

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 119466-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
TOSTON DAM (BROADWATER-MISSOURI)
1424 9TH AVE
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: JULY 8, 1940

Enforceable Priority Date: JULY 8, 1940

Type of Historical Right: USE

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

THIS RIGHT WAS ESTABLISHED PURSUANT TO SECTION 89-121 R.C.M. (1947)(REPEALED). THE RIGHT IS FOR SALE OF WATER THAT IS DIVERTED AND CONVEYED THROUGH THE BROADWATER-MISSOURI PROJECT CANAL TO WATER PURCHASERS WHO USE THE WATER FOR IRRIGATION AND STOCKWATER.

Maximum Flow Rate: 44.00 CFS

THIS RIGHT IS TO THE EXCESS OR FLOOD FLOWS OF DEEP CREEK WHEN THEY OCCUR. THE FLOW RATE IS THE CAPACITY OF THE PARSHALL FLUME LOCATED IN THE DITCH IMMEDIATELY DOWNSTREAM OF THE HEADGATE ON DEEP CREEK.

Maximum Volume: 5,000.00 AC-FT

Climatic Area: 3 - MODERATE

Source Name: DEEP 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		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 1 TO AUGUST 15

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL

DITCH NAME: HIGH WATER SPILL

A HEADGATE AND DITCH DIVERT WATER FROM DEEP CREEK TO THE BROADWATER-MISSOURI PROJECT CANAL.

Period of Use: APRIL 1 to AUGUST 15

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF DEEP CREEK.

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			NWNWNW	7	4N	3E	BROADWATER

THE GENERAL SERVICE AREA FOR THE BROADWATER-MISSOURI PROJECT IS:

TWP	RGE	COUNTY
6N	2E	BROADWATER
7N	2E	BROADWATER
7N	3E	BROADWATER
8N	2E	BROADWATER

THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE HEADGATE OF THE BROADWATER-MISSOURI MAIN CANAL LOCATED AT THE WEST END OF THE TOSTON DAM ON THE MISSOURI RIVER.

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/16/92: PLACE OF USE, MAXIMUM ACRES.

Remarks:

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

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PURPOSE OF RIGHT, VOLUME, AND PERIOD OF USE. 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.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON DEEP CREEK WITH A PRIORITY DATE POSTDATING CASE NO. 465, MEAGHER COUNTY.