Section 307(b) Showing ADD: 238C0 Worden, MT

DELETE: 238C Hardin, MT

The Applicant hereby proposes to change KMHK(FM)'s community of license from Hardin, MT, to the currently unserved community of Worden, MT, and change from Channel 238C to mutually exclusive Channel 238C0.

This Showing, together with the Comprehensive Technical Exhibit to the Application, demonstrates that the proposed community of license change constitutes a preferential arrangement of allotments or assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). Furthermore, as set forth in the Comprehensive Technical Exhibit to this Application, the facility specified is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, with the current assignment. As confirmed in the Comprehensive Technical Exhibit to the application, there is an assignment or allotment site for the facility at the proposed community of license that fully complies with Sections 73.207 and 73.315 of the Commission's Rules without resort to Sections 73.213 or 73.215. The applicant will comply with the local public notice provisions of Sections 73.3580(c)(3), 73.3580(d)(3), and 73.3580(f) of the Commission's Rules, and understands that the exception contained in Section 73.3580(e) of the Commission's Rules does not apply to an application proposing to change the community of license of an FM station. Consequently, the proposed community of license change shall qualify for submission as minor modification applications pursuant to Section 73.3573(g) of the Commission's Rules.

In determining whether a proposed community of license change constitutes a preferential arrangement of allotments under Section 307(b) of the Act, the Commission considers whether the proposal would serve one or more of the Commission's four priorities. Here, grant of the Application would satisfy the third priority by authorizing first local aural transmission service at Worden, MT. The Application constitutes a preferential arrangement of allotments under Section 307(b) as compared to the existing allotment/assignment. Worden has a population (2000 Census) of 506 persons. Furthermore, a grant of the Application would not result in a loss of sole local aural transmission service at Hardin since Hardin will retain the fulltime aural transmission service of KHDN(AM).

As can be seen in Attachment 1, attached hereto, is a Gain/Loss study demonstrating that when Channel 238C is deleted from Hardin and mutually exclusive Channel 238C0 is added to Worden for KMHK(FM)'s use, no gain area or loss area is created. In determining reception service provided by an FM station, longstanding Commission policy dictates that the area of service circumscribed by the station's 1.0 mV/m signal contour, assumes maximum facilities for the class of station, except for Class C facilities, should be considered. For the latter class, the minimum or existing Class C facilities, whichever is greater, should be used in the study. Since KMHK(FM) currently operates with an ERP of 100 kW at an HAAT of just 300 meters, minimum Class C facilities (100 kW at 450 m HAAT) would be greater than KMHK(FM)'s existing facilities (100 kW at 300 m HAAT) and must, therefore, be used in the study. The

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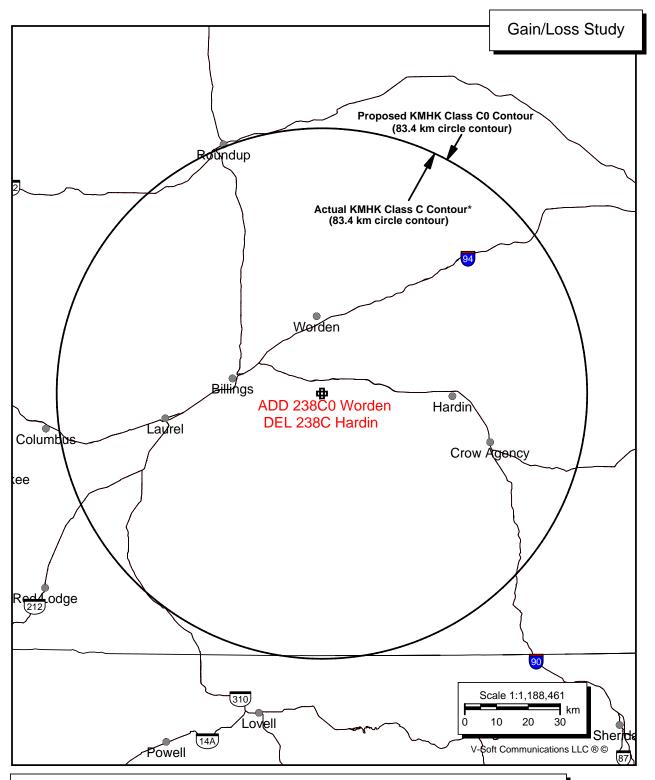
¹ See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) ("FM Assignment Policies"). The four priorities are: (i) first full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) first local transmission service to a community; and (iv) other public interest factors. The second and third criteria have equal priority. *Id.* at 91. *See also Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, at ¶ 10 (2006) (Section 307(b) priorities and policies used by Commission since 1982 continue to apply under new application procedures).

coverage of a minimum Class C facility is equivalent in coverage of a maximum Class C0 facility and both use a theoretical 83.4 km radius circle in a coverage study. Hence, although KMHK(FM) proposes a downgrade from Class C to Class C0, the theoretical coverage will not change. And, since the community change and channel reclassification occurs at the current KMHK(FM) site, no Gain Area or Loss Area is created. Since no Loss Area is created, a Remaining Services Study identifying those services that will continue serving the Loss Area is not applicable. Similarly, since no Gain Area is created by the proposal, an Existing Services Study of the gain area is also not applicable.

The current KMHK(FM) 70 dBu contour at Hardin covers the Billings, MT, Urbanized Area. However, since no change in coverage will occur as a result of the proposal, the proposed KMHK(FM) 70 dBu contour at Worden will continue to encompass that Urbanized Area. As such, the Applicant does not believe that the instant proposal would constitute a migration of service from a rural area to an urban area and, therefore, is not subject to a *Tuck* analysis of Worden, MT. Nonetheless, such a *Tuck* showing is included in Attachment 1. As demonstrated in Attachment 2, the city of Worden is a bona-fide community independent of Billings.

Since the proposal triggers Priority Three and provides first local transmission service to the 506 residents of Worden, MT, the proposal clearly furthers the Commission's Allotment Priorities.

Attachment 1 Gain / Loss Study



* In determining reception service provided by an FM station, longstanding Commission policy dictates that the area of service circumscribed by the station's 1.0 mV/m signal contour, assuming maximum facilities for the class of station, except for Class C, should be considered. For the latter class, the minimum or existing Class C facilities, whichever is greater, should be used in the study. Hence, although KMHK proposes a downgrade from Class C to C0, the coverage will not change since KMHK currently operates with facilities below the minimum HAAT height for a Class C facility.

Attachment 2 Worden, MT Tuck Analysis

Tuck Analysis

Worden is an unincorporated community located near the Billings, Montana Urbanized Area. Worden is a community consisting of a healthy mixture of commercial businesses, schools, public services, churches, and residences. Since the instant facility currently places a 70 dBu contour over 100% of the Billings Urbanized Area from its licensed site and from its proposed site, the Applicant does not believe that the proposed change in Community implicates the Commission's policy concerning the potential migration of stations from underserved rural areas to well-served urban areas. *See Elizabeth City, North Carolina and Chesapeake, Virginia*, 9 FCC Rcd 3586 (1994). However, in an abundance of caution, the Applicant shall, hereby, validate Worden as being a community worth of a first local transmission service. In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent that station will provide service to the entire urbanized area, the relative populations and proximity of the proposed community and the central city, and, most importantly, the interdependence of the proposed community to the urbanized area. *Faye and Richard Tuck*, 3 FCC Rcd 5374, 5377-78 (1988).

In this case, from the proposed transmitter site (which also serves as its currently licensed site), the proposed Worden facility will place a 70 dBu signal over 100% of the Billings Urbanized Area. Worden is located 25 kilometers away from Billings. Worden has a 2000 Census population of 506 persons, .5% of the population of Billings (89,847). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896, 16899 (1996). *D'Iberville and Wiggins, Mississippi*, 10 FCC Rcd 1079 (1995). In any event, the Commission has repeatedly stated that these factors are less important than evidence of a community's independence. *See*

Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995). The Commission has stated that evidence supporting a majority of the eight *Tuck* factors is sufficient to treat the community as independent from the urbanized area. *Parker and Port St. Joe, Florida*, 11 FCC Rcd 1095 (1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Worden.

- (1) The extent to which the residents of Worden work in Worden. As previously noted, the population of Worden was 506 in 2000 (2000 U.S. Census Bureau). According to 2000 Census figures, 29% of the community's employed individuals work in Worden. See Attachment 1. This percentage is significant and compares favorably with other independent communities. See, e.g., Albemarle and Indian Trail, North Carolina, 16 FCC Rcd 13876 (2001), Coolidge and Gilbert, Arizona, 11 FCC Rcd 3610 (1996).
- (2) The extent to which Worden has other media that cover its needs and interests. Worden has no radio or television stations licensed to it. Its residents can, however, read the Yellowstone County News which is published weekly with a circulation of 1,793 newspapers and focuses its coverage on Worden as well as the smaller nearby communities of Ballantine, Huntley, and Shepard. A local first service to this community would benefit the 506 residents in the Worden community by offering them an additional means to local information.
- (3) Whether community leaders and residents perceive Worden as being separate from Billings. Worden has its own unique identity and history that is separate from that of Billings. In the early 1880's the Northern Pacific Railroad built a station at Worden called "Clermont" before the name was changed to "Worden" in recognition of the wife of Joseph M Dixon, who served as Montana's governor, Senator, and US

Representative. The station was a stopping point for freight trains to take on a load of water from a well. The Hazen Military Trail passed through this area for horse and pact trains. Worden is the largest community included in the United States Bureau of Reclamation's irrigation district called the Huntley Project, established in 1907. See Attachment 3.

Presently, some community schools and business owners emphasize their independence from Billings by using the name Worden in the name of their businesses.

These establishments include Worden Medical Clinic, Worden Fire Department, Worden Open Bible Church, and Worden Motors.

- (4) The extent Worden has its own local government and elected officials. The town does not have its own elected officials at this time.
- (5) Whether Worden has its own local telephone book, zip code and/or post office. The zip code exclusively designated to Worden is 59088. The US Post Office serving this zip code is located at 2427 Main St in Worden. See Attachment 5.
- (6) Whether Worden has its own commercial establishments. Worden is home to a variety of business and commercial establishments:

2475 2nd St, Worden, MT Worden Motors Kb Diesel Service 1471 Highway 312, Worden, 2707 N 21st Rd, Worden, MT Zimmerman Home **B&D** Auto Repair **Improvement** Kembels Creative Welding 2118 N 9th Rd, Worden, MT 2655 N 17th Rd, Worden, MT 2656 N 11th Rd, Worden, MT Mini Merc Farmer's Union Oil Company Dw Oxendahl Contractors 2422 3rd St, Worden, MT 1545 Northern Ave, Worden, 2080 N 9th Rd, Worden, MT Project Merc Grocery Store

Mgr Marketing Tools
2606 N 17th Rd, Worden, MT

The Sawmill
Lennon Communications
1969 S 9th Rd, Worden, MT
Stockman Bank
2450 Main St, Worden, MT

Miller's Darkhorse Saloon

2426 Main St, Worden, MT

Huck's Construction

El Chaparral Restaurant Worden, MT

Connie's Beauty Boutique 2434 4th St, Worden, MT

JJ's Hair Fashions 2446 Main St, Worden, MT Project Hardware 49 Main St, Worden, MT

Ruland Jim Painting & Septic Tank Pumping Worden, MT

Affordable Landscaping

1239 Homestead Dr, Worden,

Custom Lawn Service 2114 N 9th Rd, Worden, MT

Jk Project Floral

2451 Main St, Worden, MT

Jodi Klind CPA

2560 N 10th Rd, Worden, MT

Rod Kosmicki - Stockman Insurance

2450 Main St, Worden, MT

Riverfront Stables

2905 N 16th Rd, Worden, MT

TLC Boarding Stables 2180 N 9th Rd, Worden, MT Project Veterinary Clinic 1459 Highway 312, Worden,

Heards Incorporated – Harry Michael DVM

1453 Highway 312, Worden,

MT

Fenton Enterprises Real Estate 2850 N 18th Rd, Worden, MT

Worden Cable TV 348-3480

(7) The extent to which Worden is a separate and distinct advertising market.

Worden is a community located in Yellowstone County. Although many media sources are available from the Billings area, Businesses may advertise exclusively and more cost effectively to customers located in the Worden area by using the Yellowstone County News. Therefore, it can be defined as a separate and distinctive advertising market.

(8) The extent to which Worden has its own municipal services. Worden is home to the Huntley Project School System, consisting of an elementary, junior high, and high school. Worden-Ballantine Water and Sewer District takes on the responsibilities of meeting resident's water and sewer needs. Since Worden is an unincorporated area, its residents rely upon the Montana State Highway Patrol and Yellowstone County Sheriff Department for law enforcement. However, fire protection is provided by the Worden Fire Department and medical needs are met at the Worden Community Health Center. Worden also has its own library in the community – the Sunnyside Library. Its citizens can also gather for religious services at Worden Open

Bible Church, Valley Baptist Church, Project Community Fellowship, Bethlehum Congregational Church, and Our Redeemer Lutheran Church.

On the basis of the above, Worden is eligible for a first local service preference, since a clear majority of the eight *Tuck* factors demonstrate Worden's independence from the Billings Urbanized Area. Worden should be treated as a distinct community based on the totality of the evidence concerning the eight *Tuck* factors.

Attachment 1

Census Data: Worker Information

Custom Table – American FactFinder 3/21/08 12:19 PM

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

Result contains 1 row.

	P027001	P027002	P027003	P027004	P027005
	Workers 16 years and over: Total	Workers 16 years and over: Living in a place	Workers 16 years and over: Living in a place; Worked in place of residence	Workers 16 years and over: Living in a place; Worked outside place of residence	Workers 16 years and over: Not living in a place
Worden CDP, Montana	181	181	53	128	0

NOTE: A hyphen (-) indicates that data are not available for this geographic area for the selected data element (column) in your custom table. Please consult the Census 2000 Summary File 3 (SF 3) - Sample Data Technical Documentation (PDF 6.92MB) for more information.

Attachment 3

History of Community

Worden, Montana

From Wikipedia, the free encyclopedia

Worden is a census-designated place (CDP) in Yellowstone County, Montana, United States. The population was 506 at the 2000 census. Worden--along with Ballantine, Huntley, and Pompey's Pillar--is part of the Huntley Project, an irrigation district established by the United States Bureau of Reclamation in 1907.

Worden is home to a number of restaurants, bars, stores, churches, and other services. It is also the home of the Huntley Project School System, consisting of an elementary, junior high, and high school. Huntley Project High School's team name is the "Red Devils."

Contents

- 1 History
- 2 Geography
- 3 Demographics
- 4 Notes and references
- 5 External links

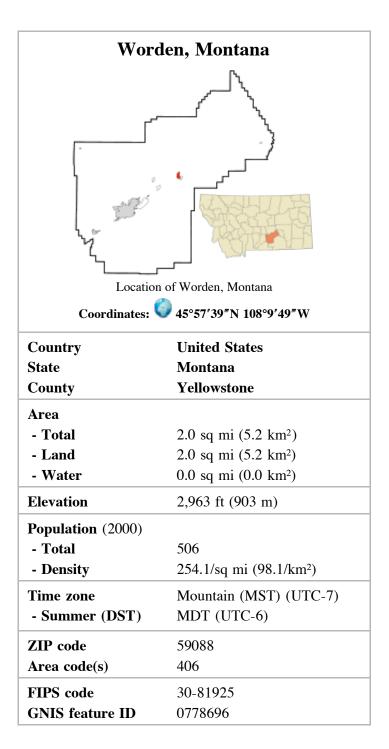
History

Worden is located on land designated in 1868 as part of the Crow Indian Reservation. When the Northern Pacific Railroad was surveyed and built in the early 1880s, a station called "Clermont" was supposedly built 21 miles from Billings, just across the tracks from present-day Worden.

The town of Worden was mapped out in 1907 as part of the Huntley Project. Irrigation transformed the area into

an agricultural district and attracted immigrants. The town had a German Congregational church and a Methodist church. A newspaper, *The Yellowstone*, was based here.

Coordinates: 45.960697, -108.163568



Geography

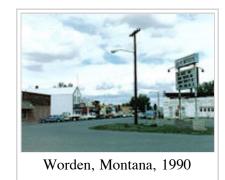
Worden is located at 45°57′39″N, 108°9′49″W (45.960697, -108.163568)^[1].

According to the United States Census Bureau, the CDP has a total area of 2.0 square miles (5.2 km²), all of it land.

Worden is located along US Highway 312.

Demographics

As of the census^[2] of 2000, there were 506 people, 223 households, and 136 families residing in the CDP. The population density was 254.1 people per square mile (98.2/km²). There were 239 housing units at an average density of 120.0/sq mi (46.4/km²). The racial makeup of the CDP was 96.25% White, 0.59% African American, 0.99% Native American, 0.20% Asian, 0.40% from other races, and 1.58% from two or more races. Hispanic or Latino of any race were 3.56% of the population.



There were 223 households out of which 27.8% had children under the age of 18 living with them, 46.6% were married couples living together, 11.2% had

a female householder with no husband present, and 39.0% were non-families. 35.4% of all households were made up of individuals and 17.5% had someone living alone who was 65 years of age or older. The average household size was 2.27 and the average family size was 2.97.

In the CDP the population was spread out with 25.5% under the age of 18, 8.1% from 18 to 24, 25.7% from 25 to 44, 23.7% from 45 to 64, and 17.0% who were 65 years of age or older. The median age was 40 years. For every 100 females there were 96.1 males. For every 100 females age 18 and over, there were 89.4 males.

The median income for a household in the CDP was \$22,625, and the median income for a family was \$38,393. Males had a median income of \$22,434 versus \$20,156 for females. The per capita income for the CDP was \$14,319. About 3.8% of families and 8.5% of the population were below the poverty line, including 8.9% of those under age 18 and 16.5% of those age 65 or over.

Notes and references

- 1. ^ US Gazetteer files: 2000 and 1990 (http://www.census.gov/geo/www/gazetteer/gazette.html) . United States Census Bureau (2005-05-03). Retrieved on 2008-01-31.
- 2. ^ American FactFinder (http://factfinder.census.gov) . United States Census Bureau. Retrieved on 2008-01-31.

External links

- Bureau of Reclamation Huntley Project (http://www.usbr.gov/dataweb/html/huntley.html)
- Huntley Project Museum of Irrigated Agriculture (http://www.huntleyprojectmuseum.org/)

- Yellowstone County Towns, Train Stations & Post Offices (http://www.rootsweb.com/~mtyellow/towns.htm), rootsweb.com
- Worden, Montana is at coordinates 45.960697, -108.163568

Retrieved from "http://en.wikipedia.org/wiki/Worden%2C_Montana" Categories: Yellowstone County, Montana | Census-designated places in Montana | Billings Metropolitan Area

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Huntley Project Montana

Great Plains Regional Office Montana Area Office

Yellowstone County

- General Description and Plan
- **Development**
- Benefits
- Project Data
- Project Water Data
- Project History
- Engineering Data
- Contact Information



Anita Dam



General Description

The Huntley Project is in south-central Montana. Project works include a rockfill and concrete diversion dam, 32 miles of main canal, 22 miles of carriage canals, 202 miles of laterals, 186.5 miles of drains, a hydraulic turbine-driven pumping plant and an auxiliary electric pumping plant, both in the main canal, and in an offstream storage reservoir. The project can furnish water to irrigate approximately 30,000 acres.

Plan

The project diverts water from the Yellowstone River to irrigate lands on the south side of the river between Huntley and Pompeys Pillar, Montana. The gravity distribution system extends from the intake of the Main Canal at the diversion dam on the Yellowstone River, in a northeasterly direction for about 32 miles. At mile 13.77, a 35-foot drop in the Main Canal is utilized to lift water into the High Line Canal, which originates at this point. Two-thirds of the 300-cubic-foot-per-second capacity of the Main Canal at the pumps drops through the turbines and develops sufficient power to lift the remaining 100 cubic feet per second to the High Line Canal. An auxiliary 150-horsepower electric pump was installed in 1975 to lift approximately 25 cubic feet

per second to the High Line Canal. Anita Reservoir is filled during slack periods with water delivered through the High Line Canal to supplement the supply from the hydraulic pumps during periods of heavy demand.

Water is released from Anita Reservoir into the Reservoir Canal, which flows across Fly Creek to the vicinity of Pompeys Pillar. The High Line Extension Canal diverts from the High Line Canal through a siphon crossing at the downstream toe of Anita Dam to irrigate lands above the Reservoir Canal as far as Fly Creek.

Unit descriptions and facilities

Main Canal and Distribution System

The inlet to the Main Canal of the Huntley Project is located near a 10.5-foot-high diversion dam in the Yellowstone River about 2.5 miles west of Huntley. The Main Canal is about 32 miles long with an operating capacity of 730 cubic feet per second. Three diversion points supply the canal. The Main Canal headworks and auxiliary headworks are located near the Yellowstone River Diversion Dam and a diversion from Pryor Creek is located on the Main Canal 1.8 miles downstream from the dam. This canal extends in a northeasterly direction and passes through several deep rock cuts and three tunnels.

The distribution system includes 202 miles of laterals an 186.5 miles of drains.

Pumping Plant

About 1 mile east of Ballantine, a 35-foot drop in the Main Canal develops energy to lift water 42 feet for the irrigation of approximately 5,000 acres of otherwise nonirrigable land. There are two direct-connected turbines and pumps, each capable of delivering about 50 cubic feet second. The pumping plant is semiautomatic in operation, requiring only occasional checking by a ditchrider.

Anita Dam and Reservoir

Anita Dam was not required in the original project plan. Subsequent development of additional lands by local interests necessitated its construction for hold-over storage of water lifted by the turbine-driven pumps during slack periods to reduce the extensive operating time of the pumps. This offstream storage dam was completed by the Civilian Conservation Corps (CCC) in 1937. The dam is an earth structure, 42 feet high with a volume of 143,000 cubic yards, located 1 mile southeast of the Anita Railroad Station. The combination spillway wasteway adjoining the High Line Canal on the north abutment is a concrete-lined chute 40 feet wide with a capacity of 1,500 cubic feet per second. The dam impounds a reservoir with a capacity of 400 acre-feet.

Rehabilitation and Betterment of the Yellowstone River Diversion Dam

An inspection of the Yellowstone River Diversion Dam in 1956 revealed a crack in the dam due to settlement. Extensive erosion of the streambed had resulted in undercutting of the dam foundation. On January 4, 1957, the Bureau of Reclamation and the Huntley Project Irrigation District signed a repayment contract to repair the dam. The repairs were completed in the fall of 1957.

Operating agency

The project is maintained and operated by the Huntley Project Irrigation District.

Development

History

As the first representative of the United States in the Upper Missouri Valley, Captain Clark of the Lewis and Clark expedition scratched his name and the date of July 25, 1806, on Pompeys Pillar, a large rock landmark overlooking the Yellowstone River. Later, the Yellowstone River became a route for traders, trappers, and pioneers. The earliest settlers in the district were the fur traders, then prospectors and other pioneers came to the area. Some of these people turned to agriculture, cattle raising, or other pursuits; some continued to mine. All contended with the difficulties common to western pioneer life.

The Crow Indian Reservation, established under the ratified treaty of May 7, 1868, included an area much larger than the present reservation. The lands in the Huntley Project, being within the reservation, were not subject to homestead entry and consequently remained undeveloped long after other fertile tracts in the Yellowstone Valley were settled. The cession of lands to the United States by the Crow Indians in 1904 included those in the Huntley Project and opened the way for irrigation and settlement.

Investigations

An act of Congress, approved April 27, 1904, provided that the Reclamation Service should make surveys and investigations for the irrigation of the irrigable area lying south of Yellowstone River and extending along the Bighorn River as far southeast as the Fort Custer military reservation.

Surveys began in August 1904, and in October 1904 the project was designated for early development. Detailed plans were prepared and reviewed by a board of engineers which, on February 26, 1905, declared the project feasible.

Authorization

The project was authorized by the Secretary of the Interior on April 18, 1905.

Construction

Construction began October 6, 1905. The first water was delivered in 1908. The Pryor Division was completed in 1908, the Eastern Division in 1914, and the Fly Creek Division in 1915. The High Line Canal was enlarged in 1917 from 60- to 100-cubic-foot-per-second capacity.

Initial construction of the project did not require a diversion dam since the Main Canal intake on the Yellowstone River was level with the riverbed. Development of additional lands by local interests requiring increased diversion necessitated the construction of a small diversion dam which was completed by the Huntley Project Irrigation District in 1934. Anita Dam and Reservoir were constructed by CCC forces and completed in 1937.

Benefits

Irrigation

The principal crops are alfalfa and other hay crops, sugar beets, silage, irrigated pasture, and small grains. The project is a stabilizing influence on the livestock industry in the area, through the production of feed crops.

Municipal Water

The towns of Huntley, Pompeys Pillar, Ballantine, and Worden are served with Huntley Project water.

Recreation

Anita Dam and Reservoir are located 6 miles southeast of Ballantine, Montana near Billings. This offstream storage dam was completed by the Civilian Conservation Corps in 1937. Water is released from Anita Reservoir into the Reservoir Canal which flows across Fly Creek to the vicinity of Pompeys Pillar. As the first representative of the United States in the Upper Missouri Valley, Captain Clark of the Lewis and Clark expedition scratched his name and the date of July 25, 1806 on Pompeys Pillar, a large rock landmark overlooking the Yellowstone River. The Crow Indian Reservation and the Little Bighorn Battlefield National Monument are nearby. The Anita Reservoir, with 32 surface acres and 2 miles of shoreline, offers seasonal opportunities for crappie, catfish, and largemouth bass. No facilities are available.

For specific information about Anita Reservoir recreation click on the name below.

Anita Reservoir

<u>Dams | Projects | Powerplants | Contact Us | Maps | Glossary | FAQ's | Links</u>

<u>Privacy Policy | Disclaimer | Accessibility | FOIA | Quality of Information | FAQ | Notices</u>

<u>DOI | Recreation.gov | USA.gov</u>

Worden, Montana 3/21/08 4:53 PM





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Miscellaneous Information

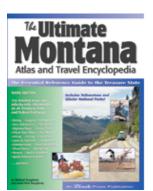
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Worden



Pompey's Pillar

Named after a prominent Montana family, Worden has also prospered in farming due to the irrigation project. Stop into the Huntley Project Museum of Irrigated Agriculture, located in Worden, for an interesting look at farming artifacts, machinery and displays.



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Attachment 5

USPS Information



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Find a ZIP + 4® Code By City Results

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Actual City name in 59088

WORDEN, MT

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