

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 92307-00 STATEMENT OF CLAIM
Version: 2 -- 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: ANDY J PADDOCK
1205 SW 4TH CT
OAK HARBOR, WA 98277-4552

MARILEE D PADDOCK
1205 SW 4TH CT
OAK HARBOR, WA 98277-4552

Priority Date: JUNE 30, 1884
Enforceable Priority Date: JUNE 30, 1884

Purpose (use): INSTREAM FLOW
Purpose Clarification: FISHERY

Maximum Flow Rate: 1.30 CFS
Historical Flow Rate: 1.30 CFS

Maximum Volume:
Historical Diverted Volume: 124.04 AC-FT

Historical Consumptive Volume: 24.47 AC-FT

Source Name: MILL 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		SENENW	17	4N	10W	DEER LODGE

Period of Diversion: APRIL 1 TO DECEMBER 4
Diversion Means: HEADGATE

2		SENENW	17	4N	10W	DEER LODGE
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Period of Diversion: MAY 10 TO SEPTEMBER 22 **Flow Rate:** 1.30 CFS
Diversion Means: INSTREAM

3		N2NE	17	4N	10W	DEER LODGE
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Period of Diversion: MAY 10 TO SEPTEMBER 22 **Flow Rate:** 1.30 CFS
Diversion Means: INSTREAM

5		N2NWNW	16	4N	10W	DEER LODGE
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Period of Diversion: MAY 10 TO SEPTEMBER 22 **Flow Rate:** 1.30 CFS
Diversion Means: INSTREAM

6		S2SW	9	4N	10W	DEER LODGE
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Period of Diversion: MAY 10 TO SEPTEMBER 22 **Flow Rate:** 1.30 CFS
Diversion Means: INSTREAM

Period of Use: MAY 10 to SEPTEMBER 22

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENENW	17	4N	10W	DEER LODGE
2			N2NE	17	4N	10W	DEER LODGE
4			N2NWNW	16	4N	10W	DEER LODGE
5			S2SW	9	4N	10W	DEER LODGE

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

Geocodes/Valid: 30-1286-08-4-01-01-0000 - Y

Remarks:

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

TO ENSURE THE 1.3 CFS IS LEFT INSTREAM TO BENEFIT THE FISHERIES RESOURCE, THE APPROPRIATOR WILL USE DATA FROM THE USGS STREAM GAGE 12323700 AT OPPORTUNITY, MONTANA, TO MONITOR STREAMFLOWS IN MILL CREEK. IF FLOWS AT THE USGS STREAM GAGE DROP TO 1.3 CFS FLOW MEASUREMENTS WILL BEGIN TO BE COLLECTED AT THE END OF THE PROTECTED REACH AT A MINIMUM OF ONCE EVERY TWO WEEKS. IF STREAMFLOWS COLLECTED AT THE END OF THE PROTECTED REACH DROP BELOW THE TRIGGER POINT OF 1.3 CFS AND IT HAS BEEN DETERMINED THAT CALL CAN BE MADE ON UPSTREAM JUNIOR WATER RIGHTS THE APPROPRIATOR WILL BEGIN TO COLLECT FLOW MEASUREMENTS AT THE END OF THE PROTECTED REACH AT A MINIMUM OF ONCE PER WEEK. ONCE FLOWS DROP BELOW THE TRIGGER POINT INSTREAM FLOW PROTECTION OF 1.3 CFS UP TO A VOLUME OF 124.04 AF FROM THE HEADGATE TO A POINT 1,400 FEET DOWNSTREAM WHERE RETURN FLOWS REAPPEAR IN THE SOURCE AND UP TO A VOLUME OF 24.47 AF FROM THAT POINT TO THE END OF THE PROTECTED REACH MAY COMMENCE. THE FOLLOWING MEASUREMENT CONDITION APPLIES: "THE APPROPRIATOR SHALL REPORT TO THE DEPARTMENT THE STREAMFLOW DATA COLLECTED IN IMPLEMENTATION OF THE STREAMFLOW MEASUREMENT PLAN REQUIRED BY MONT. CODE ANN. 85-2-408(1)(B) AND DESCRIBED IN THE CHANGE APPLICATION. DOCUMENTATION OF THE LOCATION OF THE MEASURING POINTS AND MEASUREMENT METHODOLOGY MUST BE PRESENTED WITH THE FLOW MEASUREMENT RECORDS. THE MEASUREMENT REPORT SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THIS TEMPORARY CHANGE AUTHORIZATION."

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE DOR # 110611 RECEIVED 02/20/2013.
- OWNERSHIP UPDATE TYPE DOR # 117439 RECEIVED 07/24/2013.
- OWNERSHIP UPDATE TYPE DOR # 126150 RECEIVED 10/31/2014.