

OFFICE OF STATE ENGINEER  
PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 16

Water Div. No. 2 So Cheyenne Water Dist.

Application Received February 22 - 1907

Maps Received

Acknowledgment

Notice for Pub. Mailed

Receipt from Newspaper

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd.

Hearing

Approved June 1 - 1907

Recorded and Filed

REMARKS

Water license issued

June 17 - 1907

No. 16

OFFICE OF STATE ENGINEER  
DOCUMENT FILE

Division No. 2 So Cheyenne Water Dist.  
Name of Applicant - Sam. L. L.

Name of Division No. 2 - Sam. L. L.  
Trans. Association No. 2  
Date of Receipt - February  
22, 1907

Location of Point of Diversion -  
On 8400 dist 8140 ft from 27 E corner of  
(1) 5320 dist 2400 ft from 27 E corner of  
(2) 6182 dist 2276 ft from 27 E corner of  
Tr. 24 E 34 27

Beneficial Use - Irrigation and  
Domestic

Approved by - June 19, 1907

Recorded in Book - 13, page 16

Remarks - Location of Point of  
Diversion - Section 11, T. 24 N. R. 4 E. B. 27. Name of  
Stream - Little Platte Creek

No. 16

Water Division No. 2, South Cheyenne District.  
(Blanks to be filled by the State Engineer.)

(Copy)

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

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

1. Name of applicant Sam Franzen LLOYD SASKE  
By 124 EDGEMONT County Fall River State South Dakota  
Postoffice address Edgemont

- 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 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)
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion works Sam Franzen Irrigation Works.

3. Quantity of water claimed B. 5 cubic feet per second.

4. Source of water supply Little Plains Creek

5. Location of point of diversion (1) N. 18 49 W. dist 814.6 ft from NW cor sec 18;  
(2) SE 5 20 W. dist 2405.5 ft from NE cor sec 18; (3) SE 1 EB 2 dist 2276.46 ft  
from NE cor sec 18, T 11 S R 4 E, B. H. W. on both banks  
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used continuously

7. To be used for:

### I. Irrigation or domestic use: both

- (a) Number of acres to be irrigated 349.5 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 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

Map No 18-2

Section 18, Township 11 S., Range 4 E., B. H. Mer.

|                  |          |
|------------------|----------|
| NW 1/4 of NE 1/4 | 38 acres |
| NE 1/4 " NE 1/4  | 40 "     |
| SE 1/4 " NE 1/4  | 39 "     |
| SW 1/4 " NE 1/4  | 25 "     |
| NW 1/4 " SE 1/4  | 3 "      |
| Total 145 "      |          |

9. Description of division work:

Section 17, Township 11 S., Range 4 E., B. H. Mer.

|                  |          |          |
|------------------|----------|----------|
| NW 1/4 of NW 1/4 | 36 acres |          |
| SW 1/4 " NW 1/4  | 40 "     |          |
| SE 1/4 " NW 1/4  | 32 "     |          |
| SW 1/4 " SW 1/4  | 20 "     | gth at   |
| SE 1/4 " SW 1/4  | 22 "     | ness at  |
| NW 1/4 " SE 1/4  | 6 "      |          |
| SW 1/4 " SE 1/4  | 17 "     | slope of |
| NE 1/4 " SE 1/4  | 3.5 "    |          |

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

| DEPTH AT<br>OUTLET- FEET | SURFACE AREA AT EACH.....FEET OF<br>DEPTH AT OUTLET- ACRES | CAPACITY-<br>ACRE- FEET |
|--------------------------|------------------------------------------------------------|-------------------------|
|                          |                                                            |                         |
|                          |                                                            |                         |
|                          |                                                            |                         |
|                          |                                                            |                         |
|                          |                                                            |                         |
|                          |                                                            |                         |
|                          |                                                            |                         |

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

(d) Canal: Total length.....miles.

| LOCATION BELOW<br>HEADGATE | DEPTH | BOTTOM-WIDTH | WIDTH AT WATER<br>LINE | GRADE PER MILE |
|----------------------------|-------|--------------|------------------------|----------------|
| At ..mille                 | feet  | feet         | feet                   | feet           |
| At ..mille                 | feet  | feet         | feet                   | feet           |
| At ..mille                 | feet  | feet         | feet                   | feet           |
| At ..mille                 | feet  | feet         | feet                   | feet           |
| At ..mille                 | feet  | feet         | feet                   | 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.....

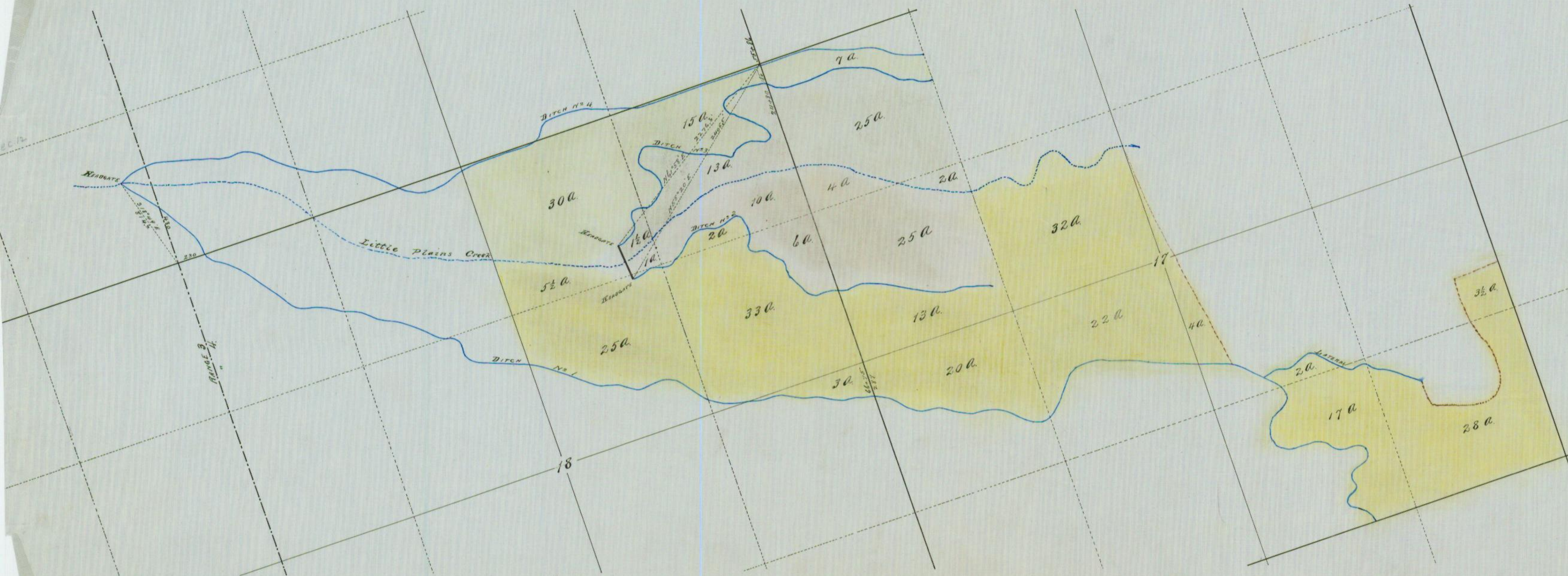
STATE OF SOUTH DAKOTA } ss  
County of Fall River

I, Sam Franzen, being first duly sworn on my oath deposit and say: That my relation to the above described undertaking is that of owner, 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 Sam Franzen

Subscribed and sworn to before me this 15th day of February 1907

Dora Anderson  
Notary Public (or other qualified officer).



# SAM FRANZEN IRRIGATION WORKS

Town 11 South Range 4 East B.H.M.

Scale 1 inch = 500 feet.

Yellow indicates land irrigated by Ditch No. 1.

Red " " " " " 2

Orange " " " " " 3

Green " " " " " 4

STATE of SOUTH DAKOTA } ss

County of Fall River }

I, Albert H. Utter, of Edgemont, S. Dak., being duly sworn, upon my oath, say that I am the Engineer of the Franzen Irrigation Works; that the survey and map thereof were made by me, and that I read the accompanying statement and know of my own knowledge that the statements therein are true.

Albert H. Utter  
Engineer.

Subscribed and sworn to before me, this 19 day of February, 1907.

Samuel H. Lea  
Notary Public.

APPROVED  
Samuel H. Lea  
State Engineer.

STATE of SOUTH DAKOTA }

County of Fall River }

I, Samuel H. Lea, Notary Public, do hereby certify that I have examined and approved this map and statement as appearing with the Statutes of the State of South Dakota and the regulations of this office; and I request same for filing with the 12th day of February A.D. 1907.

(NR# 16-2)

May# 18-2

Remarks by State Engineer:

This application is for an appropriation that has already been made, and that the applicant desires to bring within the provisions of the Irrigation Code of South Dakota.

STATE OF SOUTH DAKOTA }  
County of Hughes } ss

Pierre, South Dakota, February 22, 1907.

This is to certify that the foregoing application was received at this office at nine o'clock a.m. upon the 22nd day of February, 1907, and that after examination it was found to comply with the irrigation law of South Dakota.

Samuel H. Lea  
State Engineer.

By Deputy.

Number of permit 16

Date of first receipt of application February 22, 1907.

Date of return to applicant for correction 1907.

Date of receipt of corrected application 1907.

Date from which application may claim right February 22, 1907.

Approved June 19th, 1907, Recorded in Book 1, Page 18.

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 1907.

2d. The whole of said work is to be completed on or before 1907.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 1907. Works completed

4th. The water appropriated shall be used for the purpose of Irrigation and domestic use.

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 2.5 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 1907; said water to be used during the following described annual periods.

continuously

Witness my hand this 19th day of June 1907.

Samuel H. Lea  
State Engineer.

By Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 16

WHEREAS, On the 22nd day of February, A. D. 1907.

SAM FRANZON

of Ardmore County of Fall River and State of South Dakota duly made application (No. 18) to me for a permit to use 8.5 cubic feet per second of the waters of Little Plains Creek County of Fall River State of South Dakota, for irrigation and domestic purposes; and

WHEREAS, On the 18th day of June, A. D. 1907.

Permit No. 18 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. 1907 and for the application to beneficial use of said water on or before the day of A. D. 1907

and,

WHEREAS, On the day of A. D. 1907

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 day of A. D. 1907

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

WHEREAS, Said diversion works were completed and in operation at the time said application was made, as evidenced by the certificate of the owner and the report of the engineer who made the survey and map of said diversion works,

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.....BAM. FRANZEN.....  
of Ardmore..... the holder... and owner... of said permit No. 10  
a water right, dating from.....February 23, 1907..... to the u.....8.5.....  
cubic feet per second of the waters of.....Little Plains Creek.....  
in the County of.....Fall River..... and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at...the three points designated...  
in said Permit No. 10,.....  
and conducted to and upon the NE $\frac{1}{4}$  and NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, also W $\frac{1}{2}$  of NW $\frac{1}{4}$ , SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , S $\frac{1}{2}$  of SW $\frac{1}{4}$ , and the SE $\frac{1}{4}$  of Section 17, all in Township 11 S., R. 4 E., B.H.M......  
for the purpose... of.....Irrigation and domestic use......

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.....12th..... day of.....June..... A. D. Nineteen  
Hundred and Twelve.....

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 10

To.....BAM. FRANZEN.....

Ardmore, Fall River Co.,

South Dakota.

Source of Supply.....Little Plains

Creek

Fall River County

Am't.....8.5..... Sec. Feet

Point of Diversion (The three points designated in Permit No. 10)

NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 18, also W $\frac{1}{2}$  of NW $\frac{1}{4}$ , SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , S $\frac{1}{2}$  of SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  of Sec. 17, Twp. 11 S., R. 4 E., B.H.M.

Purpose.....Irrigation and

Domestic Use

Date of Priority Feb. 23, 1907

Recorded

In Book 1 of Record Page 18

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss  
 County of Full River

W. G. Hubbard being duly sworn, deposes and says the annexed printed copy of Notice

Intention to Appropriation Water was taken from the

Edgewood Express a newspaper which

during the whole time of publication of said notice herein-

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

County of Edgewood County of

Full River and State of South Dakota,

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

April 26 May 3 May 19  
May 17

in each and every issue of the full number thereof, the first publication being made on the 26 day of April

1907 and the last publication on the 17 day of

May 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.

Subscribed and sworn to before me this

11

day of

June A. D. 1907

W. G. Hubbard  
 Notary Public Full River County, S. D.

Form 12—Proof of Publication—Appropriation of Water.  
 Form 12—Notice of Intention to Appropriation Water. No. 10.  
 (First Publication—May 1907.)  
 Office of the State Engineer,  
 Pierre, S. D., April 20, 1907.  
 Notice is hereby given that Sam. Franzen, whose postoffice address is Ardmore, Full River County, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use 50 cubic feet of water per second of time from Little Plains Creek (through Little Franzen Canals, the points of diversion of which are located upon both banks of said stream in the S. 1/4 of S. E. 1, Sec. 12, Township 11 N., R. 18 W. and S. E. 1, Sec. 15, Township 11 N., R. 18 W., M. 1, S. D.) said water to be used for the purpose of irrigation upon the N. E. 1/4, Sec. 18, N. E. 1/4 of S. E. 1, Sec. 18, W. 1, Sec. 17 and S. E. 1, Sec. 17, Twp. 11 S., R. 18 W., M. 1, S. D.  
 This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 10th day of June, 1907, at 7 a. m. at which time a person who believes that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit, or in person for the purpose of presenting any relative testimony.  
 SAMUEL H. LEA,  
 State Engineer.

Appropriation of Water.

Form No. 1 - Notice of Intention to Appropriate Water, 1907, No. 10.  
(First Publication May 10, 1907.)

Office of the State Engineer,

Pierre, S. D., April 20, 1907.

Notice is hereby given that Sam Franzen, whose postoffice address is Ardmore, Fall River County, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use 85 cubic feet of water per second of time from Little Plains Creek, through the Franzen Canals, the points of diversion of which are located upon both banks of said stream in the S. E. 1/4 of S. E. 1/4, Sec. 18, Township 11 S., R. 3 E., and W. 1/4 of the N. 1/4 of section 18, Township 11 S., Range 4 E., B. D. M., said water to be used for the purpose of irrigation upon the N. E. 1/4 Sec. 18, N. E. 1/4 of S. E. 1/4 Sec. 18, W. 1/4 Sec. 17, and S. E. 1/4 Sec. 17, Twp. 11 S., R. 4 E., B. D. M.

This application will be taken up by the state engineer at his office at Pierre for consideration, and appropriate action upon the 10th day of June, 1907, at 7 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEA.

State Engineer.

Cost \$300  
 300  
 200  
 200  
 1000

1907

Ordure S.D. Feb. 13<sup>th</sup>

Mr. Samuel H. Loca. J. Engineer  
 Pierre S.D.

Dear Sir,

When I did my work on my  
 desert-claim we had no  
 knowledge of a water-right  
 on a dry creek in this State.

I had one filed according to  
 N.Yo. law, but it was rejected  
 at the land office at Rapid City.

They are holding my final  
 proof papers at Rapid City for  
 my water-right which I hope  
 will meet with your approval &  
 send at your earliest convenience  
 to land office at Rapid City.

Yours truly,

Sam. Franzen

Enclosed find \$4.00 which  
is for fees as I was informed  
it costs \$1.00 a ditch.

S. Franzen.

February 22

7

Mr. Sam Franzen,  
Ardmore, S. D.

Dear Sir:-

Your application dated Feb. 1, 1907, for a permit to appropriate water from Little Plains Creek through the Franzen Ditches Nos. 1, 2, 3 and 4, together with a fee of \$4. for the examination of the same, the receipt of which is hereby acknowledged, has been received.

You are informed that the fee for examination of an application for a water right is \$5 under the irrigation law of this state.

In order to complete your application in compliance with the irrigation law it will be necessary for you to publish a notice of your intentions once a week for four consecutive weeks in some paper of general circulation in the stream system in which the works are located.

In order to comply with the requirements of the law please forward to this office \$1 additional to make up the examination fee. Also inform me what newspaper you wish to publish notice in. The necessary papers will then be forwarded to you at once.

In the meantime, in order to protect your right in the land office you should obtain a certificate from this office that you have made application for a water right in accordance with the laws of South Dakota. This will require an additional fee of \$1, and if you wish, the certificate can be sent direct from here to the land office.

It is to your interest, therefore, to attend to the matter at once by forwarding the necessary fees and information to this office.

At Wm. & Co. May 14 - 1857  
S. D.

Dear Sir

Enclosed you will  
find an affidavit from  
me against allowing the  
Burlington C. & N. Y. R.  
Company of water they  
ask for. As they will  
tap my Reservoir. That  
I don't feel that I can  
give you & they will Rob me of  
my supply of water. I don't  
want them using the water  
that I don't need. When  
I am not using it. But  
they are not to open their  
taps are white I am using

The water. Without my  
consent. As it is a dry  
stream & only runs during  
flood water. & according to  
their survey & when they tap  
my Reservoir they would  
get one of the best of water

I remain Dear Sir

To the Hon. State Engineer,  
Pierre, S. Dak.

I, Dennis O'Connell, on my  
oath depose and say, that  
the appropriation of water  
asked for by the B. C. B. Q.  
Rail Road Co. located in the  
Southwest quarter S.W. 1/4 of  
Sec. 16 - T. 12 S. R. 4 E B. 78. M.  
will be a detriment to my  
prior right, as they will  
tap Long Branch out of  
my Reservoir and this  
will rob me of my water  
that my water right  
calls for, but I am  
willing that they should  
have what I don't use.

During flood water as  
it is a dry stream,  
and only runs during  
flood water.

<sup>with me</sup> ~~Ralph W. Hagg~~ Dennis O'Connell  
State of }  
S. Dak. } Ardmore S. Dak.  
County of } Aug. 14 - 1907  
Fall River }

Subscribed and sworn to  
before me Dora Anderson  
a Notary Public in and for  
said County and State.

Dora Anderson  
Notary Public.

My commission expires Nov. 14 - 1907.

RECEIVED

DEC 14 1930

OFFICE OF STATE ENGINEER,  
PIERRE, S. DAK.

RE WATER RIGHT NUMBER 16-2

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

☒ YES

☐ NO

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

*It is now owned by outgrowers  
a group known as the  
to the*

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?

*It is now owned by outgrowers  
who have water enough  
to fill*

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.

*Some heavy work  
done*

SIGNED, \_\_\_\_\_

(OVER)

June 24, 1974

Mr. Lloyd Soske  
Box 124  
Edgemont, South Dakota 57735

Dear Mr. Soske:

Water Permit No. 16-2 was filed by Sam Franzen on February 22, 1907. Water License No. 16-2 was also recorded on February 22, 1907 under the same name. The License authorizes the diversion of 8.5 cubic feet per second of the waters of Little Plains Creek for irrigation of 145 acres in Section 18 and 204.5 acres in Section 17, T118, R4E.

An investigation of Water License No. 16-2 indicated that the said lands were sold to Lloyd Soske of Edgemont, S.D. The investigation also indicated that irrigation of said lands has been used since the transfer from Sam Franzen to Lloyd Soske.

Please find enclosed Form 20 (Notice of Transfer of Water Permit). Verify described lands, complete in full, and return the form 20 with a one dollar fee as required by law.

Sincerely,

THOMAS A. GARDNER  
Water Resources Engineer

TAG/bw  
Encl: As stated

P.S. Transfer of Water License No. 7-2, recorded by John H. Soske on November 24, 1906 and Water License 25B-2 recorded by Effie Soske on July 12, 1907 will be completed by this office without the use of Form 20 or fee.

## NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**  
 State Office Building No. 2  
 Pierre, South Dakota 57501

Date \_\_\_\_\_

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

NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 18, T11S, R4E, BHM NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
Section 17, T11S, R4E, BHM

formerly owned by Sam Franzen

has been transferred to Lloyd Soske, Box 124, Edge Mont, S.D. 57735

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 16-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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.

**WATER RIGHTS COMMISSION**

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA )  
 County of Fall River ) ss.

I, Lloyd E. Soske, 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.

Lloyd E. Soske  
 (Signed)

Suscribed and sworn to before me this 8 day of July, 1974

Kenneth M. McCall  
 (Notary Public)

Clerk of Courts for Fall River County, S. Dak.

**RECEIVED**  
 JUL 10 1974

STATE WATER RIGHTS COMM.  
 PIERRE, SOUTH DAKOTA

State of South Dakota

RE-ISSUANCE OF Water License No. 16-2

(1) Lloyd Soske

of Box 124, Edgemont, South Dakota 57735

was issued Water License ~~XXXXXX~~ No. 16-2, June 17, 1912 for a water ~~right~~ <sup>right</sup> to appropriate

8.5 cubic feet per second of water from Little Plains Creek

Fall River County, South Dakota for Irrigation & domestic purposes.

Water License ~~XXXXXX~~ No. 16-2, with a priority date of February 22, 1907

Issued ~~XXXXXX~~ June 17, 1912 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before \_\_\_\_\_ and for the application to beneficial use of said water on or before \_\_\_\_\_

Diversion works were completed and in operation at the time Application for No. 16-2 was made. Works had been completed under Water Right Filing 0623-2 with a priority date of January 11, 1906. Since Filing No. 0623-2 and Water Right No. 16-2 are the same, Filing No. 0623-2 is incorporated into Water Right No. 16-2 with a priority date of January 11, 1906.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 8.5 cubic feet per second of water for beneficial use. The location of the diversion point(s) is (1) 814.6 ft N 18°49'W from NW Corner Section 18, (2) 2405.5 ft S 55°20'W from NE Corner Section 18, (3) 2276.6 Ft S 61° 58'W from NE Corner Section 18, T11S, R4E, B.H.M. on both banks.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T11S, R4E

**Section 18**

**Section 17**

|                                   |               |                                   |                    |
|-----------------------------------|---------------|-----------------------------------|--------------------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 38 Acres (AB) | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 36 Acres (BB)      |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40 Acres (AA) | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40 Acres (BC)      |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 39 Acres (AD) | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 32 Acres (BD)      |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 25 Acres (AC) | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 20 Acres (CC)      |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 3 Acres (DA)  | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 22 Acres (CD)      |
|                                   |               | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 6 Acres (DB)       |
|                                   |               | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 17 Acres (DC)      |
|                                   |               | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 3.5 Acres (DA)     |
|                                   |               | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 28 Acres (DD)      |
|                                   |               | <b>TOTAL</b>                      | <b>349.5 ACRES</b> |

(4) Pursuant to §16-5-30.1 Lloyd Soske

of Edgemont, South Dakota

Right

the holder(s) and/or owner(s) of Water ~~Right~~ No. 16-2 is issued a license to appropriate water, the right to use 8.5 cubic feet per second of water from Little Plains Creek with a priority date

of January 11, 1906 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation and domestic use

This license is subject to any limitations or qualifications listed in Water ~~Right~~ No. 16-2 and subject to South Dakota Stat. Law.

Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

**JOHN HATCH**

November 22, 1983

Recorded Jan 17 1906

in 13-4

Water Right  
06.23-2

Water Right Notice.

To all whom it may concern, know by this notice that Sam Franzen, a resident of Fall River County, State of South Dakota, hereby claims the right and use of the water flowing in Little Plains Creek for Irrigation and Domestic purposes to the extent of (5) cubic foot per second of time steady flow for use in ditches as platted and filed, situate in section Seventeen (17) and Eighteen (18) Town 11 South Range 4 east B. H. M.

The ditch beginning in the S. E. 4 S. E. 4 of Section 12 Town 11 South Range 3 east and flowing in a south easterly direction through portion of sections 12. 17 & 18 as above and as shown on the recorded plat thereof.

(Equal)

Sam Franzen. Claimant.

State of S. Dak. }

County of Fall River }

Jan. 11-1906.

Subscribed before the undersigned and a copy of this notice duly posted at the head of said ditch.

Dora Anderson,

Notary Public.

My commission expires Nov. 14, 1908.

Water Rights Division - DWR  
Conversation or File Documentation

File No. 0623-2

16-2

NAME OF PERSON OR FILE: Lloyd Soske

ADDRESS: Box 124, Edgemont, South Dakota 57735

COUNTY Fall River

DATE: 11-22-83

TELEPHONE

RE: 0623-2 - Sam Franzen

COMMENTS:

In reviewing Water Right Filing #0623-2 and Water Right #16-2 and visiting with Lloyd Soske on 11-17-83, it was determined that No. 0623-2 and No. 16-2 were identical.

Water right Filing No. 0623-2 was filed by Sam Franzen on January 11, 1906.

Application for Water Right #16-2 was filed with the State Engineer on February 22, 1907. This application was for an appropriation that had already been made (evidently No. 0632-2). The application was made to bring the appropriation

within the provisions of the Irrigation code of South Dakota. The state engineer gave Water Right No. 16-2 a priority date of February 22, 1907. Since the No. 0632-2 and No. 16-2 are identical, Filing No. 0623-2 should be incorporated into Water Right No. 16-2 and No. 16-2 should have a priority date of January 11, 1906.

The file for Water Right No. 16-2 contains a letter from T. A. Gardner to Lloyd

Soske, dated June 24, 1974, stating that Water License No. 7-2 and 258-2 would

be transferred to Lloyd Soske without the use of Form 20 or fee. These transfers were never made.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Delwin D. Brosz, P.E.

Delwin D. Brosz

**WATER RIGHTS DIVISION  
(605) 773-3352**

**January 19, 1984**

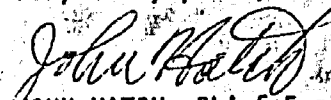
**Lloyd Soske  
Box 124  
Edgemont, South Dakota 57735**

**Dear Mr. Soske:**

**Enclosed is your Water License No. 16-2. The water license has been reissued to the extent of what is actually being irrigated and to incorporate the applicable portions of Water Right Filing No. 0623-2.**

**As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to the use of the water.**

**Very truly yours,**

  
**JOHN HATCH, Chief Engineer  
Water Rights Division**

**JH:ms  
Enc.**

**Water Right Filing No. 0623-2 is incorporated into Water Right No. 16-2 with a priority date of January 11, 1906.**

**South Dakota**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

September 21, 1988

**NOTICE**

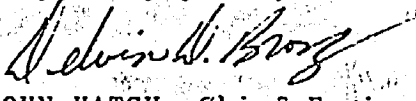
Lloyd Soske  
Box 124  
Edgemont SD 57735

Dear Mr. Soske:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 16-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

*for*   
JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

December 1, 1988

Vested Water Right  
Claim No. 16-2

Lloyd Soske  
Box 124  
Edgemont SD 57735

Dear Mr. Soske:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

*John Hatch*  
JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

cc: Bruce Laymon, Bureau of Reclamation



**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 23, 1990

**NOTICE**

7-2  
16-2  
25B-2

TO: Lloyd Soske  
BOX 124  
EDGEMONT, SD 57735

FROM: *for Delvin D. Bresz*  
JOHN HATCH, CHIEF ENGINEER  
Water Rights Division  
(605) 773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right Nos. 7-2, 16-2 and 25B-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Bresz (605 773-3352).

File No. 16-2

Water Rights Division -DENR  
Conversation or File Documentation

NAME OF PERSON OR FILE: Lloyd Soske

ADDRESS: Box 124, Edgemont, SD 57735

COUNTY: Fall River

DATE: 6/7/91

TELEPHONE: 662-7243

RE: Vested Right Claim Inspection

COMMENTS: On June 4, 1991, I tried to contact Mr. Soske. His telephone was disconnected and nobody in the area knew how to get a hold of him. I tried to find a way to go on his land but had no luck. The area under this claim had been inspected in the past by Division of Water Rights Engineer, Del Brosz. A comparison of the aerial photo and the original map and also the inspection by Del Brosz show that the water is put to beneficial uses and the irrigation system is in working condition.

\*\* Recommend validation of Vested Right Claim No. 16-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASOOL AHADI

Natural Resources Engineer III  
DENR, Water Rights Division

SOUTH DAKOTA

VESTED WATER RIGHT NO. 16-2 FOR IRRIGATION

Date of Receipt of Claim February 22, 1907.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 16-2 for irrigation purposes for Lloyd Soske, Box 124, Edgemont SD 57735 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 16-2 appropriates 8.5 cubic feet of water per second from the Little Plains Creek located in the SE 1/4 SE 1/4 Section 12-T11S-R3E; NW 1/4 NE 1/4, SW 1/4 NE 1/4 Section 18 for domestic use and to irrigate 349.5 acres located in the NW 1/4 NW 1/4, S 1/2 NW 1/4, S 1/2 SW 1/4, SE 1/4 Section 17 and the NE 1/4, NE 1/4 SE 1/4 Section 18; all in T11S-R4E.
2. The appropriation may not exceed the amount of water needed for beneficial use for domestic and irrigation use. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is January 11, 1906.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The applicable portions of Water Right Filing No. 0623-2 have been incorporated into Vested Water Right No. 16-2 and the abandoned portions cancelled.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

  
Chief Engineer

JUL 2 1992

\_\_\_\_\_ date

Division of Water Rights  
Dept. of Environment and Natural Resources



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

....  
JUL 2 1992

Lloyd Soske  
Box 124  
Edgemont SD 57735

Dear Mr. Soske:

The Water Management Board has validated the enclosed Vested Water Right No. 16-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

enclosure



# United States Department of the Interior

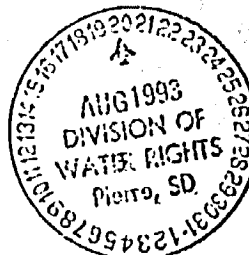
## BUREAU OF RECLAMATION

Great Plains Region  
Belle Fourche Projects Office  
P.O. Box 226  
Newell, South Dakota 57760-0226



WTR 4.10  
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer  
Water Rights Division  
South Dakota Department of Water and Natural Resources  
523 E. Capitol  
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter  
Dated April 20, 1993) (Water Rights)

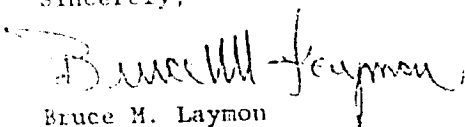
Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

  
Bruce M. Laymon  
Project Manager

cc: Mr. Joe Kramer, Manager  
Angostura Irrigation District  
PO Box 346  
Oral SD 57766

Mr. James E. Winterton, Project Manager  
Belle Fourche Irrigation District  
PO Box 225  
Newell SD 57760

16-2

T 14 23

VR 16-2

NOT TO SCALE

151-L  
K16

Ditch No. 4

Ditch No. 3

Headgate

Ditch No. 2

Ditch No. 1

T 910

18

T 500

T 1064

11-4

151-L  
K16

14.5

T 14 24

Prepared by  
M. Rasool Shadi  
Nat. Res. Eng.

June 7, 1991

17

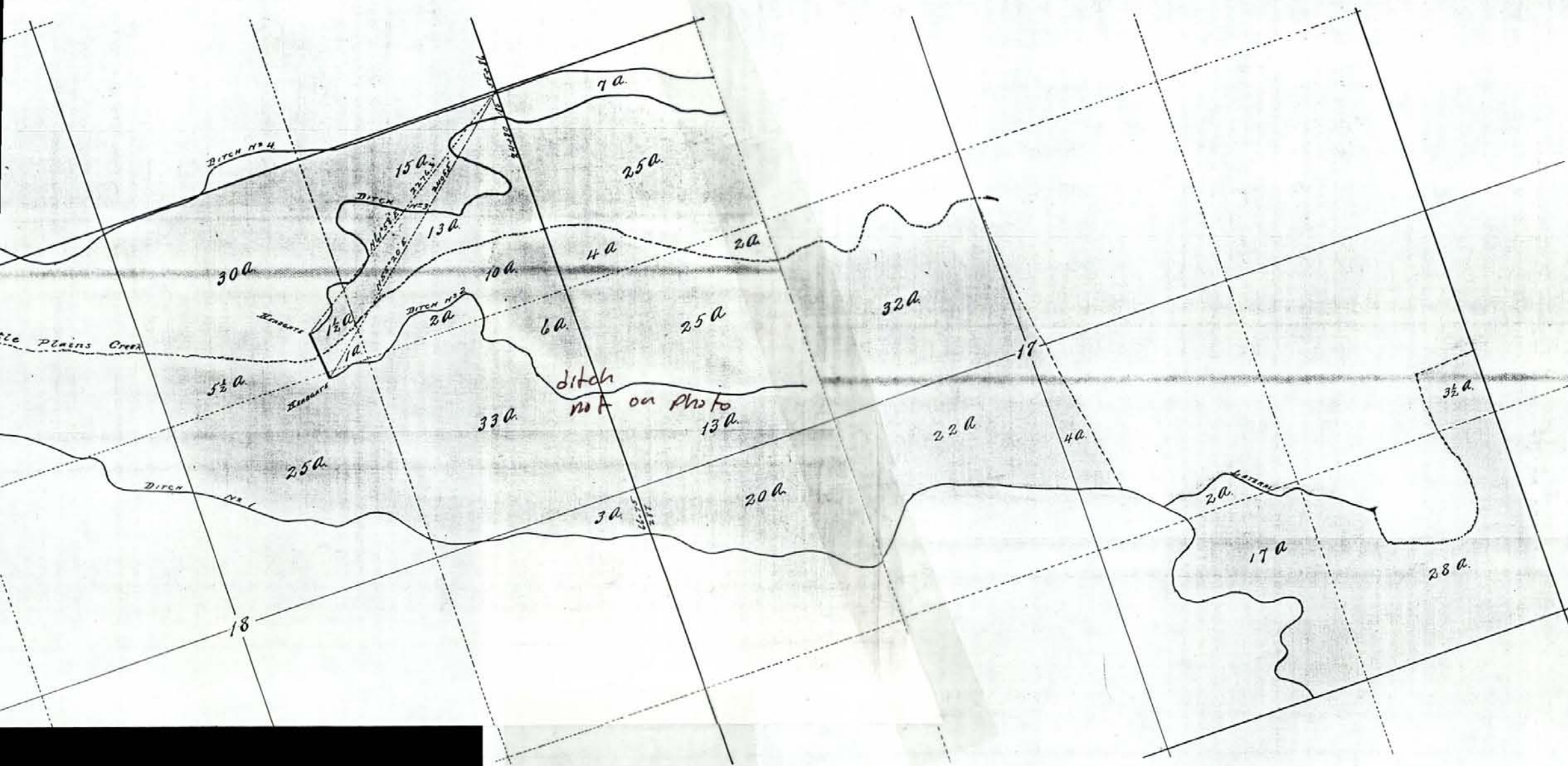
T 911

T 500

T 1066

11-4

151-L  
K16



SA

IRF

Town 11 Sou

Sec 2

Yellow indices

Red "

Orange "

Green "

STATE of SOUTH DAKOTA

County of Fall River

I, Albert H. H.

sworn, upon my oath, as

Proven Irrigation &

here made by me, and

and know of my own

in are true

Subscribed and

1907

*[Handwritten signature]*