

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: 411 40921-00 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: MARCH 23, 1953

Enforceable Priority Date: MARCH 23, 1953

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE
THIS IS A STORAGE RIGHT FOR FISH AND WILDLIFE.

Maximum Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 1,952,059.00 AC-FT
THIS WATER RIGHT IS FOR THE ENTIRE STORAGE OF CANYON FERRY RESERVOIR UP TO ELEVATION 3800.0 FEET.

Source Name: MISSOURI RIVER
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	12	NWSESE	4	10N	1W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2	13	NWSESE	4	10N	1W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

3		SESESW	19	7N	2E	BROADWATER
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: WESTSIDE CANAL

4		SWSESE	19	7N	2E	BROADWATER
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: EASTSIDE CANAL

POINT OF DIVERSION #1 DIVERTS STORED WATER TO PENSTOCK FOR POWER GENERATION.

POINT OF DIVERSION #4 DIVERTS MISSOURI RIVER WATER TO PONDS #1, 2, 3 WHICH ARE USED FOR DUST ABATEMENT AND TO PROVIDE FISH AND WILDLIFE HABITAT.

POINT OF DIVERSION #3 DIVERTS MISSOURI RIVER WATER TO POND #4 WHICH IS USED FOR DUST ABATEMENT AND TO PROVIDE FISH AND WILDLIFE HABITAT.

POINT OF DIVERSION #2 DIVERTS STORED WATER TO HELENA VALLEY PUMP TURBINES.

Reservoir: ON STREAM **Reservoir Name** CANYON FERRY LAKE
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
NWSESE 4 10N 1W LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 225.00 FEET

Surface Area: 35,200.00 ACRES

Current Capacity: 2,051,000.00 ACRE-FEET

Original Capacity: 2,051,000.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

THE DAM IS LOCATED IN GOVT LOTS 12 AND 13 SEC 04 TWP 10N RGE 01W LEWIS AND CLARK COUNTY.

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				1	7N	1E	BROADWATER
2				2	7N	1E	BROADWATER
3			NENE	11	7N	1E	BROADWATER
4				12	7N	1E	BROADWATER
5				13	7N	1E	BROADWATER
6			NE	24	7N	1E	BROADWATER
7				4	7N	2E	BROADWATER
8				5	7N	2E	BROADWATER
9				6	7N	2E	BROADWATER
10				7	7N	2E	BROADWATER
11				8	7N	2E	BROADWATER
12			W2	9	7N	2E	BROADWATER
13				17	7N	2E	BROADWATER
14				18	7N	2E	BROADWATER
15				19	7N	2E	BROADWATER
16			NW	20	7N	2E	BROADWATER
17			N2	30	7N	2E	BROADWATER
18				1	8N	1E	BROADWATER
19				2	8N	1E	BROADWATER
20				11	8N	1E	BROADWATER
21				12	8N	1E	BROADWATER
22				13	8N	1E	BROADWATER
23				14	8N	1E	BROADWATER
24				23	8N	1E	BROADWATER
25				24	8N	1E	BROADWATER
26				25	8N	1E	BROADWATER
27				26	8N	1E	BROADWATER
28				35	8N	1E	BROADWATER
29				36	8N	1E	BROADWATER
30				6	8N	2E	BROADWATER
31				7	8N	2E	BROADWATER
32				8	8N	2E	BROADWATER
33				17	8N	2E	BROADWATER
34				18	8N	2E	BROADWATER
35				19	8N	2E	BROADWATER
36				20	8N	2E	BROADWATER
37			W2	21	8N	2E	BROADWATER
38				28	8N	2E	BROADWATER
39				29	8N	2E	BROADWATER
40				30	8N	2E	BROADWATER
41				31	8N	2E	BROADWATER
42				32	8N	2E	BROADWATER
43				33	8N	2E	BROADWATER
44			W2	3	9N	1E	BROADWATER
45				4	9N	1E	BROADWATER
46				5	9N	1E	BROADWATER
47				6	9N	1E	BROADWATER
48				7	9N	1E	BROADWATER
49				8	9N	1E	BROADWATER
50				9	9N	1E	BROADWATER
51				10	9N	1E	BROADWATER
52				11	9N	1E	BROADWATER
53			W2	13	9N	1E	BROADWATER
54				14	9N	1E	BROADWATER
55				15	9N	1E	BROADWATER
56				16	9N	1E	BROADWATER
57				17	9N	1E	BROADWATER
58			NE	18	9N	1E	BROADWATER
59			NE	20	9N	1E	BROADWATER
60			N2	21	9N	1E	BROADWATER
61				22	9N	1E	BROADWATER
62				23	9N	1E	BROADWATER
63			SW	24	9N	1E	BROADWATER
64				25	9N	1E	BROADWATER

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>
65				26	9N	1E	BROADWATER
66				27	9N	1E	BROADWATER
67			NE	34	9N	1E	BROADWATER
68				35	9N	1E	BROADWATER
69				36	9N	1E	BROADWATER
70			N2NE	1	9N	1W	LEWIS AND CLARK
71			S2	31	9N	2E	BROADWATER
72			S2	18	10N	1E	LEWIS AND CLARK
73				19	10N	1E	LEWIS AND CLARK
74				29	10N	1E	BROADWATER
75				30	10N	1E	LEWIS AND CLARK
76				31	10N	1E	LEWIS AND CLARK
77				32	10N	1E	BROADWATER
78				33	10N	1E	BROADWATER
79			SW	2	10N	1W	LEWIS AND CLARK
80				3	10N	1W	LEWIS AND CLARK
81			SE	4	10N	1W	LEWIS AND CLARK
82			NE	9	10N	1W	LEWIS AND CLARK
83				10	10N	1W	LEWIS AND CLARK
84				11	10N	1W	LEWIS AND CLARK
85			NW	12	10N	1W	LEWIS AND CLARK
86				13	10N	1W	LEWIS AND CLARK
87				14	10N	1W	LEWIS AND CLARK
88			E2	15	10N	1W	LEWIS AND CLARK
89			NE	22	10N	1W	LEWIS AND CLARK
90				23	10N	1W	LEWIS AND CLARK
91				24	10N	1W	LEWIS AND CLARK
92				25	10N	1W	LEWIS AND CLARK
93				26	10N	1W	LEWIS AND CLARK
94				36	10N	1W	LEWIS AND CLARK

THE PLACE OF USE IS THE SURFACE AREA OF CANYON FERRY RESERVOIR AT THE TOP OF THE FLOOD POOL (ELEVATION 3800 FEET).

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.

40917-00 40918-00 40919-00 40920-00 40921-00 40922-00 40923-00
40924-00 214057-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 06/14/93: POINT OF DIVERSION, PLACE OF USE, VOLUME, PRIORITY DATE.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. Z040914-00.

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

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

40921-00 166912-00

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

40921-00 166913-00

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

40921-00 166914-00

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

40921-00 166911-00 166912-00 166913-00 166914-00

THIS CLAIM AND CLAIM NOS. W166911-00, W166912-00, W166913-00, AND W166914-00 MAY BE REDUNDANT CLAIMS ON THE SAME HISTORIC APPROPRIATION OF WATER. IT APPEARS THAT ONLY ONE WATER RIGHT IS INVOLVED.

Remarks:

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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THE USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.