

No. 47

Water Division No. 1 Grand River District.

(Blanks to be filled by the State Engineer.)

COPY

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

(NOTE—Draw lines through items not applicable. Where not otherwise stated all items refer to the proposed enlargement or extension.)

Name of applicant Louise J. GilbertPost office address Harding County Butte 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 this 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 personal labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of existing division works Falkner Creek Reservoir and Permit No.Name of enlargement or extension East Ditch3. Quantity of water claimed by enlargement or extension 2.25 cubic feet per second.4. Source of water supply Falkner Creek, a dry water course, tributary of South Grand River5. Location of point of commencement of extension N. 64° 33' W. - 738.0 ft. from 1/4 sec. cor. to Secs. 21 and 22, T. 18 N., R. 4 E. B.H.M. on Falkner Ditch6. Annual periods during which water is to be used April 15th to Sept. 1st

7. To be used for:

(a) Irrigation or domestic use: Irrigation of desert land entry(a) Number of acres to be irrigated 148.40 acres.(b) Legal subdivisions to be irrigated N. 1/4 Sec. 22, T. 18 N., R. 4 E. B.H.M.

(NOTE: A list of lands to be irrigated, showing 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.)

III. 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, \$ 25.00 (b) Pumping plant \$
 (c) Fluming, \$ (d) Canal-earth, \$ 35.00 rock, \$
 (e) Other structures Enlargement of dam \$ 300.00 Total, \$ 380.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) Storage Reservoir in Falkner Creek, Capacity increased from 47.25 to 82.5 ac.ft. and ditch extended from main ditch now irrigating NW Sec. 21, to the NW Sec. 22.

(a) Dam: Height 13.0 feet; length at bottom feet; length at top 531.0 feet; thickness at bottom 71.4 feet; thickness at top 13.0 feet; slope of front (water) face 2 1/2:1; slope of back face 1 1/2:1; material used in construction Sandy loam and hard pan
 (b) Reservoir: Capacity when filled 82.5 acre feet. Surface area at highwater mark 18.48 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	CAPACITY-ACRE- FEET
8.0	18.48	82.5
3.0	13.5	47.25
0.0	3.7	14.8
- 4.0	0.0	0.0

(c) Head gate: Width 1.0 feet; height 1.0 feet
 Material 2" X 12" pine lumber sluice with sliding board gate constructed 0.55 miles
 (d) Canal: Total length ext. 0.44 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
Sta. At 0+0	1.7 feet	5.0 feet	7.0 feet	5.28 feet
At 11+05	1.4 feet	4.0 feet	6.0 feet	5.28 feet
West Branch At	1.0 feet	3.0 feet	5.0 feet	5.28 feet
East Branch At	1.0 feet	3.0 feet	5.0 feet	7.92 feet
At				
At				

[Give dimensions where reductions in size are made.]

10. Time required for completion of work completed

11. Time required for complete application of water to the proposed beneficial use 1.0 years.

12. Choice of newspaper for publication of notices of intention to appropriate

Belle Fourche Bee

STATE OF SOUTH DAKOTA

County of Butte

I, Louise J. Gilbert

, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of

OWNER

(Owner, manager or engineer)

, that I have read the above and 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 Louise J. Gilbert

Subscribed and sworn to before me this 22d day of Sept. 1908

O. O. Stokes

Notary Public for other qualified officers

My commission expires April 7th, 1912

Comprising the irrigation system on the Desert Land Entries of
FRANK M. GILBERT and LOUISE J. GILBERT, of HARDING, S. DAK.
SECTIONS 21 AND 22, T. 18 NORTH, R. 4 EAST, B. H. MER.

*Prepared to accompany the application of Louise J. Gilbert to enlarge the Falkner
Creek Reservoir and extend the system through the East Ditch.
Original works shown in Red, Extensions shown in Black.*

Scale: 1 inch = 400 feet.

August 30, 1908.

Falkner Creek is a dry water-course, tributary to South Grand River. Drainage area above reservoir is 4.5 sq. miles. minimum flood discharge = Sec. sec. feet.
Falkner Creek Reservoir has been increased for this further appropriation as follows: Area 135 acres increased to 188 1/2 acres; capacity 47.15' acs. Res. increased to 83.8 acs. feet; water line raised 30 ft. dam raised 30 ft. and top width increased from 60 ft. to 82 ft. feet.
Main Ditch is 0.35 miles long, 70 ft. wide on water line, 50 ft. wide on bottom, 1.9 ft. deep. From initial point to sluice box at head of East Ditch, from thence to terminus: 60 ft. on water line, 1.4 ft. bottom, 1.4 ft. deep. Grade 5.28 ft. per mile.
East Ditch is 5 ft. by 3 ft. by 10 ft. 0.44 miles long, Grade 7.2 ft. per mile. All laterals are 1.5 ft. by 1.5 ft. by 4 ft. deep.
Original water right notice No. 1964 dated October 14, 1901, claiming 1000 inches of water from these works has been complied with insofar as the NE 1/4 Sec. 21 is concerned, where 57.44 acres are irrigated 41.9 acres of which is cultivated.
Application is being made for 2.2 sec. feet to irrigate 148.4 acres in NW 1/4 Sec. 22, 207.8 acres of which is cultivated.

State of South Dakota } ss.
County of Butte }

I, Carl C. Adams, being duly sworn, upon my oath say: that I am the engineer of the Folkner Creek Reservoir and Ditch and extensions therein; 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.

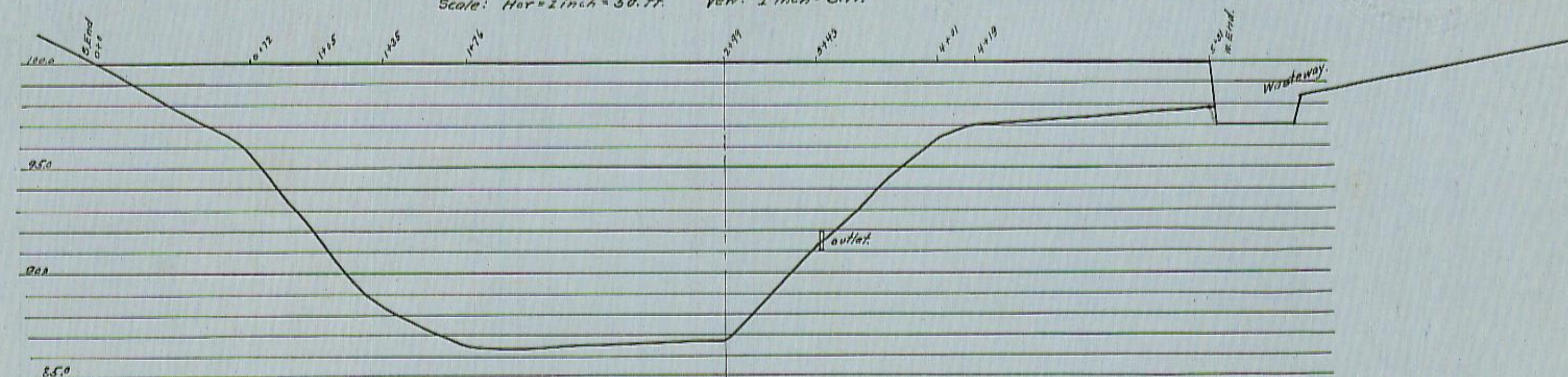
Carl Bydones
County State Surveyor, S.D.

Subscribed and sworn to before me this 23rd day of September 1908.

Wm Sellers
Clerk of Courts

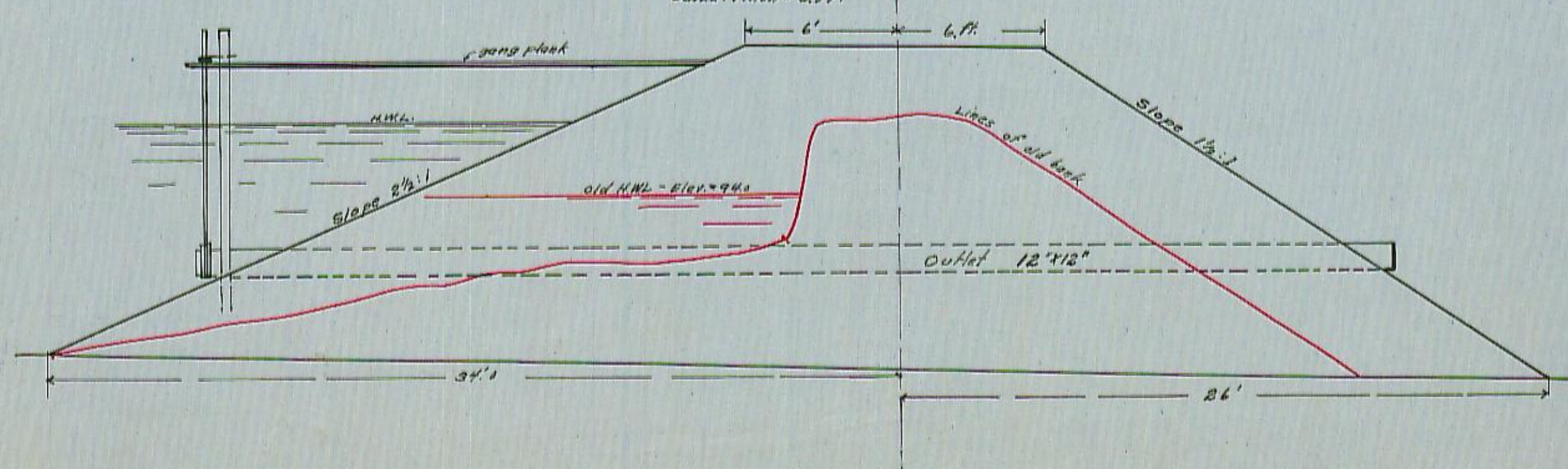
PROFILE of CENTERLINE of DAM.

Scale: Hor = 1 inch = 50. ft. Vert: 1 inch = 5. ft.



CROSS SECTION AT STA. 2+99

Scale: 1 inch = 5 cm



RECEIVED
MAR 20 1934
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.
50-1

Remarks by State Engineer:

This application is for the right to enlarge existing diversion works by appropriating and storing 2.2 second feet of the waters of Falkner Creek, a dry water course, tributary of South Grand River, for the purpose of irrigating desert land entry.

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, June 18, 1909

This is to certify that the foregoing application was received at this office at nine o'clock a.m. upon the 27th day of March, 1909, and that after examination it was found to comply with the provisions of the Water 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 May 31, 1909.

Samuel E. Lea
State Engineer.

By Deputy

Number of permit 47

Date of first receipt of application March 27

Date of return to applicant for correction

Date of receipt of corrected application

Date from which application may claim right March 27,

Approved May 31, 1909, recorded in Book 1 Page 134

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

Work has been completed.

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

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 31, 1910.

4th. The water appropriated shall be used for the purpose of irrigating desert land entry.

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 2.2 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 on or before May 31, 1910; said water to be used during the following described annual periods.

April 15th to September 1st.

Witness my hand this 18th day of June 1909

Samuel H. Lea

State Engineer.

By

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 1st day of July, 1909.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

COPY

No. 47

Division No. 1 Grand Five District

PERMIT

to appropriate water from
Falkner Creek
Butte County, South Dakota

Name of applicant

Louise J. Gilbert

Name of diversion works Falkner
Creek Reservoir & Ditch

Date of first receipt of office of State
Engineer March, 1909

Returned to applicant for correction
----- 150

Corrected application received
----- 190

Date of water right
March 27, 1909

Recorded in Book 1 Page 124
~~One fifth of work to be completed~~
Work has been completed 10

~~Whole work to be completed~~
----- 10

Final proof of use of water
May 31, 1910

Approved May 31, 1909
Samuel H. Lea
State Engineer

By _____
Deputy.

C E R T I F I C A T E

Office of State Engineer,
Pierre, S.D., November 2, 1909.

State of South Dakota
County of Hughes) ss

This certifies that Louise J. Gilbert, whose post office address is Harding, Harding County, South Dakota, has been granted a right to appropriate for the irrigation of her desert land entry 2.2 cubic feet per second of the waters of Falker Creek, a tributary of South Grand River, through the East Ditch, an extension of the Falker Creek Reservoir and Ditch, the point of commencement of extension of which bears N. 54°33' W. 738.0 ft. from the $\frac{1}{4}$ section corner to Sections 21 and 22, Township 18 N., Range 4 E. P.M.M. Said water to be used upon the following legal subdivisions: NW $\frac{1}{4}$ of Section 22, Township 18 N., Range 4 E. P.M.M.; and that said permit is on file in this office in Book 1, page 124, Records of Filings for Water Rights, State of South Dakota.

Witness my hand and official seal, this 2nd day of November, 1909.

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 47

WHEREAS, On the twenty-seventh day of March A. D. 1909

LOUISE J. GILBERT

of Harding County of Butte and State of South Dakota duly made application (No. 47) to me for a permit to use 2.2 cubic feet per second of the waters of Falkner Creek County of Butte State of South Dakota, for irrigation purposes.

WHEREAS, On the eighteenth day of June A. D. 1909

Permit No. 47 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 day of A. D. 1909 and for the application to beneficial use of said water on or before the thirty-first day of A. D. 1910 and,

WHEREAS, On the day of A. D. 1909

the holder of said permit duly made proof of the completion of adequate works for the diversion of cubic feet per second of said waters, as evidenced by my Certificate No. dated confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use cubic feet per second of water, with date of priority of and,

WHEREAS, On the thirteenth day of October A. D. 1911

proof was duly made of the application to beneficial use of 2.2 cubic feet per second of said water;

For irrigation upon the NE¹/₄ of NW¹/₄, NW¹/₄ of NW¹/₄, SW¹/₄ of NW¹/₄, SW¹/₄ of NW¹/₄, Section 22, Township 13 N., Range 1 E. B. H. M.

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 Louise J. Gilbert

of Buffalo the holder and owner of said permit No. 47

a water right, dating from March 27, 1909, to the use of 2.2

cubic feet per second of the waters of Falkner Creek

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

necessary for the purposes hereinbelow mentioned, to be diverted at N. 64° 33' W. 732.0 feet from
quarter section corner to Sections 21 and 22, Township 18 N., Range 4 E.
B.H.M.

and conducted to and upon NE 1/4 of NW 1/4, NW 1/4 of NW 1/4, SE 1/4 of NW 1/4, NW 1/4 of NW 1/4,

Section 22, Township 18 N., Range 4 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 thirteenth day of October A. D. Nineteen
Hundred and Eleven.

BY _____ State Engineer.
Deputy.

STATE OF SOUTH DAKOTA

Water License No. 47

To LOUISE J. GILBERT

Source of Supply Falkner Creek.

Harding County

Am't 4.2 Sec. Feet

Point of Diversion N. 64° 33' W. 738.0
ft. from & sec. cor. to Sec. 21
& 33, T. 18 N., R. 4 E., S. 14 N.

Place of Use NW 1/4 of Section 22.

T. 18 N., R. 4 E., S. 14 N.

Purpose Irrigation

Date of Priority March 27, 1900.

Recorded June 18, 1900.

In Book 1 of Record Page 124.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Butte

ss

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

Application to Appropriate Water was taken from the

Belle Fourche Rev. 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:

April 8, 15, 22, 29, 1909

in each and every issue of the full number thereof, the first

publication being made on the 8 day of April

1909 and the last publication on the 29 day of

April 1909, 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 printer and publisher of

the said newspaper.

Subscribed and sworn to before me this 7 day of April A. D. 1909

Notary Public Butte County, S. D.

Application of Water, 1909.
Office of the State Engineer,
Pierre, S. D., March 31, 1909.
Notice is hereby given that Louise J. Gilbert,
whose postoffice address is Harding, Butte
County, S. D., has made an application in ac-
cordance with the provisions of the Irrigation
laws of South Dakota for a permit to ap-
propriate for beneficial use 2.4 cubic feet of
water per second of time from Falker Creek
through the East ditch, the point of com-
mencement of extension of which is to be
located upon the bank of said stream in the
section of the new section 21 township 18 N.
range 4 E. R. 11 E. said water to be used for
the purpose of irrigation of Desert Land Entry
upon the said section 21, T. 18 N., R. 11 E.,
S. 4. This application will be taken up by the State
engineer at his office at Pierre for consid-
eration and appropriate action upon the 31st
day of May, 1909, at 10 A. M., but 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 benefited, are notified to
be present either by sworn affidavit or in
person for the purpose of presenting any
relative testimony.
1909. SAMUEL H. LEE, State Engineer.

RECEIVED

MAY 8 1909

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

(First Publication 190.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., March 31, 1909

Notice is hereby given that Louise J. 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 Da-
kota for a permit to appropriate for beneficial use 3.3 cubic
feet of water per second of time from Parkner Creek
through the East Ditch, the point of commencement of extension
is to be located upon the bank of said stream in the SE
1/4 of the NE 1/4 of section 21 township 18N range 4E. B.H. said water
to be used for the purpose of irrigation of Desert Land Entry
..... upon the N 1/4 Sec. 22, T. 18 N.,
Range 4 E. B.H.M.

This application will be taken up by the state engineer at his
office at Pierre for consideration and appropriate action upon the
31st day of May 1909, at 9 a. m., at which time all
persons who believe that the prior rights would be injuriously af-
fected, 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 affi-
davit or in person for the purpose of presenting any relative tes-
timony.

State Engineer

RECEIVED

JAN 26 1931

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

RE WATER RIGHT NUMBER 47-1
Louise J. Gilbert

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

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.

3. How many acres did you irrigate during the

1930 crop season? 45 acres.

1929 crop season? 50 acres.

1928 crop season? 50 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.

SIGNED, Louise J. Gilbert

(OVER)

OFFICE OF
CARL C. ADAMS
DEPUTY STATE SURVEYOR
Belle Fourche, S. D.

I, Frank M. Gilbert, the sole owner of the
Falkner Reservoir and Ditch, taking water
from Falkner Creek under water right notice
Number 14064, do hereby give my free and voluntary
consent to the enlargement and extension of ditch
to the use of water through the said ditch by
Louise J. Gilbert, according to the terms of this
permit to enlarge.

Frank M. Gilbert

Subscribed and sworn to before me, this 27th day of
Sept 1908.

O. O. Stokes

Notary Public

Witness my hand and seal this 27th day of 1908

Consent of owner of works
to enlarge.

application of
Louise J. Gilbert.

RECEIVED

MAR 27 1909

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

FILED

MAR 27 1909

SAMUEL H. LEA, State Engineer.

Permit No. 47Water 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. Louisa J. Gilbert, Buffalo, South Dakota, branch owner
Post Office - Buffalo.

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. _____

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

Ans. Caulkner Creek, Point of Diversion: NW 1 of SE 1 Sec. 21, Td.
18 North Range 4 East, R. H. 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. The works consist of one main dam and spillway with headgate.
and main irrigating canal with laterals. The works are capable of
diverting 500 acre foot per annum.

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

NE 1/4 Sec. 22	46 acres irrigated
SW 1/4 " "	" "
SE 1/4 " "	" "
SW 1/4 " "	" "
Total	140

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. About three cubic feet per minute for this one claim. This
is a Joint Water Right.

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. Ownership of permit was acquired by assignment or transfer of
a one-half interest from

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

Ans. _____

(Sign.) *Louise J. 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 Buffalo, County of Harding, State of South Dakota, on this 29th day of September A. D., 1921

W. W. Bennett
NOTARY PUBLIC

Permit No. 3

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water 3.2 second feet

Source Falkner Creek

County Harding

Purpose Irrigation

Place of Use NW 1 of Section 32,
Township 18 N., Range 4 E. B.H.M.

Date of priority March 27, 1909.

RECEIVED

OCT 2, 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Received and filed October 2, 1911.

August 18, 1941

Re: Water Right No. 47-1
Louise J. Gilbert

Wynn H. Bennett
Lawyer
Buffalo, South Dakota

Dear Sir:

This will acknowledge receipt of your letter of August 7th, inquiring as to whether or not the above right, No. 47-1 is still a valid water right.

Our records show that the right is duly filed and recorded in this office, and appropriates 2.2 sec. ft. for the use of Louise J. Gilbert, during the annual periods from April 15 to September 1st. There is no apparent reason why this is not a valid water right. We of course have no record as to whether or not the water has been beneficially used during a continuous period since it was issued, since as you know, three years in non-use constitutes abandonment, and automatically reverts the water back to the public for further appropriation.

We will be glad to furnish you with any further information relative to this right as we have it here in the office. A copy of any of the documents may be had by paying a small fee which the Code requires that we charge.

Very truly yours,

Dean W. Luoks
State Engineer

DWL/ef

WYNN M. BENNETT
LAWYER
BUFFALO, R. D.

RECEIVED
AUG 12 1941

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

August 7, 1941

Office of State Engineer
Pierre, South Dakota

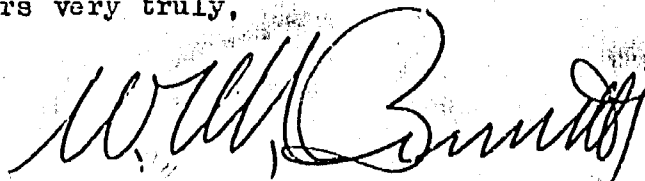
Dear Sir:

A number of years ago there was a water right issued to Louise J. Gilbert for irrigation purposes a dam to be constructed on Falkner Creek in the SE 1/4 of Section 21, and to irrigate the NW 1/4 of Section 22 in Township 18 north of Range 4 east in Harding County.

I am very much interested to know at this time whether the same is still a valid water right. Of course, as far as the records in the Court House here are concerned, there is nothing to show that, but I presume your records would show it.

Kindly let me hear from you.

Yours very truly,



//LIB:es