

Copy

No. 115-1

Water Division No. 1 Moreau River Water District
(Blanks to be filled by the State Engineer.)

APPLICATION FOR A PERMIT To Appropriately Water Within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant: Edward Bippert, Transferred to W¹ Macaulay - 4-19-61
Postoffice address: Ada, County Perkins, State South Dakota

- i. If a corporation: _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors: _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Direct Labor
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion works The Bippert Diversion Works

3. Quantity of water claimed 2 cubic feet per second during the entire year

4. Source of water supply Brushy Creek

5. Location of point of diversion S $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 26, Tp. 15 North, Range 14 East
Black Hills Meridian on both bank
(Right or left bank looking down stream.)

6. Annual period during which water is to be used Entire Year

7. To be used for:

i. Irrigation or domestic use: Irrigation only

- (a) Number of acres to be irrigated 40 acres. S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 26, Tp. 15 N.
- (b) Legal subdivisions to be irrigated Range 14 E. B. H. M.

NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here or may be appended as a part of this application. Same must also be shown on accompanying map.

(c) Statement as to domestic use (giving location, etc.) _____

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use _____
- (b) Amount of power to be generated _____ horse power
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

3. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures..... \$..... Total, \$ 800.00

3. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Two dams for flooding, one main irrigation ditch, one flume, one headgate.

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope of front (water) face.....; slope of back face.....; material used in construction

(b) Reservoir; Capacity when filled..... 50acre feet. Surface area at highwater mark..... 26acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET- ACRES	CAPACITY-- ACRE- FEET

(c) Head gate: Width 6" iron pipe.....feet; height.....feet; Material.....

(d) Canal: Total length 0.549.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At mile	..... feet	..... feet	..... feet	..... feet
At mile	..... feet	..... feet	..... feet	..... feet
At mile	..... feet	..... feet	..... feet	..... feet
At mile	..... feet	..... feet	..... feet	..... feet
At mile	..... feet	..... feet	..... feet	..... feet

[Give dimensions where reductions in size are made.]

10. Time required for completion of work..... 3years

11. Time required for complete application of water to the proposed beneficial use..... 3years.

12. Choice of newspaper for publication of notice of intention to appropriate.....
The Faith Gazette, Faith, South Dakota.

STATE OF SOUTH DAKOTA }
 County of Perkins }

I, Alfred S. Tubbs,....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of engineer....., that I have read the above and

(owner, manager or engineer)
 foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Alfred S. Tubbs.....

Subscribed and sworn to before me this 19th day of March.....1913.

(S E A L)

Oscar H. Sampson
 Notary Public (or other qualified officer.)

PLAT OF DESERT CLAIM

NO. 06523

Owned by **EDWARD DIPPERT**, Ada, South Dakota,

Description- $5\frac{1}{2}$ of NE $\frac{1}{4}$, $5\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 26, Tp 15 N,

Range 14 East, Black Hills Meridian

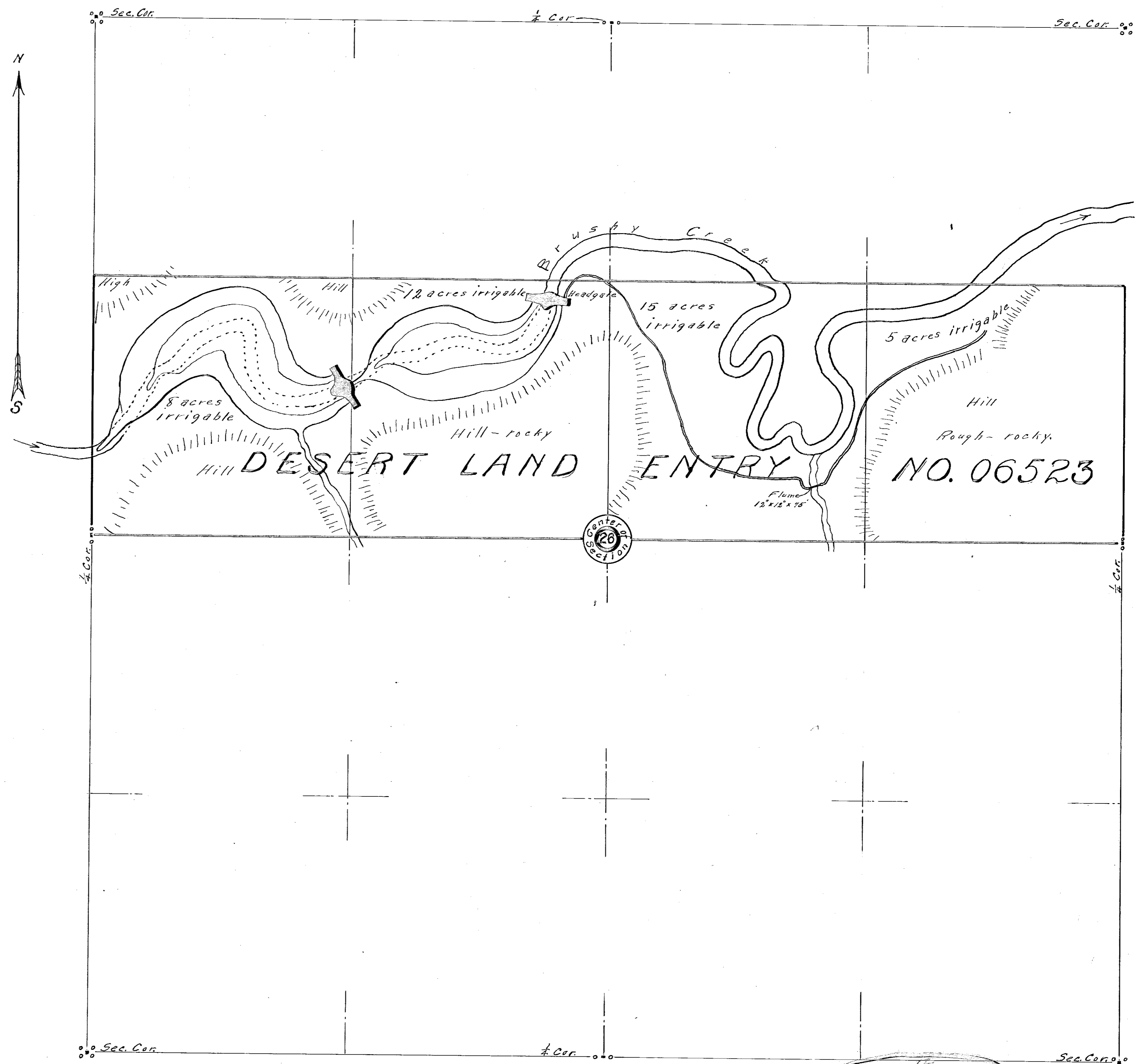
Area - 160 Acres.

Points of Diversion - In SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$

of the above lands, on both banks
of Brushy Creek.

Amount of water required - 2 cubic feet per sec.

Amount of land irrigable - 40 acres



State of South Dakota, }
County of Perkins. } s.s.

I, Alfred S. Tubbs, being sworn upon my oath say that I am the engineer who was employed by Edward Dippert to survey his Desert Claim as shown upon this plat, that the survey and map thereof were made by me and under my direction, that the map was made for the purpose of being filed with the State Engineer at Pierre, South Dakota in order to obtain a Water Right on Brushy Creek as shown hereon, that I know of my own knowledge that the statements hereon made are true.

Sworn to and subscribed before me this 13th day of May 1912.

Alfred S. Tubbs
Deputy State Surveyor

L. S. McHenry
Notary Public

Approved July 5, 1913.
Homer M. Dew,
State Engineer.

Scale of map - 1 inch = 300 feet.

WR 115-1
115-1

RECEIVED
MAR 21 1913
OFFICE OF STATE ENGINEER
SOUTH DAKOTA

Remarks by State Engineer:

This application is for the right to appropriate and divert a portion of the waters of Brushy Creek at a point herein designated for irrigating the lands herein described. The point of diversion and the lands to be irrigated are situated in Perkins County. The diversion is to be made from channel by means of dams and ditches.

STATE OF SOUTH DAKOTA }
County of Hughes } ss

Pierre, South Dakota, July 7, 1913

This is to certify that the foregoing application was received at this office at 9 o'clock a m. upon the 21 day of March 1913 and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on June 20, 1913.

Harner M. Dett
State Engineer.

Number of permit 115-1 By Deputy
Date of first receipt of application March 21, 1913
Date of return to applicant for correction 190
Date of receipt of corrected application 190
Date from which applicant may claim right March 21, 1913

Approved July 7, 1913, Recorded in Book 2 Page 230 & 231

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions.

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 7, 1915.

2d. The whole of said work is to be completed on or before July 7 1916

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 7 1916

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed -2- cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before July 7, 1916; said water to be used during the following described annual periods.

During the entire year.

Witness my hand this 7 th day of July, 1913
Harner M. Dett
State Engineer.

By Deputy

Water License issued Feb. 2, 1914.

Copy

No. 115-1

Division No. 1

Moreau River Water District

PERMIT

to appropriate water from Brushy Creek

Perkins County, South Dakota

Name of applicant Edward Dippert

Name of diversion works The Dippert Diversion Works

Date of first receipt at office of State Engineer March 21, 1903

Returned to applicant for Correction 190

Corrected application received 190

Date of water right March 21 1903

Recorded in Book 2 Page 230-231
One-fifth of work to be completed January 7 1915

Whole work to be completed July 7 1916

Final proof of use of water July 7, 1916

Approved July 7, 1903

Homer M. Derr
State Engineer.

By _____ Deputy

STATE OF SOUTH DAKOTA
COUNTY OF PERKINS
I, _____
forgoing order was made to
complete the work to be done
it is hereby ordered that the
work be completed by the
date of first receipt at the
office of the State Engineer
at Perkins, South Dakota
this 7th day of July, 1913.
Homer M. Derr
State Engineer.

Copy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 115-1

WHEREAS, On the 21st day of March A. D. 1913 Edward Dippert

of Ada County of Parkian and State of South Dakota duly made application (No. 115-1) to me for a permit to use 3 cubic feet per second of the waters of Brandy Crank County of Parkian State of South Dakota, for irrigation purposes; and

WHEREAS, On the 7th day of July A. D. 1913

Permit No. 115-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th day of July A. D. 1913 and for the application to beneficial use of said water on or before the 7th day of July A. D. 1913 and

WHEREAS, On the 2nd day of February A. D. 1914

the holder of said permit duly made proof of the completion of adequate works for the diversion of 3 cubic feet per second of said waters, as evidenced by my Certificate No. 115-1 dated January 24, 1914 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2 cubic feet per second of water, with date of priority of March 21, 1913 and

WHEREAS, On the 2nd day of February A. D. 1914

proof was duly made of the application to beneficial use of 3 cubic feet per second of said water;

For irrigation of SE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4 of Section 26, Township 15 North, Range 14 East, R. H. M. comprising a total of 160 acres

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Edward Dippert of Ada the holder and owner of said permit No. 115-1 a water right, dating from March 21, 1913 to the use of -2- cubic feet per second of the waters of Runhy Creek in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the purposes hereof below mentioned, to be diverted at a point located on the south half of the Northwest Quarter of Section 36, Township 15 North, Range 14 E. B. H. M. and conducted to and upon the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Twp. 15 North, Range 14 E. B. H. M.

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community custom, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, my hand and the seal of my office at Pierre, South Dakota, this 2nd day of February A. D. Nineteen Hundred and Fourteen.

(S E A L)

Homer M. Derr

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 115-1

To Edward Digrant

Ada, S. D.

Source of Supply Brushy Creek

Perkins County

Am't -2- Sec. Feet

Point of Diversion S¹ NW¹ Sec.

25 T. 15 N. R. 14 E.

Place of Use N. NW¹ & S. NE¹

Sec. 26, Tp. 15 N. R. 14 E.

Purpose Irrigation

Date of Priority March 21, 1913.

Recorded February 3, 1914

in Book 2 of Record Page 230-231

Form No. 33

Permit No. 115-1

NOTICE OF TRANSFER OF WATER PERMIT

April 5, 1961

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

This is to notify you that

Edward D. Duggan sold to E. H. Birdwell
who sold to Don White, Don & May White
then
who previously owned the land described below has sold his interest to Wm. Macauley
Meadow Lake - Cash Lake, November 1, 1960

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 115-1
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

S. 1/4 NW 1/4 - 26 T 15 N - R 17 from Bureau Creek
recorded in Book 39 A page 340 and 39 A page 349

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 65.1803 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Perkins

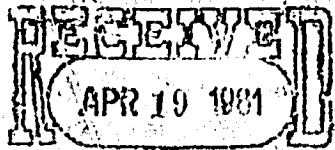
I, Wm. Macauley being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed Wm. Macauley

Subscribed and sworn to before me this 5th day of April 1961

[Signature]
Notary Public F. E. Nelson

My commission expires Sept. 2, 1966



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 113

Water Division No. 1, Bureau of Reclamation, Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 10, 1908, I have this day made a thorough examination of the diversion works constructed by Edward Dippert, of Ada, South Dakota, Parkins County, South Dakota, holder of permit No. 113, issued upon application No. 113, bearing date of priority of May 10, 1908, authorizing the diversion of second feet of the waters of Brushy Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Two dams, one main irrigating canal, one flume.

and the system is in the following condition: In proper shape to irrigate and make use of the required amount of water.

The point of diversion is located South half of the Northwest Quarter of Section 26, Township 15 North Range 14 East, Black Hills Meridian

The works are capable of diverting and conveying to the place of use 3 second-feet of water, which is to be used for irrigation.

The legal sub-divisions to be irrigated are: SE 1/4 of NE 1/4, SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, SW 1/4 of NW 1/4 of Sec. 26, Tp. 15 North Range 14 East, B. H. M., comprising a total of 160 acres of land.

The domestic use intended comprises None.

The utilization for power, mining, or other beneficial uses comprises: None.

Witness my hand, this 25th day of November, A. D. 1914

Alfred Tubbs, Examining Engineer.

Permit No. 115-1
River
Water Div. No. 2, ... Moran, Water Dist.

Certificate of Examination
of Works

Dated Jan. 24 1914

Stream Brushy Creek

County Pedernis

Amount 2 - 1 Second Feet

Date of Priority Mar. 21 1913

Recorded in Book 2 Page 229-231

Filed in the office of the State Engineer this

2 day of Feb A. D. 1914

Home M. Orr
State Engineer

By _____ Deputy

RECEIVED

FEB 2 1914

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

OFFICE OF STATE ENGINEER

FEB 2 1914
PIERRE, S. DAK.

Permit No. 115-1

Water Division No. 1, Fortuna River Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Edward Dinnort, Ada, South Dakota, Ranchman, Ada, D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 115-1, Mar. 21, 1913, Mar. 21, 1913.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Brushy Creek, In South Half of Northwest Quarter of Section 26, Township 15 North, Range 14 East, Black Hills Land-Per.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Two dikes, one main irrigating canal, one flume. Dam No. 1 is for flooding a portion of the land and diverting water into the main irrigating canal. Dam No. 2 is for backing the water or flooding a portion of the westerly end of the claim.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. For irrigation only.

SE 1/4	of NE 1/4	of Sec. 26	- amount irrigated	5 acres
SW 1/4	"	"	"	30 "
SE 1/4	"	"	"	12 "
SW 1/4	"	"	"	10 "

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. -----

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One acre foot for each acre irrigated

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 1911, 1912 and 1913 from April to June. By flooding and back-water, enough to irrigate thoroughly the land irrigable.

(Sign.) *Edward D. Pratt*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Laramie, County of Perkins

State of South Dakota, on this 24th day of January, A. D., 1914

Albert H. [unclear]
Notary Public
S. D.

Permit No. 115-1

**Proof of Application of Water to
Beneficial Use.**

DEPOSITION OF HOLDER.

Amount of water - 2 - second feet

Source Bushy Creek

County Perkins

Purpose Irrigation

Place of Use 7

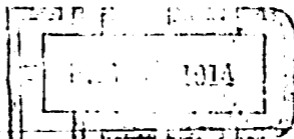
RECEIVED

FEB 2 1914

Date of priority Mar. 21, 1913

**OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.**

OFFICE OF STATE ENGINEER



Received and filed PIERRE, - S. DAK.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Meade } ss
Frank G. King being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the
Faith Gazette a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
town of Faith County of
Meade and State of South Dakota,

That the said notice was published in said newspaper on the
 following dates:

May 1st, 1913, May 8, 1913,
May 15, 1913, May 22, 1913, May 29, 1913
 in each and every issue of the full number thereof, the first
 publication being made on the 1st day of May
 1913 and the last publication on the 29th day of
May 1913, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was the the printer and publisher of
 the said newspaper.

Frank G. King

Subscribed and sworn to before me this 31st day of May A. D. 1913.

R. M. Rader
 Notary Public Meade County, S. D.

(First Publication May 1st, 1913.)
 Appropriation of Water.
 No. 115-1
 Office of State Engineer,
 Pierre, S. D., April 21, 1913.
 Notice is hereby given that Edward Clippert
 whose post office address is Ada, Perkins Coun-
 ty, S. D., has made application in accordance
 with the provisions of the Irrigation laws of
 South Dakota for a permit to appropriate for
 beneficial use 1 cubic feet of water per second
 of time from Brushy Creek through the Dip-
 port Diversion Works, the point of diversion
 of which is to be located upon both banks of
 said stream in the S/4 of the NW 1/4 of section
 27, township 15 n., range 11e, said water to be
 used for the purpose of irrigation upon the S/4
 NW 1/4 and S/4 NE 1/4, Sec. 28, Twp 15 n., Rge 11 e
 1/4 NW 1/4. This application will be taken up by
 the state engineer at his office at Pierre for
 consideration and appropriate action upon the
 27th day of June 1913, at 9 a. m., at which time
 all persons who believe that the prior rights
 would be injuriously affected, or that the
 allowance of the permit would be detrimen-
 tal to the public welfare, and also parties
 making the application, and to be benefited,
 are notified to be present either by word of
 mouth or in person for the purpose of pre-
 senting any relevant testimony.
 Homer M. Derr,
 State Engineer.

RECEIVED
 JUN 6 1913
 OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.