

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:** 41K 188174-00 STATEMENT OF CLAIM

**Version:** 2 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)  
DENVER FEDERAL CENTER  
PO BOX 25486, MS #60189  
DENVER, CO 80225-0486

**Priority Date:** APRIL 28, 1958

**Enforceable Priority Date:** APRIL 28, 1958

**Type of Historical Right:** USE

**Purpose (use):** FISH AND WILDLIFE

**Maximum Flow Rate:** 50.00 CFS

ON 10/04/1984, WATER MASTER TIM SULLIVAN ORDERED THAT THE FLOW RATE AND VOLUME CLAIMED BE KEPT ON THE ORIGINAL VERSION

**Maximum Volume:** 14,600.00 AC-FT

**Source Name:** MUDDY 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		NWSENW	2	22N	1W	TETON

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

**Diversion Means:** PUMP

**Reservoir:** OFF STREAM **Reservoir Name** BENTON LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
					CASCADE

**Diversion to Reservoir:** DIVERSION # 1

**Surface Area:** 5,673.00 ACRES

**Current Capacity:** 14,222.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

RESERVOIR SURFACE AREA IS 5607 ACRES WITH SEVERAL SPILLWAYS TO CONTROL WATER SEE FILE FOR MORE INFORMATION

**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			W2	2	22N	3E	CASCADE
2				3	22N	3E	CASCADE
3				4	22N	3E	CASCADE
4				5	22N	3E	CASCADE
5			E2E2	6	22N	3E	CASCADE
6			SWSE	6	22N	3E	CASCADE
7			N2N2	8	22N	3E	CASCADE
8			SE	8	22N	3E	CASCADE
9			E2SW	8	22N	3E	CASCADE
10			SWSW	8	22N	3E	CASCADE
11				9	22N	3E	CASCADE
12				10	22N	3E	CASCADE
13			W2	11	22N	3E	CASCADE
14			S2N2	13	22N	3E	CASCADE
15			S2	13	22N	3E	CASCADE
16				14	22N	3E	CASCADE
17				15	22N	3E	CASCADE
18			N2	16	22N	3E	CASCADE
19			SE	16	22N	3E	CASCADE
20			E2SW	16	22N	3E	CASCADE
21			N2	17	22N	3E	CASCADE
22			N2N2	22	22N	3E	CASCADE

**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>
23			SENE	22	22N	3E	CASCADE
24				23	22N	3E	CASCADE
25				24	22N	3E	CASCADE
26				25	22N	3E	CASCADE
27			NE	26	22N	3E	CASCADE
28			W2SW	18	22N	4E	CASCADE
29			W2	19	22N	4E	CASCADE
30			W2	30	22N	4E	CASCADE

**Remarks:**

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SUN RIVER DRAINAGE (BASIN 41K ) AND USES IT IN THE MISSOURI RIVER, FROM SUN TO MARIAS RIVERS DRAINAGE (BASIN 41Q ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

BECAUSE THIS CLAIM DID NOT RECEIVE A FACTUAL OR LEGAL ISSUE REMARK DURING THE CLAIMS EXAMINATION PROCESS, THE WATER COURT WILL NOT HOLD A HEARING ON THIS CLAIM UNDER MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 41I, 2002 MT 216, 311 MONT. 327, 55 P.3D 396 UNLESS A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.