

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: 76M 110493-00 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: GRASS VALLEY FRENCH DITCH CO
13690 MULLAN RD
MISSOULA, MT 59808

Priority Date: NOVEMBER 25, 1901

Enforceable Priority Date: NOVEMBER 25, 1901

Purpose (use): IRRIGATION
MARKETING FOR MITIGATION/AQUIFER RECHARGE

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 105.75 CFS
COMBINED FLOW RATE FOR CLAIMS NO. W110493-00 AND W110492-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND THE CONVEYANCE SYSTEM.

Historical Flow Rate: 105.75 CFS

Maximum Volume:

Climatic Area: 3 - MODERATE

Historical Diverted Volume: 29,575.63 AC-FT

Historical Consumptive Volume: 4,189.10 AC-FT

Maximum Acres: 5,489.00

Source Name: CLARK FORK 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		NENESE	22	13N	20W	MISSOULA

Period of Diversion: APRIL 15 TO OCTOBER 19

Diversion Means: HEADGATE

Period of Use: APRIL 15 to OCTOBER 19
JANUARY 1 to DECEMBER 31

Purpose (Use): IRRIGATION

Period of Use: APRIL 15 to OCTOBER 19

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	24.00		E2NE	21	13N	20W	MISSOULA
2	10.00		E2NESE	21	13N	20W	MISSOULA
3	3.00		SWNWNE	22	13N	20W	MISSOULA
4	35.00		SWNE	22	13N	20W	MISSOULA
5	1.00		SWSENE	22	13N	20W	MISSOULA
6	33.00		S2N2NW	22	13N	20W	MISSOULA
7	75.00		S2NW	22	13N	20W	MISSOULA
8	60.00		W2SW	22	13N	20W	MISSOULA
9	9.00		W2E2SW	22	13N	20W	MISSOULA
10	20.00		N2N2SE	22	13N	20W	MISSOULA
11	10.00		N2NENW	16	13N	20W	MISSOULA
12	8.00		NWNWNE	16	13N	20W	MISSOULA
13	3.00		N2NWNE	16	13N	20W	MISSOULA

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>
14	160.00		NE	9	13N	20W	MISSOULA
15	130.00		NW	9	13N	20W	MISSOULA
16	80.00		N2SW	9	13N	20W	MISSOULA
17	4.00		NWSWSW	9	13N	20W	MISSOULA
18	16.00		E2SWSW	9	13N	20W	MISSOULA
19	40.00		SESW	9	13N	20W	MISSOULA
20	80.00		N2SE	9	13N	20W	MISSOULA
21	40.00		SWSE	9	13N	20W	MISSOULA
22	2.00		NESESE	9	13N	20W	MISSOULA
23	15.00		W2SESE	9	13N	20W	MISSOULA
24	5.00		NENENW	10	13N	20W	MISSOULA
25	20.00		W2NENW	10	13N	20W	MISSOULA
26	75.00		W2NW	10	13N	20W	MISSOULA
27	5.00		NWNWSW	10	13N	20W	MISSOULA
28	10.00		E2NESE	8	13N	20W	MISSOULA
29	140.00		NE	5	13N	20W	MISSOULA
30	70.00		N2NW	5	13N	20W	MISSOULA
31	10.00		E2SESE	5	13N	20W	MISSOULA
32	5.00		NENESE	5	13N	20W	MISSOULA
33	80.00		W2W2W2	3	13N	20W	MISSOULA
34	10.00		E2W2NW	3	13N	20W	MISSOULA
35	25.00		E2W2SW	3	13N	20W	MISSOULA
36	12.00		W2NESW	3	13N	20W	MISSOULA
37	30.00		SESW	3	13N	20W	MISSOULA
38	30.00		N2N2NE	31	14N	20W	MISSOULA
39	5.00		SWNENE	31	14N	20W	MISSOULA
40	10.00		N2NENW	31	14N	20W	MISSOULA
41	580.00			4	13N	20W	MISSOULA
42	276.00		N2	30	14N	20W	MISSOULA
43	240.00		S2	30	14N	20W	MISSOULA
44	250.00		S2	32	14N	20W	MISSOULA
45	120.00		S2N2	32	14N	20W	MISSOULA
46	14.00		S2N2NW	32	14N	20W	MISSOULA
47	7.00		NWNWNW	32	14N	20W	MISSOULA
48	15.00		S2SWNE	33	14N	20W	MISSOULA
49	8.00		SESENW	33	14N	20W	MISSOULA
50	5.00		SWSWNW	33	14N	20W	MISSOULA
51	150.00		SW	33	14N	20W	MISSOULA
52	70.00		W2SE	33	14N	20W	MISSOULA
53	9.00		SWNESE	33	14N	20W	MISSOULA
54	5.00		NWSESE	33	14N	20W	MISSOULA
55	132.00		SW	29	14N	20W	MISSOULA
56	125.00		SW	19	14N	20W	MISSOULA
57	8.00		W2SENW	19	14N	20W	MISSOULA
58	65.00		W2NW	19	14N	20W	MISSOULA
59	138.00		NW	18	14N	20W	MISSOULA
60	30.00		W2W2SW	18	14N	20W	MISSOULA
61	6.00		E2SWSW	18	14N	20W	MISSOULA
62	260.00		E2	24	14N	21W	MISSOULA
63	140.00		SW	24	14N	21W	MISSOULA
64	140.00		E2E2	14	14N	21W	MISSOULA
65	30.00		E2W2NE	14	14N	21W	MISSOULA
66	500.00			13	14N	21W	MISSOULA
67	70.00		S2SE	12	14N	21W	MISSOULA
68	30.00		NWSE	12	14N	21W	MISSOULA
69	35.00		SWNE	12	14N	21W	MISSOULA
70	55.00		W2SW	12	14N	21W	MISSOULA
71	25.00		W2W2NW	12	14N	21W	MISSOULA
72	531.00			11	14N	21W	MISSOULA
73	14.00		S2SESW	2	14N	21W	MISSOULA
74	6.00		NWSESW	2	14N	21W	MISSOULA
Total:	5,489.00						

Purpose (Use): MARKETING FOR
 MITIGATION/AQUIFER
 RECHARGE

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			NENESE	22	13N	20W	MISSOULA
2			S2S2	33	26N	32W	SANDERS

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

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

PURSUANT TO § 85-2-420, MCA, THE APPROPRIATOR SHALL HAVE A 20-YEAR PERIOD FOR COMPLETION OF THIS CHANGE AUTHORIZATION. DURING THE COMPLETION PERIOD, THE APPROPRIATOR MAY CONTINUE TO USE WATER ASSOCIATED WITH STATEMENT OF CLAIM NO. 76M-110493-00 FOR IRRIGATION ON ACRES NOT RETIRED PROVIDED THAT PROPORTIONATE AMOUNTS OF THE APPROPRIATION RIGHT ARE RETIRED AS THE BENEFICIAL USE FOR MITIGATION UNDER THIS CHANGE AUTHORIZATION IS PERFECTED. IF THE FULL AMOUNT OF WATER AUTHORIZED FOR CHANGE TO MITIGATION IS NOT SOLD OR LEASED AS MITIGATION PRIOR TO THE 20-YEAR COMPLETION DATE, THE WATER RIGHT RETAINS THE BENEFICIAL USE IN PROPORTIONATE AMOUNTS NOT PERFECTED FOR MITIGATION AND AS AUTHORIZED PRIOR TO THIS CHANGE AUTHORIZATION. THE APPROPRIATOR SHALL NOTIFY THE DEPARTMENT WITHIN 30 DAYS EACH TIME A PORTION OF THE CHANGE IS COMPLETED ON A FORM PROVIDED BY THE DEPARTMENT.

THE PLACE OF USE FOR MARKETING FOR MITIGATION IS THE CLARK FORK RIVER BETWEEN THE HEADGATE IN THE NENESE OF SECTION 22 T13N, R20W, MISSOULA COUNTY TO NOXON RAPIDS POWERHOUSE LOCATED IN THE S2S2 OF SECTION 33, T26N, R32W, SANDERS COUNTY.

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 W110493-00, W110492-00.

THE APPROPRIATOR SHALL INSTALL A STAFF GAUGE AT THE HEADGATE TO ALLOW FOR ADJUSTMENTS TO THE FLOW RATE AS WATER IS SOLD/LEASED FOR THE PURPOSE OF MITIGATION. PHYSICAL FLOW MEASUREMENTS WILL BE TAKEN AT THE HEADGATE AND A STAGE RATING CURVE WILL BE DEVELOPED TO ENSURE THAT WATER SOLD/LEASED FOR THE PURPOSE OF MITIGATION REMAINS IN THE CLARK FORK RIVER THROUGHOUT THE PERIOD OF DIVERSION. THE APPROPRIATOR SHALL MAINTAIN ALL MEASURING DEVICES SO THAT THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATES AND VOLUMES ACCURATELY. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A MONTHLY WRITTEN RECORD OF FLOW RATES AND VOLUMES OF WATER DELIVERED THROUGH THE HEADGATE. RECORDS SHALL BE SUBMITTED TO THE DEPARTMENT BY NOVEMBER 30TH OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. THE APPROPRIATOR SHALL ALSO SUBMIT MAPS TO THE DEPARTMENT PRIOR TO EACH IRRIGATION SEASON, INDICATING ACRES BEING DRIED UP FOR THE PURPOSE OF MITIGATION. FAILURE TO SUBMIT MAPS AND REPORTS MAY BE CAUSE FOR REVOCATION OF THIS CHANGE.