

No. 70-1

Water Division No. 1 Moran Water District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

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

1. Name of applicant William W. Mitchell

Postoffice address. Ravn, County. Butte State S. 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 the work. (Whether by contract, employment of others, or by direct labor) by direct labor

(b) Cash on hand, \$ (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Names of diversion works Mitchell Diversion Works

3. Quantity of water claimed 1/3 cubic feet per second.

4. Source of water supply Springs

5. Location of point of diversion NW 1/4 of NE 1/4 Sec. 15, Twp. 18 N., R. 9 East B.H.M.

on bank.
(Right or left bank looking down stream.)

6. Annual period during which water is to be used yearly

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 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.) NE 1/4 of NE 1/4, Sec. 15, Twp.

18 N., R. 9 E. B.H.M.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use

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

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$ 50.00

(b) Pumping plant, \$

(c) Fluming, \$ (d) Canal earth, \$ 850.00 Rock, \$

(e) Other structures, \$ Total, \$ 500.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction

(b) Reservoir: Capacity when filled acres feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH FEET OF DEPTH AT OUTLET-ACRES	CAPACITY-ACRE-Feet

(c) Head gate: Width feet; height feet;

Material:

(d) Canal: Total length 1505 feet, 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

[Give dimensions where reductions in size are made.]

10. Time required for completion of work One years.

11. Time required for complete application of water to the proposed beneficial use One years.

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

Felle Founders Rec

STATE OF SOUTH DAKOTA

County of Butte ss

I, W.L. Barbours, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Engineer, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I believe of my own personal knowledge that the matters therein stated and shown are true.

Signed W.L. Barbours

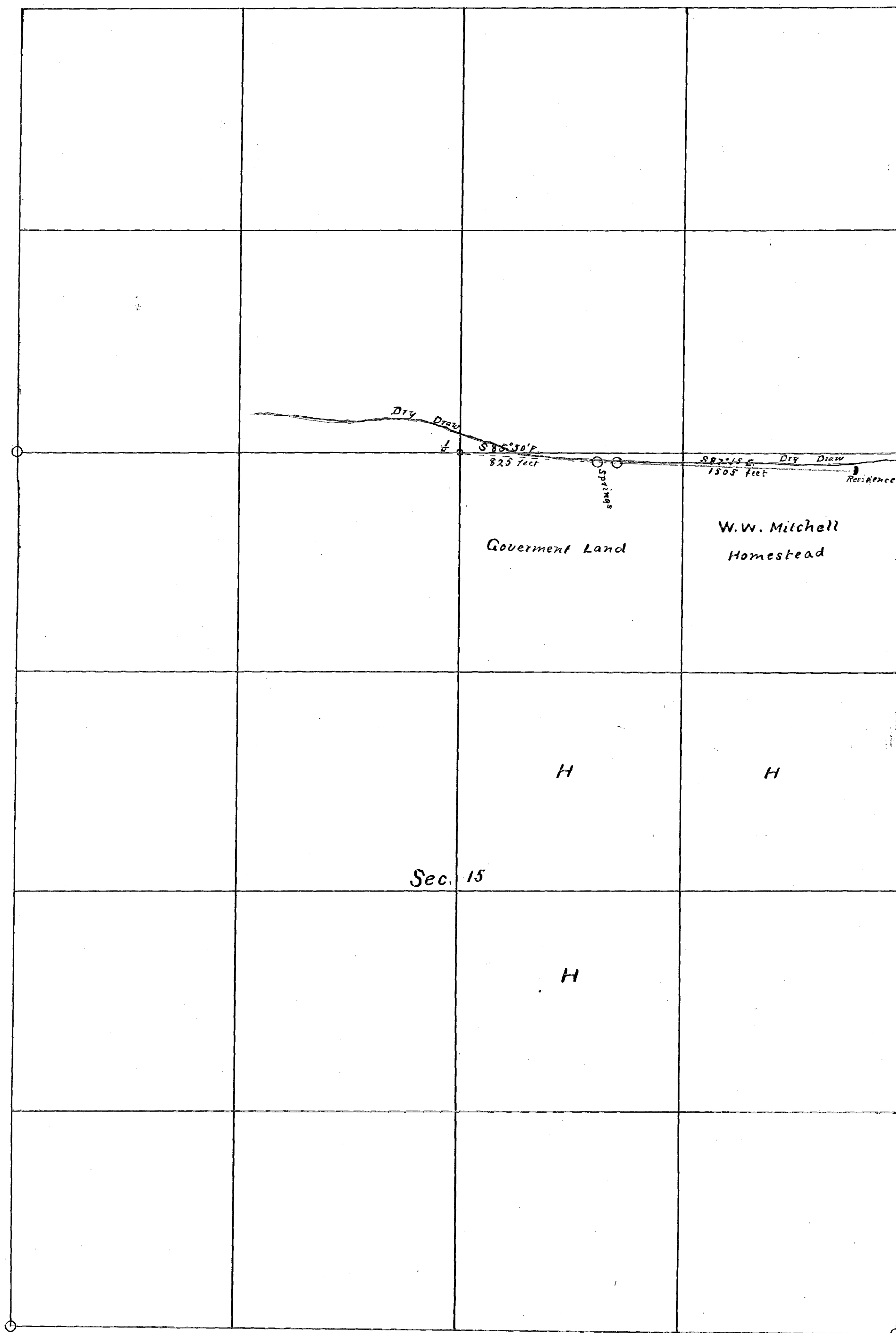
Subscribed and sworn to before me this 7 day of March

1910

(SEAL)

Alfred J. Moore

Notary Public (or other qualified officer.)



Map Accompanying
Application for a Permit
To Appropriate Water within the State of South Dakota
Through The
MITCHELL CANAL From Springs
Located In
N.½ of N.E.¼ Sec 15 T.18 N. R.8 E. B.H.M.
Scale 400' to 1 in

RECEIVED
SARAH H. LEE
FARM ENGINEER

RECEIVED
OFFICE OF THE ENGINEER
SOUTH DAKOTA

State of South Dakota
County of Butte }

I W.L. Barbour being duly sworn, upon my oath say, that I am
the Engineer of the W.W. Mitchell Project, that the survey and map of the
purposed Canal were made under my directions and that I have read the
accompanying statement and know of my own knowledge that the statements
therein made are true

Subscribed and sworn to before me at Belle Fourche Butte County South Dakota
this 7 day of March, 1910

W.L. Barbour
Engineer

Notary Public

W.L. Barbour
Commission Expires May 20-1912

RIGHT OF WAY MAP - FOR WATER SUPPLY

WILLIAM W. MITCHELL - Claimant.

Reva, S. D.

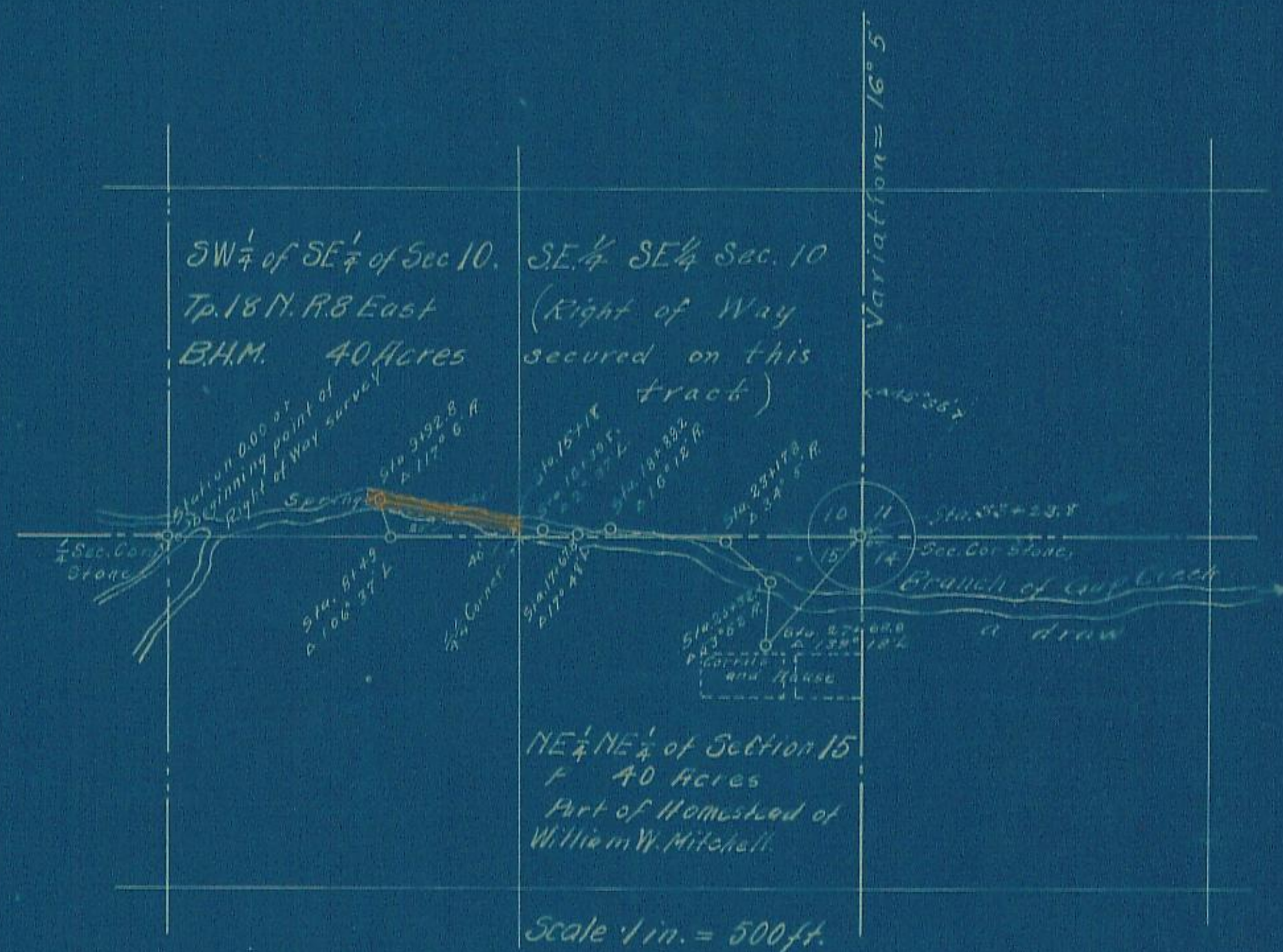
Location of Right of Way - From Sta. 9+92.8 to Sta. 15+18

All in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 10, Tp. 18 North, Range 8 East, Black Hills Meridian.

AMOUNT OF LAND IN RIGHT OF WAY - 0.631 ACRES

State of South Dakota }
County of Harding }

Alfred S. Tubbs being duly sworn, says that he is the engineer who was employed by William W. Mitchell to make a survey for Right of Way over Government lands for a Pipe Line and water supply system as hereon described, that the survey of the water supply is as follows: - Beginning at a point said point being a quarter corner stone between Sections 10 and 15, Township 18 North, Range 8 East, Black Hills Meridian, from said point a line was run east on section line (Variation 16° 50') to station 8+49 thence angling to left 106° 37' to station 9+92.8 at which point is a spring, thence source of water for this pipe line thence angling to right 117° 6' and following center line of pipe line a distance of 525.2 feet to a point on the quarter quarter line 40 feet north of the quarter quarter corner as shown on this plot - which survey is all on the south section line and within the boundary of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10 as above described, that said Right of Way desired consisting of 25 feet on each side of survey line extending from 25 feet west side of spring to 525.2 feet east side of spring a total distance of 550.2 feet, covering an area of 0.631 acres, that the survey was made by him as engineer for said William W. Mitchell and under his authority commenced the survey on September 2nd 1911, that the survey of said spring and pipe line as represented hereon, and the accompanying field notes accurately represent the ground necessary for the maintenance of said water supply, and that no lake or lake bed stream or stream bed is used for the said water supply, except as shown on this plot, that the continuous amount of water available is one mineral inch as near as can be determined, that the source of water is a draw a branch of Gap Creek, that the area of water shed in two sections, that the annual rain fall in this locality is from 19 to 21 inches, that there are no articles of association in connection with this project, that the transit used on the work was a 12 inch Buchanan reading to minutes, that the grade line was run with a Buchanan level, steel tape and 15 foot spirit level rod, that the purpose of this survey is to get a continuous supply of water for both stock and domestic purposes on ranch, that this survey was completed on the 2nd day of September 1911.



I, William W. Mitchell do hereby certify that I am owner and builder of the water supply system as described hereon, that Alfred S. Tubbs who subscribed to the accompanying affidavit is the engineer who was employed to make the survey for me, that the survey of the spring and pipe line as accurately represented on this map and by the accompanying field notes was adopted by me 2nd day of September 1911, and is described as follows - Beginning at a point said point being a quarter corner stone between Sections 10 and 15 Township 18 North, Range 8 East, Black Hills Meridian, from said point a line was run east on section line (Variation 16° 50') to station 8+49, thence angling to left 106° 37' to station 9+92.8 at which point is a spring, thence source of water for this pipe line thence angling to right 117° 6' and following center line of pipe line a distance of 525.2 feet to a point on the quarter quarter line 40 feet north of the quarter quarter corner as shown on this plot - and that no lake or lake bed stream or stream bed is used for said water supply except as shown on this map, and that the map has been prepared to be filed for the approval of the Secretary of the Interior in order that I may obtain the benefit of Sections 15 and 28 inclusive of the Act of Congress approved March 3, 1891, entitled "An Act to repeal Timber Culture Laws and for other purposes" and Section 2 of the Act approved May 11, 1898, and I further certify that the Right of Way herein described is desired for the main purpose of obtaining a water supply for stock and domestic purposes, that there are no articles of association in connection with this project, I am sole owner.

William W. Mitchell

Alfred S. Tubbs
DEPUTY STATE SURVEYOR.

Sworn to and subscribed before me
this 2nd day of October, 1911.
Albert Smalley
NOTARY PUBLIC.
My commission expires July 27 1913

RECEIVED
JAN 27 1912
OFFICE OF THE SECRETARY
OF THE INTERIOR
WASHINGTON, D. C.

Remarks by State Engineer:

This application is for the right to appropriate $1\frac{1}{8}$ of a cubic foot of water per second of the flow of certain springs located on Government land, at the point designated herein in Butte County.

STATE OF SOUTH DAKOTA } ss
County of Hughan

Pierre, South Dakota, July 2, 1900

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the ninth day of March 1900 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on May 13, 1910.

Samuel H. Lee
State Engineer

By B. B. Lee Deputy.

Number of permit 78-1

Date of first receipt of application March 9, 1900

Date of return to applicant for correction ----- 1900

Date of receipt of corrected application ----- 1900

Date from which applicant may claim right March 9, 1900

Approved May 14, 1900, Recorded in Book -1- Page 166

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 November 14, 1910.

2d. The whole of said work is to be completed on or before May 14, 1911

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 14, 1911

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 $1\frac{1}{8}$ cubic feet of water per second of time; 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 May 14, 1911; said water to be used during the following described annual periods.

Yearly.

Witness my hand this second day of July 1900

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

COPY

No. 75-1

Division No. 1

Norran Water

District

PERMIT

to appropriate water from
Springs

Butte County, South Dakota

Name of applicant

William W. Mitchol

Name of diversion works

Mitchol Diversion Works

Date of first receipt at office of State
Engineer March 9, 1910

Returned to applicant for correction

1910

Corrected application received

1910

Date of water right

March 9, 1910

Recorded in Book -1- Page 165

One-fifth of work to be completed

November 14, 1910

Whole work to be completed

May 14, 1911

Final proof of use of water

May 14, 1911

Approved May 14, 1910

Samuel H. Lea

State Engineer

By B. B. Lea

Deputy

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the within and
foregoing instrument is a true, correct and
complete transcript of the instrument which
it purports to be, as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal, done
at my office in Pierre, State of South Dakota
this 6 day of July, 1910

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 76-1

WHEREAS, On the ninth day of March A. D. 1910
 William W. Mitchell
 of Reva County of Harding and State of
 South Dakota duly made application (No. 76-1) to me for a permit to use 1/3
 cubic feet per second of the waters of Springs
 County of Harding State of South Dakota, for Irrigation
 purposes; and

WHEREAS, On the second day of July A. D. 1910
 Permit No. 76-1 was issued to said applicant for the diversion of said water, and providing for the com-
 pletion of the works of diversion therein described on or before the fourteenth day of
 May A. D. 1911 and for the application to beneficial use of said
 water on or before the fourteenth day of May A. D. 1911
 and,

WHEREAS, On the twentieth day of November A. D. 1911
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1/3
 cubic feet per second of said waters, as evidenced by my Certificate No. 76-1
 dated October 25, 1911 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use -1/3- cubic feet per second of water,
 with date of priority of March 9, 1910 and,

WHEREAS, On the twentieth day of November A. D. 1911
 proof was duly made of the application to beneficial use of -1/3- cubic feet per second of
 said water;

For irrigation upon the NE¹ of NE¹, Sec. 15, Twp. 8 N., R. 8 E.

B. H. M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....William W. Mitchell.....

of.....Reva.....the holder... and owner... of said permit No. 76-1

a water right, dating from.....March 9, 1910.....to the use of.....1/3

cubic feet per second of the waters of.....Springs.....

in the County of.....Harding.....and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at.....NW 1/4 of NE 1/4 Sec. 15.

Twp. 18 N., R. 8 East B. H. M.

and conducted to and upon.....NE 1/4 of NE 1/4 Sec. 15, Twp. 18 N., R. 8E. B. H. M.

for the purpose... of.....Irrigation.....

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

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

this.....Third.....day of.....January.....A. D. Nineteen

Hundred and Twelve.....

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 76-1

To William W. Mitchell

Source of Supply Springs

Harding County

Am't $-1\frac{1}{3}-$ Sec. Feet

Point of Diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15,

Twp. 18 N., R. 8 E. B.H.M.

Place of Use NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15,

Twp. 18 N., R. 8 E. B.H.M.

Purpose Irrigation

Date of Priority March 9, 1910

Recorded May 14, 1910

in Book -1- of Record Page 135

Permit No. 26-1

Water Division No. 1 Normal Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 15, 1908, I have this day made a thorough examination of the diversion works constructed by William W. Mitchell, of Fern, Harding County, South Dakota, holder of permit No. 1, issued upon application No. 1, bearing date of priority of 1908, authorizing the diversion of second feet of the waters of a spring for stock and domestic purposes. I have to report on the condition of the same as follows:

The diversion works comprise a spring built up in a substantial manner, and a main line leading there from a distance of 1276 feet to corrals for stock watering, and it is intended later to also run the water three hundred feet farther to the house for general house use.

and the system is in the following condition: The system is in good condition, a constant stream of water is flowing, and works perfectly.

The point of diversion is located SW¹ of NE¹ of Sec. 10, Tn. 18 North, Range 8 East, Black Hills Meridian.

The works are capable of diverting and conveying to the place of use 4.2 gal. per minute second-feet of water, which is to be used for stock watering and domestic purposes.

The legal sub-divisions to be irrigated are: None.

comprising a total of acres of land.

The domestic use intended comprises Above.

The utilization for power, mining, or other beneficial uses comprises: None.

Witness my hand, this 25 day of October, A. D. 1911.

Alfred S. Tubb
Examining Engineer.

* Description in application gives location as being on NW¹ & NE¹ Sec. 15 and map shows same location

Permit No.
Water Div. No. Water Dist.

**Certificate of Examination
of Works**

Dated. 19....

CAream

County

Amount Second Feet

Date of Priority

Recorded in Book Page

Filed in the office of the State Engineer this

day of A. D. 19....

State Engineer.

Deputy.

RECEIVED

NOV 29 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Permit No. 76-1

Water Division No. 1 No. 3334 RIVER Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. William W. Mitchell; Rancher; Nova, Harding County, South Dakota.

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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. - - - - -

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

Ans. A spring, located in a draw which is a branch of Gap Creek. Point of Diversion is in the SW 1/4 of SE 1/4 of Sec. 10, Tp. 18 North, Range 8 East, Black Hills meridian.

Ques. 5. Describe your works of diversion, 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.

Ans. A pipe line leading from a spring. Length of pipe - 1776 Feet.
Capacity of pipe - 4 1/2 gallons per minute. Name of Works -
Mitchell Water Supply

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. Use - For stock purposes and domestic use in residence.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. For the above only.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. The capacity of the plant, or about 4 1/2 gallons per minute

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. - - - - -

Description on application gives location as being on NW 1/4 NE 1/4 Sec 15 and map shows same location

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

Ans. Commencing May 12, 1911, it has been used for watering stock. The amount of water so far used is about two gallons per acre.

(Sign.) *William W. Mitchell*

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 *Reeder* County of *Adams*

State of *North* Dakota, on this *20th* day of *November* A. D. 19*11*

W. B. Hart
Notary Public, Adams Co. N. D.
My Commission expires Jan 28, 1916

Permit No. 101

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water.....second feet

Source.....

County.....

Purpose.....

Place of Use.....

Date.....priority.....

RECEIVED

NOV 29 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Nov 20, 1911

Received and filed.....

APPROPRIATION OF WATER

Office of the State Engineer,
Pierre, S. D., March 14, 1910

Form 9—Notice of Intention to appropriate Water.

No. 78-1

(First Publication _____ 190____.)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., March 14, 1910

Notice is hereby given that William W. Mitchell
whose postoffice address is Ravn

Butte County, S. D., has made an application in
accordance with the provisions of the irrigation laws of South Da-
kota for a permit to appropriate for beneficial use 1/3 cubic
feet of water per second of time from Spring
through the Mitchal Diversion Wor, the point of diversion of which
is to be located upon the bank of said stream in the NE
1/4 of the NE 1/4 of section 15 township 18 range 8 E. said water
to be used for the purpose of irrigation

upon the NE 1/4 of the NE 1/4 of
Section 15, Township 18 N., Range 8 E. D.H.M.

This application will be taken up by the state engineer at his
office at Pierre for consideration and appropriate action upon the
13th day of May 1910, at 9 a. m., at which time all
persons who believe that the prior rights would be injuriously af-
fected, or that the allowance of the permit would be detrimental
to the public welfare, and also parties making the application, and
to be benefited, are notified to be present either by sworn affi-
davit or in person for the purpose of presenting any relative tes-
timony.

State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Butte
J. S. Smith being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the Belle
Fourche Bee 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 Belle Fourche County of
Butte and State of South Dakota,

That the said notice was published in said newspaper on the
 following dates:

March 24, 1910; March 31, 1910;
April 7, 1910; April 14, 1910
 in each and every issue of the full number thereof, the first
 publication being made on the 24th day of March
 1910 and the last publication on the 14th day of
April 1910, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was Editor the printer and publisher of
 the said newspaper.

Subscribed and sworn to before me this 10th day of May A. D. 1910

Ed. Cade
 Notary Public Butte County, S. D.

RECEIVED

MAY 11 1910

OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.

WATER
 Notice of the State Engineer,
 Pierre, S. D., March 14, 1910.
 Notice is hereby given that William W.
 Mitchell whose postoffice address is Reva,
 Butte County, S. D., has made an application
 in accordance with the provisions of the irri-
 gation laws of South Dakota for a permit to
 appropriate for beneficial use 1.3 cubic feet of
 water per second of time from springs through
 the Mitchell Diversion Works, the point of di-
 version of which is to be located in the NW 1/4
 of the NW 1/4 of section 15, township 18, N. range
 8 E. B. H. M. said water to be used for the
 purpose of irrigating upon the NW 1/4 of the NW
 1/4 of section 15, township 18 N. range 8 E. B. H. M.
 This application will be taken up by the state
 engineer at his office at Pierre for considera-
 tion and appropriate action upon the 15th day
 of May 1910, at 9 a. m. at which time all persons
 who believe that their prior rights would be
 injuriously affected, or that the allowance of
 the permit would be detrimental to the public
 welfare, and also parties making the applica-
 tion, and to be benefited, are notified to be
 present either by a sworn affidavit or in person
 for the purpose of presenting any relative
 testimony.
 SAMUEL H. LEE,
 State Engineer.
 324-11