

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:** 41P 40750-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107-0137

**Priority Date:** AUGUST 29, 1952

**Enforceable Priority Date:** AUGUST 29, 1952

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Maximum Volume:** 300.00 AC-FT

**Source Name:** MARIAS RIVER

**Source Type:** SURFACE WATER

ALSO KNOWN AS TIBER RESERVOIR

**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	3	SESWSW	28	30N	5E	LIBERTY

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

**Diversion Means:** DAM

2- SECONDARY		NWNWSE	14	29N	6E	LIBERTY
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

THE MARIAS RIVER IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM LAKE ELWELL(TIBER RESRVOIR) TO THE SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2.

**Reservoir:** ON STREAM **Reservoir Name** LAKE ELWELL

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3	SESWSW	28	30N	5E	LIBERTY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 206.00 FEET

**Depth:** 197.00 FEET

**Surface Area:** 23,805.00 ACRES

**Current Capacity:** 967,320.00 ACRE-FEET

SEE THE NATIONAL INVENTORY OF DAMS REPORT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**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				2	29N	6E	LIBERTY
2				11	29N	6E	LIBERTY
3				12	29N	6E	LIBERTY
4				13	29N	6E	LIBERTY
5				14	29N	6E	LIBERTY
6				5	30N	6E	LIBERTY
7				7	30N	6E	LIBERTY
8				8	30N	6E	LIBERTY
9				13	30N	6E	LIBERTY
10				14	30N	6E	LIBERTY
11				16	30N	6E	LIBERTY
12				17	30N	6E	LIBERTY
13				18	30N	6E	LIBERTY
14				20	30N	6E	LIBERTY

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
15				21	30N	6E	LIBERTY
16				23	30N	6E	LIBERTY
17				24	30N	6E	LIBERTY
18				26	30N	6E	LIBERTY
19				27	30N	6E	LIBERTY
20				28	30N	6E	LIBERTY
21				29	30N	6E	LIBERTY
22				32	30N	6E	LIBERTY
23				33	30N	6E	LIBERTY
24				34	30N	6E	LIBERTY
25				35	30N	6E	LIBERTY
26				21	31N	6E	LIBERTY
27				25	31N	6E	LIBERTY
28				26	31N	6E	LIBERTY
29				27	31N	6E	LIBERTY
30				28	31N	6E	LIBERTY
31				29	31N	6E	LIBERTY
32				32	31N	6E	LIBERTY
33				19	31N	7E	LIBERTY
34				20	31N	7E	LIBERTY
35				29	31N	7E	LIBERTY
36				30	31N	7E	LIBERTY

THE PLACE OF USE IS AN AREA SURROUNDING THE SOUTH CHESTER WATER USER'S ASSOCIATION PIPELINE, APPROXIMATELY 16 HOUSEHOLDS.

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40750-00      40751-00      40752-00      40753-00      40755-00      40757-00      40765-00  
 40766-00      40767-00      40768-00      40769-00      40770-00      40771-00      40772-00  
 40774-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE DUPLICATE FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

40750-00      40755-00

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40750-00      40755-00      40769-00

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41P 40750-00, 41P 40751-00, 41P 40752-00, 41P 40753-00, 41P 40755-00, 41P 40757-00, 41P 40758-00, 41P 40759-00, 41P 40760-00, 41P 40761-00, 41P 40762-00, 41P 40763-00, 41P 40764-00, 41P 40768-00, 41P 40769-00, 41P 40770-00, 41P 40771-00, 41P 40772-00, 41P 40774-00.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED EXHIBIT F IS 03/06/1956.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A USE RIGHT.

THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 135.86 ACRE-FEET PER YEAR.