

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: 76E 33750-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: O CONNOR FAMILY GRANTOR TRUST
% ROY & SUSAN O CONNOR, TRUSTEES
125 BANK ST #300
MISSOULA, MT 59802-4413

Priority Date: JUNE 1, 1929

Enforceable Priority Date: JUNE 1, 1929

Type of Historical Right: FILED

Purpose (use): RECREATION

Maximum Flow Rate: 10.00 CFS

Maximum Volume: 7,240.00 AC-FT

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

THE VOLUME QUANTIFICATION ON THIS CLAIM IS THE RESULT OF AN AFFIDAVIT OF THE CLAIMANT WITH THE WATER COURT ON 07/02/84. THE COURT HAS MADE NO DETERMINATION AS TO THE NEED FOR A VOLUME QUANTIFICATION ON THIS CLAIM AS PROVIDED FOR IN 85-2-234 (6) (B) (III) M.C.A.

Source Name: GILBERT 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		NWSWNW	27	11N	17W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2		SENWNW	27	11N	17W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

3		NWSWNE	27	11N	17W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNW	27	11N	17W	MISSOULA

Diversion to Reservoir: DIVERSION # 1

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENWNW	27	11N	17W	MISSOULA

Diversion to Reservoir: DIVERSION # 1

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNE	27	11N	17W	MISSOULA

Diversion to Reservoir: DIVERSION # 1

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			S2N2	27	11N	17W	MISSOULA
2			S2N2	26	11N	17W	MISSOULA
3			N2N2SE	26	11N	17W	MISSOULA
4			N2N2SW	25	11N	17W	MISSOULA
5			S2S2NE	25	11N	17W	MISSOULA
6			W2NWNW	27	11N	17W	MISSOULA

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>
7			W2NWSW	27	11N	17W	MISSOULA
8			SENWNW	27	11N	17W	MISSOULA
9			S2NENW	27	11N	17W	MISSOULA
10			SESENW	25	11N	17W	MISSOULA
11			NWNWSE	25	11N	17W	MISSOULA
12			NWSWNW	27	11N	17W	MISSOULA
13			NWSWNE	27	11N	17W	MISSOULA

Geocodes/Valid: 04-1978-25-1-01-03-0000 - Y 04-1978-26-1-01-07-0000 - Y
04-1978-27-1-01-01-0000 - Y

Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/10/77.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/03/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/19/95.

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THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."
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