

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 40870-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107-0137  
  
GREENFIELDS IRRIGATION DISTRICT  
% BOB HARDIN  
PO BOX 157  
FAIRFIELD, MT 59436

**Priority Date:** MAY 25, 1905  
**Enforceable Priority Date:** MAY 25, 1905

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 1,512.00 CFS  
PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.  
  
THE COMBINED FLOW RATE FOR THE FOLLOWING CLAIMS SHALL NOT EXCEED 1,512.00 CFS: 41K 40870-00, 41K 40871-00, 41K 40872-00, 41K 40875-00, AND 41K 40876-00.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.  
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 133,831.91

**Source Name:** SUN RIVER  
**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		NWSE	36	22N	9W	LEWIS AND CLARK

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

**Diversion Means:** DIVERSION DAM

**Ditch Name:** PISHKUN SUPPLY CANAL

**Reservoir:** OFF STREAM **Reservoir Name** PISHKUN RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
S2SW	NW	10	22N	7W	TETON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 47.00 FEET  
**Depth:** 37.00 FEET  
**Surface Area:** 1,550.00 ACRES  
**Current Capacity:** 46,670.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA DATA FOR PISHKUN RESERVOIR ARE FROM THE DNRC NATIONAL INVENTORY OF DAMS.

**Period of Use:** APRIL 1 to OCTOBER 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	40.00		SW	5	20N	2W	CASCADE
2	160.00		NW	5	20N	2W	CASCADE
3	160.00		SW	5	20N	2W	CASCADE
4	80.00		N2SE	5	20N	2W	CASCADE
5	39.92	11		5	20N	2W	CASCADE
6	11.09	12		5	20N	2W	CASCADE
7	11.70	2		6	20N	2W	CASCADE
8	13.08	3		6	20N	2W	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>
9	14.19	4		6	20N	2W	CASCADE
10	27.16	5		6	20N	2W	CASCADE
11	28.83	6		6	20N	2W	CASCADE
12	30.14	7		6	20N	2W	CASCADE
13	31.45	8		6	20N	2W	CASCADE
14	39.69	9		6	20N	2W	CASCADE
15	39.98	10		6	20N	2W	CASCADE
16	40.27	11		6	20N	2W	CASCADE
17	80.00		S2NE	6	20N	2W	CASCADE
18	40.00		SESW	6	20N	2W	CASCADE
19	80.00		E2SW	6	20N	2W	CASCADE
20	160.00		SE	6	20N	2W	CASCADE
21	48.25	1		7	20N	2W	CASCADE
22	57.12	2		7	20N	2W	CASCADE
23	45.41	3		7	20N	2W	CASCADE
24	49.40	4		7	20N	2W	CASCADE
25	23.99	5		8	20N	2W	CASCADE
26	640.00			1	20N	3W	TETON
27	40.00		SESE	2	20N	3W	TETON
28	32.00	2		11	20N	3W	TETON
29	80.00		N2NE	12	20N	3W	TETON
30	40.00		NENW	12	20N	3W	TETON
31	39.64	1		12	20N	3W	TETON
32	18.50	4		12	20N	3W	TETON
33	45.20	5		12	20N	3W	TETON
34	24.23	6		12	20N	3W	TETON
35	40.00		SWSE	5	21N	1E	CASCADE
36	160.00		SW	5	21N	1E	CASCADE
37	80.00		W2NW	5	21N	1E	CASCADE
38	640.00			6	21N	1E	CASCADE
39	320.00		N2	7	21N	1E	CASCADE
40	160.00		N2S2	7	21N	1E	CASCADE
41	40.00		SWSE	7	21N	1E	CASCADE
42	40.00		SWSW	7	21N	1E	CASCADE
43	40.00		NWNE	8	21N	1E	CASCADE
44	160.00		NW	8	21N	1E	CASCADE
45	80.00		N2SW	8	21N	1E	CASCADE
46	640.00			1	21N	1W	CASCADE
47	640.00			2	21N	1W	CASCADE
48	640.00			3	21N	1W	CASCADE
49	640.00			4	21N	1W	CASCADE
50	640.00			5	21N	1W	CASCADE
51	640.00			6	21N	1W	CASCADE
52	640.00			7	21N	1W	CASCADE
53	640.00			8	21N	1W	CASCADE
54	640.00			9	21N	1W	CASCADE
55	640.00			10	21N	1W	CASCADE
56	640.00			11	21N	1W	CASCADE
57	640.00			12	21N	1W	CASCADE
58	160.00		N2N2	13	21N	1W	CASCADE
59	40.00		SWNE	13	21N	1W	CASCADE
60	160.00		N2N2	14	21N	1W	CASCADE
61	640.00			17	21N	1W	CASCADE
62	640.00			18	21N	1W	CASCADE
63	640.00			19	21N	1W	CASCADE
64	640.00			20	21N	1W	CASCADE
65	160.00		NW	28	21N	1W	CASCADE
66	40.00		NWSE	28	21N	1W	CASCADE
67	80.00		N2SW	28	21N	1W	CASCADE
68	640.00			29	21N	1W	CASCADE
69	640.00			30	21N	1W	CASCADE
70	640.00			1	21N	2W	CASCADE
71	640.00			2	21N	2W	CASCADE
72	320.00		N2	3	21N	2W	CASCADE
73	40.00		NWSE	3	21N	2W	CASCADE
74	160.00		NE	4	21N	2W	CASCADE
75	80.00		N2SE	4	21N	2W	CASCADE
76	320.00		W2	4	21N	2W	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>
77	640.00			5	21N	2W	CASCADE
78	640.00			6	21N	2W	CASCADE
79	640.00		N2	7	21N	2W	CASCADE
80	40.00		NWNE	8	21N	2W	CASCADE
81	160.00		NW	8	21N	2W	CASCADE
82	320.00		E2	11	21N	2W	CASCADE
83	640.00			12	21N	2W	CASCADE
84	640.00			13	21N	2W	CASCADE
85	640.00			14	21N	2W	CASCADE
86	640.00			15	21N	2W	CASCADE
87	640.00			22	21N	2W	CASCADE
88	640.00			23	21N	2W	CASCADE
89	640.00			24	21N	2W	CASCADE
90	640.00			25	21N	2W	CASCADE
91	640.00			26	21N	2W	CASCADE
92	640.00			27	21N	2W	CASCADE
93	40.00		NESE	33	21N	2W	CASCADE
94	80.00		E2NE	33	21N	2W	CASCADE
95	160.00		NE	34	21N	2W	CASCADE
96	320.00		W2	34	21N	2W	CASCADE
97	320.00		N2	35	21N	2W	CASCADE
98	640.00			1	21N	3W	TETON
99	640.00			2	21N	3W	TETON
100	640.00			3	21N	3W	TETON
101	640.00			4	21N	3W	TETON
102	640.00			5	21N	3W	TETON
103	640.00			6	21N	3W	TETON
104	40.00		NENW	7	21N	3W	TETON
105	38.46	2		7	21N	3W	TETON
106	40.00		SESW	7	21N	3W	TETON
107	38.44	3		7	21N	3W	TETON
108	38.41	4		7	21N	3W	TETON
109	80.00		E2SW	7	21N	3W	TETON
110	80.00		N2NE	8	21N	3W	TETON
111	40.00		NENW	8	21N	3W	TETON
112	40.00		NWNE	9	21N	3W	TETON
113	160.00		NW	9	21N	3W	TETON
114	320.00		N2	11	21N	3W	TETON
115	320.00		N2	12	21N	3W	TETON
116	80.00		W2NE	18	21N	3W	TETON
117	160.00		NW	18	21N	3W	TETON
118	160.00		N2S2	18	21N	3W	TETON
119	80.00		N2SE	18	21N	3W	TETON
120	40.00		NESE	20	21N	3W	TETON
121	160.00		N2S2	21	21N	3W	TETON
122	40.00		SESE	21	21N	3W	TETON
123	40.00		NWNE	35	21N	3W	TETON
124	80.00		S2NE	35	21N	3W	TETON
125	80.00		N2NW	35	21N	3W	TETON
126	40.00		SESW	35	21N	3W	TETON
127	80.00		N2SE	35	21N	3W	TETON
128	40.00		SESE	35	21N	3W	TETON
129	640.00			36	21N	3W	TETON
130	640.00			1	21N	4W	TETON
131	640.00			2	21N	4W	TETON
132	42.00	1		3	21N	4W	TETON
133	40.00		SENE	3	21N	4W	TETON
134	80.00		E2SE	3	21N	4W	TETON
135	320.00		S2	5	21N	4W	TETON
136	41.96	1		6	21N	4W	TETON
137	41.40	2		6	21N	4W	TETON
138	160.00		NW	6	21N	4W	TETON
139	320.00		S2	6	21N	4W	TETON
140	640.00			7	21N	4W	TETON
141	640.00			8	21N	4W	TETON
142	80.00		S2NE	9	21N	4W	TETON
143	160.00		SE	9	21N	4W	TETON
144	320.00		W2	9	21N	4W	TETON

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>
145	80.00		E2NE	10	21N	4W	TETON
146	80.00		S2NW	10	21N	4W	TETON
147	80.00		W2SE	10	21N	4W	TETON
148	160.00		SW	10	21N	4W	TETON
149	320.00		N2	11	21N	4W	TETON
150	40.00		NESW	11	21N	4W	TETON
151	80.00		N2SE	11	21N	4W	TETON
152	40.00		SESE	11	21N	4W	TETON
153	640.00			12	21N	4W	TETON
154	80.00		N2NE	13	21N	4W	TETON
155	40.00		SENE	13	21N	4W	TETON
156	40.00		NENW	13	21N	4W	TETON
157	160.00		SW	13	21N	4W	TETON
158	40.00		NESE	13	21N	4W	TETON
159	80.00		S2NE	14	21N	4W	TETON
160	160.00		SE	14	21N	4W	TETON
161	320.00		W2	14	21N	4W	TETON
162	640.00			15	21N	4W	TETON
163	640.00			16	21N	4W	TETON
164	640.00			17	21N	4W	TETON
165	640.00			18	21N	4W	TETON
166	640.00			19	21N	4W	TETON
167	320.00		N2	20	21N	4W	TETON
168	160.00		SW	20	21N	4W	TETON
169	160.00		N2N2	21	21N	4W	TETON
170	320.00		N2	22	21N	4W	TETON
171	160.00		NW	23	21N	4W	TETON
172	640.00			1	21N	5W	TETON
173	320.00		E2	2	21N	5W	TETON
174	160.00		NW	2	21N	5W	TETON
175	80.00		N2SW	2	21N	5W	TETON
176	640.00			7	21N	5W	TETON
177	320.00		S2	8	21N	5W	TETON
178	320.00		S2	9	21N	5W	TETON
179	160.00		SE	10	21N	5W	TETON
180	80.00		E2SW	10	21N	5W	TETON
181	320.00		S2	11	21N	5W	TETON
182	640.00			12	21N	5W	TETON
183	640.00			13	21N	5W	TETON
184	640.00			14	21N	5W	TETON
185	640.00			15	21N	5W	TETON
186	640.00			16	21N	5W	TETON
187	640.00			17	21N	5W	TETON
188	640.00			18	21N	5W	TETON
189	640.00			19	21N	5W	TETON
190	640.00			20	21N	5W	TETON
191	640.00			21	21N	5W	TETON
192	640.00			22	21N	5W	TETON
193	640.00			23	21N	5W	TETON
194	640.00			24	21N	5W	TETON
195	160.00		N2N2	25	21N	5W	TETON
196	80.00		N2NE	26	21N	5W	TETON
197	40.00		NENW	26	21N	5W	TETON
198	40.00		NWNE	27	21N	5W	TETON
199	320.00		W2	27	21N	5W	TETON
200	640.00			28	21N	5W	TETON
201	640.00			29	21N	5W	TETON
202	320.00		E2	30	21N	5W	TETON
203	160.00		NW	30	21N	5W	TETON
204	40.00		SESW	30	21N	5W	TETON
205	40.00		NWNE	31	21N	5W	TETON
206	320.00		N2	32	21N	5W	TETON
207	320.00		N2	33	21N	5W	TETON
208	40.00		NWNW	34	21N	5W	TETON
209	160.00		SW	2	21N	6W	TETON
210	160.00		S2N2	3	21N	6W	TETON
211	320.00		S2	3	21N	6W	TETON
212	80.00		S2SE	4	21N	6W	TETON

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>
213	40.00		SESW	4	21N	6W	TETON
214	160.00		E2W2	9	21N	6W	TETON
215	320.00		E2	9	21N	6W	TETON
216	640.00			10	21N	6W	TETON
217	640.00			11	21N	6W	TETON
218	640.00			12	21N	6W	TETON
219	640.00			13	21N	6W	TETON
220	640.00			14	21N	6W	TETON
221	640.00			15	21N	6W	TETON
222	320.00		E2	22	21N	6W	TETON
223	640.00			23	21N	6W	TETON
224	640.00			24	21N	6W	TETON
225	160.00		NE	25	21N	6W	TETON
226	80.00		N2NW	25	21N	6W	TETON
227	40.00		NENE	26	21N	6W	TETON
228	160.00		SW	31	22N	1E	CASCADE
229	160.00		SW	2	22N	1W	TETON
230	640.00			3	22N	1W	TETON
231	640.00			4	22N	1W	TETON
232	640.00			5	22N	1W	TETON
233	640.00			6	22N	1W	TETON
234	640.00			7	22N	1W	TETON
235	640.00			8	22N	1W	TETON
236	640.00			9	22N	1W	TETON
237	640.00			10	22N	1W	TETON
238	160.00		W2E2	11	22N	1W	TETON
239	40.00		SENE	11	22N	1W	TETON
240	80.00		E2SE	11	22N	1W	TETON
241	320.00		W2	11	22N	1W	TETON
242	640.00			14	22N	1W	TETON
243	640.00			15	22N	1W	TETON
244	640.00			16	22N	1W	TETON
245	640.00			17	22N	1W	TETON
246	640.00			18	22N	1W	TETON
247	640.00			19	22N	1W	TETON
248	640.00			20	22N	1W	TETON
249	640.00			21	22N	1W	TETON
250	640.00			22	22N	1W	TETON
251	640.00			23	22N	1W	TETON
252	320.00		W2	25	22N	1W	TETON
253	640.00			26	22N	1W	TETON
254	640.00			27	22N	1W	TETON
255	640.00			28	22N	1W	TETON
256	640.00			29	22N	1W	TETON
257	640.00			30	22N	1W	TETON
258	640.00			31	22N	1W	TETON
259	640.00			32	22N	1W	TETON
260	640.00			33	22N	1W	TETON
261	640.00			34	22N	1W	TETON
262	640.00			35	22N	1W	TETON
263	640.00			36	22N	1W	TETON
264	640.00			1	22N	2W	TETON
265	640.00			2	22N	2W	TETON
266	160.00		NE	3	22N	2W	TETON
267	80.00		E2NW	3	22N	2W	TETON
268	40.00		SWNW	3	22N	2W	TETON
269	320.00		S2	3	22N	2W	TETON
270	160.00		S2N2	4	22N	2W	TETON
271	40.00		NWNE	4	22N	2W	TETON
272	80.00		N2NW	4	22N	2W	TETON
273	320.00		S2	4	22N	2W	TETON
274	160.00		NE	5	22N	2W	TETON
275	40.00		SWNW	5	22N	2W	TETON
276	320.00		S2	5	22N	2W	TETON
277	160.00		NE	6	22N	2W	TETON
278	160.00		S2S2	6	22N	2W	TETON
279	80.00		N2SE	6	22N	2W	TETON
280	40.00		NESW	6	22N	2W	TETON

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>
281	640.00			7	22N	2W	TETON
282	640.00			8	22N	2W	TETON
283	640.00			9	22N	2W	TETON
284	640.00			10	22N	2W	TETON
285	640.00			11	22N	2W	TETON
286	640.00			12	22N	2W	TETON
287	640.00			13	22N	2W	TETON
288	640.00			14	22N	2W	TETON
289	640.00			15	22N	2W	TETON
290	640.00			16	22N	2W	TETON
291	640.00			17	22N	2W	TETON
292	640.00			18	22N	2W	TETON
293	640.00			19	22N	2W	TETON
294	640.00			20	22N	2W	TETON
295	640.00			21	22N	2W	TETON
296	640.00			22	22N	2W	TETON
297	640.00			23	22N	2W	TETON
298	640.00			24	22N	2W	TETON
299	640.00			25	22N	2W	TETON
300	640.00			26	22N	2W	TETON
301	640.00			27	22N	2W	TETON
302	640.00			28	22N	2W	TETON
303	640.00			29	22N	2W	TETON
304	640.00			30	22N	2W	TETON
305	640.00			31	22N	2W	TETON
306	640.00			32	22N	2W	TETON
307	640.00			33	22N	2W	TETON
308	640.00			34	22N	2W	TETON
309	640.00			35	22N	2W	TETON
310	640.00			36	22N	2W	TETON
311	40.00		SWNE	1	22N	3W	TETON
312	40.00		NWSE	1	22N	3W	TETON
313	80.00		S2SE	1	22N	3W	TETON
314	160.00		SW	1	22N	3W	TETON
315	640.00			2	22N	3W	TETON
316	640.00			3	22N	3W	TETON
317	640.00			4	22N	3W	TETON
318	160.00		S2S2	5	22N	3W	TETON
319	40.00		NESE	5	22N	3W	TETON
320	80.00		S2SE	6	22N	3W	TETON
321	40.00		SESW	6	22N	3W	TETON
322	320.00		E2	7	22N	3W	TETON
323	40.00		NENW	7	22N	3W	TETON
324	640.00			8	22N	3W	TETON
325	640.00			9	22N	3W	TETON
326	640.00			10	22N	3W	TETON
327	640.00			11	22N	3W	TETON
328	640.00			12	22N	3W	TETON
329	640.00			13	22N	3W	TETON
330	640.00			14	22N	3W	TETON
331	640.00			15	22N	3W	TETON
332	640.00			16	22N	3W	TETON
333	640.00			17	22N	3W	TETON
334	640.00			20	22N	3W	TETON
335	640.00			21	22N	3W	TETON
336	640.00			22	22N	3W	TETON
337	640.00			23	22N	3W	TETON
338	640.00			24	22N	3W	TETON
339	640.00			25	22N	3W	TETON
340	640.00			26	22N	3W	TETON
341	640.00			27	22N	3W	TETON
342	640.00			28	22N	3W	TETON
343	640.00			29	22N	3W	TETON
344	640.00			31	22N	3W	TETON
345	640.00			32	22N	3W	TETON
346	640.00			33	22N	3W	TETON
347	640.00			34	22N	3W	TETON
348	640.00			35	22N	3W	TETON

**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>
349	640.00			36	22N	3W	TETON
350	160.00		SW	31	22N	4W	TETON
351	80.00		S2SE	31	22N	4W	TETON
352	320.00		S2	35	22N	5W	TETON
353	320.00		S2	36	22N	5W	TETON
354	640.00			31	23N	1W	TETON
355	160.00		S2N2	32	23N	1W	TETON
356	320.00		S2	32	23N	1W	TETON
357	320.00		S2	33	23N	1W	TETON
358	40.00		SWSW	34	23N	1W	TETON
359	80.00		S2NE	25	23N	2W	TETON
360	320.00		S2	25	23N	2W	TETON
361	40.00		SWNE	26	23N	2W	TETON
362	40.00		NWSE	26	23N	2W	TETON
363	80.00		S2SE	26	23N	2W	TETON
364	160.00		SW	26	23N	2W	TETON
365	80.00		S2SE	34	23N	2W	TETON
366	640.00			35	23N	2W	TETON
367	640.00			36	23N	2W	TETON

**Total:** 133,831.91

ONLY 83,231.72 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 133,831.91 ACRES DESCRIBED UNDER THIS RIGHT.

**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.

40870-00      40871-00      40872-00

AUTHORIZATION TO CHANGE PURPOSE ISSUED 03/11/1981. NOTICE OF COMPLETION DUE 12/31/2013. SEE 40870-00.

WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 ARE DIRECT FLOW WATER RIGHTS OF THE SUN RIVER PROJECT THAT SHARE IDENTICAL MAY 25, 1905 PRIORITIES, AND SHARE IN THE WATER AVAILABLE UNDER THAT PRIORITY AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870. FOR PURPOSES OF DIVIDING THE WATER AVAILABLE TO WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 THE FOLLOWING ADMINISTRATIVE PROVISIONS SHALL APPLY:

- (1) THE TOTAL AMOUNT OF NATURAL FLOW AVAILABLE IN PRIORITY TO A MAY 25, 1905, WATER RIGHT, AND DIVISIBLE BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 SHALL BE MEASURED AND DETERMINED AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870-00.
- (2) THE AMOUNT OF NATURAL FLOW AVAILABLE FOR DIVISION BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00 SHALL BE THE TOTAL NATURAL FLOW OF THE SUN RIVER AT THE POINT OF DIVERSION FOR WATER RIGHT NOS. 41K 40870-00, MINUS 31.41 C.F.S. TO BE PASSED TO THE FORT SHAW SENIOR WATER RIGHTS, AND MINUS SUFFICIENT WATER TO MEET THE DEMAND OF ALL OTHER DOWNSTREAM WATER RIGHTS WITH PRIORITY DATES SENIOR TO MAY 25, 1905. THE DETERMINATION OF THE AMOUNT OF NATURAL FLOW AVAILABLE FOR DIVISION SHALL BE MADE WITHOUT REGARD TO THE DEMAND UNDER WATER RIGHT NO. 41K 40885-00.
- (3) WATER RIGHT NO. 41K 40870-00 SHALL BE ENTITLED TO DIVERT NO MORE THAN 83% OF THE TOTAL AMOUNT OF NATURAL FLOW OF THE SUN RIVER AVAILABLE FOR DIVISION BETWEEN WATER RIGHT NOS. 41K 40870-00 AND 41K 40885-00, AS MEASURED AND DETERMINED AT THE POINT OF DIVERSION FOR WATER RIGHT NO. 41K 40870-00. THE REMAINING 17% SHALL BE PASSED DOWNSTREAM FOR USE BY FORT SHAW, PROVIDED THAT:
  - (A) WATER RIGHT NO. 41K 40870-00 MAY DIVERT MORE THAN 83% OF SUCH WATER AT THOSE TIMES THAT FORT SHAW DOES NOT HAVE AN ACTUAL NEED FOR THE REMAINING 17% OF SUCH NATURAL FLOW BY AND UNDER WATER RIGHT NO. 41K 40885-00; AND
  - (B) NOTHING HEREIN IS INTENDED TO PREVENT GREENFIELDS FROM DIVERTING WATER IN EXCESS OF 83% AND PROVIDING REPLACEMENT WATER BY EXCHANGE FROM WILLOW CREEK RESERVOIR; AND
  - (C) NOTWITHSTANDING THE PRIORITY DATE OF WATER RIGHT NO. 41K 40885-00, AFTER SEPTEMBER 15 OF EACH YEAR WATER RIGHT NO. 41K 40885-00 SHALL BE EXERCISED AS IF THE WATER RIGHT WAS JUNIOR IN TIME TO 1) THE WILLOW CREEK WATER RIGHTS (WATER RIGHT NOS. 41K 40892-00, 41K 40893-00, 41K 40894-00, 41K 40895-00, 41K 40896-00) AND 2) THE GIBSON RESERVOIR WATER STORAGE RIGHT (WATER RIGHT NO. 41K 40869-00), PROVIDED THAT AFTER SUCH DATE NO DIVERSIONS ARE THEN OCCURRING UNDER WATER RIGHT NO. 41K 40870-00.
- (4) FOR PURPOSES OF INTERPRETING THIS REMARK, THE TERM "NATURAL FLOW" MEANS THE AMOUNT OF WATER FLOWING IN THE SUN RIVER FROM TIME TO TIME, WITHOUT ENHANCEMENTS THERETO BY THE RELEASE OF STORED WATER FROM RESERVOIRS FOR BENEFICIAL USE OR

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**Remarks:**

DIMINISHMENT OR DEPLETION BY STORAGE OF WATER IN RESERVOIRS.

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

THE DIVERSION DAM IN THE NWSNW SEC 36 TWP 22N RGE 09W IS LOCATED IN BOTH LEWIS AND CLARK COUNTY AND TETON COUNTY.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

41K 40869-00, 41K 40870-00, 41K 40873-00, 41K 40885-00, 41K 40892-00, 41K 40893-00, 41K 40894-00

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 26677 RECEIVED 11/30/2005.