

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:** 41B 91499-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

DILLON CANAL CO  
15 S IDAHO ST  
DILLON, MT 59725

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

**Priority Date:** DECEMBER 31, 1877

**Enforceable Priority Date:** DECEMBER 31, 1877

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 4.38 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES REGIONAL OFFICE.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 2,074.50

**Source Name:** POINDEXTER SLOUGH

**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		SESWNW	35	8S	9W	BEAVERHEAD

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

**Diversion Means:** HEADGATE

**Ditch Name:** DILLON CANAL

BLACKTAIL DEER CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER DIVERTED FROM BEAVERHEAD RIVER AND POINDEXTER SLOUGH. WATER IS INITIALLY DIVERTED INTO POINDEXTER SLOUGH AND SUBSEQUENTLY INTO THE DILLON CANAL IN THE SESWNW OF SEC 35, TWP 08S, RGE 09W. BLACKTAIL DEER CREEK TAKES OVER AS THE CARRIER IN THE NWNESW OF SEC 25, TWP 07S, RGE 09W. ADDITIONAL BLACKTAIL DEER CREEK SECONDARY DIVERSION IN THE NESESE OF SEC 24, TWP 07S RGE 09W. THE DILLON CANAL AGAIN BECOMES THE CARRIER IN THE NWNESE OF SEC 24, TWP 07S, RGE 09W ALL IN BEAVERHEAD COUNTY.

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

**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	130.00		W2	3	7S	8W	BEAVERHEAD
2	0.50		NENE	4	7S	8W	BEAVERHEAD
3	16.50		SENE	4	7S	8W	BEAVERHEAD
4	0.50		SWNE	4	7S	8W	BEAVERHEAD
5	40.00		NESE	4	7S	8W	BEAVERHEAD
6	11.50		NWSE	4	7S	8W	BEAVERHEAD
7	38.00		SESE	4	7S	8W	BEAVERHEAD
8	9.00		SWSE	4	7S	8W	BEAVERHEAD
9	530.50			9	7S	8W	BEAVERHEAD
10	55.00		W2NW	10	7S	8W	BEAVERHEAD
11	4.00		NENE	16	7S	8W	BEAVERHEAD
12	28.00		NWNE	16	7S	8W	BEAVERHEAD

**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>
13	26.00		SENE	16	7S	8W	BEAVERHEAD
14	22.00		SWNE	16	7S	8W	BEAVERHEAD
15	151.00		NW	16	7S	8W	BEAVERHEAD
16	55.00		SW	16	7S	8W	BEAVERHEAD
17	37.00		NENW	17	7S	8W	BEAVERHEAD
18	29.00		NWNW	17	7S	8W	BEAVERHEAD
19	34.00		SENW	17	7S	8W	BEAVERHEAD
20	40.00		SWNW	17	7S	8W	BEAVERHEAD
21	320.00		S2	17	7S	8W	BEAVERHEAD
22	9.00		E2NESE	18	7S	8W	BEAVERHEAD
23	0.50		NESENE	19	7S	8W	BEAVERHEAD
24	7.50		SESENE	19	7S	8W	BEAVERHEAD
25	20.00		S2	19	7S	8W	BEAVERHEAD
26	4.50		NENESE	19	7S	8W	BEAVERHEAD
27	3.50		NWNESE	19	7S	8W	BEAVERHEAD
28	5.00		NESW	19	7S	8W	BEAVERHEAD
29	28.00		NWSW	19	7S	8W	BEAVERHEAD
30	35.00		NENE	20	7S	8W	BEAVERHEAD
31	40.00		NWNE	20	7S	8W	BEAVERHEAD
32	15.00		SENE	20	7S	8W	BEAVERHEAD
33	20.00		SWNE	20	7S	8W	BEAVERHEAD
34	151.00		NW	20	7S	8W	BEAVERHEAD
35	0.50		NWNWSE	20	7S	8W	BEAVERHEAD
36	0.50		SWNWSE	20	7S	8W	BEAVERHEAD
37	7.50		NENESW	20	7S	8W	BEAVERHEAD
38	8.00		NWNESW	20	7S	8W	BEAVERHEAD
39	7.00		SENESW	20	7S	8W	BEAVERHEAD
40	1.50		SWNESW	20	7S	8W	BEAVERHEAD
41	7.50		SWNE	24	7S	9W	BEAVERHEAD
42	10.00		NESE	24	7S	9W	BEAVERHEAD
43	38.00		NWSE	24	7S	9W	BEAVERHEAD
44	2.00		SESE	24	7S	9W	BEAVERHEAD
45	25.00		SWSE	24	7S	9W	BEAVERHEAD
46	11.50		SESW	24	7S	9W	BEAVERHEAD
47	2.00		NWNE	25	7S	9W	BEAVERHEAD
48	32.00		NENW	25	7S	9W	BEAVERHEAD
49	3.00		NWNW	25	7S	9W	BEAVERHEAD
50	2.00		SENW	25	7S	9W	BEAVERHEAD
<b>Total:</b>	2,074.50						

THIS WATER RIGHT INCLUDES PLACES OF USE IN LOTS IN THE FOLLOWING SUBDIVISIONS: POINDEXTER AND ORR ORIGINAL ADDITION, POINDEXTER AND ORR ADDITION, EAST SIDE ADDITION, SMITH ADDITION, SMITH SECOND ADDITION.

**Geocodes/Valid:** -- NO VALID GEOCODES --

**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.

21035-00 91491-00 91492-00 91493-00 91496-00 91498-00 91499-00  
91500-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/16/2012: POINT OF DIVERSION, PLACE OF USE, FLOW RATE, TYPE OF HISTORICAL RIGHT.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41B 91497-00.

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

PARENT FILE FOR THIS RIGHT IS 41B 91497-00.

USDA AERIAL PHOTOGRAPH NO(S). 779-244, 579-135, 579-137 , DATED 09/17/1979, 09/13/1979 , APPEARS TO INDICATE 1831 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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**Remarks:**

AERIAL PHOTOGRAPH NO(S). CXM-2FF-122, CXM-2FF-88 , DATED 07/31/1965 , APPEARS TO INDICATE 1806 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PLACE OF USE INCLUDES LOTS AND BLOCKS WITHIN OR NEAR THE CITY OF DILLON. THEIR EXACT LOCATION AND IRRIGATED ACREAGE IS UNKNOWN.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON POINDEXTER SLOUGH WITH A PRIORITY DATE PREDATING CASE NO. 1053, BEAVERHEAD COUNTY.