

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 6467-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: THOMAS A LOWMAN
528 BALSA DR
CASTLE ROCK, CO 80104

Priority Date: MAY 5, 1896
Enforceable Priority Date: MAY 5, 1896

Type of Historical Right: DECREED
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 69.23 GPM
Maximum Volume: 112.60 AC-FT
Source Name: BITTERROOT 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	2	SE	14	3N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: OVERTURF DITCH

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNW	2	3N	21W	RAVALLI

Diversion to Reservoir: DIVERSION # 1
Depth: 18.00 FEET
Surface Area: 0.20 ACRES
Current Capacity: 1.80 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			NWSWNW	2	3N	21W	RAVALLI

Geocodes/Valid: 13-1176-02-2-01-21-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

6464-00 6466-00 6467-00

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/04/95.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. 6467-00, 19723-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 68068 RECEIVED 09/01/2009.
OWNERSHIP UPDATE TYPE DOR # 121813 RECEIVED 09/13/2013.
OWNERSHIP UPDATE TYPE DOR # 146432 RECEIVED 07/07/2016.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 410 MINER'S INCHES DECREED IN CASE NO. 1287, RAVALLI COUNTY. 1754-00, 1755-00, 1756-00, 1757-00, 1758-00, 1759-00, 1760-00, 1761-00, 1762-00, 1763-00, 1764-00, 1765-00, 1766-00, 1767-00, 1768-00, 1769-00, 1770-00, 1771-00, 1772-00, 1773-00, 1774-00, 2344-00, 2345-00, 2346-00, 2347-00, 2348-00, 2349-00, 3021-00, 3022-00, 3023-00, 3024-00, 3307-00, 3308-00, 3309-00, 3310-00, 3311-00, 3312-00, 3316-00, 3317-00, 4288-00, 4289-00, 4290-00, 4291-00, 4907-00, 4908-00, 5100-00, 5101-00, 6463-00, 6464-00, 6465-00, 6466-00, 6467-00, 9836-00, 147312-00, 147313-00.

THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM CANNOT BE DETERMINED AND THE FLOW RATE REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

THE PRIORITY DATE IS QUESTIONABLE. THE RESERVOIR QUESTIONNAIRE STATES THAT THE RESERVOIR WAS COMPLETED IN 1973.

THE CLAIMED PURPOSE DOES NOT MATCH THE FORMERLY DECREED PURPOSE. CASE NO. 1287 , RAVALLI COUNTY DECREED THE USE AS IRRIGATION.

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.

ACCORDING TO INFORMATION IN THE CLAIM FILE, THE RESERVOIR WAS CONSTRUCTED IN 1973 WHICH DOES NOT CORRESPOND TO THE CLAIMED PRIORITY DATE. THIS MAY INDICATE AN EXPANSION OF THE WATER RIGHT.

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.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 62.6 TIMES THE CAPACITY OF THE RESERVOIR.

THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 111.97 ACRE-FEET PER YEAR.