

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: 76D 30052171 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: LIBBY, CITY OF
PO BOX 1428
LIBBY, MT 59923

Priority Date: NOVEMBER 4, 2011 at 01:21 P.M.
Enforceable Priority Date: NOVEMBER 4, 2011 at 01:21 P.M.

Purpose (use): MUNICIPAL

Maximum Flow Rate: NO ADDITIONAL FLOW RATE REQUIRED.

Maximum Volume: 879.00 AC-FT

Source Name: FLOWER 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		SESWSE	16	30N	31W	LINCOLN

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

Reservoir: ON STREAM **Reservoir Name** UPPER FLOWER CREEK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSE	20	30N	31W	LINCOLN

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SW	21	30N	31W	LINCOLN

Dam Height: 58.60 FEET
Surface Area: 11.80 ACRES
Current Capacity: 230.00 ACRE-FEET
THERE IS ONLY 1 RESERVOIR, BUT IT IS IN 2 SECTIONS.

Purpose (Use): MUNICIPAL
Volume: 879.00 AC-FT
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				3	30N	31W	LINCOLN
2				4	30N	31W	LINCOLN
3			NE	5	30N	31W	LINCOLN
4			N2	9	30N	31W	LINCOLN
5				10	30N	31W	LINCOLN
6			W2	14	30N	31W	LINCOLN
7				15	30N	31W	LINCOLN
8			N2	23	30N	31W	LINCOLN
9			SE	23	30N	31W	LINCOLN
10			SW	24	30N	31W	LINCOLN
11			W2	25	30N	31W	LINCOLN
12			E2	26	30N	31W	LINCOLN
13				32	31N	31W	LINCOLN
14			NW	33	31N	31W	LINCOLN
15			S2	33	31N	31W	LINCOLN
16			SW	34	31N	31W	LINCOLN

Remarks:

Remarks:

ASSOCIATED RIGHT

THIS RIGHT IS ASSOCIATED WITH CLAIMS 76D 109395, 76D 109396 AND 76D 109397. THEY SHARE THE SAME POINT OF DIVERSION AND PLACE OF USE.

CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS

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.