

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 15858-00 STATEMENT OF CLAIM
Version: 2 -- CHANGE AUTHORIZATION
Version Status: ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

Owners: JAMES C KENNEDY
PO BOX 530255
ATLANTA, GA 30353

Priority Date: APRIL 15, 1900
Enforceable Priority Date: APRIL 15, 1900

Purpose (use): IRRIGATION
WILDLIFE/WATERFOWL

Irrigation Type: FLOOD

Maximum Flow Rate: 2.50 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: 70.00

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		NENENE	26	4S	6W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 4 **Flow Rate:** 2.50 CFS

Diversion Means: HEADGATE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSW	14	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 6.00 FEET
Surface Area: 5.30 ACRES
Current Capacity: 12.70 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2SW	14	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 6.00 FEET
Surface Area: 5.50 ACRES
Current Capacity: 13.20 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2SW	14	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 6.00 FEET
Surface Area: 4.60 ACRES
Current Capacity: 11.00 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2NW	23	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 6.00 FEET

Surface Area: 16.50 ACRES

Current Capacity: 39.60 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENW	23	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 4.00 FEET

Surface Area: 6.00 ACRES

Current Capacity: 9.60 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENENW	23	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 4.00 FEET

Surface Area: 1.20 ACRES

Current Capacity: 1.90 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESENW	23	4S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Depth: 4.00 FEET

Surface Area: 1.30 ACRES

Current Capacity: 2.10 ACRE-FEET

Period of Use: APRIL 1 to NOVEMBER 4
APRIL 1 to NOVEMBER 1

Purpose (Use): IRRIGATION

Period of Use: APRIL 1 to NOVEMBER 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	25.00		NESW	23	4S	6W	MADISON
2	4.00		SENW	23	4S	6W	MADISON
3	15.00		SWNW	23	4S	6W	MADISON
Total:	44.00						

Purpose (Use): WILDLIFE/WATERFOWL

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			NWSW	14	4S	6W	MADISON
2			S2NW	14	4S	6W	MADISON
3			S2SW	14	4S	6W	MADISON
4			N2NW	23	4S	6W	MADISON
5			SENE	23	4S	6W	MADISON
6			SENENW	23	4S	6W	MADISON
7			NESENW	23	4S	6W	MADISON

Geocodes/Valid: 25-0592-23-2-01-01-0000 - Y 25-0592-23-4-01-01-0000 - Y

Remarks:

AUTHORIZATION TO CHANGE THE PURPOSE OF USE, PLACE OF USE ISSUED 05/04/01. NOTICE OF COMPLETION DUE 12/31/02 . SEE 41C-G(W)015858-00 .

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/27/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/14/82.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/02/93.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/02/93.

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF APPOINTED, TO MEASURE AND DISTRIBUTE WATER. THE APPROPRIATORS SHALL PAY THEIR SHARE

Remarks:

OF THE FEES, COMPENSATION, AND EXPENSES INCURRED IN THE DISTRIBUTION OF THE WATERS. THE FEE WILL BE SET BY DISTRICT COURT. THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF OPERATION. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE.