

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:

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

Purpose Clarification: INSTREAM

Maximum Flow Rate: 5,000.00 CFS

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.

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.

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

Diversion Type: PRIMARY

2			24	27N	35W	SANDERS
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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 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 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.

Remarks:

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) (NWSNW 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).

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.

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.

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