

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 48963-00 STATEMENT OF CLAIM  
**Version:** 2 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** GEORGE H BREAKALL IV  
4413 MT HWY 41N  
TWIN BRIDGES, MT 59754-9612  
  
JOYANN L BREAKALL  
4413 MT HWY 41N  
TWIN BRIDGES, MT 59754-9612  
  
IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

**Priority Date:** NOVEMBER 13, 1901  
**Enforceable Priority Date:** NOVEMBER 13, 1901

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** 12.32 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:** 4 - MODERATELY LOW

**Maximum Acres:** 325.00

**Source Name:** BEAVERHEAD RIVER  
**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>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	22	3S	6W	MADISON

**Period of Diversion:** APRIL 30 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** MARTINKOWSKI DITCH

**Period of Use:** APRIL 30 to OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	95.00		NE	22	3S	6W	MADISON
2	100.00		NW	22	3S	6W	MADISON
3	60.00		SE	22	3S	6W	MADISON
4	70.00		SW	22	3S	6W	MADISON
<b>Total:</b>	<b>325.00</b>						

**Geocodes/Valid:** 25-0687-22-1-01-01-0000 - Y 25-0687-22-1-01-05-0000 - Y  
25-0687-22-3-01-02-0000 - Y 25-0687-22-4-01-01-0000 - Y

**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.

48959-00 48963-00

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**Remarks:**

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B ) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G ) AND THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 56753 RECEIVED 04/02/2008.

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

THE MADISON COUNTY WATER RESOURCES SURVEY ( 1954 ) APPEARS TO INDICATE 273 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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