

Adobetown Road County Road #71
Madison County Montana
Recommendations
September 9, 2019

It is the recommendation of the Madison County Road Review Committee that there exists a County Road (designated County Road #71) between Adobetown (T6S, R3W, Sec. 16) and the Ruby Valley near the mouth of Williams Gulch (T6S, R4W, Sec. 27). Portions of the road have been blocked on private lands and portions have been obliterated by ongoing mining activity.

The Committee's recommendations are based on the available historic record, an understanding of the process of right-of-way establishment across the public domain in accordance with the Mining Act of 1866, and a careful review of the sequence of events that preceded and followed the establishment of the county roadway by the Madison County Commissioners based on a motion made by the board of commissioners on November 7, 1871; and again as a result of a petition filed on June 6, 1916.

This recommendation, and the pertinent timeline of events, is documented below:

- In May of 1863, gold was discovered along Alder Gulch. By June, 1863, specific Mining Districts were created and the settlement of Virginia City was established. By 1864 well established wagon roads were being used for freighting goods and people between Corinne, Utah and Virginia City, Montana (Brown 1975; Ingram 1976).
- On January 28, 1865, the First Montana Territorial Assembly passed "An Act to Incorporate the Nevada City and Red Rock Wagon Road Company" (First Legislative Assembly 1866, page 611). The wagon road company was incorporated by Nelson M. Parsons and associates and the act authorized the creation of a toll road with a ". . . mainline extending from Nevada City to Stinking Water Canyon, to the big bend of the Stinking Water across the divide to Blacktail Creek, thus to Red Rock Creek, thence to the station on the Salt Lake City and Bannack Roads known as Junction." The toll road was authorized to be in operation for a period of 12 years. "Stinking Water" is the current Ruby River. It appears that the Act incorporating the Nevada City and Red Rock Wagon Road Company may have been repealed at some point prior to formal designation of the route as a county road on March 7, 1872 (Ingram 1976).
- The federal Mining Law of 1866 was enacted on July 26, 1866. Section 8 of the Act was codified as Revised Statute § 2477. It reads: ". . .the right-of-way for construction of highways over public lands, not reserved for public uses, is hereby granted." During the statute's existence between 1866 and its repeal in 1976, it was a primary method for public entities to create a right-of-way easement across public domain (non-reserved federal lands). At the time RS 2477 was enacted in 1866, all of the pertinent lands in the Adobetown-Ruby Valley vicinity were part of the public domain, and were not reserved for public uses.
- General Land Office Survey – Original Survey for T6S, R3W dated December 24, 1870, shows the existence of a Toll Road to Utah extending through portions of Sections 16, 17, 19, 20, and 30. The Original Survey for T6S, R4W, dated December 24, 1870 also shows the continuation of the Toll Road to Utah extending through portions of Sections 11, 12, 13, 14, and 15, and the intersection with the Stage Road to Helena in Section 11 (see Exhibit A). In addition, a review of the accompanying survey notes refers to the road to Utah at several locations where the survey lines cross the road (see Exhibit B).
- On November 7, 1871 on a motion by the Madison County Board of Commissioners it was ordered that a county road be located as follows:

“Commencing at the south side of Alder Gulch opposite Adobe Town, thence across the divide to mouth of the canyon of Stinking water, thence up said canyon, following Parsons’ old Toll Road, to the crossing on big bend of Stinking Water thence up said stream in a South Easterly direction to Little Willow Creek, or Sedman and McGregory’s Ranch, and Alex Metzel, I.S. Pandaris’(?) and J.M. Williams are appointed to view said road ---the same to be done without any expense to this county.” Madison County Commissioner’s Journal C- page 241 (see Exhibit C); see also November 9, 1871 entry in Madison County Road Book 1, page 19 (see Exhibit D).

- March 4, 1872, the Road Viewers Report was presented by Metzel, Pandaris and Williams which stated in part, “This is to certify that we the undersigned have located a County Road running as follows, commencing at Adobe Town, Alder Gulch crossing said Gulch opposite McGregory Blacksmith Shop, known as the Nevada City to Red Rock Toll Road . . .” Madison County Road Book 1, pages 71-72 (see Exhibit E).
- March 7, 1872 the Madison County Board of Commissioners accepted the Road Viewers Report presented by Metzel, Pandaris and Williams stating “Alex Metzel, J.M. Williams, I.S. Pandaris Road viewers presented a Report of the Road viewed by them commencing at Adobe Town and ending at Sedman and Co.s Ranch, which on motion was accepted and Road ordered opened as viewed.” Madison County Commissioner’s Journal C-page 393 (see Exhibit F).
- An examination of General Land Office (GLO) land records for lands along the route of the toll/stage road through sections 16, 17, 19, 20 and 30 (T6S, R3W) and sections 25, 26, and 27 (T6S, R4W), indicate that no lands along, or adjacent to the route, left public ownership prior to May 12, 1877. On that date, a mineral claim was patented to W. McGregory in the NW ¼ of Section 16, T6S, R3W. It should be noted here that the 12-year authorization for the toll road (as noted above) would have expired in January 1877, at least four months prior to the first land patent leaving public ownership along the toll road route. As such, the historic use of the road would appear to qualify for designation as a public road under Revised Statute § 2477.
- The route of the Adobetown Road/Virginia City to Corinne, Utah Wagon/Stage road is clearly illustrated on early USGS 1:250,000 Topographic Maps – Three Forks, MT- 1888; and, Dillon, MT- 1893 (see Exhibit G). The route illustrated on these maps follows the route identified in the 1870 GLO Surveys noted above.
- On June 6, 1916 a petition was filed with the Madison County Commissioners and viewers committee appointed to view, locate, and mark a road (see Exhibit H):
- On October 7, 1916 the viewers report and plat was submitted to the county commissioners (see Exhibit H).

“ . . .beginning at the intersection of the road south from Ruby with the road up Williams Gulch and thence running in an easterly and north-easterly direction following the route of the old overland road and joining the Alder Gulch road at or near Adobetown. Also extending from this road up Williams Gulch on the north side of the creek, following the old road used up Williams Gulch through the land of Louis Norman. The proposed route from the mouth of Williams Gulch to Adobetown will follow the route followed by the old overland road and has been in use for over 50 years, and is a short route from the upper Ruby Valley to Virginia City.”

This route was approved at the Madison County Commissioners meeting on October 9, 1916 stating: “The viewers’ report on road petition of R.T. Cook et al asking for a County Road: Beginning at the mouth of Williams Gulch and extending in a Northeasterly direction to Adobetown, was approved and same declared a county road” (see Commissioners Journal T, page 373).

- On October 10, 1916 a letter was sent from the Board of Commissioners to T.E. Glick, Supervisor of Road District “A” stating a county road, “Beginning at the intersection of the road south from Ruby with the road up Williams Gulch and thence running in an easterly and north-easterly direction following the route of the old overland road and joining Alder Gulch road at or near Adobetown. Also extending from this road up Williams Gulch on the north side of the creek, following the old used road up Williams Gulch through the land of Louis Norman.” The road is listed on county records as County Road No. 71 (See Exhibit J).
- The 1950 Virginia City, MT USGS 1:62,500 USGS Topo Map, clearly shows the location of the Adobetown Road (County Road 71) leaving State Highway 287 crossing the dredge piles along Alder Gulch and extending in a southwesterly direction along the ridge south of an unnamed intermittent drainage and through the middle of a collection of ranch buildings (Exhibit K).
- The Alder, MT USGS 1:24,000 map dated 1963 clearly shows the location of the Adobetown Road (County Road No. 71) intersecting the road up the bottom of Williams Gulch in the NW ¼ of the NE ¼ of the NW ¼ of Section 36, T6S, R4W (Exhibit L).
- In 1995 an Operation Permit was issued to Garnet USA, LLC to conduct mining operations for garnet abrasives in areas of previous dredge mining along Alder Gulch. A draft Environmental Impact Statement was filed with Montana DEQ on September 29, 2013 discussed expanded operations including the Red Wash Alluvial Site and Red Wash Hard Rock Sites along Williams Gulch. Subsequent mining operations in these areas have obliterated segments of Adobetown County Road 71. The route is no longer passable in this area.
- On August 18, 2003 a Certificate of Survey was filed for the NW ¼ and SW ¼ of Section 16 and the W ½ of Section 21, T6S, R3W (P.M.M.), Madison County by Brian Thompson of Thompson and Associates. The survey clearly illustrates the location of what was called the “Existing Access Road” traversing across what is now the Driscoll property (see Madison County Book 7 of Surveys, page 1622). The access road location follows what is illustrated on earlier USGS topographic maps, and corresponds with the location illustrated on the 1916 Viewers report and plat. At some point after this property was acquired by Mike Driscoll, County Road 71 was closed where it crosses his property line near the ranch headquarters. (See Exhibit M).
- In a letter from Dave Schulz, Madison County Commissioner to Mike Driscoll dated December 31, 2013. Commissioner Schulz indicated that there was some confusion as to the location of County Road 71 through the Driscoll property, and suggests the road follows the bottom of an intermittent drainage to the north of the Driscoll ranch headquarters and buildings. This assertion is not borne out by an analysis of historical records, nor is it borne out by an examination of historical topographic maps of the area that generally illustrate the location of extant two track roadways. (See Exhibit N) There is no evidence of the Madison County Commission taking any official action to close, or change the route of, the previously existing county road.
- On July 18, 2018 some members of the Madison County Road Review Committee, BLM, and interested property owners conducted an on the ground examination of the Adobetown Road (County Road #71), obtained GPS tracking, and digitized the existing roadway from Montana State Highway 287, in a south/southwesterly direction to the Garnet USA, LLC property line where the roadway had been obliterated by current mining activity. Access around the mining property was facilitated and potential remnants of County Road 71 were identified (see Exhibit P).

Summary

An historic wagon road was established from Virginia City to Corinne, Utah at least by the spring of 1864. The original GLO survey map and surveyor notes for Township 6S, Ranges 3 West and 4 West dated December 24, 1870 clearly show the location of the historic wagon road. In addition, the wagon road is clearly illustrated on early USGS 1:250,000 Topographic Maps – Three Forks, MT- 1888; and, Dillon, MT- 1885. As such, provisions of Section 8 (RS 2477) of the Mining Law of 1866 would apply in this case as discussed above. On motion of the Madison County Board of Commissioners made on November 7, 1871 it was ordered that a county road be located “... commencing at the south side of Alder Gulch, opposite Adobe Town, thence across the divide to mouth of the canyon of Stinking Water (Ruby River), thence up said canyon following Parsons’ old Toll Road . . .”. Subsequently, in 1916 a petition was also received by the Madison County Commissioners to establish a county road from near Adobetown to the mouth of Williams Creek. Acceptance of the Road Reviewers report and plat by the county on October 9, 1916 established the county road, again following the historic toll /wagon road route. The Adobetown/Williams Gulch Road became identified as County Road #71. It is important to note, that the road reviewers report and plat indicated that the petitioned County Road #71 as originally established continued along the north side of Williams Creek. At some point after 1916 this route was no longer in use for public access. Without evidence of commission action the public at some point began using a route along the south side of the creek. The original route is no longer in use. The present route along the south side of Williams Gulch is illustrated on subsequent USGS topographic maps and aerial photos. The currently travelled route and location is clearly visible on USGS Topographic Maps including the Virginia City, MT USGS 1:62,500 map dated 1950, and the Alder, MT USGS 1:24,000 map dated 1963. There is no indication the Madison County Commissioners have rescinded either of their original decisions, or otherwise abandoned the established county road(s). Consideration should be given by the County Commission to deciding the status of the Adobetown road.

References Cited

Brown, Kimberly R.

1975 Historical Overview of the Dillon District: Bureau of Land Management, Montana. Western Interstate Commission for Higher Education, Boulder, Colorado.

First Legislative Assembly

1866 Acts, Resolutions and Memorials of the Territory of Montana. First Legislative Assembly Convened at Bannack, Dec. 12, 1864. D.W. Tilton and Co., Virginia City, MT.

Ingram, Patricia M.

1976 Historic Transportation Routes Through Southwestern Montana. Western Interstate Commission for Higher Education, Boulder, Colorado.

Land Owner and Involved Party Contact Information

Garnet USA, LLC
16 Garnet USA Loop
Alder, MT 59710
Phone: 406-842-7879

John Michael Driscoll
805 W. Broadway
Butte, MT 59701

Bureau of Land Management- Dillon Field Office
1005 Selway Dr.
Dillon, MT 59725-9431
Phone: 406-683-8000
Contact: Cornie Hudson

Tungsten Holdings, LLC
809 Mineral Ave.
P.O. Box 1213
Libby, MT 59923
Phone: 406-293-3714

Ruby Dell Ranch
475 Upper Ruby Road
Alder, MT 59710
Phone: 406-842-5306
Contact: John C. Anderson

Richard Feskanin
PO BOX 783
Ennis, MT. 59749-0783
Phone:

Adobetown Road
County Road #71

Exhibit A

Exhibit A - Adobetown Rd - Madison County - Montana

112°5'0"W 112°4'30"W 112°4'0"W 112°3'30"W 112°3'0"W 112°2'30"W 112°2'0"W 112°1'30"W 112°1'0"W 112°0'30"W 112°0'0"W 111°59'30"W 111°59'0"W 111°58'30"W

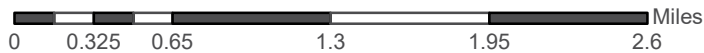


112°4'30"W 112°4'0"W 112°3'30"W 112°3'0"W 112°2'30"W 112°2'0"W 112°1'30"W 112°1'0"W 112°0'30"W 112°0'0"W 111°59'30"W 111°59'0"W 111°58'30"W



Notes and Disclaimers:
 Features shown on this map do not imply public access to any lands.
 Madison County makes NO representations or warranties whatsoever with respect to the accuracy or completeness of the data contained and assumes NO responsibility for the suitability of these data for a particular purpose. The ownership boundaries are NOT based on land survey data and are NOT a substitute for property surveys.

Data Sources: Global Positions, LLC and NRIS - MT State Library



1:50,000

1 inch = 0.79 miles

Date Saved: 5/29/2019 3:50:44 PM

Author: Tommy Luksha



Adobetown Road
County Road #71

Exhibit B

Subdivision T. S. R. 17

Chains to Sections 15, 16, 21 and 22
 From which comes I Run
 S 89° 54' W on a True Line
 between Sections 16 and 21
 Variation 19° E

3993 Set a Granite Stone 15x7x6 for
 1/4 Sec Cor. Pit North-South
 and West, no pit East.

7987 The Corner to Sections 16, 17, 20 & 21
 Land rolling mostly Bars of
 Placer Mines.

(Nevada City on S E 1/4 Sec 16)
 No timber

Sept 16th 1870

North between Sections 16 and 17
 Variation 19° E

3150 Descend 60 feet to Mill Road from
 Virginia City to Salt Lake bears S 41° W

3430 Ravine runs N 40° E - ascends 40 feet

46
740

Chains Subdivision T. S. R. 3^{1/2} W.

37.00 Top of Slaters upper Bar

40.00 Set a Granite Stone 20x12x5 for
1/4 Sec Cor. Pits and Mound

52.00 Crest of Bar - descend 25 feet

66.50 Alder Creek runs N 70° W

72.75 Road from Virginia City to
Helena. Salt Lake E 35° N 40° W

75.50 Locence 30 feet to Crest of flat

80.00 Set a Granite Stone 16x10x8 for
Corner to Sections 8, 9, 16 and 17

Pits and Mound as per instructions
Land slightly rolling, grassy
Slopes. No Timber

Cast on a Benchmark Line
between Sections 9 and 16

Variation 19° E

32.25 descend 275 feet to Top of Hill

whence descend 75 feet

40.00 Set a Flag for temporary 1/4 Sec Cor

57.50 Prairie runs S 30° W

Chains

Subdivision T. 6 S. R. 3 W.

West on a Random Line
between Sections 19 and 30Variation $19^{\circ}15' E$

27.00 Ascend slope to top of Hill

40.00 Set flag for temporary $\frac{1}{4}$ Sec Cor

Descend 175 feet over rocky point

76.50 Toll Road from Virginia City
to Salt Lake bears $S 50^{\circ} W$ 77.12 Intersected West Boundary of
the township 10 links north of
Stone Corner to Sections

19, 24, 25 and 30

From which Corner I Run

 $N 89^{\circ} 56' E$ on a True Line
between Sections 19 and 30Variation $19^{\circ}15' E$ 87.12 Set a Granite Stone $18 \times 10 \times 5$ for
 $\frac{1}{4}$ Sec Cor, R. to and Mound

77.12 The corner to Sections 19, 20, 29 & 30

Lined Hill. Timber a few
scattered scrubby Cedars

Subdivisions of S. R. S. N.

Chains North between Section 19 and 20
Variation 19.5° E

23.50 Pine 10 in dia on Line (Marked)
Thence descend 75 feet

40.00 Set a Granite Stone 19x7x6 for
1/4 Sec Cor. Pts and Mound

56.50 Toll Road from Virginia City
to Salt Lake Ok bears S 50° W

58.50 Runne runs N 50° E: whence

74.00 Ascend 50 feet to Top of Hill

80.00 Set a Granite Stone 20x8x6 for
Corner to Sections 17, 18, 19 and 20

Pts and Mound as per instructions
Sand Kilg and rolling
Timber on occasional Pine
or Cedar on rocky points.

Sept 28 1870

East on a Random Line
between Sections 17 and 20
Variation 19° E

13.50 Ascend 75 feet to Top of Hill

58

752

Chains

Subdivision T. S. R. O. W.

40.00 Thence descend 85 feet
Set Flag for temporary $\frac{1}{4}$ Sec Cor

45.75 Descend 53 feet to Pinnis run at 40°

47.00 Toll Road from Virginia City
to Salt Lake & bears S 85 W

Thence ascend 60 feet

79.92 Intersected at E of Line
at Stone Corner to Sections

16, 17, 20 and 21

From which corner I Run
West on a True Line

between Sections 17 and 20

Variation 19° E

39.96 Set a Conblende Stone $18 \times 10 \times 6$ for
 $\frac{1}{4}$ Sec Cor. Pit and Mound

79.92 The Corner to Sections 17, 18
19 and 20 -

Land rolling grassy hills
No timber

Subdivision B. S. R. 47

Chains $\frac{1}{4}$ Sec. Cor. Pots and Mounds 8.21

7990 The Corner to Sections 25, 26, 35 & 36

Land rolling grassy slopes
No Timber

North between Sections 25 & 26
Variation 19° E

1290 Descend 4 feet to Williams Creek
runs $N 70^{\circ} W$

14.50 Road down Creek, whence

31.50 Ascend 75 feet to Top of Terrace

34.50 Telegraph Road from Virginia
City to Salt Lake & bears $S 70^{\circ} W$

40.00 Set a Granite Stone $14 \times 8 \times 6$ for
 $\frac{1}{4}$ Sec. Cor. Pots and Mounds

51.00 Circle 1 foot deep runs $N 80^{\circ} W$

59.75 Road to Valley bears West

80.00 Set a Granite Stone $15 \times 12 \times 8$ for
Corner to Sections 23, 24, 25 & 26

Subdivision T.C.S.R. 4th

Chains

2.50 Dryden Creek 3/4 mile runs N 50° W

15.00 Ascend 65 feet to Top of Terrace

40.00 Set Flag for temporary 1/4 Sec Cor

Thence rolling surface

75.50 Run runs N 40° W

79.90 Intersected C.P. & S. Line

1/4 mile South of Stone Corner

to Sections 25, 26, 35 and 36

From which Corner I Run

S 89° 55' W - on a True Line

between Sections 26 & 35

Variation 19° 15' E

39.95 Set a Granite Stone 20x7x6 for

1/4 Sec Cor. Pits and Mound

79.90 The Corner to Sections 26, 27, 34 & 35

Land rolling, Soil second rate

No Timber

North between Sections 26 and 27

Variation 19° 15' E

2.50 Dryden's Creek runs N 50° W

16832

Chains

Subdivision T.C.S. R. 4 A

- 18.50 Ascend 75 feet Top of rolling Terrace
30.00 Descend 40 feet to Telegraph Road
from Virginia City - to Salt
Lake & C. bears $S 70^{\circ} W$
36.50 Descend 45 feet to Williams Creek
4 links wide runs $N 80^{\circ} W$
37.50 Road to Valley bears West
40.00 Set a Trap Stone $18 \times 7 \times 6$ for
 $\frac{1}{4}$ Sec Cor. Rts and Mound
74.00 Ascend 60 feet broken ground
thence descend 25 feet
80.00 Set a Trap Stone $18 \times 9 \times 8$ for
Corner to Sections 22, 23, 26 and 27
Rts and Mound as per instructions
Sand rolling, excellent grazing
No Timber

Sept 21st 1870

East on a Random Line
between Sections 23 & 26
Variation $19^{\circ} 45' E$
Over rolling surface

Adobetown Road
County Road #71

Exhibit C

November Term 1871

Thursday, November 9th

Minutes and Decisions, continued.

On Motion the Road Report on page 240 of the Journal signed by Henry M. Hatch, A. W. Pillsbury and E. W. Becker, was received, and the Road was declared a County Road, & ordered funded.

On Motion it is ordered by the Board, that a County Road, be located, as follows:-

Commencing at the South side of Blue Gulch, opposite Adels Town, then across the divide to the mouth of the canyon of Stinking Water, thence up said canyon following the old Hole Road, to the crossing of the head of Stinking Water, thence up said stream to a South ^{west} junction to the Little William Creek, or Sedgwick & Mcgregors Ranche and Alex Metzels, J. P. Lindgren and J. M. Williams are appointed to view said road - the same to be done without any expense to this County.

Res. views apptd. as above; Alex Metzels

J. P. Lindgren and

J. M. Williams

On Motion it was ordered by the Board, that a Road District be established on Upper Stinking Water Valley, as follows:-

Beginning at the Forks of the Road in Williams Gulch & including all the upper Stinking Water Valley above Karnells Ranche and including Sedgwick & Mcgregors Ranche, and Alex Metzels is appointed Road Inspector for said District.

Alex Metzels apptd. as above, Inspector of said Road Dist

Copy
30
17th
1871
Hatched

Adobetown Road
County Road #71

Exhibit D

Road Book No 1

Henry M. Sitch
J. M. Pillsbury
J. W. Baker

See page 240 of Commissioners Journal
On motion the foregoing Road Report
signed by Henry M. Sitch, J. M. Pillsbury and
J. W. Baker was received, adopted and the
Road was declared a County Road & ordered
opened.

November 4th 1871

On Motion it is ordered
by the Board that a County
Road be located as
follows:

Commencing at
the South side of Alder Gulch opposite
Adels Town, thence across the divide to
mouth of the canyon of Stinking water,
thence up said canyon, following Parsons old
Toll Road, to the crossing or big bend
of Stinking Water thence up said stream
in a South Easterly direction to little
Hollow bridge, or Dickman & McGowan's
Keweenaw, and Alex Metzger, J. S. Pillsbury
and J. M. Williams are appointed to view
said Road - this same to be done without any
expense to this County"

Road view appointed as above

Alex Metzger
J. S. Pillsbury and
J. M. Williams

See page 241 of Commissioners Journal

07:23:2019 15:51

Adobetown Road
County Road #71

Exhibit E

John Hancock	J. H. Foster
Paul R. Paves work	Woolittle
Arthur Graham	Gas Bunley
W. Beall	W. R. Heemer
Jack Hamlin	Geo Brown
W. Kenschad	Wilko Polly
Paul John Kalaban work	E. Hawkins
Gas Coon	S. J. Wright
Paul Henry Maches work	Gas Sebor
Chas Blivin	Gas Stock
E. S. Hart	Hawsell Hunt
Geo W. Blackman	Emil Olson
Paul H. B. Sinclair work	Gas Falkner
Max Desautelle	Cow Shoule
Augustine Purn	

511 words

William Coyne

Filed in my office, March 7th 1872,
at 1¹⁵ o'clock, P. M.

A. V. Worry

County Clerk of
Madison County, Montana

March 7th 1872.

The following Report of Road Viewers (Metzel, Williams & Pendamis) was accepted & read & read & opened as viewed (See page 393 of Commissioners Journal --) to wit:

This is to certify that we the undersigned have located a county Road running as follows, commencing at Adole Town, Alder

Road Book No. 1

Gulch crossing said Gulch opposite
 McCreary Blacksmith Shop, known as
 the (Shanda bit & Red Rock Toll Road)
 following said road to the small branch
 at S Cahall's Ranch then a direct line to the
 South East corner of Baswell's fence thence
 a direct line to a mound of stone thence
 the old road through the canyons thence
 around the foot of Bluff to the Big Hill
 thence follow said Road to John Williams
 Ranch) thence follow the foot of Bluffs
 about a quarter of a mile beyond Alex
 Metzger's Home to a certain mound of
 stone thence along the east side of the pres-
 ent road running to the forks of the
 road this side of Bridge follow
 the upper road over the point - then fol-
 low the main traveled road close to the
 slough thence along the bluffs to Sedmon
 & Co's Ranch

Upper Stinkingwater Valley Madison
 County Meas For March 1/72

Committee

Alex Metzger

J. W. Williams

J. S. Pendarvis

2/1/72

Filed in ...

Adobetown Road
County Road #71

Exhibit F

Regular March A.S. 1872 Term
 Thursday March 7th
 Afternoon Session

- ✓ Alex Metzger, J. M. Williams, J. S. Pendarvis, Road viewers presented a Report of the Road viewed by them, commencing at Appleton and ending at Sedman's Cross Ranch, which on motion was accepted and Road ordered opened as viewed. (See Road Book Vol. 1, page 71 where report is copied at length.)

In the Matter of a Road
 in Stinking Water Valley,
 in Madison County, Mo.

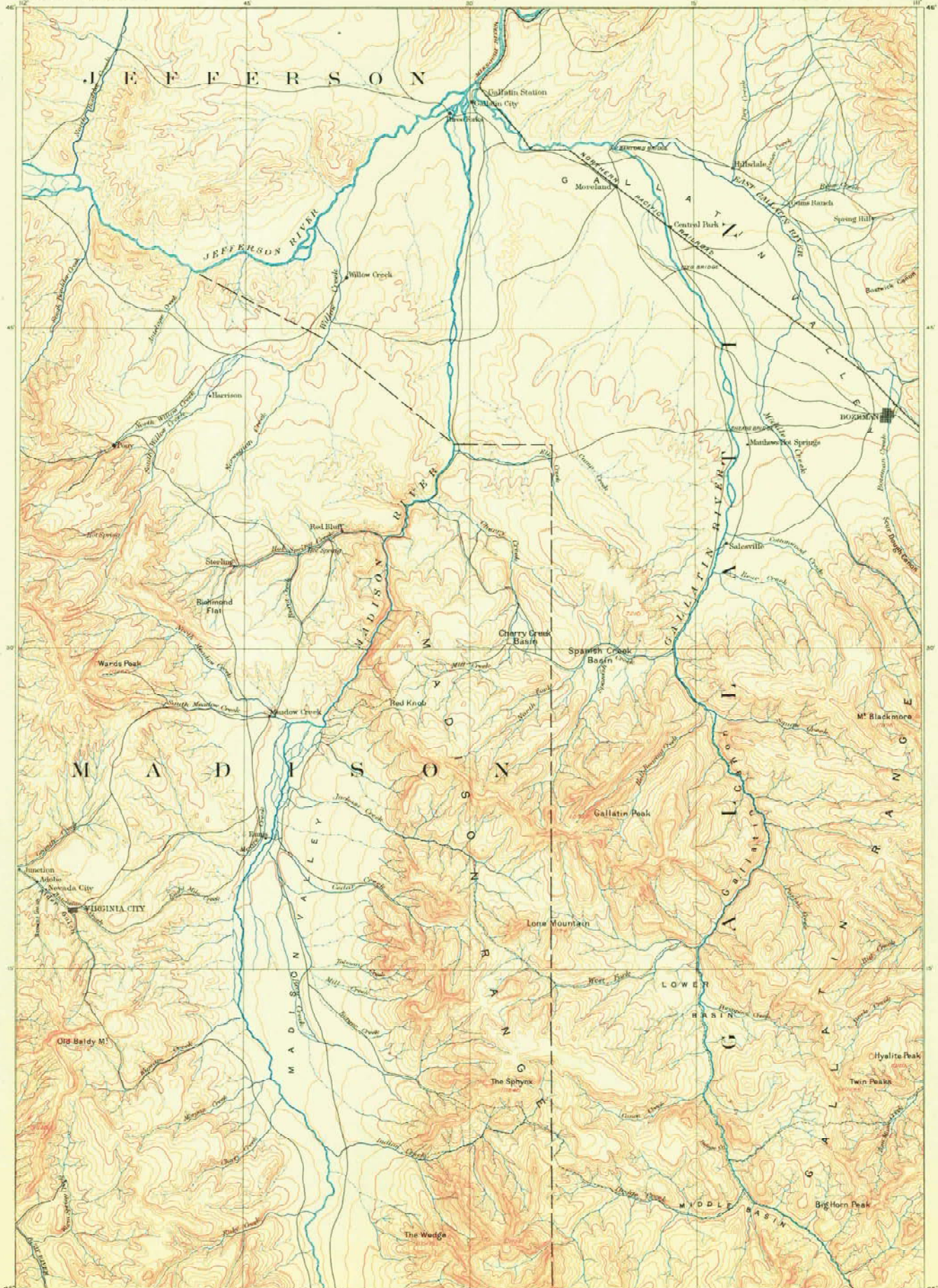
- ✓ It is ordered by the Board of County Commissioners of Madison County, Montana, that a certain road located by Charles Andy Smider and probably Arrow commencing near Caswells Ranch down the Stinking Water Valley and terminating near Saurins ordered to be opened on or before Monday September 2nd 1872, unless the citizens in the vicinity immediately interested should in the mean time agree on some practicable road. (See page 75 of Road Book Numbers one.)

In the Matter of the Location
 of a Road commencing at
 the N.E. Corner of Ed Combs
 Ranch ending at Stephen Cahill's house

- ✓ It is ordered by the Board of County Commissioners of Madison County, Montana, that O. C. Sweet and R. O. Bailey are appointed to view and locate a Road commencing at the North East Corner of Ed Combs Ranch and running in a nearly Southernly direction and terminating at Stephen Cahill's house - the Road proposed to be located being about four and one half miles in length.

Adobetown Road
County Road #71

Exhibit G



U.S.G.S.
FILE COPY
Ed. Div. Topographic Maps.

U.S.G.S.
FILE COPY
Ed. Div. Topographic Maps.

Henry Gannett, Chief Geographer.
A.H. Thompson, Geographer in charge.
Triangulation by J.H. Remshawi and E.M. Douglas.
Topography by the Northern Transcontinental Survey
and Frank Teedy.
Revised in 1886.

NT Survey
V. Teedy

U.S.G.S.
FILE COPY
Ed. Div. Topographic Maps.

Scale station
Contour Interval 200 feet

USGS
Historical Files
Topographic Division

Entered April, 1886.

250

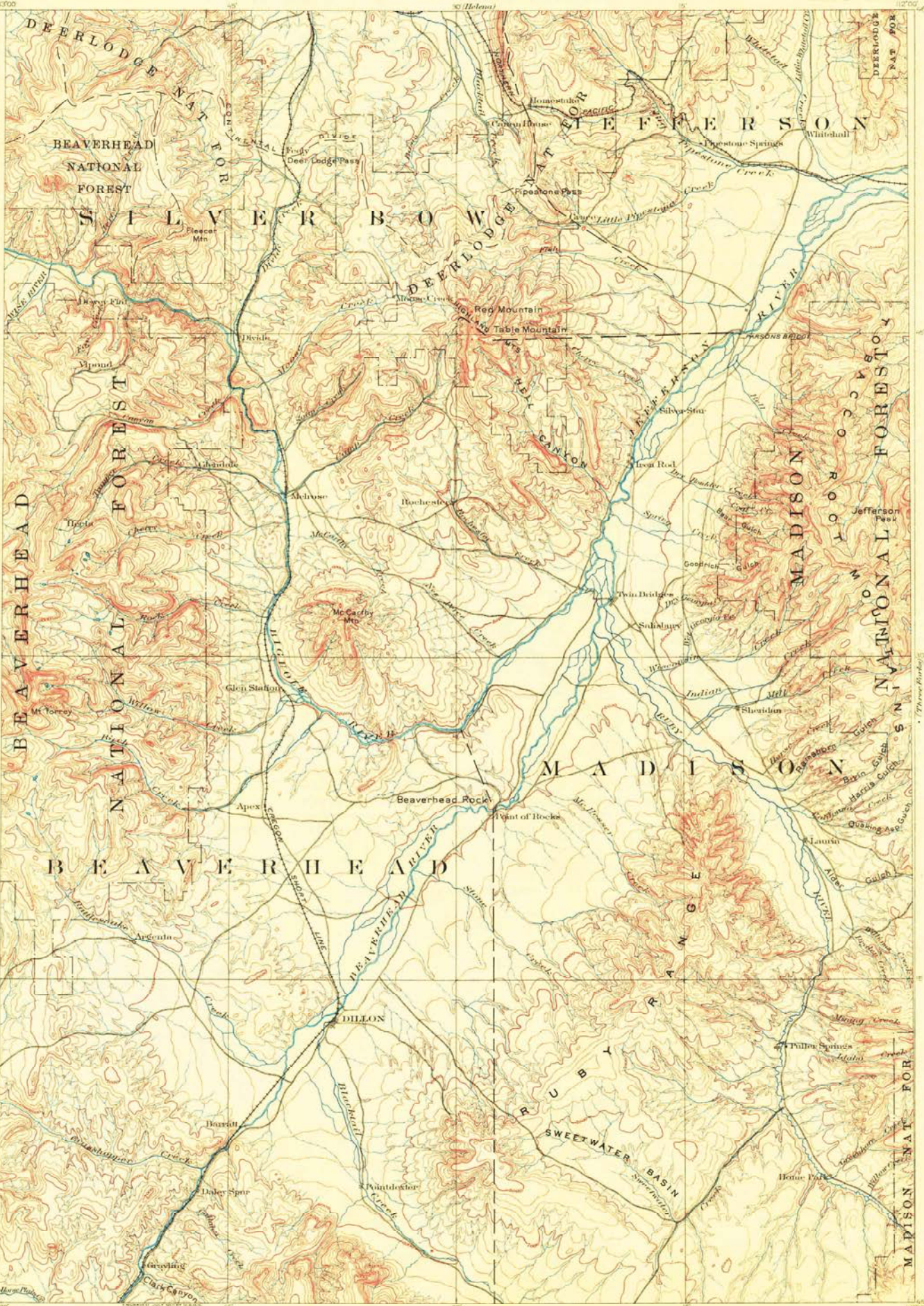
Three Forks, Mont.

U. S. G. S.
FILE COPY
Issuance and Editing.

DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

RECONNAISSANCE MAP

MONTANA
DILLON SHEET



Henry Gannett, Chief Geographer.
A.H. Thompson, Geographer in charge.
Triangulation by E.M. Douglas.
Topography by Frank Tweedy and Northern Transcontinental Survey.
Surveyed in 1887-88.

Scale 1:62,500
Contour Interval 200 feet.
Datum in mean sea level.

U. S. G. S.
FILE COPY
Issuance and Editing.

Edition of Oct 1893, reprinted 1929
Polyconic projection.

DILLON, MONT.
JAN 25 1929 (1885)

USCS
Historical File
Topographic Division

Adobetown Road
County Road #71

Exhibit H

Williams Gulch

No. A 12

PETITIONER

A. J. Cook et al

Petition filed..... 191

Viewers appointed JUN 6 1916 191

Report filed..... 191

Date of hearing..... 191

Report approved OCT 9 1916 191

Order of survey..... 191

Surveyor's report filed..... 191

Declared County Road Oct 9 191 6

~~Viewers appointed~~

~~Frank Stone~~

~~Fred Taylor~~

~~See Book~~

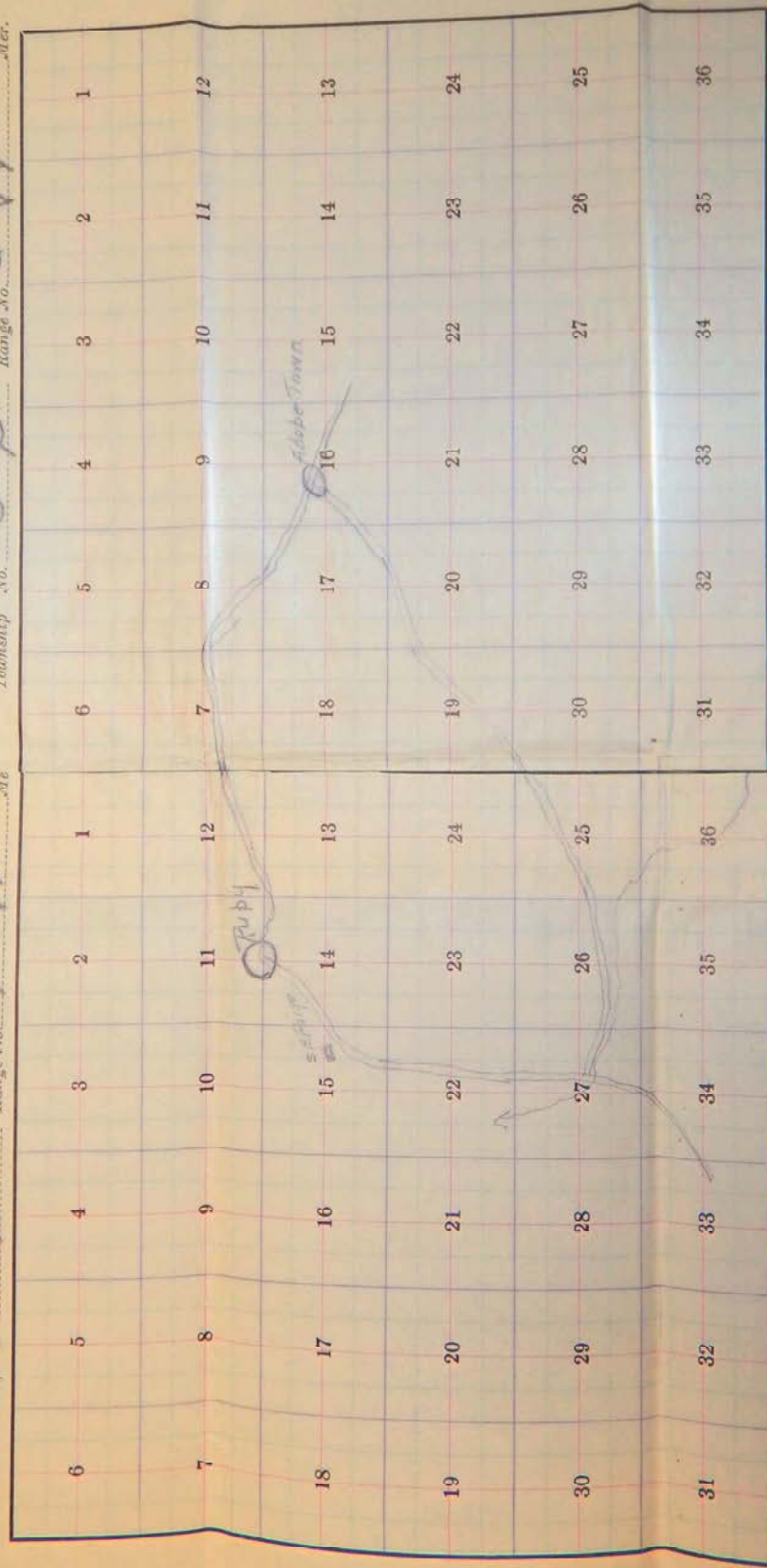
Commissioners' Proceedings,

pages

Recorded, Road Book, pages

County Clerk.

Township No. 6 S Range No. 3 W Mer.
Township No. 4 W Me



07.24.2019 08:01

VIEWERS' REPORT

To the Honorable Board of County Commissioners, Madison County, Montana:

We, the undersigned viewers, appointed by your honorable body at your regular September
19 16 session, to view, locate, and mark out a public county road from Mouth of Williams
gulch to Virginia City

as described in the petition therefor, on file in the office of the county clerk of said County of Madison, beg leave
to report our action thereon as follows:

Having first been duly sworn to faithfully and impartially discharge the duties imposed by law, under
said appointment, we repaired to the place, at the time appointed for viewing said road, and proceeded to lo-
cate and mark out said road, as petitioned for, upon what appeared to be the most practicable route therefor,
upon the lines, in the directions and across the lands hereinafter particularly described, to-wit:

Beginning at the intersection of the road south from Ruby with the
road up Williams gulch and thence running in an easterly and
north-easterly direction following the route of the old overland
road and joining the Alder gulch road at or near Adobetown. Also
extending from this road up Williams gulch on the north side of
the creek, following the old used road up Williams gulch through
the land of Louis Norman.

The proposed route from the mouth of Williams gulch to
Adobetown will follow the route followed by the old overland road
and has been in use for over 50 years, and is a short route from
the upper Ruby valley to Virginia City. The road should by all
means be declared a County road and left open to the public. No
purchase of right of way will be necessary and the road is passable
without any expenditure.

The branch up Williams gulch from this road through the
rench of Louis Norman is at present fenced but we understand
that this road has been used for a great many years. Mr. Norman
agrees to give the land for right of way on the south side of the
creek if the County will fence it, but we believe the route of
the old road on the north side of the creek equally as good and
recommend that the County Commissioners use their right in
declaring this an open County road (if such right is invested
in them).

The petitioned route through the ranch of the Larrabee
estate we do not deem practicable on account of the added expense
with very little, if any, additional benefit.

07.24.2019 08:16

Blank lined area for notes or calculations.

We estimate the cost of opening and preparing said road for public travel to be \$ _____, to be expended as follows:

_____ Road may be opened to travel without any expense	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

07.24.2019 08:16

State of Montana, } ss.
COUNTY OF MADISON.

R. H. Bushnell, Frank Stone and Fred Taylor

being severally duly sworn, each for himself and not one for the other, deposes and says: That he will faithfully and impartially discharge the duties as viewer of the road, described in the petition therefor, to-wit: beginning at mouth of Williams gulch and extending in a Northwesterly direction to Adelstein

under and by virtue of his appointment by the board of commissioners of said Madison county, at and during a regular session of said board, held on the September day of 1916 according to law and to the best of his understanding and ability.



R. H. Bushnell
Fred E. Taylor

Subscribed and sworn to before me, by R. H. Bushnell this 25th day of September 1916

*R. H. Bushnell
Notary Public for Montana
My commission expires June 30, 1917.*

NOTE---At least one of the viewers must be sworn before some officer authorized to administer oaths, after which he may swear the other viewers.

REPORT OF VIEWERS

Upon Road Petition for

EXAMINED, APPROVED & ORDERED
Filed OCT 9 1916

[Signature]
Chairman Board of Commissioners

Filed Oct 9th 1916
[Signature]
County Clerk

THE STATE PRINTING OFFICE, BUTTE, MONTANA

07.24.2019 08:17

Sept. 11, 1916.

Mr. Ralph Bushnell,
Twin Bridges, Mont.

Dear Sir:

You are hereby notified that at and during the Regular September 1916 Session of the Board of County Commissioners of Madison County, Montana, R. H. Bushnell, Frank Stone and Fred Taylor were appointed viewers of proposed County road as follows:

Beginning at Alder Station and running in a southeasterly and easterly direction through the ranch of C. X. Larrabee Estate, and then through the ranch of Louis Norman, and then on through Williams Gulch to Virginia City, Madison County, Montana.

You are also notified that the report on the above proposed road must be filed in the office of the County Clerk not later than the 30th day of September, 1916.

By order of the Board of County Commissioners.

Very truly yours,

W. H. THOMAS, County Clerk.

By

Deputy.

07.24.2019 08:26

Sept. 11, 1916.

Mr. Fred Taylor,
Ruby, Mont.

Dear Sir:

You are hereby notified that at and during the Regular September 1916 Session of the Board of County Commissioners of Madison County, Montana, R. H. Bushnell, Frank Stone and Fred Taylor were appointed viewers of proposed County road as follows:

Beginning at Alder Station and running in a southeasterly and easterly direction through the ranch of C. X. Larrabee Estate, and then through the ranch of Louis Hornam and then on through Williams Gulch to Virginia City, Madison County, Montana.

You are also notified that the report on the above proposed road must be filed in the office of the County Clerk not later than the 30th day of September, 1916.

By order of the Board of County Commissioners.

Very truly yours,

R. H. THOMAS, County Clerk.

By

Deputy.

07.24.2019 08:28

Sept. 11, 1916.

Mr. Frank Stone,
Alder, Montana.

Dear sir:

You are hereby notified that at and during the Regular September 1916 Session of the Board of County Commissioners of Madison County, Montana, R. H. Bushnell, Frank Stone and Fred Taylor were appointed viewers of proposed county road as follows:

Beginning at Alder Station and running in a southeasterly and easterly direction through the ranch of C. X. Larrabee Estate, and then through the ranch of Louis Norman, and then on through Williams Gulch to Virginia City, Madison County, Montana.

You are also notified that the report on the above proposed road must be filed in the office of the County Clerk not later than the 30th day of September, 1916.

By order of the Board of County Commissioners.

Very truly yours,

R. H. THOMAS, County Clerk.

By

Deputy.

Adobetown Road
County Road #71

Exhibit J

In the matter of the road petition of A. N. Roberts et al asking for a County Road: Beginning at the quarter corner between Sections 2 and 11, Township 6 South Range 1 West. After considering the viewers' report on said proposed road the Board hereby approves that a portion of said road as recommended by said report, namely - beginning at the quarter corner between Sections 2 and 11, Township 6 South Range 1 West, thence running South one fourth mile, thence east one-half mile, thence South three-fourths of a mile, to the Southeast corner of said Section 11. That the same is hereby declared a County Road as recommended in said viewers' report.

On motion the Board adjourned until Monday, October 9th, 1916, to meet with the Board of County Commissioners of Beaverhead County relative to the repairing of the bridge across the Big Hole River.

Attest:

W. H. Thomas

Clerk.

C. W. Chowning

Chairman.

Pursuant to adjournment the Board of County Commissioners of Madison County, met at 1:30 o'clock Monday, October 9th, 1916. Present: C. W. Chowning, Chairman, Bert G. Paige, Commissioner and W. H. Thomas, Clerk.

The Boards of County Commissioners of Beaverhead and Madison Counties met at Reichle on October 7th, 1916, to confer relative to the repairing of the West Bridge across the Big Hole River, said bridge having been damaged by high water.

It was agreed that a concrete piling should be built on the east bank of said Big Hole River and that piling be driven to sustain one span of said bridge and that by reason of the season of the year, and the work to be done being an emergency case, it was decided to do the work by force account.

The viewers' report on road petition of R. T. Cook et al asking for a County Road: Beginning at the mouth of Williams Gulch and extending in a Northeasterly direction to Adobe-town, was approved and the same is hereby declared a County Road.

No further business appearing the Board adjourned.

Attest:

W. H. Thomas

Clerk.

C. W. Chowning

Chairman.

Special Session, November 3rd, 1916.

Pursuant to call of Chairman C. W. Chowning, the Board of County Commissioners of Madison County, Montana, met at the Court House in Virginia City, Montana, Friday, November 3rd, 1916, at 11 o'clock A. M. for the purpose of appointing a Sheriff to fill the vacancy caused by the death of Sheriff Elijah Adams. Present: C. W. Chowning, Chairman, Bert G. Paige and Peter Grant, Commissioners, and W. H. Thomas, Clerk.

It is therefore hereby ordered by said Board that Robert H. Hill, be and is hereby appointed Sheriff of said Madison County, Montana, to fill the vacancy caused by the death of said Elijah Adams, upon condition that he file a bond in the sum of \$10,000.00 within ten days.

Attest:

W. H. Thomas

Clerk.

C. W. Chowning

Chairman.

Adobetown Road
County Road #71

Exhibit K



FILE COPY

1928
Resort File
Topographic Division

FILE COPY

112°00' 1:250,000
1:250,000
1:250,000
1:250,000

Stems compilation by Fairchild Aerial Survey, Inc. for the Bureau of Reclamation. Field examination and publication by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin. Control by USGS and USGS.

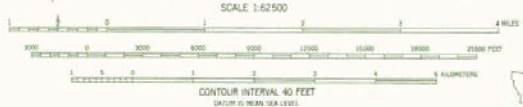
Topography from aerial photographs by stereographic methods. Aerial photographs taken 1947. Field check 1950.

Polyconic projection. 1927 North American datum. 10,000-foot grid based on Montana coordinate system. South zone.

Dashed land lines indicate approximate locations.

All mining features on this map are inactive unless otherwise indicated.

Unsettled stations are shown in brown.



VIRGINIA CITY, MONT.
84515-81145/15
1950

THIS MAP COMPLETS WITH NATIONAL MAP ACCURACY STANDARDS.
FOR SALE BY U. S. GEOLOGICAL SURVEY, FEDERAL CENTER, DENVER, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST.

AUG 9 1954
2100

Adobetown Road
County Road #71

Exhibit L



Mapped, edited, and published by the Geological Survey
as part of the Department of the Interior program
for the development of the Missouri River Basin
Compiled by 1962S and 1962G2S

Topography by photogrammetry or aneroid from aerial
photographs taken 1954. Field checked 1963.
Photographic projection. 1927 North American Datum.
30,000-foot grid based on Montana coordinate system, south zone.
2000-meter Universal Transverse Mercator grid (NAD 83).
Zone 12, sheet 01 200.

Five red dashed lines indicate selected fence lines.
To place on the predicted North American Datum 1983
move the projection lines 11 meters north and
65 meters east as shown by dashed center ticks.



SCALE 1:24,000
CONTOUR INTERVAL 20 FEET
BASED UPON DATUM TO WHICH NATIONAL
GEODETIC VERTICAL DATUM OF 1929



ROAD CLASSIFICATION
Medium-duty — Light-duty
Unimproved dirt
State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 20192
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ALDER, MONT.
48112-C1-TF-024
1963

DMA 3874 1 00: GEORGS 9194

USED NMU HISTORICAL MAP
JUL 08 1966
REC'D FILE COPY

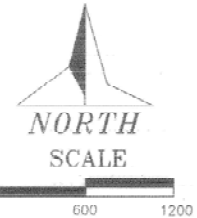
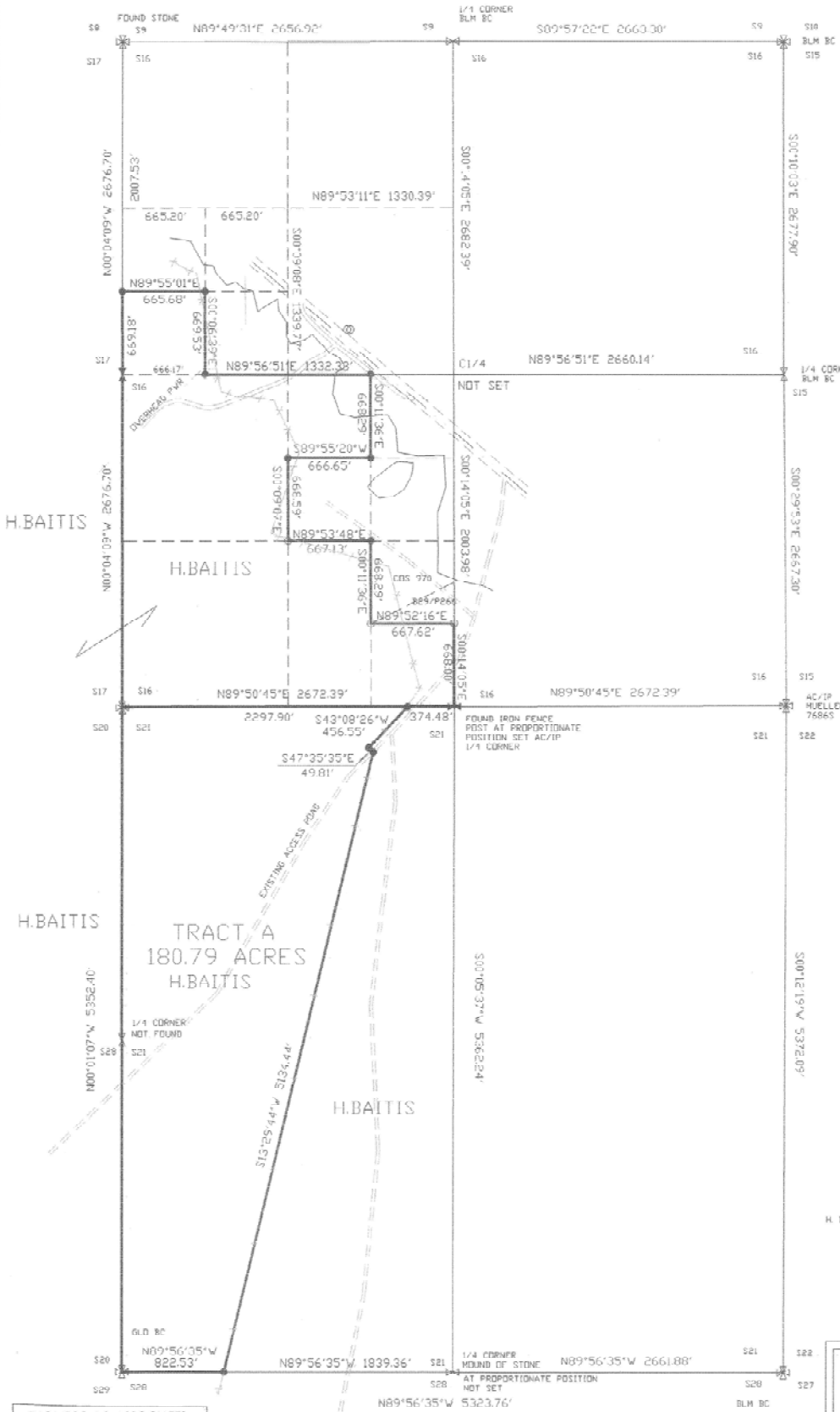
Adobetown Road
County Road #71

Exhibit M

CERTIFICATE OF SURVEY

NW1/4 & SW1/4, SECTION 16 AND WEST 1/2, SECTION 21, T.6S., R.3W., P.M.,M., MADISON COUNTY, MONTANA

PURPOSE OF SURVEY: BOUNDARY SURVEY OF AN IRREGULAR TRACT GREATER THAN 160 ACRES
AND DEPENDENT RESURVEY (SECTION SUBDIVISION) AND PARTIAL RETRACEMENT OF EXISTING BOUNDARY.



- LEGEND**
- ⊠ FOUND SECTION CORNER OR 1/4 CORNER MONUMENT AS NOTED
 - ⊠ SET 1/4 CORNER MONUMENT NO 5 REBAR X 2 FT LONG WITH 2" DIAM ALUM CAP "B. THOMPSON 8795LS"
 - SET 5/8" DIAM REBAR X 24" LONG, WITH 1 1/2" DIAW RED PLASTIC CAP MKD "B. THOMPSON 8795LS"
 - FOUND 1 1/2" DIAM ALUM CAP /IP REBAR MKD 3097A
 - SUBDIVISION LINES
 - SURVEYED LINES AND LINES OF CONTROL
 - PROPERTY BOUNDARY, THIS SURVEY
- NOTE OF BEARING**
TRUE NORTH BY GPS, NEAR THE WEST 1/4 CORNER SECTION 21

LEGAL DESCRIPTION TRACT A

A TRACT OF LAND LOCATED IN THE WEST 1/2 SECTION 21, T.6S., R.3W., P.M.,M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 21, WHICH IS THE TRUE POINT OF BEGINNING OF TRACT A, THENCE N89°50'45"E, ALONG THE NORTH LINE OF SAID SECTION 21, 2297.90 FT.; THENCE S43°08'26"W, 456.55 FT.; THENCE S47°35'35"E, 49.81 FT.; THENCE S13°29'44"W, 5134.44 FT., TO THE SOUTH LINE OF SAID SECTION 21; THENCE N89°56'35"W, ALONG SAID SOUTH LINE, 822.53 FT., TO THE SW CORNER OF SAID SECTION 21; THENCE N00°01'07"W, 5352.40 FT., TO THE POINT OF BEGINNING, CONTAINING 180.79 ACRES OF LAND, ALL ACCORDING TO CERTIFICATE OF SURVEY. SUBJECT TO ANY EASEMENT OF RECORD.

CERTIFICATE OF LAND SURVEYOR

I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2003.

Brian D. Thompson
BRIAN D. THOMPSON
PROFESSIONAL LAND SURVEYOR
MONTANA REGISTRATION NO. 8795 LS
8/18/03

CERTIFICATE OF EXAMING LAND SURVEYOR

APPROVED _____ 2003

N/A

EXAMINING LAND SURVEYOR _____ HT REG. NO. 76-3-5112(x)

FOP: HART BAITIS BOUNDARY SURVEY	T6S R3W S21
---	------------------------

H. BAITIS HARTMUT W. BAITIS & GREGORY A. JONES
AND AMANDA M. JONES AS TRUSTEES OF THE
GREG AND AMANDA JONES LIVING TRUST

CERTIFICATE OF CLERK & RECORDER

STATE OF MONTANA
COUNTY OF HANBURY

FILED ON THE 21st DAY OF August, 2003
AT 2:10 O'CLOCK P.M.

COUNTY CLERK & RECORDER
Cheryl Smith

BOOK 7 of Surveys - 1622
INSTRUMENT NO. 93955 Fee: \$5.50

CERTIFICATE OF SURVEY No 1622
SHEET ONE OF ONE

THOMPSON & ASSOCIATES
Montana Surveying & Mapping
2700 MEAD AVENUE
BUTTE, MONTANA 59701

Adobetown Road
County Road #71

Exhibit N

MADISON COUNTY BOARD OF COMMISSIONERS

P.O. BOX 278

VIRGINIA CITY, MT 59755

e-mail: madco@madison.mt.gov
www.madison.mt.gov

Phone: (406)843-4277

Fax: (406) 843-5517

Commissioners

David Schulz
Dan Happel
James P. Hart

December 31, 2013

Mike Driscoll
805 W. Broadway
Butte, MT 59710

Mike,

Thank you for the opportunity to spend some time with you, Dam Doornbos and Ryan Ellis on November 27th. Years ago, I had spent significant time on that ranch property while it was owned by Louie Hansen. It was good to reminisce some of those old experience working cattle and interacting with other ranchers.

More importantly, thank you for allowing me to investigate the county road that runs from Adobetown through your property toward Williams Creek. This road, known as Williams Creek-US 287-Adobetown road (in record as Road 71) has an extensive amount of history itself. There is good evidence where the road existed while it was in use. Further, it is very obvious the road has not been used or maintained in that original location for many years. And, most importantly, the road at no time ever traversed on the easterly side of the draw where the ranch access road has existed for many years.

This letter is to confirm my understanding of the Williams Creek-US 287-Adobetown county road. The old county road appears to have gone across the dredge piles in some direction not entirely visible today. I believe because the improved road through the dredge piles to the ranch headquarters you own today and formerly known as the McGovern Place, the earlier road was likely altered or changed at some time. I believe this likely occurred because the petition for this road, dated October 7, 1916, refers to this road following the route of the "old overland road and" one that "has been used for over 50 years." Hence, I believe that the original road was in existence prior to when the area was dredged. Therefore, it is not known exactly where the original road traversed from the access off Highway 287 to the south side of the dredge activity. From the Driscoll gate south of the dredge activity, the road travels southwesterly through several dredge piles to the bottom of the draw. By indication of a road visible on the ground, the road runs southwesterly in or near the bottom of this draw a distance of approximately 2 miles to a gate that appears to be the fence boundary to BLM lands. It appears to continue in that same general direction into Williams Creek.

There is no evidence that the road accessing what is now referred to as the Driscoll Ranch headquarters ever existed or was used by travelers riding the Williams Creek-US 287-Adobetown. The ranch access road was constructed and/or used for that purpose only.

Sincerely,



David Schulz, Commissioner
Madison County

Cc: Dan Doornbos
Williams Creek-US 287-Adobetown File

2/27/2018

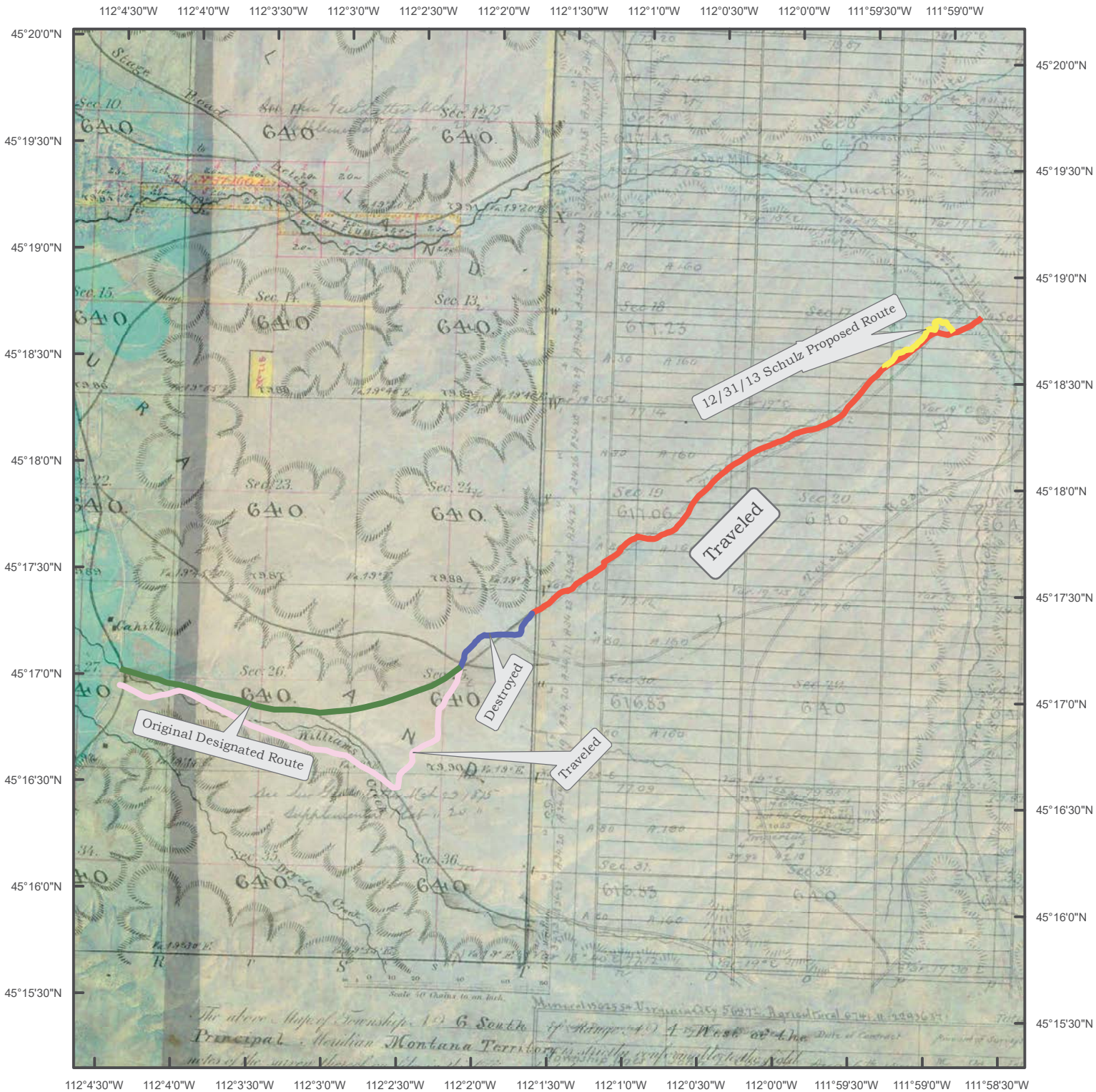
Page 2 of 50

pg. 31

Adobetown Road
County Road #71

Exhibit P

Exhibit P - Adobetown Rd - Madison County - Montana

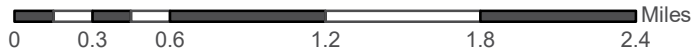


Notes and Disclaimers:
 Features shown on this map do not imply public access to any lands. Madison County makes NO representations or warranties whatsoever with respect to the accuracy or completeness of the data contained and assumes NO responsibility for the suitability of these data for a particular purpose. The ownership boundaries are NOT based on land survey data and are NOT a substitute for property surveys.
 Data Sources: Global Positions, LLC and NRIS - MT State Library



Legend

- 12/31/13
- Destroyed
- Traveled
- Original
- Traveled/Original



1:47,001.89

1 inch = 0.74 miles

Date Saved: 9/12/2019 8:55:59 AM
Author: Tommy Luksha