

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: 411 121042-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MONTANA ENVIRONMENTAL CUSTODIAL TRUST
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE
PO BOX 1390
HELENA, MT 59624-1390

Priority Date: SEPTEMBER 30, 1862

Enforceable Priority Date: SEPTEMBER 30, 1862

Type of Historical Right: DECREED

Purpose (use): INDUSTRIAL
SMELTING AND REFINING PLANT

Maximum Flow Rate: 224.40 GPM

Maximum Volume: 362.00 AC-FT

Source Name: PRICKLY PEAR 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		NESESE	36	10N	3W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWSE	36	10N	3W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Surface Area: 17.00 ACRES

Current Capacity: 49.00 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>
	SWSENE	36	10N	3W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Surface Area: 9.00 ACRES

Current Capacity: 25.00 ACRE-FEET

RESERVOIR NAME FOR RESERVOIR NO. 1 IS UPPER LAKE.

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY THE DNRC.

RESERVOIR NAME FOR RESERVOIR NO. 2 IS LOWER LAKE.

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			NE	36	10N	3W	LEWIS AND CLARK

Geocodes/Valid: 05-1888-36-1-01-40-0000 - Y

Remarks:

THIS RIGHT ORIGINATES FROM THE GOURLIE APPROPRIATION. CASE NO. 668 DECREED THIS RIGHT TO HARRY BURGESS SUCCESSOR TO REYNOLDS PROSSER.

SUPPLEMENTAL DOCUMENTATION, QUESTIONNAIRES, MAPS, AND ALL CORRESPONDENCE CAN BE OBTAINED BY REVIEWING CLAIM NO. W121037-00.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

Remarks:

ADDRESS ALL QUESTIONS AND INQUIRIES TO HOLLAND AND HART, ATTORNEYS, SUITE 1400, 175 N 27TH ST, BILLINGS MT 59101.

THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 2,573.50 ACRE- FEET.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. W121041-00, W121042-00, W121043-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 84122 RECEIVED 12/10/2009.

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WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.
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