

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:** 411 89065-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:** HELENA, CITY OF  
CITY ATTORNEYS OFFICE  
316 N PARK AVE  
HELENA, MT 59623-0001

**Priority Date:** NOVEMBER 1, 1919  
**Enforceable Priority Date:** NOVEMBER 1, 1919

**Type of Historical Right:** USE

**Purpose (use):** MUNICIPAL

**Maximum Flow Rate:** THE COMBINED FLOW RATE OF THE FOLLOWING CLAIMS SHALL NOT EXCEED THE HISTORIC CAPACITY OF THE RED MOUNTAIN DITCH, WHICH IS 15.50 CFS: 89062-00, 89064-00, 89065-00, AND 89066-00.

**Maximum Volume:** 1,626.50 AC-FT  
THE MAXIMUM COMBINED VOLUME FOR CLAIMS 89056-00, 89062-00, 89064-00, 89065-00, AND 89066-00 SHALL NOT EXCEED 1626.50 ACRE-FEET.

**Source Name:** BANNER CREEK  
**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         |                 | NENWSW         | 9          | 8N         | 5W         | LEWIS AND CLARK |

**Period of Diversion:** APRIL 1 TO AUGUST 13  
**Diversion Means:** HEADGATE

WATER IS CONVEYED VIA THE RED MOUNTAIN DITCH TO CHESSMAN RESERVOIR AND CONTRIBUTES TO STORAGE IN THE RESERVOIR.

**Reservoir:** OFF STREAM **Reservoir Name** CHESSMAN RESERVOIR  
**Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**  
SWNWSE 2 8N 5W LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 40.00 FEET  
**Surface Area:** 102.00 ACRES  
**Current Capacity:** 1,626.50 ACRE-FEET

**Period of Use:** JANUARY 1 to DECEMBER 31  
THIS RIGHT INCLUDES HIGH OR FLOOD WATERS OF BANNER CREEK.

**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         |              |                 | E2SE           | 32         | 9N         | 5W         | LEWIS AND CLARK |
| 2         |              |                 | W2SW           | 33         | 9N         | 5W         | LEWIS AND CLARK |
| 3         |              |                 | SW             | 16         | 10N        | 3W         | LEWIS AND CLARK |
| 4         |              |                 |                | 17         | 10N        | 3W         | LEWIS AND CLARK |
| 5         |              |                 |                | 18         | 10N        | 3W         | LEWIS AND CLARK |
| 6         |              |                 |                | 19         | 10N        | 3W         | LEWIS AND CLARK |
| 7         |              |                 |                | 20         | 10N        | 3W         | LEWIS AND CLARK |
| 8         |              |                 |                | 21         | 10N        | 3W         | LEWIS AND CLARK |
| 9         |              |                 | S2NW           | 22         | 10N        | 3W         | LEWIS AND CLARK |
| 10        |              |                 | SESE           | 22         | 10N        | 3W         | LEWIS AND CLARK |
| 11        |              |                 | W2SE           | 22         | 10N        | 3W         | LEWIS AND CLARK |
| 12        |              |                 | SW             | 22         | 10N        | 3W         | LEWIS AND CLARK |
| 13        |              |                 | N2N2           | 27         | 10N        | 3W         | LEWIS AND CLARK |
| 14        |              |                 |                | 28         | 10N        | 3W         | LEWIS AND CLARK |
| 15        |              |                 |                | 29         | 10N        | 3W         | LEWIS AND CLARK |
| 16        |              |                 |                | 30         | 10N        | 3W         | LEWIS AND CLARK |
| 17        |              |                 |                | 31         | 10N        | 3W         | LEWIS AND CLARK |
| 18        |              |                 |                | 32         | 10N        | 3W         | LEWIS AND CLARK |

**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>   |
|-----------|--------------|-----------------|----------------|------------|------------|------------|-----------------|
| 19        |              |                 |                | 33         | 10N        | 3W         | LEWIS AND CLARK |
| 20        |              |                 |                | 13         | 10N        | 4W         | LEWIS AND CLARK |
| 21        |              |                 |                | 14         | 10N        | 4W         | LEWIS AND CLARK |
| 22        |              |                 |                | 15         | 10N        | 4W         | LEWIS AND CLARK |
| 23        |              |                 | E2             | 16         | 10N        | 4W         | LEWIS AND CLARK |
| 24        |              |                 |                | 22         | 10N        | 4W         | LEWIS AND CLARK |
| 25        |              |                 |                | 23         | 10N        | 4W         | LEWIS AND CLARK |
| 26        |              |                 |                | 24         | 10N        | 4W         | LEWIS AND CLARK |
| 27        |              |                 |                | 25         | 10N        | 4W         | LEWIS AND CLARK |
| 28        |              |                 |                | 26         | 10N        | 4W         | LEWIS AND CLARK |
| 29        |              |                 |                | 27         | 10N        | 4W         | LEWIS AND CLARK |
| 30        |              |                 |                | 28         | 10N        | 4W         | LEWIS AND CLARK |
| 31        |              |                 |                | 36         | 10N        | 4W         | LEWIS AND CLARK |
| 32        |              |                 | W2SESE         | 34         | 10N        | 5W         | LEWIS AND CLARK |
| 33        |              |                 | E2SWSE         | 34         | 10N        | 5W         | LEWIS AND CLARK |

FOR A DETAILED LEGAL LAND DESCRIPTION, SEE THE MASTER'S REPORT IN THE CLAIM FILE. SOME OF THE SECTIONS LISTED ABOVE ARE NOT ENTIRELY IN THE PLACE OF USE.

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**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 07/06/93: FLOW RATE, VOLUME, PERIOD OF USE, PRIORITY DATE, PERIOD OF DIVERSION.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/18/90: PERIOD OF USE, TYPE OF RIGHT.

STORAGE IN CHESSMAN RESERVOIR IS LIMITED TO 1626.50 ACRE-FEET PER YEAR. THE CITY MAY DIVERT WATER FOR STORAGE UNDER THIS CLAIM, WHEN IT IS IN PRIORITY AND DURING HIGH OR FLOOD WATER, AND MUST CEASE DIVERSION WHEN CHESSMAN RESERVOIR IS FULL, OR WHEN ANY OTHER TENMILE CREEK DECREED WATER USER IS NOT RECEIVING HIS FULL APPROPRIATION, WHICHEVER FIRST OCCURS IN ANY YEAR. THE CITY IS NOT ENTITLED TO ADDITIONAL WATER TO REPLACE WATER LOST TO EVAPORATION OR SEEPAGE OR FOR CIRCULATION.

THIS RESERVOIR IS FILLED ONCE A YEAR DURING HIGH WATER.

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

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 89047-00, 89048-00, 89050-00, 89054-00, 89056-00, 89059-00, 89062-00, 89064-00, 89065-00, 89066-00, 89074-00, 89075-00, AND 214622-00.