Processing Materials

- Work copies of applicant-submitted information
- Deficiency letter
- Deficiency response
- Correct & complete determination
- Any correspondence with the applicant after application receipt and prior to sending the Draft PD

Processing Materials

Helena Regional Office
1424 Ninth Avenue P.O. Box 201601
Helena, MT 59620-1601
406-444-6999

October 5, 2026

Kane Fontenot
Hydra MT, LLC
945 Bunker Hill Rd Suite 1200
Houston, TX 77024-1593

Subject: Correct and Complete Application for Beneficial Water Use Permit No. 40S 30175490

Dear Applicant,

The Department of Natural Resources and Conservation (Department) has determined that your application is correct and complete pursuant to ARM 36.12.1601. Please remember that correct and complete **does not mean that your application will be granted.** The purpose of this letter is to indicate that the Department has enough information to analyze your water right application.

The Department will issue a Draft Preliminary Determination document and Technical Analyses within 120 days of the date of this letter per §85-2-307(2)(b), MCA.

Following issuance of the Draft Preliminary Determination, you (Applicant) will have 15 business days to request an extension of time to submit additional information, if desired pursuant to §85-2-307(3)(a), MCA.

If no extension of time is requested and the Draft Preliminary Determination decision is to grant your application or grant your application in modified form, the Department will prepare a notice of opportunity to provide public comment, per §85-2-307(4)(a), MCA.

If no extension of time is requested and the Draft Preliminary Determination decision is to deny your application, the Department will adopt the Draft Preliminary Determination as the final determination per §85-2-307(3)(d)(ii), MCA.

If you have any questions or concerns about the application process, please contact me.

Best,

Savannah Telander
Water Resources Specialist
406-444-6810
Savannah.Telander@mt.gov

13.

Hydra MT LLC is the owner of water right 40S 30152855.

17.

Both overlapping water rights in question are owned by Hydra MT, LLC. The first (40S 30152855) will expire 12/31/2026 and cannot be extended due to its status as a temporary permit. The second (40S 30117875) expired 12/31/2022 as a temporary permit as well.

30.

The proposed water right will not affect the existing water right because we are the owners of both, with the aforementioned set to expire 12/31/2026 as a temporary permit.

31.

Conveyance infrastructure will not be shared with 40S 30152855 as it will expire 12/31/2026 and cannot be extended. The purpose of this application is to continue utilizing the POD from 40S 30152855, which succeeded 40S 30117875, to provide fresh water for the completion of new oil and gas well development.

33.

A) The diesel pump meets final tier 4 EPA guidelines.

Specs for the current power section being utilized are below:

- POWERTECH PWL 13.6L MODEL 6136HI440
- RATED AT 451HP AT 2100 RPM (CONT.-DUTY) & 484HP @ 1800 RPM
- Compression ignition

- ELECTRONIC GOVERNOR
- 12V STARTER & ALTERNATOR
- HEAVY DUTY RADIATOR / CHARGE AIR COOLER
- RADIATOR SHROUD/CORE GUARD
- SUCTION FAN & BELT GUARD
- DONALDSON AIR CLEANER
- DIESEL PARTICULATE FILTER, DOC, & DEF (TANK)

- HEAVY DUTY STEEL SKID
- BATTERY BOX & CABLES (NO BATTERY)
- COOLANT WITH JOHN DEERE SCA
- JOHN DEERE BREAK-IN OIL
- SAE #1 FLYWHEEL HOUSING
- SAE 14" FLYWHEEL FOR OVER CENTER CLUTCH

B) The purpose of the river screen is to avoid contamination from sand and debris. The screened mesh allows clean freshwater to pass through into the diversionary system. The screen being utilized is a RIVERSCREEN™ 10 INCH RIVERSCREEN.

C) Permit Storage Addendum is attached.

36.

We requested 1000AF based on the development of 17 3-mile wells which require on average 450,000 bbl of fresh water to complete. For 17 wells, that would be 7,650,000 bbls total. Because not every well drilled is exactly the same, we account for a 1-2% margin of error on total water needed. In the example, we used 100,000, which is approximately a 1.3% margin of error, bringing us to ~7,750,000 bbls of fresh water.

1 AF = 7758.36 bbls

7,750,000 / 7758.36 = 999 AF

38.

The Land use license has been utilized since 2018 and renewed as needed. It will continue to be renewed, as needed, to satisfy the requirements necessary for the utilization of this permit.

45.a.

No

46.

We believe we meet the exception to possessory interest requirements in this case as it is clear the ultimate user will not accept the supply without consenting to the use of water on the place of use.

Kraken Oil and Gas, whom the applicant is an affiliate of, and having active interest in the Bakken spacing units wherein the places of use are located, has or plans to have well pad locations at the proposed places of use.

The water needed for this permit is for the completion of oil and gas wells post drilling. Prior to drilling a well in the state of Montana, the operator must obtain an approved APD from the Montana Board of Oil and Gas Conservation (MBOGC). Without an active Surface Use Agreement (SUA), a well pad cannot be built, and the wells cannot be drilled.

46.b.

This question was originally misinterpreted. Please revise our answer of “No” to “Yes”.

Form No. 600-SA *(02/2025)* **Applicant Name** Hydra MT LLC

APPLICATION FOR BENEFICIAL WATER USE PERMIT
PERMIT STORAGE ADDENDUM
§ 85-2-311, MCA

Complete this addendum one time for each place of storage and attach the required information. ***A place of storage does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).*** *Use the checkboxes to denote yes ("Y") or no ("N"). Questions that require Applicant to submit items to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Storage Addendum. Label all submitted items with the question number for which they were submitted. Responses that are larger than the space provided can be answered in an attachment. If an attachment is used, specify "see attachment" on this form. Label all attachments with the question number.*

1. ☐ **Y** ☑ **N** Does the proposal include more than one place of storage?

   a. If yes, for what place of storage are you filling out this addendum? Use the unique Storage ID number assigned on the project map submitted with Form 600. When referencing question numbers in attachments or submittals, use the following format: Question number – Storage ID number. For example, "1.b-S1":

2. ☐ **Y** ☑ **N** Do you propose to enlarge an existing reservoir?

   a. If yes, list all water right numbers associated with the existing reservoir.

3. ☑ **S** Submit preliminary design specifications.

4. ☐ **Y** ☑ **N** Is the place of storage located on-stream?

   a. If no, explain the conveyance means to and from the off-stream place of storage, and any losses that may occur with that conveyance.
   See attached response

5. ☐ **S** ☑ **NA** What is the capacity in acre-feet (AF) of the proposed place of storage or the existing place of storage after it is enlarged? Use bathymetry data, survey, or engineering plans for capacity. Submit the data source used. In lieu of these data sources, mark "NA" and use the following equation:
Surface Acres x Maximum Depth (FT) x 0.5 = Capacity (AF)
20,000 bbl = 2.58 AF

6. ☑ **Y** ☐ **N** Will the place of storage be lined?

7. ☐ **Y** ☑ **N** Will a drainage device be installed in the place of storage?

   a. If yes, explain.

8. What is the annual net evaporation of water from the place of storage? A map layer showing location-based net evaporation data is available from DNRC upon request. If you propose to deviate from the standards in ARM 36.12.116(1), then provide additional information to support the proposed volume.
N/A as water is not stored long term

9. ☐ **Y** ☑ **N** Is the place of storage capacity calculated to be greater than 50 acre-feet?

   a. ☐ **S** If yes, submit proof of an application to the DNRC Water Operations Bureau for a determination of whether the dam or reservoir is a high-hazard dam and, if available, the classification assigned by the DNRC Water Operations Bureau.

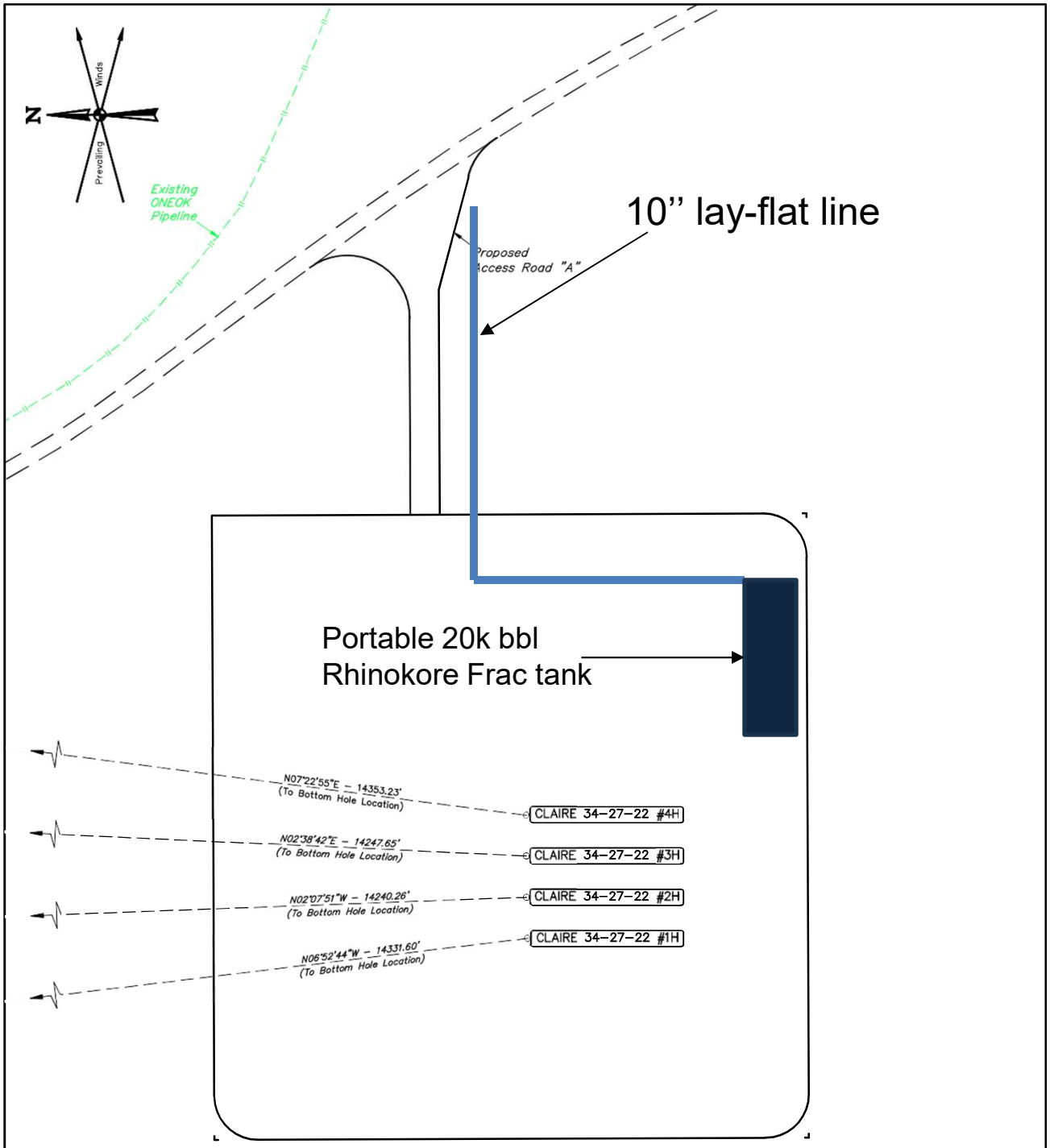
Permit Storage Addendum

4.

Water will be transported and delivered to the place(s) of use as described in the application.

Once the water reaches the place of use, it is delivered into a portable, 50’ x 200’ 20,000bbl capacity RhinoKore above ground frac tank, one of which will be present at the pad (place of use) during the completion phase of operations. Because of the high rate necessary for completions, the RhinoKore is able to act as a median between the transfer of water to source, and the hydraulic fracturing process. The frac contractor onsite at the place of use pulls water from the RhinoKore which is then mixed with sand on its way to being pumped downhole.

The tank itself is portable, and will only hold water during completion operations which typically last 2-3 weeks per well pad. Example of a setup on POU 1 attached.



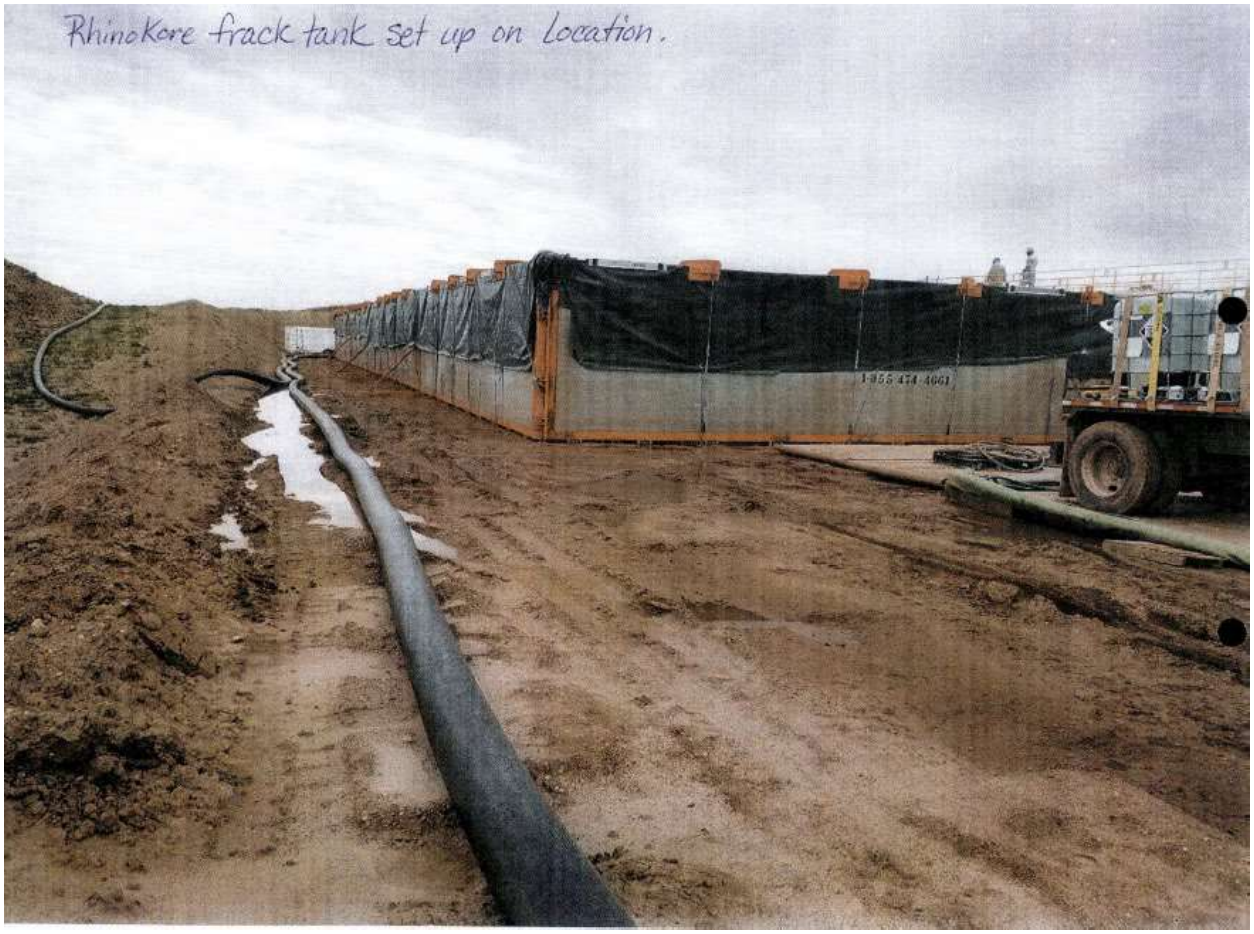
KRAKEN OPERATING, LLC

CLAIRE 34-22 PAD
NE 1/4 SW 1/4, SECTION 34, T26N, R59E, P.M.M.
RICHLAND COUNTY, MONTANA

SURVEYED BY	Q.M., H.V.	04-01-21	SCALE
DRAWN BY	K.C.	05-14-24	1" = 80'

MULTI-WELL PLAN

UELS, LLC
Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017



RhinoKore Frac Tank

RATIFICATION TO ACCESS AND SURFACE DAMAGE AGREEMENTS

This Ratification To Access and Surface Damage Agreements ("Ratification") is made and entered into this 9 day of June, 2026, by and between Kenneth D. Kittleson and Marion Kittleson, whose address is 13~~695~~ 908 347 County Road 350, Fairview, MT 59221; and Dan Kittleson, whose address is 14198 ~~34658~~ County Road ~~142~~, Fairview, MT 59221 ("Owners") and Kraken Oil & Gas, LLC, whose address is 945 Bunker Hill Road, Suite 1200, Houston, Texas 77024, (Operator).

WITNESSETH THAT:

WHEREAS, by instruments dated March 26, 2021, March 26, 2021, March 29, 2021 and April 5, 2021, Noteboom Family Trust dated 12/2/1999, Noteboom Family Trust dated 7/29/2003, Denise A. Wagner Trust dated 2/23/2017, and Laurie Jane Petersen, executed and delivered to Operator an Access and Surface Damage Agreement ("Agreements"), a Memorandum of which are recorded in the Richland County, Montana Recorder's Office in _____, _____, _____, and _____ covering the following lands;

Township 26 North, Range 59 East of the 5th P.M.

Section 34: S1/2

NOW THEREFORE, in consideration of [redacted] and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned hereby adopts, ratifies and confirms said Agreements and hereby grants, leases and lets unto Operator the above described lands subject to and in accordance with all the terms and provisions of said Agreements.

IN WITNESS WHEREOF, Owners and Operator hereto have caused this Ratification to be executed and effective as of the date first above written.

OWNERS:

Kenneth D. Kittleson

Marion Kittleson

Dan Kittleson

OPERATOR:
Kraken Oil & Gas, LLC

Michael Cymbaluk, Land Operations Manager

ACKNOWLEDGEMENT

STATE OF MONTANA

COUNTY OF RICHLAND

On this 9 day of June, 2026, before me personally appeared Kenneth D. Kittleson and Marion Kittleson, known to me to be the person(s) described in and who executed the within instrument as Owner, and acknowledged to me that they executed the same.

Notary Public

DAVID PICKELL
Notary Public
State of North Dakota
My Commission Expires November 20, 2026

ACKNOWLEDGEMENT

STATE OF MONTANA

COUNTY OF RICHLAND

On this 9 day of June, 2026, before me personally appeared Dan Kittleson, known to me to be the person(s) described in and who executed the within instrument as Owner, and acknowledged to me that he executed the same.

Notary Public

DAVID PICKELL
Notary Public
State of North Dakota
My Commission Expires November 20, 2026

DAMAGE SETTLEMENT AND ROAD USE AGREEMENT

Johnson 30-19 1-H

KNOW ALL MEN BY THESE PRESENT:

WHEREAS, Brigham Oil & Gas, L.P., 6300 Bridgepoint Parkway, Bldg 2, Suite 500, Austin, TX 78730, hereinafter referred to as OPERATOR, desires to use the following described lands located in Richland County, State of Montana, in order to access and develop an oil and gas well drillsite:

Township 26 North, Range 59 East of the M.P.M.
Section 30: ~~S2SWE~~ SW4SE4
W E5

WHEREAS Warren E. Johnson, PO Box 354, Fairview, MT 59221-0354, (hereinafter referred to as OWNER) IS the owner(s) of the surface of said land.

NOW, THEREFORE, OWNER, for a total consideration of [redacted] paid to OWNER by OPERATOR, the receipt and sufficiency of which is hereby acknowledged, OWNER does hereby grant an easement for the use of the land to access and develop an oil and gas wellsite, to build a road or utilize the existing road and allow improvements to be made to produce a usable access road and wellsite as listed above and does hereby, further, release OPERATOR, its agents, contractors, employees, successors and assigns, from any and all claims, demands and causes of action arising under the law or growing out of any damages of any kind that are sustained to the land as a result of the operations conducted with the intent of completing an oil and/or gas well on the above described lands which shall consist of. but not be limited to, the construction of roads accessing the drilling site. and the moving of earth to provide the placement of the drilling rig, storage batteries or facilities, ponds, or equipment necessary for and related to said drilling operations. The production facility may include, but will not necessarily be limited to a tank battery, treater, pumping unit, pipelines, electric lines, and other production facilities and/or plugging and abandonment of the aforementioned well. In the event the acreage utilized by the OPERATOR exceeds the 5.00 acres upon which this payment is based, the OPERATOR agrees to maker a further payment to the OWNER for the extra acreage, based on the [redacted] per acre amount. Payments under this agreement will be made if and when construction begins. All payments made pursuant to this agreement shall be reduced proportionate to the interest owned by each owner in the whole thereof.

In the event OPERATOR shall drill a well that is completed as an economical producing well on said lands, OPERATOR shall, within one hundred eighty (180) days after said completion, allowing time for well evaluation, tender to OWNER for an additional total consideration of [redacted] paid to OWNER by OPERATOR, the receipt and sufficiency of which shall be acknowledged in writing upon receipt, OWNER does hereby grant a continuation of the above-described rights and easement for as long as there is a well producing or capable of producing on a spacing, pooled or other unit which includes all or a part of the above-described lands or as otherwise held by the provisions of the underlying lease(s) pertaining to said lands.

IN WITNESS WHEREOF, this Damage Settlement and Road Use Agreement is executed this 28TH day of July, 2010.

Warren E. Johnson

ACKNOWLEDGEMENT

STATE OF Montana }

COUNTY OF Richland }

On this 28th day of July, 2010, before me the undersigned, a Notary Public, in and for said County and State aforesaid, personally appeared Warren E. Johnson, to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth, and in the capacity herein stated.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal, the day and year last above written.

My Commission Expires:

Janet Duda

JANET DUDA NOTARIAL SEAL STATE OF MONTANA

JANET DUDA
NOTARY PUBLIC for the
State of Montana
Residing at Fairview, Montana
My Commission Expires
May 1, 2014

co. 1830180147
cp 1030180148
115118

40

409545

SURFACE DAMAGE AGREEMENT

THIS AGREEMENT dated 9-29-2006 between Mr. William Voss, whose address is 35379 County Road 131 Fairview, MT 59221, hereinafter referred to as "Surface Owner", and 1030171902 Orion Energy Partners L.P., whose address is 1675 Broadway, Suite 2000, Denver, CO 80202 1030172963 hereinafter referred to as "Lessee".

WITNESSETH:

WHEREAS, Surface Owner represents that they are the owners in fee and in possession of the surface estate for the following described lands in Richland County, Montana, hereinafter referred to as "Lands", to wit:

T25N – R59E
Section 2: SW1/4 1265.8

WHEREAS, Lessee has or will acquire certain leasehold interests in the oil and gas mineral estate in the LANDS and proposes to conduct drilling and subsequent production operations on the Lands; and

WHEREAS, Surface Owner is generally aware of the nature of the operations which may be conducted under oil and gas leases covering the mineral estate of the Lands; and

WHEREAS, the parties believe that it is in their mutual best interest to agree to the amount of damages to be assessed incident to the operations of Lessee on the premises in the exploration for, development and production of oil, gas and/or other leasehold substances under the terms of those certain oil and gas leases now owned or which may be acquired by Lessee covering portions of the mineral estate of the Lands; and,

WHEREAS, the parties believe that a reasonable estimate can be made of the damages which will result from the exploration, development and production operations contemplated by such oil and gas leases.

NOW, THEREFORE, in consideration of [redacted] and other valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Lessee has the right of ingress and egress and to the use of those portions of the Lands which it requires for oil and gas exploration, development and production operations, including tank batteries and other production facilities and the transportation of produced substances from the leasehold, and also the right to construct and use roads and pipelines across portions of the Lands. Lessee shall pay Surface Owner as liquidated damages the following sum as full settlement and satisfaction of all damages growing out of, incident to, or in connection with the usual and customary exploration, drilling, completion, sidetracking, reworking, equipping and production operations, contemplated by the oil and gas leases covering the Lands, unless otherwise specifically provided herein:

[redacted]

a. Wellsites. [redacted] for each wellsite located on the Lands, together with any lands used for production facilities or other necessary facilities in connection with the wellsites. If, by reasons directly resulting from the operations of Lessee, there is damage to real or personal property upon the Lands which is not associated with usual and customary operations, such as (but not limited to) damage to livestock, structures, buildings, fences, culverts, cement ditches, irrigation systems, and natural water ways, such damage will repaired or replaced by Lessee, or Lessee will pay reasonable compensation to Surface Owner for such additional damage. Operator shall also pay to Owner an annual rental of [redacted] per year for each well site location and [redacted] per year for each tank battery if located separate from the well site location. This annual payment shall be made on the anniversary date of the commencement of drilling of each well in each and every year until the well has been plugged and abandoned and the location of any roads and pipelines constructed in connection therewith have been reclaimed as provided herein.

b. Power Lines and Pipelines. For each new power line or new pipeline installed by Operator, Operator shall pay to Owner the sum of [redacted] dollars [redacted] per rod for each such line. Operator shall be responsible for back filling, re-packing, re-seeding, and re-contouring the surface so as not to interfere with Owner's operations. Operator shall provide Owner with a survey showing the location of all power lines, pipelines and gathering systems promptly after their installation. All pipelines and gathering systems located by Operator on the Lands shall be buried to a depth of at least three (3) feet below the surface, and surface marked in accordance with industry standards. All easements and rights-of-way for power lines and pipelines shall be fifty (50) feet in width during initial construction and reclamation activities, and after completion of initial construction and reclamation activities such easements and rights-of-way shall revert to twenty-five (25) feet in width being twelve and one-half (12.5) feet on each side of the centerline of the line. All power lines shall be installed underground to a depth of at least three (3) feet below the surface whenever reasonably practical to do so.

2. Lessee agrees to consult with the surface owner and/or tenant as to all routes of ingress and egress. Prior to the construction of any roads, pipelines, tank battery installations, or installation of any other equipment on the leased premises, Lessee shall consult with the surface owner and/or tenant as to the location and direction of same.

3. It is the intention of the parties hereto to cause as little interference with farming operations on the leased premises as reasonably possible, including but specifically not limited to the operation of any pivotal irrigation sprinkler system, or any other irrigation method. If any circular irrigation sprinkler system is in use at the time of initial drilling operations on the leased premises, then any subsequent production equipment, including but specifically not limited to pump jacks, hydraulic lifting equipment, or any other equipment necessary to produce any oil or gas from such well, shall be recessed to such depths, or ramps constructed, so as to allow the continued use of such circular irrigation system.

4. In the event any well hereunder is plugged and abandoned, Lessee agrees that Lessee will, within a reasonable time, restore Surface Owner's surface estate as near as practical to its original condition found prior to Lessee's operations. It is understood and agreed that Surface Owner may elect in writing, prior to cessation of operations of Lessee, to have any road constructed under the terms of this Agreement remain upon the property, in which event Lessee agrees to leave such road or roads in reasonable condition.

Rec. 10

5. Lessee is responsible for acquiring all necessary permits, licenses, fees, etc. incident to its operations on the Lands.

6. In the event Surface Owner considers that Lessee has not complied with all its obligations hereunder, both express and implied, Surface Owner shall notify Lessee in writing, setting out specifically in what respects Lessee has breached this contract. Lessee shall then have sixty (60) days to meet or commence to meet all or any part of the breaches alleged by Surface Owner. The service of said notice shall be precedent to the bringing of any action by Surface Owner for any cause, and no such action shall be brought until the lapse of sixty (60) days after service of such notice on Lessee. In the event of litigation, the prevailing party's reasonable attorney's fees will be paid by the opposing party.

7. Lessee shall be responsible and shall remain liable for any environmental problems on the subject lands which are caused by or through its operations. To the extent that any such claims are asserted, Lessee will be responsible for any remediation required as provided by state regulations. This assumption of liability, however, does not include any third-party operations on the subject lands or any Surface Owner actions which could cause environmental problems but is limited solely to the actions of Lessee. Lessee hereby indemnifies and holds harmless Surface Owner from any and all environmental problems it causes on the Lands.

8. In the event Surface Owner owns less than the entire fee interest in the Lands, then any payment stated herein shall be proportionately reduced to the interest owned.

9. This Agreement shall remain in full force and effect from the date hereof and for so long thereafter as Lessee's oil and gas operations affecting the Lands are in effect.

10. When the word "Lessee" is used in this Agreement, it shall also mean the successors and assigns of Lessee, including but not limited to its employees and officers, agents, affiliates, contractors, subcontractors and/or purchasers.

11. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties.

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

SURFACE OWNER:

By: William Voss
Name: William Voss

STATE OF Montana)
) ss
COUNTY OF Richland)

The foregoing Surface and Damage Agreement was acknowledged personally before me this 10 day of Oct, 2006, by William Voss, as Owner.

WITNESS my hand and official seal.

Pamela A Wilcoxen
Notary Public
My Commission expires: 06/26/2008

OPERATOR:

By: Todd R. Kalstrom
Name: Todd R. Kalstrom

STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

The foregoing Surface and Damage Agreement was acknowledged personally before me this _____ day of _____, 2006, by Todd R. Kalstrom, as Land Manager, Southern Region of Orion Energy Partners L.P.

Witness my hand and official seal.

_____
Notary Public
My Commission Expires: _____

Recorder please return original to:
Kraken Oil & Gas LLC
9805 Katy Freeway, Suite 300
Houston, TX 77024

ACCESS AND SURFACE DAMAGE AGREEMENT

STATE OF MONTANA
COUNTY OF RICHLAND

THIS SURFACE USE AND DAMAGE AGREEMENT (the "Agreement") is effective as of August 7, 2020, by and between Kittleson Family Partnership, LP, whose mailing address is 14199 CR 347, Fairview, MT 59221 (hereinafter referred to as "Grantor"), and Kraken Oil & Gas LLC whose address is 9805 Katy Freeway – Ste. 300, Houston, TX 77024 (hereinafter referred to as "Grantee"), under the terms of which Grantor and Grantee hereby agree and covenant as set forth hereinbelow:

WHEREAS, Grantor is the surface owner of the following described lands in Richland County, Montana:

TOWNSHIP 25 NORTH, RANGE 59 EAST, M.P.M.

SECTION 4: Lot 2

(hereinafter referred to as the "Lands)

*This Agreement is further subject to an attached Addendum made a part of and incorporated hereto.

[redacted]

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

I. Grantee and its assigns or agents shall have the right to locate an access road across the subject Lands, and shall have the unrestricted right to move and install pipelines, derricks, drilling tools, vehicles and all other machinery and equipment necessary or incident to the drilling, testing, completion and operation of an oil and/or gas well at the Drill Site.

II. Grantee shall pay to Grantor the sum [redacted] per well for the surface damages for the Drill Site location and the sum of [redacted] per linear foot for the access road across the subject Lands to the Drill Site location.

Well site damages for the wells will be paid prior to commencement of actual operations of constructing or reconstructing the well. Damages as stated above relating to the construction of the access road on said Lands will be paid in full prior to beginning road constructing or improvements to an existing road.

III. Grantee agrees to pay the sum of [redacted] per year on the Drill Site as an annual rental for the access road and location during the existence or use of any or all of the above described wells. The first annual rental will become due twelve (12) months from the effective date of this agreement, and will end when the well location is reclaimed. All monies will be paid to the Grantor, their heirs, successors or assigns in proportion to their surface ownership on the date of each annual rental payment. If Grantee fails to make annual rental payment, Grantee shall have thirty (30) days to make such payment after receiving written notice from Grantor via certified mail. Grantors shall notify Grantee of any change of surface ownership and no change of ownership of Grantors' interest shall be binding on Grantee until Grantee has been furnished with notice of said change of ownership. Notice shall be deemed to have been properly given or delivered when made in writing and delivered personally to Grantee at the above listed address, or when deposited in the United States mail, postage prepaid, by registered or certified mail, return receipt requested.

IV. This agreement and the rights granted herein are effective on the date of execution by Grantor and shall continue in full force and effect so long as operations are conducted on the above described lands.

V. Cattle guards or gates will be constructed, if requested by Grantor, at all places where they go through. The existing fences and gates will be closed at all times except when opened for passage of traffic.

VI. If there is any fill used for roads constructed across any drainage, the culverts will be used for the free flow of water through said drainage.

VII. If the access road departs from existing established roadways and new construction is required, topsoil will be segregated and stockpiled for replacement during reclamation activities.

VIII. It is understood that any road constructed across the said Lands shall not exceed fifty (50) feet in width without the prior approval of Grantor.

IX. Upon completion of the well as a dry hole and subsequent abandonment thereof, and at the request of Grantor, the Drill Site and any newly constructed road will be restored to the condition it was in prior to commencement of operations insofar as reasonably possible. Any existing roads, and the improvements thereto which are constructed by Grantee shall be left in a good and useable condition for the continued use by Grantor, at Grantor's option.

X. It is expressly understood that this settlement is only for construction and unrestricted use of an access road and Drill Site location and it is not a settlement for any damages to contiguous property, personal property of Grantor or a release of any personal injuries that may be sustained by reason of the operations carried on by the oil and gas lessee or its agent.

XI. The undersigned surface owner hereby agrees and waives the requirement of Montana Law (MCA 82-10-501 et scq) concerning notice of intent to commence operations.

XII. Both the Grantor and Grantee may assign this Agreement, both parties need to notify each other in the event of such assignment.

XIII. This Agreement shall be binding upon the Parties hereto, their heirs, successors and assigns, and shall run with the Lands.

XIV. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements and understandings, both written and oral, between the Parties with respect to the subject matter hereof. This Agreement may only be amended, modified, or supplemented by a written instrument signed by all the Parties expressly stating that such instrument is intended to amend, modify or supplement this Agreement.

XV. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall be considered one and the same document.

XVI. If at any time subsequent to the date hereto any provision of this Agreement shall be held by any court of competent jurisdiction to be illegal, void or unenforceable, such provision shall be of no force and effect, but the illegality or unenforceability of such provision shall have no effect upon and shall not impair the enforceability of the other provisions of this Agreement.

XVII. The Parties to this Agreement shall also execute a Memorandum evidencing the execution of this Agreement. Said Memorandum of Agreement may be recorded in the appropriate County Recorder's Office to provide notice of the existence of this Agreement.

Dated this 8th day of August, 2020.

KITTLESON FAMILY PARTNERSHIP, LP

By: Elroy Kittleson
General Partner

KRAKEN OIL & GAS LLC

By: _____

Title: Land Manager

ACKNOWLEDGMENTS

STATE OF Montana §
§
COUNTY OF Richland §

On this 8th day of August, 2020, before me appeared Elroy Kittleson, to me personally known, who, being by me duly sworn, did say that he is the General Partner of Kittleson Family Partnership, LP, and said appearer acknowledged said instrument to be the free act and deed of said partnership.

MICHAEL J. CYMBALUK
Notary Public
State of North Dakota
My Commission Expires Oct 2, 2021

_____
Notary Public

Helena Regional Office
1424 Ninth Avenue P.O. Box 201601
Helena, MT 59620-1601
406-444-6999

July 16, 2026

Kane Fontenot
Hydra MT, LLC
945 Bunker Hill Rd Suite 1200
Houston, TX 77024-1593

Subject: Deficiency Letter for Beneficial Water Use Permit Application No. 40S 30175490

Dear Applicant,

The Department of Natural Resources and Conservation (DNRC or Department) has begun reviewing your application. This letter is to notify you of the deficiencies in your application as required in ARM 36.12.1501(1) and §85-2-302(5)(b), MCA. An Applicant is required to submit substantial and credible information addressing the rules and statutes that are relative to your application. You must provide the information specified below for your application to be considered correct and complete. "Correct and complete" means all of the information provided is substantial and credible and provides all of the information as required by applicable rules and statutes. The application as submitted contains deficiencies in the following section(s):

APPLICATION ADDENDA AND REVIEW

13. You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to §85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.

- Answer provided on Application: *"NA"*

- Based on communication from Application representative, Kane Fontenot, on 6/1/2026, the POD is shared with 40S 30152855. Please provide proof of written notice to each owner of an appropriation right sharing the POD.

PURPOSE AND DIVERSION INFORMATION – ARM 36.12.111

17. Attach a map utilizing an aerial photograph or topographic map that shows the following: section corners; township and range; north arrow; scale bar; all proposed points of diversion labeled with a unique Point of Diversion (POD) ID number and, if applicable, GWIC number; all proposed places of use; all proposed conveyance facilities and or routes; all proposed places of storage labeled with a unique Storage ID number; and places of use (POU) for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.

- Three maps were provided with the Application with the point of diversion and places of use marked.
- Please provide a map that includes the points of diversion, place of use, proposed conveyance facilities, places of storage, and any overlapping water rights. The maps provided depict points of diversion that do not align with the application. Based on a Department place of use search, the proposed place of use is overlapping industrial water rights in the filed legal land descriptions (40S 30152855 and 40S 3011787.

ADVERSE EFFECT – ARM 36.12.1706

30. Do other water rights share any of the proposed points of diversion?
31. Do other water rights share any conveyance infrastructure associated with the proposed project?

- Answer provided on Application: *"No"*
- Based on communication from Application representative, Kane Fontenot, on 6/1/2026, the POD is shared with 40S 30152855. Please describe how the proposed project will not adversely affect this water right and any other water rights that share the point of diversion.
- Based on the answer to the question above, please confirm if the proposed project will share conveyance infrastructure with Temporary Permit 40S 30152855.

ADEQUATE MEANS OF DIVERSION AND OPERATION – ARM 36.12.1707

33. Describe specific information about the capacity of all proposed diversionary structures. This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length

- Answer provided on Application: *"A screened aluminum pipe will be places in the river at the POD. A portable, 10 x 8" diesel pump will discharge water into a portable filter trailer, passing through an in-line flow meter capable of taking continuous measurement before being discharged into the 10" lay-flat pipeline which will be the diversionary vehicle of the water to a RhinoKore frac tank located at the place of use on a Kraken/Hydra well location."*

- Please provide information regarding whether the diesel pump meets the EPA Tier 3 requirements.
- Please provide the make, model, and intent of the river screen referenced in this answer and depicted in Figure 32.
- Please provide information regarding whether the RhinoKore tanks are an open or enclosed system. If the tanks are open and have a capacity of 20,000 bbl (1.93 AF), a Permit Storage Addendum is required.

36. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.

- Answer provided states that 17 wells will be developed utilizing 550,000 barrels of freshwater (450,000bbl + 100,000 bbl). Based on the Departments calculations, this equates to 903.86 AF. The Applicant has requested 1,000 AF (Question 18). Please provide more clarity on the amount of water that will be used for the proposed project. Please provide more clarity on the information depicted in the table shown in Figure 36: Completion Design.

38. Do you own the land where all proposed points of diversion are located?

- Answer provided on Application: "*No*"
- The time requested to complete the project on the form is 5 years. The provided Land Use License for State Land states that the lease will end on 2/28/2027. Please provide information regarding leases and agreements needed for the project.

POSSESSORY INTEREST – ARM 36.1802

45.a. Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.

- Answer provided on Application: "*The applicant has an active Land Use License with the State of Montana for the intended purpose (Attached in repsonse to question 38). Kraken Oil and Gas, the parent company of Hydra MT, has active interest in the Bakken spacing units in which the places of use are located. In some instances, well pad infrastructure already exists (POU 3).*"
- The response to 45.a. states that "well pad infrastructure already exists (POU 3). Are there other water rights that permit water use in these locations?

46. Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions to the possessory interest requirement.

- Answer provided on Application: "*NA*"
- Per Montana Cadastral the following entities have possessory interest in the corresponding POUs:
  - POU 1 – Kenneth D & Marion Kittleson
  - POU 2 – Edward J & Heidi J Shannon
  - POU 3 – Johnson Warren E Trust DTD 08/29/2019, Johnson Judith A Trust DTD 08/29/2019 & Johnson Warren E

- POU 4 – William J Voss Trust
- POU 5 – Kittleson Family Partnership LP

Please provide documentation that shows written permission or a land use agreement with these parties with possessory interest in the place of use.

46.b. Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403, MCA. **46.b.i** If no, explain.

- Answer provided for 46.b.: "*No*"
- Answer provided for 46.b.i : blank
- Please provide an explanation for 46.b.i. as asked on the application form.

As stated above, the information submitted to address the rules and statutes listed in this deficiency letter must be substantial credible information to be acceptable at the correct and complete determination. §§85-2-102 (9) and (26), MCA.

Please submit the information specified above to the Helena Regional Office by November 13, 2026. This is the only deficiency letter that will be sent. An application not corrected or completed within 120 days from the date of this letter is terminated per ARM 36.12.1501(2) and §85-2-302(6)(a), MCA.

Please let me know if you have any questions.

Best,

Savannah Telander
Water Resources Specialist
406-444-6810
Savannah.Telander@mt.gov

WORK COPY

PURPOSE AND DIVERSION INFORMATION

14. ☑ **Y** ☐ **N** Is the proposed use temporary?

14.a. If yes, when will the appropriation cease? 12/31/2032

15. Is the proposed source surface water or groundwater? Surface

16. What is the source name? Missouri River

17. ☑ **S** Attach a map utilizing an aerial photograph or topographic map that shows the following: section corners; township and range; north arrow; scale bar; all proposed points of diversion labeled with a unique Point of Diversion (POD) ID number and, if applicable, GWIC number; all proposed places of use; all proposed conveyance facilities and or routes; all proposed places of storage labeled with a unique Storage ID number; and places of use (POU) for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.

18. Fill out the table below. Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

Purpose	**Means of Diversion**	**Acres Irrigated** (if appl.)	**Period of Diversion** *(Month/Day - Month/Day)*	**Period of Use** *(Month/Day - Month/Day)*	**Flow Rate** ☑ *GPM* ☐ *CFS*	**Volume** *(Acre-Feet)*
Industrial	Pump		1/1-12/31	1/1-12/31	4000	~~1000~~ 820 per 8/26/2026 amendment
			Total Flow Rate and Volume Required		4000 GPM	~~1000~~ AF 820

19. ☐ **Y** ☑ **N** Does the proposed use include on or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the table below, where applicable.

Purpose	**Requested Information**	**Response**
Domestic or multiple domestic	Number of households and bedrooms served per household	
Stock	Number of animal units	
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	
Irrigation (flood only)	Design slope	

WORK COPY

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	SW	SW	NE	16	26N	59E	Richland					3

per provided maps ST 8/25/2026

PLACE OF USE

21. What are the geocodes of the place of use?

27-3809-34-3-01-01-0000	27-3674-04-1-02-01-0000
~~27-3809-26-3-01-04-0000~~	
27-3809-30-3-03-01-0000	
27-3674-02-3-01-01-0000	

Per 8/26/2026 amendment

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
Claire			NE	NE	SW	34	26	59	Richland
~~Shannon~~			~~SE~~	~~Sw~~	~~SE~~	~~26~~	~~26~~	~~59~~	~~Richland~~
Johnson			SE	Sw	SE	30	26	59	Richland
Voss			SE	SE	SW	2	25	59	Richland
Dagney	2		NW	NW	NE	4	25	59	Richland

WORK COPY

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

PER MAP AK 6/4/26

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1	NW	SW	NE	16	26N	59E	Richland					

PLACE OF USE

21. What are the geocodes of the place of use?

27-3809-34-3-01-01-0000	27-3674-04-1-02-01-0000
27-3809-26-3-01-04-0000	
27-3809-30-3-03-01-0000	
27-3674-02-3-01-01-0000	

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
Claire				NE	SW	34	26	59	Richland
Shannon				Sw	SE	26	26	59	Richland
Johnson				Sw	SE	30	26	59	Richland
Voss				SE	SW	2	25	59	Richland
Dagney	2			NE	NW	4	25	59	Richland

Per map ST 6/18/2026

APPLICATION ADDENDA AND REVIEW

3. ☐ **S** ☑ **NA** If your application is for groundwater, not surface water, and one or more of your points of diversion are in a Basin Closure Area, then submit the Basin Closure Area Addendum (Form 600-BCA).

4. ☐ **S** ☑ **NA** If your application is for groundwater and one or more points of diversion are in a Basin Closure Area, then your project must have a Hydrogeologic Report that conforms with MCA 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements. Please mark the box below that best applies, then select "S" if submitting a Hydrogeologic Report or "NA" if one is not required. This question does not apply to surface water points of diversion in a Basin Closure Area.

- ☐ If you elected to conduct Technical Analyses, you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses but did not have a preapplication meeting AND complete a Form 600P Permit Preapplication Meeting Form (or changes have occurred since the completed Form 600P), you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses, had a preapplication meeting, completed a Form 600P, and the Technical Analyses remain unchanged since the preapplication meeting, you do not need to submit Form 600-HRA because the Department's Technical Analyses meet the report requirements of § 85-2-360 and § 85-2-361, MCA.

5. ☐ **S** ☑ **NA** If the project is for one or more groundwater points of diversion located in a Controlled Groundwater Area, then submit the Controlled Groundwater Area Addendum (Form 600-CGWA).

6. ☐ **S** ☑ **NA** If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AC-FT (Form 600-B).

7. ☐ **S** ☑ **NA** If the project involves out-of-state water use, then submit the Out-of-State Use Addendum (Form 600/606-OSA).

8. ☐ **S** ☑ **NA** If you require mitigation water to meet the criteria of issuance, then submit a Mitigation Purpose Addendum (Form 600/606-MIT).

9. ☐ **S** ☑ **NA** If the proposed purposes include marketing or selling water, (not marketing for mitigation/ aquifer recharge), then submit the Marketing Purpose Addendum (Form 600/606-WMA).

10. ☐ **S** ☑ **NA** If the project involves one or more places of storage, then submit a Permit Storage Addendum (Form 600-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).

11. ☐ **S** ☑ **NA** If the project is in designated sage grouse habitat, then submit a review letter from the Montana Sage Grouse Habitat Conservation Program.

12. ☑ **S** ☑ **NA** If the project includes a point of diversion and/or place of use on State of Montana Trust Land, submit documentation of consent from the DNRC Trust Lands Management Division.
Applicant provided MT State lease because POD is located on State land. 6/19/2025 ST

13. ☐ **S** ☑ **NA** You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to §85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.

Application Materials

- Application
- Any information submitted with Application including maps

Application Materials

APPLICATION AMENDMENT FORM

ARM 36.12.1401

Form No. 655 *(Revised 01/2024)*

Application # 40S 30175490

Rec'd Date 8/26/2026

INFORMATION

Use this form to modify an element of a permit or change application.

An applicant may modify an element of a permit or change application prior to the department's issuance of a draft preliminary determination. If the draft preliminary determination is to deny or to grant with modifications, the applicant may modify their application after the draft preliminary determination has been issued, only if they have been granted an extension of time under §85-2-307, MCA, and may only modify it one time under this provision (ARM 36.12.1401).

Modification of an element will reset the statutory timelines for application processing identified in §85-2-302 and -307, MCA. If the applicant completed a preapplication meeting and the modification does not require the department to update its technical analyses, the reduced preapplication timelines shall still apply. If the applicant completed a preapplication meeting and the modification requires the department to update any of its technical analyses, the reduced preapplication timelines shall no longer apply. In addition to resetting timelines, the priority date of a permit application will be changed to the date the last modification was made if a modification changes the nature or scope of the permit application information (ARM 36.12.1401).

Application Number 40S 30175490

Applicant Name Hydra MT, LLC

Name of individual completing Form, (*If other than applicant*)

Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone Number _____ Email Address _____

I am amending the following elements: *(please check all that apply)*

- ☐ Purpose
- ☐ Point of diversion
- ■ Place of use
- ☐ Flow rate
- ☐ Period of diversion
- ☐ Period of use
- ■ Volume
- ☐ Other: _____

Describe in detail the proposed amendment(s) checked above. Use additional sheets if necessary.

Place of Use #2 (POU 2) will be removed as a designated place of use from this application. The removal of POU #2 changes the total volume of water needed for beneficial use by approximately 1,350,000 bbls.

The original purpose for beneficial use was to support the water requirements of 17 oil and gas wells; now 14 with the removal of POU #2.

For 14 wells requiring ~450,000 bbls each, and accounting for a 1% margin of error, the new amount of water needed for beneficial use is 6,363,000 bbls of fresh water, or 820 AF.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name Kane Fontenot

Applicant / Representative Signature Kane Fontenot Digitally signed by Kane Fontenot Date: 2026.08.26 12:53:36 -05'00' **Date** 08/25/2026

Printed Name _____

Applicant / Representative Signature _____ **Date** _____

NOTE: Form must be signed by the applicant or an individual with legal power of attorney representing applicant

APPLICATION FOR BENEFICIAL WATER USE PERMIT

§ 85-2-302, MCA

Form No. 600 *(10/2025)*

For Department Use Only

Received

JUN 04 2026

DNRC Water Resources
Glasgow Regional Office

Application # 30115490 Basin 40S
Priority Date 6/4/26 Time 11:01 AM/PM
Rec'd By AF
Fee Rec'd $ 2,500- Check # 6936
Deposit Receipt # GWS2630267
Payor Hydra Services LLC
Refund $ _____ Date _____

FILING FEE

$2900/$1600 – Inside a Basin Closure Area, Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

$2500/$1200 – Outside a Basin Closure Area; Controlled Groundwater Area or Compact Closure; without/with filing fee reduction.

INFORMATION

An application will be eligible for a filing fee reduction and expedited timelines if the applicant completes a preapplication meeting with the Department (ARM 36.12.1302(1)), which includes submitting any follow-up information identified by the Department (ARM 36.12.1302(3)(c)) and receiving either Department-completed technical analyses or Department review of applicant-submitted technical analyses (ARM 36.12.1302(4) and (5)). An application for the proposed project also must be submitted within 180 days of delivery of Department technical analyses or scientific credibility review and no element on the submitted application can be changed from the completed preapplication meeting form (ARM 36.12.1302(6)). If application is eligible for a filing fee reduction, $500 paid for Form 600P-B will be credited toward filing fees shown above.

Applicant Information: ***Add more as necessary.***

Applicant Name Hydra MT, LLC
Mailing Address 945 Bunker Hill Rd, Suite 1200 City Houston State TX Zip 77024
Phone Numbers: Home _____ Work 713-360-7705 Cell _____
Email Address _____

Applicant Name _____
Mailing Address _____ City _____ State _____ Zip _____
Phone Numbers: Home _____ Work _____ Cell _____
Email Address _____

Applicant Name _____
Mailing Address _____ City _____ State _____ Zip _____
Phone Numbers: Home _____ Work _____ Cell _____
Email Address _____

Contact/Representative Information: ***Add more as necessary.***

Contact/Representative is: ☑ Applicant ☐ Consultant ☐ Attorney ☐ Other
Contact/Representative Name Kane Fontenot
Mailing Address 945 Bunker Hill Rd, Suite 1200 City Houston State TX Zip 77024
Phone Numbers: Home _____ Work _____ Cell 337-277-5884
Email Address kfontenot@krakenoil.com

NOTE: *If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary (ARM 36.12.122(2)). If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondences, and a copy may be sent to the contact person (ARM 36.12.122(3)).*

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y"), no ("N"), or not applicable ("NA"). Questions that require items to be submitted to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Application. Label all submitted items with the question number for which they were submitted. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, specify "see attachment" on this form, and label the attachment with the question number. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Responses in the form of a table may be entered into the table provided on this form or in an attachment. If an attachment is used, the table must have the exact headings found on this form, and "see attachment" must be entered as a response to the relevant question. Clearly label all units in tables and narrative responses.

PREAPPLICATION AND TECHNICAL ANALYSES INFORMATION

1. ☑ **Y** ☐ **N** Do you elect for Department technical analyses to be used for criteria assessment?

2. ☐ **Y** ☑ **N** Did you have a preapplication meeting AND complete a Permit Preapplication Meeting Form Part A and Part B (Form 600P-A and 600P-B)?

IF QUESTION 2 IS NO, answer 2.a and 2.b:

2.a. ☑ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.b. ☐ **S** ☑ **NA** Submit the technical analyses, if you elected in question 1 for Applicant technical analyses to be used for criteria assessment. Select "NA" if you elected for Departmental technical analyses.

IF QUESTION 2 IS YES, answer 2.c, 2.d, and 2.e:

2.c. ☐ **Y** ☐ **N** Has any element of the project described in this application changed from the mandatory elements of the project described in the completed form 600P? **If yes:**
2.c.i. Please explain.

_____
_____
_____
_____
_____
_____

2.c.ii. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.d. ☐ **Y** ☐ **N** Are the technical analyses to be used for criteria assessment exactly the same as those completed during the preapplication process? **If no:**
2.d.i. Please explain.

_____
_____
_____
_____
_____

2.d.ii. ☐ **S** Submit the Technical Analyses Addendum (Form 600-TAA).

2.e. ☐ **Y** ☐ **N** Did you elect in Question 1 for Department technical analyses to be used for criteria assessment? **If no:**
2.e.i. ☐ **S** Submit the technical analyses.

APPLICATION ADDENDA AND REVIEW

3. ☐ **S** ☑ **NA** If your application is for groundwater, not surface water, and one or more of your points of diversion are in a Basin Closure Area, then submit the Basin Closure Area Addendum (Form 600-BCA).

4. ☐ **S** ☑ **NA** If your application is for groundwater and one or more points of diversion are in a Basin Closure Area, then your project must have a Hydrogeologic Report that conforms with MCA 85-2-361 to comply with the requirements of § 85-2-360, MCA. A Hydrogeologic Report Addendum (Form 600-HRA) or Department Technical Analyses may be used to meet these requirements. Please mark the box below that best applies, then select "S" if submitting a Hydrogeologic Report or "NA" if one is not required. This question does not apply to surface water points of diversion in a Basin Closure Area.

- ☐ If you elected to conduct Technical Analyses, you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses but did not have a preapplication meeting AND complete a Form 600P Permit Preapplication Meeting Form (or changes have occurred since the completed Form 600P), you must submit the Hydrogeologic Report Addendum (Form 600-HRA).
- ☐ If you elected for DNRC to conduct Technical Analyses, had a preapplication meeting, completed a Form 600P, and the Technical Analyses remain unchanged since the preapplication meeting, you do not need to submit Form 600-HRA because the Department's Technical Analyses meet the report requirements of § 85-2-360 and § 85-2-361, MCA.

5. ☐ **S** ☑ **NA** If the project is for one or more groundwater points of diversion located in a Controlled Groundwater Area, then submit the Controlled Groundwater Area Addendum (Form 600-CGWA).

6. ☐ **S** ☑ **NA** If the project involves an appropriation that is greater than 5.5 CFS and 4,000 acre-feet, then submit a Criteria Addendum Application for Beneficial Water Use Permit for Appropriations Greater than 5.5 CFS and 4,000 AC-FT (Form 600-B).

7. ☐ **S** ☑ **NA** If the project involves out-of-state water use, then submit the Out-of-State Use Addendum (Form 600/606-OSA).

8. ☐ **S** ☑ **NA** If you require mitigation water to meet the criteria of issuance, then submit a Mitigation Purpose Addendum (Form 600/606-MIT).

9. ☐ **S** ☑ **NA** If the proposed purposes include marketing or selling water, (not marketing for mitigation/ aquifer recharge), then submit the Marketing Purpose Addendum (Form 600/606-WMA).

10. ☐ **S** ☑ **NA** If the project involves one or more places of storage, then submit a Permit Storage Addendum (Form 600-SA). This does not include reservoirs, pits, pit-dams, or ponds with a capacity less than 0.1 AF; water tanks; or cisterns (ARM 36.12.113(6)).

11. ☐ **S** ☑ **NA** If the project is in designated sage grouse habitat, then submit a review letter from the Montana Sage Grouse Habitat Conservation Program.

12. ☐ **S** ☑ **NA** If the project includes a point of diversion and/or place of use on State of Montana Trust Land, submit documentation of consent from the DNRC Trust Lands Management Division.

13. ☐ **S** ☑ **NA** You must provide a written notice of the application to each owner of an appropriation right sharing a point of diversion or means of conveyance (e.g., canal, ditch, flume, pipeline, or constructed waterway) pursuant to §85-2-302(4)(c), MCA. Submit a copy of this notice and the recipient list.

PURPOSE AND DIVERSION INFORMATION

14. ☑ **Y** ☐ **N** Is the proposed use temporary?

14.a. If yes, when will the appropriation cease? 12/31/2032

15. Is the proposed source surface water or groundwater? Surface

16. What is the source name? Missouri River

17. ☑ **S** Attach a map utilizing an aerial photograph or topographic map that shows the following: section corners; township and range; north arrow; scale bar; all proposed points of diversion labeled with a unique Point of Diversion (POD) ID number and, if applicable, GWIC number; all proposed places of use; all proposed conveyance facilities and or routes; all proposed places of storage labeled with a unique Storage ID number; and places of use (POU) for all overlapping water rights. More than one map may be submitted, if necessary to clearly convey all required information.

18. Fill out the table below. Means of diversion for surface water includes headgate, pump, dam, and others. Means of diversion for groundwater includes well, developed spring, pit pond, and others.

Purpose	**Means of Diversion**	**Acres Irrigated** (if appl.)	**Period of Diversion** *(Month/Day - Month/Day)*	**Period of Use** *(Month/Day - Month/Day)*	**Flow Rate** ☑ *GPM* ☐ *CFS*	**Volume** *(Acre-Feet)*
Industrial	Pump		1/1-12/31	1/1-12/31	4000	1000
				Total Flow Rate and Volume Required	4000 GPM	1000 AF

19. ☐ **Y** ☑ **N** Does the proposed use include on or more of the following purposes: domestic, multiple domestic, stock, or irrigation? If yes, fill out the table below, where applicable.

Purpose	**Requested Information**	**Response**
Domestic or multiple domestic	Number of households and bedrooms served per household	
Stock	Number of animal units	
Irrigation	Method of irrigation type (sprinkler or flood) and subtype (if flood: level border, graded border, furrow, contour ditch, or other; if sprinkler: center pivot, wheel line, or other)	
Irrigation (flood only)	Design slope	

POINT(S) OF DIVERSION

20. Describe the proposed location of the point(s) diversion to the nearest ¼ ¼ ¼ Section. Label each POD with the POD ID number used for the project map (question 17).

POD #	¼	¼	¼	Sec.	Twp.	Rge.	County	Lot	Block	Tract	Subdivision	Gov. Lot
1		SW	NE	16	26N	59E	Richland					

PLACE OF USE

21. What are the geocodes of the place of use?

27-3809-34-3-01-01-0000	27-3674-04-1-02-01-0000
27-3809-26-3-01-04-0000	
27-3809-30-3-03-01-0000	
27-3674-02-3-01-01-0000	

22. Describe the legal land description for the proposed place of use and, if applying for an irrigation or lawn and garden purpose, list the number of irrigated acres.

Acres	Gov. Lot	Block	¼	¼	¼	Sec.	Twp.	Rge.	County
Claire				NE	SW	34	26	59	Richland
Shannon				Sw	SE	26	26	59	Richland
Johnson				Sw	SE	30	26	59	Richland
Voss				SE	SW	2	25	59	Richland
Dagney	2					4	25	59	Richland

SUPPLEMENTAL AND OVERLAPPING WATER RIGHTS

23. ☐ **Y** ☑ **N** Will other water rights supplement or overlap the place of use to contribute to the purpose(s)?

23.a. If yes, summarize how the supplemental and proposed water rights will be operated as a whole to serve the purpose(s).

24. For each supplemental or overlapping water right, please list the water right number, typical period of diversion and use (MM/DD-MM/DD), flow rate (GPM or CFS), and the volume of water (AF) contributed to the shared place of use.

Water Right #	Average Period of Diversion	Average Period of Use	Flow Rate	Volume Contributed

25. ☐ **Y** ☑ **N** Will this application supplement contract water from a Federal Project, ditch company, or other source?

25.a. If yes, explain.

ADVERSE EFFECT

26. Explain how you can control your diversion in response to a call being made.

In response to a call being made during a water shortage, pumps can be shut off and appropriation can be ceased. Flow rate can also be choked back as well, as much as necessary. While we have found through experience the requested rate to be the most ideal to ensure sufficient operations, Hydra/Kraken will adjust its operations accordingly in coordination with the DNRC during a water shortage or call being made, to not have a negative impact on existing water rights in the area.

27. Describe any plans you have for ensuring existing water rights will be satisfied during times of water shortage.

In the event of a shortage, water will not be appropriated if it is shown that doing so will negatively impact senior water rights.

28. ☐ **Y** ☑ **N** Are you aware of any calls that have been made on the source of supply or, if groundwater, on nearby surface water sources?

28.a. If yes, explain.

29. ☐ **Y** ☑ **N** Does a water commissioner distribute water or oversee water distribution on your proposed source?

29.a. If yes, list the source(s).

30. ☐ **Y** ☑ **N** Do other water rights share any of the proposed points of diversion?

30.a. If yes, describe how the proposed project will not adversely affect these water rights.

31. ☐ **Y** ☑ **N** Do other water rights share any conveyance infrastructure associated with the proposed project?

31.a. If yes, describe how the proposed project will not adversely affect these water rights.

ADEQUATE MEANS OF DIVERSION AND OPERATION

32. ☑ **S** Submit a diagram of how you will operate your system from all proposed points of diversion to all proposed places of use.

33. Describe specific information about the capacity of all proposed diversionary structures. This may include, where applicable: pump curves and total dynamic head calculations, headgate design specifications, and dike or dam height and length.

A screened aluminum pipe will be places in the river at the POD. A portable, 10 x 8" diesel pump will discharge water into a portable filter trailer, passing through an in-line flow meter capable of taking continuous measurement before being discharged into the 10" lay-flat pipeline which will be the diversionary vehicle of the water to a RhinoKore frac tank located at the place of use on a Kraken/Hydra well location. During freezing conditions, a hot oiler will be used to keep the water above freezing before heading into the layflat line. The diesel pump will be capable of pumping 4000 GPM. Depending upon elevation and overall distance for POD to POU, in-line pumps can be installed as needed to maintain flowrate.

34. Describe the size, materials, capacity, and configuration of infrastructure to convey water from all proposed points of diversion to all proposed places of use. This may include but is not limited to, pipelines and ditches. Include a description of any losses related to the proposed conveyance. Ditch conveyance losses may be estimated numerous ways, which include a ditch loss rate or Department standard methods.

Water will be transported as described in the response to Question 33.
Temporary, 10" layflat pipeline will be run from the POD to the POU in order to provide fresh water for the completion of oil and gas wells on a pad at the POU. Each pad takes between 2 to 4 weeks to complete, depending upon the amount of wells on each pad. Upon completion of each pad, the diversionary equipment will be removed until the next pad (POU's) are scheduled to begin completion.

35. Describe how the proposed diversion and conveyance infrastructure can provide the required flow and volume, for the purposes plus any conveyance losses and storage, throughout the proposed period of diversion.

Hydra has used the same, or closely related conveyance equipment of equal spec in accordance with other water rights in Richland and Roosevelt County. Depending on elevation and overall transfer distance, additional in-line pumps may be necessary to transport water at the required rate.

36. Provide a plan of operations, which includes specific information about how water is delivered within the place of use. This may include, where applicable, the range of flow rates needed for a pivot.

Refer to response for #36 in attachments.

37. ☑ **Y** ☐ **N** Does the proposed conveyance require easements?

37.a. If yes, explain.

Along the route, Hydra and Kraken will secure easements where appropriate for any rail, county road, state highway, or private land crossings where layflat line will be laid from the respective necessary entity.

38. ☐ **Y** ☑ **N** Do you own the land where all proposed points of diversion are located?

38.a. ☑ **S** If no, submit documentation to show you have the right to use all points of diversion located on each property you do not own. This may include, but is not limited to, a well agreement, an easement, or permission of the party that owns the property where the proposed point(s) of diversion are located.

39. ☐ **Y** ☑ **N** Will your system be designed to discharge water from the project?

IF YES,

39.a. Explain the wastewater disposal method.

39.b. ☐ **Y** ☐ **N** ☑ **NA** Have the necessary permits been obtained to comply with §§ 75-5-410 and 85-2-364, MCA?

40. ☑ **Y** ☐ **N** Do you have any plans to measure your diversion and use?

40.a. If yes, describe the plan and the type of measurements you will take.

An in-line flow meter capable of continuous measurement will be utilized at the point of diversion. This information will be documented, and provided to the DNRC on a Form WM-02

41. ☐ **Y** ☑ **N** Is the means of diversion for any proposed point of diversion a well?

IF YES,

41.a. ☐ **Y** ☐ **N** Have all wells been drilled?

41.b. For all wells that have been drilled, what is the name of the well driller and, if available, what is their license number?

41.c. ☐ **Y** ☐ **N** For all wells yet to be drilled, will a licensed well driller construct the wells?

41.d. ☐ **S** ☐ **NA** Submit any well logs not yet submitted to the Department.

BENEFICIAL USE

42. ☐ **Y** ☑ **N** Does the Department have a volume, period of diversion, or period of use standard for the purposes for which water is proposed? Department standards can be found in the DNRC Water Calculation Guide, ARM 36.12.112, and ARM 36.12.115.

42.a. ☐ **Y** ☐ **N** If yes, do all proposed beneficial uses fall within Department standards?

42.b. If no Department standard exists, or if any proposed beneficial use falls outside of Department standards, explain how the requested flow rate and volume are reasonable for the purpose.

Kraken and Hydra intend to fulfill its water requirement for upcoming oil and gas development in the area by obtaining a beneficial use water permit from the Montana DNRC. This permit will allow Kraken and Hydra to prove new reserves in this previously undeveloped region of Montana, contributing to the local and state economies with jobs and royalties. In addition, it allows for Hydra and Kraken to transport the volume needed to complete these new wells via temporary lay-flat pipeline. By utilizing a pump at the River source, we will be able to keep over 1.2 million tons off of Roosevelt County roads in water weight alone that would otherwise be trucked throughout the duration of this project.

43. ☐ **Y** ☑ **N** Will your proposed project be subject to DEQ requirements for a public water supply (PWS) system or Certificate of Subdivision Approval (COSA)?

44. ☐ **Y** ☑ **N** Are you proposing to use surface water for in-house domestic use?

44.a. ☐ **Y** ☐ **N** If yes, does a COSA exist for the proposed place of use?

44.a.i. ☐ **S** ☐ **NA** If yes, please submit the COSA.

44.a.ii. ☐ **Y** ☐ **N** If no, have you researched or consulted with DEQ regarding their requirements?

POSSESSORY INTEREST

45. ☑ **Y** ☐ **N** Do you meet one of the exceptions to possessory interest requirements, pursuant to ARM 36.12.1802? Exceptions include cases where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use.

45.a. If yes, explain.

The applicant has an active Land Use License with the State of Montana for the intended purpose (Attached in repsonse to question 38). Kraken Oil and Gas, the parent company of Hydra MT, has active interest in the Bakken spacing units in which the places of use are located. In some instances, well pad infrastructure already exists (POU 3).

46. ☐ **Y** ☐ **N** ☑ **NA** Do you own all proposed places of use? Mark "NA" if you meet one of the exceptions to the possessory interest requirement.

IF NO,

46.a. ☐ **S** Explain and submit documentation that shows you either have possessory interest or written permission of the parties with possessory interest of the place of use.

46.b. ☐ **Y** ☑ **N** Would you like the water right to be appurtenant to the land? Please note that if your water right is not appurtenant to land it will not transfer by default with the conveyance of the property, pursuant to § 85-2-403, MCA.

46.b.i. If no, explain.

PROPOSED COMPLETION PERIOD

47. How much time will be needed to complete this project and to submit to the DNRC a Project Completion Notice (Form 617)? 5 years

48. Please describe why this amount of time is needed to complete this project.

Though it is possible to complete this project in a full calendar year. 5 years is a reasonable time frame given the cyclical nature and flexible scheduling that oil and gas development requires.

AFFIDAVIT & CERTIFICATION

Read carefully before you sign and review with legal counsel if you have any questions. All owners (or trustees) must sign the form. ***If the owner is a business or trust, include the title of the representative(s) signing the form (i.e., president, trustee, managing partner, etc.) and provide documentation that establishes the authority of the representative to sign the application.*

I affirm the information provided for this application is to the best of my knowledge true and correct. If a preapplication meeting form was submitted, I am aware that my application for this project will not qualify for a discounted filing fee and expedited timelines if upon submittal of the application to the Department, I changed any element of the proposed application from the preapplication meeting form and follow-up materials (ARM 36.12.1302(6)(a)).

I affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use, unless this application meets an exception to the possessory interest requirements in ARM 36.12.1802(1)(b).

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under § 45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed $500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name Kane Fontenot

Applicant Signature Kane Fontenot Digitally signed by Kane Fontenot Date: 2026.06.01 10:43:42 -05'00' Date: 6/1/2026

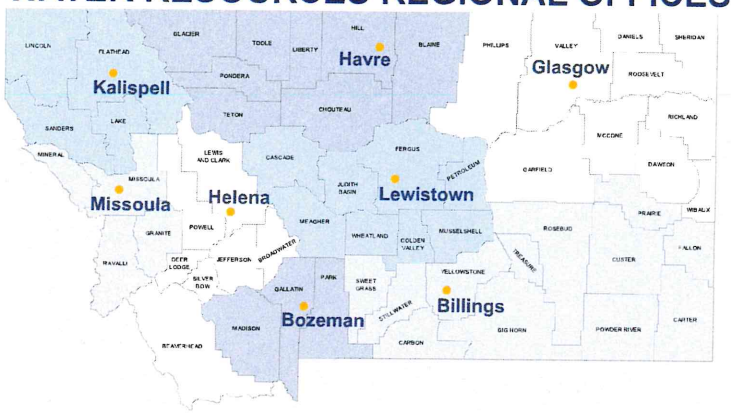
Printed Name _____

Applicant Signature _____ Date: _____

Printed Name _____

Applicant Signature _____ Date: _____

WATER RESOURCES REGIONAL OFFICES



BILLINGS
Airport Industrial Park, 1371 Rimtop Dr
Billings, MT 59105-9702

PHONE 406-247-4415 FAX 406-247-4416
EMAIL DNRCBillingsWater@mt.gov

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

BOZEMAN
2273 Boot Hill Court, Suite 110
Bozeman, MT 59715-7249

PHONE 406-586-3136 FAX 406-587-9726
EMAIL DNRCBozemanWater@mt.gov

Gallatin, Madison, and Park Counties

GLASGOW
222 6th Street South, PO Box 1269
Glasgow, MT 59230-1269

PHONE 406-228-2561
EMAIL DNRCGlasgowWater@mt.gov

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE
210 6th Ave., PO Box 1828
Havre, MT 59501-1828

PHONE 406-265-5516
EMAIL DNRCHavreWater@mt.gov

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA
1424 9th Ave., PO Box 201601,
Helena, MT 59620-1601

PHONE 406-444-6999 FAX 406-444-9317
EMAIL DNRCHelenaWater@mt.gov

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL
655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901-1215

PHONE 406-752-2288
EMAIL DNRCKalispellWater@mt.gov

Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN
613 Northeast Main St., Suite E
Lewistown, MT 59457-2020

PHONE 406-538-7459
EMAIL DNRCLewistownWater@mt.gov

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA
2705 Spurgin Rd. Bldg. C, PO Box 5004
Missoula, MT 59806-5004

PHONE 406-721-4284 FAX 406-542-5899
EMAIL DNRCMissoulaWater@mt.gov

Granite, Mineral, Missoula, and Ravalli Counties

Purpose and Diversion Information

17.

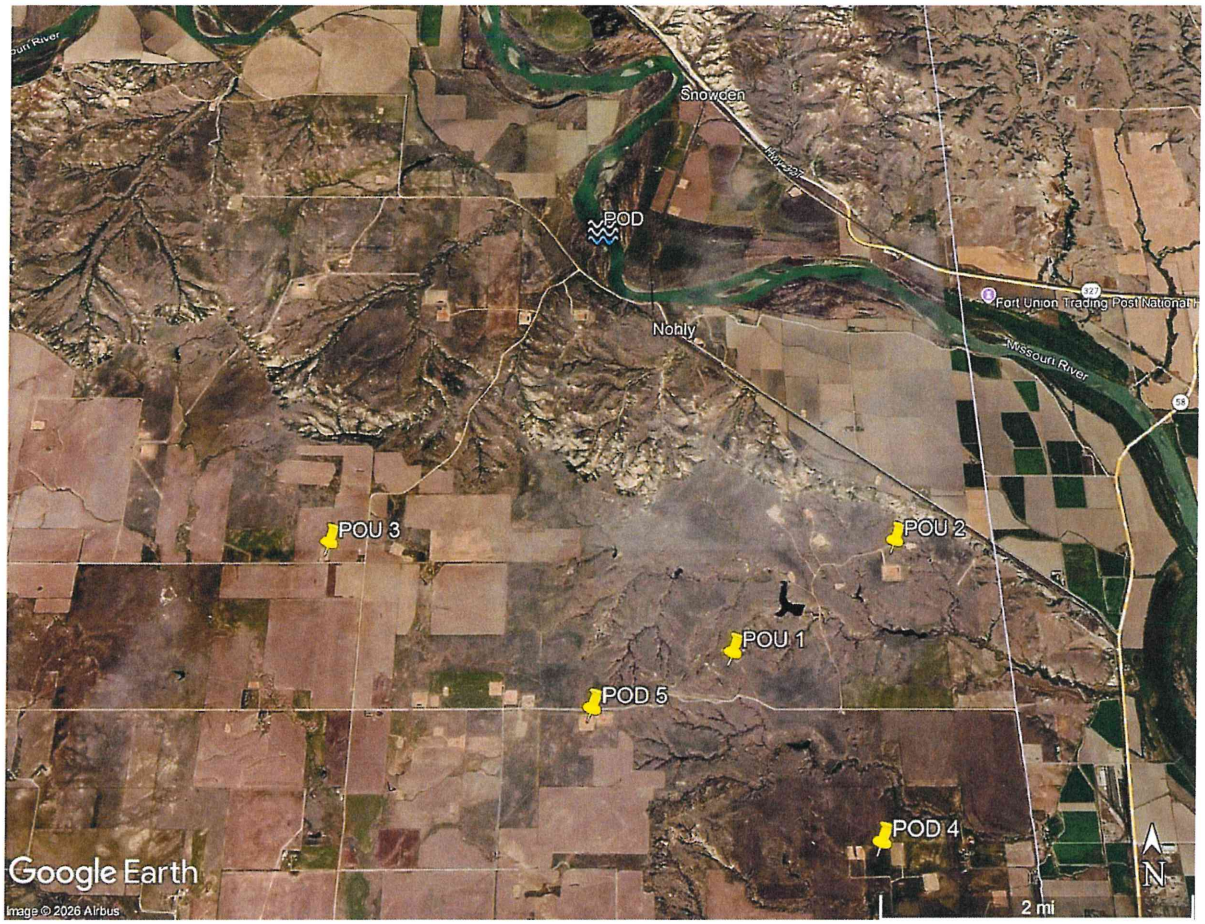


Figure 17A: POD and POU's

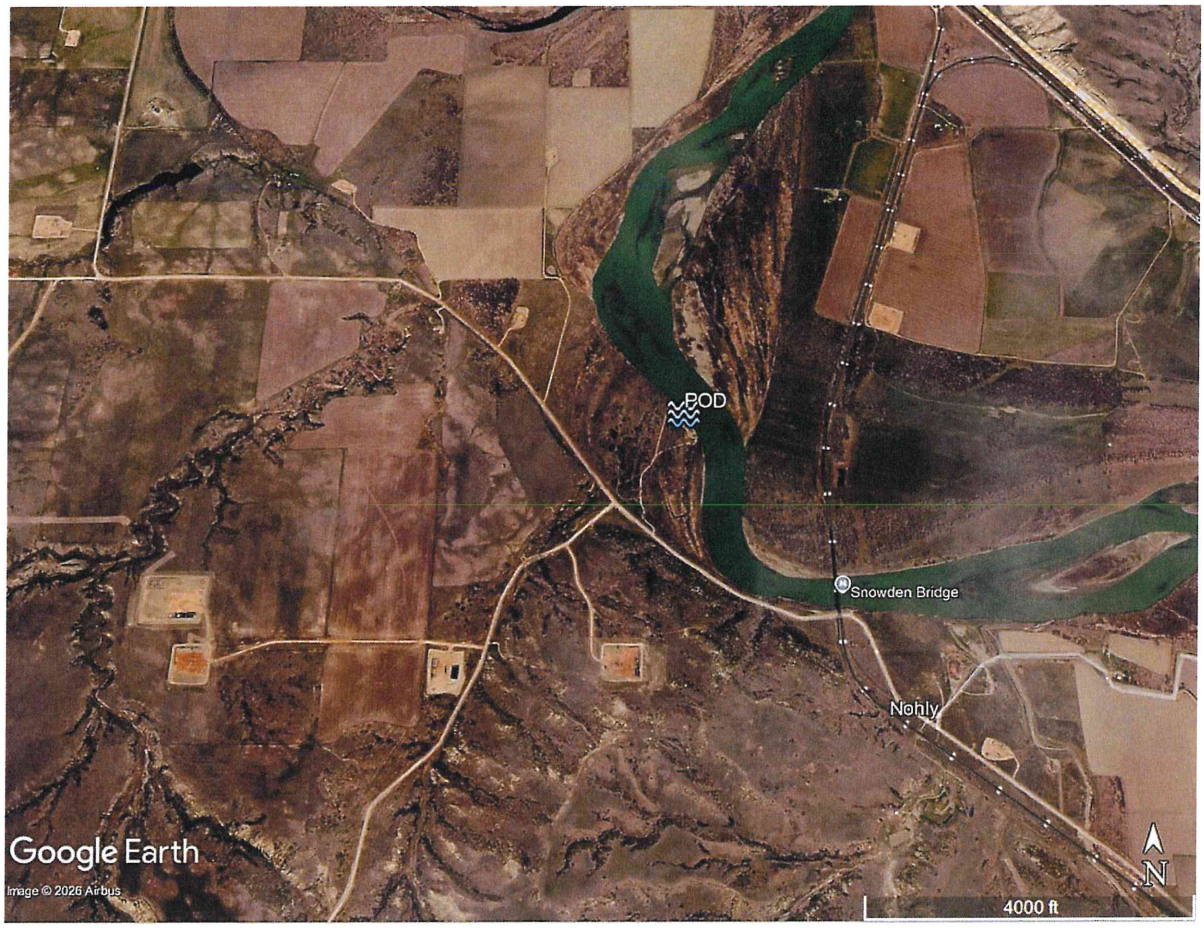


Figure 17B: POD

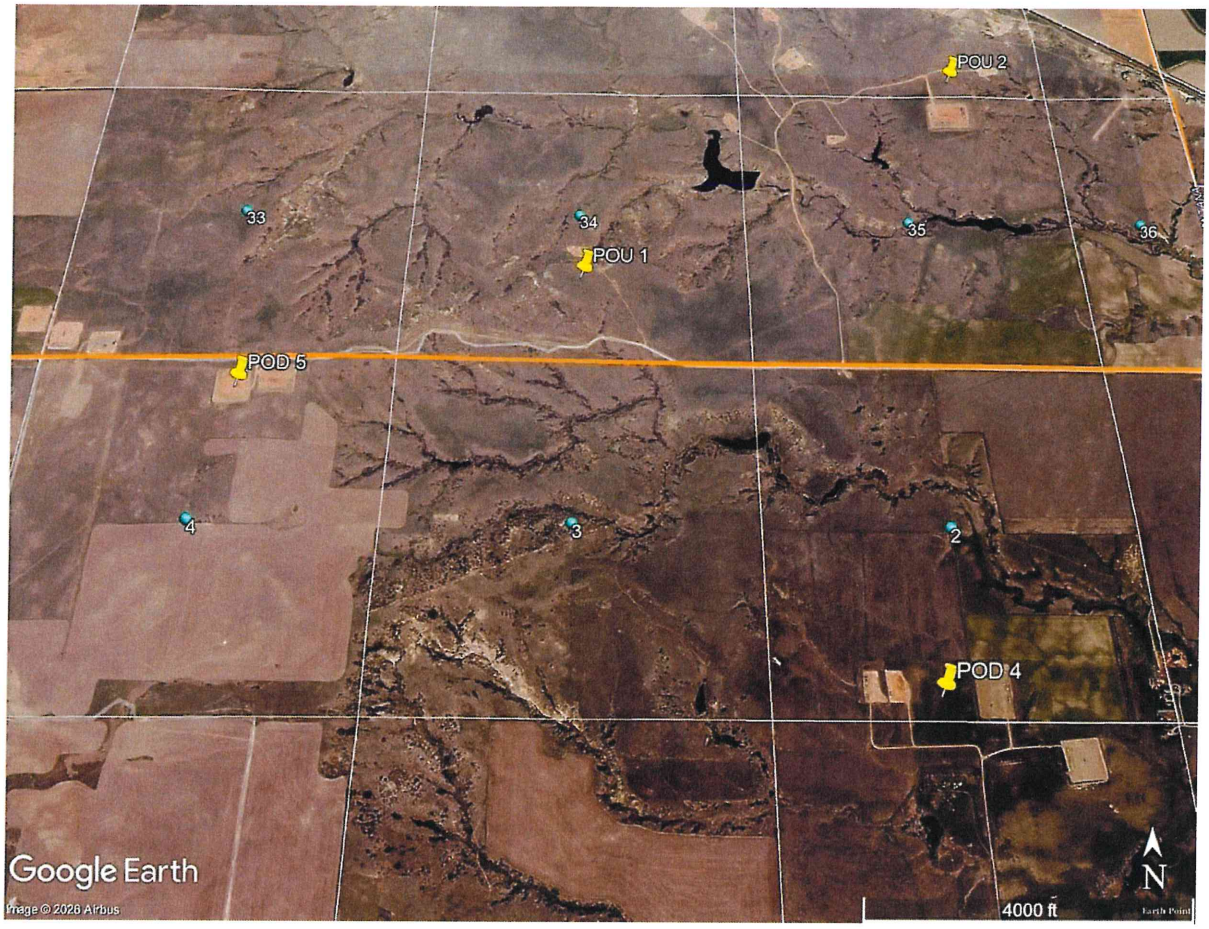


Figure 17C: POU's 1, 2, 4 & 5

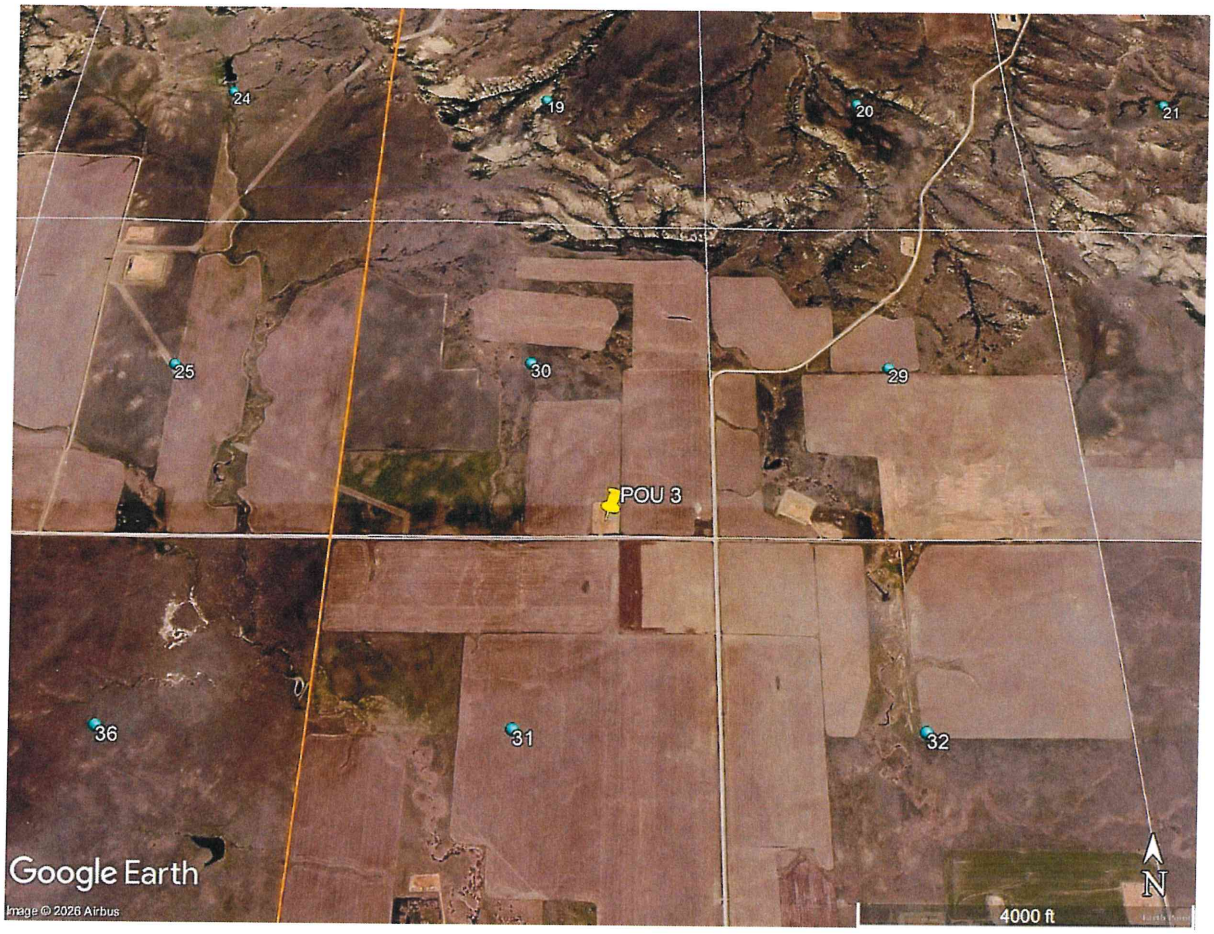


Figure 17D: POU 3

Adequate Means of Diversion and Operation

32.

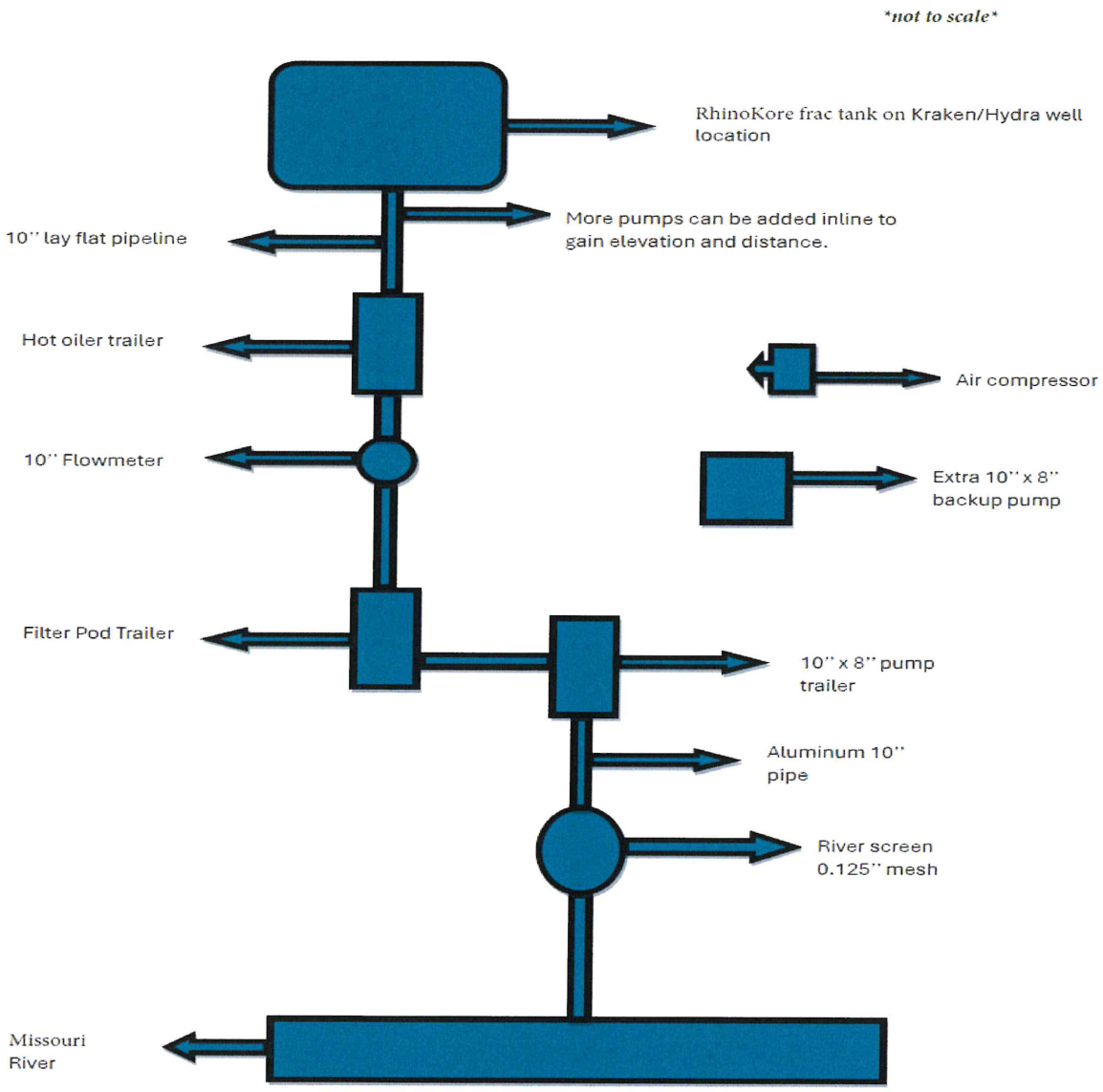


Figure 32: Diversionary Equipment

36.

Water will be transported and delivered to the place(s) of use as described in the responses to questions 33 and 34.

Once the water reaches the place of use, it is delivered into a portable, 50' x 200' 20,000bbl capacity RhinoKore above ground frac tank, one of which will be present at the pad (place of use) during the completion phase of operations. Because of the high rate necessary for completion operations, the RhinoKore acts as a median between the transfer of water to source, and the hydraulic fracturing process. The frac contractor onsite at the place of use pulls water from the RhinoKore which is then mixed with a fine mesh sand while being pumped downhole for the stimulation of the new Bakken wells to be produced at a later date. After completion (frac), the wells on pad are prepared for initial production. Throughout the life of a well, gas, water, and oil are produced from each wellbore where they will then be separated and transported. Produced water (salt water) is transferred to a state approved disposal facility. Depending on the midstream capability at the facility (place of use), this can be via truck or pipeline.

Kraken Oil and Gas, the parent company of Hydra, will develop at least 17 new wells with an average lateral length of 15,000 feet that it plans to develop in the nearby area. These wells will contain on average 90 stages for completion, with each stage spread roughly 190 feet apart throughout the lateral. Each stage is designed to place roughly 300,000 pounds of proppant (sand) into its respective portion of the lateral. Based on fluid rheology, fresh water is designed to be pumped between 70-80 barrels per minute to prevent the well from sanding off. The concentration of sand is also an important factor and is designed to be kept at a maximum of 3 pounds per gallon. To ensure sufficient operation, each stage is designed to utilize approximately 5,000 barrels of fresh water. Therefore, a 90 stage operation will require 450,000 barrels of fresh water per well. An additional 100,000 barrels was requested for this project to account for a 2% margin of error and alternative design considerations.

Figure 36 below is an example of a pump schedule for a stage design being utilized for a 3-mile (15,000') lateral.

Double Drop Stage Design

Rate		Clean vol	Clean vol	Slurry vol	Prop Conc.	Prop Vol
bpm		bbl	gal	gal	ppg	lbs
Up to 80 BPM	SW - BIP Pad	107	4,500	4,500		
Up to 80 BPM	SW 100 mesh	90	3,800	3,843	0.25	950
Up to 80 BPM	SW 100 mesh	90	3,800	3,886	0.5	1,900
Up to 80 BPM	SW 100 mesh ramp 1.(	1,167	49,000	53,434	2	98,000
		-		-		-
Up to 80 BPM	SW	71	3,000	3,000		
Up to 80 BPM	Diverter in ~1 gpt FR	25	1,050	1,050		
Up to 80 BPM	SW	60	2,520	2,520		
Up to 80 BPM	SW 100 mesh	90	3,800	3,843	0.25	950
Up to 80 BPM	SW 100 mesh	90	3,800	3,886	0.5	1,900
Up to 80 BPM	SW 100 mesh ramp 1.(	1,167	49,000	53,434	2	98,000
		-		-		-
Up to 80 BPM	SW	71	3,000	3,000		
Up to 80 BPM	Diverter in ~1 gpt FR	25	1,050	1,050		
Up to 80 BPM	SW	60	2,520	2,520		
Up to 80 BPM	SW 100 mesh	90	3,800	3,843	0.25	950
Up to 80 BPM	SW 100 mesh	90	3,800	3,886	0.5	1,900
Up to 80 BPM	SW 100 mesh ramp 1.(	1,167	49,000	53,434	2	98,000
		-		-		-
Up to 80 BPM	SW - Flush	476	20000	20000		
	Stage Total	4,939	207,440	221,129		302,550
	90 Stage Well Total	444,514	18,669,600	19,901,635	-	27,229,500

Figure 36: Completion Design

38.

LAND USE LICENSE NO.1354

The STATE OF MONTANA, DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, herein grants Hydra MT LLC. (Matt Bauerschlag), 9821 Katy Freeway; Suite 460, Houston, TX 77024, herein called Licensee, a LAND USE LICENSE to occupy and use lands administered by the DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, subject to all of the terms and conditions hereof.

1. DESCRIPTION

A tract or strip of land described as follows: For the purpose of a temporary pump site and temporary water pipeline. Said licensed area shall be located within T26N-R59E-Sec 16 (See Attached Maps). Total licensed area for the pump site will encompass approximately 1 acre of space more or less. Temporary pipeline length will be approximately 4000 feet in length from the pump site to the south property boundary of T26N-R59E-Sec 16. See attached map for reference

2. FILING FEE

A fee of Twenty-five and No/100 Dollars ($25.00) has been paid to the Licensor prior to issuance of this Land Use License.

3. RENTAL

Beginning upon acceptance of this License, and for the term of this License, the Licensee agrees to pay an annual rental of **Ten-Thousand Dollars and No/100 cents.** The first year's rent is due in advance, with the annual rental payments due prior to February 28th of each year of the term of the license.

4. DURATION

This License shall take effect upon signature of the Area Manager, Eastern Land Office and remain in full force and effect up to and including 2/28/2022, unless terminated in accordance with Section 14 of this license.

5. LICENSED ACTIVITY

The purpose of this Land Use License is for temporary pump site and temporary water pipeline for Hydra MT LLC. Persons licensed will be Hydra MT LLC employees and contractors for the purpose of construction, operation and reclamation of this temporary pump site and pipeline.

6. RECLAMATION OF THE LAND

The Licensee will take all reasonable precautions to prevent or minimize damage to natural (i.e., vegetation, soil, water, wildlife), and cultural resources within the areas of the Land Use License. Upon cancellation of this License by either party to this agreement, or upon final expiration of agreement, the Licensee shall reclaim the area to the specifications of the Licensor. Such reclamation shall include, but not be limited to the elimination of all trace of disturbances, compaction, and movement of machinery and equipment. Licensee shall be required to reseed all disturbed areas with native species of grasses, unless other arrangements are agreed upon between the Licensor and the Licensee in writing. When any action requires disturbance, all soil materials shall be salvaged, safeguarded from loss due to wind or water erosion or machinery activity, and shall be replaced on all disturbed areas.

7. MONITORING SITES

The Licensee will maintain the area within the Land Use License in a neat and orderly manner and will allow no waste, debris or litter to accumulate thereon.

8. WEATHER CONDITIONS

The Licensor reserves the right to restrict or preclude any surface activity during periods of adverse weather and other conditions which may attribute to accelerated erosion, fire hazard, disruption of seasonal wildlife, or any other condition which in the opinion of the Department may have an adverse effect on Trust Land. Prior to commencing permitted activities, the Licensee will contact the appropriate Area Office.

9. NOXIOUS WEEDS

The Licensee shall be responsible for controlling any noxious weeds introduced by Licensee's activity on state-owned land. The Licensee's methods of control must be reviewed by the Department of Natural Resources and Conservation's Area Field Office that has jurisdiction for

that locale. The Licensee shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101 et.seq., as follows:

The Licensee shall notify the local weed board that is responsible for that geographical area in which the project is located. If the Licensee disturbs vegetation for any reason, Licensee shall be required to revegetate the disturbed area. The Licensee shall submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding: fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board. Failure to abide by these provisions may result in the cancellation of the License.

10. LIABILITIES

The Licensee agrees to assume responsibility for fires that may result from use of the authority given here and shall defend and save the Licensor, Surface Lessee, and other users of the lands, harmless from all claims and lawsuits that may result from any and all damages, injury or death to persons and/or property that occur upon or about said land caused by or arising out of Licensee's use of the subject area hereunder. The Licensee further agrees that they will be responsible for any damages to the surface lessee's property or leasehold interests that may be caused when entering, crossing, or leaving state-owned subject land.

11. LIMITATION OF AUTHORITY

Other than for the purposes specifically described in this agreement, the Licensee agrees that it does not, and shall not claim at any time any interests or estate of any kind or extent whatsoever in the premise by virtue of this License or their occupancy or use hereunder.

12. SPECIAL STIPULATIONS

A. Licensee acknowledges that the sole right of access to the state lands for the purpose as provided herein is through authorization of this license and that no other claim or assertion for continued access shall made be in the event of termination of this license unless other authorization is secured from the DNRC in writing, prior to such access.

B. Licensee shall put down collection tarps below pumping and heating equipment during periods of use.

C. Licensee shall remove all pumping equipment and temporary lay flat pipe when not in active use. (If longer than 15 days between jobs)

D. Licensee agrees to obtain a Joint Application 310 permit if sloping the bank around the pump site.

E. Licensee shall contact the Richland County Weed Board to prepare a weed management plan for the project prior to March 1st, 2019

F. Lessee agrees to not place equipment on the Snowden Fishing Access Site.

13. CULTURAL RESOURCES

If, when operating on the land under this License, the Licensee, their contractors, sub-contractors, employees and/or authorized agents discovers a cultural resource, all operations in the vicinity of the cultural resource shall be immediately suspended. Licensee must immediately notify the Eastern Land Office. Operations may only resume if authorized by the Eastern Land Office.

14. TERMINATION OF LAND USE LICENSE

The Licensor reserves the right to terminate the permission hereby granted at any time by giving the Licensee no less than ten (10) days written notice of such termination, except that the Licensor may terminate the permission forthwith at any time, if Licensee fails to comply with, or abide by, any and all of the provisions hereof, or ceases to use the permission hereby granted.

Dated this 18TH day of OCTOBER, 2018.

BY: Mark Baumbach
(Licensee/Authorized Agent)

****

(Department of Natural Resources and Conservation Use Only)

APPROVAL OF LICENSE

BY: Chris Hunter
Area Manager, Eastern Land Office

10/24, 2018
Date Approved

FOR REFERENCE

Receipt Number

MCU2621497

AMENDMENT NO. 1
TO
LAND USE LICENSE NO. 1354

LUL # 1354 issued to HYDRA MT LLC. for the purpose of a temporary pump site and temporary water line is hereby amended as follows:

1. The term of this license shall be extended to 2/28/2027. The fee for the term of this license is set at an **annual rental** of **Ten-Thousand Dollars and No/100 cents ($10,000.00)** There is also a filing fee of Twenty-Five Dollars ($25.00). Total due DNRC is Ten Thousand Twenty-Five Dollars ($10,025.00).

- Licensee acknowledges that the sole right of access to the state land for the other claim or assertion for continued access shall made be in the event of purposes as provided herein is through authorization of this license and that no termination of this license, unless other authorization is secured from DNRC, in writing, prior to such access.
- The licensee hereby accepts the rights, duties, and obligations inherent in original Land Use License No. 1354 and those provided under terms of this amendment.
- The first year's rent is due in advance with the remaining annual rental payments due prior to February 28th of each year of the term of the license.

The addendum is to be attached to and made part of the Land Use License. All other terms and conditions remain in full effect.

DNRC/ELO Area Manager/
Land Program Manager

Date: 3-3-2026

Licensee Signature

Date: 2/16/22

Appendix

ModMAG® Electromagnetic Flow Meter

M2000



Badger Meter

MAG-UM-01272-EN-25 (June 2022)

User Manual

Appendix Figure A: Flow Meter

PIONEER PUMP
PERFORMANCE THROUGH INNOVATION™

Standard Centrifugal

SC108S17L71



Typical Pump Configuration

Performance

End suction standard centrifugal pump

Bare shaft, frame mounted, heavy duty, solids handling pump

Size	10" x 8" 250 x 200 mm
Flow, Max	7,600 USgpm 1750 m³/h 480 l/s
Head, Max	450 feet 140 meters
Flow at BEP	4,600 USgpm 1060 m³/h 290 l/s
Efficiency at BEP	80%
Solids Handling, Max	3.5" 89 mm
Operating Speed, Max	2000 rpm
Suction Connection	10" (250 mm) 150 ANSI Flanges
Delivery Connection	8" (200 mm) 150 ANSI Flanges
Bearing Lubrication	Oil STD Grease optional
Fasteners	Imperial

Applications

Dirty water
Sewage bypass
Silt returns
Cooling pumps
Raw water pumps
Flood pumps
Mine dewatering

PosiValve™ Patent #6,783,730

High pressure, high flow, heavy duty solids handling pump

Designed to run over a broad range of performance while delivering outstanding suction lift, the SC108S17 is the solid choice. The rugged construction and modular design provide proven reliability and flexibility in the most demanding applications.

Optional Priming System

Priming System	Mechanically Driven Diaphragm Style Vacuum Pump
Air Removal Capability	50 CFM
Priming Chamber	Single chamber with positive sealing air separation PosiValve™ with stainless steel float ball & linkage
Discharge Check Valve	Swing Style - ductile iron with Buna-n Disc

Other Specifications

Mechanical Seal	Single Type Seal w/ Tungsten Carbide vs. Silicon Carbide Seal Faces, Viton Elastomers, 300 Series Stainless Steel Hardware and Spring (Run Dry Option Available).
Pump End Bearing	Single row ball
Drive End Bearing	Double Row Angular Contact
Shaft	17-4 PH Stainless Steel

Construction Materials

	Standard Construction	CD4MCu Stainless Steel
Impeller	CA6NM SS	CD4MCu
Volute	Ductile Iron ASTM A536 65-45-12	CD4MCu
Wear Ring	ASTM A48 Class 40 Gray Iron	316 SS
Suction Cover	Ductile Iron ASTM A536 65-45-12	CD4MCu
Bracket	Ductile Iron ASTM A536 65-45-12	CD4MCu
Backplate	Ductile Iron ASTM A536 65-45-12	CD4MCu

SC108S17L71 06.14

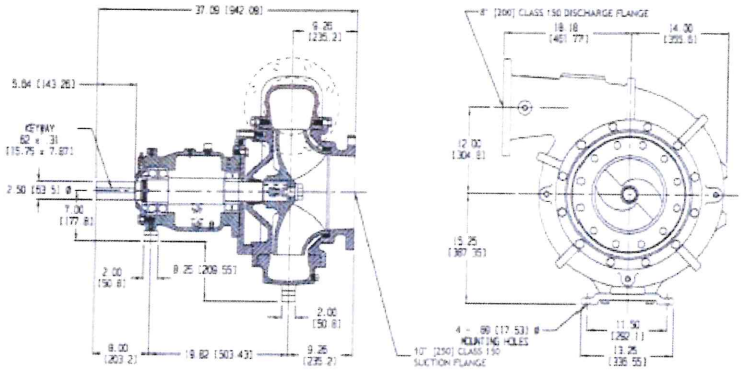
Appendix Figure B: Diesel Pump

Mechanical Dimensions



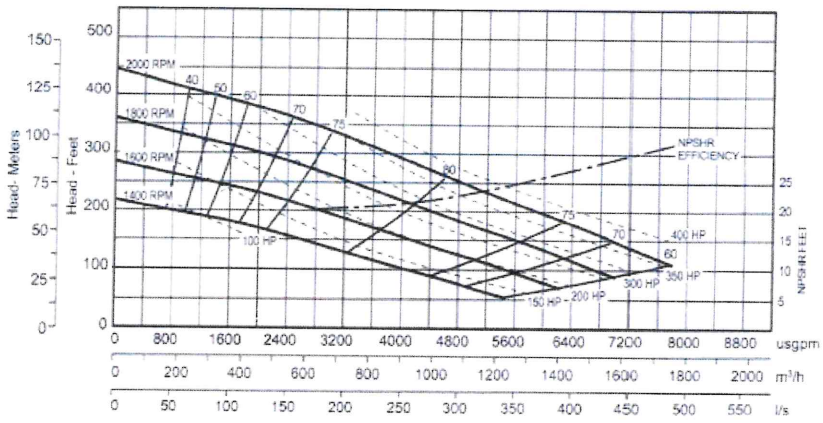
Typical Pump Configuration

SC108S17



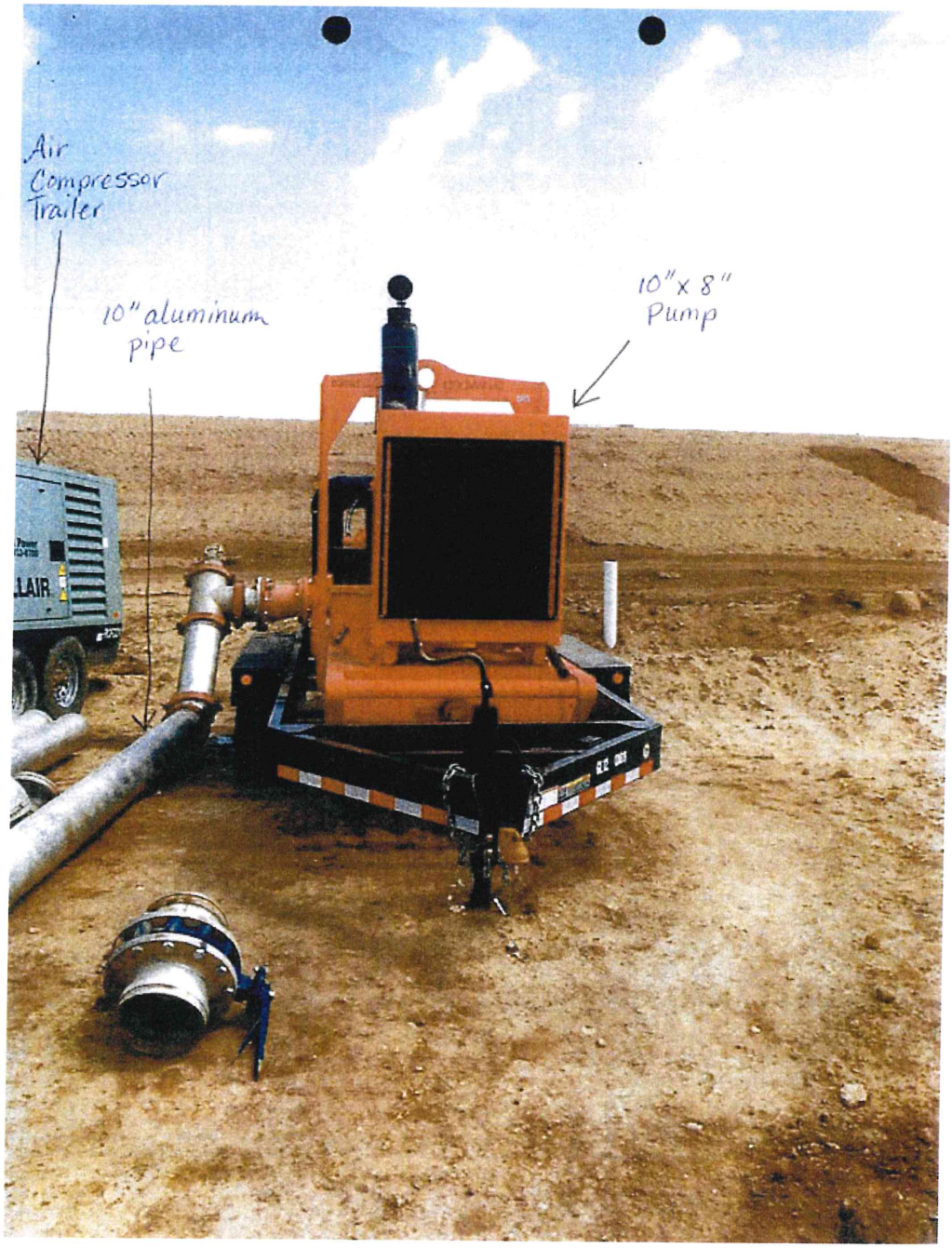
Performance Curve

Model: SC108S17	Impeller Dia: 17.5"	Speed: Variable	Solids Size: 3.5"	Curve #07997HQ



Corporate +1 (503) 266-4115 ■ EMEA +44 (0)1449 736777 ■ South Africa +27 (0)11 824 0085 ■ Australia +61 3 9988 1650

Appendix Figure C: Pump Specs



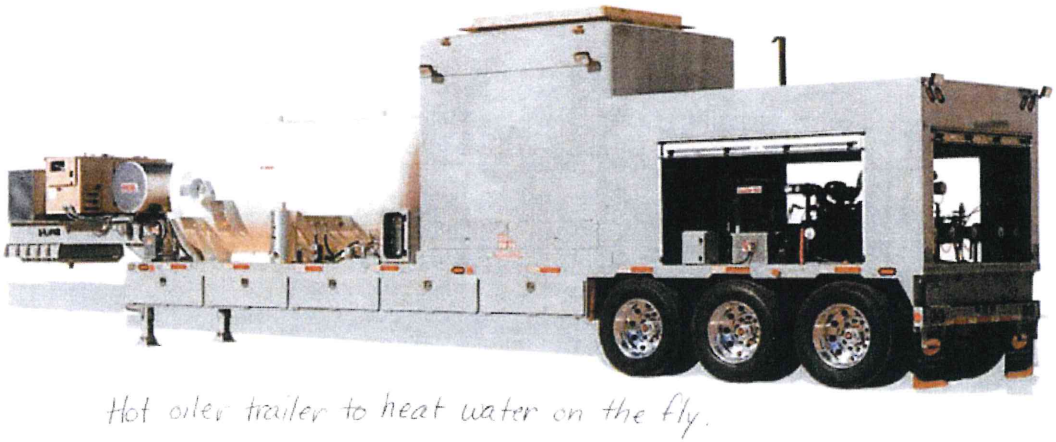
Appendix Figure D: Diversionary Equipment



Appendix Figure E: Diversionary Equipment

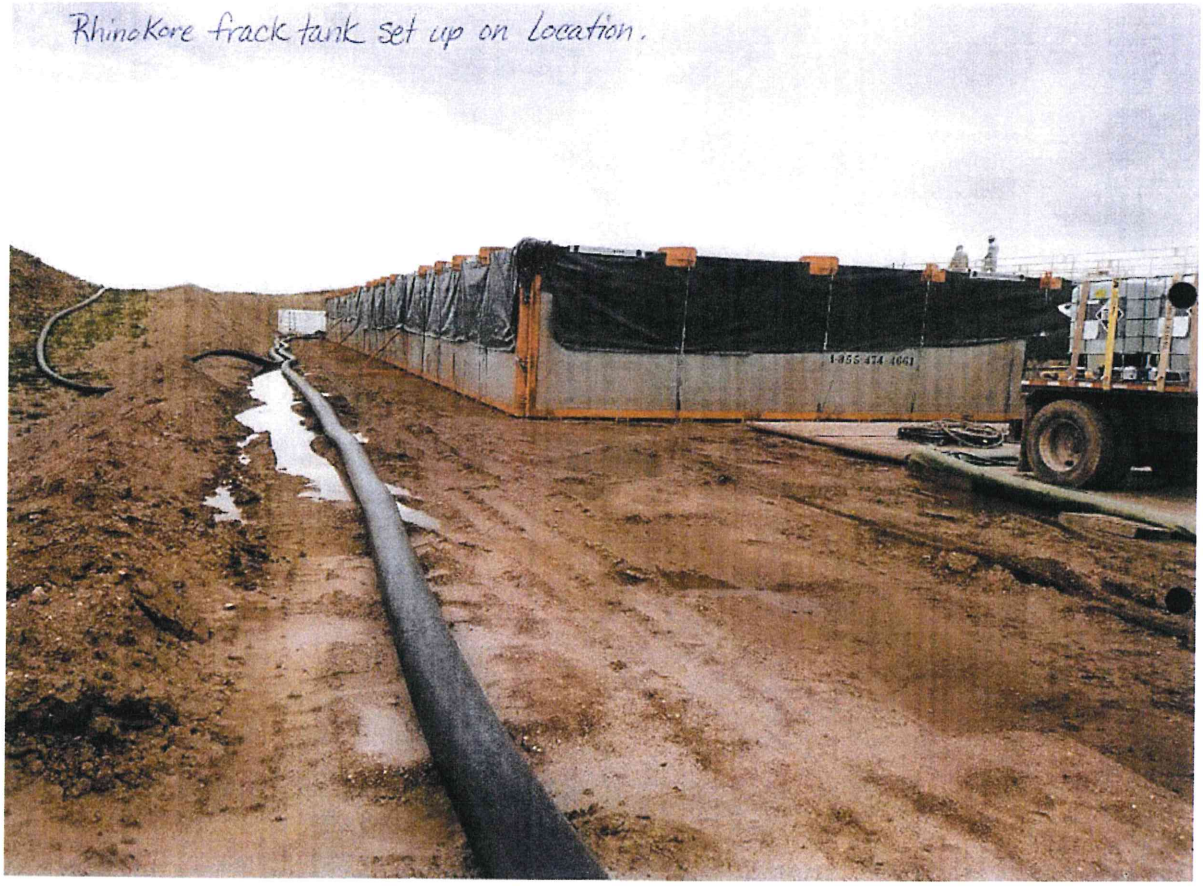


Appendix Figure F: Diversionary Equipment

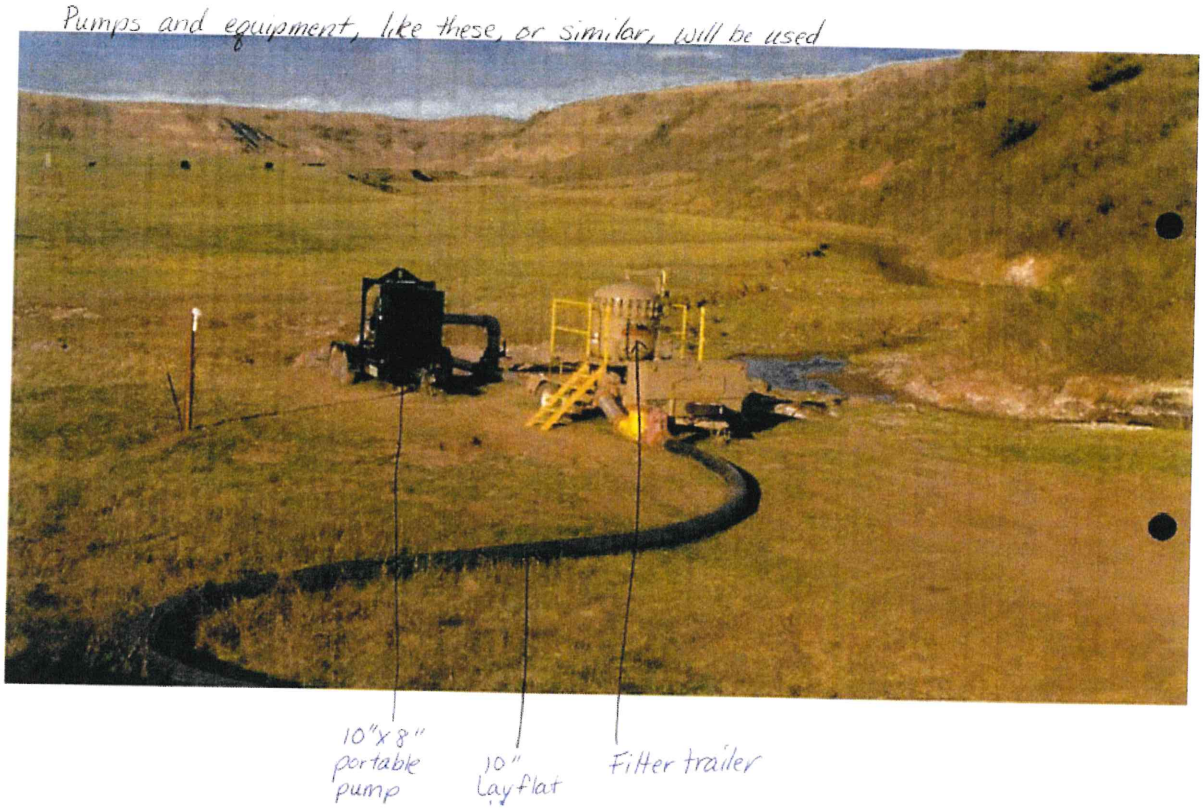


Hot oiler trailer to heat water on the fly.

Appendix Figure G: Diversionary Equipment



Appendix Figure H: RhinoKore Frac Tank



Appendix Figure I: Diversionary Equipment

Form No. 600-TAA *(Revised 02/2025)* **Applicant Name** Hydra MT, LLC

APPLICATION FOR BENEFICIAL WATER USE PERMIT

TECHNICAL ANALYSES ADDENDUM

ARM 36.12.1303

Answer every question and applicable follow-up questions. Use the checkboxes to denote yes ("Y") or no ("N"). Questions that require items to be submitted to the Department have a submitted ("S") checkbox, which is marked when the required item is attached to the Technical Analyses Addendum. Label all submitted items with the question number for which they were submitted. Narrative responses that are larger than the space provided can be answered in an attachment. If an attachment is used, mark the see attachment ("A") checkbox on this form and label the attachment with the question number. If no attachment is needed, leave the see attachment ("A) checkbox blank. Constrain narrative responses to the specific question as is asked on the form; do not respond to multiple questions in one narrative. Responses in the form of a table may be entered into the table provided on this form or in an attachment. If an attachment is used, the table must have the exact headings found on this form, and the see attachment ("A") checkbox on this form must be marked. Label all units in narrative responses and tables. Light gray checkbox cells denote a narrative or table response is required. Dark gray checkbox cells denote no response is needed because the question directs you to answer subsequent questions or provides you with information.

APPLICATION DETAILS

Questions, Narrative Responses, and Tables	Check-boxes
1. Did you have a preapplication meeting AND complete a Permit Preapplication Meeting Form (Form 600P)?	☐ Y ☑ N
a. If no, complete the remainder of Form 600-TAA. Skip to question 2.	
b. If yes,	
i. Do the technical analyses submitted with Form 600 remain unchanged from those completed during the preapplication meeting process?	☐ Y ☐ N
1. If yes, has any element of the project described in Form 600 changed from the mandatory elements of the project described in Forms 600P-A and/or 600P-B?	☐ Y ☐ N
a. If yes, complete the remainder of Form 600-TAA. Skip to question 2.	
b. If no, Form 600-TAA is complete.	
2. If no,	
a. Are you submitting new technical analyses with Form 600 to replace the technical analyses completed during the preapplication meeting process?	☐ Y ☐ N
i. If yes, complete the remainder of Form 600-TAA. Skip to question 2.	
ii. If no, are you correcting the technical analyses in response to a Departmental scientific credibility review completed during the preapplication meeting process?	☐ Y ☐ N

1. If yes, does every element of the project described in Form 600 remain unchanged from the mandatory elements of the project described in Forms 600P-A and/or 600P-B AND do the corrected technical analyses analyze the project exactly as proposed on Form 600 and Form 600P-A/600P-B?	☐ Y ☐ N
a. If yes, Form 600-TAA is complete.	
b. If no, complete the remainder of Form 600-TAA. Skip to question 2.	

SURFACE WATER

Questions, Narrative Responses, and Tables	Check-boxes
2. Is the proposed source surface water?	☑ Y ☐ N
a. If yes, move on to question 3.	
b. If no, skip to question 16.	

Surface Water Analysis

3. What is the flow rate (GPM or CFS), volume (AF), period of diversion start date and end date (MM/DD-MM/DD) at each point of diversion? Use the same POD # as the project map (Form 600) to label each point of diversion. ☑ A

POD #	Period of Diversion Start	Period of Diversion End	Flow Rate			Volume
	(MM/DD-MM/DD)	*(MM/DD-MM/DD)*	*Flow Rate*	*GPM*	*CFS*	*(AF)*
1	01/01	12/31	4000	☑	☐	1000
				☐	☐	
				☐	☐	
				☐	☐	
				☐	☐	
		Total	4000	☑	☐	1000

4. Is the source type of the diversion perennial or intermittent, ephemeral, lake, or other? ☑ A
Perennial

Perennial or Intermittent	Answer questions 5 to 8	Ephemeral	Answer question 9	Lake	Answer question 10	Other	Answer questions 11 to 14

Surface Water Analysis: Perennial or Intermittent

☑ Applicable ☐ Not Applicable

5. Are stream gage data available?	☑ Y ☐ N
a. If yes, answer question 6.	
b. If no, answer question 7.	
6. Stream gage data are available.	
a. Is one stream gage located above the most upstream POD and one stream gage located below the most upstream POD?	☐ Y ☑ N
i. If no, is only one stream gage located near the most upstream POD?	☑ Y ☐ N
1. If yes, is the stream gage located upstream or downstream of the POD? upstream	
b. List the gage name(s). Write "N/A" for Gage 2 if one gage is available. Gage 1: Missouri River near Culbertson MT USGS-06185500 Gage 2: N/A	
c. What is the distance between the gage(s) and the most upstream POD? Write "N/A" for Gage 2 if only one gage is available. Gage 1: ~19 miles Gage 2: N/A	
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the most upstream POD? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☑ N
i. If yes, explain.	☐ A
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: Discharge data is available from 7/1/1941 Gage 2: N/A	
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: USGS Gage 2: N/A	

g. Is each available stream gage operated and maintained by USGS or DNRC?	☑ Y ☐ N
i. If yes, skip to question 6.h.	
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.	
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____	
2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
4. Were requirements established and followed for maintaining a permanent gage datum and meeting specified accuracy limits?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion? See the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual.	☑ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 39 because this section is complete. 1	
ii. If no, answer question 7.	
7. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion, is the source otherwise measured?	☐ Y ☐ N
a. If no, the Department requires gage data and/or measurements that meet the requirements of ARM 36.12.1702 or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 8.	

b. If yes,	
i. Submit available measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A
iii. With what method were the data collected? _____ _____ _____	☐ A
iv. What is the period of record? _____	
v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____	☐ A
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____ _____	☐ A
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the proposed months of diversion? See the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual.	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 39.	
2. If no, answer question 8.	

8. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a Department-accepted estimation technique? If the Department finds that your measurements are not sufficient to validate an estimation technique or that no estimation technique is appropriate for the source characteristics, further measurements may be required. Refer to the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual for more information.	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____ _____	☐ A
ii. Describe the estimation technique. _____ _____ _____ _____ _____ _____ _____	☐ A
b. If no, but a Department-accepted estimation technique will be appropriate for the source:	
i. Submit Form 653 if you want to request a variance from the requirements of ARM 36.12.1702(1)(b). The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet the requirements of ARM 36.12.1702(1) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ S
c. If no, because no Department-accepted estimation technique will be appropriate for the source:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)? Refer to the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual for more information.	☐ Y ☐ N
1. If no, submit Form 653 if you want to request a variance from the requirements of ARM 36.12.1702(4). The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ Y ☐ N

Surface Water Analysis: Ephemeral

☐ Applicable ☐ Not Applicable

9. Did you elect for the Department to conduct the Technical Analyses?	☐ Y ☐ N
a. If yes, do you have climate or drainage area data you would like the Department to consider during Technical Analyses?	☐ Y ☐ N
i. If yes, submit this information to the Department.	☐ S
b. If no,	
i. What estimation technique did you use to estimate physical availability at the point of diversion? _____ _____ _____	☐ A
ii. What is the net annual precipitation? Include the source of this information. _____ _____	☐ A
iii. What is the drainage area upstream of the point of diversion and how was this figure calculated? _____ _____ _____	☐ A

Surface Water Analysis: Lake

☐ Applicable ☐ Not Applicable

10. What is the lake volume? Submit documentation explaining how the volume was quantified. Volume must be quantified by a qualified entity based on bathymetric data. _____	☐ S

Surface Water Analysis: Other

☐ Applicable ☐ Not Applicable

11. Explain why the source type is "other". _____ _____	☐ A
12. Submit measurements of the source to the Department.	☐ Y ☐ N
13. With what method was the measurement data collected? _____ _____ _____ _____ _____	☐ A

14. What is the measurement interval? _____	
a. Does the interval meet the Department's standard for monthly measurements throughout the proposed period of diversion pursuant to ARM 36.12.1702(4)?	☐ Y ☐ N
i. If no, submit Form 653 if you want to request a variance from the requirements of ARM 36.12.1702(4). The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet the requirements of ARM 36.12.1702(4) or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ S

Area of Potential Impact Analysis

All information for area of potential impact analysis was collected in previous questions.

GROUNDWATER

Questions, Narrative Responses, and Tables	**Check-boxes**
15. Is the proposed source groundwater?	☐ Y ☐ N
a. If yes, move on to question 16.	
b. If no, skip to question 39.	

Groundwater Analysis for Permits

16. What is the type of groundwater diversion? _____	

Well/Pit	Answer questions 17 to 20	**Developed Spring**	Answer questions 21 to 24	**Pond**	Answer questions 25 to 27

Groundwater Analysis for Permits: Well/Pumping Pit

☐ Applicable ☐ Not Applicable

17. Submit Aquifer Test Data Form (Form 633).	☐ S
18. Submit the Aquifer Testing Addendum (Form 600/606-ATA) and associated materials (e.g., well logs).	☐ S
19. Are you requesting a variance from ARM 36.12.121?	☐ Y ☐ N
a. If yes, submit Form 653.	☐ S
20. Have all proposed wells/pumping pits been constructed?	☐ Y ☐ N
a. If no, answer the following questions:	
i. Submit a list of all wells/pumping pits labeled with the same POD # as the project map (Form 600) and mark whether they have or have not been constructed.	☐ S

ii. When will all proposed wells/pumping pits be constructed? _____	☐ A
iii. Is the requested volume for each proposed well/pumping pit known?	☐ Y ☐ N
1. If yes, list the flow rate and volume requested for each proposed well/pumping pit. Label with the same POD # as the project map (Form 600). _____ _____	☐ A
2. If no, what is the total requested volume (AF) and the number of proposed wells/pumping pits? _____	

Groundwater Analysis for Permits: Developed Spring

☐ Applicable ☐ Not Applicable

21. Submit your measurements of the flow rate and volume of the source.	☐ S
22. With what method were measurements collected? _____ _____ _____ _____ _____ _____	☐ A
23. What is the interval of measurements? _____	
24. Is the interval of measurements sufficient to comply with ARM 36.12.1703(1)? Please note technical analyses or scientific credibility review cannot commence until the Department has measurement data that meets the requirements of ARM 36.12.1703(1). Variances from ARM 36.12.1703(1) are not allowed.	☐ Y ☐ N

Groundwater Analysis for Permits: Pond

☐ Applicable ☐ Not Applicable

25. Submit Form 653 to apply for a variance from ARM 36.12.121 for the Aquifer Test.	☐ S
26. Submit pond bathymetry data, survey, or engineering plans to the Department.	☐ S
27. Is the pond fed or drained by surface water?	☐ Y ☐ N
a. If yes,	
i. Explain. _____ _____ _____ _____	☐ A

ii. Submit measurements of the connected surface water source. These may include inflow and outflow measurements.	☐ S

Surface Water Depletion Analysis

28. Is the type of groundwater diversion for your proposed project a developed spring? If yes, skip to question 33 because this section is complete. If no, move onto question 29.	☐ Y ☐ N
29. Is the type of groundwater diversion for your proposed project a pond? If yes, answer question 29.a, then skip to question 33 because this section is complete. If no, move onto question 30.	☐ Y ☐ N
a. Will any of the ponds have diversions for out-of-pond use that differ from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	☐ Y ☐ N
i. If yes, provide a schedule of the diversions for out-of-pond use in the table below. Use the same POD # as the project map (Form 600). Attach any additional schedules with POD # labeled.	☐ A

POD #			
Month	**Diversions for Out-of-Pond Use Volume (AF)**	**Month**	**Diversions for Out-of-Pond Use Volume (AF)**
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

30. What are the flow rate (GPM or CFS), volume (AF), and period of diversion required (MM/DD-MM/DD) at each well/pumping pit? What is the well/pumping pit depth (FT), if available, or estimated well/pumping pit depth (FT). Please use the same POD # as the project map (Form 600) to match this information with the location information.	☐ A

POD #	**Flow Rate**	**GPM**	**CFS**	**Volume (AF)**	**Period of Diversion (MM/DD-MM/DD)**	**Well Depth (FT)**	**Measured or Estimated**
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				
		☐	☐				

31. Will any of the *new* wells/pumping pits have a monthly pumping schedule that differs from, if year-round use, an allocation of diverted volume by the number of days in the month, or, if irrigation/lawn and garden use, the 80% dry year net irrigation requirement (IWR, NRCS 2003)?	☐ Y ☐ N
a. If yes, provide the alternative pumping schedule(s) in the table below. Use the same POD # as the project map (Form 600). Attach any additional pumping schedules with POD # labeled.	☐ A

POD #				**POD #**			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

32. Will one or more *existing* wells/pumping pits be used for the proposed project?	☐ Y ☐ N
a. If yes, will any of the *existing* wells/pumping pits have a monthly pumping schedule, before or after the proposed project, that differs from an allocation of diverted volume by the number of days in the month (if year-round use) or the 80% dry year net irrigation requirement (if irrigation/lawn and garden use) (IWR, NRCS 2003)?	☐ Y ☐ N
i. If yes, provide the pumping schedules before and after the proposed project in the table below. Use the same POD # as the project map (Form 600). Attach any additional pumping schedules with POD # and before/after proposed project labeled.	☐ A

Before proposed project: POD #				**After proposed project: POD #**			
Month	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**	**Month**	**Volume (AF)**
January		July		January		July	
February		August		February		August	
March		September		March		September	
April		October		April		October	
May		November		May		November	
June		December		June		December	

Surface Water Analysis of Depleted Surface Water

33. If you submitted Technical Analyses with this application, list the hydraulically connected surface water sources and answer questions 34 to 38 one time per source. Use the "Additional Hydraulically Connected Source (600-TAA)" sheet for each additional source. If you have elected for the Department to conduct the Technical Analyses after application submittal, write "N/A" and skip to question 39 because the information required to answer questions 34 to 38 is not yet available. If measurements are required to determine physical or legal availability of depleted surface water sources, the Department will not have the information necessary to complete all necessary technical analyses or to evaluate the applicable criteria. If the type of groundwater diversion for your proposed project is a developed spring, write "NA" and skip to question 39 because this section is complete. _____ _____	

34. Name the hydraulically connected surface water source for which you are answering questions 35 to 38. _____	
35. Are stream gage data available?	☐ Y ☐ N
a. If yes, answer question 36.	
b. If no, answer question 37.	
36. Stream gage data are available.	
a. Is one stream gage located above and one stream gage located below the start of the depleted reach?	☐ Y ☐ N
i. If no, is only one stream gage located near the start of the depleted reach?	☐ Y ☐ N
1. If yes, is the stream gage located upstream or downstream? _____	
b. List the gage name(s). Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
c. What is the distance between the gage(s) and the start of the depleted reach? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
d. Is there a limiting or controlling factor on the source between the stream gage(s) and the start of the depleted reach? This includes dams that control the flow and streams with large gaining and/or losing reaches.	☐ Y ☐ N
i. If yes, explain. _____ _____ _____ _____	☐ A
e. How long is the period of record? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
f. Who operates and maintains the gage(s)? Write "N/A" for Gage 2 if one gage is available. Gage 1: _____ Gage 2: _____	
g. Is each available stream gage operated and maintained by USGS or DNRC?	☐ Y ☐ N
i. If yes, skip to question 36.h.	
ii. If no, answer the following questions for each gage not operated and maintained by USGS or DNRC.	
1. How frequently are stage data recorded? Write "N/A" for Gage 2 if only one gage is not operated or maintained by USGS. Gage 1: _____ Gage 2: _____	

2. If data gaps were to occur, are they identified and left unfilled or estimated using interpolation, ice correction, or indirect discharge measurements methods?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
3. Was the rating curve established and maintained throughout the duration of the period of record using measurements taken near the reference gage and stage recorder according to USGS protocols?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
4. Were requirements established and followed for maintaining a permanent gage datum and meeting specified accuracy limits?	
a. Gage 1.	☐ Y ☐ N
b. Gage 2. Write "N/A" on the line instead of answering yes or no, if only one gage is not operated or maintained by USGS or DNRC. _____	☐ Y ☐ N
h. Do the data for one or more available stream gages meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions? See the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual.	☐ Y ☐ N
i. If yes, record how many meet the standard, then skip to question 39 because this section is complete. _____	
ii. If no, answer question 37.	
37. If no gage data are available or if available gage data do not meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions, is the source otherwise measured?	☐ Y ☐ N
a. If no, the Department requires gage data and/or measurements that meet the requirements of ARM 36.12.1702 or, in combination with an approved variance request, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria. Skip to question 38.	
b. If yes,	
i. Submit available measurements to the Department.	☐ S
ii. Who collected the measurements? _____	☐ A
iii. With what method were the data collected? _____ _____ _____	☐ A
iv. What is the period of record? _____	

v. What is the frequency of measurement? _____	
vi. Are there gaps in the data?	☐ Y ☐ N
1. If yes, what is the nature of the gaps and how are gaps handled to ensure data quality? _____ _____ _____	☐ A
vii. Is there a process for maintaining the data and meeting specified accuracy limits?	☐ Y ☐ N
1. If yes, explain. _____ _____ _____	☐ A
viii. Do available measurement data meet the Department's standard to be sufficient to calculate the median of the mean monthly flow rate and volume during the months with net depletions? See the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual.	☐ Y ☐ N
1. If yes, this section is complete. Skip to question 39.	
2. If no, answer question 38.	
38. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for validation of a Department-accepted estimation technique? If the Department finds that your measurements are not sufficient to validate an estimation technique or that no estimation technique is appropriate for the source characteristics, further measurements may be required. Refer to the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual for more information.	☐ Y ☐ N
a. If yes,	
i. Describe how the measurements are representative of high, moderate, and low flows. _____ _____ _____ _____	☐ A
ii. Describe the estimation technique. _____ _____ _____ _____ _____ _____ _____ _____	☐ A

b. If no, but a Department-accepted estimation technique will be appropriate for the hydraulically connected surface water source:	
i. Submit a request to deviate from the Department's standard of including a minimum of high, moderate, and low flows to be sufficient to use for calibration of a Department-accepted estimation technique. The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ S
c. If no, because no Department-accepted estimation technique will be appropriate for the source:	
i. Describe why no Department-accepted estimation technique is appropriate for the source characteristics. _____ _____ _____	☐ A
ii. Do the available measurement data, gage and/or otherwise measured, meet the Department's standard for monthly measurements throughout the months with net depletions? Refer to the "Department Standard Practice for Determining Physical Surface Water Availability" in the Permit Manual for more information.	☐ Y ☐ N
1. If no, submit a request to deviate from the Department's standard for monthly measurements throughout the months with net depletions. The Department's technical analyses or scientific credibility review of your technical analyses cannot commence until the Department receives measurements that meet Department measurement standards, or in combination with a request to deviate, are sufficient to complete any necessary technical analyses or scientific credibility reviews and to evaluate the applicable criteria.	☐ S

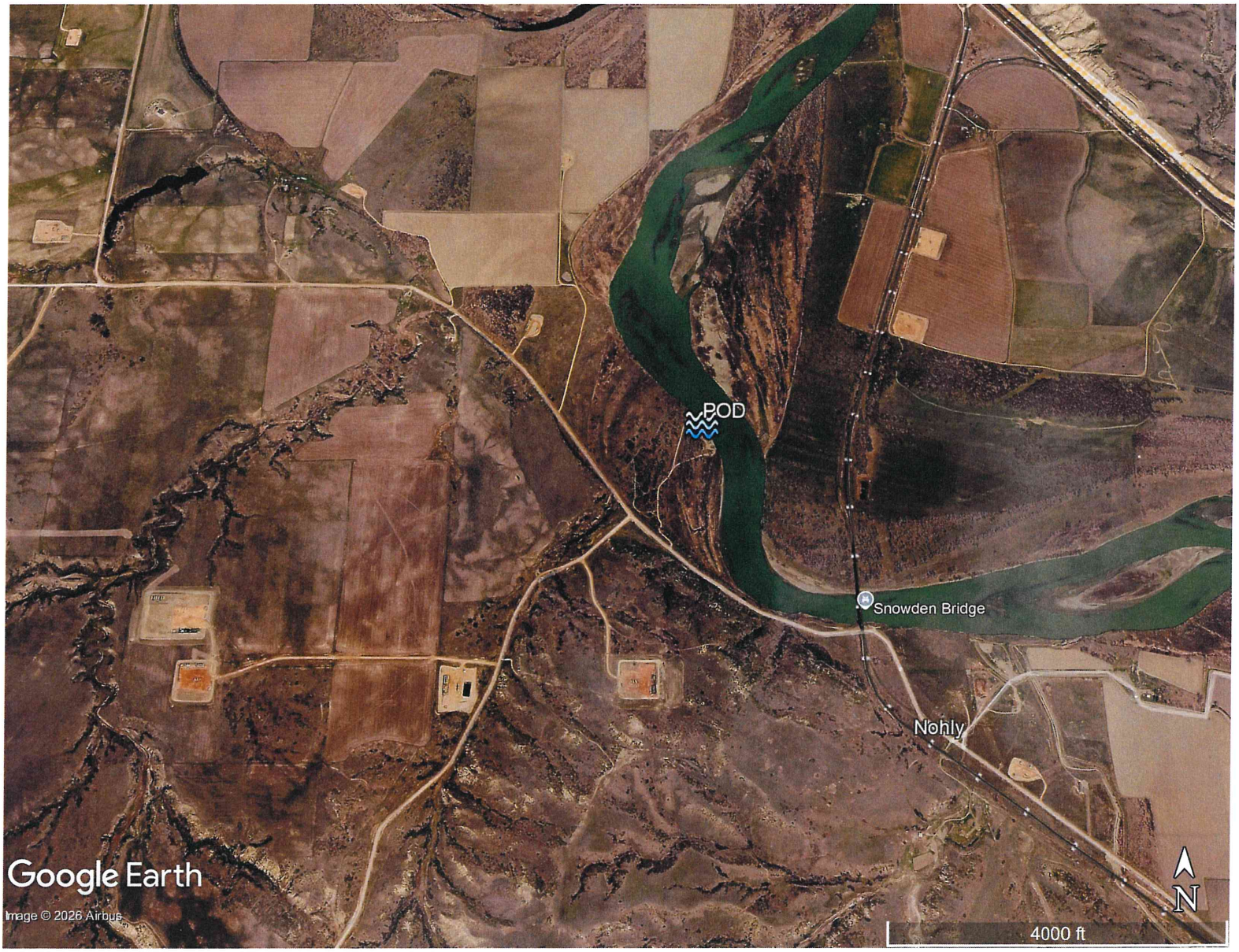
Area of Potential Impact Analysis of Depleted Surface Water

All information for area of potential impact of depleted surface water was collected in previous questions.

PROJECT-SPECIFIC QUESTIONS

Controlled Groundwater Areas and Basin Closures

Questions, Narrative Responses, and Tables	Check-boxes
39. Does the project include one or more groundwater points of diversion located in the East Valley Controlled Groundwater Area (EVCGWA)?	☐ Y ☑ N
a. If yes, is the use over 35 GPM or 10 AF per year?	☐ Y ☐ N
i. If no, this is the incorrect form. Use instead Form 600-EVCGWA: East Valley Controlled Groundwater Area Permit Application.	
ii. If yes, how does this project meet the specific requirements of the East Valley Controlled Groundwater Area? Include any relevant documentation. _____ _____ _____ _____	☐ A
b. If no, skip to question 40.	
40. Does the project include one or more groundwater points of diversion located in the Yellowstone Controlled Groundwater Area (YCGA)?	☐ Y ☑ N
a. If yes, is the proposed flow rate and volume over 35 GPM or 10 AF per year?	☐ Y ☐ N
i. If no, this is the incorrect form. Use instead Form 600-YCGA: Yellowstone Controlled Groundwater Area Permit Application.	
ii. If yes, submit *Form 600 YCGA: Yellowstone Controlled Groundwater Area Addendum Over 35 gallons per minute*.	☐ S
41. Is the project for surface water or groundwater and subject to one or more of the following areas listed on the Department's website (https://dnrc.mt.gov/Water-Resources/Water-Rights/Basin-Closures-Stream-Depletion-Controlled-Ground-Water-Areas)? • Controlled Groundwater Areas, not mentioned in questions 39 to 40 • Basin Closures or Stream Depletion Zones	☐ Y ☑ N
a. If yes, identify each area and describe how the proposed project meets its requirements. An application must meet the specific requirements of the Controlled Groundwater Area or closure to be accepted by the Department. _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	☐ A


POD
Snowden Bridge
Nohly
Google Earth
Image © 2026 Airbus
N
4000 ft