

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: 40E 182897-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: FORT PECK, CITY OF
PO BOX 310
FORT PECK, MT 59223

THIS RIGHT WAS ALSO CLAIMED BY THE CLAIMANT OF FILE NO. W165372-00. THE WATER COURT DECREES THIS RIGHT AND MAKES BOTH CLAIMANTS OF THE RIGHT A MATTER OF RECORD.

Priority Date: NOVEMBER 23, 1934

Enforceable Priority Date: NOVEMBER 23, 1934

Type of Historical Right: USE

Purpose (use): MUNICIPAL

Maximum Flow Rate: 930.00 GPM

Maximum Volume: 1,500.00 AC-FT

Source Name: MISSOURI RIVER

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			15	26N	41E	MCCONE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

PIPELINE IS SECONDARY MEANS OF DIVERSION.

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			W2NW	16	26N	41E	VALLEY
2			NWSW	16	26N	41E	VALLEY
3			E2SE	18	26N	41E	VALLEY
4			S2SWSE	18	26N	41E	VALLEY
5			SWSW	9	26N	41E	VALLEY
6			S2SESE	8	26N	41E	VALLEY
7			SESWSE	8	26N	41E	VALLEY
8			E2NWNE	17	26N	41E	VALLEY
9			E2NE	17	26N	41E	VALLEY
10			SWNE	17	26N	41E	VALLEY
11			S2SWNW	17	26N	41E	VALLEY
12			S2	17	26N	41E	VALLEY
13				14	26N	41E	VALLEY
14				15	26N	41E	VALLEY

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.
THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. THE CLAIMED VOLUME IS IN QUESTION.
THIS APPROPRIATION OF WATER TAKES WATER FROM THE MISSOURI RIVER BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM (BASIN 40E) AND USES IT IN THE LOWER MISSOURI RIVER DRAINAGE (BASIN 40S). AS A RESULT IT WILL BE DECREED IN BOTH BASINS AND SUBJECT TO OBJECTION IN EITHER BASIN BEFORE BECOMING FINAL.
CLAIM MIS-BASINED AND NOT INCLUDED IN TEMPORARY PRELIMINARY DECREE OF03/07/85.
NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/17/92.