

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:** 41O 178054-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:**

T & K FARMS INC  
2270 14TH RD NE  
DUTTON, MT 59433

PHILIP E JOHNSON  
PO BOX 137  
FORT SHAW, MT 59443-0137

PEGGY J JOHNSON  
PO BOX 137  
FORT SHAW, MT 59443-0137

HOWARD E MISNER  
4810 CRAIG FRONTAGE RD  
CASCADE, MT 59421-8376

VIRGINIA JAMRUSZKA-MISNER  
4810 CRAIG FRONTAGE RD  
CASCADE, MT 59421-8376

**Priority Date:** OCTOBER 20, 1890

**Enforceable Priority Date:** OCTOBER 20, 1890

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 5.90 CFS

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT USE THE SAME PUMP. THE COMBINED FLOW RATE FOR THESE RIGHTS IS LIMITED TO THE HISTORICAL PUMP CAPACITY. 171394-00, 178054-00.

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 206.20

**Source Name:** TETON 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		NWNENE	15	25N	1W	TETON

**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** PUMP

**Ditch Name:** RICHARDSON DITCH

**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	1.30		SESE	10	25N	1W	TETON
2	9.20		S2SW	11	25N	1W	TETON
3	1.70		SWSE	11	25N	1W	TETON
4	34.20		NW	13	25N	1W	TETON
5	15.50		SW	13	25N	1W	TETON
6	67.30		NE	14	25N	1W	TETON
7	69.80		NW	14	25N	1W	TETON
8	7.20		NENE	15	25N	1W	TETON
<b>Total:</b>	206.20						

<b>Geocodes/Valid:</b>	31-3610-10-3-01-01-0000 - Y	31-3610-11-3-01-01-0000 - Y
	31-3610-13-1-01-01-0000 - Y	31-3610-13-2-01-01-0000 - Y
	31-3610-14-1-01-01-0000 - Y	31-3610-14-2-01-01-0000 - Y
	31-3610-15-1-01-01-0000 - Y	

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE 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.

171394-00 178054-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

178047-00 178054-00

THIS WATER RIGHT CLAIM IS SUBJECT TO A PRIVATE STIPULATION GOVERNING THE USE OF THIS WATER RIGHT CLAIM FROM OCTOBER 1 THROUGH DECEMBER 31 OF EACH YEAR. A COPY OF THIS PRIVATE STIPULATION IS AVAILABLE FROM CLAIMANTS OR AT THE WATER COURT FILED IN CASE 41O-173.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/26/85.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 587 RECEIVED 01/25/2002.

OWNERSHIP UPDATE TYPE 608 # 44162 RECEIVED 02/01/2007.

OWNERSHIP UPDATE TYPE DOR # 122432 RECEIVED 12/30/2013.