

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 40772-00 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

Priority Date: AUGUST 29, 1952

Enforceable Priority Date: AUGUST 29, 1952

Type of Historical Right: FILED

Purpose (use): MUNICIPAL
WATER IS SUPPLIED TO DEVON WATER, INC FOR DOMESTIC PURPOSES, SEE EXHIBIT H IN CLAIM FILE 41P 40750-00.

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

Maximum Volume: 70.00 AC-FT

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	8	E2SE	19	30N	2E	TOOLE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

PIPELINE IS USED TO CONVEY WATER.

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 REPORT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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				6	30N	2E	TOOLE
2				7	30N	2E	TOOLE
3				12	30N	2E	TOOLE
4				18	30N	2E	TOOLE
5				19	30N	2E	TOOLE
6				1	31N	1E	TOOLE
7				3	31N	1E	TOOLE
8				4	31N	1E	TOOLE
9				5	31N	1E	TOOLE
10				6	31N	1E	TOOLE
11				11	31N	1E	TOOLE
12				12	31N	1E	TOOLE
13				1	31N	1W	TOOLE
14				7	31N	2E	TOOLE
15				9	31N	2E	TOOLE

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>
16				10	31N	2E	TOOLE
17				11	31N	2E	TOOLE
18				15	31N	2E	TOOLE
19				16	31N	2E	TOOLE
20				18	31N	2E	TOOLE
21				19	31N	2E	TOOLE
22				20	31N	2E	TOOLE
23				21	31N	2E	TOOLE
24				22	31N	2E	TOOLE
25				27	31N	2E	TOOLE
26				28	31N	2E	TOOLE
27				30	31N	2E	TOOLE
28				31	31N	2E	TOOLE
29				34	32N	1E	TOOLE

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.

40750-00	40751-00	40752-00	40753-00	40755-00	40757-00	40765-00
40766-00	40767-00	40768-00	40769-00	40770-00	40771-00	40772-00
40774-00						

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40753-00	40768-00	40770-00	40772-00	40774-00
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THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41P 40750-00.

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 POINT OF DIVERSION OR PLACE OF USE BASIN.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE DUPLICATE FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

40753-00	40768-00	40770-00	40772-00	40774-00
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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 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.

THE CLAIMED VOLUME EXCEEDS THE 32.2 ACRE-FEET GUIDELINE FOR THIS PURPOSE. ITS ACCURACY CANNOT BE CONFIRMED DUE TO LACK OF DATA.