

No. 237-1

Division No. 1

Sulphur Creek District

PERMIT

to appropriate water from

Redscaffold Creek

Ziebach County, South Dakota.

Name of applicant

Lloyd Dunbar

Name of diversion works

Dunbar Irrigation Project

Date of first receipt at office of State

Engineer September 22, 1951

Returned to applicant for Correction

----- 19

Corrected application received

----- 19

Date of water right

September 22, 1951

Recorded in Book Page

One-fifth of work to be completed

May 29, 1952

Whole work to be completed

November 29, 1952

Final proof of use of water

November 29, 1952

Approved November 29, 1951

DEAN W. LOUCKS, State Engineer.

NO. 237-1

Water Division No. 1 Sulphur Creek
(Blanks to be filled by the State Engineer.)

RECEIVED
SEP 22 1951

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota OF STATE ENGINEER
PIERRE, S. DAK.

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

1. Name of applicant Lloyd Dunbar

Postoffice address Dupree, County Ziebach, State S. Dak.

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 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, \$ 4500.00 (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Dunbar Irrigation Project

3. Quantity of water claimed 1.3 cubic feet per second.

4. Source of water supply Roushafford Creek

5. Location of point of diversion Upper-S. 60 degrees and 20 minutes E. 1560.0' from the N. W. corner of Sec. 30, Lower- E. 0 degrees and 00 minutes- 2270.0' from the S. W. corner of Sec. 30, T. 11N. R. 13E. on both bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used April 1st to October 15

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 95.55 acres

(b) Legal subdivisions to be irrigated See attached sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with average 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. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use None

(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, \$1500.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Sprinkler pipe \$ 2000 Total, \$ 4500

9. Description of diversion works:

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

Pumping Plant, 2700' sprinkler pipe, 660' of Main

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 of 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 DEPTH AT OUTLET- ACRES	FEET OF	CAPACITY ACRE- FEET

(c) Head gate: Width Pressure gate 1 feet; height feet;
 Material: Metal Nozzle Slabs

(d) Canal: Total length None 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 1 years.
 11. Time required for complete application of water to proposed beneficial use 1 years.
 12. Choice of newspaper for publication of notice of to appropriate Ziebach County News; Dupre's South Dakota

STATE OF SOUTH DAKOTA

County of Ziebach

ss.

I, Lloyd Dunbar

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

(Owner, manager, 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 herein stated and shown are true.

Signed

Lloyd Dunbar

Subscribed and sworn to before me this 19 day of 1951

Edna F. Richardson

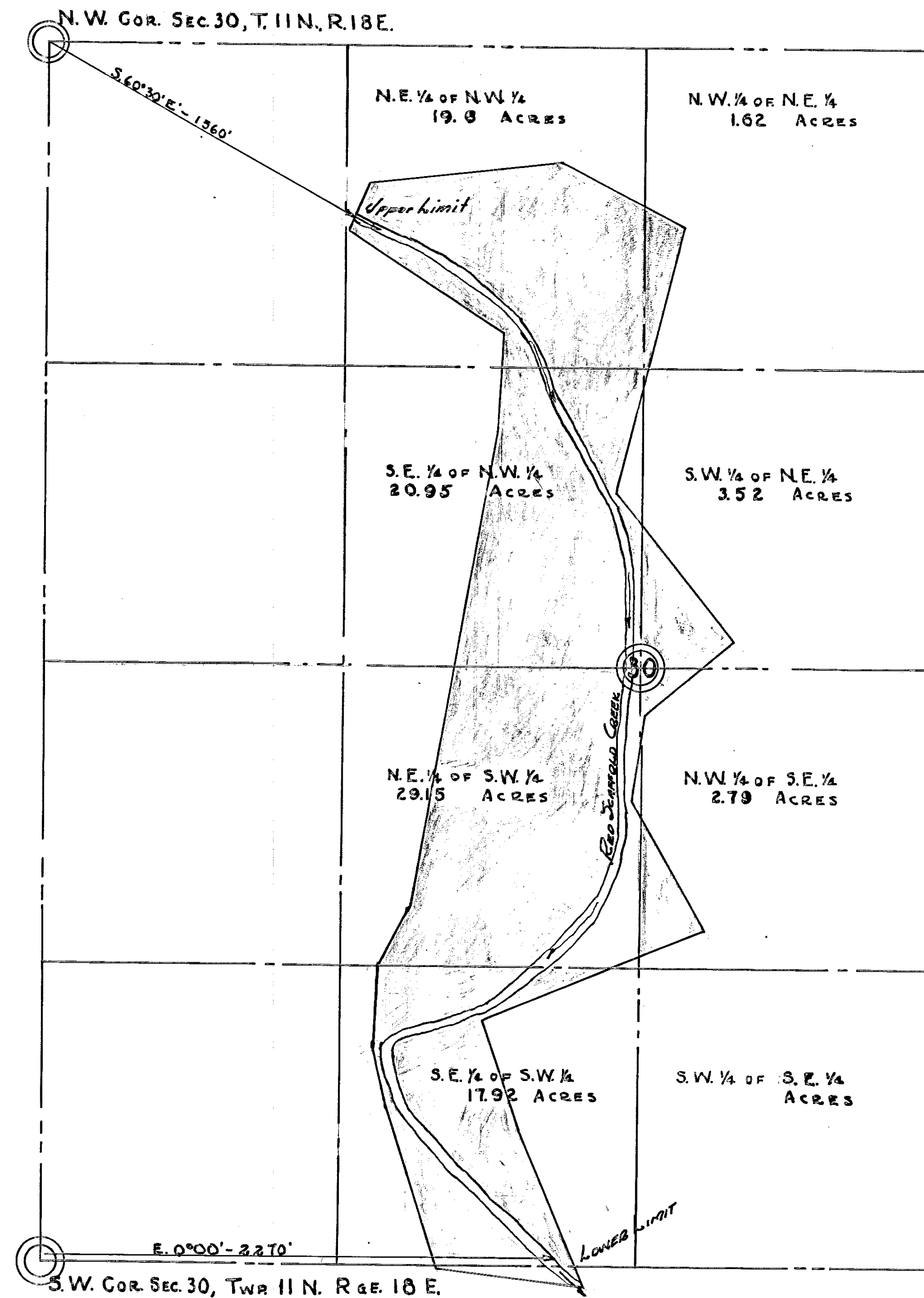
Notary Public (or other qualified officer.)

DUNBAR IRRIGATION PROJECT

ZIEBACH COUNTY, S.D.

OWNER: LLOYD DUNBAR

SCALE: 1" = 400'



SURVEYOR'S CERTIFICATE

I, J. R. RICHARDSON, REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR No. 219, DO HEREBY CERTIFY THAT I HAVE MADE A CAREFUL & COMPLETE SURVEY OF THE DUNBAR IRRIGATION PROJECT & THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF THE SAME.

IN WITNESS WHEREOF:
I HAVE HEREUNTO SET MY HAND & SEAL THIS 19th DAY OF July 1951.

J. R. Richardson
REGISTERED PROFESSIONAL ENGINEER &
LAND SURVEYOR No. 219

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF July 1951.

Edna F. Richardson
NOTARY PUBLIC

LAND TO BE IRRIGATED				
LOCATION	SEC.	TWP.	R&E.	ACRES
N.E. 1/4 of N.W. 1/4	30	11 N.	18 E.	19.6
S.E. 1/4 of N.W. 1/4	30	11 N.	18 E.	20.95
N.E. 1/4 of S.W. 1/4	30	11 N.	18 E.	29.15
S.E. 1/4 of S.W. 1/4	30	11 N.	18 E.	17.92
N.W. 1/4 of S.E. 1/4	30	11 N.	18 E.	2.79
S.W. 1/4 of N.E. 1/4	30	11 N.	18 E.	3.52
N.W. 1/4 of N.E. 1/4	30	11 N.	18 E.	1.62
TOTAL				95.55

Water Right No. 237-1
Map No. 219-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, November 29, 1951

This is to certify that the foregoing application was received at this office at 9:00 o'clock A m. upon the 22 day of September, 1951 and that after examination it was ~~found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.~~

~~No protests were received.~~

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Number of permit 237-1

Date of first receipt of application September 22, 1951

Date of return to applicant for correction - - - - -, 19- -

Dated of receipt of corrected application - - - - -, 19- -

Date from which applicant may claim right September 22, 1951

Approved November 29, 1951, Recorded in Book 3 Page 12

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 May 29, 1952

2nd. The whole of said work is to be completed on or before November 29, 1952

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 29, 1952

4th. The water appropriated shall be used for the purpose of providing 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 1.3 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 November 29, 1952; said water to be used during the following described annual period:

April 1 to October 15 inclusive

Witness my hand this 29 day of November, 1951

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

CERT OF CORR ISSUED 4-16-70

W/L ISSUED

4-10-70

List of Land to be Irrigated

Location	Section	Township	Range	Acres
NE 1/4 of NW 1/4	30	11N.	13E.	19.60
SE 1/4 of NE 1/4	30	11N.	13E.	20.95
NW 1/4 of SE 1/4	30	11N.	13E.	29.15
SE 1/4 of SE 1/4	30	11N.	13E.	17.92
NW 1/4 of SE 1/4	30	11N.	13E.	2.79
SW 1/4 of NE 1/4	30	11N.	13E.	3.52
NE 1/4 of NE 1/4	30	11N.	13E.	1.62
Total				95.55

Discharge in GPM for one sprinkler head (Two nozzles) $\frac{1}{4}$ inch and $\frac{3}{16}$ inch

Pressure	GPM
25 p.s.i.	13.9
30	15.2
35	16.5
40	17.7
45	18.8
50	20.0
55	21.1
60	22.0
65	22.9
70	23.8
75	24.7
80	25.5

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 257-1

(1) WHEREAS, On the 22nd day of September A. D. 19 51

Lloyd Dunbar

made Water Right Application No. 237-1 for a permit to use 1.3 cubic feet per second of the waters of Redscaffold Creek

County of Ziebach, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 29th day of November A. D. 19 51

Permit No. 237-1 with a date of priority of September 22, 1951

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 29th day of November A. D. 19 52 and for the application to beneficial use of said water on or before the 29th day of November A. D. 19 52

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.3 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 30, T11N, R18E

	<u>Acres</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>20</u>
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>21</u>
<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>29</u>
<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>18</u>
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>3</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>4</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>2</u>
<u>Total</u>	<u>97 Acres</u>

(5) 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, Lloyd Punbar

_____ of Dupree, South Dakota

the holder _____ and owner _____ of said permit No. 237-1 a water right, dating from September 22, 1951

_____ to use of 1.3 cubic feet per second of the waters

of Redscaffold Creek

in the County of Ziebach and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at between points S. 60°30' E., 1560 feet from the NW

Corner, and E. 0°00', 2270 feet from the SW Corner, Section 30, T11N, R18E

and conduct to and upon portions of Section 30, T11N, R18E, described on the face of

this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 237-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 10th day of April A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. J. GRIMES

Permit No. 237-1

Water Diversion No. 1 SULPHUR CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lloyd Dunbar

_____ the holder _____ of
Permit No. 237-1, issued upon Application No. 237-1, bearing date of priority of September 22,
1951 authorizing the diversion of 1.3 cu. ft. per second of the waters of _____
Redscoffold Creek County of Ziebach, State of South Dakota W _____
between points S. 60° 30' E, 1560 feet from the NW Corner and E. 0° 00', 2270
feet from the SW Corner, Section 30, T11N, R18E
_____, for irrigation

purposes, has _____ 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 1.3 cu. ft. per second of water.

Date April 10, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 237-1Water Division 1 Sulphur Creek Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Lloyd Dunbar
Dunree holder
 of Permit No. 237-1, bearing date of priority of September 22, 1951
 authorizing the diversion of _____ cu. ft. per second of the waters of Red Scaffold Creek
 for irrigation purposes, in Ziebach County.

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

The Water Use System consists of,

A. Works used to divert the water:

Waukshaw direct drive 5" pump and 50 H.P. gasoline engine

B. Works used to transport water to place of use,

2700 feet of 4 inch aluminum sprinkler pipe and 600 feet of 6 inch aluminum main line.

C. Works used to apply water to beneficial use.

Forty five sprinkler heads

The system is in the following condition: usable

The point of diversion is located between points S. 60° 30' E., 1560 feet from NW Corner
and E. 0° 00', 2270 feet from SW Corner, both corners being on Section 30,
T11N, R18E.

The works are capable of diverting and conveying to the place of use 1.3cu. ft. per second of water which is to be used for irrigation purposesWater has been put to beneficial use to the maximum extent as follows: All in Section 30, T11N, R18E

NE $\frac{1}{4}$ NW $\frac{1}{4}$	20 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	29 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres		

comprising a total of 97 acres of land.

Water right map No. 219-1 indicates the source as Red Scaffold Creek. County maps indicate the source is Beaver Creek, a west tributary of Red Scaffold Creek. Diversion is primarily from flood flows.

Date April 1, 1970

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

County of Ziebach)

E. L. Schetman of said County and State being first duly sworn on his oath, says that the West River Progress, is a weekly newspaper of general circulation, is printed and published in Dupree, Ziebach County, So. Dak., by E. L. Schetman, and has been such newspaper during the time hereinafter mentioned and that E. L. Schetman, the undersigned, am Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed

Appropriation - 11-25-2

a printed copy of which is hereby attached was printed and published in regular and entire issue of said newspaper and not in supplement, once a week for 4 successive weeks, the first publication being made on the 4 day of Oct 1951 and the last publication on the 25 day of Oct 1951.

The first publication being made on the 4 day of Oct 1951

The second publication being made the 11 day of Oct 1951

The third publication being made the 15 day of Oct 1951

The fourth publication being made the 25 day of Oct 1951

The fifth publication being made the _____ day of _____ 1951

The sixth publication being made the _____ day of _____ 1951

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly and has been published within the County of Ziebach State of South Dakota, for more than fifty-two successive weeks next prior to the first publication of the first publication of said notice, and is printed in part in an office maintained in Dupree, South Dakota the place of publication of said newspaper That the full amount of the fees for publication of

the annexed notice is \$ 7.75 and inures solely to the benefit of said publication; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

E. L. Schetman

Subscribed and sworn to before me this 3 day of Nov 1951

H. A. Walser

Notary Public County Auditor.
Clerk of Courts Register of Deeds

(First Publication Oct. 4, 1951,
API FRIATON OF WATER

Office of the State Engineer
Pierre, So. Dak.,
September 27, 1951.

Notice is hereby given that Lloyd Dunbar whose post office address is Dupree, So. 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 1.3 cubic feet of water per second of time from the Redscalf Creek through the Dunbar Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point S. 60° 30' E., 156' from NW Corner Section 30; and a point E 0° 00', 2270' from SW Corner Section 30, T. 11N, R. 18E. Said water to be used for the purpose of providing irrigation on the following described land:

E½ NW¼, W¼NE¼, E¼SW¼, NW¼SE¼—all in Section 30, T. 11N, R. 18E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 8 day of November, 1951, at 3:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriation action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS,
State Engineer.

(Published October 4-11-15-25)

 **Department of
Water & Natural Resources**

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

237-1

September 14, 1983

Dean Johnson
St Rt Box 92
Faith, SD 57626

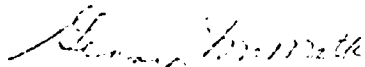
Dear Mr. Johnson:

Enclosed is a copy of Water Right No. 237-1, currently listed in the name of Lloyd Dunbar. As I discussed with Mrs. Johnson on September 13, 1983, the Ziebach County Assessor's Office has you listed as owner of the lands described in Water Right No. 237-1.

Mrs. Johnson stated you have not irrigated since you purchased the land, primarily because there has not been enough water to irrigate with. Under SDCL 46-5-37, a permit holder must beneficially use the water for the purpose it was appropriated at least once every three years in order for the permit to remain valid. However, under the Water Management Board's General Rules, 74:02:01:37.01, Legal excuse for nonuse of water, such as unavailability of water to satisfy a permit or right, or legal proceedings which prevent the use of water, suspends the period of nonuse specified in SDCL 46-5-37.

Please review the enclosed copy of the permit and contact our office as to the status of the permit. Also enclosed is the notice concerning validation of vested water right claims, originally sent to Mr. Dunbar. If you have any questions, please contact me.

Sincerely,



GENNY McMATH
Natural Resources Analyst
605 773-3352

enclosure



 **Department of
Water & Natural Resources**

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

237-1

September 13, 1988

Dean Johnson
St Rt Box 92
Faith, SD 57626

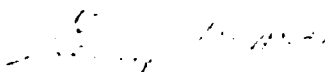
Dear Mr. Johnson:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 237-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,


GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

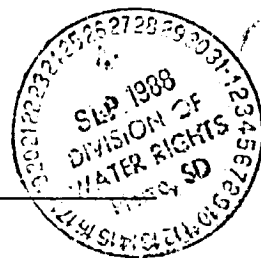


NO. 237-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9-21-88



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

E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30, T11N, R18E

formerly owned by Lloyd Dunbar

has been transferred to Dean or Judith Johnson SR Box 92, Faith, SD 57626

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 237-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Ziebach) ss.

I, Dean Johnson 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.

Dean Johnson
(Signed)

Subscribed and sworn to before me this 21 Day of September, 1988.

My Commission Expires June 22, 1990.

Mary L. Gray
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, September 26, 19__

RECEIVED OF Judith Johnson, SR, Box 52, Faith, SD 57826
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 237-1</u>		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By (Signature)
Chief Engineer JOHN HATCH (ms)

No. 237-1

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

September 27, 1988

Dean or Judith Johnson
SR, Box 92
Faith, South Dakota 57626

Dear Mr. and Mrs. Johnson:

Enclosed is receipt No. 411435 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 237-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

SMIS
Enc.