

No. 546-2

Water Division No. 2

Battle Creek

District

DEC 29 1989

10:10 AM

WATER RESOURCES COMMISSION

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 Western Cattle Company
 Postoffice address Box 371, Rapid City Pennington, State S. Dak.

I. If a corporation

- (a) Name of same Western Cattle Co., Division of Morris Animal Co.
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors See Articles of Incorporation, a copy of which is on file at the Office of State Water Resources Commission at Pierre, South Dakota.

(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)
Contracts and employment of others.
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____
2. Name of diversion work Stenger Ranch Irrigation Project No. 1
acre feet
 3. Amount of water claimed Storage of 746 /cubic feet per second
 4. Source of water supply Battle Creek
 5. Location of point of diversion 187.9 rods S 270 40' East from NW corner of
Sec. 2, T. 3S, R. 3E, BEM on south bank Custer County
To be stored 10/1 to 4/31 and
 6. Annual period or periods during which water is to be used flood flows and used for irrigation 5/1 to 9/30 each year.
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 736.9 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.) NoneII. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:
Not applicable.

(a) Nature of use _____

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 537-2

8. Estimated cost of work:

(a) Head Gates, \$...none...

(b) Pumping plant, \$.20,000.00

(c) Fluming, \$...none...

(d) Canal-earth, \$.1500.00

Rock, \$...---

(e) Other structures dam & leveling \$59,100.00

Total, \$.70,600.00

9. Description of diversion works:

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

Reservoir and pumping plant

II. Dimensions of works:

(a) Dam: Height (Max) 24 feet; length at bottom 3145 feet; length at top 3145 feet; thickness at bottom (Max) 156 feet; thickness at top 12 feet; slope at front water face 4:1; slope at back face 2:1; material used in construction Compacted Embankment

(b) Reservoir: Capacity when filled 745 acre feet. Surface area at highwater mark 53.8 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
2	1.0	1.0
4	5.8	7.8
6	14.2	27.8
8	24.9	67.0
10	31.6	123.6
12	38.0	193.4
14	47.8	279.3
16	55.7	382.8
18	59.3	498.3
20	62.2	623.6
22	63.0	745.7

(c) * Head gate: Width none feet; height --- feet; Material ---

(d) Canal: Total length 4.257 miles.

LOCATION BELOW HEADGATE	Flow Depth	Flow Speed	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
Stn 0 to					
At Stn 122+60	1.6	2.1 feet	4.0 feet	3.8 feet	5.28 feet
Stn 122+60 to					
At Stn 173+50	1.3	1.7 feet	2.0 feet	1.7 feet	5.28 feet
Stn 173+50 to					
At Stn 224+80	2.0	0.9 feet	2.0 feet	1.2 feet	5.28 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

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

STATE OF SOUTH DAKOTA

County of SS.

I, Western Cattle Company, 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.

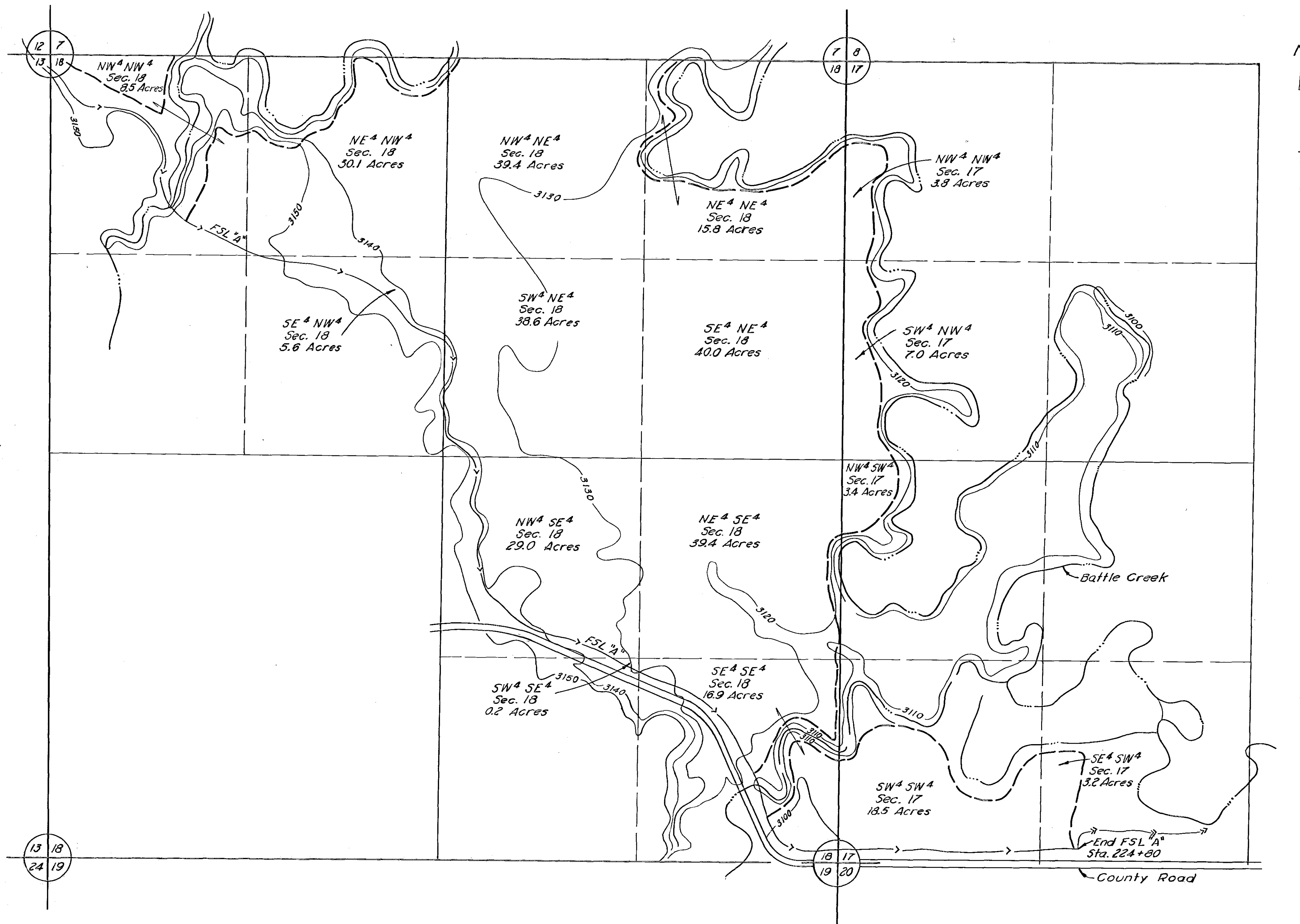
Signed John R. Killough

Subscribed and sworn to before me this 28th day of December 1958

Walter J. Farrington
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My commission expires: 5-25-66



SURVEYOR'S CERTIFICATE

I, Harlan D. Collins, DO HEREBY CERTIFY THAT THIS MAP, IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Stenger Ranch Irrigation Project No. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Custer SOIL CONSERVATION DISTRICT.

SIGNATURE: Harlan D. Collins
 TITLE: Civil Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF Dec, 1957, A.D.
Josephine Duggan
 NOTARY PUBLIC

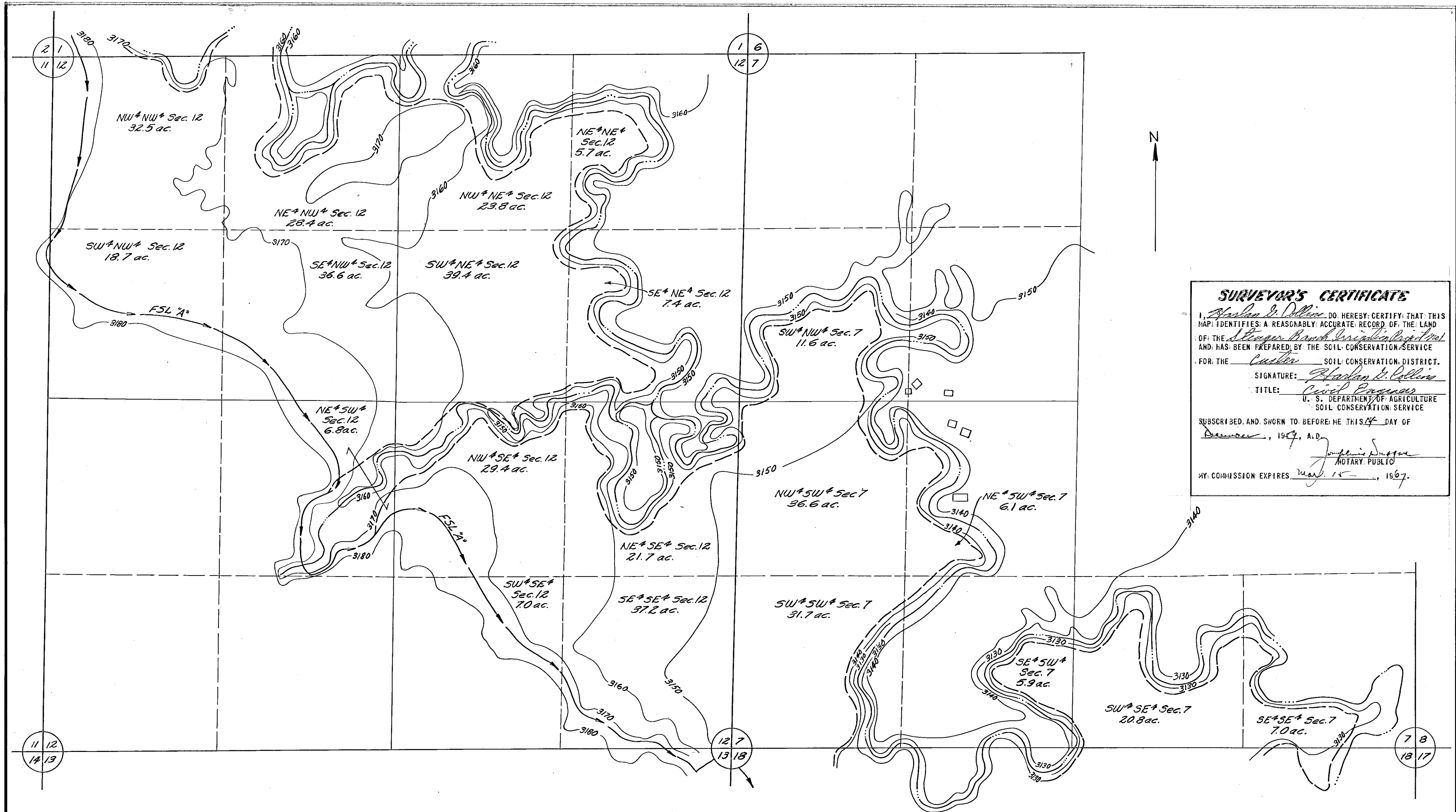
MY COMMISSION EXPIRES July 15, 1967.

Scale: 1" = 400'

**WESTERN CATTLE COMPANY
 STENGER RANCH
 IRRIGATION PROJECT NO. 1**
 Custer County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE**

Designed <u>H.G. Collins</u>	Date <u>10-59</u>	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Date <u>11-59</u>	Sheet <u>3</u> of <u>3</u>



SURVEYOR'S CERTIFICATE

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SIGNATURE: Harlan D. Collins
 TITLE: Civil Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14 DAY OF December, 1967, A.D.

Josephine S. Squire
 NOTARY PUBLIC

MY COMMISSION EXPIRES Mar. 15, 1967.

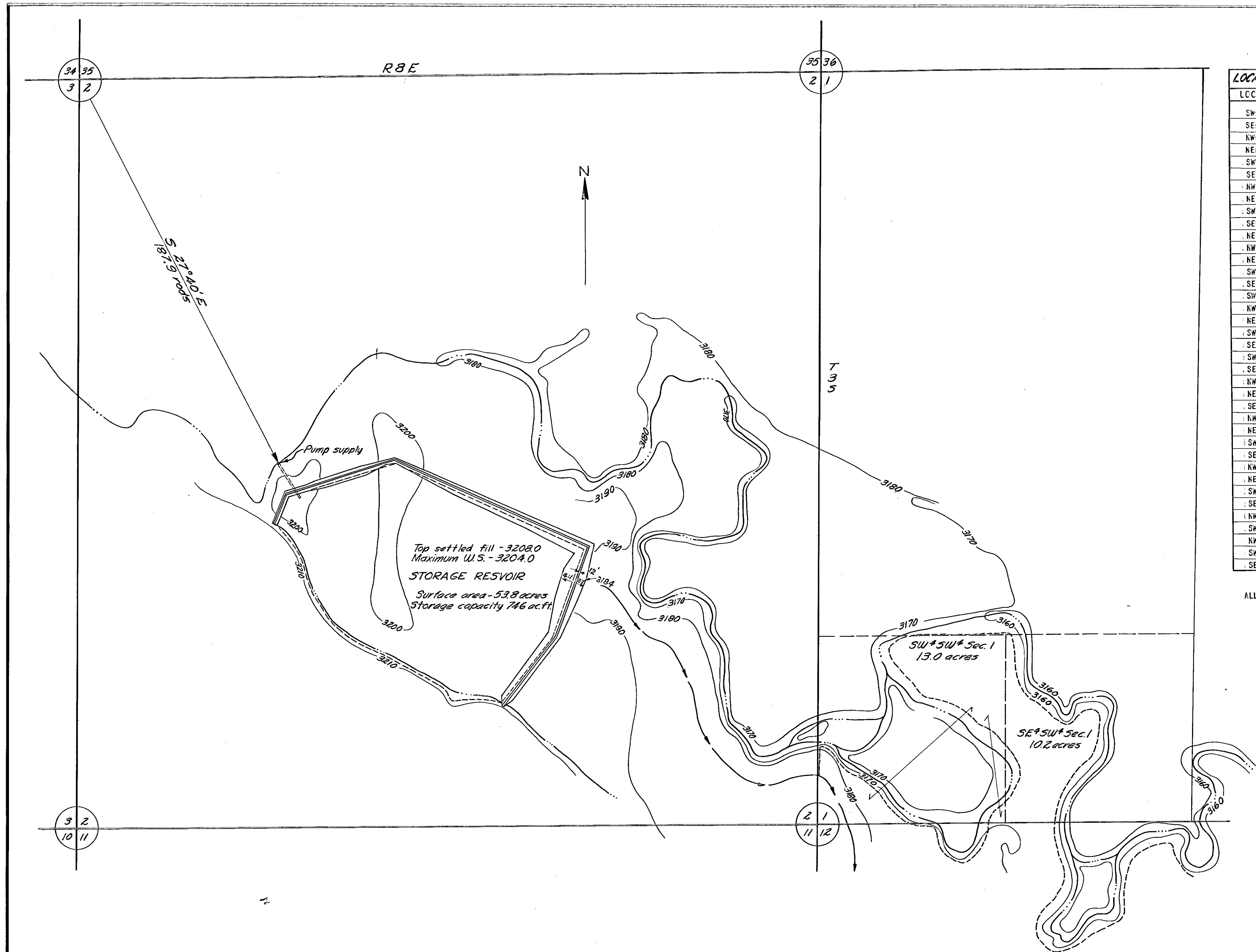
Scale: 1"=400'

**WESTERN CATTLE COMPANY
 STENGER RANCH
 IRRIGATION PROJECT NO. 1
 Custer County, South Dakota**

**U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE**

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
Checked _____	Sheet No. <u>2</u> of <u>3</u>	Drawing No. _____

5662



LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW 1/4 SW 1/4	1	3S	8E	13.0
SE 1/4 SW 1/4	1			10.2
NW 1/4 NW 1/4	12			32.5
NE 1/4 NW 1/4	12			28.4
SW 1/4 NW 1/4	12			18.7
SE 1/4 NW 1/4	12			36.6
NW 1/4 NE 1/4	12			23.8
NE 1/4 NE 1/4	12			5.7
SW 1/4 NE 1/4	12			39.4
SE 1/4 NE 1/4	12			7.4
NE 1/4 SW 1/4	12			6.8
NW 1/4 SE 1/4	12			29.4
NE 1/4 SE 1/4	12			21.7
SW 1/4 SE 1/4	12			7.0
SE 1/4 SE 1/4	12			37.2
SW 1/4 NW 1/4	7		9E	11.6
NW 1/4 SW 1/4	7			36.6
NE 1/4 SW 1/4	7			6.1
SW 1/4 SW 1/4	7			31.7
SE 1/4 SW 1/4	7			5.9
SW 1/4 SE 1/4	7			20.8
SE 1/4 SE 1/4	7			7.0
NW 1/4 NW 1/4	18			8.5
NE 1/4 NW 1/4	18			30.1
SE 1/4 NW 1/4	18			5.6
NW 1/4 NE 1/4	18			39.4
NE 1/4 NE 1/4	18			15.8
SW 1/4 NE 1/4	18			38.6
SE 1/4 NE 1/4	18			40.0
NW 1/4 SE 1/4	18			29.0
NE 1/4 SE 1/4	18			39.4
SW 1/4 SE 1/4	18			0.2
SE 1/4 SE 1/4	18			16.9
NW 1/4 NW 1/4	17			2.8
SW 1/4 NW 1/4	17			7.0
NW 1/4 SW 1/4	17			3.4
SW 1/4 SW 1/4	17			18.5
SE 1/4 SW 1/4	17			3.2
TOTAL				736.9

ALL LANDS DESCRIBED ARE OWNED BY WESTERN CATTLE COMPANY.

SURVEYOR'S CERTIFICATE

I, Harlan D. Collins, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Stenger Ranch Irrigation Project No. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Custer SOIL CONSERVATION DISTRICT.

SIGNATURE: Harlan D. Collins

TITLE: Civil Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14 DAY OF December, 1947, A.D.

NOTARY PUBLIC
MY COMMISSION EXPIRES June 15, 1957

Scale: 1"=400'

WESTERN CATTLE COMPANY
STENGER RANCH
IRRIGATION PROJECT NO. 1
Custer County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date	Approved by
Designed	Title
Drawn	Title
Traced	Sheet Drawing No.
Checked	No. 1 of 3

MAP NO 537-2 (APPL NO 566-2)

Remarks by the Applicant:

The proposed irrigation system has been designed to utilize the waters of Battle Creek by storage of winter flows in excess of downstream needs for domestic and livestock purposes and by storage of flood waters whenever such flow may exceed the needs of downstream users. A small diversion structure will be necessary to provide an intake for the pumping plant. This structure will be provided with flash boards for the purpose of allowing the full passage of low flows and will also permit accurate measurement of flows.

The lands listed to be irrigated under the irrigation system proposed in this application have been irrigated from the waters of Battle Creek during past years. The flow of water in Battle Creek during this season (irrigation season) however, is not dependable. Since 1953 there has not been sufficient water in Battle Creek during the irrigation season to irrigate any of these lands. Records from the U.S. Geological Survey stream flow gauges at Hermosa and 16 miles Southeast of Hermosa on Battle Creek indicate that, excepting summer cloudbursts, the discharge is most dependable from October 1 to May 1 of each year. The only current use being made of these non-irrigation season flows below the lands in this application is for livestock and domestic water.

It is, therefore, requested that the following listed water rights and any and all other rights to water from Battle Creek applicable to the Western Cattle Company Ranch, known as the "Stenger" ranch and the Western Cattle Company Ranch, known as the "Battle Creek Ranch", except Water Permit No. 319-2, covering portions of Sections 21 and 28 in Township 3 South, Range 9 East, be considered for the establishment of 'vested rights', and further, that this application be considered as an application for a change of diversion point combining the water rights above listed into one permit, being the permit hereby applied for, and making the rights above listed appurtenant to the lands in this application. It is further requested that all existing rights be applied to the lands described in this application in such manner as to assure the best rights possible and that those rights as above qualified which may be found to have expired or otherwise become invalid, be cancelled from the records.

Attached hereto please find a completed copy of Form 24, "Proof of Application of Water to Beneficial Use", covering the water rights referred to as listed above.

Item 7, T., (L)

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SAL SW	1	3S	3E	13.0
SE SW	1			10.2
NW NW	12			32.5
NE NW	12			28.1
SW NW	12			18.7
SE NW	12			36.6
NW NE	12			23.8
NE NE	12			5.7
SW NE	12			39.4
SE NE	12			7.4
NE SW	12			6.3
NW SE	12			29.4
NE SE	12			21.7
SW SE	12			7.0
SE SE	12			37.2
SW NW	7		3E	11.6
NW SW	7			36.6
NE SW	7			6.1
SW SW	7			31.7
SE SW	7			5.9
SW SE	7			20.0
SE SE	7			7.0
NW NW	16			9.5
NE NW	16			30.1
SE NW	16			5.6
NW NE	16			39.4
NE NE	16			15.8
SW NE	16			38.0
SE NE	16			40.0
NW SE	16			29.0
NE SE	16			39.4
SW SE	16			0.2
SE SE	16			16.9
NW NW	17			3.0
SW NW	17			7.7
NW SW	17			3.4
SW SW	17			13.5
SE SW	17			3.2
TOTAL				736.9

ALL LANDS DESCRIBED ARE OWNED BY WESTERN CATTLE COMPANY.

(First Publication on or before March 10, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak. February 27 1960

Notice is hereby given that the Western Cattle Company whose postoffice address is Rapid City, South Dakota, has made application in accordance with the water laws of South Dakota for a permit for a change in diversion point and a change in lands to be irrigated, combining the several water rights appurtenant to lands now owned by said Western Cattle Company, known as the "Stenger Ranch" and "Battle Creek Ranch", into one water right. The proposal would reduce the number of acres irrigated under the established rights from 1303 acres to 736.9 acres and proposes storage of 746 acre feet to utilize non-irrigation season flows of Battle Creek which are in excess of downstream needs and of flood flows when such flows occur. The new point of diversion is to be located on the South bank S 27°00' E from the NW corner of Section 2, TWP 3S Range 8E, B.H.M.

Said water is to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 1; NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$ and SE $\frac{1}{4}$ Sec 12, all in T 3S, R 8E, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 7, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 18 and W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec 17, all in T 3S, R 9E.

The application proposes also the cancellation of certain water rights which are appurtenant to lands owned by the Western Cattle Company known as the "Stenger Ranch" and "Battle Creek Ranch."

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April 1960 at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

J.W. CARTERS,

Chief Engineer, Executive
Officer

cc: Carl H. Sundstrom-Publisher
Custer County Chronicle
Custer, South Dakota

ATTACHMENT TO FORM NO. 24
PERMIT NO. 4423-2 (ED STENGER)
(500 Miners Inches)

Question 3.

Answer: Posted August 29, 1890.
Notice recorded February 18, 1895.

Question 4.

Answer: South side of Battle Creek. 76 rods due West of the NE Corner of Section 3, Township 3 South, Range 8 East, Black Hills Meridian. (See attached map)

Question 5.

Answer: A rock dam approximately 100 feet long and 3 feet high was constructed in about 1892. This dam diverted the water from Battle Creek into a ditch beginning on the south side of said creek, thence across the creek by a flume in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, Township 3 South, Range 8 East and again in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of the same section and extending a total length of 3040 rods. (See attached map) This diversion and ditch was capable of conveying approximately 10 cubic feet per second.

Question 6.

Answer: The water conducted by this ditch was used to irrigate the following lands:

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	3S	8E	30
SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"	11
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2	"	"	4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	19
SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	22
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	"	"	26
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	4
NE $\frac{1}{4}$ NE $\frac{1}{4}$	12	"	"	1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	25
NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	33
NW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	40
SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"	21
NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	30

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
NW 1/4 SE 1/4	12	3S	8E	31
SE 1/4 SE 1/4	"	"	"	28
NE 1/4 SW 1/4	7	3S	9E	10
NW 1/4 SW 1/4	"	"	"	25
SW 1/4 SW 1/4	7	"	"	13
SW 1/4 SE 1/4	7	"	"	18
SE 1/4 SE 1/4	7	"	"	4
NE 1/4 NE 1/4	18	"	"	17
NW 1/4 NE 1/4	18	"	"	20
SE 1/4 NE 1/4	18	"	"	40
NE 1/4 NW 1/4	18	"	"	23
NW 1/4 NW 1/4	18	"	"	14

Total Acres 517

Question 8.

Answer: 7.49 C.F.S.

Question 9.

Answer: The lands involved were acquired by the applicant on Feb. 1, 1955, by Contract for a Deed from Eva Stenger to Bruce A. Norris.

Question 10.

Answer: The water diverted under the above permit was utilized to irrigate the lands described herein (see attached map) from 1892 until about 1936 for the production of alfalfa. Originally the lands belonged to a number of owners who acquired them under the homestead and public land sale laws of the Federal Government. They were gradually acquired by Ed Stenger, the original applicant for the water permit, who continued to irrigate all the land described. During the drouth of the 30's, flows became insufficient in Battle Creek to irrigate both the lands south of the creek under this permit and those north of the creek under Permit Nos. 035-2, 0275-2 and the Stenger Ditch. By this time and lands on both sides of the creek were controlled by Stenger. Due to the shortage of water, he concentrated its use on the north side of the stream and discontinued irrigating the lands on the south side pending increased stream flows. It appears from the record that the summer discharge rate at this point has never increased since 1936 sufficient to irrigate all the lands involved again. Therefore, all the stream flow that was available during the irrigation season of each year since 1936 was used on the north side of Battle Creek.

ATTACHMENT TO FORM NO. 24
STENGER DITCH (No Number)

Question 3.

Answer: This diversion and ditch was constructed in 1893 by Ed Stenger and has been used continuously since that time when water has been available. A search of the County Records at Custer, South Dakota, Custer County, did not disclose a water filing covering this diversion and ditch. The search of these records did disclose that filings were made in numerous forms, some of which were entered as placer filings, miscellaneous filings and so forth. Since this was probably the best known irrigation system along Battle Creek over a long period of years, it seems logical that an exhaustive search of the records might yet discover some record setting forth specific posting and recording dates.

Question 4.

Answer: North side of Battle Creek. A distance of 172 rods S46° 10'E from the NW corner of Section 2, Township 3 S, Range 8 E, ERM. (see attached map)

Question 5.

Answer: This was a rock dam approximately 150 feet long and four feet high. It diverted water from Battle Creek into a ditch on the north side of the Creek, extending $\frac{1}{2}$ miles to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Township 3 South, Range 9 East. The ditch was capable of conveying approximately 8.0 cubic feet of water per second. (seemap attached)

Question 6.

Answer: The water from this ditch was used to irrigate the following described lands: (see attached map)

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	3S	8E	13
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	"	"	3
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1	"	"	13
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1	"	"	1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2	"	"	17
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2	"	"	8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	12	"	"	22
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12	"	"	4

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
NW 1/4 NW 1/4	7	3S	9E	29
SW 1/4 NW 1/4	7	"	"	9
NE 1/4 SW 1/4	7	"	"	12
SE 1/4 SW 1/4	7	"	"	17
SW 1/4 NE 1/4	7	"	"	10
NE 1/4 SE 1/4	7	"	"	25
NW 1/4 SE 1/4	7	"	"	40
SE 1/4 SE 1/4	7	"	"	40
SW 1/4 SE 1/4	7	"	"	21
SW 1/4 SW 1/4	8	"	"	16
SE 1/4 NE 1/4	17	3S	9E	9
SW 1/4 NE 1/4	17	"	"	27
NW 1/4 NW 1/4	17	"	"	12
SW 1/4 NW 1/4	17	"	"	27
SE 1/4 NW 1/4	17	"	"	20
NW 1/4 SW 1/4	17	"	"	17
NE 1/4 SW 1/4	17	"	"	2
NW 1/4 SE 1/4	17	"	"	21
NE 1/4 SE 1/4	17	"	"	24
				<u>19</u>
Total Acres				479

Question 10.

Answer: This ditch was used by the locator for the production of alfalfa on the above described lands and the same use was continued by his wife, Eva Sterger, until July 1952, when the dam washed out in a cloudburst. The ditches were readied for use again, but the dam was not rebuilt. Since that time there has not been sufficient water in Battle Creek during the irrigation season to irrigate the fields. Reconstruction of the dam and maintenance of the ditch were deferred pending sufficient flows in Battle Creek to justify the cost.

ATTACHMENT TO FORM NO. 24
PERMIT NO. 065-2 (JOHN CARR)
(1000 Minors Inches)

Question 3.

Answer: Posting date not clear in records. Use of ditch began September 10, 1881. Notice recorded at 9:00 A.M. September 24, 1883.

Question 4.

Answer: North side of Battle Creek. 124 rods N50°35'E of the SW Corner of Section 34, Township 2 South, Range 8 East, Black Hills Meridian.

Question 5.

Answer: A rock dam approximately 75 feet long and 2 feet in height originally completed in September 1881. This dam diverted water into a ditch on the north side of Battle Creek extending to the John Carr property (see map attached) upon which 64 acres were irrigated. This main ditch was capable of carrying 1.0 C.F.S.

Question 6.

Answer: Used for irrigation of the following lands:

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SW 1/4 SW 1/4	35	2S	8E	3
SE 1/4 SW 1/4	35	"	"	4
NE 1/4 NW 1/4	2	3S	8E	11
NW 1/4 NW 1/4	2	"	"	19
SW 1/4 NW 1/4	2	"	"	22
SE 1/4 NW 1/4	2	"	"	5
Total Acres				64

Question 8.

Answer: 1.0 C.F.S.

Question 9.

Answer: The lands involved were acquired by the applicant on February 1, 1955, by Contract for a Deed from Eva Stenger to Bruce A. Morris.

Question 10.

Answer: The ditch above described was used to irrigate the lands above referred to by the locator from 1881 until approximately 1893. The lands were, at that time, acquired by Ed Stenger. Stenger built the Stenger Ditch on the north side of Battle Creek and the ditch under permit No. 0421-2 at about this time. The fields under these later ditches were larger, consisted of better soils and were more easily irrigated. Therefore, the Carr lands were retired from Irrigation by Stenger who utilized the water under the ditches described above, which he constructed, and the diversion points were immediately below the diversion point for this ditch.

ATTACHMENT TO FORM NO. 24
PERMIT NO. 068-2 (Cary, Marble and Palmer)
(1000 Miners Inches)

Question 3.

Answer: Posted July 27, 1893.
Recorded July 31, 1893.

A. M. Cary, S. M. Marble and D. T. Palmer, locators of this permit, owned the NE $\frac{1}{4}$ Section 18, Township 3 South, Range 9 East; the W $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; W $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Township 3 South, Range 9 East; and the SE $\frac{1}{4}$ Section 7, Township 3 South, Range 9 East, respectively, at the date of the filing. The proposed structure and ditches were never built, but in lieu thereof, water was obtained from the ditch built under Permit No. 0423-2 (see attached map) for the irrigation of the lands involved. The lands were acquired by Ed Stenger in 1896 and after and irrigation was continued under Permit 0423-2 and the Stenger Ditch (see map and text). No formal application appears in the record for the change of diversion points; however, this was done in practice for many years.

The lands involved were acquired by Western Cattle Company on February 1, 1955, by a Contract for Deed from Eva Stenger to Bruce A. Norris.

ATTACHMENT TO FORM NO. 24
PERMIT NO. 0275-2 (JOHN H. MARBLE)
(1000 Miners Inches)

Question 3.

Answer: Posted February 25, 1895.
Recorded March 6, 1895.

Question 4.

Answer: North side of Battle Creek. 56 rods south 36°40' West of the NE corner of Section 12, Township 3 South, Range 8 East, Black Hills Meridian.

Question 5.

Answer: This was a rock dam of unknown dimensions diverting water into a ditch, extending 384 rods southeasterly down the north side of Battle Creek (see attached map). This ditch was capable of conveying approximately 2.0 C.F.S.

Question 6.

Answer: The water conveyed by the above structure was used to irrigate the following described lands:

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
NE 1/4 SE 1/4	7	3S	9E	37
NW 1/4 SE 1/4	7	"	"	31
SW 1/4 SE 1/4	7	"	"	10
SE 1/4 SE 1/4	7	"	"	21

Total Acres 99

Question 8.

Answer: 1.37 C.F.S.

Question 9.

Answer: This land was acquired by the applicant on February 1, 1955, by a Contract for Deed from Eva Stenfer to Bruce A. Morris.

Question 10.

Answer: The water diverted under this application was used by the locator to irrigate the lands described until 1896, when the lands were acquired by Ed Stenger. From this time until 1952, the dam was abandoned and the lands were irrigated from the ditch known as the Stenger Ditch (see text and map). This amounted to a change of diversion point, although no filing or application appears in the record.

ATTACHMENT TO FORM NO. 24

PERMIT: 0284-2 (J. B. McCLOUD)
0360-2 (JOHN E. REDDICK & J. B. McCLOUD)
0384-2 (DAVID. P. RUSSELL)

Question 3.

Answer: Permit 0284-2 - J. B. McCloud (1000 Miners Inches)
Posted March 1, 1895. Recorded March 8, 1895.

Permit 0360-2 - John E. Reddick & J. B. McCloud
(1000 Miners Inches)
Posted April 23, 1900. Recorded June 2, 1900.

Permit 0384-2 - David P. Russell (500 Miners Inches)
Posted June 22, 1883. Recorded June 25, 1883.

Question 4.

Answer: The permits above were all applicable to the same diversion point and ditch. This diversion point was on the south side of Battle Creek. 172 rods North 11°45' West of the SE corner of Section 21, Township 3 South, Range 9 East, Black Hills Meridian. (see map attached)

Question 5.

Answer: A rock dam was constructed in approximately 1883 which diverted the water from the south side of Battle Creek into a ditch capable of conveying approximately 6 C.F.S. This ditch crossed Battle Creek 64 rods southeast of the diversion dam and continued down the north side of Battle Creek some 936 rods to the NE 1/4 of Section 25 Township 3 South, Range 9 East.

Question 6.

Answer: This water was used for irrigation of lands in Sections 22, 25, 26 and 27, of Township 3 South, Range 9 East. For the purpose of this application the following lands described in particular were irrigated. (see attached map)

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SE 1/4 SW 1/4	22	38	9E	11
SW 1/4 SW 1/4	22	"	"	8
NE 1/4 NW 1/4	27	"	"	33
NW 1/4 NW 1/4	27	"	"	30
SW 1/4 NW 1/4	27	"	"	12
Total Acres				94

Question 8.

Answer: 1.34 C.F.S.

Question 9.

Answer: This land was acquired by the applicant on April 13, 1956, by Contract for a Deed from W. C. Miller, et al, to Bruce A. Norris.

Question 10.

Answer: David P. Russell originally owned the W $\frac{1}{4}$ of Section 27, Township 3 South, Range 9 East, and irrigated the NW $\frac{1}{4}$ of this section from the above described ditch under his original permit No. 0384-2. Ownership of this quarter then passed to J. B. McCloud who also owned and irrigated the NE $\frac{1}{4}$ of this section under Permit No. 0284-2 for this quarter section. Reddick owned the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 and irrigated portions of this 80 acres under Permit No. 0360-2, jointly owned by him and J. B. McCloud. The lands above described produced alfalfa under irrigation from this ditch until the 1920's. After this date the use of this ditch system was discontinued and the diversion dam abandoned by all locators and users. While the reason for abandoning this project is not clear in the record, it is believed that the bulk of the waters in Battle Creek were being used above this point under the Stenger Ditch, and Permit No. 0423-2 (Ed Stenger) who found it more profitable to apply the available water to the lands under the above ditches than the land he owned under this permit, which is located on the lowest bench adjacent to the streambed and produced alfalfa reasonably well without irrigation.

ATTACHMENT TO FORM NO. 24
PERMIT NO. 0134-2 (M. J. EVERLY)
(300 Inches)

Question 3.

Answer: Posted January 1, 1905.
Recorded March 11, 1905.

Question 4.

Answer: South side of Battle Creek. 108 rods North $45^{\circ}0'$ E from the SW corner of Section 16, Township 3 South, Range 9 East, Black Hills Meridian.

Question 5.

Answer: This was a rock dam constructed to divert water into a ditch on the north side of Battle Creek, and flumes crossing bends in the creek. The ditch was capable of conveying 2.0 C.F.S., and ran a total distance of 360 rods to the lands irrigated.

Question 6.

Answer: This water was used for irrigation of the following described lands:

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	21	3S	9E	30
SE $\frac{1}{4}$ NW $\frac{1}{4}$	21	"	"	27
SW $\frac{1}{4}$ NE $\frac{1}{4}$	21	"	"	17
NW $\frac{1}{4}$ SE $\frac{1}{4}$	21	"	"	31
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21	"	"	<u>40</u>

Total Acres 145

Question 8.

Answer: 2.0 C.F.S.

Question 9.

Answer: The lands were acquired by the applicant April 13, 1956, by Contract for a Deed from W. C. Miller, et al, to Bruce A. Morris.

Question 10.

Answer: The above described irrigation works were completed in 1905 and were in constant use by the locator until 1948 when the land was acquired by Kroth. The new owner installed a pumping system closer to the lands involved under Permit No. 319-2 (1948), which system now irrigates that portion of the above lands in the SW-NE $\frac{1}{4}$, SE-NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, Township 3 South, Range 8 East, in addition to other lands. It appears that this portion of the permit was abandoned and superceded by Permit No. 319-2. The original dam washed out in about 1951 and, although it was not replaced, the records indicate that since 1952, there has been only one year when these lands could have been irrigated in addition to those irrigated by pump under Permit No. 319-2.

Location No.

Water Division No. Water Dis. 1

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. John R. Killough, 631 St. James, Rapid City, South Dakota,
Property Development Manager for Western Cattle Company

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. Western Cattle Company, a Division of Norris Grain Company,
Box 371, Rapid City, S. Dak. I am Property Development Manager for
this Corporation.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. See attached sheets.

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

Ans. See attached sheets.

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. See attached sheets.

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. See attached sheets.

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

Ans. None other than irrigation.

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

Ans. See attached sheets.

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. See attached sheets.

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

Ans. ~~See attached sheets.~~

(Sign)

John R. Killough

I hereby certify that the foregoing testimony was read to the above subscriber before his 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 Rapid City, County of Pennington

State of South Dakota, on this 28th day of December A. D. 1959

Witnesses.

Alice S. Farrington
Alice S. Farrington

Notary Public, South Dakota
My commission expires: 5-25-66

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Ray Stabelfeldt

Location No. -----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

John F. Killough
Property Development Manager
Western Cattle Company,
P.O. Box 371
Rapid City, South Dakota

NOTES ON
Western Cattle Co
Application 566-2

Dear Mr. Killough:

This will acknowledge receipt of your application
to the Custer Ranch & Cattle Creek
Ranch.

^{we} Western Cattle Co.
As ^{we} understand it, ~~you~~ propose to change the
point of diversion and the lands to be irrigated
from the several old water rights situated on lands
now owned by the Western Cattle Co.

In connection with the attachments to Form 29,
(Proof of Application) submitted with ~~your~~ ^{the} application,
we have studied our files and have found
information almost as ~~correctly~~ noted.

Following is a tabulation of that information
listed in the order you have them in your
application.

0423-2 - Data on point of diversion & filing
dates concure with your report. No
definite description of the lands
to be irrigated is contained in
the filing.

Stenger Ditch. - We have no information on this filing.

065-2 - Our records show this was filed September 22, 1883, & recorded on September 24, 1883. Our filing shows the point of diversion as being in Sec 24, T 25 R 8E, but apparently this is a typographical error, as Battle Creek does not enter this Section. We have no record of the lands to be irrigated.

068-2 - Our records show the same date of recording & the same diversion point. It appears that the land to be irrigated under this permit are the same lands to be irrigated under 065-2, 0423-2 & 0275-2.

0275-2 Recording date & point of diversion correspond with your data. Our filing shows no definite lands to be irrigated.

0284-2 - Our records show this to be posted April 2, 1894, and recorded on April 10, 1894, with the diversion point in the NW¹ Sec 11, T45 R10E. Your data disagrees with this, stating the point of diversion is identical to 0360-2 & 0385-2 in Sec 21, T35 R9E.

0360-2 }

0384-2 }

The data contained in your report agrees with what we have on file as to filing dates & diversion point. However we have no data on the lands to be irrigated. Too, our records show that Permits 0283-2 & 0385-2 have the same diversion points with land to be irrigated under 0283-2 in the NE¹ Sec 21, T35 R9E. No lands were specified under 0385-2.

0134-2 Dates & diversion point the same on our records as you have submitted with lands to be irrigated in the same legal areas, but not defined as closely as you have.

~~It would appear that this permit could be disregarded as Permit 319-2, while not cancelling it, does entail all of the lands you have closely noted as used.~~

In addition to this we have other filings that you do not make mention of.

0359-2 - Posted March 2, 1895

Recorded March 8, 1895

Point of diversion to be near the SW corner of NW⁴ Sec 27 T35 R9E. Waters to be conducted to and upon the S^{1/2} Sec 27 T35 R9E.

0422-2 Posted October 14, 1886

Recorded October 16, 1886

Point of diversion to be somewhere in Sec 26 T35 R9E. No definite lands to be irrigated.

Apparently both of these permits were in use as recently as 1955, as a change in point of diversion was issued April 27, 1955, for 0422-2 to be identical with 0359-2. On our inspection of aerial photos of Battle Creek it appears that irrigation is still being carried on in portions of the S^{1/2} Sec 27; SW^{1/4} Sec 26, and the N¹ NE⁴ Sec 34 T35 R9E. It seems plausible to assume this land is covered under 0359-2 & 0422-2.

Also in the inspection of the aerial photos, ~~we were unable to find the~~ ditch taking off from the

Stanger Ditch about 1/4 mile south of
the ^{North} section line at about the center
of Section 7, T35 R9E shows up clearly.

as indicated in your review of 0275-2.

In connection with our study of the old
water rights on Battle Creek, we came
across the results of an investigation
made by a private engineering firm in 1948
& 1949 in conjunction with Permit 319-2.
Findings in this investigation are as follows:

<u>W/R No</u>	<u>Location</u>	<u>Amount (cfs)</u>	<u>inactive for</u>	<u>Priority</u>
0134-2	Sec 16, T35 R9E	6.0	8 years	3-11-1905
0121-2**	Sec 31, T35 R10E	16.0	6 years	
150-2	Sec 3, T45 R10E	0.4	10 years	9-27-1890
29-2	Sec 11, T45 R10E	2.28	5 years	1-9-1883
38-2	Sec 18, T45 R11E	1.14	5 years	7-6-1900
0359-2 *	Sec 27, T35 R9E	20.0	4 years	3-2-1895
0283-2	Sec 21, T35 R9E	20.0	5 years	2-8-1895
0360-2	Sec 21, T35 R9E	20.0	61 years	6-2-1900
199-2	Sec 11, T25 R6E	25.0	15-20 years	4-14-12
0737-2	Sec 34, T25 R9E	40.0	8 years.	

* Three letters contradicting the data on 0359-2 are
filed in Permit 319-2.

** Contradicting letters also received on this Permit.

At that time the State Engineer was also very doubtful as to ~~the~~ whether or not the following were active. (See letter dated January 28, 1908 in 314-2 file.)

0148-2 mining claim

0150-2 mining claim

0149-2 Claims all surplus waters. (the State engineer states that the permit, if active, should be limited to the actual amount put to beneficial use. No further mentions in the records.)

We also have three dry draw filings on lands under the Western Cattle Company holdings where irrigation appears to have been carried out recently. Our aerial photos of the area ~~now~~ indicate this.

(Recorded July 28, 1909)

281-2 Filed July 16, 1909 by Charles E. Scott and Claims 4 cfs with the point of diversion N77°W 370' from the N $\frac{1}{4}$ corner Sec 30, T35 R9E. To irrigate lands in Lot I, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 30 T35 R9E

282-2 Filed July 16, 1909, (Recorded July 28, 1909) by Charles E. Scott and Claim. 2 cfs with point of Diversion at $\frac{1}{4}$ corner on N boundary of Sec 30, T35 R9E. To irrigate the same lands as under Dry Draw filing 281-2.

(Recorded July 28, 1909)

283-2 Filed July 16, 1909 by Charles E. Scott &
claims & cfs, the point of diversion N44°10'W
1685' from the NW corner Sec 20 T3S R9E
to be diverted to the same land as under
Dry Draw Filing 281-2.

Too, there is on file a dry draw certificate
#316-2 where the point of diversion was
on land now owned by the Western Cattle
Company — SE°SW° Sec 23 T3S R9E, with
the land to be irrigated in the SE¹ of
the same section.

The aerial photos ~~also~~ indicate that there
has recently been irrigation on the
NE¹ Sec 27 & the NW⁴ Sec 26, T3S R9E, and
we would assume it is being done under
one of ~~the~~ ^{five} permits — 0385-2, 0283-2, 0360-2
or 0384-2, and from the ditch shown
on your map as 0284-2.

0422-2

Conclusions:

From the data contained in his summary for the Form 24, it would appear we could allow the following, or portions thereof.

0423-2	7.38 cfs	219 ac	8-24-1890
Stanger ditch	6.84 cfs	199 ac	1893
065-2	.91 cfs	64 ac	8-22-1883
068-2	(becomes part of 0423-2) 7-27-1893		
0275-2	1.8 cfs	99 ac	2-25-1895
Diversion made from Stanger Ditch starting with 1952. Old diversion point for 0275-2 abandoned.			

0184-2	Believe Killough may have this permit confused with 283-2	8-1-1893
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0360-2	} Same diversion point for all few of these permits	4-23-1905
0384-2		6-22-1883
0388-2		8-18-1887
0182-2		3-1-1895

W.C.C. claims 1.3 cfs to irrigate 94 acres. There appears to be irrigation from this diversion outside of W.C.C. holdings, and we should determine the amount in order to allow water for same if the permits are valid.

0134-2	2.0 cfs	145 ac	1-1-1895
	1843 cfs.	1203 ac	
New Appl Required		736.9 ac	
	746 ac ft storage		

It would appear that Western Cattle Co could divert all of the flows of Battle Creek except that amount required for domestic use and the irrigation noted in Sec 26, 27, & 28. It is difficult from aerial photos to determine if there is more irrigation being carried on.

- 566-2
1. Considered 4-6, 1960
 2. Name of Applicant Mountain Park Co
 3. Post Office Address Rapid City
 4. Amount of water claimed 746 acre feet annually
 5. Source of water supply Butte Creek
 6. Water to be used for irrigation
Acres to be irrigated 736.9
 7. Water to be diverted and used in Custer County about
5 miles E of Hermosa
 8. Proof of Publication Received ☒
Not Received ☐
 9. Application Approved ☒
Subject to ☐
Not approved ☐
Action deferred ☐

Remarks:

Dry Draw filings

281-2 Filed July 28, 1909 by Charles E Scott, and claims 4 cfs with the point of diversion being $N 25^{\circ} 10' 10'' W$ $N \frac{1}{4}$ corner of Sec 30, T 35 R 9E, to irrigate Lot 1, NE⁴ NE⁴, & N² NW⁴ Sec 30 T 35 R 9E

282-2

283-2

Filed July 28, 1909 by Charles E Scott and claims 4 cfs to be diverted at a point $N 44^{\circ} 10' W$ 1685' from the NW corner Sec 30 T 35 R 9E, to irrigate same lands as described in Location Notice 281-2

2025-2

Filed May 31, 1950, by Eva Wortman to construct a dam in the SE⁴ NW⁴ Sec 11 T 35 R 8E for floodwater purposes. Claims 4.3 ac.ft. annually

2195-2

Filed June 12, 1950 by Arthur Kroth to construct a dam in SE⁴ SW⁴ Sec 30 T 35 R 8E for floodwater purposes. Claims 8.2 ac.ft. annually

27nt-2 Filed July 2, 1950 by Eva Wortman to construct a dam in the SW⁴ NE⁴ Sec 6 + 35 R9E for stockwater use. Claims 9.1 ac ft annually.

GA40-2 Filed June 3, 1955 by Clarence Kroth to construct a dam in the NE⁴ SE⁴ Sec 10, T35 R9E for stockwater purposes. Claims 1.6 ac ft annually with storage basin of 0.3 ac.

We propose the following

Priority

9-24-1883	Transfer	of 64 acres	under Permit	065-2
6-22-1883	"	" 94 acres	"	" 0384-2
2-18-1895	"	" 517 acres	"	" 0423-2
3-6-1895	"	" 61.9	"	" 0275-2

We have no record of it having been filed or recorded.

Although the Stenger Ditch appears to have been the most important single system. We have purposely omitted it from these records so that your permit will be based on written, recorded water rights. Too, I have not included 0134-2, as lands under this permit are almost identical to those covered under 319-2 which has been transferred to the Western Cattle Company.

We would then propose cancellation of all old water rights included in this permit and others owned by Western Cattle Co that are no longer valid.

Priority 8-29-1890
Lands Irrigated under 0423-2

T3S R8E

Sec 1

SW⁴ SW⁴ 30

SE⁴ SE⁴ 11

Sec 2

NW⁴ SE⁴ 4

SW⁴ SE⁴ 10

SE⁴ SE⁴ 22

Sec 11

NE⁴ NE⁴ 26

SE⁴ NE⁴ 4

Sec 12

NE⁴ NE⁴ 4

NW⁴ NE⁴ 25

NE⁴ NW⁴ 33

NW⁴ NW⁴ 40

SW⁴ NW⁴ 5

SE⁴ NW⁴ 21

NE⁴ SE⁴ 30

NW⁴ SE⁴ 31

SE⁴ SE⁴ 28

NE⁴ SW⁴ 10

NW⁴ SW⁴ 25

SW⁴ SW⁴ 13

SW⁴ SE⁴ 18

SE⁴ SE⁴ 4

Sec 18

NE⁴ NE⁴ 17

NW⁴ NE⁴ 20

SE⁴ NE⁴ 40

NE⁴ NW⁴ 23

NW⁴ NW⁴ 14

Stanger Ditch (Priority 1893)

T3S R8E

Sec 1

SE⁴ SW⁴ 13

SW⁴ SW⁴ 3

NW⁴ SW⁴ 13

SW⁴ SE⁴ 1

Sec 2

NE⁴ SE⁴ 17

SE⁴ SE⁴ 8

Sec 12

NE⁴ NE⁴ 22

NW⁴ NE⁴ 4

T3S R8E

Sec 7

NW⁴ NW⁴ 29

SW⁴ NW⁴ 9

NE⁴ SW⁴ 12

SE⁴ SW⁴ 17

SE⁴ NE⁴ 10

SW⁴ NE⁴ 25

NE⁴ SE⁴ 40

NW⁴ SE⁴ 40

SE⁴ SE⁴ 21

SW⁴ SE⁴ 10

Sec 8

SW⁴ SW⁴ 9

SE⁴ NE⁴ 27

SW⁴ NE⁴ 12

NW⁴ NW⁴ 27

SW⁴ NW⁴ 20

SE⁴ NW⁴ 17

NW⁴ SW⁴ 2

NE⁴ SW⁴ 21

NW⁴ SE⁴ 24

NE⁴ SE⁴ 19

065-2 (Priority 9-21-1883)

T35 R8E
Sec 35

SW ¹ SW ⁴	3
SE ⁴ SW ⁴	4
NE ⁴ NW ⁴	11
NW ⁴ NW ⁴	19
SW ⁴ NW ⁴	22
SE ⁴ NW ⁴	5

T35 R8E
Sec 2

0275-2 (Priority 3-6-1895)

T35 R9E
Sec 7

NE ⁴ SE ⁴	27
NW ⁴ SE ⁴	31
SW ⁴ SE ⁴	10
SE ⁴ SE ⁴	21

0385-2

1887 } Same diversion
1895 } Point - (we
1900 } should determine
1883 } which one irrigation
 } on Sec 25 & 26 is
 } being carried on

0283-2

0360-2

0384-2

T35 R9E
Sec 22

SE ⁴ SW ⁴	11
SW ⁴ SW ⁴	8
NE ⁴ NW ⁴	33
NW ⁴ NW ⁴	30
SW ⁴ NW ⁴	12

Sec 27

(A change in point of diversion was granted 7-10-1900 on water Right 0277-2 to be identical with water right 0289-2 in Section 27 T35 R9E. I believe no consolidation, then these water rights should remain valid.)