

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: 41Q 94360-00 STATEMENT OF CLAIM
Version: 2 -- 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: NORTHWESTERN ENERGY
% NORTHWESTERN CORP
40 E BROADWAY ST
BUTTE, MT 59701

Priority Date: JULY 1, 1917
Enforceable Priority Date: JULY 1, 1917

Purpose (use): POWER GENERATION
Purpose Clarification: HYDROELECTRIC

THIS RIGHT IS FOR DIRECT DIVERSION THRU CONDUITS TO THE POWER PLANT FROM RAINBOW DAM. (NO STORAGE)

Maximum Flow Rate: 1,640.00 CFS

Maximum Volume: 1,187,306.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: MISSOURI RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	34	21N	4E	CASCADE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

RAINBOW DAM IS LOCATED IN GOV. LOTS 7 & 9.

Period of Use: JANUARY 1 to DECEMBER 31

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>
1			S2SWSW	26	21N	4E	CASCADE

Geocodes/Valid: 02-3139-26-1-01-01-0000 - Y

Remarks:

THE RAINBOW DAM DEVELOPMENT WATER RIGHTS WERE INCLUDED IN THE REPORT OF THE SPECIAL MASTER SUBMITTED IN THE MONTANA POWER CO. VS BROADWATER-MISSOURI WATER USERS ASSOC. CASE FILED WITH THE UNITED STATES DISTRICT COURT OF MONTANA, HELENA. THE SPECIAL MASTER'S REPORT WAS ADOPTED IN THE DISTRICT COURT DECISION REPORTED AS MONTANA POWER CO. VS BROADWATER-MISSOURI WATER USERS ASSOC., 50 F. SUPP. 4 (1942). EVEN THOUGH THE DISTRICT COURT DECISION WAS REVERSED ON JURISDICTIONAL GROUNDS IN BROADWATER-MISSOURI WATER USERS ASSOC. VS MONTANA POWER CO., 139 F.2D 998 (1944), THE SPECIAL MASTER'S REPORT MAY BE A FACTUAL DESCRIPTION OF THE WATER RIGHTS AT RAINBOW DAM. THE SPECIAL MASTER FOUND THE MONTANA POWER COMPANY HAD: "1ST. A WATER RIGHT OF THE AMOUNT NECESSARY TO OPERATE THE POWER PLANT UP TO THE MAXIMUM OF 3500 SECOND FEET AS OF SEPTEMBER 16, 1908, WHICH IS THE DATE OF THE NOTICE OF APPROPRIATION. 2ND. A WATER RIGHT OF THE AMOUNT NECESSARY TO OPERATE THE POWER PLANT UP TO THE MAXIMUM OF 1640 SECOND FEET AS OF JULY 1, 1917, WHICH IS THE DATE THAT THE TWO ADDITIONAL 5000 KILOWATT UNITS WERE PUT INTO OPERATION. 3RD. A WATER RIGHT AS OF SEPTEMBER 16, 1908, IN THE AMOUNT OF 532 CUBIC FEET PER SECOND BUT NOT IN EXCESS IN VOLUME OF THE NUMBER OF SECOND FOOT DAYS NECESSARY TO FILL THE RAINBOW RESERVOIR AT ANY GIVEN TIME. "

Remarks:

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. 94358-00, 94360-00, 94361-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 127354 RECEIVED 11/18/2014.