

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA
RECORD OF PROCEEDINGS

Application No. 206-2

Water Div. No. _____ Water Dist. _____

Application Received	JUN 6 1911
Maps Received	JUN 6 1911
Acknowledgment	JUN 6 1911
Notice for Pub. Mailed	JUN 12 1911
Receipt from Newspaper	JUN 21 1911
Copy of Newspaper Rec'd.	JUN 26 1911
Notice of Correction	
Proof of Pub. Rec'd.	AUG 8 1911
Hearing	AUG 11 1911
Approved	
Recorded and Filed	

REMARKS

Not in fee Aug 12th 1911
fees paid Aug 18th 1911

No. 106-2

Water Division No. 2

Battle Creek Water District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

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

1. Name of applicant James I. Lintz transferred to James A. Lintz (Jr.)
Box 106
 Postoffice address Hermosa, County Custer, State South Dakota.

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.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Direct labor.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Lintz Irrigation System3. Quantity of water claimed 1 cubic feet per second.4. Source of water supply Snow Creek5. Location of point of diversion In the SW¹ NE¹ Sec. 10, T. 3 S., R. 7 E. B.H.M.on Left bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used Entire Year

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 39.3 acres.(b) Legal subdivisions to be irrigated SE¹ SE¹ Sec. 5; NE¹ NE¹ and SW¹ NE¹ Sec. 10.

NOTE—A list of lands owned, leased, or otherwise controlled by the applicant, showing the location of the lands, the name of the owner, and the date of acquisition, must accompany the application.

Section 3:
SE¹ SE¹, 9.4 Acres.

Section 10:

NW¹ NE¹, 12.7 Acres.NE¹ NE¹, 11.6 Acres.SW¹ NE¹, 5.6 Acres.

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$ 300.00 (b) Pumping plant, \$
 (c) Fluming, \$ 74.00 (d) Canal-earth, \$ 150.00 Rock, \$
 (e) Other structures \$ Total, \$ 524.00

9. Description of diversion works:

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

Timber and rock dam and ditches and flume.

II. Dimensions of works:

(a) Dam: Height 4 ft. feet; length at bottom 10 feet; length at top 40 feet; thickness at bottom 22 feet; thickness at top 2 feet; slope of front (water) face 4:1; slope of back face 3:1; material used in construction Timber, rock and earth.

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

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

(c) Head gate: Width 2.4 feet; height 1 feet;
 Material Pine lumber.

(d) Canal: Total length 3730 feet miles

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At mile	1 feet	2 feet	3 feet	8.67 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.]

Works completed at this date.

10. Time required for completion of work years.

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

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

CUSTER CHRONICLE

STATE OF SOUTH DAKOTA.
 County of Custer }

I, Charles E. Smith, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Engineer, that I have read the above and foregoing statement, and 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 Charles E. Smith

Subscribed and sworn to before me this 1st day of June 1901.

(SEAL)

C. E. Perrin
 Notary Public (or other qualified officer.)

MAP OF THE LINTZ IRRIGATION SYSTEM SITUATE IN SECS. 3 AND 10, T. 3 S. R. 7 E. B. H. M. CUSTER COUNTY, SOUTH DAKOTA.

STATE OF SOUTH DAKOTA } ss.
COUNTY OF CUSTER }

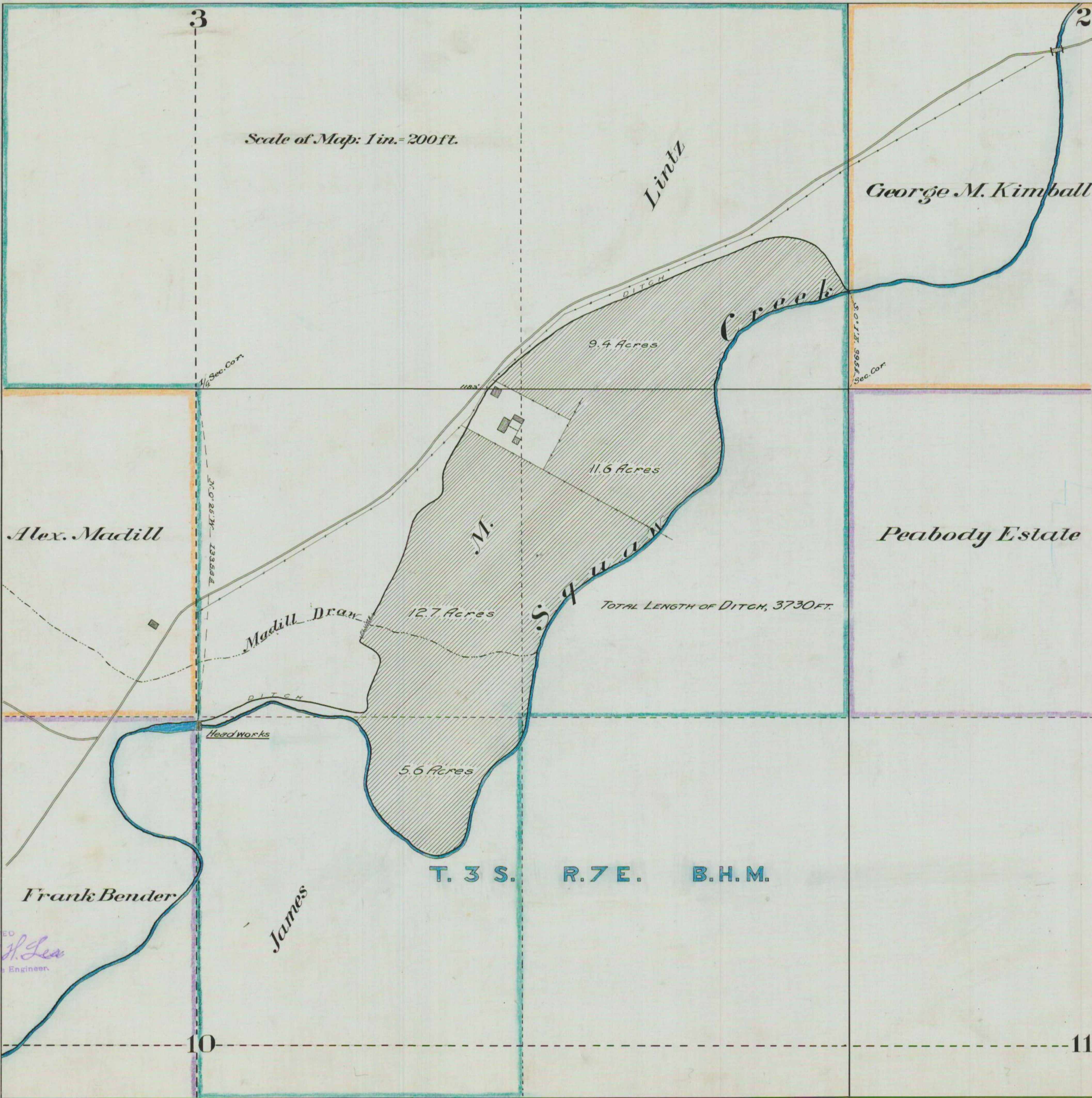
I, Charles E. Smith, being duly sworn, upon my oath say,
that I am the Engineer of the Lintz Irrigation System; that the survey
and map thereof were made by me, and that I have read the accom-
panying statement and know of my own knowledge that the statements
therein made are true.

Charles E. Smith.
Engineer.

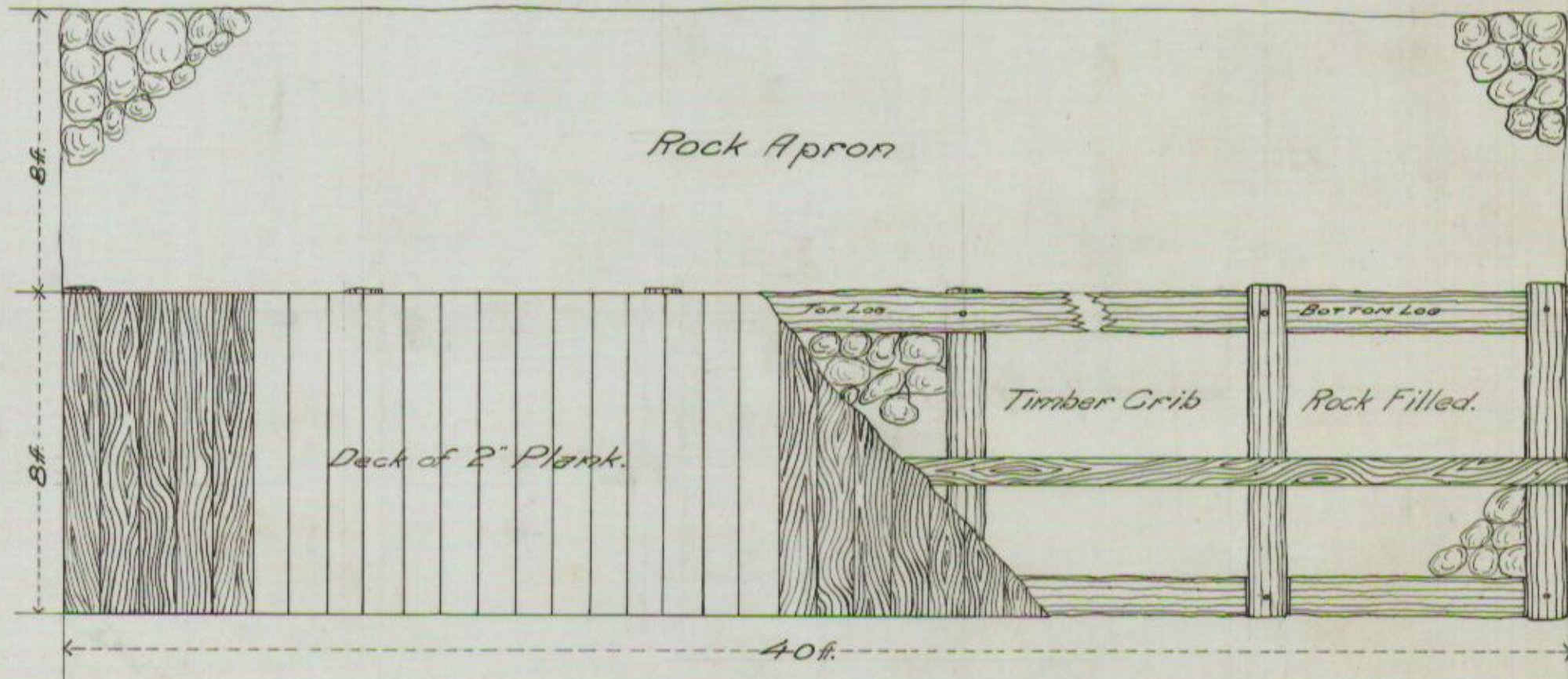
Subscribed and sworn to before me this 1st day of June, 1911.

C. E. Kerin
Notary Public.

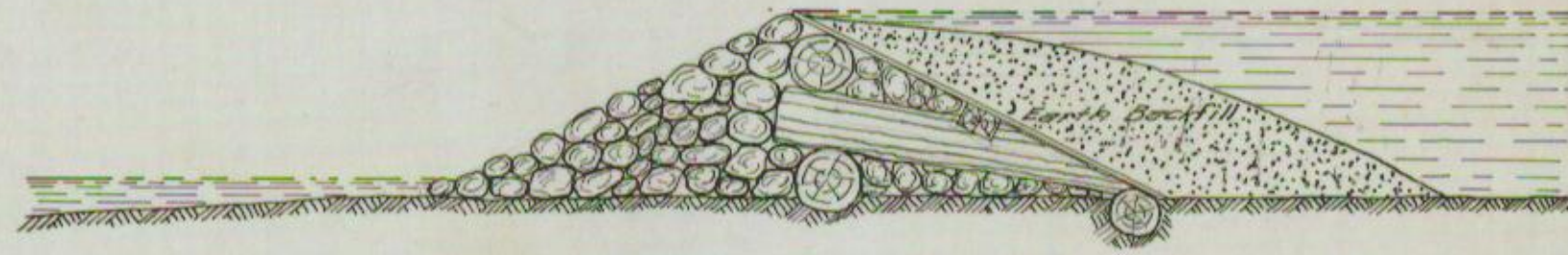
Scale of Map: 1 in. = 200 ft.



PLAN OF DAM SCALE: 1 in. = 4 ft.



CROSS SECTION OF DAM SCALE: 1 in. = 4 ft.



APPROVED
Samuel H. Lea
State Engineer.

RECEIVED
JUN 6 1911
OFFICE OF STATE ENGINEER
PIERRE, S. D.

WR #106-2
Map #130-2

MAP NO 130-2 (WR #106-2)

130-2

Remarks by State Engineer:

This application is for the right to appropriate for irrigation purposes one second foot of the waters of Squaw Creek, at the point designated herein, in Guston County.

STATE OF SOUTH DAKOTA } ss
County of Hughes }

Pierre, South Dakota, August 12, 1901.

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the sixth day of June 1901 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on August 11, 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

Number of permit 108-2

Date of first receipt of application June 8, 1901

Date of return to applicant for correction - - - - - 190

Date of receipt of corrected application - - - - - 190

Date from which applicant may claim right June 8, 1901

Approved August 12, 1901, Recorded in Book -2- Pages 10 and 11.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 190 Work is completed.

2d. The whole of said work is to be completed on or before 19

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 190

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 one cubic foot of water per second of time; 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 his 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 190; said water to be used during the following described annual periods.

The entire year

Witness my hand this 12th day of August 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

COPY

No. 100-3

Division No. 2

Battle Creek Water District.

PERMIT

to appropriate water from
Squaw Creek

Custer County, South Dakota

Name of applicant
James M. Lintz

Name of diversion works
Lintz Irrigation System

Date of first receipt at office of State
Engineer June 6, 1901

Returned to applicant for Correction
1901

Corrected application received
1901

Date of water right
June 6, 1901

Recorded in Book 2 Page 10 and 11.
One-fifth of work to be completed

Work is completed, 1901

Whole work to be completed
1901

Final proof of use of water
1901

Approved August 13, 1901.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and
foregoing instrument is a true, correct and
complete transcript of the instrument which
it purports to be, as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal, done
at my office in Pierre, State of South Dakota
this 18 day of August, 1911.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 106-2

WHEREAS, On the 0th day of June, A. D. 1911.

James M. Lintz

of Hermosa County of Custer and State of

South Dakota duly made application (No. 103-2) to me for a permit to use 1

foot cubic feet per second of the waters of Squaw Creek

County of Custer State of South Dakota, for Irrigation

purposes; and

WHEREAS, On the 18th day of August, A. D. 1911.

Permit No. 103-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the day of

A. D. 1911 and for the application to beneficial use of said water on or before the day of A. D. 1911

and,

WHEREAS, On the day of A. D. 1911

the holder of said permit duly made proof of the completion of adequate works for the diversion of

cubic feet per second of said waters, as evidenced by my Certificate No.

dated certifying the completion of works of sufficient capacity for

diverting and conveying to the place of intended use cubic feet per second of water;

with date of priority of and

WHEREAS, On the day of A. D. 1911

proof was duly made of the application to beneficial use of cubic feet per second of said water;

WHEREAS, Said diversion works were completed and in operation at the time said application was made, as evidenced by the certificate of the owner and the report of the engineer who made the survey and map of said diversion works.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to James M. Liniz of Hermosa, South Dakota the holder and owner of said permit No. 100-2 a water right, dating from June 8th, 1911 to the use of 1 foot cubic feet per second of the waters of Squaw Creek in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at in SW 1/4 NE 1/4 Sec. 10, T. 3 S. R. 7 E., B.H.M. and conducted to and upon SE 1/4 SE 1/4 Sec. 3, N 1/4 NE 1/4 and SW 1/4 NE 1/4 Sec. 10, T. 3 S. R. 7 E., B.H.M. for the purpose of Irrigation.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 21st day of October A. D. Nineteen
Hundred and Twelve

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 100-2

To James M. Liniz

Hermosa,

South Dakota.

Source of Supply

Squaw Creek,

County Custer

Am't 1 Sec. Feet

Point of Diversion In SW 1/4 NE 1/4 Sec.

10, T. 3 S. R. 7 E. B.H.M.

Place of Use SE 1/4 SE 1/4 Sec. 3, N 1/4 NE 1/4 and SW 1/4 NE 1/4 Sec. 10, T. 3 S. R. 7 E. B.H.M.

Purpose Irrigation

Date of Priority June 8, 1911.

Recorded

in Book 3 of Record Page 10-11.

PROOF OF PUBLICATION

APPROPRIATION OF WATER.

OFFICE OF THE STATE ENGINEER.

Pierre, S. D., June 12, 1911.

Notice is hereby given that James M. Lutz, whose postoffice address is Hermosa, Custer county, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use one cubic foot of water per second of time from Squaw Creek through the Lutz Irrigation System, the point of diversion of which is to be located upon the left bank of said stream in the SW 1/4 of the NE 1/4 of Section 10, Township 3 S., Range 7 E., R. H. M. Said water to be used for the purpose of irrigation upon the SE 1/4 of SE 1/4, Section 3; NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SW 1/4 of NE 1/4, Section 10, Township 3 S., Range 7 E., R. H. M.

This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 11th day of August, 1911, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be examined, are entitled to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEA,

State Engineer.

First publication, June 21, 1911.

STATE OF SOUTH DAKOTA

County of Custer

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Josiah K. Kibler being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from the

Custer Chronicle 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 Custer City County of Custer and State of South Dakota,

That the said notice was published in said newspaper on the following dates:

June 24, July 1, July 8,
and July 15, 1911

in each and every issue of the full number thereof, the first publication being made on the 24th day of June 1911 and the last publication on the 15th day of

July 1911, 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.

Josiah K. Kibler
Subscribed and sworn to before me this 7th day of August A. D. 1911.

Edw. Grantham
Notary Public Custer County, S. D.

RECEIVED

AUG 8 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

(First Publication _____ 190____)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., June 12, 1901

Notice is hereby given that James M. Lintz
whose postoffice address is Hermona
Custer County, S. D., has made an application in
accordance with the provisions of the irrigation laws of South Da-
kota for a permit to appropriate for beneficial use one cubic
foot of water per second of time from Squaw Creek
through the Lintz Irrigation System the point of diversion of which
is to be located upon the left bank of said stream in the SW
1/4 of the NE 1/4 of section 10 township 3 S. range 7 E. ^{B.H.M.} said water
to be used for the purpose of irrigation
upon the SE 1/4 of SE 1/4, Section
3; NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, SW 1/4 of NE 1/4, Section 10, Township 3 S.,
Range 7 E. B.H.M.

This application will be taken up by the state engineer at his
office at Pierre for consideration and appropriate action upon the
11th day of August 1901, at 9 a. m., at which time all
persons who believe that the prior rights would be injuriously af-
fected, or that the allowance of the permit would be detrimental
to the public welfare, and also parties making the application, and
to be benefited, are notified to be present either by sworn affi-
davit or in person for the purpose of presenting any relative tes-
timony.

State Engineer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7061

PIERRE, September 28, 1973

RECEIVED OF James A Lintz, Box 106, Hermosa, SD 57744

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 Constr.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of water right No. 106-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

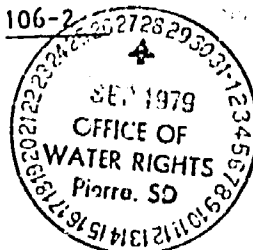
By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

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NOTICE OF TRANSFER OF WATER PERMIT

NO. 106-2



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 29, 1979

This is to notify you that the title to the lands described as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10 - T3S R7E, BHM

formerly owned by James M. Lintz

has been transferred to Jim Lintz 304106, Normandy 57744

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 106-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Custer)

ss.

I, James M. Lintz 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, and I know of my own personal knowledge that the information herein stated is true.

James M. Lintz
(Signed)

Subscribed and sworn to before me this

24 Day of Sept, 1979

Donald W. Miner
(Notary Public)

MY COMMISSION EXPIRES NOVEMBER 2, 1980