

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:** 76G 90639-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
FRED D BENSON  
PO BOX 326  
AVON, MT 59713-0326  
  
BRUCE B BENSON  
PO BOX 326  
AVON, MT 59713-0326  
  
EMMA P BENSON  
PO BOX 326  
AVON, MT 59713-0326  
  
DOROTHY BENSON  
PO BOX 326  
AVON, MT 59713-0326

**Priority Date:** MAY 29, 1948  
**Enforceable Priority Date:** MAY 29, 1948

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 5.00 CFS  
PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

**Maximum Volume:**  
THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.  
A MAXIMUM OF 40.00 ACRE FEET PER YEAR OF THIS CLAIM IS USED TO FILL THE PARKER RESERVOIR.

**Climatic Area:** 5 - LOW

**Maximum Acres:** 190.00

**Source Name:** GIMLET CREEK  
**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		NWSE	12	10N	9W	POWELL

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

THIS CLAIM ALSO USES THE FOLLOWING SECONDARY POINTS OF DIVERSION:

01	NWSWSE	07	10N	08W	POWELL	HEADGATE
02	NWSWSE	07	10N	08W	POWELL	HEADGATE
03	SWSESE	07	10N	08W	POWELL	HEADGATE
04	NESESE	12	10N	09W	POWELL	HEADGATE
05	NWSESE	12	10N	09W	POWELL	HEADGATE
06	SWSWNE	12	10N	09W	POWELL	HEADGATE
07	SEWSE	12	10N	09W	POWELL	HEADGATE
08	SWNWNW	17	10N	08W	POWELL	HEADGATE
09	SWNWNW	17	10N	08W	POWELL	HEADGATE
10	SENEW	17	10N	08W	POWELL	HEADGATE
11	NENENE	18	10N	08W	POWELL	HEADGATE

SECONDARY POINTS OF DIVERSION 02, 05 AND 09 DIVERT WATER FROM THE SOUTH BANK OF GIMLET CREEK.

SECONDARY POINTS OF DIVERSION 01, 04, AND 08 DIVERT WATER FROM THE NORTH BANK OF GIMLET CREEK.

**Reservoir:** ON STREAM **Reservoir Name** PARKER RESERVOIR  
**Govt Lot** **Qtr** **Sec** **Twp** **Rge** **County**  
NWSESE 12 10N 9W POWELL

**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	50.00		S2S2	7	10N	8W	POWELL
2	85.00		W2	17	10N	8W	POWELL
3	55.00		N2N2	18	10N	8W	POWELL
<b>Total:</b>	190.00						

Geocodes/Valid: 28-1882-07-1-01-01-0000 - Y                      28-1882-17-2-01-01-0000 - Y  
28-1882-18-1-01-01-0000 - Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

90616-00	90622-00	90623-00	90624-00	90626-00	90629-00	90632-00
90637-00	90639-00	90640-00				

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

52809-00	90583-00	90616-00	90622-00	90623-00	90624-00	90626-00
90627-00	90629-00	90632-00	90636-00	90637-00	90639-00	90640-00

THIS RIGHT IS USED IN COMBINATION WITH WATER RIGHT CLAIM 76G W 090639-00 FOR STORAGE IN THE RESERVOIR KNOWN AS THE PARKER RESERVOIR. THE OWNER OF THESE WATER RIGHTS MAY NOT UTILIZE THESE WATER RIGHTS TO FILL THE RESERVOIR BEYOND ITS CAPACITY AS OF APRIL 3, 1995.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 106876 RECEIVED 12/31/2012.