

**STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION  
Right-of-Way Bureau, Helena**

**MIKE TOOLEY  
DIRECTOR OF TRANSPORTATION**

**BARB SKELTON  
CHAIRMAN**

**NOTICE OF SALE OF REAL ESTATE**

NOTICE IS HEREBY GIVEN under statutory authority, the Montana Department of Transportation will sell, at public auction, with reserve, to the highest bidder, the properties being more particularly described as follows:

**Property # 1 82 Heron Road, Heron, MT 59844 (NW side of Heron Bridge)**

A tract of land described as Tract A and B of Certificate of Survey No. 3269, being situated in Government Lots 6 and 9 of Section 28, Township 27 North, Range 34 West, P.M., M., Sanders County, Montana, containing an area of 3.06 acres, more or less.

SUBJECT TO any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

**Improvement: A 1957 3 bedrooms, 1 bath ranch style residence approximately 1,600 SF (main floor) & 342 SF unimproved basement area primarily to house utilities. The residence was partially remodeled in 2000 and 2006.**

Directions to the property: At the intersection of Highway 200 and Heron Road between Cabinet and Noxon, MT proceed south along Heron Road approximately 0.82 of a mile. The property is located on the SW side of Heron Road just before the new Heron Bridge.

**The appraised value of the tract is \$217,110.00. This property is being sold "AS IS".**

**OPEN HOUSES: MDT will hold Open Houses on Tuesday, October 9 from 4 pm to 6 pm and Wednesday, October 10 from 11 am to 1 pm for Property #1.**

**Property # 2 NHN Heron Road, Heron, MT 59844 (SW side of Heron Bridge)**

A tract of land being a portion of Lots 1 and 2 of the Mindt Minor Subdivision, being situated in Government Lot 8 of Section 28, Township 27 North, Range 34 West, P.M., M., Sanders County, Montana containing an area of 1.24 acres, more or less

SUBJECT TO any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

Directions to the property: At the intersection of Highway 200 and Heron Road between Cabinet and Noxon, MT proceed south along Heron Road approximately 1.09 miles. The property is located on the SW side of Heron Road just past the new Heron Bridge.

**The appraised value of the tract is \$50,250.00. This property is being sold "AS IS".**

**AUCTION: The auction for both property #1 and #2 will be held beginning at 3 p.m. on Tuesday, October 29, 2019 in the Justice Court Room of the Sanders County Courthouse, Thompson Falls, Montana 59873.**

The sale of said real estate is subject to the "Detailed Terms and Conditions of Sale" as set forth herein.

### **DETAILED TERMS AND CONDITIONS OF SALE**

1. **BIDS**: Bids may be either written or oral. Written bids must be submitted on the appropriate form to the Real Estate Services Section, Montana Department of Transportation (MDT), 2701 Prospect Ave., P.O. Box 201001, Helena, MT, 59620-1001 and received by MDT on or before 3:00 pm, October 28, 2019. If submitting a written bid, please submit bids in the below mentioned special envelope. Written bids will be opened and announced by the auctioneer at the beginning of the auction. After all written bids are announced, oral bidding may continue by bidders present.  
  
Bid forms and special envelopes for submitting written bids may be obtained by contacting the Real Estate Services Section, Montana Department of Transportation, P.O. Box 201001, Helena, MT, 59620; (406)444-9272 or TTY 1-800-335-7592 for the hearing impaired.
2. **BID DEPOSIT**: The successful bidder must submit a deposit of 10% of the bid amount. Written bids that do not contain the required 10% deposit will be disregarded at the auction. Deposits made be one or a combination of the following: Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, payable to the "Montana Department of Transportation".
3. **BID BALANCE**: The successful bidder must submit the balance (bid amount less deposit) within 60 days of the date of the auction made payable to the "Montana Department of Transportation" and mailed or delivered to the Montana Department of Transportation, Real Estate Services Section, P.O. Box 201001, 2701 Prospect Avenue, Helena, Montana, 59620 on or before 5:00 p.m., December 30, 2019.
4. **APPRAISAL**: The appraised value as determined by the Department of Transportation is for Department of Transportation purposes only. Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value.
5. **RESERVATION**: The Montana Department of Transportation reserves the right to reject any or all bids and waive technicalities as may be deemed necessary in the interest of the State of Montana.
6. **HOW PAYMENT IS TO BE MADE**: All payments in connection with this sale must be made by one or a combination of the following: Cash, Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, payable to the Montana Department of Transportation.
7. **DEFAULT**: In the event of default by the high bidder, his bid deposit shall be forfeited to the State. If the Montana Department of Transportation does not receive any acceptable bids at the auction, the property may be sold at a private sale for 90% of the appraised value, at a later date. If the Montana Department of Transportation does receive other bids at the auction that would have been acceptable, the Montana Department of Transportation will hold another auction to sell the property.
8. **COMPLETION OF THE AUCTION**: The auction is complete when the auctioneer announces that the down payment has been paid.
9. **INSTRUMENT OF CONVEYANCE**: Conveyance will be made pursuant to Section 60-4-207, M.C.A., and the successful bidder shall accept such title as possessed by the Montana Department of Transportation.
10. **TAXES**: The Montana Department of Transportation cannot legally pay general taxes or special assessments; therefore, any delinquent or current tax or special assessment must necessarily be the responsibility of the purchaser.
11. **EXISTING RIGHTS**: The above land will be sold subject to all valid existing easements upon and across said lands.
12. **CERTIFICATE OF SURVEY**: If needed for recording or other purposes, the successful bidder may be required to provide a Survey at his/her own expense. When the successful bidder has paid the remaining balance due for the property and has provided any required Survey, the Montana Department of Transportation will prepare and issue the Deed.

13. **RECORDATION**: The Montana Department of Transportation will record the deed for the tract of land being conveyed herein. Once recorded, the Department of Transportation will transmit the deed to each purchaser.
14. **ENVIRONMENTAL IMPACT**: If the development of this tract will require a negative environmental declaration or an environmental impact statement, the successful bidder must furnish them at his own expense to the Montana Department of Environmental Quality and any other appropriate governmental agencies.
15. **ZONING**: Property is subject to any existing or future zoning ordinances.
16. **KEYS**: Once the successful bidder has paid for Property 1 in full, the Montana Department of Transportation will turn over the keys.
17. **WATER RIGHT OWNERSHIP UPDATE DISCLOSURE (applies to Property #1 only)**: By Montana law, failure of the parties at closing or transfer of real property to pay the required fee to Montana Department of Natural Resources and Conservation for updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in the case of water rights being exempted, severed, or divided, the failure of the parties to comply with Section 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording.
18. **WATER RIGHT TRANSFER (applies to Property #1 only)**: The successful bidder is responsible for submitting the required paper work and paying the fee(s) for transferring any water rights associated with the property.

Date: \_\_\_\_\_

Project: STPB-BR 8045 (48); 6286-048-000  
Designation: Cabinet Gorge-1MW Heron  
Parcel: 9

**B I D F O R M (Property #1)**

State of Montana  
Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620

Pursuant to the "Notice of Sale of Real Estate" as first published in the Sanders County Ledger, dated September 19, 26 and October 3, 10, 17, 24, 2019, and pursuant to the "Terms and Conditions of Sale", I/We submit the following bid on the real estate described as follows:

A tract of land described as Tract A and B of Certificate of Survey No. 3269, being situated in Government Lots 6 & and 9 of Section 28, Township 27 North, Range 34 West, P.M., M., Sanders County, Montana, containing an area of 3.06 acres, more or less.

SUBJECT TO any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

**This property is being sold "AS IS".**

|                             |                                 |                           |
|-----------------------------|---------------------------------|---------------------------|
| <b><u>AMOUNT OF BID</u></b> | <b><u>AMOUNT OF DEPOSIT</u></b> | <b><u>BALANCE DUE</u></b> |
| \$ _____                    | \$ _____                        | \$ _____                  |

APPRAISED VALUED **\$217,110.00**

**INSTRUCTION TO BIDDERS:** (1) Bidder must submit a check for at least 10 percent of the bid amount. (2) The State can give only a Quitclaim Deed as provided under Section 60-4-207, M.C.A. (3) Under Section 60-4-203, M.C.A., the State cannot accept any bid under 90% of the appraised value.

I HEREBY AFFIRM that I am fully aware of the conditions of the sale as set forth in the "Terms and Conditions of the Sale" and as set forth under "Instruction to Bidders" above.

\_\_\_\_\_  
(Signature of Bidder)

\_\_\_\_\_  
(Address of Bidder)

\_\_\_\_\_  
(Printed Name of Bidder)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(last 4 digits of Social Security # or Tax ID #)

\_\_\_\_\_  
(Telephone Number)

The name(s) of the Grantee(s) to be inserted in the deed is/are as follows:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

- (a)  Joint Tenants with right of survivorship.
- (b)  Tenants in Common.

**NOTE:** If conveyance is to be made to more than one person, check either (a) or (b) above.

Date: \_\_\_\_\_

Project: STPB-BR 8045 (48); 6286-048-000  
Designation: Cabinet Gorge-1MW Heron  
Parcel: 4 & 5

**B I D F O R M (Property #2)**

State of Montana  
Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620

Pursuant to the "Notice of Sale of Real Estate" as first published in the Sanders County Ledger, dated September 19, 26 and October 3, 10, 17, 24, 2019, and pursuant to the "Terms and Conditions of Sale", I/We submit the following bid on the real estate described as follows:

A tract of land being a portion of Lots 1 and 2 of the Mindt Minor Subdivision, being situated in Government Lot 8 of Section 28, Township 27 North, Range 34 West, P.M., M., Sanders County, MT, containing an area of 1.24 acres, more or less.

SUBJECT TO any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

**This property is being sold "AS IS".**

|                             |                                 |                           |
|-----------------------------|---------------------------------|---------------------------|
| <b><u>AMOUNT OF BID</u></b> | <b><u>AMOUNT OF DEPOSIT</u></b> | <b><u>BALANCE DUE</u></b> |
| \$ _____                    | \$ _____                        | \$ _____                  |

APPRAISED VALUED **\$50,250.00**

**INSTRUCTION TO BIDDERS:** (1) Bidder must submit a check for at least 10 percent of the bid amount. (2) The State can give only a Quitclaim Deed as provided under Section 60-4-207, M.C.A. (3) Under Section 60-4-203, M.C.A., the State cannot accept any bid under 90% of the appraised value.

I HEREBY AFFIRM that I am fully aware of the conditions of the sale as set forth in the "Terms and Conditions of the Sale" and as set forth under "Instruction to Bidders" above.

\_\_\_\_\_  
(Signature of Bidder)

\_\_\_\_\_  
(Address of Bidder)

\_\_\_\_\_  
(Printed Name of Bidder)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(last 4 digits of Social Security # or Tax ID #)

\_\_\_\_\_  
(Telephone Number)

The name(s) of the Grantee(s) to be inserted in the deed is/are as follows:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

(a)  Joint Tenants with right of survivorship.

(b)  Tenants in Common.

**NOTE:** If conveyance is to be made to more than one person, check either (a) or (b) above.

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-306, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

**Water Right Number:** 76N 30119424 GROUND WATER CERTIFICATE  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF TRANSPORTATION  
ENVIRONMENTAL SERVICES BUREAU  
2701 PROSPECT AVE  
HELENA, MT 59620

**Priority Date:** JULY 18, 2016 at 02:39 P.M.  
**Enforceable Priority Date:** JULY 18, 2016 at 02:39 P.M.

**Purpose (use):** DOMESTIC  
**Maximum Flow Rate:** 30.00 GPM  
**Maximum Volume:** 1.00 AC-FT  
**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1         | 9               | W2E2SW         | 28         | 27N        | 34W        | SANDERS       |

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Source Name:** GROUNDWATER  
**Diversion Means:** WELL  
**Well Depth:** 98.00 FEET  
**Static Water Level:** 70.00 FEET  
THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 3269 - TRACTS A,B,C.

**Purpose (Use):** DOMESTIC  
**Households:** 1  
**Volume:** 1.00 AC-FT  
**Period of Use:** JANUARY 1 to DECEMBER 31  
**Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1         |              | 9               | W2E2SW         | 28         | 27N        | 34W        | SANDERS       |

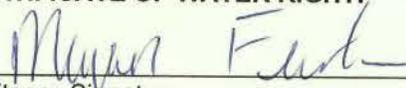
THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 3269 - TRACTS A,B,C.

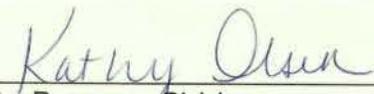
**BACKFLOW PREVENTOR**

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS.

**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS CERTIFICATE OF WATER RIGHT.**

  
Witness Signature

  
Water Resources Division

DATE ISSUED: AUGUST 27, 2018

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

Water Right Number: 76N 30119424 GROUND WATER CERTIFICATE  
Version: 1-- ORIGINAL RIGHT  
Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF TRANSPORTATION  
REAL ESTATE SERVICES SECTION  
PO BOX 201001  
HELENA, MT 59620-1001

Priority Date: JULY 18, 2016 at 02:39 P.M.

Enforceable Priority Date: JULY 18, 2016 at 02:39 P.M.

Purpose (use): DOMESTIC

Maximum Flow Rate: 30.00 GPM

Maximum Volume: 1.00 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1         | 9               | W2E2SW         | 28         | 27N        | 34W        | SANDERS       |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth: 98.00 FEET

Static Water Level: 70.00 FEET

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 3269 - TRACTS A,B,C.

Purpose (Use): DOMESTIC

Households: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1         |              | 9               | W2E2SW         | 28         | 27N        | 34W        | SANDERS       |

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 3269 - TRACTS A,B,C.



STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

Water Right Number: 76N 98387-00 EXEMPT NOTICE  
Version: 1 -- ORIGINAL RIGHT  
Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF TRANSPORTATION  
REAL ESTATE SERVICES SECTION  
PO BOX 201001  
HELENA, MT 59620-1001

Priority Date: MARCH 1, 1947  
Enforceable Priority Date: MARCH 1, 1947

Purpose (use): DOMESTIC  
LAWN AND GARDEN  
STOCK

Maximum Flow Rate: 10.00 GPM

Maximum Volume: 4.78 AC-FT

Maximum Acres: 1.50

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County  |
|----|----------|---------|-----|-----|-----|---------|
| 1  | 6        | SWNESE  | 28  | 27N | 34W | SANDERS |

Period of Diversion: JANUARY 1 TO DECEMBER 31  
Diversion Means: DEVELOPED SPRING

Purpose (Use): DOMESTIC  
Households: 1  
Volume: 1.00 AC-FT  
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County  |
|----|-------|----------|---------|-----|-----|-----|---------|
| 1  |       | 6        | SWNESE  | 28  | 27N | 34W | SANDERS |

Purpose (Use): LAWN AND GARDEN  
Volume: 3.75 AC-FT  
Period of Use: MARCH 31 to OCTOBER 10

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County  |
|----|-------|----------|---------|-----|-----|-----|---------|
| 1  | 1.50  | 6        | SWNESE  | 28  | 27N | 34W | SANDERS |

Total: 1.50

Purpose (Use): STOCK  
Volume: 0.03 AC-FT  
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County  |
|----|-------|----------|---------|-----|-----|-----|---------|
| 1  |       | 6        | SWNESE  | 28  | 27N | 34W | SANDERS |

Remarks:

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**Remarks:**

**EXEMPT NOTICE INFORMATION**

A PERSON EXEMPT FROM FILING IN THE ADJUDICATION PURSUANT TO § 85-2-222, MCA, AND WHO FILED A FORM 627 (NOTICE) WITH THE DNRC WAS THEREAFTER ABLE TO RECEIVE NOTIFICATION FROM THE DNRC OF PERMIT APPLICATIONS, CHANGE AUTHORIZATIONS, OR RESERVATIONS THAT MIGHT AFFECT THE OWNER'S EXEMPT OR OTHER WATER RIGHT(S). FILING OF THE NOTICE AND ACCEPTANCE BY THE DNRC DID NOT CONSTITUTE THE ESTABLISHMENT OF OR CONFIRM THE EXISTENCE OF A VALID EXISTING WATER RIGHT.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 15160 RECEIVED 06/30/2004.  
OWNERSHIP UPDATE TYPE 608 # 41266 RECEIVED 09/01/2006.  
OWNERSHIP UPDATE TYPE DOR # 129555 RECEIVED 03/16/2015.