



Secondly, Mr. Pengelly suggested removing condition B from the Permit, since the Permittee is already restricted from using any water when the commissioner is on duty. This suggestion was also made by Mr. A.J. Mattila.

The Department agrees. The Permittee is subject by statute to the authority of the water commissioner and he must abide by any commissioner's order shortening the permitted period of use. Title 85, Chapter 5, MCA (1983). Aside from that one time order however Mr. Johnson's use will not add to the commissioner's burden of administering the stream. Therefore, the Department has modified the Permit conditions to eliminate the requirement that the Permittee share in the commissioner's expenses.

Mr. A.J. Mattila

Mr. Mattila timely filed a response stating, in addition to that noted above, that the agreement during the on-site inspection included a restriction on the period of use preventing use between July 1st and October 1st. The specific inclusion of these dates in the Permit would more correctly reflect the intent of the parties regarding the Permittee's acceptable usage of water, and would prevent the other water users from having to call for a water commissioner earlier than might otherwise be necessary, just to trigger the Permittee's restriction from use when a water commissioner is acting. The understanding that the parties agreed to a period of use from October 2 to June 30 was also stated by Mr. Wanke, see discussion below.

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The period of use included in the Proposal attempted to reflect the intent of the parties that no diversion be allowed during the high demand periods of the summer months. By granting a year round period of use, subject to the restriction of use during the period of appointment of a water commissioner the Hearing Examiner attempted to leave more flexibility for the Permittee during years of high run-off.

The Department agrees, however, that specifically restricting the period of use more accurately reflects the parties' agreement, as well as relieves the other users of the burden of appointing a commissioner to require the Permittee to cease diversions during periods when the Permittee had already agreed not to divert. Therefore, the Department accordingly modified the Permit issued herein.

Mr. Herbert F. Wanke

Mr. Wanke submitted an objection to the Proposal for Decision stating his understanding of the on-site agreement was that the period of use would include only the period July 1 - October 1st or 15th, and that he believed those dates should be specifically included in the Permit. For the reasons stated in response to Mr. Mattila's objection, the Department agrees and has modified the Permit accordingly.

WHEREFORE, based on the record of proceedings herein, and the Proposal for Decision of July 11, 1984, expressly adopted and incorporated herein by reference, except as specifically modified above, the Department hereby issues the following:

ORDER

Subject to the terms, conditions, restrictions, and limitations listed below, a Provisional Permit is hereby granted to Gordon R. Johnson to appropriate 5.2 cfs up to 2,500 acre-feet per year from Sweeney Creek for a non-consumptive hydroelectric generation use. The diversion, by means of headgate and pipe, will be at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County; the place of use to be NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County. The period of use to be October 2nd through June 30th of each year except that the Permittee shall in no event divert any water pursuant to this Permit during the term of duty of a water commissioner appointed by District Court for distribution of waters in Sweeney Creek. The priority date for this Permit shall be May 2, 1983 at 4:00 p.m.

This Permit is subject to the following express conditions, restrictions and limitations:

A. This 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.

B. The water right granted by this Permit is subject to the authority of a court appointed water commissioner, if and when

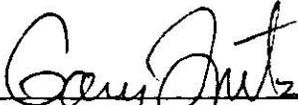
**CASE # 52062**

appointed, to admeasure and distribute to the parties using water in the source of supply the water to which they are entitled.

C. If at any time after this Permit is issued, a written complaint is received by the Department alleging that diverting 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 Permittee to show cause why the Permit should not be modified or revoked. The Department may then modify or revoke the Permit to protect existing rights or allow the Permit to continue unchanged if the Hearing Officer determines that no existing water rights are being adversely affected.

D. The issuance of this permit by the Department shall not reduce the Permittee's liability for damages caused by Permittee's exercise of this Permit, nor does the Department in issuing the Permit in any way acknowledge liability for damage caused by the Permittee's exercise of this Permit.

DONE this 9<sup>th</sup> day of October, 1984.

  
\_\_\_\_\_  
Gary Fritz, Administrator  
Department of Natural  
Resources and Conservation  
32 S. Ewing, Helena, MT  
(406) 444 - 6605

  
\_\_\_\_\_  
Sarah A. Bond, Hearing Examiner  
Department of Natural Resources  
and Conservation  
32 S. Ewing, Helena, MT 59620  
(406) 444 - 6625

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NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedures Act, Title 2, Chapter 4, Part 7, MCA 1983, by filing a petition in the appropriate court within thirty (30) days after service of the Final Order.

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AFFIDAVIT OF SERVICE

STATE OF MONTANA )  
 ) ss.  
County of Lewis & Clark )

Donna K. Elser, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on October 10, 1984, she deposited in the United States mail, Artifice mail, an order by the Department on the Application by Gordon R. Johnson, Application No. 52062-s76H, for an Application for Beneficial Water Use Permit, addressed to each of the following persons or agencies:

1. Gordon R. Johnson, NW 5289 Sweeney Creek Loop, Florence, MT 59833
2. Evalyn Barden, NW 5153 Hwy 93 S., Florence, MT 59833
3. James E. Clark, P.O. Box 191, Florence, MT 59833
4. Herbert F. & Kathryn R. Wanke, NW 5160 Koch Lane, Florence, MT 59833
5. Billie H. & Gail J. Brayton, NW 5102 Koch Lane, Florence, MT 59833
6. Richard E. & Sharon M. Renfro, NW 300 Poplar, Florence, MT 59833
7. Marvin P. Reynolds, 5110 Hoblitt Lane, Florence, MT 59833
8. James Lea Simpson, NW 5149 US Hwy 93 S, Florence, MT 59833
9. Arthur J. Mattila, NW 4901 US Hwy 93, Florence, MT 59833
10. Dave Pengelly, Water Rights Bureau Field Office (inter-departmental mail)
11. Sarah A. Bond, Hearing Examiner (hand deliver)

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Donna K. Elser

STATE OF MONTANA )  
 ) ss.  
County of Lewis & Clark )

On this 10<sup>th</sup> day of October, 1984, before me, a Notary Public in and for said state, personally appeared Donna Elser, known to me to be the Hearings Recorder of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



*John P. Gilman*

Notary Public for the State of Montana  
Residing at Helena, Montana  
My Commission expires 1-21-1987

**CASE # 52062**

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

\* \* \* \* \*

IN THE MATTER OF THE APPLICATION            )  
FOR BENEFICIAL WATER USE PERMIT            )        PROPOSAL FOR DECISION  
NO. 52062-s76H BY GORDON R. JOHNSON        )

\* \* \* \* \*

Pursuant to the Montana Water Use Act, M.C.A. Title 85, Chapter 2, and to the Montana Administrative Procedures Act, M.C.A. Title 2, Chapter 4, Part 6, a hearing in the above-entitled matter was held in Missoula, Montana, on March 22, 1984.

I. STATEMENT OF CASE

A. Parties

Gordon R. Johnson, the Applicant, appeared pro se.

The following objectors appeared pro se: James L. Simpson, Arthur J. Mattilla, Marvin P. Reynolds, Herbert F. and Kathryn R. Wanke, James E. Clark and Evalyn Barden.

The following objectors did not appear at the hearing: Billie H. and Gail J. Barton, Richard E. and Sharon M. Renfro.

Department of Natural Resources and Conservation (hereafter "Department" or "DNRC") Missoula Water Rights Bureau Area Field Office Supervisor Dave Pengelly appeared as the Department's staff expert witness.

**CASE #** 52062

B. Case

The Applicant seeks to appropriate from Sweeney Creek, tributary to the Bitterroot River 5.2 cubic feet per second (hereafter, "cfs") up to 2,500 acre-feet per year for hydroelectric power generation, a non-consumptive use.<sup>1</sup> The power so generated is used in Mr. Johnson's household.

The diversion point is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County, Montana. The place of use is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County, Montana. The diversion means is by headgate and ditch.

The Applicant has already installed his turbine system and diversion means. The water is diverted from Sweeney Creek through an existing headgate on the Applicant's land (heretofore used to divert water for his existing stockwater and irrigation rights), and thence, through another headgate where the water flows through an underground pipe, through the turbines, and finally through a short ditch which redirects the water back to Sweeney Creek.

All objectors filed timely objections complaining and alleging generally that Sweeney Creek, an adjudicated stream, is already overappropriated, as evidenced by the usual need

<sup>1</sup> Mr. Johnson submitted an Application No. 49233-s76H on December 29, 1982, for substantially the same project for which he now seeks approval. That application was withdrawn due to various inaccuracies, primarily that of the amount of water requested for the project.

for and appointment of a water commissioner during the irrigation months. (See, M.C.A. Title 85, Chapter 5.) Further, the Objectors alleged:

1. That because the Applicant had already installed his pipe diversion and appropriation works, without benefit of a beneficial water use permit, his application should be denied and a requirement imposed that he remove all structures so installed.
2. That the Applicant could not be prevented from taking more water than permitted because of the single headgate through which he diverts his existing rights as well as the right for which he now applies. The current diversion works allow the Applicant to use the water he should divert for his non-consumptive hydroelectric generation uses, if permitted, for consumptive irrigation or stockwater uses instead.
3. That the project is not economically feasible because of insufficient volume of water used and minimal head.
4. That the Applicant has been untrustworthy in the past, and has been known to interfere with other's diversion structures, preventing proper operation of headgates and allowing him to divert more than his existing share. The diversion structures for Ditches No. 5 and 2 are in Sweeney Creek where it is flanked on both sides by Mr. Johnson's property, thus preventing users of these ditches from adequately monitoring and correcting the situation.

5. That because of the lack of a measuring device at Applicant's diversion point as well as the existence of a small pool area between the diversion from Sweeney Creek and the headgate into the pipe for this proposed use, his diversion cannot be monitored by the water commissioner.

6. That the additional use by Mr. Johnson will necessitate the water commissioner to be on the job earlier than usual each year and all water right holders on Sweeney Creek would therefore suffer the increased financial burden of the water commissioner's expenses and salary.

C. Exhibits

The Applicant introduced the following exhibit into the record.

App. 1- A photocopy of a form entitled, Montana Natural Streambed and Land Preservation Act Notice of Proposed Project, with attached photocopy of a note signed by Tom Ruffato stating that the Applicant need not obtain a 310 Permit for the diversion, but did need one for the return pipe.

The Applicant's exhibit was received into the record without Objection.

The Objectors' offered the following exhibits into the record:

Obj. 1- A handdrawn map depicting Sweeney Creek and the Applicant's use.

Obj. 2- A photocopy of 2 pages of reports apparently filed by the water commissioner for Sweeney Creek, for the month of July, 1940, and for the month of August, 1940.

Obj. 3- A certified copy of the water commissioner's report on Sweeney Creek for July and August 1961, certified by the Clerk of Court for the Fourth Judicial District of Ravalli County, Montana.

Obj. 4- A copy of a record purporting to be the water commissioner's report on Sweeney Creek for July and August 1980, signed by James L. Simpson, Water Commissioner.

Obj. 5- A proposed permit consisting of nine conditions, prepared by Mr. Simpson, and concurred in by all Objectors at the hearing, with the exception of Mr. Mattilla. The proposal was developed as the best means, short of DNRC denial of the Application, of protecting the Objectors' prior water rights while allowing the Applicant to continue appropriating Sweeney Creek water as applied for herein.

Obj. 6- A written statement by James L. Simpson, summarizing his objection to the Permit Application (6 pages).

Obj. 7- A copy of a law review article by Albert W. Stone, published in the Montana Law Review, Volume 31, Number 1, p 1, entitled, "The Long Count on Dempsey: No Final Decision in Water Right Adjudication".

All of the Objectors' exhibits were introduced by James L. Simpson, and accepted into the record without objection.

The Department introduced the following exhibits into the record:

Dept. 1- A copy of a document entitled miscellaneous measurements, Sweeney Creek. The document was explained to be part of a United States Geologic Survey study of water occurrence in Montana.

Dept. 2- A photocopy of a Department prepared abstract of decreed water right holders in Sweeney Creek, as depicted in the decree of July 17, 1908, and abstracted by Department employees in the Missoula Water Rights Bureau Field Office. The document shows the person to whom the right was decreed, amount decreed, priority date, and present owner.

Dept. 3- DNRC abstract; a water right listing by source, for Sweeney Creek, as obtained from Departmental computer records.

Dept. 4- A photocopy of page 31 of Water Resources Survey, for Missoula County, showing Township 10 North, Range 20 West.

All of the Department's exhibits were received into the record without objection.

Additional evidence was received in the form of an on-site inspection of the proposed use on Sweeney Creek. On April 5, 1984, the Hearing Examiner, Dave Pengelly, and the parties who attended the hearing, met at the Applicant's house, walked the length of the project and observed the headgates supplying various objectors from Sweeney Creek.

At the on-site investigation, Mr. Simpson submitted additional evidence for the record.

Having fully considered the evidence on the record, the Hearing Examiner now makes the following:

PROPOSED FINDINGS OF FACT

1. The instant Application was filed with the Department on May 2, 1983 at 4:00 p.m.

2. The Applicant seeks to appropriate water from Sweeney Creek for a non-consumptive use - hydroelectric power generation (5 kw). For this use, Applicant seeks to divert by means of headgate and pipeline 5.2 cfs up to 2,500 acre-feet per year: the period of use to be year round: the point of diversion to be in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County: the point of use to be in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County, Montana.

3. The pertinent facts of the Application were duly published once a week for two consecutive weeks in the Ravalli Republic, a newspaper of general circulation in the area of the source.

4. On July 12, 1983 Richard E. and Sharon M. Renfro timely filed an objection alleging that their fourth priority right from Sweeney Creek would be adversely affected because they believe Mr. Johnson will take more water than he has applied for. Further, they state as evidence of his bad faith, that he had already installed a large 15" pipe for his hydroelectric generation project, and that the turbine he had already purchased was capable of handling much more water than was applied for, and

in fact, could not be operated efficiently with the small amount of water applied for. The Renfro's also objected to his period of use in that it included the summer months of low flow and high agricultural water right demand on Sweeney Creek.

5. On July 13, 1983 Herbert F. and Kathryn R. Wanke, Billie H. and Gail J. Brayton and Marvin P. Reynolds timely filed objections. They allege that the additional use will adversely affect their prior water rights by creating need for a water commissioner earlier in the irrigation season, and thus would be an increased economic burden on them.

6. On July 14, 1983 Evalyn Barden, James E. Clark, James Lea Simpson, and Arthur J. Mattila timely filed objections alleging facts similar to those of the other objectors. Some of the objections were lengthy and detailed, but because of the disposition of the matter herein, need not be elaborated upon here.

7. The proposed use is a beneficial one.

8. The Applicant has a present bona fide intent to appropriate water.

9. The proposed use is non-consumptive, therefore, there are unappropriated waters available during some portions of each year for this particular use.

10. The Applicant has already installed the project for which he now seeks an appropriative right.

11. The Applicant's project supplies electricity for use in the Johnson home.

12. Pursuant to conditions agreed upon at the site investigation, all parties stipulate to the existence of the statutory criteria if the period of use is limited to those times of low demand on Sweeney Creek, i.e., approximately November through June of each year. The actual diversion, i.e.: and the allowable period of use each year under the Permit would, of course, be subject to the direction of the water commissioner, and therefore, in times of unusually low flow and/or high demand, would result in a shorter period of use than for those years of high flow and/or low demand. M.C.A. § 85-5-201.

WHEREFORE, based upon the foregoing Findings of Fact, the Hearing Examiner hereby makes the following Proposed:

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the parties and over the subject matter herein.
2. The Department gave proper notice of the hearing, and all substantive and procedural requirements of law or rule have been fulfilled and, therefore, the matter was properly before the Hearing Examiner.
3. M.C.A. § 85-2-311 directs the Department to issue a Permit;

"if the applicant proves by substantial credible evidence that the following criteria are met:  
(a) there are unappropriated waters in the source of supply:  
(i) at times when the water can be put to the use proposed by the applicant;

(ii) in the amount the applicant seeks to appropriate,  
and  
(iii) throughout the period during which the applicant  
seeks to appropriate, the amount requested is available;  
(b) the water rights of a prior appropriator will not be  
adversely affected;  
(c) the proposed means of diversion, construction and  
operation of the appropriation works are adequate;  
(d) the proposed use of water is a beneficial use;  
(e) the proposed use will not interfere unreasonably  
with other planned uses or developments for which a  
permit has been issued or for which water has been  
reserved.

4. The statutory criteria have been stipulated to exist if  
the Permit is issued with a shorter period of use than that  
applied for. The Applicant is limited to a period of use to be  
determined each year by the water commissioner who may, for  
example, require the diversion to be shut off prior to June 30,  
or require that no diversion begin until after November 1.  
Further, the Applicant shall not divert any water pursuant to  
Permit No. 52062-s76H during the term of duty of a water  
commissioner for Sweeney Creek.

5. Provisional Beneficial Water Use Permit holders are  
subject to the control and direction of the court appointed water  
commissioners. M.C.A. § 85-5-201 (1983).

6. The Department has jurisdiction to issue a permit subject  
to such terms, conditions and limitations it considers necessary  
to protect the rights of other appropriators. M.C.A. §  
85-2-312(1).

7. The increased cost of a water commissioner is not adverse  
affect within the meaning of the Montana Law. "...the expense of  
employing a water commissioner does not constitute the burden or  
detriment required..." McIntosh et al. v. Gravely, 159 Mont. 72,  
82, 495 P.2d 186 (1972).

8. Because of the limited period of use, and the standard permit condition requiring the Permittee to pay his proportionate fees for the water commissioner, the water rights of prior appropriators will not, in any case, be adversely affected by Applicant's use.

WHEREFORE, based on the foregoing Proposed Findings of Fact and Conclusions of Law the Hearing Examiner hereby makes the following:

PROPOSED ORDER

Subject to the terms, conditions, restrictions, and limitations listed below, a Provisional Permit is hereby granted to Gordon R. Johnson to appropriate 5.2 cfs up to 2,500 acre-feet per year from Sweeney Creek for a non-consumptive hydroelectric generation use. The diversion, by means of headgate and pipe, will be at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County; the place of use to be NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 22, Township 10 North, Range 20 West, Ravalli County. The period of use to be January 1 through December 31 of each year except that the Permittee shall in no event divert any water pursuant to this Permit during the term of duty of a water commissioner appointed by District Court for distribution of waters in Sweeney Creek. The priority date for this Permit shall be May 2, 1983 at 4:00 p.m.

This Permit is subject to the following express conditions, restrictions and limitations:

A. This 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.

B. The water right granted by this Permit is subject to the authority of a court appointed water commissioner, if and when appointed, to admeasure and distribute to the parties using water in the source of supply the water to which they are entitled. The Permittee shall pay his proportionate share of the fees and compensation and expenses, as fixed by the district court, incurred in the distribution of the waters granted in this Provisional Permit.

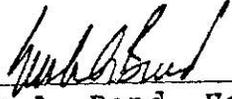
The Permittee shall install an adequate water flow measuring device, at a location as near as practicable to the point where the water is diverted from the source of supply, in order to record the flow rate and volume of water diverted. The Permittee shall keep a written record of the flow rate and volume of all waters diverted including the period of time and shall submit said records to the Department upon request.

C. If at any time after this Permit is issued, a written complaint is received by the Department alleging that diverting 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 Permittee to show cause why the Permit

should not be modified or revoked. The Department may then modify or revoke the Permit to protect existing rights or allow the Permit to continue unchanged if the Hearing Officer determines that no existing water rights are being adversely affected.

D. The issuance of this permit by the Department shall not reduce the Permittee's liability for damages caused by Permittee's exercise of this Permit, nor does the Department in issuing the Permit in any way acknowledge liability for damage caused by the Permittee's exercise of this Permit.

DONE this 11th day of July, 1984.

  
\_\_\_\_\_  
Sarah A. Bond, Hearing Examiner  
Department of Natural Resources  
and Conservation  
32 S. Ewing, Helena, MT 59620  
(406) 444 - 6625

NOTICE

This proposal is a recommendation, not a final decision. Any party adversely affected may file exceptions to this proposal. Such exceptions must be filed (received) with the Hearing Examiner at 32 South Ewing, Helena, Montana 59620 within 20 days after service of this Proposal by first class mail, M.C.A. § 2-4-623. All parties are urged carefully to review the terms of the proposed permit, especially checking the legal land descriptions, for correctness. No final decision shall be made until after the expiration of the period for filing exceptions, and the due consideration of those exceptions. All exceptions shall specifically set forth the precise portions of the proposed decision to which exception is taken, the reasons for the exception and authorities upon which the exception relies. Any party adversely affected may present oral argument to the Administrator of the Water Resources Division.

AFFIDAVIT OF SERVICE

STATE OF MONTANA )  
 ) ss.  
County of Lewis & Clark )

Donna K. Elser, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on July 12, 1984, she deposited in the United States mail, inter-departmental mail, an order by the Department on the Application by Gordon R. Johnson, Application No. 52062-s76H, for an Application for Beneficial Water Use Permit, addressed to each of the following persons or agencies:

1. Gordon R. Johnson, NW 5289 Sweeney Creek Loop, Florence, MT 59833
2. Evalyn Barden, NW 5153 Hwy 93 S., Florence, MT 59833
3. James E. Clark, P.O. Box 191, Florence, MT 59833
4. Herbert F. & Kathryn R. Wanke, NW 5160 Koch Lane, Florence, MT 59833
5. Billie H. & Gail J. Brayton, NW 5102 Koch Lane, Florence, MT 59833
6. Richard E. & Sharon M. Renfro, NW 300 Poplar, Florence, MT 59833
7. Marvin P. Reynolds, 5110 Hoblitt Lane, Florence, MT 59833
8. James Lea Simpson, NW 5149 US Hwy 93 S, Florence, MT 59833
9. Arthur J. Mattila, NW 4901 US Hwy 93, Florence, MT 59833
10. Dave Pengelly, Water Rights Bureau Field Office (inter-departmental mail)
11. Sarah A. Bond, Hearing Examiner (hand deliver)

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Donna K. Elser

STATE OF MONTANA )  
 ) ss.  
County of Lewis & Clark )

On this 12 day of July, 1984, before me, a Notary Public in and for said state, personally appeared Donna Elser, known to me to be the Hearings Recorder of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

**CASE # 52062**

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 Helena, Montana  
My Commission expires 1-21-1987

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