

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 100944-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: JOHN BRENDEL
PO BOX 107
ALDER, MT 59710-0107

JUDY BRENDEL
PO BOX 107
ALDER, MT 59710-0107

MILLER CATTLE CO
PO BOX 184
ALDER, MT 59710-0184

RUBY RIVER RETREAT LLC
4302 ORCHARD CHASE COURT
KATY, TX 77450-5273

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: APRIL 30, 1866
Enforceable Priority Date: APRIL 30, 1866

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 2.45 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00

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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	28		6S	4W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2		SWNESW	21		6S	4W	MADISON
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Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1

Period of Use: APRIL 1 to NOVEMBER 4

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	36.00		NENE	20		6S	4W	MADISON
2	93.00		W2	21		6S	4W	MADISON

Total: 129.00

Geocodes/Valid: 25-0420-20-1-01-02-0000 - Y 25-0420-21-2-01-02-0000 - Y
25-0420-21-2-01-10-0000 - Y 25-0420-21-3-01-01-0000 - Y
25-0420-21-4-01-20-0000 - Y

Remarks:

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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.

100941-00 100944-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/01/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8762 RECEIVED 05/20/2003.

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.