

copy

No. 32.

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

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

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

I. Name of applicant William G. Jones  
Postoffice address Reva, County Butte, State S. Dak.

## 1. 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) Contract(b) Cash on hand, \$ Sample

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Gaps Creek Project3. Quantity of water claimed, 2 cubic feet per second.4. Source of water supply From Gaps Creek5. Location of point of diversion N. 1/4 of S. 1/4 Sec. 33on Left bank  
(Right or left bank looking down stream.)6. Annual periods during which water is to be used yearly

## 7. To be used for:

I. Irrigation or domestic use: Irrigation(a) Number of acres to be irrigated 2.00 acres.(b) Legal subdivisions to be irrigated N. 1/4 Sec. 4, N. 1/2 of NE 1/4 Sec. 5, T. 17N. R. 10, E. 13, N. 1/2 of SE 1/4 Sec. 33, T. 18, N. R. 10, E. 13, N. 1/2  
(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

8. Estimated cost of works:

(a) Head gates, \$25,000

(b) Pumping plant \$

(c) Plumbing, \$

(d) Canal-earth, \$500,00

rock, \$1237.00

(e) Other structures \$

Total, \$1000.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 17.50 feet; length at bottom 128 feet; length at top 124 feet; thickness at bottom 22 feet; thickness at top 10 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; material used in construction Earth and rock

(b) Reservoir: Capacity when filled 35 acre feet. Surface area at highwater mark 4.17 acres.

| DEPTH AT OUTLET-Feet | SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET-ACRES | CAPACITY--ACRE-Feet |
|----------------------|---------------------------------------------------------|---------------------|
| <u>12</u>            | <u>1828.15</u>                                          |                     |
|                      |                                                         |                     |
|                      |                                                         |                     |
|                      |                                                         |                     |
|                      |                                                         |                     |
|                      |                                                         |                     |

(c) Head gate: Width 8 in pipe feet; height        feet. Material       

(d) Canal: Total length 27.35 feet miles.

| LOCATION BELOW HEADGATE | DEPTH              | BOTTOM WIDTH       | WIDTH AT WATER LINE | GRADE PER MILE     |
|-------------------------|--------------------|--------------------|---------------------|--------------------|
| At <u>1</u> mile        | <u>2</u> feet      | <u>2</u> feet      | <u>3</u> feet       | <u>5</u> feet      |
| At <u>      </u> mile   | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet  | <u>      </u> feet |
| At <u>      </u> mile   | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet  | <u>      </u> feet |
| At <u>      </u> mile   | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet  | <u>      </u> feet |
| At <u>      </u> mile   | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet  | <u>      </u> feet |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 years.

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

13. Choice of newspaper for publication of notice of intention to appropriate Belle Fourche Doc

STATE OF SOUTH DAKOTA

County of Belle } ss

I, W. L. Bartow

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 W. L. Bartow

Subscribed and sworn to before me this 29th day of May 1908

S. W. Belcher

Notary Public (or other qualified officer).

Claring Court

Remarks by State Engineer:

This application is for the right to appropriate and store for irrigation purposes part of the flow of Gap Creek in Butte County.

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, August 21, 1908

This is to certify that the foregoing application was received at this office at 3:00 o'clock p. m. upon the First day of June 1908 and that after examination it was found to comply with the provisions of the Water laws of South Dakota. Notice of intention to appropriate was duly advertised and a hearing was held in this office on July 31, 1908.

Samuel H. Lea  
State Engineer

By B. B. Lea

Deputy

Number of permit 32

Date of first receipt of application June 1, 1908.

Date of return to applicant for correction - - - - - 190 - -

Date of receipt of corrected application - - - - - 190 - -

Date from which application may claim right June 1, 1908

Approved August 18, 1908, Recorded in Book -1- Page -88-

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 February 18, 1910.

2d. The whole of said work is to be completed on or before August 18, 1911.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 18, 1911.

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 -3- 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-seventh (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 on or before August 18, 1911; said water to be used during the following described annual periods.

When needed on land.

Witness my hand this 21 st day of August 1908

Samuel H. Lea

State Engineer.

By B. B. Lea

Deputy.

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 28 day of September 1908.

Samuel H. Lea  
State Engineer.

By B. B. Lea

No. 32-

Division No. 1. Moran Water District

PERMIT

to appropriate water from  
Gay Creek

Butte County, South Dakota

Name of applicant

William C. Jonon

Name of diversion works

Gay Creek Project

Date of first receipt at office of State

Engineer June 1, 1908.

Returned to applicant for correction

-----1908-----

Corrected application received

-----1908-----

Date of water right

June 1, 1908.

Recorded in Book -1- Page -88-

One-fifth of work to be completed

February 18, 1910.

Whole work to be completed

August 18, 1911.

Final proof of use of water

August 18, 1911.

Approved August 18, 1908.

Samuel H. Lea

State Engineer.

By B. B. Lea

Deputy.

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA  
County of Butte

*John Smith* being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate water was taken from the

the Bismarck 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 Bismarck County of  
Burke and State of South Dakota

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

June 11-18-1908  
July 2, 1908

in each and every issue of the full number thereof, the first publication being made on the 11 day of June 1907, and the last publication on the 12 day of July 1908, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Manager the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 25<sup>th</sup> day of July, A. D. 1908

MY COMMISSION EXPIRES

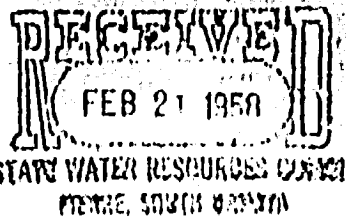
Notary Public Butte County, S. D.

[illegible]

RECEIVED

AUG 18 1908

OFFICE OF STATE ENGINEER,  
PIERRE, S. DAK.

Location No. 32-1Water Division No. 1 Mountain Water District

## Proof of Application of Water to Beneficial Use

### PETITION OF HOLDER

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

Ans. Leota C. Gabery - Sorcum, S. Dak  
Farmer & 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 date of posting and date of recording notice of appropriation.

Ans. Water rights acquired by William C. Jones and Albert M. Kellard  
in 1908.

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

Ans. Dam on Top Creek in NE 1/4, SW 1/4 of Sec 32 - 18-10

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. Dam about 15 feet high and 200 ft long with outlet pipe  
and ditch capable of carrying 3 cu ft per second to land irrigated  
called Top Creek Project. Dam has filled up with silt and  
will hold no water below outlet pipe.

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. Water used for irrigation of grassland, 120 acres in  
NW 1/4, Sec 4-17-10, 20 acres in N 1/4, NE 1/4 of Sec 5-17-10  
and S 1/2 of SW 1/4 of Sec 32-18-10 approx 38 acres

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

Ans. no other purpose than irrigation

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

Ans. Approx 3 cu ft. Water no doubt will spread over  
approx 200 acres before entering creek again.

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. Purchased land from Beetha Stand, who bought it  
from Rural Credit and by tax deed. I purchased land  
in January 1951.



March 1, 1958

Mr. Lester O. Aaberg  
Forum, South Dakota

Dear Mr. Aaberg:

Thank you very much for clarifying and making an up to date record of your water right (32-1).

Enclosed herewith is an Amended Water License No. 32-1. Enclosed also is a verifax copy of the original Application for a Permit by William G. Jonas. Both of these documents are valuable to you. I suggest that you keep them with your land ownership papers.

I must request another \$1.00 fee for issuing the Amended Water License.

You now have a good water right record in this office. Nothing further needs to be done except to continue to use the water beneficially in accordance with the Amended Water License. Under provisions of our water laws, failure to use the water is a basis for forfeiture of a water right.

Sincerely,

J. W. GRIMES  
Chief Engineer

JWG:ls  
Enc's.

## STATE OF SOUTH DAKOTA

AMENDED  
WATER LICENSE No. 32-1 . . . .WHEREAS, On the 1st day of June A. D. 1908William C. Jonesof Reva County of Butte (now Perkins) and State ofSouth Dakotaduly made application (No. 32) to us for a permit to use 3cubic feet per second of the waters of Gap CreekCounty of Butte (Perkins), State of South Dakota, for irrigation purposes; andWHEREAS, On the 21st day of August A. D. 1908Permit No. 32 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 18th day ofAugustA. D. 1908and for the application to beneficial use of said water on or before the 18th day of August A. D. 1911

and,

WHEREAS, On the 12th day of July and 16th day of July A. D. 1910the holder of said permit duly made proof of the completion of adequate works for the diversion of 3cubic feet per second of said waters, as evidenced by our two Certificate No. 32dated June 17, 1910confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3 cubic feet per second of water, with date of priority of \_\_\_\_\_ and \_\_\_\_\_ and,WHEREAS, On the 12th day of July and the 21st day of July A. D. 1910proof was duly made of the application to beneficial use of 3 cubic feet per second of said water;

for irrigation of 38 acres in Section 32, T 18 N, R 10 E, BHM and

for irrigation of 120 acres in Section 4, T 17 N, R 10 E, BHM and

WHEREAS, on the 21st day of February, 1958, Notice of Transfer of Water Permit was received from Lester C. Aaberg, Sorum, South Dakota and

WHEREAS, on the 21st day of February, 1958, Proof of Application of Water to Beneficial Use was received covering irrigation use on 120 acres in the NW $\frac{1}{4}$ , Sec. 4, T 17 N, R 10 E, BHM and on 20 acres in the NE $\frac{1}{4}$ , Sec. 5, T 17 N, R 10 E, BHM and on 38 acres in the SE $\frac{1}{4}$ , Sec. 32, T 18 N, R 10 E, BHM, a total of 178 acres.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confirm to Lester C. Aaberg and Viola B. Aaberg his wife  
of Sorum, South Dakota the holder and owner of said permit No. 32-1  
a water right, dating from June 1, 1908 to the use of 3  
cubic feet per second of the waters of Gap Creek  
in the County of Perkins and State of South Dakota, or so much thereof as may be  
necessray for the purposes hereinbelow mentioned, to be diverted at a dam in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
Sec. 32, T 18 N, R 10 E, BHM  
and conducted to and upon 178 acres in the NW $\frac{1}{4}$ , Sec. 4, T 17 N, R 10 E, BHM,  
in the N $\frac{1}{4}$ , NE $\frac{1}{4}$ , Sec. 5, T 17 N, R 10 E, BHM and in S $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 32,  
T 18 N, R 10 E, BHM  
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 seal of our office at Pierre, South Dakota,  
this 1st day of March A. D. Nineteen  
Hundred and Fifty-Eight

State Water Resources Commission

By:

**J. W. GRIMES,** Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 31

Water Division No. 1 ..... Water District

## Certificate of Application of Water to Beneficial Use.

## Deposition of Holder

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

Ans. William C. Jones, Streeter, South Dakota, Ranch Business

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. Owner

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

Ans. Date of Permit August 31, 1908

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

Ans. Gap Creek, Point of Diversion NW 1/4 Sec. 33 Tp. 18 North Range 10 East of Black Hills Meridian

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. One main Dam, one main ditch with branch. As built the works are capable of diverting four cubic feet per second.

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 purposes

Land irrigated - all in Section 4, Tp. 17 North Range 10 East

NW 1/4 NW 1/4 - 30 acres

NE 1/4 NW 1/4 - 30 "

SW 1/4 NW 1/4 - 35 "

SE 1/4 NW 1/4 - 35 "

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

Ans. For no other purpose than irrigation

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

Ans.

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. Water was diverted to irrigate desert claims in spring of 1909 and 1910

(Sign.)

William E. Jones

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 Park, State of South Dakota, on this 12<sup>th</sup> day of July, A. D., 1910

Boyan Berry

Notary Public R.D.

Permit No. .... 32 .....

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

**DEPOSITION OF HOLDER,**

Amount of water..... 3.35 .....second feet

Source..... Gap Creek

County..... Perkins

Purpose..... irrigation

Place of Use..... NW $\frac{1}{4}$  of Section 4,  
Township 17 N., Range 10 E.

B.H.M.

Date of priority..... August 21, 1909

**FILED**  
JUL 21 1910  
**FILED**

SAMUEL H. LEA, State Engineer.

Received and filed..... July 18, 1910

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 32

WHEREAS, On the first day of June A. D. 19 08.

WILLIAM O. JONES

of DeWitt County of Butte and State of

South Dakota duly made application (No. 32) to me for a permit to use two

cubic feet per second of the waters of Map Creek

County of Butte State of South Dakota, for irrigation

purposes; and

WHEREAS, On the twenty-first day of August A. D. 19 08

Permit No. 32 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 eighteenth day of

August A. D. 19 11 and for the application to beneficial use of said

water on or before the eighteenth day of August A. D. 19 11

and,

WHEREAS, On the sixteenth day of July A. D. 19 10

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.25

cubic feet per second of said waters, as evidenced by <sup>8</sup>~~my~~ Certificate No. 32

dated June 17, 1910, confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 2.25 cubic feet per second of water,

with date of priority of June 1, 1908, and,

WHEREAS, On the twenty-first day of July A. D. 19 10

proof was duly made of the application to beneficial use of 2.25 cubic feet per second of

said water;

For irrigation upon the NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{2}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 4, Township 17 N., Range 10 E. B.H.M.

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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 WILLIAM O. JONES of Stroud the holder... and owner... said permit No. 33 a water right, dating from June 1, 1908, to the use of 8.35 cubic feet per second of the waters of Snip Creek in the County of Parkins and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at the NW 1/4 of the NW 1/4, Sec- tion 33, Township 18 N., Range 10 E. R.H.M. and conducted to and upon the NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, NE 1/4 of NW 1/4, Section 4, Township 17 N., Range 10 E. R.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 eleventh day of September A. D. Nineteen Hundred and Eleven.

State Engineer.

## STATE OF SOUTH DAKOTA

Water License No. 22

To.....WILLIAM C. JONES.....

Reva, S.D.

Source of Supply Nap Brook

Por'king ..... County

Am't.....3.25.....Sec. Feet

Point of Diversion. NW 1/4, Section

33, T. 18 N., R. 10 E. SW1/4

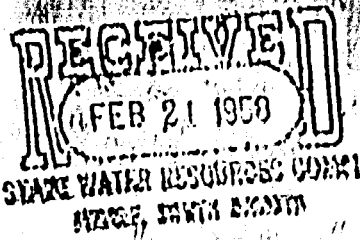
Place of Use: NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>,  
NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Section 4, T.  
17 N., R. 10 E. B.H.M.

Purpose... Irrigation

Date of Priority June 1, 1909.

Recorded.....August 21, 1908.

In Book -1- of Record Page 98.



# NOTICE OF TRANSFER OF WATER PERMIT

Feb 19 1958

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

This is to notify you that William C. Jones, Albert M. Willard and others  
Bertha R. Strand the last owner

who previously owned the land described below has sold his interests to

Leota C. & Neila B. Haberg, husband & wife

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 32-1

and as provided for in section 61.0141 of the SDC of 1939 and elsewhere 5 1/2 of SW 1/4 Sec 32, T15N R10E

of B.H.M. the N 1/2, NE 1/4, Sec 5 and NW 1/4 Sec 4, T12N, R10E

of B.H.M.

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 Perkins } ss.

Leota C. Haberg 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

Leota C. Haberg  
19 day of Feb 1958

Subscribed and sworn to before me this

Leota C. Haberg  
(Notary Public)

PERKINS COUNTY

OWNER

OPERATOR

FARM NO.

PHOTO NO. 8490-2

*Surveyed by  
J. P. [unclear]  
[unclear]*

W.C.M.

GAP Ditch

Passable

Water opening

DATE MICROFILMED

CAMERA OPERATOR

PERKINS COUNTY

OWNER

*Deeter & Sons*

OPERATOR

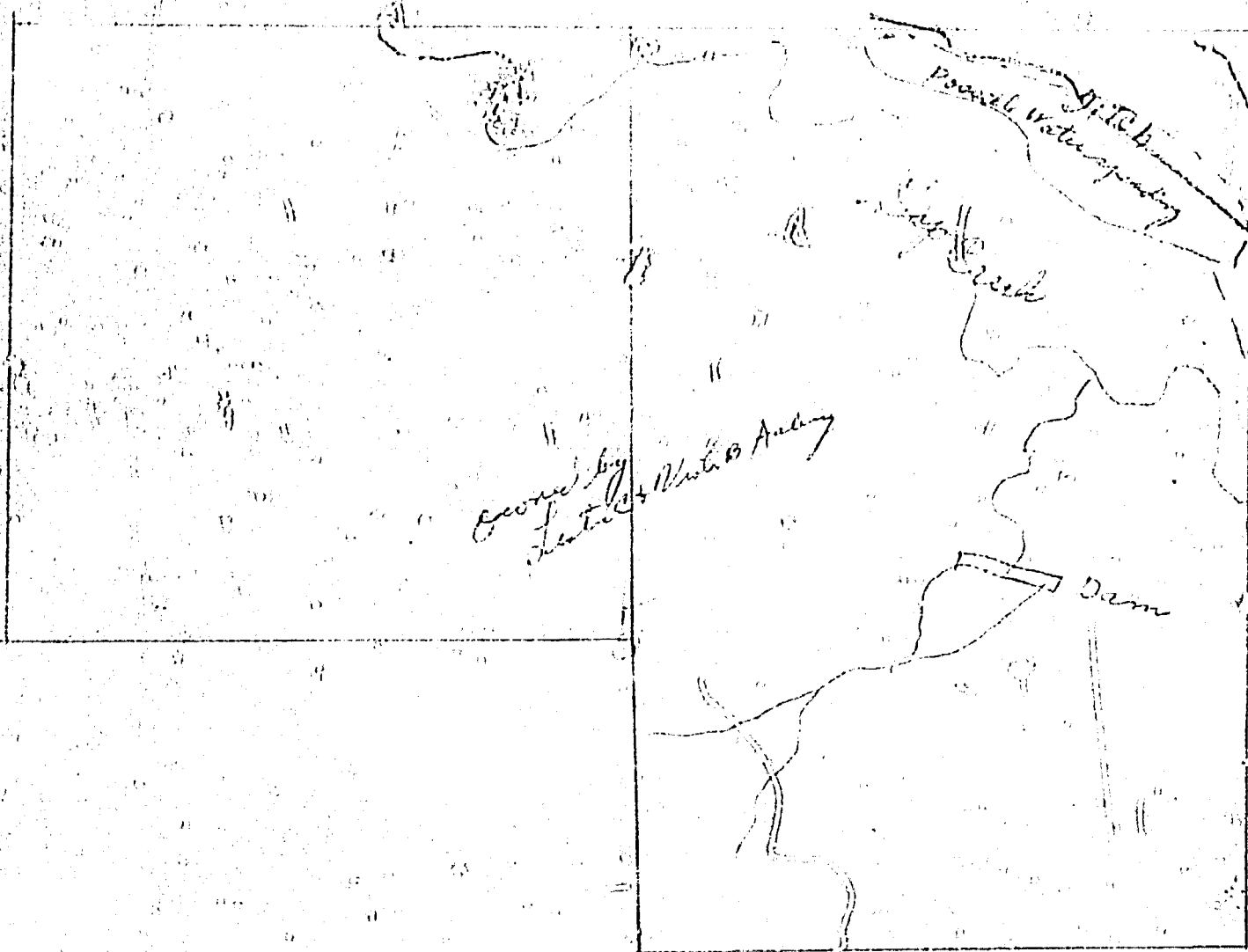
*Deeter & Sons*

FARM NO.

PHOTO NO.

*8A 80-2*

*Section 5 - 17-16*



DATE MICROFILMED

CAMERA OPERATOR

PERKINS COUNTY

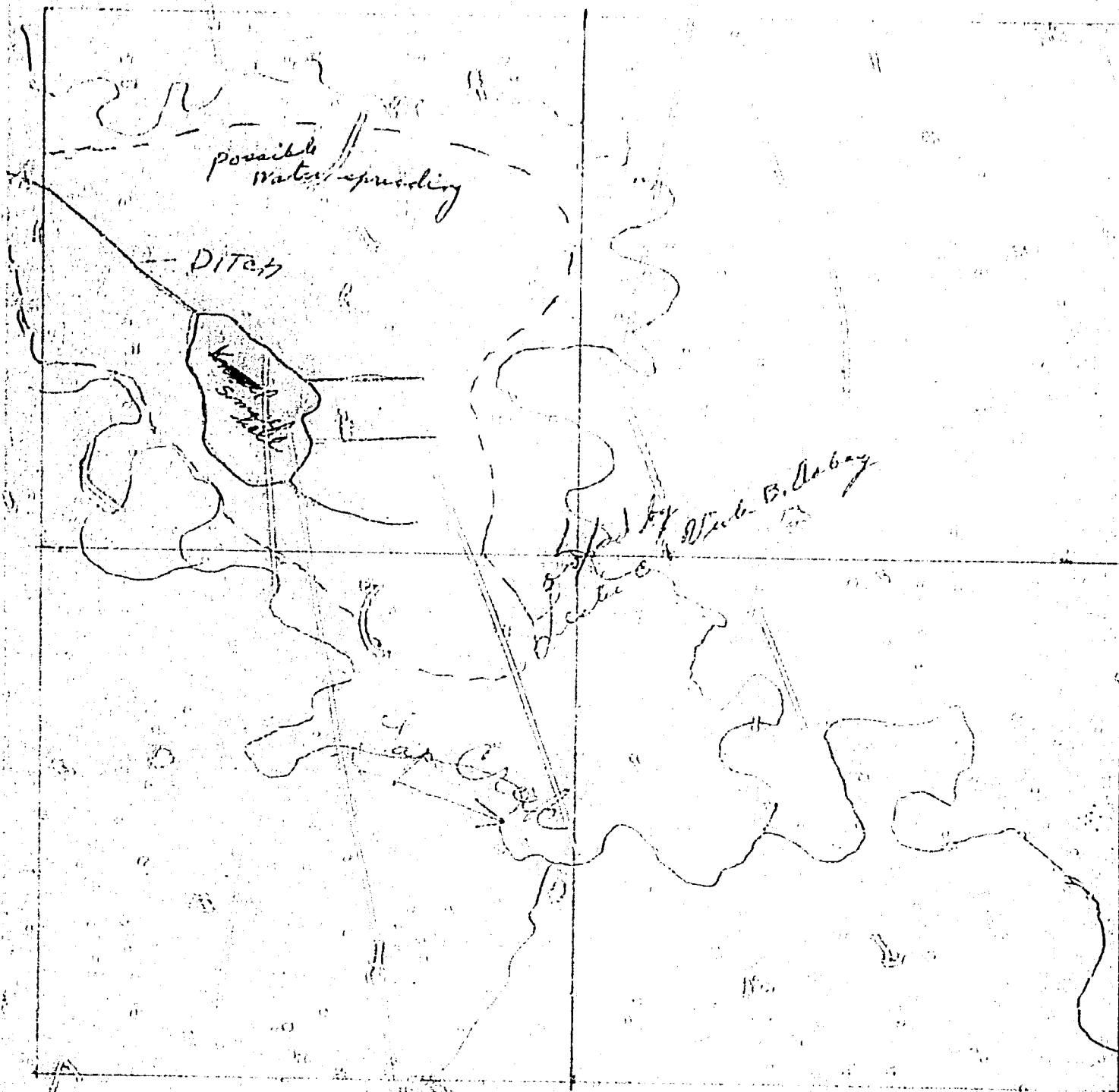
OWNER

OPERATOR

FARM NO.

PHOTO NO.

Dec 4 - 17 - 19



REPRODUCTION

SECTION

ROLL NO.

#

DATE MICROFILMED

ALABAMA DEPARTMENT OF AGRICULTURE

CAMERA OPERATOR

ASSIGNMENT OF PERMIT TO APPROPRIATE WATER.

I, William C. Jones, the Grantee in a certain permit to appropriate three cubic foot of water per second, from Gap Creek, in Butte County, South Dakota, being permit number 32, issued by Samuel H. Lea, State Engineer of the State of South Dakota, on the 21st day of August, 1908, do hereby assign and transfer to ALBERT H. Willard of Perkins County, South Dakota, the right to take and use three-fourths of one cubic foot of water per second, under said permit number 32. The amount of said assignment herein granted shall not exceed three-fourths of one cubic foot of water per second at a time, neither shall it exceed one-fourth the capacity of the described system of diversion works.

Given under my hand and seal for value consideration this 12th day of July, 1910.

*William C. Jones*

STATE OF SOUTH DAKOTA.

COUNTY OF PERKINS.

William C. Jones personally appeared before me on the 12th day of July, A. D. 1910 and being personally known to me to be the identical person who subscribed the above assignment to the water right, acknowledged to me that he executed the above assignment of his own free act and deed.

*Sagau S. Derry*  
Notary Public for D.D.

Transfer in part inter-  
est of water right. Wm.  
C. Jones to Albert M.  
Willard, permit No. 38.

**RECEIVED**

JUL 16 1910

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Permit No. .... (Joint W. D. with No. 33.)

Water Division No. .... 1910 W. D. 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 15, 1908...  
 19....., I have this day made a thorough examination of the diversion works constructed by Albert M. ....  
 Villard....., of Vernal  
 Perkins..... County, South Dakota, holder... of permit No....., issued  
 upon application No....., bearing date of priority of....., 19....., authorizing the  
 diversion of..... second feet of the waters of... Can. Creek..... for..... irrigating  
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise:..... one main dam and one main irrigating ditch.....  
 .....  
 .....  
 .....

and the system is in the following condition:..... good repair and in condition to irrigate  
 the amount of land specified on plat.....

The point of diversion is located..... NW 1 of SW 1 of Sec. 32, Tp. 18 North, Range  
 10 East of Black Hills Meridian.....

The works are capable of diverting and conveying to the place of use 2 or more second-feet of water,  
 which is to be used for..... irrigation desert claim.....

The legal sub-divisions to be irrigated are:..... all in Sec. 32, Tp. 18 North, Range 10  
 East as follows.....

|              |         |
|--------------|---------|
| NW 1 of SW 1 | 5 acres |
| SW 1 of SW 1 | "       |
| SW 1 of SW 1 | "       |

..... comprising a total of 30..... acres of land.

The domestic use intended comprises..... none.....

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

Witness my hand, this 17th day of June A. D. 1910

*Alfred S. Tubbs*  
 Examining Engineer.

Permit No. 32

Water Div. No. 1. Northern Water Dist.

Certificate of Examination  
of Clerks

Dated June 17, 1910

Stream Oak Creek

County Perkins

Amount .75 Second Feet

Date of Priority August 31, 1908

Recorded in Book: Page:

Filed in the office of the State Engineer this  
10th day of July A. D. 1910.

Samuel H. Lee  
State Engineer.

C. B. Lee  
Deputy.

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JUL 16 1910

OFFICE OF STATE ENGINEER,  
PIERRE, S. DAK.

Permit No. .... (Joint W. U. with No. 32)

Water Division 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. .... Althart H. Willard, Vernal, Parkins County, South Dakota, .....  
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. .... Owner

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

Ans. .... Date of Permit August 21, 1902

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

Ans. .... Cap Creek. .... Point of Diversion NW 1/4 SW 1/4 Sec. 32, Tp. 18 N.  
Range 10 East of Black Hills Meridian

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. .... One main dam, and one main irrigating ditch. The works as built  
are capable of diverting four cubic feet per second

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 purposes.

Lands irrigated In Section 32, Tp. 18 North Range 10  
East, B. H. M

NW 1/4 SW 1/4 = 5 acres

SW 1/4 SW 1/4 = 2 acres

SE 1/4 SW 1/4 = 5 acres

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

Ans. .... For no other purpose than irrigation

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

Ans. ....

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. .... Original Permit was issued to William C. Jones. Ownership of  
Permit obtained by William C. Jones transferring a part interest.

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

Ans. Water was diverted to irrigate this desert claim in the spring of 1909 and spring of 1910

(Sign.) Albert M. Willard

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 Park State of South Dakota, on this 12<sup>th</sup> day of July A. D., 19...

Logan B. Berry  
Notary Public S.D.

Permit No. .... 775 .....

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

**DEPOSITION OF HOLDER.**

Amount of water..... 75 ..... Second feet

Source..... Oak Creek .....

County..... Perkins .....

Purpose..... irrigation .....

Place of Use NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$  .....

SW $\frac{1}{4}$ , Section 32, Township 18 N., .....

Range 10 E. B.H.M. ....

Date of priority August 21, 1908 .....

**FILED**  
JUL 21 1910  
**FILED**

SAMUEL H. LEA, State Engineer.

Received and filed July 18, 1910 .....

Permit No. 33

Water Division No. 1 Northern 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 22, 1900, 1900, I have this day made a thorough examination of the diversion works constructed by William C. Jones, of Steele, Perkins County, South Dakota, holder of permit No. 33, issued upon application No. 1, bearing date of priority of 1900, authorizing the diversion of 2 second feet of the waters of Big Creek for Irrigating purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One main dam, and main ditch with branch

and the system is in the following condition: Good except in condition to indicate the amount of land irrigated on plot

The point of diversion is located NW 1/4 of NW 1/4 of Sec. 33, Tr. 16 North, Range 10 East of Black Hills Meridian.

The works are capable of diverting and conveying to the place of use 2.92 second-feet of water, which is to be used for Irrigation and stock raising.

The legal sub-divisions to be irrigated are: All in Sec. 4, Tr. 17 North, Range 10

East as follows:

|        |           |          |
|--------|-----------|----------|
| NW 1/4 | of NW 1/4 | 36 acres |
| NE 1/4 | " NW 1/4  | 30 "     |
| SW 1/4 | " NW 1/4  | 30 "     |
| SE 1/4 | " NW 1/4  | 30 "     |

comprising a total of 126 acres of land.

The domestic use intended comprises none.

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

Witness my hand, this 15th day of June

A. D. 1900.

Alfred S. Truett  
Examining Engineer.

Permit No. 32

Water Div. No. 1 Moreau Water Dist.

**Certificate of Examination  
of Works**

Dated June 17, 1910

Stream Gap Creek

County Perkins

Amount 2.55 Second Feet

Date of Priority August 31, 1909

Recorded in Book Page

Filed in the office of the State Engineer this  
16th day of July A. D. 1910

*Samuel H. Lee*  
State Engineer.

*B. B. Lee*  
Deputy.

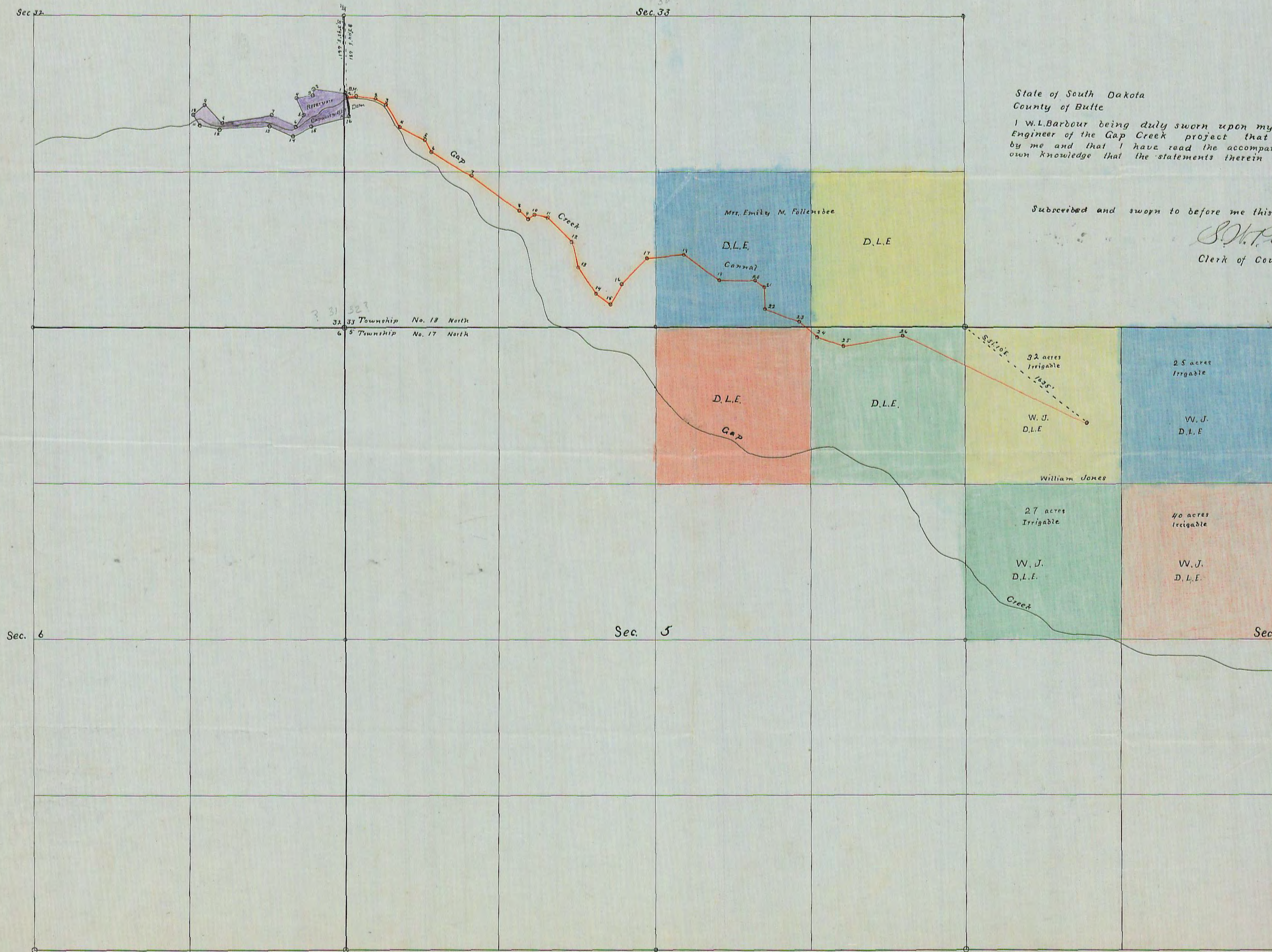
**RECEIVED**

JUL 16 1910

OFFICE OF STATE ENGINEER,  
PIERRE, S. DAK.

# GAP CREEK PROJECT WILLIAM JONES

PROPRIETOR Sec. 32 & 33, Twp. 18 North, Range 10 East, B.H.M.



State of South Dakota  
County of Butte

I W.L. Bardour being duly sworn upon my oath say that I am the Engineer of the Gap Creek project that the survey and map thereof were made by me and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true

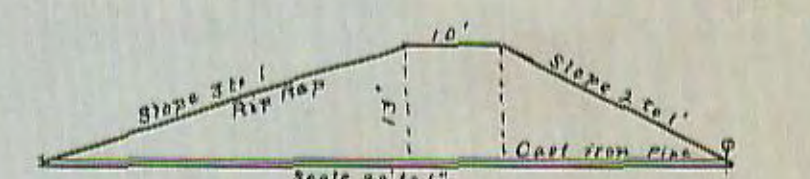
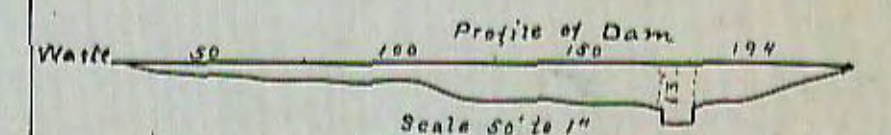
W.L. Bardour  
Surveyor

Subscribed and sworn to before me this 14<sup>th</sup> day of March 1908

S.H. Sellers

Clerk of Courts in and for Butte County  
State of South Dakota

| Ditch |             |          | Dam  |             |          |
|-------|-------------|----------|------|-------------|----------|
| Sta.  | Bearing     | Distance | Sta. | Bearing     | Distance |
| 0     | N 81° 45' E | 73       | 1    | N 85° 06' W | 274      |
| 1     | S 88° 45' E | 284      | 2    | S 5° 15' W  | 56       |
| 2     | S 63° 45' E | 77       | 3    | S 82° 23' W | 160      |
| 3     | S 34° 21' E | 236      | 4    | S 25° 46' E | 150      |
| 4     | S 66° 00' E | 236      | 5    | S 33° 45' W | 119      |
| 5     | S 27° 45' E | 126      | 6    | N 66° 15' W | 215      |
| 6     | S 37° 33' E | 410      | 7    | S 86° 15' W | 435      |
| 7     | S 51° 50' E | 508      | 8    | N 46° 30' W | 212      |
| 8     | S 51° 30' E | 100      | 9    | S 44° 50' W | 130      |
| 9     | N 45° 36' E | 66       | 10   | S 31° 36' E | 180      |
| 10    | S 70° 00' E | 102      | 11   | S 78° 30' E | 152      |
| 11    | S 58° 00' E | 297      | 12   | N 81° 30' E | 426      |
| 12    | S 12° 15' E | 207      | 13   | S 66° 12' E | 221      |
| 13    | S 34° 15' E | 270      | 14   | N 62° 36' E | 170      |
| 14    | S 68° 15' E | 127      | 15   | N 74° 24' E | 346      |
| 15    | N 23° 36' E | 182      | 16   | N 8° 15' W  | 194      |
| 16    | N 48° 36' E | 297      |      |             |          |
| 17    | N 82° 46' E | 319      |      |             |          |
| 18    | S 54° 30' E | 375      |      |             |          |
| 19    | E 61° 15'   | 306      |      |             |          |
| 20    | S 58° 30' E | 82       |      |             |          |
| 21    | S 3° 00' E  | 187      |      |             |          |
| 22    | S 71° 00' E | 304      |      |             |          |
| 23    | S 44° 36' E | 198      |      |             |          |
| 24    | S 73° 00' E | 228      |      |             |          |
| 25    | N 74° 30' E | 516      |      |             |          |
| 26    | S 62° 18' E | 1663     |      |             |          |



WR# 32-1  
Map # 28-1

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JUN 1 1908  
OFFICE OF STATE ENGINEER  
SOUTH DAKOTA