

COPY

No. 37

Division No. 2

Battle Creek Water Dist. Ct.

PERMIT

to appropriate water from

French Creek

Guater County, South Dakota

Name of applicant

Ray J. Dowdon

Name of diversion works

Dowdon

Date of first receipt at office of State

Engineer April 10, 1909

Returned to applicant for Correction

April 10, 1909

Corrected application received

April 10, 1909

Date of water right

April 10, 1909

Recorded in Book -1- Page 137

One-fifth of work to be completed

June 12, 1910

Whole work to be completed

June 12, 1911

Final proof of use of water

June 12, 1911

Approved June 12, 1909

Samuel H. Lea

State Engineer.

By B. B. Lea

Deputy

3% 67

Water Division No. 2

Entle Creek 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.)

I. Name of applicant RAY J. DOWNEN
Postoffice address Fairburn, County Custer, State South Dakota

1. 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:

CANCELLED
BY ACTION OF W. R. C.
DATE 1-28-81 BY W. R. C.

Sec 1739-2

(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) direct labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Downen3. Quantity of water claimed 0 cubic feet per second.4. Source of water supply French Creek5. Location of point of diversion the $\frac{1}{2}$ sec. cor. between secs. 20 & 21, T. 4 S.,R. 7 E. B. H. M. bears N. 21° 30' E. 350 feet of left bank.

(Right or left bank looking down stream.)

6. Annual periods during which water is to be used the whole year7. To be used for: Irrigation

1. Irrigation or domestic use:

(a) Number of acres to be irrigated 824 acres.List of subdivisions to be irrigated: Sec. 22, N. 4 Sec. 22 and S. 1 Sec. 21

NOTE—A list of lots to be irrigated, and a map showing the location of the tract with acreage of each lot, should be written here, or may be appended as a part of this application. Same must also be shown on a companying map.

In section 21:
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.5 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.3 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.7 "

In section 22:
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0 "
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.8 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 "
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.3 "
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 "
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.1 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 "
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 "

In section 23:
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32.1 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 "

All in Twp. 4 S., R. 7 E. B. H. M.

Desert Entry of Ray J. Downen No. 410, Section 23:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.9 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.3 "
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.4 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.4 "

8. Estimated cost of work:

(a) Head gates, \$..... 200.00.....

(b) Pumping plant, \$..... 1,011.00.....

(c) Fluming, \$..... 300.00..... (d) Canal-earth, \$..... 1100.00..... Rock, \$..... 250.....

(e) Other structures..... 1101..... \$..... Total, \$..... 1850.....

9. Description of diversion works:

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

DAM and Ditch

11. Dimensions of works:

(a) Dam: Height..... $3\frac{1}{2}$ feet; length at bottom..... 4.5..... feet; length at top..... 45..... feet; thickness at bottom..... feet; thickness at top..... feet; slope of front (water) face.....; slope of back face.....; material used in construction stone or concrete

(b) Reservoir; ~~Capacity when filled~~ diversion only..... acres feet. Surface area at highwater mark..... acres.

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

(c) Head gate: Width..... 5..... feet; height..... $3\frac{1}{2}$ feet;

Material Timber

(d) Canal: Total length..... 5.15..... miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At $1\frac{1}{4}$ mile	one feet	$4\frac{1}{2}$ feet	5 feet	7.92 feet
At 5.15 mile	one feet	$5\frac{1}{2}$ feet	6 feet	5.38 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..... two..... years.

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

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

Hermosa Hustler

STATE OF SOUTH DAKOTA

County of Pennington } ss

I, James Harigering, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of

Engineer

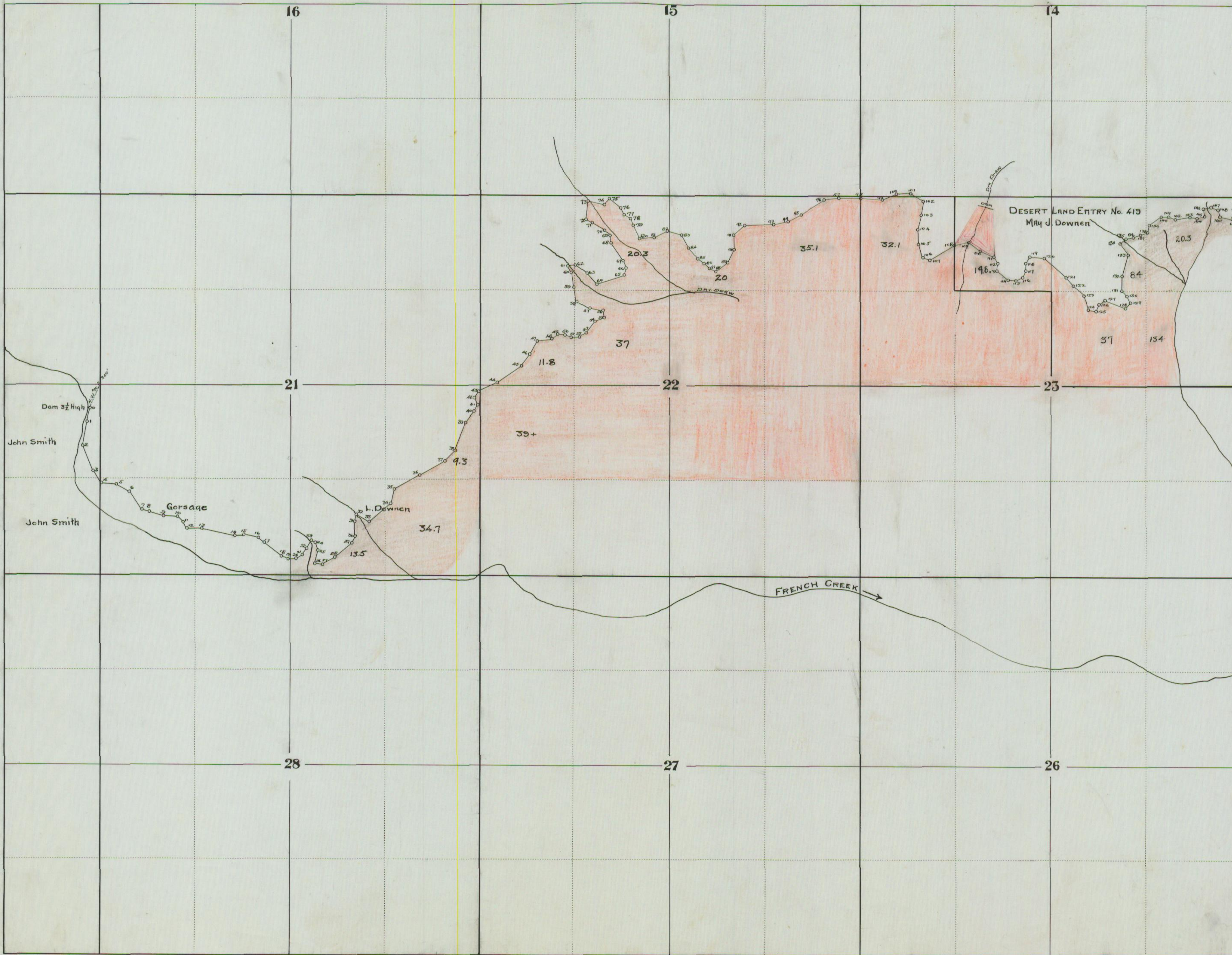
(Owner, manager or engineer)

, that I have read the above and foregoing statement, and 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 James Harigering

Subscribed and sworn to before me this 5th day of April 1909

Notary Public (or other qualified officer.)



— Map of —
THE MARY J. DOWNEN DITCH
T4S. R. 1E. B.H.M.
Scale 600 = 1'

State of South Dakota ss.
County of Pennington
I, James Hartgering, being duly sworn, upon my oath say, that I am the engineer of the Mary J. Downen Ditch, that the survey and map were made by me, and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true.

James Hartgering Engineer,
Subscribed and sworn to before me this 5th day of April 1900
Frank L. Bange Notary Public

W.R. # 67-2
MAP # 78-2 (W.R. # 67-2)

Remarks by State Engineer:

This application is for the right to appropriate and divert for irrigation purposes 9 second feet of the waters of French Creek, Custer County, South Dakota.

STATE OF SOUTH DAKOTA }
County of Hughes } ss

Pierre, South Dakota, June 22, 1909.

This is to certify that the foregoing application was received at this office at nine o'clock a.m. upon the 10th day of April 1909 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 published, proof of publication was duly filed and a hearing was held in this office on June 12, 1909.

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

Number of permit 67

Date of first receipt of application April 10, 1909

Date of return to applicant for correction ----- 1909

Date of receipt of corrected application ----- 1909

Date from which applicant may claim right April 10, 1909

Approved June 12, 1909, Recorded in Book -1- Page 127

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 12, 1910

2d. The whole of said work is to be completed on or before June 12, 1911

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 12, 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 nine 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 for irrigation on or before June 12, 1911; said water to be used during the following described annual periods.

The whole year

Witness my hand this 20th day of June 1909

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

67-2 ✓
0111-2
1739-2

March 3, 1981

Maynard Downen
Box #1
Fairburn, SD 57728

Dear Mr. Downen:

Enclosed herewith is your Water Right Permit No. 1739-2 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1739-2.

The applicable portions of Water Permit Nos. 67-2 and 0111-2 have been incorporated into this Water License No. 1739-2 and Permits Nos. 67-2 and 0111-2 have been placed in a cancelled status.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/bc
enc.

Equal Opportunity Employer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Custer
H. H. Reinard being duly
 sworn, deposes and says this annexed printed copy of Notice
 Intention to appropriate Water was taken from the
Hermosa Herald a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
 Town of Hermosa County of
Custer and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates:
April 22 April 29 May 6
May 13 and May 20 1909
 in each and every issue of the said number thereof, the first
 publication being made on April
1909 and the last publication on May
1909, upon one days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was owner the printer and publisher of
 the said newspaper.

H. H. Reinard

Subscribed and sworn to before me this 5th day of

June A. D. 1909
Notary Public Custer County, S. D.

RECEIVED

JUN 7 1909

OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.

First publication April 22, 1909.
 Appropriation of Water.
 Office of the State Engineer, Pierre, South
 Dakota, April 13, 1909.
 Notice is hereby given that May J. Dowden,
 whose postoffice address is Fairburn, Custer
 County, South Dakota, has made application in
 accordance with the provisions of the Irrigation
 laws of South Dakota for a permit to appropri-
 ate for beneficial use one cubic foot of water
 per second of flow from French creek through
 the Downen ditch, the point of diversion of
 which is to be located upon the left bank of
 said stream in the southwest 1/4 of the northeast
 1/4 of section 21, township 4 south, range 7 east,
 R. H. M., said water to be used for the purpose
 of irrigation upon the southwest 1/4 of the
 southeast 1/4, northeast 1/4 of the southeast 1/4,
 southeast 1/4 of the northeast 1/4, section 21;
 northwest 1/4 of the southwest 1/4, northeast 1/4
 of the southwest 1/4, southwest 1/4 of the north-
 west 1/4, southeast 1/4 of the northwest 1/4, north-
 east 1/4 of the northeast 1/4, northwest 1/4 of the
 northeast 1/4, northeast 1/4 of the northeast 1/4,
 southeast 1/4 of the northeast 1/4, southwest 1/4 of
 the northeast 1/4, northwest 1/4 of the southeast
 1/4, northeast 1/4 of the southeast 1/4, section 21;
 northwest 1/4 of the southeast 1/4, southwest 1/4
 of the northwest 1/4, southeast 1/4 of the north-
 west 1/4, section 21, all in township 4, South,
 Range 7 East, R. H. M.
 This application will be taken up by the state
 engineer at his office in Pierre for consideration
 and appropriate action upon the 12th day of
 June, 1909, at 9 a. m., at which time all persons
 who believe that the prior rights would be inju-
 riously affected, or that the allowance of the
 permit would be detrimental to the public wel-
 fare, and also parties making the application,
 and to be benefited, are notified to be present
 either by sworn affidavit or in person for the
 purpose of presenting any relative testimony.
 SAMUEL H. LEA,
 State Engineer.