

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: 40EJ 30049004 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

Priority Date: DECEMBER 11, 1936

Enforceable Priority Date: DECEMBER 11, 1936

Type of Historical Right: USE

Purpose (use): WILDLIFE

Maximum Flow Rate: 1.00 CFS

Maximum Volume: 723.00 AC-FT

Source Name: ARMELLS CREEK

Source Type: SURFACE WATER

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		SE	1	21N	23E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

2		NESW	9	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

3		S2SW	9	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

4		N2NWSW	10	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

5		N2NESE	11	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

6		NE	12	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

7		E2NW	12	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

8		W2	17	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

9		E2SWNE	18	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

10	11	SW	18	21N	23E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

11	5	W2NWNW	5	21N	24E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
12		N2	6	21N	24E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

13		SW	6	21N	24E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

14	12	E2SESE	31	22N	24E	FERGUS
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

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			SE	1	21N	23E	FERGUS
2			NESW	9	21N	23E	FERGUS
3			S2SW	9	21N	23E	FERGUS
4			N2NWSW	10	21N	23E	FERGUS
5			N2NESE	11	21N	23E	FERGUS
6			NE	12	21N	23E	FERGUS
7			E2NW	12	21N	23E	FERGUS
8			W2	17	21N	23E	FERGUS
9			E2SWNE	18	21N	23E	FERGUS
10		11	SW	18	21N	23E	FERGUS
11		5	W2NWNW	5	21N	24E	FERGUS
12			N2	6	21N	24E	FERGUS
13			SW	6	21N	24E	FERGUS
14		12	E2SESE	31	22N	24E	FERGUS

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.

183179-00 30049004

THE PURPOSE WAS AMENDED BY THE CLAIMANT ON 01/24/2011.

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

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 183179-00.

POINT OF DIVERSION AND PLACE OF USE INCLUDES GOVT LOTS 1, 2, 5, AND 6 IN SEC 6 TWP 21N RGE 24E, FERGUS COUNTY.

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.

A GUIDELINE FOR THE FLOW RATE AND VOLUME OF THIS CLAIM CANNOT BE DETERMINED FROM AVAILABLE INFORMATION, AND FLOW RATE AND VOLUME REMAIN AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE AND VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE AND VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.