

No. 204

PETITIONER,

Frank House et al

Petition filed May 31 1902

Viewers appointed June 4 1902

Report filed Aug 30 1902

Date of hearing 1902

Report approved Sept 5 1902

Order of survey Sept 5 1902

Surveyor's Report filed Dec 3 1902

Declared County Road Dec 3 1902

By order of the Board, Geo. E. Davis
Chairman

See Book 9 Commissioners' Proceedings,
pages 267 and 291.

Recorded, Road Book, pages

County C

PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, of Gallatin County, Montana:

The Undersigned, Your petitioners, Citizens of the United States, respectfully show and represent that they are residents of Road District No. 2, in the County of Gallatin State of Montana, where the road, hereafter petitioned for, is to be located, laid out and established, if this petition be granted; that the proposed road is a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County Road, sixty feet in width, to be a public highway, to be laid out, located and established, and show:— (a) The general route of the proposed road; (b) over what lands it is proposed to be established; (c) who are the owners thereof; (d) whether such of them as can be found, consent thereto; (e) who of them do not consent; (f) the probable cost of the right-of-way where such consent is not had; (g) the necessity for and the advantages of the proposed road as follows, to-wit:

Beginning at the North East corner of Sec. 18, T. 1 South of Range 3 East and running south three miles on section lines.

The abutting owners all assent to the opening of the road and will donate the right of way so far as the said road touches upon their said lands.

C. M. Danks
Albin Cassman
P. L. Wash

NAMES:

- 1 Frank House
- 2 John Derwolt
- 3 Amos Wallace
- 4 Edward J. Patten
- 5 Adalbert Strang

NAMES:

- 6 H. P. ...
- 7 Frank ...
- 8 W. S. ...
- 9 H. Barnhart
- 10 H. J. ...

By >

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. ~~L. PATTERSON~~ *Geo. E. Davis*
Chairman of the Board of County Commissioners, Gallatin County, Montana.

DEAR SIR :- You are hereby notified that a petition for a County Road has been received in this office,
signed by *Frank House and others*

Serializing at the Northeast corner of Section 18, in Township One (11)
of Road District No _____
The petition above referred to, petitions that a Road be established, commencing _____
South of _____
Section lines.

You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours, Very Respectfully,

E. V. Blankenship
County Clerk and Recorder.

Dated at, Bozeman, Montana, this *4th* day of *June* 190*2*.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

MR. E. V. BLANKENSHIP,
County Clerk, Gallatin County, Montana.

DEAR SIR :- In pursuance of the above notice, I hereby appoint :

C. M. Thorpe
Allen Cameron
Pete Nash

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road

Yours, Very Respectfully,

Geo. E. Davis
Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this *4* day of *June* 190*2*.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD,

Notice is hereby given that ten resident tax-payers of Road Dist., No. 2 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners of the County of Gallatin, State of Montana, said petition praying that a new Road be laid out and established.

A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit: -Beginning at the Northeast corner of Section 18, Tp 1, South of Range 3 East and running South three miles on Section lines.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be established, on Wednesday the Thirteenth (13th) day of August A. D. 1902.

Said viewing to commence at Nine (9) O'Clock A.M. of said day.

Very Respectfully

E. L. Blankenship
County Clerk, Gallatin County,
Montana.

STATE OF MONTANA, }
County of Gallatin. } ss.

Geo. L. Taylor
Robert Strong

being first duly sworn deposes and says, that ~~as~~ the he received from

the County Clerk of said County, on the 30th day of July A. D.,

1902, three copies of the annexed notice, and that on the 31st day of July 1902 posted

a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at the beginning, one at or near the center and one at the terminus,

and further deponeth sayeth not.

Subscribed and sworn to before me this 31st day of July A. D., 1902

Geo. L. Taylor
J. W. Oggle
Notary public in & for
Gallatin Co. State Montana



Warrant for Road Viewers.

Copy

County Clerk's Office, }
Gallatin County, Montana. }

Mr. & Mrs. *Wm. Joseph Allen Courrow and Rita Nash*

You are hereby notified that you were duly appointed Road Viewer by

~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the *24th*
day of *June* 190*2*, to view and lay out a proposed road, as prayed for in the
petition of _____ and others, described as follows, to-wit:

*Beginning at the Northeast corner of Section 18, in Township One (1)
South of Range Three (3) East, and running South Three (3) miles on
Section lines.*

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with *Each other*, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners, on the *13th*
day of *August* 190*2*, commencing at the place designated in said petition as the
starting point of the road sought to be at *9 o'clock A.M.* and proceed to view and
lay out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments to the
terminus named in said petition, by the most practical route that you in your judgment can find.
You shall notify the resident owner or agent of land over which it passes, of the proposed route; ascertain
whether such owner consents thereto and the amount of damages, if any, claimed or demanded for the
right of way over the same. You shall estimate the actual damage to any land over which the proposed
road passes and the cost of any bridges or grading necessary. You shall report the necessity for and the
public convenience to be subserved by the highway, if opened, and whether the opening thereof or the
change therein proposed should be made, and make and sign a report of your proceedings, as required by law.

Roads shall, in all cases, when practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this *2nd*
day of *August* 190*2*.
E. J. Paukenchips
County Clerk,

By _____ Deputy.

Oath of Road Viewers.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

C. M. D. Hooper

Subscribed and sworn to before me this 11th day
of August 1902

E. A. Blankenship, Clerk
L. P. Bugard, Deputy

This must be returned to the County Clerk after execution.

Oath of Road Viewers.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

Peter R. Cash

Subscribed and sworn to before me this 13th day
of Aug. 1902

C. M. D. Hooper
C. Sawyer

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 204

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of C.M. Hooper & Peter Nash, two of Viewers appointed by the Board of County Commissioners. (Allen Cameron the other viewer not being present)

appointed to view a proposed road running from the N.E. Corner of Sec. 18 T. 1 S., R. 3 E. South 3 miles

to the S.E. Cor. of Sec. 30. said T. & R.

as described in the annexed petition, say, That on the 13th day of Aug.

A. D., 1902 we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and sources, grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The width of the proposed road is 60 feet.

The description of the center line is as follows to-wit:

Beginning at the N.E. Corner of Sec. 18 T. 1 S., R. 3 E., thence south along the section line between Sections

17 & 18, and between Sections 19 & 20, to the top of the

bluff on N. side of gulch near S.E. Corner of Sec. 19

said T. & R. thence south westerly along said bluff, crossing

said gulch and running south easterly to the section line between

Sections 29 & 30. on a grade not exceeding 8%.

thence south along said section line to the

top of bluff on north side of gulch near the 1/4 Sec.

Corner between said Section 29 & 30, thence

S.W. crossing said gulch & running S. Ely, on a

grade not exceeding 8% to a point on top of bluff

on south side of said gulch on said section line,

thence south along said section line to the

S.E. Corner of Sec. 30 T. 1 S., R. 3 E. thence

terminus as described in petition

The length of the proposed road is three miles.

The line of the road is defined by U.S. Gov. Corners

where they are not obliterated, a survey would

be necessary however to establish the line of the

road. The grades of the proposed road would

not exceed 8% or 10% when properly graded.

The character of the ground is dry & suitable for

road building. For land owners along the road

see accompanying sketch.

The probable cost of constructing the proposed
road we estimate at \$150.00

REPORT OF ROYD ALEMERS

2. The names of the land owners who consent to give the right of way, and we hereto attach their written consent, as follows:

H. Jay Barnhart, a stony Frank House,
A. J. Walrath

3. The names of the land owners who do not consent, and the amount of damages claimed by each, as follows:

4. The estimate of damages in excess of benefits to the owner of any land over which it is proposed to run the highway, as follows:

All land owners along the proposed road will be benefited fully equal to the damages.

5. The following facts, bearing upon the subject, which may be of importance to the Board:

We find the road to be needed as an outlet for
wastes, and can better be established now than
after the land has been all fenced

We believe said road _____ to be practical and _____ of public utility and
necessity and do _____ recommend the establishment of the same.

Dated Aug. 13

A. D. 1902

C. M. Shorfer
Peter Nash

Road Viewers.

Aug. 15

Have written Tebille &
W. B. J. Co. asking for
consents.

Application should be made
to State Board of Land
Commissioners for right of way
over state land.

See laws of 1899 p 87

C. M. Thorpe

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way
for a County Road, ~~through~~ or along the West side of Section 20
T. 1 S., R. 3 E.,

as viewed and surveyed by C. M. Thorpe + Peter Nash
on the 13th day of Aug 1902. And hereby agree to
place my fences on said lines without charge to the County.

Signed A. J. Walrath.

Dated at Bozeman this 14th day of August 1902.

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 14th day of August
A. D. 1902, before me C. M. Thorpe County Surveyor
in and for said County, came A. J. Walrath.

who is personally known to me to be the person described in and who signed the annexed consent
for right of way and acknowledged to me that he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C. M. Thorpe
County Surveyor.

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way
for a County Road, ~~through or~~ along the East side of N.E. 1/4 of Sec
18 T.1S. R.3E.

as viewed and surveyed by Peter North + C.M. Hooper
on the 13th day of Aug 1902. And hereby agree to
place my fences on said lines without charge to the County.

Signed H. J. Barnhart.

Dated at _____ this 13 day of Aug 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 13th day of Aug
A. D. 1902, before me County Surveyor
in and for said County, came H. J. Barnhart.

who is personally known to me to be the person described in and who signed the annexed consent
for right of way and acknowledged to me that he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Hooper
Co. Surveyor

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way
for a County Road, ~~through~~ or along the East side of S.E. 1/4 of
Sec 30 T.15. R.3 E.

as viewed and surveyed by John Nash & C.M. Hooper
on the 13th day of Aug 1902. And hereby agree to
place my fences on said lines without charge to the County.

Signed Adelbert Strong

Dated at _____ this 13 day of Aug 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss. On this 13 day of Aug.
A. D. 1902, before me County Surveyor
in and for said County, came Adelbert Strong

who is personally known to me to be the person described in and who signed the annexed consent
for right of way and acknowledged to me that he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.
C.M. Hooper
Co. Surveyor

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way for a County Road, ~~through~~ or along the East side of N.E. 1/4 of Sec 30 T.1 S. R. 3 E. and 60 feet where it may be necessary to leave the ^{to obtain an opening at the gulch} section line near the N.E. Cor. of Sec. 30 and also at gulch near E. 1/4 Cor. of said sec 30 Sec. _____ T. _____ R. _____ as viewed and surveyed by C.M. Thorpe + Peter Nash on the 13th day of Aug. 1902. And hereby agree to place my fences on said lines without charge to the County.

Signed Frank House

Dated at _____ this 13th day of Aug. 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, }
County of Gallatin, } ss.

On this 13th day of Aug.

A. D. 1902, before me

County Surveyor
Frank House

in and for said County, came

who is personally known to me to be the person described in and who signed the annexed consent for right of way and acknowledged to me that he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C.M. Thorpe
County Surveyor

To the County of Gallatin, State of Montana:

I **Hereby Agree**, and consent to give 30 feet for a Right of Way
for a County Road, ~~through or~~ along the West side of sections 17 and
29 T. 1 S. R. 3 E.

as viewed and surveyed by C. M. Thorne + Peter Nash
on the 13th day of Aug. 1902 And hereby agree to
place my fences on said lines without charge to the County.

Signed Samuel McKenna Trustee

Dated at Helena Mont this 5th day of Sept 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA }
County of Lewis & Clark } ss.

On this 5th day of September

A. D. 1902, before me Joseph W. Chivers a Notary Public

in and for said County, came Samuel McKenna Trustee

who is personally known to me to be the person described in and who signed the annexed consent
for right of way and acknowledged to me that he had executed the same freely and voluntarily,
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.



Joseph W. Chivers
NOTARY PUBLIC in and for
Lewis & Clark County, State of Montana.

Bozeman, Montana, JAN 16 1904

To the Honorable Board of County Commissioners of
Gallatin County, Montana,

Gentlemen:-

I hereby report to your Honorable Body that on,
JAN 16 1904 I filed in the office of the county Clerk

of Gallatin County, Montana, the Plat and Field Notes of _____

The House Road No. 204 Sec P. 99 & 102 Vol "B" of Maps

Very Respectfully,

C. M. Harper
County Surveyor.

408

RETURN IF NOT DELIVERED IN TEN DAYS TO
REGISTER STATE LAND OFFICE
HELENA, MONTANA



A. A. Cameron, County Clerk,
Bozeman, Mont.

TURN IF NOT DELIVERED IN TEN DAYS TO
REGISTER STATE LAND OFFICE
HELENA, MONTANA

HELENA, MONT.
MAR 21 5 PM



A. A. Camernon, County Clerk,
Bozeman, Mont.

OFFICE OF THE
Register of State Lands

JOHN P. SCHMIT, REGISTER
JOSEPH OKER, ASS'T REGISTER

HELENA, MONTANA

March 15, 1904

A. A. Cameron, Co. Clerk,
Bozeman, Mont.

Dear Sir:-

The petition from your Chairman of your County Board, for the right-of-way for a county road along the west side of section 20 and the Sw4 of section 17, T. 1 S. R. 3 E., was to-day granted by the State Board of Land Commissioners. We must call your attention to the fact that the State owns nothing in section 17, but it does own the SE4 of section 18, and the plat submitted shows that it is along the East line of the SE4 of section 18, which ofcourse, is between, 17 and 18, where you want the road.

Yours very truly,

John P. Schmit
Register.

Dict. T.

OFFICE OF THE
Register of State Lands

JOHN P. SCHMIT, REGISTER
JOSEPH OKER, ASS'T REGISTER

HELENA, MONTANA

March 21, 1904

A. A. Cameron, County Clerk,
Bozeman, Mont.

Dear Sir:-

Replying to your of the 19th., Inst. would say; that of course the State Board of Land Commissioners having granted you right-of-way for use of road, such right-of-way maybe used, but if this is wanted for permanent county road, then you should remit the sum of \$52.90, as stated in your previous letter. We believe that this would be the best and we will await a letter from you, before we consider this matter closed.

Yours very truly,

John P. Schmit
Reg.

*Answered by Co. Clerk, Mar 3, 1904,
asking for right of way only.*

Dict. T. *A.A.C.*

WEST GALLATIN IRRIGATION COMPANY
(OF MONTANA.)

HENRY ALTEN BRAND, PRES.
GARDNER COLBY, SEC'Y & TREAS.
NO. 11 BROADWAY,
NEW YORK.



E. C. KINNEY,
GENERAL MANAGER.
MANHATTAN,
MONTANA.

BOZEMAN.
Manhattan, Montana, August 26th, 1902.

C. M. Thorpe Esq.

Dear Sir.

Your request for a road right of way is received. The power to grant rests now with the Trustee, Mr. S. McKennan, of Helena. I have referred the matter to him and have no doubt that he will grant your request on his return from his vacation about the first of September.

Very truly yours.

E. C. Kinney
General Manager.

Report of County Surveyor
on Road No 204.

FILED

Dec 3 1907
E. V. Blackwelder
County Clerk.
O. P. Morgan
Deputy.

BOZEMAN, MONTANA, Dec 1 1902

To the Honorable Board of County Commissioners
of Gallatin County Mont.

Gentlemen:-

As ordered I have
surveyed the Whitaker Road No. 204,
all corners along the road are marked with iron
monuments. The map of the road will be
filed later.

Very respectfully,

C. M. Thorpe
County Surveyor

NOTICE OF PETITION FOR OPENING PUBLIC ROAD,

Notice is hereby given that ten resident tax-payers of Road Dist., No. 2 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners of the County of Gallatin, State of Montana, .Said petition praying that a new Road be laid out and established.

A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit:-Beginning at the Northeast corner of Section 18, Tp 1, South of Range 3 East and running South three miles on Section lines.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be established, on Wednesday the Thirteenth (13th) day of August A. D. 1902.

Said viewing to commence at Nine (9) O'Clock A.M. of said day.

*Copy posted at
Recorder's Office July 17th 1902*

Very Respectfully

E. J. Blankenship
County Clerk, Gallatin County,
Montana.

Notice of Opening Public Road.

Notice is hereby given that after sixty days from the date of posting this notice, a public highway will be opened over the following route, to-wit: ~~beginning~~ (for a 60 ft. right of way, the ~~center~~ center lane described) beginning at the N.E. corner of Section 18 T.1, S R.3 E, thence South along the Section line between Sections 17 & 18, and between Sections 19 & 20 to the top of the bluff on N. side of Gulch near S.E. corner of Sec., 19, said T. & R. thence South westerly along said bluff, crossing said gulch and running South Easterly to the Section line between Sections 29 & 30 on a grade not exceeding 8% thence South along said Section line to the top of bluff on North side of gulch near the 1/4 Sec. corner between said Sections 29 & 30, thence S.wly., crossing said gulch & running S.Ely., on a grade not exceeding 8% to a point on top of a bluff on S. side of said gulch on said Sec. line, thence S. along said Sec. line to the S.E. cor. of Sec. 30 T 1, S R, 3 E, the terminus as described in petition.

By order of the Board of County Commissioners of Gallatin County, Montana.

Dated Sept 5 1892

C.M. Thrope

Clerk,

C. S. Sawyer

Deputy.

Date of Posting Nov 14 1892

STATE OF MONTANA, }
County of Gallatin. } ss.

C.M. Thrope

County Surveyor

being first duly sworn deposes and says, that as the

he received from

the County Clerk of said County, on the 7th day of Nov. A. D.,

1892, three copies of the annexed notice, and that on the 14 day of Nov. 1892 he posted a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One

at starting point our about midway, and one at the terminus.

and further deponeth sayeth not.

Subscribed and sworn to before me this 19th day of November A. D. 1902

C.M. Thrope
C. S. Sawyer
County Clerk

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 179 Rec'd AUG 2 1902, 190
of Bozeman, Mont.
addressed to Mr. Allen Cameron
Bozeman, Mont.
L. L. KIRK, P. M.

REGISTRY RECEIPT.

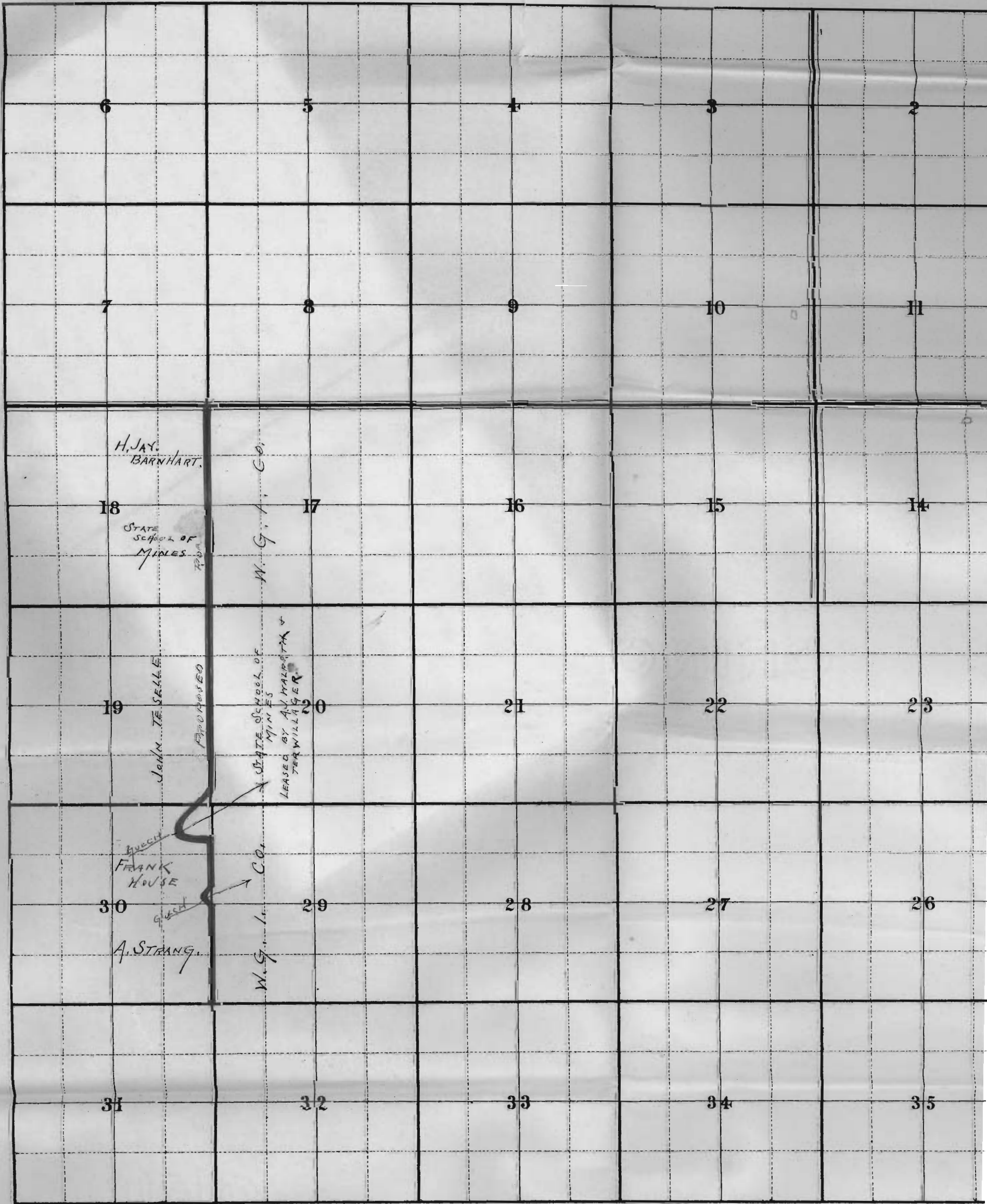
Post Office at Bozeman, Mont.
Registered Letter Parcel No. 180 Rec'd AUG 2 1902, 190
of Co. Clerk
Bozeman, Mont.
addressed to Mr. C. M. Thoyke
Bozeman, Mont.
L. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.
Registered Letter Parcel No. 182 Rec'd AUG 2 1902, 190
of Co. Clerk
Bozeman, Mont.
addressed to Peter Nash
Bozeman, Mont.
L. L. KIRK, P. M.

Form 1548.
REGISTRY RETURN RECEIPT sent AUG 4 1902, 190
Reg. No. 182 from Post Office at Bozeman, Mont.
*Reg. Letter / Reg. Parcel Addressed to Mr. Peter Nash
After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.
RECEIVED THE ABOVE DESCRIBED REGISTERED LETTER PARCEL.
(Sender's name on other side.)
SIGN ON DOTTED LINES TO THE RIGHT.
Peter Nash
Joe Nash
When delivery is made to other than addressee, the name of both addressee and recipient must appear.
* Erase letter or parcel according to which is sent.

Township No. 1 S. Range No. 3 E. W.



No. 138