

759-1

1. Considered 9-15, 1965
2. Name of Applicant CLARENCE E. HUMPHREY
3. Post Office Address NEW UNDERWOOD
4. Amount of water claimed 11.14 (7.5 VESTED RIGHT)
5. Source of water supply ELK CREEK & CROW DRAW
6. Water to be used for IRRIGATION

Acres to be irrigated 780

7. Water to be diverted and used in MEADE County about
5 N 5 E miles of NEW UNDERWOOD

8. Proof of Publication Received ☒

Not Received ☐

9. Application Approved ☒

Subject to ☐

Not Approved ☐

Action deferred ☐

10. Remarks:

Call - Harlow - MEADE

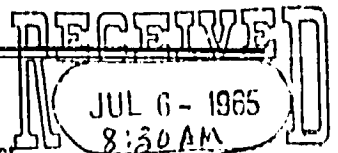
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No. 759-1Water Division No. 1ELK CREEK
(Blanks to be filled by the Engineer for the W. R. C.)

District

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 CLARENCE E. HUMPHREY 759-16410Postoffice address NEW UNDERWOOD, County MEADE, State SO. DAK.

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)

~~BY CONTRACT AND DIRECT LABOR~~

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work THE CLARENCE E. HUMPHREY IRRIGATION PROJECT3. Amount of water claim 11.14 cfs4. Source of water supply ELK CREEK AND CROW DRAW5. Location of point of diversion See attachmenton BOTH banks MEADE County.6. Annual period or periods during which water is to be used March 15th thru Nov. 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 100 acres.

(b) Legal subdivisions to be irrigated

(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 STOCKWATERING AND IRRIGATION

Name any of the above uses claimed

(b) Amount of power to be generated NONE horse power.Amount claimed for engine cooling NONE(c) Location of plant NONE(d) Method of developing power NONE(e) Point where water will be returned to stream X X X X

MAP NO 637-1

8. Estimated cost of work:

(a) Head Gates, \$-----**200.00** **Trailer mounted pump & pipe**
 (c) Fluming, \$-----**500.00** (d) Canal-earth, \$-----
 (e) Other structures -----**dikes and borders \$1000.00**
 (b) Pumping plant, \$-----**3000.00**
 Flock, \$-----
 Total, \$-----**4700.00**

9. Description of diversion works:

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

Dikes, borders and ditches for efficient spreading of water from dam in Sweet Bro. 36 on which vested right is claimed. Pumping from Wik Creek to supplement supply from Crow Draw

(a) Dam: Height-----**9.5**-----feet; length at bottom-----**140**-----feet; length at top-----**135**-----feet; thickness at bottom-----**5.2**-----feet; thickness at top-----**1.4**-----feet; slope at front water face-----**4:1**-----; slope at back face-----**1:1**-----
 material used in construction-----**earth**-----**FREEDBOARD 3.5 feet**-----
 (b) Reservoir: Capacity when filled-----**Nil**-----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-----**3/8**-----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-----**3**-----years.
 12. Choice of newspaper for publication of notice of intention to appropriate-----
 -----**RAPID-CITY DAILY JOURNAL, RAPID CITY? SOUTH DAKOTA**-----
 -----**STATE OF SOUTH DAKOTA**-----
 County of -----**MEADE**-----} ss.

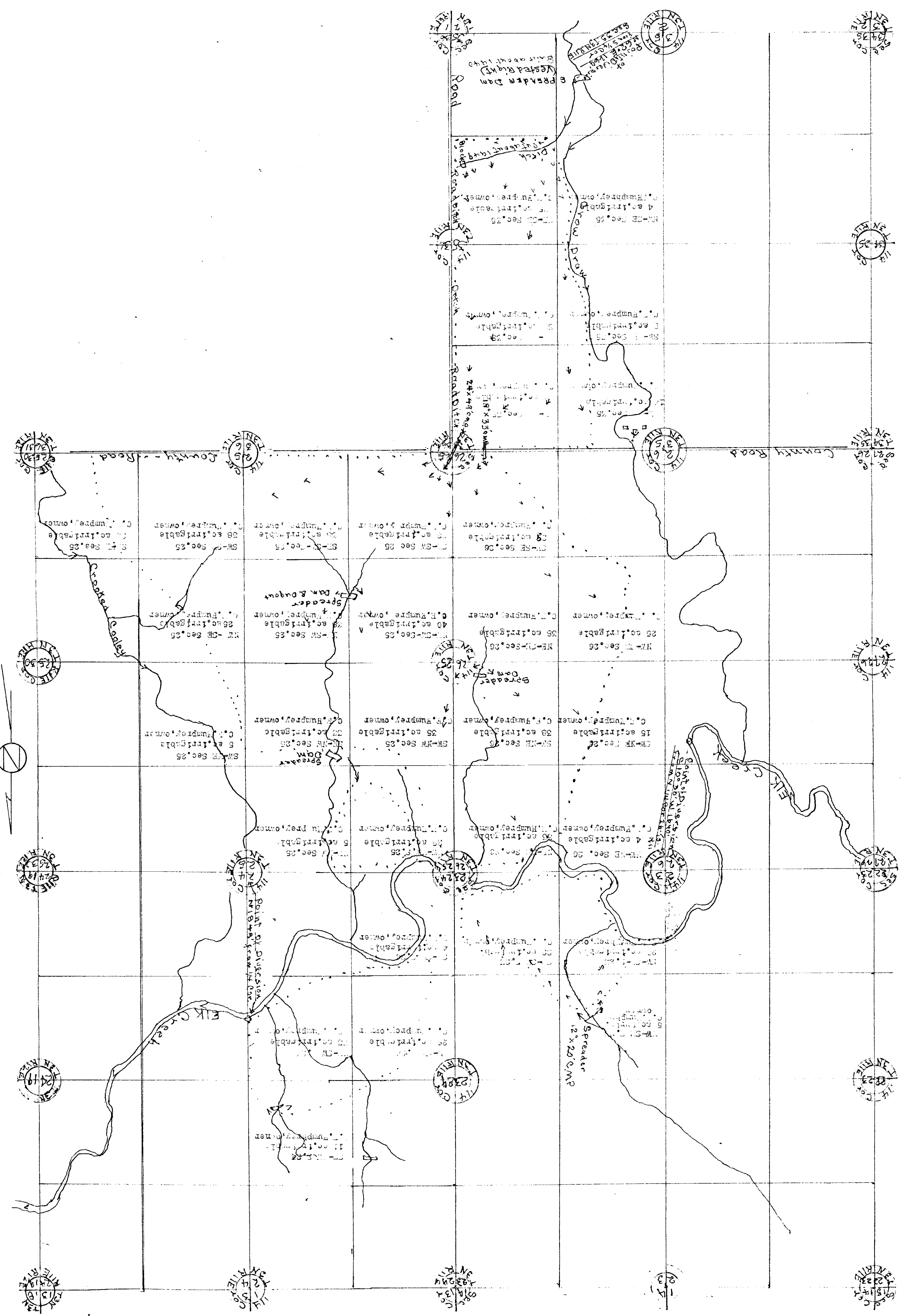
I, -----**CLARENCE E. HUMPHREY**-----, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed -----**Clarence E. Humphrey**-----
 Subscribed and sworn to before me this -----**23rd**----- day of -----**June, 1905**-----

Carl M. Cornell,

Notary Public (or other official)

*Each diversion must have a headgate or measuring device.



Subscribed and sworn to before me at Buffalo, South Dakota this 15th day of June 1900.
 Notary Public.
 I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Buffalo, South Dakota.
 J. J. [Signature]
 County Clerk.

MAP No 637-1
 (APPL No 759-1)

Remarks by State Water Resources Commission:
THIS PERMIT IS APPROVED (1) RECOGNIZING A "VESTED RIGHT" FROM 1941 FOR THE USE
OF 1.93 CFS FROM CROW CREEK & DRY DRAWS (2) APPROVAL FOR THE CONSTRUCTION
AND USE OF 7.5 CFS FROM CROW CREEK AND DRY DRAWS FOR NEW SPREADER
SYSTEMS (3) APPROVAL OF PUMP IRRIGATION FROM ELK CREEK FOR 120
ACRES, WITH A DIVERSION RATE OF 1.7 CFS, PROVIDING THAT THIS PUMPING
SYSTEM MUST BE SO CONSTRUCTED AND OPERATED SO THAT LOW
FLOW WILL BE BY-PASSED FOR DOWNSTREAM DOMESTIC AND PRIOR
WATER RIGHT USE. THIS PERMIT DOES NOT AUTHORIZE CONSTRUCTION
OF DAMS ON ELK CREEK.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, NOVEMBER 22, 1965

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 a.m. upon the 6TH day of JULY, 1965

State Water Resources Commission

By:

John J. [Signature]
Chief Engineer, Executive Officer

Number of permit 759-1

Date of first receipt of application JULY 6, 1965

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 1.43 CFS FROM 1941
9.21 FROM JULY 6, 1965

Approved NOVEMBER 17, 1965, Recorded in Book 9 Page 65

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 17, 1968

2nd. The whole of said work is to be completed on or before NOVEMBER 17, 1970

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

NOVEMBER 17, 1970

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 11.14
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 NOVEMBER 17, 1970; said water to be used during the following described annual period:

MARCH 15 THEN NOVEMBER 1

Witness my hand this 22ND day of NOVEMBER, 1965

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 8, 1977

Water License Issued SEPTEMBER 8, 1977

attachment

Points of diversion- For pumping from Elk Creek- SE 1/4 NW 1/4
Between a point which lies 600 ft. from the N 1/4 Cor. Sec. 26,
and a point which lies N 1848 ft. from the S 1/4 Cor. Sec. 24,
T.3 N., R.11 E-BHM in Meade County - Both sides of stream -

(This water to supplement the flow of Crow Draw which is claimed under Vested Right.)

- - Crow Draw - Diversion or spreader dam located
N 62° E. 1269 ft. from the S 1/4 Cor. Sec. 35, T.3 N., R.11 E-BHM
in Meade County. From right or East side of draw.

NW-SE-5 ac., SW-SE-30 ac., SE-SE-22 ac., Sec. 23, T.3N., R.11 E	47 ac.
SE-NW-11 ac., NW-SW-25 ac., NE-SW-33 ac., SW-SW-4 ac., Sec. 24	73 ac.
NW-NW-35 ac., NE-NW-5 ac., SW-NW-35 ac., SE-NW-33 ac., NW-NW-5 ac.,	
NW-SW-40 ac., NE-SW-38 ac., SW-SW-38 ac., SE-SW-38 ac., NW-SE-25 ac.,	
SW-SE-38 ac., SE-SE-23 ac., Sec. 25, T.3 N., R.11 E-BHM	343 ac.
NW-NE-4 ac., NE-NE-33 ac., SW-NE-15 ac., SE-NE-38 ac., NW-SE-25 ac., NE-NW	
SE-SE-38 ac., SE-SE-39 ac., Sec. 26, T.3 N., R.11 E-BHM	182 ac.
NW-NE-14 ac., NE-NE-36 ac., SW-NE-8 ac., SE-NE-33 ac., NW-SE-4 ac.,	
NE-SE-35 ac., Sec. 35, T.3 N., R.11 E-BHM	
Total -	135 ac. 780 ac.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 759-1

(1) WHEREAS, On the 6th day of July A. D. 19 65

Clarence E. Humphrey

made Water Right Application No. 759-1 for a permit to use 11.14 cubic feet per second of the waters of Elk Creek and Crow Draw

County of Meade, State of South Dakota, for irrigation

purpose and

(2) WHEREAS, On the 17th day of October A. D. 19 65

Permit No. 759-1, with a date of priority of 1949 and July 6, 1965

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 November A. D. 19 70 and for the application to beneficial use of said water on or before the 17th day of November A. D. 19 70

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 7.5 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 T3N, R11E

Section 25	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres	Section 35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$	36 "
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35 "		SW $\frac{1}{4}$ NE $\frac{1}{4}$	8 "
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 "		SE $\frac{1}{4}$ NE $\frac{1}{4}$	38 "
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 "		NW $\frac{1}{4}$ SE $\frac{1}{4}$	4 "
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38 "		NE $\frac{1}{4}$ SE $\frac{1}{4}$	35 "
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38 "	TOTAL		525 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 "			
Section 26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33 "			
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	38 "			
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30 "			
	S $\frac{1}{4}$ SE $\frac{1}{4}$	29 "			

(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 Clarence E. Humphrey

_____ of New Underwood

the holder _____ and owner _____ of said permit No. 759-1 a water right, dating from 1949

_____ to use of 7.5 cubic feet per second of the waters

of Crow Draw

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point N62°E. 1269 feet from the S½

corner, Section 35, T3N, R11E

and conduct to and upon 525 acres in portions of Section 25, 26 & 35, T3N,

R11E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 759-1 and subject to the laws of the State of South Dakota.

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

this 8th day of September A. D.

Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 759-1

Water Diversion No. 1 Elk Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Clarence E. Humphrey

_____ the holder _____ of
Permit No. 759-1, issued upon Application No. 759-1, bearing date of priority of July 6,
1965 authorizing the diversion of 11.14 cu. ft. per second of the waters of _____
Elk Creek & Crow Draw County of Meade, State of South Dakota at _____
a point N62°, 1269 feet from the sk corner, Section 35, T3N, R11E
_____, 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 20 cu. ft. per second of water.

Date September 8, 1977

WATER RESOURCES COMMISSION

by:

John Hatch
JOHN HATCH, Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennington } ss.

W.C. Maguan being duly sworn, deposes and says the annexed-printed copy of Notice of Intention to Appropriate Water was taken from the Rapid City Journal 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 Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 19, 26, September 2, 9

in each and every issue of the full number thereof, the first publication being made on the 19th day of August 1965 and the last publication on the 2th day of September 1965, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager of the said newspaper.

Subscribed and sworn to before me this 2th day of September A. D. 1965

Notary Public Pennington County, S. D.

Aug. 19, 26, Sept. 2, 9
APPROPRIATION OF WATER
Office of State
Water Resources Commission
Pierre, South Dakota
August 9, 1965
Notice is hereby given that Clarence E. Humphrey whose postoffice address is New Underwood, 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 11.4 cubic feet of water per second of time of which 1.8 is a vested right from Crow Draw from Elk Creek and Crow Draw through the Humphrey Irrigation Project, the joint of diversion of which is to be located on either bank of said streams from Crow Draw in the SW¹/₄ of the SE¹/₄ of Section 33, Twp. 3N, Range 11E, and from Elk Creek between a point in the SE¹/₄ NW¹/₄, Sec. 28, and a point in the NE¹/₄ SW¹/₄, Sec. 24, T3N, R11E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
S¹/₄ SE¹/₄, NW¹/₄, SE¹/₄, Section 23;
SE¹/₄, NW¹/₄, SW¹/₄, Section 24, SW¹/₄, NE¹/₄, NW¹/₄, SW¹/₄, NW¹/₄, SE¹/₄, S¹/₄ SE¹/₄, Section 33; SE¹/₄, Section 34; SE¹/₄, Section 26; NE¹/₄, NW¹/₄, SE¹/₄, Section 33, all in T3N, R11E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1965, 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

RECEIVED
SEP 10 1965

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

on or before August 19, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 9, 1965

Notice is hereby given that Clarence E. Humphrey whose postoffice address is New Underwood 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 11.14 of which 7.5 is a vested right from Crow Draw cubic feet of water per second of time from ~~the~~ Elk Creek and Crow Draw through the Humphrey Irrigation Project

the point of diversion of which is to be located on the either from Crow Draw in bank of said stream ~~the~~ SW ^{1/4} of the SE ^{1/4} Section 35 and from Elk Creek between a point in the SE ^{1/4} NW ^{1/4}, Sec. 26, and a Twp. 311 Range 11E, point in the NE ^{1/4} SW ^{1/4} Sec. 24, T3N, R11E portions of Said water to be used for the purpose of providing irrigation on the following described land:

S ^{1/2} SE ^{1/4}, NW ^{1/4} SE ^{1/4}, Section 23; SE ^{1/4} NW ^{1/4}, SW ^{1/4} Section 24; SW ^{1/4} NE ^{1/4}, NW ^{1/4}, SW ^{1/4}, NW ^{1/4} SE ^{1/4}, S ^{1/2} SE ^{1/4}, Section 25; SE ^{1/4} Section 26; NE ^{1/4}, N ^{1/2} SE ^{1/4}, Section 35, all in T3N, R11E

and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September 1965, 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
Rapid City Journal
Rapid City, S.D.

Location No.

RECEIVED
JUL 6 - 1965

Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. CLARENCE E. HUMPHREY, NEW HENDERWOOD, MEADE CO., SO. DAK.
STOCKMAN, NEW HENDERWOOD, SOUTH DAKOTA P.O.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (If a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. NONE

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. CROW DRAW, N. 62° E. 1269 feet from the South E. Cor. Sec. 35,
T. 3 N., R. 11 E-BHM

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Diversion Dam-Crow Draw-SW-SE 8.35, T. 3 N., R. 11 E-BHM. Length 135',
Height 9.5 ft., Free Board, 3.5 ft. (Reservoir has considerable silt
in bottom and is not a part of this project but a diversion only).

Diversion dam and ditch carry the entire flow of the draw.

Dam constructed by applicant's father about 1940. Ditch by applicant
in 1949. Spreader dam in SE-NE Sec. 25 built about 1940.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. The following described tracts have been overflowing after each
flood period, for over 30 years, to produce excellent alfalfa crops
in the more favored areas and wheatgrass for hay over much of the re-
mainder with wheatgrass showing signs of heading out over all grass-
land but a system of dikes or borders is badly needed to make full
use of the flood water when it comes, after rains of unknown. Mostly rich
soil with patches of heavy clay.

NW-NW-25 ac., NE-NW-5 ac., SW-NW-35 ac., SE-NW-33 ac.

NW-SW-40 ac., NE-SW-38 ac., SW-SW-38 ac., SE-SW-38 ac.

Sec. 25, T. 3 N., R. 11 E-BHM 252 ac.

NE-NE-33 ac., SE-NE-38 ac., NE-NE-38 ac., NE-NE-38 ac.

NE-SE-38 ac., SE-SE-29 ac., Sec. 26, T. 3 N., R. 11 E-BHM 139 ac.

NW-NE-14 ac., NE-NE-36 ac., SW-NE-8 ac., SE-NE-38 ac., NW-SE-4 ac.

NE-SE-35 ac., Sec. 35, T. 3 N., R. 11 E-BHM 135 ac.

(e) Point where water will be returned to stream

Total =

525 ac.

Ques. 10. State to when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Flood waters have been diverted by means of the dam in the NW-SE of Sec. 35, T.3 N., R.11 E-DHK since its construction about 25 years ago. Improvements on the spreading have been made at various times since then by spreader dikes and dams

(Sign) Clarence E. Humphrey
Clarence E. Humphrey

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in New Underwood, County of Pennington

State of South Dakota, on this 30th day of June A. D. 1961

Notary Public. } Witnesses
Notary Public.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Dale Martin
Melvin Hamilton

Location No.	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
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Permit No. 757-1Water Division 1 TR 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 Clarence F. Humphrey of New Underwood, S. Dak. holder of Permit No. 757-1, hearing date of priority of July 6, 1965 authorizing the diversion of 11.14 cu. ft. per second of the waters of Crow 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:

Diversion Dam -
length 135 ft
Height 75 ft
Storage 0

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

Diversion Ditch

C. Works used to apply water to beneficial use.

Diversion Dikes, spreader dikes and ditchesThe system is in the following condition: Good.

The point of diversion is located N 62° E. 1269 feet from South $\frac{1}{4}$ Cor. Sec. 35, T3N R11E.

The works are capable of diverting and conveying to the place of use 20.0 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 Section 26, T3N R11ENE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 38 Ac., NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 Ac., SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 29 Ac.

In section 25, T3N R11E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 Ac., NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 5 ac., SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 Ac., SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 Ac., NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac., NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 38 Ac., SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 38 Ac., SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 38 Ac.

In section 35, T3N R11E, NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 14 Ac., NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 36 Ac., SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 8 Ac.

comprising a total of 52.5 acres of land.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 38 Ac., NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 4 Ac.,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 35 Ac.

Date May 14, 1976
Leroy J. McNaugh
(Signature)

WATER RIGHT APPLICATION 759-1

CLARENCE E. HUMPHREY

At their September 1965 meeting, the State Water Resources Commission considered the application of Clarence E. Humphrey to divert 11.14 cubic feet per second of water from Elk Creek and Crow Draw to irrigate 780 acres of land located approximately six miles northeast of New Underwood, South Dakota. The 11.14 c.f.s. diversion rate is the maximum that could be authorized for 780 acres, based on the statutory limit of one cfs for each 70 acres to be irrigated.

This Water Right application No. 759-1, in effect, proposed:

1. That 525 acres of land be recorded as being irrigated by spreader systems under a vested right having a priority date of 1940, or 1949, or combination thereof. This acreage is represented on the copy of the water right map by the areas colored in red and blue:
2. That 135 acres of additional land be approved for new irrigation by spreader systems. This area is represented by the yellow color on the map.
3. That 120 acres of land be approved for new irrigation using water to be pumped from Elk Creek. This area is represented by green color on the map.
4. That approval be given, authorizing the pumping of up to 9.43 c.f.s. of water from Elk Creek as a supplemental supply of water to those lands to be primarily irrigated by spreader systems. The areas are represented on the map by the red, yellow and blue colors.

Because of the large diversion rate requested from Elk Creek and because of the large area proposed for vested right recording, the Commission deferred action on this application, pending investigation by the Commission staff.

After inspection of the area and after discussion with the applicant, Mr. Clarence Humphrey, the Commission Staff recommends:

1. That a vested right for spreader irrigation of 135 acres with 1.93 c.f.s. of water from Crow Creek and dry draws and with a priority date of 1949 be recorded. This area is represented on the map by the red color.
2. That approval be given for the construction, and use of 7.5 c.f.s. of water from Crow Creek and dry draws on 525 acres to be irrigated by new spreader systems. This area is represented by the blue and yellow colors on the map.

3. That pump irrigation from Elk Creek be authorized for 120 acres, with a diversion rate of 1.71 c.f.s., such approval containing written notification that this pumping system must be so constructed and operated that the low flows will be by-passed for downstream domestic and prior water right use. This proposed irrigated area is represented in green on the water right map.

(605) 773-3352
Water Rights Division

755-1
772-1
759-1

August 4, 1981

Mr. Clarence Humphrey
New Underwood, SD 57761

Dear Mr. Humphrey:

After our meeting on July 29, 1981 concerning the situation with Mr. Dale Madsen and Mr. Jim Auker on Elk Creek, we decided to wait until there is sufficient runoff into Elk Creek to effectively evaluate the situation. Since the creek has been dry for sometime it will take a large runoff to fill all the natural pot holes in the creek before it will run. If it is determined that the construction change on Elk Creek is interfering with the downstream domestic water supply, Mr. Madsen and Mr. Auker will be instructed to correct the problem.

If you have any questions, please call the office.

Sincerely,

THOMAS G. SCHAAL
Water Resources Engineer

TGS/bat

Water Rights Division
(605) 773-3352

755-1
772-1
759-1

August 4, 1981

Mr. Dale Madsen
New Underwood, SD 57761

Dear Mr. Madsen:

This letter is to inform you that our office has received several complaints on the construction work you and Mr. Jim Aucker have done on Elk Creek just north of Mr. Aucker's home.

The complaints were that you and Mr. Aucker are holding back downstream domestic water supplies. We investigated the situation on July 29, 1981 and have decided to wait until there is a larger runoff into the creek to evaluate the situation. If it is determined that the construction change on Elk Creek is interfering with downstream domestic water you will be instructed to correct the problem.

Would you please send a letter to this office stating the purpose for the construction of these dykes and if you or Mr. Aucker have any future plans for irrigating using this construction change.

If you have any questions, please call this office.

Sincerely,

TIMOTHY G. SCHWAL
Water Resources Engineer

TGS/bat

cc: Mr. James L. Aucker, Jr.
New Underwood, SD 57761

 **Department of
Water & Natural Resources**

Jon Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

October 29, 1981

Mr. Clarence Humphrey
New Underwood, SD 57761

Dear Mr. Humphrey:

On October 27, 1981, we met with Mr. Aucker and Mr. Madgen at the site of their erosion control project. The creek was completely dry and the situation could be clearly evaluated. We took some elevations of the creek bed and the bypass channel and determined that the bottom of the bypass channel was essentially the same elevation as the creek bed. After this visit to the project, we have decided not to take any action on this matter.

Elk Creek has had very little runoff into it for several years. It will take a large snow fall in the Black Hills area to fill all the natural pot holes and restore Elk Creek. Hopefully, this winter we will get the snow fall needed to fulfill this task.

If you have any questions on this matter, please call this office.

Sincerely,

TIMOTHY G. SCHAAI
Water Resources Engineer

cc: Mr. James L. Aucker, Jr.
New Underwood, SD

TGS/gy

Equal Opportunity Employer

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DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

759-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 759-1 FOR IRRIGATION

Date of Receipt of Claim July 6, 1965.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 759-1 for irrigation purposes for Clarence Humphrey, RR 1, Box 51, New Underwood, South Dakota, 57761 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 759-1 appropriates 1.93 cubic feet per second of water from Crow Creek and dry draws for stock watering and to irrigate 135 acres. The point of diversion is located in the SW1/4 SE1/4 Section 35, T3N, R11E. The irrigated lands are located in the NE1/4, N1/2 SE1/4 Section 35, T3N, R11E.
2. The appropriation may not exceed the amount of water needed for beneficial use for stock watering and irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 15 to November 1.
3. The priority date of the Vested Water Right is: January 1, 1949
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:  MAR 17 1993
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 759-1 is also included as part of Water License No. 759-1 for a total of 7.5 cfs to irrigate 525 acres.

759-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 17 1993

Clarence Humphrey
RR 1, Box 51
New Underwood SD 57761

Dear Mr. Humphrey:

The Water Management Board has validated the enclosed Vested Water Right No. 759-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure