

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 12879-00 STATEMENT OF CLAIM
Version: 4 -- 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: MONTANA, STATE OF DEPT OF ENVIRONMENTAL QUALITY
ATTN: CHIEF LEGAL COUNSEL
PO BOX 200901
HELENA, MT 59620-0901

Priority Date: DECEMBER 31, 1891

Enforceable Priority Date: DECEMBER 31, 1891

THE PRIORITY DATE DESIGNATED IS THE DATE THE JUDGEMENT WAS ENTERED IN CASE NO. 143, DEER LODGE COUNTY. CASE NO. 143, DEER LODGE COUNTY, DECREES RIGHT OF FIRST USE.

Purpose (use): WILDLIFE/WATERFOWL
FISHERY

Purpose Clarification: WETLANDS

Purpose Clarification: INSTREAM FLOWS

Irrigation Type: SPRINKLER

Maximum Flow Rate: 2.15 CFS

Maximum Volume: 133.20 AC-FT

Source Name: SILVER BOW CREEK

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>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2	SWSE	13	3N	9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

2		NE	SESW	13	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

3		S2	NENE	23	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

4		S2	NE	23	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

5		N2	SWNE	23	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

6		S	WSE	23	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

7		N	W	24	3N	9W SILVER BOW
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8		W2NW	1	3N	10W	SILVER BOW
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
9		W2	1	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
10		SESESE	2	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
11		E2	11	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
12		E2W2E2	14	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
13		E2E2	23	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
14		E2	26	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
15		E2NENE	35	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						
16		W2W2W2	36	4N	10W	DEER LODGE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: INSTREAM						

THE POINTS OF DIVERSION WILL BE TRANSITORY ALONG SILVER BOW CREEK FROM POND A TO POND H.

Reservoir:	OFF STREAM	Reservoir Name	WETLAND A			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		W2SWSE	13	3N	9W	SILVER BOW
	Diversion to Reservoir: DIVERSION # 1					
	Surface Area: 0.43 ACRES					
Reservoir:	OFF STREAM	Reservoir Name	WETLAND B			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NESESW	13	3N	9W	SILVER BOW
	Diversion to Reservoir: DIVERSION # 2					
	Surface Area: 0.33 ACRES					
Reservoir:	OFF STREAM	Reservoir Name	WETLAND D			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENE	23	3N	9W	SILVER BOW
	Diversion to Reservoir: DIVERSION # 3					
	Surface Area: 0.95 ACRES					
Reservoir:	OFF STREAM	Reservoir Name	WETLAND E			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		S2NENE	23	3N	9W	SILVER BOW
	Diversion to Reservoir: DIVERSION # 4					
	Surface Area: 0.66 ACRES					
Reservoir:	OFF STREAM	Reservoir Name	WETLAND F			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		S2NE	23	3N	9W	SILVER BOW
	Surface Area: 1.39 ACRES					
Reservoir:	OFF STREAM	Reservoir Name	WETLAND G			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NWSWNE	23	3N	9W	SILVER BOW
	Surface Area: 0.62 ACRES					

Reservoir: OFF STREAM **Reservoir Name** WETLAND H
Govt Lot Qtr Sec Sec Twp Rge County
 SWSENW 23 3N 9W SILVER BOW

Surface Area: 1.49 ACRES

Reservoir: OFF STREAM **Reservoir Name** WETLAND C
Govt Lot Qtr Sec Sec Twp Rge County
 NWNWNW 24 3N 9W SILVER BOW

Surface Area: 1.16 ACRES

Period of Use: APRIL 15 to OCTOBER 15
 JANUARY 1 to DECEMBER 31

Purpose (Use): WILDLIFE/WATERFOWL
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			W2SWSE	13	3N	9W	SILVER BOW
2			NESESW	13	3N	9W	SILVER BOW
3			SENE	23	3N	9W	SILVER BOW
4			S2NENE	23	3N	9W	SILVER BOW
5			S2NE	23	3N	9W	SILVER BOW
6			NWSWNE	23	3N	9W	SILVER BOW
7			SWSENW	23	3N	9W	SILVER BOW
8			NWNWNW	24	3N	9W	SILVER BOW

Purpose (Use): FISHERY
Period of Use: APRIL 15 to OCTOBER 15

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			W2NW	1	3N	10W	SILVER BOW
2			W2	1	4N	10W	DEER LODGE
3			SESESE	2	4N	10W	DEER LODGE
4			E2	11	4N	10W	DEER LODGE
5			E2W2E2	14	4N	10W	DEER LODGE
6			E2E2	23	4N	10W	DEER LODGE
7			E2	26	4N	10W	DEER LODGE
8			E2NENE	35	4N	10W	DEER LODGE
9			W2W2W2	36	4N	10W	DEER LODGE

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.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/16/2003. ARCO TO DEQ - 100% - WATER RIGHTS SEVERED FROM ORIGINAL POU.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/02/1987.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/30/1989.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/11/1997.

THE RIGHT ISSUED ON 05/17/2005 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE WATER RIGHTS WERE SEVERED FROM THE ORIGINAL PLACE OF USE AND SOME OF THE RIGHTS WERE INADVERTENTLY ISSUED WITHOUT REMOVING THE IRRIGATION PURPOSE.

THIS TEMPORARY RIGHT EXPIRES ON 12/31/2015

OWNERSHIP UPDATE RECEIVED

Remarks:

OWNERSHIP UPDATE TYPE 608 # 7361 RECEIVED 02/16/2003.