

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 89077-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

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

Priority Date: JUNE 1, 1867
Enforceable Priority Date: JUNE 1, 1867

Type of Historical Right: FILED

Purpose (use): MUNICIPAL

Maximum Flow Rate: 2.50 CFS

Maximum Volume: 1,825.00 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF OROFINO GULCH

Source Type: GROUNDWATER

ALSO KNOWN AS EUREKA DRAIN DITCH SPRING

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		NENESW	36	10N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

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				15	10N	3W	LEWIS AND CLARK
2				16	10N	3W	LEWIS AND CLARK
3				17	10N	3W	LEWIS AND CLARK
4				18	10N	3W	LEWIS AND CLARK
5				19	10N	3W	LEWIS AND CLARK
6				20	10N	3W	LEWIS AND CLARK
7				21	10N	3W	LEWIS AND CLARK
8				22	10N	3W	LEWIS AND CLARK
9				27	10N	3W	LEWIS AND CLARK
10				28	10N	3W	LEWIS AND CLARK
11				29	10N	3W	LEWIS AND CLARK
12				30	10N	3W	LEWIS AND CLARK
13				31	10N	3W	LEWIS AND CLARK
14				32	10N	3W	LEWIS AND CLARK
15				33	10N	3W	LEWIS AND CLARK
16				34	10N	3W	LEWIS AND CLARK
17				13	10N	4W	LEWIS AND CLARK
18				14	10N	4W	LEWIS AND CLARK
19				15	10N	4W	LEWIS AND CLARK
20				16	10N	4W	LEWIS AND CLARK
21				21	10N	4W	LEWIS AND CLARK
22				22	10N	4W	LEWIS AND CLARK
23				23	10N	4W	LEWIS AND CLARK
24				24	10N	4W	LEWIS AND CLARK
25				25	10N	4W	LEWIS AND CLARK
26				26	10N	4W	LEWIS AND CLARK
27				27	10N	4W	LEWIS AND CLARK
28				28	10N	4W	LEWIS AND CLARK
29				35	10N	4W	LEWIS AND CLARK
30				36	10N	4W	LEWIS AND CLARK

Remarks:

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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. W089047-00, W089048-00, W089050-00, W089054-00, W089056-00, W089059-00, W089062-00, W089064-00, W089065-00, W089066-00, W089074-00, W089075-00, W089076-00, W089077-00, W089078-00, W214622-00.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON OROFINO GULCH WITH A PRIORITY DATE PREDATING CASE NO. 5452, LEWIS AND CLARK COUNTY WHICH DECREES ALL THE WATER OF OROFINO GULCH AND THE DEVELOPED GROUNDWATER.

THE COMBINED CLAIMED VOLUME FOR THE FOLLOWING CLAIMS IS 813.95 GALLONS PER CAPITA PER DAY (GCPD) BASED ON THE 1970 CENSUS POPULATION OF 22730 PEOPLE AND A TOTAL CLAIMED VOLUME OF 20,780.75 ACRE-FEET. THIS APPEARS EXCESSIVE FOR THE CLAIMED PURPOSE.

W089047-00, W089048-00, W089050-00, W089054-00, W089056-00, W089059-00, W089062-00, W089064-00, W089065-00, W089066-00, W089074-00, W089075-00, W089076-00, W089077-00, W089078-00, W214622-00.

THE CLAIMED VOLUME EXCEEDS MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 1,814.87 ACRE-FEET PER YEAR.

THE CLAIMED VOLUME MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.