

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:** 76H 142486-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)  
DENVER FEDERAL CENTER  
PO BOX 25486, MS #60189  
DENVER, CO 80225-0486

**Priority Date:** APRIL 5, 1882

**Enforceable Priority Date:** APRIL 5, 1882

TWO DECREED RIGHTS FROM CASE 556, RAVALLI COUNTY, HAVE BEEN COMBINED UNDER THIS CLAIM. SEE CLAIM FILE FOR MORE INFORMATION.

**Type of Historical Right:** DECREED

**Purpose (use):** FISH AND WILDLIFE

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Maximum Volume:** 1,060.00 AC-FT  
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

**Maximum Acres:** 1,837.00

**Source Name:** BURNT FORK CREEK  
**Source Type:** SURFACE WATER

THE SOURCE CONSISTS OF COMMINGLED WATERS OF THE BITTERROOT RIVER, NORTH BURNT FORK CREEK, SWAMP CREEK, SPRING CREEK (ALSO KNOWN AS ROGMAN'S CREEK), THREEMILE CREEK, SUPPLY DITCH WATER, AND DIFFUSE SURFACE WATER. SEE CLAIM FILE FOR MORE INFORMATION.

**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		SWNWSE	15	9N	20W	RAVALLI

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

**Diversion Means:** DITCH

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NE	15	9N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 4.50 FEET  
**Depth:** 4.50 FEET  
**Surface Area:** 7.74 ACRES  
**Current Capacity:** 14.76 ACRE-FEET

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNE	10	9N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 6.30 FEET  
**Depth:** 6.30 FEET  
**Surface Area:** 2.54 ACRES  
**Current Capacity:** 6.40 ACRE-FEET

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2	10	9N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 5.60 FEET  
**Depth:** 5.60 FEET  
**Surface Area:** 15.40 ACRES  
**Current Capacity:** 39.69 ACRE-FEET

**Reservoir:** ON STREAM **Reservoir Name** NORTH OXBOW SLOUGH

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2SW	35	10N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 10.50 FEET  
**Depth:** 10.50 FEET  
**Surface Area:** 18.78 ACRES  
**Current Capacity:** 88.63 ACRE-FEET

**Reservoir:** ON STREAM      **Reservoir Name** FRANCOIS SLOUGH

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2	15	9N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 5.70 FEET  
**Depth:** 5.70 FEET  
**Surface Area:** 4.97 ACRES  
**Current Capacity:** 8.30 ACRE-FEET

SEE THE RESERVOIR WORKSHEET 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				2	9N	20W	RAVALLI
2			SENE	3	9N	20W	RAVALLI
3			SE	3	9N	20W	RAVALLI
4			NE	10	9N	20W	RAVALLI
5			N2NESE	10	9N	20W	RAVALLI
6			E2	15	9N	20W	RAVALLI
7			SE	35	10N	20W	RAVALLI
8			E2SW	35	10N	20W	RAVALLI
9			W2NE	36	10N	20W	RAVALLI
10			W2	36	10N	20W	RAVALLI

**Remarks:**

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PLACE OF USE DESCRIBED IN CASE NO. 556 , RAVALLI COUNTY, IS INCONSISTENT WITH THE CLAIMED PLACE OF USE.

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

CLAIMED VOLUME EXCEEDS CAPACITY OF RESERVOIR PLUS EVAPORATIVE LOSSES. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.