

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: 76N 30063808 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status: NO STATUS

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CS&KT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Purpose Clarification: INSTREAM

Maximum Flow Rate: 5,000.00 CFS

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THE ENFORCEABLE LEVEL OF
THIS WATER RIGHT.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE MEASURED AT
THE USGS GAGE #12391950 LOCATION ON THE CLARK RIVER BELOW CABINET
GEORGE DAM, IDAHO (48°05'17"N, 116°04'22"W, NAD83) (NWSENE SEC 27 T55N
R3E). IF USGS GAGE #12391950 IS DISCONTINUED OR OTHERWISE RENDERED
NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT THIS SAME
LOCATION OR AS NEAR TO THAT POINT AS IS REASONABLY PRACTICABLE.

FOR SO LONG AS THE CABINET GORGE AND NOXON DAMS REMAIN IN
EXISTENCE, THE ENFORCEABLE LEVEL OF THIS RIGHT IS A FLOW RATE
EQUAL TO THE LESSER OF 5,000 CFS OR THE MINIMUM FLOW LEVEL
ESTABLISHED BY THE FERC AS A CONDITION ON THE LICENSE FOR THE
CABINET GORGE AND NOXON DAMS AS THAT LICENSE CONDITION MAY BE
MODIFIED OVER TIME.

Maximum Volume:

Source Name: CLARK FORK
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			19	27N	34W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

2			24	27N	35W	SANDERS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Period of Use: JANUARY 1 to DECEMBER 30

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				19	27N	34W	SANDERS
2				24	27N	35W	SANDERS

Remarks:

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF
MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE
LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE CLARK FORK RIVER
STARTING AT THE POINT WHERE THE CLARK FORK RIVER CROSSES THE MONTANA IDAHO STATE
BORDER (48°05'21"N, 116°02'56"W, NAD83) (NWSENW SEC 24 T27N R35W) AND EXTENDING UPSTREAM
TO THE CONFLUENCE OF THE CLARK FORK RIVER AND BLUE CREEK (48°05'46"N, 116°01'39"W, NAD83)
(SWNWSE SEC 18 T27N R35W).

Remarks:

THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76N (LOWER CLARK FORK DRAINAGE) AND IN BASIN 76M (MIDDLE CLARK FORK DRAINAGE) WHOSE POINT OF DIVERSION IS FROM THE MAINSTEM OF THE CLARK FORK RIVER AND NOT ITS TRIBUTARIES, THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER CONNECTED TO THE MAINSTEM OF THE CLARK FORK RIVER AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

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