

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 124908-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF AGRICULTURE FOREST SERVICE)  
PO BOX 7669  
MISSOULA, MT 59807-7669

**Priority Date:** APRIL 1, 1870

**Enforceable Priority Date:** APRIL 1, 1870

**Type of Historical Right:** DECREED

**Purpose (use):** FISH AND WILDLIFE

**Maximum Flow Rate:** 10.00 CFS

**Maximum Volume:** 1,268.00 AC-FT  
THE USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.

**Source Name:** LUMP GULCH

**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		NENENE	23	8N	5W	JEFFERSON

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

**Diversion Means:** HEADGATE

**Reservoir:** OFF STREAM **Reservoir Name** PARK LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNE	13	8N	5W	JEFFERSON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 28.00 FEET

**Surface Area:** 51.20 ACRES

**Current Capacity:** 512.00 ACRE-FEET

**Original Capacity:** 1,268.00 ACRE-FEET

**Period of Use:** MARCH 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			NWNE	13	8N	5W	JEFFERSON
2			SWNE	13	8N	5W	JEFFERSON
3			E2NENW	13	8N	5W	JEFFERSON
4			E2SENW	13	8N	5W	JEFFERSON

**Remarks:**

CASE NO. 668 DECREED THE USE OF THIS WATER FOR MINING.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 44754 RECEIVED 03/01/2007.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.

THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."

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