

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 40765-00 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: SEPTEMBER 15, 1952

Enforceable Priority Date: SEPTEMBER 15, 1952

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 1,268,803.00 AC-FT

Source Name: MARIAS RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS TIBER RESERVIOR

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	SESWW	28	30N	5E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2	3	NW	33	30N	5E	LIBERTY
---	---	----	----	-----	----	---------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

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	SESWW	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			SWSW	2	29N	5E	LIBERTY
2			W2NW	3	29N	5E	LIBERTY
3			S2	3	29N	5E	LIBERTY
4			E2	4	29N	5E	LIBERTY
5			N2	10	29N	5E	LIBERTY
6				11	29N	5E	LIBERTY
7			S2	13	29N	5E	LIBERTY
8			E2	14	29N	5E	LIBERTY
9			NE	24	29N	5E	LIBERTY
10			W2	5	30N	1E	TOOLE
11			E2	6	30N	1E	TOOLE
12			NW	6	30N	1E	TOOLE
13			E2	7	30N	1E	TOOLE
14			SE	8	30N	1E	TOOLE
15			W2	8	30N	1E	TOOLE
16			S2	9	30N	1E	TOOLE
17			S2	10	30N	1E	TOOLE
18			SWSW	11	30N	1E	TOOLE

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>
19				13	30N	1E	TOOLE
20			N2	14	30N	1E	TOOLE
21			N2N2	15	30N	1E	TOOLE
22			N2N2	17	30N	1E	TOOLE
23			E2	24	30N	1E	TOOLE
24			S2SE	13	30N	2E	TOOLE
25			SWSW	18	30N	2E	TOOLE
26			W2NW	19	30N	2E	TOOLE
27			S2	19	30N	2E	TOOLE
28				20	30N	2E	TOOLE
29				21	30N	2E	TOOLE
30				22	30N	2E	TOOLE
31				23	30N	2E	TOOLE
32				24	30N	2E	TOOLE
33			N2N2	26	30N	2E	TOOLE
34				13	30N	3E	TOOLE
35				14	30N	3E	TOOLE
36				15	30N	3E	TOOLE
37			S2	16	30N	3E	TOOLE
38			S2	17	30N	3E	TOOLE
39			S2	18	30N	3E	TOOLE
40				19	30N	3E	TOOLE
41				20	30N	3E	TOOLE
42				21	30N	3E	TOOLE
43				22	30N	3E	TOOLE
44				23	30N	3E	TOOLE
45				24	30N	3E	TOOLE
46				2	30N	4E	LIBERTY
47				3	30N	4E	LIBERTY
48				4	30N	4E	LIBERTY
49				5	30N	4E	LIBERTY
50			E2	6	30N	4E	LIBERTY
51			N2	8	30N	4E	LIBERTY
52			N2	9	30N	4E	LIBERTY
53				10	30N	4E	LIBERTY
54				11	30N	4E	LIBERTY
55				12	30N	4E	LIBERTY
56				13	30N	4E	LIBERTY
57				14	30N	4E	LIBERTY
58				15	30N	4E	LIBERTY
59			S2	16	30N	4E	LIBERTY
60			S2	17	30N	4E	LIBERTY
61				19	30N	4E	LIBERTY
62				20	30N	4E	LIBERTY
63				21	30N	4E	LIBERTY
64				22	30N	4E	LIBERTY
65				23	30N	4E	LIBERTY
66				24	30N	4E	LIBERTY
67				25	30N	4E	LIBERTY
68			E2	26	30N	4E	LIBERTY
69			NE	35	30N	4E	LIBERTY
70				36	30N	4E	LIBERTY
71				18	30N	5E	LIBERTY
72				19	30N	5E	LIBERTY
73				20	30N	5E	LIBERTY
74				28	30N	5E	LIBERTY
75				29	30N	5E	LIBERTY
76				30	30N	5E	LIBERTY
77				31	30N	5E	LIBERTY
78				32	30N	5E	LIBERTY
79			SWSW	28	31N	4E	LIBERTY
80			S2	29	31N	4E	LIBERTY
81				30	31N	4E	LIBERTY
82			NE	31	31N	4E	LIBERTY
83				32	31N	4E	LIBERTY
84			S2	33	31N	4E	LIBERTY
85			SW	34	31N	4E	LIBERTY
86				33	31N	5E	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>
-----------	--------------	-----------------	------------	------------	------------	------------	---------------

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 COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 40750-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MARIAS RIVER DRAINAGE (BASIN 41P) AND USES IT IN THE MARIAS RIVER DRAINAGE (BASIN 41P) AND THE WILLOW CREEK DRAINAGE (BASIN 41N). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41N BASIN PRELIMINARY DECREE ISSUED 07/06/1984.

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

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 41I, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF 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.

CLAIMED VOLUME EXCEEDS CAPACITY OF RESERVOIR PLUS EVAPORATIVE LOSSES. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.