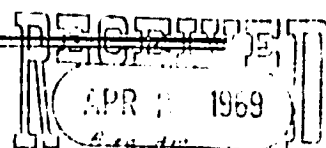


864-1

1. Considered MAY 7, 1969
2. Name of Applicant ANTON SCHNEIDER
3. Post Office Address ME LAUGHLIN
4. Amount of water claimed 9.6
5. Source of water supply UPPER BRANCH CAK CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 675.1
7. Water to be diverted and used in CORSON county
about _____ miles _____ c.f.
8. Proof of Publication
Received ☒ _____
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 864-1Water Division No. 1 GRAND RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Anton Schneider
Postoffice address McLaughlin, County Corson, State South Dakota

I. If a corporation None

- (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)
Employment of others
(b) Cash on hand, \$ adequate (c) Treasury stock, \$ ---
(d) Bonds to be issued, \$ --- (e) Other resources, \$ ACP-SCS

2. Name of diversion work Diversion Dam (PD-1)
3. Amount of water claimed 2.6 cubic feet per second 11338 gpm
4. Source of water supply An upper branch of Oak Creek
5. Location of point of diversion 5313 Ft. 561' 10" W and 1561 ft. 3 62' 40" E of NE Cor Sec. 34-22-26 on bank Corson County.
6. Annual period or periods during which water is to be used When available
7. To be used for:

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

- (a) Number of acres to be irrigated 675.1 acres.
(b) Legal subdivisions to be irrigated See back side of application
(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.) stock water

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

- (a) Nature of use stock water
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 _____

Map No 719-1

g. Estimated cost of work:

(a) Head Gates, \$-1,000.00-

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

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

Rec', \$-----

(e) Other structures Dikes, Dredging, etc. \$ 7400.00

Total, \$- - - - -

9. Description of diversion works:

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

Re: m

II. Dimensions of works.

Dimensions of works:-
(a) Dam: Height 22.0 feet; length at bottom 210 feet; length at top 120 feet; thickness at bottom 112.0 feet; thickness at top 10 feet; slope at front water face 1:1; slope at back face 2:1

material used in construction ----Earth

(b) Reservoir: Capacity when filled 300.0 -----acre feet. Surface area at highwater mark 110.0 -----acres.

[illegible]

(c)* Head gate: Width Bypass - 36' diam _____ feet; height _____ feet;
Material Steel _____

(d) Canal: Total length 0.8 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	2.0 feet	20.0 feet	22.0 feet	2.61 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 ----- 1 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate
McLaughlin Messenger McLaughlin, South Dakota

2. Choice of newspaper for publication of notice: _____
McLaughlin Messenger _____ McLaughlin, South Dakota _____

STATE OF SOUTH DAKOTA

County of Corson

53.

County of _____, being first duly sworn
I, Anton Schneider,
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 A. H. [illegible]

Subscribed and sworn to before me this 10th day of February, 1942

By Comm. Examin: July 8, 1878

Note, Public (or other qualified officer.)

Ernest E. Dupre-

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

APPROVAL OF THIS PERMIT RECOGNIZES STORAGE OF
800 ACRES FEET OF WATER ANNUALLY
LOW FLOWS ARE NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, SHALL BE
BY-PASSED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 12, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 2ND day of APRIL, 1969

State Water Resources Commission
By: Durton
Chief Engineer, Executive Officer

Number of permit 864-1

Date of first receipt of application APRIL 2, 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 APRIL 2, 1969

Approved MAY 7, 1969 Recorded in Book 10 Page 247

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

NOVEMBER 7, 1971

2nd. The whole of said work is to be completed on or before MAY 7, 1974

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

MAY 7, 1978

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 9.6 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 MAY 7, 1978; said water to be used during the following described annual period:

WHEN AVAILABLE

Witness my hand this 12TH day of MAY, 1969

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 26, 1975

Water License Issued

JUNE 26, 1975

WATER LICENSE NO. 864-1

(1) WHEREAS, On the 2nd day of April, A. D. 1969

Anton Schneider

made Water Right Application No. 864-1 for a permit to use 9.6 cubic feet per second of the waters of an upper branch of Oak Creek

County of Corson, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 12th day of My May, A. D. 1969

Permit No. 864-1, with a date of priority of April 2, 1969

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 7th day of May, A. D. 1974 and for the application to beneficial use of said water on or before the 7th day of May, A. D. 1978

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 6.89 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 described land:

T 22N, R26E			T21N, R26E		
		Acres			Acres
Section 34	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25.8	Section 2	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	21.6		NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.3		SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.8
Section 35	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.3		S $\frac{1}{2}$ NW $\frac{1}{4}$	31.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.8		SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.6		NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.1		SE SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.2		NW $\frac{1}{4}$ SE $\frac{1}{4}$	23.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.5		SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.5		TOTAL ACRES	482.9 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23.9			

(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 Anton Schnelder

_____ of McLaughlin, S.D.
the holder _____ and owner _____ of said permit No. 864-1 a water right, dating from April 2, 1969
_____ to use of 6.99 cubic feet per second of the waters
of and upper branch of Oak Creek
in the County of Corson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1561 feet South 62° 40' East of
the NE 1/4 Corner, Section 34, T22N, R26E.

and conduct to and upon portions of Sections 34 and 35, T22N, R26E, and Section 2, T21N,
R26E, more fully described on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 864-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of June A. D.
Nineteen Hundred and Seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

VERN W. BUTLER, Acting

Form 15.

Permit No. 864-1

Water Diversion No. 1 GRAND RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Anton Schneider

_____ the holder _____ of
Permit No. 864-1, issued upon Application No. 864-1, bearing date of priority of April 2, 1969

_____ authorizing the diversion of 9.6 cu. ft. per second of the waters of _____
~~an upper branch of Oak Creek~~ County of Conson, State of South Dakota at
a point 1531 feet South 62° 40' East of the NE 1/4 Corner, Section 34, T22N, R26E

_____ 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 12.0 cu. ft. per second of water.

Date June 26, 1975

By: WATER RIGHTS COMMISSION

VERN W. BUTLER, Acting
Chief Engineer

Remarks by the Applicant:

Location:	Sec.	T.11.	R.E.	Ac.
NW NE	34	22	26	22.4
NW SW	27	22	26	14.1
NE SW	27	22	26	8.6
SW SW	27	22	26	33.0
SE SW	27	22	26	29.5
SW SE	27	22	26	20.2
SE SE	27	22	26	0.9
NW NW	34	22	26	19.7
NE NW	34	22	26	10.7
NE NE	34	22	26	27.1
NW NW	35	22	26	19.3
NE NW	35	22	26	5.8
SW NW	34	22	26	6.0
SE NW	34	22	26	25.8
SE NE	34	22	26	31.6
SW NW	35	22	26	16.3
SE NW	35	22	26	32.5
NW SW	35	22	26	39.1
NE SW	35	22	26	39.2
SW SW	35	22	26	31.5
SE SW	35	22	26	23.5
NW NW	2	21	26	23.9
NE NW	2	21	26	7.9
SW NW	2	21	26	36.2
SE NW	2	21	26	5.8
SW NE	2	21	26	34.5
NE SW	2	21	26	11.0
NW SE	2	21	26	21.5
SE SW	2	21	26	23.4
SW SE	2	21	26	20.4
				<u>22.6</u>

Total 675.1 Acres

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County CORSONMelvin E. Lafgren being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

McLaughlin Messenger a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of McLaughlin County of Corson

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

April 10, 1969April 17, 1969April 24, 1969May 1, 1969in each and every issue of the full number thereof, the first publication being made on the 10 day of April1969 and the last publication on the 1 day ofMay 1969, upon which days or times

of publication aforesaid, the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher of the said newspaper.

Melvin E. LafgrenSubscribed and sworn to before me this 29 day of April A. D. 1969RECEIVED
MAY 6 1969STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water

Resources Commission

Pierre, S. Dak. April 2, 1969.

Notice is hereby given that Anton Schneider whose post-office address is McLaughlin, 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 9.6 cubic feet of water per second of time from a branch of Oak Creek through the Schneider Waterspreading Project, the point of diversion of which is located on either bank of said stream between points in SW 1/4, NW 1/4, Section 34 and in the NE 1/4 of the NW 1/4 of Section 35, Twp. 22N Range 26E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 and S 1/2 SE 1/4, Section 27; NE 1/4 and NW 1/4, Section 34; NW 1/4 and SW 1/4, Section 35, T22N, R26E, and NW 1/4, E 1/2 SW 1/4, SW 1/4 NE 1/4 and W 1/2 SE 1/4, Section 2, T21N, R26E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1969, at 2:00 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.

BURNTON F. JONES

Water Rights Specialist

(April 10-17-24 May 1)

Notary Public Chas. H. Jones County, S. D.

on or before
(First Publication April 10, 1969.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 2, 1969

Notice is hereby given that Anton Schneider whose postoffice address is McLaughlin 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 9.6 cubic feet of water per second of time from the a branch of Oak Creek through the Schneider Waterspreading Project, the point of diversion of which is to be located on the either bank of said stream in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35 Twp. 22N Range 26E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27; NE $\frac{1}{4}$ and NW $\frac{1}{4}$, Section 34; NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 35, T22N, R26E and NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, T21N, R26E.
under ~~xxxxxxx~~ ^{PURPOSES}

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1969, at 2:00 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

cc: Anton Schneider, McLaughlin, S.D. By:

~~Chief Engineer, Executive Officer~~

BURTON F. JONES
Water Rights Specialist

Permit No. 864-1Water Division 1 Grand River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Anton Schneider of McLaughlin, S.D. holder of Permit No. 864-1, bearing date of priority of April 2, 19 69 authorizing the diversion of 9.6 cu. ft. per second of the waters of upper branch of Oak Creek for irrigation purposes, in Corson 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:
Storage dam: 22 feet high, 240 feet at the bottom, 420 feet at the top, 142 feet thick at the bottom, earthen dam, 300 acre-foot storage. Steel 36-inch head gate.

B. Works used to transport water to place of use,
17,000 feet of ditch, 8 foot wide by 2 foot deep

C. Works used to apply water to beneficial use.
Overflow of ditch with various dikes and drains

The system is in the following condition: fair
The point of diversion is located 1561 feet S, 62° 40' E of NE Corner Sec 34, T22N, R26E

The works are capable of diverting and conveying to the place of use 12 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:
(see attachment)

comprising a total of ~~422.8~~ acres of land

422.9

Send to: Anton Schneider
McLaughlin, S.D. 57642

Date 4-25-75

Thomas Gardner
(Signature)

Thomas Gardner
Water Resource Engineer

LOCATIONACREAGE

SE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 34	T22N	R26E	25.8
SW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 34	T22N	R26E	31.5
SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 34	T22N	R26E	16.3
NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 35	T22N	R26E	19.3
NE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 35	T22N	R26E	5.8
SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 35	T22N	R26E	32.6
SE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 35	T22N	R26E	38.1
NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 35	T22N	R26E	39.2
NE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 35	T22N	R26E	31.5
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 35	T22N	R26E	28.5
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 35	T22N	R26E	23.9
NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 2	T21N	R26E	7.9
NE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 2	T21N	R26E	36.2
SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 2	T21N	R26E	5.8
SE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 2	T21N	R26E	34.5
SW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 2	T21N	R26E	11.0
NE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 2	T21N	R26E	21.5
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 2	T21N	R26E	20.4
NW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 2	T21N	R26E	23.4
SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 2	T21N	R26E	29.6

TOTAL:

482.9

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE