

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

GENERAL ABSTRACT

Water Right Number: 41K 119362-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: NILAN WATER USERS ASSOCIATION
PO BOX 486
AUGUSTA, MT 59410

MONTANA, STATE OF DEPT OF NATURAL RESOURCES
NILAN DAM
1424 9TH AVE
PO BOX 201601
HELENA, MT 59620-1601

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS UPON REQUEST OF THE OWNERS.

Priority Date: AUGUST 30, 1950

Enforceable Priority Date: AUGUST 30, 1950

Type of Historical Right: FILED

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED FOR IN SECTION 89-121 R.C.M. (1947) (REPEALED). THIS RIGHT DIVERTS WATER INTO NILAN RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORIC USES OF THIS WATER INCLUDE IRRIGATION AND STOCK WATER.

Maximum Flow Rate: 200.00 CFS

THE COMBINED FLOW RATES FOR DIVERSIONS BY CLAIMS 119362-00 AND 30046594 CANNOT EXCEED 200.00 CFS.

THE COMBINED FLOW RATE FOR CLAIMS 119362-00 AND 119364-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

Maximum Volume: 14,130.00 AC-FT

THE VOLUME REFLECTS HISTORIC DIVERSION FOR RESERVOIR STORAGE, AND INCLUDES DEAD STORAGE, EVAPORATION, AND PARTIAL REFILL, WHEN WATER IS AVAILABLE.

THE COMINED VOLUME OF CLAIMS 119362-00 AND 119364-00 SHALL NOT EXCEED 14,130 ACRE-FEET.

Climatic Area: 3 - MODERATE

Maximum Acres: 0.00

GENERAL SERVICE AREA

Source Name: SMITH 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		NWSENE	4	19N	8W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

DITCH: NILAN SUPPLY CANAL

Reservoir: OFF STREAM **Reservoir Name** NILAN RESERVOIR, EAST DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SENE	20	20N	7W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 44.00 FEET

Surface Area: 535.00 ACRES

Current Capacity: 10,092.00 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** NILAN RESERVOIR, NORTH DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSENE	18	20N	7W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 34.00 FEET
Surface Area: 535.00 ACRES
Current Capacity: 10,092.00 ACRE-FEET

Period of Use: JANUARY 1 to DECEMBER 31
(STORAGE)
APRIL 1 TO SEPTEMBER 30
(SALE)

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2	SENE 20	20N	7W	LEWIS AND CLARK
2			S	SENE 18	20N	7W	LEWIS AND CLARK

PLACE OF USE #1 IS THE EAST DAM AND PLACE OF USE #2 IS THE NORTH DAM
THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE OUTLET
WORKS AT THE NORTH AND EAST DAM SITES AT NILAN RESERVOIR.

THE GENERAL SERVICE AREA FOR THE NILAN PROJECT INCLUDES THE
FOLLOWING LOCATIONS:

- T19N R6W LEWIS AND CLARK COUNTY
- T19N R7W LEWIS AND CLARK COUNTY
- T19N R8W LEWIS AND CLARK COUNTY
- T20N R5W LEWIS AND CLARK COUNTY
- T20N R6W LEWIS AND CLARK COUNTY
- T20N R7W LEWIS AND CLARK COUNTY
- T20N R8W LEWIS AND CLARK COUNTY
- T21N R6W LEWIS AND CLARK COUNTY
- T21N R7W LEWIS AND CLARK COUNTY

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2 PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION AND STOCK WATER.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

IMPLIED CLAIM NO. 30046594 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/05/95.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE 119362-00, 119364-00