

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:** 76G 124870-00 STATEMENT OF CLAIM  
**Version:** 8 -- 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:** BUTTE-SILVER BOW COUNTY  
155 W GRANITE ST  
BUTTE, MT 59701-9206

**Priority Date:** MAY 1, 1901  
**Enforceable Priority Date:** MAY 1, 1901

**Purpose (use):** INDUSTRIAL  
IRRIGATION  
FISHERY  
FISHERY

**Purpose Clarification:** CONCENTRATOR, REC & MILL CREEK  
**Purpose Clarification:** COPPER MOUNTAIN YOUTH PARK  
**Purpose Clarification:** INSTREAM FLOWS  
**Purpose Clarification:** INSTREAM FLOWS

**Maximum Flow Rate:**  
**Maximum Volume:** 11,850.56 AC-FT  
**Historical Diverted Volume:** 13,138.00 AC-FT  
**Historical Consumptive Volume:** 13,138.00 AC-FT  
**Source Name:** SILVER LAKE  
**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		SWSESW	22	5N	13W	DEER LODGE

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

**Reservoir:** ON STREAM **Reservoir Name** SILVER LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESW	22	5N	13W	DEER LODGE

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 20 to OCTOBER 20  
JANUARY 1 to DECEMBER 31

**Purpose (Use):** INDUSTRIAL  
**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			SW	17	3N	7W	SILVER BOW
2				35	3N	9W	SILVER BOW
3			S2S2SW	8	3N	9W	SILVER BOW
4			N2N2NW	17	3N	9W	SILVER BOW

**Purpose (Use):** IRRIGATION  
**Period of Use:** APRIL 20 to OCTOBER 20

**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	26.40		SWSW	25	3N	8W	SILVER BOW
<b>Total:</b>	26.40						

**Purpose (Use):** FISHERY

**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			SWSESW	22	5N	13W	DEER LODGE
2			NWNESW	25	10N	11W	POWELL

**Purpose (Use):** FISHERY

**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			SE	24	3N	8W	SILVER BOW
2			SW	31	5N	9W	SILVER BOW

THE SPECIFIC PLACE OF USE FOR INSTREAM FLOWS IS FROM THE CONFLUENCE OF SILVER BOW CREEK WITH BLACKTAIL CREEK LOCATED IN THE SE OF SEC 24, TWP 3N, RGE 8W, TO THE WARM SPRINGS PONDS.

THE PLACE OF USE FOR FISHERIES BEGINS AT THE SILVER LAKE DAM LOCATED IN THE SWSESW OF SEC 22, TWP 5N, RGE 13W, DEER LODGE CO. AND ENDS AT THE CLARK FORK RIVER USGS GAGING STATION AT GOLD CREEK (NO. 12324680) LOCATED IN THE NWNESW OF SEC 25, TWP 10N, RGE 11W, POWELL CO. THIS AREA INCLUDES WARM SPRINGS CREEK AND THE CLARK FORK RIVER. IN ADDITION WATER DIVERTED AT MEYERS DAM MAY BE USED FOR INSTREAM FLOWS IN SILVER BOW CREEK

**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.

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.

DEPENDING ON THE AVAILABILITY OF DIRECT FLOW WATER FROM 76G 91510 THE VOLUME OF WATER USED FROM THIS RIGHT IN ANY YEAR MAY RANGE FROM 0 TO 483 ACRE-FEET. THE MAXIMUM VOLUME AMOUNT FROM THIS RIGHT WILL NOT EXCEED 483 ACRE-FEET IN ANY YEAR.

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.