

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 215648-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: JOSEPH A TEZAK
2905 HWY 287
SHERIDAN, MT 59749

Priority Date: MAY 15, 1868

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 07/01/96 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 7.50 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: 264.00

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSENE	30	5S	4W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 4

Diversion Means: HEADGATE

Ditch Name: SCHOOL HOUSE DITCH NO. 1

WATER DIVERTED FROM THE RUBY RIVER IS CONVEYED TO RAMSHORN CREEK AND AN UNNAMED TRIBUTARY TO RAMSHORN CREEK WHICH ARE USED AS NATURAL CARRIERS TO SECONDARY POINTS OF DIVERSION IN THE SESESW AND SESWSE SEC 13 AND NENWNE SEC 24 TWP 05S RGE 05W, MADISON COUNTY.

DITCH NAME: SCHOOLHOUSE NO. 1 DITCH

Period of Use: MAY 1 to OCTOBER 4

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	40.00		NWNE	24	5S	5W	MADISON
2	73.00		N2NW	24	5S	5W	MADISON
3	40.00		SWSW	13	5S	5W	MADISON
4	40.00		SESW	13	5S	5W	MADISON
5	37.00		W2SE	13	5S	5W	MADISON
6	34.00		NESW	13	5S	5W	MADISON
Total:	264.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

THE MAXIMUM ACRES WERE AMENDED BY THE CLAIMANT ON 01/28/97.

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

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

CLAIM WAS NOT INCLUDED IN THE BASIN 41C TEMPORARY PRELIMINARY DECREE ISSUED 11/14/90.

Remarks:

CLAIM FILED LATE 07/01/96 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE MADISON COUNTY WATER RESOURCES SURVEY (1954) APPEARS TO INDICATE 216.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.