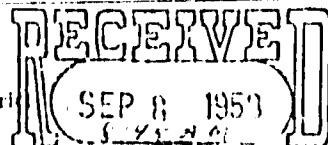


Water Division No. 32-1 Morgan River District
(blank to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

I. Name of applicant Harold Dutton

Postoffice address Faith County Perkins State S. Dak.

1. ~~IF APPLICABLE~~

- (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)

Employment of others

(b) Cash on hand, \$ Already built

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Govt. Cost Share

2. Name of diversion work Harold Dutton Maher Spradler System 1

3. Amount of water claimed XXXXX 0.47 cubic feet per second XXXXX Acre feet (99.0)

4. Source of water supply surface runoff from local watershed

5. Location of point of diversion N53 degrees and 30 minutes West, 52 rods from the SE Corner
Section 16-T14n-R12E, B1E on both banks Perkins County.

6. Annual period or periods during which water is to be used during flood flow or whenever available
during annual period of use.

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation, Gravity

(a) Number of acres to be irrigated XXXX 33 acres.

(b) Legal subdivisions to be irrigated 18 Acres-Lot 3 Sub 18E4
10 Acres-Lot 3 Sub 18E4 All 3 Subdivisions are in Sec. 16-14-12
6 Acres-Lot 4 Sub 18E4

(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.)

III. ~~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

146-1
146-1
Map

8. Estimated cost of work:

(a) Head Gates, \$.....

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

(c) Fluming, \$.....

(d) Canal earth, \$.....

Rock, \$.....

(e) Other structures Dam and tube with Gate \$ 2500.00.

Total, \$.....

9. Description of diversion works:

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

Dam is to intercept flow and back water up to cover irrigable area.

II. Dimensions of works:

(a) Dam: Height 14.0 feet; length at bottom 200 feet; length at top

598 feet; thickness at bottom 74 feet; thickness at top 10

feet; slope at front water face 4:1; slope at back face 2:1

material used in construction earth

Surface area at highwater mark acres.

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

(c) Head gate: Width feet; height feet;

Material

(d) Canal: Total length 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 reduction in size is made.)

10. Time required for completion of work ~~12~~ Completed years.11. Time required for complete application of water to the proposed beneficial use ~~12~~ years.

12. Choice of newspaper for publication of notice of intention to appropriate

Bison Courier

STATE OF SOUTH DAKOTA

County of DeWitt

ss.

I, Harold Dutton, 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.

X Signed

Harold Dutton

Subscribed and sworn to before me this

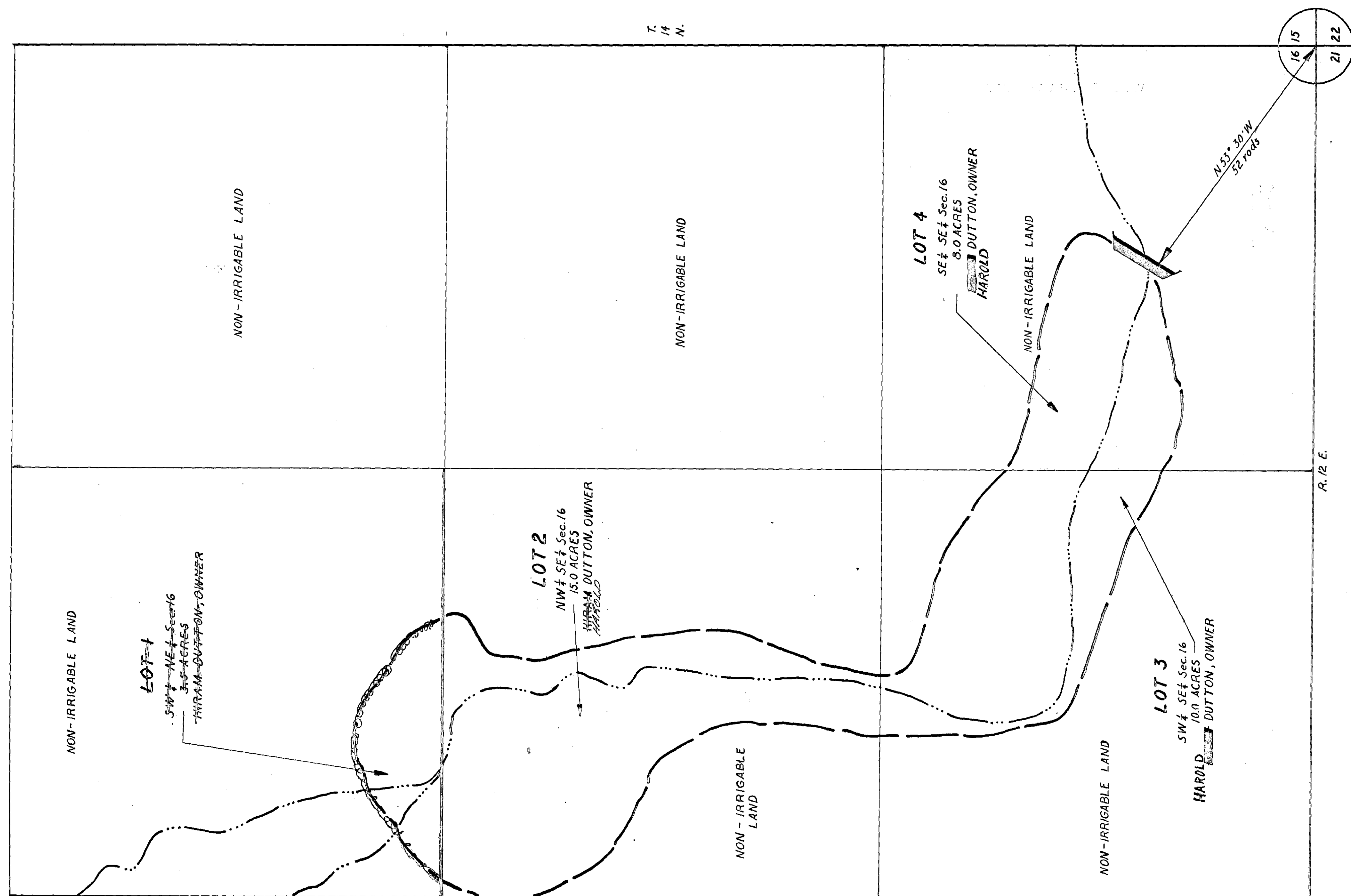
5th

day of Sept

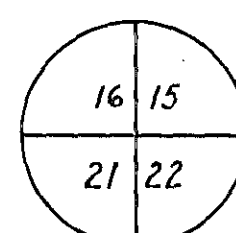
1958

Marion G. Norton

Notary Public (or other qualified officer.)



LEGEND



Four section corner



Intermittent stream



Irrigable boundary

SURVEYOR'S CERTIFICATE

I, W. H. Christman DO HEREBY CERTIFY THAT

THIS MAP IDENTIFIES THE LAND OF THE Harold Dutton Water Spreader System 1

SIGNATURE: Walter H. Christman

TITLE: As Sup. SCS

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF

Sept, 1958, A.D.

John P. Dill
NOTARY PUBLIC

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 - LOT 2	16	14N	12E	15.0
SW 1/4 - LOT 3	16	14N	12E	10.0
SE 1/4 - LOT 4	16	14N	12E	8.0
TOTAL ACRES				33.0

Scale: 1" = 200'

HAROLD DUTTON
WATER SPREADER SYSTEM 1

Perkins County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>W.H.C.</u>	Date <u>Sept 2, 1958</u>
Drawn <u>W.H.C.</u>	Approved by <u>W.H. Christman</u>
Traced <u>W.H.C.</u>	Title <u>As Sup. SCS</u>
Checked <u>W.H.C.</u>	Sheet <u>7</u> Drawing No. <u>1</u>

Remarks by State Water Resources Commission:

"Vested Right" claimed

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, October 1, 1958

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock a.m. upon the 8 day of September, 1958

State Water Resources Commission

By:

J. W. Rimes
Chief Engineer, Executive Officer

Number of permit 351-1

Date of first receipt of application September 8, 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 1957, 1957

Approved October 1, 1958, Recorded in Book 5 Page 62

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 Completed, 19____

2nd. The whole of said work is to be completed on or before Completed, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 19____

4th. The water appropriated shall be used for _____ 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 2.47 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 Completed, 19____; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 16 day of December, 1958

State Water Resources Commission

By:

J. W. Rimes
Chief Engineer, Executive Officer

Certificate of Construction Issued December 16, 1958

Water License Issued December 16, 1958

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 351-1 . . .

WHEREAS, On the 8th day of September A. D. 1958

Harold Dutton

of Paith County of Perkins and State of South Dakota duly made application (No. 351-1) to us for a Vested Right 0.47 cubic feet per second of the waters of a dry draw County of Perkins State of South Dakota, for irrigation purposes; and

WHEREAS, On the 16th day of December A. D. 1958
Vested Right recognizing
 Permit No. 351-1 was issued to said applicant for the diversion of said water, and ~~XXXXXX~~
 completion of the works of diversion therein described ~~XXXXXXXXXX~~ ~~XXXXXX~~
in June 1957 ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water on ~~XXXXXX~~ ~~XXXXXX~~ in June 1957 ~~XXXXXX~~
 and,

WHEREAS, On the 8th day of September A. D. 1958
Vested Right
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.47
cubic feet per second of said waters, as evidenced by our Certificate No. 351-1
 dated December 16, 1958 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.47 cubic feet per second of water, with date of
 priority of June 1957 and, and,

WHEREAS, On the 8th day of September A. D. 1958
 proof was duly made of the application to beneficial use of 0.47 cubic feet per second of said water;
on 33 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T 14 N,
R 12 E more particularly described in Certificate of Completion
of Works No. 351-1

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 Harold Dutton
 of Faith, South Dakota the holder and owner of said Veated Right permit No. 351-1
 a water right, dating from June 1957 to the use of 0.47
 cubic feet per second of the waters of a dry draw
 in the County of Parkins and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at 52 rods, N 53° 30' W of
the SE Cor., Sec. 16, T 14 N, R 12 E BHM
 and conducted to and upon S 1/2 SE 1/4 and NW 1/4 Sec. 16, T 14 N, R 12 E more
particularly described in Certificate of Completion of Works No. 351-1
 for the purpose of irrigation

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 16th day of December A. D. Nineteen
 Hundred and Fifty-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. 351-1

Water Division No. 1-----
Moreau River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Harold Dutton

of Faith, County of Perkins, and State of South Dakota, the holder of Permit No. 351-1, Issued upon Application No. 351-1, bearing date of priority of June 1957, authorizing the diversion of 0.47 cu. ft. per second of the waters of a dry draw

County of Perkins, State of South Dakota, at 52 rods, N 52° 30' W of the SE Cor., Sec. 16, T 14 N, R 12 E B1M, 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 0.47 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: NW 1/4 Sec. 16)	15 acres
SW 1/4 Sec. 16) all in Sec. 16, T 14 N, R 12 E	10 acres
SE 1/4 Sec. 16)	8 acres
Total	33 acres

Witness my hand this 16th day of December A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 367-1

Water Division No. 1 Nebraska Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Harold Datton, Faith, S. Dak., rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. No.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Application for permit to appropriate water is being submitted along with this form 24, Vested right.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water is surface run off from local watersheds and the point of diversion is N53 degrees and 30 minutes West and 52 rods from the SE Corner of Section 16-T14N-R12E, BHM

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. The dam which is used to intercept bushy creek, holds the water back onto the land to be irrigated. The length of dam is 398 feet and height is 14.0 feet. The amount of water required is 0.47 CFS or the equivalent of 99.0 Acre feet (3.0 Acre feet per Acre) There are no canals since the dam backs the water upon the land. Date of completion was June of 1957.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is to be used for gravity irrigation. Place of use is Lot 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15 Acres, and Lot 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, 10 Acres and Lot 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$, 8 Acres, all of which are located in Section 16-T14N-R12E

~~XXXXXX~~ If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. ~~XXXXXX~~

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 99.0 Acre feet for 53 acres at 3.0 Acre feet per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. ~~XXXXXX~~

June 1957 (see page 5)
Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Water has been used whenever it has been available during annual period of use. Water is available when ever runoff occurs. It has been used to the amount of the rate of intake of the soil for a period of two days being the amount of time that the water is allow to remain on the land. 36 inch tube with gate thru dam drains water off.

X (Sign) Herald Dutton

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche, County of Butter

State of South Dakota, on this 5th day of September A. D. 1957

Witnesses. Marion C. Dutton
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

John Wells
Deputy Blumberg

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ C. F. S.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

351/

SOUTH DAKOTA

VESTED WATER RIGHT NO. 351-1 FOR IRRIGATION

Date of Receipt of Claim September 8, 1958.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 351-1 for irrigation purposes for Harold Dutton, St Rt, Box 58, Faith SD 57626 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 351-1 appropriates 0.47 cubic feet of water per second from a dry draw located in the SE 1/4 SE 1/4 Section 16 to irrigate 33 acres located in the S 1/2 SE 1/4 and the NW 1/4 SE 1/4 Section 16; all in T14N-R12E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is June 1, 1957.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The diversion rate limitation of 1 cubic foot of water per second for each 70 acres to be irrigated shall not apply to this dry draw irrigation diversion 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.

WATER MANAGEMENT BOARD

By: John Katch
John Katch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

JUN 11 1993
date

351-1



MAY 11 1993

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Harold Dutton
St Rt, Box 58
Faith SD 57626

Dear Mr. Dutton:

The Water Management Board has validated the enclosed Vested Water Right No. 351-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure