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MINUTES
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, April 15, 2019, at 9:00 a.m.
Supreme Court Chambers, Mazurek Justice Building
Helena, MT

Please note: *The Land Board has adopted the audio recording of its meetings as the official record, as allowed by 2-3-212, MCA. These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to an electronic copy of these minutes and the audio recording is provided from the Land Board webpage at http://dnrc.mt.gov/LandBoard. The written minutes summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.*

Members Present

Governor Steve Bullock
Attorney General Tim Fox
Commissioner of Securities and Insurance Matthew Rosendale
Secretary of State Corey Stapleton
Superintendent of Public Instruction Elsie Arntzen

Members Absent

None

Testifying Staff

John Tubbs, DNRC Director
Shawn Thomas, DNRC, TLMD Administrator

Attachments

Related Materials, Attachment 1 ï Sign-in sheet
Related Materials, Attachment 2 ï Antice Point Timber Sale
Maps Related Materials, Attachment 3 ï Survey, Maps, Letters,
Picture Related Materials, Attachment 4 ï Survey, Map, Pictures

Call to Order

00:00:08 Governor Bullock called the meeting to order.
00:00:14 Attorney General Fox moved to approve the March 18, 2019, minutes. The motion was seconded by Superintendent Arntzen and carried unanimously.

Business Considered

0419-1 Timber Sales
Antice Point North

00:00:24 Governor Bullock
00:00:29 Mr. Tubbs gave an overview of the item.
00:01:03 Governor Bullock

00:01:19 Attorney General Tim Fox moved to approve item 0419-1. The motion was seconded by Commissioner Rosendale and carried unanimously.

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0419-2 Cabin and Home Sites: Set Minimum Bid for Sale
A. Standard Grants

00:01:37 Governor Bullock
00:01:45 Mr. Tubbs
00:01:52 Governor Bullock
00:01:53 Mr. Tubbs
00:01:53 Governor Bullock
00:01:54 Mr. Tubbs gave an overview of the item.
00:02:14 Governor Bullock

Public Comment

00:02:30 Mr. Mace, Lessee
00:02:41 Governor Bullock
00:02:45 Attorney General Fox
00:02:55 Mr. Mace
00:02:57 Governor Bullock
00:03:07 Mr. Mace
00:03:13 Governor Bullock
00:03:13 Mr. Mace
00:03:40 Governor Bullock
00:03:43 Mr. Mace
00:08:26 Governor Bullock
00:08:26 Mr. Mace
00:09:25 Governor Bullock
00:09:36 Mr. Mace
00:09:40 Governor Bullock
00:09:53 Commissioner Rosendale
00:10:04 Governor Bullock
00:10:05 Attorney General Fox

Board Discussion/Comments

00:10:06 Governor Bullock
00:10:15 Mr. Tubbs
00:10:45 Governor Bullock
00:10:46 Secretary Stapleton
00:10:57 Mr. Tubbs
00:11:05 Secretary Stapleton
00:11:08 Governor Bullock
00:11:08 Secretary Stapleton
00:11:39 Mr. Tubbs
00:12:17 Mr. Thomas
00:13:37 Governor Bullock
00:13:37 Mr. Thomas
00:13:44 Governor Bullock
00:13:50 Commissioner Rosendale
00:14:38 Governor Bullock
00:14:39 Mr. Mace
00: 17:40 Governor Bullock
00:17:54 Superintendent Arntzen
00:17:54 Governor Bullock

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00:17:55 Superintendent Arntzen
00:18:35 Governor Bullock
00:18:38 Superintendent Arntzen
00:18:39 Governor Bullock
00:18:42 Mr. Thomas
00:19:25 Superintendent Arntzen
00:19:28 Governor Bullock
00:19:28 Superintendent Arntzen
00:19:28 Governor Bullock
00:19:29 Superintendent Arntzen
00:19:37 Mr. Mace
00:21:00 Governor Bullock
00:21:01 Mr. Mace
00:21:06 Governor Bullock
00:21:06 Mr. Mace
00:21:09 Governor Bullock
00:21:11 Commissioner Rosendale
00:21:32 Mr. Tubbs
00:22:04 Commissioner Rosendale
00:22:27 Mr. Tubbs
00:22:27 Commissioner Rosendale
00:22:28 Mr. Tubbs
00:22:39 Governor Bullock

00:22:46 The motion to approve item 0419-2 A carried unanimously.

B. Sale No. 963

00:22:52 Governor Bullock
00:22:58 Mr. Tubbs
00:22:59 Governor Bullock
00:23:00 Attorney General Fox
00:23:00 Mr. Tubbs
00:23:00 Governor Bullock
00:23:03 Mr. Tubbs gave an overview of the item.
00:23:43 Governor Bullock

Public Comment

00:23:51 Governor Bullock
00:23:51 Mr. Vasser, Lessee
00:23:57 Governor Bullock
00:24:02 Mr. Vasser
00:24:06 Ms. Duax, Lessee
00:24:11 Mr. Vasser
00:25:13 Ms. Duax
00:26:25 Governor Bullock
00:26:38 Ms. Duax
00:27:51 Mr. Vasser
00:27:51 Ms. Duax
00:32:08 Mr. Vasser
00:34:21 Governor Bullock

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00:34:31 Attorney General Fox
00:34:37 Commissioner Rosendale
00:34:38 Governor Bullock

Board Discussion/Comments

00:34:40 Commissioner Rosendale
00:34:58 Mr. Vasser
00:35:03 Commissioner Rosendale
00:35:03 Mr. Vasser
00:35:04 Governor Bullock
00:35:05 Commissioner Rosendale
00:35:09 Governor Bullock
00:35:10 Attorney General Fox
00:35:29 Mr. Thomas
00:37:28 Attorney General Fox
00:37:39 Mr. Thomas
00:37:45 Governor Bullock
00:37:52 Superintendent Arntzen
00:37:54 Governor Bullock
00:37:56 Superintendent Arntzen
00:37:58 Mr. Vasser
00:38:23 Governor Bullock

00:38:27 The motion to approve item 0419-2 B carried unanimously.

0419-3 Land Banking Parcels: Set Minimum Bid for Sale #1048

00:38:41 Mr. Tubbs gave an overview of the item.
00:39:33 Governor Bullock

00:39:41 Commissioner Rosendale moved to approve item 0419-3. The motion was seconded by and Secretary Stapleton and carried unanimously.

0419-4 Settlement Agreement and Stipulation for Dismissal of Claims: Gallatin County and Elizabeth Kelley

00:40:08 Governor Bullock
00:40:10 Mr. Tubbs gave an overview of the item.
00:43:50 Governor Bullock

Public Comment

00:43:59 Mr. Gray, Gallatin County
00:44:00 Governor Bullock
00:44:00 Mr. Gray, Gallatin County
00:44:56 Governor Bullock

00:45:03 The motion to approve item 0419-4 carried unanimously.

0419-5 Easements

A. Standard Grants

B. Kingsbury Colony Reciprocal Access Agreement

00:45:43 Mr. Tubbs gave an overview of the item.
00:46:04 Attorney General Fox
00:46:04 Commissioner Rosendale
00:46:07 Mr. Tubbs
00:47:25 Governor Bullock

00:47:35 Commissioner Rosendale moved to approve item 0419-5. The motion was seconded by Superintendent Arntzen and carried unanimously.

General Public Comment

00:48:11 Commissioner Rosendale
00:48:12 Governor Bullock

Adjournment

00:49:25 Adjournment

PRESIDENT

/s/ Steve Bullock
Steve Bullock, Governor

ATTEST

/s/ John E. Tubbs
John E. Tubbs, DNRC Director

SIGN-IN SHEET
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
April 15, 2019 at 9:00 am

NAME	AFFILIATION	E-MAIL/ADDRESS	*Check to be added to the interested parties list.*
BRUCE JOHNSON	ONEOK	bruce.johnson@hughes.net	
Jenny Dunn & Mike Vasser		jenniferdunn@gmail.com	
Christopher Gray	Gallatin County	cgray@cgraylaw.com	✓
Kiki Mace		KiKiMace@MSN.com	

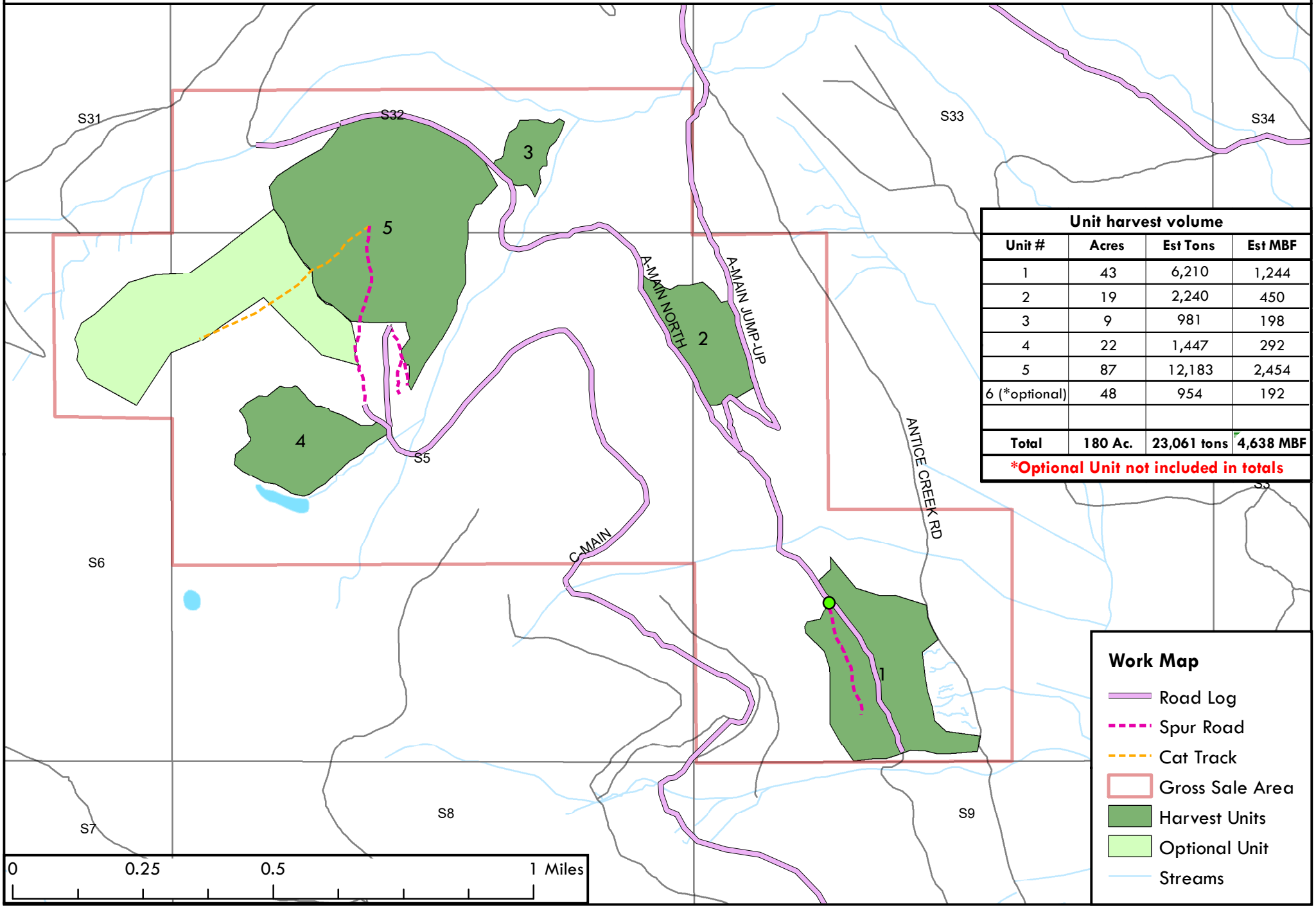
Email landboard@mt.gov or indicate on this sign-in sheet if you would like to be placed on the Land Board interested parties list.

This sign-in sheet is a public record under Title 2, Chapter 6 of the Montana Code Annotated, but may not be reproduced or distributed for use as a mailing list without the permission of the named individuals under 2-6-1017, MCA.

Sections 4, 5, and 6 of T33N R23W
and
Section 32 of T34N R23W

Antice Point North Timber Sale
Units & Road Work Map

February 25, 2019 ARS

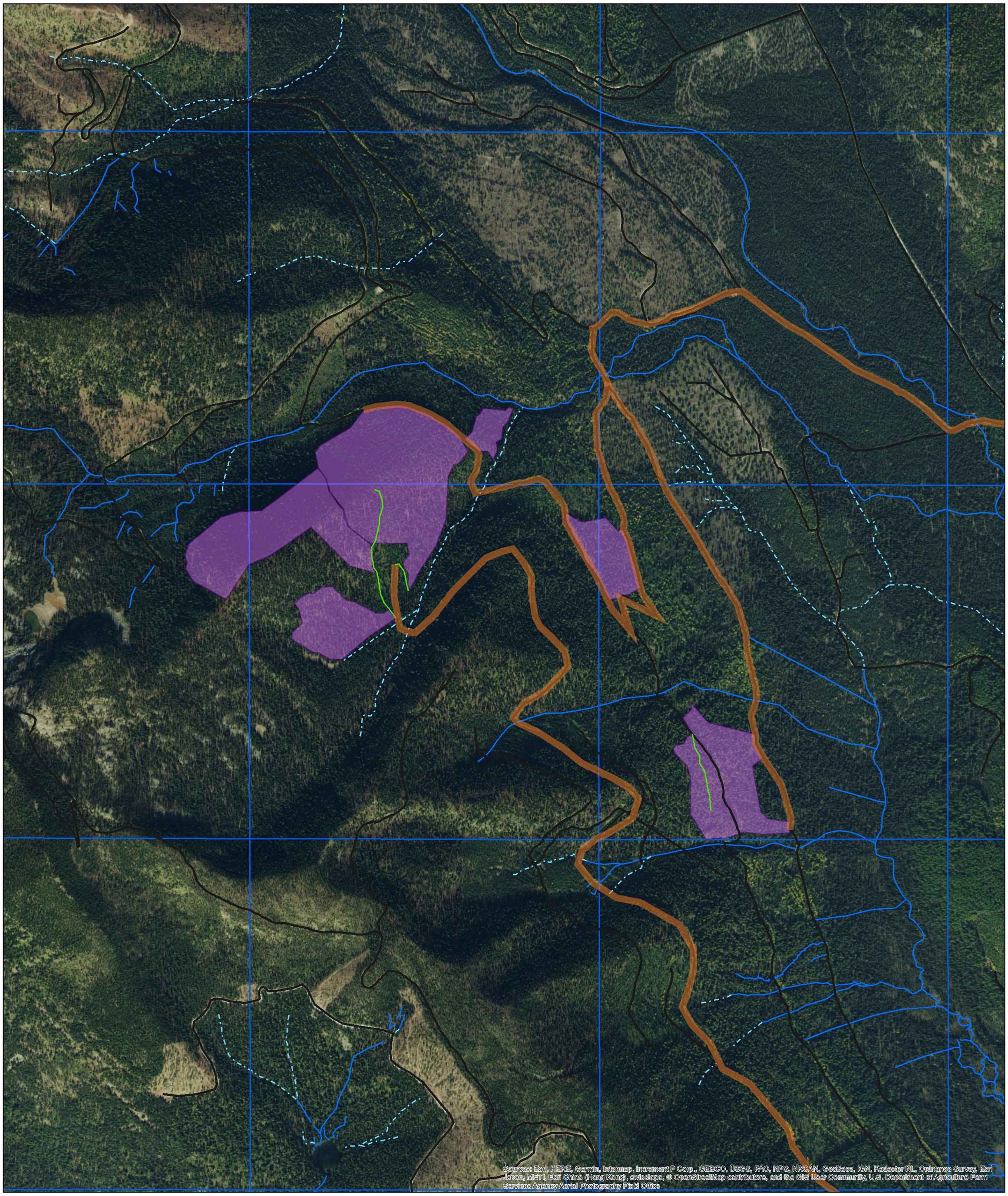


Unit harvest volume

Unit #	Acres	Est Tons	Est MBF
1	43	6,210	1,244
2	19	2,240	450
3	9	981	198
4	22	1,447	292
5	87	12,183	2,454
6 (*optional)	48	954	192
Total	**180 Ac.**	**23,061 tons**	**4,638 MBF**

***Optional Unit not included in totals**

Antice Point North Timber Sale Harvest Unit Map

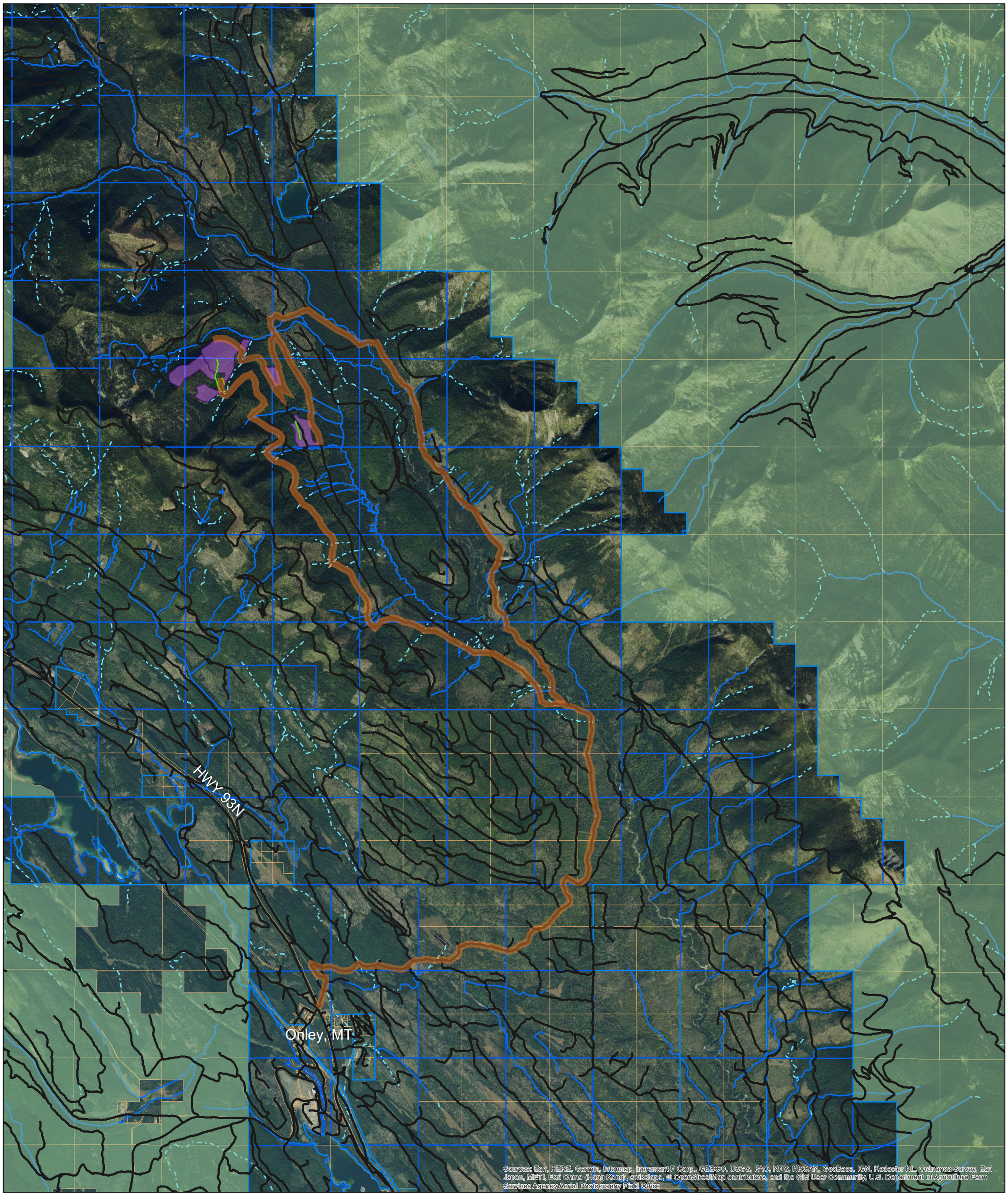


Existing Road
New Road
Road Reconstruction
Haul Route
Perennial Stream
Intermittent Stream
Proposed Harvest Units
DNRC Surface Tracts
USFS Land
USFWS Land
BLM Land
MT FWP

N

0 0.125 0.25 0.5 0.75 1 mi

Antice Point North Timber Sale Haul Route Map



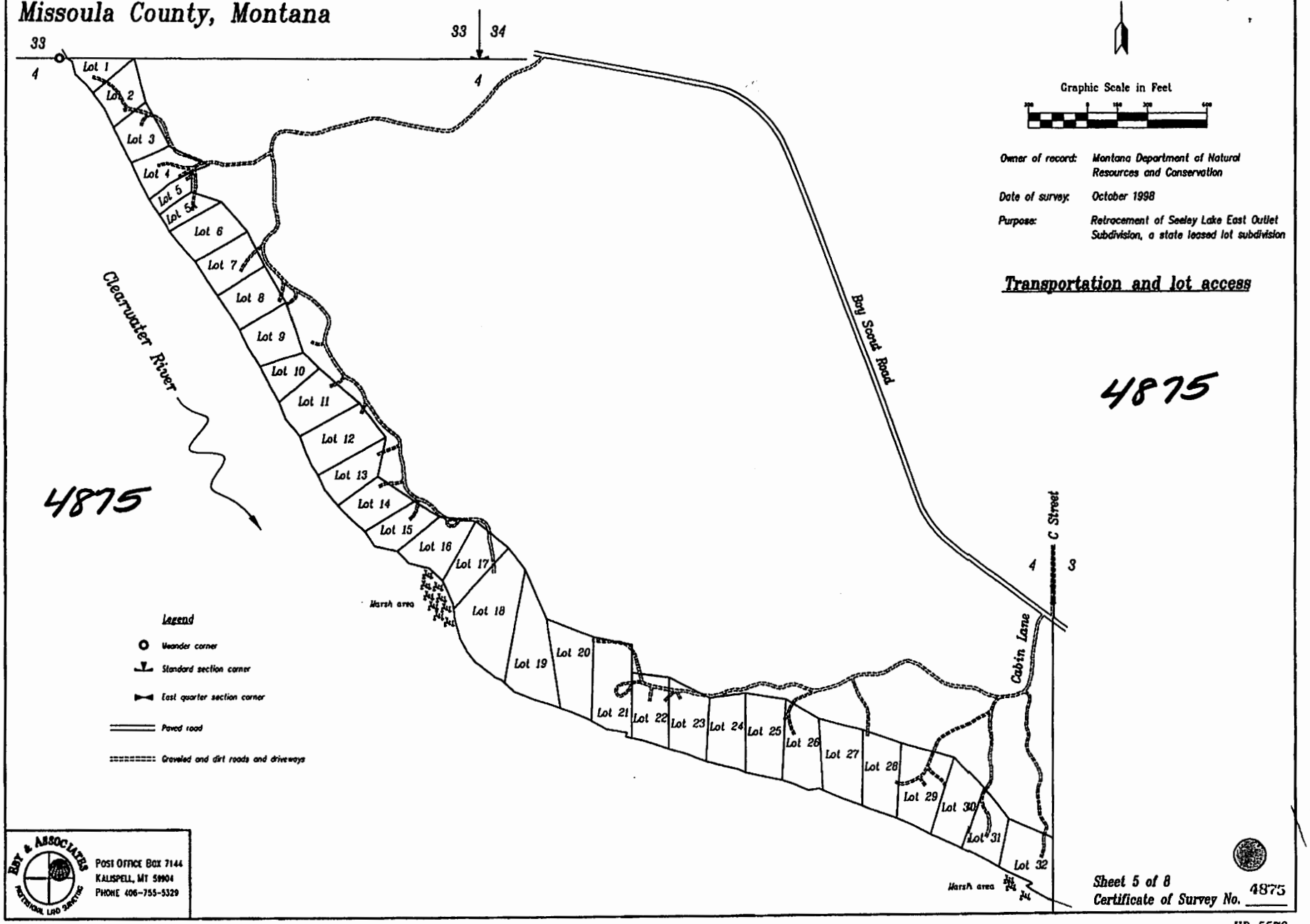
Existing Road
New Road
Road Reconstruction
Haul Route
Perennial Stream
Intermittent Stream
Proposed Harvest Units
DNRC Surface Tracts
USFS Land
USFWS Land
BLM Land
MT FWP

N

0 0.5 1 2 3 4 mi

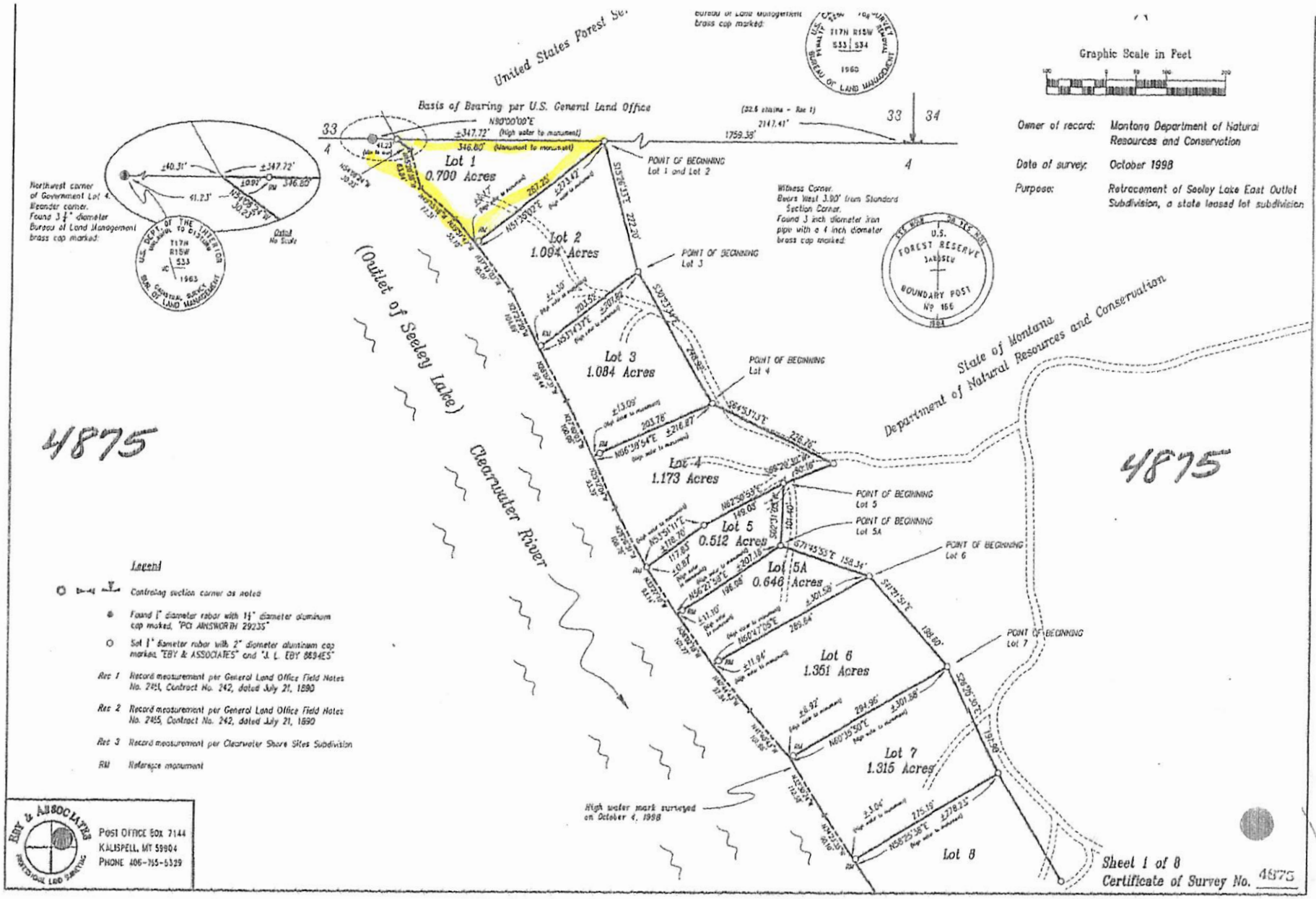
Certificate of Survey

Section 4, Township 16 North, Range 15 West, Principal Meridian, Montana
Missoula County, Montana



Sheet 5 of 8
Certificate of Survey No. 4875

HD 5579


United States Forest Se
Basis of Bearing per U.S. General Land Office
N90°00'00"E
Graphic Scale in Feet
Owner of record: Montana Department of Natural Resources and Conservation
Date of survey: October 1998
Purpose: Retracement of Seeley Lake East Outlet Subdivision, a state leased lot subdivision
Northwest corner of Government Lot 4. Meander corner. Found 3 1/2" diameter Bureau of Land Management brass cap marked:
Bureau of Land Management brass cap marked:
Witness Corner. Bears West 3.90' from Standard Section Corner. Found 3 inch diameter iron pipe with a 4 inch diameter brass cap marked:
Lot 1 0.700 Acres
Lot 2 1.094 Acres
Lot 3 1.084 Acres
Lot 4 1.173 Acres
Lot 5 0.512 Acres
Lot 5A 0.646 Acres
Lot 6 1.351 Acres
Lot 7 1.315 Acres
Lot 8
POINT OF BEGINNING Lot 1 and Lot 2
POINT OF BEGINNING Lot 3
POINT OF BEGINNING Lot 4
POINT OF BEGINNING Lot 5
POINT OF BEGINNING Lot 5A
POINT OF BEGINNING Lot 6
POINT OF BEGINNING Lot 7
(Outlet of Seeley Lake)
Clearwater River
State of Montana Department of Natural Resources and Conservation
4875
Legend
Controling section corner as noted
Found 1" diameter rebar with 1 1/2" diameter aluminum cap marked, "PLS AINSWORTH 29235"
Set 1" diameter rebar with 2" diameter aluminum cap marked, "EBY & ASSOCIATES" and "J. L. EBY 8694ES"
Rec 1 Record measurement per General Land Office Field Notes No. 2451, Contract No. 242, dated July 21, 1890
Rec 2 Record measurement per General Land Office Field Notes No. 2455, Contract No. 242, dated July 21, 1890
Rec 3 Record measurement per Clearwater Shore Sites Subdivision
RM Reference monument
High water mark surveyed on October 4, 1998
EBY & ASSOCIATES PROFESSIONAL LAND SURVEYING
POST OFFICE BOX 7144
KALISPELL, MT 59904
PHONE 406-755-5329
Sheet 1 of 8
Certificate of Survey No. 4875

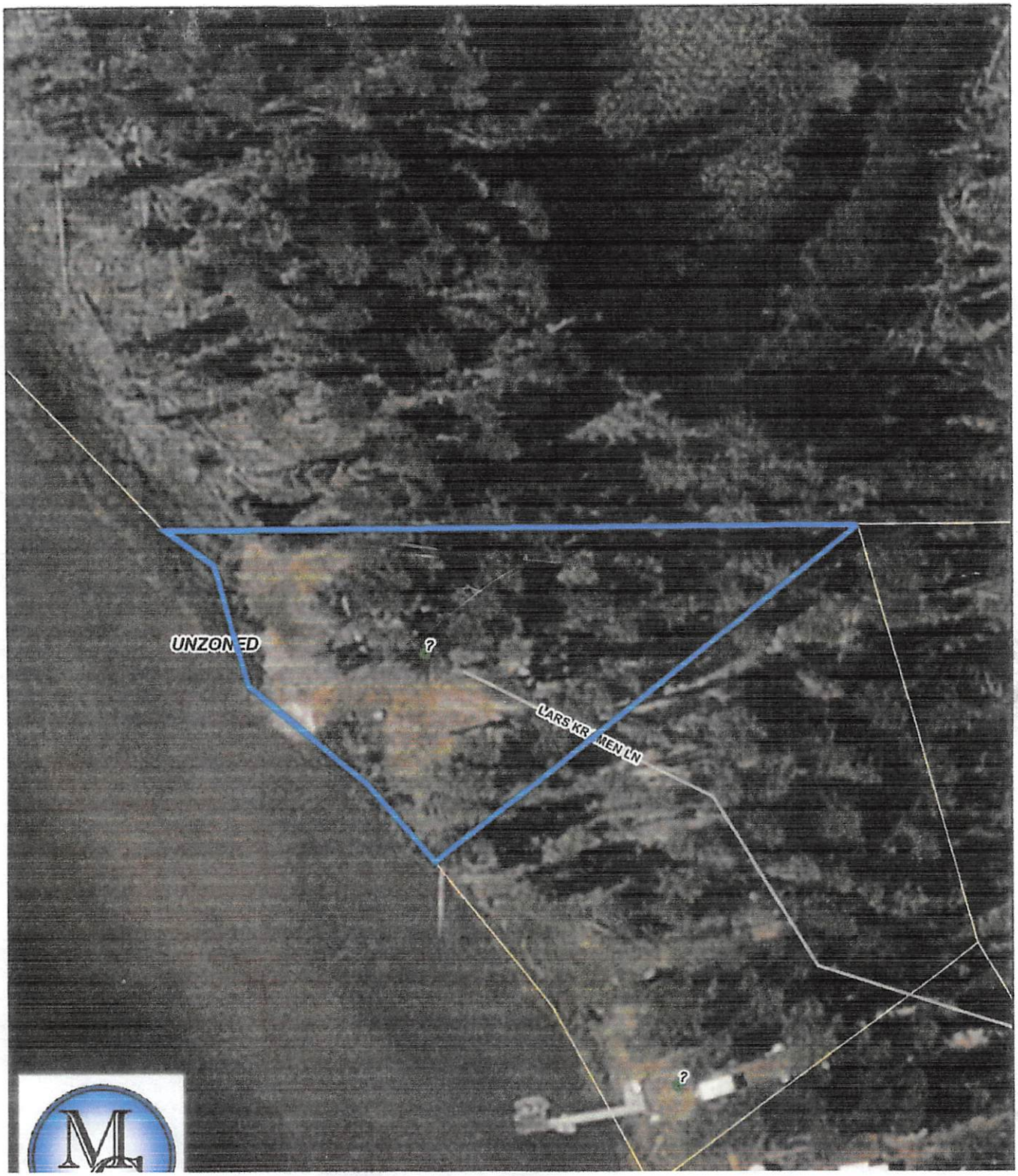
HD 5579

Main File No. 18036

Zoning Map

Client	Kirk & Kim Mace						
Property Address	NHN Lars Kramen Ln						
City	Seeley Lake	County	Missoula	State	MT	Zip Code	59868
Owner	DNRC School Trust Land						

3



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Trust Land Management Division

STEVE BULLOCK, GOVERNOR

1625 ELEVENTH AVENUE

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

MACE, KIRK & KIM
P O BOX 3195
MISSOULA, MT 59806

RE: **NOTICE OF LAND VALUE AND LEASE FEE ADJUSTMENT** 12/1/2015
Cabin Site Lease #3061123
Geocode: 04254004201010000

Dear Lessee,

Your current cabin site lease provides that your lease fee is calculated as 5% of the Department of Revenue value for the land you lease. The Supplemental Lease Agreement that you executed with Department of Natural Resources and Conservation (DNRC) in 2008 provided that the annual rental fee will be calculated by using the most current Department of Revenue value.

The Department of Revenue has recently moved to a two-year valuation cycle. This means that, under your current lease terms, your lease fee will be adjusted accordingly with each new valuation cycle. In 2015 the Department of Revenue released their newest land valuations. Your annual lease fee for 2016 and 2017 will be calculated as 5% of this newest valuation for your lease lot. However, in no instance will your lease fee be below $250.

The current land value for your cabin site lease is: $$52,318.00.

Accordingly, your annual lease fee for 2016 and 2017 will be: $$2,615.90.

If you disagree with the land value identified on this notice, you have the right to request that the Department of Revenue conduct an informal assessment review. Please complete a Request for Informal Assessment Review (Form AB-26) and send it to the local Department of Revenue office in the county in which your property is located. These forms are available at your local Department of Revenue office or online at *www.revenue.mt.gov/appeal-process.*

If the Department of Revenue adjusts the land value as a result of their review, your lease fee will be adjusted accordingly.

Please note that you have only 30 days after the date of this notice to file your Form AB-26 if you choose to dispute your assessment for the current year.

Sincerely,
Heather Noel
Lease Manager

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DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Trust Land Management Division

STEVE BULLOCK, GOVERNOR

1625 ELEVENTH AVENUE

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

MACE, KIRK & KIM
P O BOX 3195
MISSOULA, MT 59806

RE: **NOTICE OF LAND VALUE AND LEASE FEE ADJUSTMENT** 8/1/2017
Cabin Site Lease #3061123
Geocode: 04-2540-04-2-01-01-0000

Dear Lessee,

Your current cabin site lease provides that your lease fee is calculated as 5% of the Department of Revenue (DOR) value for the land you lease. The Supplemental Lease Agreement that you executed with Department of Natural Resources and Conservation (DNRC) in 2008 provided that the annual rental fee will be calculated by using the most current Department of Revenue value.

The Department of Revenue has recently moved to a two-year valuation cycle. This means that, under your current lease terms, your lease fee will be adjusted accordingly with each new valuation cycle. In 2017 the Department of Revenue released their newest land valuations. Your annual lease fee for 2018 and 2019 will be calculated as 5% of this newest valuation for your lease lot. However, in no instance will your lease fee be below $250.

The current land value for your cabin site lease is: $52,215.00.

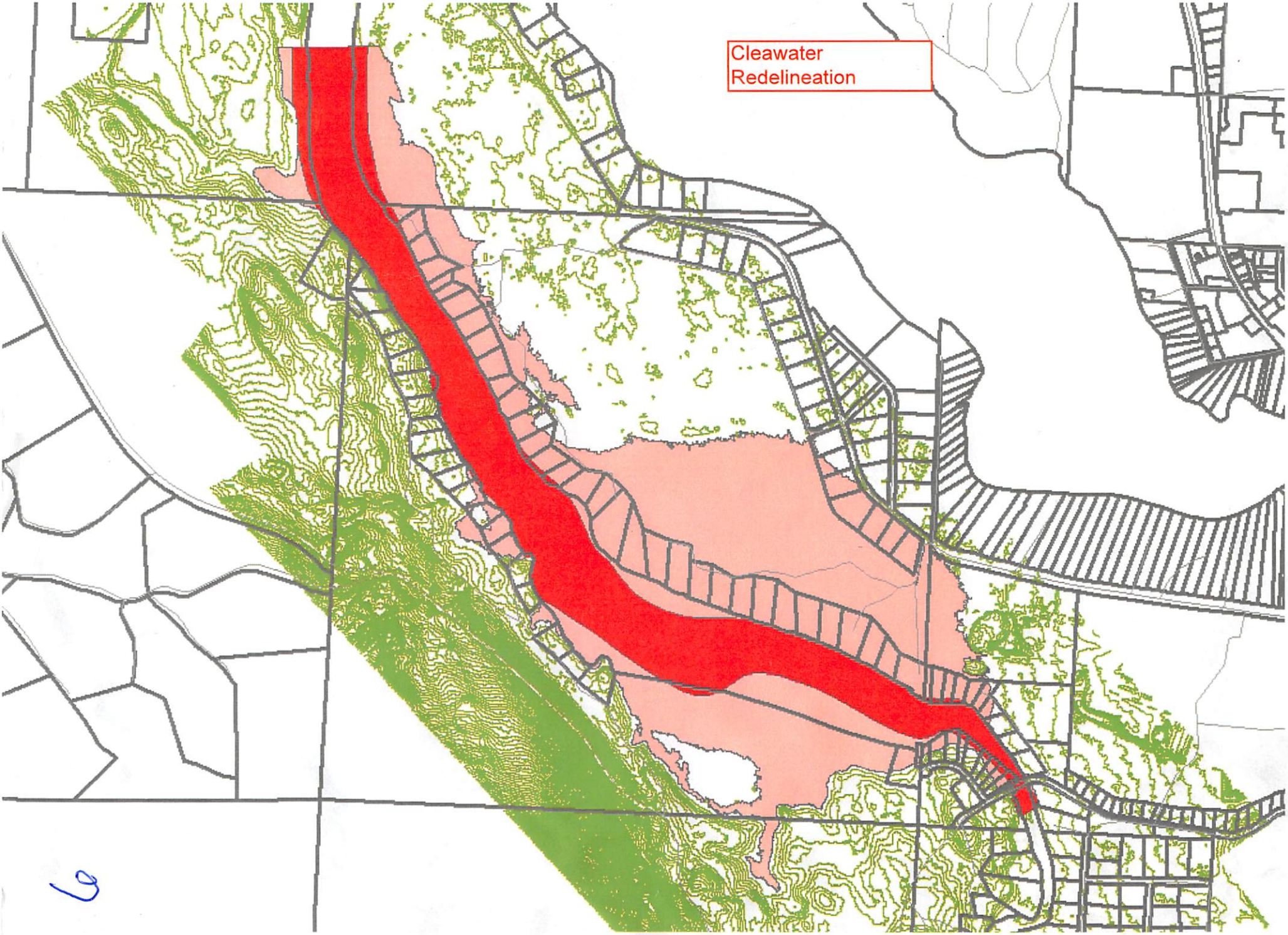
Accordingly, your annual lease fee for 2018 and 2019 will be: $2,610.75.

If you disagree with the land value identified on this notice, you have the right to request that the **Department of Revenue** conduct an informal assessment review. Please complete a Request for Informal Assessment Review (Form AB-26) and send it to the local **Department of Revenue** office in the county in which your property is located. These forms are available at your local **Department of Revenue** office or online at *www.revenue.mt.gov/appeal-process.* If you cannot find your local DOR number, the DOR headquarters phone number is 406-444-6900, or toll-free at 866-859-2254.

If the **Department of Revenue** adjusts the land value as a result of their review, your applicable lease fee will be adjusted by DNRC accordingly.

Please note that you have only 30 days after the date of this notice to file your Form AB-26 if you choose to dispute your assessment.

Sincerely,
Heather Noel
Lease Manager



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Flood Map

Client	Kirk & Kim Mace						
Property Address	NHN Lars Kramen Ln						
City	Seeley Lake	County	Missoula	State	MT	Zip Code	59868
Owner	DNRC School Trust Land						

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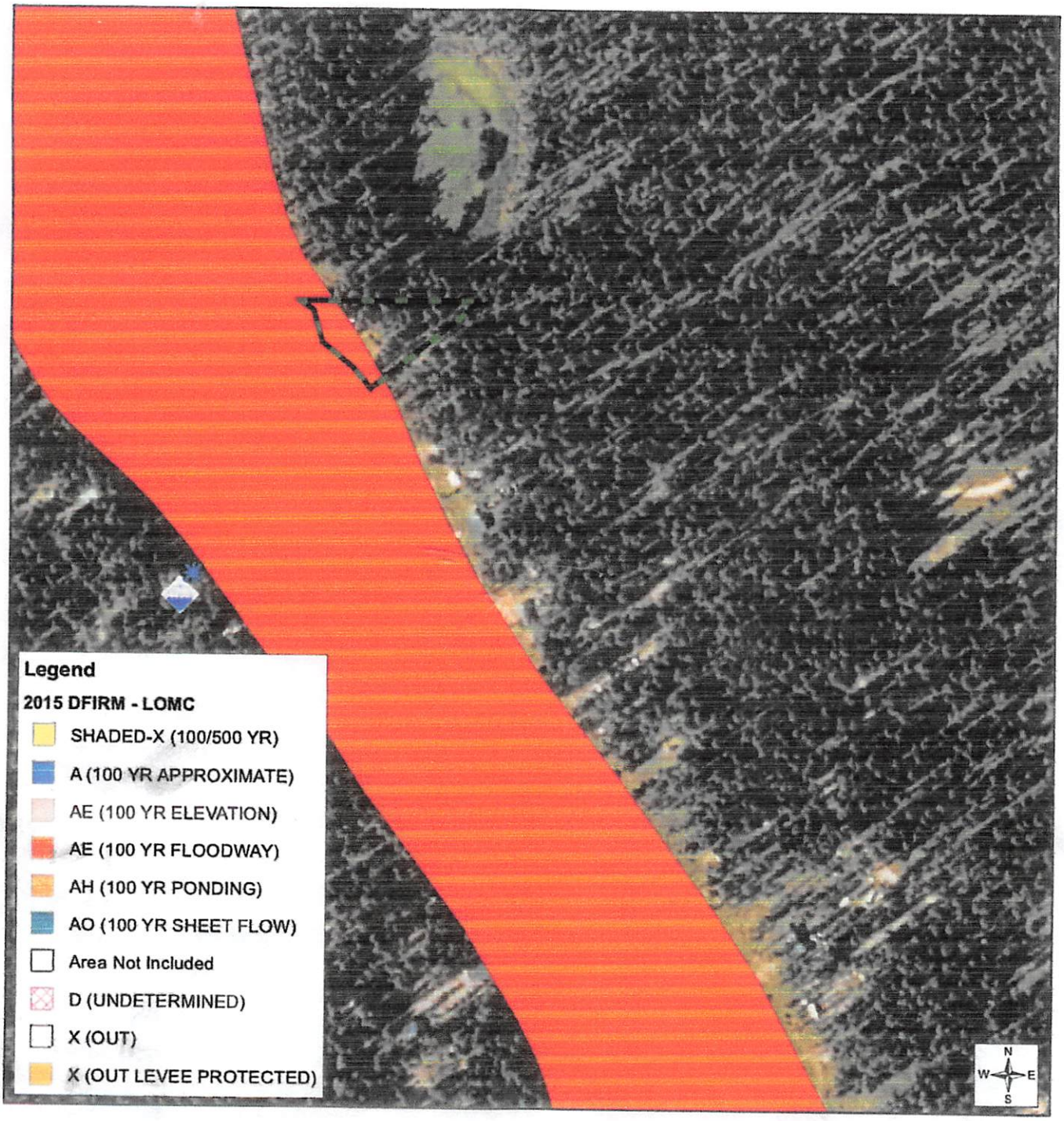
Missoula County Floodplain



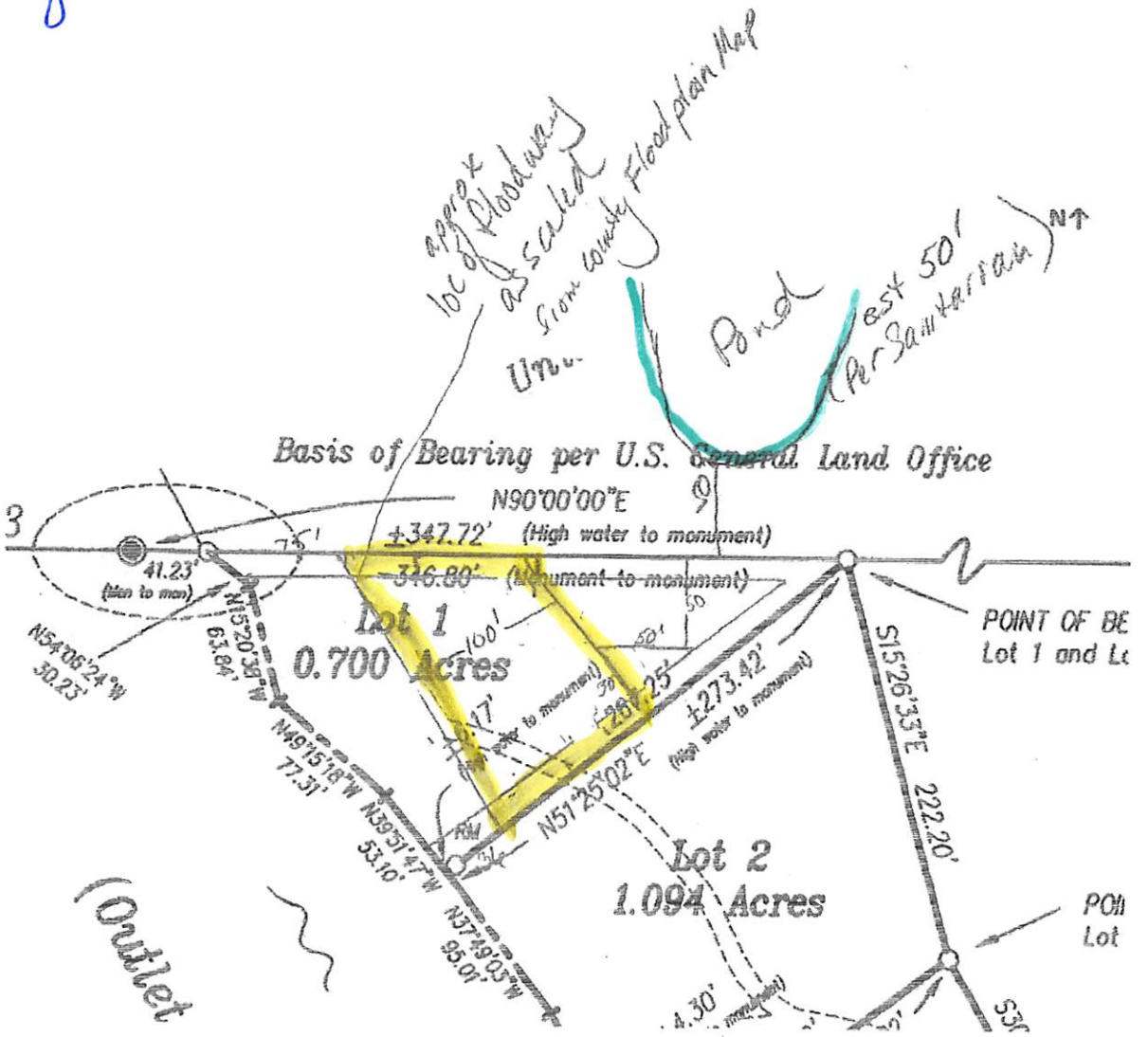
Missoula County
Community and Planning Services
323 W ALDER ST
Missoula, MT 59802

S04, T16N, R15W, C.O.S. 4875, PARCEL 1, SEELEY LAKE OUTLET E STATE LEASE NO 3061123

04-2540-04-2-01-01-0000

Scale

8



approx loc of floodway as scaled from county Floodplain Map
Pond
est 50' (Per Sanitarian)
N
Basis of Bearing per U.S. General Land Office
N90°00'00"E
±347.72' (High water to monument)
346.80' (Monument to monument)
41.23' (Mon to mon)
N54°06'24"W 30.23'
N15°20'38"W 63.84'
N49°15'18"W 77.31'
N39°51'47"W 53.10'
N37°49'03"W 95.01'
Lot 1
0.700 Acres
±273.42' (High water to monument)
N51°25'02"E
Lot 2
1.094 Acres
S15°26'33"E 222.20'
POINT OF BE
Lot 1 and Lo
POI
Lot
(Outlet

9

Mace Property Sanitarian Discussion

10/26/2018 – Phone Call with Daniel Congdon, Missoula County Health Department – Sanitarian

I asked him if 1.0-acre size was necessary for a well and septic. He said that was a conservative rule of thumb and not set in stone. If one could show that all setbacks and rules could be met for development, it would be possible to develop a smaller parcel.

With the leased sites, he noted that if someone buys one of the sites, they must go through Sanitation Subdivision Review to put a septic on the property after the sale. This is a rather lengthy process, one where an environmental consultant puts together the application for water system, wastewater and storm water systems; process takes around 3 – 6 months; and will cost a few thousand dollars.

He thinks it would be difficult to put a well and septic system on the subject property. Meeting the 100' setback for the absorption system and a replacement system from both the river and the wetland area to the north would be nearly impossible. (He measured the distance from the wetland area to the subject property line and said it was +/- 50'.) Absorption systems must be 100' away from a wetland.

I asked if pit toilets are allowable. He said they usually don't do anything unless something happens, say someone wants to expand the footprint of an existing structure, or if the system fails, that would be seen as an opportunity for upgrading. A pit toilet would not be allowed if a septic was possible.

Other options might be possible, such as a composting or incinerating toilet. A septic system for disposal of greywater could possibly be installed, but again, that requires much the same process and involves generally similar requirements as a regular septic system.

11/14/2018 – Phone Call with Daniel Congdon, Missoula County Health Dept. – Sanitarian

I asked him if it was true that there was a moratorium on septic systems along the east (Clearwater River) outlet of Seeley Lake. This was regarding a statement that Todd Kleitz , floodplain administrator, had made.

He indicated that he had some new maps that showed differences from what the FEMA map shows in floodplain, with the red floodway basically the same, and the pink floodplain expanded. Essentially most of the lots along the east side of the river are completely in the floodplain. He also said that the only way to develop them now would be to get an easement from DNRC for septic on the property to the east that is out of the floodplain.

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Lot	Values	Auction Information	Sale Status
Sale No. 959 Lot 5, 0.512 acres 	MINIMUM BID FOR THE LAND: $148,000 IMPROVEMENTS VALUE: $119,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATING LESSEE FOR MINIMUM BID
Sale No. 961 Lot 7, 1.315 acres 	MINIMUM BID FOR THE LAND: $77,500 IMPROVEMENTS VALUE: $78,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATING LESSEE FOR MINIMUM BID
Sale No. 1041 Lot 8, 1.303 acres 	MINIMUM BID FOR THE LAND: $77,500 IMPROVEMENTS VALUE: $112,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATING LESSEE FOR MINIMUM BID
Sale No. 962 Lot 9, 1.349 acres 	MINIMUM BID FOR THE LAND: $74,000 IMPROVEMENTS VALUE: $83,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATING LESSEE FOR MINIMUM BID
Sale No. 964 Lot 18, 3.174 acres 	MINIMUM BID FOR THE LAND: $77,500 IMPROVEMENTS VALUE: $256,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATING LESSEE FOR MINIMUM BID

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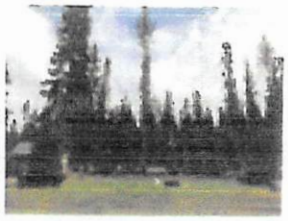
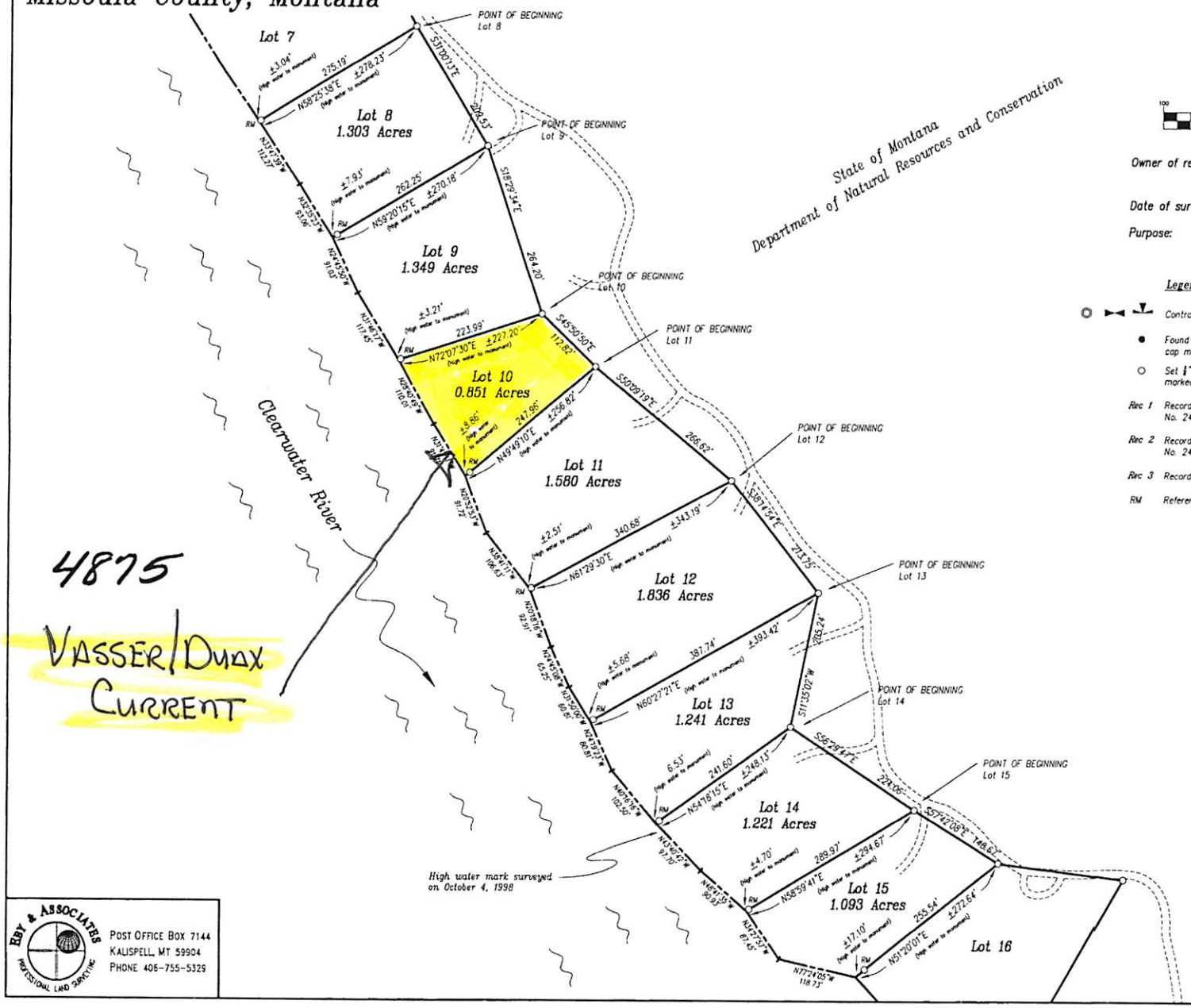
Sale # 965 Lot 20, 1.905ac 	Min Bid for Land $148,000 Imps. Value $193,000	2:00 Tues Nov 27 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	Sold to Nominat Lessee for Min. B
Sale No. 966 Lot 21, 2.075 acres 	MINIMUM BID FOR THE LAND: $74,000 IMPROVEMENTS VALUE: $116,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATI LESSEE FOR MINIMUM
Sale No. 967 Lot 23, 1.54 acres 	MINIMUM BID FOR THE LAND: $74,000 IMPROVEMENTS VALUE: $71,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATI LESSEE FOR MINIMUM
Sale No. 968 Lot 25, 1.826 acres 	MINIMUM BID FOR THE LAND: $77,500 IMPROVEMENTS VALUE: $66,000	2:00 pm Tuesday, November 27, 2018 DNRC SWLO 1401 27th Avenue, Missoula, MT 59804	SOLD TO NOMINATIN LESSEE FOR MINIMUM

11/27/17

Certificate of Survey

Section 4, Township 16 North, Range 15 West, Principal Meridian, Montana
Missoula County, Montana



4875

VASSER/DUAX CURRENT

Graphic Scale in Feet

100 0 50 100 200

Owner of record: Montana Department of Natural Resources and Conservation

Date of survey: October 1998

Purpose: Retracement of Seeley Lake East Outlet Subdivision, a state leased lot subdivision

Legend

- Controlling section corner as noted
- ● Found ½" diameter rebar with 1½" diameter aluminum cap marked, "PCI AINSWORTH 29235"
- ○ Set ½" diameter rebar with 2" diameter aluminum cap marked, "EBY & ASSOCIATES" and "J. L. EBY 8694ES"
- Rec 1 Record measurement per General Land Office Field Notes No. 2451, Contract No. 242, dated July 21, 1890
- Rec 2 Record measurement per General Land Office Field Notes No. 2455, Contract No. 242, dated July 21, 1890
- Rec 3 Record measurement per Clearwater Shore Sites Subdivision
- RM Reference monument

4875

EBY & ASSOCIATES
PROFESSIONAL LAND SURVEYING
POST OFFICE BOX 7144
KALISPELL, MT 59904
PHONE 406-755-5329

Sheet 2 of 8
Certificate of Survey No. 4875

HD 5579

4/29/18

4/30/18

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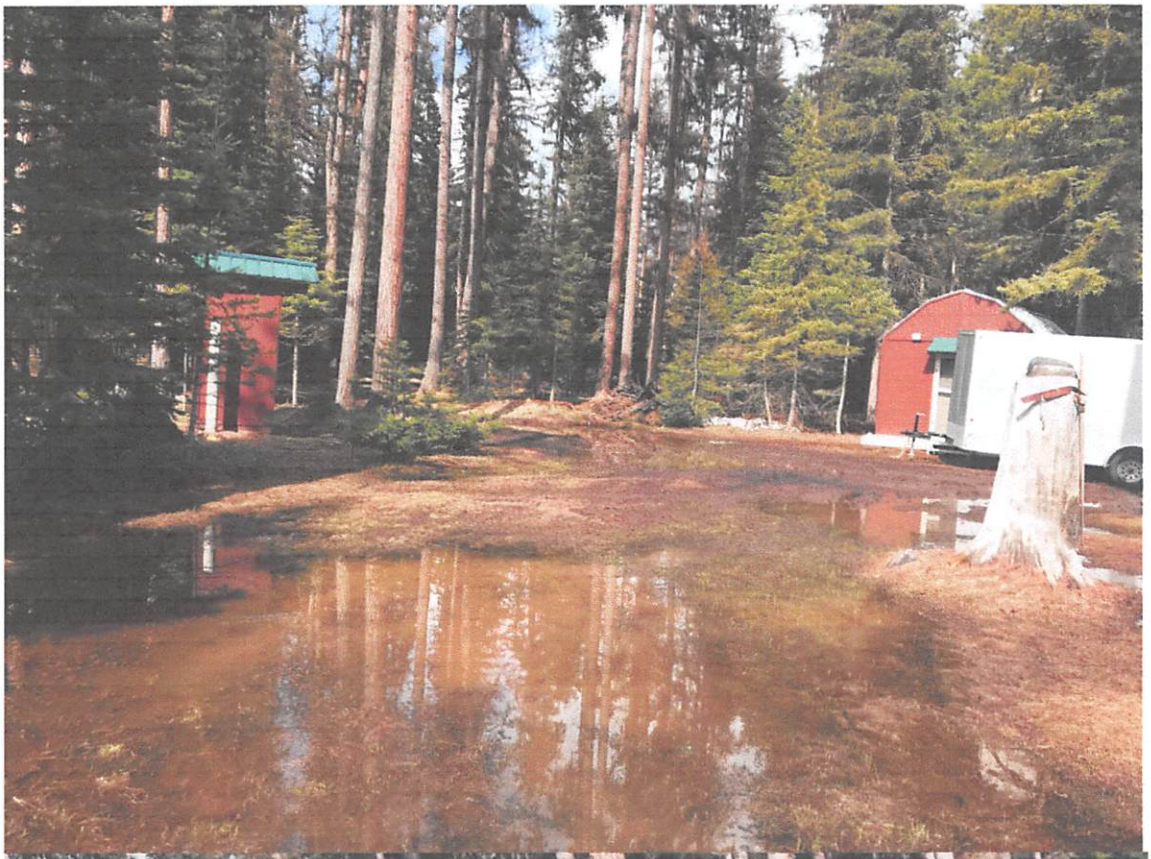
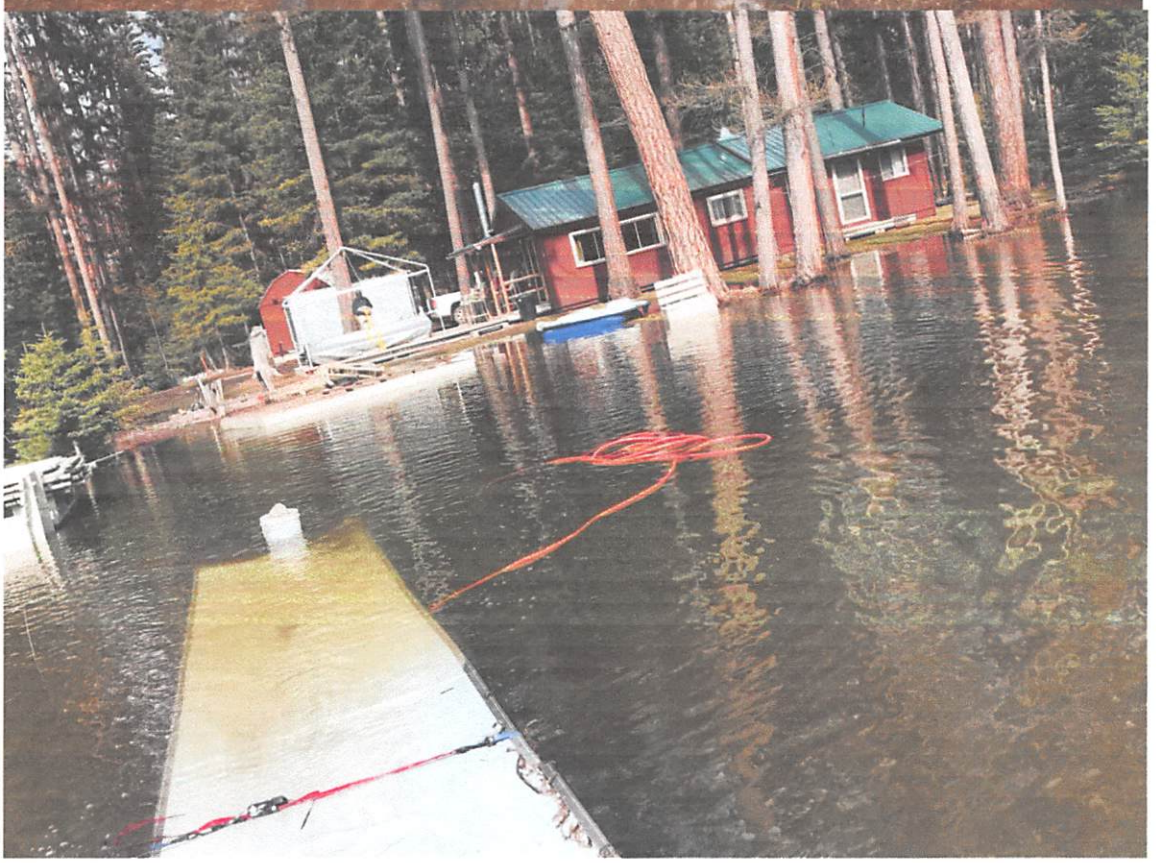
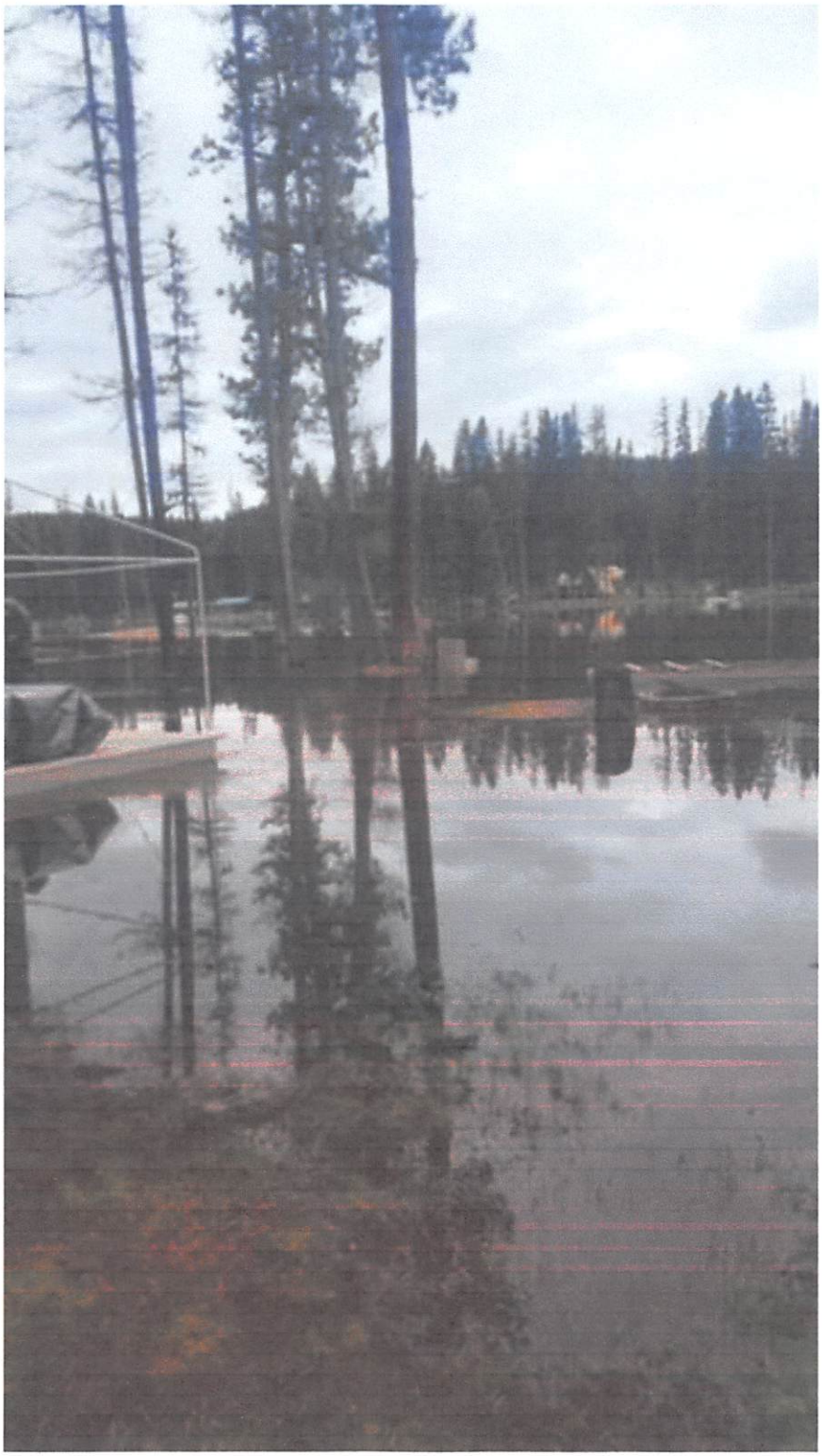




5/1/18



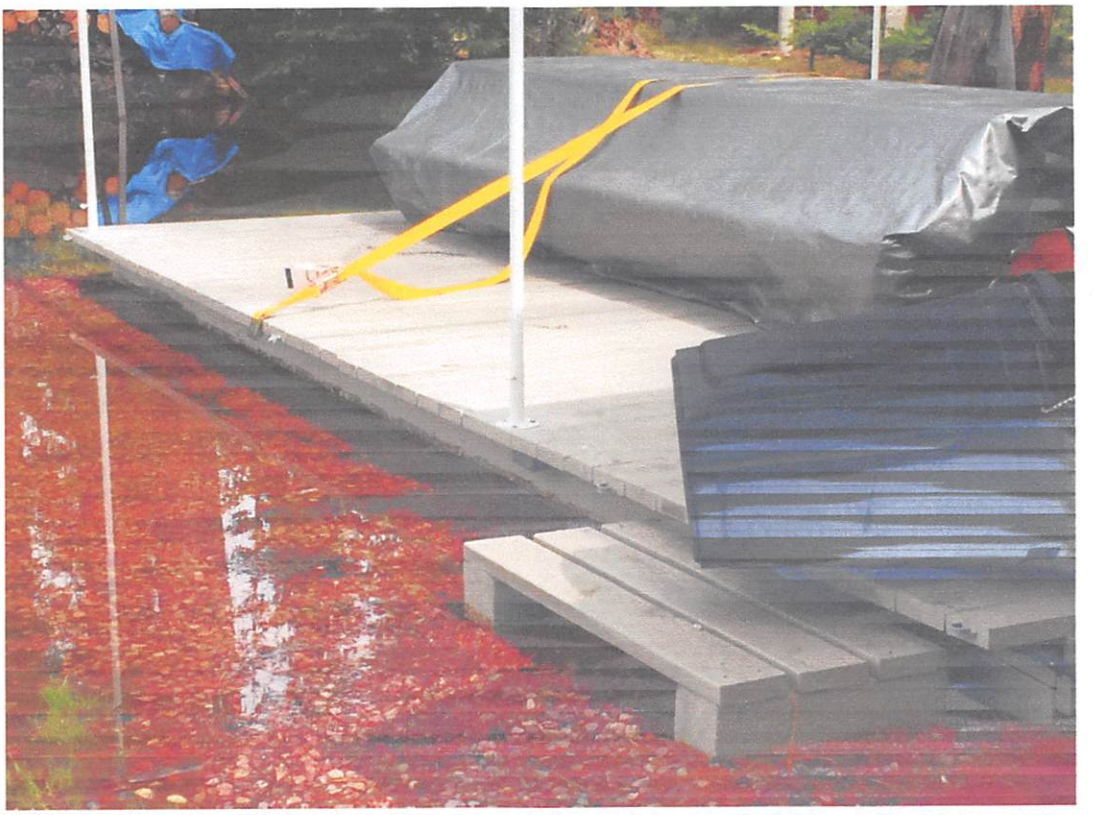
5/2/18

5/4/18 (Road Damage)

Dock Damage May 2018

Dock Damage May 2018

5/9/18



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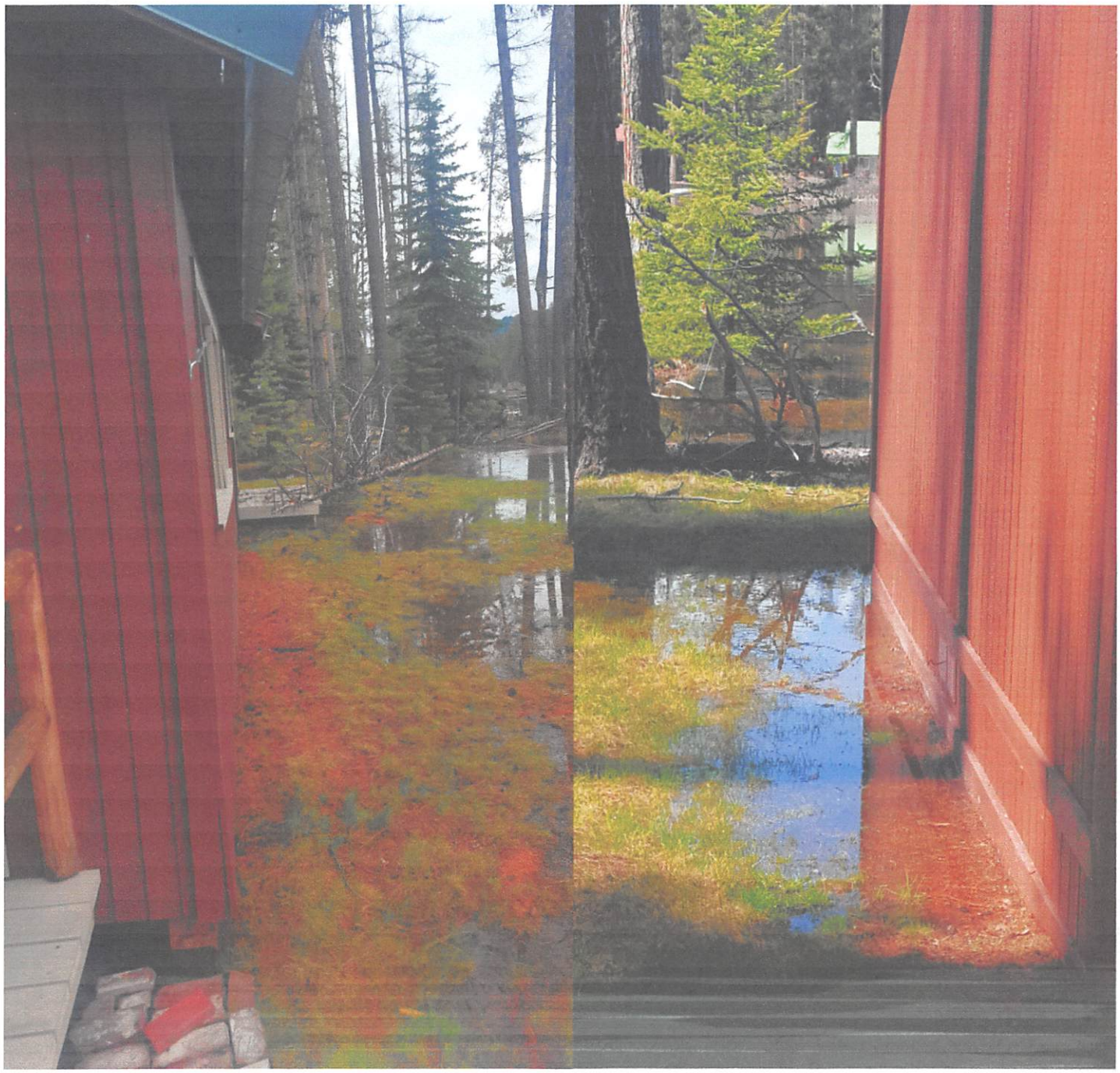

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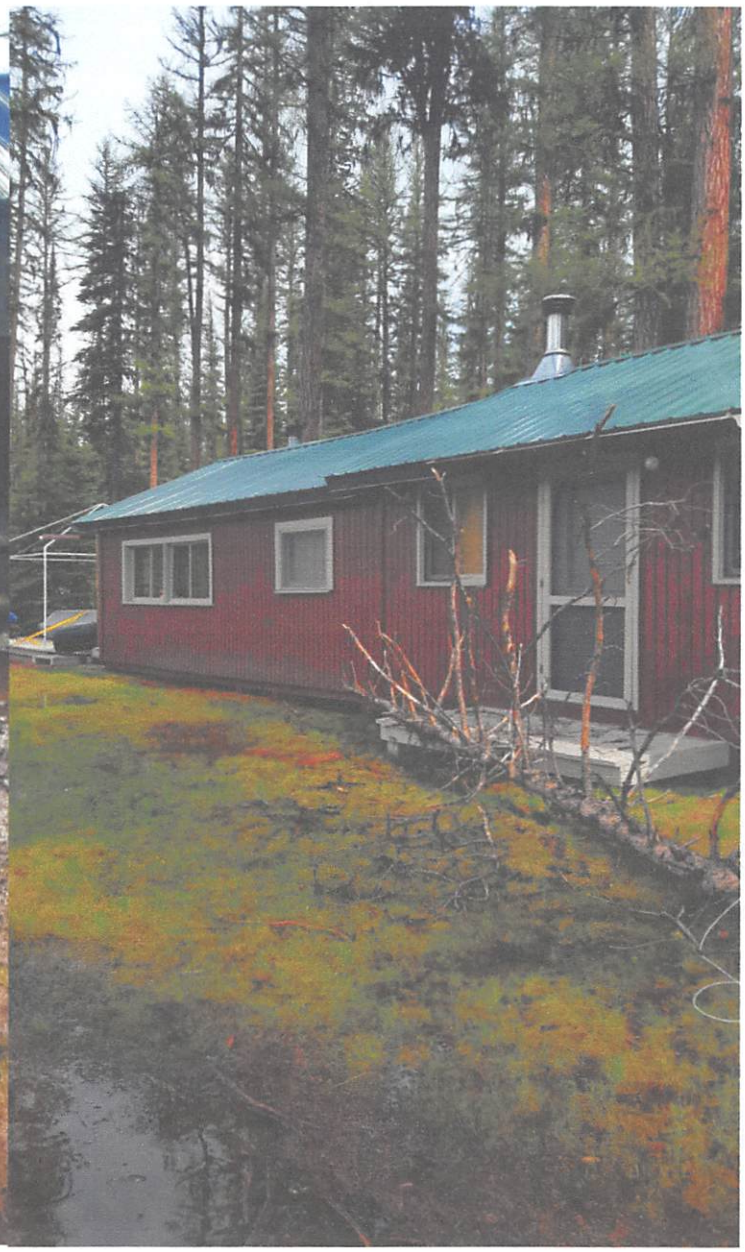
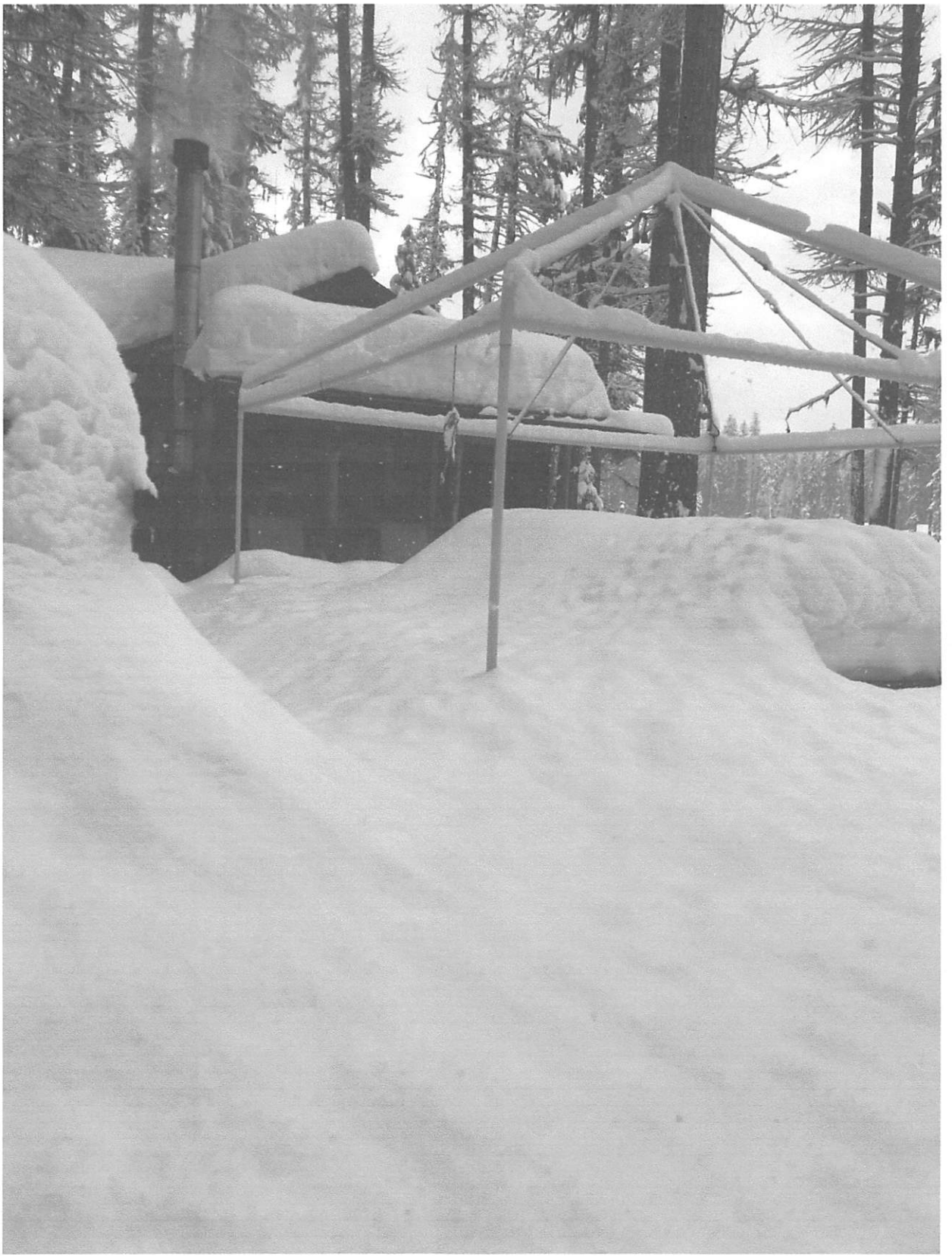


Road into Cabin 6/25/18

Snow Depth 2/5/18