

035-1
No. ~~19075-1~~

Office of State Engineer
DOCUMENT FILE

Name of applicant
John Lingham
Date of Priority
October 12, 1904
County
Hading #19075-1

Filed: Oct. 27, 1904

Location: Butte Creek
2000 mi.

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

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

..... 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 Butte Creek stream to the part

of Section 35 in Township 18 N. of Range 2 E. B. H. M. more particularly described as follows: Commencing at a Dam located 4 chains east of the SW corner of the NW 1/4 of the NW 1/4 of Section 35 in Township 18 N. Range 2, E. B. H. M. and a ditch from said dam to and upon the W 1/2 NE 1/4 and E 1/2 NW 1/4 Section 35 in said Township 18 N. Range 2 E. B. H. M.

I also claim and have a valid right to the enjoyment and use of 250 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 12 day of October A. D. 1904

John Bingham

Notice posted on stream Oct. 12 1904

Ditch commenced at stream Oct. 12 1904

State of South Dakota,
County of Butte,

On this 12 day of October 1904, before me

a U. S. Commissioner

in and for the County and State aforesaid, personally appeared John Bingham

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 for him. Witness my hand and official seal, the day and date above written.

John Thompson

(Seal)

Certified copy

No. 0355-1

John Bingham.

State of South Dakota
County of Butte

Office of Register of Deeds.

Filed for record 27 day of

Oct. A.D. 1904.

at 345 o'clock P.M., and recorded in

Book 17 on page 43

Geo. B. Ross.

Register of Deeds.

By Ada Miller

Deputy.

Little Miss

STATE OF SOUTH DAKOTA.

COUNTY OF BUTTE.

I hereby certify that I have read and examined the within instrument and compared the same with the original instrument No. 19075, of record in this office, and find it is a true and correct copy of the same and that the same is a correct copy of the original instrument.

Dated June 5 1906

H. E. Frost.

Register of Deeds.

By Ada Miller

Deputy.

Butte Co. Little Miss.

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

To Whom These Presents May Concern, Know ye, that I John Bingham, 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 Butte Creek stream to the part of Section 35 in Township 18 N of Range 2 E. B.H.M. more particularly described as follows: Commencing at a dam located 4 chains east of the SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35 in Township 18 N Range 2 E.B.H.M. and a ditch from said dam to and upon the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35 in said Township 18 N Range 2 E. B.H.M.

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 the singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 12 day of October A. D.1904.

John Bingham,

Notice posted on Stream October 12, 1904.

Ditch commenced at stream Oct. 12, 1904.

State of South Dakota,)
ss

County of Butte.)

On this 12 day of October 1904, before me a U S Commissioner, in and for the County and State aforesaid, personally appeared John Bingham 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.

(Seal)

John Thompson.

19078

COPY

No. 135-1

Water Right

Located by

John Bingham.

October 13, 1904.

Butte County.

Butte Co. 10/13/04

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 1st day of February, 1907

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

No. 1320-1

Filing # (035-1)

January 4, 1985

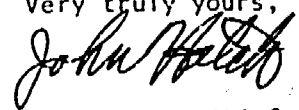
Albert Penn
Box 111
Buffalo, South Dakota 57220

Dear Mr. Penn:

Enclosed herewith are your Vested Right Permit, Water License No. 1320-1.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

JH: ms

enclosures

The applicable portions of Water Right Filing No. 035-1 were incorporated
into Vested Right No. 1320-1 and the abandoned portions of Filing No. 035-1
have been cancelled.