

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: 411 119460-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
TOSTON DAM (BROADWATER-MISSOURI)
1424 9TH AVE
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: JUNE 28, 1938

Enforceable Priority Date: JUNE 28, 1938

Type of Historical Right: FILED

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

THIS RIGHT WAS ESTABLISHED PURSUANT TO SECTION 89-121 R.C.M. (1947) (REPEALED). THE RIGHT IS FOR SALE OF WATER THAT IS DIVERTED AND CONVEYED THROUGH PROJECT FACILITIES TO WATER PURCHASERS. THE HISTORICAL USES FOR THIS WATER INCLUDE IRRIGATION AND STOCKWATER.

Maximum Flow Rate: 400.00 CFS

Maximum Volume: 103,790.00 AC-FT

Climatic Area: 3 - MODERATE

Source Name: MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWN	7	4N	3E	BROADWATER

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

WATER FOR THE BROADWATER-MISSOURI PROJECT IS DIVERTED AT THE PROJECT HEADGATE AT TOSTON DAM AND FLOWS THROUGH THE MAIN CANAL APPROXIMATELY ONE AND ONE-HALF MILES TO A FLUME LOCATED IN THE W2NWN SEC 6 TWP 04N RGE 03E WHERE IT DIVIDES INTO THE EAST SIDE AND WEST SIDE CANALS.

POINT OF DIVERSION IS IN GOVT LOTS 3 AND 4 IN SEC 07 TWP 04N RGE 03E BROADWATER COUNTY.

DITCH NAME: BROADWATER-MISSOURI MAIN CANAL

Period of Use: APRIL 1 to OCTOBER 31

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			NWN	7	4N	3E	BROADWATER

THE GENERAL SERVICE AREA FOR THE BROADWATER-MISSOURI PROJECT IS:

TWP	RGE	COUNTY
5N	2E	BROADWATER
6N	2E	BROADWATER
6N	3E	BROADWATER
7N	2E	BROADWATER
7N	3E	BROADWATER
8N	2E	BROADWATER

THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE HEADGATE OF THE BROADWATER-MISSOURI MAIN CANAL LOCATED AT THE WEST END OF THE TOSTON DAM ON THE MISSOURI RIVER.

Remarks:

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

5032-00 5033-00 5034-00 5035-00 5036-00 21626-00 119460-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

119460-00 119461-00

THE MAY 7, 2001 STIPULATION FILED IN CASE 411-383 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: 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 STOCKWATER UNDER THIS WATER PROJECT.

SEE ORIGINAL CLAIM FILE FOR 411 119640 FOR THE LOCATION MAP OF THE GENERAL SERVICE AREA FOR SALE OF WATER UNDER THIS STATE-OWNED PROJECT. THE CLAIM FILE ALSO CONTAINS A MEMORANDUM THAT EXPLAINS WATER SALE AND DELIVERY UNDER THE PROJECT.

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

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE DUPLICATE FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

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THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE VOLUME. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.