

**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 22972-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:** BREWER LAND CO LLC  
PO BOX 66  
RINGLING, MT 59642-0066  
  
JAMES L KUSEK  
PO BOX 101  
RINGLING, MT 59642-0101

**Priority Date:** MAY 31, 1898  
**Enforceable Priority Date:** MAY 31, 1898

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 4.00 CFS

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 327.00

**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		NESWSE	21	7N	8E	MEAGHER

**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** JOHN HAYMAN DITCH

**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	10.00		W2W2NE	28	7N	8E	MEAGHER
6	55.00		NW	28	7N	8E	MEAGHER
7	18.00		NESW	28	7N	8E	MEAGHER
8	2.00		NWSWSW	28	7N	8E	MEAGHER
9	15.00		E2E2SE	29	7N	8E	MEAGHER
10	22.00		S2S2NE	32	7N	8E	MEAGHER
11	75.00		SE	32	7N	8E	MEAGHER
<b>Total:</b>	<b>327.00</b>						

**Geocodes/Valid:** 47-1502-04-2-01-01-0000 - Y      47-1502-05-1-01-01-0000 - Y  
47-1598-28-1-01-01-0000 - Y      47-1598-29-1-01-01-0000 - Y  
47-1598-32-1-01-01-0000 - Y      47-1598-32-3-01-01-0000 - Y

**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.

22970-00      22971-00      22972-00

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**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.

22959-00      22972-00

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

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 41I ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 24487 RECEIVED 09/02/2005.

OWNERSHIP UPDATE TYPE DOR # 92001 RECEIVED 05/25/2011.