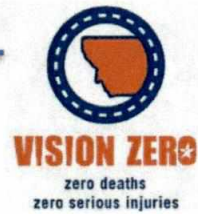


**Montana Department of Transportation****Memorandum**

Right-of-Way – Great Falls District Office  
200 Smelter Avenue NE  
PO Box 1359  
Great Falls MT 59403-1359



**To:** Brandon Olds, R/W Supervisor

**From:** Shelly Sien, R/W Specialist 

**Date:** December 2, 2019

**Subject:** Stockpass Study  
STPP 9-2(15)48  
North of Augusta - North  
UPN 9722000

**Purpose of Study**

A stockpass provides convenience and safety to the traveling public and the affected landowner. These benefits must be balanced with the knowledge that the ends of the stockpass, or the guardrail shielding them, inherently are roadside obstacles that are always present, no matter how often the stockpass is used.

This study was prepared in order to determine whether either of two identified structures included in the Location Hydraulic Study Report for the purposed project located on US Hwy 287 in Teton County are currently being used or need to be perpetuated as a stockpass.

The information in the following table was provided in the hydraulic study:

Location (RP)	As-Built Station	Structure Description	Year Built	Orig Project Const.
51.5	685+80	7' x 6' Stockpass/Drain	1935	FAP 275-A
53.4	784+83	7' x 6' Stockpass/Drain	1935	FAP 275-A

**General Information**

In addition to the information in the Location Hydraulic Study Report, original project right-of-way plats, right-of-way documentation, and as-builts were researched and utilized for this study. Contact was made with the current landowners and/or lessees to establish use or need for the perpetuation of the stockpasses.



### **Location RP 51.5**

Shown in Figure 1A, this location is near RP 51.5 in the NWNW of Section 28 T22N R5W. During Project ID FAP 275-A (R/W Project No X399A00), the construction of a stockpass was negotiated with the landowner at that time, John Martin Rose, Parcel 28. This consideration helped settle a severance across a forty-acre tract of land comprised of both rangeland and cultivated land. Provisions for the stockpass were included on Right of Way Deed recorded in Teton County on October 27, 1934 in Book 14 Page 205.

Currently, the property at this location on both sides of the highway is owned by the Hodgskiss family. As shown in Figure 1B, substantial improvements which provide for livestock activity were established in this area. Land use consists of both rangeland east and west of the highway and some alfalfa on the east.

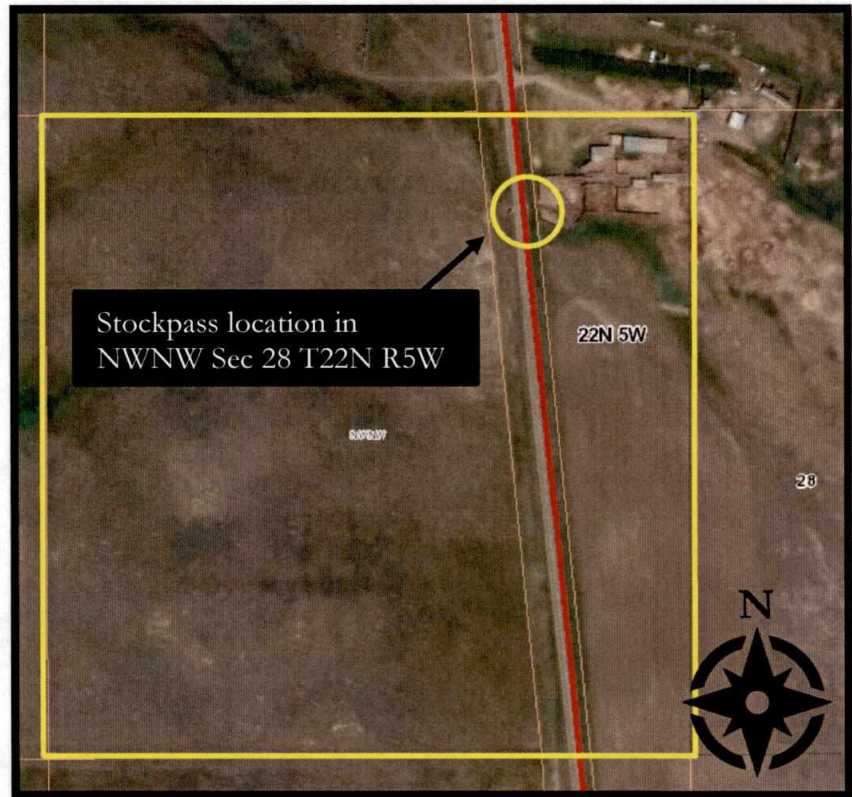


Figure 1A

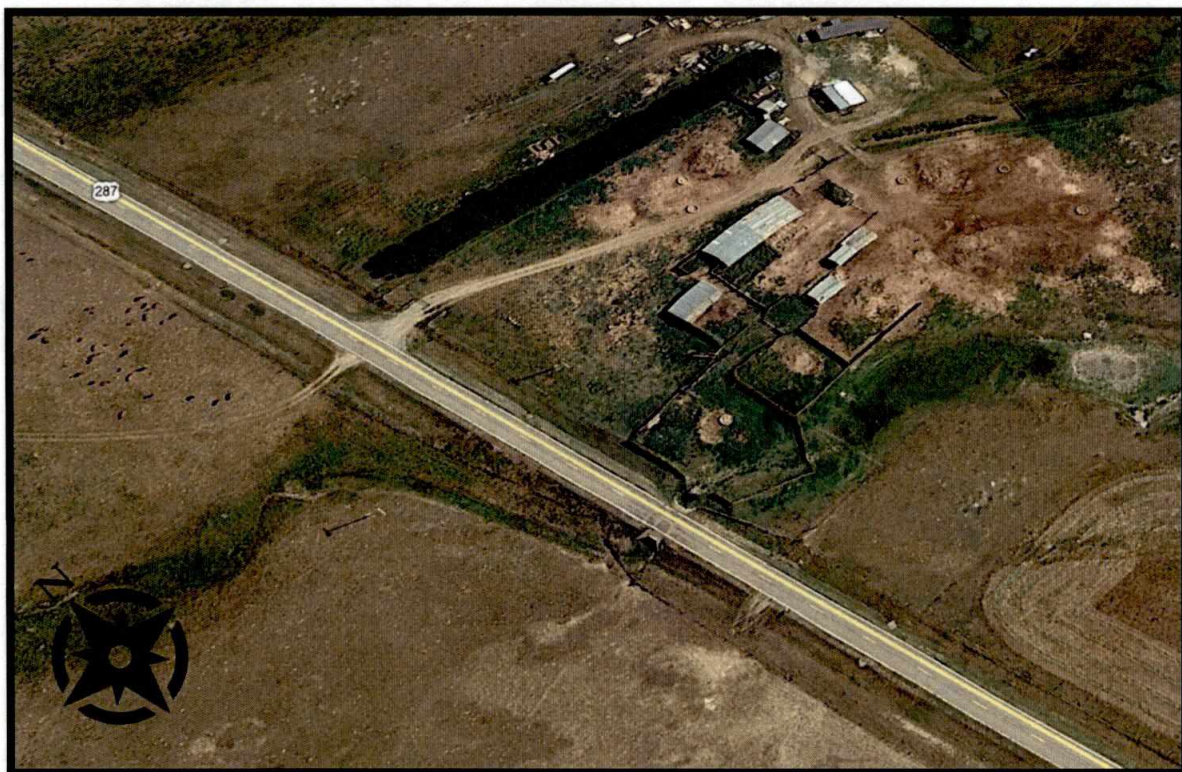


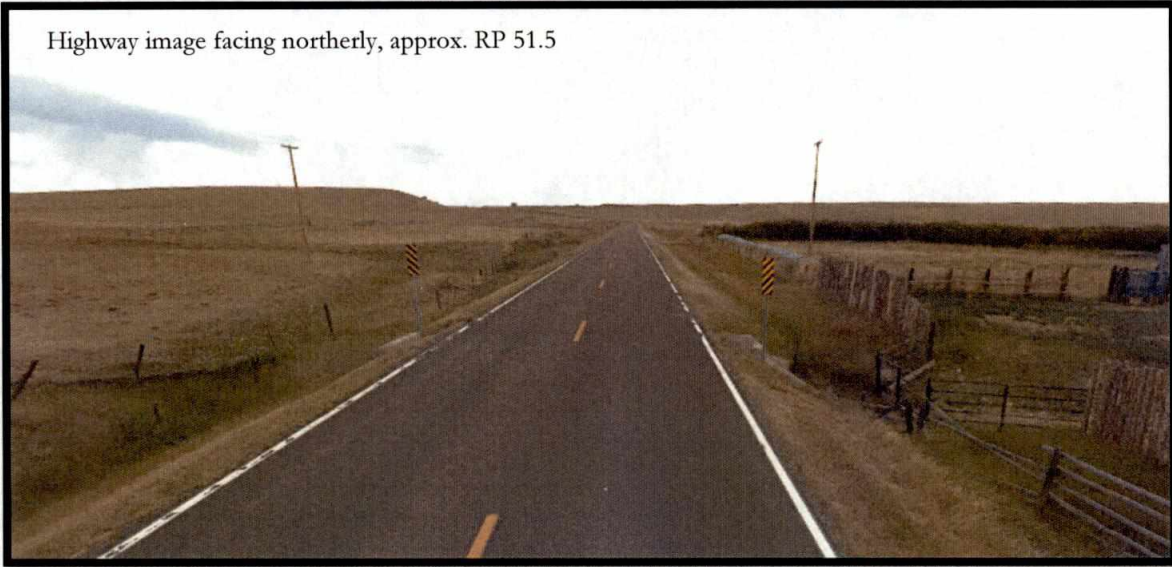
Figure 1B



Operations of the Hodgskiss ranch will rely on the stockpass to move livestock from pasture to pasture. Bill Hodgskiss felt that it would be imperative to perpetuate the stockpass in any reconstruction of the highway.

Bill Hodgskiss	406-781-7849
Ben Hodgskiss	406-590-6430
Bob Hodgskiss	406-467-2022

Highway image facing northerly, approx. RP 51.5



#### **Location RP 53.4**

Shown in Figure 2, this location is near RP 53.4 in the SENW of Sec 16 T22N R5W. All of Section 16 is under ownership of the State of Montana which encompasses both sides of the highway around this stockpass. In 1934, this parcel was being leased by Ella Murray. At that time, the construction of a stockpass was negotiated during Project ID FAP 275-A (R/W Project No X399A00) Parcel 32. This allowed the lessee to utilize both sides of the highway for grazing purposes by providing an area for livestock to cross. Provisions for the stockpass were included on Right of Way Deed recorded in Teton County on November 24, 1934 in Book 14 Page 253.

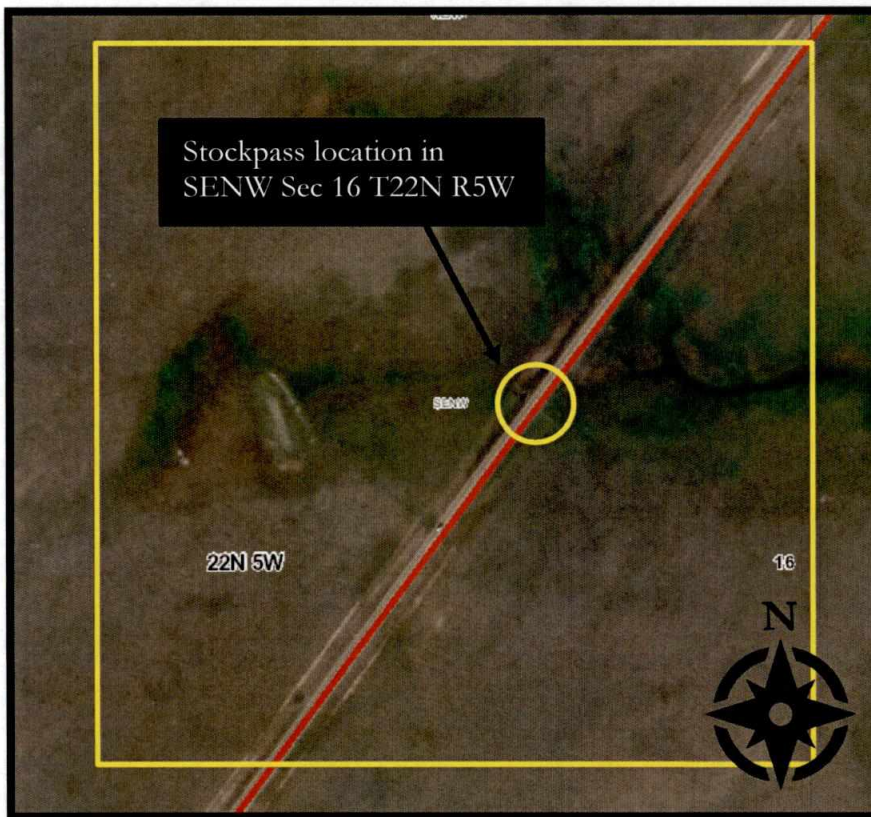
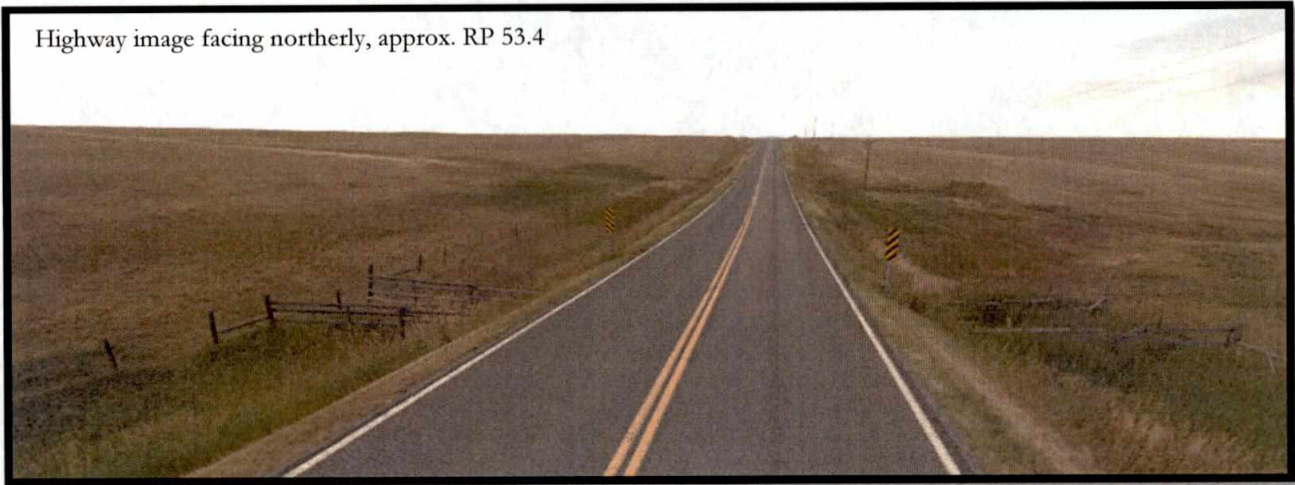


Figure 2

Currently, this parcel of State Lands is under a lease with the Gollehon Ranch and has been leased with this same family for many years. Adjacent to the state property, the Gollehon Ranch owns property to the west in Section 17. They currently use the land for grazing purposes, and although they do not let livestock roam freely through the stockpass, they do use it seasonally to move livestock from pasture to pasture.

Wayne & Judy Gollehon      406-466-5610  
Brodie Gollehon              406-466-2703  
Erik Eneboe, DNRC Conrad Unit Manager   406-505-6001

Highway image facing northerly, approx. RP 53.4





# State Highway Commission of Montana

Project No. 275-A County of TETON

Parcel 28  
X399A00

## HIGHWAY RIGHT OF WAY EASEMENT

### Know All Men By These Presents:

That WE, JOHN MARTIN ROSE and ELSIE ROSE, husband and wife,

of Choteau, Montana

for, and in consideration of the

sum of EIGHT HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$875.00)-----

lawful money of the United States to us in hand paid by the State of Montana, the receipt where-  
of is hereby acknowledged, do hereby grant, bargain, sell and convey unto the State of Mon-  
tana, an easement and right of way for the construction of a State highway over, across, covering and  
embracing the following described parcel of land, to-wit:

A tract of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 21  
T. 22 N., R. 5 W., M.P.M., Teton County, Montana, more particularly  
described as follows:

A strip of land 100 feet wide, being 60 feet wide on the  
westerly side and 40 feet wide on the easterly side of the following  
described center line: Beginning at a point on the south line of said  
NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 28, which said point bears easterly along said south line a  
distance of 1093.2 feet, more or less, from the southwest corner of said  
NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 28; thence from the said point of beginning N. 5° 50' W.,  
1329.2 feet to a point; also a strip of land 100 feet wide, being 50  
feet wide on each side of the following described center line; thence  
continuing from the last described point N. 5° 50' W., 1400.8 feet;  
thence along a curve to the left of 1432.5 feet radius, 837.1 feet;  
thence N. 39° 19' W., 627.0 feet to a point on the north line of said  
W $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 21, which said point bears easterly along said north line a  
distance of 122.4 feet, more or less, from the west quarter corner of said  
Sec. 21, and containing in all 9.64 acres, more or less.

As a further consideration for the granting of said ease-  
ment the State of Montana hereby agrees that a stock-pass will be installed  
at survey station 685+80, and farm crossings will be constructed at stations  
684+00 and 691+00.

(3. acres of land at \$20.00 .....	\$60.00)
(6.64 acres of land at \$10.00 .....	66.40)
(Damage - severance.....	367.60)
(Building 508 rods of fence at 75¢.....	381.00)
(	Total.\$875.00)

It is further agreed between the parties hereto, for the consideration hereinbefore mentioned, that the undersigned shall build or reset any fence along the right of way herein described as has been heretofore agreed upon.

TO HAVE AND TO HOLD all of the above described and conveyed property unto the State of Montana, and its successor or successors in interest as long as the same is used as a public highway.

IN WITNESS WHEREOF we have hereunto subscribed our names

this 22nd day of October, A. D. 1934.

John Martin Rose

John Martin Rose

Elsie Rose

Elsie Rose

STATE OF MONTANA }  
County of Teton } ss.

On this 22nd day of Oct. A. D. 1934, before me George Coffey  
a Notary Public in and for the State of MONTANA personally appeared  
John Martin Rose and Elsie Rose, husband and wife.

known to me to be the persons whose names are subscribed to the within instrument and  
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal  
the day and year in this certificate first above written.

George Coffey

Notary Public for the State of Montana

Residing at Choteau, Montana

My Commission expires Dec. 28, 1936

Notarial Seal.  
(SEAL)

275-A

(Project No.)

TETON COUNTY

HIGHWAY RIGHT OF WAY  
EASEMENT

JOHN MARTIN ROSE

TO  
STATE OF MONTANA

Recording No. 154108  
Filed for recording with the County  
Clerk and Recorder of Teton  
County Oct. 27, 1934  
and recorded in book 14  
of D. & C. on page 205  
Original deed filed with the Secretary  
of State on Nov. 22, 1934

OWNER John Martin Rose

(1) Marriet ~~something~~

(2) Wife's name. ~~something~~

(3) Bank patronized: ~~something~~

(4) Bank's address: ~~something~~

DESCRIPTION OF LAND (which is a part of option on reverse side hereof). Written by ~~Parsons~~  
Checked by ~~Judge~~

674-74.1 to 716-68.2

A tract of land in the ~~SW 1/4~~ Sec. 22, Twp. 22 N., R. 5 W., M.P.M., Teton County, Montana, more particularly described as follows:

A strip of land 100 feet wide, being 50 feet wide on the westerly side and 50 feet wide on the easterly side of the following described center line: Beginning at a point on the south line of said ~~SW 1/4~~ Sec. 22, which said point bears easterly along said south line a distance of 1082.2 feet, more or less, from the southwest corner of said ~~SW 1/4~~ Sec. 22; thence from the said point of beginning N. 8° 30' W., 1539.2 feet to a point; also a strip of land 100 feet wide, being 50 feet wide on each side of the following described center line; thence continuing from the last described point N. 8° 30' W., 1400.2 feet; thence along a curve to the left of 1482.5 feet radius, 88° 1' 30"; thence N. 89° 19' W., 627.0 feet to a point on the north line of said ~~SW 1/4~~ Sec. 21, which said point bears easterly along said north line a distance of 182.4 feet, more or less, from the west quarter corner of said Sec. 21, and containing in all 9.64 acres, more or less.

DEED RCD.

2754 1205

### Consideration for Easement

3.00	acres of land at \$29.99	Per acre	\$ 69.99
6.64	" " " " \$ 19.08	" "	\$ 64.48
Damage (state character)	for segregation of farm land		\$ 249.60
Resetting	rods of fence at \$	Per rod	\$
Building	508 " " " \$ 75	" "	\$ 581.00
TOTAL CONSIDERATION			\$ 1265.07

~~Attachment to deed for 7200 - Self property~~

(8) MORTGAGE: (If items (5), (6) and (7) are applicable, please complete:)

Name of mortgagee: \_\_\_\_\_ Address: \_\_\_\_\_

Date of mortgage: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Date of filing for record: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

What part of consideration is owner willing to assign mortgagee: \$ \_\_\_\_\_

(6) CONTRACT OF SALE: To \_\_\_\_\_ Address: \_\_\_\_\_

What part of consideration is purchaser willing to assign seller: \$ \_\_\_\_\_

(7) LEASE: to \_\_\_\_\_ Address: \_\_\_\_\_

PLEASE SIGN HERE

John Martin Rose  
(Signature of Land Owner)



# State Highway Commission of Montana

HELENA

PROJECT NO. 276-4

COUNTY OF

TETON

## OPTION TO PURCHASE

KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED JOHN MARTIN ROSE and ELSIE ROSE, husband and wife,

GRANTAD

State of

MONTANA

for and in consideration of the

sum of ONE DOLLAR (\$1.00) lawful money of the United States to them in hand paid by the State of Montana, and other good and valuable considerations, the receipt whereof is hereby acknowledged, do, by these presents, grant unto the State of Montana, for the period of one year from and after the date hereof, the sole and exclusive option of purchasing from the undersigned a perpetual easement for a right of way for State Highway purposes over and across the land described on the reverse side of this sheet and made a part hereof.

The purchase price of said easement for said right of way to be the sum of \$ 275.00 distributed as shown under the caption "Consideration for Easement" on the reverse side hereof.

As a further consideration for the granting of said easement the State of Montana hereby agrees that a stock-pass will be installed at survey station 686+00, and farm crossings will be constructed at stations 684+00 and 691+00.

Possession of the property described on the reverse side hereof shall be delivered to the State of Montana by the undersigned, and the State of Montana shall be entitled to same, upon payment to the undersigned of the purchase price hereinabove set forth.

And the undersigned hereby agree to make, execute, acknowledge, and deliver to the State of Montana, upon payment by the State of Montana, to the undersigned within the time hereinabove specified, of the purchase price hereinabove set forth, a good and sufficient deed conveying to the State of Montana a perpetual easement for said right of way as hereinabove set forth.

And for the consideration aforesaid, the undersigned hereby agree and covenant not to sell or encumber said parcel of land during the term of this option. It is further understood and agreed that, on the part of the State of Montana, this is an option and not a contract to purchase.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand this 13th day

THE UNDERSIGNED HEREBY DECLARE THAT THERE ARE NO MORTGAGES, LIENS OR JUDGMENTS COVERING THE PROPERTY HEREIN DESCRIBED, EXCEPT AS MENTIONED ON THE REVERSE SIDE HEREOF.

John Martin Rose  
Elsie Rose

STATE OF

MONTANA

County of

TETON

On this 13th day of Aug A. D. 1936, before me

George Corney

a Notary Public in and for the State of

MONTANA

personally appeared

JOHN MARTIN ROSE and ELSIE ROSE, husband and wife

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

George Corney

Notarial Seal

Notary Public for the State of Montana

Residing at

Cholistan, Mont

My Commission expires

Dec. 28-1936



Parcel 32  
X399A00

Form R. 45-1500-7-33.

No. D-2078.....

## RIGHT OF WAY DEED

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, in consideration of the sum of -----  
-----FIVE HUNDRED AND NO/100----- Dollars  
now paid, grants to-----THE STATE HIGHWAY COMMISSION OF THE STATE OF MONTANA-----  
a right of way for a-----A PUBLIC HIGHWAY-----

upon and across state lands, as follows:

A tract of land in the W $\frac{1}{2}$  and the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 16, T. 22N., R. 5W., M.P.M., Teton County, Montana, more particularly described as follows:

A strip of land 100 feet wide, being 50 feet wide on each side of the following described center line: Beginning at a point on the west line of said Section 16, which said point bears northerly along said west line a distance of 140.7 feet, more or less, from the southwest corner of said Section 16; thence from the said point of beginning along a curve to the right of 2865.0 feet radius, 950.0 feet; thence N. 36° 31' E., 5316.5 feet to a point on the north line of said Section 16, which said point bears easterly along said north line a distance of 983.3 feet, more or less, from the north quarter corner of said Section 16, and containing in all 14.39 acres, more or less.

It is further provided that a stock pass is to be constructed at Station 785 + 20 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of the section.

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 Commissioner 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-----14th----- day of -----A. D. 19 34

P. H. COONEY

Governor of the State of Montana

ATTEST:

DAVID W. MITCHELL

Secretary of State

Countersigned by

J. W. BRANDFORD

Commissioner of State Lands and Investments



Project No. 275-1

RIGHT OF WAY DEED

STATE OF MONTANA

TO

State Highway Commission  
(2653)



Project No. 275-A

32

RIGHT OF WAY DEED

STATE OF MONTANA

TO

State Highway Commission  
(2653)

RECORDED ON PAGE 253  
VOLUME 14 RECORD OF DEEDS  
Seton COUNTY  
ON November 24, 1934  
1:30 P.M.  
ORIGINAL FILED WITH SECRETARY  
OF STATE ON Dec. 22, 1934

RECEIVED  
JAN 24 1935