

WATER RIGHT

Located by

James E. Young

Samuel C. Young

John E. Earnes

December 21, 1889.

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 21 day of December 1906.

Samuel H. Lea
(seal) State Engineer

No. 0483-2

Office of State Engineer
DOCUMENT FILE

Name: *Young, James E., et al*

County: *Custer*

Date: *Dec. 21, 1889*

Filed: *Dec. 23, 1889*

Location: *French Creek*

et al:

*Young, James E.
Young, Samuel C.
Earnes, John E.*

Fairburn Ditch and Water Right. James E. Young et al.

Pre-emption of Right of Way for Ditch and Location of Water, to be known as the Fairburn Ditch and Water Right.

To whom these Presents may Concern: Know ye, that we, James E. Young, Samuel O. Young, and John E. Barnes, of the County of Custer, in the State of South Dakota, Citizens of the United States, do hereby declare and publish as a legal notice to all the world that we claim and have a valid right to the occupation, possession and enjoyment of all and singular, that tract or 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 the Homestead Claim of Miranda Barnes, more particularly described as follows: Commencing at a point on French Creek about 30 rods North of the line dividing Sections 24 and 25 in Township 4 S. Range 7 E. BHM, and about 1 1/2 mile West 1/4 line of Township 4 S. R. 8 E. and being in the SE 1/4 of the SE 1/4 of the above described Section 24 on land owned by one Jacob Mill, running thence in a general SE course over said SE 1/4 of SE 1/4 of said Section 24 thence across the SW 1/4 of Section 19, near the South line thereof, passing into and through the NE 1/4 of Section 30 near the North line thereof, thence into and through the NW 1/4 of Section 29, to the center of said Section 29 Township 4 S. R. 8 E. BHM/ and there emptying into said French Creek; the total length of said ditch being about 2 miles, passing over land owned respectively by Jacob Mill, Patrick Carberry, George Young Senr., James E. Young and Miranda Barnes. We also claim and have a valid right to the enjoyment and use of 800 cubic inches of water from said French Creek; for agricultural, milling and domestic purposes; to be conveyed through such flume or water ditch to the said Homestead Claim of Miranda Barnes, in said Section 29, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: Witness our hands and seals this day of December 1889.

James E. Young (Seal)

Samuel O. Young (Seal)

John E. Barnes (Seal)

Notice posted on the stream December 21st 1889. Ditch commenced at its head Dec. 21st 1889.

State of South Dakota, County of Custer, ss.

On this 21st day of December 1889 before me a Notary Public in and for the County aforesaid in the State aforesaid, personally appeared, James E. Young, Samuel O. Young, and John E. Barnes, to me personally known to be the persons who executed the foregoing written instrument, and they severally acknowledged that they executed the same for the uses and purposes therein set forth. Witness my hand and official seal the day and year last above written.

George C. Sanderson

Notary Public.

Filed for Record this 23rd day of December at 8 o'clock A.M. A.D. 1889

J.E. Pilcher, Register of Deeds