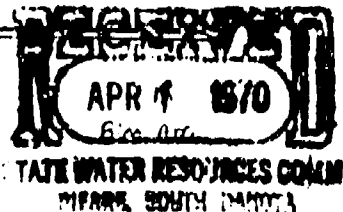


Water Right Number 893-1

1. Considered MAY 20, 19 70
2. Name of Applicant RONALD MITCHELL
3. Post Office Address DUPREE, S.D.
4. Amount of Water claimed 6.1
5. Source of Water supply COTTONWOOD CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 430.04
7. Water to be diverted and used in ZIEBACH County
about 4 E 15 N miles of DUPREE
8. Proof of Publication
Received 5-11-70
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 893-1Water Division No. 1 SULPHUR CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)

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

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

1. Name of applicant Donald Mitchell
Postoffice address Fortess, County Richmond, State S. Dak.

- 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, \$ 500 - 400

2. Name of diversion work Farther Dams
3. Amount of water claimed 601 cubic feet per second
4. Source of water supply Cottonwood Creek
5. Location of point of diversion See back sheet
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used When available
7. To be used for:

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

- (a) Number of acres to be irrigated 430.04 acres.

- (b) Legal subdivisions to be irrigated See back sheet (attached)

(NOTE--A list of land 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.) None

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

- (a) Nature of use None
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 744-1

Estimated cost of work:

(a) Head gate, \$ 1200.00

(b) Pumping plant, \$

(c) Flume, \$

(d) Canal-earth, \$

Back, \$

(e) Other structures Dikes and Dams \$ 2000.00

Total, \$

Description of diversion works:

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

Earth Dam

II. Dimensions of works.

(a) Dam: Height 10 feet; length at bottom 20 feet; length at top 50 feet; thickness at bottom 20 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction Earth

(b) Reservoir: Capacity when filled No storage acre feet. Surface area at highwater mark acres.

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

(c) Head gate: Width 24 inch diameter feet; height feet; Material Steel

(d) Canal: Total length 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 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate West River
Progress, Dupree, S. Dak. 57623

STATE OF SOUTH DAKOTA

County of Ziebach ss.

I, Donald Mitchell, 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

Subscribed and sworn to before me this

day of

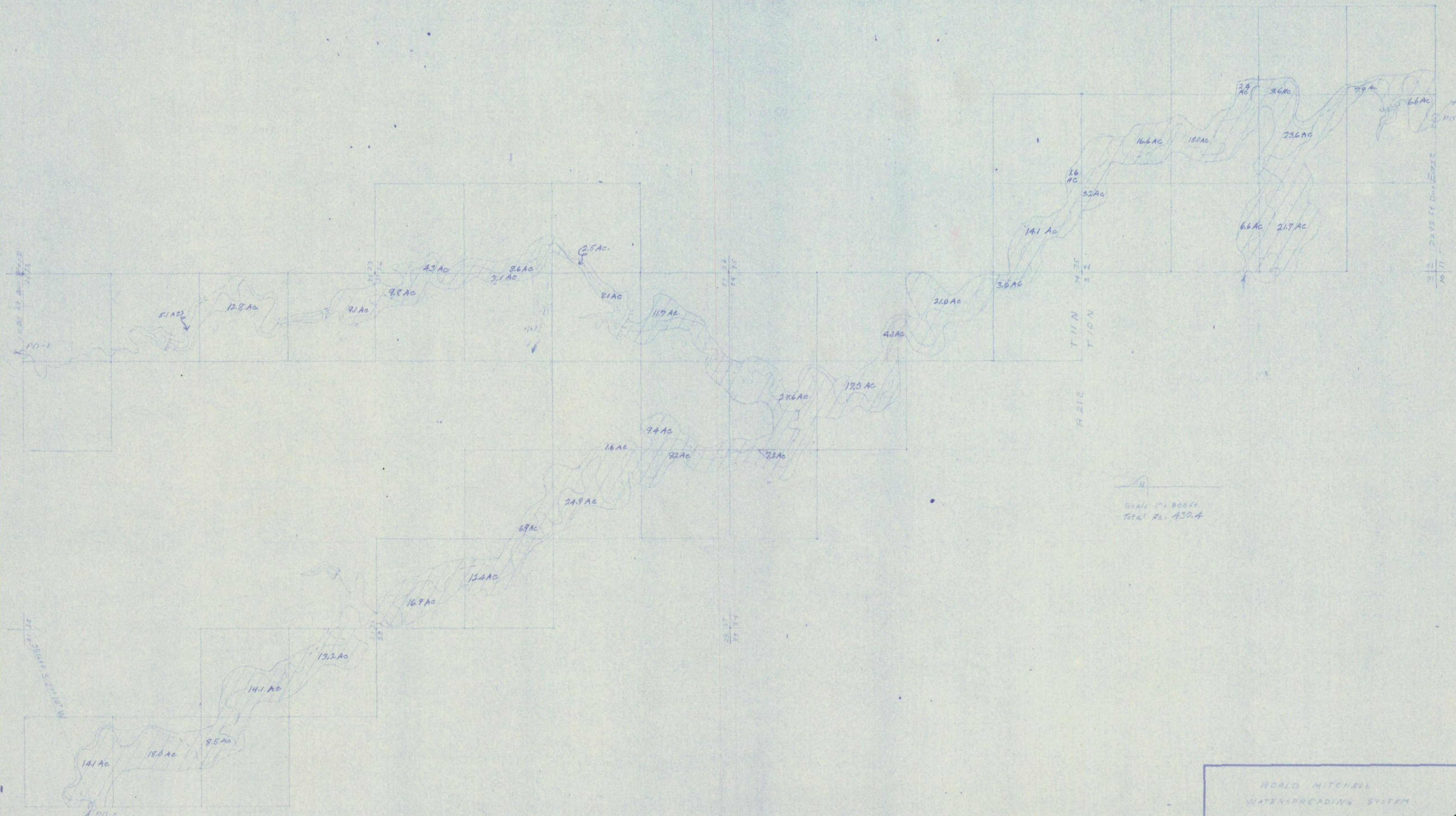
April

1920

My Commission Expires: 1-5-25

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Scale 1" = 800 ft
Total Ac. 430.4

ROADS MITCHELL WATERSHEDDING SYSTEM			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed by _____	Date _____	Approved by _____	
Drawn by <u>V. Thomas</u>	<u>2/20/69</u>	Title _____	
Traced by _____	Sheet _____	Drawing No. _____	
Checked by _____	of _____		

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MAY 22, 1970

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
2 m. upon the 7TH day of APRIL, 1970.

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 893-1

Date of first receipt of application APRIL 7, 1970

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 7, 1970

Approved MAY 20, 1970 Recorded in Book 11 Page 114

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 20, 1972

2nd. The whole of said work is to be completed on or before MAY 20, 1975

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

MAY 20, 1979

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 6.1 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 20, 1979; said water to be used during the following described annual period:

WHEN AVAILABLE

Witness my hand this 22ND day of MAY, 1970.

State Water Resources Commission

By:

J. C. Williams
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 4, 1976

Water License Issued FEBRUARY 4, 1976

Remarks by the Applicant:

PD No. 1 1105 ft. due west of NE corner Sec 22 T 11N R 21E
 PD No. 2 2016 ft. S 70° 10' W of NE corner Sec 21 T 11N R 21E
 PD No. 3 2292 ft. due east of SW corner Sec 2 T 11N R 21E

Legal Subdivisions to be Irrigated

NW NW	2 - 10 - 21	3.2 ac
NE NW	2 - 10 - 21	16.3 ac
SW NW	2 - 10 - 21	6.6 ac
SE NW	2 - 10 - 21	18.0 ac
SW NE	2 - 10 - 21	2.4 ac
NW SW	2 - 10 - 21	21.7 ac
NE SW	2 - 10 - 21	23.6 ac
NW SE	2 - 10 - 21	3.6 ac
SE SW	2 - 10 - 21	8.6 ac
SW SE	2 - 10 - 21	7.2 ac
SW SW	35 - 11 - 21	14.1 ac
SE SW	35 - 11 - 21	1.6 ac
NE NW	34 - 11 - 21	7.2 ac
NW NE	3 - 11 - 21	27.6 ac
SW NE	- 11 - 21	17.3 ac
SE NE	- 11 - 21	4.1 ac
NE SE	34 - 11 - 21	21.0 ac
SE	34 - 11 - 21	5.0 ac
NW NW	26 - 11 - 21	4.3 ac
SW NW	26 - 11 - 21	8.3 ac
NW SW	26 - 11 - 21	2.5 ac
SW NW	27 - 11 - 21	16.9 ac
SE NW	27 - 11 - 21	12.4 ac
NE SW	27 - 11 - 21	3.3 ac
SE SW	27 - 11 - 21	24.9 ac
NW SE	27 - 11 - 21	9.2 ac
SE SE	27 - 11 - 21	1.6 ac
NE SE	27 - 11 - 21	8.1 ac
SE SE	27 - 11 - 21	9.4 ac
NE NE	27 - 11 - 21	11.7 ac
SE NE	27 - 11 - 21	9.8 ac
SE NE	22 - 11 - 21	3.1 ac
NE SE	22 - 11 - 21	5.1 ac
SE SE	22 - 11 - 21	12.8 ac
NW NE	21 - 11 - 21	9.1 ac
SW NE	21 - 11 - 21	14.1 ac
NW SE	21 - 11 - 21	18.0 ac
NE SE	21 - 11 - 21	3.5 ac
SE SE	21 - 11 - 21	14.1 ac
SE SE	21 - 11 - 21	13.2 ac
TOTAL		430.04 ac

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 893-1

(1) WHEREAS, On the 7th day of April A. D. 19 70

Ronald Mitchell

made Water Right Application No. 893-1 for a permit to use 6.1 cubic feet per second of the waters of Cottonwood Creek

County of Ziebach, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 22nd day of May A. D. 19 70

Permit No. 893-1, with a date of priority of April 7, 1970

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 20th day of May A. D. 19 75 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 70

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 .15 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:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T11N, R21E	16.9 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T11N, R21E	2.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T11N, R21E	1.6 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T10N, R21E	3.2 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T10N, R21E	6.6 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T10N, R21E	6.6 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T10N, R21E	20.7 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T10N, R21E	17.0 acres

74.6 Acres Total

(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 Roald Mitchell

_____ of Dupree, S.D.

the holder _____ and owner _____ of said permit No. 893-1 a water right, dating from April 7, 1970

_____ to use of .15 cubic feet per second of the waters

of Cottonwood Creek

in the County of Zeibach and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at _____

A point 2816 ft. South 79° 10' West of the NE Corner, Sec. 21, T11N, R21E, B4M; and

a point 2292 ft. due East of the SW Corner, Sec. 2, T10N, R21E, BHM and all

intermediate points

and conduct to and upon portions of Sections 27, and 35, T11N, R21E, and Section 2,

T10N, R21E, more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 893-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of February A. D.
Nineteen Hundred and Seventy-six

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 893-1

Water Diversion No. 1 SULPHUR CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Roald Mitchell

_____ the holder _____ of
Permit No. 893-1, issued upon Application No. 893-1, bearing date of priority of April 7,
1970 authorizing the diversion of 6.1 cu. ft. per second of the waters of _____
Cottonwood Creek County of Ziebach, State of South Dakota at _____
A point 2816 ft. South 73° 10' West of the NE Corner of Sec. 21, T11N, R21E, BHM,
and a point 2292 ft. due East of the SW Corner Sec. 2, T10N, R21E, BHM, and all
intermediate points. for irrigation

_____ purposes, has 8 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 cu. ft. per second of water.

Date February 11, 1976

By: WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Ziebach) ss.

I, Lillie Pesick hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Heat River

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Town of Dupree

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

April 16, 1970

April 23, 1970

April 30, 1970

May 7, 1970

Lillie Pesick
(Signature)

Editor
(Title)

May 8, 1970
(Date Signed)

NO. 803-1
NOTICE
INTENT TO APPROPRIATE
WATER
Pierre, South Dakota 57501
April 7, 1970
Notice is hereby given that
Ronda Mitchell whose office
address is Dupree, South Da-
kota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 0.1 cubic
feet of water per second of time
from Cottonwood Creek through
the Mitchell Spreader System,
the point of diversion of which
is to be located between points
in the NE1/4, NE1/4, Section 22
and NW1/4, NE1/4, Section 21,
T11N, R21E, and a point in the
SW1/4, SW1/4 of Section 2, Twp.
10N, Range 21E. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land:
W1/4, NE1/4, NW1/4, SE1/4, E1/2
SE1/4, Section 21; SW1/4, NE1/4, E1/2
SE1/4, Section 22; W1/4, NW1/4, Sec-
tion 26; E1/2, E1/4, NW1/4, W1/2
SE1/4, E1/2 SW1/4, Section 27;
NE1/4, NE1/4, NW1/4, E1/2, SE1/4,
Section 31; SW1/4, Section 35.
All in T11N, R21E, and NW1/4
SW1/4, E1/2 NW1/4, S1/2 SW1/4,
SW1/4, SW1/4, NW1/4 and W1/2
SW1/4, Section 2, T10N, R21E.
This application No. 803-1 will
be considered by the Water Re-
sources Commission at their of-
fice at Pierre upon the 20th day
of May, 1970, at 2:00 P.M. All
interested persons may appear
and be heard.
WATER RESOURCES
COMMISSION
By: Burton E. Jones
BURTON E. JONES
Water Rights Specialist
Pres. April 15-23-30, May 7

RECEIVED
MAY 11 1970

STATE WATER RESOURCES COM. ST.
PIERRE, SOUTH DAKOTA

893-1

Publish first publication, on or before April 23, 19 70NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 7, 19 70Ronald Mitchell

Notice is hereby given that

whose post office address is Dupree, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use6.1cubic feet of water per second of time from on Cottonwood Creek through theMitchell Spreader System

the point of diversion of which is to be located in the

between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, T11N, R21E,and a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Twp. 10N, Range 21E. Said water to be used for the purpose
of providing irrigation on portions of the following described land:W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 22; W $\frac{1}{2}$ W $\frac{1}{2}$, Section 26;
E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 34; S $\frac{1}{2}$ SW $\frac{1}{4}$,
Section 35, All in T11N, R21E, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, T10N, R21EThis application No. 893-1 will be considered by the Water Resources Commission at their office atPierre upon the 20th day of May, 19 70, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialistcc: Ronald Mitchell, Dupree, S.D.

Permit No. 893-1Water Division 1 Sulpher Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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 Roald Mitchell of Dupree, South Dakota holder of Permit No. 893-1, bearing date of priority of April 7, 1972, authorizing the diversion of 6.1 cu. ft. per second of the waters of Cottonwood Creek for Irrigation purposes, in Ziebach 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:

6 H. P. Briggs and Straton

2 inch Homaat

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

320 Feet of 2½ inch aluminum

80 Feet of 2½ inch steel

C. Works used to apply water to beneficial use.

Flood irrigate through furrows

The system is in the following condition: FairThe point of diversion is located See Attachment "A"The works are capable of diverting and conveying to the place of use .15cu. 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 "A"comprising a total of 74.6 acres of land.Date 12-20-75

Thomas A. Gardner
(Signature)
Thomas A. Gardner
Water Resources Engineer

ATTACHMENT "A"

Location of the point of diversion:

A point 2816 feet S. $79^{\circ} 10'$ W. of the NE Corner of Section 21 Township 11N. Range 21E, B.H.M., and a point 2292 feet due East of the SW Corner of Section 2, Township 10N, Range 21E, B.H.M. and all intermediate points.

Water has been put to beneficial use on the described lands as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27,	T11N, R21E, B.H.M.,	16.9 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35,	T11N, R21E, B.H.M.,	2.0 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35,	T11N, R21E, B.H.M.,	1.6 Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2,	T10N, R21E, B.H.M.,	3.2 Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2,	T10N, R21E, B.H.M.,	6.6 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2,	T10N, R21E, B.H.M.,	6.5 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2,	T10N, R21E, B.H.M.,	20.7 Acres
NE $\frac{1}{4}$ $\frac{1}{4}$ Sec. 2,	T10N, R21E, B.H.M.,	17.0 Acres

TOTAL ACRES 77.6

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE