

No. 18397.1

Office of State Engineer
DOCUMENT FILE

Name: Meare, Henry J.

County: Butte 2373

Date: April 1, 1890

Filed: April 3, 1890

Location: (Ledwate) Creek

Location of Water.

Known all men by these presents: that the undersigned, Henry G. Wear, hereby locates and appropriates the waters of Redwater River stream, creek or gulch, to be taken and diverted therefrom at a point on the same, near the N.W. corner of the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section four (4) Township seven (7) North of Range two (2) E. B. S. M. in Butte County, South Dakota.

Said water to be taken from the left bank of the stream and carried thence by ditch and flume on a line as near as may be about two miles in a south easterly direction along the said left bank of Redwater River to a point near the center of Section ten (10) the water to be used and for use at all points along the line of the ditch. The number of inches of water claimed and appropriated is four hundred minere inches. The purpose of the appropriation is for irrigation and domestic use.

Date of appropriation April 1, 1890

Date of posting at the head of ditch April 2, 1890

Date of certificate April 1st 1890.

Henry G. Wear.

Certified Copy

HENRY G. WEARE

No. 8397-1

~~State of~~ Dakota, } ss.
County of *Battle*

Filed for record *3^d* day of
April A.D. - *1890*

at *7* o'clock *P.M.*, and recorded in

Book *7* on page *123*

R. Miller

Register of Deeds.

By

H. G. Weare

2373

Date *Oct. 17* 18*90*

H. G. Weare

Ada Miller

Location of Water.

Know all men by these presents: that the undersigned, Henry G. Wearo hereby locates and appropriates the waters of Redwater River Stream, creek or gulch, to be taken and diverted therefrom at a point on the same, near the NW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section four (4) Township Seven (7) North of Range two (2) E. B.E.M. in Butte County, South Dakota. Said water to be taken from the left bank of the stream and carried thence by ditch and flume on a line as near as may be about two miles in a south easterly direction along the said left bank of Redwater river to a point near the center of Section ten (10) this water to be used and for use at all points along the line of the ditch. The number of inches of water claimed and appropriated is four hundred miners inches. The purpose of the appropriation is for irrigation and domestic uses.

Date of appropriation April 1, 1890.

Date of posting at the head of ditch April 2, 1890.

Date of certificate April 1, 1890.

Henry G. Wearo.

11
COPY

Water Right.

Located by

Henry G. Weare.

April 1, 189C.

Butte County.

STATE OF SOUTH DAKOTA 125
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 21 day of November 1908

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy

R. B. Lee, Clerk.

RANCH ON HIGHWAY 85. 3 MILE SOUTH OF
BELLE FOURCHE. 3 MILES NORTH OF SPEARFISH

REDSPEAR FARM

R. B.

WENDELKEN
BELLE FOURCHE, S.D.

Butte
Laurens

Aug. 21. 1933

9-39
D.D. Photo Engineer
Pierre S.D.

Dear Sir: - I have made application for a
Federal loan and the Census Office questions
the water right.

Section certificate is 2373.

Date of appropriation	Apr. 1 1890
Date of posting	Apr. 2 1890
Date of Certificate	Apr. 1 1890
Recorded	Apr. 3 1890

Under the name of Henry G. Moore.

In irrigation and domestic uses. Amount of
water 400 Morris's inches.

Since acquiring the land ten years ago
the water has been in beneficial use over
the land described. I suppose Mr. Moore used
it as his ditches were then and should use.

Would appreciate a letter from you
that I may send the Land Board showing just

what my rights are.
Very truly

R B Wendelken

Division down near NW cor. of NE 4 SE 4 Sec. 4 - T-2

R. B. WENDELKEN
BELLE FOURCHE, S. D.

August 22, 1933.

R. B. Wendelken
Redspoor Farm
Helle Fourche, South Dakota

Dear Sir:

The water right referred to in your letter of August 21st, is one of the old right issued prior to the enactment of the present Water Code. The Code specifically provides that the rights issued prior to its enactment would not be under the jurisdiction of the State Engineer. It was desirable, however, that a complete list of the old rights be on file in the State Engineer's Office and an effort was made to secure such a list from the records of the various counties in the western part of the State. This list is not complete, and I do not find a record of any appropriation of water as mentioned in your letter.

The best documental evidences of the existence of your water right would be, first to secure from the Register of Deeds of the county in which the right is located, a certified copy of the Location Notice. Second, one or more affidavits by yourself and one or two other land owners in the neighborhood who can certify to the fact that the water has been applied to beneficial use during the time since the location was made. A certified copy of the Location Notice and affidavits testifying to the use of the water will establish beyond doubt, the validity of your water right.

I am very sorry that we do not have records in this Office that will assist you, but it is not necessary under the Law that these certificates be filed here.

Very truly yours,

CHAS. A. TRIUMER
State Engineer.

WTCR

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1402-1 FOR IRRIGATION

(1) Lower Power Canal % James Chenoweth of Box 248, Woodrow CO 80757, made Application No. 1402-1, November 17, 1986 for validation of a vested right claim to appropriate 8.00 cubic feet of water per second from the Redwater River, Butte and Lawrence Counties, South Dakota, for irrigation purposes. Vested Water Right No. 1402-1 was validated December 2, 1987 with a priority date of June 24, 1879 and April 1, 1890. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The applicable portions of Water Right Filing No. 0397-1 have been incorporated into No. 1402-1 and the abandoned portions of Filing No. 0397-1 have been cancelled.

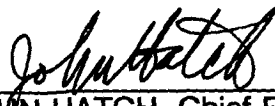
Water Permit No. 1402-1 authorizes 5.2 cfs to irrigate 182.7 acre via Lower Power Canal (April 1, 1890 priority date). A diversion authority of 1.84 cfs previously authorized under Concordia Ditch (No. 1395-1) has been transferred to the Lower Power Canal by Water Permit Nos. 1467-1 and 1485-1 (June 24, 1879 priority date). The total authorized diversion rate from Redwater River to the Lower Power Canal is 7.04 cfs.

(2) The vested right owner is entitled to divert 7.04 cubic feet of water per second for beneficial use. The location of the diversion point is: 2430 feet S and 2275 feet W of the NE corner Section 4-T7N-R2E (SW 1/4 NE 1/4)

The location of the irrigated acreage is:

T7N-R2E	Section 4	NE 1/4 SE 1/4	10.5 acres
		SE 1/4 SE 1/4	10.2 acres
		NW 1/4 SE 1/4	1.0 acre
		SW 1/4 NE 1/4	4.2 acres
	Section 3	SW 1/4 SE 1/4	19.0 acres
		NW 1/4 SW 1/4	32.8 acres
		NE 1/4 SW 1/4	30.0 acres
		SW 1/4 SW 1/4	35.0 acres
		SE 1/4 SW 1/4	40.0 acres
	Total		182.70 acres

(3) Pursuant to Section 46-5-30.1 Lower Power Canal, % James Chenoweth of Box 248, Woodrow CO 80757 the holder and/or owner of Vested Water Right No. 1402-1 is issued a license to appropriate 7.04 cubic feet of water per second from the Redwater River with priority dates of June 24, 1879 and April 1, 1890 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1402-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 14 1994

date