

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 119697-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

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: JULY 5, 1940

Enforceable Priority Date: JULY 5, 1940

Type of Historical Right: USE

Purpose (use): SALE

Irrigation Type: SPRINKLER/FLOOD

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:

THE ENTIRE FLOW OF INTERMITTENT UNNAMED TRIBUTARIES IS INTERCEPTED AND COLLECTED BY THIS PROJECT.

TOTAL COMPOSITE FLOW RATE FOR THE WATER RIGHTS FOLLOWING THIS STATEMENT SHALL NOT EXCEED 600.00 CFS. W119686-00, W119688-00, W119697-00.

NO FLOW RATE HAS BEEN DECREED FOR THE CAPTURE OF THE FLOW OF THE INTERMITTENT TRIBUTARIES FOR DIVERSION TO DEADMAN'S BASIN RSERVOIR.

Maximum Volume:

ALL THE VOLUME OF THE TRIBUTARY SOURCES CAPTURED IS IMPOUNDED IN DEADMAN'S BASIN RESERVOIR.

Source Name: UNNAMED TRIBUTARY OF MUSSELSHELL RIVER

Source Type: SURFACE WATER

WATER DIVERTED UNDER THIS RIGHT TO DEADMAN'S BASIN RESERVOIR IS COMPOSED OF WATER FROM UNNAMED TRIBUTARIES OF MUSSELSHELL RIVER.

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		NWN	9	7N	17E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

2		NWS	9	7N	17E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

3		NWS	9	7N	17E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

4		NE	9	7N	17E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

5		NE	9	7N	17E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

6		SW	10	7N	17E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
7		NENENE	19	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
8		NWSENW	20	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
9		SWNESE	20	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
10		NENWSE	23	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
11		SENESE	27	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
12		SESENE	28	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
13		SWSWNE	28	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DITCH						
14		S2NE	25	7N	18E	WHEATLAND
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: DAM						

JANUARY 01 THROUGH DECEMBER 31 FOR STORAGE

DIVERSIONS 01 THROUGH 12 ARE WHERE THE SOURCE INTERSECTS THE DEADMAN'S BASIN SUPPLY CANAL WHICH IS USED TO CONVEY WATER TO DEADMAN'S BASIN RESERVOIR.

CARELESS CREEK CANAL, CARELESS CREEK, 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

DIVERSION 13 IS THE DEADMAN'S BASIN DAM IN THE UNNAMED TRIBUTARY ALSO KNOWN AS OUTLET COULEE.

THE PERIOD OF DIVERSION IS FOR STORAGE.

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

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2NE	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

THE PLACE OF STORAGE IS THE SURFACE AREA OF DEADMAN'S BASIN RESERVOIR AT THE TOP OF THE FLOOD POOL. THE NORMAL FULL POOL ELEVATION IS 3921 FEET ABOVE MEAN SEA LEVEL.

PLACE OF STORAGE:

	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
01	SE	22	07N	18E	WHEATLAND
02		23	07N	18E	WHEATLAND
03		24	07N	18E	WHEATLAND
04		25	07N	18E	WHEATLAND
05		26	07N	18E	WHEATLAND
06	E2	27	07N	18E	WHEATLAND
07	NE	35	07N	18E	WHEATLAND

Period of Use: APRIL 1 to OCTOBER 31

THE PERIOD OF USE IS FOR SALE.

THE PERIOD OF DIVERSION IS YEAR-ROUND WHEN WATER IS AVAILABLE.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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:

WATER STORED IN DEADMAN'S BASIN RESERVOIR IS DIVERTED FROM STORAGE TO THE FOLLOWING SECONDARY POINTS OF DIVERSION:

1. CARELESS CREEK CANAL - SWSWNW SEC 30 TWP 07N RGE 19E,
GOLDEN VALLEY COUNTY
2. BARBER CANAL - SWSWNW SEC 30 TWP 07N RGE 19E,
GOLDEN VALLEY COUNTY
3. DELPHIA CANAL - NENWNW SEC 31 TWP 09N RGE 28E,
MUSSELSHELL COUNTY.
4. MELSTONE CANAL -SWNWNW SEC 28 TWP 09N RGE 29E,
MUSSELSHELL COUNTY.
5. PRIVATE DIVERSIONS OF CONTRACT USERS ALONG THE MUSSELSHELL RIVER BELOW DEADMAN'S BASIN RESERVOIR.

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MUSSELSHELL RIVER ABOVE ROUNDUP DRAINAGE AND USES IT IN THE MUSSELSHELL RIVER ABOVE ROUNDUP DRAINAGE AND THE MUSSELSHELL RIVER BELOW ROUNDUP DRAINAGE. ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

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

THE MAXIMUM ANNUAL RELEASE FROM DEADMAN'S BASIN RESERVOIR IS 51,200.00 ACRE-FEET AS DOCUMENTED IN DNRC RECORDS (1966 WATER YEAR).

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

Remarks:

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.