

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: 40A 119686-00 STATEMENT OF CLAIM
Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
DEADMANS BASIN DAM
1424 9TH AVE
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: JUNE 5, 1934

Enforceable Priority Date: JUNE 5, 1934

Type of Historical Right: FILED

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED IN SECTION 89-121 R.C.M. (1947) (REPEALED). THIS RIGHT DIVERTS WATER INTO DEADMANS BASIN RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USE OF THE STORED WATER HAS INCLUDED IRRIGATION, STOCKWATER, AND MUNICIPAL USES.

Maximum Flow Rate: 600.00 CFS

TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. 40A 119686-00, 40A 119688-00, 40A 119697-00.

THE FLOW RATE INCLUDES WATER RELEASED FROM UPPER MUSSELSHELL PROJECT RESERVOIR AND DELIVERED TO USERS ALONG THE DEADMAN'S BASIN SUPPLY CANAL.

THIS FLOW RATE IS THE DIVERSION CAPACITY OF THE DEADMAN'S BASIN SUPPLY CANAL.

Maximum Volume: 97,000.00 AC-FT

TOTAL COMPOSITE ANNUAL VOLUME FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 97,000 ACRE-FEET. 40A 119686-00, 40A 119688-00, 40A 119697-00.

THIS VOLUME REFLECTS ONE FILLING OF THE RESERVOIR (76,820 ACRE- FEET) AND THE RIGHT TO REFILL THE RESERVOIR FOR CARRYOVER STORAGE WHEN WATER IS AVAILABLE.

Source Name: MUSSELSHELL RIVER

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIVERSION DAM

Ditch Name: DEADMANS BASIN SUPPLY CANAL

WATER STORED IN DEADMANS BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION TO INDIVIDUAL WATER PURCHASERS:

- CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALLEY COUNTY
- BARBER CANAL - SWSWNW SEC 30 TWP 07N RGE 19E, GOLDEN VALEY COUNTY
- DELPHIA CANAL - NENWNW SEC 31 TWP 09N RGE 28E, MUSSELSHELL COUNTY
- MELSTONE CANAL - SWNWNW SEC 28 TWP 09N RGE 29E, MUSSELSHELL COUNTY
- PRIVATE DIVERSIONS OF WATER PURCHASERS ALONG THE MUSSELSHELL RIVER BELOW DEADMANS BASIN RESERVOIR.

ID

Govt Lot Qtr Sec Sec Twp Rge County

CARELESS CREEK CANAL, BARBER CANAL, MUSSELSHELL RIVER, DELPHIA CANAL, AND MELSTONE CANAL ARE USED AS CARRIERS TO CONVEY WATER RELEASED FROM DEADMAN'S BASIN RESERVOIR TO THE GENERAL SERVICE AREA FOR THIS WATER RIGHT.

DITCH NAME: DEADMAN'S BASIN SUPPLY CANAL.

MEANS OF DIVERSION ALSO INCLUDES A HEADGATE.

THE PERIOD OF DIVERSION IS FOR STORAGE.

Reservoir:

OFF STREAM **Reservoir Name** DEADMAN'S BASIN RESERVOIR

Govt Lot Qtr Sec Sec Twp Rge County
 NESENE 25 7N 18E WHEATLAND

Diversion to Reservoir: DIVERSION # 1

Dam Height: 63.00 FEET

Surface Area: 2,120.00 ACRES

Current Capacity: 76,820.00 ACRE-FEET

Period of Use:

APRIL 1 to OCTOBER 31

THE PERIOD OF USE IS FOR SALE.

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County
1 NESWNE 25 7N 18E WHEATLAND

THE GENERAL SERVICE AREA FOR THE DEADMANS BASIN RESERVOIR AND CANAL SYSTEMS IS AS FOLLOWS, INCLUDING BUT NOT LIMITED TO:

- 001 T6N R19E GOLDEN VALLEY
- 002 T6N R20E GOLDEN VALLEY
- 003 T6N R21E GOLDEN VALLEY
- 004 T6N R22E GOLDEN VALLEY
- 005 T6N R23E GOLDEN VALLEY
- 006 T6N R23E MUSSELSHELL
- 007 T6N R24E MUSSELSHELL
- 008 T7N R19E GOLDEN VALLEY
- 009 T7N R20E GOLDEN VALLEY
- 010 T7N R22E GOLDEN VALLEY
- 011 T7N R24E MUSSELSHELL
- 012 T7N R25E MUSSELSHELL
- 013 T8N R25E MUSSELSHELL
- 014 T8N R26E MUSSELSHELL
- 015 T8N R27E MUSSELSHELL
- 016 T8N R28E MUSSELSHELL
- 017 T9N R27E MUSSELSHELL
- 018 T9N R28E MUSSELSHELL
- 019 T9N R29E MUSSELSHELL
- 020 T9N R30E MUSSELSHELL
- 021 T9N R31E MUSSELSHELL
- 022 T10N R30E MUSSELSHELL
- 023 T10N R31E ROSEBUD
- 024 T10N R31E MUSSELSHELL
- 025 T11N R31E MUSSELSHELL
- 026 T11N R31E ROSEBUD

THE SERVICE AREA DOES NOT INCLUDE FEDERAL PUBLIC LAND.

THE PLACE OF USE FOR SALE IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE DEADMANS BASIN RESERVOIR DAM SITE.

Remarks:

THE APPLICABLE COUNTY WATER RESOURCES SURVEYS SHOW 7,833.40 ACRES BEING IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM ANNUAL RELEASE FROM DEADMAN'S BASIN RESERVOIR IS 51,200 ACRE-FEET AS DOCUMENTED IN DNRC RECORDS (1966 WATER YEAR).

APPLICABLE USDA AERIAL PHOTOGRAPHS DATED 1979 AND 1980 SHOW 19,592.60 ACES BEING IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON MUSSELSHELL RIVER WITH A PRIORITY DATE PREDATING CASE NO. 1148, GOLDEN VALLEY COUNTY.