

No. 1363

May 27, 1907.

Mr. H. F. Thompson,
Belle Fourche, S. D.

Dear Sir:-

Your letter of May 22 has been received and noted. With regard to the transfer of D. M. Tarter's and Scott Curry's water right, No. 12799, to Mrs. Elizabeth S. Tarter, transfer No. 22557, I can find no such paper in this office. A thorough search has been made without favorable result, and as the full number of transcripts accepted for to the Register of Deeds of Butte Co. has been found, it is evident that the paper has not been received. I find, upon referring to my files, that the last communication received in this office from the Register of Deeds of Butte Co., which was dated Dec. 15, 1906, says: "Under separate cover am sending you 25 water right copies which finish the work in the Co. records."

The transfer is dated two months later or Feb. 27, 1907, according to your letter and no copy of same has been received. In this connection I desire to call your attention to the provision of the water law of this State which says: "Any permit or license to appropriate water may be assigned, but no such assignment shall be binding, except upon the parties thereto, unless filed for record in the office of the State Engineer." The transfer under consideration should be forwarded to this office together with a fee of \$1 for filing same.

With regard to D. M. Tarter's water right No. 12799, I enclose certified copy of same together with certificate from the Secretary of State as required by the U. S. Land Office.

I have been informed by the Commissioner of the General Land Office that the Department will receive a copy of the new irrigation law of this State if same is forwarded from this office. These official copies of this law will be available for transmission June 6, 1907, at which time I will procure a copy and send same to the General Land Office at Washington, D. C.

Yours truly,

State Engineer.

The Committee on
Engrossed and Enrolled Bills
Submitted the Following Report:

Mr. Speaker President.

. The Committee on Engrossed and Enrolled Bills respectfully report that House Senate Bill No.

CITY ENGINEER

DEPUTY STATE SURVEYOR

OFFICE OF

HENRY E. THOMPSON

No. 2363-1

Belle Fourche, S. D., May 22 1907.

Hon. Samuel H. Lea, C.E.

State Engineer.

Pierre, S. Dak.

Dear Sir:

I return certified copy of D.M. Tartar's water right No. 12799, which should show that the same was transferred to Mrs. Elizabeth S. Tartar, Feb. 23, 1907, transfer No. 22553, which the Recorder assures me has been certified up to your office. This transfer is important as the right of way is applied for under the name of Elizabeth S. Tartar. Some time since I sent you \$1⁰⁰ and a certified copy of D.M. Tartar's water right for the Slick Creek Reservoir and canal, and ^{asked} for a certificate of the Secretary of State to go with it, if the same is now ready I will be glad as the parties are getting impatient.

Very Truly yours,

Henry E. Thompson.

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

To Whom These Presents May Concern. Know ye, that I D. M. Parter and Scott C. Curry 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 North Blaine Creek stream to the

of Section 21 in Township 29 N. of Range 1 B. more particularly described as follows: Commencing at a point 15 chains 50 links from East of Northwest corner of Sec. 29 Township 29 North range one B. H. Butte County, South Dakota thence running in an easterly direction to and upon East 1/4 of Sec 29 West 1/4 Sec 28 West 1/4 of Section 21 West 1/4 of Sec 27

I also claim and have a valid right to the enjoyment and use of 200 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 appurtenances and appurtenances thereunto belonging in anywise appertaining.

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

Notice posted on stream 15 day of April 1901

Ditch commenced at stream 15 (13) 1901

State of South Dakota,
County of Butte,

On this 11 day of May 1901, before me, a Notary Public

In and for the County and State aforesaid, personally appeared D. M. Parter & Scott Curry

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)

G. L. Poyor
Notary Public

Certified Copy 16. 0863-1

D.M. TARTER
SCOTT CURRY

County of Bulte ss.

Filed for record 18 day of
May 1907
at 930 a.m. recorded in
Book 7 page 440
Geo B Ross
Register of deeds.

By _____
Note by State Engineer;
transferred Feb. 23, 1907
to Elizabeth S. Tarter.
No. 22553.

STATE OF SOUTH DAKOTA
COUNTY OF BULTE ss.
I hereby certify that I have carefully
examined the within instrument and
certify that it is a true and correct
copy of the original as recorded in this
office and that it is a true and correct
copy of the original as recorded in this
office.

SEP 5 1906
By A E Frost
W R Keller
Register of deeds.

Number supplied by the State Eng.

Little Man

Conveyance of Water Right.

Known all men by these presents

That I, D. M. Farter, of the County of Butte and State of South Dakota, party of the first part, in consideration of the sum of One dollar (\$1.00) to me in hand paid by Elizabeth S. Farter, of Camp Creek, Butte Co. S. Dak. party of the second part, do hereby grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns, forever my own and (U) interest in and to a certain Water Right found by D. M. Farter and Scott Curry, dated April 15, 1907, and recorded in the office of the Register of Deeds of said County and State, Book 7 on Page 440.

Said water right being for the purpose of constructing a flume or water ditch from North Chick Creek to sections 21, 22, 27 and 28 in Twp. 20 N. Range 1, more particularly described as, commencing at a point 15 chains, 50 links southeast of N.W. corner of Sec. 29, Twp. 20 N. Range 1, Butte Co. S. Dak., thence running in an easterly direction to and upon the southeast 1/2 of Sec. 21, N. 1/4 Sec. 26, S. 1/4 Sec. 22, N. 1/4 Sec. 27, for 300 inches of water.

I, Walter C. Miller, do hereunto set my hand this 23rd day of February, 1907.

Witness my hand and seal this 23rd day of February, 1907.
D. M. Farter.
W. C. Miller

Subscribed and sworn to before me this 23rd day of February, 1907.

W. C. Miller,
(Seal) Clerk of Courts.

Conveyance of Patent
Certified Copy

D.M. TARTER

No. 5363-1

State of North Dakota.

County of Butte.

ss.

Filed for record 23

September 1907

at 10 o'clock A.M., and recorded

pages 17 on page 449.

Geo. B. Rose.

Register

By

A. E. Miller.

Recorder

22504

Printed 3

Geo. B. Rose.

A. E. Miller.

N. Flick Sr

1363-1

PRE-EMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

To whom these presents may concern: Know ye, that we, E. H. Tarter and Scott Curry of the County of Butte, in the State of South Dakota, citizens of the United States, do hereby declare and publish as a legal notice to all the world, that we claim and have a valid right to the occupation, possession and enjoyment of all and singular, 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 North Slick Creek to Sections 21, 22, 27, 28 in Township 20 North of Range 1 E., T. 20 N., R. 1 E., more particularly described as follows: Commencing at a point 15 chains 50 links Sou. East of N. West corner of Sec. 29, Township 20 North, Range One, E. H. M., Butte Co., Sou. Dak: Thence running in an easterly direction to and upon Sou. East 1/4 of Sec. 21, Nor. 1/4 Sec. 22, Sou. West 1/4 of Section 22, Nor. West 1/4 of Sec. 27.

We also claim and have a valid right to the enjoyment and use of 200 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 our hand and seal this 15 day of April, A. D. 1901.

(signed.)

E. H. Tarter.

(signed.)

Scott Curry.

Notice posted on stream 15th day of April, 1901.

Ditch commenced at stream 13th day of April, 1901.

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

On this 11th day of May, 1901, before me, a Notary Public in and for the County and State aforesaid, personally appeared E. H. Tarter and Scott Curry, to me personally known to be the persons who executed the foregoing written instrument, and acknowledged that they executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.

(SEAL.)

T. C. Fryor, Notary Public.

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

I hereby certify that I have carefully examined the within instrument and compared the same with the original instrument, No. 17799, of record in this office, and that it is a true and correct copy of same and that the above is a correct copy of the filing thereon.
Witness my hand and official seal this eighteenth day of May, A. D. 1907.

(SEAL.)

State Engineer.

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

To Whom These Presents May Concern, Know ye, that I, D. M. Tarter and Scott Currey, 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 North Slate Creek stream to the of Sections 21, 22, 27, 28 in Township 20 N of Range 1 E.H more particularly described as follows: commencing at a point 15 chains 50 links sou East of N west corner of Sec 29 Township 20 North range 1 E.H. Butte Count, Sp. Dakota, thence running in an Easterly direction to and upon Sou East $\frac{1}{4}$ of Sec 21 NE $\frac{1}{4}$ Sec 28 southwest $\frac{1}{4}$ of Section 22 N west $\frac{1}{4}$ of Sec 27.

I also claim and have a valid right to the enjoyment and use of 200 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 April, A.D. 1901.

D. M. Tarter.
Scott Currey.

Notice posted on stream 15 day of April, 1901.

Ditch commenced at stream 15 day of April 1901.

(13)
State of South Dakota, }
County of Butte. } ss

On this 11 day of May 1901, before me a Notary Public, in and for the County and State aforesaid, personally appeared D. M. Tarter and Scott Currey, to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses therein set forth. Witness my hand and official seal, the day and date above written.

T. C. Pryor.

(Seal)

Notary Public.

COPY

No. 1303-1

Water Right

Located by

D. M. Tarter, and
Scott Currey.

April 15, 1901.

Butte County.

Transferred to

Elizabeth S. Tarter,

Feb. 23, 1907.

Not Public State of
South Dakota

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, S. D. of South Dakota

this 4 day of February, 1907

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

Conveyance of Water Right.

Know all men by these presents: That I, E. M. Tarter, of the County of Butte and State of South Dakota, party of the first part, in consideration of the sum of One Dollar (\$1.00) now in hand paid by Elizabeth S. Tarter, of Butte County, So. Dak., party of the second part, do hereby grant, sell, assign and convey unto the said party of the second part, her heirs and assigns forever, my one half (1/2) interest in and to a certain Water Right owned by E. M. Tarter and Scott Curry, dated April 18, 1901, and recorded in the office of the Register of Deeds of said County and State, in Book 7 on page 440. Said water right being for the purpose of constructing a flume or water ditch from North Slick Creek to Sections 21, 22, 27 & 28 in Twp. 20 N., Range 1, more particularly described as, commencing at a point 15 chains, 50 links southeast of NW corner of Sec. 29, Twp. 20 N., Range 1, Butte Co., So. Dak., thence running in an easterly direction to and upon southeast 1/2 of Sec. 31, NW 1/4 Sec. 28, SW 1/4 of Sec. 22, NW 1/4 Sec. 27, for 200 inches of water.

I, witness whereof, I have hereunto set my hand this 23rd day of February, 1907.

(signed)

D. M. Tarter.

Witness:

A. F. Miller.

Subscribed and sworn to before me the 23rd day of February, 1907.

(SEAL)

S. W. P. Sellers,
Clerk of Courts.

State of South Dakota.)
County of Hughes.) ss

I hereby certify that I have carefully examined the within instrument and compared the same with a certified copy of the original instrument, No. 22554, of record in this office, and that it is a true and correct copy of same and that the above is a correct copy of the filing thereon.

Witness my hand and official seal this 1st day of June, A.D. 1907.

(SEAL.)

State Engineer.

Copy No 0363-1

Walter
A
(Black Hawk)
Cattle Co.

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 8 day of April 1908

Samuel H. Doer
State Engineer.

Wm B. S. Lee

Conveyance of Water Right.

Witnessed by these witnesses:

I, D.M. Tarter, of the County of Butte and State of South Dakota, party of the first part, in consideration of the sum of one dollar (\$1.00) to me in hand paid by Elizabeth S. Tarter, of Spear Creek, Butte Co., So. Dak., party of the second part, do hereby grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns, forever, my one half (1/2) interest in and to a certain Water Right owned by D.M. Tarter and Scott Curry, dated April, 16, 1901, and recorded in the office of the Register of Deeds of said County and State, in Book 7 on Page 440.

Said Water Right being for the purpose of constructing a flume or water ditch from North Slick Creek to Sections 21, 22, 27 & 28 in Twp. 20, N. Range 1, more particularly described as, commencing at a point 15 chains, 50 links south-east of N.E. corner of Sec. 29, Twp. 20, N. Range 1, Butte Co. S. Dak., thence running in an easterly direction to and upon south east 1/4 of Sec. 21, Nor. 1/4 Sec. 26, S.W. 1/4 of Sec. 22, N.E. 1/4 Sec. 27; for 12 inches of water.

In witness whereof, I have hereunto set my hand this 23rd day of February, 1907.

D.M. Tarter.

Witness:

A.P. Miller.

Subscribed and sworn to before me this 23rd day of February, 1907.

S. C. P. Sellers.

(Seal)

Clerk of Courts.

ORIGINAL COPY.

Department of Water Right.

H.M. Porter

to

Elizabeth S. Turner.

South of South Dakota.

County of Butte

General & Special Agents

Filed for record 2210 1910

February 14 A.D. 1917

at 10:20 o'clock A.M. and

Book 17 on page 419

Geo. H. Ross.

by A.E. Miller.

7.11.17
at Butte

1917

February, 24, 1917

Geo. H. Ross.

by A.E. Miller.



Department of Water & Natural Resources

Joe Foss Building
823 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

No. 1286-1
0363-1

November 16, 1983

Dean R. Tarter
Marmarth Route, Box #4
Camp Crook, South Dakota 57724

Dear Mr. Tarter:

Enclosed herewith are your Vested Right Permit, Water License No. 1286-1.
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

Applicable portions of Water Right Filings 0570-1 and 0363-1 were incorporated
into Vested Right No. 1286-1 and the abandoned portions of Filings No. 0570-1
and 0363-1 have been cancelled.

WNR-817A 3/83
Transmitted of VR