STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Version: 2 - CHANGE AUTHORIZATION Version: Version:	Water Right Number:	76F 110686-00 STATEMENT OF CLAIM									
THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE SS. CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT. Owners: DUANE C HOXWORTH 3865 COOPER LAKE RD OVANDO, MT 598954-9641	······										
RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE AND WILL THEREATER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 6S, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT. DUANE O HOXWORTH 3865 COOPER LAKE RD OVANDO, MT 59854-9641 OVANDO, MT 59854-9641 OVANDO, MT 59854-9641 Tripation Type: JULY 1, 1960 Eaforceable Priority Jate: JULY 1, 1960 Furpose Clarification: INSTREAM FLOWS Irrigation Type: SPRINKLER Maximum Areas: 5.00 Source Name: 55.00 Source Name: 55.00 Source Name: 55.00 Source Name: 55.00 Source Name: SURFACE WATER ALSO KNOWN AS DRY CREEK Foriol of Diversion: MATAIN ON AGUEST 31 Diversion Means: OF DiverSion: D GoY LO QUEST 31 Diversion Means: INSTREAM 4 NWNVSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNVSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNVSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNVSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 32 33 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 32 33 15N 11W POWELL Period Of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 33 15N 11W POWELL PERIOD DIVERSION: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 33 15N 11W POWELL PERIOD DIVERSION: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 33 15N 11W POWELL PERIOD DIVERSION: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 NOVER 33 15N 11W POWELL 5 NOVER 33 15N 11W POWELL 5 NOVER 33 15N 11W POWELL 5 NOVER 34 15N 11		Version Status: ACTIVE									
OVANDO, MT 59864-9644 Priority Date: JULY 1, 1960 Enforceable Priority Tate: JULY 1, 1960 Parpose (use): FIRIGATION FISHERY FISHERY Parpose Clarification:: INTREAM FLOWS Irrigation Type: SPRINKLER Maximum Flow Rate: 225.00 AC-T 625.00 AC-T Stream Maximum Acress: 55.00 Source Name: ROCK CREEK Source Name: ROCK CREEK Source Name: SURFACE WATER Action Konson BT/VERSION SWNENE Poriod of Diversion: SWNENE 1 Source Name: 2 SENWNE 2 SENWNE 3 N2 3 N2 4 NMNWS 3 N2 4 NMNWS 3 N2 4 NMNWS 3 N2 4 NMNWS 5 S2 4 NMNWS 5 S2 5 S2	Owners:	THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT. DUANE C HOXWORTH 3865 COOPER LAKE RD OVANDO, MT 59854-9641									
Enforceable Priority Date: JULY 1, 1960 Purpose (use): IRRIGATION FISHERY Purpose Clarification: INSTREAM FLOWS Trrigation Type: SPRINKLER Maximum Pow Rate: 2.50 CFS Maximum Pow Rate: 2.50 CFT Climatic Area: 5 - LOW Maximum Aress: 55.00 Source Name: ROCK CREEK Source Type: SURFACE WATER ALSO KNOWN AS DRY CREEK Point of Diversion and Means of Diversion: <u>D</u> <u>Govt Lot Qur See</u> <u>See</u> <u>Twp</u> <u>Ree</u> <u>County</u> 1 SWNENE 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNWSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNWSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 4 NWNWSW 35 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL Period of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 5 S2 34 15N 11W POWELL 9 Ford of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 6 N222 33 15N 11W POWELL 9 Ford of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 6 N222 33 15N 11W POWELL 9 Ford of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 6 N222 33 15N 11W POWELL 9 Ford of Diversion: MAY 1 TO AUGUST 31 Diversion Means: INSTREAM 6 N220 33 15N 11W POWELL 9 FOR OF DIVERSION: MAY 1 TO AUGUST 31 1 Diversion Means: INSTREAM 1 DIVERSION MEA											
Purpose (use):IRRIGATION FISHERYPurpose Clarification:INSTREAM FLOWSIrrigation Type:SPRINKLERMaximum Flow Rate:2.50 CFSMaximum Volume:525,00 AC-FTClimatic Area:5 - LOWMaximum Acres:55.00Source Name:ROCK CREEKSource Type:SUFFACE WATERALSO KNOWN AS DRY CREEKPoint of Diversion and Means of Diversion:Maximum Acres:Govt LotQuer Source Name:Govt LotQuer Source Name:Rock CREEKSource Type:SURFACE WATERALSO KNOWN AS DRY CREEKPoint of Diversion:MAY 1 TO AUGUST 31 Diversion Means:Period of Diversion:MAY 1 TO AUGUST 31 Diversion Means:Pump Size:20.00 HPAlsoNNNWSW3515N1Priod of Diversion:MAY 1 TO AUGUST 31 Diversion Means:PUMPPump Size:20.00 HPAlsoNNNWSW3515N4NNNWSW3511WPowelLPowelLPeriod of Diversion:MAY 1 TO AUGUST 31 Diversion Means:INSTREAM5S23415N11W6N2S3515N11W6N2S23315N11WPowelLPeriod of Diversion:MAY 1 TO AUGUST 31 Diversion Means:1NNNEXEM3515N11W6N2S23315N11W6N2S23315N11W7	Priority Date:	riority Date: JULY 1, 1960									
FISHERYPurpose Clarification: INSTREAM FLOWSIrrigation Type:SPRINKLERMaximum Flow Rat:2.50 CFSMaximum Volume:525.00 AC-FTClimatic Area:5 - LOWMaximum Acres:55.00Source Name:ROCK CREEKSource Type:SURFACE WATERALSO KNOWN AS DRY CREEKPoint of Diversion and Means of Diversion:Maximum Source Type:SURFACE WATERLaso KNOWN AS DRY CREEKPoint of Diversion:Qer SeeSource Type:SURFACE WATERLaso KNOWN AS DRY CREEKPoint of Diversion:MAY 1 TO AUGUST 31Diversion Means:HEADGATE2SENWNE2SENWNE3N23N23N24NWNWSW4NWNWSW5S2Sate May 1 TO AUGUST 31Diversion Means:Pump Size:20.00 HP33M24MNNWSW3555324MNNWSW3554NUNNSW3554M24M34M4M4M54M54M64M7445555 <t< th=""><th colspan="11">Enforceable Priority Date: JULY 1, 1960</th></t<>	Enforceable Priority Date: JULY 1, 1960										
Irrigation Type:SPRINKLERMaximum Flow Rate:250 CFSMaximum Volume:525.00 AC-FTClimatic Area:5 - LOWMaximum Acres:55.00Source Name:ROCK CREEKSource Type:SURFACE WATERALSO KNOWN AS DRY CREEKPoint of Diversion and Meams of Diversion:IDGovt LotQur SeeSeeTwpRegion of Diversion:IDGovt LotOptimition of Diversion:MAY 1 TO AUGUST 31Diversion Means:HEADGATE2SENWNE353N2353N2354NWNWSW4NWNWSW4NWNWSW5S25S26N2S26N2S26N2S26N2S244May 1 TO AUGUST 31Diversion Means:INSTREAM45556N2S26N2S26N2S26N2S276N2S276N2S27777777777777777 <t< th=""><th>Purpose (use):</th><th></th><th></th></t<>	Purpose (use):										
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	Period of Use:	MAY 1 to AUGUST 31									

Purpose (Use):		IRRIGATION							
Period of Use:		MAY 1 to AUGUST 31							
Place of Use:									
<u>ID</u> 1 2 3 Total:	Acres 25.00 26.00 4.00 55.00	<u>Govt Lot</u>	<u>Qtr Sec</u> N2SW S2NW SWNE	<u>Sec</u> 35 35 35	<u>Тwp</u> 15N 15N 15N	<u>Rge</u> 11W 11W 11W	<u>County</u> POWELL POWELL POWELL		
Purpose (Use):		FISHERY							
Period of Use:		MAY 1 to AUGUST 31							
Place of Use:									
10 1 2 3 4	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u> N2 NWNWSW S2 N2S2	<u>Sec</u> 35 35 34 33	<u>Тwp</u> 15N 15N 15N 15N	<u>Rge</u> 11W 11W 11W 11W	<u>County</u> POWELL POWELL POWELL POWELL		
Geocodes/Valid:		28-2438-35-1-01-01-0000 - Y			28-2438-35-3-01-01-0000 - Y				

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/18/2005: PRIORITY DATE, PLACE OF USE, MAXIMUM ACRES.

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 THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR 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 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.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/07/1986.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/25/1991.