

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 121041-00 STATEMENT OF CLAIM
Version: 2 -- 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 TUNNELS MINING INC
PO BOX 176
JEFFERSON CITY, MT 59638-0176

MONTANA ENVIRONMENTAL CUSTODIAL TRUST
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE
PO BOX 1390
HELENA, MT 59624-1390

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: MAY 1, 1868
Enforceable Priority Date: MAY 1, 1868

Purpose (use): INDUSTRIAL
Purpose Clarification: SMELTING & REFINING PLANT

Maximum Flow Rate: 1.55 CFS
Maximum Volume: 1,125.60 AC-FT

Source Name: PRICKLY PEAR CREEK
Source Type: SURFACE WATER
Source Name: SPRING 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		NWNENW	7	7N	3W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: PRICKLY PEAR CREEK
Diversion Means: PUMP

2		NWSWSW	1	7N	4W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: SPRING CREEK
Diversion Means: PUMP

Reservoir: OFF STREAM **Reservoir Name** SOUTH POND
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
SWNE 16 7N 4W JEFFERSON

Diversion to Reservoir: DIVERSION # 1
Current Capacity: 441.00 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** NORTH POND
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
NWSWNE 16 7N 4W JEFFERSON

Diversion to Reservoir: DIVERSION # 1
Current Capacity: 80.40 ACRE-FEET

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			E2E2NW	9	7N	4W	JEFFERSON

Geocodes/Valid: 51-1586-09-1-01-30-00MT - Y

Remarks:

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						

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

SUPPLEMENTAL DOCUMENTATION, QUESTIONNAIRES, MAPS, AND ALL CORRESPONDENCE CAN BE OBTAINED BY REVIEWING FILE NO. 121037-00.

THE COMBINED CAPACITY OF THE NORTH AND SOUTH RETENTION PONDS IS 521.4 ACRE-FEET.

THE ISSUANCE OF THIS RIGHT BY THE DEPARTMENT SHALL NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT. NOR DOES THE DEPARTMENT IN ISSUING THE RIGHT IN ANY WAY ACKNOWLEDGE LIABILITY FOR DAMAGE CAUSED BY THE APPROPRIATOR'S EXERCISE OF THIS RIGHT.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/22/1995.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED MEASURING DEVICE AT POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE VOLUME ACCURATELY.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 84122 RECEIVED 12/10/2009.