

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: 76M 142211-00 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:

HELEN M BROCKWAY
100 MULLAN RD E
SUPERIOR, MT 59872

WARRELL C BROCKWAY
100 MULLAN RD E
SUPERIOR, MT 59872

ROGER M BROCKWAY
187 JOHNSON CR RD
SUPERIOR, MT 59872

BALL, JAMES L REVOCABLE TRUST
803 CEDAR CREEK RD
SUPERIOR, MT 59872-9771

BALL, ROBERTA SCIPIONI REVOCABLE TRUST
803 CEDAR CREEK RD
SUPERIOR, MT 59872-9771

ALAN S BROCKWAY
PO BOX 1188
SUPERIOR, MT 59872

JANE M BROCKWAY
PO BOX 1188
SUPERIOR, MT 59872

JANET M ALLAN
3211 SPRUCE ST
BILLINGS, MT 59101

JOYCE D AMBROSE
638 W CRESTLINE
MISSOULA, MT 59803

Priority Date: JUNE 15, 1885

Enforceable Priority Date: JUNE 15, 1885

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.60 CFS

Maximum Volume: 646.72 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 68.80

Source Name: CLARK FORK RIVER

Source Type: SURFACE WATER

Source Name: JOHNSON CREEK

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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	SE	SW	36	17N 26W	MINERAL

Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: JOHNSON CREEK

Diversion Means: HEADGATE

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		SESWNW	35	17N	26W	MINERAL

Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: CLARK FORK RIVER

Diversion Means: DITCH

3		SESWNW	35	17N	26W	MINERAL
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Period of Diversion: APRIL 1 TO OCTOBER 31

Source Name: CLARK FORK RIVER

Diversion Means: UNKNOWN

Period of Use: APRIL 1 to OCTOBER 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	4.00	1	NENENE	3	16N	26W	MINERAL
2	13.70	8	SESE	35	17N	26W	MINERAL
3	7.00		N2SE	35	17N	26W	MINERAL
4	10.00		SWNE	35	17N	26W	MINERAL
5	34.10		NW	35	17N	26W	MINERAL
Total:	68.80						

Geocodes/Valid:	54-2524-03-1-01-01-0000 - Y	54-2631-35-1-01-10-0000 - Y
	54-2631-35-2-01-01-0000 - Y	54-2631-35-2-01-02-0000 - Y
	54-2631-35-2-02-01-0000 - Y	

Remarks:

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY, THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES, COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.

THAT PORTION TO BE DIVERTED AT THE NEW POINT OF DIVERSION SHALL NOT EXCEED 250 GALLONS PER MINUTE UP TO 185 ACRE-FEET PER ANNUM.

THE APPROPRIATOR SHALL INSTALL AN ADEQUATE HEADGATE OR DIVERSION STRUCTURE AT THE POINT THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY.

THE APPROPRIATOR SHALL INSTALL AN ADEQUATE WATER FLOW MEASURING DEVICE, AT A SUITABLE LOCATION AS NEAR AS PRACTICABLE TO THE POINT WHERE THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY, IN ORDER TO RECORD THE FLOW RATE AND VOLUME OF WATER DIVERTED. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS DIVERTED INCLUDING THE PERIOD OF TIME AND SHALL SUBMIT SAID RECORDS TO THE DEPARTMENT UPON REQUEST.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 4075 RECEIVED 08/07/2002.
 OWNERSHIP UPDATE TYPE 608 # 13971 RECEIVED 04/16/2004.
 OWNERSHIP UPDATE TYPE 608 # 20472 RECEIVED 04/08/2005.
 OWNERSHIP UPDATE TYPE 641 # 68764 RECEIVED 01/05/2009.
 OWNERSHIP UPDATE TYPE 608 # 64678 RECEIVED 01/05/2009.
 OWNERSHIP UPDATE TYPE DOR # 95580 RECEIVED 12/12/2011.