

038-1
No. 17290-1

Office of State Engineer
DOCUMENT FILE

Name of Applicant
Chas. A. Bolce
Date of Priority
April 13, 1903
County
Butte #17290-1

Filed: April 15, 1903

Location: Andelore Creek
2000 in.

SELMER E. BERG and his wife

*Jackie Berg*grantor(s), of Hardin, Big Horn County,State of Montana for and in consideration ofONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION NYOLMERSGRANTS, CONVEYS, AND WARRANTS, TO BENNY PADDENgrantee(s), of Camp Crook, South Dakota 57724 P. O. the following describedreal estate in the County of Harding in the State of South Dakota:

TOWNSHIP 19 NORTH, RANGE 2 EAST, B.H.M.:

Section 14: Northwest Quarter (NW $\frac{1}{4}$).

Excepting, however, this conveyance and reserving to the Seller, his heirs, successors, and assigns, an undivided ten per cent (10%) interest in all minerals, now owned by him, of whatsoever nature, (including, but not limited to: Coal, oil, gas, natural gas, hydrocarbons, uranium, plutonium, or any valuable deposit whether now or hereafter known) in, on, under or that may be produced from said real property, together with the right to prospect for, mine and/or drill for said minerals in and upon said real property, and the right to produce, take and remove said minerals therefrom, and the right for the aforesaid purpose to enter upon said property, and erect, construct, maintain and operate thereon buildings, structures, machinery installations, equipment, lines, roads and facilities being necessary by Grantors, and to use the surface and such surface of all real property in any manner to aid in all or any of the aforesaid operations, and restoring, processing, removing and transporting of any of said minerals, together with the right to drill on said property for water, and to the free use of water so obtained in any of the aforesaid operations except that Seller, heirs, etc., and/or mineral lessee shall pay the amount of any physical damage, to be determined by arbitration in event of disagreement, to the real property or improvements caused by Seller and operations.

Dated this 18 day of September, 1974.*Selmer E. Berg*
Selmer E. Berg*Jackie E. Berg*
Jackie E. Berg

MONTANA

STATE OF ~~SOUTH DAKOTA~~County of Big Horn }³¹On this the 18 day of Sept., 1974, before me,*J. A. L...* the undersigned officer, personally appearedSelmer E. Berg and his wife Jackie Berg

known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires 2-18-76*J. A. L...*
Notary Public

WARRANTY DEED

SELMER BERG and his wife, Jackie Berg of Hardin, Montana;
JUSTIN BERG and his wife, Ira Berg of Camp Crook, South Dakota;
ERNEST BERG and his wife, Helen M. Berg of 2927 E. 26th St., Minneapolis,
Minnesota; HELEN MOELLENDORF and her husband, George Moellendorf of 727 S.
4th St., P.O. Box 243, Brigham City, Utah; GRANTEES, for and in consideration of
One Dollar (\$1.00) and other good and valuable consideration, Grant, Convey, and War-
rant to BENNY PADDEN
of Camp Crook, South Dakota 57724, GRANTEES, the
following described real estate in the County of Harding, State of South Dakota, to-wit:

TOWNSHIP 19 NORTH, RANGE 2 EAST, B.H.M.:

Section 10:	South Half;
Section 15:	Northeast Quarter and the Southwest Quarter;
Section 21:	East Half of the Southwest Quarter, Southeast Quarter;
Section 22:	West Half of the Southwest Quarter.

Excepting, however, this conveyance and reserving to the Sellers, their heirs,
successors, and assigns, an undivided ten per cent (10%) interest in all minerals, now
owned by them, of whatsoever nature, (including but not limited to: Coal, oil, gas, natura
gas, hydrocarbons, uranium, plutonium, or any valuable deposit whether now or here-
after known) in, on, under or that may be produced from said real property, together with
the right to prospect for, mine and/or drill for said minerals in and upon said real prop-
erty, and the right to produce, take and remove said minerals therefrom, and the right
for the aforesaid purpose to enter upon said property, and erect, construct, maintain
and operate thereon buildings, structures, machinery installations, equipment, lines,
roads and facilities being necessary by Grantors, and to use the surface and such surface
of all real property in any manner to aid in all or any of the aforesaid operations, and
restoring, processing, removing and transporting of any of said minerals, together with
the right to drill on said property for water, and to the free use of water so obtained in
any of the aforesaid operations except that Sellers, heirs, etc., and/or mineral lessee
shall pay the amount of any physical damage, to be determined by arbitration in event
of disagreement, to the real property or improvements caused by Sellers and operations.

Dated this 6th day of August, 1974.

Selmer Berg
Selmer Berg

Justin Berg
Justin Berg

Ernest Berg
Ernest Berg

Helen Moellendorf
Helen Moellendorf

Jackie Berg

Ira Berg

Helen M. Berg

George Moellendorf

STATE OF MONTANA)

County of Beulah

On this 18 day of Sept, 1974, before me, J. L. Lane,
the undersigned officer, personally appeared SELMER BERG and his wife, Jackie
Berg, known to me or satisfactorily proven to be the person whose names
are subscribed to the within instrument and acknowledged that they executed the same
for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

J. L. Lane
Notary Public

My Commission Expires 2-18-76

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

To Whom These Presents May Concern, Know ye, that I, Chas. A. Boler
..... 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 Antelope Creek stream to the
part

of Section 9.5.10. in Township 19. N. of Range 2 E. more particularly described as follows: Commencing at
by a dam located about 3 chains south and 3
chains east of the N.E. corner of the Southeast 1/4 of
SW 1/4 of Section 10 Township 19 N. Range 2 E. B. H.
river and a ditch from said point to and upon S 1/2
SW 1/4 section 10 and S 1/2 SE 1/4 section 9 of said
Township, Range

I also claim and have a valid right to the enjoyment and use of 2500 inches of water from said stream for irrigating
purposes to be conveyed thru 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 13 day of April A. D. 1903
Chas. A. Boler.

Notice posted on stream..... April 13 - 1903

Ditch commenced at stream..... 1903

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

On this 13 day of April 1903, before me

a J. L. Commissioner
in and for the County and State aforesaid, personally appeared Chas. A. Boler

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.

John T. Brown
Clk. Com. for Dist. of S. Dak.

(Seal)

Certified Copy

No. 838-1

Chas. A. Boler.

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

Off. of Register of Deeds

Filed for record 13 day of
April A. D. 1903
at 1 o'clock P.M., and recorded in
Book 13 on page 75

Geo. B. Frost.
Register of Deeds.

By _____ Deputy.

STATE OF SOUTH DAKOTA,)
COUNTY OF BUTTE,)

I, Geo. B. Frost, Register of Deeds, do hereby certify that the foregoing is a true and correct copy of the original of the above instrument, No. 17290, as recorded in this office, and that it is a true and correct copy of the same, and that the above is a correct copy of the filing thereon.

Dated July 30 1906.

Geo. B. Frost.
Register of Deeds.

By Ada Miller.
Deputy.

*Noted & paid
in full*

COPY.

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

TO WHOM THESE PRESENTS MAY CONCERN, Know ye, that I Chas. A. Boles 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 Antelope Creek stream to the part of Section 9-10 in Township 19 N. of Range 2 E. more particularly described as follows: Commencing by a dam located about 3 chains South and 3 chains east of the NE corner of the Southeast 1/4 of SW1/4 of Section 10 Township 19 N. Range 2 E. S.H.War. and a ditch from said point to and upon S1/2 SW1/4 section 10 and S1/2 SE1/4 section 9 of said Township, Range.

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

Witness my hand and seal this 13 day of April A.D. 1903.

Chas. A. Boles.

Notice posted on stream April 13, 1903.

State of South Dakota } ss.
County of Butte

On this 13 day of April 1903 before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Chas. A. Boles 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.

(S34L)

John Thompson,

U.S. Com. for Dist. of
So. Dak.

WATER RIGHT.

Located by

No. 839-1

Chas. A. Soles

April 12, 1905.

BLAKE COUNTY.

17291
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 10 day of April, 1908.

Samuel H. Lea
State Engineer.

By B. B. Lea

Wm. C. Crick
Deputy

STATE OF SOUTH DAKOTA

To whom these presents may come: Know ye that I Charles A. Boles

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 right to the occupation, possession and enjoyment of, all and sing-
ular, all that tract and parcel of land lying and being in the County
of Butte and in the State of South Dakota, for the exclusive right of
navigation for the purpose of constructing a float or water ditch from Antelope Creek
aiming to the part

of Section 9-10 in Township 19 N of Range 2 E

more particularly described as follows: Commencing 1 by a dam
located about 3 chains South and 3
chains east of the N.E. corner of the South
East 1/4 of S.W. 1/4 of Section 10 Township 19 N Range
2 E. R. H. Over and a ditch from said point
to and upon S. 1/2 ^{S.W. 1/4 Sec. 10 and S.W. 1/4 Sec. 9 of said} Township, Range

also claim and have a valid title to the enjoyment for year 2000

upon all water upon the above for navigation, and to construct
ditches with float or water ditch to said tract of land, together with all
and singular, the necessaries and appurtenances thereto in order to
be in and use appurtenant.

This I do and certify on the 13th day of April A. D. 1883

Charles A. Boles

Witness my hand and seal on the April 13 1883

at the County of Butte, D. T. 1883

County of Butte, D. T.

County of Butte, D. T.

1883 day of April 1883 before me a U. S. Commissioner

to the County of Butte, D. T.

and personally known to me Charles A. Boles

and to the justice of the law the foregoing written I signed and

and before me he executed the same for the uses and purposes therein

expressed.

Witness my hand and seal, this day and date above.

John S. Thompson

W. J. Carr for Dist. of Butte

Copy

Seal

Copy

Copy

Copy

Copy

Copy
Chas A. Boles.

No. 038-1

10-10-10

RECEIVED BY CHAS A BOLES

Chas A. Boles

of the County of Butte in the

State of Montana, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Butte in the State of Montana, and that the same is a true and correct copy of the original of the same as the same appears in the records of the County of Butte in the State of Montana, and that the same is a true and correct copy of the original of the same as the same appears in the records of the County of Butte in the State of Montana.

10-10-10

10-10-10

10-10-10

Chas A. Boles
County Clerk
Butte, Montana
10-10-10

Conversation or File Documentation

NAME OF PERSON OR FILE: Benny F PaddenADDRESS: Camp Crook, S. Dak. 57724 COUNTY HardingDATE: October 13, 1983. TELEPHONE (406) 972-4546. (Montana)RE: Cancellation of Water Right Filing # 038-1

COMMENTS:

This filing covers the same acreage from the same diversion point as that of Water Right Filing No 039-1. Padden is in the process of filing for a Vested Right under Filing No 039-1. Upon approval of that Vested Right this filing should be cancelled as there will be duplicate.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

LeRoy J Mernaugh