

1. Considered 10-19-50 1950
2. Name of Applicant B. J. Carterson
3. Post Office Address Quakam
4. Amount of water claimed 1.00 .85 max allow.
5. Source of water supply Flord water - Patokaw
6. Water to be used for irrigation
Acres to be irrigated 100
7. Water to be diverted and used in Pennington County about
3.0 2.5 miles of Watauga
8. Proof of Publication Received / Ph
Not Received
9. Application Approved ✓
Subject to
Not Approved
Action deferred

10. Remarks:

No. 615-2Water Division No. 2Rapid Creek

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.

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 DONALD R. Carstensen
STOCKS
 Postoffice address Blanka County Pennington State South Dakota

I. If a corporation EX

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others(b) Cash on hand, \$ 1,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work E. J. Carstensen #1.3. Amount of water claimed 0.85 maximum allowable
one cubic feet per second plus flood waters4. Source of water supply Flood waters from Pat's draw.Multiple diversions between Point 1, which is 27.2 rods E. 14 30' N. from the S.W. cor.5. Location of point of diversion Sec. 2 T 1 N R 13 E. and Point 2, which is 86 rods N. 23' W.
from the N. E. Cor. of Sec. 11- T 1 N R 13 E. B. H. N.Diversions will cross draw from bank on to bank Pennington County.6. Annual period or periods during which water is to be used Whenever flooding occurs

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 60 acres.NE 1/4, SW 1/4, SE 1/4, NW 1/4, NE 1/4, SE 1/4, Sec. 11; NW 1/4, NE 1/4, SE 1/4(b) Legal subdivisions to be irrigated All in T 1 N R 13 E. B. H. N.

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(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 560-2

8. Estimated cost of work:

(a) Head Gates, \$ 300.00

(b) Pumping plant, \$

(c) Fluming, \$ (d) Canal-earth, \$ 100.00

Rock, \$

(e) Other structures Earth fills \$ 600.00

Total, \$ 1,000.00

9. Description of diversion works:

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

Diversion dikes and ditches with C. N. J. trickle tubes

II. Dimensions of works: There will be several dikes varying in size

(a) Dam: Height from 3.0 to 6.0 feet; length at bottom from 5.0 to 20.0 feet; length at top from 30.0 to 100.0 feet; thickness at bottom from 25.0 to 40.0 feet; thickness at top 10.0 feet; slope at front water face 3:1; slope at back face 2:1

material used in construction earth

(b) Reservoir: Capacity when filled no storage acre feet. Surface area at highwater mark acres.

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

(c)* Head Gate: Width feet; height feet; Material

(d) Canal: Total length 0.3 miles. Combined length of dikes and ditches

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 one years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Gate City Guide, Rapid City, S. Dak.

STATE OF SOUTH DAKOTA

County of Pennington ss.

I, E. A. Constansen

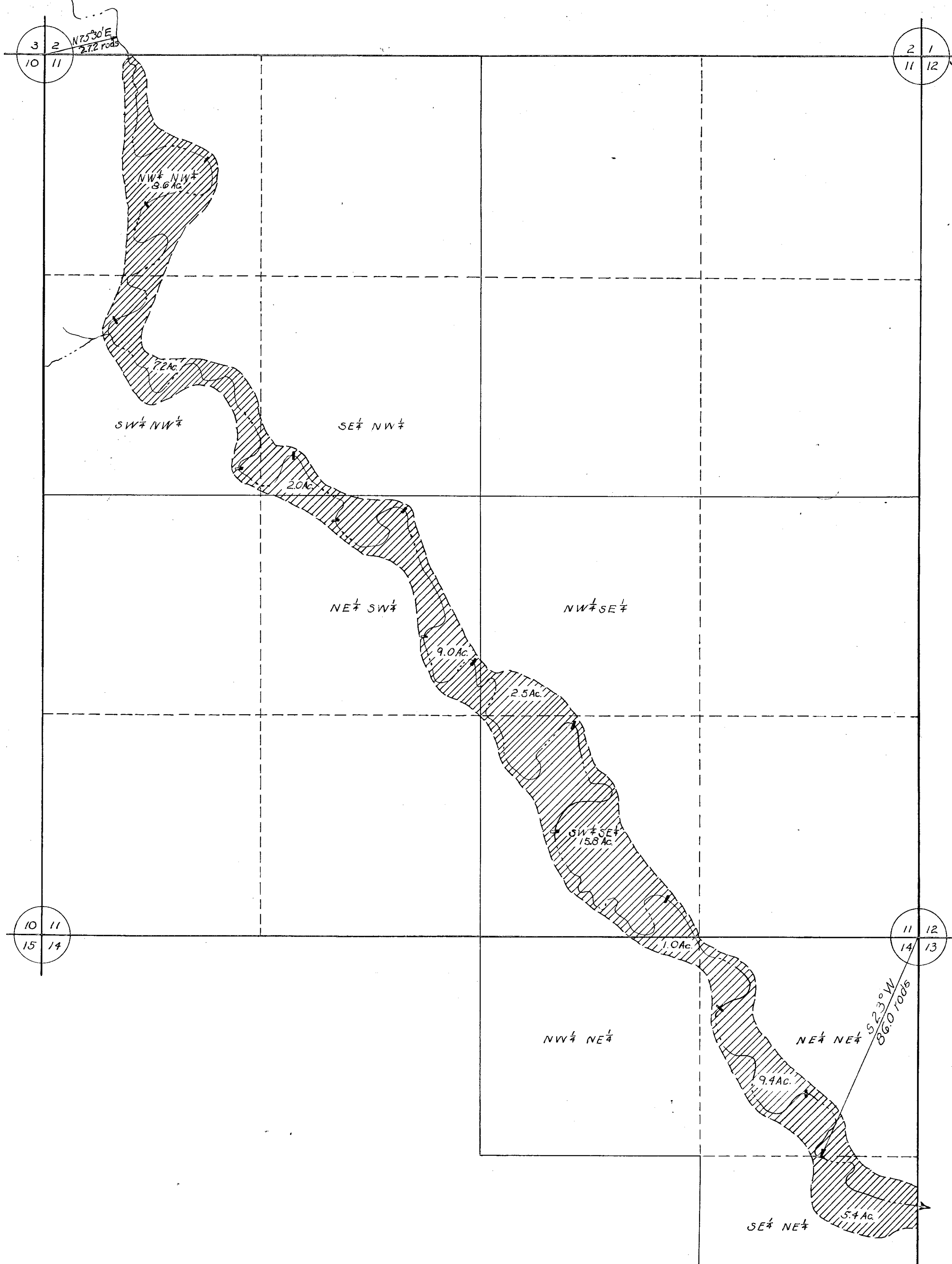
, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

E. A. Constansen

Subscribed and sworn to before me this 23rd day of July 1960

Notary Public (or other qualified officer.)



- LEGEND**
- SECTION LINE AND PROPERTY LINE
 - - - SUBDIVISION BOUNDARY
 - ~ INTERMITTENT STREAM
 - ▨ LAND TO BE IRRIGATED
 - EARTH DIKE (APPROXIMATE LOCATION)

All lands described are owned by E.J. Carstensen

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW ¹ / ₄ NW ¹ / ₄	11	1N	13E	8.6
SW ¹ / ₄ NW ¹ / ₄	11	1N	13E	7.2
SE ¹ / ₄ NW ¹ / ₄	11	1N	13E	2.0
NE ¹ / ₄ SW ¹ / ₄	11	1N	13E	9.0
NW ¹ / ₄ SE ¹ / ₄	11	1N	13E	2.5
SW ¹ / ₄ SE ¹ / ₄	11	1N	13E	15.8
NW ¹ / ₄ NE ¹ / ₄	14	1N	13E	1.0
NE ¹ / ₄ NE ¹ / ₄	14	1N	13E	9.4
SE ¹ / ₄ NE ¹ / ₄	14	1N	13E	5.4
TOTAL				60.9

SURVEYOR'S CERTIFICATE

I, Harlan G. Collins DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE E.J. Carstensen Project No. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Pennington SOIL CONSERVATION DISTRICT.

SIGNATURE: Harlan G. Collins
 TITLE: Civil Engineer

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF July, 1960 A.D.

J. M. Leonard
 NOTARY PUBLIC

MY COMMISSION EXPIRES Aug 23, 1966

Scale: 1" = 400'

**E.J. CARSTENSEN
 IRRIGATION PROJECT
 NUMBER 1**

Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

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

8/60

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

October 24, 1960

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 25TH day of July, 1960.

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit

615-2

Date of first receipt of application

July 25

1960

Date of return to applicant for correction, amendments or changes required, as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

July 25

1960

Approved

October 19, 1960

Recorded in Book

6

Page 128

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

April 19, 1961

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

October 19, 1961

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

October 19, 1962

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 0.85 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 October 19, 1962; said water to be used during the following described annual period:

whenever flooding occurs

Witness my hand this

24TH

day of

October

1960

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Certificate of Construction issued

July 31, 1967

Water License issued

July 31, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 615-2

WHEREAS, On the 25th day of July A. D. 1960
E.J. Carstensen

of Owanka County of Pennington and State of
South Dakota duly made application (No. 615-2) to us for a permit to use .85
cubic feet per second of the waters of Pats Draw
County of Pennington State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 24th day of October A. D. 1967
Permit No. 615-2 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
October A. D. 1961 and for the application to beneficial use of said
water on or before the 19th day of October A. D. 1962
and,

WHEREAS, On the 29th day of July A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of
.85 cubic feet per second of said waters, as evidenced by our Certificate No. 615-2
dated July 31, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .85 cubic feet per second of water, with date of
priority of July 25, 1960 and,

WHEREAS, On the 29th day of July A. D. 1967
proof was duly made of the application to beneficial use of .85 cubic feet per second of said water;
for irrigating 50.9 acres in portions of Sections 11 and 14, T1N, R13E.

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 E.J. Carstensen
 of Owanka the holder and owner of said permit No. 615-2
 a water right, dating from July 25, 1960 to the use of .85
 cubic feet per second of the waters of Pats Draw
 in the County of Pennington and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at between a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2, and a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, T1N, R13E.
 and conducted to and upon portions of Sections 11 and 14, T1N, R13E, more
specifically described in the Certificate of Completion of Works.
 for the purpose of irrigation, subject to any limitations listed in the
permit to appropriate water.

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 31st day of July A. D. Nineteen
 Hundred and Sixty-seven

State Water Resources Commission

By:

J.W. GRIME
 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. 615-2Water Division No. 2 RAPID CREEK Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That F. J. Carstensenof Owanka, County of Pennington, and State ofSouth Dakota, the holder of Permit No. 615-2, issued upon ApplicationNo. 615-2, bearing date of priority of July 25, 1960, authorizing the diversion of.85 cu. ft. per second of the waters of Pats DrawCounty of Pennington, State of South Dakota, between a point inthe SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, and a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T1N,R13E, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion 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 .85 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: All in T1N, R13E

Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.6 Acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.2 Acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.8 Acres
Section 14	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.4 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	5.4 Acres

Total 50.9 Acres

Witness my hand this 31st day of July A. D. 19 67

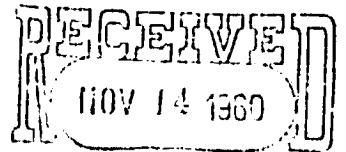
State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Pennington } ss.



STATE WATER RESOURCES COMM
 PIERRE, SOUTH DAKOTA

Faye Crawford being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Gate City Guide 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 Rapid City County of

Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

September 8, 1960
September 15, 1960
September 22, 1960
September 29, 1960

in each and every issue of the full number thereof, the first publication being made on the 8th day of Sept.

1960 and the last publication on the 29th day of

September 1960, 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 of the said newspaper.

Faye Crawford

Subscribed and sworn to before me this 10th day of November A. D. 1960.

Notary Public Pennington County, S. D.

EX-66 No. 613-2
APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. Dak. August 10, 1960.
 Notice is hereby given that W. J. Carstensen whose postoffice address is Ottumwa, 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 1.0 cubic feet of water per second of time from Pat's Draw (a dry draw) through the E. J. Carstensen, the point of diversion of which is to be located on the both banks of said stream between a point in the SW 1/4 SW 1/4 Sec 2, and a point in the SE 1/4 of the NE 1/4 of Section 14, all in Twp. 1N Range 13E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
 W 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 & W 1/2 SE 1/4, Sec. 11; NW 1/4 NE 1/4 & E 1/4 NE 1/4, Sec. 14, all in T1N R13E and for irrigation purposes.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of October, 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: Burton F. Jones
 Water Right Specialist
 Published Sept. 8-41

on or before
(First Publication September 23, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 10, 1960

Notice is hereby given that E. J. Caratengen whose postoffice address is Owanka 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 1.0 cubic feet of water per second of time from Pat's Draw (a dry draw) through the E. J. Caratengen the point of diversion of which is to be located on the bank between a point in the SW 1/4, Sec 2, and a point bank of said stream/in the SE 1/4 1/4 of the NE 1/4 1/4 of Section 14, all in portions of Twp. 1N Range 13E. Said water to be used for the purpose of providing irrigation on the following described land:

W 1/2 NW 1/4, SW 1/4 NW 1/4, SW 1/4 SW 1/4 & W 1/2 SW 1/4, Sec 11; NE 1/4 NE 1/4 & NE 1/4 NE 1/4, SEC 14, all in T1N R13E
and for _____ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of October, 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.

cc: Theodore B. Werner
Publisher
Gate City Guide
Rapid City, South Dakota

State Water Resources Commission

By: BURTON F. JONES
Chief Engineer, Extension Officer
Water Right Specialist

Permit No. 615-2Water Division No. 2 Nepele Creek Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

E. J. Carstensen, of Owanka, Pennington_____ County, South Dakota, holder of Permit No. 615-2, issuedupon Application No. 615-2, bearing date of priority of July 25, 1960, authorizing thediversion of 0.85 cu. ft. per second of the waters of Pat's Draw for irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 14 check dams and several
small controlling dikes for spreading the
water.and the system is in the following condition: ExcellentThe point of diversion is located Between a point in the SW⁴ SW⁴ Sec 2
and a point in the SE⁴ NE Sec 14, both in T1N, R13EThe works are capable of diverting and conveying to the place of use 0.85 cu. ft. per second of water
which is to be used for water spreadingThe legal sub-divisions to be irrigated are: As shown on map._____ comprising a total of 58960.9 acres of land.The domestic use intended comprises Stock waterThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 29th day of July, A. D. 1967.

—SEAL—

Richard D. Schuyler

Examining Engineer.

Water Right Specialist.

LAW OFFICES

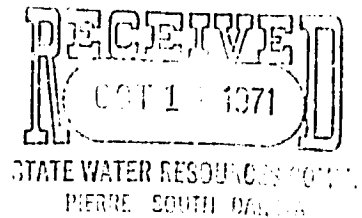
CHAS. H. WHITING
KELTON S. LYNN
HORACE R. JACKSON
LOUIS K. FREIBERG
DONALD R. SHULTZ
CURTIS D. IRELAND
GENE H. LEBRUN

WHITING, LYNN, JACKSON, FREIBERG & SHULTZ
NATIONAL BANK OF SOUTH DAKOTA BUILDING
RAPID CITY, SOUTH DAKOTA 57701

POST OFFICE BOX 1003
TELEPHONE 342-2592
AREA CODE 605

October 12, 1971

Mr. Joe Grimes
State Water Resources Commission
State Capitol Building
Pierre, South Dakota 57501



Dear Joe:

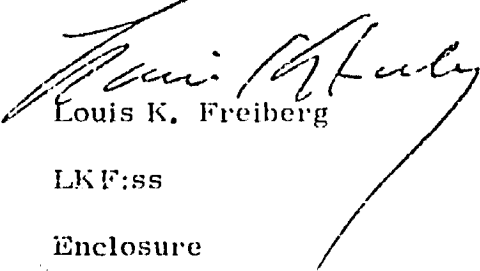
Enclosed is Water License No. 615-2 which was issued to E. J. Carstensen on July 25, 1960. E. J. Carstensen has sold and transferred the property described in the Water License to his son, Donald R. Carstensen, and wants the water right assigned to Donald R. Carstensen.

It is my opinion that the water right is appurtenant to the 60.9 acres in portions of Sections 11 and 14, Township 1 North, Range 13 East of the Black Hills Meridian, Pennington County, South Dakota under our State laws and that the water right would be transferred to the new owner of the property, Donald R. Carstensen, without further act than the conveying of the property to him by warranty deed, which has been done.

I would like to confirm this with your office and if separate action with the Water Resources Commission is necessary, I request that you please advise and forward proper forms.

Yours very truly,

WHITING, LYNN, JACKSON, FREIBERG & SHULTZ


Louis K. Freiberg

LKF:ss

Enclosure

c: E. J. Carstensen