

No. 412 - 2

MAY 26 1955

9:00 A.M.

Water Division No. 2

(Blanks to be filled by the State Engineer.)

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant C. Fred Martens
Postoffice address Newcastle, County Wheaton, State Wyoming

- 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 address 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 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 work Pro currier Spring and Martens Pipeline
- 3. Quantity of water claimed 0.10 cubic feet per second.
- 4. Source of water supply Pro currier Spring
- 5. Location of point of diversion North E 1920' from the South 1/4 Sec. 23
T1N R1E B1M (SE 1/4 Sec 23) on Pennings bank, Wheaton County.
- 6. Annual periods during which water is to be used Year around
- 7. To be used for: Stock, Domestic, Garden

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated Garden HES #409 acres. Applicant is owner
- (b) Legal subdivisions to be irrigated SE 1/4 SE 1/4 Sec 23 T1N R1E B1M

(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 an accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) No use

SE 1/4 SE 1/4 Sec 23 T1N R1E B1M

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Stock watering
Name any of the above uses claimed
- (b) Amount of power to be generated horse power
Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

Map No. 438

8. Estimated cost of work:

(a) Head gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures pipeline \$ 200.00 Total, \$ 10.00

9. Description of diversion works:

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

pipeline

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope of back face-----; material used in construction-----
 (b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH-----FEET DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

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

Material-----

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At -----Mile	-----feet	-----feet	-----feet	-----feet
At -----Mile	-----feet	-----feet	-----feet	-----feet
At -----Mile	-----feet	-----feet	-----feet	-----feet
At -----Mile	-----feet	-----feet	-----feet	-----feet
At -----Mile	-----feet	-----feet	-----feet	-----feet
At -----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1 year years.

11. Time required for complete application of water to the proposed beneficial use 1 year years.

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

Rapid City Daily Journal

STATE OF SOUTH DAKOTA

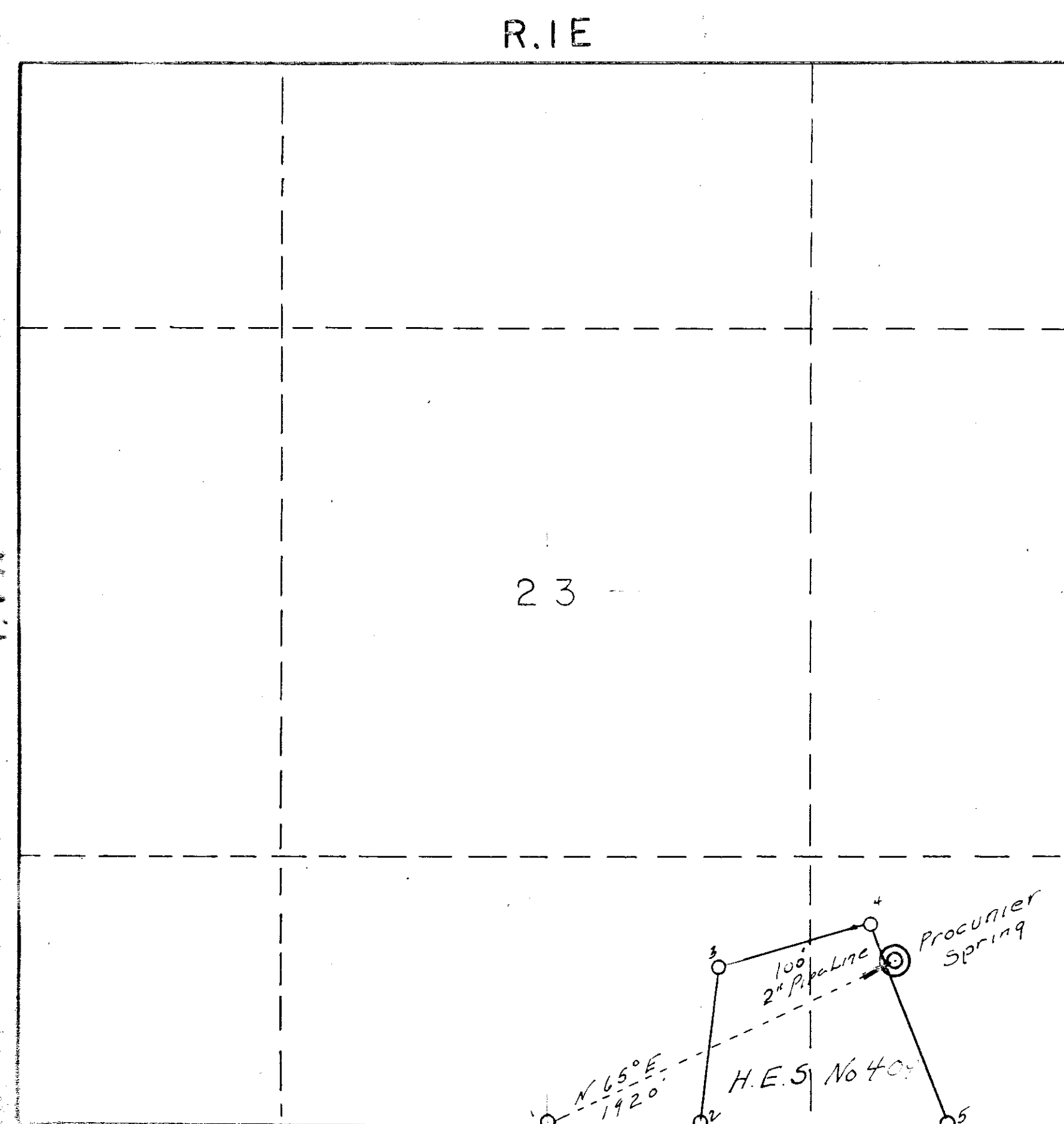
County of Western

I, G. Fred Martens 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, 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 G. Fred Martens

Subscribed and sworn to before me this 18 day of May, 1955

My Commission Expires June 25, 1955
 Notary Public (or other qualified officer.)



CERTIFICATE OF SURVEYOR

STATE OF WYOMING S.S.
COUNTY OF WESTON

I, BERNARD A. HOWELL OF NEWCASTLE WYOMING
HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN
DURING AN ACTUAL SURVEY MADE BY ME IN SEPTEMBER 1954
AND THAT IT CORRECTLY REPRESENTS THE PROCUNIER SPRING
AND MARTENS PIPELINE DESCRIBED IN THE ACCOMPANYING
APPLICATION
REGISTRATION NO 2022

Bernard A. Howell

SURVEYOR

MAP

TO ACCOMPANY APPLICATION FOR

PROCUNIER SPRING

&

MARTENS PIPELINE

APPLICANT

C. FRED MARTENS

NEWCASTLE WYOMING

SCALE 1" = 800'

438-2 Map
(412-2 Permit)

Subscribed and sworn to before me this 18th day of May, 1955

L. E. Thomas
Notary Public

My commission expires June 25, 1955

Remarks by State Engineer

Water Resources Commission

Under these conditions, the flow should be diverted to all stock water use in the area. The flow should not be diverted for the benefit of one person.

STATE OF SOUTH DAKOTA

County of Butte ss.

Pierre, South Dakota, Feb 7, 1955

This is to certify that the foregoing application was received at this office at 7:00 p'clock 4 m. upon the 26 day of May, 1955 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Number of permit 412-2

Date of first receipt of application May 26, 1955

Date of return to applicant for correction _____, 1955

Date of receipt of corrected application _____, 1955

Date from which applicant may claim right May 26, 1955

Approved Dec 19, 1955, Recorded in Book 3 Page 92

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 July 19, 1956

2nd. The whole of said work is to be completed on or before Dec 19, 1956

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Dec 19, 1957

4th. The water appropriated shall be used for the purpose of Stock watering

irrigation of garden and household 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 one-half of the flow of the spring at any time cubic feet per second, 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 for irrigation on or

before _____, 1955; said water to be used during the following described annual period:

continuously

Witness my hand this 20 day of Dec, 1955

Water Resources Commission
J. W. Houser
State Engineer.

Certificate of Construction Issued _____, 1955

Water License issued _____, 1955

STATE OF SOUTH DAKOTA

WATER LICENSE No. 412-2

WHEREAS, On the 26th day of May A. D. 1955

C. Fred Martens

of Newcastle County of Neaton and State of Wyoming duly made application (No. 412-2) to us for a permit to use 0.10

cubic feet per second of the waters of ground water (Procunier Springs)

County of Pennington, State of South Dakota, for irrigation, stockwatering and household purposes; and

WHEREAS, On the 20th day of December A. D. 1955

Permit No. 412-2 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 19th day of

December A. D. 1956 and for the application to beneficial use of said water on or before the 19th day of December A. D. 1957 and,

WHEREAS, On the 17th day of December A. D. 1956

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

0.10 cubic feet per second of said waters, as evidenced by our Certificate No. 412-2 dated January 24, 1957 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.10 cubic feet per second of water with date of priority of May 26, 1955 and,

WHEREAS, On the 17th day of December A. D. 1957

proof was duly made of the application to beneficial use of 0.10 cubic feet per second of said water;

on $\frac{1}{2}$ acre plus or minus in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 23, T 1 N, R 1 E and for household use and stockwatering in the same area.

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 C. Fred Martens
of Rt. #1, Newcastle, Wyoming the holder and owner of said permit No. 412-2
a water right, dating from May 26, 1955 to the use of 0.10
cubic feet per second of the waters of ground water (Procurier Spring)
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 1920 Feet, N65° 00'E
of the S½ Cor., Sec 23, T 1 N, R 1 E
and conducted to and upon The SE½SE½, Sec 23, T 1 N, R 1 E

for the purpose of irrigation, household use, and stockwatering

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 24th day of January A. D. Nineteen
Hundred and 57

State Water Resources Commission

By:

J. W. Grimes Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **412-2**Water Division No. **2 Rapid Creek** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **C. Fred Martens**of **Newcastle**, County of **Weston**, and State of **Wyoming**, the holder of Permit No. **412-2**, issued upon ApplicationNo. **412-2**, bearing date of priority of **May 26, 1955**, authorizing the diversion of**0.10** cu. ft. per second of the waters of **ground water (Procunier Spring)**County of **Pennington**, State of South Dakota, at **1920 feet, N 65°00'E,**
of the **S½ Cor., Sec 23, T 1 N, R 1 E**for **irrigation, stockwatering and household**
purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof ofcompletion 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 **0.10** cu. ft.per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
to-wit: **part of the SE½SE½, Sec 23, T 1 N, R 1 E, ½ acre plus or minus**Witness my hand this **24th** day of **January** A. D. 19**57**

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., June 1, _____, 1955

Notice is hereby given that C. Fred Martens, whose postoffice address is Newcastle, Wyoming S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.1 cubic feet of water per second of time from the Procunier Spring through the Procunier Spring & Martens Pipeline, the point of diversion of which is to be located at a point N. 65° E. 1920' from the S $\frac{1}{2}$ corner of bank of said stream in the 1/4 of the 1/4 of Section 23 Twp. 1N Range 1E Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23-T 1N-R 1E

and for _____ purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 8th. day of July, 1955, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

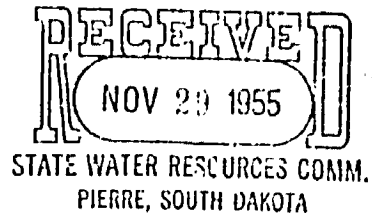
Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
State Engineer

cc: Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pennington } ss.



E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Rapid City Daily Journal a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the City of Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 25, September 1, 8, 15

in each and every issue of the full number thereof, the first publication being made on the 25th day of August 1955 and the last publication on the 15th day of September 1955, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager, the printer and publisher of of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this 15th day of September A. D. 1955

[Signature]
 Notary Public Pennington County, S. D.



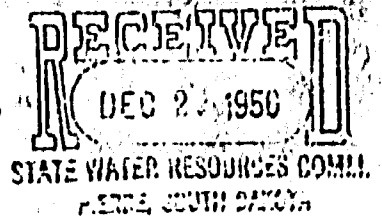
412-2

Permit No.

Water Division No. 2 Rapid Creek Water District

Certificate of Examination of Works

Report of Examining Engineer



To the State Water Resources Commission, Pierre, South Dakota:

10 Dec

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated 10 Dec 1956, I have this day made a thorough examination of the diversion works constructed by O. Fred Kartens, of Howcastle, Wyoming, County, South Dakota, holder of Permit No. 412-2, issued upon Application No. 412-2, bearing date of priority of 26 May 1955, authorizing the diversion of 0.10 cu. ft. per second of the waters of Croonian Spring for Stock, Domestic, & Garden purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 170 feet of 2 inch iron pipe, buried 12-18 inches below surface of ground, except where it crosses low spot and is there exposed.

and the system is in the following condition: Usable for the above purposes.

The point of diversion is located 1920 ft N65° 00' E of the S₁ Cor., Sec 23, T 1N R1E

The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water, which is to be used for Stock, Domestic, and Garden.

The legal subdivisions to be irrigated are: About $\frac{1}{2}$ Acre garden plot in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23 T1N, B.H.M. Range 1E.

comprising a total of Approx $\frac{1}{2}$ acres of land. The domestic use intended comprises House to be constructed in near future Stock and Garden

The utilization for power, mining, or other beneficial uses comprises: Stock and garden

Witness my hand, this 7 day of December, A. D. 1956

-SEAL-

Bernard H. Howells
Examining Engineer.

Surveyor Certificate
No 2022