

November 16, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES Montana Water Court
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Morris	Earl	S.
LAST NAME	FIRST NAME	MID. INITIAL
27 Moon Shadow Lane		
STREET ADDRESS OR PO BOX		
Trout Creek	MT	59874
CITY	STATE	ZIP CODE
(406) 827-7662	esmorris62@gmail.com	
PHONE NUMBER	E-MAIL	

2. Objector's Attorney name, address, and phone number:

LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX		
CITY	STATE	ZIP CODE
()		
PHONE NUMBER	E-MAIL	

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See Attached

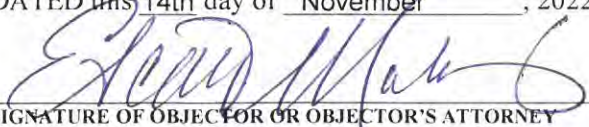
4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30012005
(One Number Per Form)

Page number in Decree: 528-529
Source: Ground Water Well

DATED this 14th day of November, 2022.

Morris Revocable Living Trust
E. Scott Morris, Trustee


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Earl Scott Morris, declare under penalty of perjury, that on the 14th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Morris Revocable Living Trust
E. Scott Morris, Trustee



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Morris Revocable Living Trust Objections to the CSKT Water Compact **Earl Scott and Tracey Morris, Trustees**

Negative Impact to Our Well

Confederated Salish and Kootenai Tribes (CSKT) have claimed water right 76N 30063808 in the CSKT-Montana Compact, Appendix 27, pages 528-529. Per this claim, the water rights owner can make a call against any and all junior water rights owners in the 76N basin. Meaning that eventually we could be forced to shut down our ground water well. THIS IS THE ONLY WATER SOURCE FOR OUR HOME.

As water rights owners are forced to shut down their water sources, the level of water in our ground water well could drop to a level such that our well would become dry – leaving us with no water source.

Transfer of ownership of this water right per the CSKT Compact could irrevocably destroy the value of our property due to the loss of a reliable water source.

We object to the water right claim by the CSKT Compact for water right 76N 30063808 that would eventually injure our quality of life by negatively impacting our ground water well, water right 76N 30012005.

Overreach

CSKT has submitted claims for 27,700,000+ acre feet of water per year. This represents four times the total Indian Federal Reserved Water Rights in the United States. These overreaching claims include nearly all off-reservation water in western Montana. These are waters included in the Constitution of the State of Montana, Article 9, Section 3 of that reserves water in the state to “*be a public use*” (Subsection 2) and “*All surface, underground, flood, and atmospheric waters within the boundaries of the state are the **property of the state for the use of its people** and are subject to appropriation for beneficial uses as provided by law.*” (Subsection 3).

A 2015 research study performed by respected hydrologists, including Catherine Vandemoer, PhD, found that the water use required for Flathead Indian Reservation subsistence has been calculated to be approximately 508,000+ acre feet per year. CSKT has claimed 55 times more water than is needed for reservation subsistence. See attached *Quantification of Indian Federal Reserved Water Rights in the United States, 2018 Concerned Citizens of Montana*

We object to the CSKT Compact in that the off-reservation water rights claims surpasses any subsistence claims made by the CSKT Compact.

Montana Water Rights Protection Act (MWRPA) Questions/Issues:

MWRPA Section 2.2 states: “*to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act;*”

What in the CSKT Compact is not consistent with the Act?

Continued

MWRPA Section 4.a.1 states: “*as modified by this Act, the Compact is authorized, ratified and confirmed.*”

What was modified in the CSKT Compact by the Act?

Morris Revocable Living Trust Objections to the CSKT Water Compact
Earl Scott and Tracey Morris, Trustees

Continued

What changes did the Act make to the CSKT Compact? Mineral County Attorney, Wally Condon, has made repeated requests over the past 4 years of Senator Daines' office and Montana Department of Justice as to the nature of the changes made to the CSKT Compact by the Act. In a conversation with me, Condon relayed that the response he has received from those offices is that they do not know what changes were made.

We object to the CSKT Compact in that the modified CSKT Compact has not been made public; therefore, the water rights owners of Montana have had no opportunity to review nor respond to the modified CSKT Compact.

Disrespected Right of Participation and Due Process

MWRPA Section 2.1 states: *"to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana, and in recognition of article I, and section 3 of article IX, of the Montana State Constitution..."*

At what point was the negotiation fair or equitable? At what point were the water rights owners of Montana given the opportunity to participate in the process? The CSKT Compact was negotiated between three governments: CSKT, State of Montana and the United States of America. The water rights owners of Montana were not represented, nor considered, during these negotiations. These negotiations were neither fair nor equitable. In addition, the decision cannot be final without the water rights owners of Montana having had no opportunity to participate in the process.

The Constitution of the State of Montana addresses this issue clearly:

Article II, Section 8 – Right of Participation, states: "The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law."

Article II, Section 17 – Due Process of Law, states: "No person shall be deprived of life, liberty, or property without due process of the law."

The Fifth Amendment of the US Bill of Rights also says to the federal government that no one shall be *"deprived of life, liberty or property without due process of law."*

We object to the CSKT Compact as the water rights owners of Montana were neither afforded the right of participation nor due process; which, as stated in the United States Bill of Rights and the Constitution of the State of Montana, are the obligation of both governments.

Continued

Morris Revocable Living Trust Objections to the CSKT Water Compact Earl Scott and Tracey Morris, Trustees

Navigable Waters

Article 8 of the Peace and Friendship Treaty, Oct. 17, 1855, Ratified Apr. 15, 1856, Proclaimed Apr. 25, 1856, states:

"...including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States."

I, as do all citizens of the United States, own the right to navigate any lake, river and stream in the territory based on the Treaty. My portion of the water rights on the lakes, rivers and streams should include the right of navigation with the Tribe per the Treaty.

We object to the CSKT Compact in that its enforcement would irrevocably injure our ability to navigate the waters when flow rates are affected.

Loss of Quality of Life

My wife and I chose to live and retire in Montana expressly because of the abundance of water! Knowing that we would forever have a supply of life sustaining water for our home, garden and livestock gave us great comfort. We expected this water to provide our own subsistence, recreation and well-being. That dream is now at serious risk. This is not just a personal and individual scenario. This is the same scenario for most, if not all, citizens of Montana.

We object to the CSKT Compact due to an inequitable and unfairly negotiated and unconstitutional water compact that would injure our ability to continue to live in our new home state of Montana.

Attachments:

1. Preliminary Decree CSKT-Montana Compact, Appendix 27, Pages 528-529 of the Decree Report
2. Quantifications of Indian Federal Reserved Water Rights in the United States, 2018 Concerned Citizens of Western Montana
3. 2018 Comparison of Montana Indian Reservation Water Compacts, 2018 Concerned Citizens of Western Montana
4. General Abstract, Water Right N0. 76n 30012005 w/ Updated Address
5. Evidence of Water Right Ownership, including legal description of property
6. Map of location of Water Right 76N 30012005
7. General Abstract of Water Right 76N 30012005
8. Certificate of Water Right for Water Right 76N 30012005, Dated August 23, 2004
9. Ownership Update for Water Right 76N 30012005, Dated August 28, 2015
10. Ownership Update for Water Right 76N 30012005, Dated January 4, 2016

**PRELIMINARY DECREE
CONFEDERATED SALISH AND KOOTENAI-MONTANA COMPACT**

Water Right Number: 76N 30063808 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Type of Historical Right: RESERVED

Purpose (use): INSTREAM FISHERY

Purpose Clarification: INSTREAM

Maximum Flow Rate: 5,000.00 CFS

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE MEASURED AT
THE USGS GAGE #12391950 LOCATION ON THE CLARK RIVER BELOW
CABINET GEORGE DAM, IDAHO (48°05'17"N, 116°04'22"W, NAD83) (NWSENE
SEC 27 T55N R3E). IF USGS GAGE #12391950 IS DISCONTINUED OR
OTHERWISE RENDERED NONFUNCTIONAL, MEASUREMENTS SHALL BE
TAKEN EITHER AT THIS SAME LOCATION OR AS NEAR TO THAT POINT AS IS
REASONABLY PRACTICABLE.

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THE ENFORCEABLE LEVEL OF
THIS WATER RIGHT.

FOR SO LONG AS THE CABINET GORGE AND NOXON DAMS REMAIN IN
EXISTENCE, THE ENFORCEABLE LEVEL OF THIS RIGHT IS A FLOW RATE
EQUAL TO THE LESSER OF 5,000 CFS OR THE MINIMUM FLOW LEVEL
ESTABLISHED BY THE FERC AS A CONDITION ON THE LICENSE FOR THE
CABINET GORGE AND NOXON DAMS AS THAT LICENSE CONDITION MAY BE
MODIFIED OVER TIME.

Maximum Volume:

Source Name: CLARK FORK
Source Type: SURFACE WATER

Point 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			19	27N	34W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Category: COMPACTED OFF RESERVATION

Point 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>
2			24	27N	35W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 30

Place of Use:

<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				19	27N	34W	SANDERS
2				24	27N	35W	SANDERS

Remarks:

THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76N (LOWER CLARK FORK DRAINAGE) AND IN BASIN 76M (MIDDLE CLARK FORK DRAINAGE) WHOSE POINT OF DIVERSION IS FROM THE MAINSTEM OF THE CLARK FORK RIVER AND NOT ITS TRIBUTARIES, THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER CONNECTED TO THE MAINSTEM OF THE CLARK FORK RIVER AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE CLARK FORK RIVER STARTING AT THE POINT WHERE THE CLARK FORK RIVER CROSSES THE MONTANA IDAHO STATE BORDER (48°05'21"N, 116°02'56"W, NAD83) (NWSNW SEC 24 T27N R35W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE CLARK FORK RIVER AND BLUE CREEK (48°05'46"N, 116°01'39"W, NAD83) (SWNWSE SEC 18 T27N R35W).

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

Quantification of Indian Federal Reserved Water Rights in the United States *

RESERVATION / TRIBE	STATE	ACF / Yr	Fed \$ (Millions)	RESERVATION / TRIBE	STATE	ACF/ Yr	Fed \$ (Millions)
Aamont (Pueblos)	NM	6,467	\$174.3	Northern Ute	CA	481,035	\$198.5
Ak Chin	AZ	85,000	\$101.1	Pechanga Mission Indians	CA	4,994	\$28.5
Blackfeet	MT	50,000	\$420.0	Pyramid Lake Paiute	NV	0	\$65.0
Colorado River (5) (Litigation)	AZ	783,134	Not Avail	Rocky Boy	MT	20,000	\$46.0
Colorado Ute	CO	70,000	\$49.5	Salt River Pima Maricopa	AZ	122,400	\$47.5
Crow	MT	697,000	\$461.0	San Carlos Apache	AZ	67,965	\$41.4
Fallon Paiute	NV	10,588	\$43.0	San Luis Rey	CA	0	\$30.0
Flathead (proposed compact)	MT	** 27,744,657	\$2,335.0	Shivwit Paiute	UT	4,000	\$24.0
Fort Belknap (U.S has not Ratified)	MT	500,000	\$547.0	Shoshone Paiute	ID/NV	114,082	\$60.0
Fort Hall	ID	581,331	\$22.0	Taos Pueblo	NM	9,628	\$124.0
Fort McDowell	AZ	36,350	\$23.0	Tohono O'Odham	AZ	66,000	\$39.8
Fort Peck (U.S. has not ratified)	MT	1,052,472	\$0.0	Soboba Luiseno Indians	CA	9,000	\$21.0
Gila River ***	AZ	653,500	\$2,328.3	Warm Springs (Litigation)	OR	325,800	Not Avail
Jicarilla Apache	NM	40,000	\$6.0	White Mtn Apache	AZ	99,000	\$327.2
Navaho Nation	NM	535,330	\$984.1	Wind River (Litigation)	WY	510,000	Not Avail
Nez Perce (Settled Litigation)	ID	50,000	\$121.3	Yavapai Prescott	AZ	1,550	\$2.0
Northern Cheyenne	MT	83,830	\$73.0	Zuni	AZ	10,600	\$19.3
Total All Other Tribes Combined (37)		7,081,056		CSKT claim is four times more water than all other tribes combined and 145 times more water than the average award for all other tribes. Control points for Flathead claims would preclude the use of between 28 and 48 million acre feet of water for consumptive and non-consumptive uses. The state has not provided a total volume of water as of August, 2018.			
Average per Tribe		191,380					
Flathead Water Compact (Partial Quantification)		** 27,744,657					

Data Sources: Negotiating Tribal Water Rights, Colby, Thorson, Britton, 2005; Arizona Water Atlas; Settlements Approved by Congress 2011 (www.westgov.org); 2015 CSKT Water Compact Abstracts, Jon Tester SB 3013 and 11/27/2017 Congressional Research Svc Report, Indian Water Rights Settlements by Charles V. Stern

NOTES: * Indian Federal Reserved Rights Quantification determined through litigation or negotiation
 ** Flathead PARTIAL QUANTIFICATION was determined using (Appendices 5,15 (FIP & Reservoirs), Appendix 9 (Hungry Horse only), Appendix 18 (Flathead Lake less Kerr), Appendix 25 (Kootenai), and Appendix 27 (Lower Clark Fork).
 *** Gila River expenses were estimated to be \$445 million at settlement. This figure is amount to be made available thru FY2046

2018 COMPARISON OF MONTANA INDIAN RESERVATION WATER COMPACTS with CSKT Partial Quantification

	RESERVATION						
	Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	N Cheyenne	Rocky Boy
Population within Reservation Boundaries	Source: 2010 US Census of Housing and Population CPH-1-28						
Tribal	8,944	5,322	7,042	2,704	6,714	4,406	3,221
Non-Tribal	1,461	1,541	21,317	147	3,294	383	102
Total Population	10,405	6,863	28,359	2,851	10,008	4,789	3,323
Land w/in Reservation Boundaries (Acres)	Source: Indian Education for All—MT Office of Public Instruction 2009						
Tribal Trust	311,175	404,172	653,214	210,954	413,020	326,547	122,259
Tribal Allotments	701,816	1,166,406	58,729	406,533	516,092	113,277	0
Other (State/Federal/Private)	512,721	894,336	531,057	28,089	1,164,012	4,951	0
Total Land	1,525,712	2,464,914	1,243,000	645,576	2,093,124	444,775	122,259
Reserved Water Right Award (Acre Feet)							
On Reservation	50,000	697,000	8,996,983	500,000	1,052,472	83,830	20,000
Off Reservation	0	0	18,747,674	0	0	0	0
Total (Data Source: See Items 1 or 2 below)	(1) 50,000	(1) 697,000	(2) 27,744,657	(1) 500,000	(1) 1,052,472	(1) 83,830	(1) 20,000
Compact Details							
Federal Settlement Money (Millions)	\$420.0	\$461.0	\$2335.0	(3) \$547.0	\$0.0	\$73.0	\$46.0
State Settlement Money (Millions)	\$49.0	\$15.0	\$55.0	\$17.5	Unknown	\$21.8	\$.55
On Reservation Water Rights Administration	U.S./MT/Tribe	U.S./MT/Tribe	Tribe/UMO	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe
Off Reservation Aboriginal Treaty Rights	No	No	Yes	No	No	No	No
Relinquish Irrigation Water Rights to Tribe	No	No	Yes	No	No	No	No
Ratified Montana Legislature / U.S. Senate	2009 / 2016	1999 / 2010	2015 / No	2001 / No	1985 / No	1991 / 1992	1997 / 1999
Statistics:							
Acre Feet / Tribally Owned Acre	0.05	0.44	38.97	0.81	1.13	0.19	0.16
Acre Feet / Tribal Member	5.59	130.97	3,939.88	184.91	156.76	19.02	6.21

- (1) Negotiating Tribal Water Rights: Fulfilling Promises In The Arid West, By Bonnie G. Colby, John E. Thorson, Sarah Britton and Congressional Research Svc Report Dated 11/27/2017 by Charles V. Stern
- (2) Flathead Reservation based upon Concerned Citizens of Western Montana analysis of the 01/12/15 compact documents on the DNRC website. This is a partial quantification of the amount of water awarded to the CSKT in the compact. Note: as of August 2018 the commission has not provided quantification numbers for CSKT compact. Legislators voted on the compact without being provided with the volumes of water awarded. Volumes differ from the 2013 version of this chart because the CSKT numbers represent on the updated version include only a PARTIAL QUANTIFICATION.
- (3) Fort Belknap federal settlement amount per S1394, submitted by Jon Tester in 2013, rest of state figures come from testimony of Jay Weiner to Congress 05/20/2015

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76N 30012005 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MORRIS REVOCABLE LIVING TRUST
27 MOON SHADOW LN
TROUT CREEK, MT 59874-9660

Priority Date: AUGUST 23, 2004 at 11:36 A.M.

Enforceable Priority Date: AUGUST 23, 2004 at 11:36 A.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point 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	24N	31W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Survey Tract: 2

Well Depth: 428.00 FEET

Static Water Level: 364.00 FEET

Casing Diameter: 6.00 INCHES

Pump Size: 3.00 HP

Well Location: 27 MOON SHADOW LANE

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB.

Purpose (Use): DOMESTIC

Households: 1

Volume:

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			SWSE	33	24N	31W	SANDERS

Purpose (Use): LAWN AND GARDEN

Volume:

Period of Use: APRIL 1 to DECEMBER 1

Place of Use:

<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			SWSE	33	24N	31W	SANDERS

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB.

THE PLACE OF USE IS LOCATED IN TRACT 2.

Geocodes/Valid: 35-3457-33-4-01-40-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 131128 RECEIVED 05/12/2015.

OWNERSHIP UPDATE TYPE DOR # 135122 RECEIVED 07/27/2015.



The Montana Department of
Natural Resources
& Conservation

Water Right Query System

Default

Query: (WRNumber = '76N 30012005') AND ((Water Right Status = 'ACTIVE') OR (Water Right Status = 'SEVERED'))

Water Right	Map	Abstract	Doc Image	WR Type	Status	Version	Purpose	Enforceable Priority Date mm/dd/yyyy	Src	Src Name	Means of Diversion	Owner	Flow Rate	Volume	Acres	Div Count	Use Count	Irr Count	Res Count	Issue Remarks	Record Last Updated mm/dd/yyyy
76N 30012005	View	View	View	GROUND WATER CERTIFICATE	ACTIVE	1	DOMESTIC	8/23/2004	G	GROUNDWATER	WELL	MORRIS REVOCABLE LIVING TRUST				1	1		0		10/31/2022
76N 30012005	View	View	View	GROUND WATER CERTIFICATE	ACTIVE	1	LAWN AND GARDEN	8/23/2004	G	GROUNDWATER	WELL	MORRIS REVOCABLE LIVING TRUST				1	1		0		10/31/2022

[Download](#) *Excel users: Convert dates to numbers after download for proper sorting.



Water Right Number:
76N 30012005NULL

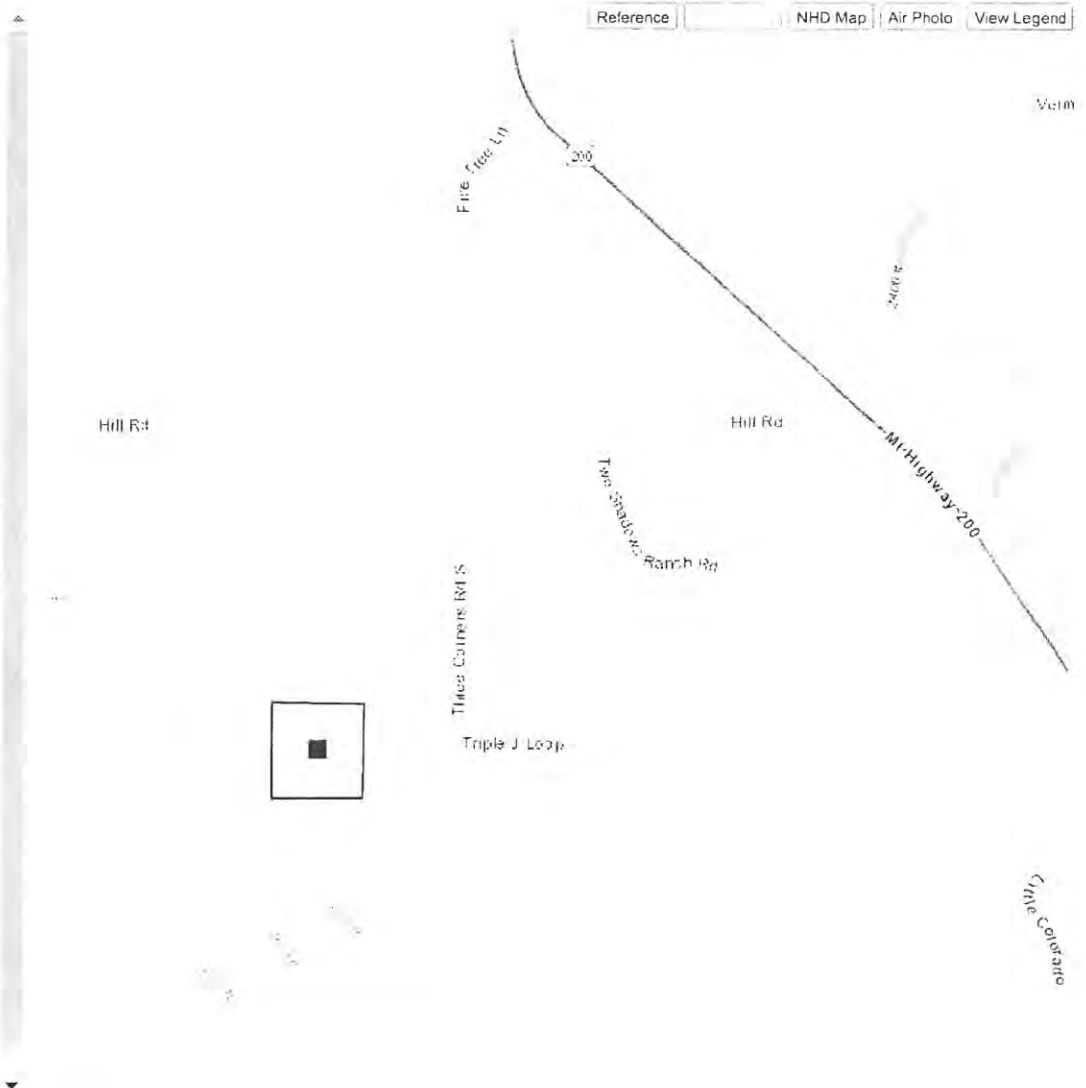
Print Map

Legend

- Diversion Count:
 - Surface water diversion.
 - Ground water diversion.
- Adjacent Diversions
 - Surface water diversion.
 - Ground water diversion.
- Place of Use Legal Land Descriptions
- Adjacent POUs
- Cadastral ?
- PLSS Detail ?

Note:
Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

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Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point 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	24N	31W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Survey Tract: 2

Well Depth: 428.00 FEET

Static Water Level: 364.00 FEET

Casing Diameter: 6.00 INCHES

Pump Size: 3.00 HP

Well Location: 27 MOON SHADOW LANE

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB.

Purpose (Use): DOMESTIC

Households: 1

Volume:

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			SWSE	33	24N	31W	SANDERS

Purpose (Use): LAWN AND GARDEN

Volume:

Period of Use: APRIL 1 to DECEMBER 1

Place of Use:

<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			SWSE	33	24N	31W	SANDERS

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB.

THE PLACE OF USE IS LOCATED IN TRACT 2.

Geocodes/Valid: 35-3457-33-4-01-40-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 131128 RECEIVED 05/12/2015.

OWNERSHIP UPDATE TYPE DOR # 135122 RECEIVED 07/27/2015.

NA



FILE



GROUND WATERCERTIFICATE



*76N *



30012005

Current File Location: **NEW STORAGE**

As of : 10/1/2004

Status: **IN**

Box Bar Code: 95297

File Bar Code: 721958

3/25/2014

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201501 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-301, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number: 76N 30012005 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Status: ACTIVE

Owners: DAVID HOLLIS
PO BOX 2277
EAGLE RIVER, WI 54521
VALERIE HOLLIS
PO BOX 2277
EAGLE RIVER, WI 54521

Priority Date: AUGUST 23, 2004 at 11:36 AM

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		SWSE	33	24N	31W	SANDERS

Diversion Means: WELL
 Survey Tract: 2
 Well Depth: 428.00 FEET
 Static Water Level: 364.00 FEET
 Casing Diameter: 6.00 INCHES
 Pump Size: 3.00 HP
 Well Location: 27 MOON SHADOW LANE

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB

Period of Diversion: JANUARY 1 to DECEMBER 31

Purpose (Use): DOMESTIC

Households: 1
Period of Use: JANUARY 1 to DECEMBER 31

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			SWSE	33	24N	31W	SANDERS

Purpose (Use): LAWN AND GARDEN

Period of Use: APRIL 1 to DECEMBER 1
Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			SWSE	33	24N	31W	SANDERS

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 2292RB .
THE PLACE OF USE IS LOCATED IN TRACT 2 .

BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE WELL.

IF THE OWNERSHIP CHANGES ON ANY PORTION OF OR ALL OF THIS RIGHT, A WATER RIGHT OWNERSHIP UPDATE, FORM #608, MUST BE FILED WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY**

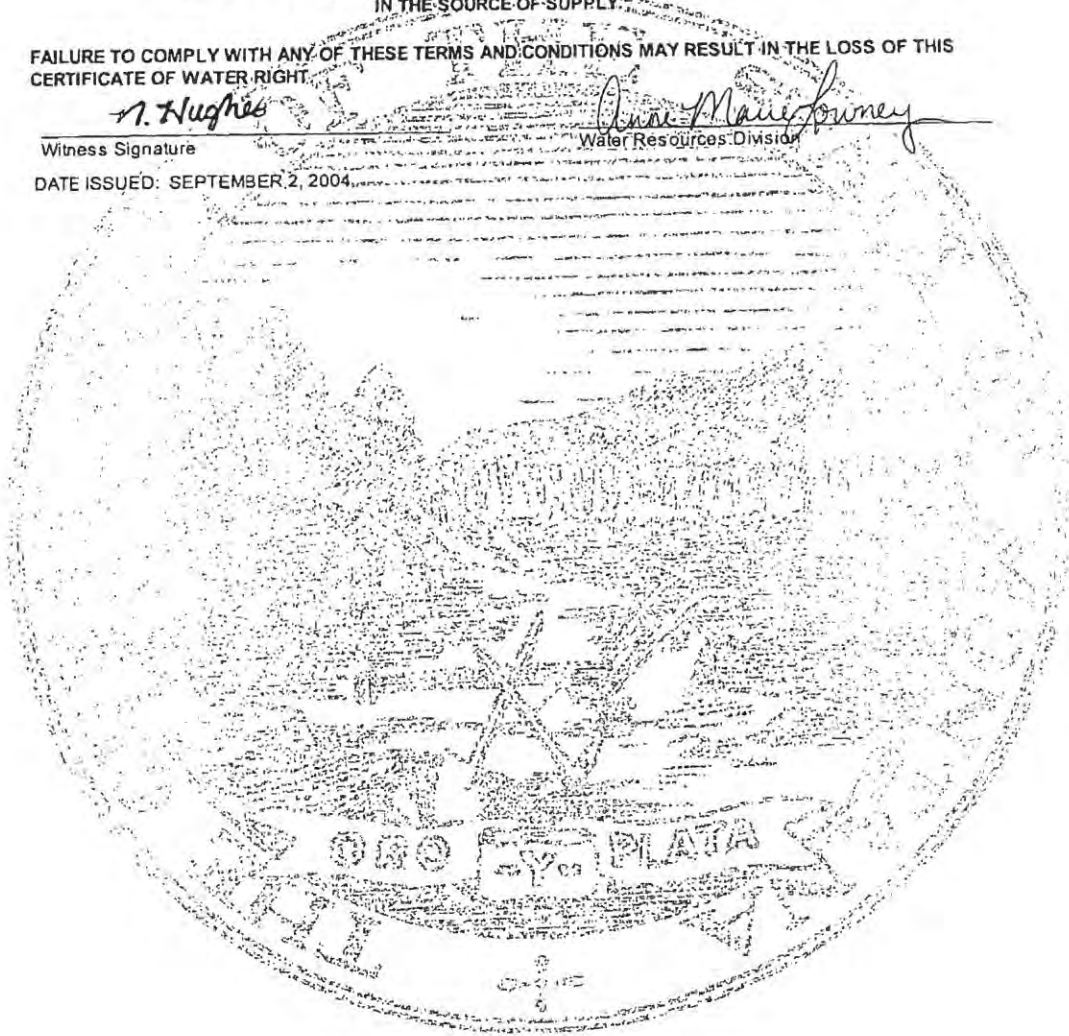
**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT**

A. Hughes

Witness Signature

Anne Marie Jorney
Water Resources Division

DATE ISSUED: SEPTEMBER 2, 2004



NOTICE OF COMPLETION OF GROUNDWATER DEVELOPMENT

For groundwater developments with a maximum use of 35 GPM not to exceed 10 AC-FT per year. GROUNDWATER IS DEFINED AS ANY WATER BELOW THE GROUND SURFACE (Use Form 600, Application for Beneficial Use of Groundwater Appropriations in excess of 35 GPM or 10 AC-FT per year.)

RECEIVED

DNRC
AUG 23 2004

FOR DEPARTMENT USE ONLY
Notice No. 30012005 Basin 76N
Priority Date 8-23-04 Time 11:30 AM/PM
Transmittal # _____ Rec'd By HB
Fee Rec'd \$ 50.00 Check No. 11680
Payor David J. or Valerie E. Hollis

State law requires this form be filed by the water user within 60 days after the water has been put to use. Your priority is determined by the date of filing.

Refund \$ _____ Date _____
Filing Fee: \$25.00 + 50
Instructions for completing form on back.

- NAME(s)** David Hollis and Valerie Hollis 239125 239126
Mailing Address PO Box 2277
City Eagle River State WI Zip 54521
Home Phone 715-479-2523 Other Phone 715-479-2664 (work)
- SOURCE OF GROUNDWATER SUPPLY:** Well Pit — Dimensions (in feet) _____ L _____ W _____ D
 Developed Spring (Excavation, performed at spring location)
- ACTUAL PUMPING RATE** .25 GPM Pump: HP Rating 3 Installation Depth 420 Ft.
- WHEN WAS THE WATER PUT TO ITS INTENDED USE?** (water must be used before you send this form to DNRC)
08/5/04
Month / Day / Year
- DOES THIS WELL REPLACE AN EXISTING WELL?** Yes No
Old Well Depth _____ Ft. Old Well GPM _____ Date Old Well Drilled or Dug _____
Month / Day / Year
- WILL THIS DEVELOPMENT** be manifold (connected) with another well or spring? Yes No
If yes, list the water right numbers and explain how they are used. _____
- POINT OF DIVERSION** (At least 2 quarter sections are required) Actual location of well, spring, or groundwater pit. Legal land descriptions may be obtained from your county records.
SW 1/4 SE 1/4 1/4 Section 33 Twp 24 N/S Range 31 E/W County Sanders
Lot _____ Block _____ Tract No. Parcel 2 COS No. 2292 R8 Government Lot _____
Subdivision Name _____ Street/Road Address 27 Moon Shadow Lane
Trout Creek, MT 59874
- PLACE OF USE** (where water is being used) If same as Point of Diversion, Check
 Domestic Lawn & Garden Stock Irrigation Other
1/4 1/4 1/4 Section Twp _____ N/S Range _____ E/W County _____
Lot _____ Block _____ Tract No. _____ COS No. _____ Government Lot _____
Subdivision Name _____ Street/Road Address _____

9. PURPOSE AND PERIOD OF USE

Domestic	Number of homes supplied by the well being filed on <u>1</u> Year-round use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, from _____ to _____, inclusive of each year. If lawn & garden/shelterbelt is greater than 1/4 acre, complete section below.
Lawn & Garden Shelterbelt Greater Than 1/4 AC.	Total size of lawn and/or garden <u>2</u> acres (length in feet x width in feet ÷ 43560 = acres) Total size of shelterbelt _____ (length in feet x width in feet ÷ 43560 = acres) Period of use: from <u>4/01</u> to <u>12/01</u> , inclusive of each year. Month / Day Month / Day
Stock	Number and type _____ Year-round use? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, from _____ to _____, inclusive of each year. Month / Day Month / Day
Irrigation	Type of crop _____ Total acres irrigated _____ Period of use: from _____ to _____, inclusive of each year. Month / Day Month / Day
Other	Describe the purpose of use _____ Amount of water used _____ gallons per day Year-round use? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, from _____ to _____, inclusive of each year. Month / Day Month / Day

10. ADDITIONAL INFORMATION

11. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT The statements here are to the best of my knowledge true and correct. I have possessory interest in the property where the water has been put to beneficial use:

- Check the box(es) that pertain to your situation: (REQUIRED)
- I exclusively own the ground water development works.
 - I do not exclusively own the ground water development works. (Attach written consent of the person who owns the ground water development)
 - I have possessory interest in the land where the ground water development is located.
 - I do not have possessory interest in the land where the ground water development is located. (Attach written notification to land owner pursuant to MCA 85-2-306(1).)

Appropriator's signature David J. Hollis Date: 8/18/04
Valerie E. Hollis Date: 8/18/04

Subscribed and sworn before me this 18th day of August, 2004

Notary's signature _____
Notary for the State of WI Residing at Eagle River
My commission expires 9-10-2009



MONTANA WELL LOG REPORT

Form No. 503 R2-99

Well ID# _____

This log reports the activities of a licensed Montana well driller and serves as the official record of work done within the borehole and casing and describes the amount of water encountered. **This form is to be completed by the driller and filed with DNRC within 60 days of completion of the work.** Acquiring Water Rights is the well owner's responsibility and is not accomplished by the filing of this report.

Well log information is stored in the Groundwater Information Center at the Montana Bureau of Mines and Geology (Butte) and water right information is stored in the Water Rights Bureau records (Helena).

For fields that are not applicable, enter NA. Optional fields have a grayed background. Record additional information in the REMARKS section.

1. WELL OWNER David & Valerie Hollis
 Name Dave Hollis
 Mailing address P.O. 2277
Eagle River, WI 54521

2. WELL LOCATION List ¼ from smallest to largest
SW ¼ SE ¼ Section 33
 Township 240S Range 31E County Sanders
 Lot _____ Tract/Blk _____ Subdivision Name _____
 Well Address _____
 GPS Yes No
 Latitude _____ Longitude _____
 Error as reported by GPS locator (± feet) _____
 Horizontal datum NAD27 WGS84

3. PROPOSED USE: Domestic Stock Irrigation
 Public water supply Monitoring Well Other:

4. TYPE OF WORK:
 New well Deepen existing well Abandon existing well
 Method: Cable Rotary Other:

5. WELL CONSTRUCTION DETAILS:

Borehole:
 Dia. 7 7/8 in. from 0 ft. to 428 ft.
 Dia. _____ in. from _____ ft. to _____ ft.
 Dia. _____ in. from _____ ft. to _____ ft.

Casing:
 Steel: Wall thickness 1025 Threaded Welded
 Dia. 6 in. from 0 ft. to 428 ft.
 Dia. _____ in. from _____ ft. to _____ ft.

Plastic: Pressure Rating _____ lbs. Threaded Welded
 Dia. _____ in. from _____ ft. to _____ ft.

Perforations/Slotted Pipe:
 Type of perforator used _____
 Size of perforations/slots _____ in. by _____ in.
 _____ no. of perforations/slots from _____ ft. to _____ ft.
 _____ no. of perforations/slots from _____ ft. to _____ ft.

Screens: Yes No
 Material _____
 Dia. _____ Slot size _____ from _____ ft. to _____ ft.
 Dia. _____ Slot size _____ from _____ ft. to _____ ft.

Gravel Packed: Yes No
 Size of gravel _____
 Gravel placed from _____ ft. to _____ ft.

Packer: Yes No
 Type _____ Depth(s) _____

Grout: Material used Bentonite
 Depth from _____ ft. to _____ ft. OR Continuous feed

6. WELL TEST DATA:
 A well test is required for all wells. (See details on well log report cover.)
 Static water level 364 ft. below top of casing or
 Closed-in artesian pressure _____ psi.
 How was test flow measured:
 bucket/stopwatch weir, flume, flowmeter, etc _____
 Yellowstone Controlled Groundwater Area - Water Temperature _____ °F
 AQUIFER TEST DATA FORM ATTACHED

Test - 1 hour minimum
 Drawdown is the amount water level is lowered below static level.
 All depth measurements shall be from the top of the well casing.
 Time of recovery is hours/minutes since pumping stopped.

Air test*
10 gpm with drill stem set at 420 ft. for 1 1/2 hours
 Time of recovery 4 hrs/min Recovery water level 363 ft.

OR Bailer test*
 _____ gpm with _____ ft. of drawdown after _____ hours
 Time of recovery _____ hrs/min. Recovery water level _____ ft.

OR Pump test*
 Depth pump set for test _____ ft.
 _____ gpm pump rate with _____ ft. of drawdown after _____ hrs pumping
 Time of recovery _____ hrs/min. Recovery water level _____ ft.

OR Flowing Artesian*
 _____ gpm for _____ hours
 Flow controlled by _____

*During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

7. WELL LOG:

Depth, Feet		Material: color/rock and type/descriptor (example: blue/shale/hard, or brown/gravel/water, or brown/sand/heaving)
From	To	
0	18	Sand & loam
18	24	Clay & Gravel
24	348	gravel + trace Clay
348	400	Shale - Brown
400	428	Granite gray-Green / H2O

ADDITIONAL SHEETS ATTACHED

8. DATE WELL COMPLETED: 2-4-04

9. REMARKS: _____

10. DRILLER/CONTRACTOR'S CERTIFICATION:
 All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.
 Name, firm, or corporation (print) Williams Well Drilling
 Address Thompson Falls, MT 59873
 Signature [Signature]
 Date 2-5-04 License no. 0567



Montana DNRC P.O. BOX 201601 HELENA, MT 59620-1601 444-6610

MBMG ID#

DEPARTMENT COPY

DRILLER: Please give this copy to the well owner to complete reverse side.
 OWNER: Complete reverse side and send to DNRC when the well is completed and the water has been used beneficially for the intended purpose.

A parcel of land located in the West half of the Southeast quarter of Section 33, Township 24 North, Range 31 West, P.M.M., further identified as Parcel 2 on Certificate of Survey No. 2292 RB, filed September 20, 2002 at Reception No. 247941, Sanders County records.

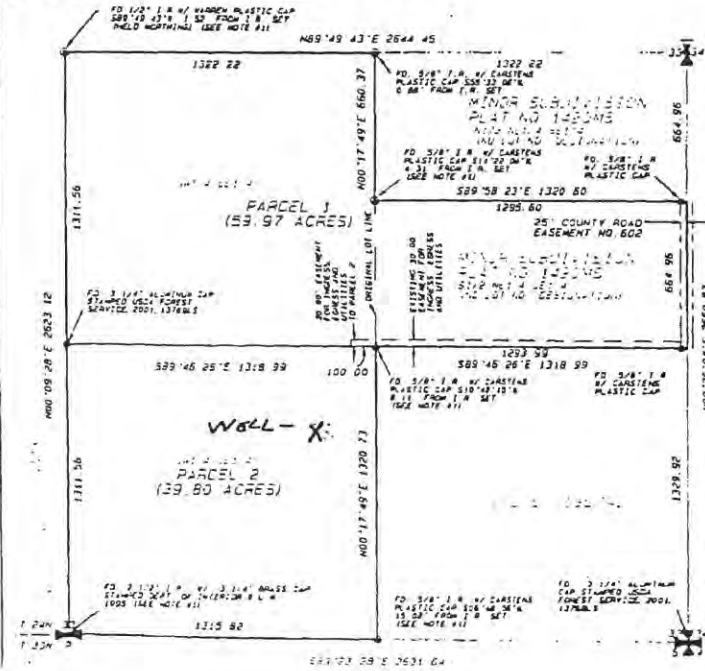
LEGAL DESCRIPTIONS:

PARCEL 1:
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 24 NORTH, RANGE 31 WEST, W.P.M., SANDERS COUNTY, MONTANA DESCRIBED AS FOLLOWS:
THE NORTHWEST QUARTER OF THE SOUTHEAST AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, CONTAINING 59.97 ACRES, TOGETHER WITH AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL 2:
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 24 NORTH, RANGE 31 WEST, W.P.M., SANDERS COUNTY, MONTANA DESCRIBED AS FOLLOWS:
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, CONTAINING 39.80 ACRES, TOGETHER WITH AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE 1:
PREVIOUS SURVEYS OF THESE PARCELS USED A SINGLE PROPORTION POSITION FOR THE SOUTH QUARTER CORNER OF SECTION 33. A MORE RECENT SURVEY (L.S. 2003) SHOWS THE POSITION TO BE 47' 7 1/2" N. 31.35 FEET FROM THE PREVIOUS POSITION AT THE POSITION OF A BLK BRASS CAP STAMPED AS PER RECORD. THE CORNER RECORD FOR THIS MONUMENT STATES THAT IT WAS SET AT THE POSITION OF THE ORIGINAL STONE WHICH WAS FOUND AND PERPETUATED BY A BLK SURVEYOR.

SINCE ALL OF THE PROPERTIES IN THIS AREA ARE DESCRIBED AS ALGIDIT PLATS, THE POSITIONS OF THE MONUMENTS SET IN THE PREVIOUS SURVEYS DO NOT REPRESENT THE TRUE PROPERTY CORNER LOCATIONS. THE MONUMENTS SHOWN AS SET ON THIS CERTIFICATE OF SURVEY REPRESENT THE TRUE PROPERTY CORNER LOCATIONS.



CERTIFICATE OF SURVEY
OF A PORTION OF THE S.E. 1/4
OF SECTION 33, T.24N., R.31W., M.P.M.
SANDERS COUNTY, MONTANA

THIS SURVEY WAS PREPARED AT THE REQUEST
OF JOHN FITZDRETT IN JULY, 2002.

PURPOSE OF SURVEY:
THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY LINE BETWEEN EXISTING PARCELS OF RECORD. NO NEW PARCELS ARE HEREBY CREATED.

OWNERS CERTIFICATE:
WE, THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY LINES BETWEEN A SINGLE LOT WITHIN A PLATTED SUBDIVISION AND ADJOINING LAND OUTSIDE A PLATTED SUBDIVISION. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR THE UNPLATTED PARCEL CONTAINES TO APPLY TO THESE AREAS. NO NEW PARCELS ARE HEREBY CREATED BY THIS DIVISION. THIS DIVISION IS THEREFORE EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207 (1) (b) MCA. BOTH RESULTING PARCELS ARE GREATER THAN 20 ACRES AND ARE EXEMPT FROM REVIEW UNDER THE SAMETATION IN SUBDIVISIONS ACT PURSUANT TO SECTION 76-4-103 MCA.

DATED THIS 17th DAY OF SEPTEMBER, 2002
OWNER (PRINT NAME) _____ SIGNATURE _____
OWNER (PRINT NAME) _____ SIGNATURE _____
OWNER (PRINT NAME) _____ SIGNATURE _____

CERTIFICATE OF COUNTY TREASURER
I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207 (3), MCA THAT NO REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED BELOW AND ENCUMBERED BY THE PROPOSED BOUNDARY RELOCATION ARE DELINQUENT.
DATED THIS 17th DAY OF SEPTEMBER, 2002

TREASURER
SANDERS COUNTY, MONTANA

CERTIFICATE OF EXAMINING SURVEYOR:
APPROVED THIS 17th DAY OF SEPTEMBER, 2002

MONTANA EXAMINING LAND SURVEYOR
REGISTRATION NO. 10000
SANDERS COUNTY ENVIRONMENTAL HEALTH DATE 08/28/02
SANDERS COUNTY PLANNING DEPARTMENT DATE

SURVEYORS CERTIFICATE:
I, RICHY L. HAGEDORN, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF APPLICABLE REGULATIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.
DATED THIS 30th DAY OF AUGUST, 2002.

RICHY L. HAGEDORN 15058LS

ACKNOWLEDGEMENTS:
DATED THIS 17th DAY OF SEPTEMBER, 2002
OWNER _____
OWNER _____
OWNER _____
SUBSCRIBED AND SHOWN BEFORE ME
THIS 17th DAY OF SEPTEMBER, 2002
NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT _____
MY COMMISSION EXPIRES 247841

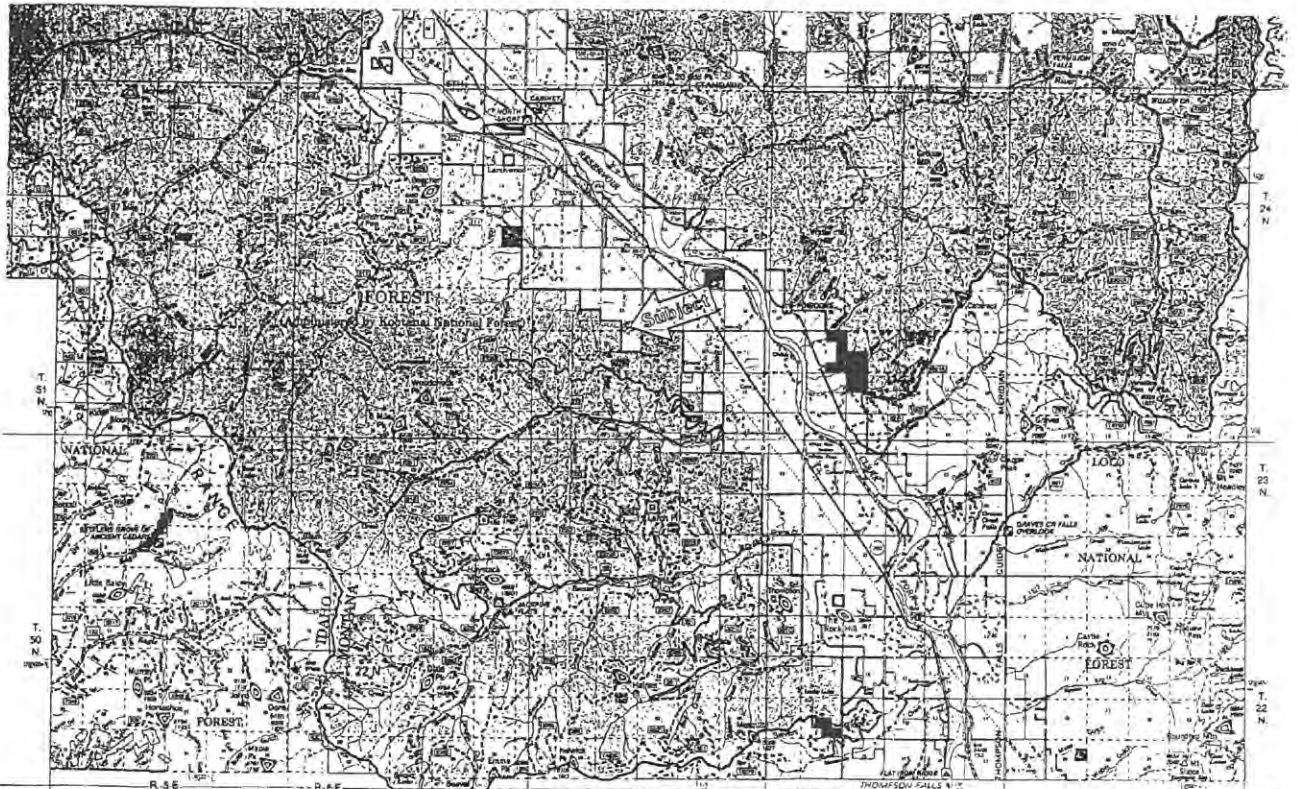
CERTIFICATE OF CLERK & RECORDER:
STATE OF MONTANA } S.S.
COUNTY OF SANDERS } S.S.
FILED FOR RECORD THIS 20th DAY OF SEPT
2002 AT 2:15 O'CLOCK PM
By T. HAGEDORN, COUNTY CLERK AND RECORDER SANDERS COUNTY, MONTANA

CERTIFICATE OF SURVEY
NO. 247841 PR

LEGEND
● INDICATES MONUMENTS FOUND AS NOTED
○ INDICATES 1/2" x 3/4" IRON ROD WITH A PLASTIC CAP STAMPED "HAGEDORN 15058LS" SET



HAGEDORN, INC.
Surveying and Engineering
5255 HIGHWAY 200, THOMPSON FALLS, MT
PH: (406) 827-5400 FAX: 827-3324



FOREST SERVICE MAP
 Base material compiled, generated and contoured in 1993 by the
 USDA Forest Service Regional Office, Missoula, Montana, from
 digital primary base maps and U.S. Geological Survey contours.

Universal Transverse Mercator zone 11, 10,000 meters
 Lambert Conformal conic, 1827 North American datum

longitude west from Greenwich

**FORM 602
 CORRECT AND COMPLETE REVIEW
 FOR USE ON ALL PRE-07/18/2003 FORMS INCLUDING THOSE FORMS
 RECEIVED BY DNRC PRIOR TO 07/18/2003.**

- > THIS FORM **MUST** BE COMPLETED AND INCLUDED WITH EACH FILE. A CHECKED BOX MEANS THE INFORMATION IS CORRECT AND COMPLETE.
- > ALL CORRECTIONS OR CHANGES MADE BY DNRC MUST BE ON A WORK COPY AND MUST INCLUDE THE DATE AND THE INITIALS OF THE PERSON MAKING THE CHANGE.
- > IF ADEQUATE INFORMATION IS NOT PROVIDED ON THE FORM, BUT DNRC CAN FIND THE CORRECT INFORMATION CONTAINED ON THE FORM OR FROM INTERNET SITES, DNRC WILL ENTER THE CORRECT INFORMATION.
- > A map is not required. However, if a map is included and the required information is on the map, DNRC will confirm the written land description matches the map. If it does not, DNRC will change the written description to match the map. If a map is submitted, but does not have the required information, mark a large X across the map so that it is known the map was not used.

- ITEM 1. NAME, ADDRESS, PHONE NO:**
 CORRECT AND COMPLETE IS THAT A NAME AND ADDRESS IS PROVIDED. CHECK FOR NAME STANDARDIZATION AND CORRECT IF NECESSARY.
- ITEM 2. SOURCE OF GROUND WATER SUPPLY:**
 CORRECT AND COMPLETE IS THAT A BOX IS CHECKED. ITEM 2 IS CORRECT AND COMPLETE IF PIT IS CHECKED, BUT NO DIMENSIONS ARE LISTED. IF THE 602 IS ON THE BACK OF A WELL LOG, DNRC WILL CHECK THE WELL BOX. GPM.
- ITEM 3. ACTUAL PUMPING RATE:**
 CORRECT AND COMPLETE IS THAT THE AMOUNT LISTED IS LESS THAN 35 GPM. IF NO AMOUNT IS LISTED, DNRC WILL LEAVE THE FORM BLANK AND PRESUME THE FLOW RATE IS 35 GPM OR LESS. DNRC WILL USE THE HP RATING OR INSTALLATION DEPTH ONLY TO DETERMINE THAT THE WELL DOES NOT EXCEED 35 GPM.
- ITEM 4. WHEN WAS WATER PUT TO USE:**
 CORRECT AND COMPLETE IS THAT THE DATE IS THE CURRENT YEAR OR BEFORE, OR IS LEFT BLANK. IF AN ANSWER IMPLIES THE WELL IS NOT IN USE, RETURN THE FORM.
- ITEM 5. REPLACEMENT WELL INFORMATION:**
 IF ALL THREE ITEMS ARE ENTERED, DNRC WILL SEND NOTICE TO APPLICANT EXPLAINING A 634 COULD BE FILED. IF NOT, DNRC WILL PROCESS THE 602 AS A NEW FILING.
- ITEM 6. COMBINATION DEVELOPMENT:**
 CORRECT AND COMPLETE IS THAT NO INFORMATION IS PROVIDED OR ONE OF THE BOXES IS CHECKED. NO EVALUATION WILL BE MADE BASED ON THE INFORMATION PROVIDED.
- ITEM 7. POINT OF DIVERSION:**
 CORRECT AND COMPLETE IS:
 1. ¼ SECTION, SECTION, TOWNSHIP AND RANGE (40 ACRE DESCRIPTION);
 2. LOT, BLOCK, SUBDIVISION, ¼ SECTION, SECTION TOWNSHIP AND RANGE;
 3. GOVERNMENT LOT, ¼ SECTION, SECTION, TOWNSHIP AND RANGE; OR
 4. CERTIFICATE OF SURVEY NO. WITH OR WITHOUT A LOT NUMBER, ¼ SECTION, SECTION, TOWNSHIP & RANGE.
 IF THE 602 IS ON THE BACK OF THE WELL LOG AND THE DESCRIPTIONS DO NOT MATCH, DNRC WILL USE THE DESCRIPTION PROVIDED BY THE WELL OWNER OR THE MONTANA CADASTRAL SYSTEM.
 STREET OR ROAD ADDRESS - CORRECT AND COMPLETE WILL BE WHATEVER IS ENTERED. DNRC WILL NOT CONFIRM THE ACCURACY OF THE INFORMATION.
- ITEM 8. PLACE OF USE:**
 IF NO INFORMATION IS ENTERED, DNRC WILL USE THE POINT OF DIVERSION LAND DESCRIPTION. THE INFORMATION APPLICABLE TO SUBDIVISIONS, GOVERNMENT LOTS AND STREET OR ROAD ADDRESSES WILL BE HANDLED THE SAME AS SHOWN IN POINT OF DIVERSION ABOVE.
- ITEM 9. PURPOSE AND PERIOD OF USE:**
 CORRECT AND COMPLETE IS THAT AT LEAST ONE BOX IS CHECKED. IF THE PERIOD OF USE IS NOT CHECKED, DNRC WILL USE THE FOLLOWING STANDARD TIME PERIODS:
 JANUARY 1 - DECEMBER 31 FOR DOMESTIC AND STOCK PURPOSES
 APRIL 1 - OCTOBER 31 FOR LAWN, GARDEN, OR OTHER IRRIGATION PURPOSES.
 DNRC WILL REVIEW THE INFORMATION ENTERED TO DETERMINE IF THE USE EXCEEDS 10 AF. IF THE VOLUME EXCEEDS A TOTAL OF 10 ACRE-FEET, DNRC WILL SEND THE APPLICANT A DEFICIENCY LETTER EXPLAINING THE PROBLEM.
- ITEM 11. AFFIDAVIT:**
 CORRECT AND COMPLETE IS THAT THE BOX PERTAINING TO OWNERSHIP OF THE DEVELOPMENT WORKS IS CHECKED AND THAT THE FORM IS SIGNED. NOTARY INFORMATION IS NOT REQUIRED.

DATA ENTRY: Leave the maximum flow rate and volume fields blank. Do not code a volume for the purpose.

REVIEWER *Dea Phillips* DATE 8-27-04



UPDATE TO FILE



GROUND WATER CERTIFICATE



76N



30012005

Current File Location: **NEW STORAGE**

As of: 10/1/2004

Bar Box Code _____

File Bar Code _____

Date/Initials _____

Series: **NA**

OWNERSHIP UPDATE NOTICE

August 28, 2015

The DNRC processed an ownership update on the following water rights based on information received from the Department of Revenue. The owner names were updated to: EARL S MORRIS; TRACEY L MORRIS

76N 30012005

*THIS WATER RIGHT IS IN A DECREE ISSUED BY THE WATER COURT

To view copies of water right abstracts, go to <http://nrms.mt.gov/dnrc/waterrights/>

For questions, or if you don't have Internet access and would like to request water right abstracts be mailed to you, contact the regional office listed below and reference Ownership Update # **131128**.

KALISPELL REGIONAL OFFICE: 406-752-2288

For more information or to change your address: <http://www.dnrc.mt.gov/wrd>



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE
P.O. BOX 201601
HELENA, MONTANA 59620-1601

Water Right Ownership Update

Post Card Addresses:

WATER RIGHT BUYER / SELLER
17835 NORTHWOOD PL
SALINAS, CA 93907

WATER RIGHT BUYER / SELLER
PO BOX 2277
EAGLE RIVER, WI 54521

WATER RIGHT BUYER / SELLER
PO BOX 1641
TROUT CREEK, MT 59874

---END OF POST CARD---

Post Card Mail to Details: (Address -- Name)

Buyers

17835 NORTHWOOD PL
SALINAS, CA 93907
EARL S MORRIS
TRACEY L MORRIS

Sellers

PO BOX 1641
TROUT CREEK, MT 59874
DAVID HOLLIS

PO BOX 2277
EAGLE RIVER, WI 54521
VALERIE HOLLIS

Post Card Water Right Current Owner Details: (Name -- Address)

TRACEY L MORRIS
17835 NORTHWOOD PL
SALINAS, CA 93907

EARL S MORRIS
17835 NORTHWOOD PL
SALINAS, CA 93907



UPDATE TO FILE



GROUND WATER CERTIFICATE



76N



30012005

Current File Location: **NEW STORAGE**

As of: 10/1/2004

Bar/Box Code _____

File Bar Code _____

Date/Initials _____

Series: **NA**

OWNERSHIP UPDATE NOTICE

January 4, 2016

The DNRC processed an ownership update on the following water rights based on information received from the Department of Revenue. The owner names were updated to MORRIS REVOCABLE LIVING TRUST

76N 30012005

*THIS WATER RIGHT IS IN A DECREE ISSUED BY THE WATER COURT

To view copies of water right abstracts, go to <http://nris.mt.gov/dnrc/waterrights/>.

For questions, or if you don't have Internet access and would like to request water right abstracts be mailed to you, contact the regional office listed below and reference Ownership Update # 135122

KALISPELL REGIONAL OFFICE 406-752-2288

For more information or to change your address <http://www.dnrc.mt.gov/wrd>



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE
P O BOX 201601
HELENA, MONTANA 59620-1601

Water Right Ownership Update

Post Card Addresses:

WATER RIGHT BUYER / SELLER
17835 NORTHWOOD PL
SALINAS, CA 93907

END OF POST CARD

Post Card Mail to Details: (Address -- Name)

Buyers

17835 NORTHWOOD PL
SALINAS, CA 93907

MORRIS REVOCABLE LIVING TRUST

Sellers

17835 NORTHWOOD PL
SALINAS, CA 93907

EARL S MORRIS

TRACEY L MORRIS

Post Card Water Right Current Owner Details: (Name -- Address)

MORRIS REVOCABLE LIVING TRUST
17835 NORTHWOOD PL
SALINAS, CA 93907

November 16, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Matthews, Barbara
LAST NAME FIRST NAME MID. INITIAL
40934 Salmon Prairie Lane
STREET ADDRESS OR PO BOX
Bigfork MT 59911
CITY STATE ZIP CODE
(406) 754-0090
PHONE NUMBER
E-MAIL
SIBMATTHEWS925@gmail.com

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

Page 14 #2 Basin 76K Swan River. This could impact our cert. of water rights from the DNRC for our 40 acres of graze land.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: Basin 76K
(One Number Per Form)

Page number in Decree: 14 #2
Source: Preliminary Decree

DATED this 14 day of November, 2022.

Barbara Matthews
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Barbara Matthews, declare under penalty of perjury, that on the 14 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Barbara Matthews
SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Labelle Jean A
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 1658
STREET ADDRESS OR PO BOX
Thompson Falls MT 59873
CITY STATE ZIP CODE
(281) 468-9257 jeanlabelle123@gmail.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See Attached.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 31350-00
(One Number Per Form)

Page number in Decree: 15-16
Source: groundwater

DATED this 15th day of November, 2022.

Jean Labelle
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Jean LaBelle, declare under penalty of perjury, that on the 15th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cslt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

**ATTACHMENT TO NOTICE OF OBJECTION
AND REQUEST FOR HEARING**

Background Information

By way of background information, the following information is provided with attached exhibits:

1. Legal description of property (see attached Exhibit A)
2. List of water right claims/abstracts

(see attached Exhibit B - General Abstract – Priority Date: January 26, 1981)

I am the co-owner of a water well under Water Right No. 76N 31350-00, which is shared with Howard Morkert. The location of the well is shown on Certificate of Survey No. 341 (attached as Exhibit D - Page 2), also known as the Point of Diversion. The water flows from the pump house to my house which is approximately 86' uphill.

The source is groundwater and the well has a depth of 40 feet. It has a maximum flow rate of 20.00 GPM, maximum volume is 1.50 acre-feet, and is used for domestic purposes.

(see attached Exhibit C – Water Right Ownership Update Fee Statement dated November 1, 2022, evidencing ownership of water right pertaining to water right 76N 31350 00)

3. Property maps (see Exhibit D -- Certificate of Survey 2 pages)

Objections to Preliminary Decree between the State of Montana (“State”), the Confederated Salish and Kootenai Tribes (“Tribes”), and the United States of America on behalf of the Tribe (“United States”) for the entry of a Preliminary Decree confirming the water rights of the Tribes as recognized in the State of Montana - Confederated Salish and Kootenai Tribes Water Rights Compact of 2015 (“Compact”), also referred to as “Appendix 38”

Specific Objections to Part III.D.3. as it Relates to Basin 76N

1. Inhabitants of Basin 76N were not properly represented at the time the Compact and/or Appendix 38 were ratified. In essence, due process was not adhered to. In fact, for those that did receive the Notice of Entry of the Confederated Salish and Kootenai Tribes of the Flathead Reservation-State of Montana-United States Compact Preliminary Decree and Notice of Availability (the "Notice"), dated June 9, 2022, there was insufficient time in which to prepare a full and complete objection to same. The Compact as well as Appendix 38 are voluminous and complicated, with numerous attachments and appendices.

2. Further objection is made as to the vastness of the land included in the various basins in which the Tribes have filed water right claims, which is substantial overreach as compared to land actually located in the Tribes' reservations.

3. Further objection to Appendix 27, the abstract of water right attached to Appendix 38 (Preliminary Decree) as part of Decree Appendix 2 and Compact. Part III.D.3.e. States, to-wit:

The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users whose point of diversion is from the mainstem of the Clark Fork River and not its tributaries, the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to the mainstem of the Clark Fork River and whose flow rate is greater than 100 gallons per minute.

This constitutes gross overreach in that the Tribes and/or the United States on behalf of the Tribes would be in direct violation of the rights of the owner(s)/holder(s) of the water rights. This amounts to shared shortages which would adversely affect the owner/holder of the Water Right Ownership, as evidenced in the attached Exhibit C. Thus, the necessity of the filing of this Objection thereto.

In addition, the Maximum Flow Rate of the water well referenced in Exhibit B attached hereto is only 20.00 GPM, way less than the 100 gallons per minute listed in Part III.D.3.e. shown above. Thus, the owner/holder of the Water Right Ownership listed on the attached Exhibit C should not be included in the water rights claims asserted in Appendix 38 as its water well does not meet the conditions referenced in Part III.D.3.e. as stated above.

Adverse Consequences if Appendix 38 is Ratified and/or Approved

If Appendix 38 is ratified, the adverse consequences to the owner/holder of the Water Right Ownership are numerous.

1. First, water is necessary for the survival of all living things. To withhold water or to effectuate a reduction of same, would be a grave injustice to all landowners, and especially to the owner/holder of the Water Right Ownership listed on the attached Exhibit C.
2. Second, any reduction in the water flow rate would constitute hardship and an undue burden on the owner/holder of the Water Right Ownership listed on the attached Exhibit C. A sustained water pressure is necessary for all domestic tasks at the homestead, i.e., laundry, bathing, etc., and it is essential for a healthy lifestyle. If the water flow rate were to be reduced, there may not be sufficient pressure for the water to be pumped to the homestead.
3. Third, if ratification of Appendix 38 is achieved, and shared shortages are mandatory, this would adversely affect the relationship between neighbors. In essence, it would negatively impact the connection, association, and/or involvement between the parties if one party's water was diverted at the expense of another party's water.
4. Fourth, if the water rights of an individual are rescinded, this would have a definite negative impact as to any future sale of that individual's property. Nobody would want to purchase any property without the transfer of the water rights.

All four of the reasons listed above would have adverse consequences to the owner/holder of the Water Right Ownership listed on the attached Exhibit C.

Therefore, it is respectfully requested that this Notice of Objection be accepted by the Water Court of the State of Montana and a subsequent hearing be held in Case No. WC-0001-C-2021.

Please return to.

CLINTON J. FISCHER
LAW OFFICE P.C.
P.O. BOX 879
POLSON, MT 59860

327114 DEED OF DISTRIBUTION

STATE OF MONTANA SANDERS COUNTY
RECORDED: 8/18/2022 11:58 AM
Nichol Scribner Clerk and Recorder
FEE: \$16.00 BY: B. B. B.
Return To: CLINTON J. FISCHER***

Pages: 2

DEED OF DISTRIBUTION

This instrument is executed the 29th day of June, 2022, by the undersigned in the capacity of the duly appointed, qualified and acting Personal Representative of the Estate of Paul D. Maddox, deceased.

Proceedings for the administration for the estate are filed as Probate No. DP-22-07 in the Montana Twentieth Judicial District Court, Sanders County, the undersigned as Personal Representative, represents that she has paid and discharged all obligations of the estate, determined the persons entitled to distribution of the estate properties according to law, and has paid and discharged all estate and inheritance taxes upon said estate, all as appears from the files in said cause.

NOW THEREFORE, for the purpose of closing said estate and making proper distribution as provided by law, the undersigned as such Personal Representative hereby assigns, transfers and conveys unto Jean A. LaBelle of P.O. Box 1658, Thompson Falls, MT 59873, the real property situated in Sanders County, Montana, and particularly described as follows, to-wit:

Parcel 1:

A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 21 North, Range 30 West, M.P.M., according to the Certificate of Survey No. 341, Sanders County records.

B.K.

Parcel 2:

A tract of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 21 North, Range 30 West, M.P.M., according to the Certificate of Survey No. 581, Sanders County records.

B.K.

Exhibit A

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76N 31350-00 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: JEAN A LABELLE
PO BOX 1658
THOMPSON FALLS, MT 59873-1658

Priority Date: JANUARY 26, 1981 at 08:23 A.M.
Enforceable Priority Date: JANUARY 26, 1981 at 08:23 A.M.

Purpose (use): DOMESTIC

Maximum Flow Rate: 20.00 GPM

Maximum Volume: 1.50 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	14	21N	30W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth: 40.00 FEET

Static Water Level: 17.00 FEET

Casing Diameter: 6.00 INCHES

Purpose (Use): DOMESTIC

Households: 2

Volume: 1.50 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	14	21N	30W	SANDERS

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 341.

Geocodes/Valid: 35-3090-14-1-01-38-0000 - Y

Remarks:

MISCELLANEOUS INFORMATION

SPLIT WATER RIGHT SEE C031350-00.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/28/88.

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/12/90.

OWNERSHIP UPDATE RECEIVED

Exhibit B

State of Montana
Department of Natural Resources and Conservation
(This invoice generated by DNRC)



JEAN A LABELLE
PO BOX 1658
THOMPSON FALLS, MT 59873-1658

November 1, 2022
Ownership Update Number: **242378**

*Pd # 1117
11/7/2022*

WATER RIGHT OWNERSHIP UPDATE FEE STATEMENT

Amount Due: \$ 50.00

A Water Right Ownership Update was processed on OCTOBER 17, 2022 listing you as the owner. Payment of a Water Right Ownership Update fee is required by Montana law [§ 85-2-424 & § 85-2-426 Montana Code Annotated (MCA)]. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 per transaction.

Our records show the ownership update fee for the following water right(s) has not been paid.

76N 31350 00

Please return the payment coupon below along with your payment to ensure the fee is properly credited. If you do not pay the fee, you will be liable for a civil penalty of up to \$300. The DNRC may seek payment of costs associated with recovering the penalty including attorney fees and other related costs [§85-2-431, MCA].

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov>. If you don't have internet access, feel you received this fee letter in error, or have any other questions, please contact:

DNRC KALISPELL WATER RESOURCES REGIONAL OFFICE 406-752-2288

YOU MUST RETURN THE COUPON BELOW WITH YOUR PAYMENT OR THE PAYMENT WILL NOT BE CREDITED TO THE ACCOUNT.

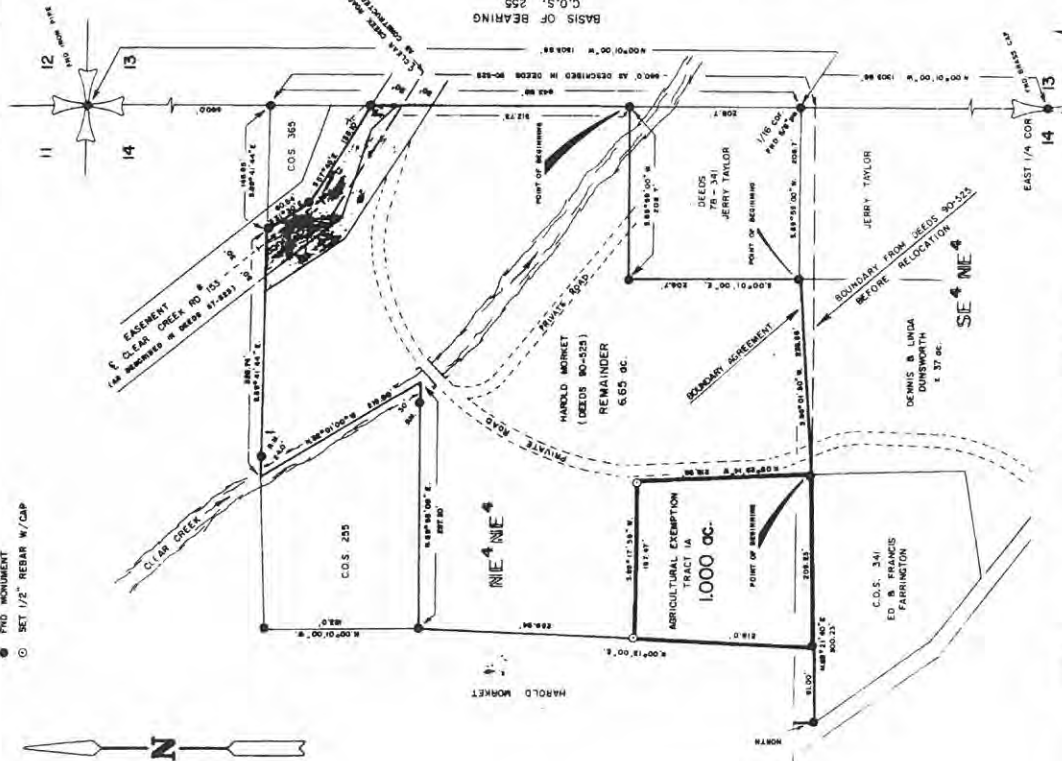
Exhibit C

STATE OF WASHINGTON }
County of Pierce }

On this day personally appeared before me Dennis Dunsworth and Linda Dunsworth described in and who executed the within and foregoing instrument, and acknowledged that they are the same as their names and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9th day of Dec 1981
Dennis Dunsworth
Notary Public in and for the State of Washington
Residing at _____
Commission Expires _____

CERTIFICATE OF SURVEY



LEGAL DESCRIPTIONS

TRACT 1A — A TRACT OF LAND IN THE NE 1/4 AND THE SE 1/4 OF SECTION 14, T21N, R20W, P10S, COMMENCED AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF SAID NE 1/4, THENCE S 89° 01' 30" W, 248.50' TO THE TRUE POINT OF BEGINNING, THENCE N 05° 29' 14" W, 200.00' TO THE POINT OF BEGINNING, THENCE S 01° 18' 00" W, 218.00' TO THE TRUE POINT OF BEGINNING, THENCE N 89° 21' 40" E, 200.27' TO THE TRUE POINT OF BEGINNING, CONTAINING IN ALL 1.000 ACRES.

REMAINDER — A TRACT OF LAND IN THE NE 1/4 AND THE SE 1/4 OF SECTION 14, T21N, R20W, P10S, COMMENCED AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF SAID NE 1/4, THENCE S 89° 01' 30" W, 248.50' TO THE TRUE POINT OF BEGINNING, THENCE N 05° 29' 14" W, 200.00' TO THE TRUE POINT OF BEGINNING, THENCE S 01° 18' 00" W, 218.00' TO THE TRUE POINT OF BEGINNING, THENCE N 89° 21' 40" E, 200.27' TO THE TRUE POINT OF BEGINNING, CONTAINING IN ALL 6.65 ACRES.

BOUNDARY AGREEMENT

DESCRIPTION: A BOUNDARY AGREEMENT BETWEEN DENNIS DUNSWORTH & LINDA DUNSWORTH AND JERRY TAYLOR CONCERNING THE BOUNDARY OF THE 1.000 AC. AGRICULTURAL EXEMPTION TRACT 1A AND THE REMAINDER OF THE 6.65 AC. TRACT 1A.

WE THE FOLLOWING UNDERSIGNED LANDOWNERS DO HEREBY AGREE TO THE BOUNDARY AGREEMENT BETWEEN THE PARCELS SHOWN AND DEPICTED ON THE ATTACHED MAP AND TO THE BOUNDARY LINE SHOWN AND DEPICTED THEREON. THIS AGREEMENT IS SUPERSEDED BY THE PREVIOUS PROPERTY DEEDS AND RECORDS AND IS UNENFORCEABLE AS THE MUTUAL BOUNDARY TO ALL HERETS AND ASSIGNS.

DENNIS DUNSWORTH
LINDA DUNSWORTH
JERRY TAYLOR

SURVEY PREPARED AT THE REQUEST OF HAROLD MORNET
DATE OF SURVEY: 12-13-81
MY COMMISSION EXPIRES: 12-13-84

PURPOSE OF SURVEY

THIS SURVEY IS FILED WITH INTENT TO QUALIFY FOR THE EXEMPTION AS FOUND IN SECTION 72-3-201, M.C.A. TO WIT, DIVISIONS MADE OUTSIDE PLATTED SUBDIVISIONS BY SALE OR AGREEMENT TO BUY OR TO SELL LAND. THE SURVEY IS NOT A TRANSFER OF A COVENANT RUNNING WITH THE LAND AND IS REVOCABLE ONLY BY MUTUAL CONSENT OF THE GOVERNING BODY AND THE PROPERTY OWNER. THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES.

I HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO CREATE A PARCEL OF LAND AS AN AGRICULTURAL TRACT, AND THAT A COVENANT HAS BEEN ENTERED INTO WITH THE GOVERNING BODY THAT THE SURVEY IS TO BE USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES AND THAT THE COVENANT SHALL BE A COVENANT RUNNING WITH THE LAND UNDER THE FOLLOWING CONDITIONS: THAT ANY SUCH APPLICATION FOR REGULATION OF THIS COVENANT IS MADE.

THE COVENANTS, THEIR HEIRS, ASSIGNS, AND SUCCESSORS, IN INTEREST, COVENANT INCIDENT TO THIS SURVEY WILL BE USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES AND THAT THE COVENANT SHALL BE A COVENANT RUNNING WITH THE LAND UNDER THE FOLLOWING CONDITIONS: THAT ANY SUCH APPLICATION FOR REGULATION OF THIS COVENANT IS MADE.

Dennis Dunsworth
OWNER (NAME IN BLACK INK)
SUBSCRIBED AND SIGNED BEFORE ME THIS DAY OF Dec 1981
AT Harold Mornet
NOTARY PUBLIC FOR THE STATE OF WASHINGTON
MY COMMISSION EXPIRES _____

1/4	SEC.	T.	R.
14	21N	30W	
SANDERS COUNTY			
PRINCIPAL MERIDIAN, MONTANA			

CERTIFICATE OF CLERK & RECORDER
 STATE OF MONTANA
 COUNTY OF SANDERS
 FILED FOR RECORD THIS 13th DAY OF Dec 1981
 AT Harold Mornet
 CLERK & RECORDER



Exhibit D

WC-0001-C-2021

November 17, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

TRULL Michael D.
LAST NAME FIRST NAME MID. INITIAL
P. O. Box 601
STREET ADDRESS OR PO BOX
Thompson Falls MT 59873
CITY STATE ZIP CODE
(406) 531-7524
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL
Michael.Frull@mt.gov

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See attached.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30026911
(One Number Per Form)

Page number in Decree: 15-16
Source: ground water

DATED this 15th day of November, 2022.

[Signature]
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Michael D. Trull, declare under penalty of perjury, that on the 15th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

**ATTACHMENT TO NOTICE OF OBJECTION
AND REQUEST FOR HEARING**

Background Information

By way of background information, the following information is provided with attached exhibits:

1. Legal description of property (see attached Exhibit A)
2. List of water right claims/abstracts

(see attached Exhibit B - General Abstract – Priority Date: February 27, 2007)

I am the owner of a water well under Water Right No. 76N 30026911. The location of the well is shown on Certificate of Survey No. 469 (attached as Exhibit D), also known as the Point of Diversion. The water flows from the pump house to my house.

The source is groundwater. The maximum flow rate is limited to the actual amount used up to 35 gallons per minute. The maximum volume is limited to the actual amount used up to 10 acre-feet, and is used for domestic purposes.

(see attached Exhibit C – Water Right Ownership Update Fee Statement dated July 24, 2020, evidencing ownership of water right pertaining to water right 76N 30026911)

3. Property maps (see Exhibit D -- Certificate of Survey)

Objections to Preliminary Decree between the State of Montana (“State”), the Confederated Salish and Kootenai Tribes (“Tribes”), and the United States of America on behalf of the Tribe (“United States”) for the entry of a Preliminary Decree confirming the water rights of the Tribes as recognized in the State of Montana - Confederated Salish and Kootenai Tribes Water Rights Compact of 2015 (“Compact”), also referred to as “Appendix 38”

Specific Objections to Part III.D.3. as it Relates to Basin 76N

1. Inhabitants of Basin 76N were not properly represented at the time the Compact and/or Appendix 38 were ratified. In essence, due process was not adhered to. In fact,

for those that did receive the Notice of Entry of the Confederated Salish and Kootenai Tribes of the Flathead Reservation-State of Montana-United States Compact Preliminary Decree and Notice of Availability (the "Notice"), dated June 9, 2022, there was insufficient time in which to prepare a full and complete objection to same. The Compact as well as Appendix 38 are voluminous and complicated, with numerous attachments and appendices.

2. Further objection is made as to the vastness of the land included in the various basins in which the Tribes have filed water right claims, which is substantial overreach as compared to land actually located in the Tribes' reservations.

3. Further objection to Appendix 27, the abstract of water right attached to Appendix 38 (Preliminary Decree) as part of Decree Appendix 2 and Compact. Part III.D.3.e. States, to-wit:

The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users whose point of diversion is from the mainstem of the Clark Fork River and not its tributaries, the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to the mainstem of the Clark Fork River and whose flow rate is greater than 100 gallons per minute.

This constitutes gross overreach in that the Tribes and/or the United States on behalf of the Tribes would be in direct violation of the rights of the owner(s)/holder(s) of the water rights. This amounts to shared shortages which would adversely affect the owner/holder of the Water Right Ownership, as evidenced in the attached Exhibit C. Thus, the necessity of the filing of this Objection thereto.

In addition, the Maximum Flow Rate of the water well referenced in Exhibit B attached hereto is limited to the actual amount used up to 35 gallons per minute, which is way less than the 100 gallons per minute listed in Part III.D.3.e. shown above. Thus, the owner/holder of the Water Right Ownership listed on the attached Exhibit C should not be included in the water rights claims asserted in Appendix 38 as its water well does not meet the conditions referenced in Part III.D.3.e. as stated above.

Adverse Consequences if Appendix 38 is Ratified and/or Approved

If Appendix 38 is ratified, the adverse consequences to the owner/holder of the Water Right Ownership are numerous.

1. First, water is necessary for the survival of all living things. To withhold water or to effectuate a reduction of same, would be a grave injustice to all landowners, and especially to the owner/holder of the Water Right Ownership listed on the attached Exhibit C.

2. Second, any reduction in the water flow rate would constitute hardship and an undue burden on the owner/holder of the Water Right Ownership listed on the attached Exhibit C. A sustained water pressure is necessary for all domestic tasks at the homestead, i.e., laundry, bathing, etc., and it is essential for a healthy lifestyle. If the water flow rate were to be reduced, there may not be sufficient pressure for the water to be pumped to the homestead.

3. Third, if ratification of Appendix 38 is achieved, and shared shortages are mandatory, this would adversely affect the relationship between neighbors. In essence, it would negatively impact the connection, association, and/or involvement between the parties if one party's water was diverted at the expense of another party's water.

4. Fourth, if the water rights of an individual are rescinded, this would have a definite negative impact as to any future sale of that individual's property. Nobody would want to purchase any property without the transfer of the water rights.

All four of the reasons listed above would have adverse consequences to the owner/holder of the Water Right Ownership listed on the attached Exhibit C.

Therefore, it is respectfully requested that this Notice of Objection be accepted by the Water Court of the State of Montana and a subsequent hearing be held in Case No. WC-0001-C-2021.

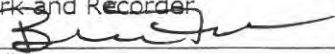
315975 QUIT CLAIM DEED

STATE OF MONTANA SANDERS COUNTY

RECORDED: 3/23/2020 3:36 PM

Pages: 2

Nichol Scribner Clerk and Recorder

FEE: \$14.00 BY: 
Return To: MIKE TRULL

After Recording Return To:

Mike Trull

59 Dixie Drive

Thompson Falls, MT 59873

File No.: CFT2020MISC/TB

QUITCLAIM DEED

FOR VALUE RECEIVED:

ROBIN KAY CARLEY-WILLIAMSON, who acquired title as ROBIN K. TRULL, whose address is 59 Dixie Drive, Thompson Falls, MT 59873,

the Grantor, does hereby convey, release & quitclaim unto

MICHAEL D. TRULL, whose address is 59 Dixie Drive, Thompson Falls, MT 59873,

the Grantee, all of the Grantor's right, title and interest in and to the following described premises, in Sanders County, Montana, to-wit:

A parcel of land in the SW¼ of Section 2 and E½SE¼ of Section 3, all in Township 22 North, Range 30 West, P.M.M., Sanders County, Montana, further described as Tract 12 on Certificate of Survey No. 469, on file in the office of the Clerk and Recorder of Sanders County, Montana.

SUBJECT TO all reservations, rights-of-way, easements, licenses, restrictions and covenants of record or visible on the premises.

TOGETHER WITH all improvements, appurtenances and hereditaments thereunto or anywise appertaining.

This deed conveys after-acquired title and releases all interest acquired by Grantor in and to the subject property from the date hereof through and including the date of recording, less any portion previously conveyed by warranty deed to the grantors herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns FOREVER.

Exhibit A

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76N 30026911 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: MICHAEL D TRULL
PO BOX 601
THOMPSON FALLS, MT 59873-0601

Priority Date: FEBRUARY 27, 2007 at 02:11 P.M.

Enforceable Priority Date: FEBRUARY 27, 2007 at 02:11 P.M.

Purpose (use): DOMESTIC

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point 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		SW	2	22N	30W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: BIG SKY HOMESTEADS TRACT/LOT: 12

Purpose (Use): DOMESTIC

Households:

Volume:

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			SW	2	22N	30W	SANDERS

Subdivision: BIG SKY HOMESTEADS TRACT/LOT 12

Geocodes/Valid: 35-3217-02-3-01-10-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 121512 RECEIVED 02/12/2014.

OWNERSHIP UPDATE TYPE DOR # 206115 RECEIVED 03/23/2020.

Exhibit B

State of Montana
Department of Natural Resources and Conservation
(This invoice generated by DNRC)



MICHAEL D TRULL
59 DIXIE DR
THOMPSON FALLS, MT 59873

July 24, 2020
Ownership Update Number: 206115

WATER RIGHT OWNERSHIP UPDATE FEE STATEMENT

Amount Due: \$ 50.00

The Department of Revenue has reported the filing of a deed on March 23, 2020 listing you as the property owner to which the water rights listed in the table are appurtenant. At closing, a Water Right Ownership Update fee must be sent to DNRC [§ 85-2-424 & § 85-2-426 Montana Code Annotated (MCA)]. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 per transaction.

Our records show the update processing fee for these water right(s) has not been paid. Please submit the processing fee for the following water rights:

76N 30026911

You must return the payment coupon below along with your payment in order for the payment to be properly credited. **Please respond within 30 days of receipt of this letter.** The Water Right Ownership Update will be processed upon receipt of the processing fee. If we do not hear from you within 30 days, no change of ownership to the water right record will be made.

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov>. If you don't have internet access, feel you received this fee letter in error, or have any other questions, please contact:

DNRC KALISPELL WATER RESOURCES REGIONAL OFFICE

406-752-2288

PD
✓ #180
Aug 14/2020

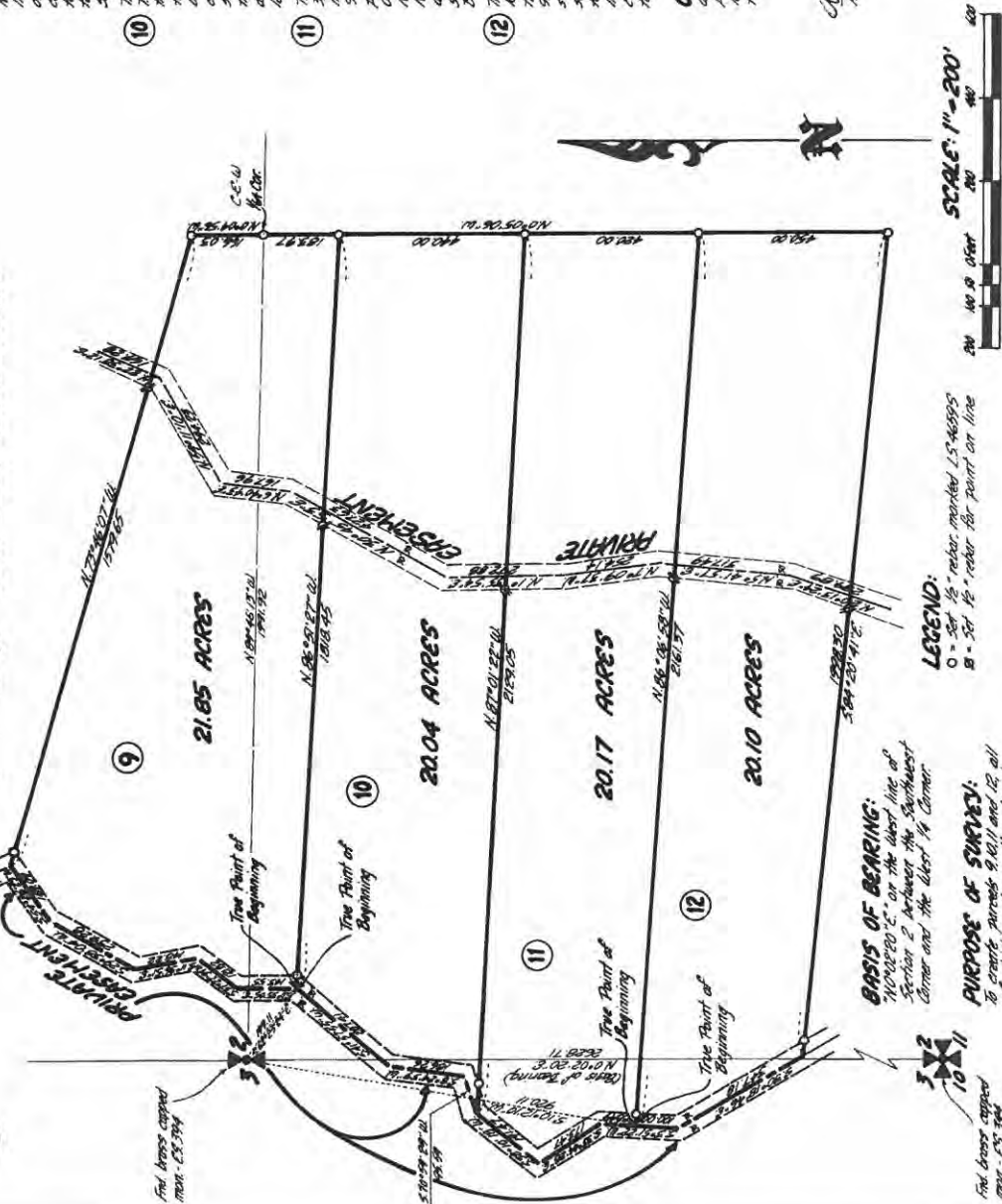
YOU MUST RETURN THE COUPON BELOW WITH YOUR PAYMENT OR THE PAYMENT WILL NOT BE CREDITED AND

Exhibit C

CERTIFICATE OF SURVEY

IN SECS. 2 & 3, T.22N. R.30W. M.2A

SANDERS COUNTY MONTANA



LEGAL DESCRIPTION

9 These portions of the 5/4 5/4 N. 1/4 of Section 2, T.22N., R.30W., M.2A, Sanders County, Montana described as follows: commencing at the West 1/4 Corner of said Section 2, thence S 69° 23' 42" E, a distance of 189.11 feet to a point on the beginning of a 6200 foot private easement, said point being the True Point of Beginning; thence bearing and distance S 85° 57' 27" E, a distance of 188.85 feet to the East line of the 1/4 1/4 1/4 1/4 1/4 of said Section 2, thence N 10° 02' 00" W, along said East line of 183.97 feet to the East 1/4 Corner of said Section 2, thence N 0° 04' 57" W, along the East line of the 1/4 1/4 1/4 1/4 1/4 of said Section 2, a distance of 165.27 feet, thence along said East line of 179.65 feet to the centerline of said 6200 foot easement, thence along said centerline the following courses: S 59° 53' 27" W, 165.28 feet; thence S 25° 54' 24" W, 239.25 feet; thence S 11° 54' 57" E, 465.22 feet; thence S 37° 52' 39" W, 1216.76 feet; thence S 10° 59' 25" E, 1455.55 feet to the True Point of Beginning, containing 218.85 acres.

10 These portions of the N 1/2 1/4 of Section 2 and the E 1/4 1/4 1/4 1/4 of Section 3, T.22N., R.30W., M.2A, Sanders County, Montana described as follows: commencing at the West 1/4 Corner of said Section 2, thence S 69° 23' 42" E, a distance of 189.11 feet to a point on the beginning of a 6200 foot private easement, said point being the True Point of Beginning; thence along said centerline the following courses: S 59° 57' 27" W, 165.28 feet; thence S 25° 54' 24" W, 239.25 feet; thence S 11° 54' 57" E, 465.22 feet; thence S 37° 52' 39" W, 1216.76 feet; thence S 10° 59' 25" E, 1455.55 feet to the True Point of Beginning, containing 220.4 acres.

11 These portions of the N 1/2 1/4 of Section 2 and the E 1/4 1/4 1/4 1/4 of Section 3, T.22N., R.30W., M.2A, Sanders County, Montana described as follows: commencing at the East 1/4 Corner of said Section 2, thence S 10° 02' 00" W, a distance of 183.97 feet to a point on the beginning of a 6200 foot private easement, said point being the True Point of Beginning; thence bearing and distance S 85° 57' 27" E, a distance of 188.85 feet to the East line of the 1/4 1/4 1/4 1/4 1/4 of said Section 2, thence N 10° 02' 00" W, along said East line of 183.97 feet to the East 1/4 Corner of said Section 2, thence N 0° 04' 57" W, along the East line of 165.27 feet, thence along said centerline the following courses: S 59° 53' 27" W, 165.28 feet; thence S 25° 54' 24" W, 239.25 feet; thence S 11° 54' 57" E, 465.22 feet; thence S 37° 52' 39" W, 1216.76 feet; thence S 10° 59' 25" E, 1455.55 feet to the True Point of Beginning, containing 201.7 acres.

12 These portions of the 5/4 1/4 of Section 2 and the E 1/4 1/4 1/4 1/4 of Section 3, T.22N., R.30W., M.2A, Sanders County, Montana described as follows: commencing at the East 1/4 Corner of said Section 2, thence S 10° 02' 00" W, a distance of 183.97 feet to a point on the beginning of a 6200 foot private easement, said point being the True Point of Beginning; thence S 59° 57' 27" E, a distance of 188.85 feet, thence S 25° 54' 24" W, 239.25 feet, thence S 11° 54' 57" E, 465.22 feet, thence S 37° 52' 39" W, 1216.76 feet, thence S 10° 59' 25" E, 1455.55 feet to the True Point of Beginning, containing 20.10 acres.

OWNER'S CERTIFICATE
 We the undersigned property owners have had this Certificate of Survey prepared to divide our irregular-shaped parcels of land, most of which is larger than thirty acres, exclusive of public roadways, which are proposed to be conveyed.

Archie P. Sherar
 Terry A. Sherar
 David L. Reynolds
 Attorney-in-Fact

Surveyed by
 Carl R. McMillen
 L.S. 46595

1/4	3/4	7/8	R.
3	22	30	U.
2	N	W.	

RECORDS CERTIFICATE
 Filed for record this 21 day of March, 1980
 at 3:30 o'clock P.M.

County Clerk and Recorder
 Sanders County, Montana

CERTIFICATE NO. 469

JOB NO. 79-82

SURVEYOR'S CERTIFICATE
 I, Carl R. McMillen, L.S. 46595, do hereby certify that this Certificate of Survey has been prepared in accordance with the Montana Subdivision and Planning Act (Chapters 1-3055 thru 1-3076, R.C.M. 1973) and the regulations adopted pursuant thereto and that the map shown hereon is a true representation of a survey made by me in accordance with the Montana Subdivision and Planning Act, Chapter 1-3055.

Carl R. McMillen, L.S. 46595

PREPARED BY:
McMILLEN SURVEYING
 CLARIS FORK 10 - HERRAN, MT.

SURVEY FOR:
ARCHIE SHERAR

Exhibit D

WC-0001-C-2021

November 21, 2022

Montana Water Court

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Hanson John G. and Katherine E.
LAST NAME FIRST NAME MID. INITIAL
255 Sickler Creek Rd
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(406) 471-8554 katherinehanson323@yahoo.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
(_____) _____
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

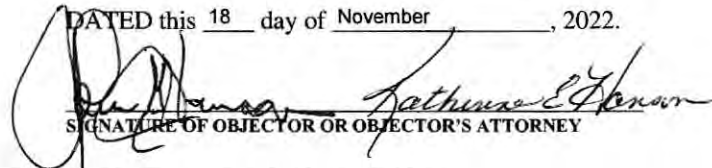
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L421566
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.



SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, John G. Hanson and Katherine E Hanson, declare under penalty of perjury, that on the 19 day of November _____, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cstkt.org

Sent VIA Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Sent VIA Email

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent VIA Email


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: **Montana Water Court**
PO Box 1389
Bozeman, MT 59771-1389

or **E-mail: watercourt@mt.gov**
Sent VIA Email

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

<u>Hanson</u>	<u>John G. and Katherine E.</u>	
LAST NAME	FIRST NAME	MID. INITIAL
<u>255 Sickler Creek Rd</u>		
STREET ADDRESS OR PO BOX		
<u>Marion</u>	<u>MT</u>	<u>59925</u>
CITY	STATE	ZIP CODE
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>	
PHONE NUMBER	E-MAIL	

2. Objector's Attorney name, address, and phone number:

_____	_____	_____
LAST NAME	FIRST NAME	MID. INITIAL

STREET ADDRESS OR PO BOX		
_____	_____	_____
CITY	STATE	ZIP CODE
<u>()</u>	_____	_____
PHONE NUMBER	E-MAIL	

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

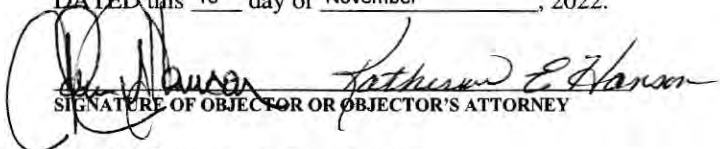
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L67892
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

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Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent VIA Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile.denver.enrd@usdoj.gov

Sent VIA Email

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent VIA Email


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Sent VIA Email

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

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**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

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Hanson John G. and Katherine E.
LAST NAME FIRST NAME MID. INITIAL
255 Sickler Creek Rd
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(406) 471-8554 katherinehanson323@yahoo.com
PHONE NUMBER E-MAIL

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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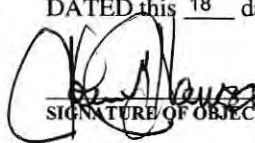
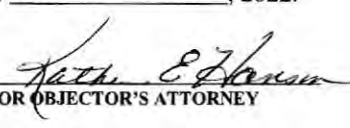
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L216017
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.

 
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

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Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent Via Email

David W. Harder
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Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Sent Via Email

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent Via Email


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov
Sent Via Email

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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<u>Hanson</u> <u>John G. and Katherine E.</u>		
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<u>255 Sickler Creek Rd</u>		
STREET ADDRESS OR PO BOX		
<u>Marion</u>	<u>MT</u>	<u>59925</u>
CITY	STATE	ZIP CODE
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>	
PHONE NUMBER	E-MAIL	

2. Objector's Attorney name, address, and phone number:

LAST NAME	FIRST NAME	MID. INITIAL

STREET ADDRESS OR PO BOX		

CITY	STATE	ZIP CODE
<u>()</u>		
PHONE NUMBER	E-MAIL	

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

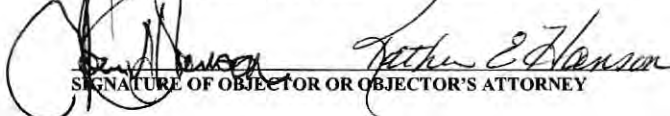
Please see attached objections

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Water Right #: 76L30022422
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, John G. Hanson and Katherine E Hanson, declare under penalty of perjury, that on the ~~28~~¹⁹ day of November _____, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent Via Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Sent Via Email

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent Via Email


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Hanson John G. and Katherine E.
LAST NAME FIRST NAME MID. INITIAL
255 Sickler Creek Rd
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(406) 471-8554 katherinehanson323@yahoo.com
PHONE NUMBER E-MAIL

2. Objector’s Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

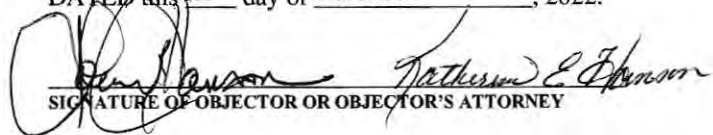
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L9447
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, John G. Hanson and Katherine E Hanson, declare under penalty of perjury, that on the 19 day of November _____, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cstk.org

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David W. Harder
U.S. Department of Justice
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999 18th St.
South Terrace, Suite 370
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efile_denver.enrd@usdoj.gov

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Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

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SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
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**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

1 John G Hanson and Katherine E Hanson
2 255 Sickler Creek Rd
3 Marion, Montana, 59925
4 (406)471-8554

5 MONTANA WATER COURT
6 STATE OF MONTANA

7 Case No.: WC-0001-C-2021

8 OBJECTION: TO WATER COMPACT OF
9 CONFEDERATED SALISH AND KOOTENAI
10 TRIBES OF THE FLATHEAD RESERVATION,
11 MONTANA, THE STTE OF MONTANA AND THE
12 UNITED STATES RATIFIED

13 Attn: Daniel J. Decker

14 David W. Harder

15 Molly M. Kelly

16 Montana Water Court

17 (sent via Email to all above)

18 To Whom It May Concern,

19 This is to act as a formal Notice of Objection and request for Hearing in the case of the water
20 Court of the State of Montana Confederated Salish and Kootenai Tribes Montana – United States Compact.

- 21 1) Our water rights were established with the purchase of the ranch in the 1940-1950 by our family and were
22 inherited by us in 2020. Our water rights play a vital role in maintaining our livestock which includes not
23 only cattle, but Clydesdale horses who are listed on the Equine watch list for endangered animals. Our
24 water rights give us the ability to not only water our livestock and grow feed for them, but are vital to the
25 wildlife on our ranch and the surrounding areas. Without the free flow of the creeks and streams on our
26 property and surrounding areas, the wildlife, some which are protected, such as Grizzly bears may be

27
28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 1

1 forced to venture to more populated areas, which could be detrimental to not only humans, but wildlife as
2 well.

3 2) Certain "Water Rights", specially listed with the DNRC as "Water Right Numbers 76L9447, 76L42566,
4 76L67892, 76L216017 and 76L30022422 are owned by John G. Hanson and Katherine E. Hanson and give
5 them the right to use the water. These water rights been in the Hanson family for decades. Neither John or
6 Katherine Hanson have appointed either state or federal government the right to negotiate on behalf of
7 either owner.

8 3) Montana waters, in all their varied forms and locations, belong to the state. This ownership, however, exists
9 on behalf of all state citizens. Access to water is not based on your nationality nor should it be controlled
10 based on Nationality. The Montana Constitution Article IX Section 3(3) states "All surface, underground,
11 flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of
12 its people and are subject to appropriation for beneficial uses as provided by law." Our family is and have
13 been people of the state of Montana for over 100 years, as long or longer than any living member of the
14 CSKT. Our rights as Montana people should not be discriminated against because we lack Indian blood.

15 4) The decree is pursuant to the Hellgate Treaty of 1855. Yet the Hellgate Treaty does not specify that "water
16 rights" are to be "reserved to fulfill the purpose of the Treaty. In fact the Hellgate Treaty states the tribe
17 "hereby cede, relinquish, and convey to the United States all their right, title, and interest" of the lands in
18 question. In 1885 the Montana Territorial legislature enacted legislation establishing the first system of
19 water rights. Therefore, it is impossible that the tribe was given or retained water rights 30 years before
20 they existed. The Hellgate Treaty in reference to water ways, streams etc. only give the "exclusive right of
21 taking fish in all the streams running through or bordering said reservation".

22 5) Page 2 paragraph 5 of the decree falsely claims that "it is in the best interest of all Parties that the water
23 rights claims of the Confederated Salish and Kootenai Tribes be settled through agreements between and
24 among the Tribes, the State of Montana, and the United States;" This statement clearly excludes the rights
25 of all Parties because the People of Montana who are not members of the tribe, own water rights which
26 will be affected by this compact and this excludes their right to defend themselves. This statement
27 insinuates that we, the people of Montana, are to trust people who we do not feel work for the best interest

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 2

1 of the people of Montana to do our bidding. The right to defend yourself applies to all actions against you
2 by sword, or by word. Defending yourself by pen and paper in court to defend your water rights should not
3 be decided by someone who has no interest in your livelihood. Each person who has ownership of the water
4 rights in question, should equally be included in establishing any agreements that will affect their interest of
5 Montana water rights. I have personal knowledge that people who own water rights and will be affect by
6 this Compact have no knowledge of the right to object to the compact or of the December 6, 2022 deadline
7 to do so.

8 6) Page 2 paragraph 7, refers to the parties agreement to “conservation, management, and protection of the
9 water resources of the Reservation are essential to the health and welfare of all residents of the
10 Reservation”. This fails to include the people of Montana who do not live on the reservation, who, as
11 American Citizens and Citizens of Montana, who rightfully pay taxes and who rightfully own water rights
12 and/or land should equally be included in this statement.

13 7) Page 2 paragraphs 8 and 9, refers that “the Parties seek to secure to all residents of the Reservation the quiet
14 enjoyment of the use of waters of the Reservation” and that the parties agree to “protect tribal instream
15 flows, existing uses, and historic farm deliveries to Flathead Indian irrigation projects irrigators”. The court
16 should not see fit to steal from Peter to pay Paul. The farmers and Ranchers of Montana should not be
17 discriminated against because they lack Indian blood and should be given all the same abilities to use the
18 water they were promised when purchasing or inheriting their properties and given water rights, which
19 promised them the security to the “quiet enjoyment of the use of waters” as well. Article IV of The Treaty
20 of Hellgate agreed to pay the Confederated Salish and Kootenai Tribes \$120,000 in 1855, which is the
21 equivalent of \$4,087,048.28 in today’s dollar. For that sum the CSKT agreed per Article 1 to “cede,
22 relinquish, and convey to the United States *all their right, title and interest in and to the country occupied*
23 *or claimed by them*” No special privileges or previsions regarding any water right were demanded by or
24 granted to the CSKT in the Treaty of Hellgate. The Tribe relinquished their rights to maintain the water
25 rights of the land and the government accepted the water rights as part of the Treaty of Hellgate and in
26 turn, properly disbursed them to the new legal property owners for use on their properties to enjoy the same
27 livelihoods that are being requested of the CSKT.

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 3

1 8) Article 3 address the amount of water to be allocated to the tribe, yet fails to show what has been required
2 for the reservation to sustain livestock, farming and a comfortable life style as requested on page 2
3 paragraph 7,8 and 9. This is a reckless assessment of water that is to be allocated for the use of
4 approximately 7,000 tribal members who would have control of shutting off water to other ranchers,
5 farmers and Montana families, in times that may require waterflow for not only their livestock and
6 livelihood , but for the wildlife that also depends on the streams and creeks to water. There are protected
7 species, such as moose and grizzly bear that roam on other areas of Flathead, Sanders and Lake counties
8 that would be forced to find other water sources should the tribal members decide to “reserve” their
9 unused/un-needed water allotments. This could promote these animals to search for water in more
10 populated areas.

11 9) It is unconstitutional for the State and Federal Governments to be able to maintain water rights, yet they are
12 allowing the confiscation of private land owners water rights upon the discretion of the CSKT. The ability
13 to remove water rights or the use of water from private party land owners, is essentially putting a bullet to
14 the heads of the private property owner. Land is rendered useless without access to water.

15 10) Article IV states that the Tribal Water Right shall be held in trust by the United States. Our “ Water Rights”
16 and those of the majority of “Water Right” owners in Montana do not hold their Water Rights in trust with
17 the United States, therefore the United States is not Trustees of our Water Rights and have no negotiating
18 powers over our water rights.

19 11) Article IV (5) gives the tribe the right to “develop” new uses for the water including “off the Reservation”
20 with just a claim of “change in use” and that the Tribe is authorized to “develop new uses”. This is a
21 reckless open end authorization, which could greatly hamper the use of Montana water rights owners,
22 because of such a large allotment of water rights the tribe is attempting to secure. For instance, should the
23 tribe decide to open a commercial water bottling plant, much needed water for ranchers, farmers and the
24 people of Montana could be held captive with just a projection plan of estimated use. Water right owners
25 have to file for any and all changes to their water rights. There should be no exceptions to this for anyone
26 owning water rights in the State of Montana. Otherwise, those that are not offered to change or Newly
27 develop water uses without first applying for those changes, are being discriminated against.

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 4

1 12) Article IV(5)E Allows for the tribe to do “diversion work or facilities for the transport of water located off
2 the Reservation”. Again, I refer you to the Treaty of Hellgate, where the tribes were paid the equivalent of
3 over \$4 million in today’s dollars and land of which they have complete control of. Land of which people
4 who are not of Indian blood are not allowed the same rights to. Under no circumstances, should special
5 rules be made off the reservation because you possess a certain nationality. It must be fair and equal to all
6 those that maintain Water Rights in the state of Montana.

7 13) Article IV(6) Allows for the tribe to lease their water rights. Montana Water rights for the people of
8 Montana has a maximum volume use that determines the total volume of water usage allowed with our
9 owned water rights, “shall not exceed the amount put to “Historical and Beneficial use”. This needs to be
10 applied to all peoples of Montana including the tribes. The allowing of leasing water rights when a
11 historical and beneficial use has not been established or mentioned in the Compact on the reservation, and
12 such a large amount of water rights is being requested, could ultimately damage and destroy not only farms
13 and ranch lands outside of the reservation but also the logging industry and wildlife should the land owners
14 not buy said leases from the tribes. With such large amounts of water being allotted to the tribes and no
15 proof of what historically has been used, this would allow for the tribes to hold the water hostage, despite
16 not having a use for it. This is the equivalent of allowing the tribes to have full control over all waters in
17 the state of Montana, even though historically, they have not used that volume. This would be the
18 equivalent of the Mafia controlling businesses, where essentially you have all the permits, business
19 property, business licenses, (Our land, our water rights) but without paying a percentage of your income to
20 the Mafia, you, in this case, have no use of the water that you are rightfully allowed to use. Essentially, if
21 any water rights are to be granted to the tribe, they need to be grant based on historical usage, with ability
22 to lease only the volume of water that have not been used based on the historical usage, No special
23 privileges should be applied based on skin color or nationality. We all bleed red, we are all Americans, we
24 are all Montanan. There are laws that protect against discrimination of people based on race and these laws
25 need to be honored.

26 14) Article IV(6)(c) “Lease of the Flathead System Compact Water Right” should be null and void. The idea of
27 water rights in the state of Montana allows for the water to be used based on priority dates. Priority dates

28 **OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 5**

1 dictate the volume and distribution of water from wells and streams. Landowners must put the water to
2 beneficial use without waste to retain their right to use the State's water. Once the water has passed through
3 the property that the water rights are attached to, there is no claim to the water, as it was not put to
4 beneficial use for that property. The water is then allowed to flow to the next Water right owner for their
5 beneficial usage. To allow the tribe to lease out a "compact" which the government and the tribe claim is
6 to be beneficial for all Montanans, is rendering our water rights useless, as the tribe would be leasing to
7 water right owners, what is already lawfully theirs to use. Again, water right laws need to apply to all
8 Montanans equally and need to benefit each beneficiary of said water per their individual water rights, but
9 equally in law. The laws of Montana water rights need to not be based on color of skin, nationality or any
10 other discriminating factor.

11 15) Storage of water by the Tribe/Reservation at any government funded or operated facility should not be
12 allowed. Water being "Stored" is considered to be excess and not for the beneficial use of the water rights
13 owner. Therefore, no storage of water should be had beyond historical usage amounts and an expiration
14 date for the use of stored water needs to be had. Upon expiration, the right to the water should be
15 relinquished to the government as it would fall in the category of the not being the required "Beneficial
16 use" of the owner.

17 16) No person already possessing water rights, or having secured water rights should be forced to lease water
18 rights from the Tribe in order to fulfill their existing water rights. If the tribe is in excess of water beyond
19 their capacity to historical "beneficial usage", unused water should be distributed for usage by other water
20 rights owner who are legally entitled to "beneficially use" their allotments. The Constitutions of the United
21 States and Montana protect water right holders from being deprived of those rights without due process of
22 law. By allowing the tribes to "Lease" water that they do not use, it will be placing a Monopoly on the
23 waters of Montana, none of which is owned by the Tribes or the people of Montana to control, but by our
24 government. The tribes can only possess the same water rights as other Montanans or the laws of
25 Discrimination are in play.

1 17) Article IV(H) Power Provisions. All power used to pump water from government owned water to fulfill the
2 water rights of any owner, should be paid by the owner of those water rights. To pay the pumping fees for
3 the water usage of some owners based on their nationality is discriminatory.

4 18) Article IV(I)(2) Membership – as water rights owners in the state of Montana, we do not give the “board”
5 or the state, county or federal governments, the right to represent us regarding our legally owned water
6 rights and demand that each individual water right owner be given the opportunity to vote on behalf of
7 themselves to protect what is rightfully theirs.

8 19) Article V(A) protects the effects on water rights of “Other Tribes or on other Federal reserved water rights”
9 but it fails to protect the effects of water rights of the rest of the population of Montana. We are still a
10 government not under communism, where you lose everything because of Government and in this case not
11 being of a certain nationality. Montana is a state of equal opportunity as is the United States. To many
12 stipulations in this agreement protect only the tribal members and the Government, but fail to protect the
13 general public as water rights owner. This is an unconstitutional contract, which inadvertently will quash all
14 water rights owned by any one other than the tribes. It will manipulate waters on lands to the point that
15 Montanans whose families have farmed or ranched here for over 100 years will be forced from their lands
16 because of no water to be had, unless paying the Tribes, in Mafia fashion, for what is already ours to use.

17 20) Article VI(A) State Contribution to Settlement- Under no circumstances should Montanans be forced to
18 pay a \$55 Million dollar settlement to the tribes. The Tribe in itself acts as a Sovereign nation. All tribal lands
19 and any individual allotments held in trust by the federal government are not subject to property tax
20 assessments because federal law prohibits state and local governments from taxing tribal lands. Therefore
21 this compact would be placing additional burden on Montanans who would not have the benefits of the
22 improvements the settlement would cover:

23 A) \$4 million for water measurement activities;

24 B) \$4 million for improving on-farm efficiency. Montana Farmers and ranchers struggle each day to make
25 ends meet. If farming efficiency funding is made available it should be made available to all farmers and
26 ranchers on an as needed basis, requiring applications to receive the funding, with no discrimination.

27
28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STATE OF MONTANA AND THE UNITED STATES
RATIFIED - 7

1 C) \$4 million for mitigating the loss of stock water deliveries from the FIIP. If this compact is put in place
2 the farmers and ranchers who will be losing the stock waters will be those that fail to have indigenous
3 blood in their bodies, because those are the people that will lose water to their lands and livestock.

4 D) \$30 million to offset pumping costs associated with Compact implementations and related projects.
5 Electricity is the cost of doing business. We all have to pay our pumping fees in order to use our water
6 rights, when pumping is required. If the tribe is given free electricity for pumping, because of owning
7 water rights, so should the general public who posses water rights to avoid discrimination.

8 E) \$13 million to provide for aquatic and terrestrial habitat enhancement. Montana is the land of open
9 spaces. The reservation comprises of 1.37 million acres of grassland, wetland, mountains, lakes and
10 streams. In a state already famous for its natural splendor, the Flathead Indian Reservation is situated in a
11 choice spot, smack dab in the middle of a collection of wild life refuges and state and national parks. To
12 throw away \$13 Million dollars of taxpayers' money to improve the unimprovable of God's country is the
13 best example of government wasteful spending. In a time when we have so many homeless people,
14 including Veterans who have protected our country, these funds need to be put to better use than to attempt
15 to improve the aquatic and terrestrial habitat of the reservation.

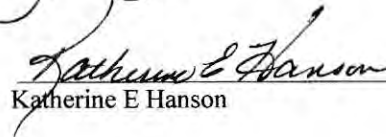
16 Article VII (5) The state of Montana should exercise its right to withdraw for this compact under Article
17 VII(A)(4). In accepting the Water Rights Compact, the State knowingly is accepting full responsibility for
18 the loss of water rights of the people of Montana who are not of Indian descent, which is discrimination.
19 The state will knowingly accept that it is creating a hardship for farmers, ranchers and the people of
20 Montana to enjoy not only their livelihood, but also the recreational sports enjoyed by its people. The state
21 acknowledges by accepting the Water Rights Compact, it could be jeopardizing wildlife outside of the
22 reservation by taking away water from Montana's rivers and streams and allowing a Monopoly on the
23 water rights of the land owners outside of the reservation. The compact protects approximately 7,000 tribal
24 members while it jeopardizes the rest of the populations ability to own land and produce livestock and
25 farm. Color is only skin deep. Montana is made of all Nationalities. There is not one Nationality that
26 deserves to be put above another. There is not one that should have control of a Natural resource that flows
27 through the state and is instrumental to all of Montanans. The Compact, if misused, could render farmland

28 **OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 8**

1 and ranchlands outside the reservation useless and force families to lose their land. The Treaty of Hellgate
2 allowed for provisions such as both agriculture and industrial schools free to the children, saw mills and
3 flouring mills, blacksmith shop and equipment making shops, but it did not give away control of Montana
4 water rights from other Montanans. Montana has a government and we have a Federal Government. The
5 Confederated Salish and Kootenai tribes, are not and should not be put in position to act as an extended arm
6 of the governments controlling the waters of Montana and rendering other Montanans water rights useless.

7
8 Dated this 19 day of November, 2022.

9
10 
John G. Hanson

11
12 
Katherine E Hanson

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28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 9

DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by § 85-2-101(2), MCA. The deed is the legal document transferring the water right.

Use a new form for each deed transaction.

Mail the completed form and fee to your local water resources office at the address on the next page.

Filing Fee

\$50.00 for 1 water right and \$10.00 for each additional right up to a maximum of \$300.00.

Make checks payable to DNRC

FOR DEPARTMENT USE ONLY

Rec'd By _____

Fee Rec'd \$ _____ Check No. _____

Payor _____

Refund \$ _____ Date _____

Deposit Receipt # _____

Coder _____ RO# _____ OUID# _____

For complete information, see file: _____

1. **SELLER (Grantor)** SUE JOYCE HANSON LIVING TRUST
 MAILING ADDRESS 142 CHARLOTTE AVE
 CITY KALISPELL STATE MT ZIP 59901
 PHONE _____ EMAIL _____

2. **BUYER (Grantee)** JOHN GILL HANSON AND KATHERINE E HANSON
 MAILING ADDRESS 255 SICKLER CREEK RD
 CITY MARION STATE MT ZIP 59925-9721
 PHONE _____ EMAIL _____

3. **CLOSING / CONTACT INFORMATION**
 DATE OF CLOSING: 7/10/2020 If applicable, provide your file number: _____
 NAME _____ ADDRESS _____ PHONE # _____

4. ATTACH A COPY OF A RECORDED DEED OR OTHER DOCUMENT OF CONVEYANCE SHOWING TRANSFER OF THE PROPERTY / WATER RIGHTS AND DNRC WILL PROCESS THE FORM. IF NO DEED IS ATTACHED, DNRC WILL WAIT FOR TRANSFER INFORMATION FROM DEPARTMENT OF REVENUE TO PROCESS THE UPDATE.

5. LIST ALL WATER RIGHTS THAT REQUIRE UPDATED OWNERSHIP. Attach a list if additional space is needed.

**If the buyer did not receive 100% of the seller's interest in the water rights, do not use this form. File Form 641.*

Handwritten scribbles and initials on the left margin.

County	Geocode of Property being Transferred	Water Right Number
FLATHEAD	07-3701-10-1-01-01-0000	76L 9447
	07-3701-02-2-01-10-0000	76L 42566
	07-3701-03-2-01-01-0000	76L 67892
		76L 216017
		76L 30022422



Return to: **John Gil Hanson**
Katherine E. Hanson
255 Sickler Creek Road
Marion, MT 59925

QUITCLAIM DEED

For Value Received, THOMAS "TOM" MICHAEL HARMON and MARVIN "BUTCH" E. WOOLARD, Trustees of the SUE JOYCE HANSON LIVING TRUST, of 142 Charlotte Avenue, Kalispell, Montana 59901, the "Grantors", do hereby convey, release, remise and forever quitclaim unto JOHN GIL HANSON and KATHERINE E. HANSON, of 255 Sickler Creek Road, Marion, Montana 59925, the "Grantees", as joint tenants with right of survivorship (not tenants in common) all right, title and interest which the Grantors now have or may hereafter acquire, to the real property situated in Flathead County, Montana, and more particularly described as follows:

PARCEL 1:

A TRACT OF LAND IN THE SOUTH 1/2 OF SECTION 33, AND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, BOTH IN TOWNSHIP 27 NORTH, RANGE 24 WEST, AND IN GOVERNMENT LOT 1 OF SECTION 4, TOWNSHIP 26 NORTH, RANGE 24 WEST, ALL OF P.M.M., FLATHEAD COUNTY, MONTANA, SHOWN AS PARCEL B OF CERTIFICATE OF SURVEY NO. 15875, RECORDS OF FLATHEAD COUNTY, MONTANA.

EXCEPTING THEREFROM:

A Tract of Land in the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana, Shown as Parcel A of Certificate of Survey No. 16125, Records of Flathead County, Montana.

FURTHER EXCEPTING THEREFROM:

Two Tracts of land in the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana, shown as Tracts 1 and 2 of Certificate of Survey No. 21489 records of Flathead County, Montana.

APPROVED 7/9/20 JH

PARCEL 2:

A Tract of land in Section 3, Township 26 North, Range 24 West, P.M.M., Flathead county, Montana, being: Government Lot 4, and the South 1/2 of the Northwest 1/4, and the North 1/2 of the Southwest 1/4., and the Southeast 1/4 of the Southwest 1/4, and the South 1/2 of the Southeast 1/4, all of said Section 3.

PARCEL3:

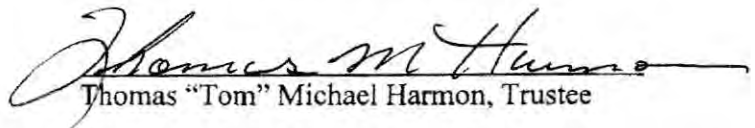
A Tract of land in Section 2, Township 26 North, Range 24 West, P.M.M., Flathead County, Montana, being: The Southwest 1/4 of the Southwest 1/4 of said Section 2.

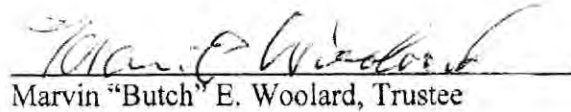
PARCEL 4:

A Tract of land in Section 10, Township 26 North, Range 24 West, P.M.M., Flathead County, Montana, being: The Northeast 1/4 of said Section 10.

TOGETHER WITH AND SUBJECT TO all appurtenant easements of record.

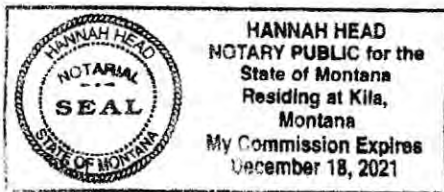
IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 7th day of June 2020.

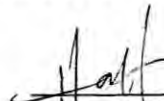

Thomas "Tom" Michael Harmon, Trustee


Marvin "Butch" E. Woolard, Trustee

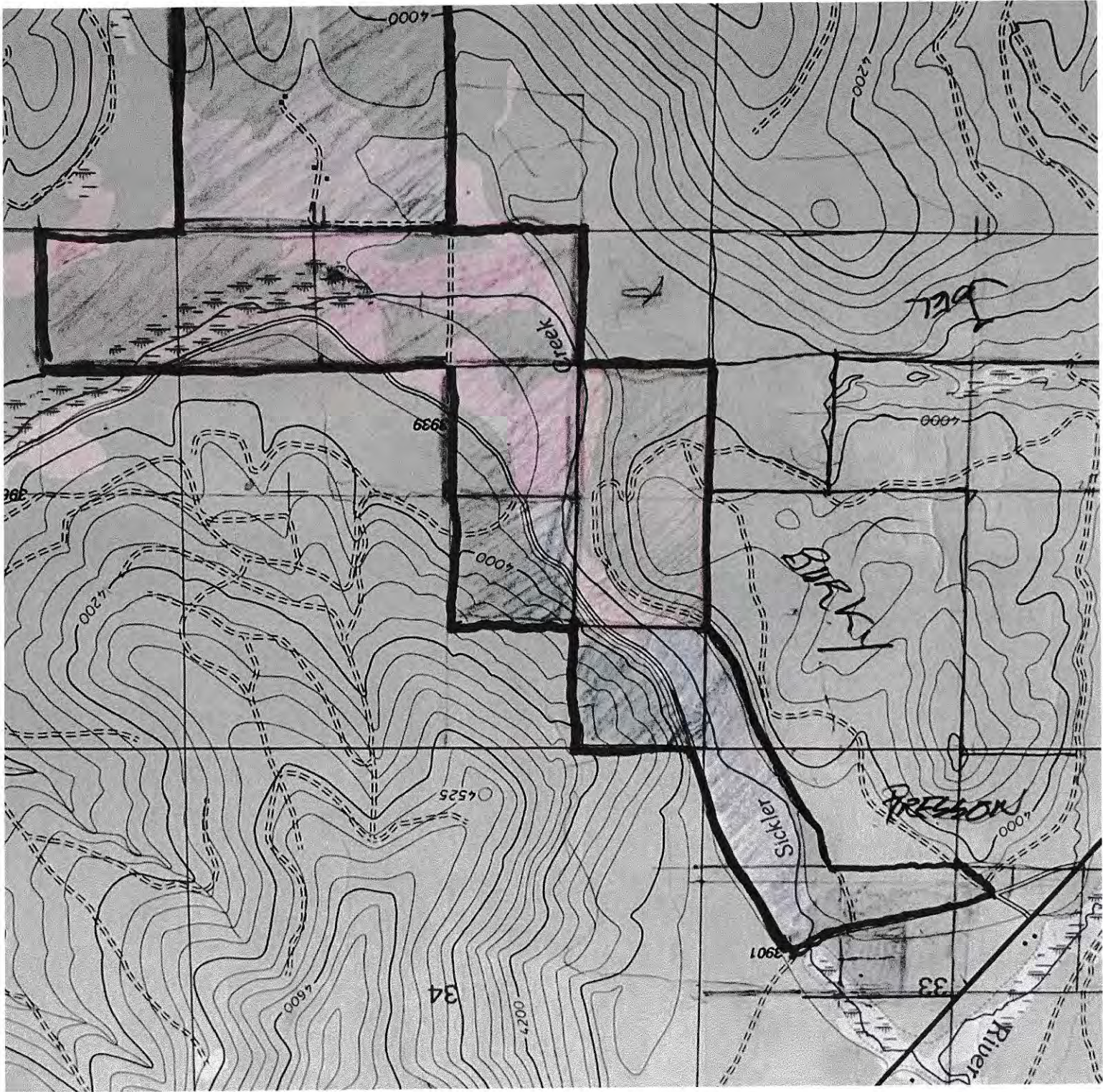
STATE OF MONTANA)
 :SS.
County of Flathead)

This instrument was acknowledged before me on this 7th day of ~~June~~ July, 2020, by THOMAS "TOM" MICHAEL HARMON and MARVIN "BUTCH" WOOLARD.





Notary Public for the State of Montana



WC-0001-C-2021

November 21, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Hanson John G. and Katherine E.
LAST NAME FIRST NAME MID. INITIAL
255 Sickler Creek Rd
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(406) 471-8554 katherinehanson323@yahoo.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L421566
(One Number Per Form)

Page number in Decree:
Source:

DATED this 18 day of November, 2022.

Handwritten signature of Katherine E. Hanson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, John G. Hanson and Katherine E Hanson, declare under penalty of perjury, that on the 19 day of November _____, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cstkt.org

Sent VIA Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Sent VIA Email

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent VIA Email


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov
Sent VIA Email

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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<u>Hanson</u>	<u>John G. and Katherine E.</u>	
LAST NAME	FIRST NAME	MID. INITIAL
<u>255 Sickler Creek Rd</u>		
STREET ADDRESS OR PO BOX		
<u>Marion</u>	<u>MT</u>	<u>59925</u>
CITY	STATE	ZIP CODE
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>	
PHONE NUMBER	E-MAIL	

2. Objector's Attorney name, address, and phone number:

_____	_____	_____
LAST NAME	FIRST NAME	MID. INITIAL

STREET ADDRESS OR PO BOX		
_____	_____	_____
CITY	STATE	ZIP CODE
<u>()</u>	_____	_____
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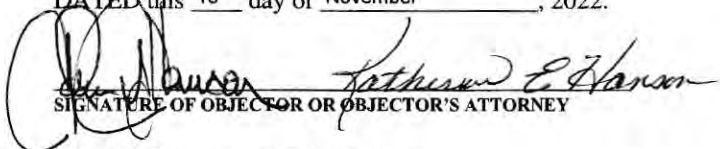
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L67892
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent VIA Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile.denver.enrd@usdoj.gov

Sent VIA Email

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent VIA Email


SIGNATURE FOR CERTIFICATE OF MAILING

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CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

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CITY	STATE	ZIP CODE	
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>		
PHONE NUMBER	E-MAIL		

2. Objector's Attorney name, address, and phone number:

_____		_____	
LAST NAME	FIRST NAME	MID. INITIAL	

STREET ADDRESS OR PO BOX			
_____		_____	_____
CITY	STATE	ZIP CODE	
<u>()</u>			
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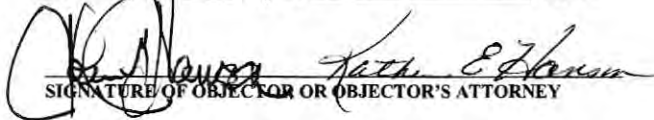
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L216017
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


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(TURN FORM OVER AND COMPLETE OTHER SIDE)

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Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent Via Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

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Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Sent Via Email


SIGNATURE FOR CERTIFICATE OF MAILING

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Bozeman, MT 59771-1389

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OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

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STREET ADDRESS OR PO BOX			
<u>Marion</u>	<u>MT</u>	<u>59925</u>	
CITY	STATE	ZIP CODE	
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>		
PHONE NUMBER	E-MAIL		

2. Objector's Attorney name, address, and phone number:

<u></u>		<u></u>	
LAST NAME	FIRST NAME	MID. INITIAL	
<u></u>			
STREET ADDRESS OR PO BOX			
<u></u>	<u></u>	<u></u>	<u></u>
CITY	STATE	ZIP CODE	
<u>()</u>	<u></u>	<u></u>	
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Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L30022422
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.


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(TURN FORM OVER AND COMPLETE OTHER SIDE)

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I, John G. Hanson and Katherine E Hanson, declare under penalty of perjury, that on the ¹⁹~~28~~ day of November _____, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Sent Via Email

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
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efile_denver.enrd@usdoj.gov

Sent Via Email

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
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PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

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BY DECEMBER 6, 2022.**

**IN THE WATER COURT OF THE STATE OF MONTANA
 CONFEDERATED SALISH AND KOOTENAI TRIBES
 MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

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LAST NAME	FIRST NAME	MID. INITIAL
<u>255 Sickler Creek Rd</u>		
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<u>Marion</u>	<u>MT</u>	<u>59925</u>
CITY	STATE	ZIP CODE
<u>(406) 471-8554</u>	<u>katherinehanson323@yahoo.com</u>	
PHONE NUMBER	E-MAIL	

2. Objector's Attorney name, address, and phone number:

_____	_____	_____
LAST NAME	FIRST NAME	MID. INITIAL

STREET ADDRESS OR PO BOX		
_____	_____	_____
CITY	STATE	ZIP CODE
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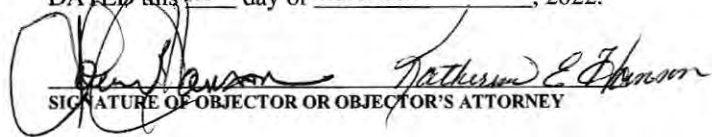
Please see attached objections

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76L9447
 (One Number Per Form)

Page number in Decree: _____
 Source: _____

DATED this 18 day of November, 2022.


 SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cst.org

Sent Via Email

David W. Harder
U.S. Department of Justice
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999 18th St.
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**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

1 John G Hanson and Katherine E Hanson
2 255 Sickler Creek Rd
3 Marion, Montana, 59925
4 (406)471-8554

5 MONTANA WATER COURT
6 STATE OF MONTANA

7 Case No.: WC-0001-C-2021

8 OBJECTION: TO WATER COMPACT OF
9 CONFEDERATED SALISH AND KOOTENAI
10 TRIBES OF THE FLATHEAD RESERVATION,
11 MONTANA, THE STTE OF MONTANA AND THE
12 UNITED STATES RATIFIED

13 Attn: Daniel J. Decker

14 David W. Harder

15 Molly M. Kelly

16 Montana Water Court

17 (sent via Email to all above)

18 To Whom It May Concern,

19 This is to act as a formal Notice of Objection and request for Hearing in the case of the water
20 Court of the State of Montana Confederated Salish and Kootenai Tribes Montana – United States Compact.

- 21 1) Our water rights were established with the purchase of the ranch in the 1940-1950 by our family and were
22 inherited by us in 2020. Our water rights play a vital role in maintaining our livestock which includes not
23 only cattle, but Clydesdale horses who are listed on the Equine watch list for endangered animals. Our
24 water rights give us the ability to not only water our livestock and grow feed for them, but are vital to the
25 wildlife on our ranch and the surrounding areas. Without the free flow of the creeks and streams on our
26 property and surrounding areas, the wildlife, some which are protected, such as Grizzly bears may be

27
28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 1

1 forced to venture to more populated areas, which could be detrimental to not only humans, but wildlife as
2 well.

3 2) Certain "Water Rights", specially listed with the DNRC as "Water Right Numbers 76L9447, 76L42566,
4 76L67892, 76L216017 and 76L30022422 are owned by John G. Hanson and Katherine E. Hanson and give
5 them the right to use the water. These water rights been in the Hanson family for decades. Neither John or
6 Katherine Hanson have appointed either state or federal government the right to negotiate on behalf of
7 either owner.

8 3) Montana waters, in all their varied forms and locations, belong to the state. This ownership, however, exists
9 on behalf of all state citizens. Access to water is not based on your nationality nor should it be controlled
10 based on Nationality. The Montana Constitution Article IX Section 3(3) states "All surface, underground,
11 flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of
12 its people and are subject to appropriation for beneficial uses as provided by law." Our family is and have
13 been people of the state of Montana for over 100 years, as long or longer than any living member of the
14 CSKT. Our rights as Montana people should not be discriminated against because we lack Indian blood.

15 4) The decree is pursuant to the Hellgate Treaty of 1855. Yet the Hellgate Treaty does not specify that "water
16 rights" are to be "reserved to fulfill the purpose of the Treaty. In fact the Hellgate Treaty states the tribe
17 "hereby cede, relinquish, and convey to the United States all their right, title, and interest" of the lands in
18 question. In 1885 the Montana Territorial legislature enacted legislation establishing the first system of
19 water rights. Therefore, it is impossible that the tribe was given or retained water rights 30 years before
20 they existed. The Hellgate Treaty in reference to water ways, streams etc. only give the "exclusive right of
21 taking fish in all the streams running through or bordering said reservation".

22 5) Page 2 paragraph 5 of the decree falsely claims that "it is in the best interest of all Parties that the water
23 rights claims of the Confederated Salish and Kootenai Tribes be settled through agreements between and
24 among the Tribes, the State of Montana, and the United States;" This statement clearly excludes the rights
25 of all Parties because the People of Montana who are not members of the tribe, own water rights which
26 will be affected by this compact and this excludes their right to defend themselves. This statement
27 insinuates that we, the people of Montana, are to trust people who we do not feel work for the best interest

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 2

1 of the people of Montana to do our bidding. The right to defend yourself applies to all actions against you
2 by sword, or by word. Defending yourself by pen and paper in court to defend your water rights should not
3 be decided by someone who has no interest in your livelihood. Each person who has ownership of the water
4 rights in question, should equally be included in establishing any agreements that will affect their interest of
5 Montana water rights. I have personal knowledge that people who own water rights and will be affect by
6 this Compact have no knowledge of the right to object to the compact or of the December 6, 2022 deadline
7 to do so.

8 6) Page 2 paragraph 7, refers to the parties agreement to “conservation, management, and protection of the
9 water resources of the Reservation are essential to the health and welfare of all residents of the
10 Reservation”. This fails to include the people of Montana who do not live on the reservation, who, as
11 American Citizens and Citizens of Montana, who rightfully pay taxes and who rightfully own water rights
12 and/or land should equally be included in this statement.

13 7) Page 2 paragraphs 8 and 9, refers that “the Parties seek to secure to all residents of the Reservation the quiet
14 enjoyment of the use of waters of the Reservation” and that the parties agree to “protect tribal instream
15 flows, existing uses, and historic farm deliveries to Flathead Indian irrigation projects irrigators”. The court
16 should not see fit to steal from Peter to pay Paul. The farmers and Ranchers of Montana should not be
17 discriminated against because they lack Indian blood and should be given all the same abilities to use the
18 water they were promised when purchasing or inheriting their properties and given water rights, which
19 promised them the security to the “quiet enjoyment of the use of waters” as well. Article IV of The Treaty
20 of Hellgate agreed to pay the Confederated Salish and Kootenai Tribes \$120,000 in 1855, which is the
21 equivalent of \$4,087,048.28 in today’s dollar. For that sum the CSKT agreed per Article 1 to “cede,
22 relinquish, and convey to the United States *all their right, title and interest in and to the country occupied*
23 *or claimed by them*” No special privileges or previsions regarding any water right were demanded by or
24 granted to the CSKT in the Treaty of Hellgate. The Tribe relinquished their rights to maintain the water
25 rights of the land and the government accepted the water rights as part of the Treaty of Hellgate and in
26 turn, properly disbursed them to the new legal property owners for use on their properties to enjoy the same
27 livelihoods that are being requested of the CSKT.

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 3

1 8) Article 3 address the amount of water to be allocated to the tribe, yet fails to show what has been required
2 for the reservation to sustain livestock, farming and a comfortable life style as requested on page 2
3 paragraph 7,8 and 9. This is a reckless assessment of water that is to be allocated for the use of
4 approximately 7,000 tribal members who would have control of shutting off water to other ranchers,
5 farmers and Montana families, in times that may require waterflow for not only their livestock and
6 livelihood , but for the wildlife that also depends on the streams and creeks to water. There are protected
7 species, such as moose and grizzly bear that roam on other areas of Flathead, Sanders and Lake counties
8 that would be forced to find other water sources should the tribal members decide to “reserve” their
9 unused/un-needed water allotments. This could promote these animals to search for water in more
10 populated areas.

11 9) It is unconstitutional for the State and Federal Governments to be able to maintain water rights, yet they are
12 allowing the confiscation of private land owners water rights upon the discretion of the CSKT. The ability
13 to remove water rights or the use of water from private party land owners, is essentially putting a bullet to
14 the heads of the private property owner. Land is rendered useless without access to water.

15 10) Article IV states that the Tribal Water Right shall be held in trust by the United States. Our “ Water Rights”
16 and those of the majority of “Water Right” owners in Montana do not hold their Water Rights in trust with
17 the United States, therefore the United States is not Trustees of our Water Rights and have no negotiating
18 powers over our water rights.

19 11) Article IV (5) gives the tribe the right to “develop” new uses for the water including “off the Reservation”
20 with just a claim of “change in use” and that the Tribe is authorized to “develop new uses”. This is a
21 reckless open end authorization, which could greatly hamper the use of Montana water rights owners,
22 because of such a large allotment of water rights the tribe is attempting to secure. For instance, should the
23 tribe decide to open a commercial water bottling plant, much needed water for ranchers, farmers and the
24 people of Montana could be held captive with just a projection plan of estimated use. Water right owners
25 have to file for any and all changes to their water rights. There should be no exceptions to this for anyone
26 owning water rights in the State of Montana. Otherwise, those that are not offered to change or Newly
27 develop water uses without first applying for those changes, are being discriminated against.

28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 4

1 12) Article IV(5)E Allows for the tribe to do “diversion work or facilities for the transport of water located off
2 the Reservation”. Again, I refer you to the Treaty of Hellgate, where the tribes were paid the equivalent of
3 over \$4 million in today’s dollars and land of which they have complete control of. Land of which people
4 who are not of Indian blood are not allowed the same rights to. Under no circumstances, should special
5 rules be made off the reservation because you possess a certain nationality. It must be fair and equal to all
6 those that maintain Water Rights in the state of Montana.

7 13) Article IV(6) Allows for the tribe to lease their water rights. Montana Water rights for the people of
8 Montana has a maximum volume use that determines the total volume of water usage allowed with our
9 owned water rights, “shall not exceed the amount put to “Historical and Beneficial use”. This needs to be
10 applied to all peoples of Montana including the tribes. The allowing of leasing water rights when a
11 historical and beneficial use has not been established or mentioned in the Compact on the reservation, and
12 such a large amount of water rights is being requested, could ultimately damage and destroy not only farms
13 and ranch lands outside of the reservation but also the logging industry and wildlife should the land owners
14 not buy said leases from the tribes. With such large amounts of water being allotted to the tribes and no
15 proof of what historically has been used, this would allow for the tribes to hold the water hostage, despite
16 not having a use for it. This is the equivalent of allowing the tribes to have full control over all waters in
17 the state of Montana, even though historically, they have not used that volume. This would be the
18 equivalent of the Mafia controlling businesses, where essentially you have all the permits, business
19 property, business licenses, (Our land, our water rights) but without paying a percentage of your income to
20 the Mafia, you, in this case, have no use of the water that you are rightfully allowed to use. Essentially, if
21 any water rights are to be granted to the tribe, they need to be grant based on historical usage, with ability
22 to lease only the volume of water that have not been used based on the historical usage, No special
23 privileges should be applied based on skin color or nationality. We all bleed red, we are all Americans, we
24 are all Montanan. There are laws that protect against discrimination of people based on race and these laws
25 need to be honored.

26 14) Article IV(6)(c) “Lease of the Flathead System Compact Water Right” should be null and void. The idea of
27 water rights in the state of Montana allows for the water to be used based on priority dates. Priority dates

28 **OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 5**

1 dictate the volume and distribution of water from wells and streams. Landowners must put the water to
2 beneficial use without waste to retain their right to use the State's water. Once the water has passed through
3 the property that the water rights are attached to, there is no claim to the water, as it was not put to
4 beneficial use for that property. The water is then allowed to flow to the next Water right owner for their
5 beneficial usage. To allow the tribe to lease out a "compact" which the government and the tribe claim is
6 to be beneficial for all Montanans, is rendering our water rights useless, as the tribe would be leasing to
7 water right owners, what is already lawfully theirs to use. Again, water right laws need to apply to all
8 Montanans equally and need to benefit each beneficiary of said water per their individual water rights, but
9 equally in law. The laws of Montana water rights need to not be based on color of skin, nationality or any
10 other discriminating factor.

11 15) Storage of water by the Tribe/Reservation at any government funded or operated facility should not be
12 allowed. Water being "Stored" is considered to be excess and not for the beneficial use of the water rights
13 owner. Therefore, no storage of water should be had beyond historical usage amounts and an expiration
14 date for the use of stored water needs to be had. Upon expiration, the right to the water should be
15 relinquished to the government as it would fall in the category of the not being the required "Beneficial
16 use" of the owner.

17 16) No person already possessing water rights, or having secured water rights should be forced to lease water
18 rights from the Tribe in order to fulfill their existing water rights. If the tribe is in excess of water beyond
19 their capacity to historical "beneficial usage", unused water should be distributed for usage by other water
20 rights owner who are legally entitled to "beneficially use" their allotments. The Constitutions of the United
21 States and Montana protect water right holders from being deprived of those rights without due process of
22 law. By allowing the tribes to "Lease" water that they do not use, it will be placing a Monopoly on the
23 waters of Montana, none of which is owned by the Tribes or the people of Montana to control, but by our
24 government. The tribes can only possess the same water rights as other Montanans or the laws of
25 Discrimination are in play.

1 17) Article IV(H) Power Provisions. All power used to pump water from government owned water to fulfill the
2 water rights of any owner, should be paid by the owner of those water rights. To pay the pumping fees for
3 the water usage of some owners based on their nationality is discriminatory.

4 18) Article IV(I)(2) Membership – as water rights owners in the state of Montana, we do not give the “board”
5 or the state, county or federal governments, the right to represent us regarding our legally owned water
6 rights and demand that each individual water right owner be given the opportunity to vote on behalf of
7 themselves to protect what is rightfully theirs.

8 19) Article V(A) protects the effects on water rights of “Other Tribes or on other Federal reserved water rights”
9 but it fails to protect the effects of water rights of the rest of the population of Montana. We are still a
10 government not under communism, where you lose everything because of Government and in this case not
11 being of a certain nationality. Montana is a state of equal opportunity as is the United States. To many
12 stipulations in this agreement protect only the tribal members and the Government, but fail to protect the
13 general public as water rights owner. This is an unconstitutional contract, which inadvertently will quash all
14 water rights owned by any one other than the tribes. It will manipulate waters on lands to the point that
15 Montanans whose families have farmed or ranched here for over 100 years will be forced from their lands
16 because of no water to be had, unless paying the Tribes, in Mafia fashion, for what is already ours to use.

17 20) Article VI(A) State Contribution to Settlement- Under no circumstances should Montanans be forced to
18 pay a \$55 Million dollar settlement to the tribes. The Tribe in itself acts as a Sovereign nation. All tribal lands
19 and any individual allotments held in trust by the federal government are not subject to property tax
20 assessments because federal law prohibits state and local governments from taxing tribal lands. Therefore
21 this compact would be placing additional burden on Montanans who would not have the benefits of the
22 improvements the settlement would cover:

23 A) \$4 million for water measurement activities;

24 B) \$4 million for improving on-farm efficiency. Montana Farmers and ranchers struggle each day to make
25 ends meet. If farming efficiency funding is made available it should be made available to all farmers and
26 ranchers on an as needed basis, requiring applications to receive the funding, with no discrimination.

27
28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STATE OF MONTANA AND THE UNITED STATES
RATIFIED - 7

1 C) \$4 million for mitigating the loss of stock water deliveries from the FIIP. If this compact is put in place
2 the farmers and ranchers who will be losing the stock waters will be those that fail to have indigenous
3 blood in their bodies, because those are the people that will lose water to their lands and livestock.

4 D) \$30 million to offset pumping costs associated with Compact implementations and related projects.
5 Electricity is the cost of doing business. We all have to pay our pumping fees in order to use our water
6 rights, when pumping is required. If the tribe is given free electricity for pumping, because of owning
7 water rights, so should the general public who posses water rights to avoid discrimination.

8 E) \$13 million to provide for aquatic and terrestrial habitat enhancement. Montana is the land of open
9 spaces. The reservation comprises of 1.37 million acres of grassland, wetland, mountains, lakes and
10 streams. In a state already famous for its natural splendor, the Flathead Indian Reservation is situated in a
11 choice spot, smack dab in the middle of a collection of wild life refuges and state and national parks. To
12 throw away \$13 Million dollars of taxpayers' money to improve the unimprovable of God's country is the
13 best example of government wasteful spending. In a time when we have so many homeless people,
14 including Veterans who have protected our country, these funds need to be put to better use than to attempt
15 to improve the aquatic and terrestrial habitat of the reservation.

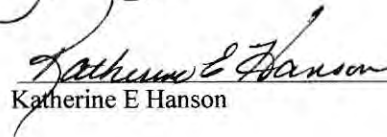
16 Article VII (5) The state of Montana should exercise its right to withdraw for this compact under Article
17 VII(A)(4). In accepting the Water Rights Compact, the State knowingly is accepting full responsibility for
18 the loss of water rights of the people of Montana who are not of Indian descent, which is discrimination.
19 The state will knowingly accept that it is creating a hardship for farmers, ranchers and the people of
20 Montana to enjoy not only their livelihood, but also the recreational sports enjoyed by its people. The state
21 acknowledges by accepting the Water Rights Compact, it could be jeopardizing wildlife outside of the
22 reservation by taking away water from Montana's rivers and streams and allowing a Monopoly on the
23 water rights of the land owners outside of the reservation. The compact protects approximately 7,000 tribal
24 members while it jeopardizes the rest of the populations ability to own land and produce livestock and
25 farm. Color is only skin deep. Montana is made of all Nationalities. There is not one Nationality that
26 deserves to be put above another. There is not one that should have control of a Natural resource that flows
27 through the state and is instrumental to all of Montanans. The Compact, if misused, could render farmland

28 **OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 8**

1 and ranchlands outside the reservation useless and force families to lose their land. The Treaty of Hellgate
2 allowed for provisions such as both agriculture and industrial schools free to the children, saw mills and
3 flouring mills, blacksmith shop and equipment making shops, but it did not give away control of Montana
4 water rights from other Montanans. Montana has a government and we have a Federal Government. The
5 Confederated Salish and Kootenai tribes, are not and should not be put in position to act as an extended arm
6 of the governments controlling the waters of Montana and rendering other Montanans water rights useless.

7
8 Dated this 19 day of November, 2022.

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10 
John G. Hanson

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12 
Katherine E Hanson

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28 OBJECTION: TO WATER COMPACT OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, MONTANA, THE STTE OF MONTANA AND THE UNITED STATES
RATIFIED - 9

DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by § 85-2-101(2), MCA. The deed is the legal document transferring the water right.

Use a new form for each deed transaction.

Mail the completed form and fee to your local water resources office at the address on the next page.

Filing Fee

\$50.00 for 1 water right and \$10.00 for each additional right up to a maximum of \$300.00.

Make checks payable to DNRC

FOR DEPARTMENT USE ONLY

Rec'd By _____
Fee Rec'd \$ _____ Check No. _____
Payor _____
Refund \$ _____ Date _____
Deposit Receipt # _____
Coder _____ RO# _____ OUID# _____
For complete information, see file: _____

1. **SELLER (Grantor)** SUE JOYCE HANSON LIVING TRUST
MAILING ADDRESS 142 CHARLOTTE AVE
CITY KALISPELL STATE MT ZIP 59901
PHONE _____ EMAIL _____

2. **BUYER (Grantee)** JOHN GILL HANSON AND KATHERINE E HANSON
MAILING ADDRESS 255 SICKLER CREEK RD
CITY MARION STATE MT ZIP 59925-9721
PHONE _____ EMAIL _____

3. **CLOSING / CONTACT INFORMATION**
DATE OF CLOSING: 7/10/2020 If applicable, provide your file number: _____
NAME _____ ADDRESS _____ PHONE # _____

4. **ATTACH A COPY OF A RECORDED DEED OR OTHER DOCUMENT OF CONVEYANCE SHOWING TRANSFER OF THE PROPERTY / WATER RIGHTS AND DNRC WILL PROCESS THE FORM. IF NO DEED IS ATTACHED, DNRC WILL WAIT FOR TRANSFER INFORMATION FROM DEPARTMENT OF REVENUE TO PROCESS THE UPDATE.**

5. **LIST ALL WATER RIGHTS THAT REQUIRE UPDATED OWNERSHIP. Attach a list if additional space is needed.**

**If the buyer did not receive 100% of the seller's interest in the water rights, do not use this form. File Form 641.*

County	Geocode of Property being Transferred	Water Right Number
FLATHEAD	07-3701-10-1-01-01-0000	76L 9447
	07-3701-02-2-01-10-0000	76L 42566
	07-3701-03-2-01-01-0000	76L 67892
		76L 216017
		76L 30022422



Return to: **John Gil Hanson**
Katherine E. Hanson
255 Sickler Creek Road
Marion, MT 59925

QUITCLAIM DEED

For Value Received, THOMAS "TOM" MICHAEL HARMON and MARVIN "BUTCH" E. WOOLARD, Trustees of the SUE JOYCE HANSON LIVING TRUST, of 142 Charlotte Avenue, Kalispell, Montana 59901, the "Grantors", do hereby convey, release, remise and forever quitclaim unto JOHN GIL HANSON and KATHERINE E. HANSON, of 255 Sickler Creek Road, Marion, Montana 59925, the "Grantees", as joint tenants with right of survivorship (not tenants in common) all right, title and interest which the Grantors now have or may hereafter acquire, to the real property situated in Flathead County, Montana, and more particularly described as follows:

PARCEL 1:

A TRACT OF LAND IN THE SOUTH 1/2 OF SECTION 33, AND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, BOTH IN TOWNSHIP 27 NORTH, RANGE 24 WEST, AND IN GOVERNMENT LOT 1 OF SECTION 4, TOWNSHIP 26 NORTH, RANGE 24 WEST, ALL OF P.M.M., FLATHEAD COUNTY, MONTANA, SHOWN AS PARCEL B OF CERTIFICATE OF SURVEY NO. 15875, RECORDS OF FLATHEAD COUNTY, MONTANA.

EXCEPTING THEREFROM:

A Tract of Land in the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana, Shown as Parcel A of Certificate of Survey No. 16125, Records of Flathead County, Montana.

FURTHER EXCEPTING THEREFROM:

Two Tracts of land in the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana, shown as Tracts 1 and 2 of Certificate of Survey No. 21489 records of Flathead County, Montana.

APPROVED 7/9/20 JH

PARCEL 2:

A Tract of land in Section 3, Township 26 North, Range 24 West, P.M.M., Flathead county, Montana, being: Government Lot 4, and the South 1/2 of the Northwest 1/4, and the North 1/2 of the Southwest 1/4., and the Southeast 1/4 of the Southwest 1/4, and the South 1/2 of the Southeast 1/4, all of said Section 3.

PARCEL3:

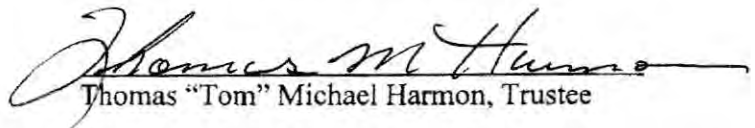
A Tract of land in Section 2, Township 26 North, Range 24 West, P.M.M., Flathead County, Montana, being: The Southwest 1/4 of the Southwest 1/4 of said Section 2.

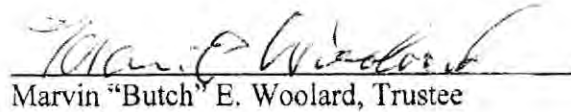
PARCEL 4:

A Tract of land in Section 10, Township 26 North, Range 24 West, P.M.M., Flathead County, Montana, being: The Northeast 1/4 of said Section 10.

TOGETHER WITH AND SUBJECT TO all appurtenant easements of record.

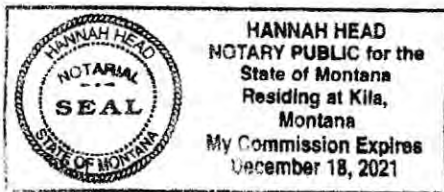
IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 7th day of June 2020.

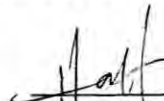

Thomas "Tom" Michael Harmon, Trustee


Marvin "Butch" E. Woolard, Trustee

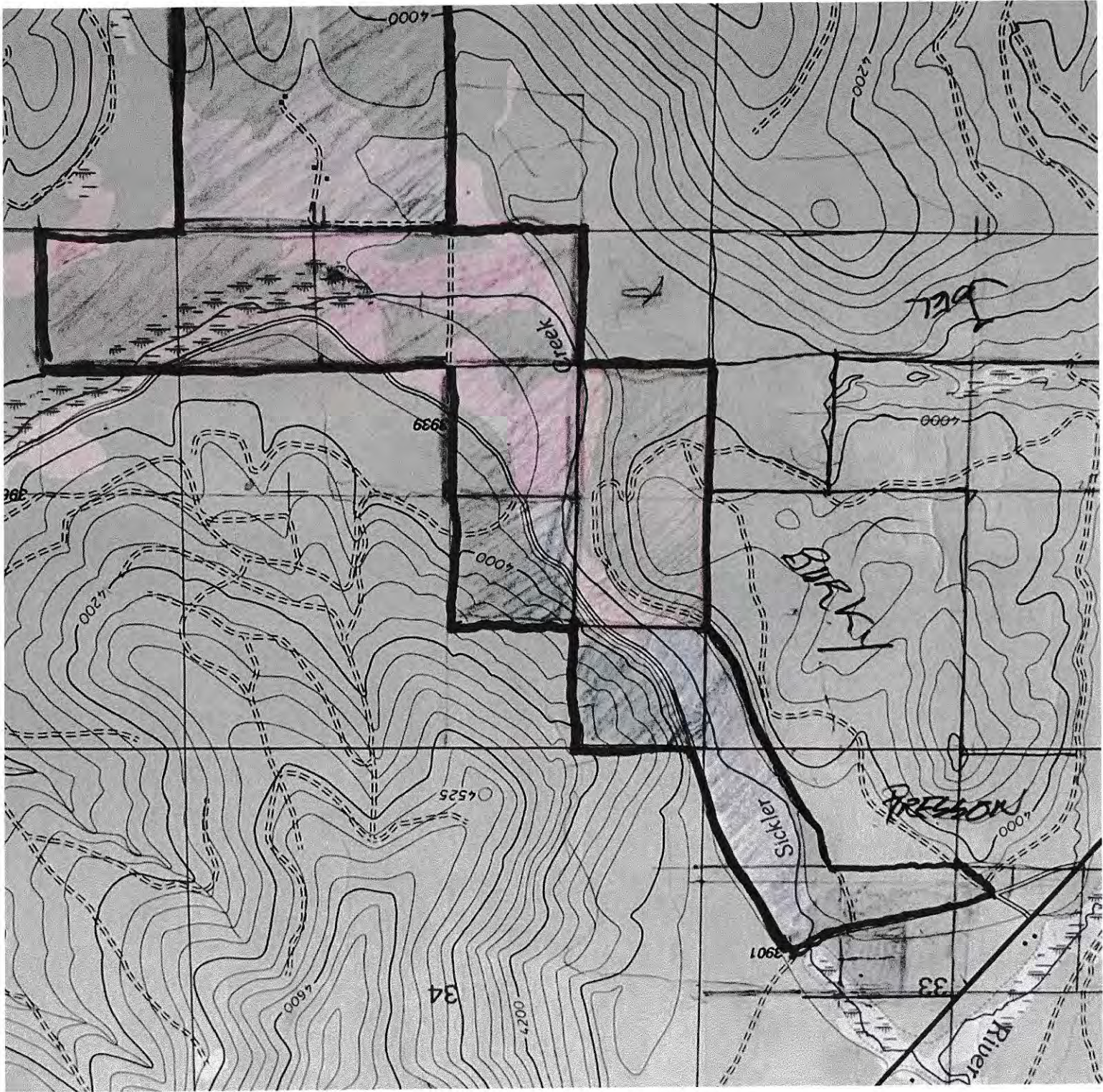
STATE OF MONTANA)
 :SS.
County of Flathead)

This instrument was acknowledged before me on this 7th day of ~~June~~ July, 2020, by THOMAS "TOM" MICHAEL HARMON and MARVIN "BUTCH" WOOLARD.





Notary Public for the State of Montana



WC-0001-C-2021

November 21, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

10/11/22

1. Objector's Name, Address, and Phone Number:

KAIN DANIEL L.
LAST NAME FIRST NAME MID. INITIAL
3515 N. MONTE VISTA DRIVE
STREET ADDRESS OR PO BOX
FLAGSTAFF, AZ 86004
CITY STATE ZIP CODE
(928) 607-1332 dk.kain@gmail.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I am submitting a contingent non-objection based on the following: a) the clarification provided in the original documents provided by the Montana Water Court, and b) the advice from a clerk at the MWC in a phone call on 10/11/22. Please see attached.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 14th day of November, 2022.

Daniel d. Kain
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Daniel L. Kain, declare under penalty of perjury, that on the 14th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Contingent Non-objection in Case No. WC-0001-C-2021

Filed by: Daniel L. Kain (on behalf of Kristine S. Kain, Daniel L. Kain, Shirlee A. Steiner, and Connie B. Clark)

Submitted to Montana Water Court by mail, 11/14/2022

Water Right Numbers:

76K 43952 00 GROUND WATER CERTIFICATE (Domestic use, 20.00 GPM)

76K 4472 00 SURFACE WATER FROM COONEY CREEK (Domestic use, .06 CFS)

I am filing this contingent non-objection in case No. WC-0001-C-2021 at the advice of the Montana Water Court. I contacted the Montana Water Court on October 11, 2022, with a question about water rights associated with my family property. The clerk I spoke to indicated two things: a) she said their office does not deal with wells and b) she indicated she could not affirm the interpretation of the document I had received and said I should file this objection.

Background:

My family owns land in the Swan River drainage (bordering a portion of the Swan River and Cooney Creek): lots 1, 2, and 4 of REMICKS SWAN RIVER TRACT 1. There are two structures on the property, used only briefly in the summer months. Water is used *only for domestic purposes* (no irrigation) and for only a few weeks in the summer.

The Notice of Entry provided by the Montana Water Court in this case described the special proceedings for consideration of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. While the property in question is situated in the drainage upstream of the Flathead Reservation, the document includes a section on "call protection." Specifically, this document indicates the following on page 3:

The Tribes (on behalf of themselves and the users of any portion of the Tribal Water Right) and the United States relinquished their right to exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law: (1) whose purpose does not include irrigation; (2) whose purpose is irrigation and whose source of supply is Groundwater and whose flow rate is less than or equal to 100 gallons per minute; or (3) identified in Article III.G.3.b that is equal to the quantity of water established as the annual FIIP quota, or an equivalent farm delivery amount with the applicable FIIP River Diversion Allowance area, or the quantity of water allowed under a claim decreed by the Montana Water Court or water right granted by the DNRC, whichever is less, whose owner enters into a consensual agreement as described in Article III.G.3.

The water rights my family holds are for domestic use only (condition 1 above). In addition, our flow rates are well below the amount indicated in condition 2. For these reasons, our water rights are protected from the call by virtue of the Tribe's relinquishment. If this is in error, my contingent non-objection would become an objection.

Daniel L. Kain



IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Akers Scot W
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 2433
STREET ADDRESS OR PO BOX
Homer AK 99603
CITY STATE ZIP CODE
(907) 299-9070 swakers@protonmail.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See the attached sheet.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 16 day of November, 2022.

Scot Akers
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Scott A. Keis, declare under penalty of perjury, that on the 16 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@eskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Part 3, Notice of Objection and Request for Hearing

The Preliminary Decree awards the CSKT 27-million-acre-feet of water. I object to this. This is about 145 times more water than that of the average Federal Reserve water right of tribes in the United States. Incredibly, this is four times the sum of all tribes' water rights in the United States. There are seven Indian reservation in Montana. Six of these have compacts for water which total roughly 2.55-million-acre-feet. The Preliminary Decree awards 10.6 times that amount to the CSKT. In the case of the Flathead drainage, I wonder if the tribe's claim is not nearly the same as available water in the drainage. This is blatant overreach and cannot be reasonably justified on the grounds that the CSKT have a so-called Stevens Treaty water right. To attempt such a justification is, in and of itself, an overreach in which the clear text and historical context of the Hellgate Treaty are manipulated to the benefit of the Tribe and detriment of the people of Montana.

The amount of water allotted to the CSKT in the Preliminary Decree far exceeds the amount of water needed to fulfill the purpose of the Flathead Indian Reservation. This amount of water is, by definition, the tribe's Federal Reserve Water Right as per the Winters Doctrine. The Decree goes way beyond the confines of the Federal Reserve Water Right for the CSKT. This is overreach, and I object to it.

The Preliminary Decree federalizes or tribalizes the control of much of western Montana's water resource and creates unprecedented co-ownership of water rights within the state . . . it appears to create a "tribal reserved water right." There is no basis for this either in law or precedent. This is in violation of Montana's constitution which states:

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

This is gross overreach, and I object to it.

Article 1 of the Treaty of Hellgate states, "The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows . . ." The opening sentence of Article I could not be clearer: there is no off-reservation water right for the CSKT. It is certainly not found in the right of "taking fish" granted in Article III of the Treaty. This right of "taking fish" is shared "in common with the citizens of the Territory." The entire premise of the Preliminary Decree is wrong. Hopefully the Water Court will be the voice of reason in this process which, so far, has only diminished the constitutionally granted right to water for the people of Montana. It is unfortunate that the threat of lawfare by the CSKT in the form of adjudication has caused such capitulation on behalf of politicians who have taken oaths to uphold the Constitution and the laws of the land.

S.A.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Gringo Acres GP, LLC
LAST NAME FIRST NAME MID. INITIAL
937 Vanguard Street
STREET ADDRESS OR PO BOX
Lakeway TX 78734
CITY STATE ZIP CODE
(512) 573-7814 stanjagan@yahoo.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

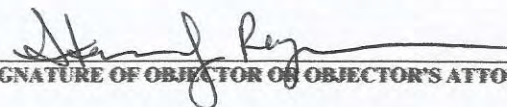
CSKT rights to all groundwater which would potentially limit my use of same ground water provided to this property for under its two water rights (1) irrigation & (2) fishery pond which is fed by same water source = Cooney Creek. attached water rights 76K 64683-00, 76 45393-00

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76K-30063809
(One Number Per Form)

Page number in Decree: 14 + Appendix 26
Source: Swan River Basin

DATED this 21 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Stan Ragan, declare under penalty of perjury, that on the 21 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76K 64683-00 PROVISIONAL PERMIT
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: GRINGO ACRES GP LLC
937 VANGUARD ST
LAKEWAY, TX 78734-5128

Priority Date: APRIL 21, 1987 at 12:25 P.M.
Enforceable Priority Date: APRIL 21, 1987 at 12:25 P.M.

Purpose (use): FISHERY
Maximum Flow Rate: 125.00 GPM
Maximum Volume: 201.63 AC-FT

Source Name: COONEY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENWSW	6	20N	16W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE
WOODEN CULVERT

Reservoir: OFF STREAM
Govt Lot Qtr Sec Sec Twp Rge County
NENWSW 6 20N 16W MISSOULA

Current Capacity: 0.50 ACRE-FEET

Purpose (Use): FISHERY
Volume: 201.63 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NENWSW	6	20N	16W	MISSOULA

Geocodes/Valid: 04-2992-06-2-01-03-0000 - Y

Remarks:

ASSOCIATED RIGHT

THIS WATER RIGHT AND WATER RIGHT 76K W045393-00 ARE ASSOCIATED. THEY SHARE A COMMON PLACE OF USE.

POSSIBLE COMPLAINT RECEIVED

IF AT ANY TIME AFTER THIS RIGHT IS ISSUED, A WRITTEN COMPLAINT IS RECEIVED BY THE DEPARTMENT ALLEGING THAT DIVERTING WATER FROM THIS SOURCE IS ADVERSELY AFFECTING A PRIOR WATER RIGHT, THE DEPARTMENT MAY MAKE A FIELD INVESTIGATION OF THE PROJECT. IF DURING THE FIELD INVESTIGATION THE DEPARTMENT FINDS SUFFICIENT EVIDENCE SUPPORTING THE ALLEGATION, IT MAY CONDUCT A HEARING IN THE MATTER ALLOWING THE APPROPRIATOR TO SHOW CAUSE WHY THE RIGHT SHOULD NOT BE MODIFIED OR REVOKED. THE DEPARTMENT MAY THEN MODIFY OR REVOKE THIS RIGHT TO PROTECT EXISTING RIGHTS OR LEAVE THIS RIGHT UNCHANGED IF THE HEARING OFFICER DETERMINES NO EXISTING WATER RIGHTS ARE BEING ADVERSELY AFFECTED.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 523 RECEIVED 11/13/2002.
OWNERSHIP UPDATE TYPE 608 # 21722 RECEIVED 05/20/2005.
OWNERSHIP UPDATE TYPE DOR # 125352 RECEIVED 09/30/2014.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76K 45393-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: GRINGO ACRES GP LLC
937 VANGUARD ST
LAKEWAY, TX 78734-5128

Priority Date: NOVEMBER 1, 1917
Enforceable Priority Date: NOVEMBER 1, 1917

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER

Maximum Flow Rate: 68.00 GPM

Maximum Volume: 17.60 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 4.00

Source Name: COONEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	6	NENWSW	6	20N	16W	MISSOULA

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: PUMP

Period of Use: MAY 1 to SEPTEMBER 30

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	2.00	6	NENWSW	6	20N	16W	MISSOULA
2	2.00	6	NWNWSW	6	20N	16W	MISSOULA
Total:	4.00						

Geocodes/Valid: 04-2992-06-2-01-03-0000 - Y

Remarks:

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

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 1.00 ACRE IS ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/21/87.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 523 RECEIVED 11/13/2002.

OWNERSHIP UPDATE TYPE 608 # 21722 RECEIVED 05/20/2005.

OWNERSHIP UPDATE TYPE DOR # 125352 RECEIVED 09/30/2014.

IN THE WATER COURT OF THE STATE OF MONTANA **WC-0001-C-2021**
CONFEDERATED SALISH AND KOOTENAI TRIBES **November 22, 2022**
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

WAGNER ROBERT O
LAST NAME FIRST NAME MID. INITIAL
1010EGAN SLOUGH RD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406)871-2816 rob@eaglecustomhomesinc.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 34241-00
(One Number Per Form)

Page number in Decree: 5-14
Source: SURFACE WATER

DATED this 18 day of NOVEMBER, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

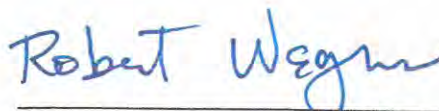
CERTIFICATE OF MAILING

I, ROBERT WAGNER, declare under penalty of perjury, that on the 18 day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278 Pablo,
MT 59855
objections@cst.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources
Div.
999 18th St.
South Terrace, Suite 370 Denver,
Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Save@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

11/17/2022

ROBERT & LEANNE WAGNER

1010 EGAN SLOUGH RD

KALISPELL MT 59901

THIS OBJECTION COVERS ALL OF MY WATER RIGHTS (6) IN TOTAL LISTED INDIVIDUALLY ON "NOTICE OF OBJECTION AND REQUEST FOR HEARING" FORMS.

WATER RIGHTS NUMBERS: [76LJ 27366-00] [76LJ 34241-00] [76LJ 34242-00] [76LJ 71873-00] [76LJ 73048-00] [76LJ 30126917].....

FROM WHAT I UNDERSTAND, THIS WATER IMPACT WOULD POTENTIALLY AFFECT MY WATER RIGHTS BY BOTH VOLUMN AND WHEN/IF I COULD USE THEM; BOTH IN REGULAR AND OR DROUGHT YEARS. MY USAGE AND VOLUME IS FOR AND OR POTENTIALLY FOR [AS PAST YEARS PROVE] STOCK, IRRIGATION, DOMESTIC, FISHERY, PROPERTY VALUE, BUILDING FIRE SUPPRESSION, AGRICULTURAL GRASS FIRE PROTECTION [ONE JUST LAST YEAR STARTED ABOUT 400 YARDS AWAY FROM HARVEST MACHINERY], AND ALSO THE MANY ANIMALS THAT FREQUENT THE AREA [FROM MOUSE TO GRIZZLY AND SPARROW TO SANDHILL CRANE]. THE REPROCUSSION OF THIS COMPACT GOING THROUGH WOULD BE IMMESURABLE.

ALL MY WATER RIGHTS ARE IN PLACE AND UP TO DATE AND HAVE BEEN KEPT THAT WAY, SINCE MY GREAT GRANDFATHER – GRAND FATHER – AND FATHER FILED FOR THEM; MY WATER RIGHTS LISTED ABOVE HAVE ONLY BEEN HELD BY MY FAMILY; MY GREAT GRANDFATHER ARRIVED IN 1905. HE BOUGHT FROM CHARLIE CONRAD, HIS PROPERTY, AND THEN CLEARED THE LAND WITH THE LOCAL INDIGINEOUS PEOPLE, FOR USE AS AGRICULTURE, STOCK, DOMESTIC, AND THEN LATER THE FISHERY.....BUT THERE ARE SO MANY MORE USES THIS GREAT RESOURCE HAS OFFERED.

AND NOW, THIS COMPACT IS UNDERWAY AT THE SAME TIME THE STATE GAVE AN ESTIMATED 715 ACRE FEET OF WATER PER YEAR TO A WATER BOTTLING PLANT – TO SELL IT – FOR PROFIT – THAT WE THE PEOPLE INCLUDING THOSE ON THE RESERVATION, DON'T BENEFIT FROM WHAT SO EVER; AND AT THE SAME TIME, BEING TEAMED UP WITH TRIBAL AND FEDERAL GOVERNMENTS "THE STATE" IS ATTEMPTING TO TAKE A RIGHT AWAY FROM WATER RIGHTS OWNERS LIKE ME....IN GENERAL THIS IS WRONG IN SO MANY WAYS! AT THIS POINT I FEEL THE ..."GOVERNMENT'S" DIRECTION IS TO **GRAB** BECAUSE THEY KNOW THE WATER RIGHTS OWNERS WILL NOT GIVE IN; AND THEN THEY WILL SWEEP THE EFFECTED PARTIES INTO A GARBAGE CAN OF **"THEY'LL GET OVER IT EVENTUALLY"!**

TO FINISH; MY WATER RIGHTS HOLD VALUE TO ME, MY FAMILY, MY PROPERTY, MY WAY OF LIFE. WATER.....THERE ARE SO MANY USES NAMED AND NOT NAMED IN THIS LETTER FOR THIS GREAT AND ABUNDANT RESOURCE THAT IS UNDER ENORMOUS PRESSURE BY GREED, WASTE AND AN EVER GROWING SOCIETY. I DO UNDERSTAND THE INDIGEONUS PEOPLE HAVE RIGHTS TOO, HOWEVER THIS COMPACT AND THE TOTAL ACRE FOOT OF WATER BEING CONSIDERED, FAR OUTWAY WHAT THE INDIGEONUS PEOPLE IN 1855 COULD EVER OF TRIED TO HARNESS. ITS TIME TO USE SOME COMMON SENSE INSTEAD OF WATER GRAB TACTICS.....AND DO WHATS RIGHT FOR ALL PARTIES CONCERNED.

ROBERT WAGNER

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76LJ 34241-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners:
ROBERT O WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

AMY J WALLER
770 EGAN SLOUGH RD
KALISPELL, MT 59901

LEANNE M WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

JOHN S WALLER
770 EGAN SLOUGH RD
KALISPELL, MT 59901

Priority Date: JUNE 10, 1920
Enforceable Priority Date: JUNE 10, 1920

Type of Historical Right: DECREED

***Purpose (use):** IRRIGATION
Irrigation Type: OTHER
METHODS OF IRRIGATION ARE FLOOD AND SUBIRRIGATION CONTROLLED BY A DAM.

Flow Rate: 96.00 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 55.00

Source Name:: UNNAMED TRIBUTARY OF FLATHEAD RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	20	28N	20W	FLATHEAD

Period of Diversion: MAY 10 TO SEPTEMBER 15

Diversion Means: HEADGATE

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		SWSWNE	20	28N	20W	FLATHEAD

Period of Diversion: MAY 10 TO SEPTEMBER 15

Diversion Means: HEADGATE

Period of Use: MAY 10 to SEPTEMBER 15

Place of Use:

<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	15.00		NWNE	20	28N	20W	FLATHEAD
2	40.00		SWNE	20	28N	20W	FLATHEAD
Total:	55.00						

USDA AERIAL PHOTOGRAPH NO. 1079-54 , DATED 09/24/1979 APPEARS TO INDICATE 45.99 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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.

34241-00 34242-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 09/13/1988: METHOD OF IRRIGATION AND POINT OF DIVERSION.

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

- NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/24/89.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/30/95.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/21/95.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/28/95.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 12834 RECEIVED 12/26/2003.
- OWNERSHIP UPDATE TYPE 608 # 39977 RECEIVED 07/19/2006.
- OWNERSHIP UPDATE TYPE 608 # 57016 RECEIVED 04/09/2008.
- OWNERSHIP UPDATE TYPE DOR # 82477 RECEIVED 04/02/2010.
- OWNERSHIP UPDATE TYPE 608 # 74570 RECEIVED 07/23/2010.
- OWNERSHIP UPDATE TYPE 608 # 98733 RECEIVED 05/07/2012.

Department of Natural Resources and Conservation Examination Report

Map Printed: 3/23/2012 9:41:53 AM

Examiner: Wes McAlpin

WRKEY: 68944-1



Examination of: 76LJ 34241 00 - IRRIGATION

Owner or Business Name: AMY J WALLER, JOHN S WALLER, ROBERT O WAGNER



Total Acres Examined: 45.99 Acres; Source Photo No. 1079-054, Date: 9/24/1979

Township, Range, County: T 28N, R 20W, Sec. 20; Flathead County



Claimed Point(s) of Diversion

DATA SOURCE # 2

USGS 7.5 Minute Quad(s): Creston



Ditch



Examined Place of Use



0 0.1 0.2 0.3 0.4 Miles

Scale 1:24,000

Department of Natural Resources and Conservation Examination Report

Map Printed: 3/23/2012 9:41:53 AM

Examiner: Wes McAlpin

WRKEY: 68944-1



Examination of: 76LJ 34241 00 - IRRIGATION

Owner or Business Name: AMY J WALLER, JOHN S WALLER, ROBERT O WAGNER




Total Water Resources Survey Acres: 52.60 Acres; Source Photo No. 2BB-161, Date: 8/4/1961

Township, Range, County: T 28N, R 20W, Sec. 20; Flathead County

DATA SOURCE # 1

 Claimed Point(s) of Diversion

 Water Resources Survey

USGS 7.5 Minute Quad(s): Creston

 Ditch



0 0.1 0.2 0.3 0.4 Miles

Scale 1:24,000

Department of Natural Resources and Conservation Examination Report



Map Printed: 3/23/2012 9:41:53 AM

Examiner: Wes McAlpin

WRKEY: 68944-1

Examination of: 76LJ 34241 00 - IRRIGATION

Owner or Business Name: AMY J WALLER, JOHN S WALLER, ROBERT O WAGNER



Total Claimed Acres (Calculated): 55.66 Acres Total Claimed Acres (Claim Form): 55.0 Acres

Township, Range, County: T 28N, R 20W, Sec. 20; Flathead County

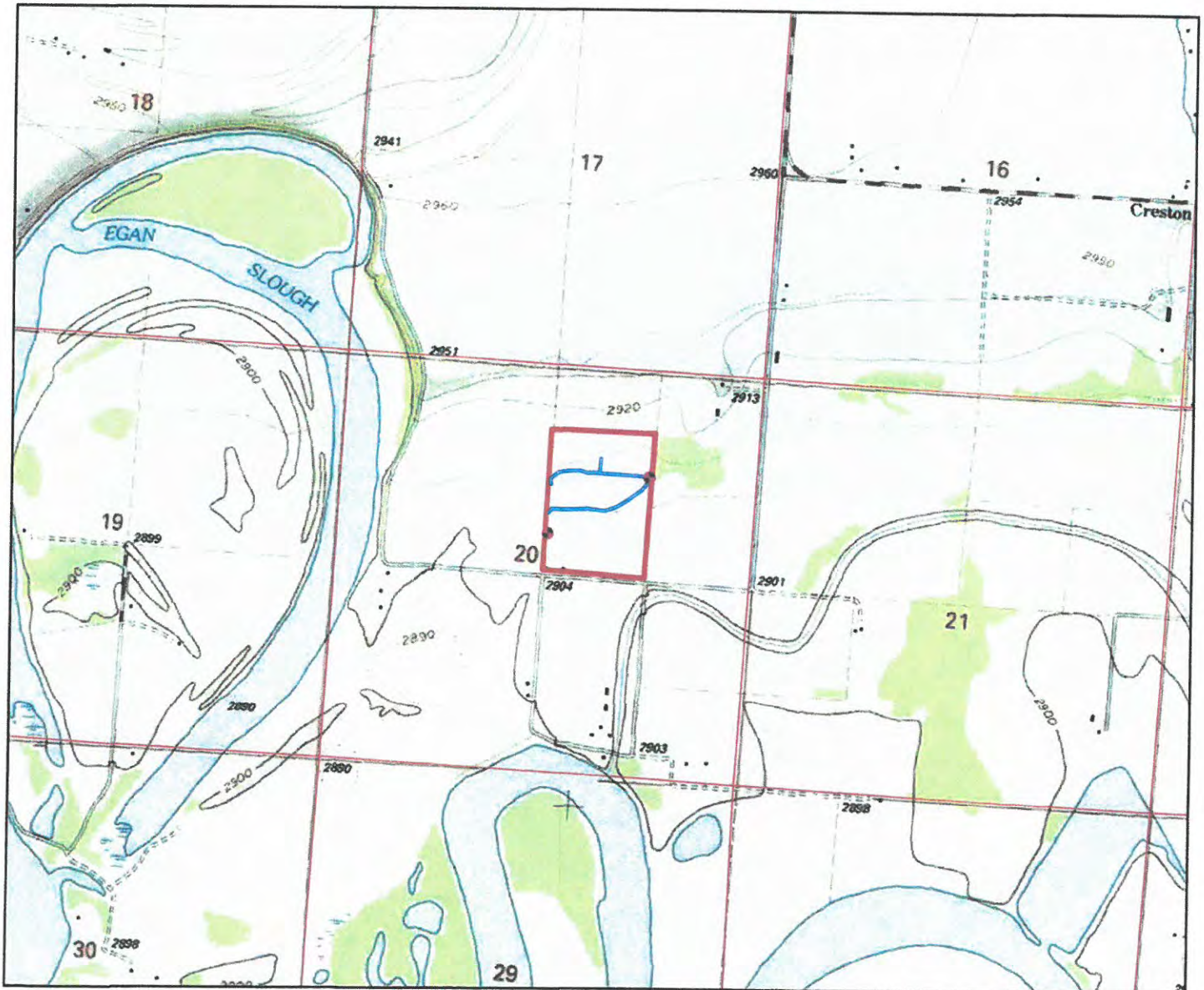
Representation of
Claimant Map

 Claimed Point(s) of Diversion

USGS 7.5 Minute Quad(s): Creston

 Ditch

 Claimed Place of Use



0 0.1 0.2 0.3 0.4 Miles

Scale 1:24,000

wood fence
is my back Prop line

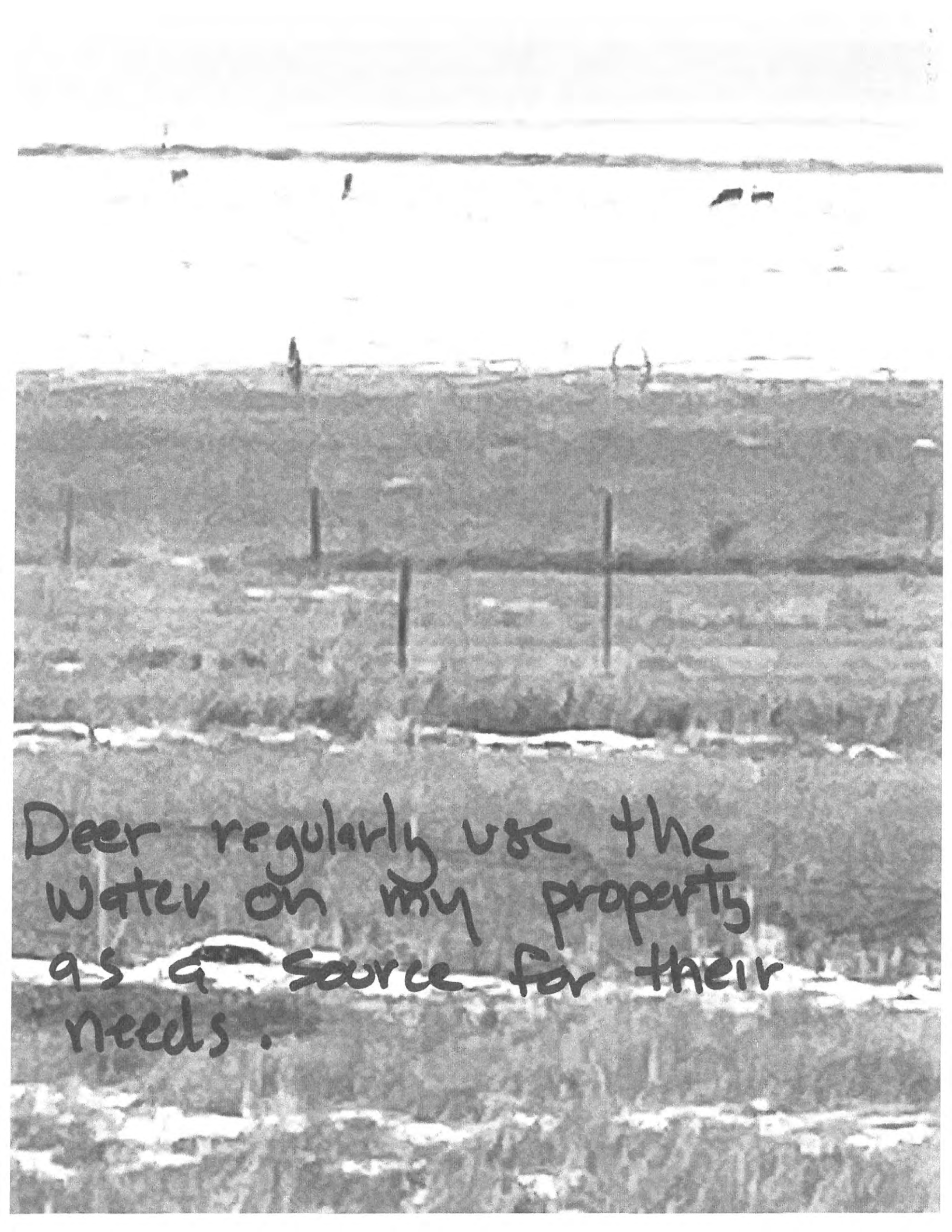
Unnamed
Tributary
in coming

outgoing

Ducks, Geese, turkeys and coyotes
regularly use this water way.



Domestic
Stock
Irrigation
Pie of fishery - This will grow in PFR with



Deer regularly use the
water on my property
as a source for their
needs.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

WC-0001-C-2021

November 22, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

WAGNER ROBERT O
LAST NAME FIRST NAME MID. INITIAL
1010EGAN SLOUGH RD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406)871-2816 rob@eaglecustomhomesinc.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 73048-00
(One Number Per Form)

Page number in Decree: 5-14
Source: GROUNDWATER

DATED this 18 day of NOVEMBER, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

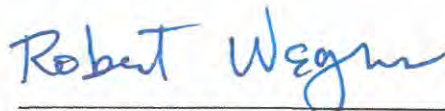
CERTIFICATE OF MAILING

I, ROBERT WAGNER, declare under penalty of perjury, that on the 18 day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278 Pablo,
MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources
Div.
999 18th St.
South Terrace, Suite 370 Denver,
Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Save@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

11/17/2022

ROBERT & LEANNE WAGNER

1010 EGAN SLOUGH RD

KALISPELL MT 59901

THIS OBJECTION COVERS ALL OF MY WATER RIGHTS (6) IN TOTAL LISTED INDIVIDUALLY ON "NOTICE OF OBJECTION AND REQUEST FOR HEARING" FORMS.

WATER RIGHTS NUMBERS: [76LJ 27366-00] [76LJ 34241-00] [76LJ 34242-00] [76LJ 71873-00] [76LJ 73048-00] [76LJ 30126917],.....

FROM WHAT I UNDERSTAND, THIS WATER IMPACT WOULD POTENTIALLY AFFECT MY WATER RIGHTS BY BOTH VOLUMN AND WHEN/IF I COULD USE THEM; BOTH IN REGULAR AND OR DROUGHT YEARS. MY USAGE AND VOLUME IS FOR AND OR POTENTIALLY FOR [AS PAST YEARS PROVE] STOCK, IRRIGATION, DOMESTIC, FISHERY, PROPERTY VALUE, BUILDING FIRE SUPPRESSION, AGRICULTURAL GRASS FIRE PROTECTION [ONE JUST LAST YEAR STARTED ABOUT 400 YARDS AWAY FROM HARVEST MACHINERY], AND ALSO THE MANY ANIMALS THAT FREQUENT THE AREA [FROM MOUSE TO GRIZZLY AND SPARROW TO SANDHILL CRANE]. THE REPROCUSSION OF THIS COMPACT GOING THROUGH WOULD BE IMMESURABLE.

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AND NOW, THIS COMPACT IS UNDERWAY AT THE SAME TIME THE STATE GAVE AN ESTIMATED 715 ACRE FEET OF WATER PER YEAR TO A WATER BOTTLING PLANT – TO SELL IT – FOR PROFIT – THAT WE THE PEOPLE INCLUDING THOSE ON THE RESERVATION, DON'T BENEFIT FROM WHAT SO EVER; AND AT THE SAME TIME, BEING TEAMED UP WITH TRIBAL AND FEDERAL GOVERNMENTS "THE STATE" IS ATTEMPTING TO TAKE A RIGHT AWAY FROM WATER RIGHTS OWNERS LIKE ME....IN GENERAL THIS IS WRONG IN SO MANY WAYS! AT THIS POINT I FEEL THE ..."GOVERNMENT'S" DIRECTION IS TO **GRAB** BECAUSE THEY KNOW THE WATER RIGHTS OWNERS WILL NOT GIVE IN; AND THEN THEY WILL SWEEP THE EFFECTED PARTIES INTO A GARBAGE CAN OF **"THEY'LL GET OVER IT EVENTUALLY"!**

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ROBERT WAGNER

April 11, 2008

76LJ 73048 00

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number: 76LJ 73048 00 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: ROBERT O WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

Priority Date: NOVEMBER 3, 1989 at 10:39 A.M.
Enforceable Priority Date: NOVEMBER 3, 1989 at 10:39 A.M.

Purpose (use): FISHERY
Maximum Flow Rate: 85.00 GPM
Maximum Volume: 98.27 AC-FT

Source Name: GROUNDWATER
Source type: GROUNDWATER

Point 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		SWSWNE	20	28N	20W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

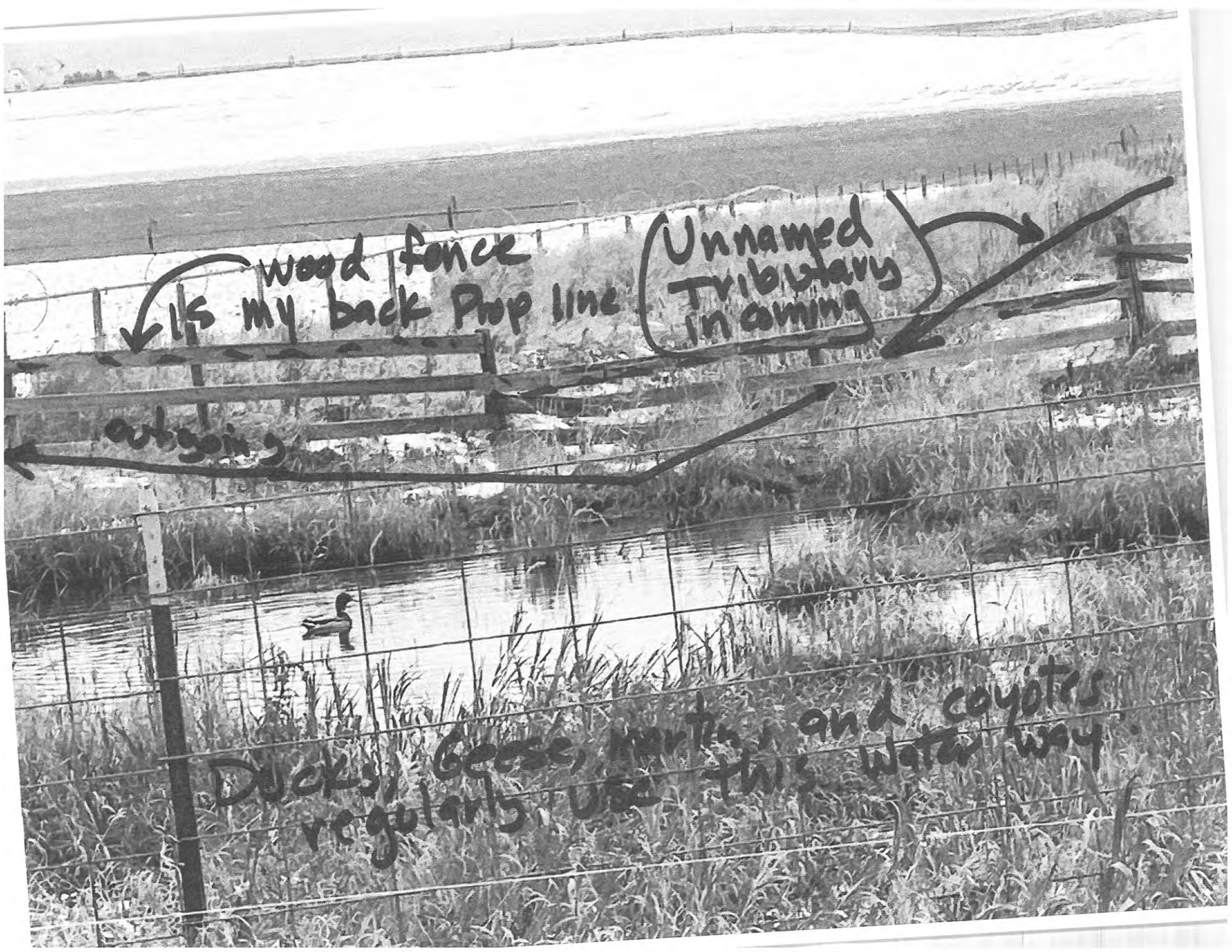
Source Name: GROUNDWATER
Diversion Means: WELL
Well Depth: 200.00 FEET

Purpose (Use): FISHERY
Volume: 98.27 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			SWSWNE	20	28N	20W	FLATHEAD

Remarks:



wood fence
is my back Prop line

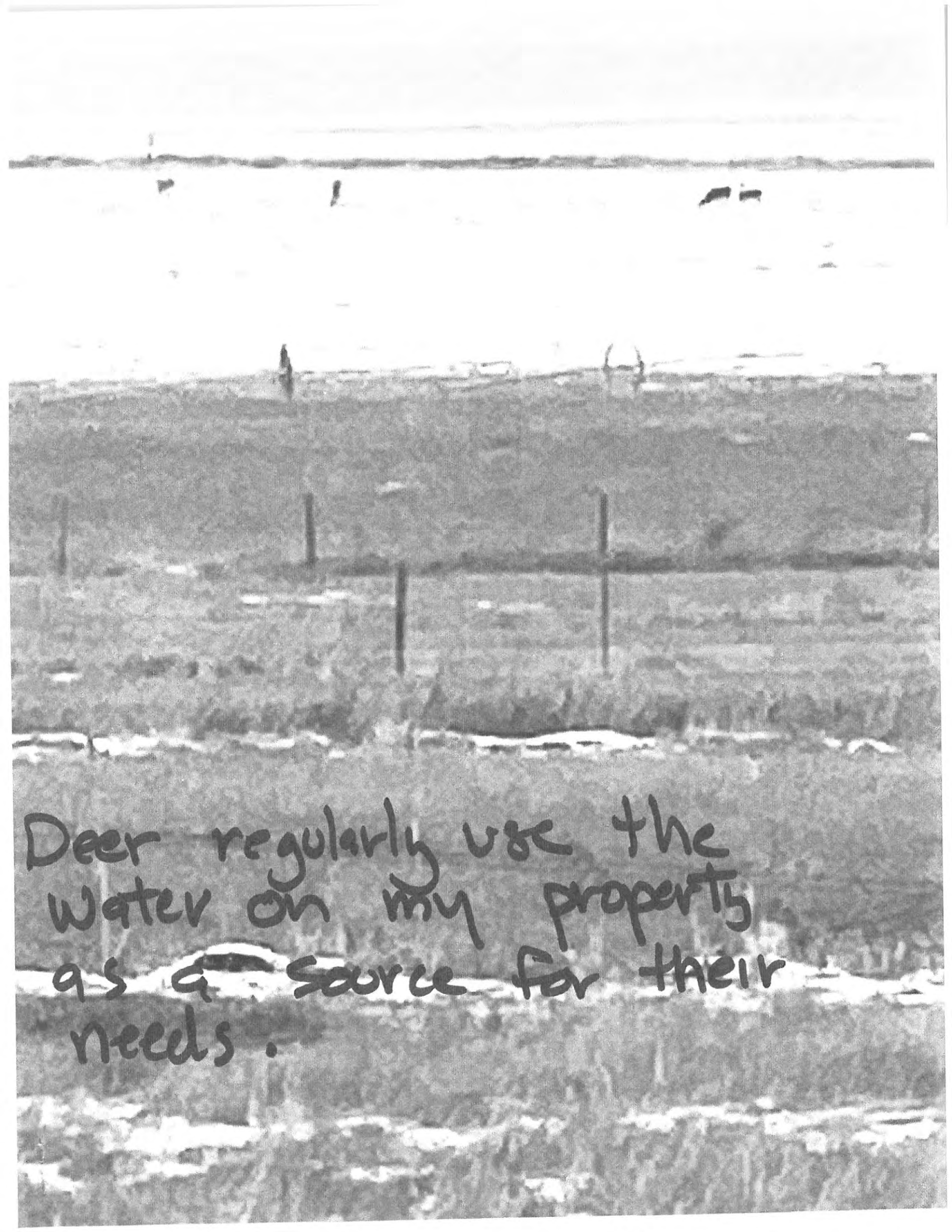
Unnamed
Tributary
in coming

outgoing

Ducks, Geese, turts, and coyotes
regularly use this water way



Domestic
Stock
Irrigation
P.L. of Fishes - For with you'll see worth



Deer regularly use the water on my property as a source for their needs.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

WC-0001-C-2021
November 22, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

WAGNER ROBERT O
LAST NAME FIRST NAME MID. INITIAL
1010EGAN SLOUGH RD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406)871-2816 rob@eaglecustomhomesinc.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 34242-00
(One Number Per Form)

Page number in Decree: 5-14
Source: SURFACE WATER

DATED this 18 day of NOVEMBER, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

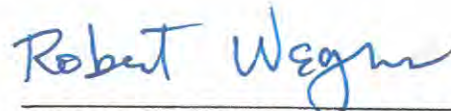
CERTIFICATE OF MAILING

I, ROBERT WAGNER, declare under penalty of perjury, that on the 18 day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278 Pablo,
MT 59855
objections@cslt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources
Div.
999 18th St.
South Terrace, Suite 370 Denver,
Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
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1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
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11/17/2022

ROBERT & LEANNE WAGNER

1010 EGAN SLOUGH RD

KALISPELL MT 59901

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ROBERT WAGNER

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76LJ 34242-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners:
ROBERT O WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

LEANNE M WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

Priority Date: JUNE 10, 1920
Enforceable Priority Date: JUNE 10, 1920

Type of Historical Right: DECREED

***Purpose (use):** MULTIPLE DOMESTIC

Flow Rate: 13.33 GPM

Volume: 2.50 AC-FT

Households: 2

Source Name:: UNNAMED TRIBUTARY OF FLATHEAD RIVER
Source Type: SURFACE WATER

***Point 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		NESWNE	20	28N	20W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			SWSWNE	20	28N	20W	FLATHEAD

Remarks:

September 7, 2016

WAGNER, LEANNE M

Page 4 of 4

76LJ 34242-00

Page 2 of 2

Review Abstract

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.

34241-00 34242-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/24/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/30/95.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 57016 RECEIVED 04/09/2008.

OWNERSHIP UPDATE TYPE 608 # 98733 RECEIVED 05/07/2012.

Department of Natural Resources and Conservation Examination Report

Map Printed: 4/4/2012 9:11:07 AM

Examiner: Wes McAlpin

WRKEY: 68946-1



Examination of: 76LJ 34242 00 - MULTIPLE DOMESTIC

Owner or Business Name: ROBERT O WAGNER



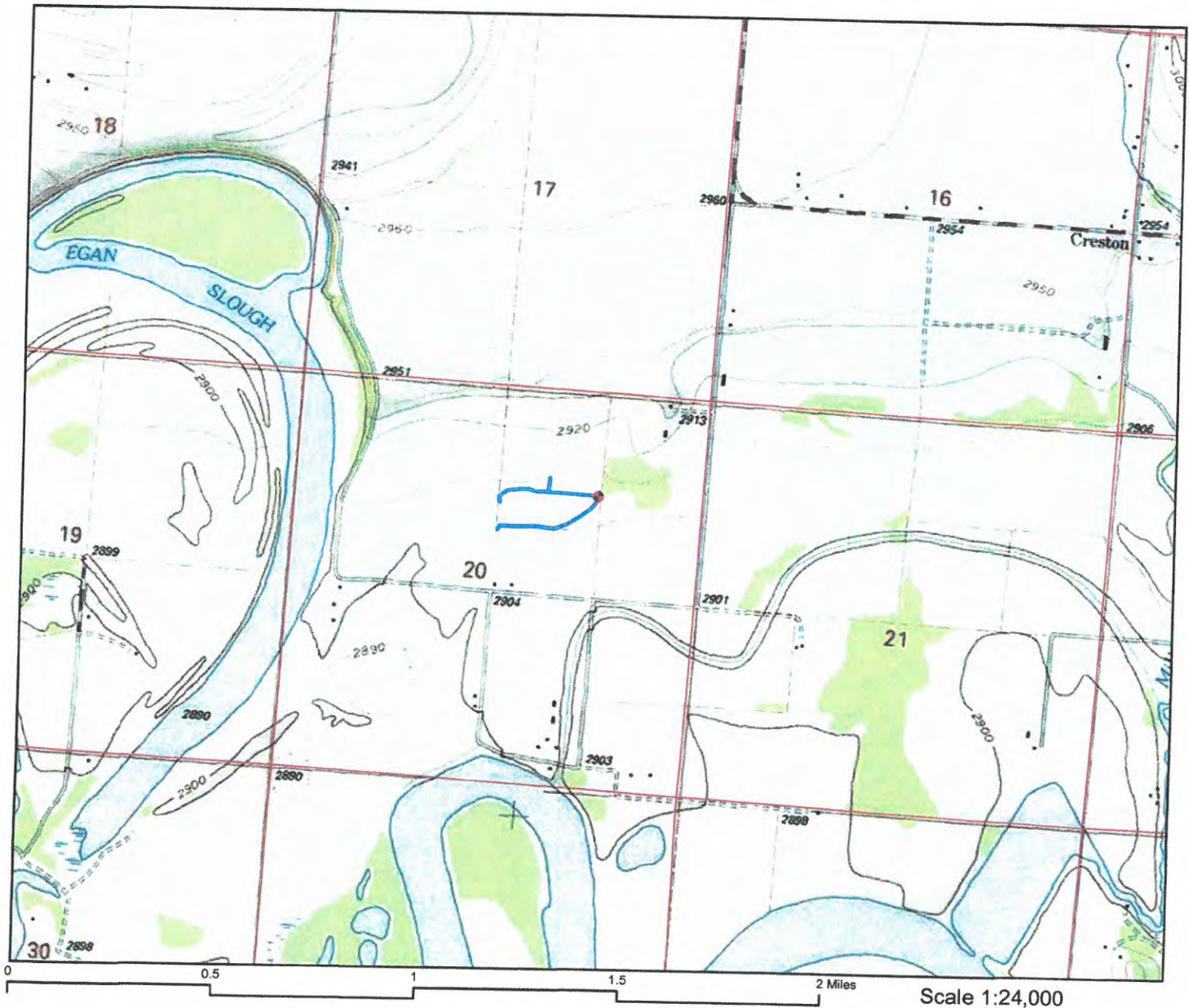
Township, Range, County: T 28N, R 20W, Sec. 20; Flathead County



Claimed Point(s) of Diversion

REPRESENTATION OF
CLAIMANT MAP

USGS 7.5 Minute Quad(s): Creston

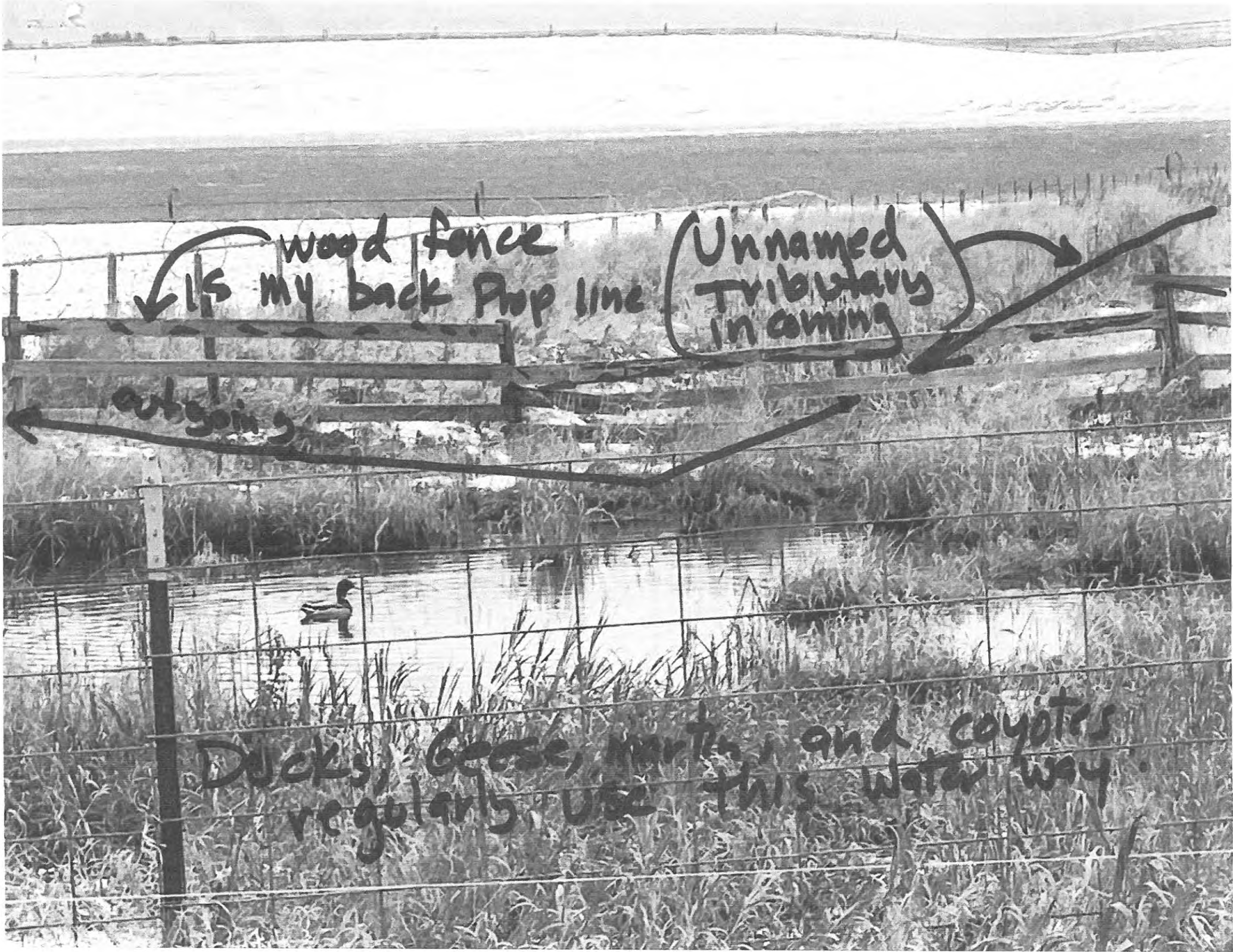


wood fence
is my back Prop line

Unnamed
Tributary
in coming

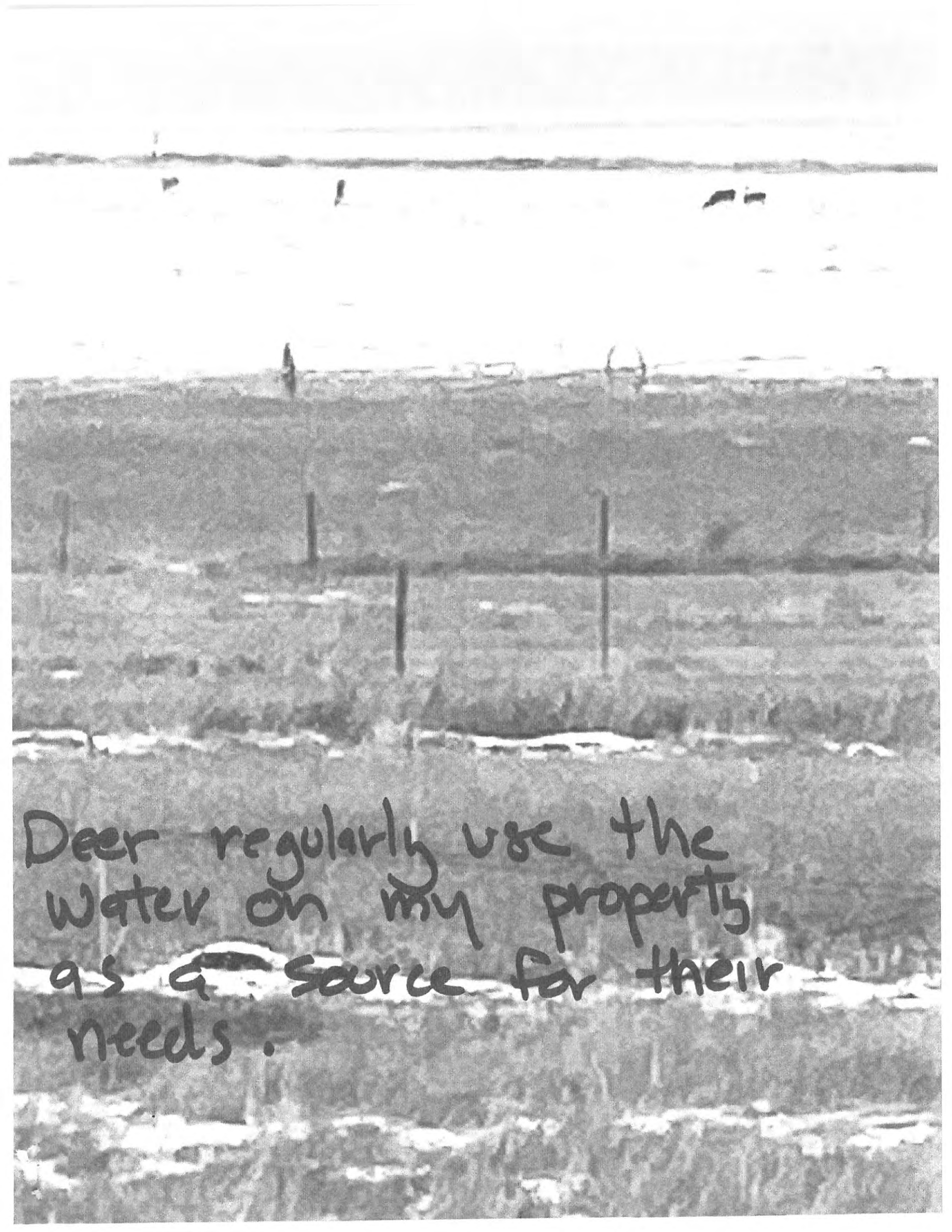
outgoing

Ducks, Geese, turkeys, and coyotes
regularly use this water way.





Domestic
Stock
Irrigation
Pic of fisher - fish will grow in pipe worth



Deer regularly use the
water on my property
as a source for their
needs.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

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WAGNER ROBERT O
LAST NAME FIRST NAME MID. INITIAL
1010EGAN SLOUGH RD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406)871-2816 rob@eaglecustomhomesinc.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 71873-00
(One Number Per Form)

Page number in Decree: 5-14
Source: SURFACE WATER

DATED this 18 day of NOVEMBER, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

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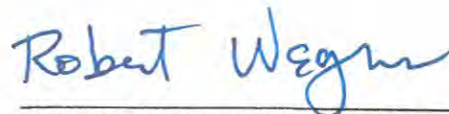
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Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278 Pablo,
MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
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999 18th St.
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Helena, MT 59601
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ROBERT WAGNER

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

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KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number: 76LJ 71873 00 EXEMPT RIGHT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: ROBERT O WAGNER
1010 EGAN SLOUGH RD
KALISPELL, MT 59901

Priority Date: JUNE 10, 1920
Enforceable Priority Date: JUNE 10, 1920

Purpose (use): STOCK
Maximum Flow Rate: 52.00 GPM
Maximum Volume: 0.07 AC-FT

Source Name: UNNAMED TRIBUTARY OF FLATHEAD RIVER
Source type: SURFACE WATER

Point 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		SWSWNE	20	28N	20W	FLATHEAD

Period of Diversion: MAY 1 TO OCTOBER 1
Source Name: UNNAMED TRIBUTARY OF FLATHEAD RIVER
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Purpose (Use): STOCK
Volume: 0.07 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<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>
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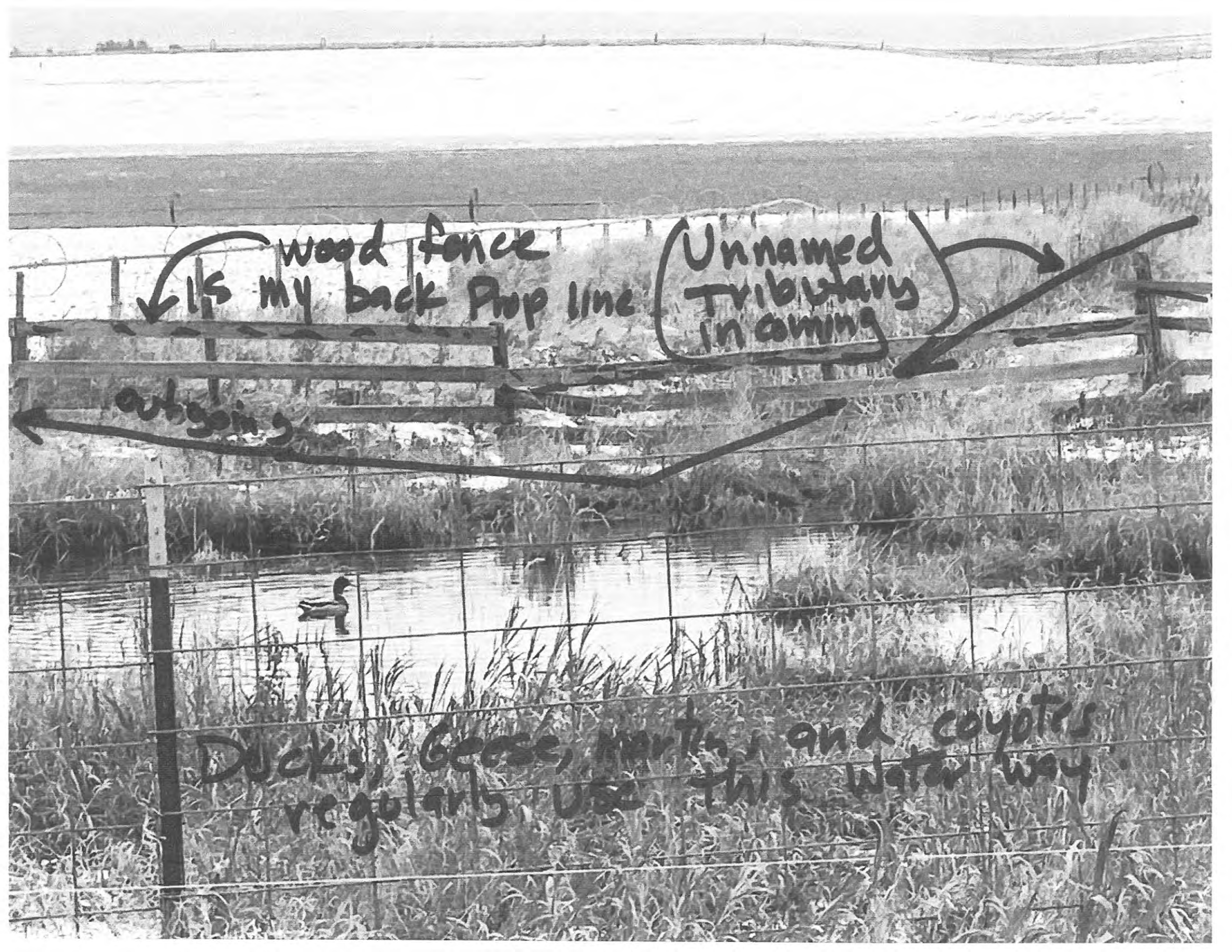
Remarks:

wood fence
is my back Prop line

Unnamed
Tributary
in coming

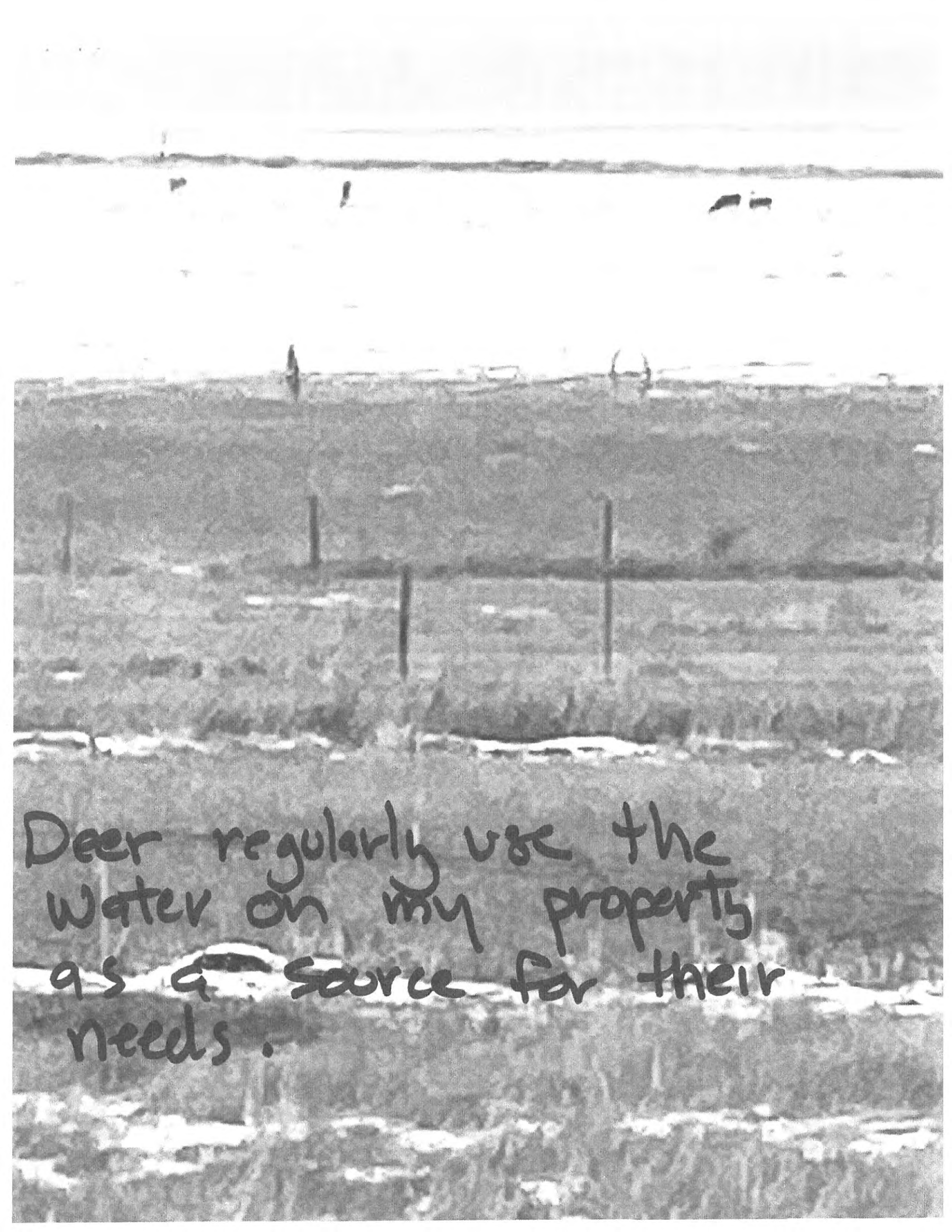
outgoing

Ducks, Geese, swans, and coyotes
regularly use this water way.





Domestic
stock
irrigation
pic of fishery - fish will grow in per month



Deer regularly use the
water on my property
as a source for their
needs.

ELECTRONICALLY FILED

Montana Water Court,

Please find enclosed the following:

WC-0001-C-2021

November 22, 2022

Notice of Objection and Request for Hearing form

State of Montana DNRC General Abstract of Ground Water Certificate

Montana Water Court

Notice of Certificate of Acceptance and Declaration of Land Patent #130

Objections noted on separate page

Property Legal Description

cc:

Daniel Decker, CSKT Legal Department

David W. Harder, US DOJ, Indian Resources Div.

Molly M. Kelly, Montana DNRC

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

HINKLE GREG W
LAST NAME FIRST NAME MID. INITIAL
5 GABLE RD
STREET ADDRESS OR PO BOX
THOMPSON FALLS MT 59873
CITY STATE ZIP CODE
(406) 827-4045 gglink44@BLACKROOT.NET
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE OBJECTIONS PAPER ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 28108-00
(One Number Per Form)

Page number in Decree: UNKNOWN
Source: WELL

DATED this 18 day of NOVEMBER, 2022.

Greg W Hill
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, *Guy Hill*, declare under penalty of perjury, that on the 18 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Guy Hill
SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

To: Montana Water Court, P.O. Box 1389, Bozeman, Mt. 59771-1389

Certified Mail # 7020 3160 0001 9357 2914

CSKT Water Claims Objections, Case # WC-0001-C-2021

We have a domestic well, 15.0 GPM, located off-reservation in Qtr. Sec. SWNESW Sec 23 Twp 21N 29W, Sanders County, used for household, garden and a small green belt around structures for fire mitigation. See State of Montana DNRC General Abstract provided.

The CSKT Water Rights Claims has significantly reduced our net worth and harmed the investment of our property. If the CSKT has an off reservation senior water right over our water right (#76N 28108-00) granted by the State Montana to us, the market value of our property (Land Patent 130) is greatly reduced. This creates a significant financial burden. We are taxed through state property taxes based on a market value that does not exist as currently assessed. It would be very difficult to market any property when the prospective buyer discovered that another entity claimed they had the water right to that property.

The Montana Constitution Article IX Section 3. Water Rights. (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed. (2)...

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

Clearly, the CSKT water rights claims filed June 25, 2015 is an unconstitutional overreach of the CSKT upon off reservation lands. My water right (# 76N 28108-00) is granted to us by the State of Montana. No other entity has the right to file a claim over the top of our legal agreement with the state. It would be a violation of the 10th Amendment of the US Constitution and Montana Constitution Article IX, Section 3 (1) (3) to do so. These claims by the CSKT are a direct affront to our guarantee of the Pursuit of Life (our garden), Liberty and Private Property.

 11-18-2022

Greg Hinkle, 5 Gable Rd, Thompson Falls, Mt. 59873

Cc:

Daniel Decker, CSKT Legal Department

David W. Harder, US DOJ, Indian Resources Div.

Molly M. Kelly, Montana DNRC

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 28108-00 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: GAIL A HINKLE
440 CHERRY CREEK RD
THOMPSON FALLS, MT 59873-9503

GREG W HINKLE
440 CHERRY CREEK RD
THOMPSON FALLS, MT 59873

Priority Date: JULY 14, 1980 at 12:43 P.M.
Enforceable Priority Date: JULY 14, 1980 at 12:43 P.M.

Purpose (use): DOMESTIC
Maximum Flow Rate: 15.00 GPM
Maximum Volume: 1.50 AC-FT

Source:
Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	NESW	23	21N	29W	SANDERS

Diversion Means: WELL
Subdivision: GRAPES OF RUTH TRACT/LOT: A
Well Depth: 170.00 FEET
Static Water Level: 140.00 FEET
Casing Diameter: 6.00 INCHES

Period of Diversion: JANUARY 1 to DECEMBER 31

Purpose (Use): DOMESTIC
Households: 1
Volume: 1.50 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	NESW	23	21N	29W	SANDERS

Subdivision: GRAPES OF RUTH TRACT/LOT A

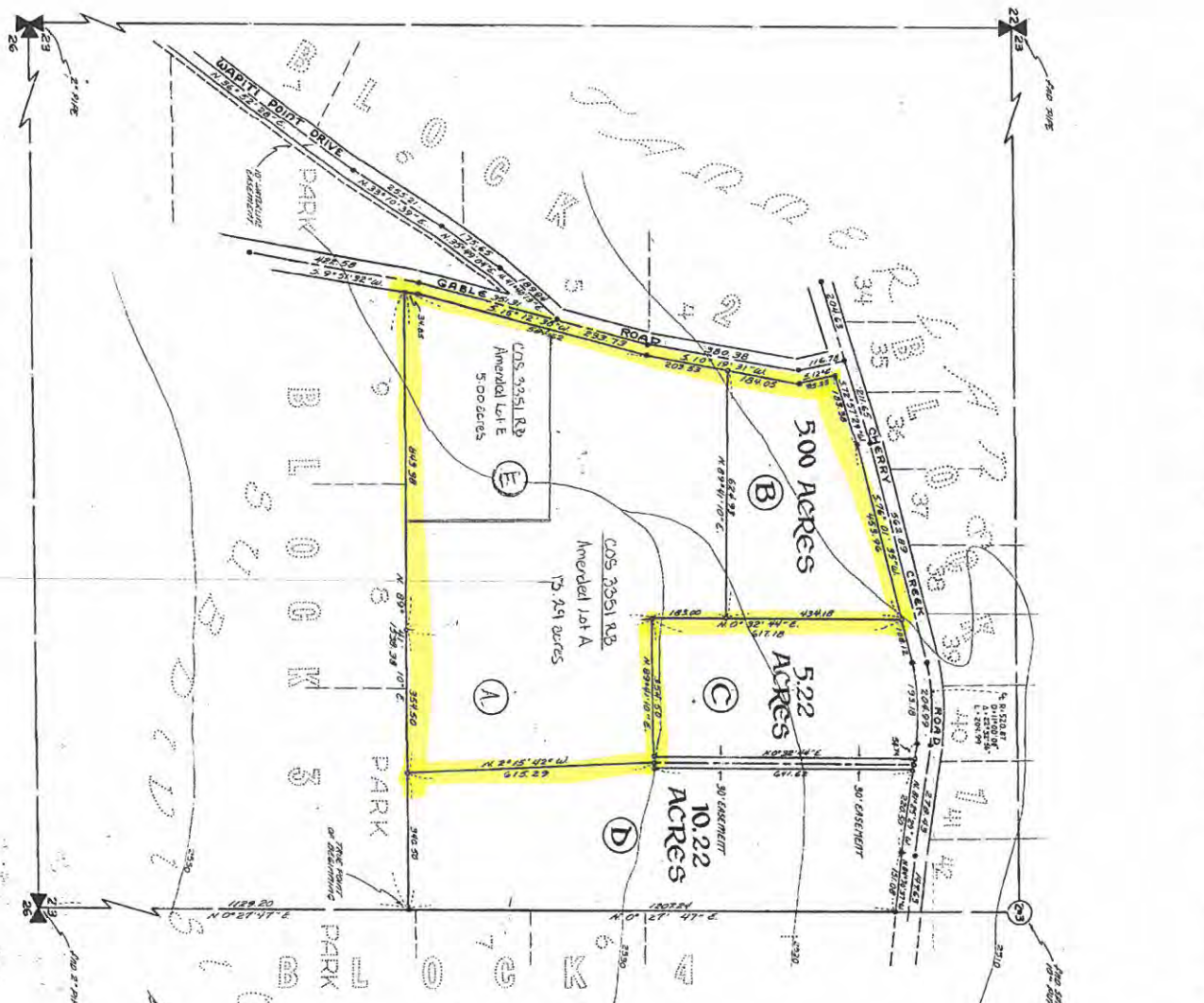
Remarks:

OWNERSHIP UPDATE RECEIVED
NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/13/91.
OWNERSHIP UPDATE RECEIVED
NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/22/92.

CERT. MAIL # 7020 3160 0001 9357 2914

GRAPES OF RICH SUBDIVISION

IN SECTION 23, T.21N., R.29W., M.P.0 SANDERS COUNTY, MONTANA



SCALE: 1" = 200'

••• FOUND INTO CORNER
••• SET BY REBAR
••• SET BY STATIONING AND BENCH MARKS

LEGAL DESCRIPTION

THE UNDERSIGNED HEREBY CERTIFY THAT THE SURVEY DESCRIBED IN CERTIFICATE OF SURVEY NUMBER 483-1978, SANDERS COUNTY, MONTANA, WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEY ACT OF SECTION 23, TITLE 2, CHAPTER 1, PART 1, MONTANA CODE ANNOTATED, AND THE SURVEY IS CORRECT AND TRUE TO THE SURVEY INSTRUMENTS AND RECORDS OF THE COUNTY CLERK OF SANDERS COUNTY, MONTANA, AND THE RECORDS OF THE COUNTY CLERK OF SANDERS COUNTY, MONTANA, AND THE RECORDS OF THE COUNTY CLERK OF SANDERS COUNTY, MONTANA, AND THE RECORDS OF THE COUNTY CLERK OF SANDERS COUNTY, MONTANA.

Carl R. McMillen
Surveyor

CERTIFICATE OF SURVEYOR

I, *Carl R. McMillen*, a registered land surveyor in Sanders County, Montana, do hereby certify that the survey shown herein is correct and true to the original plat and field notes, and that the same comply with the provisions of the Montana Survey Act, and that the same were prepared and conducted in accordance with the provisions of said Act, and that the same were recorded in the public records of Sanders County, Montana, on this 19th day of August, 1978.

Carl R. McMillen
Surveyor

CERTIFICATE OF FINAL PLAT APPROVAL

THE COUNTY COMMISSIONER OF SANDERS COUNTY, MONTANA, DOES HEREBY CERTIFY THAT HE HAS EXAMINED THE SUBDIVISION PLAT AND HAS FOUND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE MONTANA SURVEY ACT, AND THAT THE SAME WERE RECORDED IN THE PUBLIC RECORDS OF SANDERS COUNTY, MONTANA, ON THIS 19th DAY OF AUGUST, 1978.

Carl R. McMillen
County Commissioner

Carl R. McMillen
Deputy County Commissioner

Carl R. McMillen
Deputy County Commissioner

Carl R. McMillen
Deputy County Commissioner

SALLY BARNES
SURVEY FOR

PREPARED BY
CARL R. McMILLEN ASSOC
CARTH FORSYTH - HEERON, INC

JOB NO. 78-49

Return to:
Greg W and Gail A Hinkle
5 Gable Rd
Thompson Falls, Mt. 59873

77948

The united states of America, and in Montana Republic

**NOTICE OF,
CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT.**

LAND PATENT Certificate # 130, Dated May 28, 1906 (see attached)

Know all ye men and women by these presents:

1. That we, Greg W and Gail A Hinkle, husband and wife of Sanders County, Montana, do hereby certify and declare that we are "Assignees" in the LAND PATENT named and numbered above; that we have brought up said LAND PATENT in our names as it pertains to the land described below. The character of said land so claimed by patent, and legally described and referenced under the Patent Number Listed above is:

T21N, R29W, Sec23, Lot A, 13.29 acres
Grapes of Ruth Subdivision

2. That we, Greg W and Gail A Hinkle, are domiciled at 5 Gable Rd, Thompson Falls, Montana Republic, usA NON-DOMESTIC. Unless otherwise stated, we have individual knowledge of matters contained in this CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT. We are fully competent to testify with respect to these matters.

3. We, Greg W and Gail A Hinkle, are Assignees at Law and bona fide Assignee "owners" by way of valuable consideration, for certain legally described portion of LAND PATENT under the original, certified LAND PATENT #130, Dated May 28, 1906, which is duly authorized to be executed in pursuance of the Supremacy of Treaty Law, citation and Constitutional Mandate, herein referenced, whereupon a duly authenticated lawful description, together with all hereditament, tenements, pre-emptive rights appurtenant thereto, the lawful and valuable consideration which is appended hereto, and made a part of this NOTICE CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT. (See attached patent)

4. No claim is made herein that we have been assigned the entire tract of land as described in the original patent. Our assignment is inclusive of only the lawful description herein. The filing of this NOTICE CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT shall not deny or infringe upon any right, or privilege, or immunity of any Heir or Assigns to any portion of land covered in the above described Patent Number 130 (see attached).

5. If this duly certified LAND PATENT is not challenged by a lawfully qualified party having a lawful claim, lien, debt, or other equitable interest on any in a court of law within sixty (60) days from the date of this filing this NOTICE, then the above described property shall become the Allodial Freehold of the Heir or Assignees to said Patent, the LAND PATENT shall be considered henceforth perfected in our names: "Greg W and Gail A Hinkle", and all future claims against this land shall be forever waived.

6. When lawfully qualified Sovereign Americans have a claim to title and are challenged, a court of competent jurisdiction is the Common Law Court (Article III). Any action against a patent by a corporate state or their statutory, legislative units (i.e., courts) would be an action at Law, which is outside the venue and jurisdiction of these Article I Courts. There is no Law issue contained herein which may be heard in any of the State courts (Article I), nor can any Court of Equity, Admiralty, or Military, set aside, annul or correct a LAND PATENT.

7. Therefore, said land remains unencumbered, free and clear, and without liens or lawfully attached in any way, and is hereby declared to be private land and private property, not subject to any commercial forums (e.g., U. C. C.) whatsoever.

8. Additionally, a common Law courtesy of sixty (60) days is stipulated for any challenges hereto, otherwise, laches or estoppel shall forever bar the same against said ALLODIAL FREEHOLD estate; assessment lien theory to the contrary, notwithstanding. Therefore, said declaration, after sixty (60) days from date, if no challenges are brought forth and upheld, perfects this ALLODIAL TITLE in the names forever.

JURISDICTION

THE RECIPIENT HERETO IS MANDATED by Article IV, section 2 & 3, the 9th and 10th Amendments with reference to the 7th Amendment, enforced under Article III, section 3, clause 1, of the Constitution for the United States of America.

PERJURY JURAT

Pursuant to Title 28 USC sec. 1746 (1) and executed "without the United States", we affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our belief and informed knowledge; and further deponent saith not. We now affix our signatures of the above affirmations with EXPLICIT RESERVATION OF ALL OF OUR UNALIENABLE RIGHTS, WITHOUT PREDJUDICE to any of those rights pursuant to U. C. C.1-308 and U. C. C. 1-306.

signed *Greg W. Hinkle*
(print name) GREG W. HINKLE

signed *Gail A. Hinkle*
(print name) Gail A. Hinkle

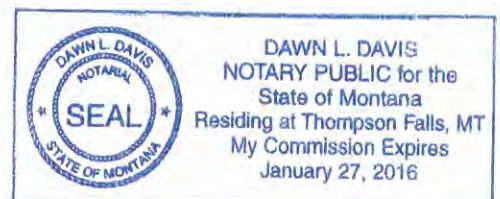
State of Montana)
County of Sanders)

On this 12th day
of June 2013, personally

Appeared before me
Greg W. Hinkle
Gail A. Hinkle

and acknowledged said instrument to be its voluntary act and deed. Before me:

Dawn L. Davis
Notary Public for State of Montana
Residing at: Thompson Falls
My Commission Expires: 1/27/2016



Notice of Objection

Montana Water Court

I would first like to thank you for reviewing my objection. After listening to several discussions regarding the compact I have determined that transparency on all parties accounts is lacking and creating frustration and friction at every level. It is impossible to get any concrete explanation of what the tribe could or would do if it has control of such an extensive quantity of water. My individual objections to the compact are as follows:

1. As stated in our state constitution all waters within the boundaries of are state are for the use of it's people.
2. I believe the compact needs to be more transparent as to what the powers of the tribe will be and that the compact should be presented to a stand alone committee and the legislature without being attached to any other legislation.
3. If the intent of the tribe is to tax or bill individuals for their water usage I will expect them to pay for any and all expenditures that were required for that individual to access that water. I believe that the legality of taxing or billing for something that belongs to everyone and was not procured , maintained or serviced by the taxing entity is illegitimate.

For these reasons I would like to see the compact brought before the people and have a clear definition of what the intentions of the tribe and compact really are.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Smith Stanley R
LAST NAME FIRST NAME MID. INITIAL
327 Glacier Ranch Rd
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 407-5851
PHONE NUMBER
E-MAIL
stan@kalispellvisionclinic.com

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See attached paper

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76LT 30115028
(One Number Per Form)

Page number in Decree: 1
Source: ONRC

DATED this 7th day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Stanley R Smith, declare under penalty of perjury, that on the 8th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cslt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

NOTICE OF COMPLETION OF GROUNDWATER DEVELOPMENT

Use this form for completed groundwater developments where the water has been put to use for the purposes identified with a maximum use of 35 GPM not to exceed 10 Acre-Feet per year.

Incomplete forms will be returned.

FOR DEPARTMENT USE ONLY

Notice No. _____ Basin _____
 Priority Date _____ Time _____ AM - PM
 Rec'd By _____
 Fee Rec'd \$ _____ Check No. _____
 Deposit Receipt # _____
 Payor (if different from name(s) listed in item 1 below) _____
 Refund \$ _____ Date _____
 Deficiency Letter Sent _____

- ⇒ Your priority is determined by the date of filing. If it is determined this form was improperly filed, your priority date may be changed.
- ⇒ If your development is within a Controlled Ground Water Area, the regional office will contact you to explain the correct filing requirements.

1. **NAME(S)** _____ Smith Separate Property Trust, Stanley R.
MAILING ADDRESS _____ 327 Glacier Ranch Road
CITY _____ Kalispell **STATE** _____ MT **ZIP** _____ 59901
PHONE _____ 406-756-5848 **EMAIL** _____

2. **HAS THIS WATER BEEN PUT TO USE FOR THE PURPOSES ON WHICH YOU ARE FILING?**
 Yes No (IF YOU ANSWER NO, YOU CANNOT FILE THIS FORM AT THIS TIME.)

3. **DIVERSION USED TO OBTAIN GROUNDWATER**
 Well – Attach well log, if available Water Well Contractor Name: Sudan Drilling
 Developed Spring (Excavation performed at the spring location.)
 Pit/Pond – Surface Area _____ Acres _____ Depth _____

4. **FLOW RATE USED** _____ 29 _____ GPM (Cannot Exceed 35 GPM)

5. **COMBINATION OR SHARED DEVELOPMENT**

a. Are there other groundwater developments on your property? Yes No
 If yes, how far away are the existing groundwater developments from this new groundwater development? Provide a DNRC water right number for each.

b. Is this development shared with other users? Yes No
 If yes, please explain how and provide a DNRC water right number for each.

6. **PURPOSE AND PERIOD OF USE:** Check those that apply and answer applicable questions

Domestic: Number of homes supplied: 1
 Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Lawn & Garden:
 Total size of lawn & garden - length x width _____ -OR- Number of Acres 1.0
 April 1 – October 31 Yes No If no, from _____ to _____, inclusive of each year.

Irrigation: (Do not include Lawn & Garden Irrigation)
Type of crop _____ Total Crop Acres Irrigated _____
April 1 – October 31 Yes No If no, from _____ to _____, inclusive of each year.

Stock:
Number & type: (Ex: 100 Cows & 1 Horse) _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Other: (Do not include purposes described above)
Describe the purpose of the use _____
Amount of water used _____ gallons per day Number of days used _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

7. **POINT OF DIVERSION** – Location of the groundwater development
NW 1/4 NW 1/4 NW 1/4 of Section 5 Township 27 N S Range 21 E W
County FLATHEAD Tract # 4F COS # 18602 Gov't Lot # _____
Subdivision Name Glacier Ranch Estates Phase II Lot 5 Block _____
Street Address, including City/State/Zip Code 327 Glacier Ranch Road, Kalispell, MT 59901

8. **PLACE OF USE** - Enter the 17 digit geocode(s) applicable to the place of use legal land description
Geocodes can be found in county records, tax statements, or at <http://svc.mt.gov/msl/mtcadastral/>.
07-3834-05-2-02-25-0000, _____, _____

Is the place where water is used the same as the point of diversion? Yes No

If no, enter the place of use land description below. Attach additional sheets if necessary.

____ 1/4 ____ 1/4 ____ 1/4 of Section ____ Township ____ N S Range ____ E W
County _____ Tract # _____ COS # _____ Gov't Lot # _____
Subdivision Name _____ Lot _____ Block _____
Street Address, including City/State/Zip Code _____

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have possessory interest in the property where the water has been put to beneficial use and I have the exclusive property rights in the ground water development works **OR** I have attached written consent of the person owning the ground water development works and/or written notification to the land owner pursuant to MCA 85-2-306(1).

Please note, you must submit ORIGINAL signatures, copies will not be accepted.

I declare under penalty of perjury & under the laws of the State of Montana that the foregoing is true & correct.

Printed Name (& Title for business representative) Stanley R. Smith

Applicant Signature _____

Date: 12/5/17

Printed Name (& Title for business representative) _____

Applicant Signature _____

Date: _____



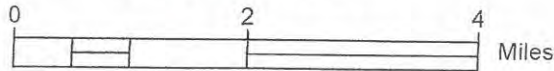
Visit <http://www.dnrc.mt.gov/divisions/water> for additional water right related information.



STANLEY & MARJORIE SMITH RESIDENCE

327 GLACIER RANCH ROAD

KALISPELL, MONTANA



**327 GLACIER
RANCH ROAD**



HAFFERMAN ENGINEERING, INC.

35 SOUTH MAIN, SUITE B
KALISPELL, MT 59901
PHONE: 406-257-8708
FAX: 406-257-8710
EMAIL: info@billmayer.com
ONLINE: www.billmayer.com

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HAFFERMAN ENGINEERING, INC.

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DRAWING TITLE:

VICINITY MAP

FOR

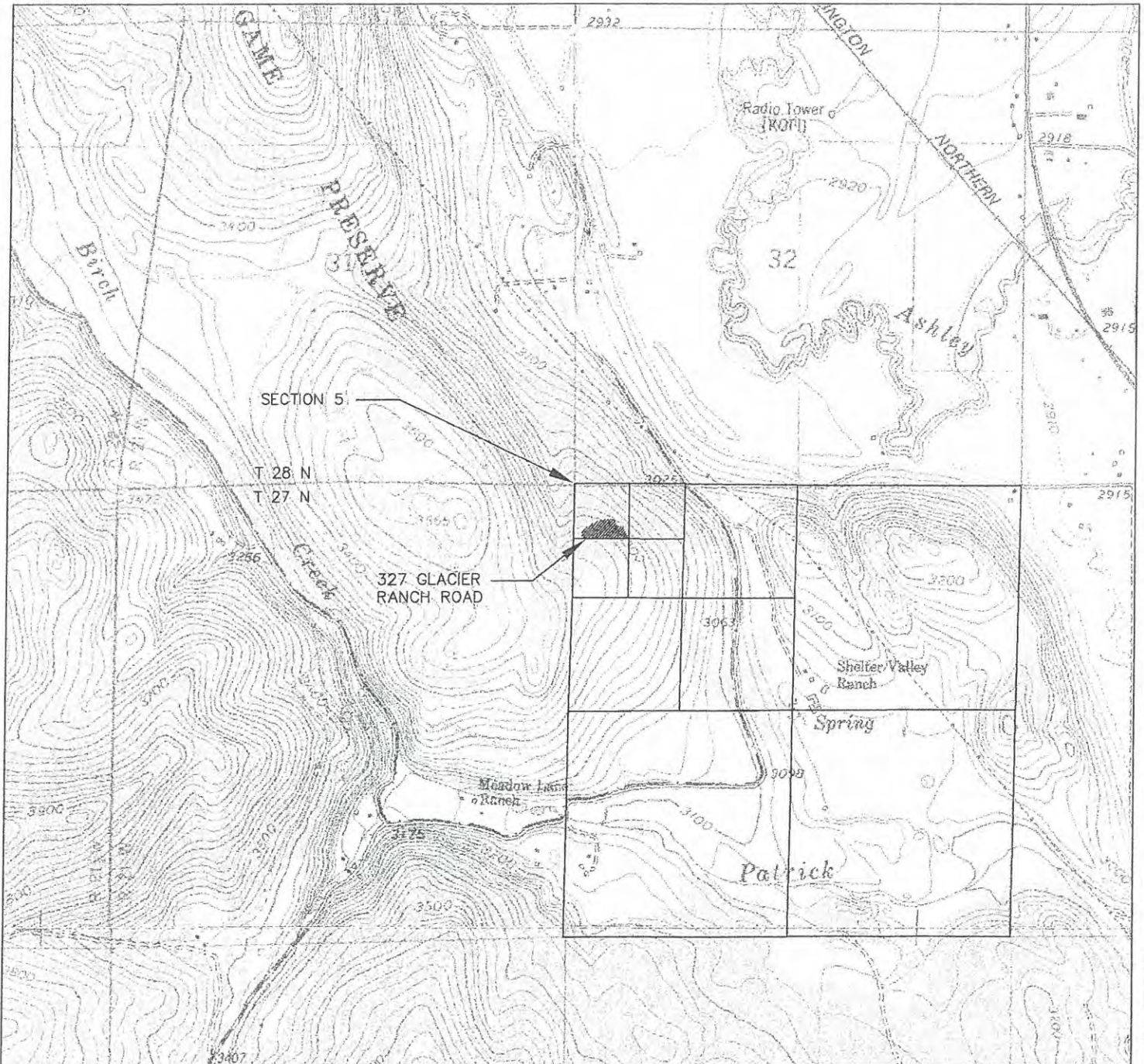
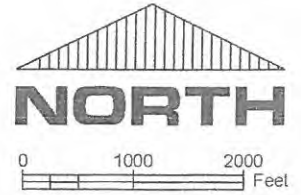
STAN and MARGIE SMITH RESIDENCE

SECTION 5

T. 27N., R. 21W., P.M., M., FLATHEAD COUNTY, MONTANA

DATE: NOVEMBER 2017	PROJECT NUMBER: S. 149.01	SCALE: AS SHOWN	SHEET: 1 OF 3
FILE LOCATION: S:\LAND PRO...IC. 99.01 - MSTR.DWG	DRAWN BY: KEW	APPROVED BY: KMH	

SECTION MAP
STANLEY & MARJORIE SMITH
327 GLACIER RANCH ROAD
KALISPELL, MONTANA



HAFFERMAN ENGINEERING, INC.
 35 SOUTH MAIN, SUITE B
 KALISPELL, MT 59901
 PHONE: 406-257-8708
 FAX: 406-257-8710
 EMAIL: info@billmayer.com
 ONLINE: www.billmayer.com

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 OTHERWISE USED WITHOUT THE EXPRESS WRITTEN CONSENT OF
 HAFFERMAN ENGINEERING, INC.

DRAWING TITLE:
SECTION MAP
 FOR
327 GLACIER RANCH ROAD
 NW1/4, NW1/4, NW1/4
 SECTION 5
 T 27 N, R 21 W, P.M., M., FLATHEAD COUNTY, MONTANA

DATE: NOVEMBER 2017	PROJECT NUMBER: S.149.01	SCALE: AS SHOWN	SHEET: 2 OF 3
FILE LOCATION: ..S.149.01-SMITH WATER RIGHT.DWG	DRAWN BY: KEW	APPROVED BY: KMH	

MONTANA WELL LOG REPORT

Other Options

This well log reports the activities of a licensed Montana well driller, serves as the official record of work done within the borehole and casing, and describes the amount of water encountered. This report is compiled electronically from the contents of the Ground Water Information Center (GWIC) database for this site. Acquiring water rights is the well owner's responsibility and is NOT accomplished by the filing of this report.

[Return to menu](#)
[Plot this site in State Library Digital Atlas](#)
[Plot this site in Google Maps](#)
[View scanned well log \(7/20/2009 9:58:08 AM\)](#)

Site Name: SMITH STAN & MARGIE
 GWIC Id: 177330

OFFICIAL CHANGE

Section 7: Well Test Data

Total Depth: 317
 Static Water Level: 238
 Water Temperature:

Section 1: Well Owner(s)

1) SMITH, STAN AND MARGIE (MAIL)
 2970 AIRPORT RD
 KALISPELL MT 59901 [05/03/1999]

*327 GLACIER
 RANCI ROAD*

Air Test *

30 gpm with drill stem set at 280 feet for 1 hours.
 Time of recovery 0.75 hours.
 Recovery water level 240 feet.
 Pumping water level _ feet.

Section 2: Location

Township	Range	Section	Quarter Sections
27N	21W	5	SW¼ NE¼ NW¼
County		Geocode	

FLATHEAD

Latitude	Longitude	Geomethod	Datum
48.136647	-114.303463	TRS-SEC	NAD83
Ground Surface Altitude	Ground Surface Method		Datum Date

* During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

Addition
 GLACIER VIEW

Block
 Lot 1

Section 8: Remarks

Section 3: Proposed Use of Water
 DOMESTIC (1)

Section 4: Type of Work
 Drilling Method: ROTARY
 Status: NEW WELL

Section 5: Well Completion Date
 Date well completed: Monday, May 03, 1999

Section 6: Well Construction Details
 There are no borehole dimensions assigned to this well.
Casing

From	To	Diameter	Wall Thickness	Pressure Rating	Joint	Type
-2	58	6				STEEL
44	317	5				STEEL

There are no completion records assigned to this well.

Annular Space (Seal/Grout/Packer)

From	To	Description	Cont. Fed?
0	20	BENTONITE	

Section 9: Well Log

Geologic Source
 400BELT - BELT SUPERGROUP

From	To	Description
0	16	CLAY COBBLESTONES
16	45	FRACTURED ROCK
45	238	ROCK
238	243	FRACTURED ROCK
243	270	ROCK
270	274	FRACTURED ROCK WATER
274	295	ROCK
295	344	FRACTURED ROCK WATER

Driller Certification

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name:
Company: SUDAN DRILLING
License No: WWC-450
Date Completed: 5/3/1999

BY: BLOCK 'S SURVEYING FIRM
 1223 KIENAS RD.
 KAL ISPELL MT. 59901
 PH: & FAX (406) 755-3478
 ESTABLISHED 1987

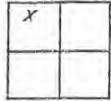
CERTIFICATE OF SURVEY

IN THE NW 1/4 OF SEC. 5 T.27N., R.21W., P.M.M., FLATHEAD COUNTY

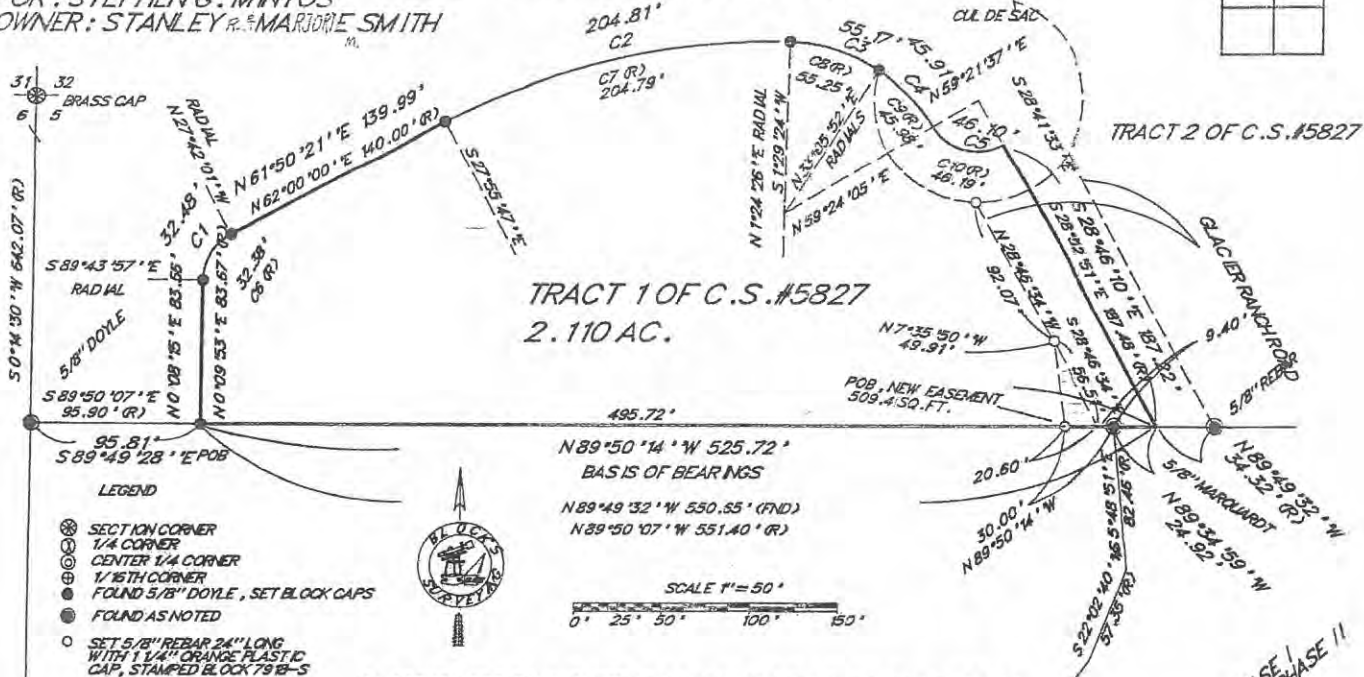
DATE: DEC. 12TH, 2008
 PURPOSE: RETRACEMENT AND CREATE EASEMENT

FOR: STEPHEN G. MINTOS
 OWNER: STANLEY & MARJORIE SMITH

SEC. 5



TR 4F-0586105



- LEGEND**
- ⊙ SECTION CORNER
 - ⊙ 1/4 CORNER
 - ⊙ CENTER 1/4 CORNER
 - ⊙ 1/16TH CORNER
 - ⊙ FOUND 5/8" DOYLE, SET BLOCK CAPS
 - ⊙ FOUND AS NOTED
 - SET 5/8" REBAR 24" LONG WITH 1/4" ORANGE PLASTIC CAP, STAMPED BLOCK 79B-S



Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	67° 40' 13"	400.00	204.81	104.70	302.58	N 31° 17' 01" E
2	29° 20' 13"	100.00	55.17	28.30	54.47	S 72° 42' 22" E
3	31° 38' 28"	100.00	45.91	23.37	48.51	S 43° 45' 01" E
4	28° 12' 13"	100.00	30.00	29.08	41.83	S 74° 39' 19" E
5	67° 40' 13"	400.00	204.79	104.69	302.56	N 76° 40' 10" E
6	29° 20' 13"	100.00	55.25	28.35	54.55	S 72° 50' 19" E
7	31° 38' 28"	100.00	45.98	23.40	48.58	S 43° 50' 18" E
8	28° 12' 13"	100.00	30.00	29.08	41.78	S 74° 45' 56" E

Description of Tract 1 of C.S. #5827; A tract of land situated, lying and being in the NW 1/4 of Section Five (5) of Township Twenty-seven (27) North, Range Twenty-one (21) West, P.M.M., Flathead County and more particularly described as follows to wit:

Commencing at the SW corner of Tract 1 of Certificate of Survey # 5827, records of Flathead County which is a found iron pin, said point being the TRUE POINT OF BEGINNING; thence N 0° 08' 15" E a distance of 83.56 feet to a found iron pin at the point of curvature of a non-tangent curve, concave to the Southeast, having a radius of 30.00 feet, a central angle of 62° 01' 56", and a chord of 30.92 feet bearing N 31° 17' 01" E; thence Northeasterly along said curve, a distance of 32.48 feet to a found iron pin; thence N 61° 50' 21" E, a distance of 139.99 feet to a found iron pin at the point of curvature of a non-tangent curve, concave to the South, having a radius of 400.00 feet, a central angle of 29° 20' 13", and a chord of 202.58 feet bearing N 76° 44' 19" E; thence Easterly along said curve, a distance of 204.81 feet to a found iron pin at the point of curvature of a non-tangent curve, concave to the South, having a radius of 100.00 feet, a central angle of 31° 38' 28", and a chord of 54.47 feet bearing S 72° 42' 22" E; thence Easterly along said curve, a distance of 55.17 feet to a found iron pin; thence continuing Southeasterly along said curve, a distance of 45.91 feet to the point of curvature of a non-tangent curve, concave to the North, having a radius of 30.00 feet, a central angle of 88° 03' 11", and a chord of 41.70 feet bearing S 74° 39' 19" E; thence Easterly along said curve, a distance of 46.10 feet; thence S 28° 46' 10" E, a distance of 187.22 feet to the SE corner of said Tract 1 of C.S. #5827; thence N 89° 34' 59" W, a distance of 24.92 feet to a found iron pin; thence N 89° 50' 14" W, a distance of 525.72 feet to the PLACE OF BEGINNING; said described tract containing 2.110 acres more or less. All being the found boundaries of said Tract 1 of C.S. #5827. Subject to and together with a New Easement for the benefit of Lot 5 of Glacier Ranch Estates Phase II as shown hereon. Subject to and together with all appurtenant easements of record.

New Easement Description: A private road and utility easement situated, lying and being in the NW 1/4 of Section Five (5) of Township Twenty-seven (27) North, Range Twenty-one (21) West, P.M.M., Flathead County and more particularly described as follows to wit:

Commencing at the NE corner of Lot 5 of Glacier Ranch Estates Phase II, records of Flathead County which is a found iron pin; thence N 89° 50' 14" W along the north boundary of said Lot 5 and the southerly boundary of Tract 1 of Certificate of Survey # 5827, records of Flathead County a distance of 30.00 feet to the TRUE POINT OF BEGINNING; thence N 7° 35' 50" W, a distance of 49.91 feet to the westerly right of way of Glacier Ranch Road; thence S 28° 46' 34" E along the said right of way a distance of 56.51 feet to the southerly boundary of said Tract 1; thence N 89° 50' 14" W, a distance of 20.60 feet to the PLACE OF BEGINNING; said described easement containing 509.41 square feet, more or less. Subject to and together with all appurtenant easements of record. This easement is for the benefit of Lot 5 of Glacier Ranch Estates Phase II forever.

COS# 18602
 20090002169 Fees: \$5.50 by NC
 by BLOCKS SURVEYING
 Date 1/28/2009 Time 12:35 PM
 Paula Robinson, Flathead County Montana

Owner's Certification: We Stanley Smith and Marjorie Smith acknowledge and agree to the creation of the New Easement as shown and described hereon.
 Stanley Smith

Marjorie M. Smith
 Marjorie Smith

County of Flathead
 State of Montana
 On the 12th day of December, 2008, before me the undersigned, a notary public for the State of Montana, personally appeared Stanley Smith and Marjorie Smith and known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.
 In witness whereof I have set my hand and affixed my notarial seal the day and year first above written.
Notary Public
 Notary Public for the State of Montana
 Residing in Kalispell
 commission expires 1/19/2010



Certificate of Surveyor
 Registered No. 7918-S
 Approved 1/7/2009
 Examining Land Surveyor
 James H. Burton
 Registration No. 5428-S
 State of Montana

County of Flathead
 Filed on the 26th Day of Dec
 2008 A.D. at 12:35 O'clock P.M.
 Clerk and Recorder
 Deputy
 Instrument Record No. 20080002169
 Paid 5.50
 Sheet 1 of 1 Sheet
 CERTIFICATE OF SURVEY NO. 18602

NOTE: A TITLE SEARCH FOR APPURTENANT EASEMENTS OF RECORD, HAS NOT BEEN DONE AND THIS SURVEY DOES NOT CLAIM TO DISCLOSE THEM.

Property Record Card

Summary

Primary Information

Property Category: RP
Geocode: 07-3834-05-2-02-25-0000

Subcategory: Real Property
Assessment Code: 0000586165
Property Address: 327 GLACIER RANCH RD

Primary Owner:
SMITH SEPARATE PROPERTY TRUST STANLEY R
327 GLACIER RANCH RD
KALISPELL, MT 59901-8987

KALISPELL, MT 59901
COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S05, T27 N, R21 W, ACRES 2.11, COS 18602 TR 4F IN NW4NW4NW4 ASSR# 0000586165

Last Modified: 9/17/2017 6:23:30 PM

General Property Information

Neighborhood: 207.120.0

Property Type: RR - Residential Rural

Living Units: 1

Levy District: 07-032712-29 - Q

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

Property Factors

Topography: 1

Fronting: 4 - Residential Street

Utilities: 0

Parking Type:

Access: 1

Parking Quantity:

Location: 0 - Rural Land

Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	2.110	56,383.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
3/30/2012			3/30/2012	201200006781	Quit Claim Deed

3/28/2012		3/28/2012	201200006648	Quit Claim Deed
8/6/2010		8/9/2010	201000018072	Bargain & Sale Deed

Owners

Party #1

Default Information: SMITH SEPARATE PROPERTY TRUST STANLEY R
327 GLACIER RANCH RD

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Conversion

Last Modified: 10/27/2010 12:52:43 PM

Other Names

Other Addresses

Name

Type

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2017	56383	269517	325900	MKT
2016	45844	258656	304500	MKT
2015	45844	258656	304500	MKT

Market Land

Market Land Item #1

Method: Acre

Type: 1 - Primary Site

Width:

Depth:

Square Feet: 00

Acres: 2.11

Valuation

Class Code: 2101

Value: 56383

Dwellings

Existing Dwellings

Dwelling Type	Style	Year Built
SFR	08 - Conventional	2001

Dwelling Information

Residential Type: SFR

Style: 08 - Conventional

Year Built: 2001

Roof Material: 10 - Asphalt Shingle

Effective Year: 0

Roof Type: 3 - Gable

Story Height: 1.0

Attic Type: 0

Grade: 5

Exterior Walls: 1 - Frame

Class Code: 3301

Exterior Wall Finish: 6 - Wood Siding or Sheathing

Year Remodeled: 0

Degree Remodeled:

Mobile Home Details

Manufacturer:

Serial #:

Width: 0

Model:

Length: 0

Basement Information

Foundation: 2 - Concrete

Finished Area: 1208

Daylight: Y

Basement Type: 3 - Full

Quality: 3 - Typical

Heating/Cooling Information

Type: Central

System Type: 5 - Forced Air

Fuel Type: 3 - Gas

Heated Area: 3244

Living Accomodations

Bedrooms: 3

Full Baths: 3

Addl Fixtures: 3

Family Rooms: 0

Half Baths: 0

Additional Information

Fireplaces:

Stacks: 0

Stories:

Openings: 0

Prefab/Stove: 2

Garage Capacity: 3

Cost & Design: 0

Flat Add: 0

% Complete: 0

Description:

Description:

Dwelling Amenities

View:

Access:

Area Used In Cost

Basement: 1976

Additional Floors: 0

Attic: 0

First Floor: 2036

Half Story: 0

Unfinished Area: 0

Second Floor: 0

SFLA: 2036

Depreciation Information

CDU:

Physical Condition: Good (8)

Utility: Good (8)

Desirability:

Property: Good (8)

Location: Good (8)

Depreciation Calculation

Age: 15

Pct Good: 0.88

RCNLD: 235330

Additions / Other Features

Additions

Lower	First	Second	Third	Area	Year	Cost
	33 - Deck, Wood			340	0	4780

Other Features

Quantity	Type	Value
1	BG3 - Basement Garage/3-car	3400

Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential

Description: RRS1 - Shed, Frame

Quantity: 1

Year Built: 2001

Grade: A

Condition:

Functional:

Class Code: 3301

Dimensions

Width/Diameter: 8

Length: 12

Size/Area: 96

Height:

Bushels:

Circumference:

Commercial

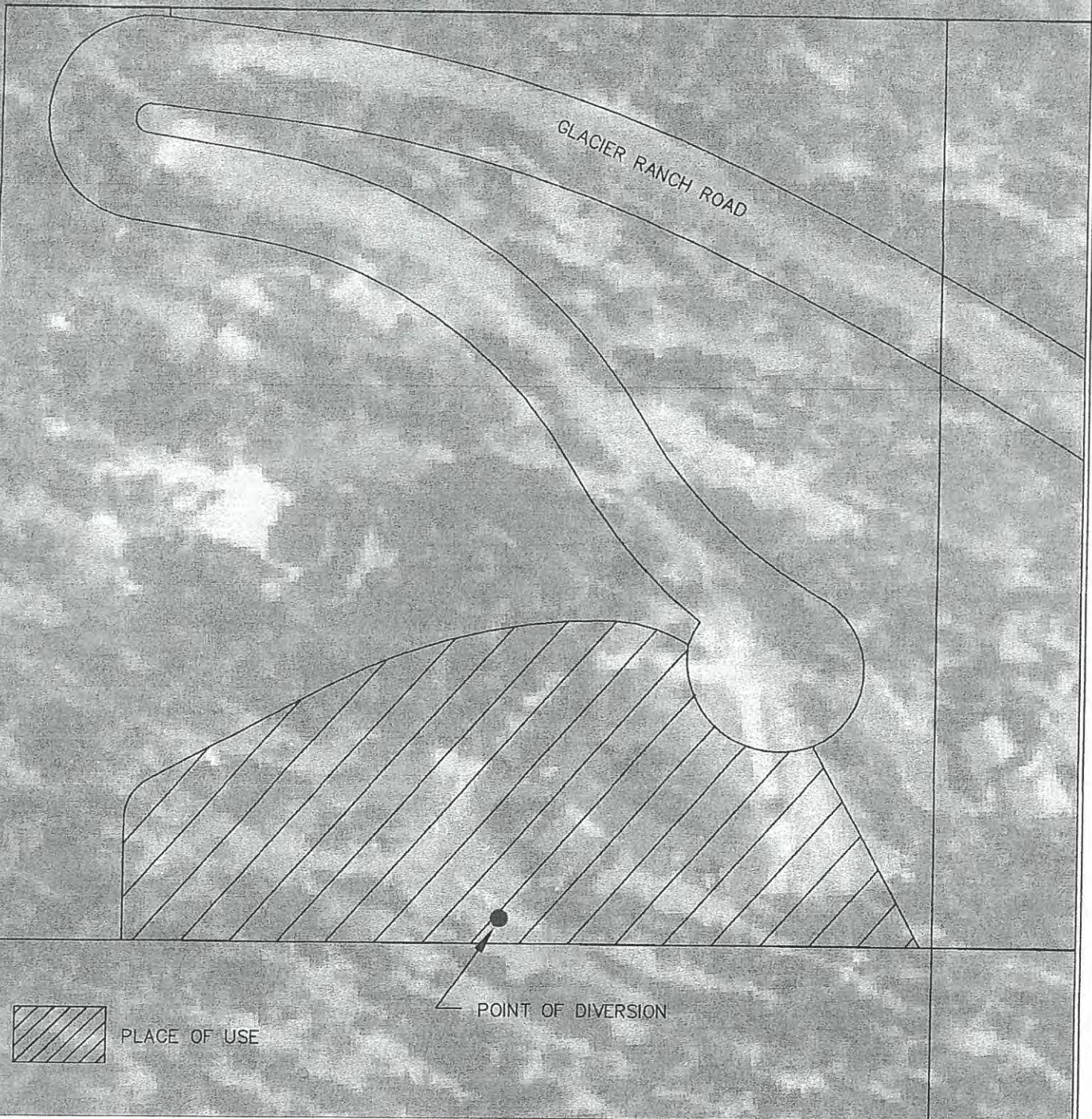
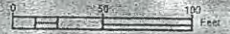
Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel



PLACE OF USE

POINT OF DIVERSION



HAFFERMAN ENGINEERING, INC.

35 SOUTH MAIN, SUITE B
KALISPELL, MT 59901
PHONE: 406-257-8708
FAX: 406-257-8710
EMAIL: info@billmayer.com
ONLINE: www.billmayer.com

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HAFFERMAN ENGINEERING, INC.

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DRAWING TITLE:

POINT OF DIVERSION / PLACE OF USE

FOR

327 GLACIER RANCH ROAD

NW1/4, NW1/4, NW1/4

SECTION 5

T 27 N, R 21 W, P.M., M., FLATHEAD COUNTY, MONTANA

DATE: NOVEMBER 2017	PROJECT NUMBER: S.149.01	SCALE: AS SHOWN	SHEET: 3 OF 3
FILE LOCATION: ...S.149.01-SMITH WATER RIGHT.DWG	DRAWN BY: KEW	APPROVED BY: KMH	

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-306, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number: 76LJ 30115028 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: SMITH, STANLEY R SEPARATE PROPERTY TRUST
327 GLACIER RANCH RD
KALISPELL, MT 59901

Priority Date: DECEMBER 5, 2017 at 04:24 P.M.
Enforceable Priority Date: DECEMBER 5, 2017 at 04:24 P.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: 29.00 GPM

Maximum Volume: 3.50 AC-FT

Maximum Acres: 1.00

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point 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		NWNWNW	5	27N	21W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: GROUNDWATER

Diversion Means: WELL

Well Depth: 317.00 FEET

Static Water Level: 238.00 FEET

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 18602.

Purpose (Use): DOMESTIC
Households: 1
Volume: 1.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			NWNWNW	5	27N	21W	FLATHEAD

Purpose (Use): LAWN AND GARDEN
Volume: 2.50 AC-FT
Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<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	1.00		NWNWNW	5	27N	21W	FLATHEAD

Total: 1.00

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 18602.

BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS.

**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.**

 Maureen Ferde
Witness Signature

 Katny Olson
Water Resources Division

DATE ISSUED: DECEMBER 20, 2017

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Collins Jimmie A.
LAST NAME FIRST NAME MID. INITIAL
1230 Second AVE. PO BOX 811
STREET ADDRESS OR PO BOX
Plains MT. 59859
CITY STATE ZIP CODE
(406) 8265551 Larry Ann 66 @
PHONE NUMBER E-MAIL 7/11/00

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

All of it. We bought our home and registered our water rights. The water belongs to us.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: All of them
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 17 day of November, 2022.

Jimmie Ann Collins
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

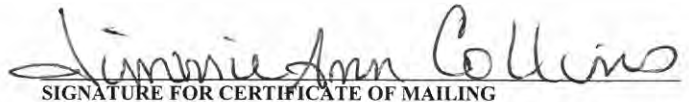
CERTIFICATE OF MAILING

I, Jimmie Ann Collins declare under penalty of perjury, that on the 17 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Water Rights Acknowledgment



1 This Water Rights Acknowledgment is in reference to the Buy/Sell Agreement between
2 Ordelheide
3 _____ (Seller) and
4 Jimmie Ann Collins Larry G Collins
5 _____ (Buyer)
6 dated _____, covering the following described property 1230
7 Second Avenue Plains MT 59859
8 and legally described as:
9 Lot 6 Valley West II Estates, S27, T20N, R26W

14 A water right is the right to use water, both surface and subsurface. In Montana, water rights are
15 the rights to the use of water and not ownership of the water itself. Water rights are private
16 property and may not automatically transfer with land.

18 All water in Montana is property of the State of Montana for the use of the people of Montana. The
19 actual ownership of water rights in Montana may not be known as many water rights are still the
20 subject of a statewide adjudication process. The transfer of water rights is recorded with the
21 Department of Natural Resources and Conservation in the State of Montana. The transfer of any
22 right may or may not warrant that right until the adjudication process has been completed

24 **Buyer's Acknowledgment.** The undersigned Buyer acknowledges and agrees that the brokerage
25 firms, brokers and salespersons involved in the transaction anticipated by the Agreement set forth
26 above do not warrant or make any representations either concerning the quantity or quality of any
27 water rights or any legal entitlement to use of water including statements of claim, certificates of
28 water right, permits to appropriate water, exempt existing rights, decreed basins or any ditches,
29 ditch rights, or ditch easements appurtenant to or constituting a burden upon the Property
30 (hereinafter in this section referred to as "Water Rights"). The Buyer further acknowledges and
31 agrees that any Water Rights affecting the Property may or may not have been fully or finally
32 adjudicated and that Buyer has been advised to make this Agreement contingent upon and to such
33 independent inspections, evaluations and advice concerning Water Rights and the adjudication
34 process as Buyer might deem prudent. The Buyer is aware that the brokerage firms, brokers and
35 salespersons involved in the transaction anticipated by the Agreement set forth above have not
36 conducted an expert inspection or analysis of the Water Rights to and for this Property.

38 Jimmie Ann Collins
39 Buyer Signature Jimmie Ann Collins

8-22-2021
Date

41 Larry G Collins
42 Buyer Signature Larry G Collins

8-22-2021
Date

44 _____
45 Buyer Signature

Date

NOTE: Unless otherwise expressly stated the term "Days" means calendar days and not business days. Business days are defined as all days except Sundays and holidays. Any performance which is required to be completed on a Saturday, Sunday or a holiday can be performed on the next business day.

©MONTANA ASSOCIATION OF REALTORS®, March 2006

WC-0001-C-2021

November 22, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT **Montana Water Court**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

ROOSMA SAMUEL W.
LAST NAME FIRST NAME MID. INITIAL
52 SAMPSON ROAD
STREET ADDRESS OR PO BOX
HOT SPRINGS MONTANA 59845
CITY STATE ZIP CODE
(406) 210-8841
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

... SEE ATTACHED ...

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 16th day of NOVEMBER, 2022.

Samuel Roosma
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, SAMUEL WALTER ROOSMA, declare under penalty of perjury, that on the 16th day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

*CC: GOVERNOR OF MONTANA
GREG GIANFOLITE
1301 LOCKEY AV.
HELENA, MT 59601*


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

NOVEMBER 16, 2022

SIRS;

HOMESTEAD ACT (1909?)

- U.S. GOVERNMENT BOUGHT (PURCHASED) THE HOMESTEAD GROUND.
- NATIVES (INDIANS) + IMMIGRANTS (WHICH INCLUDED MY GRANDPA) DEED IF THEY SETTLED, WORKED, LIVED, AND IMPROVED

RECLAMATION ACT (1917?)

- BROUGHT IRRIGATION TO THE HOMESTEAD GROUND.
- PROJECT INCLUDED: DAMS DITCHES POWER COMPANY = KERR DAM
- { THESE LAST TWO WERE TO PROVIDE OPERATION = MAINTENANCE REVENUE.

STIPULATION: WATER-USERS HAD TO PARTICIPATE IN CONSTRUCTION TO BE ABLE TO UTILIZE THE PROJECT.

... (1919) MY DAD WAS BORN IN A TENT ON THE DITCH BANK WHILE HIS FATHER CONSTRUCTED THE PROJECT.

(OVER)

... I STILL LIVE ON THE DITCH BANK ...

THIS WAS A VERY SUCCESSFUL PROJECT BECAUSE IN (2005?) WE WATERUSERS WERE NOTIFIED THAT WE COMPLETELY PAYD-OFF THE PROJECT DEPT. WHICH INCLUDED THE DAMS, DITCHES, POWER COMPANY AND KERR DAM

CAN YOU EXPLAIN THE CONSTITUTIONALITY OF GIVING THIS ASSET ~~OF~~ THE WATERUSERS TO THE BJA. (TRIBE)?

WOULD YOU PLEASE RESPOND TO THIS QUESTION.

BELWILDERED WATERUSER
Jan Robson
"CAMAS DIVISION"
52 SAMSON RE
HOT SPRINGS, MT
PHONE: 406-210-8841

(P.S.) OVER →

(3)

P.S. ① WHAT IF; AFTER ALL THESE YEARS, "FRANCE" DECIDED THAT \$14 MILLION WAS AN UNFAIR PRICE FOR THE LOUISIANA TERRITORY." (1806?)

P.S. ② HELGATE TREATY (1864?)
INDIAN REORGANIZATION ACT (1933?)
WATER COMPACT ISSUES ARE TREATY AMENDMENTS; THESE ACTIONS REQUIRE A 2/3'S (67%) VOTE.

ACTING IN MY OWN DEFENCE AND OTHERS OF THE PLATHEAD IRRIGATION PROJECT AND SUBJECTS OF THE U.S. RECLAMATION ACT (1917?) REQUEST THAT THE U.S. SUPREME COURT CONSIDER THE CONSTITUTIONALITY OF THESE ISSUES.

WC-0001-C-2021

November 22, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Jensen, Susam K.
LAST NAME FIRST NAME MID. INITIAL
393 View DR
STREET ADDRESS OR PO BOX
Bigfork MT 59911
CITY STATE ZIP CODE
415.312.1050 Susamgeo@aol.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I am objecting due to concerns that this compact will affect my ability to use my current water rights and that it may create additional cost to me in the future. My water right # is 76K30103132

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76K 30103132
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 15th day of November 2022

Susan K Jensen
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Susan K Jensen, declare under penalty of perjury, that on the 15th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Save@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

WC-0001-C-2021

November 22, 2022

11/11/2022

Montana Water Court
P.O. Box 1389
Bozeman, MT. 59771-1389

Montana Water Court

RE: Appeal of the "Flathead Compact"

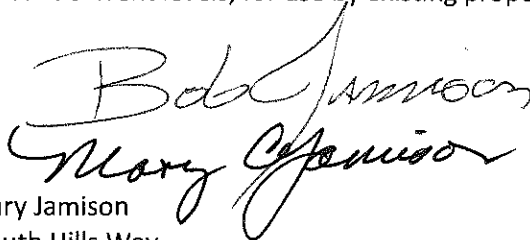
To the Court:

We are residents of Lake County who share a common well with three additional properties. Ours and one other are single family residences, one is a half-way house, the fourth is a business. We do not pretend to understand the legal description, nor the intent of the Confederated Salish and Kootenai Tribes of the Flathead Reservation ("Tribes") regarding Case No. WC-0001-C-2021. Our concerns are as follows:

- That now or at any future date water would be denied to existing residential or business properties currently drawing water from the areas designated in the Water Rights Compact.
- That now or at any future date water use and/or availability would be so restricted, due to the Tribes' rights under the Compact, or actions beyond their rights for stated purposes under the Compact, that current household and business use would be diminished.
- That now or at any future date water rights which were suspended while litigation ensued regarding the Compact would be denied to residences and businesses currently drawing water from the areas designated in the Compact, regardless of the date of purchase or sale of those properties.
- That now or at any future date the purchase or sale of properties currently drawing water from the designated areas of the Compact would negate, withdraw, diminish or cause denial of water rights to said properties.

It is our sincere hope that the Tribes intent, purpose, and ensuing actions concerning rights under the Compact result in both protecting and preserving appropriate wetlands and maintaining sufficient water, at least at current levels, for use by existing properties.

Sincerely,



Request for appeal

Bob and Mary Jamison
35518 W South Hills Way
Polson, MT. 59860-7148
(509)386-1678 (509)520-1765
bmtherder@msn.com

WC-0001-C-2021

November 22, 2022

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Webb Roberta C.
webb Calvin
LAST NAME FIRST NAME MID. INITIAL
1137 Blue Slide Rd
STREET ADDRESS OR PO BOX
Thompson Falls MT 59813
CITY STATE ZIP CODE
(406) 827-5746 robinsafeplace
PHONE NUMBER E-MAIL
@blackfoot.net

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

see attachment

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N-300000 26
(One Number Per Form)

Page number in Decree: pg 14 - all of
Source: 2015 Proposed draft decree
CSKT Preliminary Decree

DATED this 12 day of November, 2022.

Roberta L Webb Calvin Webb
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Roberta & Calvin Webb declare under penalty of perjury, that on the 17 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

November 12, 2022

Objection to the Preliminary Decree and the CSKT Water Compact

We, Calvin J. Webb and Roberta L. Webb, hereby make a formal objection to the CSKT Water Compact Decree as a whole and in part.

As our one and only water source to sustain life at our property at 1137 (1119) Blue Slide Rd. Thompson Falls, Montana, with legal description of Qtr Section SESWNW, Sec. 16, Twp 23N, Rge 30W of Sanders County, with water right #76N-30000026 Ground Water Certificate with priority date of 11/30/2001 and original water right #108165-76N with priority date of 5/17/1999, is not directly affected by any specific water right claim of the CSKT Compact, but we do believe due to the 2015 Proposed Decree which is "Subject to Revision" can and may directly affect our water right. These unknown revisions, we believe may, in future, directly affect our sole water source.

Secondly, we object to the Call Right in all basins that directly and indirectly affect our basin of 76N, the Clark Fork River. As noted in our water right certificate, it is a spring. This spring comes above ground at our joint property between us and our neighbors with easements. It overflows beyond our catchment which then flows down to the Clark Fork River Basin 76N. Specifically, our water may be subject to Call as indicated in the CSKT proposed decree Part III D. 3. If the need for more than what can be affected by the larger instream flows, we can and probably will be required to cease our catchment and allow it to all flow to the Clark Fork River due to a required flow issue or possible water quality issue.

As it is our Constitutional right as Montana State citizens to obtain and utilize our source of water by Article IX Sec. 3 of the Montana Constitution (in part) states "All surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the state for the use of its people...". By this statement, we object to the CSKT Water Compact that gives our water sources and rights over to a separate entity in place of the state. Keeping in mind that Article I of the Montana Constitution (in part) states "all lands owned or held by any Indian or Indian Tribes shall remain under the absolute jurisdiction and control of congress..".

Thirdly, we object to this compact as it may and will remove our right as a United States citizen to navigate the waters of all the navigable water basins as listed in the CSKT Water Compact, specifically the Clark Fork River of Basin 76N. The U.S. Supreme Court has ruled that rivers that are navigable, for title purposes, are owned by the states, "held in trust" for the public. This applies in all fifty states, under the "Equal Footing Doctrine". Rivers that do meet the federal test are automatically navigable and therefore owned by the state. The Clark Fork River, specifically basin 76N meets the federal test for navigability. The states own the rivers. Further, under the "Public Trust Doctrine", it states "States cannot sell or give away these rivers and lands up to the ordinary high watermark. They, the states must hold them in perpetuity for public use."

We fish, we recreate, we navigate and we utilize these waters for life sustaining as is our state and federal constitutional right. We object to the CSKT in its entirety and as it affects our specific rights as listed in this document.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES Montana Water Court
MONTANA - UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

webb Roberta L
webb calvin J
LAST NAME FIRST NAME MID. INITIAL
1137 Blue Slide Rd
STREET ADDRESS OR PO BOX
Thompson Falls MT 59823
CITY STATE ZIP CODE
(406) 827-5746 robinsafeplace@
PHONE NUMBER E-MAIL blackfoot.net

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See Attached

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 108165-76N
(One Number Per Form)

Page number in Decree: pg 14 + all of decree
Source: 2015 CSKT preliminary decree

DATED this 12 day of November 2022.

Robert L Webb + Calvin Webb
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, ^{Calvin J. Webb +} Roberta L. Webb, declare under penalty of perjury, that on the 11 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

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BY DECEMBER 6, 2022.**

November 12, 2022

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Secondly, we object to the Call Right in all basins that directly and indirectly affect our basin of 76N, the Clark Fork River. As noted in our water right certificate, it is a spring. This spring comes above ground at our joint property between us and our neighbors with easements. It overflows beyond our catchment which then flows down to the Clark Fork River Basin 76N. Specifically, our water may be subject to Call as indicated in the CSKT proposed decree Part III D. 3. If the need for more than what can be affected by the larger instream flows, we can and probably will be required to cease our catchment and allow it to all flow to the Clark Fork River due to a required flow issue or possible water quality issue.

As it is our Constitutional right as Montana State citizens to obtain and utilize our source of water by Article IX Sec. 3 of the Montana Constitution (in part) states "All surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the state for the use of its people...". By this statement, we object to the CSKT Water Compact that gives our water sources and rights over to a separate entity in place of the state. Keeping in mind that Article I of the Montana Constitution (in part) states "all lands owned or held by any Indian or Indian Tribes shall remain under the absolute jurisdiction and control of congress."

Thirdly, we object to this compact as it may and will remove our right as a United States citizen to navigate the waters of all the navigable water basins as listed in the CSKT Water Compact, specifically the Clark Fork River of Basin 76N. The U.S. Supreme Court has ruled that rivers that are navigable, for title purposes, are owned by the states, "held in trust" for the public. This applies in all fifty states, under the "Equal Footing Doctrine". Rivers that do meet the federal test are automatically navigable and therefore owned by the state. The Clark Fork River, specifically basin 76N meets the federal test for navigability. The states own the rivers. Further, under the "Public Trust Doctrine", it states "States cannot sell or give away these rivers and lands up to the ordinary high watermark. They, the states must hold them in perpetuity for public use."

We fish, we recreate, we navigate and we utilize these waters for life sustaining as is our state and federal constitutional right. We object to the CSKT in its entirety and as it affects our specific rights as listed in this document.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Graham, ANN P.
LAST NAME FIRST NAME MID. INITIAL
13 Fir Dr
STREET ADDRESS OR PO BOX
THOMASON FALLS, MT 59873
CITY STATE ZIP CODE
253 686 9573 219ram33
PHONE NUMBER E-MAIL
@9MAIL.COM

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary).

The MWC ratified a modified Compact. I'm objecting to the administration of the Compact and water rights it provides because I do not know what the modified Compact is, what the process is, what priority rights and what volumes are in the modified document?

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30043041
(One Number Per Form)

Page number in Decree: 64 - Appendix 9
Source: DNRC

DATED this 11th day of November, 2022.

Ann P. Graham
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

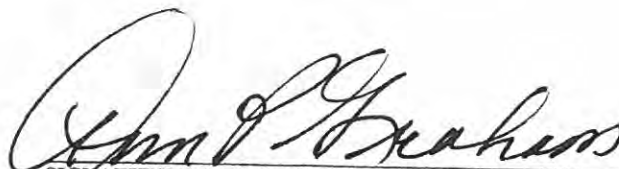
CERTIFICATE OF MAILING

I, Ann P. Graham, declare under penalty of perjury, that on the 17 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: **Montana Water Court**
PO Box 1389
Bozeman, MT 59771-1389

or **E-mail: watercourt@mt.gov**

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 30043041 GROUND WATER CERTIFICATE
Version: 1 – ORIGINAL RIGHT

Version Status: ACTIVE

Owners: GRAHAM FAMILY LIVING TRUST
JAY & ANN GRAHAM TTEE
1546 RESERVATION RD SE
OLYMPIA, WA 98513-9415

Priority Date: AUGUST 14, 2008 at 01:58 P.M.

Enforceable Priority Date: AUGUST 14, 2008 at 01:58 P.M.

Purpose (use): DOMESTIC

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	17	21N	29W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: ELK PARK ESTATES II TRACT/LOT: 2

Well Depth: 340.00 FEET

Static Water Level: 10.00 FEET

Casing Diameter: 4.00 INCHES

Well Location: 13 FIR DR

Purpose (Use): DOMESTIC

Households:

Volume:

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	17	21N	29W	SANDERS

Subdivision: ELK PARK ESTATES II TRACT/LOT 2

Geocodes/Valid: 35-3091-17-1-02-45-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 229645 RECEIVED 12/29/2021.

File in WR# NA 30043041 76N

DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by § 85-2-101(2), MCA. The deed is the legal document transferring the water right.

Use a new form for each deed transaction.

Mail the completed form and fee to your local water resources office at the address on the next page.

Filing Fee

\$50.00 for 1 water right and \$10.00 for each additional right up to a maximum of \$300.00.
 Make checks payable to DNRC

RECORDED
 DNRC WATER RESOURCES

DEC 29 2021

FOR DEPARTMENT USE ONLY

Rec'd By AA
 Fee Rec'd \$ 50.00 Check No. 7626
 Payor Graham, Jay/Ann
 Refund \$ _____ Date _____
 Deposit Receipt # KLV2213043
 Coder AA RO# 08 OUID# 229645
 For complete information, see file: _____

1. **SELLER (Grantor)** Jay A. Graham & Ann P. Graham 285810/285869
 MAILING ADDRESS 1546 Reservation Road SE
 CITY Olympia STATE WA ZIP 98513
 PHONE _____ EMAIL _____

2. **BUYER (Grantee)** Jay A. Graham & Ann P. Graham, Trustees of the Graham Family Living Trust 443254
 MAILING ADDRESS 1546 Reservation Road SE
 CITY Olympia STATE WA ZIP 98513
 PHONE _____ EMAIL _____

3. **CLOSING / CONTACT INFORMATION**
 DATE OF CLOSING: _____ If applicable, provide your file number: _____
 NAME _____ ADDRESS _____ PHONE # _____

4. **ATTACH A COPY OF RECORDED DEED(S) OR OTHER DOCUMENT(S) OF CONVEYANCE SHOWING TRANSFER OF THE PROPERTY / WATER RIGHTS FROM THE DNRC RECORD OWNER TO THE CURRENT OWNER.** If full chain of conveyance from DNRC record owner to the current / new owner is not attached, the form cannot be processed.

5. **LIST ALL WATER RIGHTS THAT REQUIRE UPDATED OWNERSHIP.** Attach a list if additional space is needed.
 *If the buyer did not receive 100% of the seller's interest in the water rights, do not use this form. File Form 641.

County	Geocode of Property being Transferred	Water Right Number
SANDERS	35-3091-17-1-02-45-000-Y	76N 30043041



Water Right Number:
76N 30043041NULL

[Print Map](#)

Legend

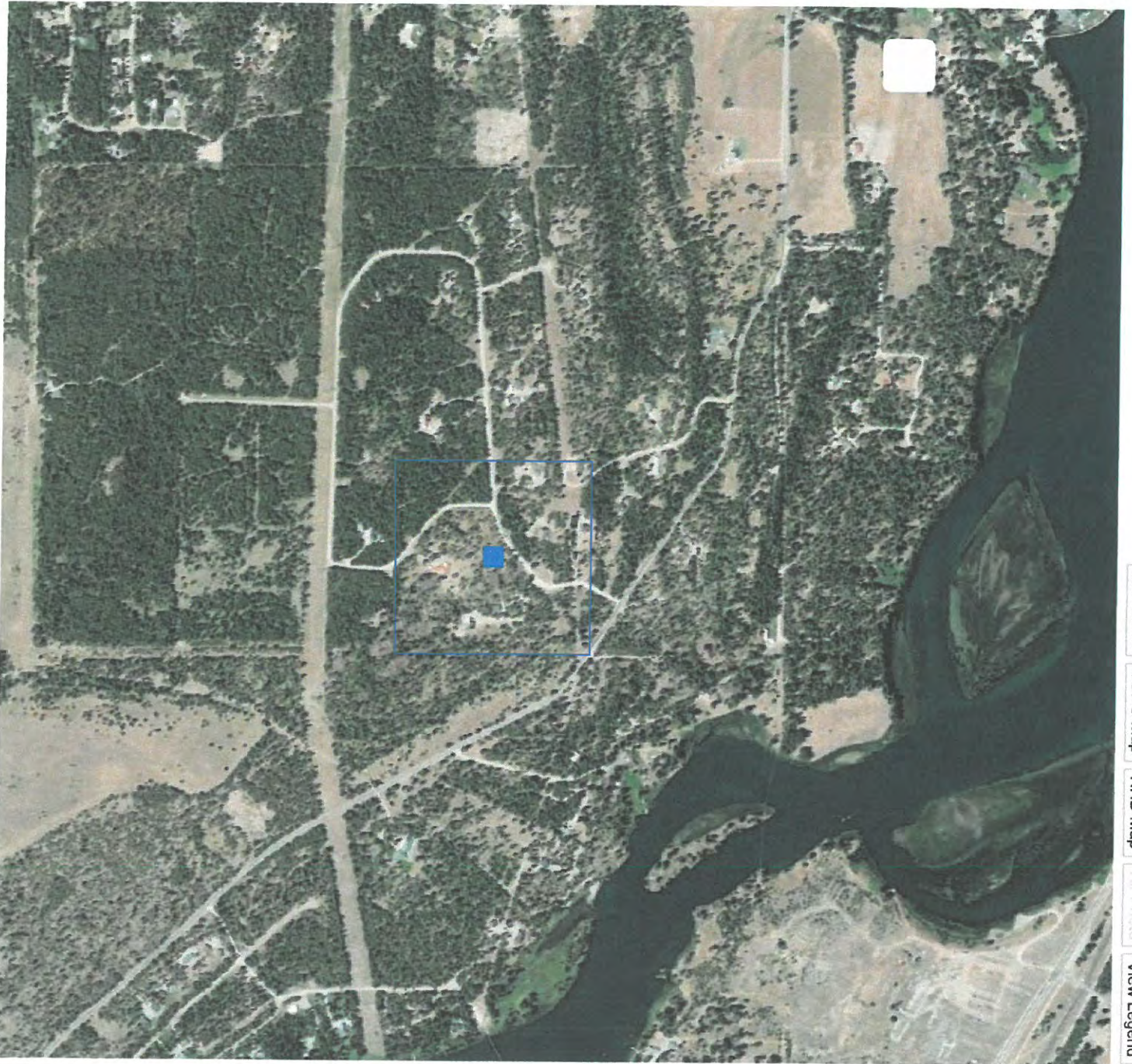
- Diversion Count:
- Surface water diversion.
- Ground water diversion.
- Adjacent Diversions
- Surface water diversion.
- Ground water diversion.
- Adjacent Diversions
- Place of Use Legal Land Descriptions
- Adjacent POUs
- Cadastral ?
- PLSS Detail ?

Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.

- [Reference](#)
- [TOPO Map](#)
- [NHD Map](#)
- [Air Photo](#)
- [View Legend](#)



IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

November 25, 2022

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Castonguay, Allen R
LAST NAME FIRST NAME MID. INITIAL
PO Box 463
STREET ADDRESS OR PO BOX
Seeley Lake, MT 59868
CITY STATE ZIP CODE
(406) 677-2803
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

jaqui@reinhardcpa.com

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

Seeley Lake is our only source of water. There is insufficient ground water for a well and we have no access to city water.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: F 4319000
(One Number Per Form)

Page number in Decree: _____
Source: _____

76F

848 Boy Scout Road
Seeley Lake, MT
59868

DATED this 26 day of Nov., 2022.

Allen Castonguay
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Allan Castonguay, declare under penalty of perjury, that on the 26 day of November, 2022, I ~~mailed~~ ^{emailed} a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: **Montana Water Court**
PO Box 1389
Bozeman, MT 59771-1389

or **E-mail: watercourt@mt.gov**

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

FILED

NOV 23 2022

Nov. 29 2022

FILED

NOV 28 2022

Senators Tester & Daines

This week our local paper noted that we have until Dec. 6th 2022 to speak against the complex water agreement. Since we already testified in Dec 2020 opposing the treaty; I note how both political parties avoided giving a position on the Case # WC-0001-C-2021. I too was asleep on this important issue.

Here are a group of items they expect us to rush to them.

1. Name & address of our attorney
2. Claim numbers to our state water claims & rights.
3. How I will be personally affected.
4. Area maps
5. Crop production records
6. Pictures

Now the final blow! They have approved & gotten from Congress the deed of the National Bison Range at Moose Mt.

They have squeezed in another +/- 20,000 acres identified later into tribal land

In my 87+ years, I've always been told there is nothing good that is given without legal & popular understanding. We cannot legally give these precious parts of our country away to another sovereign nation within our boundaries.

Sincerely

Paul L. Carl

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Fred R. Cavill, declare under penalty of perjury, that on the 26th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Additional Information needed for Objection to Water Compact

1. Legal description of property
2. List and copies of Water Right Claims/Abstracts
3. Description of your objection and how you are individually affected
4. Property maps
5. Acreage/crop production reports if applicable
6. Pictures

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS IRRIGATION

RECEIVED

MAR 2 1982

For the Water Courts of the State of Montana MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

1. Owner of Water Right CAVILL / FRED / L.
Last First Middle Initial

Co-Owner or Other Interest Owner CAVILL / KATHRYN / G.
Last First Middle Initial

Address 860 River Road West
City Plains State Montana Zip Code 59859
Home Phone No. 826-3457 Business Phone No. _____

2. Person completing form Morrison / Alex / C.
Last First Middle Initial

Address Box 326
City Plains State Montana Zip Code 59859
Home Phone No. 826-3663 Business Phone No. 827-3372

3. Name of ditch, creek or river Swamp Creek

Use: Irrigation

4. Method of Irrigation Use: Sprinkler Furrow Flood

5. Source of Water: (Check Only One)

- Spring Name _____
- Well Name _____
- Stream Name Swamp Creek Tributary of Clark Fork River
- Lake Name _____ Stream _____
- Tributary of _____
- Reservoir Name _____ Stream _____
- Tributary of _____

6. Point of Diversion: County Sanders
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T 20 N, R 27 W
Lot _____, Block _____, Subdivision _____

7. Means of Diversion:
 Pump Capacity 350 gpm
 Headgate and ditch or pipe
 Flood and dike

8. Means of Conveyance:
 Ditch
 Pipeline
 Other: Explain _____

COPY

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION

STATE OF CALIFORNIA,

County of ...

IN SENATE, ...

That ...

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COPY

NOTICE TO APPLICANTS

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF MARITIME SERVICE

REGISTRATION OF VESSELS

Notice is hereby given that the Bureau of Maritime Service is now accepting applications for the registration of vessels under the laws of the United States.

The Bureau of Maritime Service is now accepting applications for the registration of vessels under the laws of the United States. The Bureau of Maritime Service is now accepting applications for the registration of vessels under the laws of the United States.

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UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF MARITIME SERVICE

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UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF MARITIME SERVICE

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF MARITIME SERVICE

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA - UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

BARNES IVAN W
LAST NAME FIRST NAME MID. INITIAL
PO BOX 2182
STREET ADDRESS OR PO BOX
BIGFORK MT 59911
CITY STATE ZIP CODE
(406) 837-2701 darika.barnes@outlook.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I object to this entire Preliminary Decree. Government documents and initiatives are supposed to be written so the general public can understand at an 8th grade level and participate. You have made this issue so complex and with so many barriers, the citizens of Montana are fundamentally unable to comprehend the full impact of this Agreement. If Montanans properly understood that precious water rights are being given away, most of them would object, or at least try to participate in this process to make it more fair. The process is so ambiguous and rushed that water attorneys are required. That is absolutely unacceptable, especially for an initiative that affects so many Montanans. This was underhandedly pushed through the Legislature and the citizens never got a chance to vote on it. Something this big should be on the ballot. It would never pass.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 87554, and any MT water right attached to property I would purchase in the future. It is nonsense that a Tribe or Federal Gov. should own such quantities of water in a sovereign state.

(One Number Per Form)

Page number in Decree: 1 - 671

Source: Swan River - the floodplain and the entire basin including tributaries flowing into and out of the Swan River Basin and floodplain.

DATED this 23rd day of November, 2022.

[Handwritten Signature]
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Ivan W. Barnes, declare under penalty of perjury, that on the 23rd day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cslt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

FILED

NOV 23 2022

Montana Water Court

11/12/22

Y Laura Hall object.

on limited income, do not use that
much - ~~not~~ even water law

23791 7th St Dayton MT 59914

Laura Hall

P.S. the notice is for lawyers
NOT lay people.

L. Hall
23791 7th St #6
Dayton MT
59914

MISSOULA MT 598

21 NOV 2022 PM 1 L



RECEIVED

NOV 23 2022

Montana Water Court

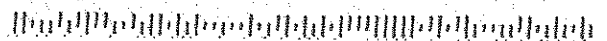
Montana Water Court

POB # 1389

Bozeman MT

59771-1389

5977131389



WC-0001-C-2021

November 28, 2022

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

Montana Water Court

CASE NO. WC-0001-C-2021

**NOTICE OF OBJECTION TO PRELIMINARY DECREE AND REQUEST FOR HEARING
RE: PROPOSED WATER RIGHT 76LJ 30052867 COMPACT**

1. Objector's Name, Address, and Phone Number:

Helmer Bruce T.
Agamenoni, Cynthia L.

LAST NAME FIRST NAME MID. INITIAL

Attn: Helmer
2374 S. Dillon St

STREET ADDRESS OR PO BOX of RESIDENCE

Aurora CO 80014
CITY STATE ZIP CODE

2. Objector Atty name, address, and Ph.no:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

and

Attn: Cynthia Agamenoni

1224 Alpine Dr.

STREET ADDRESS OR PO BOX of RESIDENCE

Great Falls MT 59404
CITY STATE ZIP CODE

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

(303) 638-2978
PHONE NUMBER

BruceHelmer@MSN.com
E-MAIL

PHONE NUMBER E-MAIL

406 788-3507
PHONE NUMBER

cindy@scripteasepaper.com
E-MAIL

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (*Use additional paper if necessary*)

Referring to: **PROPOSED WATER RIGHT 76LJ 30052867 COMPACT** - see Preliminary Decree at Pages 5 and 6, Part III B., C. Basins 76L an 76LJ. and Compact Para. numbered 13., 14., 16., 17 and all the definitions, claims of jurisdiction, retroactive appropriation date, and alleged uses / sources throughout

Specific objections are made as follows:

Objection #1 This Matter is for the approval or adoption of the Preliminary Decree and Compact with the United States in Trust for CSKT under the provisions of MT §85-2-702 and is an unlawful attempt to gain approval and/or consent from the Objectors without being given proper notice and who state they oppose the grant of the senior water right claimed in the **PROPOSED WATER RIGHT 76LJ 30052867 COMPACT – CSKT Exhibit 1, pgs. 1-2 hereto.**

Water users cannot be deprived of their real or personal property without due process of law. Historically this Matter arises from the cessation of certain land, rights and uses by the CSKT in 1855 under The Hellgate Treaty with the United States on behalf of it and its citizens. Montana's entry into the Union was approved in 1889. Pursuant Article 1 of its Constitution, Montana compacted with the United States that "...all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana". The Compact which is the subject of this matter represents negotiations entered by the legislature and tribe without the prior written consent by either the United States Congress or by the Objectors hereto revoking Congress' absolute jurisdiction and so said negotiations and the resulting Compact are void. Water rights are undisputedly property rights and would then become and extend the limits of the reservation held by the Tribe under the terms The Hellgate Treaty. So too, the Compact and Preliminary Decree if approved illegally amends Article IX, Section 3., Subsections 3-4 of Montana's Constitution on Water Rights that was not modified through a convention, or initiative, or referendum to amend it. Montana's water and its uses belong to the State of Montana for the people of Montana. The Indians' water belongs to the tribe. The Tribe provides no evidence that the consent of the United States and the people of Montana was revoked the absolute jurisdiction and control of Congress over the land of the Indian tribes. Obtaining this consent was mandatory under Montana's constitution, Article 1. Failure to obtain the consent to revoke jurisdiction by Congress and the people of Montana makes all negotiations unlawful from the start.

Objection #2. The Objectors are part of the “people of Montana” under Article One, MT. Const.

Objectors are current water rights holders, Montana taxpayers, and thus claim they are full or part-time residents of Montana and thus are “people of Montana” whose water rights (see part 4. Page 8 and attached exhibits, below) and uses will be extinguished or diminished and made junior by granting CSKT Ex. 1, pgs. 1-2 in favor of the new Owners. Objectors state they were provided no timely notice or even invited into the Compact negotiations, nor did they consent to any negotiation of or to the modification of, or the taking of any water right, and do not agree to any diversion that would lessen or make junior their water for or on behalf of CSKT. Nor did Objectors consent to revoke Congress’ absolute jurisdiction of Indian land or amend Montana’s constitution¹ to commence negotiations with the Indian Tribes or to the US in Trust for the Tribe. A copy of Objectors’ water rights, priority dates, beneficial uses, historical uses and use amounts or flow held by the Objectors is attached hereto and better referenced in Part 4, below. Objectors’ land adjoins Flathead Lake and the underground well water rights developed on the same property are located outside or off-reservation. Nevertheless CSKT Ex 1, claims “...ALL NATURALLY OCCURRING SURFACE WATER IN FLATHEAD LAKE UP TO THE SHORELINE ELEVATION OF 2,883. As evidenced on Objectors’ Water Rights attached and described below, The Compact and Decree proposes to take or divert all the water for the CKST, even though the Water is situated off reservation of below ground. The Compact refers to the Flathead Basin Lake and tributaries and Basins affected and listed in the Compact, at Paragraphs numbered 13., 14., 16., 17. and the attached Appendices to the Compact. The Compact it is noted does not include the Objectors as a “Part[y]” to the Compact, see para. 53. Compact, which further confirms Objectors’ statement of lack of notification or participation in the Compact.

Objection #3. Lack of Jurisdiction by the Court

Jurisdiction by the Court over the persons and subject matter is claimed on page one of the Preliminary Decree. To the extent the Preliminary Decree is approved or granted, Objectors’ water rights will impacted and conveyed to the United States in Trust for the CSKT. Conveyance of water rights arguably conveys additional property rights as well as the water rights; see Idaho v U.S. et al. (S. Ct. 2001) regarding acquisition of submerged land along with conveyed water rights. Thus, the water rights being claimed by CKST in the Compact would extend the tribes’ land reserved by treaty between the Tribe and the United States. The CSKT has not argued the Tribe failed to accept or receive due consideration for their agreement and ceded all rights to the land of Montana to the United States of American (Hellgate Treaty of 1855) and has thus not argued it is not bound by the terms of the 1855 Treaty. Congress did not specifically consent to the permanent revocation of its absolute jurisdiction and control by congress of the lands owned or held by the Indian, Article One, Montana Const.

¹ The CONSTITUTION of the STATE OF MONTANA ARTICLE I COMPACT WITH THE UNITED STATES All provisions of the enabling act of Congress (approved February 22,1889,25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22,1889, **including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana. (Emphasis Added)**

Objection 4#. The Compact if approved gives to CKST and non-state agencies the State's power and authority to administer the State's water, for uses and volumes are speculative at best.

The Compact lessens or abrogates the administrative authority of Montana and thus amends its Constitution and Legislative obligations over Flathead Lake water, its tributaries and basins and interferes with Montana's duty to vouchsafe the State's water and its uses for all Montanans. The proposed Compact amends The Hellgate Treaty of 1855 between the U.S. and the tribe, which granted only a right to fish but not own off-reservation water. The Winters case (207 U.S. 564) and its progeny do not apply to these facts since the Tribe has already been granted water from which it can take fish nor denied by the State the right to fish on Flathead Lake waters or other waters of Montana. The stated use by the Tribe in Ex. 1 is to maintain and enhance fishing rights² an act that can reasonably be accomplished by the U.S. and Montana without the need to ex appropriate others' personal property. Ex 1 grants water rights to all the surface and underground water, to be administered by other non-State agencies that constitutes an overreach of volumes of water reasonably necessary for the maintenance and enhancement of fish habitat in the Lake and surrounding basins and rivers. Also, the Decree and Compact are unclear whether the Tribe want "to fish" or to obtain fish to eat, or to sell fish as a commodity. Rather this whole Compact for appropriation appears to be an attempt to increase the reservation's land, since the grant of surface water rights arguably may include the rights to land underlying the basin. (*Idaho v. United States et al.* 2001) Administration of the water being claimed under CSKT Ex. 1 includes water both above and below ground and located off-reservation; this administration is be performed at the direction of the Tribe, the FIIP (para. 30. of Compact) as defined therein, and the CIIT (para. 24, Compact) taking away the State's obligations. Objectors' drinking water pumped from its well over 200 feet underground does not supply the Lake (nor has it been determined that the strata containing the well water is fed by Flathead Lake) so the taking of the Objectors' well water right or making it junior fails serve the purpose in any meaningful way of maintaining and enhancing Flathead Lake. Also, no Flow rate was specified by the Compact on Exhibit 1 which one would think necessary depending on the type of fish and habitats expected to be maintained. If mother nature fails to deliver water sufficient to maintain a lake level at 2883, the Compact does not state how the U.S. in Trust or the Tribe can obtain water to replenish the lake to the present levels. The stated use of the water is for "maintenance and enhancement of fish" which can be accomplished by the State or federal government and existing agencies and fisheries without the need to grant any water right. Yet the Compact goes further and proposes "Incidental" (Para. 42., Compact) uses which are speculative and constitutes a forbidden appropriation without a beneficial use (see Mt. Const. Article IX, Sec. 3, (3)). Water can only be appropriated in Montana for a beneficial use. The Compact would ex-appropriate water rights of the existing property owners for speculative and "incidental" uses without the State making a prior determination the future uses and volumes needed are beneficial and reasonably necessary.

² It would be interesting if this Court were provided scientific evidence by the State at hearing on how the previous fish species of the lake were depleted and by whom. Objectors have observed that salmon have almost disappeared from Flathead Lake since their water rights were granted due to commercial overfishing yet the Compact or water claim fails to state or address how the lake can permanently maintain fish if the lake is continually overfished.

Objection #5. The Compact fails to provide any consideration or remuneration for the taking of Objectors' water rights which ex appropriation would damage Objectors and their property.

Objectors state the loss of water rights under the compact or even the diminution thereof, will reduce the value of their land in perpetuity, harm the environment, fail to reimburse Objectors for their development costs to use the water, for the costs of maintaining the land, all of which result in the infliction of harm, suffering, loss of enjoyment and economic damages on Objectors. The grant of the Tribes Water Right from "Time Immemorial" would change the seniority of the Objectors claims in the Lake and take their right to call junior water right holders. Loss of Objectors' water rights retroactive to the 1855 Hellgate Treaty will make Objectors' uses to the water and appurtenant property uninhabitable. This reduction in property value would the reduce taxes paid by the Objectors to the County and would lessen the ability of the County and State of Montana to provide its services to and for the Objectors and other people of Flathead County. The Tribe and other proponents of the Compact failed to provide any evidence of an attempt to notify Objectors, or to enter into negotiation with the Objectors', concerning the specific Objectors water rights to be taken or affected, failed to address the actual damages that will be caused by the taken, or any consideration either agreed to be paid or has been paid to the Objectors for the fair market value of their losses by the CSKT, the United States, or State of Montana who are aiding and abetting this taking.

Objection #6. All the Compact's provisions are drafted in absolute amounts of water in gallons or acre-feet for the alleged appropriations or diversions and should not be a grant in perpetuity.

Claims to appropriate water in absolute numbers should be stated as a percentage of the then currently available water (and not historical averages) to avoid the effect of drought or natural disasters that make such appropriations impossible to fulfill and that are reasonable amounts. The Compact providing for specific amounts of water are merely a waste of everyone's time as they are not reasonably foreseeable to be deliverable. The Court can take note the general failure of the 1922 Colorado River compact's appropriations that allowed allocations of acre-feet of water beyond availability that the recent drought and increased demands exceed the basins' Compact ability to deliver.

Objection #7. CSKT claiming citizen property rights violates their treaty with the United States.

The CSKT attempt to acquire Objectors' property and water rights by this Matter have violated the terms of the Hellgate Treaty by breaking their pledge "to commit no depredations upon the property of such citizens". The tribe agreed to this in the original treaty (and the Objectors are both citizens and people of Montana). They also agreed to be friendly with all citizens thereof. Arguably suing to take one's water rights is a friendly act. Article VIII. Hellgate Treaty, 1855. Thus, this dispute over property and water, by agreement, needs to be submitted to the United States Government, arguably the Congress and the Supreme Court for resolution, per the treaty's terms.

Objection #8. Objectors argue that it is inequitable as a matter of law for a Court to grant a claim to take water from the people of Montana, without reparation. The Compact as drafted would appropriate claims for speculative and incidental uses by the CSKT Tribe – roughly a taking from the people of Montana, population ~1,050,000 to give to the Tribe, population ~7,000.

Objection #9. Rhetorical comment.

This Preliminary Decree and draft Compact fall into the new thinking that legislation should be passed and approved before the people or the even the Claimants can find out what is in it.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

OBJECTION TO:

PROPOSED WATER RIGHT 76LJ 30052867 COMPACT (CSKT Ex. 1, pgs. 1-2) and Compact referenced One Number Per Form)

State of Montana – Confederated Salish and Kootenai Tribes Water Rights Compact of 2015

Volume: “This water right is for all naturally occurring surface water in Flathead Lake **up to the shoreline Elevation of 2883** “

Place of Use is Flathead Lake, Both on **and off** of the Flathead Indian Reservation

DATED this 24 day of November, 2022.

Cynthia L. Agamenoni
Bruce T. Helms

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

TURN FORM OVER AND COMPLETE LAST PAGE

Supporting Objections - Exhibits Helmer A-1, 2, 3, 4, 5, 6 Water Rights

Objectors owned Water Right #: 76LJ 2525200 Priority Date 1944 0622 – Lake Water

Water Source: Flat Head Lake and River its Tributaries - Basin 76 LJ in Decree

This is non-potable water used for Domestic, household, food/fishing, gardening, fire mitigation, and recreational uses - Jointly owned by Objectors

Note. The Preliminary Decree at Pages 5 and 6 Part III C. et al. and Compact Para nu. 13., 14., 16., 17. indicate Objectors'

Montana address of real property and location of water rights: **351 Marco Bay Drive, Somers, MT 59932**
Appurtenant to Flathead Lake, outside border of Flathead Reservation, within Flathead County, MT

Objectors owned Water Right# 76 LJ 579400 Priority Date 1975 0624 – Well water from underground strata

This is potable well water from underground and used for Domestic, household, food, gardening, fire mitigation, and recreational uses.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

Cynthia L. Agamenoni

I, BRUCE T. HELMER, declare under penalty of perjury, that on the 24 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278 Pablo,
MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources
Div.
999 18th St.
South Terrace, Suite 370 Denver,
Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Bruce T. Helmer / Cynthia L. Agamenoni
SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT



Water Right Number: 76LJ 30052867 COMPACT
Version: 1 – ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI
TRIBES
OF MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE WATER IN
FLATHEAD LAKE UP TO THE SHORELINE ELEVATION OF 2,883.

Source Name: SWAN RIVER
Source Type: SURFACE WATER
Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Source Type: SURFACE WATER

Point 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						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Diversion Means: INLAKE
Diversion Type: PRIMARY

2 FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Diversion Means: INLAKE
Diversion Type: PRIMARY

3 LAKE

Period of Diversion:
Source Name: SWAN RIVER
Diversion Means: INLAKE
Diversion Type: PRIMARY

4 FLATHEAD

Period of Diversion:
Source Name: SWAN RIVER
Diversion Means: INLAKE
Diversion Type: PRIMARY
THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

<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>
-----------	--------------	-----------------	----------------	------------	------------	------------	---------------

THE PLACE OF USE IS FLATHEAD LAKE, BOTH ON AND OFF OF THE FLATHEAD
INDIAN RESERVATION.

Remarks:
PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS WATER RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052867 MAP EXHIBIT(S) 1.

THE SOURCES FOR THIS WATER RIGHT INCLUDE ALL NAMED AND UNNAMED TRIBUTARIES THAT DRAIN DIRECTLY INTO FLATHEAD LAKE.

ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL AS DETERMINED BY REFERENCE TO A CERTAIN US GEOLOGICAL SURVEY BENCH MARK, ELEVATION 2,910.882 FEET, STAMPED "2,900 N", AS NOW LOCATED AND ESTABLISHED AT SOMERS, FLATHEAD COUNTY, OR TO SUCH OTHER BENCH MARKS AS MAY BE ESTABLISHED BY THE US GEOLOGICAL SURVEY HAVING THE SAME DATUM.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

Today's date: 6/30/2006

THIS ABRIDGED SUMMARY DOES NOT INCLUDE EVERY PIECE OF INFORMATION ABOUT THIS WATER RIGHT
 TO REQUEST AN OFFICIAL GENERAL ABSTRACT WATER RIGHT 76LJ 25252 00
[CLICK HERE.](#)

STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 1424 9th AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

Water Right Number: 76LJ 25252 00 STATEMENT OF CLAIM

Version: 1

Status: Active

Priority Date (yyyymmdd): 19440622

Type of Historical Right: USE

Max Flow Rate: 300 GPM

Max Volume: 2.5

Max Acres: 2

Owners:

AGAMENONI CYNTHIA L
 % 2515 RIDGEWOOD LN
 BILLINGS MT, 59106

BLACKFORD JILL M
 2515 RIDGEWOOD LN
 BILLINGS MT, 59106

HELMER BRUCE T
 2515 RIDGEWOOD LN
 BILLINGS MT, 59106



Sources:

ID	Source Name	Res	Source Type	Means of Div	TR	Sec	QS	GovtLot	County	Well Depth
1	FLATHEAD RIVER	N	SURFACE	PUMP	27N21W	35		7	FLATHEAD	

LAKE Pump. **Uses:**

ID	Irrigation Type	Purpose	ClimArea	VolAmt	Acreage	TR	Sec	QS	GovtLot	County
1		DOMESTIC		2.5	2	27N21W	35		7	FLATHEAD

Today's date: 6/30/2006

THIS ABRIDGED SUMMARY DOES NOT INCLUDE EVERY PIECE OF INFORMATION ABOUT THIS WATER RIGHT
 TO REQUEST AN OFFICIAL GENERAL ABSTRACT WATER RIGHT 76LJ 5794 00
[CLICK HERE.](#)

STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 1424 9th AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

Water Right Number: 76LJ 5794 00 GROUND WATER CERTIFICATE

Version: 1

Status: Active

Priority Date (yyyymmdd): 197506241041

Type of Historical Right:

Max Flow Rate: 20 GPM

Max Volume:

Max Acres:

Owners:

AGAMENONI CYNTHIA L
 % 2515 RIDGEWOOD LN
 BILLINGS MT, 59106

BLACKFORD JILL M
 2515 RIDGEWOOD LN
 BILLINGS MT, 59106

HELMER BRUCE T
 % 2515 RIDGEWOOD LN
 BILLINGS MT, 59106

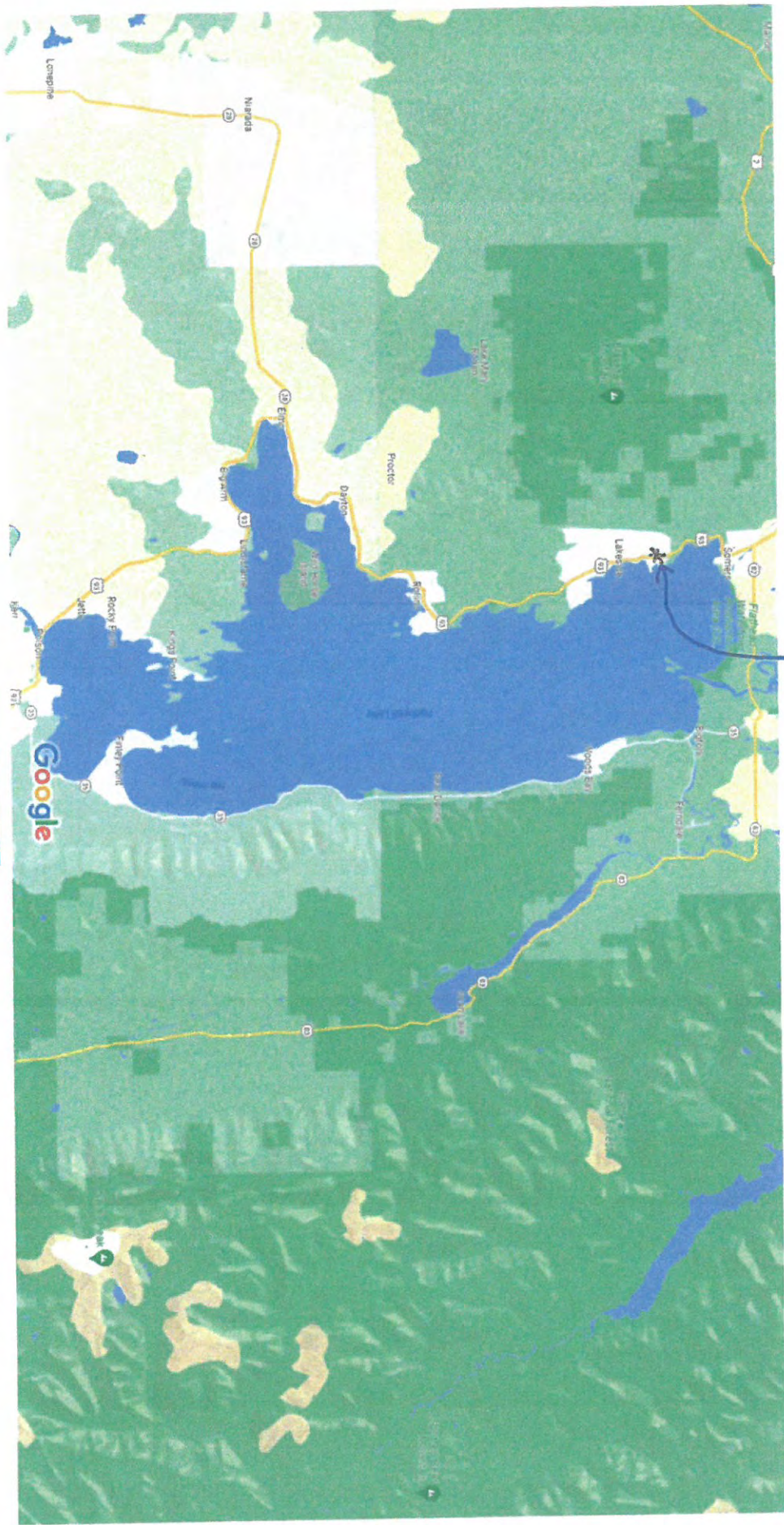


Sources:

ID	Source Name	Res	Source Type	Means of Div	TR	Sec	QS	GovtLot	County	Well Depth
1	GROUNDWATER	N	GROUNDWATER	WELL	27N21W	35	SESESE		FLATHEAD	244

Uses:

ID	Irrigation Type	Purpose	ClimArea	VolAmt	Acreage	TR	Sec	QS	GovtLot	County
1		DOMESTIC				27N21W	35	SESESE		FLATHEAD



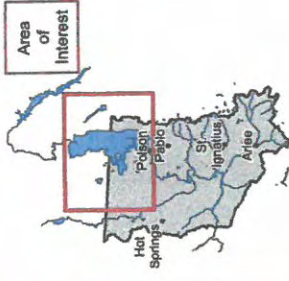
HELMER
A-3

HELMER
A-4

HELMER WATER + PROP.

Place of Use Flathead Lake

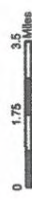
76LJ
30052867
Exhibit 1



Flathead Indian Reservation

Legend

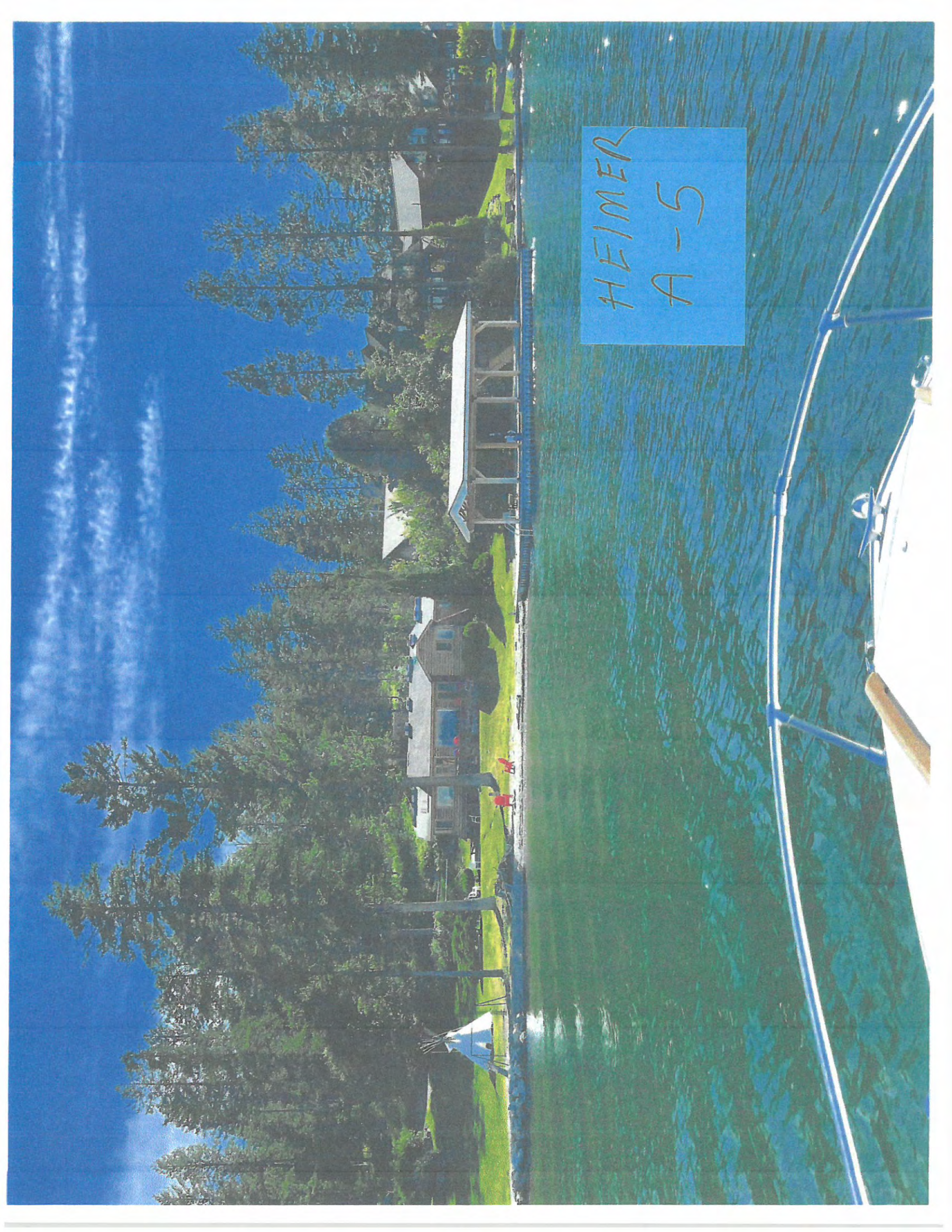
- Place of Use
- Reservation Boundary
- County Boundary



POI/POD Data Source: CSK/MT Compact Flathead Lake (available at rtr.mt.gov)
Imagery Source: "Niagara 2009 Color NAD Orthophotos, Aerial Photography Field Office and the Montana State Library. Flathead created from "National Elevation Dataset" courtesy of U.S. Geological Survey (USGS). BTOB Data Center (from memory)



HELMER
A-5



16 SL-0355300

CERTIFICATE OF SURVEY

in GOV'T. LOT 7 SEC. 35, T.27N., R.21W., P.M.M., FLATHEAD COUNTY



PURPOSE: IMMEDIATE FAMILY TRANSFER

COGN 18346
2006001597 Feet: \$6.00 by CO
by SADES SURV. Trns 1/14 PM
Date 6/29/2008 Paula Robinson, Flathead County Montana

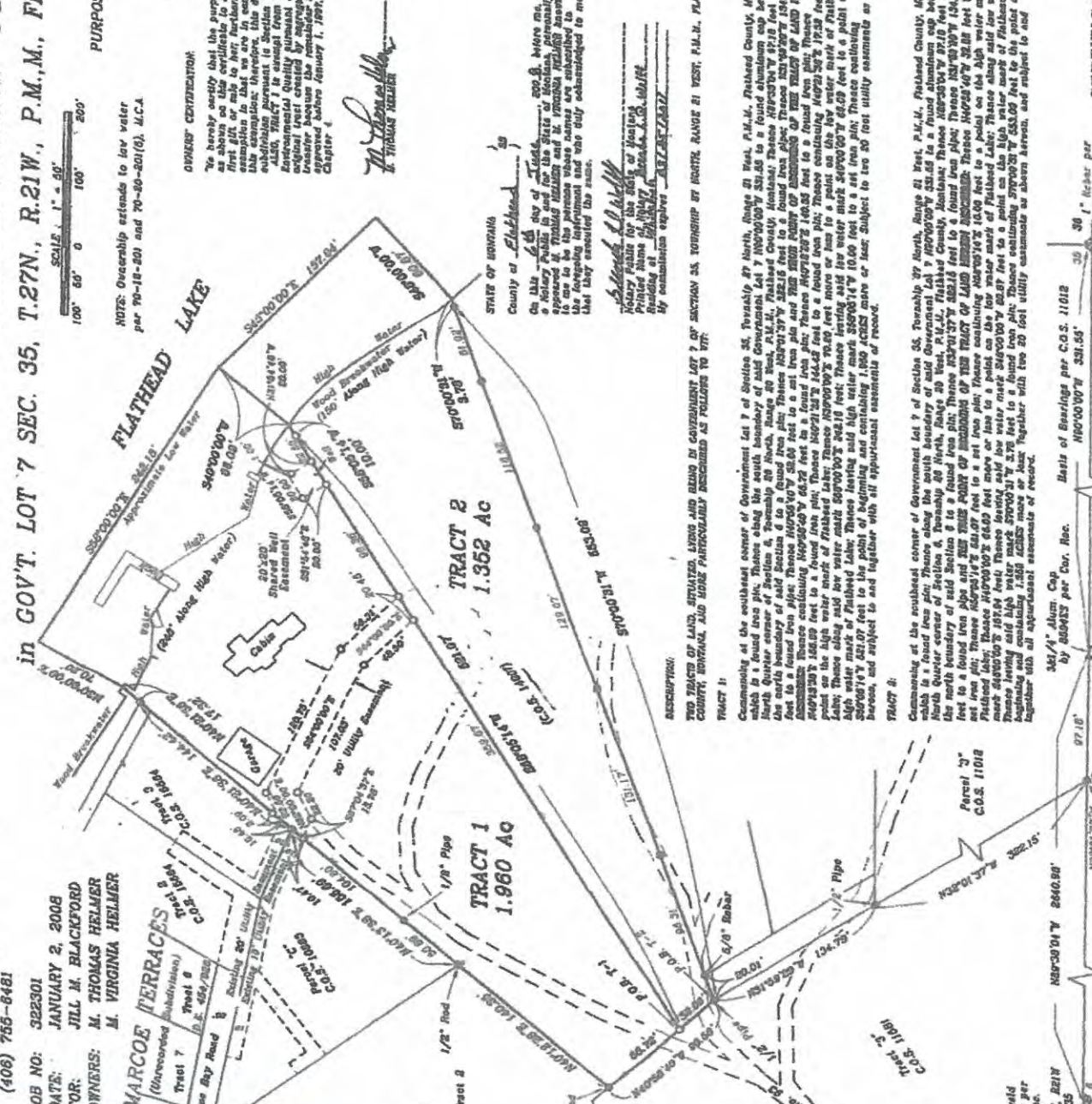
OWNER'S CERTIFICATION:
We hereby certify that the purpose for this division of land is to transfer Tract 2 as shown on this certificate to ALL M. BLACKFORD, our daughter; that this is the intention of the parties to this certificate and that we are entitled to use this subdivision pursuant to Section 79-3-201(1)(b), M.C.A. This certificate is imposed on the use of the land shown on this certificate and is not subject to any other restrictions or conditions. ALSO, TRACT 1 is exempt from taxation under the Department of the Interior, Bureau of Land Management, 43 CFR, 15.104-2(a) (1) as a remainder of an original tract created pursuant to M.C.A. 79-4-202 (1) (a) and is not subject to a system of public or multiple-use zoning. This certificate is approved before January 1, 1997, pursuant to local regulations or Y.C.A. Title 79, Chapter 1.

M. Thomas Helmer
M. THOMAS HELMER



- LEGEND:**
- Section corner (as noted)
 - 1/4 Corner (as noted)
 - Set 1/2"x24" Rebar & Cap (79685)
 - Found 6/8" Rebar & Cap (79685)
 - Found (as noted)
 - Found 6/8" Rebar & Cap (61848)
 - Existing Gravel Drives

CERTIFICATE OF SURVEY
THOMAS R. SANDS 79763
APPROVED: [Signature]
EXAMINING LAND SURVEYOR
REG. NO. 61823
STATE OF MONTANA
COUNTY OF FLATHEAD } SS
FILED ON THE 9 DAY OF June 2008
AT 11:17 AM, HUD REG. b
CLERK & RECORDER
BY *M. Virginia Helmer*
INSTRUMENT REC. No. 2008001597
SHEET 1 OF 1 SHEETS



By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-6441

JOB NO: 392301
DATE: JANUARY 2, 2008
FOR: JILL M. BLACKFORD
OWNERS: M. THOMAS HELMER
M. VIRGINIA HELMER

HELMER
A-6

1" = 50'
30' 30' 30'

30' 30' 30'

30' 30' 30'

30' 30' 30'

30' 30' 30'

30' 30' 30'

30' 30' 30'

CERTIFICATE OF SURVEY No. 2008001597

CERTIFICATE OF SURVEY No. 2008001597

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Rehner Sean W
LAST NAME FIRST NAME MID. INITIAL
55768 Fish Hatchery Rd
STREET ADDRESS OR PO BOX
St. Ignatius MT 59865
CITY STATE ZIP CODE
(530) 417-0089
PHONE NUMBER
srehner@mac.com
E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

See attached documents for objections and supporting documents

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 30156990
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23 day of Nov, 2022.

[Signature]
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Sean Reffner, declare under penalty of perjury, that on the 23 day of Nov, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cslt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of Natural Resources and Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

Notice of Objection and Request for Hearing
Sean and Stephanie Reffner
55768 Fish Hatchery Road, St. Ignatius, Montana 59865
Property Geo code 2868-14-1-01-01-0000
Water Rights # 30156990
November 22, 2022

General Objections

General Objection #1 - The CSKT Water Compact was not passed according to the Montana State Constitution. The Federal Government amended the original Montana State Compact and it was never brought back to the state for ratification/approval. The Federal Government under the direction of Montana State Senators stuck the compact into the Federal COVID Relief bill in the middle of the night so no one was aware it was embedded in the bill and none of the Senators or Congress were able to view the document or provide input on the document. Nor were the other 98 senators informed about this bill being hidden in the COVID bill allowing them to object to the bill. This is a direct violation of the United States Constitution.

General Objection #2 - The CSKT Compact is in violation of both the US Constitution and the Montana State Constitution as the compact only represents about 25% of the population in the state of Montana – not the entire 100% of the people. 75% of the people are not being represented which is against Montana's constitution Article II Section 4.. In addition, it is a clear violation of Article II section 3 - inalienable rights which states **all persons have a right to Acquiring, possessing and protecting property. In enjoying these rights, all persons recognize corresponding responsibilities. All citizens are entitled to the rights of personal property, water and fresh air – the compact removes these rights from 94% of the Montana State population. With the CSKT compact, the United States and the State of Montana are discriminating against all non-tribal people who live within the boundaries of the Flathead Reservation and Western Montana by limiting or removing their existing water rights. The Montana water law will no longer apply on the reservation.**

General Objection #3 – The population of Lake County, Montana consists of approximately 28,000 non-tribal citizens and approximately 6,000 tribal members. The non-tribal citizens are being discriminated against with their water rights being stolen or reduced, access to public lands is only through expensive tribal permits (if allowed at all) and more public lands being given to the tribe through the Compact process. We are all citizens of the United States, the State of Montana and Lake County, Montana. We all have equal rights and protections under our constitutions but we are not being treated as such – non-tribal citizens are being taxed without representation and now are getting our water rights taken away without a voice in the process!

**General Objection #4 - The Hellgate Treaty of 1855 in article III provided:
“The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at**

all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.”

The treaty clearly states that the tribe has full access to fishing and hunting, gathering of berries etc within the boundaries of the reservation but does not state that the tribes are entitled to all of the water within the same boundaries as the water belongs to ALL of the people in the state of Montana. In 1910 the Flathead Reservation was opened up to non tribal members with patent land deeds being granted to those people which included “ all rights, privileges, immunities and appurtenances of whatsoever nature.... forever. The land deeds were signed by the President of the United States of America and included water rights!

General Objection #5 - Over Reach - Why does the CSKT Compact give away 27,744,657 acre feet of water per year to the CSKT, which is a larger amount of water than all of the other tribal reserved water rights in the United States combined? This would mean that approximately 25% of Lake County Montana’s population or less than 6% of Montana’s overall population, is claiming rights to all of the water in Western Montana and beyond. This is a clear case of over reach by the CSKT being allowed by the United States and Montana governments which are, according to the oath they take, to represent all citizens.

General Objection #6 - The DNRC had records of approximately 300,000 people with water rights registered in Western Montana but only notified about 68,000 of those people with water rights. This is a clear violation of the remaining 232,000 Montana water rights owners constitutional right to file objections to protect their water rights and the value of their properties. The process appears to be flawed and works against the fee-based land owners living within Western Montana. All citizens with water rights must be given the opportunity to object to this process with proper notification. The December 6 deadline must be extended to accommodate notifying 100% of the people impacted enabling the people to object if they so choose.

General Objection # 7 - In 1910, the reservation opened up to non-tribal members with patent land deeds granted by the US government. The deeds included all the rights, privileges, immunities and appurtenances of whatsoever forever. This act in 1910 eliminated the CSKT tribal rights to the water on the deeded lands making the CSKT compact illegal. The land owners have paid for improvements to the land under the patent land deeds including digging wells building homes, farming etc. The compact would be negatively impacting the value of the patent land deeds without compensation, with the removal of the water ownership that comes with the land!

General Objection #8 – Collusion - The Flathead Reservation and The CSKT Compact primarily impact both Lake and Sanders Counties in Western Montana with additional impact to all of Western Montana with the seizure of water rights. During the Compact process, the State/Federal officials worked closely with the tribal lawyers to create the compact. At no time were the County Governments consulted to understand the impact to the counties/citizens.

The County Governments were ignored and continue to be ignored today and have no representation in the Compact ratification process even though they are heavily impacted by the tax revenue reductions that the compact is removing, resulting in the fee base land owners paying higher taxes to keep the counties solvent.

Specific Objections

Objection #1 – The MWRPA will strip us of our ownership of our Water Right # 30156990 which is located on our property and part of the contract when we purchased our home/land in June 2018. At no time during the entire purchase negotiation process was there any documentation or information about the potential theft of our water rights, by our governments, in the years to come. The entire reason we purchased the land was for the access to irrigation enabling us to grow our own alfalfa and have room for our Arabian Horses to have room to run. We have an Arabian Horse business, Sun Gate Arabians, which consists of 29 horses at this time with several more due in early 2023.

Objection #2 – Our land was part of the land that was opened up on the reservation in 1910 by the United States government granting non-tribal members patent land deeds which included all the rights, privileges, immunities and appurtenances whatsoever forever. This means that our land has **Secretarial Water Rights - Time Immemorial**. Time Immemorial extends anything before or beyond memory or documentation and can not be taken away. Our lands are protected by this 1910 government action!

Objection #3 – When we purchased our land in 2018, we were sharing our pump house with all of the neighbors and maintenance on the pump house was poor resulting in a deteriorated pump and water issues. In 2020 we worked with Flathead Irrigation and the CSKT to have our own water entrance off of the irrigation canal for our irrigation/watering. The water entrance/irrigation canal delivers enough water enabling us to have two cuttings of alfalfa on our 30 acre alfalfa field per year. With the rainfall, we are able to get three cuttings which is used to feed our Arabian horses. If the CSKT knew that our irrigation flow had the potential to be reduced, they did not communicate this to us – this is fraud. This would negatively impact the growth of our alfalfa as well as result in additional costs by having to purchase alfalfa due to the yield of our field being reduced. In addition, we spent thousands of dollars to develop the water entrance, build our own pump house etc without any knowledge or communications that we could have a reduced water flow in the years to come. The tribe must communicate to their customers about what their plans are before committing to the citizens about water usage.

Objection #4 – Our well is used primarily for our own consumption on a daily basis. In addition to our own use, we also use the well water to support our Arabian Horse Business by supplying water to the water troughs, bathing the horses etc. We have 14 water troughs ranging in size from 50 to 300 gallons in size requiring at least weekly filling to ensure the horses have sufficient quantities of water. If the water right # 30156990 is separated from the property with potential reduction in flow, we would not be able to supply enough water to the horses resulting in lost revenue in the horse business.

Objection #5 – When we purchased the property (along with the well water and the capability to irrigate) we developed our land to support the Horse Business. We enclosed the pole barn so that we have a dry environment to store the horses alfalfa, we added several walk in shelters to protect the horses, put up over a mile of fencing with electric wires at the top of each fence to keep the horses under control, put in PVC piping to each stall enabling us to easily fill the water troughs, ran electricity to the water troughs so they do not freeze in the winter, as well as a tack shed and the pump house/water entrance. Over the course of the 4 years we have lived at this property we have spent tens of thousands of dollars on improvements to ensure the horses are well taken care of and protected on our property. If at any time we had been informed that our water rights were going to be separated or reduced from our property as a result of MWRPA, we would not have spent the time, energy or dollars on the improvements for the Horse Business.

Objection #6 – In addition to the water being used to water our horses and for our own consumption, we also have 5 dogs that need water daily. We often fill their water bowls more than once a day during the summer to keep them hydrated. In addition to providing drinking water for the dogs, they also need to be bathed periodically to prevent skin irritations/diseases as a result of living in the country.

The United States of America,

2287.

In all in which these presents shall come, *Granting:*

WHEREAS, There has been deposited in the General Land Office of the United States a schedule of allotments approved by the Secretary of the Interior June 20, 1908, whereby it appears that **THOMAS BANBYJIN,** an Indian of the Flathead tribe or band, has been allotted the following-described land:

The south half of the southeast quarter of Section fourteen in township nineteen north of Range twenty west of the Montana Meridian, Montana, containing eighty acres,

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said **Thomas Banbyjin**

the land above described, and hereby declares that it does and will hold the land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian, and at the expiration of said period the United States will convey the same by patent to said Indian, in fee, discharged of said trust and free from all charge and incumbrance whatsoever, if said Indian does not die before the expiration of the said trust period; but in the event said Indian does die before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said land, or cause said land to be sold for the benefit of said heirs as provided by law.


And there is reserved from the lands hereby granted, a right of way thereon for ditch or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Theodore Roosevelt**, President of the

United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the _____ eighth _____ day of _____ October _____, in the year of our Lord one thousand nine hundred and _____ eight _____, and of the Independence of the United States the one hundred and _____ thirty-third.

By the President: *Theodore Roosevelt*

Land Patent Details						
Accession Nr: 20945		Document Type: Serial Patent		State: Montana	Issue Date: 10/8/1908	Cancelled: No
Names On Document			Miscellaneous Information			
			Land Office:	Washington Ofc		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	Flathead		
			Militia:	---		
State In Favor Of:	---			Authority:	June 15, 1880: Indian Trust Patent (21 Stat. 199)	
Military Rank:	---					
Document Numbers			Survey Information			
Document Nr:	119392-08		Total Acres:	80.00		
Doc. Nr:	5426-08		Survey Date:	---		
BLM Serial Nr:	MTMTAA 098767		Geographic Name:	---		
Indian Allot. Nr:	2287		Mets/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
MT	Montana PM	019N - 020W	S4SE1/4	14		Lake

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT General Land Office Records

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- [Shopping Cart](#)

Search Documents > Results List > Patent Details

Accession Nr: 20945 Document Type: Serial Patent State: Montana Issue Date: 10/8/1908 Cancelled: No

Patent Details Patent Image Related Documents Printer Friendly

Names On Document

DANDY, JIM, THOMAS

Miscellaneous Information

Land Office: Washington Ofc
 US Reservations: Yes
 Mineral Reservations: No
 Tribe: Flathead
 Militia: ---
 State In Favor Of: ---
 Authority: June 15, 1880: Indian Trust Patent (21 Stat. 199)
 General Remarks: ---

Military Rank: ---

Document Numbers

Document Nr: 119392-08
 Misc. Doc. Nr: 5426-08
 BLM Serial Nr: MTMTAA 098767
 Indian Allot. Nr: 2287
 Coal Entry. Nr: ---

Survey Information

Total Acres: 80.00
 Survey Date: ---
 Geographic Name: ---
 Metes/Bounds: No

Land Descriptions

Map	State	Meridian	Twp - Rng	Allquots	Section	Survey #	County
	MT	Montana PM	019N - 020W	S15E4	14		Lake



[October 17, 1855, 11 Stat. 657]

FRANKLIN PIERCE

PRESIDENT OF THE UNITED STATES OF AMERICA

To all persons to whom these presents shall come, greetings:

WHEREAS, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit:--

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac I. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellow Stone Rivers, and who have permanent homes as follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Perce tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes; and being duly authorized thereto by them.

ARTICLE 1. Peace, friendship and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good-will and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that

Signed into law

4-15-1856

*Treaty with the Blackfoot 1855-6
Article 7 - White men can live and pass
unmolested through the countries respectively
occupied and claimed by them*

of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years:

Provided also, That the Assiniboins shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the common hunting-ground, nor any part of the Blackfoot Territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt or otherwise disturb the game, when visiting the Blackfoot Territory for trade or social intercourse.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries except when going to or from, or whilst hunting upon, the "common hunting-ground," or when visiting each other for the purpose of trade or social intercourse.

ARTICLE 7. ~~The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.~~

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the country respectively

occupied and claimed by them, construct roads of every description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agree to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventre tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: Provided, however, That if, in the judgment of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: Provided, however, That to accomplish the objects of this article, the President may, at his discretion, apply any or all the annuities provided for in this treaty: And provided, also, That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the

Quantification of Indian Federal Reserved Water Rights in the United States *

RESERVATION / TRIBE	STATE	ACF / Yr	Fed \$ (Millions)	RESERVATION / TRIBE	STATE	ACF / Yr	Fed \$ (Millions)
Aamont (Pueblos)	NM	6,467	\$174.3	Northern Ute	CA	481,035	\$198.5
Ak Chin	AZ	85,000	\$101.1	Pechanga Mission Indians	CA	4,994	\$28.5
Blackfeet	MT	50,000	\$420.0	Pyramid Lake Paiute	NV	0	\$65.0
Colorado River (5) (Litigation)	AZ	783,134	Not Avail	Rocky Boy	MT	20,000	\$46.0
Colorado Ute	CO	70,000	\$49.5	Salt River Pima Maricopa	AZ	122,400	\$47.5
Crow	MT	697,000	\$461.0	San Carlos Apache	AZ	67,965	\$41.4
Fallon Paiute	NV	10,588	\$43.0	San Luis Rey	CA	0	\$30.0
Flathead (Government Compact)	MT	** 27,744,657	\$2,335.0	Shiywi Paiute	UT	4,000	\$24.0
Flathead (People's Compact)	MT	508,000	\$600-\$775	Shoshone Paiute	ID/NV	114,082	\$60.0
Fort Belknap (U.S. has not Ratified)	MT	500,000	\$547.0	Taos Pueblo	NM	9,628	\$124.0
Fort Hall	ID	581,331	\$22.0	Tohono O'odham	AZ	66,000	\$39.8
Fort McDowell	AZ	36,350	\$23.0	Soboba Luiseno Indians	CA	9,000	\$21.0
Fort Peck (U.S. has not ratified)	MT	1,052,472	\$0.0	Warm Springs (Litigation)	OR	325,800	Not Avail
Gila River ***	AZ	653,500	\$2,328.3	White Mtn Apache	AZ	99,000	\$327.2
Jicarilla Apache	NM	40,000	\$6.0	Wind River (Litigation)	WY	510,000	Not Avail
Navaho Nation	NM	535,330	\$984.1	Yavapai Prescott	AZ	1,550	\$2
Nez Perce (Settled Litigation)	ID	50,000	\$121.3	Zuni	AZ	10,600	\$19.3
Northern Cheyenne	MT	83,830	\$73.0				

GOVERNMENT COMPACT: CSKT claim is 4-times more water than all other tribes combined and 145 times more water than the average for all other tribes. Control points for Flathead claims would preclude the use of between 28 and 48 million acf of water for consumptive and non-consumptive uses. Montana has not provided a total volume of water as of November, 2018.

Data

Sources: Negotiating Tribal Water Rights, Colby, Thorson, Britton, 2005; Arizona Water Atlas; Settlements Approved by Congress 2011 (www.westgov.org); 2015 CSKT Water Compact Abstracts, Jon Tester SB 3013 and 11/27/2017 Congressional Research Svc Report, Indian Water Rights Settlements by Charles V. Stern, People's Compact I

NOTES:

* Indian Federal Reserved Rights Quantification determined through litigation or negotiation

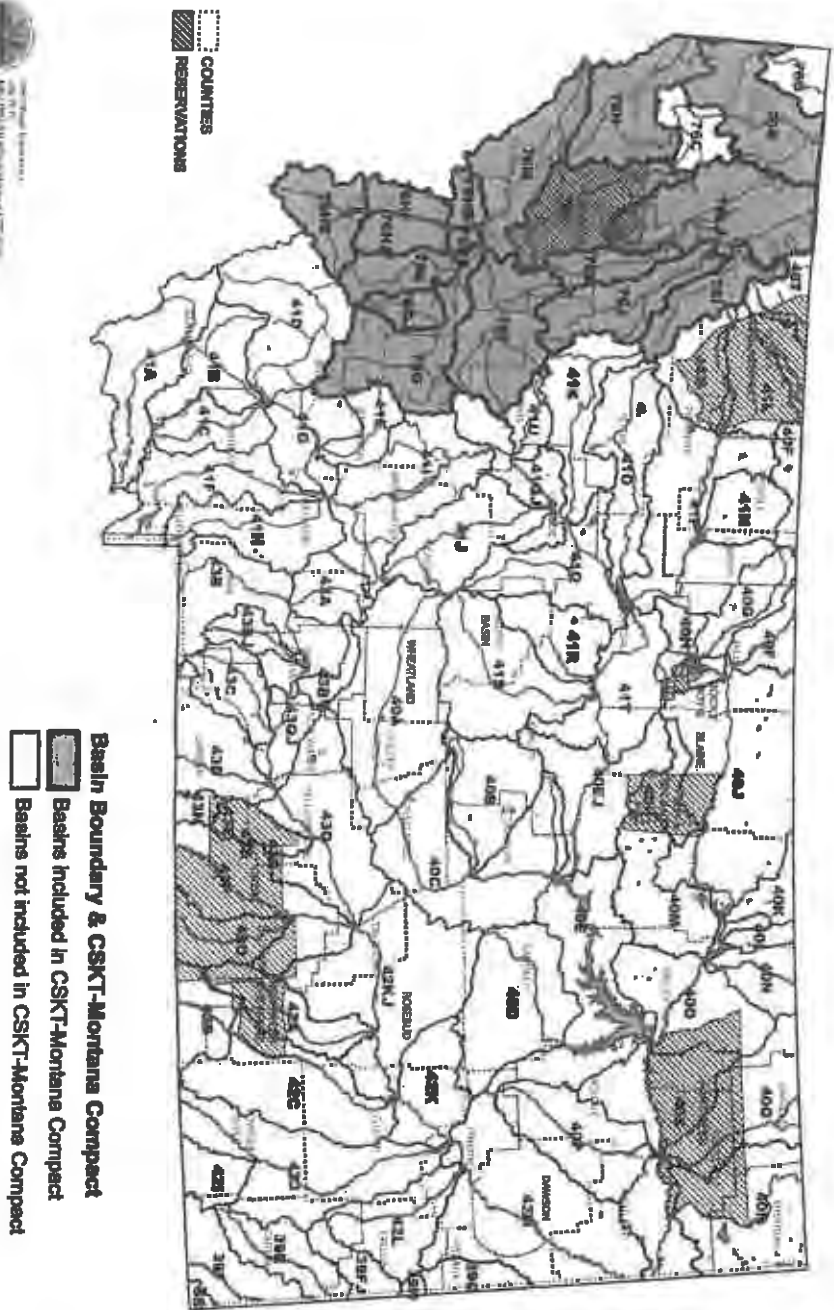
** Flathead PARTIAL QUANTIFICATION determined using (Appendices 5, 15 (FIP & Reserviors), Appendix 9 (Hungry Horse only), Appendix 18 (Flathead Lake less Kerr), Appendix 25 (Kootenai), and Appendix 27 (Lower Clark Fork).

*** Gila River expenses were estimated to be \$445 million at settlement. This figure is amount to be made available thru FY2046

THE PEOPLE'S COMPACT: does a proper quantification of federal reserved water rights for the CSKT, and includes no off reservation claims. Its settlement provisions bring both the volume of water and settlement funds in line with other tribes throughout the United States who have settled their water claims.

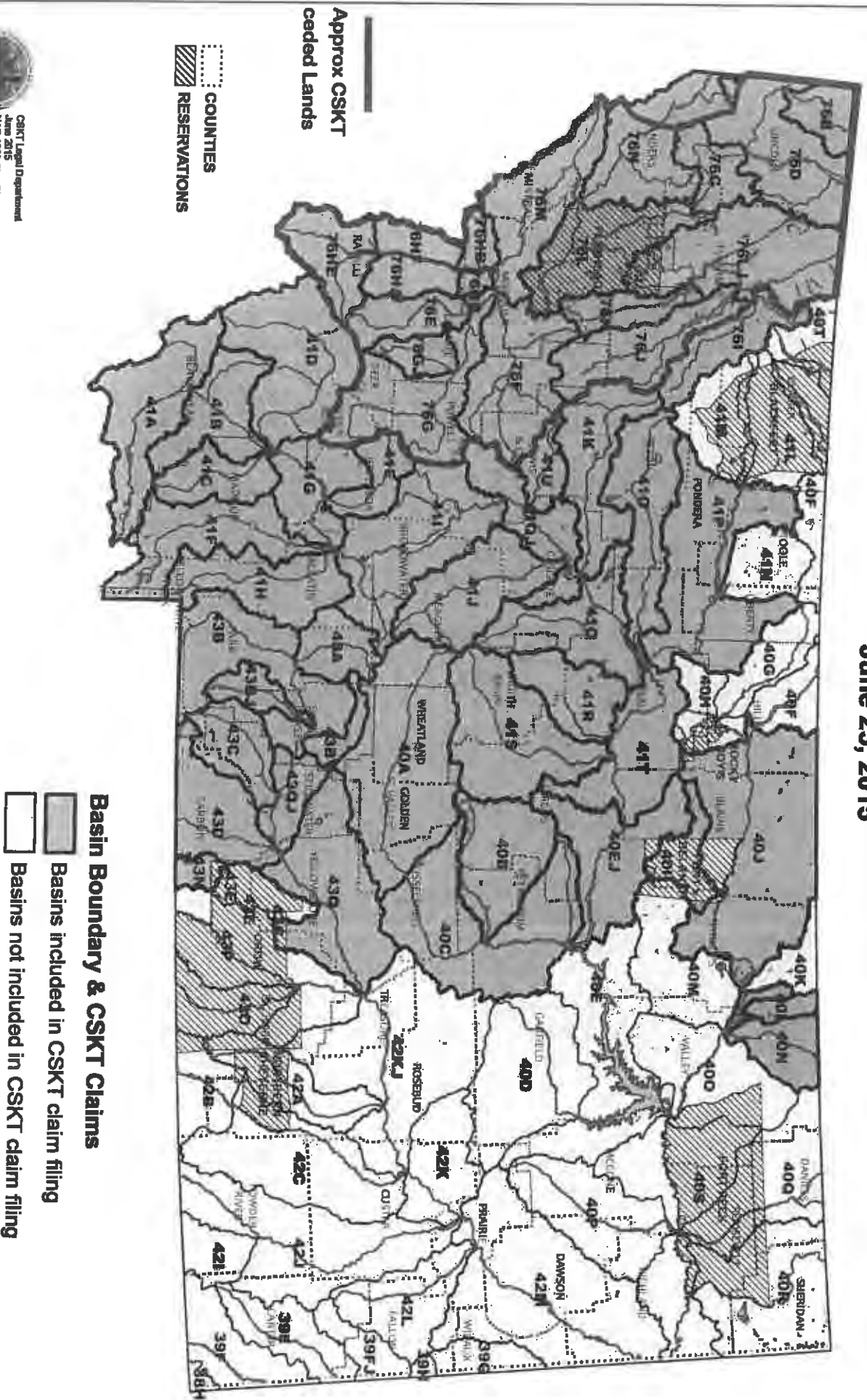
Basins in the Confederated Salish and Kootenai Tribes - Montana Compact

July 1, 2015



Basins in which the Confederated Salish and Kootenai Tribes have filed water rights claims

June 25, 2015



CSKT Legal Department
 June 2015
 NAD 1983 StatePlane Montana FIPS 5000
 created by DOWI
 WRII-C381I-Project2520005-006000 ISAL MapServerHostChartFeedBasinWTRClaims.mxd

WELL LOG REPORT

File No. _____

State law requires that the Bureau's copy be filed by the water well driller within 60 days after completion of the well.

1. WELL OWNER
 Name Ken Teeple

2. CURRENT MAILING ADDRESS
8277 Fish Hatchery Rd.
St Albans VT 57865

3. WELL LOCATION
NW 1/4 SW 1/4 SE 1/4 Section 14
 Township 19N N/S Range 20W EW County Lake
 Gov't Lot _____ or Lot _____ Block _____
 Subdivision Name _____
 Tract Number _____

4. PROPOSED USE: Domestic Stock Irrigation
 Other specify _____

5. TYPE OF WORK:
 New well Method: Dug Bored
 Deepened Cable Driven
 Reconditioned Rotary Jetted

6. DIMENSIONS: Diameter of Hole
 Dia. 6 in. from 0 ft. to 15.5 ft.
 Dia. _____ in. from _____ ft. to _____ ft.
 Dia. 10 in. from 0 ft. to 20 ft.

7. CONSTRUCTION DETAILS:
 Casing; Steel Dia. 6 3/8 from -2 ft. to 140 ft.
 Threaded Welded Dia. _____ from _____ ft. to _____ ft.
 Type _____ Wall Thickness 2 3/8
 Casing; Plastic Dia. 4 1/2 from 132 ft. to 155 ft.
 Weight _____ Dia. _____ from _____ ft. to _____ ft.
PERFORATIONS: Yes No
 Type of perforator used _____
 Size of perforations 1/4 in. by 4 in.
30 perforations from 140 ft. to 155 ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
SCREENS: Yes No
 Manufacturer's Name _____
 Type _____ Model No. _____
 Dia. _____ Slot size _____ from _____ ft. to _____ ft.
 Dia. _____ Slot size _____ from _____ ft. to _____ ft.
GRAVEL PACKED: Yes No Size of gravel _____
 Gravel placed from _____ ft. to _____ ft.
GROUTED: To what depth? 20 ft.
 Material used in grouting Bentone

8. WELL HEAD COMPLETION:
 Pitless Adapter Yes No

9. PUMP (if installed)
 Manufacturer's name _____
 Type _____ Model No. _____ HP _____

10. WELL TEST DATA
 The information requested in this section is required for all wells. All depth measurements shall be from the top of the well casing.
 All wells under 100 gpm must be tested for a minimum of one hour and provide the following information:
 a) Air Pump _____ Baller _____
 b) Static water level Immediately before testing 20 ft. if flow-cm. _____
 ing; closed-in pressure _____ psf. _____

f) Duration of test: Pumping time _____ hrs.
 g) Recovery time 14 hrs.
 h) Recovery water level 20 ft. at 14 hrs. after pumping stopped.
 Wells intended to yield 100 gpm or more shall be tested for a period of 8 hours or more. The test shall follow the development of the well, and shall be conducted continuously at a constant discharge at least as great as the intended appropriation. In addition to the above information, water level data shall be collected and recorded on the Department's "Aquifer Test Data" form.
 NOTE: All wells shall be equipped with an access port 1/2 inch minimum or a pressure gauge that will indicate the shut-in pressure of a flowing well. Removable caps are acceptable as access ports.

11. WAS WELL PLUGGED OR ABANDONED? _____ Yes No
 If yes, how? _____

12. WELL LOG

Depth (ft.)		Formation
From	To	
0	2	TOP SOIL (Brown CLAY)
2	10	BROWN CLAY & COBBLES
10	25	HARD BROWN SANDS CLAY & GRAVEL
25	140	GRAVEL cemented IN HARD SAND & CLAY
140	155	HARD yellow sandy CLAY with gravel

ATTACH ADDITIONAL SHEETS IF NECESSARY
13. DATE COMPLETED 1/94

14. DRILLER/CONTRACTOR'S CERTIFICATION
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge.

 Date 2/94
WILL CALVERT

ST. IGNACE MONTANA 59865

3. WELL LOCATION
 NW 1/4 SW 1/4 SE 1/4 Section 14
 Township 19N N/S Range 20W EW County LAKE
 Gov't Lot or Lot Block Tract Number

4. PROPOSED USE: Domestic Stock Irrigation
 Other specify

5. TYPE OF WORK:
 New well Method: Dug Bored
 Deepened Cable Driven
 Reconditioned Rotary Jetted

6. DIMENSIONS: Diameter of Hole
 Dia. 6 in. from 0 ft. to 15.5 ft.
 Dia. 10 in. from 0 ft. to 20 ft.

7. CONSTRUCTION DETAILS:
 Casing: Steel Dia. 6 7/8 from -2 ft. to 140 ft.
 Threaded Welded Dia. from ft. to ft.
 Type Wall Thickness .025
 Casing: Plastic Dia. 4 1/2 from 132 ft. to 155 ft.
 Weight Dia. from ft. to ft.

PERFORATIONS: Yes No
 Type of perforator used
 Size of perforations 1/4 in. by 4 in.
 perforations from 140 ft. to 155 ft.
 perforations from ft. to ft.
 perforations from ft. to ft.

SCREENS: Yes No
 Manufacturer's Name
 Type Model No.
 Dia. Slot size from ft. to ft.
 Dia. Slot size from ft. to ft.

GRAVEL PACKED: Yes No Size of gravel
 Gravel placed from ft. to ft.

GROUTED: To what depth? 20 ft.
 Material used in grouting Bentonite

WELL HEAD COMPLETION:
 Pitless Adapter Yes No

PUMP (if installed)
 Manufacturer's name
 Type Model No. HP

WELL TEST DATA
 The information requested in this section is required for all wells. All depth measurements shall be from the top of the well casing.
 All wells under 100 gpm must be tested for a minimum of one hour and provide the following information:
 Air Pump Baller
 Static water level immediately before testing 20 ft. If flow-
 ing; closed-in pressure psi. gpm.
 Flow controlled by: valve, reducers,
 other, (specify)
 Depth at which pump is set for test AIR LIFT
 The pumping rate: 30 gpm.
 Pumping water level ft. at hrs. after
 pumping began.

Wells intended to yield 100 gpm or more shall be tested for a period of 8 hours or more. The test shall follow the development of the well, and shall be conducted continuously at a constant discharge at least as great as the intended appropriation. In addition to the above information, water level data shall be collected and recorded on the Department's "Aquifer Test Data" form.

NOTE: All wells shall be equipped with an access port 1/2 inch minimum or a pressure gauge that will indicate the shut-in pressure of a flowing well. Removable caps are acceptable as access ports.

11. WAS WELL PLUGGED OR ABANDONED? Yes No
 If yes, how?

12. WELL LOG

Depth (ft.)		Formation
From	To	
0	2	Top soil (Brown CLAY)
2	10	Brown Clay & cobbles
10	25	Hard Brown sand CLAY & gravel
25	140	Gravel cemented in Hard sand & clay
140	155	Hard yellow sand CLAY with gravel

13. DATE COMPLETED 1/94

14. DRILLER/CONTRACTOR'S CERTIFICATION
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge.
 Date 2/94
 W.M. Carlson Well Driller
 Firm Name
 100 Juniper W. ALBERTON
 Address
 Signature
 License No.



SUBDIVISION PLAT NO. 124

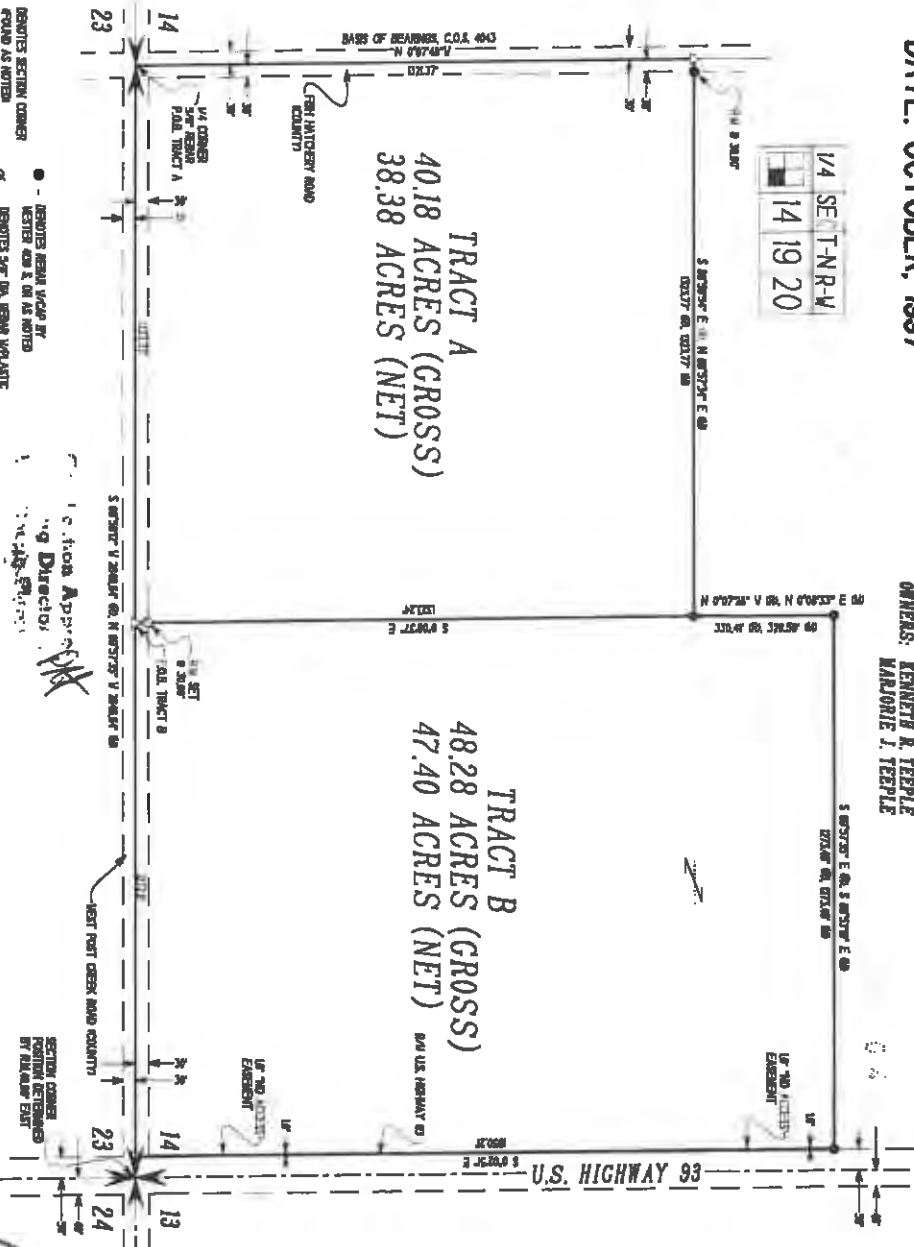
PORTION OF THE SE 1/4, SECTION 14, T. 19 N., R. 20 W., P.M.M.

DATE: OCTOBER, 1997

OWNERS:
KENNETH R. TERPJE
MARGORIE J. TERPJE

LAKE COUNTY, MONTANA

1/4 SECTION 14, T. 19 N., R. 20 W., P.M.M.



SCALE: 1" = 200'

CERTIFICATE OF OWNERSHIP

We, the undersigned property owners do hereby certify that we have caused to be surveyed and subdivided the following described tract of land in Lake County, Montana, to wit:

A tract of land located in a portion of the Southeast one-quarter SE 1/4 of Section 14, Township 19 North, Range 20 West, Park, Lake County, Montana, more particularly described as follows:

Beginning at the South one-quarter of said Section 14, T. 19 N., R. 20 W., P.M.M., thence N 0°17'48" V 02417 feet along the West boundary of said SE 1/4, thence N 88°57'54" E 02417 feet, thence N 0°17'48" V 02417 feet, thence S 88°57'54" E 02417 feet along the West right-of-way boundary of U.S. Highway No. 66, thence S 0°02'57" E 02502.1 feet along said right-of-way boundary to the South boundary of said Section 14, thence N 88°57'54" V 2588.43 feet along said south boundary to the point of beginning, containing 84.66 Acres, subject to easements or reservations apparent or of record and of record to the affected Plat.

Done the 15th day of October, 1997

Kenneth R. Terpje
KENNETH R. TERPJE

Margorie J. Terpje
MARGORIE J. TERPJE

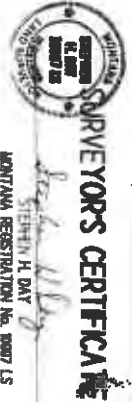
STATE OF MONTANA
County of Lake

On the 15th day of October, 1997, before me, the undersigned, a Notary Public for the State of Montana, personally appeared *Kenneth R. Terpje* and *Margorie J. Terpje*, known to me to be the persons whose names appeared subscribed to the above instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official My Notarial Seal the day and year of the Certificate first above written.

Notary Public for the State of Montana
My Commission expires _____

Kenneth R. Terpje
KENNETH R. TERPJE



APPROVED THIS 15th DAY OF October, 1997

James H. Day
JAMES H. DAY
MONTANA REGISTRATION NO. 8007 LS

EXAMINING LAND SURVEYOR *James H. Day* RLS

FILED FOR RECORD THIS 23rd DAY OF October, 1997 AT 2:21 PM

CLERK & RECORDER
SUBDIVISION PLAT NO. 124

- RENOTES SECTION CORNER FOUND AS NOTED
- RENOTES 1/4 CORNER FOUND AS NOTED
- RENOTES 1/4 CORNER FOUND AS NOTED
- RENOTES 1/4 CORNER FOUND AS NOTED
- RENOTES MEAN VALUE BY CENTER AND S. ON AS NOTED
- RENOTES SPT. ON MEAN VALUE
- ON MARKED DAY AND U.S. WEST
- RENOTES ANGLE POINT
- RENOTES FOUND OR SET
- RECORD INFORMATION
- REQUIRED THIS SURVEY

THESEASERS CERTIFICATE

STATE OF MONTANA
County of Lake

I HEREBY CERTIFY that the plat and property lines contained hereon have been surveyed and found to be in accordance with the laws and regulations of the State of Montana and that the same are correct and true to the best of my knowledge and belief.

Surveyed this 15th day of October, 1997

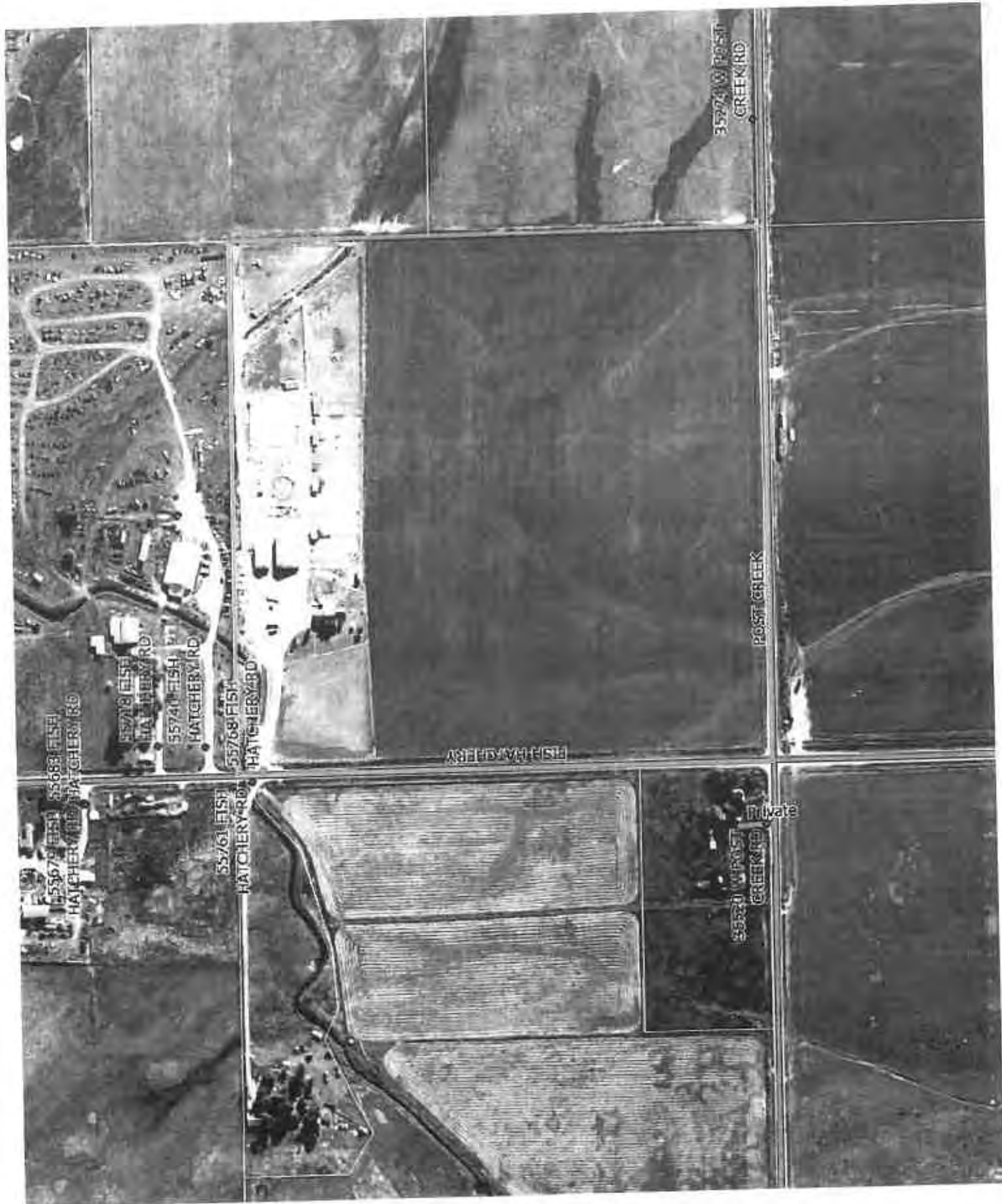
James H. Day
JAMES H. DAY
MONTANA REGISTRATION NO. 8007 LS

A tract of land located in a portion of the Southeast one-quarter SE 1/4 of Section 14, Township 19 North, Range 20 West, Park, Lake County, Montana, more particularly described as follows:

Beginning at the South one-quarter of said Section 14, T. 19 N., R. 20 W., P.M.M., thence N 0°17'48" V 02417 feet along the West boundary of said SE 1/4, thence N 88°57'54" E 02417 feet, thence N 0°17'48" V 02417 feet, thence S 88°57'54" E 02417 feet along the West right-of-way boundary of U.S. Highway No. 66, thence S 0°02'57" E 02502.1 feet along said right-of-way boundary to the South boundary of said Section 14, thence N 88°57'54" V 2588.43 feet along said south boundary to the point of beginning, containing 84.66 Acres, subject to easements or reservations apparent or of record and of record to the affected Plat.

FILED FOR RECORD THIS 23rd DAY OF October, 1997 AT 2:21 PM

CLERK & RECORDER
SUBDIVISION PLAT NO. 124



LAKE COUNTY, MONTANA

WARRANTY DEED

64791

COMPARED

THIS INDENTURE, Made the 11th day of September in the year of our Lord, one thousand nine hundred and forty-one between B. W. Dimmick and M. A. Dimmick of St. Ignatius, Montana the parties of the first part and Melvin E. Udall and Ruth L. Udall or St. Ignatius, Montana / or the survivor thereof the parties of the second part. WITNESSETH, That the said parties of the first part for and in consideration of the sum of Four thousand and no/100 DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said parties heirs and assigns forever, all that certain lot piece or parcel of land, situate, lying and being in the County of Lake and State of Montana and particularly described as follows, to-wit:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Fourteen (14); and the North Half (N $\frac{1}{2}$) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirteen (13) in Township Nineteen (19), North of Range Twenty (20), West of the Montana Meridian, Lake County, Montana. Subject to the Easement for Right of Way on Highway No. 93. Subject to any and all charges of the United States for its proportionate share of the costs of construction of the Flathead Irrigation Project, Together with any and all private water rights appurtenant to the above described land.

($\$4.40$ Internal Revenue Stamps attached and cancelled.)

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the estate, right, title, interest whatsoever, as well in law as in equity, of the said part of the first part, of in or to be the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, do hereby covenant that they will forever Warrant and Defend their right, title, and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said parties of the second part their heirs and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever; lawfully claiming or to claim the same.

Except any and all taxes, assessments or impositions that may be legally imposed upon said land, subsequent to the year 1939.

IN WITNESS WHEREOF, That said parties of the first part have hereunto set their hands and seals the day and year before written.

Signed, Sealed and Delivered in Presence of
 B. W. Dimmick Seal
 M. A. Dimmick Seal
 Seal

STATE OF MONTANA }
 County of Lake } ss. On this 11th day of September in the

year one thousand nine hundred and forty-one before me, F. L. Stinson, a Notary Public for State aforesaid, personally appeared B. W. Dimmick and M. A. Dimmick of St. Ignatius, Montana

known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year first above written.

(NOTARIAL SEAL)
 F. L. STINSON
 (STATE OF MONTANA)

F. L. Stinson
 Notary Public for the State of Montana.
 Residing at Pablo, Mont.
 My Commission Expires April 10, 1943.

Filed for record at the request of
 at 4:35 o'clock P. M.

this 19 day of September, 1941.

Fee-\$1.50

W. A. Jensen
 County Recorder.
 By Bernt Langaunet

Deputy. Reception No 64791

175056

Filed for record this 13 day of April 1946 at 4:30 clock P. M., and Recorded in Book of Deeds on Page of the Records of County of State of Montana. MAZEL KINNICK Clerk and Recorder By M. J. Johnson

WARRANTY DEED TO JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP.

This indenture, Made the 28th day of March A. D. one thousand nine hundred and sixty-six BETWEEN MELVIN E. UDALL and RUTH L. UDALL, also known as MELVIN UDALL and RUTH LEMERY UDALL, Husband and Wife, of St. Ignatius, Montana, PARTIES of the FIRST PART and J. C. ROMSA and MARIE V. ROMSA, Husband and Wife,

of St. Ignatius, Montana, the PARTIES of the SECOND PART; WITNESSETH, that the said PARTIES of the FIRST PART, for and in consideration of the sum of Ten (and other valuable consideration) Dollars (\$10.00) lawful money of the United States of America to them in hand paid by said PARTIES of the SECOND PART, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey, warrant and confirm unto the said PARTIES of the SECOND PART, AS JOINT TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS, (and not as tenants in common) and to heirs and assigns of such survivor forever, the hereinafter described real estate situated in the County of Lake and State of Montana, to-wit:

Lands in Township 19 North, Range 20 West, M. P. M. SECTION 13: N1/2NW1/4, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, E1/2E1/4SW1/4SW1/4 and NW1/4SE1/4; SECTION 14: S1/4SE1/4, NE1/4SE1/4; EXCEPTING Therefrom, however, the W1/2W1/4NW1/4NW1/4 of said Section 13; and further excepting all that portion conveyed to the State of Montana for highway purposes;

Subject to easements, reservations and rights of way apparent or of record, and a lien for the construction charges of the Flathead Irrigation Project.

STAMPS 6160

TOGETHER, with all and singular the heretofore described premises, all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well in law as in equity, of the said PARTIES of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging. TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said PARTIES of the FIRST PART, their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants, against all acts and deeds of the said PARTIES of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said PARTIES of the FIRST PART have hereunto set their hands and seals the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of

Melvin E. Udall (SEAL) Ruth L. Udall (SEAL)

STATE OF MONTANA,

County of Lake } ss. On this 28th day of March

sixty-six before me J. A. Turnage a Notary Public for the State of Montana, personally appeared Melvin E. Udall and Ruth L. Udall, also known as Melvin Udall and Ruth Lemery Udall, husband and wife known to me

to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this day and year first above written.

Notary Public for the State of Montana, Reading at Polson, Montana. My Commission expires April 17, 1947.

Return to: L. H. Heavens, Co. Missoula



187139

WARRANT DEED

THIS INDENTURE Made the 16th day of December in the year of our Lord, one thousand nine hundred and sixty-eight, between J. C. ROMSA and MARIE V. ROMSA, husband and wife,

Polson, Montana,

part ies of the first part and ARTHUR E. DRAKE and FRANK B. DRAKE,

of Ronan, Montana, the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of Ten (and other valuable consideration) ----- DOLLARS

lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake and State of Montana and particularly described as follows, to-wit:

N1/4NW1/4, SW1/4NW1/4, N1/4SW1/4, SE1/4SW1/4 E1/4SW1/4SW1/4, NW1/4SE1/4 of SECTION 13; S1/4SE1/4 NE1/4SE1/4 of SECTION 14; all in Township 19 North, Range 20 West.

M. P. M.;

Subject to easements, reservations and rights of way apparent or of record; and a lien for the construction charges of the Flathead Irrigation Project.

STATE OF MONTANA, COUNTY OF LAKE

RECORDED AT 3:30 O'CLOCK P. M. 12-16-68
MICROFILM 187139 ETHEL M. HARDING RECORDER
BY Jewel Bentley DEP.

Together with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest; right of dower and right of homestead property possession, claim and demand whatsoever, as well in law as in equity, of the said part ies of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said part ies of the second part, and to their heirs and assigns, forever. And the said part ies of the first part, and their heirs, do hereby covenant that they will forever Warrant and Defend their right, title, and interest in and to the said premises, and the quiet and peaceable possession thereof, unto said part ies of the second part and their heirs and assigns, against the acts and deeds of the said part ies of the first part and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said part ies of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of

J C Romsa (SEAL)
Marie V. Romsa (SEAL)

STATE OF MONTANA } ss.
County of Lake }

On this 16th day of December in the year nineteen hundred and sixty-eight before me J. A. THREAGGS a Notary Public for the State of Montana, personally appeared J. C. ROMSA and MARIE V. ROMSA, husband and wife, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Montana
Residing at Polson, Montana
My Commission expires April 17, 1970
Filed for Record the day of A. D. 19 at o'clock M.

County Clerk and Recorder. By Deputy.
Return to Boonville, Montana
Mt. Natl. Bank Bldg
-Mda

WARRANTY DEED

203810

THIS INDENTURE, Made the 17th day of April 1972, between Arthur E. Drake, a/k/a Art Drake, and Natalie Drake, husband and wife; Frank B. Drake, a/k/a Frank Drake, and Janet Lee Drake, his wife, all of St. Ignatius, Montana, parties of the FIRST PART and THE FIRST NATIONAL BANK OF MISSOULA, TRUSTEE, a corporation with principal office at Missoula, Montana, the party of the SECOND PART,

WITNESSETH: That the said parties of the FIRST PART, for and in consideration of the sum of Ten and no/100----- Dollars (\$ 10.00) lawful money of the United States of America to them

In hand paid by said party of the SECOND PART, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey, warrant and confirm unto the said party of the SECOND PART, and to its successors and assigns forever, the hereinafter described real estate situated in the County of Lake, State of Montana, to-wit:

TOGETHER with all and singular the hereinbefore described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging. TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said party of the SECOND PART, and to its successors and assigns forever.

And the said parties of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said party of the SECOND PART, its successors and assigns, against all acts and deeds of the said parties of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said parties of the FIRST PART have hereunto set their hand, and seal the day and year first hereinbefore written.

Arthur E. Drake
Natalie Drake (SEAL)
Frank B. Drake (SEAL)
Janet Lee Drake

STATE OF MONTANA
County of Missoula

On this 17th day of April 1972, before me the undersigned a Notary Public for the State of Montana, personally appeared Arthur E. Drake, a/k/a Art Drake, and Natalie Drake, husband and wife; and Frank B. Drake, a/k/a Frank Drake, and Janet Lee Drake, husband and wife, known to me (or proved to me on oath of) to be the person whose name subscribed to the within instrument and acknowledged to me that they executed the same.

WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



STATE OF MONTANA, COUNTY OF LAKE
RECORDED AT 4:36 o'clock P.M. MAY 30 1972
MISSOULA FILE 203810-400 BY Jewel Borch

Notary Public for the State of Montana
Residing at Missoula
My Commission expires Nov 13 1973
1st Nat'l Bank - Trust
Mr. Clyde Wood

The following described lands situate in Township 19 North, Range 20 West, M. P. M.,
Lake County, Montana, to-wit:

In Section 13: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

In Section 14: S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Excepting therefrom all that portion or portions heretofore conveyed to the State of Montana for highway purposes.

In Section 24: The W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 19 North of Range 20 West, M. P. M., excepting a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 19 North, Range 20 West described as beginning at a point which is distant N. 0° 1' West 30 ft. and East 70 ft. from the southwest corner of said Section; thence N. 0° 1' West 441.6 ft., thence South 77° 18' East 154.1 ft., thence South 41° 19' East 146.48 ft.; thence South 0° 1' East 297.6 ft.; thence West 247.2 feet to the point of beginning; and excepting a fractional part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 19 North, Range 20 West, of the M. P. M., more particularly described as follows: Beginning at the Southwest corner of Section 24, Township 19 North, Range 20 West, thence East 70 feet to the Easterly right-of-way Boundary of U. S. Highway No. 93, thence North 0° 01' W. 794.5 feet along said Right-of-way, to the true point of beginning, thence continuing N. 0° 01' W. 158.8 feet, thence East 126.3 feet, thence S. 31° 44' E. 157 feet; thence South 20 feet; thence West 208.7 feet to the true point of beginning, containing 0.61 acres, more or less.

In Section 25: W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25, Township 19 North, Range 20 West, M. P. M.

In Section 26: S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Township 19 North, Range 20 West, M. P. M.
NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 19 North, Range 20 West, M. P. M.

In Section 34: S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34, Township 19 North, Range 20 West, M. P. M.

Subject to all easements and rights-of-way whether the same be of record or visible on the ground and also subject to the lien of the United States on account of construction costs of the Flathead Indian Irrigation Project.

Subject to that certain mortgage in favor of Federal Land Bank of Spokane recorded on January 9, 1964 in Book _____ and Microfile No. 163439, records of Lake County, Montana, which mortgage the Grantee assumes and agrees to pay.

And also subject to that certain mortgage in favor of the Prudential Insurance Company of America recorded on April 18, 1966 in Book _____ and Microfile No. 175057, records of Lake County, Montana, which mortgage the Grantee assumes and agrees to pay.

Know All Men by These Presents:

This THE FIRST NATIONAL BANK OF MISSOULA, as Trustee, a corporation, organized and existing under the laws of the State of Montana, United States of America, in consideration of the sum of Ten and 00/100 Dollars (\$ 10.00), the receipt whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto RODMAC CORPORATION, an Illinois Corporation, of 100 W. Willow Road, Wheeling, Illinois, 60090,

and to its successors and assigns, **FOREVER**, the following described real property, situated in the city or town of _____ County of Lake, State of Montana, to-wit:

All of the real property described in Exhibit "A" attached hereto, and by this reference expressly made a part hereof.

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 9:40 OCt 1 APR 27 '89
Microfilm 317660 LOREN JACOBSON Recorder
Fees \$ 10.00 By Judy Ann Nelson Deputy

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever **WARRANT** and **DEFEND** all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its successors, and assigns, against the acts and deeds of said grantor, and all and every person and persons whomsoever lawfully claiming or to claim the same.



IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, therunto duly authorized, on this 1st day of July, A. D. 19 73.

THE FIRST NATIONAL BANK OF MISSOULA,
As Trustee
By William C. Smith President.

William C. Smith
Secretary.

STATE OF MONTANA,
County of Missoula

On this 1st day of July in the year 19 73, before me the undersigned, Randolph Jacobs, a Notary Public for the State of Montana, personally appeared _____ (known to me as Randolph Jacobs)

to be the President of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

William C. Smith
Notary Public for the State of Montana.

Residing at Missoula, Montana My Commission expires July 29, 19 76

EXHIBIT "A"ROMSA PROPERTY:

In Section 14, Township 19 North, Range 20 West:

NE $\frac{1}{4}$ SE $\frac{1}{4}$

In Section 13, Township 19 North, Range 20 West:

NE $\frac{1}{4}$ NW $\frac{1}{4}$

S $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

E $\frac{1}{2}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$

HOME RANCH:

In Section 26, Township 19 North, Range 20 West:

E $\frac{1}{2}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$

LYNCH PROPERTY:

S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 19 North, Range 20 West.

INDIAN FORTY:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 19 North, Range 20 West.

HUBBARD PROPERTY:

E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25, Township 19 North, Range 20 West.

JACKSON PROPERTY:

W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25, Township 19 North, Range 20 West.

Together with all water, water rights, ditches and canals appurtenant thereto or in anywise appertaining.

SUBJECT to all easements and rights-of-way whether the same be of record or visible on the ground, and also subject to the lien of the United States on account of construction charges of Mission Irrigation District - Flathead Indian Irrigation Project.

Return: Lake County Abstract & Title Company
 No. 33
 Polson, MT 59850

STATE OF MONTANA,

01-307258

County of Lake August 19 1987 at 9:00 o'clock A.M. and Filed for record this 11th day of August 1987 of the Records of County of Lake Recorded in microfiling of Deeds 307258 State of Montana. Clerk and Recorder By...

This Indenture, Made the 10th day of August A. D. one thousand nine hundred and eighty-seven BETWEEN JAMES M. BROWN, JR. and JEAN O. BROWN, TRUSTEES of 218 Cedar, Sandpoint, Idaho part.ies. of the FIRST PART and JAMES M. BROWN, JR. and JEAN O. BROWN, TRUSTEES of

of 218 Cedar, Sandpoint, Idaho the part.ies. of the SECOND PART; WITNESSETH, that the said part.ies. of the FIRST PART, for and in consideration of the sum of Good and Valuable Consideration Dollars (\$...) legal money of the United States of America to them in hand paid by said part.ies. of the SECOND PART, the receipt whereof is hereby acknowledged; do by these presents grant, bargain, sell, convey, warrant and confirm unto the said part.ies. of the SECOND PART, and to their heirs and assigns forever, the hereinafter described real estate situated in the city or town of Lake County of Lake

Montana, to-wit: NE 1/4 SE 1/4, Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana; AND S 1/2 SE 1/4, Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana.

TOGETHER with all and singular the hereinafore described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said part.ies. of the FIRST PART, et. in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said part.ies. of the SECOND PART, and to their heirs and assigns forever. And the said part.ies. of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said part.ies. of the SECOND PART, their heirs and assigns, against all acts and deeds of the said part.ies. of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said part.ies. of the FIRST PART have hereunto set their hand and seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of J.M. Brown, Jr. by (SEAL) Barbara Hugenin, atty. in fact (SEAL) Jean O. Brown, Jr. by (SEAL) Barbara Hugenin, atty. in fact (SEAL)

STATE OF MONTANA, County of Lake On this 10th day of August in the year nineteen hundred and before me, the undersigned, a Notary Public for the State of Montana, personally appeared BARBARA HUGENIN

known to me (or proved to me on oath of...) to be the persons whose names are subscribed to the within instrument and acknowledged to me that she subscribed the names of JAMES M. BROWN and JEAN O. BROWN, the principal and her own name as attorney-in-fact. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana. My Commission expires 10-15-1987 Residing at...

WARRANTY DEED

1
 2 THIS INDENTURE, made this 29th day of July, 1980,
 3 between POTOMAC CORPORATION, a corporation qualified to do business
 4 in the state of Montana, hereinafter called the "Grantor" and
 5 JAMES M. BROWN, JR. and JEAN O. BROWN, Trustees, of TAF C 25,
 6 Spokane, Washington 99220, hereinafter called the "Grantee".

W I T N E S S E T H:

7
 8 The Grantor for and in consideration of the sum of Ten
 9 Dollars (\$10.00), lawful money of the United States of America,
 10 and other good and valuable consideration, to the Grantor in hand
 11 paid by the Grantee, the receipt whereof is hereby acknowledged
 12 has granted, bargained and sold and by these presents does grant,
 13 bargain and sell, convey and confirm unto the Grantee all of the
 14 following described real estate situated in the County of Lake,
 15 State of Montana, to-wit:

16 That property described on Exhibit A and made
 17 a part hereof by reference consisting of
 identified parcels 1 and 2.

18 SUBJECT TO: Those exceptions listed on Exhibit
19 E.

20 NO EXHIBITS B, C, AND D ATTACHED TO THIS DEED.

21 TOGETHER with all and singular the tenements, here-
 22 ditaments and appurtenances thereunto belonging or in anywise
 23 appertaining, the reversion and reversions, remainder and remaind-
 24 ers, rents, issues and profits thereof, and all estate, right,
 25 title and interest in and to the said property as well in law as
 26 in equity of the Grantor.

27 TO HAVE AND TO HOLD all and singular the above-mentioned
 28 and described premises, together with appurtenances unto the
 29 Grantee and the Grantee's successors and assigns forever; and the
 30 Grantor and the Grantor's successors and assigns, shall and will
 31 warrant and by these presents will forever defend the said premises
 32 in the quiet and peaceable possession of the Grantee and the

PARSONS, SMITH & STONE
ATTORNEYS
BULFONTE, MONTANA

RL

1 Grantee's successors and assigns against the Grantor and the
2 Grantor's successors and assigns, and against all and every person
3 and persons whomsoever lawfully claiming the same, except as
4 aforesaid.

5 IN WITNESS WHEREOF, POTOMAC CORPORATION has caused these
6 presents to be signed by D. B. OZMUN and L. E. BEHRENS, its
7 President and Secretary at BURLEY, IDAHO,
8 pursuant to corporate resolution, and its corporate seal to be
9 hereunto affixed the day and year first above written.

POTOMAC CORPORATION

12 BY [Signature]
13 Title - President

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PARSONS SMITH & STONE
LAWYERS
BURLEY, IDAHO
771
NOTARY PUBLIC
IDAHO
CASSIA COUNTY
BURLEY

[Signature]
Title Secretary

17 STATE OF IDAHO
18 County of CASSIA

19 On this 29 day of July, 1980, before me, the
20 undersigned, a Notary Public in and for said State, personally
21 appeared D. B. OZMUN and L. E. BEHRENS, known to me to be the
22 President and Secretary of POTOMAC CORPORATION, the Corporation
that executed the foregoing instrument, and acknowledged to me
that such corporation executed the same.

23 IN WITNESS WHEREOF, I have hereunto set my hand and seal
24 the day and year in this certificate first above written.

[Signature]
Notary Public for
Residing at Burley



256338

EXHIBIT A

PARCEL ONE:

Township 19 North, Range 20 West M.P.M.
Lake County, Montana.
Section 13: Farm Unit "B" (or the NE $\frac{1}{4}$ NW $\frac{1}{4}$), S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 14: NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 25: E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Section 26: E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Except those portions within rights of way of County roads
and State Highway.

ALSO EXCEPT a portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 19
North, Range 20 West MPM., described as follows:

From the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13,
N. 89° 45' 40" E. 40.0 feet along the South boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$
to an intersection with the Easterly right-of-way boundary of
Montana State Highway No. 93 and the true point of the tract:
Thence continuing N. 89° 45' 40" E. 484.0 feet;
Thence N. 0° 01' W. 225.0 feet; Thence S. 89° 45' 40" W. 484.0 feet
to the intersection of the Easterly Highway right-of-way boundary;
Thence S. 0° 01' E. 225.0 feet along said boundary to the point of
beginning.
C. O. S. 2313

ALSO EXCEPT a portion of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25, Township 19
North, Range 20 West MPM., described as follows:

Beginning at the quarter corner common to Sections 24 and 25,
said Township and Range; Thence S. 0° 06' E. 935.0 feet along the
West boundary of said NE $\frac{1}{4}$; Thence East 175.0 feet; Thence
N. 0° 06' W. 505.0 feet to a monumented corner lying 5 feet more
or less, South of the center of an un-named creek;
Thence North 5 feet, more or less, to the center of an un-named
creek; Thence meandering along the center of said creek the following
courses:
N. 61° 43' W. 55.8 feet; N. 8° 51' E. 32.5 feet;
N. 32° 57' W. 156.5 feet; N. 0° 57' W. 240.2 feet to an
intersection with the North boundary of said NE $\frac{1}{4}$;
Thence West 42.50 feet along said North boundary to the point
of beginning.
C. O. S. 2365

Parcel One continued;

ALSO EXCEPT a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, Township 19 North, Range 20 West MPM., as follows:

From the West quarter corner of said Section 13,
N. 89° 54' 42" E. 2056.4 feet along the Mid-section line of
said Section 13 to the point of beginning; Thence
S. 0° 15' 18" E. 500.0 feet; Thence
N. 89° 54' 42" E. 350.0 feet;

Thence
N. 0° 05' 18" W. 500.00 feet to the intersection of the
mid-section line of said Section 13. Thence
S. 89° 54' 42" W. 350.0 feet along said mid-section line
to the point of beginning.
C. O. S. 2484

ALSO EXCEPT a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 19 North, Range 20 West MPM., as follows:

From the West quarter corner of Section 13, said Township and
Range, N. 89° 54' 42" E. 3948.35 feet along the mid-section line
of said Section to the Northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 13;
Thence S. 0° 03' E. 225.0 feet along the East boundary of said
NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the point of beginning; Thence
S. 89° 54' 42" W. 150.0 feet; Thence
S. 75° 39' 38" W. 50.25 feet; Thence
N. 89° 54' 42" E. 155.0 feet; Thence
N. 0° 03' W. 50.0 feet to the point of beginning.
C. O. S. 2485.

Parcel Two:

Township 19 North, Range 20 West M.P.M.
Lake County, Montana.

Section 34: S $\frac{1}{4}$ NE $\frac{1}{4}$;

Except that portion within the rights of way of State
Highway.

TOGETHER with water rights appurtenant to the property
or in anywise appertaining.

EXHIBIT E

TO

POTOMAC CORPORATIONJAMES M. BROWN, JR. and JEAN O. BROWN, TRUSTEES

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1. Taxes, charges and assessments not yet certified to the County Treasurer for collection.

2. Provisions, levies, easements, assessments and liens of the Flathead Irrigation District and the construction charges of the Flathead Irrigation Project and the Irrigation District within which lands are situate.

3. PARCEL 1:
Reservations in Warranty Deed dated Sept. 29, 1937, executed by Daniel Maynard and May Maynard, husband and wife, to Melvin Udall, recorded Oct. 30, 1944 in Book 27 Deeds, Page 77, records of said County as follows: "Reserving expressly from said land certain springs and waters arising on the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 13, and a right of way over and across said lands for a ditch to be built, or a flume to be built, or a pipeline to be laid, carrying said water in a Southerly direction to other lands owned by the said parties of the first part."

4. PARCEL 2:
Reservations in the Deed to Restricted Indian Land, dated December 21, 1959, granted by Massaline Redhorn, Flathead allottee No. 909, a widower, to Jesse E. Roberts, recorded Marh 16, 1960, in Book 53, Deeds, Page 8, records of said County as follows: "Reserving to Massaline Redhorn, his heirs and assigns, together with the right to lease, extract and retain the same, all minerals, including coal, oil and gas to the lands described herein."

5. PARCEL 1:
Exceptions and reservations contained in the Patent from the State of Montana, for the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26, to Arthur E. Drake and Frank B. Drake, recorded June 3, 1954 at 4:00 P.M. in Book 41 Deeds, Page 593, records of said County, whereby mineral rights are reserved to the State.

6. PARCEL 1:
Exceptions and reservations contained in the Patent from the State of Montana, for the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 25, to Hazel M. Hubbard, recorded June 2, 1972, under Microfile No. 204043, records of said County, whereby mineral rights are reserved to the State.

7. PARCEL 1:
Right of Way granted to Mountain States Telephone and Telegraph Company, for a telephone-telegraph line over the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26 on January 13, 1916, disclosed in Patent dated June 21, 1971, recorded Sept. 21, 1971 under Microfile No. 200194, records of

PARSONS, SMITH & STONE
LAWYERS
SUBLEY, IDAHO

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PARSONS, SMITH & STONE
LAWYERS
SUIVET, MISSOULA

said County.

8. PARCEL 1:
Easement for an electric distribution power line along and across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, as granted by Arthur E. Drake and Frank B. Drake, to the United States of America, by instrument dated March 24, 1972, recorded Sept. 1, 1972, under Microfile No. 205435, records of said County.

9. PARCEL 2:
Easement for an electric distribution power line (for overhang purposes only across the Northwest corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 34) as granted by the First National Bank of Missoula, as Trustee, to the United States of America, by instrument dated May 22, 1975, recorded Oct. 20, 1975, under Microfile No. 224134, records of said County.

** 10. PARCEL 1:
Unrecorded Contract for Deed disclosed by Notice of Purchaser's interest dated May 1, 1972, executed by and between The First National Bank of Missoula, as Trustee, a national banking corporation, as Vendor; Potomac Coporation, an Illinois corporation, as Vendeees, Recorded July 6, 1972, under Microfile No. 204490, records of said County,
Escrowed at the First National Bank of Missoula.

** The Grantee assumes and agrees to pay that contract listed in Exception Number 10.

STATE OF MONTANA, COUNTY OF LAKE
RECORDED AT 4:29 O'CLOCK P. M. AUG 5 '80
MICROFILM 256338 ETHEL M. HARDING RECORDER
FEB 18⁰⁰ BY *William H. Williams* DEF.

Return to: Grantee

THIS INDENTURE, made this 16th day of March, 1990, between JEAN O. BROWN, Trustee, and the heirs or devisees of James M. Brown, Jr., Trustee, deceased, their interest being subject to the administration of the estate of said decedent in Lake County, Montana, Probate Case No. DB-89-31, wherein Jean O. Brown, Barbara Jean Huguenin and Jacqueline Graham Gran are appointed personal representatives, of 218 Cedar Street, Sandpoint, Idaho 83864, Parties of the First Part and GALE K. SCYPHERS and ZERELDA SCYPHERS, of 313 Bouchard Road, Ronah, Montana 59864, husband and wife as joint tenants with right of survivorship, Parties of the Second Part;

WITNESSETH, that the said Parties of the First Part, for and in consideration of the sum of Ten Dollars and other lawful consideration (\$10.00 + OVC) lawful money of the United States of America to them in hand paid by said Parties of the Second Part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey, warrant and confirm unto the said Parties of the Second Part, as Joint Tenants and to the Survivor of said named Joint Tenants, (and not as tenants in common) and to the heirs and assigns of such survivor forever, the hereinafter described real estate situated in the County of Lake and State of Montana, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof as though set forth fully at this place.

TOGETHER WITH all and singular the hereinbefore described premises, all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said Parties of the First Part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said Parties of the Second Part, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever.

And the said Parties of the First Part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Parties of the Second Part, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants, against all acts and deeds of the said Parties of the First Part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and seals the day and year first above written.

THE ESTATE OF J. M. BROWN, JR.

By Jean O. Brown
Jean O. Brown

By Barbara Jean Huguenin
Barbara Jean Huguenin

By Jacqueline G. Gran 323062
Jacqueline G. Gran

Co-personal Representatives of the
Estate of J.M. Brown, Jr.

Jean O. Brown
Jean O. Brown, Trustee

STATE OF IDAHO)
) ss.
County of Bonner)

On this 14th day of March, 1990, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared JEAN O. BROWN, as Co-Personal Representative of the estate of J.M. Brown, Jr. and as Trustee, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Roberta A. Bostock
Notary Public for the State of Idaho
Residing at: Spale
My Commission Expires: 10-22-93

STATE OF IDAHO)
) ss.
County of Bonner)

On this 15th day of March, 1990, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared BARBARA JEAN HUGUENIN, as Co-Personal Representative of the estate of J.M. Brown, Jr., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Roberta A. Bostock
Notary Public for the State of Idaho
Residing at: Spale
My Commission Expires: 10-22-93

STATE OF MONTANA)
) ss.
County of Lake)

On this 16th day of March, 1990, before me, a Notary Public for the State of Montana, personally appeared JACQUELINE G. GRAN (formerly Jacqueline G. Brown), as Co-Personal Representative of the Estate of J.M. Brown, Jr., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Arlene J. Raymond
Notary Public for the State of Montana.
Residing at: Dalson
My Commission Expires: 11-2-90



The S½SE¼ and NE½SE¼ of Section 14, Township 19 North, Range 20 West, M.P.M., Lake County, Montana.

EXCEPTING THEREFROM that portion of the N½NE½SE¼ and N½S½NE½SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, lying West of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 and being more particularly described by metes and bounds as follows: Beginning at a point on the North Boundary of the Southeast One-Quarter of said Section 14 which bears N. 89° 55' 38" W. 50.0 feet from the East One-Quarter corner of said Section 14; said point also being the Intersection of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 with the North Boundary of said SE¼; thence continuing N. 89° 55' 38" W. 1273.59 feet along said North Boundary; thence S. 0° 07' 28" E. 991.22 feet along the West Boundary of said NE½SE¼; thence S. 89° 57' 35" E. 1273.49 feet along the South Boundary of the N½S½NE½SE¼ of said Section 14 to the Westerly Right-of-Way Boundary of U.S. Highway No. 93; thence N. 0° 07' 07" W. 990.47 feet along said Highway Right-of-Way Boundary to the Point of Beginning. Certificate of Survey No. 4043.

TOGETHER WITH any and all water and water rights appurtenant thereto.

SUBJECT TO assessments of the Flathead Irrigation District and the Flathead Irrigation Project, and appurtenances thereto, within which said lands are situated.

SUBJECT TO AND TOGETHER WITH all easements, reservations, rights of way, restrictions, covenants and agreements apparent or of record and reservations contained in the U. S. Government Patent.

GRANTORS hereby indemnify and hold Grantee harmless from any lien of state inheritance tax or estate tax or federal estate tax against the estate of J. M. Brown, Jr., deceased.

Return: Grantee

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 2:47 O'Clock P. M. APR 19 '91
 Microfilm 323062 LORIN JACOBSON, Recorder
 Paid \$ 15.00 By Paula A. Helle Deputy

STATE OF MONTANA.

County of Lake } ss.
Filed for record this 1st day of April 1993 at 3:00 o'clock P.M., and
Recorded in Volume 118 of Deeds 346282, the Records of County of Lake,
State of Montana. RUTH E. HODGES, Clerk and Recorder By [Signature]
No. 28-- WARRANTY DEED TO JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP.

This Indenture, Made the 1st day of April A. D. one thousand nine hundred and ninety-three BETWEEN GALE K. SCYPHERS and ZERELDA SCYPHERS, husband and wife, same person as grantees of Ronan, Montana PART IES of the FIRST PART and GALE K. SCYPHERS and ZERELDA SCYPHERS, husband and wife, same person as grantors of Ronan, Montana the PARTIES of the SECOND PART;

WITNESSETH, that the said PARTIES of the FIRST PART, for and in consideration of the sum of Ten (and other valuable consideration) Dollars (\$ 10.00) lawful money of the United States of America to in hand paid by said PARTIES of the SECOND PART, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey, warrant and confirm unto the said PARTIES of the SECOND PART, AS JOINT TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS, (and not as tenants in common) and to heirs and assigns of such survivor forever, the hereinafter described real estate situated in the city or town of County of Lake, and State of Montana, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof as though set forth fully at this place.

TOGETHER, with all and singular the hereditaments described premises, all (tenements, hereditaments), and appurtenances thereto belonging or in anywise appertaining, and the royalties and reversions, remainder and residue, rents, issues, and profits (current and due) all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said PARTIES of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common), and to the heirs and assigns of the survivor of said named joint tenants forever.

And the said PARTIES of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all rents, issues and profits to and to the said premises and the quiet and peaceable possession thereof unto the said PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants, against all suits and deeds of the said PARTIES of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said PARTIES of the FIRST PART hereunto set their hand and seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of

[Signature] (SEAL)
GALE K. SCYPHERS (SEAL)
[Signature] (SEAL)
ZERELDA SCYPHERS (SEAL)

STATE OF MONTANA.

County of Lake } ss.
On this 1st day of April in the year nineteen hundred and ninety-three before me, the undersigned, a Notary Public for the State of Montana, personally appeared GALE K. SCYPHERS and ZERELDA SCYPHERS

known to me (or proved to me on oath of) to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

[Signature] 45
Notary Public for the State of Montana
Residing at Ronan, Montana
My Commission expires 7-2-1994

Attended by G. K. Scypher & Zerelda Scypher
312 Broadway St.
Ronan, MT 58869

346282

EXHIBIT "A"

Parcel 4, being more particularly described as the N½SE¼ and S½NE½ of Section 14, Township 19 North, Range 20 West, MPM, Lake County, Montana.

EXCEPTING THEREFROM that portion of the N½NE¼ and N½SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, lying West of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 and being more particularly described by notes and bounds as follows: Beginning at a point on the North Boundary of the Southeast One-Quarter of said Section 14 which bears N. 89° 55' 38" W. 50.0 feet from the East One-Quarter corner of said Section 14; said point also being the intersection of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 with the North Boundary of said SE¼; thence continuing N. 89° 55' 38" W. 1273.59 feet along said North Boundary; thence S. 0° 07' 28" E. 991.22 feet along the West Boundary of said NE½; thence S. 89° 57' 35" E. 1273.49 feet along the South Boundary of the N½NE½ of said Section 14 to the Westerly Right-of-Way Boundary of U.S. Highway No. 93; thence N. 0° 07' 07" W. 990.47 feet along said Highway Right-of-Way Boundary to the Point of Beginning. Certificate of Survey No. 4043.

TOGETHER WITH any and all water and water rights appurtenant thereto.

SUBJECT TO assessments of the Flathead Irrigation District and the Flathead Irrigation Project, and appurtenances thereto, within which said lands are situated.

SUBJECT TO AND TOGETHER WITH all easements, reservations, rights of way, restrictions, covenants and agreements apparent or of record and reservations contained in the U. S. Government Patent.

STATE OF MONTANA.

County of Lake, April 1923, at 3 o'clock P.M. and
Recorded in Microfilm of Deeds 346279 of the Records of County of Lake
State of Montana. RUTH E. HODGES, Clerk and Recorder By *Ruth E. Hodges*
No. 22 - WARRANTY DEED TO JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP.

7e H 200
This indenture, Made the ninety-three day of April
A. D. one thousand nine hundred and ninety-three BETWEEN
GALE K. SCYPHERS and ZERELDA SCYPHERS, husband and wife, same
person as grantors
of RONAN, MONTANA PARTIES of the FIRST PART
and GALE K. SCYPHERS and ZERELDA SCYPHERS, husband and wife, same
person as grantees

of RONAN, MONTANA the PARTIES of the SECOND PART;
WITNESSETH, that the said PARTIES of the FIRST PART, for and in consideration
of the sum of Ten (and other valuable consideration) Dollars (\$10.00)
lawful money of the United States of America to in hand paid by said PARTIES of the SEC-
OND PART, the receipt whereof is hereby acknowledged, do by their presents grant, bargain,
sell, convey, warrant and confirm unto the said PARTIES of the SECOND PART, AS JOINT
TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS,
(and not as tenants in common) and to heirs and assigns of such survivor forever, the hereinafter
described real estate situated in the city or town of _____
County of Lake and State of Montana, to-wit:

See Exhibit "A" attached hereto and by this reference made a
part hereof as though set forth fully at this place.

TOGETHER, with all and singular the heretofore described premises, all appurtenances thereto belonging
or in anywise appertaining, and the services and conveniences, tenements, rents, issues, and profits thereof, and also all the rights,
title, interest, right of dower and right of homestead, dower, claim and demand whatsoever, as well, in law as in equity, of the said
PARTIES of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging,
TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said PARTIES of the SECOND PART,
as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint
tenants forever.
And the said PARTIES of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT
and defend all rights, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said
PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of
the survivor of said named joint tenants, against all acts and deeds of the said PARTIES of the FIRST PART, and all and every parties and
persons whatsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said PARTIES of the FIRST PART have
unto set their hand and seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in
the presence of
Gale K. Scypher (SEAL)
GALE K. SCYPHERS (SEAL)
Zerelda Scypher (SEAL)
ZERELDA SCYPHERS (SEAL)

STATE OF MONTANA,
County of Lake
On this ninety-three day of April in the year nineteen hundred and
ninety-three before me, the undersigned, a Notary Public
for the State of Montana, personally appeared
GALE K. SCYPHERS and ZERELDA SCYPHERS

known to me
(or proved to me on oath of _____)
to be the person whose name subscribed to the within instrument and acknowledged to me
that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal
Seal the day and year first above written.

Chas. Jackson
Notary Public for the State of Montana.
Residing at _____
My Commission expires _____

*Return to: Gale Scypher
313 Pollockland Rd.
Ronan, Mt. 59867*

346279

EXHIBIT "A"

Parcel 1, being more particularly described as the N $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, MPM, Lake County, Montana.

EXCEPTING THEREFROM that portion of the N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, lying West of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 and being more particularly described by metes and bounds as follows: Beginning at a point on the North Boundary of the Southeast One-Quarter of said Section 14 which bears N. 89° 55' 38" W. 50.0 feet from the East One-Quarter corner of said Section 14; said point also being the intersection of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 with the North Boundary of said SE $\frac{1}{4}$; thence continuing N. 89° 55' 38" W. 1273.59 feet along said North Boundary; thence S. 0° 07' 28" E. 991.22 feet along the West Boundary of said NE $\frac{1}{2}$ SE $\frac{1}{4}$; thence S. 89° 57' 35" E. 1273.49 feet along the South Boundary of the N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 14 to the Westerly Right-of-Way Boundary of U.S. Highway No. 93; thence N. 0° 07' 07" W. 990.47 feet along said Highway Right-of-Way Boundary to the Point of Beginning.
Certificate of Survey No. 4043.

TOGETHER WITH any and all water and water rights appurtenant thereto.

SUBJECT TO assessments of the Flathead Irrigation District and the Flathead Irrigation Project, and appurtenances thereto, within which said lands are situated.

SUBJECT TO AND TOGETHER WITH all easements, reservations, rights of way, restrictions, covenants and agreements apparent or of record and reservations contained in the U. S. Government Patent.

WARRANTY DEED

THIS INDENTURE, Made the 21st day of September, 1993, between GALE K. SCYPHERS and KARELDA SCYPHERS, Husband and Wife as Joint Tenants With Right of Survivorship, of 313 Bouchard Road, Ronan, Montana 59864, Parties of the First Part, and KENNETH A. TRIPLE and MARJORIE J. TRIPLE, as Joint Tenants With Right of Survivorship, and not as Tenants in Common, of 22325 Wapiti Road, Huson, Montana 59846, Parties of the Second Part;

WITNESSETH, that the said Parties of the First Part, for Ten Dollars (\$10.00) and other good and valuable consideration, lawful money of the United States of America to them in hand paid by said Parties of the Second Part, the receipt whereof is hereby acknowledged; do by these presents grant, bargain, sell, convey, warrant and confirm unto the said Parties of the Second Part as Joint Tenants and to the Survivor of said name Joint Tenants; (and not as tenants in common), and to heirs and assigns of such survivor forever, the hereinafter described real estate situated in the County of Lake, State of Montana, to-wit:

The SW/4 and NE/4 of Section 14, Township 19 North, Range 20 West, N.P.M., Lake County, Montana.

EXCEPTING THEREFROM that portion of the NW/4 and NE/4 of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, lying West of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 and being more particularly described by metes and bounds as follows: Beginning at a point on the North Boundary of the Southeast One-Quarter of said Section 14 which bears N. 89°55'38" W. 50.0 feet from the East One-Quarter corner of said Section 14; said point also being the Intersection of the Westerly Right-of-Way Boundary of U.S. Highway No. 93 with the North Boundary of said SW/4; thence continuing N. 89°55'38" W. 1273.59 feet along said North Boundary; thence S. 0°07'28" E. 991.22 feet along the West Boundary of said NE/4; thence S. 89°57'35" E. 1273.49 feet along the South Boundary of the NW/4 of said Section 14 to the Westerly Right-of-Way Boundary of U.S. Highway No. 93; thence N. 0°07'07" W. 990.47 feet along said Highway Right-of-Way Boundary to the Point of Beginning. Certificate of Survey No. 4043.

SUBJECT TO:

- (a) reservations and exceptions in patents from the United States or the State of Montana;
- (b) easements, reservations and rights-of-way apparent or of record;
- (c) all building, use, zoning, sanitary and environmental restrictions; and
- (d) special improvement district liens, if any.

FURTHER SUBJECT TO provisions, levies, easements, assessments and liens of the Flathead Irrigation District and the construction charges of the Flathead Irrigation Project and the Irrigation District within which lands are situate.

SPECIFICALLY SUBJECT TO any portion within the right of way of Public or County Roads.

EXCEPT with reference to the above exceptions and the items referred to in subparagraphs (a) to (d) inclusive, this deed is given with the usual covenants expressed in §30-11-109 and §30-11-110, M.C.A.

GRANTORS specifically declare that the warranties set forth herein relate solely to the state of ownership of and title to the real property and not to the physical condition of the premises.

IN WITNESS WHEREOF, the said Parties of the First Part have

hereunto set their hands and seals the day and year first above written.

Gale K. Scypers
GALE K. SCYPERS

Evelda Scypers
EVELDA SCYPERS

STATE OF MONTANA)
) ss.
County of Lake)

On this 21st day of September, 1993, before me, the under-
signed, a Notary Public for the State of Montana, personally
appeared GALE K. SCYPERS and EVELDA SCYPERS, known to me to
be the persons whose names are subscribed to the within instrument
and acknowledged to me that they executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Notarial Seal the day and year first above written.

Aline J. Raymond
Notary Public for the State of Montana
Residing at: Palmer, MT
My Commission Expires: 11-2-93

Return: Kenneth R. Tesple
P. O. Box 2558
Trout Creek, MT 59874

STATE OF MONTANA, COUNTY OF LAKE
Recorded At: 1:44 o'clock P. on JAN 06 94
Microfilm 353786 RUTH E. HODGES
Fees \$ 12.00 Finley Ann Geland

395354

WARRANTY DEED

FOR AN ADEQUATE AND FULL CONSIDERATION IN MONEY OR MONEY'S WORTH, receipt of which is acknowledged this 15 day of December, 1998, the undersigned,

KENNETH R. TEEPLE and MARJORIE J. TEEPLE, as Joint Tenants, of Dixon, Montana

Hereby GRANT(S) Unto

LONG FAMILY LIMITED PARTNERSHIP, a Montana Limited Partnership, of P.O. Box 30238, Billings, Montana 59107

real property situated Lake County, Montana, described as follows:

PARCEL 1:

A tract of land located in a portion of the SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows:

Beginning at the South 1/4 corner of said Section 14, T. 19 N., R. 20 W., P.M.M.; thence N. 0°07'48" W. 1321.37 feet along the West boundary of said SE $\frac{1}{4}$; thence N. 89°57'34" E. 1323.77 feet; thence S. 0°06'37" E. 1323.24 feet to the South boundary of said SE $\frac{1}{4}$; thence N. 89°57'35" W., 1323.32 feet along said South boundary to the point of beginning.

Further identified as being Tract A on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the Grantee(s), or order, the survivor thereof, and to its assigns, forever, SUBJECT TO:

- (a) All reservations and exceptions in patents from the United States or the State of Montana;
- (b) Existing rights-of-way, easements, building and use restrictions, and building and zoning ordinances and regulations;
- (c) All existing assessments and taxes for the current and subsequent years;

EXCEPT with reference to the items referred to in paragraphs (a) to (c) inclusive, this deed is given with the usual covenants as expressed in Section 30-11-110, M.C.A.

IN WITNESS WHEREOF, the Grantors herein have executed this instrument the day and year first hereinabove written.

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 3:45 O'Clock P.M. DEC 15 1998
Microfilm 395354 JODGES Recorder
Fee \$6.00 By Tibi Rieker Deput

Kenneth R. Teeple
KENNETH R. TEEPLE

Marjorie J. Teeple
MARJORIE J. TEEPLE

STATE OF MONTANA)
COUNTY OF Missoula) ss.

On this 15 day of December, 1998, before me, the undersigned, a Notary Public for the State of Montana, personally appeared KENNETH R. TEEPLE and MARJORIE J. TEEPLE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in the certificate first above written.



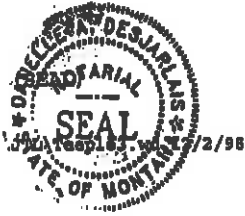
Christopher R. Leary
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 9-5-2002

Return to: Long Family Limited Partnership
P.O. Box 30238
Billings, MT 59107

395441

On this ___ day of December, 1998, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Joel T. Long, known to me to be the general partner of the limited partnership that executed the within instrument, and acknowledged to me that said partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day and year in this certificate first above written.



Danella A. Desjardins
Notary Public for the State of Montana
Residing at Billings, MT
My Commission Expires: 12-31-2001

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 2:50 Clock P.M. DEC 18 1998

Microfilm 395441 RUTH E. HODGES Recorder

Page 8 12⁰⁰ By Teri Riehe Deputy

After recording, return to:
William J. Wheeler, Sr.
4160 Old Indian Trail
Missoula, MT 59802

01- 395441
WARRANTY DEED

FOR AN ADEQUATE AND FULL CONSIDERATION IN MONEY OR MONEY'S WORTH, receipt of which is acknowledged this 10 day of December, 1998, the undersigned,

LONG FAMILY LIMITED PARTNERSHIP, a Montana Limited Partnership, of, P.O. Box 30238, Billings, MT 59107

Hereby GRANT(S) Unto

WILLIAM J. WHEELER, SR., of 4160 Old Indian Trail, Missoula, MT 59802

real property situated Lake County, Montana, described as follows:

PARCEL 1:

A tract of land located in a portion of the SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows:

Beginning at the South $\frac{1}{4}$ corner of said Section 14, T. 19 N., R. 20 W., P.M.M.; thence N. $0^{\circ}07'48''$ W. 1321.37 feet along the West boundary of said SE $\frac{1}{4}$; thence N. $89^{\circ}57'34''$ E. 1323.77 feet; thence S. $0^{\circ}06'37''$ E. 1323.24 feet to the South boundary of said SE $\frac{1}{4}$; thence N. $89^{\circ}57'35''$ W., 1323.32 feet along said South boundary to the point of beginning.

Further identified as being Tract A on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

PARCEL 2:

A tract of land located in a portion of the SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows:

Commencing at the South one-quarter of said Section 14, T. 19 N., R. 20 W., P.M.M.; thence S. $89^{\circ}57'35''$ E. 1323.32 feet along the South boundary of said Section 14 to the true point of beginning; thence N. $0^{\circ}06'37''$ W. 1323.24 feet; thence N. $0^{\circ}08'33''$ E. 328.56 feet; thence S. $89^{\circ}53'19''$ E. 1273.48 feet to the West right-of-way boundary of U.S. Highway No. 93; thence S. $0^{\circ}02'51''$ E. 1650.21 feet along said right-of-way boundary to the South boundary of said Section 14; thence N. $89^{\circ}57'35''$ W. 1273.11 feet along said South boundary to the point of beginning.

Further identified as being Tract B on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

Together with all and singular the tenements, hereditament, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the Grantee(s), or order, the survivor thereof, and to his heirs and assigns, forever, SUBJECT TO:

- (a) All reservations and exceptions in patents from the United States or the State of Montana;
- (b) Existing rights-of-way, easements, building and use restrictions, and building and zoning ordinances and regulations;
- (c) All existing assessments and taxes for the current and subsequent years;

EXCEPT with reference to the items referred to in paragraphs (a) to (c) inclusive, this deed is given with the usual covenants as expressed in Section 30-11-110, M.C.A.

IN WITNESS WHEREOF, the Grantors herein have executed this instrument the day and year first hereinabove written.

LONG FAMILY LIMITED PARTNERSHIP, a
Montana Limited Partnership

By: Joel T. Long
Joel T. Long, General Partner

460503

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 2:20 O'clock P M JUL 26 2005

Microfilm 460503 RUTH E. HODGES Recorder

Fees \$ 14.00 [Signature] Deputy

After Recording, Return To: Calvin T. Christian, Esq. Christian, Samson, Jones & Chisholm, PLLC P.O. Box 8479 Missoula, MT 59807

AFFIDAVIT OF TERMINATION OF JOINT TENANCY

STATE OF MONTANA) :ss COUNTY OF MISSOULA)

Judy Kay Wheeler, being duly sworn on oath, states and deposes as follows:

- 1. My name is Judy Kay Wheeler, and my address is 8777 Fish Hatchery Rd., St. Ignatius, MT 59865. 2. I am making this affidavit pursuant to Montana Code Annotated Sections 72-16-503 and 7-4-2613(3), to provide notice of the termination of a joint tenancy interest in the real property located in Lake County, Montana, described as follows (referred to in this affidavit as the "Property"):

Tracts of land located in a portion of the SE1/4 of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as Tracts A and B on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

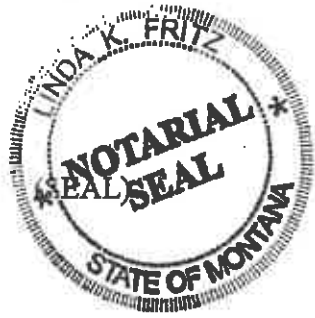
- 3. William J. Wheeler, Sr., (referred to in this affidavit as the "Decedent") and I owned the Property as joint tenants with right of survivorship. 4. On January 4, 2004, the Decedent died, and his joint tenancy interest in the property terminated. 5. As a result of the Decedent's death and the termination of the Decedent's joint tenancy interest, I now own the Property.

Under penalty of perjury I declare that I have examined this affidavit, and that to the best of my knowledge and belief it is true, correct, and complete.

[Signature] Judy Kay Wheeler

460503

Signed and sworn to before me on July 22nd, 2005, by Judy Kay Wheeler.



Notary's signature: Linda K. Fritz

Notary's name: Linda K. Fritz

Notary Public for the State of Montana

Residing at: Missoula, MT

My commission expires: 12-10-2006

432725

QUITCLAIM DEED

For Value Received

WILLIAM J. WHEELER, SR. does hereby convey, release, remise and forever quit claim unto WILLIAM J. WHEELER, SR. and JUDY KAY WHEELER, as Joint Tenants With Rights of Survivorship, the following described premises in Lake County, Montana, to-wit:

Tracts of land located in a portion of the SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as Tracts A and B on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING: Easements, reservations, conditions, restrictions, covenants, and rights-of-way apparent or of record.

Together with their appurtenances.

Dated: February 5, 2003.

William J. Wheeler Sr.
WILLIAM J. WHEELER, SR.

STATE OF MONTANA, County of LAKE

On this 5th day of February, 2003 before me, a notary public in and for said state, personally appeared William J. Wheeler, Sr., known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Yvonne K. K...
Notary Public
Residing at Polson
Commission Expires: 10-30-2003



After Recording Return to:
William and Judy Wheeler
8777 Fish Hatchery Road
St. Ignatius, MT 59965

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 1:55 O'clock P M FEB 05 2003
Microfilm 432725 RUTH E. HODGES Recorder
Fees \$ 600 By *Judy Murray* Deputy

Jex

461545

After Recording Return to:
Judy Kay Wheeler
8777 Fish Hatchery Rd.
St. Ignatius, Mt. 59865

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 4:00 O'clock P M AUG 25 2005

Microfilm 461545 [Signature] Recorder

Fees \$ 7.00 By _____ Deputy

QUITCLAIM DEED

For Value Received

JUDY KAY WHEELER of 8777 Fish Hatchery Rd. St. Ignatius, Mt. 59865, do hereby convey, release, remise and forever quit claim unto JUDY KAY WHEELER AND TERRANCE WALLESER, as Joint Tenants, with right of Survivorship, of 8777 Fish Hatchery Rd. St. Ignatius, Mt. 59865, the following described premises in Lake County, Montana, to-wit:

Tracts of land located in a portion of the SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as Tracts A and B on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING: Easements, reservations, conditions, restrictions, covenants, and rights-of-way apparent or of record.

Together with their appurtenances.

Dated: August 25, 2005

[Signature]
Judy Kay Wheeler

STATE OF MONTANA)
 SS:
COUNTY OF LAKE)

On this 25th day of August 2005

before me, a notary public in and for said state, personally appeared Judy Kay Wheeler, known to me to be the persons whose name subscribed to the within instrument, and acknowledged to me that they executed the

same

[Signature]
Jolene S. Reum

Notary Public for the State of Montana
Residing at Patson, MT
Commission Expires: 3-18-08



60

495482

After recording return to:

Jim Toste

71673 US Hwy 93
St. Ignatius MT
59865

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 4:27 O'clock P. M. FEB - 4 2009

Microfilm 495482 RUTH E. HODGES Recorder

Fees \$ 1400 By Judy Muniz Deputy

285448

WARRANTY DEED

THIS INDENTURE Is made the 4th day of February, 2009, by and between, JUDY KAY WHEELER and TERRANCE WALLESER, 55768 Fish Hatchery Rd., St. Ignatius, MT 59865, Grantors, and JIM TOSTE, 71673 U. S. Hwy. 93, St. Ignatius, MT 59865, Grantee.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America to Grantors in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to Grantee's heirs, successors and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Montana, and particularly described as follows:

A tract of land located in and being a portion of the SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, being further described as Tract A on Subdivision Plat No. 124, a subdivision plat on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

TOGETHER WITH AND SUBJECT TO Easements, reservations, and rights of way, apparent or of record including Easement recorded September 1, 1972 as Instrument No. 205435; Provisions contained in that Certificate, executed by the State of Montana, Department of Health and Environmental Services recorded December 23, 1997, as Instrument No. 386875 and J-6589; All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Subdivision Plat No. 124, recorded December 23, 1997 as Instrument No. 386876; Covenants, Conditions and Restrictions recorded as Instrument No. 386877 on December 23, 1997;

495482

Terms, provisions, and conditions in Resolution No. 28, recorded October 7, 1999 as Instrument No. 403237, records of Lake County, Montana.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantors of, in or to the said premises, and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, and to Grantee's heirs, successors and assigns.

And the said Grantors and Grantors' heirs, successors and assigns, do hereby covenant that they will forever WARRANT AND DEFEND all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantee, and to Grantee's heirs, successors and assigns against the acts and deeds of the said Grantors and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

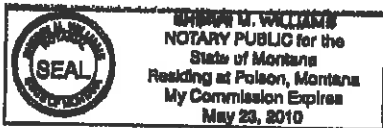
Judy Kay Wheeler
JUDY KAY WHEELER

Terrance Walleser
TERRANCE WALLESER

STATE OF MONTANA)
 : SS.
County of Lake)

On this 4th day of February, 2009, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared JUDY KAY WHEELER and TERRANCE WALLESER, known to me to be the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this certificate first above written.



Sherri M. Williams
Notary Public for the State of Montana
Printed Name of Notary Sherri M. Williams
Residing at: Polson
My commission expires: 5-23-2010

STATE OF MONTANA LAKE COUNTY

RECORDED: 06/20/2018 4:02 KOI: DEED

PAULA A HOLLE CLERK AND RECORDER

FEE: \$14.00

BY: U. Ranch R. Rec. Dep.

TO:

After recording return to:

Sean W. Reffner
7560 State Hwy 193
Georgetown, CA 95634

675908-PO

WARRANTY DEED

THIS INDENTURE Is made the 20th day of June 2018, by and between, JIM TOSTE, 55769 Fish Hatchery Rd, St. Ignatius, MT 59865, Grantor, and SEAN W. REFFNER, 7560 State Hwy 193, Georgetown, CA 95634, Grantee.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America to Grantor in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to Grantee's heirs, successors and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Montana, and particularly described as follows:

A tract of land located in and being a portion of the SE $\frac{1}{4}$ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, being further described as Tract A on Subdivision Plat No. 124, a subdivision plat on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH Covenants, Conditions, Restrictions, Provisions, Easements, Reservations, Encumbrances and Matters apparent or of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of

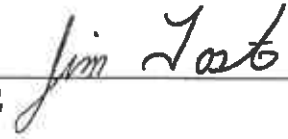
homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, and to Grantee's heirs, successors and assigns.

And the said Grantor and Grantor's heirs, successors and assigns, hereby covenant that Grantor will forever **WARRANT AND DEFEND** all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantee, and to Grantee's heirs, successors and assigns against the acts and deeds of the said Grantor and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

JIM TOSTE



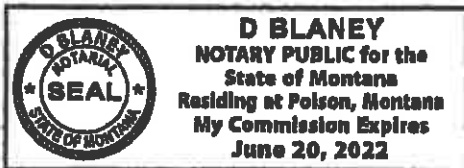
STATE OF MONTANA)

: SS.

County of Lake)

On this 20th day of June 2018, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared **JIM TOSTE**, known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this certificate first above written.


Notary Public for the State of Montana

Printed Name of Notary

Residing at:

My commission expires:

Return to:
Sean W. Reffner
55768 Fish Hatchery Road
St Ignatius, MT 59865

QUITCLAIM DEED

For Value Received Sean W. Reffner of 55768 Fish Hatchery Road, St. Ignatius, MT 59865, does hereby convey, release, remise and forever quit claim unto Sean W. Reffner and Stephanie R. Reffner, as Joint Tenants with Right of Survivorship, of 55768 Fish Hatchery Road, St. Ignatius, MT 59865, the following described premises in Lake County, Montana, to-wit:

A tract of land located in and being a portion of the SE¼ of Section 14, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, being further described as Tract A on Subdivision Plat No. 124, on file in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING: Easements, reservations, conditions, restrictions, covenants, and rights-of-way apparent or of record.

Together with their appurtenances.

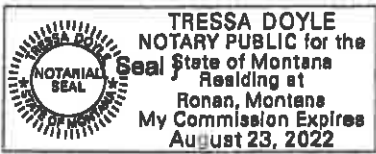
Dated: 16th April, 2020.

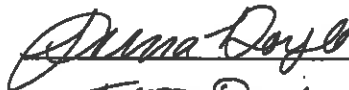

Sean W. Reffner

STATE of Montana)
County of Lake) ss

On this 16th day of April, 2020 before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Sean W. Reffner known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Notarial Seal the day and year first above written.





Tressa Doyle
Printed Name of Notary

WC-0001-C-2021

November 28, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

FERGUSON TONY
LAST NAME FIRST NAME MID. INITIAL
1655 BLUE SLIDE RD
STREET ADDRESS OR PO BOX
THOMPSON FALLS MT 59823
CITY STATE ZIP CODE
(406) 627-1843
PHONE NUMBER
FERGUSON 4203 @ GMAIL.COM
E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

SEE ATTACHED

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30066629
(One Number Per Form)

Page number in Decree: _____
Source: MT. DWR WEB SITE

DATED this 25 day of NOVEMBER, 2022.

Tony Ferguson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Tony Ferguson, declare under penalty of perjury, that on the 25 day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cstkt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

11/25/2022

To whom it may concern:

Our water rights are a concern to my wife and I, therefore I must object to the implementation of the Montana Water Rights Act (Daines Bill s.3019) and CSKT Montana Compact. I have read both documents and find several things concerning. Please see attached sheets.

Our home is located at 1655 Blue Slide Road in Thompson Falls, which is lot #2 of Ponderosa Springs Subdivision. We bought our property in 2016 with the water rights being transferred as part of the sale. It has always been a understanding that these rights always go with the property. Please see attached Abstract #76N 30066629. Our water is used for domestic, lawn and garden and fire protection. After experiencing the Thorne Creek Fire, which was stopped only 600 yards from our home, I learned the value of a good well.

I object to parts of the compact that determines the tribes water rights and administration. The Hellgate Treaty of 1855 does not address "tribal water rights" as we know it, but does allow for the harvesting of fish. Which is no cause for the co-ownership with Montana Fish & Game. All tribal claims with time immemorial priority date have no foundational basis in the law, or the Hellgate Treaty of 1855.

The compact makes it easy for CSKT to say that my water rights take away from their water rights. How does that fit with the Montana Constitution and the Daines Bill which "protects access to water for all Montanans"? The taking of our rights to access water from the State of Montana and giving the discretionary administration to a private party (CSKT) is wrong! We have Constitutional rights to the water under our property.

Why have the public only been made aware of this pending theft at the eleventh hour? I must say reading both documents raises more questions and doubts then it answers. We are of the 300 thousand plus who had not received a letter, which is a cause for alarm. What are they afraid of, or trying to cover up?

Please review my points of objections.

Respectfully,

Tony Ferguson

1655 Blue Slide Road

Thompson Falls, Mt. 59873

- Who authorized S.3019 (MWRPA) was it a "Stand Alone" bill and did it have public input and hearings? Why was it submitted, hidden in a appropriations bill? Was it because it could not stand on it's own merret?

- What are the Amendments to the "Daines Bill" S.3019 and how do they effect my water rights? Is the Daines Bill contrary to the Montana Compact?

- Who drafted the "Montana Compact", was there public knowledge and input to this compact with public hearings? Who represented the citizens of the State of Montana during "negotitations"? It appears very much like a "closed door only the need to know" policy was in effect. Does this compact follow State and Federal Law? I don't think so. The compact is only a "contract" between people , not a law.

- Why was it necessary to add CSKT as "co-owner" to wetlands, fish and wildlife purposes? Management of our fisheries and wildlife is the responsibilty of Montana FWS. The Hellgate Treaty of 1855 Article 3 gave the tribe "The right of TAKING fish.." which means harvesting fish for food, NOT management of our fisheries or the right to water. Especially outside the newly formed reservation. This simply is overreach of the CSKT, which by the Kerr Dam agreement shows that the CSKT will not abide by nor commit to any agreement and will go back on their word by not acting in good faith. Why the "time immoral" clause? This is immoral, I don't have "time immoral" to my water rights why should they?

- In the Montana Compact, section G. Call Protection, Tribal Water Rights have been Relinquished. Article 1, Treaty of Hellgate states "The said confederated tribes of Indians hereby CEDE,RELINQUISH, AND CONVEY ALL THEIR RIGHT, TITLE AND INTEREST bounded by the boarder of the Hellgate Treaty. SO, have the 12-14 thousand calls for water rights filed by CSKT in the last few years been abandoned also? Has the Water Court acted upon these calls? The Hellgate Treaty of 1855 never mentions or addresses water or water rights being held by the Tribe. Simply put, THEY HAVE NONE.

- Per The Montana Constitution Article IX Section 3, "All surface, underground, flood, and atmospheric waters...are the property of the state for the use of IT'S people. It must be shared by ALL people. Not one group over the other, which the CSKT are trying to do by claming water rights in land they GAVE UP per the Hellgate Treaty of 1855.

- The Montana DNRC only sent out 68,000 letters to water right holders, when in fact over 300,000 water right holders may be affected by CSKT claims. Why was I not one to get a notication letter, but had to search on-line to obtain one. Could it be collusion on their part to supress the objection process?

- Why is it that objections must be directed to Appendix 38 (2015 Compact) and not the Daines Bill or the Montana Compact?

- Why is the 1.9 Billion dollar damage report not made public? It's our tax dollars which will be paying for this. Maybe it's quid pro quo. We need to know where this money is going.

- Will we the people of Montana get to see the list of public land traded and have input? Will the exchange be based on assessed dollar value or acre per acre? Lake front property has a much higher value than some tract of land in the middle of nowhere.

- Why is the Water Board members favoring the CSKT with two members "affiliated" with the tribe, sounds like someone stacked the deck in favor of the CSKT. Can these two be unbiased as one is on the payroll at the CSKT college and the other is married to a tribal member. Colusion at it's best. No non-tribal person within the tribal boundary will get a fair hearing. Clayton Matt and Theresa Wall-MacDonald (wife of current tribal chairman) are both basically life long employees of the CSKT.

- The Reservation Of Rights And Rentention Of Claims under the Daines Bill (s.3019) allows the CSKT to enforce the following Acts: The Comprehensive Enviromental Responce, Compensation, and Liability Act of 1980 (including damages to natural resources) **Safe Drinking Water Act(42 U.S.C.300st seq.)**The Federal Water Pollution Control Act (Clean Water Act). With the CSKT being a "co-owner" with The Montana Fish & Wildlife and having multiple "fisheries" water rights, can "back door" mine and anyone else's water rights by means of these Acts. If for any reason they deem it necessary they can demand additional CFS of water be sent down stream for fish habitate. How can they do this? By reducing the amount of water we can pull from our wells because our water rights are now junior to theirs if this is put into effect. Again per the Kerr Dam agreement the CSKT did not act in good faith and can not be trusted. Simply put they want (and are) in control of water in a hugh drainage area. What happened to "Protect access to water for ALL Montanans"? That was a fraud to con us into thinking we were being protected under this Bill.

76LJ 30066629



Legend

- Parcels
- Township & Range
- Section

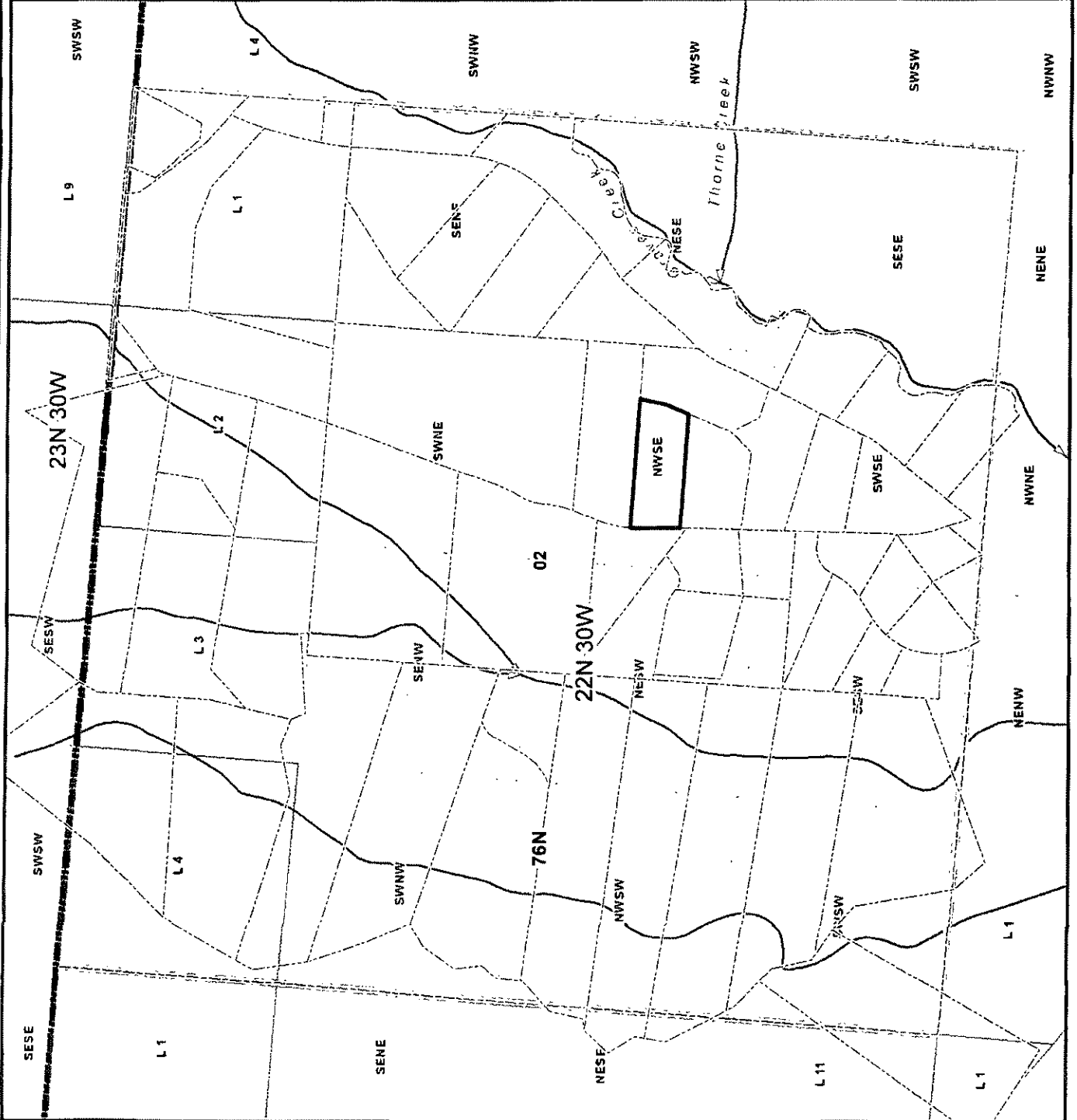
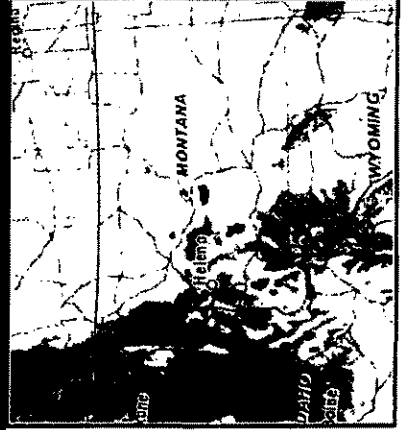


WORK COPY

0 0.0350 0.07 Miles



Location Map



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 30066629 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
CYNTHIA L FERGUSON
1655 BLUE SLIDE RD
THOMPSON FALLS, MT 59873-9476

TONY E FERGUSON
1655 BLUE SLIDE RD
THOMPSON FALLS, MT 59873-9476

Priority Date: JUNE 24, 2013 at 04:35 P.M.
Enforceable Priority Date: JUNE 24, 2013 at 04:35 P.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: 18.00 GPM

Maximum Volume: 1.63 AC-FT

Maximum Acres: 0.25

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point 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		NWSE	2	22N	30W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: WELL
Subdivision: PONDEROSA SPRINGS SUBD TRACT/LOT: 2
Well Depth: 180.00 FEET
Static Water Level: 154.00 FEET
Casing Diameter: 6.00 INCHES
Flowing: NO
Pump Size: 1.50 HP
Well Location: 1655 BLUE SLIDE RD

Purpose (Use): DOMESTIC
Households: 1
Volume: 1.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			NWSE	2	22N	30W	SANDERS

Subdivision: PONDEROSA SPRINGS SUBD TRACT/LOT 2

Purpose (Use): LAWN AND GARDEN
Volume: 0.63 AC-FT
Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<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	0.25		NWSE	2	22N	30W	SANDERS

Subdivision: PONDEROSA SPRINGS SUBD TRACT/LOT 2

Total: 0.25

Geocodes/Valid: 35-3217-02-4-01-73-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 144062 RECEIVED 06/27/2016.

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Allen Vivian
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 190278
STREET ADDRESS OR PO BOX
Hungry Horse, MT 59919
CITY STATE ZIP CODE
(406) 885-7762
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I attach and incorporate here with my 6-page objection dated 20 Nov 2022, and the abstracts for the water right objected to.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 30063812
(One Number Per Form)

Page number in Decree: 26 and 63
Source: Flathead River
Flathead River, South Fork

DATED this 20th day of November, 2022.

Vivian Allen
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Vivian Allen, declare under penalty of perjury, that on the 21st day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Sayc@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

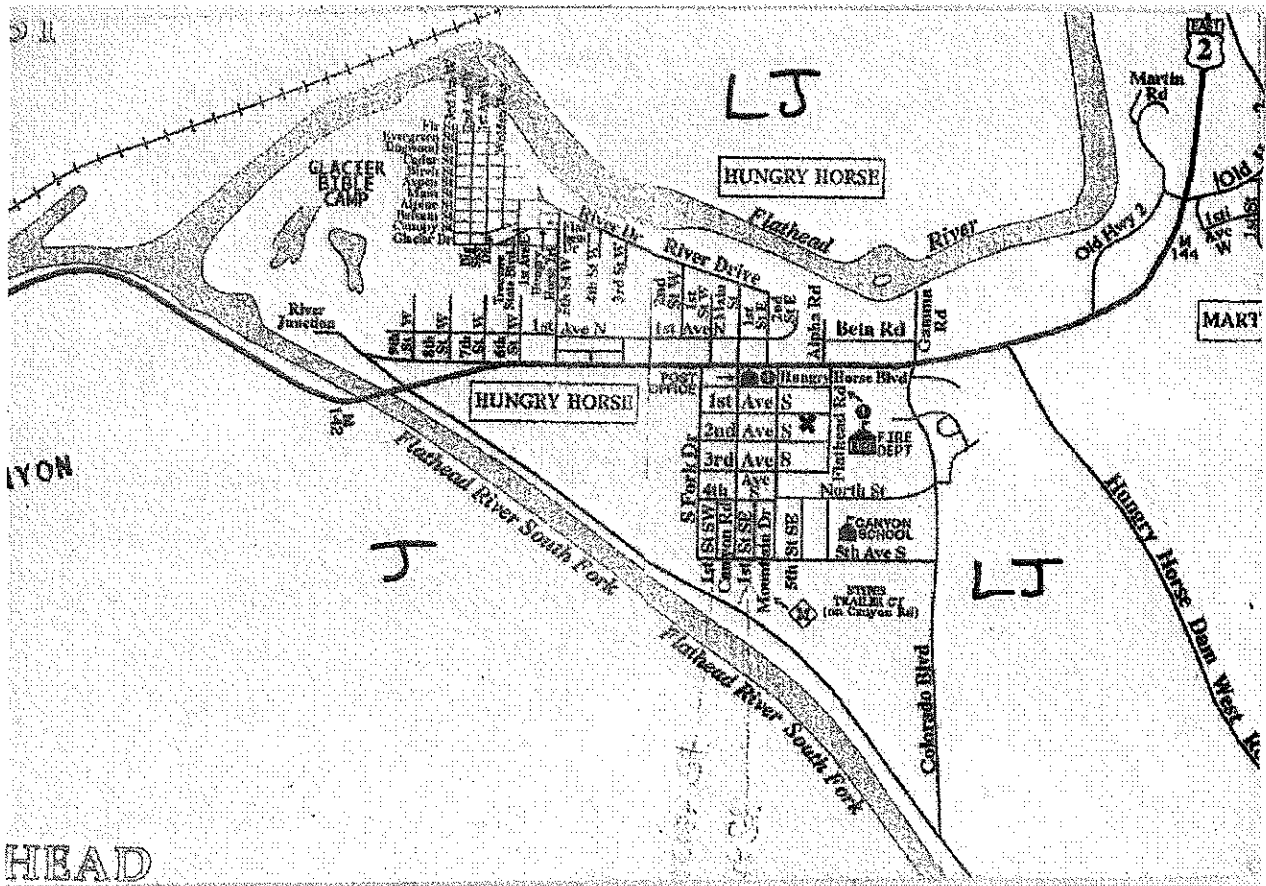
Objections herewith attached and incorporated into the Notice of Objection and Request for Hearing, submitted by Vivian Allen, 20 November 2022

The Honorable Court:

For good cause and in good faith I am objecting, because as far as I can tell, the Decree/Appendix 38 does not address the following questions of vital interest and equity to myself as a well owner and as a Montana citizen, in regard to both Confederated Salish and Kootenai Tribes (CSKT) water rights and/or their administration.

My right and property interest and use are adversely affected and materially harmed by the lack of clarity and equity in matters affecting me in the Compact/Act, as well as numerous apparent mistakes of Fact and Law. The honorable Court has jurisdiction over the above matters in order to adjudicate in fairness and equity on my behalf and that of all Montana citizens affected; and, per page 5 of the Findings of Fact, Conclusions of Law and Order for the Commencement of Special Proceedings, may also for good cause disapprove the Compact/Act.

I am a water rights holder in Basin LJ, containing the Mainstem/Middle Fork of the Flathead River, and also just a stone's throw from Basin J, containing the South Fork of the Flathead River. Both of these rivers supply the aquifers underneath Hungry Horse, where my well (water right number 76LJ 30122779) is located ("X").



I therefore object to the ownership rights (USA Dept of Interior Bureau of Indian Affairs in trust for Confederated Salish & Kootenai Tribes of Montana held ONLY for the CSKT and not other non-Tribal citizens), of both these rivers as delineated in the Preliminary Decree, and with that, and separately from that, I also object to any and all other elements of the Water Right Number #30063812 (Decree Pages 26 and 63, Sources: Flathead River and Flathead River, South Fork) listed on Page 1 of this Objection form, in which ownership in trust for the Tribes may adversely affect my water right and property interest and use. I further reserve the right to objection to other matters which I may not yet be aware of owing in large part to the publicly unknown but obliquely stated modifications, inconsistencies, and/or potential amendments of the Flathead Compact referred to in the MRWPA.

QUESTIONS:

- 1) The Preliminary Decree, Page 36, states “and nothing in this Decree is intended to modify, alter, or amend the terms and provisions of the Compact, and Page 35 states “the water rights of the Tribes confirmed in this Decree are subject to all conditions upon use and administration set forth in the Compact”. Does the word “Compact” in these two quotes refer to the Montana Water Rights Protection Act referenced on Page 1 of the Decree where it states “United States Congress approved the Compact in 2020 and the Tribes ratified the Compact in 2020”, and is this the same Compact referenced on Page 4 of Case No. WC-0001-C-2021 FLATHEAD COMPACT TRIBAL WATER RIGHTS SUMMARY provided by this Court as part of the NOTICE OF ENTRY OF CSKT OF THE FLATHEAD RESERVATION-STATE OF MONTANA-UNITED STATES COMPACT PRELIMINARY DECREE NOTICE OF AVAILABILITY, which begins AS A WATER USER YOU MUST READ ALL OF THIS NOTICE, which states “the Compact terms shall be binding on the State, the Tribes, the United States, and any Person using, claiming, or in any manner asserting any right under the authority of these three sovereigns, and in except as provided in the federal act” (emphases added). Is the “Compact” the Federal Act?
- 2) Section 5, (4) of the MWRPA (federal Act) states, “CONFLICT. —In the event of a conflict between the Law of Administration and this Act, the provisions of this [federal] Act shall control.” MWRPA states in SEC. 4. RATIFICATION OF COMPACT (2) AMENDMENTS. —Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that the amendment is executed to ensure that the Compact is consistent with this [federal] Act, and in SEC.2. PURPOSES (2) to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this [federal] Act. What are the inconsistencies and conflicts between the CSKT Compact and the federal Act, and what are the amendments that may be offered? Could these cause material harm to myself and the public in the areas of water rights and administration? How is there due process and a fair and equitable right for the public to object to an unknown?
- 3) The Compact/Act mentions a CSKT Damages Report (“Damages of the Confederated Salish and Kootenai Tribes Due to Actions By the United States”, volume I (March 2011), volume II

(March 2011), volume III (October 2011), and the final supplement and economic valuation (February 2016), which is on file at the Department of Justice). Has the Department of Justice released these to the public of Montana? What are these damages? How did they occur? Where did they occur? When did they occur? What is the damage amount for each?

- 4) Are these matters in items 1-3 above a violation of the Montana citizen's constitutional right to know and participate knowledgeably in public process?
- 5) Is the Compact/Act rendered null and void for due process and public's right to know and right to participate knowledgeably as found in the Montana Constitution and further elaborated on in the Montana Code Annotated Public Meeting Law and AG Opinions, owing to the publicly unknown but obliquely stated modifications of the Flathead compact referred to in the MRWPA, affecting all citizens of Montana (including myself), tribal and non-tribal alike?
- 6) Did the Hellgate Treaty of 16 June 1855 give the CSKT any water rights?
- 7) Did the CSKT in that treaty forever "cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows..." (Article I) and "pledge themselves to commit no depredations upon the property of such citizens [of the United States]" (Article VIII)?
- 8) Would that include a time immemorial water right ownership for off-reservation purposes of their fishing, hunting, and gathering?
- 9) If so, how do the above matters affect the Compact/Act?
- 10) Did that Treaty also provide "the right of taking fish....in common with citizens of the Territory" (inclusive of the Flathead River and the South Fork now containing Hungry Horse Reservoir nearby me), and would that not also provide me and other citizens of Montana equity in rights to control the fisheries and qualities and quantities and locations of waters appropriated for fishing purposes as are provided the Tribes in the Compact/Act?
- 11) Does the October 17, 1855 Treaty of Peace and Friendship, signed by nine tribes only ten weeks after the Hellgate Treaty provide "that the navigation of all lakes and streams shall be forever free to citizens of the United States" (Article 8)?
- 12) If so, is this a two-way street, not just for the CSKT, but for the rest of us? All lakes and streams? If the compact gives the CSKT the right to make calls on water for quantity and quality, does this materially harm the Treaty guarantee of non-tribal citizens' right to float and navigate lakes and streams? Should we not through the trusteeship of Montana and the US also have the same rights and issue of ownership? Is not this in-common right of the citizens just as "aboriginal" as that of the CSKT?
- 13) Nine years prior to the 1855 Hellgate Treaty, the Treaty of June 1st, 1846 (resulting in the 49th parallel boundary line between the United States and Canada), made the entire Columbia River system navigable for citizens of the United States. Does this apply to other citizens and myself in Basins L and J regardless of CSKT water appropriations, call,

or unknown water quality issues (e.g. temperature or turbidity issues) they may purport in those basins?

- 14) Was the intent of the Winters Doctrine that the CSKT (among other tribes) do have a right to all the water they need at any point in time for historic and historic traditional beneficial on-reservation uses (the same as any water right holder in Montana), and that any additional water they may want or need from off reservation must go through the identical State request processes and rules that every State citizen is subject to?
- 15) Do the CSKT have abundant on-reservation water for all their historic and historic traditional beneficial use in their high mountain lakes, the FHIP, their groundwater wells, streams and other surface water? Does this not more than meet the intent of the Winters Doctrine, that they, like off-reservation citizens should be fairly and equitably treated by the State?
- 16) Would giving them right to anything more be prejudicial and inequitable to other State citizens, and an unfair advantage by codifying different standard of standing and/or class?
- 17) Would this reduce one class of citizens' rights or cause them to be nullified by another equal class? Would this violate any State or Federal law?
- 18) Do the issues in items 8-11 above in any way constitute or are any of them the product of fraud, overreach, or collusion between the compacting parties and are they further abandoning the "in-common citizens" (including myself) and their equal and in-common water rights?
- 19) Does Water Right #30063812 ownership "in trust", only for CSKT, and not non CSKT Montana or US citizens, commit a depredation and taking of water rights without just compensation of the "in common citizens" (including myself) of the United States.
- 20) Is it changing the law of administration by changing the place in line for all the rest of non-CSKT Montana, making all of our water in these areas affected subject to call? If people downstream get their water called because of this change of place in line, is their only choice to call the people upstream with a later priority date, because shutting junior users off (including those groundwater well owners who do not irrigate and with wells of less than 100 gpm) turns the senior users back on so they have enough water? Does this turn the public into an enforcement tool of the CSKT or State or US Government?
- 21) My well (aerial photo next page, left end of line in photo) is located approximately 200' from one of the Hungry Horse Water District wells (right end of line in photo next page), which has a later priority date than my well. If under drought scenario, worsened by CSKT's new in-trust ownership to water in my basin, the town well water usage has a negative adverse effect on my well, would I be forced to call the town well's supply in order to have access to my water right? Is this fair and equitable to myself and the whole town?

My well

HH well



- 22) Does the 90,000 AF in Hungry Horse Reservoir for which the Compact/Act gives ownership in trust consist of the top layer of water in the Reservoir, or consist of any 90,000 AF of water flushed through the dam, or consist of both?
- 23) If the Compact/Act permits the top layer in the Reservoir to be owned in trust by the CSKT, will all non-tribal citizens of Montana and the US (including myself) be allowed to use that top layer of water to fish, navigate, etc., without being required to make payment to or acquire a permit from the CSKT?
- 24) Would this scenario also apply to any water of that 90,000 AF downstream or to any of the in-common "all lakes and streams" in the Treaty of Peace and Friendship of October 17, 1855?
- 25) Will the 90,000 AF being given to the CSKT from Hungry Horse Reservoir be able to be leased by CSKT all the way to the Pacific Ocean and have priority over other State water rights and administration (Article IX, Section 3, Montana Constitution), such that there is no equity of income from the use of Hungry Horse Reservoir for the benefit of all Montana citizens (including myself)?
- 26) Under the Compact/Act could the CSKT put a call on me through the above, similar scenarios, or water quality issues (not defined by the Compact/Act) and then lease or sell that water back to me?
- 27) Does the Compact/Act protect not only my existing use of my water right, but my lawful future needs and uses for it as well, or could this, due to unspecified amendments or other inconsistencies, in any way be hindered or obstructed by a Tribal Council or any other body acting on their behalf or in common with them such as the Montana DNRC, Montana FWP, or United States DOJ, etc.?
- 28) Would this give non-CSKT citizens less effective standing in disputes of prioritization of future needs and changes in use than tribals?
- 29) Was the payment made by the US to the CSKT (Docket 61) "CSKT Indian Title or Aboriginal Title Claim" which stated, "The judgment shall finally dispose of all claims or demands which petitioner [CSKT] has asserted or could have asserted in his case against defendant [US], and petitioner [CSKT] shall be barred from asserting all such claims or

demands in any future action", and Tribal Resolution, 1977, in which the Tribal Council unanimously voted to accept and approve that settlement, a final settlement for off-reservation ceded lands, precluding such Compacts/Acts as that now before the Court?

30) Do or could any or all of the above questions and matters constitute material injury to myself and other citizens, of Montana and should the level of inquiry employed by the Court into the basis and administration of the reserved CKST water rights be commensurate with the injury?

I object to whatever the changes in the Tribal water rights and process of administration of those are because I am entitled to a fair process, and there are too many questions unanswered, whose answers could dramatically and adversely affect me and even a whole class of Montanans.

Thank you for reviewing this and representing all the people of Montana, CSKT and non-CSKT, in this as you adjudicate issues. I am not an attorney and have done the best I can to express my concerns, and I know I have lost track of a few of them. Thank you for your time.

Respectfully submitted,



Vivian Allen
P. O. Box 190278
Hungry Horse
MT 59919
(406) 885-7762

Category: FLATHEADSYSTEMCOMPACTWR

**PRELIMINARY DECREE
CONFEDERATED SALISH AND KOOTENAI-MONTANA COMPACT**

****** THIS IS AN INTERBASIN TRANSFER ******

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SOUTH FORK OF THE FLATHEAD RIVER, THE FLATHEAD RIVER ABOVE FLATHEAD LAKE, FLATHEAD LAKE, AND THE FLATHEAD RIVER BELOW FLATHEAD LAKE IN BASINS 76J, 76L, AND 76LJ.

Water Right Number: 76LJ 30063812 COMPACT
Version: 1 – ORIGINAL RIGHT
Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Type of Historical Right: RESERVED

Purpose (use): ANY PURPOSE

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume: 229,383.00 AC-FT

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

2						FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

**** THIS IS AN INTERBASIN TRANSFER ****

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SOUTH FORK OF THE FLATHEAD RIVER, THE FLATHEAD RIVER ABOVE FLATHEAD LAKE, FLATHEAD LAKE, AND THE FLATHEAD RIVER BELOW FLATHEAD LAKE IN BASINS 76J, 76L, AND 76LJ.

Water Right Number: 76LJ 30063812 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI
TRIBES
OF MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): ANY PURPOSE

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume: 229,383.00 AC-FT

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1							LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

2

FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

3

SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

4

LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5						FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Diversion Means: ANY MEANS
Diversion Type: PRIMARY

6						FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: FLATHEAD RIVER, SOUTH FORK
Diversion Means: ANY MEANS
Diversion Type: PRIMARY

ANY POINT OF DIVERSION FROM FLATHEAD LAKE, THE FLATHEAD RIVER, OR THE SOUTH FORK OF THE FLATHEAD RIVER, EITHER ON OR OFF OF THE FLATHEAD INDIAN RESERVATION.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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>
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ANY PLACE OF USE WITHIN FLATHEAD AND CLARK FORK RIVER BASINS WITHIN MONTANA.

Remarks:

THE MAXIMUM ANNUAL VOLUME DIVERTED (229,383 ACRE-FEET) SHALL BE SUCH THAT IT IS LIMITED TO A MAXIMUM ANNUAL CONSUMED VOLUME OF 128,158 ACRE-FEET.

SEE 76LJ 30063812 MAP EXHIBIT(S) 1.

THE RELEASE OF UP TO 90,000 ACRE-FEET PER YEAR, AS MEASURED AT THE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR SHALL BE LIMITED IN ACCORDANCE WITH THE "BIOLOGICAL IMPACT EVALUATION AND OPERATIONAL CONSTRAINTS FOR A PROPOSED 90,000 ACRE-FOOT WITHDRAWAL" (STATE OF MONTANA, SEPTEMBER 14, 2011) APPENDED TO THIS WATER RIGHT. THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA UPON MUTUAL WRITTEN AGREEMENT, AND IN CONFORMANCE WITH OTHER APPLICABLE PROVISIONS OF LAW INCLUDING BUT NOT LIMITED TO THE ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. 1531, ET SEQ., MAY AMEND THE BIOLOGICAL IMPACT EVALUATION CONSTRAINTS IDENTIFIED IN THE SEPTEMBER 14, 2011 REPORT. SUCH AMENDMENTS SHALL BE CHRONICLED AND APPENDED TO THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

ANY NEW DEVELOPMENT OF THIS WATER RIGHT OFF THE FLATHEAD INDIAN RESERVATION SHALL BE TREATED AS A CHANGE IN USE PURSUANT TO 85-2-302, 307-310 AND 314, MCA. PRIOR TO DEVELOPING THIS WATER RIGHT FOR BENEFICIAL USE OFF THE FLATHEAD INDIAN RESERVATION, THE USER MUST COMPLY WITH THE PROVISIONS OF SUBSECTIONS (1)-(3) AND (8)-(17) OF 85-2-402, MCA, AS THOSE PROVISIONS READ ON DECEMBER 31, 2012.

ANY NEW DEVELOPMENT OF THIS WATER RIGHT ON THE FLATHEAD INDIAN RESERVATION MAY ONLY PROCEED UPON THE ISSUANCE OF AN APPROPRIATION RIGHT FOR THE NEW DEVELOPMENT BY THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD PURSUANT TO THE LAW OF ADMINISTRATION.

THE EXERCISE OF THIS WATER RIGHT SHALL ALSO CONFORM WITH THE FLATHEAD LAKE FILLING CRITERIA IDENTIFIED ON PAGE 12 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT SHALL CONFORM WITH THE MINIMUM INSTREAM FLOW SCHEDULES, AS MEASURED AT THE USGS GAGING STATION ON THE FLATHEAD RIVER AT COLUMBIA FALLS (12363000) AND THE USGS GAGING STATION ON THE FLATHEAD RIVER AT POLSON (12372000) AS IDENTIFIED IN TABLES 3 THROUGH 6 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT, AS WELL AS THE MINIMUM FLOW REQUIREMENTS SET FORTH IN TABLE 5 AS MEASURED AT THE USGS GAGING STATION ON THE FLATHEAD RIVER AT PERMA (123887000). THE EXERCISE OF THIS WATER RIGHT SHALL ALSO CONFORM TO THE RAMPING RATES, AS MEASURED BELOW KERR AND HUNGRY HORSE DAMS, AND IDENTIFIED IN TABLES 3 THROUGH 6 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT. IN THE EVENT THAT THE MINIMUM INSTREAM FLOW SCHEDULES OR RAMPING RATES ARE NOT MET, THE USE OF THIS WATER RIGHT SHALL BE SUSPENDED UNTIL SUCH TIME AS THOSE MINIMUM INSTREAM FLOW SCHEDULES AND RAMPING RATES ARE ACHIEVED. THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, UPON MUTUAL WRITTEN AGREEMENT, AND IN CONFORMANCE WITH APPLICABLE ENDANGERED SPECIES ACT AND FEDERAL ENERGY REGULATORY COMMISSION LICENSING REQUIREMENTS FOR THE THREE PREVIOUSLY IDENTIFIED SITES, MAY AMEND THE LIMITATIONS FOR RELEASES FROM HUNGRY HORSE RESERVOIR THAT ARE REQUIRED TO CONFORM WITH MINIMUM INSTREAM FLOW AND RAMPING RATE SCHEDULES AT THESE SITES. SUCH AMENDMENTS SHALL BE CHRONICLED AND APPENDED TO THIS WATER RIGHT.

THIS WATER RIGHT SHALL BE USED IN A MANNER THAT ENSURES IMPACTS ASSOCIATED WITH THE EXERCISE OF THIS WATER RIGHT ARE SUCH THAT THOSE IMPACTS ARE NO GREATER THAN THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT. IN THE EVENT THAT THE IMPACTS EXCEED THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY, THE USE OF THE WATER RIGHT SHALL BE REDUCED IN SUCH AMOUNTS AS ARE NECESSARY TO IMMEDIATELY ACHIEVE IMPACTS THAT ARE NO GREATER THAN THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY.

THE TRIBES OR ANY PERSON USING DIVERSION OR TRANSPORTATION FACILITIES LOCATED OFF THE FLATHEAD INDIAN RESERVATION IN CONNECTION WITH A USE OF THIS WATER RIGHT, SHALL APPLY FOR AND OBTAIN ALL PERMITS, CERTIFICATES, VARIANCES AND OTHER AUTHORIZATIONS REQUIRED BY STATE LAWS REGULATING, CONDITIONING OR PERMITTING THE SITING, CONSTRUCTION, OPERATION, ALTERATION OR USE OF ANY EQUIPMENT, DEVICE, FACILITY OR ASSOCIATED FACILITY PROPOSED TO USE OR TRANSPORT WATER, PRIOR TO EXERCISING A USE OF THIS WATER RIGHT OFF THE RESERVATION.

THE TRIBES SHALL MAKE AVAILABLE FOR LEASE OFF THE RESERVATION 11,000 ACRE-FEET OF THIS WATER RIGHT FROM WATER STORED IN HUNGRY HORSE RESERVOIR, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN ARTICLE IV.B.7 OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES MAY LEASE ANY PORTION OF THIS WATER RIGHT FOR USE ON OR OFF THE FLATHEAD INDIAN RESERVATION PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN ARTICLE IV.B.6.C OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

AS INCREMENTAL PORTIONS OF THIS WATER RIGHT ARE USED, BOTH DIVERTED AND CONSUMED MONTHLY VOLUMES AS WELL AS MAXIMUM FLOW RATES SHALL BE ACCOUNTED FOR IN THE DNRC WATER RIGHTS DATABASE RECORD FOR 76L 30063812. THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD IS RESPONSIBLE FOR ENTERING INCREMENTAL USES OF THIS WATER RIGHT WHOSE PLACES OF USE ARE LOCATED ON THE FLATHEAD INDIAN RESERVATION; THE DNRC IS RESPONSIBLE FOR ENTERING INCREMENTAL USES OF THIS WATER RIGHT WHOSE PLACES OF USE ARE LOCATED OFF THE FLATHEAD INDIAN RESERVATION. RECORD UPDATES SHALL OCCUR IN A TIMELY MANNER UPON APPROVING USES ASSOCIATED WITH THIS WATER RIGHT.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES MAY USE ANY AMOUNT OF THE 90,000 ACRE-FEET PER YEAR, AS MEASURED AT THE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR THAT IS NOT NECESSARY TO BE RELEASED TO MITIGATE DOWNSTREAM DEPLETIONS IMPACTS ASSOCIATED WITH THE EXERCISE OF THIS DIRECT FLOW RIGHT, FOR ANY BENEFICIAL PURPOSE, SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, INCLUDING THE TOTAL DIVERSION AND DEPLETIONS VOLUMES OF THIS WATER RIGHT.

AS PART OF THIS WATER RIGHT, THE TRIBES SHALL BE ENTITLED TO AN ALLOCATION OF 90,000 ACRE-FEET PER YEAR, AS MEASURED AT THE HUNGRY HORSE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

WC-0001-C-2021

November 28, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Garrison Joseph C
LAST NAME FIRST NAME MID. INITIAL
PO Box 911
STREET ADDRESS OR PO BOX
Thompson Falls MT 59873
CITY STATE ZIP CODE
(406) eileenmgarrison@
PHONE NUMBER E-MAIL gmail.com

2. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

Objecting to all highlighted sections on the general abstract attached.

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76 N 23439-00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of Nov, 2022.

Joseph C Garrison
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Joseph C. Garrison, declare under penalty of perjury, that on the 18 day of Nov, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@eskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 23439-00 GROUND WATER CERTIFICATE
Version: 1 – ORIGINAL RIGHT
Version Status: ACTIVE

Owners: EILEEN M GARRISON
PO BOX 911
THOMPSON FALLS, MT 59873
JOSEPH C GARRISON
PO BOX 911
THOMPSON FALLS, MT 59873

Priority Date: JULY 5, 1979 at 01:21 P.M.
Enforceable Priority Date: JULY 5, 1979 at 01:21 P.M.

Purpose (Use): DOMESTIC
IRRIGATION
STOCK

Maximum Flow Rate: 15.00 GPM
Maximum Volume: 15.65 AC-FT
Maximum Acres: 5.00
Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point 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		NENE	5	21N	29W	SANDERS

Period of Diversion: MAY 15 TO NOVEMBER 15
Diversion Means: WELL
Well Depth: 420.00 FEET
Static Water Level: 360.00 FEET
Casing Diameter: 6.62 INCHES

Purpose (Use): DOMESTIC
Households: 0
Volume: 0.75 AC-FT
Period of Use: MAY 15 to NOVEMBER 15
Place of Use:

<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			NENE	5	21N	29W	SANDERS

Purpose (Use): IRRIGATION
Volume: 13.50 AC-FT

Period of Use: MAY 15 to SEPTEMBER 15

Place of Use:

<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	5.00		NENE	5	21N	29W	SANDERS

Total: 5.00

Purpose (Use): STOCK

Volume: 1.40 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<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			NENE	5	21N	29W	SANDERS

Geocodes/Valid: 35-3091-05-1-01-01-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 29271 RECEIVED 02/06/2006.

OWNERSHIP UPDATE TYPE DOR # 101728 RECEIVED 04/18/2012.

David and Barbara Orr
26 Deer Run Road
Trout Creek, MT 59874

WC-0001-C-2021

November 28, 2022

Montana Water Court

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT**

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Orr David T
Lindeman-Orr Barbara J
LAST NAME FIRST NAME MID. INITIAL
26 Deer Run Rd
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(406) 827-4517 buyorr@msn.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

~~LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL~~

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

attached

on behalf of # 76N 3002.1549

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 21 day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

We declare our interests (property value) could be materially injured by operation of the compact and formally object to the Preliminary Decree as follows:

Appendix 38 of the Compact is a product of overreach:

1. Per the Hell Gate Treaty of 1855, Article 1
“The said confederated tribe of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them...”

The United States cannot now “recognize” rights, title, and interest the tribe ceded, relinquished, and conveyed to the federal government in 1855. The Compact is a jurisdictional and geographic overreach.

2. Per Montana Code Annotated 2021 THE CONSTITUTION OF THE STATE OF MONTANA ARTICLE IX. ENVIRONMENT AND NATURAL RESOURCES
Section 3. Water rights.
“(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people...”

The State of Montana cannot take rights assigned to its people in the State Constitution and reassign them to a federal reservation. The Compact is a constitutional overreach.

3. Per Montana Code Annotated 2021 85-20-1901 Article I - Recitals
“WHEREAS, pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, the Confederated Salish and Kootenai Tribes reserved the Flathead Indian Reservation;...”

Per Preliminary Decree Appendix 38 Part III D.3.a
“The priority date...is time immemorial.”

These are in direct conflict with the Hell Gate Treaty of July 16, 1855, Article 2
“There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation, ... under the common designation of the Flathead Nation...”

The United States Government reserved tribal land from land ceded, relinquished, and conveyed to the United States by the tribes. The tribes did not reserve the land. The priority date of all associated reserved rights is the date of the treaty, July 16, 1855, not time immemorial.

4. Per Preliminary Decree Appendix 38 Part III.D.3.c
“The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery...”

This is in direct conflict with the Hell Gate Treat of July 16, 1855, Article 3

“The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory...”

The Hell Gate Treaty specifically assigned fishing rights off the reservation, not water rights for the maintenance and enhancement of fish habitat. The Compact claims rights not granted in the Hell Gate Treaty and is a resource, jurisdictional, and geographic overreach.

5. Per Preliminary Decree Appendix 38 Part III D.3.e
“The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right...”

The Hell Gate Treaty does not grant this right off reservation. The Compact is jurisdictional and geographic overreach.

6. Per Preliminary Decree Appendix 38 Part III D.4
“Upon the Effective Date, the Tribes shall be added as a co-owner with MFWP...”

The Hell Gate Treaty does not grant this right off reservation. The Compact is jurisdictional overreach.

7. Per Indian Reserved Water Rights Under the *Winters* Doctrine [1908]: An Overview
“...when Congress reserves land (i.e., for an Indian reservation), Congress also reserves water sufficient to fulfill the purpose of the reservation.”

Water rights granted to land owners off reservation do not fulfill the purpose of the reservation – the tribe has no jurisdiction over said water rights. The Compact is jurisdictional and geographic overreach.

8. General Objections

We object to never receiving the Water Court letter dated June 9, 2022.

We object to the objection period being only 6 months.

We object to only being allowed to object to Appendix 38 of the Water Compact.

We object to the Flathead Reservation Water Management Board not including representatives for Montana citizens with water rights granted by DNRC .

In summary, the exercise of the overreaches detailed above will significantly impact the value of our property and our quality of life in a negative way.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

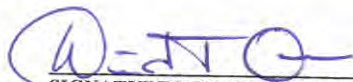
CERTIFICATE OF MAILING

I, David T. Orr, declare under penalty of perjury, that on the 21st day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@eskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

David and Barbara Orr
26 Deer Run Road
Trout Creek, MT 59874

NA



FILE



GROUND WATER CERTIFICATE



76N



30021549

Current File Location: **NEW STORAGE**

As of : 6/30/2006

Status: **IN**

Box Bar Code: 94861

File Bar Code: 740752

3/25/2014

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-301, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number: 76N 30021549 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DAVID T ORR
17542 SE 134 TH ST
RENTON, WA 98059
BARBARA J LINDEMAN-ORR
17542 SE 134 TH ST
RENTON, WA 98059

Priority Date: APRIL 24, 2006 at 08:47 A.M.
Enforceable Priority Date: APRIL 24, 2006 at 08:47 A.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRES FEET.

Source: GROUNDWATER

Point of Diversion and Means of Diversion:
ID 1 Govt Lot S2NWNW Qtr Sec 28 Sec 28 Twp 23N Rge 30W County SANDERS

Diversion Means: WELL
Well Depth: 280.00 FEET
Static Water Level: 236.00 FEET
Casing Diameter: 6.63 INCHES
Well Location: 26 DEER RUN RD

Period of Diversion: JANUARY 1 to DECEMBER 31

Purpose (Use): DOMESTIC

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:
ID 1 Acres 1 Govt Lot S2NWNW Qtr Sec 28 Sec 28 Twp 23N Rge 30W County SANDERS

Purpose (Use): LAWN AND GARDEN
Period of Use: MAY 31 to SEPTEMBER 30

Place of Use:
ID 1 Acres 1 Govt Lot S2NWNW Qtr Sec 28 Sec 28 Twp 23N Rge 30W County SANDERS



FILED

BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS.

IF THE OWNERSHIP CHANGES ON ANY PORTION OF OR ALL OF THIS RIGHT, A WATER RIGHT OWNERSHIP UPDATE, FORM #608, MUST BE FILED WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.

FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.

Richard D. Powell
Witness Signature

W. S. McCall
Water Resources Division

DATE ISSUED: MAY 24, 2006



MONTANA WELL LOG REPORT

Form No. 603 R2-99

Well ID# _____

This log reports the activities of a licensed Montana well driller and serves as the official record of work done within the borehole and casing and describes the amount of water encountered. **This form is to be completed by the driller and filed with DNRC within 60 days of completion of the work.** Acquiring Water Rights is the well owner's responsibility and is not accomplished by the filing of this report.

Well log information is stored in the Groundwater Information Center at the Montana Bureau of Mines and Geology (Butte) and water right information is stored in the Water Rights Bureau records (Helena).

For fields that are not applicable, enter NA. Optional fields have a grayed background. Record additional information in the REMARKS section.

1. WELL OWNER:

Name David + Barbara O.R.R.
Mailing address 17542 SE 134th St
Kennewick, Wa. 98059-7113

2. WELL LOCATION:

List 1/4 from smallest to largest
S 1/2 & NW 1/4 NW 1/4 Section 28
Township 23 N Range 30 E County SANDERS
Lot _____ Tract/Blk _____ Subdivision Name _____
Well Address 29 Deer Run Rd. - Trout Creek
GPS Yes No COS 1599 Plat Mt 59874
Latitude _____ Longitude _____
Error as reported by GPS locator (± feet) _____
Horizontal datum NAD27 WGS84

3. PROPOSED USE:

Domestic Stock Irrigation
 Public water supply Monitoring Well Other: _____

4. TYPE OF WORK:

New well Deepen existing well Abandon existing well
Method: Cable Rotary Other: _____

5. WELL CONSTRUCTION DETAILS:

Borehole:

Dia. 10 in. from 0 ft. to 28 ft.
Dia. _____ in. from _____ ft. to _____ ft.
Dia. _____ in. from _____ ft. to _____ ft.

Casing:

Steel: Wall thickness 250 Threaded Welded
Dia. 6 3/8 in. from 0 ft. to 280 ft.
Dia. _____ in. from _____ ft. to _____ ft.

Plastic: Pressure Rating _____ Threaded Welded
Dia. _____ in. from _____ ft. to _____ ft.

Perforations/Slotted Pipe:

Type of perforator used NA
Size of perforations/slots _____ in. by _____ in.
_____ no. of perforations/slots from _____ ft. to _____ ft.
_____ no. of perforations/slots from _____ ft. to _____ ft.

Screens:

Yes No
Material NA
Dia. _____ Slot size _____ from _____ ft. to _____ ft.
Dia. _____ Slot size _____ from _____ ft. to _____ ft.

Gravel Packed:

Yes No
Size of gravel _____
Gravel placed from _____ ft. to _____ ft.

Packer: Yes No
Type _____ Depth(s) _____

Grout: Material used BENTONITE
Depth from _____ ft. to _____ ft. OR Continuous feed

6. WELL TEST DATA:

A well test is required for all wells. (See details on well log report cover.)

Static water level 236 ft. below top of casing or
 Closed-in artesian pressure _____ psf

How was test flow measured:
bucket/stopwatch, weir, flume, flowmeter, etc. NA

Yellowstone Controlled Groundwater Area - Water Temperature _____ °F

AQUIFER TEST DATA FORM ATTACHED

Test - 1 hour minimum

Drawdown is the amount water level is lowered below static level.
All depth measurements shall be from the top of the well casing.
Time of recovery is hours/minutes since pumping stopped.

Air test*

30 gpm with drill stem set at 275 ft. for 1 hours
Time of recovery 10 hrs/min. Recovery water level 236

OR Baller test*

_____ gpm with _____ ft. of drawdown after _____ hours
Time of recovery _____ hrs/min. Recovery water level _____ ft.

OR Pump test*

Depth pump set for test _____ ft.
_____ gpm pump rate with _____ ft. of drawdown after _____ hrs pumping
Time of recovery _____ hrs/min. Recovery water level _____ ft.

OR Flowing Artesian*

_____ gpm for _____ hours
Flow controlled by _____

*During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing

7. WELL LOG:

Depth, Feet		Material
From	To	color/rock and type/descriptor (example: blue/shale/hard, or brown/gravel/water, or brown/sand/heaving)
0	1	soil
1	236	BOULDERS CLAY SAND
236	280	6 GRAVEL WATER YELLOW CLAY

ADDITIONAL SHEETS ATTACHED

8. DATE WELL COMPLETED:

9. REMARKS:

10. DRILLER/CONTRACTOR'S CERTIFICATION:

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name, firm, or corporation (print) YANEE WEL DRILLING
Address 608 Andri Dr, W. Superior, MT
Signature Garry Kane 59872
Date 10-21-04 License no. NWD 34



Montana DNRC P.O. BOX 201601 HELENA, MT 59620-1601 444-6610

MBMG ID# _____

DEPARTMENT COPY

DRILLER: Please give this copy to the well owner to complete reverse side.
OWNER: Complete reverse side and send to DNRC when the well is completed and the water has been used beneficially for the intended purpose.

RECEIVED

Form 602 R9-01

NOTICE OF COMPLETION OF GROUNDWATER DEVELOPMENT

APR 24 2006

FOR DEPARTMENT USE ONLY

For groundwater developments with a maximum use of 35 GPM not to exceed 10 AC-FT per year.

MONTANA D.N.R.C.

Notice No 30021549 Basin 76N
Priority Date 4/24/06 Time 3:47 AM/PM
Transmittal # KYDCWILLIS Rec'd By KO
Fee Rec'd \$ 50.00 Check No. 1097
Payor Barbara Lindeman-Orr

GROUNDWATER IS DEFINED AS ANY WATER BENEATH THE GROUND SURFACE. (Use Form 600, Application for Beneficial Water Use Permit for appropriations in excess of 35 GPM or 10 AC-FT per year.)

State law requires this form be filed by the water user within 60 days after the water has been put to use. Your priority is determined by the date of filing.

Refund \$ Date

Complete the notice and attach an aerial photo, survey, or other map showing the location of your development. Submit it with the filing fee to your Water Resources Regional Office.

Filing Fee: \$25.00 50.00
Instructions for completing form on back.

- 1. NAME(s) David & Barbara Orr
Mailing Address 17542 SE 134th St
City Renton State WA Zip 98059-7113
Home Phone 425-227-8829 Other Phone
2. SOURCE OF GROUNDWATER SUPPLY: [X] Well [] Pit - Dimensions (in feet) L W D
[] Developed Spring (Excavation, performed at spring location)
3. ACTUAL PUMPING RATE GPM Pump: HP Rating 1 1/2 Installation Depth Ft.
4. WHEN WAS THE WATER PUT TO ITS INTENDED USE? (water must be used before you send this form to DNRC)
04/09/2006
5. DOES THIS WELL REPLACE AN EXISTING WELL? [] Yes [X] No
Old Well Depth Ft. Old Well GPM Date Old Well Drilled or Dug
6. WILL THIS DEVELOPMENT be manifold (connected) with another well or spring? [] Yes [X] No
If yes, list the water right numbers and explain how they are used.
7. POINT OF DIVERSION (At least 2 quarter sections are required) Actual location of well, spring, or groundwater pit.
Legal land descriptions may be obtained from your county records.
S 1/2 NW 1/4 NW 1/4 Section 28 Twp 23 N/S Range 30 E/W County Sanders
Lot Block Tract No. COS No. 1899 Government Lot
Subdivision Name Street/Road Address 26 Deer Run Rd, Trout Creek 59874
8. PLACE OF USE (where water is being used) If same as Point of Diversion, Check [X]
[X] Domestic [] Lawn & Garden [] Stock [] Irrigation [] Other
1/4 1/4 1/4 Section Twp N/S Range E/W County
Lot Block Tract No. COS No. Government Lot
Subdivision Name Street/Road Address

9. PURPOSE AND PERIOD OF USE

Table with 2 columns: Purpose (Domestic, Lawn & Garden Shelterbelt Greater Than 1/4 AC, Stock, Irrigation, Other) and Description/Period of Use.

10. ADDITIONAL INFORMATION

11. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT The statements here are to the best of my knowledge true and correct. I have possessory interest in the property where the water has been put to beneficial use:

Check the box(es) that pertain to your situation: (REQUIRED)

- [X] I exclusively own the ground water development works.
[] I do not exclusively own the ground water development works. (Attach written consent of the person who owns the ground water development)
[X] I have possessory interest in the land where the ground water development is located.
[] I do not have possessory interest in the land where the ground water development is located. (Attach written notification to land owner pursuant to MCA 85-2-306(1).)

Appropriator's signature Barbara Orr Date: 04/17/2006
Notary's signature [Signature] Date: 4/17/2006
Notary for the State of Washington Residing at Tukwila, WA
My commission expires 12-15-2007



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 30021549 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: BARBARA J LINDEMAN-ORR
17542 SE 134 TH ST
RENTON, WA 98059

DAVID T ORR
17542 SE 134 TH ST
RENTON, WA 98059

Priority Date: APRIL 24, 2006 at 08:47 A.M.
Enforceable Priority Date: APRIL 24, 2006 at 08:47 A.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER MINUTE.

Maximum Volume: THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NWNW	28		23N	30W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: WELL
Well Depth: 280.00 FEET
Static Water Level: 236.00 FEET
Casing Diameter: 6.63 INCHES
Well Location: 26 DEER RUN RD

Purpose (Use): DOMESTIC
Households:
Volume:
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

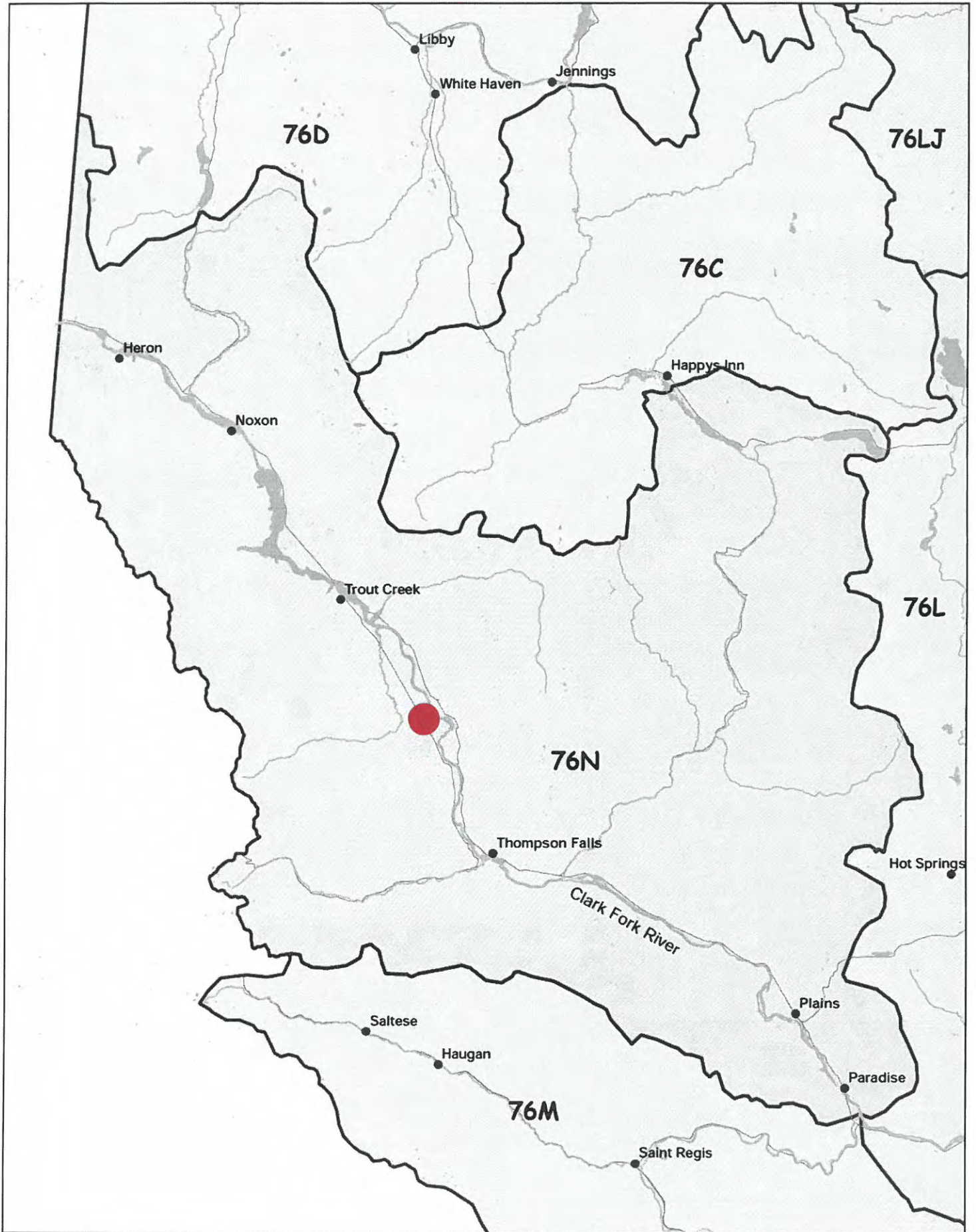
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWNW	28	23N	30W	SANDERS

Purpose (Use): LAWN AND GARDEN
Volume:
Period of Use: MAY 31 to SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWNW	28	23N	30W	SANDERS

Geocodes/Valid: 35-3339-28-2-01-10-0000 - Y



IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

November 28, 2022

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:

Kelly, Deborah T. - Trustee
LAST NAME FIRST NAME MID. INITIAL
320 Riverview 6W
STREET ADDRESS OR PO BOX
Great Falls, MT 59404
CITY STATE ZIP CODE
(406) 868-2054 7777dtkelly@gmail.com
PHONE NUMBER E-MAIL

2. Objector's Attorney name, address, and phone number:

Hatley, Gregory J.
LAST NAME FIRST NAME MID. INITIAL
Milwaukee Station, 3rd floor - 101 River Dr. N.
STREET ADDRESS OR PO BOX
Great Falls, MT 59405
CITY STATE ZIP CODE
(406) 761-5243 http://dhhtlaw.com
PHONE NUMBER E-MAIL

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I am writing on behalf of my four siblings who along with myself own the property and cabin at Seeley Lake, 1102 Boy Scout Rd. We are very concerned as to the status of our water supply there. We currently draw water from Seeley Lake during the short

4. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each water right number.

Water Right #: 76F 149807 00
(One Number Per Form)

Page number in Decree: 7591-7592
Source: Seeley lake / Clearwater River

DATED this 28th day of November, 2022.

Deborah T. Kelly
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

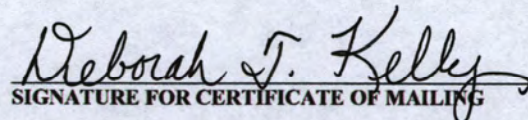
CERTIFICATE OF MAILING

I, Deborah T. Kelly, declare under penalty of perjury, that on the 28th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov


SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

summer season, approximately from mid-May to the end of August. We have done so since 1967.

There is no other water supply available in the area as we do not have access to the city water supply. A well is not a viable solution for us as our property sits on the ancient riverbed. During the spring there is often water covering a good portion of our property for as long as three weeks.

As you can see, we would have difficulty obtaining water from another source. We count on the water we draw from the lake.

Please consider our situation and others in similar situations as you work on water distribution in our area.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

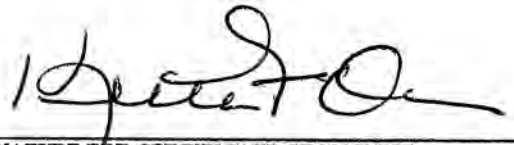
CERTIFICATE OF MAILING

I, Keith Ori, declare under penalty of perjury, that on the 8 day of Oct, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@eskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov



SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY DECEMBER 6, 2022.**

DNRC
State of Montana
1424 9th Ave.
PO Box 201601
Helena, MT 59620

Re: MT Water Compact Statement of Claim for Existing Water Right Objection

To Whom it May Concern,

In addition to the online application for the objection to the MT Water Compact I would also like to list several necessary water uses incumbent upon my domestic water right. These would include but not limited to:

1. The growth of food
2. Household needs, cleaning clothes, dishes, cooking and personal hygiene to name the necessary.
3. Manage yards and environmental benefits.
4. Entertainment and recreation of family and friends, including the use of boat lifts and having necessary water levels to support this type of recreation.
5. Health care and the need to provide emergency needs of water.
6. Insurance requirements.
7. Fire control.
8. The maintenance and care of our possessions like automobiles and our home.

Please include this letter in my statement of objection.

Thank you.



Keith and Susan Ori
3299 Lower Valley Rd.
Kalispell, MT 59901

NA



FILE



GROUND WATER CERTIFICATE



76LJ



30113178

Current File Location: **RECORDS UNIT**

As of :

Status:

Box Bar Code:

File Bar Code:

10/10/2017

SEP 05 2017

Form No. 602 R 01/2015

NOTICE OF COMPLETION OF GROUNDWATER DEVELOPMENT

Use this form for completed groundwater developments where the water has been put to use for the purposes identified with a maximum use of 35 GPM not to exceed 10 Acre-Feet per year.

Incomplete forms will be returned.

Filing Fee \$125.00

Make checks payable to DNRC.

KALISPELL UNIT FOR DEPARTMENT USE ONLY

Notice No. <u>31119170</u>	Basin <u>70LJ</u>
Priority Date <u>9/5/17</u>	Time <u>11:51</u> AM-PM
Rec'd By <u>NO</u>	
Fee Rec'd \$ <u>125.00</u>	Check No. <u>02702</u>
Deposit Receipt # <u>KFW1405353</u>	
Payor (if different from name(s) listed in item 1 below) <u>Insured Titles - Kalispell</u>	
Refund \$ _____	Date _____
Deficiency Letter Sent _____	

- ⇒ Your priority is determined by the date of filing. If it is determined this form was improperly filed, your priority date may be changed.
- ⇒ If your development is within a Controlled Ground Water Area, the regional office will contact you to explain the correct filing requirements.

1. NAME(S) Keith Ori and Susan Ori, Trustees of The
 MAILING ADDRESS 113 River View Dr. ORI TRUST
 CITY Kalispell STATE MT ZIP 59901
 PHONE 406-250-6784 EMAIL _____

2. HAS THIS WATER BEEN PUT TO USE FOR THE PURPOSES ON WHICH YOU ARE FILING?
 Yes No (IF YOU ANSWER NO, YOU CANNOT FILE THIS FORM AT THIS TIME.)

3. DIVERSION USED TO OBTAIN GROUNDWATER
 Well - Attach well log, if available Water Well Contractor Name: Liberty
 Developed Spring (Excavation performed at the spring location.)
 Pit/Pond - Surface Area _____ Acres _____ Depth _____

4. FLOW RATE USED 2 GPM (Cannot Exceed 35 GPM)

5. COMBINATION OR SHARED DEVELOPMENT
 a. Are there other groundwater developments on your property? Yes No
 If yes, how far away are the existing groundwater developments from this new groundwater development? Provide a DNRC water right number for each.

b. Is this development shared with other users? Yes No
 If yes, please explain how and provide a DNRC water right number for each.

6. PURPOSE AND PERIOD OF USE: Check those that apply and answer applicable questions

Domestic: Number of homes supplied: 1
 Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Lawn & Garden:
 Total size of lawn & garden - length x width _____ -OR- Number of Acres 2.147
 April 1 - October 31 Yes No If no, from _____ to _____, inclusive of each year.

Irrigation: (Do not include Lawn & Garden Irrigation)
Type of crop _____ Total Crop Acres Irrigated _____
April 1 – October 31 Yes No If no, from _____ to _____, inclusive of each year.

Stock:
Number & type: (Ex: 100 Cows & 1 Horse) _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Other: (Do not include purposes described above)
Describe the purpose of the use _____
Amount of water used _____ gallons per day Number of days used _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

7. POINT OF DIVERSION – Location of the groundwater development
NE 1/4 NE 1/4 NN 1/4 of Section _____ Township 27 N S Range 20 E W
County FLATHEAD Tract # _____ COS # 12751 Gov't Lot # _____
Subdivision Name _____ Lot _____ Block _____
Street Address, including City/State/Zip Code 3299 Lower Valley Rd,
Kalispell, MT. 59901

8. PLACE OF USE - Enter the 17 digit geocode(s) applicable to the place of use legal land description
Geocodes can be found in county records, tax statements, or at <http://svc.mt.gov/msl/mtcadastral/>.
0738350920130000, _____, _____

Is the place where water is used the same as the point of diversion? Yes No
If no, enter the place of use land description below. Attach additional sheets if necessary.
____ 1/4 ____ 1/4 ____ 1/4 of Section _____ Township _____ N S Range _____ E W
County _____ Tract # _____ COS # _____ Gov't Lot # _____
Subdivision Name _____ Lot _____ Block _____
Street Address, including City/State/Zip Code _____

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have possessory interest in the property where the water has been put to beneficial use and I have the exclusive property rights in the ground water development works OR I have attached written consent of the person owning the ground water development works and/or written notification to the land owner pursuant to MCA 85-2-306(1).

Please note, you must submit ORIGINAL signatures, copies will not be accepted.

I declare under penalty of perjury & under the laws of the State of Montana that the foregoing is true & correct.

Printed Name (& Title for business representative) KEITH ORI, TTE
Applicant Signature [Signature] Date: 8/31/17

Printed Name (& Title for business representative) SUSAN ORI, TTE
Applicant Signature [Signature] Date: 8/31/17



Visit <http://www.dnrc.mt.gov/divisions/water> for additional water right related information.

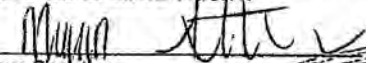


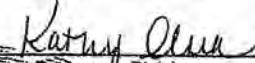
BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS.

**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.**


Witness Signature


Kathy Allen
Water Resources Division

DATE ISSUED: SEPTEMBER 27, 2017



Department of Natural Resources & Conservation
455 Timberwolf Parkway
Kalispell, MT 59901

RECEIVED
DNRC WATER RESOURCES
SEP 22 2017
KALISPELL UNIT



Date: 09/15/17

Subject: Incomplete Notice of Completion of Ground Water Development

Dear Water Right Appropriator,

We received your notice on 09/05/17, however before it can be processed additional information is needed. See the items marked below.

Item 4. Flow Rate Used

A flow rate must be identified and the flow rate must be 35 gpm or less.

If you have questions about how to complete any of the above items, please review the instructions (available on page 2 of the 602 form) and/or contact your local regional office. All of the requested information identified in this deficiency letter must be postmarked and submitted within 30 days of the date on this letter. If the information is not received within 30 days, your notice of completion will be terminated and the filing fee will not be refunded. This is the only notice you will receive.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan Stockfisch".

Megan Stockfisch
Water Rights Technician
406-752-2701

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-306, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number: 76LJ 30113178 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: ORI LIVING TRUST
113 RIVER VIEW DR
KALISPELL, MT 59901

Priority Date: SEPTEMBER 5, 2017 at 11:57 A.M.
Enforceable Priority Date: SEPTEMBER 5, 2017 at 11:57 A.M.

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: 21.00 GPM

Maximum Volume: 1.30 AC-FT

Maximum Acres: 0.12

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	1	NENENW	9	27N	20W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: GROUNDWATER

Diversion Means: WELL

Well Depth: 564.00 FEET

Static Water Level: 3.00 FEET

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 12751 - TRACT 2.

Purpose (Use): DOMESTIC

Households: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	0.12	1	NENENW	9	27N	20W	FLATHEAD

Purpose (Use): LAWN AND GARDEN

Volume: 0.30 AC-FT

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	0.12	1	NENENW	9	27N	20W	FLATHEAD

Total: 0.12

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 12751 - TRACT 2.

Remarks:

ASSOCIATED RIGHT
WATER RIGHTS 76LJ 7537-00 AND 76LJ 30113178 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

ASSOCIATED FLAG

THESE WATER RIGHTS ARE ASSOCIATED.

WATER RIGHT NO. 76LJ 7537-00
 76LJ 30113178

WATER RIGHTS 76LJ 7537-00 AND 76LJ 30113178 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

CODED BY: Megan Stockfish COMPLETED BY: Megan Stockfish

DATE: September 15, 2017

DATE: September 15, 2017

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 7537-00 PROVISIONAL PERMIT
Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners: TOREN D MC CARTHY
PO BOX 70004
FAIRBANKS, AK 99707

MARY L WARNER
3217 LOWER VALLEY RD
KALISPELL, MT 59901

JOHN J KINSELLA
64 MOUNTAIN STARS SHRS
KALISPELL, MT 59901-8696

MARY T KINSELLA
64 MOUNTAIN STARS SHRS
KALISPELL, MT 59901-8696

LINDNER FAMILY TRUST
105 RIVER VIEW DR
KALISPELL, MT 59901

WOODLAND FAMILY TRUST
PO BOX 37
SOMERS, MT 59932

HOLLENSTEINER, WANDA M TRUST
22993 ROLLINS LAKESHORE DR
ROLLINS, MT 59931

E ROY HUTCHIN
3393 LOWER VALLEY RD
KALISPELL, MT 59901-8069

OURS LAND, JAMES P TRUST
%OURS LAND, JAMES P TRUSTEE
6978 ORCHARD COURT
ARVADA, CO 80007

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: FEBRUARY 20, 1976 at 02:16 P M

Enforceable Priority Date: FEBRUARY 20, 1976 at 02:16 P.M.

Purpose (use): IRRIGATION
Maximum Flow Rate: 1.56 CFS
Maximum Volume: 360.00 AC-FT
Maximum Acres: 144.00
Source Name: FLATHEAD RIVER
Source Type: SURFACE WATER

Point 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		SESESW	4	27N	20W	FLATHEAD

Period of Diversion: MAY 1 TO OCTOBER 1
Diversion Means: PUMP
Pump Size: 30.00 HP

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER
Volume: 360.00 AC-FT
Period of Use: MAY 1 to OCTOBER 1

SEP 05 2017

Form No 602 R 01/2015

NOTICE OF COMPLETION OF GROUNDWATER DEVELOPMENT

Use this form for completed groundwater developments where the water has been put to use for the purposes identified with a maximum use of 35 GPM not to exceed 10 Acre-Feet per year.

Incomplete forms will be returned.

Filing Fee \$125.00

Make checks payable to DNRC.

KALISPELL UNIT
FOR DEPARTMENT USE ONLY

Notice No. <u>30119170</u>	Basin <u>76LJ</u>
Priority Date <u>9/5/17</u>	Time <u>11:51</u> AM-PM
Rec'd By <u>EO</u>	
Fee Rec'd \$ <u>125.00</u>	Check No. <u>62702</u>
Deposit Receipt # <u>KFW1405353</u>	
Payor (if different from name(s) listed in item 1 below) <u>Trusted titles - Kalispell</u>	
Refund \$ _____	Date _____
Deficiency Letter Sent _____	

- ⇒ Your priority is determined by the date of filing. If it is determined this form was improperly filed, your priority date may be changed.
- ⇒ If your development is within a Controlled Ground Water Area, the regional office will contact you to explain the correct filing requirements.

1. NAME(S) Keith Ori and Susan Ori, Trustees of The
 MAILING ADDRESS 113 River View Dr. ORI TRUST
 CITY Kalispell STATE MT ZIP 59901
 PHONE 706-250-6784 EMAIL _____

2. HAS THIS WATER BEEN PUT TO USE FOR THE PURPOSES ON WHICH YOU ARE FILING?
 Yes No (IF YOU ANSWER NO, YOU CANNOT FILE THIS FORM AT THIS TIME.)

3. DIVERSION USED TO OBTAIN GROUNDWATER
 Well - Attach well log, if available Water Well Contractor Name: Liberty
 Developed Spring (Excavation performed at the spring location.)
 Pit/Pond - Surface Area _____ Acres _____ Depth _____

4. FLOW RATE USED 21 GPM (Cannot Exceed 35 GPM)

5. COMBINATION OR SHARED DEVELOPMENT
 a. Are there other groundwater developments on your property? Yes No
 If yes, how far away are the existing groundwater developments from this new groundwater development? Provide a DNRC water right number for each.

b. Is this development shared with other users? Yes No
 If yes, please explain how and provide a DNRC water right number for each.

6. **PURPOSE AND PERIOD OF USE:** Check those that apply and answer applicable questions

Domestic: Number of homes supplied: 1
 Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Lawn & Garden:
 Total size of lawn & garden - length x width _____ -OR- Number of Acres 2.147
 April 1 - October 31 Yes No If no, from _____ to _____, inclusive of each year.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	72.00		SW	4	27N	20W	FLATHEAD
2	72.00		NW	9	27N	20W	FLATHEAD
Total:	144.00						

<u>Geocodes/Valid:</u>		
	07-3835-04-3-01-07-0000 - Y	07-3835-04-3-01-19-0000 - Y
	07-3835-04-3-01-30-0000 - Y	07-3835-09-2-01-01-0000 - Y
	07-3835-09-2-01-03-0000 - Y	07-3835-09-2-01-05-0000 - Y
	07-3835-09-2-01-07-0000 - Y	07-3835-09-2-01-09-0000 - Y
	07-3835-09-2-01-11-0000 - Y	07-3835-09-2-01-13-0000 - Y
	07-3835-09-2-01-20-0000 - Y	07-3835-09-2-01-30-0000 - Y

Remarks:

ASSOCIATED RIGHT
WATER RIGHTS 76LJ 7537-00 AND 76LJ 30113178 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

REISSUED RIGHT
THIS PERMIT WAS REISSUED 08/01/94 IN LIEU OF THE RIGHT ISSUED 09/17/76. THE POINT OF DIVERSION WAS CORRECTED.

OWNERSHIP UPDATE RECEIVED
NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/18/91.

OWNERSHIP UPDATE RECEIVED
NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/08/98.

OWNERSHIP UPDATE RECEIVED
WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/03/01.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE 608 # 88767 RECEIVED 10/23/2002.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 87040 RECEIVED 08/25/2009.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 87063 RECEIVED 11/10/2009.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 120299 RECEIVED 05/10/2011.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 105839 RECEIVED 12/06/2012.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE 608 # 106012 RECEIVED 12/13/2012.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 137146 RECEIVED 04/27/2015.

OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE 608 # 152509 RECEIVED 01/30/2017.

Irrigation: (Do not include Lawn & Garden Irrigation)
Type of crop _____ Total Crop Acres Irrigated _____
April 1 – October 31 Yes No If no, from _____ to _____, inclusive of each year.

Stock:
Number & type: (Ex: 100 Cows & 1 Horse) _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

Other: (Do not include purposes described above)
Describe the purpose of the use _____
Amount of water used _____ gallons per day Number of days used _____
Year round use? Yes No If no, from _____ to _____, inclusive of each year.

7. POINT OF DIVERSION – Location of the groundwater development
NE 1/4 NE 1/4 NN 1/4 of Section _____ Township 27 N S Range 20 E W
County FLATHEAD Tract # _____ COS # 12751 Gov't Lot # _____
Subdivision Name _____ Lot _____ Block _____
Street Address, including City/State/Zip Code 3299 Lower Valley Rd,
Kalispell, MT. 59901

8. PLACE OF USE - Enter the 17 digit geocode(s) applicable to the place of use legal land description
Geocodes can be found in county records, tax statements, or at <http://svc.mt.gov/msl/mtcadastral/>.
0738350920130000

Is the place where water is used the same as the point of diversion? Yes No
If no, enter the place of use land description below. Attach additional sheets if necessary.
____ 1/4 ____ 1/4 ____ 1/4 of Section _____ Township _____ N S Range _____ E W
County _____ Tract # _____ COS # _____ Gov't Lot # _____
Subdivision Name _____ Lot _____ Block _____
Street Address, including City/State/Zip Code _____

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have possessory interest in the property where the water has been put to beneficial use and I have the exclusive property rights in the ground water development works **OR** I have attached written consent of the person owning the ground water development works and/or written notification to the land owner pursuant to MCA 85-2-306(1).

Please note, you must submit ORIGINAL signatures, copies will not be accepted.

I declare under penalty of perjury & under the laws of the State of Montana that the foregoing is true & correct.

Printed Name (& Title for business representative) KEITH ORI, TTE
Applicant Signature [Signature] Date: 8/31/17

Printed Name (& Title for business representative) SUSAN ORI, TTE
Applicant Signature [Signature] Date: 8/31/17



Visit <http://www.dnrc.mt.gov/divisions/water> for additional water right related information.



MONTANA WELL LOG REPORT

Other Options

This well log reports the activities of a licensed Montana well driller, serves as the official record of work done within the borehole and casing, and describes the amount of water encountered. This report is compiled electronically from the contents of the Ground Water Information Center (GWIC) database for this site. Acquiring water rights is the well owner's responsibility and is NOT accomplished by the filing of this report.

Return to menu
Plot this site in State Library Digital Atlas
Plot this site in Google Maps

Site Name: LINDNER, REINHOLD & HANNELORE
GWIC Id: 227021

Section 7: Well Test Data

Total Depth: 564
Static Water Level: 3
Water Temperature:

Deepened well!

Section 1: Well Owner(s)

- 1) LINDNER FAMILY TRUST (WELL)
LOWER VALLEY ROAD
KALISPELL MT 59901 [04/02/2015]
- 2) LINDER, REINHOLD AND HANNELORE (MAIL)
P.O. BOX 927
BIGFORK MT 59911 [06/13/2006]

Air Test *

15 gpm with drill stem set at 120 feet for 8 hours.
Time of recovery 1 hours.
Recovery water level 3 feet.
Pumping water level feet.

Section 2: Location

Township	Range	Section	Quarter Sections	
27N	20W	9	NE¼ NE¼	NW¼
County		Geocode		
FLATHEAD				
Latitude	Longitude	Geomethod	Datum	
48.1237166357	-114.1505514805	TRS-SEC	NAD83	
Ground Surface Altitude		Ground Surface Method	Datum	Date
2899		LIDAR	NAVD88	8/12/2015
Addition		Block	Lot	

* During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

Section 3: Proposed Use of Water
DOMESTIC (1)

Section 4: Type of Work

Drilling Method: ROTARY
Status: NEW WELL

Section 5: Well Completion Date

Date well completed: Tuesday, June 13, 2006

Section 6: Well Construction Details**Borehole dimensions**

From	To	Diameter
0	18	10
18	564	6

Casing

From	To	Diameter	Wall Thickness	Pressure Rating	Joint	Type
-3	484	6	0.250		WELDED	A53B STEEL

There are no completion records assigned to this well.

Annular Space (Seal/Grout/Packer)

From	To	Description	Cont. Fed?
0	18	BENTONITE	Y

Section 8: Remarks**Section 9: Well Log Geologic Source****Unassigned**

From	To	Description
0	1	TOPSOIL
1	54	FINE TAN AND GRAY SAND MATRIX - WET.
54	256	GRAY TO TAN SILTY CLAY MATRIX.
256	298	TAN CLAY.
298	329	SMALL TO MEDIUM GRAVEL IN FINE SILTY SAND MATRIX - SEEPS OF WATER.
329	386	TIGHT PACKED GRAVEL IN SILTY, SANDY CLAY MATRIX - SEEP OF WATER.
386	422	FINE TAN SAND WITH CLAY STRINGERS - SEEP OF WATER.
422	433	SCATTERED GRAVEL IN FINE TAN SAND MATRIX - SEEPS OF WATER.
433	442	LOOSE GRAVEL IN GRAY SILTY SAND MATRIX - SOME WATER.
442	462	MIXED GRAVEL IN GRAY SILTY SAND MATRIX - SOME WATER.
462	482	TIGHTER GRAVEL IN TAN SILTY SAND MATRIX - SOME WATER.
482	496	FRACTURED GRAY ROCK.
496	508	GREEN ROCK.
508	564	FRACTURED GRAY, GREEN & PURPLE ROCK - WATER. 15 GPM TOTAL WATER.

Driller Certification

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name:

Company: LIBERTY DRILLING & PUMP CO

License No: WWC-458

Date 6/13/2006

Completed:

MONTANA WELL LOG REPORT

Other Options

[Return to menu](#)

This well log reports the activities of a licensed Montana well driller, serves as the official record of work done within the borehole and casing, and describes the amount of water encountered. This report is compiled electronically from the contents of the Ground Water Information Center (GWIC) database for this site. Acquiring water rights is the well owner's responsibility and is NOT accomplished by the filing of this report.

[Plot this site in State Library Digital Atlas](#)
[Plot this site in Google Maps](#)

Site Name: LINDNER, REINHOLD & HANNELORE
GWIC id: 228829

Section 7: Well Test Data

Section 1: Well Owner(s)

1) LINDER, REINHOLD AND HANNELORE (MAIL)
 P.O. BOX 927
 BIGFORK MT 59911 [09/19/2006]

Total Depth: 584
 Static Water Level: 6
 Water Temperature:

Section 2: Location

Township	Range	Section	Quarter Sections
27N	20W	9	NE¼ NE¼ NW¼
County			Geocode
FLATHEAD			

Air Test *

60 gpm with drill stem set at 80 feet for 5 hours.
 Time of recovery 0.5 hours.
 Recovery water level 6 feet.
 Pumping water level _feet.

Latitude	Longitude	Geomethod	Datum
48.123717	-114.150551	TRS-SEC	NAD83
Ground Surface Altitude	Ground Surface Method	Datum	Date

* During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

Addition	Block	Lot

Section 3: Proposed Use of Water
 DOMESTIC (1)

Section 8: Remarks

WELL DEEPEMED AND 5

Section 4: Type of Work

Drilling Method: ROTARY
 Status: NEW WELL

Section 9: Well Log Geologic Source

Unassigned

From	To	Description
564	583	GRAY TO GREEN ROCK - 3D GPM WATER.
583	584	FRACTURED GRAY ROCK - WATER. 60+ GPM TOTAL WATER.

Section 5: Well Completion Date

Date well completed: Tuesday, September 19, 2006

Section 6: Well Construction Details

Borehole dimensions

From	To	Diameter
564	584	8

Casing

From	To	Diameter	Wall Thickness	Pressure Rating	Joint	Type
-2	490	6	0.250		WELDED	A53B STEEL
193	510	5	0.258		WELDED	A53B STEEL

There are no completion records assigned to this well.

Annular Space (Seal/Grout/Packer)

There are no annular space records assigned to this well.

Driller Certification

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

<p>Name: Company: LIBERTY DRILLING & PUMP CO License No: WWC-458 Date: 9/19/2006 Completed:</p>
--

AND WHEN RECORDED MAIL TO:

Keith Ori and Susan Ori
113 River View Dr.
Kalispell, Mt. 59901

Filed for Record at Request of:
Insured Titles

Space Above This Line for Recorder's Use Only

Order No.: 648803-FT
Parcel No.: 0000044

**WARRANTY DEED
(Joint Tenancy)**

FOR VALUE RECEIVED,

Reinhold Lindner and Hannelore Lindner, Co-Trustees of the Lindner Family Trust

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Keith F. Ori and Susan L. Ori, Trustees of the Ori Living Trust dated June 24, 2011

whose address is: 113 River View Dr, Kalispell, Mt. 59901

hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in Flathead County, Montana, to-wit:

TRACT 2 OF CERTIFICATE OF SURVEY NO. 12751, SITUATED, LYING AND BEING IN GOVERNMENT LOT 1 OF SECTION 9, TOWNSHIP 27 NORTH, RANGE 20 WEST, M.P.M., FLATHEAD COUNTY, MONTANA.

TOGETHER WITH a 30' and 40' road and utility easement as shown on Certificate of Survey No. 15062, for the purpose of providing road and utility ingress and egress access to and from Lower Valley Road to Tract 2 of Certificate of Survey No. 12751, located in Government Lot 1 of Section 9, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Each party agrees to share equally the cost of maintaining and repairing the roadway as may be required from time to time to facilitate the reasonable use of the road for general motor vehicle travel from the County road up to the point where each turns off the roadway to their private residence.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

0000044

Approved 9/1/17

TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he/she or they) is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.

⁵¹
Dated: August 28, 2017

Reinhold Lindner and Hannelore Lindner, Co-Trustees of the Lindner Family Trust

Reinhold Lindner
Reinhold Lindner, Co-Trustee

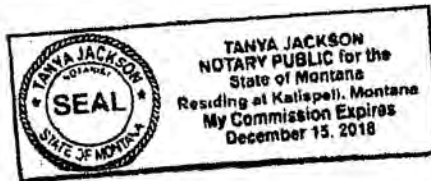
Hannelore Lindner
Hannelore Lindner, Co-Trustee

State of Montana

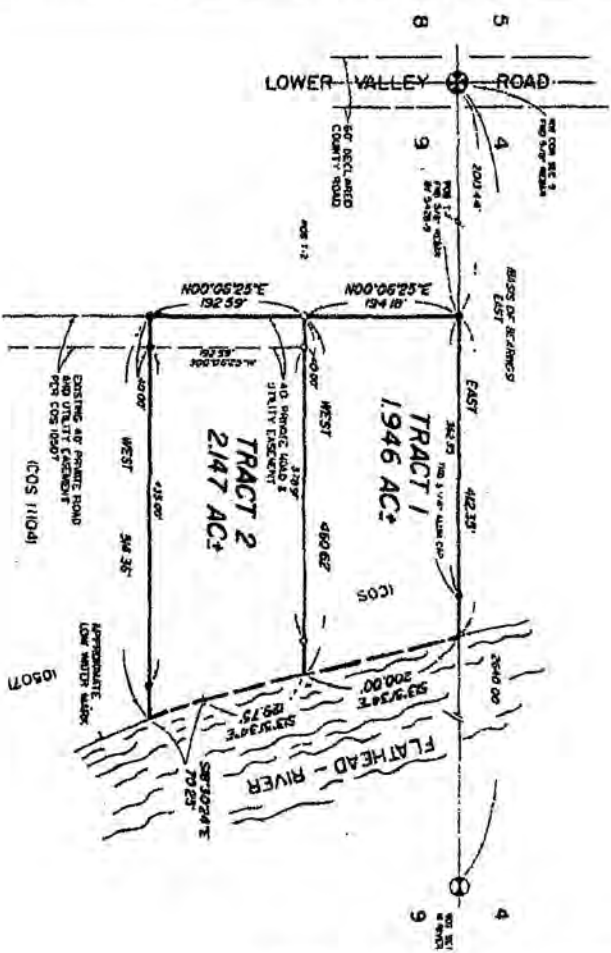
County of Flathead

This instrument was acknowledged before me on August 01, 2017, by Reinhold Lindner and Hannelore Lindner, Co-Trustees of the of Lindner Family Trust .

Tanya Jackson
Signature of Notarial Officer
Notary Public for the State of Montana
Residing at:
Commission Expires:



SANDS SURVEYING, INC.
 1800 S.W. AVENUE EAST
 SEASIDE, W.V. 26051
 PHONE (606) 782-4448
 JOB NO. 752004
 DATE FEBRUARY 19, 1996
 SURV. ROY HUTCHMAN
 OWNER TORREN MCCLINTOCK



GOV'T. LOT 1

CERTIFICATE OF SURVEY
 SEC. 9, 127N, R20W, PM, M., FLATHEAD CO.



NAME OF SURVEY: **IRREGULAR TRACTS**
 NAME OF PARTIES: **TORREN MCCLINTOCK**
 DATE OF SURVEY: **FEBRUARY 19, 1996**
 COUNTY: **FLATHEAD COUNTY, MONTANA**

The following is a true and correct copy of the original plat of the above described survey as the same appears on file in the office of the County Clerk of Flathead County, Montana, and as the same appears on file in the office of the Surveyor General of the State of Montana.

The plat of the above described survey was prepared by the undersigned in accordance with the provisions of the laws of the State of Montana, and the same is a true and correct copy of the original plat as the same appears on file in the office of the County Clerk of Flathead County, Montana, and as the same appears on file in the office of the Surveyor General of the State of Montana.

I, the undersigned, being duly sworn, depose and say that the above described plat is a true and correct copy of the original plat as the same appears on file in the office of the County Clerk of Flathead County, Montana, and as the same appears on file in the office of the Surveyor General of the State of Montana.

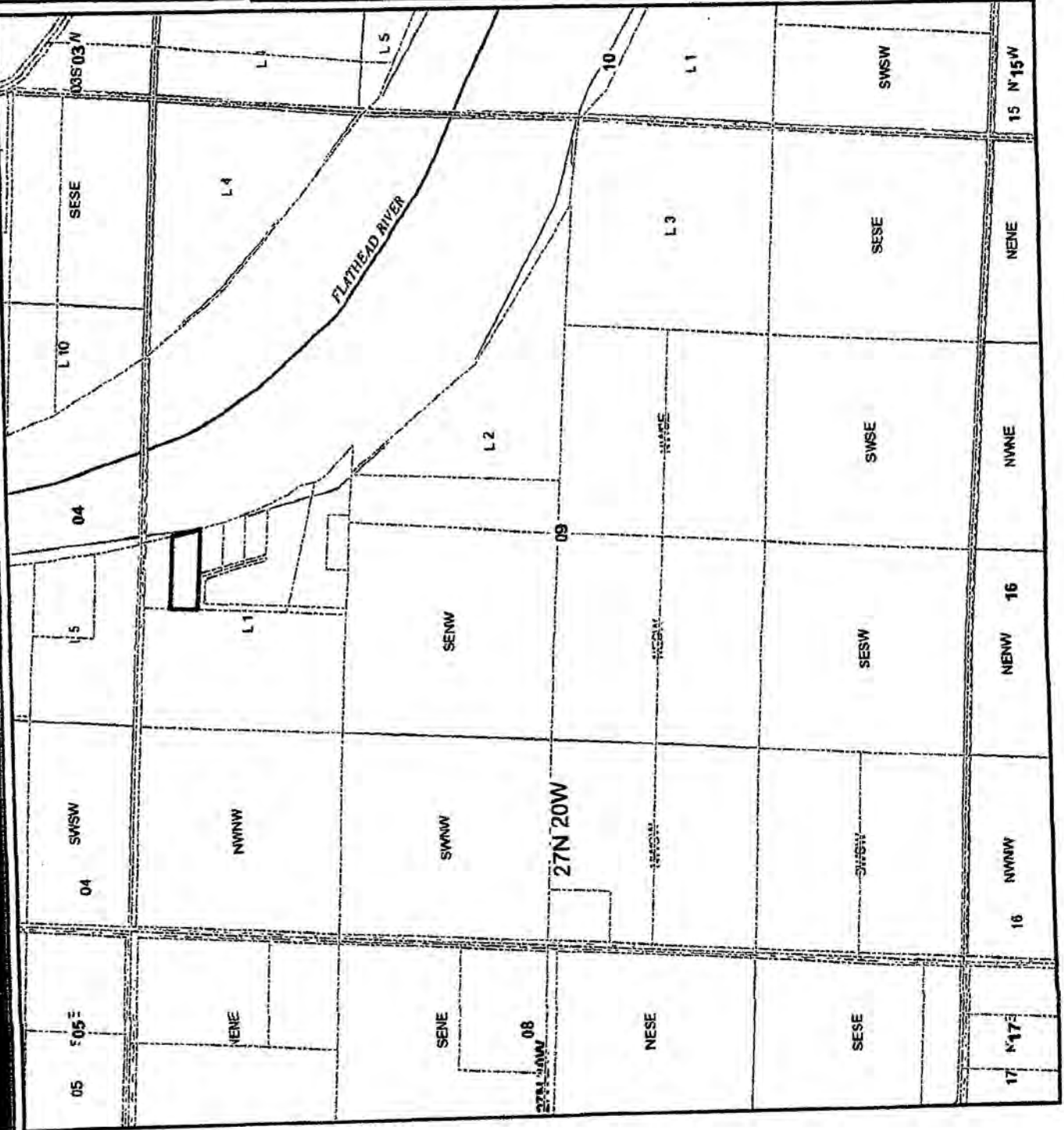
- LEGEND**
- 1. 3/4" B.S. (1/4" NOTED)
 - 2. 1/4" CORNER (1/8" NOTED)
 - 3. 1/8" CORNER (1/8" NOTED)
 - 4. 1/4" CORNER (1/8" NOTED)
 - 5. 1/4" CORNER (1/8" NOTED)
 - 6. 3/4" CORNER (1/8" NOTED)
 - 7. 1/4" CORNER (1/8" NOTED)
 - 8. 3/4" CORNER (1/8" NOTED)
 - 9. 1/4" CORNER (1/8" NOTED)

CERTIFICATE OF SURVEY
 I, the undersigned, being duly sworn, depose and say that the above described plat is a true and correct copy of the original plat as the same appears on file in the office of the County Clerk of Flathead County, Montana, and as the same appears on file in the office of the Surveyor General of the State of Montana.



SHEET 1 OF 1 SHEETS
 CERTIFICATE OF SURVEY NO. 1275
 1275

ORI LIVING TRUST



Legend

- Parcels (represented by a thin black outline)
- Section (represented by a thick black outline)
- Township & Range (represented by a dashed black outline)

N

Scale: 500 250 0 500 Feet

