

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: 76L 6617-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: JOAN SHERMAN
43090 LEIGHTON RD
RONAN, MT 59864

RUSSELL L SHERMAN
43090 LIEGHTON RD
RONAN, MT 59864

Priority Date: OCTOBER 7, 1975 at 01:18 P.M.
Enforceable Priority Date: OCTOBER 7, 1975 at 01:18 P.M.

Purpose (use): COMMERCIAL
Maximum Flow Rate: 5.00 CFS
VERIFICATION COULD NOT SUBSTANTIATE THE PERMITTED FLOW RATE.
FLOW RATE LEFT AS PERMITTED.

Maximum Volume: 11.72 AC-FT
Source Name: SPRING CREEK
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		NENWSE	2	20N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DITCH

2		SWNESE	2	20N	20W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DITCH

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWSE	2	20N	20W	LAKE

Depth: 3.00 FEET
Surface Area: 0.32 ACRES
Current Capacity: 0.48 ACRE-FEET

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SEWSE	2	20N	20W	LAKE

Depth: 3.00 FEET
Surface Area: 0.16 ACRES
Current Capacity: 0.24 ACRE-FEET

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESE	2	20N	20W	LAKE

Depth: 3.00 FEET
Surface Area: 0.07 ACRES
Current Capacity: 0.11 ACRE-FEET

THERE ARE 5 FISH RACEWAYS IN THE NENWSE SEC. 2, T20N, R20W.
THERE IS 1 FISH RACEWAY IN THE SWNESE SEC. 2, T20N, R20W.
THERE ARE 2 FISH RACEWAYS IN THE SENWSE SEC. 2, T20N, R20W.

Purpose (Use): COMMERCIAL
Purpose Clarification: FISHERY

Volume: 11.72 AC-FT
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			NENWSE	2	20N	20W	LAKE
2			SENWSE	2	20N	20W	LAKE
3			SWNESE	2	20N	20W	LAKE

Geocodes/Valid: 15-2987-02-1-03-01-0000 - Y

15-2987-02-4-02-01-0000 - Y

Remarks:

CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OF VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. CV-92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

REISSUED RIGHT

THIS PERMIT WAS REISSUED 08/24/82 IN LIEU OF THE RIGHT ISSUED 05/28/76. THE POINTS OF DIVERSION WERE CORRECTED.