

Dec 05-15-69

No. D-5846

RIGHT OF WAY DEED

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

To All To Whom These Presents Shall Come:

7968

Know ye that the State of Montana, in consideration of the sum of -----
-----FIFTY AND NO/100-----Dollars
now paid, grants to -----ASHLEY IRRIGATION DISTRICT-----
a right of way for a N-----IRRIGATION PIPELINE-----

upon and across state lands, as follows:

A tract, piece or parcel of land thirty (30) feet in width, being 15 feet wide on each side of the following described centerline in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{2}$ SW $\frac{1}{2}$) of Section 36, Township 29 North, Range 22 West, Montana Principal Meridian, Flathead County, Montana and more particularly described as follows to wit:

Commencing at the Southwest Corner of Section 36; thence North 40° 00' East, 1230.0 feet to the true point of beginning of the tract of land being described; thence South 72° 30' West, 820.0 feet, more or less, to a point on the westerly boundary line of the Southwest Quarter of said Section 36, said point being 695.6 feet North of the Southwest Corner of Section 36 and containing approximately 0.56 acres of land, more or less.

The grantee herein specifically agrees that the said pipeline shall be buried below plow depth so as not to interfere with the use and cultivation of the land. It is also understood and agreed that the State and its lessees and purchasers shall have the right to occupy, use and fully enjoy the surface of the right of way hereby granted, to seed, cultivate and harvest crops thereon; and that the said grantee and its successors and assigns shall pay any damages which may result to the crops, fences and other property or interests of the lessee and purchasers from the State by reason of the laying, maintaining, operating or removing of the said pipeline, and that the amount of such damages if not mutually agreed upon, shall be ascertained and determined by three disinterested persons, one of whom shall be appointed by the lessee or purchaser of the land, his heirs or assigns, one by the grantee herein, its successors or assigns, and the third by the two so appointed. The award of such three persons shall be final and conclusive on both parties.

It is also understood and agreed by and between the parties hereto that if any conflict should arise, this easement shall be inferior and subject to any easement heretofore or hereafter granted in the said lands for public highways.

It is further Provided that whenever said lands herein granted as a right of way shall cease to be used for such purpose, the same shall revert to the state upon notice to that effect being given to the said grantee named herein.

IN TESTIMONY WHEREOF, the State of Montana has caused these presents to be executed by the Governor, and to be attested by the Secretary of State, and countersigned by the Commissioners of State Lands and Investments, and the Great Seal of the State, and the Seal of the State Board of Land Commissioners to be hereunto affixed this-----
FIFTEENTH-----day of-----MAY-----A. D. 1969...

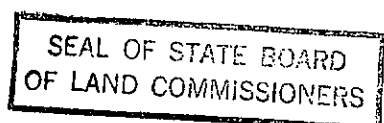
S/ Forrest H. Anderson
Governor of the State of Montana

ATTEST:

S/ Frank Murray by Gail M. DeWalt, Chief Deputy
Secretary of State

Countersigned by

S/ Ted Schwinden
Commissioner of State Lands and Investments

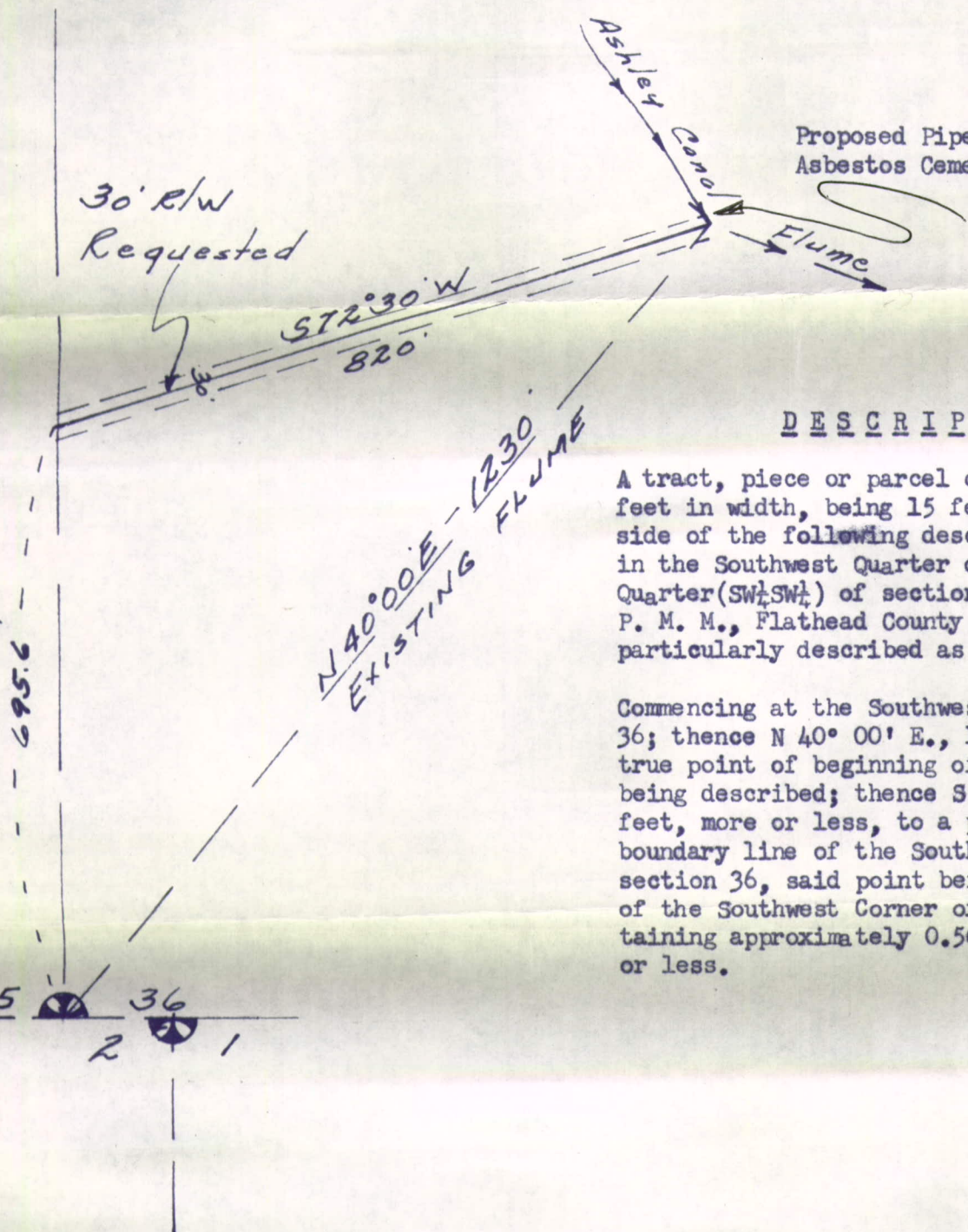


SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 36

T 29 N - R 22 W

M. P. M.

SCALE 1" = 200'
DATE May 23, 1967



DESCRIPTION

A tract, piece or parcel of land thirty (30) feet in width, being 15 feet wide on each side of the following described centerline in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of section 36, T 29 N - R 22 W., P. M. M., Flathead County Montana, and more particularly described as follows to wit:

Commencing at the Southwest Corner of section 36; thence N 40° 00' E., 1230.0 feet to the true point of beginning of the tract of land being described; thence S 72° 30' W., 820.0 feet, more or less, to a point on the westerly boundary line of the Southwest Quarter of said section 36, said point being 695.6 feet North of the Southwest Corner of section 36 and containing approximately 0.56 acres of land, more or less.

CERTIFICATE OF SURVEY

I, DOUGLAS M. BISHOP, a registered Land Surveyor in the State Of Montana, due hereby certify that during the month of May 1967, I made a careful and accurate survey of the above described tract of land and that the distances and courses as shown are true and correct to the best of my knowledge and belief.

Douglas M. Bishop
Reg. No. 1834-S



Right of Way Application No. 16233
Affecting an 8-foot strip through
SW4SW4, Sec. 36, Twp. 29N, Rge. 22W,
Flathead County, Montana

EASEMENT NO. D-17081

RIGHT OF WAY GRANT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Know ye that the State of Montana (hereinafter referred to as "Grantor"), in consideration of the sum of Four Thousand One Hundred Eighteen and No/100 Dollars (\$4,118.00), now paid, grants to Flathead Electric Cooperative (hereinafter referred to as "Grantee") a right of way upon and across State lands for an overhead 12.5kV electric distribution line, as follows:

An 8-foot strip through SW4SW4, Section 36, Township 29 North, Range 22 West, Principal Meridian Montana, Flathead County, Montana, as shown and depicted on the Exhibit attached hereto and made a part hereof and containing 0.10 acres, more or less.

The grant of this easement is subject to the following conditions:

The Grantee shall comply with the Montana Antiquities Act, Title 22, Chapter 3, MCA. In particular, Sections 22-3, Parts 4 and 8.

It is also agreed that the Grantee shall comply with such rules or regulations as may be hereafter imposed by the State Board of Land Commissioners to insure that the environment will be adequately protected and the public health and safety not be endangered.

The Grantee shall be responsible for controlling any noxious weeds introduced by Grantee's activity on state-owned land. The Grantee's methods of control must be reviewed by the Grantor's Area Field Office that has jurisdiction for that locale.

The Grantee shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101 MCA et.seq., as follows:

The Grantee shall notify the local weed board that is responsible for that geographical area that the project is located in. If the Grantee disturbs vegetation for any reason, Grantee shall be required to revegetate the disturbed area. The Grantee shall submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding; fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board.

This right of way is granted upon the express condition, which is accepted by the grantee, that the State and its lessees and purchasers shall have the right to use and fully enjoy the land hereby granted,

except the part that is actually occupied by the poles and supports, to cultivate, seed and harvest the crops thereon; and that the grantee and its successors and assigns shall pay any and all damage which may result to the crops, fences and other property from the construction, maintenance, operation or removal of the said reconstructed overhead powerline. The said damages if not mutually agreed upon shall be ascertained and determined by three disinterested persons, one of whom to be appointed by the purchaser or lessee of the land, heirs or assigns, one by the grantee herein, its successors or assigns, and the third by the two so appointed as aforesaid. The award of such three persons shall be final and conclusive.

Provided, reconstruction lines should be designed to prevent possible electrocution of peregrine falcons, bald eagles, and other raptors. Reconstruction of existing lines should assure that clearances between conductors, and conductors and ground wire, are sufficient to preclude raptor electrocutions. The recommendation is that power pole construction shall be designed as instructed in "Reducing Avian Collisions with Power Lines: The State of the Art in 2012" (Avian Powerline Interaction Committee, 2012). A copy of this report can be obtained by contacting the Edison Electric Institute at telephone number 1-800-334-5453 and requesting Item No. 06-94-93.

It is further agreed by the Grantee that Grantee shall backfill, grade, and revegetate all disturbed areas to the satisfaction of the State. If the first seeding of compatible grass species does not germinate to the satisfaction of the Department, the Grantee may be required to reseed in those areas open to erosion and weeds. Upon termination of this easement, Grantee shall reclaim the entire area in accordance with this paragraph.

Provided, further, that the right of way deed granted herein shall be assignable by Grantee only with the written approval of the Director, Department of Natural Resources and Conservation.

Provided, further, that permission must be obtained in writing, from the Director, Department of Natural Resources and Conservation, prior to the construction of any improvements on the right of way herein granted.


Provided, however, that the right of way granted herein is not exclusive and does not interfere with the Grantor and its successor, assigns or purchasers of State products or other parties authorized to use State land, in their right, at all times to go upon, cross and recross the land covered by said right of way, at any point, for any and all purposes in a manner that will not unreasonably interfere with the rights granted to Grantee.

Provided, that Grantor may terminate this right of way for a material breach of any of the conditions or provisions of this deed. Before termination, the Board shall give Grantee written notice of intent to terminate and a reasonable period to cure the breach.

It is further provided that whenever said lands herein granted as a right of way shall cease to be used for such purpose, the right of way shall terminate upon notice to that effect being given to the said grantee named herein.

IN TESTIMONY WHEREOF, the State of Montana has caused these presents to be executed by the Governor, and to be attested by the Secretary of State, and countersigned by the Director, Department of Natural Resources and Conservation, and the Great Seal of the State, and the Seal of the State Board of Land Commissioners to be hereunto affixed this 16 day of December A.D. 2019.




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Governor of the State of Montana

ATTEST:

Corey Stapleton by *Lindy Stuber*
Secretary of State *deputy*



Countersigned by:

[Signature]
.....
Director, Department of Natural
Resources and Conservation

Accepted and Approved:

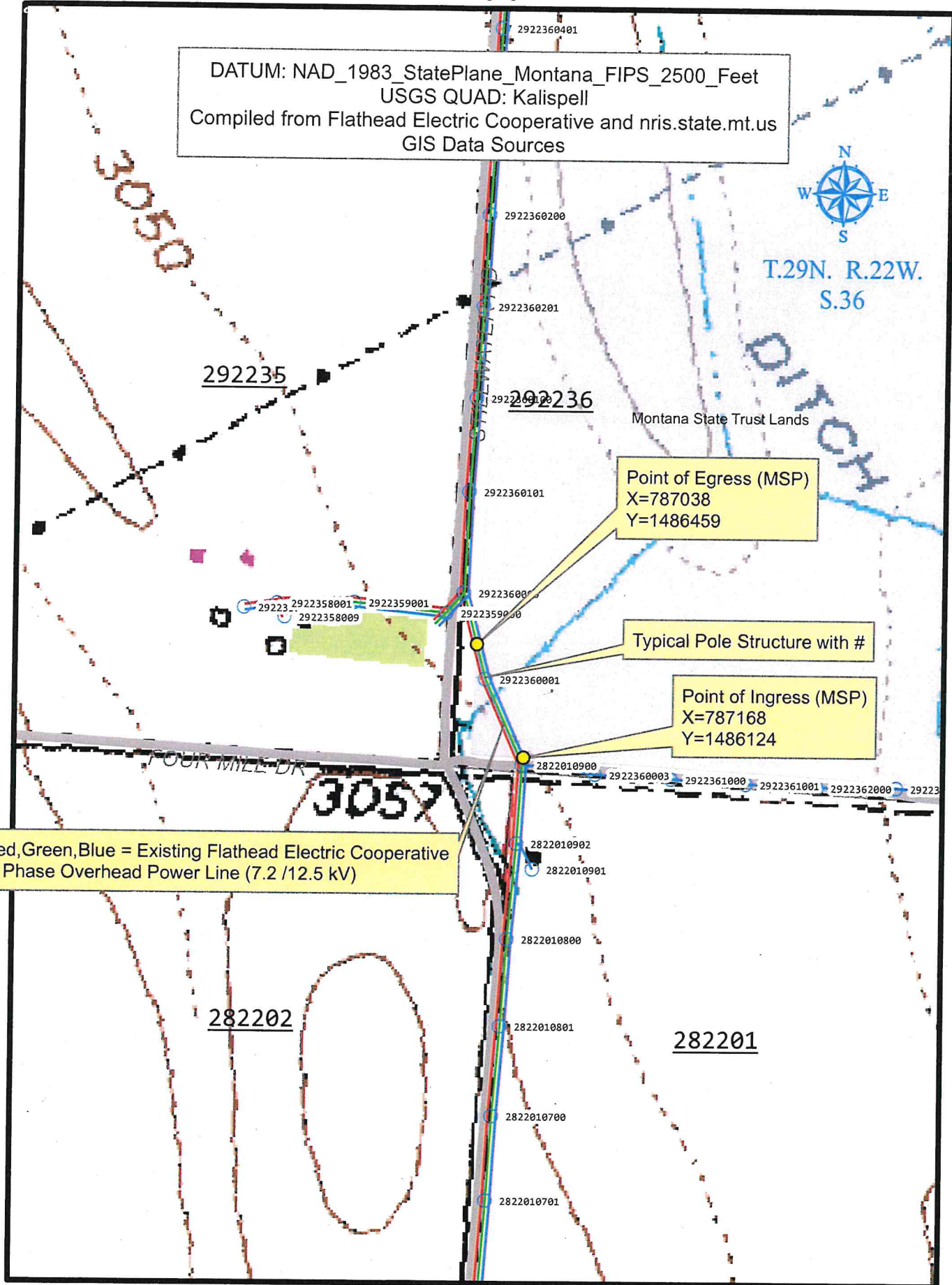
J. Williams for Flathead Electric Coop
Applicant
Jason Williams, Assistant GM
Printed Name

Attachment to Application 106a

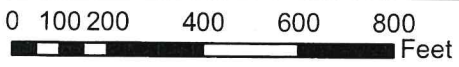
DATUM: NAD_1983_StatePlane_Montana_FIPS_2500_Feet
USGS QUAD: Kalispell
Compiled from Flathead Electric Cooperative and nris.state.mt.us
GIS Data Sources



T.29N. R.22W.
S.36



Red, Green, Blue = Existing Flathead Electric Cooperative
3 Phase Overhead Power Line (7.2 /12.5 kV)



1 inch = 400 feet 1:4,800 December 2010