

# Memo

To: Kelly Motichka  
From: Dana Boruch  
Date: April 29, 2015  
Re: Southern Montana Telephone Company – Squaw Creek Lots 7 & 8, Section 36 T2N R14W, Common Schools

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Enclosed please find the following documents along with their duplication, for processing of the Southern Montana Telephone Company buried telecommunication cable ROW application:

- ✓ Original, notarized easement application, received January 15, 2015, dated December 9, 2014
- ✓ Signed statement of necessity
- ✓ Affidavit of Survey and appropriate surveyed plat, each notarized by surveyor
- ✓ Monument documentation and statement of GPS accuracy
- ✓ Notice of Settlement of Damages form for Section 36
- ✓ Checklist Environmental Assessment document
- ✓ Limited Valuation documentation

This utility easement lies adjacent to an easement previously issued to Southern Montana Telephone , and adjacent to an existing roadway.

The environmental analysis completed for this project requests that a specific seed mix be utilized for any ground disturbance. Because SMT will be able to maintain this line into the future, and this parcel's classification for grazing, SWLO is requesting that the 'altered weed clause' utilized for the Almquist and Seeley Sewer easements be utilized for this easement.

I utilized the Limited Valuation method for determining full market value for the easement. At \$650/acre for .822 acres, the cost of the easement is recommended at \$108.

Please contact me if you have further questions.

Enc.

**HEBERLY AND ASSOCIATES**  
Consulting Engineers

P.O. Box 1311  
615 1<sup>st</sup> Street West Suite A  
Havre, Montana 59501  
Phone (406)265-6741  
Fax (406)265-6787

December 9, 2014

Dana Boruch  
Right-of-Way Specialist  
DNRC Southwestern Field Office  
1401 27th Avenue  
Missoula, MT 59804

Re: Squaw Creek Area of the Wisdom Exchange  
State Lands Application

Dear Dana:

Please find enclosed one (1) copy of one (1) new utility R/W application for the Southern Montana Telephone Company of Wisdom, Montana. The application is for the Squaw Creek Area of the Wisdom Exchange.

The \$50 fee (\$50 per application) has been sent to Lisa Axline in the Helena DNRC office, along with copies of the permit.

Feel free to contact me at our office with any questions or comments.

Sincerely,

Heberly and Associates,



Lance Zuelke

Enclosures  
cc: Rex Caraker

**APPLICATION FOR RIGHT OF WAY EASEMENT FOR UTILITIES OVER,  
UNDER, ALONG OR ACROSS STATE LANDS**

**(Non-Refundable Application Fee - \$50.00)**

NOTE: Easement requests are processed on a first come, first served basis. Department review of complete application packages may take a minimum of 120 days. Incomplete applications and those requiring further information may take longer.

\_\_\_\_\_ Have \_\_\_\_\_ Montana, \_\_\_\_\_ October \_\_\_\_\_, 20\_\_14

To the State Board of Land Commissioners  
% Montana Department of Natural Resources and Conservation  
P.O. Box 201601, Helena, Montana:

Application is hereby made under the provisions of Title 77, Chapter 2, Section 101 of the Montana Code Annotated, by \_\_\_\_\_ Southern Montana Telephone Company \_\_\_\_\_ of \_\_\_\_\_ P.O. Box 205, Wisdom, Montana 59761-0205 \_\_\_\_\_ for a right of way easement for the purpose(s) of \_\_\_\_\_ placing an underground telecommunication cable through a new R/W corridor \_\_\_\_\_ through \_\_\_\_\_ LOT 7 AND LOT 8 \_\_\_\_\_ Section 36, Township 2N, Range 14W, County of \_\_\_\_\_ Deer Lodge \_\_\_\_\_

Duly verified quad maps in duplicate accompany this application and are made a part hereof. The tract or strip of land required for the said right of way is more particularly described as follows:

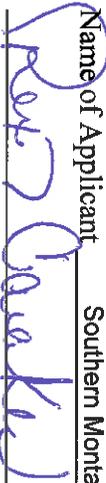
A tract or strip of land \_\_\_\_\_ twenty \_\_\_\_\_ feet wide, \_\_\_\_\_ ten \_\_\_\_\_ feet on each side of a centerline described as follows:

**DESCRIPTION**

A RIGHT-OF-WAY FOR AN UNDERGROUND TELECOMMUNICATIONS CABLE EXTENDING TWENTY (20.0) FEET IN WIDTH WITH TEN (10.0) FEET ON EACH SIDE OF A CENTERLINE AT A CENTERLINE AT 7 AND 14

An application packet must contain all of the following - Please check box when completed.

- \$50.00 Application Fee Enclosed.
- Original and one copy of application signed by authorized representative of applicant.
- Affidavit completed, found monument corner appropriately described (i.e. brass cap, aluminum pipe, etc. with notation of inscription, if any).
- Copy of corner recordation form or other support documentation as found in county courthouse.
- Quad map - 1/4's shown, found corner identified, acreage taken and remaining from each 1/4, North arrow and scale; OR GPS Survey - affidavit signed by licensed surveyor or licensed professional engineer, which includes model of unit and level of accuracy.
- Centerline Description (Must begin and end with a tie in to the found section corner).
- Lessee settlement signed by all parties to the lease.
- Statement of necessity, what other routes were considered, why rejected.
- If overhead facility, type of line (distribution/transmission), number of poles to be used (single or double construction), number of guys and anchors and volage of line, if electric.  
If pipeline, diameter of pipe stated?
- Stream/river crossing - list attached of other navigable river permits applied for and current status.  
If waived by other state or federal agencies, attach letter of waiver from authorized agent.

Name of Applicant Southern Montana Telephone Company  
  
Signature of Authorized Signatory  
Title Plant Manager  
Address P. O. Box 205, Wisdom, Montana 59761-0205

**AFFIDAVIT**

I Douglas B. Vance, the person who prepared the attached exhibit for easement  
for which application is hereby made do hereby certify that the information of the exhibit is true and correct in

## RIGHT-OF-WAY ON STATE LANDS

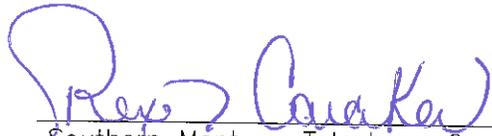
TO: Department of Natural Resources and Conservation  
State Board of Land Commissioners

SUBJECT: Statement of Need to Cross State Lands  
Southern Montana Telephone Company

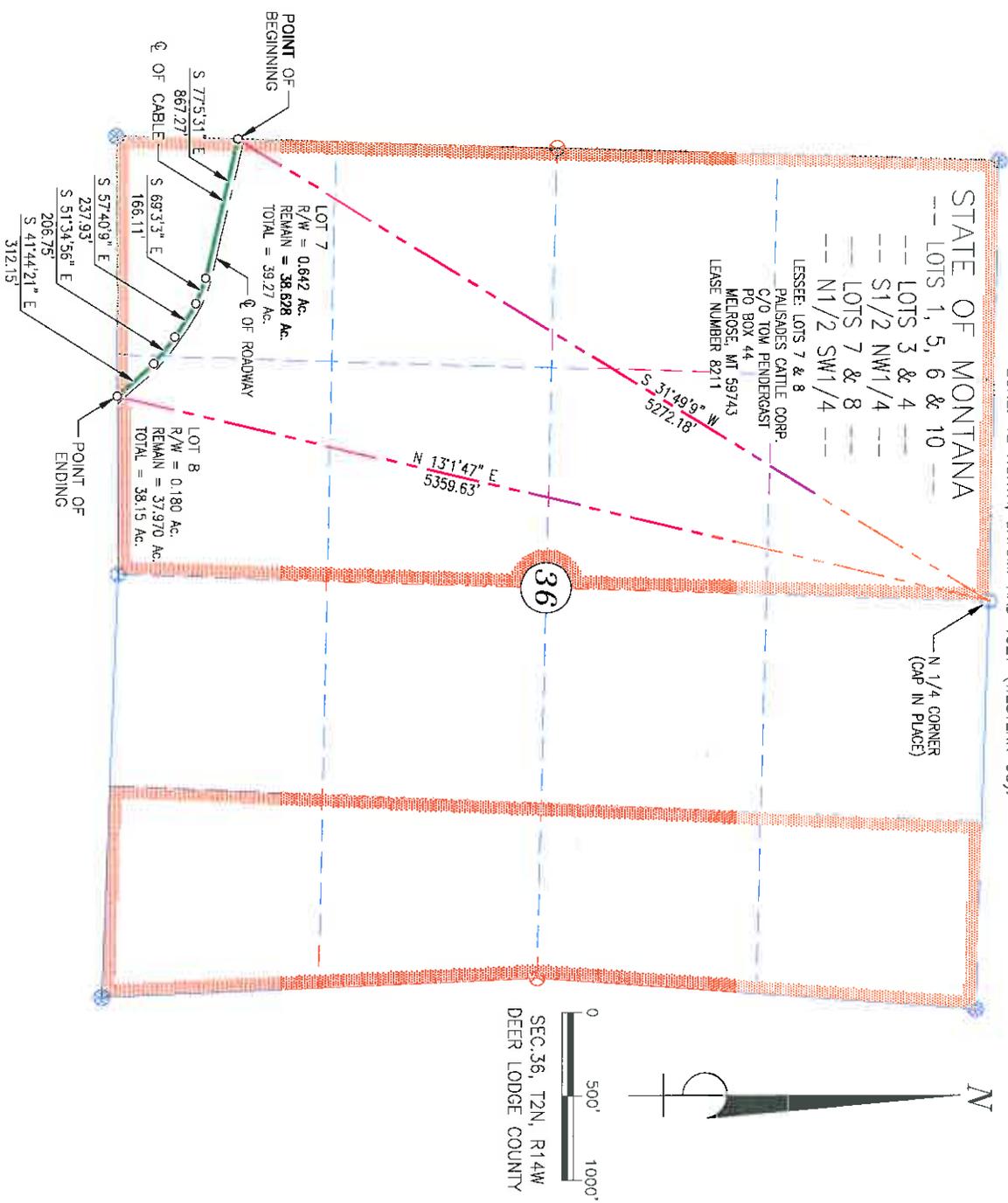
Southern Montana Telephone Company (SMTC) is proposing to install a new underground telecommunications cable to upgrade their current facilities and to the Wisdom Exchange serving area in and around Wisdom, Montana. These improvements will offer state-of-the-art telecommunications toll and distribution facilities, as well as future growth capabilities.

The proposed route was determined by field survey as the most direct route between terminus locations while also providing access to existing and future network considerations. The proposed route will provide accessibility for construction and maintenance since it is located primarily along existing roadways. SMTC has attempted to locate its facilities along existing roadways and as near as is practical to them. Thus, if the existing roadways cross State Lands, the cable facilities cross also.

Signature of Applicant

  
Southern Montana Telephone Company

NOTE: ALL BEARINGS AND DISTANCES ON SECTION ARE TAKEN FROM FIELD GPS SURVEY DATA CORRECTED IN SYSTEM: UTM, ZONE: 12 NORTH, DATUM: NAD 1927 (WESTERN US).



A RIGHT-OF-WAY FOR AN UNDERGROUND TELECOMMUNICATIONS CABLE EXTENDING TWENTY (20.0) FEET IN WIDTH WITH TEN (10.0) FEET ON EACH SIDE OF A CENTERLINE ALL WITHIN LOT 7 AND LOT 8 OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 14 WEST OF THE PRINCIPAL MERIDIAN, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 36; THENCE SOUTH 31°49'9" WEST A DISTANCE OF 5272.18 FEET TO THE POINT OF BEGINNING OF THE RIGHT-OF-WAY CENTERLINE AND WEST BOUNDARY OF LOT 7 OF SAID SECTION 36; THENCE ON AND ALONG THE RIGHT-OF-WAY CENTERLINE ON A BEARING OF SOUTH 77°5'31" EAST A DISTANCE OF 867.27 FEET; THENCE SOUTH 69°3'3" EAST A DISTANCE OF 166.11 FEET; THENCE SOUTH 57°40'9" EAST A DISTANCE OF 237.93 FEET; THENCE SOUTH 51°34'56" EAST A DISTANCE OF 206.75 FEET; THENCE SOUTH 41°44'21" EAST A DISTANCE OF 312.15 FEET TO THE POINT OF ENDING OF THE RIGHT-OF-WAY CENTERLINE AND SOUTH BOUNDARY OF LOT 8; THENCE NORTH 13°1'47" EAST A DISTANCE OF 5359.63 FEET TO THE POINT OF BEGINNING OF SAID SECTION 36.

**SOUTHERN MONTANA TELEPHONE COMPANY  
APPLICATION FOR EASEMENT ACROSS STATE LANDS  
SECTION 36, TOWNSHIP 2 NORTH, RANGE 14 WEST**

Description Of Found Monuments

THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 14 WEST WAS FOUND. A 3 1/4" ALUMINUM CAP WAS IN PLACE, 4" ABOVE GROUND LEVEL AND LOCATED NEAR A FENCE LINE INTERSECTION. A U.S. FOREST SERVICE SURVEY MARKER WAS ALSO IN PLACE 15" EAST OF THE MONUMENT. THE MONUMENT WAS SET BY THE U.S.D.A. FOREST SERVICE IN 1986.

GLOBAL POSITIONING SYSTEMS SURVEY  
STATEMENT OF ACCURACY

STATE OF MONTANA    )  
                                  )SS  
COUNTY OF HILL     )

I, Douglas B. Vance, do hereby attest that the attached survey performed with Global Positioning Systems (GPS) survey equipment meets the accuracy level, of 5 meters or less, required by the Montana Department of Natural Resources and Conservation (DNRC) for right-of-way centerline descriptions.

The GPS equipment used was a Trimble Navigation GEO XT Handheld, 12-channel receiver, capable of providing real-time and post-processed differential corrections for sub-meter accuracy.

SUBSCRIBED AND SWORN BEFORE ME

THIS 22 DAY OF OCTOBER, 2014

Kenneth W Wagner  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT HAVRE, MONTANA  
MY COMMISSION EXPIRES JAN 12, 2016

  
DOUGLAS B. VANCE, REGISTERED PROFESSIONAL  
ENGINEER, MONTANA NO. 12611 PE

  
**KENNETH W WAGNER**  
NOTARY PUBLIC for the  
State of Montana  
Residing at Havre, Montana  
My Commission Expires  
January 12, 2016

Found

### CERTIFIED LAND CORNER RECORDATION

#### DESCRIPTION OF CORNER EVIDENCE FOUND, AND ORIGINAL RECORD (IF KNOWN)

Found: 1" pipe with brass cap at the 1/4 corner between sections 25 and 36, T.2N., R.14W., P.M.M.

Record: 1" iron post, 36" long, 24" in ground with brass cap. Resurvey notes of 1916.

Found: Set stone in mound of stone. 7" x 9" x 6" out of ground, 5 marks on North Side, 1 mark on South Side at the corner of sections 25, 30, 36, 31, T.2N., R.13W., R.14W., P.M.M.

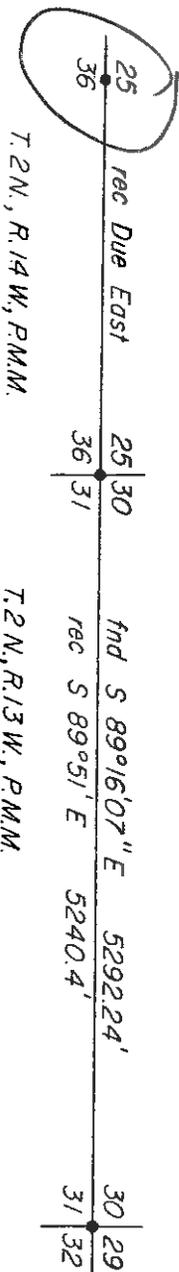
Record: Set granite boulder 13 x 8 x 5 for corner to sections 25, 30, 31, 36, with pits and mounds.

#### DESCRIPTION OF MONUMENT AND ACCESSORIES ESTABLISHED TO PERPETUATE THE ORIGINAL LOCATION OF THIS CORNER:

Date of work:.....1977

SKETCH, WITH COURSE AND DISTANCE TO ADJACENT CORNERS IF DETERMINED IN THIS SURVEY.  
(MAY SKETCH OR PASTE REPRODUCTION ON REVERSE SIDE.)

Found



T.2N., R.14W., P.M.M.

T.2N., R.13W., P.M.M.



**MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
LIMITED VALUATION FORM  
(ARM 36.25.917 and DNRC Procedure PR-TLMD-REMB-003)**

For: Southern Montana Telephone easement – Section 36 T2N R14W

Applicant: Southern Montana Telephone

Completed By: Dana Boruch Date: April 21, 2015

A limited valuation is an estimation of value, for use in establishing an easement value or subsequent lease or license fee, through other means than contracting for an appraisal with a Montana-licensed certified general appraiser. Limited valuations must be conducted in a manner that ensures that full market value is received for the interest conveyed in the use of state trust lands.

Limited valuations can be accomplished through the following **methods**:

- Use of the Department's Valuation Study or Fee Schedule
- A survey of Montana-licensed certified general appraisers
- A survey of local tax assessors or the Montana Cadastral System
- A survey of local realtors
- An evaluation of local rents or market fees  
*(this type of evaluation method must also include at least one other limited valuation method for the land itself)*

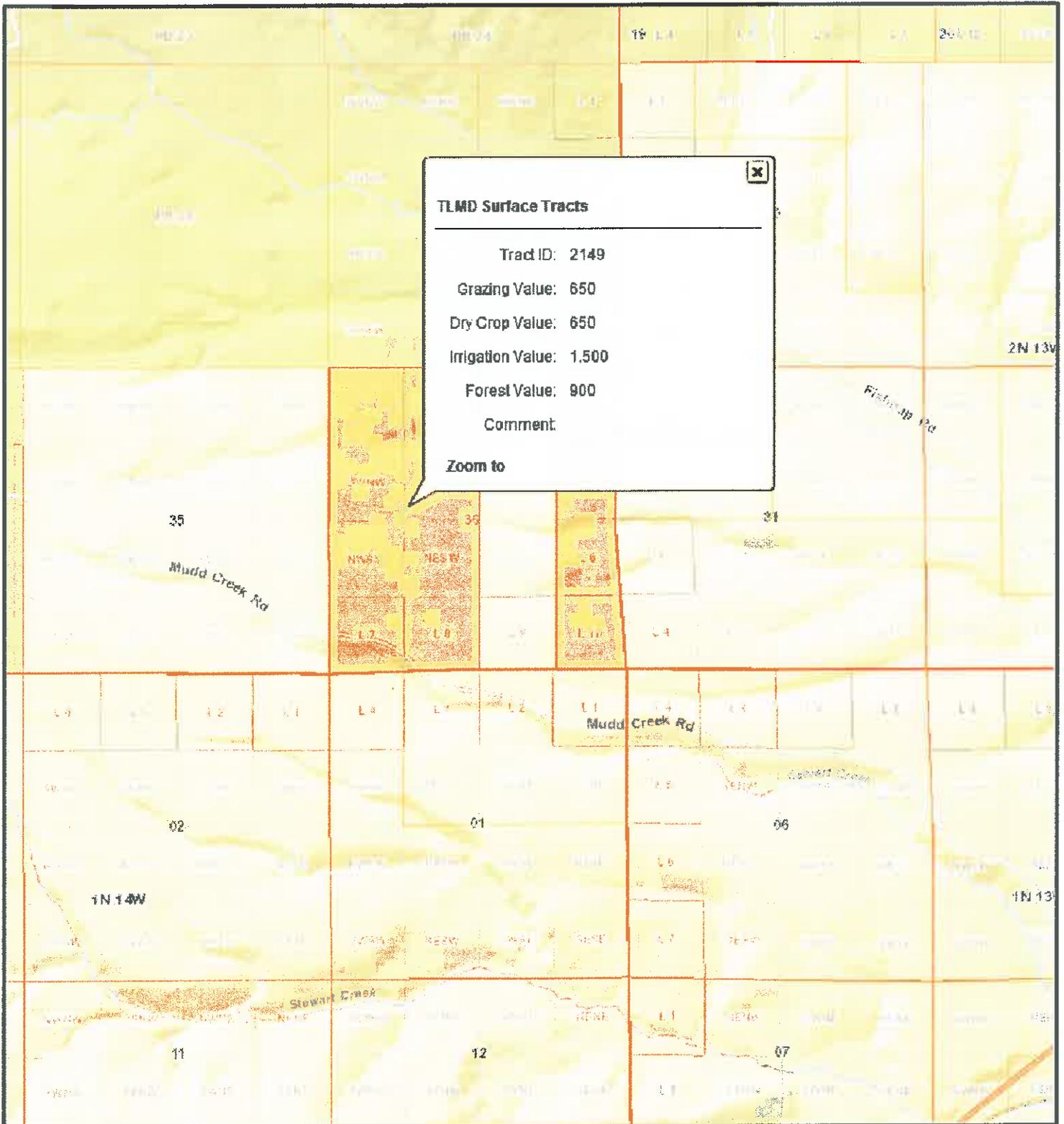
Contact the Real Estate Management Bureau for assistance in developing a fee when using a Limited Valuation method.

Method(s) Used: DNRC Valuation Study Method

Value Determined: \$108 (\$650/acre x .822 acre - \$108)

Supporting Data:

<b>DNRC Valuation Study Method</b>	
<b>Land Classification</b>	<b>Per acre Value</b>
Grazing classified	\$650
<b>Summary and conclusion of value:</b>	
This parcel is located in the Big Hole River valley, west of Wise River, and approximately 3 miles off of Montana highway 43. It is not currently legally accessible. Area, in general, is undeveloped and not subdivided. All parcels in the area are 160 acres or more.	



Section 36 T2N R14W



# Southern Montana Telephone



Valuation

Printed: Apr 21, 2015