

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 94396-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: NORTHWESTERN ENERGY
% NORTHWESTERN CORP
40 E BROADWAY ST
BUTTE, MT 59701

Priority Date: DECEMBER 20, 1928

Enforceable Priority Date: DECEMBER 20, 1928

Type of Historical Right: FILED

Purpose (use): POWER GENERATION

Purpose Clarification: HYDROELECTRIC

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

Maximum Flow Rate: 8,280.00 CFS

Maximum Volume: 5,994,720.00 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 Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1	NENW	14	21N	5E	CASCADE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2		N2NENW	14	21N	5E	CASCADE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

MORONY DAM

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			N2NENW	14	21N	5E	CASCADE

Geocodes/Valid: 02-3140-14-1-02-01-0000 - Y

Remarks:

THE VOLUME WAS AMENDED BY THE CLAIMANT ON 11/20/2009.

THE MORONY DAM DEVELOPMENT WATER RIGHTS WERE INCLUDED IN THE 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. THE SPECIAL MASTER'S REPORT WAS ADOPTED IN THE DISTRICT COURT DECISION REPORTED AS MONTANA POWER CO. VS BROADWATER-MISSOURI WATER USERS ASSOC., 50 F. SUPP. 4 (1942). EVEN THOUGH THE DISTRICT COURT DECISION WAS REVERSED ON JURISDICTIONAL GROUNDS IN BROADWATER-MISSOURI WATER USERS ASSOC. VS MONTANA POWER CO., 139 F.2D 998 (1944), THE SPECIAL MASTER'S REPORT MAY BE A FACTUAL DESCRIPTION OF THE WATER RIGHTS AT MORONY DAM. THE SPECIAL MASTER FOUND THE MONTANA POWER COMPANY HAD: "1ST. A WATER RIGHT OF THE AMOUNT NECESSARY TO OPERATE THE POWER PLANT UP TO A MAXIMUM OF 7150 SECOND FEET AS OF DECEMBER 20, 1928, WHICH IS THE DATE OF THE NOTICE OF APPROPRIATION. 2ND. A WATER RIGHT AS OF DECEMBER 20, 1928, IN THE AMOUNT OF 3981 CUBIC FEET PER SECOND BUT NOT IN EXCESS IN VOLUME OF THE NUMBER OF SECOND FOOT DAYS NECESSARY TO FILL THE MORONY RESERVOIR AT ANY GIVEN TIME." IN REFERENCE TO THE FLOW RATE REPRESENTED IN THE MASTER'S REPORT FOR MORONY DAM, THE FOLLOWING STATEMENT WAS SUBMITTED BY CLAIMANT AT TIME OF FILING WITH STATEMENT OF CLAIM. "REVIEW AND ANALYSIS OF THE FIFTY YEARS OF WATER USE RECORDS MAINTAINED SINCE THE MORONY PLANT BEGAN OPERATING INDICATES THIS AWARD UNDERSTATES THE PLANT'S ACTUAL WATER USE. THIS REVIEW CONCLUSIVELY ESTABLISHES THE FACT THAT A FLOW OF 8280 CFS IS USED AT MORONY. THE ATTACHED CLAIM FORMS AND SUPPORTING EXHIBITS DETAIL

Remarks:

THE MONTANA POWER COMPANY'S EXISTING WATER RIGHTS CLAIMED FOR THE MORONY DEVELOPMENT."

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

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/1999.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 127360 RECEIVED 11/18/2014.