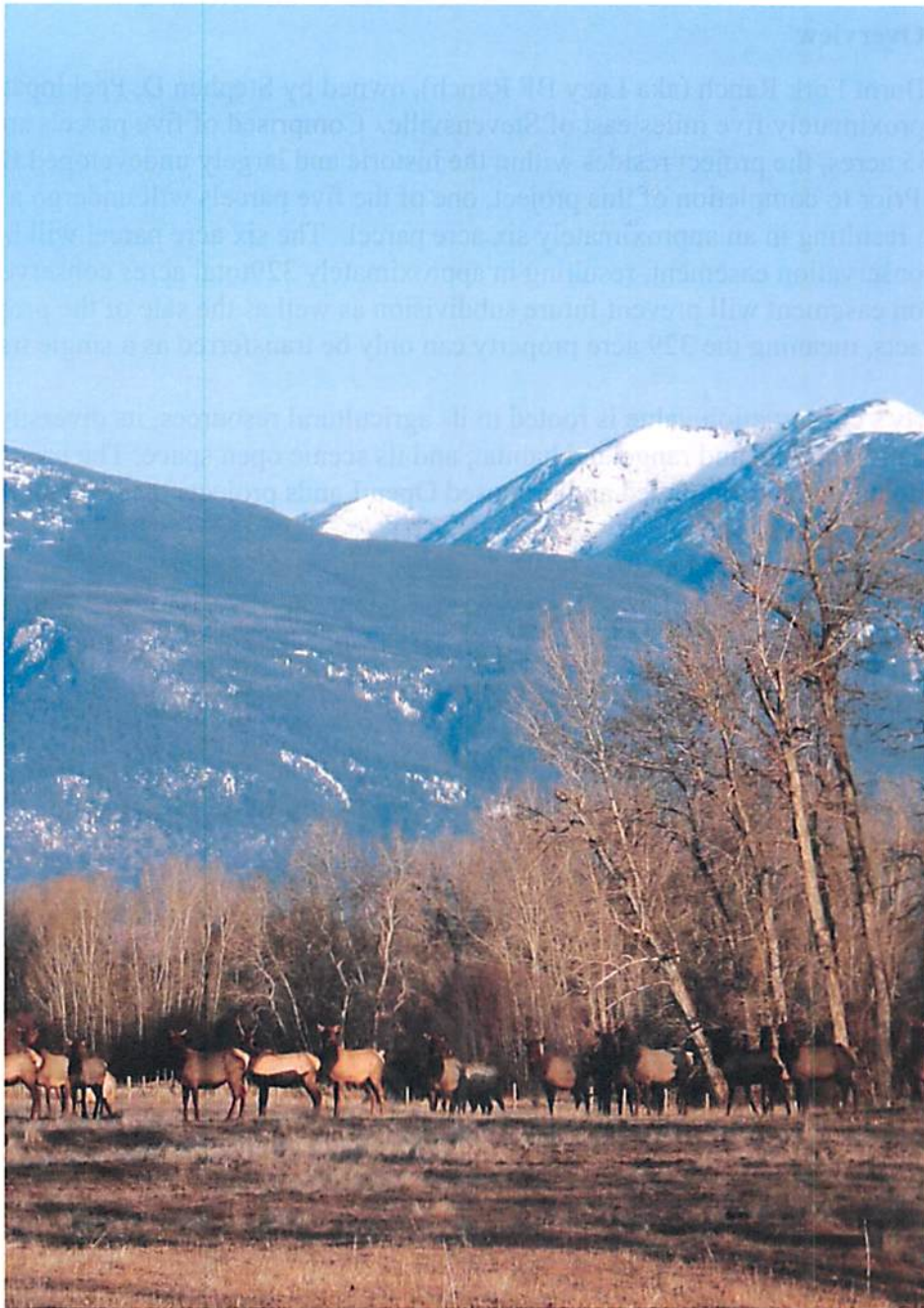


# Lazy BF Ranch Ranch

RAVALLI COUNTY OPEN LANDS PROGRAM  
FULL APPLICATION



BITTER ROOT



LAND TRUST

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APR 24 2014

Ravalli County Commissioners

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## I. Project Introduction

# Lazy BF Ranch

### Property Overview

The Lazy Burnt Fork Ranch (aka Lazy BF Ranch), owned by Stephen D. Peckinpaugh, is located approximately five miles east of Stevensville. Comprised of five parcels spanning roughly 335 acres, the project resides within the historic and largely undeveloped Burnt Fork drainage. Prior to completion of this project, one of the five parcels will undergo a boundary adjustment resulting in an approximately six acre parcel. The six acre parcel will be excluded from the conservation easement, resulting in approximately 329 total acres conserved. The conservation easement will prevent future subdivision as well as the sale of the property as separate tracts, meaning the 329 acre property can only be transferred as a single tract.

The property's conservation value is rooted in its agricultural resources, its diversity of high quality aquatic, riparian and rangeland habitat, and its scenic open space. The property is also proximate to numerous completed and proposed Open Lands projects that protect these same conservation attributes. The

primary purposes for placing a conservation easement on the Lazy BF Ranch are to preserve opportunities for agricultural use, protect the diverse wildlife habitat found on the property and maintain the scenic viewshed. The complimentary agricultural, riparian and scenic open space attributes of the property make it a strong conservation project.

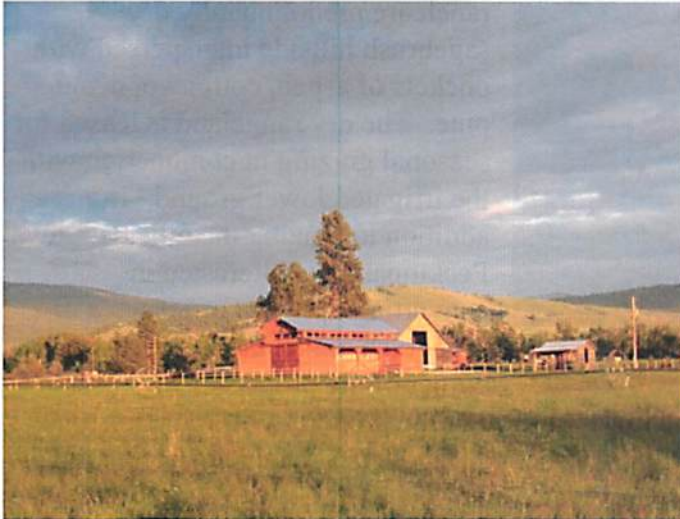


Current agricultural use of the property is predominantly cattle pasture with some additional hay cultivation on the lower portion of the ranch. The Peckinpaughs plan to convert upwards of 80 acres of upland sage into dry cropland in the near future, which is consistent with other agricultural operations in the area. The entire property is currently leased for grazing and hay cultivation by a nearby cattle operation.

Prior to Steve Peckinpaugh's purchase in 2001, the property was intensively operated as a sheep ranch, resulting in severely overgrazed pasture conditions, significant noxious weed infestations and impacted riparian habitat. Despite the dilapidated condition of the ranch, Steve recognized its agricultural potential and important wildlife resources. In order to rehabilitate the property, Steve invested a considerable amount of time, money and effort into irrigation improvements (including the installation of two wheel lines), aggressive weed

abatement and fencing, including the construction and maintenance of a riparian enclosure that provides a generous riparian buffer along North Burnt Fork Creek.

Strategically located in the middle reach of the Burnt Fork drainage, the property is in close proximity to three existing or pending Open Lands funded conservation easements, including the completed Severson's Flying E Ranch and Sunset Bench conservation easements, and the pending Laursen Property conservation easement. Two additional conservation easements not



funded by the OLBP are also within one mile of the Lazy BF Ranch. Given the considerable conservation progress that has taken place in this neighborhood over the past few years, BRLT is excited to have the opportunity to work with the Peckinpaughs to further add to the preservation of the historic and scenic Burnt Fork.

There are currently no residences on the proposed conservation easement. The existing residence, located just off Middle Burnt Fork Road, will be

excluded from the conservation easement following the completion of an impending boundary relocation. A handful of outbuildings are found on the property, including a shop, a barn, a horse stable, and a small bunkhouse that contains a bathroom but no kitchen facilities. The conservation easement will include a reserved right to construct two total residences, including a primary residence and a caretaker's residence. The caretaker's residence will have a limited footprint.

### **Applicants' Goals and Objectives**

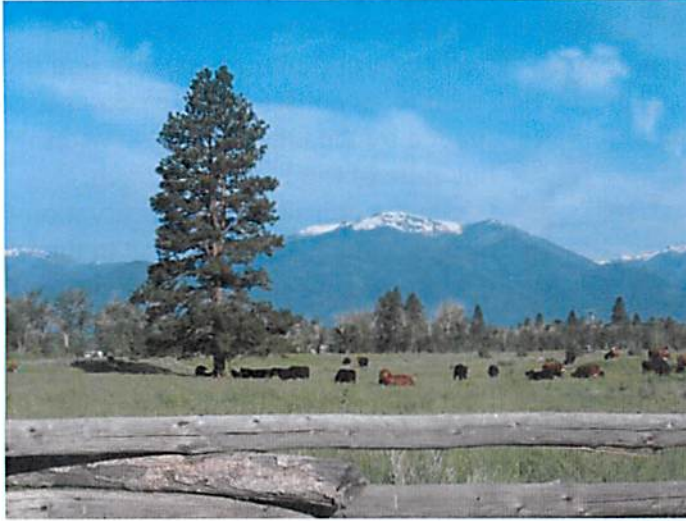
Steve Peckinpaugh, in partnership with the Bitter Root Land Trust, wishes to grant a conservation easement on approximately 329 acres, significantly limiting further development and conserving the following public benefits in perpetuity:

#### **Exceptional Attributes of the Peckinpaugh Property:**

##### *1. Working Agricultural Lands*

The Lazy BF Ranch has a history of varied agricultural use and is currently operated as a cattle ranch. It is located in the heart of the Burnt Fork neighborhood, one of Montana's earliest agricultural communities. To this day, the Burnt Fork remains largely undeveloped with thousands of acres in active production. The Peckinpaughs have aggressively

rehabilitated the property and implemented numerous best management practices, including riparian fencing, irrigation improvements and noxious weed treatment.



The lower 120 acres of the property are a mix of pasture (~90 acres), hay (~18 acres) and riparian habitat (10 acres). The upper 210 acres of the ranch are predominantly dry sagebrush hillside interspersed with pockets of aspen, cottonwood and pine. The dry rangeland is leased for seasonal grazing in conjunction with the irrigated lower ground. In addition to grazing the hillside, Steve Peckinpaugh is interested in converting upwards of 80 acres of sagebrush rangeland in the northeast corner of the property to dry cropland,

such as dryland wheat or other grains. The lower portion of the property will remain irrigated pasture and hay meadow. The land is currently leased to Dan Kerslake, a neighboring rancher who operates on a number of properties in the Burnt Fork.

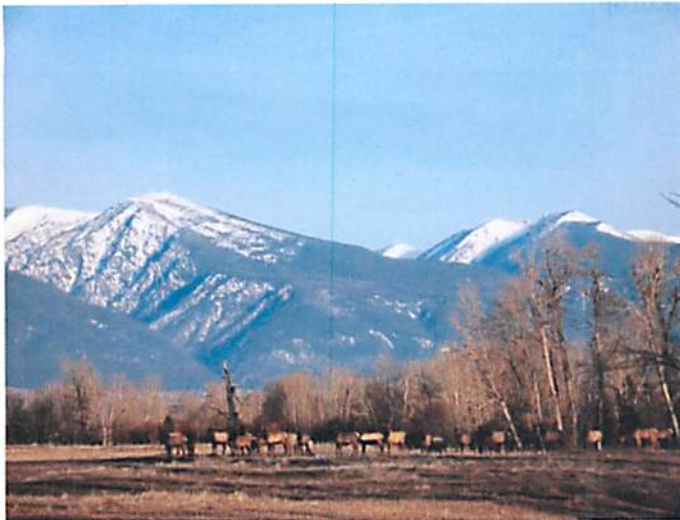
The Lazy BF Ranch possesses 170 acres of agriculturally important soil (or roughly 53% of the property), including seven acres of prime soil and 170 acres of locally important soil. Steve Peckinpaugh holds a mix of ground and surface water rights for irrigation and stock watering that are capable of supporting the current agricultural operation. The irrigation rights are sourced from North Burnt Fork Creek, with a priority date of 1872.

In addition to the agricultural potential of the property itself, conservation of this ranch will complement the existing agricultural character and land use of the Burnt Fork drainage. Land use surrounding the property continues to be predominantly agricultural. The Peckinpaugh property is within one mile of numerous active ranching operations, including the Woolsey (Mielke), Farrell, Olmsted, Clagett, Wallace, Creech and Kink properties.



## 2. Critical Wildlife and Fisheries Habitat

The Lazy BF Ranch contains a mix of habitat types that support a variety of wildlife species.



Wildlife habitats include riparian, natural and managed grassland, pockets of mixed timber and mature sagebrush rangeland. The irrigated bottom ground and the native sagebrush rangeland found on the property provide important winter range for elk and mule deer. The property contains a mix of dry, relatively natural rangeland and irrigated, managed grasslands, both of which provide important habitat for winter raptors including eagles, hawks, kestrels and falcons.

North Burnt Fork Creek flows through the property for over  $\frac{3}{4}$  of a mile, providing healthy aquatic and riparian habitat. The Bitterroot River Subbasin Plan for Fish and Wildlife Conservation identifies North Burnt Fork Creek as a high value tributary stream. Montana Fish, Wildlife and Parks (FWP) also identifies North Burnt Fork Creek as an “Outstanding Fishery Resource” and a “Bull Trout Core Area” due to the high quality aquatic habitat provided by the stream. FWP population surveys found multiple species of trout in the lower reach of North Burnt Fork Creek, including brook (abundant), brown (common), bull (rare) and westslope cutthroat (rare but genetically pure) trout.

Riparian fencing, installed by Steve Peckinpaugh in 2004, limits cattle access to the stream for most of the year, which helps maintain and enhance the property’s aquatic and riparian habitat. The enclosure fencing creates a buffer of approximately 10 acres around North Burnt Fork Creek’s riparian vegetation, providing important cover for a variety of mammals, amphibians, song birds, upland birds, waterfowl and other wildlife.



## 3. Open Space

Middle Burnt Fork Road passes along or near the southern edge of the Lazy BF Ranch for nearly one mile, providing breathtaking views of the Sapphire and Bitterroot Ranges with lush riparian areas, native sagebrush range and productive agricultural land in the foreground.

Located approximately five miles from Stevensville, along a major corridor for recreational tourists utilizing the Burnt Fork Trailhead, the ranch provides a significant portion of the upper Burnt Fork drainage's stunning backdrop.

The Lazy BF Ranch is a highly desirable residential property, given its scenic, rural character and close proximity to Stevensville. The conservation easement will preserve this scenic open space by limiting residential use to no more than two residences. In order to preserve the open space character of ranch, the Bitter Root Land Trust will work with the Peckinpaughs to select future residential building site options that have minimal impact on the agricultural and scenic conservation values. Protecting this property with a conservation easement will significantly limit further development and maintain these 329 acres of scenic open space for current and future generations of Bitterroot residents and visitors, while also allowing for the opportunity to continue agricultural production.



#### 4. Proximity to preserved lands

The property is located in close proximity to existing and pending conservation lands (see *Burnt Fork Neighborhood Map, Appendix A.6*), including over 950 acres of conservation easements funded by the Open Lands Program. An additional 4,700 acres of conservation easements not funded by the Open Land Program are also located within one mile of the property. Notable existing conservation easement properties include the 500-acre Olmsted Conservation Easement ( $\frac{1}{4}$  mile northwest), the 4,200-acre Burnt Fork Ranch Conservation Easement (aka Creech;  $\frac{3}{4}$  miles east), the 354-acre Severson's Flying E Ranch Conservation Easement (2 miles west), and the 365-acre Sunset Bench Conservation Easement (2.5 miles southwest). The 244 acre Laursen Conservation Easement, scheduled to close in early 2014, is located approximately 1.5 miles west. Protecting the Lazy BF Ranch will build upon the existing conservation momentum in the Burnt Fork neighborhood.



## **Future Monitoring and Maintenance:**

**Monitoring:** Upon execution and recording of the Lazy BF Ranch Conservation Easement, Bitter Root Land Trust (BRLT) will assume the perpetual legal responsibility to enforce the terms of the conservation easement and build and maintain positive relationships with current and future landowners. BRLT has a history of monitoring and enforcing the terms of its conservation easements, and can assure project participants that the restrictions in the conservation easement will be upheld by committing the personnel and/or financial resources necessary to do so. BRLT maintains a dedicated Stewardship Account in order to ensure perpetual compliance with the terms of the easement. The funds set aside in this account have been specifically earmarked for use in covering the costs associated with annual monitoring as well as legal defense of the terms of the conservation easement in the event of a violation.

Prior to recording the conservation easement, BRLT will produce a comprehensive Baseline Report that will document the current condition of the property. The Baseline Report will be incorporated by reference into the conservation easement and is used by BRLT as baseline data to ensure that any subsequent degradation of the property can be clearly identified and corrected. BRLT carefully monitors each of its conservation easements annually, using the Baseline Report and previous years' monitoring reports to ensure compliance with the terms of the conservation easement. All monitoring activities are carefully documented using GPS, established photo points, and systematic forms. Dedicated staff—along with volunteer wildlife biologists, agricultural advisors and other professionals—conduct the annual monitoring visits. In addition to the monitoring visit, frequent communications with the landowner(s) will assure that the restrictions specified in the conservation easement are honored and that the resources protected by the conservation easement have not been degraded.

If BRLT becomes unable to steward its conservation easements, due to lack of capacity or its dissolution, we are able to assign our interest in conservation easements to another qualified conservation organization. BRLT requires, as a condition of transfer, that the conservation purposes of its conservation easements shall be enforced in perpetuity.

**Maintenance:** Steve Peckinpugh will continue to manage and maintain the property during his ownership. The conservation easement will allow him to sell, bequeath or otherwise transfer the property into private ownership at any point in the future, at which time management responsibilities will transfer to the new owner. Through the terms of the conservation easement and the Bitter Root Land Trust's annual monitoring, the Lazy BF Ranch will be maintained as open space that provides opportunities to continue traditional agricultural practices.

## **II. Legal Description & Ownership**

The Lazy BF Ranch is comprised of five parcels with a total combined acreage of approximately 335 acres. Prior to completion of this project, one of the existing parcels will be adjusted to a six acre tract surrounding the existing residence, which is located just off Middle Burnt Fork Road. The six acre tract will be excluded from the conservation easement, resulting in a conservation easement encumbering four parcels on 329 acres of land. For the purposes of this application, the conservation easement will encumber the following real property, excepting the six acre tract discussed above, owned by Stephen D. Peckinpaugh, being more particularly described as follows:

### Tract 1:

The Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference: Book 133 of Deeds, page 524.

### Tract 2:

The West half of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 34 and the Southeast Quarter of the Northeast Quarter of Section 33, all in Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 9 of Deeds, page 560.

EXCEPTING THEREFROM The Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 133 of Deeds, page 524.

ALSO EXCEPTING THEREFROM the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 133 of Deeds, page 523.

### Tract 3:

The Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 133 of Deeds, page 523.

### Tract 4:

The Northeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 34 of Deeds, page 129.

### Tract 5:

The South Half of the Southeast Quarter of Section 33, Township 9 North, Range 19 West, and Government Lots 3 and 4 of Section 4, Township 8 North, Range 19 West, P.M.M., Ravalli County, Montana. Recording Reference Book 12 of Deeds, page 109.

EXCEPTING THEREFROM a tract of land located in Government Lot 4, Section 4, Township 8 North, Range 19 West, P.M.M., Ravalli County, Montana, more particularly described as set forth on the "Notice of Contract to Purchase Land" recorded at Book 135 of Deeds, page 489, records of Ravalli County, Montana.

ALSO EXCEPTING THEREFROM a triangular tract of land in the Southwest corner of Lot 4, Section 4, Township 8 North, Range 19 West, P.M.M., Ravalli County Montana, lying South of the county road and East of the lane to John Pope Land.

ALSO EXCEPTING THEREFROM a tract of land in the SE° of Section 33, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as follows:

Commencing at the South  $\frac{1}{4}$  corner of Section 33, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana; thence N.0°00' E., along the mid-section line, a distance of 989.3 feet to an aluminum survey cap, said cap being the true point of beginning of this description, thence continuing along said mid-section line, a distance of 330.0 feet to an aluminum surveycap, thence N.89°50' E., a distance of 660.0 feet to an aluminum survey cap; thence S.0°00' E., a distance of 330.0 feet to an aluminum survey cap; thence S.89°50' W., a distance of 660.0 feet to the true point of beginning.

### III. Proposed Funding

Preliminary Appraised Value of Conservation Easement.....	\$850,000.00
<b>Anticipated Costs:*</b>	
Legal Review (Landowner).....	\$4,000.00
Legal Review (Land Trust).....	\$1,500.00
Appraisal.....	\$15,000.00
Baseline Study.....	\$2,250.00
Title Report/Commitment.....	\$2,500.00
Recording.....	\$250.00
Application.....	\$510.00
Printing .....	\$500.00
Project Assessment (25 hours @ \$45.00/hour).....	\$1,125.00
Project Facilitation (250 hours @ \$45.00/hour).....	\$11,250.00
Accounting Counsel.....	\$1,000.00
Mineral Rights Report.....	\$500.00
Environmental Hazard Assessment.....	\$200.00
Closing.....	\$400.00
Total Anticipated Costs:.....	\$ 40,985.00*
Conservation Easement Value.....	<u>\$850,000.00</u>
Total Budget (Easement Value + Total Anticipated Costs):.....	\$890,985.00
Total Compensation Request for CE (from all funding sources).....	\$384,015.00
Total Costs.....	<u>\$ 40,985.00</u>
Total CE Acquisition Cost (Total Compensation + Total Costs)	\$425,000.00

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<b>Matching Contributions:</b>	
Donated Easement Value (donated by landowner).....	\$465,985.00
Cash Match (Natural Resources Conservation Service – Farm and Ranch Lands Protection Program).....	<u>\$275,000.00</u> (anticipated)
Total Matching Contributions:.....	\$740,985.00

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Total Budget (Easement Value + Anticipated Costs).....	\$890,985.00
(less Total Matching Contributions).....	<u>-\$740,985.00</u>
Total Requested Payment from Open Lands Program:.....	\$150,000.00 (\$450/acre)

\* A note on Project Costs: Anticipated Project Costs reflect the best estimates of the applicants at the time the application is submitted. These Anticipated Project Costs are provided solely to explain how the applicants' total requested Open Lands payment was developed. Actual project costs will differ somewhat from those estimated on this Proposed Funding worksheet. It is critical to note that, in the event this project is funded by the Open Lands program, all actual costs (except recording, title insurance, and closing costs) will be paid in advance of closing by the applicants, not by Open Lands Program Funds. The applicants are requesting \$150,000 in Open Lands Bond Funds for the purchase of this conservation easement.

#### IV. Completed Project Scoring Worksheet

Issue	Criteria	Possible points	Score	Comments
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#### General Attributes

<b>GA 1</b>	Size of property to be put in an easement	More than 400 acres	4		329 Total Acres
		100 to 400 acres	3	3	
		25 to 99 acres	2		
		Less than 25 acres	1		

<b>GA 2</b>	Water rights	Retains senior water rights or adequate irrigation district shares and well-maintained conveyance system to sustain production/ conservation values	4		Steve Peckinpaugh holds a mix of ground and surface water rights for irrigation and stock watering that are capable of supporting the current agricultural operation. For more information see Description of Water Rights (p. 32) and <i>Water Rights Abstracts, Appendix B.1.</i>
		Retains junior waters rights or some irrigation district shares and an adequate conveyance system that generally maintains conservation values.	2	2	
		There are insufficient water rights or irrigation district shares and no conveyance system or the system is in disrepair.	0		

<b>GA 3</b>	Percent of land reserved for future home sites	<1%	4		Two home sites (< 6 acres total) are reserved within the easement terms. See project narrative for a complete description.
		1%	3		
		2%	2	2	
		3 %	1		
		>4 %	0		

<b>GA 4</b>	Weed management	Property has effective weed management practices	4		See project narrative
		Property has partially effective weed management practices	2	3	
		Property has ineffective weed management practices	0		

**Total General Attributes Category Score: 10 out of possible 16**

## Agriculture Resources

<b>AR 1</b>	Percent of soils classified as Prime/Statewide Importance or Unique/ Locally Significant	Over 50%	4	4	~53% Soils of Importance including: Prime (2%) and Local (51%)  See <i>Soils of Agricultural Importance Map, Appendix A.3.</i>
		10 to 49%	2		
		0 to 9%	0		
<b>AR 2</b>	Percent of land that is irrigated or could potentially be irrigated	60 to 100%	4		33% of the property is currently irrigated. See project narrative and <i>Agricultural Land Use Map, Appendix A.4</i>
		20 to 59%	2	2	
		0 to 19%	0		
<b>AR 3</b>	Animal Units potential under Best Management Practices	More than 100	3	3	40 pair currently graze the property from May-September, for a total of 200 AUMs annually. See project narrative.
		25 to 100	2		
		Less than 25	0		
<b>AR 4</b>	Irrigation	Sprinkled by gravity or gas/ electric pump, or flood irrigated	4	3	Lower half of property is sprinkle and flood irrigated. Upper half is not irrigated at this time. See <i>Agricultural Land Use Map, Appendix A.4.</i>
		Sub-irrigated	2		
		No irrigation	0		
<b>AR 5</b>	Crop/hay/timber production potential under Best Management Practices	e.g. >3 tons hay/acre or >60 bushels of grain/acre 25,000 – 15,000 board feet/acre	4		See yield description in Project Narrative. For a breakdown of crop locations, see <i>Agricultural Land Use Map, Appendix A.4.</i>
		e.g. 1.5 – 3 tons hay/acre or 25 – 60 bushels of grain/acre 14,999 – 10,000 board feet/acre	2	2	
		e.g. <1.5 tons hay/acre or <25 bushels of grain/acre 9,999 –0 board feet/acre	0		

<b>AR 6</b>	<b>Integration of Best Management Practices</b>	BMPs are fully integrated into the farm/ranch management	3	3	See Project Narrative.
		BMPs are partially integrated into the farm/ranch management	2		
		No integration of BMPs in the farm/ranch management	0		

<b>AR 7</b>	<b>Proximity to other operating farms/ranches</b>	Surrounded by other farms/ranches	4		See project narrative.
		Contiguous to one or more farms/ranches	3	3	
		Within 1/4 mile of other farms/ranches	2		
		Within 1 mile of other farms/ranches	1		
		More than 1 mile to other farms/ranches	0		

<b>AR 8</b>	<b>Proximity to other farms/ranches protected by conservation easement</b>	Contiguous with other protected farms/ranches	4		See project narrative.
		Within 1/4 mile of other protected farms/ranches	3	3	
		Within 1/2 mile of other protected farms/ranches	2		
		Within 1 mile of other protected farms/ranches	1		
		More than 1 mile to other protected farms/ranches	0		

**Total Agricultural Resources Category Score: 23 out of possible 30**

**Natural Attributes**

<b>NA 1</b>	<b>Percent of soils classified as hydric or typically associated with wetland or riparian areas</b>	<b>More than 50%</b>	<b>3</b>		<b>There are no NRCS defined hydric soils on the ranch.</b>
		<b>10% to 50%</b>	<b>2</b>		
		<b>Less than 10%</b>	<b>0</b>	<b>0</b>	
<b>NA 2</b>	<b>Wildlife habitat</b>	<b>Property contains riparian areas, elk and mule deer winter range, special habitats, or provides linkage between such habitats.</b>	<b>4</b>	<b>4</b>	<b>See project narrative.</b>
		<b>Property contains riparian areas or habitat for common species such as waterfowl, coyotes, or whitetail deer</b>	<b>2</b>		
		<b>Property contains little or no habitat for native species</b>	<b>0</b>		
<b>NA 3</b>	<b>Wildlife</b>	<b>Property is occupied seasonally or year-round by elk and mule deer, or animal species of concern.</b>	<b>4</b>	<b>4</b>	<b>See project narrative</b>
		<b>Property is occupied by common species such as waterfowl, coyotes, or whitetail deer</b>	<b>2</b>		
		<b>Property is occupied by few or no wildlife</b>	<b>0</b>		
<b>NA 4</b>	<b>Protection of river/stream/creek quality</b>	<b>Property contains buffered native riparian systems</b>	<b>4</b>	<b>4</b>	<b>Property contains ¼ mile of North Burnt Fork Creek. Riparian enclosure fencing fully surrounds the creek, creating 10 acres of buffered riparian habitat. See project narrative and <i>Hydrologic Features Map, Appendix A.5.</i></b>
		<b>Property contains perennial streams or buffers to adjacent watercourses.</b>	<b>3</b>		
		<b>Property contains natural perennial streams or watercourses.</b>	<b>2</b>		
		<b>Property contains natural ephemeral streams or watercourses.</b>	<b>1</b>		
		<b>Property contains little or no natural streams or watercourses.</b>	<b>0</b>		

<b>NA 5</b>	<b>Protection of wetlands and open water quality (e.g. lake, pond, marsh)</b>	Property contains buffered native wetland or open water.	4		
		Property contains perennial wetlands or open water, or it buffers adjacent water sources.	3		
		Property contains natural perennial wetlands or open water sources.	2		
		Property contains natural seasonal wetlands or open water.	1		
		Property contains little or no natural wetlands or open water.	0	0	

<b>NA 6</b>	<b>Management that enhances or maintains habitat/wildlife/water if present</b>	Management that enhances habitat/wildlife/water	3	3	See project narrative for a complete description of management activities.
		Management that maintains habitat/wildlife/water	2		
		No or little habitat/wildlife/water or no management to maintain it	0		

<b>NA7</b>	<b>Proximity to important wildlife or fisheries habitat, natural areas, or Important Bird Areas</b>	Surrounded	4	4	See project narrative.
		Contiguous to one or more	3		
		Within a 1/4 mile	2		
		Within a 1/2 mile	1		
		Greater than a mile	0		

<b>NA 8</b>	<b>Proximity to other natural areas protected by conservation easements or to public lands</b>	Contiguous	4		500 acre Olmsted conservation easement is ¼ mile to the northwest. An additional 450 acres of Open Lands funded projects and 4,700 acres of non-OLBP funded easements are also within close proximity.
		Within a 1/4 mile	3	3	
		Within a 1/2 mile	2		
		Within a mile	1		
		Greater than a mile	0		

**Total Natural Attributes Category Score: 22 out of possible 30**

<b>Additional Community Benefits</b>				
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<b>CB 1</b>	<b>Scenic values</b>				
		The property can be viewed from a federal or state highway	3		Property is highly visible from Iron Cap and Middle Burnt Fork Road, as well as Iron Cap Drive and South Burnt Fork Road. See project narrative
		The property can be viewed from a county road	2	2	
		The property can only be viewed from a private road	0		

<b>CB 2</b>	<b>Public policy</b>				
		Management of the property consistently conforms with the intent and goals of federal, state, county and local land use regulations, plans and policies.	3	3	See project narrative.
		Management of the somewhat conforms with the intent and goals of federal, state, county and local land use regulations, plans and policies.	2		
		Management of the property in no way conforms with the intent and goals of federal, state, county and local land use regulations, plans and policies.	0		

<b>CB 3</b>	<b>Public access</b>				
		Establishes or maintains public access to trails, public lands, or hunting and/or fishing	3		No public access will be provided.
		Establishes or maintains public access to 2 of the 3: trails, public lands, or hunting and/or fishing	2		
		Establishes or maintains public access to 1 of the 3: trails, public lands, or hunting and/or fishing	1		
		Does not establish or maintain public access	0	0	

**Total Additional Community Benefits Category Score: 5 out of possible 9**

**Proposed Funding**

<b>PF 1</b>	<b>Landowner contribution</b>	>50% of the value	3	3	55% Landowner donation (\$465,985.00) See <i>Project Funding Worksheet, pg. 9.</i>
		21 to 50% of the value	2		
		1-20% of the value	1		
		no contribution	0		

<b>PF 2</b>	<b>Proposal partners</b>	>81% of the cost	3		Total anticipated partner contribution is 65% of the total CE purchase price. See <i>pg 9.</i>
		40 to 80% of the cost	2	2	
		20 to 39% of the cost	1		
		<20% of the cost	0		

<b>PF 3</b>	<b>Matching "neighborhood" conservation easements</b>	>100 acres contiguous to the proposed project	3		950 acres of Open Lands funded conservation easement land is located within 3 miles of the Lazy BF Ranch.
		>100 acres within ¼ mile of the proposed project	2		
		<100 acres and/or >1/2 mile from the proposed project	1		
		No matching easement	0	0	

**Total Proposed Funding Category Score: 5 out of possible 9**

**Special Attributes**

Describe any other unique or exceptional features of the property that should be considered as open land values. Up to 6 points may be awarded for special attributes.

**Total Special Attributes Category Score: 0 out of possible 6**

**Project Name: Lazy BF Ranch Conservation Easement**

**Total Score: 65**

## V. Project Scoring Narrative

### 1. General Attributes:

**GA1. Size of Property to be put in an Easement:** The Lazy Burnt Fork Ranch totals approximately 335 deeded acres, of which approximately 329 acres will be conserved under the terms of the conservation easement. The conservation easement will be comprised of four parcels ranging in size from 10 to 145 acres. All four of these parcels will be conserved under the terms of the easement as a single tract, without the ability to separately transfer individual parcels. The attached *Lazy BF Ranch Property Overview Map (Appendix A.2)* depicts the entire Ranch, including the six acre tract that will be excluded from the conservation easement.

**GA2. Water Rights:** Peckinpaugh's Lazy BF Ranch holds a variety of water rights, capable of meeting the demands of the agricultural operation. These rights include a groundwater irrigation right, an irrigation surface right to North Burnt Fork Creek, and a direct from source livestock watering right on North Burnt Fork Creek. *Appendix B.1* lists the various water rights appurtenant to the property and further includes the DNRC abstracts for each statement of claim. It is the intent of the landowner that all appurtenant water rights remain with the property. See *Water Rights Abstracts, Appendix B.1*.

**GA3. Percent of Land Reserved for Future Home Sites:** There are currently no residences on the conservation easement property (see *Lazy BF Ranch Property Overview Map, Appendix A.2*). The conservation easement will limit additional residential development to two total residences in pre-defined building envelopes, including one primary residence and a caretaker residence. The caretaker residence will have a modest footprint limit.

**GA4. Weed Management:** Steve has invested a significant amount of time and money into controlling and eradicating noxious weeds on his ranch. Prior to Steve's purchase of the Lazy BF Ranch, a sheep ranching operation severely impacted the ground, resulting in a significant amount of noxious weeds, a decline in ideal pasture conditions and numerous disturbed areas. Over the years, Steve has fought to rehabilitate the agricultural bottom ground, including significant investments in irrigation improvements (two wheel lines and a couple of hand lines), in an effort to give pasture grasses a competitive advantage. He has also implemented a fertilization program. In addition to these rehabilitation activities, Steve annually spot sprays for weeds in the pasture and hay meadow portions of the ranch. Last year, Steve decided to kill off all of the vegetation in one of the pastures and re-seed with pasture grasses, in an effort to address a serious noxious weed problem. He is also a committed applicant in a Noxious Weed Trust Fund grant for the Burnt Fork Neighborhood. If approved, the grant will provide two years of cost-shared funding for chemical weed treatments on the ranch.

### 2. Agricultural Resources:

**AR1. Percent of soils classified as Prime/Statewide Importance or Unique/ Locally Significant:** Peckinpaugh's Lazy BF Ranch contains approximately 177 acres (~53% of total easement acreage) of agriculturally significant soils. This includes approximately seven acres of Prime Farmland (2%) and 170 acres of Locally Significant Soil (51%). See *Soils of Agricultural Importance Map, Appendix A.3*.

**AR2. Percent of land that is irrigated or could potentially be irrigated:** Approximately 110 acres of agricultural land on the Lazy BF Ranch are currently irrigated (33% of the property), including

30 acres of sprinkle irrigation and 80 acres of flood irrigation. Non-irrigated land includes 210 acres of dry upland pasture, 10 acres of sub-irrigated riparian habitat and a one acre farmstead. See *Agricultural Land Use Map, Appendix A.4*; *Water Rights Documentation, Appendix B.1*; and *Hydrologic Features Map, Appendix A.5*.

**AR3. Animal Units potential under Best Management Practices:** Approximately 300 acres of the Lazy Burnt Fork Ranch are currently utilized for pasture (see *Agricultural Land Use Map, Appendix A.4*), including 90 acres of irrigated and fertilized pasture in the lower portion of the ranch and 210 acres of dry rangeland pasture on the hillside. An average of 40 cow-calf pair graze the 300 acres of pasture from May through September every year, rotating between irrigated pastures and the dry upper ground. Spread across the grazing season, this is 200 AUMs.

**AR4. Irrigation:** The lower 110 agricultural acres of the Lazy BF Ranch, including those areas in hay and pasture, are irrigated through at least July, and often deeper into the growing season depending on the availability of water. Roughly 30 of these acres are irrigated by wheel or hand line. The remaining 80 acres are irrigated by flood. Water rights for irrigation are sourced from Burnt Fork Creek (see *Water Rights Documentation, Appendix B.1*). For a visual depiction of the irrigation methods and infrastructure, see *Agricultural Land Use Map, Appendix A.4* and *Hydrologic Features Map, Appendix A.5*.

**AR5. Crop/hay/timber production potential under Best Management Practices:** At this time, the Lazy BF Ranch utilizes just under 20 acres (6% of the property) for hay production. The hay meadow is in the process of rehabilitation and has not yet reached its full production potential. It typically receives one cutting per year. Once fully rehabilitated, sprinkle irrigated and fertilized, the hay meadow is likely to produce at least 1.5 tons/acre.

In addition to the hay meadow, Steve is also considering converting the upper benchtop portion of the ranch (roughly 80 acres) to dryland wheat. The adjacent Mielke property, leased by Lance Brown, underwent a similar conversion last year. Lance report a first year yield of 12 bushels/acre, but expects to reach a maximum yield of 35 bushels/acre in the coming years. Given the immediate proximity of Lance's dryland wheat field, it is safe to assume that similar yields are likely on the benchtop of the Lazy BF Ranch.

The Lazy BF Ranch has undergone a significant amount of restoration work over the past decade. The next major rehab projects are the cultivated portions of the ranch, as discussed above. Steve plans to use a portion of the conservation easement proceeds to improve both the hay production potential and convert a portion of the hilltop to dryland wheat. Once these crops are in and producing at expected levels, they will fall within the middle scoring criteria for this category.

**AR6. Integration of Best Management Practices:** Prior to 2001, the property was intensively operated as a sheep ranch, resulting in severely overgrazed pasture conditions, significant noxious weed infestations and impacted riparian habitat. Despite the dilapidated condition of the ranch, Steve recognized its agricultural potential and important wildlife resources. In order to rehabilitate the property, Steve invested a considerable amount of time, money and effort into irrigation improvements (including the installation of two wheel lines), fertilization, aggressive weed abatement and fencing. In 2004, a riparian enclosure fence was installed, limiting cattle access to the stream for most of the year. The enclosure creates a 10 acre buffer around North Burnt Fork Creek, which helps maintain and enhance the property's aquatic and riparian habitat.

**AR7 Proximity to other operating farms/ranches:** The Lazy BF Ranch is situated in the upper Burnt Fork drainage, within close proximity of several working farms and ranches. The ranch is immediately adjacent to the Woolsey (Mielke) and Farrel properties. It is also within one mile of the Olmsted, Clagget, Wallace, Creech and Kink properties. The aerial imagery used for many of the maps included in this application depicts the agricultural character of the area.

**AR8. Proximity to other farms/ranches protected by conservation easement:** The Peckinpaugh Property is located near several conservation easements, including 950 acres of conservation easements funded by the Open Lands Program. Also within one mile of the property are over 4,700 acres of additional conservation easement properties. Conservation easements within three miles of the ranch include the 500-acre Olmstead Conservation Easement (¼ mile northwest), the 4,200-acre Burnt Fork Ranch Conservation Easement (Creech), the 354-acre Severson's Flying E Ranch Conservation Easement and the 365-acre Sunset Bench Conservation Easement. In early 2014, the Laursen Conservation Easement (244 acres) is expected to close. It is located within 1.5 miles of the Peckinpaugh project. (see *Burnt Fork Neighborhood Map, Appendix A.6*)

### 3. **Natural Attributes:**

**NA1. Percent of soils classified as hydric or typically associated with wetland or riparian areas:** According to NRCS SSURGO soils data, the Lazy BF Ranch does not possess hydric soils. North Burnt Fork Creek winds its way through the property for over ¾ mile. The adjacent riparian and wetland areas likely contain hydric soils, though probably not enough to warrant a score in this category.

**NA2. Wildlife habitat:** The Lazy BF Ranch possesses a diversity of valuable wildlife habitat, including ¾ mile of North Burnt Fork Creek, buffered riparian areas, natural and managed grasslands, pockets of mixed timber and mature sagebrush rangeland. The property is wholly within FWP-defined elk and mule deer winter range. This mix of habitat supports a variety of wildlife species, which are discussed in further detail in NA3 below. In addition to the varied habitat found on the ranch itself, the property is situated in the heart of the Burnt Fork drainage, which is characterized by open grasslands and multiple riparian stream corridors that connect the Bitterroot National Forest to the east to the Lee Metcalf Wildlife Refuge to the west.

**NA3. Wildlife:** The diversity of habitat found on the Lazy BF Ranch supports a broad range of wildlife species. The irrigated bottom ground and native sagebrush rangeland provide important winter range for elk and mule deer. The mix of dry, relatively natural rangeland and irrigated, managed grasslands, are important habitat for winter raptors including eagles, red-tailed hawk, kestrels and falcons. The riparian area bordering North Burnt Fork Creek is utilized for cover by a variety of birds and other wildlife, including pileated woodpeckers, sandhill cranes and a variety of songbirds. White tailed deer are the most common browse species spotted on the pastures and fields, though elk and mule deer also utilize the property on a regular basis. The elk herd in this neighborhood often tops 80 head. Other species making regular use of the property include mountain lion, black bear, coyote and fox.

**NA4. Protection of river/stream/creek quality:** The Lazy BF Ranch includes ¾ mile of North Burnt Fork Creek. In 2004, the entire stream reach was fenced off, providing over 10 acres of buffered riparian habitat. See *Hydrologic Features Map, Appendix A.5*.

**NA5. Protection of wetlands and open water quality (e.g. lake, pond, marsh):** No ponds, lakes or substantial wetlands exist on the property.

**NA6. Management that enhances or maintains habitat/wildlife/water if present:** The Lazy BF Ranch is managed in a wildlife friendly manner. Since acquiring the property in 2001, Steve has maintained and/or improved the property's diverse wildlife habitat, including improvements to irrigation and a fertilization program that enhances the quality of the managed pastures and hay meadow. In an effort to restore the degraded riparian area adjacent to North Burnt Fork Creek, Steve installed exclosure fencing around 10 acres of habitat. In addition to these management activities, Steve is also considering additional riparian improvements and other possible habitat enhancement projects.

**NA7. Proximity to important wildlife or fisheries habitat, natural areas, or Important Bird Areas:** The Lazy BF Ranch is located in the heart of the Burnt Fork drainage, an important area for elk, mule deer, trout, raptors and other birds. The entire property is FWP-defined winter range for elk and mule deer. North Burnt Fork Creek flows through the property for over ¼ of a mile, providing healthy aquatic and riparian habitat. The Bitterroot River Subbasin Plan for Fish and Wildlife Conservation identifies North Burnt Fork Creek as a high value tributary of the Bitterroot River. Montana Fish, Wildlife and Parks (FWP) also identifies North Burnt Fork Creek as an "Outstanding Fishery Resource" and a "Bull Trout Core Area" due to the high quality aquatic habitat provided by the stream. FWP population surveys found multiple species of trout in the middle reach of North Burnt Fork Creek, including brook (abundant), brown (common), bull (rare) and westslope cutthroat (rare but genetically pure) trout.

**NA8. Proximity to other natural areas protected by conservation easements or to public lands:** The Lazy BF Ranch is located within one-quarter mile of the 500-acre Olmsted conservation easement. Other conservation easements in close proximity include the 4,200-acre Burnt Fork Ranch Conservation Easement (aka Creech; ¼ miles east), the 354-acre Severson's Flying E Ranch Conservation Easement (2 miles west), and the 365-acre Sunset Bench Conservation Easement (2.5 miles southwest). The 244 acre Laursen Conservation Easement, scheduled to close in February 2014, is located approximately 1.5 miles west. The *Burnt Fork Neighborhood Map (Appendix A.6)* depicts the location of these conservation properties.

#### **4. Additional Community Benefits:**

**CB1. Scenic Values:** The Lazy BF Ranch is highly visible to anyone passing through the middle Burnt Fork drainage. Located approximately five miles from Stevensville, along a major corridor for recreational tourists, the ranch provides a significant portion of the upper Burnt Fork drainage's stunning backdrop. Middle Burnt Fork Road passes along or near the southern edge of the ranch for nearly one mile, providing breathtaking views of the Sapphire and Bitterroot Ranges in the distance, with lush riparian areas, native sagebrush range and productive agricultural land in the foreground. The property is also visible from South Burnt Fork Road, Iron Cap Road and numerous roads on Sunset Bench.

**CB2. Public Policy:** The Lazy BF Ranch consists of highly productive working agricultural ranch land. Protection of this important asset is consistent with both local and statewide policies.

The Board of County Commissioners (Board) of Ravalli County recognized the importance of working farms and ranches in Ravalli County when, on July 25, 2006, it passed and adopted Resolution No. 1946 stating, in part, "working farms and ranches in Ravalli County are a valuable resource worth protecting, helping the valley by managing growth, preserving open lands,

protecting water quality and its sources, maintaining wildlife habitat, all while promoting the rural flavor, pristine views, and lifestyles residents enjoy.” Further, on December 5, 2007, the Board adopted Resolution No. 2256 establishing the Ravalli County Open Lands Bond. Specifically, Resolution No. 2256 identifies the goals of the Ravalli County Open Lands Bond Program as “manag(ing) growth; preserv(ing) open lands, including working farms and ranches (and) . . . maintain(ing) wildlife habitat.” Conserving the Lazy BF Ranch directly reflects these stated goals.

The Montana Legislature has also articulated the importance of conserving critical open space lands, like the Lazy BF Ranch, in the express policies of the Montana Open Space Statutes. Specifically, Montana Code Annotated § 76-6-102 (included in this Application as *Appendix B-2*) states: “The legislature finds that: (e) to lessen congestion and to preserve natural, ecological, geographical, and geological elements, the provision and preservation of open-space lands are necessary to secure park, recreational, historic, and scenic areas and to conserve the land, its biotic communities, its natural resources, and its geographical elements in their natural state.”

Protection of the Lazy BF Ranch supports the articulated goals of both state and local public policy.

**CB3. Public access:** This project does not anticipate public access.

**5. Proposed Funding:**

**PF1 and PF2:** *See Funding Worksheet, p. 9.*

**PF3. Matching neighborhood easements:** This conservation easement project is not officially paired with a matching neighborhood easement, though it is a continuation of the building conservation momentum in the Burnt Fork neighborhood. To date, three Open Lands Bond funded conservation easement have been completed in the Burnt Fork, protecting over 950 acres of high value agricultural resources, wildlife habitat and scenic open space. For more information, see the *Burnt Fork Neighborhood Map, Appendix A.6.*

## **VI. Existing Encumbrances**

BRLT obtained a draft Commitment for Title Insurance from First American Title on January 16, 2014. The title report identified several encumbrances on the Lazy BF Ranch, none of which threaten the conservation values protected by the conservation easement. There are a small number of standard right-of-way easements for utilities and a county road, all of which have little impact on the conservation values. The only issue of concern is a mortgage on the property, which will be satisfied or subordinated prior to closing. A full summary of all of the listed exceptions will be provided to the County Planning Department and County Attorney's Office as a part of the Phase 5 documentation.

## **VII. Mineral Rights**

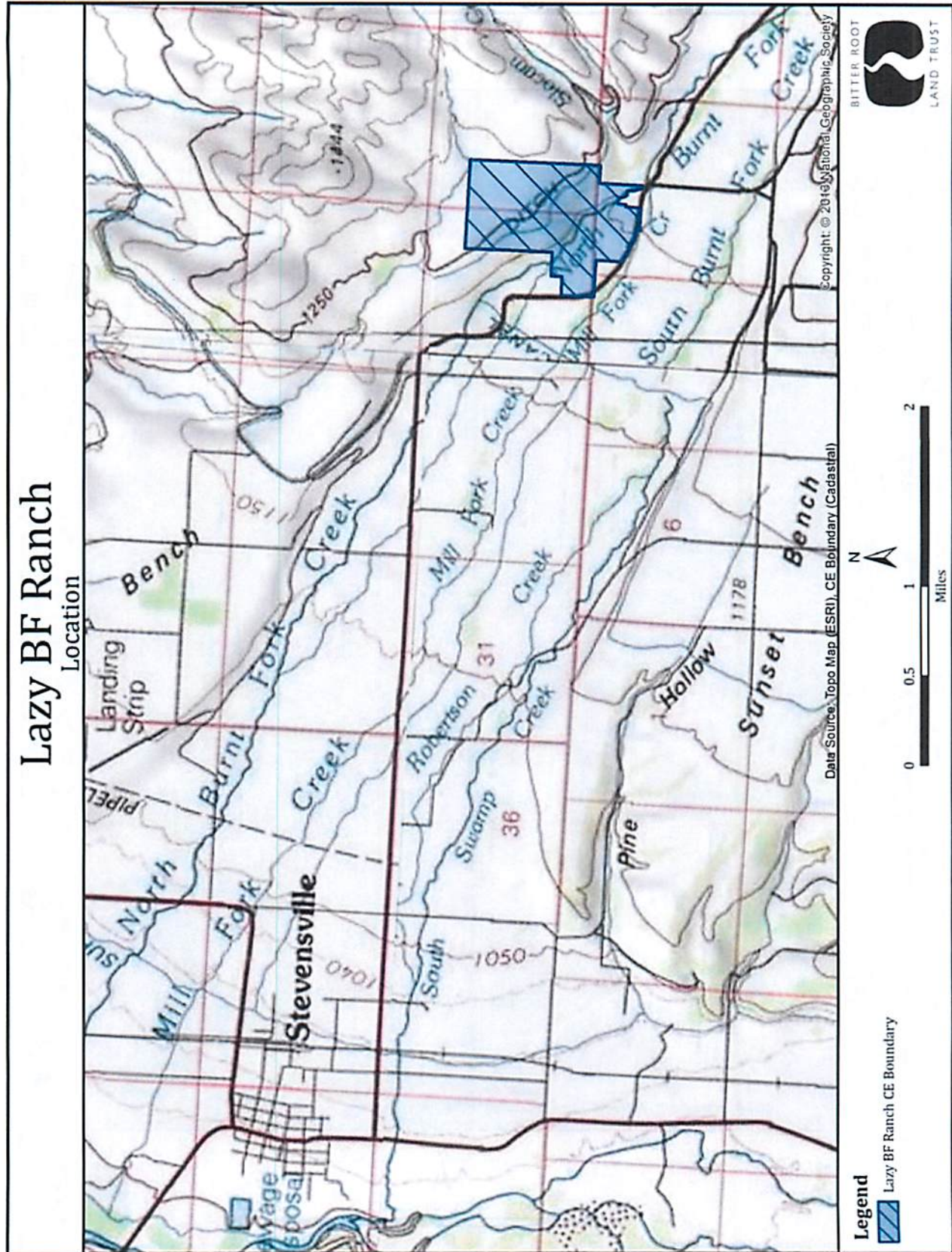
BRLT obtained a Mineral Guarantee from First American Title on January 16, 2014. The Mineral Report found no evidence of mineral reservations or other conveyances on the Peckinpaugh property. A copy of the Mineral Guarantee will be provided to the County Planning Department and County Attorney's Office as a part of the Phase 5 documentation.

# Appendix A

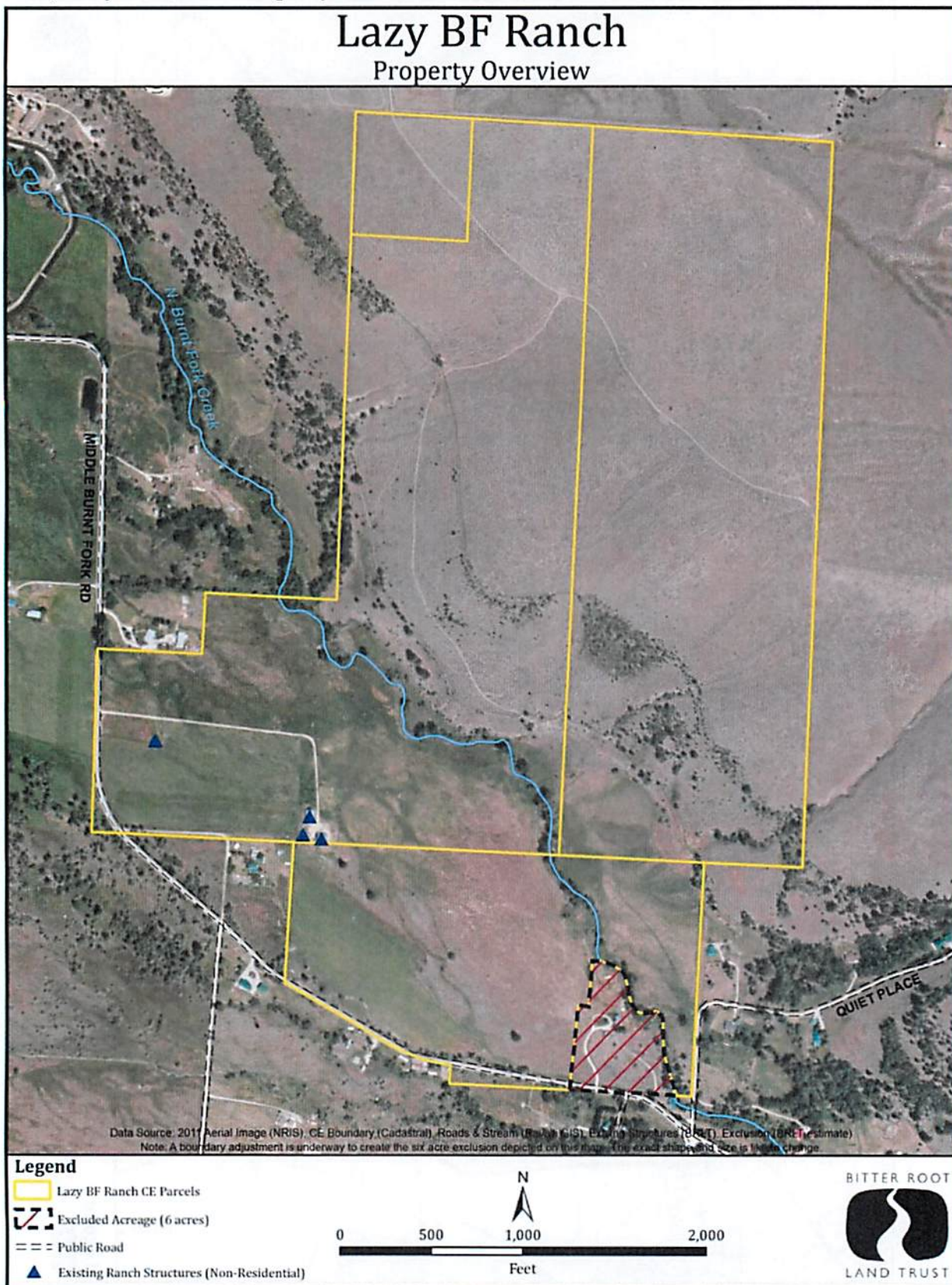
## Lazy Burnt Fork Ranch

### Property Maps

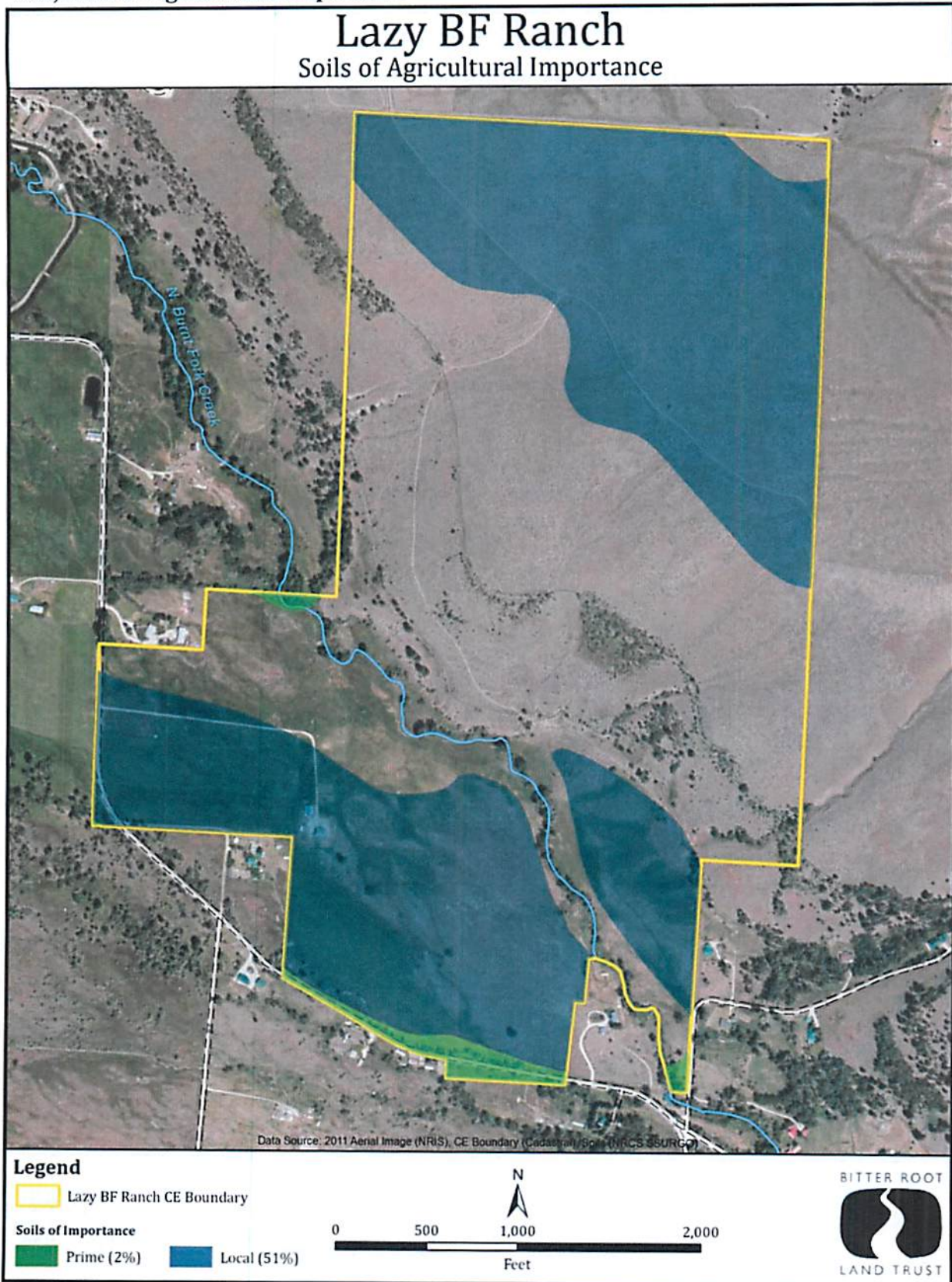
# A.1, Lazy BF Ranch Property Location



A.2, Lazy BF Ranch Property Overview



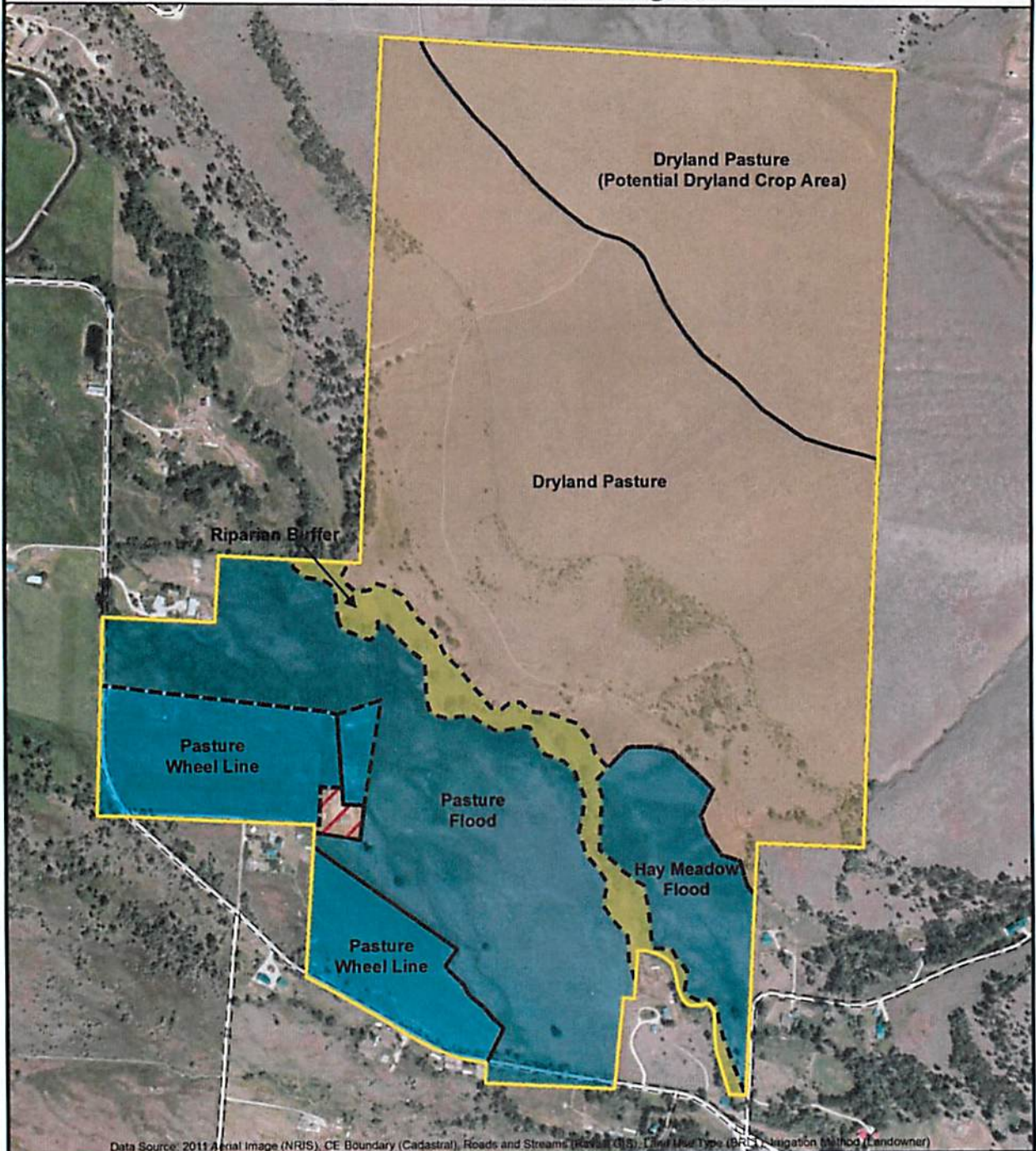
### A.3, Soils of Agricultural Importance



A.4, Agricultural Land Use

# Lazy BF Ranch

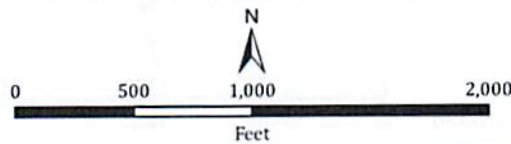
## Agricultural Land Use & Irrigation



Data Source: 2011 Aerial Image (NRIS), CE Boundary (Cadastral), Roads and Streams (vector GIS), Land Use Type (BRS), Irrigation Method (Landowner)

**Legend**

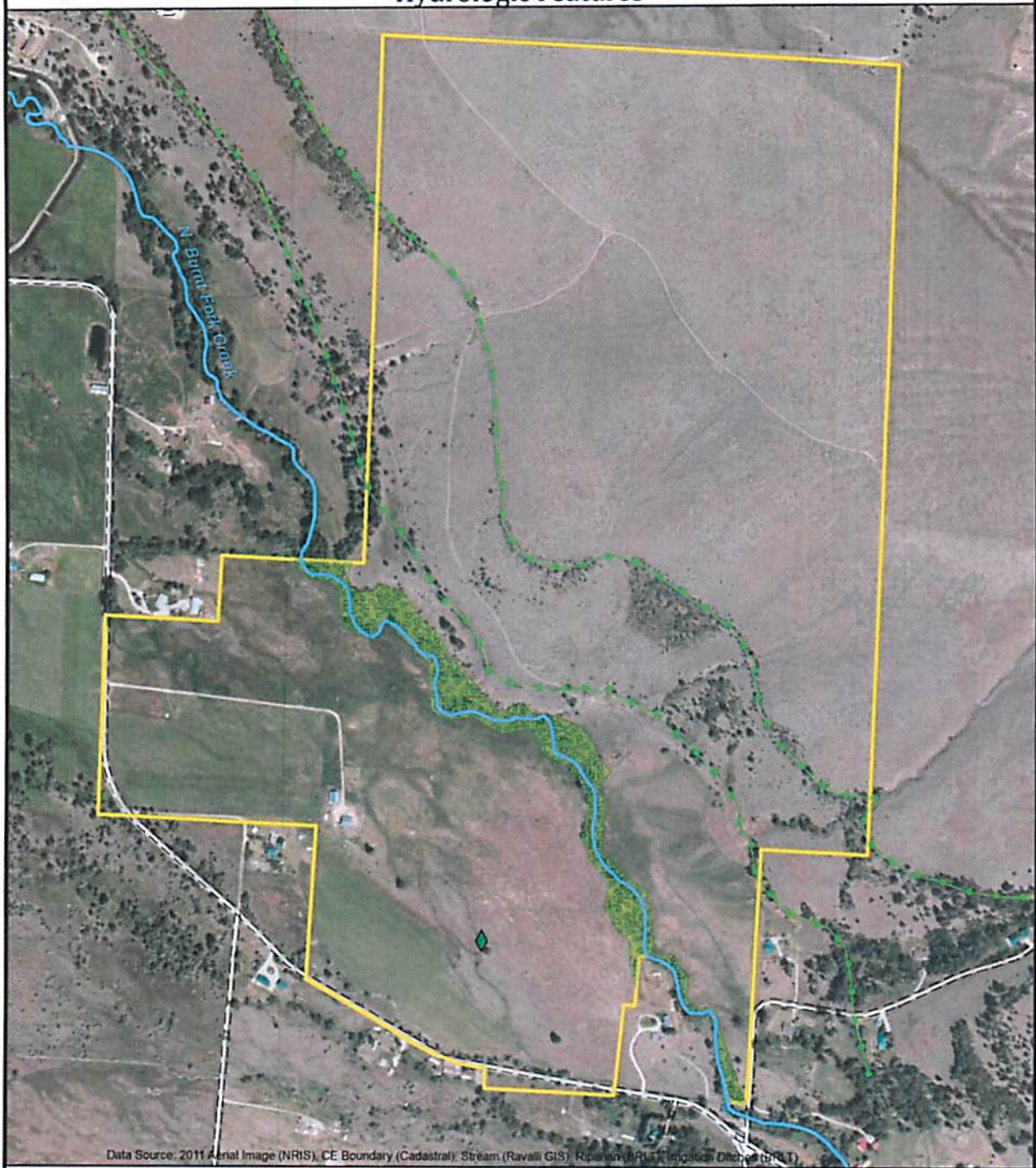
- Lazy BF Ranch CE Boundary
- Land Use Type
- Existing Ag Building Area (1 acre)
- Public Road



### A.5, Hydrologic Features

# Lazy BF Ranch

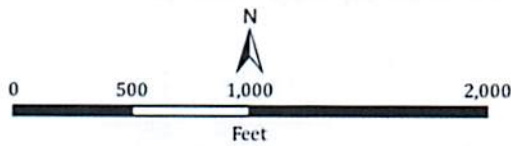
## Hydrologic Features



Data Source: 2011 Aerial Image (NRIS), CE Boundary (Cadastral), Stream (Ravalli GIS), Riparian (APL), Irrigation Ditches (BRT)

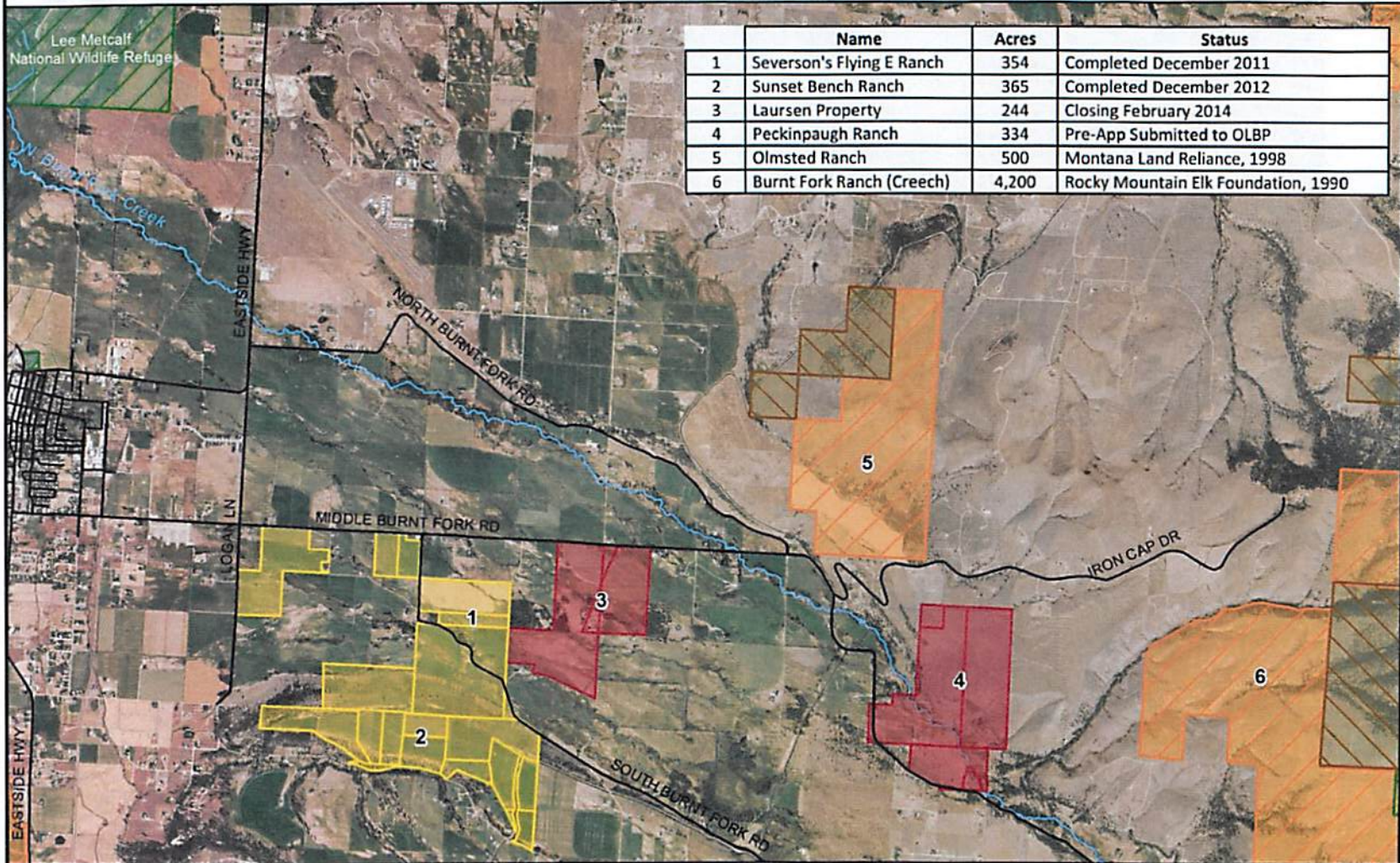
#### Legend

- Lazy BF Ranch CE Boundary
- Buffered Riparian Habitat
- Irrigation Ditch
- Irrigation Pump



# Burnt Fork Neighborhood

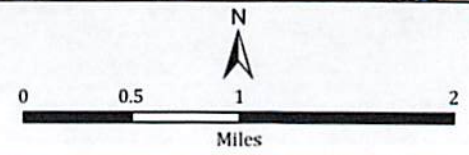
## Existing Conservation Lands



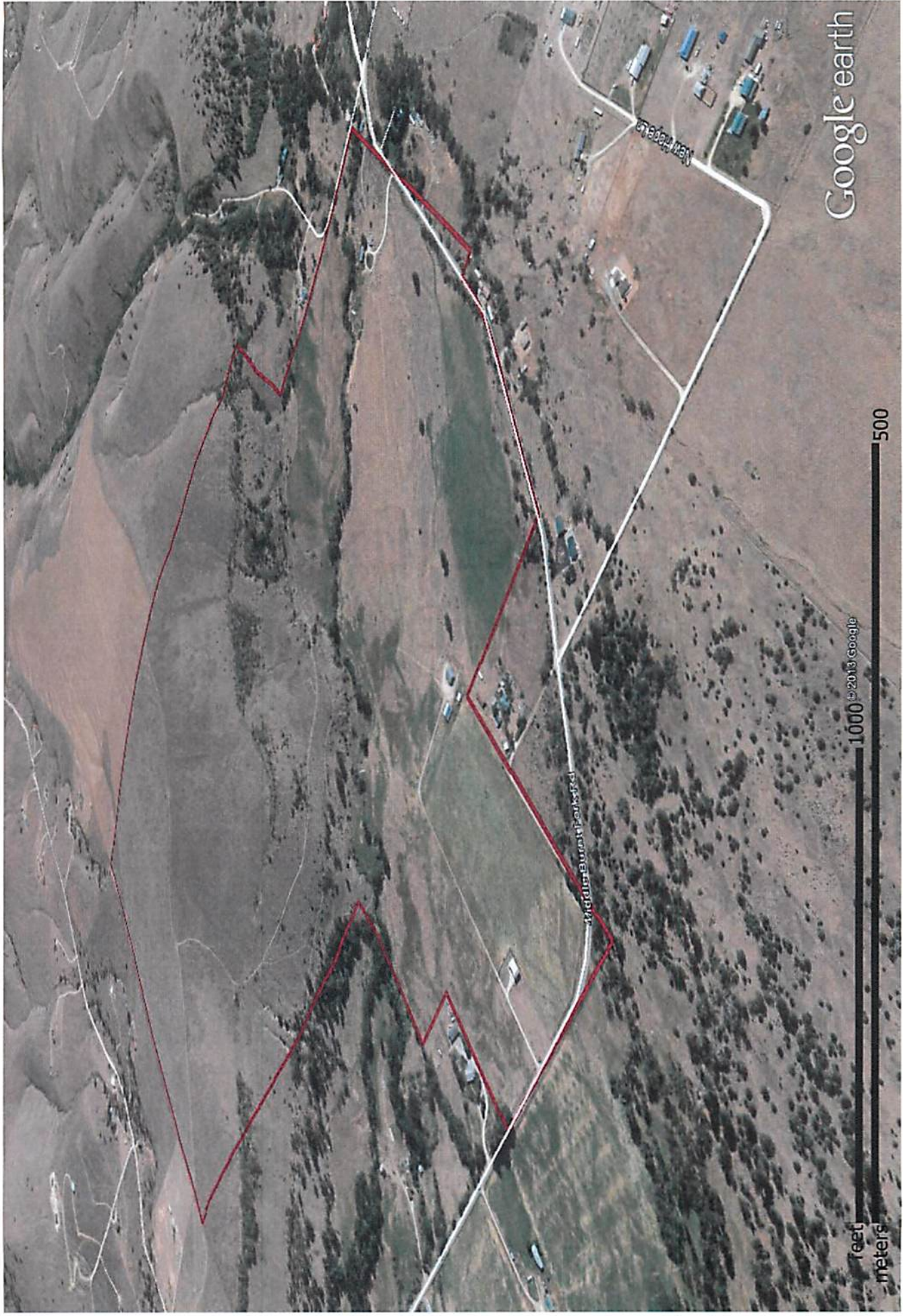
	Name	Acres	Status
1	Severson's Flying E Ranch	354	Completed December 2011
2	Sunset Bench Ranch	365	Completed December 2012
3	Laursen Property	244	Closing February 2014
4	Peckinpaugh Ranch	334	Pre-App Submitted to OLBP
5	Olmsted Ranch	500	Montana Land Reliance, 1998
6	Burnt Fork Ranch (Crech)	4,200	Rocky Mountain Elk Foundation, 1990

### Legend

- Completed OLBP Conservation Easements
- Pending OLBP Conservation Easements
- Other Existing Conservation Easements
- State Owned Lands
- Federally Owned Lands



A.7, Lazy BF Ranch Scenic Viewshed



# Appendix B

## Supporting Documents

**Other supporting documentation:**

- B.1 Water Rights**
- B.2 MCA 76-6-102**

# B.1

## Water Rights

## GENERAL ABSTRACT

**Water Right Number:** 76H 349 00 PROVISIONAL PERMIT  
**Version:** -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** STEPHEN D PECKINPAUGH  
PO BOX 305  
STEVENSVILLE, MT 59870

**Priority Date:** September 14, 1973 at 10:30 AM  
**Enforceable Priority Date:** September 14, 1973 at 10:30 AM

**Purpose (use):** IRRIGATION

**Maximum Flow Rate:** .4 CFS

**Maximum Volume:** 63.00 AC-FT

**Maximum Acres:** 25.00

**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Points 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		SWSE	33	9N	19W	RAVALLI
<b>Period of Diversion:</b>	APRIL 1 to OCTOBER 15					
<b>Diversion Means:</b>	WELL					
<b>Pump Size:</b>	7.5					

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER  
**Volume:**  
**Period of Use:** APRIL 1 TO OCTOBER 15

**Place of Use: (2 total records)**

<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	23.00		SE	33	9N	19W	RAVALLI
2	2.00		NW	4	8N	19W	RAVALLI
<b>Total:</b>	25.00						

**Geocodes/Valid:** 13166704101020000 - Y 13176533101220000 - Y

**Remarks:**

**OWNERSHIP UPDATE RECEIVED**  
OWNERSHIP UPDATE TYPE 608 # 20469 RECEIVED April 11, 2005

## GENERAL ABSTRACT

**Water Right Number:** 76H 116723 00 STATEMENT OF CLAIM  
**Version:** – ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** STEPHEN D PECKINPAUGH  
PO BOX 305  
STEVENSVILLE, MT 59870

**Priority Date:** April 1, 1872  
**Enforceable Priority Date:** April 1, 1872

**Type of Historical Right:** DECREE

**Purpose (use):** STOCK

**Maximum Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

**Maximum Volume:** THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** NORTH BURNT FORK CREEK  
**Source Type:** SURFACE WATER

**Points 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		NESWSE	33	9N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
3		SESESE	33	9N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
5		NENENW	4	8N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
6		SENENW	4	8N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
4		NWNENW	4	8N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
2		NWSESE	33	9N	19W	RAVALLI
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Purpose (use):** STOCK

**Place of Use:** (6 total records)

<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			NWNENW	4	8N	19W	RAVALLI
2			NESWSE	33	9N	19W	RAVALLI
3			NWSESE	33	9N	19W	RAVALLI

4	SESESE	33	9N	19W	RAVALLI
5	NENENW	4	8N	19W	RAVALLI
6	SENENW	4	8N	19W	RAVALLI

**Geocodes/Valid:**

---

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

116724-00    116723-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 20469 RECEIVED April 11, 2005

## GENERAL ABSTRACT

**Water Right Number:** 76H 116724 00 STATEMENT OF CLAIM  
**Version:** -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** STEPHEN D PECKINPAUGH  
PO BOX 305  
STEVENSVILLE, MT 59870

**Priority Date:** April 1, 1872  
**Enforceable Priority Date:** April 1, 1872

**Type of Historical Right:** DECREE

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 2.38 CFS

**Maximum Acres:** 103.00

**Source Name:** NORTH BURNT FORK CREEK  
**Source Type:** SURFACE WATER

**Points 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		SESENE	4	8N	19W	RAVALLI
<b>Period of Diversion:</b> APRIL 15 to OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
2		SESWNE	4	8N	19W	RAVALLI
<b>Period of Diversion:</b> APRIL 15 to OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						

**Period of Use:** APRIL 15 TO OCTOBER 15

**Purpose (use):** IRRIGATION

**Place of Use:** (4 total records)

<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	20.00		NWNW	4	8N	19W	RAVALLI
2	24.00		NENW	4	8N	19W	RAVALLI
3	7.00		SWSW	34	9N	19W	RAVALLI
4	52.00		S2SE	33	9N	19W	RAVALLI
<b>Total:</b>	<b>103.00</b>						

**Geocodes/Valid:** 13166704101020000 - Y 13176534101090000 - Y 13176533101220000 - Y

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

116724-00 116723-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 05/18/2005: PLACE OF USE AND MAXIMUM ACRES.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE. , . .

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 20469 RECEIVED April 11, 2005

# Appendix B.2

## MCA 76-6-102

## Montana Code Annotated - 2007

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**76-6-102. Intent, findings, and policy.** (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Open-Space Land and Voluntary Conservation Easement Act. It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

(2) The legislature finds that:

- (a) the rapid growth and spread of urban development are creating critical problems of service and finance for the state and local governments;
- (b) the present and future rapid population growth in urban areas is creating severe problems of urban and suburban living;
- (c) this population spread and its attendant development are disrupting and altering the remaining natural areas, biotic communities, and geological and geographical formations and thereby providing the potential for the destruction of scientific, educational, aesthetic, and ecological values;
- (d) the present and future rapid population spread throughout the state of Montana into its open spaces is creating serious problems of lack of open space and overcrowding of the land;
- (e) to lessen congestion and to preserve natural, ecological, geographical, and geological elements, the provision and preservation of open-space lands are necessary to secure park, recreational, historic, and scenic areas and to conserve the land, its biotic communities, its natural resources, and its geological and geographical elements in their natural state;
- (f) the acquisition or designation of interests and rights in real property by certain qualifying private organizations and by public bodies to provide or preserve open-space land is essential to the solution of these problems, the accomplishment of these purposes, and the health and welfare of the citizens of the state;
- (g) the exercise of authority to acquire or designate interests and rights in real property to provide or preserve open-space land and the expenditure of public funds for these purposes would be for a public purpose; and
- (h) the statutory provision enabling certain qualifying private organizations to acquire interests and rights in real property to provide or preserve open-space land is in the public interest.

**History:** En. Sec. 2, Ch. 337, L. 1969; amd. Sec. 2, Ch. 489, L. 1975; R.C.M. 1947, 62-602(par); amd. Sec. 25, Ch. 361, L. 2003.

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