

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 40850-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: EAST BENCH IRRIGATION DISTRICT
1200 MT HIGHWAY 41
DILLON, MT 59725-8569

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)
PO BOX 30137
BILLINGS, MT 59107-0137

THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

Priority Date: FEBRUARY 21, 1961

Enforceable Priority Date: FEBRUARY 21, 1961

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 530.00 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 28,055.00

Source Name: BEAVERHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	17	8S	9W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: DIVERSION DAM

Ditch Name: EAST BENCH CANAL

Period of Use: APRIL 1 to NOVEMBER 1

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	74.00		SE	21	4S	6W	MADISON
2	24.00		NE	22	4S	6W	MADISON
3	307.00		S2	22	4S	6W	MADISON
4	147.00		W2	23	4S	6W	MADISON
5			W2E2	26	4S	6W	MADISON
6	290.00		W2	26	4S	6W	MADISON
7	630.00			27	4S	6W	MADISON
8	604.00			28	4S	6W	MADISON
9	120.00		SE	29	4S	6W	MADISON
10	503.00			32	4S	6W	MADISON
11	615.00			33	4S	6W	MADISON
12	567.00			34	4S	6W	MADISON
13	21.00		W2SE	35	4S	6W	MADISON
14	300.00		W2	35	4S	6W	MADISON
15	80.00		SW	1	5S	6W	MADISON
16	472.00			2	5S	6W	MADISON
17	521.00			3	5S	6W	MADISON
18	584.00			4	5S	6W	MADISON
19	507.00			5	5S	6W	MADISON
20	130.00		E2	6	5S	6W	MADISON
21	508.00			7	5S	6W	MADISON
22	435.00			8	5S	6W	MADISON
23	571.00			9	5S	6W	MADISON
24	539.00			10	5S	6W	MADISON
25	336.00			11	5S	6W	MADISON

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>
26			NWNE	12	5S	6W	MADISON
27	85.00		NW	12	5S	6W	MADISON
28	139.00		N2	15	5S	6W	MADISON
29	380.00			16	5S	6W	MADISON
30	557.00			17	5S	6W	MADISON
31	603.00			18	5S	6W	MADISON
32	334.00		N2N2	19	5S	6W	MADISON
33	461.00		N2	20	5S	6W	MADISON
34	17.00		NWNW	21	5S	6W	MADISON
35	248.00			30	5S	6W	MADISON
36	7.00		SENE	12	5S	7W	MADISON
37	86.00		S2	12	5S	7W	MADISON
38	310.00		E2	13	5S	7W	MADISON
39	10.00		E2NW	13	5S	7W	MADISON
40			SWNW	13	5S	7W	MADISON
41			SW	13	5S	7W	MADISON
42	220.00		E2	23	5S	7W	MADISON
43	292.00			24	5S	7W	MADISON
44	248.00			25	5S	7W	MADISON
45	220.00		W2	26	5S	7W	MADISON
46	70.00		E2E2	27	5S	7W	MADISON
47	40.00		S2SW	27	5S	7W	MADISON
48	30.00		NE	33	5S	7W	BEAVERHEAD
49	80.00		S2	33	5S	7W	BEAVERHEAD
50	515.00			34	5S	7W	MADISON
51	15.00		SWNE	35	5S	7W	MADISON
52	65.00		NW	35	5S	7W	MADISON
53	130.00		SE	35	5S	7W	MADISON
54	45.00		E2SW	35	5S	7W	MADISON
55	125.00		N2	36	5S	7W	MADISON
56	10.00		NESE	36	5S	7W	MADISON
57	49.00		SW	36	5S	7W	MADISON
58	32.00		W2NW	1	6S	7W	MADISON
59	4.00		NWSW	1	6S	7W	MADISON
60	542.00			2	6S	7W	MADISON
61	482.00			3	6S	7W	MADISON
62	560.00			4	6S	7W	BEAVERHEAD
63	601.00			5	6S	7W	BEAVERHEAD
64	430.00			6	6S	7W	BEAVERHEAD
65	593.00			7	6S	7W	BEAVERHEAD
66	596.00			8	6S	7W	BEAVERHEAD
67	544.00			9	6S	7W	BEAVERHEAD
68	559.00			10	6S	7W	MADISON
69	494.00			11	6S	7W	MADISON
70			NWNW	12	6S	7W	MADISON
71	18.00		NWNE	14	6S	7W	MADISON
72	231.00		W2	14	6S	7W	MADISON
73	164.00		N2	15	6S	7W	MADISON
74	62.00		SE	15	6S	7W	MADISON
75	14.00		NWNE	16	6S	7W	BEAVERHEAD
76	204.00		W2	16	6S	7W	BEAVERHEAD
77	637.00			17	6S	7W	BEAVERHEAD
78	601.00			18	6S	7W	BEAVERHEAD
79	590.00			19	6S	7W	BEAVERHEAD
80	605.00			20	6S	7W	BEAVERHEAD
81	192.00		W2	21	6S	7W	BEAVERHEAD
82	8.00		NWNE	29	6S	7W	BEAVERHEAD
83	87.00		NW	29	6S	7W	BEAVERHEAD
84	275.00		N2	30	6S	7W	BEAVERHEAD
85	5.00		NWSE	30	6S	7W	BEAVERHEAD
86	86.00		SW	30	6S	7W	BEAVERHEAD
87	29.00		SESE	1	6S	8W	BEAVERHEAD
88	233.00		E2	12	6S	8W	BEAVERHEAD
89	10.00		E2SW	12	6S	8W	BEAVERHEAD
90	422.00			13	6S	8W	BEAVERHEAD
91	20.00		SENE	23	6S	8W	BEAVERHEAD
92	86.00		SE	23	6S	8W	BEAVERHEAD
93	577.00			24	6S	8W	BEAVERHEAD

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>
94	570.00			25	6S	8W	BEAVERHEAD
95	271.00		NE	26	6S	8W	BEAVERHEAD
96	69.00		S2	26	6S	8W	BEAVERHEAD
97	12.00		E2SE	34	6S	8W	BEAVERHEAD
98	364.00			35	6S	8W	BEAVERHEAD
99	144.00		N2	36	6S	8W	BEAVERHEAD
100	15.00		NWSE	36	6S	8W	BEAVERHEAD
101	18.00		NW	1	7S	8W	BEAVERHEAD
102	4.00		N2SW	1	7S	8W	BEAVERHEAD
103	142.00		N2	2	7S	8W	BEAVERHEAD
104	46.00		SE	2	7S	8W	BEAVERHEAD
105	146.00		SW	2	7S	8W	BEAVERHEAD
106	81.00		NE	3	7S	8W	BEAVERHEAD
107	164.00		S2	3	7S	8W	BEAVERHEAD
108	30.00		SESE	9	7S	8W	BEAVERHEAD
109	472.00			10	7S	8W	BEAVERHEAD
110	5.00		W2NE	11	7S	8W	BEAVERHEAD
111	151.00		SE	11	7S	8W	BEAVERHEAD
112	115.00		W2	11	7S	8W	BEAVERHEAD
113	80.00		NWSW	12	7S	8W	BEAVERHEAD
114			S2SW	12	7S	8W	BEAVERHEAD
115			N2NW	13	7S	8W	BEAVERHEAD
116	119.00		N2N2	15	7S	8W	BEAVERHEAD
117			SESE	19	7S	8W	BEAVERHEAD
118	113.00		S2	20	7S	8W	BEAVERHEAD
119	175.00		N2	21	7S	8W	BEAVERHEAD
120	23.00		W2SW	21	7S	8W	BEAVERHEAD
121	50.00		S2NE	22	7S	8W	BEAVERHEAD
122	40.00		N2SE	22	7S	8W	BEAVERHEAD
123	50.00		W2W2	23	7S	8W	BEAVERHEAD
124	66.00		NW	29	7S	8W	BEAVERHEAD
125	97.00		NE	30	7S	8W	BEAVERHEAD
126	42.00		N2SE	30	7S	8W	BEAVERHEAD
127	125.00		S2	31	7S	8W	BEAVERHEAD
128	27.00		W2NE	6	8S	8W	BEAVERHEAD
129	136.00		NW	6	8S	8W	BEAVERHEAD
130	8.00		NWSE	6	8S	8W	BEAVERHEAD
131	58.00		N2SW	6	8S	8W	BEAVERHEAD
132	422.00			1	8S	9W	BEAVERHEAD
133	70.00		SE	2	8S	9W	BEAVERHEAD
134	14.00		E2SE	10	8S	9W	BEAVERHEAD
135	359.00			11	8S	9W	BEAVERHEAD
136	49.00		NW	12	8S	9W	BEAVERHEAD
137	70.00		NW	14	8S	9W	BEAVERHEAD
138	57.00		NE	15	8S	9W	BEAVERHEAD
139	114.00		S2	15	8S	9W	BEAVERHEAD
Total:	30,052.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40850-00 40851-00 40852-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 04/28/1982: MAXIMUM ACRES, PLACE OF USE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/25/2010: PLACE OF USE, MAXIMUM ACRES.

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 BEAVERHEAD RIVER DRAINAGE (BASIN 41B) AND THE RUBY RIVER DRAINAGE (BASIN 41C). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

Remarks:

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41C BASIN TEMPORARY PRELIMINARY DECREE ISSUED 11/14/1990.

THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS 30,052.

THE CLAIMED PLACE OF USE AND MAXIMUM ACRES IRRIGATED MAY BE QUESTIONABLE. DISTRICT COURT ORDER ESTABLISHING THE EAST BENCH IRRIGATION DISTRICT, DATED 09/27/1957, IN CASE NO. 5228, MADISON COUNTY, DEFINES 22,193 ACRES SUSCEPTIBLE TO IRRIGATION WITHIN THE BOUNDARY OF THIS IRRIGATION DISTRICT.

USDA AERIAL PHOTOGRAPH NO(S). 178-119, 178-81, 178-83, 178-117, 178-85, 178-48, 178-46, 579-89, 579-139, 579-137, 579-135, 779-244, 779-246 , DATED 07/09/1979, 09/13/1979, 09/17/1979 , APPEARS TO INDICATE 26987.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-3FF-17, 3FF-15, 1FF-128, 3FF-13, 1FF-30, 1FF-132, 1FF-109, 1FF-107, 1FF-105, 1FF-103, 2FF-122, 1FF-101, 2FF-124, 2FF-86, 2FF-84, 6FF-173, 6FF-99, 6FF-101, 272-241, 272-186, 272-239, 272-238, 272-188, 272-236, 272-191, 272-166, 272-164, 272-110, 272-163, 272-113 , DATED 08/01/1965, 07/31/1965, 08/18/1965, 07/16/1972 , APPEARS TO INDICATE 23776.00 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 POSTDATING CASE NO. 1053, BEAVERHEAD COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE POINT OF DIVERSION DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED POINT OF DIVERSION.