

WATER RIGHT.

Located by

J.C. McClelland

M. F. McClelland

I.V. Donaldson

September 5, 1891.

CUSTER COUNTY.

State of South Dakota (ss)
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 5th day of September, 1908.

Samuel H. Lea
(seal) State Engineer.

No.

0281-2

Office of State Engineer DOCUMENT FILE

Name: *McClelland, J.C., et al*

County: *Custer*

Date: *Sept. 5, 1891*

Filed: *Sept. 10, 1891*

Location: *Spring Creek*

at if:

McClelland, J.C.

McClelland, M.F.

Donaldson, I.V.

Spring Valley Water Right, located by J.C. McClelland et al.

Preemption of Right of Way for Ditch and Water Right.

To whom it may concern, know ye, that we, J.C. McClelland, Wm.F. McClelland and I.H. Donaldson of Custer Co., South Dakota, citizens of the United States over the age of 21 years hereby declare and publish legal notice to all the world that we claim and have a valid right to the occupation, possession and enjoyment of all and singular, those certain tracts or parcels of land situated, lying and being in the County of Custer, State of South Dakota for the exclusive right of way for the purpose of constructing a water ditch from Spring Creek for agricultural and irrigation purposes and being more particularly described as follows: Commencing at or near the SW corner of SE1/4 of the NW1/4 Sec. 30 in Tp. 2 S. of R. 10 E. BHM, and running thence in an Easterly course through the said SE1/4 of NW1/4 and SW1/4 of NE1/4 & S1/2 NE1/4 of said Sec. 30 and the NE1/4 of the SE1/4 and thence through the S1/2 of Sec. 29 & 28 all in Tp. 2 S. of R. 10 E. BHM and returned to Spring Cr. in a Southerly direction along the East side of Secs. 28 and 29 TP. 2S. of R. 10 E. BHM and East side of Sec. 4 Tp. 2S. of R. 10 E. BHM. said above described tracts or parcels of land being owned and occupied by the following named persons: J.C. McClelland, Wm.F. McClelland, T.J. Bradford, Hugo Knecht, & E.H. Donaldson. We also claim and have a valid right to the enjoyment and use of 600 inches of water (miners' measurement) to be taken from said Spring Creek at the head of this ditch for agricultural domestic & irrigation purposes, to be conveyed over and through said right of way by ditch and flume to said described East line of Secs. 29 & 28 of Tp. 2 S. R. 10 E. & Sec. 4 Tp. 2 S. of R. 10 E. together with all and singular the appurtenances and hereditaments thereof belonging or in anywise thereat appertaining.

Said Water Right should be known as and called the Spring Valley Water Right. Witness our hands and seals this 5th day of Sept. 1891.

J.C. McClelland

Wm.F. McClelland

I.H. Donaldson

Notice posted at the head of the Ditch Sept. 5th 1891

Work commenced on the Dam at head of Ditch on the 14th day of August 1891:

(See certificate of filing on back)

(NOT CERTIFIED BY THE REGISTER OF DEEDS)

State of South Dakota (S.D. 1891) (S.D. 1891) (S.D. 1891)
County of Custer (S.D. 1891) (S.D. 1891) (S.D. 1891)

This instrument of writing was filed for record on the 10th day of Sept.
A.D. 1891 at 8 o'clock A.M. and duly recorded in book 2 of Placer on page 21.

I.M. Donaldson,
Register of Deeds.

Spring Valley Water Right, located by J.C. McClelland et al
Preemption of Right of Way for Ditch and Water Right.

To whom it may Concern, know ye, that we, J.C. McClelland, Wm F. McClelland and I.M. Donaldson of Custer Co. South Dakota, citizens of the United States over the age of 21 years hereby declare and publish legal notice to all the world that we claim and have a valid right to the occupation, possession and enjoyment of all and singular, those certain tracts or parcels of land situate, lying and being in the County of Custer State of South Dakota for the exclusive right of way for the purpose of constructing a water ditch from Spring Creek for agricultural and irrigation purposes, and being more particularly described as follows: Commencing at or near the SW Corner of SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 30 in Tp.2 S. of R. 10 E. BHM, and running thence in an Easterly course through the said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ & S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Sec. 30 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and thence through the S $\frac{1}{2}$ of Sec.29 & 28 all in Tp.2 S. of R.10 E. BHM and returned to Spring Cr. in a Southerly direction along the East side of Secs. 28 and 32 Tp.2S. of R.10 E. BHM. and East side of Sec.4 Tp.2 S. of R.10 E. BHM. said above described tracts or parcels of land being owned and occupied by the following named persons: J.C. McClelland, Wm.F. McClelland, T.J. Bradford, Hugo Knecht & I.M. Donaldson. We also claim and have a valid right to the enjoyment and uses of 600 inches of water (miners measurement) to be taken from said Spring Creek at the head of this ditch for agricultural domestic & irrigation purposes, to be conveyed over and through said right of way by ditch and flume to said described East line of Secs. 28 & 29 of Tp.2 S. R.10 E. & Sec. 4 Tp.3 S. of R.10 E. together with all and singular the appurtenances & hereditaments thereat belonging or in anywise thereon appertaining.

Said Water Ditch should be known as and called the Spring Valley Water Ditch. Witness our hands and seals this 5th day of Sept. 1891.

J.C. McClelland

Wm.F. McClelland

I.M. Donaldson

Notice posted at the head of the Ditch Sept. 5th 1891.

Work commenced on the Dam at head of Ditch on the 14th day of August 1891.

Seal
COUNTY OF CUSTER
This instrument being read
for 1st time 10th day of Sept.
A.D. 1891 at 5 o'clock P.M.
and recorded in book No. 21
J.M. Donaldson

21

27th day of July 1891

Silva

REPRODUCTIONS. REDUCTION 23 X
FILE NO. 1
DATE MICROFILMED

NOTICE OF TRANSFER OF WATER PERMIT

March 5, 1957

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that J. C. McClelland, Wm. F. McClelland and I. M. Donaldson

their

who previously owned the land described below has sold their interests to Mrs. Iola O'Neill

(through Harold Charles and Others)

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 0281-2

and as provided for in section 61.0141 of the SDC of 1939 and elsewhere SE¹ E¹, S¹ NE¹, and NE¹

SE¹ Sec. 30; W¹ S¹ Sec. 22 all in Twp. 2S, Rge. 10E.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Wagner } ss.

I, Irene O'Neill being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Son of the
owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed Irene O'Neill

Subscribed and sworn to before me this 5th day of March, 1957.

F. J. Engstrom
Notary Public