

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:** 41I 143283-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620-0701

**Priority Date:** MAY 24, 1949

**Enforceable Priority Date:** MAY 24, 1949

**Type of Historical Right:** USE

**Purpose (use):** RECREATION

**Maximum Flow Rate:**

**Maximum Volume:** 1,946,624.00 AC-FT

THIS WATER RIGHT IS FOR THE ENTIRE STORAGE OF CANYON FERRY RESERVOIR UP TO ELEVATION 3,797.0 FEET.

**Source Name:** MISSOURI RIVER

**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	12	NWSESE	4	10N	1W	LEWIS AND CLARK

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

**Diversion Means:** DAM

CANYON FERRY DAM

**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				1	7N	1E	BROADWATER
2				2	7N	1E	BROADWATER
3			NENENE	11	7N	1E	BROADWATER
4				12	7N	1E	BROADWATER
5			SESE	13	7N	1E	BROADWATER
6			NWNW	24	7N	1E	BROADWATER
7				4	7N	2E	BROADWATER
8				5	7N	2E	BROADWATER
9				6	7N	2E	BROADWATER
10				7	7N	2E	BROADWATER
11				8	7N	2E	BROADWATER
12			N2N2NW	9	7N	2E	BROADWATER
13				17	7N	2E	BROADWATER
14				18	7N	2E	BROADWATER
15			NWNE	19	7N	2E	BROADWATER
16			NW	20	7N	2E	BROADWATER
17				1	8N	1E	BROADWATER
18				2	8N	1E	BROADWATER
19				11	8N	1E	BROADWATER
20				12	8N	1E	BROADWATER
21				13	8N	1E	BROADWATER
22				14	8N	1E	BROADWATER
23				23	8N	1E	BROADWATER
24				24	8N	1E	BROADWATER
25				25	8N	1E	BROADWATER
26				26	8N	1E	BROADWATER
27				35	8N	1E	BROADWATER
28				36	8N	1E	BROADWATER
29				6	8N	2E	BROADWATER
30				7	8N	2E	BROADWATER
31				8	8N	2E	BROADWATER
32				17	8N	2E	BROADWATER
33				18	8N	2E	BROADWATER

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>
34				19	8N	2E	BROADWATER
35				20	8N	2E	BROADWATER
36				21	8N	2E	BROADWATER
37				28	8N	2E	BROADWATER
38				29	8N	2E	BROADWATER
39				30	8N	2E	BROADWATER
40				31	8N	2E	BROADWATER
41				32	8N	2E	BROADWATER
42				33	8N	2E	BROADWATER
43				3	9N	1E	BROADWATER
44				4	9N	1E	BROADWATER
45				5	9N	1E	BROADWATER
46				5	9N	1E	LEWIS AND CLARK
47				6	9N	1E	LEWIS AND CLARK
48				6	9N	1E	BROADWATER
49				7	9N	1E	BROADWATER
50				8	9N	1E	BROADWATER
51				9	9N	1E	BROADWATER
52				10	9N	1E	BROADWATER
53				11	9N	1E	BROADWATER
54				13	9N	1E	BROADWATER
55				14	9N	1E	BROADWATER
56				15	9N	1E	BROADWATER
57				16	9N	1E	BROADWATER
58				17	9N	1E	BROADWATER
59				18	9N	1E	BROADWATER
60				20	9N	1E	BROADWATER
61				21	9N	1E	BROADWATER
62				22	9N	1E	BROADWATER
63				23	9N	1E	BROADWATER
64				24	9N	1E	BROADWATER
65				25	9N	1E	BROADWATER
66				26	9N	1E	BROADWATER
67				27	9N	1E	BROADWATER
68				34	9N	1E	BROADWATER
69				35	9N	1E	BROADWATER
70				36	9N	1E	BROADWATER
71			N2NENE	1	9N	1W	LEWIS AND CLARK
72			NENWNE	1	9N	1W	LEWIS AND CLARK
73				31	9N	2E	BROADWATER
74				18	10N	1E	LEWIS AND CLARK
75				19	10N	1E	LEWIS AND CLARK
76				29	10N	1E	BROADWATER
77				30	10N	1E	LEWIS AND CLARK
78				31	10N	1E	LEWIS AND CLARK
79				32	10N	1E	LEWIS AND CLARK
80				32	10N	1E	BROADWATER
81				33	10N	1E	BROADWATER
82				2	10N	1W	LEWIS AND CLARK
83				3	10N	1W	LEWIS AND CLARK
84				4	10N	1W	LEWIS AND CLARK
85				9	10N	1W	LEWIS AND CLARK
86				10	10N	1W	LEWIS AND CLARK
87				11	10N	1W	LEWIS AND CLARK
88				12	10N	1W	LEWIS AND CLARK
89				13	10N	1W	LEWIS AND CLARK
90				14	10N	1W	LEWIS AND CLARK
91				15	10N	1W	LEWIS AND CLARK
92				22	10N	1W	LEWIS AND CLARK
93				23	10N	1W	LEWIS AND CLARK
94				24	10N	1W	LEWIS AND CLARK
95				25	10N	1W	LEWIS AND CLARK
96				26	10N	1W	LEWIS AND CLARK
97				36	10N	1W	LEWIS AND CLARK

THE PLACE OF USE IS THE SURFACE AREA OF CANYON FERRY RESERVOIR AT ELEVATION 3,797 FEET.

**Remarks:**

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.

40922-00      143283-00

THIS CLAIM AND CLAIM NO. W040922-00 FILED BY THE USA (DEPT OF INTERIOR BUREAU OF RECLAMATION) MAY BE REDUNDANT CLAIMS ON THE SAME HISTORIC APPROPRIATION OF WATER. IT APPEARS THAT ONLY ONE WATER RIGHT IS INVOLVED.

THE PRIORITY DATE IS QUESTIONABLE. THE CLAIMED PRIORITY DATE MAY 24, 1949, IS THE DATE DAM CONSTRUCTION BEGAN. ACCORDING TO U.S. GEOLOGICAL SURVEY WATER-DATA REPORT MT-89-1 (SEE CLAIM FILE) STORAGE IN THE RESERVOIR DID NOT BEGIN UNTIL MARCH OF 1953.

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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THIS CLAIMED PURPOSE IS QUESTIONED AS A BENEFICIAL USE OF WATER EXISTING PRIOR TO JULY 1, 1973. THERE APPEARS TO BE NO APPROPRIATION OF WATER AS THE DEPARTMENT OF FISH, WILDLIFE AND PARK HAS NO CONTROL OF THE STORAGE IN CANYON FERRY RESERVOIR.

THE USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.