

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:** 76LJ 30102978 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** MONTANA ARTESIAN WATER COMPANY  
405 PEDERSON RD  
KALISPELL, MT 59901

**Priority Date:** JUNE 24, 2015 at 02:00 P.M.  
**Enforceable Priority Date:** JUNE 24, 2015 at 02:00 P.M.

**Purpose (use):** COMMERCIAL  
GEOTHERMAL

**Maximum Flow Rate:** 1.00 CFS  
**Maximum Volume:** 710.53 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		SENWSE	20	28N	20W	FLATHEAD

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** WELL  
**Well Depth:** 222.00 FEET  
**Flowing:** YES

**Purpose (Use):** COMMERCIAL **Purpose Clarification:** WATER BOTTLING PLANT  
**Volume:** 710.53 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			SENWSE	20	28N	20W	FLATHEAD

**Purpose (Use):** GEOTHERMAL  
**Volume:** 12.28 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			SENWSE	20	28N	20W	FLATHEAD

AS THE WATER BOTTLING PLANT DEVELOPS, UP TO 12.28 AF PER ANNUM WILL BE USED FOR THE GEOTHERMAL PURPOSE. THE MAXIMUM COMBINED APPROPRIATION OF GEOTHERMAL AND COMMERCIAL USES WILL BE 710.53 AF PER ANNUM.

**COMPLETION DEADLINE**

THE DEADLINE TO COMPLETE THIS PERMIT AND FILE A PROJECT COMPLETION NOTICE (FORM 617) IS **DECEMBER 31, 2039**. IF YOU CANNOT MEET THE DEADLINE, FILE A FORM 607, APPLICATION FOR EXTENSION OF TIME, BY **DECEMBER 31, 2039**. OTHERWISE, THE PERMIT IS VOID.

**CLARK FORK RIVER BASIN LAW**

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

**CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS**

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

**WATER MEASUREMENT INFORMATION**

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED IN-LINE FLOW METER AT A POINT IN THE DELIVERY LINE APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY JANUARY 31ST OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR UNTIL CERTIFICATION. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

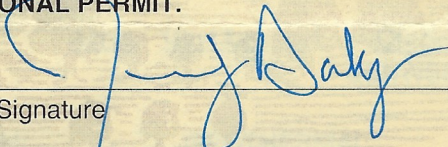
**BACKFLOW PREVENTOR**

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.**

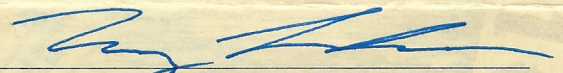
**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS PROVISIONAL PERMIT.**

Witness Signature



DATE ISSUED: JUNE 25, 2018

Water Resources Division



ADMINISTRATIVE  
THE DEPARTMENT OF  
NATURAL RESOURCES  
EXTENSION  
CLARK FORK  
THIS PERMIT  
WATER RESOURCES  
DIVISION