

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: 41K 40885-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: FORT SHAW IRRIGATION DISTRICT
PO BOX 154
FORT SHAW, MT 59443

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)
PO BOX 30137
BILLINGS, MT 59107-0137

Priority Date: MAY 25, 1905

Enforceable Priority Date: MAY 25, 1905

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 264.59 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
THE COMBINED FLOW RATE FOR THE FOLLOWING CLAIMS SHALL NOT EXCEED 264.59 CFS: 41K 40885-00, 41K 40886-00, 41K 40887-00.

Climatic Area: 3 - MODERATE

Maximum Acres: 23,273.43

Source Name: SUN 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		NWSE	2	20N	4W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: FORT SHAW CANAL

Period of Use: APRIL 1 to OCTOBER 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	80.00		S2SW	6	19N	1W	CASCADE
2	80.00		N2NW	7	19N	1W	CASCADE
3	40.00		N2S2NW	7	19N	1W	CASCADE
4	320.00		N2	1	19N	2W	CASCADE
5	40.00		SESE	1	19N	2W	CASCADE
6	80.00		N2NE	12	19N	2W	CASCADE
7	40.00		SWNE	12	19N	2W	CASCADE
8	40.00		SENE	12	19N	2W	CASCADE
9	40.00		NWSE	12	19N	2W	CASCADE
10	40.00		NESW	12	19N	2W	CASCADE
11	39.69	3		1	20N	1W	CASCADE
12	39.56	4		1	20N	1W	CASCADE
13	320.00		N2	2	20N	1W	CASCADE
14	320.00		N2	3	20N	1W	CASCADE
15	320.00		N2	4	20N	1W	CASCADE
16	80.00		N2SW	4	20N	1W	CASCADE
17	40.00		SWSW	4	20N	1W	CASCADE
18	640.00			5	20N	1W	CASCADE
19	320.00		E2	6	20N	1W	CASCADE
20	80.00		S2NW	6	20N	1W	CASCADE
21	160.00		SW	6	20N	1W	CASCADE
22	160.00		NE	7	20N	1W	CASCADE
23	40.00		NWSE	7	20N	1W	CASCADE
24	320.00		W2	7	20N	1W	CASCADE
25	320.00		N2	8	20N	1W	CASCADE

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>
26	80.00		W2NW	9	20N	1W	CASCADE
27	40.00		SWNW	16	20N	1W	CASCADE
28	40.00		SWSE	16	20N	1W	CASCADE
29	160.00		SW	16	20N	1W	CASCADE
30	320.00		E2	17	20N	1W	CASCADE
31	40.00		SEnw	17	20N	1W	CASCADE
32	160.00		SW	17	20N	1W	CASCADE
33	40.00		SWNW	18	20N	1W	CASCADE
34	640.00			19	20N	1W	CASCADE
35	640.00			20	20N	1W	CASCADE
36	320.00		N2	21	20N	1W	CASCADE
37	40.00		NWNE	21	20N	1W	CASCADE
38	160.00		NW	21	20N	1W	CASCADE
39	160.00		SW	21	20N	1W	CASCADE
40	80.00		N2NE	29	20N	1W	CASCADE
41	160.00		NW	29	20N	1W	CASCADE
42	40.00		NWSW	29	20N	1W	CASCADE
43	160.00		NE	30	20N	1W	CASCADE
44	80.00		N2SE	30	20N	1W	CASCADE
45	40.00		SWSE	30	20N	1W	CASCADE
46	320.00		W2	30	20N	1W	CASCADE
47	80.00		S2NE	31	20N	1W	CASCADE
48	160.00		NW	31	20N	1W	CASCADE
49	40.00		NWSE	31	20N	1W	CASCADE
50	160.00		SW	31	20N	1W	CASCADE
51	40.00		SENE	1	20N	2W	CASCADE
52	40.00		SESW	1	20N	2W	CASCADE
53	25.42	6		1	20N	2W	CASCADE
54	34.51	7		1	20N	2W	CASCADE
55	45.17	9		1	20N	2W	CASCADE
56	41.09	9		2	20N	2W	CASCADE
57	26.95	10		2	20N	2W	CASCADE
58	9.46	13		2	20N	2W	CASCADE
59	6.40	14		2	20N	2W	CASCADE
60	8.64	15		2	20N	2W	CASCADE
61	18.97	16		2	20N	2W	CASCADE
62	39.25	9		3	20N	2W	CASCADE
63	19.94	10		3	20N	2W	CASCADE
64	25.78	11		3	20N	2W	CASCADE
65	54.56	12		4	20N	2W	CASCADE
66	46.41	13		4	20N	2W	CASCADE
67	39.97	14		4	20N	2W	CASCADE
68	40.00		SWSE	4	20N	2W	CASCADE
69	40.00		SESW	4	20N	2W	CASCADE
70	10.90	13		5	20N	2W	CASCADE
71	25.78	5		7	20N	2W	CASCADE
72	24.72	6		7	20N	2W	CASCADE
73	45.68	7		7	20N	2W	CASCADE
74	38.71	8		7	20N	2W	CASCADE
75	11.16	9		7	20N	2W	CASCADE
76	16.06	10		7	20N	2W	CASCADE
77	40.00		SESW	7	20N	2W	CASCADE
78	80.00		S2SE	7	20N	2W	CASCADE
79	80.00		S2NE	8	20N	2W	CASCADE
80	40.00		SEnw	8	20N	2W	CASCADE
81	320.00		S2	8	20N	2W	CASCADE
82	30.96	1		8	20N	2W	CASCADE
83	19.21	3		8	20N	2W	CASCADE
84	37.08	4		8	20N	2W	CASCADE
85	21.05	6		8	20N	2W	CASCADE
86	640.00			9	20N	2W	CASCADE
87	640.00			10	20N	2W	CASCADE
88	640.00			11	20N	2W	CASCADE
89	320.00		E2	12	20N	2W	CASCADE
90	160.00		SW	12	20N	2W	CASCADE
91	640.00			13	20N	2W	CASCADE
92	320.00		N2	14	20N	2W	CASCADE
93	160.00		SE	14	20N	2W	CASCADE

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>
94	40.00		NESW	14	20N	2W	CASCADE
95	320.00		N2	15	20N	2W	CASCADE
96	320.00		N2	16	20N	2W	CASCADE
97	320.00		N2	17	20N	2W	CASCADE
98	40.00		NWSE	17	20N	2W	CASCADE
99	160.00		SW	17	20N	2W	CASCADE
100	640.00			18	20N	2W	CASCADE
101	320.00		N2	19	20N	2W	CASCADE
102	80.00		W2NW	20	20N	2W	CASCADE
103	80.00		N2NE	23	20N	2W	CASCADE
104	40.00		SENE	23	20N	2W	CASCADE
105	640.00			24	20N	2W	CASCADE
106	80.00		N2NE	25	20N	2W	CASCADE
107	40.00		SENE	25	20N	2W	CASCADE
108	40.00		NENW	25	20N	2W	CASCADE
109	160.00		SE	36	20N	2W	CASCADE
110	19.03	14		3	20N	3W	CASCADE
111	80.00		S2SE	4	20N	3W	CASCADE
112	40.00		SWNW	5	20N	3W	CASCADE
113	160.00		SE	5	20N	3W	CASCADE
114	160.00		SW	5	20N	3W	CASCADE
115	160.00		SE	6	20N	3W	CASCADE
116	16.13	6		6	20N	3W	CASCADE
117	15.96	7		6	20N	3W	CASCADE
118	80.00		E2SW	6	20N	3W	CASCADE
119	80.00		S2NE	6	20N	3W	CASCADE
120	40.00		NENE	8	20N	3W	CASCADE
121	160.00		NE	9	20N	3W	CASCADE
122	80.00		N2NW	9	20N	3W	CASCADE
123	40.00		SENW	9	20N	3W	CASCADE
124	80.00		N2SE	9	20N	3W	CASCADE
125	40.00		SESE	9	20N	3W	CASCADE
126	640.00			10	20N	3W	CASCADE
127	22.17	6		11	20N	3W	CASCADE
128	39.99	7		11	20N	3W	CASCADE
129	45.67	8		11	20N	3W	CASCADE
130	58.84	9		11	20N	3W	CASCADE
131	50.15	10		11	20N	3W	CASCADE
132	38.22	11		11	20N	3W	CASCADE
133	40.00		SESW	11	20N	3W	CASCADE
134	80.00		S2SE	11	20N	3W	CASCADE
135	32.77	2		12	20N	3W	CASCADE
136	17.23	3		12	20N	3W	CASCADE
137	27.13	8		12	20N	3W	CASCADE
138	11.16	9		12	20N	3W	CASCADE
139	16.06	10		12	20N	3W	CASCADE
140	160.00		SW	12	20N	3W	CASCADE
141	80.00		S2SE	12	20N	3W	CASCADE
142	160.00		NW	13	20N	3W	CASCADE
143	320.00		S2	13	20N	3W	CASCADE
144	640.00			14	20N	3W	CASCADE
145	320.00		E2	15	20N	3W	CASCADE
146	80.00		E2NW	15	20N	3W	CASCADE
147	40.00		NWNE	22	20N	3W	CASCADE
148	40.00		NENW	22	20N	3W	CASCADE
149	40.37	1		23	20N	3W	CASCADE
150	42.01	4		23	20N	3W	CASCADE
151	320.00		N2	24	20N	3W	CASCADE
152	40.00		NESW	24	20N	3W	CASCADE
153	31.48	3		24	20N	3W	CASCADE
154	160.00		SE	1	20N	4W	LEWIS AND CLARK
155	40.00		SESW	12	20N	4W	LEWIS AND CLARK
156	160.00		SE	31	21N	1W	CASCADE
157	19.70	6		31	21N	1W	CASCADE
158	14.39	7		31	21N	1W	CASCADE
159	160.00		S2S2	32	21N	1W	CASCADE
160	40.63	5		32	21N	1W	CASCADE
161	30.48	6		32	21N	1W	CASCADE

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>
162	24.72	8		32	21N	1W	CASCADE
163	47.90	9		32	21N	1W	CASCADE
164	80.00		E2NE	33	21N	1W	CASCADE
165	80.00		E2SE	33	21N	1W	CASCADE
166	40.00		SWSW	33	21N	1W	CASCADE
167	20.33	1		33	21N	1W	CASCADE
168	25.95	2		33	21N	1W	CASCADE
169	31.57	3		33	21N	1W	CASCADE
170	37.19	4		33	21N	1W	CASCADE
171	29.99	7		33	21N	1W	CASCADE
172	45.82	8		33	21N	1W	CASCADE
173	27.96	9		33	21N	1W	CASCADE
174	30.20	10		33	21N	1W	CASCADE
175	39.15	11		33	21N	1W	CASCADE
176	160.00		SE	34	21N	1W	CASCADE
177	320.00		W2	34	21N	1W	CASCADE
178	80.00		W2NE	34	21N	1W	CASCADE
179	320.00		S2	35	21N	1W	CASCADE
180	80.00		S2SW	36	21N	1W	CASCADE
Total:	23,273.43						

ONLY 13,849 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE APPROXIMATE 23,273.43 ACRES DESCRIBED UNDER THIS RIGHT.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40885-00 40886-00 40887-00

WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 ARE DIRECT FLOW WATER RIGHTS OF THE SUN RIVER PROJECT THAT SHARE IDENTICAL MAY 25, 1905 PRIORITIES, AND SHARE IN THE WATER AVAILABLE UNDER THAT PRIORITY AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870-00. FOR PURPOSES OF DIVIDING THE WATER AVAILABLE TO WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 THE FOLLOWING ADMINISTRATIVE PROVISIONS SHALL APPLY:

- (1) THE TOTAL AMOUNT OF NATURAL FLOW AVAILABLE IN PRIORITY TO A MAY 25, 1905, WATER RIGHT, AND DIVISIBLE BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 SHALL BE MEASURED AND DETERMINED AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870-00.
- (2) THE AMOUNT OF NATURAL FLOW AVAILABLE FOR DIVISION BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 SHALL BE THE TOTAL NATURAL FLOW OF THE SUN RIVER AT THE POINT OF DIVERSION FOR WATER RIGHT NOS. 41K 40870-00, MINUS 31.41 C.F.S. TO BE PASSED TO THE FORT SHAW SENIOR WATER RIGHTS, AND MINUS SUFFICIENT WATER TO MEET THE DEMAND OF ALL OTHER DOWNSTREAM WATER RIGHTS WITH PRIORITY DATES SENIOR TO MAY 25, 1905. THE DETERMINATION OF THE AMOUNT OF NATURAL FLOW AVAILABLE FOR DIVISION SHALL BE MADE WITHOUT REGARD TO THE DEMAND UNDER WATER RIGHT NO. 41K 40885-00.
- (3) WATER RIGHT NO. 41K 40870-00 SHALL BE ENTITLED TO DIVERT NO MORE THAN 83% OF THE TOTAL AMOUNT OF NATURAL FLOW OF THE SUN RIVER AVAILABLE FOR DIVISION BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00, AS MEASURED AND DETERMINED AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870-00. THE REMAINING 17% SHALL BE PASSED DOWNSTREAM FOR USE BY FORT SHAW, PROVIDED THAT:
 - (A) WATER RIGHT NO. 41K 40870-00 MAY DIVERT MORE THAN 83% OF SUCH WATER AT THOSE TIMES THAT FORT SHAW DOES NOT HAVE AN ACTUAL NEED FOR THE REMAINING 17% OF SUCH NATURAL FLOW BY AND UNDER WATER RIGHT NO. 41K 40885-00; AND
 - (B) NOTHING HEREIN IS INTENDED TO PREVENT GREENFIELDS FROM DIVERTING WATER IN EXCESS OF 83% AND PROVIDING REPLACEMENT WATER BY EXCHANGE FROM WILLOW CREEK RESERVOIR; AND
 - (C) NOTWITHSTANDING THE PRIORITY DATE OF WATER RIGHT NO. 41K 40885-00, AFTER SEPTEMBER 15 OF EACH YEAR WATER RIGHT NO. 41K 40885-00 SHALL BE EXERCISED AS IF THE WATER RIGHT WAS JUNIOR IN TIME TO 1) THE WILLOW CREEK WATER RIGHTS (WATER RIGHT NOS. 41K 40892-00, 41K 40893-00, 41K 40894-00, 41K 40895-00, 41K 40896-00) AND 2) THE GIBSON RESERVOIR WATER STORAGE RIGHT (WATER RIGHT NO. 41K 40869-00), PROVIDED THAT AFTER SUCH DATE NO DIVERSIONS ARE THEN OCCURRING UNDER WATER RIGHT NO. 41K 40870-00.
- (4) FOR PURPOSES OF INTERPRETING THIS REMARK, THE TERM "NATURAL FLOW" MEANS THE AMOUNT OF WATER FLOWING IN THE SUN RIVER FROM TIME TO TIME, WITHOUT ENHANCEMENTS THERETO BY THE RELEASE OF STORED WATER FROM RESERVOIRS FOR BENEFICIAL USE OR DIMINISHMENT OR DEPLETION BY STORAGE OF WATER IN RESERVOIRS.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS

Remarks:

HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

41K 40878-00, 41K 40879-00, 41K 40880-00, 41K 40881-00, 41K 40882-00, 41K 40883-00, 41K 40884-00, 41K 40885-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 26678 RECEIVED 11/30/2005.