

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: 41P 40758-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)
PO BOX 30137
BILLINGS, MT 59107-0137

THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

Priority Date: AUGUST 21, 1952

Enforceable Priority Date: AUGUST 21, 1952

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 480.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 160.00

Source Name: MARIAS RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS TIBER RESERVOIR

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	3	SESWW	28	30N	5E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

PIPELINE USED TO CONVEY WATER.

WATER STORED UNDER THIS RIGHT IS RELEASED FROM LAKE ELWELL AND IS DIVERTED FROM THE MARIAS RIVER AT THE FOLLOWING SECONDARY POINT OF DIVERSION: NESESW, SEC 30, T31N, R4E, TOOLE COUNTY.

Reservoir: ON STREAM **Reservoir Name** LAKE EWELL

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3	SESWW	28	30N	5E	LIBERTY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 206.00 FEET

Depth: 197.00 FEET

Surface Area: 23,805.00 ACRES

Current Capacity: 967,320.00 ACRE-FEET

SEE THE NATIONAL INVENTORY OF DAMS, CORPS MAP REPORT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 1 to OCTOBER 1

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	80.00		S2NW	24	31N	3E	TOOLE
2	80.00		N2SE	24	31N	3E	TOOLE
Total:	160.00						

Remarks:

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 40750-00.

PARENT FILE FOR THIS RIGHT IS 41P 40756-00.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MARIAS RIVER DRAINAGE (BASIN 41P) AND USES IT IN THE MARIAS RIVER DRAINAGE (BASIN 41P) AND THE WILLOW CREEK DRAINAGE (BASIN 41N). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE

Remarks:

POINT OF DIVERSION OR PLACE OF USE BASIN.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 26679 RECEIVED 11/30/2005.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41P 40750-00, 41P 40751-00, 41P 40752-00, 41P 40753-00, 41P 40755-00, 41P 40757-00, 41P 40758-00, 41P 40759-00, 41P 40760-00, 41P 40761-00, 41P 40762-00, 41P 40763-00, 41P 40764-00, 41P 40768-00, 41P 40769-00, 41P 40770-00, 41P 40771-00, 41P 40772-00, 41P 40774-00.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41N BASIN PRELIMINARY DECREE ISSUED 07/06/1984.

THE TOOLE COUNTY WATER RESOURCES SURVEY (1969) APPEARS TO INDICATE 73.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 178-098 , DATED 08/10/1979 APPEARS TO INDICATE 72.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED EXHIBIT F IS 03/06/1956.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A USE RIGHT.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.