

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 94409-00 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): 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 S2NE OF SECTION 7, T21N, R29W, SANDERS COUNTY.

Maximum Flow Rate: 614,700.00 CFS

Maximum Volume: AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME

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		SESW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM
KERR DAM

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

Diversion to Reservoir: DIVERSION # 1

Dam Height: 194.00 FEET
Surface Area: 124,800.00 ACRES
Current Capacity: 1,791,000.00 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

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.

Remarks:

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.

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

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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.

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