

6-21-1

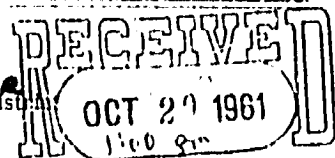
1. Considered 10 196
2. Name of Applicant William A. Bachman
3. Post Office Address Sturgis
4. Amount of water claimed 5.5
5. Source of water supply Spring Creek & South Draw
6. Water to be used for irrigation
Acres to be irrigated 386
7. Water to be diverted and used in Deer Creek County about
AN 12 E miles 12 E of Sturgis
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved A
Subject to Restrictions
Not approved _____
Action deferred _____

10. Remarks:

See protest petition
Each protestor for given
restrictions

No. 621-1

Water Division No. 1 Beau Fourche River
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT STATE WATER RESOURCES COMM. To Appropriate Water within the State of South Dakota PIERRE SOUTH DAKOTA

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

1. Name of applicant MARTIN A. EACHAND
Postoffice address STURGIS, County MEADE, State SO. DAK.

I. If a corporation.

Points of diversion;

Between a point S 78° E. 1417' from the W $\frac{1}{4}$ Cor. Sec. 16, T.6 N., R.7 E-BHM and the SE Cor. Sec. 16, T.6 N., R.7 E-BHM on Both sides of the stream.

also

A point on South Draw which lies N 86° 30' E 2240' from the W $\frac{1}{4}$ Cor. Sec. 21, T.6 N., R.7 E-BHM on the left or west bank.

also

various spreader dams or dikes at suitable points on said South Draw in Sec. 21, T.6 N., R.7 E-BHM

All of above in Meade County, South Dakota.

(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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work THE MARTIN A. EACHAND IRRIGATION PROJECT

3. Amount of water claimed 5.5 cubic feet per second

4. Source of water supply SPRING CREEK AND SOUTH DRAW

5. Location of point of diversion

on BOTH bank MEADE County.

6. Annual period or periods during which water is to be used APRIL 1st THRU NOV. 30th

7. To be used for.

I. Irrigation or domestic use; Gravity, overhead sprinkling or combination system? Via pump to ditches gravity

(a) Number of acres to be irrigated 191 acres.

NW-SW-35 ac.	Sec. 15, T.6 N., R.7 E-BHM	Total	35 ac.
NE-SW-12 ac., SE-SW-7 ac., NW-SE-34 ac., NE-SE-36 ac., NW-SE-38 ac.,			
SE-SE-33 ac., Sec. 16, T.6 N., R.7 E-BHM	Total		160 ac.
NW-NW-12 ac., NE-NW-32 ac., SE-NW-27 ac., NW-NE-38 ac., NE-N -18 ac.,			
SW-NE-30 ac., SE-NE-3 ac., NW-SE-27 ac., NE-SE-6 ac., Sec. 21, T.6 N., R.7 E			
	Total	191 ac.	
Grand Total			386 ac.

(c) Location of plant NONE

(d) Method of developing power NONE

(e) Point where water will be returned to stream X X X

MAP No 522-1

2. Estimated cost of work:

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

(b) Pumping plant, \$..2500.00

(c) Fluming, \$..500.00

(d) Canal-earth, \$..500.00

Rock, \$.....

(e) Other structures spreader dams \$..1000.00

Total, \$..2000.00

0. Description of diversion works:

\$ 4500.00

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

Pumping plant to pump from Spring Creek and small spreader dam or dikes to spread water from South Draw.

II. Dimensions of works.

Dependent upon SCS survey at later date.

(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.....

THE STURGIS TRIBUNE, STURGIS, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of BLADE

ss.

I, MARTIN A. BACHAUD

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

Martin A. Bachaud

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

Carl H. Cornell

Notary Public

*Each diversion must have a headgate or measuring device.

THE MARTIN A. BACHAND IRRIGATION PROJECT
STURGIS, MEADE COUNTY,
SOUTH DAKOTA.

SCALE 1 inch = 660 feet
8 inches = 1 mile

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of Martin A. Eachus of Sturgis, South Dakota, I have made a survey and prepared this plat of the irrigable tracts embraced in his "Application for a Permit to Appropriate Water" of which this plat is a part.

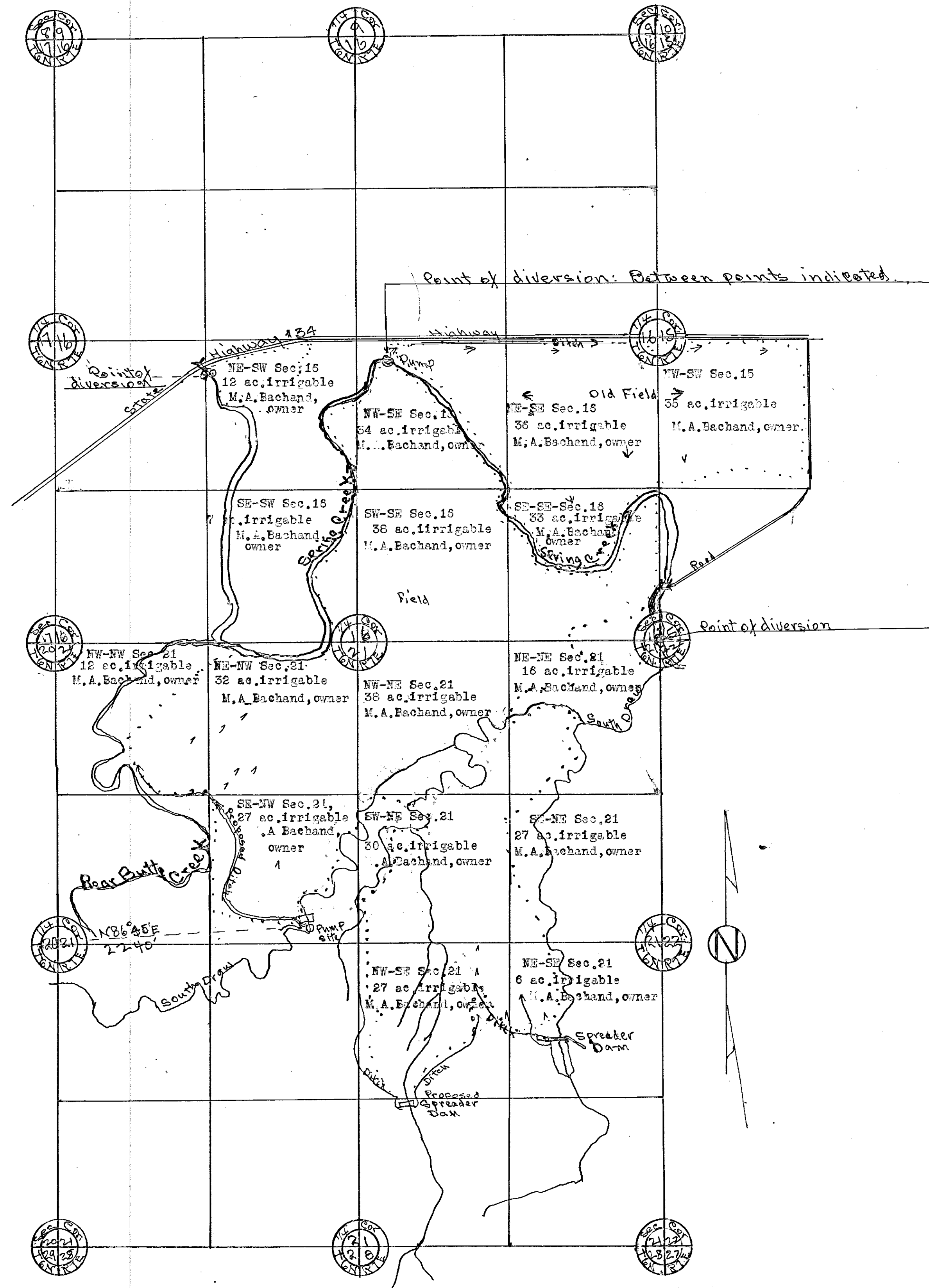
I further certify that the bearings and lengths of the several lines, shown hereon, and their locations, with reference to the Government Land Corbers shown, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, Harding county, South Dakota this 18th day of October 1931.

Carl M. Cornell, Licensed Surveyor
No. 144.

Subscribed and sworn to before me at Buffalo, South Dakota this 18th day of October 1961.

Notary Public. (S. 1261)



MAP No 522-1
APPL No 621-1)

Remarks by State Water Resources Commission:

Irrigation withdrawals by pumping from Spring Creek must provide for downstream water rights and domestic use, including stockwater. Diversion structures built under this permit for waterspreading from dry draws 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 12" below that elevation at which water would be diverted from the watercourse.

STATE OF SOUTH DAKOTA
County of HUGHES

Pierce, South Dakota, APRIL 6, 1962

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock p.m. upon the 20TH day of October, 1961

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 621-1

Date of first receipt of application October 20, 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 20, 1961

Approved JANUARY 10, 1962, Recorded in Book 7 Page 82

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, 1971 EXTENDED 11-9-66.

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 5.5 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:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 6TH day of APRIL, 1962

State Water Resources Commission

By:

Carl J. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 1, 1970

Water License Issued JULY 1, 1970

WATER LICENSE NO. 621-1

(1) WHEREAS, On the 20th day of October A. D. 19 61
Martin A. Bachand

made Water Right Application No. 621-1 for a permit to use 5.5 cubic feet per second of the waters of a dry draw and Spring Creek

County of Meade, State of South Dakota, for irrigation purposes and

(2) WHEREAS, On the 6th day of April A. D. 19 62
Permit No. 621-1, with a date of priority of October 20, 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 71

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 1.84 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 T6N, R7E

Section 21	NW 1/4 NE 1/4	6 acres
	NE 1/4 NE 1/4	16 acres
	SW 1/4 NE 1/4	30 acres
	SE 1/4 NE 1/4	27 acres
	NW 1/4 SE 1/4	27 acres
	NE 1/4 SE 1/4	6 acres
Section 16	SE 1/4 SE 1/4	17 acres
	Total	129 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, Martin A. Bachand

_____ of Sturgis, South Dakota

the holder _____ and owner _____ of said permit No. 621-1 a water right, dating from October 10, 1961

_____ to use of 1.84 cubic feet per second of the waters of a dry draw

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 16N, R7E

and conduct to and upon portions of the E $\frac{1}{2}$ Section 21, and SE $\frac{1}{4}$, Section 16, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 621-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1st day of July A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMS

Form 15.

Permit No. 521-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Martin A. Bachand

_____ the holder _____ of
Permit No. 621-1, issued upon Application No. 621-1, bearing date of priority of October 20,
1961 authorizing the diversion of 5.5 cu. ft. per second of the waters of _____
a dr draw _____ County of Meade, State of South Dakota at _____
points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, T6N, R7E
_____, for irrigation

purposes, has 8 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 40 cu. ft. per second of water.

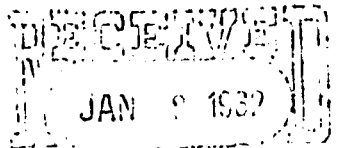
Date July 1, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA
COUNTY OF MEADE

STATE OF SOUTH DAKOTA }
County Meade } ss.

Morris G. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Black Hills Press 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 Sturgis County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec. 16, 1961

Dec. 23, 1961

Dec. 30, 1961

Jan. 6, 1962

in each and every issue of the full number thereof, the first publication being made on the 16 day of Dec. 1961 and the last publication on the 6 day of January 1962, 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.

Morris G. Hallock

Subscribed and sworn to before me this 6 day of JANUARY A. D. 1962

B. H. H.

Notary Public Meade County, S. D.

My Commission Expires April 12, 1968

APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak.
November 30, 1961
Notice is hereby given that Martin A. Bachand whose post office address is Sturgis, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.5 cubic feet of water per second of time from Spring Creek & South Draw through the Martin Bachand Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW 1/4, Section 15, and a point in the SE 1/4 of the NW 1/4 of Section 21 Twp. 6N Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NW 1/4, Section 15; SE 1/4 and E 1/2 NW 1/4, Section 16; SE 1/4, NW 1/4, SW 1/4 NW 1/4 and NW 1/4, Section 21, all in T1N R7E.
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
By: Burton F. Jones
Water Rights Specialist
Press D16-21-10 36

(First Publication) December 15, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 30, 1961

Notice is hereby given that Martin A. Bachand whose postoffice address is Sturgis 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 5.5 cubic feet of water per second of time from the Spring Creek & South Draw through the Martin Bachand Irrigation Project the point of diversion of which is to be located on the both bank of said stream between a point in the NW 1/4 SE 1/4, Section 16, and a point in the SE 1/4 of the NW 1/4 of Section 21 Twp. 6N Range 2E Said water to be used for the purpose of providing irrigation on portions of following described land:

NW 1/4 SW 1/4, Section 15; SE 1/4 and E 1/4 SW 1/4, Section 16; NE 1/4, NW 1/4 SE 1/4, SW 1/4 NW 1/4 and NE 1/4 NW 1/4, Section 21, all in T6N R7E

~~XXXX~~ ~~XXXX~~

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. Morris O. Hallock - Publisher By:
Sturgis Tribune
Sturgis, South Dakota

Chief Engineer/Executive Officer
Water Rights Specialist

Permit No. 621-1Water Division 1 Belle Fourche River Water DistrictREPORT 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 thorough examination of the water use system constructed by MARTIN A. BACHAND of STURGIS holder of Permit No. 621-1, bearing date of priority of OCTOBER 20, 1961 authorizing the diversion of 5.5 cu. ft. per second of the waters of SPRING CREEK & SOUTH DRAW for IRRIGATION purposes, in MEADE 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:

MAIN DIKE ON SOUTH DRAW 12' HIGH APPROX 300' LONG
SMALL STOCK WATER DAM ON DRAW CANAL IN FARM
EAST - OVERFLOW GETS TO IRRIGATED AREA.

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

10 MAIN SPREADER DIKES - APPROX 2 MILES TOTAL
SMALL SPREADER DIKES.

C. Works used to apply water to beneficial use.

The system is in the following condition: GOODThe point of diversion is located AT POINTS IN THE NW¹SE⁴ AND NE¹SE⁴, SECTION 10 & 21, T6N, R7EThe works are capable of diverting and conveying to the place of use UP TO 60 CFS.
cu. ft. per second of water which is to be used for IRRIGATION

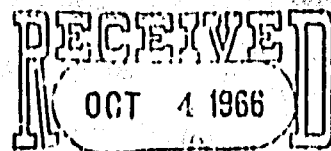
Water has been put to beneficial use to the maximum extent as follows: ALL IN T6N, R7E.

SECTION 21		SECTION 16	
NW ¹ NE ⁴ 6 AC.	NW ¹ SE ⁴ 27 AC.	SE ¹ SE ⁴ 17 AC.	
NE ¹ NE ⁴ 16 "	NE ¹ SE ⁴ 6 "		
SW ¹ NE ⁴ 30 "			
SE ¹ NE ⁴ 27 "			

comprising a total of 129 acres of land.

THE WATERSPREADING PORTION OF THIS PERMIT IS ALL
THAT HAS BEEN DEVELOPED - NO PUMPING FROM
SPRING CREEK.

Date MAY 13, 1970Burton Jones
(Signature)WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION



STATE WATER RESOURCES COMM.

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

September 29, 1966

(date)

Dear Sirs:

I hereby request that an extension of time from January 10, 1967
to January 10, 1967 be granted me for the completion of works to be done under Permit No.
and that the time for proof of beneficial use of water be extended to January 10, 1974

Said works are located in Meade County and are described
as follows:

Location of headworks. In the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 16 Township 6N Range 7E
E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons:
To allow time for refinements to the spreader system

APPROVED:

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

Martin A. Bachand

Holder of Permit No. 621-1

NOTICE OF PROTEST TO PERMIT FOR APPROPRIATION OF WATER FOR
IRRIGATION.

The undersigned landowners of land located downstream on what is commonly called "Spring Creek" in Meade County, State of South Dakota, do hereby object and protest the granting of a permit to Martin A. Bachand for the appropriation of water from said Spring Creek to be used for irrigation purposes on land owned by the said Martin A. Bachand situated in Meade County, South Dakota, and described as follows:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Fifteen (15); the Southeast Quarter (SE $\frac{1}{4}$), and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Sixteen (16); the Northeast Quarter (NE $\frac{1}{4}$), the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twenty-one (21), all in Township Six (6) North, Range Seven (7), East of the Black Hills Meridian.

The grounds and the reason for this protest are because the average flow of water in said creek is not sufficient to provide irrigation water over and above that required by the undersigned for domestic purposes, and that all of the undersigned would be deprived of water, which is used and has been used for watering of livestock for a long period of time.

Attention is called to the fact that there is not sufficient flow of water in said creek for a sufficient period of time in any year to provide water for irrigation over and above that commonly and generally needed and used for stock watering purposes; that during periods when water is needed for irrigation purposes, it is generally conceded these are at critical times when the water flow is at its lowest, due to scarcity of rainfall and the summer heat periods.

We respectfully call the attention of the commission to the fact that this creek is very limited in its supply to such an extent that no such irrigation rights should be granted.

Dated at Sturgis, South Dakota, this 6th day of January, 1962.

NAME

RESIDING ON

SECTION

TOWNSHIP

RANGE

Marvare Buckard	8	6	8
Edward Buckard	8	6	8
Walter Hunt	17	6	7
William Buckard	14	6	7
Frank Schommer	24	6	7
Andrew Buckard	14	6	7
Louise Molton	24	6	8
Lee Huprich	10	6	8
Earl Buckard	15	6	7

April 5, 1962

Mr. Navarro Bachand
Sturgis, South Dakota

Dear Mr. Bachand:

Recently you protested the granting of a water permit to Martin A. Bachand to irrigate certain described acreage from Spring Creek and South Draw.

This letter is to inform you that the State Water Resources Commission has approved the application, allowing the withdrawals with the following restrictions:

"Irrigation withdrawals by pumping from Spring Creek must provide for downstream water rights and domestic use, including stockwater.

Diversion structures built under this permit for waterspreading from dry draws 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 12 inches below that elevation at which water would be diverted from the watercourse."

These restrictions are incorporated in the permit to insure supplies to downstream users during times of low or average flows, but will allow Mr. Bachand to utilize flood flows that would otherwise flow on downstream with no benefit.

Sincerely,

J. W. GRIMES
Chief Engineer-Executive Officer

JWG/BFJ/mf

Same letter to: Edward Bachand
Max J. Grubl
Wilbur Bachand
Frank Schomer

Ambrose Bachand
Leonard Molstor
Leo Weyrich
Earl Bachand

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**