

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:** 76K 30063809 COMPACT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version 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 CSKT TRIBAL CHAIRMAN AS THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

**Priority Date:** TIME IMMEMORIAL

**Purpose (use):** INSTREAM FISHERY

**Maximum Flow Rate:** 2,716.00 CFS

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 26 OF SCANNED FILING).

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE AVERAGE DAILY RIVER FLOWS FALL BELOW THEIR RESPECTIVE DAILY ENFORCEABLE VALUE.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE USGS GAGE #12370000 LOCATION ON THE SWAN RIVER NEAR BIG FORK, MONTANA (48°01'27.23"N, 113°58'43.75"W, NAD83) (NWSESW SEC 11 T26N R19W). IF USGS GAGE #12370000 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.

**Maximum Volume:**

**Source Name:** SWAN 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			2	26N	19W	LAKE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INSTREAM

**Diversion Type:** PRIMARY

2			11	26N	19W	LAKE
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INSTREAM

**Diversion Type:** PRIMARY

3			14	26N	19W	LAKE
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INSTREAM

**Diversion Type:** PRIMARY

4			35	26N	19W	LAKE
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** INSTREAM

**Diversion Type:** PRIMARY

**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				2	26N	19W	LAKE
2				11	26N	19W	LAKE
3				14	26N	19W	LAKE
4				35	26N	19W	LAKE

Place of Use:

ID      Acres   Govt Lot      Qtr Sec   Sec   Twp   Rge   County

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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 SWAN RIVER STARTING JUST ABOVE THE CONFLUENCE OF THE SWAN RIVER AND PETERSON CREEK (48°03'53"N, 113°58'29"W, NAD83) (NENENW SEC 35 T27N R19W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE SWAN RIVER AND JOHNSON CREEK (48°01'17"N, 113°58'46"W, NAD83) (NWNENW SEC 14 T26N R19W).

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

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 76K (SWAN DRAINAGE) 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 SURFACE SOURCES IN BASIN 76K (SWAN DRAINAGE) AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

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.

76K 30063809 Technical Documentation

By way of the Proposed Compact, 76K 30063809 is hereby issued, creating a new water right, with a place of use along the reach of the Swan River starting just above the confluence of the Swan River and Peterson Creek and extending upstream along the Swan River to the confluence of the Swan River and Johnson Creek. 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 enforceable levels of this water right take the form of static distributions of unique daily flow values, one each for every day of the year. Call may be initiated on the day following a 24-hour period where average daily river flows fall below their respective daily enforceable value.

<b>Enforceable Daily Flows (CFS)</b>												
<b>for 76K 30063809 on the Swan River near Big Fork, Montana</b>												
<b>Day</b>	<b>Month</b>											
	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
1	336	320	319	600	1,175	2,707	1,426	570	357	341	357	362
2	337	319	321	626	1,211	2,648	1,395	556	355	340	357	360
3	338	321	322	652	1,251	2,541	1,363	543	352	341	358	360
4	338	322	324	677	1,292	2,406	1,329	532	350	341	358	359
5	337	323	326	688	1,332	2,294	1,294	521	348	341	358	357
6	337	323	327	700	1,369	2,273	1,257	510	345	340	359	356
7	338	324	329	712	1,400	2,237	1,220	500	347	338	359	356
8	337	324	331	727	1,427	2,196	1,183	490	347	338	360	357
9	336	322	332	743	1,450	2,152	1,147	480	347	338	362	358
10	334	320	334	757	1,470	2,120	1,111	470	347	336	363	357
11	333	318	337	771	1,487	2,105	1,076	461	347	335	366	356
12	334	317	341	783	1,504	2,095	1,043	451	347	335	369	357
13	334	316	345	795	1,523	2,076	1,010	441	346	337	370	357
14	336	313	348	806	1,542	2,062	980	433	345	339	371	357
15	337	312	351	817	1,562	2,046	949	424	346	341	371	357
16	339	311	356	827	1,604	2,021	919	416	347	342	372	358
17	339	310	361	839	1,645	1,971	889	409	348	343	372	358
18	339	310	368	854	1,671	1,899	861	402	350	344	371	357
19	337	309	376	873	1,691	1,819	834	396	352	345	369	356
20	335	310	384	895	1,724	1,749	808	391	355	345	366	355
21	332	312	394	918	1,769	1,693	783	386	356	345	364	354
22	330	313	405	944	1,821	1,662	760	382	357	346	365	352
23	327	315	416	971	1,868	1,634	737	379	357	346	365	351
24	325	316	428	998	1,906	1,608	716	376	356	347	367	351
25	325	316	441	1,024	1,956	1,582	695	374	353	349	367	351
26	325	317	455	1,047	2,087	1,558	675	372	351	350	368	351
27	325	318	469	1,069	2,251	1,535	656	370	348	351	368	351
28	324	318	485	1,091	2,426	1,512	636	367	346	353	369	349
29	322	318	514	1,115	2,574	1,485	618	365	344	354	367	349
30	321		544	1,143	2,671	1,457	601	362	343	355	365	348
31	320		573		2,716		585	359		357		346