

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 94408-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: CONFEDERATED SALISH & KOOTENAI TRIBES
%LEGAL DEPARTMENT
PO BOX 278
PABLO, MT 59855-0278

Priority Date: APRIL 3, 1920

Enforceable Priority Date: APRIL 3, 1920

Type of Historical Right: FILED

Purpose (use): POWER GENERATION

Purpose Clarification: HYDROELECTRIC

THIS RIGHT IS FOR DIRECT DIVERSION THROUGH THE POWER PLANT (NO STORAGE).

Maximum Flow Rate: 14,540.00 CFS

Maximum Volume: 614,200.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: 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

Period of Use: JANUARY 1 to DECEMBER 31

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:

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 WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 127196 RECEIVED 12/18/2014.

OWNERSHIP UPDATE TYPE 608 # 140145 RECEIVED 03/14/2016.

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 INTO COMMERCIAL PRODUCTION IN MAY OF 1939.

THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.