



293600 Bk 393 Pg 1440 - 1533
BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM
Stacey Reynolds, Clk & Rcdr By *Stacey Reynolds*
Fee: \$ 94.00 Return to: FILED
SWEETWATER P.U.D.

December 15, 2017

Jeremy Fadness
WWC Engineering
1275 Maple Street Suite F
Helena MT 59601

RE: Sweetwater PUD Subdivision
Beaverhead County
E.Q. #17-2029

Dear Mr Fadness:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

In addition, your project may be subject to Federal regulations relating to Class V injection wells. Please contact the United States Environmental Protection Agency regarding specific rules that may apply.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Rachel Clark

Rachel Clark, Supervisor
Public Water & Subdivision Review Section

RC/le

cc: County Sanitarian
County Planning Board (e-mail)
Owner

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Beaverhead County
Dillon, Montana

E.Q. #17-2029

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Sweetwater PUD Subdivision**

Located in the Northwest Quarter of Section 22, Township 7 South, Range 8 West,
P.M., M., Beaverhead County, Montana

consisting of 18 Lots has been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT lots 2-5 and 7-10 shall each be used for a total of two commercial units of which one commercial unit with facilities for the supply of water and sewage treatment and one commercial unit with no facilities for water or sewage treatment, and,

THAT lots 1, 6, 11-18 shall each be used for one living unit, and,

THAT if any water or wastewater system serves more than 24 people for more than 60 days per year, the water or wastewater supply system must be submitted to the Department of Environmental Quality for review as a public system, and,

THAT the property owners shall conserve well-supplied water and not unduly waste water through evaporation, runoff or infiltration (e.g. decorative pond, stream or fountain, etc.), and,

THAT irrigated areas will be limited to 0.25 acres, and,

THAT the individual water supply for lots 1, 2, 6 and 11-18 will each consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT when the existing individual water supply for lots 8 is in need of replacement or extensive repair it will each consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

Sweetwater PUD Subdivision
Beaverhead County
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THAT the shared water supply for lots 3 and 7 will consist of a well located via easement on lot 7 drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the shared water supply for lots 4 and 5 will consist of a well located via easement on lot 4 drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and

THAT the shared water supply for lots 9 and 10 will consist of a well located via easement on lot 9 drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and

THAT a draft user agreement for the shared water supply is attached and must be filed with this certificate, and,

THAT data provided indicates an acceptable water source at a depth of approximately 150 feet, and,

THAT wastewater flow rates for lots 2-5 and 7-10 to the onsite subsurface sewage treatment system shall not exceed 157 gallons per day, and,

THAT all wastewater entering a subsurface sewage treatment system shall be residential strength, and,

THAT each subsurface sewage treatment system shall be physically staked or other acceptable means of identification by a site evaluator or engineer prior to construction to ensure they are located as per the approved site plans and all setbacks are maintained, and,

THAT the individual sewage treatment system for lot 3 will be located via easement on lot 2, and,

THAT the individual sewage treatment system for lot 5 is located via easement on lot 4, and,

THAT the individual sewage treatment system for lot 10 is located via easement on lot 9, and,

THAT the existing sewage treatment system for lot 10 must be abandoned, and,

THAT no facility shall dispose of hazardous or deleterious waste substances in the subsurface sewage treatment system, and,

THAT each individual sewage treatment system for lots 1, 6-18 shall consist by a septic tank, effluent filter, and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and



Sweetwater PUD Subdivision
Beaverhead County
EQ# 17-2029
Page 3

THAT each individual sewage treatment system for lots 2-5 shall consist by a septic tank, effluent filter, dose tank and pressure dosed subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and

THAT each subsurface drainfield for lots 1-13, 15, 17 and 18 shall have an absorption area of sufficient size to provide for an application rate of 0.4 gallons per day per square foot, and,

THAT each subsurface drainfield for lots 14 and 16 shall have an absorption area of sufficient size to provide for an application rate of 0.8 gallons per day per square foot, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT each driveway will include a 10 inch diameter culvert to be maintained by the lot owner, and,

THAT the community storm drainage system will include five 18 inch diameter culvert, two 24 inch diameter culvert, and a 0.04 acre foot detention pond located, constructed operated and maintained in accordance with the approved plans received under the stamp and signature of Jeremy Fadness, Montana Professional Engineer #15424 and,

THAT the community storm drainage system will be owned, operated and maintained by the Stillwater PUD Homeowners association in accordance with the attached maintenance plan, and,

THAT construction of the community storm drainage system will be completed within three years of the approval date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements associated with a Department enforcement action against a public water or sewage system, and,

THAT prior to operating a community storm drainage system, or an extension of or addition to such a system, the professional engineer shall certify to the Department that the construction, alteration or extension of the system was completed in accordance with the plans and specifications approved by the Department, and,

THAT within 90 days after construction is completed, a complete set of "as-built" drawings bearing the signature and seal of the professional engineer must be submitted to the Department, and,

THAT project certification shall be accompanied by a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

Sweetwater PUD Subdivision
Beaverhead County
EQ# 17-2029
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THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat approved location of water supply, sewage treatment system and storm drainage structures as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 15th day of December, 2017.

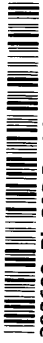
Tom Livers
DIRECTOR

By:



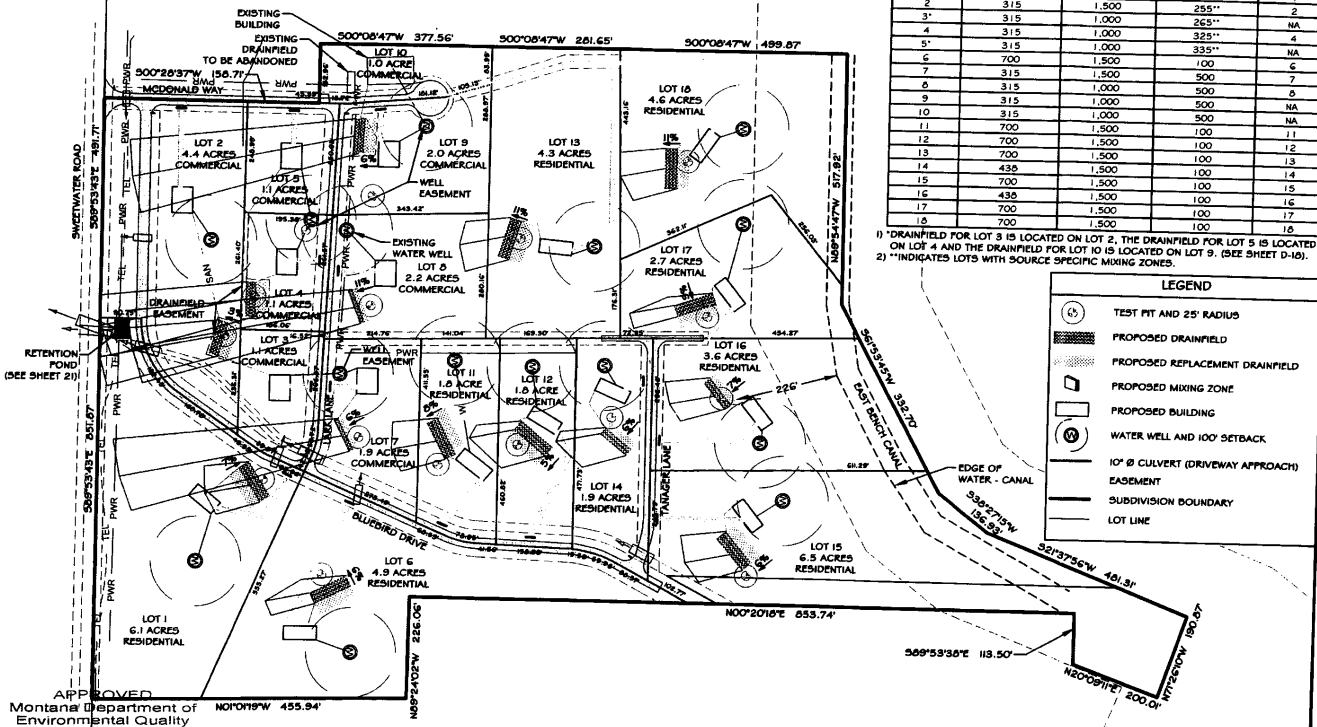
Rachel Clark, Supervisor
Subdivision Section
Engineering Bureau
Water Quality Division
Department of Environmental Quality

Owner's Name: Ron Towery



293600 BK 393 Pg 1445
BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

LOCATED IN THE NW $\frac{1}{4}$, SECTION 22, T7S, R8W, P.M.M.,
BEAVERHEAD COUNTY, MT

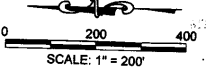


WASTEWATER DESIGN TABLE			
LOT #	DRAINFIELD SIZE (SF)	SEPTIC SIZE (GAL)	MIXING ZONE LENGTH (FT)
1	700	1,500	100
2	315	1,500	255"
3	315	1,000	255"
4	315	1,000	325"
5	315	1,000	335"
6	700	1,500	100
7	315	1,500	500
8	315	1,000	500
9	315	1,000	500
10	315	1,000	500
11	700	1,500	100
12	700	1,500	100
13	700	1,500	100
14	458	1,500	100
15	700	1,500	100
16	438	1,500	100
17	700	1,500	100
18	700	1,500	100

1) DRAINFIELD FOR LOT 3 IS LOCATED ON LOT 2, THE DRAINFIELD FOR LOT 5 IS LOCATED ON LOT 4 AND THE DRAINFIELD FOR LOT 10 IS LOCATED ON LOT 9. (SEE SHEET D-10).
2) **INDICATES LOTS WITH SOURCE SPECIFIC MIXING ZONES.

LEGEND	
	TEST PIT AND 25' RADIUS
	PROPOSED DRAINFIELD
	PROPOSED REPLACEMENT DRAINFIELD
	PROPOSED MIXING ZONE
	PROPOSED BUILDING
	WATER WELL AND 100' SETBACK
	10' @ CULVERT (DRIVEWAY APPROACH)
	EASEMENT
	SUBDIVISION BOUNDARY
	LOT LINE

APPROVED
Montana Department of
Environmental Quality
Barbara King 12/15/17
Reviewer Date
EG# 17-2029



WATERWORKS ENGINEERING
1371 MAPLE STREET, SUITE F
BOZEMAN, MT 59717
(406) 442-3882

RON TOWERY
188 FOX RIDGE DRIVE
DILLON, MT 59725
(406) 683-4878

SWEETWATER PUD SUBDIVISION
Lot Layout

DESIGN DATE: 12/15/17
REVIEW DATE: 12/15/17
DATE: 12/15/17
JOB # 2017-019

P SHEET NO. 6 OF 22



STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Beaverhead County
Dillon, Montana

E.Q. #17-2029

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Sweetwater PUD Subdivision**

Located in the Northwest Quarter of Section 22, Township 7 South, Range 8 West,
P.M., M., Beaverhead County, Montana

consisting of 18 Lots has been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

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THAT lots 1, 6, 11-18 shall each be used for one living unit, and,

THAT if any water or wastewater system serves more than 24 people for more than 60 days per year, the water or wastewater supply system must be submitted to the Department of Environmental Quality for review as a public system, and,

THAT the property owners shall conserve well-supplied water and not unduly waste water through evaporation, runoff or infiltration (e.g. decorative pond, stream or fountain, etc.), and,

THAT irrigated areas will be limited to 0.25 acres, and,

THAT the individual water supply for lots 1, 2, 6 and 11-18 will each consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

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Sweetwater PUD Subdivision
Beaverhead County
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Sweetwater PUD Subdivision
Beaverhead County
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Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

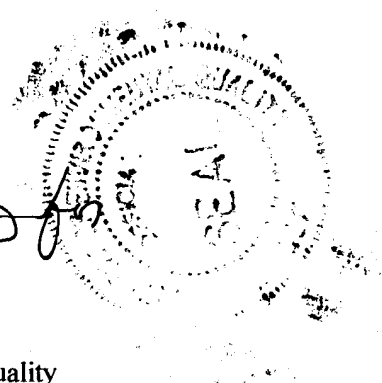
YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 15th day of December, 2017.

Tom Livers
DIRECTOR

By:

Barbara Kingery
Rachel Clark, Supervisor
Subdivision Section
Engineering Bureau
Water Quality Division
Department of Environmental Quality



Owner's Name: Ron Towery



APPROVED
Montana Department of
Environmental Quality

MAINTENANCE PLAN

Barbara King 12/15/17
Reviewer Date
EB #17-2029

**Sweetwater Business Park - Located in the NW ¼ of Section 22, T7S,
R8W, Beaverhead County Montana**

MAINTENANCE ACTIVITIES

The subdivision association is responsible for the operation and maintenance of the drainage facilities including the drainage channel, retention pond, culverts, and roadside ditches.

Routine Activities

Drainages, swales, culverts, ditches, and retention pond should be inspected for trash, debris or other obstructions. All trash, debris or other obstructions shall be removed to assure proper flow of storm water.

Following Significant Rain Events

A significant rain event will be considered one that produces 1.3 inches in a 24-hour period. Within 24 hours after each significant rain event, the following will be conducted:

- Ditches, swales, culverts, ditches, and the retention pond will be inspected for erosion. If any erosion has occurred, material shall be replaced and stabilized utilizing erosion BMPs.

Semi-Annual Activities

Ditches, culverts, drainages, and the retention pond shall be inspected twice yearly. Culverts, and ditches should be inspected for excessive sediment and debris. Elevation of the top of slope will be confirmed to be consistent with the design elevation for the drainage ditches. Drainages, swales, ditches, and the retention pond shall be inspected for erosion and excessive sediment and/or debris. Any excessive sediment and/or debris shall be removed promptly.



Beaverhead County Planning Dept.

2 South Pacific St., Ste #7

Dillon Mt. 59725-4000

Phone: (406) 683-3678 FAX: (406) 683-3769

Robert A. Macioroski

Land Use & Planning Coordinator

rmacioroski@beaverheadcounty.org

FINAL PLAT

SWEETWATER P.U.D. MAJOR SUBDIVISION

JUNE 8, 2019

The Beaverhead County Planning Department and Planning Board recommends final plat approval of the Sweetwater P.U.D. Major Subdivision.

The conditions of approval that were placed on this subdivision at the time of preliminary plat approval (June 30th 2017) have been met or otherwise satisfied.

The Planning Department's recommendation is to approve the final plat.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert A. Macioroski", is written over a horizontal line.

Robert A. Macioroski

Beaverhead County

Land Use & Planning Coordinator



293600 Bk 393 Pg 1452

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM



Beaverhead County Planning Dept.

2 South Pacific St., Ste #7

Dillon Mt. 59725-4000

Phone: (406) 683-3678 FAX: (406) 683-3769

Robert A. Macioroski

Land Use & Planning Coordinator

rmacioroski@beaverheadcounty.org

**FINDINGS OF FACT BY THE PLANNING BOARD
AND PLANNING STAFF ON THE PRELIMINARY PLAT
OF THE
SWEETWATER P.U.D.**

JUNE 30, 2017

BACKGROUND:

This proposed Sweetwater P.U.D. (Planned Unit Development) subdivision will create 18 tracts from 2 previous tracts, tract 2A (C.O.S. 1459BA) and Parcel 3 of the Final Plat of Sweetwater Ranches Minor Subdivision, containing 53.191 Acres. Lot sizes range from 1.144 to 6.546 acres. The proposed use of the property is 8 commercial lots and 10 residential lots. The owner of record is Towery Marital Property Trust.

The proposed major subdivision is located in the NW1/4 Section 22, Township 7 South, Range 8 West, adjacent to Sweetwater road approximately 2.39 miles east of Dillon. The Sweetwater P.U.D. lies east and adjacent to Sweetwater Estates Major Subdivision Phase II.

Land use in the immediate area is a combination of existing residential home sites and dryland grazing for cattle. The proposal being submitted as a Residential/Commercial designation because of the existing commercial agricultural/livestock facilities on site.

**Findings Of Fact:**

The preliminary plat and supplemental information has been reviewed to determine whether or not this proposed subdivision complies with the Montana Subdivision and Platting Act, the Beaverhead County Subdivision Regulations and the Beaverhead County Growth Policy.

In accordance with state law, the Planning Staff makes the following proposed Findings of Fact, based on local government review criteria as set forth in Section 76-3-608 MCA (2015) and the Beaverhead County Subdivision Regulations.

a: Effects On Agriculture:

This 53.191 acre site is currently used for agricultural purposes, as a seasonal feedlot. Conversion to commercial and residential use will result in the loss of some dryland grazing. There are currently agricultural grazing activities on the land north of Sweetwater Road adjacent to this proposal, as well as other lands in the general vicinity.

The cumulative effect of increased commercial and residential activity in this area with the associated traffic, noises and lights could have an effect on agricultural activities if not properly mitigated. Covenants have language on household pets to contain them on the property or be on a leash will help mitigate their interaction with livestock or adjacent agricultural operations. A lot of these problems should be mitigated as long as the property covenants are enforced.

b: Effects On Agricultural Water Use Facilities:

Portions of the East Bench Canal Right-of- Way crosses lots 15-18, the canal right-of-way in this location is around 200 feet wide along the south boundaries of lots 15-18.

The East Bench Irrigation District has asked that these right-of-way distances be shown on the final plat, and that no permanent structures be allowed within the right-of-way.

No water from the East Bench Canal is to be used on or diverted thru these lots.

There appear to be no effects to the East Bench Canal as a result of this proposal.

c: Effect On Local Services:

This proposal will use on-site water and sewage disposal that will require review and approval from the Montana Department of Environmental Quality.

Solid waste disposal will be at the county landfill site located southwest of Dillon.

All indications are that there is adequate capacity at both Beaverhead County High School (9-12) and School District #10 (K-8) for any additional students that may attend the respective schools.

Barrett Memorial Hospital will provide staff and facilities for medical care, with the emergency medical services provided by the Beaverhead EMS located in Dillon.

Law enforcement will be provided by the Beaverhead County Sherriff's Office.

The access road to this proposed Sweetwater P.U.D. is Sweetwater Road, a county maintained paved public road. Potential impacts at full development (18 lots) is estimated to be between 108 (6 trips per lot) up to 144 (8 trips per lot) trips per day on this road.

Fire District #2, located in Dillon will provide fire protection. An agreement between the developer, Mr. Towery and the fire department has placed a fee of \$1,000 per lot in lieu of on-site emergency fire water source. This fee will be paid upon approval of the subdivision by the county commissioners. This fee will go into the Fire Departments "Water on Wheels" account.

d: Effect On Natural Environment:

A noxious weed management plan was submitted and approved by the Beaverhead County Weed Board.

This particular tract of land is predominately dry rolling foothills located on the "bench" that characterizes the east side of the Beaverhead Valley. Vegetation is a mixture of dryland grasses, with no surface water of any kind on this site, suitable for dryland grazing by cattle. Grazing/Confinement Plan submitted for the lots allowing large animals will mitigate impacts on vegetation.

Storm drainage will also be reviewed as part of the D.E.Q. submittal along with water and sewer.

e: Effect On Wildlife And Wildlife Habitat:

No effects are expected, as this is not an area of major wildlife use. Some mule deer and antelope do occasionally use this area, but due to the lack of cover and increased residential activity in the area, usage is minimal. Covenants controlling dogs will keep them from chasing wildlife will mitigate some of these problems.

**f: Effect On Public Health And Safety:**

There are no natural hazards located on or near this proposal, such as flood plains, extreme slope, high ground water, or unstable soils.

As mentioned earlier, the Montana Department of Environmental Quality will need to review and approve this proposed Sweetwater P.U.D. subdivision for water, on-site sewage disposal and storm water drainage.

Well logs have been submitted, well depth at 183 feet – 30 Gallons a minute at 180 feet. Nitrate levels from the well were analyzed to determine that the background nitrate are 1.30 mg/L, well below the DEQ's requirement of 5.0 mg/L.

A possible man-made hazard would be the East Bench Canal which could be an attractive nuisance for small children, primarily on lots 15-18.

There was a great deal of discussion during the review process concerning the safety issues of Sweetwater Road which has become a popular walking/biking route for the residents in that area and from town. Increased traffic use and pedestrian use of this road has been and will probably continue to be an issue. A path on this road is part of the Dillon Area Rec. Trails Plan.

Prior to this, there have been some efforts by the County to see if the property owners in this area would be receptive to a pedestrian path on the south side of Sweetwater Road. The property owners (to date) have not been real receptive to this idea, and the County has not pursued any other alternatives.

As part of these efforts, the developer has previously offered to grant any easements needed on those lands owned by him east of the cemetery, if a pedestrian path is developed in the future.

Legal And Physical Access:

Legal and physical access is provided by Sweetwater Road, a County maintained paved public road.

Internal subdivision roads as proposed are 24 feet wide and located within a 60-foot utility/roadway right-of-way. McDonald Lane (50 foot right-of-way) will be the primary access

road which intersects the Sweetwater Road from the east boundary of the Sweetwater P.U.D. Subdivision. There are 2 ingress/egress roads to the residential lots, similar to what was approved for Clark's Lookout. Due to the topography of the area, an exit road on the west side of this subdivision would have sight distance problems.

The homeowners Association for Sweetwater P.U.D. will be responsible for the maintenance of the internal subdivision roads. This will include dust abatement as well.

Utilities:

Electrical power may be a combination of overhead and underground as granted by Architectural Committee. Installations for water & utility lines, telephone lines and natural gas (if available) shall be underground at the expense of the owner. Typically power may be overhead/underground within right-of-ways and underground to buildings and residences. Power and Telephone service is available and in the Sweetwater right-of-way.

Park Dedication:

The developer will be required to set aside 0.847 acres for park dedication or make a cash donation to the County park fund equal to the value of the un-subdivided unimproved land. (Residential land only - 10 lots)

Calculation: 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and less than 3 acres. 4 lots fall into this category and total 8.24 acres X 5% = 0.412 acres.

2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and less than 5 acres. 4 lots fall into this category and total 0.435 acres.

0.412 acres + 0.435 acres = 0.847 acres or park land or cash equivalent.

2 of the lots exceed 5 acres in size and are exempt from parkland calculations.
(See attachment)

Conformance With The Growth Policy:

This P.U.D. Subdivision proposal is in compliance with a majority of goals and objectives of the Beaverhead County Growth Policy (2013), as well as the Dillon Growth Area Plan (2010).



It is close to the City of Dillon and existing residential development. It does not convert quality agricultural ground into homesites, and is located in an area that has little, if any impacts to wildlife.

Goal 2 in the Beaverhead County Growth Policies Land Use Section states: "promote future commercial and high density residential development in established urban and urban influence areas"

Goal 4 in the same section states: "to encourage development in area that are safe from natural hazards, physically suited for development, and will not extend or expand the need for public service or cost."

Goal 2 of the Dillon Growth Area Plan states: "development should occur in areas that are safe from natural hazards and can accommodate the type of development proposed."

Goal 3 of the Dillon Growth Area Plan states: "development should be encouraged in areas that will not adversely impact the infrastructure and services of the city or county."

The existing buildings and other improvements currently in place will allow for a variety of potential uses.

A number of the covenants for this development will help mitigate potential impacts on adjacent properties.

These covenants include:

- All buildings larger than 20' x 20' shall have rain gutters that discharge into French drains to reduce surface runoff.
- Roofs and windows shall be of non-reflective materials.
- No discharge of firearms and shotguns larger than 22 cal. (for rodents) or hunting allowed on the properties.
- Exterior lighting shall be indirect and have full cut-off deflectors. No full time yard lights.
- Dogs must remain on owner's premises unless on a leash or under the control of the owner.

Variance Requests:

Lots 3, 4, 5, 7, and lot 10 do not meet minimal lot size of 2 acres as required under commercial minimum standards. Beaverhead County Subdivision Regulation IX-A-2(a). Mr. Towery has applied for a variance for these lots.

Mr. Towery states that the 2 acre minimum are larger than practical/necessary for small service type businesses and are unwarranted burden to purchasing and maintaining a larger than necessary parcel for small business.

Staff Recommendations:

Based on the above Findings of Fact and the recommendation of the Beaverhead County Sanitarian, the Beaverhead County Land Use and Planning Staff and Beaverhead County Planning Board, recommends approval of the preliminary plat of the Sweetwater P.U.D. Subdivision, subject to the following conditions:

(Standard Conditions)

1. Prior to construction, the entrance to these lots shall be clearly marked with an address sign that complies with the Beaverhead County addressing ordinance.
2. Any and all adopted State and County requirements and standards, which apply to the proposed subdivision, shall be met, unless otherwise waived for cause by the governing body.
3. The final plat shall be submitted to the County Planner by the developer with the appropriate review fee to ensure compliance with all conditions listed above prior to the approval by the County Commissioners and recording by the Beaverhead County Clerk & Recorder.
4. Certification by a licensed title abstractor showing the name of any lien holders or claimants of record against the land and the written consent to the subdivision from lien holders or claimants of record against the land.
5. A Beaverhead County septic permit must be obtained prior to any new construction requiring sanitation on these lots.



6. Montana Department of Environmental Quality approval for water, sewer, and storm drainage needs to be obtained prior to final plat approval.
7. The owners, heirs, successors, purchasers, and subsequent landowners waive the right to protest the creation of a Special Improvement District, or Rural Special Improvement District to provide improved public services to these parcels. This waiver is binding, and will run with the lands included in the subdivision and will be clearly stated on the final plat.

(Site-Specific Conditions)

8. Traffic control signs shall be placed at all intersections by the developer, and shall be consistent with the Manual on Uniform Control Devices.
9. D.E.Q approval drainfield and well locations shall be staked out on each lot to avoid confusion during septic permitting and homesite construction.
10. Prior to final plat approval, the final covenants shall be submitted to the Planning Department for review and approval.
11. The East Bench Canal right-of-way distances shall be shown on final plat. Language shall be included in the covenants or on the final plat stating that "No permanent structures will be allowed within this right-of-way without first obtaining an Acknowledgement of Easement Crossing from the Bureau of Reclamation" on lots 15-18.
12. Prior to final plat approval, parkland cash in lieu will have to be approved by Beaverhead County Commissioners, and that cash amount paid to Beaverhead County.
13. Since road building activity will disturb more than 1 acre of land, a Montana D.E.Q. Storm Water Discharge Permit will be required. A copy of this permit shall be included in the final filing packet.
14. Any storm water ditches, berms, detention basins, culverts, etc. that are required as part of the Montana D.E.Q. storm water discharge approval shall be installed or constructed prior to final plat approval.
15. All roads constructed to Beaverhead County Subdivision Regulations Standards and certified as such by a licensed professional engineer.



16. An agreement between the developer, Mr. Towery and the fire department has placed a fee of \$1,000 per lot in lieu of on-site emergency fire water source. This fee will be paid upon approval of the subdivision by the county commissioners. A letter of acceptance for the fee from the fire district is required for final plat approval.
17. Remove all County Road designation from all interior subdivision roads, only road that should be labeled county road is Sweetwater Road.
18. Correct Covenants under pp to read "Dust abatement for roads in Sweetwater PUD Subdivision shall be a long term road maintenance obligation of the Homeowner's Association." (Page 17)
19. Pavement on McDonald Way shall go from Sweetwater Road to south boundary of Bluebird Drive easement.
20. An emergency access road shall be constructed no less than 200 feet west from McDonald Way.

The preliminary plat approval is for a period of not more than three (3) calendar years from the date of approval by the county commissioners. The applicant may request a time extension of preliminary plat approval, but such must be received prior to the expiration date of this approval for due consideration of the request to occur.

Robert A. Macioroski
Planner, Beaverhead County

C. Thomas Rice
Chairman, Beaverhead County Board of Commissioners



Beaverhead County Planning Dept.

2 South Pacific St., Ste #7

Dillon Mt. 59725-4000

Phone: (406) 683-3678 FAX: (406) 683-3769

Robert A. Macioroski

Land Use & Planning Coordinator

rmacioroski@beaverheadcounty.org

**FINDINGS OF FACT AND STAFF REPORT
ON THE PRELIMINARY PLAT
OF THE
SWEETWATER P.U.D.**

JUNE 6, 2017

BACKGROUND:

This proposed Sweetwater P.U.D. (Planned Unit Development) subdivision will create 18 tracts from 2 previous tracts, tract 2A (C.O.S. 1459BA) and Parcel 3 of the Final Plat of Sweetwater Ranches Minor Subdivision, containing 53.191 Acres. Lot sizes range from 1.144 to 6.546 acres. The proposed use of the property is 8 commercial lots and 10 residential lots. The owner of record is Towery Marital Property Trust.

The proposed major subdivision is located in the NW1/4 Section 22, Township 7 South, Range 8 West, adjacent to Sweetwater road approximately 2.39 miles east of Dillon. The Sweetwater P.U.D. lies east and adjacent to Sweetwater Estates Major Subdivision Phase II.

Land use in the immediate area is a combination of existing residential home sites and dryland grazing for cattle. The proposal being submitted as a Residential/Commercial designation because of the existing commercial agricultural/livestock facilities on site.

Findings Of Fact:

The preliminary plat and supplemental information has been reviewed to determine whether or not this proposed subdivision complies with the Montana Subdivision and Platting Act, the Beaverhead County Subdivision Regulations and the Beaverhead County Growth Policy.

In accordance with state law, the Planning Staff makes the following proposed Findings of Fact, based on local government review criteria as set forth in Section 76-3-608 MCA (2015) and the Beaverhead County Subdivision Regulations.

a: Effects On Agriculture:

This 53.191 acre site is currently used for agricultural purposes, as a seasonal feedlot. Conversion to commercial and residential use will result in the loss of some dryland grazing. There are currently agricultural grazing activities on the land north of Sweetwater Road adjacent to this proposal, as well as other lands in the general vicinity.

The cumulative effect of increased commercial and residential activity in this area with the associated traffic, noises and lights could have an effect on agricultural activities if not properly mitigated. Covenants have language on household pets to contain them on the property or be on a leash will help mitigate their interaction with livestock or adjacent agricultural operations. A lot of these problems should be mitigated as long as the property covenants are enforced.

b: Effects On Agricultural Water Use Facilities:

Portions of the East Bench Canal Right-of- Way crosses lots 15-18, the canal right-of-way in this location is around 200 feet wide along the south boundaries of lots 15-18.

The East Bench Irrigation District has asked that these right-of-way distances be shown on the final plat, and that no permanent structures be allowed within the right-of-way.

No water from the East Bench Canal is to be used on or diverted thru these lots.

There appear to be no effects to the East Bench Canal as a result of this proposal.

c: Effect On Local Services:

This proposal will use on-site water and sewage disposal that will require review and approval from the Montana Department of Environmental Quality.



Solid waste disposal will be at the county landfill site located southwest of Dillon.

All indications are that there is adequate capacity at both Beaverhead County High School (9-12) and School District #10 (K-8) for any additional students that may attend the respective schools.

Barrett Memorial Hospital will provide staff and facilities for medical care, with the emergency medical services provided by the Beaverhead EMS located in Dillon.

Law enforcement will be provided by the Beaverhead County Sheriff's Office.

The access road to this proposed Sweetwater P.U.D. is Sweetwater Road, a county maintained paved public road. Potential impacts at full development (18 lots) is estimated to be between 108 (6 trips per lot) up to 144 (8 trips per lot) trips per day on this road.

Fire District #2, located in Dillon will provide fire protection. An agreement between the developer, Mr. Towery and the fire department has placed a fee of \$1,000 per lot in lieu of on-site emergency fire water source. This fee will be paid upon approval of the subdivision by the county commissioners. This fee will go into the Fire Departments "Water on Wheels" account.

d: Effect On Natural Environment:

A noxious weed management plan was submitted and approved by the Beaverhead County Weed Board.

This particular tract of land is predominately dry rolling foothills located on the "bench" that characterizes the east side of the Beaverhead Valley. Vegetation is a mixture of dryland grasses, with no surface water of any kind on this site, suitable for dryland grazing by cattle. Grazing/Confinement Plan submitted for the lots allowing large animals will mitigate impacts on vegetation.

Storm drainage will also be reviewed as part of the D.E.Q. submittal along with water and sewer.

e: Effect On Wildlife And Wildlife Habitat:

No effects are expected, as this is not an area of major wildlife use. Some mule deer and antelope do occasionally use this area, but due to the lack of cover and increased residential activity in the area, usage is minimal. Covenants controlling dogs will keep them from chasing wildlife will mitigate some of these problems.

f: Effect On Public Health And Safety:

There are no natural hazards located on or near this proposal, such as flood plains, extreme slope, high ground water, or unstable soils.

As mentioned earlier, the Montana Department of Environmental Quality will need to review and approve this proposed Sweetwater P.U.D. subdivision for water, on-site sewage disposal and storm water drainage.

Well logs have been submitted, well depth at 183 feet – 30 Gallons a minute at 180 feet. Nitrate levels from the well were analyzed to determine that the background nitrate are 1.30 mg/L, well below the DEQ's requirement of 5.0 mg/L.

A possible man-made hazard would be the East Bench Canal which could be an attractive nuisance for small children, primarily on lots 15-18.

There was a great deal of discussion during the review process concerning the safety issues of Sweetwater Road which has become a popular walking/biking route for the residents in that area and from town. Increased traffic use and pedestrian use of this road has been and will probably continue to be an issue. A path on this road is part of the Dillon Area Rec. Trails Plan.

Prior to this, there have been some efforts by the County to see if the property owners in this area would be receptive to a pedestrian path on the south side of Sweetwater Road. The property owners (to date) have not been real receptive to this idea, and the County has not pursued any other alternatives.

As part of these efforts, the developer has previously offered to grant any easements needed on those lands owned by him east of the cemetery, if a pedestrian path is developed in the future.

Legal And Physical Access:

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Calculation: 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and less than 3 acres. 4 lots fall into this category and total 8.24 acres X 5% = 0.412 acres.

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Mr. Towery states that the 2 acre minimum are larger than practical/necessary for small service type businesses and are unwarranted burden to purchasing and maintaining a larger than necessary parcel for small business.

Staff Recommendations:

Based on the above Findings of Fact and the recommendation of the Beaverhead County Sanitarian, the Beaverhead County Land Use and Planning Staff recommends approval of the preliminary plat of the Sweetwater P.U.D. Subdivision, subject to the following conditions:

(Standard Conditions)

1. Prior to construction, the entrance to these lots shall be clearly marked with an address sign that complies with the Beaverhead County addressing ordinance.
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3. The final plat shall be submitted to the County Planner by the developer with the appropriate review fee to ensure compliance with all conditions listed above prior to the approval by the County Commissioners and recording by the Beaverhead County Clerk & Recorder.
4. Certification by a licensed title abstractor showing the name of any lien holders or claimants of record against the land and the written consent to the subdivision from lien holders or claimants of record against the land.
5. A Beaverhead County septic permit must be obtained prior to any new construction requiring sanitation on these lots.

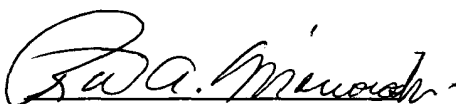
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15. All roads constructed to Beaverhead County Subdivision Regulations Standards and certified as such by a licensed professional engineer.

16. An agreement between the developer, Mr. Towery and the fire department has placed a fee of \$1,000 per lot in lieu of on-site emergency fire water source. This fee will be paid upon approval of the subdivision by the county commissioners. A letter of acceptance for the fee from the fire district is required for final plat approval.
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20. An emergency access road shall be constructed no less than 200 feet west from McDonald Way.

The preliminary plat approval is for a period of not more than three (3) calendar years from the date of approval by the county commissioners. The applicant may request a time extension of preliminary plat approval, but such must be received prior to the expiration date of this approval for due consideration of the request to occur.



Robert A. Macioroski
Planner, Beaverhead County



DECLARATION OF PROTECTIVE COVENANTS OF SWEETWATER PUD MAJOR SUBDIVISION

THIS DECLARATION is made this 22 day of August, 2019, by Ronald E. Towery, Trustee of the Ronald E. Towery and Zora R. Towery Marital Property Trust, hereinafter called "Declarant".

RECITALS:

Declarant makes this declaration upon the basis of the following facts and intentions:

A. Declarant is the owner of the following described real property located in Beaverhead County, Montana:

LEGAL DESCRIPTION SWEETWATER BUSINESS P.U.D.

A tract of land being Parcel 2A, of C.O.S. 1459BA, and Parcel 3, of Final Plat Sweetwater Ranches Minor Subdivision, located in NW ¼ of Section 22 T.7S., R.8W., P.M.M., Beaverhead County, Montana, recorded in the office of the Beaverhead County Clerk and Recorder, more particularly described as follows:

Beginning at a point on the north line of said Section 22 being the northwest corner of said Parcel 3, from which point the northwest corner of said Section 22 bears N.89°53'43"W., 740.57 feet; thence from said point of beginning along said section line and along said Parcel 3 boundary the next two (2) courses S.89°53'43"E., 1343.58 feet to the northeast corner of said Tract 3; thence leaving said north section line S.00°28'37"W., 474.37 feet to a corner of said Parcel 2A; thence along said Parcel 2A boundary the next nine (9) courses S.89°44'57"E., 132.96 feet; thence S.00°08'47"W., 1159.07 feet to the centerline of the East Bench Canal; thence along said canal centerline the next four (4) courses N.89°54'47"W., 560.84 feet; thence S.61°53'45"W., 473.76 feet; thence S.38°27'15"W., 136.93 feet; thence S.21°37'56"W., 481.31 feet to a corner of Lot 32A of C.O.S. 1459BA; thence leaving said canal centerline and along said lot boundary the next three (3) courses N.71°26'10"W., 190.87 feet; thence N.20°09'11"E., 200.01 feet; thence S.89°53'38"E., 113.50 feet; thence N.00°20'18"E., 819.48 feet to a point on the boundary line between said Parcel 2A and Parcel 3; thence along said Parcel 3 boundary the next three (3) courses N.00°20'18"E., 648.92 feet thence N.89°24'02"W., 226.06 feet; thence N.01°01'19"W., 694.48 feet, to the True Point of Beginning,

Said tract contains 53.191 acres along with and subject to any easements of record or implied.



B. Declarant plans to subdivide and develop the above-described property and impose thereon beneficial protective covenants under a general plan of improvement for the benefit of all of such real property, every part thereof and interest therein.

NOW, THEREFORE, Declarant hereby declares that the above-describe real property be held, sold, conveyed, encumbered, used, occupied and improved; subject to the following easements, restrictions, covenants and conditions; all of which are in furtherance of a plan for subdivision, improvement, and sale of said real property; and are established for the purpose of enhancing the value, desirability and attractiveness of the real property and every part thereof. All of the easements, restrictions, covenants and conditions shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest in the described properties or any part thereof; and shall be for the benefit of each owner of any portion thereof and inure to the benefit of and be binding upon each successor in interest of such owners.

C. Restrictions contained in Article VI, Section 1 (e); and Section 2 (n); (kk); (ll); (oo); (pp), (qq), and (rr) cannot be changed without the prior approval of Beaverhead County Governing Body.

ARTICLE 1

DEFINITIONS

Section 1. "Association" shall mean SWEETWATER PUD LOT OWNERS' ASSOCIATION, its successors and assigns.

Section 2. "Lot" shall mean any lot shown on the Sweetwater PUD Subdivision Plat on file and of record in the office of the Clerk and Recorder of Beaverhead County, Montana.

Section 3. "Member" shall mean any person or entity holding membership in the Association pursuant to its Articles of Incorporation and its By-Laws.

Section 4. "Owner" shall mean the record owner, whether one or more persons or entities, of a fee simple title to any lot, including contract purchasers, but excluding contract sellers or those having such interest merely as security for the performance of an obligation; provided, however, that prior to the first conveyance of each portion of the properties for value, owner shall mean Declarant. Prior to such conveyance,



Declarant shall have the right to retain such rights incidental to ownership hereunder as it may desire in its discretion.

Section 5, "Properties" and "Project" shall mean the real properties described in A. of the RECITALS above, Prior and subsequent phases when recorded with Beaverhead County.

Section 6, "Common Area" shall mean all real property in which the Association owns an interest for the common use and enjoyment of all members. Said interest or interests may include, without limitation, estates in fee, estates for a term of years or easements. The common area to be managed by the Association at the time of the conveyance of the first lot is described as:

(a) Roads - All roads shown on the Sweetwater PUD Subdivision Major Subdivision Plat on file and of record in the office of the Clerk and Recorder of Beaverhead County, Montana.

(b) Entrance Signs and Location - an easement in the NE corner of Lot 2.

(c) Easements for mail boxes and bus stop structure, NE corner of Lot 2.

(d) Surface water drainage infrastructure.

ARTICLE II

PROPERTY RIGHTS

Section 1. "Easements"

(a) Each lot shall be subject to such rights of way and easements as the Declarant may grant for installation and maintenance of fences, water lines, power lines, telephone lines and other utilities. The Declarant specifically reserves the right and power to grant such easements. Installations for water and utility lines, telephone lines, natural gas if available, shall be underground and at the expense of the lot owner. Electrical power may be a combination of overhead and underground as granted by the Architectural Committee. Typically, power may be overhead and/or underground in ROWs in Sweetwater PUD Subdivision and underground to buildings and residences.

(b) The Declarant specifically reserves an easement for the construction, maintenance and placement of a permanent subdivision entrance sign on an area not to exceed 40' in an East/West direction parallel to Sweetwater Road and 20' in depth, located in the Northeast corner area of Lot 2.

(c) Declarant specifically reserves an easement 20' 0" in width, starting at the Northeast corner of lot 2, extending 100'0" in a Southerly direction on McDonald Way for the installation and maintenance of mail boxes and a bus stop structure together with appurtenant turnout and temporary parking area on Lot 2.

(d) Declarant specifically reserves a Right of Use of Bluebird Drive for ingress and egress for any purpose or utility use for the former lands of Declarant described as Parcel A, less and except Sweetwater Estates Phase I and III, and also parcels B and C of Certificate of Survey NO. 1291BR, filed for record in the Clerk and Recorder's Office on November 18, 2003 at 4:15 P.M., Document Number 251519 and being a tract of land located in the SE1/4, SW1/4, and E1/2 of Section 21 and the W ½ of Section 22, Township 7 South, Range West, Beaverhead County, Montana Principle Meridian. Declarant shall determine an equitable cost sharing for parcels utilizing Bluebird Drive which shall not be less than that assessed by Sweetwater PUD Lot owner's Association for Class A Members.

(e) Lots 15, 16, 17, and 18 have exclusive easements granted to the U.S. Bureau of Reclamation.

(f) Declarant specifically reserves a 20' wide easement for Storm Water Drainage affecting Lots 1, 2, 3, 7, 11, 12, 14, & 15 together with a storm water pond in the N.E. corner of Lot 1 all shown on the plat of Sweetwater PUD Subdivision. Sweetwater PUD Lot Owner's Association will be responsible for maintenance of the Storm Water Infrastructure which is expected to be minimal due to: (1) There are no "live" water springs, streams, or lakes in the project and absolute minimum surface water occurs due to rainfall and snow melt being rare; (2) Low annual moisture of 10" to 12" per year; (3) A minimal elevation grade of 2.1% throughout the length of the drainage within Sweetwater PUD Subdivision. Drainage from the improved roads will be channeled into a natural swale with only (2) 24" culverts and (5) 18" culverts at road crossing and (1) storm water retention pond being needed - all engineered for gravity flow to the retention pond without the need for pumps and mechanical devices as shown on Sheet 8 "Stormwater Plan" prepared by WWC Engineering.

Section 2. "Waiver"

(a) The Property Owners, by acceptance of a deed therefore, and for their heirs and assigns of any lot in Sweetwater PUD Subdivision waive the right to protest the creation of any Special Improvement District to pave, maintain or upgrade any of the internal subdivision roads that may serve this subdivision.



ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a Sweetwater PUD Subdivision lot which is subject to assessment shall be a member of the Association.

Section 2. The Association shall have three classes of voting membership. Class A and Class B memberships shall be appurtenant to and may not be separated from the ownership of any lot subject to assessment.

(a) Class A members shall be and all subsequent owners of Lots 1 through 18 as shown on the Sweetwater PUD Major Subdivision plat, all of record in the office of the Clerk and Recorder of Beaverhead County, Montana. Each Class A member shall be entitled to 2 votes for each lot owned.

(b) Class B members shall be all subsequent owners owning a second or more lots that are undeveloped. Each Class B member shall be entitled to 1 vote for each additional undeveloped lot owned. Class B membership will cease and be converted to Class A membership upon the sale or development of the Class B lot.

(c) Class C member shall be the Declarant whom shall be entitled to 4 votes for each lot filed and recorded but unsold. Class C membership shall cease and be converted to Class A membership on the first to happen of the following events:

(1) When the total votes outstanding in Class A reach 51% of the vote provided for herein, or

(2) On December 31, 2025.

ARTICLE IV

MAINTENANCE ASSESSMENTS

Section 1. Creation of Lien and Personal Obligation of Assessments. Each Owner of any lot by acceptance of a deed therefore, whether or not it shall be so



expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a lien upon the property against which each such assessment is made, governed and subject to the laws of the State of Montana regarding liens and the enforcement thereof. Each such assessment, together with interests, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment was imposed.

Section 2. Purpose of Assessment. The assessments levied by the Association on lots sold shall be used exclusively to promote the recreation; health; safety; welfare of the residents on the Properties; and for the improvement & maintenance of Subdivision Roads, dust and weed abatement of the Right of Ways, maintenance of Drainage Infrastructure, and common area. Sweetwater PUD Lot Owner's Association shall maintain its internal roads to and including the intersection of Bluebird Dr. and Tanager Lane. Road improvements and maintenance south of the Tanager Lane Intersection shall be the responsibility of those entitled in Article II, Section 1 (d).

Section 3. The maximum assessment per lot which may be made by the Association in the calendar year 2018 shall not exceed \$160.00 per Class A lot and \$80.00 per Class B lot. Thereafter, the maximum annual assessment may be increased each year by not more than 15% of the maximum assessment for previous year without a by vote of the membership. From and after 12-31-18, the maximum annual assessment may be increased by more than 15% by a vote of two-thirds (2/3) of membership who are voting in person or by proxy, at a meeting duly called for this purpose. Class A and B lots shall be assessed pro rata to the number of votes held by a member. The amount of the annual assessments and date imposed shall be fixed by the Board of Directors.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of members who are voting; in person or by proxy at a meeting duly called for this purpose.



Section 5. Notice and Quorum for Any Action Authorized Under Sections 3 and 4. Written notice of any meeting called for the purpose of taking any action authorized under Sections 3 or 4 above shall be sent to all members not less than 10 days or more than 25 days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast fifty-one (51 %) of all the votes of all classes of members shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be two-thirds (2/3) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment. All annual and special assessments for Class A members must be fixed at a uniform rate. All annual and special assessments for Class B members must be fixed at a uniform rate of 50% of Class A members. Declarant shall determine an equitable assessment for Bluebird Drive users specified in Article II, Section 1(d). Assessments shall be collected in a manner prescribed by the Board of Directors of the Association.

Section 7. Date of Commencement of Annual Assessments and due dates. The annual assessments provided for herein shall commence as to the initial lot sold and recorded subsequent to filing and recordation herein Covenants with Beaverhead County Recorder. The Board of Directors shall fix the amount of the annual assessment against each lot at least thirty days in advance of each annual assessment, except that the assessment for the fiscal year 2019 may have been fixed at any time during that year. Written notice of the annual assessment shall be sent to every owner or member subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified lot have been paid.

Section 8. Effect of None Payment of Assessments and Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of 12 percent per annum. The association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse or abandonment of his lot.

Section 9. Subordination of Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or trust indenture. Sale or transfer of any lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to mortgage foreclosure or any proceeding in lieu

thereof shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE V

ARCHITECTURAL CONTROL

Section I. No Commercial, Residential or other structure such as a garage, out building, other structure, or septic tank, well, antenna, exterior ornament of any kind, or any addition, alteration or remodeling thereof shall be made, erected, altered, placed or permitted to remain upon the Properties, including vehicles, boats, RV's, trailers, etc., until plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to a Design Review Committee consisting of three members appointed by the Board of Directors of Sweetwater PUD Lot Owner's Association and approved in writing by the Committee as to harmony of external design, location in relation to surrounding structures and topography, and the construction and the materials to be used in the construction. At least two of the three committee members shall be members of the Sweetwater PUD Lot Owners' Association and it is suggested that one of the members have professional qualifications or experience in the area of architecture, design or land planning. In the event the Design Review Committee fails to approve or disapprove such design, location, construction, and materials within sixty (60) days after the detailed plans and specifications have been submitted to it, approval shall not be required and this article will be deemed to have been fully complied with. Any plans, specifications and proposals so approved, either expressly in writing or by the expiration of the sixty day period hereinabove provided, shall then permit the owner to commence construction in accordance with said plan, but any deviation from said plan which in the judgment of said Committee is a substantial detriment to the appearance of the structure or of the surrounding area shall be corrected to conform with the plan as submitted. Any structure to be erected in accordance with approval so given must be erected and completed within twenty months of approval or new approval obtained. If any structure is begun and is not completed within twenty months of the commencement of construction, and in the judgment of the Design Review Committee is of offensive or unsightly appearance, the said Committee or the Directors of Sweetwater PUD Lot Owners' Association at the option of either may take such action as may be necessary in its judgment to improve the appearance so as to make the property harmonious with other properties, including completion of the exterior of the structure, screening or covering of the structure or any combination thereof, or removal of the unfinished structure including foundation, and the amount of any expenditures made in so doing shall be a lien on the property and may be enforceable by an action at law. The Design

Review Committee may act by a majority of its members and any authorization or approval made by the Committee must be signed by a majority of the members thereof.

Section 2. Neither the Association, the Design Review Committee, nor the individual members thereof, may be held liable by any person for any damages for any Committee action taken pursuant to these covenants, including, but not by way of limitation, damage which may result from correction, amendment, changes or rejection of plans, the issuance of building permits or any delays associated with such action on the part of the Committee, or the removal of a damaged or unfinished structure including foundation by the Design Review Committee.

ARTICLE VI

MINIMUM BUILDING AND USE RESTRICTIONS

Section 1. Commercial Lots 2 thru 5 and 7 thru 10 as shown on the Sweetwater PUD Major Subdivision Plat of record in the office of the Clerk and Recorder office of Beaverhead County Montana.

- (a) A maximum of two (2) buildings may be constructed on subject premises though more may be considered by the Design Review Committee and approved if warranted.
- (b) No single building shall exceed a maximum height of 45 feet without a variance from the Design Review Committee.
- (c) Building setbacks shall be as follows unless a variance from the Design Review Committee is obtained:
 - Forty (40) feet from front property line.
 - Thirty (30) feet from adjacent property line.
- (d) Grazing of large animals is not permitted.

(e) Landscaping - Beaverhead County Subdivision Regulations require landscaping on all commercial and industrial lots within the subdivision to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings by some combination of planted, living trees, shrubs, hedges, vines, ground cover, flowers suitable for the climate, exposure, and site conditions. In addition, the combination or design may include earth sculpture, cobble, barks, mulch, flower tubs, rock, screens, walls, fences, or benches. Lawns are not permitted unless and until the "Clark Fork decision (**CFC Decision**) is rescinded or repealed by the State Legislature.



- (1) Landscaping area shall be the area of Lot or Lots less the total area occupied by all buildings on the site. For new site development, landscaping shall be provided as follows:

Landscaping area	Minimum Landscaping
Up to 22,000 sf	Ten% (10) Landscaping area
22,000 sf to 5 ac.	Eight% (8) Landscaping area
5 to 10 ac.	Six % (6) Landscaping area

Landscaping maintenance shall be the responsibility of Lot owners.

- (2) Developer has filed a Weed Abatement Plan with Beaverhead County. Owners will be responsible for controlling and eradicating noxious weeds and agree to comply with the Weed Abatement Plan.

- (3) The Design Review Committee will encourage commercial Lot Owners to adhere to (e) and (e)(1) above as much as possible but, realistically, may require less as the Beaverhead County Subdivision PUD regulations are not necessarily appropriate for the more light industrial nature of the Sweetwater PUD, the rural location, lack of a planned mixture of land uses, having open spaces, and community facilities in common ownership or use.

- (4) Adequate off street parking shall be provided for employees and customers by lot owners.

- (d) Signs for all commercial/industrial Lots shall meet the requirement IX-A-4 of Beaverhead County Subdivision requirements/Limits and managed by Sweetwater PUD Lot Owners Association.
- (e) A commercial lot described in Article VI, Section 1 above may be converted to a single family detached lot provided the lot owner adheres to the requirements prescribed for Single Family Lots. In Article VI, Section 2.

Section 2. Single Family Detached lots # 1,6, 11 thru 18 as shown on the Sweetwater PUD Subdivision plat on file and of record in the Office of the Clerk and Recorder of Beaverhead County, Montana.

- (a) Only one single family dwelling may be constructed on each lot, which shall be a minimum of 1200 square feet on the ground level exclusive of garage, porches, or other additions thereto. No more than one room in each residence may

contain kitchen facilities, except certain facilities may be permitted by agreement of the Design Review Committee as a part of a den or play room. In addition to the single family as provided herein, bonafide domestic servants and care givers shall be permitted the use and occupancy of said residence while in the employment of said family.

(b) A minimum 2 car garage is required and must either be attached to the residence as an integral part thereof or attached thereto by an arbor or breezeway and shall conform to the architecture and exterior materials of the dwelling. An attached garage, as prescribed above, shall not be considered another building. A concrete, masonry, or asphalt apron in front of and the width of the garage suitable for the length of an auto together with a walk way to the front door or porch shall be constructed prior to the owner residing on the property or 20 months whichever comes first. Drainage ditches in the road "right of way" shall not be impacted and all driveways to every lot must contain a minimum 10" culvert of sufficient length to extend a minimum (2) two feet on each side of the driveway. Each lot owner shall keep culverts free of weeds and debris so as to not impede drainage. Design Review Committee may waive culvert requirement if warranted due to topography.

(c) A maximum of two (2) buildings may be constructed on subject premises though individual buildings may serve a dual purpose; i.e. guest quarters/shop building; barn/stable building; barn/shop buildings etc. Larger lots of 3 acres or more may have a maximum of three (3) buildings subject to the Design Review Committee approval.

(d) No single family dwelling or other out building shall exceed a maximum height of 35 feet without a variance from the Design Review Committee.

(e) Single Family detached and out buildings setbacks shall be as follows unless a variance from the Design Review Committee is obtained:

From front property line 100'

From rear property line 100'

Sides to property line 40', except Lots 11, 12, 14, &15 which may be 25'

(f) No business whatsoever shall be conducted on the premises or within the residence except a home business that does not deal with the public at large; i.e. telegraphic, Internet, telephony, hobby, crafts, arts, etc. which shall be conducted in completely enclosed buildings. Customers visiting the premises on a regular basis are not permitted.



(g) No room or rooms in any single family detached unit may be rented or leased to any person; provided, however, that nothing contained herein shall be construed as preventing the renting or leasing of an entire lot together with its improvements as a single family unit to a single family.

(h) Residents may keep dogs, cats, or other animals which are bonafide household pets, so long as such pets are not kept for commercial purposes and do not make objectionable noises or odors or otherwise constitute a nuisance or inconvenience to any of the residents of Sweetwater PUD Subdivision or adjacent parcels. Dogs must remain on owner's premises unless on a leash or under the complete control of the owner. Owners must adequately fence their parcel or build a large kennel if they maintain dogs outside. Chaining or tying dogs to restrain them is not permitted and is not adequate to comply with this requirement.

(i) Residents may keep rabbits, poultry or similar birds or fowl for their personal use so long as they are not kept for commercial purposes, do not make objectionable noises or odors or otherwise constitute a nuisance or inconvenience to any of the residents of Sweetwater PUD Subdivision or adjacent parcels. Coups and containment structures must be located in a barn or screened or blocked from view of neighbors and roads.

(j) Horses, cattle, sheep, goats, lamas, and similar livestock may only be kept on lots containing 3 acres or more. A 3 acre to 4 acre parcel is limited to 2 such animals. A 5 acre or larger parcel is limited to 3 such animals. Lots 11, 12, & 14 are an exception to this provision whereby 2 such animals are permitted provided the animals are corralled without grazing on these small lots. Manure management and dispersal shall be accordance with the grazing plan filed with Beaverhead County for Sweetwater PUD subdivision. Adequate lot perimeter fencing shall be installed prior to livestock being permitted on premises and maintained thereafter. Lot owners by accepting these Covenants agree to comply with Grazing Plan filed with Beaverhead County.

(k) No activity may be carried on nor allowed to exist upon any lot, which may be obnoxious, detrimental, offensive, illegal, or constitute a nuisance to any adjacent properties or to the occupants of any lot in Sweetwater PUD Subdivision.

(l) All improvements to be erected on any lot in Sweetwater PUD Subdivision, regardless of the type or nature of the structure being designed or erected, shall be fully completed within twenty months from the date of the commencement of construction, and all building material and other equipment normally used for the erection of construction of said structure shall be completely removed from the premises within said period of time. Interior finishing of buildings and dwelling houses may extend

beyond this period so long as there are no building materials or other equipment used for the purpose of construction and erection stored on the premises beyond the twenty month period of time herein designated. At their discretion, the Design Review Committee may extend the period of time upon proper application in writing for such an extension.

(m) The owner of each and every lot shall use reasonable care in placing a structure on a lot so as not to obstruct the view from adjoining lots. Drain fields and wells shall be placed in the designated locations shown on the sanitary plats for Sweetwater PUD Subdivision unless an alternate site is approved by the Beaverhead County Sanitarian for drain fields and wells. Declarant's engineers have submitted for DEQ approval for specific lots to share a joint well and septic system with an adjoining lot owner. If approved, the Design Review Committee will be responsible for administering and control of joint wells and septic systems and to determine equitable cost sharing. No lot owner may be forced to participate in a shared well or septic system and may develop an individual well, septic system, or both upon written notification to the Design Review Committee.

(n) Any exterior lighting installed on any lot shall be indirect and have full cut-of-deflector to direct light downward so as not to disturb the residents of adjacent properties and shall be activated by manual or motion switches. Exterior lighting shall not be "on" for extended periods.

(o) No temporary house, tent, garage, or outbuilding shall be placed or erected on any part of any lot and no residence placed or erected on any lot shall be occupied prior to completion in accordance with the plans and specifications approved by the Design Review Committee. Necessary temporary buildings for the storage of building materials and tools may be constructed and used only during the period of construction. The work of construction, altering or remodeling of any building or part thereof shall be completed no later than twenty months after the approval for same by the Design Review Committee. Mobile homes may be placed on lots during actual construction and must be removed no later than twenty months after the approval of construction work by the Design Review Committee.

(p) The owner of a lot may install fences. The owner of a lot must allow access for utility repair. Repairs to such fences because of utility repairs shall be the responsibility of the owner of such lot. Maximum height of fences shall be five (5) feet in front and six (6) feet in the rear and sides. Patio privacy fences shall be made of materials that conform to the concept of naturalness and shall conform in regard to materials and design as approved by the Design Review Committee.



(q) No trash or garbage shall be burned except in an approved incinerator. No barbecue or other outdoor cooking facility shall be located nearer than 25 feet from either side of lot lines.

(r) Any building placed, erected or maintained upon any lot in Sweetwater PUD Subdivision shall have a permanent perimeter foundation, be entirely constructed thereon, or prefabricated of modular or normal construction techniques that meet or comply with Design Review Committee requirements.

(s) No outside toilets shall be placed on any lot except during the period of construction.

(t) No advertising or signs of any character shall be erected, placed, permitted or maintained on residential lots or dwellings within Sweetwater PUD Subdivision other than:

(1) A name plate of the occupant and a street number;

(2) A "For Sale" sign, maximum size three (3) square feet.

(u) No elevated tanks of any kind shall be erected, place, or permitted upon any part of said property without approval of the Design Review Committee. Any tanks to be used in connection with any residence constructed in any phase of Sweetwater PUD Subdivision, including tanks for the storage of gas, oil, water, or butane must conform to the specifications and control of the Design Review Committee. All types of refrigerating, cooling, or heating apparatus must be concealed.

(v) All outside radio and television antennas must conform to specifications and control of the Design Review Committee.

(w) No motorized bicycles, trail bikes, motor scooters, snowmobiles, four wheelers, or similar types of recreational vehicles, shall be operated on the lots, roads, or property of Sweetwater PUD Subdivision except for the purpose of going to and from work and other purposeful travel. Recreation vehicles shall be garaged or adequately screened from view.

(x) Parking along roads on a regular basis is not permitted.

(y) No building or structure upon any lot may be permitted to fall into disrepair. Buildings or structures must at all times be kept in good condition, adequately painted, or otherwise finished.

(z) Each lot at all times shall be kept in a clean, slightly and wholesome condition. No inoperable motor vehicles, snowmobiles, motorcycles, four wheelers, campers, trailers, boats, trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber or other building materials, or any other similar items shall be



permitted to remain exposed on any lot so as to be visible to any neighboring lot, adjoining properties or Sweetwater Road or roads within the subdivision. A maximum of two vehicles may be regularly parked in the driveway or garage apron of the lot. Other operable recreation vehicles and devices must be garaged or screened from other residences, adjoining properties and the roads within the subdivision.

(aa) Each owner of a lot agrees for himself, his heirs, assigns, or successors in interest, that he will permit free and reasonable access by the owner of adjacent or adjoining lots containing a divisional wall, fence, hedge, or any other barrier, when such access is essential for the construction, reconstruction, refinishing, repair, maintenance, or alteration of such divisional structure or planting.

(bb) Lots shall not be further subdivided except for the purpose of combining portions with an adjoining lot, provided that no additional lots or building site is created thereby and then only with the express permission of the Design Review Committee. Any ownership or single holding by any person comprising the whole of one lot and part or parts of one or more adjoining lots shall, for all purposes of these covenants and restrictions, be deemed a single lot. Not less than one entire lot as originally platted shall be used as a building site.

(cc) It is expressly agreed and understood that the declarant may use any of the lots in the subdivision for a sales office, for model homes or for parking related to such sales office or model homes. Any portion of the subdivision including streets, drives, and other roadways, may be used for sales purposes, guardhouses, security structures, and for other purposes deemed proper by the Declarant.

(dd) In the event that a structure is destroyed, wholly or partially, by fire or any other casualty, said structure shall be properly rebuilt or repaired to conform to this declaration or all the remaining structure, including the foundations and all debris shall be removed from the lot.

(ee) Easements and rights of way are hereby reserved for the erection, construction, maintenance, and operation of wires, cable, pipe, conduits and apparatus for the transmission of electricity, telephone, television and for the furnishing of gas or other utility purposes together with the right of entry for the purpose of installing, maintaining, and reading gas and electric meters together with the further rights to the Declarant to convey or lease the whole or any portion of such easements, rights of way or right of entry to any person or persons or to any corporation or municipal body, under, along, across, upon and through a strip of land 15 wide along the interior boundary of this subdivision and 7.5 feet on each side of interior lot lines, a 50 foot wide unrestricted access and utility easement along McDonald Way, Lark Lane, and



Tanager Lane, and a 60 foot width along Bluebird Drive and including utilities and access to Declarant's former lands south of the East Bench Canal.

(ff) Declarant reserves the utility easements and rights of way shown on the recorded plats of the subdivisions for the construction, addition, maintenance and operation of all utility systems now or hereafter deemed necessary by Declarant for all public utility purposes, including electric, telephone, cable, gas, water, and sewer services.

(gg) Underground utilities shall be installed to buildings and residences in the subdivision. Each residence in the subdivision shall, at the expense of the owner or builder of the residence, have a trench opened from the residence to the utility easement designated by the utility company for installation of said utilities, and the owner shall close the trench after installation of the utilities. Overhead power may be installed in ROW easements.

(hh) The Declarant reserves the right to make minor changes in and additions to all easements for the purposes of most efficiently and economically installing utility systems.

(ii) All lot owners shall not construct a dwelling on a building site with 12% or more slope. Should the developer or lot owner disagree with this restriction, the County Governing Body may reconsider the restriction when additional technical information is provided by a qualified engineer.

(jj) All buildings exceeding 20' X 20' dimensions shall have rain gutters with down spouts to channel rain water and snow melt into underground "French" type drains of sufficient size and length to absorb the normal flow of such water. Surface distribution of water from roofs is not permitted.

(kk) Roofs and windows shall be of non-reflective materials. Exterior materials and colors shall be of natural or composite materials that blend well with the environment of Sweetwater Subdivisions.

(ll) Hunting and the discharge of firearms and shotguns is not permitted with the exception of pellet guns and 22 caliber guns for disposal of rodents and small nuisance animals. Discharge of guns towards neighboring properties including Parcel 1, Sweetwater Ranch Subdivision and Sweetwater Estates II is not permitted and shall be a serious breach of these Covenants and subject to judicial action initiated by the Declarant and/or Sweetwater PUD Lot Owner's Association, County Commissioners and subject to applicable State Law concerning the safe discharge of firearms.

(mm) A Beaverhead County septic permit must be obtained prior to any new construction requiring sanitation.

(nn) At the time of occupancy, each Commercial and Residential lot shall be clearly marked with an address sign that complies with the Beaverhead County Addressing Ordinance.

(oo) A noxious weed control management plan has been filed with Beaverhead County by Declarant. Noxious weeds including "Foxtail" grass type weeds shall be controlled by each parcel owner, including their portion of the road "Right of Way" and distribution of weeds shall not be permitted to impact any adjoining property. Declarant, his agent, and assigns; Officers and/or agents of Homeowner's Assn.; and bonafide members or employees of Beaverhead County Weed Control agency or County shall be permitted to enter parcels to inspect for noxious weeds and "Foxtail" grass type weeds. In the event a parcel owner fails to control weeds declared to be noxious by Beaverhead County/Montana State including "Foxtail" grass type weeds prior to seed maturity, the Declarant his agent or assigns, Sweetwater PUD Lot Owners Assn., and/or Beaverhead County Weed Control agency may eradicate or control said weeds by chemical, cultural, mowing, or any appropriate method; invoice each parcel owner not to exceed the then standard rate charged by Beaverhead County, a local commercial/professional applicator, or for actual materials used plus labor and machinery usage.

(pp) Dust abatement for roads in Sweetwater PUD Subdivision is a "Specific Condition of Approval" by Beaverhead County and shall be a long term road maintenance obligation of the Homeowner's Association.

(qq) Parcels 15, 16, 17, and 18 contain easements granted to the U.S. Bureau of Reclamation along the East Bench Canal. Permanent improvements within the recorded easements will require an "Acknowledgement of Easement Crossing" approved by the U.S. Bureau of Reclamation.

(rr) Property owners are prohibited from using East Bench Canal roads for ingress and egress into the development or their property; that property line gates, cattle guards, and fences cannot extend across the East Bench Canal roads and may not extend into or beyond areas that the East Bench Irrigation District customarily deposits soils, weeds, moss, and debris in maintaining the canal; that East Bench Canal water is not permitted for stock watering or irrigation; and that any interference with the rights, operation, and maintenance of the East Bench Canal is

a violation of these Sweetwater PUD Subdivision Covenants and violations are enforceable under Article VIII, Section 1 of these covenants.

(ss) Landscaping including lawns is limited to .25 acre per lot unless and until the “Clark Fork Decision (**CFC Decision**) is rescinded or repealed by the State legislature.

(tt) A Single Family residential lot may not be converted to a commercial lot without approval of Declarant and Beaverhead County Commissioners.

Section 2. Variances.

(a) The Design Review Committee may make variances in the minimum building and imposed Use Restrictions of Section 1 and 2 of this Article VI in connection with the approval process; i.e. building setbacks, height, screening, etc., except those restrictions requiring prior approval of Beaverhead County Governing Body.

(b) The Design Review Committee may conditionally approve, deny, or approve a request to modify the minimum Building and Use Restrictions imposed by Section 1 of Article VI, according to the following procedure:

(1) Applications. Applications for modifications shall be delivered to each of the members of the Design Review Committee, either in person or by certified mail. The application shall be accompanied by a fee in an amount sufficient to provide for mailing notice to the membership as provided in (b)(2) and (c) below. The Design Review Committee shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and a purpose of these Covenants.

(2) Notice of Hearing. Notice of hearing on the application for modifications shall be mailed to each member of the Association by the Design Review Committee at least 15 days prior to the date set for hearing, and shall be accompanied by a copy of the application for modification. The hearing shall be at the appointed time and place; testimony may be taken by the Design Review Committee from persons affected by the modifications and any experts called by either applicant or a member opposed to modification for the purpose of aiding the Design Review Committee in their deliberations.



(3) Rules for Approval. After hearing and prior to approval of any such application for modification, the Design Review Committee shall designate such conditions as will secure substantial compliance with these Covenants from the applicant and shall find as follows:

(3.1) Such modifications will not be inconsistent with the intent and purpose of these Covenants and the general plan of the Subdivision.

(3.2) That strict compliance with the provisions of Section 1 of this Article VI would create an unnecessary hardship or unreasonable situations on a particular property due to unusual topography, shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.

(3.3) Those modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.

(3.4) That the applicant has agreed in writing to be bound by the conditions imposed by the Design Review Committee for granting such modification and, if required by the Design Review Committee, have posted a performance bond in an amount sufficient to insure compliance with the conditions imposed by the design Review Committee.

(c) Appeal from the design Review Committee's decision. An appeal from the Design Review Committee's decision to the membership of the Sweetwater PUD Lot Owners' Association may be made by either the applicant or any member of the Association opposing modification. Notice of Appeal shall be in writing and delivered to the President of the Lot Owners' Association or a member of the Board within 15 days after action of the decision of the Design Review Committee is rendered. Thereafter, the President or the Board of Directors shall call a special meeting of the membership pursuant to the requirements of the By-Laws of the Lot owner's Association governing special meetings. A quorum for purposes of a special meeting to hear an appeal from the Design Review Committee's decision shall be members representing $\frac{3}{4}$ of all the votes of each class of membership, who must be present in person or by written proxy. If a quorum is present the proponents and opponents shall then present their respective cases to the membership. If a quorum is not present, the meeting shall be adjourned and the decision of the design Review Committee shall stand. An affirmative vote of $\frac{3}{4}$ of the members present and constituting a quorum shall be required to reverse the action taken by the Design Review Committee.

ARTICLE VII



DEDICATIONS

Section 1. Roads. The roads within Sweetwater PUD Subdivision shall be a public way and maintained by the Association. The Declarant, its heirs and assigns, and lot owners by accepting these covenants irrevocably agree with the Beaverhead County Commissioners whereupon the County, upon its discretion, may accept ownership and responsibility for the roads at any time.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. Enforcement. The association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration of Protective Covenants. Cost associated with enforcing Project Covenants shall be a lien against the property of the offending owner and incur and accrue interest at one (1 %) percent per month until paid. It shall be lawful for the Declarant, any owner of Sweetwater UD Subdivision, and/or Beaverhead County to prosecute proceedings at law or in equity against subject parcel owner or persons either to prevent the violation and/or to recover cost, legal fees, court cost, and damages for such violations. The Governing Body of Beaverhead County is a party to these Covenants and may enforce the provisions thereof. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to so thereafter do.

Section 2. Severability. Invalidation of any of one of these covenants or restrictions by other provision judgment or court order shall in no way affect any which shall remain in full force and effect.

Section 3. The covenants and restrictions of this declaration shall run with and bind the land for a term of ten years from the date this declaration is recorded, after which time such covenants shall automatically be extended for successive ten year periods, unless an instrument is recorded, signed by the owners of 66 2/3% of all lots within this subdivision, including subsequent additions, agreeing to revoke or amend said covenants in whole or in part. This declaration may be amended during the first ten year period by an instrument signed by not less than 66 2/3% of the lot owners. Any amendment that would materially alter any of the requirements imposed by the governing body of Beaverhead County, which requirements were made mandatory for

the process of final subdivision approval, shall be approved by the governing body of Beaverhead County prior to amendment. Any amendment must be recorded.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Declaration this 22 day of AUGUST, 2019.

SWEETWATER PUD MAJOR SUBDIVISION

By:

Ronald E. Towery
 Ronald E. Towery, Trustee

Ronald E. Towery and Zora R. Towery Marital Property Trust

STATE OF MONTANA)

SS

County of Beaverhead)

On this 22nd day of August, 2019, before me, a Notary Public for the State of Montana, personally appeared RONALD E. TOWERY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

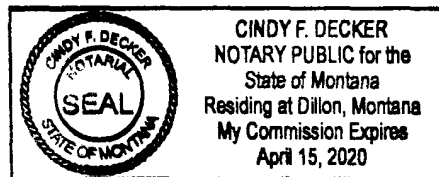
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year first above written.

Cindy F. Decker

Notary Public for State of Montana

Residing at _____

My commission expires _____



BEAVERHEAD COUNTY, MONTANA
VARIANCE REQUEST FORM

Approved Planning Board
June 12th
Commissioners

Beaverhead County Planning Department
Beaverhead County Courthouse
2 South Pacific St #7
Dillon, MT 59725-2799

PH: 406-683-3765
FAX: 406-683-3769

July 9th



293600 Bk 393 Pg 1491

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

PART A.

1. Applicant's Name: RONALD E. TOWERY AND ZORA R. TOWERY MARITAL PROPERTY TRUST
2. Subdivision Name: SWEETWATER PUD
3. Representative/Contact Person: Ron Towery
4. Signature: Ron E. Towery Date: 6-13-2018

PART B

1. Subdivision Regulation that a Variance is being requested for: IV-A-8 STREETS AND ROADS
2. Specific Subdivision Regulation Section: (example: VIII, A, 14(a)) TABLE 1, Page 30

PART C

1. Alternate proposal: REDUCE LARK LANE ROW to 50' FROM 60'

PART D

1. What is the undue hardship that will result if this regulation is enforced: _____

This excessive 60' ROW was created by my Engineers on a routine basis without the benefit of "on-site" ramifications brought about by the on-site staking by the surveyor of the 60' ROW which is now apparent to be disadvantageous.

The existing Lark Lane ROW is "smack up" against a former feed bunk with heavy duty steel fencing and a substantial concrete pad. I would like to retain the

existing steel fencing for the security and benefit of future buyers (only two cuts would need to be made for driveways). An additional 5' of land between a 50' ROW and the existing steel fencing would enable the developer and/or lot owner to landscape and maintain this 5' wide area between the steel fence and the actual ROW which will certainly enhance the visual appearance and will be in accordance with the landscaping requirements of the approval of this development.

Lot 5 could access off of McDonald Way and Lot 7 could access off of Bluebird Drive thereby reducing the lots accessing off of Lark Lane to 4 lots which is within the County Subdivision Regulations for a 50' ROW.

The minimum roadway width will not be reduced from the 60' width as the contractor has bid this road on the 60' width basis and the appropriate topsoil has been removed for a 60' ROW. Approval of this variance request will not reduce my development cost, in fact it will increase my cost as the contractor will have to return top soil to the 5' area gained by the reduction of Lark Lane to 50' width.



**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY/
LOCAL GOVERNMENT JOINT APPLICATION FORM**

PART I. GENERAL DESCRIPTION AND INFORMATION

1. Name of proposed development Sweetwater PUD Subdivision
2. Location: City and/or county Beaverhead County, Montana
Legal description: NW 1/4 NE 1/4 of Section 22 Township 7S Range 8W
3. Is concurrent review by local governing body and DEQ requested? Yes No ☒
4. Type of water supply system
 - ☒ Individual well
 - Individual cistern
 - Individual surface water supply or spring
 - ☒ Shared well (2 connections)
 - Multiple-user water supply system (3-14 connections and fewer than 25 people)
 - Service connection to multiple-user system
 - Service connection to public system
 - Extension of public main
 - New public system (15 or more connections or serving 25 or more people)
5. Type of wastewater treatment system
 - ☒ Individual wastewater treatment system
 - 4 Number of bedrooms (3 bedrooms will be used if unknown)
 - ☒ Shared wastewater treatment system (2 connections)
 - Multiple-user system (3-14 connections and fewer than 25 people)
 - Service connection to multiple-user system
 - Service connection to public system
 - Extension of public main
 - New public system (15 or more connections or serving 25 or more people)
6. Name of solid waste (garbage) disposal site Beaverhead County Landfill
7. Nondegradation
 - Yes ☒ No Is information included which substantiates that there will be no degradation of state waters or that degradation will be nonsignificant?
 - Yes No ☒ If not, have you enclosed an Application to Degrade?
8. Descriptive Data
 - ¹⁸ Number of lots or rental spaces
 - ^{50.85} Total acreage in lots being reviewed
 - ^{2.35} Total acreage in streets or roads
 - ⁰ Total acreage in parks, open space, and/or common facilities
 - ^{53.2} Total gross acreage of subdivision
 - ^{1.1} Minimum size of lots or spaces
 - ^{6.4} Maximum size of lots or spaces
9. Indicate the proposed use(s) and number of lots or spaces in each.
 - ☒ Residential, single family - 1 lots
 - Residential, multiple family Number of units _____
 - Type of multiple family structure (e.g. duplex) _____ Number of units _____
 - Planned unit development Number of units _____
 - Condominium Number of units _____
 - Mobile home park Number of units _____
 - Recreational vehicle park Number of units _____
 - ☒ Commercial or industrial - 8 Lots
 - Other (please describe) _____



10. Provide the following information regarding the development.

Current land use Farm

Depth to ground water at the time of year when water table is nearest to the natural ground surface within the drainfield area 20'

Depth to bedrock or other impervious material in the drainfield area >12'

Existing zoning or other regulations N/A

11. Include the following attachments, if applicable.

Yes NA ☒ An overall development plan indicating the intent for the development of the remainder of the tract, if a tract of land is to be subdivided in phases.Yes ☒ NA Drafts of any covenants and restrictions to be included in deeds or contracts for sale.Yes ☒ NA Drafts of homeowners' association bylaws and articles of incorporation, if applicable.

(Submitting a draft copy of a homeowners' association bylaws and articles of incorporation is adequate for DEQ to initiate and complete its review of sanitary facilities, but a copy of the fully executed documents must be submitted before DEQ can issue final approval.)

I understand that a person may not dispose of any lot within a subdivision, erect any facility for the supply of water or disposal of sewage or solid waste, erect any building or shelter in a subdivision that requires facilities for the supply of water or disposal of sewage or solid waste, or occupy any permanent buildings in a subdivision until the reviewing authority under the Sanitation in Subdivisions Act has issued a certificate of subdivision approval indicating that the subdivision is not subject to sanitary restriction, unless the subdivision is exempt from the Sanitation in Subdivisions Act under 76-4-125, MCA. I understand that a person may not construct or use a facility that deviates from the certificate of subdivision approval until the reviewing authority has approved the deviation.

I designate WWC Engineering as my representative for purposes of this application.

Designated representative, if any (e.g., engineer, surveyor)

Name: Jeremy Fadness

Phone: (406) 443-3962

Address: 1275 Maple Street, Suite F, Helena, Montana 59601

Company, Street or P.O. Box, City, State, Zip Code

Owner

Name:



Ron Towery

Print name of owner

Address: 188 Fox Ridge Drive, Dillon, MT 59725

Street or P.O. Box, City, State, Zip Code

Date: February 2, 2017

Phone: (406) 683-4878

(The statement must be signed by the owner of the land proposed for subdivision or the responsible officer of the corporation offering the same for sale.)

Notice: The statutory time frame for each review is 60 days. Resubmittal of denied or incomplete applications restarts the time frame. The estimated time for the DEQ to act on a complete subdivision application is 10 days for subdivisions reviewed by a local department of health under contract to the DEQ. Local health departments review subdivisions within 50 days of receipt of a complete application. During non-peak times, a review may take 25 to 45 days. For peak times, the review may take 45 to 60 days.

PART IV SUBDIVISION CHECKLIST

Subdivision: SWEETWATER PUD

County: BEAVERHEAD

E.Q. Number (provided by DEQ):

Please complete the checklist with your initials or N/A.

Applicant Representative Initial or N/A	County Initial or N/A	DEQ Initial or N/A	Question	Refer to ARM 17.36 Subsections	Reviewer's Comments
NO REI	TW		1. Have deviation or waiver requests been submitted with appropriate fees?	17.36.601	
N/A REI	TW		2. Is check included with correct fee?	17.36.103(1)(a)	
YES REI	TW		3. Is application included with owner's signature/address/phone/date?	17.36.102(1)&(2)	
YES REI	TW		4. Is legible copy of Preliminary Plat or COS included?	17.36.103(1)(m)	
YES REI	TW		5. Is legal description included on the Preliminary Plat or COS?	17.36.103(1)(m)	
YES REI	TW?		6. Are all lots described on survey being reviewed and any exclusions clearly stated on Preliminary Plat or COS?	17.36.103(1)(m), 17.36.605	
YES REI	TW		7. Are lots at least 1 acre in size or otherwise meet minimum lot size requirements?	17.36.340, 17.36.322(4)	
THIS IS A PRELIMINARY SUBMITTAL			VARIANCE REQUEST & fee SUBMITTED 8. Is local health officer approval included?	17.36.102(3)&(6), 17.36.103(1)(n), 17.36.108(2)	
THIS IS A PRELIMINARY SUBMITTAL			9. Are Planning Board or County Commissioner comments included?	17.36.103(1)(n)	
YES REI	TW		10. Is a clear copy of USGS or other topo map included to show ground slope of property? WWC ENGRS. DID TOPO SURVEY WITH 2' INTERVALS	17.36.103(1)(h), 17.36.310, 17.36.322	
YES REI	TW?		11. Are 4 copies of lot layout included with the subdivision name on each?	17.36.103(1)(d), 17.36.104	
YES REI	TW		12. Is all required information (e.g., scale, legend, north arrow, etc.) included on the lot layout?	17.36.103(1)(d), 17.36.104	
N/A REI	TW		13. Are locations of water and sewer mains shown?	17.36.103(1)(d), 17.36.104	
YES REI	TW		14. Are on-site sewer systems designed in conformance with DEQ 4? WWC Engrs. designed	17.36.320	
YES REI	TW		15. Is the slope given for drainfield areas? WWC Engrs. designed	17.36.103(1)(h), 17.36.322	
YES REI	TW		16. Are drainfields orientated along land contours to meet depth requirements?	17.36.322, DEQ 4, Chap. 8	
YES REI	TW		17. Are drainfield replacement areas shown? WWC Engrs. designed	17.36.322 DEQ 4, Chap..8	

Applicant or Representative Initial or N/A	County Initial or N/A	DEQ Initial or N/A	Question	Refer to ARM 17.36 Subsections	Reviewer's Comments
SEE COVENANTS REI	TW		18. Are minimum setback requirements met?	17.36.323	
YES REI	TW		19. Is adequate test pit (8 ft. excavation) data provided? WWC Engrs. performed	17.36.103(1)(h), 17.36.325	
YES REI	TW		20. Is SCS/NRCS soils data provided? WWC Engrs. provided	17.36.325(3)	
YES REI	TW		21. Is information to verify depth to seasonal high ground water or bedrock provided? See well logs	17.36.103(1)(h), 17.36.106(2), 17.36.325(2)	
	REI		22. If conducted, does perc test value(s) correspond to soil type? WWC Engrs. determined	17.36.103(1)(h)	
YES REI	TW		23. Are wells, 100 ft. well isolation zone, mixing zones, and ground water flow direction (verified by wells or other documentation) shown? WWC Engrs. calculated	17.36.103(1)(e), 17.30.501-518	
YES REI			24. Is adequate water supply substantiated?	17.36.103(1)(f)	
YES REI			25. Are water quality analyses (nitrate, specific conductivity, and bac-T (for existing wells) provided, along with well log and well location? WWC Engrs. completed	17.36.103(1)(f), 17.36.330, 17.36.335	
YES REI	TW		26. Is existing well over 25 ft. in depth?	17.36.335, 17.36.331(1)(e)	
N/A REI	NO		27. Will surface water, spring or cistern system be disinfected and filtered?	17.36.336	
YES REI	TW		28. Is nondegradation addressed and supporting data to determine background water quality, hydraulic conductivity and hydraulic gradient provided? WWC Engrs. provided	17.36.103(1)(i), 17.30.501-518, 17.30.715	
	REI		29. Is nitrate level at end of mixing zone < 5 ppm (< 7.5 ppm, if level 2 provided), and phosphorous breakthrough > 50 years? WWC Engrs. provided	17.36.103(1)(i), 17.30.715	
	REI	QU	30. Are shared users agreements included for shared well, drainfields and/or easements? LOA to provide to Buyers	17.36.103(1)(o), 17.36.326(3)	
N/A REI			31. Is a copy of the local septic permit (if issued) for an existing septic system provided? Installed prior to current requirements	17.36.327	
N/A REI			32. Is a septic pumper's report stating an existing septic tank has been pumped within the last 3 years provided?	17.36.327	
N/A REI	TW		33. Is evidence demonstrating proper hydraulic functioning of an existing septic system provided?	17.36.327	
NO REI	TW		34. Are wells, drainfields and/or mixing zones within 100 ft. perimeter <u>outside</u> of subdivision boundaries shown?	17.36.103(1)(e), 17.30.501-518, 17.30.706	

Applicant or Representative Initial or N/A	County Initial or N/A	DEQ Initial or N/A	Question	Refer to ARM 17.36 Subsections	Reviewer's Comments
NO <i>REI</i>			35. Is proposed subdivision within 500 feet of public water supply and/or sewer system?	17.36.328(1)	
N/A <i>REI</i>			36. Is authorized statement to connect to existing public water and/or sewer system and statement of adequate capacity provided?	17.36.103(1)(g), 17.36.328(2)(b)	
N/A <i>REI</i>			37. Is existing public water system approved by DEQ and PWS # provided?	17.36.328(2)(b) & (c)	
N/A <i>REI</i>			38. Do appropriate water rights exist for the public water connection?	17.36.328(2)(b)	
LOA will provide as Needed <i>REI</i>			39. If needed, are easements for water and/or sewer systems/lines shown?	17.36.103(1)(m) & (o)	
YES <i>REI</i>			40. Are plans and specs (3 copies) stamped and signed by PE?	17.36.103 (1)(b) & (c)	
YES <i>REI</i>			41. Are 100-year floodplain requirements met, and floodplains and drainages shown? WWC Provided	17.36.104, 17.36.106(2)(c), 17.36.324	
YES <i>REI</i>			42. Is solid waste disposal addressed?	17.36.103(1)(k), 17.36.309	
YES <i>REI</i>			43. Has storm water drainage been addressed? WWC Engrs. provided	17.36.103(j), 17.36.104(2), 17.36.310, DEQ 8	

Applicant/representative: Name Ron Towery
 Signature *Ron Towery* Date 5/13/2017

County reviewer: Name _____
 Signature _____ Date / /



293600 Bk 393 Pg 1498

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

June 18, 2019

Robert Macioroski
Beaverhead County Planner
Dillon, MT 59725

Dear Mr. Macioroski:

This letter is to confirm payment by Ron Towery in the amount of \$18,000 to Beaverhead Fire District #2 for the purpose of Water on Wheels for 18 lots in the Sweetwater P.U.D. Major Subdivision in Dillon, MT.

Sincerely,

Darrin Morast
Fire Chief
Dillon Volunteer Fire Department

Beaverhead County Planning Department

Safe Stocking Rate Determination, Grazing Plan, Confinement Plan

For SWEETWATER PUD SUBDIVISION

This form will need to be included in the subdivision submittal packet if it is the intent of the developer to allow for livestock of any kind to be kept on the proposed subdivision lots.

This form will be used by the Planning Department and Planning Board to comply with the Montana Subdivision and Platting Act's requirements that developers must avoid unnecessary environmental degradation as well as mitigate potential impacts to the natural environment and public health.

A. Covenants will allow large animals. Yes xx No

B. The following areas will be used for grazing:

- | | | | |
|--------------------------------|---------------------|--------------------|--------------------|
| 1. Individual subdivision lots | Acres: <u>26.98</u> | Minimum <u>3.6</u> | Maximum <u>6.5</u> |
| 2. Common area/pasture | Acres: <u> </u> | | |
| 3. Other (explain) | Acres: <u> </u> | | |

C. Projected annual forage supply:

		<u>DRYLAND</u>	<u>IRRIGATED</u>	
1. Individual lots (per lot)	AUMs/Acre: <u>1.0</u>	<u> </u>	<u> </u>	Total AUMs: <u>26.98</u>
2. Common acres/pasture	AUMs/Acre: <u> </u>	<u> </u>	<u> </u>	Total AUMs: <u> </u>
3. Other	AUMs/Acre: <u> </u>	<u> </u>	<u> </u>	Total AUMs: <u> </u>

D. What method was used to determine annual forage supply and initial safe stocking rate?

1. NRCS estimated AUMs from soil types (attach soils map).
2. Actual harvest (clipped plots).
 - a. Number of clipped plots and map of where the plots were clipped.
3. Actual use records with trends.
4. Other, explain

E. Kind and class of livestock allowed and number allowed.

	<u>YES</u>	<u>NO</u>		<u>CIRCLE</u>
1. Equine	<u>xx</u>	<u> </u>	# <u>2</u>	Class (mature horses, 2 yr. old horses, yearlings, foals, 4-H)
2. Bovine	<u> </u>	<u> </u>	# <u> </u>	Class (cows, pairs, yearlings, calves, 4-H)
3. Ovine	<u> </u>	<u> </u>	# <u> </u>	Class (sheep-breeding stock, 4-H)
4. Caprine	<u> </u>	<u> </u>	# <u> </u>	Class (goats-breeding stock, recreational, 4-H)
5. Camelid	<u> </u>	<u> </u>	# <u> </u>	Class (llamas-breeding stock, recreational, 4-H)
6. Other	<u> </u>	<u> </u>	# <u> </u>	
7. Combination	<u> </u>	<u> </u>	# <u> </u>	Explain <u> </u>

- F. Use level to insure no degradation to the range/pasture.
(Average around 50% of available forage.) Based on the acres allowed for utilization, the projected annual forage supply and the number of each classified kind of livestock that will be allowed. What level of grazing use will be allowed and the methods used to ensure no degradation will occur.

*See attached table for AUM values.

1. Days of allowable use for each kind/class per year (from E. above).

Kind _____	Class _____	# _____	days per year _____
Kind _____	Class _____	# _____	days per year _____
Kind _____	Class _____	# _____	days per year _____
Kind _____	Class _____	# _____	days per year _____
Kind _____	Class _____	# _____	days per year _____
Kind _____	Class _____	# _____	days per year _____
TOTAL # _____			TOTAL DAYS/YEAR _____

- G. Grazing method system, or strategy to be used (i.e. continuous, rotation, deferred, short duration, seasonal). Please explain with approximate turnout and removal dates included.

Actual livestock grazing on adjacent lands south of this project used for
computations

- H. Alternatives to free grazing.

Plan for long-term and short-term confinement of animals when grazing utilization threshold has been reached.

The following standards for containment of animals will be used to determine corral/pen size per animals allowed:

Mature large animals: minimum 125 square feet - 400 square feet maximum.

Mature small animals: minimum 10 square feet - 50 square feet maximum.

Explain and/or diagram corral/pen dimensions as part of onsite confinement. Also, address waste management and how often the corrals or pens will be cleaned (monthly, quarterly, biannually, etc.) and where the waste will be disposed.

Manure in corrals/pens to be removed bi-monthly and stored under sealed tarps to
prevent flies and insect infestations. Manure must be removed from premises to
others lands or the Dillon Landfill.

NOTE: These properties produce minimal forage and should not be purchased to
extensively graze livestock but to enable Lot Owners to have a minimum number of anima
for convenience and personal satisfaction. Extensive supplemental feeding is
necessary and or renting pasture elsewhere



293600 Bk 393 Pg 1501

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

A copy of this Grazing and Confinement Plan shall be included in the covenants of the subdivision and/or a copy provided to each purchaser of lots in the subdivision.

Please submit this Grazing and Confinement Plan to the Beaverhead County Extension Office, 2 South Pacific St., Ste. #11, Dillon, MT 59725 for review and approval by the County Extension Agent.

The Sweetwater PUD Subdivision Grazing and Confinement Plan as been reviewed and has been:

☒ Approved
☐ Approved with modifications.

Modifications (if any): _____

Jacqueline J. Sutton
Beaverhead County Extension Agent

5/2/2017
Date

Initials	Date
Prepared By	
Approved By	

© WILSON JONES COMPANY 07/13 ColorPrint/White ©

MADE IN U.S.A.

LOT	TYPE OF LOT	Acres	Minus Homesite Acres	Max. Grazing Acres	Total Dry- land Forage 1-ton P/AC	Months for Adult Horse AUMS 1-25	80%-Forage- 1 Horse Max. Grazing	80%-Forage- 2 Horses Max. Grazing	MO. Confine- Period 1 Horse	MO. Confine- Period 2 Horses	Turnout Date	Removal Date 1 Horse	Removal Date 2 Horses
1	Single Family	6.047	.50	5.547	5.547	4.438	2.55	11.78	8.40 Mos.	10. Mos.	6/15	10/1	8/15
2	Commercial	N/A											
3	Commercial	N/A											
4	Commercial	N/A											
5	Commercial	N/A											
6	Single Family	4.856	.50	4.356	4.356	3.5	2.8	1.4	9.2	10.5	6/15	9/9	8/1
7	Commercial	N/A											
8	Commercial	N/A											
9	Commercial	N/A											
10	Commercial	N/A											
11	Single Family	1.776		Grazing not permitted			2.0	1.4	9.0	10.5	6/15	9/9	8/1
12	Single Family	1.808		Grazing not permitted									
13	Single Family	4.312	.50	3.82	3.82	3.1	2.5	1.25	9.5	10.75	6/15	9/1	7/23
14	Single Family	1.929		Grazing not permitted									
15	Single Family	6.546	.50	6.046	6.05	4.85	3.9	1.9	8.1	10	6/15	10/15	8/15
16	Single Family	3.625	.50	3.125	3.125	2.5	2.0	1.0	10	11	6/15	8/15	7/15
17	Single Family	2.715		Large Animals not permitted									
18	Single Family	4.582	.50	4.082	4.082	3.27	2.6	1.3	9.4	10.7	6/15	9/1	7/8
NOTE: Removal date can be extended for every week in rotation/confinement; i.e. 2 weeks grazing, 2 weeks confinement.													
							2.5	1.25	9.5	10.75	6/15	9/1	10/15
							3.9	2.0	8.1	10	6/15		

Three Year Weed Management Plan
(PLEASE PRINT)

1. Date Plan Covers: Year: 2017 Through Year: 2019

2. Landowner/Landowner's Representative

Landowner: RONALD E & ZORA R TOWERY MARITAL PROPERTY TRUST

Mailing Address: 188 FOX RIDGE DR.

City: DILLON State: MT Zip: 59725

Representative/Contact: RON TOWERY

Mailing Address: 188 Fox Ridge Dr.

City: Dillon State: MT Zip: 59725

3. Legal Description of Property **Map of Property Must be Included**

1/4 1/4 NW 1/4
Section: 22 Township: 7S Range: 8W

included

Before the board will accept this weed management plan for approval, the applicant must have his/her signature in place on this document. A representative of the weed board will sign after review and approval.

4. Landowner Signature:

Ronald E. Tower Date: 6-16-2017

State of Montana

County of BEAVERHEAD

Signed and acknowledged before me on this 6th day of June, 2017 by
Carly Jay Anderson, Clerk of District Court

By Sheila Brunkhorst

(Signature of Notary)

Sheila Brunkhorst

(Name - Typed, stamped, or printed)

CLERK OF DISTRICT COURT

(Title) Dillon, Montana

Residing at Dillon

My Commission Expires with term



5. Noxious Weed Management:

A. Noxious Weed Species Present on Property: THISTLE, white top,
Knapweed, Hawks tongue, Henbane

B. Acres of Noxious Weeds on Property: 8.8

C. Total Acres of Property: 53.2

D. Method of Noxious Weed Management (Check all that apply):

☒ Chemical Spraying ☐ Biological ☐ Cultivation

☒ Revegetation ☐ Hand Pulling ☒ Mowing

☐ Other (Please List): _____

E. Herbicide to be used for Spraying:

Noxious Weed Specie	Herbicide	Rate of Application
THISTLE	Perco. Ect Agent	- Little
White top		"
Spotted Knapweed		"
Henbane & Hawks tongue		"

F. Noxious Weed Control will be done by: Ben Tawney and hopefullly, Dickson
weed control.

G. Time Frame of Noxious Weed Management

☒ Spring (April-June) ☐ Fall (September-October)

☒ Summer (July-August) ☐ Spring and Fall

☒ Other (Explain) AS needed

**6. Re-vegetation of Disturbed Areas:**A. Description of Disturbance: BUILDING ROADS & RELATED DRAINAGE

B. Description of Re-Vegetation to be done: Re-seeded of DISTURBED AREAS

C. Type and Amount of Seed to be used in Re-Vegetation:

Seed Type	Rate
HARD RED FESCUE	Per Co. Ext. Agent
CIRCLE S GRASS SEED	
FOR S.W. MT	

D. Type and Amount of Fertilizer to be used in Re-Vegetation:

Fertilizer Type	Rate
Per County Extension Agent	

E. Timing of Re-Vegetation Practices:

Cultivation Date(s)	Seeding/Sod Date(s)	Fertilizer Date(s)
FOLLOWING ROAD CONSTRUCTION		

For Re-vegetation we recommend that you contact Beaverhead County Extension Office.

Will do,!!

7. Environmental Checklist: (If Answered Yes, Comments Must be Made)

1. There is "significant use" of the management site by wildlife and/or fish species.

☐ Yes ☒ No Comments:

2. Important vegetation communities are present which may be impacted by the proposed project or management plan.

☐ Yes ☒ No Comments:

3. Significant topographic features, terrain, or aesthetic values are present in the management area.

☐ Yes ☒ No Comments:

4. Important surface or groundwater resources are present which may be impacted by the proposed project or management plan.

☐ Yes ☒ No Comments:

5. Fragile soils or soils requiring special consideration are present in the management area.

☐ Yes ☒ No Comments:

6. Management are contains areas with unique or reclamation considerations (past mining, erosion, saline seep, etc.)

☐ Yes ☒ No Comments:



Inspection Report and Approval

Inspection:

Landowner/Subdivision: Towery Marital Trust - Secretwater PUDMailing Address: 188 Fox Ridge DrPhone Number: 406 925-1894Location Description: Township 7S Range 8W Section 22Land Use: ☐ Cultivated Crop ☐ Irrigated Pasture (Range) ☐ Native Range☐ Riparian ☐ Timber ☐ Mining ☒ Residential (Rural)☐ Residential (urban) ☒ Commercial (Rural) ☐ Commercial (Urban)Date of Inspection: 6/9/17

Noxious Weed Species Present: _____

Inspection Fee Due: ☒ Yes ☐ NoAmount Due: \$230.00Bond Required: ☐ Yes ☒ No

Amount of Bond: _____

Comments: _____

Approval:

A. Approved ☒ Date: 6/9/17

B. Approved with Modification _____ Date: _____

C. Denied _____ Date: _____

Signed: Anden Bunch Date: 6/9/17

Beaverhead County Weed Board Representative



Beaverhead County Planning Dept.

2 South Pacific St., Ste #7

Dillon Mt. 59725-4000

Phone: (406) 683-3678 FAX: (406) 683-3769

Robert A. Macioroski

Land Use & Planning Coordinator

rmacioroski@beaverheadcounty.org

(Attachment)

SWEETWATER P.U.D.

RESOLUTION NO. 2007-25*

PARKLAND CASH IN LIEU

10 Residential Lots

1-3 Acres Size		3-5 Acres Size
Lot 11. 1.78 Ac.		
Lot 12. 1.81 Ac.		Lot 13. 4.31 Ac.
Lot 14. 1.89 Ac.		Lot 16. 3.63 Ac.
<u>Lot 17. 2.72 Ac.</u>		<u>Lot 18. 4.58 Ac.</u>
Totals: 8.20 Ac.		12.52 Ac.
<u>X 5%</u>		<u>X 2.5%</u>
0.41 Ac.		0.313 Ac.
\→	0.723 Ac. Cash Equiv.	←/

Over 5 Acres Exempt

Lot 1. 6.05 Ac.

Lot 6. 4.86 Ac.

Lot 15. 6.55 Ac.

\$68,900.00 for 53.19 Acres = \$1,295.36 per Acre

\$1,295.36 X 0.723 Acre = **\$936.55** cash in lieu of parkland

* Beaverhead County Subdivision Regulations No. VI-Pa iii, VI-Pa iv

BEAVERHEAD COUNTY

2 South Pacific

Dillon, MT 59725

2326

Date 6/17/19Received From: Ron ToweryAmount: Nine hundred thirty six & ⁵⁵/₁₀₀ - \$ 936.55For: Park-in-lieu Cash for Sweetwater PUD
1000-341077☐ Cash☒ Check 16672☒ Planning☐ Sanitation☐ Solid Waste☐ HC

293600 Bk 393 Pg 1509

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

ron Towery Dba Blacktail Ranches

DATE	DESCRIPTION	AMOUNT
	<u>Sweetwater PUD -</u> <u>Cash in lieu of Parkland fees.</u>	<u>936.55</u>



Shared Well Water Agreement
Sweetwater Planned Unit of Development (PUD)
Sweetwater Business Park

THIS AGREEMENT made this 22 day of AUGUST, 2019 by
RON TOWERY and ST, BEAVERHEAD County, Montana.

All subsequent owners of **Lot 3 & Lot 7 of the Sweetwater PUD** shall become parties to this agreement as described below.

WHEREAS, the undersigned party deems it necessary to provide a well system to service the Lots (**Lot 3 & 7**) described herein, and an Agreement has been established relative to supplying water from the well and the cost of supplying said water; and

WHEREAS, there is located on **Lot 7 of the Sweetwater PUD** for the purpose of supplying water to **Lots 3 & 7** connected to said well. This Agreement will establish an easement of a 100' radius around said well to install and maintain a pump and water distribution system for the benefit of all current and subsequent owners.

WHEREAS, it is the intention and purpose of the undersigned that the well and future water distribution system shall be used and operated to provide an adequate supply of water for each of the properties connected thereto, for the normal commercial use and consumption of the occupants of said properties, and to assure the continuous and satisfactory operation and maintenance of the well and future water distribution system for the benefit of the present and future owners, their heirs, successors and assigns of the properties connected thereto; and

WHEREAS, the said well complies with state regulations and is deemed to be of adequate capacity to supply a commercial building on each of the parcels described herein with water from the well for all commercial uses of a commercial building/use therein, and

WHEREAS, this Agreement is established for the purposes of reducing to writing their respective rights and obligations pertaining to said well and any future water distribution system.

NOW THEREFORE, in consideration of the promises and covenants herein contained, it is agreed that the well situated on the northeast corner of Lot 7 shall be used by the parties to this Agreement, as well as by all future owners and occupants of said Lots, upon the following terms and conditions:

1. That until this Agreement is terminated, as hereinafter provided, the parties and subsequent heirs, successors and assigns, for the exclusive benefit of the respective Lots of real estate, and for the exclusive use residing thereon, are hereby granted the right in common with the subsequent owners, to draw water for commercial use.
2. The party first requiring use of the well shall pay for installation of the pump and their water distribution system including power installation. Subsequent users of the well shall reimburse the first party for one half of the commonly used assets after receiving proper

DEC 8 2017

documentation of said costs, and pay for all improvements required for the subsequent users to make use of the well.

3. That the subsequent owner of the buildings located on the subject Lots as of the date of the Agreement shall:
 - a. Pay or cause to be paid promptly, a proportionate share of all expenses for the operation and maintenance of the well and water distribution system. The respective shares shall be determined by dividing the amount of each expense by the number of users, it being understood that the supplying party and the supplied parties shall pay an equal portion of such necessary repair or replacement. Shared expenses include the cost of electricity for pumping, repairs and maintenance on said well and water distribution system.
4. That the cost of any removal or replacement of pre-existing site improvements on an individual Lot necessary for system operation, maintenance, replacement, improvements, inspection or testing, damaged as a result of repair of the well or water distribution system maintenance will be borne by the owner of the affected Lots, except cost to remove and replace common boundary fencing or walls damaged as a result of repair shall be shared equally between or among parties so damaged.
5. That each of the using parties hereby agrees that they will promptly repair, maintain and replace all water pipes or mains serving their respective dwellings at their own expense.
6. That the consent of all parties to pay a proportionate share of costs shall be obtained prior to embarking upon expenditures for system maintenance, replacement, improvements, except in emergency situations. An arbitrator shall be chosen by the parties; shall be consulted in the event the parties cannot agree regarding the said expenditures; and the arbitrator's decision shall be definitive.
7. That the supplied party shall pay to the supplying party his proportionate share for the cost of energy for the operation of the pumping equipment. This cost shall be determined by a separate meter upon each dwelling and for each Lot. Each party shall install a valve on each building's service line as it leaves the well.
8. That it is the agreement of the parties hereto that the payment for energy cost shall be made not later than the 10th day in advance of each succeeding month, or quarterly in advance as the supplying party determines during the term of this Agreement. In the event that any such payment remains unpaid for a period of 20 days, the supplying party may terminate the supply of water to the supplied party until all arrearages in payment are received by the supplying party.
9. If agreed by both parties the requirement of a separate meter, dates and methods of payment can be modified as agreed between the users for convenience. However any one party can at any point in time require resumption of meter and payment methods as described above.
10. Each party agrees to repair any major leaks or ruptures on their Lot, or connecting easements, in a timely fashion. Should another have to do this for them during an extended absence, the affected party agrees to compensate the repairer in the next month's bill.

RECEIVED

DEC 8 2017

11. That it is the agreement of the parties that they shall permit a third party to cure a default of payment or other obligation and shall permit water distribution service to be reinstated upon such curative action.
12. That each of the parties to this Agreement does hereby grant to the other, their heirs, successors and assigns, such easements over, across and through the respective Lots as shall be reasonably necessary for the construction of the well, maintenance of water pipes, pumping equipment, mains, electrical wiring and conduit consistent with the purposes of the Agreement. These easements are described below:
A radius of 100' around the existing well located in the northeast corner of Lot 7.
13. That no party may install landscaping or improvements that will impair the use of said easements.
14. That each party shall have the right to act to correct an emergency situation and shall have access to the pertinent Lot in the absence of the other. An emergency situation shall be defined as the failure of any shared portion of the system to deliver water upon demand.
15. Each of the parties agrees not to do anything that might contaminate or over strain the water distribution system. Each of the parties agrees to use only as much water as is needed by one commercial building and landscaping on their Lot, and not to waste, abuse, sell or give significant amounts of water away to other neighbors.
16. That in the event the referenced well shall become contaminated and shall no longer supply water suitable for consumption, or shall no longer supply water adequate for the needs of all relevant parties, or in the event that another source of water shall become available to the respective Lots, then the rights and obligations of the parties created by this Agreement shall cease and terminate in accordance with the terms and conditions hereinafter described.
17. That upon the availability of such other source of water, it is stipulated that a reasonable time shall be allowed to effectuate the necessary connections to the new source.
18. That the respective rights and obligations of the parties shall continue until the parties who wish to terminate their participation in the Well Agreement have executed and filed a written statement of termination at the office of the **Beaverhead County Clerk & Recorder**, State of Montana. Upon termination of participation in this Agreement, the owner and occupant of each residence which is terminated from the Agreement shall have no further right to the use of the well or the easements. The terminated parties shall disconnect their respective lateral connection from said well system and shall have no further obligation to pay or collect for maintenance and related expenses incurred thereafter. The costs of disconnection from the well and water system shall be borne by the owner of the pertinent parcel.
19. That the undersigned parties shall permit periodic well water sampling and testing by a responsible authority at the request of an undersigned party, or mortgagee.
20. That the said well and this Agreement, if amended, shall serve no more than two commercial units or 2 Lots, notwithstanding the ability of the parties to make other amendments to this Agreement.

DEC 8 2017



21. If any terms of this agreement, now or at this time in the future are not in compliance because of regulation changes or otherwise, then it will be amended to comply and all parties agree to cooperate to carry out the terms as may be required, and is reasonably practicable.
22. That the parties may modify this Agreement in writing with a signed and recorded document. However, this Agreement may not be amended during the term of a Federally-insured (direct) or guaranteed mortgage on any property served, except as provided herein, for the purpose of adding to the prescribed number of parties.
23. That the term of this Agreement shall be perpetual; except as herein limited.
24. That the benefits and burdens of this Agreement shall constitute a covenant running with the parcels of land herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seal the day and year first above written.

By: Ron Towery
 Date Aug 22, 2019
 By _____
 Date _____

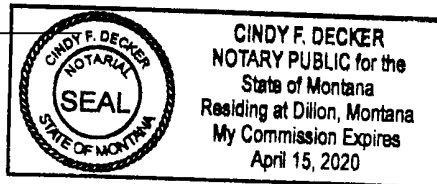
STATE OF MONTANA)

County of Beaverhead

On this 22 day of August, 2019 before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared Ron Towery, and known to me to be the person whose name is Ron Towery, and acknowledged to me that he executed the same.

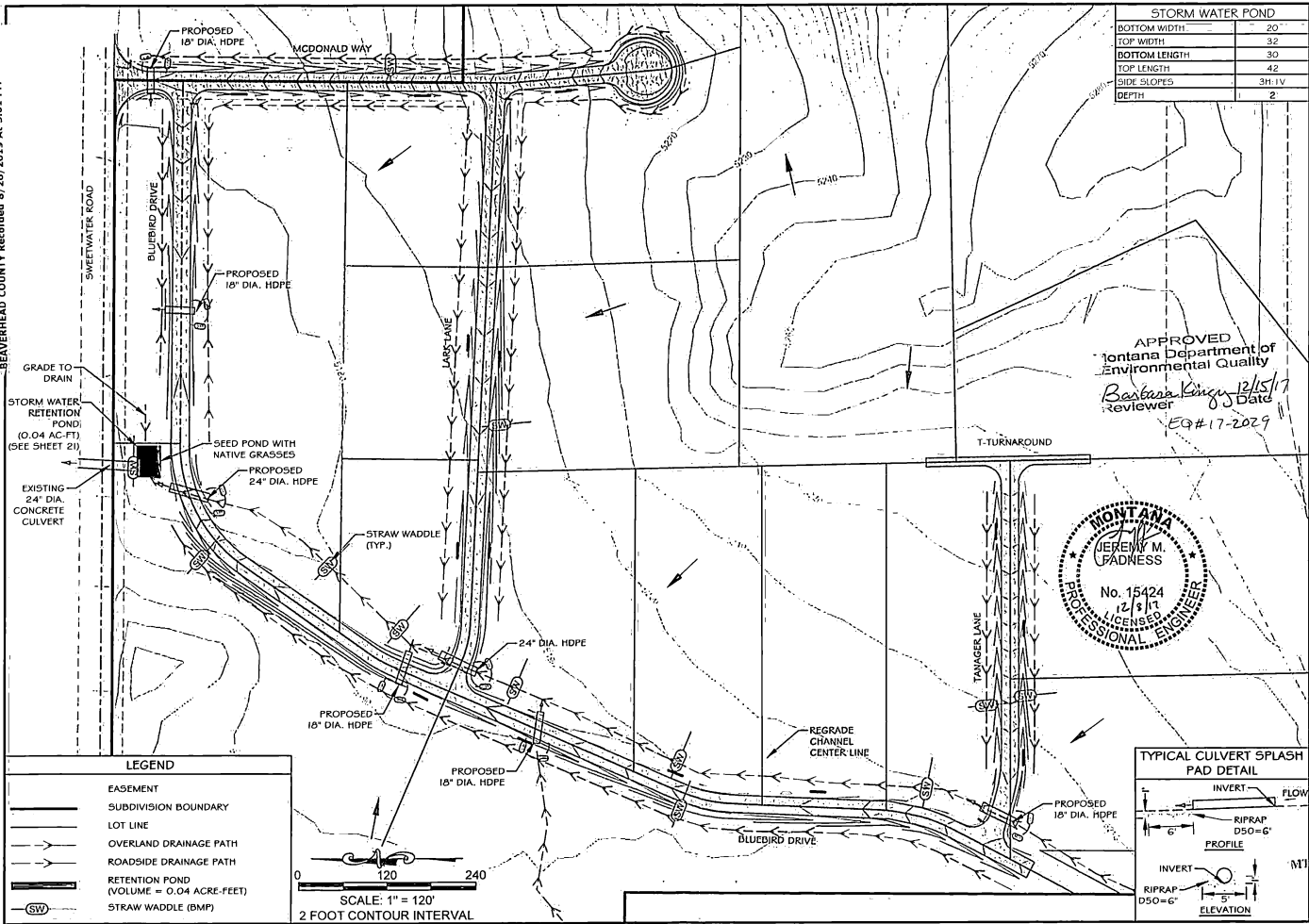
In witness whereof, I have hereunto set my hand and affixed my notarial seal on the day and year first-above written.

Cindy F. Decker
 Notary Public for the State of MONTANA
 Printed Name _____
 Residing at _____
 My Commission expires _____



RECEIVED

DEC 8 2017



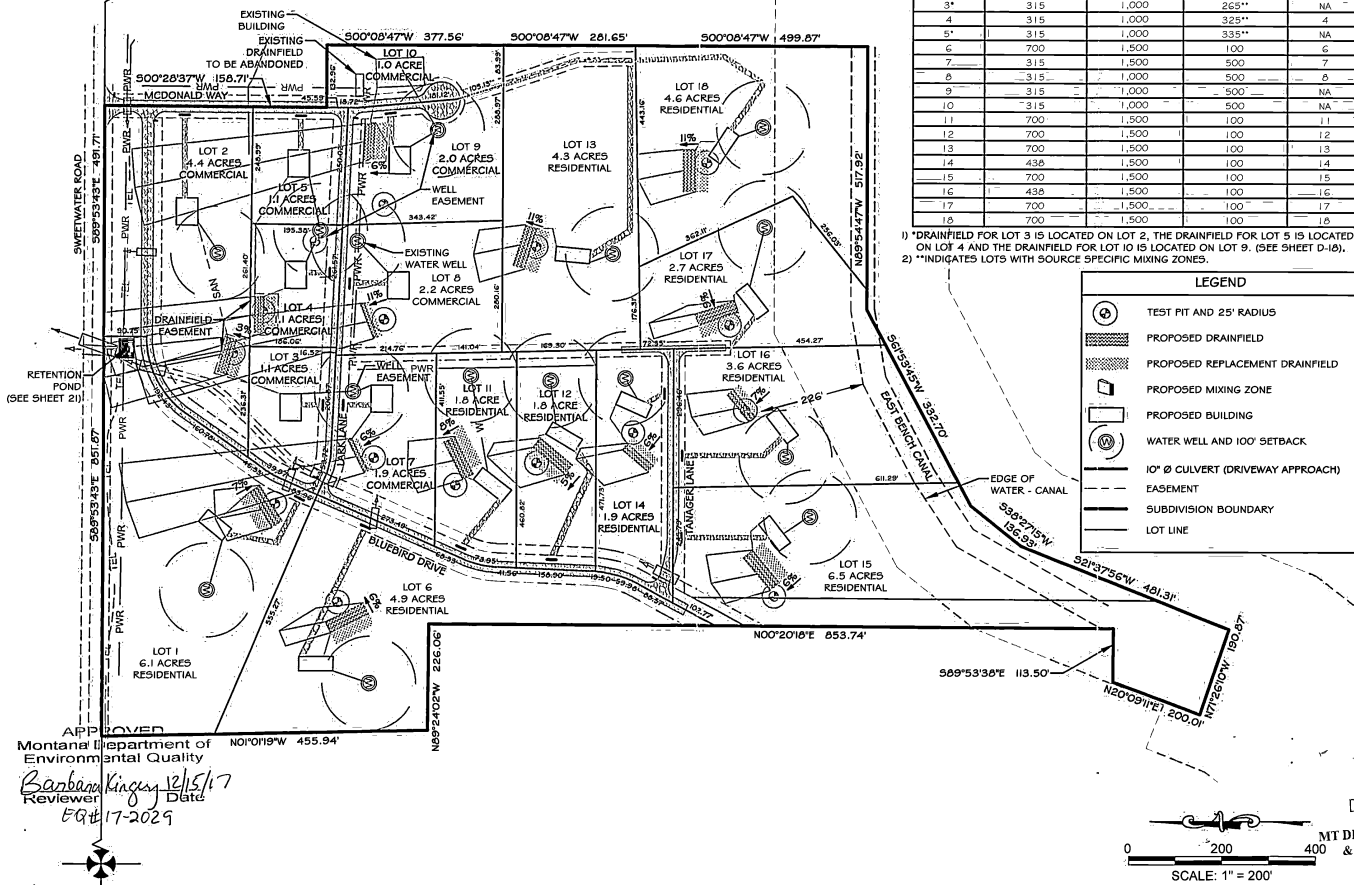
WVC ENGINEERING
1275 MAPLE STREET, SUITE F
DILLON, MT 59725
(406) 443-3962

RON TOWERY
188 FOX RIDGE DRIVE
DILLON, MT 59725
(406) 683-4878

SWEEB WATER PUD SUBDIVISION
Stormwater Plan

RECEIVED
8 2017
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC WORKS DIVISION
SHEET NO. 8 OF 22

293000 BK 393 Pg 1313
BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM



LOT #	DRAINFIELD SIZE (SF)	SEPTIC SIZE (GAL)	MIXING ZONE LENGTH (FT)	TEST PIT #
1	700	1,500	100	1
2	315	1,900	255**	2
3*	315	1,000	265**	NA
4	315	1,000	325**	4
5*	315	1,000	335**	NA
6	700	1,500	100	6
7	315	1,500	500	7
8	315	1,000	500	8
9	315	1,000	500	NA
10	315	1,000	500	NA
11	700	1,500	100	11
12	700	1,500	100	12
13	700	1,500	100	13
14	438	1,500	100	14
15	700	1,500	100	15
16	438	1,500	100	16
17	700	1,500	100	17
18	700	1,500	100	18

1) *DRAINFIELD FOR LOT 3 IS LOCATED ON LOT 2, THE DRAINFIELD FOR LOT 5 IS LOCATED ON LOT 4 AND THE DRAINFIELD FOR LOT 10 IS LOCATED ON LOT 9. (SEE SHEET D-18).
2) **INDICATES LOTS WITH SOURCE SPECIFIC MIXING ZONES.

SHEET NO. **6**
 OF 6
P

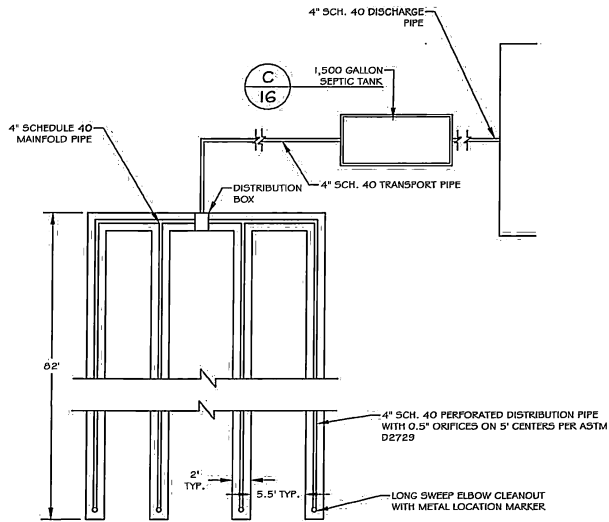
PUBLIC WORKS DIVISIONS
 SWEETWATER PUD SUBDIVISION
 LOT LAYOUT

DESIGN DATE	ESTD	CMD	REV	DATE	BY
DSD 10/20/21	ETH				
DSD 12/22/21	ETH				

RON TOWERY
 188 FOX RIDGE DRIVE
 DILLON CO MT 59725
 (406) 863-4878

WWC ENGINEERING
 1275 MAPLE STREET, SUITE F
 BUTTE MONTANA 59701
 (406) 443-3962

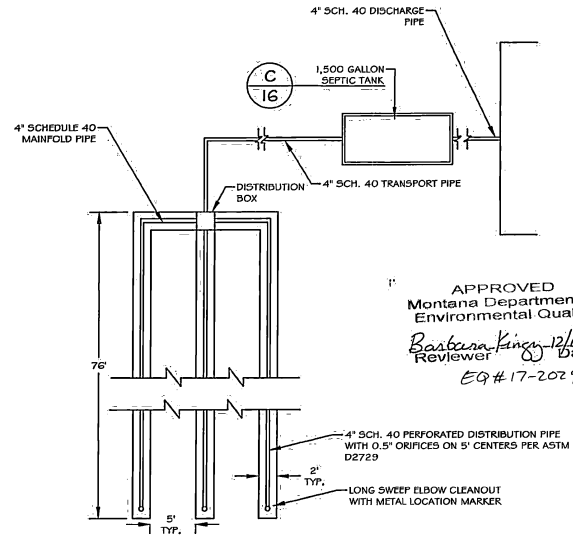
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 THIS DRAWING IS THE PROPERTY OF WWC ENGINEERING AND SHALL REMAIN THEIR PROPERTY WHETHER OR NOT IT IS USED FOR ANY OTHER PROJECT.
 NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WWC ENGINEERING.



PLAN VIEW LATERAL SYSTEM - LOTS 1, 6, 11, 12, 13, 15, 17, 18

NOTE:

PLUMBING AND TANK CONFIGURATIONS VARY BY MANUFACTURER. REFER TO MANUFACTURERS STANDARD DETAILS.



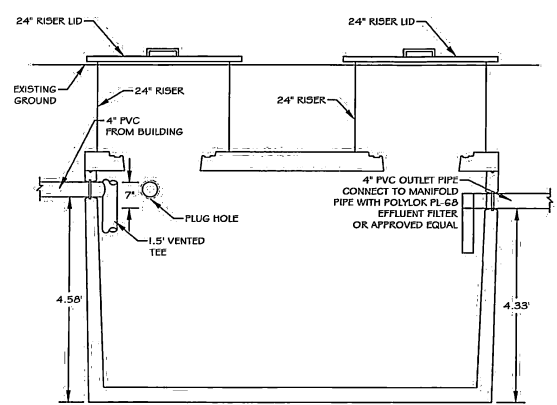
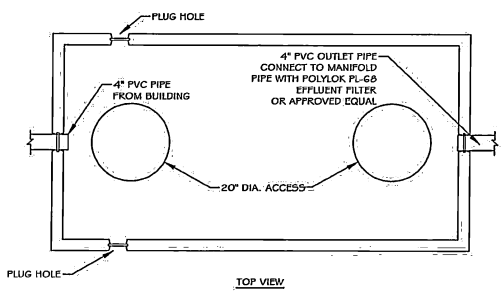
PLAN VIEW LATERAL SYSTEM - LOTS 14 & 16

NOTE:

PLUMBING AND TANK CONFIGURATIONS VARY BY MANUFACTURER. REFER TO MANUFACTURERS STANDARD DETAILS.

APPROVED
Montana Department of
Environmental Quality
Bastien King 12/15/17
Reviewer Date
EQ # 17-2029

CERTECH LLC 1000 10TH AVENUE S.W. DENVER, CO 80202 (303) 733-1111		WVC ENGINEERING 1275 MAPLE STREET, SUITE F DILLON, MT 59725 (406) 443-3862	
RON TOWERY 188 FOX RIDGE DRIVE DILLON, MT 59725 (406) 883-4878		SWEETWATER PUD SUBDIVISION Lateral Details - Residential Lots	
DESIGN	DATE	CHK	DATE
DES	12/15/17	STN	
REV	DATE	CHK	DATE
DES	12/15/17	STN	
SHEET NO. 14		OF 23	



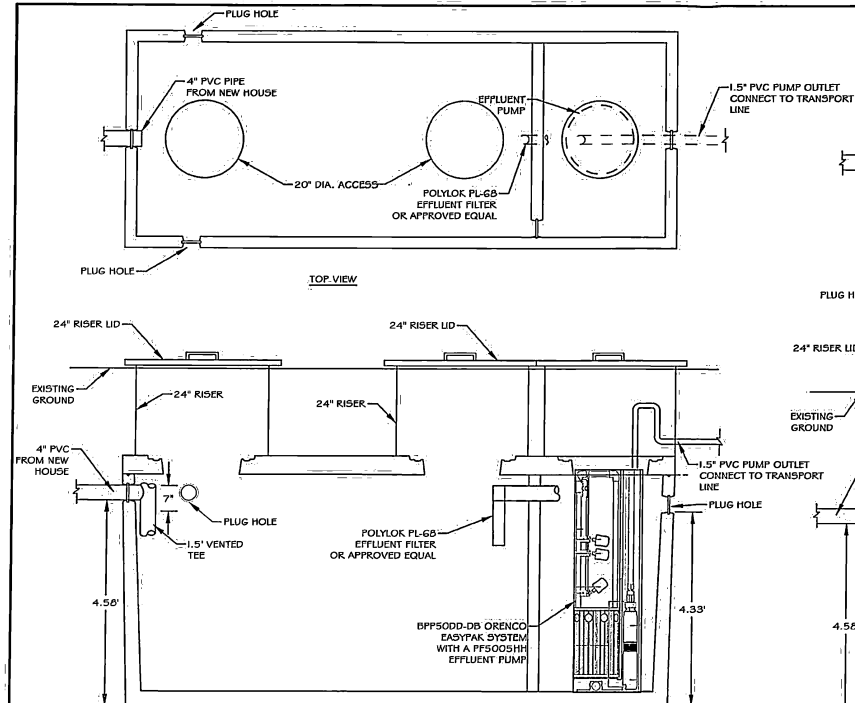
ANDERSON PRECAST 1,500 GALLON
SINGLE COMPARTMENT SEPTIC TANK
LOTS 1, 6, 11, 12, 13, 14, 15, 16, 17 & 18
NOT TO SCALE

C
14

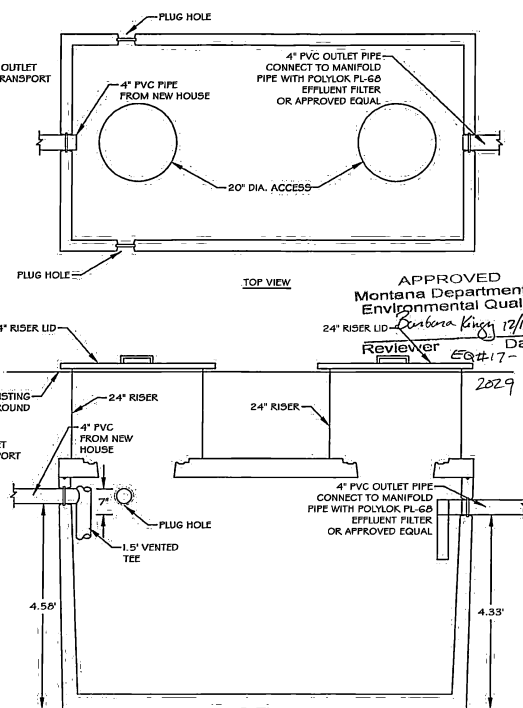
- NOTES:
- 1) SEPTIC TANK SHALL BE ANDERSON PRECAST OR APPROVED EQUAL.
 - 2) CONCRETE IS 5000 PSI @ 28 DAY. 5% +/- AIR ENTRAINMENT. CEMENT IS TYPE V WITH MAX CSA OF 6%, PER MT DEQ-4.
 - 3) TANK SET IN ONE PIECE.
 - 4) WEIGHT OF TANK IS APPROXIMATELY 11,000 LBS.
 - 5) THIS TANK MUST BE PLACED ON 6" OF COMPACTED 3/4" ROAD BASE OR SIMILAR MATERIAL.
 - 6) MINIMUM RELATIVE COMPACTION OF BASE MATERIAL SHALL BE 95% OF STANDARD PROCTOR PER ASTM D699.
 - 7) DO NOT USE FLOWABLE BACKFILL MATERIALS.
 - 8) TANK MUST BE BACKFILLED BEFORE WATER TESTING.
 - 9) MINIMUM BURY DEPTH 1'-0".
 - 10) MAXIMUM BURY DEPTH 6'-0".
 - 11) POLYLOK 4" TANK SEALS POLY-VI ON ALL INLETS AND OUTLETS.

APPROVED
Montana Department of
Environmental Quality
Boabara King 12/15/19
Reviewer
EQ# 17-2029

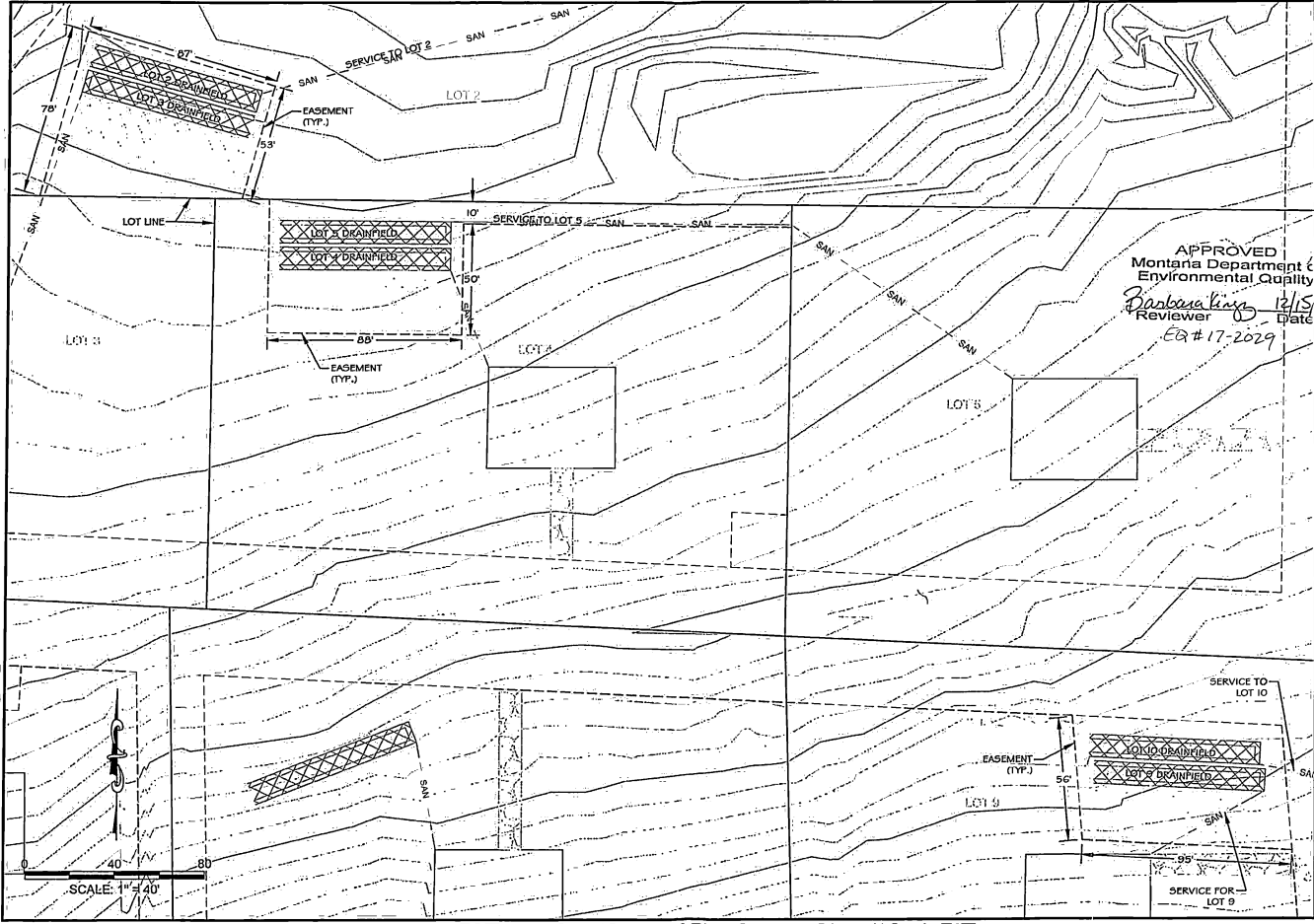
COPYRIGHT 2022 WCC ENGINEERING, LLC 1779 MOUNTAIN VIEW DRIVE DILLON, MT 59725 (406) 483-3882	
WCC ENGINEERING 1779 MOUNTAIN VIEW DRIVE DILLON, MT 59725 (406) 483-3882	
RON TOWERY 188 FOX RIDGE DRIVE DILLON, MT 59725 (406) 689-4878	
DESIGN DATE: 08/20/2019	CHKD DATE: 08/20/2019
REV DATE: 08/20/2019	CHKD DATE: 08/20/2019
DESIGNED BY: WCC	CHKD BY: WCC
JOB # 2019-018	
SWEETWATER PUD SUBDIVISION Septic Details - Residential Lots	
D	SHEET NO. 16 OF 23



- NOTES:
- 1) SEPTIC TANK SHALL BE ANDERSON PRECAST OR APPROVED EQUAL.
 - 2) CONCRETE IS 5000 PSI @ 28 DAY. 5% +/- AIR ENTRAINMENT. CEMENT IS TYPE V WITH MAX CSA OF 8%, PER MT DEG-4.
 - 3) TANK SET IN ONE PIECE.
 - 4) WEIGHT OF TANK A IS APPROXIMATELY 15,500 LBS. WEIGHT OF TANK B IS APPROXIMATELY 11,000 LBS.
 - 5) THIS TANK MUST BE PLACED ON 6" OF COMPACTED $\frac{3}{4}$ " ROAD BASE OR SIMILAR MATERIAL.
 - 6) MINIMUM RELATIVE COMPACTION OF BASE MATERIAL SHALL BE 95% OF STANDARD PROCTOR PER ASTM D699.
 - 7) DO NOT USE FLOWABLE BACKFILL MATERIALS.
 - 8) TANK MUST BE BACKFILLED BEFORE WATER TESTING.
 - 9) MINIMUM BURY DEPTH 1'-0".
 - 10) MAXIMUM BURY DEPTH 6'-0".
 - 11) POLYLOK 4" TANK SEALS POLY-VI ON ALL INLETS AND OUTLETS.



DESIGN DATE: 08/20/2019 DESIGN BY: JWC CHECKED BY: JWC DATE: 08/20/2019		APPROVED Montana Department of Environmental Quality Reviewer: <i>Donna King</i> 12/15 Date: 2029	Ron TOWERY 188 FOX RIDGE DRIVE DILLON, MT 59725 (406) 883-4878
DESIGN DATE: 08/20/2019 DESIGN BY: JWC CHECKED BY: JWC DATE: 08/20/2019			
SWEETWATER PUD SUBDIVISION		Septic Details - Commercial Lots	
D		SHEET NO. 17 OF 23	

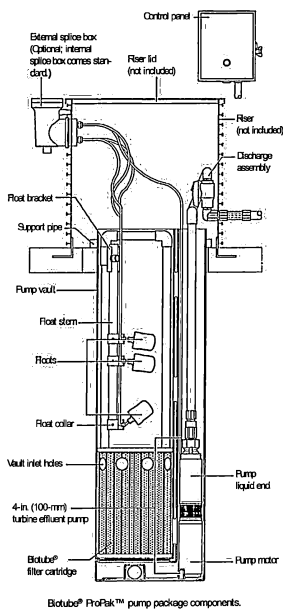


APPROVED
Montana Department of
Environmental Quality
Barbara King 12/15/17
Reviewer Date
EA # 17-2029

SHEET NO. 18 OF 23	
D	
SWEETWATER PUD SUBDIVISION Shared Drainfield Detail	
DESIGN DATE: 12/15/17 REV. DATE: 12/15/17 BY: [Signature] CHECKED: [Signature] DATE: 12/15/17	
Ron Towner 188 FOX RIDGE DRIVE DILLON, MT 59725 (406) 683-4878	
WWC ENGINEERING 1271 MAPLE STREET, SUITE F DILLON, MT 59701 (406) 443-3882	

Biotube® ProPak™ Pump Package

60-Hz Series Pump Packages



Biotube® ProPak™ pump package components.

Applications

The Biotube ProPak is designed to filter and pump effluent to either gravity or pressurized discharge points. It is intended for use in a septic tank (one- or two-compartment) and can also be used in a pump tank.

The Biotube ProPak is designed to allow the effluent filter to be removed for cleaning without the need to remove the pump vault or pump, simplifying servicing.

Complete packages are available for on-demand or timed dosing systems with flow rates of 10, 20, 30, and 50-gpm* (0.5, 1.0, 1.5, and 3.2 L/sec), as well as with 50 Hz and 60 Hz power supplies.

General

Orenco's Biotube® ProPak™ is a complete, integrated pump package for filtering and pumping effluent from septic tanks. And its patented pump vault technology eliminates the need for separate dosing tanks.

This document provides detailed information on the ProPak pump vault and filter, 4-in. (100-mm) 60-Hz turbine effluent pump, and control panel. For more information on other ProPak components, see the following Orenco technical documents:

- Riser Switch Assemblies (NID-MF-MF-1)
- Discharge Assemblies (NID-HM-HM-1)
- Splice Boxes (NID-SB-SB-1)
- External Splice Box (NID-SB-SB-1)

Standard Models

BFP1000, BFP2000, BFP3000-SX, BFP3000-TDA, BFP3000-TDD-SX, BFP3000-TDD-SX, BFP3000-TDD-SX

Product Code Diagram

BPP 50 DD DB

Standard options:
 BPP = 50 in. (1270 mm) vault height, internal splice box, standard discharge assembly
 DD = 60 in. (1524 mm) vault height
 DB = external splice box
 OW = on-demand dosing assembly
 DS = drainback discharge assembly

Panel Application:
 CD = on-demand dosing
 TDA = timed dosing, analog timer
 TDD = timed dosing, digital timer, digital time relay circuitry

Pump flow rate (gpm/l):
 10 = 10 gpm (0.6 L/sec)
 20 = 20 gpm (1.3 L/sec)
 30 = 30 gpm (1.9 L/sec)
 50 = 50 gpm (3.2 L/sec)

Biotube® ProPak™ pump vault

Orenco Systems® Inc., 814 Airway Ave., Sutherlin, OR 97149 USA • 800-348-5943 • 541-429-4489 • www.orenco.com

NID-SP-1
 Rev. 2.0, 10/04/16
 Page 1 of 4



APPROVED
 Montana Department
 Environmental Quality
 Barbara Kinsley 12/16/17
 PL-68 Effluent Filter

EQ#17-2029

PL-68 Filter and Tee

PL-68 is much more than just an effluent filter. The housing can also be used as an inlet baffle (tee) or an outlet baffle. The housing is designed to accept Polylok's snap in gas deflector to deflect gas bubbles away from the tee and to keep the solids in the tank.

Features:

- Offers 68 linear feet of 1/16" filter slots, which significantly extends time between cleaning.
- Accepts 3/4" PVC handle.
- Locks in any 360° position when used with PL-68 Tee.
- PL-68 Housing can be used as an inlet or outlet tee.
- Gasket prevents bypass.

PL-68 Installation:

Ideal for residential waste flows up to 800 gallons per day (GPD). Easily installs in any new or existing 4" outlet tee.

1. Locate the outlet of the septic tank.
2. Remove the tank cover and pump tank if necessary.
3. Glue the filter housing to the outlet pipe, or use a Polylok Extend & Lok if not enough pipe exists.
4. Insert the PL-68 filter into tee.
5. Replace and secure the septic tank cover.

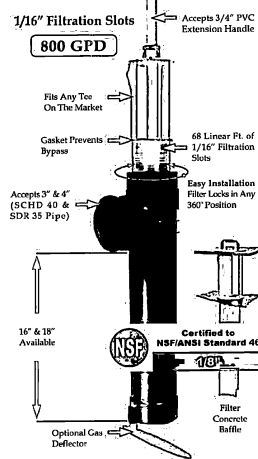
PL-68 Maintenance:

The PL-68 Effluent Filter will operate efficiently for several years under normal conditions before requiring cleaning. It is recommended that the filter be cleaned every time the tank is pumped, or at least every three years.

1. Do not use plumbing when filter is removed.
2. Pull PL-68 out of the tee.
3. Hose off filter over the septic tank. Make sure all solids fall back into septic tank.
4. Insert filter back into tee/housing.

Related Products:

PL-68 Filter Concrete Baffle
 Extend & Lok™



Polylok, Inc. 3 Fairfield Blvd. Wallingford, CT 06492 Toll Free: 877.765.9565 Fax: 203.284.8514 www.polylok.com

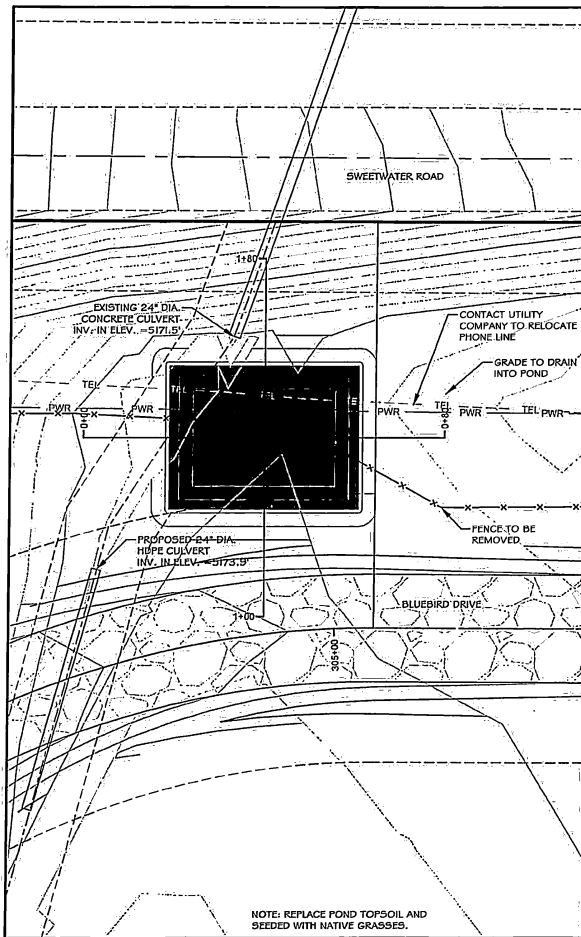
DESIGNED BY: WWC-ENGINEERING
 1275 MADISON STREET SUITE F
 DILLON, MT 59725
 (406) 443-3982

DESIGN DATE: 04/01/17
 DESIGNED BY: WWC
 CHECKED BY: WWC
 REV. DATE: 04/01/17
 REV. BY: WWC
 JOB # 2017-017

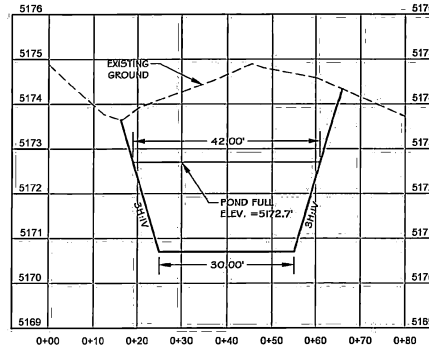
RON TOWERY
 188 FOX RIDGE DRIVE
 DILLON, MT 59725
 (406) 683-4878

SWEETWATER PUD SUBDIVISION
 Pump & Filter Specs

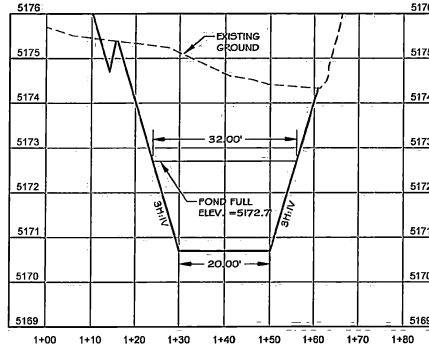
D SHEET NO. 20 OF 23



POND XS 1 PROFILE




POND XS 2 PROFILE



APPROVED
Montana Department
Environmental Quality

Barbara King
Reviewer
EQ #17-
2029

D	SHEET NO. 21 OF 23	SWEETWATER PUD SUBDIVISION		Pond Details		DESIGN DATE: 05/20/2018 DESIGNED BY: JTB REV. DATE: 06/01/2018 DESIGNED BY: JTB	WWC ENGINEERING 1275 MAPLE STREET, SUITE F DILLON, MT 59725 (409) 683-4878 (409) 683-4873	 WWC ENGINEERING 1275 MAPLE STREET, SUITE F DILLON, MT 59725 (409) 683-4878 (409) 683-4873	CONTRACT NO.: NAME: SWEETWATER PUD ADDRESS: 1275 MAPLE STREET, SUITE F DILLON, MT 59725 PHONE: (409) 683-4878 FAX: (409) 683-4873 EMAIL: info@wwceng.com WEBSITE: www.wwceng.com



293600 Bk 393 Pg 1524

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

GUARANTEE

Issued by

***First American Title Company of Montana, Inc.
15 South Idaho Street, Ste 2, PO Box 390, Dillon, MT 59725
Title Officer: Dana Keyes
Phone: (406)683-4445
FAX: (406)683-4393***



293600 Bk 393 Pg 1525

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

Form 5010500 (7-1-14)

Guarantee Face Page -Exclusions, Conditions and Stipulations



First American Title

Guarantee Face Page

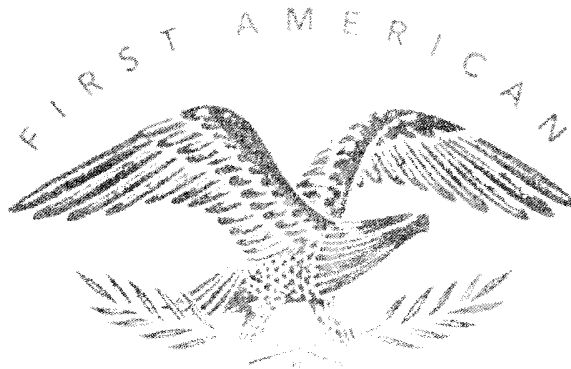
ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5010500-708183DL

Guarantee



First American Title Insurance Company

Dennis J. Gilmore

Dennis J. Gilmore
President

Jeffrey S. Robinson

Jeffrey S. Robinson
Secretary



First American Title

Schedule A

Lot Book Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5010500-708183DL

Liability: **\$1,500.00**

Order No.: **708183DL**

Fee: **\$500.00**

Reference No.:

Name of Assured: **Northwest Farm Credit Services, FLCA**

Date of Guarantee: **March 8, 2019 at 7:30 A.M.**

The assurances referred to on the face page are:

1. That, according to the Company's property records relative to the following described real property, including a map if attached, (but without examination of those company records maintained and indexed by name):

Tract 1: (Hansen)

A tract of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20, Township 6 South, Range 8 West, P.M.M., County of Beaverhead, State of Montana, and being all of Parcel 3-A, as shown on Certificate of Survey No. 1767BA, recorded on September 22, 2014, at 4:15 o'clock P.M. under Recorder's Reception No. 282308.

Deed Reference: 382/314

Tract 2 (Circle S)

TOWNSHIP 6 SOUTH RANGE 13 WEST, M.P.M.

Section 3: SW $\frac{1}{4}$

Section 10: W $\frac{1}{2}$

Tract 3 (Ripley)

Parcel B2 of Certificate of Survey #1665FT Filed for record in the Clerk and Recorder's Office on January 9, 2012, Reception No. 275861 and being a tract of land located in the NE $\frac{1}{4}$ Section 7, Township 8 South, Range 8 West, P.M.M., Beaverhead County Montana.

Deed Reference: 379/1746

Tract 4 (Antelope Peak)

TOWNSHIP 13 SOUTH, RANGE 4 WEST M.P.M., Beaverhead County, Montana.

Section 14: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 23: N $\frac{1}{2}$ N $\frac{1}{2}$

Section 24: All

Section 25: All



Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$

Section 27: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$

Section 33: E $\frac{1}{2}$, less N $\frac{1}{2}$ NE $\frac{1}{4}$, less Certificate of Survey 854, less Certificate of Survey No. 1155, (NOTE: a parcel of land which is to become a part of adjoining property described in 299/1022. Said tract cannot be conveyed as a separate tract of land and is 68 acres more or less)

Section 34: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$

Excepting therefrom, Area 1 and Area 2, Certificate of Survey No. 1134BA filed for the record August 1, 2000 at 1:30 P.M., under Recorder's Reception No. 240036 and being situated in S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35 and SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T13S, R4W, P.M.M., Beaverhead County, Montana.

Deed Reference: 172/486, 180/328, 195/48, 379/1746

AND ALSO, Area 1, Certificate of Survey No. 1155BA filed for the record on January 9, 2001 at 3:00 P.M., under Clerk & Recorder's Reception No. 241258 and being a tract of land located in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 28, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, T13S, R4W M.P.M., Beaverhead County, Montana. (NOTE: Said Tract cannot be conveyed as a separate tract of land.

Deed Reference: 372/731

Tract 5 (Carrigan Lane)

TOWNSHIP 8 SOUTH, RANGE 9 WEST MONTANA PRINCIPAL MERIDIAN:

Section 12: S $\frac{1}{2}$

Section 13: All

Section 24: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 8 SOUTH, RANGE 9 WEST MONTANA PRINCIPAL MERIDIAN:

Sections 11 and 14: Farm Unit 3, East Bench Irrigation District

Sections 11 and 12: Farm Unit 4, East Bench Irrigation District

Section 11: All those portions not included in Farm Units 3 and 4

Section 14: E $\frac{1}{2}$ NW $\frac{1}{4}$

EXCEPTING, HOWEVER, the following tracts of land to-wit:

1. A strip of land 30 feet in width previously conveyed by Quit Claim Deed from Patrick Laden to Beaverhead County dated May 6th, 1903 and duly recorded in Book 52 of Deeds, at page 381, records of Beaverhead County, Montana.

2. A strip of land 40 feet in width previously conveyed by Warranty Deed from Barney Marron, The Canyon Ditch Company, dated April 19th, 1890 and duly recorded in Book 21 of Deeds, at page 4, records of Beaverhead County, Montana.

3. A parcel of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 11, Township 8 South, Range 9 West, M.P.M., described as follows:

Commencing at the West quarter corner of said Section 11, thence South 0°08' East 516.3 feet; thence South 3°08' East 750.58 feet to an iron pin, which is the point of beginning of this survey; thence first course South 0°32' West 392.2 feet to an iron pin; thence second course North 47° 32' East 558.15 feet to an iron pin; thence third course South 85°16' West 254.35 feet to an iron pin; thence fourth course North 76°48' West 158.78 feet to the point of beginning.

4. A tract of land designated as Parcel No. 1, Certificate of Survey No. 87 filed for the record on August 10, 1976 at 1:00 p.m. under clerk & Recorder's Reception No. 143698 and located in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 8 South, Range 9 West, M.P.M.

5. A parcel of land located with East Bench Unit 3 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ in Section 14, Township 8 South, Range 9 West more completely described as parcel 1 of Certificate of Survey No. 713 filed



for record on May 31st, 1991 at 2:45 P.M. under Clerk & Recorder's Reception No. 208449.

6. Parcel 1, as described and shown on DAVID E. SCHUETT MORTGAGE EXEMPTION CERTIFICATE OF SURVEY NO. 882, filed for the record on March 6th, 1995 at 8:32 A.M. under Clerk & Recorder's Reception No. 221361 and being a tract of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 8 South, Range 9 West, M.P.M.

7. A tract of land shown on Certificate of Survey No. 294, filed for the record on October 21, 1980 at 8:25 A.M., under Clerk and Recorder's Reception No. 162663 and being located in the NW $\frac{1}{4}$ of Section 12, Township 8 South, Range 9 West, M.P.M.

TOWNSHIP 8 SOUTH, RANGE 9 WEST MONTANA PRINCIPAL MERIDIAN:

Section 12: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and all that portion of Farm Unit #4 more particularly described as follows: Beginning at the $\frac{1}{4}$ corner between Section 11 and Section 12, T8S, R9W, the True Point of Beginning; thence 1st course N. 00°01'00" W. 853.80 feet; thence 2nd course N. 40°06'01" E. 199.54 feet; thence 3rd course N. 61°41'47" E. 2862.75 feet; thence 4th course S. 00°07'21" E. 1063.80 feet; thence 5th course N. 89°19'32" W. 1325.98 feet; thence 6th course S. 00°04'19" E. 1329.84 feet; thence 7th and final course N. 89°23'06" W. 1326.91 feet to the point of beginning as more fully shown on Certificate of Survey No. #294.

ALSO

Parcel A, Certificate of Survey No. 279, filed for the record on May 8, 1980 at 2:45 P.M., under Clerk and Recorder's Reception No. 159585 and being a tract situated in the S $\frac{1}{2}$ of Section 6 and a portion of Section 7, Township 8 South, Range 8 West, Montana Principal Meridian.

AND ALSO

A tract of land located in the South Half of Section 7, T8S, R8W, M.P.M., Beaverhead County, Montana shown on Certificate Survey No. 279, more completely described as follows:

Beginning at the Southwest corner of Section 7, T8S, R8W, and thence first course North 0°12' West 2617.76 feet along the westerly boundary of said Section 7; thence second course North 89°48' East 2600 feet; thence third course South 0°12' East 2617.76 feet, more or less, to south boundary of said Section 7; thence fourth course South 89°48' West 2600 feet, more or less, to place of beginning.

AND ALSO

PARCEL 1, CERTIFICATE OF SURVEY NO. 645 filed for the record October 3rd, 1989 at 8:01 A.M. under Clerk & Recorder's Reception No. 202748 and being a tract situated in the E $\frac{1}{2}$ of Section 7, Township 8 South, Range 8 West, M.P.M.

ALSO

TRACT 2, CERTIFICATE OF SURVEY NO. 1059BA filed for the record on February 2nd, 1999 at 2:30 P.M. under Clerk and Recorder's Reception No. 234997 and being a parcel located in the SE $\frac{1}{4}$ of Section 24, Township 8 South, Range 9 West, M.P.M.

Deed Reference: 307/7, 305/628

Tract 6 (Probst Pivots)

PARCEL A, CERTIFICATE OF SURVEY NO. 640, filed for the record on July 21, 1989 at 3:30 P.M., under Clerk and Recorder's Reception No. 201923 and being a tract situated in the SW $\frac{1}{4}$ of Section 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6, and E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 7 and the N $\frac{1}{2}$ of Section 8, Township 8 South, Range 8 West, M.P.M., Beaverhead County, Montana.

EXCEPTING THEREFROM, Tract A, Certificate of Survey No. 1108FT, filed for the record on March 7, 2000 at 2:20 P.M., under Clerk and Recorder's Reception No. 238694 and being a tract



situated in SW¼ Section 5, and SE¼ Section 6, Township 8 South, Range 8 West, M.P.M., Beaverhead County, Montana.

Deed Reference: 307/7

Tract 7 (Berg)

Parcel B, Certificate of Survey #976, describing a parcel of land in the Southeast Quarter Section 4, Township 8 South, Range 9 West, P.M.M., Beaverhead County, Montana, more particularly described as follows:

Beginning at the Southeast corner Section 4, Township 8 South, Range 9 West, P.M.M.: thence N00°02'44"E along the East line of said Section 6.00 feet: thence N49°00'43"W 912.58 feet to the southeasterly margin U.P.R.R. Right of Way: thence S40°26'00"W along said margin 833.27 feet to the south line said Section 4: thence N88°37'00"E along said south line 1229.67 feet to the Beginning.

Township 8 South, Range 9 West, M.P.M.:

Section 9: NE¼, EXCEPTING those tracts in Section 9 conveyed to State Highway Commission for highway purposes more particularly described in Bargain and Sale Deeds to The State of Montana recorded in Book 178, on pages 484 and 588, records of Beaverhead County, Montana.

Deed Reference: 255/1034, 172/618

Tract 8 (Windancer)

Tract A of Certificate of Survey No. 1131BA, filed for record in the Clerk and Recorder's Office on July 31, 2000 at 11:15 o'clock A.M., Document Number 240014 and being a tract of land located in the S½S½ of Section 28 and the N½ of Section 33, Township 7 South, Range 9 West, Beaverhead County, Montana Principle Meridian.

Deed Reference: 372/798; 302/607; 300/1282

Certificate of Survey #1785AE, described as HRL Inc. Agriculture Exemption, Filed for record in the Clerk and Recorder's Office on March 30, 2015 at 2:15 P.M., Document Number 283213, and further described as Tract 1: A tract of land located in the SE¼ of Section 29, Township 7 South, Range 9 West, P.M.M., more completely described as follows: Commencing at the section corner of sections 29, 28, 32, and 33, T7S, R9W, P.M.M., Thence South 88°50'50" West, 842.81 feet to the point of beginning; thence North 66°55'37" West, 900.37 feet, thence South 71°57'21" West, 1273.27 feet; thence North 88°50'00" East, 2039.42 feet to the point of beginning. Containing 8.65 acres, more or less.

Deed Reference: 382/3528

a. The last recorded instrument purporting to transfer title to said real property is:

Warranty Deed executed by Larry H. Iager and Linda L. Scheller, individually and as Trustees of The Iager Family Irrevocable Trust Dated December 16, 1993, to Headwaters Ag, LLC a Montana limited liability company, recorded July 3, 2018, Book 390 at Pages 4112-4116, Instrument No. 290458.

Special Warranty Deed executed by CRMX-212 LLC, a Montana Limited Liability Company, to David E. Schuett and Shelli R. Schuett, recorded May 16, 2018, Book 390 at Pages 2686-2690, Instrument No. 290140.



Warranty Deed executed by Teresa Mary Guthrie, Tracene Elizabeth Engen a/k/a Tracy Elizabeth Engen and Leslie Anne Panian, to David E. Schuett and Shelli R. Schuett, recorded April 10, 2018, Book 390 at Pages 1733-1735, Instrument No. 289927.

Warranty Deed executed by Craig J. Hansen, to David E. Schuett and Shelli Schuett, recorded April 4, 2018, Book 390 at aPages 1671-1672, Instrument No. 289910.

Warranty Deed executed by Stanley J. Ripley and Katherine M. Ripley, to David Schuett and Shelli Schuett, recorded April 17, 2015, Book 382 at Pages 2008-2009, Instrument No. 283306.

Warranty Deed executed by Circle 9 Cattle Company, LLC, to David E. Schuett and Shelli R. Schuett, recorded January 2, 2014, Book 379 at Pages 1746-1749, Instrument No. 280762.

Quit Claim Deed executed by David E. Schuett, to David E. Schuett and Shelli Schuett, recorded October 12, 2001, Book 307 at Pages 7-10, Instrument No. 243905.

Warranty Deed executed by Marvin E. Gribble and Christine L. Gribble as trustees of Marvin E. gribble and Christine L. Gribble Revocable Trust, to David E. Schuett and Jeffrey J. Schuett, recorded June 13, 2001, Book 305 at Pages 148-149, Instrument No. 242627.

- b. There are no Mortgages or Deeds of Trust which purport to affect said real property, other than those shown below under exceptions.
2. No guarantee is made regarding (a) matters affecting the beneficial interest of any Mortgage or Deed of Trust which may be shown herein as an exception, or (b) other matters which may effect any such Mortgage or Deed of Trust.
3. No guarantee is made regarding any liens, claims of lien, defects or encumbrances other than those specifically provided for below, and, if information was requested by reference to a street address, no guarantee is made that said real property is the same as said address.

SCHEDULE A**(Continued)****EXCEPTIONS:**

1. Financing Statement covering Pivot
Recorded: April 3, 2015, Instrument No. 283236
Debtor: David E. Schuett, etal
Secured Party: Farm Credit Services of America, PCA.
2. Financing Statement covering Pivot
Recorded: May 15, 2018, Instrument No. 290139
Debtor: David E. Schuett, etal
Secured Party: Farm Credit Services of America, PCA.
3. Mortgage, to secure an original indebtedness of \$256,000.00, dated March 13, 2000 and any other amounts and/or obligations secured thereby.
Recorded: March 13, 2000 at 4:06 P.M., Book 299 of Microfilm, at Pages 944-947, Instrument No. 238746
Mortgagor: David E. Schuett, same person as DE Schuett and Shelli R. Schuett
Mortgagee: Northwest Farm Credit Services, FLCA
4. Mortgage, to secure an original indebtedness of \$1,000,000.00, dated June 4, 2001 and any other amounts and/or obligations secured thereby.
Recorded: June 8, 2001, Book 305 at Pages 148-153, Instrument No. 242583
Mortgagor: Schuett Partnership, a partnership consisting of David E. Schuett, Jeffrey J. Schuett, David E. Schuett, same person as D. E. Schuett and Shelli R. Schuett, husband and wife, Jeffrey J. Schuett, a single person
Mortgagee: Northwest Farm Credit Services, FLCA
5. Line of Credit Mortgage, to secure an original indebtedness of \$300,000.00, dated August 6, 2008 and any other amounts and/or obligations secured thereby.
Recorded: August 12, 2008, Book 352 at Pages 197-202, Instrument No. 268499
Mortgagor: Schuett Partnership, a General Partnership, David E. Schuett, Jeffrey J. Schuett; David E. Schuett and Shelli R. Schuett, husband and wife; Jeffrey J. Schuett, a single person
Mortgagee: Northwest Farm Credit Services of America, PCA

Modification Agreement recorded July 13, 2013, Book 377 at Pages 2189-2193, Instrument No. 279534.

Modification Agreement recorded February 5, 2016, Book 384 at Page 2027-2039, Instrument No. 285069.

The lien of this Mortgage has been subordinated to the lien of the Mortgage noted in paragraph 8 above by instrument recorded April 5, 2016, Book 385 at Pages 25-32, Instrument No. 285455.

The lien of this Mortgage has been subordinated to the lien of the Mortgage noted in paragraph 8 above by instrument recorded January 17, 2018, Book 388 at Pages 1633-1642, Instrument No. 288637.

The lien of this Mortgage has been subordinated to the lien of the Mortgage noted in paragraph 8 above by instrument recorded January 17, 2018, as Instrument No. Book 390 at Pages 294-296, Instrument No. 289560.



6. Mortgage, to secure an original indebtedness of \$3,025,200.00, dated April 29, 2013 and any other amounts and/or obligations secured thereby.
Recorded: April 30, 2013, Book 377 of Microfilm Page 328 Instrument No. 278935
Mortgagor: David E. Schuett and Shelli R. Schuett, same person as Shelli Schuett, a married couple
Mortgagee: Northwest Farm Credit Services, FLCA

Modification Agreement recorded October 31, 2013 , Book 378 Microfilm Pages 2616-2621, Instrument No. 280308.

7. Mortgage, to secure an original indebtedness of \$3,025,200.00, dated January 2, 2014 and any other amounts and/or obligations secured thereby.
Recorded: January 2, 2014, Book 379 at Pages 1750-1755
Mortgagor: David E. Schuett and Shelli R. Schuett, a married couple
Mortgagee: Northwest Farm Credit Services, FLCA

8. Mortgage, to secure an original indebtedness of \$520,000.00, dated April 15, 2015 and any other amounts and/or obligations secured thereby.
Recorded: April 17, 2015, Book 382 of Microfilm at Pages 2010-2017, Instrument No. 283307
Mortgagor: David E. Schuett and Shelli R. Schuett
Mortgagee: Northwest Farm Credit Services, FLCA

9. Mortgage and Fixture Filing, to secure an original indebtedness of \$14,189,700.00, dated February 02, 2016.
Recorded: February 05, 2016, Book 384, Page 2006-2026, Instrument No. 285068
Mortgagor: Schuett Partnership, a General Partnership, CRMX-212 LLC, a Limited Liability Company, David E. Schuett and Shelli R. Schuett, a married couple and Jeffrey J. Schuett, a single person
Mortgagee: Northwest Farm Credit Services, FLCA

The lien of this Mortgage has been subordinated to the lien of the Mortgage noted in paragraph 13 above by instrument recorded April 5, 2016, Book 385 at Page 25-32, Instrument No. 285455.

Modification Agreement recorded February 28, 2019, Book 392 at Pages 1194-1201, Instrument No. 292222.

10. Mortgage, to secure an original indebtedness of \$3,900,000.00, dated March 6, 2017.
Recorded: March 8, 2017, Book 387 of Microfilm at Page 1317-1337, Instrument No. 287679
Mortgagor: Schuett Partnership, LLC, a Limited Liability Company, CRMX-212, LLC, a Limited Liability Company, David E. Schuett and Shelli R. Schuett, a married couple and Jeffrey J. Schuett, a single person
Mortgagee: Northwest Farm Credit Services, FLCA

The lien of this Mortgage has been subordinated to the lien of the Mortgage noted in paragraph 14 above by instrument recorded August 8, 2017, Book 388 at Page 1633-1642, Instrument No. 288637.

Modification Agreement recorded January 17, 2018, Book 390 at Page 297, Instrument No. 289561.

Modification Agreement recorded February 28, 2019, Book 392 at Pages 1186-1193, Instrument No. 292221.

11. Mortgage, to secure an original indebtedness of \$3,000,000.00, dated April 13, 2018 and any other amounts and/or obligations secured thereby.
Recorded: April 23, 2018, Book 390 at Page 2040-2061, Instrument No. 290005
Mortgagor: CRMX-212, LLC, a Limited Liability Company, David E. Schuett, same person as David Schuett and Shelli R. Schuett, same person as Shelli Schuett, a married couple
Mortgagee: Northwest Farm Credit Services, FLCA

Modification Agreement recorded February 28, 2019, Book 392 at Pages 1178-1185, Instrument No. 292220.



293600 Bk 393 Pg 1533

BEAVERHEAD COUNTY Recorded 8/26/2019 At 3:01 PM

12. Mortgage, to secure an original indebtedness of \$see document, dated August 20, 2018 and any other amounts and/or obligations secured thereby.
Recorded: August 30, 2038, Book 391 at page 960-979, Instrument No. 291145
Mortgagor: Headwaters Ag, LLC, a limited liability Company and David E. Schuett and Shelli R. Schuett, a married couple
Mortgagee: Northwest Farm Credit Services, FLCA

Modification Agreement recorded February 20, 2019, Book 392 at Pages 1042-1050, Instrument No. 292175.

For informational purposes only, the property address is:
Grazing Lands, Dillon, MT 59725

For informational purposes only, the tax parcel number is:

First American Title Company of Montana, Inc.

By:

Authorized Countersignature