

# The Maiden Road Study Committee



Judith Mountains | Fergus County, Montana USA

production graphics



[www.warmspringcreek.com](http://www.warmspringcreek.com)

© 2010 Maiden Road Study Committee

During the fall of 2008, a study Committee was formed under the auspices of the Fergus County Community Council. The purpose of this study was to gather public opinion, factual statistics and historical data of the Maiden Road. This report will provide Fergus County's citizens, the Fergus County Community Council, and the local governing body with a foundational examination of the Maiden Road.

# The Maiden Road Study Committee

Jerry D. Hanley • Chairman

Becky Shepard

Jo Shipman

Keith Bruski

production graphics

[www.warmspringcreek.com](http://www.warmspringcreek.com)

Local  
Photographic Images  
Lewistown Public Library  
and the  
William H. Culver  
Collection



Additional Photographic  
Images Courtesy

Marjorie King Estate

The Insurance Institute

The Montana Film Office

The Warm Spring Creek Publisher

The 694th Radar Squadron Website

The Hanley Family Private Collection

# The Early Travelers

1860 | 1915



## 1860-1915 Early Travelers

Historical

From the earliest aberrant Indian natives, then toward the government reconnaissance surveys and finally ending with the early pioneers of the territory, numerous trails, roads and freight routes were located within the Judith Mountains. The mining industry, with its associated capital expenditures within the **Warm Spring Mining District**, brought people, supplies and enhanced local commerce to Maiden and nearby villages on a seasonal, thence daily basis.

### Maiden

---

circa 1881

William H. Culver circa.(1883)



## 1860-1915 Early Travelers

Historical

The town of Maiden is nestled below the flanks of Gold Hill, Sheep Mountain, Maiden and Pekay Peaks in the Judith Mountains. The Maiden Road has been in near continuous use since the days of the building of Fort Maginnis, Montana Territory (1880).

Cultural antiquities of the area suggest Indians used this trail as a means of passage between the eastern and western flanks of the Judith Mountains.

## Maiden

---

circa 1881



William H. Culver circa.(1881)

## 1860-1915 Early Travelers

Historical

The small mining and lumbering camps in the Judith Mountains provided a rich diversity of culture. The miners, the merchants, the cattlemen, the freighters, the doctors and the lawyers, and those who settled these small towns, laid the future groundwork for the Maiden Road.

### Maiden

---

circa 1883



William H. Culver circa. (1883)

## 1860-1915 Early Travelers

Historical

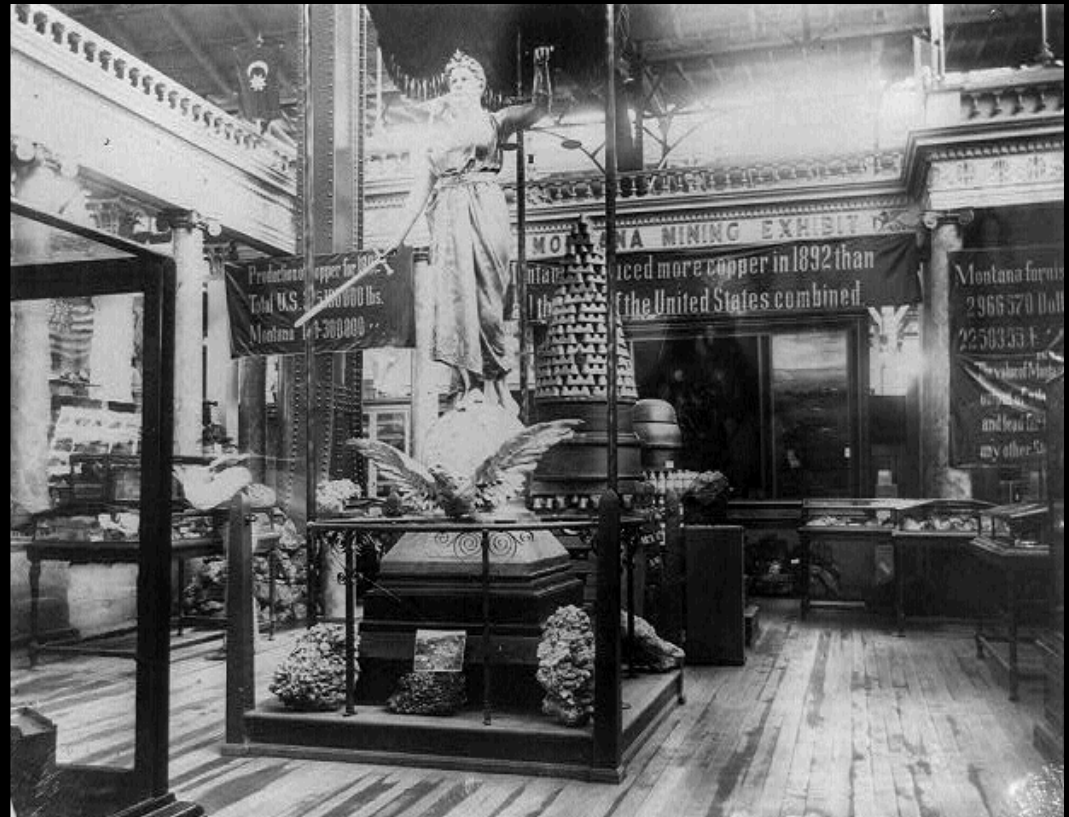
During the late 1800's, the **Spotted Horse Mine** and the **Maginnis Mining Company** provided the town of Maiden with the wherewith all to sustain its brief history as a local center of commerce . Under the management of Parry McAdow and the financing of the Helena National Bank, the Spotted Horse Mine provided the gold that was used in the base of the **Justice Statue**.

## 1893 Chicago Worlds Fair “Justice”

Gold plinth from the  
**Spotted Horse Mine**

Warm Spring Mining District, M.T.

World's Fair Portfolio of Photographs  
circa. (1893)



# The Community Development Era

1915 | 1960

## 1915-1960 Community Development

## Historical

Early developing towns and pre-modern community building expansions had cause to improve and redefine their major and minor transportation routes. Small communities that weathered and survived the early years, continued in their quest for an efficient and safe “goods to market” strategy.

Maiden’s population was nearly 1500 citizens during the boom years of the late 1880’s.

After the turn of the century, Maiden suffered a devastating fire. Most store owners found little reason to continue in their once prosperous and comfortable affairs after this destructive setback.



## 1915-1960 Community Development

## Historical

Nearly all of Maidens buildings have slowly faded from their original sites ...the following animation shows of this departure from those early years.

**William H. Culver**, an early Maiden resident and local photographer displays the ghost like panoramic view of Maiden and its near eventual disappearance, taken from a photo in 1887 and then one taken almost 50 years later.

# Maiden

---

circa 1887-1937

William H. Culver circa.(1937)

# The Modern Era

1960 | 2009

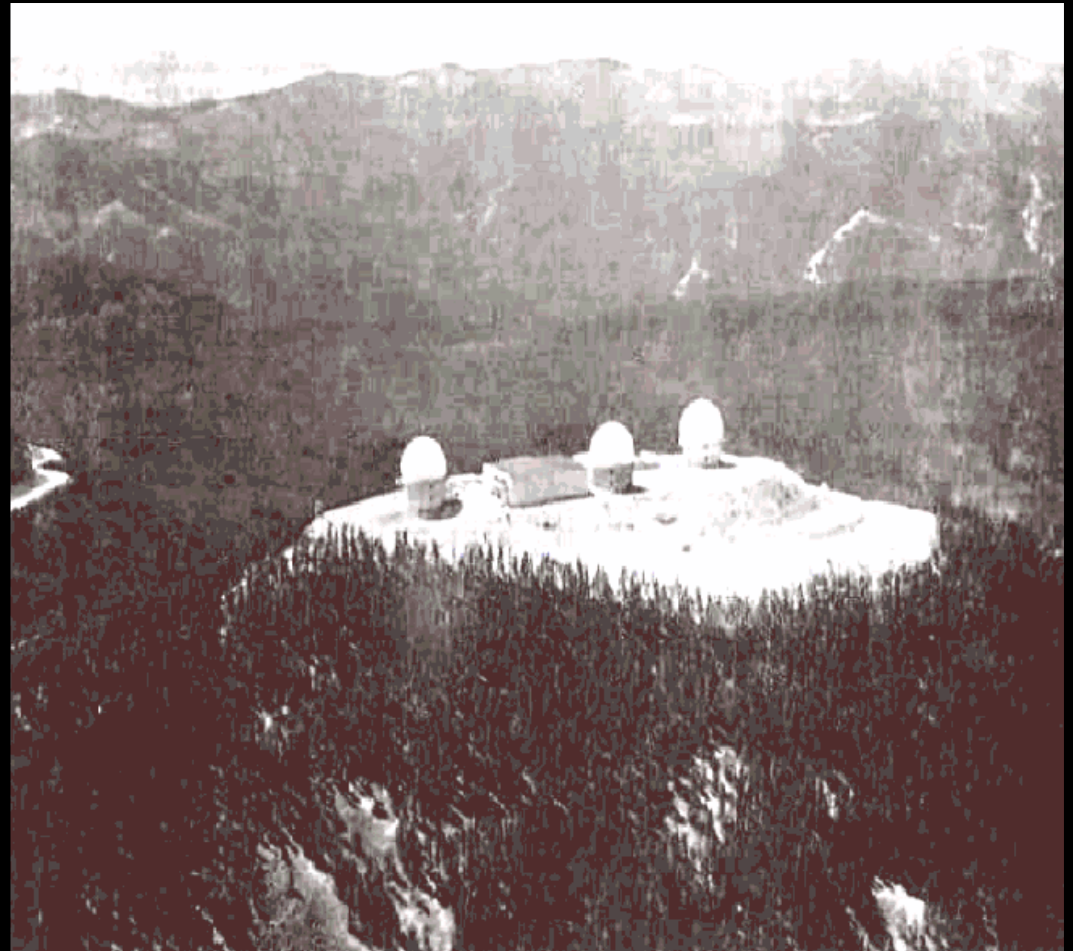


## 1960-2009 The Modern Era

## Historical

The beginning of the modern Maiden Road was essentially created by the installation of the **694th Radar Squadron**. This facility, located in the Judith Mountains, was an investment in large scale military infrastructure to secure and protect our country.

A self sustaining USAF radar base, with a line of sight to the Judith Peak radar domes, the **694th Radar Squadron's** contribution to the Maiden Road was paramount.



694th Radar Domes circa.(1962)

## 1960-2009 The Modern Era

## Historical

Montana, sometimes coined as “high, wide and handsome”, with regards to its road transportation networks, “high and wide” has certain drawbacks. Coupled with the states low population and lengthy travel to even local destinations, and together, with Montana’s spacious land area, transportation budgets are exceedingly difficult to fund.

Now, more than ever, citizen participation to meet the challenge of future infrastructure needs, maintenance and preservation should be actively pursued.

“Checking the Domes”

The 694th Radar Squadron circa.(1965)



# The Maiden Road Corridor

September 2010

# Contents

## Maiden Road Data Collection

- **Narrative Research**

Documentation of the modern Maiden Road from the early 1960's up to the present time emphasizing the Rules and Regulations of the Montana Highway Commissions authority. **Chapter 60, (MCA), Montana Code Annotated.**

- **Supporting Documents**

The Committees research on the historical documentation of the Maiden Road Right of Ways, summaries of Deeds and Condemnation Orders, Maps and metes and bounds Surveys.

- **Significant Feature Film**

Fly over view showing the significant natural and man made features of the Maiden Road.

Prior to 1959, the **Maiden Road** was a gravel surface roadway connecting the few residents of the Maiden Valley area who labored within an agricultural or mining based tradition.

Today's user is still the ranch family, and occasionally the miner, but increasingly it includes many who commute on a daily basis to and from Lewistown or other comparative employment regions.

In the fall of 1959, the Maiden Road was slated to become a new highway. The road surface was surveyed and staked and subsequently, Rights of Way were conveyed to the Montana Highway Commission.

Most landowners agreed to a price, though in one instance Condemnation Proceedings ended in the Fergus County Courthouse. Eventual settlement was made and all landowners' condemned property became a Right-of-Way owned by the State of Montana.

In the condemnation proceedings, **State of Montana vs. Earl L. Housel**:

“Therefore, pursuant to said stipulations and said order, IT IS HEREBY ORDERED, AJUDGED AND DECREED:, (under part V) that the parcel of land hereinafter described be, and it is hereby condemned for the following use and purpose, to-wit, for the construction and operation and the maintenance of a state highway thereon, and the plaintiff take and acquire and have a fee simple interest in and to the following described property, to-wit:”

(then listing the metes and bounds description).

The **Maiden Road** at this point in time is a **State Highway**.

Montana code, as defined by **Chapter 60**, states that in regard to transferring acquired property, as such:

**60-2-107.** Abandonment of highways -- exchange of roadways -- public notice required.

**(1)** Except as provided in 60-4-213 through 60-4-218, the commission may abandon highways on the federal-aid systems and state highways.

**(2)** Except as provided in 60-4-213 through 60-4-218, before abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.



**(3)** Except as provided in 60-4-213 through 60-4-218, the commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a federal-aid or state highway and on any portion of a county road or city street.

**(4)** The commission may not abandon maintenance of a highway to another highway, road, or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another highway, road, or right-of-way provides substantially the same access.

**(5)** The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment.

After reading Titles 2 through 5 of Chapter 60, (MCA), Montana Code Annotated it appears documents would have been generated and presumably be on file with the former Montana Highway Commission, now the Montana Department of Transportation, the Secretary of State's Office, the local government of Fergus County and the required official printing of public notices in the local print media, the Lewistown News-Argus.

Title 3, that which sets forth, states; in allowing another entity, such as Fergus County to assume local control or jurisdiction control, by law, requires that certain conditions would transpire and definitive steps will be followed, as outlined as above in Chapter 60, (MCA), Montana Code Annotated.

Fergus County may have acquired jurisdictional control of the Maiden Road, but clear certifiable documentation to support this claim has not been found; it remains technically unclear.

The Maiden Road Study Committee is dedicated in its research in finding proper, legal and undisputed ownership with clear enumerated jurisdictional authority for the Maiden Road.

Our search has led to many Fergus County indexed documents which reference the Maiden Road, but none have definitively produced a clear jurisdictional record to any certain entity at the present time.

# Contents (continued)

## Maiden Road Data Collection

- Supporting Documents
  - 12-Warranty Deed, 1-Quit Claim Deed, 4-Bargain and Sale Deed, 1-Right of Way Easement and 1-Condemnation Order.
  - Digital photo archives retrieved from the Fergus County Clerk and Recorder's Office- depicting the Index to Commissioner's Minutes.
  - Signage quantity and GIS based placement.
  - General Fact Sheet - Montana Department of Transportation.

# Contents (continued)

## Right of Way and Deed Instruments

Parcel	Book	Page	Recorded Date	Record No	Type
1	169	352	2/2/1961	4205	Warranty Deed
2					Warranty Deed
3	169	354	2/2/1961	4206	Warranty Deed
4	169	356	2/2/1961	4207	Warranty Deed
5	169	359	2/2/1961	4208	Warranty Deed
6	169	527	3/23/1961		Warranty Deed
7	170	594	7/28/1961	6136	Bargain and Sale Deed
8	170	406	6/14/1961	5715	Quit Claim Deed
9	169	220	1/6/1961	3808	Warranty Deed
11	169	219	1/6/1961	3807	Warranty Deed
12	170	526	7/17/1961	5958	Warranty Deed
13	169	363	2/2/1961	4210	Right of Way Easement
15	169	223	1/6/1961	3809	Warranty Deed
16	169	452	3/8/1961	4472	Warranty Deed
17	169	361	2/2/1961	4208	Warranty Deed
					Bargain and Sale Deed
					Bargain and Sale Deed
					Bargain and Sale Deed
	14	312	6/17/1964	19585	Judgement and Final Order of Condemnation

# Contents (continued)

## Index Commissioner Records

- Digital photo archives retrieved from the Fergus County Clerk and Recorder's Office depicting the Index to Commissioner's Minutes.

Missile from state request will accept maintenance	21	448
Dredged missile access roads - Sites M-4, M-6, M-11, will accept maintenance	21	457
Dredged road improved by Bureau of Public Road	21	464
Regrade + install culverts on Maiden - Gilt Edge road	21	464

DSC00405.jpg

Digital photo archives are cataloged in the Index of the written version of the Maiden Road Study Committee report.

# Contents (continued)

## Signage and GIS Records

The Montana Department of Transportation (MTD) conducted a courtesy **Speed Limit Study** in the fall of 2008. This study was accomplished with a subjective drive prior to the limited patch and fill on the lower portion of the Maiden Road by the Fergus County Road and Bridge Department during the months of June and July, 2009.

13-existing Curve Warning Signs  
2-existing Speed 45 MPH Signs  
2-existing Reduced Speed Ahead Signs  
1-existing Stop Sign

Suggested speed for the Maiden Road from this study was tabulated at 45 MPH.

The Maiden Road Study Committee have doubts in regards to the recommendations of this study, as the resultants were formulated prior to the limited patch and fill program. The Maiden Road at the time of this **Speed Limit Study**, was notably impaired to maintain a consistently safe 45 MPH speed.



## The Maiden Road

### General Fact Sheet

- U S Dept of Commerce
- Bureau of Public Roads
- Project No. R.A.D. 7, 1959.
- Length 8.2 miles (paved)
- Length 0.4 miles (graveled)
- Average width 22.0 feet.
- ADT\*(Average Daily Traffic)
- 165 per day (November 21,2008)
- Average Speed driven 51\* mph.

\* Montana Dept. Of Transportation





## The Maiden Road

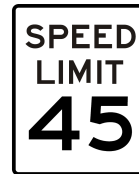
### General Fact Sheet

Signage	Description	Quantity
---------	-------------	----------



R1-1

1



R2-1

2



W1-3L

2



W1-3R

1



## The Maiden Road

### General Fact Sheet

Signage	Description	Quantity
---------	-------------	----------



W1-4L

2



W1-4R

1



W1-1L

2



W1-1R

2



## The Maiden Road

### General Fact Sheet

Signage	Description	Quantity
---------	-------------	----------



W1-2L

2



W2-2R

1



W2-2R

2

# Contents (continued)

## Significant Feature Collection

Fly over view showing natural and man made features of the Maiden Road. Significant features shown as might be in the following list.

- Road Intersections
- Traffic Signage
- View Sheds
- Hazardous Features
- Wildlife Crossings
- Identifiable Fatality Locations
- Historical Features
- Historical Assumptions

# The Maiden Road

# Assets and Liabilities

of the Maiden Road Corridor

# Contents (continued)

## Maiden Road Corridor Features

- **The Natural World**

The forest as home and destination to multiply use habitat, both animal and human. Trails, view sheds, natural features, recreational and social activities.

- **The Forest Resource**

Managed, cultivated, harvested and extracted resources from the forest. Grazing, cattle, wheat, hay, precious metals, logging and timber harvesting.

- **Wetland Culture**

Habitat sustenance, oxygen and water filtration with replenishment resultant.

# The Natural World

Recreation | Camping | Outdoor Activities



## The Natural World

### Transportation Corridor Assets

With its commanding 360 degree panorama and a 100 mile plus viewshed, Judith Peak oversees the culmination of the Judith Mountains.

Rock climbing, mountain biking, and recreational trails are all easily reached and maintained within the Judith Mountains.

Sightseers and trail users will continue this trek to the top of Judith Peak and eventually more demands on similar features within this island mountain range will be made.



Hiking in the Judith Mountains circa. (1995)  
Recreation & Outdoor Activities

## The Natural World

### Transportation Corridor Assets

The Judith Mountains endow to its users hidden streams, mysterious gulches, box canyons and breathtaking scenery.

Hiking trails with simple access and future connectivity will likely expand their reach and breadth with the existing and possible new trail networks within the Judith Mountains.

Cave resources and amenities are currently being evaluated for future enjoyment by the public and recreational enthusiasts.



Fishing Collar Creek circa.(1940)  
Recreation & Outdoor Activities

## The Natural World Transportation Corridor Assets

The Judith Mountain range is home to a **Civilian Conservation Corps (CCC)** constructed camp dating back to the early 1940's.

Simple pleasures for weary travelers can easily be accommodated within these campgrounds.



Company 575 C.C.C., Camp SCS-2 circa.(1940)  
Recreation & Outdoor Activities

# The Forest Resource

Agricultural | Mining | Logging | Communication

## The Forest Resource Transportation Corridor Assets

Abundant moisture within this alpine eco-system provides superior grazing for the many farm and ranch operations located within the Judith Mountains.

Summer pasturing requires consistent day to day vigilance in herd management, necessitating continual good neighbor policies.

Ongoing activity will persist, with future human activities accommodating the agricultural community and vis versa.



File Photo

Grazing and Range Land Management

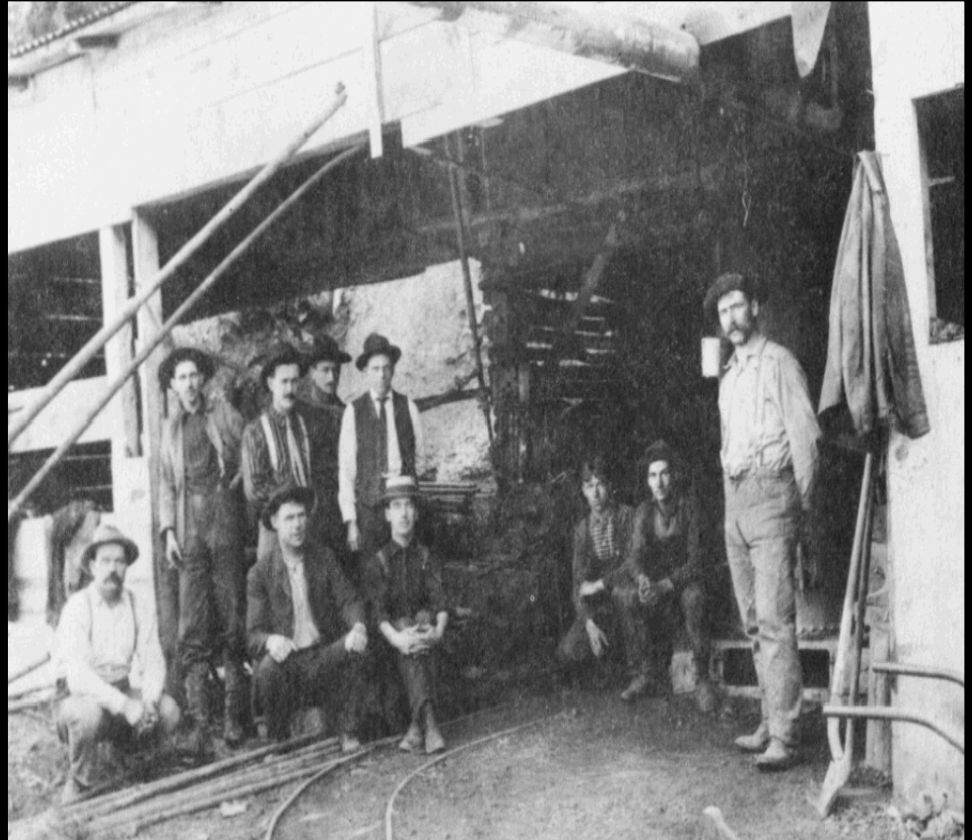
## The Forest Resource Transportation Corridor Assets

The Judith Mountains contain numerous patented and unpatented mineral claims located within the **Warm Spring Mining District**.

A typical small mining operation could employ as many as 30 individuals.

Equipment and local supply deliveries would further advance the average daily traffic (ADT) of the Maiden Road.

This scenario could translate into 60 to 80 plus individual vehicle trips.



Marjorie King Estate circa.(1912)

Resource Management & Mining Practices

## The Forest Resource Transportation Corridor Assets

The Judith Mountains have an extraordinary fine species of merchantable fir timber. (Weed and Pearson, USGS Geological Report, 1895)

A typical log hauling truck can weigh as much as 85,000 pounds fully loaded with marketable logs.

A typical large property timber contract can involve over 8000 tons of logs.

This could translate into nearly 180 plus traveled loads of timber on the Maiden Road.



Warms Spring Creek Publisher circa.(2008)

Forest Management & Logging Practices

## The Forest Resource Transportation Corridor Assets

**Judith Peak** (6428') is currently used for commercial, private and governmental telecommunication towers and facilities.

The reliable and managed access to this branch of the **Central Interoperability Montana Consortium** (CMIC), of emergency services, law enforcement, fire management and rapid response is pivotal to this “end of the road” branch of the Maiden Road.

Telecommunication activity is likely to expand on the Judith Peak site.



Montana Film Office circa.(2004)

Communication & Emergency Services



# The Wetland Resource

Habitat | Filtration | Replenishment

## The Wetland Resource Transportation Corridor Assets

The Judith Mountains encompass an area of nearly 200 square miles of forestry habitat.

Wildlife diversity range from small amphibious frogs to elk, to fox to rabbits.

Within such close proximity to the urban area of **Lewistown** and its surrounds, the Judith Mountains will continue to be a popular hunting, sport and outdoor opportunity area.



File Photo

Resource Management & Wetlands

## The Wetland Resource Transportation Corridor Assets

The Judith Mountains retain a large amount of its yearly rain and snowfall, with much of its precipitation flowing to the rich riparian areas in the lower valleys.

Hydraulic retention in the Judith Mountains directly impacts the **Kootenai** and **Madison** limestone aquifers.



Beaver Pond Corner circa.(2008)

Resource Management & Wetlands

Assets

&

Liabilities

of the Maiden Road Corridor

## Loss and Injury Transportation Corridor Liabilities

During the Modern Era (1960-2009), five lives, have been lost due to fatalities on the Maiden Road.

Traffic related injury claims may have been attributed by either road condition hazards, human error, wildlife impact incidents or a combination of one or the others.



Insurance Institute

Personal & Property Injury Claims

## Loss and Injury Transportation Corridor Liabilities

The Maiden Road, resplendent with natural beauty, picturesque and beholden to the eye, has, as would be expected, many natural wildlife crossing corridors.

During the years of 2002-2007, 16 wildlife collision losses were reported to the **Fergus County Sheriffs' Department**.

There is no wildlife signage on the Maiden Road.



File Photo

Personal & Property Injury Claims

## Maintenance Transportation Corridor Liabilities

A continued and methodical road maintenance agenda is a high value operation.

Seasoned operators are one facet of this demanding and often times, stressful job, not only with extreme weather conditions to contend with, one must possess skillful maneuvering due to an **average road width of 22 feet.**



Fergus County Road Department circa.(2002)

Infrastructure Maintenance

## Unacceptable Policy Transportation Corridor Liabilities

The Fergus County Road Department has provided necessary winter access to the residents and other users of the Maiden Road since the mid 1970's.

Serious deterioration of the Maiden Road over this time span has taken its toll on the life cycle of this 50 year old roadway.

Future expenditures will needlessly be spent on vehicular repairs, property loss claims and possible negligent damage suits due to poorly implemented or improperly applied solutions without a clear and appropriately defined maintenance agenda.



Road Department Grader/Patrol Damage circa.(2007)

Best Managed Practices-BMP



## Unacceptable Policy Transportation Corridor Liabilities

In the course of **BMP** forestry, private contractors may have adversely aggravated the Maiden Road corridor in recent years.

This photographic image, taken the evening of April 11, 2008, shows the mud, rock and debris from a current log haulage forest landing road onto the Maiden Road.

Responsible timber activity, though beneficial to well managed forest health, needn't compromise the Maiden Road corridor and its associated wetland and riparian areas.



BLM sanctioned logging.(2008)

Best Managed Practices-BMP

## Unacceptable Policy Transportation Corridor Liabilities

During another recent logging operation on State of Montana School Trust Lands, though beneficial to the county's **PILT (payment in lieu of taxes)**, this private contractor has shown excessively poor judgement in allowing a steel tracked vehicle to knife cut the already thin road surface, further damaging the Maiden Road.

These types of **BMP** forestry management activities, as shown in the last two slides, have been all too common in recent years.



DNRC sanctioned logging.(2008)

Best Managed Practices-BMP

## Unacceptable Policy Transportation Corridor Liabilities

Private utility contractors, working within the Right of Way, have compromised the fragile edges of the Maiden Road. Road breakup on the shoulder of the roadway is the beginning of massive future repair costs.

Instances such as this should require that local utilities reclaim their work as set forth by the **Montana Department of Transportation Right of Way Manual, Chapter 43**

The lack of, and or, the ignored policy, by the local governing body is an issue that must be addressed.



Fergus Electric Transmission Repair circa.(2008)

Best Managed Practices-BMP

## Unacceptable Policy Transportation Corridor Liabilities

In recent times, larger tracts of land were divided into smaller and more affordable home sites. This resulted in a population shift that has greatly enhanced the taxable revenue for the county. Basic infrastructure, maintenance and preservation tactics have not kept pace with this additional tax revenue.

Where once the road was sufficiently striped, chip-sealed and preventatively maintained, today, the road has no “Good Roads” schema.

Typical Summer Road Use circa.(1994)  
“Good Roads” Striped for Safety

## Unacceptable Policy Transportation Corridor Liabilities

Roadside ditching in some cases is inadequate with numerous instances of Right of Way damage by private contractors. Rock slides are occurring, non-existent guard rails within steep fall off areas and extreme soft shoulder conditions prevail.

The Maiden Road Right of Way has numerous vegetation encroachments that not only restrict safe visioning qualities, but also could lead to a fire suppression and or emergency evacuation impediment during an urban-rural wildfire scenario.

Road Hazard Management circa.(2010)

Hazard Management-BMP

## Acceptable Policy Transportation Corridor Liabilities

Fire mitigation activities during the 1940's recognized the problem of road-side vegetation management.

The Maiden Road and its Right of Way has been neglected for almost 20 years. This disregard for public safety is unacceptable.

**Montana Code Annotated (MCA)**, Chapter 60-1-104. Good Roads Day. The third Tuesday in June is hereby designated "**Good Roads Day**". The governor may annually by public proclamation request the people of the state to contribute toward the improvement and safety of public highways.

Road Vegetation Management circa.(1940's)

Vegetative Management-BMP

## Unacceptable Policy Transportation Corridor Liabilities

The Montana Department of Transportation **Road and Bridge Manual** delineates acceptable standards for dust and air born particulate matter.

During a 2 hour video session, traffic on the upper portion of the Maiden Road succinctly show an unsatisfactory condition. Dust matter dispersal to this extent has serious health and road safety issues. This present and future hazard should be addressed and adequate measures need to be implemented to sustain and minimize this obvious endangerment.

Typical Summer Road Use circa.(2008)

Dust Mitigation-BMP

## Unacceptable Policy Transportation Corridor Liabilities

Without due diligence in preservation and road maintenance tactics along with a “Good Roads” strategy, the Maiden Road will become a liability for its users and ultimately to the Fergus County governing body.

The current maintenance of the Maiden Road is woefully inadequate. A new paradigm is needed which will provide the public with a disciplined policy that achieves excellence in planning and maintaining this important , scenic and necessary capital asset.

Typical Summer Road Use circa.(2008)

Dust Mitigation-BMP



## Unacceptable Policy Transportation Corridor Liabilities

In all likelihood , the Maiden Road will endure increased usage in the future, it is time to approach this increased activity and plan for this eventuality.

Typical Summer Road Use circa.(2008)

Dust Mitigation-BMP

User  
Profiles

Opinions & Observations

of the Maiden Road Corridor

# The Maiden Road Study Committee

Jerry D. Hanley • Chairman

Becky Shepard

Jo Shipman

Keith Bruski

finis

© 2010 Maiden Road Study Committee