

No. 44

Water Division No. 2 So. Cheyenne Water 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 Oscar P. Cope & Laura L. Cope

Postoffice address Oelrichs County Fall River State South Dakota

Is it a corporation?

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Name and title of each officer and director

(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) By direct labor and it is nearly completed

(b) Basis on which it is

(c) Estimated cost, \$

(d) Amount to be raised, \$

(e) Other resources, \$

2. Name of diversion works The Shirk Diversion Works

3. Quantity of water claimed 12 cubic feet per second

4. Source of water supply Flood waters on Shirk Creek

5. Location of point of diversion SE1/4 of NE1/4 and SW1/4 of NE1/4 of Sec. 31 and SW1/4 of SE1/4 and SE1/4 of SE1/4 and NE1/4 of on right and left bank of NE1/4 of Sec. 30 and NW1/4 of SE1/4 of Sec. 19 in T. 11 S. R. 8 E. B. H. 11 (Right or left bank looking down stream.)

6. Annual periods during which water is to be used when needed on the land

7. To be used for:

(a) Irrigation or other use:

(b) Number of acres to be irrigated 480 acres

(c) Legal subdivisions to be irrigated are appended

S. W. 1/4 Sec. 19; S. E. 1/4 Sec. 30, and N. E. 1/4 Sec. 31;
all in Township 11 S. of Range 8 E., B. H. 11.

S. Estimated cost of works:

(a) Head gates, \$.....875.00

10-Plumbing-S.

(d) Canal-earth, \$...825.20

rock, S

(e) Other structures.....1861.80

Total, \$3562.10

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, ~~channel~~, ~~canal~~, ~~irrigation~~ ~~work~~.)...6 Reservoirs,

6 dams 8 Ditches and Laterals.

II. Dimensions of works:

II. Dimensions of works: 1 2 3 4 5 6 1 2 3 4 5 6
 (a) Dam: Height 8 7.5 8.5 6.8 feet; length at bottom 404 293 237 195 625 feet; length at top 237 195 625 177 feet; thickness at bottom 52 48 33 40 55 16 feet; thickness at top 1 16 5 6 8 feet; slope of front (water) face 3 to 1; slope of

back face 2 to 1 material used in construction Earth Gusto

(b) Reservoir; Capacity when full 6 74 5 acre feet. Surface area at high water

mark: 51/3 31/2 13/4 21/3 181/2 13/4 acres.

[illegible]

Nos. 1, 5 & 6		2, 3, 4, 7 & 8		Nos. 1, 5 & 6		2, 3, 4, 7 & 8	
(a) Head gate:	Width	1 1/2	1	height	11/2		1

Material.....plank, tilling or concrete.

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

[illegible]

positive dimensions where reductions 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.

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

Edgemont Express

STATE OF SOUTH DAKOTA

County of.....Fall River.

11. For, Arthur F. Shirk and Gertrude G. Shirk (husband and wife), being first duly sworn on oath, depose and say: That my relation to the above described undertaking is that of

Owners

(Owner, manager or engineer)

foregoing statement, and examined the map accompanying the same, and that he know of his own personal knowledge that the matters therein stated and shown are true.

Arthur F. Shirk

Signed: Gertrude G. Shirk

Subscribed and sworn to before me this 27th day of March 1908

William H. Smithson

Notary Public (or other qualified officer).

TOWNSHIP 11 S. Range 8 E. B. H. M.

A PLAT OF THE

A. F. & G. G. SHIRK-

DAMS, RESERVOIRS, & DITCHES.

I, ROBERT WALLACE BEING JULY SWORN UPON MY OATH DO SAY, THAT I AM THE SURVEYOR OF THE A. F. & G. G. SHIRK DAMS, RESERVOIRS & DITCHES, THAT THE SURVEY & MAP THEREOF WERE MADE BY ME & THAT I HAVE READ THE ACCOMPANYING STATEMENTS & KNOW OF MY OWN KNOWLEDGE THAT THE STATEMENTS THEREIN MADE ARE TRUE.

Robert Wallace
JERRY STATE SURVEYOR-

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF March 1908.

Notary Public
Arthur J. Bolger

AREA. OF. RESERVOIRS.

No. 1. 5.3 ACRES

" 2. 3.1/2 "

" 3. 1.3/4 "

" 4. 2.1/2 "

" 5. 18.1/2 "

" 6. 1.3/4 "

CAPACITY. OF. RESERVOIRS

No. 1. 21. ACRE. FEET

" 2. 10. " "

" 3. 7. " "

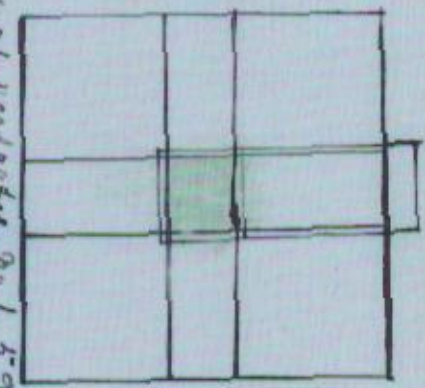
" 4. 6. " "

" 5. 74. " "

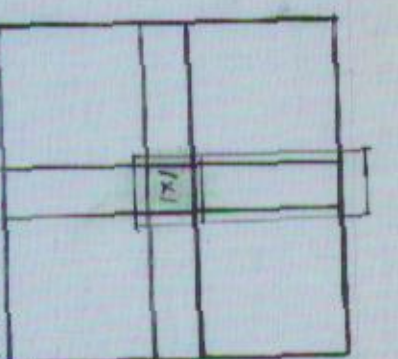
" 6. 8. " "

this survey and map are run by the true meridian
scale of map 1" = 400

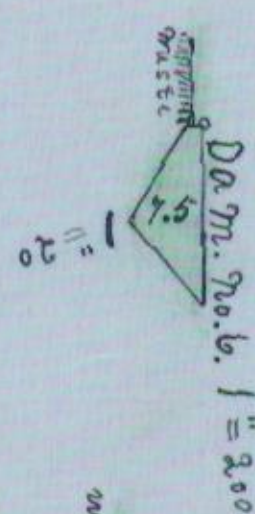
Profile of Reservoir No. 1. Scale 1" = 400



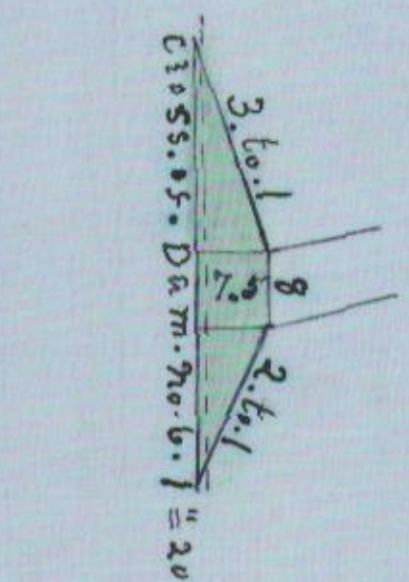
Profile of Reservoir No. 2. Scale 1" = 400



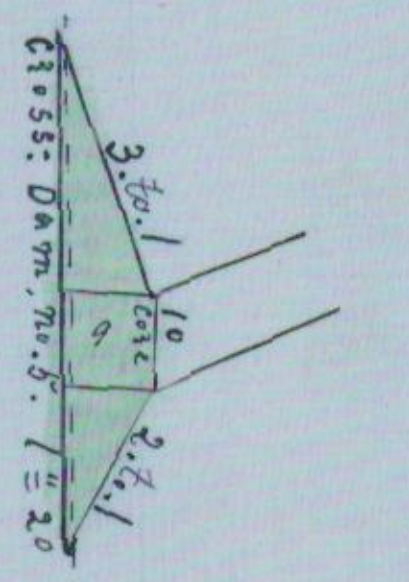
Profile of Dam No. 1. Scale 1" = 200



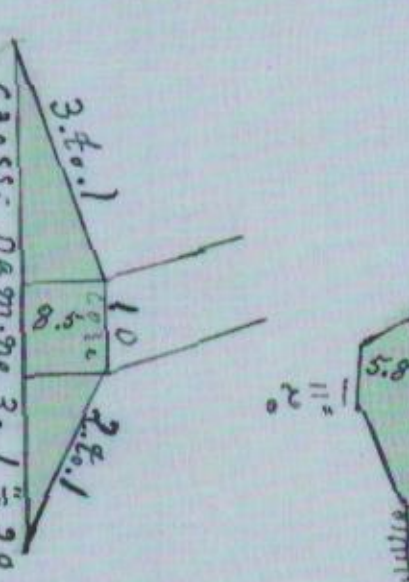
Cross-section of Dam No. 1. Scale 1" = 200



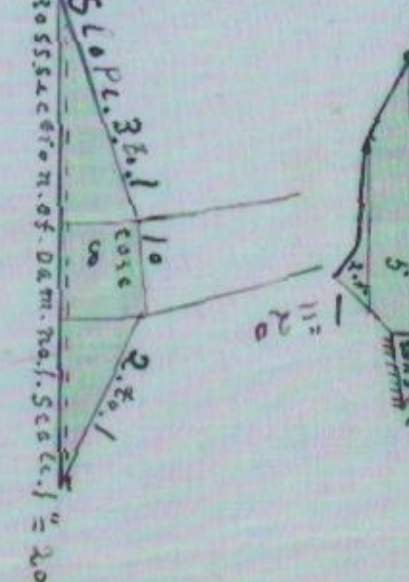
Cross-section of Dam No. 2. Scale 1" = 200



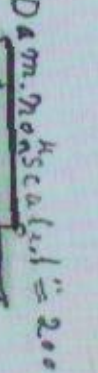
Cross-section of Dam No. 3. Scale 1" = 200



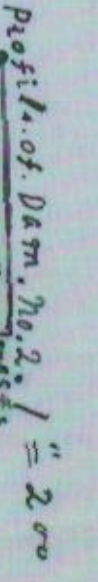
Cross-section of Dam No. 4. Scale 1" = 200



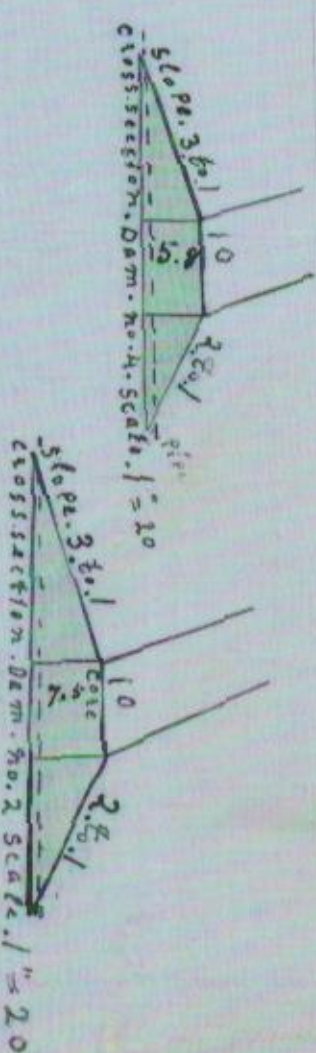
Profile of Dam No. 5. Scale 1" = 200



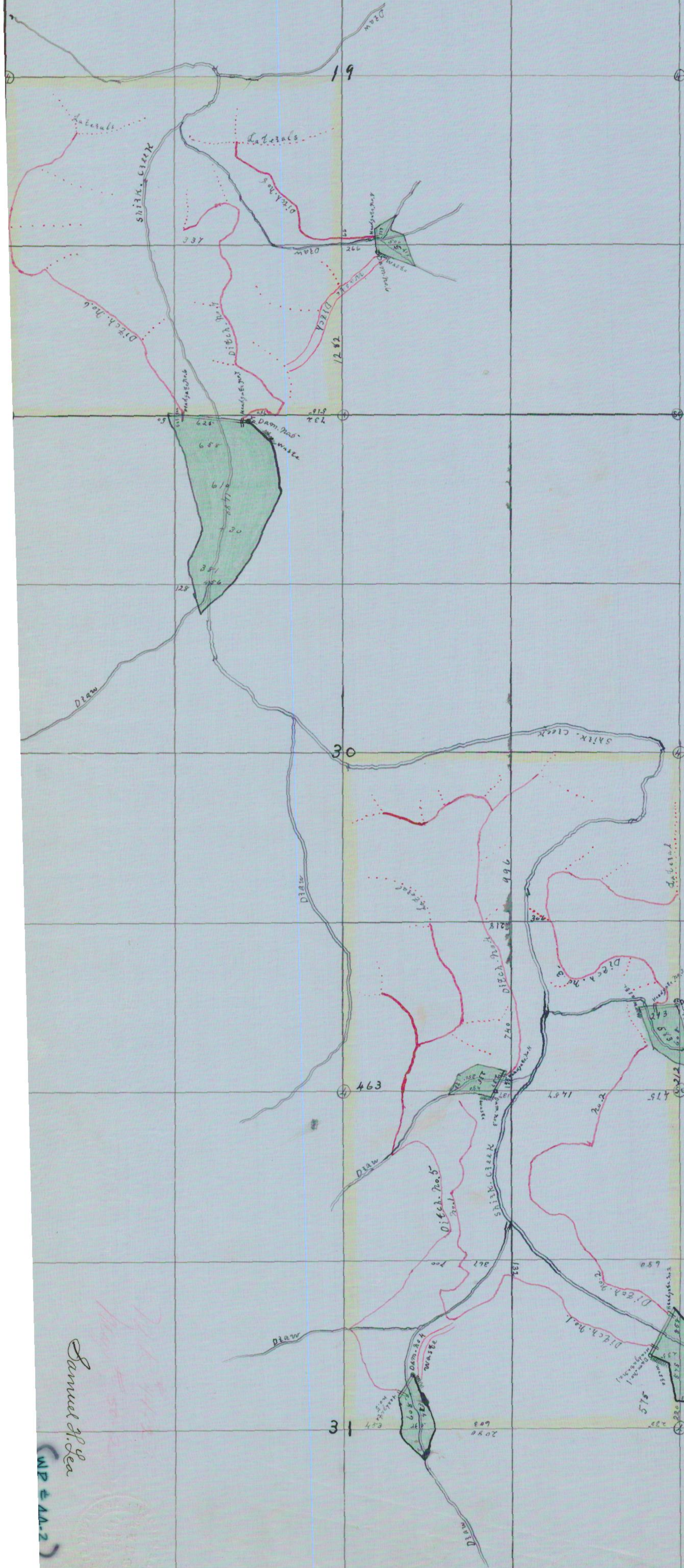
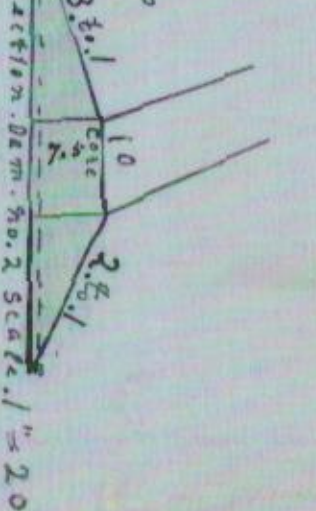
Profile of Dam No. 6. Scale 1" = 200



Cross-section of Dam No. 1. Scale 1" = 200



Cross-section of Dam No. 2. Scale 1" = 200



Samuel H. Lea

(WP 11.2)

Remarks by State Engineer:

This application is for a permit to store and appropriate for irrigation purposes the flood waters of Shirk Creek in Fall River county.

STATE OF SOUTH DAKOTA } ss
County of Hughes

Pierre, South Dakota, June 23 1908

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the 31st day of March 1908 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was duly advertised and a hearing was held in this office on June 1, 1908.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

Number of permit 44

Date of first receipt of application March 31 1908

Date of return to applicant for correction 190--

Date of receipt of corrected application 190--

Date from which application may claim right March 31 1908

Approved June 23 1908, Recorded in Book -1- Page 82

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 June 23 1909

2d. The whole of said work is to be completed on or before June 23 1910

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 30 1911

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 seven 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 June 23 1911; said water to be used during the following described annual periods.

When needed on the land.

Witness my hand this 23rd day of June 1908.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 44

WHEREAS, On the thirty-first day of March A. D. 1908
ARTHUR F. and GERTRUDE O. SHANK

of Gallegos County of Fall River and State of
South Dakota duly made application (No. 44) to me for a permit to use twenty
cubic feet per second of the waters of Flood waters on Shirk Creek
County of Fall River State of South Dakota, for irrigation
purposes; and

WHEREAS, On the twenty-third day of June A. D. 1908
Permit No. 44 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the twenty-third day of
June A. D. 1910 and for the application to beneficial use of said
water on or before the twenty-third day of June A. D. 1911
and,

WHEREAS, On the fifteenth day of January A. D. 1910
the holder of said permit duly made proof of the completion of adequate works for the diversion of seven
cubic feet per second of said waters, as evidenced by my Certificate No. 44
dated January 10, 1910 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use five cubic feet per second of water,
with date of priority of March 31, 1908 and,

WHEREAS, On the fifteenth day of January A. D. 1910
proof was duly made of the application to beneficial use of five cubic feet per second of
said water;

For the purpose of irrigation upon the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31;
NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10; all in Township 11 S.,
Range 8 E. R.H.M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Arthur F. and Cortrude G. Shirk of Calhoun the holder and owner of said permit No. 44 a water right, dating from March 31, 1908 to the use of five cubic feet per second of the waters of Flood waters on Shirk 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 SW 1/4 Sec. 11, SW 1/4 Sec. 12, Section 31, SW 1/4 Sec. 32, SW 1/4 Sec. 33, NE 1/4 Sec. 34, Section 30; NW 1/4 Sec. 11 S., Range 2 E. D.H.M. and conducted to and upon NE 1/4 Sec. 11, NE 1/4 Sec. 12, SW 1/4 Sec. 31, SW 1/4 Sec. 32, Section 30; NW 1/4 Sec. 11, NE 1/4 Sec. 12, SW 1/4 Sec. 31, NW 1/4 Sec. 32, SW 1/4 Sec. 33, Section 30; NW 1/4 Sec. 11 S., Range 2 E. D.H.M. for the purpose of irrigation

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

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this fifteenth day of January A. D. Nineteen Hundred and Ten

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 44

To Arthur F. and Cortrude G.

Source of Supply Flood waters on

Shirk Creek

County Fall River

Am't Five Sec. Feet

Point of Diversion SW 1/4 Sec. 11, SW 1/4 Sec. 12, Section 31, SW 1/4 Sec. 32, SW 1/4 Sec. 33, NE 1/4 Sec. 34, Section 30; NW 1/4 Sec. 11 S., Range 2 E. D.H.M.

Place of Use Sections 31, 32, 33, 34, Section 30; NW 1/4 Sec. 11 S., Range 2 E. D.H.M.

Purpose irrigation

Date of Priority March 31, 1908

Recorded June 23, 1908

in Book 1 of Record Page 82

Permit No. 44,...

Water Division No. 2, South Cheyenne Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Jan.: 5. th. 1910, I have this day made a thorough examination of the diversion works constructed by Arthur F. & Gertrude G. Shirk; of Colrichs. Fall River; County, South Dakota, holder of permit No. 44, issued upon application No. , bearing date of priority of March: 26. 1908, authorizing the diversion of seven second feet of the waters of Shirk Creek for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: of 8 Dams; & Reservoirs; & 8 Ditches; & their laterals; & 8 Headgates made of Concrete & Cement; All the outlets through the Dams are made of Cement Tiling 8. Inches Diameter in the clear with a valve on a hinge for letting the water out;

and the system is in the following condition: The Dams are fairly good; & the Ditches fairly good; & the Headgates & Outlets in fairly good condition;

The point of diversion is located Dam No. 1 from the 1/4 Sec. Cor. between Sec. 31. & 32. W. 235 Ft; & N 575 Ft; & diversion point No. 1 is located in said Dam 65 ft. from south end; & No. 2 66 ft. from north end of said Dam;

The works are capable of diverting and conveying to the place of use five second-feet of water, which is to be used for Irrigation.

The legal sub-divisions to be irrigated are: NW. 1/4: NE. 1/4: SE. 1/4: SW. 1/4; Sec. 30; & NW. 1/4: NE. 1/4: SE. 1/4: SW. 1/4; Sec. 31; & NW. 1/4: NE. 1/4: SE. 1/4: SW. 1/4; Sec. 19; All in Township. 11. S; Range. 8. E; B. H. M;

Of which there will be about 275 acres comprising a total of 480 acres of land.

The domestic use intended comprises For irrigation only;

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

Witness my hand, this 10th day of Jan. A. D. 1910

Robt. Wallace
Examining Engineer.

& Dam.No.2.is located from the S.E. Sec. Cor; Sec.30; North 675.ft.& W.28.ft;
& diversion point No.3.is located in said Dam .175.ft.from east end of dam;
And Dam.No.3.is from the S.E. Sec: Cor; Sec.30;West.1457.ft;to a point in the
the Dam.47.ft;from south end of dam;& diversion point.No.4;is located .43.2
ft;from north end of said Dam; & Dam.No.4;is located from the $\frac{1}{4}$.Sec: Cor;
between.Sec.31.&.32; West.2080.ft;& North.423.ft;to north end of said dam.
& diversion point.No.5.is in said dam.45.ft;from south end of said Dam;
~~Then~~
Then Dam.No.5;is located from the south $\frac{1}{4}$.Sec. Cor:of Sec.19;West.732.ft;
& .S. 48.ft;to the east end of Dam;& diversion point.No.6.is 125.ft from
the west end.& No.7.is 45.ft.from east end of said Dam; Then Dam No.6.is
located from the south $\frac{1}{4}$.Sec. Cor;of Sec.19; North 1282.ft; & East 266.ft;
to the south end of Dam;& diversion point No.8.is in said dam 100.ft.from
south end of said Dam; All of said land being in Township 11.S.; R.8.E;
B . H . 2 .

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
County of FullertonH. Goddard being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from theEdgemont 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 City of Edgemont County ofFullerton and State of South Dakota, That the said notice was published in said newspaper on the following dates:May 1 May 8 May 15
May 22 - 28in each and every issue of the full number thereof, the first publication being made on the 1st day of May 1908 and the last publication on the 28th day ofMay 1908, 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. Goddard

Subscribed and sworn to before me this

15 day of

Notary Public

S. D. 1908

County, S. D.

Appropriation of Water, No. 44.

Form 9-Notice of Intention to appropriate Water, No. 44.

Office of the State Engineer, Pierre, S. D., March 31, 1908.

Notice is hereby given that A. F. and G. G. Shirk whose postoffice address is Delrich, Fall River County, S. D., have made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use 12 cubic feet of water per second of time from Shirk Creek through the Shirk Diversion Works the points of diversion which are to be located upon both banks of said stream in T. 6 S., R. 4 E., N. 4 E. 3 and S. W. 4 S. E. 4 and S. E. 4 A. E. 4 and N. E. 4 N. W. 4 of Section 30 and N. W. 4 S. E. 4 of Section 12, S. W. 4, of the N. E. 4 of Section 31, Township 11 S., Range 4 E., R. 4 E., M. 11, said water to be used for the purpose of irrigation upon the S. W. 4 of Section 19, S. E. 4 Section 30, N. E. 4 Section 31, all in Township 11 S. of Range 4 E., R. 4 E., M. 11.

This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 1st day of June, 1908, at 9 a. m., at which time all persons who believe that the prior rights would be injured by the project, 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 or their sworn affidavits or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEA,
State Engineer.

RECEIVED

JUN 18 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

The Field Notes of the A. F. & G. G. Shirke

(Dams, Reservoirs & Ditches)

Dam No. 1. Is located from the $\frac{1}{4}$ Sec
Cor. between Sec 31 & 32 in Township 11.5

Range 8. E. B. H. M. West 235 feet

& North 575 feet. To the South end of dam

Then dam runs N 28° E 404 feet

Dam to be 10 feet on top. Then starting

at North end of dam Reservoir runs

N S 38° E . 135	N S 7° E . 14	N S 23° W . 190
N E 14° S . 277	N W 20° S . 148	N W 3° N . 111
N S 19° W . 75	N S 26° W . 150	N N 11° W . 298
N E 16° S . 173	N W 26° S . 103	N W 22° N . 168

Coming to South end of dam. The area

of Reservoir $5\frac{1}{3}$ acres & The Capacity when

Full 21 acre feet. Headgate No. 1 is

located in the dam & the bottom of dam

& is 65 feet from the South end of dam

& Ditch No. 1. Starts at Headgate No. 1 & Runs

N W 4° N . 200	N S 24° W . 200	N 4° W . 100
N 10° N . 100	S 38° W . 100	N 2° W . 100
N 19° N . 100	S 40° W . 100	N 4° W . 200
N 17° N . 200	N 35° S . 100	N 24° W . 100
N 19° N . 100	N 27° S . 100	N 14° E . 100
N 21° N . 100	N N 17° E . 235. D.F	N 12° E . 100
N 21° N . 100	N E 2° S . 100	N 5° E . 100
N 29° N . 100	E 38° N . 100	N 13° E . 100
N W 22° N . 100	N N 33° W . 100	N 14° E . 100
N 13° N . 100	N 11° W . 100	N 7° E . 100
N 18° N . 200	N 5° E . 100	N N 38° W . 100

Total length of ditch 3935 feet

Ditch to be 5 feet wide on bottom

Headgate No. 2 is located in dam No. 1. at the bottom of dam & is 66 feet from the north end of dam & Ditch No. 2. starts at Headgate No. 2 & runs

N 41° W . 100	N 31° W . 100	E . 100
N 40° W . 200	N 38° W . 100	N 15° E . 100
N 27° W . 200	N 41° W . 200	N 12° E . 100
N 26° W . 100	N 8° W . 100	N 15° E . 100
N 4° W . 100	N 2° W . 100	N 17° E . 100
N 18° W . 100	N 4° E . 100	N 23° E . 100
N 30° W . 100	N 37° E . 100	N 26° E . 200
N 29° W . 100	E 33° N . 100	N 28° E . 100
N 27° W . 100	N 5° E . 200	N 45° E . 100

Total length of ditch 3200 feet

Ditch to be 5 feet wide on the bottom

Dam No. 2. is located from the S.E. Sec. 30. North 675 feet & West 28 feet then dam runs N 5° S. 293 feet. Then starting at east end of dam Reservoir runs

N S 19° E . 284	N S 5° E . 80	N E 12° N . 144
N E 38° N . 116	N S 37° W . 82	N E 36° N . 205
N E 27° S . 112	N W 40° S . 139	N N 18° W . 320

Coming to west end of dam. Area of Reservoir $3\frac{1}{2}$ acres. Capacity when full 10 acre feet, & dam is 10 feet wide on top

Headgate No 3 is located in dam No 2 in the bottom of the dam & is 175 feet

from East end of dam. Then Ditch
No 3 starts at Headgate No 3 & runs

N E 10° N	100	N 18° N	100	N E 12° S	81
N 36° E	100	N 21° N	100	N E 33° S	81
N 2° E	100	N 24° W	100	N E 2° N	140
N 6° W	100	N 10° W	100	N E 39° S	200
N 16° W	100	N 12° W	100	E 32° S	100
N 28° W	100	N 15° W	182	E 27° S	100
N 39° W	100	N 18° E	100	E 23° S	100
N 38° N	100	N 3° E	100	E 20° S	100
N 28° N	100	N 27° E	69	E 14° S	100
N 20° N	100	N E 23° N	65	Total Length	

of ditch 3018 feet. Ditch to be
5 feet wide on the bottom

(Dam No 3. Is located from the S.E. sec
cor of sec 30. West 1458 feet to initial point
in dam 47 feet from south end of dam
which is S 28° W 47 feet & from same initial point
N 30° E 100 feet & N 25° E 90 ft. Dam to be
10 feet wide on top. Then starting at south
end of dam Reservoir runs N W 13° N 133
W 4° S 200. N 24° E 183. E 25° N 174, E 13° S 206.

coming to north end of dam. The area
of said Reservoir is $4\frac{3}{4}$ acres & the
capacity when full is 7 acre feet

Headgate No 4 is located in dam No 3
& is 43 feet from the north end of the dam
& shall be $4\frac{1}{2}$ feet from the top of the dam
& the dam shall be 10 feet wide on top

Ditch No 4 starts at Headgate No 4 & runs

N E 32° N	100	N 24° W	200	8 feet in ditch
N 34° E				

N 3° E . 100	N 15° W . 100	N 124° W . 110
N 1° W . 100	N 6° E . 200	N W 8° N . 100
N 3° W . 100	N 2° E . 100	N W 13° S . 100
N 4° W . 100	N 4° E . 100	N W 31° S . 50
N 6° W . 100	N 8° E . 100	N W 28° S . 100 drop
N 23° W . 100	N 32° E . 100	N S 32° W . 100
N 16° W . 100	N 36° E . 100	S 45° W . 100
N 18° W . 100	^{Looking into ditch from here} N 40° E . 100	N 21° S . 100
N 18° W . 100	N 45° E . 100	W 9° S . 100
N 41° W . 100	E 43° N . 100	W 4° S . 100

Total Length
of ditch 3460 feet & ditch to be 5 feet
wide on the bottom

Dam No 4. is located from the 1/2 Sec
cor between Sec 31 & 32. West 2080 feet
& North 423 feet. To North end of dam
Then dam runs S 31° W 195 feet & dam
to be 10 feet wide on top. Then starting
at North end of dam Reservoir runs
N S 24° E. 428. N S 18° W. 304. N W 44° N. 270. N N 11° E. 125
N 4° W. 205. & coming to South end of dam
The area 2 1/2 acres & capacity when full 6 acre feet
Headgate No 5. is located on dam No 4
& is 45 feet from the South end of the dam
& is in the bottom of the dam & Ditch
No 5 starts at Headgate No 5 & runs

N W 4° N . 100	N E 35° N . 400	N 45° E . 100
W 10° N . 100	E 37° N . 100	N 38° E . 100
W 28° N . 100	E 34° N . 100	N 24° W . 100
W 38° N . 100	N 10° E . 100	N 15° W . 100
W 45° N . 100	N 28° E . 100	N 11° W . 200
N 39° W . 100	N 34° E . 100	N 13° W . 100
N W 42° N . 100	N 42° E . 100	N 17° W . 100

N W 20° N . 100
 W 3° S . 100
 W 16° S . 100
 N N 6° E . 100
 N 17° E . 100
 N 15° E . 100
 N N 5° E . 100
 N 3° E . 200

N 6° E . 100
 N 10° E . 100
 N 12° E . 200
 N N 2° W . 100
 N 11° W . 100
 N 20° W . 100
 N 28° W . 100
 N W 20° N . 100

Fork to the right
 N E 20° N . 300
 N N 37° E . 100
 N 22° E . 100
 N 12° E . 100
 N 3° E . 100
 N 3° W . 100
 N 9° W . 100
 N 12° W . 300

Total Length of Ditch 5500 feet & ditch
 to be 5 feet wide on the bottom

Dam No 5 is located from the $\frac{1}{4}$ sec
 cor between Sec 19 & 30. West 732 feet &
 South 48 feet. To the east end of the dam
 then Dam runs W 5° N. 625 feet
 then starting at east end of dam Reservoir
 runs N S 45° E. 247, N S 12° E. 377, N S 25° W 540, N S 35° W
 300, N W 43° S. 330, N N 15° W 392, N N 25° E. 288,
 N N 14° W. 616, N N 21° W. 364. & The area
 of Reservoir is 18 $\frac{1}{2}$ acres & The capacity when
 full 74 acre feet & Headgate No 6 is
 located in dam No 5, & is 125 feet from
 the west end of dam. & is in the bottom
 of the dam. Then Ditch No 6 starts
 starts at Headgate No 6. & runs

N N 29° W . 100
 N 30° W . 100
 N 32° W . 100
 N W 40° N . 100
 N 37° W . 100
 N 28° W . 100

W 34° N . 100
 W 32° N . 300
 W 33° N . 100
 W 28° N . 100
 N W 12° N . 100
 W 45° N . 100

N 6° E . 100
 N 9° E . 100
 N 10° E . 100
 N 9° E . 100
 N 18° E . 100
 N E 9° N . 100

N 41° W	100	N 10° W	100	E 35° N	100
N 38° W	100	N 6° W	100	E 41° N	100
N 39° W	100	N 2° W	100	Total Length of ditch 3300 feet	
N 37° W	100	N 2° E	100		

Ditch to be 5 feet wide on the bottom

Headgate No. 7 is located in Dam No. 5
+ is 45 feet from east end of dam + is
on the bottom of the dam. Ditch No. 7
starts at Headgate No. 7 + runs

N E 34° N	100	N 8° E	100	N 22° W	100
N E 9° N	85	N 2° E	100	N 3° E	100
N E 35° S	100	N 6° W	100	N 13° E	100
N 34° E	133	N 13° W	100	N 10° E	100
N W 28° N	100	N 14° W	100	N 5° W	100
N 38° N	100	N 7° W	100	N W 14° S	100
N 32° W	100	N 37° E	100	N 29° S	100
N 40° N	100	N 12° E	137	N 34° S	100
N 37° N	100	N 43° W	100	N 33° S	100

Total Length of ditch 2785 feet Ditch to be
5 feet wide on the bottom

Dam No. 6 is located from the 1/4 Sec
cor between Sec 19 + 30. North 1282 feet
+ east 266 feet. Then Dam runs N 5° W. 177
Then starting at north end of dam
Reservoir runs N E 32° N 192, N S 21° W. 126
N E 17° S. 107, N S 20° E. 257, N W 21° N. 325
Area of Reservoir 1 1/4 acres. Capacity when
full 5 acre feet. Headgate No. 8 is located
in Dam No. 6. + is 100 feet from south end of
dam + in the bottom of dam

Ichen Ditch No. 8. starts from headgate
No. 8. & runs

11 W 4° S. 100

W 8° S. 100

W 100

W 6° S. 100

W 3° N. 100

W 17° N. 100

11 N 6° W. 100

N 11° W. 100

N 26° W. 100

N 31° W. 100

N 28° W. 100

N 36° W. 100

N 42° W. 100

W 42° N. 100

W 36° N. 100

Total Length of Ditch 1300 feet

Ditch to be 5 feet wide on the bottom

This survey was run by the true Meridian

These Field Notes are a true copy
of my notes taken in the survey. and
were taken by myself & are correct

Rolf Wallace

D. S. Surveyor

State of South Dakota

SAMUEL H. LEA, STATE ENGINEER
RALPH VANDERBEEK, ASSISTANT

OFFICE OF STATE ENGINEER

PIERRE

January
Fifteenth,
1910.

C E R T I F I C A T E

State of South Dakota()ss
County of Hughes (

This certifies that Arthur F. Shirk and Gertrude G. Shirk, whose postoffice address is Gelrichs, Fall River County, South Dakota, have obtained from this office a permit, No. 44, to divert and appropriate seven second foot of water from the flood waters of Shirk Creek, in accordance with the provisions of the Water Code of South Dakota, relating to the appropriation, distribution and use of water within the State of South Dakota. The points of diversion are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19; Township 11 S., Range 8 E. E.H.M.; the lands to be irrigated being described as follows:-

NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19; Township 11 S., Range 8 E. E.H.M.; said lands comprising the Desert Land Entry of Arthur F. Shirk, as designated in his proof of application of water to beneficial use. The said Arthur F. Shirk has furnished this office due proof of the completion of his irrigating system and of the application of the water to beneficial use and he is hereby authorized to use two second foot of water for the irrigation of the above designated lands.

Witness my hand and official seal, this 15th day of January,
1910.

State Engineer.

Permit No. 44Water Division No. 2 South Clavenna Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Arthur J. E. Lutz, 210 S. 1st St., Lehigh Falls, N. J.
Occupation farmer

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 44, date March 26, 1908

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

Ans. Water is taken from the Lehigh River, between Lehigh and 32nd St., 238 ft. north of the south end of dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Water is taken from the Lehigh River, between Lehigh and 32nd St., 238 ft. north of the south end of dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigation purposes and for the irrigation of the land of the Lehigh River, between Lehigh and 32nd St., 238 ft. north of the south end of dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam, 11 ft. from the north end of said dam, 11 ft. from the south end of said dam.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. For irrigation purposes only.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Seven cubic feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same person.

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

Ans. During the spring of 1909, part of the ditches in full capacity and part not quite full capacity. Part of the ditches had rocks in them and had to be repaired. Therefore could not be used in full capacity.

(Sign)

Arthur J. Shirk & George G. Shirk
by Arthur J. Shirk

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Delicieux, County of Fall River

State of South Dakota, on this 10th day of January A. D., 1910

R. C. Farny

United States Commissioner

Permit No. 44

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water. Seven second feet

Source. Shirk Creek

County. Fall River

Purpose. Irrigation

Place of Use. Sections 30, 31 and

19, Township 11 S., Range 3 E.

P. H. M.

Date of priority. March 31, 1909

FILED
JAN 15 1910

SAMUEL H. LEA, State Engineer.

Received and filed January 15, 1910

RECEIVED
JAN 15 1910

OFFICE OF STATE ENGINEER
PIERRE, S. D.

dam #2 is located from the S.E. sec. corner of sec 30 north 675 ft
and west 28 ft. and diversion point #1 is located in the bottom
of the dam and is 175 from east end of dam. dam #3 is
located from the S.E. sec. corner of sec. 30 west 1457 to a point in
dam #1 from the south end of said dam. and diversion #1
is located in said dam 43 ft. from the north end of said dam
and shall be 49 1/2 from the top of dam. dam #4 is located
from the S.E. corner between sec. 31 & 32 west 2080 ft
and north 423 ft. to the S. end of said dam. and diversion
point #5 is located in the bottom of said dam 45 ft from the south
end of said dam. dam #5 is located from the S.E. corner of
sec. 30 & 19 west 732 ft. and south 48 ft. diversion point #6 is
located in the bottom of said dam 125 from the west end
of said dam. and diversion point #7 is also located in
the bottom of said dam 45 from the east end of dam #5.
dam #6 is located from the S.E. sec. corner between sec. 19 & 30
north 1282 ft. and east 266 and diversion point #8 is located
in the bottom of said dam 100 ft from the south end
all of the above described land being in Twp 11 N. Range 8 E.
D. 55. 132.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7616

PIERRE, July 29 1980

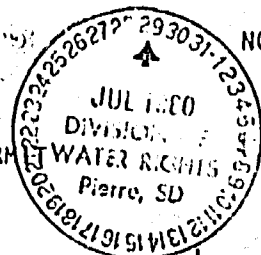
RECEIVED OF Oscar Cope, Oelrichs, SD 57763

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		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for trans. of WR# 44-2		2.50
(any other work as provided by law)		
TOTAL \$	2	50

WATER RIGHTS COMMISSION

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



NO. 44-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 26, 1980

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

SE $\frac{1}{4}$ Section 30, NE $\frac{1}{4}$ Section 31, SW $\frac{1}{4}$ Section 19, all in T11S, R8E BHM

formerly owned by Arthur and Gertrude Shirk, Delrichs, SD

has been transferred to Oscar ^{P.}Cope and ^{Laura L.}Wayne Cope, Delrichs, SD 57763

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 44-2 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 the Board of Water Management 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.

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

I, Oscar Cope 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.

Oscar Cope
(Signed)

Subscribed and sworn to before me this 26 Day of July, 1980.

Dewey L. Bond
(Notary Public)

South Dakota Department of
Water & Natural Resources

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

March 23, 1990

NOTICE

44-2

TO: Oscar Cope
OELRICHS, SD 57763

FROM: *for Del Brosz*
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 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 No. 44-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is 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 Brosz (605 773-3352).