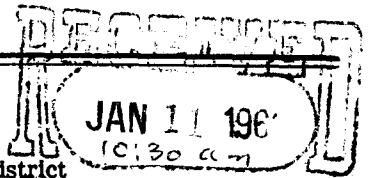


651-2

1. Considered 3-15, 1961
2. Name of Applicant C. E. Bondurant
3. Post Office Address Buffalo Gap
4. Amount of water claimed 3.16
5. Source of water supply Cheyenne River
6. Water to be used for irrigation
Acres to be irrigated 221.5
7. Water to be diverted and used in Custer County about
14 miles E of Buffalo Gap.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to restrictions Cheyenne River
Not approved ☐
Action deferred ☐

10. Remarks:

No. 651-2Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

PIERRE, SOUTH DAKOTA

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

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

(TRANS: 10-20-70)

1. Name of applicant CHARLES E. BONDURANT BONDURANT RANCH, INC.Postoffice address BUFFALO GAP, County CUSTER, State S. DAK.

I. If a corporation _____

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

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

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

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

CONTRACT & SELF(b) Cash on hand, \$ SUFFICIENT

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ SEPA COST SHARE2. Name of diversion work CHARLES E. BONDURANT WATER SPREADING PROJECT NO. 13. Amount of water claimed 3.16 cubic feet per second4. Source of water supply CHEYENNE RIVER5. Location of point of diversion S 42° 15' W and 218.3 feet from NE CORNER SEC. 28, T 5 S, R 9 E_____ on BOTH bank CUSTER County.6. Annual period or periods during which water is to be used APRIL THROUGH NOVEMBER (1961)

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY WATER SPREADING(a) Number of acres to be irrigated 221.5 acres.(b) Legal subdivisions to be irrigated SEE ATTACHED SUPPLEMENT

(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.) NONE

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

(a) Nature of use NONE

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 _____

MAP NO 5842

8. Estimated cost of work:

(a) Head Gates, \$ 1600⁰⁰ (b) Pumping plant, \$ _____
 (c) Fluming, \$ 200⁰⁰ (d) Canal-earth, \$ 2500⁰⁰ Rock, \$ _____
 (e) Other structures Sprinkler Picos & Pump \$ 1650⁰⁰ Total, \$ _____
WASTEWAY big pipe diversion dam 2500⁰⁰

9. Description of diversion works:

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

Diversion dam

II. Dimensions of works.

(a) Dam: Height 6' feet; length at bottom 220 feet; length at top 200 feet; thickness at bottom 8' feet; thickness at top 8' feet; slope at front water face _____; slope at back face _____
 material used in construction Timber & Rock - Crab Type
 (b) Reservoir: Capacity when filled None 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 _____ miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.
 11. Time required for complete application of water to the proposed beneficial use 5 years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____
CUSTER COUNTY CHRONICLE

STATE OF SOUTH DAKOTA

County of Custer ss.

I, Charles E. Bondurant, 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.

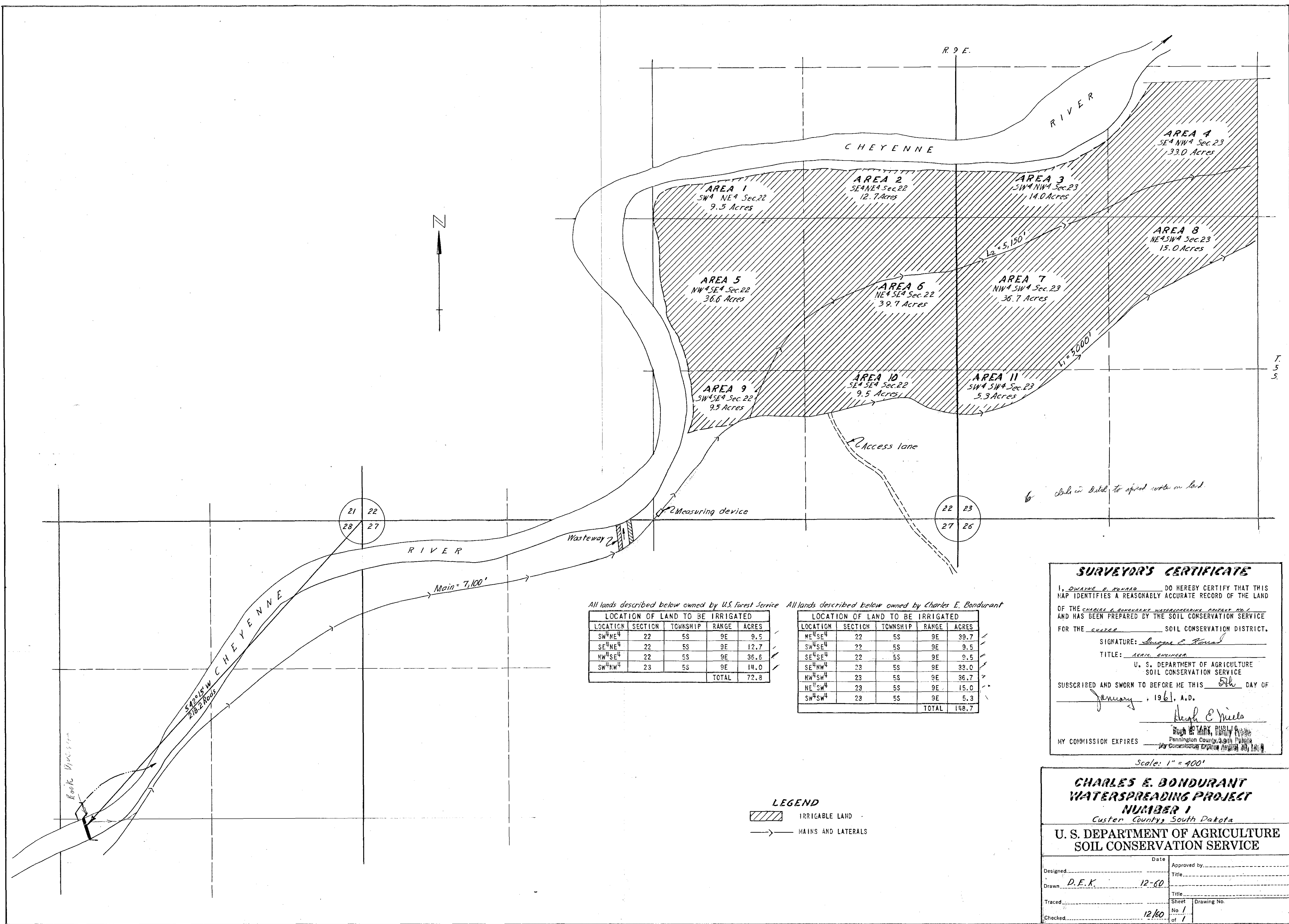
Signed Charles E. Bondurant
Robert Emery

Subscribed and sworn to before me this 10th day of January 1961

Notary Public (or other qualified officer.)

My Commission Expires 2-7-67.

*Each diversion must have a headgate or measuring device.



All lands described below owned by U.S. Forest Service

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW ¹ NE ⁴	22	5S	9E	9.5
SE ⁴ NE ⁴	22	5S	9E	12.7
NW ⁴ SE ⁴	22	5S	9E	36.6
SW ⁴ NW ⁴	23	5S	9E	14.0
TOTAL				72.8

All lands described below owned by Charles E. Bondurant

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE ⁴ SE ⁴	22	5S	9E	39.7
SW ⁴ SE ⁴	22	5S	9E	9.5
SE ⁴ SE ⁴	22	5S	9E	9.5
SE ⁴ NW ⁴	23	5S	9E	38.0
NW ⁴ SW ⁴	23	5S	9E	36.7
NE ⁴ SW ⁴	23	5S	9E	15.0
SW ⁴ SW ⁴	23	5S	9E	5.3
TOTAL				148.7

LEGEND
 IRRIGABLE LAND
 MAINS AND LATERALS

SURVEYOR'S CERTIFICATE
 I, Dwaine E. Purnis DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE CHARLES E. BONDURANT WATERSPREADING PROJECT, NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE CUSTER SOIL CONSERVATION DISTRICT.
 SIGNATURE: Dwaine E. Purnis
 TITLE: AGRIC. ENGINEER
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF January, 1961, A.D.
Leigh E. Mills
 Notary Public
 Pennington County, South Dakota
 MY COMMISSION EXPIRES 12/31/62

**CHARLES E. BONDURANT
 WATERSPREADING PROJECT
 NUMBER 1**
 Custer County, South Dakota
**U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE**

Designed	Date	Approved by
Drawn <u>D.E.K.</u>	<u>12-60</u>	Title
Traced	Title	Sheet
Checked	<u>12/60</u>	No. <u>1</u>
		of <u>1</u>

Remarks by State Water Resources Commission:

Natural flows in the Cheyenne River are not a dependable source of water during the latter part of the summer. It is probable that water diversion restrictions under this permit may be necessary in low flow periods to assure domestic water supplies, including stockwater, and supplies for prior water rights, and your use of water under this permit ~~is~~ is subject to flows being available to these uses.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, March 17, 1961

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock a.m. upon the 11th day of January, 1961.

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 651-2

Date of first receipt of application January 11, 1961

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 JANUARY 11, 1961

Approved March 15, 1961, Recorded in Book 6 Page 197

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 SEPTEMBER 15, 1963.

2nd. The whole of said work is to be completed on or before MARCH 15, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MARCH 15, 1966

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 3.16 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 MARCH 15, 1966; said water to be used during the following described annual period:

April thru November (inclusive)

Witness my hand this 17th day of MARCH, 1961.

State Water Resources Commission

By:

W. L. Brimmer
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

SUPPLEMENT A(C. E. BONDURANT)

SW ¹ ₄ NE ¹ ₄	SEC. 22	9.5 ACRES
SE ¹ ₄ NE ¹ ₄	"	12.7 "
NW ¹ ₄ SE ¹ ₄	" (ALL IN)	36.6 "
NE ¹ ₄ SE ¹ ₄	" (T.5S,R.9E)	39.7 "
SW ¹ ₄ SE ¹ ₄	"	9.5 "
SE ¹ ₄ SE ¹ ₄	"	9.5 "
SW ¹ ₄ NW ¹ ₄	SEC. 23	14.0 "
SE ¹ ₄ NW ¹ ₄	"	33.0 "
NW ¹ ₄ SW ¹ ₄	"	36.7 "
SW ¹ ₄ SW ¹ ₄	"	15.9 "
NE ¹ ₄ SW ¹ ₄	"	15.0 "

221.5 ACRES (TOTAL)

on or before

(First Publication February 17, 1961.)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., January 27, 1961

Notice is hereby given that C. E. Bondurant whose postoffice address is Buffalo Gap 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 3.16 cubic feet of water per second of time from the Cheyenne River through the Bondurant Waterspreading Project #1, the point of diversion of which is to be located on the both bank of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22 **portions of** Twp. 5 S Range 9 E. Said water to be used for the purpose of providing irrigation of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 22; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, all in
T 5 S, R 9 E.

~~author~~~~PURPOSES~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1961, 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

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

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Custer } ss.

Carl E. Sundstrom being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Custer County Chronicle 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 Custer City County of

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

February 2, February 9, February 16,

February 23

in each and every issue of the full number thereof, the first publication being made on the 2 day of Feb.

1961 and the last publication on the 23 day of

Feb. 1961, 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.

No. 651-2
(First Publication Feb. 2, 1961)
APPROPRIATION OF WATER

Office of State Water
Resources Commission

Pierre, S. Dak.

January 27, 1961

Notice is hereby given that C. E. Bendurant, whose postoffice address is Buffalo Gap, 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 3.18 cubic feet of water per second of time from the Cheyenne River through the Bendurant Waterspreading Project No. 21, the point of diversion of which is to be located on the both banks of said stream in the NW 1/4 of the (SE 1/4) of Section 28, Twp. 5 S., Range 8 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/4 NE 1/4 & SE 1/4, Sec. 22,

S 1/4 NW 1/4 & N 1/4 SW 1/4, Sec. 22,

SW 1/4 SW 1/4, Sec. 23, all in

T 5 S., R. 9 E., S. 27 N.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1961, 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 Rights Specialist

RECEIVED
MAR 7 1961

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Subscribed and sworn to before me this 23 day of February A. D. 1961

Jessie G. Sundstrom
Notary Public Custer County, S. D.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date October 8, 1970

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

Portions of Sections 22 and 23, T5S, R9E, described in Water Permit No. 651-2

formerly owned by Charles E. Bondurant

has been transferred to Bondurant Ranch, Inc.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 651-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

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

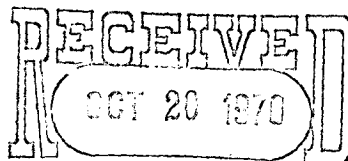
STATE OF SOUTH DAKOTA)
) ss.
County of Custer)

I, Viola G. Bondurant 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.

Viola G. Bondurant, Jr.
(Signed)

Subscribed and sworn to before me this 19th day of October, 19 70

R. F. Nolan
(Notary Public)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

651-2

**Department of
Water & Natural Resources**
Jon Foss Building
828 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

March 1, 1984

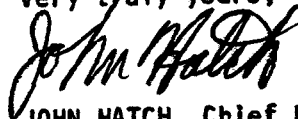
Bondurant Ranch, Inc.
RR 1, Box #5
Buffalo Gap, South Dakota 57722

Dear Sir:

Enclosed herewith is, Water License No. 1821-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Applicable portions of Water Permit No. 651-2 have been incorporated into this Water License No. 1821-2 with a priority date of 3.16 cfs from January 11, 1961 and 1.30 cfs from June 29, 1982.

WM-117 3/83
Transmittal of Water License