

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 30013268 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: WEST BENCH CANAL USERS ASSOC
PO BOX 98
ALDER, MT 59710

VIGILANTE CANAL USERS ASSOC
PO BOX 98
ALDER, MT 59710

Priority Date: APRIL 8, 1938

Enforceable Priority Date: APRIL 8, 1938

Type of Historical Right: DECREED

Purpose (use): SALE

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.

THE COMBINED FLOW RATE FOR CLAIM NUMBERS 41C 119469-00 AND 41C 30013268 IS LIMITED TO THE HISTORICAL CAPACITY OF THE DIVERSION STRUCTURE AND CONVEYANCE SYSTEM.

THIS RIGHT IS FOR DIVERSIONS FROM NATURAL (FLOOD) FLOWS OF THE RUBY RIVER FOR DIVERSION THROUGH THE MAIN CANAL TO THE WEST BENCH AND VIGILANTE CANALS SYSTEMS, WHEN WATER IS AVAILABLE. THIS WATER IS ONLY AVAILABLE WHEN THE RUBY RIVER RESERVOIR IS AT CAPACITY AND WATER IS SPILLING OVER THE DAM, AND NEVER AFTER JUNE 30TH OF ANY GIVEN YEAR.

Maximum Volume: 7,661.00 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		NESWSW	4	7S	4W	MADISON

Period of Diversion: APRIL 1 TO JUNE 30

Diversion Means: DIVERSION DAM

Ditch Name: MAIN CANAL

MEANS OF DIVERSION INCLUDES A HEADGATE.

Period of Use: APRIL 1 to JUNE 30

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			NESWSW	4	7S	4W	MADISON

THE GENERAL SERVICE AREA FOR THE MAIN, WEST BENCH, AND VIGILANTE CANALS DOES NOT INCLUDE ANY FEDERAL LANDS. THE SERVICE AREA INCLUDES THE FOLLOWING:

TWP	RGE	COUNTY
4S	6W	MADISON
5S	4W	MADISON
5S	5W	MADISON
6S	4W	MADISON
6S	5W	MADISON

THE PLACE OF USE FOR SALE IS THE LOCATION OF THE HEADGATE FOR MAIN CANAL.

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THE STIPULATION FILED ON FEBRUARY 21, 2006 IN CASE 41C-15 INCLUDES 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 CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN TEMPORARY PRELIMINARY DECREE ISSUED 11/14/1990.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41C 119469.