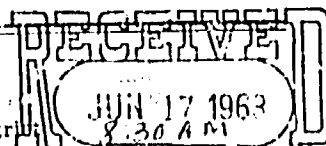


1. Considered 7-17, 1963 700-1
2. Name of Applicant WALTER C. COLLIER JR
3. Post Office Address STURGEON SD
4. Amount of water claimed 7.4
5. Source of water supply UNNAMED CREEK
6. Water to be used for IRRIGATION
7. Water to be diverted and used in ZIEBACH County
about 18.45 miles of EAGLE BUTTE
8. Proof of Publication Received LS
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 700-1
 Water Division No. 1 SULPHUR CREEK District
 (Blanks to be filled by the Engineer for the W. R. C.)



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 Walter C. Miller, Jr.
 Postoffice address Box 307, Sturgis, County Meade, State South Dakota

I. If a corporation none

(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

(b) Cash on hand, sufficient

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$Government cost share

2. Name of diversion work Diversion dams

3. Amount of water claimed 2.4 cubic feet per second

4. Source of water supply Unnamed Creek

5. Location of point of diversion See attached sheet

on bank County.

6. Annual period or periods during which water is to be used when water is available

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? water spreading

(a) Number of acres to be irrigated 170 acres.

(b) Legal subdivisions to be irrigated See 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.) none

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

(a) Nature of use none

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 585-1

Walter C. Miller, Jr.
Waterspreading System #1
Ziegach Co. S. D.

FORM 2, Item II, 5

POINTS OF DIVERSION

F. D. No.	Location
1	726.0 ft. S 75° 20' E of SE Cor. Sec. 31 T 12N R 21E
2	1927.2 ft. Due S of SE Cor. Sec. 31 T 12N R 21E
3	3682.8 ft. S 45° 30' W of SE Cor. Sec. 31 T 12N R 21E
4	2752.2 ft S 15° 15' W of SE Cor. Sec. 31 T 12N R 21E
5	2646.6 ft. S 7° 10' W of SE Cor. Sec. 31 T 12N R 21E
6	1775.4 ft. N 30° 20' W of SE Cor. Sec. 6 T 11N R 21E
7	686.4 ft. Due W of SE Cor. Sec. 6 T 11N R 21E
8	1095.6 ft. Due S of SE Cor. Sec. 6 T 11N R 21E
9	2772.0 ft. S 20° 50' E of SE Cor. Sec. 6 T 11N R 21E

FORM 2, II , 7, 1b.

LAND TO BE WATERED

Plot No.	Description	Acres
1	NW ¹ / ₄ NW ¹ / ₄ Sec. 5 T 12N R 21E	13.3
2	SW ¹ / ₄ NW ¹ / ₄ Sec. 5 T 12N R 21E	7.3
3	NW ¹ / ₄ SE ¹ / ₄ Sec. 6 T 11N R 21E	27.0
4	NE ¹ / ₄ SE ¹ / ₄ Sec. 6 T 11N R 21E	31.0
5	SW ¹ / ₄ SE ¹ / ₄ Sec. 6 T 11N R 21E	5.5
6	SE ¹ / ₄ SE ¹ / ₄ Sec. 6 T 11N R 21E	27.2
7	NW ¹ / ₄ NW ¹ / ₄ Sec. 8 T 11N R 21E	13.5
8	SW ¹ / ₄ NW ¹ / ₄ Sec. 8 T 11N R 21E	38.5
9	SE ¹ / ₄ NW ¹ / ₄ Sec. 8 T 11N R 21E	6.7
TOTAL		170.0 Acres

8. Estimated cost of work:

(a) Head Gates, \$1350.00

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

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

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

Rock, \$-----

(e) Other structures dikes \$4700.00

Total, \$-----

9. Description of diversion works:

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

Diversion dam and dikes

II. Dimensions of works:

(a) Dam: Height 6-12 feet; length at bottom 20 to 60 feet; length at top 50 to 500 feet; thickness at bottom 40 to 100 feet; thickness at top 10 feet; slope at front water face 2:1; slope at back face 2:1; material used in construction earth

(b) Reservoir: Capacity when filled no storage planned 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 12" and 24" diameter feet; height 1 and 2 feet;

Material cast iron

(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 ----- 4 ----- years.

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

West River Progress

STATE OF SOUTH DAKOTA

County of ----- ss.

I, Walter G. Miller, Jr., 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.

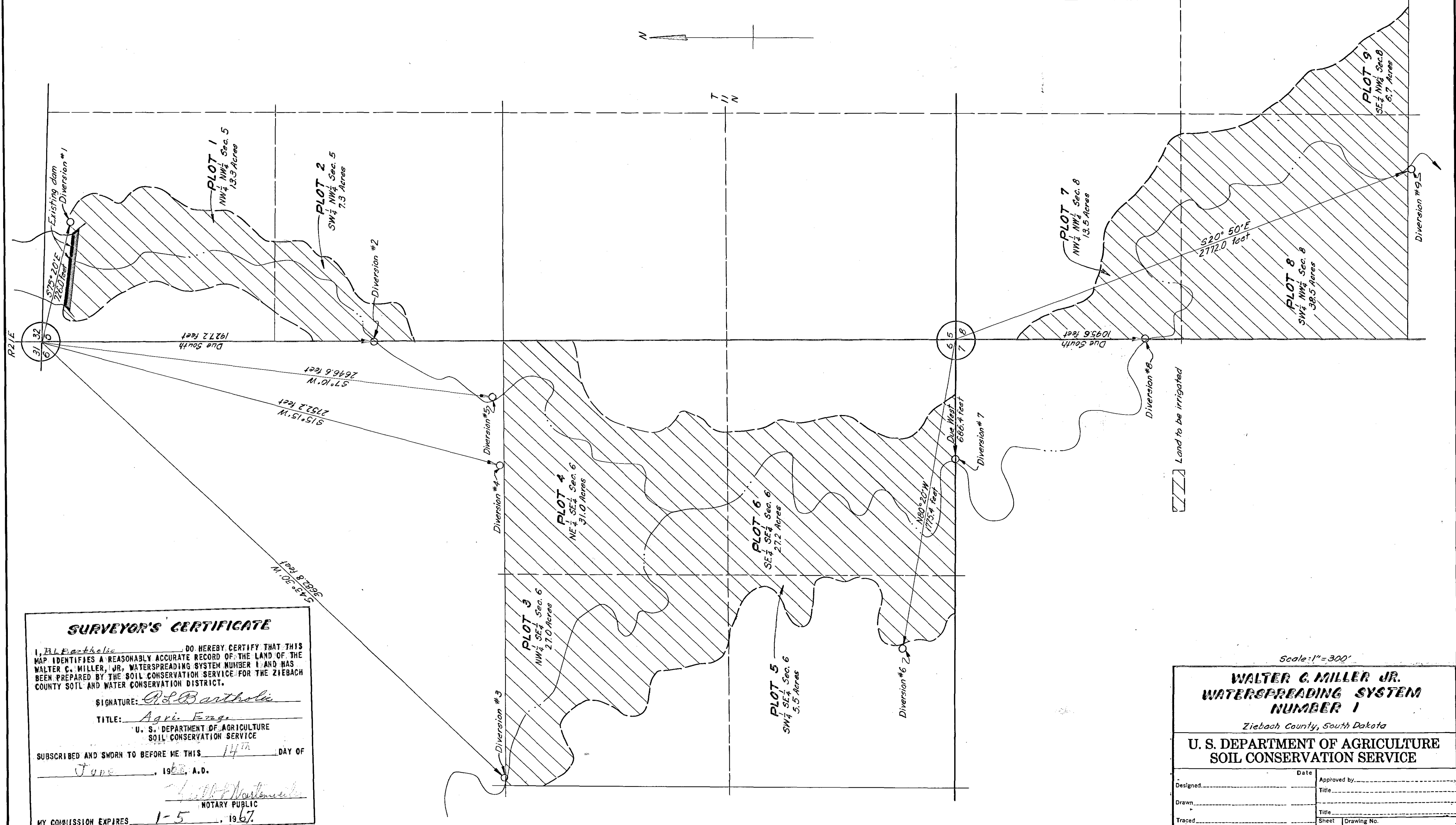
Signed Walter G. Miller, Jr.

Subscribed and sworn to before me this 14th day of June 1963.

Notary Public (or other qualified officer.)

All lands described are owned by Walter C. Miller Jr.

LOCATION OF LAND TO BE IRRIGATED					
PLOT NO.	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ¹ / ₄ NW ¹ / ₄	5	11N	21E	13.3
2	SW ¹ / ₄ NW ¹ / ₄	5	11N	21E	7.3
3	NW ¹ / ₄ SE ¹ / ₄	6	11N	21E	27.0
4	NE ¹ / ₄ SE ¹ / ₄	6	11N	21E	31.0
5	SW ¹ / ₄ SE ¹ / ₄	6	11N	21E	5.5
6	SE ¹ / ₄ SE ¹ / ₄	6	11N	21E	27.2
7	NW ¹ / ₄ NW ¹ / ₄	8	11N	21E	13.5
8	SW ¹ / ₄ NW ¹ / ₄	8	11N	21E	38.5
9	SE ¹ / ₄ NW ¹ / ₄	8	11N	21E	6.7
TOTAL					170.0



SURVEYOR'S CERTIFICATE

I, R. L. Bartholomew, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE WALTER C. MILLER, JR., WATERSPREADING SYSTEM NUMBER 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE ZIEBACH COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: R. L. Bartholomew

TITLE: Agri. Eng.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF

June, 1966, A.D.

W. L. Bartholomew
NOTARY PUBLIC

MY COMMISSION EXPIRES 1-5, 1967.

WALTER C. MILLER JR.
WATERSPREADING SYSTEM
NUMBER 1

Ziebach County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
Checked _____	Sheet <u>5-63</u>	Drawing No. _____
	of <u>1</u>	

MAP NO 585-1 (APPL NO 700-1)

Remarks by State Water Resources Commission:

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,

JULY 30, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 17TH day of JUNE, 1963

State Water Resources Commission

By:

for Stanton Jones
Chief Engineer, Executive Officer

Number of permit 700-1

Date of first receipt of application JUNE 17, 1963

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 17, 1963

Approved JULY 17, 1963, Recorded in Book 8 Page 105

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 _____

JANUARY 17, 1966

2nd. The whole of said work is to be completed on or before JULY 17, 1968

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

JULY 17, 1972

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 2.4 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 JULY 17, 1972; said water to be used during the following described annual period:

WHENEVER WATER IS AVAILABLE

Witness my hand and this 30TH day of JULY, 1963

State Water Resources Commission

By:

G. B. Binnert
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 31, 1969

Water License Issued DECEMBER 31, 1969

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 700-1.

(1) WHEREAS, On the 17th day of Dec A. D. 19 63

Walter C. Miller, Jr.

made Water Right Application No. 700-1 for a permit to use 2.4 cubic feet per second of the waters of a dry draw

County of Ziebach State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 17th day of July A. D. 19 63

Permit No. 700-1, with a date of priority of June 17, 1963

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 July A. D. 19 68 and for the application to beneficial use of said water on or before the 17th day of July A. D. 19 72

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 .3 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 Section 5, T11N, R21E

NW 1/4 NW 1/4 13.3 acres

SW 1/4 NW 1/4 7.3 acres

Total 20.6 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 Walter C. Miller, Jr.

_____ of Dupree, South Dakota

the holder _____ and owner _____ of said permit No. 700-1 a water right, dating from June 17, 1963

_____ to use of .3 cubic feet per second of the waters of a dry draw

in the County of Ziebach and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted between points S. 75° E., 726 feet and due S.,

1927.2 feet from the NE Corner, Section 5, T11N, R21E

and conduct to and upon a portion of the NW 1/4, Section 5, T11N, R21E, described on the face
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 700-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 31st day of December A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 700-1Water Diversion No. 1 SULPHER CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter C. Miller, Jr.

_____ the holder _____ of
Permit No. 700-1, issued upon Application No. 700-1, bearing date of priority of June 17,
1963 authorizing the diversion of 2.4 cu. ft. per second of the waters of _____
a dry draw County of Ziebach, State of South Dakota at _____
between points S. 75° 20' E., 726 feet and due S., 1927.2 feet from the
NE Corner, Section 5, T11N, R21E

_____, 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 10.0 cu. ft. per second of water.

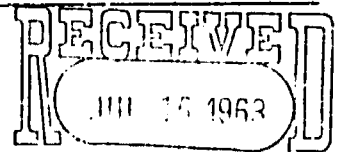
Date December 31, 1969

WATER RESOURCES COMMISSION

By.

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County Butte } ss.

James L. Miller being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Sturgis Revere 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 Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 20-22 July 4-11

in each and every issue of the full number thereof, the first publication being made on the 20 day of June 1963 and the last publication on the 11 day of July 1963 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.

Harry F. Jones

Subscribed and sworn to before me this 12 day of July A. D. 1963

Notary Public Butte County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak., June 17, 1963
Notice is hereby given that Walter C. Miller, Jr. whose post-office 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 2.4 cubic feet of water per second of time from a dry draw through the Miller Diversion the point of diversion of which is to be located on both banks of said stream between a point in the NW 1/4 NW 1/4 Section 5, and a point in the SW 1/4 of the NW 1/4 of Section 8 Twp. 11N Range 21E. Said water to be used for the purpose of providing irriga-

tion on portions of the following described lands:
W 1/2 NW 1/4, Section 5, SE 1/4, Section 6, W 1/2 NW 1/4 & SE 1/4 NW 1/4, Section 8, T11N, R21E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963 at 2:00 PM. 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 Right Specialist
Pub. 6-20-27-7-4-1

on or before June 20, 1963
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 17, 1963

Notice is hereby given that Walter C. Miller, Jr. 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 2.4 cubic feet of water per second of time from ~~the~~ a dry draw through the Miller Diversion, the point of diversion of which is to be located on ~~the~~ both between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, and a point banks of said stream in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8 portions of Twp. 11N Range 21E. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5, SE $\frac{1}{4}$, Section 6, W $\frac{1}{2}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T11N, R21E

~~XXXXXX~~ ~~XXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, 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 Right Specialist

CC: Publisher
West River Progress
Dupree, South Dakota

Permit No. 700-1

Water Division 1 Sulphur Creek 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 Walter C. Miller Jr.
_____ of _____ Dupree, South Dakota _____ holder _____
of Permit No. 700-1, bearing date of priority of June 17, 19 63
authorizing the diversion of 2.4 cu. ft. per second of the waters of a dry draw
for Spreader irrigation purposes, in Ziebach 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:

Five dikes about as penciled in on Water Right Map 585-1
Overflow ditch

B. Works used Port water to place of use,

Each dike contains one or more gated culverts

C. Works used to apply water to beneficial use.

The system is in the following condition: good

The point of diversion is located between points S 75° 20' E. 726.0 feet and due south
1927.2 feet from the NE Corner of Section 5, T11N, R21E

The works are capable of diverting and conveying to the place of use 10 or more
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 Section 5, T11N, R21E

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.3 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 acres

comprising a total of 21.0 acres of land.

A well build system, but only a small portion of that originally proposed.

Date December 15, 1969

Donald Dinnell
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE