



FILE



STATEMENT OF CLAIM



***76L ***



94413



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Form No 76-O R2/80

Buffalo Rapids #4

RECEIVED

94413 76L STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS OTHER USES

APR 22 1982

DEPT. OF NATURAL RESOURCES AND CONSERVATION

LA-C

05-02-01-01

40.00

1. Owner of Water Right THE MONTANA POWER COMPANY / Middle Initial

Co-Owner or Other Interest Owner NOT APPLICABLE / Middle Initial

Address 40 East Broadway

City Butte State Montana Zip Code 59701

Home Phone No. N/A Business Phone No. 723-5421

2. Person completing form Zimmerman / Michael E. / Middle Initial

Address 40 East Broadway

City Butte State Montana Zip Code 59701

Home Phone No. 723-7738 Business Phone No. 723-5421, Ext. 2404

3. Use: (Check Only One)

- FR Fish Raceways GE Geothermal MN Mining
FW Fish & Wildlife NV Navigation PG Power Generation
CM Commercial FP Fire Protection RC Recreation
IN Industrial AS Agricultural Spraying OT Other
MC Municipal OF Oil Well Flooding Explain

4. Source of Water: (Check Only One)

- Spring Name
Well Name
XX Stream Name Flathead River Tributary of
Lake Name Stream
Reservoir Name Stream Tributary of

5. Point of Diversion: County Lake County
1/4 S 1/2 1/4 N 1/2 1/4 Section 1, T 19 N 1/2 R 22 E 1/4
Lot, Block, Subdivision

6. Means of Diversion: DM
Well
Pump Capacity gpm
Headgate with ditch or pipeline
Instream use
X Other Explain Dam

7. Means of Conveyance:
Ditch Instream
Pipeline X Other: Penstock

8. Place of Use: County Lake County

Instream City or Town Other: Explain _____

Lot, _____ Block, _____ 1/4 S 1/2 N 1/2 Section 1, T 19, R 22 E/W

Lot, _____ Block, _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W

Subdivision _____

9. Flow rate claimed: 35,000 cubic feet per second
 gallons per minute
 miner's inches

10. Volume claimed: 25,550,000 acre-feet per year *non-consumptive

11. Period(s) of use: Jan. / 1 to Dec. / 31
Month Day Month Day

12. Check one: Decreed Water Right Priority date or date of first use
 Filed Appropriation Right December 2 / 1960
 Use Water Right Hour Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA) See attached continuation sheet.
) ss.
County of _____)

I, _____, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Subscribed and sworn before me, this _____ day of _____ 19____.

Notary Public for the State of Montana
Residing at _____
My Commission expires _____

STATE OF MONTANA)
)
County of Silver Bow)

94413

AFFIDAVIT


I, ROBERT J. LABRIE, being first duly sworn, say that I am the Vice President, Engineering and Technology, of The Montana Power Company. I have been employed by The Montana Power Company for 32 years. In these years of service, I have been associated with the planning of the Buffalo Rapids #4 hydro-electric development. Based upon my experience, engineering facts known to me, and reports prepared by persons working for me, I can state:

(1) The Montana Power Company, on December 2, 1960, appropriated water to be used at the Buffalo Rapids #4 hydro-electric site;

(2) Since December 2, 1960, a good faith and steady effort has been made to obtain the necessary approvals and permits so that the Buffalo Rapids #4 plant may be constructed; and

(3) This good faith and steady effort will continue until the plant is constructed and the water appropriated in the December 2, 1960, Notice of Appropriation is put to an actual beneficial use.

DATED this 23rd day of April, 1982.

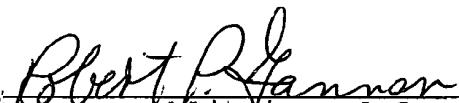

ROBERT J. LABRIE
Vice President, Engineering
and Technology

STATE OF MONTANA)
)
County of Silver Bow)

On this 23rd day of April, 1982, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared ROBERT J. LABRIE, known to me to be the

94413

person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.



Notary Public in and for the
State of Montana
Residing at Butte
My Commission expires 8/8/83

MEZ10C-Q

94413

NOTICE OF APPROPRIATION

Notice is hereby given that The Montana Power Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey and qualified to do business in the State of Montana hereby gives notice and declares as follows:

1. That it hereby appropriates and claims thirty-five thousand (35,000) cubic feet per second of time of the waters of the Flathead River.

2. The purposes for which said water is claimed and appropriated are for storage and use for a hydroelectric power development and for any and all other beneficial and useful purposes to which said water can be made applicable.

The place of diversion and of intended use of said water is at a dam and power plant to be constructed and located in the South One-half of the North One-half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section One (1), Township 19 North, Range 22 West, M.P.M., Lake and Sanders Counties, Montana, approximately five and one-half (5 $\frac{1}{2}$) miles downstream from Crow Creek.

3. The means of diversion of said water will be a concrete dam built across the Flathead River and forebays and penstocks for conveying said water through the generating plant. Said dam will have a crest elevation of approximately 2,635 feet and will create a reservoir approximately twenty-four (24) miles long. Said forebays and penstocks will be of adequate size to convey water for the operation of turbines having approximately 165,000 horsepower. Said water will be returned to the natural channel immediately below the power plant.

4. The date of appropriation of said water is this 2nd day of December, ~~XXXXX~~ 1960.

5. The name of the appropriator of said water is The Montana Power Company, a corporation.

THE MONTANA POWER COMPANY

By James S. Krutzberg
Engineer

Recorded in Book 23 page 554

94413

VERIFICATION

STATE OF MONTANA,

ss.

COUNTY OF _____.

JAMES S. KREITZBERG, being first duly sworn, on oath deposes and says: That he is the Engineer of The Montana Power Company, the corporation making the foregoing appropriation, and that he makes this verification for and on behalf of said The Montana Power Company; that he has read and knows the contents of the within and foregoing Notice of Appropriation, and that the matters and facts therein contained are true; that a full, true and correct copy of the foregoing Notice of Appropriation was posted in a conspicuous place at the point of intended diversion of said water as stated in said notice on the 2nd day of December, ~~1960~~ 1960.

James S. Kreitzberg

Subscribed and sworn to before me this 2 day of

December, ~~1960~~ 1960.

Harold [Signature]
 Notary Public for the State of Montana
 Residing at Orlino
 My Commission expires 4-24-65

94413

STATE OF MONTANA
COUNTY OF LAKE ss

I, Hazel Kinnick, County Clerk and Recorder, in and for the said County of Lake, State of Montana, hereby certify the annexed and following to be a true, full and correct copy of a certain

Notice of Appropriation

Filed for record Dec. 2, 19 60, at 3:53 o'clock P. M.,
Reception No. 148062 File No. _____ and recorded in
Book _____ of _____ at Page _____, records of
Lake County, together with the endorsement thereon, as the same
appears of record in this office.

Witness my hand and official seal, affixed this 2nd day of
Dec. A. D. 19 60.

Hazel Kinnick
County Clerk and Recorder

By Neva Beaton Deputy.

94413

Form No. 76-0 R2/80
STATEMENT OF CLAIM FOR
EXISTING WATER RIGHTS;
OTHER USES - Continuation Sheet

Item 15. Notarized Statement signed by claimant.

STATE OF MONTANA)
)
County of Silver Bow)

I, ROBERT J. LABRIE, having been duly sworn, depose and say that I, being of legal age and being the Vice President, Engineering and Technology, of the claimant of this claim of existing water right, and the person whose name is signed to it as representing the claimant, know the contents of this claim and the matters and things stated there are true and correct.

THE MONTANA POWER COMPANY

By: Robert J. Labrie
ROBERT J. LABRIE

Its: Vice President, Engineering
and Technology

SUBSCRIBED AND SWORN before me, this 23rd day of
April, 1982.

Robert P. Gannon
Notary Public for the State of
Montana
Residing at Butte
My Commission expires 8/8/83

6770



STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D 0

OK NOT
OK OK

Received
Basin
County
Division
Transmittal
Fee

94413

FORM ITEMS

	OK	NOT OK
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	<input checked="" type="checkbox"/>	<input type="checkbox"/>

See continuation sheet

Checked by *R. J. Baker* Date *June 9 1982*

DEFICIENT:

Phoned _____ Number _____ Date _____

Sent Letter _____ To _____ Date _____

Correction Deadline: _____ Date _____

Form Corrected _____ Date _____

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

05/31/83

413-00 (CONTINUED)
USE OK: YES NO COMMENTS

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO NA PHOTO DATE NA
PHOTO NA PHOTO DATE NA
PHOTO NA PHOTO DATE NA

TELEPHONE CONTACT: YES NO DATE COMPLETED 1/1 BY NA COMMENTS NA
LETTER CONTACT: YES NO DATE COMPLETED 1/1 BY NA COMMENTS NA
OWNERSHIP: YES NO DATE COMPLETED 1/1 BY NA COMMENTS NA
INTERVIEWS: YES NO DATE COMPLETED 1/1 BY NA COMMENTS NA

FIELD INVESTIGATION: YES NO APPROVED BY NA DATE CHECKED 1/1 BY NA COMMENTS NA

GENERAL REMARKS:
- WATER MASTER REPLY REC'D 9-25-85.
- LINDA HICKMAN, WM, BY PHONE ON 10-2-85.
- REMARK - PRIORITY DATE, VOLUME AND FLOW RATE ARE IN QUESTION.
- REMARK - DAM NOT COMPLETED YET.

INVESTIGATED BY Judy Spahr DATE 03/02/1985
REVIEWED BY NA DATE 1/1

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
CLAIM RECEIVED: 04/22/82 FEE PAID: \$40
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS CLAIM NO. 00
TYPE OF RIGHT: FILED 25/550 000 AF/YEAR
MAX ACRES: 0.00
PRIORITY DATE: 00:00 12/02/1960
MAX VOLUME: (1,400,000.00 MI.)

CLAIM ID 76L-W-094A13-00
TYPE CODE: S MAX RATE: 35,000.00 C

OWNERS: (M) C MONTANA POWER CO
40 E BROADWAY MT 59701

FLATHEAD RIVER
LOT BLK QTR-SEC SEC TWP RGE CD
S2N2 01 19N 22W LA

SOURCES: DV 01 PERIOD OF USE 199999999997
PG 01 0.00 ACRES

USE: VER. ACRES WRS 19 19
ACRES 0.00

PARCELS: 001
TOTAL 0.00

REMARKS: *REMARK RECORDED GA (4)*
AF MAX COMBINED ACRES FOR ALL RIGHTS: _____
OF REF. RIGHT: _____

ADDDENDUMS: YES NO COMMENTS
IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS ID _____ AND CLAIM ID _____
IF SUPPLEMENTAL RIGHT, PURPOSE ID _____ AND CLAIM ID _____
FIELD VERIFICATION FORM *****
***** FIELD VERIFICATION FORM *****
***** FIELD VERIFICATION FORM *****

RIGHTS: SUPPLEMENTAL IF SUPPLEMENTAL RIGHT, PURPOSE ID _____ AND CLAIM ID _____
VOLUME BASED ON FLOW RATE AND PERIOD OF USE 25/551,680,000 AF/YR OVER CLAIMED VOLUME

COMPARISON STATISTICS: YES NO COMMENTS
BASIN OK: YES NO COMMENTS
SOURCE NAME OK: YES NO COMMENTS
TYPE CD (S/G) OK: YES NO COMMENTS
POD OK: DV 01 YES NO COMMENTS
MNS DIVRS OK: YES NO COMMENTS
PROOF OF USE: CLAIMED FLOW RATE OK: YES NO COMMENTS
CLAIMED PRTY DATE OK: YES NO COMMENTS

FLOW RATE OK: YES NO COMMENTS
VOLUME OK: YES NO COMMENTS
ACTIVITY DATE OK: YES NO COMMENTS

COMMENTS: *ADD AS CLAIMED*
LEAVE AS CLAIMED BUT REMARK
NO MAP WITH CLAIM
NO MAP WITH CLAIM

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76 C-1
New 4-82

REMARK RECORD:	06	A	Y	01	764	W	094413	00

ID TEXT
 01 THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT WILL

TEXT
 BE ADDRESSED AT THE OBJECTION STAGE. THE PRIORITY I

TEXT
 DATE, FLOW RATE, AND VOLUME ARE IN QUESTION. TO ASSURE

ID TEXT
 02 THE ORDERLY ADMINISTRATION OF WATER RIGHTS THE WATER

TEXT
 COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF

TEXT
 NO OBJECTIONS ARE MADE.

ID TEXT

TEXT

TEXT

ID TEXT

TEXT
 WATER COURTS

TEXT
 Supplemental Document

TEXT
 Claim # 94413

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76 C-1
New, 4-82

REMARK RECORD:	06	A	Y	01	764	M	094413	00
----------------	----	---	---	----	-----	---	--------	----

ID TEXT
 03 THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT WILL

TEXT
 BE ADDRESSED AT THE OBJECTION STAGE. THE DAM HAS NOT

TEXT
 BEEN COMPLETED. TO ASSURE THE ORDERLY ADMIISTRATION

ID TEXT
 04 WATER RIGHTS THE WATER COURTS WILL SET A HEARING TO

TEXT
 DETERMINE THIS ISSUE IF NO OBJECTIOWS ARE MADE.

TEXT

ID TEXT

TEXT

TEXT

ID TEXT

TEXT

TEXT

WATER COURTS
 Supplemental Document
 Claim # 094413

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
KALISPELL FIELD OFFICE



TED SCHWINDEN, GOVERNOR

P.O. BOX 860

STATE OF MONTANA
WATER COURTS
Supplemental Document
Claim # _____

(406) 752-2288

KALISPELL, MONTANA 59903

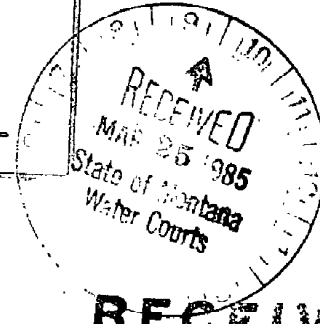
MEMO

TO: Kathryn Lambert

FROM: Judy Jeniker, Kalispell Field Office

RE: Request for Court assistance on:
Montana Power Company's claims in 76L

DATE: March 20, 1985



RECEIVED

SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

Following is a list of questions and comments that came to mind during the review of the six claims filed by the Montana Power Co. in 76L.

Claim #94408 - Power Generation

Priority date - claimed priority date of April 3, 1920 (filed appropriation by J.E. Bell)

- 1909 - first investigation of power possibilities on Flathead River by U.S. Reclamation Service
- 1916 - Federal Water Power Act passed.
 - Rocky Mountain Power Co. applied for permit to survey Flathead River power sites.
- 1920 - filed appropriation by J.E. Bell.
- 1928 - filed appropriation by Rocky Mountain Power Co.
 - Montana Power Co. aquired land for possible dam construction.
- 1930 - Federal Energy Commission granted permit for construction.
- 1936 - dam construction started.
- 1938 - Kerr Dam completed with water used for first time for power generation.

Is there a question on the claimed priority date?

WATER COURTS
Supplemental Document
Claim # _____

Claim #94410 - Domestic

Priority date - same question as #94408
- claim received May 22, 1982 - late

Claim #94411 - Irrigation

Priority date - same question as #94408.
- claim received May 22, 1982 - late

Claim #94412 - Power Generation

Priority date - date claimed - December 2, 1960 (filed appropriation by Montana Power Co.)
- affidavit by Robert J. Labrie states "...good faith and steady effort has been made..."
- Buffalo Rapids Dam #2 has not been constructed yet!

Is this a due diligence matter?

Flow rate - claimed flow rate - 35,000 cfs.
- claimed flow rate implies some stored water. Mean annual discharge is 12,300 cfs.
- no dam therefore no reservoir i.e. no reservoir remark?

Volume - claimed volume - 25,500,00 acre feet per year.

Claimed flow rate will produce claim volume, but is it feasible?

Claim #94413 - Power Generation

- Same questions as Claim #94412;
- Buffalo Rapids Dam #4 has not been constructed yet!



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lesley
P.O. Box 679
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holter
Lincoln County Courthouse
Libby, MT 59923

Yellowstone River Basin
Judge Roy C. Roesphers
P.O. Box 448
Fondup, MT 59072

TO: Judy Jenike Field Office

FROM: Linda Hclones Water Master

DATE: 9/17/85

RE: CLAIM(S) 764-

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SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

094408- Priority date - leave as claimed

Add a GA remark: This claim presents issues of fact and law that will be addressed at the objection stage. ~~There may be a question~~ The priority date is in question

It will be up to the Master to determine if there was enough activity to justify the 1920 date.

Flow rate - give them what was claimed

Volume - give them what was claimed

GA remark - late claim

non-consumptive use remark: This use may consume some water, but until that amount is quantified, it is presumed that the use is non-consumptive.

WATER COURTS
Supplemental Document
Claim # _____



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W.W. Lesley
PO Box 879
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
PO Box 838
Chunook, MT 59523

Clark Fork River Basin
Judge Robert M. Holler
Lincoln County Courthouse
Libby, MT 59923

Yellowstone River Basin
Judge Roy C. Roegner
PO Box 448
Roundup, MT 59072

WATER COURTS

TO: Supplemental Document

FROM: Claim # _____

DATE: _____

RE: CLAIM(S) _____

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SEP 25 1985

Field office

MONTANA D.N.R.C.
Water Master FIELD OFFICE
KALISPELL

094409 List purpose as storage. If the computer write do this, leave purpose blank + add a remark: The purpose claimed for this right is storage.

leave flow rate as claimed

leave volume blank

Add GA remark: This claim presents issues of fact + law that will be addressed at the objection stage.

The purpose, flow rate and volume are in question.

The documentation indicates that the flow rate should be 50,000 cfs.

Add interbasin transfer remark.

Add GA remark - This claim presents issues of fact and law that will be addressed at the objection stage. It appears that this claim has been previously denied in basin 76N.

Add late claim remark



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lesley,
P.O. Box 579
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holter
Lincoln County Courthouse
Libby, MT 59923

Yellowstone River Basin
Judge Roy C. Roeppner
P.O. Box 448
Roundup, MT 59072

WATER COURTS
Supplemental Document

Claim #
FROM: _____

Field Office

Water Master

RECEIVED

SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

DATE: _____

RE: CLAIM(S) _____

094410
Priority date leave as claimed. Add a GA
remark! Same as for 094408
add GA remark - low claim

094411
Same as 094410

094412
Priority date - leave as claimed. Add GA remark
no flow rate or volume
add GA remark: This claim presents issues of fact
and law that will be addressed at the objection
stage. The Dam is has not been completed.
add GA - low claim

094413
Same as 094412

Form 808 R4/98

DNRC WATER RIGHT OWNERSHIP UPDATE

FILE - WATER RIGHT NO.

GEO CODE: _____

FILED
W 94413-76L

PART 1 - Date of Sale/Death of Joint Tenant
11-15-2002
Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Parties - Names must be entered exactly as they appear on the transfer of ownership or original document creating the joint tenancy.

Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP.

▶ **NorthWestern Energy, L.L.C.**

40 East Broadway

Butte, MT 59701

RECEIVED

Daytime Phone #
(406) 497-3670

Buyer / Surviving Joint Tenant - Enter grantee's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.

▶ **NorthWestern Corporation**

40 East Broadway

Butte, MT 59701

RECEIVED

Daytime Phone #
(406) 497-3670

PART 3 - Description of Property - If description is too lengthy, please attach a separate page.

Legal Description: See attached.

Attachment

Add/Sub _____ Block _____ Lot _____
County Lake City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. 76L 94412 00 and 76L 94413 00
- ▶ (C) Certificate of Water Right No. 76L 65591 00
- ▶ (P) Permit to Appropriate Water No. _____
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other _____

B. SELLER Deceased Joint Tenant (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Lona Brockman Date: 11-15-02

Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Art Lamey Address P.O. Box 2529 Phone # (406) 252-3441
Crowley Law Firm Billings, MT 59103-2529

D. REMARKS

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>35</u>	Check No. <u>165903</u>	Transmittal No.	Date Rec'd
Payor <u>Crowley Law Firm</u>		RECEIVED NOV 21 2002 D.N.R.C.	
Refund	Date <u>11-21-02</u>		
Coder	RO#		
For Complete Information: See File		Rec'd By <u>[Signature]</u>	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

EXHIBIT A
TO DNRC WATER RIGHT OWNERSHIP UPDATE
FEE LANDS
LAKE COUNTY, MONTANA

TOWNSHIP 22 NORTH, RANGE 21 WEST, M.P.M.

Buffalo Rapids No. 2 & 4 (NWE-205)

Section 29:

A tract of land located in the NE/4NW/4 of Section 29, Township 22 North, Range 21 West, M.P.M. and more particularly described as follows: Beginning at a point on the North line of said Section 29, Township 22 North, Range 21 West, which point bears South 89°54' West, 658.5 feet from the North ¼ corner of said Section 29; thence South 89°54' West, 661.5 feet to the North 1/16 corner of the NW/4 of Section 29; thence South 00°06' East, 347.5 feet; thence North 44°51' East, 214.0 feet; thence North 84°59' East, 434.0 feet; thence North 26°09' East, 176.0 feet to the point of beginning.

(Recording Reference: Grant Deed recorded March 17, 1965 in Microfilm # 169703).

Buffalo Rapids No. 2 & 4 (NWE-207)

Section 31:

A tract of land located in the SE/4NW/4 of Section 31, Township 22 North, Range 21 West, M.P.M., described as follows: Beginning at a point, which is North 89°50' East, 1313.4 feet from the West ¼ corner of Section 31, Township 22 North, Range 21 West, M.P.M.; thence North, 559.2 feet; thence South 58°52' East, 128.6 feet; thence North 51°52' East, 284.8 feet; thence South 58°08' East, 178.0 feet; thence North 73°06' East, 346.05 feet; thence South 29°42' East, 393.6 feet; thence South 21°01' East, 352.07 feet to the East and West mid-section line of Section 31; thence South 89°50' West, 1136.4 feet along said mid-section line to the point of beginning.

(Recording Reference: Grant Deed recorded April 15, 1965 in Microfilm # 170091).

A tract of land in the S/2 of Section 31, Township 22 North, Range 21 West, M.P.M., described as follows: Beginning at a point, which is North 89°50' East, 1313.4 feet from the West ¼ corner of Section 31, Township 22 North, Range 21 West, M.P.M.; thence North 89°50' East, 1136.4 feet along the East and West mid-section line of said Section 31; thence South 55°47' East, 508.4 feet; thence South 22°14' West, 225.2 feet; thence South 68°40' West, 342.6 feet; thence North 50°26' West, 320.9 feet; thence South

21°58' West, 311.7 feet; thence South 74°23' West, 216.4 feet; thence North 59°48' West, 175.3 feet; thence North 86°31' West, 429.0 feet; thence North 642.6 feet to the point of beginning.

A tract of land in the E/2SW/4 of Section 31, Township 22 North, Range 21 West, M.P.M., described as follows: Beginning at a point on the South line of Section 31, Township 22 North, Range 21 West, said point being North 89°54' East, 1313.4 feet from the SW corner of said Section 31; thence North 1535.0 feet; thence South 76°22' East, 161.5 feet; thence South 40°50' East, 339.4 feet; thence South 29°19' West, 270.6 feet; thence South 9°50' West, 105.9 feet; thence South 61°26' West, 121.6 feet; thence South 42°10' East, 208.6 feet; thence South 12°00' West, 162.9 feet; thence South 57°05' West, 167.5 feet; thence South 3°36' West, 163.9 feet; thence South 00°29' West, 130.5 feet; thence South 7°04' West, 141.0 feet to the South line of Section 31; thence South 89°54' West, 62.3 feet along the South line of Section 31 to the point of beginning.

(Recording Reference: Grant Deed recorded February 13, 1964 in Microfilm # 164246).

TOWNSHIP 22 NORTH, RANGE 22 WEST, M.P.M.

Buffalo Rapids No. 2 & 4 (NWE-200)

Section 25 & 26:

A tract of land located in the NW/4 of Section 25, Township 22 North Range 22 West, M.P.M., described as follows: Beginning at the North ¼ corner of Section 25, Township 22 North, Range 22 West, M.P.M., thence North 89°50' West, 1112.9 feet along the North line of said Section 25; thence South 12°11' West, 793.6 feet; thence North 86°07' East, 297.7 feet; thence South 28°59' East, 224.1 feet; thence South 22°37' West, 598.6 feet; thence South 21°54' East, 251.6 feet; thence South 10°57' West, 274.2 feet; thence South 43°08' West, 419.3 feet; thence South 34°58' East, 198.2 feet; thence South 04°42' West, 158.2 feet to a point which is South 89°50' East, 1394.6 feet of the West ¼ corner of said Section 25; thence South 89°50' East, 1245.4 feet along the East and West mid-section line to the center of Section 25; thence North 2640.0 feet to the point of beginning.

A tract of land as located in the NW/4 of Section 25, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at a point which is South 89°50' East, 372.9 feet from the West ¼ corner of Section 25, Township 22 North, Range 22 West, M.P.M., thence North 04°37' West, 169.5 feet; thence North 58°44' East, 262.0 feet; thence North 86°54' East, 294.8 feet; thence South 51°58' East, 315.7 feet; thence South 24°50' East, 142.3 feet to the East and West mid-section line of said Section 25; thence North 89°50' West, 813.2 feet along said mid-section line to the point of beginning.

A tract of land in Section 26, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at a point which is North 89°55' West, 667.0 feet from the East ¼ corner of Section 26, Township 22 North, Range 22 West; thence North 21°13' East, 310.5 feet; thence North 01°07' East, 222.3 feet; thence North 03°43' West, 426.6 feet; thence North 45°45' West, 257.7 feet; thence North 51°18' West, 334.0 feet; thence North 43°32' West, 318.0 feet; thence North 55°01' West, 331.8 feet; thence North 29°14' West, 382.2 feet; thence North 25°11' West, 343.0 feet; thence North 69°38' West, 208.5 feet; thence South 25°50' West, 290.6 feet; thence South 09°59' East, 281.9 feet; thence South 24°12' East, 430.5 feet; thence South 49°22' East, 514.7 feet; thence South 25°07' East, 300.0 feet; thence South 21°34' East, 413.0 feet; thence South 82°34' West, 128.4 feet; thence South 34°33' West, 630.9 feet to the East and West mid-section line of said Section 26; thence South 89°55' East, 1085.4 feet along said mid-section line to the point of beginning.

(Recording Reference: Grant Deed recorded January 20, 1964 in Microfilm # 163825).

Buffalo Rapids No. 2 & 4 (NWE-204)

Section 24:

A tract of land located in the S/2NE/4 of Section 24, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at a point, which is 837.8 feet North 89°50' West of the East ¼ corner of Section 24, Township 22 North, Range 22 West, M.P.M., thence North 06°41' East, 260.7 feet; thence North 06°30' West, 198.7 feet; thence South 87°52' West, 345.6 feet; thence North 06°52' East, 159.1 feet; thence North 02°49' East, 190.4 feet; thence North 89°36' West, 301.9 feet; thence North 25°27' West, 96.6 feet; thence North 41°16' West, 265.0 feet; thence South 46°40' West, 303.8 feet; thence South 20°35' East, 408.6 feet; thence South 19°33' West, 240 feet; thence South 10°08' East, 263.6 feet to the East and West mid-section line of said Section 24; thence South 89°50' East 937.5 feet along said mid-section line to the point of beginning.

A tract of land located in the SE/4NE/4 of Section 24, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at the East ¼ corner of Section 24, Township 22 North, Range 22 West, M.P.M.; thence North 275 feet; thence North 47°05' West, 340.5 feet; thence South 36°49' West, 381.9 feet; thence South 41°01' East, 71.5 feet; thence South 27°23' West, 164.8 feet to the East and West mid-section line of said Section 24; thence South 89°50' East, 506.7 feet along said mid-section line to the point of beginning.

A tract of land located in the SE/4 SW/4 of Section 24, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at the South ¼ corner of Section 24, Township 22 North, Range 22 West, M.P.M., thence North 144.3 feet; thence North 86°33' West, 151.1 feet; thence South 40°40' West, 202.4 feet to the South line of said Section 24; thence South 89°50' East 282.6 feet along said South line of Section 24 to the point of beginning.

A tract of land as located in the SE/4SW/4 of Section 24, Township 22 North, Range 22 West, M.P.M., described as follows: Beginning at a point, which is North 89°50' West, 282.6 feet from the South ¼ corner of Section 24, Township 22 North, Range 22 West, M.P.M.; thence North 24°36' West, 609.3 feet; thence North 86°10' West, 500.6 feet; thence South 07°33' West, 590.0 feet to the South line of said Section 24; thence South 89°50' East, 830.3 feet along said South line of Section 24 to the point of beginning.

(Recording Reference: Grant Deed recorded February 4, 1964 in Microfilm # 164139).

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45 DISCOVERY DRIVE
SUITE 200, P.O. BOX 10969
BOZEMAN, MT 59719-0969
PHONE (406) 556-1430

Attorneys are licensed in Montana unless otherwise noted, + not licensed in Montana; * also licensed in North Dakota; # also licensed in Wyoming

November 20, 2002

DNRC
P. O. Box 201601
Helena, MT 59620-1601

RE: Water Right Ownership Updates for
Lake County
Our client: NorthWestern Energy
File No. 70-348-004

Dear Sir or Madam:

Enclosed is an original Water Right Ownership Update for filing, along with our office check in the amount of the filing fees.

If you have any questions, please call me at (406) 255-7288. Thank you.

Sincerely,



MARILYN J. BENNETT
Legal Assistant

Enclosures

MAR. 23. 2002 11:10AM CROWLEY LAW FIRM

SECRETARY OF STATE

STATE OF MONTANA

CERTIFICATE OF FACT

I, **BOB BROWN**, Secretary of State of the State of Montana, do hereby certify that on 04/19/1961, **THE MONTANA POWER COMPANY** was incorporated under the laws of the State of Montana and received its Certificate of Incorporation for a term of perpetual duration.

I further certify that the last corporate annual report filed by **THE MONTANA POWER COMPANY** was 2001 report filed in this office on 03/19/2001.

I further certify that on 09/28/2000 **THE MONTANA POWER L.L.C.** was formed under the laws of the State of Montana for a term of perpetual duration.

I further certify that the last annual report filed by **THE MONTANA POWER, L.L.C.** was the 2001 report filed in this office on 03/06/2001.

I further certify that on 02/13/2002 **THE MONTANA POWER COMPANY** filed articles of merger, merging **THE MONANA POWER COMPANY** with and into **THE MONTANA POWER, L.L.C.**, with **THE MONTANA POWER, L.L.C.** being the surviving entity.

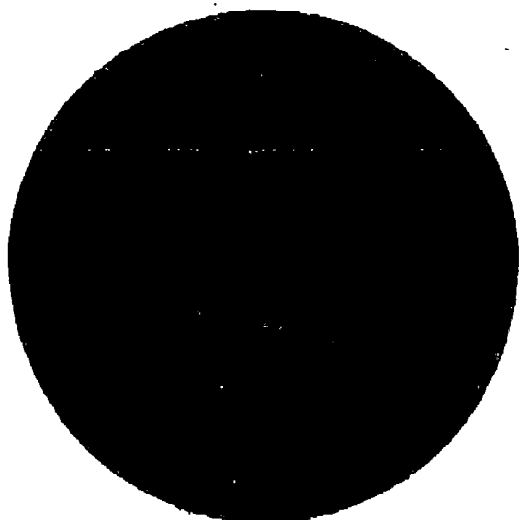
I further certify that on 03/19/2002, **THE MONTANA POWER, L.L.C.** changed its name to **NORTHWESTERN ENERGY, L.L.C.**

I further certify that the corporation and the limited liability compnay have filed all required reports with this office, that no notice or decree of dissolution has been filed with this office, and **NORTHWESTERN ENERGY, L.L.C.** is in good standing.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Capital, this March 28, 2002.



BOB BROWN
Secretary of State



Certified File Number: D-029249

March 25, 2003
76L 94413 00

Page 4 of 4
NEW STORAGE
Ownership Update ID#: 7793

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
48 NORTH LAST CHANCE GULCH P.O.BOX 201601 HELENA, MONTANA 59620-1601

**ACKNOWLEDGEMENT OF WATER RIGHT
OWNERSHIP UPDATE**

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number: 76L 94413 00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: NORTHWESTERN CORP
40 E BROADWAY
BUTTE, MT 59701 9350

Priority Date: DECEMBER 2, 1960
Type of Historical Right: FILED

Purpose (use): POWER GENERATION
Maximum Flow Rate: 35,000.00 CFS

Source:
Source Name: FLATHEAD 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		S2N2	1	19N	22W	LAKE

Diversion Means: DAM

Purpose (Use): POWER GENERATION
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			S2N2	1	19N	22W	LAKE

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/21/2002 .



MISCELLANEOUS



STATEMENT OF CLAIM



***76L ***



94413



00

Current File Location: ADJUDICATION OFFICE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

November 24, 2009

76L 94413 00 STATEMENT OF CLAIM

**D.N.R.C.
Examination Worksheet**

Water Right Number: 76L 94413 00 STATEMENT OF CLAIM

Version Status: ACTIVE

Date Received: APRIL 22, 1982

Ok Not Ok

Exempt? No

Implied Claim? No

Ok Not Ok

Fee Owed? No

[] **Owners:** NORTHWESTERN CORP
C/O LANDS & PERMITTING DEPT
40 E BROADWAY
BUTTE, MT 59701 9350

Remarks: OK Amended Rule 7 DNRC error
 Issue Information

Comments: _____

[] **Purpose (Use):** POWER GENERATION

Remarks: OK Amended Rule 6 DNRC error
 Issue Information

Comments: P644

[] **Source Name:** FLATHEAD RIVER

USGS Map: S/DAM Others: _____

Remarks: OK Amended Rule 11 DNRC error
 Issue Information

Comments: S125

[] **Source type:** SURFACE WATER

OK Not Ok Comments: _____

[] **Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	<u>Means of Diversion</u>
1		S2N2	1	19N	22W	LAKE		DAM

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

OK Amended POD/Rule 8 Means/Rule 9 DNRC error
additional PODS: See attached addendum/amendment forms
named ditch: _____

Remarks: Issue Information
Comments: P49

November 24, 2009

76L 94413 00 STATEMENT OF CLAIM

[] Basin Code: 76L

Sub-Basin Code: _____

Remarks: OK Not Ok Rule 8 Interbasin Transfer with Basin
Comments: _____

[] Priority Date: DECEMBER 2, 1960 Enforceable Priority Date: DECEMBER 2, 1960

Remarks: OK Amended Rule 13 DNRC error
Issue Information
Comments: PRIS

[] Type of Historical Right: FILED

Remarks: OK Amended Rule 29 DNRC error
Issue Information
Comments: _____

[] Flow Rate: 35,000.00 CFS (Miner's Inches: 1,400,000.00)

Remarks: OK Amended Rule 29 DNRC error
Issue Information
Comments: P240

[] Volume: 25,550,000 ac/ft/yr

Remarks: OK Amended Rule 29 DNRC error
Issue Information
Comments: VIII

[] Period of Use: JANUARY 1 to DECEMBER 31

Remarks: OK Amended Rule 30 DNRC error
Issue Information
Comments: _____

[] Maximum Acres:

Total Parcel Acres: 0.00

Remarks: N/A OK Amended Rule 12 DNRC error
Issue Information
Comments: _____

November 24, 2009

76L 94413 00 STATEMENT OF CLAIM

[] 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			S2N2	1	19N	22W	LAKE

OK Amended Rule 28 DNRC error
 Additional POU parcels: See attached addendum/amendment forms
 Remarks: Issue Information
 Comments: P335

Data Source: _____

<u>ID</u>	<u>Exam Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	<u>Photo I.D./County/Date</u>
1			S2N2	1	19N	22W	LAKE	

Total Acres: _____

Data Source: _____

<u>ID</u>	<u>Exam Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	<u>Photo I.D./County/Date</u>
1			S2N2	1	19N	22W	LAKE	

Total Acres: _____

Geocodes/Valid: 15286501101010000 - No 15286501101020000 - No 35286401201010000 - No

Comments: OK

Supplemental: Yes (Enter water rights in related rights tab and generate report) No
 Multiple Use: Yes (Enter water rights in related rights tab) No

Existing Remarks:

P164 INFORMATION STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

Formatted Remarks:

Rmk ID Variables or free text

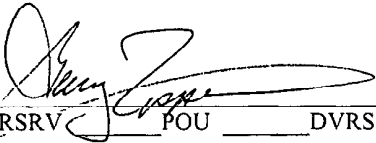
T104
- P644
5125
P49 Dam
PRIS The priority date may be questionable. It appears that the Buffalo Rapids #4 Hydroelectric project was never constructed.
E240
VIII
P335 979-169, 9-23-1979, a Hydroelectric project.

November 24, 2009

76L 94413 00 STATEMENT OF CLAIM

General Comments: (Document any aspects of the examination such as additional data sources, information pertinent to understanding the examination, etc. Use appropriate forms for interviews or field investigation and attach.)

Contact for multiple issues.
No map submitted w/claim.

Examined by:  Date 11/24/2009
Addendums: RMRK RSRV POU DVRS OWNR AMEND SUPP

Examined results entered in database by: G7 Date 11/24/2009

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76L 94413-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: NORTHWESTERN CORP
 C/O LANDS & PERMITTING DEPT
 40 E BROADWAY
 BUTTE, MT 59701-9350

Priority Date: DECEMBER 2, 1960
Enforceable Priority Date: DECEMBER 2, 1960

THE PRIORITY DATE MAY BE QUESTIONABLE. IT APPEARS THAT THE BUFFALO RAPIDS #4 HYDROELECTRIC PROJECT WAS NEVER CONSTRUCTED.

Type of Historical Right: FILED

Purpose (use): POWER GENERATION

IT APPEARS THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED. ACCORDING TO INFORMATION IN THE CLAIM FILE, THERE APPEARS TO BE NO APPROPRIATION OF WATER. ALL ELEMENTS OF THIS CLAIM MAY BE QUESTIONABLE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

Flow Rate: 35,000.00 CFS

THE CLAIMED FLOW RATE CANNOT BE CONFIRMED DUE TO A LACK OF DATA.

Volume: 25,550,000 ##### AC-FT

THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

Source: FLATHEAD RIVER
Source Type: SURFACE WATER

WATER IS NOT DIVERTED FROM THE SOURCE CLAIMED. IT APPEARS THAT NO HISTORICAL APPROPRIATION HAS OCCURRED FROM THE CLAIMED SOURCE.

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		S2N2	1	19N	22W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE DAM CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

Period of Use: JANUARY 1 to DECEMBER 31

November 24, 2009
76L 94413-00

Page 2 of 2
Review Abstract

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			S2N2	1	19N	22W	LAKE

USDA AERIAL PHOTOGRAPH NO. 979-169 , DATED 9/23/1979 , SHOWS NO EVIDENCE OF A HYDROELECTRIC PROJECT AT THE CLAIMED PLACE OF USE.

Remarks:

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

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 7793 RECEIVED 11/21/2002.

REVIEWED BY : GARY ZIPPERIAN

DATE:

Department of Natural Resources and Conservation Examination Report



Map Printed: 11/24/2009 3:22:31 PM

Examiner: Gary Zipperian

WRKEY: 166930-1

Examination of: 76L 94413 00

Owner or Business Name: NORTHWESTERN CORP

Total Water Resources Survey Acres: 0 Acres Source Photo Date: NA




Total Acres Examined: 0 Acres Source Photo Date: NA

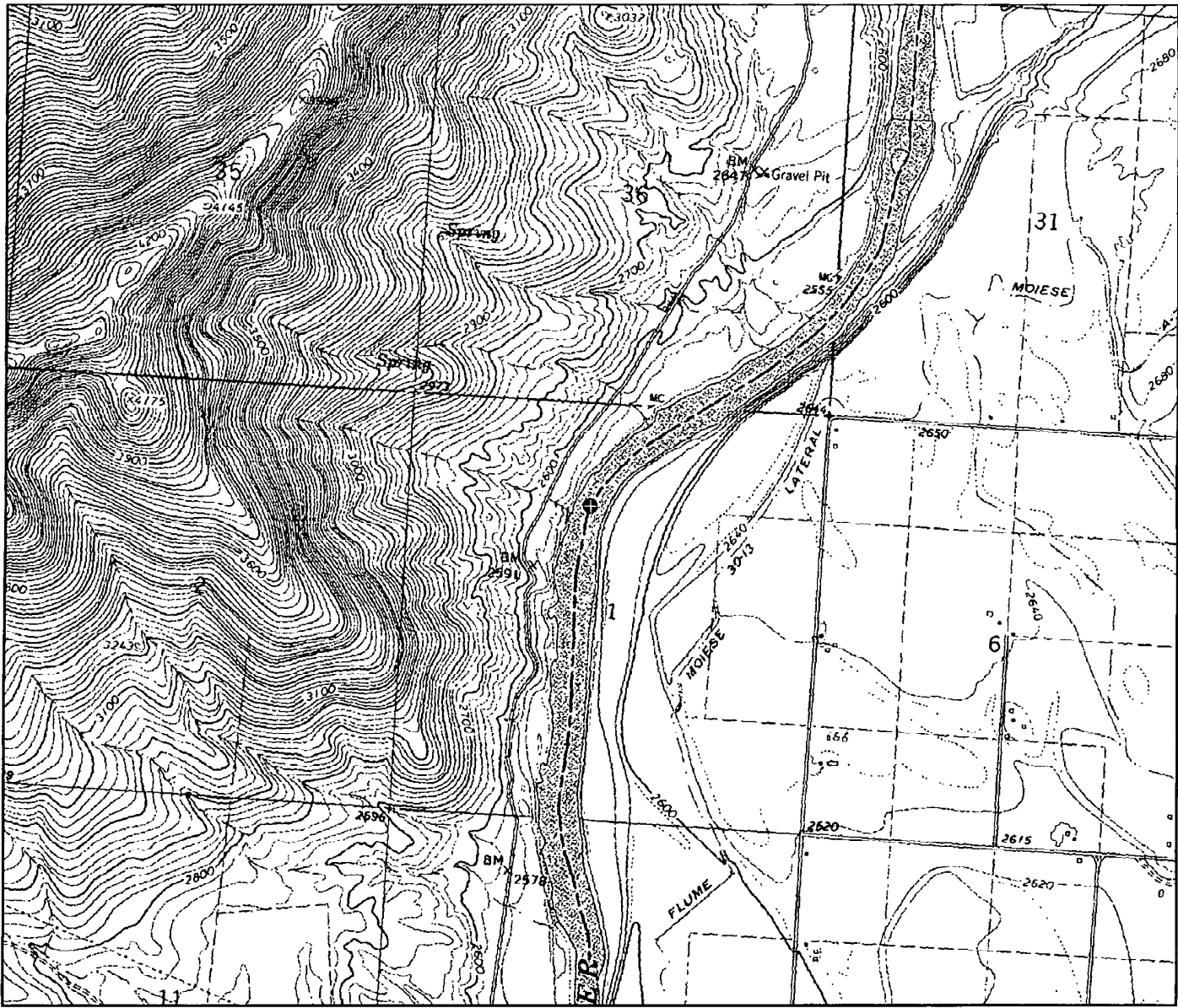
Total Claimed Acres (Calculated): 0 Acres

Total Claimed Acres (Claim Form): Acres

Township, Range, County: T 19N, R 22W, Sec. 01; Sanders, Lake County

USGS 7.5 Minute Quad(s): Sloan, Melton Ranch

-  Claimed Point(s) of Diversion
-  Ditch
-  Water Resources Survey
-  Examined Place of Use
-  Claimed Place of Use



November 24, 2009
76L 94413-00

Date Received: April 22, 1982
Fee Owed: N
Exempt: N
Implied Claim: N
Checked by: GARY ZIPPERIAN
Exam Begin Date: 11/24/2009
Exam End Date: 11/24/2009

Do not film
~~ERROR CHECK~~
ABSTRACT OF WATER RIGHT CLAIM
FLATHEAD RIVER, BELOW FLATHEAD LAKE
BASIN 76L

IMPORTANT NOTICE

THIS REPORT IS FOR INTER-DEPARTMENTAL USE ONLY AND IS NOT INTENDED FOR USE IN ANY COURT PROCEEDING, LEGAL ARGUMENT, OR OFFICIAL BUSINESS.

Water Right Number: **76L 94413-00** STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: NORTHWESTERN CORP
C/O LANDS & PERMITTING DEPT
40 E BROADWAY
BUTTE, MT 59701 9350
Owner Id: 223849

Priority Date: DECEMBER 2, 1960 Priority Origin: CLAIMED
Enforceable Priority Date: DECEMBER 2, 1960

Type of Historical Right: FILED Hist Origin: CLAIMED

Purpose (use): POWER GENERATION

Flow Rate: 35,000.00 CFS

Volume: 25,550,000.00 AC-FT Hours/day to achieve volume: 24.18

Source Name: FLATHEAD RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Type</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	PRIM		S2N2	1	19N	22W	LAKE

Diversion Means: DAM
POD Origin: CLAIMED
Source Origin: CLAIMED

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			S2N2	1	19N	22W	LAKE

THE FOLLOWING INFORMATION REMARKS EXIST.

P164 STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

T104 THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

THE FOLLOWING ISSUE REMARKS EXIST.

F240	THE CLAIMED FLOW RATE CANNOT BE CONFIRMED DUE TO A LACK OF DATA.
P335	USDA AERIAL PHOTOGRAPH NO. 979-169 , DATED 9/23/1979 , SHOWS NO EVIDENCE OF A HYDROELECTRIC PROJECT AT THE CLAIMED PLACE OF USE.
P49	THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE DAM CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
PRIS	THE PRIORITY DATE MAY BE QUESTIONABLE. IT APPEARS THAT THE BUFFALO RAPIDS #4 HYDROELECTRIC PROJECT WAS NEVER CONSTRUCTED.
P644	IT APPEARS THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED. ACCORDING TO INFORMATION IN THE CLAIM FILE, THERE APPEARS TO BE NO APPROPRIATION OF WATER. ALL ELEMENTS OF THIS CLAIM MAY BE QUESTIONABLE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.
S125	WATER IS NOT DIVERTED FROM THE SOURCE CLAIMED. IT APPEARS THAT NO HISTORICAL APPROPRIATION HAS OCCURRED FROM THE CLAIMED SOURCE.
V111	THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

BEGIN ERROR CHECK SECTION

POINT OF DIVERSION A - POINT OF DIVERSION SHOULD HAVE 3 QUARTER SECTIONS IF IDENTIFIABLE.

VOLUME B - NON DOMESTIC PURPOSE, HOURS/DAY > 24 AND NO V24 REMARK:ADD V24 REMARK.

FLOW RATE 'E11' - FLOW RATE > 1 CFS (448.8 GPM) FOR USES OTHER THAN DOMESTIC(DM), STOCK(ST), MINING(MN), MUNICIPAL(MC) OR IRRIGATION(IR).

VOLUME 'F03' - VOLUME NOT FEASIBLE WITH FLOW.

RESERVOIR 'L06' - MEANS OF DIVERSION PIT(PT), DAM(DM), OR DAM/PIT(DP) WITH NO RESERVOIR RECORD.

ignore for now.
GZ

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

November 24, 2009

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

NORTHWESTERN CORP
C/O LANDS & PERMITTING DEPT
40 E BROADWAY
BUTTE, MT 59701 9350

RE: IMPORTANT INFORMATION REGARDING WATER RIGHT CLAIMS IN BASIN 76L

Dear Claimant:

The Montana Water Court has begun the preliminary work necessary to issue a water right decree in Basin **76L**. At the request of the Court, the Department of Natural Resources and Conservation (DNRC) staff is reviewing all the water right claims in the basin for completeness and accuracy.

Your water right claims in basin 76L are currently being examined. This review has raised some questions that cannot be answered from the information submitted with the claims. Additional information may be needed to help us understand your water rights more completely so they are recorded accurately in the decree.

I have enclosed review abstracts of these specific water rights as they would appear in our report to the Water Court. Please read carefully. The issue remarks, if not resolved, may appear in the decree with incorrect or inadequate information. This may make future efforts to assert and protect your water rights more difficult.

Please contact me at **406-444-0506** or e-mail gzipperian@mt.gov within the next 30 days with any questions you may have or to set up a time to meet and go over your potential water right issues. Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Zipperian".

Gary Zipperian, Water Resources Specialist
Helena Water Rights Adjudication

Enclosures: Water Right Abstracts, Maps



OWNERSHIP UPDATE



STATEMENT OF CLAIM



***76L ***



94413



00

Current File Location: ADJUDICATION OFFICE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

ADJ

Form 643 - Revised October 2008

File in WR #

76 L 94413

DNRC OWNERSHIP UPDATE SEVERED WATER RIGHT

A water right is considered severed, if the water right is being removed from the land. A severed water right does not involve a land sale.

If there is a land sale, and an appurtenant water right will not go with the sale, complete a Form 642, Exempted (Reserved) Water Right.

If only a portion of the water right is being severed, complete a Form 641 Divided Interest.

Complete one form for each water right that will be severed.

Contact your local DNRC Water Resources Regional Office if you have any questions.

Filing Fee \$50.00

RECEIVED

MAR 12 2010

D.N.R.C.

FOR DEPARTMENT USE ONLY

Rec'd Date 3-12-10
Rec'd By JDC
Fee Rec'd \$ 50.00 Check No. 534183
Payor Confederated Salish & Kootenai Tribes of the Flathead Nation
Refund \$ _____ Date _____
Deposit Receipt # HEL 1020971

OUID 70428

1. WATER RIGHT NUMBER BEING SEVERED 76 94413-00
2. CURRENT WATER RIGHT OWNER NorthWestern Corporation dba NorthWestern Energy
MAILING ADDRESS 40 East Broadway
CITY Butte STATE MT ZIP 59701
PHONE 406-7219700 EMAIL jkt@montanalawyer.com
3. NEW WATER RIGHT OWNER Confederated Salish and Kootenai Tribes of the Flathead Nation
MAILING ADDRESS Box 278
CITY Pablo STATE MT ZIP 59855
PHONE 406-675-2700 EMAIL joeh@cskt.org

4. PROVIDE A COPY OF THE LEGAL DOCUMENT SEVERING THE WATER RIGHT.

5. PROVIDE A MAP detailing the location of the place of use for the water right being severed. An aerial photo is preferred. You may also use a scaled map, county plat or quad map showing township and range, section corners, and a north arrow.

5. CURRENT WATER RIGHT OWNER SIGNATURE

I CERTIFY UNDER PENALTY OF FALSE SWEARING THAT THE INFORMATION APPEARING HERE IS TO THE BEST OF MY KNOWLEDGE TRUE AND CORRECT.

Current Water Right Owner Signature: *Patrick Bray* Date: 1/7/10
Current Water Right Owner Signature: _____ Date: _____

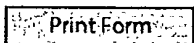
6. NEW WATER RIGHT OWNER SIGNATURE

I CERTIFY UNDER PENALTY OF FALSE SWEARING THAT THE INFORMATION APPEARING HERE IS TO THE BEST OF MY KNOWLEDGE TRUE AND CORRECT.

New Water Right Owner Signature: *[Signature]* Date: 2-18-10
New Water Right Owner Signature: _____ Date: _____

IMPORTANT NOTE

A severed water right cannot be used at a different point of diversion, place of use, place of storage, or purpose other than stated in the original water right until a change application has been authorized by the DNRC.



505519

Return to:
John K. Tabaracci
Sullivan, Tabaracci & Rhoades, P.C.
1821 South Ave. West, 3rd Floor
Missoula, Montana 59801

505519 W/R
STATE OF MONTANA LAKE COUNTY
RECORDED: 03/11/2010 1:30 KOI: W/R
RUTH E. HODGES
FEE: \$14.00
TO:
CLERK AND RECORDER
BY:

MAR 11 2010

Pages: 2

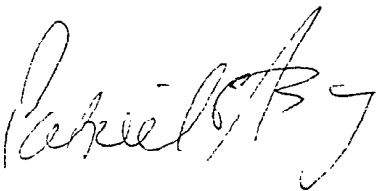
WATER RIGHTS QUITCLAIM DEED
(This deed does not transfer real property)

For consideration received, NorthWestern Corporation, d/b/a NorthWestern Energy, a Delaware Corporation, 40 East Broadway, Butte, Montana 59701-9394 (Grantor), does hereby convey, remise, release and forever quitclaim unto the Confederated Salish and Kootenai Tribes of the Flathead Nation, an Indian tribal government organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq. (2009), P.O. Box 278, Pablo, Montana 59855 (Grantee), its successors and assigns, any and all interests in the water rights described as 76L 94412-00 (Statement of Claim) and 76L 94413-00 (Statement of Claim) per the records of the Montana Department of Natural Resources and Conservation, together with all water rights appurtenant to or reserved by the Grantors from the real property located in Lake County, Montana and described as follows:

The SE1/4SE1/4 Section 1, Township 21 North, Range 22 West, PMM, Lake County, Montana; and the S1/2N1/2 Section 1, Township 19 North, Range 22 West, PMM, Lake County, Montana

This quitclaim is of water rights only and shall not be construed as a conveyance of any other right, title or privileges, whatsoever. Grantee by acceptance of this water rights quitclaim deed acknowledges and agrees that the conveyance as provided for herein is made without any warranty and on an "as is" condition and basis "with all faults."

Dated this 7th day of January, 2010
~~December, 2009.~~

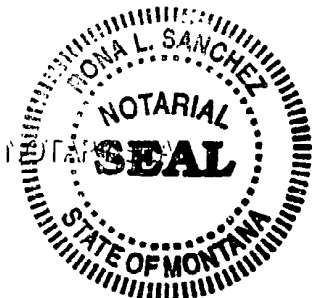


**NORTHWESTERN CORPORATION
d/b/a NORTHWESTERN ENERGY**

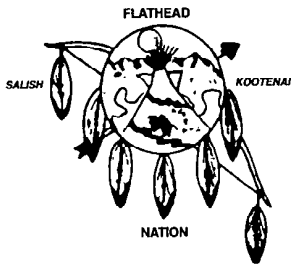
BY: (SIGNED ON PREVIOUS PAGE)
ITS: Manager - Lands & Permitting

STATE OF MONTANA)
).SS
COUNTY OF Silver Bow)

On this 7th day of January, 2010, before me, a Notary Public for the State of Montana, personally appeared Patrick Asay, known to me to be the Mgr - Lands & Permitting for NorthWestern Corporation, a Delaware Corporation, d/b/a NorthWestern Energy.



Rona Sanchez
Printed Name: RONA L. SANCHEZ
Notary Public for the State of Montana
Residing at: Butte
My Commission Expires: 2-22-2011



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



A People of Vision

A Confederation of the Salish,
Upper Pend d'Oreilles
and Kootenai Tribes

TRIBAL COUNCIL MEMBERS:

- E.T. "Bud" Moran – Chairman
- Joe Durglo – Vice Chair
- Steve Lozar – Secretary
- Jim Malatare – Treasurer
- Michel Kenmille
- Carole Lankford
- Reuben A. Mathias
- Charles L. Morigeau
- Terry L. Pitts
- James Steele Jr.

March 11, 2010

Montana Department of Natural Resources and Conservation
1424 9th Avenue
P. O. Box 201601
Helena, MT 59620-1601

RECEIVED

MAR 12 2010

D.N.R.C.

Dear person,

Enclosed for filing are water rights transfers and filing fees for two water rights. Northwestern Energy has transferred the following water rights to the Confederated Salish and Kootenai Tribes;

76-94412-00

76-94413-00

If you need any additional information to perfect the record, please give me a call. Thanks.

Sincerely,

John B. Carter



March 29, 2010
76L 94413 00
Ownership Update Type: 643

Page 1 of 2
ADJUDICATION OFFICE
Ownership Update ID#: 70428

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-2288

Water Right Number: 76L 94413 00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CONFEDERATED SALISH & KOOTENAI TRIBES
% CLARENCE SKAW, WATER RIGHTS ADMIN
PO BOX 278
PABLO, MT 59855 0278

Priority Date: DECEMBER 2, 1960
Enforceable Priority Date: DECEMBER 2, 1960

Type of Historical Right: FILED

Purpose (use): POWER GENERATION
Maximum Flow Rate: 35,000.00 CFS
Maximum Volume: ##### AC-FT

Source Name: FLATHEAD 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		S2N2	1	19N	22W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Purpose (Use): POWER GENERATION
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acre</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2N2	1	19N	22W	LAKE

Remarks:

March 29, 2010
76L 94413 00
Ownership Update Type: 643

Page 2 of 2
ADJUDICATION OFFICE
Ownership Update ID#: 70428

Remarks:

THE CLAIMED FLOW RATE CANNOT BE CONFIRMED DUE TO A LACK OF DATA.

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

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THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 7793 RECEIVED 11/21/2002.

OWNERSHIP UPDATE TYPE 643 # 70428 RECEIVED 03/12/2010.