

COPY

No. 88-2

Division No. 2

South Cheyenne Water District.

PERMIT

to appropriate water from
Cheyenne River

Fall River County, South Dakota

Name of applicant
Thomas W. Bondurant

Name of diversion works
Bondurant Diversion Works

Date of first receipt at office of State
Engineer August 22, 1900

Returned to applicant for Correction
----- 190

Corrected application received
----- 190

Date of water right
August 22, 1900

Recorded in Book - 1 - Page 178
One-fifth of work to be completed

October 31, 1911

Whole work to be completed
October 31, 1912

Final proof of use of water
October 31, 1913

Approved October 31, 1900

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy

STATE OF SOUTH DAKOTA
COMPTROLLER OF RECORDS

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

Witness my hand and official seal at
my office in Pierre, State of South Dakota
this 23rd day of December, 1910

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

No. 22-2

Water Division No. 3

South Grosvenore Water District

(Blanks to be filled by the State Engineer.)

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

COPY

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

1. Name of applicant Thomas W. Bondurant
Postoffice address Hobbs, County Custer, State South Dakota

I. If a corporation: None

(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:

INCORPORATED INTO
WATER LICENSE NO. 376-2
3/16/81

(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 Bondurant Diversion Works3. Quantity of water claimed two cubic feet per second.4. Source of water supply Grosvenore River

5. Location of point of diversion is N. 60° 54' E. 200 ft. from the S.W. cor. of Section 1, T. 2 N., R. 2 E., S. 10 N., T. 1 N., on Right bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used all year

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 140 acres.(b) Legal subdivisions to be irrigated N. 1/4 Sec. 10, T. 2 N., R. 2 E., S. 10 N., T. 1 N., 60 Acres Sec. 4

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. 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, \$ 100 (b) Pumping plant, \$ 1500
 (c) Fluming, \$ (d) Cut-earth, \$ 300 Rock, \$ 5000
 (e) Other structures, \$ Total, \$ 1920.00

9. Description of diversion works:

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

Pumping plant to pump about 2000 gal. per min.

II. Dimensions of works:

(a) Dam: Height none feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction

(b) Reservoir: Capacity when filled none acre feet. Surface area at highwater mark acres.

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

Head gate: Width none feet; height feet.
 Material

(d) Canal: Total length 5250 feet miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 1/4 mile	1 1/2 feet	8 feet	6 feet	7 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 1 year.
 11. Time required for complete application of water to the proposed beneficial use 1 year.
 12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA
 County of Pennington } ss

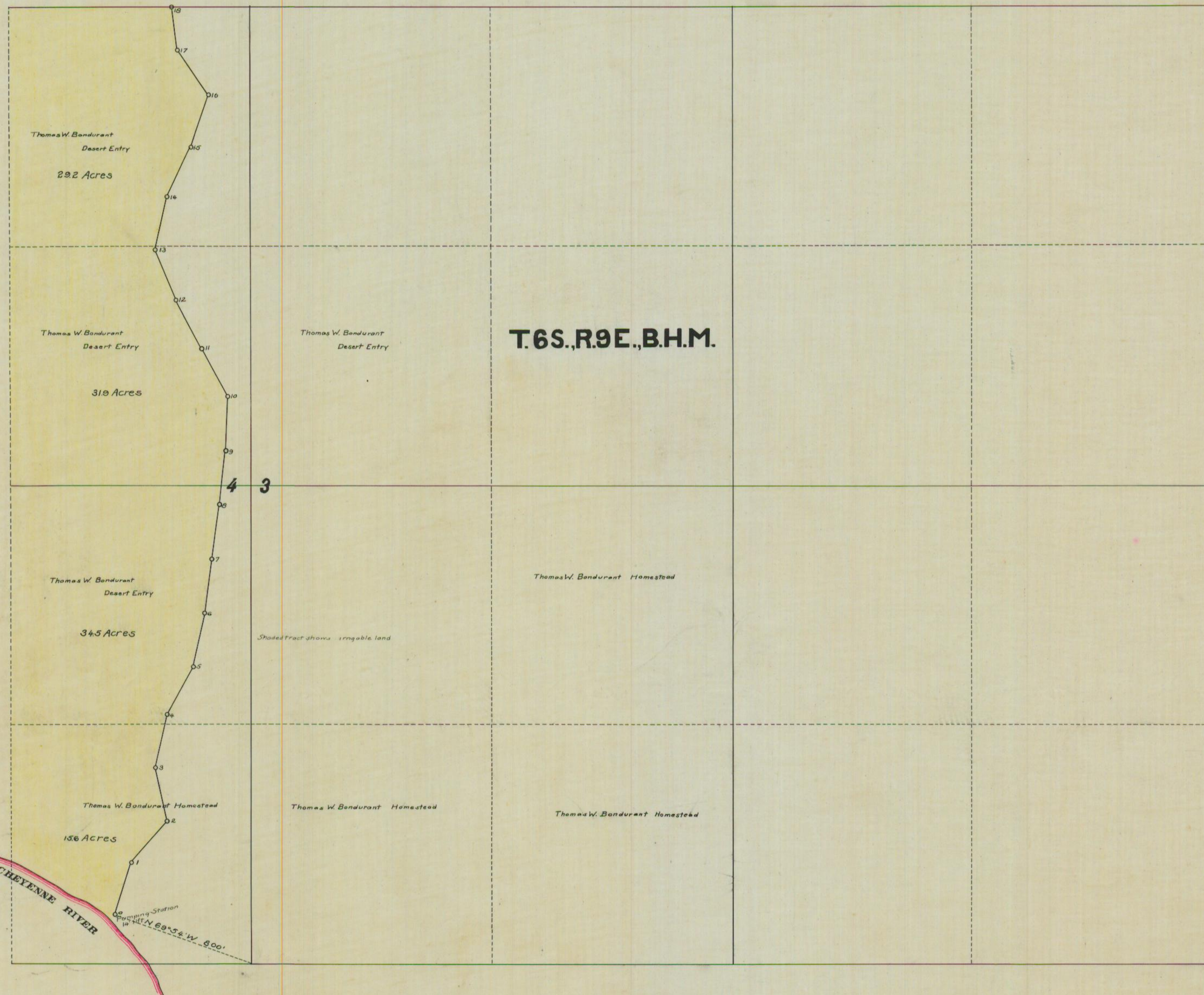
I, James Harrison, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Engineer, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein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

Signed James Harrison

Subscribed and sworn to before me this 27th day of August, 1910

(SEAL)

Notary Public (or other qualified officer.)



THOMAS W. BONDURANT WATER RIGHT

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 Thomas W. Bondurant ditch, that the survey and map thereof 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 26th day of August, 1910.

D.C. Ricker Notary Public.

APPROVED
Samuel H. Lea
State Engineer

RECEIVED
AUG 29 1910
OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

102-2

NR# 83-2
Map # 102-2
MAP No 102-2 (WR 83-2)

PLAT
TRACT "DIVERSION"

I, Gardner Cantz, a Registered Professional Engineer and Land Surveyor, do hereby certify that, being so authorized by the claimants, I made the survey and this accompanying plat of TRACT "DIVERSION" which is a portion of the NE $\frac{1}{4}$ of Section 9; T 6 S; R 9 E; of the B. H. M. in Custer County, South Dakota. I furthermore certify that the same is correctly described and platted.

Gardner Cantz

ACKNOWLEDGEMENT:

STATE OF SOUTH DAKOTA) ss
County of Custer)

On this 5th day of April in the year 1951, before me, Homer V. Morris, the Clerk of Courts within and for said County and State, personally appeared Gardner Cantz, known to me to be the person who is described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same.

Homer V. Morris
CLERK OF COURTS

We, W. B. Clarke and Bessie Clarke, husband and wife, do hereby certify that we are the claimants (by virtue of a tax deed from the County of Custer) of that portion of the NW $\frac{1}{4}$ of Section 9; T 6 S; R 9 E; of the B. H. M. in Custer County, South Dakota embraced in TRACT "DIVERSION" and that we acknowledge the survey and plat thereof as shown.

W. B. Clarke
Bessie S. Clarke

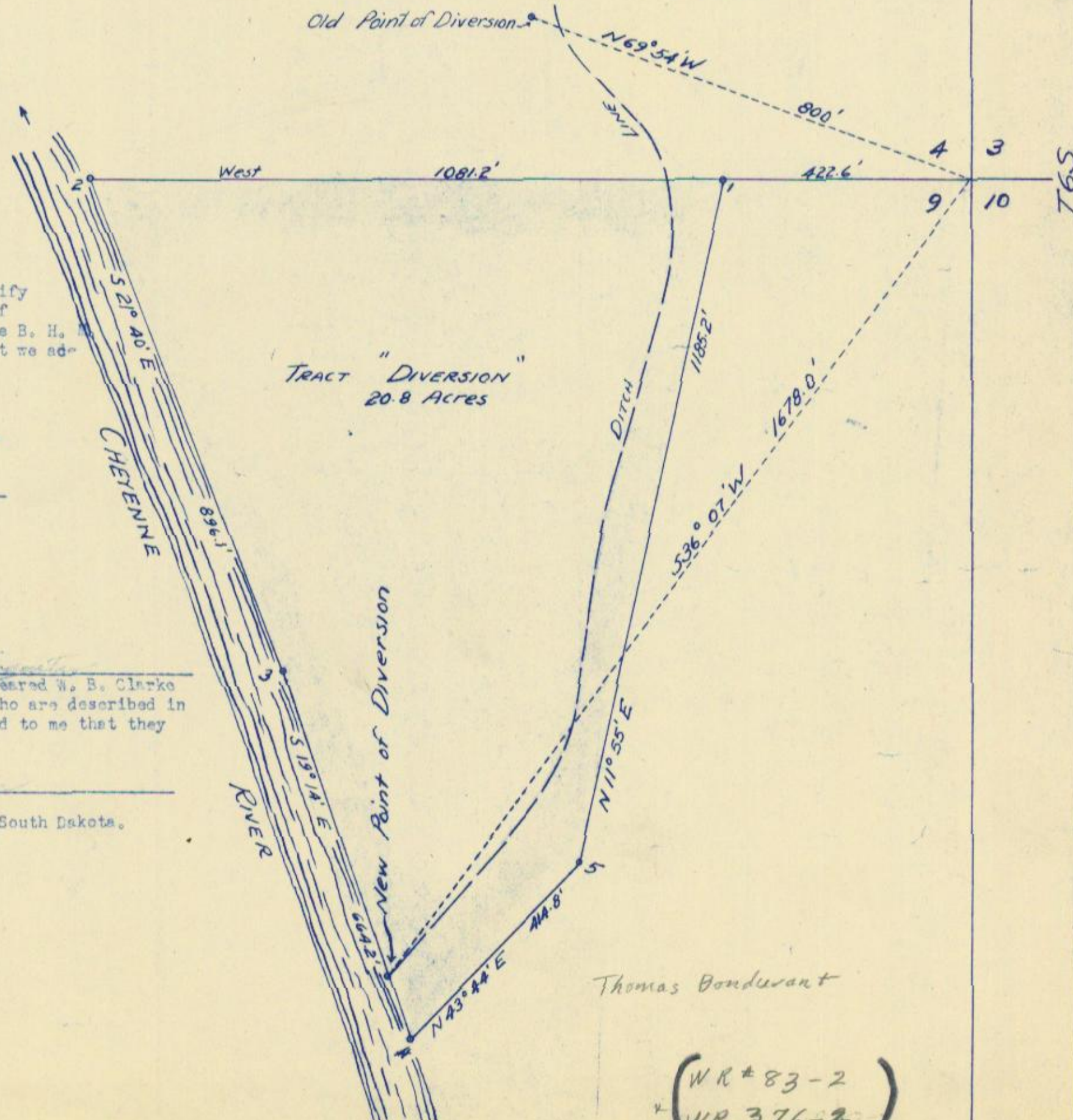
ACKNOWLEDGEMENT:

STATE OF SOUTH DAKOTA) ss
County of Custer)

On this 17 day of April 1951 in the year 1951, before me Ed. [Signature] a Notary Public within and for said County and State, personally appeared W. B. Clarke and Bessie Clarke, husband and wife, known to me to be the persons who are described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same.

My commission expires Sept 11 1951.

Ed. [Signature]
Notary Public
Custer County, South Dakota.



Thomas Bondurant

(WR # 83-2)
(WR 376-2)

Map # 102-2

R9E

Remarks by State Engineer:

This application is for the right to divert and appropriate for irrigation purposes a second foot of the waters of the Cheyenne River in Fall River County.

STATE OF SOUTH DAKOTA
County of Hughes } ss

Pierre, South Dakota, December 31, 1900

This is to certify that the foregoing application was received at this office at nine o'clock a.m. upon the 29th day of August, 1900, 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 October 29, 1900.

Samuel H. Lee
State Engineer.

Number of permit 83-2 By B. B. Lee Deputy.

Date of first receipt of application August 29, 1900

Date of return to applicant for correction - - - - - 190

Date of receipt of corrected application - - - - - 190

Date from which applicant may claim right August 29, 1900

Approved October 31, 1900, Recorded in Book -1- Page 178

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 October 31, 1911

2d. The whole of said work is to be completed on or before October 31, 1912

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 31, 1912

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 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 for irrigation on or before October 31, 1912; said water to be used during the following described annual periods.

All year.

Witness my hand this 31st day of December, 1900

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

GARDNER GANTZ

*Professional Engineer and Land Surveyor
Deputy United States Mineral Surveyor*

**BIJELL BLOCK
RAPID CITY, S. D.**

**BANK BLDG.
CUSTER, S. D.**

ENGINEER'S STATEMENT

Mr. Dean Loucks
State Engineer
Pierre, S. D.

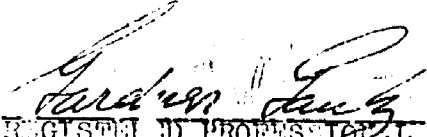
At the request of Thomas W. Bondurant, the owner of the Bondurant Diversion Works (83-2 South Cheyenne Water District) I made an examination and survey of said project and found the following conditions to prevail:

This project has been used successfully for a great number of years. However, the Cheyenne River has changed its course some one quarter of a mile to the West making it impossible to obtain water from the old point of diversion.

It is feasible and easement has been secured from the owner of the NE $\frac{1}{4}$ of Section 9 to the South to divert water from a point S 36 07' from the NE Corner of Section 9; T 6 S; R 9 E; of the B. H. M. into a quarter of a mile of ditch to join up with the old canal system.

There are no other irrigation works for two miles above or below the Bondurant Diversion works.

It is therefore requested on behalf of Thomas W. Bondurant that permission be given by the State Engineer to change the point of diversion as requested.


REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR.

RECEIVED

NO. 83-2

APR 23 1951

8:00 A.M.

Water Division No. 2 South Cheyenne Water
(Blanks to be filled by the State Engineer.)District STATE ENGINEER
PIERRE, S. DAK.APPLICATION FOR PERMIT TO CHANGE POINT OF
~~Diversion of Water~~ within the State of South Dakota DIVERSION

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

1. Name of applicant Thomas W. Condurant
Postoffice address Buffalo Gap, County Custer, State South Dakota.

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 address 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) direct labor
(b) Cash on hand, \$ adequate (c) Treasury stock \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Condurant Diversion Works3. Quantity of water claimed 200 cubic feet per second.4. Source of water supply Cheyenne River

5. Location of point of diversion Old point of diversion is N 69 54' W from SE Corner Section 4; T 6 S; R 9 E of the B. H. U. --- New point of diversion is S 36 07' W 1678' from NE Corner Section 9; T 6 S; R 9 E of the B. H. U. both on right bank.

6. Annual periods during which water is to be used all year

7. To be used for:

I. Irrigation or domestic use: Irrigation(a) Number of acres to be irrigated 140 acres.

(b) Legal subdivisions to be irrigated E 1/2, NE 1/4, SE 1/4 Section 4.
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be apprehended as a part of this application. Same must also be shown on accompanying map.)

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

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, \$50.00..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

Ditch

II. Dimensions of works:

- (a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front (water) face; slope of back face; material used in construction
- (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

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

- (c)* Head gate: Width feet; height feet;
Material
- (d) Canal: Total length 2 mile..... miles.

LOCATION BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH	WIDTH AT WATER LINE	GR/DAE 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 or completion of work one week..... years.
11. Time required for complete application of water to the proposed beneficial use one week..... years.
12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA,

County of Custer..... } ss.

I, Thomas W. Ronduront.....

....., being first duly sworn,
on my oath depose and say: That my relation to the above described undertaking is that of ~~owner~~ request-
ing change in point of diversion....., that I have read the above

(Owner)

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Signed

Thomas W. Ronduront

Subscribed and sworn to before me this 14th day of April, 1957.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

February 15, 1961

Karl J. Connell-County Supervisor
Farmers Home Administration
Hot Springs, South Dakota

Dear Mr. Connell:

Reference is made to your letter of February 10, 1961, regarding water rights under the name of Charles E. Bendurant, Buffalo Gap.

A check of our records indicates that Mr. Bendurant has two existing water rights (83-2 and 376-2) and an application (651-2) for a third. The hearing on the latter application is scheduled for March 15, 1961.

Permit 83-2 is for 2.0 cfs to irrigate 140 acres in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 4, Township 6N, range 9E.

Permit 376-2 is for 2.45 cfs to irrigate 180.82 acres in Lots 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 4, Township 6N, range 9E, and Lot 5 and S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, Township 5N, range 9E.

Application 651-2 proposes the use of 3.16 cfs to irrigate 221.5 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 22, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, all in Township 5N, range 9E.

The source of water for all three is the Cheyenne River, with the water to be pumped into ditches for gravity irrigation.

If we can be of further assistance, feel free to contact us.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ/bw

EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this day of April, 1951, by and between W. B. CLARK, also known as WALLIE B. CLARK, and BESSIE CLARK, of Custer County, South Dakota, Parties of the First Part, and THOMAS W. BONDURANT of Buffalo Gap, Custer County, South Dakota, Party of the Second Part, in manner and form following;

WITNESSETH:

That for and in consideration of the sum of One Hundred Twenty-five Dollars (\$125.00) in hand paid by the Party of the Second Part to the Parties of the First Part, receipt of which is hereby acknowledged, the Parties of the First Part do hereby grant unto the Party of the Second Part an easement and right ^{from the date hereof} for the period of twenty-five (25) years to enter upon, construct, operate, and maintain a pump or such pumps as shall be necessary or desirable to be used in taking and diverting water from the Cheyenne River, together with such necessary connections, dams, reservoirs, or other structures or equipment as may be necessary to take and divert water from the Cheyenne River at a point shown on the Plat of Tract Diversion signed and acknowledged by the Parties of the First Part on April 17, 1951, and hereafter described, or in the vicinity of said point, and to construct, operate and maintain a certain ditch for the purpose of conveying, transporting or flowing said water across the said Tract Diversion along a line denominated "Ditch" shown on the said Plat of the said Tract Diversion, for the purpose of irrigating any and all land which may be irrigated in Section 4, Township 6 South, Range 9 East, B.H.M., and Section 33, Township 5 South, Range 9 East, B.H.M., and such water as may be used for farming, stock raising or domestic purposes in the said Section 4, Township 6 South, Range 9 East, B.H.M., and Section 33, Township 5 South, Range 9 East, B.H.M., the said Tract Diversion referred to being situated in the County of Custer and State of South Dakota, and described as follows, to-wit:

TRACT DIVERSION, commencing at Corner No. 1, which is a point on the Section line common to Sections 4 and 9, Twp. 6 S., Rge. 9 E., B.H.M., 422.6 ft. W. from the Corner common to Sections 3, 4, 9, and 10, Twp. 6 S., Rge. 9 E. B.H.M.; thence W. 1051.2 ft. to Corner No. 2; thence S. 21°40' E. 395.1 ft. to Corner No. 3; thence S. 19°14' E. 664.2 ft. to Corner No. 4; thence N. 43°44' E. 414.8 ft. to Corner No. 5; thence N. 11°55' E. 1185.2 ft. to Corner No. 1, the place of beginning.

The Party of the Second Part is also granted the right for the period herein specified, to construct, operate, maintain and use in addition to or in lieu of said ditch such flumes, pipes or other structures as he may desire

to construct across Tract Diversion follow^{ing} generally said line shown on said Plat as "Ditch", and the right at any and all times during the period of twenty-five (25) years, of ingress and egress for the purposes herein granted.

This grant is and shall be binding and inure to the benefit of the Parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their signatures the day and year first above written.

W. B. Clark

Bessie D. Clarke

PARTIES OF THE FIRST PART

Thomas Wesley Bondurant

PARTY OF THE SECOND PART

STATE OF SOUTH DAKOTA)
COUNTY OF CUSTER) SS

On this 18 day of April, 1951, before me the undersigned, a Notary Public within and for said County and State, personally appeared W. B. Clark, also known as Wallie B. Clark, and Bessie Clark, and Thomas W. Bondurant, well-known to me to be the persons who are described in and who executed the within and for going instrument and acknowledged to me that they executed the same.

E. H. Carpenter
Notary Public

(Seal)

APPLICATION TO OFFICE OF STATE ENGINEER

FOR

CHANGE OF POINT OF DIVERSION

OF

WATER RIGHT LOCATION NO. 83-2

RECEIVED

MAY 3 1951

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Bondurant Diversion Works Custer County

Application is hereby made for the approval of the State Engineer to change the point of diversion to a new point for diverting water authorized under Water Right No. 83-2 which claims 2.0 cubic feet per second of time of the water of the Cheyenne River diverted at a point N. 69° 54' W. 800 ft. from the S.E. corner of Sec. 4, T. 6S., R. 9E., B.H.M. in Custer County.

The new point of diversion is necessary because the Cheyenne River has changed its course approximately one quarter of a mile to the West making it impossible to obtain water from the initial point of diversion.

The original diversion was made on land now owned by Thomas W. Bondurant.

The proposed diversion is located on land now claimed by W. B. and Bessie S. Clark from whom Thomas W. Bondurant now holds an "Easement Agreement" authorizing him to divert across lands owned by W. B. and Bessie S. Clark.

The lands to be irrigated are the same as in the original right and are owned by Thomas W. Bondurant.

The amount of water claimed and the lands to be irrigated are not affected in any way by this change in location of diversion.

The proposed point of diversion is located S. 36° 07' W., 1678' from the N.E. corner Sec. 9, T. 6S., R. 9E., B.H.M. in Custer County.

The diverting of water from the above proposed point of diversion, to the best of my knowledge, will not injure or harm any other property owner.

Thomas W. Bondurant
Owner

State of South Dakota)
County of Custer) ss

I, Thomas W. Bondurant, being first duly sworn on my oath depose and say: That my relation to the above application is that of Owner of land so described, that I have read the above and foregoing statement and that I know of my own personal knowledge that the matters therein stated are true.

Signed Thomas W. Bondurant

Subscribed and sworn to before me this 2nd day of May 1951.

Edw. Conner Notary Public