

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: 41Q 94361-00 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: NORTHWESTERN ENERGY
% NORTHWESTERN CORP
40 E BROADWAY ST
BUTTE, MT 59701

Priority Date: MARCH 26, 1958
Enforceable Priority Date: MARCH 26, 1958

Purpose (use): POWER GENERATION
Purpose Clarification: HYDROELECTRIC

THIS RIGHT IS FOR DIRECT DIVERSION THRU CONDUITS TO THE POWER PLANT. (NO STORAGE)

Maximum Flow Rate: 480.00 CFS

Maximum Volume: 292,000.00 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: MISSOURI RIVER
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		SWNE	34	21N	4E	CASCADE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

RAINBOW DAM IS LOCATED IN GOV. LOTS 7 & 9.

Period of Use: JANUARY 1 to DECEMBER 31

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			S2SWSW	26	21N	4E	CASCADE

Geocodes/Valid: 02-3139-26-1-01-01-0000 - Y

Remarks:

SINCE THE PRIORITY DATE OF THIS RAINBOW DAM WATER RIGHT IS CLAIMED AS MARCH 26, 1958, IT WAS NOT INCLUDED IN THE 1942 REPORT OF THE SPECIAL MASTER SUBMITTED IN THE MONTANA POWER CO. VS BROADWATER-MISSOURI WATER USERS ASSOC. CASE FILED WITH THE UNITED STATES DISTRICT COURT OF MONTANA, HELENA. AFFIDAVIT IN FILE DATED APRIL 12, 1982 FROM RALPH A. WHECHEL, MANAGER OF HYDRO GENERATION FOR THE MONTANA POWER COMPANY STATES THE FOLLOWING: WHEN THE COCHRANE DAM WAS COMPLETED IN 1958, THE RESERVOIR IT IMPOUNDED DIRECTLY AFFECTED THE OPERATION AND WATER USE AT THE RAINBOW PLANT. COCHRANE DAM CAUSED THE TAILWATER ELEVATIONS AT RAINBOW TO RISE, THUS REDUCING THE TOTAL OPERATING HEAD. THIS LOSS IN HEAD AT RAINBOW REQUIRES THE USE OF AN ADDITIONAL 480 CFS OF WATER IN THE GENERATION OF THE PLANTS CAPACITY. FROM THE DATE OF COMPLETION OF COCHRANE DAM, THEN, THE MEASURE OF WATER USE AT RAINBOW DAM HAS BEEN 5,620 CFS, NOT THE 5,140 CFS WHICH PRECEDED THIS EVENT.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.

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. 94358-00, 94360-00, 94361-00.

OWNERSHIP UPDATE RECEIVED

Remarks:

OWNERSHIP UPDATE TYPE DOR # 127354 RECEIVED 11/18/2014.