

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS**  
**Monday, September 19, 2016, at 9:00 a.m.**  
**State Capitol, Room 303**  
**Helena, MT**

**ACTION ITEMS**

- 916-1     Oil and Gas Lease Sale (September 7, 2016):**  
*Benefits: Common Schools*  
*Location: Musselshell, Roosevelt, Rosebud, Toole Counties*
- 916-2     Sale of Cabin and Home Sites: Final Approval for Sale**  
**A. Sale 769**  
*Benefits: MSU 2nd Grant (ACB)*  
*Location: Missoula County*  
**B. Sale 784**  
*Benefits: Montana Tech*  
*Location: Flathead County*
- 916-3     Sale of Cabin and Home Site: Set Minimum Bid for Sale – Sale 817**  
*Benefits: MSU 2nd Grant (ACB)*  
*Location: Missoula County*
- 916-4     Avalanche Irrigation District**  
*Benefits: Common Schools, Public Buildings (PB)*  
*Location: Broadwater and Lewis & Clark Counties*
- 916-5     Easements**  
*Benefits: Public Buildings (PB), Common Schools, Public Lands*  
*Location: Garfield, Lewis & Clark, Missoula, Ravalli Counties*

**PUBLIC COMMENT**

# 916-1

## OIL AND GAS LEASE SALE

(September 7, 2016)

**Land Board Agenda Item  
September 19, 2016**

**916-1 Oil and Gas Lease Sale (September 7, 2016)**

**Location: Musselshell, Roosevelt, Rosebud, Toole Counties**

**Trust Benefits: Common Schools**

**Trust Revenue: \$61,119.15**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) held an oil and gas lease sale on September 7, 2016, in the auditorium at the Montana Department of Transportation building. A total of eight tracts were offered for lease. Eight tracts were leased for a total of \$61,119.15. The eight tracts that were sold covered a total of 2,572.77 acres. The average bid per acre was \$23.76.

The high competitive bid for the September 7, 2016 sale was \$290.00 per acre and the largest total bid was \$46,400.00 for Tract 2 in Roosevelt County.

**DNRC Recommendation**

The director requests Land Board approval to issue the leases from the September 7, 2016 oil and gas lease sale.

**State of Montana**  
**Oil & Gas Lease Sale - September 7, 2016**  
**Lease Sale Results**

The following described lands were offered for oil and gas leasing through oral competitive bidding in the Department of Transportation auditorium, 2701 Prospect Avenue, Helena, Montana, beginning at 9:00 am, September 7, 2016.

Tract	Stipulations	Twp	Rng	Sec	Description	Acres	Bid/Acre	Total Bid	Lessee
<b>Musselshell</b>									
1	1, 2, 3, 4, 5, 6, 9	9.N	27.E	36	N2, S2 less patented RR R/Ws	* 613.50	\$1.50	\$920.25	MORGANTHALER OIL & GAS HOLDINGS, LLC
<b>Roosevelt</b>									
2	1, 2, 3, 4, 5, 6, 11	27.N	57.E	10	NE4SE4, S2SE4, NE4SW4	* 160.00	\$290.00	\$46,400.00	KRAKEN OIL & GAS LLC
<b>Rosebud</b>									
3	1, 2, 3, 4, 5, 6, 7, 8	11.N	33.E	36	W2NW4, E2, SW4, below the base of the Kootenai formation	560.00	\$1.50	\$840.00	HILINE EXPLORATION, LLC
<b>Toole</b>									
4	1, 2, 3, 4, 5, 6	31.N	1.E	4	Lots 1, 2, S2NE4	* 159.27	\$1.50	\$238.90	MORGANTHALER OIL & GAS HOLDINGS, LLC
5	1, 2, 3, 4, 5, 6	34.N	1.E	16	All	640.00	\$1.50	\$960.00	MORGANTHALER OIL & GAS HOLDINGS, LLC
6	1, 2, 3, 4, 5, 6, 10	34.N	1.W	16	W2	* 320.00	\$27.00	\$8,640.00	PEGA PETROLEUM, INC.
7	1, 2, 3, 4, 5, 6	35.N	1.W	30	SE4NW4, NE4SW4	80.00	\$26.00	\$2,080.00	KEESUN CORP.
8	1, 2, 3, 4, 5, 6	35.N	4.W	28	NE4NE4	40.00	\$26.00	\$1,040.00	PEGA PETROLEUM, INC.

\* Part or all of tract is not state-owned surface

## Summary by Lessor

	Total Acres	Total Tracts
Dept. of Natural Resources and Conservation	2,572.77	8

## Oil and Gas Lease Sale Summary

<b>Total Tracts</b>	8
<b>Total Acres</b>	2,572.77
<b>Total Bid Revenue</b>	\$61,119.15
<b>Average Bid Per Acre</b>	\$23.76

**State of Montana**  
**Oil & Gas Lease Sale - September 7, 2016**  
**Stipulations**

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- 1 Lessee shall notify and obtain approval from the Department's Trust Land Management Division (TLMD) prior to constructing well pads, roads, power lines, and related facilities that may require surface disturbance on the tract. Lessee shall comply with any mitigation measures stipulated in TLMD's approval.
- 2 Prior to the drilling of any well on or into the lease premises, lessee shall send one copy of the well prognosis, including Form 22 "Application for Permit" to the Department's Trust Land Management Division (TLMD). After a well is drilled and completed, lessee shall send one copy of all logs run, Form 4A "Completion Report", and geologic report to TLMD. A copy of Form 2 "Sundry Notice and Report of Wells" or other appropriate Board of Oil and Gas Conservation form shall be sent to TLMD whenever any subsequent change in well status or operator is intended or has occurred. Lessee shall also notify and obtain approval from the TLMD prior to plugging a well on the lease premises.  
  
Issuance of this lease in no way commits the Land Board to approval of coal bed methane production on this lease. Any coal bed methane extraction wells would require subsequent review and approval by the board.
- 3 The TLMD will complete an initial review for cultural resources and, where applicable, paleontological resources of the area intended for disturbance and may require a resources inventory. Based on the results of the inventory, the TLMD may restrict surface activity for the purpose of protecting significant resources located on the lease premises.
- 4 The lessee shall be responsible for controlling any noxious weeds introduced by lessee's activity on State-owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the lease premises. The lessee's methods of control shall be reviewed and approved by the Department's Unit Office that has jurisdiction for that locale.
- 5 The definitions of "oil" and "gas" provided in 82-1-111, MCA, do not apply to this lease for royalty calculation purposes.
- 6 If the State does not own the surface, the lessee must contact the owner of the surface in writing at least 30 days prior to any surface activity. A copy of the correspondence shall be sent to TLMD.
- 7 Due to unstable soil conditions on this tract and/or topography that is rough and/or steep, surface use may be restricted or denied. Seismic activity may be restricted to poltershots.
- 8 This lease is located within designated sage grouse core habitat. Proposed activities are subject to, and shall comply with, all provisions, stipulations and mitigation requirements of the Montana Sage Grouse Habitat Conservation Strategy, as implemented by Governor's Executive Orders 10-2014, 12-2015, and amendments thereto. Contact the TLMD prior to preparing a project proposal.
- 9 Unless otherwise approved by the Department in writing, wells and related surface infrastructure, including new road construction, are prohibited within 1/2 mile of the centerline of a navigable river, lake or reservoir, and within 1/4 mile of direct perennial tributary streams of navigable waterways, on or adjacent to the tract. No surface occupancy is allowed within the bed of a river, stream, lake or reservoir, islands and accretions or abandoned channels.
- 10 This tract has (an) existing well(s) and related facilities. The lessee has 45 days from the effective date of this lease to determine whether or not to assume responsibility from the former lessee for the well(s) and any existing facilities. The lessee may not enter the well(s) until a change of operator has been filed with, and approved by, the Board of Oil and Gas Conservation. The(se) well(s) must be returned to commercial production or plugged and the well site(s) reclaimed within 18 months from the effective date of this lease.
- 11 If whooping cranes are observed on-site, construction and/or maintenance activities shall be suspended until birds leave the area.

# 916-2

## SALE OF CABIN AND HOME SITE:

Final Approval for Sale

A. Sale 769

B. Sale 784

**Land Board Agenda Item  
September 19, 2016**

**916-2A Sale of Cabin and Home Sites: Final Approval for Sale – Sale 769**

**Location: Missoula County**

**Trust Benefits: MSU 2nd Grant (ACB)**

**Trust Revenue: \$15,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on one cabin site nominated for sale in Missoula County. The sale was nominated by DNRC in conjunction with the Cabin and Home Site Sale Program.

Sale #	# of Acres	Legal	Nominator	Trust
769	1.28	Lot 12, Morrell Flats T16N-R15W, Sec. 4	DNRC	MSU 2nd

Sale parcel 769 is currently an un-leased cabin site and produces no income for the trust beneficiary.

The parcel will be sold with the access that is currently provided and can be conveyed by DNRC.

**Economic Analysis:**

Short term – The average rate of return on the sale parcel 769 is 0%. This parcel would continue to receive this return if it remains in state ownership.

Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC'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 2.64% 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. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. This sale of will have no effect to state owned heritage properties.

**Background:**

In March 2015, the board granted preliminary approval for this parcel to continue through the cabin site sale evaluation process. In October 2015, the board set the minimum bid for the land and the maximum value of compensation for the improvements at the values below:

Sale #	Minimum Bid of Land	Value of Improvements
769	\$15,000	n/a

916-2A

**Sale Price:**

The cabin site lot was sold at a public auction on August 23, 2016. The parcel had only one bidder and was sold for the minimum bid amount listed above.

**DNRC Recommendation**

The director recommends final approval for the cabin site lot at the value shown above. This sale will be closed within 30 days of final approval by the Land Board.

### Sale Location Map





**Land Board Agenda Item  
September 19, 2016**

**916-2B Sale of Cabin and Home Sites: Final Approval for Sale – Sale 784**

**Location: Flathead County**

**Trust Benefits: Montana Tech**

**Trust Revenue: \$190,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting final approval on one cabin site nominated for sale in Flathead County. The sale was nominated by the owner of the improvements in conjunction with the Cabin and Home Site Sale Program.

Sale #	# of Acres	Legal	Nominator	Trust
784	2.04	Lot 9, Beaver Lake, T31N-R22W, Sec. 20	Loretta Fauske	Montana Tech

Sale parcel 784 is currently leased as a cabin site and produces an average income for residential leases statewide.

The parcel 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 the sale parcel 784 is 0.06%. This parcel would continue to receive this return if it remains in state ownership.

Long term – The funds from the sale of this parcel would be combined with other sale funds to purchase replacement lands through DNRC'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 2.64% 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. Home sites typically contain numerous structures and the ground surfaces within most home sites have been disturbed over the course of many years of occupation and development. This sale will have no effect to state owned heritage properties.

**Background:**

In July 2015, the board granted preliminary approval for this parcel to continue through the cabin site sale evaluation process. In November 2015, the board set the minimum bid for the land and the maximum value of compensation for the improvements at the appraised values below:

Sale #	Minimum Bid of Land	Appraised Value of Improvements
784	\$190,000	\$24,000

**Sale Price:**

The cabin site was sold at a public auction on August 17, 2016. The parcel had only one bidder, who was not the owner of the improvements; the parcel was sold for the minimum bid amount listed above.

**DNRC Recommendation**

The director recommends final approval for the cabin site lots at the value shown above. This sale will be closed within 30 days of final approval by the Land Board.

**Flathead County Sale Location Map**



**Lot 9, Beaver Lake**  
T31N-R22W Sec. 20



# 916-3

SALE OF CABIN AND HOME SITE:

Set Minimum Bid for Sale – Sale 817

**Land Board Agenda Item  
September 19, 2016**

**916-3 Sale of Cabin and Home Sites: Set Minimum Bid for Sale – Sale 817**

**Location: Missoula County**

**Trust Benefits: MSU 2nd Grant (ACB)**

**Trust Revenue: \$ 160,000**

**Item Summary**

The Department of Natural Resources and Conservation (DNRC) is requesting to set the minimum bid on one cabin site nominated for sale in on the Seeley Lake Outlet in Missoula County. This sale was nominated by the lessee in conjunction with the Cabin and Home Site Sale Program. The sale is located approximately 1.3 miles west of Seeley Lake, Montana.

Sale #	# of Acres	Legal	Nominator	Trust
817	1.465	Lot 11, Seeley Lake Outlet W, Section 4, T16N-R15W	Lori Posey, et al.	MSU 2 <sup>nd</sup>

The parcel is currently leased as a cabin site and produces an average income for residential leases statewide.

The parcel 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 817 is 2.664%. The parcel will continue to receive this return if it remains in state ownership.

Long term – The funds from the sale of this parcel 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 2.64% 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. This sale will have no effect to state owned heritage properties.

**Appraised Values of Land and Improvements:**

Sale #	Appraised Value of Land	Appraised Value of Improvements
817	\$160,000	\$80,000

**DNRC Recommendation**

**916-3**

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

## Missoula County Sale Location Map



**Sale #817**  
Lot 11, Seeley Lake Outlet West, Section 4, T16N-R15W



# 916-4

AVALANCHE IRRIGATION DISTRICT

Land Board Agenda Item  
September 19, 2016

**916-4****Avalanche Irrigation District****Location: Broadwater and Lewis & Clark Counties****Trust Benefits: Common School, Public Buildings (PB)****Trust Revenue: N/A****Item Summary**

Eight landowners along the eastern shore of Canyon Ferry Reservoir are preparing to petition the Montana First Judicial District Court in Broadwater County, to form the Avalanche Irrigation District pursuant to the provisions of Montana law at Title 85, Chapter 7. The District would utilize water storage rights in Canyon Ferry Reservoir held by the U.S. Department of Interior, Bureau of Reclamation.

The landowners have approached the Department about also including approximately 5,464 acres of state trust lands located within the proposed district boundary. (See map and state land listing) Under §77-2-315(2), MCA, the Land Board must authorize the inclusion of state lands in the petition to form an Irrigation District, and the contract between the District and the United States. By including these lands in the District, the Department will have the opportunity to review any requests by lessees to develop irrigation.

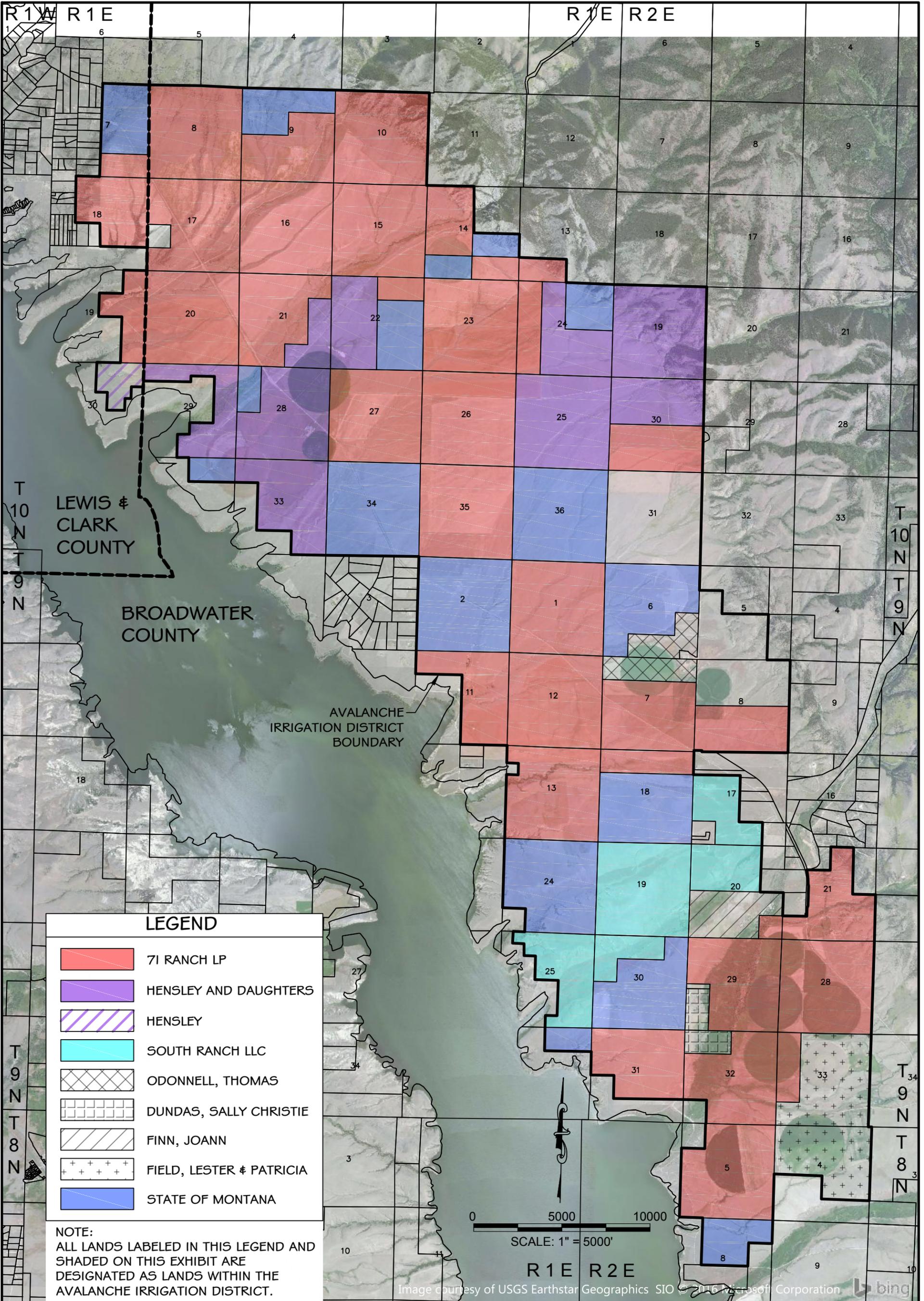
**DNRC Recommendation**

The director recommends that the Land Board authorize the inclusion of 5,464 acres of state land in the petition for the formation of the Avalanche Irrigation District.

## AVALANCHE IRRIGATION DISTRICT - STATE LANDS

T-R-S	Legal	Acres	Grant
10N 1E 7	NE4, N2SE4	240	Common School
10N 1E 9	N2NE4, NW4	240	Common School
10N 1E 14	N2SE4, S2SW4	160	Capitol Buildings
10N 1E 22	S2NE4, SE4	240	Capitol Buildings
10N 1E 24	NE4	160	Capitol Buildings
10N 1E 28	W2NW4	80	Capitol Buildings
10N 1E 32	N2NE4	80	Capitol Buildings
10N 1E 34	ALL	640	Capitol Buildings
10N 1E 36	ALL	640	Common School
9N 1E 2	LOTS 1,2,3,4, S2N2, S2	644.75	Capitol Buildings
9N 1E 24	N2, SE4, N2SW4, SE4SW4	600	Capitol Buildings
9N 1E 36	N2NE4	80	Common School
9N 2E 6	LOTS 1-7 INC., SE4NW4, S2NE4, NW4SE4, NE4SW4	497.17	Capitol Buildings
9N 2E 18	LOTS 2,3,4, SE4NW4, S2NE4, SE4, E2SW4	482.65	Capitol Buildings
9N 2E 30	LOTS 3,4, SE4NW4, NE4NE4, S2NE4, SE4, E2SW4	479.37	Capitol Buildings
8N 2E 8	N2NE4, SW4NE4, E2NW4	200	Capitol Buildings

5463.94



**LEGEND**

- 71 RANCH LP
- HENSLEY AND DAUGHTERS
- HENSLEY
- SOUTH RANCH LLC
- O'DONNELL, THOMAS
- DUNDAS, SALLY CHRISTIE
- FINN, JOANN
- FIELD, LESTER & PATRICIA
- STATE OF MONTANA

NOTE:  
ALL LANDS LABELED IN THIS LEGEND AND SHADED ON THIS EXHIBIT ARE DESIGNATED AS LANDS WITHIN THE AVALANCHE IRRIGATION DISTRICT.

0 5000 10000

SCALE: 1" = 5000'

R1E R2E

Image courtesy of USGS Earthstar Geographics SIO © 2016 Microsoft Corporation

**A**  
EXHIBIT

**AVALANCHE IRRIGATION DISTRICT**  
**DISTRICT LANDS**

DSGN	DATE	CKD
DDP	5/27/16	STH
REV	DATE	CKD
DDP	8/1/16	STH

**DENNIS WILLIAMS**  
306 LONE MOUNTAIN ROAD  
TOSTON, MT 59643  
406-266-3508

**WWC ENGINEERING**  
1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
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# 916-5

## EASEMENTS

Land Board Agenda Item  
September 19, 2016

**916-5 Easements**

**Location: Garfield, Lewis & Clark, Missoula, Ravalli**

**Trust Benefits: Public Buildings (PB)  
Common Schools  
Public Lands**

**Trust Revenue: Public Buildings (PB)=\$1815  
Common Schools= \$3165  
Public Lands= \$260,392**

**Item Table of Contents**

<b>Applicant</b>	<b>Right-of-Way Purpose</b>	<b>Term</b>	<b>Page(s)</b>
Northwestern Energy	Historic Electric Utility	Permanent	1-11
Supply Ditch Association and Wood-Parkhurst Association	New Irrigation Diversion	Permanent	12-13
Garfield County	New County Road	Permanent	14-15
Department of Transportation	New Highway Construction	Permanent	16-17
Patrick Shiels	Historic Private Access Road	Permanent	18-19

# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17213
R/W Purpose:	a 7.2 kV overhead electric distribution line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.05
Compensation:	\$264.00
Legal Description:	10-foot strip through SE4NW4, Sec. 18, Twp. 13N, Rge. 18W, Missoula County
Trust Beneficiary:	Public Lands

### Item Summary

Northwestern Energy has made application for multiple overhead electric distribution and transmission lines that were constructed on state lands many years ago without proper authorization from the Land Board. Pursuant to §77-1-130, MCA Northwestern Energy is requesting recognition of these overhead electric distribution and transmission lines as historic rights of ways.

### DNRC Recommendation

The director recommends approval of this historic right of way for Northwestern Energy.

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# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17319
R/W Purpose:	a 7.2 kV overhead electric distribution line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.04
Compensation:	\$211.00
Legal Description:	10-foot strip through SW4SW4, Sec. 18, Twp. 13N, Rge. 18W, Missoula County
Trust Beneficiary:	Public Lands

### Item Summary

See page 1

### DNRC Recommendation

See page 1

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# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17343
R/W Purpose:	a 7.2 kV overhead electric distribution line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.1
Compensation:	\$200.00
Legal Description:	10-foot strip through NE4SE4, Sec. 7 & SW4NW4, NW4SW4, Sec. 8, Twp. 14N, Rge. 22W, Missoula County
Trust Beneficiary:	Public Lands

### Item Summary

See page 1

### DNRC Recommendation

See page 1

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# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Northwestern Energy  
11 East Park  
Butte MT 59701

Application No.: 17344  
R/W Purpose: a 7.2 kV overhead electric distribution line across the Clark Fork River

Lessee Agreement: N/A (Historic)  
Acreage: 0.07  
Compensation: \$100.00  
Legal Description: 10-foot strip through SE4NW4, Sec. 7, Twp. 14N, Rge. 22W, Missoula County

Trust Beneficiary: Public Lands

### Item Summary

See page 1

### DNRC Recommendation

See page 1

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# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant: Northwestern Energy  
11 East Park  
Butte MT 59701

Application No.: 17346  
R/W Purpose: a 7.2 kV overhead electric distribution line across the Clark Fork River

Lessee Agreement: N/A (Historic)  
Acreage: 0.06  
Compensation: \$100.00  
Legal Description: 10-foot strip through N2NW4, Sec. 3, Twp. 14N, Rge. 23W, Missoula County

Trust Beneficiary: Public Lands

### Item Summary

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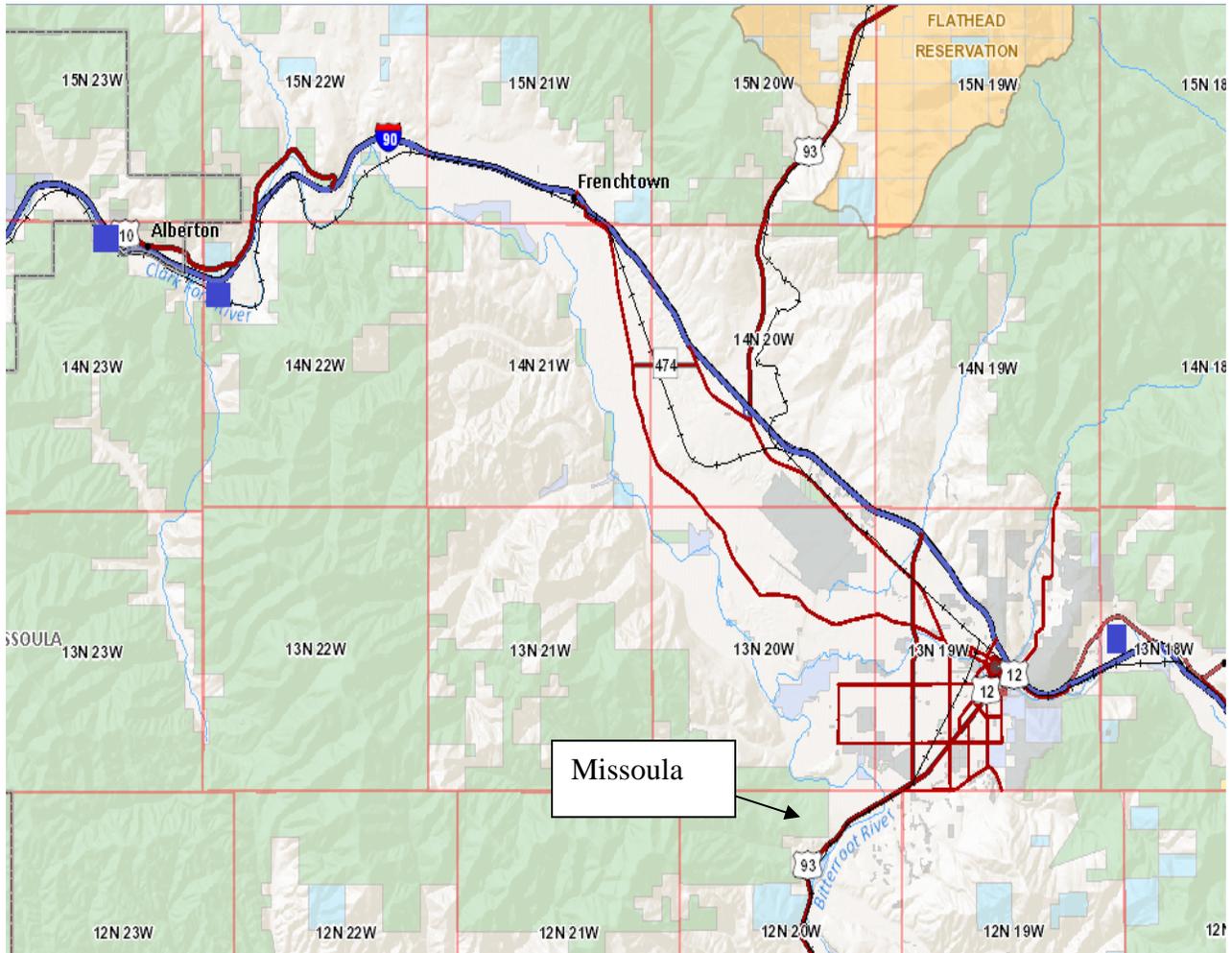
### DNRC Recommendation

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# Rights of Way Applications

## September 19, 2016



Application #'s 17213, 17319, 17343, 17344 & 17346 – NWE

# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17356
R/W Purpose:	a 7.2 kV overhead electric distribution line across the Bitterroot River
Lessee Agreement:	N/A (Historic)
Acreage:	0.08
Compensation:	\$100.00
Legal Description:	10-foot strip through SW4SE4, Sec. 17, Twp. 8N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

### Item Summary

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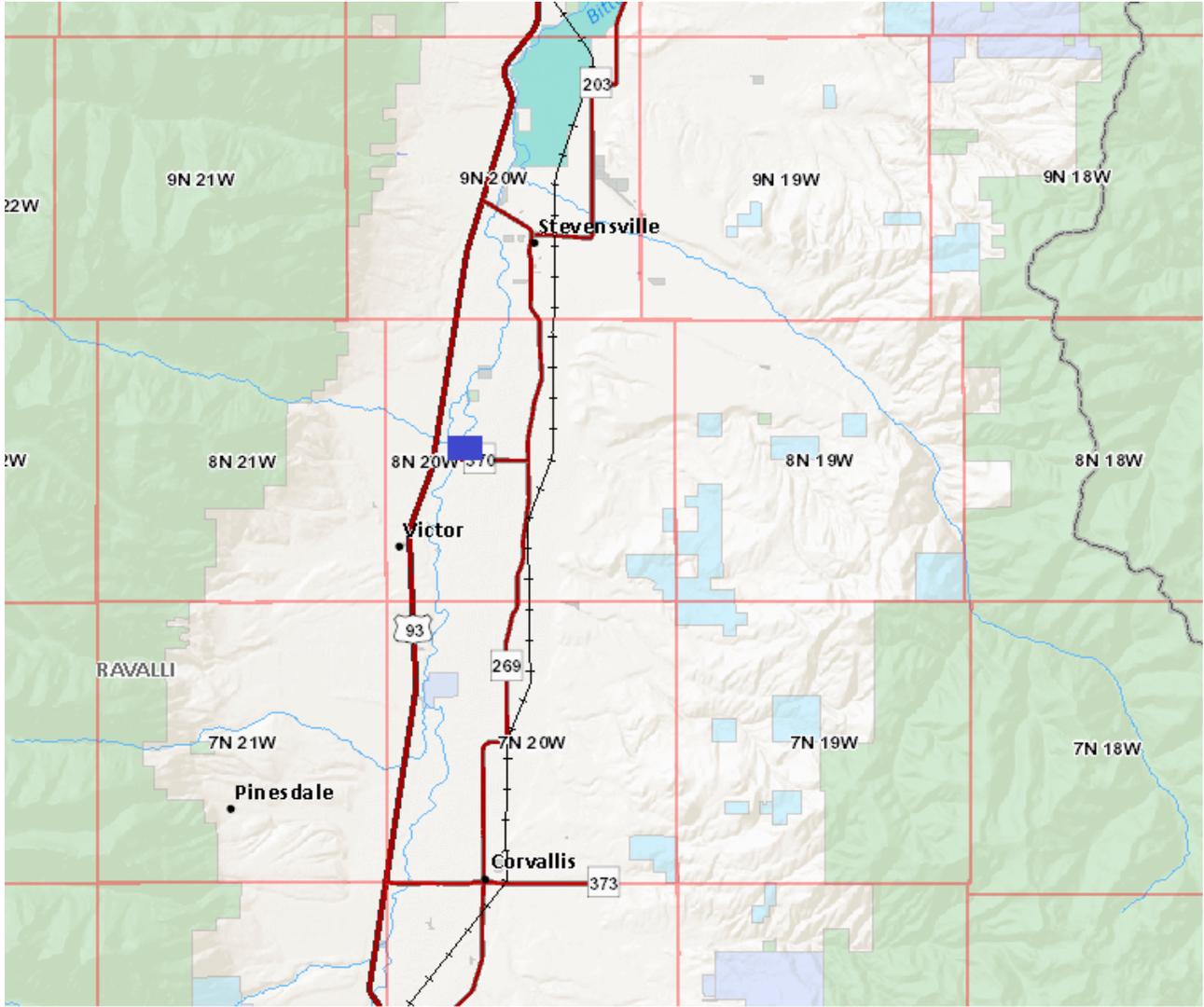
### DNRC Recommendation

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# Rights of Way Applications

## September 19, 2016



Application # 17356 – NWE

# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17362
R/W Purpose:	a 161 kV overhead electric transmission line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.26
Compensation:	\$100.00
Legal Description:	30-foot strip through SW4NE4, Sec. 18, Twp. 12N, Rge. 17W, Missoula County
Trust Beneficiary:	Public Lands

### Item Summary

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### DNRC Recommendation

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# Rights of Way Applications

## September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Northwestern Energy 11 East Park Butte MT 59701
Application No.:	17364
R/W Purpose:	a 100 kV overhead electric transmission line across the Clark Fork River
Lessee Agreement:	N/A (Historic)
Acreage:	0.11
Compensation:	\$100.00
Legal Description:	30-foot strip through NE4NW4, NW4NE4, Sec. 18, Twp. 12N, Rge. 17W, Missoula County
Trust Beneficiary:	Public Lands

### Item Summary

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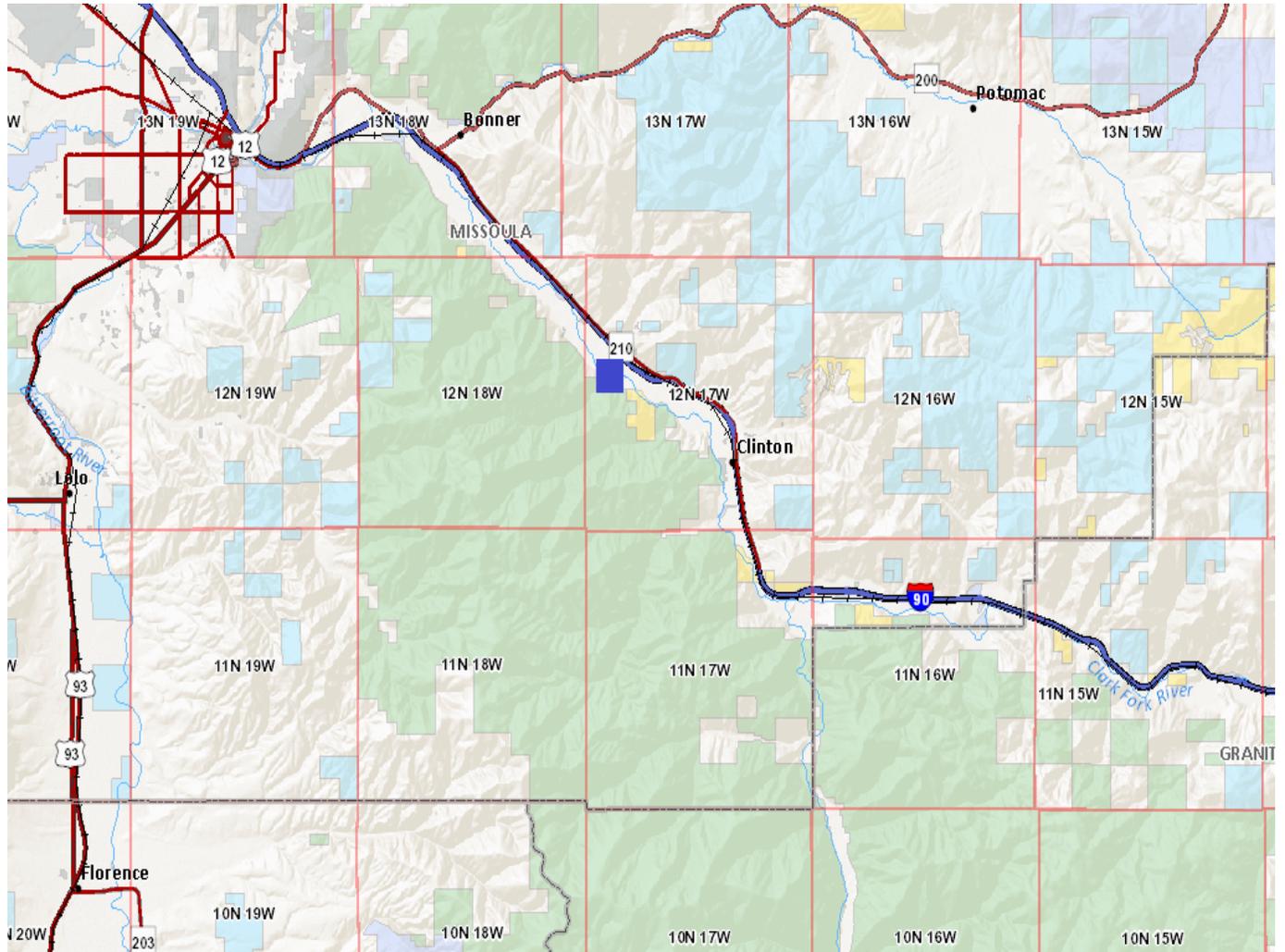
### DNRC Recommendation

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# Rights of Way Applications

## September 19, 2016



Application's 17362 & 17364 – NWE

## Rights of Way Applications

September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Supply Ditch Association and Wood-Parkhurst Association PO Box 513 Stevensville MT 59870
Application No.:	17415
R/W Purpose:	a supply diversion dam across the Bitterroot River
Lessee Agreement:	N/A (Navigable River)
Acreage:	0.3
Compensation:	\$450.00
Legal Description:	tract of land 30 feet on each side of the supply diversion dam in the SE4NW4, NE4SW4, Sec. 20, Twp. 7N, Rge. 20W, Ravalli County
Trust Beneficiary:	Public Lands

### Item Summary

Supply Ditch Association and Wood-Parkhurst Association have made application for a supply diversion dam in the Bitterroot River. The purpose of the proposed project is to improve public safety and aquatic organism passage while maintaining delivery of irrigation water. The current diversion is located in a high-use area of the Bitterroot River. The existing concrete wall diverts surface water for the purpose of agricultural irrigation, which is extremely dangerous because of the hydraulic roller it creates. The strong roller and decreased floatation makes the area extremely dangerous for recreationalists. The dam has been the site of at least eight reported incidents since 2011, including one fatality. As a result of this, this area of the river is closed for a five mile section to the public during high water. The project will improve the existing diversion to allow for safer interaction with the public and reduce the need for river closure. The preferred alternative is a rock ramp with slope transitions that incorporate modifications for easing passage over the dam.

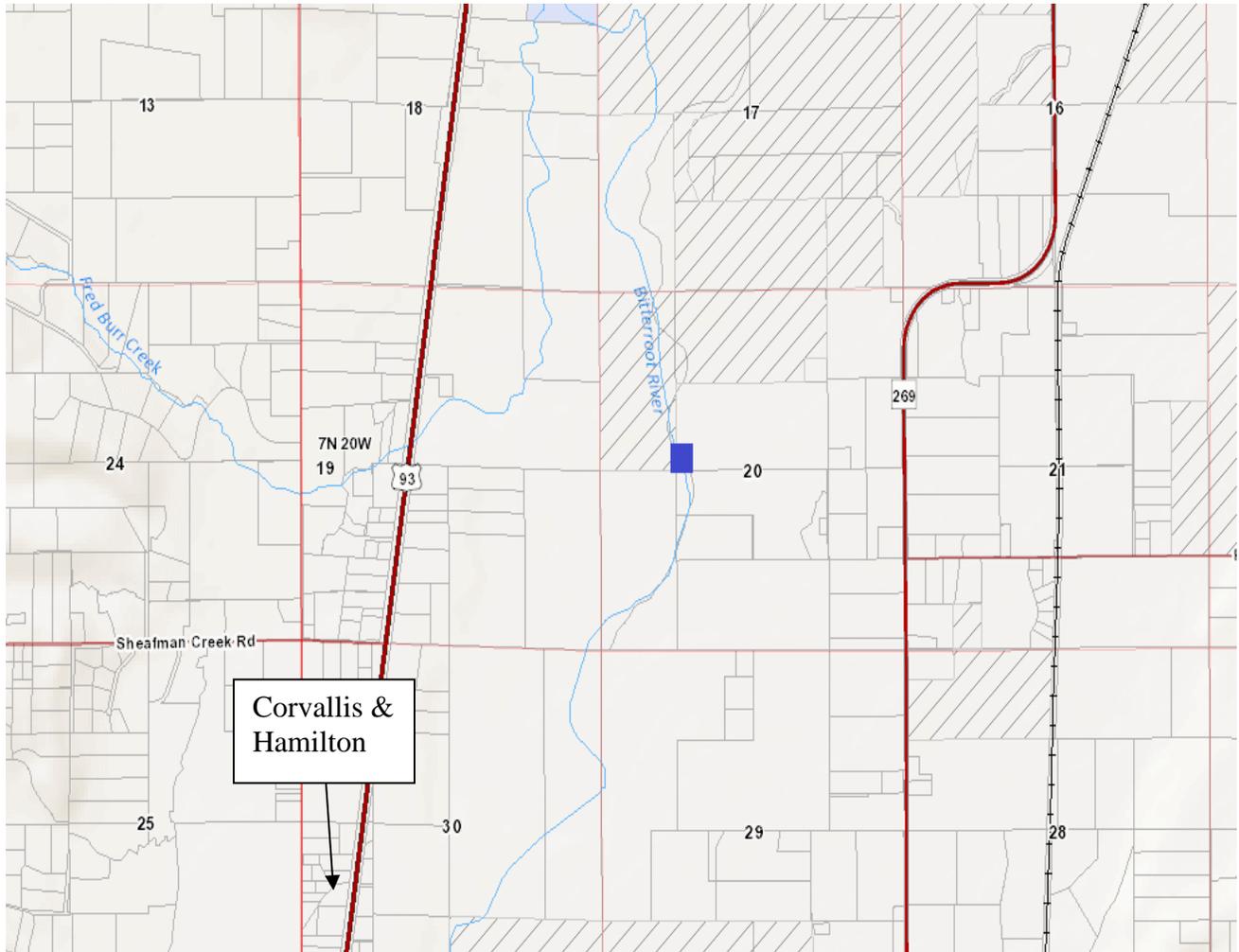
### DNRC Recommendation

The director recommends approval of this supply diversion dam.

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# Rights of Way Applications

## September 19, 2016



Application # 17415 – Supply Ditch Assoc. and Wood-Parkhurst Assn.

## Rights of Way Applications

### September 19, 2016

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Garfield County PO Box 7 Jordan MT 59337
Application No.:	17416
R/W Purpose:	a public county road known as Steve's Fork
Lessee Agreement:	ok
Acreage:	10.55
Compensation:	\$3165.00
Legal Description:	30-foot strip through W2NW4, NW4SW4 & 60-foot strip through N2SW4, N2SE4, Sec. 36, Twp. 18N, Rge. 34E, Garfield County
Trust Beneficiary:	Common Schools

#### Item Summary

Garfield County has made application for an existing public county road known as Steve's Fork Road. The county proposes to realign the existing road, creating a new intersection to allow for improved motorist visibility and safety. Because of the realignment project, the road does not qualify under the historic county road statute. The proposed route is within sage grouse general habitat. Pursuant to *Sage Grouse Executive Order No. 12-2015*, special stipulations will be placed in the easement document to address mitigation measures, such as restrictions related to construction time periods. This project, identified as Project No. 1463166256670, has been approved by the Montana Sage Grouse Habitat Conservation.

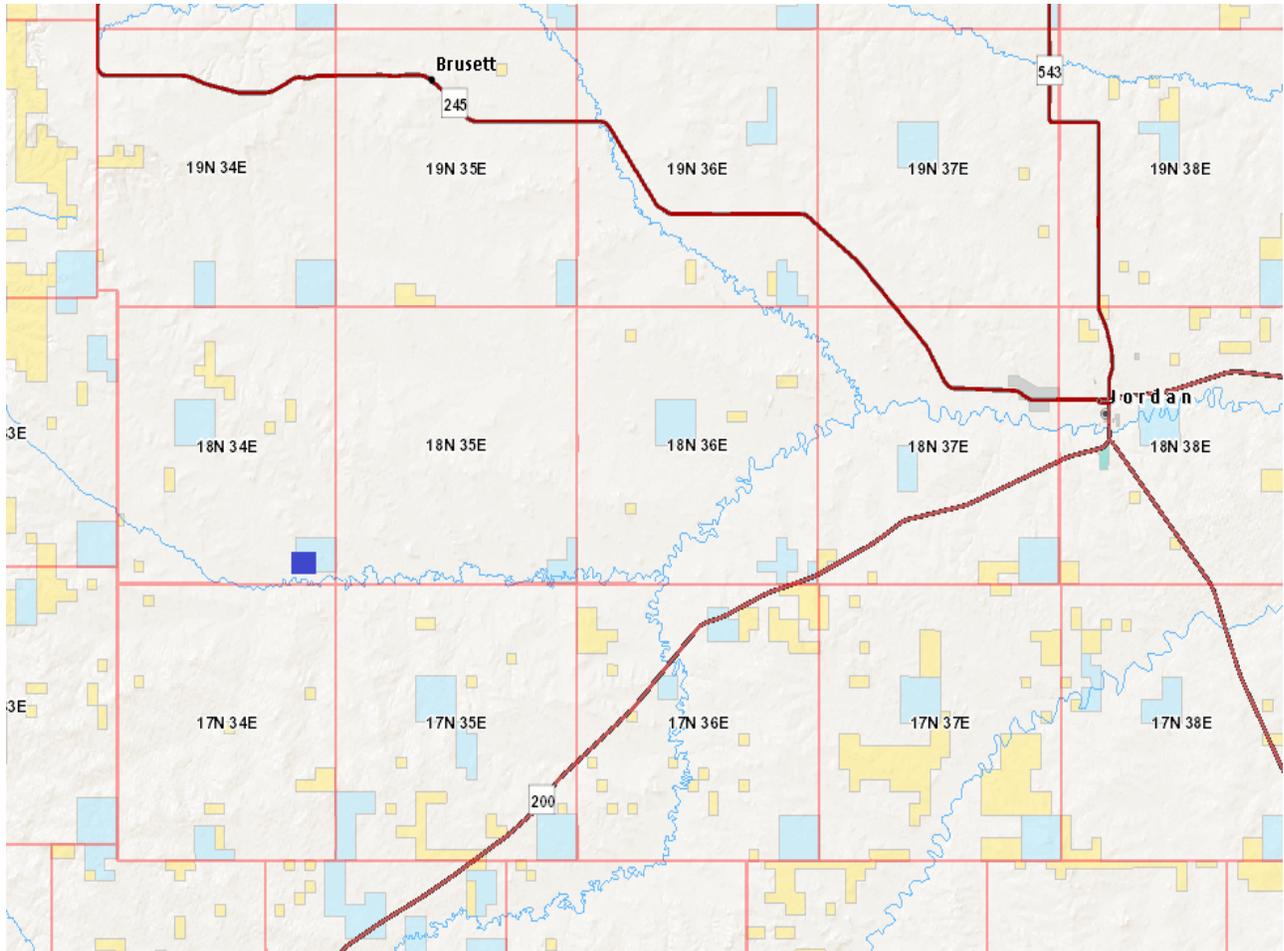
#### DNRC Recommendation

The director recommends approval of this public county road right of way.

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# Rights of Way Applications

## September 19, 2016



Application # 17416 – Garfield County

## Rights of Way Applications

### September 19, 2016

#### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Department of Transportation PO Box 201001 Helena MT 59620
Application No.:	17431
R/W Purpose:	highway bridge construction and maintenance including occupancy by public utilities
Lessee Agreement:	N/A (Navigable River)
Acreage:	1.16
Compensation:	\$258,767.00
Legal Description:	tract of land in the NE4NE4, Sec. 20 and NW4NW4, Sec. 21, Twp. 13N, Rge. 19W, across the Clark Fork River Missoula County
Trust Beneficiary:	Public Lands

#### Item Summary

The Department of Transportation has made application for a highway bridge reconstruction project known as Russell Street Bridge in Missoula. The scope of the project is to completely reconstruct and widen a section of Russell Street, from the intersection with West Broadway Street approximately 1.5 miles south to the intersection with Mount Street. Work will include removal and replacement of the bridge that crosses the Clark Fork River, installation of curb, gutter, sidewalk and bicycle lanes, excavation, and removal of existing pavement, placement of new pavement, drainage features, lighting, bus pullouts and landscaped boulevards, pavement markings and traffic control devices. The fundamental purpose of this project is to improve the safety, drivability and multi-modal use of the Russell Street Transportation Corridor for the traveling public.

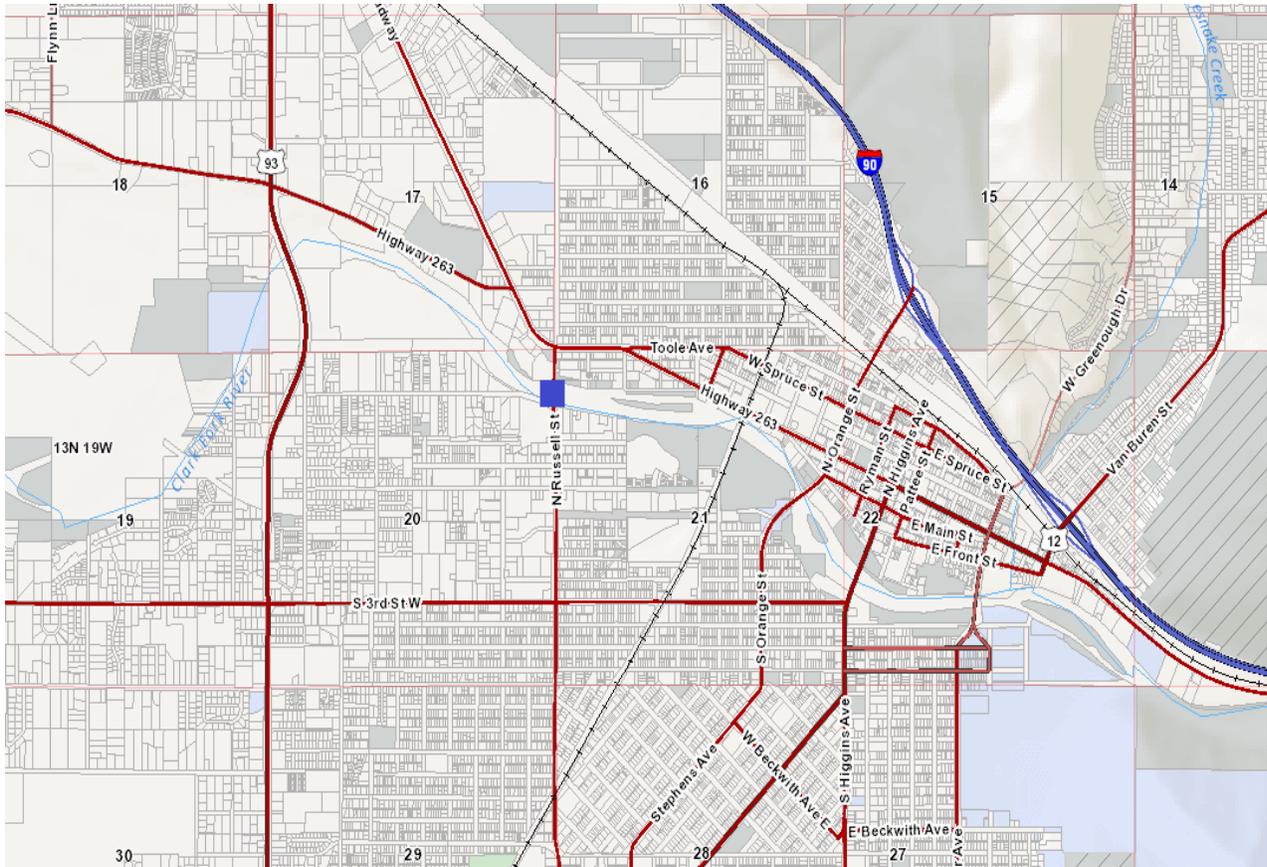
#### DNRC Recommendation

The director recommends approval of this construction project.

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# Rights of Way Applications

## September 19, 2016



Application # 17431 – Department of Transportation

## Rights of Way Applications

September 19, 2016

### APPLICANTS AND RIGHTS OF WAY INFORMATION

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Applicant:	Patrick Shiels 490 2 <sup>nd</sup> Street Westervelt IL 62565
Application No.:	17456
R/W Purpose:	a private access road for the purpose of access to one single family residence and associated outbuildings
Lessee Agreement:	N/A (Historic)
Acreage:	1.21
Compensation:	\$1815.00
Legal Description:	30-foot strip through NE4SE4, Sec. 6, Twp. 14N, Rge. 8W, Lewis & Clark County
Trust Beneficiary:	Capitol Buildings

### Item Summary

Patrick Shiels has made application for the use of an existing road to access their private lands for the purpose of access to one single family residence and associated outbuildings and timber management. 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:

- W2 of Government Lot 4 (W2NE4NE4), Sec. 6, Twp. 14N, Rge. 8W

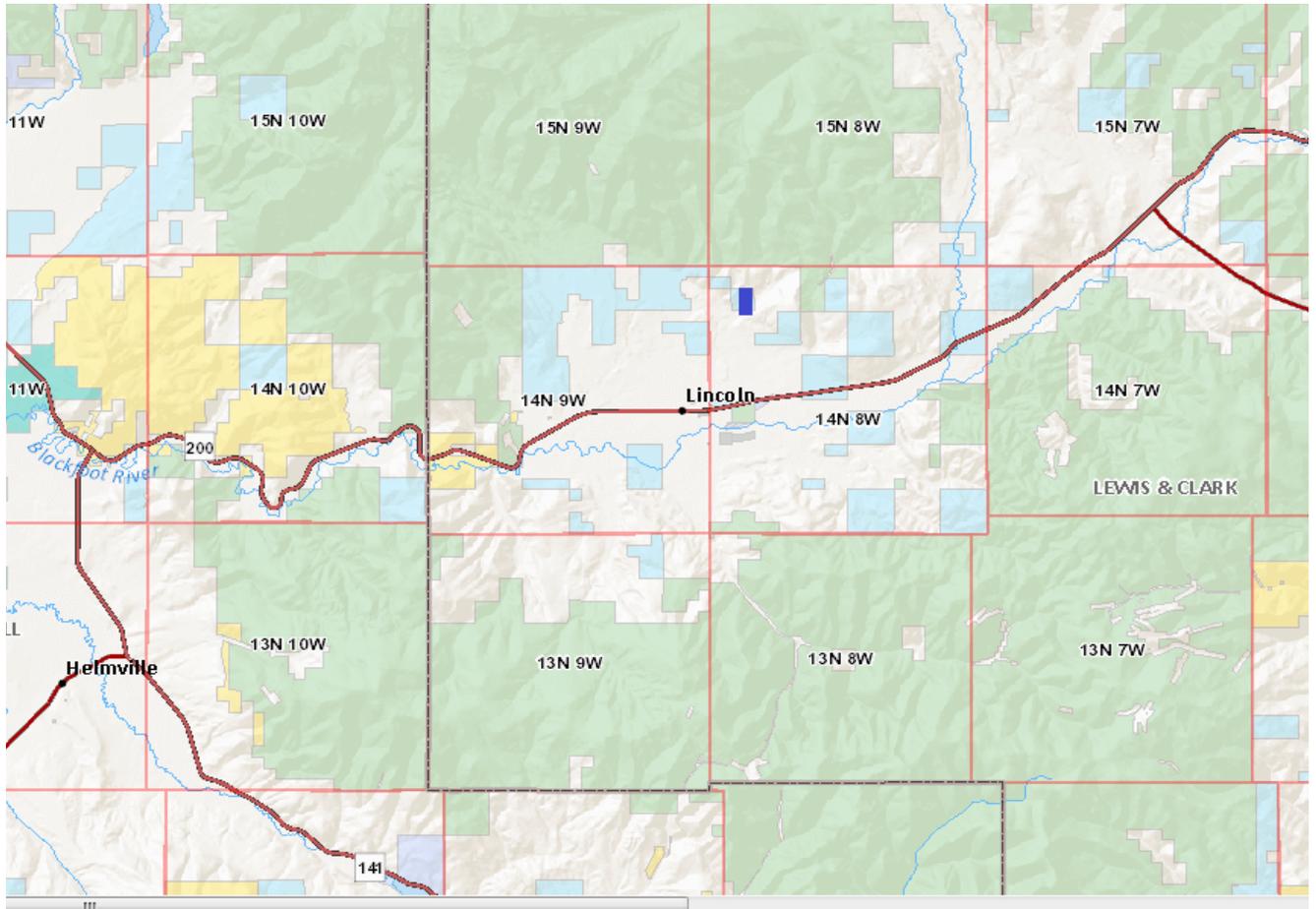
### DNRC Recommendation

The director recommends approval of this historic private access road.

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# Rights of Way Applications

## September 19, 2016



Application # 17456 – Patrick Shiels