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DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION



MARC RACICOT, GOVERNOR

METCALF BUILDING
1520 SIXTH AVENUE

STATE OF MONTANA

(406) 444-2479

FAX (406) 444-1374

JUNE 25, 1998

PO BOX 200901

HELENA, MONTANA 59620-0901

David Newhouse, Sr.
PO Box 1620
Emigrant MT 59027

RE: Newhouse CDD Parcel 57 North
PARK COUNTY
E.Q. #98-2190

Dear David:

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

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

Your copy is to inform you of the conditions of the approval (please note that you have specific responsibilities according to the plat approval statement, primarily with regard to informing any new owner as to inherent limitations which have been imposed).

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

If you have any questions, please contact this office.

Sincerely,

for Dennis McKenna
Dennis McKenna, Supervisor
Subdivision Program
Water Protection Bureau

DM/tr

cc: County Sanitarian
William Smith

PLAT.1

AN EQUAL OPPORTUNITY EMPLOYER

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STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 through 76-4-131, MCA 1995)

TO: County Clerk and Recorder
Park County
Livingston, Montana

No. 98-2190
511TR

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Newhouse COG Parcel 57 North

A tract of land being all of Parcel 57 of COS No. 615A located in NW $\frac{1}{4}$ of Section 28 and the NE $\frac{1}{4}$ of Section 29, T.5S., R.8E., P.M.M., Park County, Montana

consisting of FIVE TRACTS have been reviewed by personnel of the Permitting and Compliance Division, and,

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

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

THAT the Tract sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Tracts 57-A, 57-B, 57-C and 57-D, shall be used for one single-family dwelling, Tract 57-E shall be used for one single-family dwelling and will have four fallout shelters, and,

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

THAT data provided indicates an acceptable water source at a depth of approximately 390 to 445 feet, and,

THAT the individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the subsurface drainfield shall have an absorption area of sufficient size to provide 95 lineal feet per bedroom for Tract 57-D, and,

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Park County
E.Q.# 98-2190

THAT when the existing Multi-Family water supply system for Tracts 57-A, 57-B, 57-C and 57-E are in need of extensive repairs or replacement it shall be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT a "Shared Water Agreement" has been prepared and will be filed along with the Certificate of Subdivision Plat Approval, and,

THAT when the present sewage treatment systems for Tracts 57-A, 57-B, 57-C and 57-E are in need of extensive repairs or replacement it shall be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

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

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

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

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

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

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

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

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Park County
E.Q.# 98-2190

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

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

DATED this 26th day of June, 1998.

MARK SIMONICH
DIRECTOR

By:

for DENNIS MCKENNA, SUPERVISOR
SUBDIVISION SECTION
PERMITTING AND COMPLIANCE DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY

Owner's Name: David Newhouse, Sr.

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SHARED WELL AGREEMENT

OCT 14, 1997

We the undersigned, agree to share well number 1 located in NEWHOUSE MINO
SUBDIVISION. We also agree to share all expenses involved in using, servicing, testing
and all repairs involved.

Furthermore, we agree to observe the one hundred foot isolation zone associated with this
well. There will be no storage or utilization of any chemicals or materials which might be hazardous
to the water supply in this isolation zone.

Signed:

David G. Newhouse Jr.
Francis B. MacPherson
M. L. Van der Vegt.
Mary MacLeod

Lot 4
Lot 2
Lot 3

Proposed Lot 1.

RECEIVED

MAR 05 1998

MT. DEPT. OF ENV. QUALITY
PERMITTING & COMPLIANCE DIV.

Subscribed and sworn before me this

October 27, 1997

Notary Public for the State of Montana

Residing at LivingstonMy commission expires March 11, 1999

(SEAL)



ROLL 130 PAGE 1144

County of Montana

and this 28 day of July

M. Recorded in Roll 130

Donna Nelson

County Clerk & Recorder

Involving Fee 400

268069

310 278

48 at 11:10

pages 1138-1144

Returned to: David No

RD. Box 1820

Ensign MT

5900

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**RESTRICTIVE COVENANTS
TO BE ADOPTED AND EXECUTED BY DAVID G. NEWHOUSE
AS PART OF MINOR SUBDIVISION FOR
COG NORTH PARCEL 57 CERTIFICATE OF SURVEY NO. 615A**

1. **Glastonbury Covenants:** The Declaration of Covenants for the Community of Glastonbury, together with all amendments and additions, are incorporated by reference.

2. **Roads maintenance:** The owners of all properties within the minor subdivision shall keep all roads and access easements within the subdivision properly maintained and in good repair, shall make such repairs and improvements as shall be required from time to time to meet at least the minimum requirements of the Community of Glastonbury Specifications and Standards for Gravel Roads and Park County Subdivision Regulations, and shall keep all easements and roadsides free from noxious weeds, obstructions and encroachments.

3. **Easements:** The owners of all properties within the minor subdivision shall keep all water, sewer and utility systems and easements within the subdivision properly maintained and in good repair, shall make such repairs and improvements as shall be required from time to time to meet at least the minimum requirements of the Community of Glastonbury Specifications and Standards for Septic Systems and any other rules and regulations of the Community of Glastonbury, Park County, and the State of Montana.

4. **Road Use:** The owners of tract A, B, C, D & E and any future property owners that use the Private Right of Way to access their property will each share in all required expenses for the maintenance, repair, improvement and other work on the road and 50 ft cul-de-sac (including eradication of noxious weeds within the easement). Each such tract, lot, or other legal division thereof shall have one vote in making decisions regarding such maintenance, repair, improvement or other work on the road and in assessing costs and expenses to be paid by all of the land owners, with a majority vote being decisive on all issues. All votes will be in writing. Tie votes may be broken by referring the issue to the Glastonbury Projects Review Committee, its successors or designee. Each such tract shall share equally in all costs and expenses of maintaining, repairing, improving or working on the road, and not in proportion to the amount of land owned or the amount of use made of or location on road.

5. **Well agreement:** The owners of Tracts A, B, C, D have equal rights to the well located on tract B and are equally responsible for all required operating expenses, maintenance, repair, improvement or other work on the water system.

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6. **Housing:** No more than one home shall be built on any one tract of land. No single wide mobile homes shall be allowed. Conventionally framed homes or Double wide Mobile homes 1996 or newer will be allowed and shall fully comply with the Community of Glastonbury Specifications and Standards for Mobile Homes.

7. **Livestock:** There shall be no commercial grazing of livestock in said subdivision. Any raising of domestic livestock shall be done in accordance with the recommendations of the Agricultural Extension Office in Park County.

8. **Dogs:** The number of dogs allowed on any lot in said subdivision shall be limited to two and shall be kept in control by their owners at all times.

9. **Weed Control:** The owners of said subdivision shall be responsible for the control of noxious weeds according to the Noxious Weed Control Agreement filed with the Agricultural Extension Office in Park County.

10. **Farming:** It is understood that this subdivision is in a rural setting that may have neighboring landowners engaging in agricultural practices. By accepting these covenants, land owners in said subdivision agree to respect the neighboring land owners right to farm.

11. **Fences:** Boundary fences shall be maintained by the landowners in accordance with state law.

12. **Changes:** Any changes to these covenants must be accepted by 2/3 majority of land owners of said subdivision and by the Glastonbury Land Association.

Dated at Emigrant, Montana this 20th day of July, 1998

David G. Newhouse
David G. Newhouse

Patricia J. Newhouse
Patricia J. Newhouse

Frances MacPherson
Frances Macpherson

Maria Antoinette Vandervegt
Maria Antoinette Vandervegt



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State of MONTANACounty of PARK

} SS.

On this the 20th day of July, 1998, before meTHERESE C. SAURESthe undersigned Notary Public, personally appeared
DAVID G. NEWHOUSE PRANCES MACPHERSON
PATRICIA J. NEWHOUSEMARIA ANTOINETTE VANDERVEGT
Known to me to be the person(s) whose name(s) and subscribe
to the within instrument and acknowledged that they
executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal



THERESE C. SAURES
Notary Public for the State of Montana
Residing at Corwin Springs, Montana
My commission expires February 1, 1999

State of Montana
County of

Filed for

A. M.

E. M. Nelson

Notary Public

1800

Document No.

268070

S/D 278

David Newhouse
PA 600 1620
Emergent MD
5/22/97