

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:** 76G 215060-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE  
**Late Claim:** B

**Owners:** CLAUDIA J DIPPOLD  
231 EMERY RD  
DEER LODGE, MT 59722-9710  
  
MARTIN W DIPPOLD  
231 EMERY RD  
DEER LODGE, MT 59722-9710  
  
GARNET PROPERTIES LLC  
301 RANCHVIEW LN  
DEER LODGE, MT 59722-9457  
  
OWNER CLAUDIA J DIPPOLD RETAINED. REMAINING LIFE ESTATE INTEREST.  
OWNER MARTIN W DIPPOLD RETAINED. REMAINING LIFE ESTATE INTEREST.

**Priority Date:** MARCH 3, 1906  
**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 05/30/96 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 21.60 CFS

**Maximum Volume:**  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 639.00

**Source Name:** COTTONWOOD 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		NESESE	31	8N	8W	POWELL

**Period of Diversion:** MARCH 15 TO JULY 19  
**Diversion Means:** HEADGATE  
**Ditch Name:** BECK DITCH

2		SENWNW	1	7N	9W	POWELL
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**Period of Diversion:** MARCH 15 TO JULY 19  
**Diversion Means:** HEADGATE  
**Ditch Name:** BECK-BEAUMONT-ELBERSON DITCH  
DITCH NAME: BECK DITCH

**Period of Use:** MARCH 15 to JULY 19

THE ACTUAL HISTORICAL PERIOD OF USE FOR THIS WATER RIGHT IS FROM MARCH 15 TO JULY 15. COMPUTER PROGRAM LIMITATIONS DO NOT ALLOW THE CORRECT PERIOD OF USE TO BE PRINTED ABOVE.

**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	315.00		N2	35	8N	9W	POWELL
2	80.00		N2SE	35	8N	9W	POWELL
3	244.00		N2	34	8N	9W	POWELL
<b>Total:</b>	<b>639.00</b>						

Geocodes/Valid: 28-1678-34-1-01-01-0000 - Y

28-1678-35-1-01-01-0000 - Y

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**Remarks:**

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 125128 RECEIVED 09/12/2014.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

CLAIM WAS NOT INCLUDED IN THE BASIN 76G TEMPORARY PRELIMINARY DECREE ISSUED 05/17/85.

CLAIM FILED LATE 05/30/96 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE POWELL COUNTY WATER RESOURCES SURVEY (1959) APPEARS TO INDICATE 475.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON COTTONWOOD CREEK WITH A PRIORITY DATE PREDATING CASE NO. 405, POWELL COUNTY.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.