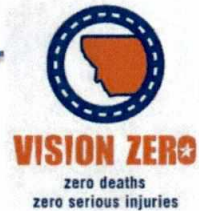


Montana Department of Transportation

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



Memorandum

To: Brandon Olds, R/W Supervisor *BO 1/17/19*
From: Shelly Sien, R/W Specialist *SS*
Date: January 15, 2019
Subject: Stockpass Study
NH 1-7(59)404
Chinook – East
UPN 9540000

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 any of the identified structures included in the PFR for the purposed project located on US Hwy 2 (N-1) in Blaine County are currently being used or need to be perpetuated as a stockpass.

The information in the following table was provided in the PFR:

Structure Description	Location (RP)	Deck Width (ft)	Length (ft)	Year Built	Span Material	Orig Project Const.
Red Rock Cr. O'Flow	404.1	35.5	60	1942	Timber Stringer	F 23-3
Lodge Creek	404.6	28	94	1942	Concrete	F 23-3
Drainage	405.3	30	58	1940	Timber Stringer	F 23-3
Irrigation-Stockpass	405.6	28	153	1940	Timber Stringer	F 23-2
Drainage	406.0	32.4	13	1940	Timber Stringer	F 23-2
Drainage	406.8	28	58	1940	Timber Stringer	F 23-2
Drainage	407.0	28	39	1940	Timber Stringer	F 23-2
Drainage	407.9	28.3	39	1940	Timber Stringer	F 23-2
Drainage	408.4	28	58	1941	Timber Stringer	101-3 and 4
Battle Creek	409.9	40.2	137.8	1999	Concrete	BR 1-7(22)410

General Information

In addition to the information in the PFR – Preliminary Field Report, original project right-of-way plats, right-of-way documentation, and as-builts were researched and utilized for this study. Three (3) of the ten (10) structures are associated with natural waterways and the remainder appear to be associated with the multiple irrigation operations in the project area. Further considerations were taken into account at location RP 405.6 and RP 406.0 which showed evidence of either stockpass activity or granted authority for stockpass use.

Location RP 405.6

Shown in Figure 1, this location is near RP 405.6 in the SENW of Section 25 T33N R19E. The property lying north of and including the PTW is currently owned by MDT with exception of what is owned by the BNSF Railway. It was purchased during the realignment of JCT US 2 - North with Project 4478-004 (Secondary Hwy 325). Property south of the PTW is owned by Curtis R. McCann.

Shown in Figure 2, past survey indications show that this location may have involved a stockpass when considering evidence of an existing fence line along the eastern side of the irrigation feature. However, there was no documentation found that confirmed any agreement by the State to construct a stockpass. When speaking with Curtis and his wife, Marji, they verified that they do not have any need currently or in the future for a structure that would be necessary to move livestock.

Curtis & Marji McCann (406)357-2798



Figure1

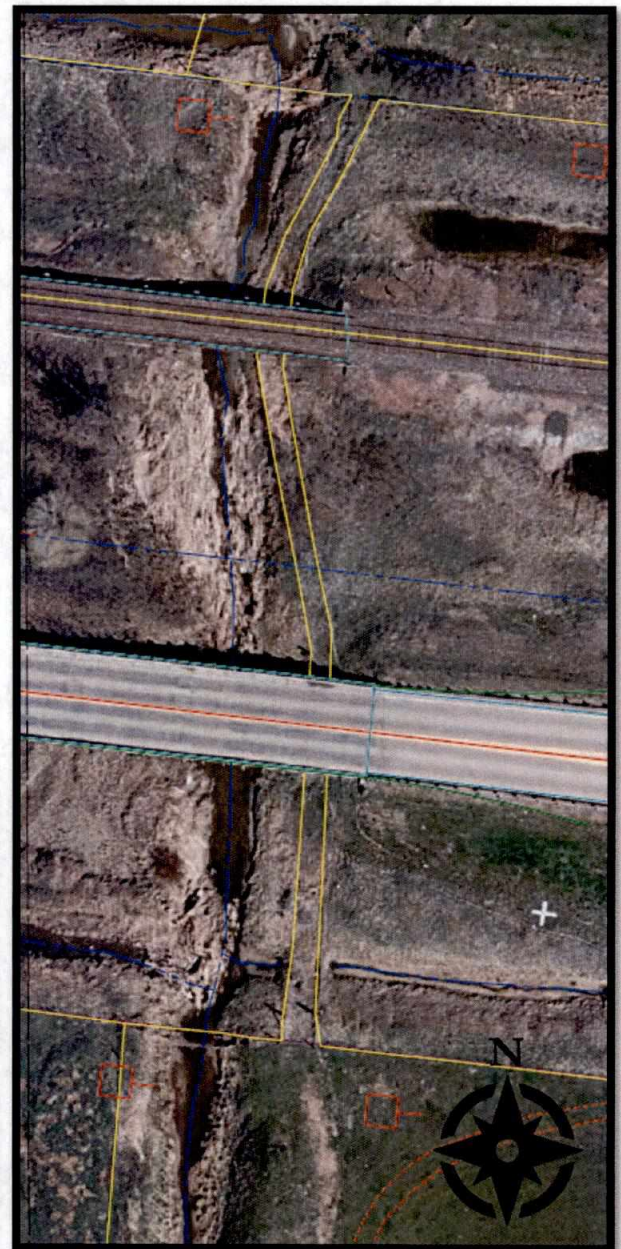


Figure 2

Location RP 406.0

Shown in Figure 3 & 4, this location is near RP 406.0 in the SWNE of Section 25 T33N R19E. The property lying north and south of the PTW is currently owned by Joseph Reed with exception of the right-of-way for Old Highway Rd E lying north of the railway and what is owned by the BNSF Railway. History reveals that this property was a dairy farm during the 1940's at the time of the original project construction. The State agreed to construct a stockpass for the landowner as stated in Highway Right of Way Easement recorded in Blaine County Book 11 Page 445 on August 12, 1940.

When speaking with Lesley Edward "Ed" Reed, the father of the current landowner, he stated that perpetuating the stockpass would be important to this property because he and Joseph have probability in the future to move livestock between the property lying north and south of the PTW.

Lesley Edward "Ed" Reed (406)357-8980 or (406)945-1979



Figure 3

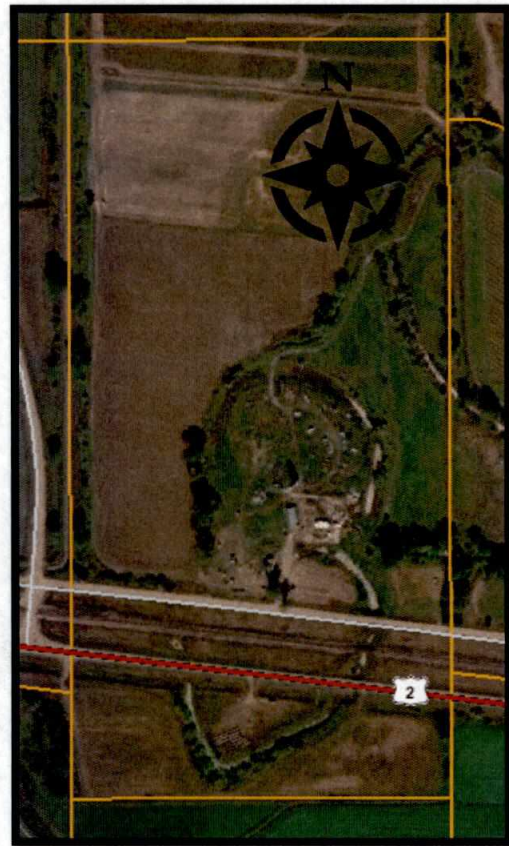


Figure 4

State Highway Commission of Montana

RIGHT OF WAY DIVISION

Project No. **23**County of **BLAINE**

HIGHWAY RIGHT OF WAY EASEMENT

Know All Men By These Presents:

That **C.R. BROWN and LAURA BROWN, husband and wife**of **Chinook, Montana**

for, and in consideration of the

sum of **FIVE HUNDRED and no/100 DOLLARS (\$500.00) (\$50.00 is for fencing)**

lawful money of the United States to **them** in hand paid by the State of Montana, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the State of Montana, 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 T. 33 N. R. 19 E., M.P.M., Blaine County, Montana, more particularly described as follows:

All that land in the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying between the southerly right of way line of the Great Northern Railway and a line parallel to and 100 feet southerly when measured at right angles from the following described centerline: Beginning at a point on the west line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, which said point is southerly a distance of 125.0 feet when measured at right angles from the centerline of the Great Northern Railway; thence from the said point of beginning S. 82° 45' E., 1334.0 feet, more or less, to a point on the east line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, which said point is southerly a distance of 125.0 feet when measured at right angles from the centerline of the Great Northern Railway and containing in all 4.58 acres, more or less.

As a further consideration for the granting of this easement the State of Montana agrees to construct farm approaches on the south at stations 93+60 and 104+00 and agrees to construct a farm crossing at Station 100+00. The State further agrees to construct a stock pass at approximately Station 103+50, and to install irrigation pipes in present ditches at Stations 102+80 and 103+70. The Division Engineer is to discuss the location of the farm crossings with Mr. Brown before they are installed.

As a further consideration for the granting of this easement the State of Montana agrees to pay to the Alfalfa Irrigation District the outstanding construction charges against the land to be used for right of way, said construction charges being approximately \$17.00 per acre.

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 here before agreed upon, and if the undersigned does not build or reset the fence along the said right of way within a reasonable time after the completion of highway grading operations, the undersigned hereby irrevocably and exclusively transfers to the State of Montana the aforesaid land mentioned for said fencing, upon notice and demand by the State of Montana.

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 27th day of June A. D. 1940.

s/ R. L. Ross
Witness

s/ C. R. Brown
C.R. Brown

s/ Laura Brown
Laura Brown

STATE OF MONTANA
County of Blaine } ss.

On this 27th day of June A. D. 1940, before me R. L. Ross
a Notary Public in and for the State of Montana personally appeared
C. R. Brown and Laura Brown

known to me to be the person whose name 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.

s/ R. L. Ross

Notarial Seal

Notary Public for the State of Montana

Residing at Chinook, Montana

My Commission expires August 24, 1942

23

(Project No.)

Blaine

COUNTY

HIGHWAY RIGHT OF WAY
EASEMENT

C. R. Brown, et al

TO

STATE OF MONTANA

Recording No.

Filed for recording with the County Clerk

and Recorder of Blaine

County on August 17, 1940

9:00 A.M.
and recorded in book

of M. S. C. on page 4405

Original deed filed with the Secretary of

State on 10-17, 1940

MICROFILMED