

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: 76F 116477-00 STATEMENT OF CLAIM
Version: 3 -- 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: BONNER MILLSITE PROPERTY OWNERS ASSOCIATION INC
224 NORTH HIGGINS AVE
MISSOULA, MT 59802

FM LLC
PO BOX 820
NEWBERG, OR 97132

K3 LLC
313 N 1ST ST W
MISSOULA, MT 59802

Priority Date: DECEMBER 11, 1904

Enforceable Priority Date: DECEMBER 11, 1904

Purpose (use): INDUSTRIAL
THIS WATER RIGHT IS INCIDENTALY USED FOR FIRE PROTECTION.

Maximum Flow Rate: 17.68 CFS

Historical Flow Rate: 17.68 CFS

Maximum Volume: 7,481.00 AC-FT

Historical Diverted Volume: 7,481.00 AC-FT

Historical Consumptive Volume: 1,271.80 AC-FT

Source Name: BLACKFOOT 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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWN	WNW	22	13N	18W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

2		SWN	WNW	22	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 2.45 CFS

Diversion Means: WELL

Well Depth: 119.00 FEET

Static Water Level: 50.00 FEET

Casing Diameter: 12.00 INCHES

Flowing: NO

Pump Size: 150.00 HP

3		SEN	WNW	22	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 1.29 CFS

Diversion Means: WELL

Well Depth: 83.00 FEET

Static Water Level: 28.00 FEET

Casing Diameter: 8.00 INCHES

Flowing: NO

Pump Size: 60.00 HP

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			S2NE	21	13N	18W	MISSOULA
2			N2SE	21	13N	18W	MISSOULA
3			SWNWNE	22	13N	18W	MISSOULA
4			NW	22	13N	18W	MISSOULA
5			NWSW	22	13N	18W	MISSOULA

Geocodes/Valid: 04-2201-21-1-01-03-0000 - Y

Remarks:

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. CV 92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 53461 RECEIVED 01/18/2008.
- OWNERSHIP UPDATE TYPE 608 # 55347 RECEIVED 03/04/2008.
- OWNERSHIP UPDATE TYPE DOR # 95583 RECEIVED 03/11/2011.
- OWNERSHIP UPDATE TYPE DOR # 97775 RECEIVED 12/15/2011.
- OWNERSHIP UPDATE TYPE DOR # 101190 RECEIVED 06/12/2012.
- OWNERSHIP UPDATE TYPE DOR # 106210 RECEIVED 06/12/2012.
- OWNERSHIP UPDATE TYPE DOR # 101189 RECEIVED 06/13/2012.
- OWNERSHIP UPDATE TYPE DOR # 101210 RECEIVED 06/21/2012.
- OWNERSHIP UPDATE TYPE DOR # 116885 RECEIVED 12/20/2013.
- OWNERSHIP UPDATE TYPE 641 # 154838 RECEIVED 02/07/2017.