

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: 41H 119496-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

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

Priority Date: JULY 12, 1938

Enforceable Priority Date: JULY 12, 1938

Type of Historical Right: FILED

Purpose (use): SALE
THIS RIGHT INCLUDES STORAGE WATER AS PROVIDED IN SECTION 89-121 R.C.M. (1947) (REPEALED) THE RIGHT DIVERTS WATER INTO THE HYALITE RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USES FOR THIS STORED WATER INCLUDE IRRIGATION, STOCKWATER AND MUNICIPAL USE IN THE GALLATIN VALLEY.

Maximum Flow Rate:

Maximum Volume: 16,000.00 AC-FT
THE VOLUME REFLECTS ONE FILLING OF THE RESERVOIR, INCLUDING DEAD STORAGE, ANNUAL EVAPORATION, AND A PARTIAL REFILL, WHEN WATER IS AVAILABLE.

Climatic Area: 4 - MODERATELY LOW

Source Name: HYALITE CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS MIDDLE CREEK RESERVOIR PROJECT

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		NENWSW	15	4S	6E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM **Reservoir Name** HYALITE RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWSW	15	4S	6E	GALLATIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 125.00 FEET

Surface Area: 255.00 ACRES

Current Capacity: 10,312.00 ACRE-FEET

PRIOR TO 1992 DAM REHABILITATION, CAPACITY WAS 8,027 ACRE-FEET AT FLASHBOARD CREST ELEVATION, DAM HEIGHT WAS 110 FEET AND SURFACE AREA WAS 248 ACRES. INCREASED STORAGE IS AUTHORIZED UNDER PERMIT TO APPROPRIATE WATER 58294-S41H.

Period of Use: JANUARY 1 to DECEMBER 31

JANUARY 01 TO DECEMBER 31 FOR STORAGE JANUARY 01 TO DECEMBER 31 FOR SALE

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>
-----------	--------------	-----------------	----------------	------------	------------	------------	---------------

THE PLACE OF USE FOR SALE IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE HYALITE RESERVOIR DAM SITE.

GENERAL SERVICE AREA FOR IRRIGATION, STOCK AND MUNICIPAL:

	QTR SEC	SEC	TWP	RGE	COUNTY
001			02S	04E	GALLATIN
002			03S	04E	GALLATIN
003			01S	05E	GALLATIN

004	02S	05E	GALLATIN
005	03S	05E	GALLATIN
006	02S	06E	GALLATIN
007	04S	06E	GALLATIN
008	01S	06E	GALLATIN

Remarks:

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

58294-00 119496-00 119498-00 119499-00

AUTHORIZATION TO CHANGE THE PURPOSE COMPLETED 11/01/95. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE. SEE G(P)058294-00.

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, STOCK OR MUNICIPAL IN THE GALLATIN VALLEY. SEE MASTERS REPORT, WATER COURT CASE 76HE-166 (5/12/00).

THIS CLAIM IS SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT ON 6/20/96 IN CASE 41H-298.

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.

119496-00 119498-00

THE TIMELY FILED OBJECTION OF DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE FLOW RATE, VOLUME, SOURCE, MAXIMUM ACRES, PERIOD OF USE, POINT OF DIVERSION AND MEANS OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.