

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 16 day of April 1908

Samuel H. Lea
State Engineer.

By Orin S. H. Lea
Deputy.

(copy)

No. 15

Division No. Fall River District

PERMIT

to appropriate water from Cairn Draw & Red Earth Draw
Custer County, South Dakota

Name of Applicant

Mrs. Maggie Smith

Name of division works Cairn

Draw & Red Earth Draw.

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 23

One-fifth of work to be completed 19

Whole work to be completed

Work completed 19

Final proof of use of water 19

Approved April 2 1907

Samuel H. Lea
State Engineer.

By Deputy.

No. 15

Water Division No. 2. Fall River Water District.
00.00 (If blank to be filled by the State Engineer.) 00.00

00.000 00.000 (copy) 00.000

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

01

2.0

2

(NOTE--Draw a line through the word "not" if applicable.)

010 5 020

1. Name of applicant of **Mrs. Maggie Smith**
Postoffice address **Buffalo Gap**, County **Custer**, State **So. Dak.**

1. If a corporation:

00.00

(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:

00.00

00.00

00.00

00.00

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

11. 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) **Work completed**

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works **Cairn Draw Dam & Red Earth Dam**3. Quantity of water claimed **3.55** cubic feet per second.4. Source of water supply **Cairn Draw and Red Earth Draw**

5. Location of point of diversion **Cairn Draw Dam is S16°35'W, 1496' dist. from 1/4 sec. cor. between secs. 26 & 27, T4S, R8E, left bank & Red Earth Dam is N56°12'E, 1641.5' dist from SW sec. cor. of 27.**
(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:

1. Irrigation or domestic use:

(a) Number of acres to be irrigated **249.04** acres.(b) Legal subdivisions to be irrigated **see attached list**

(NOTE--A list of lands to be irrigated, giving each subdivision with acreage, shall 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.)

Formation

Stein House

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

(a) Nature of use **Industrial**(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

Frank I. Leake

(1.1332)

MMP No 11

Legal Subdivisions to be Irrigated.

NE 40 of NW 1/4 of Sec. 34, T 4 S, R 8 E, B.H.M. 21.4 acres
 NE 1/4 of " 34 T 4 S, R 8 E, B.H.M. 141.0 "
 NW 1/4 of " 35 T 4 S, R 8 E, B.H.M. 86.64 "
 249.04

top 430 & 240 feet; thickness at bottom 54 feet; thickness at
 top 8 feet; slope of front (outlet) face 3 to 1; slope of
 back face 2 to 1; material used in construction earth & gravel

(b) Reservoir, Capacity when full 30.58 acre feet. Surface area at highwater
 mark 2.364 acres.

Red Earth
 Cairn

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH 9.3 FEET OF DEPTH AT OUTLET-ACRES	CAPACITY- ACRE-Feet
2.3	3.497	10.84
9.3	6.367	19.74

(c) Head gate: Width 1/2 feet; height 1 feet
 Material lumber (outlet box with sliding cover.)

(d) Canal: Total length 1 mile & 4217'

overflow
 spillway

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER	GRADE PER MILE
At 0 mile	1 to 1-1/2 feet	8 feet	10 feet	10 feet
At 0 mile	1-1/2 feet	5 feet	7 feet	10 feet
At 1 mile	1 to 1-1/2 feet	8 feet	10 feet	10 feet
At 1 mile	1 to 1-1/2 feet	8 feet	10 feet	10 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work years.

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

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

Buffalo Gap Republican

STATE OF SOUTH DAKOTA

County of Pennington ss

I, Stein Bangs, being first duly sworn
 on my oath depose and say: That my relative to the above described undertaking is that of
 Engineer, that I have read the above and
 (C. Agr. 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.

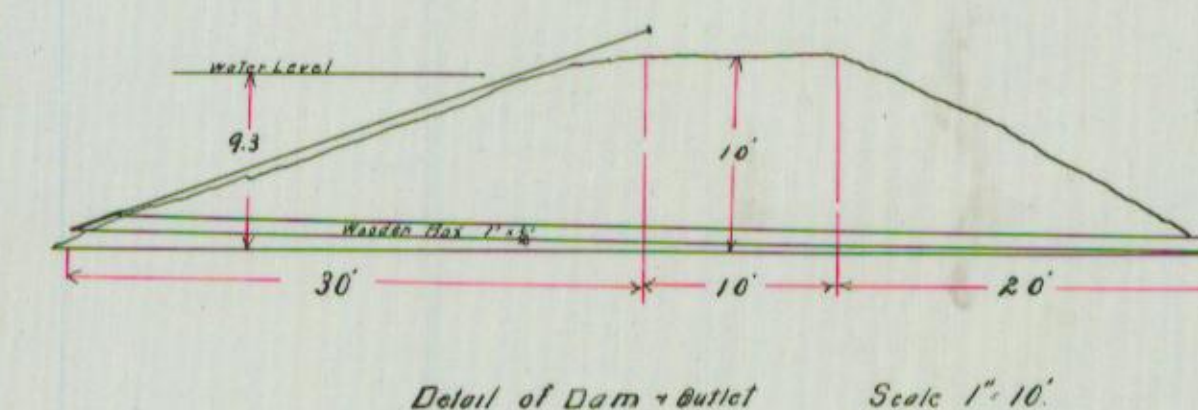
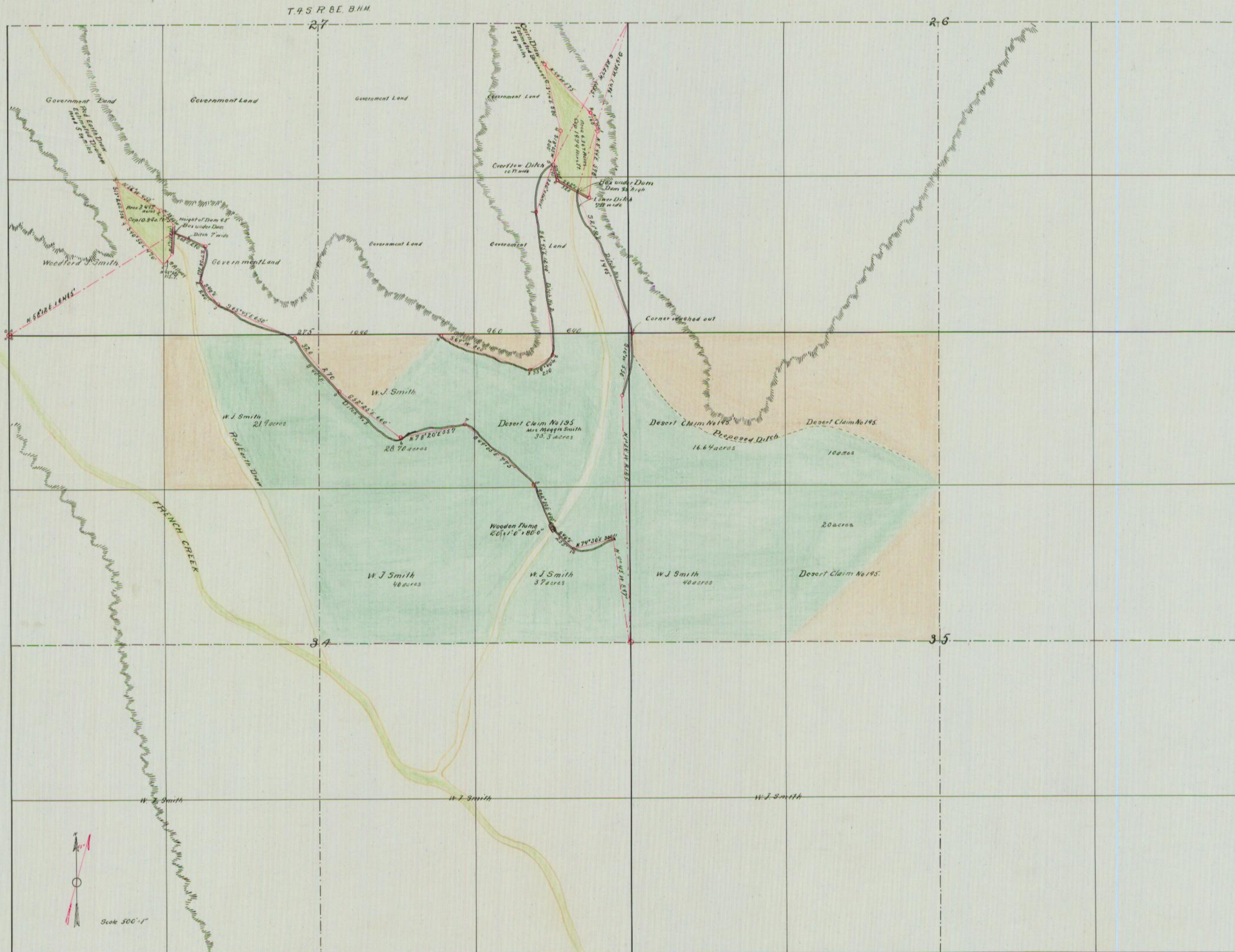
Signed Stein Bangs

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

(SEAL)

Frank D. Bangs

Notary Public (or other qualified officer).



INDIAN CAIRN DITCH. AFFIDAVIT.

State of South Dakota } ss
County of Pennington }
I, Stein Bangs, being duly sworn, say, that I am the engineer of the INDIAN CAIRN 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.

Stein Bangs, Engineer
Subscribed and sworn to before me this 16th day of January 1907
Notary Public

L. H. Herman
Notary Public

Remarks by State Engineer:

This application is for the right to appropriate and store for beneficial use the intermittent flow of two watercourses in which water does not flow continuously.

STATE OF SOUTH DAKOTA

County of Hughes } ss

Pierre, South Dakota, April 2 1907

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 15

Date of first receipt of application January 28 1907

Date of return to applicant for correction 1907

Date of receipt of corrected application 1907

Date from which application may claim right January 28 1907

Approved April 2 1907, Recorded in Book 1 Page 23

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 19 Work has been completed.

2d. The whole of said work is to be completed on or before 19

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 19

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 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 19; 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.

(1) WHEREAS, On the 5th day of January A. D. 19 81

A. W. Carey

made Water Right Application No 1745-2 vested right for a permit to use 3.91 cubic feet per second of the waters of Dry Draws

County of Custer, State of South Dakota, for irrigation

—purposes; and

(2) WHEREAS, On the 28th day of January A. D. 1981

Permit No. 1745-2, with a date of priority of 1950

recognizing

^{Recognizing}
was issued to said applicant _____ for the diversion of said water, and ~~for the completion of construction~~ of the water supply system therein described ~~on xxxxxxxx~~ ~~and for the~~ _____
application to beneficial use of said water ~~on xxxxxxxx~~ ~~and for the~~ _____

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 3.91 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 T4S - R8E

* note - The applicable portions of Water Permits Nos. 233-2 and 15-2 have been incorporated into this Water License No. 1745-2.

Section 35	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	36
SE $\frac{1}{4}$ NW $\frac{1}{4}$	32
NNW $\frac{1}{4}$ SW $\frac{1}{4}$	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13

total 274 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 A. W. Carey

_____ of Fairburn, SD
_____ vested right
the holder _____ and owner _____ of said/permit No. 1745-2 a water right, dating from 1950
_____ to use of 3.91 cubic feet per second of the waters
of dry draws

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: point "A" - 100' S and 300' E of N $\frac{1}{2}$ Corner, Section 34;
point "B" - 1700' S and 800' W. of NE Corner, Section 34; point "C" - 1500' S and 1050' W
of N $\frac{1}{2}$ Corner, Section 35, all in T4S-R8E

and conducted to and upon _____
portions of Section 34 and 35 - T4S - R8E, more fully described
on the face of this License.

for the purpose of irrigation

This Water License No. 1745-2 is based on a Vested Right claim recorded and filed by the
Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1745-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of February A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

Chief Engineer, Executive Officer JOHN HATCH

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Buffalo
W. B. Bacon being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to Appropriate Water was taken from the
Weekly 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 County of
Lincoln 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 9 day of March 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 pub-
 lished, and that during the whole time of said publication
 he was the printer and publisher of
 the said newspaper.

(First Publication, Feb. 9th, 1907.)
 APPROPRIATION OF WATER.
 Office of the State Engineer,
 Pierre, S. D., Jan. 31, 1907.
 Notice is hereby given that Mrs. Margie
 Smith, whose postoffice address is Buffalo Gap
 Custer county, S. D., has made an application
 in accordance with the provisions of the Irriga-
 tion laws of South Dakota for a permit to ap-
 propriate for beneficial use 3.55 cubic feet of
 water per second of time from Calm Draw and
 Red Earth Draw through the Calm Draw dam
 and Red Earth dam, the points of diversion of
 which are to be located upon the left bank of
 said stream in the SE 1/4 section 27, and
 SE 1/4 of the SW 1/4 of section 27, township 4
 south, range 8 east, T. 4 S., R. 8 E., said water to be
 used for the purpose of irrigation upon the
 NE 1/4 NW 1/4 section 31, NE 1/4 section 31 and
 NW 1/4 section 36, township 4 south, range 8 east,
 T. 4 S., R. 8 E.
 This application will be taken up by the state
 engineer at his office at Pierre for considera-
 tion and appropriate action upon the first day
 of April, 1907, at 9 A. M., at which time all per-
 sons who believe that the prior rights would
 be injuriously affected, or that the allowance
 of the permit would be detrimental to the pub-
 lic welfare, and also parties making the appli-
 cation, and to be benefited, are notified to be
 present either by sworn affidavit or in person
 for the purpose of presenting any relative
 testimony.
 SAMUEL H. LEA,
 State Engineer,
 Pierre, S. D.
 Civil Engineer, Rapid City, S. D.
 feb/29/07

W. B. Bacon
 Subscribed and sworn to before me this 11 day of March A. D. 1907.
James H. Galt
 Notary Public Buffalo County, S. D.

OVERSIZE

DOCUMENT

APPEARS ON

SEPARATE ROLL