

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 193960-00 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, 1883

Enforceable Priority Date: MAY 15, 1883

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THIS RIGHT INCLUDES STORAGE AS PROVIDED IN SECTION 89-121, R.C.M. (1947) (REPEALED).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: 4.25 CFS

Maximum Volume: 2,034.00 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, 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

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 CONTRACT HOLDERS ALONG THE RUBY RIVER, BEAVERHEAD RIVER, AND JEFFERSON 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, BEAVERHEAD 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.

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. THIS 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 WORKS AT THE RUBY RIVER RESERVOIR DAM SITE.

Remarks:

THE STIPULATIONS FILED ON FEBRUARY 21, 2006 AND AUGUST 30, 2007 IN CASE 41C-33 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.

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

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.