

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 119527-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF NATURAL RESOURCES  
STATE PROJECTS, UPPER MUSSELSHELL  
1424 9TH AVE  
HELENA, MT 59620-1601

**Priority Date:** MAY 10, 1938

**Enforceable Priority Date:** MAY 10, 1938

**Type of Historical Right:** FILED

**Purpose (use):** SALE

**Irrigation Type:** SPRINKLER/FLOOD

THIS RIGHT IS FOR DIRECT FLOW FROM THE MUSSELSHELL RIVER TO WATER PURCHASERS ALONG THE TWO DOT CANAL. THE HISTORICAL USE OF THIS WATER HAS INCLUDED IRRIGATION, AND STOCK WATER USES.

**Maximum Flow Rate:** 190.00 CFS

THIS FLOW RATE IS THE DIVERSION CAPACITY OF THE TWO DOT CANAL.

THIS FLOW RATE INCLUDES STORAGE WATER RELEASED FROM BAIR RESERVOIR AND MARTINSDALE RESERVOIR.

THIS RIGHT IS LIMITED TO THAT PORTION OF THE FLOW OF TWO DOT CANAL HISTORICALLY USED TO BENEFIT THE PLACES OF USE TOGETHER WITH WATERS OF THE UPPER MUSSELSHELL PROJECT.

PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED DATED DECEMBER 16, 1939, AND RECORDED AT BOOK A-7, PAGE 206-207, MEAGHER COUNTY, MONTANA, THIS FLOW RATE INCLUDES UP TO 20.0 CFS DIVERETD THROUGH THE TWO DOT CANAL UNDER WATER RIGHT NOS. 201280-00, 201282-00, 201283-00, 201284-00, 201286-00.

**Maximum Volume:** 27,819.00 AC-FT

THE CLAIMED VOLUME OF 27,819 ACRE-FEET IS SUPPORTED BY HISTORIC FLOW RECORD. THIS VOLUME INCLUDES NATURAL FLOW, STORED WATER FROM BAIR AND MARTINSDALE RESERVOIRS AND WATER DIVERTED PURSUANT TO THE RIGHT-OF-WAY EASEMENT DEED DATED DECEMBER 16, 1939, AND RECORDED AT BOOK A-7, PAGE 206-207, MEAGHER COUNTY, MONTANA. THE WATER ALLOWED UNDER THE REFERENCED DEED IS LIMITED TO A MAXIMUM RATE OF 20.0 CFS UNDER WATER RIGHT NOS. 201280-00, 201282-00, 201283-00, 201284-00, 201286-00, THE VOLUME FOR WHICH RIGHTS IS NOT INCLUDED IN THE CLAIMED VOLUME OF 27,819 ACRE FEET UNDER CLAIM NO. 40A 119527-00.

THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFIT USE.

**Climatic Area:** 4 - MODERATELY LOW

**Source Name:** MUSSELSHELL RIVER

**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		SWNWNW	19	8N	13E	WHEATLAND

**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** HEADGATE

**Ditch Name:** TWO DOT CANAL

INCLUDES DIVERSION DAM

**Period of Use:** APRIL 1 to NOVEMBER 4

THE PERIOD OF USE IS FOR SALE.

**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			SWNWNW	19	8N	13E	WHEATLAND

**Place of Use:**

ID            Acres   Govt Lot            Qtr Sec   Sec   Twp   Rge   County

THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE HEADGATE AT THE TWO DOT CANAL.

THE SERVICE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

THE GENERAL SERVICE AREA FOR IRRIGATION AND STOCK WATER FOR THE TWO DOT CANAL COMPONENT OF THE UPPER MUSSELHELL PROJECT, IS AS FOLLOWS, INCLUDING BUT NOT LIMITED TO:

	TWP	RGE	COUNTY
001	08N	13E	WHEATLAND
002	08N	14E	WHEATLAND
003	08N	15E	WHEATLAND

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**Remarks:**

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELHELL RIVER RESERVOIR PROJECT.

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