

1. Considered June 17, 1957 Appl. No. 377-1
2. Name of Applicant George E. K
3. Post Office Address Newell North Dakota
4. Amount of water claimed 1.2 115 max
5. Source of water supply Deep drilled
6. Water to be used for irrigation
Acres to be irrigated 215
7. Water to be diverted and used in North County about
6-8 miles of section 12.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
10. Remarks

No. 377-1Water Division No. 1 Nebraska River District 1
(Blank to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant FRY, GEORGE
Postoffice address Howell, County Butte, State SD

1. 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)

CONTRACTOR AND OWNERS

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work GEORGE FRY NEBRASKA RIVER DIVERSION3. Amount of water claimed 1.2' cubic feet per second4. Source of water supply NEBRASKA RIVER5. Location of point of diversion CLARKES, N 78° 00' E of S.W. cornerof Sec. 1, T. 12 N., R. 24 E. on WEST bank BUTTE County.6. Annual period or periods during which water is to be used APRIL 1 - NOVEMBER 1

7. To be used for:

1. Irrigation or domestic use: Gravity overhead sprinkling or combination system?
- GRAVITY OVERHEAD

(a) Number of acres to be irrigated 80.5 acres.(b) Legal subdivisions to be irrigated REFER TO ATTACHED SHEET

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

(a) Nature of use STOCK 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 _____

Map No. 375-1

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$-----
 (e) Other structures Earth Dam \$ 2800.00
 (b) Pumping plant, \$-----
 (d) Canal earth, Ditches \$ 2325.00
 Rock, \$-----
 Total, \$ 5125.00

9. Description of diversion works:

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

Irrigation Dam, Spreader & Converter ditches diversion dikes.

II. Dimensions of works:

(a) Dam: Height 22.6 feet; length at bottom 481 feet; length at top 104 feet; thickness at bottom 4.1 feet; thickness at top 2.1 feet; slope at front water face 4:1; slope at back face 2:1
 material used in construction Earth
 (b) Reservoir: Capacity when filled 59.0 acre feet. Surface area at highwater mark 6.1 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	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 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 benefit 4 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Valley Irrigator - Newell, S. Dakota

STATE OF SOUTH DAKOTA

County of Butte } ss.

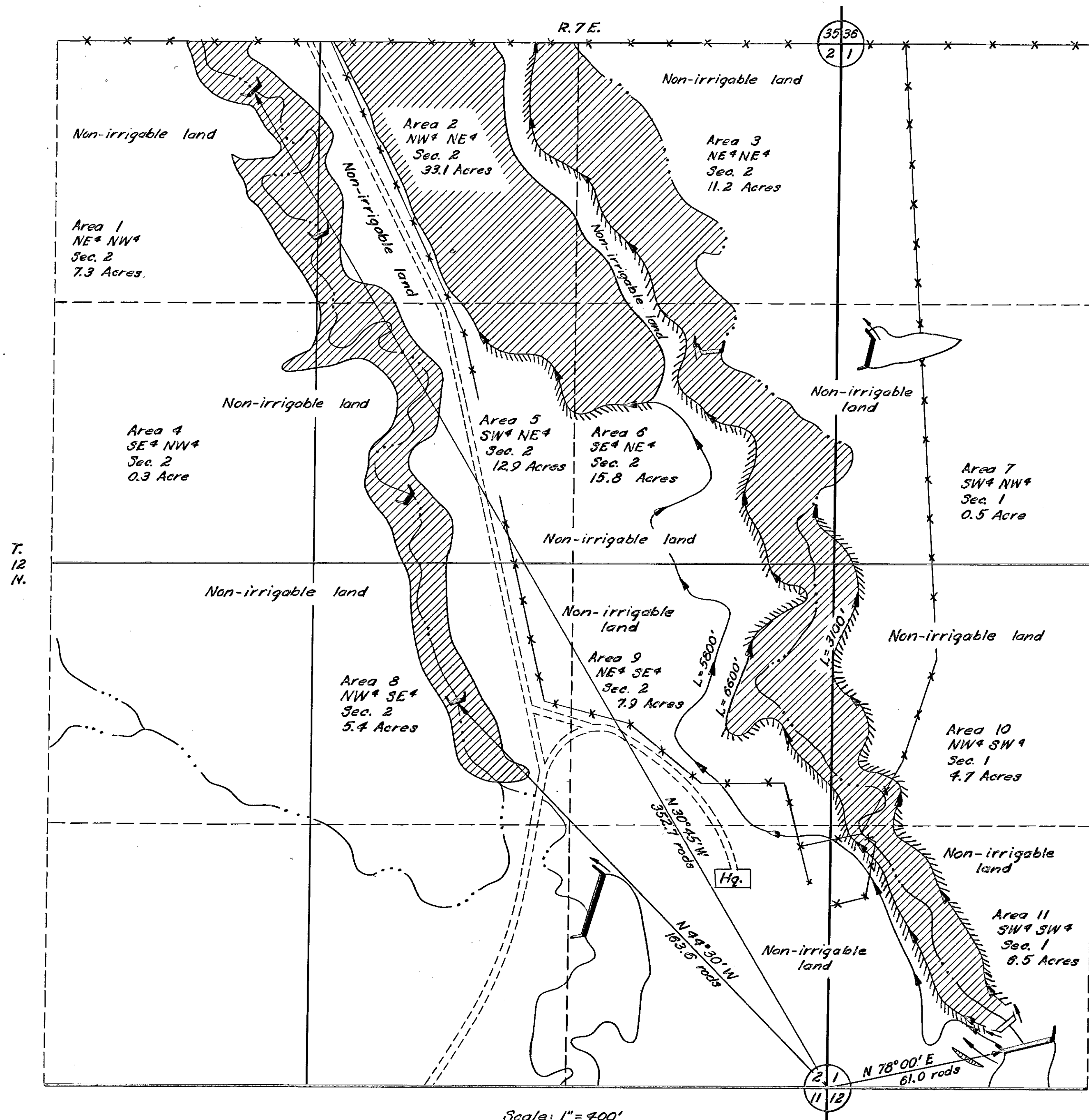
I, George L. Erh being first duly sworn
 do hereby depose and say: That my relation to the above described undertaking is that of owner, that I have
 read the above foregoing statement, examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters therein stated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

Signed George L. Erh

Subscribed and sworn to before me this 5 day of July 1957

O. Roy H. Eisman
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LEGEND:

- Supply ditch (Proposed)
- Spreader ditch (Proposed)
- × × Fence line
- Private road
- Structure (Proposed)
- Structure (Constructed)
- Hq. Headquarters
- Land to be irrigated

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
AREA 1	2	12N	7E	7.3
AREA 2	2	12N	7E	33.1
AREA 3	2	12N	7E	11.2
AREA 4	2	12N	7E	.3
AREA 5	2	12N	7E	12.9
AREA 6	2	12N	7E	15.8
AREA 7	1	12N	7E	.5
AREA 8	2	12N	7E	5.4
AREA 9	2	12N	7E	7.9
AREA 10	1	12N	7E	4.7
AREA 11	1	12N	7E	6.5
TOTAL				105.6

All lands described are owned by George Erk

SURVEYOR'S CERTIFICATE

I, DWAYNE E. KORNAD, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE GEORGE ERK WATERSPREADING PROJECT #1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BUTTE COUNTY SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwayne E. Kornad

TITLE: Engineer

U. S. DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5 DAY OF February

1952, A.D.

Roy H. Edmister

NOTARY PUBLIC Butte Co., Texas.

MY COMMISSION EXPIRES Dec. 31, 1950.

GEORGE ERK WATERSPREADING PROJECT NUMBER 1

Butte County, South Dakota

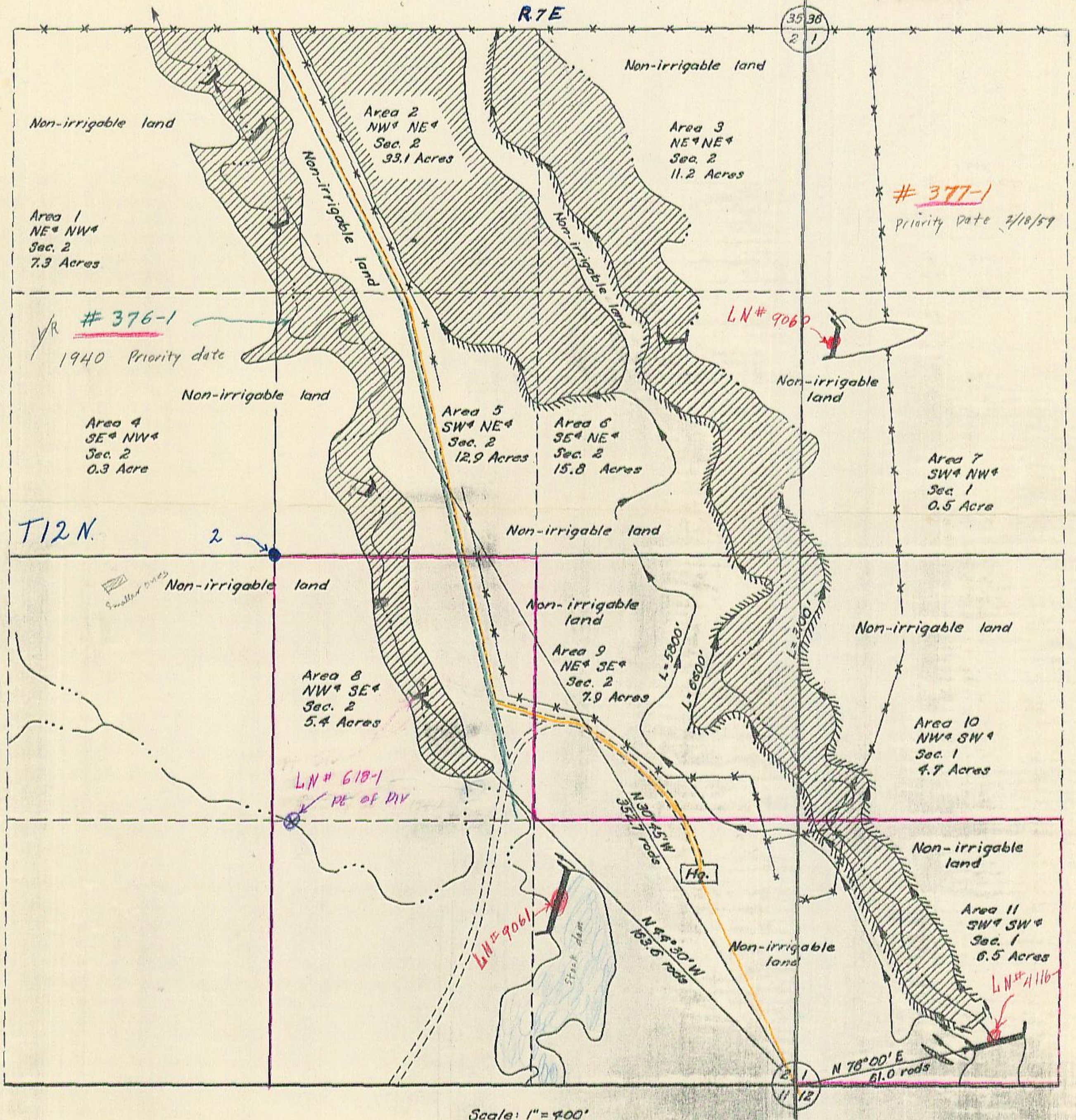
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by	Title
Drawn	12-17-52		
Traced			
Checked			
		Sheet	Drawing No.
		No	
		of	

Map No. 325-1 (Appl's No's. 376-1 & 377-1)

George Erk

Copy of this map sent to
George Erk.



Remarks by State Water Resources Commission:

[REDACTED]

Unappropriated water available for irrigation storage in the reservoir included in this permit is only that water which is excess to stockwater needs along the dry draw.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

March 3, 1959

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

9 m. upon the 18 day of February, 1959

State Water Resources Commission

By:

Joe Ruiner

Chief Engineer, Executive Officer

Number of permit 377-1

Date of first receipt of application February 18, 1959

Date of return to applicant for correction, amendments or changes required as follows: March 3, 1959

Date of receipt of corrected application March 9, 1959

Date from which applicant may claim right February 1, 1959

Approved June 17, 1959 Recorded in Book 5 Page 180

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

June 17, 1961

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

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

June 17, 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 1.15 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 June 17, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 27 day of June, 1959

State Water Resources Commission

By:

Joe Ruiner

Chief Engineer, Executive Officer

Certificate of Construction Issued

AUGUST 19, 1963

Water License Issued

AUGUST 19, 1963

ATTACH 2. PLAN 2

GEORGE ERM WATER SPREADING
PROJECT NO. 1

LOCATION OF LAND UNDER PROPOSED SYSTEM

SUBDIVISION	ACREAGE
NW ¹ NE ¹ SEC. 2	30.1 ACRES
NE ¹ NE ¹ SEC. 2	11.2 "
SW ⁴ NE ¹ SEC. 2	3.9 "
SE ⁴ NE ¹ SEC. 2	15.8 "
SW ¹ NW ⁴ SEC. 1	0.5 "
NE ¹ SE ¹ SEC. 2	2.9 "
NE ¹ SW ⁴ SEC. 1	2.7 "
SW ⁴ SW ⁴ SEC. 1	6.5 "

TOTAL 80.5 Acres

SH in T12N, R7E

Permit No. 377-1Water Division No. 1 Korean River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George Erk

of Newell County of Butte, and State of South Dakota, the holder of Permit No. 377-1, issued upon Application No. 377-1, bearing date of priority of February 18, 1959, authorizing the diversion of 1.15 cu. ft. per second of the waters of dry draws County of Butte, State of South Dakota, at a point N73°00'E of the SW corner, Section 1, T12N, R7E, 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 1.15 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 T12N, R7E

Section 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$ p. 1. 0.5 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ p. 1. 4.7 "SW $\frac{1}{4}$ SW $\frac{1}{4}$ p. 1. 6.5 "Section 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$ p. 1. 30.1 "NE $\frac{1}{4}$ NE $\frac{1}{4}$ p. 1. 11.2 "SW $\frac{1}{4}$ NE $\frac{1}{4}$ p. 1. 3.8 "SE $\frac{1}{4}$ NE $\frac{1}{4}$ p. 1. 15.8 "NE $\frac{1}{4}$ SE $\frac{1}{4}$ p. 1. 7.9 "Total - 80.5 "Witness my hand this 19th day of August A. D. 1963

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 377-1.....

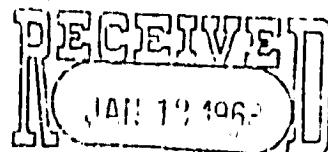
WHEREAS, On the 18th day of February A. D. 1959
George Erk

of Newell County of Butte and State of
South Dakota duly made application (No. 377-1) to us for a permit to use 1.15
cubic feet per second of the waters of dry draws
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 27th day of June A. D. 1959
Permit No. 377-1 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 17th day of
June A. D. 1963 and for the application to beneficial use of said
water on or before the 17th day of June A. D. 1963
and,

WHEREAS, On the 7th day of August A. D. 1963
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.15
cubic feet per second of said waters, as evidenced by our Certificate No. 377-1
dated August 19, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.15 cubic feet per second of water, with date of
priority of February 18, 1959 and,

WHEREAS, On the 7th day of August A. D. 1963
proof was duly made of the application to beneficial use of 1.15 cubic feet per second of said water;
for irrigating 80.5 acres in portions of Sections 1 and 2, T12N, R7E

Permit No. 377-1

Water Division No. _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Newell, So. Dak.(Date) January 10, 1963

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.15 cu. ft. per second of the waters of the state from dry draw through the George Erk Waterspreading Project No. 2 for storage of water for irrigation purposes & stock water purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is George L. Erk
2. The postoffice address of such person or the place of business of such corporation is Newell
County of Butte State of S. Dakota
3. The number of such permit is 377-1 and the date set for the completion of such work is June 17 - 1963
4. Said water to be used for irrigation & stock water purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.15 cubic feet per second.

6. The amount of land for which said water is available is 80.57 acres, particularly described as follows: Subdivision - NW 1/4 NE 1/4 Sec 2 - 36.1 Acres NE 1/4 NE 1/4 Sec 2 - 11.2 Acres SW 1/4 NE 1/4 Sec 2 - 3.8 Acres SE 1/4 NE 1/4 Sec 2 - 15.8 Acres SW 1/4 NW 1/4 Sec 1 - 6.5 Acres NE 1/4 SE 1/4 Sec 2 - 7.9 Acres NE 1/4 SW 1/4 Sec 1 - 4.7 Acres SW 1/4 SW 1/4 Sec 1 - 6.5 Acres

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

George L. Erk

Permit No. 377-1Water Division No. 11 Neenah River Water District**Certificate of Examination of Works****Report of Examining Engineer**

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

Dear Sir: I hereby certify that in accordance with your letter of authorization dated _____

I have this day made a thorough examination of the diversion works constructed by _____

_____ George ERK _____, of __________ Butte _____ County, South Dakota, holder of Permit No. 377-1 _____, issued upon Application No. 377-1 _____, bearing date of priority of Feb. 18 _____, 1952 _____, authorizing the diversion of 1.15 cu. ft. per second of the waters of Dry Draw _____ for Irrigation _____ purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One storage dam 22.6' high, 16' thick @ top, 600-700' long @ bot. and 48' long @ top, 144' thick @ bot, 390 acre ft. (approx.) when filled. One mile of main ditch, 3000' of lateral ditch, 100' of main line pipe, 135' of 6" weep pipe, 100' of 4" weep pipe, one 18" culvert 18' long, 24' flume to drop water back in ditch.

and the system is in the following condition: Good

The point of diversion is located 640 rods, N78°0'E of SW cor. of Sec. 1, T12N R 7E

The works are capable of diverting and conveying to the place of use 1.15 cu. ft. per second of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: NW 1/4 NE 1/4 Sec. 2 30.1 ac. NE 1/4 SW 1/4 Sec. 1 4.7 ac.

NW 1/4 NW 1/4 Sec. 2 11.2 " SW 1/4 SW 1/4 Sec. 1 6.5 "

SW 1/4 NE 1/4 Sec. 2 3.8 "

SE 1/4 NE 1/4 Sec. 2 15.8 "

SW 1/4 NW 1/4 Sec. 1 0.5 "

NE 1/4 SE 1/4 Sec. 2 7.9 "

comprising a total of 80.5 acres of land.

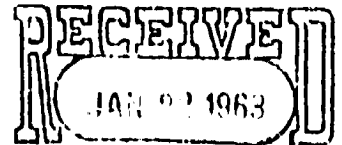
The domestic use intended comprises Stock watering

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

Witness my hand, this 7 day of August, A. D. 1963

—SEAL—

William H. Miller
Examining Engineer.

Permit No. 377-1Water Division No. 1 Moreau River STATE WATER RESOURCES COMM.
Water District PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Newell So Dak(Date) January 18, 1963

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 18 day of January
1963, at George Erb Ranch County of Butte State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)

of 1.15 cubic feet per second of the waters of Dry Draw (George Erb water-spreading Project 2) in accordance with the terms and conditions of Permit No. 377-1
hereof issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are George
L. Erb Newell So. Dak

2. The use to which said water has been applied is Irrigation & stock water

3. The amount applied to beneficial use is 1.15 cubic feet per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) Subdivision - NW 1/4 NE 1/4 Sec. 2 30.1 Acres - NE 1/4 NE 1/4 Sec. 2 11.2 Acres
SW 1/4 NE 1/4 Sec 2 3.8 Acres - SE 1/4 NE 1/4 Sec 2 15.8 Acres - SW 1/4 NW 1/4
Sec 1 0.5 Acres - NE 1/4 SE 1/4 Sec 2 7.9 Acres - NE 1/4 SW 1/4 Sec. 1 4.7 Acres
SW 1/4 SW 1/4 Sec. 1 6.5 Acres - Total 80.5 Acres all in T12-R7

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Project No 2

6. The right to take the water from such works is based upon permit No. 377-1

7. The source of supply from which such water is diverted is Dry Draw

8. The date of priority which said user is prepared to establish is Feb. 18 - 1959

(Sign) George L Erb

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Battle } ss.

F. Lynn Gladstone being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Vallig Innegata 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 Farrell County of Battle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 16, 1959April 23, 1959April 30, 1959May 7, 1959

in each and every issue of the full number thereof, the first publication being made on the 16th day of April 1959 and the last publication on the 7th day of May 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 7th day of May A. D. 1959

Notary Public Battle County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
March 12, 1959

Notice is hereby given that George Erk, whose postoffice address is Newell, 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 1.2 cubic feet of water per second of time from a dry draw through the George Erk Water-spreading Project No. 2, the point of diversion of which is to be located on the westerly bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Twp. 12N., Range 7E. Said water to be used for the purpose of providing irrigation on parts of the following described land: W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, all in T. 12N., R. 7E.

This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 17th day of June, 1959, 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 (17-24)

RECEIVED
MAY 8 1959

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(First Publication before April 10, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 12, 1959

Notice is hereby given that George Erk, whose postoffice address is Newell, 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 1.2 cubic feet of water per second of time from the a dry draw through the George Erk Waterspreading Project No. 2, the point of diversion of which is to be located on the westerly bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 Twp. 12N Range 7E. Said water to be used for the purpose of providing irrigation on the following described land:

$\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 all in T 12 N, R 7 E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1959, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resource Commission

By:

~~CHAS. E. GIBSON, ENGINEER~~
Les Hyborny, Water Rights Engineer

cc F. Lynn Glasstone, Publisher
The Valley Irrigator
Newell, South Dakota