

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 195246-00 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:** JUNE 14, 1897  
**Enforceable Priority Date:** JUNE 14, 1897

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 175.03 GPM

**Maximum Volume:**  
**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 Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESE	7	9S	8E	PARK

**Period of Diversion:** APRIL 15 TO OCTOBER 19  
**Diversion Means:** HEADGATE  
**Ditch Name:** LUSTRICK DITCH  
DITCH NAME: LUSTRICK DITCH

**Period of Use:** APRIL 15 to OCTOBER 19

**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	10.39		NENESE	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

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.

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

**OWNERSHIP UPDATE RECEIVED**

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

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY UNITED STATES OF AMERICA TO INCLUDE PRIORITY DATE, VOLUME AND PERIOD OF USE. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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**Remarks:**

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S JUNE 2, 1978 MEMORANDUM 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 ON THE NEXT OBJECTION LIST.