

No. 060-2

Office of State Engineer
DOCUMENT FILE

Name: Capt. Frank

County: Custer

Date: April 21, 1900

Filed: May 9, 1900

Location: Spring Creek

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CERTIFIED COPY

TO BE KEPT IN THE OFFICE OF THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

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COPY.

Preemption of Right of Way for Ditch and Location of Water.

To whom these presents may concern, Know ye that I, Frank Carle of the County of Custer in the State of South Dakota, 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 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 Spring Creek to the East line of the NW1/4 or the E. line of the SE1/4 S. 11 T. 3 three R 10 E. B.H.M., more particularly described as follows:-

Commencing at a point on the lands owned by August Peterson on said Spring Creek near the SW corner of the NW1/4 of Section three (3) S. of Range 10 E. B.H.M. and running thence Southerly through the SE1/4 of the NW1/4 of said Section (3) three, thence across the NW1/4 of the SW1/4 of said section three (3). thence south westerly across the NW1/4 of SE1/4 of said section (3) three thence across the NW corner of SE1/4 of SE1/4 of said section three (3) thence across the SE1/4 of the SE1/4 of said section three (3), thence S. Easterly, NW1/4 of NW1/4 of S (11) E. B.H.M. The lands over and through which said flume and water ditch is to be constructed are owned by August Peterson, Emmett Bradford, and said Frank Carle and in part public domain vacant and unclaimed.

I also claim and have a valid right to the enjoyment and use of five hundred (500) inches of water from said stream (Spring Creek) for agricultural and domestic purposes to be conveyed such flume or water ditch to the said East line of SW1/4 of SW1/4 of NW1/4 of section 11 Township three (3) South of Range 10 E. B.H.M. together with all and singular hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 21st day of April 1900.

Frank Carle (Seal)

Notice posted on stream April 20th 1900

Subscribed and sworn to before me this 24th day of May 1900

(Seal) Michael Barry
Notary Public

State of South Dakota (ss.
County of Custer

This instrument of writing was filed for record on the 24th day of May A.D. 1900 at 8 o'clock P.M. and duly recorded in book nine of Placer and Water Rights on page 520,

R.W. Windsor,
Register of Deeds.

WATER RIGHT.

Located by

Frank Caple

April 21, 1900.

CUSTER COUNTY.

Spring 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 in Pierre, State of South Dakota, this 23rd day of April, 1900.

Samuel H. Lea

(seal)

State Engineer.