

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

PERMIT TO APPROPRIATE WATER

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-311, MCA, HAVE BEEN MET, THIS PROVISIONAL PERMIT IS GRANTED.

Water Right Number: 43Q 30154658 PROVISIONAL PERMIT

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

M & J LAND CO LLC  
5233 BLUE HERON DR  
BILLINGS, MT 59106 3309

Priority Date: APRIL 26, 2022 at 02:25 P.M.

Enforceable Priority Date: APRIL 26, 2022 at 02:25 P.M.

Purpose (Use):

LAWN AND GARDEN  
MULTIPLE DOMESTIC

Maximum Flow Rate: 352.00 GPM

Maximum Volume: 97.60 AC-FT

Maximum Acres: 33.79

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		SWNESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
2		SWNESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
3		SWNESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
4		SENWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
5		SENWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
6		SENWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
7		SENWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
8		SWNWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
9		SWNWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
10		SWNWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				

11		SWNWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
12		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
13		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
14		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
15		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
16		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
17		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
18		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
19		NESESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	MAY 1 TO OCTOBER 31				
	Diversion Means:	WELL				
20		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
21		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
22		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
23		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
24		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
25		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
26		NWSESE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	MAY 1 TO OCTOBER 31				
	Diversion Means:	WELL				
27		NESWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
28		NESWSE	18	1S	25E	YELLOWSTONE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	WELL				
29		NESWSE	18	1S	25E	YELLOWSTONE

	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
30		NESWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
31		NESWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
32		NESWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
33		NESWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
34		NESWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
35		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
36		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
37		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
38		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
39		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
40		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
41		NWSWSE	18	1S	25E	YELLOWSTONE	
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	WELL					
		THERE ARE 41 WELLS (PODS) TOTAL: 3 IN THE SWNESE, 4 IN THE SENWSE, 4 IN THE SWNWSE, 8 IN THE NESESE, 7 IN THE NWSESE, 7 IN THE NWSWSE, AND 8 IN THE NESWSE, ALL IN SECTION 18, T1S, R25E. POD #19 AND POD #26 ARE THE PARK WELLS SO THE PERIOD OF DIVERSION IS MAY 1 TO OCT 31.					
<b>Purpose (Use):</b>	LAWN AND GARDEN		<b>Purpose Clarification:</b>		RESIDENTIAL LAWN AND GARDEN		
<b>Volume:</b>	80.50 AC-FT						
<b>Period of Use:</b>	MAY 1 to OCTOBER 31						
<b>Place of Use:</b>							
<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	32.18		SE	18	1S	25E	YELLOWSTONE
<b>Total:</b>	32.18						
<b>Purpose (Use):</b>	LAWN AND GARDEN		<b>Purpose Clarification:</b>		PARK LAWN		
<b>Volume:</b>	4.00 AC-FT						
<b>Period of Use:</b>	MAY 1 to OCTOBER 31						
<b>Place of Use:</b>							
<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	1.61		SE	18	1S	25E	YELLOWSTONE
<b>Total:</b>	1.61						

**Purpose (Use):** MULTIPLE DOMESTIC

**Households:** 39

**Volume:** 13.10 AC-FT

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

**Place of Use:**

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			S2S2N2SE	18	1S	25E	YELLOWSTONE
2			S2SE	18	1S	25E	YELLOWSTONE

PLACE OF USE INCLUDES LOTS 1-39 AND TWO PARKS IN LACKMAN MEADOWS SUBDIVISION.

**COMPLETION DEADLINE**

THE DEADLINE TO COMPLETE THIS PERMIT AND FILE A PROJECT COMPLETION NOTICE (FORM 617) IS **DECEMBER 31, 2033**. IF YOU CANNOT MEET THE DEADLINE, FILE A FORM 607, APPLICATION FOR EXTENSION OF TIME, BY **DECEMBER 31, 2033**. OTHERWISE, THE PERMIT IS VOID.

**IMPORTANT INFORMATION**

NOTIFICATION REQUIREMENT: THE APPROPRIATOR SHALL RECORD A DOCUMENT IN THE COURTHOUSE THAT SHALL NOTIFY ALL CURRENT AND FUTURE LANDOWNERS IN LACKMAN MEADOWS SUBDIVISION THAT 1) A WATER RIGHT CANNOT BE OWNED BY A PRIVATE INDIVIDUAL, BUT MUST BE HELD IN THE NAME OF THE HOME OWNERS ASSOCIATION (THE APPROPRIATOR); 2) A COPY OF THE WELL LOG MUST BE SUBMITTED TO THE APPROPRIATOR; AND 3) WATER USE MUST BE MEASURED AND RECORDED AS DESCRIBED IN THIS PERMIT. THE APPROPRIATOR SHALL PROVIDE A COPY OF THE RECORDED DOCUMENT IDENTIFYING THESE RESTRICTIONS TO EACH LANDOWNER.

**IMPORTANT INFORMATION**

WELL LOGS: THE APPROPRIATOR SHALL REQUIRE THE LANDOWNER TO PROVIDE A COPY OF THE WELL LOG TO THE APPROPRIATOR WITHIN 90 DAYS OF COMPLETION OF THE WELL. THE APPROPRIATOR SHALL PROVIDE A COPY OF WELL LOGS FOR ALL WELLS COMPLETED DURING THAT YEAR TO THE WATER RESOURCES REGIONAL OFFICE BY JANUARY 31 OF EACH YEAR.

**IMPORTANT INFORMATION**

THE APPROPRIATOR MUST PERFORM 8-HOUR DRAWDOWN AND YIELD TESTS ON EACH PRODUCTION WELL UNTIL THE REQUESTED FLOW RATE OF 352 GPM HAS BEEN ATTAINED. THE RESULTS OF THE 8-HOUR DRAWDOWN AND YIELD TESTS MUST BE SUBMITTED TO THE DEPARTMENT ON FORM 633 AS WELLS ARE COMPLETED.

**WATER MEASUREMENT INFORMATION**

THE APPROPRIATOR SHALL REQUIRE LANDOWNERS IN LACKMAN MEADOWS SUBDIVISION TO INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE. WATER MUST NOT BE DIVERTED FROM THE WELLS UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP YEARLY WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED FROM JANUARY 1 THROUGH DECEMBER 31 BY ALL WELLS. THE WATER USE RECORDS SHALL BE COMPILED AND SUBMITTED TO THE DEPARTMENT BY JANUARY 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR.

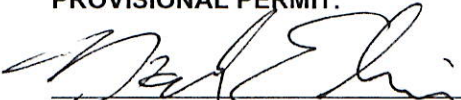
FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF THE PERMIT. THE RECORDS MUST BE SENT TO THE BILLINGS WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL ENSURE EACH MEASURING DEVICE IS MAINTAINED SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

**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.

THIS PROVISIONAL PERMIT IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE OF SUPPLY. FURTHER, THIS PERMIT IS SUBJECT TO ANY FINAL DETERMINATION OF EXISTING WATER RIGHTS, AS PROVIDED BY MONTANA LAW.

FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS PROVISIONAL PERMIT.

  
\_\_\_\_\_  
Witness Signature

DATE ISSUED: JANUARY 19, 2023

  
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Water Resources Division

BEFORE THE DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA


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IN THE MATTER OF APPLICATION FOR )	<b>FINAL ORDER PRELIMINARY DETERMINATION DECISION ADOPTION</b>
BENEFICIAL WATER USE PERMIT NO. )	
43Q 30154658 BY M & J LAND CO LLC )	
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Having received no valid objections to the application, and subject to the terms, conditions, restrictions, and limitations described in the Preliminary Determination Decision document dated October 31, 2022, the above described water right application is GRANTED. § 85-2-310(3), MCA

DATED this 19<sup>th</sup> day of January, 2023.

  
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Mark Elison, Regional Manager  
Department of Natural Resources  
and Conservation  
Water Resources Division  
1371 Rimtop Drive  
Billings, MT 59105