

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 151360-00 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: 4.68 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: 90.00

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 3

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

Diversion to Reservoir: DIVERSION # 1

Surface Area: 1.00 ACRES

Current Capacity: 3.60 ACRE-FEET

Original Capacity: 5.40 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	84.00		NE	32	12N	21W	MISSOULA
2	5.00		NENW	32	12N	21W	MISSOULA
3	1.00		SWSWSE	29	12N	21W	MISSOULA
Total:	90.00						

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			NENENW	32	12N	21W	MISSOULA

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THIS AUTHORIZATION AND WATER RIGHT PERMIT 76H-P096954-00 PROVIDE WATER FOR THE PONDS. THE PERMIT PROVIDES WATER DURING 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.

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.

90 ACRES HAVE BEEN CONVERTED FROM FLOOD TO SPRINKLER IRRIGATION. UP TO 38.1 ACRE-FEET OF THE WATER SALVAGED FROM THAT CONVERSION WILL BE USED FOR THE FISH AND WILDLIFE PONDS.