

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN (76N)
PRELIMINARY DECREE

CLAIMANTS: Arthur A. Harlow Trust; Michele L. Troudt-
Harlow Trust

OBJECTOR: United States of America (USDA Forest Service)

76N-0042-R-2024

76N 40618-00

76N 40619-00

76N 40620-00

76N 40621-00

76N 40622-00

76N 40623-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Clark Fork River Below the Flathead River Basin (Basin 76N) issued September 21, 2023. The claims are owned by the Arthur A. Harlow Trust and Michele L. Troudt-Harlow Trust. The claims received objections from the United States, DOA Forest Service (United States).

FINDINGS OF FACT

76N 40618-00, 76N 40619-00, and 76N 40620-00

1. Claims 76N 40618-00, 76N 40619-00, and 76N 40620-00 were decreed as Recreation claims for a shared reservoir on Squaw Creek.
2. The United States objected to the claims, stating the combined flow rates and volumes of the three claims were excessive given the reservoir's size.
3. On November 18, 2024, Melinda Anakalea filed a Special Power of Attorney document with the Court allowing her to appear on behalf of Claimants. (Doc.¹ 2.00).
4. On April 23, 2025, the parties filed a Stipulation to Resolve Objections (Stipulation). (Doc. 6.00).
5. The Stipulation proposes the following reductions to the claims:

76N 40618-00

*Volume: ~~4,800.50~~ 55 AC-FT

76N 40619-00

*Volume: ~~274.40~~ 55 AC-FT

76N 40620-00

*Flow Rate: ~~12.50~~ 5.0 CFS

*Volume: ~~9,047.60~~ 55 AC-FT

76N 40621-00 and 76N 40623-00

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

6. Claims 76N 40621-00 and 76N 40623-00 were decreed as fish and wildlife claims for Squaw Creek. These claims share the same reservoir as claims 76N 40618-00, 76N 40619-00, and 76N 40620-00.

7. The United States objected to the claims, stating the combined flow rates and volumes of the three claims were excessive given the reservoir's size.

8. The Stipulation proposes the following reductions to the claims:

76N 40621-00

*Flow Rate: ~~12.50~~ 5.0 CFS
*Volume: ~~9,047.60~~ 400 AC-FT

76N 40623-00

*Volume: ~~1,800.50~~ 55 AC-FT

76N 40622-00

9. The Stipulation proposes no changes to claim 76N 40622-00.

Notice-Type Issue Remarks

10. The claims received notice-type issue remarks as follows:

76N 40618-00, 76N 40619-00, 76N 40620-00, and 76N 40621-00

THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM CANNOT BE DETERMINED AND THE FLOW RATE REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

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 VOLUME OF THIS CLAIM CANNOT BE DETERMINED FROM AVAILABLE INFORMATION, AND VOLUME REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

76N 40622-00 and 76N 40623-00

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.

CLAIMED VOLUME EXCEEDS CAPACITY OF RESERVOIR PLUS EVAPORATIVE LOSSES. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

11. These remarks served their notice purposes and should be removed from the claim abstracts.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.
2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.
3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.
4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).
5. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.
6. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.
7. The party seeking to overcome the prima facie status of a Statement of Claim bears the burden of proof; this burden also applies to a claimant’s objection to his own claim. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.
8. The Water Court is not bound by parties’ settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

CONCLUSIONS OF LAW

76N 40618-00, 76N 40619-00, and 76N 40620-00

1. The Stipulation proposes reductions to the volume of each claim and the flow rate of claim 76N 40620-00. There are no unresolved issue remarks on claims 76N 40618-00, 76N 40619-00, and 76N 40620-00. Therefore, the volumes and flow rate should be reduced as requested.

76N 40621-00 and 76N 40623-00

2. The Stipulation proposes reductions to the volume of each claim and the flow rate of claim 76N 40621-00. There are no unresolved issue remarks on claims 76N 40621-00 and 76N 40623-00. Therefore, the volumes and flow rate should be reduced as requested.

76N 40622-00

3. No changes are required for claim 76N 40622-00.

Notice-Type Issue Remarks

4. The notice-type remarks described in Finding of Fact No. 10 served their notice purposes and should be removed from the claim abstracts.

RECOMMENDATIONS

1. The volume of claims 76N 40618-00, 76N 40619-00, 76N 40620-00, and 76N 40623-00 should be reduced to 55.00 AC-FT.

2. The flow rate of claims 76N 40620-00 and 76N 40621-00 should be reduced to 5.00 CFS.

3. The volume of claim 76N 40621-00 should be reduced to 400.00 AC-FT.

4. The notice-type issue remarks should be removed from the claim abstracts.

A post decree abstract of each water right claim reflecting these recommendations is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

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MontanaBasins.ENRD@usdoj.gov

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40618-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** JUNE 25, 1892

***Type of Historical Right:** DECREED

***Purpose (Use):** RECREATION

***Flow Rate:** 2.50 CFS

Volume: 55.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40606-00	40609-00	40612-00	40617-00	40618-00	40623-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 810-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40619-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** APRIL 1, 1893

***Type of Historical Right:** DECREED

***Purpose (Use):** RECREATION

***Flow Rate:** 166.06 GPM

Volume: 55.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40607-00	40610-00	40613-00	40616-00	40619-00	40622-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 810-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40620-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** APRIL 1, 1906

***Type of Historical Right:** DECREED

***Purpose (Use):** RECREATION

Flow Rate: 5.00 CFS

Volume: 55.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40608-00	40611-00	40614-00	40615-00	40620-00	40621-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 810-00. .

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40621-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** APRIL 1, 1906

***Type of Historical Right:** DECREED

***Purpose (Use):** FISH AND WILDLIFE

Flow Rate: 5.00 CFS

Volume: 400.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40608-00	40611-00	40614-00	40615-00	40620-00	40621-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 811-00. .

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40622-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** APRIL 1, 1893

***Type of Historical Right:** DECREED

***Purpose (Use):** FISH AND WILDLIFE

***Flow Rate:** 168.30 GPM

***Volume:** 271.40 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40607-00	40610-00	40613-00	40616-00	40619-00	40622-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 811-00. .

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 40623-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HARLOW, ARTHUR A TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

TROUDT-HARLOW, MICHELE L TRUST
PO BOX 277
THOMPSON FALLS, MT 59873

***Priority Date:** JUNE 25, 1892

***Type of Historical Right:** DECREED

***Purpose (Use):** FISH AND WILDLIFE

***Flow Rate:** 2.50 CFS

Volume: 55.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** SQUAW CREEK

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		NWSWNE	19	22N	29W	SANDERS

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

Diversion Means: HEADGATE

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***Reservoir:** OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	19	22N	29W	SANDERS

Diversion to Reservoir: DIVERSION # 1

***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			NWNESW	19	22N	29W	SANDERS
2			NWNWSW	19	22N	29W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

810-00	811-00	40618-00	40619-00	40620-00	40621-00
40622-00	40623-00				

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.

40606-00	40609-00	40612-00	40617-00	40618-00	40623-00
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THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 810-00. .