

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: 41I 90165-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: HELLER LAND & CATTLE CO LLC
600 HARRISON AVE
HELENA, MT 59601-2613

Priority Date: SEPTEMBER 1, 1886

Enforceable Priority Date: SEPTEMBER 1, 1886

Type of Historical Right: DECREED

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

Maximum Volume: 3.45 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF TENMILE CREEK

Source Type: GROUNDWATER

ALSO KNOWN AS BED ROCK WATER COMPANY SPRING.

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		SWSWSW	31	10N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSWSW	31	10N	4W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 7.00 FEET

Surface Area: 0.60 ACRES

Current Capacity: 2.10 ACRE-FEET

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			SWSWSW	31	10N	4W	LEWIS AND CLARK

Geocodes/Valid: -- NO VALID GEOCODES --

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.

90165-00 90166-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/29/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/15/91.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/29/00.

THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."

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THE USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.