DECLARATION OF WELL CONTROL ZONE (aka WELL ISOLATION ZONE)

THIS DECLARATION made on this _____ day of ________, 2010, by __________________________________________ (owner of record), hereinafter referred to as DECLARANT:

W I T N E S S E T H;

WHEREAS, the DECLARANT is the owner of _________________________ (insert legal description from recorded property title), records of ___________ County, Montana, and said real property is situated within the 100-foot radius described on the hereto attached Exhibit A, and

WHEREAS, a well will be drilled upon _____________________ (insert legal description from recorded property title), records of ________________County, Montana, and said well will be located within the center of the 100-foot radius described on Exhibit A (attach plat or parcel layout map showing property lines and well control zone), attached hereto, and

WHEREAS, the DECLARANT, in order to protect the quality and purity of water from said well, is willing to impose certain restrictions upon portions of said ____________________ (insert legal description from recorded property title) located within said 100-foot radius, said restrictions to run with the real property and to be binding on all parties having or acquiring any right, title, or interest in and to the said area under the terms and conditions herein stated,

NOW THEREFORE, SO LONG AS (attach plat or parcel layout map showing property lines and well control zone) _________________________, records of ____________County, Montana is used primarily for purposes subject to regulation as a Public Water Supply, DECLARANT hereby declares that all of the property within a 100-foot radius of the well, hereinafter referred to as the WELL CONTROL ZONE, shall be held, sold, and conveyed SUBJECT to the following restrictions:

• No septic system, mixing zone wastewater disposal system, sewer lines, holding tanks, sewage lift station, French drain, or class V injection well, or any structure used to convey or retain industrial, storm or sanitary waste shall be located within the WELL CONTROL ZONE.
• No hazardous substances as defined by § 75-10-602 MCA, or gasoline, liquid fuels, petroleum products, or solvents shall be stored within the WELL CONTROL ZONE.
• No stormwater injection well, grass infiltration swale, or other stormwater disposal mechanism shall be located within the WELL CONTROL ZONE.
• No livestock shall be confined, fed, watered, or maintained within the WELL CONTROL ZONE.
• No private well shall be constructed within the WELL CONTROL ZONE.
• No public roadway or public roadway easement shall be constructed or maintained within the WELL CONTROL ZONE.
• Pesticides including herbicides or insecticides shall not be applied or used in the WELL CONTROL ZONE.
• The application of fertilizers shall be at agronomic rates and applied only during the growing season within the WELL CONTROL ZONE.
• Activities in the WELL CONTROL ZONE that threaten the quality of water in the WELL CONTROL ZONE are prohibited.

These restrictions shall terminate and be of no further force and effect in the event: (1) said ______________________ (insert legal description from recorded property title) is no longer being used primarily for purposes subject to regulation as a Public Water Supply; or (2) the aforementioned well is discontinued as a source of water and is abandoned in accordance with the laws and regulations of the Montana Department of Natural Resources and Conservation.

Although the restrictions set forth above may be specifically enforced, DECLARANT hereby expressly disclaims any liability for any damages or injuries that may accrue or be incurred to any person or property due to any violation of the above described restrictions. ______________________, as the owner of said ______________________ (insert legal description from recorded property title), records of ___________ County, Montana hereby releases and covenants to hold DECLARANT (and its successors and assigns) harmless from any such liability for any damages or injuries to any person or property due to any violation of the above described restrictions, and said release and covenant shall bind the successors and assigns of ______________________ (owner of record).

DECLARANT:

________________________________________________________

STATE OF MONTANA  )
County of __________ )

On this ____ day of ______________, 2010, before me, a Notary Public in and for said State, personally appeared ______________________, (owner of record) known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the company executed the same.

Printed Name: ______________________________
Notary Public for the State of Montana.
Residing at ________________________, Montana.
My commission expires: ______________________