

No. 0294-1

Office of State Engineer
DOCUMENT FILE

Name: Redwater Land and
Drainage Co.

County: Butte # 3011

Date: Aug. 2, 1889

Location: Redwater Creek

Location of Water.

Knowall men by these presents:

That the undersigned, Redwater Land & Irrigation Company, hereby locates and appropriates the waters of Redwater Stream Creek or Gulch, to be taken and diverted therefrom at a point on the same near the center of Section Thirty six (36) in Township No. eight (8) North of Range No. two (2) East, in Butte County, Dakota.

Said water to be taken from the right bank of the stream and carried thence by ditch and flume on a line as near as may be about three miles in a northerly direction along the said right bank of the Redwater River thence Easterly south of and parallel with the Belle Fourche River a distance of about thirty miles to a point of intersection with Cottonwood Creek. This water to be used and for use at all points along the line of the ditch. Now this location and claim to be independent of and in addition to all water rights and claims owned or heretofore acquired by the locator.

The number of inches of water claimed and appropriated is ten thousand miner's inches.

The purpose of the appropriation is for agricultural, mining, milling, manufacturing, irrigating and domestic ##### uses.

Date of appropriation, August 7, 1889.

Date of posting at the head of ditch, August 7, 1889.

Date of certificate, August 7, 1889.

Redwater Land and Irrigating Company.

By: A. A. Chouteau, Agent.

Certified Copy

REDWATER LAND AND IRRIGATING
COMPANY: By A.A. Chouteau,
Agent.

No. 0294-1

Butte
Filed for *7* days of
August 1887
at *240* *P. Miller*
Book *7* Page *101*
C. Miller

By _____ Deputy

2017

Dec. 4 1886
E. C. Swift
Ada Miller

Re

Location of Water.

Knowall men by these presents:

That the undersigned, Redwater Land & Irrigation Company, hereby locates and appropriates the waters of Redwater Stream Creek or Gulch, to be taken and diverted therefrom at a point on the same near the center of Section thirty six (36) in Township No. eight (8) North of Range No. two (2) East, in Butte County, Dakota.

Said water to be taken from the right bank of the stream and carried thence by ditch and flume on a line as near as may be about three miles in a northerly direction along the said right bank of the Redwater River thence Easterly south of and parallel with the Gelle Fourche River a distance of about thirty miles to a point of intersection with Cottonwood Creek. This water to be used and for use at all points along the line of the ditch. Now this location and claim to be independent of and in addition to all water rights and claims owned or heretofore acquired by the locator.

The number of inches of water claimed and appropriated is ten thousand miner's inches.

The purpose of the appropriation is for agricultural, mining, milling, manufacturing, irrigating and domestic uses.

Date of appropriation, August 7, 1889.

Date of posting at the head of ditch, August 7, 1889.

Date of certificate, August 7, 1889.

Redwater Land and Irrigating Company,
By: A.A. Chouteau, Agent.

COPY

1294-1

Water Right
Located by
Redwater Land and Irrigating
Company, by A.A. Chouteau. Agt.
August 7, 1920.
Butte County.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

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

Witness my hand and official seal, done at my office in Pierre, State of South Dakota, this 21 day of November, 1920.

Samuel H. Lea
State Engineer.

B. B. Lea
Deputy.

John B. Lea
Deputy.

Register of Deeds No. 2017

Appropriation by Redwater Land and Canal Co. By A. A. Chateau Agent,
No. 2017, Page 101 Book 7, 10,000 inches, August 7, 1889. (This information
from copy of letter in file from S. G. Mortimer dated 6/23/54)

RECEIVED

JUN 30 1954

No. 2017

Water Right Location Certificate

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

Know all Men by These Presents, That the undersigned Redwater Land and Irrigation Company hereby locates and appropriates the waters of Redwater Stream Creek or Gulch to be taken and diverted therefrom at a point on the same near the center of Section Thirty Six (36) in Township No. eight (8) North of Range No. Two (2) East in Butte County Dakota. Said water to be taken from the right bank of the stream and carried thence by ditch and flume on a line as near as may be about three miles in a northerly direction along the said right Bank of the Redwater River thence Easterly South of and Parallel with the Belle Fourche River a distance of about thirty miles to a point of intersection with Cottonwood Creek. This water to be used and for use at all points along the line of the ditch, now this location and claim to be independent of and in addition to all water rights and claims owned or heretofore acquired by the locator. The number of inches of water claimed and appropriated is ten thousand miners' inches. The purpose of the appropriation is for agricultural, mining, milling, manufacturing, irrigating and domestic uses.

Date of appropriation August 7th 1889. Date of posting at the head of ditch

August 7th 1889 Date of Certificate August 7th 1889.

Redwater Land and Irrigating Company by A. A. Chouteau
Agent

No. 2017 Certificate of Water Right Location

Register's Office)
Butte County Dak.) ss.

Received for record the 7th day of August A.D. 1889 at 2⁴⁰ o'clock P.M. and recorded in Vol. 7 of Miscellany Page 101.

P. MILLER
Register of Deeds

Plaintiffs Ex. No. 11.
K W

State of South Dakota } ss.
County of Butte

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT
IS A TRUE, CORRECT AND COMPLETE COPY OF THE
ORIGINAL INSTRUMENT AS DEPOSITED IN MY OFFICE
ON THE 7th DAY OF August, 1889
AT 2:40 P.M. O'Clock
IN BOOK 2, PAGE 101 NO 2017
DATED July 2, 1889
Nels L. Pedersen
Register of Deeds

By _____
Deputy

Re: Water Rights
261-1, 0294-1,
0392-1

June 25, 1954

S. G. Mortimer
911 Harding Street
Belle Fourche, S. Dak.

Re: Water Appls 259-1 & 260-1
Chicken Creek

Dear Mr. Mortimer:

We have your letter of June 21 for which I thank you. I note what you say relative to the water right application of James Newland. You refer us to the Butte County records "Miscellaneous records." Page 24 Book 7 No. 539 where the original record was restored by court action on account of the same being destroyed by fire in Deadwood (then the county seat of this territory before statehood.)"

This information is very interesting to us since we have quite occasionally had a call for records which were not available because they were lost in the Deadwood fire. I wonder if it would be possible for you to have the information relative to the James Newland right copied and supplied to us at our expense. I believe this is information that should be in the State Engineer's Office.

We have the original Location Notice of the C. T. Harrison filing and also a copy of the original Location Notice made by A. B. Chauteau and D. T. Harrison.

You then refer to another made by the Redwater Land and Canal Company predecessor of the Redwater Irrigating Association for 10,000 inches of water. You state that this is recorded as No. 2017 page 191 book 7, on Aug. 7 1889. We are also very much interested in this record and believe there should be a certified copy of same in the State Engineer's Office. I am wondering if it might be possible for us to also get a copy of this record made at our expense. Also any other filings on the stream that might be pertinent to that area.

I also note what you say in the last paragraph - that all water rights in that territory should be adjudicated and made of record in the State Engineer's Office. I am in full agreement with your position in this respect and I am hopeful that this may be accomplished through the passage of a revised water law that will undoubtedly come before the next Legislature.

Sincerely,

FWL:RH

cc: Gov. Anderson
Fred Henson
Bud Polly
Eugene A. Sleep

DEAN W. LOUCKS
State Engineer

COPY

S. G. MORTIMER
911 Harding Street
Belle Fourche, S. D.

June 21, 1954

*Re: Water Rights
261-1, 0294-1,
0392-1*

Mr. Dean W. Loucks,
State Engineer,
Pierre, S. Da.

Dear Mr. Loucks:

I am in receipt of your letter of the 17th Inst, Re- Water Applications Nos 259-1 & 260-1 Chicken Creek and note the Contents thereof.

Referring to the last paragraph of the memo'. I notice your comment relating to the water right application made by James Newland, in that your office has no record thereof etc.

Would respectfully refer you to the Butte County records, "Miscellaneous records." Page 24 book 7 No 589 where the original record was restored by court action on account of the same being destroyed by fire in Deadwood (then the County seat of this territory before stathood.)

In this same book also shows the records of the D. T. Harrison filing made in 1884 on March 24th for 4000 inches of water, and another filing made by A B Chauteau and D T Harrison on Dec 2 1885 for another 4000 inches of water. Still another made by the Re water Land and Canal Company (predecessor of the Redwater Irrigating Association) for 10,000 inches of water. this recorded as No 2017 page 191 Book 7, on Aug 7 1889.

There are numerous others filed on this stream and I think anyone would agree that the water in this stream is and has been for many years muchly overappropriated.

This all goes to point out what I have been preaching for many years, That ALL WATER RIGHTS in this territory should be adjudicated and made of record in your office and in my opinion this should be recommended to the committee studying the water laws of the state as a matter of first consideration in the immediate future.

Respectfully submitted,

15/ S. G. Mortimer

S. G. Mortimer.

100

Re: Water Rights # 259-1, 260-1,
261-1, 6392-1, & 0294-1

Concerning Water Rights

~~Heck~~ on Red

water Creek

July 9, 1954

S. G. Mortimer
911 Harding Street
Belle Fourche, S. Dak.

Re: Water Rights
Redwater Creek

Dear Mr. Mortimer:

This will acknowledge receipt of your letter of June 28 in which you state that you made arrangements with the Register of Deeds to send certified copies of three water rights to this Office, all of which affect the present Redwater Irrigating Association system.

We are very pleased to get these records in our Office, since water problems such as the one on Chicken Creek come up occasionally and without all of the records it makes it very difficult for this Department to arrive at the best decision.

Sincerely,

DEAN W. LOUCKS
State Engineer

DWL:RW

S. G. MORTIMER
911 Harding St.
Belle Fourche, S. D.

June 28, 1954

Mr. Dean W. Loucks,
State Engineer,
Pierre, S. Dak.

Dear Mr. Loucks:

I have your letter of the 25th and note contents; I have checked the County records with my notes and find that I made several mistakes in regards the book and page of some of the information sent you in my former letter. However I went over my records and found this out and have made arrangements with the Register of Deeds to send you certified copies of the following, Together with bill for same.

- (1) Restoration of the Newland notice of appropriation, May 5, 1878
No. 27641 Book 31 Page 55. Miscel record Butte Co.
- (2) Appropriation by Redwater Land and Canal Co., By A A Chauteau
Agent, No. 2017 Page 101 Book 7. 10,000 inches. August 1 1889
- (3) Appropriation by John R Wilson No 2127 Page 113 Book 7 Nov 11, 1889
10,000

All these three affect the present Redwater Irrigating Assn system. Regarding the last paragraph of your letter, also the one in which you inquire as to other water filings in this immediate vicinity. would say that the list is long and I would suggest that some time it would be best for you to make a complete examination of these records if and when it can be done.

I have a considerable file on a lot of these but it is quite a chore to try and list them all and it is easy to make errors if one has no help and little time to do so.

Hoping this will meet with your approval and regretting the errors in book and page numbers as given in my former letter.

Respectfully yours,

/s/ S. G. MORTIMER
S. G. Mortimer

0294-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1417-1 FOR IRRIGATION

Date of Receipt of Claim May 15, 1987.

Date of Validation May 7, 1992.

The Water Management Board validated Vested Water Right Claim No. 1417-1 for irrigation purposes for Redwater Irrigation Association, PO Box 351, Belle Fourche SD 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1417-1 is validated for 149.0 cubic feet of water per second (cfs) to irrigate 5,215.9 acres for the Redwater Irrigation Association portion of the claim and 2.7 cfs to irrigate 95.1 acres for the "Jones" portion of the claim with priority dates of February 1, 1879 (44 cfs), December 2, 1885 (80 cfs) and August 7, 1889 (25 cfs) for the Redwater Irrigation portion of the claim; and May 28, 1876 (1.37 cfs) and December 2, 1885 (1.33 cfs) for the "Jones" portion of the claim.

The Redwater diversion point is located in the SW 1/4 NE 1/4 Section 36-T8N-R2E. The irrigated acreage is located in the NW 1/4 NE 1/4 Section 36; W 1/2 SE 1/4, NE 1/4 SE 1/4, NE 1/4 Section 25; SE 1/4, E 1/2 SW 1/4, NE 1/4, E 1/2 NW 1/4 Section 24; W 1/2 SE 1/4, NE 1/4 SW 1/4, N 1/2 NW 1/4 Section 13; SW 1/4, NW 1/4, NW 1/4 NE 1/4 Section 12; N 1/2 SE 1/4, NE 1/4 Section 11; SE 1/4, Section 2; SW 1/4, SE 1/4, SE 1/4 NW 1/4, NE 1/4 Section 1; all in T8N-R2E: N 1/2 SW 1/4, NW 1/4, NW 1/4 SE 1/4, NE 1/4 Section 6; N 1/2 SW 1/4, N 1/2 SE 1/4, NW 1/4, NE 1/4 Section 5; Section 4; NW 1/4, SW 1/4, S 1/2 SE 1/4, W 1/2 NE 1/4 Section 3; NE 1/4 NW 1/4, N 1/2 NE 1/4 Section 9; N 1/2 NW 1/4, N 1/2 NE 1/4, E 1/2 SE 1/4, SW 1/4 SE 1/4, Section 10; W 1/2 NW 1/4, SW 1/4, SE 1/4, S 1/2 NE 1/4 Section 11; W 1/2 SW 1/4 Section 12; NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, SW 1/4, SE 1/4 Section 13; NE 1/4, SE 1/4, E 1/2 SW 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4 Section 14; N 1/2 NE 1/4 Section 23; Section 24; all in T8N-R3E: SW 1/4, SW 1/4 NW 1/4 Section 18; N 1/2 NE 1/4, SE 1/4 NE 1/4, E 1/2 SE 1/4 Section 19; W 1/2 SW 1/4, NE 1/4 SW 1/4, W 1/2 NW 1/4 Section 20; all in T8N-R4E: SE 1/4 SE 1/4 Section 25; NE 1/4, N 1/2 SE 1/4, SE 1/4 NW 1/4 Section 36; all in T9N-R2E: NW 1/4, N 1/2 SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 31; S 1/2 SW 1/4 Section 30, S 1/2 NW 1/4, SW 1/4, S 1/2 SE 1/4 Section 32; S 1/2 SW 1/4, W 1/2 SE 1/4, Section 33; all in T9N-R3E.

2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1- October 31.
3. The priority dates of the Vested Water Right are listed above.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. That Vested Right No. 1417-1 is subject to domestic use rights. Diversion of water under Water Right No. 1417-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Redwater Ditch continue to be maintained and records of diversion be kept as directed by the Chief Engineer and reported to the Chief Engineer annually.
3. That the applicable portions of Water Right Filing Nos. 071-1, 0160-1, 0294-1, 0392-1 and 261-1 be incorporated into 1417-1 and that the abandoned portions of Nos. 071-1, 0160-1, 0294-1, 0392-1 and 261-1 be canceled.
4. Water for the "Jones" claim is delivered through the Redwater Irrigation Association Ditch. Permanent measuring devices must be installed to measure diversion from the Redwater Irrigation Association Ditch to the "Jones" claim. These measuring devices must be installed as soon as possible but not later than the beginning of the 1993 irrigation season.

WATER MANAGEMENT BOARD

By: _____

John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

AUG 18 1994

date