

No. 1201-1

Office of State Engineer
DOCUMENT FILE

Name: Kear, John S.

County: Little #15712
Harding

Date: June 22, 1889

Filed: Aug. 1, 1889

Location: Plum Creek
all

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

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

John S. Kerr

..... 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 *Neen Creek* stream to the

E 2 NW 14

of Section *10* in Township *18* of Range *1 East* more particularly described as follows: Commencing at

point on the left bank of said creek from which the *1/4* Section Corner between Sections (9) and (10) in Township (18) North of Range One (1) East B.H.M. bears West 20° N 1175 feet distant running the said ditch East 30° North five hundred (500) feet to the East $1/2$ NW of said sec (10) I also claim *SW 1/4 Sec 10 T 18 N R 1 E*

I also claim and have a valid right to the enjoyment and use of *all the* 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 any wise appertaining.

Witness my hand and seal this *14* day of *June* 1899.

J. S. Kerr

Notice posted on stream *June 22 1899*

Ditch commenced at stream *July 1 1899*

State of South Dakota,
County of Butte,

On this *19* day of *July* 1899, before me a Notary Public

In and for the County and State aforesaid, personally appeared *John S. Kerr*

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.

George H. Leane
Notary Public



certified copy No. 0201-1

JOHN S. KERR

State of South Dakota
County of 13

(Rec'd of ... of Book)

Filed for record ... of

at ... 1899

at ... and recorded in

Book ... on page

Register of Deeds
of August 11, 1899
at ...
of ...
Book ... Page 360
W. J. Goslin

10717- ...
...

Doc. ...

H. C. Frost

W. P. Sellers

Deputy

Ph...

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

To Whom These Presents May Concern, Know ye, that I, John S. Kerr, 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 dam, flume or water ditch from Plum Creek stream to the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10 in Township 19. of Range 1 East more particularly described as follows: Commencing at point on the left bank of said creek from which the $\frac{1}{4}$ section corner between section (9) and (10) in Township (18) North of Range One (1) East B.H.M. bears West 30° N 1135 feet distant running the said ditch east 30° North five hundred (500) feet to the east $\frac{1}{2}$ NW $\frac{1}{4}$ of said sec. (10)

I also claim and have a valid right to the enjoyment and use of all the 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 22 day of June 1899.

J. S. Kerr.

Notice posted on stream June 22, 1899.

Ditch commenced at stream July 17, 1899.

State of South Dakota,) ss
County of Butte.)

On this 15 day of July 1899, before me a Notary Public in and for the county and state aforesaid, personally appeared John S. Kerr, to me personally known to be the man 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.

George W. Cone
Notary Public.

COPY

No. 0.201-1

Water Right

Located by

J. S. Kerr

June 22, 1899.

Butte County.

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 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 4 day of February 1909.

Samuel H. Lee
State Engineer.

By B. B. Lea
Deputy.

Department of Water & Natural Resources

Joe Fries Building
 523 East Capitol
 Pierre, South Dakota 57501

Water Rights Division
 605 773-3352

May 12, 1983

John B Catron
 Pt #1
 Camp Crook SD 57724

Dear Mr. Catron:

On October 13, 1982, I met with you regarding a Vested Right Permit for areas being irrigated in Sections 14, 15, 23, 24, T18N, R1E. Enclosed are two completed copies of Form 2 "Application for Permit", two copies each of Form 2A for the two dams and one copy of Form 2B "Affidavit of Water Use". Please check over these forms for accuracy and make any changes or corrections necessary. Have the forms notarized and return all copies to this office with a check for \$10.50. This covers the cost of the filing fees and the license.

Water Right Filing No. 0106-1 and 0352-1 are incorporated into this application.

Also enclosed is the Water Right map of this area involved. Please check this over for accuracy. If there are no changes you may keep this map for your use. If you make changes on the map please return it with the forms so we can correct our office copy of the map.

We also re-inspected your Water Right No. 268-1. You are now irrigating 432 acres as compared to the 848 acres that were licensed in 1978. We are re-licensing this permit for the 432 acres. You desired to add a diversion point for the dam in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T18N, R1E. We will do this by incorporating Water Right Filing No. 0201-1 into Permit No. 268-1. See the attachment to the new license for Permit No. 268-1.

You also indicated to me you wanted to incorporate Water Right Filing No. 064-1 filed by Queen V Catron in 1903 into Permit 268-1. In reading this filing over, it is to divert water from Sand Hill Creek to irrigate SE $\frac{1}{4}$ and S $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T18N, R1E. None of this area in Section 11 is irrigated at all, nor is the water from Sand Hill Creek used for irrigation. Therefore this permit will be presented to the Water Management Board for cancellation at a later date.

I am also enclosing a township map showing the diversion points and the area to be irrigated under the old Water Right Filings. Those not incorporated into one of your permits will be cancelled by the Water Management Board. You will be notified when they are to be presented to the Board. Those not incorporated into a permit are Filings No. 064-1, 0219-0222-1, 0200-1 and 0202-1.

If you have any questions or comments regarding the matter please feel free to contact this office.

Sincerely

LERoy J MERNAUGH
 Water Resources Engineer

LJM:ks

enclosures