

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:** 76GJ 210974-00 STATEMENT OF CLAIM  
**Version:** 2 -- REEXAMINED

**Version Status:** ACTIVE

**Owners:** PHILIPSBURG TOWN OF  
PO BOX 339  
PHILIPSBURG, MT 59858

**Priority Date:** OCTOBER 16, 1867

**Enforceable Priority Date:** OCTOBER 16, 1867

**Type of Historical Right:** DECREED

**Purpose (use):** MUNICIPAL

**Maximum Flow Rate:** 2.50 CFS

**Maximum Volume:** 1,814.00 AC-FT

**Source Name:** FRED BURR CREEK

**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		SWNW	36	7N	13W	GRANITE

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

**Diversion Means:** DAM

**Reservoir:** ON STREAM **Reservoir Name** UPPER FRED BURR LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESW	36	7N	13W	GRANITE

**Diversion to Reservoir:** DIVERSION # 1

**Current Capacity:** 1,700.00 ACRE-FEET

**Original Capacity:** 1,700.00 ACRE-FEET

**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				23	7N	14W	GRANITE
2				24	7N	14W	GRANITE
3				25	7N	14W	GRANITE
4				26	7N	14W	GRANITE
5				36	7N	14W	GRANITE

**Remarks:**

WHENEVER WATER RIGHTS 76GJ 148497-00 AND 76GJ 148506-00 ARE COMBINED TO SUPPLY WATER FOR MUNICIPAL USE, THE TOTAL COMBINED FLOW RATE FOR THE RIGHTS SHALL NOT EXCEED 2.00 CFS.

WHENEVER WATER RIGHTS 76GJ 148511-00, 76GJ 210974-00, AND 76GJ 210976-00 ARE COMBINED TO SUPPLY WATER FOR MUNICIPAL USE, THE TOTAL COMBINED FLOW RATE FOR THE RIGHTS SHALL NOT EXCEED 5.00 CFS.

WHENEVER THE FOLLOWING WATER RIGHTS ARE COMBINED TO SUPPLY WATER FOR MUNICIPAL USE THE TOTAL COMBINED FLOW RATE FOR THE FOLLOWING RIGHTS SHALL NOT EXCEED 5.00 CFS FROM OCTOBER 1 THROUGH APRIL 30 AND SHALL NOT EXCEED 7.00 CFS FROM MAY 1 THROUGH SEPTEMBER 30 AND THE SUM TOTAL VOLUME OF THE COMBINED USE SHALL NOT EXCEED 1999.00 ACRE-FEET PER YEAR. 76GJ 148497-00, 76GJ 148506-00, 76GJ 148511-00, 76GJ 210974-00, 76GJ 210976-00.

PURSUANT TO THE JUDGMENT FOR PERMANENT INJUNCTION FILED ON FEBRUARY 22, 1971, IN CAUSE NO. 4365 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT, GRANITE COUNTY, THE TOWN OF PHILIPSBURG, ITS EMPLOYEES, SERVANTS AND AGENTS ARE PERPETUALLY ENJOINED AND RESTRAINED FROM INTERFERENCE WITH THE WATER RIGHTS OF OLLIE GWYNN, WATER RIGHT NOS. 76GJ-120550-00 THROUGH 76GJ-120561-00, INCLUSIVE, AND HER SUCCESSORS, AND THE TOWN OF PHILIPSBURG IS FURTHER DIRECTED THAT DURING THE PERIOD FROM JULY 25 TO SEPTEMBER 30 OF EACH YEAR, THE TOWN OF PHILIPSBURG SHALL RELEASE NOT TO EXCEED 2.325 CFS (93.00 MINERS INCHES) FROM THE SURPLUS IMPOUNDED NATURAL FLOW OF FRED BURR CREEK FROM ITS DAMS.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS

**Remarks:**

ONE.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76GJ 148511-00.