

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES,

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 16 day of April 1908

Samuel H. Lee
State Engineer.

By Peter J. H. Lee
Deputy.

(Copy.)

No. 7

Division No. 2 So. Cheyenne District

PERMIT

to appropriate water from North
Duck Creek
Fall River County, South Dakota

Name of applicant

John H. Soske

Name of diversion works North

Duck Creek Reservoir.

Date of first receipt at office of State

Engineer Nov. 24 1906

Returned to applicant for correction

December 15 1906

Corrected application received

December 25 1906

Date of water right

November 24 1906

Recorded in Book 1 Page 16

One-fifth of work to be completed

10

Whole work to be completed

Work has been completed

Final proof of use of water

10

Approved March 6 1907

Samuel H. Lee

State Engineer.

By

Deputy.

No. 7

Water Division No. 2 So. Cheyenne Water District.
(Blanks to be filled by the State Engineer.)

(Copy.)

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

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

I. Name of applicant: John H. Esaka
Postoffice address: Ardmore, County Fall River, 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 _____

(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 and hired help.
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion works North Duck Creek Reservoir and Ditches.3. Quantity of water claimed 2 cubic feet per second.4. Source of water supply North Duck Creek.

5. Location of point of diversion SE 1/4 of SE 1/4 Sec 15, T 11S, R 3E, B.H.M.
N52 15 W dist. 11.85 chains from SE cor. of said Sec 15 on right bank
(Right of left bank looking down stream.)

6. Annual periods during which water is to be used April, May, June and July.7. To be used for: Irrigation.I. Irrigation or domestic use: yes.(a) Number of acres to be irrigated 44 acres.

(b) Legal subdivisions to be irrigated SE 1/4 of SE 1/4 Sec 15(5A); NE 1/4 of SE 1/4 of Sec 22 (15A); S 1/2 of NW 1/4 Sec 23 (26A) T 11S, R3E, B.H.M.
(NOTE--List of lands to be irrigated, giving tract and subdivision and section with acreage thereon, should be written and filed 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.) _____

Watering of stock on any portion and for house use.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use _____

(b) Amount of power to be generated _____ horse power.

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of works:

(a) Head gates, \$ (b) Pumping plant \$
 (c) Fluming, \$ (d) Canal—earth, \$ rock, \$
 (e) Other structures \$ Total, \$

9. Description of diversion works:

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

Dam for Reservoir

II. Dimensions of works:

(a) Dam: Height 11 feet; length at bottom 125 feet; length at top 344 feet; thickness at bottom 60 feet; thickness at top 5 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; material used in construction gunbo dirt

(b) Reservoir: Capacity when filled 9.17 acre feet. Surface area at highwater mark 5 1/2 acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH 5 FEET OF DEPTH AT OUTLET—ACRES	CAPACITY— ACRE-Feet
5		9.17

(c) Head gate: Width 1/2 x 1/2 feet; height feet
 Material 2-inch plank

(d) Canal: Total length 1/2 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

(Give dimensions where reduction in size are made.)

10. Time required for completion of work ~~1233~~ completed.

11. Time required for complete application of water to the proposed beneficial use no years.

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

Edgemont Express

STATE OF SOUTH DAKOTA

County of Fall River

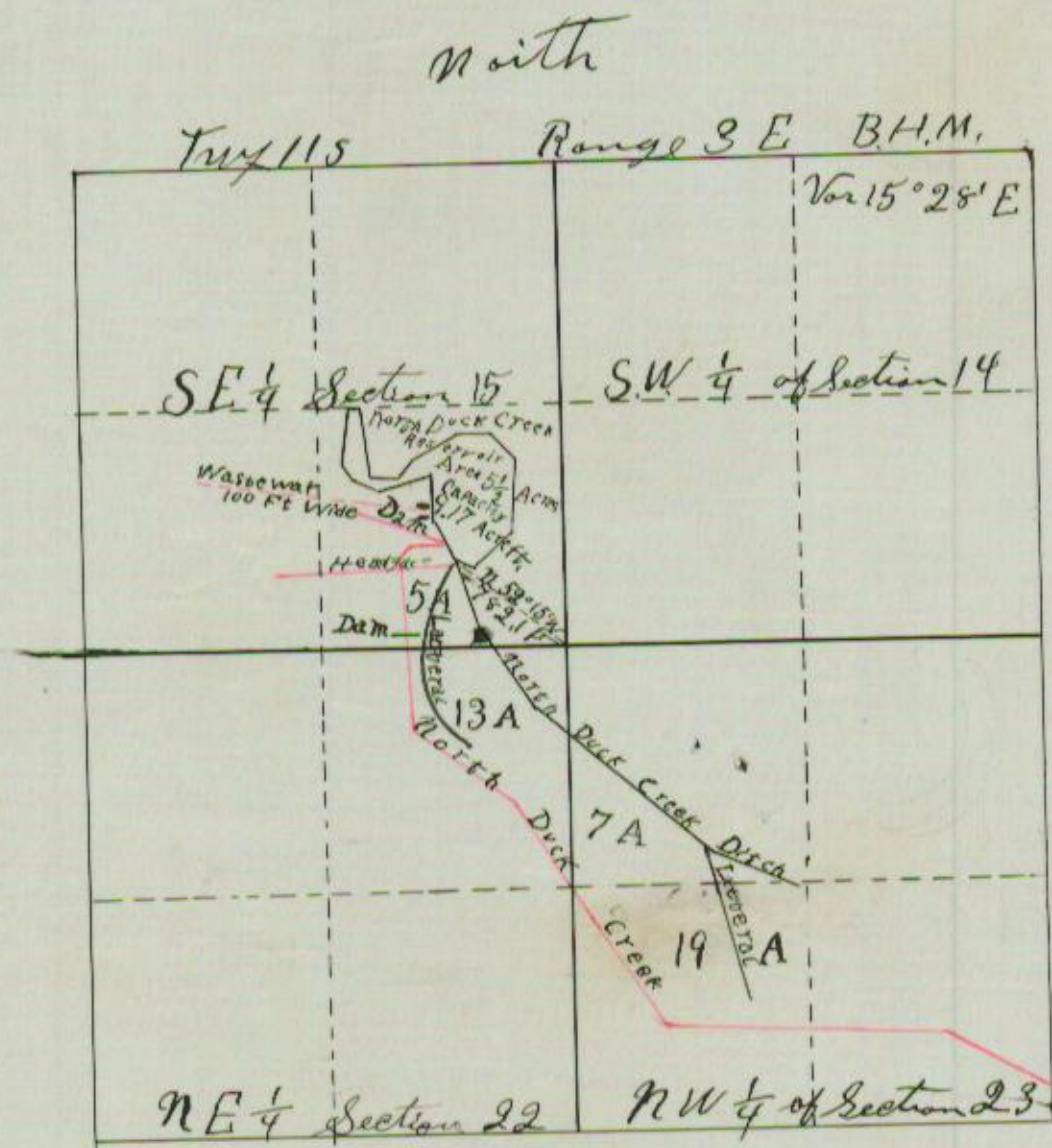
I, John H. Sosko, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein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

Signed John H. Sosko

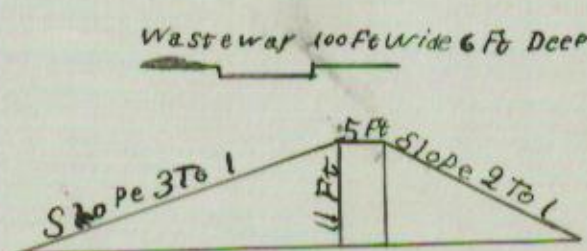
Subscribed and sworn to before me this 21st day of November 1906.

(signed)

Dora Anderson
 Notary Public (or other qualified officer).



I hereby certify that the above map
is correct according to survey made
by me Nov 1st 1906



F. M. Hall
Surveyor
Title of Map
North Duck Creek Reservoir
Dams and Ditches

State of Nebraska } ss
County of Sioux }

I F M Hall being duly sworn upon my oath
say that I am the Surveyor of the North Duck
Creek Reservoir Dams and Ditches that the
Survey and Map thereof was made by me and
that I have read the accompanying statements and
know of my own knowledge that the statements
therein made are true

F M Hall

Surveyor

Subscribed and sworn to before
me this 8th day of December, 1906.
W. D. Davis, Notary Public.

Map # 11-2 (Vol # 25-28) 7-2

APPROVED
Samuel H. Lea
State Engineer.

Remarks by State Engineer:

This irrigation work has been completed and water right is now issued to conform with the State Irrigation law.

STATE OF SOUTH DAKOTA

County of Hughes

ss

Pierre, South Dakota, March 6 1907

This is to certify that the foregoing application was received at this office at 9 o'clock a.m. upon the 24th day of November 1906 and that after examination it was returned to applicant for correction. The corrected application was received and publication was duly made in compliance with the Irrigation Code of South Dakota.

Samuel H. Lea

State Engineer.

By

Deputy.

Number of permit 7

Date of first receipt of application November 24 1906

Date of return to applicant for correction November 24 1906

Date of receipt of corrected application December 25 1906

Date from which application may claim right November 24 1906

Approved March 4 1907, Re- ed in Book 1 Page 16

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

19

Work has been completed.

2d. The whole of said work is to be completed on or before 19

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

19

4th. The water appropriated shall be used for the purpose of Irrigation

and domestic use.

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 two cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied on or before March 2 1907; said water to be used during the following described annual periods.

continuously

Witness my hand this 6th day of March 1907

(Signed)

Samuel H. Lea

State Engineer.

By

Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7

WHEREAS, On the 24th day of November A. D. 1906

John H. Sosko

of Ardmore County of Fall River and State of South Dakota duly made application (No. 7) to me for a permit to use 2 cubic feet per second of the waters of North Duck Creek County of Fall River State of South Dakota, for irrigation, stock and domestic purposes; and

WHEREAS, On the 8th day of March A. D. 1907

Permit No. 7 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described and before the day of A. D. 1907 and for the application to beneficial use of said water on or before the day of A. D. 1907 and

WHEREAS, On the day of A. D. 1907

the holder of said permit duly made proof of the completion of adequate works for the diversion of cubic feet per second of said waters, as evidenced by my Certificate No. dated confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use cubic feet per second of water, with date of priority of and

WHEREAS, On the day of A. D. 1907

proof was duly made of the application to beneficial use of cubic feet per second of said water

WHEREAS, Said diversion works were completed and in operation at the time said application was made, as evidenced by the certificate of the owner and the report of the engineer who made the survey and map of said diversion works.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to John H. Soske of Armore, South Dakota the holder and owner of said permit No. 7 a water right, dating from November 24, 1908 to the use of --2--

cubic feet per second of the waters of North Duck Creek in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N. 52° 15' West, 11.85 Chains from the SE corner of Section 15, Twp. 11 S., R. 3 E., B.H.M. and conducted to and upon SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 15; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 23; W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 23; all in Twp. 11 S. of Range 3 E., B.H.M.

for the purpose of irrigation, watering stock and domestic use.

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

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this second day of July A. D. Nineteen Hundred and Twelve.

Samuel H. Lee

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 7

To John H. Soske,

Armore, Fall River Co.,

South Dakota

Source of Supply

North Duck Creek

Fall River County

Am't - 2 - Sec. Feet

Point of Diversion N. 52° 15' W. 11.85

Chs. from SE cor. Sec. 15, Twp.
11 S., Rge. 3 E., B.H.M.

Place of Use SE $\frac{1}{4}$ Sec. 15, NE $\frac{1}{4}$ Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 23; All in Twp. 11 S., R. 3 E., B.H.M.

Purpose Irrigation, watering stock and domestic use.

Date of Priority November 24, 1908

Recorded

in Book 1 of Record Page 18

(First Publication 190)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., Dec. 26 1906

Notice is hereby given that John P. Locke
 whose postoffice address is Ardmore, Fall River

 County, S. D., has made an application in

accordance with the provisions of the irrigation laws of South Da-

kota for a permit to appropriate for beneficial use 2 cubic

feet of water per second of time from North Duck Creek

through the North Duck Cr. Res. & Canal, the point of diversion of which

is to be located upon the Right bank of said stream in the S. E.

$\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of section 15 township 11 S. range 3 E. B. H. M. said water

to be used for the purpose of Irrigation and domestic use

upon the S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ Sec. 15A

N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ Sec. 13A N. $\frac{1}{2}$ Sec. 22 N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ Sec. 26A, Twp. 11 S.

Range 3 E. B. H. M.

This application will be taken up by the state engineer at his

office at Pierre for consideration and appropriate action upon the

15th day of Feb. 1907, at 9 a. m., at which time all

persons who believe that the prior rights would be injuriously af-

fected, or that the allowance of the permit would be detrimental

to the public welfare, and also parties making the application, and

to be benefited, are notified to be present either by sworn affi-

davit or in person for the purpose of presenting any relative tes-

timony.

S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ Sec. 15 (5A); N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ Sec. 22 (13A); N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ Sec. 23
(26A), Twp 11 S. R. 3 E. B. H. M. State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Fall River }
H. G. Goddard being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the _____
Eddy Mount Express a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
 city of Eddy Mount County of
Fall River and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates: Jan'y. 11 - 18. 25th and
Feb'y 1st and 8th
 on each and every issue of the full number thereof, the first
 publication being made on the 11 day of Jan'y.
1907 and the last publication on the 8th day of
February 1907, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was _____ the printer and publisher of
 the said newspaper. H. G. Goddard

Subscribed and sworn to before me this 7 day of Feb A. D. 1907

Notary Public Arthur L. Colson County, S. D.

Appropriation of Water.

Office of the State Engineer,
 Pierre, S. D., Dec. 26, 1907.
 Notice is hereby given that John H. Soike, whose postoffice address is Armore, Fall River County, S. D., has made an application in accordance with the provisions of the Irrigation laws of South Dakota for a permit to appropriate for beneficial use 2 cubic feet of water per second of time from North Duck Creek through the North Duck Creek Reservoir and Ditches, the point of diversion of which is to be located upon the right bank of said stream in the S. E. 1 of the S. E. 1 of section 15, township 11 S. range 8 E. of the 10th M. said water to be used for the purpose of irrigation and domestic use upon the S. E. 1 of S. E. 1 Sec. 15, N. 11 S. of N. 22 W. 1 of N. W. 1 Sec. 22, Twp. 11 S. range 8 E. of the 10th M. This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 5th day of February, 1907, at 10 A. M. at which time all persons who believe that their rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit, or in person for the purpose of presenting any relative testimony.
 SAMUEL H. LEA,
 State Engineer.

June 5, 1974

An investigation of License Numbers 25B-2 and 7-2 recorded under Mrs. Effie Soske and John H. Soske, respectively, indicated that the Licenses are still in use by Lloyd Soske, a descendant of the afore mentioned.

Thomas A Gardner

THOMAS A. GARDNER, Water Resources Engineer

Water Rights Division - DWR
Conversation or File Documentation

File No. 0623-2

7-2

NAME OF PERSON OR FILE: Lloyd Soske

ADDRESS: Box 124, Edgemont, South Dakota 57735 COUNTY Fall River

DATE: 11-22-83 TELEPHONE _____

RE: 0623-2 - Sam Franzen

COMMENTS:

In reviewing Water Right Filing #0623-2 and Water Right #16-2 and visiting with
Lloyd Soske on 11-17-83, it was determined that No. 0623-2 and No. 16-2 were
identical.

Water right Filing No. 0623-2 was filed by Sam Franzen on January 11, 1906.
Application for Water Right #16-2 was filed with the State Engineer on February
22, 1907. This application was for an appropriation that had already been made
(evidently No. 0632-2). The application was made to bring the appropriation
within the provisions of the Irrigation code of South Dakota. The state engineer
gave Water Right No. 16-2 a priority date of February 22, 1907. Since the
No. 0632-2 and No. 16-2 are identical, Filing No. 0623-2 should be incorporated
into Water Right No. 16-2 and No. 16-2 should have a priority date of January
11, 1906.

The file for Water Right No. 16-2 contains a letter from T. A. Gardner to Lloyd
Soske, dated June 24, 1974, stating that Water License No. 7-2 and 25B-2 would
be transferred to Lloyd Soske without the use of Form 20 or fee. These transfers
were never made.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Delwin D. Brosz, P.E.

Delwin D. Brosz

Water Rights Division - DWR
Conversation or File Documentation

File No.

7-2

25-28

LN 403-2

NAME OF PERSON OR FILE: Lloyd Sostre

ADDRESS: Box 128, Edgemont, SD 57735 COUNTY Fall River

DATE: August 20, 1985 TELEPHONE —

RE: Re-inspection of Water Rights 7-2 & 25-28. Incorporating
COMMENTS: LN 403-2 with 25-28.

The County water rights listing for Fall River County lists
Water Rights 7-2 and 25-28 as abandoned. This is in
error and the remark "declared abandoned" should be
removed.

The systems were inspected by Tom Gardner in 1978
and by myself on June 12, 1985. The systems are operating
as described on the Water licenses.

Location Notice 403-2 is the same as Water Right 25-28
and should be incorporated.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Helwin D. Booz, P.E.
Hydrologist

South Dakota

Department of Water & Natural Resources

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

March 23, 1990

7-2
16-2
25B-2

NOTICE

TO: Lloyd Soske
BOX 124
EDGEMONT, SD 57735

FROM: *for Delvin D. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right Nos. 7-2, 16-2 and 25B-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).