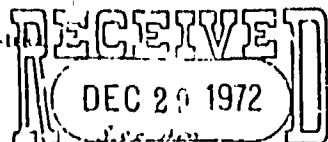


Water File Number 977-1

1. Considered JANUARY 24, 1973
2. Name of Applicant JAMES NACHTIGALL
3. Post Office Address OWANKA - S. D.
4. Amount of Water claimed .46
5. Source of Water supply NORTH ALKALI CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 46.00
7. Water to be diverted and used in MEADE County
about 6W, 8N miles of WASTA
8. Proof of Publication
Received 1-15-73
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 805-1 No. 977-1
977-1 Water Division No. 1 BELLE FOURCHE RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

To Appropriative Water within the State of South Dakota

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

1. Name of Applicant James M. Nachtigall
 Postoffice address Wanka, State South Dakota
 If a corporation show date and place of incorporation private
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work North Alkali Creek Irrigation Project
4. Amount of water claimed (cubic feet per second) 0.46
5. Source of water supply North Alkal. Creek
6. Location of point of diversion 2150' R 83° 50' W of E $\frac{1}{2}$ Cor. Sec. 35, T3N, R13E

 County Meade
7. Annual period or periods during which water is to be used April 1st to October 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 46

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Section 28-3-13		Section 33-3-13	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	18	NW $\frac{1}{4}$ NE $\frac{1}{4}$	12
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6	SW $\frac{1}{4}$ NE $\frac{1}{4}$	10
Total	24	Total	22

Attach sheet if more space is needed

10. Time required to complete construction of water supply system four years. Additional time required to complete application of water to the proposed beneficial use four years.
11. Choice of newspaper for Notice of Intent to Appropriative Water publication Sturgis Tribune
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Spreader dams, dikes and ditches

b. Works proposed to transport water to place of use

see above

C. Works proposed to apply water to beneficial use.

see above

Estimated Total Cost \$ 2,000.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Meade
James M. Nachtigall the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed James M. NachtigallSubscribed and sworn to before me this 29th day of November, 1972
Ernest M. McEwen
 Notary Public (or other qualified officer)

GARY W. CORREY

APR 13 1978

PLAT OF THE NORTH ALKALI CREEK IRRIGATION PROJECT

Located in Sections 28 and 33, Township 3 North, Range 13 East, BHM, Meade County, South Dakota, drawn and prepared as a part of the application for Permit to appropriate water of James M. Nachtigall, Owanka, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

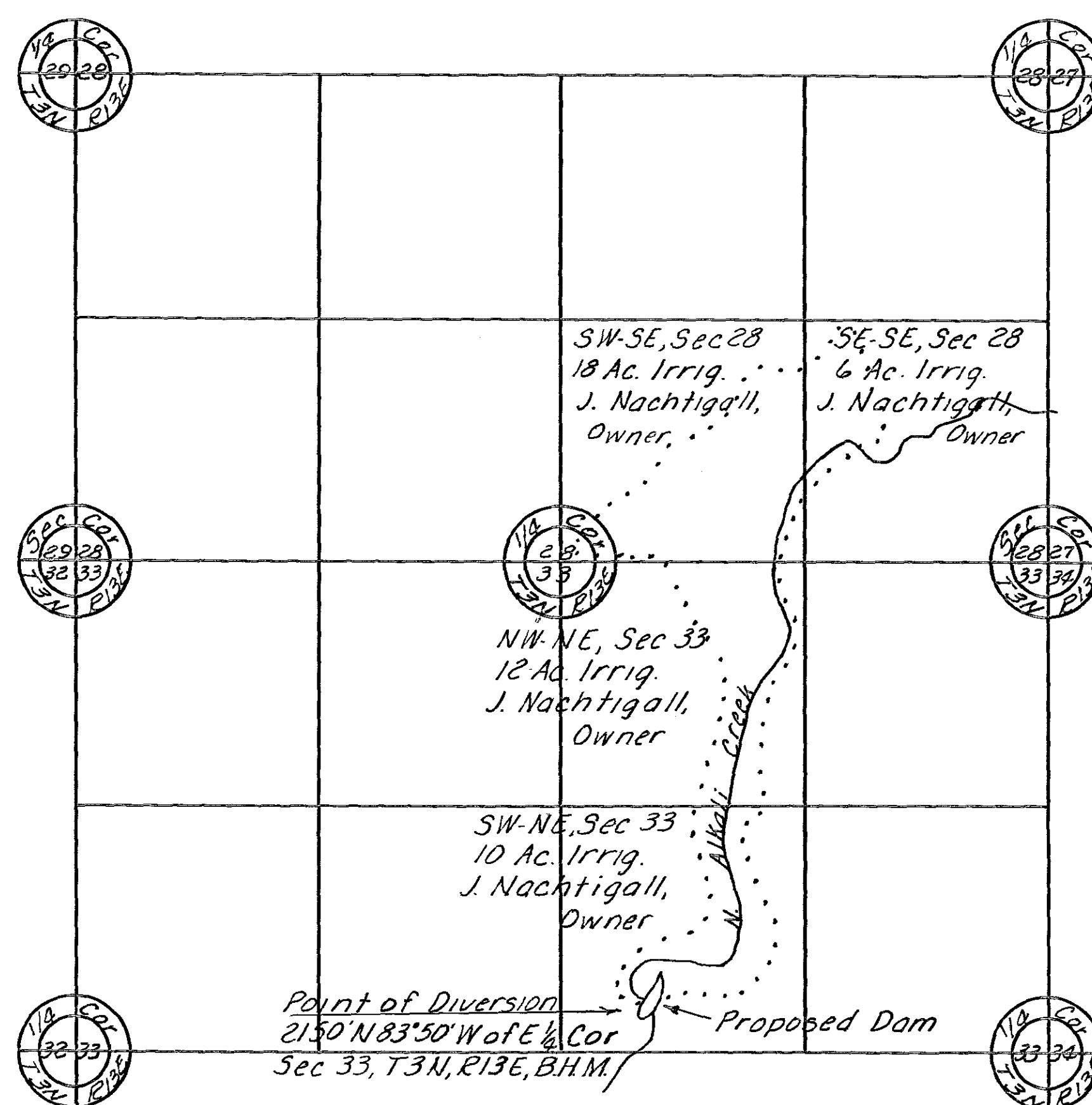
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of James M. Nachtigall, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the 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. Brengle
William C. Brengle (SEAL)
Registered Land Surveyor #1517

Subscribed and sworn to before me this 18th day of December, 1972.

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978

Florence Brengle
Notary Public (SEAL)



Scale: 1" = 660'

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 977-1

JAMES NACHTIGALL
(Applicant)

OWANKA
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water right.

Date of first receipt of application DECEMBER 29 19 72

Date of return to applicant for correction, amendments or changes required --- 19 ---

Date of receipt of corrected application --- 19 ---

Approved JANUARY 24 19 73 Recorded in Book 12 Page 171

WATER RIGHT PERMIT NO. 977-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 977-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 29 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24 19 75
3. The whole of said work is to be completed on or before JANUARY 24 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 24 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed .46 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per year and 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 JANUARY 24 19 81; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 15

Witness my hand this 25TH day of JANUARY 19 73

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued 12-11 19 81

Water License Issued 12-11 19 81

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 977-J

(1) WHEREAS, On the 29th day of December, A. D. 1972
James Hachtigall

made Water Right Application No. 977-1 for a permit to use .46 cubic feet per second of the waters
of North Alkali Creek

County of Meade, State of South Dakota, for Irrigation

(2) WHEREAS, On the 24th day of January, A. D. 1973
Permit No. 977-1, with a date of priority of December 29, 1972

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 24th day of January, A. D. 1977 and for the
application to beneficial use of said water on or before the 24th day of January, A. D. 1981

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 .46 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 T3N, R13E

	acres
Sect. 28 SW $\frac{1}{4}$ SE $\frac{1}{4}$	14
Section 33 NW $\frac{1}{4}$ NE $\frac{1}{4}$	14
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13
TOTAL	41 acres

(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 James Hachtigali

of Franka SD

the holder and owner of said permit No. 977-1 a water right, dating from

December 29, 1972 to use of .46 cubic feet per second of the waters

of North Alkali Creek

in the County of Beade and State of South Dakota, or so much thereof as may be necessary for the

purposes in below mentioned, to be diverted at a point 2150 feet north 85° 50 feet west of the

Intersection, Section 33, T3N, R13E

and conducted to and upon portions of land in Sections 28 & 33, T3N, R13E, more fully
described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 977-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 16th day of December A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

977-1.

Permit No. _____

Water Diversion No. 1 Belle Fourch River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Nachtigall

_____ the holder _____ of
Permit No. 977-1, issued upon Application No. 977-1, bearing date of priority of December 29,
1972 authorizing the diversion of .46 cu. ft. per second of the waters of _____
Alkali Creek County of Reade, State of South Dakota at _____
a point 2150 feet north 63° 50 feet west of the E $\frac{1}{4}$ corner, Section 33,
T3N, R13E

_____ 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 10 cu. ft. per second of water. (estimated)

Date December 16, 1980


JOHN HATCH, Chief Engineer
Water Rights Division

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

No. 977-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss

I, Teresa Shoun hereby

certify that the annexed printed copy of Notice of Intent 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 published in the

Sturgis Tribune of Sturgis

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

January 3, 1973 and January 10, 1973

Teresa Shoun
(Signature)

Bookkeeper
(Title)

January 12, 1973
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Notice is hereby given that James Nachtigall whose post office address is Owanka, 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 use .46 cubic feet of water per second of time from the North Alkali Creek through the North Alkali Creek Irrigation Project, the point of diversion of which is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Twp. 3N, Range 13E. Said water to be used for the purpose of providing irrigation on portions of the following described land: W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 39, T3N, R13E.
This application No. 977-1 will be considered by the Water Resources Commission at their office at Pierre upon the 24th day of January, 1973, at 2:00 p.m. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION
By: s-Burton F. Jones
BURTON F. JONES
Water Rights Specialist
Trib. Jan. 3.10

RECEIVED
JAN 15 1973

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

977-1

Publish first publication, on or before January 11, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 29, 1972

James Nachtigall

Notice is hereby given that _____
whose post office address is Owanka, 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 use
.46 cubic feet of water per second of time from the North Alkali Creek through the
North Alkali Creek Irrigation Project, the point of diversion of which is to be located in the _____

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

of Section 33, Twp. 3N, Range 13E. Said water to be used for the purpose
of providing irrigation of the following described land:

W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, T3N, R13E

This application No. 977-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 24th day of January, 1973, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: James Nachtigall, Owanka, S.D. 57767

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7817

PIERRE, December 15 19 00

RECEIVED OF James Hachtigall, Owanka, SD 57767

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 977-1	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 977-1		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
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 Hachtigall*
Chief Engineer, Executive Officer
JOHN HATCH, SD

Permit No. 977-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by James
Nacktigall of Swanka, S. Dak holder
 of Permit No. 977-1, bearing date of priority of December 29, 1972
 authorizing the diversion of 146 cu. ft. per second of the waters of North Platte 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:

Diversion Dam

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

Diversion Ditches with culvert head gates
Diversion Dikes

C. Works used to apply water to beneficial use.

Diversion Dikes For Flood IrrigationThe system is in the following condition: GoodThe point of diversion is located 2150' N 83° 50' W of the E 1/4 Cor Sec. 33
T3N R13EThe works are capable of diverting and conveying to the place of use 10 (est)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 28T3N R13E SW 1/4 SE 1/4 - 14 Ac. The following in Sec. 33T3N R13E NW 1/4 NE 1/4 - 14 Ac. SW 1/4 NE 1/4 - 13 Ac.comprising a total of 41 acres of land.41 ÷ 10 = .59 cfs.license fee .46 cfsDate September 30, 1980Leroy O. Hermann

[illegible]



1/4 1/4 1/4 1/4
1/4 1/4 1/4 1/4
1/4 1/4 1/4 1/4
1/4 1/4 1/4 1/4

SW-SE, Sec 28
18 Ac. Irrig.
J. Nachtigall,
Owner.

SE-SE, Sec 28
6 Ac. Irrig.
J. Nachtigall,
Owner

NW-NE, Sec 33
12 Ac. Irrig.
J. Nachtigall,
Owner.

SW-NW, Sec 33
10 Ac. Irrig.
J. Nachtigall,
Owner.

Point of Diversion
2150' N 83° 50' W of E 1/4 Cor
Sec 33, T3N, R13E, BHM.

Proposed Dam