

No. 12

OFFICE OF STATE ENGINEER
DOCUMENT FILE

Location of Battle Creek Water Dist.
Name of Applicant - District C.
State and Division - Michigan (North)
Name of Diversion Works - Represent
Drawn by

Date of first receipt - January 25, 1907
Location of point of diversion - West
of Sec. 25, East 1/2 of Sec. 27, distant and
point at center of dam from
which the ditch of Sec. 25, East
72° 45' E 1766.

Beneficial Use - Irrigation.
Approved April 2, 1907
Recorded in Book - 1, page 24.
Remarks - Land to be irri-
gated under Secs. 24 and 25,
T. 28, R. 8, E.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the 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 14 day of April, 1908.

Samuel H. Lea
State Engineer.

By *Charles H. Lea*
Deputy.

(copy)

No. 16

Division No. 2, Battle Cr. District

PERMIT

to appropriate water from

Ayres Draw

Custer County, South Dakota

Name of applicants Gustave C.

Katsch & Mrs. Emma Little.

Name of diversion works

Ayres Draw Dam.

Date of first receipt at office of State

Engineer January 28 1907.

Returned to applicant for correction

190

Corrected application received

190

Date of water right

January 28 1907.

Recorded in Book 1 Page 21.

One-fifth of work to be completed

March 27 1908

Whole work to be completed

March 27 1909

Final proof of use of water

March 27 1909

Approved April 2 1907.

Samuel H. Lea,

State Engineer.

By Deputy.

No. 12

Water Division No. 2. Battle Creek Water District.

(If it fails to be filled by the State Engineer.)

90.300

CO. SAE, sub (copy) draft

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

9 05

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

(12)

Kleth & Esther Katsch

1. Name of applicants ~~Custave C. Katch and Mrs. Emma Little (nee Katch)~~

Postoffice address, Fairburn County Custer State So. 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) Direct labor

(b) Cash on hand, \$ 37 3101 3 (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion works Ayres Draw Dam.

3. Quantity of water claimed 1.9 cubic feet per second.

4. Source of water supply Ayres Draw (dry water course)

5. Location of point of diversion SW cor of Sec 24 bears S 15° W, 867' distant and point at center of dam from which the N 1/4 cor of Sec 25 bears N 29° 45' E, 1716', on left bank. (Right or left bank looking down stream.)

6. Annual periods during which water is to be used Jan. 1 to Jan. 1.

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 133.5 acres.

(b) Legal subdivisions to be irrigated see attached list

(NOTE - A list of lands to be irrigated, giving each subdivision and fraction with acreage, 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

90.300 12

(1202)

Legal Subdivisions.

In SW 1/4 of Sec. 24, T 6 S, R 8 E, 10.5 acres
 " NW 1/4 of " 25, " 44.4 "
 " NE 1/4 of " 25, " 11.0 "
 " S 1/2 of " 25, " 67.8 "
 133.7 "

(1. Descriptions of works:

(a) Dam: Height 12 feet; length at bottom 107 feet; length at top 239 feet; thickness at bottom 60 feet; thickness at top 8 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; material used in construction earth and gravel

(b) Reservoir; Capacity when filled 7.8 acre feet. Surface area at highwater mark 1.95 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	CAPACITY- ACRE-Feet
12	1.95	7.8

(c) Head gate: Width feet; height feet
 Material

(d) Canals Total length 1.4 miles & 6015 ft.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER	GRADE PER MILE
At 0 mile	1.4 feet	7 feet	9 feet	5 feet
At mile				
At mile				
At mile				
At .1 mile				

[Give dimension, where reduction in size are made.]

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

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

Buffalo Gap Republican

STATE OF SOUTH DAKOTA

County of Pennington

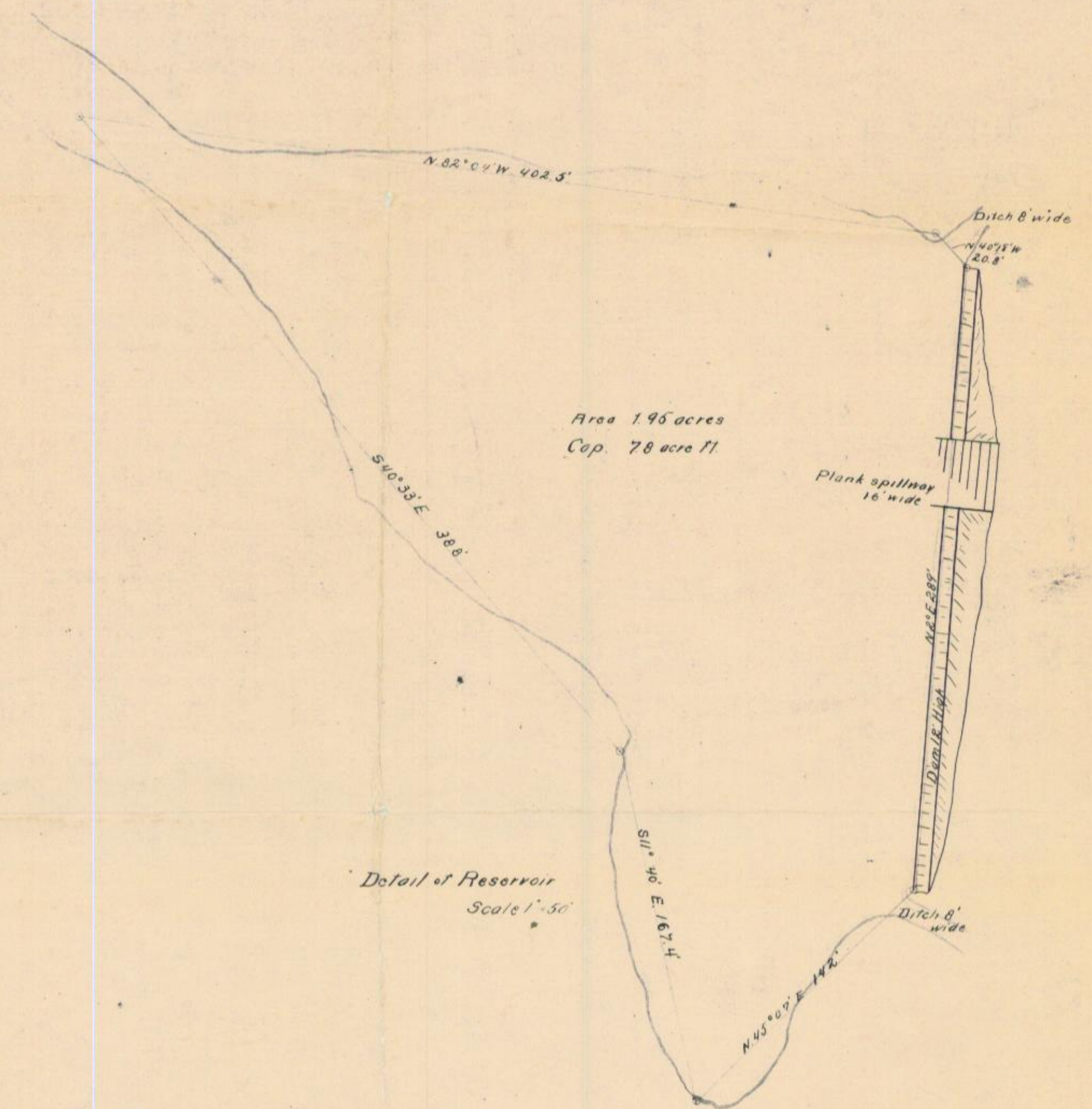
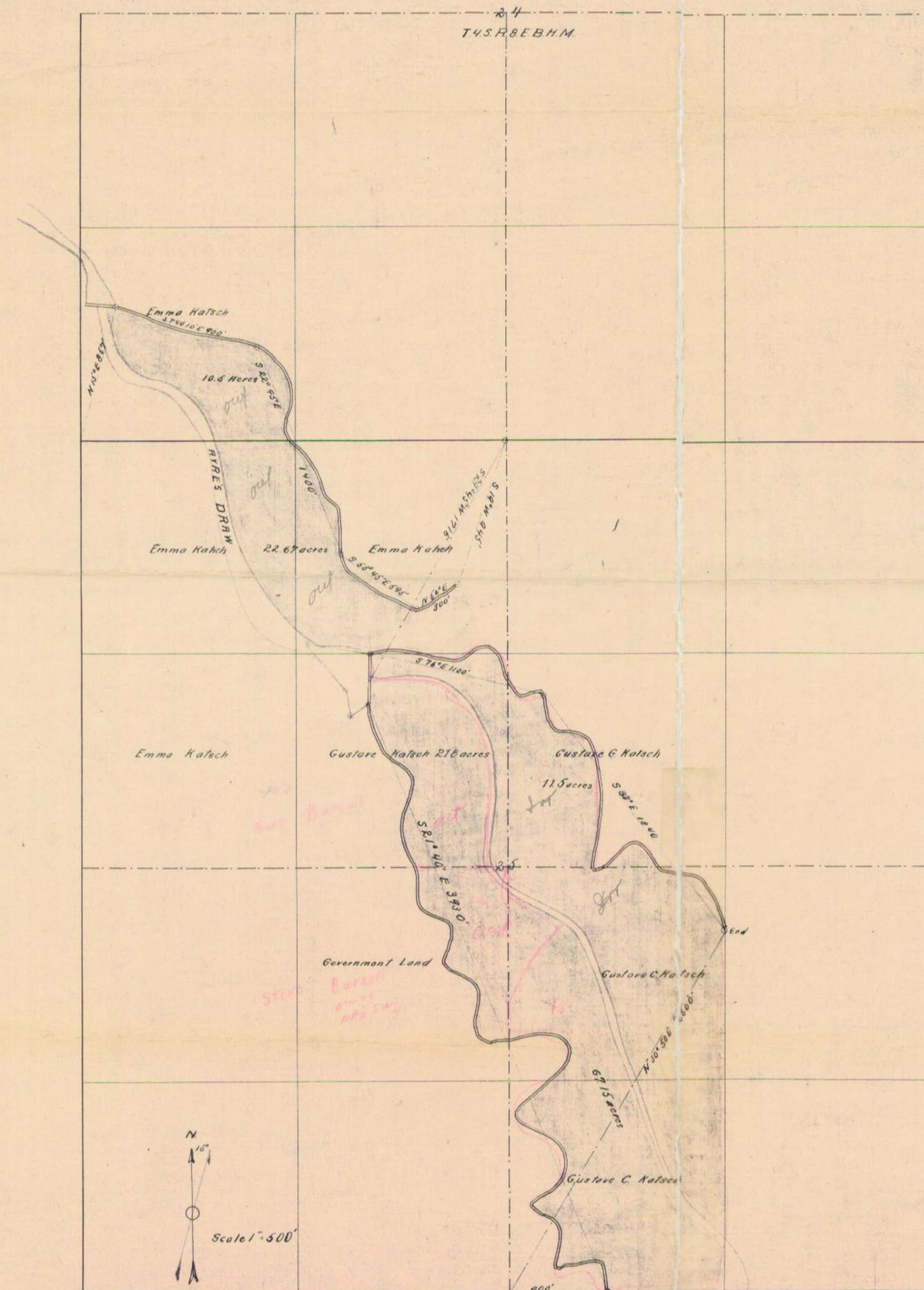
I, Stein Bangs, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Engineer, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Stein Bangs

Subscribed and sworn to before me this 26th day of January 1907

(Seal.)

Frank D. Bangs
 Notary Public (or other qualified officer).

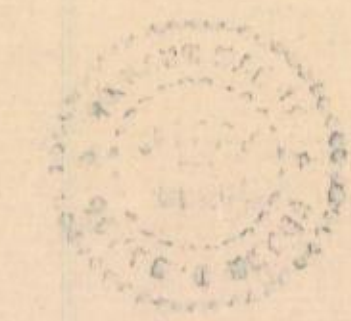


KATSCH WATER RIGHT. AFFIDAVIT.

State of South Dakota } ss
County of Pennington.

I, Stein Bangs, being duly sworn, say, that I am the engineer of the KATSCH DITCH, that the survey and map thereof were made by me or under my direction, and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true.

Subscribed and sworn to before me this 19th day of January, 1906.
Stein Bangs, Engineer
Frank W. Bangs, Notary Public



Remarks by State Engineer:

This application is for the right to appropriate and store for beneficial purposes the intermittent flow of a watercourse in which water does not flow continuously.

STATE OF SOUTH DAKOTA
County of Hughes. } ss

Pierre, South Dakota, April 2 1907.

(ccdn.) This is to certify that the foregoing application was received at this office at 3:30 o'clock p. m. upon the 28th day of January 1907 and that after examination it was found to comply with the provisions of the irrigation laws of South Dakota. Notice of intention was duly published and a hearing was held in this office upon April 1, 1907.

Samuel H. Lea,
State Engineer.

By Deputy.

Number of permit 12
Date of first receipt of application January 28 1907
Date of return to applicant for correction 190
Date of receipt of corrected application 199
Date from which application may claim right January 28 1907
Approved April 2 1907, Recorded in Book 1 Page 21

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 March 27 1908.

2d. The whole of said work is to be completed on or before March 27 1909.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 27 1909.

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 1.9 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 March 27 1909; said water to be used during the following described annual periods.

annually

Witness my hand this 2nd day of April 1907.

Samuel H. Lea,
State Engineer.

By Deputy.

Certif of Construction and
Water License Issued:
March 11, 1981

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 12-2

(1) WHEREAS, On the 28th day of January A. D. 19 07Gustavo C. Katch and Mrs. Emma Little (nee Katch)made Water Right Application No. 12-2 for a permit to use 1.9 cubic feet per second of the waters of Ayres DrawCounty of Custer, State of South Dakota, for irrigation purposes; and(2) WHEREAS, On the 2nd day of April A. D. 19 07Permit No. 12-2, with a date of priority of January 28, 1907was issued to said applicant S. for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 27th day of March A. D. 19 09 and for the application to beneficial use of said water on or before the 27th day of March A. D. 19 09

Whereas on the 30th day of January 1981 this Permit No. 12-2 was transferred to Kieth and Esther Katsch, Fairburn, South Dakota

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.3 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in Section 25-T4S-R8E.

Acres	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11
SW $\frac{1}{4}$ NE $\frac{1}{4}$	12
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3
Total	89 acres

(5) 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 Kleth and Esther Katsch

_____ of Fairburn, SD

the holder S and owner S of said permit No. 12-2 a water right, dating from January 28, 1907

_____ to use of 1.3 cubic feet per second of the waters

of Ayres Draw

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 1600' S and 1750' E of the NW Corner, Section 25 and Dry Draws, in T4S-R8E

and conducted to and upon _____
portions of land in Section 25-T4S-R8E more fully described on
the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 12-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of March A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 12-2

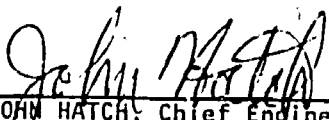
Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kleth & Esther Katsch

_____ the holder _____ of
Permit No. 12-2, issued upon Application No. 12-2, bearing date of priority of January 23,
1907 authorizing the diversion of 1.9 cu. ft. per second of the waters of _____
Ayres Draw _____ County of Custer, State of South Dakota at _____
1600'S and 1750'E of the NW Corner, Section 25 and Dry Draws, in T4S-R6E
_____, for irrigation

purposes, have _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 10 cu. ft. per second of water. (estimated)
Date March 16, 1981



JOHN HATCH, Chief Engineer
Water Rights Division

R 8 E

Pt of Diversion

Ditch

7-4 S

Overlay of Aerial Map
8" = 1 mi.
1" = 660'

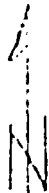
Ditch

Permit # 12-2

Kieth + Ester Kutsch



R 8 E



1600'

1750' PE of Diversion

SE $\frac{1}{4}$ NW $\frac{1}{4}$
11 Ac

SW $\frac{1}{4}$ NE $\frac{1}{4}$

12-12

NW $\frac{1}{4}$ SE $\frac{1}{4}$
33 Ac

T 4 S

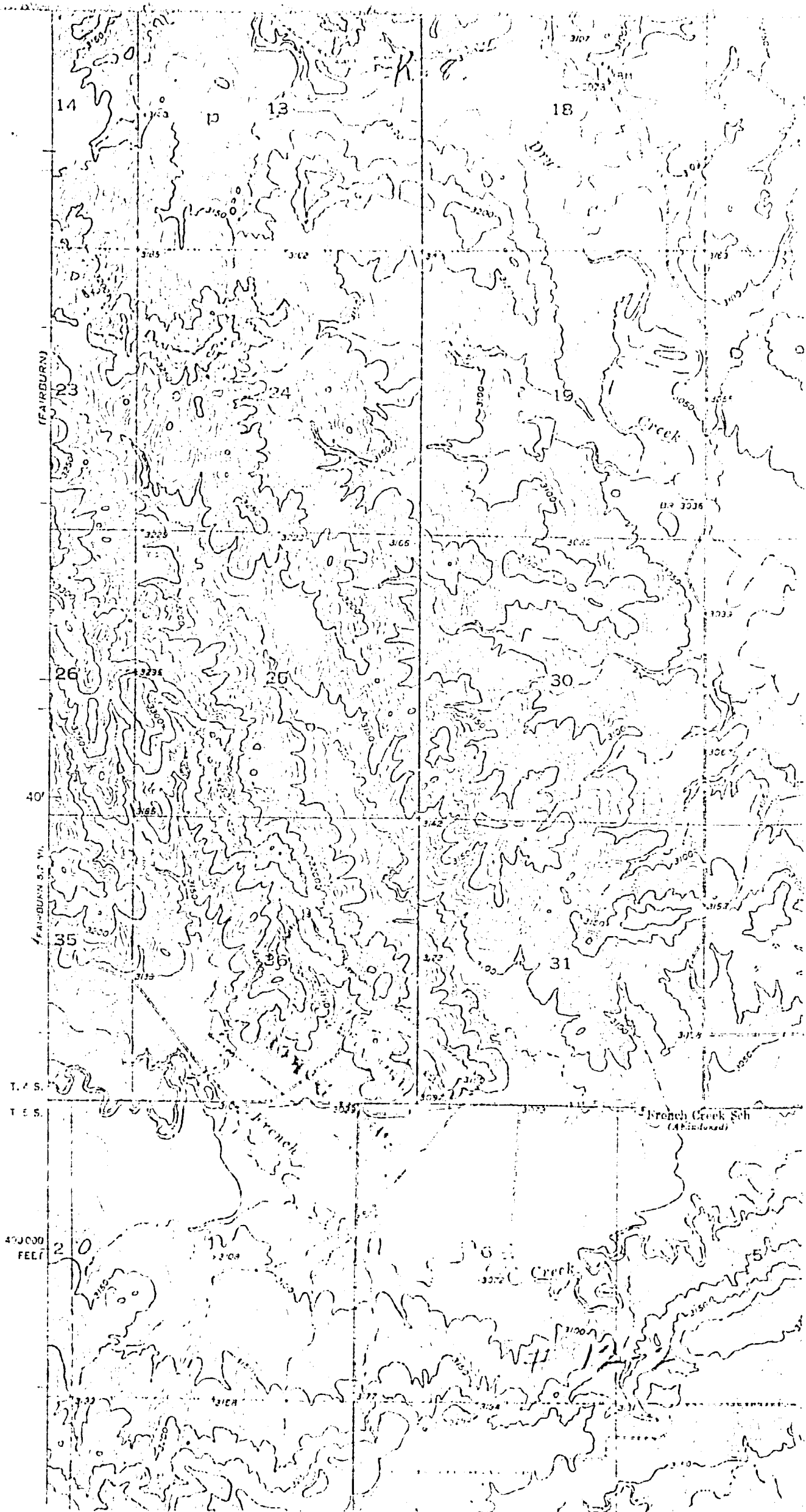
Overlay of Aerial Map
8" = 1 mi
1" = 600'

Ditch

SW $\frac{1}{4}$ SE $\frac{1}{4}$
32 Ac

Permit # 12-2

Killer 1500 Katsch



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Hall River
H. B. Ballew

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

Intention to appropriate Water was taken from the Republican a newspaper which

during the whole time of publication of said notice herein-

after stated, has been and is printed and published in the

town of Buffalo Gap County of Louisa and State of South Dakota,

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

Feb 9th 1907; Feb 16th 1907
Feb 23rd 1907; March 2nd 1907; March 9th 1907

in each and every issue of the full number thereof, the first publication being made on the 9th day of Feb

1907 and the last publication on the 9th day of March 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 the printer and publisher of the said newspaper.

H. B. Ballew
 Subscribed and sworn to before me this 11th day of March A. D. 1907

James H. Ballew
 Notary Public Hall River County, S. D.

First publication Feb. 9th, 1907.

APPROPRIATION OF WATER.

Office of the State Engineer,
 Pierre, S. D., Jan. 30, 1907.
 Notice is hereby given that Gustave C. Katsch and Mrs. Emma Little, whose post-office address is Fairburn, Cass County, S. D., have made an application in accordance with the provisions of the Irrigation Law of South Dakota for a permit to appropriate for beneficial use 1.5 cubic feet of water per second of time from Ayres Draw through the Ayres draw dam, the point of diversion of which is to be located upon the left bank of said stream in the SW 1/4 of the SW 1/4 of section 21, township 5 south, range 8 east, N. H. M., said water to be used for the purpose of irrigation upon the SW 1/4 section 21, NW 1/4 and SW 1/4 section 25, township 5 north, range 8 east, N. H. M.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the first day of April, 1907, at 9 o'clock a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the advantages of the permit would be detrimental to the public welfare, and also parties making the application, and to be interested, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

Samuel H. Leach,
 State Engineer.
 Stein Bange,
 Civil Engineer, Rapid City, S. D.

Permit No. 12-2Water Division 2 Battle Creek Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Kietz & Esther-
Katch of Fairburn, S. Dak. 57738 holder
of Permit No. 12-2, bearing date of priority of January 28, 1907
authorizing the diversion of 1.9 cu. ft. per second of the waters of Ayres Draw
for Irrigation purposes, in Custer County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Diversion Dam and Dike

B. Works used to transport water to place of use,

Ditches

C. Works used to apply water to beneficial use.

Spreader Dikes and DitchesThe system is in the following condition: FairThe point of diversion is located 1600 ft S and 1750 ft E of the NW Cor.
of Sec. 25 and Dry Draw. T 45 R 8 EThe works are capable of diverting and conveying to the place of use 80 cfs. (est)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 25 T45 R8E
SE 1/4 NW 1/4 - 11 Ac., SW 1/4 NE 1/4 - 12 Ac., NW 1/4 SE 1/4 - 33 Ac.
SW 1/4 SE 1/4 - 32 Ac.comprising a total of 88 acres of land.

$$88 \div 70 = 1.3 \text{ cfs.}$$

because 1.3 cfs.

Date July 9, 1980
Leroy J. Wernau
(Signature)

RECEIVED
DEC 20 1930
OFFICE OF STATE LANDS
PIERRE, S. DAK.

RE WATER RIGHT NUMBER 12-2

Gustave C. Katsch & Mrs. Emma Little

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 *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.

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?

*Have not had water for six years
As alkali water run out native grass
and is not under cultivation otherwise*

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, *Gustave C. Katsch*

(OVER)

RECEIVED

DEC 29 1930

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

RE WATER RIGHT NUMBER 12-2

Gustave C. Katsch & Mrs. Emma Little

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 *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.

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 substantially the amount and for the purpose stated in the application during the years 1928, 1929, and 1930?

*Rented land for pasture and renter
don't use water. Not for the last six
years. As alkali run out native grass*

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,

Mrs Emma Little

(OVER)

January 16, 1981

Kleth & Esther Katch
Fairbourn, SD 57738

Dear Mr. & Mrs. Katch:

On November 25, 1980 we mailed you a notice for fees due for issuance and inspection of your Water License, which we have received. At that time, I overlooked sending you a transfer form to transfer the Water Permit into your name. The permit at present is still listed in the name of Gustave C Katch and Mrs. Emma Little.

Enclosed is our Form 20 "Notice of Transfer of Water Permit", please check over, date, and have it notarized before returning it to this office. Also, a \$2.50 filing fee is required by Statute for filing of the transfer.

As soon as the Form 20, and the filing fee are received, the permit will be transferred to your names and your Water License can be issued.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

GY

encl

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7955

PIERRE, January 30, 1931

RECEIVED OF Esther J Katsch, Fairburn, SD 57738

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing transfer of water right no. 12-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH *[Signature]*

NO. 12-2

Please Note:

NOTICE OF TRANSFER OF WATER PERMIT

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 21 81

This is to notify you that the title to the lands described as follows:

Section 25, T4S, R8E - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW SE $\frac{1}{4}$ - 88 acres

formerly owned by Gustave C ^{Katch} Katch & Mrs. Emma Little

has been transferred to Kieth & Esther Katsch, Fairburn, SD 57738 *Katsch Fairburn*

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 12-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Custer 1895.

I, Kireth M Katoch 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 infor-
mation herein stated is true.

Heath Kuether
(Signed)

Subscribed and sworn to before me this 27 Day of Jan, 1987.

Paul L. Lerner
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7873

PIERRE, January 5, 1931

RECEIVED OF Kietn M Katych, Fairburn, SD 57738

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 12-2	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 12-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *CH*

**OVERSIZE
DOCUMENT
APPEARS ON
SEPARATE
ROLL**