

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: 41J 119374-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
STATE WATER PROJECTS BUREAU
1424 9TH AVE
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: OCTOBER 5, 1935

Enforceable Priority Date: OCTOBER 5, 1935

Type of Historical Right: FILED

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

WATER UNDER THIS RIGHT IS STORED IN NORTH FORK SMITH RIVER RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS WHO MAY APPLY THE WATER TO IRRIGATION, WATERING OF STOCK, AND OTHER USES.

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 20,571.00 AC-FT
THE VOLUME REFLECTS THE TOTAL RESERVOIR CAPACITY, MAXIMUM WINTER CARRYOVER, AND ANNUAL EVAPORATION.

TOTAL COMBINED ANNUAL VOLUME FOR WATER RIGHTS 41J 119372-00 AND 41J 119374-00 SHALL NOT EXCEED 20,571 ACRE-FEET.

Source Name: EIGHTMILE 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		SWSWSE	17	10N	8E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM **Reservoir Name** NORTH FORK SMITH RIVER RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSWSE	17	10N	8E	MEAGHER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 84.00 FEET

Surface Area: 335.00 ACRES

Current Capacity: 11,500.00 ACRE-FEET

THE DAM EXTENDS INTO THE NWNWNE SEC 20 TWP 10N RGE 08E MEAGHER COUNTY.

THE RESERVOIR IS ALSO KNOWN AS LAKE SUTHERLIN.

Period of Use: JANUARY 1 to DECEMBER 31
MAY 1 to SEPTEMBER 30

WATER MAY BE DIVERTED INTO STORAGE YEAR ROUND DEPENDING ON PHYSICAL AND LEGAL WATER AVAILABILITY AND RESERVOIR CAPACITY. HISTORICALLY, WATER HAS BEEN RELEASED FROM NORTH FORK SMITH RIVER RESERVOIR FOR USE DURING THE IRRIGATION SEASON.

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			SWSWSE	17	10N	8E	MEAGHER

GENERAL SERVICE AREA OF THE NORTH FORK SMITH RIVER RESERVOIR PROJECT INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:

ID SEC TWP RGE COUNTY

01 09N 06E MEAGHER
02 09N 07E MEAGHER
03 10N 06E MEAGHER
04 10N 07E MEAGHER
05 10N 08E MEAGHER
06 11N 08E MEAGHER

THE GENERAL SERVICE AREA FOR THE NORTH FORK SMITH RIVER RESERVOIR PROJECT INCLUDES LANDS ABOVE THE RESERVOIR. LANDS ABOVE THE RESERVOIR ARE SERVED THROUGH NATURAL FLOW DIVERSIONS IN EXCHANGE FOR RELEASE OF STORED WATER BELOW THE RESERVOIR PURSUANT TO MONT. CODE ANN. 85-2-413.

THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE NORTH FORK SMITH RIVER RESERVOIR DAM SITE.

Remarks:

THIS WATER RIGHT WAS ESTABLISHED PURSUANT TO 89-101 THROUGH 89-141 R.C.M. (1947) (REPEALED).

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE WATER COURT ORDER # 129384 RECEIVED 03/09/2015.