

040-1
No. 18102-1

Office of State Engineer
DOCUMENT FILE

Name of Applicant
Mearns M. Brown
Date of Priority
November 18, 1903
County
Butte #18102-1

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

To Whom These Presents May Concern, Know ye, that I Mildred M. Bolles

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 West Slope Creek stream to the

part

of Section 9 & 10 in Township 19 N of Range 2 E B M, more particularly described as follows: Commencing at a dam located 3 chains East of the NE corner of the NW 1/4 of the NW 1/4 of Section 14 in Township 19 N Range 2 E B M and a ditch from said dam to and upon NW 1/4 Section 10 and NW 1/4 SE 1/4 and NW 1/4 Section 9 in Township 19 N Range 2 E B M

I also claim and have a valid right to the enjoyment and use of 1000 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 14 day of November A. D. 1903
Mildred M. Bolles

Notice posted on stream November 14 1903

Ditch commenced at stream November 14 1903

State of South Dakota, Butte
County of Butte, Butte

On this 14 day of November A. D. 1903, before me, A. L. B. Commissioner

in and for the County and State aforesaid, personally appeared Mildred M. Bolles

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 Thompson
Commissioner

(SEAL)

Certified Copy

MILDRED M. BOLLES

County of *Butte*

Filed *Nov 18*

at *11 o'clock*

Book *13*

Page 221
Geo B. Pass

By

Deputy

No. *040-1*

STATE OF MISSOURI,
COUNTY OF BUTTE.

I, *Mildred M. Bolles*, County Clerk of said County, do hereby certify that I have carefully examined the within instrument and recognize the signature of the said *Geo B. Pass* as being his own and that the same is a true and correct copy of the same and that the above is a correct copy of the same and that the above is a correct copy of the same.

Dated *Aug 30* 1906

H. C. Frost

Register of Deeds.

By *Dev P. Rellies*

Deputy.

Antelope

Little Missouri

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

To Whom These Presents May Concern: Know ye, that I, Mildred M. Bolles 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 ~~of way~~ 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 T. 19 N of R 2 E. B. H. M. more particularly described as follows: Commencing at a dam located 3 chains east of the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 14 in T. 19 N R. 2 E. B.H.M. and a ditch from said dam to and upon NE $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 10 and NE $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 9 in T 19 N R 2 E. B.H.M.

I also claim and have a valid right to the enjoyment and use of 1000 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 14 day of November A.D. 1903

Mildred M. Bolles

Notice posted on stream November 14 1903

Ditch Commenced at stream November 14 1903

State of South Dakota)
County of Butte } ss

On this 14 day of November 1903, before me a U. S. Commissioner in and for the County and State aforesaid, personally appeared Mildred M. Bolles 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 Thompson,

U. S. Commissioner.

18102

No. 040-1

COPY

6-7-11

Water Right Located by Mildred M. Bolles Butte County, November 14, 1903

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the 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 21st day of November 1903

Samuel H. Leach
State Engineer

By B. B. Leach
Deputy.

...of 1000 acres of water from said stream for irrigating purposes to be let-
I also claim and have a valid right to the enjoyment and use
of said 200 to and from said 2000 5 in 1 10 N 10 S W 10 E N W
...at a corner of the NW corner of the NW of the NW
...more particularly described as follows: Commence-
...from the corner of the NW of Section 30 10 10
exclusive claim right of and for the purpose of securing
and being in the County of Butte, in the State of South Dakota
and enjoyment of all and singular, etc.
...I claim and have a valid right to the enjoyment and use
...of 200 to and from said 2000 5 in 1 10 N 10 S W 10 E N W
...at a corner of the NW corner of the NW of the NW
...more particularly described as follows: Commence-
...from the corner of the NW of Section 30 10 10
exclusive claim right of and for the purpose of securing
and being in the County of Butte, in the State of South Dakota
and enjoyment of all and singular, etc.

SOUTH DAKOTA
DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

038-1, 039-1 & 040-1

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

October 2, 1974

Mr. Donn Bennett, Attorney
618 State Street
Belle Fourche, South Dakota 57717

Your letter of October 1, 1974 inquires if there are any data filed in this office regarding the filing for water rights or validation of prior listed water rights on the following described lands;

NW $\frac{1}{4}$ of Section 14, T19N, R2E
S $\frac{1}{2}$ of Section 10, T19N, R2E
NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 15, T19N, R2E
E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 21, T19N, R2E
W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, T19N, R2E

Water Right Files No. 038-1, 039-1 and 040-1 contain copies of filings for "Pre-Emption of Right of Way and Locations of Water" for portions of the described lands.

File No. 038-1 is for a dam located in the SE $\frac{1}{4}$ of Section 15, with a ditch from this dam carrying water to and upon the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, all in T19N, R2E. This was dated April 13, 1903, filed April 15, 1903 and a copy was filed with the State Engineer in Pierre on April 10, 1908. Copy of the April 15, 1903 filing enclosed.

File No. 039-1 is for a dam located in the NW $\frac{1}{4}$ of Section 14, with a ditch from this dam carrying water to and upon a part of Sections, 9, 10 and 15, all in T19N, R2E. This was dated April 13, 1903, filed April 15, 1903 and a copy was filed with the State Engineer on April 10, 1908. Copy of the April 15, 1903 filing enclosed.

Mr. Donn Bennett, Attorney

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October 2, 1974

File No. C40-1 is for a dam located in the NW $\frac{1}{4}$ of Section 14 with a ditch from this dam to and upon NE SW $\frac{1}{4}$, Section 10 and NE SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 9, all in T19N, R2E. This was dated November 14, 1903, filed November 18, 1903 and a copy was filed with the State Engineer on November 21, 1903. Copy of the November 18, 1903 filing enclosed.

There is no evidence in these files that the dams were constructed or the lands irrigated.

If there are further questions, please let me know.

Sincerely,

DONALD DRISCOLL
Chief Engineer
WATER RIGHTS COMMISSION

DD/bw

Encl: As stated

Conversation or File Documentation

NAME OF PERSON OR FILE: Benny F PaddenADDRESS: Camp Crook, S.D. 57724 COUNTY HardingDATE: October 13, 1983 TELEPHONE (406) 972-4546 Montana.RE: Cancellation of Water Right Filing #040-1

COMMENTS:

The 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 coverage.

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.