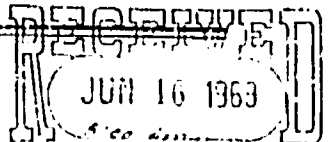


1. Considered July 16, 1969 **872-1**
2. Name of Applicant Gregor M^cFarland
3. Post Office Address Harford Rt. -- Sturgis, S.D.
4. Amount of water claimed 2.4
5. Source of water supply Pleasant Valley - Miorse Creek & Tributary
6. Water to be used for Irrigation
- Acres to be irrigated 168
7. Water to be diverted and used in Muske county
about _____ miles _____ of _____
8. Proof of Publication Received 7-16-69
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 872-1Water Division No. 1 ELK CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)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 Gregor McFarland
Hereford Route
 Postoffice address Sturgis, County Meade, 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.)

1a. 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)

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

2. Name of diversion work
- McFarland Irrigation Project

3. Amount of water claimed
- 2.4
- cubic feet per second

4. Source of water supply
- Pleasant Valley - Morse Creek tributary

5. Location of point of diversion
- Between a point 2475' N. 76°30' E. of NW 1/4 Cor. Sec. 27, T.4N, R.7E BHM, and a point 400' S 84°30' E of NW 1/4 Cor. Sec. 35, T.4N, R.7E, BHM Meade
-
- bank
- County.

6. Annual period or periods during which water is to be used
- May 1st to Sept. 30

7. To be used for:

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

- (a) Number of acres to be irrigated
- 168
- acres.

- (b) Legal subdivisions to be irrigated _____

Township 4 North, Range 7 East, BHM

Section 27

SE 1/4 NW 1/4	4
SW 1/4 NE 1/4	12
SE 1/4 NE 1/4	2
NW 1/4 SE 1/4	7
NE 1/4 SE 1/4	13
SE 1/4 SE 1/4	15

Total acres 53

Section 26

NW 1/4 SW 1/4	1
SW 1/4 SW 1/4	11
Total acres	12

Section 35

NW 1/4 NW 1/4	9
NE 1/4 NW 1/4	6
SE 1/4 NW 1/4	13
NE 1/4 NE 1/4	1
SW 1/4 NE 1/4	18
SE 1/4 NE 1/4	23
NW 1/4 SE 1/4	13
NE 1/4 SE 1/4	20

Total 103

Grand Total 168 Acres

MAP NO-727-1

8. Estimated cost of work:

(a) Head Gates, \$ 200

(b) Pumping plant, \$ 1500

(c) Fluming, \$ 200

(d) Canal earth, \$

Rock, \$

(e) Other structures Diversion Dam, Spreader \$ 1000
Ditches

Total, \$ 2800

9. Description of diversion works:

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

Diversion Dam with flume

II. Dimensions of works.

(a) Dam: Height 8 feet; length at bottom 75 feet; length at top 60 feet; thickness at bottom 60 feet; thickness at top 12 feet; slope at front water face 4:1; slope at back face 3:1
material used in construction Earth

(b) Reservoir: Capacity when filled 1.5 acre feet. Surface area at highwater mark 0.8 acres.

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

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

(d) Canal: Total length 1 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

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

Sturgis Tribune, Sturgis, South Dakota

STATE OF SOUTH DAKOTA

County of Harding

I, Sheldon M. B. Clark, 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 Sheldon M. B. Clark

Subscribed and sworn to before me this 23rd day of May 1942

Florence Bregle
Notary Public (or other qualified officer.)

FLORENCE BREGLE

NOTARY PUBLIC HARDING CO., S. DAK.

*Each diversion must have a headgate or measuring device.

PLAT OF THE MCFARLAND IRRIGATION PROJECT

Located in Sections 26, 27 and 35, Township 4 North, Range 7 East, B1W, in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Gregor McFarland, Sturgis, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

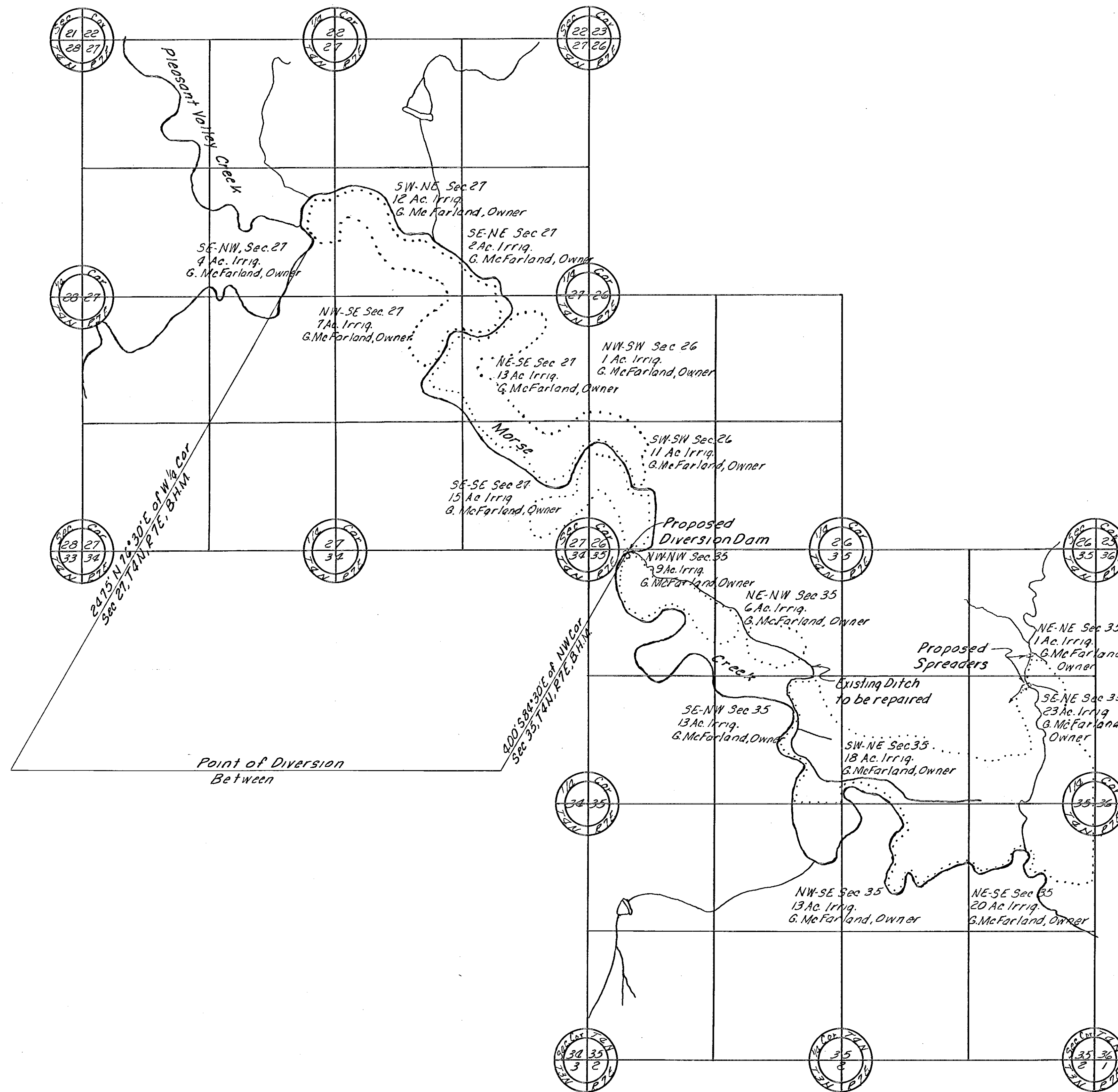
I, William C. Brungle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Gregor McFarland, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brungle
 William C. Brungle (SEAL)
 Registered Land Surveyor, License No. 1517

Subscribed and sworn to before me this 31 day of May, 1969.

Florence Brungle
 Notary Public (SEAL)

FLORENCE BRUNGLE
 NOTARY PUBLIC HARDING CO., S. DAK.
 My Commission Expires Aug. 1, 1979



Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER
RIGHTS SHALL BE BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 17, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 16TH day of JUNE, 1969

State Water Resources Commission

By:

Burton Zane
for Chief Engineer, Executive Officer

Number of permit 872-1

Date of first receipt of application JUNE 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 JUNE 16, 1969

Approved JULY 16, 1969, Recorded in Book 11 Page 14

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 _____

JANUARY 16, 1972

2nd. The whole of said work is to be completed on or before JULY 16, 1974

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

JULY 16, 1974

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 2.4 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 JULY 16, 1974, said water to be used during the following described annual period:

MAY 1 TO SEPTEMBER 30

Witness my hand this 17TH day of JULY, 1969.

State Water Resources Commission

By:

George Zane
Chief Engineer, Executive Officer

Certificate of Construction Issued

Water License Issued

NOVEMBER 6, 1979

NOVEMBER 6, 1979

WATER LICENSE NO. 872-1

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

Gregor McFarland

made Water Right Application No. 872-1 for a permit to use 2.4 cubic feet per second of the waters of Morse Creek

County of Meade State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 16th day of July A. D. 19 69

Permit No. 872-1 with a date of priority of June 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 16th day of July A. D. 19 74 and for the

application to beneficial use of said water on or before the 16th day of July A. D. 19 74

Whereas upon inspection "May 14, 1976" the applicable portions of Water Filing No. 0482-1 have been incorporated into this Water License No. 872-1, and Water Filing No. 0482-1 has been placed in a cancelled status. Water License No. 872-1 will have the priority dates of 1.1 cfs for October 21, 1896 and 1.3 cfs for June 6, 1969.

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 2.4 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 land in T4N, R7E

Section 27 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 28 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 16 "

Section 26 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 "

Section 34 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 "

Section 35 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 "

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 "

TOTAL 185 "

(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 Gregor McFarland

_____ of Sturgis
the holder _____ and owner _____ of said permit No. 872-1 a water right, dating from June 16, 1969 and
October 21, 1898 to use of 2.4 cubic feet per second of the waters
of Morse Creek

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted between a point 900 ft. North 87°

0' W. of E $\frac{1}{2}$ Corner, Section 27 and 400 ft. S. 84° 30' E of

NW $\frac{1}{4}$ Corner of Section 35, all in T4N - R7E

and conduct to and upon portions of Sections 26, 27, 34, & 35, T4N, R7E
more fully described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 872-1 and subject to the laws of the State of South Dakota.

WITNES: My hand and seal of our office at Pierre, South Dakota
this 6th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JORN HATCH

Form 15

Permit No. 872-1

Water Division No. 1 Elk Creek Water District

UC 10/20/10

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gregor McFarland

the holder of
Permit No. 872-1, issued upon Application No. 872-1, bearing date of priority of October 21, 1986 and
June 6, 1969 authorizing the diversion of 2.4 cu. ft. per second of the waters of
Morsar Creek County of _____, State of South Dakota at
Between a point 900 ft. North 87° 0' W. of E₁ Corner, Section 27 and
400 ft. S. 84° 30' E of NW₁ Corner of Section 35, all in T4N - R/E
for irrigation

purpose, 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 diversion and conveying to the place of intended use up to 20.0 cu. ft. per second of water.

Date 11/6/79

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County Meade

Sue Cox being duly sworn, depose and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Sturgis Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Sturgis County of

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

June 18

June 25

July 2

July 9

in each and every issue of the full number thereof, the first publication being made on the 18 day of June

1969 and the last publication on the 9 day of

July 1969, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication there

was bookkeeper the printer and publisher of the said newspaper.

Sue Cox

Subscribed and sworn to before me this 11 day of July A. D. 1969

Notary Public Meade County, S. D.

No. 872-1
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S.D.
June 16, 1969

Notice is hereby given that Gregor McFarland whose post office address is Sturgis, S.D., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.4 cubic feet of water per second of time from the Pleasant Valley, Murie Creek and Tributary through the McFarland Irrigation Project, the point of diversion of which is to be located on either bank of said stream between points in the SE¹/₄ NW¹/₄ Section 27, and in the NW¹/₄ of the NW¹/₄ of Section 35, Twp. 48N, Range 71E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW¹/₄ SW¹/₄ Section 26, NE¹/₄ NW¹/₄ NE¹/₄ NE¹/₄ Section 27, NE¹/₄ NW¹/₄ SE¹/₄ NW¹/₄ NE¹/₄ and NE¹/₄ SE¹/₄ NW¹/₄ Section 35, All in T18N, R71E. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration up on 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
ANTON F. JONES
Water Right Specialist
Trib June 15, 25 July 2, 5

on or before June 19, 1969
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., June 16, 1969.

Notice is hereby given that Gregor Mc Farland whose post-office address is Sturgis 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 2.4 cubic feet of water per second of time from the Pleasant Valley, Horse Creek and Tributary through the McFarland Irrigation Project the point or diversion of which is to be located on either between points in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, and bank of said stream/ in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15 Twp. 4N Range 7E Said water to be used for the purpose of providing irrigation on portions of the following described land:
W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26; SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 27; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 35, All in T 4 N, R 7 E

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

cc: Gregor, McFarland, Hereford Route
Sturgis, S.D.

By:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

BURTON F. JONES
Water Rights Specialist

Permit No. 872-1Water Division 1 Elk Creek Water DistrictREPORT 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 Gregor
McFarland of Hereford Route, Sturgis, S.D. holder
of Permit No. 872-1, bearing date of priority of 1.1 cfs Oct 21, 1896
1.3 cfs June 6, 1969,
authorizing the diversion of 2.4 cu. ft. per second of the waters of Morse Creek
for Irrigation purposes, in Meade 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:

Pump, Crisafulli, Power = Tractor Take-off.
Capacity 1200 gpm. for Irrigation in Sections 26 & 27.
Diversion dam with headgates for Irrigation in
Section 35.

B. Works used to transport water to place of use,

Diversion ditches and dikes with culverts and
headgates.

C. Works used to apply water to beneficial use.

Spreader dikes and Spreader ditches

The system is in the following condition: Good

The point of diversion is located Between a point 400 ft N 87° 0' W of E 1/4 cor
Sec. 27, T4N R7E and a point 400 ft S 87° 30' E of NW 1/4 cor. of
Sec. 35, T4N R7E BHM.

The works are capable of diverting and conveying to the place of use Pump 2.67 cfs + Head gates 18
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: All in T4N R7E BHM. In

Sec. 27, NW 1/4 SE 1/4 - 3 Ac, NE 1/4 SE 1/4 - 28 Ac, SE 1/4 SE 1/4 - 16 Ac, In Sec. 26,
NW 1/4 SW 1/4 - 13 Ac, SW 1/4 SW 1/4 - 18 Ac, In Sec. 34, NE 1/4 NE 1/4 - 3, In Sec. 35
NE 1/4 SW 1/4 - 3 Ac, NW 1/4 NW 1/4 - 13 Ac, NE 1/4 NW 1/4 - 9 Ac, SE 1/4 NW 1/4 - 15 Ac,
SW 1/4 NE 1/4 - 18 Ac, SE 1/4 NE 1/4 - 13 Ac, NW 1/4 SE 1/4 - 13 Ac, NE 1/4 SE 1/4 - 20 Ac.

comprising a total of 185 acres of land.

Note: The following area under permit H 0482-1.

NW 1/4 SE 1/4 - 27	=	35 Ac
SE 1/4 SE 1/4 - 27	=	16 Ac
NW 1/4 SW 1/4 - 26	=	13 Ac
SW 1/4 SW 1/4 - 26	=	18 Ac
		<u>75 Ac.</u>

110 = 1.3
75 = 1.1
2.4

Date May 14, 1976

Leroy O. Mennigh
(Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

November 7, 1979

Mr. Gregor McFarland
Hereford Route
Sturgis, SD 57785

Dear Mr. McFarland:

Enclosed herewith are, Water License No. 872-1 and Certificate of Construction.

Water License No. 872-1 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, WMD

JH:ht

enclosures

The applicable portions of Water Filing No. 0482-1 have been incorporated into this Water License No. 872-1, and Water Filing No. 0462-1 has been placed in a cancelled status.

Equal Opportunity Employer

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE