

IN THE MONTANA ELEVENTH JUDICIAL DISTRICT COURT  
FLATHEAD COUNTY

RICHARD P. MATTSON, et al.,  <i>Plaintiffs,</i>  vs.  PPL MONTANA, LLC, a Delaware Limited Liability Company,  <i>Defendant.</i>	Cause No. DV-99-548A Honorable Katherine R. Curtis          <b>PROOF OF CLAIM AND RELEASE</b>
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**Instructions:**

To receive a payment as an eligible member of the Class, you must complete and submit this Proof of Claim and Release (the "Claim Form"). This Claim Form must be mailed to the Special Master, Frank Thomas, postmarked no later than May 8, 2017. The address of the Special Master is Frank Thomas, P.O. Box 340, Polson, Montana 59860.

Submission of the Claim Form does not assure that you will share in the proceeds of the Settlement Fund. It is important that before you complete this Claim Form you read the Supplemental Class Notice that accompanies this Claim Form. Distribution of the Settlement Fund will be governed by the Proposed Plan of Distribution, if it is approved by the Court, or by such other plan of distribution as the Court approves.

By submitting a Claim Form you will be certifying under oath that your shoreline property on Flathead Lake in Flathead County or Lake County, Montana, or which contains a bank of the Flathead River located in Flathead County, Montana, south of the point at which Lower Valley Road (east of U.S. Highway 93) intersects with the Flathead River or both, suffered unreasonable damage as a result of Montana Power Company ("MPC") and/or PPL Montana, LLC ("PPLM") maintaining higher water levels in the operation of Kerr Dam in the fall storm season from November 9, 1991 through December 1, 2006.

By submitting a signed Claim Form you will be swearing to the truth of the statements contained therein and the genuineness of any documents you attach in support of your claim. The making of false statements or the submission of forged or fraudulent documentation will result in the rejection of your claim.

**Please print or type:**

Name: \_\_\_\_\_

Primary Address: \_\_\_\_\_

Day Time Telephone Number: \_\_\_\_\_

Evening Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address of Shoreline Property on Flathead Lake or Flathead River ("Shoreline Property"): (Please include legal description including Geocode of your property, which is available at <http://svc.mt.gov/msl/mtcadastral/>)

\_\_\_\_\_  
\_\_\_\_\_

Dates you owned Shoreline Property: \_\_\_\_\_

Co-Owners of Shoreline Property: \_\_\_\_\_

How much lake or river frontage (in feet) does your Shoreline Property have? \_\_\_\_\_

Please circle any of the following uses that apply to the shoreline of your Shoreline Property:

Primary Residence	Agriculture	Recreation
Vacation Rental	Business Location	

Please circle any of the following characteristics that apply to the shoreline of your Shoreline Property:

Sandy Beach	Gravel Beach	Rocky
Natural Vegetation	Cliffs	Docks
Landscaping	Trees	Steep Bank
Gentle Bank	Undercutting	

Please circle any of the following characteristics that apply to the soil of your Shoreline Property:

Sandy	Glacial Till	Clay
Rocks	Gravel	Retaining Walls

The claims brought on behalf of the Class in this case concerned erosion and interference with use of shoreline property in the fall storm season for each such yearly season from November 1991 through 2006. The Special Master will evaluate your claim on the basis of information you provide concerning damage to your Shoreline Property during that fall period for each year covered by the two settlements reached with MPC and PPLM, respectively. The first settlement period was when MPC operated Kerr Dam and runs from November 9, 1991 through December 16, 1999. The second period was when

PPLM operated the dam and runs from December 17, 1999 to December 1, 2006. Depending on when you owned your Shoreline Property and when your property suffered damages you may have a claim in one or both settlement periods. All claims for both settlements must be submitted on this form.

Has your Shoreline Property experienced any shoreline erosion or interference with property during the fall storm season for any of the years 1991 through 2006? If "Yes", please provide the amount of shoreline erosion (e.g. damage or loss of land, redistribution of gravel, loss of trees or other vegetation, building or maintaining erosion control measures...) or interference with the use of your property (e.g. lost use of beach, dock destroyed, change in agricultural or recreational use...) that occurred in the fall storm season in the given year.

	YES	NO	Nature of erosion and/or interference with property that occurred	Estimated dollar amount of damage
1991				
1992				
1993				
1994				
1995				
1996				
1997				
1998				
1999				
2000				
2001*	NA	NA		
2002				
2003				
2004				
2005				
2006				

\*2001 [DROUGHT YEAR NO DAMAGES]

For the dollar amount you estimated for the loss from erosion that you estimate in the chart above, please provide any additional information on how you calculated the monetary value of that loss. For example, if you lost shore line you might estimate the loss in dollar/feet per year or if you had to install erosion containment measures you might provide the cost of the work performed.

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For the dollar amount of interference with the use of your property that you estimate in the chart above, please provide any additional information on how you calculated the monetary value of that interference per year. For example, if you lost your dock in the fall storm season you might provide the cost of replacement.

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If you cannot estimate or do not know the amount of erosion that took place during the fall storm season of any given year, please provide any estimates or measurements you took documenting how much erosion your shoreline suffered during any of the specific years for which you marked "Yes" above. This may allow the Special Master to estimate the amount of Shoreline Property you lost in the Class period.

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Please submit with this Claim Form any additional explanation and/or proof of damage, such as pictures of storm events, insurance claims for damage, reports, or shoreline measurements.

Please circle any of the following impacts that have occurred as a result of erosion on your Shoreline Property:

Change in Agricultural Use	Change in Recreational Use	Change in Boating Use
Damage to Landscaping	Damage to Vegetation	Damage to Docks
Damage to Sea Wall	Damage to Riprap	Damage to Riverbank

If your Shoreline Property has been impacted as a result of erosion, please describe the amount of impact or change to your property (provide detail that would help monetize the impact or changes that have occurred).

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Has your property been surveyed for shoreline erosion? Yes \_\_\_\_ No \_\_\_\_  
 If "Yes", please provide a copy of the survey.

During the fall storm season of any year in the class period did your dock or boat house suffer any damage from the high level of the lake and wave action in the fall storm season? Yes \_\_\_\_ No \_\_\_\_

If "Yes", please provide the date and year of the storm(s) that damaged your dock. If you do not recall the precise date(s) provide the approximate date(s) and year(s) involved and describe the damage to your dock or boat house that occurred (including monetary amount of damage), receipts and pictures if available.

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Please circle any of the following erosion control measures that apply to the shoreline of your Shoreline Property:

Gravel Beach	Sea Wall	Riprap
Vegetation	Rocks	Tires

Did you pay for any repairs to your Shoreline Property, including installation, repair and replacement of erosion control measures, as a result of the high level of the lake and wave action in the fall storm season during any year in the class period?  
 Yes \_\_\_\_ No \_\_\_\_

If "Yes", please provide the date and year of the work that was done to your Shoreline Property and the amount of money you paid for the work.

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Please submit with this Claim Form the following information relating to erosion control measures:

- (1) Information and documents to show the cost of any erosion control measures that apply to the shoreline of your Shoreline Property (this may include invoices, receipts, etc.).
- (2) Any applications you sought or permits you received for the installation, repair, or replacement of erosion control measures that apply to the shoreline of your Shoreline Property.
- (3) Any pictures of the installation, repair, or replacement of erosion control measures that you undertook at your Shoreline Property.

What is the total monetary amount of damages listed on your claim form above that you seek for erosion and interference with your property? \$ \_\_\_\_\_

(Please note all claims are subject to the Special Master's determination and approval by the Court. Depending on the number of claims and the amounts awarded by the Special Master it may be necessary for the Special Master to apply a pro rata reduction factor across all claims. For a complete discussion of the pro rata reduction formula, see the Proposed Plan of Distribution detailed in the Amended Stipulation of Settlement at paragraphs 24 through 36.)

By submitting this Claim Form I have read the Supplemental Class Notice, The Proposed Plan of Distribution, the Claim Form and the Releases provided for in the Settlement Agreement.

I submit to the jurisdiction of the Court with respect to this claim and for purposes of enforcing releases set forth in the Settlement Agreement.

I agree to furnish such additional information with respect to this Claim Form as the Special Master or the Court may require.

**I state under oath that the foregoing information is true and correct:**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

**Check List:**

1. If you have questions concerning the Claim Form you may write to Special Master Frank Thomas at P.O. Box 340, Polson, Montana 59860.
2. **DO NOT SUBMIT ORIGINAL DOCUMENTATION OR RECORDS, AS THE SPECIAL MASTER IS UNABLE TO RETURN THESE DOCUMENTS TO YOU.**
3. You should mail the Claim Form to the Special Master via registered mail or other method which would provide proof of mailing and receipt.
4. Keep copies of the submitted Claim Form and submitted documentation for your own records.
5. If your address or other contact information changes in the future, or if the Claim Form was sent to an old or incorrect address, please contact the Special Master with your new address and contact information.
6. Once all the claim forms have been submitted the Special Master will conduct a review and determine which claims will be approved and which claims will be denied and determine a prorated value of the claims in accordance with the Plan of Distribution. At that time you will be notified of your settlement award, if any. If you disagree with the award there will be an appeal process to the Court. The Court's decision on an appeal will be a final ruling with no further appeal.