



WATER-RIGHT DOCKET

Grant-Kohrs Ranch National Historic Site

Docket No: 15

DEERLODGE GRAVELPIT

State Water Rights Documentation

07-17-1990: letter to montana state water court from attorney district of montana regarding upper clark fork basin; case no. 76g-17



U.S. Department of Justice

United States Attorney
District of Montana

Address Reply to
United States Attorney
and Refer to
Initials and Number

167 Federal Building
Butte, Montana 59701

406/723-6611
FTS/585-2341

July 17, 1990

Lori M. Burnham
Clerk of Court
Montana State Water Court
P.O. Box 879
Bozeman, MT 59771-0879

Dear Ms. Burnham:

RE: Upper Clark Fork Basin; Case No. 76G-172.

Enclosed for filing please find a MOTION TO SET STATUS
CONFERENCE, AND BRIEF IN SUPPORT THEREOF for the above-captioned
case.

Please have your staff return the yellow copy of this cover
letter, file stamped, in the enclosed self-addressed envelope.

Thank you for your assistance in this matter.

Sincerely,

DORIS M. POPPLER
United States Attorney
District of Montana

KENNETH P. PITT
Special Assistant U.S. Attorney
District of Montana
1405 Curtis Street, Suite 1950
Denver, CO 80202
(303) 844-4031

Enclosure

cc: OGC/Missoula - Dahl
NPS - Czarnowski

KPP:mjl

IN THE WATER COURTS OF THE STATE OF MONTANA
CLARK FORK DIVISION
CLARK FORK RIVER BASIN ABOVE THE BLACKFOOT RIVER - 76G
* * * * *

IN THE MATTER OF THE ADJUDICATION	)	
OF THE EXISTING RIGHTS TO THE USE	)	
OF ALL THE WATER, BOTH SURFACE AND	)	CASE NO. 76G-172
UNDERGROUND, WITHIN THE CLARK FORK	)	
RIVER DRAINAGE AREA, INCLUDING ALL	)	
TRIBUTARIES OF THE CLARK FORK RIVER	)	
ABOVE THE BLACKFOOT RIVER IN	)	
DEERLODGE, GRANITE, LEWIS AND CLARK,	)	
MISSOULA, POWELL, AND SILVER BOW	)	
COUNTIES, MONTANA.	)	

UNITED STATES' MOTION TO SET STATUS CONFERENCE

COMES NOW, the United States of America, Objector,
(USDI-National Park Service) by its undersigned attorneys, and
hereby respectfully moves this Court for an Order setting a
Status Conference.

BRIEF IN SUPPORT OF MOTION TO SET STATUS CONFERENCE

Pursuant to Uniform District Court Rule 2, the following is
submitted by way of brief.

1. Despite diligent efforts on the part of National Park Service representatives, they have been unable to locate, or execute a formal Water Transfer Certificate with the former owners of those lands to which this water right is appurtenant.
2. The United States now owns said lands, which lands are administered by the U.S. Department of the Interior, National Park Service, Grant Kohrs Ranch National Historic Site (see letter dated April 25, 1990, attached as Attachment A).
3. As the United States has reason to believe that Claimant no longer exists as a formal entity for the purpose of owning a Montana water right, further delay will only serve to delay proceedings in this matter.

For the above reasons counsel for the United States respectfully moves this Court for an Order setting a Status Conference.

Dated this 17th day of July, 1990

DORIS M. POPPLER
United States Attorney
District of Montana

JOHN R. HILL, JR. Attorney
U.S. Department of Justice
Environment & Natural Resources Division

By: 
KENNETH P. PITT
Special Assistant U.S. Attorney
District of Montana
1405 Curtis Street, Suite 1950
Denver, CO 80202
(303) 844-4031

ATTORNEYS FOR
UNITED STATES OF AMERICA

OBJECTOR

CERTIFICATE OF SERVICE

I, Marilyn Littleton, Legal Clerk for the, UNITED STATES DEPARTMENT OF AGRICULTURE, OFFICE OF GENERAL COUNSEL, hereby certify that I mailed, via Certified Mail, postage prepaid, a true and correct copy of the enclosed MOTION TO SET STATUS CONFERENCE, AND BRIEF IN SUPPORT THEREOF to the following this 17 day of July, 1990.

Chet Bryniarski
Area Manager
Chicago Milwaukee Corp.
547 W. Jackson Blvd.
Chicago, IL 60606

Richard Olgilvie, Trustee
Chicago, Milwaukee, St. Paul &
Pacific RR
Chicago Union Station
516 W. Jackson Blvd
Chicago, IL 60606


MARILYN LITTLETON



United States Department of the Interior
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521



IN REPLY REFER TO:

LS4(479)

GRKO/Water Rights

April 25, 1990

Mr. Chet Bryniarski
Area Manager
Chicago Milwaukee Corporation
547 W. Jackson Blvd.
Chicago, IL 60606

Dear Mr. Bryniarski:

I am writing to you with regards to water rights claimed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company which were subsequently acquired by the United States of America (USA) along with lands as part of Grant-Kohrs Ranch National Historic Site. We understand you are successor in interest to properties held by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. According to records obtained from the Water Courts of the State of Montana (copy enclosed), the Railroad claimed water rights in the amount of 50 gallons per minute to be used on lands now owned by the USA. It is our understanding that these claimed water rights, which are appurtenant to the land sold to the USA as part of Grant-Kohrs Ranch National Historic Site were also acquired by the USA, although they are not specifically listed in the quitclaim deed (copy enclosed).

In order to clear up the issue of ownership of the claimed water rights, we have been instructed by the Montana Water Courts to submit a Water Rights Transfer Certificate. I have enclosed a Transfer Certificate for your use in complying with state law. Please sign the Transfer Certificate, have it notarized and return it to us at your earliest convenience. We will then forward the original to the Water Courts and a copy will be sent to you. If you have any questions, please contact me or Ken Czarnowski of my staff at (303) 221-8301 or (303) 221-8333, respectively.

Thank you for your assistance in this matter.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

cc: RMR - Rouse, Hermance, Young
GRKO - Superintendent
DGS - Pitt, Dahl

ATTACHMENT A

RECEIVED

APR 26 1990

OFFICE OF THE

Form 608-R7/87

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA

INSTRUCTIONS

The Transferor (seller) of a water right is required by Section 85-2-424, MCA, to file this certificate with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum \$50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required \$10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are a user of a municipal or irrigation district water system.

FOR DEPARTMENT USE

Date received _____
By _____
Fee received _____
Transmittal No. _____
Reviewed by _____
BASIN _____
Coded _____

(type or print in ink)

1. WATER RIGHT(S) TRANSFERRED: Indicate all of the water rights transferred. Attach a list if necessary.

- ☐ (P) Permit to Appropriate Water No(s). _____
- ☐ (C) Certificate of Water Right No(s). _____
- ☒ (W) Statement of Claim No(s). 76G-90691
- ☐ (Y/D) Final Decreed Right No(s). _____
- ☐ (E) Exempt Existing Water Right No(s). _____
(If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right, Form 608-B.)

2. MEANS OF REALTY TRANSFER:

- ☒ Deed recorded in: County Powell Bk. 521 Vol. 73 Doc. No. _____
- ☐ Contract for Deed / Notice of Purchasers Interest recorded in:
County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☐ Court Decree Recorded in:
County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☐ Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- ☐ YES. If more than one water right is listed in No. 1 above, list which water right numbers have been split.

Complete one Addendum for Apportioned Water Right, Form 608-A, for each split right, showing what portion of the water right the buyer received and what portion the seller retained.

- ☒ NO. The buyer received the entire water right(s), 100%.

4. BUYER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).

Name United States of America, National Park Service Phone No. (303)969-2500
Mailing address Rocky Mountain Regional Office, P.O. Box 25287, Denver, CO 80225
Name _____ Phone No. _____
Mailing address _____

5. SELLER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes only, check yes. YES _____

Name Chet Bryniarski Phone No. (312) 648-3000
Mailing address Chicago Milwaukee Corporation, 547 W. Jackson, Blvd., Chicago, IL 60606
Name _____ Phone No. _____
Mailing address _____

6. PERSON/AGENCY CONTACT FORM: Name National Park Service - Water Resources Div.
 Address 301 S. Howes Rm. 335, Fort Collins, CO 80521 Phone No. (303)221-8301

7. INTERESTED PARTIES: If there are other persons who are to receive notice of adjudication proceedings concerning the water rights, list their complete names, mailing address and phone numbers.

Name _____ Phone No. _____
 Mailing address _____
 Name _____ Phone No. _____
 Mailing address _____

8. REMARKS Use this space to further explain any of the items. _____

9. SIGNATURES:

A. Seller's Signature(s) _____ Date _____
 _____ Date _____
 Subscribed and sworn before me this _____ day of _____, 19____

Notary of the State of _____
 Residing at _____
 My Commission expires _____

B. Buyer's Signature(s) _____ Date _____
 _____ Date _____
 Subscribed and sworn before me this _____ day of _____, 19____

Notary of the State of _____
 Residing at _____
 My Commission expires _____

WATER RIGHTS BUREAU FIELD OFFICES

BILLINGS

1537 Avenue D, Suite 105
 Billings, Montana 59102
 Phone: 657-2105
 Serving: Big Horn, Carbon,
 Stillwater, Sweet Grass, Treasure
 and Yellowstone Counties.

BOZEMAN

1201 East Main
 Bozeman, Montana 59715
 Phone: 586-3136 or 586-3137
 Serving: Gallatin, Madison
 and Park Counties.

GLASGOW

110 5th Street South, Room 106
 P.O. Box 1269
 Glasgow, Montana 59230
 Phone: 228-2561
 Serving: Daniels, Dawson, Garfield,
 McCone, Phillips, Richland,
 Roosevelt, Sheridan and Valley
 Counties.

HAVRE

1708 West Second Street
 P.O. Box 1828
 Havre, Montana 59501
 Phone: 265-5516 or 265-2225
 Serving: Blaine, Chouteau, Glacier,
 Hill, Liberty, Pondera, Teton and
 Toole Counties.

HELENA

1520 East Sixth Ave.
 Helena, Montana 59620-2301
 Phone: 444-6695
 Serving: Beaverhead, Broadwater,
 Deer Lodge, Jefferson,
 Lewis and Clark, Powell,
 and Silver Bow Counties.

KALISPELL

3220 Highway 93 South
 P.O. Box 860
 Kalispell, Montana 59903-0860
 Phone: 752-2288 or 752-2843
 Serving: Flathead, Lake, Lincoln
 and Sanders Counties.

LEWISTOWN

204 South Daws
 P.O. Box 438
 Lewistown, Montana 59457
 Phone: 538-7459 or 538-7012
 Serving: Cascade, Fergus, Golden
 Valley, Judith Basin, Meagher,
 Musselshell, Petroleum and
 Wheatland Counties.

MILES CITY

5 North Prairie
 P.O. Box 276
 Miles City, Montana 58301
 Phone: 232-6359
 Serving: Carter, Custer, Fallon,
 Powder River, Prairie, Rosebud
 and Wibaux Counties.

MISSOULA

Holiday Village Professional Plaza,
 Suite 105
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Granite, Mineral, Missoula,

Form No. 76-O R2 80

90691

76G

STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS

RECEIVED

FEB 15 1982
APR 28 1982

OTHER USES

DEPT. OF NATURAL RESOURCES
AND CONSERVATION

For the Water Courts of the State of Montana

PW-C

05-026-07-12

40

1. Owner of Water Right

Richard B. Olgilvie as Trustee of the Property
Chicago, Milwaukee, St. Paul & Pacific Railroad Company

Last

First

Middle Initial

Co-Owner or Other
Interest Owner

Last

First

Middle Initial

Address Chicago Union Station, 516 W. Jackson Blvd.

City Chicago,

State

Illinois

Zip Code

60606

Home Phone No.

Business Phone No.

1-312-648-3000

2. Person completing form

Lentzner, G. J., ADM-Maintenance

Last

First

Middle Initial

Address P. O. Box 570

City Deer Lodge

State

Montana

Zip Code

59722

Home Phone No.

Business Phone No.

1-406-846-3065

3. Use:

(Check Only One)

FR ☐ Fish RacewaysGE ☐ GeothermalMN ☐ MiningFW ☐ Fish & WildlifeNV ☐ NavigationPG ☐ Power GenerationCM ☐ CommercialFP ☐ Fire ProtectionRC ☐ RecreationIN ☐ IndustrialAS ☐ Agricultural SprayingOT ☒ OtherMC ☐ MunicipalOF ☐ Oil Well FloodingExplain Railroad purposes
(Production of railroad
ballast)

4. Source of Water:

(Check Only One)

☐ Spring

Name

☐ Well

Name

☐ Stream

Name

Tributary of

☒ Lake

Name Deer Lodge Gravel Pit

Stream

Tributary of

☐ Reservoir

Name

Stream

Tributary of

5. Point of Diversion:

County Powell

NW 1/4 NE 1/4 SW 1/4, Section 28, T 8 N/S, R 9 XSW

Lot Block Subdivision

6. Means of Diversion:

☐ Well☒ Pump

Capacity 100 gpm

☐ Headgate with ditch or pipeline☐ Instream use☐ Other

Explain

7. Means of Conveyance:

Ditch

Instream

xx Pipeline

Other:

8. Place of Use: County Powell

☐ Instream ☐ City or Town ☒ Other: Explain Railroad Station Grounds
Railroad Gravel Pit

Lot, Block, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T 8 N 8 R 9 E/W
 Lot, Block, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T 8 N 8 R 9 E/W
 Lot, Block, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T 8 N 8 R 9 E/W
 Lot, Block, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T 8 N 8 R 9 E/W
 Lot, Block, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T 8 N 8 R 9 E/W
 Subdivision _____

9. Flow rate claimed: 50 ☐ cubic feet per second
☒ gallons per minute
☐ miner's inches

10. Volume claimed: 81 acre-feet per year

11. Period(s) of use: 1 / 1 to 12 / 31
 Month Day Month Day

12. Check one: ☐ Decreed Water Right Priority date or date of first use
☐ Filed Appropriation Right
☒ Use Water Right 1 / 1 / 1942
 Hour Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA)
) ss.
 County of Powell)

I, G. J. Lentzner, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

G. J. Lentzner

Subscribed and sworn before me, this 15th day of April, 19 82.

Juanita K. Brennan
 Notary Public for the State of Montana

Residing at Deer Lodge, Montana

My Commission expires 8-1-84

Deer Lodge, Montana
March 19, 1982

AFFIDAVIT: Re: Water Rights

To Whom it May Concern:

I, F. L. Striebel, of 801 Carter, Deer Lodge, Montana, was employed in the Engineering Department of the Milwaukee Railroad from May 12, 1939 until retiring on August 31, 1976, at various locations on the Milwaukee Railroad. I was employed as a Field Engineer for the Milwaukee Railroad, with headquarters at Butte, Montana from May 1939 to Dec. 1939. I returned to the new headquarters at Deer Lodge in April of 1957 until Aug. of 1966, and then back to Deer Lodge in May of 1970 until retirement.

Regarding the water pool in the Milwaukee Railroad Gravel Pit just West of Deer Lodge, on the railroad South side of the tracks. During the years of World War II, this water was used to process gravel, according to the systems listings of gravel pits which produced processed gravel. Processed gravel is gravel which has been crushed and washed.

Signed

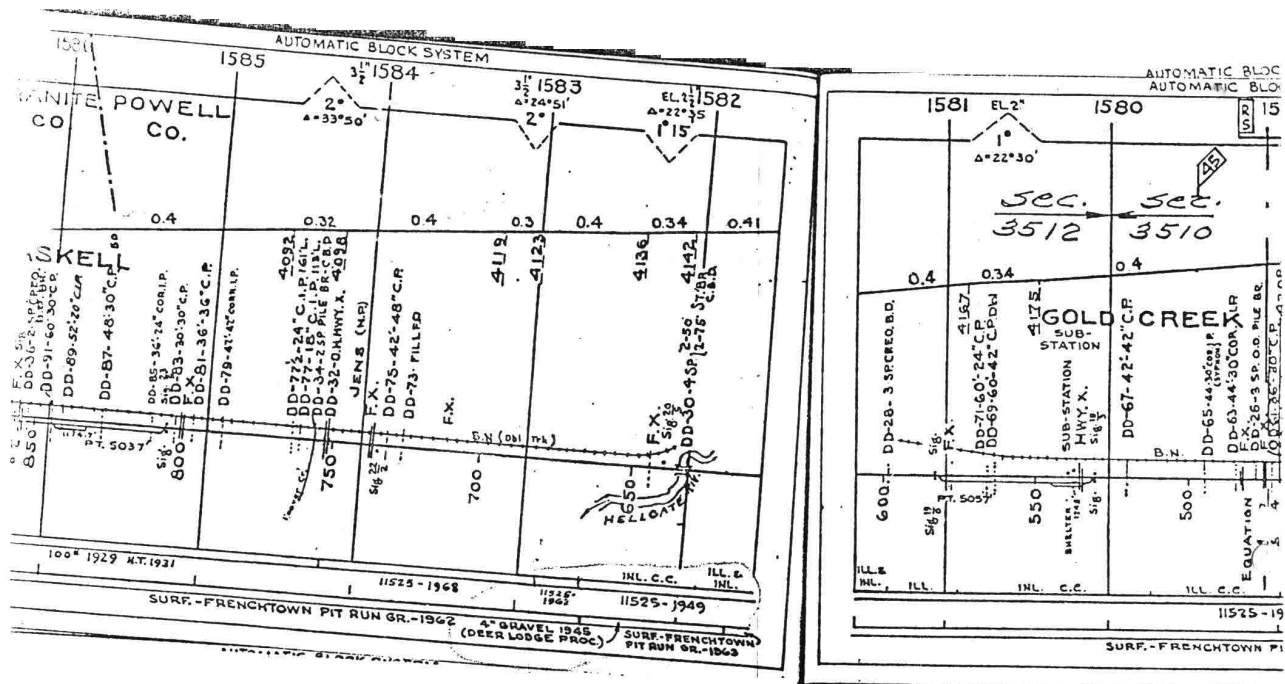
F. L. Striebel
F. L. Striebel

NOTARY SEAL

Subscribed and sworn to before me this 18th day of March, 1982.

Joanita K. Sherman

Notary Public for the State of Montana
Residing at Deer Lodge, Montana
My Commission expires 8-1-84



16006

Kenneth Czarnowski

1/10/91

Owen Williams

4/4/91

Grant Kohls
NHS

January 11, 1991

L54(479)
RMR/Water Rights

Jody Miller
Special Assistant U.S. Attorney
District of Montana
P.O. Box 7669
Missoula, MT 59807

Re: Clark Fork River Above Blackfoot River (76G); Case No. 76G-172, Claim No.
76G-W-090691

Dear Ms. Miller:

I have enclosed the original signed, notarized, and dated Transfer Certificate
for the above-captioned claim as requested in your letter of January 4, 1991.

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

Enclosure

FNP:JTAYLOR:jt:(303)493-1441:01/11/91:wp

Form 608 R7/87

WATER RIGHT TRANSFER CERTIFICATE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA

INSTRUCTIONS

The Transferor (seller) of a water right is required by Section 85-2-424, MCA, to file this certificate with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum \$50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required \$10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are a user of a municipal or irrigation district water system.

FOR DEPARTMENT USE

Date received _____
 By _____
 Fee received _____
 Transmittal No. _____
 Reviewed by _____
 BASIN _____
 Coded _____

(type or print in ink)

1. WATER RIGHT(S) TRANSFERRED: Indicate all of the water rights transferred. Attach a list if necessary.

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- ☒ (W) Statement of Claim No(s). 76G-90691
- ☐ (Y/D) Final Decreed Right No(s). _____
- ☐ (E) Exempt Existing Water Right No(s). _____
 (If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right, Form 608-B.)

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 County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☐ Court Decree Recorded in:
 County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☐ Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- ☐ YES. If more than one water right is listed in No. 1 above, list which water right numbers have been split.

Complete **one** Addendum for Apportioned Water Right, Form 608-A, for **each** split right, showing what portion of the water right the buyer received and what portion the seller retained.

- ☒ NO. The buyer received the entire water right(s), 100%.

4. BUYER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).

Name United States of America, National Park Service Phone No. (303) 969-2500

Mailing address Rocky Mountain Regional Office, P.O. Box 25287, Denver, CO 80225

Name _____ Phone No. _____

Mailing address _____

5. SELLER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes **only**, check yes. YES _____

Name Chet Bryniarski Phone No. (312) 648-3000

Mailing address Chicago Milwaukee Corporation, 547 W. Jackson Blvd., Chicago, IL 60606

Name _____ Phone No. _____

Mailing address _____

6. PERSON/AGENCY COMPLETE FORM: Name National Park Service - Water Resources Div.
 Address 301 S. Howes, Room 353, Fort Collins, CO 80521 Phone No. (303) 493-1441

7. INTERESTED PARTIES: If there are other persons who are to receive notice of adjudication proceedings concerning the water rights(s), list their complete names, mailing address and phone numbers.

Name _____ Phone No. _____
 Mailing address _____
 Name _____ Phone No. _____
 Mailing address _____

8. REMARKS Use this space to further explain any of the items. _____

9. SIGNATURES:

A. Seller's Signature(s) SELLER UNAVAILABLE FOR SIGNATURE Date _____
 _____ Date _____
 Subscribed and sworn before me this _____ day of _____ 19____

 Notary of the State of _____
 Residing at _____
 My Commission expires _____

B. Buyer's Signature(s) [Signature] Date 14 Jan 91
 _____ Date _____
 Subscribed and sworn before me this 14 day of January 1991
[Signature]
 Notary of the State of Colorado
 Residing at 205 W. Oak St. Fort Collins, CO 80521
 My Commission expires My Commission Expires 12/1/92, 1991

WATER RIGHTS BUREAU FIELD OFFICES

HAVRE

1708 W. 2nd St.
 P.O. Box 1828
 Havre, Montana 59501
 Phone: 265-5516 or 265-2225
 Serving Blaine, Chouteau, Glacier,
 Hill, Liberty, Pondera, Teton and
 Toole Counties.

MISSOULA

Holiday Village Professional Plaza,
 Suite 105
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Missoula, Granite, Ravalli,
 and Mineral Counties.

GLASGOW

110 5th Street South, Room 106
 P.O. Box 894
 Glasgow, Montana 59230
 Phone: 228-2561
 Serving: Daniels, Dawson, Garfield,
 McCone, Phillips, Richland,
 Roosevelt, Sheridan and Valley
 Counties.

HELENA

1520 East Sixth Ave.
 Helena, Montana 59620-2301
 Phone: 444-6695
 Serving: Deer Lodge, Powell,
 Lewis and Clark, Broadwater,
 Silver Bow, Jefferson and
 Beaverhead Counties.

BOZEMAN

1201 East Main
 Bozeman, Montana 59715
 Phone: 586-3136
 Serving: Gallatin, Park and Madison
 Counties.

BILLINGS

1537 Avenue D. Suite 105
 Billings, Montana 59102
 Phone: 657-2105
 Serving: Big Horn, Carbon, Stillwater,
 Treasure, Yellowstone and Sweet
 Grass Counties.

KALISPELL

3220 Highway 93 South
 P.O. Box 860
 Kalispell, Montana 59903-0860
 Phone: 752-2288
 Serving: Flathead, Lake, Lincoln
 and Sanders Counties.

LEWISTOWN

204 South Daws
 P.O. Box 438
 Lewistown, Montana 59457
 Phone: 538-7459
 Serving: Cascade, Fergus, Golden
 Valley, Judith Basin, Meagher,
 Musselshell, Petroleum and
 Wheatland Counties.

MILES CITY

5 North Prairie
 P.O. Box 276
 Miles City, Montana 59301
 Phone: 232-6359
 Serving: Carter, Custer, Fallon,
 Powder River, Prairie, Rosebud
 and Wibaux Counties.

KENNETH J. CZARNOWSKI		4-80	317
2119 ESSEX CT.			
FORT COLLINS, CO 80526		11-26 1980	82-469/1070
Pay to the order of	Montana Dept. of Natural Resources	\$	10 ⁰⁰
	Ten and no/100		Dollars
JBT JEFFERSON BANK & TRUST (303) 232-8612 2290 West Colfax Avenue at Wadsworth P.O. Box 150408 Lakewood, Colorado 80215			
For	Filing Fee GRKO	Kenneth Czarnowski	
⑆107004695⑆ 38 10594⑈ 0317			

Penny Mountain Bank Note #

vol 73 520

QUITCLAIM DEED

Grantor, RICHARD B. OGILVIE, not as an individual but solely as Trustee of the Property of CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, Debtor, being in possession of all the assets and property of said Railroad Company under authority of the United States District Court for the Northern District of Illinois, Eastern Division, Docket No. 77 B 8999 in proceedings under Section 77 of the Bankruptcy Act and pursuant to Order No. 19 of said Court entered March 6, 1978, for and in consideration of the sum of FORTY THOUSAND NINE HUNDRED SEVENTY-THREE DOLLARS (\$40,973), the receipt and sufficiency whereof are hereby acknowledged, does hereby CONVEY and QUITCLAIM, free from the liens of said Railroad Company's First Mortgage and General Mortgage, each dated as of January 1, 1944, and all mortgages supplementary thereto, and from all other liens and claims as provided in said Order No. 19, unto UNITED STATES OF AMERICA, AND ITS ASSIGNS, Grantee, subject to any and all exceptions and reservations hereinafter set forth, the following described real estate situated and being in Powell County, Montana, to-wit:

Tract 01-104

Beginning at the intersection of the North line of Section 28, Township 8 North, Range 9 West, with the westerly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, as same is now surveyed and established over and across said section, said point being 51.26 feet west from survey station 340 + 40; thence South 39°33' West, 890 feet to a point, said point being 430 feet at right angles from said westerly right-of-way line; thence South 3°35' West parallel to said right-of-way line 1982.7 feet to a point on the south line of the Northwest quarter (NW¼) of said Section 28; thence South 26°25' East 833 feet to a point on said westerly right-of-way line, said point being 50 feet westerly at right angles from center line of said railroad company's main line tract; thence northerly along said right-of-way line to place of beginning, containing 27.67 acres, more or less, and embraces a portion of the East half of the Northwest quarter (E½ of NW¼) and Northeast quarter of the Southwest quarter (NE¼ of SW¼) of said Section 28 in said township and range.

Tract 01-111

A strip, belt or piece of land one hundred (100) feet in width having fifty (50) feet of such width on each side of the center line of the railroad of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, as the same is now surveyed, located, established and staked out upon the ground over and across from the south line of the Northwest quarter (NW¼) of Section thirty-three (33) Township eight (8) North, Range nine (9) West of the Montana

- 1 -

GRANT-KOHR'S RANCH N.H.S. DEED NO. 7

VOL 73 521

Meridian to a point on the south Line of the North half (N½) of the Southeast quarter (SE¼) of Section twenty-one (21), Township eight (8) North, Range nine (9) West of the Montana Meridian.

Together with all tracks, rails, ties and other appurtenances presently installed and in place on that portion of Tract 01-111 lying between survey stations 412 + 85 and 389 + 75 of the railroad right-of-way as the same is now surveyed, located and staked out upon the ground.

Grantor hereby reserves the right, to December 31, 1984, to himself, his employees, agents, or contractors, to enter the described property, other than that portion of Tract 01-111 lying between survey stations 412 + 85 and 389 + 75, to remove all track material, including rails, fastenings, angle bars, tie plates and ties, said track material being specifically excepted from this purchase and sale. Grantor agrees to release, indemnify and save harmless Grantee from and against any and all liability, loss, expense, claims and legal actions for death, personal injury or property damage arising out of or caused by Grantor's, his employees', agents', and contractors' exercise of this right, except that Grantor assumes no responsibility for the condition of said property arising from such measures as are reasonably necessary to accomplish the uses and purposes herein mentioned, and that restoration or repair of said property on account of such reasonable and workmanlike measures shall be at Grantee's sole expense.

IN WITNESS WHEREOF, this instrument is executed by RICHARD B. OGILVIE this day MARCH 15 1983, 1983.

Richard B. Ogilvie
RICHARD B. OGILVIE, not as an individual
but solely as Trustee of the property of
Chicago, Milwaukee, St. Paul and Pacific
Railroad Company, Debtor

WITNESS:

R. M. Keegan
For said Trustee
R. M. KEEGAN

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

On this day of MARCH 15 1983, A. D., 1983, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD B. OGILVIE, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed as Trustee aforesaid.

Raymond H. DeFoa
Notary Public

My Notary Commission Expires on 2/22/83 RMRO: 2/22/83

Other Supporting Information

Form 1974 Rev.

98621

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY
AUTHORITY FOR EXPENDITURE

Operating Co. Chicago & North Western Ry. Co. Owning Co. Chicago & North Western Ry. Co. A. F. E. No. 1000

Location Rockwell & Deer Lodge, Mont. Property Mountain Section 50
(Cross or Mile Post) (Division) (State and Valuation Section)

Budget Reference Class of Work - 20 Date December 20, 1934

Description: Retire Trolley System at Rockwell and Deer Lodge at Deer Lodge

Retire and remove 500 ft. of trolley contact wire, stationary poles and trolley hangers originally installed over industry track at Rockwell and Deer Lodge 1900 ft. of trolley system over gravel pit track at Deer Lodge.

Work Completed



NECESSITY: Give full reason for the expenditure. If for economical operation, indicate how estimated saving will be brought about. If for promotion of earnings, state amount of earnings anticipated and over what period they will extend. If to insure greater safety or for public accommodation, so state in detail, giving reference to Ordinance, if any.

A commercial line of trolley wire was installed in 1900 at Rockwell and Deer Lodge. The wire was installed over industry track at Rockwell and Deer Lodge 1900 ft. of trolley system over gravel pit track at Deer Lodge. The wire was installed over industry track at Rockwell and Deer Lodge 1900 ft. of trolley system over gravel pit track at Deer Lodge.

SPECIAL INFORMATION: Give here the contract or agreement reference; on or off R. of W.; if off, state whether easement has been or will be secured; ownership; amount to be billed other parties; joint facility information as to interest bills, ownership and maintenance; amount to be refunded; basis of refund.

L.C.Y.
E.C.R. ps. *File*

dated 12-17-34

Estimated Gross Cost of Project \$ 333.00

Charges for Property Retired:—

Reserve for Accrued Depreciation	\$ 0.00
Profit and Loss	\$ 0.00
Operating Expenses	\$ 0.00
Value of Salvage Recovered	\$ 0.00
Cost of Property Retired	\$ 0.00
Incidental costs chargeable to Profit and Loss	\$ 0.00
Incidental costs chargeable to Operating Expenses	\$ 0.00
	\$ 333.00

Estimated Net Charge to Capital Account

Approved [Signature] Auditor of Investment and Joint Facility Accounts Date DEC 14 1934

Approved [Signature] President Date DEC 14 1934

Approved _____ Date _____

Approved _____ Date _____

Approved _____ Date _____

Approved _____ Date _____

Number of Documents in Docket	20		
Documents Dated from	3/19/1982	to	1/11/1991
Docket Compiled:	3/28/2011		