

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

A version with a more recent operating authority date exists. Contact DNRC for details.

Water Right Number: 76H 110547-00 STATEMENT OF CLAIM
Version: 2 -- CHANGE AUTHORIZATION
Version Status: ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

Owners: MARIANNE HAMMERSCHMIDT
PO BOX 1600
VICTOR, MT 59875

R TERRY HAMMERSCHMIDT
PO BOX 1600
VICTOR, MT 59875

Priority Date: AUGUST 1, 1883
Enforceable Priority Date: AUGUST 1, 1883

Purpose (use): FISHERY
Maximum Flow Rate: 2.04 CFS

Maximum Volume:

Source Name: TIN CUP CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENENW	23	3N	21W	RAVALLI

Period of Diversion: APRIL 15 TO OCTOBER 19
Diversion Means: HEADGATE

Period of Use:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENENW	23	3N	21W	RAVALLI
2			SWSWNE	14	3N	21W	RAVALLI

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

****LEASE TERMS:**

LEASE AUTHORIZATION TO CHANGE POINT OF DIVERSION, PLACE OF USE AND PURPOSE ISSUED 7/6/1995. THE LEASE AUTHORIZATION WAS APPROVED FROM JULY 6, 1995 TO JULY 5, 2000.

RENEWAL OF THE LEASE WAS APPROVED FROM JULY 6, 2000 TO JULY 5, 2005.
RENEWAL OF THE LEASE WAS APPROVED FROM JULY 6, 2005 TO JULY 5, 2015.

RENEWAL OF THE LEASE IS APPROVED FROM OCTOBER 15, 2015 TO OCTOBER 15, 2025 (SEE APPL. # 76H 30102811). IF THE WATER RIGHT LEASE IS TERMINATED PRIOR TO JULY 5, 2015, THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, WATER RIGHTS BUREAU, MUST BE NOTIFIED IN WRITING WITHIN 30 DAYS OF TERMINATION.

THIS AUTHORIZATION IS SUBJECT TO THE LEASE AGREEMENT BETWEEN THE CLARK FORK COALITION AND THE OWNERS OF THE ABOVE FOUR WATER RIGHTS.

Remarks:

THE APPROPRIATOR SHALL INSTALL AN ADEQUATE FLOW MEASUREMENT DEVICE AT A POINT DOWNSTREAM FROM THE WADDELL DITCH AT OR NEAR THE HIGHWAY BRIDGE OR WHERE DIRECTED BY THE WATER COMMISSIONER.

IF AT ANY TIME AFTER THIS RIGHT IS ISSUED, A WRITTEN COMPLAINT IS RECEIVED BY THE DEPARTMENT ALLEGING THAT DIVERTING WATER FROM THIS SOURCE IS ADVERSELY AFFECTING A PRIOR WATER RIGHT, THE DEPARTMENT MAY MAKE A FIELD INVESTIGATION OF THE PROJECT. IF DURING THE FIELD INVESTIGATION THE DEPARTMENT FINDS SUFFICIENT EVIDENCE SUPPORTING THE ALLEGATION, IT MAY CONDUCT A HEARING IN THE MATTER ALLOWING THE APPROPRIATOR TO SHOW CAUSE WHY THE RIGHT SHOULD NOT BE MODIFIED OR REVOKED. THE DEPARTMENT MAY THEN MODIFY OR REVOKE THIS RIGHT TO PROTECT EXISTING RIGHTS OR LEAVE THIS RIGHT UNCHANGED IF THE HEARING OFFICER DETERMINES NO EXISTING WATER RIGHTS ARE BEING ADVERSELY AFFECTED.

THE RIGHT ISSUED ON 07/06/1995 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE LEASE TERMS WERE CHANGED TO REFLECT THE RENEWAL OF THE LEASE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 4769 RECEIVED 09/23/2002.

OWNERSHIP UPDATE TYPE 642 # 147390 RECEIVED 07/22/2016.