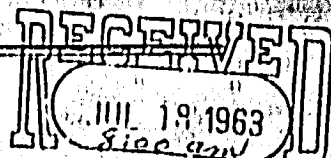


- 705-1
1. Considered 9-5, 1952 C
 2. Name of Applicant TEMPLE BENNETT
 3. Post Office Address WOODWARD, OKLA
 4. Amount of water claimed 12
 5. Source of water supply DRAIN DRAIN
 6. Water to be used for irrigation
Acres to be irrigated 88.75
 7. Water to be diverted and used in PIERACH County about
11.44 miles of LAUREL
 8. Proof of Publication Received ☒
Not Received ☐
 9. Application Approved ☒
Subject to provision
Not Approved ☐
Action deferred ☒
 10. Remarks:

No. 705-1Water Division No. 1MOREAU RIVER

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 Temple BankbrookPostoffice address Woodward, County Woodward, State OklahomaI. If a corporation no

(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, \$ adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Diversion Dam3. Amount of water claimed 1.2 cubic feet per second4. Source of water supply Unnamed Creek5. Location of point of diversion See attached Sheet Between a point in the NW 1/4 Sec 16, T12N R21Eon Siobach bank Siobach 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? Waterspreading(a) Number of acres to be irrigated 83.75 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 of the above uses claimed

(b) Amount of power to be generated horse power.

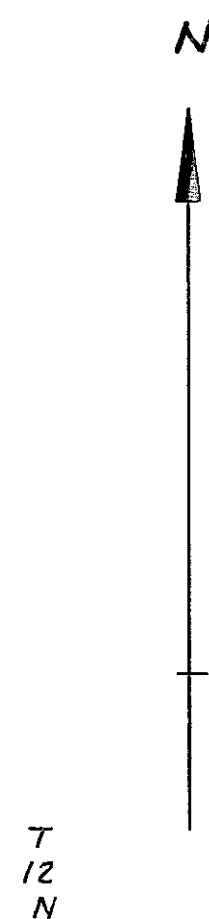
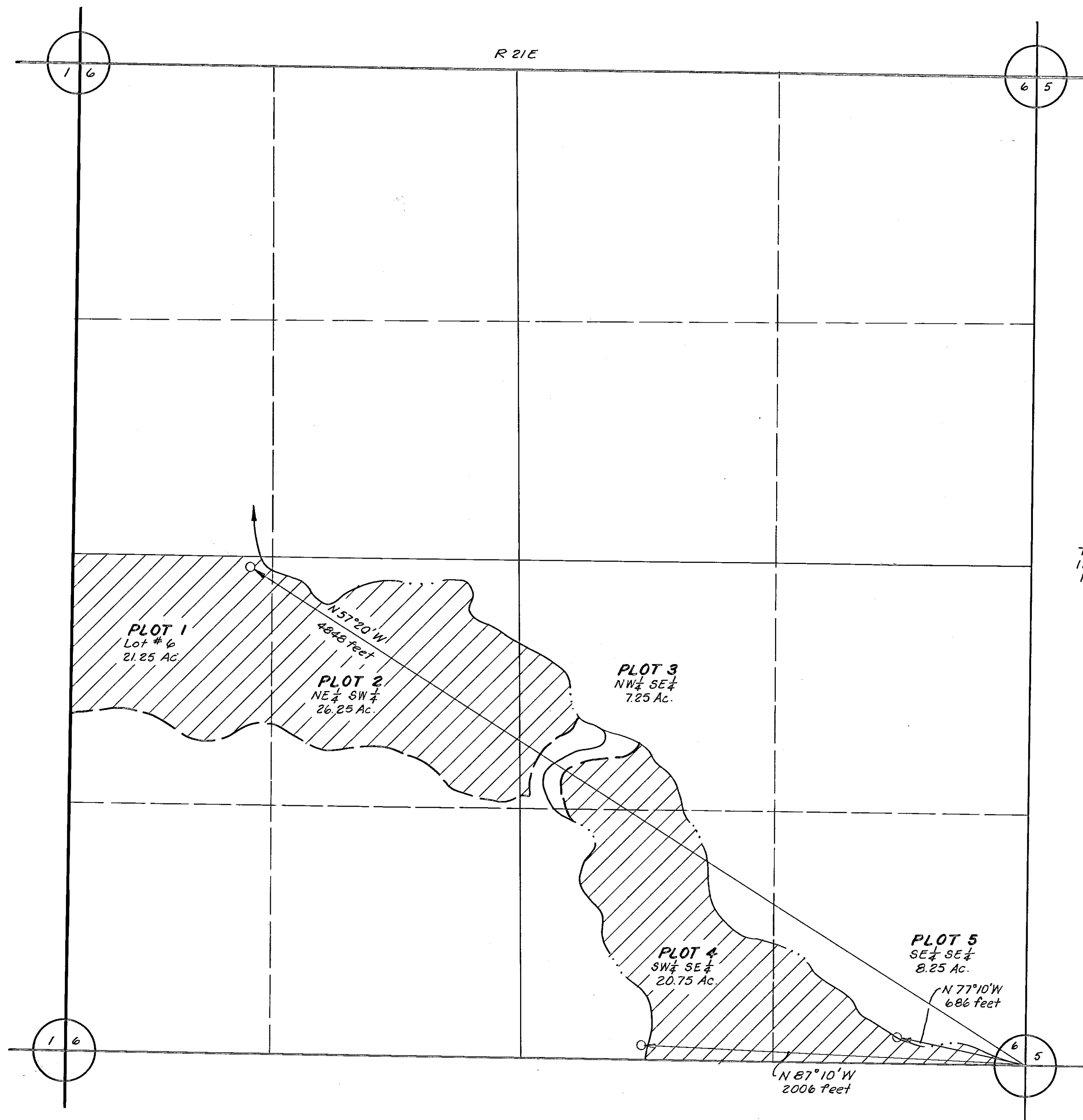
Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP N-590-1



All lands described are owned by Temple Bembrook

LAND TO BE WATERED					
DESCRIPTION	PLOT	SEC.	TWN.	RNG.	ACRES
LOT NO. 6	1	6	12N	21E	21.25
NE 1/4 SW 1/4	2	6	12N	21E	26.25
NW 1/4 SE 1/4	3	6	12N	21E	7.25
SW 1/4 SE 1/4	4	6	12N	21E	20.75
SE 1/4 SE 1/4	5	6	12N	21E	8.25
TOTAL					83.75



Land to be irrigated



Point of diversion

SURVEYOR'S CERTIFICATE

I, R. L. Bartholme, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE TEMPLE BEMBROOK WATERSPREADING PROJECT NUMBER 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE ZIEBACH COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: R. L. Bartholme

TITLE: Ag. Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF

April, 1963, A.D.

Keith Marten
NOTARY PUBLIC

MY COMMISSION EXPIRES January 5, 1967

Scale: 1" = 400'

TEMPLE BEMBROOK WATERSPREADING PROJECT NUMBER 1

Ziebach County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	4/61	Sheet _____ No. 1 of 1

MAP NO 590-1 (APP NO 705-1)

Remarks by State Water Resources Commission:

THIS PERMIT IS APPROVED SUBJECT TO ANY PRIOR
WATER RIGHT THAT MAY BECOME VALID UNDER
PERMIT N^o 672-1.

STATE OF SOUTH DAKOTA

County of HUGHES

ss.

Pierre, South Dakota, NOVEMBER 15, 1963

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

6 m. upon the 18TH day of JULY, 1963

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 705-1

Date of first receipt of application

JULY 18, 1963

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application

Date from which applicant may claim right

JULY 18

Approved NOVEMBER 6, 1963

Recorded in Book

8

Page 136

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

MAY 6, 1966

2nd. The whole of said work is to be completed on or before

NOVEMBER 6, 1968

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

NOVEMBER 1, 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 1.2 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 applied beneficially for irrigation on or before NOVEMBER 6, 1972; said water to be used during the following described annual period:

WHEN WATER IS AVAILABLE

Witness my hand this

15TH

day of

NOVEMBER, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

JANUARY 6, 1970

Water License Issued

JANUARY 6, 1970

WATER LICENSE NO. 705-1

(1) WHEREAS, On the 18th day of July A. D. 19 63

Temple Benbrook

made Water Right Application No. 705-1 for a permit to use 1.2 cubic feet per second of the waters of a Bear Creek Tributary

County of Ziebach, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 15th day of November A. D. 19 63

Permit No. 705-1, with a date of priority of July 18, 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 6th day of November A. D. 19 68 and for the

application to beneficial use of said water on or before the 6th day of November 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 1.2 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 6, T12N, R21E

	<u>Acres</u>
<u>NW 1/4 SW 1/4</u>	<u>21.3</u>
<u>NE 1/4 SW 1/4</u>	<u>26.2</u>
<u>NW 1/4 SE 1/4</u>	<u>7.3</u>
<u>SW 1/4 SE 1/4</u>	<u>20.7</u>
<u>SE 1/4 SE 1/4</u>	<u>8.3</u>
<u>Total</u>	<u>83.8 Acres</u>

(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 Temple Benbrook

_____ of Woodward, Oklahoma
the holder _____ and owner _____ of said permit No. 705-1 a water right, dating from July 18, 1963
_____ to use of 1.2 cubic feet per second of the waters
of a Bear Creek Tributary

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 at points from the SE Corner, Section 6, T12N, R21E, (1)
N 77° 10' W., 686 feet, (2) N 87° 10' W., 2006 feet and (3) N 57° 20' W., 4848 feet

and conduct to and upon portions of the S₄, Section 6, T12N, R21E, described on the face
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 705-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of January A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 2

Item 5.

Points of Diversion

No	Location
1	4848ft N 57° 20' W SE Cor. Sec. 6 T12, R21 E
2	2006 ft. N 87° 10' W SE Cor. Sec. 6 T12N R21E
3	686 ft. N 77° 10' W SE Cor. Sec. 6 T 12 N R21 E

Item 7, 1,b

Land to be Watered

Description	Plot	Location	Acres
Lot No. 6	1	Sec. 6 T12N R21E	21.25
NE ¹ / ₄ SW ¹ / ₄	2	Sec. 6 T 12N R21E	26.25
NW ¹ / ₄ SE ¹ / ₄	3	Sec. 6 T 12N R21E	7.25
SW ¹ / ₄ SE ¹ / ₄	4	Sec. 6 T 12N R21E	20.75
SE ¹ / ₄ SE ¹ / ₄	5	Sec. 6 T 12N R21E	8.25

Permit No. 705-1

Water Diversion No. 1 Moreau River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Temple Benbrook

_____ the holder _____ of
Permit No. 705-1, issued upon Application No. 705-1, bearing date of priority of July 18,
1963 authorizing the diversion of 1.2 cu. ft. per second of the waters of _____
Bear Creek Tributary County of Ziebach, State of South Dakota at points
from SE Corner, Section 6, T12N, R21E, (1) N 77°10' W., 686 feet, (2) N 87°
10' W., 2006 feet and (3) N 57° 20' W., 4848 feet
_____, for irrigation

purpose, has a 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 60 cu. ft. per second of water.

Date January 6, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Zachary } ss.

Harry L. Tarbark being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

West River Progress 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 Empire County of Zachary and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Aug 1 - 8 - 15 - 22

in each and every issue of the full number thereof, the first publication being made on the 1 day of Aug

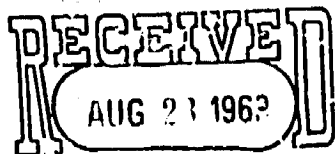
1963 and the last publication on the 22 day of

Aug 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 L. Tarbark

Subscribed and sworn to before me this 22 day of August A. D. 1963



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., July 29, 1963

Notice is hereby given that Temple Benbrook whose postoffice address is Woodward, Oklahoma, 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 his diversion structures, the point of diversion of which is to be located on both banks of said stream between a point in Lot 6, and a point in the SW1/4 of the SE1/4 of Section 6 TWP 12N Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land: Lot 6, NE1/4 SW1/4, W1/4 SE1/4 and Section 6, T12N, R21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 5th day of September, 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 Resource Commission

By: BURTON F. JONES
Water Right Specialist
pub-8-1-8-15-22

Notary Public Zachary County, S. D.

on or before August 3, 1963
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 29, 1963

Notice is hereby given that Temple Benbrook whose postoffice address is Woodward, Oklahoma ~~Source~~, 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 ~~and~~ both his diversion structures the point of diversion of which is to be located on the both bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6 Twp. 12N Range 21E portions of Said water to be used for the purpose of providing irrigation on the following described land:
Lot 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6. T12N, R21E

~~and for~~ and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 5th day of September, 19 63, 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: Harry L. Fairbanks, Publisher
West River Progress
Dupree, South Dakota

APPLICATION NO. 705-1

At the last Commission meeting, Application 705-1 of Temple Benbrook to divert 1.2 c.f.s. of water from an unnamed Creek near Lantry was considered. It was called to the attention of the Commission that this application proposed a flood-spreader system, that a Mr. Heimer of Dupree had a permit to irrigate 90 acres immediately downstream and based on the drainage area, it was probable that at times the system proposed under application 705-1 would take water the Heimer system would otherwise use. The Commission deferred consideration of this application pending investigation by the Staff.

Plans for both of the above-mentioned projects were made by the Soil Conservation Service. The S.C.S. at Dupree was contacted and commented as follows:

1. At times the upstream system (Benbrook's) could take all of the water but it was felt that there would be times when there would be enough water for both systems;
2. That when plans for the Benbrook system were being prepared, Mr. Heimer and Mr. Benbrook's manager had an agreement as to how the Water would be used cooperatively.
3. That the Heimer system had never been constructed and in the meantime Mr. Heimer had sold this property to M.M. Kiker of Onida.
4. That Mr. Kiker had plowed the land which was to have been irrigated and in the opinion of S.C.S. personnel, the proposed flood-spreader system was no longer feasible.

Mr. Kiker was then contacted. He said he knew there was some sort of water right on the land he purchased. He didn't know if he would build the system or not, but he would contact the S.C.S. and then let this office know his decision. Afterwards Mr. Kiker did stop at the Office and discussed this situation, but, to date, no word has been received as to whether he plans to construct the System, or not.

In view of these circumstances, the Commission staff believes Application No. 705-1 can be approved subject to any prior water right that may become valid under Permit No. 672-1 granted to Ambrose Heimer.

Permit No. 705-1
1 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's thorough examination of the water use system constructed by Temple Benbrook
_____ of Woodward, Oklahoma holder
of Permit No. 705-1, bearing date of priority of July 18, 1953
authorizing the diversion of 1.2 cu. ft. per second of the waters of Bear Creek Tributary
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:

Diversion dams

Surface runoff interceptor ditches

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

Numerous spreader dikes

C. Works used to apply water to beneficial use.

Land has been leveled between spreader dikes

The system is in the following condition: very good

The point of diversion is located from SE Corner of Sec. 6, T12N R21E (1) N 77° 10' E.
686 feet (2) N. 87° 10' W, 2006 feet (3) N. 57° 20' W 4848 feet

The works are capable of diverting and conveying to the place of use up to 60
cu. ft. per second of water which is to be used for spreader irrigation

Water has been put to beneficial use to the maximum extent as follows: in S $\frac{1}{2}$, Sec. 6, T12N, R21E; NW $\frac{1}{4}$ S $\frac{1}{2}$
21.3 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 26.2 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.3 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.7 acres and SE $\frac{1}{4}$ SE $\frac{1}{4}$
8.3 acres.

comprising a total of 87.8 acres of land.

Date December 11, 1969

Donald Driscoll
(Signature)
Donald Driscoll, Deputy Chief Engineer
Water Resources Commission

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE