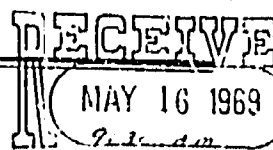


1. Considered July 16, 1969 **368-1**
2. Name of Applicant Howard L. Ellett
3. Post Office Address Parsons, S.D.
4. Amount of water claimed 1.43
5. Source of water supply Gage Creek & Tributary (Andy Creek)
6. Water to be used for Irrigation
- Acres to be irrigated 100
7. Water to be diverted and used in Harding county  
about \_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_
8. Proof of Publication Received July 7, 1969  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

*See letter*

No. 868-1Water Division No. 1 MOREAU RIVER District  
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM  
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 HOWARD MILLETT  
Postoffice address SORUM, County HARDING, State SOUTH DAK.

I. If a corporation NO

- (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)

Direct Labor

- (b) Cash on hand, \$ 3600.00 (c) Treasury stock, \$ \_\_\_\_\_  
(d) Bonds to be issued, \$ \_\_\_\_\_ (e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work Howard Millett Irrigation Project #2  
3. Amount of water claimed 1.43 cubic feet per second  
4. Source of water supply Gap Creek and Tributary (Andy Creek)  
5. Location of point of diversion Upper Point 1150' N and 1820' W of NW Corner Sec. 35, T18N, R9E, BHM, Lower Point of Diversion (Pump Station) 1320' E, & 2250' S of NW Corner, Sec. 35 on left bank Harding County.  
6. Annual period or periods during which water is to be used March 15 through September 15  
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 100 acres.(b) Legal subdivisions to be irrigated See Attachment

(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 Stock watering

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 2000' E. and 2250' S. of NW Corner Sec. 35, T18N, R9E, BHM

MAP NO 723-1

HOWARD MILLETT  
IRRIGATION PROJECT #2

Irrigable Acres

All in T18N, R9E, B.H.M.

| <u>Section</u>        | <u>Location</u>                   | <u>Area</u> |
|-----------------------|-----------------------------------|-------------|
| 35                    | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40          |
| 35                    | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 10          |
| 34                    | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 20          |
| 27                    | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 20          |
| 26                    | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 10          |
| TOTAL IRRIGABLE ACRES |                                   | 100         |

8. Estimated cost of work:

(a) Head Gates, \$-----  
 (c) Fluming, \$----- (d) Canal-earth, \$-----  
 (e) Other structures 60'-24" CMP ( \$ 600.00  
250'-12" Pipe  
 Tractor \$2,000.00  
 (b) Pumping plant, \$1,000.00  
 Rock, \$-----  
 Total, \$3,600.00

9. Description of diversion works:

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

Diversion dikes, pipe, pump, tractor

II. Dimensions of works.

(a) Dam: Height 10 feet; length at bottom 400 feet; length at top 500 feet; thickness at bottom 60 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1  
 material used in construction Compacted earth  
 (b) Reservoir: Capacity when filled 22.4 acre feet. Surface area at highwater mark 10 acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(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 1 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate  
Buffalo Times Herald

STATE OF SOUTH DAKOTA

County of Hughes

} ss.

I, Howard M. Miller, being first duly sworn  
 or, 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 Howard M. Miller

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 1917

Walter L. Hetherington  
 Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

Com. exp 12-26-17

NOT TO SCALE

# 868-1

91.5  
0

Ivan Sabo

A 23.2

Ivan Sabo

27

Watershed Run-off

950'

4.3

10.8

PT OF DIV.

SE 1/4 SE 1/4

28.3

16 AC

18-9

2-296 R

NE 1/4 NE 1/4

9 AC

NOT TO SCALE

# 868-1

18-9

2-296 R

NW 1/4 NW 1/4

26 AC

15.4

12" CMH  
WITH GATES

10.0

10.1

4.8

39.9

58.8

35-18-9

James M. Hybo  
and  
Mary E. Hybo

Map # 723-1  
(Appl. # 868-1)

H' 24.3

H' 36.2

H' 22.7

H' 25.3

H' 23.7

H' 25.4

K' 11.7

K' 45.2

K' 5.0

K' 6.9

K' 4.2

K' 4.4

6.0

J2 14.0

J3 25.0

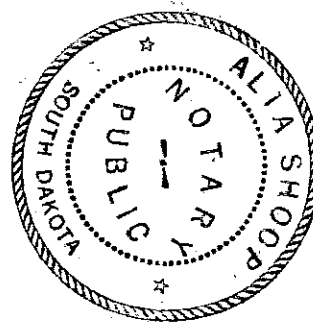
K3 25.2

K4 26.3

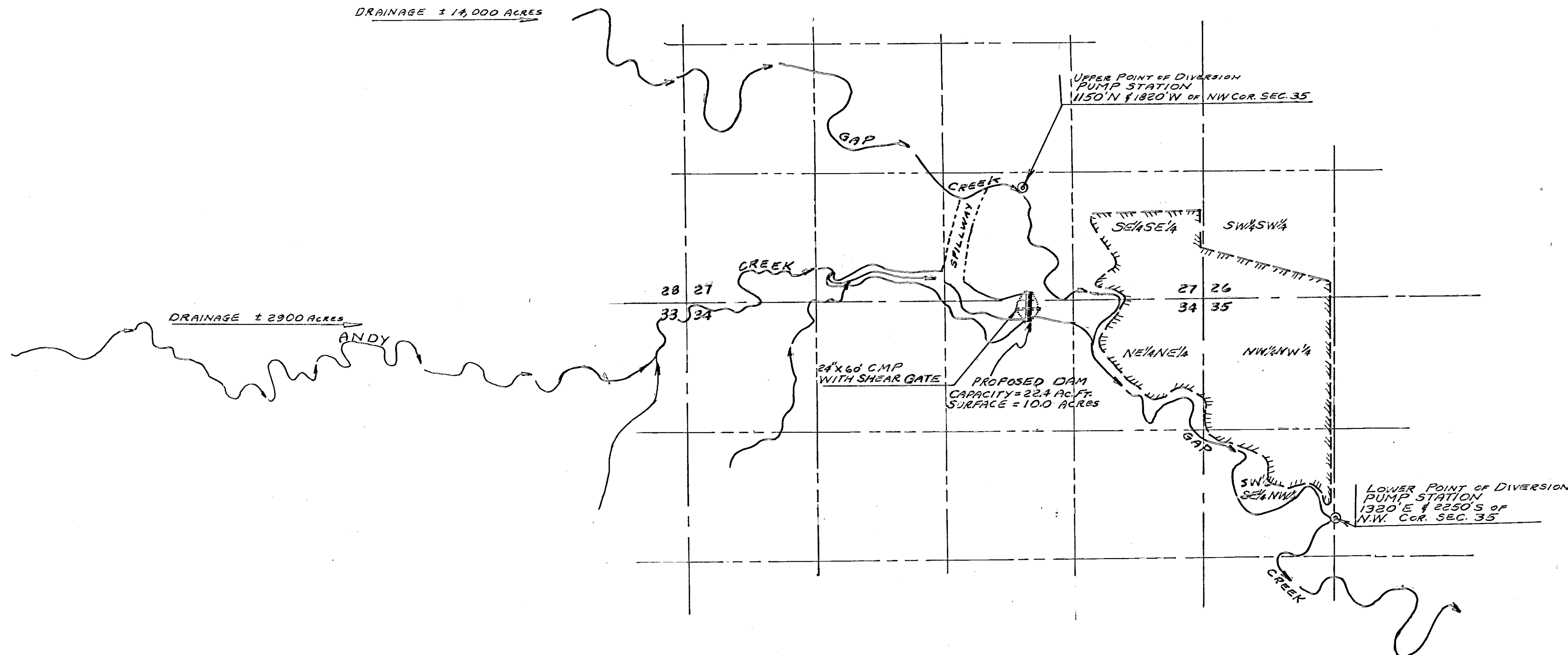
K5 37.9

Field K - 19.4 acres

SURVEYOR'S CERTIFICATE :  
I, George G. Ross, Registered land surveyor do hereby certify that at the direction of the owner I have, from aerial photo, prepared the proposed irrigation project as shown on this map. The distances and locations of creeks and dry draws are as shown.  
*George G. Ross*  
Registered Land Surveyor

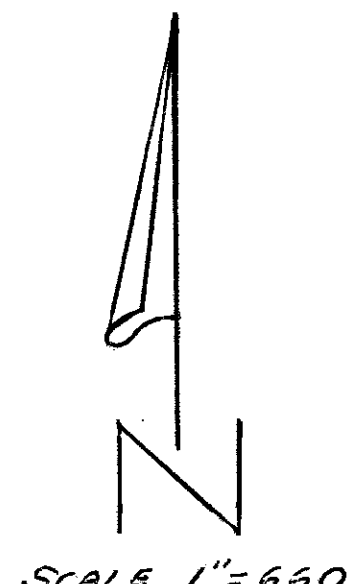


ACKNOWLEDGMENT OF SURVEYOR :  
STATE OF SOUTH DAKOTA, LAWRENCE COUNTY  
Be it remembered that on this 6<sup>th</sup> day of MAY, 1969 before me, the undersigned a notary public, personally appeared George G. Ross known to me to be the person, described in, and who executed the Surveyor's Certificate My Commission expires August 15, 1975  
*Oliver Shoup*  
Notary Public

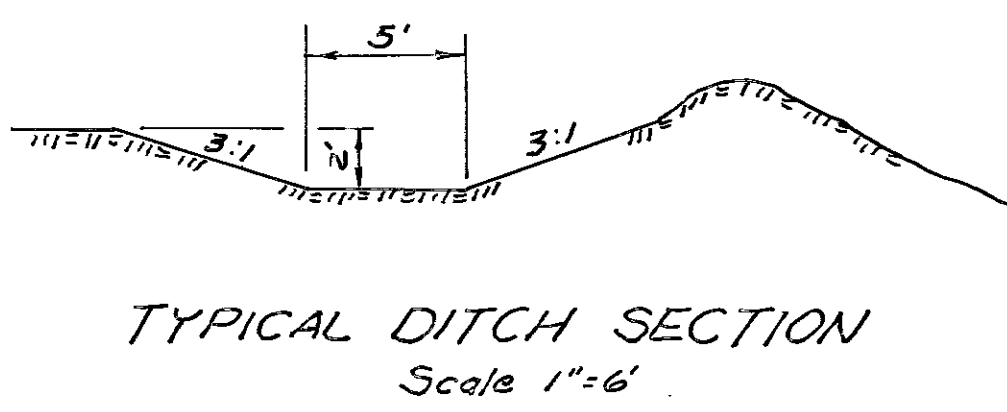
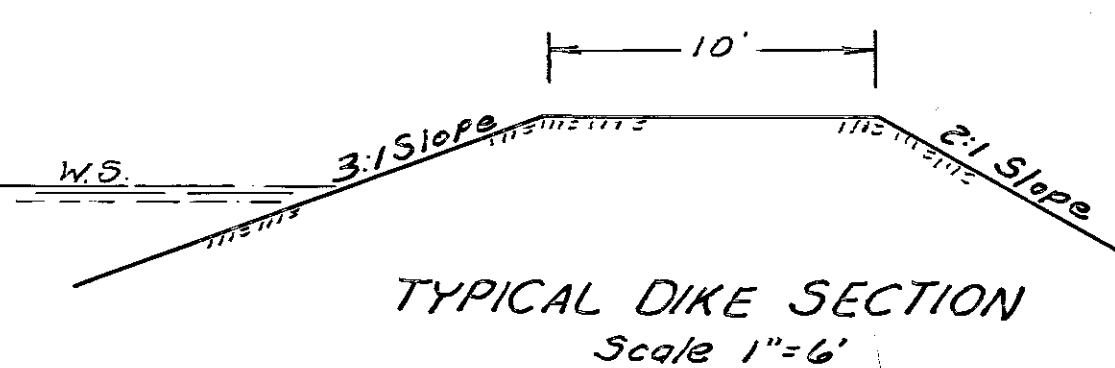


LOCATION OF IRRIGABLE LAND

|                           |                       |
|---------------------------|-----------------------|
| SECTION 35 T18N; R9E B.M. |                       |
| NW1/4NW1/4                | 40.0 AC.              |
| SW1/4NW1/4                | 10.0                  |
| SECTION 34 NE1/4NE1/4     | 200                   |
| SECTION 27 SE1/4SE1/4     | 200                   |
| SECTION 26 SW1/4SW1/4     | 10.0                  |
| TOTAL                     | 100.0 Irrigable Acres |



- LEGEND
- Limits of irrigable acreage
  - Section Line
  - 1/4 Line
  - 1/2 Line



|                                                                                                  |                                           |                                                   |
|--------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------|
| HOWARD MILLETT<br>IRRIGATION PROJECT 2<br>Sorum, Perkins County, S. Dak.                         |                                           |                                                   |
| IN W1/4NW1/4 SEC. 35; NE1/4NE1/4 SEC. 34; SE1/4SE1/4 SEC. 27; SW1/4SW1/4 SEC. 26; T18N; R9E B.M. |                                           |                                                   |
| Brady Engineering<br>Consulting Engineers<br>Spearfish, South Dakota                             | WRS-47<br>Drawn By: G.G.R.<br>Checked By: | Scale: 1"= 660'<br>Date: MAY 1969<br>Sheet / of / |

Remarks by State Water Resources Commission:

This water permit authorizes the spreading of runoff water originating in the small drainage area immediately north of the lands to be irrigated and the pumping of water from the proposed dam to be constructed near the mouth of Andy Creek.

This water permit does not authorize the construction of storage or diversion dams on Gap Creek, and pumping diversions may be made from Gap Creek only after sufficient water has been by-passed to satisfy downstream water rights Nos. 32-1, 447-1 and 455-1.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

SEPTEMBER 11

1969

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

a.m. upon the

16TH

day of

MAY

1969

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit

868-1

Date of first receipt of application

MAY 16

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

MAY 16

1969

Approved

SEPTEMBER 4

1969

Recorded in Book

11

Page

35

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

MARCH 4

1970

2nd. The whole said work is to be completed on or before

SEPTEMBER 4

1974

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

SEPTEMBER 4

1974

(EXTENSION APPROVED 11-8-72)

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 1.43 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 SEPTEMBER 4, 1974, said water to be used during the following described annual period:

MARCH 15 THRU SEPTEMBER 15

Witness my hand this

11TH

day of

SEPTEMBER, 1969.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

Form 8 -- Notice of Intention to  
Appropriate Water

No. 268-1

On or before  
(First Publication 11 June 19, 1969)  
APPROPRIATION OF WATER

State Water Resources Commission

Pierre, S.D. May 21, 19 69

Notice is hereby given that Howard Millett whose  
postoffice address is Sorum, S.D., has made an applica-  
tion in accordance with the provisions of the water laws of South Dakota for  
a permit to appropriate for beneficial use 1.42 cubic feet of water per  
second of time from ~~the Gap Creek & Tributary (Andy Creek)~~ through the  
Howard Millett Irrigation Project #2 the point of diversion of which is to be  
located on the left bank of said stream in the ~~from Andy Creek~~  
at a point in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 34, and from Gap Creek at a point  
in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 35  
Twp. 18N, Rge. 9E. Said water to be used for the purpose of  
providing irrigation on <sup>portions of</sup> the following described land:

SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26; SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27; NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 34; and W $\frac{1}{2}$  NW $\frac{1}{4}$ ,  
Section 35, all in T16N, R9E.

This application will be taken up by the State Water Resources Commission  
at their office at Pierre for consideration upon the 16th day of July  
1969, at 2:00 P.. 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 Rights Specialist

cc: Howard Millett, Sorum, S.D.

# **AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA, County of Harding, ss.

Donald L. Cammack

of said County and State,

being first duly sworn, on his oath, says: That the BUFFALO TIMES-HERALD is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State by Donald L. Cammack

and has been such newspaper during the time hereinafter mentioned and that I, Donald L. Cammack the undersigned, am Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed

APPROPRIATION OF WATER No. 868-1

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said

newspaper and not in any supplement, once each week for Four successive

weeks, the first publication being made on the 12th day of June 1969

and the last publication being made on the 3rd day of July 1969

The first publication being made on the 12th day of June 1969

The second publication being made on the 19th day of June 1969

The third publication being made on the 26th day of June 1969

The fourth publication being made on the 3rd day of July 1969

The fifth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

The sixth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

The seventh publication being made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

The eighth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$25.03, and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 3rd day of July 1969.  
Notary Public

My Commission Expires Nov. 24, 1970

**RECEIVED**  
JUL 7 1969

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## **APPROPRIATION OF WATER**

No. 868-1  
State Water Resources  
Commission

Pierre, S. D. May 21, 1969

Notice is hereby given that Howard Millett, whose postoffice address is Sorum, 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 1.42 cubic feet of water per second of time from Gap Creek & Tributary (Andy Creek) through the Howard Millett Irrigation Project No. 2, the point of diversion of which is to be located on the left bank of said stream from Andy Creek at a point in the NW1/4, Section 34, and from Gap Creek at a point in the SE1/4 of the NW1/4 of Section 35 Twp 18N, Rge. 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW1/4, Section 24; SE1/4, Section 27; NE1/4, Section 34; and W1/4, Section 35, all in T18N, R9E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July, 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

By: BURTON F. JONES  
Water Rights Specialist  
(Pub. June 12-19-26-July 3)

Publication Fees - - - \$

Received Payment:

At its July 1969 meeting, the Commission considered Water Right Application No. 868-1 of Howard Millett to irrigate 100 acres of land by diversion of water from Gap Creek and a tributary, Andy Creek. Mr. Lester C. Aaberg had written that he and Fred Laflin had prior water rights downstream which did not receive sufficient water each year and asked that this be considered. In addition it was pointed out that Water Right Application 868-1 needed some clarification. The Commission deferred action pending investigation by the Staff.

A sketch map has been prepared to aid in explaining this report. Mr. Millett's proposed irrigation indicated by No. 868-1 on the sketch map is located, in Harding County, 26 miles west and three miles south of Bison.

Mr. Millett proposes to irrigate his designated 100 acres by three methods.

1. By spreading water from the small drainage area above and north of of the designated 100 acres.
2. By constructing a dam near the mouth of Andy Creek and pumping water collected in this dam onto the land to be irrigated. This dam, indicated by the small blue area near 868-1 on the sketch map, would have a capacity of 22.4 acre-feet and a surface area of 10 acres.
3. By pumping directly from Gap Creek. Water Right Application 868-1 does not propose any water retaining or water diverting structures across Gap Creek.

There are three water rights downstream using Gap Creek water.

Water Right No. 32-1, of Lester C. Aaberg, priority date of June 1, 1908 authorizes the irrigation of 210 acres. Most of this irrigation water is carried in a ditch. See dotted line above 32-1. Mr. Aaberg reports this ditch carries only 1/2 of the Gap Creek flows because the diversion dam (and road crossing) has two culverts, of equal size, placed at same elevation, one culvert carrying water to the ditch and the other returning water to Gap Creek.

Water Right No. 447-1 of Fred Laflin, priority date of January 4, 1960 authorizes the irrigation of 157 acres by spreader dikes across Gap Creek.

Water Right No. 455-1 of Lester C. Aaberg, priority date of March 4, 1960, authorizes the irrigation of 104 acres by construction of spreader dikes to spread "surface runoff from local watershed" (Tributary shown on sketch map). Mr. Aaberg reports that the "Tributary" carries good flows only about once every five years and the main benefit is derived from Gap Creek water carried by the 32-1 ditch.

The three downstream water rights authorize the irrigation of a total of 471 acres. Most of this irrigation would be classed as water spreading with varying degrees of water use. The most intensive use appears to be in the "Tributary" irrigation area where Mr. Asberg has constructed numerous blocks and dikes and has planted alfalfa in the irrigated areas, resulting in a relatively high degree of water use. The Commission Staff estimates that the average annual use of irrigation water would not exceed six inches or 236 acre feet for the 471 acres authorized to be irrigated.

In Western South Dakota excepting the Black Hills Area, the average irrigation use from intermittent streams normally has been considered as six inches of water for each acre under approved water right. This is probably too high but it is on the safer side. In the same western area a depth for the average annual runoff of 1/4 to 1/2 inches has been used. This is probably a little too low, but again on the safe side. A map prepared by the Missouri Basin Inter-Agency Committee shows a generalized estimate of mean annual runoff for this particular part of South Dakota of 0.8 of an inch. A map prepared by the United States Geological Survey, marked "Preliminary Data Subject to Revision" shows an annual mean discharge in acre-feet per square mile of 32 acre-feet, which is equivalent to a depth of 0.6 of an inch. Annual runoffs will vary greatly from the average annual runoff. One flood may produce many times the average annual runoff and during some years there may be no runoff.

Where surface flows are involved, past action of the Commission has been to specify that upstream diverters are to by-pass flows as needed by downstream irrigators having prior water rights. However as between water spreading systems, such specification has been relaxed based on the theory that such systems need near flood flows to function properly and during such flows there is enough water for all irrigation systems. Mr. Asberg reports that on several occasions sufficient water reached 447-1 to be used for irrigation, but did not reach 32-1.

Consider now Water Right Application 868-1.

Three downstream water rights can use an estimated 236 acre-feet of water annually. Water Right Application 868-1 proposes a water use estimated at 50 acre-feet of water annually.

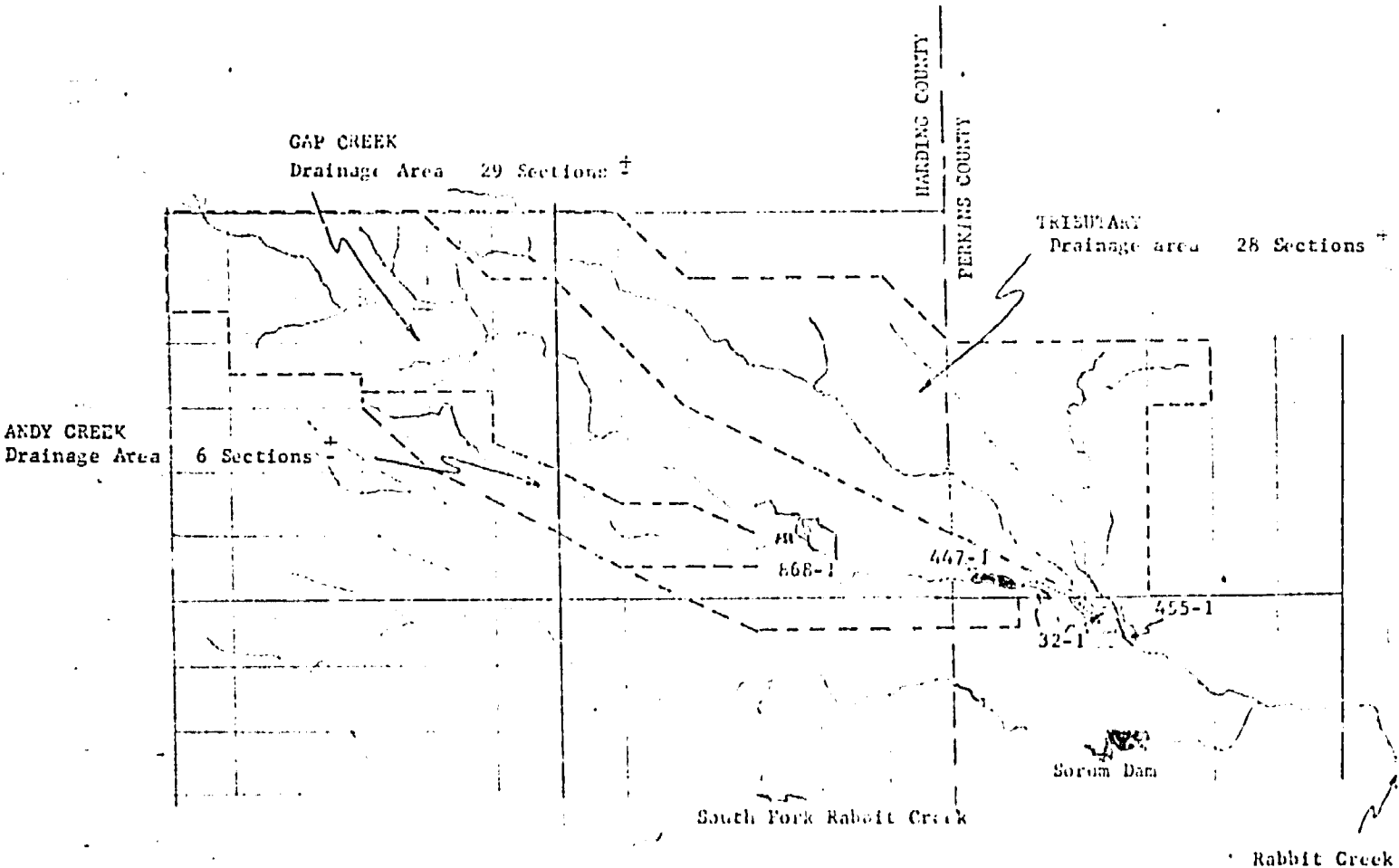
Using an average annual runoff depth of only 1/4 inch, the Gap Creek drainage area above the water rights, not including the Andy Creek drainage area, would provide 373 acre-feet, average annual runoff.

Water Right Application 868-1 proposes diversion of water from Gap Creek by pump without the automatic diversion of a diversion dam. A pump can be used only after enough water has been by-passed to satisfy downstream water rights.

The recommendation of the Commission Staff is that Water Right Application No. 868-1 be approved containing the following qualifications,

This water permit authorizes the spreading of runoff water originating in the small drainage area immediately north of the land to be irrigated and the pumping of water from the proposed dam to be constructed near the mouth of Andy Creek.

This water permit does not authorize the construction of storage or diversion dams on Gap Creek, and pumping diversions may be made from Gap Creek only after sufficient water has been by-passed to satisfy downstream water rights Nos. 32-1, 447-1 and 455-1.



SKETCH MAP  
WATER RIGHT APPLICATION 868-1 REPORT

868-1

## APPLICATION FOR EXTENSION OF TIME

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

Date SEPTEMBER 18, 1972

Dear Sirs:

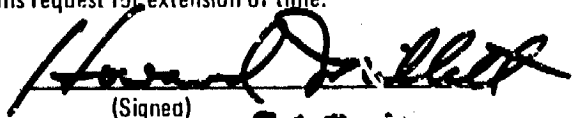
In Water Right Permit No. 868-1 it is specified that the water diversion system is to be completed by SEPTEMBER 4, 1969 and that the water is to be put to the limit of beneficial use by SEPTEMBER 4, 1974.

I hereby request that the date for completing the diversion system be extended to SEPTEMBER 4, 1974 and that the date for putting the water to the limit of beneficial use be extended to SEPTEMBER 4, 1978.

The extension of time for the completion of these works is requested for the following reasons: \_\_\_\_\_

NEED MORE TIME TO FULLY COMPLETE PROJECT

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.



(Signed)

Holder of Permit No. 868-1

APPROVED:

WATER RESOURCES COMMISSION

By:



## WATER LICENSE NO. 868-1.

(1) WHEREAS, On the 16th day of May A. D. 19 69

Howard Millett

made Water Right Application No. 868-1 for a permit to use 1.43 cubic feet per second of the waters of \* Gap Creek and Tributary (Andy Creek)

County of Beadle, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_

Permit No. 868-1, with a date of priority of May 16, 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 4th day of September A. D. 19 74 and for the application to beneficial use of said water on or before the 4th day of September A. D. 19 78

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 0.73 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,

to irrigate the following lands all in T18N, R9E

Section 27 - SE $\frac{1}{4}$  SE $\frac{1}{4}$  DD 16.00 acres

Section 34 - NE $\frac{1}{4}$  NE $\frac{1}{4}$  AA 9.00 acres

Section 35 - NW $\frac{1}{4}$  NW $\frac{1}{4}$  BB 26.00 acres

TOTAL 51.00 acres

\* Water is not diverted from Gap Creek. Water comes from watershed above system.  
This water would normally flow through the system.

(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 Howard Millett, RR, Box 33

\_\_\_\_\_ of Sorum, South Dakota 57654

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 868-1 a water right, dating from May 16, 1969

\_\_\_\_\_ to use of 0.73 cubic feet per second of the waters of a watershed

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 a point 900 ft N & 950 ft W of the SE corner of Section 27, T18N, R9E (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) DD

and conducted to and upon portions of land in Section 27, 34 & 35, T18N, R9E, more fully described on the face of license

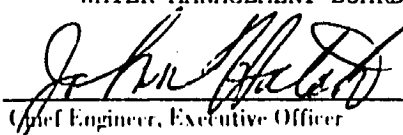
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 868-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 28th day of December A. D.  
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

  
\_\_\_\_\_  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 868-1

Water Diversion No. 1 Mureau River Water District

10130305

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Howard Millett

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 868-1, issued upon Application No. 868-1, bearing date of priority of May 16, 1969  
\_\_\_\_\_ authorizing the diversion of 1.43 cu. ft. per second of the waters of \_\_\_\_\_  
\*Gap Creek & trib. (Andy Creek) County of Harding, State of South Dakota at \_\_\_\_\_  
a point 900 ft N & 950 ft W of the SE corner of Section 27, T18N, R9E  
\_\_\_\_\_  
(SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) DD  
\_\_\_\_\_, 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 4 cu. ft. per second of water.

Date December 28, 1982

\* NOTE: Water is not diverted  
from Gap Creek. Water comes from  
watershed above the system. This  
water would normally flow through the  
system.

  
JOHN HATCH, Chief Engineer  
Water Rights Division

No.

868-1



# Department of Water & Natural Resources

Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501

(605) 773-3352

December 29, 1982

Howard Millett  
Sorum,  
South Dakota 57654

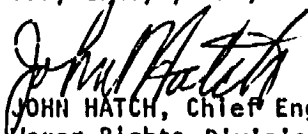
Dear Mr. Millett:

Enclosed herewith are, Water License No. 868-1 and Certificate of Construction.

Water License No. 868-1 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

  
JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

enclosures

WNR-817-7/79

Transmittal of Water License

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 9065

PIERRE, December 13, 1982

RECEIVED OF Howard W. Millett, RR. Box 33, Sorum, SD 57654  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                       |    |    |
|-----------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. .... (examination,<br>processing, recording and filing) ..... |    |    |
| Fee for Inspecting Construction, and issuing Cert. of Construction No. <u>868-1</u>                                   | 12 | 00 |
| Fee for Inspecting Beneficial Use, and issuing Water License No. <u>868-1</u>                                         |    |    |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                               |    |    |
| Fee for filling .....                                                                                                 |    |    |
| Fee for certified copy of .....                                                                                       |    |    |
| Fee for Print copy of map .....                                                                                       |    |    |
| Fee for Certifying .....                                                                                              |    |    |
| Fee for .....                                                                                                         |    |    |
| (any other work as provided by law)                                                                                   |    |    |
| TOTAL                                                                                                                 | 12 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH (ms)