

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 151358-00 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:** POTOMAC CORP  
%JIM HAYDEN  
18489 HIGHWAY 12 W  
LOLO, MT 59847-8404

**Priority Date:** JUNE 1, 1888  
**Enforceable Priority Date:** JUNE 1, 1888

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

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 3.75 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 137.00

**Source Name:** LOLO CREEK, SOUTH FORK

**Source Type:** SURFACE WATER

**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		SENWNW	32	12N	21W	MISSOULA

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Reservoir:** OFF STREAM **Reservoir Name** POND 1

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
SESENE		32	12N	21W	MISSOULA

**Surface Area:** 0.31 ACRES

**Current Capacity:** 1.20 ACRE-FEET

**Reservoir:** OFF STREAM **Reservoir Name** POND 2

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
SESENE		32	12N	21W	MISSOULA

**Surface Area:** 2.10 ACRES

**Current Capacity:** 10.50 ACRE-FEET

**Reservoir:** OFF STREAM **Reservoir Name** POND 5

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NWNESW		33	12N	21W	MISSOULA

**Surface Area:** 0.92 ACRES

**Current Capacity:** 2.90 ACRE-FEET

**Period of Use:** APRIL 1 to OCTOBER 31

**Purpose (Use):** IRRIGATION

**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	5.00		SESENE	32	12N	21W	MISSOULA
2	4.50		NENESE	32	12N	21W	MISSOULA
3	30.00		S2NW	33	12N	21W	MISSOULA
4	4.00		N2NWSW	33	12N	21W	MISSOULA

**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>
5	32.00		NESW	33	12N	21W	MISSOULA
6	1.50		NESESW	33	12N	21W	MISSOULA
7	10.00		S2S2SWNE	33	12N	21W	MISSOULA
8	38.00		NWSE	33	12N	21W	MISSOULA
9	12.00		N2SWSE	33	12N	21W	MISSOULA
<b>Total:</b>	<b>137.00</b>						

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

**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			SESENE	32	12N	21W	MISSOULA
2			SESENW	32	12N	21W	MISSOULA
3			NWNESW	33	12N	21W	MISSOULA

**Geocodes/Valid:** 04-2091-32-1-01-01-0000 - Y

04-2091-33-2-01-06-0000 - Y

**Remarks:**

THIS AUTHORIZATION AND WATER RIGHT PERMIT 76H-P096953-00 PROVIDE WATER FOR POND 1 AND POND 2. THE PERMIT PROVIDES WATER FOR FISH AND WILDLIFE FOR THE WINTER MONTHS.

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.

THIS AUTHORIZATION IS SUBJECT TO THE CONDITION THAT THE OWNERS INSTALL ONE ADEQUATE MEASURING DEVICE AT EACH OF THE HEADGATES ON THE SOUTH FORK OF LOLO CREEK LOCATED IN THE SESWNE AND THE NENESW OF SEC. 31, TWP 12N, RGE 21W, REFERENCED AS POINT "A" AND "D" ON THE ENCLOSED MAPS. A THIRD DEVICE SHALL BE INSTALLED ON THE #5 DITCH AND LOCATED DOWNSTREAM FROM THE OVERFLOW DITCH FROM POND #3 IN THE NWNWNE OF SEC. 32, TWP 12N, RGE 21W, REFERENCED AS POINT "C" ON THE ENCLOSED MAPS. THE MEASURING DEVICE PRESENTLY LOCATED ON THE #4 DITCH LOCATED IN THE SWNENW, SEC. 32, TWP 12N, RGE 21W, REFERENCED AS POINT "B" ON THE ENCLOSED MAPS SHALL BE CHECKED FOR ACCURACY AND ADJUSTED AS NECESSARY.

IF THE GRAVITY FEED PIPELINE WITH ITS DIVERSION LOCATED IN THE SESWNE, SEC. 31 IS IN OPERATION, THEN THE COMBINED FLOW OF THE DITCHES WITH DIVERSIONS DESIGNATED AS POINT A AND D ABOVE SHALL NOT BE CARRYING MORE THAN 2.2 CFS INDIVIDUALLY OR IN COMBINATION.

137 ACRES HAVE BEEN CONVERTED FROM FLOOD TO SPRINKLER IRRIGATION. UP TO 54.7 ACRE-Feet OF THE WATER SALVAGED FROM THAT CONVERSION WILL BE USED FOR THE FISH AND WILDLIFE PONDS. THE PONDS WILL ALSO BE USED FOR STOCK WATER.

THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW AND VOLUME OF ALL WATERS DIVERTED BY THE GRAVITY SPRINKLER SYSTEM AND THE DITCHES WITH MEASURING DEVICES INSTALLED INCLUDING WHICH WATER RIGHTS ARE IN OPERATION, AS DISCUSSED ABOVE. THESE RECORDS SHALL INCLUDE THE PERIOD OF TIME, AND SHALL BE SUBMITTED BY NOVEMBER 30TH OF EACH YEAR AND/OR UPON REQUEST OF THE WATER RESOURCES REGIONAL OFFICE AT PO BOX 5004, MISSOULA, MT 59806.