

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:** 76H 4833-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** POWELL FAMILY TRUST  
L M & COLLEEN J POWELL, TRUSTEES  
341 GRANTS DALE RD  
HAMILTON, MT 59840

**Priority Date:** DECEMBER 31, 1864

**Enforceable Priority Date:** DECEMBER 31, 1864

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 50.49 GPM

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 3.00

**Source Name:** SKALKAHO CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENENW	7	5N	20W	RAVALLI

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

**Diversion Means:** HEADGATE

**Ditch Name:** REPUBLICAN DITCH

2- SECONDARY			SWNWSE	31	6N	20W	RAVALLI
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**Period of Diversion:** APRIL 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** DORAN LATERAL DITCH

WATER FROM SKALKAHO CREEK IS CONVEYED THROUGH THE REPUBLICAN DITCH TO THE DORAN LATERAL DITCH TO THE PLACE OF USE.

THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE (SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W). THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT, FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO. DV-82-95, AND 209 MONT. 218 (1984).

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00			SENE SW	31	6N	20W	RAVALLI

**Total:** 3.00

**Geocodes/Valid:** 13-1468-31-3-03-46-0000 - Y

**Remarks:**

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/03/95.

**OWNERSHIP UPDATE RECEIVED**

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**Remarks:**

OWNERSHIP UPDATE TYPE 608 # 12692 RECEIVED 02/06/2004.

DOCUMENTATION FROM CASE 2149, RAVALLI CO., SUPPORTING THIS CLAIM, IDENTIFIES A MAY 1, 1868 PRIORITY DATE. IT IS NOT CLEAR WHETHER THE CLAIMED RIGHT IS REFERRING TO THE PARAGRAPH "LI " (THOMAS L. RANDOLPH) OR THE PARAGRAPH "LII" (D. P. FREEZE) WATER RIGHT IN THE DECREE.