

No. 0171-1

Office of State Engineer
DOCUMENT FILE

Name: Holman, A. Harry.

County: Butte #12934
Harding

Date: June 1901
June 23, 1913

Filed: July 2, 1901

Location: S. Snake Creek

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

To Whom These Presents May Concern, Know ye, that I, A. Harry Holman
..... 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 enjoy-
ment 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 South Dick stream to the
N. 10th 10th N.E. 4

of Section 33..... In Township 20 N. of Range 1 E. B.H. 7W
more particularly described as follows: Commencing at
a point on said stream from which the 4th Sec
corner between Sec 32-29 Township 20 N of
Range One East B.H. 7W bears west 10 chains
north 10 chains dist and terminating at a point
on the 10th N.E. 4 of Sec 33 from which the 4th Sec cor
north of said Sec 33 bears west 20 chains dist.
NW 1/4 Sec 33 - T. 20 N. R. 1 E

I also claim and have a valid right to the enjoyment and use of 100.0 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 June A. D. 1901.

A. Harry Holman

Notice posted on stream May 10 1901

Ditch commenced at stream " 10 1901

State of South Dakota, }
County of Butte, }

On this 2 day of June 1901, before me Register of Deeds

In and for the County and State aforesaid, personally appeared A. Harry Holman

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, the day and date above written.

Geo. B. Rose
Register of Deeds

(Seal)

No. 0171-1

County of Bulle

Filed for recording 2

Lio B. Rose

But

THE COLLEGE OF WILLIAMSBURG

Det. Kelly 30

St. E. Street

Ada Miller.

5, 5 inch O
Little Missouri

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

To Whom These Presents May Concern, Know ye, that I A. Harry Holman 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 South Slick stream to the NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33 in Township 20 N of Range 1 E. B.H.M. more particularly described as follows: Commencing at a point on said stream from which the $\frac{1}{4}$ Sec corner between Sec. 32-29 township 20 N of Range One East B.H.M. bears west 10 chains north 10 chains dist and terminating at a point on the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec 33 from which the $\frac{1}{4}$ sec cor north of said Sec 33 bears west 20 chains dist.

I also claim and have a valid right to the enjoyment and use of 1,000 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 June A.D. 1901.

A. Harry Holman.

Notice posted on stream May 10, 1901.
Ditch commenced at stream May 10, 1901.

State of South Dakota,
County of Butte, SS

On this 2 day of June 1901, before me Register of Deeds in and for the County afore said personally appeared A. Harry Holman, 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, the day and date above written

Geo. B. Rose,

Register of Deeds.

COPY

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, as at my office in Pierre, State of South Dakota,

this 27 day of November 1908.

Samuel H. Lea,
State Engineer.

By B. B. Lea

Water Right No. 0171-1

Located by

A. Harry Holman,

June 15, 1901.

Butte County.

Register of 1890.

On this 27 day of June 1901, before me, Notary Public for the State of South Dakota, appeared A. Harry Holman, to me personally known, and he acknowledged to me the foregoing instrument, and he declared that he executed the same for the purposes and purposes therein expressed.

Ditch commenced at station No. 10, 1901.
Ditch located on November 10, 1901.
V. Harry Holman.

Witness my hand and seal this 15 day of June A.D. 1901.

Notary Public.

and signing it, the heretofore and above-mentioned purposes, and on the 15th day of June 1901, the said ditch to said tract of land, together with the riparian rights of water from said ditch for irrigating purposes to be conveyed to the claim and have a valid right to the enjoyment and use of 1,000

acres west 30 chains east.

Being on the N. 1/2 of Sec 22 from which the 1/2 sec cor. north of said Sec 22

One West S. 1/2 Sec 22 is lying north 10 chains east and terminating at a

stream from which the 1/2 sec corner between Sec. 22-23 township 30 N of Range

11 W. were previously described as follows: Commencing at a point on said

ditch stream to the N. 1/2 of Sec 22 in Township 30 N of Range 1 W.

Butte County.

State of South Dakota County of Butte. This is to certify that on the 25th day of November, 1898, I have located a water right to all the water that may flow down a dry water course generally known as South slick creek said creek having its source in the east slope of the Ling Pine Hills in the State of Montana, said water to be taken out of the creek by a Dam to be built at a point about $3/4$ of a mile east of the Montana line and to be carried in an easterly direction to land described as follows to wit; the S $1/4$ SW $1/4$ of section 28, the SW $1/4$ SE $1/4$, section 28, the N $1/2$ of the NW $1/4$, section 33, the NW $1/4$ of the NE $1/4$, section 33, the N $1/2$ of the NE $1/4$, section 32, in Township 20 Range 1 E. N.M. said water right to be used by me for irrigation, In witness whereof I have hereunto set my hand and seal this 25th day of November 1898.

Mrs Ella Pryor

Office of Register of Deeds)
Butte County South Dakota) ss

Received for Record the 1st day of Dec, A. D. 1898.
at 2/30 O clock P. M., and Recorded in book 7- Page 325

C. T. Martin
Register of Deeds

Transferred to Harding County Record April 3rd 1909, By J. S. Whitney Register of Deeds
of Harding County South Dakota.

DATE RECORDED

OPERATOR

WATER RIGHT EVALUATION
ON SOUTH SLICK CREEK FROM THE MONTANA-SOUTH DAKOTA BOUNDARY TO
THE LITTLE MISSOURI RIVER IN
HARDING COUNTY, SOUTH DAKOTA

General Statement

Investigation and observation show that only two irrigators on South Slick Creek in South Dakota have claims to valid water rights. These irrigators are Lyle Lewton and the owners of the White-Nepher land.

While Mrs. Ella Pryor (Butte County records, Book 7, page 325, Dec. 1, 1898) and perhaps others have filed water rights on South Slick Creek, it is evident that the systems on the Lewton and White-Nepher land are the only systems that have been constructed and maintained so as to be eligible for consideration as recorded or "vested" water rights.

Water Rights on Lyle Lewton's land

Water Right No. 0171-1 originally filed in Butte County by Harry Holman on May 10, 1901 as a Pre-Emption of Right of Way and Location of Water, called for 1000 inches of water for 240 acres in section 33, T 20 N, R 1 E.

Water Right No. 0172-1 originally filed in Butte County by Harry Holman is a restatement of the above-mentioned No. 0171-1 Water Right. It was apparently filed on April 19, 1903 and called for 1000 inches on the NW $\frac{1}{4}$ of Section 33, T 20 N, R 1 E or on 160 acres of the same 240 acres mentioned in filing No. 0171-1

By affidavit, Proof of Application of Water to Beneficial Use dated June 17, 1913 and Certificate of Appropriation of Water dated June 23, 1913, beneficial use of water to the extent of 1 acre-foot on each of 155 acres was established.

This is the only record of a valid water right that is in the files of the Water Resources Commission for use of water in South Dakota from South Slick Creek. It is for 155 acre feet of water annually on 155 acres on the NE $\frac{1}{4}$ of Section 33, the SE section 28 and the SW of 27, all in T 20 N, R 1 E, Harding County. Under provisions of current water laws, the diversion rate of water for irrigation of this land is 2.21 cubic feet per second except during periods when there is an excess of water flowing in the stream than is necessary to satisfy domestic use requirements and other valid water rights.

It seems evident that a "Vested Right" exists on Mr. Lewton's lands in addition to the recorded water right. Such a "vested right" can be made a matter of record either by the present owner filing a "vested right" application with the Water Resources Commission or by the water rights being adjudicated by the Water Resources Commission or by a Court of Law. Such a "vested right" would have a priority date after June 23, 1913. The amount of water, until the "vested right" is recorded is not definite but the investigator, by observation and from remarks made by Mr. Lewton, estimates the "vested right" would be on 145 acres or for 2.07 cubic feet of water per second in addition to the recorded water right.

Water Rights on the White-Nepher land

Cela Moody on April 4, 1903 filed notice in Montana that he had on March 21, 1903 begun appropriating 1008 inches of water from South Slick Creek in Montana to irrigate in Section 29, T 20 N, R 1 E (which is in South Dakota). Apparently no water right was recorded in South Dakota covering use of this water in South Dakota.

The Water Resources Commission has no jurisdiction as to the validity of the filing in Montana. By observation, it seems evident that there is basis for a "vested right" to use the water for irrigation in South Dakota. A priority date of March 21, 1903 seems probable.

Again, as stated in discussing the "vested right" on Mr. Lewton's land, the "vested right" can be made a matter of record either by the present owners filing a "vested right" application with the Water Resources Commission or by the water rights being adjudicated.

The amount of water, until the "vested right" is recorded, is not definite, but from investigation, observation and remarks made by Mr. White and Mr. Nepher, it is estimated that the "vested right" would be on 100 acres or for 1.23 cubic feet of water per second.

Summary

Based on the above discussed water rights records and the estimates concerning probable "vested rights", adjudication of the water right on South Slick Creek in Harding County would be as follows:

1. The first 2.21 cubic feet per second of water as measured at his diversion point would go to Lyle Lewton for irrigation of 155 acres.

Based on recorded rights made by Harry Holman having priority date of May 10, 1901.

3.

2. When flows at Lewton's diversion point reached 2.21 cubic feet per second, White-Nepher would take the next 1.25 cubic feet per second of water at their diversion point.

Based on the White-Nepher "Vested Right" having a priority date of March 21, 1903.

3. After White-Nepher receives their 1.25 cubic feet per second of water, Lewton would take the next 2.07 cubic feet per second as measured at his diversion point.

Based on Lewton's "Vested Right" having a priority date after June 23, 1913.

4. Waters in excess of 5.53 cubic feet per second (2.21 plus 1.25 plus 2.07) in South Slick Creek may be diverted by both irrigators to the extent that such excess water is not required to satisfy existing or future water rights, when or if established, for use of water from South Slick Creek or from the Little Missouri River downstream from the mouth of South Slick Creek. Because of diversion point locations, the White-Nepher lands have first opportunity to divert such excess waters. The Lewton diversion may divert such excess waters which originate in the South Slick Creek drainage basin, including tributaries, below the White-Nepher diversion point plus waters originating above the White-Nepher diversion point which passes the White-Nepher diversion structure.

Based on Section 61.0126, Chapter 430, Session Laws of 1955, as amended.

CARTER COUNTY, MONTANA

Dated this 21st day of March 1903.

State of Montana) ss
County of Custer)

Cela Moody
Appropriator and Claimant

Cela Moody being first duly sworn, deposes and says: that he is of lawful age and that he is the appropriator and claimant of the water and water right mentioned in the foregoing notice and the person whose name is subscribed thereto as the appropriator and claimant; that he has read the foregoing notice and knows the contents thereof, and that the matters and things therein stated are true.

Cela Moody Appropriator and Claimant.

Subscribed and sworn to before me this 4th day of April, A. D. 1903.

(Notarial Seal) A. R. McDermott Notary Public. My commission expires Aug 18th 1906.

(Filed Apr. 9, 1903 at 9 a. m. Fees \$2.00)

Transcribed from Custer County Records,
Water Rights "B" page 322.

NOTICE OF WATER RIGHT.

To All Whom These Presents May Concern:- Be it known that I, D. M. Tarter, of Camp Creek, Co. of Butte, State of S. Dak., do hereby publish as a legal notice to all the world:-

I. That I have a legal right to the use possession, and control of, and claim one thousand and eight inches, or seven cubic feet, of the waters of South Slick Creek, in the County of Custer, State of Montana, for irrigation and other purposes.

II. That the special purpose for which said water is to be used, and the place of intended use is to irrigate land in Sec 29 and 28, in Township 20 N. R. 1. E. B. H. M., in Co. of Butte, State of S. Dak.

III. That I will take said water out and divert it from said creek by means of a dam and ditch; dam to be located ten rods west of where said stream crosses state line and enters S. Dak. to and upon Sec. 30, Tp 20 N. R. 1 E. B. H. M., Co. of Butte, State of said Dak.- said ditch to run from said dam to and upon Sec 29 and 28, Tp. 20 N. R 1. E. B. H. M. Co. of Butte State of S. Dak.

IV. That I took and appropriated said water on the Sixth day of

April, 1903 A. D. Dated this sixth day of April, 1903.

D. M. Tarter Appropriator and Claimant

Subscribed and sworn to before me this 7th day of April 1903.

(Notarial Seal) A. R. McDermott Notary Public. My commission Expires
Aug. 18th 1906.

Transcribed from Custer County Records,

Water Rights "B" page 324.

WATER RIGHT NOTICE.

State of Montana)
County of Custer) ss

To all whom this presents my concern: be it known that we Harry Holman & Stephen W. Holman of Camp Crook, Butte County, South Dakota, do hereby publish and declare as a legal notice to all the world.

That we have a legal right to the use, possession and control of and claim 7 cubic feet, or 1000, inches of the waters in North Slick Creek in Custer County, Montana, for irrigating and other purposes,

Transcribed from Custer County Records,
Water Rights "B" page 317.

NOTICE OF WATER RIGHT.

To all whom these presents may concern, be it known that I, Cain Moody, of Camp Crook, County of Butte, State of South Dakota, do hereby publish and declare as a legal notice to all the World.

1st. That I have a legal right to the use, possession, and control of, and claim one thousand and eight inches or seven cubic feet of the water of South Slick Creek in Custer County, State of Montana for irrigating and other purposes.

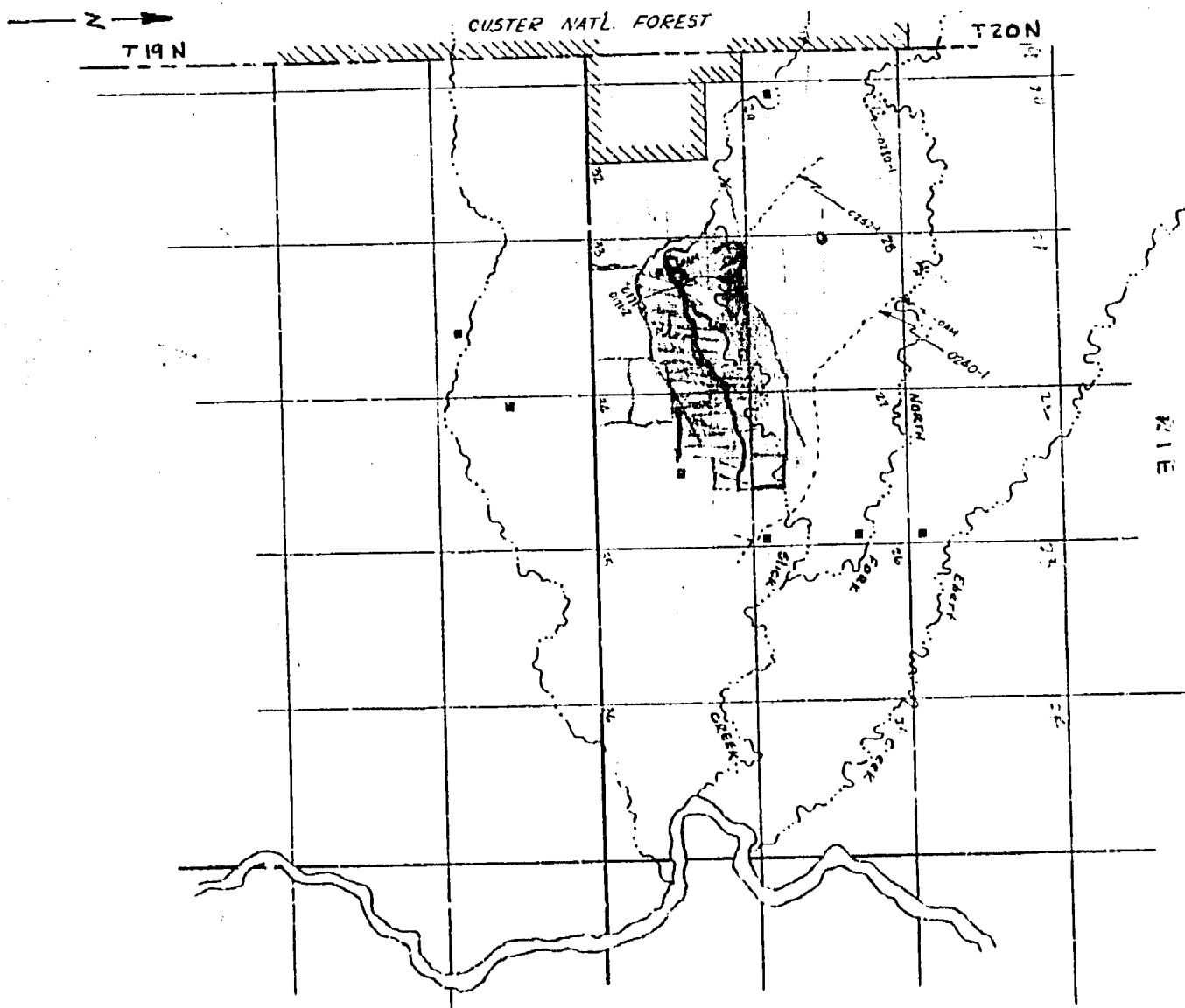
2nd That the special purpose for which said water is to be used and the place of intended use is to irrigate Section 29 in Township 20 North of Range One (1) East B. H. N. and other lands.

3rd That I will take said water out and divert it from said Creek by means of Dam and ditch Dam located sixteen (16) rods west of the point where said Creek enters State South Dakota in Section 30 Township 20 North Range One (1) East B. H. M. with ditch running from said dam to and upon Section 19 Township 20 North Range One (1) East B.H.M. and other lands in same Township.

4th That I appropriate and took said water on the 21st day of March A. D. 1903.

0171-1	A. HARRY HOLMAN	1961
0172-1		1903
0240-1	JOHN R. McCASKEY	1903
0252-1	W. E. MORGAN	1901
0286-1	Lisodore Peitrywood	1903

MONTANA



Location No.

Water Division No.

Water District.

Proof of Application of Water to Beneficial Use

Petition of Holder

Quer. 1. State your name, residence, occupation and postoffice address.

Ans. Alexander Harry Holman; Harding County; farmer; Camp Crook, S.D.

Quer. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. #####

Quer. 3. State date of posting and date of recording notice of appropriation.

Ans. Posted May 10, 1901. Recorded June 2, 1901, in Butte County:
(transcribed to Harding County record April 6, 1909.)

Quer. 4. State source of water supply and give exact location of point of diversion.

Ans. South Slick Creek. At Center of diverting dam 150 feet east
of west line of NW/4 of NW/4, Sec. 33, Twp. 20 N., R. 1 E.

Quer. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Dam 200 ft. long; height 10 ft. in center; dam built in 1901;
ditch 600 ft. long to convey water from said dam was built in 1910, is 6 ft. wide
at bottom, 9 ft. wide at top.

Quer. 6. State for what purpose water is used, and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. NW/4 NE/4, Sec. 33, 25 acres; SW/4 SE/4, Sec. 28, 20 acres; SE/4 SE/4,
Sec. 28, 15 acres; SW/4 SW/4, Sec. 27, 20 acres; SE/4 SW/4, 20 acres; SW/4
SE/4, 15 acres; NE/4 SW/4, 10 acres, all in Sec. 27; NE/4 NW/4, Sec. 34, 5
acres; and NW/4 NE/4, Sec. 34, 5 acres, all in Twp. 20 N., Range 1 E., F.H.

Quer. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Quer. 8. What is the minimum amount of water required for the use specified above?

Ans. At least one acre-foot of water on all the irripable area.

Quer. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the same person who made the original location, under the
name of A. Harry Holman.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. The first four above described subdivisions were irrigated each year from 1901 to 1910, inclusive; used on meadow land from which paying crops of hay were harvested. After the completion of above-described ditch, the balance of the land also was irrigated each year from 1910 to 1913, inclusive; during the past 3 years 10 acres of cultivated land was watered.

(Sign) Alexander Harry Nelson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Camp Crook, County of Harding,

State of South Dakota on this 17th day of June, A. D. 1913.

Dana L. Carpenter
Gordon Hughes } Witnesses.

W. H. Martin
U. S. Commissioner.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Dana L. Carpenter
Gordon Hughes
Both of Camp Crook, S. Dak.

Location No. 2171-1

**Proof of Application of Water to
Beneficial Use**

PETITION OF HOLDER

Amount of water.....second feet

Source.....

County.....

Purpose.....

Place of use.....

Date of recording.....

RECEIVED

JUN 21 1913

**OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.**

FILED

Received and filed JUN 23 1913

Copy

No. 171-1

STATE OF SOUTH DAKOTA

CERTIFICATE OF APPROPRIATION OF WATER.

WHEREAS, On the 23 day of June A. D., 1913
Alexander Harry Holman, of Camp Creek County of Hardisty
and State of South Dakota, filed in this office a petition setting forth
facts concerning the appropriation of the waters of a dry draw, the point
of diversion of the waters claimed therein being _____

WHEREAS, On the 23 day of June A.D. 1913, proof
was duly made of the application to beneficial use of about 155
acre
cubic feet per second of said water: for irrigating 155 acres in
NW 1/4 Sec 33, SW 1/4 Sec 28, SE 1/4 Sec 28, SW 1/4 Sec 2
SE 1/4 Sec 27, NW 1/4 Sec 27, NE 1/4 Sec 34, NW 1/4 Sec 34, 7, 20,
NOR, THEREFORE, By virtue of the authority vested in me by the

laws of the State of South Dakota, I hereby grant and confirm to
Alexander Harry Holman of Camp Creek, the holder and
owner of Headright-Notice No. Old water, Hardisty County, a water
right, dating from May 10, 1901, to the use of 155
acre
cubic feet per second of the waters of Lo. Creek stream in the
County of Hardisty and State of South Dakota, or as much thereof
as may be necessary for the purposes hereinbelow mentioned, to be diverted
at the point designated herein, and conducted to and upon lands in the
N 1/2 - 33, 38, 28, SW 27, of Section _____ Township 20 N Range 1 E
R.R.W., for the purpose of irrigation, subject, however, to the laws of
the State of South Dakota applicable to a license for the use of the waters
of the State, and subject, also, to the local or community customs, rules
and regulations which have been or may be adopted from time to time by a
majority of the users from a common source of supply, canal or lateral
from which such water may be taken, when such rules and regulations have
for their object the economical use of such water.

WITNESS, my hand and the seal of my office at Pierre,
South Dakota, this 23 day of June A. D.,
Nineteen Hundred and 13.

Book 1

Wm. D. Dams
State Engineer.

R. L. CHUNING

DEALER IN
EVERYTHING

CAMP CROOK, S. D., July 12 1908 190

Samuel H. Lea, State Surveyor.

Pierre, S. D.

Dear Sir;

Des to advise you that we, being the parties that filed and had approved by you State water right and right of way for ditch and resivor located , between Sec. 21 and 28 in Township 20 N. R. 1 E. B. H. M. beg to make the following complaint.

That one Harry Holman has built a dam on said North Slick Creek just across the So. Dakota state line in the State of Montana, and from that point running a ditch into the State of So. Dakota and and on to Sec. 33 Township 20 range 1 E. E. H. M.

This work has been done without filing any location papers or advertising location and intention, thereby depriving us of the use of the water from said Creek.

This Harry Holman is a resident homesteader in this State. kindly look into the matter, and advise disposition.

Yours truly,

J. R. McClellan
D. M. Foster
D. L. Hooper

RECEIVED

JUL 22 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

77 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
No. 0171-1
Pierce, S. D., July 22, 1908.

A. H. Maxwell,
State's Attorney,
Belle Fourche, South Dakota.

Dear Sir:-

Complaint has been made to this office that Harry Holman has built a dam on North Slick Creek in the state of Montana, and has run from that point a ditch into the State of South Dakota, on to Section 33, Township 20, Range 1 E., B. H. M.

This work has been done without any notification to this office whatever and to the detriment of parties who have obtained water rights in due form from the State Engineer. The parties making the complaint are J. A. McGlackey, D. M. Tarter and D. L. Hoeber, all residents of Butte County. The construction above referred to is in violation of the Water Law of this state in that it infringes upon the prior rights of parties who have obtained permits in due form. I therefore request that you take such action in the matter as you deem best and that you kindly inform me what steps have been taken by you at your early convenience.

Yours very truly,

State Engineer.

Pierre, S. D., July 22, 1908.

J. R. McClaskey,
D. H. Tarter,
D. L. Hooper,

Camp Creek, South Dakota.

Dear Sirs:-

In reply to your complaint of the 18th inst.,
regarding the work done by Harry Holman in section 33, Township
20, range 1 E. B. E. M., will say that steps will be taken at
once to protect your rights..

I have written to the State's Attorney for Butte
County requesting him to take such steps in the matter as
will rectify any injustice that may have been done by any
illegal work.

Yours very truly,

State Engineer.

April 4, 1955

Fred Buck
State Engineer
Helena, Montana

Re: Water Rights Nos. 0171-1
and 0172-1
Slick Creek
Harry Holman (A. Harry or
Alexander Harry)

Dear Mr. Buck:

Mr. Lyle Lewton was just in my Office and explained a situation which involves his irrigation in South Dakota with water from Slick Creek which stream flows into South Dakota from Montana. Mr. Lewton has operated and irrigated his farm for the last fifty years and has used water from Slick Creek to irrigate alfalfa. He has several hundred acres.

He informs me that just recently a land owner in Montana which is over the line has built a dam to irrigate two or three acres which dam cuts off the supply from Mr. Lewton. I explained to Mr. Lewton that this matter involves an interstate problem and perhaps could only be handled properly by an interstate compact. However, I did promise Mr. Lewton that I would write to you and call the matter to your attention. It would seem that if the party is using the entire flow to irrigate two or three acres and using the water that had been heretofore been used to irrigate several hundred acres there must be a waste of the flow in the operation. I am sure that neither Montana or South Dakota approves of the wasteful use of water and if it is possible to regulate the use of the water by the party in Montana so that Mr. Lyle Lewton can continue to get the use of same which he has had over the past fifty years, it would be appreciated by this Office.

Mr. Lewton holds an old Certificate of Appropriation dated June 23, 1913 in the name of Alexander Harry Holman. The right dates from May 10, 1901 for the use of 155 acre feet of water of South Slick Stream. Our water right No. is 0171-1.

He also holds a Pre-Emption of Right of Way and Location of Water dated April 19, 1903 whereby he claims the use of one thousand inches of water from Slick Creek for the irrigation of lands described therein.

It might be well to give some thought to an interstate compact between Montana, South Dakota and North Dakota relative to the waters of the Little Missouri River. Uranium developments in Harding County, South Dakota will undoubtedly create a demand for careful use of the available supplies.

With best personal regards,

Sincerely,

DWL:RW
cc: Gov. Foss
Lyle Lewton, Camp Crook

DEAN W. LOUCKE
State Engineer

STATE OF MONTANA
STATE ENGINEER
Sam W. Mitchell Building
HELENA, MONTANA

Fred E. Buck, State Engineer
Hans L. Bille, Assistant

May 24, 1955

Mr. Dean W. Loucks
State Engineer
State Capitol Building
Pierre, South Dakota

Dear Mr. Loucks:

This will acknowledge receipt of your letter concerning Lyle Lewton's problem in connection with the use of water from Slick Creek.

In Montana, the State Engineer has nothing whatever to do with water right filings or the distribution of water for irrigation. In this state, a potential user files a Notice of Appropriation with the County Clerk and Recorder, in the county where the water is to be appropriated, and thence proceeds to divert and use the water.

We do not have a state central agency of any kind where water rights are filed. Under these conditions, I would have no legal authorization to intercede on Mr. Lewton's behalf. The only recourse Mr. Lewton would have, at the present time, would be to file a suit against the person making the encroachment against his water right.

I presume sometime it will be necessary to negotiate a Compact on the Little Missouri River and its tributaries. This procedure may be a long drawn out affair covering several years. In the meantime, Mr. Lewton would be suffering the loss of water and crops.

Very truly yours,

/s/ Fred E. Buck

Fred E. Buck
State Engineer

B/C

C
O
P
Y

June 2, 1955

6191-1

Lyle Lawton
Camp Creek
South Dakota

Re: Water Rights No. 0171-1
& 0172-1
Black Creek

Dear Mr. Lawton:

You have a copy of our letter of April 4, 1955, addressed to Fred E. Buck, State Engineer, Helena, Montana. We now have a letter from Mr. Buck, a copy of which is herewith enclosed and is self-explanatory.

You may wish to take up the matter further with the new Water Resources Commission under the new water law which goes into effect July 1, 1955.

Sincerely,

DWL:RW
cc: Water Resources Com.
Gov. Foss

DEAN W. LOUCKS
State Engineer

South Dakota

Camp Creek S.D.

Water Resources ^{Appd}
Commission ³⁻³⁻⁵¹

Mar. 28, 59

Dear Mr. Trimme

Am writing in regard to my
water rights which were filed
on in 1901 and 1903 by Alexander H
Camp Creek S.D. H. H. H. H.

This water right has always
been kept up as it irrigates
several hundred acres of land.

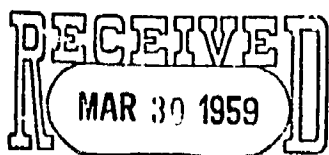
at this time another party
is diverting water from the
boundary line of Montana &
South Dakota and irrigating
in South Dakota which is
conflicting with my water rights
which call for 1000 cusecs in
from South side stream

Also this water after being used
is thrown into North Dike
and does not come back into
the original creek. Through
a series of ditches and dams put
in by the Soil Conservation.

Under-slip water cannot
be transposed in any way on
the Montana & South Dakota bound-
ary ~~and~~ ~~there~~

Wonder when you could
come out and investigate this
situation or what can be done
about it

Yours Truly
Lyle Erickson



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

JWG: 18

RECEIVED

OCT 15 2018

PAID

OCT 15 2018

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 0171-1Date: 10-10-18Ck# 7100I/We request that Water Right/Permit No. 0171-1 formerly owned by:A Harry Holman

be transferred to:

New Owner Name: John and Charles HumbrechtAddress: 12223 N. Camp Crook Rd.City, State, Zip Camp Crook SD 57724 Telephone No. 605-797-4493

Title to the following described land(s)/property has been transferred as described above:

purchased with warranty deed

☒ I understand that the validity of Water Right/Permit No. 0171-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John and Charles Humbrecht, the new owner, certify that the above information is true and correct.

Charles Humbrecht
John Humbrecht
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 15, 20 18

RECEIVED OF John & Charles Humbracht 12223 N Camp Crook Rd. Camp Creek SD 57724

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>0171-1</u>		
Fee for _____	50	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 08776

By

Jeanne Goodman
Chief Engineer

vm

0171-1

RECEIVED

OCT 15 2018

WATER RIGHTS
PROGRAM

05-506

64
Book Deeds Page 463

Prepared By: Brady Pluimer, P.C.
Address: 135 E. Colorado Blvd.
Spearfish, SD 57783
Tele. No.: (605) 722-9000

☒ Recorded
☒ Compared
☒ Grantor
☒ Grantee
☒ Numerical

No. 05-506
Record 5/31/05 8:00 A.M.
Book 64 Deeds Page 463-464
Case Littel
Register of Deeds
Harding County
FEE: \$12.00 pd-ck

WARRANTY DEED

LEWTON RANCH, INC., a South Dakota Corporation, Grantor, of PO Box 672, Sturgis, SD 57785 for and in consideration of Nine Hundred Forty-nine Thousand One Hundred Twenty-one and 25/100 Dollars (\$949,121.25), **GRANTS, CONVEYS** and **WARRANTS** to **CHARLES F. HUMBRACHT** and **JOHN W. HUMBRACHT**, an undivided one-half interest each as tenants in common, d/b/a **Humbracht Brothers**, Grantees, of HC 59, Box 1, Camp Crook, SD 57724, the following described real property, in the County of Harding, State of South Dakota:

Township 19 North, Range 1 East, BHM, Harding County, SD:

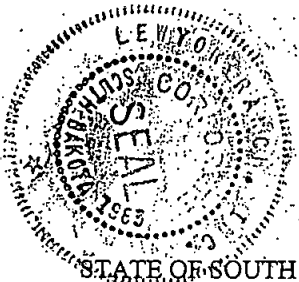
- Section 4: Government Lots 1, 2, 3 and 4;
South Half of the Northwest Quarter; and,
Northwest Quarter of the Southwest Quarter.
- Section 5: Government Lots 1 and 2;
South Half of the Northeast Quarter;
South Half of the Southwest Quarter; and,
Southeast Quarter.
- Section 6: Government Lot 4.
- Section 7: Government Lots 1, 2 and 3.
- Section 8: North Half of the Northeast Quarter;
Northwest Quarter; and,
North Half of the Southwest Quarter.

Township 20 North, Range 1 East, BHM, Harding County, SD:

- Section 27: South Half of the Southwest Quarter; and,
Southwest Quarter of the Southeast Quarter.
- Section 28: South Half of the Southeast Quarter.
- Section 32: South Half of the Northeast Quarter; and,
Southeast Quarter.
- Section 33: All.
- Section 34: Northwest Quarter of the Northeast Quarter;
Northwest Quarter; and,
West Half of the Southwest Quarter.

Including all improvements and appurtenances and subject to all existing easements, covenants, restrictions and rights of way of record. Grantor specifically reserves unto itself all right, title and interest that it may now own or possess in and to any and all oil, gas, and mineral rights on the above-described real property.

Dated this 27th day of May, 2005.



LEWTON RANCH, INC.

ROBERT LEWTON, Secretary/Treasurer

STATE OF SOUTH DAKOTA

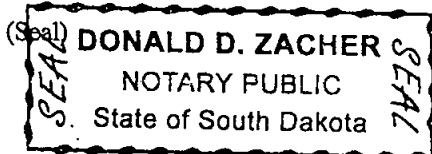
COUNTY OF Butte

)
)SS.
)

Transfer Fee Paid \$ 950.00 pd-ck

On this 27th day of May, 2005, before me, the undersigned Notary Public, personally appeared ROBERT LEWTON who acknowledged himself to be the Secretary-Treasurer of Lewton Ranch, Inc., a South Dakota corporation and that he, as such Secretary-Treasurer being authorized so to do, executed the foregoing deed for the purposes therein contained, by signing the name of the corporation by himself as Secretary-Treasurer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal


NOTARY PUBLIC

Commission Expires: Sept. 13, 2006



0171-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 31, 2018

0171-1
0172-1
1315-1

John & Charles Humbracht
12223 N Camp Crook Rd
Camp Crook SD 57724

Dear Sirs:

I am writing to let you know the ownership changes you filed on October 15, 2018 for Water Right Filing Nos. 0171-1, 0172-1 and Vested Water Right No. 1315-1 have been completed. The filings and vested water right are now listed in your names.

The two water right filing Nos. 0171-1 and 0172-1 from South Slick Creek were investigated in 1959. Please find attached a document entitled "Water Right Evaluation on South Slick Creek from the Montana-South Dakota Boundary to the Little Missouri River in Harding County, South Dakota". The report indicated the systems have been constructed and maintained so as to be eligible for consideration as recorded or "vested" water rights. The vested right can be made a matter of record by the present owner filing a "vested right" application with the Water Resources Commission.

A vested water right application was never filed by prior owners. It would be to your benefit to file a vested water right application for validation by the Water Management Board (predecessor to the Commission). The validation process includes public notice of the diversion rate and acres irrigated to provide quantification of the right to use water for irrigation from South Slick Creek. The application forms are enclosed. Filing Nos. 0171-1 and 0172-1 provide foundation for when the water use began. You will need to provide what acres have been historically irrigated. The report from 1959 indicates that 155 acres of the 240 acres on the initial filing were established for irrigation.

With respect to the ownership changes, enclosed are your receipts for the filing fees you paid. If you have any questions concerning the enclosed materials and the process for filing a vested water right, please contact Eric Gronlund with our program at 605 773-3352.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures