

**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:** 40F 40951-00 STATEMENT OF CLAIM  
**Version:** 5 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

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

**Priority Date:** DECEMBER 31, 1905

**Enforceable Priority Date:** DECEMBER 31, 1905

**Type of Historical Right:** FILED

**Purpose (use):** UNKNOWN

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

**Maximum Volume:** 129,062.00 AC-FT

**Source Name:** MILK 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		SENESE	19	33N	14E	HILL

**Period of Diversion:**

**Diversion Means:** DAM

**Reservoir:** ON STREAM **Reservoir Name** FRESNO RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2SE	19	33N	14E	HILL

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 110.00 FEET

**Surface Area:** 5,760.00 ACRES

**Current Capacity:** 129,062.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET 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			N2	1	30N	31E	PHILLIPS
2			S2	1	30N	31E	PHILLIPS
3			N2	2	30N	31E	PHILLIPS
4			S2	2	30N	31E	PHILLIPS
5			N2	4	30N	31E	PHILLIPS
6			S2	4	30N	31E	PHILLIPS
7			N2	5	30N	31E	PHILLIPS
8			N2	1	31N	23E	BLAINE
9			S2	1	31N	23E	BLAINE
10			N2	2	31N	23E	BLAINE
11			S2	2	31N	23E	BLAINE
12			N2	3	31N	23E	BLAINE
13			SE	3	31N	23E	BLAINE
14			N2	4	31N	23E	BLAINE
15			NE	11	31N	23E	BLAINE
16			N2	12	31N	23E	BLAINE
17			S2	12	31N	23E	BLAINE
18			N2	1	31N	24E	BLAINE
19			S2	1	31N	24E	BLAINE
20			N2	2	31N	24E	BLAINE
21			S2	2	31N	24E	BLAINE
22			N2	3	31N	24E	BLAINE
23			S2	3	31N	24E	BLAINE
24			N2	4	31N	24E	BLAINE
25			S2	4	31N	24E	BLAINE

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>
26			N2	5	31N	24E	BLAINE
27			S2	5	31N	24E	BLAINE
28			N2	6	31N	24E	BLAINE
29			S2	6	31N	24E	BLAINE
30			N2	7	31N	24E	BLAINE
31			S2	7	31N	24E	BLAINE
32			N2	8	31N	24E	BLAINE
33			S2	8	31N	24E	BLAINE
34			N2	9	31N	24E	BLAINE
35			S2	9	31N	24E	BLAINE
36			N2	10	31N	24E	BLAINE
37			S2	10	31N	24E	BLAINE
38			N2	11	31N	24E	BLAINE
39			S2	11	31N	24E	BLAINE
40			N2	12	31N	24E	BLAINE
41			S2	12	31N	24E	BLAINE
42			N2	13	31N	24E	BLAINE
43			S2	13	31N	24E	BLAINE
44			S2	13	31N	24E	BLAINE
45			N2	14	31N	24E	BLAINE
46			S2	14	31N	24E	BLAINE
47			N2	15	31N	24E	BLAINE
48			S2	15	31N	24E	BLAINE
49			N2	16	31N	24E	BLAINE
50			S2	16	31N	24E	BLAINE
51			N2	17	31N	24E	BLAINE
52			S2	17	31N	24E	BLAINE
53			S2	17	31N	24E	BLAINE
54			NE	18	31N	24E	BLAINE
55			S2	18	31N	24E	BLAINE
56			E2	23	31N	24E	BLAINE
57			N2	24	31N	24E	BLAINE
58			S2	24	31N	24E	BLAINE
59			NE	25	31N	24E	BLAINE
60			N2	19	31N	25E	BLAINE
61			S2	19	31N	25E	BLAINE
62			N2	20	31N	25E	BLAINE
63			S2	20	31N	25E	BLAINE
64			N2	21	31N	25E	BLAINE
65			S2	21	31N	25E	BLAINE
66			S2	22	31N	25E	BLAINE
67			S2	23	31N	25E	BLAINE
68			N2	24	31N	25E	BLAINE
69			S2	24	31N	25E	BLAINE
70			N2	25	31N	25E	BLAINE
71			S2	25	31N	25E	BLAINE
72			N2	26	31N	25E	BLAINE
73			S2	26	31N	25E	BLAINE
74			N2	27	31N	25E	BLAINE
75			S2	27	31N	25E	BLAINE
76			N2	28	31N	25E	BLAINE
77			S2	28	31N	25E	BLAINE
78			N2	29	31N	25E	BLAINE
79			S2	30	31N	25E	BLAINE
80			NE	34	31N	25E	BLAINE
81			N2	35	31N	25E	BLAINE
82			N2	36	31N	25E	BLAINE
83			SE	21	31N	31E	PHILLIPS
84			S2	22	31N	31E	PHILLIPS
85			N2	26	31N	31E	PHILLIPS
86			S2	26	31N	31E	PHILLIPS
87			N2	27	31N	31E	PHILLIPS
88			S2	27	31N	31E	PHILLIPS
89			N2	28	31N	31E	PHILLIPS
90			S2	28	31N	31E	PHILLIPS
91			N2	32	31N	31E	PHILLIPS
92			S2	32	31N	31E	PHILLIPS
93			N2	33	31N	31E	PHILLIPS

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>
94			S2	33	31N	31E	PHILLIPS
95			N2	34	31N	31E	PHILLIPS
96			S2	34	31N	31E	PHILLIPS
97			N2	35	31N	31E	PHILLIPS
98			S2	35	31N	31E	PHILLIPS
99			E2	1	32N	7E	LIBERTY
100			W2	1	32N	7E	LIBERTY
101			E2	3	32N	8E	HILL
102			W2	3	32N	8E	HILL
103			E2	4	32N	8E	HILL
104			E2	3	32N	9E	HILL
105			W2	3	32N	9E	HILL
106			E2	3	32N	10E	HILL
107			W2	3	32N	10E	HILL
108			N2	4	32N	16E	HILL
109			S2	4	32N	16E	HILL
110			SWSNW	5	32N	16E	HILL
111			S2	5	32N	16E	HILL
112			S2	7	32N	16E	HILL
113			N2	8	32N	16E	HILL
114			S2	8	32N	16E	HILL
115			N2	9	32N	16E	HILL
116			S2	9	32N	16E	HILL
117			N2	17	32N	16E	HILL
118			W2	17	32N	23E	BLAINE
119			E2	18	32N	23E	BLAINE
120			W2	18	32N	23E	BLAINE
121			SW	26	32N	23E	BLAINE
122			S2	27	32N	23E	BLAINE
123			E2	32	32N	23E	BLAINE
124			E2	33	32N	23E	BLAINE
125			W2	33	32N	23E	BLAINE
126			N2	34	32N	23E	BLAINE
127			S2	34	32N	23E	BLAINE
128			N2	35	32N	23E	BLAINE
129			S2	35	32N	23E	BLAINE
130			W2	36	32N	23E	BLAINE
131			N2	31	32N	24E	BLAINE
132			S2	31	32N	24E	BLAINE
133			N2	32	32N	24E	BLAINE
134			S2	32	32N	24E	BLAINE
135			S2	35	32N	24E	BLAINE
136			E2	33	33N	11E	HILL
137			W2	33	33N	11E	HILL
138			E2	31	33N	13E	HILL
139			W2	31	33N	13E	HILL
140			NWSWSE	18	33N	14E	HILL
141			NESESW	18	33N	14E	HILL
142			SWNWNE	19	33N	14E	HILL
143			NWNENW	19	33N	14E	HILL
144			SEENW	19	33N	14E	HILL
145			SEENW	19	33N	14E	HILL
146			SWNENW	19	33N	14E	HILL
147			SWNENW	19	33N	14E	HILL
148			NENWNW	19	33N	14E	HILL
149			NESESW	19	33N	14E	HILL
150			E2	27	33N	19E	BLAINE
151			W2	27	33N	19E	BLAINE
152			SWSNW	23	34N	13E	HILL

Remarks:

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 040943-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE UPPER MILK RIVER DRAINAGE (BASIN 40F) AND USES IT IN THE UPPER MILK RIVER DRAINAGE (BASIN 40F), MIDDLE MILK RIVER DRAINAGE (BASIN 40J), SAGE CREEK (BASIN 40G), MARIAS RIVER DRAINAGE (BASIN 41P) AND THE BEAVER CREEK

**Remarks:**

DRAINAGE (BASIN 40M). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIOD FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THIS INTERBASIN TRANSFER CLAIM RECEIVED OBJECTIONS IN BASINS 40J AND 40M. NO ACTION WILL BE TAKEN ON THIS CLAIM UNTIL IT HAS BEEN DECREED IN ALL BASINS YET TO BE DECREED AND IDENTIFIED BY THE INTERBASIN TRANSFER REMARK.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 40G BASIN PRELIMINARY DECREE ISSUED 12/20/1983.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THE PLACE OF USE HAS NOT BEEN EXAMINED. PLACE OF USE IN LIBERTY COUNTY IS QUESTIONABLE.

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE ARE QUESTIONABLE. THE SURFACE WATER NOTICE OF APPROPRIATION DOES NOT APPEAR TO HAVE BEEN FILED AT THE COUNTY COURTHOUSE. IN ADDITION, COMMENCEMENT OF CONSTRUCTION ON THE FRESNO DAM STARTED IN 1937.

THE PURPOSE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PURPOSES HAVE BEEN CLAIMED. THE CLAIMED PURPOSES INCLUDE MUNICIPAL, STOCKWATER, COMMERCIAL, FISH & WILDLIFE AND OTHER BENEFICIAL PURPOSES . MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

DISCREPANCIES EXIST BETWEEN THE DECREED RESERVOIR INFORMATION INCLUDING CAPACITY AND WORKSHEET INFORMATION RECEIVED 10/23/2008

THE CLAIMED VOLUME MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE. BUREAU OF RECLAMATION DATA INDICATES ACTIVE STORAGE IS 127,200 ACRE-FEET.