

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 40762-00 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: 6,855.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 2,285.00

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	SESWSW	28	30N	5E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2- SECONDARY		W2E2SW	20	30N	4E	LIBERTY
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: PUMP

WATER FROM LAKE ELWELL (TIBER RESERVOIR) IS CONVEYED BY A PUMP AT THE SECONDARY DIVERSION POINT(NO.2) TO THE PLACE OF USE.

Reservoir: ON STREAM **Reservoir Name** LAKE ELWELL

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3	SESWSW	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	106.00		NE	28	30N	4E	LIBERTY
2	80.00		S2NW	28	30N	4E	LIBERTY
3	139.00		SE	28	30N	4E	LIBERTY
4	139.00		SW	28	30N	4E	LIBERTY
5	139.00		NE	29	30N	4E	LIBERTY
6	108.00		NW	29	30N	4E	LIBERTY
7	139.00		SE	29	30N	4E	LIBERTY
8	139.00		SW	29	30N	4E	LIBERTY
9	156.00		S2S2	30	30N	4E	LIBERTY
10	40.00		NESE	30	30N	4E	LIBERTY
11	139.00		NE	31	30N	4E	LIBERTY

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
12	133.00		NW	31	30N	4E	LIBERTY
13	139.00		SE	31	30N	4E	LIBERTY
14	133.00		SW	31	30N	4E	LIBERTY
15	139.00		NE	32	30N	4E	LIBERTY
16	139.00		NW	32	30N	4E	LIBERTY
17	139.00		SE	32	30N	4E	LIBERTY
18	139.00		SW	32	30N	4E	LIBERTY
Total:	2,285.00						

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.

OWNERSHIP UPDATE RECEIVED

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

THE CLAIMED CONVEYANCE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

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.

THE LIBERTY COUNTY WATER RESOURCES SURVEY (1969) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO. 578-003 , DATED 08/09/1979 APPEARS TO INDICATE 2010.41 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE SECONDARY POINT OF DIVERSION APPEARS TO BE IN THE SENESW, SEC 20, TWP 30N, RGE 4E, LIBERTY COUNTY.

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.