

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 121039-00 STATEMENT OF CLAIM  
**Version:** 3 -- 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:** MONTANA ENVIRONMENTAL CUSTODIAL TRUST  
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE  
PO BOX 1390  
HELENA, MT 59624-1390

**Priority Date:** APRIL 1, 1865  
**Enforceable Priority Date:** APRIL 1, 1865

**Purpose (use):** INDUSTRIAL  
SMELTING AND REFINING PLANT

**Maximum Flow Rate:** 197.47 GPM

**Maximum Volume:** 316.75 AC-FT

**Source Name:** PRICKLY PEAR 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		NESESE	36	10N	3W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

2		NENENW	7	7N	4W	JEFFERSON
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**Period of Diversion:**

**Diversion Means:** PUMP

**Reservoir:** OFF STREAM **Reservoir Name** UPPER LAKE  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
NENWSE 36 10N 3W LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Surface Area:** 17.00 ACRES

**Current Capacity:** 49.00 ACRE-FEET

**Reservoir:** OFF STREAM **Reservoir Name** LOWER LAKE  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
SWSENE 36 10N 3W LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Surface Area:** 9.00 ACRES

**Current Capacity:** 25.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY THE DNRC.

**Period of Use:** JANUARY 1 to DECEMBER 31

**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			NE	36	10N	3W	LEWIS AND CLARK

**Geocodes/Valid:** 05-1888-36-1-01-40-0000 - Y

**Remarks:**

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

9-00	38508-00	59099-00	59100-00	59101-00	59235-00	59236-00
59237-00	68646-00	69113-00	70606-00	92802-00	96283-00	121039-00
121041-00						

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68646-00	69113-00	92802-00	96283-00	121039-00		

AUTHORIZATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF A PORTION, 2.5 CFS UP TO 1855.25 ACRE-FEET, COMPLETED 07/06/88. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE. IN CONJUNCTION WITH G121039-00 AND G121040-00. SEE G121037-01.

SUPPLEMENTAL DOCUMENTATION, QUESTIONNAIRES, MAPS, AND ALL CORRESPONDENCE CAN BE OBTAINED BY REVIEWING FILE NO. W121037-00.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/29/88.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL FLOW RATE OF THE INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. W121039-00, W121040-00, W121041-00.

THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 1,855.25 ACRE- FEET.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 94049 RECEIVED 12/10/2009.