



WATER-RIGHT DOCKET

Grant-Kohrs Ranch National Historic Site

Docket No: 3

CLARK FORK STOCKWATER

State Water Rights Documentation

00-00-0000: statement of claim for existing water rights: stock water; for the water courts of the state of montana

Form No. 76-S R2/80

76G-W-162336-00

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS STOCK WATER

For the Water Courts of the State of Montana

United States of America
United States Department of the Interior
National Park Service

1. Owner of Water Right Grant-Kohrs Ranch National Historic Site /
Last First Middle Initial

Co-Owner or Other
Interest Owner

/ /
Last First Middle Initial

Address P.O. Box 790

City Deer Lodge State Montana Zip Code 59722

Home Phone No. Business Phone No. (406) 846-2070

2. Person completing form Taylor / Jimmy / D.
Last First Middle Initial

Address P.O. Box 790

City Deer Lodge State Montana Zip Code 59722

Home Phone No. Business Phone No. (406) 846-2070

3. Use: ☒ Stock water

4. Source of Water: (Check Only One)

- ☐ Spring Name _____
- ☐ Well Name _____
- ☒ Stream Name Clark Fork Tributary of Columbia
- ☐ Lake Name _____ Stream _____
- Tributary of _____
- ☐ Reservoir Name _____ Stream _____
- Tributary of _____

5. Point of Diversion: County Powell

W 1/2 NW 1/4 NW 1/4, Section 33, T 8 N R 9 W

Lot _____, Block _____, Subdivision _____

6. Means of Diversion, if applicable:

- ☐ Pump _____ gallons per day
- ☐ Gravity Flow _____ gallons per day
- ☒ Direct 6000 gallons per day
- ☐ Other: Explain _____ gallons per day

7. Total number of livestock served: 400

Type: ☒ 350 cattle
(number)

☒ 50 horses
(number)

☐ sheep
(number)

☐ goats
(number)

☐ other, explain _____
(number)

8. Place of use: County Powell

Lot, _____	Block, <u>W 1/2</u>	<u>NW</u> 1/4	<u>NW</u> 1/4	Section <u>33</u>	T. <u>8</u>	N. <u>9</u>	R. <u>9</u>	<u>W</u>
Lot, _____	Block, <u>SE</u>	<u>SE</u> 1/4	<u>SE</u> 1/4	Section <u>29</u>	T. <u>8</u>	N. <u>9</u>	R. <u>9</u>	<u>W</u>
Lot, _____	Block, <u>E 1/2</u>	<u>NE</u> 1/4	<u>NE</u> 1/4	Section <u>32</u>	T. <u>8</u>	N. <u>9</u>	R. <u>9</u>	<u>W</u>
Lot, _____	Block, <u>NE</u>	<u>SE</u> 1/4	<u>NE</u> 1/4	Section <u>32</u>	T. <u>8</u>	N. <u>9</u>	R. <u>9</u>	<u>W</u>
Lot, _____	Block, <u>W 1/2</u>	<u>SW</u> 1/4	<u>NW</u> 1/4	Section <u>33</u>	T. <u>8</u>	N. <u>9</u>	R. <u>9</u>	<u>W</u>

Subdivision _____

9. Flow rate claimed: 30

- ☐ cubic feet per second
☒ gallons per minute
☐ miner's inches

10. Volume claimed: 6.7 acre-feet per year11. Period(s) of use: January / 1 to December / 31
Month Day Month Day

12. Check one: ☐ Decreed Water Right
☐ Filed Appropriation Right
☒ Use Water Right

Priority date or date of first use

/ April / 5 / 1884
Hour Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF ~~MONTANA~~ COLORADO)
:SS.
County of ~~POWELL~~ Jefferson)

I, William L. Mekeel, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and that the matters and things stated there are true and correct.

William L. Mekeel

Subscribed and sworn before me, this 26th day of MARCH 19 82.

Robert S. Prohaska
Notary Public for the State of ~~Montana~~ COLORADO

Residing at 11945 W 8TH AVE, ARVADA, CO
My Commission expires My commission expires Jan. 10, 1984

Form No. 76-A-2

ADDENDUM TO STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS For the Water Courts of the State of Montana

ADDITIONAL POINT OF DIVERSION SHEET

Use this sheet if you have more than one point of diversion from a single source. List your primary point of diversion on the claim form.

03 County Powell
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T 8 N/S R 9 E/W
 Lot _____, Block _____, Subdivision _____
 County Powell
E 1/2 $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T 8 N/S R 9 E/W
 Lot _____, Block _____, Subdivision _____
 County Powell
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T 8 N/S R 9 E/W
 Lot _____, Block _____, Subdivision _____
 County Powell
W 1/2 $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T 8 N/S R 9 E/W
 Lot _____, Block _____, Subdivision _____
 County _____
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$, Section _____, T _____ N/S R _____ E/W
 Lot _____, Block _____, Subdivision _____
 County _____
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$, Section _____, T _____ N/S R _____ E/W
 Lot _____, Block _____, Subdivision _____
 County _____
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$, Section _____, T _____ N/S R _____ E/W
 Lot _____, Block _____, Subdivision _____
 County _____
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$, Section _____, T _____ N/S R _____ E/W
 Lot _____, Block _____, Subdivision _____

Use additional sheets if necessary

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
BILLINGS FIELD OFFICE



TED SCHWINDEN GOVERNOR

1537 AVENUE D., SUITE 121

STATE OF MONTANA

(406) 248-6540

BILLINGS, MONTANA 59102

This statement is used to show receipt of
Statement of Claim form(s) from Natl Park Service
on the following property:

Filing of water rights for all Natl Park Service
areas in the State of Montana
Both appropriative and reserved rights

DATED this 29th day of April, 1982.

Karla Bernhardt
WATER RIGHTS BUREAU

AN EQUAL OPPORTUNITY EMPLOYER

Other Supporting Information

Kohrs dissolved the profitable partnership with Ben Peel, buying out Peel's interests for \$17,500 in gold brick. Ben Peel had fallen in love and pursued this interest when its object moved east.²⁸ Bachelor Kohrs remained.

Later in August 1866 Kohrs purchased the John Grant ranch, whose owner he had known for a good while. In 1864 Kohrs had purchased a horse for \$250 from Grant and had enjoyed a good business relationship with him. No doubt Conrad Kohrs saw the Grant ranch as a potential headquarters. In the spring of 1865, a year prior to the eventual purchase, John Grant recalled that

Conrad Kohrs offered me thirty thousand dollars for my place and cattle, but I refused it. But if I had known of a place where I could have moved with my family I would of sold out then for I was very anxious to take my children away from such a rough country as Montana was then.²⁹

The death of Grant's wife Quarra, in early 1866, no doubt changed his mind, and a year after the first offer he sold the ranch to Kohrs for \$19,200 with \$5,000 down. The land was not surveyed, and the title described the property as "my ranch situate on Cottonwood Creek." The herd, by then reduced to about 350 head, probably through Kohrs's earlier purchases, went with the ranch, as did all the equipment, corrals, and haystacks. Grant retained his horses, taking them out of the country in September, and then, Kohrs wrote, "I took possession of my property."³⁰

The ranch house (described in more detail in Chapter 2) was described in 1865:

The dwelling house, which is large and two storied, is by long odds the finest in Montana. It appears as if it had been lifted by the chimneys from the bank of the St. Lawrence, and dropped down in Deer Lodge Valley. It has twenty-eight windows, with green-painted shutters, and looks very pretty.³¹

The former Grant Ranch also had corrals, a threshing machine, and outbuildings. It was the largest ranch headquarters in the Deer Lodge

28. *Ibid.*, p. 72.

29. Grant, "Extract from Memoirs," p. 4.

30. Kohrs, "Autobiography," p. 73. The transaction is recorded in Powell County Transcribed Deed Book 1, Courthouse, Deer Lodge, Montana, p. 161. The purchase of the house included a few pieces of furniture that Grant had picked up, some of which remain today.

31. "Letter From Blackfoot," *Montana Post*, Virginia City, Montana, 16 Dec. 1865, p. 1. The article is reproduced as Appendix 1.

During the gathering and trailing of the herds that summer, Con took time to file notice of intent to homestead portions of section 28 and 33 (township 8 north of range 9 west)--land encompassing the house and outbuildings of the home ranch. The homestead (approved on 10 January 1876) regularized the purchase of the Grant Ranch as to metes and bounds, and gave Con and Augusta Kohrs legal and registered ownership of the land upon which the home ranch sat.¹⁰³ His ownership and possession probably never stood in danger of being disputed. Yet until he filed for the homestead, and laid out the property involved, Conrad Kohrs cannot be said to have had full and legal possession of the land. He and Grant probably had a clear understanding of the boundaries involved, and the matter did not weigh particularly heavily on Kohrs's mind as he went about buying up other lots of land, butcher shops, and portions of the upper ranch and home ranch not directly connected with that portion upon which the house sat.

As the ranch hands gathered in the cattle and shipped them to Chicago, Kohrs and Bielenberg bought others, building herds for the coming year. In early September 600 head were purchased,¹⁰⁴ and in mid-October another 117.¹⁰⁵

In October 1874 Con again traveled to California to visit his sister. He returned before too long, recalling later "that winter I was home a few months but as soon as spring came commenced buying cattle for the drive of 1876."¹⁰⁶

Cattle purchases, drives, and the sales and purchase of mining properties continued in 1875. Late in March good news arrived from the Snake River area; the herd wintering there, about 1,800 head, had suffered only about one percent loss.¹⁰⁷ This augured well for a good year of stock raising on the Montana ranges.

In May John Bielenberg and Fred Loeber returned from a visit to the herd on the Sun River to report "an unconfirmed rumor on Sun River that Mr. Fred Kanouse, who was on trial here a couple of years ago, killed a man near Whoop-up recently and was captured and hung the next day."¹⁰⁸ Such were the vagaries of cattle-raising along Montana's Sun River in 1875.

103. *The New Northwest*, 20 June 1874. A copy of the document is on file at the Montana Historical Society, and at Grant-Kohrs Ranch NHS.

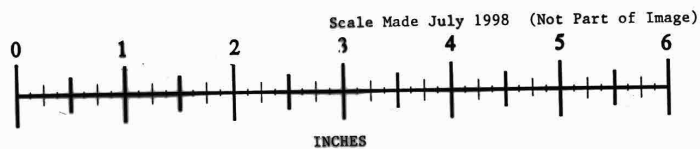
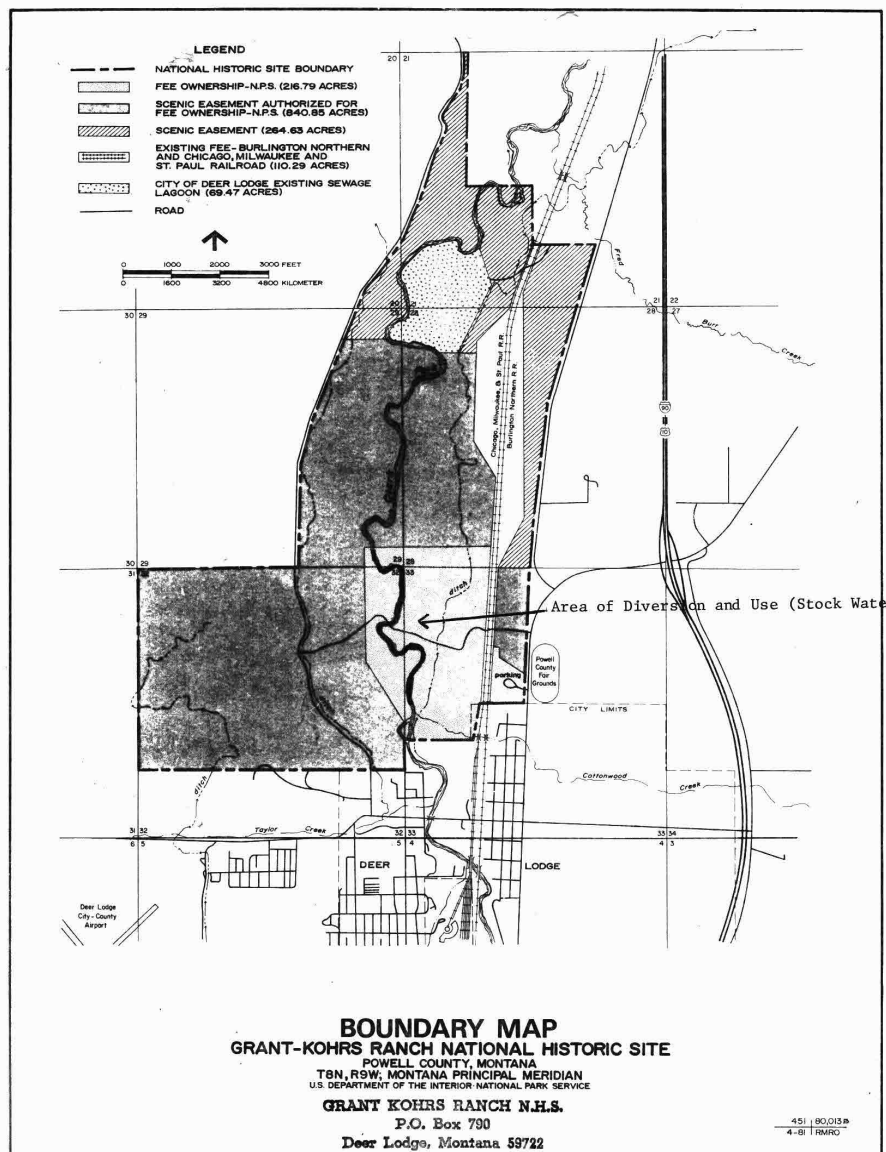
104. *Ibid.*, 12 Sept. 1874.

105. *Ibid.*, 10 Oct. 1874.

106. Kohrs, "Autobiography," pp. 104-5. Kohrs might mean the drive of 1875, since he did drive two herds to the railhead that year.

107. *The New Northwest*, 2 Apr. 1875.

108. *Ibid.*, 7 May 1875.



Docket Information

Number of Documents in Docket 7

Documents Dated from 3/26/1982 to 4/29/1982

Docket Compiled: 3/28/2011