

No. 0168.2

Office of State Engineer
DOCUMENT FILE

Name: Finkman, Ann

County: Crocker

Date: December 24, 1904

Filed: Jan. 4, 1905

Location: Finkman Creek

Pre-emption of Right of Way for Ditch and Location of Water.

To whom these presents may concern: Know ye, that I Anna Fuhrman, of Fairburn, Custer County, 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, that tract and parcel of land lying and being in the County of Custer in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from French Creek to land owned by me at about the middle of the NE¹/₄ of the SE¹/₄ of Section 20, Township 4 South of Range 7 East BHM more particularly described as follows: Commencing at the dam about 780 feet North of the South line and about 270 feet East of the West line of the SE¹/₄ of NE¹/₄ of said Section 20 and running thence on a South Easterly course to the middle of the NE¹/₄ of the SE¹/₄ of said section 20 a total distance of about 100 rods over and across lands owned by this claimant and is a part of the ditch built about 12 years ago, and used and claimed by Martin Fuhrman, deceased, to the time of his death, and this dam and ditch as above described was constructed about 5 years ago and has been in the possession, and in the occupancy and use of this claimant at all times since its construction and the portion of the old Fuhrman ditch included in this claim accrued to this claimant upon the death of the former owner of said Fuhrman ditch, viz: Martin Fuhrman deceased, claimant being the widow and successor in interest of said Martin Fuhrman.

I also claim and have a valid right to the enjoyment and use of 500 inches of water from said creek for irrigation purposes and domestic use, to be conveyed through such ditch, flume or by pipe from said last constructed dam to the lands owned by me, to wit: The NE¹/₄ of SE¹/₄ of Sec. 20 T.4 S. R.7 East, BHM together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all rights therein accrued to the aforementioned Martin Fuhrman deceased, at the time of his death. Witness my hand and seal this 24th day of Dec/1904

Anna Fuhrman (Seal)

Notice posted at the new dam about 5 rods East of the old Fuhrman dam November 1904

Ditch repaired and reconstructed in part each year for 5 years, last past, and used from head to mouth.

State of South Dakota)
County of Custer) ss,

Anna Fuhrman appeared before me the County Judge in and for Custer County in the State of South Dakota, she being well known to me to be the person who executed the foregoing written instrument, and she acknowledged to me that she executed the same for the uses and purposes therein set forth at Custer City S.D. December 24 1904.

Witness my hand and official seal the day and year last above written.

Alfred T. Feay

County Judge, Custer County, S.D.

STATE OF SO. DAKOTA, }
COUNTY OF CUSTER. } ss

This instrument of writing was filed for record on the 24th day of Dec. 1904 A. D. 1904 at 2 o'clock P. M. and duly recorded in book 19 of the County of Custer on page 42.

REGISTERED

STATE OF SO. DAKOTA, }
COUNTY OF CUSTER. } ss

This instrument of writing was filed for record on the 24th day of Dec. 1904 at 2 o'clock P. M. and duly recorded in book 19 of the County of Custer on page 42.

REGISTERED

0168.3

[illegible]

Pre-emption of Right of Way for Ditch and Location of Water.

To whom these presents may concern: Know ye, that I Anna Fuhrman, of Fairburn, Custer Count, 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, that tract and parcel of land lying and being in the County of Custer in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from French Creek to land owned by me at about the middle of the NE1/4 of the SE1/4 of Section 20, Township 4 South of Range 7 East BHM more particularly described as follows: Commencing at the dam about 780 feet North of the South line and about 270 feet East of the West line of the SE1/4 of NE1/4 of said Section 20 and running thence in a South Easterly course to the middle of the NE1/4 of the SE1/4 of said Section 20 a total distance of about 100 rods over and across lands owned by this claimant and is a part of the ditch built about 12 years ago, and used and claimed by Martin Fuhrman, deceased, to the time of his death, and this dam and ditch as above described was constructed about 5 years ago and has been in the possession, and in the occupancy and use of this claimant at all times since its construction and the portion of the old Fuhrman ditch included in this claim accrued to this claimant upon the death of the former owner of said Fuhrman ditch, viz: Martin Fuhrman, deceased, claimant being the widow and successor in interest of said Martin Fuhrman.

I also claim and have a valid right to the enjoyment and use of 500 inches of water from said creek for irrigation purposes and domestic use, to be conveyed through such ditch, flume or by pipe from said last constructed Dam to the lands owned by me, to wit: The NE1/4 of SE1/4 of Sec. 20 T.4 S. R.7 East, BHM together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all rights therein accrued to the aforementioned Martin Fuhrman, deceased, at the time of his death. Witness my hand and seal this 24th day of Dec. 1904

Anna Fuhrman (Seal)

Notice posted at the new dam about 5 rods East of the old Fuhrman dam November 1904.

Ditch repaired and reconstructed in part each year for 5 years, last part, and used from head to mouth

State of South Dakota)
County of Custer) SS.

Anna Fuhrman appeared before me the County Judge in and for Custer County in the State aforesaid, she being well known to me to be the person who executed the foregoing instrument, and she acknowledged to me that she executed the same for the uses and purposes therein set forth at Custer City S.D. December 24 1904.

Witness my hand and official seal the day and year last above written.

Alfred T. Feay

County Judge, Custer County, S.D.

State of South Dakota)
County of Custer) SS.

This instrument of writing was filed for record on the 4th day of January A.D. 1905 at 2 o'clock P.M. and duly recorded in book 10 of Water Rights on page 11.

Henry E. Way,
Register of Deeds.

WATER RIGHT

Located by

Anna Fuhrman

December 24, 1904.

CUSTER COUNTY.

French Creek

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
Pierre, State of South Dakota, this 30th day of
1908.

Samuel H. Lea
(seal)

State Engineer.