

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

* * * * *

IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT) FINAL
92815-41I BY M & W ENTERPRISES) ORDER
LLC)

* * * * *

The Proposal for Decision (Proposal) in this matter was entered on September 13, 1996. Applicant (M & W) filed a timely exception to the Proposal but did not request an oral argument hearing. Objectors Anderson and Objector Town View Estates Water Users Association (Town View) did not file exceptions to this Proposal. Town View expressed agreement with Applicant's exception as part of Town View's exception to the Proposal in the matter of Application to Change G(P)023312-41I by Town View Water Users Assoc.

M & W excepted to Condition G of the Proposed Order on the basis that it could be interpreted to preclude M & W from using the water from its first well until its second well is tested in accordance with Condition G. M & W requests a clarification of the intention regarding Condition G.

The Hearing Examiner intended that M & W could use its first well until the second well is drilled and tested in accordance with Condition G. Condition G will be amended for clarification.

The Department of Natural Resources and Conservation adopts the Findings of Fact and Conclusions of Law as contained in the Proposal for this Final Order. Based upon the Findings of Fact

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and Conclusions of Law, the Department of Natural Resources and Conservation makes the following:

ORDER

Subject to the terms, conditions, restrictions, and limitations listed below, Beneficial Water Use Permit 92815-g41I is granted to M & W Enterprises, LLC, to appropriate 100 gallons per minute up to 161.30 acre-feet per year of groundwater by means of a manifold well system located the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and in Lot 14, Block 11 of the Skyview Subdivision which is described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 11 North, Range 3 West, Lewis and Clark County, Montana. The uses will be: 100 gallons per minute up to 6.00 acre-feet of water per year for commercial use, 100 gallons per minute up to 31.30 acre-feet of water per year for irrigation on 16.10 acres, 100 gallons per minute up to 121 acre-feet of water per year for multiple domestic use, and 100 gallons per minute up to 3.00 acre-feet of water per year for maintenance and treatment of wastewater. The places of use shall be: Skyview Subdivision, Lots 1 through 6, Block 1 described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7 for commercial use; Blocks 1 through 13 described as 8.4 acres in the E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, 7.60 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.1 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 7 for irrigation; Blocks 2 through 13 described as E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 7 for multiple domestic; Lot 9, Block 3, Skyview Subdivision described as the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and Lot 14, Block 11, described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 for maintenance and treatment of wastewater. The

period of diversion and use will be from January 1 through December 31, inclusive of each year.

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. This right is subject to Section 85-2-505, MCA, requiring all wells be constructed so they will not allow water to be wasted; or contaminate other water supplies or sources, and all flowing wells shall be capped or equipped so the flow of the water may be stopped when not being put to beneficial use. The final completion of the well(s) must include an access port of at least .50 inch so the static level of the well may be accurately measured.

C. The issuance of this right by the Department shall not reduce the appropriator's liability for damages caused by the appropriator's exercise of this right. Nor does the Department in issuing the right in any way acknowledge liability for damage caused by the appropriator's exercise of this right.

D. This right is subject to the condition that the appropriator shall install an adequate flow metering device to allow the flow rate and volume of water diverted to be recorded. The appropriator 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 by November 30th of each year and/or

upon request to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1601.

E. The appropriator shall submit a progress report of the work completed under this right by November 30th of each year until completion of the project. Submit reports to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1601.

F. The appropriator shall measure and record the static water level each year in production wells at or about the first of each month. Records must include the water level, method of measurement, date and time of measurement and description of the measuring point on the casing. The measurement shall be recorded only at a time when the water level is static or there is no significant change in measurements taken 1 - 2 minutes apart. Submit the records by November 30th of each year and/or upon request to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1602.

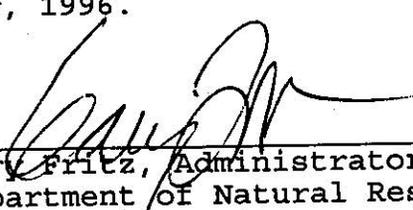
G. A seventy-two hour aquifer test shall be made on the second well which will be located in the ~~SW~~~~NW~~~~NE~~ of Section 7, Township 11 North, Range 03 West, before that well is used under this permit. The test plan shall be submitted to and approved by the Department before the testing begins. All data collected and conclusions made as part of the test shall be submitted to the Department within thirty days of the conclusion of the test.

NOTICE

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within 30 days after service of the Final Order.

If a petition for judicial review is filed and a party to the proceeding elects to have a written transcription prepared as part of the record of the administrative hearing for certification to the reviewing district court, the requesting party must make arrangements with the Department of Natural Resources and Conservation for the ordering and payment of the written transcript. If no request is made, the Department will transmit a copy of the tape of the oral proceedings to the district court.

Dated this 25 day of October, 1996.



Gary Fritz, Administrator
Department of Natural Resources
and Conservation
Water Resources Division
P.O. Box 201601
Helena, Montana 59620-1601
(406) 444-6605

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Final Order was duly served upon all parties of record, first class mail, at their address or addresses this 28th day of October, 1996, as follows:

CASE # 92815

Town View Estates Water Users
P.O. Box 9646
Helena, MT 59604
Robert H. & Jean R. Anderson
910 Prairie Road
Helena, MT 59601

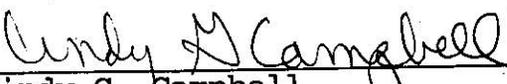
David K.W. Wilson, Jr.
401 N. Last Chance Gulch
Helena, MT 59601

Mike McMahan
2225 11th Ave Suite 21
Helena, MT 59601

Vivian A. Lighthizer
Hearing Examiner
Department of Natural
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M & W Enterprises
4528 Hwy 12 West
Helena, MT 59601
William G. Anderson
Marjorie M. Anderson
960 Prairie Road
Helena, MT 59601

T.J. Reynolds, Manager
Jim Beck, CES
Helena Water Resources
Regional Office
P.O. Box 201601
21 N. Last Chance Gulch
Helena, MT 59620-1601


Cindy G. Campbell
Hearings Unit Legal Assistant

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

* * * * *

IN THE MATTER OF THE APPLICATION)	PROPOSAL
FOR BENEFICIAL WATER USE PERMIT)	FOR
92815-41I BY M & W ENTERPRISES)	DECISION
LLC)	

* * * * *

Pursuant to the Montana Water Use act and to the contested case provisions of the Montana Administrative Procedure Act, a hearing was held on August 12, 1996, in Helena, Montana, to determine whether a Beneficial Water Use Permit should be granted to Applicant for the above-entitled application under the criteria set forth in Mont. Code Ann. § 85-2-311(1) and (5) (1995).

APPEARANCES

Applicant appeared at the hearing by and through counsel, Mike McMahon.

Larry Marshall, one of the owners of M & W Enterprises, LLC (M & W); Carl W. Damoude, EIT with MT Associates, Inc.; Michael B. Kaczmarek, Senior Hydrogeologist with Morrison-Maierle, Inc.; Patrick Faber, Consulting Hydrogeologist, and Vivian Drake, Supervisor of the Lewis and Clark County Water Quality Protection District, appeared at the hearing and were called to testify by Applicant.

Objectors Robert H. and Jean R. Anderson and William G. and Marjorie M. Anderson appeared at the hearing in person.

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Jim Beck, CES with the Helena Water Resources Regional Office of the Department of Natural Resources and Conservation (Department), attended the hearing.

Objector Town View and Applicant reached an agreement prior to the hearing, reserving the right to file exceptions to the proposal for decision issued for each of these applications. Town View was not present at this hearing.

EXHIBITS

Applicant offered 12 exhibits for the record. All were accepted without objection.

Applicant's Exhibit A-1 is a vicinity map showing the location of Town View Estates and the proposed Skyview subdivision as well as various roads and topography.

Applicant's Exhibit A-2 is a copy of a warranty deed which transfers ownership of certain properties from Floy E. Peterson to M & W Enterprises, LLC.

Applicant's Exhibit A-3 is a copy of a quit claim deed which transfers ownership of certain properties from Linnea Simque to M & W Enterprises, LLC.

Applicant's Exhibit A-4 is a copy of a quit claim deed which transfers certain properties from M & W Enterprises, LLC, to M & W Enterprises, LLC.

Applicant's Exhibit A-5 is a copy of a preliminary subdivision plat of Skyview Subdivision.

Applicant's Exhibit A-6 is a document entitled "Water Works Engineering Report for Skyview Subdivision, Lewis and Clark

County" prepared by Robert H. Beardslee, P.E. and Carl W. Damoude, E.I.T. in May of 1996.

Applicant's Exhibit A-7 is a document entitled "Hydrogeologic Review of Data and Reports Pertaining to the April 17, 1994 Pumping Test Performed as Part of the MT Associates Application for Beneficial Water Use Permit" prepared by Michael B. Kaczmarek.

Applicant's Exhibit A-8 is a document entitled "Results of a 96-hour pumping test of the Skyview No. 1 Well and Observation Data from the Town View No. 2 Well Performed as Part of the M & W Enterprises, LLC Application for Beneficial Water Use Permit" prepared by Michael B. Kaczmarek.

Applicant's Exhibit A-9 is a memorandum dated August 4, 1995, from Vivian Drake, Supervisor of the Water Quality Protection District to the Board of County Commissioners.

Applicant's Exhibit A-10 is a six-page memorandum dated July 27, 1995, from Vivian Drake to Michael McHugh, County Planning Office.

Applicant's Exhibit A-11 is a five-page memorandum to Michael McHugh from Vivian Drake.

Applicant's Exhibit A-12 consists of three pages. The first page is a letter dated May 16, 1996, to Carl Damoude from Randi Triem, Environmental Engineering Specialist, Department of Environmental Quality. Attached to the letter is a two-page memorandum dated April 30, 1996, from Patrick Faber to Randi Triem.

Objectors offered two exhibits for the record which were accepted without objections.

Objectors' Exhibit O-1 is a graph of the drawdown at one of Objectors Anderson's well during the pump test of the Skyview well.

Objectors' Exhibit O-2 is a log of the actual measurements taken at both the Robert Anderson well and the William Anderson well during the April 17, 1994, 12-hour pumping test.

The Hearing Examiner, having reviewed the record in this matter and being fully advised in the premises, does hereby make the following:

FINDINGS OF FACT

1. An application for beneficial water use permit in the name of M & W Enterprises, LLC and signed by Larry Marshall was received by the Department on August 18, 1995. (Department file.)
2. Pertinent portions of the application were published in the *Independent Record* on February 21, 1996. Additionally the Department served notice by first-class mail on individuals and public agencies which the Department determined might be interested in or affected by the proposed change. Three timely objections were received by the Department. Applicant was notified of the objections by a letter from the Department dated March 29, 1996. (Department file.)
3. Applicant proposes to appropriate 100 gallons per minute up to 161.30 acre-feet per year of groundwater by means of a

manifold well system located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and in Lot 14, Block 11 of the Skyview Subdivision which is described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 11 North, Range 3 West, Lewis and Clark County, Montana.¹ The proposed uses are 100 gallons per minute up to 6.00 acre-feet of water per year for commercial use, 100 gallons per minute up to 31.30 acre-feet of water per year for irrigation on 16.10 acres, 100 gallons per minute up to 121 acre-feet of water per year for multiple domestic use, and 100 gallons per minute up to 3.00 acre-feet of water per year for maintenance and treatment of wastewater. The proposed places of use are: Skyview Subdivision, Lots 1 through 6, Block 1 described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 for commercial use; Blocks 1 through 13 described as 8.4 acres in the E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, 7.60 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.1 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 7 for irrigation; Blocks 2 through 13 described as E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 7 for multiple domestic; Lot 9, Block 3, described as the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and Lot 14, Block 11, described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 for maintenance and treatment of wastewater. The proposed period of diversion and use is from January 1 through December 31, inclusive of each year.

4. Applicant has proven by a preponderance of evidence the proposed means of diversion, construction and operation of the

¹Unless otherwise stated all legal descriptions in the Proposal are located in Township 11 North, Range 3 West, Lewis and Clark County, Montana.

appropriation works are adequate. The proposed means of diversion is two wells in a manifold system. One well has been, and the second well would be, drilled by a licensed well driller. The delivery system would be constructed by professionals who will be licensed or certified where necessary according to Montana law. The pumps would be controlled from an operations center that would also house the hydropneumatic pressure tanks. Sampling taps would be provided at the well operations center on each well supply line to monitor well water quality. Flow meters for instantaneous and accumulated flow measurements from the wells would be provided at the operations center. The wells would be normally operated together but provisions would be made to take one or the other well off line occasionally as required for maintenance. The wells would be controlled by a pressure actuated switch which would maintain the design pressure range in the pressure distribution system. Pressure reducing devices would be installed where needed in the distribution system. Hydrants would be provided at the operations center to provide water for emergency fire flow requirements. Provisions for isolation of the operations center electrical supply would be installed to facilitate the use of emergency electrical backup from a portable generator. (Testimony of Larry Marshall and Department file.)

5. The proposed uses of water, commercial, irrigation, multiple domestic, and maintenance and treatment of waste water, are beneficial uses. Applicant would benefit from these water

uses by providing water to the persons who would purchase the lots for the various uses. Without water, Applicant would be unable to sell the lots and would suffer monetarily. The amount of water requested for each use is reasonable. (Department file.)

6. Applicant has proven by a preponderance of evidence there are unappropriated waters in the source of supply at the proposed point of diversion at times when the water can be put to the use proposed, in the amount Applicant seeks to appropriate and that the amount requested is reasonably available during the period in which Applicant seeks to appropriate. A 96-hour pumping test was performed on Applicant's first well from June 19 through June 23, 1995. The initial pumping rate was 165 gallons per minute. Rock chips accumulating on the inlet screen reduced the flow rate to between 110 gallons per minute and 102 gallons per minute. During the pumping test, Town View No. 2 well was used as an observation well and a well belonging to Objectors Anderson was also monitored. Town View No. 2 well is located approximately 500 feet from Applicant's well. Objectors Anderson's well is approximately 1,000 feet from Applicant's well. The response of the Anderson well was approximately 0.71 feet of drawdown during the 96-hour test. Although the drawdown did slow toward the end of the test period, it did not stabilize. Mr. Kaczmarek testified that it would have stabilized had the test continued for a longer period. Projection of the 96-hour test estimates the drawdown at the Town View No. 2 well would be

about 20 feet after pumping Applicant's well at an average rate of 106 gallons per minute for 20 years. The estimated drawdown of 20 feet is much less than the available 64 to 129 feet. Reduction of the water level in an aquifer is not in itself an adverse effect. If Objectors are able to reasonably exercise their water right with the lower water level, there is no adverse effect. Since Applicant proposes to have two wells, the rate of pumping from each well would be half the rate used for this test, so the effect would be less, in the long term, than was experienced during the test. (Department file, Applicant's Exhibits A-8, A-9, and A-10, and testimony of Michael Kaczmarek, Patrick Faber, and Vivian Drake.)

7. Applicant has proven by a preponderance of evidence the proposed use will not interfere unreasonably with other planned uses for which a permit has been issued or for which water has been reserved. There are no pending projects on this source for which permits have been issued or for which water has been reserved. (Department file.)

8. No objections relative to water quality were filed against this application nor were there any objections relative to the ability of a discharge permit holder to satisfy effluent limitations of his permit. Objectors Anderson did voice a concern that additional wastewater would be generated which could pollute the aquifer. Mont. Code Annotated § 85-2-311(1)(g) and (i), (1995) provides that an applicant is required to prove the water quality would be adversely affected only if the objection

contains substantial credible information establishing to the satisfaction of the Department those criteria may not be met. Objectors Anderson did not present such information. Only the Department of Environmental Quality or a local water quality district established under Title 7, Chapter 13, part 45 may file a valid objection for the criterion set forth in (1)(h) which did not occur. (Department file.)

9. Applicant has proven by a preponderance of evidence it has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use. Applicant presented copies of deeds transferring the property where the water is to be used to M & W Enterprises, LLC. (Applicant's Exhibits A-2, A-3, and A-4.)

Based upon the foregoing Findings of Fact and the record in this matter, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Department gave proper notice of the hearing, and all substantive procedural requirements of law or rule have been fulfilled; therefore, the matter was properly before the Hearing Examiner. See Findings of Fact 1 and 2. Mont. Code Ann. §§ 85-2-307 and 309 (1995).

2. Applicant has met all the criteria for issuance of a beneficial water use permit. See Findings of Fact 3 through 9. Mont. Code Ann. § 85-2-311 (1995).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

PROPOSED ORDER

Subject to the terms, conditions, restrictions, and limitations listed below, Beneficial Water Use Permit 92815-g41I is granted to M & W Enterprises, LLC, to appropriate 100 gallons per minute up to 161.30 acre-feet per year of groundwater by means of a manifold well system located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and in Lot 14, Block 11 of the Skyview Subdivision which is described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 11 North, Range 3 West, Lewis and Clark County, Montana. The uses will be: 100 gallons per minute up to 6.00 acre-feet of water per year for commercial use, 100 gallons per minute up to 31.30 acre-feet of water per year for irrigation on 16.10 acres, 100 gallons per minute up to 121 acre-feet of water per year for multiple domestic use, and 100 gallons per minute up to 3.00 acre-feet of water per year for maintenance and treatment of wastewater. The places of use shall be: Skyview Subdivision, Lots 1 through 6, Block 1 described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7 for commercial use; Blocks 1 through 13 described as 8.4 acres in the E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, 7.60 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.1 acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 7 for irrigation; Blocks 2 through 13 described as E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 7 for multiple domestic; Lot 9, Block 3, Skyview Subdivision described as the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 and Lot 14, Block 11, described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 for maintenance and treatment of wastewater. The period of diversion and use will be from January 1 through December 31, inclusive of each year.

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. This right is subject to Section 85-2-505, MCA, requiring all wells be constructed so they will not allow water to be wasted, or contaminate other water supplies or sources, and all flowing wells shall be capped or equipped so the flow of the water may be stopped when not being put to beneficial use. The final completion of the well(s) must include an access port of at least .50 inch so the static level of the well may be accurately measured.

C. The issuance of this right by the Department shall not reduce the appropriator's liability for damages caused by the appropriator's exercise of this right. Nor does the Department in issuing the right in any way acknowledge liability for damage caused by the appropriator's exercise of this right.

D. This right is subject to the condition that the appropriator shall install an adequate flow metering device to allow the flow rate and volume of water diverted to be recorded. The appropriator 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 by November 30th of each year and/or upon request to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1601.

E. The appropriator shall submit a progress report of the work completed under this right by November 30th of each year until completion of the project. Submit reports to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1601.

F. The appropriator shall measure and record the static water level each year in production wells at or about the first of each month. Records must include the water level, method of measurement, date and time of measurement and description of the measuring point on the casing. The measurement shall be recorded only at a time when the water level is static or there is no significant change in measurements taken 1 - 2 minutes apart. The Permittee shall submit the records by November 30th of each year and/or upon request to the Water Resources Regional Office, PO Box 210601, Helena, MT 59620-1602.

G. A seventy-two hour aquifer test shall be made on the well in the SW~~1~~⁴NW~~1~~⁴NE~~1~~⁴ of Section 7, Township 11 North, Range 03 West, before water is used under this permit. The test plan shall be submitted to and approved by the Department before the testing begins. All data collected and conclusions made as part of the test shall be submitted to the Department within thirty days of the conclusion of the test.

NOTICE

This proposal may be adopted as the Department's final decision unless timely exceptions are filed as described below. Any party adversely affected by this Proposal for Decision may file exceptions with the Hearing Examiner. The exceptions must

be filed and served upon all parties within 20 days after the proposal is mailed. Parties may file responses to any exception filed by another party. The responses must be filed within 20 days after service of the exception and copies must be sent to all parties. No new evidence will be considered.

No final decision shall be made until after the expiration of the time period for filing exceptions, and due consideration of timely exceptions, responses, and briefs.

Dated this 13th day of September, 1996.


Vivian A. Lightizer
Hearing Examiner
Department of Natural Resources
and Conservation
P.O. Box 201601
Helena, Montana 59620-1601
(406) 444-6615

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Proposal for Decision was duly served upon all parties of record, first class mail, at their address or addresses this 13th day of September, 1996, as follows:

Town View Estates Water Users
P.O. Box 9646
Helena, MT 59604

Robert H. & Jean R. Anderson
910 Prairie Road
Helena, MT 59601

M & W Enterprises
4528 Hwy 12 West
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William G. Anderson
Marjorie M. Anderson
960 Prairie Road
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David K.W. Wilson, Jr.
401 N. Last Chance Gulch
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Cindy G. Campbell
Hearings Unit Legal Assistant