



WATER-RIGHT DOCKET

Glacier National Park

Docket No: 9

MILL CREEK FISH HATCHERY

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: GLAC

Docket Number:

Fed. #9

IDENTIFICATION NO: G, S, 1 0, 2 8, 2 0, G, F, 0 2,

DITCH/WATER SYSTEM: Glacier National Park Fish Hatchery

SOURCE OF SUPPLY: Mill Creek

LOCATION: Sec. 11, T28N, R20W, MPM.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: Book 243, Page 616

Certificate Record Number:

Date of Priority: March 11, 1895

Quantity of Water: 24.25 c.f.s.

Purpose: Fish Culture

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of two dams, concrete diversion tower, diversion works, ponds and conduits.

This land was acquired by the United States in October, 1937. From 1938 to 1941 inclusive the United States razed a flour mill and constructed a fish hatchery.

Notice of Appropriation of Water by the United States was filed for record July 31, 1942.

This property was eliminated from the Park and conveyed to the Fish and Wildlife Service on December 13, 1944.

NOTICE OF APPROPRIATION OF WATER BY THE UNITED STATES

State of Montana)
) ss.
 County of Flathead)

Know All Men By These Presents: That by deed dated October 29, 1937, and recorded on page 545 of Book 229 of the Records of Flathead County, the Great Northern Townsite Company did convey to the United States certain lands in the S₂ of S₂ of Section 11 and the SE₄ of SE₄ of Section 10, Township 28 North, Range 20 West, M. P. M., together with that certain water right located March 11, 1895 by James S. Sisson and Walter S. Traill and recorded on page 254 of Book 16 of Water Rights of the said Flathead County Records; and that by deed dated December 19, 1938, and recorded on page 521 of Book 233 of said Flathead County Records, V. T. and Mrs. V. T. Zimmerman did convey an additional parcel of land in the SE₄ of the SE₄ of said Section 10 to the United States.

That the said water right located by said James S. Sisson and Walter S. Traill was for the diversion of 3000 miners inches (75 cubic feet of water per second of time) legal measurement, of the Patterson Creek, which is now known as Mill Creek, a tributary of the Flathead River, at a dam where said creek crosses the line between said Sections 10 and 11, but that all diversion and use under said appropriation has been limited to 24.25 cubic feet of water per second of time which is the total flow of said stream and tributary springs, but that only 4.25 cubic feet per second of time of said total diversion is consumptive and 20 cubic feet per second of time is non-consumptive and returned to said stream on the land acquired by the United States in the aforesaid SE₄ SE₄ of Section 10.

That during the period from 1938 to 1941 inclusive the United States razed the mill in the SE₄ SE₄ of Section 10 for which the major portion of the original claim was made, and constructed a fish hatchery in lieu thereof to use the same quantity of water, and the following statements constitute an amendment of rights under said claim by James S. Sisson and Walter S. Traill:

That the purpose for which water was originally claimed was irrigation, milling, mining, manufacturing and other useful purposes; and the other useful purposes are hereby designated to include domestic, stock watering and fish culture.

That the place of use was originally designated as the SE₄ of said Section 10 and the SW₄ of said Section 11, but that in increasing the diversion facilities from 300 miners inches to the full flow of the stream said Sisson and Traill, and their successors, have raised the main diversion dam and flooded that portion of the SW₄ SE₄ of said Section 11 covered by aforesaid deed from the Great Northern Townsite Company to the United States and said area is hereby designated as an additional place of use, but all use on those portions of the said SE₄ SE₄ of Section 10 and SW₄ SW₄ of Section 11 which are not owned by the United States, or which may not be acquired by the United States, is hereby declared limited to the terms of aforesaid deeds.

That the original diversion was by a dam at, or near the point where Patterson Creek, now known as Mill Creek, crossed the line between said Sections 10 and 11, and by a flume which was replaced and enlarged from time to time, in accordance with the claim, until a capacity equal to the full flow of the stream was obtained, and the claimants also installed 3 galvanized iron pipes 2.5 inches in diameter with a combined capacity of 0.14 cubic feet of water per second of time from the same diversion dam to operate 3 No. 6 rams.

That during the reconstruction between 1938 and 1941 the United States reinforced said dam and installed a concrete diversion tower approximately at the original diversion point No. 1 on said Patterson or Mill Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11, whence the SW corner of said Section 11 bears S 4°04' W 563 feet, and replaced the original conduits with the following:

1. A wood stave pipe 14 inches in diameter with capacity of 15.00 cubic feet of water per second of time,
2. A wood stave pipe 8 inches in diameter with a control grade to give a capacity of 2.30 cubic feet of water per second of time,
3. A cast iron pipe 8 inches in diameter with a grade to give a capacity of 3.3 cubic feet of water per second of time, which is used partially to operate the aforesaid 3 No. 6 rams, and
4. A cast iron pipe of 12 inch diameter, which is for possible future alterations and has a potential capacity of 9.00 cubic feet of water per second of time, and

said diversion, and the dam overflow, are approximately in mid-channel of the original stream; and pipes Nos. 1 and 2 deliver water to the north side of said stream and pipes Nos. 3 and 4 deliver water to the south side.

That, in addition, a secondary diversion dam was constructed on said stream at the high water line of the pond created behind the main diversion dam, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11, and diversion No. 2 is made by a wood stave pipe of 14-inch diameter and capacity of 3.50 cubic feet of water per second of time at a point whence the said SW corner of Section 11 bears S 74°20' W 3550 feet, and said pipe traverses the pond behind the main dam and terminates on the north bank of said stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of aforesaid Section 10.

That the storage behind the secondary dam is negligible, and there are 288 acre feet of dead storage behind the main dam and 20 acre feet of live storage with a controlled water level fluctuation of 1 foot.

That, in addition to said diversions, stock has been watered directly at the pond formed by the main diversion dam since the first appropriation by aforesaid James S. Sisson and Walter S. Traill, and the United States will provide such stock watering in accordance with the aforesaid deed from the Great Northern Townsite Company to the United States.

That said appropriation was made by aforesaid James S. Sisson and Walter S. Traill on March 11, 1895, all changes and amendments since that date have been in accordance with the claims in the aforesaid notice of such appropriation, and that the United States of America is now the sole owner of all rights under said appropriation, which rights are to the total flow of aforesaid stream of 24.25 cubic feet of water per second of time.

That all diversion structures, ponds and conduits are located on the lands of the United States who also hereby claims all of said diversion works, ponds, conduits and other structures and the water conveyed by them or other structures which may replace them, except such conduits as may be installed by others in accordance with the aforesaid deed from the Great Northern Townsite Company or in accordance with special use permits which the United States may issue from time to time.

That the United States also claims the right to keep the means of diversion in repair, to increase the consumptive use, and to change the points of diversion, place and purpose of use and means of conveyance at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or in whole, at any time.

That claim and amendment is shown on that certain drawing No. NP-GLA-6979, of the "Glacier National Park Fish Hatchery, Being Amended Use of Water Claimed by Walter S. Traill and James S. Sisson, Glacier National Park," which is filed in the Records of Flathead County herewith.

Claiming the same, all and singular, under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

Together with all and singular, the hereditaments and appurtenances thereunto belonging and appertaining or to accrue to the same.

Signed this 31st day of July, 1942.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE.

By (Sgd.) D. S. Libbey
Superintendent,
Glacier National Park.



RECEIVED DEPARTMENT OF THE INTERIOR
REGION TWO OFFICE

NATIONAL PARK SERVICE
Glacier National Park
West Glacier, Montana

1957 FEB 7 AM 8:23

January 29, 1957

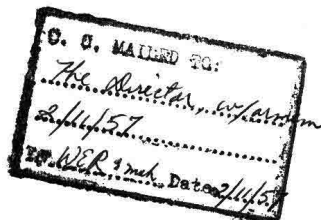
NATIONAL PARK SERVICE
OMAHA, NEBRASKA
Memorandum

To: Regional Director, Region Two
From: Acting Superintendent, Glacier National Park
Subject: Water Rights

We have in our files an un-numbered docket with the notice of appropriation of the water right to the Glacier National Park Fish Hatchery located at Creston, Montana. This property was eliminated from the Park and conveyed to the Fish and Wildlife Service by Act of Congress on December 13, 1944. This water right is of no further value to this area and we shall appreciate having your advice on what disposition should be made of the docket.

Stanley C. Joseph
Stanley C. Joseph
Acting Superintendent

In duplicate



REG. DIRECTOR
ASST. REG. DIRECTOR
CHF. DIV. OF ADMIN.
CHF. DIV. OF OPERATIONS
CHF. DIV. OF INTERP.
CHF. REC. RES. PLANNING
FIELD SOLICITOR
<i>Robertson</i>
ACTION TAKEN <i>2-11-57</i>
FILE <i>2-11-57</i>

REC'D IN GEN. FILES MAR 14 1957

C O P Y

Commissioners:
Earl Hollister, Chairman
W. T. Lavin
Leon Lenon

*alien water
Right # 3
as per memo from
Clerk and Recorder 12/28*
A. J. Shaw

FLATHEAD COUNTY
MONTANA

Kalispell, Montana

STATE OF MONTANA)
COUNTY OF FLATHEAD) SS.

I, A. J. Shaw, County Clerk & Recorder of Flathead
County, Montana, do hereby certify that a certain NOTICE OF
APPROPRIATION OF WATER BY THE UNITED STATES on Patterson Creek,
which is now known as Mill Creek, was filed for record on
July 31, 1942 and is recorded in Book 243 at Page 616 of the
records of the County Clerk & Recorder of Flathead County,
Montana.

In Witness Whereof, I have hereunto set my hand
and affixed my official seal this 26th day of February, 1944.

(Sgd.) A. J. Shaw
County Clerk & Recorder,
Flathead County, Montana.

(SEAL)

AFFIDAVIT POSTING NOTICE

In The Matter of Appropriation
Of Water By The United States,
United States of America,
District of Montana
County of Flathead

Subscribed and sworn to before me this
31st day of July, 1942.

A. C. Thuring, being first duly sworn, deposes and says: That
affiant is a citizen of the United States, over the age of twenty-one
years and an employee of the National Park Service.

That on the 31st day of July, 1942, he did post a copy of the
above notice of appropriation of water by the United States at:

1. A dam where Mill Creek (formerly known as Patterson Creek)
crosses the line between Sections 10 and 11, Township 28
North, Range 20 West, M. P. M., whence the SW corner of
said Section 11 bears South 4 degrees, 04' West 563 feet,
2. A dam on said Mill Creek in the SW 1/4 of said Section 11
whence said SW corner of said Section 11 bears South
74 degrees, 20' West 3550 feet,

and he did post the same in a conspicuous place thereat.

(Sgd.) A. C. Thuring

Subscribed and sworn to before me this
31st day of July, 1942.

(SEAL)

(Sgd.) Wm. H. Lindsay
United States Commissioner,
Glacier National Park, Montana

2635

Indexed D
Copied EW
Compared S/D

STATE OF MONTANA }
County of Flathead) ss

Filed for record at the request
of _____
this 31 day of July 19 42
at 5:00 o'clock P M, and
Recorded in Vol. 247 Rec-
ords of Flathead County, State
of Montana, on page 616
A. J. Shaw
County Clerk & Recorder
By Lucille G. Mos Deputy
Fee 2.75
Return to _____

