



MISCELLANEOUS



STATEMENT OF CLAIM



76L



94409



00

Current File Location: ADJUDICATION OFFICE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

November 20, 2009

76L 94409 00 STATEMENT OF CLAIM

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

Water Right Number: 76L 94409 00 STATEMENT OF CLAIM

Version Status: ACTIVE

Date Received: APRIL 22, 1982

Ok Not Ok

Exempt? No

Implied Claim? No

Fee Owed? No

Ok Not Ok

[] **Owners:** PPL MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101

Remarks: OK Amended Rule 7 DNRC error
 Issue Information
Comments: _____

[] **Purpose (Use):** STORAGE - *For Power Generation*

Remarks: OK Amended Rule 6 DNRC error
 Issue Information
Comments: *PUIN*

[] **Source Name:** FLATHEAD RIVER

USGS Map: *Dolson* Others: _____

Remarks: OK Amended Rule 11 DNRC error
 Issue Information
Comments: _____

[] **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		SESW	12	22N	21W	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: _____

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[] Reservoir:

Reservoir / Lake Name: FLATHEAD LAKE
Type: ON-STREAM Govt Lot: Qtr Sec: SESW 12 Sec: 22N Twp: 21W Rge: LAKE County:

Diversion to Reservoir: DIVERSION # 1

Capacity: 1,791,000 cu ft = (Max Depth X Surface Area X 0.4)

Max Depth: Dam Height: 194' Surface Area: 124,800 acres

Remarks: OK Amended Rule 10 DNRC error
 Issue Information

Comments: Reservoir info from NRIS MT Dams site.

[] Basin Code: 76L

Sub-Basin Code:

Remarks: OK Not Ok Rule 8 Interbasin Transfer with Basin

Comments:

✓ [] Priority Date: APRIL 3, 1920 Enforceable Priority Date: APRIL 3, 1920

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: 614,700.00 CFS (Miner's Inches: 24,588,000.00)

Remarks: OK Amended Rule 29 DNRC error
 Issue Information

Comments: FRIS

✓ [] Volume:

Remarks: OK Amended Rule 29 DNRC error
 Issue Information

Comments: V96 V'm - see remark

[] Period of Use: JANUARY 1 to DECEMBER 31

Remarks: OK Amended Rule 30 DNRC error
 Issue Information

Comments:

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[] Maximum Acres:

Total Parcel Acres: 0.00

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

[] 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			SWSW	12	22N	21W	LAKE

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

Comments: See purpose info remark about Thompson Falls Dam.

Data Source:

<u>ID</u>	<u>Exam Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	<u>Photo I.D./County/Date</u>
1			SWSW	12	22N	21W	LAKE	

Total Acres: _____

Data Source:

<u>ID</u>	<u>Exam Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	<u>Photo I.D./County/Date</u>
1			SWSW	12	22N	21W	LAKE	

Total Acres: _____

Geocodes/Valid: 15322712102010000 - N/A

Comments: OK

Supplemental:

 Yes (Enter water rights in related rights tab and generate report) No
✓ 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.
- RM1Z INFORMATION FOR MAP AND DOCUMENTATION REFER TO CLAIM NUMBER 94408
Rep Me
- TR1Z INFORMATION NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.
- VM1Z INFORMATION AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME
Rep Me w/ VM IN

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Formatted Remarks:

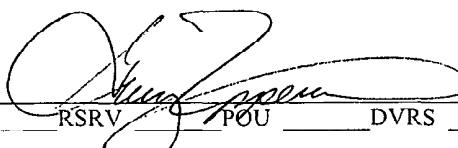
Rmk ID Variables or free text

- ✓ ~~FRIS~~ ^{FRIS} see remark on abstract.
- ✓ ~~FRIS~~ It is unclear if a flow rate is needed to adequately administer this water right.
- ✓ ~~PU(IN)~~ This is a storage right from Flathead Lake used for power generation at Kerr Dam and at the Thompson Falls Dam located in S 1/2 NE 1/4, Sec. 7, T21N R 29W.
- ✓ ~~DM~~ Kerr Dam
- ✓ ~~V96~~
- ✓ ~~R35~~ Reservoir specifications are from NRIS MT Dams website and do not reflect usable storage capacities.
- ✓ ~~VMIn~~ - Amount necessary to fill storage reservoir at any time.

 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 priority date and volume issues. Not clear what volume is feasible.

✓ ~~FRIS~~ - The claimed flow rate may be questionable. Historic Water Use Summaries submitted with this claim indicate the claimed flow rate has never been attained at Kerr Dam.

Examined by:  Date 11/20/2009
 Addendums: RMRK RSRV POU DVRS OWNR AMEND SUPP
 Examined results entered in database by: GZ Date 11/20/2009

DNRC SUPPLEMENTAL DOCUMENT

CLAIM # 762 94409-00

DATE: 11/20/2009

Montana Dams

[Click here to close window and return to map.](#)

Search Area:

State Plane Coordinates: 243633,390769,246599,393454

NIDID	Name	Stream	Built	Owner	Height (ft)	Length (ft)	Reservoir Storage (acre-ft)	Reservoir Surface Area (acres)	Drainage Area (sq miles)
MT00226	KERR DAM	FLATHEAD RIVER	1939	PPL MONTANA & SALISH/KOOTENAI TRIBE	194	675	1791000	124800	7096

Data Description

Montana Dams. Data from the Army Corps of Engineers National Inventory of Dams (NID) and the U.S. Geological Survey Geographic Names Information System. [Click here](#) for more information.

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Review Abstract

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 94409-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: PPL MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101

Priority Date: APRIL 3, 1920
Enforceable Priority Date: APRIL 3, 1920

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, CONSTRUCTION OF KERR DAM DID NOT BEGIN UNTIL 1931 AND WAS COMPLETED IN APRIL OF 1938. THE KERR HYDROELECTRIC DEVELOPMENT WAS PLACED IN COMMERCIAL PRODUCTION IN MAY OF 1939.

Type of Historical Right: FILED

Purpose (use): STORAGE **Purpose Clarification:** FOR POWER GENERATION
THIS IS A STORAGE RIGHT FROM FLATHEAD LAKE USED FOR POWER GENERATION AT KERR DAM AND AT THE THOMPSON FALLS DAM LOCATED IN S 1/2 NE 1/4 OF SECTION 7, T21N, R29W.

Flow Rate: 614,700.00 CFS
IT IS UNCLEAR IF A FLOW RATE IS NEEDED TO ADEQUATELY ADMINISTER THIS WATER RIGHT.
THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. HISTORIC WATER USE SUMMARIES SUBMITTED WITH THIS CLAIM INDICATE THE CLAIMED FLOW RATE HAS NEVER BEEN ATTAINED AT KERR DAM.

Volume:
AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME
THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

Source: FLATHEAD RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM
KERR DAM

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Review Abstract

Reservoir: ON STREAM Reservoir Name: FLATHEAD LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESW	12	22N	21W	LAKE

Diversion to Reservoir: DIVERSION # 1

Dam Height: 194.00 FEET

Surface Area: 124,800.00 ACRES

Capacity: ##### ACRE-FEET

RESERVOIR SPECIFICATIONS ARE FROM NRIS MT DAMS WEBSITE AND DO NOT REFLECT USABLE STORAGE CAPACITIES.

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			SWSW	12	22N	21W	LAKE

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.

94408-00 94409-00 94410-00 94411-00

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.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.

REVIEWED BY : GARY ZIPPERIAN

DATE:

Department of Natural Resources and Conservation Examination Report



Map Printed: 11/20/2009 3:42:19 PM

Examiner: Gary Zippenan

WRKEY: 166922-1

Examination of: 76L 94409 00

Owner or Business Name: PPL MONTANA LLC

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



Total Acres Examined: 0 Acres Source Photo Date: NA

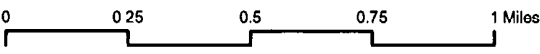
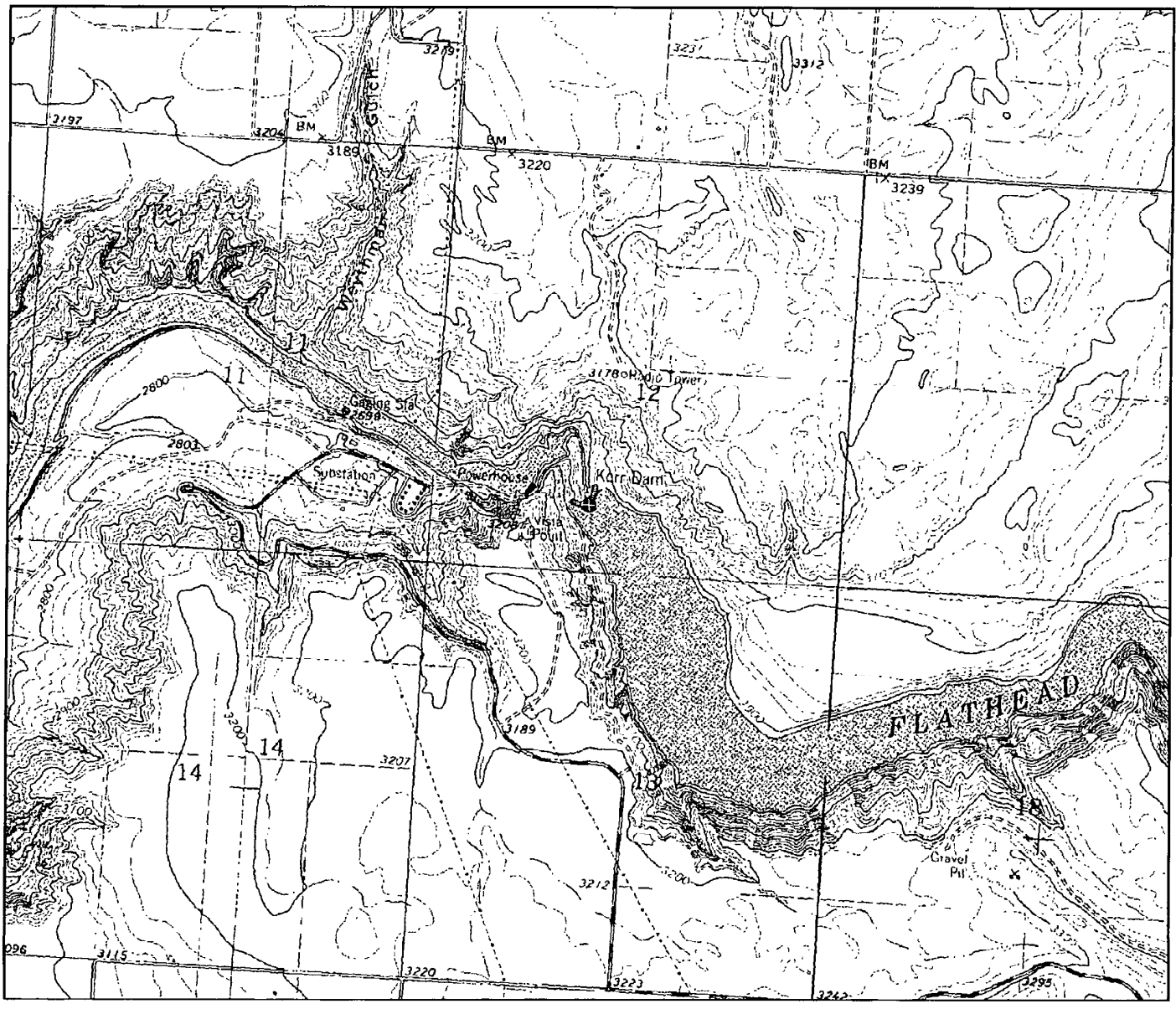
Total Claimed Acres (Calculated): 0 Acres

Total Claimed Acres (Claim Form): Acres

Township, Range, County: T 22N, R 21W, Sec. 12; Lake County

USGS 7.5 Minute Quad(s): Polson

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



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Do not film.

Date Received: April 22, 1982
Fee Owed: N
Exempt: N
Implied Claim: N
Checked by: GARY ZIPPERIAN
Exam Begin Date: 11/19/2009
Exam End Date: 11/20/2009

~~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 94409-00** STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: PPL MONTANA LLC Owner Id: 5798
303 N BROADWAY SUITE 400
BILLINGS, MT 59101

Priority Date: APRIL 3, 1920 Priority Origin: CLAIMED
Enforceable Priority Date: APRIL 3, 1920

Type of Historical Right: FILED Hist Origin: CLAIMED
Purpose (use): STORAGE Purpose Clarification: FOR POWER GENERATION

PU THIS IS A STORAGE RIGHT FROM FLATHEAD LAKE USED FOR POWER GENERATION AT KERR DAM AND AT THE THOMPSON FALLS DAM LOCATED IN S 1/2 NE 1/4 OF SECTION 7, T21N, R29W.

*Flow Rate: 614,700.00 CFS

Volume: **VM** AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME

Source Name: FLATHEAD RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Type	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	PRIM		SESW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

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

DM KERR DAM

Reservoir:	ONSTREAM	Reservoir Name:	FLATHEAD LAKE			
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rgc</u>	<u>County</u>
		SESW	12	22N	21W	LAKE
Dam Height:	194.00 FEET					
Surface Area:	124,800.00 ACRES					
Capacity:	#####	ACRE-FEET				
	##					
POD No:	1					
Means of Diversion:	DAM					
Reservoir Origin:	CLAIMED					

RN RESERVOIR SPECIFICATIONS ARE FROM NRIS MT DAMS WEBSITE AND DO NOT REFLECT USABLE STORAGE CAPACITIES.

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>Rgc</u>	<u>County</u>
1			SWSW	12	22N	21W	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.

FRIS IT IS UNCLER IF A FLOW RATE IS NEEDED TO ADEQUATELY ADMINISTER THIS WATER RIGHT.

FRIS THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. HISTORIC WATER USE SUMMARIES SUBMITTED WITH THIS CLAIM INDICATE THE CLAIMED FLOW RATE HAS NEVER BEEN ATTAINED AT KERR DAM.

PRIS THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, CONSTRUCTION OF KERR DAM DID NOT BEGIN UNTIL 1931 AND WAS COMPLETED IN APRIL OF 1938. THE KERR HYDROELECTRIC DEVELOPMENT WAS PLACED IN COMMERCIAL PRODUCTION IN MAY OF 1939.

V96 THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

BEGIN ERROR CHECK SECTION

POINT OF DIVERSION A - POINT OF DIVERSION SHOULD HAVE 3 QUARTER SECTIONS IF IDENTIFIABLE.
RESERVOIRS H - RESERVOIR CAPACITY >= 50, R75 REMARK MISSING: CHECK FOR RESERVOIR WORKSHEET IN FILE.

FLOW RATE 'E03' - FLOW RATE HAS A KEEP FLAG.

FLOW RATE 'E04' - FLOW RATE VALUE FOR ONSTREAM RESERVOIR, NOT A DECREED TYPE OF RIGHT.

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 'F05' - NO VOLUME, BUT CLAIM HAS A RESERVOIR: USE NOT STOCK(ST), MINING(MN), OR FIRE PROTECTION(FP).

ignore
G2

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

PP&L MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101

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

Dear PP&L MONTANA:

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 cursive script, appearing to read "Gary Zipperian".

Gary Zipperian, Water Resources Specialist
Helena Water Rights Adjudication

Enclosures: Water Right Abstracts, Maps