

1. Considered July 9, 1958 Appl. No. 328-1

2. Name of Applicant T. T. Klein

3. Post Office Address Ma Intosh, South Dakota

4. Amount of water claimed 0.87

5. Source of water supply Dry draw

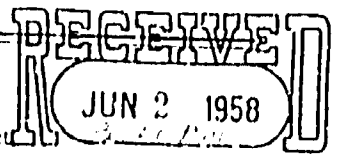
6. Water to be used for for water spreading
Acres to be irrigated 61

7. Water to be diverted and used in Clayton County about
20 miles Southwest of Ma Intosh.

8. Proof of Publication Received ✓
Not Received ✓

9. Application Approved ✓ not out of control
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 328-1Water Division No. 1 Grand River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

472
South of

1. Name of applicant Wickstein THE AMERICAN LUTHERAN CHURCH
Postoffice address Minneapolis, Minn. Intosh County Corson State So. 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)
By contract.(b) Cash on hand, \$ Sufficient

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Govt. cost-share (ACP)2. Name of diversion work Irrigation Project #1
Water spreader Project #13. Amount of water claimed 87 cubic feet per second Or a maximum of 183 Ac. Ft. per season during flood stage.4. Source of water supply Dry draw - surface runoff5. Location of point of diversion SE $\frac{1}{4}$ -NE $\frac{1}{4}$ -Section 30-T.20N.-R.23E. Located 1485 feet south and825 feet west of NE corner of Section 30 on right bank Corson County.6. Annual period or periods during which water is to be used Whenever water is available during
permissible 6 month period.

7. To be used for:

I Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation -gravity(a) Number of acres to be irrigated 61NE $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 30 - 18.1 acs. SE $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 30 - 1.3 acs.
SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 30 - 0.6 acs. NW $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 29 - 4.4 acs.(b) Legal subdivisions to be irrigated NE $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 29 - 8.1 acs. SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -Sec. 29 - 20.5 acs.
(NOTE—A list of lands to be irrigated, giving each subdivision and location with reference to the section, township, range, and county, 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. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Livestock watering.

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

(e) Point where water will be returned to stream

Map No. 245-1

8. Estimated cost of work:

(a) Head Gates, \$ 300.00

(b) Pumping plant, \$-----

(c) Fluming, \$----- (d) Canal-earth, \$ 910.00

Rock, \$-----

(e) Other structures, Dam, division box, culvert, drop structure, land leveling \$ 5500.00

Total, \$-----

9. Description of diversion works:

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

Dam (Reservoir) and ditch

II. Dimensions of works:

(a) Dam: Height 26 feet; length at bottom 630 feet; length at top 770 feet; thickness at bottom 183 feet; thickness at top 20 feet; slope at front water face 1-1; slope at back face 2-1; material used in construction Earth

(b) Reservoir: Capacity when filled 80 acre feet. Surface area at highwater mark 8.8 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY
	See II (b) above		

(c)* Head gate: Width one feet; height one feet; Material Metal (cast iron)

(d) Canal: Total length .39 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.0 Mile	1.0 feet	40.0 feet	44.0 feet	5.3 feet
At .057 Mile	1.0 feet	40.0 feet	44.0 feet	5.3 feet
At .057 Mile	2.5 feet	10.0 feet	20.0 feet	5.3 feet
At .39 Mile	2.5 feet	10.0 feet	20.0 feet	5.3 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 4 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 Corson County News, McIntosh, S.D.

STATE OF SOUTH DAKOTA

County of Corson ss.

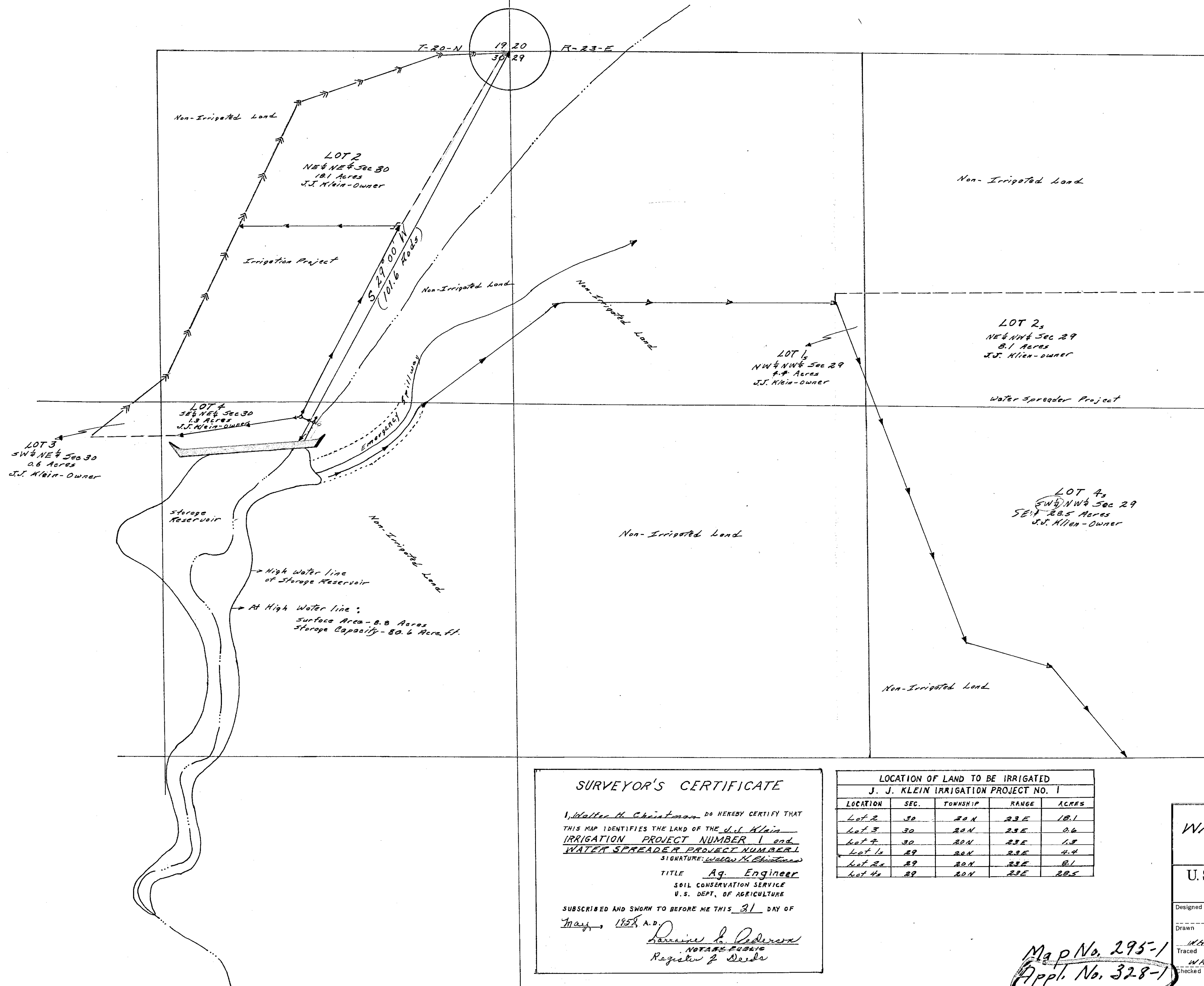
I, J. J. Klein, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed

Subscribed and sworn to before me this 29 day of May 1958.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

I, Walter H. Christman do hereby certify that
this map identifies the land of the J. J. Klein
IRRIGATION PROJECT NUMBER 1 and
WATER SPREADER PROJECT NUMBER 1
SIGNATURE: Walter H. Christman

TITLE Aq. Engineer
SOIL CONSERVATION SERVICE
U.S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31 DAY OF

May, 1958, A.D.

Reverend E. Pedersen
NOTARY PUBLIC
Register of Deeds

LOCATION OF LAND TO BE IRRIGATED J. J. KLEIN IRRIGATION PROJECT NO. 1

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
Lot 2	30	20 N	23 E	18.1
Lot 3	30	20 N	23 E	0.6
Lot 4	30	20 N	23 E	1.3
Lot 1	29	20 N	23 E	4.4
Lot 2	29	20 N	23 E	8.1
Lot 4	29	20 N	23 E	28.5

J. J. KLEIN
IRRIGATION PROJECT
NUMBER 1
Corson County, South Dakota
Scale: 1"=200'

- and -
WATER SPREADER PROJECT
NUMBER 1

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		
Checked		
No. /	Sheet	Drawing No.
of 1		1

Map No. 295-1
Appl. No. 328-1

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw Irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, June 7, 1958

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock 2 p.m. upon the 7 day of June, 1958

State Water Resources Commission

By: J. W. D. Rimer

Chief Engineer, Executive Officer

Number of permit 328-1

Date of first receipt of application June 2, 1958

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 June 2, 1958

Approved July 9, 1958, Recorded in Book 5 Page 2

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 July 9, 1960

2nd. The whole of said work is to be completed on or before July 9, 1962

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

July 9, 1963

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 0.87 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 July 7, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 5 day of August, 1958

State Water Resources Commission

By: J. W. D. Rimer

Chief Engineer, Executive Officer

Certificate of Construction issued DECEMBER 12, 1968

Water License issued DECEMBER 12, 1968

STATE OF SOUTH DAKOTA

WATER LICENSE No. 328-1

WHEREAS, On the 2nd day of June A. D. 1958

J. J. Klein

of McIntosh County of Corson and State of South Dakota duly made application (No. 328-1) to us for a permit to use .87 cubic feet per second of the waters of a dry draw County of Corson, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 5th day of August A. D. 1958

Permit No. 328-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 9th day of

July A. D. 1962 and for the application to beneficial use of said water on or before the 9th day of July A. D. 1963

and, Whereas on the 13th day of November, 1968, the permit was transferred to the American Lutheran Church of Minneapolis, Minnesota, and

WHEREAS, On the 7th day of November A. D. 1968

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.00

cubic feet per second of said waters, as evidenced by our Certificate No. 328.1

dated December 12, 1968 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 3.00 cubic feet per second of water, with date of

priority of June 2, 1958 ~~and~~ and,

WHEREAS, On the 7th day of November A. D. 1968

proof was duly made of the application to beneficial use of .46 cubic feet per second of said water;

for irrigating 32.3 acres in the NE $\frac{1}{4}$, Section 30, T20N, R23E

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 The American Lutheran Church
 of Minneapolis, Minnesota the holder and owner of said permit No. 328-1
 a water right, dating from June 2, 1958 to the use of .46
 cubic feet per second of the waters of a dry draw
 in the County of Corson and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point 101.6 rods S 29°
N. of the NE Corner, Section 30, T20N, R23E
 and conducted to and upon a portion of the NE 1/4, Section 30, T20N, R23E
 for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

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 seal of our office at Pierre, South Dakota,
 this 12th day of December A. D. Nineteen
 Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 328-1Water Division No. 1 GRAND RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The American Lutheran Church

of Minneapolis, County of Hennepin, and State of Minnesota, the holder of Permit No. 328-1, issued upon Application No. 328-1 bearing date of priority of June 2, 1958, authorizing the diversion of .87 cu. ft. per second of the waters of a dry draw County of Corson, State of South Dakota, at a point 101.6 rods, S. 29⁰ W of the N E Corner, Section 30, T20N, R23E, for irrigation

purposes, has fully 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 3.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in Section 30, T20N, R23E

NE¹/₄ NE¹/₄ 30.1 acres

SE¹/₄ NE¹/₄ 1.6 acres

SW¹/₄ NE¹/₄ 0.6 acres

Total 32.3 acres

Witness my hand this 12 th day of December A. D. 19 68

State Water Resources Commission

By:

J.W. GILMER
Chief Engineer, Executive Officer

Permit No. 328-1

Water Division No. 1 GRAND RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~to the State Water Resources Commission, Pierre, South Dakota:~~
 I have this day made a thorough examination of the diversion works constructed by
 J.J. Klein of McIntosh
 Corson County, South Dakota, holder of Permit No. 328-1, issued
 upon Application No. 328-1, bearing date of priority of June 2, 1968, 19____, authorizing the
 diversion of 0.87 cu. ft. per second of the waters of dry draw surface runoff for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Dry draw, earth dam, 23' high, Reservoir surface
 area 3.8 acres, with capacity of 30 acre-feet. Draw down structures -
 several hundred feet of 12 inch underground culvert - 1/2 mile ditches -
 level and diked land.

and the system is in the following condition: structure fair, land very good

The point of diversion is located as shown on Water Right Map No. 295-1

The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water,
 which is to be used for Irrigation

The legal sub-divisions to be irrigated are: as reported by Mr. Klein.

All in Section 20, T20N, R23E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.1 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.6 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.6 acres comprising a total of 32.3 acres of land.

The domestic use intended comprises livestock watering

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 7th day of November, A. D. 1968

-SEAL-

Donald D. McColl
 DONALD D. MCCOLL, Deputy Chief Engineer
 Water Resources Commission

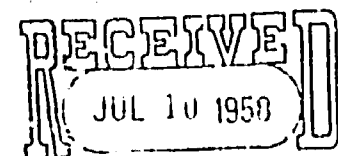
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Corson } ss.

Merle E. Lofgren being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Corson County News 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 McIntosh, County of Corson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 12, 1958June 19, 1958June 26, 1958July 3, 1958

in each and every issue of the full number thereof, the first publication being made on the 12 day of June 1958 and the last publication on the 3 day of July 1958, 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.

Merle E. LofgrenSubscribed and sworn to before me this 8 day of July A. D. 1958STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAOffice of State Water Resources
Commission,

Pierre, S. Dak. June 7, 1958

Notice is hereby given that J. J. Klein, whose postoffice address is McIntosh, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.87 cubic feet of water per second of time from a dry draw through the Water spreader project 1, the point of diversion which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30 Twp. 20 N Range 23 E. Said water to be used for the purpose of providing irrigation on parts of the following described land:

E $\frac{1}{2}$ and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 30; E $\frac{1}{2}$ and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 29; all in T 20 N, R 23 E. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958, at 2:00 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 J. W. Grimes Chief Engineer
Executive Officer
June 12, 19, 26 July 3Bernard MattenNotary Public Corson County, S. D.

(First Publication before June 12, 1958)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., June 7, 1958

Notice is hereby given that J. J. Klein whose postoffice address is McIntosh 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 0.87 cubic feet of water per second of time from the a dry draw through the Water Spreader Project #1, the point of diversion of which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30 parts of Twp. 20 N. Range 23 E. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 30; E $\frac{1}{2}$ and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 29; all in T. 20 N., R. 23 E.

and for irrigation

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958 at 2:00 p.m. All interested persons may appear and be heard.

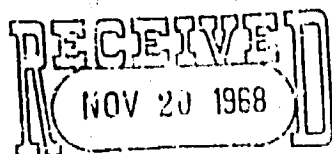
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

cc: Mr. Merle E. Lofgren, Publisher
The Corson County News
McIntosh, South Dakota



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

November 13, 1968

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that J.J. Klein

who previously owned the land described below has sold his interests to The American Lutheran Church, 422 South Fifth Street, Minneapolis, Minnesota

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 328-1
and as provided for in section 61 (141) of the SDC of 1939 and elsewhere in the NE 1/4 of Section 30,
T 20N, R23E

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 551806 of the SDC of 1939.

STATE OF ~~SOUTH DAKOTA~~ MINNESOTA

County of Hennepin

I, Ed G. Myhre, Assistant Executive Secretary, Board of Trustees, The American Lutheran Church, 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.

Signed Ed G. Myhre

Subscribed and sworn to before me this 15th day of November, 1968.

Betty J. Anderson
Notary Public

BETTY J. ANDERSON
Notary Public, Hennepin County, Minn.
My Commission Expires Aug. 24, 1974.

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**