

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:** 41J 30066022 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** BREWER LAND CO LLC  
PO BOX 66  
RINGLING, MT 59642-0066

**Priority Date:** JANUARY 31, 1953  
**Enforceable Priority Date:** JANUARY 31, 1953

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 12.50 CFS  
THE COMBINED FLOW RATE FOR CLAIMS 41J 22971-00 AND 41J 30066022 CANNOT EXCEED THE HISTORICAL USE OF 12.50 CFS.

**Maximum Volume:** 225.75 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 205.00

**Source Name:** SMITH RIVER, SOUTH FORK  
**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		SESENW	16	7N	8E	MEAGHER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** DAM  
**Ditch Name:** JOHN HAYMAN DITCH

WATER RELEASED FROM RESERVOIR USES SMITH RIVER, SOUTH FORK AS A NATURAL CARRIER TO CONVEY WATER TO A SECONDARY POINT OF DIVERSION IN THE NESWSE SEC 21 TWP 7N RGE 8E MEAGHER COUNTY.

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	16	7N	8E	MEAGHER

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 39.50 FEET  
**Depth:** 37.40 FEET  
**Surface Area:** 14.00 ACRES  
**Current Capacity:** 209.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** APRIL 1 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	50.00		W2NW	4	6N	8E	MEAGHER
2	25.00		NWSW	4	6N	8E	MEAGHER
3	45.00		E2NE	5	6N	8E	MEAGHER
4	10.00		E2NESE	5	6N	8E	MEAGHER
5	75.00		SE	32	7N	8E	MEAGHER
<b>Total:</b>	<b>205.00</b>						

**Geocodes/Valid:** 47-1502-04-2-01-01-0000 - Y      47-1502-05-1-01-01-0000 - Y  
47-1598-32-3-01-01-0000 - Y

**Remarks:**

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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.

30066021      30066022

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

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41J PRELIMINARY DECREE ISSUED 12/16/2010.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SMITH RIVER DRAINAGE (BASIN 41J ) AND USES IT IN THE SMITH RIVER DRAINAGE (BASIN 41J ) AND THE MISSOURI RIVER, ABOVE HOLTER DAM DRAINAGE (BASIN 411 ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41J 22971-00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 114090 RECEIVED 05/25/2011.

OWNERSHIP UPDATE TYPE WATER COURT ORDER # 110569 RECEIVED 05/28/2013.