

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

A version with a more recent operating authority date exists. Contact DNRC for details.

Water Right Number: 41C 30903-00 STATEMENT OF CLAIM
Version: 3 -- 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 1, 1866

Enforceable Priority Date: APRIL 1, 1866

Purpose (use): WILDLIFE/WATERFOWL
IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 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: 198.00

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		SESENE	36	4S	6W	MADISON

Period of Diversion: JUNE 1 TO OCTOBER 31 **Flow Rate:** 1.25 CFS

Diversion Means: HEADGATE

2		NENENE	26	4S	6W	MADISON
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Period of Diversion: JUNE 1 TO OCTOBER 31

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
Govt Lot Qtr Sec Sec Twp Rge County
 N2SW 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
Govt Lot Qtr Sec Sec Twp Rge County
 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
Govt Lot Qtr Sec Sec Twp Rge County
 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
Govt Lot Qtr Sec Sec Twp Rge County
 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: JUNE 1 to OCTOBER 31
 APRIL 1 to OCTOBER 31

Purpose (Use): WILDLIFE/WATERFOWL
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			S2SW	14	4S	6W	MADISON
2			S2SW	14	4S	6W	MADISON
3			NWSW	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

Purpose (Use): IRRIGATION
Period of Use: JUNE 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	21.00		SWSE	23	4S	6W	MADISON
2	21.60		NWSE	23	4S	6W	MADISON
3	20.70		NWNW	23	4S	6W	MADISON
4	13.30		NENW	23	4S	6W	MADISON
5	17.50		SWNE	23	4S	6W	MADISON
6	12.00		NWNE	23	4S	6W	MADISON
7	1.50		SWSE	14	4S	6W	MADISON
8	26.50		SESW	14	4S	6W	MADISON
9	18.00		SWSW	14	4S	6W	MADISON
Total:	152.10						

Geocodes/Valid: 25-0592-14-1-01-01-0000 - Y 25-0592-14-1-01-10-0000 - Y
 25-0592-14-3-01-01-0000 - Y 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 .

REGARDLESS OF THE APRIL 1, 1866 DECREED PRIORITY DATE FOR THIS RIGHT, PURSUANT TO PRIVATE AGREEMENT, AND THE ORDER CORRECTING DECREE IN DAUTERMAN V. GILBERT LIVESTOCK, CAUSE NO. 2089, MADISON COUNTY, DATED NOVEMBER 18, 1956, THIS RIGHT IS SUBORDINATE IN PRIORITY TO WATER RIGHT NUMBER 41C-W-006500-00.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/20/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/01/83.