



FILE



STATEMENT OF CLAIM



76L



94409



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

RECEIVED

MAY 22 1982

DEPT. OF NATURAL RESOURCES AND CONSERVATION

STATEMENT OF CLAIM

94409 76L FOR EXISTING WATER RIGHTS

OTHER USES

For the Water Courts of the State of Montana

LA-C

05-021-01-01

40.00

1. Owner of Water Right THE MONTANA POWER/COMPANY /

Co-Owner or Other Interest Owner NOT APPLICABLE /

Address 40 East Broadway

City Butte State Montana Zip Code 59701

Home Phone No. NOT APPLICABLE Business Phone No. 723-5421

2. Person completing form Zimmerman / Michael E.

Address 40 East Broadway

City Butte State Montana Zip Code 59701

Home Phone No. 723-7738 Business Phone No. 723-5421, Ext. 2404

3. Use: (Check Only One)

- FR Fish Raceways GE Geothermal MN Mining
FW Fish & Wildlife NV Navigation PG Power Generation
CM Commercial FP Fire Protection RC Recreation
IN Industrial AS Agricultural Spraying OT Other
MC Municipal OF Oil Well Flooding Explain Storage

4. Source of Water: (Check Only One)

- Spring Name
Well Name
Stream Name Flathead River Tributary of
Lake Name Stream
Reservoir Name Stream

5. Point of Diversion: County Lake County
1/4 SE 1/4 SW 1/4, Section 12, T 22 N, R 21 E/W
Lot, Block, Subdivision

6. Means of Diversion: Well, Pump Capacity gpm, Headgate with ditch or pipeline, Instream use, Other Kerr Dam

7. Means of Conveyance: Ditch, Instream, Pipeline, Other

8. Place of Use: County Lake County; see continuation sheet

Instream City or Town Other: Explain _____

Lot, _____ Block, _____ 1/4 SW 1/4 SW 1/4, Section 12, T 22, N/S, R 21 E/W

Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____, N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____, N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____, N/S, R _____ E/W

Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____, N/S, R _____ E/W

Subdivision _____

9. Flow rate claimed: 614,700 cubic feet per second
 gallons per minute
 miner's inches

sheet

10. Volume claimed: See continuation acre-feet per year

11. Period(s) of use: Jan. / 1 to Dec. / 31
Month Day Month Day

12. Check one: Decreed Water Right Priority date or date of first use
 Filed Appropriation Right / April / 3 / 1920
 Use Water Right Hour Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

See attached Exhibits _____ through _____.

15. Notarized Statement signed by claimant.

STATE OF MONTANA) See attached continuation sheet.
:ss.
County of _____)

I, _____, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Subscribed and sworn before me, this _____ day of _____ 19____.

Notary Public for the State of Montana
Residing at _____
My Commission expires _____

REMARK RECORD STATEMENT OF CLAIM CODING FORM

codes

OW owner information
PU purpose clarification
SN source name remark
CL clarification of land descr.
DM diversion means
PR priority date

headings

codes

FR flow rate remark
VM volume remark
PE period of use remark
SB subdivision name
RM general remark

headings

94409

| | | | | | | | |
|--------|----------|-------|-------|---------|-----------|--------|-----|
| ACTION | GEN CODE | GEN # | BASIN | ID CODE | ID NUMBER | EXT ID | |
| 0 6 | A | N | 0 0 | 7 6 L | W | | 0 0 |

REMARKS: **RM01**

FOR MAP AND DOCUMENTATION REFER TO CLAIM NUMBER 94408

REMARKS: **SM01**

KERR DAM

REMARKS: **VM01**

AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME

REMARKS: **0 0 0**

REMARKS: **0 0 0**

Form No. 76-0 R2/80
STATEMENT OF CLAIM FOR
EXISTING WATER RIGHTS;
OTHER USES - Continuation Sheet

94409

Item 8. Place of Use. The water stored at Kerr Dam is used for power generation at Kerr Dam and at the Thompson Falls Dam located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 7, T21N, R29W.

Item 10. Volume Claimed. The volume claimed is the amount necessary to fill the storage reservoir at any time.

Item 15. Notarized Statement signed by claimant.

STATE OF MONTANA)
)
)
County of Silver Bow)

I, ROBERT J. LABRIE, having been duly sworn, depose and say that I, being of legal age and being the Vice President, Engineering and Technology, of the claimant of this claim of existing water right, and the person whose name is signed to it as representing the claimant, know the contents of this claim and the matters and things stated there are true and correct.

THE MONTANA POWER COMPANY

By: Robert J. Labrie
ROBERT J. LABRIE

Its: Vice President, Engineering
and Technology

SUBSCRIBED AND SWORN before me, this 14th day of April, 1982.

James L. Wolf
Notary Public for the State of
Montana
Residing at Butte
My Commission expires 6-26-82

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D 0

OK NOT
OK OK

Received **94409**
Basin _____
County _____
Division _____
Transmittal _____
Fee _____

FORM ITEMS

| | OK | NOT OK | |
|----|-------------------------------------|--------|-------------------------------|
| 1 | <input checked="" type="checkbox"/> | | |
| 2 | <input checked="" type="checkbox"/> | | |
| 3 | <input checked="" type="checkbox"/> | | |
| 4 | <input checked="" type="checkbox"/> | | |
| 5 | <input checked="" type="checkbox"/> | | |
| 6 | <input checked="" type="checkbox"/> | | |
| 7 | <input checked="" type="checkbox"/> | | |
| 8 | <input checked="" type="checkbox"/> | | |
| 9 | <input checked="" type="checkbox"/> | | |
| 10 | <input checked="" type="checkbox"/> | | <i>See continuation sheet</i> |
| 11 | <input checked="" type="checkbox"/> | | |
| 12 | <input checked="" type="checkbox"/> | | |
| 13 | <input checked="" type="checkbox"/> | | |
| 14 | <input checked="" type="checkbox"/> | | |
| 15 | <input checked="" type="checkbox"/> | | <i>See continuation sheet</i> |
| 16 | <input checked="" type="checkbox"/> | | |

Checked by *R. Helmer* Date *June 9 1982*
DEFICIENT:

Phoned _____ Number _____ Date _____
Sent Letter _____ To _____ Date _____
Correction Deadline: _____ Date _____
Form Corrected _____ Date _____

____ Incomplete Form & Correspondence Sent To Helena
 See notes on reverse side

05/31/83

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-094409-00 PRIORITY DATE: 00:00 04/03/1920 TYPE OF RIGHT: FILED CLAIM RECEIVED: 05/22/82 FEE PAID: \$40
TYPE CODE: S MAX RATE: 614,700.00 cfs (MI) MAX VOLUME: 0.00 AF/YEAR MAX ACRES: 0.00

OWNERS: (M) C MONTANA POWER CO
40 E BROADWAY

BUTTE MT 59701

LOT BLK QTR SEC SEC TWP RGE CO

SOURCES: DV 01 FLATHEAD RIVER SESW 12 22N 21W LA MEANS DIVRS-DM

USE: PG 01 0.00 ACRES PERIOD OF USE 199999999997

ACRES VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CO REMARKS

PARCELS: 001 0.00 SWSW 12 22N 21W LA

TOTAL 0.00

REMARKS: RM 01 FOR MAP AND DOCUMENTATION REFER TO CLAIM NUMBER 94408

-SN-01 KERR DAM

~~AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME~~

ADDENDUMS: YES NO COMMENTS RESERVOIR AND REMARK (RM, VM & PU) RECORDS & PARCEL RECORDS (ALSO 6 GA REMARKS)
(AND 2 DE REMARKS)

SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS . . . AF MAX COMBINED ACRES FOR ALL RIGHTS . . .
RIGHTS: IF SUPPLEMENTAL RIGHT, PURPOSE ID . . . AND CLAIM ID . . . OF REF. RIGHT

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS: VOLUME BASED ON FLOW RATE AND PERIOD OF USE 0.000 AF/YR OVER CLAIMED VOLUME

BASIN_OK: YES NO COMMENTS

SOURCE NAME OK: YES NO COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

05/31/83

CLAIM ID 76L -W-094409-00 (CONTINUED)

TYPE CD (S/G) OK: YES NO COMMENTS

POD OK: DV 01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS PER CLAIMANT'S MAP

MNS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO COMMENTS

CLAIMED PRY DATE OK: YES NO COMMENTS PER BELL FILING BUT WILL QUESTION DATE

FLOW RATE OK: YES NO COMMENTS LEAVE AS CLAIMED PER WATER MASTER

VOLUME OK: YES NO COMMENTS LEAVE VOLUME BLANK WITH GA REMARK.

PRIORITY DATE OK: YES NO COMMENTS

PERIOD OF USE OK: YES NO COMMENTS

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO N/A PHOTO DATE _____ PHOTO DATE _____

PHOTO _____ PHOTO DATE _____ PHOTO DATE _____

TELEPHONE CONTACT: YES NO DATE COMPLETED / / BY _____ COMMENTS _____

LETTER CONTACT: YES NO DATE COMPLETED / / BY _____ COMMENTS _____

OWNERSHIP: YES NO DATE COMPLETED / / BY _____ COMMENTS _____

INTERVIEW: YES NO DATE COMPLETED / / BY _____ COMMENTS _____

FIELD INVESTIGATION: YES NO APPROVED BY _____ DATE CHECKED / / BY _____ COMMENTS _____

GENERAL REMARKS: PARCEL RECORD FOR THOMPSON FALLS DAM ADDED PER CLAIM ATTACHMENT.

PHONE CONFERENCE WITH LINDA HICKMAN, WATER MASTER ON 10-1-85.

- USE SAME GA REMARK ON PRIORITY DATE AS FOR CLAIM 94408.

- ADD INTERBASIN TRANSFER REMARK BOTH FOR 76N AND 76LJ.

LINDA HICKMAN RESPONSE REC'D 9-25-85.

INVESTIGATED BY Judy Swisher DATE 03/07/1985

REVIEWED BY _____ DATE / /

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION CLAIM ID 76L -W-094409-00
 ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS CLAIM ID 76L -W-094409-00 PRIORITY DATE: 00:00 04/03/1920 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/22/82 FEE PAID: \$40
 TYPE CODE: S MAX RATE: 0.00 (MI) MAX VOLUME: 0.00 AF/YEAR MAX ACRES: 0.00
 OWNERS: (M) C MONTANA POWER CO
 70 E BROADWAY
 BUTTE MT 59701
 LOT BLK QTR SEC SEC TWP RGE CO
 SOURCES: DV 01 FLATHEAD RIVER SESW 12 22N 21W LA MEANS DIVRS-DM
 USE: PG 01 0.00 ACRES PERIOD OF USE 199999999997
 PARCELS: ACRES LOT BLK QTR SEC SEC TWP RGE CO REMARKS
 001 0.00 SWSW 12 22N 21W LA
 TOTAL 0.00
 REMARKS: FR 01 CLAIMS FLOW RATE OF 614,700 CFS
 RM 01 FOR MAP AND DOCUMENTATION REFER TO CLAIM NUMBER 94408
 SN 01 KERR DAM
 VM 01 AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME
 ADDENDUMS: YES NO (DVRS RSRV POU RMRK OWNR) COMMENTS
 ***** FIELD VERIFICATION FORM *****
 COMPARISON STATISTICS: VOLUME BASED ON FLOW RATE AND PERIOD OF USE 0.000 AF/YR (FEASIBLE VOLUME)
 BASIN OK: YES NO COMMENTS
 SOURCE NAME OK: YES NO (FROM: USGS TOPO MAP, WR SURVEY) COMMENTS

CLAIM ID 76L-W-094409-00 (CONTINUED)

TYPE CD (S/G) OK: YES NO COMMENTS

POD OK: DIV 01 YES NO APPEARS CORRECT UNVERIFIED (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FING OTHER)

MEANS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED (DAM IS INITIAL DIVRS) COMMENTS

POU OK: YES NO (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FING OTHER) COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

CLAIMED PRTY DATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

FLOW RATE OK: YES NO NOT QUANTIFIED COMMENTS

VOLUME OK: YES NO COMMENTS

PRIORITY DATE OK: YES NO (APPLIED LAST MONTH OF YR APPLIED LAST DAY OF MONTH) COMMENTS

PERIOD OF USE OK: YES NO COMMENTS

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO PHOTO DATE

PHOTO PHOTO DATE

TELEPHONE CONTACT: YES NO DATE COMPLETED BY COMMENTS

LETTER CONTACT: YES NO DATE COMPLETED BY COMMENTS

OWNERSHIP: YES NO DATE COMPLETED BY COMMENTS

INTERVIEW: YES NO DATE COMPLETED BY COMMENTS

FIELD INVESTIGATION: YES NO APPROVED BY DATE CHECKED BY COMMENTS

WATER COURT CONTACT: YES NO DATE SENT DATE RETURNED COMMENTS

MASTERS RFA YES NO DATE SENT DATE RETURNED COMMENTS

GENERAL COMMENTS:

VERIFIED BY *Judy Sankler* DATE 3/14/1986
REVIEWED BY DATE

WATER RIGHT DATA BASE CODING FORM PARCEL RECORD

PARCEL RECORD:

| | | | | | | | |
|-----|---|---|----|-----|---|--------|----|
| 111 | A | Y | 01 | 76L | W | 094409 | 00 |
|-----|---|---|----|-----|---|--------|----|

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| PG01 | 002 | | | | S2NE S1A | 21M | 29W | 07 | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

| PURP ID | PRCL ID | ACRES | LOT | BLOCK | QUARTER SECTION | CNTY | TWP | RGE | SEC |
|---------|---------|-------|-----|-------|-----------------|------|-----|-----|-----|
| | | | | | | | | | |
| | | | | | Q4 Q3 Q2 Q1 | | | | |

WATER COURTS
Supplemental Document
Claim # 94409

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76 C 1
Nov. 4, 82

REMARK RECORD: 06 A Y 01 76L W 094409 00

ID TEXT
RM01FLATHHEAD LAKE

TEXT

TEXT

ID TEXT
VM011XX

TEXT

TEXT

ID TEXT
PL01ITHE PURPOSE CLAIMED FOR THIS RIGHT IS STORAGE FOR

TEXT
HYDROPOWER AT KERAS DAM AND THOMPSON FALLS DAM.

TEXT

ID TEXT
~~SM011ZE~~

TEXT
~~05/22/02~~

TEXT
WATER COURTS
Supplemental Document
Claim # 94409

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76 C 1
Nov. 4 82

REMARK RECORD: 06 A Y 01 762 W 094409 00

ID TEXT
 01 THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT WILL

TEXT
 BE ADDRESSED AT THE OBJECTION STAGE. THE PRIORITY DATE

TEXT
 IS IN QUESTION.

ID TEXT
 02 THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT WILL

TEXT
 BE ADDRESSED AT THE OBJECTION STAGE. THE PURPOSE, FLOW

TEXT
 RATE, AND VOLUME ARE IN QUESTION. THE DOCUMENTATION

ID TEXT
 03 INDICATES THAT THE FLOW RATE SHOULD BE 50,000 CFS.

TEXT

TEXT

ID TEXT

TEXT

TEXT

WATER COURTS
 Supplemental Document

Claim # 94409

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76 C.1
Nov. 4 82

REMARK RECORD: 06 A Y 01 76L W 094409 00

ID TEXT
G1A04T HIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT WILL

TEXT
BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT

TEXT
ONE OF THE CLAIMED PLACES OF USE HAS BEEN PREVIOUSLY

ID TEXT
GASDECREED IN THE CLARK FORK RIVER BELOW FLATHEAD RIVER

TEXT
DRAINAGE (BASIN 76N).

TEXT

ID TEXT

TEXT

TEXT

ID TEXT

TEXT

TEXT

WATER COURTS
Supplemental Document
Claim # 94409

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 76-C,
Nov. 4 82

REMARK RECORD: 06 A Y 01 76L W 094409 00

ID TEXT
DECISION IS APPROPRIATION OF WATER TAKES WATER FROM THE

TEXT
FLATHHEAD RIVER TO AND INCLUDING FLATHHEAD LAKE DRAINAGE

TEXT
(BASIN 76L) AND USES IT IN THE FLATHHEAD RIVER BELΦW

ID TEXT
DEFLATHHEAD LAKE DRAINAGE (BASIN 76L) AND THE CLARK FORK

TEXT
RIVER BELΦW FLATHHEAD RIVER DRAINAGE (BASIN 76L). AS A

TEXT
RESULT IT WILL BE DECREED IN ALL THREE BASINS AND

ID TEXT
DECSUBJECT TO OBJECTION IN ALL THREE BASINS BEFORE

TEXT
BECOMING FINAL.

TEXT

ID TEXT

TEXT

TEXT

WATER COURTS
Supplemental Document
Claim # 94409

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

KALISPELL FIELD OFFICE

P.O. BOX 860



TED SCHWINDEN, GOVERNOR

(406) 752-2288

KALISPELL, MONTANA 59903

STATE OF MONTANA
WATER COURTS

Supplemental Document
Claim # 76L-W-94409



RECEIVED

MEMO

TO: Kathryn Lambert
FROM: Judy Jeniker, Kalispell Field Office
RE: Request for Court assistance on:
Montana Power Company's claims in 76L
DATE: March 20, 1985

SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

Following is a list of questions and comments that came to mind during the review of the six claims filed by the Montana Power Co. in 76L.

Claim #94408 - Power Generation

Priority date - claimed priority date of April 3, 1920 (filed appropriation by J.E. Bell)

- 1909 - first investigation of power possibilities on Flathead River by U.S. Reclamation Service
- 1916 - Federal Water Power Act passed.
 - Rocky Mountain Power Co. applied for permit to survey Flathead River power sites.
- 1920 - filed appropriation by J.E. Bell.
- 1928 - filed appropriation by Rocky Mountain Power Co.
 - Montana Power Co. acquired land for possible dam construction.
- 1930 - Federal Energy Commission granted permit for construction.
- 1936 - dam construction started.
- 1938 - Kerr Dam completed with water used for first time for power generation.

Is there a question on the claimed priority date?

WATER COURTS
Supplemental Document
Claim # 76L-W-94409

Flow rate - flow rate claimed - 14,540 cfs.
- seems to be ok for 3 turbines. Montana Power Co. turbine records for April 1961 show 15,590 cfs which exceeds rate claimed.

Volume - volume claimed - 614,200 acre feet per year.
- non-consumptive
- claimed volume is less than active storage of Flathead Lake
- claimed volume is feasible re: claimed flow rate.

Claim received May 22, 1982 - late.

Claim #94409 - Storage

Purpose - claimed storage (no use code for storage).
- purpose may be power generation (PG) with a purpose remark "Storage for power generation at Kerr Dam and Thompson Falls Dam".

Basins - three basins are involved, is this a problem?
- Point of diversion (Kerr Dam) - 76L.
- Place of storage (Flathead Lake) - 76LJ.
- Place of use (Kerr Dam) - 76L
(Thompson Falls Dam) - 76N.

- NOTE: Montana Power Co. has already been decreed a right at Thompson Falls Dam. Perhaps Place of Use at Thompson Falls would be incidental.

Flow rate - Flow rate claimed - 614,700 cfs.
- documentation for 50,000 cfs for claims #94408, #94410, #94409, #94411
- maximum discharge 0.5 miles downstream from Kerr Dam (at gaging station) was 82,800 cfs (before Kerr dam was constructed).

Claimed flow rate not feasible; how should this be handled?

Volume - volume claimed - "amount necessary to fill storage reservoir at any time".
- could possibly leave volume blank with VM01 XX remark (non-consumptive) and delete VM01 remark on the abstract. Although use is not really non-consumptive until water passes through the turbines.

Claim received May 22, 1982 - late.

WATER COURTS
Supplemental Document
Claim # 76L-W-94409

Claim #94410 - Domestic

- Priority date - same question as #94408
- claim received May 22, 1982 - late

Claim #94411 - Irrigation

- Priority date - same question as #94408.
- claim received May 22, 1982 - late

Claim #94412 - Power Generation

- Priority date - date claimed - December 2, 1960 (filed appropriation by Montana Power Co.)
- affidavit by Robert J. Labrie states "...good faith and steady effort has been made..."
- Buffalo Rapids Dam #2 has not been constructed yet!

Is this a due diligence matter?

- Flow rate - claimed flow rate - 35,000 cfs.
- claimed flow rate implies some stored water. Mean annual discharge is 12,300 cfs.
- no dam therefore no reservoir i.e. no reservoir remark?

Volume - claimed volume - 25,500,00 acre feet per year.

Claimed flow rate will produce claim volume, but is it feasible?

Claim #94413 - Power Generation

- Same questions as Claim #94412;
- Buffalo Rapids Dam #4 has not been constructed yet!



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lessley
PO Box 678
Bozeman MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
PO Box 938
Chinook MT 59523

Clark Fork River Basin
Judge Robert M. Holler
Lincoln County Courthouse
Libby MT 59923

Yellowstone River Basin
Judge Roy C. Roesphero
PO Box 44E
Roundup, MT 59072

TO: Judy Jenitor Field Office

FROM: Linda Hickman Water Master

DATE: 9/17/85

RE: CLAIM(S) 76L-

RECEIVED

SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

094408- Priority date - leave as claimed

Add a GA remark: This claim presents issues of fact and law that will be addressed at the objection stage. ~~There may be a question~~ The priority date is in question

It will be up to the Master to determine if there was enough activity to justify the 1920 date.

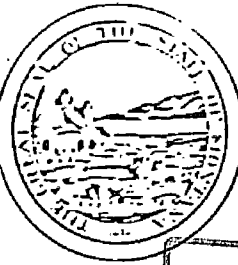
Flow rate - give them what was claimed

Volume - give them what was claimed

GA remark - late claim

non-consumptive use remark: This use may consume some water, but until that amount is quantified, it is presumed that the use is non-consumptive.

WATER COURTS
Supplemental Document
Claim # 76L-W-94409



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lessley
P.O. Box 879
Bozeman MT 59715

Lower Missouri River Basin
Judge Bernard V. Thomas
P.O. Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holter
Lincoln County Courthouse
Libby MT 59923

Yellowstone River Basin
Judge Roy C. Roesphiero
P.O. Box 44E
Roundup MT 59072

WATER COURTS
Supplemental Document
Claim # 76-L-W-94409

DATE: _____

RE: CLAIM(S) _____

RECEIVED

SEP 25 1985
Field Office

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE
Water Master

094409 List purpose as storage. If the computer write do this, leave purpose blank + add a remark: The purpose claimed for this right is storage.

leave flow rate as claimed
leave volume blank

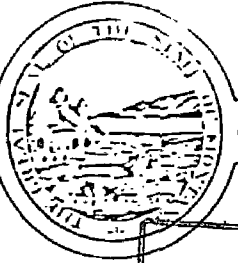
Add GA remark: This claim presents issues of fact + law that will be addressed at the objection stage.

The purpose, flow rate and volume are in question. The documentation indicates that the flow rate should be 50,000 cfs.

Add interbasin transfer remark.

Add GA remark - This claim presents issues of fact and law that will be addressed at the objection stage. It appears that ~~this claim has been~~ ~~pre~~ one of the claimed places of use has been previously decreed in basin 76N.

Add late claim remark



MONTANA WATER COURTS

STATE OF MONTANA

MEMORANDUM

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. J. Lesley
PO Box 879
Bozeman MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
PO Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holter
Lincoln County Courthouse
Libby MT 59923

Yellowstone River Basin
Judge Roy C. Rodeghiero
PO Box 44E
Roundup, MT 59072

WATER COURTS

Supplemental Document

Claim # 76L-W-94409

FROM:

DATE: _____

RE: CLAIM(S) _____

Field Office

Water Master

RECEIVED

SEP 25 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

094410

Priority date leave as claimed. Add a GA
Remark: Same as for 094408
Add GA remark - late claim

094411

Same as 094410

094412

Priority date - leave as claimed. Add GA remark
no flow rate or volume
add GA remark: This claim presents issues of fact
and law that will be addressed at the objection
stage. The Dam is has not been completed.
add GA - late claim

094413

Same as 094412

10L - W-1111
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

FILMED



TED SCHWINDEN, GOVERNOR

1520 EAST SIXTH AVENUE
FEB 18 1986

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-6699

BY _____ HELENA MONTANA 59620

February 11, 1986

Mike Zimmerman
Montana Power Company
40 East Broadway
Butte, MT 59701

Dear Mike,

Per our phone conversation February 7, 1986 I will be making a correction to "date claim received" for the following Montana Power Claims:

76L W-094408
76L W-094409
76L W-094410
76L W-094411

As discussed, the date on record of May 22, 1982 was an error on the departments part. Your claims were received on April 22, 1982 as evidenced by our transmittal sheet 05-021-01-01. May 22, 1982 also happens to be a Saturday.

Sincerely,

James E. Kindle,
Records Section Supervisor

enclosure

76L - W094409

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

FILMED

1520 EAST SIXTH AVENUE

TED SCHWINDEN, GOVERNOR

FEB 18 1986



STATE OF MONTANA

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James E. Kindle,
Records Section Supervisor

enclosure

Field Office Name _____
 Deposited on Collection Report No. _____
 Field Office # _____
 Transmittal No. 021
 Page 01 of 01
 Date: 4-22-82

DEPARTMENT OF NATURAL RESOURCES
 & CONSERVATION

DAILY TRANSMITTAL
 FOR
 WATER RIGHT FILING FEES

S.B. 76

| Line # | APPLICANT | PAYOR | Check # or Cash Rec. # | Amount Received | Disposition | | Remarks | |
|------------------------------|------------------------------------|------------------|------------------------|--------------------|-------------|--------|---------|--|
| | | | | | Code | Amount | | |
| 1 | MT. POWER CO. | MARCON, H.P. | CK 21802 | \$1440.00 | | | | |
| 2 | OSTREM, JERRY/SHARV | OSTREM, JERRY | CR 11409 | 40.00 | | | | |
| 3 | TENEWEIN, VIVIAN/ROBERT | TENEWEIN, WYONE | CR 11414 | 40.00 | | | | |
| 4 | DOWNS, Wm./MARTHA | DOWNS, Wm. | CK 1437 | 80.00 | | | | |
| 5 | BRANTON, GOEDAD | BRANTON, GOEDAD | CK 6167 | 200.00 | | | | |
| 6 | POND, ROBERT | POND, BILLIE | CK 1561 | 80.00 | | | | |
| 7 | VANVOAST, MILA | VANVOAST, DORIS | CK 458 | 40.00 | | | | |
| 8 | FRANK, RICHARD W. | FRANK, RICHARD | CK 3566 | 40.00 | | | | |
| 9 | SMITH, ROBERT | SMITH, ROBERT | CK 3495 | 40.00 | | | | |
| 10 | CHOVANNIK, VOTEE/JOYCE | SWARTZ, JOYCE | CK 1194 | 40.00 | | | | |
| 11 | WARD, WALLACE/MELBIE | WARD, W.V. | CK 323 | 40.00 | | | | |
| 12 | HELBERG/EUGENE/MARSHA | HELBERG, EUGENE | CK 2298 | 160.00 | | | | |
| 13 | DIXON/W.DEAN/DONALD | DIXON, DEAN | CK 349 | 240.00 | | | | |
| 14 | MACKIN, EUGENE/JUNE | MACKIN, EUGENE | CK 283 | 40.00 | | | | |
| 15 | STEIN, JR. JOHN M | STEIN, JOLD | CK 2781 | 40.00 | | | | |
| 16 | DIXON, W. DEAN (STATE OF ILLINOIS) | DIXON, DEAN | CK 1299 | 160.00 | | | | |
| 17 | DIEHL, V.A. | DIEHL, W.A. | CK 5948 | 400.00 | | | | |
| 18 | ATKINS, MARY | ATKINS, TERRY | CK 3235 | 160.00 | | | | |
| 19 | DIEHL, PAUL | DIEHL, RICHARD | CK 1278 | 480.00 | | | | |
| 20 | T.B. LONG K&S, INC. | JOHNSTON, FRED A | CK 1108 | 480.00 | | | | |
| TRANSFEROR: <u>MT. POWER</u> | | | | TRANSFERRER: _____ | | | | |
| TRANSFERRER TOTAL | | | | 4424.00 | | | | |

BY _____

FILMED

FEB 18 1986

Collection Report Date: _____ Agency: 5706 Acct. #: 02214 Debit: 1104
 Max-code: 5706 Mini-code: 5706
 Revenue Est.: 20370
 Resp. Center: 14
 Object of Revenue: 4020
 4020
 14
 14
 TRIPPLICATE

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
WATER RIGHT SYSTEM
LATE CLAIMS

FILMED

FEB 18 1986

BY _____

WATER RIGHT NO. DATE RECEIVED

| | |
|------------------|----------|
| 76LJ-W-141596-00 | 05/14/82 |
| 42KJ-W-187652-00 | 05/14/82 |
| 43D-W-197710-00 | 05/14/82 |
| 43D-W-197711-00 | 05/14/82 |
| 43D-W-197712-00 | 05/14/82 |
| 43D-W-197713-00 | 05/14/82 |
| 43D-W-206814-00 | 05/14/82 |
| 40R-W-125456-00 | 05/15/82 |
| 76LJ-W-148823-00 | 05/17/82 |
| 76M-W-150217-00 | 05/17/82 |
| 76H-W-151223-00 | 05/17/82 |
| 76H-W-151224-00 | 05/17/82 |
| 76F-W-179240-00 | 05/17/82 |
| 42A-W-181270-00 | 05/17/82 |
| 40L-W-074016-00 | 05/18/82 |
| 40L-W-074017-00 | 05/18/82 |
| 76G-W-092211-00 | 05/18/82 |
| 76G-W-092212-00 | 05/18/82 |
| 40J-W-155679-00 | 05/20/82 |
| 40EJ-W-158808-00 | 05/20/82 |
| 76H-W-120054-00 | 05/21/82 |
| 40J-W-132613-00 | 05/21/82 |
| 41K-W-094353-00 | 05/22/82 |
| 76L-W-094408-00 | 05/22/82 |
| 76L-W-094409-00 | 05/22/82 |
| 76L-W-094410-00 | 05/22/82 |
| 76L-W-094411-00 | 05/22/82 |
| 76LJ-W-147112-00 | 05/24/82 |
| 76E-W-136858-00 | 05/26/82 |
| 76E-W-136859-00 | 05/26/82 |
| 76E-W-136861-00 | 05/26/82 |
| 76E-W-136864-00 | 05/26/82 |
| 76E-W-136865-00 | 05/26/82 |
| 76L-W-150434-00 | 05/26/82 |
| 76L-W-150435-00 | 05/26/82 |
| 76L-W-150436-00 | 05/26/82 |
| 76L-W-150437-00 | 05/26/82 |
| 43D-W-182429-00 | 05/26/82 |
| 76K-W-143765-00 | 05/27/82 |
| 76K-W-143766-00 | 05/27/82 |
| 76LJ-W-148920-00 | 05/27/82 |
| 41P-W-156375-00 | 05/27/82 |
| 42A-W-171885-00 | 05/27/82 |
| 76F-Z-119801-00 | 05/30/82 |
| 76H-Z-119853-00 | 05/30/82 |
| 41D-W-092274-00 | 06/01/82 |
| 76H-W-099794-00 | 06/03/82 |
| 41H-W-130239-00 | 06/07/82 |
| 43D-W-181229-00 | 06/07/82 |
| 40J-W-159504-00 | 06/06/82 |
| 43A-W-138988-00 | 06/10/82 |
| 41S-W-150629-00 | 06/11/82 |

LOG OF CLAIMS TO BE PROCESSED
 From: Helena Field Office To: Helena Bureau

Montana Power Co.
 All Basins Helena P.O.

Date / / Cent. Serv. Date

| Type | # of Form(s) | Form(s) | Claimant Name | Address | City | State/CR. or Ck.# | Amount | Transmittal No./ | |
|------|--------------|---------|---------------|------------------------------------|------|-------------------|--------|------------------|--|
| | 16 | | | Yellowstone Water Division | | | | | |
| | 50 | | | Upper Missouri Water Division | | | | 94348-94349 | |
| | 19 | | | Clark Fork Water Division | | | | | |
| | 2 | | | Lower Missouri Water Division | | | | | |
| | | | | These claims exist in this range - | | | | | |
| | | | | | | | | 94348 - 94349 | |
| | | | | | | | | 941134 | |

FILMED

FEB 18 1986

BY

DNRC WATER RIGHT OWNERSHIP UPDATE

| | | | | | |
|-----------|-------|-------|-------|-------|-------|
| GEO CODE: | _____ | _____ | _____ | _____ | _____ |
| | _____ | _____ | _____ | _____ | _____ |
| | _____ | _____ | _____ | _____ | _____ |

| |
|---------------------------|
| PART 1 - SALE DATE |
| 12/17/99 |
| Month/Day/Year |

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Grantor/Grantee - names must be entered exactly as they appear on the transfer of ownership

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP:

▶ The Montana Power Company
 40 East Broadway
 Butte, MT 59701

Daytime Phone # (406) 497-3670

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

▶ PP&L ^{MONTANA} HOLDINGS I.L.C.
 303 North Broadway, Suite 400
 Billings, MT 59101

Daytime Phone # (406) 869-5103

PART 3 - Description of Property - If description is too lengthy, please attach a separate page

Legal Description: See attached "Exhibit A to Special Warranty Deed" Attachment

Add/Sub _____ Block _____ Lot _____

County Flathead City/Town _____ Section _____ Township _____ Range _____

BOX BAR CODE 012128
 FILE BAR CODE 0151030

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

See attached "Exhibit B to Special Warranty Deed"

▶ (W, U, A, B, or O) Statement of Claim No. _____

▶ (C) Certificate of Water Right No. _____

▶ (P) Permit to Appropriate Water No. _____

▶ (E) Exempt Existing Right No. _____

▶ (D) Powder River Basin Decreed Right No. _____

▶ Other _____

FILMED

B. SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description:

Yes No Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: The Montana Power Company
 By: Patrick Asay Date: 12/17/99

Seller Signature: Patrick Asay, Manager of Real Property Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Dave Kinnard Address PP&L, Montana, LLC Phone # (406) 869-5103
303 North Broadway, Suite 400
Billings, MT 59101

D. REMARKS

| | | | |
|--|-----------------------|--|------------------|
| FOR DEPARTMENT USE ONLY | | WATER RIGHT TRANSFER CERTIFICATE | |
| Fee Rec'd <u>150.00 (115.608)</u> | Check No. <u>3027</u> | Transmittal No. _____ | Date Rec'd _____ |
| Payor <u>D. Gary Keady 2608 Silver Bu Billings 59102</u> | | RECEIVED DEC 22 1999 DNRC - HRO | |
| Refund _____ | Date _____ | | |
| Coder _____ | RO# <u>8</u> | Rec'd By _____ | |
| For complete information See File <u>76L-W 094409</u> | | | |

12/22/99

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76L -W-094409-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU
WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU
HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT
OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION.
BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL
OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

*****DNRC*LOCATE*## *5*NS*990101***

OWNERS: PP&L MONTANA LLC
303 N BROADWAY STE 400
BILLINGS MT 59101

PRIORITY DATE: APR 3, 1920

FLOW RATE: 99,999.99 CUBIC FEET PER SECOND (C)

CLAIMS FLOW RATE OF 614,700 CFS

VOLUME:
AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME

SOURCE: FLATHEAD RIVER
RESERVOIR/LAKE NAME: FLATHEAD LAKE

PURPOSE:

| USE | FLOW | VOLUME (AF) | ACRES | PERIOD OF USE |
|---------|------|-------------|-------|------------------|
| STORAGE | | | | JAN 1, TO DEC 31 |

POINTS OF DIVERSION AND MEANS OF DIVERSION:

| <u>DIVERSION:</u> | | | | | | | <u>MEANS</u> |
|-------------------|-----|---------|-----|-----|-----|--------|--------------|
| LOT | BLK | QTR SEC | SEC | TWP | RGE | COUNTY | |
| | | SESW | 12 | 22N | 21W | LAKE | DAM |

| <u>RESERVOIR:</u> | | | | | <u>NAME:</u> |
|-------------------|---------|-----|-----|-----|--------------|
| | QTR SEC | SEC | TWP | RGE | |
| ONSTREAM AT | SESW | 12 | 22N | 21W | KERR DAM |

PLACE OF USE FOR STORAGE:

| ACRES | LOT | BLK | QTR SEC | SEC | TWP | RGE | COUNTY |
|-------|-----|-----|---------|-----|-----|-----|--------|
| 001 | | | SWSW | 12 | 22N | 21W | LAKE |

** TRANSFER OF OWNERSHIP:
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS
CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION A WATER RIGHT
OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION
85-2-424, MCA.

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