

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:** 41C 119469-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF NATURAL RESOURCES  
RUBY RIVER DAM  
1424 9TH AVE  
PO BOX 201601  
HELENA, MT 59620-1601

**Priority Date:** APRIL 8, 1938

**Enforceable Priority Date:** APRIL 8, 1938

**Type of Historical Right:** DECREED

**Purpose (use):** SALE

**Irrigation Type:** SPRINKLER/FLOOD

THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED IN SECTION 89-121, R.C.M.(1947) (REPEALED). THIS RIGHT DIVERTS WATER INTO AND THROUGH THE RUBY RIVER RESERVOIR FOR USE BY WATER PURCHASERS. THE HISTORICAL USES FOR THIS WATER INCLUDE IRRIGATION AND STOCK WATER.

**Maximum Flow Rate:**

CASE NO. 3089 MADISON COUNTY DECREES ALL OF THE UNAPPROPRIATED WATERS OF THE RUBY RIVER AND ITS TRIBUTARIES IN MADISON COUNTY, MONTANA, TOGETHER WITH THE RETURN FLOW OF ALL WATER FURNISHED OR SUPPLIED BY SEEPING OR OVERFLOWING FROM THE PREVIOUS PLACE OF USE FOR THE FOREGOING APPROPRIATED WATER. THE "FOREGOING APPROPRIATED WATER" REFERS TO WATER RIGHTS CURRENTLY CLAIMED ON 41C 119481-00, 41C 119482-00 AND 41C 119483-00.

**Maximum Volume:** 62,809.00 AC-FT

THE COMBINED VOLUME FOR THE FOLLOWING WATER RIGHTS SHALL NOT EXCEED 70,470 ACRE FEET. WATER STORED IN THE RUBY RESERVOIR AT THE END OF THE IRRIGATION SEASON IS CARRIED OVER TO THE NEXT SEASON. 41C 100973-00, 41C 100974-00, 41C 100975-00, 41C 119426-00, 41C 119427-00, 41C 119432-00, 41C 119434-00, 42C 119436-00, 41C 119469-00, 41C 119481-00, 41C 119482-00, 41C 119483-00, 41C 193880-00, 41C 193899-00, 41C 193960-00, AND 41C 30013268.

THE VOLUME REFLECTS ONE FILLING OF THE RESERVOIR, INCLUDING DEAD STORAGE, ANNUAL EVAPORATION, AND A PARTIAL REFILL WHEN WATER IS AVAILABLE.

**Source Name:** RUBY 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		N2	NESE	8	7S	4W MADISON

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

STORED WATER RELEASED FROM RUBY RIVER RESERVOIR IS DIVERTED AT THE FOLLOWING SECONDARY POINTS OF DIVERSION: MAIN CANAL AT NESWSW SEC. 4 T7S R4W, PARROT DITCH AT NESENE SEC. 23 T2S R6W, AND PRIVATE DIVERSIONS OF WATER CONTRACT HOLDERS ALONG THE RUBY RIVER. IN ADDITION TO THE DIVERSIONS BELOW THE DAM, THERE ARE DIVERSIONS ABOVE THE DAM ON THE RUBY RIVER AND ITS TRIBUTARIES BY CONTRACT HOLDERS IN EXCHANGE FOR RELEASE OF SAME CONTRACT HOLDERS' WATER FROM STORAGE AT THE DAM INTO THE RUBY RIVER.

THE RUBY RIVER, BEVERHEAD RIVER, AND JEFFERSON RIVER ARE USED AS NATURAL CARRIERS TO CONVEY WATER RELEASED FROM, OR THROUGH, THE RUBY RIVER RESERVOIR TO THE GENERAL SERVICE AREA.

**Reservoir:** ON STREAM **Reservoir Name** RUBY RIVER RESERVOIR

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2	NESE	8	7S	4W MADISON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 111.00 FEET

**Surface Area:** 970.00 ACRES

**Current Capacity:** 39,805.00 ACRE-FEET

**Period of Use:** APRIL 1 to OCTOBER 31

**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			N2NESE	8	7S	4W	MADISON

THE GENERAL SERVICE AREA FOR WATER SOLD AT THE RUBY RIVER RESERVOIR DAM DOES NOT INCLUDE FEDERAL LAND. THE GENERAL SERVICE AREA INCLUDES THE FOLLOWING LOCATIONS:

TWP	RGE	COUNTY
1N	3W	MADISON
1N	4W	MADISON
1S	4W	MADISON
1S	5W	MADISON
2S	5W	MADISON
2S	6W	MADISON
3S	6W	MADISON
4S	5W	MADISON
4S	6W	MADISON
5S	4W	MADISON
5S	5W	MADISON
6S	4W	MADISON
6S	5W	MADISON
7S	4W	MADISON
7S	5W	MADISON
8S	4W	MADISON
8S	5W	MADISON
9S	3W	MADISON
9S	4W	MADISON
10S	4W	MADISON
10S	5W	MADISON

THE PLACE OF USE FOR SALE IS THE LOCATION OF THE OUTLET AND CONTROL GATE AT THE RUBY RIVER RESERVOIR DAM SITE.

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 2/21/2006: PURPOSE OF RIGHT AND PERIOD OF USE.

THE STIPULATIONS FILED ON FEBRUARY 21, 2006 AND AUGUST 30, 2007 IN CASE 41C-15 INCLUDE THE FOLLOWING: "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 PERSON FOR ANY USE OTHER THAN IRRIGATION AND STOCK WATER IN THE SERVICE AREA OF THE RUBY RIVER RESERVOIR PROJECT."

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

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/25/96.

SPLIT CLAIM NO. 30013268 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 100973-00, 100974-00, 100975-00, 119426-00, 119427-00, 119432-00, 119434-00, 119436-00, 119469-00, 119481-00, 119482-00, 119483-00, 193880-00, 193899-00, 193960-00.