

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: 43B 195245-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: KIM E JENSEN
593 OLD YELLOWSTONE TRAIL S
GARDINER, MT 59030-9237

MIKOLICH LAND CO LLC
593 OLD YELLOWSTONE TRAIL S
GARDINER, MT 59030-9237

Priority Date: JULY 1, 1884
Enforceable Priority Date: JULY 1, 1884

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 112.20 GPM

Maximum Volume: 40.00 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 10.39

Source Name: REESE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	SE	7	9S	8E PARK

Period of Diversion: MAY 1 TO SEPTEMBER 30
Diversion Means: HEADGATE
Ditch Name: LUSTRICK DITCH
DITCH NAME: LUSTRICK DITCH

Period of Use: MAY 1 to SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.39		NE	SE	6	9S	8E PARK

Total: 10.39

Geocodes/Valid: -- NO VALID GEOCODES --

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.

195245-00 195246-00

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

IT IS NOTED THAT THE STIPULATION FILED ON JULY 13, 1990 INCLUDES AGREEMENTS CONCERNING MATTERS BEYOND THE ADJUDICATION OF THE ELEMENTS OF THIS RIGHT, SUCH AS EASEMENTS, INSTALLATION OF STRUCTURES, MAINTENENCE OF A MINIMUM INSTREAM FLOW, ETC.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 7436 RECEIVED 02/28/2003.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MEMORANDUM DATED JUNE 2, 1987 STATES THAT THE CORRECT LEGAL DESCRIPTION FOR THE POINT OF DIVERSION IS SESWSE SEC 07 TWP 09S RGE 08E. THIS WILL BE HEARD AFTER PROPER NOTICE IN THE NEXT OBJECTION LIST.

Remarks:

THE STIPULATION FILED ON JULY 13, 1990 SPECIFIES CHANGES TO BE MADE TO THE PRIORITY DATE, PERIOD OF USE AND VOLUME. THIS IS A LATE OBJECTON AND WILL BE HEARD AFTER PROPER NOTICE IN THE NEXT OBJECTION LIST.