

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: 40A 119518-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
STATE PROJECTS, UPPER MUSSELSHELL
1424 9TH AVE
HELENA, MT 59620-1601

Priority Date: MAY 11, 1938

Enforceable Priority Date: MAY 11, 1938

Type of Historical Right: FILED

Purpose (use): SALE
THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED FOR IN SECTION 89-121, R.C.M. (1947)(REPEALED). THIS RIGHT DIVERTS WATER INTO MARTINSDALE RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USE OF THE STORED WATER HAS INCLUDED IRRIGATION, STOCK WATER AND MUNICIPAL USES.

Maximum Flow Rate: 408.00 CFS
THE FLOW RATE IS THE CAPACITY OF THE MARTINSDALE SUPPLY CANAL.
THIS FLOW RATE INCLUDES WATER DIVERTED FROM THE NATURAL FLOW OF NORTH FORK MUSSELSHELL RIVER AND DELIVERED TO MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.
THIS FLOW RATE INCLUDES WATER RELEASED FROM BAIR RESERVOIR AND DELIVERED TO MARTINSDALE RESERVOIR THROUGH THE NORTH FORK DIVERSION CANAL.

PURSUANT TO AN AGREEMENT BETWEEN THE UPPER MUSSELSHELL WATER USERS ASSOCIATION AND OWNERS OF SURFACE WATER RIGHTS, THIS FLOW RATE DOES NOT INCLUDE 84.52 CFS DIVERTED THROUGH THE MARTINSDALE SUPPLY CANAL UNDER WATER RIGHT CLAIM NOS. 40A 22964-00, 40A 22965-00, 40A 205648-00, 40A 112905-00, AND 40A 112908-00.

Maximum Volume: 35,025.00 AC-FT
THIS VOLUME REFLECTS ONE FILLING OF THE RESERVOIR, INCLUDING DEAD STORAGE, ANNUAL EVAPORATION AND A PARTIAL REFILL WHEN WATER IS AVAILABLE.
THE WATER ALLOWED UNDER THE REFERENCE RIGHT OF WAY IS LIMITED TO A MAXIMUM FLOW RATE OF 84.52 CFS UNDER WATER RIGHT NOS. 40A 22964-00, 40A 22965-00, 40A 205648-00, 40A 112905-00, AND 40A 112908-00, WHICH RIGHTS ARE NOT INCLUDED IN THE CLAIMED VOLUME OF 35,025 ACRE FEET UNDER CLAIM NO. 40A 119518-00.

Source Name: MUSSELSHELL RIVER, SOUTH FORK

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		SWNWNE	15	8N	11E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: MARTINSDALE INLET CANAL

UNNAMED TRIBUTARY OF MUSSELSHELL RIVER IS USED AS A NATURAL CARRIER FROM MARTINSDALE SUPPLY CANAL AT NENWSE SECTION 14 T08N R11E, MEAGHER COUNTY, TO MARTINSDALE RESERVOIR AND DAM AT NENWSE SECTION 18 T08N R12E, WHEATLAND COUNTY.

THE PERIOD OF DIVERSION IS FOR STORAGE.

Reservoir: OFF STREAM **Reservoir Name** MARTINSDALE RESERVOIR / NORTH DAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWSE	18	8N	12E	WHEATLAND

Dam Height: 91.00 FEET

Surface Area: 985.00 ACRES

Current Capacity: 23,348.00 ACRE-FEET

Reservoir: OFF STREAM **Reservoir Name** MARTINSDALE RESERVOIR / SOUTH DAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2NW	20	8N	12E	WHEATLAND

MARTINSDALE RESERVOIR CONSISTS OF TWO DAMS LOCATED IN NENWSE SECTION 18 (NORTH DAM) AND IN W2NW SECTION 20 (SOUTH DAM), T08N, R12E, WHEATLAND COUNTY.

MARTINSDALE SUPPLY CANAL IS USED AS A CARRIER FROM SOUTH FORK MUSSELSHELL RIVER AT SWNWNE SECTION 15 T08N R11E, MEAGHER COUNTY, TO PLACES OF USE AND TO UNNAMED TRIBUTARY OF MUSSELSHELL RIVER AT NENWSE SECTION 14 T08N R11E, MEAGHER COUNTY.

UNNAMED TRIBUTARY OF MUSSELSHELL RIVER AS A NATURAL CARRIER FROM MARTINSDALE SUPPLY CANAL AT NENWSE SECTION 14 T08N R11E, MEAGHER COUNTY, TO MARTINSDALE RESERVOIR AND DAM AT NENWSE SECTION 18 T08N R12E, WHEATLAND COUNTY.

DEADMAN'S BASIN SUPPLY CANAL IS USED AS A CARRIER FROM MUSSELSHELL RIVER AT SWNWNW SECTION 8 T07N R17E, WHEATLAND COUNTY, TO PLACES OF USE.

MUSSELSHELL RIVER IS USED AS A NATURAL CARRIER FROM MARTINSDALE OUTLET CANAL AT SWSESE SECTION 9 T08N R12E, WHEATLAND COUNTY, TO PLACES OF USE AND TO TWO DOT CANAL AT SWNWNW SECTION 19, T08N R13E, WHEATLAND COUNTY, AND TO DEADMAN'S BASIN SUPPLY CANAL AT SWNWNW SECTION 8 T07N R17E, WHEATLAND COUNTY, AND TO PRIVATE DIVERSIONS OF CONTRACT USERS ALONG MUSSELSHELL RIVER BELOW MARTINSDALE RESERVOIR.

TWO DOT CANAL IS USED AS A CARRIER FROM MUSSELSHELL RIVER AT SWNWNW SECTION 19 T08N R13E, WHEATLAND COUNTY, TO PLACES OF USE.

MARTINSDALE OUTLET CANAL IS USED AS A CARRIER FROM MARTINSDALE RESERVOIR AND DAM AT NENWSE SECTION 18 T08N R12E, WHEATLAND COUNTY, TO PLACES OF USE AND TO MUSSELSHELL RIVER AT SWSESE SECTION 9 T08N R12E WHEATLAND COUNTY.

Period of Use: APRIL 1 to OCTOBER 31

THE PERIOD OF USE IS FOR SALE.

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			NENWSE	18	8N	12E	WHEATLAND

THE PLACE OF USE FOR SALE OF WATER IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE MARTINSDALE RESERVOIR NORTH DAM SITE.

THE SERVICE AREA DOES NOT INCLUDE FEDERAL PUBLIC LAND.

THE GENERAL SERVICE AREA FOR MUNICIPAL IS THE CITY OF HARLOWTON, MONTANA IN SECTION 22 T08N R15E, WHEATLAND COUNTY, MONTANA.

THE GENERAL SERVICE AREA FOR IRRIGATION AND STOCK WATER FOR THE UPPER MUSSELSHELL PROJECT, MARTINSDALE RESERVOIR COMPONENT, IS AS FOLLOWS, INCLUDING BUT NOT LIMITED TO:

	TWP	RGE	COUNTY
001	06N	18E	WHEATLAND
002	07N	16E	WHEATLAND
003	07N	17E	WHEATLAND
004	07N	18E	WHEATLAND
005	08N	11E	MEAGHER
006	08N	12E	WHEATLAND
007	08N	13E	WHEATLAND
008	08N	14E	WHEATLAND
009	08N	15E	WHEATLAND
010	08N	16E	WHEATLAND

Remarks:

THE CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY USE OTHER THAN IRRIGATION, STOCK WATER AND MUNICIPAL IN THE SERVICE AREA OF THE UPPER MUSSELSHELL RIVER RESERVOIR PROJECT.

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

Remarks:

ONE.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.