

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
GALLATIN RIVER BASIN (41H)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANTS: Eric Mittelsteadt; Jane Mittelsteadt; Barry Morstad;  
Mary L. Wild; Roger Wild; Michael L. & Terry S.  
Kelly Revocable Trust; Sherry W. Neighbors Trust

**CASE 41H-0178-R-2021**

41H 101177-00

41H 101178-00

41H 148441-00

OBJECTOR: Terri S. Kelly

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

INTRODUCTION

Water rights claims 41H 101177-00, 41H 101178-00, and 41H 148441-00 appeared in the Preliminary Decree for the Gallatin River (Basin 41H). Each claim received the same

decree-exceeded issue remark resulting from the Montana Department of Natural Resources and Conservation's (DNRC) preparation of the preliminary decree. The issue remarks state:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 80 MINER'S INCHES DECREED IN CASE NO. 3787, GALLATIN COUNTY. 41H 101177-00, 41H 101178-00, 41H 148441-00.

Additionally, Terri and Michael Kelly filed a March 18, 2019 objection to the flow rate/volume, ownership, and point of diversion/means of diversion elements of water right claim 41H 101178-00.

The Water Court consolidated the water rights claims into Water Court case 41H-0178-R-2021 and held a February 10, 2021 status conference to discuss the decree-exceeded issue remarks and the objection. The co-owners of multiple-use water rights claims 41H 101177-00 and 41H 101178-00, Barry Morstad and Roger Wild, attended. The co-owners of water right claim 41H 148411-00, Michael L. & Terry S. Kelly Revocable Trust and Sherry W. Neighbors Trust, did not. The Water Court set a settlement filing deadline for the parties to file information with the court resolving the issues.

On November 2, 2021, the parties filed a Stipulation and Agreement with the court. The Water Court presently resolves the issue in this case.

#### ISSUES

- 1. Whether the Water Court approves the stipulation filed by the parties.*

#### APPLICABLE LAW

"The Montana [W]ater [C]ourt has a statutory obligation and the exclusive authority to adjudicate claims of existing water rights." Rule 1(a), W.R.Adj.R. The Water Court resolves issue remarks before issuance of a final decree and may use information submitted by the DNRC, the statement of claim, and any other data obtained by the court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

After the Water Court issues a preliminary decree in a basin, an objection period provides parties with an ownership interest in water or its use the opportunity to raise issues regarding their own water rights or other water rights in the preliminary decree. Section

85-2-233(1)(b); *Mont. Trout Unlimited v. Beaverhead Water Co.*, 2011 MT 151, ¶ 33, 361 Mont. 77, 255 P.3d 179.

A properly filed statement of claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628. The party seeking to overcome the prima facie status of a statement of claim bears the burden of proof. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.

In Water Court proceedings, the parties may file settlements stipulating the terms under which the parties contractually agree to resolve decree objections. A settlement may include a claimant’s legally binding commitment to modify water right claims to resolve objections and issue remarks and an objector’s agreement to withdraw objections conditioned upon the court’s acceptance of the claim modifications. *E.g.*, *In re Pondera Cty. Canal & Reservoir Co.*, Case 41M-202, 2020 Mont. Water LEXIS 19 (Jan. 9, 2020).

Settlement agreements do not bind the Water Court and are subject to the court’s review and approval. Rule 17(a), W.R.Adj.R. The court may rely on the stipulated facts and agreements of a settlement that are “not contrary to law, court rule, or public policy.” *In re Marriage of Hill*, 265 Mont. 52, 58, 874 P.2d 705, 708 (1994). When a stipulation proposes modifications to water right claim elements, the court must evaluate each proposed modification to ensure the modification is supported by the evidence and within the court’s authority to adjudicate. *In re Argabright*, Case 41I-265, 2014 Mont. Water LEXIS 9, (December 12, 2014) (affirming rejection of stipulation); *In re Dana Ranch Co.*, Case 41J-265, 2017 Mont. Water LEXIS 13 (rejecting stipulation). The water right adjudication rules require settlement agreements enlarging an element of a water right to meet the applicable burden of proof. Rule 17(b), W.R.Adj.R. The rules do not require settlement agreements reducing an element of a water right to meet the applicable burden of proof. Rule 17(c), W.R.Adj.R.

## DISCUSSION

1. *Whether the Water Court approves the stipulation filed by the parties.*

DNRC's issue remarks appearing on the claims' preliminary decree abstracts indicate the existence of a decree-exceeded flow rate issue between water rights claims 41H 101177-00, 41H 101178-00, and 41H 148441-00.

Water rights claims 41H 101177-00 and 41H 101178-00 are co-owned by Water Mary and Roger Wild and Barry Morstad. The water rights claims—41H 101177-00 (stock) and 41H 101178-00 (sprinkler-irrigation)—are multiple uses of the same decreed water right for surface water from North Cottonwood Creek in Gallatin County, Montana. The water rights claims' combined flow rate is for 80 miner's inches or 2 cubic feet per second (CFS).

Water right claim 41H 148441-00 is a decreed flood-irrigation right for surface water from North Cottonwood Creek in Gallatin County. The water right's claimed flow rate is for 2 CFS.

The water rights claims are decreed rights with a June 30, 1869 priority date, meaning the basis for the claims' priority dates and flow rates is the Decree in Case No. 3783, Gallatin County. Therefore, the sum of the flow rates added together should equal the decreed amount—2 CFS. Instead, the sum equals 4 CFS. The Water Court cannot issue a final decree until this issue is resolved by the parties.

In the November 2, 2021 Stipulation and Agreement filed by the parties, the parties stipulate:

1. Water right 41H 148441-00 is not based on the Edmund C. Warwood decreed water right from Case No. 3783 and the priority date is not June 30, 1869.
2. Water right 41H 148441-00 shall be corrected to a "use" right with a July 1, 1880 priority date. This date represents one (1) day after the last water right decreed in Case No. 3783 and is a reduction in the claimed priority date. This correction resolves the decree exceeded issue between water rights 41H 101177-00, 41H 101178-00, and 41H 148441-00; the decree exceeded issue remarks should be removed.
3. Water rights 41H 101177-00 and 41H 101178-00 are properly based on the Edmund C. Warwood decree water right from Case No. 3783. The priority dates of water rights 41H 101177-00 and 41H 101178-00 will remain June 30, 1869. No elements of water rights 41H 101177-00 and 41H 101178-00 will be changed.

4. Water rights 41H 101177-00 and 41H 101178-00 are multiple uses of the Edmund C. Warwood decree water right from Case No. 3783. A multiple use information remark shall be added to water rights 41 H 101177-00 and 41 H 101178-00 to identify the multiple use relationship between these two water rights.

5. The Parties agree that the Terri S. Kelly objection is resolved and withdrawn based on the corrections to water right 41 H 148441-00 agreed to herein being accepted by the Water Court.

Based on the court's review, the Stipulation and Agreement is not contrary to law, court rule, or public policy. The Stipulation and Agreement does not propose modifications enlarging any element of the water rights claims. Indeed, the stipulated modification to the priority date for water right claim 41H 148441-00 is a reduction. The Stipulation and Agreement is signed by all parties involved. The Water Court approves the Stipulation and Agreement filed by the parties, and modifies the priority date and type of right for water right claim 41H 148441-00 from June 30, 1869 to July 1, 1880, and "decreed" to "use," respectively. The modifications resolve the decree-exceeded issue and filed objection. Information remarks indicating the multiple-use relationship between water rights claims 41H 101177-00 and 41H 101178-00 already appear on the decree abstracts for those water rights. Thus, the Water Court decrees water rights claims 41H 101177-00 and 41H 101178-00 as they appeared in the preliminary decree.

Furthermore, during the proceedings, the parties discovered that ownership of water right 41H 101177-00 was outdated as it appeared in DNRC's water rights database; Eric and Jane Mittelsteadt appear as the co-owners of water right 41H 10177-00 when the Wilds and Morstad currently own the water right. The Wilds and Morstad filed a motion to correct ownership, including chain-of-title documentation evidencing the Mittelsteadts sold a portion of the associated place-of-use and water right to the Wilds. Based on review of the filed September 22, 2017 joint tenancy deed, the Water Court removes the Mittelsteadts as owners of the water right and adds the Wilds in DNRC's ownership database to reflect accurate and current ownership.<sup>1</sup>

---

<sup>1</sup> The court notes the parties did not request the court to update ownership of multiple-use water right 41H 101178-00, which given the multiple-use relationship with water right 41H 101177-00

## RECOMMENDATIONS

This Water Master recommends the Water Court to remove the resolved decree-exceeded issue remarks, to modify the priority date and type of right for water right claim 41H 148441-00 from June 30, 1869, to **July 1, 1880**, and “decreed” to “**use**,” respectively, and to reflect that the Wilds and Morstad own water right claim 41H 101177-00.

The Water Court attaches post-decree abstracts for the water rights claims to this Master’s Report, as well as the Stipulation and Agreement filed by the parties.

---

Kirsa Shelkey  
Water Master  
*she/her/hers*

### **Service via USPS Mail:**

Eric Mittelsteadt  
Jane Mittelsteadt  
105 W Graf St  
Bozeman, MT 59715

Michael L. & Terry S. Kelly Revocable Trust  
Terri S. Kelly  
500 Eagle Watch Trl  
Belgrade, MT 59714

Sherry W. Neighbors Trust  
745 Eagle Watch Trl  
Belgrade, MT 59714

### **Service Via Electronic Mail:**

Jeremy A. Michael  
Cusick, Farve, Mattick & Refling, P.C.  
PO Box 1288  
Bozeman, MT 59771-1288  
(406) 587-5511  
[office@cmrlawmt.com](mailto:office@cmrlawmt.com)

\\JUDGALH2OSRV\Data\ol\Share\WC-BASIN FOLDERS\41H PD\41H Cases\41H-R178\41H 178 MR 11-29-21 jbc.docx

---

may need to be updated. The parties may do so by contacting the Bozeman DNRC’s office at the close of proceedings.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:**      **41H 101177-00**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**                      BARRY MORSTAD  
                                     14160 ROCKY MTN ROAD  
                                     BELGRADE, MT 59714  
  
                                     MARY L WILD  
                                     14120 ROCKY MOUNTAIN RD  
                                     BELGRADE, MT 59714  
  
                                     ROGER WILD  
                                     14120 ROCKY MOUNTAIN RD  
                                     BELGRADE, MT 59714

**Priority Date:**                      JUNE 30, 1869

**Type of Historical Right:**      DECREED

**Purpose (Use):**                      STOCK

**Flow Rate:**                      A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE  
   CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A  
   DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT  
   HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:**                      NORTH COTTONWOOD CREEK

**Source Type:**                      SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	14	2N	5E	GALLATIN

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

**Diversion Means:**              DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWSW	35	2N	5E	GALLATIN

---

**Remarks:**

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

101177-00      101178-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:**      **41H 101178-00**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**                      BARRY MORSTAD  
                                     14160 ROCKY MTN ROAD  
                                     BELGRADE, MT 59714  
  
                                     MARY L WILD  
                                     14120 ROCKY MOUNTAIN RD  
                                     BELGRADE, MT 59714  
  
                                     ROGER WILD  
                                     14120 ROCKY MOUNTAIN RD  
                                     BELGRADE, MT 59714

**Priority Date:**                      JUNE 30, 1869

**Type of Historical Right:**      DECREED

**Purpose (Use):**                      IRRIGATION

**Irrigation Type:**                  SPRINKLER

**Flow Rate:**                        2.00 CFS

**\*Volume:**                        THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT  
   PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:**                    4 - MODERATELY LOW

**Maximum Acres:**                  20.00

**Source Name:**                    NORTH COTTONWOOD CREEK

**Source Type:**                    SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	14	2N	5E	GALLATIN

**Period of Diversion:**      APRIL 1 TO NOVEMBER 1

**Diversion Means:**              HEADGATE

**Period of Use:**                    APRIL 1 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		S2NWSW	35	2N	5E	GALLATIN

**Total:**                              20.00

---

**Remarks:**

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

101177-00

101178-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 148441-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KELLY, MICHAEL L & TERRI S REVOCABLE TRUST  
500 EAGLE WATCH TRL  
BELGRADE, MT 59714  
  
SHERRY W. NEIGHBORS TRUST  
745 EAGLE WATCH TRL  
%SHERRY TRUST  
BELGRADE, MT 59714

**Priority Date:** JULY 1, 1880

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.00 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 120.00

**Source Name:** NORTH COTTONWOOD CREEK

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENENW	34	2N	5E	GALLATIN

**Period of Diversion:** JUNE 1 TO AUGUST 1

**Diversion Means:** HEADGATE

**Period of Use:** JUNE 1 TO AUGUST 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		NWSE	34	2N	5E	GALLATIN
2	80.00		S2NW	34	2N	5E	GALLATIN
<b>Total:</b>	120.00						

---

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

148438-00

148441-00

**JEREMY A. MICHAEL, ESQ.**  
CUSICK, FARVE, MATTICK & REFLING, P.C.  
P.O. Box 1288  
Bozeman, MT 59771-1288  
Ph: (406) 587-5511  
Fax: (406) 587-9079  
Email: office@cmrlawmt.com  
*Attorneys for Roger Wild, Mary L. Wild,  
and Barry Morstad*

41H-0178-R-2021

November 2, 2021

Montana Water Court

**IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
GALLATIN RIVER BASIN (41H)  
PRELIMINARY DECREE**

**CLAIMANTS:** Eric Mittelsteadt; Jane Mittelsteadt; Barry  
Morstad; Mary L. Wild; Roger Wild;  
Michael L. & Terri S. Kelly Revocable  
Trust; Sherry W. Neighbors Trust

**CASE 41H-0178-R-2021**

41H 101177-00

41H 101178-00

41H 148441-00

**OBJECTOR:** Terri S. Kelly

**STIPULATION AND AGREEMENT**

This Stipulation and Agreement ("Stipulation") is entered into as of the last date written below by and between Claimants Barry Morstad, Mary L. Wild, and Roger Wild ("Wild/Morstad"), Claimants Michael L. & Terri S. Kelly Revocable Trust and Sherry W. Neighbors Trust ("Kelly/Neighbors"), and Objector Terri S. Kelly (collectively the "Parties").

**RECITALS**

A. The Parties to this Stipulation are participants in the adjudication of water rights in the Upper Missouri Division, Gallatin River Basin (Basin 41H).

B. Kelly/Neighbors are the owners of water right 41H 148441-00.

C. Wild/Morstad are the owners of water rights 41H 101177-00 and 41H 101178-00.<sup>1</sup>

D. Terri S. Kelly timely filed an objection to water right 41H 101178-00.

E. The Parties mutually desire to resolve the decree exceeded issue between water rights 41H 101177-00, 41H 101178-00, and 41H 148441-00, and to resolve their differences pertaining the objection filed against the water right 41H 101178-00.

F. The Parties recognize that continued litigation among them is expensive, time consuming, and detrimental to community relations.

G. The Parties desire to bring an end to the litigation among them and to reach a final understanding and agreement concerning their respective water rights.

H. The Parties have reached certain agreements that they believe reflect historical beneficial uses of water rights described in this Stipulation.

### **AGREEMENT**

THEREFORE, in mutual consideration of the covenants and conditions set forth below, the Parties stipulate and agree as follows:

1. Water right 41H 148441-00 is not based on the Edmund C. Warwood decreed water right from Case No. 3783 and the priority date is not June 30, 1869.

2. Water right 41H 148441-00 shall be corrected to a "use" right with a July 1, 1880 priority date. This date represents one (1) day after the last water right decreed in Case No. 3783 and is a reduction in the claimed priority date. This correction resolves

---

<sup>1</sup> The ownership for water right 41H 101177-00 as it appears in the DNRC NRIS database as of the date of this stipulation is outdated as it still lists Eric Mittelsteadt and Jane Mittelsteadt ("Mittelsteadt") as co-owners. Wild/Morstad filed a Motion to Correct Ownership and Update Caption and Mailing List with the Water Court, including chain of title deeds, on July 23, 2021 to update the ownership to include Mary L. Wild and Roger Wild in place of Mittelsteadt.

the decree exceeded issue between water rights 41H 101177-00, 41H 101178-00, and 41H 148441-00; the decree exceeded issue remarks should be removed.

3. Water rights 41H 101177-00 and 41H 101178-00 are properly based on the Edmund C. Warwood decree water right from Case No. 3783. The priority dates of water rights 41H 101177-00 and 41H 101178-00 will remain June 30, 1869. No elements of water rights 41H 101177-00 and 41H 101178-00 will be changed.

4. Water rights 41H 101177-00 and 41H 101178-00 are multiple uses of the Edmund C. Warwood decree water right from Case No. 3783. A multiple use information remark shall be added to water rights 41H 101177-00 and 41H 101178-00 to identify the multiple use relationship between these two water rights.

5. The Parties agree that the Terri S. Kelly objection is resolved and withdrawn based on the corrections to water right 41H 148441-00 agreed to herein being accepted by the Water Court.

6. This Stipulation sets forth the entire agreement between the Parties pertaining to the adjudication of the water rights addressed herein.

7. This Stipulation is entered into in compromise and settlement of disputed water right claims and nothing stated in this Stipulation shall be construed or interpreted as an admission against interests of any of the Parties.

8. Nothing in this Stipulation shall create any right, claim, cause of action, objection, defense, or other remedy in any person not a party to the Stipulation.

9. The Stipulation is binding on all heirs, successors, assigns, representatives, and agents of the parties.

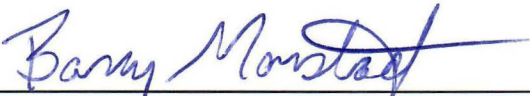
10. Each of the Parties represents and affirms that it has the authority to execute this Stipulation and is bound by the terms herein.

11. Each Party represents that their execution of the Stipulation is knowing, voluntary, in good faith, and without any fraud, misunderstanding, misrepresentation, overreaching, duress, or undue influence, and that they had the opportunity, if so desired, to consult with legal counsel before executing this document.

12. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall constitute an original of the same document. Facsimile, electronic or digital copies of signatures shall be deemed the equivalent of original signatures.

13. This Stipulation shall be construed and interpreted according to the laws of the State of Montana.

**BY OUR SIGNATURES BELOW WE CERTIFY THAT WE HAVE READ THE STIPULATION AND AGREE TO ITS CONTENTS.**

  
\_\_\_\_\_  
Barry Morstad

10/29/2021  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary L. Wild

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Wild

\_\_\_\_\_  
Date

\_\_\_\_\_  
Terri S. Kelly

\_\_\_\_\_  
Date



10. Each of the Parties represents and affirms that it has the authority to execute this Stipulation and is bound by the terms herein.

11. Each Party represents that their execution of the Stipulation is knowing, voluntary, in good faith, and without any fraud, misunderstanding, misrepresentation, overreaching, duress, or undue influence, and that they had the opportunity, if so desired, to consult with legal counsel before executing this document.

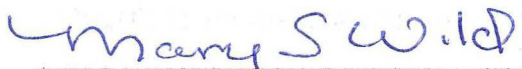
12. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall constitute an original of the same document. Facsimile, electronic or digital copies of signatures shall be deemed the equivalent of original signatures.

13. This Stipulation shall be construed and interpreted according to the laws of the State of Montana.

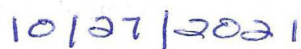
**BY OUR SIGNATURES BELOW WE CERTIFY THAT WE HAVE READ THE STIPULATION AND AGREE TO ITS CONTENTS.**

\_\_\_\_\_  
Barry Morstad

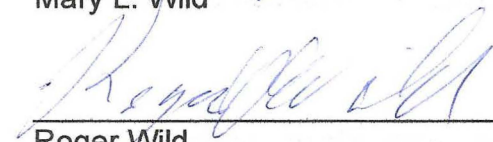
\_\_\_\_\_  
Date



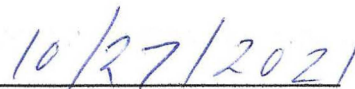
\_\_\_\_\_  
Mary L. Wild

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



\_\_\_\_\_  
Roger Wild

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Terri S. Kelly

\_\_\_\_\_  
Date

10. Each of the Parties represents and affirms that it has the authority to execute this Stipulation and is bound by the terms herein.

11. Each Party represents that their execution of the Stipulation is knowing, voluntary, in good faith, and without any fraud, misunderstanding, misrepresentation, overreaching, duress, or undue influence, and that they had the opportunity, if so desired, to consult with legal counsel before executing this document.

12. This Stipulation may be executed by the Parties in several counterparts, each of which when executed and delivered shall constitute an original of the same document. Facsimile, electronic or digital copies of signatures shall be deemed the equivalent of original signatures.

13. This Stipulation shall be construed and interpreted according to the laws of the State of Montana.

**BY OUR SIGNATURES BELOW WE CERTIFY THAT WE HAVE READ THE STIPULATION AND AGREE TO ITS CONTENTS.**

\_\_\_\_\_  
Barry Morstad

\_\_\_\_\_  
Date

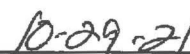
\_\_\_\_\_  
Mary L. Wild

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger Wild

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Terri S. Kelly

  
\_\_\_\_\_  
Date

Michael L. & Terri S. Kelly Revocable Trust

By: Terri S. Kelly

Its: Trustee

10-29-21

Date

Sherry W. Neighbors Trust

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

Date

Michael L. & Terri S. Kelly Revocable Trust

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

Date

Sherry W. Neighbors Trust

By: Sherry W. Neighbors

10-27-21

Its: Trustee

Date