

No. 1701

OFFICE OF STATE ENGINEER
DOCUMENT FILE

Division of State Engineer's Dist.

Name of Applicant - J. L. S.

Gilbert

Name of Division - South

Gulch Reservoir and Direct Ditch

Date of First Receipt - April 15, 1907

Location of point of diversion - N.

Let through dam in center of

channel bears N. 1918' E. 139.2 ft

from the car to Sec. 6, 2, 11, 12, T. 6 N.,

R. 2 E. G. & M.

Beneficial Use - Irrigation

Approved - June 19, 1907

Recorded in Book - 1, page 31

Remarks - Land to be irrigated

are in Sec. 1, T. 6 N., R. 2 E. G. & M.

and Sec. 6, T. 6 N., R. 3 E. G. & M. West

of stream, Gilbert's South

Gulch.

Witnessed and dated -

September 15, 1907

Original location notice
Permit No. 14064....

Water Division No. 1.....Grand 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. Frank M. Gilbert, Buffalo, Harding County, S. Dakota, Merchant,
Buffalo, S. Dakota.

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 appealing in its behalf.

Ans. I am the original appropriator.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit. Preemption of right of way and location of water notice, naming
Ans. 1009, miners inches. Posted on stream Oct. 14, 1901. Recorded book 7
Page 461. No. 14064. on Oct. 14, 1901.

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

Ans. Falkner Creek, a dry watercourse tributary to Grand River. Drainage
area above dam, 4.5 sq. mi.; S. 57° 58' W. - 1178.9 ft. from 1/4 S. Cor. Secs. 21 & 22,
T. 18 N. R. 4 E. B. H. M.

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. a storage reservoir, area 13.6 ac. capacity 47.65 ac. ft. Ditch 7 ft.
wide on water line, 5 ft. wide on bottom, 1.7 ft. deep, grade 5.3 ft. pr. mile.
capacity 5.7 sec. feet. Falkner Creek reservoir and Ditch.

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 of desert lands in Section 22, T. 18 N. R. 4 E. B. H. M.
as follows: NW 1/4 NE 1/4 26.43 acres; NE 1/4 NE 1/4 40.0 acres; SE 1/4 NE 1/4
21.44 acres; SW 1/4 NE 1/4 2.0 acres; NE 1/4 SE 1/4 5.78 acres. total
95.65 acres.

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. 192 ac. ft. or enough to keep canal running full for 15 days of
24 hours. equals 1 sec. ft. for 70 acres or 1.37 sec. ft. for 70 days.

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. I am the original appropriator.

February 3, 1931

H. G. McCoid
Harding, S. D.

Dear Sir; RE: Water Right No. 14-1

Upon writing Mr. Clyde C. Gilbert who originally applied for the above designated water right, he informs us that you are now the owner of the property carrying this right.

Will you please, therefore, reply as accurately as possible to the enclosed questionnaire and return to this office at your earliest convenience.

We are desirous of securing the requested information for statistical purposes and so that this office may be of further use to water users of the state.

Your cooperation will be sincerely appreciated.

Very truly yours,

Charles A. Trimmer
STATE ENGINEER

MB

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

Ans. Water in sufficient amount to thoroughly irrigate the tract as hereinbefore set forth has been applied each year during the irrigation period, since 1904. Irrigated grasses and cultivated crops have been successfully grown on the tract by irrigation during that time.

(Sign.)

H. M. Kibbutz

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 Buffalo County of Hotchkiss State of South Dakota, on this 6th day of Dec A. D. 1907.

[Signature]
Notary Public
my Comm. expires Jan 1 1913

Original Location Notice

Permit No. 14004

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water 5.7 second feet

Source Palmer Creek

County Harding

Purpose Irrigation

Place of Use NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22,

Township 18 N., Range 1 E., B.H.

Date of priority October 14, 1901

FILED
FEB 11 1910

SAMUEL H. LEA, State Engineer.

Received and filed February 11, 1910.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Butte

ss

Ernest being duly sworn, deposes and says the annexed printed copy of Notice

Intention to appropriate Water was taken from the Belle Fourche a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Belle Fourche County of Butte and State of South Dakota,

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

May 2, May 9, May 16 and May 23, 1907

in each and every issue of the full number thereof, the first publication being made on the 2nd day of May 1907 and the last publication on the 23rd day of May 1907, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Ernest the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 27 day of May A. D. 1907

G. J. [Signature]
Notary Public Butte County, S. D.

APPROPRIATION OF WATER.
Office of the State Engineer.

Pierre, S. D., April 20, 1907.
Notice is hereby given that Clyde C. Gilbert whose postoffice address is Harding, Butte County, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use two cubic feet of water per second of time from Gilbert's south gulch through the Gilbert ditch, the point of diversion of which is to be located upon the right bank of said stream in the ne 1/4 of the sw 1/4 of section 1 township 16 N range 2 E. R. 11. M. said water to be used for the purpose of irrigation upon the ne 1/4 sec 1, twp. 16 N. R. 11 E. lot 1 and ne 1/4 sec 6, twp. 16 N R. 11 E. M.
This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 19th day of June 1907, 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 detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

5-2-41

SAMUEL H. LEA,
State Engineer.

RE WATER RIGHT NUMBER 14-1

Clyde C. Gilbert, Harding, S.D.

1. Do you now own the lands to be irrigated, or if for industrial purposes, the property, as listed in your original water right application?

~~YES~~

NO I do not.

2. If you are not at present the owner of the land to be irrigated, or other property listed in the original application, please give name and address of the present owner.

H G McCoid, Harding, So. Dakota.

3. How many acres did you irrigate during the

1930 crop season? _____ acres.

1929 crop season? _____ acres.

1928 crop season? _____ acres.

4. If your original application was for industrial or domestic purposes, was the water used in substantially the amount and for the purpose stated in the application during the years 1928, 1929, and 1930?

5. If the distribution of water, or the use of water by others, has been unsatisfactory in any manner, please write your objection in full on back of this sheet, or use separate sheet if necessary.

While I owned the property I made satisfactory use of the
water, very Satisfactory. It is my impression that Mr McCoid has
had the same experience since.

Very Sincerely,

SIGNED,

Clyde C. Gilbert

Dr C C Gilbert.

(OVER)

address now Salem Oregon, 216 Oregon Bldg.

Form 20.

Water Division No. 1 Little Missouri Dist. Permit No. 125

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Deposition of Appropriator

----- 0000000000000000 -----

Ques. 1- State your name, residence, occupation and post office address.

Ans. Clarence C. Gilbert; ranch near Harding; farmer;
Harding S. Dakota

Ques. 2- If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same and your authority for appearing in its behalf.

Ans. _____

Ques. 3- State number and date of permit, amount of water you are authorized to divert, source and point of diversion.

Ans. Permit No. 14; April 15, 1907; 2.0 sec. ft; Gilbert's South
Gulch; a point N 19° 18' E. 1397.7 ft. from Cor. to Secs. 12, 11 & 12. T. 16 N. R. 2 E.

Ques. 4- State purpose for which water is used, if for irrigation, give area and legal description of lands irrigated.

Ans. Irrigation; 145 acres, N 25° 56' Sec. 1 T. 16 N. R. 2 E. and Lot 6
and NE 1/4 SW 1/4 Sec. 6 T. 16 N. R. 3 E. B. H. M.

Ques. 5- Give date and extent of first application of water to a beneficial use.

Ans. November 3, 1908. 3 or 4 acres were thoroughly
irrigated.

Ques. 6- State the extent of the use of this water thereafter.

Ans. No water in reservoir for further irrigations.

Ques. 7- What general system of irrigation is used; number, duration and extent of each irrigation and time of each irrigation with relation to plant growth.

Ans. Flooding from small distributing ditches supplied
by laterals;

Form 20-Page 2.

Ques.8-State the average amount of water per acre used on each crop per season.

Ans. _____

Ques.9-State the kinds of crops irrigated, area devoted to each crop, number of seasons irrigated, and average yield per acre.

Ans. _____

Ques.10-State separately, the total area cultivated; in natural meadow and at present under irrigation.

Ans. 280 acres cultivated. 117 acres of meadow and 3 acres at present under irrigation.

Ques.11-State the character of the soil and the topography of the fields as relating to the distribution of water thereon.

Ans. Light loam with hardpan subsail. Gentle slope to east permits easy distribution of water.

Ques.12-If any part of the irrigated tract is affected by sub-irrigation or natural flooding from adjacent streams, state the acreage of the tracts affected and the affect on agriculture.

Ans. None sub-irrigated or overflowed.

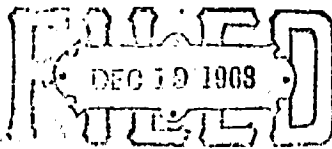
Ques.13-What is your estimate of the minimum quantity of water required per season to thoroughly irrigate, so as to make cultivation profitable, each of the crops grown upon this tract?

Ans. About 1 1/2 acre feet per acre.

(Sign here) Olud. C. Gilchrist.

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 the said testimony was subscribed and sworn to before me at _____ County,

S. Dakota, on the _____ day of _____ 1908.



SAMUEL H. LEA, State Engineer.

STATE OF SOUTH DAKOTA, } ss
COUNTY OF HUGHES. }
OFFICE OF STATE ENGINEER.

Filed for record this 19th day of
December A. D. 1908
at two o'clock P.M. and recorded in
Book _____ on page _____

Samuel H. Lea
STATE ENGINEER.

By _____
DEPUTY.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 14-1

WHEREAS, On the Fifteenth day of April A. D. 1907,
OLYMPIA GILBERT
of Harding County of South Dakota and State of
South Dakota duly made application (No. 14) to me for a permit to use Two
cubic feet per second of the waters of Gilbert's South Gulch
County of Lincoln State of South Dakota, for irrigation
purposes; and

WHEREAS, On the Nineteenth day of June A. D. 1907,
Permit No. 14 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the Nineteenth day of
December A. D. 1908 and for the application to beneficial use of said
water on or before the Nineteenth day of December A. D. 1908
and,

WHEREAS, On the Fifth day of August A. D. 1909,
the holder of said permit duly made proof of the completion of adequate works for the diversion of Two
cubic feet per second of said waters, as evidenced by my Certificate No. 14
dated August 3, 1909 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use Two cubic feet per second of water,
with date of priority of April 15, 1907 and,

WHEREAS, On the Sixteenth day of September A. D. 1909,
proof was duly made of the application to beneficial use of Two cubic feet per second of
said water;

The water was applied for irrigation to about 25 acres of oats
on N¹ SW¹ Section 1, Township 10 N., Range 3 E. B.H.M. Also 1 acre
of potatoes were thoroughly watered three different times. Also some
10 acres of meadow located on Lot 6, Section 8, Township 10 N.,
Range 3 E. B.H.M.

STATE OF SOUTH DAKOTA

Water License No. 54-41-1000

To CLYDE C. EDWARDS

Source of Supply

~~WINTERFELD SOUTH BRITAIN~~

----- City ----- County

Am't Sec. Feet

Point of Diversion, outlet through
dam in center of channel
between N. 1st St. and N. 2nd St.
from Col. 16 - Cor. 1, N. 1st St.

Place of Use: W. 2nd St. N. of
1st St. N. Lot 6 and 11 of
Block 1, 1st St. N. of

Purpose: ~~information~~.....

Date of Priority Aug 11 1964

Recorded... June 10, 1907

in Book 1 of record Page 31

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 CLAYTON C. OTT

of Harding the holder and owner of said permit No. 16

a water right, dating from April 15, 1907 to the use of TEG

cubic feet per second of the waters of Gilbert's South Gulch

in the County of Luttrell and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at Outlet through dam in center
of channel bears N. 10° 18' E. 1307.2 ft. from the cor. to Sec. 1 N. 12 and
18, T. 16 N., Range 3 E. B.H.M.

and conducted to and upon N. 1 of SW 1, Section 1, Township 16 N., Range 3 E. B.H.M.
Lot 8 and NW 1/4 of SW 1, Section 1, Township 16 N., Range 3 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 customs, 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 18th day of September A. D. Nineteen
Hundred and Nine

State Engineer.

Permit No. 14

RECEIVED

NOV 27 1908

CERTIFICATE OF INSPECTION OF WORKS. OFFICE OF STATE ENGINEER.
PIERRE, S. DAK.

To the State Engineer, Pierre, S. D.

This is to certify that Charles E. Gilbert of 4011of Harding County of Butte, and State of South Dakota, the holder of Permit No. 14, issued upon Application No. 14, bearing date of priority of April 15, 1907authorizing the diversion of Two second foot of the waters of Gilbert's South Gulch County of Butte State of SouthDakota, at a point in center of channel - N. 19° 18' E. - 1397.2 feet from
the corner Sec. 12. 11 & 12. T. 16 N. R. 2 E. B. H. M.for irrigating purposes,has fully complied with the provisions of the laws of the State of South Dakota relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0second-foot of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N. 3 E. Sec.1. T. 16 N. R. 2 E. and Lot 6 and N. E. 1/4 Sec. 6.T. 16 N. R. 3 E. B. H. M. containing 154.11 acres.145. acres of which are to be irrigated.Witness my hand this 20th day of November A.D. 1908Carl Adams.

Engineer.

RECEIVED

OCT 30 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

CARL C. ADAMS
IRRIGATION ENGINEER
CAMP CROOK, S. D.

NOTICE OF PROOF OF COMPLETION OF WORKS

(This blank must be filled out by the holder of the permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for the completion of the works.)

P.C. Harding, S. Dak.

Date Oct. 27, 1908.

TO THE STATE ENGINEER OF SOUTH DAKOTA, Pierre:

Dear Sir:-

Notice is hereby given that at 9 A.M. on the 20 day of November, 1908, at Harding County of Butte and State of South Dakota, before Carl C. Adams, proof will be submitted of the completion of works for the diversion 2 second feet of the waters of Gilbert's South Gulch in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of South Dakota.

1.- The name of such person or corporation holding such permit is Clyde C. Gilbert.

2.- The post office address of such person or the place of business of such corporation is Harding County of Butte South Dakota.

3.- The number of such permit is 14, and the date set for the completion of such work is Dec. 19th, 1908.

4.- Said water to be used for Irrigation purposes.

5.- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2 Cu. Feet per second.

6.- The amount of lands for which said water is available is 160 acres across, particularly described as follows:-

N 1/2 S E 1/4 Sec. 1; T 16 N. R. 2 E.; Lot 6 &
N E 1/4 S 2 R. Sec. 6, T. 16 N. R. 3 E. B. H. M.

more than 50 cubic feet of water per second, the following certificate must be obtained by the applicant from the local water company and divert I hereby certify that the facts set forth in the above notice are true.

Clyde C. Gilbert.
Applicant.

Notice of Proof of Completion of Works
Permit No. 14

Permit No. 14Water Division No. 1 Little No. Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. Clyde C. Gilbert, Harding, S. Dak.
I (am) am a rancher.

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 first use you propose to establish under the permit.

Ans. No. 14 April 15th 1907.

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

Ans. Surface drainage collected in an
inflow in Gilbert's South Gulch and carried
by ditch from same north 1901/8. 137.2 ft. from N. 20° E. Sec. 1, 2, 11, T 12, R 16
W 2 E. B. 49 N.
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. A dam 75 ft long 12 ft high
will carry 12 cubic feet of water per second time.
This dam is faced with stone from end to end
and is in first class condition.

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. Irrigation: I irrigated about 25 acres of oats
on N. 20° E. Sec. 1, T 16 R 16 W 2 E. B. 49 N. Also 1 acre
of potatoes were thoroughly watered 3 different times.
Also some places in meadows located on
East side, Sec. 6 T 16 R 16 W 2 E. B. 49 N.

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

Ans. _____

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

Ans. About 1/2 acre foot per acre.

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. On July 18th / 19th 1909 about 36 Acres of grain potatoes & hay meadow were thoroughly watered and small potato area were watered several times at intervals of a week after that.

(Sign.)

Oliver C. Gilbert.

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

Stordung, County of Stordung, State of South Dakota, on this 18th day of September, A. D., 1909.

O. O. Stokes

Notary Public

My commission expires April 1st 1912

Permit No. 14

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water Two second feet

Source Gilbert's South Gulch

County Butte

Purpose irrigation

Place of Use N $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1, T. 16

N., Range 2 E. B. H. M.; Lot 3 and

NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 8, T. 16 N., Range
3 E. B. H. M.

Date of priority April 15, 1907

FILED
SEP 16 1909
FILED
SAMUEL H. LEA, State Engineer.

Received and filed Sept. 16, 1909.

Permit No. 14.....

Water Div. No. 1 Little Missouri Water Dist.

Notice of Application of Water.

FILED
AUG 5 1909

SAMUEL H. LEA, State Engineer.

Received August 5, 1909.

Date of Proof August 5, 1909

Place Harding

Notice sent to Clyde C. Gilbert

RECEIVED

AUG 5 1909

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

March 15th, 1937,

Messrs Stokes & McCoid,
Harding, South Dakota.

Attention: Mr. H. G. McCoid:

Gentlemen:

Replying to your letter of March 8th, 1937, we have looked up the records of water rights for Oliver O. Stokes and Clyde C. Gilbert. The right of O. O. Stokes is dated July 4th, 1904. This is before the present statute was enacted and is a claim to use 500 inches of water.

The question as to whether or not this right is still in effect would depend upon whether or not the right has been in continuous use or has not been abandoned according to Section 8245 of the Compiled Laws of 1929 which states that "When any person entitled to the use of appropriated water fails to beneficially use all or any part of such water for the purpose for which it was appropriated for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water". If the right has complied with the above section a sworn written statement to that effect would doubtless establish the right at the present time.

In the case of Clyde C. Gilbert, I find in the records Water License #14 dated April 15th, 1907, for the use of two cubic feet per second for irrigation purposes. The same will hold true of this right relative to compliance with Section 8245 as given above.

Very truly yours,

DEAN W. LOUCKS,
State Engineer.

DWL:FMH

RECEIVED
FEB 22 1931

RE WATER RIGHT NUMBER 14-1
H. G. MCCOYD (APPLIED FOR BY CLYDE C. GILBERT)

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

1. Do you now own the lands to be irrigated, or if for industrial purposes, the property, as listed in your original water right application?

YES

~~NO~~

2. If you are not at present the owner of the land to be irrigated, or other property listed in the original application, please give name and address of the present owner.

Owner of the land

3. How many acres did you irrigate during the

1930 crop season? 20 acres.

1929 crop season? 20 acres.

1928 crop season? 20 acres.

4. If your original application was for industrial or domestic purposes, was the water used in substantially the amount and for the purpose stated in the application during the years 1928, 1929, and 1930?

Yes

5. If the distribution of water, or the use of water by others, has been unsatisfactory in any manner, please write your objection in full on back of this sheet, or use separate sheet if necessary.

Every thing has been satisfactory

muskrats have dug thru dam and will have to be repaired,

yet can use water satisfactory as it is, as we ditch it

on land.

SIGNED,

H. G. McCoyd

(OVER)

Handing J. D.

Form 21.

Water Division No. 1 Little Missouri Dis' ct. Permit No. 14.

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Deposition of witness.

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(The deposition of two witnesses, taken separately on this form is required in each case.)

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Ques. 1- State your name, age, residence, occupation and post office address.

Ans. - Roy Ostrander; age 31 years; Ranch near Harding;
Granger; Harding, S. D. State

Ques. 2- Are you acquainted with Charles E. Gilbert, the holder of permit No. 14, authorizing the diversion of 2.0 second-feet of the waters of Gilbert's South Gulch at a point designated in permit for irrigating purposes? How long have you known him and where does he reside?

Ans. - Yes; 17 years; Harding, S. D. St.

Ques. 3- Have you read or heard read said permit No. 14, and are you familiar with its terms and conditions?

Ans. - Yes.

Ques. 4- Do the works of diversion, as at present used, comply with the terms of the said permit? If not, state in what particulars the works do not conform.

Ans. - Yes.

Ques. 5- (If for irrigation) Are you acquainted with the irrigated ^{lands} under this system? If so, give legal description of same, and the acreage irrigated.

Ans. - Yes; N²SE⁴ Sec. 1, T. 16 N. R. 2 E. and Lot 6 and NE⁴ SW⁴ Sec. 6, T. 16 N. R. 3 E. B. H. M. of which 3 or 4 acres have been irrigated.

Ques. 6- When did you first see water applied to this land?

Ans. - November 3, 1908.

Ques. 7- Has the water been applied regularly at the proper times since then?

Ans. - No water in reservoir for further irrigation.

Ques. 8- State to the best of your knowledge what crops have been grown, the area devoted to each, the yield per acre and the amount of water used for each.

of this stream into the courts and it would be found and demonstrated that there were older appropriators who were entitled to a portion of this water. Ordinarily the claims of this prior appropriation should have been presented at the time of the hearing of the original application, but if continuous use of this water was not being made or the flow of the stream fluctuates or for any reason the rights of the older appropriation were not established at the time of hearing the original application, are final certificates of appropriation to be issued on this stream system without knowing what relation they bear to the older claims? It appears to me that in case such prior rights were finally established in the courts, it would discredit the certificates of appropriation issued on such proofs and before an accurate knowledge of the water supply of a stream and a complete understanding of the status of all prior appropriations were in the hands of the State Engineer for his guidance in such matters. This is a question in my mind upon which I should be pleased to receive your opinion.

The taking of proof on Mr. Gilbert's work called another item to my attention, namely: the lack of time between completion of the works and offering of proof of application of the water to beneficial use. In this case, the appropriator attempted to make such proof before he had collected any water in the storage reservoir and before there had been an irrigation season in which to apply the water to a beneficial use. As a consequence, if you were to issue a certificate of appropriation based on the the present showing, it would manifestly, be unjust to the appropriator. If you were to issue certificate covering the entire area, you would be acting on the "evident intention" and not on the actual showing of the appropriator. For this reason I would suggest that in all cases where proof of application to beneficial use is to be made of waters from newly constructed works, especial care be taken to see that there is sufficient time and appropriate season between the two dates to allow the holder to make a good showing and then be justified in making the certificate of appropriation to conform strictly to the showing made in the case. This may require an extension of time for proof of application in some of the cases where the dates have already been set.

In order to facilitate the construction of irrigation works on the lands owned by the State for the irrigation of adjacent tracts, I believe that there should be provision made for the securing of rights of way across said lands similar to the provisions of the act of Congress approved March 3, 1893 which provides for similar cases over the public lands. Our irrigation code provides for the acquisition of such rights by the U.S. Reclamation Service and I see no reason why the privilege should not be extended to private individuals.

Trusting that these numerous and lengthy ramifications may result in some mutual benefit, I am,

Yours very respectfully,

Carl B. Adams.

Ans. to Ques. 8- Wheat 5 acres; Oats 20 acres; 3 or 4 acres
of Corn. None of which was irrigated.

Ques. 9- Has sufficient water been applied each season to thoroughly irrigate all of the tracts mentioned in the foregoing statement?

Ans. -

Ques. - What, in your opinion is the minimum amount of water which would be required to thoroughly irrigate, so as to make cultivation profitable each of the crops grown on this tract?

Ans. - about 18 inches of water per acre.

Ques. 10- If any part of the irrigated tract is affected by sub-irrigation or flooding from adjacent streams, state the acreage of the tracts affected and the affect on agriculture.

Ans. - I don't know of any flooding or sub-irrigation.

Ques. 11- Have you any direct or indirect interest in the lands heretofore mentioned or the water appropriated under the said permit No. 44 ? If so state the nature of such interest.

Ans. -

(Sign here) Roy Carter

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 the said testimony was subscribed and sworn to before me at Harmon, Butte

County, S. Dakota, on the 20th day of March, 1909.

Carl B. Adams
Commissioner
C. B.

Permit No. 14

Water Division No. Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.)

Harding S. Dak.

(Date)

Aug 2nd 1909

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 4th day of September 1909 at Harding County of Harding State of South Dakota, before Carl C Adams (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of Two cubic feet per second of the waters of Gilbert's South Gulch in accordance with the terms and conditions of Permit No. 14 heretofore issued by the State Engineer of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

Clyde C. Gilbert.Harding, S. Dak.

2. The use to which said water has been applied is Irrigation Purposes

3. The amount applied to beneficial use is Two cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 2 1/2 S.E. 1/4 Sec. 1; T. 16 N. R. 2 E. Lot 6 & 7 S.E. 1/4 S. 1/4 Sec. 6 T. 16 N. R. 3 E. B. 4 N.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

South Gulch Reservoir & Gilbert ditch.

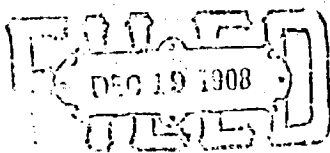
6. The right to take the water from such works is based upon permit No. 14

7. The source of supply from which such water is diverted is Surface drainage

8. The date of priority which said user is prepared to establish is April 15th 1907

(Sign)

Clyde C. Gilbert.



W. H. LEA, State Engineer.
STATE OF SOUTH DAKOTA, } ss
COUNTY OF HUGHES.
OFFICE OF STATE ENGINEER.

Filed for record this 19th day of
December A. D. 1908
at two o'clock P.. M. and recorded in
Book _____ on page _____

Samuel P. Lea
STATE ENGINEER.

By _____ DEPUTY.

Camp Crook, S. Dakota, Nov. 3p, 1908.

Samuel H. Lea,
State Engineer,
Pierre, S. Dakota.

OFFICE OF STATE ENGINEER
PIERRE, S. DAKOTA

DEC 3 1908

Dear Sir:-

Your communication of Nov. 20th, relative to the irrigable tract which I wrote you about has been received.

Since taking this matter up, I have made a more thorough examination of this tract and find that while a greater length of main canal will be required than I had at first figured on, the proposition is still a practical one. I will be able to work up a map of the tract as soon as I return to Belle Fourche.

Your letter of Nov. 20th inclosing the additional questions for the collection of information relative to the irrigation of alfalfa and other crops in this section, has been received. The blank cards for the recording of this information have also come to hand.

I am taking the matter up by letter in cases where I am unable to see the farmers personally.

Referring to your letter of Nov. 23rd, which states your position in the matter of the Tartar and Holman water right cases on Slick Creek, will say that I have completed the field work on both applications and will have the maps in your office as soon after returning to Belle Fourche as I can work them up.

In submitting the papers in the proof of construction and application, in the matter of the appropriation of Mr. Clyde C. Gilbert, I stated that I would submit a personal letter relative thereto. Since I have become interested in the details of this work, I have secured the laws and regulations of the states of North Dakota, Wyoming and Nebraska and also copies of the blank forms used in this work. Now, with these papers to build on, I have worked up a set of forms and in the case of Mr. Gilbert's application, it appeared to me that they filled the bill very nicely. You perhaps noticed in the proof submitted to your office recently in this case that there were many things not covered by the depositions, or if touched at all, were mentioned in an indirect way. Unofficially, I had a set of the forms which I had built up filled out and am submitting same, inclosed herewith, for your examination. I am doing this for the reason that it seems to me that the information previously sent in was not sufficient for you to base your action upon and do justice to the appropriator and to the State.

In this connection, there is another question comes to my mind, that is "the propriety of the State Engineer's office issuing certificates of appropriation to a holder of a permit, upon the presentation of proof of application of the water, before the stream system is adjudicated". When an application to appropriate is received, the date of hearing of the same is published so as to give others interested in the waters of this stream a chance to be heard. Then, when the application is indorsed, the works completed and proof of application of the water to the land is made, the certificate authorizing the appropriation is issued, without regard to other appropriations on the same stream. If this certificate is in the nature of a final decree issued by the state engineer's office, it seems to me to be premature. Suppose that an older appropriator or even the regular process of adjudication would bring the matter of the water supply

Piotta, S. D. Dec. 5, 1908.

Mr. Carl C. Adams,
Camp Crook, S. D.

Dear Sir:

Receipt is hereby acknowledged of your letter of Nov. 30, 1908, accompanied by proof of application of water to beneficial use of Clyde C. Gilbert, Roy Ostrander and Henry McCoid. I note that you did not send filing fees with these proofs.

With regard to the matter of forms upon which to make statements of proof of application of water to beneficial use, the forms sent by you do not comply with the requirements of this office, but in the absence of printed forms those will be accepted. I am preparing to have printed forms for use in all such cases and will send you some of these forms as soon as they are printed.

With regard to adjudication of water rights in the courts, there can be no conflict between the decisions of the State Engineer and the rights of other appropriators. Every permit issued contains the express provision that no prior right shall be injuriously affected by the permit. The matter of water supply in any stream is exceedingly difficult to determine for the reason that the volume of water fluctuates constantly from time to time. In the case of a stream where it is evident that the ordinary flow has been appropriated, the practice of the Wyoming water administration is followed.

Water Division No. 1, Little Missouri Dis' lct. permit No. 14

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Deposition of witness.

-----00000-----

(The deposition of two witnesses, taken separately on this form is required in each case.)

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103.1- State your name, age, residence, occupation and post office address.

103.- Henry McCaid, age 32 years, Harding, S.D. Harding, S.D.
Merchant.

103.2- Are you acquainted with Clyde B. Gilbert, the holder of permit No. 14, authorizing the diversion of 2.0 second-feet of the waters of Gilbert's South Gulch at point named in permit for irrigating purposes? How long have you known him and where does he reside?

103.- Yes; 14 years; Harding, S.D. Dakota.

103.3- Have you read or heard read said permit No. 14, and are you familiar with its terms and conditions?

103.- Yes

103.4- Do the works of diversion, as at present used, comply with the terms of the said permit? If not, state in what particulars the works do not conform.

103.- So far as I am aware.

103.5- (If for irrigation) Are you acquainted with the irrigated ^{lands} under this system? If so, give legal description of same, and acreage irrigated.

103.- Yes 7² SE⁴ Sec. 1 T. 16 N. R. 2 E. and Lot 6 and 11⁶ SE⁴
Sec. 6 T. 16 N. R. 3 E. B. H. M. - 3.0 acres irrigated this
season.

103.6- When did you first see water applied to this land?

103.- November 3rd 1908.

103.7- Has the water been applied regularly at the proper times since then?

103.- Yes

103.8- State to the best of your knowledge what crops have been grown, the area devoted to each, the yield per acre and the amount of water used for each.

Ans. to Ques. 8- No crops have been irrigated owing to lack of water in reservoirs. (See accompanying Affidavit.)

Ques. 9- Has sufficient water been applied each season to thoroughly irrigate all of the tracts mentioned in the foregoing statement?

Ans. -

Ques. - What, in your opinion is the minimum amount of water which would be required to thoroughly irrigate, so as to make cultivation profitable each of the crops grown on this tract?

Ans. - To thoroughly irrigate the entire tract would require the ditch as at present constructed, flowing full during the entire irrigating season.

Ques. 10- If any part of the irrigated tract is affected by sub-irrigation or flooding from adjacent streams, state the acreage of the tracts affected and the affect on agriculture.

Ans. -

No.

Ques. 11- Have you any direct or indirect interest in the lands heretofore mentioned or the water appropriated under the said permit No. 44? If so state the nature of such interest.

Ans. -

No.

(Sign here)

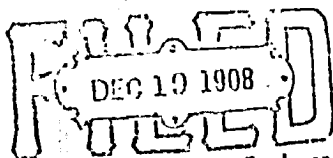
Henry M. Coid

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 the said testimony was subscribed and sworn to before me at Harding, Butte

County, S. Dakota, on the 20th day of November, 1903.

Carl H. Adams

Examining Engineer



SAMUEL H. LEA, State Engineer.
STATE OF SOUTH DAKOTA, }
COUNTY OF HUGHES. } 33,
OFFICE OF STATE ENGINEER.

Filed for record this 19th day of
December A. D. 1908
at two o'clock P. M. and recorded in
Book _____ on page _____.

Samuel H. Lea
STATE ENGINEER.

By _____
DEPUTY

RECEIVED

NOV 27 1908

PROOF OF COMPLIANCE OF WORKS. OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

DEPOSITION OF NOV 26.

Question 1.- State your name, residence, occupation and postoffice address.

Answer Clyde C. Gilbert, ranchman, Harding, farmer,
Harding, S. Dakota.

Quas. 2.- If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Quas. 3.- State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 14, April 15, 1908; Two second feet; Gilbert's South
Gulch; S. 19 R. E. - 1397 feet from State Secs. 1, 6, 11 & 12 - T. 16 N. R. 2 E.

Quas. 4.- State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation; 175 acres
N. 35 E. Sec. 2, T. 16 N. R. 2 E. and Lot 6 and NE 1/4 Sec. 6, T. 16 N. R. 3 E. B.H.M.

Quas. 5.- State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes. Nov. 21st. Running full for 24 hours.

Quas. 6.- State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Quas. 7.- If the works of diversion do not comply with all the terms of your permit state fully those particulars in which there is any variance.

Ans. _____

Quas. 8.- Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam length 375 ft. High 12 1/2 ft. Cont. 2665 cu yds. Cost \$600.
Reservoir area 7.86 acres. Capacity 432 ac. ft. 0.215 miles of
ditch. 5 ft. deep x 3 ft. bottom, by 1 1/2 ft. deep.

(Signed here. Clyde C. Gilbert.

I hereby certify that the foregoing testimony was read to the above named person before its signing, that I believe him to be the person he represents himself to be, and that this testimony was subscribed and sworn to before me at Harding Butte County, S. Dakota on the 26th day of November 1908.

Carl C. Adams
Examining Engineer

RECEIVED

NOV 27 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.Permit No. 4.

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE.

To the State Engineer,
Pierre, So. Dak.

Dear Sir: I hereby certify that I am familiar with the provisions and conditions of Permit No. 4; that I have seen and inspected the diversion works constructed under said Permit, and I estimate said works will safely conduct to place of use 2.0 second-foot of water. Said water is used for the following purpose (if for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision. If for power or other purpose, state how water has been applied and to what extent.)

for irrigation of 145 acres of arid land now
partially cultivated. Applicant says water was
applied to 3.0 acres of this land on Nov. 3, 1908.

The water diverted under said permit was applied to beneficial use, said application having been witnessed by me as follows:
(State when, how, and in what amount and to what extent) I have

never seen water applied to land altho there
is evidence of the irrigation of 3.0 acres.

Witness my hand and seal this 20th day of Nov. 1908

(Signed) Earl Boddams,
Examining Engr.

Permit No. 14

Water Division No.

Water District

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Hearding, S. Dak.(Date) Aug 2nd 1909

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE.

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

Two second feet of the waters of the state from Gilbert
South Platte through the Gilbert - ditch
 for Irrigation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is

Phyde C Gilbert2. The postoffice address of such person or the place of business of such corporation is HeardingCounty of Hearding State of S. Dak.3. The number of such permit is 14 and the date set for the completion of such work isDec 19th 19084. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is Two cubic feet per second.

6. The amount of land for which said water is available is About 150 acres.

particularly described as follows: N. 1/2 S. 6 1/4 Sec. 1; T. 16 N. R. 2 E.;
Lat 6 & 7 E. 1/4 Sec. 6; T. 16 N. R. 3 E. B. 6 N.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

(Signature.)

This notifies the applicant that the ordinary flow of the stream has been appropriated and that his water will have to come from the flood or high water flow of the stream.

With regard to the lack of time between completion of works and the application of water to beneficial use: It is not required that proof of application of water to beneficial use be made at the same time as proof of completion but the appropriator is allowed the privilege of making such proof of application of water to beneficial use at that time, if he so wishes, in order to save expense and time. If the appropriator has not sufficient water in his reservoir to make the required showing he can easily get an extension of time in which to make the proof of application of water to beneficial use.

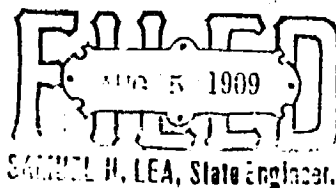
Yours very truly,

State Engineer.

No. 14

Water Div. No. 1 Little M. Water Dist.

Notice of Completion of Works.



Received August 5, 1909.

Date of Proof December 19, 1909

Place Harding

Notice sent to Clyde C. Gilbert

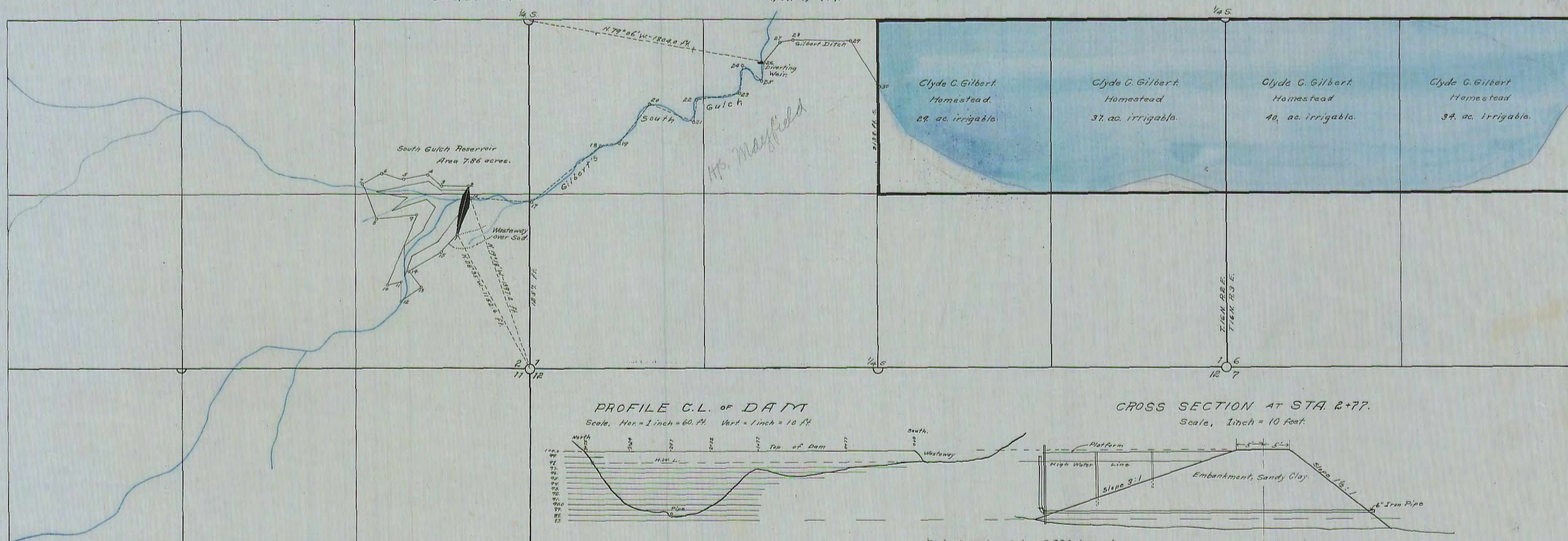
MAP

OF THE

SOUTH GULCH RESERVOIR AND GILBERT DITCH

Comprising the irrigation system on the Homestead of CLYDE G. GILBERT, R.O. Harding, S.D., prepared to accompany his application for a permit to appropriate the waters of the State for Irrigating purposes, from Gilbert's South Gulch, a dry water-course, tributary of Valley Creek.
Drainage area = 4.5 sq. miles. Maximum flood discharge = 340 sec. ft.
South Gulch Reservoir is located on the E¹SE¹ Sec 2, T.16N. R.2E. B.14M. Area = 7.86 acres, capacity = 432 ac. ft. all of which is available.
The outlet, which is a 6" iron pipe, is in creek channel. Water is turned in creek and diverted by small weir at head of Gilbert ditch, in the NE¹SW¹ Sec. 1, thence thru said ditch to the land to be irrigated. Total area irrigated = 142.0 acres.
Application made for 30 sec. ft. of water.
Scale, 1 inch = 400. ft.

April 4, 1907.



PROFILE C.L. OF DAM

Scale, Hor = 1 inch = 60. ft. Vert = 1 inch = 10 ft.

CROSS SECTION AT STA. 2+77.

Scale, 1 inch = 10 feet.

TRAVERSE NOTES

From Cor. to Secs. 1, 2, 11 & 12, T.16N. R.2E. on true courses:

- N 83° 35' W - 158.6 ft. to south end of dam,
- Sta 1 - N 12° 21' E - 373.3 " along C.L. of dam to N. end,
- " 2 - S 89° 55' W - 197.4 " to point on H.W.L.
- " 3 - N 52° 02' W - 139.3 "
- " 4 - S 79° 38' W - 186.0 "
- " 5 - N 74° 30' W - 170.7 "
- " 6 - S 60° 42' W - 167.0 "
- " 7 - S 21° 39' E - 286.0 "
- " 8 - N 83° 29' E - 306.8 "
- " 9 - S 22° 38' W - 377.9 "
- " 10 - N 75° 03' E - 106.7 "
- " 11 - S 0° 27' E - 149.0 "
- " 12 - N 59° 15' E - 183.8 "
- " 13 - N 38° 26' W - 145.4 "
- " 14 - N 57° 46' E - 287.7 "
- " 15 - N 42° 58' E - 181.5 " to S. end of dam, Sta. 1.

From Cor. to Secs. 1, 2, 11 & 12:

- N 19° 18' W - 1377.2 ft. to out. of reservoir, in creek,
- Sta. 16 - S 86° 07' E - 461.8 " - traverse down creek channel,
- " 17 - N 50° 37' E - 650.3 "
- " 18 - N 84° 03' E - 142.3 "
- " 19 - N 38° 32' E - 376.3 "
- " 20 - S 47° 55' E - 356.5 "
- " 21 - N 10° 18' E - 171.0 "
- " 22 - N 81° 43' E - 327.8 "
- " 23 - N 7° 05' E - 214.4 "
- " 24 - S 48° 50' E - 178.4 "
- " 25 - N 7° 15' E - 138.8 " to initial point of ditch,
- " 26 - N 39° 58' E - 198.2 " " point on C.L. of ditch
- " 27 - N 78° 13' E - 97.7 "
- " 28 - S 81° 21' E - 435.8 "
- " 29 - S 38° 47' E - 402.2 "
- " 30 - terminus of ditch at West line of Homestead.

Total length of creek channel used to convey water to ditch is 0.577 miles.
Ditch is 3.0 ft wide on bottom, 50 ft wide on water line, 10 ft deep,
Grade 12 ft high or 106 ft per mile. Total excavation quan. = 252.0 c. yds.
Length of ditch is 0.215 miles.

Embankment contains 2,336.6 cu. yds.

Outlet is a 6 inch iron pipe through dam, with swivel elbow and vertical pipe at upper end. This pipe can be raised or lowered to control flow. Operated from gang plank.

Inside slope protected from wave action by a matting of brush and straw.

State of South Dakota }
County of Butte }

I, Carl G. Adams, being duly sworn, upon my oath say: that I am the engineer of the South Gulch Reservoir and Gilbert Ditch; that the survey and map thereof were made by me, and that I have read the accompanying application and know of my own knowledge, that the statements therein made are true.

Carl G. Adams,
Deputy State Surveyor, S.D.

Sworn and subscribed to before me, this 6th day of April - 1907.

Tyler S. Overpeck,
Notary Public.