

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 89074-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Version Status: ACTIVE

Owners: HELENA, CITY OF
CITY ATTORNEYS OFFICE
316 N PARK AVE
HELENA, MT 59623-0001

Priority Date: NOVEMBER 5, 1864
Enforceable Priority Date: NOVEMBER 5, 1864

Type of Historical Right: DECREED

Purpose (use): MUNICIPAL
Maximum Flow Rate: 5.50 CFS

THE MUNICIPAL SYSTEM IS MADE UP OF SEVERAL INTAKES LOCATED ON TENMILE CREEK. THE TOTAL AMOUNT DIVERTED FROM ONE OR A COMBINATION OF INTAKES IS LIMITED TO 13.15 CFS. SEE THE CLAIM FILE FOR FURTHER INFORMATION.

Maximum Volume: 4,061.57 AC-FT
Source Name: TENMILE CREEK
Source Type: SURFACE WATER
Source Name: MOOSE CREEK
Source Type: SURFACE WATER
Source Name: MINNEHAHA CREEK
Source Type: SURFACE WATER
Source Name: BEAVER CREEK
Source Type: SURFACE WATER
Source Name: WALKER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWN	4	8N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: TENMILE CREEK
Diversion Means: HEADGATE
Ditch Name: TENMILE CREEK INTAKE

2		NE	4	9N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: WALKER CREEK
Diversion Means: HEADGATE
Ditch Name: WALKER CREEK INTAKE

3		NW	20	9N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: MOOSE CREEK
Diversion Means: HEADGATE
Ditch Name: MOOSE CREEK INTAKE

4		NE	29	9N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Source Name: MINNEHAHA CREEK
Diversion Means: HEADGATE
Ditch Name: MINNEHAHA CREEK INTAKE

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5		SWSESW	33	9N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: BEAVER CREEK

Diversion Means: HEADGATE

Ditch Name: BEAVER CREEK INTAKE

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			E2SE	32	9N	5W	LEWIS AND CLARK
2			W2SW	33	9N	5W	LEWIS AND CLARK
3			SW	16	10N	3W	LEWIS AND CLARK
4				17	10N	3W	LEWIS AND CLARK
5				18	10N	3W	LEWIS AND CLARK
6				19	10N	3W	LEWIS AND CLARK
7				20	10N	3W	LEWIS AND CLARK
8				21	10N	3W	LEWIS AND CLARK
9			S2NW	22	10N	3W	LEWIS AND CLARK
10			SESE	22	10N	3W	LEWIS AND CLARK
11			W2SE	22	10N	3W	LEWIS AND CLARK
12			SW	22	10N	3W	LEWIS AND CLARK
13			N2N2	27	10N	3W	LEWIS AND CLARK
14				28	10N	3W	LEWIS AND CLARK
15				29	10N	3W	LEWIS AND CLARK
16				30	10N	3W	LEWIS AND CLARK
17				31	10N	3W	LEWIS AND CLARK
18				32	10N	3W	LEWIS AND CLARK
19				33	10N	3W	LEWIS AND CLARK
20				13	10N	4W	LEWIS AND CLARK
21				14	10N	4W	LEWIS AND CLARK
22				15	10N	4W	LEWIS AND CLARK
23			E2	16	10N	4W	LEWIS AND CLARK
24				22	10N	4W	LEWIS AND CLARK
25				23	10N	4W	LEWIS AND CLARK
26				24	10N	4W	LEWIS AND CLARK
27				25	10N	4W	LEWIS AND CLARK
28				26	10N	4W	LEWIS AND CLARK
29				27	10N	4W	LEWIS AND CLARK
30				28	10N	4W	LEWIS AND CLARK
31				36	10N	4W	LEWIS AND CLARK
32			W2SESE	34	10N	5W	LEWIS AND CLARK
33			E2SWSE	34	10N	5W	LEWIS AND CLARK

FOR A DETAILED LEGAL LAND DESCRIPTION, SEE THE MASTER'S REPORT IN THE CLAIM FILE. SOME OF THE SECTIONS LISTED ABOVE ARE NOT ENTIRELY IN THE PLACE OF USE.

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 07/07/93: POINT OF DIVERSION, FLOW RATE, VOLUME.

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 10/18/90.

TEMPORARY AUTHORIZATION TO CHANGE EXPIRED 05/01/82. SEE T034325-411.

WATER MAY BE DIVERTED UNDER THIS CLAIM DURING HIGH WATER FOR STORAGE IN CHESSMAN RESERVOIR AND SCOTT RESERVOIR BETWEEN APRIL 1 AND AUGUST 13 IF THE OTHER CONDITIONS CONCERNING DIVERSION FOR STORAGE UNDER THIS CLAIM ARE MET. SEE CLAIMS 89056-00, 89059-00, 89062-00, 89064-00, 89065-00, 89066-00, 89075-00, 214622-00.

WHEN THE TENMILE CREEK WATER SUPPLY FALLS SHORT OF THE CITY OF HELENA'S DEMAND, CONTRACT WATER FROM THE MISSOURI RIVER IS SUPPLIED BY THE BUREAU OF RECLAMATION UNDER CLAIM 40920-00.

BY AGREEMENT WITH THE CITY OF HELENA, THE COMMUNITY OF RIMINI IS ENTITLED TO USE UP TO 70 AFY FOR DOMESTIC, LAWN AND GARDEN, AND FIRE PROTECTION USES. THE TERMS OF THE AGREEMENT AND A LEGAL LAND DESCRIPTION OF THE PLACE OF USE FOR THIS 70 AFY CAN BE FOUND IN THE CLAIM FILES. THE 70 AFY COMES OUT OF THE CITY'S APPROPRIATIONS UNDER CLAIMS 411 89059-00, 411 89074-00, 411 89075-00, AND 411 214622-00.

STORAGE IN THE SCOTT RESERVOIR IS LIMITED TO 595.27 ACRE-FEET PER YEAR. THE CITY MAY

Remarks:

DIVERT WATER FOR STORAGE UNDER THIS CLAIM WHEN IT IS IN PRIORITY, AND MUST CEASE DIVERSION WHEN SCOTT RESERVOIR IS FULL. THE CITY IS NOT ENTITLED TO ADDITIONAL WATER TO REPLACE WATER LOST TO EVAPORATION OR SEEPAGE OR FOR CIRCULATION.

STORAGE IN THE CHESSMAN RESERVOIR IS LIMITED TO 1626.5 ACRE-FEET PER YEAR. THE CITY MAY DIVERT WATER FOR STORAGE UNDER THIS CLAIM DURING HIGH OR FLOOD WATER, AND MUST CEASE DIVERSION WHEN CHESSMAN RESERVOIR IS FULL, OR WHEN ANY OTHER TENMILE CREEK DECREED WATER USER IS NOT RECEIVING HIS FULL APPROPRIATION, WHICHEVER FIRST OCCURS IN ANY YEAR. THE CITY IS NOT ENTITLED TO ADDITIONAL WATER TO REPLACE WATER LOST TO EVAPORATION OR SEEPAGE OR FOR CIRCULATION.

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

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 89047-00, 89048-00, 89050-00, 89054-00, 89056-00, 89059-00, 89062-00, 89064-00, 89065-00, 89066-00, 89074-00, 89075-00, AND 214622-00.