

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: 411 113658-00 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: EAST HELENA, CITY OF
PO BOX 1170
EAST HELENA, MT 59635-1170

Priority Date: AUGUST 1, 1866

Enforceable Priority Date: AUGUST 1, 1866

Purpose (use): MUNICIPAL

Maximum Flow Rate: 3.13 CFS

Maximum Volume: 2,258.44 AC-FT

Source Name: MCCLELLAN 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		NENWNE	20	9N	2W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIVERSION DAM

2		N2N2SE	7	9N	2W	JEFFERSON
---	--	--------	---	----	----	-----------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INFILTRATION GALLERY

WATER IS CONVEYED FROM THE POINT OF DIVERSION BY PIPELINE TO TWO WATER TANKS, AND THEN FURTHER CONVEYED BY PIPELINE TO THE PLACE OF USE.

TWO CONCRETE STORAGE TANKS WITH A COMBINED CAPACITY OF 550,000 LOCATED IN SENWNE OF SEC 7, TWP 09N, RGE 02W ARE PART OF THIS WATER RIGHT.

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			NWNE	31	10N	2W	LEWIS AND CLARK
2			NW	31	10N	2W	LEWIS AND CLARK
3			NE	36	10N	2W	LEWIS AND CLARK
4			S2	25	10N	3W	LEWIS AND CLARK
5			SW	30	10N	3W	LEWIS AND CLARK

THE CITYS WATER DISTRIBUTION SYSTEM SUPPLEMENTALLY SUPPLIES BOTH THE ASARCO AND CHEMET PLANTS IN THE NE OF SEC 36, TWP 10N, RGE 03W, LEWIS AND CLARK COUNTY.

THE PLACE OF USE IS THE CITY OF EAST HELENA.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

70576-00 70577-00 113655-00 113656-00 113657-00 113658-00 113659-00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

62231-00 70576-00 70577-00 113655-00 113656-00 113657-00 113658-00
113659-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME OTHER.

62231-00 113654-00 113655-00 113656-00 113657-00 113658-00 113659-00

THE VOLUME WAS AMENDED BY THE CLAIMANT ON 12/30/1986.

TURNER, DIMA, S.A. ADMX OF THE DAVIS G TURNER ESTATE: STIPULATION- CLAIMANT IS ENTITLED TO CONVEY THE WATERS AWAY FROM THE WATER SHED OF THE STREAMS NAMED, TO THE PLACE WHERE THE SAME HAS BEEN HERETOFORE USED, AND MAY USE THE SAME BOTH FOR MINING & IRRIGATION PURPOSES, AND AFTER JUNE 1ST, OF EACH YEAR CLAIMANT MAY DURING THE REMAINDER OF THE IRRIGATING SEASON TAKE THE AMOUNT OF WATER, ABSOLUTELY REGARDLESS OF DATES OF APPROPRIATION. THE JACKSON CREEK HERE REFERRED TO IS THE ONE FROM WHICH CLAIMANT NOW DIVERTS WATER, AND IS NOT THE JACKSON CREEK REFERRED TO IN CONNECTION WITH THE MITCHELL & THIES RIGHTS.

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

ADDITIONAL MAPS AND DOCUMENTATION CAN BE OBTAINED BY REVIEWING CLAIM NO. 113654-00.

THE APPROPRIATOR SHALL INSTALL AN ADEQUATE HEADGATE OR DIVERSION STRUCTURE AT THE POINT THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY.

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 OF THE VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. 113654-00, 113655-00, 113656-00, 113657-00, 113658-00, 113659-00.

THE APPROPRIATOR SHALL INSTALL AN ADEQUATE WATER FLOW MEASURING DEVICE AT A SUITABLE LOCATION AS NEAR AS PRACTICABLE TO THE POINT WHERE THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY IN ORDER TO RECORD THE FLOW RATE AND VOLUME OF WATER DIVERTED. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS DIVERTED, INCLUDING THE TIME PERIOD, AND SHALL SUBMIT SAID RECORDS TO THE DEPARTMENT UPON REQUEST.