

MAR 21 1963

STATE WATER RESOURCES COMMISSION
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 Frank L. Whitney and Evelyn M. Whitney
Box 70 PC Box 2163
Postoffice address Rapid City, County Pennington, State South Dakota

I. Is a corporation

(not applicable)

(4) 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 statement of the applicant:

(c) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others.

(b) Cash on hand, 33,410.40

(c) Treasury stock, 8.

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work ----- WINTERING ----- 02/11/2015

3. Amount of water claimed _____ cubic feet per record

1. Source of water supply: Jim Green and Armitage

1. Location of point of diversity: At or near common corner of sections 21, 22, 13

c. Location of point of interest _____ Right bank Lawrence County

Annual period or periods during which water is to be used March 15 - October 15

7. To be used for:

1. Irrigation or domestic use: Gravity overhead sprinkling or combination system? Gravity Irrig.

a) Number of acres to be irrigated

1990

increa

a) Number of acres to be irrigated: 100 N.W. of N.W. of 15 and S.W. of S.W. of 12

[illegible]

(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 of Water Appraisal

(b) Amount of power to be generated

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water was returned to stream in W. of sec. 12

STATE OF SOUTH DAKOTA - DEPT. OF CORRECTIONS - OFFICE OF THE ATTORNEY GENERAL
THIS IS TO CERTIFY THAT THE HEREINMENTIONED NAME APPEARING ON THIS CARD IS A MEMBER OF THE ORIGINAL RECORD AND WAS MICROFILMED ON THE NATIONAL CRIME RECORDS PROJECT IN THE MONTH OF JULY 1-27-64. IT IS FURTHER CERTIFIED THAT THE INFORMATION CONTAINED HEREON IS A TRUE COPY OF THE RECORD AND ON MICROFILM WHICH WILL BE MAINTAINED IN THE RECORDS OF THE STATE OF SOUTH DAKOTA.
FEBRUARY 1968

8. Estimated cost of work:

(a) Head Gates, \$-----

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

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

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

Rock, \$-----

(e) Other structures \$ 650 pipe & embankment. \$ 650

Total, \$-----

9. Description of diversion works:

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

Diversion Dam

II. Dimensions of works.

(a) Dam: Height 8.3 feet; length at bottom 365 feet; length at top 355 feet; thickness at bottom 51.4 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction Fill - earth.

(b) Reservoir: Capacity when filled 1 acre feet. Surface area at highwater mark 2.10 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY
(not applicable)			

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

Material-----

(d) Canal: Total length 2/10 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 2 years

5

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

12. Choice of newspaper for publication of notice of intention to appropriate Application is for present vested right by past use - Rapid City Journal is local paper.

STATE OF SOUTH DAKOTA

County of Sanborn ss.

I, Frank J. Whitely, 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

Frank J. Whitely

Subscribed and sworn to before me this

20

day of

March

1915

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of HUGHES

Pierre, South Dakota,

SEPTEMBER 30 1969

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

on the 1 day of MARCH, 1969

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 863-1

Date of first receipt of application MARCH 21, 1969

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 1900, 19____

Approved MARCH 26, 1969 Recorded in Book 11 Page 36

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 _____, 19____

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

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

COMPLETED

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 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 used

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

MARCH 15 - OCTOBER 15

Witness my hand this 30TH day of SEPTEMBER, 1969

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 30, 1969

Water License Issued SEPTEMBER 30, 1969

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 863-1

(1) WHEREAS, On the 21st day of March A. D. 1969

Frank L. and Evelyn M. Whitney

made Water Right Application No. 863-1 for Vested Right permit to use .14 cubic feet per second of the waters of Jim Creek and Springs

County of Lawrence, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 30th day of September A. D. 1969

Permit No. 863-1, with a date of priority of 1900

was issued to said applicant 8 for the diversion of said water, recognizing the completion of construction of the water supply system therein described ~~and for the application to beneficial use of said water on or before the 30th day of November 1969~~ and for the

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 .14 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 irrigation of 12 acres in a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13 and of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T2N, R4E

(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 Frank L. and Evelyn M. Whitney

_____ of _____
the holder s and owner s of Veeted Right permit No. 863-1 a water right, dating from 1900
_____ to use of _____ cubic feet per second of the waters
of Min. Creek and Springs
in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point approximately 200 feet from the NW Corner,
Section 13, T2N, R4E

and conduct to and upon 12 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13 and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12,
T2N, R4E

for the purpose of irrigation

Subject to any limitation ed in Water Right Permit No. 863-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of September A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 863-1Water Diversion No. 1 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Frank L. & Evelyn M. Whitney

Vested Right / Permit No. 863-1, issued upon Application No. 863-1, bearing date of priority of 1900 of

authorizing the diversion of .14 cu. ft. per second of the waters of Jim Creek and Springs County of Lawrence, State of South Dakota at a point approximately 200 feet from the NW Corner, Section 12, T2N, R4E

for irrigation

purposes, have 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 recognized as satisfactory ~~condition~~ for diverting and conveying to the place of intended use .14 cu. ft. per second of water.

Date September 30, 1969

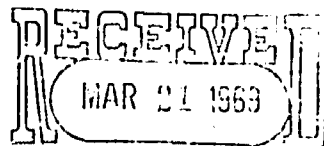
WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Location No. _____

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. Frank L. Whitney (minister) and Evelyn M. Whitney (teacher)
R.R. 4 Box 70 Rapid City, 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. Self.

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

Ans. April 1, 1969

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

Ans. Jim Creek - 200 feet from corners of section 11, 12, 13 and 14 with actual dam in section 13

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.

Ans. A dam to be 36 1/2 feet long and 8.3 feet high is being built to replace similar dam of long standing which washed out. It will be the Whitney canal for flooding 12 acres of hayland. 14 cubic feet of water involved. Dam to be completed by May 1, 1969 and spreader ditches by May 1, 1971.

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. Water spreading for hay and pasture - diversion of run-off waters for irrigation and prevent erosion. Water will be used in sections 12 and 13 on meadows adjacent to Jim Creek.

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

Ans. Open ditches to be used for spreading water.

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

Ans. .14 cu. ft. water.

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. _____

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

Ans. It has been used for many years for water spreading of excess waters across pasture and hayland. Aerial photo taken (009-6N-6) October 8, 1954 shows dam in place and operation. Above photo is in Pennington County ASOS office at 1329 Campbell St. Rapid City, S.D. Water was used for those purposes many years before that.

(Sign)

Frank J. Whitney

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 *Rapid City* County of *Pennington*

State of South Dakota, on this

20

day of

March

A. D. 19*54*

Witnesses.

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.

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 _____

865-1

FRANK L. WHITNEY

EVELYN M. WHITNEY

P.O. BOX 2853
RAPID CITY, S. DAK. 57709

Telephone 343-8231



Feb. 16, 1938



John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building

Dear sir;

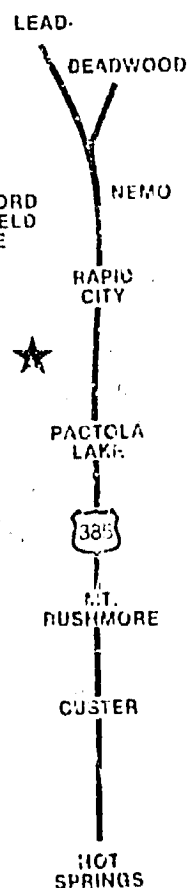
Checking our records for 1937 I do not find any record of
of the annual report blank for our irrigation. If this has
been an over-sight please forward same.

Do you have any staff located in this area ?? Our rights
go back many years but use has been up and down accross the
years. We have the Jim Creek angling accross our property
and many springs which are basically the starting of this
little creek. The Experimental forest is just above us
and does contribute water in wet years.

Sincerely,

Frank L. Whitney
Frank L. Whitney

ALPINE
ACRES ★



"in The Heart of the Hills"

Water Rights Division - DWR
Conversation or File Documentation

File No. 863-1

NAME OF PERSON OR FILE: Frank Whitney

ADDRESS: PO Box 2853, Rapid City, SD COUNTY Lawrence

DATE: February 18, 1988 TEL. PHONE 343-8281

RE: irrigation questionnaire

COMMENTS:

After receiving a letter from Mr. Whitney about whether or not he received an irrigation questionnaire for 1987, I called him and explained that upon review of his water right we determined his system to be waterspreading and he did not need to file an irrigation questionnaire.

I explained that questionnaires are not required to be filed for those permit holders who have waterspreading systems since they have no way to measure the amount of water they use. He stated he wanted to be sure he kept his water right current. I told him that as long as he continually used the water as described in his water right, his water right would be kept current and the filing of an irrigation questionnaire would have no bearing on this. He understood and indicated that he may wish to add a pump and well later on, but presently they irrigated from Jim Creek. He stated he may stop in the office and check on what he needed to file in the way of a permit for the well.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Benny McMath

863-1

 **Department of
Water & Natural Resources**

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

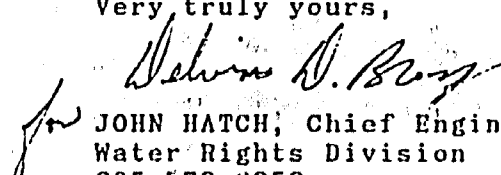
Frank & Evelyn Whitney
PO Box 2853
Rapid City SD 57709

Dear Mr. & Mrs. Whitney:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 863-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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

