

Montana Water Court
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FILED

JUN 29 2005

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
FISHER RIVER BASIN (76C)

IN THE MATTER OF THE ADJUDICATION OF)	CASE 76C-A1
THE EXISTING RIGHTS TO THE USE OF ALL)	
THE WATER, BOTH SURFACE AND UNDERGROUND))	76C-W-007495-00
WITHIN THE FISHER RIVER DRAINAGE AREA,)	76C-W-109530-00
INCLUDING ALL TRIBUTARIES OF THE FISHER)	76C-W-109531-00
RIVER IN FLATHEAD AND LINCOLN COUNTIES,)	76C-W-109532-00
MONTANA.)	76C-W-109533-00
)	76C-W-109534-00

76C-W-109535-00, 76C-W-109536-00, 76C-W-109537-00, 76C-W-109538-00
76C-W-109539-00, 76C-W-109540-00, 76C-W-109541-00, 76C-W-141573-00

CLAIMANT: United States of America (Department of Interior Fish and Wildlife Service)

**FIRST AMENDED ORDER GRANTING MOTION
TO AMEND STATEMENTS OF CLAIM**

On April 14, 2005, this Court granted the Claimant's Motion to Amend Statements of Claim for the above listed water right claims. On the same date, this Court also requested additional information regarding the source type for claims 76C 109533-00 and 76C 109538-00.

On May 17, 2005, the Claimant, by and through its attorney, filed its Response to Request for Additional Information and Comments Regarding the Order Granting Motion to Amend Statements of Claim. In its response, the Claimant specified the source type for claims 76C 109533-00 and 76C 109538-00 should be designated as groundwater and not surface water. It further identified the following errors in the April 14, 2005 Order: (1) the legal description for the place of use for claim 76C 109533-00 should be SENESE section

17, T28N, R26W and S2NWSW section 16, T28N, R26W; (2) the supplemental use remark for claims 76C 109540-00 and 76C 109536-00 should be removed from the abstracts as a result of the amended places of use for claim 76C 109540-00; (3) the supplemental use remark for claims 76C 109537-00 and 76C 109538-00 should be removed from the abstracts as a result of the amended places of use for claim 76C 109537-00; and (4) the legal description for the place of use for claim 76C 109537-00 should be NWSE Section 17, as opposed to W2N2SE Section 17, T28N, R26W.

The Court has reviewed the Order Granting the Motion to Amend and the May 17, 2005 Response. After this review, the Court determines that the evidence presented by the Claimant is sufficient to contradict and overcome the prima facie claims.

During its review of its April 14, 2005 Order, the Court has also found two additional errors in its Order: (1) on page 4, the beginning period of use for claim 76C-W-007495-00 should be April 25 and not April 24; and on page 13, the total number of acres for the place of use for claim 76C-W-109541-00 should be **655** acres and not **133** acres.

Therefore, pursuant to § 85-2-233(6), MCA, and Rule 15, M.R.Civ.P., it is ORDERED that claims 76C 109533-00 and 76C 109538-00 are **AMENDED** to modify the source type to groundwater.

Further ORDERED that claims 76C 7495-00, 76C 109533-00, 76C 109536-00, 76C 109537-00, 76C 109538-00, 76C 109540-00, and 76C 109541-00 are **AMENDED** to correct the errors in the manner identified above.

Further ORDERED that an Abstract of Water Right Claim as Modified by the Montana Water Court be served with this Order to confirm that the corrected errors set forth in this Order and the April 14, 2005 Order have been adopted for each claim listed in the above caption.

DATED this 27 day of June, 2005.



C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

I, Patricia J. Gunderson, Deputy Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **FIRST AMENDED ORDER GRANTING MOTION TO AMEND STATEMENTS OF CLAIM** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

Holly Franz, Attorney
PO Box 1155
Helena MT 59624-1155

Big Meadows Grazing Assn.
% Terry J. Prongua, President
PO Box 298
Hot Spring MT 59845-0298

US Fish and Wildlife Service
Water Resources Division
PO Box 25486, DFC
Denver CO 80225-0486

MT DNRC - WRS
109 Cooperative Way, Suite 110
Kalispell MT 59901-2387

Roselyn Rennie, Attorney
Office of the Billings Field Solicitor
316 North 26th Street
Billings MT 59101

DATED this *29th* day of *June*, 2005.

Patricia J. Gunderson
Patricia J. Gunderson
Deputy Clerk of Court

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 7495-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date: JUNE 29, 1886
Enforceable Priority Date: JUNE 29, 1886

Type of Historical Right:

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 3.10 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

***Maximum Acres:** 83.00

Source: PLEASANT VALLEY 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		NESENE	17	28N	26W	FLATHEAD
Diversion Means:	DITCH					
2		NESENE	17	28N	26W	FLATHEAD
Diversion Means:	DITCH					
3		NENWSE	17	28N	26W	FLATHEAD
Diversion Means:	DITCH					

***Period of Use:** APRIL 25 to AUGUST 4

*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	4.00		N2N2S2SE	17	28N	26W	FLATHEAD
2	47.00		N2SE	17	28N	26W	FLATHEAD
3	32.00		S2NE	17	28N	26W	FLATHEAD
Total:	83.00						

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

*****THIS WATER RIGHT CLAIM HAS BEEN TERMINATED*****

Water Right Number: 76C 109530-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: WITHDRAWN

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date:
Enforceable Priority Date:

Type of Historical Right:
Purpose (use): STOCK

Flow Rate:

Volume:

Source: UNNAMED TRIBUTARY OF PLEASANT VALLEY 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		NWNWSW	23	28N	26W	FLATHEAD
Diversion Means: FLOWING						
2		NWNWSW	22	28N	26W	FLATHEAD
Diversion Means: FLOWING						
3		NWNWNE	21	28N	26W	FLATHEAD
Diversion Means: FLOWING						
4		SESENW	21	28N	26W	FLATHEAD
Diversion Means: FLOWING						

Period of Use:

Remarks:

THIS CLAIM WAS WITHDRAWN FROM THE ADJUDICATION PROCESS AT THE REQUEST OF THE CLAIMANT ON 3/7/2005.

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109531-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1971
Enforceable Priority Date: DECEMBER 31, 1971

***Type of Historical Right:** USE

Purpose (use): STOCK

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

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source: UNNAMED TRIBUTARY OF DAHL LAKE
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		SWNE	26	28N	26W	FLATHEAD

Diversion Means: DAM
DITCH USED AS AN ADDITIONAL MEANS OF DIVERSION.

***Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNE	26	28N	26W	FLATHEAD

Dam Height: 15.00 FEET
Surface Area: 1.33 ACRES
Capacity: 8.00 ACRE-FEET

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			N2NE	26	28N	26W	FLATHEAD
2			S2SESE	23	28N	26W	FLATHEAD
3			S2SW	23	28N	26W	FLATHEAD
4			SE	22	28N	26W	FLATHEAD

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.

109531-00 109540-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109532-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date: SEPTEMBER 27, 1890

Enforceable Priority Date: SEPTEMBER 27, 1890

Type of Historical Right: FILED

Purpose (use): STOCK

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS RIGHT AS THE ASSOCIATED WATER USE CONSISTS OF STOCK DRINKING FROM THE SOURCE, EITHER DIRECTLY OR FROM A DITCH SYSTEM.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source: UNNAMED TRIBUTARY OF DAHL LAKE

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		SWNENW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					
2		SESWSW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					
3		SESWSW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					

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			S2S2	19	28N	25W	FLATHEAD
2			NE	30	28N	25W	FLATHEAD
3			N2SE	30	28N	25W	FLATHEAD
4			E2NW	30	28N	25W	FLATHEAD
5			N2NWNW	30	28N	25W	FLATHEAD
6			W2SW	29	28N	25W	FLATHEAD
7			W2NW	29	28N	25W	FLATHEAD

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.

109532-00 109536-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109533-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1910
Enforceable Priority Date: DECEMBER 31, 1910

Type of Historical Right: USE
Purpose (use): STOCK
***Flow Rate:** 35.00 GPM

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source:** SPRING, TRIBUTARY OF PLEASANT VALLEY CREEK
Source Type: GROUNDWATER

***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		SENESE	17	28N	26W	FLATHEAD
Diversion Means: DEVELOPED SPRING						
2		S2NWSW	16	28N	26W	FLATHEAD
Diversion Means: DEVELOPED SPRING						

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			SENESE	17	28N	26W	FLATHEAD
2			S2NWSW	16	28N	26W	FLATHEAD

Remarks:

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.

109533-00

109538-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109534-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1972

Enforceable Priority Date: DECEMBER 31, 1972

Type of Historical Right: USE

Purpose (use): STOCK

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source: UNNAMED TRIBUTARY OF PLEASANT VALLEY 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		NWNWNE	17	28N	26W	FLATHEAD

Diversion Means: DITCH

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			W2NE	17	28N	26W	FLATHEAD
2			NWSE	17	28N	26W	FLATHEAD

Remarks:

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.

109534-00 109537-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109535-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date: AUGUST 30, 1961
Enforceable Priority Date: AUGUST 30, 1961

Type of Historical Right: FILED

Purpose (use): STOCK

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source: PLEASANT VALLEY 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	19	28N	26W	FLATHEAD
Diversion Means: DAM						
2		NESWNE	24	28N	27W	FLATHEAD
Diversion Means: DAM						

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				24	28N	27W	FLATHEAD
2			W2W2	19	28N	26W	FLATHEAD
3			NENE	25	28N	27W	FLATHEAD

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.

109535-00

109539-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109536-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date: SEPTEMBER 27, 1890
Enforceable Priority Date: SEPTEMBER 27, 1890

Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 8.75 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 329.00

Source: UNNAMED TRIBUTARY OF DAHL LAKE
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		SWNENW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					
2		SESWSW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					
3		SESWSW	29	28N	25W	FLATHEAD
Diversion Means:	DITCH					

***Period of Use:** APRIL 25 to OCTOBER 9

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	15.00		S2S2S2	19	28N	25W	FLATHEAD
2	155.00		NE	30	28N	25W	FLATHEAD
3	55.00		N2SE	30	28N	25W	FLATHEAD
4	30.00		E2NW	30	28N	25W	FLATHEAD
5	4.00		N2NWNW	30	28N	25W	FLATHEAD
6	50.00		W2SW	29	28N	25W	FLATHEAD
7	20.00		W2NW	29	28N	25W	FLATHEAD
Total:	329.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL ACRES. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

109536-00 109541-00

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.

109532-00 109536-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109537-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1972
Enforceable Priority Date: DECEMBER 31, 1972

Type of Historical Right: USE
Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** 1.30 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

***Maximum Acres:** 35.00

Source: UNNAMED TRIBUTARY OF PLEASANT VALLEY 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		NWNWNE	17	28N	26W	FLATHEAD

Diversion Means: DITCH

***Period of Use:** APRIL 25 to OCTOBER 9

***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	6.00		S2NWNE	17	28N	26W	FLATHEAD
2	17.00		SWNE	17	28N	26W	FLATHEAD
3	12.00		NWSE	17	28N	26W	FLATHEAD
Total:	35.00						

Remarks:

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.

109534-00 109537-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109538-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1910
Enforceable Priority Date: DECEMBER 31, 1910

Type of Historical Right: USE
Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** 3.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

***Maximum Acres:** 94.00

***Source:** SPRING, TRIBUTARY OF PLEASANT VALLEY CREEK
Source Type: GROUNDWATER

***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		SENESE	17	28N	26W	FLATHEAD
Diversion Means: DEVELOPED SPRING						
2		S2NWSW	16	28N	26W	FLATHEAD
Diversion Means: DEVELOPED SPRING						

***Period of Use:** MARCH 15 to NOVEMBER 19

***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	14.00		E2SE	17	28N	26W	FLATHEAD
2	80.00		SW	16	28N	26W	FLATHEAD
Total:	94.00						

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.

109533-00 109538-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109539-00 STATEMENT OF CLAIM
Version: 2 - POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

Priority Date: AUGUST 30, 1961
Enforceable Priority Date: AUGUST 30, 1961

Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS RIGHT AS THE ASSOCIATED WATER USE CONSISTS OF DIRECT FLOOD IRRIGATION FROM AN ONSTREAM CHECK DAM.

***Volume:** 433.00 AC-FT
Climatic Area: 5 - LOW

***Maximum Acres:** 133.00

Source: PLEASANT VALLEY 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	19	28N	26W	FLATHEAD
Diversion Means: DAM						
2		NESWNE	24	28N	27W	FLATHEAD
Diversion Means: DAM						

***Period of Use:** MARCH 15 to NOVEMBER 19

***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	13.00		SWNW	19	28N	26W	FLATHEAD
2	24.00		NWSW	19	28N	26W	FLATHEAD
3	27.00		S2NE	24	28N	26W	FLATHEAD
4	50.00		N2SE	24	28N	26W	FLATHEAD

***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>
5	3.00		N2S2SW	24	28N	26W	FLATHEAD
6	10.00		SESE	24	28N	26W	FLATHEAD
7	6.00		N2NENE	25	28N	26W	FLATHEAD
Total:	133.00						

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.

109535-00 109539-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 109540-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** DECEMBER 31, 1971

Enforceable Priority Date: DECEMBER 31, 1971

***Type of Historical Right:** USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 4.80 CFS

PRIMARILY A DIRECT FLOW WATER RIGHT: FLOW RATE RETAINED.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

***Maximum Acres:** 128.00

Source: UNNAMED TRIBUTARY OF DAHL LAKE

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		SWNE	26	28N	26W	FLATHEAD

Diversion Means: DAM

DITCH USED AS AN ADDITIONAL MEANS OF DIVERSION.

***Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNE	26	28N	26W	FLATHEAD

Dam Height: 15.00 FEET

Surface Area: 1.33 ACRES

Capacity: 8.00 ACRE-FEET

***Period of Use:** MARCH 15 to NOVEMBER 19

***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	26.00		N2NE	26	28N	26W	FLATHEAD
2	15.00		S2S2SE	23	28N	26W	FLATHEAD
3	35.00		S2SW	23	28N	26W	FLATHEAD
4	52.00		SE	22	28N	26W	FLATHEAD
Total:	128.00						

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.

109531-00 109540-00

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

**AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE
MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.**

Water Right Number: 76C 109541-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

***Priority Date:** JUNE 1, 1954
Enforceable Priority Date: JUNE 1, 1954

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS RIGHT AS THE ASSOCIATED WATER
USE CONSISTS OF DIRECT FLOOD IRRIGATION FROM AN ONSTREAM CHECK DAM.

***Volume:** 2,029.00 AC-FT

Climatic Area: 5 - LOW

***Maximum Acres:** 655.00

Source: UNNAMED TRIBUTARY OF PLEASANT VALLEY 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		NWNWNW	22	28N	26W	FLATHEAD

Diversion Means: DAM

***Period of Use:** MARCH 15 to NOVEMBER 19

***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	12.00		S2S2NE	22	28N	26W	FLATHEAD
2	28.00		N2SE	22	28N	26W	FLATHEAD
3	208.00		S2	23	28N	26W	FLATHEAD
4	11.00		S2SENE	23	28N	26W	FLATHEAD
5	116.00		S2	24	28N	26W	FLATHEAD
6	49.00		N2N2	25	28N	26W	FLATHEAD

***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	150.00		NE	30	28N	26W	FLATHEAD
8	36.00		N2SE	30	28N	26W	FLATHEAD
9	30.00		E2NW	30	28N	25W	FLATHEAD
10	15.00		S2S2S2	19	28N	25W	FLATHEAD
Total:	655.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL ACRES. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

109536-00 109541-00

THE SOURCE INCLUDES SEVERAL UNNAMED TRIBUTARIES OF PLEASANT VALLEY CREEK.

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**FISHER RIVER
BASIN 76C**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76C 141573-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERV)
DENVER FEDERAL CENTER
PO BOX 25486
DENVER, CO 80225 5486

MONTANA, STATE OF BOARD OF LAND COMMISSIONERS
ATTN: TOM HUGHES
PO BOX 201601
HELENA, MT 59620 1601

TRANSFER PROCESSED TO ADD OWNERS ONLY. INDIVIDUAL PORTIONS WILL BE RECORDED AFTER FINAL DECREE.

Priority Date: AUGUST 31, 1956
Enforceable Priority Date: AUGUST 31, 1956

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS RIGHT AS THE ASSOCIATED WATER USE CONSISTS OF DIRECT FLOOD IRRIGATION FROM AN ONSTREAM CHECK DAM.

***Volume:** 220.00 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 50.00

Source: PLEASANT VALLEY 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	24	28N	27W	FLATHEAD

Diversion Means: DAM

Period of Use: JUNE 1 to SEPTEMBER 30

***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>
1	25.00		NE	24	28N	27W	FLATHEAD
2	25.00		NW	24	28N	27W	FLATHEAD
Total:	50.00						