

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 195247-00 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 1, 1883  
**Enforceable Priority Date:** JUNE 1, 1883

**Type of Historical Right:** DECREED

**Purpose (use):** STOCK  
**Maximum Flow Rate:** 112.20 GPM

THE STIPULATION FILED ON JULY 13, 1990 SPECIFIES THAT THE COMBINED TOTAL APPROPRIATION FOR THIS WATER RIGHT AND 43B W195245-00 CANNOT EXCEED 0.25 CFS.

THE WATER RIGHTS W190980-00, W190983-00, W191009-00, W195247-00, W196085-00 AND W196087-00 ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES, 55.00 MINER'S INCHES, EXCEEDS THE 50.00 MINER'S INCHES DECREED IN CASE NO. 2176, PISOR V REESE, SIXTH JUDICIAL DISTRICT, PARK COUNTY. AT THE SEPTEMBER 6, 1990 CONFERENCE THE PARTIES NOTED THAT THE CHANGED FLOW RATE AND PRIORITY DATE REPRESENTED A NEGOTIATED COMPROMISE, THAT THE PARTIES RELINQUISHED MORE SENIOR DECREED PRIORITY DATES AND GREATER FLOW RATES. THE RESULTING FLOW RATE, ALTHOUGH IT EXCEEDS THE 50.00 MINER'S INCHES DECREED WITH A JUNE 1, 1883 PRIORITY DATE IN PISOR V REESE, WAS USED HISTORICALLY UNDER OTHER SENIOR RIGHTS AND THAT GREATER FLOW RATES WERE USED HISTORICALLY.

THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

**Maximum Volume:** THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**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:** 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			NENESE	6	9S	8E	PARK

**Geocodes/Valid:** -- NO VALID GEOCODES --

**Remarks:**

**Remarks:**

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.

190980-00 190983-00 191009-00 195247-00 196085-00 196087-00

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, MAINTENANCE OF A MINIMUM INSTREAM FLOW, ETC.

**OWNERSHIP UPDATE RECEIVED**

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

THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S JUNE 2, 1987 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 IN THE NEXT OBJECTION LIST.

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY THE UNITED STATES OF AMERICA TO INCLUDE PRIORITY DATE 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.

IT IS NOTED THAT THE PRIORITY DATE AND FLOW RATE REFLECT A NEGOTIATED AGREEMENT WHICH REDUCED HISTORICAL FLOW RATES AND RELINQUISHED MORE SENIOR PRIORITY DATES, AND MAY NOT EXACTLY CORRELATE WITH THE PRIOR DECREE ENTERED IN CAUSE NO. 2176, PISOR V REESE, SIXTH JUDICIAL DISTRICT, PARK COUNTY.