

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:** 76H 119795-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF NATURAL RESOURCES  
PAINTED ROCKS DAM  
1424 9TH AVE  
PO BOX 201601  
HELENA, MT 59620-1601

THIS IRRIGATION DISTRICT WATER RIGHT WAS ESTABLISHED PURSUANT TO 89-101 THROUGH 89-141 R.C.M. 1947.

**Priority Date:** SEPTEMBER 18, 1937

**Enforceable Priority Date:** SEPTEMBER 18, 1937

**Type of Historical Right:** FILED

**Purpose (use):** SALE  
THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED FOR IN SECTION 89-121 R.C.M. (1947) (REPEALED). THE RIGHT DIVERTS WATER INTO THE PAINTED ROCKS RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USES FOR THIS STORED WATER INCLUDE IRRIGATION, STOCKWATER, FISH & WILDLIFE AND RECREATION RESOURCES IN THE BITTERROOT VALLEY.

THE PURPOSE OF THIS WATER RIGHT IS "SALE".

**Maximum Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVIOR.

**Maximum Volume:** 45,720.00 AC-FT  
THE VOLUME REFLECTS ONE FILLING OF THE RESERVOIR, INCLUDING DEAD STORAGE, ANNUAL EVAPORATION, AND A PARTIAL REFILL, WHEN WATER IS AVAILIABLE.

**Climatic Area:** 2 - MODERATELY HIGH

**Source Name:** BITTERROOT RIVER, WEST FORK

**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         |                 | SENE SW        | 26         | 1S         | 22W        | RAVALLI       |

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

THE WEST FORK OF THE BITTERROOT RIVER AND THE BITTERROOT RIVER ARE USED AS NATURAL CARRIERS TO CONVEY WATER RELEASED FROM PAINTED ROCKS LAKE TO SECONDARY POINTS OF DIVERSION.

**Reservoir:** ON STREAM **Reservoir Name** PAINTED ROCKS LAKE

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
|                 | SENE SW        | 26         | 1S         | 22W        | RAVALLI       |

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 143.00 FEET

**Surface Area:** 655.00 ACRES

**Current Capacity:** 31,706.00 ACRE-FEET

**Period of Use:** JANUARY 1 to DECEMBER 31

JANUARY 1 TO DECEMBER 31 FOR STORAGE MAY 1 TO SEPTEMBER 30 FOR SALE

**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         |              |                 | SENE SW        | 26         | 1S         | 22W        | RAVALLI       |

THE GENERAL SERVICE AREA FOR FISH & WILDLIFE AND RECREATION IS WITHIN THE WEST FORK BITTERROOT RIVER AND THE MAINSTREAM BITTERROOT RIVER.

GENERAL SERVICE AREA FOR IRRIGATION AND STOCK:

|     | ACRES | QTR | SEC | SEC | TWP | RGE | COUNTY   |
|-----|-------|-----|-----|-----|-----|-----|----------|
| 001 |       |     |     |     | 01S | 22W | RAVALLI  |
| 002 |       |     |     |     | 01N | 21W | RAVALLI  |
| 003 |       |     |     |     | 01N | 22W | RAVALLI  |
| 004 |       |     |     |     | 02N | 20W | RAVALLI  |
| 005 |       |     |     |     | 02N | 21W | RAVALLI  |
| 006 |       |     |     |     | 03N | 21W | RAVALLI  |
| 007 |       |     |     |     | 04N | 21W | RAVALLI  |
| 008 |       |     |     |     | 05N | 20W | RAVALLI  |
| 009 |       |     |     |     | 05N | 21W | RAVALLI  |
| 010 |       |     |     |     | 06N | 20W | RAVALLI  |
| 011 |       |     |     |     | 06N | 21W | RAVALLI  |
| 012 |       |     |     |     | 07N | 20W | RAVALLI  |
| 013 |       |     |     |     | 07N | 21W | RAVALLI  |
| 014 |       |     |     |     | 08N | 20W | RAVALLI  |
| 015 |       |     |     |     | 09N | 20W | RAVALLI  |
| 016 |       |     |     |     | 10N | 19W | RAVALLI  |
| 017 |       |     |     |     | 10N | 20W | RAVALLI  |
| 018 |       |     |     |     | 11N | 19W | MISSOULA |
| 019 |       |     |     |     | 11N | 20W | MISSOULA |
| 020 |       |     |     |     | 12N | 20W | MISSOULA |
| 021 |       |     |     |     | 13N | 19W | MISSOULA |
| 022 |       |     |     |     | 13N | 20W | MISSOULA |
| 023 |       |     |     |     | 13N | 21W | MISSOULA |

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**Remarks:**

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

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THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/23/92: PRIORITY DATE, PERIOD OF USE.

THIS CLAIM IS SUBJECT TO THE TERMS OF STIPULATION FILED WITH THE MONTANA WATER COURT ON DECEMBER 11, 1997. UNDER THE TERMS OF THIS STIPULATION, THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK, FISH & WILDLIFE, OR RECREATION IN THE BITTERROOT VALLEY. SEE CLAIM FILE OR WATER COURT CASE FILE 76HE-166 FOR MORE INFORMATION.

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BITTERROOT RIVER DRAINAGE (BASIN 76H) AND USES IT IN THE BITTERROOT RIVER DRAINAGE (BASIN 76H) AND THE CLARK FORK RIVER DRAINAGE (BASIN 76M). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

FILE IS IN HOLDING TANK IN TRUDIES OFFICE 12/05/00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 27448 RECEIVED 12/09/2005.