

**PETITION TO ABANDON, VACATE, AND DISCONTINUE  
USE OF A GRANITE COUNTY ROAD**

There being at least ten (10) freeholders of the road district, which encompasses all of Granite County, who do hereby petition the Board of Granite County Commissioners to abandon that certain county road (or a certain portion thereof), specifically described as follows:

Name of County Road: County Road Described in the 1967 Granite County Commissioner Records: Volume 10, Page 615-1; and located in Southwest One-Quarter of Section 1, Township 9 North, Range 14 West

Section, Township, and Range; Subdivision name (if applicable)

All of County Road \_\_\_\_\_ (mark an "X" if requesting entire county road to be abandoned); OR From the southern boundary of the southwest one-quarter of Section 1, Township 9 North, Range 14 West

To the western boundary of the southwest one-quarter of Section 1, Township 9 North, Range 14 West

General Route: (see attached marking specific location of road to be abandoned) Route described in the 1967 Granite County Commissioner Records: Volume 10, Page 615-1, and depicted on the preliminary plat of 460

Lower Willow Creek Subdivision.

**The physical address and printed name** of landowners thereof affected (who own land contiguous to or bordering road) by the abandonment, vacation, and discontinued use of the road are as follows:

BD Land LLC; 460 Lower Willow Creek Road, Hall, Montana 58837

Name and physical address

The abandonment, vacation, and discontinued use of this road is necessary and advantageous for the following reasons:

The location of the county road in this area has changed due to the construction of the Lower Willow Creek Dam, and the above-referenced portion of county road no longer provides access to any property other than the property referenced, which it crosses, at 460 Lower Willow Creek Road.

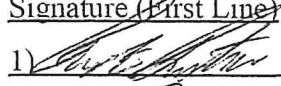
An 1893 petition, recorded in Volume 1 of the Granite County Commissioners Records, Page 39, describes an old travelled way for 3 miles in the southwest direction from Section 6. The description in this petition does not contain enough information to confirm that the route it describes is the above-referenced county road. The petition describes the course of "the old travelled road" going in a southwesterly direction towards the lower willow creek crossing from the southwest corner of section six for about 3 miles.

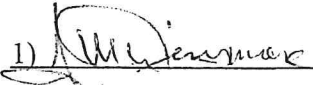
In 1955, 62 years after this original petition, an aerial of the subject area was created. The aerial clearly shows the above-referenced travelled way crossing the subject parcel, heading towards the future location of the Lower Willow Creek Dam in a northwesterly direction. The travelled way shown in this aerial image continues through the area that was later inundated by construction of the dam and reservoir. Before commencing construction of the dam, Book 38 page 547 grants a right-of-way deed in 1960 across the NW ¼ of section 12, where the county road providing access to the dam, reservoir, and properties upstream is currently located. The original 1893 route has terminated on the subject property prior to reaching the toe of the dam since the dam's construction.

Sometime in the 1960s, after construction of the dam, County residents submitted a mass petition for a "re-dedication" of many roads in Granite County. This petition has not been located. The county road description in book 38 page 475 (1967) is a result of this re-dedication. Since this portion of roadway was inundated by

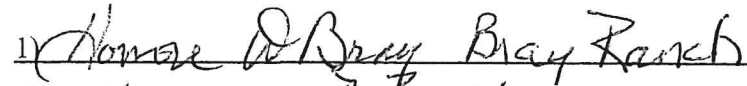
construction of the dam, and no longer provides access to any properties other than the subject property which it crosses, the abandonment, vacation, and discontinued use of the road is necessary and advantageous. The 'road' which is a driveway to the described property, currently terminates near the south toe of the Lower Willow Creek Irrigation Dam. The Irrigation District, which owns the dam, would like to see this section of the old road officially vacated in the interest of safety. The District has recently further restricted access to the dam after several instances of vandalism.

We, the undersigned Petitioners, consent to and request the abandonment, vacation, and discontinued use of the said road:

Signature (First Line)	Printed Name (First Line)	Physical Address (Second Line)
1) 	Rex Baalke	Cow Creek Ranch LLC LLC (LWCID)
2) 56 Baalke Ranch	La Hall MT 59834	Pres. LWCID

1) 	James Dinsmore	
2) 333 Lower Willow Creek Rd	Hall, MT 59837	Ranch Owner

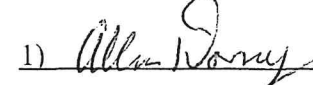
1) Jim Mason	Mason Ranches Inc	Jim Mason
2) 35 Mason Lane	Hall, MT 59837	

1) 	Bray Ranch	219 Farm To Market Rd W
2) Honore & Bray	Hall, MT 59537	

1) Michael Nelson / Dam Ranch	Micela Nelson	
2) 211 Lunn Rd	Hall MT 59834	

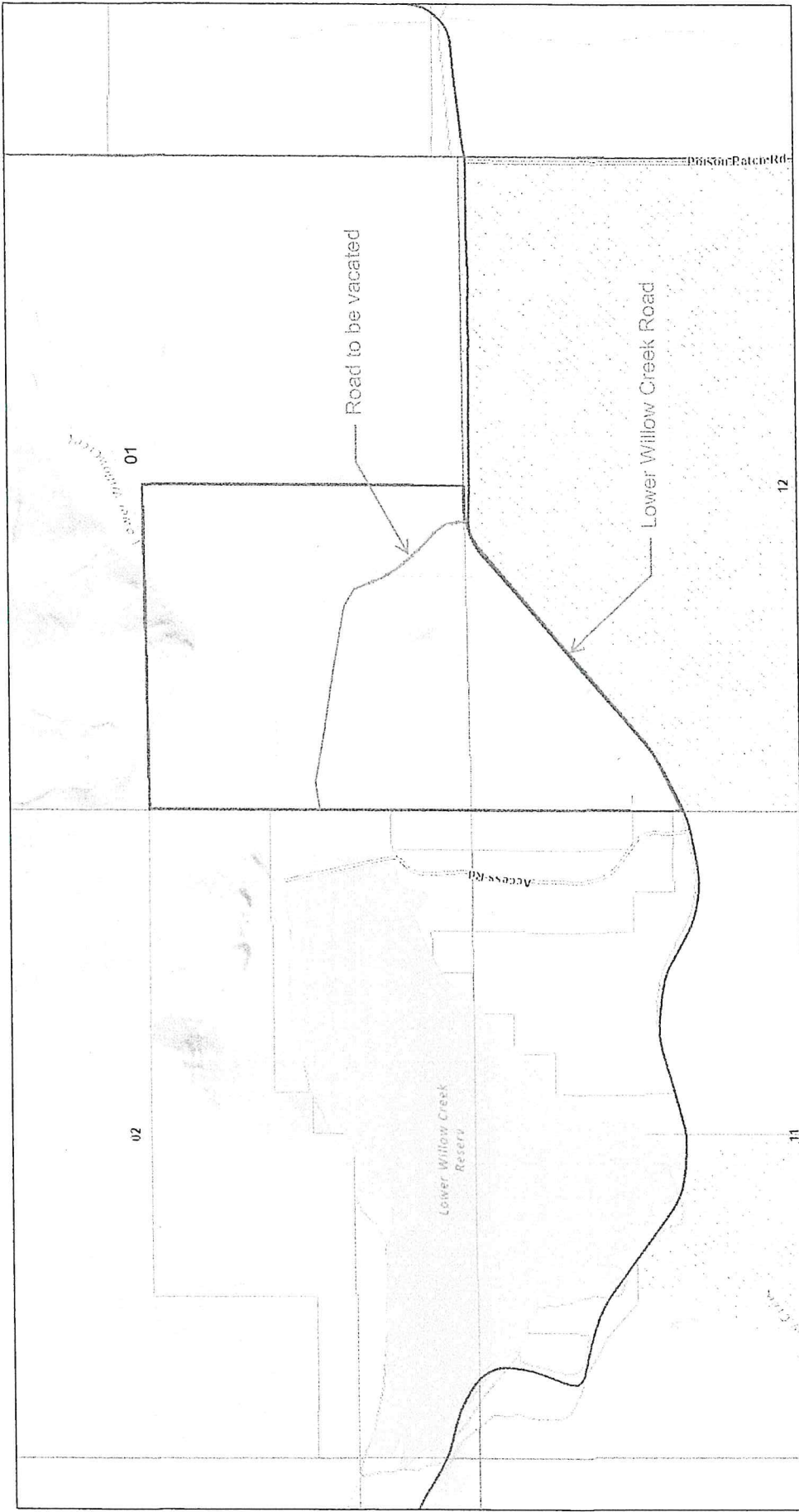
1) Beverly J Skinner	Skinner Ranch Seedstock	Beverly J Skinner
2) 162 Farm to Market Rd W	Hall, MT 59837	

1) Daniel C Hauptman	DANIEL C HAUPTMAN	
2) 8 Jensen Ranch Lane	Hall MT 59837	Jensen Ranch Co.

1) 	Allen Doney	161 Lower Willow Creek Rd HALL
2)		

1) Patricia C Bignell	Lazy KK Ranch	Patricia C Bignell
2) 38 Olsson Lane	Hall MT 59837	

# Exhibit A



9/12/2024, 2:25:54 PM

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Use: HPSS, H&A, DRES, L&A



To:  
Granite County Commissioners  
From:  
Rex Radtke  
President Lower Willow Creek Irrigation District

To The Commission Hearing The Petition to Abandon Use of a County Road,  
The Lower Willow Creek Irrigation District (LWCID) supports approval by the Commission to abandon and vacate the section of road described in the petition before it. Before construction of the Lower Willow Creek Dam fully commenced a right of way deed was granted across the NW ¼ of Section 12 and the road was constructed as it exists today as that section of Lower Willow Creek Road providing access to all land and properties to the west of the dam and access to the crest of the dam and the toe on the north side of the. The old section of the road in question currently only serves as access to the subject property.

The owner of the property granted an easement for construction to the Irrigation District for access to the south toe of the dam and a piece of District property before it came to light that the section of the driveway and trail was still included in a description of a County Road. The District supports the petition due to safety concerns should the public have access to the toe of the dam south of the spillway, the concrete spillway itself, and the spillway channel.

The owner has worked with the District during the last three years advancing a dam assessment made possible with funding by the Corps of Engineers and the Montana Department of Natural Resources and Conservation. The current easement will be modified to a permanent easement upon vacation and abandonment of the road.

The LWCID has experienced increased instances of vandalism over the last several years, including vehicles that drove down the downstream face of the dam and back up. Due to the increase in these instances the District has limited access to the dam itself and improved gates and fencing.

LWCID encourages the Commissioners to grant the request for abandonment as it will enhance safety and security of the Lower Willow Creek Dam and Assets of the District

Sincerely,



Rex Radtke

## GRANITE COUNTY, MONTANA

52538	2682	Frank Waldbillig, Bridge Inspection & Mileage	17.88
52539	2683	Geo. A. Winnanghoff, Bridge Inspection & Mileage	41.08

The monthly telephone reports of the following County Officers were approved and ordered filed: Clerk & Recorder, Clerk of the Court, County Attorney, County Sheriff, County Assessor, County Treasurer and Welfare Department.

The report of the Clerk of Court for the quarter ending Sept. 30, was approved and ordered filed.

The report of the Clerk of Court for the month of September for Juror and Witness warrants was approved and ordered filed.

The report of Justice of the Peace, C. O. Bonham, for the months of August and September was approved and ordered filed.

In accordance with a CALL FOR BIDS the following bids were opened:

Mountain Tractor Co. in the amount of \$6,970.00

Granite County Road  
 North Fork Lower Willow Creek Road  
 Length of Road : Approximately 10.2 miles  
 Width of Road: 66 feet  
 Termini:

Beginning at the east line and four chains south of the NE corner of Section 5, T 9 N, R 13 W, PMM and running in a north westerly direction approximately 38 chains where the road hits the north line of the said section, thence along the north line to Section 6, T 9 N, R 13 W, PMM. Thence continuing westerly along the north section line for approximately 54 chains, thence south crossing the south section line approximately 20 chains east of the southwest corner of said section 6, T 9 N, R 13 W, PMM. Thence running in a south westerly direction across Section 7, T 9 N, R 13 W, PMM and crossing the west section line of said section approximately one chain south of the north west corner of said section and one chain north of the SE corner of section 1, T 9 N, R 14 W. This being a offset corner. Thence running west approximately 42 chains. Thence crossing said section in a north westerly direction and crossing the west section line of said section approximately 19 chains north of the southwest corner of said section. Thence it runs in a southwesterly direction across Section 2, T 9 N, R 14 W, PMM crossing the south section line of said section approximately 25 chains west of the southeast corner of said section. Thence said road runs into the north one-half of section 11, T 9 N, R 14 W, PMM and crosses the north section line of said section approximately 18 chains east of the northwest corner of said section. Thence crossing the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T 9 N, R 14 W, PMM and crossing the west section line of said section approximately five chains north of the southwest corner of said section. Thence crossing Section 3, T 9 N, R 14 W, PMM in a north westerly direction and crossing the west section line of said section approximately 40 chains south of the northwest section corner of said section. Thence crosses section 4, T 9 N, R 14 W, PMM in a north westerly direction and crosses the north section line approximately 31 chains east of the northwest corner of said section. Thence crosses Section 33, T 10 N, R 14 W, PMM in a north westerly direction crossing the west section line of said section approximately 16 chains north of the southwest corner of said section. Thence crossing section 32, T 10 N, R 14 W, PMM in a northwesterly direction, crossing the west section line of said section approximately 23 chains south of the northwest corner of said section. Thence crossing Section 31, T 14 N, R 14 W, PMM, in a north westerly direction and terminating at the west section line of said section, approximately two chains south of the northwest corner of said section. This last described point being the west termini of said road. This termination point is also approximately one-half chain north of the northeast corner of Section 36, T 10 N, R 15 W, PMM. This is an offset corner.

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2) \_\_\_\_\_


1) \_\_\_\_\_

2) \_\_\_\_\_

1) \_\_\_\_\_


2) \_\_\_\_\_

Petition is hereby submitted to Granite County this 15<sup>th</sup> day of October 2024 (month/year).

  
Signature

Printed Name of Submitter: DAVID J REITZ

Foregoing Petition has been received by Granite County:

Signature: 

Title: Granite County Attorney

Date: 10/15/2024

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