

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 114333-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: ASARCO INC
PO BOX 440
WALLACE, ID 83873-0440

MONTANA ENVIRONMENTAL CUSTODIAL TRUST
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE
PO BOX 1390
HELENA, MT 59624-1390

Priority Date: APRIL 26, 1889
Enforceable Priority Date: APRIL 26, 1889

Type of Historical Right: FILED

Purpose (use): MINING

Maximum Flow Rate: 301.00 GPM

Maximum Volume: 2,474.90 AC-FT

THIS USE IS ESSENTIALLY NON-CONSUMPTIVE. IN THE EVENT OF A SUBSEQUENT TRANSFER OR CHANGE OF THIS WATER RIGHT, THE USE SHALL BE DEEMED TO BE WHOLLY NON-CONSUMPTIVE.

Source Name: FLAT CREEK
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		NWSWNW	7	17N	25W	MINERAL

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

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			NWNENW	13	17N	26W	MINERAL

Geocodes/Valid: 54-2631-13-1-01-02-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 90366 RECEIVED 12/03/2009.

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE FLOW RATE AND NON CONSUMPTIVE USE REMARK. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.