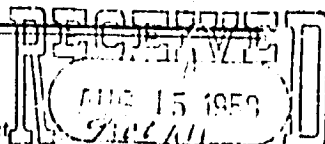


1. Considered September 17, 1958 Appl. No. 308-1
2. Name of Applicant Walter E. Hamilton
3. Post Office Address Marine South Dakota
4. Amount of water claimed 0.68 to 1.68 mcs. to each
5. Source of water supply 12.5 mcs. K
6. Water to be used for irrigation
Acres to be irrigated 124
7. Water to be diverted and used in Butte County about
50 miles west of Butte.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 338-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

District Moreau RiverSTATE 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.)

1. Name of applicant DALE E. HAINESPostoffice address MAURINE, County PERKINS, 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 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)

CONTRACT AND DIRECT LABOR(b) Cash on hand, \$ 800.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ 1600.002. Name of diversion work HAINES SPREADER DAM NUMBER 13. Amount of water claimed 0.69 cubic feet per second PLUS FLOOD WATER4. Source of water supply DEER CREEK5. Location of point of diversion S82° - 43' W. 1,632' FROM THE SOUTH EAST CORNEROF SIXTY-THREE BHM on BOTH bank PERKINS County.6. Annual period or periods during which water is to be used SPRING, SUMMER AND FALL

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? SPREADER IRRIGATION(a) Number of acres to be irrigated 48.00 acres.(b) Legal subdivisions to be irrigated SEE ATTACHED SURVEY

(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.) NONE

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

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

305-1
Map No.

8. Estimated cost of work:

(a) Head Gate, \$ 500.00 (b) Pumping plant, \$ _____
 (c) Dam, \$ 1500.00 (d) Canal-earth, \$ _____ Rock, \$ _____
 (e) Other structures, \$ 400.00 Total, \$ 2400.00

9. Description of diversion works:

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

DAM WILL BACK UP WATER OVER AREA TO BE IRRIGATED AND HOLD IT THERE UNTIL RELEASED THROUGH GATE IN BOTTOM OF DAM

II. Dimensions of works:

(a) Dam: Height 19.5 feet; length at bottom 100 feet; length at top 47.5 feet; thickness at bottom 1.30 feet; thickness at top 1.2 feet; slope at front water face 4:1; slope at back face 2:1; material used in construction EARTH
 (b) Reservoir: Capacity when filled 140 acre feet. Surface area at highwater mark 48.09 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
13.5	48	140
10.0	35	60
7.0	3	7

(c) * Head gate: Width SEE ATTACHED SHEET feet; height feet; Material _____

(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 5 years.

11. Time required for complete application of water to the proposed beneficial use 7 years.

12. Choice of newspaper for publication of notice of intention to appropriate _____
 BISON COURIER

STATE OF SOUTH DAKOTA
 County of _____ } ss.

I, Dale E. Haines, 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 Dale E. Haines

Subscribed and sworn to before me this 22 day of July 1951

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

MAP OF D.E. HAINES PROPOSED SPREADER IRRIGATION PROJECT

IN PARTS OF NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ SE $\frac{1}{4}$ ALL IN
S17 T13 N R13 E BHM AND IN NE $\frac{1}{4}$
NW $\frac{1}{4}$ AND NW $\frac{1}{4}$ NE $\frac{1}{4}$ BOTH IN
S20 T13 N R13 E BHM.

SCALE 1"=200'

LEGEND:

HIGH WATER LINE AND BOUNDS
OF SPREADER IRRIGATION }
CREEK CHANNEL }
SECTION LINES }
 $\frac{1}{4}$ LINES }
 $\frac{1}{16}$ LINES }
POINT OF DIVERSION }

SURVEYOR'S CERTIFICATE:

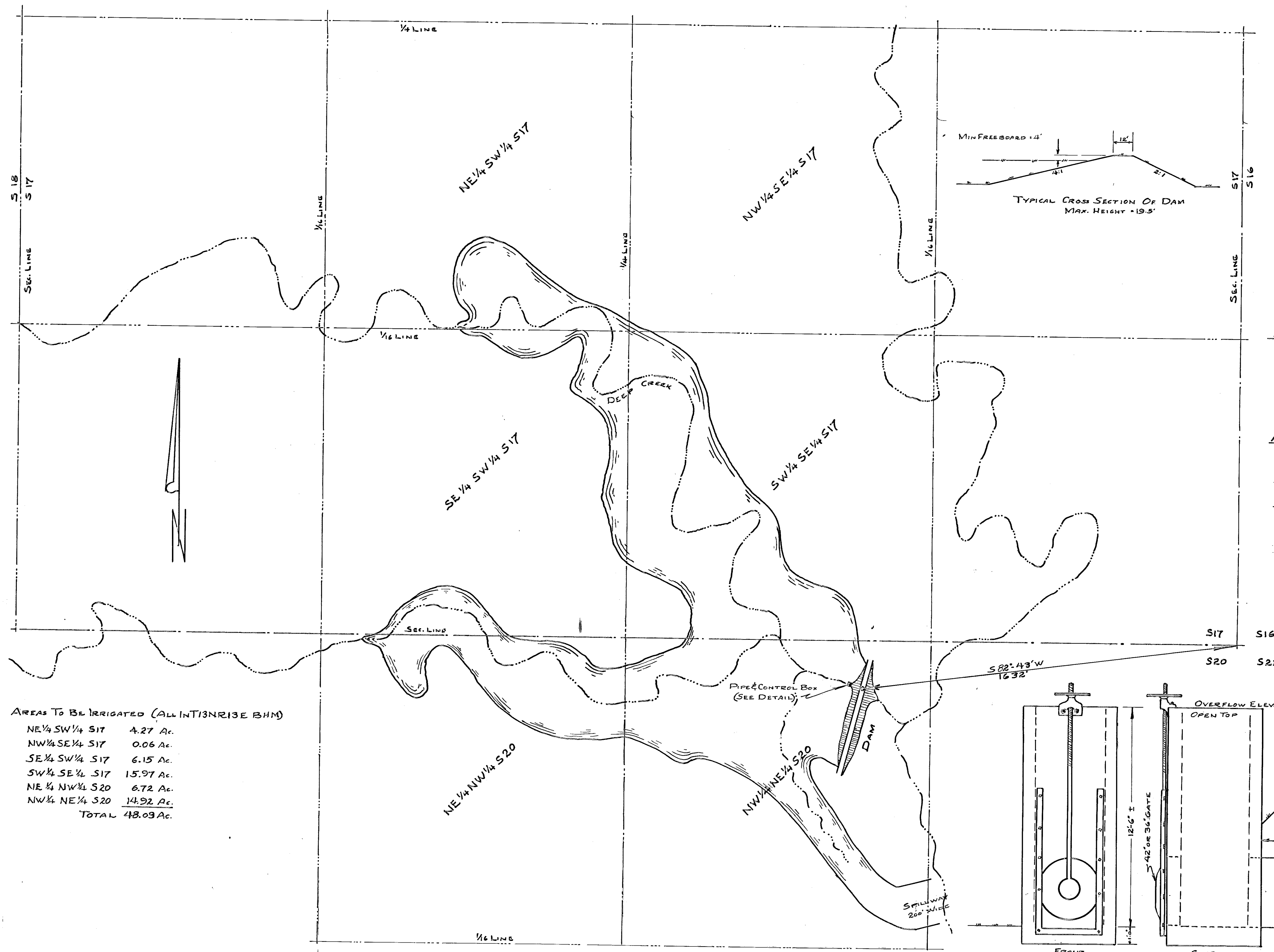
I, FRANK R. BRADY, REGISTERED LAND SURVEYOR,
DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE
OWNER I HAVE SURVEYED THE PROPOSED IRRI-
GATION PROJECT AS SHOWN ON THIS MAP.
THE BEARINGS, ANGLES AND DISTANCES ARE
AS SHOWN

Frank R. Brady

ACKNOWLEDGMENT OF SURVEYOR:

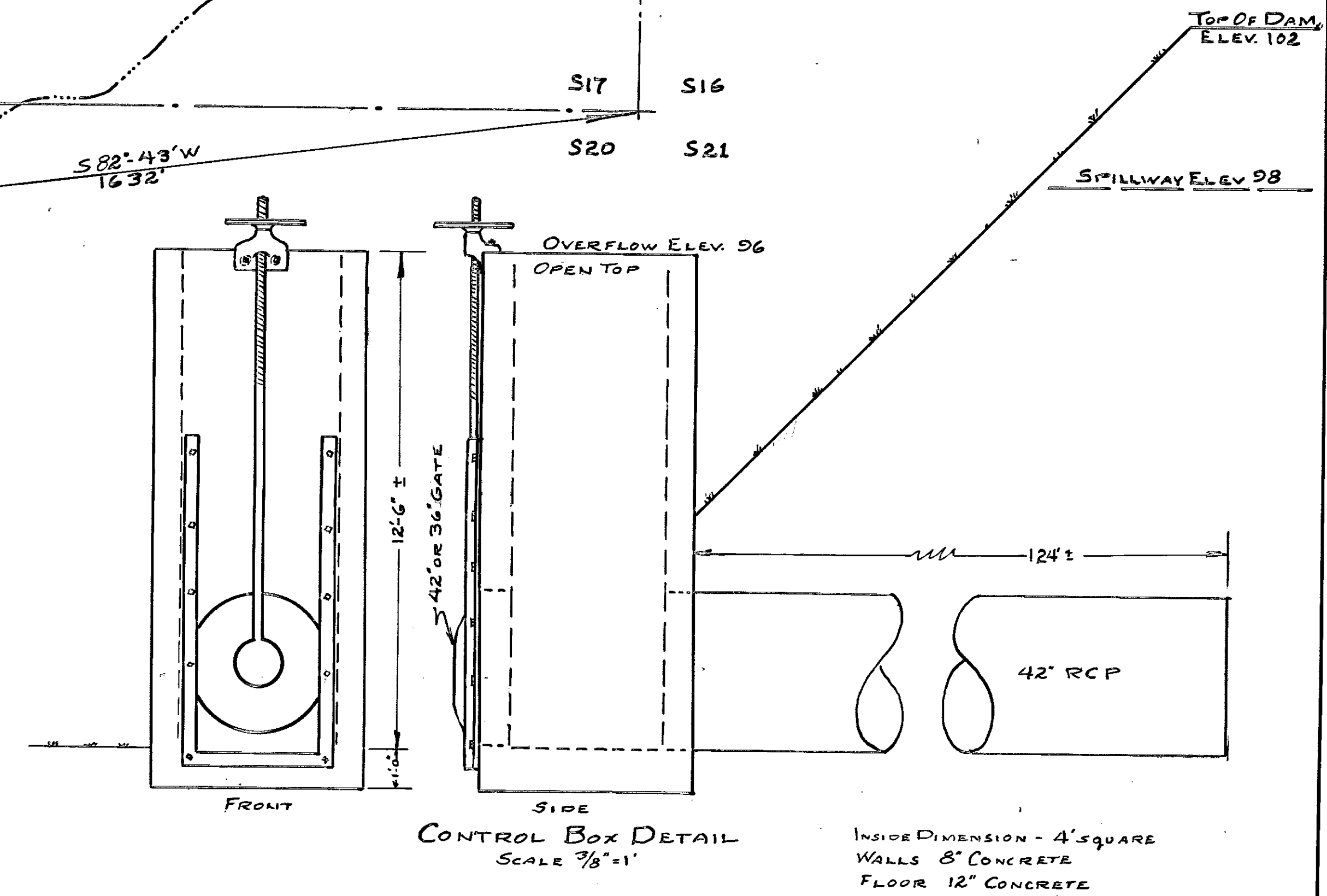
BE IT KNOWN THAT ON THIS DAY OF
1958 BEFORE ME, THE UNDERSIGNED PER-
SONALLY APPEARED FRANK R. BRADY
KNOWN TO ME TO BE THE PERSON WHO EXECUTED
THE ABOVE CERTIFICATE.
MY COMMISSION EXPIRES 8-17-58

H. H. Shaw
NOTARY PUBLIC



AREAS TO BE IRRIGATED (ALL IN T13 N R13 E BHM)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ S17	4.27 Ac.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ S17	0.06 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ S17	6.15 Ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ S17	15.97 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ S20	6.72 Ac.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ S20	14.92 Ac.
TOTAL	48.03 Ac.



Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, August 18, 1958

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

9 m. upon the 15 day of August, 1958

State Water Resources Commission

By:

Jed Rimer

Chief Engineer, Executive Officer

Number of permit 338-1

Date of first receipt of application August 15, 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 August 15, 1958

Approved September 17, 1958, Recorded in Book 5 Page 31

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 _____

March 17, 1961

2nd. The whole of said work is to be completed on or before September 17, 1963

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

September 17, 1965

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 0.68 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 September 17, 1965; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 10 day of October, 1958

State Water Resources Commission

By:

Jed Rimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

SEPTEMBER 20

Water License Issued

SEPTEMBER 20

APPLICATION FOR PERMIT
HAINES SPREADER DAM NUMBER 1

7.

1.

(B) LEGAL SUBDIVISIONS TO BE IRRIGATED

NE 1/4 SW 1/4 S17 - 4.27 ACRE

NW 1/4 SE 1/4 S17 - 0.06 ACRE

SE 1/4 SW 1/4 S17 - 6.15 ACRE

SW 1/4 SE 1/4 S17 - 15.97 ACRE

NE 1/4 NW 1/4 S20 - 6.72 ACRE

NW 1/4 NE 1/4 S20 14.92 ACRE
TOTAL 48.09 ACRE

ALL IN T13N R13E BHM.

9.

1. NATURE OF WORKS.

THE WORKS CONSIST OF A DAM ACROSS DEEP CREEK WHICH WILL BACK UP FLOOD WATERS TO FLOOD IRRIGATE 48.09 ACRES BELOW THE LEVEL OF THE OVERFLOW STRUCTURE. THE OVERFLOW STRUCTURE IS TO BE AN OPEN TOP FOUR FOOT SQUARE BOX WITH A GATE AT THE LEVEL OF THE BOTTOM OF THE DAM. AFTER WATER LEVEL REACHES THE TOP OF THE BOX IT WILL OVERFLOW INTO THE BOX AND THROUGH A 42" CONCRETE PIPE THROUGH THE DAM. THERE IS TO BE A 200 FOOT WIDE EMERGENCY SPILLWAY TWO FEET HIGHER THAN THE TOP OF THE OVERFLOW STRUCTURE. THE TOP OF THE DAM IS TO BE FOUR FEET ABOVE THE SPILLWAY.

AFTER THE WATER HAS BEEN HELD ON THE LAND TO BE IRRIGATED A SUFFICIENT LENGTH OF TIME, PROBABLY NOT MORE THAN TWO OR THREE DAYS, THE GATE IN THE BOTTOM OF THE OVERFLOW STRUCTURE WILL BE OPENED AND THE DAM DRAINED COMPLETELY.

IT IS NOT INTENDED THAT ANY WATER WILL BE STORED FOR MORE THAN TWO OR THREE DAYS.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 338-1

(1) WHEREAS, On the 15th day of August A. D. 19 58
Dale E. Haines

made Water Right Application No. 338-1 for a permit to use .68 cubic feet per second of the waters of Deep Creek

County of Perkins, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 10th day of October A. D. 19 58
 Permit No. 338-1, with a date of priority of August 15, 1958

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 17th day of September A. D. 19 63 and for the application to beneficial use of said water on or before the 17th day of September A. D. 19 65

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 .68 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 T13N, R13E

description		Acres
Section 17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6
Section 20	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14
Total		49 Acres

(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 Fairview Ranch, Inc.

_____ of Maarline, S.D.
the holder _____ and owner _____ of said permit No. 338-1 a water right, dating from August 15, 1958
_____ to use of .68 cubic feet per second of the water
of Deep Creek

in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point South 82° 43' West, 1632 feet from the SE
Corner, Section 17, T13N, R13E

and conduct to and upon portions of Sections 17 and 20, T13N, R13E, described on the face
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 338-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of September A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. CRILES

Form 15.

Permit No. 338-1

Water Diversion No. 1 MOREAU RIVER Water District

CERTIFICATE OF CONSTRUCTION

Fairview Ranch, Inc.

This is to Certify, That

_____ the holder _____ of
Permit No. 338-1, issued upon Application No. 338-1, bearing date of priority of August 15,
1958 authorizing the diversion of .68 cu. ft. per second of the waters of _____
Deep Creek _____ County of Perkins, State of South Dakota at _____
a point South 82° 43' West, 1632 feet from the SE Corner, Section 17,
T13N, R13E
_____ 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 up to 50 cu. ft. per second of water.

Date September 20, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 338-1Water Division 1 MOREAU RIVER 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 Dale E. Hainesof Maurine, South Dakota holderc. Permit No. 338-1, hearing date of priority of August 15, 1958authorizing the diversion of 0.68 cu. ft. per second of the waters of Deep Creek
for flood irrigation purposes, in Perkins 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:

Earth Dam

Concrete inlet structure 6' x 6' x 18' high with 60" slide gate on front.
100 feet of 60" diameter culvert through dam

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

Gate is closed and dam allowed to fill

C. Works used to apply water to beneficial use.

Land flooding

The system is in the following condition: Very GoodThe point of diversion is located S. 82° 43' West, 1632 ft. from the SE Corner of Sec. 17,
T13N, R13EThe works are capable of diverting and conveying to the place of use up to 50
cu. ft. per second of water which is to be used for flood irrigationWater has been put to beneficial use to the maximum extent as follows. All in T13N, R13E

Section 17	Acres	Section 20	Acres
NE 1/4 SW 1/4	5	NE 1/4 NW 1/4	7
NW 1/4 SE 1/4	1	NW 1/4 NE 1/4	14
SE 1/4 SW 1/4	6		

SW 1/4 SE 1/4 16comprising a total of 49 acres of land.Date June 10, 1971

Donald D. Driecoll
(Signature)

DONALD DRIECOLL, Deputy Chief Eng'r., W.R.C.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County PERKINS } ss.

Lloyd I. Sudlow being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Bison Courier 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 Bison County of Perkins and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 21-28, 1958
September 4-11, 1958

in each and every issue of the full number thereof, the first publication being made on the 21 day of August 1958 and the last publication on the 11 day of September 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.

Lloyd I. Sudlow

Subscribed and sworn to before me this 11 day of September A. D. 1958.

Adria B. Sudlow

Notary Public Perkins County, S. D.
 Commission Expires 3/12/59

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak.
 August 28, 1958, No. 338-1
 Notice is hereby given that Dale E. Sudlow, whose postoffice address is Bison, 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 0.69 cubic feet of water per second of time from Deep Creek through the Haines Spreader Dam No. 1, the point of diversion of which is to be located on both banks of said stream in the NW 1/4 of the NE 1/4 of Section 20, Twp. 17, Range 12, said water to be used for the purpose of providing irrigation on part of the following described land: 1/4 NW 1/4 and 1/4 NE 1/4 Sec. 20, T. 17, R. 12, NE 1/4 and NW 1/4 Sec. 20, T. 17, R. 12, S. 12.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of September, 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: Les Wyborny, Water Rights Engineer A-21

RECEIVED
 SEP 15 1958
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

(First Publication before Aug. 22, 1958.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 18, 1958

Notice is hereby given that Dale E. Haines whose postoffice address is Maurine 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 0.69 cubic feet of water per second of time from the Deep Creek through the Haines Spreader Dam #1, the point of diversion of which is to be located on both bank^s of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20 parts of Twp. 13 Range 13. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20 all in T 13 N, R 13 E.

~~XXXX~~~~XXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

cc Mr. Lloyd I. Sudlow, Publisher
The Bison Courier
Bison, South Dakota

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**