

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:** 411 121043-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MONTANA ENVIRONMENTAL CUSTODIAL TRUST  
MONTANA ENVIRONMENTAL TRUST GROUP LLC TRUSTEE  
PO BOX 1390  
HELENA, MT 59624-1390

**Priority Date:** MAY 6, 1866

**Enforceable Priority Date:** MAY 6, 1866

**Type of Historical Right:** DECREED

**Purpose (use):** INDUSTRIAL  
SMELTING AND REFINING PLANT  
CASE NO. 4643, LEWIS AND CLARK COUNTY, DECREES 100 MINERS INCHES TO BE USED IN PRECISE AMOUNTS FOR SPECIFIC PURPOSES. SEE CLAIM FILE FOR FURTHER CLARIFICATION OF DECREE.  
CASE NO. 4643, LEWIS AND CLARK COUNTY, DECREES THE USE FOR MECHANICAL PURPOSES PRIOR TO ALL OTHER RIGHTS. SEE CLAIM FILE FOR FURTHER CLARIFICATION OF DECREE.

**Maximum Flow Rate:** 2.50 CFS

**Maximum Volume:** 1,810.00 AC-FT

**Source Name:** PRICKLY PEAR 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		NESESE	36	10N	3W	LEWIS AND CLARK

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

**Diversion Means:** HEADGATE

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWSE	36	10N	3W	LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Surface Area:** 17.00 ACRES

**Current Capacity:** 49.00 ACRE-FEET

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSENE	36	10N	3W	LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Surface Area:** 9.00 ACRES

**Current Capacity:** 25.00 ACRE-FEET

RESERVOIR NAME OF RESERVOIR NO. 1 IS UPPER LAKE.

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY THE DNRC.

RESERVOIR NAME OF RESERVOIR NO. 2 IS LOWER LAKE.

**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			NE	36	10N	3W	LEWIS AND CLARK

**Geocodes/Valid:** 05-1888-36-1-01-40-0000 - Y

**Remarks:**

**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.

121032-00 121043-00

SUPPLEMENTAL DOCUMENTATION, QUESTIONNAIRES, MAPS, AND ALL CORRESPONDENCE CAN BE OBTAINED BY REVIEWING FILE NO. W121037-00.

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

ADDRESS ALL QUESTIONS AND INQUIRIES TO HOLLAND AND HART, ATTORNEYS, SUITE 1400, 175 N 27TH ST, BILLINGS MT 59101.

THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 2,573.50 ACRE- FEET.

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. W121041-00, W121042-00, W121043-00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 84122 RECEIVED 12/10/2009.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.