

016-1
No. 1-74-62-1

Office of State Engineer
DOCUMENT FILE

Name of Applicant
John L. Ashcroft
Date of Priority
May 15, 1903
County
Harding #17462-1

Filed May 21, 1903

Location: Cool Creek
2000 in.

Warranty Recd. Aug 8, 1908
1/2 Interest to
Ashcroft, & Thomas

Pre-Emption of Right of Way and Location of Water.

To Whom These Presents May Concern, Know ye, that I...

John T. Ashcroft

..... of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from *Coal Creek* stream to the

part of

of Section *26* in Township *20 N* of Range *7 E B H Mer* more particularly described as follows: Commencing at

by a dam located about 16 chains west of the NW corner of Section 26 in Township 20 N Range 7 seven E B H Mer and a ditch from said dam to and upon the NE 1/4 NW 1/4 and W 1/2 of NE 1/4 Section 26 in Township 20 N Range 7 E B H Mer

I also claim and have a valid right to the enjoyment and use of *2000* inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this *15* day of *May* 190*3* A. D.

John T. Ashcroft

Notice posted on stream

May 16

190*3*

Ditch commenced at stream

190*3*

State of South Dakota,
County of Butte,

On this

15 day of *May*

190*3*

before me

U.S. Commissioner

In and for the County and State aforesaid, personally appeared

John T. Ashcroft

to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal this day and date above written

John Thompson U.S. Comm.
Gov. Dist. of S. Dak.



Attorney at Law

JOHN T. ASHCROFT

Butterfield v. ...
Re ... 1903, at 386
of May ...
of ...
By 13 ...
1903 ...
at 386 of DEEDS

No. 016-1

James D. R.

STATE OF SOUTH CAROLINA

I, the undersigned, being a duly qualified
notary public in and for the State of South Carolina,
do hereby certify that the within and foregoing
instrument is a true and correct copy of the
original instrument filed in my office on the
17th day of August, 1906.

Dated 11 Aug 1906

H. E. Frock

My *J. W. Keller*

Spord
Co.

Warranty Deed.

C O P Y

KNOW ALL MEN BY THESE PRESENTS:

That John T. Ashcroft of Ludlow of Butte County and State of South Dak--
to party of the first part, for and in consideration of the sum of
One and no/100 - - - - - Dollars,
to him in hand paid by Thomas Ashcroft, of Ashcroft, Butte County, S. Dak.
party of the second part, the receipt whereof is hereby acknowledged, does
hereby Grant, Bargain, Sell and Convey unto the said party of the second
part, his heirs and assigns forever, the following described Water lying
and being in the county of Butte and said State of South Dakota, to-wit:
One Thousand inches of water from our reservoir located on Coal Creek about
16 Chains west of the North-west corner of section 26 in Township 20
North Range seven East B. H. M. I also acknowledge the said Thomas Ash-
croft's one half undivided interest in the said reservoir which we incor-
porated in constructing for the purpose of irrigating his land as well as
mine.

TO HAVE AND TO HOLD the same, together with all the hereditaments
and appurtenances thereunto belonging or in anywise appertaining to the
said party of the second part, his heirs and assigns forever. And the
said John T. Ashcroft party of the first part for his heirs, executors
and administrators, does covenant with the said party of the second part,
his heirs and assigns that he is well seized in fee of the water and pre-
mises aforesaid, and has good right to sell and convey the same in man-
ner and form aforesaid; that the same are free from all incumbrances,
and the above bargained and granted lands and promises, in the quiet and
peaceable possession of the said party of the second part, his heirs and
assigns, against all persons lawfully claiming or to claim the whole or any
part thereof, the said party of the first part will FOREVER WARRANT AND
DEFEND.

And the said John T. Ashcroft hereby relinquishes his right of dower
in and to the above described premises.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto
set his hand and seal this First day of August 1908.

John T. Ashcroft (SEAL).

Signed, Sealed and Delivered in Presence of

Baron T. Kibel

Dick E. Burns

} Witnesses.

STATE OF South Dakota)
(ss.
Butte COUNTY)

On this First day of August A. D. 1908, before the undersigned a United States Commissioner in and for said County and State, personally appeared John T. Ashcroft, known to me to be the person who is described in and who executed the foregoing instrument and acknowledged to me that he has executed the same.

WITNESS my hand and --- seal, the day and year last above written.

Fred L. Clark,

Ludlow,

Butte County, South Dakota.

No. 016-1

WARRANTY DEED

John T. Ashcroft
To

Thomas Ashcroft.

STATE OF SOUTH DAKOTA
County of Butte

Filed for record this 8
day of Aug. A. D. 1908.

at 5 o'clock PM and record-
ed in Book 26, Page 124

Geo. B. Ross.
Register of Deeds,

By A. F. Miller,
Deputy.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the within and
foregoing instrument is a true, correct and
complete transcript of the instrument which
it purports to be as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal, done
at my office in Pierre, State of South Dakota
this 15th day of August 1908.

Samuel H. Lee
State Engineer.

By _____

Warranty Deed.

C O P Y

KNOW ALL MEN BY THESE PRESENTS:

That John T. Ashcroft of Ludlow of Butte County and State of South Dakota party of the first part, for and in consideration of the sum of One and no/100 - - - - - Dollars, to him in hand paid by Thomas Ashcroft, of Ashcroft, Butte County, S. Dak. party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the said party of the second part, his heirs and assigns forever, the following described Water lying and being in the county of Butte and said State of South Dakota, to-wit: One Thousand inches of water from our reservoir located on Coal Creek about 16 Chains west of the North-west corner of section 26 in Township 20 North Range seven East B. H. M. I also acknowledge the said Thomas Ashcroft's one half undivided interest in the said reservoir which we co-o-p-e-r-a-t-e-d in constructing for the purpose of irrigating his land as well as mine.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said party of the second part, his heirs and assigns forever. And the said John T. Ashcroft party of the first part for his heirs, executors and administrators, does covenant with the said party of the second part, his heirs and assigns that he is well seized in fee of the waters and premises aforesaid, and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances, and the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will FOREVER WARRANT AND DEFEND.

And the said John T. Ashcroft hereby relinquish^{es} his right of dower in and to the above described premises.

IN WITNESS WHEREOF, The said party of the first part has herunto set his hand and seal this First day of August 1908.

John T. Ashcroft (SEAL)

Signed, Sealed and Delivered in Presence of

Baron T. Kabel

Pick F. Burns

Witnesses.

STATE OF South Dakota)
(ss.
Butte COUNTY)

On this First day of August A. D. 1908, before the undersigned a United States Commissioner in and for said County and State, personally appeared John T. Ashcroft, known to me to be the person who is described in and who executed the foregoing instrument and acknowledged to me that he has executed the same.

WITNESS my hand and --- seal, the day and year last above written.

Fred L. Clark,

Ludlow,

Butte County, South Dakota.

No. 012-1

WARRANTY DEED

John T. Ashcroft
To

Thomas Ashcroft.

STATE OF SOUTH DAKOTA
County of Butte ss.

Filed for record this 3
day of Aug. A. D. 1908.
at 2 o'clock PM and record-
ed in Book 25, Page 124

Geo. B. Ross.
Register of Deeds,

By A. F. Miller,
Deputy.

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF HUGHES, }

I hereby certify that the within and
foregoing instrument is a true, correct and
complete transcript of the instrument which
it purports to be, as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal, done
at my office in Pierre, State of South Dakota
this 15th day of August 1908

Samuel H. Lea
State Engineer.

L. _____
Deputy.

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF HUGHES, }

OFFICE OF STATE ENGINEER.

Filed for record this 15th day of
August A. D. 1908
at 2:30 o'clock P. M. and recorded in
Book _____ on page _____

Samuel H. Lea
STATE ENGINEER.

By _____
DEPUTY.

COPY.

NOTICE OF WAY AND LOCATION OF WATER.

NOTICE OF WAY AND LOCATION OF WATER. Whereas, that I John T. Ashcroft of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, full and entire tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Coal Creek stream to the east of of Section 26 in Township 20 N. of Range 7 E. 2nd Mer. more particularly described as follows: Commencing at a point located about 15 chains west of the NW corner of Section 26 in Township 20 N. Range 7 E. 2nd Mer. and a ditch from said line up and upon the NE 1/4, NW 1/4 and SE 1/4 of NE 1/4 Section 26 in Township 20 N. Range 7 E. 2nd Mer.

I also claim and have a valid right to the enjoyment and use of 2000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the necessaries and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 10 day of May A.D. 1907.

John T. Ashcroft.

Notice posted on stream May 16, 1907.

State of South Dakota (ss.
County of Butte

On this 10 day of May, 1907, before me U.S. Commissioner in and for the County and State aforesaid, personally appeared John T. Ashcroft to me personally known to be the person and executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.

(TAL)

John Ineson, U.S. Comm. for Dist of S.Dak

No. 016-1

2003.11.10

17463

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same is on record in the office of the City Engineer.

Witness my hand and office at St. Louis,
at my office in St. Louis, State of Missouri, this 1st day of May, 1906.

this 10th day of April 1888

Samuel H. Lee

By W. B. Lea

001 204 100

10/10/1944

1067

[illegible]

1000

100-443887-100

100-443887-100

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100

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

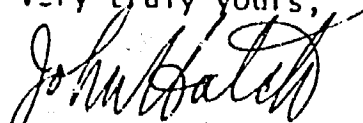
NOV 25 1986

John R Olson
K/O Ranches, Inc.
Box 53
Ludlow SD 57755

Dear Mr. Olson:

Enclosed are your Validated Vested Water Right and Water License No. 1358-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

JH:ks

enclosures

NOTE: The applicable portions of Water Right Filings No. 015-1 and 016-1
were incorporated into this Vested Water Right Nos. 1358-1 with the
abandoned portions of Filings No. 015-1 an 016-1 cancelled.

Equal Opportunity Employer