

**Walker, Jerry**

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**From:** Schenk, Bill  
**Sent:** Tuesday, March 25, 2008 11:43 AM  
**To:** Walker, Jerry; Flowers, Pat; Rich, Bruce; Lane, Bob  
**Cc:** Zackheim, Hugh; Greason, Tom; Jakes Dockter, Rebecca  
**Subject:** RE: madison easement

Jerry,

Sorry it has taken me a while to get back to you on these other issues. The fact is though, I've been very busy here. But, I brought this up at our legal staff meeting this morning, and Becky Jakes-Dockter said she has time to look at it. So I have included her on this e-mail and will let the two of you discuss the matter. I wish I had time to help, but I probably couldn't get to it for a few weeks.

Thanks  
Bill

-----Original Message-----

**From:** Walker, Jerry  
**Sent:** Thursday, March 20, 2008 3:32 PM  
**To:** Schenk, Bill; Flowers, Pat; Rich, Bruce; Lane, Bob  
**Cc:** Zackheim, Hugh; Greason, Tom  
**Subject:** RE: madison easement

Bill:

This looks good to me. Please proceed.

On another note. Region Three has two other easement situations at Fishing Access Sites that are troubling us. The first is a road easement, held by FWP, across private property (Dianne & Rich Stafford) leading into the Gallatin Forks FAS outside of Manhattan, MT. Over the years I have had other FWP Legal Staff review the easement language and all have conceded that it is poorly written. The contentious issue is over maintenance of the road that crosses their property. A few years ago I agreed to seek her permission before we do anything regarding road maintenance, whether it be by our crew or by a contractor. Recently she rejected an offer by a neighbor to blade the road, which we endorsed. A few years ago she ran off the son of a contractor we had hired to perform road work. She has become very dictatorial about who does what and when. This issue is complicated by other folks accessing private property down this road and across FWP property that do not have easements to do so. The Lands Section tried working with these easement-less folks a few years ago but the folks (the Steele family) have ignored their lack of an easement and continue to use this road to access their property. They have recently subdivided for family members and the traffic is increasing. I would like to be able to take care of the road at our discretion without her interference. Any advise or intervention would be appreciated.

The other situation takes place at the Cherry River FAS, on the outskirts of Bozeman. Shortly after we acquired this property we granted a sewer line easement across FWP property to service the nearby golf course. The golf course, in turn gave FWP a 1 acre easement along the East Gallatin River on property they owned and immediately adjacent to our existing Cherry River parcel. That property has subsequently sold at least twice and the current owner (Gianforte's) has fenced the easement and actively excluded the public from accessing this property. I think it is time they receive a letter from FWP reminding them that this is a public easement. Again, please advise.

Both of these easements should be available in Lands' files, but if it would be more convenient, I can make copies and send to you. Please let me know if you have time to take on either of these easement related issues. I think Cherry River might be the easier of the two, but that might be my naiveté talking.

Thanks.

Jerry

-----Original Message-----

**From:** Schenk, Bill  
**Sent:** Thursday, March 20, 2008 2:37 PM  
**To:** Flowers, Pat; Walker, Jerry; Rich, Bruce; Lane, Bob  
**Subject:** madison easement