March 22, 2017
76G 12880-00
Page 1 of 3
General Abstract

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: 76G 12880-00 STATEMENT OF CLAIM

Version: 4 -- CHANGE AUTHORIZATION

Version Status: ACTIVE

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.

Owners: MONTANA, STATE OF DEPT OF ENVIRONMENTAL QUALITY

ATTN: CHIEF LEGAL COUNSEL

PO BOX 200901

HELENA, MT 59620-0901

Priority Date: DECEMBER 31, 1891

Enforceable Priority Date: DECEMBER 31, 1891

THE PRIORITY DATE DESIGNATED IS THE DATE THE JUDGEMENT WAS ENTERED IN CASE NO. 143, DEER LODGE COUNTY. CASE NO. 143, DEER LODGE COUNTY, DECREES

RIGHT OF 7TH USE.

Purpose (use): WILDLIFE/WATERFOWL

FISHERY

Purpose Clarification: WETLANDS

Purpose Clarification: INSTREAM FLOWS

Irrigation Type: SPRINKLER

Maximum Flow Rate: 1.80 CFS

Maximum Volume: 133.20 AC-FT

Source Name: SILVER BOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

W2SWSE 13 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

NESESW 13 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

3 S2NENE 23 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

4 S2NE 23 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

5 N2SWNE 23 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

6 SWSENW 23 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

7 NWNWNW 24 3N 9W SILVER BOW

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

ID **Govt Lot** Qtr Sec Sec Rge County Twp 8 W2NW 3N 10W SILVER BOW Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** W2 10W DEER LODGE Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** SESESE 10W DEER LODGE 2 4N Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** 11 F2 **4**N 10W DEER LODGE 11 Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** 12 E2W2E2 14 4N 10W DEER LODGE Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** 13 E2E2 23 4N 10W DEER LODGE Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** E2 26 10W DEER LODGE Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** E2NENE 10W DEER LODGE 35 4N Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM W2W2W2** 36 4N 10W DEER LODGE Period of Diversion: APRIL 15 TO OCTOBER 15 **Diversion Means: INSTREAM** THE POINTS OF DIVERSION WILL BE TRANSITORY ALONG SILVER BOW CREEK FROM POND A TO POND H. OFF STREAM Reservoir: Reservoir Name WETLAND A Govt Lot Qtr Sec <u>Sec</u> <u>Twp</u> Rge County W2SWSE 13 3N 9W SILVER BOW **0.43 ACRES Surface Area:** Reservoir Name WETLAND B OFF STREAM Reservoir: Qtr Sec **Twp** Govt Lot <u>Sec</u> <u>Rge</u> **County** NESESW 3N 9W SILVER BOW **Surface Area: 0.33 ACRES** Reservoir: **OFF STREAM** Reservoir Name WETLAND D Govt Lot **Qtr Sec Twp** County <u>Sec</u> Rge **SENENE** 23 3N 9W SILVER BOW **Surface Area:** 0.95 ACRES Reservoir: OFF STREAM Reservoir Name WETLAND E Govt Lot Qtr Sec <u>Sec</u> **Twp** Rge **County** S2NENE SILVER BOW 23 3N 9W **Surface Area:** 0.66 ACRES Reservoir Name WETLAND F **Reservoir:** OFF STREAM Govt Lot Qtr Sec <u>Twp</u> Rge **County** <u>Sec</u> S2NE 23 3N 9W SILVER BOW **1.39 ACRES Surface Area: OFF STREAM** Reservoir Name WETLAND G Reservoir: <u>Twp</u> Qtr Sec Govt Lot <u>Sec</u> <u>Rge</u> **County NWSWNE** 23 3N 9W SILVER BOW 0.62 ACRES **Surface Area: OFF STREAM** Reservoir Name WETLAND H Reservoir:

Qtr Sec

SWSENW

Govt Lot

1.49 ACRES

Surface Area:

<u>Sec</u>

23

Twp

3N

County

SILVER BOW

Rge

9W

March 22, 2017 76G 12880-00

Reservoir: OFF STREAM Reservoir Name WETLAND C

Govt Lot Qtr Sec Sec Twp Rge County

NWNWNW 24 3N 9W SILVER BOW

Surface Area: 1.16 ACRES

Period of Use: JANUARY 1 to DECEMBER 31

APRIL 15 to OCTOBER 15

Purpose (Use): WILDLIFE/WATERFOWL

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	Acres	Govt Lot	Qtr Sec	<u>Sec</u>	Twp	Rge	County
1			W2SWSE	13	3N	9W	SILVER BOW
2			NESESW	13	3N	9W	SILVER BOW
3			SENENE	23	3N	9W	SILVER BOW
4			S2NENE	23	3N	9W	SILVER BOW
5			S2NE	23	3N	9W	SILVER BOW
6			NWSWNE	23	3N	9W	SILVER BOW
7			SWSENW	23	3N	9W	SILVER BOW
8			NWNWNW	24	3N	9W	SILVER BOW

Purpose (Use): FISHERY

Period of Use: APRIL 15 to OCTOBER 15

Place of Use:

<u>ID</u>	Acres	Govt Lot	Qtr Sec	<u>Sec</u>	Twp	Rge	County
1			W2NW	1	3N	10W	SILVER BOW
2			W2	1	4N	10W	DEER LODGE
3			SESESE	2	4N	10W	DEER LODGE
4			E2	11	4N	10W	DEER LODGE
5			E2W2E2	14	4N	10W	DEER LODGE
6			E2E2	23	4N	10W	DEER LODGE
7			E2	26	4N	10W	DEER LODGE
8			E2NENE	35	4N	10W	DEER LODGE
9			W2W2W2	36	4N	10W	DEER LODGE

Remarks:

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.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/16/2003. ARCO TO DEQ - 100% - WATER RIGHTS SEVERED FROM ORIGINAL POU.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/30/1989.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/02/1987.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/11/1997.

THE RIGHT ISSUED ON 05/17/2005 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE WATER RIGHTS WERE SEVERED FROM THE ORIGINAL PLACE OF USE AND SOME OF THE RIGHTS WERE INADVERTENTLY ISSUED WITHOUT REMOVING THE IRRIGATION PURPOSE.

THIS TEMPORARY RIGHT EXPIRES ON 12/31/2015

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 7361 RECEIVED 02/16/2003.