

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: 76F 110686-00 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: DUANE C HOXWORTH
3865 COOPER LAKE RD
OVANDO, MT 59854-9641

JEWELIE A HOXWORTH
3865 COOPER LAKE RD
OVANDO, MT 59854-9641

Priority Date: JULY 1, 1960
Enforceable Priority Date: JULY 1, 1960

Purpose (use): IRRIGATION
FISHERY

Purpose Clarification: INSTREAM FLOWS

Irrigation Type: SPRINKLER

Maximum Flow Rate: 2.50 CFS

Maximum Volume: 525.00 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 55.00

Source Name: ROCK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS DRY CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	NE	35	15N	11W POWELL

Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: HEADGATE

2		SE	NW	35	15N	11W POWELL
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Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: PUMP
Pump Size: 20.00 HP

3			N2	35	15N	11W POWELL
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Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: INSTREAM

4		NW	NWSW	35	15N	11W POWELL
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Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: INSTREAM

5			S2	34	15N	11W POWELL
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Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: INSTREAM

6			N2S2	33	15N	11W POWELL
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Period of Diversion: MAY 1 TO AUGUST 31
Diversion Means: INSTREAM

Period of Use: MAY 1 to AUGUST 31

Purpose (Use): IRRIGATION
Period of Use: MAY 1 to AUGUST 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	25.00		N2SW	35	15N	11W	POWELL
2	26.00		S2NW	35	15N	11W	POWELL
3	4.00		SWNE	35	15N	11W	POWELL
Total:	55.00						

Purpose (Use): FISHERY
Period of Use: MAY 1 to AUGUST 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			N2	35	15N	11W	POWELL
2			NWNWSW	35	15N	11W	POWELL
3			S2	34	15N	11W	POWELL
4			N2S2	33	15N	11W	POWELL

Geocodes/Valid: 28-2438-35-1-01-01-0000 - Y 28-2438-35-3-01-01-0000 - Y

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/18/2005: PRIORITY DATE, PLACE OF USE, MAXIMUM ACRES.

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/07/1986.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/25/1991.