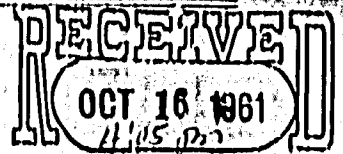


1. Considered 1-10, 1962
2. Name of Applicant Russell Sutton
3. Post Office Address Fritch
4. Amount of water claimed 1.78
5. Source of water supply Brewster Creek
6. Water to be used for irrigation
Acres to be irrigated 87.6
7. Water to be diverted and used in Parkland County about
12 miles E of Dumas.
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 620-1Water Division No. 1 MOREAU RIVER District
(Blanks to be filled by the Engineer for the W. R. O.)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.)

1. Name of applicant Harold M. Dutton
Postoffice address Smith, County Hamlin, State S. D.

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, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Harold Dutton Water Surrender System #23. Amount of water claimed 1.23 cubic feet per second4. Source of water supply Bousby Creek (Local Name)5. Location of point of diversion See Remarks Section_____ on _____ bank PERKINS County.6. Annual period or periods during which water is to be used When Available during growing season

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 80.6 acres.(b) Legal subdivisions to be irrigated See Remarks Section

(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.) _____

StockwateringII. ~~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 _____

Map No 521-1

8. Estimated cost of work:

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

(c) Fluming, \$-----

(e) Other structures -----

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

Rock, \$-----

Total, \$77,600.00

9. Description of diversion works:

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

~~Plugs and back-flooding~~

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 at front water face -----; slope at 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	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 ----- 5 ----- 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 -----

~~Leavenworth~~

STATE OF SOUTH DAKOTA

County of ~~Mohead~~ -----

SS.

I, Harold N. Dutton

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

Harold N. Dutton

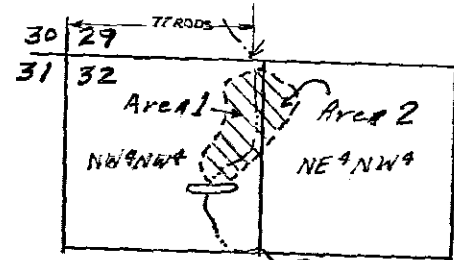
Subscribed and sworn to before me this 9th day of October 1961

My commission expires 12/7/63.

James B. Kinney
Notary Public for other qualified officers.

Notary Public

*Each diversion must have a headgate or measuring device.



HAROLD DUTTON WATER SPREADER SYSTEM #2
ALL LANDS DESCRIBED HEREIN ARE OWNED BY HAROLD DUTTON

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

I, MERIJ D. GIGEAR, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated. IN WITNESS WHEREOF I have hereunto set my hand and official seal this 13th day of October, 1961.

Merij D. Ginear
Registered Land Surveyor #1007

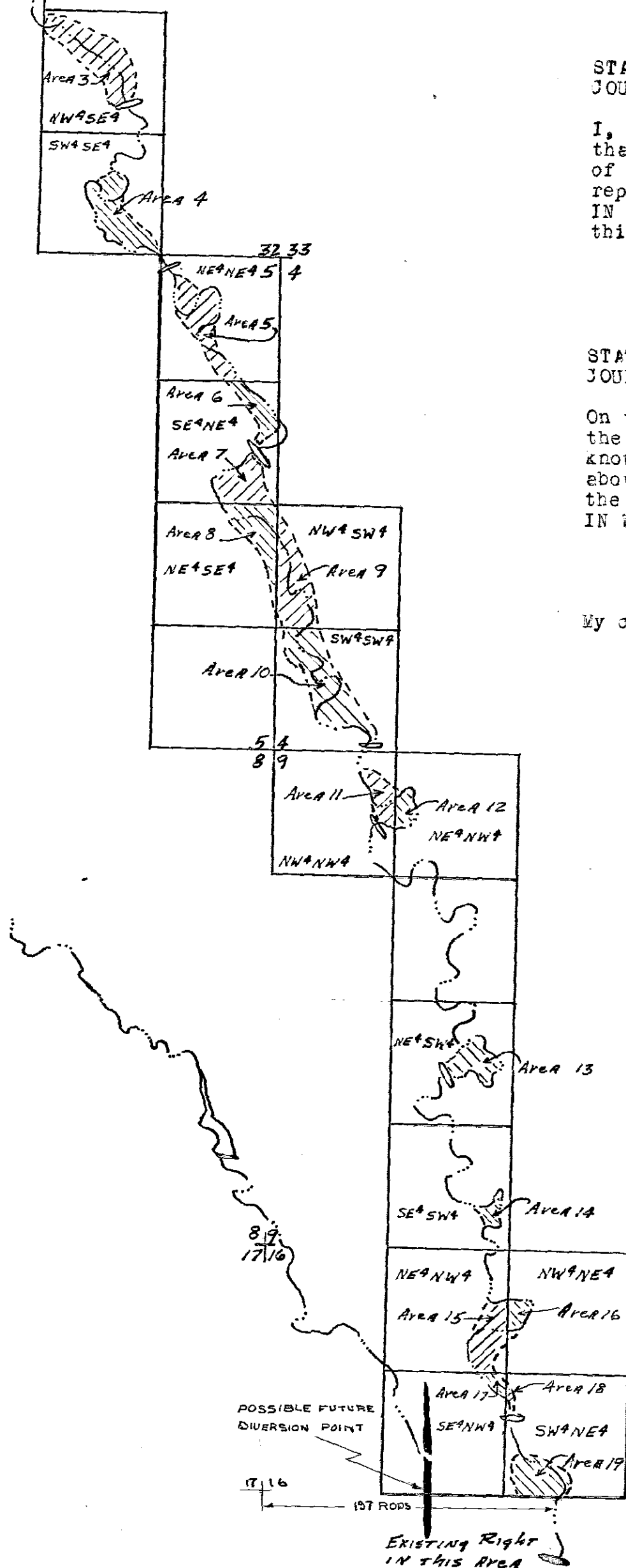
STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

On this 13th day of October, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meris D. Ginear, known to me to be the person whose name is subscribed to the above written instrument and acknowledged that he executed the same for the purpose therein contained. IN WITNESS WHEREOF I have hereunto set my hand and official seal.

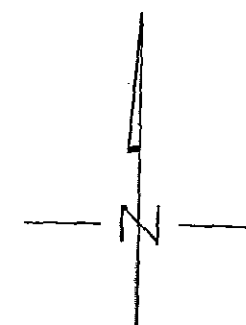
James B. Kinney
My commission expires 12/7/1968 Notary Public

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SUP.	RANGE	ADRES
1	NW1/4	32	15N	12E	4.0
2	NE1/4	32	15N	12E	2.0
3	NW1/4	32	15N	12E	9.2
4	SW1/4	32	15N	12E	7.6
5	NE1/4	5	14N	12E	7.2
6	SE1/4	5	14N	12E	2.9
7	NE1/4	5	14N	12E	4.4
8	NE1/4	5	14N	12E	6.4
9	NW1/4	4	14N	12E	8.0
10	SW1/4	4	14N	12E	11.2
11	NW1/4	9	14N	12E	4.0
12	NE1/4	9	14N	12E	1.2
13	NE1/4	9	14N	12E	4.0
14	SE1/4	9	14N	12E	1.2
15	NE1/4	15	14N	12E	6.0
16	NE1/4	15	14N	12E	3.2
17	SE1/4	15	14N	12E	1.0
18	SW1/4	15	14N	12E	0.5
19	SW1/4	16	14N	12E	5.6
TOTAL					89.6



171/6
2021



SCALE = 4" = 1 MILE
= PROPOSED PLUG OR DAM
= EXISTING PLUG OR DAM
IRRIGABLE AREAS ARE CROSS-HATCHED

Remarks by State Water Resources Commission:

Diversions structures built under this permit must incorporate an uncontrolled by-pass tube not smaller than 8 inches in diameter to allow passage of low stream flows for downstream domestic use and prior water rights. The top of these outlet tubes must be located at least one foot below that elevation at which water would be diverted from the watercourse.

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota,

January 10, 1967

This is to certify that the foregoing application was received by the Commission at 4:05 o'clock

p.m. upon the 16th day of October, 1961.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 6-10-1

Date of first receipt of application October 16, 1961

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 October 16, 1961

Approved January 10, 1967, Recorded in Book 7 Page 21

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 10, 1964

2nd. The whole of said work is to be completed on or before JANUARY 10, 1967

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

JANUARY 10, 1967

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 1.28 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 JANUARY 10, 1967; said water to be used during the following described annual period:

whenever available during growing season

Witness my hand this 11th day of January, 1967.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 25, 1971

Water License Issued JUNE 25, 1971

Map No 521-1

Points of diversion will be a series of plugs on the drainage, all being between a point 77 rods east of the northwest corner of section 32, T15N R12E, and a point 197 rods east of the west quarter of section 16, T14N R12E, All being in D.H.M., Perkins County, South Dakota.

No. _____	Division No. _____	District _____
PERMIT		
to appropriate water from _____		
County, South Dakota		
Name of applicant _____		
Name of diversion works _____		
Date of first receipt at Office of State Water Resources Commission _____		
Returned to applicant for Correction	19__	
Corrected application received	19__	
Date of Water Right	19__	
Recorded in Book _____ Page _____	19__	
One-fifth of work to be completed	19__	
Whole work to be completed	19__	
Final proof of use of water	19__	
Approved _____	19__	
State Water Resources Commission		
By: _____	Chief Engineer	

AREA	LOCATION OF LAND TO BE IRRIGATED	SEC.	TWP.	RANGE	ACRES
1	NE 1/4	12	15N	12E	0.0
2	NE 1/4	12	15N	12E	2.0
3	NE 1/4	12	15N	12E	0.0
4	NE 1/4	12	15N	12E	7.0
5	NE 1/4	12	15N	12E	7.0
6	NE 1/4	12	15N	12E	0.0
7	NE 1/4	12	15N	12E	0.0
8	NE 1/4	12	15N	12E	0.0
9	NE 1/4	12	15N	12E	0.0
10	NE 1/4	12	15N	12E	11.0
11	NE 1/4	12	15N	12E	4.0
12	NE 1/4	12	15N	12E	1.0
13	NE 1/4	12	15N	12E	4.0
14	NE 1/4	12	15N	12E	1.0
15	NE 1/4	12	15N	12E	0.0
16	NE 1/4	12	15N	12E	0.0
17	NE 1/4	12	15N	12E	0.0
18	NE 1/4	12	15N	12E	0.0
19	NE 1/4	12	15N	12E	0.0
20	NE 1/4	12	15N	12E	0.0
TOTAL ACRES					22.0

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 620-1

(1) WHEREAS, On the 10th day of October A. D. 19 61
Harold N. Dutton

made Water Right Application No. 620-1 for a permit to use 1.28 cubic feet per second of the waters of Brushy Creek

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

(2) WHEREAS, On the 11th day of January A. D. 19 62
 Permit No. 620-1 with a date of priority of October 16, 1961

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 10th day of January A. D. 19 67 and for the application to beneficial use of said water on or before the 10th day of January A. D. 19 67

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 1.28 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:			Acres
Section 4, T14N, R12E	SW $\frac{1}{4}$		19.2
Section 5, T14N, R12E	NE $\frac{1}{4}$		14.5
	SE $\frac{1}{4}$		6.4
Section 9, T14N, R12E	SW $\frac{1}{4}$		5.2
	SW $\frac{1}{4}$		5.2
Section 16, T14N, R12E	SW $\frac{1}{4}$		7.0
	NE $\frac{1}{4}$		9.3
Section 32, T15N, R12E	NW $\frac{1}{4}$		6.0
	SE $\frac{1}{4}$		16.8
Total			89.6 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 Harold Dutton

_____ of Faith, S.D.

the holder _____ and owner _____ of said permit No. 62C-1 a water right, dating from October 16, 1961

_____ to use of 1.28 cubic feet per second of the waters

of Brushy 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 Between a point 77 rods due East of the NW Corner,

Section 32, T15N, R12E and a point 197 rods East of the Wt Corner, Sec. 16,

T14N, R12E

and conduct to and upon portions of Sections 4, 5, 9 and 16, T14N, R12E and Section 32,

T15N, R12E, described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 620-1 and subject to the laws of the State of South Dakota.

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

this 25th day of June A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, I.W. GRIMES

Form 15.

Permit No. 620-1

Water Diversion No. 1 MOREAU RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harold N. Dutton

_____ the holder _____ of
Permit No. 620-1, issued upon Application No. 620-1, bearing date of priority of October 16,
1961 authorizing the diversion of 1.28 cu. ft. per second of the waters of _____
Brush Creek County of Perkins, State of South Dakota at _____
between a point 77 rods due East of the NW Corner, Section 32,
T15N, R12E, and a point 197 rods East of the Wk Corner, Sec. 16, T14N, R12E
_____, 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 15 cu. ft. per second of water.

Date June 25, 1971

WATER RESOURCES COMMISSION

By:

J.W. CRIMES, Executive Officer

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:

Dec 7, 14, 21, 28, 1961

in each and every issue of the full number thereof, the first publication being made on the 7 day of December

1961 and the last publication on the 28 day of

December 1961, 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.

Subscribed and sworn to before me this 28 day of December A. D. 19 61

Cecilia B. Sudlow
Notary Public Perkins County, S. D.

ADRIA B. SUDLOW
H.C.
Commission expires Jan. 12, 1967.

STATE OF SOUTH DAKOTA
PIERRE, S.D.
OFFICE OF STATE WATER RESOURCES
Commission, Pierre, S. Dak., November 23, 1961.

Notice is hereby given that Mr. Lloyd I. Sudlow whose postoffice address is Perkins, S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate water for beneficial use of 1.22 cubic feet of water per second of time from Brushy Creek through the Dutton Waterspreading Project No. 2, the point of diversion of which is located on both banks of said creek between a point in the E 1/4 of Section 22, T15N R12E and a point in the SW 1/4 of Section 23, T15N R12E.

the NE 1/4 of Section 6 Twp. 15N Range 12E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

1/4 NW 1/4 and 1/4 SW 1/4 of Section 5, T15N R12E; E 1/4 NW 1/4 of Section 6, T15N R12E; E 1/4 NW 1/4 and E 1/4 SW 1/4 of Section 9, T15N R12E; and E 1/4 NW 1/4 of Section 16, all in T15N R12E.

This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 10th day of January, 1962, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission
By: Burtin F. Jones
Water Rights Specialist

on or before December 15, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 22, 1961

Notice is hereby given that Harold N. Dutton whose postoffice address is Faith 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 1.28 cubic feet of water per second of time from the Brunby Creek through the Dutton Waterspreading Project the point of diversion of which is to be located on both bank of said stream between a point in the NE 1/4, Section 32, T15N R12E, and point in the SW 1/4 of the NE 1/4 of Section 16 Twp. 14N Range 12E. Said water to be used for the purpose of providing irrigation on the following described land:

N 1/2 NW 1/4 and W 1/2 SE 1/4, Section 32, T15N R12E; E 1/2 NE 1/4, NE 1/4, SE 1/4, Section 5; W 1/2 SW 1/4, Section 4; N 1/2 NW 1/4 And E 1/2 SW 1/4, Section 9; E 1/2 NW 1/4 and W 1/2 NE 1/4, Section 16, all in T14N R12E purposes

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1962, at 2 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

c.c. Lloyd I. Sudlow—Publisher
Bismarck Courier
Bismarck, South Dakota

By:

Chief Engineer, Executive Officer

Permit No. 620-1

Water Division 1 a 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 Harold Lutton
of Faith, South Dakota holder
of Permit No. 620-1, bearing date of priority of October 16, 19 61
authorizing the diversion of 1.28 cu. ft. per second of the waters of Brushy Creek
for 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:

Nine diversion dams

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

~~XXXX~~ Ditches

C. Works used to apply water to beneficial use.

Dikes

Fair

The system is in the following condition: _____

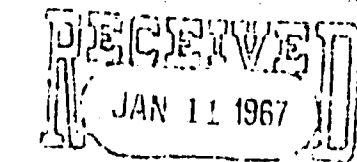
The point of diversion is located between a point 77 rods due east of the NW Corner Sec. 32,
T15N, R12E and a point 197 rods east of the west corner of Section 16, T14N, R12E

The works are capable of diverting and conveying to the place of use up to 15
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: In Sec. 32, T15N, R12E and Sec. 4, 5, 9 & 16,
T14N, R12E

NW $\frac{1}{4}$, Sec. 32	6.0 acres	SW $\frac{1}{4}$, Sec. 4	19.2 acres
SE $\frac{1}{4}$, Sec. 32	16.8 acres	NW $\frac{1}{4}$, Sec. 9	5.2 acres
NE $\frac{1}{4}$, Sec. 5	14.5 acres	SW $\frac{1}{4}$, Sec. 9	5.2 acres
SE $\frac{1}{4}$, Sec. 5	6.4 acres	NW $\frac{1}{4}$, Sec. 16	7.0 acres
		NE $\frac{1}{4}$, Sec. 16	9.3 acres

comprising a total of 89.6 acres of land.

Permit No. 351-1Water Division No. 1 MOYEAU-RIVER Water DistrictSTATE WATER RESOURCES COMMISSION
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.) FRITH SO. DAK.(Date) JAN - 9 - 1967

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 1.75 cu. ft. per second of the waters of the state from DUTTON WATER SPREADING SYSTEM #1 & 2 through the IRRIGATION for ALL HAS COMPLIED purposes in accordance with the terms and conditions of the permit heretofore issued by the Water Resources Commission of the State of South Dakota. The name of the person or corporation holding said permit is HAROLD DUTTON

2. The postoffice address of such person or the place of business of such corporation is FRITH County of PERKINS State of SOUTH DAK.

3. The number of such permit is 351-1 & 670-1 and the date set for the completion of such work is JAN. 10. 1967

4. Said water to be used for IRRIGATION 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 1.75 cubic feet per second.

6. The amount of land for which said water is available is 122.6 acres, particularly described as follows: (NW 1/4 SE 1/4) (SW 1/4 SE 1/4) SE 1/4 - SE 1/4 of Sec. 16, T. 14, R. 12 parts of Sec. 33, T. 15 R. 12 parts of Sec. 5, Sec. 4, Sec. 9 & Sec. 16 all of T. 14 - R. 12 in Perkins Co.

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

(Signature of Owners)

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**