

Arthur V. Wittich

Admitted MT & CO

Frederick P. Landers, Jr.

Admitted MT & GA

Margot E. Barg

Admitted MT, CA & AR

Hertha L. Lund

Admitted MT



"Thy Liberty in Law"

602 Ferguson Ave., Suite 5
Bozeman, Montana 59718

Phone: (406) 585-5598

Fax: (406) 585-2811

wlf@law-advisor.com

June 15, 2007

Montana Department of Natural Resources and Conservation
1424 9th Ave., P.O. Box 201601
Helena, MT 59620-1601

Re: Objections to Applications Nos. 41H-30026244 & 41H-30026245

On behalf of water rights holders, residents living in the Four Corners area and the Montana River Action organization, I thank you for the opportunity to provide the following objections to water rights applications Nos. 41H-30026244 & 41H-30026245. More specifically, I am providing comments individually and collectively on behalf of:

- #1 • Charles Kent Brodie, 931 W. Hulbert Road, Bozeman, MT 59718. The bases of his water rights are Certificate of Water Right No. 41H-99503 and Statement of Claim Nos. 41H-148658 and 41H-210857. Mr. Brodie lives downstream from the applicant and uses both surface and groundwater. If the Department of Natural Resources and Conservation ("DNRC") permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream, and Mr. Brodie's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, Mr. Brodie has a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

- #2 • Deb Wahlberg and George Metcalfe, 11 Chinook Trail, Bozeman, MT 59718. The basis of their water rights is Certificate of Water Right No. 41H-1546200. Ms. Wahlberg and Mr. Metcalfe use both surface and groundwater. If the DNRC permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream, and Ms. Wahlberg's and Mr. Metcalfe's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, Ms. Wahlberg and Mr. Metcalfe have a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

WATER POLICY INTERIM COMM.

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EXHIBIT 23

Page 1

#3 • Montana River Action, 304 N. 18th Ave, Bozeman, MT 59715. The members of the MRA are concerned about the negative impact these applications will have on in-stream flows and thermal pollution, preventing recreational use of the river. Furthermore, members of the MRA have a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

#4 • West Gallatin Canal Company, P.O. Box 553, Gallatin Gateway, MT 59730. The bases of the company's water rights are Statement of Claim Nos. 41H-3312900; 41H-3313000; 41H-3313100; 41H-3313300; and 41H-3313200. The applications will have a significant and detrimental impact on the Company by reducing its ability to provide sufficient irrigation water, particularly during high demand periods of the agricultural growing season. If the DNRC permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream, and the Company's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, members of the Company have a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

#5 • Rosie Faust, 176 Lower Rainbow Road, Bozeman, MT 59718. The bases of her water rights are Statement of Claim Nos. 41H-13977500 and 41H-13977400. Faust has already lost irrigation use due to low flows in the Gallatin River. In previous years, consumption levels had to be reduced due to drought, and some wells in the area reportedly went dry. Approval of these permits will further compound the problems experienced in this area. If the DNRC permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream, and Ms. Faust's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, Ms. Faust has a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

#6 • Kay and Bill Ballenger, 8815 Thorpe Road, Bozeman, MT 59718. The basis of their water rights is Statement of Claim No. 41H-14865700. If the DNRC permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream, and Mr. and Ms. Ballenger's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, they have a constitutional right to a "clean and healthful environment," and to the DNRC following the laws

established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

- #7 • Christy Fullen, 9205 Thorpe Road, Bozeman, MT 59718. The bases of her water rights are Certificate of Water Right Nos. 41H-148658 and 41H-210857. If the DNRC permits Utility Solutions to pump more water in this closed basin, it will result in a greater losing stretch of the stream and Ms. Fullen's property, water rights and interests in the DNRC fairly applying the laws of Montana will be adversely affected. Furthermore, Ms. Fullen has a constitutional right to a "clean and healthful environment," and to the DNRC following the laws established by the Legislature. Constitution of Montana, Art. IX, §§ 3 & 4.

These individuals have water rights and live in the Four Corners area that will be adversely impacted if the Department of Natural Resources and Conservation ("DNRC") grants the applications at issue in this appeal. These comments are based on the report and data collected by Steve Custer, PhD, entitled "Progress Report DNRC Renewable Resource Development Grant: Assessment of the Interaction Between Ground Water and the Gallatin River in the Four Corners Area." This report is attached to these objections as Exhibit A and is incorporated into our comments.

These applications constitute the fourth application by Utility Solutions for a groundwater well in a closed basin for water that is connected to the Gallatin River in an overwhelmingly losing reach of the river. The DNRC continues to process and grant these applications for groundwater that the agency would not grant to any other entity than Utility Solutions. Many ranchers and farmers have been denied groundwater applications after the Trout Unlimited decision. In fact, during the legislative process the DNRC stated several times that it could not grant groundwater applications after the Supreme Court decided Trout Unlimited. Yet, in this losing reach of the river, the DNRC continues to allow pumping of groundwater in this closed basin by a private entity that does not qualify for the municipal use exception.

The only Court to rule on the issue stated, "[t]he legislative history clearly indicates the purpose of the basin closure laws – to preserve existing water rights. As several witnesses testified before the legislative natural resources committees in 1993, the Upper Missouri River Basin was already over appropriated, and the purpose of the legislation was to protect existing irrigation and other consumptive water use." Lohmeier v. Montana DNRC, Cause No. ADV-2006-454 (Montana First Judicial District, March 2007). The DNRC continues to ignore the Legislature's intent to protect senior appropriators by processing and approving applications for groundwater in closed basins, to the continued detriment of senior appropriators who must participate in the public process.

My clients have objected to the Zoot Corporate Park/Galactic Park, Northstar, and Black Bull Run/Middle Creek wells. Many of those arguments are also valid in this case and we incorporate those objections into these current objections by reference. Additionally, our objections are more specifically as follows:

A thru N (Total of 14)

A. The Original Permit is Still Being Litigated.

This application is to obtain a water user's permit to pump additional water from the Zoot and Northstar wells. These wells are still going through the public and legal hearing process. The DNRC should not consider an application for additional pumping until the original well application has been through the entire legal process and has been upheld legally. The total amount of water requested by the applications in flow rate and maximum volume is 2848 gpm and 964.44 af. This volume of water has not been correctly analyzed or assessed and grossly exceeds the volumes used in most of the modeling information that has been submitted.

B. This Well Will Adversely Impact My Clients' Wells, Water Rights, Property, Community, and Neighborhoods.

The applicant has not shown that it will not adversely impact my clients' water rights. The amount of water being applied for is very large and senior appropriators have a right to not be adversely impacted by new groundwater wells. Instead of providing data on the total volume to be withdrawn and its negative impact on senior appropriators, the applicant has applied for wells piecemeal. The DNRC should not allow the circumventing of legal requirements due to clever timing of applications. The applicant has known its water needs since the beginning of the application process. Yet the applicant did not submit one permit for the total volume of water, which so far has allowed the applicant to avoid scrutiny and analysis on the cumulative impact. Wells have reportedly gone dry in the area or have had to be drilled deeper. There is a factual question of whether this additional withdrawal of water is available without adversely impacting senior water rights holders.

C. The Applicant Relies Upon Modeling that has been Proven Inaccurate Based on Actual Data.

The applicant has provided a plethora of modeling information that never was accurate and now is irrelevant because actual data has been collected by an independent source. Modeling that utilizes outdated or theoretical data is only necessary when there is no current data or information available. Once data is collected the model becomes irrelevant if the model does not reflect or did not predict the actual real-world data. The fact that Steve Custer, PhD, has provided an assessment based upon measurements, and the applicant's model does not relate to this actual measurement, proves that the applicant's model is and has been inadequate.

The Ninth Circuit Court of Appeals chastised the Forest Service when the agency relied upon models without determining the reliability of the methodology. The Court stated, "although this court is required to defer to agency expertise, the agency is not permitted to adopt and rely upon a methodology without reasonably verifying its reliability." Ecology Center Inc., v. Austin, 430 F.3d 1057, 1069 (9th Cir. 2005). Similar to the Court's ruling in this case, the DNRC now has access to real world data, and therefore cannot rely upon a methodology or model that does not conform to the actual data.

D. The Applicant Seeks an Illegal Exception to the Basin Closure Laws.

The applicant has asked the DNRC to grant an exception to the basin closure laws because the applicant states the water is for “municipal use.” The Basin Closure laws provide that certain basins, including the Upper Missouri River Basin, are closed to new appropriations of water. There are limited exceptions to the closure. One of those exceptions is for “municipal use.” Mont. Code Ann. § 85-2-343(2)(c). In this application, Utility Solutions argues that it should be awarded the municipal exception. However, the Courts have rejected this theory. Lohmeier v. Montana DNRC, Cause No. ADV-2006-454 (Montana First Judicial District, March 2007). Rather than following the Legislature’s intent and the Court’s interpretation of that intent, the DNRC has chosen to go out of its way to assist this applicant in developing water outside of the law.

E. The Well Would Pump Water that is Connected to the Gallatin River.

Because Utility Solutions does not qualify for the municipal exception, it must prove that the groundwater is not connected to surface water. Based on data collected and scientifically analyzed, the well involved in this application is connected to the Gallatin River. In fact, the DNRC’s hydrologist stated a reduction of stream flows will occur every month of the year. Based on the Montana Supreme Court’s decision in the Trout Unlimited case, the DNRC has no legal authority to process applications to develop groundwater that is connected to surface water, let alone grant permits for such use. Montana Trout Unlimited v. Montana Department of Natural Resources, 331 Mont. 483; 133 P.3d 224 (2006). The Court found that the DNRC cannot legally process new applications for groundwater in closed basins when that groundwater is “immediately or directly connected” to surface flows. Id. at 331 Mont. 495; 133 P.3d 234. In this case, even though there has been a determination that the groundwater is immediately or directly connected to surface flows, the DNRC is illegally processing this application and has illegally granted other applications for groundwater. Furthermore, the applicant has not provided analysis for all of the potentially affected reaches of the Gallatin River or more distant streams, which also makes the application deficient.

F. The Applicant Seeks to Illegally Augment.

The applicant seeks permission to be allowed to augment for the stream depletion caused by its water use. Augmentation is not allowed in this basin. This is another illegal allowance by DNRC for the special needs of this applicant. Furthermore, the fact that the applicant seeks to augment for its stream depletion and adverse impact indicates that the water use is illegal. It is an admission that the well will negatively and illegally impact surface water in a closed basin. It is an admission that the well will negatively and illegally impact senior water rights holders in a closed basin. The law does not allow the DNRC to process this application or to grant a permit, even if the applicant wants to augment. Until the passage of HB 831, which does not apply to this permit, augmentation is illegal. Also, the amount that the applicant has determined it

needs to augment is based on its inaccurate models, which invalidates the augmentation plan even if there were laws allowing augmentation in this basin.

G. The Well Would Adversely Impact Water Quality.

There is inadequate data to show there is no impact to water quality on either surface water or the alluvial aquifer within the vicinity of the wells when the consumed tertiary water and the wastewater is released into the ground. Injection of two poorer qualities of water (up to 1,000,000 gpd at build out) will have an effect on nearby domestic water users. The applicant has never shown that rapid infiltration of wastewater will not harm wells in the vicinity of the area of influence of the infiltration basin. Utility Solutions' permits to discharge waters are currently being reviewed under the renewal process and the applicant's compliance with water quality laws is still undetermined.

H. The Well Would Add to the Cumulative Negative Impact of the Multiple Wells being Developed by the Applicant in this Area.

The applicant has not provided an adequate cumulative impact analysis on the multiple wells and large volumes of groundwater that it seeks to develop in this area. The law does not allow a developer to skirt around legal requirements by sending in multiple applications to avoid analysis on the overall impact of the development on water rights, water quality and the environment. The DNRC should not allow any further development of groundwater until the applicant provides additional information simulating the impact of all their permits and pending applications. This modeling must also comply with real world information that has been provided by Steve Custer, PhD's report.

I. The Applicant Seeks to Upgrade Existing Water Rights.

In its application for change, the applicant seeks to have its existing water right upgraded to allow use that is not allowed by the underlying water right. If this were allowed to occur in this process, it could be called "water laundering." The water right to be transferred is out of priority after two months of usage; however, the applicant seeks to have the water right converted into one of year-round usage. Additionally, the water right has been used for multiple types of crops, yet the applicant seeks to have the water right measured by the highest consumptive crop. The water right has not been applied to a consumptive beneficial use for many years. If the DNRC grants the application as outlined by the applicant, the underlying water right will have been laundered and upgraded to a water right that has much more value than currently exists. Clearly, the law does not allow the DNRC to upgrade a water right to a greater consumptive value in the transfer process than exists in the underlying water right.

J. The Legal Parameters of the Water Right to be Changed Must be Determined by the Montana Water Court.

The Montana Water Court has sole jurisdiction to determine the legal parameters of a water right, or in other words, the place and volume of use, the historic use, and whether the water right has been abandoned. Mildenberger v. Balbrath, 249 Mont. 161, 815 P.2d 130 (1991); Baker Ditch Co. v. District Court, 251 Mont. 251, 824 P.2d 260 (1992); State ex. rel. Jones v. District Court, 283 Mont. 1, 938 P.2d 1312 (1997); In re Petition of Deadman's Basin Water Users Association, 308 Mont. 168, 40 P.3d 387 (2002). The DNRC should not process this change of use application unless the Water Court determines the underlying water rights. Pursuant to Mont. Code Ann. § 85-2-309, the objectors request that this issue be certified to the Water Court.

K. The Applicant Failed to Comply with the DNRC's Aquifer Testing Requirements.

The DNRC rules require that the applicant conduct well tests and provide the results of these tests with their application. In this application, the applicant neglected to provide data and detailed analysis. Also, the applicant did not use observation wells for the third test on the production well PSW-3. Therefore, the application is lacking in reference to dates, titles, and detailed analysis, which means the applicant has not met the regulatory requirements. The DNRC should determine that this application is not correct and complete.

L. The Applicant Failed to Adequately Address the Criteria Required by Mont. Code Ann. § 85-2-311.

Based on the above-stated deficiencies in the application and issues raised in previous objections, the applicant has not met the criteria listed under Mont. Code Ann. § 85-2-311.

M. The Environmental Assessment Was Insufficient.

Pursuant to Montana law, the DNRC was required to prepare an Environmental Assessment ("EA"). This assessment is legally deficient because it fails to adequately consider the impacts on endangered or threatened species, wetlands, historical and archeological sites, and the demands on environmental resources. The assessment also fails to adequately consider the cultural and historical significance of agriculture and the negative impact these applications will have on that culture.

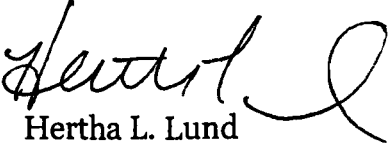
N. The Water will be Used Over a Mile From Where it is Pumped.

The applicant proposes to pump water for use at a location more than a mile from its source. Water will not be returned close enough to the source point, therefore adversely affecting existing water rights users close to the source of the wells. Additionally, the water will not return to the Gallatin River within proximity to the

location from where it was extracted, possibly affecting existing older water rights users and in-stream flows of the Gallatin River. The applicant must present data that can be reviewed by DNRC and any objectors and/or their hydrologists.

Thank you for this opportunity to provide comments and object to these applications that would allow use of groundwater in a closed basin to the adverse impact against my clients' property, water rights, constitutional rights, and other interests.

Sincerely,



Hertha L. Lund

COVER PAGE OF REPORT

Progress Report
DNRC Renewable Resource
Development Grant

**Assessment of the Interaction
Between Ground Water and the
Gallatin River in the Four Corners
Area**

**Steve Custer
Mark Schaffer**

31 May 2007 ✱

Earth Sciences, Montana State University, Bozeman, MT 59717-3480
406 994 6906
scuster@montana.edu

Project type. The proposed project is for data collection, monitoring, and conceptual interpretations to help better understand the relationship between ground-water and the Gallatin in the Four Corners area.

Proposed Action.
Collect data to determine the relationship between the ground-water system and the West Gallatin River and irrigation ditches.

Exhibit A

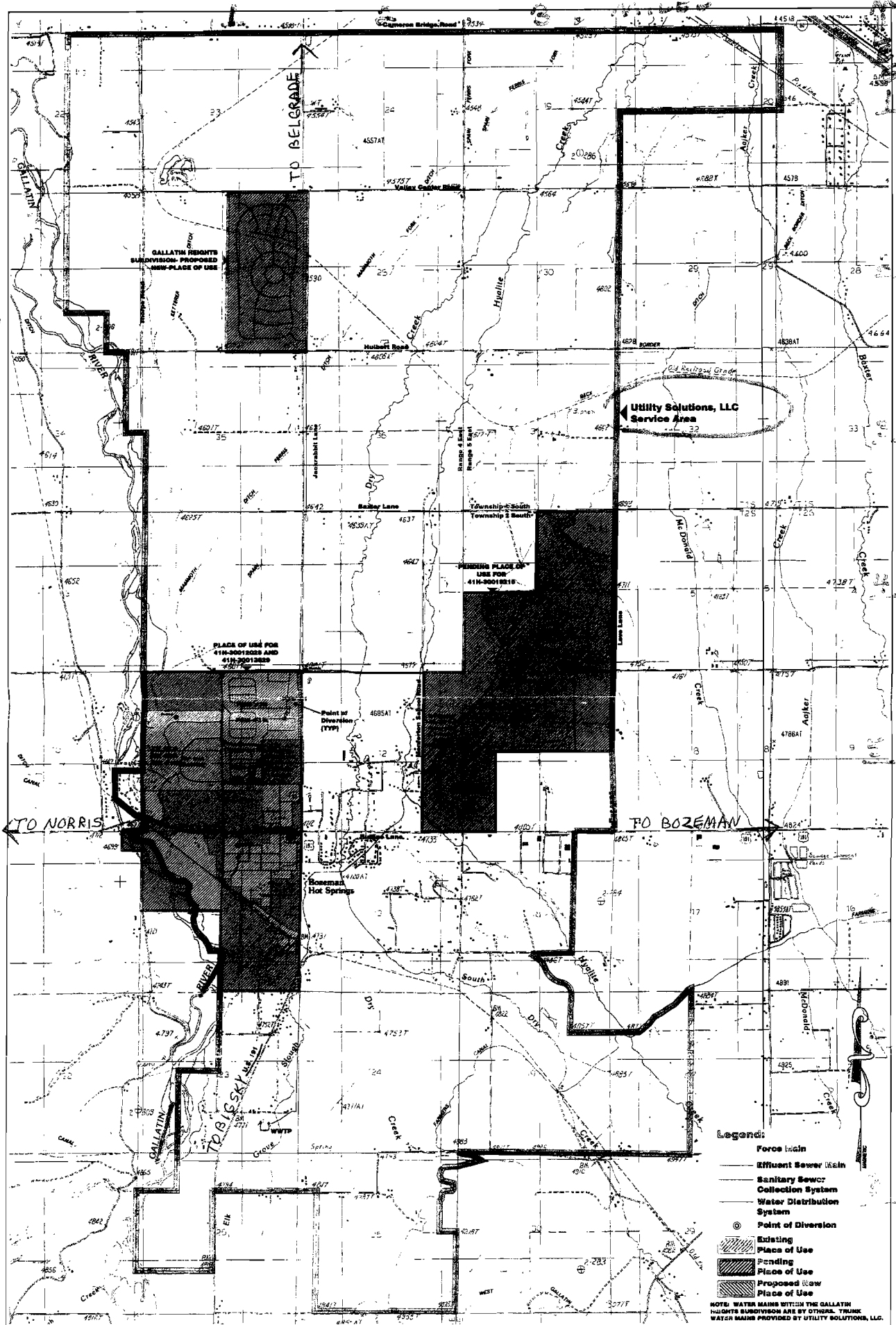
1/2007
 MAP
 SERVICE
 AREA

(22± sq. mi)

Utility Solutions,
 LLC

Four Corners
 Area

West Gallatin
 River
 Gallatin County



MORRISON MAIERLE, Inc.
 An Employee-Owned Company

Engineers
 Surveyors
 Scientists
 Planners
 901 Technology Bldg
 Bozeman MT 59718
 Phone: (406) 587-0721
 Fax: (406) 587-1178

DRAWN BY: DJW
 CHKD BY: JLB
 APPR BY: MEG
 DATE: 1/2007

UTILITY SOLUTIONS, LLC
 PUBLIC WATER SUPPLY SYSTEM
 BOZEMAN MONTANA

PROJECT NO.
 3709 618

22+ SECTIONS WIDE
 8 MILES LONG x 3 MI PLACE OF USE EXHIBIT
 SERVICE AREA 14,080± ACRES

FIGURE NUMBER
 FIG. 2

4

Form No. 611 R5/07

RECEIVED

OBJECTION TO APPLICATION

Permit	Change
Obj # 44818	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>MM</u>	
Date: <u>6/21/07</u>	

JUN 15 2007

DNRC - BOZEMAN REGIONAL OFFICE

FOR DEPARTMENT USE ONLY

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>JRM</u>
Fee Rec'd	<u>25 of 350</u>
Check No.	<u>2147</u>
Refund	

62100737252

INSTRUCTIONS
Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

1. NAME OF OBJECTOR West Gallatin Canal Company

Mailing Address P.O. Box 553

City Gallatin Gateway State MT Zip 59730

Home Phone (406) 586-7380 Other Phone _____

2. APPLICATION BEING OBJECTED TO: Number 41 H 300 262 44

Applicant Name: Utility Solutions LLC (Barb Campbell)

3. STATE THE FACTUAL BASIS OF YOUR OBJECTION

a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.

b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 objections to Application Nos. 41 H 300 262 44 and 41 H 300 262 45 by Wittich Law Firm.



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. 41H 331 2900; 41H 331 3000; 41H 331 3100; 41H 331 3300; 41H 331 3200
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. _____
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing-Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

→ Date of First Use: _____

Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate _____ Gallons Per Minute; Volume _____ Acre-Feet

Point of Diversion: _____

1/4 _____ 1/4 _____ 1/4 Section _____, Twp _____ N/S, Rge _____ E/W, _____ County

→ Lot _____ Block _____ Tract No. _____ Subdivision Name _____

I also claim my water rights as a citizen-user of the Gallatin River held in trust by FWP.

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Witich Law Firm)

Mailing Address 607 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE

And R. J. Remond

for Board of Directors West Gallatin Canal Comp

DATE June 14, 2007

WATER RESOURCES REGIONAL OFFICES

- | | | |
|--|--|--|
| <p>Billings</p> <p>Airport Business Park
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Billings, MT 59105-1978
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Fax: 406-247-4416
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| <p>Bozeman</p> <p>2273 Boot Hill Court, Suite 110
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Phone: 406-586-3136
Fax: 406-587-9726
Serving: Gallatin, Madison, and Park Counties</p> | <p>Helena</p> <p>1424 9th Avenue
P.O. Box 201601
Helena, MT 59620-1601
Phone: 406-444-6999
Fax: 406-444-9317
Serving: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties</p> | <p>Missoula</p> <p>1610 South 3rd Street West, Suite 103
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Missoula, MT 59806-5004
Phone: 406-721-4284
Fax: 406-542-1496
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| <p>Glasgow</p> <p>222 6th Street South
P.O. Box 1269
Glasgow, MT 59230-1269
Phone: 406-228-2561
Fax: 406-228-8706
Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties</p> | <p>Kalispell</p> <p>109 Cooperative Way, Suite 110
Kalispell, MT 59901-2387
Phone: 406-752-2288
Fax: 406-752-2843
Serving: Flathead, Lake, Lincoln, and Sanders Counties</p> | |

For Mailing, Use Post Office Box Number.

OBJECTION TO APPLICATION

INSTRUCTIONS

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FILING FEE: \$25.00

Permit	Change
Obj: <u>44823</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>MM</u>	
Date: <u>6/15/07</u>	

RECEIVED

JUN 15 2007

DNRC - BOZEMAN REGIONAL OFFICE

FOR DEPARTMENT USE ONLY

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>JRM</u>
Fee Rec'd	<u>25.00 of 3.50</u>
Check No.	<u>2147</u>
Refund	

B71007372512

1. NAME OF OBJECTOR Montana River Action

Mailing Address 304 N. 18th Ave

City Bozeman State MT Zip 59715

Home Phone (406) 587-3242 Other Phone (406) 587-9181

2. APPLICATION BEING OBJECTED TO: Number 41H 300 26244

Applicant Name: Utility Solutions LLC (Barb Campbell)

3. STATE THE FACTUAL BASIS OF YOUR OBJECTION

a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.

b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

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- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

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Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate: _____ Gallons Per Minute: _____ Volume: _____ Acre-Feet: _____

Point of Diversion: _____

1/4 1/4 1/4 Section Twp N/S, Rge E/W County

→ Lot _____ Block _____ Tract No. _____ Subdivision Name _____

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6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Wittich Law Firm)

Mailing Address 602 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE

Hertha Lund
Attorney At Law Montana Ave

DATE 9/15/07

WATER RESOURCES REGIONAL OFFICES

Billings
 Airport Business Park
 1371 Rimtop Drive
 Billings, MT 59105-1978
 Phone: 406-247-4415
 Fax: 406-247-4416
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 P.O. Box 1828
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 Phone: 406-265-5516
 Fax: 406-265-2225
 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

Lewistown
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 Fax: 406-538-7089
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/

Form No. 811 R5/07

OBJECTION TO APPLICATION

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

Permit	Change
Obj # <u>44821</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>MM</u>	
Date: <u>6/21/07</u>	

RECEIVED

JUN 15 2007

**DNRC - BOZEMAN
REGIONAL OFFICE**
FOR DEPARTMENT USE ONLY

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>JRM</u>
Fee Rec'd	<u>25 of 35</u>
Check No.	<u>2147</u>
Refund	

B7W0737257

1. **NAME OF OBJECTOR** Charles Kent Brodie
 Mailing Address 931 Hulbert Rd W.
 City Bozeman State MT Zip 59718
 Home Phone (406) 388-7233 Other Phone _____

2. **APPLICATION BEING OBJECTED TO:** Number 41H 30026244
 Applicant Name: Utility Solutions LLC (Barb Campbell)

3. **STATE THE FACTUAL BASIS OF YOUR OBJECTION**
- a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.
 - b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 Objections to Application Nos. 41H 30026244 and 41H 30026245 by Wittich Law Firm



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. 41H148658, 41H210857
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. 41H99503
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

→ Date of First Use: _____

Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate: _____ Gallons Per Minute: _____ Volume: _____ Acre-Feet: _____

Point of Diversion: _____

____ 1/4 ____ 1/4 ____ 1/4 Section: _____, Twp: _____ N/S, Rge: _____ E/W, _____ County

→ Lot: _____ Block: _____ Tract No.: _____ Subdivision Name: _____

I also claim my water rights as a citizen user of the Gallatin River held in trust by FWP.

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Wittich Law Firm)

Mailing Address 602 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

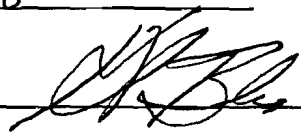
Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE



DATE 6-15-07

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#2

Form No. 811 RS/07

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JUN 15 2007

DNRC - BOZEMAN REGIONAL OFFICE

FOR DEPARTMENT USE ONLY

Postmarked Date NA
 Date Received 6-15-07
 Rec'd By JRM
 Fee Rec'd 257 of 350
 Check No. 2177
 Refund _____

BZNO737252

OBJECTION TO APPLICATION

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

Permit <input checked="" type="checkbox"/>	Change <input type="checkbox"/>
Obj # <u>44824</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>MJM</u>	
Date: <u>6/15/07</u>	

1. NAME OF OBJECTOR Deb Wahlberg and George Metcalfe

Mailing Address 11 Chinook Trail

City Bozeman State MT Zip 59718

Home Phone (406) 586-3749 Other Phone _____

2. APPLICATION BEING OBJECTED TO: Number 41H 300 26244

Applicant Name: Utility Solutions LLC (Barb Campbell)

3. STATE THE FACTUAL BASIS OF YOUR OBJECTION

a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.

b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 Objections to Application Nos. 41H 300 26244 and 41H 300 26245 by Wittich Law Firm



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. _____
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. 41H 15462.00
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

→ Date of First Use: _____

Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate: _____ Gallons Per Minute: _____ Volume: _____ Acre-Feet: _____

Point of Diversion: _____

1/4 1/4 1/4 Section: _____ Twp: _____ N/S, Rgs: _____ E/W: _____ County: _____

→ Lot: _____ Block: _____ Tract No.: _____ Subdivision Name: _____

I also claim my water rights as a citizen & user of the Gallatin River held in trust by FWP.

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Wetoch Law Firm)

Mailing Address 602 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE

Shelleybey

DATE 6/14/05

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- | | | |
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5

OBJECTION TO APPLICATION

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

Permit	Change
Obj # <u>41822</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>AMJM</u>	
Date: <u>6/21/07</u>	

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JUN 15 2007

**DNRC - BOZEMAN
REGIONAL OFFICE**

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>J.R.M.</u>
Fee Rec'd	<u>25 of 350</u>
Check No.	<u>2147</u>
Refund	

621123 0737252

1. NAME OF OBJECTOR Rosie Faust

Mailing Address 176 Lower Rainbow Rd

City Bozeman State MT zip 59718

Home Phone (406) 586-3461 Other Phone _____

2. APPLICATION BEING OBJECTED TO: Number 41 H 300 262 44

Applicant Name: Utility Solutions LLC (Barb Campbell)

3. STATE THE FACTUAL BASIS OF YOUR OBJECTION

a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.

b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 objections to Application nos 41H 30026244 and 41H 30026245 by Wittich Law Firm



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. 41H 13977500; 41H 13977400
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. _____
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

Date of First Use: _____
 Name of Appropriator: _____
 Type of Use: Stock Domestic
 Amount Used: _____ Flow Rate: _____ Gallons Per Minute: _____ Volume: _____ Acre-Feet: _____
 Point of Diversion: _____
 1/4 _____ 1/4 _____ 1/4 Section: _____ Twp: _____ N/S, Rge: _____ E/W, _____ County: _____
 Lot _____ Block _____ Tract No: _____ Subdivision Name: _____

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

I also claim my water rights as a citizen user of the Gallatin River held in trust by FWP.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Witch Law Firm)
 Mailing Address 602 Ferguson Ave Suite 5
 City, State, Zip Bozeman, MT 59718
 Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund
 Mailing Address 602 Ferguson Ave Suite 5
 City, State, Zip Bozeman, MT 59718
 Phone (406) 585-5598

8. OBJECTOR'S SIGNATURE

Hertha Lund
attorney for Kovic Faust DATE 6/15/87

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#6

OBJECTION TO APPLICATION

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

Permit	Change
Obj # <u>44819</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>JRM</u>	
Date: <u>6/2/07</u>	

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JUN 15 2007

**DNRC - BOZEMAN
REGIONAL OFFICE
FOR DEPARTMENT USE ONLY**

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>JRM</u>
Fee Rec'd	<u>25 of 250</u>
Check No.	<u>2147</u>
Refund	

B2110737052

1. **NAME OF OBJECTOR** Kay and Bill Ballenger
 Mailing Address 8815 Thorpe Rd
 City Bozeman State MT Zip 59718
 Home Phone (406) 388-7422 Other Phone _____

2. **APPLICATION BEING OBJECTED TO:** Number 41H30026244
 Applicant Name: Utility Solutions LLC (Barb Campbell)

3. **STATE THE FACTUAL BASIS OF YOUR OBJECTION**

- a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.
- b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 Objections to Application Nos. 41H30026244 and 41H30026245 by Wittich Law Firm



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. 41 H 14865700
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. _____
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

→ Date of First Use: _____

Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate: _____ Gallons Per Minute: _____ Volume: _____ Acre-Foot: _____

Point of Diversion: _____

→ 1/4 1/4 1/4 Section: _____, Twp: _____ N/S, Rge: _____ E/W, _____ County

→ Lot: _____ Block: _____ Tract No: _____ Subdivision Name: _____

I also claim my water rights as a citizen user of Gallatin River held in trust by FWP.

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Witten Law Firm)

Mailing Address 602 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE Ray Q. Bullyg DATE 6.14.07

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Lewistown, MT 59457-2020
Phone: 406-538-7459
Fax: 406-538-7089
Serving: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties</p> |
| <p>Bozeman</p> <p>2273 Boot Hill Court, Suite 110
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Fax: 406-587-9726
Serving: Gallatin, Madison, and Park Counties</p> | <p>Helena</p> <p>1424 9th Avenue
P.O. Box 201601
Helena, MT 59620-1601
Phone: 406-444-6999
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Serving: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties</p> | <p>Missoula</p> <p>1610 South 3rd Street West, Suite 103
P.O. Box 5004
Missoula, MT 59806-5004
Phone: 406-721-4284
Fax: 406-542-1496
Serving: Granite, Mineral, Missoula, and Ravalli Counties</p> |
| <p>Glasgow</p> <p>222 8th Street South
P.O. Box 1269
Glasgow, MT 59230-1269
Phone: 406-228-2561
Fax: 406-228-8706
Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties</p> | <p>Kallispell</p> <p>109 Cooperative Way, Suite 110
Kallispell, MT 59901-2387
Phone: 406-752-2288
Fax: 406-752-2843
Serving: Flathead, Lake, Lincoln, and Sanders Counties</p> | |

For Mailing, Use Post Office Box Number.

7

Form No. 611 R5/07

RECEIVED

JUN 15 2007

OBJECTION TO APPLICATION

INSTRUCTIONS

Use this form when objecting to an application for a water use permit, change authorization or reservation of water. Use one form for each application.

Permit	Change
Obj # <u>44820</u>	
<input checked="" type="checkbox"/> Valid	<input type="checkbox"/> WQ
Reviewed by: <u>MTM</u>	
Date: <u>6/21/07</u>	

DNRC - BOZEMAN REGIONAL OFFICE
FOR DEPARTMENT USE ONLY

Postmarked Date	<u>NA</u>
Date Received	<u>6-15-07</u>
Rec'd By	<u>JRM</u>
Fee Rec'd	<u>25 of 350</u>
Check No.	<u>2197</u>
Refund	

A person has standing to file an objection if his or her property, water rights, or interests would be adversely affected by the proposed appropriation. Individual water right owners must file separate objections.

A CORRECT AND COMPLETE OBJECTION FORM MUST BE RECEIVED OR POSTMARKED ON OR BEFORE THE DEADLINE SPECIFIED IN THE PUBLIC NOTICE.

FILING FEE: \$25.00

1211073757

1. **NAME OF OBJECTOR** Christy Fullen
Mailing Address 9205 Thorpe Rd.
City Bozeman **State** MT **Zip** 59718
Home Phone _____ **Other Phone** 539-8559

2. **APPLICATION BEING OBJECTED TO:** Number 41H30026244
Applicant Name: Utility Solutions LLC (Barb Campbell)

3. STATE THE FACTUAL BASIS OF YOUR OBJECTION

- a) OBJECTION TO PERMIT APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-311, MCA are not met.
- b) OBJECTION TO CHANGE APPLICATION must provide facts tending to show one or more of the criteria in Section 85-2-402, MCA are not met.

NOTE: Water quality objections must contain substantial credible information establishing to the satisfaction of the department that the water quality criteria cannot be met by the applicant.

See Attached June 15, 2007 objections to Application nos. 41H30026244 and 41H30026245 by Wittich Law Firm



4. STATE THE BASIS OF YOUR WATER RIGHT, if you are claiming your water right will be affected.

- (W) Statement of Claim No. _____
- (P) Permit to Appropriate Water No. _____
- (C) Certificate of Water Right No. 148658 * 210857
- (D) Final Decree No. _____
- (M/R) Reservation of Water No. _____
- (E) Exempt Existing Water Right (no claim filed; complete items below)

THIS INFORMATION ONLY REQUIRED FOR EXEMPT RIGHTS.

→ Date of First Use: _____

Name of Appropriator: _____

Type of Use: Stock Domestic

Amount Used: _____ Flow Rate _____ Gallons Per Minute; Volume _____ Acre-Feet

Point of Diversion: _____

1/4 1/4 1/4 Section _____, Twp _____ N/S, Rge _____ E/W, _____ County

→ Lot _____ Block _____ Tract No. _____ Subdivision Name _____

5. STATE ANY CONDITIONS OR MODIFICATIONS UNDER WHICH YOU WOULD AGREE TO THE ISSUANCE OF THE PERMIT OR AUTHORIZATION TO CHANGE.

6. ARE YOU REPRESENTED BY COUNSEL? YES NO

Name Hertha Lund (Wittich Law Firm)

Mailing Address 602 Ferguson Ave Suite 5

City, State, Zip Bozeman, MT 59718

Phone (406) 585-5598

7. PERSON PREPARING THIS FORM, if different from objector

Name Hertha Lund

Mailing Address _____

City, State, Zip _____

Phone _____

8. OBJECTOR'S SIGNATURE

Christy Jullen

DATE

6/15/07

WATER RESOURCES REGIONAL OFFICES

Billings

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1371 Rimtop Drive
Billings, MT 59105-1978
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Fax: 406-247-4416
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Havre, MT 59501-1828
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Fax: 406-265-2225
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Phone: 406-538-7459
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1424 9th Avenue
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Kalispell, MT 59901-2387
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Fax: 406-752-2843
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