

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 100974-00 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:** MAY 15, 1886

**Enforceable Priority Date:** MAY 15, 1886

THIS IS THE RIGHT DECREED TO ARTHUR G. LONG IN FINDING OF FACT 53 OF THE DECREE ENTERED IN DAUTERMAN V. GILBERT LIVESTOCK COMPANY, CAUSE NUMBER 3089, FIFTH JUDICIAL DISTRICT IN AND FOR MADISON COUNTY, DATED JULY 1, 1947.

**Type of Historical Right:** DECREED

**Purpose (use):** SALE

**Irrigation Type:** SPRINKLER/FLOOD

THIS RIGHT INCLUDES STORAGE AS PROVIDED IN SECTION 89-121, R.C.M. (1947) (REPEALED).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 OF THIS WATER INCLUDE IRRIGATION, STOCK WATER AND OTHER USEFUL AND BENEFICIAL PURPOSES.

**Maximum Flow Rate:** 1.25 CFS

**Maximum Volume:** 568.00 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, 41C 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.

**Source Name:** RUBY RIVER

**Source Type:** SURFACE WATER

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

<u>ID</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

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DAM

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

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2NESE	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 PLACE OF USE FOR SALE IS THE LOCATION OF THE OUTLET WORKS AT THE RUBY RIVER RESERVOIR DAM SITE.

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

TWP RGE COUNTY

1N	3W	MADISON
1N	4W	MADISON
1S	4W	MADISON
1S	4W	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

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**Remarks:**

THE STIPULATIONS FILED ON FEBRUARY 21, 2006 AND AUGUST 30, 2007 IN CASE 41C-19 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."

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, 119481-00, 119482-00, 119483-00, 193880-00, 193899-00, 193960-00.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/19/87.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/04/90.