

763-1

1. Considered 11-17, 1965
2. Name of Applicant DAVID GEARY
3. Post Office Address DEADWOOD
4. Amount of water claimed 15 AC FT ANNUALLY 4-3-3 INITIAL FILL
5. Source of water supply TRIBUTARY OF BEAR BUTTE CR
6. Water to be used for RECREATION

Acres to be irrigated       

7. Water to be diverted and used in LAWRENCE County about 3E 4S miles        of LEAD

8. Proof of Publication Received ✓
- Not Received

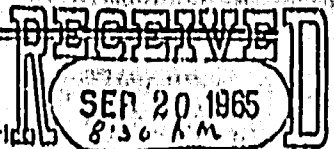
9. Application Approved
- Subject to

Not Approved       

Action deferred       

10. Remarks:

*See Jones Report*

No. 763-1Water Division No. 1 BELLE FOURCHE RIVER District 1  
(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 David Geary  
Postoffice address Box 2, Deadwood, Lawrence, County Lawrence, 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 work (Whether by contract, employment of others, or by direct labor)

By employment of others

- (b) Cash on hand, \$ Sufficient      —(c) Treasury stock, \$—  
—(d) Bonds to be issued, \$—      —(e) Other resources, \$—

2. Name of diversion work Geary Dam  
43.3 ACRE FT INITIAL FILL  
3. Amount of water claimed 15.0 ACRE FT. ANNUALLY cubic feet per second  
4. Source of water supply Tributary of Bear Butte Creek  
5. Location of point of diversion From corner common to sections 18, 19 T4N, R4E, and 12-24 T4N, R3E, B1N thence south 922 feet, thence S69°57'E to north end of dam.  
NE 1/4 NW 1/4, SEC 14, T4N, R4E  
on Lawrence County.  
6. Annual period or periods during which water is to be used 12 months per year  
7. To be used for:

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

- (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.)—

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

- (a) Nature of use
- Recreation, fish and wildlife

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
- Thru spillway of dam

Map No 640-1

Earthwork, \$2,600  
GIP, headgate, collars, cone., etc. \$1,050

8. Estimated cost of work:

(a) Head-gates, \$.....

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

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures, \$.....

Total, \$1,650.....

9. Description of diversion works:

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

Dam and reservoir.....

II. Dimensions of works.

(a) Dam: Height 20 feet; length at bottom 350 feet; length at top

350 feet; thickness at bottom 132 feet; thickness at top 12 feet;

slope at front water face 4:1; slope at back face 2:1

material used in construction local soils

(b) Reservoir: Capacity when filled 43.3 acre feet. Surface area at highwater

mark 5.2 acres.

| DEPTH AT<br>OUTLET-FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|-----------------------|
| 20                      | 5.2                                           | 43.3                  |
| 18                      | 4.4                                           | 31.9                  |
| 16                      | 3.5                                           | 22.8                  |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |

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

Material.....

(d) Canal: Total length..... miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 one-sixth years.

11. Time required for complete application of water to the proposed beneficial use three months year

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

Deadwood Pioneer Times Rapid City Daily Journal

STATE OF SOUTH DAKOTA

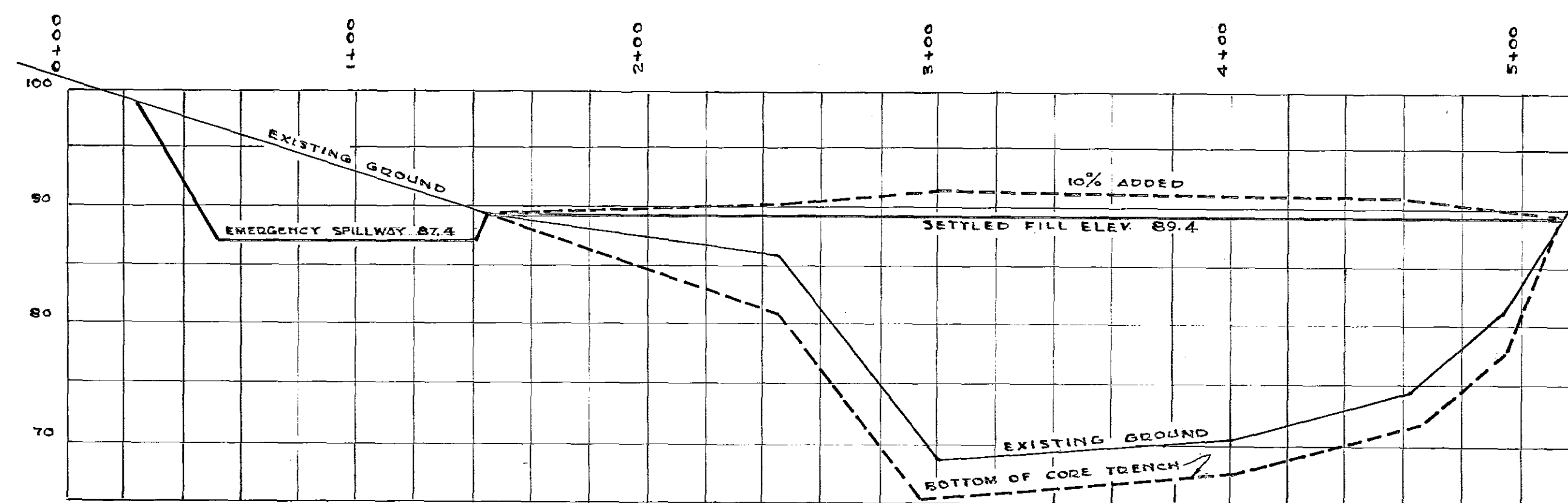
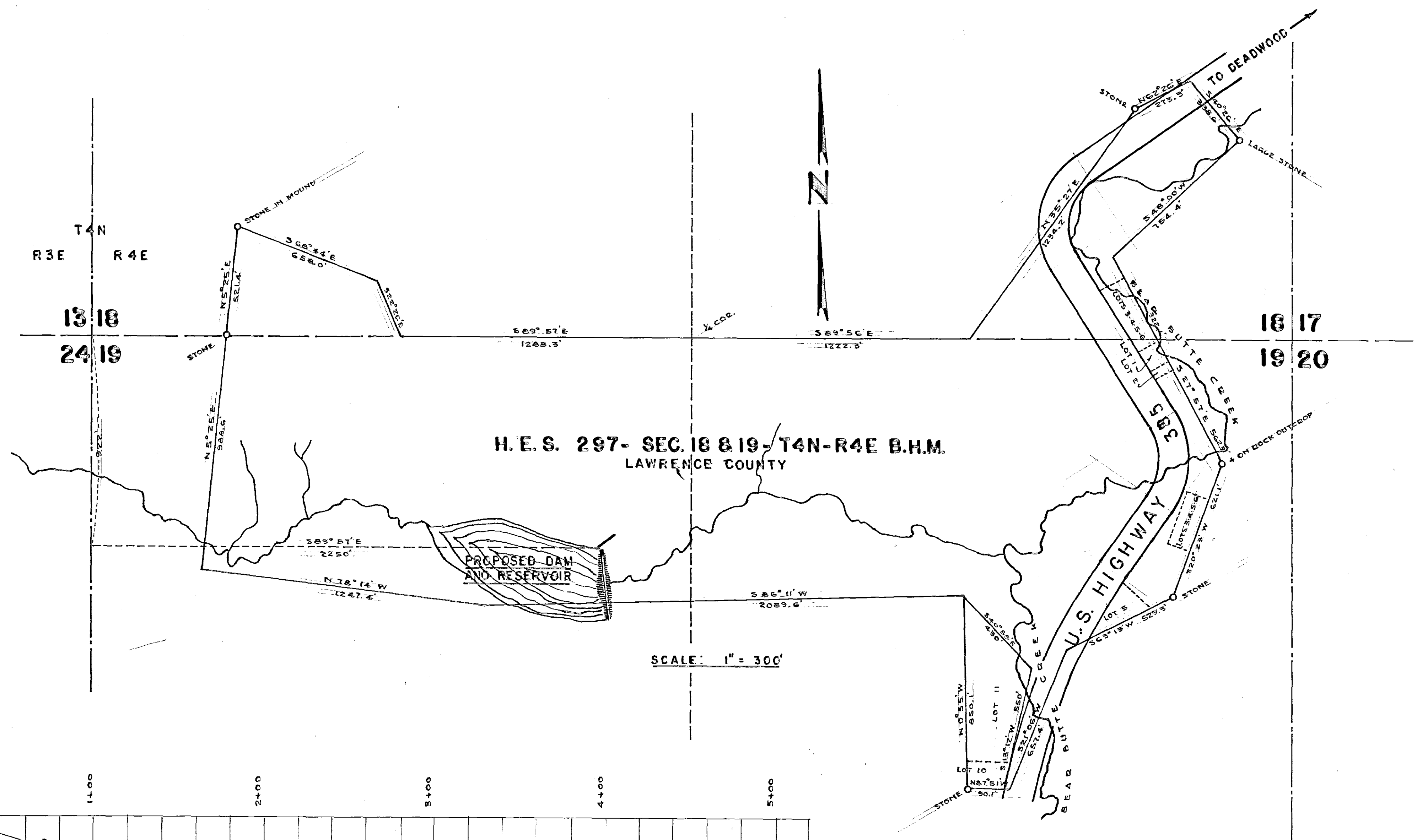
County of Lawrence ss.

David Geary, being first duly sworn  
on 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.

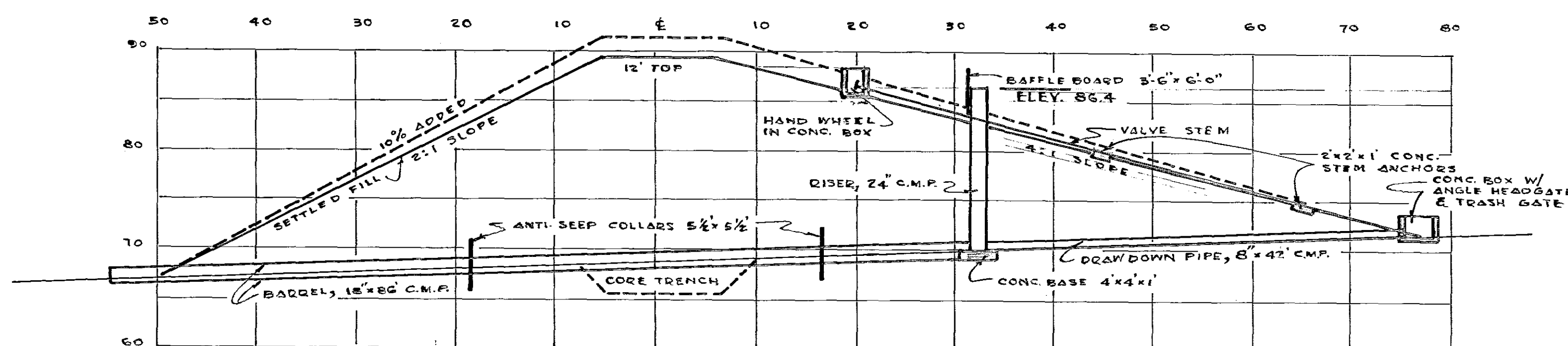
Signed David C. Geary

Subscribed and sworn to before me this 18 day of September 1915

Notary Public (or other qualified officer.)



PROFILE OF DAM



CROSS SECTION THRU DAM

**QUANTITY ESTIMATE**  
 EARTHWORK 13,000 CU. YDS.  
 WATER SURFACE 5.2 ACRES  
 STORAGE 43.3 ACRES FT.

STATE OF SOUTH DAKOTA ss  
 COUNTY OF MEADE

I, D.E. Matter, hereby certify that this map was made from notes taken during an actual survey made by me and that it correctly represents the location of the proposed dam and reservoir as described in the accompanying application.

*D.E. Matter*  
 Registered Professional Engineer  
 and Land Surveyor

STATE OF SOUTH DAKOTA ss  
 COUNTY OF MEADE

On this 17 day of September, 1965, before me, Joe Egger, the undersigned officer, personally appeared D.E. Matter, known to me or satisfactorily proven to be the person whose name is subscribed to the written instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and seal

*Joe Egger*  
 Notary Public

My commission expires 11/24/66

|                                                              |                                                                                    |                                                                             |
|--------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| David Geary<br>- OWNER -<br>Nemo Route,<br>Deadwood, S. Dak. | <b>DAM AND<br/>RESERVOIR</b>                                                       | In NW <sup>4</sup> Sec. 19, T4N,<br>R4E, B.H.M.<br>Lawrence County, S. Dak. |
| Drawn <u>D.E.M.</u>                                          | <b>D. E. MATTER</b><br>CONSULTING ENGINEER<br>P.O. BOX 35<br>STURGIS, SOUTH DAKOTA | Job No. <b>702</b>                                                          |
| Checked <u>9-17-65</u>                                       |                                                                                    | Sheet No. <b>1 of 1</b>                                                     |

MAP NO 640-1 (APPL NO 763-1)

Remarks by State Water Resources Commission:

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 43.3 ACRE FEET OF WATER FOR INITIAL FILL AND 15.0 ACRE FEET ANNUALLY THEREAFTER. THE DAM APPROVED UNDER THE PERMIT MUST BE OPERATED SO AS NOT TO CAUSE A DETRIMENTAL EFFECT ON DOWNSTREAM DOMESTIC USE AND PRIOR WATER RIGHTS.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota, JANUARY 24, 1966

This is to certify that the foregoing application was received by the Commission at 8:20 o'clock A.M. upon the 20TH day of SEPTEMBER, 1965

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit 763-1

Date of first receipt of application SEPTEMBER 20, 1965

Date of return to applicant for correction, amendments or changes required as follows OCTOBER 1, 1965

Date of receipt of corrected application OCTOBER 5, 1965

Date from which applicant may claim right SEPTEMBER 20, 1965

Approved JANUARY 19, 1966, Recorded in Book 9 Page 88

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 FEBRUARY 19, 1966

2nd. The whole of said work is to be completed on or before MARCH 19, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 19, 1966

4th. The water appropriated shall be used for the purpose of RECREATION, FISH & WILDLIFE

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 15 ACRE FEET ANNUALLY ~~either foot 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 moisture 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~~ USED FOR RECREATION, FISH & WILDLIFE

and beneficially ~~applied for irrigation~~ on or before SEPTEMBER 19, 1966; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 24TH day of JANUARY, 1966

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 16, 1966

Water License Issued AUGUST 16, 1966

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 763-1

WHEREAS, On the 20th day of September 65  
David Geary A. D. 19

of Deadwood County of Lawrence and State of South Dakota  
duly made application (No. 763-1) to us for a permit to use 15 acre feet annually  
of the waters of a tributary of Bear Butte Creek  
Lawrence recreation  
County of Lawrence, State of South Dakota, for purposes; and

WHEREAS, On the 24th day of January 66  
Permit No. 763-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 19th day of March 66  
A. D. 1966 and for the application to beneficial use of said water on or before the 19th day of September 66  
and,

WHEREAS, On the 5th day of August 66  
the holder of said permit duly made proof of the completion of adequate works for the storage of 15 acre feet annually  
of said waters, as evidenced by our Certificate No. 763-1  
dated August 16, 1966 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 15 acre feet annually  
cubic feet per second of water, with date of priority of September 20, 1965  
and,

WHEREAS, On the 5th day of August 66  
proof was duly made of the application to beneficial use of 15 acre feet annually  
to be used for recreation, fish and wildlife  
cubic feet per second of said water;

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 **David Geary**

of **Deadwood** the holder and owner of said permit No. **763-1**

a water right, dating from **September 20, 1965** to the use of **15 acre feet**

~~annually~~ **annually** of the waters of **a tributary of Bear Butte Creek**

In the County of **Lawrence** and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted at **a point in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 19,**

**T4N, R4E**

and ~~XXXXXX~~ **stored in place**

for the purpose of **recreation and fish and wildlife**

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 seal of our office at Pierre, South Dakota,  
this **16th** day of **August** A. D. Nineteen  
**Sixty-Six**

State Water Resources Commission

By:

**J. W. O'IMES**  
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 763-1

Water Division No. 1 Belle Fourche River Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That David Goary

of Deadwood, County of Lawrence, and State of South Dakota, the holder of Permit No. 763-1, Issued upon Application No. 763-1, bearing date of priority of September 20, 1965, authorizing the storage of 15 acre feet annually ~~XXXXXX~~ of the waters of a tributary to Bear Butte Creek County of Lawrence, State of South Dakota, at a point in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 19, T4N, R4E

, for recreation

purposes, has <sup>s</sup> fully 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 15 acre feet annually ~~XXXX~~

~~XXXXXX~~ of water; and that the ~~XXXXXX~~ use of said water are described as follows, to-wit: to be used for public recreation and fish and wildlife.

Witness my hand this 16th day of August A. D. 1966

State Water Resources Commission

By: J. W. GUMBS  
Chief Engineer, Executive Officer

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County Pennington } ss.

W. A. Wagman 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 publish 1 in the City of Rapid City County of

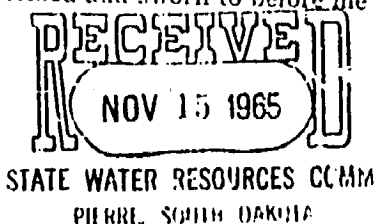
Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

October 19, 26, November 2, 9

in each and every issue of the full number thereof, the first publication being made on the 19th day of October 1965 and the last publication on the 9th day of November 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.

Oct. 19, 26, Nov. 2, 9  
**APPROPRIATION OF WATER**  
Office of State Water Resources Commission, Pierre, S. Dak., October 9, 1965  
Notice is hereby given that David Geary whose postoffice address is Deadwood, 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 43.3 acre feet of water for initial fill, plus 18 acre feet annually from a tributary of Bear Butte Creek for storage in Geary Dam, the point of diversion of which is to be located in the NE 1/4 of the NW 1/4 of Section 19 Twp. 4N Range 4E. Said water is to be used for the purpose of providing public recreation.  
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of November, 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

Subscribed and sworn to before me this 10 day of November A. D. 1965



Notary Public Pennington County, S. D.

on or before  
(First Publication October 21, 1965)

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 5, 1965

Notice is hereby given that David Geary whose postoffice address is Deadwood 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 43.3 acre feet of water for initial fill, plus 15 acre feet annually ~~from the~~ a tributary of Bear Butte Creek for storage in Geary Dam ~~through the~~, the point of diversion of which is to be located ~~on the~~ ~~NE~~ ~~1/4~~ of the ~~NE~~ ~~1/4~~ of Section 19 Twp. 4N Range 4E. Said water to be used for the purpose of providing ~~irrigation on the~~ ~~and for~~ public recreation.

~~and for~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of November 65, 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:

BUPTON F. JONES  
Water Right Specialist

CC: Mr. E. H. Lighter, Manager  
Rapid City Journal  
Rapid City, S.D.

Permit No. 763-1Water Division No. 1Belle Fourche River  
Water District**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Deadwood, South Dakota(Date) Feb. 1, 1966

TO THE STATE WATER RESOURCES COMMISSION  
OF SOUTH DAKOTA, PIERRE:

DEAR SIRs: Notice is hereby given of the completion of the works for the diversion of 15 acre feet annually ~~cubic feet per second~~ of the waters of the state from continuously through the recreation, fish and wildlife purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is David Geary
2. The postoffice address of such person or the place of business of such corporation is Deadwood  
County of Lawrence State of South Dakota
3. The number of such permit is 763-1 and the date set for the completion of such work is March 19, 1966
4. Said water to be used for recreation, fish and wildlife purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 15 acre-feet annually ~~cubic feet per second~~
6. The amount of land for which said water is available is \_\_\_\_\_ acres,  
particularly described as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the facts set forth in the above notice are true.

David Geary

(Signature of Owners)

David Geary

Permit No. 763-1Water Division No. 1Neille  
Female  
Resident

Water District

**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~~~19~~, I have ~~this day~~ made a thorough examination of the diversion works constructed byDavid Geary, of Nemo Route DeadwoodLawrence County, South Dakota, holder of Permit No. 763-1, issuedupon Application No. 763-1, bearing date of priority of September - 20, 1965, authorizing thestorage 43.3 A.F. initially, thereafter 15,000 c.f.s. annuallydiversion of cu. ft. per second of the waters of Tribe Target Bear Butte for Recreation Fish & Wildlife

purposes. I have to report on the condition of the same as follows:

The diversion works comprise:

43.3 Acre-foot capacity dam, earth <sup>secondary</sup> spillway and C.M.P. gate  
drawdown tube and C.M.P. overflow spillwayand the system is in the following condition: ExcellentThe point of diversion is located In NE 1/4 NW 1/4 section 17, T4N, R4E, BHMThe works are capable of diverting and conveying to the place of use cu. ft. per second of water,  
which is to be used for Recreation, Fish & Wildlife.

The legal sub-divisions to be irrigated are:

comprising a total of \_\_\_\_\_ acres of land.

The domestic use intended comprises \_\_\_\_\_

The utilization for power, mining, or other beneficial uses comprises: \_\_\_\_\_

Witness my hand, this 5th day of August, A. D. 1966.

**OVERSIZE  
DOCUMENT IS  
SUPPLEMENTARY  
TO MICROFILM FILE**