

043-1
No. 17834-1

Office of State Engineer
DOCUMENT FILE

Name of Applicant
Archibald P. Bruce
Date of Filing
September 7, 1903
County
Butte 17834-1

Filed: Sept. 9, 1903

Location: Beaver Creek
5740 in.

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

To Whom These Presents May Concern, Know ye, that I... A. P. Howell

..... 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 Borell Creek stream to the

SW 1/4 Sec 28 and SE 1/4 Sec 28

of Section 29 in Township 18 N of Range 1 E B H M more particularly described as follows: Commencing at

a point on said Borell Creek from which the 1/4 Sec 28 of 28 bears west 1/4 Sec 28 distant canal to be 6 ft wide on water line and 1 ft deep running thence west and terminating 1/4 Sec 28 west of 1/4 Sec 28 1/4 Sec 28 1/4 Sec 28

I also claim and have a valid right to the enjoyment and use of 600 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 7 day of Sept A. D. 1903
Archibald P. Howell

Notice posted on stream Sept 7 1903

Ditch commenced at stream 1903

State of South Dakota, 1
County of Butte, 1

On this 7 day of Sept 1903, before me a Notary Public

in and for the County and State aforesaid, personally appeared Archibald P. Howell

to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the use and purposes therein expressed.

Geo. B. How
Register of Deeds

ARCHIBALD P. BOVELL

Received & read the 9th matter
of Sept 10 1902, at 7⁰⁰
o'clock PM, and recorded in
Book 13 of neg Page 185
Dec 13 1902

...
QUESTIONS OF DEFENSE

A/c. 0463-1

Little Mo.

[illegible]

Aug 27, 1946

A. C. Frost

By *St. P. Allcock*

Bottle

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

To Whom These Presents May Concern, Know ye, that I, A. P. Bovell, 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 Bovell Creek stream to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 28 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 in Township 18 N of Range 1 E. E. R. M. more particularly described as follows: Commencing at a point on said Bovell creek from which the $\frac{1}{4}$ Sec Cor South of 28 bears west 15 chains distant canal to be 6 ft wide on water line and 1 ft. deep running thence west and terminating 20 chains west of S.E. cor. to Sec. 28 Tp. 18 R. 17.

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 7 day of Sep. A. D. 1903.

Archibald P Bovell.

Notice posted on stream Sept. 7, 1903.

Ditch commenced at stream --190

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

On this 7 day of Sept. 1903, before me a Notary Public, in and for the County and State aforesaid, personally appeared Archibald P. Bovell, 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.

Geo. H. Rosa.

Register of Deeds.

(Seal)

1933

CO. No. 043-1

Water Right

Located by

Archibald P. Novell.

September 7, 1908.

Butte County.

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 is 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 14 day of February 1909.

Samuel H. Reed
State Engineer.

By B. B. Lea
Deputy.

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

September 24, 1984

Painter, Inc.
Box 57
Buffalo, South Dakota 57720

Dear Sir:

Enclosed herewith are your Vested Right Permit, Water License No. 1301-1.
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

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

NOTE: The applicable portions of Water Right Filing No. 043-1 were
incorporated into this Vested Right No. 1301-1 and the
abandoned portions of Filing No. 043-1 have been cancelled.