

**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:** 41P 40771-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

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

**Priority Date:** AUGUST 29, 1952

**Enforceable Priority Date:** AUGUST 29, 1952

**Type of Historical Right:** FILED

**Purpose (use):** FLOOD CONTROL

**Maximum Flow Rate:** 153,000.00 CFS

**Maximum Volume:** 709,139.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

**Source Name:** MARIAS RIVER

**Source Type:** SURFACE WATER

ALSO KNOWN AS TIBER RESERVOIR

**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	3	SESWSW	28	30N	5E	LIBERTY

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

2	3	NW	33	30N	5E	LIBERTY
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ON STREAM **Reservoir Name** LAKE ELWELL

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3	NESWSW	28	30N	5E	LIBERTY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 206.00 FEET

**Depth:** 197.00 FEET

**Surface Area:** 23,805.00 ACRES

**Current Capacity:** 967,320.00 ACRE-FEET

SEE THE NATIONAL INVENTORY OF DAMS REPORT 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			SWSW	2	29N	5E	LIBERTY
2			W2NW	3	29N	5E	LIBERTY
3			S2	3	29N	5E	LIBERTY
4			E2	4	29N	5E	LIBERTY
5			N2	10	29N	5E	LIBERTY
6				11	29N	5E	LIBERTY
7			S2	13	29N	5E	LIBERTY
8			E2	14	29N	5E	LIBERTY
9			NE	24	29N	5E	LIBERTY
10			W2	5	30N	1E	TOOLE
11			E2	6	30N	1E	TOOLE
12			NW	6	30N	1E	TOOLE
13			E2	7	30N	1E	TOOLE
14			SE	8	30N	1E	TOOLE
15			W2	8	30N	1E	TOOLE
16			S2	9	30N	1E	TOOLE
17			S2	10	30N	1E	TOOLE
18			SWSW	11	30N	1E	TOOLE

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>
19				13	30N	1E	TOOLE
20			N2	14	30N	1E	TOOLE
21			N2N2	15	30N	1E	TOOLE
22			N2N2	17	30N	1E	TOOLE
23			E2	24	30N	1E	TOOLE
24			S2SE	13	30N	2E	TOOLE
25			SWSW	18	30N	2E	TOOLE
26			W2NW	19	30N	2E	TOOLE
27			S2	19	30N	2E	TOOLE
28				20	30N	2E	TOOLE
29				21	30N	2E	TOOLE
30				22	30N	2E	TOOLE
31				23	30N	2E	TOOLE
32				24	30N	2E	TOOLE
33			N2N2	26	30N	2E	TOOLE
34				13	30N	3E	TOOLE
35				14	30N	3E	TOOLE
36				15	30N	3E	TOOLE
37			S2	16	30N	3E	TOOLE
38			S2	17	30N	3E	TOOLE
39			S2	18	30N	3E	TOOLE
40				19	30N	3E	TOOLE
41				20	30N	3E	TOOLE
42				21	30N	3E	TOOLE
43				22	30N	3E	TOOLE
44				23	30N	3E	TOOLE
45				24	30N	3E	TOOLE
46				2	30N	4E	LIBERTY
47				3	30N	4E	LIBERTY
48				4	30N	4E	LIBERTY
49				5	30N	4E	LIBERTY
50			E2	6	30N	4E	LIBERTY
51			N2	8	30N	4E	LIBERTY
52			N2	9	30N	4E	LIBERTY
53				10	30N	4E	LIBERTY
54				11	30N	4E	LIBERTY
55				12	30N	4E	LIBERTY
56				13	30N	4E	LIBERTY
57				14	30N	4E	LIBERTY
58				15	30N	4E	LIBERTY
59			S2	16	30N	4E	LIBERTY
60			S2	17	30N	4E	LIBERTY
61				19	30N	4E	LIBERTY
62				20	30N	4E	LIBERTY
63				21	30N	4E	LIBERTY
64				22	30N	4E	LIBERTY
65				23	30N	4E	LIBERTY
66				24	30N	4E	LIBERTY
67				25	30N	4E	LIBERTY
68			E2	26	30N	4E	LIBERTY
69			NE	35	30N	4E	LIBERTY
70				36	30N	4E	LIBERTY
71				18	30N	5E	LIBERTY
72				19	30N	5E	LIBERTY
73				20	30N	5E	LIBERTY
74				28	30N	5E	LIBERTY
75				29	30N	5E	LIBERTY
76				30	30N	5E	LIBERTY
77				31	30N	5E	LIBERTY
78				32	30N	5E	LIBERTY
79				33	30N	5E	LIBERTY
80			SWSW	28	31N	4E	LIBERTY
81			S2	29	31N	4E	LIBERTY
82				30	31N	4E	LIBERTY
83			NE	31	31N	4E	LIBERTY
84				32	31N	4E	LIBERTY
85			S2	33	31N	4E	LIBERTY
86			SW	34	31N	4E	LIBERTY

**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>
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THE PLACE OF USE IS THE SURFACE AREA OF LAKE ELWELL AT THE TOP OF THE FLOOD CONTROL POOL AND BELOW THE DAM.

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40750-00	40751-00	40752-00	40753-00	40755-00	40757-00	40765-00
40766-00	40767-00	40768-00	40769-00	40770-00	40771-00	40772-00
40774-00						

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 40750-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MARIAS RIVER DRAINAGE (BASIN 41P ) AND USES IT IN THE MARIAS RIVER DRAINAGE (BASIN 41P ) AND THE WILLOW CREEK DRAINAGE (BASIN 41N ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41P 40750-00, 41P 40751-00, 41P 40752-00, 41P 40753-00, 41P 40755-00, 41P 40757-00, 41P 40758-00, 41P 40759-00, 41P 40760-00, 41P 40761-00, 41P 40762-00, 41P 40763-00, 41P 40764-00, 41P 40768-00, 41P 40769-00, 41P 40770-00, 41P 40771-00, 41P 40772-00, 41P 40774-00.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41N BASIN PRELIMINARY DECREE ISSUED 07/06/1984.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED EXHIBIT F IS 03/06/1956.

THIS CLAIMED PURPOSE IS QUESTIONED AS A BENEFICIAL USE OF WATER EXISTING PRIOR TO JULY 1, 1973.

THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.