

No. 0352-1

Office of State Engineer
DOCUMENT FILE

Name: Sparks, Horace W.

County: Butte # 14265
Harding

Date: Nov. 30, 1901

Filed: Dec. 17, 1901

Location: Rabbit Creek

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

To Whom These Presents May Concern, Know ye, that I, Horace W. Sparks
of Camp Creek 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 Pabbit Creek stream to the
S. 6th

of Section 15 in Township 18 North of Range 1 East ^(134m) 7m. 17m. more particularly described as follows: Commencing at

I also claim and have a valid right to the enjoyment and use of 500 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 thereto belonging or in anywise appertaining.

Witness my hand and seal this 30 day of November A. D. 1901.

Horace W. Sparks

Notice posted on stream Nov. 30 1901.

Ditch commenced at stream Nov. 30 1901.

State of South Dakota,)
County of Butte,)

On this 14 day of December 1901, before me, a Notary Public:

in and for the County and State aforesaid personally appeared Horace W. Sparks

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.

L. E. Beyer
Notary Public

(Seal)

Certified Copy

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No. 0352-1

Horace W. Sparks.

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

Office of Register of Deeds,

that for record 17 day of

Dec. A. D. 1906

at 240 o'clock P. M. and recorded in

Book 7 on page 475

Geo B. Ross.

Register of Deeds.

By Deputy.

Title No.

160

14265

Date July 13 1906

A. C. Frost.

Register of Deeds.

Ada Miller

Deputy.

COPY.

PRESUMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY CONCERN, Know ye, that I Horace E. Sparks of Carr Creek 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 Carr Creek stream to the SE1/4 of Section 15 in Township 13 North of Range 1 East B.E.W.

I also claim and have a valid right to the enjoyment and use of 500 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 30 day of November A.D. 1901.

Horace E. Sparks

Notice posted on stream Nov. 30, 1901.

State of South Dakota () ss.
County of Butte

On this 14 day of December 1901 before me, a notary public in and for the County and State aforesaid, personally appeared Horace Sparks to be personally known to me 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.

A. D. Poyer,

Notary public.

(SEAL)

No. 0352-1

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

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 12 day of April 1908

Samuel H. Lea,
State Engineer.

C. B. Lea

WATER RIGHT.

Located by

Horace W. Sparks

November 30, 1901.

BUTTE COUNTY.

Ed. J. H. H. H.

0352-1

**Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

May 12, 1983

John B Catron
Rt #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 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 1/4 and S 1/4 NE 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, 0219-1, 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