



WATER-RIGHT DOCKET

Grant-Kohrs Ranch National Historic Site

Docket No: 12

CLARK FORK, IRRIGATION.

State Water Rights Documentation

00-00-0000: statement of claim for existing water rights: irrigation; for the water courts of the state of montana 76g-w-162345-00

Form No. 76-1 R2/80

76G-W-162345-00

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

IRRIGATION

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. Name of ditch, creek or river Kohrs & Manning Ditch

Use: ☒ Irrigation

4. Method of Irrigation Use: ☐ Sprinkler ☐ Furrow ☒ Flood

5. Source of Water: (Check Only One)

☐ Spring Name _____

☐ Well Name _____

☒ Stream Name Clark Fork Tributary of Columbia River

☐ Lake Name _____ Stream _____

Tributary of _____

☐ Reservoir Name _____ Stream _____

Tributary of _____

6. Point of Diversion: County Powell

SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T 8 N 1 R 9 W

Lot _____, Block _____, Subdivision _____

7. Means of Diversion:

☐ Pump Capacity _____ gpm

☒ Headgate and ditch or pipe

☐ Flood and dike

8. Means of Conveyance:

☒ Ditch

☐ Pipeline

☐ Other: Explain _____

9. Place of use and acres irrigated.

County Powell

8 acres, _____ Lot, _____ Block, W 1/2 NW 1/4 NW 1/4, Section 33, T 8 N R 9 W

6 acres, _____ Lot, _____ Block, NE 1/4 NW 1/4 NW 1/4, Section 33, T 8 N R 9 W

2 acres, _____ Lot, _____ Block, SW 1/4 SW 1/4 SW 1/4, Section 28, T 8 N R 9 W

2 acres, _____ Lot, _____ Block, SE 1/4 SW 1/4 SW 1/4, Section 28, T 8 N R 9 W

6 acres, _____ Lot, _____ Block, W 1/2 SW 1/4 NW 1/4, Section 33, T 8 N R 9 W

24 Total acres. Subdivision _____

10. Flow rate claimed:

6

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

11. Volume claimed:

36

acre-feet per year

12. Period(s) of use:

May / 1 to October / 15
 Month Day Month Day

13. Check one:

- ☐ Decreed Water Right
☒ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

/ December / 15 / 1931
 Hour Month Day Year

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

15. 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.

16. Notarized Statement signed by claimant.

STATE OF ~~MONTANA~~ COLORADO)

ss.

County of 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 the matters and things stated there are true and correct.

William L. Mekeel

Subscribed and sworn before me, this

26th

day of

MARCH

19

82Robert S. Pinkney

Notary Public for the State of Montana

COLORADO

Residing at

11245 US 89th Ave, ARIMA CO

My Commission expires

My commission expires Jan 10, 1984

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

NOTICE OF APPROPRIATION OF WATER RIGHT

Bk 2 - Pg 212 Water Rights

STATE OF MONTANA,)
County of Powell,) ss.

KNOW ALL MEN BY THESE PRESENTS, that the undersigned did, on the 15th day of December 1931 appropriate and claim, and do by these presents appropriate, locate and claim Twenty five cubic feet per second, legal measurement, of the waters of Deer Lodge River, in the County of Powell State of Montana, and did, on the above named date, mark the point of intended diversion by posting thereat a copy of this notice in a conspicuous place.

The said water is claimed for Agriculture, irrigation and other useful and beneficial purposes, and the place of intended use is lands on East side of Deer Lodge River from Deer Lodge City North 6 Miles.

said water to be diverted and conveyed to said place by means of a dam and ditch & flumes said ditch to be 8 feet wide on bottom 12 feet wide on top, and 2.5 feet deep.

That the stream from which said diversion is to be made is more particularly described as follows, to-wit:

Point on Deer Lodge River in City of Deer Lodge and in the City park approximately 1/4 mile down stream on East bank from the steel highway bridge on Milwaukee Ave. and measured from said point of diversion as an initial point, the following well-known natural object and permanent monuments are distant as follows, to-wit: Mouth of Cottonwood Creek is distant 1 mile in a down stream direction;..... is distant..... in a..... direction.

And the undersigned hereby claims a right of way over all the unimproved lands of the United States through which said ditches shall pass, together with the right to repair and enlarge said ditch whenever and wherever the same may be necessary to convey the water hereby appropriated.

KOHR'S & MANNING DITCH CO.

H. P. Mollenberg

W. J. Hoskyn

Nephi Christoffersen
Trustees for Kohrs & Manning
Ditch Co.
Appropriator and Claimant.

STATE OF MONTANA,)
County of Powell,) ss.

H. P. Mollenberg, Trustee being first duly sworn, each for himself, says: That he is the appropriator and claimant named in the foregoing notice of appropriation; that he has read the said notice of appropriation; and knows the contents thereof, and that all the matters and statements contained therein are true.

KOHR'S & MANNING DITCH CO.

By: H. P. Mollenberg, Trustee

Subscribed and sworn to before me, this 16th day of December 1931.

(Official Seal)

Daniel B. Hertz, Jr.
Clerk and Recorder, Powell
County, Montana.

Filed for record December 16th, A. D. 1931, at 2:15 o'clock P. M.

Daniel B. Hertz, Jr.
County Recorder.

NOTICE OF APPROPRIATION OF WATER RIGHT

Bk 2 - Pg 213 Water Rights

STATE OF MONTANA,)
) ss.
 County of Powell.)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned did, on the 17th day of December, 1931, appropriate and claim, and do by these presents appropriate, locate and claim (40) forty cubic feet per second, legal measurement, of the waters of Cottonwood Creek, in the County of Powell State of Montana, and did, on the above named date, mark the point of intended diversion by posting thereat a copy of this notice in a conspicuous place,

The said water is claimed for Agriculture, irrigation and other useful and beneficial purposes, and the place of intended use is lands on East side of Deer Lodge River from City of Deer Lodge North six miles.

Said water to be diverted and conveyed to said place by means of a dam and ditch, flumes & canals said ditch to be 8 feet wide on bottom 12 feet wide on top, and 2.5 feet deep.

That the stream from which said diversion is to be made is more particularly described as follows, to-wit:

Cottonwood Creek flowing through city of Deer Lodge. Point of diversion is approximately seventy five feet from mouth of said creek where it enters the Deer Lodge River and measured from said point of diversion as an initial point, the following well-known natural objects and permanent monuments are distant as follows, to-wit: South line of Kohrs-Bielenberg Ranch is distant about 75 rods in a northerly direction, ... is distant in a direction.

And the undersigned hereby claim a right of way over all the unimproved lands of the United States through which said ditch shall pass, together with the right to repair and enlarge said ditch whenever and wherever the same may be necessary to convey the water hereby appropriated.

KOHR'S & MANNING DITCH CO.

H. P. Mollenberg

W. J. Hoskyn

Nephri Christofferson,
 Trustees for Kohrs & Manning
 Ditch Co.
 Appropriator and Claimant.

STATE OF MONTANA,)
) ss.
 County of Powell.)

H. P. Mollenberg, Trustee being first duly sworn, says for himself, says that he is the appropriator and claimant named in the foregoing notice of appropriation; that he has read the said notice of appropriation, and knows the contents thereof, and that all the matters and statements contained therein are true.

KOHR'S & MANNING DITCH CO.

By: H. P. Mollenberg

Subscribed and sworn to before me, this 18th day of December 1931

(Official Seal)

Daniel B. Harte, Jr.
 Clerk and Recorder, Powell
 County, Montana

Filed for record December 18th., A. D. 1931, at 10:30 o'clock A. M.

Daniel B. Harte, Jr.
 County Recorder

NOT
RECORDED

D E E D

FOR AND IN CONSIDERATION of the sum of TWO HUNDRED FIFTY SEVEN
THOUSAND FIVE HUNDRED FORTY-FOUR AND NO/100 (\$257,544) DOLLARS, and other
good and valuable consideration, the receipt of which is hereby acknowl-
edges, the NATIONAL PARK FOUNDATION, a charitable, nonprofit corporation
established by the Act of Congress approved December 18, 1967 (81 Stat.
656), GRANTOR, hereby grants to the United States of America and its assig-
NEE, forever, absolutely and in fee simple, the following described la

All that certain real property situate in the County of
Powell, State of Montana, being more particularly described
as follows:

LANDS LYING IN TOWNSHIP 8 NORTH, RANGE 9 WEST, N.P.M.

PARCEL 1

A tract of land in the Northwest Quarter (NW1/4) of
Section Thirty-three (33), Township Eight North
(8N), Range Nine West (9W), of the Montana Prin-
cipal Meridian, Powell County, Montana, more parti-
cularly described as follows:

Commencing at the intersection of the westerly
right-of-way line of the Chicago, Milwaukee, St. Paul
and Pacific Railroad and the northerly City Limit of
the City of Deer Lodge, Montana; thence northerly
along said right-of-way line eight hundred ninety-eight
feet (898'), more or less, to the true point of begin-
ning, which point is marked by an iron pin and bears
South twenty-eight degrees forty minutes West (S28°
40'W) nineteen hundred seventy-four and seven-tenths
feet (1974.7') from the North Quarter corner of said
Section Thirty-three (33); thence North sixty-seven
degrees fifty-seven minutes West (N67°57'W) eight
hundred forty-six and fifty-tenths feet (846.5') to a
point marked by an iron pin; thence North ten degrees
thirty-five minutes East (N10°35'E) eight hundred
forty-eight and three-tenths feet (848.3') to a point
marked by an iron pin; thence North sixty-four degrees
forty-eight minutes East (N64°48'E) two hundred fifty-two
and five-tenths feet (252.5') to a point marked by an
iron pin; thence North thirty-seven degrees forty-one
minutes East (N37°41'E) one hundred fifty-one and four-
tenths feet (151.4') to a point marked by an iron pin;
thence South eighty-six degrees twenty-two minutes East
(S86°22'E) three hundred forty-five feet (345.0') to a
point marked by an iron pin; thence South three degrees
thirty-eight minutes West (S3°38'W) seven hundred and
three feet (703.0') to a point marked by an iron pin;
thence South eighty-six degrees twenty-two minutes East
(S86°22'E) fifty feet (50.0') to a point marked by an
iron pin on the westerly right-of-way line of said
Railroad; thence South three degrees thirty-eight minutes
West (S3°38'W) along the westerly right-of-way line of
said Railroad six hundred fifty-two and nine-tenths feet
(652.9') to the true Point of Beginning.

PARCEL II

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-three (33), Township Eight North (8N), Range Nine West (9W), Montana Principal Meridian, Powell County, Montana, more particularly described as follows:

Commencing at the intersection of the northerly City Limit line of Deer Lodge, Montana, and the easterly right-of-way line of the Burlington Northern Railroad as the true point of beginning, which point is marked by a wood post and bears South sixteen degrees fifty-seven minutes West (S16°57'W) twenty-seven hundred and sixty and nine-tenths feet (2660.9') from the North quarter corner of said Section thirty-three (33); thence North three degrees thirty-eight minutes East (N3°38'E) nine hundred fifty feet (950.0') along the easterly right-of-way of the Burlington Northern Railroad to a point marked by an iron pin; thence South fifty-seven degrees thirty-six minutes East (S57°36'E) seven hundred eight and five-tenths feet (708.5') to a point marked by an iron pin on the westerly right-of-way line of Highway U.S. 10; thence South two degrees thirty-four minutes West (S2°34'W) five hundred seventy-seven feet (577.0') along the westerly right-of-way line of said Highway to a point on the northerly City Limit Line marked by a wood post; thence North eighty-nine degrees twenty minutes West (N89°00'W) six hundred thirty-two and one tenth feet (632.1') along the northerly City Limit Line of said City to the true Point of Beginning.

PARCEL III

All of the NW $\frac{1}{4}$ lying West of the East boundary of the Burlington Northern Railway right-of-way of Section Thirty-three (33), Township Eight North (8N), Range Nine West (9W). LESS PARCEL I.

PARCEL IV

Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of East boundary of the Burlington Northern right-of-way.

Together with all buildings, improvements, tenements, rights,

easements, and appurtenances thereto belonging, including ground and subsurface waters, and water from the Kohrs-Blumling Ditch in an amount sufficient to irrigate the land herein conveyed, but not to exceed 6 miner's inches; said waters to be used for historical site purposes, including but not limited to irrigation water for lawns, trees, shrubs, and gardens, and for visitor use, and TOGETHER with the right now in the National Park Foundation to use any and all roads now existing on the remaining land of its GRANTORS for use as access between Parcels I, II, and III, and as access from Parcels I, II, and III, to public roads and highways until alternate access is constructed.



United States Department of the Interior

NATIONAL PARK SERVICE
Grant-Kohrs Ranch National Historic Site
210 Missouri Avenue
P.O. Box 790
Deer Lodge, Montana 59722



IN REPLY REFER TO: L54
xN2219 (2)

August 25, 1999

Terri McLaughlin, Manager
Helena Water Resources Regional Office
Department of Natural Resources and Conservation
P.O. Box 201601
Helena, Montana 59620-1601

RE: Application for Temporary Beneficial Water Use Permit No. 76G-107986-00

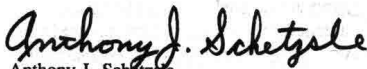
Dear Ms. McLaughlin:

Your notice of July 29, 1999 advises the National Park Service of the subject ARCO Environmental Remediation L.L.C. (AERL) application to pump water from the Clark Fork River for irrigation, citing exemption from the basin closure pursuant to provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980. The application for 2.5 gpm up to .02 AF of water each year for three years is for irrigation purposes at Arrow Stone Park along the Clark Fork River, a demonstration project, in part, under CERCLA subject to final determination of clean-up when the United States Environmental Protection Agency issues their Record of Decision scheduled for the fall in the year 2000.

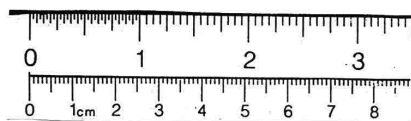
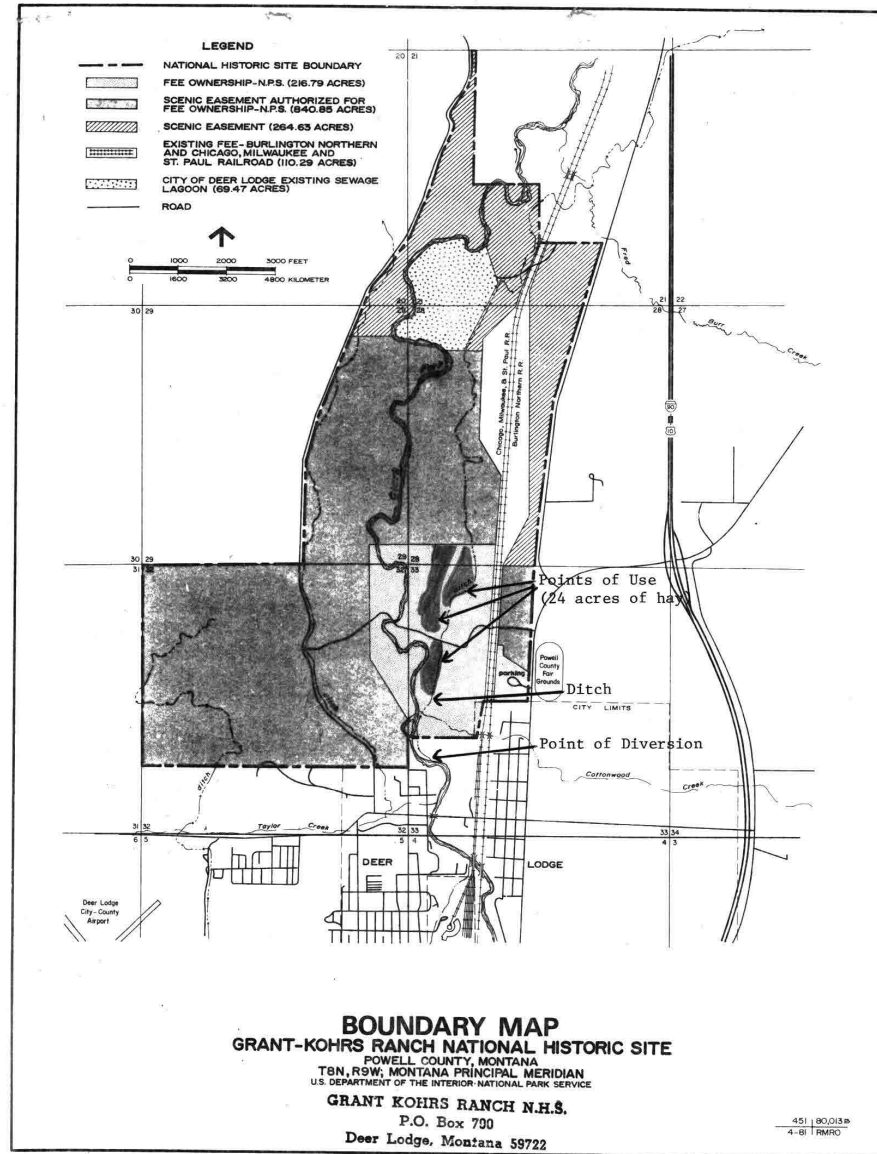
While the National Park Service does not object to the application as a temporary measure subject to our prior existing water right, there is a concern that multiple diversions exempt from the basin closure could have a cumulative affect on existing rights. You may recall our telephone conversation where you advised that ARCO has four such temporary diversions associated with the CERCLA exemption. If my understanding is in error, please advise. If not, it would seem appropriate that the Department would impose a reduction of amounts authorized for temporary use if, and when, an adverse effect on senior water rights should occur.

The National Park Service is desirous of affecting a permanent clean-up of the contaminated areas along the Clark Fork River protective of human health and the environment as well as efforts to restore natural resources to a baseline condition as provided by CERCLA. A component of these actions is most certainly linked to water use and it should be incumbent upon the potential responsible party to ensure alternate sources of water to implement remediation and restoration not previously claimed by others.

Sincerely,


Anthony J. Schetzle
Superintendent

Maps and Miscellaneous Information



Docket Information

Number of Documents in Docket 9

Documents Dated from 8/25/1999 to 8/25/1999

Docket Compiled: 3/28/2011