



## Flathead Reservation Office of the Water Engineer

PO Box 37, Ronan, MT. 59864 | [contact@frwmb.gov](mailto:contact@frwmb.gov) | (406) 201-2532

### Notice of Water Use Complaint

Pursuant to the Unitary Administration and Management Ordinance, § 3-1-102, this Notice serves to inform you that a Complaint was filed with the Office of the Engineer. A copy of the original Complaint is included herewith. This Notice has been sent to the Complainant(s) and Respondent(s).

**BE ADVISED:** Informal resolution of the dispute between Complainant(s) and Respondent(s) may provide a timelier and cost-effective remedy. If an informal resolution is achieved, the Complainant(s) must inform the Office of the Engineer, in writing, that the matter is resolved.

**Date of Filing:** 5/21/2026

**Case Number:** 2026-FOR-101

**Complainant(s):** Confederated Salish and Kootenai Tribes (CSKT)

**Respondent(s):** Fred Billings and Dublin Gulch Properties LLC (*Dublin Gulch Properties, LLC is required to obtain legal counsel pursuant to WP&P 31-103(4)*)


It is **NOTICED** that a scheduling conference shall be held in front of the Engineer for purposes of addressing and determining the issues raised in the Complaint. The Parties shall appear and discuss the matters listed below.

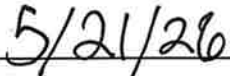
**Hearing Date and Time:** The date and time of the hearing will be scheduled at the scheduling conference.

**Scheduling Conference:** The parties are to call 406-884-2022 (PIN 1234) on 05/27/2026 at 10:00 a.m. to discuss setting a field visit and hearing date.

**Field Visit:** A field visit will be conducted with representatives of both parties present. The date and time will be scheduled at the scheduling conference.

**Additional Logistics:** Failure to comply with the terms of this Notice may result in dismissal of the Complaint before the Office of the Engineer. The Engineer may grant an extension upon mutual, written agreement of the Parties, or if time so requires to conduct field investigations.

  
 Elena Evans, Water Engineer

  
 Date

### FORMAL WATER USE COMPLAINT

Mail form and payment to:

### Flathead Reservation Office of the Water Engineer

PO Box 37

Ronan, MT 59864

For questions contact: [contact@frwmb.gov](mailto:contact@frwmb.gov) or (406) 201-2532

Use this form to file a formal complaint with the Water Engineer regarding actions or inactions between appropriators as described in the Unitary Administration and Management Ordinance, § 3-1-102 (codified at § 85-20-1902, MCA and CSKT Ordinance 111-A).

**Filing Fee: \$55 \*Make checks payable to FRWMB**

#### IMPORTANT

- Chapter III of the Ordinance sets forth the authority governing enforcement and fines.
- Disputes exclusively between or among users whose water is delivered by the Flathead Indian Irrigation Project (FIIP) shall remain subject to the oversight of the Project Operator and the enforcement provisions of the Ordinance do not apply.
- All complaints are a matter of public record and may be subject to public review upon request.

OFFICE USE ONLY

RECEIVED

MAY 21 2026

RECEIVED

FRWMB

MAY 15 2026

CS  
CK# 872106

FRWMB

(No check)

Date Rec'd 5/21/26

Rec'd By CRusk

Payor CSKT

Amount Rec'd \$55.00

Check # 872106

Receipt # WM B 2010937

1. **NAME(S) OF FILING PARTY (COMPLAINANT):** Confederated Salish and Kootenai Tribes

Mailing Address P.O. Box 278

City Pablo State MT Zip 59855

Cell/Home Phone 406-675-2700 ext. 1297 Email Address austin.durgio@cskt.org, melissa.schlichling@cskt.org, erin.clinkenbeard@cskt.org

2. **NAME(S) OF PARTY CAUSING HARM (RESPONDENT):** Fred Billings; Dublin Gulch Properties LLC

Mailing Address 35663 Dublin Gulch Rd; 1112 SHADY OAKS LANE

City St. Ignatius; Fort Worth State MT; TX Zip 59865; 76107

Cell/Home Phone 281-650-2717 Email Address rainshine3@gmail.com

3. **HAVE YOU CONTACTED THE RESPONDENT CAUSING HARM?**  Yes  No

(In most instances, FRWMB and the OE will not act if the Respondent has not been contacted by the Complainant).

If YES, please identify the date/time you contacted the Respondent and a description of the Respondent's response (please attach a written copy of the "call for water").

The Respondent was contacted on March 24, 2026 by letter notifying Mr. Billings that he was impairing CSKT's water rights by impounding water.

See Attachment A, p. 1. CSKT sought informal resolution of the complaint by allowing Mr. Billings to remove the dam construction and other ground disturbances that illegally impounded water. See Attachment A, p. 2-6. CSKT allowed Mr. Billings 30 days to make meaningful progress on the proposed remediation plan.

See Attachment A, p. 6. No progress has been made to date and Mr. Billings has not contacted CSKT. See Attachment A, p. 7.

4. LOCATION OF YOUR DIVERSION/USE BEING AFFECTED

\*Please attach a map or aerial photo depicting the location, place of use, and conveyance

Latitude: 47° 21' 47.56" N Longitude: 114° 9' 14.06" W
1/4 SE 1/4 NW 1/4 Section 33 Township 19 N S Range 20 E W
County Lake Lot\* N/A Block\* N/A Subdivision Name\* N/A
Tract No.\* N/A COS/TSR No.\* N/A Government Lot\* N/A
Street Address, including City/State/Zip Code N/A
Geocode 15-2868-33-1-01-04-0000

5. SOURCE (stream, unnamed tributary to named stream, groundwater, spring, pond, lake).

Post Creek

6. DIVERSION TYPE (well, headgate, ditch name, pump, or pipeline).

Instream

7. LOCATION OF RESPONDENT'S DIVERSION/USE

\*Please attach a map or aerial photo depicting the location, place of use, and conveyance

Latitude: 47.383 Longitude: -114.110 W
1/4 NE 1/4 NW 1/4 Section 26 Township 19 N S Range 20 E W
County Lake Lot\* N/A Block\* N/A Subdivision Name\* N/A
Tract No.\* B COS/TSR No.\* 5450 Government Lot\* N/A
Street Address, including City/State/Zip Code 35663 Dublin Gulch Rd, St. Ignatius, MT 59865
Geocode 15-2868-26-1-01-02-0000

8. PLEASE DESCRIBE THE NATURE OF THE COMPLAINT: What is the Respondent doing and how does that action or inaction affect your use of water. Please also provide your water right number(s) that are being harmed and any water right(s) the Respondent holds. Please also provide a preferred remedy to this complaint. (Attach additional information as needed)

See Nature of Complaint section attached below.

9. SIGNATURE OF COMPLAINANT(S)

I declare under penalty of perjury that the statements appearing here are, to the best of my knowledge, true and correct and affirm that I have possessory interest, or the written consent of the person with the possessory interest, in the point of diversion, place of use, and conveyance. In filing this form, I agree to participate in a hearing on this complaint pursuant to Ordinance, § 3-1-104, if requested by the Parties or the Board.

Complainant 1 Printed Name: Austin Durglo (attorney on behalf of Confederated Salish and Kootenai Tribes)

Authorized Signature: Austin Durglo Date: 05/12/2026

Complainant 2 Printed Name:

Authorized Signature: Date:

\*Please note, you must submit ORIGINAL owner signatures. Copies will not be accepted.\*

### **Nature of the Complaint**

An unauthorized construction of a water impoundment earthen dam is located on a property near St. Ignatius in Section 26, T19N, R20W. Construction of the earthen dam demonstrates the actual impoundment and intent to further impound an unnamed natural, groundwater-fed stream that is seasonally supplemented by on-farm irrigation runoff. See Attachment A, p. 7. The unnamed stream is a tributary to Post Creek. There are also National Wetland Inventory (NWI) wetlands that exist on the property and downstream of the unnamed tributary. See Attachment A, p. 13. Unauthorized construction activities generally conform to exhibits found in the Respondents pending Aquatic Lands Conservation Ordinance (ALCO) application submitted on January 10, 2026, which identified a plan to construct an earthen dam to impound 16.5 acre-feet of water. See Attachment A, p. 8-12. Fred Billings (“Respondent”) has the following water rights that are associated with this property:

#### **76L 134597 00**

The purpose of this water right is listed as stock with a well as the means of diversion. A water right with a purpose for stock allows the water right holder to use water specifically for watering livestock. It does not allow the water to be used for other purposes such as irrigation, industrial or household use. See Attachment A, p. 14-15.

#### **76L 134604 00**

The purpose of this water right is listed as domestic use, with a well as the means of diversion. The place of use is claimed as the entire property. A domestic use is defined as a beneficial use of water by an individual or family unit for household use, lawn and garden watering, and stock water use directly related to the family’s domestic needs. It does not allow the water to be used for other purposes such as irrigation for crops. See Attachment A, p. 16-17.

#### **Flathead Indian Irrigation Project (FIIP) Water**

Tax records indicate that the Respondent is paying for irrigation water out of the FIIP ditch that is located in part on the Respondent's property. The Respondent may be planning to use their FIIP quota water to fill their proposed pond. To use FIIP water, the Respondent should be corresponding with FIIP staff to ensure that this is an appropriate use of their quota water. The Respondent should not exceed their quota in terms of volume, period of diversion and period of use. If the Respondent were to fill their pond or use water outside of the FIIP delivery period this may be expansion of use beyond their FIIP quota allocation and require a new appropriation right. See Attachment A, p. 18.

#### **CSKT's Impaired Water Rights and Complaint**

CSKT owns water right number 76L 30052839. The purpose of this water right is for fish and wildlife with a priority date of time immemorial. By impounding tributaries of Post Creek Respondent is directly affecting water that would be destined for Post Creek and used for the benefit of fish and wildlife. The point of diversion and place of use use being affected is in the SENW, Sec. 33, T19N, R20W and the upstream reach of Post Creek as identified on page 19 of Attachment A. See Attachment A, p. 19-21.

CSKT also owns water right number 76L 30052666. The purpose of this water right is to be used as wetlands with a priority date of time immemorial. By impounding tributaries of Post Creek the Respondent is directly affecting water that would be destined for various wetlands connected to Post Creek. The points of diversion and places of use affected are identified on page 22 of Attachment A. Numerous wetlands are affected in Secs. 23, 24, 33, 35, 36 of T19N, R20W. See Attachment A, p. 22-30.

It appears that the Respondent does not have a water right for the intended purpose. Respondent received a letter on September 29, 2025 from FIIP indicating that some of the water in the drainage running across the Respondent's property comes from "seepage from nearby FIIP canals and irrigation wastewater from upstream landowner's discharge." FIIP cannot confirm, however, that "all

flow in the drainage is irrigation related.” It also appears that FIIP improperly took into consideration the Respondent’s proposal set forth in his ALCO application and determined that it was “consistent with good water stewardship [,]” and a valid use of water. See Attachment A, p. 33. It appears that Respondent is treating this letter from FIIP as confirmation of a valid right to appropriate water and is in error. Investigation should be done into Respondent’s water rights and whether Respondent is illegally using water to the detriment of CSKT.

#### **Requests to Engineer and Preferred Remedy**

CSKT requests that the Office of the Engineer (“Engineer”) order and declare the following:

1. Confirm that the Respondent is impounding or diverting water in violation of the Unitary Administrative Management Ordinance (“UAMO”) § 2-2-101.
2. Declare that the Respondent does not have a water right to impound water for irrigation and that construction of diversion works improperly impeded water destined for Post Creek and surrounding surface and groundwater.
3. Declare the Respondent is impeding subsurface groundwater flow that contributes to surrounding surface water and wetlands near Post Creek.
4. Require that the Respondent implement, at a minimum, the Remediation Plan as identified in Attachment A, p. 3-4. CSKT requests the Engineer to require any additional remediation should independent investigation deem it necessary to restore natural flows.
5. Require Respondent to definitively demonstrate that water flowing to the impoundment structure is solely from FIIP water.
6. Require the Respondent to bear all costs associated with remediation and mitigation.
7. Declare CSKT’s water rights are impaired due to the Respondent’s improper water use.

- 8. Issue any fine pursuant to UAMO § 3-1-113 that the Engineer deems just and necessary for non-compliance with the Engineer's decision and illegal water use**
- 9. Award attorney costs and fees related to resolving the Complaint.**
- 10. Issue any other relief to CSKT that the Engineer deems just and necessary.**

**Attachment A, p. 1**

**THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE  
FLATHEAD NATION**

P.O. BOX 278  
Pablo, Montana 59855  
(406) 275-2700  
FAX (406) 275-2806

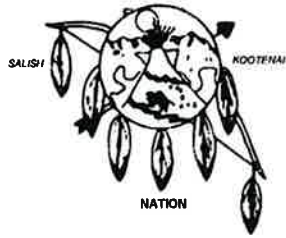
[www.cskt.org](http://www.cskt.org)



A People of Vision

**TRIBAL COUNCIL MEMBERS:**

Mike Dolson – Chairman  
Jami Pluff – Vice Chairman  
Danielle Matt - Secretary  
Carole Lankford. - Treasurer  
Tom McDonald  
Martin Charlo  
James Steele Jr.  
James "Bing" Matt  
Greg Dumontier  
Len Twoteeth



A Confederation of the Salish,  
Pend d' Oreille  
and Kootenai Tribes

March 24, 2026

Subject: NOTICE OF INTENT TO FILE A FORMAL WATER USE COMPLAINT

Fred Billings  
35663 Dublin Gulch Rd  
St Ignatius, MT 59865

The Confederated Salish and Kootenai Tribes Water Rights Program has determined that diversion and impoundment construction activities have occurred on your property, identified in Montana Cadastral with Geocode: 15-2868-26-1-01-02-0000. Construction activities generally conform to exhibits found in your pending Aquatic Lands Conservation Ordinance (ALCO) application submitted on 1/10/2026, which identified a plan to construct an earthen dam to impound 16.5 acre-feet of water. The activities to date demonstrate intent to impound a natural, groundwater-fed stream seasonally supplemented by onfarm irrigation runoff. The stream is tributary to Post Creek. Specifically, the Program understands that trenching has been conducted along the proposed dam-inundation boundary, pits have been excavated which contain groundwater, and fill material has been placed across much of the lateral extent of the identified groundwater-fed stream. These activities demonstrate intent to divert, impound, or withdraw water, which will in turn impair CSKT's water rights. CSKT is not able to identify a water right to associate with activities completed to-date.

These activities appear to be in violation of the Unitary Administrative Management Ordinance Section § 2-2-101, which requires an applicant to apply for and receive an Appropriation Right or Change in Use Authorization from the Flathead Reservation Water Management Board prior to commencing a diversion, impoundment, withdrawal, or other distribution works. Accordingly, this letter serves as formal notice of the Program's intent to file a Formal Water Use Complaint with the Flathead Reservation Water Management Board. Informal resolution may provide a more timely and cost-effective remedy.

Please respond to this letter by reaching out to the contact below to explore informal resolution related to the above matter.

Sincerely,

Erin Clinkenbeard

**Water Rights Program Manager**

Confederated Salish & Kootenai Tribes, Natural Resources Department

[Erin.clinkenbeard@cskt.org](mailto:Erin.clinkenbeard@cskt.org)

406-675-2700 EXT. 7230

**Attachment A, p. 2**



**The Confederated Salish & Kootenai Tribes**  
*Water Rights Program*

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**MEMORANDUM**

**To:** Fred Billings  
35663 Dublin Gulch Rd  
St. Ignatius, MT 59865

**From:** Erin Clinkenbeard  
Water Rights Program Manager  
P.O. Box 287  
Pablo, MT 59855

**Re:** NOTICE OF INTENT TO FILE A FORMAL WATER USE COMPLAINT--Remediation Plan

**Legal Basis**

The Confederated Salish and Kootenai Tribes Water Rights Program (hereafter referred to as "Program") has determined that diversion and impoundment construction activities have occurred on your property, identified on Montana Cadastral with Geocode: 15-2868-26-1-01-02-0000. Construction activities generally conform to exhibits found in your pending Aquatic Lands Conservation Ordinance (ALCO) application submitted on 1/10/2026, which identified a plan to construct an earthen dam to impound 16.5 acre-feet of water. The activities to date demonstrate intent to impound a natural, groundwater-fed stream seasonally supplemented by on farm irrigation runoff. The stream is a tributary to Post Creek. Specifically, the Program understands that trenching has been conducted along the proposed dam-inundation boundary, pits have been excavated which contain groundwater, and fill material has been placed across much of the lateral extent of the identified groundwater-fed stream. These activities demonstrate intent to divert, impound, or withdraw water, which will in turn impair CSKT's water rights. CSKT is not able to identify a water right to associate with activities completed to date.

These activities, as they appear, are in violation of the Unitary Administrative Management Ordinance Section § 2-2-101, which requires an applicant to apply for and receive an Appropriation Right or Change in Use Authorization from the Flathead Reservation Water Management Board prior to commencing a diversion, impoundment, withdrawal, or other distribution works.

## Attachment A, p. 3

### Hydrologic Setting

Construction of this dam will inundate existing wetlands and a natural stream feature, disrupting natural hydrologic connectivity to downstream wetlands and Post Creek. The geomorphology of this stream is consistent with a natural channel feature with direct interconnection to Post Creek (See Figure 1.) and is likely the dominant source of water this pond is proposed to capture. Directly impacting the Tribes' instream flow water rights in Post Creek as well as Article III Compact protected wetlands downstream.



Figure 1. Google earth image of the Billing parcel and geomorphology of the natural stream feature.

### Existing Conditions

There is evidence of trenching, approximately two feet in depth, that has been conducted along the anticipated inundation boundary, resulting in impacts to existing wetlands features, encompassing a natural stream. In addition, multiple pits have been excavated, several of which have encountered groundwater. The site has also been modified through the placement of imported fill material across much of the lateral extent of the identified groundwater fed stream, rather than utilizing on-site soils. These activities have altered existing hydrologic and wetland conditions on the property.

### Remedy and Informal Resolution

The following site restoration and remediation plan shall be implemented to address disturbances associated with recent grading and excavation activities.

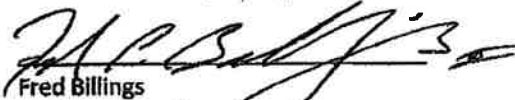
- All imported fill material shall be carefully removed and disposed of in accordance with applicable regulations to prevent further alteration of site hydrology. This may include removing the material from the site or verifying that the fill will not inhibit natural flows.
- Excavated test pits and trenched features shall be backfilled using a native on-site soil and regraded to reestablish pre-disturbance contours and hydrologic connectivity, particularly within the affected groundwater fed-stream and adjacent wetland areas.

**Attachment A, p. 4**

- Following recontouring, disturbed areas shall be re-vegetated with an appropriate, certified weed-free mix to promote ecological recovery and minimize introduction or spread of invasive species.
- Post restoration monitoring shall be conducted by the landowner over a period of six months to assess vegetation establishment, detect and manage invasive species, and ensure successful reestablishment of natural site conditions and functions.

**Opportunity to Coordinate**

This remediation plan is intended to provide an opportunity to address site impacts in an informal, timely, and constructive manner. Should the responsible party elect to pursue restoration, CSKT anticipates meaningful progress on the activities listed above. This plan should be implemented within **30 days of agreement**. If there is no interest in pursuing restoration or coordination on next steps, CSKT will proceed with submission of a formal complaint to the Flathead Reservation Water Management Board.

  
Fred Billings

  
Erin Clinkenbeard

4/10/20  
Date

4/13/20  
Date

## Attachment A, p. 5

**Austin Durglo**

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**From:** Erin Clinkenbeard  
**Sent:** Wednesday, April 15, 2026 8:27 AM  
**To:** Fred Billings  
**Subject:** RE: Proposal for Informal Resolution -- Remediation Plan  
**Attachments:** Billing\_Dam\_Remediation\_Plan\_Signed4.13.26.pdf

Thanks Fred,

I have attached the completed document to this email. We will need to see progress before your departure for your trip; after that, we're open to extending the deadline to a later date.

Please do not hesitate to reach out if you have questions or concerns.

Best,

**Erin "Kaohi" Clinkenbeard, M.S.**  
*Water Rights Program Manager*  
[Confederated Salish & Kootenai Tribes](#)  
Natural Resources Department  
Office: 406-675-2700 EXT. 7230



**From:** Fred Billings <rainshine3@gmail.com>  
**Sent:** Monday, April 13, 2026 8:40 AM  
**To:** Erin Clinkenbeard <Erin.Clinkenbeard@cskt.org>  
**Subject:** Re: Proposal for Informal Resolution -- Remediation Plan

Here is the signed document. I will be sending additional detailed information as each item is completed. I will be out of town from 4/25-5/5 so timing on substantially completing the tasks will need to take that into consideration.

Fred Billings

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**From:** Erin Clinkenbeard <[Erin.Clinkenbeard@cskt.org](mailto:Erin.Clinkenbeard@cskt.org)>  
**Sent:** Tuesday, April 7, 2026 6:00 PM  
**To:** [rainshine3@gmail.com](mailto:rainshine3@gmail.com) <[rainshine3@gmail.com](mailto:rainshine3@gmail.com)>  
**Subject:** Proposal for Informal Resolution -- Remediation Plan

Good afternoon Fred,

**Attachment A, p. 6**

Attached is the remediation plan that the Tribes have prepared. If you wish to resolve this informally, I will need a signed copy returned to me by Friday, April 10, 2026, and implementation of the plan must be initiated and show meaningful progress within 30 days.

Please do not hesitate to contact me if you have any questions or need further clarification.

Best,

**Erin “Kaohi” Clinkenbeard, M.S.**

*Water Rights Program Manager*

[Confederated Salish & Kootenai Tribes](#)

Natural Resources Department

Office: 406-675-2700 EXT. 7230



**Attachment A, p. 7**



**Attachment A, p. 8**

**87A (ALCO)**

Confederated Salish & Kootenai Tribes  
Shoreline Protection Office  
301 Main Polson MT 59860  
(406) 883-2888, extension 7221  
e-mail justin.mccollum@cskt.org



**TRIBAL APPLICATION FOR THE ALTERATION OF  
AQUATIC LAND OR WETLAND ON THE FLATHEAD RESERVATION**

Other laws may apply. It is your responsibility to obtain all necessary permits before beginning work.

**THIS PERMIT IS NOT A WATER RIGHT.**

If your project requires a water right or a change in use, you must acquire that separately from this permit.

Date received: 1/20/26 Rights Protection Number: \_\_\_\_\_  
Shoreline Protection #: 26-4023-80 Corps Action ID Number: \_\_\_\_\_  
Beginning of proposed project: \_\_\_\_\_ Completion of proposed project: \_\_\_\_\_

New       Construction       Maintenance       Existing       Repair       Other

1. Application administration fee: \$25.00 check number: \_\_\_\_\_ receipt number: \_\_\_\_\_

Applications will be considered incomplete and will not be processed until payment is received.

2. Landowner: Fred Billings/Margaret Hare Contractor: Riverside Construction/GrowforLIFE/Billings

Address: 35663 Dublin Gulch Road Address: 15102 Easton Park Drive

City/State/Zip St. Ignatius Phone #: (281) 650-2717

Business Phone #: (281) 650-2717 Home Phone #: same Fax #: N/A

3. Project location: Please include a project location map.

Street, road, or other descriptive location: 35663 Dublin Gulch Road

Name of closest water source (lake, creek, etc.): Post Creek

Nearest town: St. Ignatius County: Lake

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

**4. Check primary purpose of the project**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Stream Crossing                        | <input type="checkbox"/> Utilities          | <input type="checkbox"/> Irrigation project    |
| <input type="checkbox"/> Bridge                                 | <input type="checkbox"/> Culvert            | <input type="checkbox"/> Dam maintenance       |
| <input type="checkbox"/> Road const/maintenance                 | <input type="checkbox"/> Excavating         | <input type="checkbox"/> Fish/wildlife devise  |
| <input type="checkbox"/> Bank stabilization                     | <input type="checkbox"/> Core drilling      | <input type="checkbox"/> Stream restoration    |
| <input type="checkbox"/> Flood protection                       | <input type="checkbox"/> Placement of fill  | <input type="checkbox"/> Spring development    |
| <input type="checkbox"/> Channel alteration                     | <input type="checkbox"/> Waterlines         | <input type="checkbox"/> Structure maintenance |
| <input checked="" type="checkbox"/> Pond: fish/irrigation/stock | <input type="checkbox"/> Wetland alteration | <input type="checkbox"/> Other _____           |

## Attachment A, p. 9

If the application is for an annual maintenance permit, an annual plan of operation must be attached.

### 5. Measurements

For each activity, give overall height, length, width and depth (in feet), in columns 1,2,3, and 4. For multiple activities, give total area of disturbance in square feet in column 6. For activities in waterways, give maximum distance channel-ward in column 5. For dam or small ponds, give average depth (in feet) for the completed project in column 4. Give the volume of fill or excavated material in column 7.

MEASUREMENTS	Height (ft)	Length (ft)	Width (ft)	Depth (ft)	Maximum/avg bed/bank encroachment	Area Sq.Ft.	Volume of fill/excavation material (cubic yards)
Bank Stabilization							
Bridge/culvert removal or repair							
Dam maintenance							
Diversion structures							
Diverting barb							
Excavation				5.3 ft.		130,680sq.ft	27,000 cu.yds.
Fill							
Fish/wildlife enhancement device							
Hydropower project							
Repair /maintenance							
Rip-rap							
Stream crossing (bridges, culverts)							
Spring development							
Stream restoration							
Utilities							
Weirs							
Wetland restoration or alteration							

### 6. Describe in detail the proposed project, type of equipment and attach an engineered design and work plan:

~~The project consists of constructing a dam to detain approximately 16.5 acre feet of irrigation runoff for use when irrigation water is shut off before the organic vegetable crops are harvested in the fall. The property already has 31 acre feet of water being delivered through the Flathead Irrigation District. The pond will serve as backup/emergency watersource, however, in most conditions it is expected to continue to be a pass-through for irrigation tailwater. The pond is being constructed to relocate and expand existing wetland soil/plant material to the shoreline of the pond which will increase the overall palestine wetland by 2.5 to 3 times its current size, and the constant watersource will give it the ability to flourish. Water will exit the pond through both overflow pipe and spillway to the historical flow locations before continuing NW through the active wetland and Post Creek. Details of dam construction and contour of the pond bottom are shown in attachments. The organic farm is a demonstration farm intended to demonstrate more efficient water management through drip irrigation and mulch, thereby building the soil and its water holding property.~~

**Attachment A, p. 10**

7. Will equipment be required to enter waterway?  yes  no

8. List the equipment and vehicles other than hand tools to be used: Excavator, Dozer

9. List the type, quantity and source of materials to be utilized (gravels, rocks, wood etc.): Clay fill from on-site.

10. Check one or more of the following that describes the type of wetland/waterway where you are proposing the activity:

- |  |   |
|--|---|
| <input checked="" type="radio"/> Wetlands                          | <input type="radio"/> Spring or Seep              |
| <input type="radio"/> In-stream channel                            | <input type="radio"/> Irrigation Canal            |
| <input type="radio"/> 100-year floodplain (outside stream channel) | <input checked="" type="radio"/> Agriculture land |
| <input type="radio"/> River, lake, pond, reservoir                 | <input type="radio"/> Other _____                 |

11. Will the project involve placement of fill material in reservation waters? (including but not limited to lakes, rivers, streams including intermittent streams, mudflats, wetlands, sloughs, potholes and ponds) If yes, describe. How many cubic yards of fill and how much wetland area will be filled in acres? \_\_\_\_\_

Approx. 4,000 sq.ft. of wetland will be filled. All other areas host wetland soil/grass will be relocated and expanded to the pond's perimeter shelf. (see drawings)

12. Mitigation plans: (Required if yes to #11) Describe the proposed work to replace and revegetate aquatic lands (i.e. wetlands, ponds, etc.) including drawn plans. This will require a 3:1 replacement ratio based on the Tribe's Wetland Conservation Plan.

See drawing to understand that the wetland mitigation meets or exceeds the 3:1 ratio inspite of being described as 2.5:1 since the base area used for calculation was increased to include green land not just wetland.

13. Is your project located in the vicinity of historic or cultural areas? (for example: archaeological sites, Indian or non-Indian cultural artifacts).  yes  no  unknown

14. Are there threatened or endangered species present in the project vicinity (i.e. bull trout, grizzly bears, lynx or other species of concern )?  yes  no  unknown We've been told Grizzly Bear frequents Post Creek north of Dublin Gulch

15. Has any agency denied approval for activity described herein or for any activity related to the activity described herein?  yes  no Shoreline denied the original application

16. Other helpful data that describes the site and activity:

- |  |  |  |
|--|--|--|
| A. <input type="radio"/> Soil borings        | C. <input type="radio"/> Photographs   | E. <input type="radio"/> Alternative site analysis |
| B. <input type="radio"/> Wetland data sheets | D. <input type="radio"/> Field surveys | F. <input type="radio"/> Site map                  |

**Attachment A, p. 11**

Other (explain) \_\_\_\_\_  
\_\_\_\_\_

17. Describe techniques that will be used to lessen the impacts of proposed project? (i.e. silt fence, straw bales, buffer area, erosion control fabrics, geotextile traction mats, etc.) and where they will be placed \_\_\_\_\_

To minimize disturbance the two ends of the dam will be constructed first, then a temporary swell created to retain irrigation runoff for approximately 5 hrs. while the center of the dam is constructed. The temporary swell will then be opened to allow gentle movement of the tailwater to continue on to the dam. The wetland soil/plants will be relocated/transplanted to the pond's shoreline.

18. List adjacent landowners: (the permitting agency may contact these landowners.)

Kurt McPhearson  
\_\_\_\_\_  
\_\_\_\_\_

**19. CERTIFICATION:**

I certify that the information on this form and on the attached plans and specification is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with guide to the streamside management and forestry best management practices. I understand that none of the information is to be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

I hereby designate and authorize the applicant named below to act in my behalf in the processing of this application and to furnish any information that is requested.

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

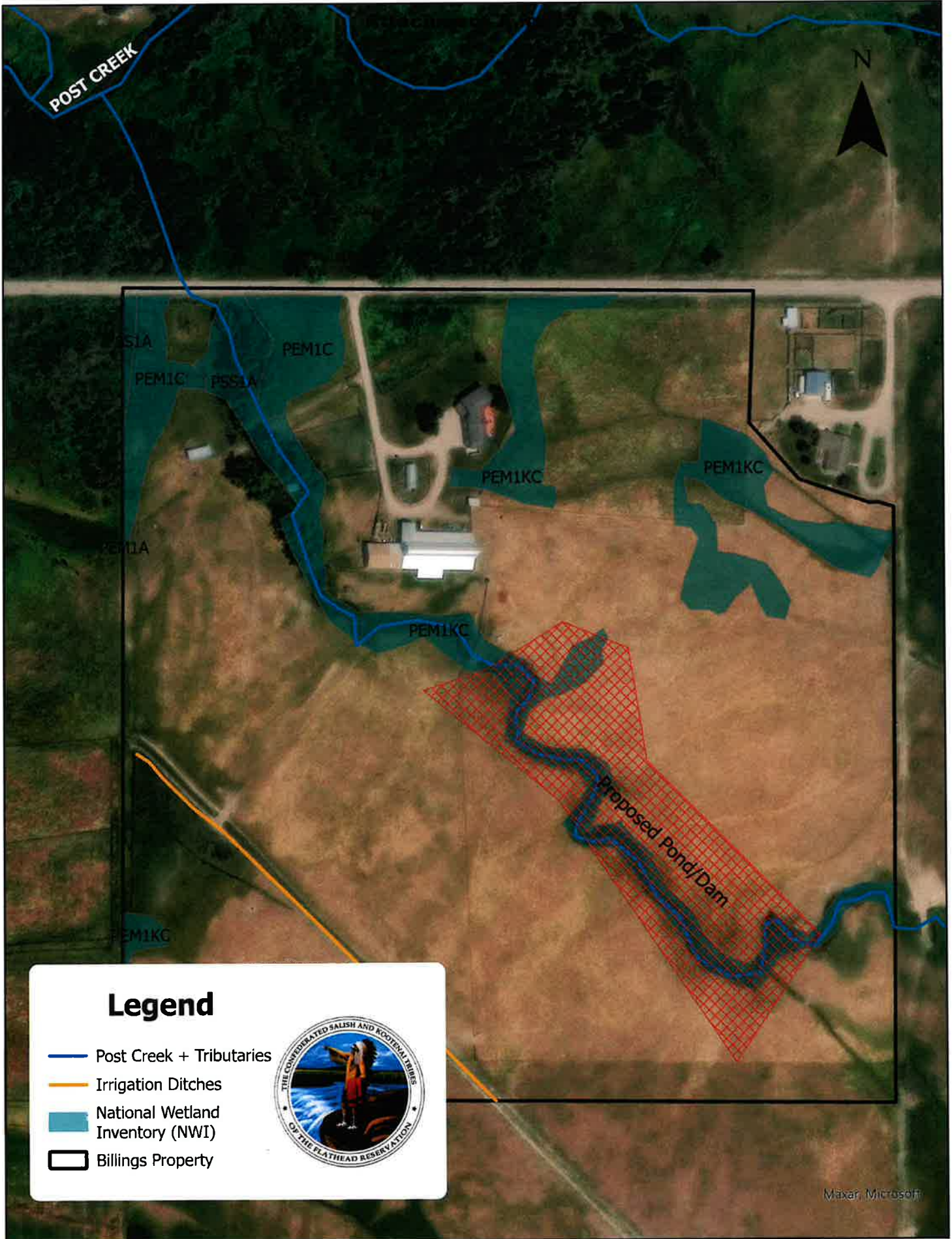
LANDOWNER MUST SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_

**Is your application complete? Incomplete applications will be returned for completion.**

- ✓ **Has the owner signed the application?**
- ✓ **Did you include an engineered design and work plan of your proposal?**
- ✓ **Have you included the appropriate fees?**
- ✓ **Have you included a project location map?**

All complete applications will require a minimum 30-day technical review and comment period before being submitted to the Shoreline Protection Board at their next regularly scheduled meeting. Meetings are the 2<sup>nd</sup> Thursday of each month.





STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

**GENERAL ABSTRACT**

**Water Right Number:** 76L 134597-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** DUBLIN GULCH PROPERTIES LLC  
1112 SHADY OAKS LANE  
FORT WORTH, TX 76107-3558

**Priority Date:** DECEMBER 31, 1949  
**Enforceable Priority Date:** DECEMBER 31, 1949

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

**Maximum Flow Rate:** 20.00 GPM

**Maximum Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NW	26	19N	20W	LAKE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WELL

**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NW	26	19N	20W	LAKE

**Geocodes/Valid:** 15-2868-26-1-01-02-0000 - Y

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

134597-00      134604-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/01/99.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 6374 RECEIVED 06/06/2002.

OWNERSHIP UPDATE TYPE 608 # 271215 RECEIVED 03/07/2025.

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

**GENERAL ABSTRACT**

**Water Right Number:** 76L 134604-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** DUBLIN GULCH PROPERTIES LLC  
1112 SHADY OAKS LANE  
FORT WORTH, TX 76107-3558

**Priority Date:** DECEMBER 31, 1949  
**Enforceable Priority Date:** DECEMBER 31, 1949

**Type of Historical Right:** USE  
**Purpose (Use):** DOMESTIC

**Maximum Flow Rate:** 20.00 GPM

**Maximum Volume:** 1.50 AC-FT

**Households:** 1

**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	26	19N	20W	LAKE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WELL

**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNE	26	19N	20W	LAKE

**Geocodes/Valid:** 15-2868-26-1-01-02-0000 - Y

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

134597-00      134604-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/01/99.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 6374 RECEIVED 06/06/2002.

OWNERSHIP UPDATE TYPE 608 # 271215 RECEIVED 03/07/2025.

**Attachment A, p. 18**

**LAKE COUNTY | DETAIL**

Date: 07/31/25  
Time: 11:40:50 am

**LAKE COUNTY TREASURER**

106 4TH AVE EAST  
POLSON MT 59860

Tax ID: 12504  
Type: Real

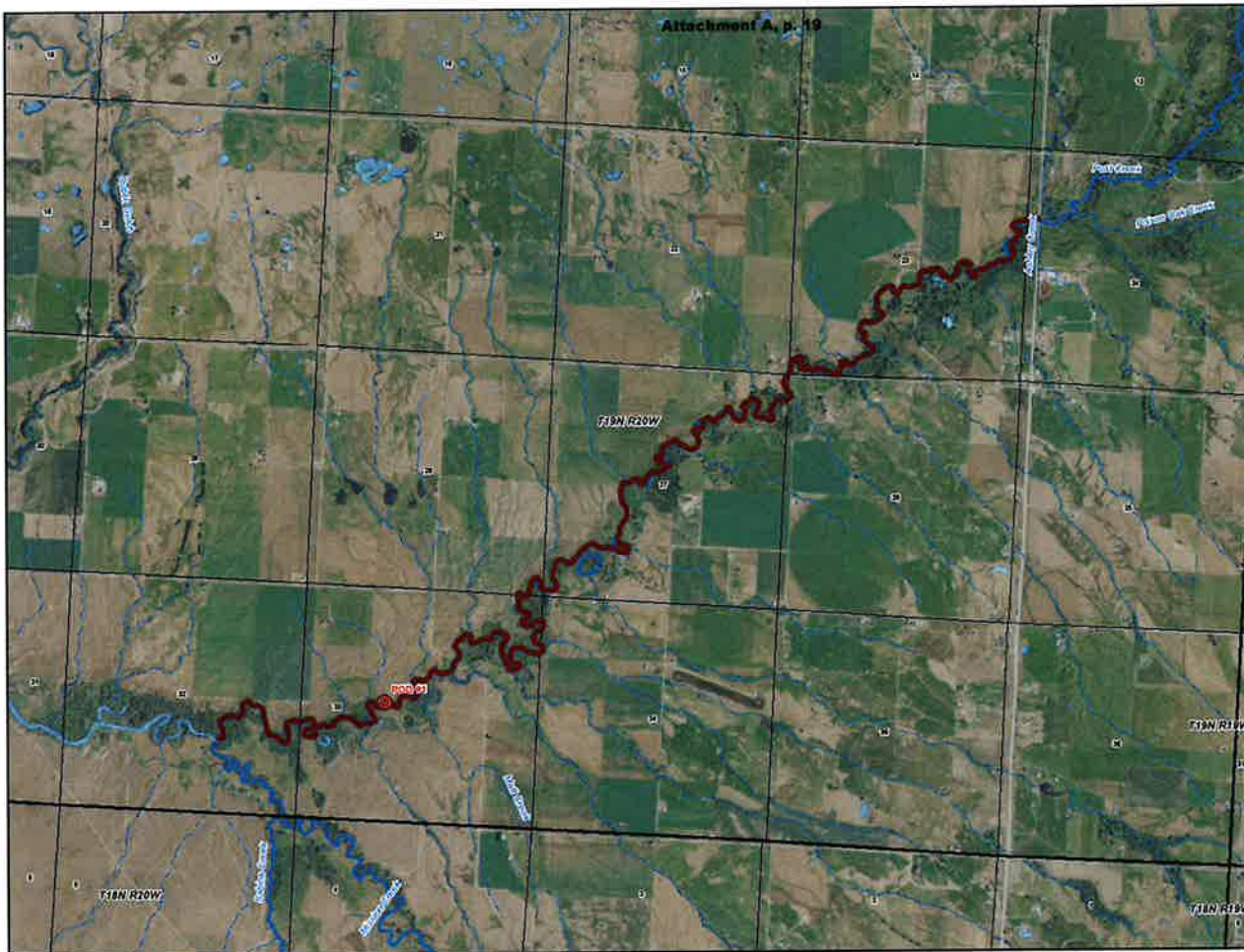
**Name and Address**

DUBLIN GULCH PROPERTIES LLC  
1112 SHADY OAKS LN  
FORT WORTH TX 76107-3558

**Taxes Due Query TW Range SC Description**

19N/20W /26 TR B COS 5450 (39.97 AC) Geo: 2868-26-1-01-02-0000

District	Tax Date	Int Date	PD?	Tax Amt	Penalty	Interest
28MF ST IGNATIUS RURAL	12/02/24	07/31/25	Y	1702.24	0.00	0.00
MADM MISSION IRRIGATION ADM	12/02/24	07/31/25	Y	62.42	0.00	0.00
MO&M MISSION IRRIGATION O & M	12/02/24	07/31/25	Y	608.60	0.00	0.00
SAN SOLID WASTE MANAGEMENT DISTRICT	12/02/24	07/31/25	Y	90.00	0.00	0.00
SOIL SOIL CONSERVATION	12/02/24	07/31/25	Y	2.98	0.00	0.00
28MF ST IGNATIUS RURAL	06/02/25	07/31/25	Y	1702.21	0.00	0.00
MADM MISSION IRRIGATION ADM	06/02/25	07/31/25	Y	62.42	0.00	0.00
MO&M MISSION IRRIGATION O & M	06/02/25	07/31/25	Y	608.60	0.00	0.00
SAN SOLID WASTE MANAGEMENT DISTRICT	06/02/25	07/31/25	Y	90.00	0.00	0.00
SOIL SOIL CONSERVATION	06/02/25	07/31/25	Y	2.98	0.00	0.00
Totals for 24				4,932.45	0.00	0.00
Total Tax, Penalty and Interest				4,932.45		



Place of Use  
and Point of  
Diversion  
*Instream Flow*  
*Other Sites*  
**76L**  
**30052839**  
**Exhibit 1**



Flathead Indian Reservation

**Legend**

- Place of Use
- Primary Point(s) of Diversion
- Reservation Boundary

0 0.25 0.5 Miles



FOUPOD Data Source: CBCTAT Compact Instream Flow  
Order (available at [nrs.nrs.gov](http://nrs.nrs.gov))  
Imagery Source: "National 2005 Color NAIP Orthophotocopy"  
© 2005; "TSP" courtesy of USDA-Forest Service Agency  
Aerial Photography Field Office and the Montana State Library  
Hydrology derived from: "National Wetland Dataset" courtesy of  
U.S. Geological Survey (USGS), ERDC Data Center  
(1-arc second)

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

**GENERAL ABSTRACT**

**Water Right Number:** 76L 30052839 COMPACT

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)  
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES  
OF MONTANA  
911 NE 11TH AVENUE  
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS  
THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

**Priority Date:** TIME IMMEMORIAL

**Type of Historical Right:** RESERVED

**Purpose (Use):** FISH AND WILDLIFE

**Maximum Flow Rate:** 223.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POST  
CREEK (SENW SEC 33 T19N R20W) (LAT 47° 21' 47.56" N LONG 114° 9' 14.06" W).  
THE ENFORCEABLE SCHEDULE COMPLIANCE POINT SHALL BE ADDED TO THIS  
WATER RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE  
111.C.1.D.III OF THE WATER RIGHTS COMPACT.

**Maximum Volume:**

**Source Name:** POST CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	33	19N	20W	LAKE

<b>Period of Diversion:</b>	JANUARY 1 TO JANUARY 31	<b>Flow Rate:</b>	71.00 CFS
	FEBRUARY 1 TO FEBRUARY 28	<b>Flow Rate:</b>	59.00 CFS
	MARCH 1 TO MARCH 31	<b>Flow Rate:</b>	49.00 CFS
	APRIL 1 TO APRIL 30	<b>Flow Rate:</b>	55.00 CFS
	MAY 1 TO MAY 31	<b>Flow Rate:</b>	117.00 CFS
	JUNE 1 TO JUNE 30	<b>Flow Rate:</b>	213.00 CFS
	JULY 1 TO JULY 31	<b>Flow Rate:</b>	223.00 CFS
	AUGUST 1 TO AUGUST 31	<b>Flow Rate:</b>	113.00 CFS
	SEPTEMBER 1 TO SEPTEMBER 30	<b>Flow Rate:</b>	84.00 CFS
	OCTOBER 1 TO OCTOBER 31	<b>Flow Rate:</b>	100.00 CFS
	NOVEMBER 1 TO NOVEMBER 30	<b>Flow Rate:</b>	88.00 CFS
	DECEMBER 1 TO DECEMBER 31	<b>Flow Rate:</b>	71.00 CFS

**Diversion Means:** INSTREAM

THE POINT OF DIVERSION IS THE ENFORCEABLE SCHEDULE COMPLIANCE POINT AS SET FORTH IN THE LAW OF ADMINISTRATION CHAPTER II, PART 1, SECTION 2-1-115 AND MCA 85-20-1902.

**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	19N	20W	LAKE
2				23	19N	20W	LAKE
3				24	19N	20W	LAKE
4				26	19N	20W	LAKE
5				27	19N	20W	LAKE
6				28	19N	20W	LAKE
7				32	19N	20W	LAKE
8				33	19N	20W	LAKE
9				34	19N	20W	LAKE

---

**Remarks:**

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

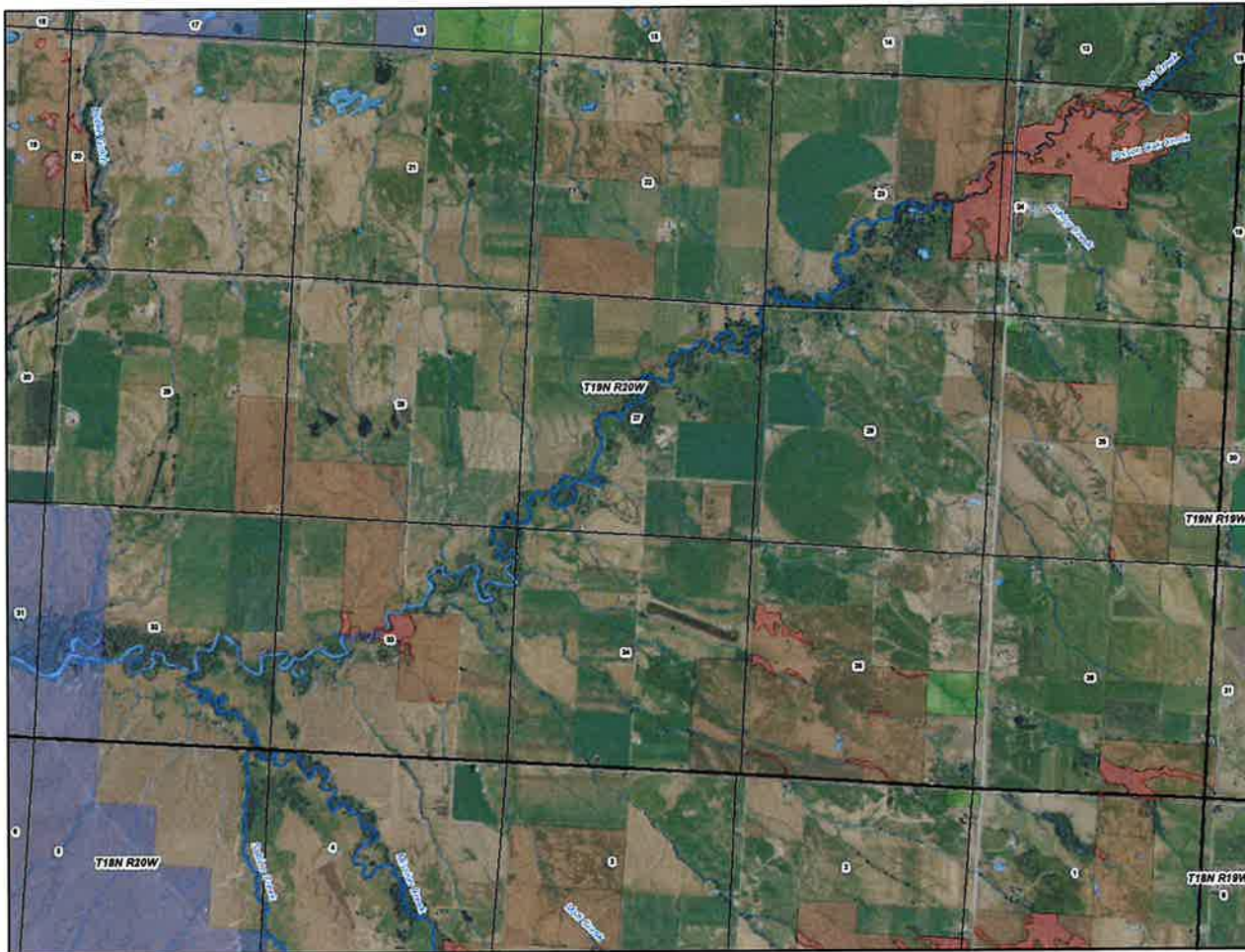
THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052839 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.



Place of Use  
**CSKT Wetlands**  
**76L**  
**30052666**  
**Exhibit 10**



Flathead Indian Reservation

**Legend**

- Places of Use
- Reservation Boundary
- Land Owner**
- Tribal
- Federal
- State



POUPOD Data Source: CSKT/NTI Compact Wetlands (available at: [nrc.usgs.gov](http://nrc.usgs.gov))  
 Imagery Source: "Montana 2009 Color NAIP Orthophotomosaic"  
 1:250,000 Scale Imagery of USGS/FAAS Service Agency  
 Aerial Photography Field Office and the Montana State Library  
 Wetlands created from "National Wetlands Dataset" courtesy of  
 U.S. Geological Survey (USGS) EROS Data Center  
 (1-4-02 06:00)

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

**GENERAL ABSTRACT**

**Water Right Number:** 76L 30052666 COMPACT

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)  
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES  
OF MONTANA  
911 NE 11TH AVENUE  
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS  
THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

**Priority Date:** TIME IMMEMORIAL

**Type of Historical Right:** RESERVED

**Purpose (Use):** WETLAND

**Maximum Flow Rate:**  
  
NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

**Maximum Volume:**  
  
THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND  
GROUNDWATER FOR THESE WETLANDS.

**Maximum Acres:** 1,940.79

**Source Name:** WETLAND

**Source Type:** ALL NATURALLY OCCURRING WATER  
THE SOURCE IS WETLANDS TRIBUTARY TO MISSION CREEK.

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INWETLAND

2 SANDERS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INWETLAND

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	17N	18W	LAKE
2				2	17N	19W	LAKE
3				4	17N	19W	LAKE

**Attachment A, p. 24**

4	9	17N	19W	LAKE
5	4	18N	18W	LAKE
6	5	18N	18W	LAKE
7	6	18N	18W	LAKE
8	8	18N	18W	LAKE
9	9	18N	18W	LAKE
10	16	18N	18W	LAKE
11	17	18N	18W	LAKE
12	19	18N	18W	LAKE
13	20	18N	18W	LAKE
14	21	18N	18W	LAKE
15	22	18N	18W	LAKE
16	27	18N	18W	LAKE
17	29	18N	18W	LAKE
18	3	18N	19W	LAKE
19	4	18N	19W	LAKE
20	6	18N	19W	LAKE
21	7	18N	19W	LAKE
22	9	18N	19W	LAKE
23	10	18N	19W	LAKE
24	11	18N	19W	LAKE
25	12	18N	19W	LAKE
26	13	18N	19W	LAKE
27	14	18N	19W	LAKE
28	19	18N	19W	LAKE
29	21	18N	19W	LAKE
30	22	18N	19W	LAKE
31	23	18N	19W	LAKE
32	24	18N	19W	LAKE
33	26	18N	19W	LAKE
34	27	18N	19W	LAKE
35	28	18N	19W	LAKE
36	29	18N	19W	LAKE
37	30	18N	19W	LAKE
38	31	18N	19W	LAKE
39	32	18N	19W	LAKE
40	33	18N	19W	LAKE
41	1	18N	20W	LAKE
42	2	18N	20W	LAKE
43	4	18N	20W	LAKE
44	9	18N	20W	LAKE
45	11	18N	20W	LAKE
46	12	18N	20W	LAKE

**Attachment A, p. 25**

47	13	18N	20W	LAKE
48	14	18N	20W	LAKE
49	15	18N	20W	LAKE
50	16	18N	20W	LAKE
51	21	18N	20W	LAKE
52	22	18N	20W	LAKE
53	23	18N	20W	LAKE
54	24	18N	20W	LAKE
55	25	18N	20W	LAKE
56	27	18N	20W	LAKE
57	28	18N	20W	LAKE
58	34	18N	20W	LAKE
59	35	18N	20W	LAKE
60	4	18N	21W	LAKE
61	4	18N	21W	SANDERS
62	4	19N	18W	LAKE
63	5	19N	18W	LAKE
64	6	19N	18W	LAKE
65	7	19N	18W	LAKE
66	9	19N	18W	LAKE
67	16	19N	18W	LAKE
68	17	19N	18W	LAKE
69	21	19N	18W	LAKE
70	22	19N	18W	LAKE
71	27	19N	18W	LAKE
72	28	19N	18W	LAKE
73	29	19N	18W	LAKE
74	30	19N	18W	LAKE
75	31	19N	18W	LAKE
76	32	19N	18W	LAKE
77	1	19N	19W	LAKE
78	3	19N	19W	LAKE
79	4	19N	19W	LAKE
80	5	19N	19W	LAKE
81	6	19N	19W	LAKE
82	7	19N	19W	LAKE
83	9	19N	19W	LAKE
84	10	19N	19W	LAKE
85	12	19N	19W	LAKE
86	15	19N	19W	LAKE
87	16	19N	19W	LAKE
88	17	19N	19W	LAKE
89	20	19N	19W	LAKE

**Attachment A, p. 26**

90	21	19N	19W	LAKE
91	22	19N	19W	LAKE
92	24	19N	19W	LAKE
93	25	19N	19W	LAKE
94	26	19N	19W	LAKE
95	27	19N	19W	LAKE
96	28	19N	19W	LAKE
97	31	19N	19W	LAKE
98	34	19N	19W	LAKE
99	35	19N	19W	LAKE
100	36	19N	19W	LAKE
101	1	19N	20W	LAKE
102	2	19N	20W	LAKE
103	3	19N	20W	LAKE
104	6	19N	20W	LAKE
105	8	19N	20W	LAKE
106	9	19N	20W	LAKE
107	10	19N	20W	LAKE
108	11	19N	20W	LAKE
109	14	19N	20W	LAKE
110	15	19N	20W	LAKE
111	16	19N	20W	LAKE
112	17	19N	20W	LAKE
113	19	19N	20W	LAKE
114	20	19N	20W	LAKE
115	23	19N	20W	LAKE
116	24	19N	20W	LAKE
117	25	19N	20W	LAKE
118	33	19N	20W	LAKE
119	35	19N	20W	LAKE
120	36	19N	20W	LAKE
121	11	19N	21W	LAKE
122	12	19N	21W	LAKE
123	27	19N	21W	LAKE
124	28	19N	21W	LAKE
125	33	19N	21W	LAKE
126	19	20N	18W	LAKE
127	30	20N	18W	LAKE
128	31	20N	18W	LAKE
129	32	20N	18W	LAKE
130	13	20N	19W	LAKE
131	14	20N	19W	LAKE
132	15	20N	19W	LAKE

133	16	20N	19W	LAKE
134	17	20N	19W	LAKE
135	19	20N	19W	LAKE
136	20	20N	19W	LAKE
137	21	20N	19W	LAKE
138	23	20N	19W	LAKE
139	24	20N	19W	LAKE
140	25	20N	19W	LAKE
141	26	20N	19W	LAKE
142	27	20N	19W	LAKE
143	29	20N	19W	LAKE
144	30	20N	19W	LAKE
145	31	20N	19W	LAKE
146	32	20N	19W	LAKE
147	33	20N	19W	LAKE
148	36	20N	19W	LAKE
149	16	20N	20W	LAKE
150	25	20N	20W	LAKE
151	27	20N	20W	LAKE
152	28	20N	20W	LAKE
153	33	20N	20W	LAKE
154	34	20N	20W	LAKE
155	35	20N	20W	LAKE
156	36	20N	20W	LAKE

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**Remarks:**

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

SEE 30052666 MAP EXHIBIT(S) 1 THROUGH 18.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

**AND WHEN RECORDED MAIL TO:**  
**Dublin Gulch Properties, LLC**  
**1112 Shady Oaks Lane, Fortworth, TX 76107**

Filed for Record at Request of:  
Flying S Title and Escrow of Montana, Inc.

Space Above This Line for Recorder's Use Only

Order No.: 1173616-PO  
Parcel No.: 12504

### **WARRANTY DEED**

FOR VALUE RECEIVED,

**David Vaughan and Amy Vaughan as joint tenants with right of survivorship**

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Dublin Gulch Properties, LLC, a Montana limited liability company**

whose address is: **1112 Shady Oaks Lane, Fort Worth, TX 76107**

Hereinafter called the Grantee, the following described premises situated in **Lake County, Montana**, to-wit:

**Portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 26, Township 19 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Tract B on Certificate of Survey No. 5450, on file in the office of the Clerk and Recorder of Lake County, Montana.**

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

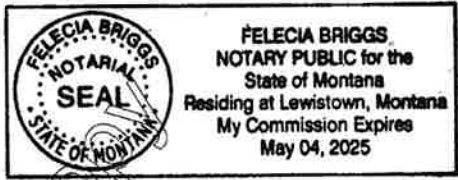
Dated: February 27, 2025


  
\_\_\_\_\_  
David Vaughan

  
\_\_\_\_\_  
Amy Vaughan

STATE OF Montana  
COUNTY OF Fergus

This instrument was acknowledged before me on February 26, 2025, by David Vaughan and Amy Vaughan.



  
\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at:  
My Commission Expires:

## Attachment A, p. 31

September 29, 2025

To Whom It May Concern:

**Re: Proposed Pond – FIIP Tract 4205, 35663 Dublin Gulch Road, St. Ignatius, Montana**

At the request of the landowner, the Flathead Indian Irrigation Project (FIIP) has provided the following information regarding a proposed pond on FIIP tract number 4205 located at 35663 Dublin Gulch Road, St. Ignatius, Montana. We have been asked whether the water entering the proposed pond consists of spill or seepage from FIIP irrigation canals and/or irrigation wastewater from upstream irrigators conveyed by the natural drainage that feeds the pond.

Based on our understanding of site conditions:

- Seepage from nearby FIIP canals and irrigation wastewater from upstream landowner's discharge to the natural drainage in question and contribute to flows observed in that drainage.
- FIIP has not confirmed, and cannot represent, that all flow in the drainage is irrigation-related; however, canal seepage and mismanaged or uncontrolled irrigation wastewater from upstream systems do contribute to drainage flows.

The following federal regulation applies to irrigation wastewater:

*25 CFR § 171.230 — Responsibilities for wastewater.*

- (a) You are responsible for your wastewater.
- (b) Wastewater may be returned to FIIP facilities only at locations designated by FIIP, in a manner FIIP approves, and at the landowner's cost.
- (c) Landowners must not allow wastewater to flow onto or collect on FIIP facilities or roads, except at FIIP-designated locations and in a FIIP-approved manner.
- (d) Failure to comply may result in withholding of services.

In light of § 171.230, FIIP considers the landowner's proposal to capture such wastewater in a pond prior to it leaving the property, and to utilize that water in an on-farm drip irrigation system, to be consistent with good water stewardship. FIIP encourages landowners to understand their responsibility to manage wastewater and to minimize return flows back to streams.

FIIP will not deliver project irrigation water to the pond or to the natural drainage. FIIP will continue to deliver to the landowner's farm unit at the historic delivery point(s). As a matter of policy and operational discretion, FIIP provides service at a single delivery point designated by FIIP; FIIP may, at its discretion, establish additional delivery points or remove delivery points.

We hope this information is helpful to your review of the proposed pond. Please contact our office if you need any additional clarification.

Sincerely,

**Flathead Indian Irrigation Project (FIIP)**  
Operations & Maintenance Division

(406)745-2661