

Exhibit BO-6: “Montana Department of Fish, Wildlife, and Parks’ Answer to Motion for Implied Claims” from Montana Water Court.

Exhibit BO-7: “Broken O Land and Livestock LLC’s Reply in Support of Motion for Implied Claims” from Montana Water Court.

Exhibit BO-8: “Order Denying Claims and Order Adding Remarks” from Montana Water Court.

The Hearing Examiner took Official Notice of the following Exhibits which were offered at hearing:

Exhibit BO-9: DNRC “Permit and Change Manual pgs 47 – 65.”

Exhibit BO-10: DNRC “Flood to Sprinkler Efficiency Policy.”

Exhibit BO-11: DNRC “Permit and Change Manual pg. 120.”

Exhibit BO-12: DNRC “Permit and Change Manual pg 143.”

Exhibit **BO-1** is a copy of the administrative file for Application to Change Water Right No. 41K 30111184 by Broken O Land & Livestock LLC and as it is already of record in this matter was not separately admitted in this matter.

Broken O also submitted a closing brief in this matter outlining its legal arguments as to why the PDD was issued in error and which is included in the record (hereinafter “Brief”).

The Hearing Examiner has taken notice of the entire application file in this matter and all evidence and exhibits received at the show cause hearing. Being fully informed in the premises, the Hearing Examiner makes the following Findings of Fact, Conclusions of Law, and Order:

PRELIMINARY MATTERS

On 5/15/2017, Broken O Land & Livestock, LLC (Applicant) submitted Application to Change Water Right No. 41K 30111184 to change Water Right Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 (Application) to the Havre Regional Office of the Department of Natural Resources and Conservation (Department or DNRC). The Department published receipt of the Application on its website. The Department sent Applicant a deficiency letter pursuant to § 85-2-302, Montana Code Annotated (MCA), dated 5/16/2017. The Applicant responded to the deficiency letter with information, dated 6/1/2017. The Application was determined to be correct and complete as of 6/12/2017. An Environmental Assessment for this Application was completed on 6/20/17.

The Department issued its “Preliminary Determination to Deny Change” on January 29, 2018. The PDD states:

Subject to the terms and analysis in this Preliminary Determination Order, the Department preliminarily determines that this Application to Change Water Rights No. 41K 30111184 should be denied.

The Applicant has failed to provide evidence of historic use for the Statements of Claim proposed to be changed. The addition of stock use and a stock tank system to these irrigation claims without reducing the irrigation use is an expansion of the historic use. The Applicant has not proven by a preponderance of the evidence that the proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued, as required by § 85-2-402(2)(b), MCA.

(PDD pp. 14-15)

Pursuant to § 85-2-310, MCA, if the Department proposes to deny an application for a permit or a change in appropriation right under § 85-2-307, MCA, unless the applicant withdraws the Application, the Department shall hold a hearing pursuant to § 2-4-604, MCA, after serving notice of the hearing by first-class mail upon the Applicant for the Applicant to show cause by a preponderance of the evidence as to why the permit or change in appropriation right should not be denied.

The Applicants were given the opportunity to show cause why “Preliminary Determination to Deny” No. 41K 30111184 should not be denied. A show cause hearing was scheduled and held on April 19, 2018 before this Hearing Examiner.

The Department has followed the proper procedure as provided in §§ 85-2-307, 85-2-310 and 2-4-604, MCA in this matter.

SUMMARY OF PROPOSED CHANGE

1. The Applicant seeks to change Statement of Claims No. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 to add stock tanks. All four of the water rights proposed for change are irrigation water rights diverted from the Sun River. They share a point of diversion and are supplemental over the entire 474.35 acre place of use associated with each claim.

Information for the Statement of Claims proposed for change is provided in Table 1 and Table 2 (Department File, PDD FOF 1).

Table 1: Water Rights Proposed For Change

W.R. NO.	Flow Rate (CFS)	Volume (AF)	Purpose	Period of Use	Point of Diversion	Priority Date
41K 49404-00	1.30	*	Irrigation	4/1 to 12/4	NENENE Sec 8 20N 5W	3/1/1880
41K 49405-00	1.25	*	Irrigation	1/1 to 12/31	NENENE Sec 8 20N 5W	3/1/1880
41K 49406-00	1.50	*	Irrigation	4/1 to 12/4	NENENE Sec 8 20N 5W	5/9/1883
41K 49407-00	8.30	*	Irrigation	4/1 to 12/4	NENENE Sec 8 20N 5W	5/9/1883

Table 2: Place of use for all rights proposed for change

ID	Acres	Qtr Sec	Sec	Twp	Rge	County
1	0.18	SESW	5	20N	4W	Lewis and Clark
2	13.06	SWSE	5	20N	4W	Lewis and Clark
3	32.55	SESE	5	20N	4W	Lewis and Clark
4	18.91	NWNW	8	20N	4W	Lewis and Clark
5	34.21	NENW	8	20N	4W	Lewis and Clark
6	32.96	NWNE	8	20N	4W	Lewis and Clark
7	39.08	NENE	8	20N	4W	Lewis and Clark
8	36.68	SWNW	8	20N	4W	Lewis and Clark
9	35.96	SESW	8	20N	4W	Lewis and Clark
10	36.50	SWNE	8	20N	4W	Lewis and Clark
11	38.88	SENE	8	20N	4W	Lewis and Clark
12	2.63	NWSW	8	20N	4W	Lewis and Clark
13	5.28	NESW	8	20N	4W	Lewis and Clark
14	7.51	NWSE	8	20N	4W	Lewis and Clark
15	1.71	NESW	8	20N	4W	Lewis and Clark
16	35.15	NWNW	9	20N	4W	Lewis and Clark
17	15.49	NENW	9	20N	4W	Lewis and Clark
18	18.33	NWNE	9	20N	4W	Lewis and Clark
19	0.01	NENE	9	20N	4W	Lewis and Clark
20	29.74	SWNW	9	20N	4W	Lewis and Clark
21	16.76	SESW	9	20N	4W	Lewis and Clark
22	22.21	SWNE	9	20N	4W	Lewis and Clark
23	0.56	SENE	9	20N	4W	Lewis and Clark

2. There have been no previously authorized changes to these rights. Change application, No. 41K 30051531, which included these rights, was terminated on March 28, 2012 (Department File, PDD FOF 2).

3. This change is intended to authorize changes the Applicant has already made to its grazing and water management systems. (PDD FOF 4)

4. The Applicant proposes to add eighteen stock tanks, a secondary point of diversion, conveyance pipeline, and new places of use to the original claims. The pump, pipeline, and eleven tanks were installed in 2008. An additional seven tanks were installed in 2011. The system uses a 3 horsepower Aeromotor submersible pump that has a pump rate of 25 GPM. The pipeline is a 2-inch polyethylene pipe. In its 6/1/2017 deficiency response, the Applicant indicated it will install overflow protection devices to prevent waste and overflow from the system. The Applicant historically watered 1,000 animal units (AU) from the irrigation ditch and proposes to continue to provide stockwater for 1,000 AU. Individual tank information and locations are provided below in Table 3. (PDD FOF 5)

Table 3: Stock Tank Information

Stock Tank	Geocodes	Legal Land Description	Tank Diameter (ft)	Tank Capacity (Acre Feet)
1 (Figure 1)	0530071710101AG00	20 N 04 W Sec. 17 NWSW	10	0.003
2 (Figure 2)	0530072010101AG00	20 N 04 W Sec. 20 SWNE	10	0.003
3 (Figure 3)	0530072710101AG00	20 N 04 W Sec. 27 SWNW	25	0.018
4 (Figure 4)	0530072710101AG00	20 N 04 W Sec. 27 SWSE	10	0.003
5 (Figure 5)	0530072020101AG00	20 N 04 W Sec. 20 NWNW	10	0.003
6 (Figure 6)	0530072020101AG00	20 N 04 W Sec. 20 SWNW	10	0.003
7 (Figure 7)	0530072020101AG00	20 N 04 W Sec. 20 SESW	10	0.003
8 (Figure 8)	0530072910101AG00	20 N 04 W Sec. 29 NENW	10	0.003
9 (Figure 9)	0530072910101AG00	20 N 04 W Sec. 29 NWSE	10	0.003
10 (Figure 10)	0530073210101AG00	20 N 04 W Sec. 32 NWNE	10	0.003
11 (Figure 11)	0528860510101AG00	19 N 04 W Sec. 05 Lot 2 (NWNE)	10	0.003
12 (Figure 12)	0530071710101AG00	20 N 04 W Sec. 17 SWSE	12	0.004
13 (Figure 13)	05300716101010000	20 N 04 W Sec. 16 SWSW	12	0.004
14 (Figure 14)	05300716101010000	20 N 04 W Sec. 16 SWSE	12	0.004
15 (Figure 15)	0530071510101AG00	20 N 04 W Sec. 15 SWSW	25	0.018
16 (Figure 16)	0530071510101AG00	20 N 04 W Sec. 15 SESW	12	0.004
17 (Figure 17)	0530071510101AG00	20 N 04 W Sec. 15 NESE	12	0.004
18 (Figure 18)	05300714201010000	20 N 04 W Sec. 14 NWSW	12	0.004

APPLICANT'S ARGUMENTS AT HEARING

5. Broken O takes issue with the Findings of Fact presented in the "Historic Use" and "Adverse Effect" portions of the PDD. Those Findings of Fact are as follows (*original numbering from PDD*):

8. The Applicant provided affidavits from David D. Freeman and David Daniel Freeman, Jr. and the 4/7/2017 Order Denying Implied Claims and Order Adding Remarks from the Montana Water Court in Case 41K-A3. The Montana Water Court found that the record in Case 41K-A3 "supports stock use as a historical practice within [Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00]." (Order, p. 4) However, the Montana Water Court denied the motion to create implied claims due to lack of evidence of multiple rights within the claim filings. (Order, p. 4) The Montana Water Court did not make any findings on the extent of the historic incidental stock or irrigation use.

9. The affidavits provided by the Applicant include information that between 900 and 1000 AU have historically used the Company Ditch for stockwatering. No additional information was provided to substantiate the historic stockwatering use.

10. The Applicant filed an application to add additional stock tanks, the application form did not request, and the Application did not provide, historic use information regarding historic irrigation use. No information regarding historic use for irrigation was provided and the Department will not make findings on the historic use for irrigation in this Preliminary Determination.

11. Stock use is not claimed as a purpose for Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00, and the Montana Water Court has denied the Applicant's motion to generate implied claims for stock use. The Applicant does not possess an existing right to stock water use from the Company Ditch. An incidental stock use does not expand the use of the original irrigation claim, cannot be exercised independently, and can only take place when the Applicant is diverting water for irrigation.

12. Based on the information provided by the Applicant, the Department is unable to make findings on the historic use of Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00.

13. Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 are for irrigation. While the Montana Water Court ordered the addition of a remark explaining the incidental stockwater use associated with the rights, the Court acknowledged that the "remark noting incidental stock use must clearly state the inherent limitations that apply to this use." (Order, p. 4) Those limitations: (1) prevent the incidental stock use from expanding the use of the irrigation claim; (2) limit the stock use to when the Applicant is diverting water for irrigation; and (3) prevent an independent basis for calling on other water rights to fulfill the incidental stock use.

14. Due to these limitations, the Applicant may not add stock water to the existing irrigation claims. The Applicant may apply to change a portion of Claims No. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 from irrigation to stock water. The historic irrigation use of Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 must be quantified, and an appropriate portion of those claims must be changed from irrigation to stock water to prevent expansion of the underlying claims.

15. The proposed change would add the amount of water necessary for stockwatering 1,000 AU and 13.2 AF of diverted and consumed volume to the underlying irrigation claims. Without a reduction in irrigation volume, the addition of stock use will expand the historic water use for the Claims No. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00.

16. The Department finds that the proposed addition of eighteen stock tanks to irrigation Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 is an expansion of the claims' historic use.

6. While provided with the opportunity to provide new evidence at the show cause hearing, Broken O, chose not to. Broken O presented the same evidence regarding historic stock use that was presented to the regional office in support of its Application. This was essentially the same evidence that the Water Court accepted in Case 41K-A3 (BO-8) wherein the Water Court stated “[n]one of the parties in this case dispute this historical use” and [objector] “acknowledges historical stock use through these irrigation claims.” The Water Court, however, did not make a finding as to the extent of the livestock use or recognize a valid independent water right for stock use. (BO-8, pp. 3).

7. Broken O presented argument at the show cause hearing that both the Department and the Applicant proceeded to process this change as an “Application to Change a Water Right – Additional Stock Tanks” pursuant to ARM 36.12.1901(13). Broken O asserts that it provided all the information asked of it by the Department in support of its application.

8. The Applicant also presented evidence and history of the Water Court proceedings, in which Broken O first requested a multiple use (for stock) remark, then filed for recognition of implied claims (for stock use). Eventually the Court found that the “record supports stock as a historical practice within these irrigation claims” and ordered the addition of the following remark on all four claims:

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

The Water Court explained that “[i]ncidental stock use does not expand the use of the original irrigation claim and can only take place when Broken O is diverting water for irrigation.” (BO-8, pp. 4)

9. The Applicant provided a post-hearing brief in which it summed up its arguments regarding why the Application should not be denied. Summarized, those arguments are:

A. *Broken O possesses an existing water right that includes stock use and provided sufficient information regarding historic stock use for the DNRC to make historic use findings without quantifying irrigation use.*

B. *The proposed change will not expand historic use.*

C. *The place of use of Incidental Stock Use is an element of a water right that can be changed.*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. *Broken O does not possess a stock water right and did not provide sufficient information in its Application or at the show cause hearing for DNRC to make findings on historic use for purposes of a change in use.*

10. Broken O focuses on the PDD's statement that Broken O “does not possess an existing right to stock water use from the Company Ditch” and argues that it is contrary to what the Water Court found. Broken O asserts that that “DNRC lacks authority to make any determination about existing water rights that is contrary to the Water Court.” (Post-Hearing Brief, pp. 4).

Broken O's hyper-technical reading of this statement in the PDD does not comport with the overall reading of the PDD and the record as a whole. While it may have been more accurate if Paragraph 11 of the PDD stated “Broken O does not possess an existing *stock water right* to water stock from the Company Ditch”, Paragraph 14 resolves any confusion wherein the PDD states “[t]he Applicant may apply to change a portion of Claims No. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 from irrigation to stock water. The historic irrigation use of Claim Nos. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 must be quantified, and an appropriate portion of those claims must be changed from irrigation to stock water to prevent expansion of the underlying claims.”

The fact that Broken O does not have a stock water right is supported by the Water Court's determination that while the claims did "support[s] stock use" it ultimately denied the motion to generate separate implied claims for stock use due to a lack of evidence to support multiple claims within the claim filings. (PDD ¶ 8, ¶ 6 *supra*, (BO-8 pp. 3)). The Water Court's Order further supports this interpretation by stating "[w]hen the Court implies a claim, it creates a *distinct water right* that is separate from the parent claim and may be exercised independently." (BO-8 pp. 2 (emphasis provided)). The Water Court in this matter declined to create a "distinct water right" for the purpose of stock watering separate from the irrigation water rights.

Broken O's Statement of Claims No. 41K 49404-00, 41K 49405-00, 41K 49406-00, and 41K 49407-00 are thus irrigation water rights, as described in Paragraphs 1 and 2, *supra*, with a recognition by the Water Court that stock used the irrigation water as an incident of that use. The incidental stock use cannot be operated independent of the irrigation water rights. Likewise, it cannot be changed independent of the parent irrigation water right.

11. While Broken O's application was initially filed and accepted as an "Application to Change a Water Right – Additional Stock Tanks", under ARM 36.12.1901(13) the rule presumes that there is a stock water system that is associated with a stock water right to which additional stock tanks are to be added. Such is not the case here. The water rights Broken O proposes to change are irrigation water rights. While the Water Court recognized that stock historically drank from the canal, the water rights are served by an irrigation delivery system. Unfortunately, Broken O's application advanced through the Department's process without due consideration to the legal intricacies of the Water Court's issue remark regarding stock use as incidental to the irrigation water rights. However, the correct and complete review and technical report's failure to address this distinction does not alter the nature of the underlying water rights and change being proposed.

12. The issue before this Hearing Examiner is whether Broken O satisfied its burden to provide the criteria for its proposed change pursuant to §85-2-402, MCA, not whether the proper form was used or whether the application was properly determined to be correct and complete. Ultimately, whether an application is considered as correct and complete or the Department prepares a technical report (in the instant matter titled "Non-Irrigation Change Application Technical Report"), the Department is obligated to ensure that the change does not result in adverse effect. Bostwick Properties, Inc. v. Montana Dept. of Natural Resources and

Conservation, 2009 MT 189 ¶¶ 21-22, 351 Mont. 26, 208 P.3d 868 and Bostwick Properties, Inc. v. Montana Dept. of Natural Resources and Conservation, 2013 MT 48, ¶¶ 16-18, 369 Mont. 150, 296 P.3d 1154. Broken O's proposal must be analyzed under the 85-2-402, MCA, criteria as a change of a portion of irrigation water rights to a stock water right pursuant to ARM 36.12.1902.

13. As *irrigation* water rights, the Department is obligated to analyze any change to those water rights in conformance with statute and rule. Section 85-2-402(2), MCA, states:

. . . the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3.

The Department promulgated extensive rules to implement the provisions of § 402 and has long recognized the need to provide historic use information in order to ensure that adverse effect will not occur. Those rules include specific requirements regarding irrigation water rights. (PDD ¶ 20 -23; PDD FN 2,3; ARM 36.12.1902)

14. Broken O attempts to characterize its water rights as both *irrigation* and *stock* water rights that can be separately changed – one without affecting the other. Had the Water Court recognized an implied claim for stock use, its present argument may carry more weight both factually and legally. However, it did not. In fact, the Water Court expressly rejected Broken O's proposition that stock use constituted an independent basis for a water right. While Broken O provides information regarding the historic *stock* use of its irrigation claims, the record is devoid of information regarding the historic *irrigation* use of these irrigation claims. In the instant matter, Broken O attempts to accomplish what the Water Court declined to do and the Department, as Broken O points out, is without power to do. (Brief pp. 5)

15. In so holding, the Department has not intruded upon the Water Court's exclusive jurisdiction over adjudication of the water right claims. Denial of the proposed change does not adjudicate, alter or otherwise impair Broken O's irrigation water rights. Nor does it erase the incidental stock use issue remark from the water rights. Broken O may continue the incidental stock water practices to the extent recognized by the Water Court's issue remark. However, Broken O does not propose to continue the practice recognized by the water court's issue

remark. It proposed to do something different, which is subject to the change criteria and rules. E.g. *Hohenlohe v. DNRC*, 2010 MT 203, ¶¶ 29-35, and 75, 357 Mont. 438, 240 P.3d 628; *Town of Manhattan v. DNRC*, 2012 MT 81, ¶8, 364 Mont. 450, 276 P.3d 920.

16. Contrary to Broken O's argument, the Department would risk intruding upon the Water Court's exclusive jurisdiction over adjudication of existing water rights if it granted Broken O's proposed change. Indeed, the Department's change authorization would essentially create an independent stock water right as a de facto implied right from Broken O's irrigation water rights, in spite of the Water Court's refusal to do the same.

17. The Department's determination that Broken O's water rights are *irrigation* water rights is clearly supported by the record. Moreover, the PDD's determination that Broken O was not authorized to change the place of use for "incidental stock use" without proof of historic use for the parent irrigation rights and changing a portion of those rights to the purpose of stock water was not in error. Accordingly, this Hearing Examiner concludes that Broken O failed to show cause why its proposed change application should not be denied for the failure to provide the historic use information required by rule as set forth in the PDD.

B. Broken O did not provide sufficient information in its application or at the show cause hearing for the Department to determine the proposed change will not expand historic use.

18. The Department conducted no analysis of the historic use of these irrigation claims beyond noting that the Applicant provide affidavits that contain information that between 900 and 1000 AU have historically used the Company Ditch for stockwatering. No information was provided regarding historic irrigation use. (PDD ¶¶ 8 – 10) The Water Court also noted that "[t]he record supports stock use as a historical practice within these irrigation claims" yet the Water Court declined to generate implied claims for stock use and instead only added a note to each claim that stock use is incidental to irrigation use. Significantly, the Water Court orders that "incidental stock use must clearly state the inherent limitations that apply to this use. . . . Incidental stock use through these claims does not provide an independent basis for a call on other water rights." BO-8, pp. 4) The Water Court also did not attempt to quantify the historic use of these claims.

19. Having been provided no information regarding historic use of these irrigation claims the Department's Preliminary Determination to Deny is supported by the record. Accordingly, this

Hearing Examiner concludes that Broken O failed to show cause by a preponderance of the evidence why its proposed change would not expand historic use of the subject water rights as set forth in the PDD.

C. The place of use for "Incidental Stock Use" may not be changed in the manner proposed by Broken O.

20. Broken O's assertion that it is entitled to change the place of use for "incidental stock use" is not supported by the record or the Water Court's determination. Again, the Water Court states "[w]hen the Court implies a claim, it creates a distinct water right that is separate from the parent claim and may be exercised independently." (BO-8, pp. 2) The Water Court declined to create an independent water right for stock water use. Broken O's assertion is clearly contrary to the Water Court's determination and the Department is without authority to create such a claim.

21. This Hearing Examiner concludes that the PDD did not err in determining that the involved rights are irrigation water rights and that historic use of these rights, including irrigation, is necessary in order to evaluate whether the proposed change will meet all of the statutory criteria.

CONCLUSION

22. In this matter Broken O attempts to do what the Water Court expressly declined to do – consider incidental stock water use an independent element of an irrigation water right that can be changed without consideration of the parent (irrigation) water right. An incidental use remark for stockwatering does not create an independent water right. Nor does it constitute an element of the existing irrigation water right that may be changed by simply showing that the same number of stock will be watering from a different location.

23. The claims proposed to be change are irrigation claims. A portion of those claims must be changed from irrigation to the purpose of stock use in order to move the place of use as proposed. Broken O failed to provide requisite evidence of the historic irrigation use of the claims. The Department cannot authorize the addition of eighteen stock tanks without evidence to prove that the irrigation use under the claim will not be expanded to accommodate the new place of use for stock.

24. Broken O failed to show cause by a preponderance of the evidence why the proposed change application should not be denied. The Department's determination that Broken O's application must be denied for failure to provide historic use information is clearly supported by the law and record in this matter.

ORDER

Application to Change a Water Right No. 41K 30111184 is **DENIED**.

NOTICE

This *Final Order* is the Department's final decision in this matter. A Final Order may be appealed by a party who has exhausted all administrative remedies before the Department in accordance with the Montana Administrative Procedure Act (Title 2, Chapter 4, Mont. Code Ann.) by filing a petition in the appropriate court within 30 days after service of the order.

If a petition for judicial review is filed and a party to the proceeding elects to have a written transcript prepared as part of the record of the administrative hearing for certification to the reviewing court, the requesting party must make arrangements for preparation and payment of the written transcript. If no request is made, the Department will transmit only a copy of the audio recording of the oral proceedings to the reviewing court.

Dated this 31st day of July 2018.

/Original signed by David A. Vogler/

David A. Vogler, Hearing Examiner
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CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the FINAL ORDER was served upon all parties listed below on this 31st day of July 2018 by first class United States mail.

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