

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: 41B 40854-00 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: FEBRUARY 21, 1961

Enforceable Priority Date: FEBRUARY 21, 1961

Type of Historical Right: FILED

Purpose (use): STORAGE

Irrigation Type: SPRINKLER/FLOOD

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

Maximum Volume: 178,062.00 AC-FT

A PORTION OF THE VOLUME OF THIS RIGHT, MAY AT TIMES, CONTAIN WATER SUBJECT TO THE CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. THE RESULT OF THIS AGREEMENT ALLOWS FOR A MORE EFFICIENT DISTRIBUTION OF WATER THAT MAXIMIZES THE BENEFICIAL USE OF WATER FOR THE CONTRACT HOLDERS.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 165,120.00

Source Name: BEAVERHEAD RIVER (CLARK CANYON RESERVOIR)

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		SESWW	32	9S	10W	BEAVERHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Ditch Name: CLARK CANYON RESERVOIR

SEE CLAIM FILE FOR LIST OF THE SECONDARY POINTS OF DIVERSION ON THE BEAVERHEAD RIVER.

Reservoir: ON STREAM **Reservoir Name** CLARK CANYON RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWW	32	9S	10W	BEAVERHEAD

Diversion to Reservoir: DIVERSION # 1

Dam Height: 147.50 FEET

Depth: 113.90 FEET

Surface Area: 5,903.00 ACRES

Current Capacity: 257,152.00 ACRE-FEET

THE DAM EXTENDS INTO THE N2NENW SEC 5 TWP 10S RGE 10W BEAVERHEAD COUNTY.

SEE THE RESERVOIR RECORD 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	640.00			4	4S	6W	MADISON
2	640.00			5	4S	6W	MADISON
3	640.00			8	4S	6W	MADISON
4	640.00			9	4S	6W	MADISON
5	640.00			10	4S	6W	MADISON
6	640.00			15	4S	6W	MADISON

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>
7	640.00			16	4S	6W	MADISON
8	640.00			17	4S	6W	MADISON
9	640.00			18	4S	6W	MADISON
10	640.00			19	4S	6W	MADISON
11	640.00			20	4S	6W	MADISON
12	640.00			21	4S	6W	MADISON
13	640.00			22	4S	6W	MADISON
14	640.00			23	4S	6W	MADISON
15	640.00			26	4S	6W	MADISON
16	640.00			27	4S	6W	MADISON
17	640.00			28	4S	6W	MADISON
18	640.00			29	4S	6W	MADISON
19	640.00			30	4S	6W	MADISON
20	640.00			31	4S	6W	MADISON
21	640.00			32	4S	6W	MADISON
22	640.00			33	4S	6W	MADISON
23	640.00			34	4S	6W	MADISON
24	640.00			35	4S	6W	MADISON
25	640.00			23	4S	7W	MADISON
26	640.00			24	4S	7W	MADISON
27	640.00			25	4S	7W	MADISON
28	640.00			26	4S	7W	MADISON
29	640.00			35	4S	7W	MADISON
30	640.00			36	4S	7W	MADISON
31	640.00			1	5S	6W	MADISON
32	640.00			2	5S	6W	MADISON
33	640.00			3	5S	6W	MADISON
34	640.00			4	5S	6W	MADISON
35	640.00			5	5S	6W	MADISON
36	640.00			6	5S	6W	MADISON
37	640.00			7	5S	6W	MADISON
38	640.00			8	5S	6W	MADISON
39	640.00			9	5S	6W	MADISON
40	640.00			10	5S	6W	MADISON
41	640.00			11	5S	6W	MADISON
42	640.00			12	5S	6W	MADISON
43	640.00			15	5S	6W	MADISON
44	640.00			16	5S	6W	MADISON
45	640.00			17	5S	6W	MADISON
46	640.00			18	5S	6W	MADISON
47	640.00			19	5S	6W	MADISON
48	640.00			20	5S	6W	MADISON
49	640.00			21	5S	6W	MADISON
50	640.00			29	5S	6W	MADISON
51	640.00			30	5S	6W	MADISON
52	640.00			31	5S	6W	MADISON
53	640.00			1	5S	7W	MADISON
54	640.00			2	5S	7W	MADISON
55	640.00			3	5S	7W	MADISON
56	640.00			10	5S	7W	MADISON
57	640.00			11	5S	7W	MADISON
58	640.00			12	5S	7W	MADISON
59	640.00			13	5S	7W	MADISON
60	640.00			14	5S	7W	MADISON
61	640.00			15	5S	7W	MADISON
62	640.00			19	5S	7W	BEAVERHEAD
63	640.00			20	5S	7W	BEAVERHEAD
64	640.00			21	5S	7W	BEAVERHEAD
65	640.00			22	5S	7W	MADISON
66	640.00			23	5S	7W	MADISON
67	640.00			24	5S	7W	MADISON
68	640.00			25	5S	7W	MADISON
69	640.00			26	5S	7W	MADISON
70	640.00			27	5S	7W	MADISON
71	640.00			28	5S	7W	BEAVERHEAD
72	640.00			29	5S	7W	BEAVERHEAD
73	640.00			30	5S	7W	BEAVERHEAD
74	640.00			31	5S	7W	BEAVERHEAD

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>
75	640.00			32	5S	7W	BEAVERHEAD
76	640.00			33	5S	7W	BEAVERHEAD
77	640.00			34	5S	7W	MADISON
78	640.00			35	5S	7W	MADISON
79	640.00			36	5S	7W	MADISON
80	640.00			25	5S	8W	BEAVERHEAD
81	640.00			26	5S	8W	BEAVERHEAD
82	640.00			31	5S	8W	BEAVERHEAD
83	640.00			32	5S	8W	BEAVERHEAD
84	640.00			33	5S	8W	BEAVERHEAD
85	640.00			35	5S	8W	BEAVERHEAD
86	640.00			36	5S	8W	BEAVERHEAD
87	640.00			1	6S	7W	MADISON
88	640.00			2	6S	7W	MADISON
89	640.00			3	6S	7W	MADISON
90	640.00			4	6S	7W	BEAVERHEAD
91	640.00			5	6S	7W	BEAVERHEAD
92	640.00			6	6S	7W	BEAVERHEAD
93	640.00			7	6S	7W	BEAVERHEAD
94	640.00			8	6S	7W	BEAVERHEAD
95	640.00			9	6S	7W	BEAVERHEAD
96	640.00			10	6S	7W	MADISON
97	640.00			11	6S	7W	MADISON
98	640.00			12	6S	7W	MADISON
99	640.00			14	6S	7W	MADISON
100	640.00			15	6S	7W	MADISON
101	640.00			16	6S	7W	BEAVERHEAD
102	640.00			17	6S	7W	BEAVERHEAD
103	640.00			18	6S	7W	BEAVERHEAD
104	640.00			19	6S	7W	BEAVERHEAD
105	640.00			20	6S	7W	BEAVERHEAD
106	640.00			21	6S	7W	BEAVERHEAD
107	640.00			23	6S	7W	MADISON
108	640.00			28	6S	7W	BEAVERHEAD
109	640.00			29	6S	7W	BEAVERHEAD
110	640.00			30	6S	7W	BEAVERHEAD
111	640.00			31	6S	7W	BEAVERHEAD
112	640.00			32	6S	7W	BEAVERHEAD
113	640.00			33	6S	7W	BEAVERHEAD
114	640.00			1	6S	8W	BEAVERHEAD
115	640.00			2	6S	8W	BEAVERHEAD
116	640.00			3	6S	8W	BEAVERHEAD
117	640.00			4	6S	8W	BEAVERHEAD
118	640.00			5	6S	8W	BEAVERHEAD
119	640.00			6	6S	8W	BEAVERHEAD
120	640.00			7	6S	8W	BEAVERHEAD
121	640.00			8	6S	8W	BEAVERHEAD
122	640.00			9	6S	8W	BEAVERHEAD
123	640.00			10	6S	8W	BEAVERHEAD
124	640.00			11	6S	8W	BEAVERHEAD
125	640.00			12	6S	8W	BEAVERHEAD
126	640.00			13	6S	8W	BEAVERHEAD
127	640.00			14	6S	8W	BEAVERHEAD
128	640.00			15	6S	8W	BEAVERHEAD
129	640.00			16	6S	8W	BEAVERHEAD
130	640.00			17	6S	8W	BEAVERHEAD
131	640.00			18	6S	8W	BEAVERHEAD
132	640.00			19	6S	8W	BEAVERHEAD
133	640.00			20	6S	8W	BEAVERHEAD
134	640.00			21	6S	8W	BEAVERHEAD
135	640.00			22	6S	8W	BEAVERHEAD
136	640.00			23	6S	8W	BEAVERHEAD
137	640.00			24	6S	8W	BEAVERHEAD
138	640.00			25	6S	8W	BEAVERHEAD
139	640.00			26	6S	8W	BEAVERHEAD
140	640.00			27	6S	8W	BEAVERHEAD
141	640.00			28	6S	8W	BEAVERHEAD
142	640.00			29	6S	8W	BEAVERHEAD

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>
143	640.00			30	6S	8W	BEAVERHEAD
144	640.00			31	6S	8W	BEAVERHEAD
145	640.00			32	6S	8W	BEAVERHEAD
146	640.00			33	6S	8W	BEAVERHEAD
147	640.00			34	6S	8W	BEAVERHEAD
148	640.00			35	6S	8W	BEAVERHEAD
149	640.00			36	6S	8W	BEAVERHEAD
150	640.00			1	6S	9W	BEAVERHEAD
151	640.00			2	6S	9W	BEAVERHEAD
152	640.00			10	6S	9W	BEAVERHEAD
153	640.00			11	6S	9W	BEAVERHEAD
154	640.00			12	6S	9W	BEAVERHEAD
155	640.00			13	6S	9W	BEAVERHEAD
156	640.00			14	6S	9W	BEAVERHEAD
157	640.00			15	6S	9W	BEAVERHEAD
158	640.00			22	6S	9W	BEAVERHEAD
159	640.00			23	6S	9W	BEAVERHEAD
160	640.00			24	6S	9W	BEAVERHEAD
161	640.00			25	6S	9W	BEAVERHEAD
162	640.00			26	6S	9W	BEAVERHEAD
163	640.00			35	6S	9W	BEAVERHEAD
164	640.00			36	6S	9W	BEAVERHEAD
165	640.00			1	7S	8W	BEAVERHEAD
166	640.00			2	7S	8W	BEAVERHEAD
167	640.00			3	7S	8W	BEAVERHEAD
168	640.00			4	7S	8W	BEAVERHEAD
169	640.00			5	7S	8W	BEAVERHEAD
170	640.00			6	7S	8W	BEAVERHEAD
171	640.00			7	7S	8W	BEAVERHEAD
172	640.00			8	7S	8W	BEAVERHEAD
173	640.00			9	7S	8W	BEAVERHEAD
174	640.00			10	7S	8W	BEAVERHEAD
175	640.00			11	7S	8W	BEAVERHEAD
176	640.00			12	7S	8W	BEAVERHEAD
177	640.00			13	7S	8W	BEAVERHEAD
178	640.00			14	7S	8W	BEAVERHEAD
179	640.00			15	7S	8W	BEAVERHEAD
180	640.00			16	7S	8W	BEAVERHEAD
181	640.00			17	7S	8W	BEAVERHEAD
182	640.00			18	7S	8W	BEAVERHEAD
183	640.00			19	7S	8W	BEAVERHEAD
184	640.00			20	7S	8W	BEAVERHEAD
185	640.00			21	7S	8W	BEAVERHEAD
186	640.00			22	7S	8W	BEAVERHEAD
187	640.00			23	7S	8W	BEAVERHEAD
188	640.00			28	7S	8W	BEAVERHEAD
189	640.00			29	7S	8W	BEAVERHEAD
190	640.00			30	7S	8W	BEAVERHEAD
191	640.00			31	7S	8W	BEAVERHEAD
192	640.00			32	7S	8W	BEAVERHEAD
193	640.00			1	7S	9W	BEAVERHEAD
194	640.00			12	7S	9W	BEAVERHEAD
195	640.00			13	7S	9W	BEAVERHEAD
196	640.00			22	7S	9W	BEAVERHEAD
197	640.00			23	7S	9W	BEAVERHEAD
198	640.00			24	7S	9W	BEAVERHEAD
199	640.00			25	7S	9W	BEAVERHEAD
200	640.00			26	7S	9W	BEAVERHEAD
201	640.00			27	7S	9W	BEAVERHEAD
202	640.00			28	7S	9W	BEAVERHEAD
203	640.00			29	7S	9W	BEAVERHEAD
204	640.00			30	7S	9W	BEAVERHEAD
205	640.00			31	7S	9W	BEAVERHEAD
206	640.00			32	7S	9W	BEAVERHEAD
207	640.00			33	7S	9W	BEAVERHEAD
208	640.00			34	7S	9W	BEAVERHEAD
209	640.00			35	7S	9W	BEAVERHEAD
210	640.00			36	7S	9W	BEAVERHEAD

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>
211	640.00			23	7S	10W	BEAVERHEAD
212	640.00			24	7S	10W	BEAVERHEAD
213	640.00			25	7S	10W	BEAVERHEAD
214	640.00			5	8S	8W	BEAVERHEAD
215	640.00			6	8S	8W	BEAVERHEAD
216	640.00			7	8S	8W	BEAVERHEAD
217	640.00			8	8S	8W	BEAVERHEAD
218	640.00			17	8S	8W	BEAVERHEAD
219	640.00			18	8S	8W	BEAVERHEAD
220	640.00			19	8S	8W	BEAVERHEAD
221	640.00			20	8S	8W	BEAVERHEAD
222	640.00			1	8S	9W	BEAVERHEAD
223	640.00			2	8S	9W	BEAVERHEAD
224	640.00			3	8S	9W	BEAVERHEAD
225	640.00			4	8S	9W	BEAVERHEAD
226	640.00			5	8S	9W	BEAVERHEAD
227	640.00			6	8S	9W	BEAVERHEAD
228	640.00			7	8S	9W	BEAVERHEAD
229	640.00			8	8S	9W	BEAVERHEAD
230	640.00			9	8S	9W	BEAVERHEAD
231	640.00			10	8S	9W	BEAVERHEAD
232	640.00			11	8S	9W	BEAVERHEAD
233	640.00			12	8S	9W	BEAVERHEAD
234	640.00			13	8S	9W	BEAVERHEAD
235	640.00			14	8S	9W	BEAVERHEAD
236	640.00			15	8S	9W	BEAVERHEAD
237	640.00			16	8S	9W	BEAVERHEAD
238	640.00			17	8S	9W	BEAVERHEAD
239	640.00			18	8S	9W	BEAVERHEAD
240	640.00			19	8S	9W	BEAVERHEAD
241	640.00			20	8S	9W	BEAVERHEAD
242	640.00			21	8S	9W	BEAVERHEAD
243	640.00			22	8S	9W	BEAVERHEAD
244	640.00			23	8S	9W	BEAVERHEAD
245	640.00			24	8S	9W	BEAVERHEAD
246	640.00			25	8S	9W	BEAVERHEAD
247	640.00			26	8S	9W	BEAVERHEAD
248	640.00			27	8S	9W	BEAVERHEAD
249	640.00			36	8S	10W	BEAVERHEAD
250	640.00			2	9S	10W	BEAVERHEAD
251	640.00			10	9S	10W	BEAVERHEAD
252	640.00			11	9S	10W	BEAVERHEAD
253	640.00			15	9S	10W	BEAVERHEAD
254	640.00			16	9S	10W	BEAVERHEAD
255	640.00			21	9S	10W	BEAVERHEAD
256	640.00			28	9S	10W	BEAVERHEAD
257	640.00			29	9S	10W	BEAVERHEAD
258	640.00			32	9S	10W	BEAVERHEAD

Total: 165,120.00

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.

40854-00 40855-00 40856-00 40857-00 40858-00 40859-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/25/2010: PLACE OF USE, PURPOSE, MAXIMUM ACRES, PERIOD OF USE.

AUTHORIZATION TO CHANGE PLACE OF USE COMPLETED 07/15/1977. SEE 41B 32454-00.

AUTHORIZATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE COMPLETED 04/21/1978 . SEE 41B 32454-01. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

IT IS UNCLER WHAT PORTION OF CLARK CANYON STORED WATER IS USED IN THE FOLLOWING CLAIMS: 41I 40918-00, 41I 40802-00, 41I 40820-00, 41B 40854-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BEAVERHEAD RIVER DRAINAGE (BASIN

Remarks:

41B) AND USES IT IN THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B), THE BIG HOLE RIVER DRAINAGE (BASIN 41D), THE RUBY RIVER DRAINAGE (BASIN 41C) AND THE MISSOURI RIVER, ABOVE HOLTER DAM DRAINAGE (BASIN 41I). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 27453 RECEIVED 12/09/2005.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41I BASIN TEMPORARY PRELIMINARY DECREE ISSUED 03/08/1995.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41C BASIN TEMPORARY PRELIMINARY DECREE ISSUED 11/14/1990.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41D BASIN TEMPORARY PRELIMINARY DECREE ISSUED 04/06/2007.

PART OF THE CLAIMED PLACE OF USE ON THIS CLAIM APPEARS TO BE OWNED BY NON-SHAREHOLDERS IN THE CLARK CANYON WATER SUPPLY COMPANY.

USDA AERIAL PHOTOGRAPH NO(S). 178-50, 178-79, 178-81, 178-83, 178-85, 178-117, 178-119, 178-121, 579-87, 579-89, 579-91, 579-135, 579-137, 579-139, 579-148, 579-152, 579-154, 779-240, 779-242, 779-244, 779-246, 879-18, 879-20, DATED 9/7/1979, 9/13/1979, 9/17/1979, 9/18/1979, APPEARS TO INDICATE 70418.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S) CXM-1FF-101, CXM-1FF-103, CXM-1FF-105, CXM-1FF-107, CXM-1FF-109, CXM-1FF-111, CXM-1FF-124, CXM-1FF-126, CXM-1FF-128, CXM-1FF-130, CXM-1FF-132, CXM-2FF-082, CXM-2FF-084, CXM-2FF-088, CXM-2FF-090, CXM-2FF-092, CXM-2FF-094, CXM-2FF-096, CXM-2FF-098, CXM-2FF-116, CXM-2FF-118, CXM-2FF-120, CXM-2FF-122, CXM-2FF-124, CXM-2FF-126, CXM-2FF-164, CXM-2FF-166, CXM-2FF-168, CXM-2FF-170, CXM-3FF-011, CXM-3FF-013, CXM-3FF-015, CXM-3FF-017, CXM-3FF-019, CXM-3FF-046, CXM-3FF-048, CXM-3FF-071, CXM-3FF-073, CXM-3FF-075, CXM-6FF-024, CXM-6FF-026, CXM-6FF-028, CXM-6FF-097, CXM-6FF-099, CXM-6FF-101, CXM-6FF-103, CXM-6FF-169, CXM-6FF-171, CXM-6FF-173, CXM-6FF-175, CXM-6FF-177, CXM-7FF-160, CXM-7FF-162, 272-107, 272-108, 272-110, 272-112, 272-113, 272-115, 272-163, 272-164, 272-166, 272-167, 272-168, 272-169, 272-170, 272-171, 272-182, 272-184, 272-186, 272-188, 272-190, 272-191, 272-236, 272-238, 272-239, 272-241, 272-243 DATED 07/31/1965, 08/01/1965, 08/17/1965, 08/18/1965, 07/16/1972 APPEAR TO INDICATE 60,597 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON BEAVERHEAD RIVER WITH A PRIORITY DATE POSTDATING CASE NO. 1053, BEAVERHEAD COUNTY.

THE PURPOSE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PURPOSES HAVE BEEN CLAIMED. THE CLAIMED PURPOSES INCLUDE IRRIGATION, STOCK, DOMESTIC, INDUSTRIAL, INSTITUTIONAL, FISH AND WILDLIFE AND RECREATION . MORE THAN ONE WATER RIGHT MAY BE INVOLVED.