

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: 76G 92133-00 STATEMENT OF CLAIM
Version: 4 -- CHANGE AUTHORIZATION
Version Status: ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

Owners: MONTANA, STATE OF DEPT OF CORRECTIONS
MONTANA STATE PRISON
350 CONLEY LAKE RD
DEER LODGE, MT 59722-9705

Priority Date: AUGUST 31, 1873
Enforceable Priority Date: AUGUST 31, 1873

Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Maximum Flow Rate: 5.00 CFS
Maximum Volume: 2,121.81 AC-FT
Climatic Area: 4 - MODERATELY LOW
Maximum Acres: 1,360.00
Source Name: TIN CUP JOE 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		SE	SESW	4	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
2		S	SWSWNE	4	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
3		N	NENWSE	4	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
4		N	NWNESE	4	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
5		S	SWNWNW	3	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
6		S	SWNENW	3	7N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
7		S	SWSWSE	34	8N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
8		S	SWSWSE	35	8N	10W POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
9		E2NENE	2	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
10		SWNENW	1	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
11		NESWNE	1	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
12		SWSWNW	6	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
13		SESWNE	4	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
14		NWNESE	4	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
15		SWSENW	3	7N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
16		SENWSW	34	8N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
17		SWNWNE	34	8N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
18		SWNWNW	35	8N	10W	POWELL
Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: DAM						
Reservoir:	ON STREAM	Reservoir Name TIN CUP LAKE				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SESWNE	4	7N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
Reservoir:	OFF STREAM	Reservoir Name CONLEYS LAKE				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NWNESE	4	7N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
Reservoir:	OFF STREAM	Reservoir Name MUD LAKE				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWSENW	3	7N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
Reservoir:	OFF STREAM	Reservoir Name KERNS LAKE				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENWSW	34	8N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
Reservoir:	OFF STREAM	Reservoir Name UPPER TAYLOR RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWNWNE	34	8N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
Reservoir:	ON STREAM	Reservoir Name LOWER TAYLOR RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWNWNW	35	8N	10W	POWELL
Diversion to Reservoir: DIVERSION # 1						
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	3.00		NE	4	7N	10W	POWELL
2	88.00		E2	33	8N	10W	POWELL
3	33.00		E2E2	34	8N	10W	POWELL
4	150.00			35	8N	10W	POWELL
5	22.00		S2NW	36	8N	10W	POWELL
6	46.00		SW	36	8N	10W	POWELL
7	18.00		W2SE	36	8N	10W	POWELL
8	12.00		E2NW	1	7N	10W	POWELL
9	36.00		NE	1	7N	10W	POWELL
10	85.10		NW	6	7N	9W	POWELL
11	3.00		W2NE	6	7N	9W	POWELL
12	69.90		S2	2	7N	10W	POWELL
13	105.00		SW	6	7N	9W	POWELL
14	72.00		SE	6	7N	9W	POWELL
15	222.00		N2	7	7N	9W	POWELL
16	154.00		NW	8	7N	9W	POWELL
17	146.00		SW	8	7N	9W	POWELL
18	40.00		S2N2SW	1	7N	10W	POWELL
19	4.00		SWSW	5	7N	9W	POWELL
20	28.00		E2NE	12	7N	10W	POWELL
21	9.00		NENW	12	7N	10W	POWELL
22	9.00		SESW	1	7N	10W	POWELL
23	5.00		SWSW	1	7N	10W	POWELL
Total:	1,360.00						

Remarks:

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

92084-00	92085-00	92086-00	92087-00	92088-00	92089-00	92090-00
92091-00	92092-00	92117-00	92128-00	92129-00	92130-00	92131-00
92132-00	92133-00	92134-00	92135-00	92136-00	92137-00	167135-00
167136-00	167138-00					

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

ANYTIME AFTER THIS RIGHT IS ISSUED AND COMPETITION FOR WATER ON THE SOURCE BECOMES AN ISSUE, THE DEPARTMENT MAY REQUIRE THE APPROPRIATOR TO INSTALL A WATER USE MEASURING DEVICE AND SUBMIT THE RECORDS OF THE FLOW RATE OR VOLUME OR BOTH OF ALL WATER DIVERTED.