

Exhibit No. 2Date 3 / 30 / 15Bill No. HB 519

For Immediate Release: March 29, 2015

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First Private Water Bank Gets a Green Light in Montana

Grass Valley French Ditch Company is ready to market its senior water rights to mitigate the impacts of future development in the Missoula area.

[MISSOULA, Mont.] – The Grass Valley French Ditch Company, one of Missoula’s oldest and largest irrigation companies, has created Montana’s first private water bank. The Company recently received authorization from the Montana Dept. of Natural Resources and Conservation (DNRC) to add “marketing” as a use for its substantial water rights. This new water bank protects long-standing agricultural shareholders, helps finance maintenance of aging irrigation infrastructure, and offers a source of water for future development in Montana’s second-largest city.

This change authorization allows the Grass Valley French Ditch Company to sell or lease water to mitigate water withdrawals associated with future development in the growing Missoula Valley. Potential buyers include developers of housing subdivisions, businesses looking to offset industrial water use, or even agricultural projects in need of additional irrigation or stock water.

“We realize we live in a landscape where agriculture and residential development will be competing for the same water resources,” says Company President Tim Fister. “This water bank is the best solution for protecting the Company’s water rights while also meeting Montana’s different water needs.”

The Grass Valley French Ditch Company lies in the heart of fast-growing Missoula County, and has diverted water from the Clark Fork River since 1901. The Company historically irrigated 5,489 acres just downstream of the City of Missoula. The main canal is 13.5 miles long, and can divert up to 105.75 cubic feet per second (68 million of gallons per day) from the river.

“This water bank puts us in the driver’s seat as the Missoula Valley grows and changes,” says Board Vice-President Carl Saunders. “We’ve been managing water rights in the valley for a long time, and want to continue that tradition.”

The Company shifted its structure to differentiate between *A shares*, which are used for irrigation and include voting rights for shareholders, and *B shares*, which can be used for mitigation and do not come with voting rights. The board made this change to their century-old structure in order to meet these goals: maintain the canal that carries river water where it’s needed for irrigation; ensure Company water rights are put toward a

beneficial use as historically irrigated land converts to urban or suburban use; and secure an additional source of revenue for important maintenance and repairs on irrigation infrastructure. In addition, the Company received a mini-adjudication of their substantial water rights during the DNRC's thorough authorization process, which will save the Company money down the road in potential litigation fees.

A water bank is designed to facilitate efficient trades among water users. Across much of Montana, water is over-appropriated, meaning more water is allocated than is physically available in streams or rivers. As such, many areas are closed to new water appropriations, including the Missoula Valley. Any new water use that requires more than a small permit-exempt well is required to mitigate, or offset, its impact on groundwater or nearby surface waters. Before the Company's water bank was approved, this often meant having to buy and convert senior irrigation water rights to instream flow, an expensive and difficult option. Now, developers can purchase or lease mitigation water much more simply from the Grass Valley French Ditch Company.

"Water banks like Grass Valley's will facilitate new residential development in a way that protects existing water users and streamflows," said Karen Knudsen, Director of the Clark Fork Coalition, the river protection non-profit organization partnering with the Company to meet the DNRC-required monitoring component of delivering mitigation water. "This is exactly the direction we need to go in Montana as the state moves away from allowing subdivisions to develop with individual, unregulated wells. We are pleased to partner with the Grass Valley French Ditch Company on this ground-breaking project."

The Company's vision for a water bank has been in the works for almost a decade. Shareholders first decided to explore water marketing options in March 2008, when the board of directors voted to change the bylaws to recognize certain company "shares" for water mitigation. A few months later, the Company submitted a letter to the DNRC requesting a change of use from "irrigation" to "marketing" for some of its water rights.

After seven years of administrative and legislative hurdles -- including dozens of meetings, presentations, applications, and even statewide enabling legislation that required the DNRC to draft new rules for water marketing -- the Company was finally granted the authorization to market some of its water rights as mitigation for new water development in the Missoula area. The Company worked closely with the DNRC throughout the process with the hope that their water bank can become a model for providing water for new growth in Montana.

To contact the Grass Valley Ditch Company Water bank, please visit www.grassvalleywaterbank.com