

**Appendix VII**  
**Right-of-Way Deed for Power Line**

RIGHT OF WAY APPLICATION NO. 4771  
AFFECTING THE E1/4NW1/4, Sec. 16, Twp. 28N.  
Rge. 21W, Flathead County, Montana.

Form R. 48-1M-7-54

No. D-4074

**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 .....  
.....EIGHTEEN AND 40/100..... Dollars  
now paid, grants to .....PACIFIC POWER AND LIGHT COMPANY.....  
.....Kalispell, Montana.....  
a right of way for a .....ELECTRIC TRANSMISSION POLE LINE.....  
.....

upon and across state lands, as follows:

A tract or strip of land in the E1/4NW1/4, Section 16, Township 28 North, Range 21 West, Montana Principal Meridian, Flathead County, Montana, more particularly described as follows:  
A tract or strip of land 50 feet wide, 25 feet on each side of the following described center line; Beginning at a point on the west boundary line of the E1/4NW1/4, of Section 16, Township 28 North, Range 21 West which is South 1476, 5 feet from the northwest corner of said E1/4NW1/4; thence North 22° 50' East a distance of 1892, 8 feet to a point on the north boundary line which is East 826, 2 feet from the northwest corner of said E1/4NW1/4 of

This right of way is granted upon the express condition, which is accepted by the grantee, that the State and its lessees and purchasers shall have the right to use and fully enjoy the land hereby granted, except the part that is actually occupied by the poles and supports, to cultivate, seed and harvest the crops thereon; and that the grantee and its successors and assigns shall pay any and all damages which may result to the crops, fences and other property from the construction, maintenance, operation or removal of the said electric transmission pole line. The said damages if not mutually agreed upon shall be ascertained and determined by three disinterested persons, one of whom to be appointed by the purchaser or lessee of the land, heirs or assigns, one by the grantee herein, its successors or assigns, and the third by the two so appointed as aforesaid. The award of such three persons shall be final and conclusive.

It is also understood and agreed by and between the parties hereto that if any conflict should arise, this easement shall be inferior and subject to any easement heretofore or hereafter granted in the said lands for public highways.

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.

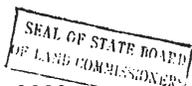
IN TESTIMONY WHEREOF, the State of Montana has caused these presents to be executed by the Governor, and to be attested by the Secretary of State, and countersigned by the Commissioner of State Lands and Investments, and the Great Seal of the State, and the Seal of the State Board of Land Commissioners to be hereunto affixed this.....

.....THIRD..... day of.....SEPTEMBER..... A. D. 1958.....

...../s/ J. Hugo Aronson.....  
Governor of the State of Montana

ATTEST:  
...../s/ Frank Murray.....  
Secretary of State  
Countersigned by

...../s/ Lou E. Bretzke.....  
Commissioner of State Lands and Investments



## **Appendix VIII**

### **Historical Information**

Because Owen Sowerwine is the first Natural Area in the state of Montana located on school trust land, it is important to remember the people and history of its nomination. This Appendix contains the following historic information:

- Resolution Designating Owen Sowerwine as Montana's First Natural Area
- List of original management plan contributors
- Forward to Original Master Plan

#### **Resolution Dedicating Owen Sowerwine as Montana's First Natural Area**

The Montana State Land Board Resolution designating Owen Sowerwine as the state's first Natural Area appears below. The resolution was approved on April 15, 1976. An official dedication ceremony did not take place on site until September 9, 1978.

BEFORE THE BOARD AND DEPARTMENT  
OF  
NATURAL RESOURCES AND CONSERVATION



RESOLUTION

WHEREAS, our State Legislature, acknowledging the scientific, educational and cultural values of relatively undisturbed lands, approved the Montana Natural Areas Act of 1974; and

WHEREAS, certain State Forest Land situated near Kalispell in Section 16, Township 28 North, Range 21 West, which supports a virgin stand of black cottonwood, provides excellent wildlife and waterfowl habitat, and is generally isolated by channels and backwaters of the Stillwater and Flathead Rivers, meets criteria specified in that Act for inclusion into the state natural areas system; and

WHEREAS, the potential of this land as a natural area was first recognized by the late Owen Sowerwine, a Kalispell resident and conservationist whose many services to his community and the State of Montana included chairmanship of the Flathead County Park Board and membership on the Montana Board of Natural Resources and Conservation; and

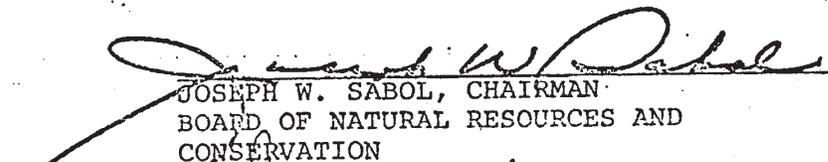
WHEREAS, this land has been officially proposed as a potential natural area, studied, and assigned the highest priority among those areas nominated;

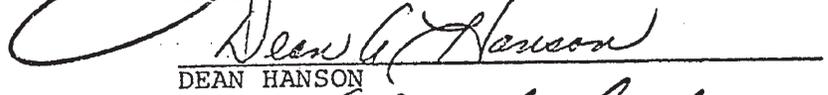
NOW, THEREFORE, BE IT RESOLVED that the Montana Board of Natural Resources and Conservation and the Department of Natural Resources and Conservation urge the Natural Areas Advisory Council and the State Board of Land Commissioners to designate the above-described State Forest Land as Montana's first natural area;

BE IT FURTHER RESOLVED that this area should be named the "Owen Sowerwine Natural Area;"

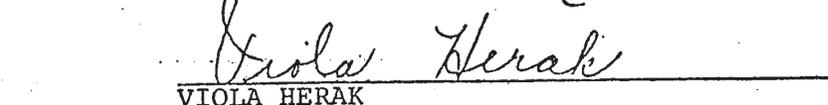
BE IT FURTHER RESOLVED that the Owen Sowerwine Natural Area should be managed by the Flathead County Park Board.

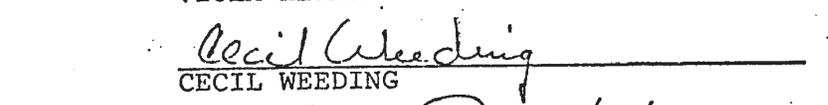
DATED this 15<sup>TH</sup> day of APRIL, 1976.

  
JOSEPH W. SABOL, CHAIRMAN  
BOARD OF NATURAL RESOURCES AND  
CONSERVATION

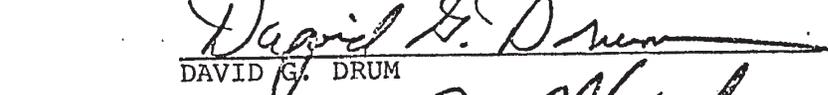
  
DEAN HANSON

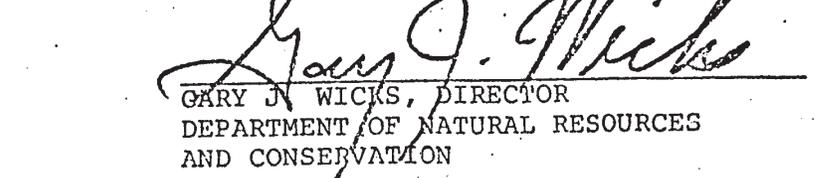
  
WILSON F. CLARK

  
VIOLA HERAK

  
CECIL WEEDING

  
WILLIAM BERTSCHKE

  
DAVID G. DRUM

  
GARY J. WICKS, DIRECTOR  
DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

List of Original Contributors to Making Owen Sowerwine a Natural Area

Nominating Party: Mr. Vernon Mauritsen, Superintendent, and Flathead County Park Board

Flathead County Park Board

Arnold Jacobsen, President  
Sam Bibler, Vice-President  
L. W. McNeil  
Don Hacker  
Joe DeLong  
Melford Wollan  
Frank Guay  
Viola Keller  
Mabel Grosswiler  
Mark Ahner, Executive Secretary  
Vernon Mauritsen, Superintendent  
Dixie L. Mills, Secretary

Governor's Natural Areas Advisory Board

Representative Dorothy Bradley, Chairman  
Margaret Adams  
Jean Anderson  
Pete Jackson  
H. A. Larson  
Anthony Lukes  
Robert Prevost

Advisory

Jim Gragg, Division of Forestry  
Tony Buechel, Department of  
Fish & Game

Department of State Lands (Now DNRC)

Leo Berry, Jr., Commissioner  
Wilbur Erbe, Administrator  
Bill Courter, Natural Areas Specialist

## Forward to Original Master Plan

This unique forward to the original Owen Sowerwine Natural Area Master Plan, captures the importance and significance of Owen Sowerwine being dedicated as the state's first Natural Area in 1978.

### FORWARD

In governing and managing this "Natural Area" we should keep before us at all times the definition of "natural": BEING IN ACCORDANCE WITH OR DETERMINED BY NATURE. Inherent in this definition is the implied requirement of us as managers to keep the heavy hand of man as much out of the management as possible, and to proceed as carefully and thoughtfully as possible.

Let us consider some basic facts: Our planet earth was 4.6 billion years in its creation. Life commenced on earth 3 billion years ago and evolved naturally throughout this awesome period of time to bring us to the present. Of this 3 billion years of evolutionary time, our own species has occupied only the last 3 million years, or in other words, only one-thousandth of the total period of life on earth. Throughout his 3 million years, man lived entirely within his natural environment until only about 3,000 years ago, at which time he began to make use of written languages and to move outside of his natural existence.

Even so, this so-called historic period has occupied only about one thousandth of man's time on earth, and only one millionth of the total period of general life on earth! Even during this last 3,000 years of man's life on earth, he lived reasonably close to nature until only about the last 100 years, at which time he began an extravagant and unsustainable burning of fossil fuels to produce energy which in turn was used to alter the face of the earth with reckless abandon. As a result of man's sudden access to power and his voracious and thoughtless behavior during this most recent tiny instant of his existence, almost nothing completely natural remains in areas within his easy reach. Hence the urgent need for the setting aside of representative "Natural Areas" before it is too late.

It seems absolutely mandatory that the role of manager should be one of maintaining the integrity of a natural area until such time as our species has been forced to acquaint itself with the shortsightedness and wastefulness of much of its recent behavior, and finds itself with the knowledge and the inclination to assume a proper and sustainable role as the only one of a million species of life on earth.

In other words, the only way we can keep all options open with regard to the future of our "Natural Area" is to keep it as natural as we possibly can, for as long as we possibly can. If not, we very soon will have lost this unique opportunity forever.

By Mr. Sam Bibler, 1978