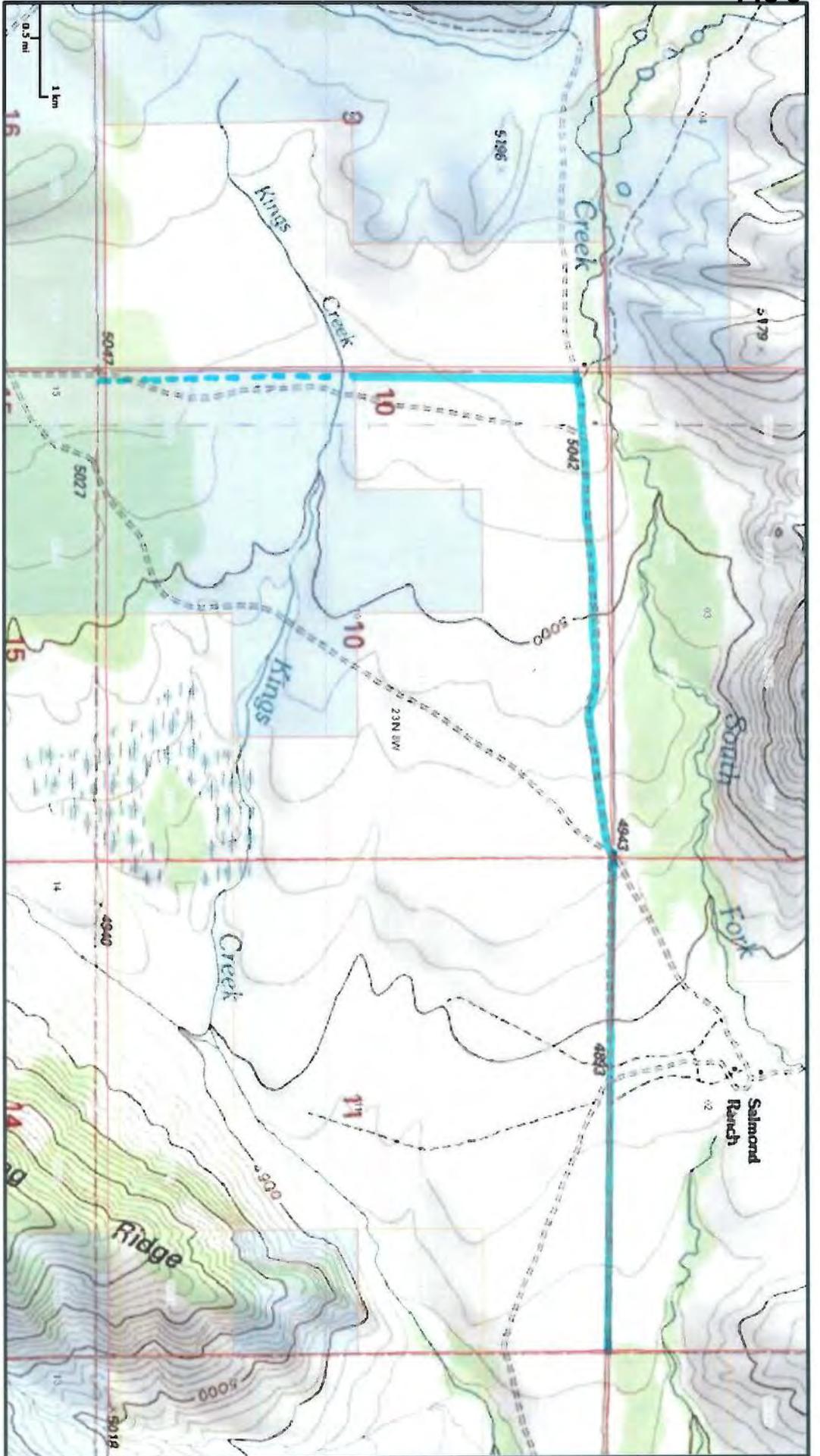
State Trust Lands colored light blue

# State Trust Lands contiguous to Section 15

[More Info Here](#)

Printed: May 07, 2015





# Easement Route

Exhibit "A"

Easement Color 

Printed: Nov 26, 2014

MONTANA NINTH JUDICIAL DISTRICT COURT, TETON COUNTY

\*\*\*\*\*

SALMOND RANCH COMPANY, INC. )

Plaintiff, )

-vs- )

ALL KNOWN PERSONS WHO ASSERT )  
OR WHO MIGHT ASSERT ANY CLAIM, )  
AND ALL OTHER PERSONS, )  
UNKNOWN, CLAIMING OR WHO )  
MIGHT CLAIM ANY RIGHT, TITLE, )  
ESTATE OR INTEREST IN OR LIEN )  
OR ENCUMBRANCE UPON THE REAL )  
PROPERTY DESCRIBED IN THE )  
COMPLAINT ADVERSE TO )  
PLAINTIFF'S OWNERSHIP, OR ANY )  
CLOUD UPON PLAINTIFF'S TITLE, )  
WHETHER THE CLAIM OR POSSIBLE )  
CLAIM IS PRESENT OR CONTINGENT, )

Defendants. )

RANDALL G. KNOWLES, Pro Se, )

Third Party Plaintiff )

-vs- )

TETON COUNTY, MONTANA and THE )  
STATE OF MONTANA, DEPARTMENT OF )  
NATURAL RESOURCES (DNRC) and THE )  
MONTANA STATE LAND BOARD )

Third Party Defendants. )

Cause No. DV-12-45

CONSENT DECREE

The Plaintiff, Salmond Ranch Co., Inc., the Defendant, State of Montana, Department of Natural Resources and Conservation and the State Board of Land Commissioners, and the Defendant, Teton County, through their under-signed counsel, and Defendant and Third-party Plaintiff, Randall G. Knowles, having fully and finally resolved all disputes between them in the above-captioned matter:

### **I. BACKGROUND**

**WHEREAS**, the above-captioned matter was brought by the Plaintiff, Salmond Ranch Company, a Montana Corporation, (hereinafter referred to as "Salmond Ranch") to quiet title to the area currently physically occupied by the Salmond Ranch Road as it may be located in Sections 2, 3, 10 and 11, in Township 23 North, Range 8 West, MPM, in Teton County, Montana.

**WHEREAS**, the Defendants, Montana Department of Natural Resources and Conservation and State Board of Land Commissioners (hereinafter referred to as "the State of Montana"), Teton County, and Defendant and Third-party Plaintiff, Randall G. Knowles, have asserted rights of access on behalf of an individual, the State institutional trust beneficiaries and the general public to utilize this disputed stretch of road to access State lands and other federal public lands.

**WHEREAS**, The Plaintiff, Salmond Ranch and the Defendants, State of Montana, Teton County, and Defendant and Third-party Plaintiff, Randall G. Knowles all desire to resolve title issues to the disputed road without the further adjudication of any issue of fact or law.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, that the ownership and use of the surface estate of the lands described in the Plaintiff's Complaint in Sections 2, 3, 10, and 11 in Township 23 North, Range 8 West, MPM, in Teton

County, Montana, as well as all other claims and issues in the above-captioned matter, are hereby resolved according to the terms and conditions of this **CONSENT DECREE**, including its attachments, as follows:

## **II. JURISDICTION**

1. The State of Montana, Teton County, and Randall G. Knowles hereby: admit service of a copy of the Summons and Complaint in this action; consent to the subject matter and personal jurisdiction of the State Court for the Ninth Judicial District sitting in Teton County, Montana; and further consent to the entry of judgment in accordance with the terms and provisions provided herein, provided that the terms and provisions of this Consent Decree are accepted by the Court as the basis for the entry of judgment herein at a hearing before a Judge of the State District Court.

## **III. PARTIES BOUND**

2. This Agreement shall be binding upon Salmond Ranch, the State of Montana, Teton County, Randall G. Knowles, and all known and unknown persons, claiming or who might claim any right, title, estate, or interest in or lien or encumbrance upon the surface estate of the real property described in the above-captioned matter adverse to the ownership of Salmond Ranch who have been constructively served by publication of Summons, and their successors and assigns. Any change in ownership or corporate or other legal status of either party, including but not limited to, any transfer of assets or real or personal property, shall in no way alter the party's responsibilities under this Agreement or the rights of the general public. Each signatory to this

Agreement certifies that he or she is authorized to enter into the terms and conditions of this Agreement and to bind legally the party represented by him or her.

**IV. RESOLUTION OF TITLE  
AND ROAD USE**

3. The surface estate of the disputed lands which are the subject of the above-captioned quiet title action is hereby agreed, and is hereby declared, to be solely owned by the Plaintiff, Salmond Ranch Company, subject to:

- 1) the non-exclusive road access and ditch rights held by Deep Creep Ranch & Management Company, LLC, pursuant to two July 30, 2003 Access and Utility Easements granted by Salmond Ranch Company to Deep Creek Ranch & Management Company, LLC (filed for record in Book 127 Deeds, Page 468, and Book 127 Deeds, Page 473, with the Teton County Clerk & Recorder on July 31, 2003); and
- 2) a non-exclusive Right of Way Deed from Salmond Ranch Company to the State of Montana, Board of Land Commissioners, in trust for common public schools and public buildings, a true and correct copy of which is attached hereto as Exhibit "C", and which is incorporated herein by reference; and,
- 3) the seasonally-restricted right of the general public to make use of the following described non-exclusive motorized road access right-of-way, limited from July 1<sup>st</sup> to December 31<sup>st</sup> of each year: such right-of-way as being 30 feet in width as identified in Exhibit "A" attached hereto and incorporated herein by reference, over and across the following-described servient tenement lands:

A 30 foot wide non-exclusive seasonal public right-of-way from July 1<sup>st</sup> to December 31<sup>st</sup> of each year upon and across the Salmond Ranch Road as it currently exists, beginning at a point on the southeast corner of Section 2 in Township 23 North, Range 8 West, MPM, in Teton County, Montana and running west along the southern boundaries of Sections 2, 3, and the northern boundaries of Sections 11 and 10 in the same Township, thence, leaving the Salmond Ranch Road and running south along the western boundary of Section 10 as close as is practical to the northwest corner the southwest quarter of Section 10, and thence to the public parking lot as it is designated in Exhibit "A" hereto and located in the north half of the northwest quarter of Section 15, in Township 23 North, Range 8 West, MPM, in Teton County, Montana. This seasonally-restricted public right-of-way may be gated by Salmond Ranch Company all year to allow for agricultural enterprises. Between, and including, January 1 to June 30 of any given year, Salmond Ranch Company may lock said gate. Public travel on the right of way outside the season of restricted public access, without permission of the Salmond Ranch Company, will constitute trespass to be prosecuted by Teton County authorities. Any additional road construction necessary to provide the above-described motorized access to the public parking lot, and the parking lot, in the north half of the northwest quarter of Section 15, Township 23 North, Range 8 West, MPM, shall be completed by Salmond Ranch Company within six months of the date this Consent Decree is entered. Teton County shall maintain the above-described seasonally-restricted motorized public access right-of-way, but not to strict County standards.

4. The Parties hereby recognize that under current land ownership patterns the foregoing seasonally-restricted motorized public access right-of-way to the public parking lot in the north half of the northwest quarter of Section 15, in Township 23 North, Range 8 West, MPM, described above in Exhibit "A" further provides the general public non-motorized recreational access from the public parking lot in Section 15 to adjoining and contiguous State trust lands pursuant to the provisions, conditions, and restrictions of the State of Montana's recreational access program, as described in Section 77-1-801, et seq., MCA and its administrative rules. Those adjoining and contiguous State trust lands are shown in blue in Exhibit "B", attached hereto and incorporated herein by reference, and consist of parcels of lands in Section 4, 9, 10, 15, 16, 17, 20, 21, 22, and 28 in Township 23 North, Range 8 West, MPM in Teton County.

5. Further, pursuant to the agreement of the parties hereto, the Court declares the easement conveyance granted by Frank Salmond on June 2, 1930, and filed with the Teton County Clerk and Recorder's office on June 3, 1930 at 4:00 PM as document No. 136166, to be of no further force or effect.

#### **V. COSTS, RELEASE, AND REPRESENTATIONS**

4. The parties shall bear their own costs and attorney's fees in the resolution of this dispute and the pursuit of the above-captioned cause of action to judgment;

5. Salmond Ranch, the State of Montana, Teton County, and Randall G. Knowles hereby release, acquit, and forever discharge each other, as well as their officers, agents, employees, and

representatives finally and completely, from any and all actions, causes of actions and claims arising out of or in any way related to the above-captioned litigation.

6. Salmond Ranch, the State of Montana, Teton County, and Randall G. Knowles individually warrant that their signatory executing this Settlement Agreement and Release has all necessary power to execute and deliver such a document; and that this Settlement Agreement and Release constitutes a valid, binding agreement, enforceable in accordance with its terms.

#### **VI. INTEGRATION/APPENDICES**

7. This Consent Decree and its appendix constitute the final, complete and exclusive agreement and understanding between the parties with respect to the settlement embodied in this Consent Decree. Salmond Ranch, Teton County, the State of Montana, and Randall G. Knowles all acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Decree. [The following appendix is attached to and incorporated into this Agreement: Exhibit "A" is a diagram showing the easement route granted to the State of Montana, Exhibit "B" is a diagram of the contiguous State trust lands, and Exhibit "C" is the easement document conveying a continuous right of access for the State of Montana to utilize its State trust lands to generate revenue for State trust beneficiaries.]

#### **VII. EFFECTIVE DATE**

10. The effective date of this Consent Decree shall be the date upon which the Court enters this Consent Decree, except as otherwise provided herein.

### **VIII. RETENTION OF JURISDICTION**

11. This Court retains jurisdiction over both the subject matter of this Consent Decree and the Parties for the duration of the performance of the terms and provisions of this Consent Decree for the purpose of enabling any of the Parties and the Public to apply to the Court at any time for such further order, direction, and relief as may be necessary or appropriate to effectuate or enforce compliance with its terms.

### **IX. IMPLEMENTATION**

12. Nothing in this Decree shall be deemed to alter the Court's power to enforce or supervise the implementation of this Consent Decree upon the motion of a Party.

### **X. VALIDITY**

13. If for any reason the Court should decline to enter this Consent Decree in the form presented, this agreement is void and the terms of the agreement may not be used as evidence in any litigation between the Parties.

DATED and ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2015.

---

John W. Larson  
DISTRICT JUDGE



DATED: \_\_\_\_\_

**THE STATE OF MONTANA, DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION, AND  
THE STATE BOARD OF LAND COMMISSIONERS**

BY: \_\_\_\_\_

Tommy H. Butler  
Special Assistant Attorney General  
DNRC

STATE OF MONTANA     )  
  : ss.  
County of Lewis and Clark    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by TOMMY H. BUTLER, Special Assistant Attorney General representing and on behalf of the State of Montana, Department of Natural Resources and Conservation and the State Board of Land Commissioners.

(SEAL)

\_\_\_\_\_  
Printed or typed name:  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

DATED: \_\_\_\_\_

**TETON COUNTY**

BY: \_\_\_\_\_

Joe Coble  
Teton County Attorney

STATE OF MONTANA     )  
                                  : ss.  
County of Teton         )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2015, by JOE COBLE, the Teton County Attorney representing and on behalf of Teton County, Montana.

(SEAL)

\_\_\_\_\_  
Printed or typed name:  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

DATED: \_\_\_\_\_

**SALMOND RANCH COMPANY**

BY: \_\_\_\_\_

Justin B. Lee  
Attorney for Salmond Ranch Company

STATE OF MONTANA )

: ss.

County of Teton )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2015, by Justin Lee, the Attorney representing and on behalf of SALMOND RANCH COMPANY.

\_\_\_\_\_  
Printed or typed name:  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

(SEAL)

# RIGHT OF WAY DEED



**Salmond Ranch Company, a Montana Corporation, whose address is P.O. Box 1327, Choteau, MT 59422-1327 (hereinafter referred to as "Grantor")**, in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants to **the State of Montana, Board of Land Commissioners, in trust for common public schools, as provided in Article X, Section 2 of the 1972 Montana Constitution and the public buildings trust, as provided in Section 12 of the Montana Enabling Act approved February 22, 1889 (25 Stat. 676), whose address is PO Box 201601, Helena, MT 59620 (hereinafter referred to as "Grantee")** and its successors and assigns, a right of way for a perpetual, non-exclusive motorized road access easement for all lawful purposes over and across the following-described servient tenement lands :

Township 23 North, Range 8 West, MPM, in Teton County, Montana

A 16 foot wide easement upon and across the Salmond Ranch Road as it currently exists, beginning at a point on the southeast corner of Section 2 and running west along the southern boundaries of Sections 2, 3, and the northern boundaries of Sections 11 and 10, thence, leaving the Salmond Ranch Road and running south along the western boundary of Section 10 to the northwest corner the southwest quarter of Section 10: said easement being 8 feet on each side of the centerline as shown on Exhibit "A", attached hereto and made a part hereof, containing 12,962 linear feet and covering 4.76 acres of land.

Said easement shall be 16 feet wide, 8 feet on each side of the centerline, with such additional width as required for accommodation and protection of cuts and fills, and shall be appurtenant to the Grantee's dominant tenement State school trust lands in Sections 4, 9, 16, 17, 20, 21, 22, and 28 in Township 23 North, Range 8 West, MPM, in Teton County, Montana and the Grantee's dominant tenement public building trust lands in Sections 4, 10, 15, and 21 in Township 23 North, Range 8 West, MPM, in Teton County, Montana. Any additional width for road use must be approved by the Grantor. If the road is located substantially as described herein, the centerline of said road as constructed is hereby deemed accepted by Grantor and Grantee as the true centerline of the easement granted.

**The above-described grant of this easement is subject to the following conditions and limitations:**

- 1) **The State assumes the sole duty for noxious weed control.** The Grantee shall be solely responsible for controlling noxious weeds introduced by Grantee's use of the premises, including public use of the premises allowed by the Grantee. This includes the duty to control noxious weeds within and immediately adjacent to and spreading from the above-

described easement, and the Grantee shall contract with Teton County to provide for such weed control.

- 2) **No interference with Grantor's right of access or use of adjacent lands.** The Grantor reserves the right of ingress and egress over, under and across the easement route for all lawful purposes. This right-of-way deed is granted under the express condition that the Grantee's exercise of the rights herein granted shall not interfere with the Grantor's use of the adjacent land. Grantee shall not interfere with the Grantor and its successors, assigns, lessees or other parties authorized to use the Grantor's lands, in their right at all times to go upon, cross and recross the land covered by said right-of-way and any road or trail thereon, at any point, for any and all purposes in a manner that will not unreasonably interfere with the rights granted to the Grantee. All travel shall be confined to the road now established and all existing private gates shall be closed by road users when exercising the right of ingress or egress across the above-described lands. All gates shall be constructed so as not to interfere unreasonably with the Grantee's right of passage or Grantor's operations.
- 3) **Season of use.** Public travel on the above described road access easement shall be restricted to July 1 through December 31 of each year, except that the State of Montana and its lessees and assigns shall have year round access for all lawful purposes to the dominant tenement trust lands owned by the State and accessed by said road (those State school trust and public building trust lands in Sections 4, 9, 10, 15, 16, 17, 20, 21, 22, and 28 in Township 23 North, Range 8 West, MPM, in Teton County, Montana). This right-of-way may be gated by Grantor all year to allow for agricultural enterprises. Between, and including, January 1 to June 30 of any given year, Grantor may lock said gate. Public travel on the right of way during the season of restricted public access, without permission of the Grantor, will constitute trespass to be prosecuted by Teton County authorities.
- 4) **Road maintenance.** The Grantor and Grantee recognize that Teton County shall maintain the above-described road access easement but not to strict County standards. Grantee shall have the right, but not the duty, to use, maintain, and repair the road running through the Grantor's servient tenement lands. Within six months of the grant of this easement, Grantor shall construct the above-described road as outlined in Paragraph 5 below.
- 5) **Road and Parking Lot Construction.** The above-described road shall be constructed to extend southward across State lands in Section 10 Township 23 North, Range 8 West, MPM, to the designated public parking area in the northwest corner of Section 15, Township 23 North, Range 8 West, MPM. The State of Montana shall designate a public parking area on the State lands in the northwest corner of Section 15, in Township 23 North, Range 8 West, MPM, of suitable size to allow vehicles hauling horse trailers to turn around. This parking area shall be fenced and gated in order to separate any horses utilized by recreationists on these State lands from the livestock of the grazing lessee on these State lands. Upon completion of the road and parking lot construction by the Grantor, the State of Montana agrees to pay the Salmond Ranch Company for Salmond's reasonable construction costs of the easement access road and parking area (up to

\$15,000.00). Further the State agrees to provide three culverts of sufficient length and size to carry irrigation and spring waters underneath said road.

**GRANTOR, SALMOND RANCH COMPANY.**

By: \_\_\_\_\_  
**Mark F. Salmond, President**

Date: \_\_\_\_\_, 2015

STATE OF MONTANA     )  
  : ss.  
County of Teton         )

This instrument was signed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Mark F. Salmond as President of the Salmond Ranch Company, Inc., on behalf of whom it was executed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Notary Public for the State of Montana

(NOTARIAL SEAL) Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_, 20\_\_\_\_



# 715-7

## Easements:

- A. DNRC Easements
- B. Non-Trust Easement: Department of Corrections Highway Easement

**Land Board Agenda Item  
July 20, 2015**

**715-7A Easements**

**Location: Blaine, Carbon, Hill, Jefferson, Missoula, Roosevelt, Teton, Yellowstone**

**Trust Benefits: Acquired Land – Public Schools (Potomac), Common Schools, Deaf & Blind, Public Land**

**Trust Revenue: Acquired Land –Public Schools (Potomac) = \$12,755.00  
Common Schools = \$212,917.00  
Deaf & Blind = \$455.00  
Public Land = \$400.00**

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
Laurel Municipal Airport Authority	New Airport Runway	Permanent	1-2
City of Laurel	New Water Treatment Intake	Permanent	3-4
Hee Hong	Historic Private Access Road	Permanent	5-6
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ONEOK Rockies Midstream, LLC	New Buried Gas Pipeline	30-Year	9-10
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Blaine County	Historic County Road	Permanent	15-27

# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Laurel Municipal Airport Authority PO Box 242 Laurel MT 59044
Application No.:	16889
R/W Purpose:	the operation of airport activities
Lessee Agreement:	ok
Acreage:	86.29
Compensation:	\$155,322.00
Legal Description:	tracts of land in E2NW4, NW4NE4, S2NE4, SE4, Sec. 33, Twp. 1S, Rge. 24E, Yellowstone County
Trust Beneficiary:	Common Schools

### Item Summary

Laurel Municipal Airport Authority currently holds several easements for airport purposes on State Section 33. This new application is to construct an additional runway for aircraft use in the event of high crosswinds. The purpose and need of the proposed application is to enhance the utility and safety of Laurel Municipal Airport to accommodate current and projected levels of aviation activity by the design aircraft family. The need for this action is to meet FAA design standards for wind coverage and ensure compatible land use in both the existing and proposed RPZs (Runway Protection Zones) for the runways. The proposed runway path was chosen from four alternatives that were identified as feasible option for the location of the crosswind runway. The FAA agreed that this route was the best path for the proposed crosswind runway. Pursuant to *Sage Grouse Executive Order No. 10-2014*, special stipulations will be placed in the easement document to address mitigation measures for future activities, such as restrictions related to construction time periods for reconstruction or repair.

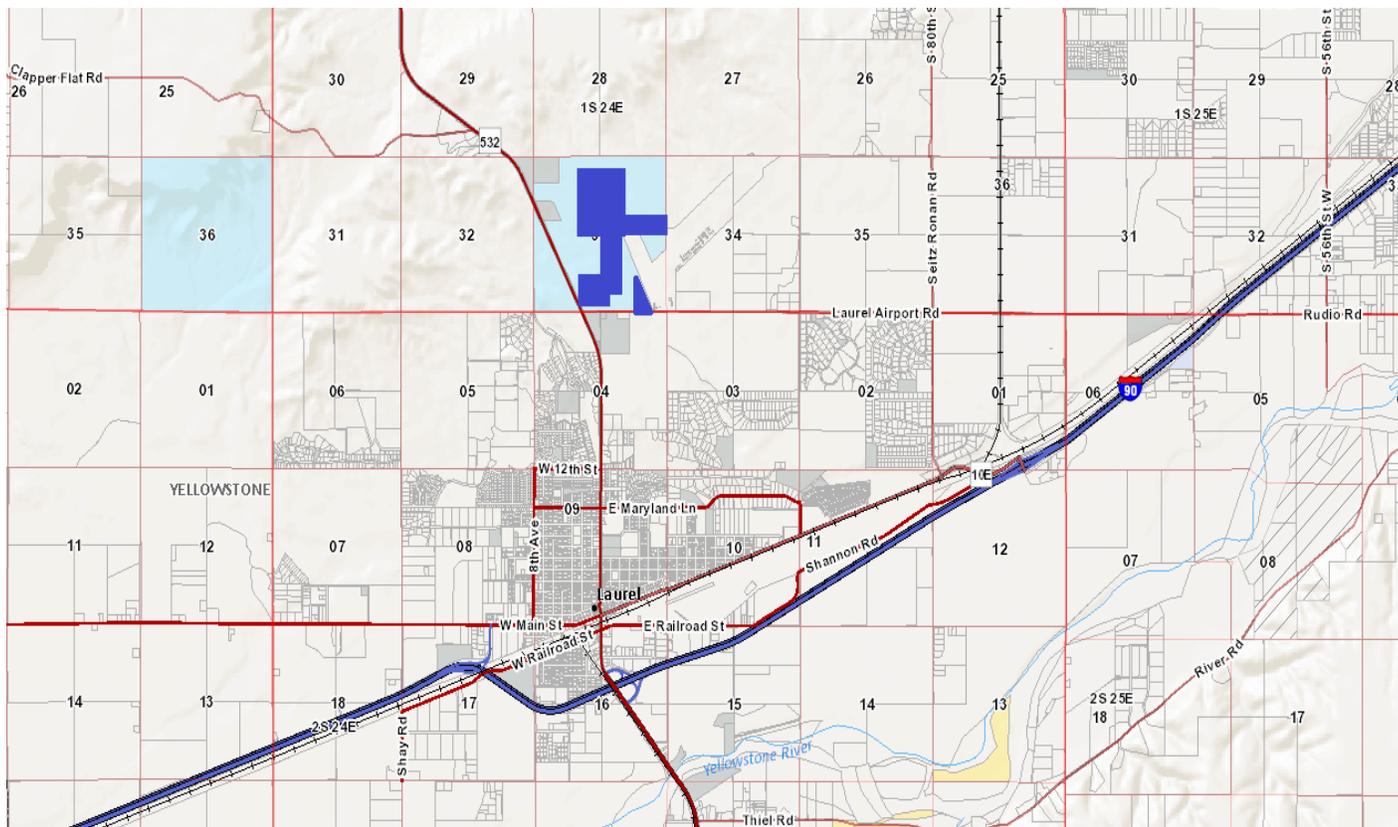
### Department Recommendation

The director recommends approval of a permanent easement for airport purposes.

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# Rights of Way Applications

July 20, 2015



## Rights of Way Applications

July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	City of Laurel PO Box 10 Laurel MT 59044
Application No.:	17007
R/W Purpose:	a water treatment plant intake structure, two 30" water transmission lines, one hot water line and one air burst line across the Yellowstone River
Lessee Agreement:	ok
Acreage:	0.6
Compensation:	\$400.00
Legal Description:	100-foot strip across the Yellowstone River through SW4, Sec. 29; SE4, Sec. 30, Twp. 2S, Rge. 24E, Yellowstone & Carbon Counties
Trust Beneficiary:	Public Land

### Item Summary

The City of Laurel is requesting an easement in the Yellowstone River for the installation of a new municipal raw water intake structure and water lines. The 2011 flood event caused the Yellowstone River to migrate to the south and scour the existing municipal intake structure. As a result, the city experiences severe water intake issues, especially during periods of low water flow. In response the city undertook emergency actions which included constructing a weir and removing sediment built up under the Highway 212 bridge as well as the railroad bridge to improve water flow to the existing structure. This action facilitated a short-term solution and the city has been seeking a more permanent solution over the past few years. The proposal to locate the new intake structure approximately 2.7 miles downstream of the existing intake has been determined to be the best solution as this location in the river has the lowest likelihood of migration and scour issues. The city has an existing easement for the current facility and will maintain both intake structures to ensure a steady water supply.

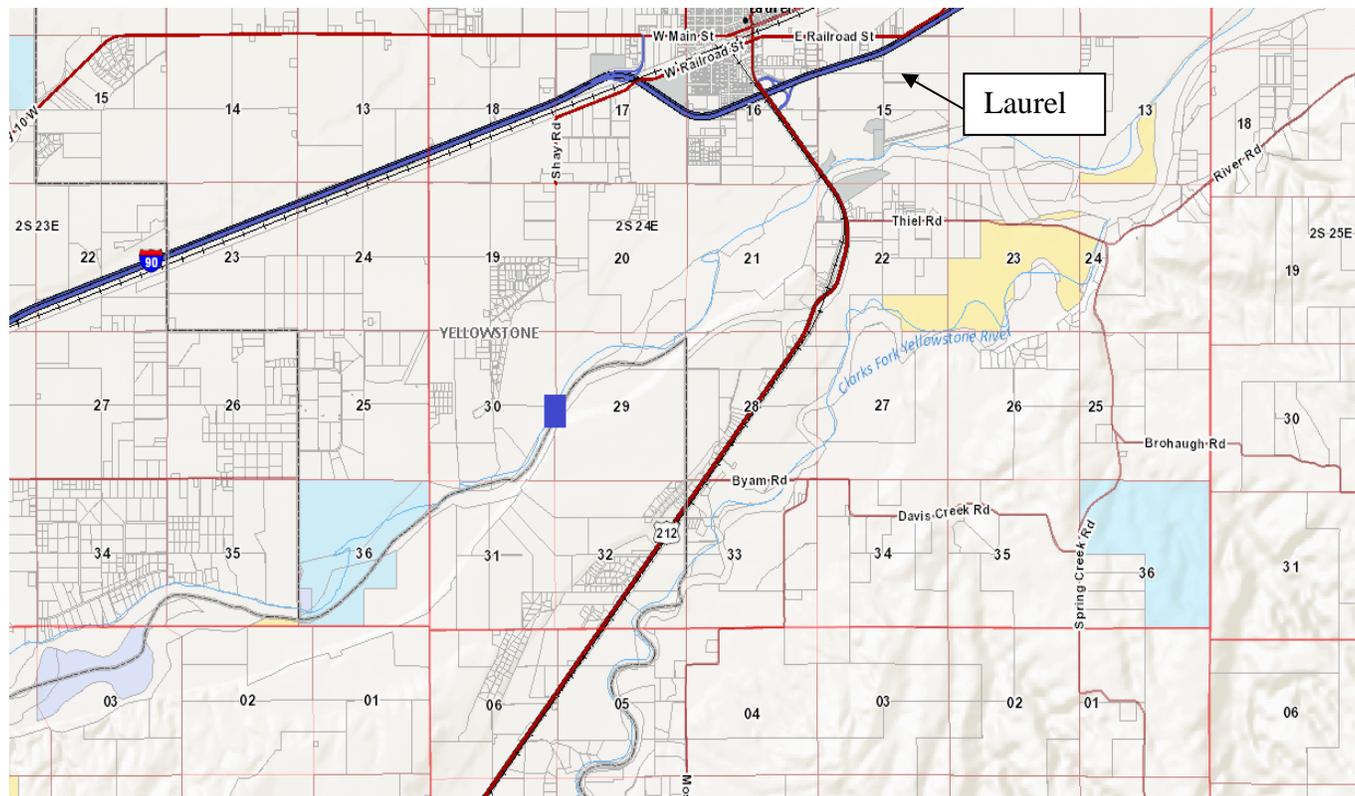
### Department Recommendation

The director recommends approval of this water intake structure request.

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# Rights of Way Applications

July 20, 2015



# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Hee Hong 15325 41st Place N Plymouth MN 55446
Application No.:	17008
R/W Purpose:	a private access road to a single family residence and associated outbuildings
Lessee Agreement:	N/A (Historic)
Acreage:	0.13
Compensation:	\$455.00
Legal Description:	30-foot strip through NW4SW4, Sec. 32, Twp. 2N, Rge. 4W, Jefferson County
Trust Beneficiary:	Deaf & Blind

### Item Summary

Applicant is requesting approval for the use of an existing road to access their private lands for the purpose of access to a single family residence and associated outbuildings. The road has been in place for years and authorization for continued use is being requested pursuant to §77-1-130, MCA, which allows for recognition of such historic access. The private property to be accessed is described as being the NE4NW4SW4 of Section 32, Township 2N, Range 4W.

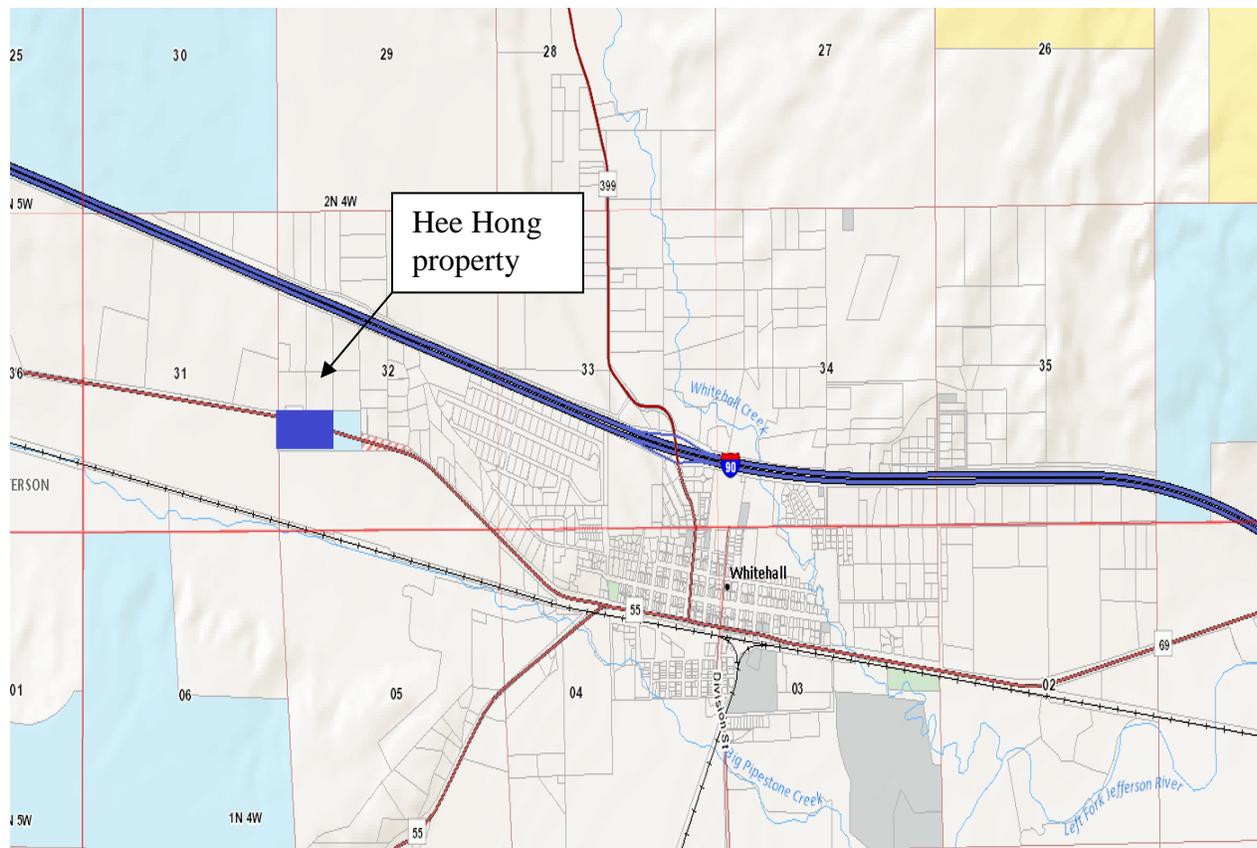
### Department Recommendation

The director recommends approval of this historic private access road.

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# Rights of Way Applications

July 20, 2015



## Rights of Way Applications

July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Chippewa Cree Tribe c/o Tom Montgomery, 242 Montsen Lane Lewistown MT 59457
Application No.:	17009
R/W Purpose:	a 36" buried steel transmission water line
Lessee Agreement:	ok
Acreage:	12.12
Compensation:	\$9696.00
Legal Description:	100-foot strip through N2N2, Sec. 36, Twp. 30N, Rge. 10E, Hill County
Trust Beneficiary:	Common Schools

### Item Summary

The Chippewa Cree Tribe has made application for the installation of a 36" buried main water line. This line is part of the Rocky Boy's/North Central Montana Regional Water System Project. The proposed route along the south side of Box Elder Road was chosen to follow the existing road corridor which is the most economically feasible route to provide better access for construction as well as future maintenance. Department practice is to only allow a maximum 50-foot wide corridor for pipelines of a larger diameter. However, as mitigation for the requested 100-foot wide corridor the Tribe has agreed to provide a water turnout (tap) on the affected state trust land section. This mitigation measure will be a stipulation required within the easement document.

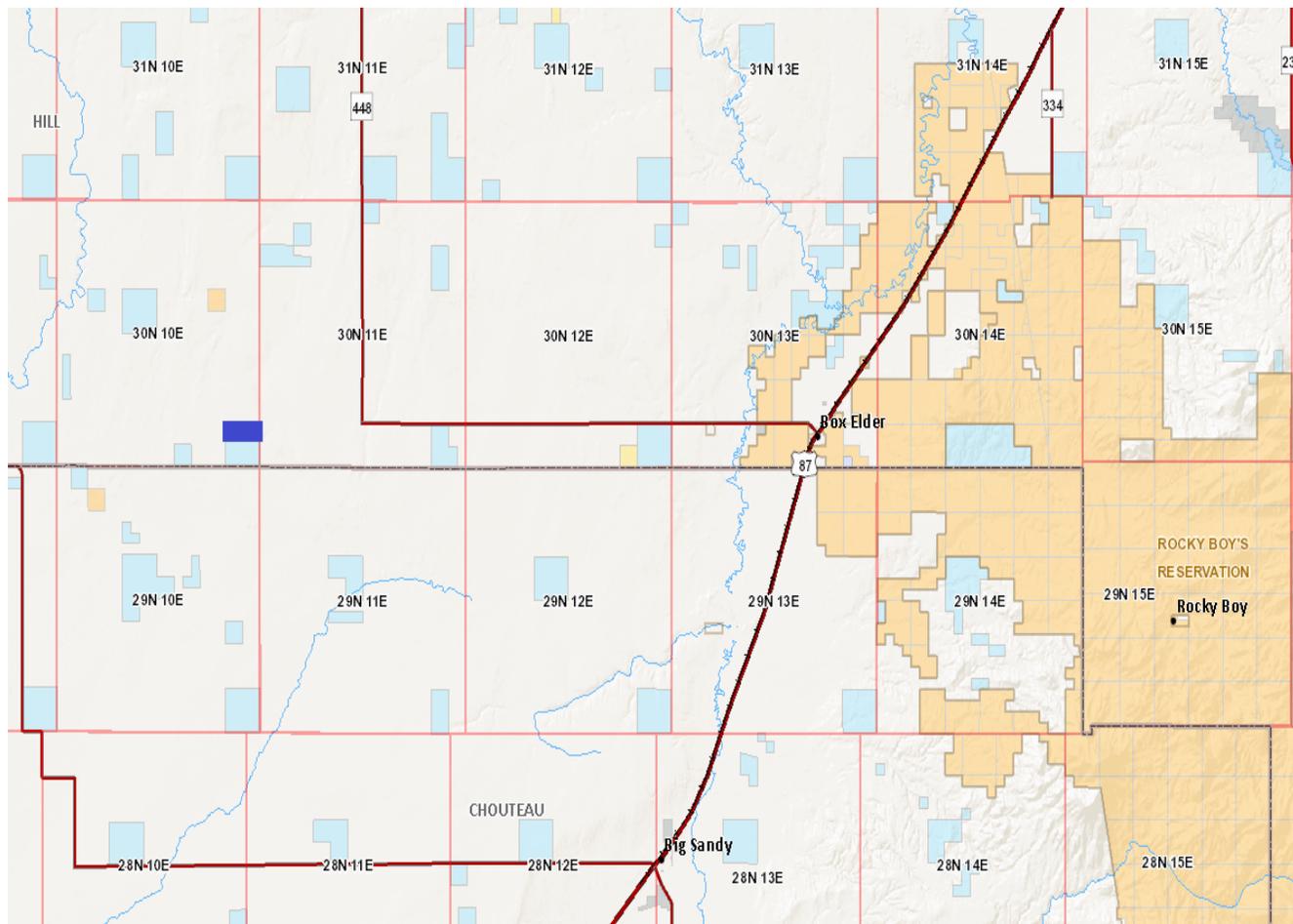
### Department Recommendation

The director recommends approval of this buried 36" water transmission line for a 100-foot wide corridor with the stipulation that a water turnout (tap) be provided upon the state trust land section.

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# Rights of Way Applications

July 20, 2015



# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	ONEOK Rockies Midstream, LLC 2700 Lincoln Ave SE Sidney MT 59270
Application No.:	17010
R/W Purpose:	a 4" & 6" buried poly pipeline for the purpose of transportation of hydrocarbons
Lessee Agreement:	ok
Acreage:	2.71
Compensation:	\$14,325.00
Legal Description:	20-foot strip through W2NE4, SE4NW4, E2SW4, SW4SW4, Sec. 16, Twp. 29N, Rge. 59E, Roosevelt County
Trust Beneficiary:	Common Schools

### Item Summary

ONEOK Rockies Midstream, LLC has made application for a 4" & 6" hydrocarbons pipeline. The pipeline was previously authorized to be installed through two Land Use Licenses in 2004 & 2005 and this application is to convert the Licenses to a 30-year term easement. ONEOK Rockies Midstream, LLC has agreed to compensation in the amount of \$40/rod which is consistent with other installations in the area

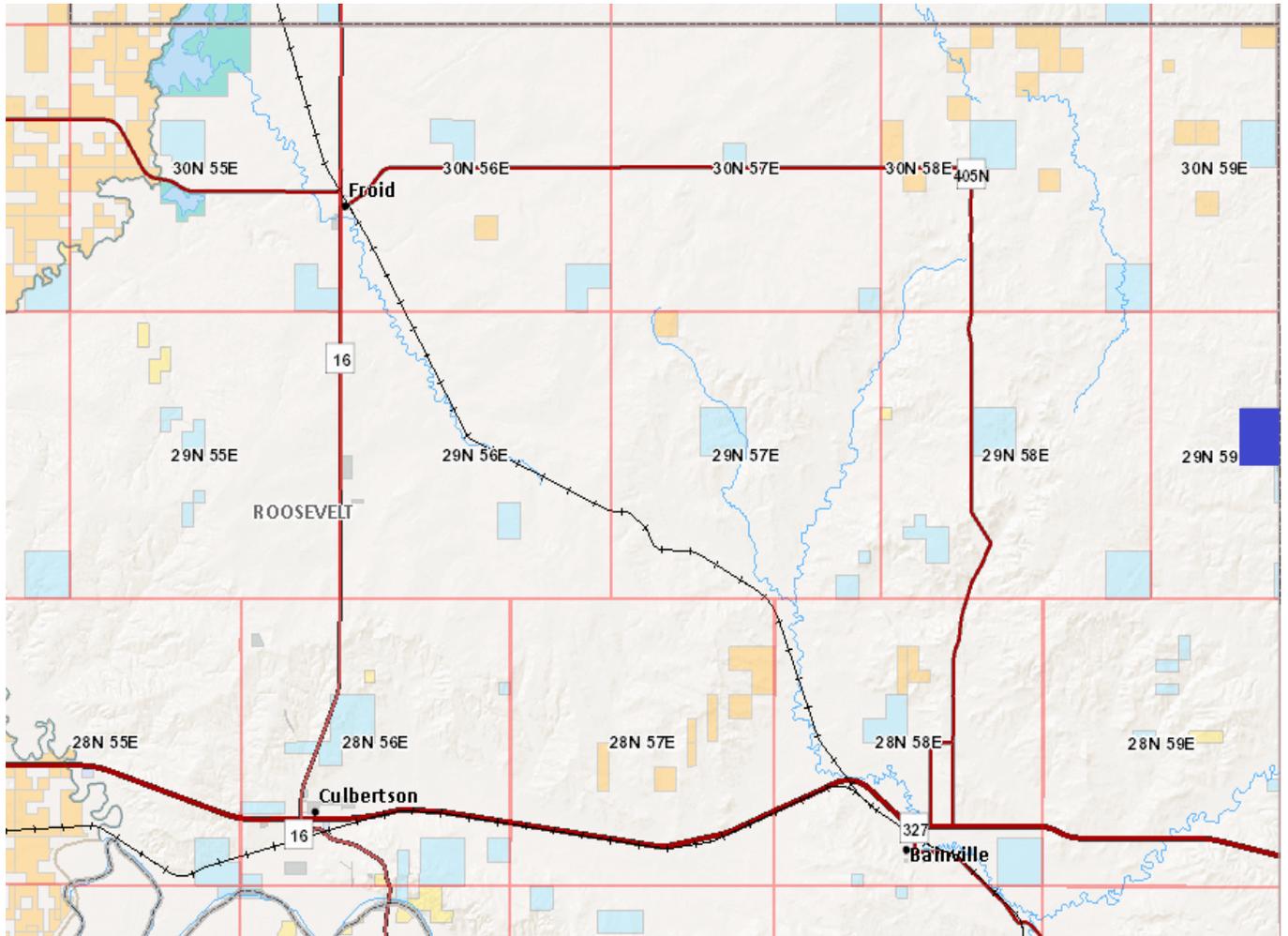
### Department Recommendation

The director recommends approval of this 30-year term easement for this hydrocarbons pipeline.

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# Rights of Way Applications

July 20, 2015



## Rights of Way Applications

July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Hugh F. Sheehy 27430 Blixit Cr. Road Bonner MT 59823
Application No.:	17011
R/W Purpose:	a private access road for the purpose of conducting normal farming and ranching operations and for timber management
Lessee Agreement:	needed
Acreage:	17.79
Compensation:	\$12,755.00
Legal Description:	30-foot strip through S2SE4, NW4SE4, N2SW4, Sec. 28; NE4SE4, SE4NE4, Sec. 29; E2NW4, W2NE4, E2NE4, NE4SE4, Sec. 33; N2SW4, NW4SE4, S2NE4, Sec. 34, Twp. 13N, Rge. 16W, Missoula County
Trust Beneficiary:	Acquired Land – Public Schools (Potomac)

### Item Summary

Hugh F. Sheehy has made application for a private access road for the purpose of conducting normal farming and ranching operations and for timber management. The proposed route is on an existing road and is the only route possible for the applicant to manage timber on his private property. Portions of this road were historically used to access Mr. Sheehy's private property and the remainder of the road has recently been constructed by the Department of Natural Resources and Conservation (DNRC). The private property to be accessed is described as being the SW4NW4, N2NW4SW4 of section 28 and the E2NE4NE4, E2SE4NE4, NE4NE4SE4 of Section 29, Township 13N, Range 16W.

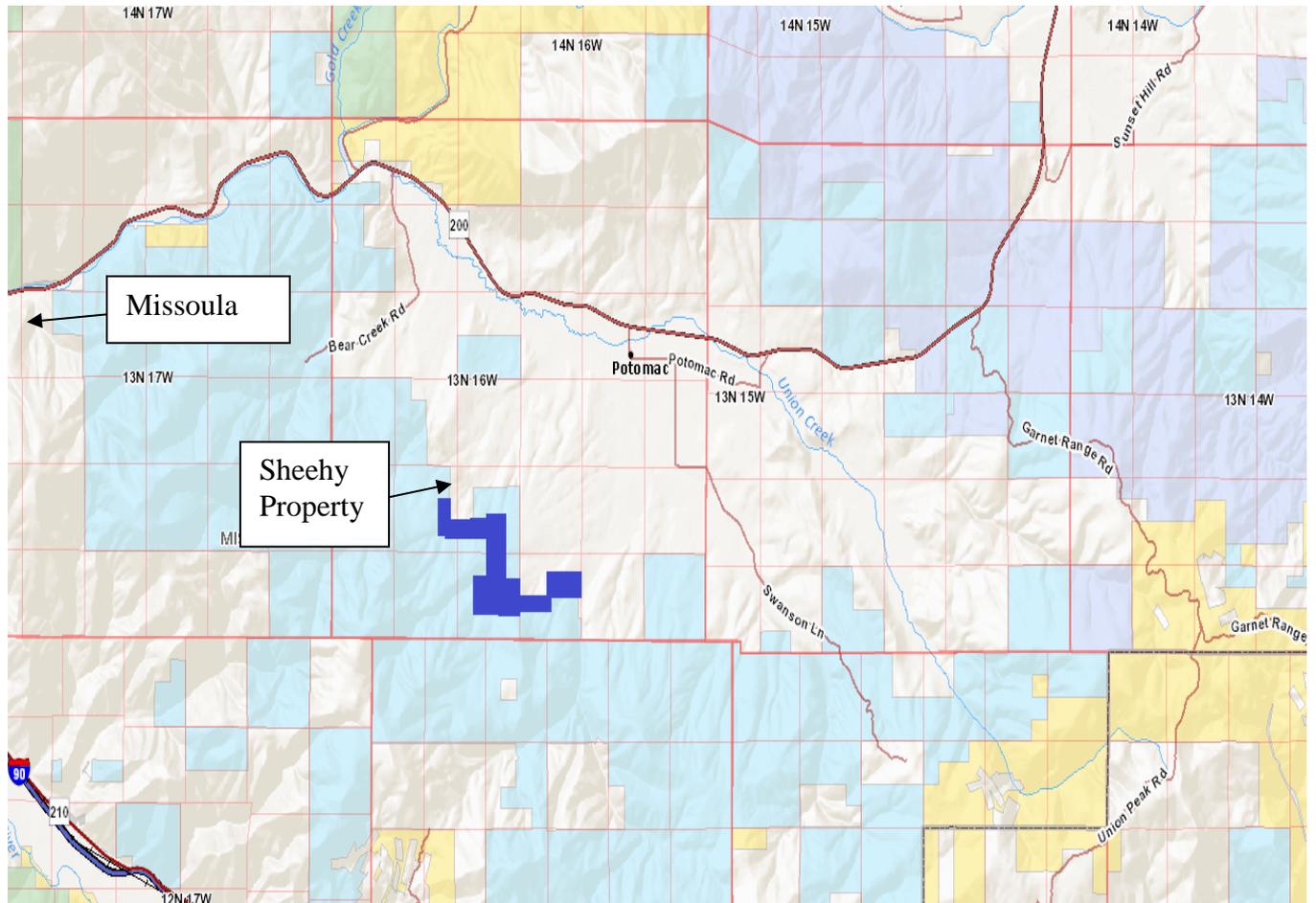
### Department Recommendation

The director recommends approval of this private access road.

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# Rights of Way Applications

July 20, 2015



## Rights of Way Applications

**July 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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#### ACKNOWLEDGMENT OF PRE-EXISTING EASEMENT

Applicant:	Salmond Ranch Company PO Box 1327 Choteau MT 59422
Application No.:	17013
R/W Purpose:	an irrigation ditch
Lessee Agreement:	N/A (Historic)
Acreage:	0.69
Compensation:	\$0
Legal Description:	a 20-foot strip through NE4SW4NE4, Sec. 21, Twp. 24N, Rge. 8W, Teton County
Trust Beneficiary:	Common Schools

#### Item Summary

Salmond Ranch Company has made application for a pre-existing easement for an irrigation ditch known as Little Deep Creek Irrigation Ditch. The water right claim associated with this diversion is 41O-181972 in which the priority date is May 31, 1901. The water right has been through the adjudication process and the priority date stands. The Department of Natural Resources and Conservation (DNRC) acquired its ownership of this section on December 13, 1907, therefor the ditch right and uses precedes the state's acquisition of this property. There is currently a Land Use License for the use of the ditch. This will be terminated upon approval of the pre-existing easement.

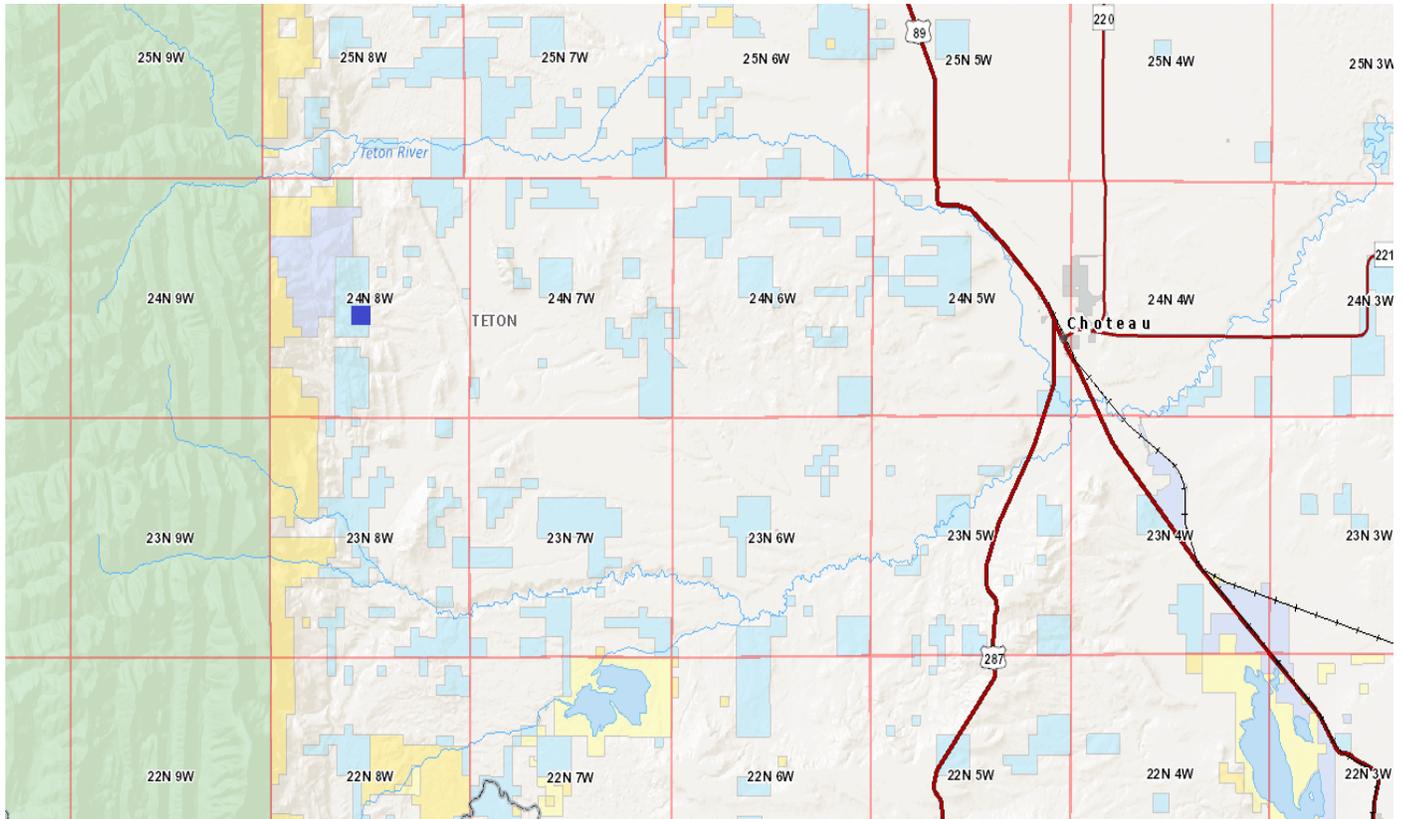
#### Department Recommendation

The director recommends approval for an acknowledgement of pre-existing easement for this irrigation ditch.

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# Rights of Way Applications

July 20, 2015



## Rights of Way Applications

**July 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

---

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17014
R/W Purpose:	a public county road known as Logie Road
Lessee Agreement:	N/A (Historic)
Acreage:	15.12
Compensation:	\$4890.00
Legal Description:	30-foot strip through E2NW4, NE4SW4, Sec. 15 & 60-foot strip through E2NW4, W2NE4, Sec. 3, Twp. 32N, Rge. 18E; 60-foot strip through E2SE4, Sec. 28; E2NE4, SE4SE4, Sec. 33, Twp. 33N, Rge. 18E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

Blaine County has made application for this county road that was constructed on state lands many years ago without proper authorization from the Land Board. Pursuant to §77-1-130, MCA, the County is requesting recognition of this road as a historic right of way.

### Department Recommendation

The director recommends approval of this historic right of way for Blaine County.

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## Rights of Way Applications

**July 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17015
R/W Purpose:	a public county road known as Lonesome Road
Lessee Agreement:	N/A (Historic)
Acreage:	5.02
Compensation:	\$1255.00
Legal Description:	30-foot strip through S2SW4, Sec. 13; S2SE4, Sec. 14; N2NW4, Sec. 24, Twp. 33N, Rge. 17E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17016
R/W Purpose:	a public county road known as Machinist Road
Lessee Agreement:	N/A (Historic)
Acreage:	2.17
Compensation:	\$1411.00
Legal Description:	30-foot strip through SE4SW4, S2SE4, Sec. 33, Twp. 33N, Rge. 18E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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## Rights of Way Applications

July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17017
R/W Purpose:	a public county road known as Miller Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.82
Compensation:	\$455.00
Legal Description:	30-foot strip through E2NE4, Sec. 36, Twp. 33N, Rge. 21E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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## Rights of Way Applications

July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17018
R/W Purpose:	a public county road known as New Hope Road
Lessee Agreement:	N/A (Historic)
Acreage:	8.67
Compensation:	\$3624.00
Legal Description:	30-foot strip through NW4NE4 & 60-foot strip through N2NW4, Sec. 36, Twp. 32N, Rge. 21E; 60-foot strip through W2SW4, Sec. 33, Twp. 32N, Rge. 22E, Blaine County
Trust Beneficiary:	Common Schools

#### Item Summary

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#### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17020
R/W Purpose:	a public county road known as Prairie Road
Lessee Agreement:	N/A (Historic)
Acreage:	3.64
Compensation:	\$2366.00
Legal Description:	30-foot strip through W2W2, Sec. 16, Twp. 32N, Rge. 19E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17021
R/W Purpose:	a public county road known as River Road
Lessee Agreement:	N/A (Historic)
Acreage:	9.86
Compensation:	\$2560.00
Legal Description:	30-foot strip through S2SW4, Sec. 27; SE4SE4, Sec. 28; NE4NE4, Sec. 33; N2NW4, Sec. 34; N2NW4, Sec. 36 & 60-foot strip through N2NE4, Sec. 36, Twp. 33N, Rge. 18E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Blaine County  
PO Box 278  
Chinook MT 59523

Application No.: 17022  
R/W Purpose: a public county road known as Stockyard Road  
Lessee Agreement: N/A (Historic)  
Acreage: 0.93  
Compensation: \$605.00  
Legal Description: 30-foot strip through NW4NW4, Sec. 36, Twp. 33N, Rge. 19E,  
Blaine County  
Trust Beneficiary: Common Schools

### Item Summary

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### Department Recommendation

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## Rights of Way Applications

**July 20, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

---

Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17027
R/W Purpose:	a public county road known as Modic Road
Lessee Agreement:	N/A (Historic)
Acreage:	5.48
Compensation:	\$1370.00
Legal Description:	30-foot strip through S2SE4, Sec. 12, Twp. 34N, Rge. 24E; S2S2, Sec. 7, Twp. 34N, Rge. 25E, Blaine County
Trust Beneficiary:	Common Schools

#### Item Summary

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#### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Blaine County PO Box 278 Chinook MT 59523
Application No.:	17029
R/W Purpose:	a public county road known as Oberg Road
Lessee Agreement:	N/A (Historic)
Acreage:	1.71
Compensation:	\$428.00
Legal Description:	60-foot strip through SE4NE4, Sec. 16, Twp. 34N, Rge. 21E, Blaine County
Trust Beneficiary:	Common Schools

### Item Summary

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### Department Recommendation

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# Rights of Way Applications

## July 20, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Blaine County  
PO Box 278  
Chinook MT 59523

Application No.: 17030  
R/W Purpose: a public county road known as Wayne Creek Road  
Lessee Agreement: N/A (Historic)  
Acreage: 58.43  
Compensation: \$14,610.00  
Legal Description: 60-foot strip through NE4SW4, S2SW4, Sec. 2, Twp. 32N, Rge. 23E; SE4NE4, NE4SE4, Sec. 26, NW4NW4, Sec. 36, Twp. 33N, Rge. 23E; N2N2, Sec. 2, E2NE4, NE4SE4, SW4SE4, Sec. 3, NE4SE4, S2SE4, Sec. 9, NE4NW4, S2NW4, NW4SW4, Sec. 10, NE4NW4, SW4NW4, NW4NE4, Sec. 16, SE4NE4, NE4SW4, S2SW4, NW4SE4, Sec. 19, N2NW4, SW4NW4, Sec. 20, Twp. 33N, Rge. 24E; NE4SW4, S2SW4, N2SE4, SW4SE4, Sec. 36, Twp. 34N, Rge. 24E,  
Blaine County

Trust Beneficiary: Common Schools

#### Item Summary

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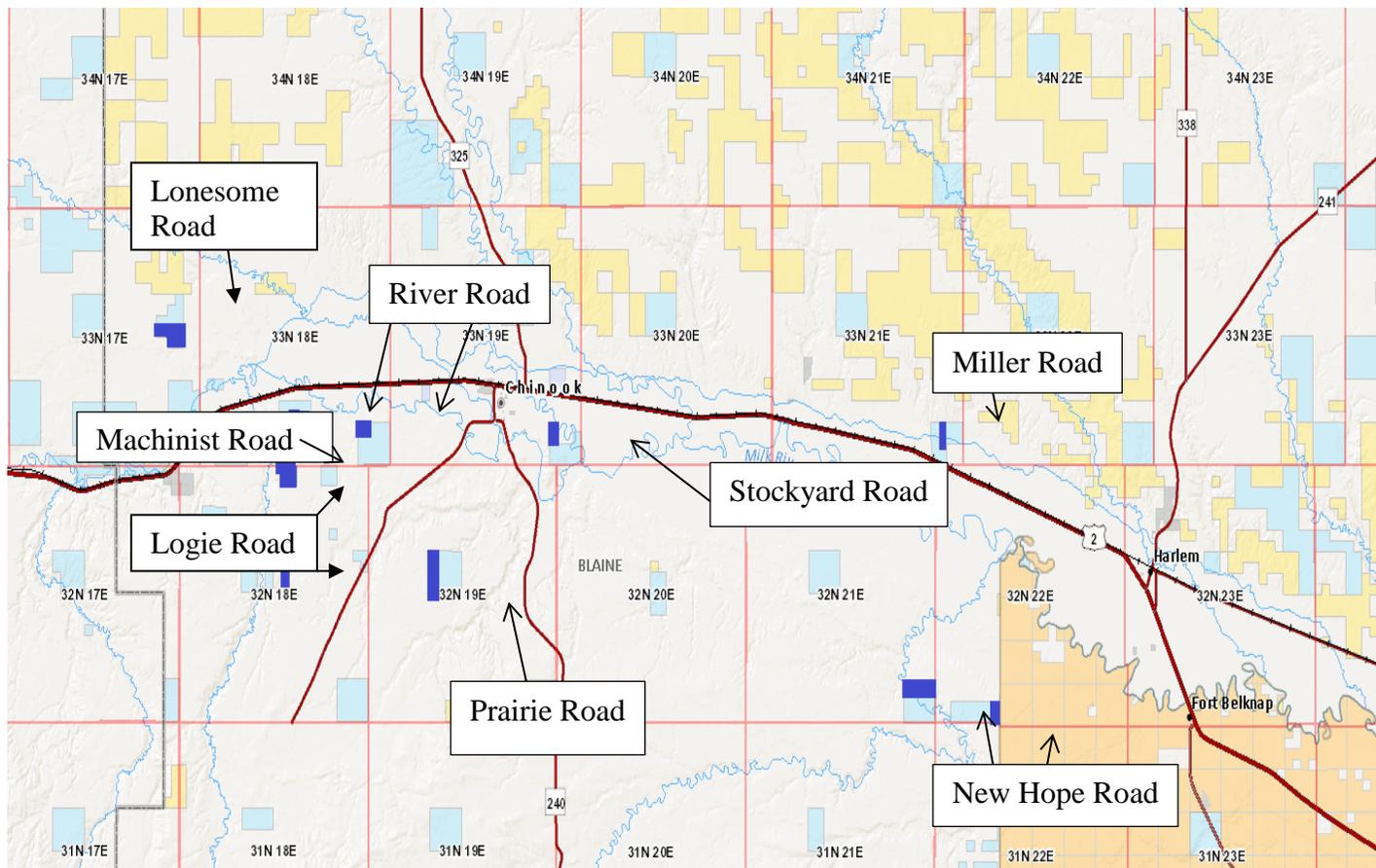
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# Rights of Way Applications

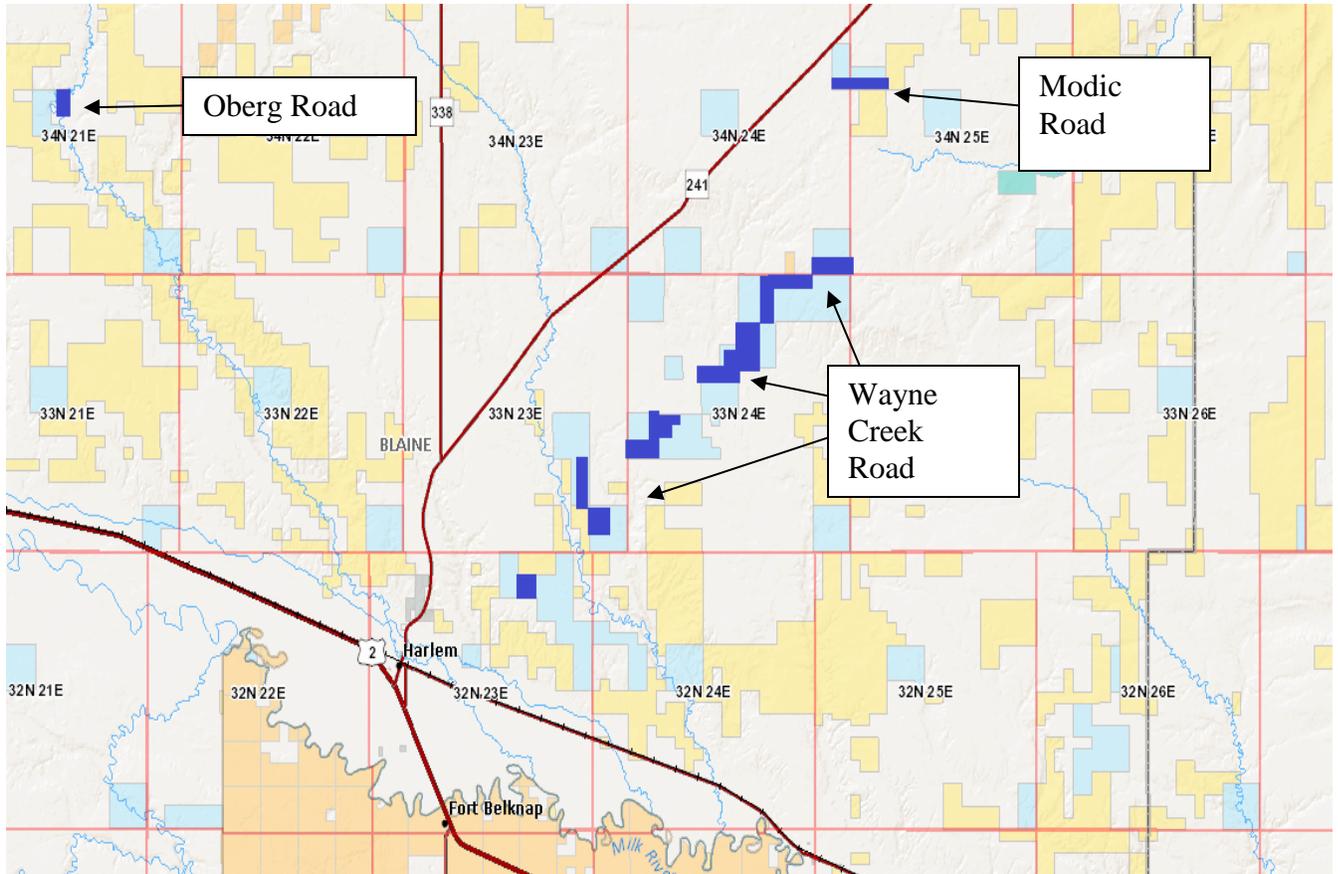
July 20, 2015



Application #'s 17014-17018, 17020-17022

# Rights of Way Applications

July 20, 2015



Application #'s 17027, 17029-17030

Land Board Agenda Item  
July 20, 2015

**715-7B Non-Trust Easements**

Location: Jefferson County

Benefits: Non-Trust Land (Dept. of Corrections)

Revenue to DOC: \$ 20,685

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
Montana Dept. of Transportation	State Highway	Permanent	1-3

## Rights of Way Applications

**March 23, 2015**

### APPLICANTS AND RIGHTS OF WAY INFORMATION

---

Applicant:	Montana Department of Transportation P O Box 201001 Helena MT 59620-1001
Application No.:	17032
R/W Purpose:	Highway construction and maintenance, including occupancy by public utilities
Lessee Agreement:	ok
Acreage:	3.96
Compensation:	\$13,860
Legal Description:	Tracts of land in SW4NW4 of Sec. 3; SE4NE4, Gov. Lots 1, 2 & 3 of Sec. 4, all in Twp. 5N, Rge 4W; and S2SW4 of Sec. 33, Twp. 6N, Rge. 4W, Jefferson County
Beneficiary:	Dept. of Corrections

### Item Summary

The Department of Transportation is requesting additional highway right of way to existing Highway 69 south of Boulder, Montana. The scope of the project is to reconstruct the highway for approximately six miles to modify the existing alignment, widening the existing pavement, installing new drainage features and adding new signage and highway markings. The property to be encumbered is owned by the Department of Corrections and they have reviewed and approved of the proposed project. There are no concerns associated with the proposal.

### Department Recommendation

On behalf of the Department of Corrections the director recommends approval of this highway reconstruction project.

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# Rights of Way Applications

## March 23, 2015

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Montana Department of Transportation P O Box 201001 Helena MT 59620-1001
Application No.:	17033
R/W Purpose:	Highway construction and maintenance, including occupancy by public utilities
Lessee Agreement:	ok
Acreage:	1.95
Compensation:	\$6,825
Legal Description:	Tracts of land in SW4NW4 of Sec. 3; S2NE4, Gov. Lots 2 & 3 of Sec. 4, all in Twp. 5N, Rge 4W; and S2SW4 of Sec. 33, Twp. 6N, Rge. 4W, Jefferson County
Beneficiary:	Dept. of Corrections

### Item Summary

See page 1.

### Department Recommendation

See page 1.

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# Rights of Way Applications

March 23, 2015

