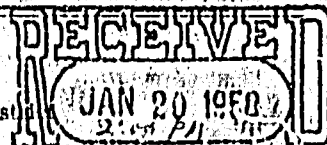


No. 497

Water Division No. 2 White River
(Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriato Water within the State of South Dakota

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

1. Name of applicant Bert E. and Clarice Perault
Postoffice address Stamford, County Jackson, State So. 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:

(d) Method of accomplishing work (Whether by contract, employment of others or by direct labor)

Employment of others

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

2. Name of diversion work Perault #1

Amount of water claimed 1.00 cubic feet per second of time

Source of water supply Un-named draw, 1475 acre watershed

Location of point of diversion South 85° 23' East, 3067 feet from the NW Corner of
Sec. 19 T2S R26E on both bank Jones County.

Annual period or periods during which water is to be used Entire year

7. To be used for:

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

(a) Number of acres to be irrigated 74.3 acres

(b) Legal subdivisions to be irrigated Lots 9 and 10 and NE 1/4 Sec. 13, Lot 1, NW 1/4 Sec. 20, all in T2S R26E - Jones County

(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 _____
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. 493-2

8. Estimated cost of work:

(a) Head gate, \$

(b) Pumping plant, \$

(c) Fluming, \$

(d) Canal-earth, \$ 200.00

Rock, \$

(e) Other structures

Earth dika

\$ 300.00

Total, \$

9. Description of diversion works:

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

Level ditch to extend run-off water.

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top

feet; thickness at bottom feet; thickness at top

feet; slope at front water face; slope at back face

material used in construction

(b) Reservoir: Capacity when filled acre feet. area at highwater

mark acres.

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

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

Material

(d) Canal: Total length 2.1 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 3 (three) years.

11. Time required for complete application of water to the proposed beneficial use 3 (three) years.

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

The Rapid City Press

STATE OF SOUTH DAKOTA

County of JONES

I, Bert E. Perault

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 herein stated and shown are true.

Signed Bert E. Perault

Subscribed and sworn to before me this 13 day of December 1957

Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Map No. 473-2
Appl. No. 469-2

HENRY V. DAHLQUIST
AREA ENGINEER
U.S. SOIL CONSERVATION SERVICE

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

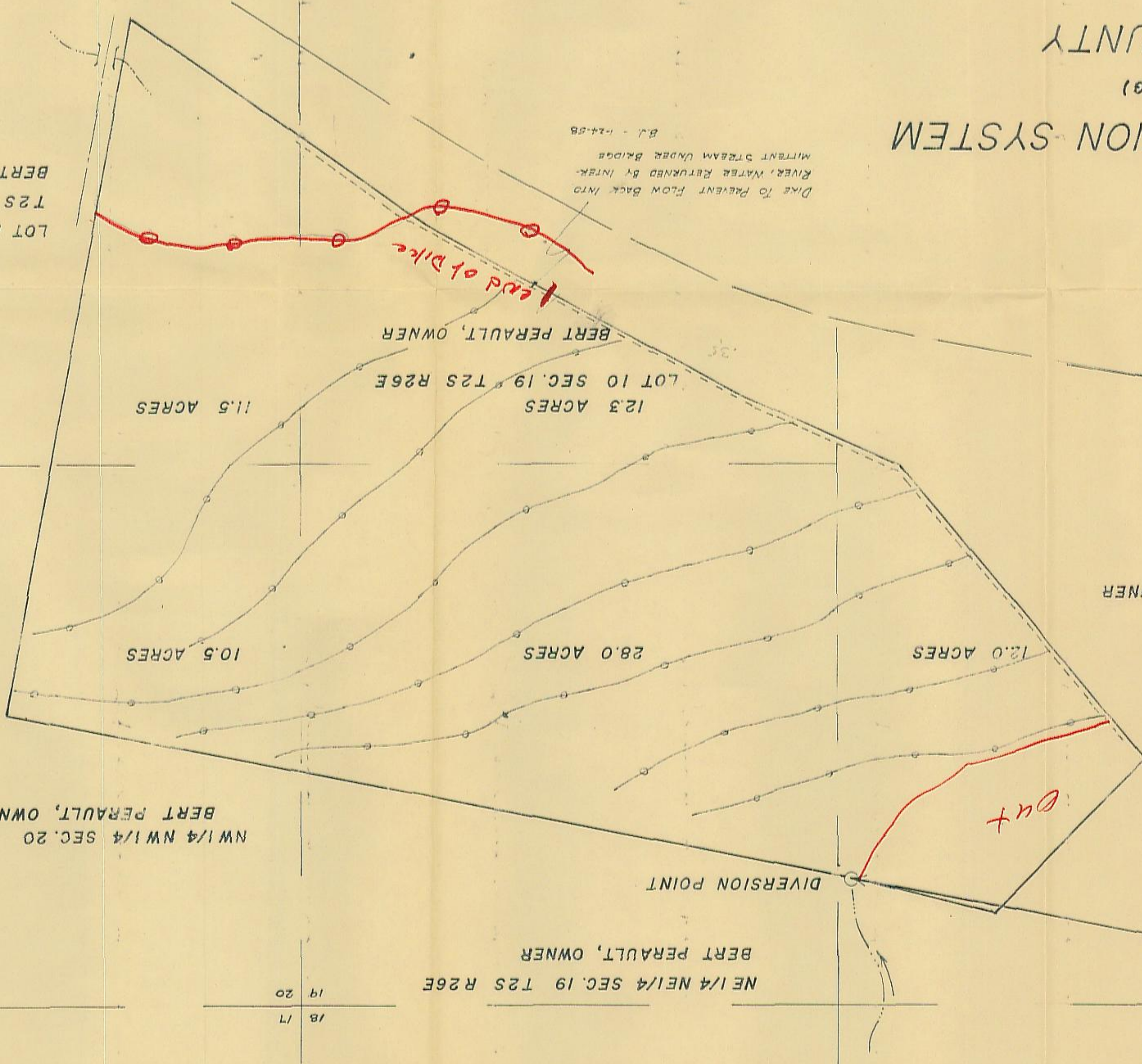
Subscribed and sworn to before me this 29th day of
_____, 1951, A.D.

NOTARY PUBLIC

I certify that the above map shows the lands to be
irrigated under the PERAULT IRRIGATION SYSTEM.

PERAULT IRRIGATION SYSTEM
(WATERSPREADING)
JONES COUNTY
TOTAL 74.3 ACRES

LOT 1 SEC. 20
T2S R26E
BERT PERAULT, OWNER



LOT 9 SEC. 19
T2S R26E
BERT PERAULT, OWNER

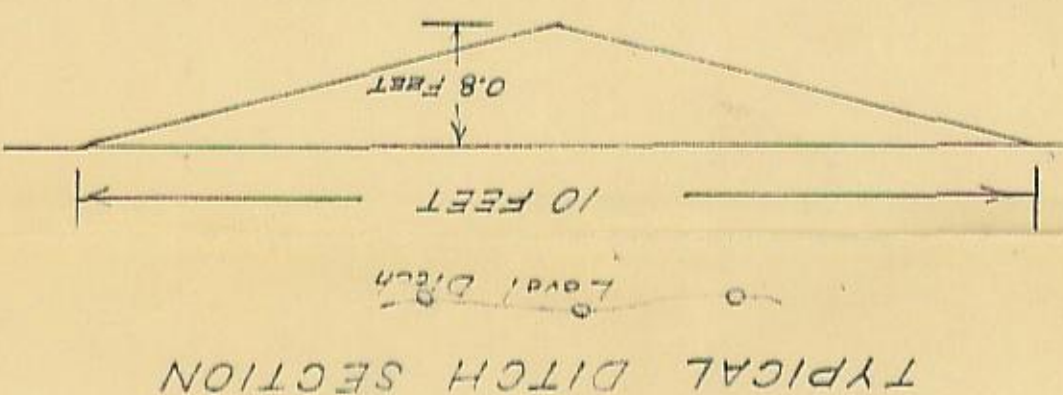
NE 1/4 NE 1/4 SEC. 19 T2S R26E
BERT PERAULT, OWNER

NW 1/4 NW 1/4 SEC. 20 T2S R26E
BERT PERAULT, OWNER

S 85° 23' E
3867 FEET

NW CORNER
SEC 19
T2S R26E

TOTAL LENGTH - 2.1 MILES



SCALE 1" = 200'

N

NW CORNER
SEC 19
T2S R26E

S 85° 23' E
3867 FEET

NE 1/4 NE 1/4 SEC. 19 T2S R26E
BERT PERAULT, OWNER

18 17
19 20

DIVERSION POINT

NW 1/4 NW 1/4 SEC. 20 T2S R26E
BERT PERAULT, OWNER

N

SCALE 1" = 200'

LOT 9 SEC. 19
T2S R26E
BERT PERAULT, OWNER

12.0 ACRES

28.0 ACRES

10.5 ACRES

12.3 ACRES
LOT 10 SEC. 19 T2S R26E
BERT PERAULT, OWNER

11.5 ACRES

DIKE TO PREVENT FLOW BACK INTO
RIVER. WATER RETURNED BY INTER-
MITTENT STREAM UNDER BRIDGE

B.J. - 1-24-58

LOT 1 SEC. 20
T2S R26E
BERT PERAULT, OWNER

TYPICAL DITCH SECTION

Level Ditch

10 FEET

0.8 FEET

TOTAL LENGTH - 2.1 MILES

PERAULT IRRIGATION SYSTEM

(WATERSPREADING)

JONES COUNTY

TOTAL 74.3 ACRES

I certify that the above map shows the lands to be
irrigated under the PERAULT IRRIGATION SYSTEM.

Henry V. Dahlquist

HENRY V. DAHLQUIST
AREA ENGINEER
U.S. SOIL CONSERVATION SERVICE

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

Subscribed and sworn to before me this 27th day of
September, 1957, A.D.

Th. J. and Hyman
NOTARY PUBLIC

Map No. 473-2
(Appl. No. 469-2)

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No.	Drawing No.
	of	

Remarks by State Water Resources Commission:

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 rights.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota,

January 21, 1958

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock P.m. upon the 20 day of January, 1958

State Water Resources Commission

By:

Joel Brimer

Chief Engineer, Executive Officer

Number of permit 469-2

Date of first receipt of application January 20, 1958

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 January 20, 1958

Approved April 23, 1958 Recorded in Book 5 Page 11

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

October 23, 1959

2nd. The whole of said work is to be completed on or before April 23, 1961

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

April 23, 1964

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 1.06 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 April 23, 1964; said water to be used during the following described annual period:

Continuously

Witness my hand this 6 day of August, 1958

State Water Resources Commission

By:

Joel Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 20, 1967

Water License Issued SEPTEMBER 20, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 469-2

WHEREAS, On the 20th day of January A. D. 1958

Hert E. and Clarice Perault

of Stamford County of Jackson and State of

South Dakota duly made application (No. 469-2) to us for a permit to use 1.06

cubic feet per second of the waters of a dry draw

County of Jackson, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 5th day of August A. D. 1958

Permit No. 469-2 was issued to said applicant for the diversion of said water, and providing for the completion of the work of diversion therein described on or before the 23rd day of

April A. D. 1961 and for the application to beneficial use of said

water on or before the 23rd day of April A. D. 1967 and,

WHEREAS, On the 7th day of September A. D. 1967

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

1.06 cubic feet per second of said waters, as evidenced by our Certificate No. 469-2

dated September 20, 1967 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.06 cubic feet per second of water, with date of

priority of January 20, 1958 and,

WHEREAS, On the 7th day of September A. D. 1967

proof was duly made of the application to beneficial use of 1.06 cubic feet per second of said water;

for irrigating 74.3 acres in portions of Sections 19 and 20,

T2S, R26E

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 Bert E. and Clarice Perault
of Stamford the holder B and owner B of said permit No. 469-2
a water right, dating from January 20, 1958 to the use of 1.06
cubic feet per second of the waters of a dry draw
in the County of Jackson and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at A point S 75° 23' E, 386.7 feet
from the NW Corner, Section 19, T2S, R26E
and conducted to and upon portions of Sections 19 and 20, T2S, R26E, more
specifically described in the Certificate of Completion of Works

for the purpose of irrigation, subject to any limitations listed in the

() Permit to appropriate water, and

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 seal of our office at Pierre, South Dakota,
this 20th day of September A. D. Nineteen
Hundred and Sixty-seven.

State Water Resources Commission

By:

J.W. GRINES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 469-2

Water Division No. 2 WHITE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This I certify that Bert E. and Clarice Perault

of Stamford, County of Jackson, and State of

South Dakota, the holder of Permit No. 469-2, issued upon Application

No. 469-2, bearing date of priority of January 20, 1958, authorizing the diversion of

1.06 cu. ft. per second of the waters of a dry draw

County of Jackson, State of South Dakota, at a point S 85° 23' E,

3867 feet from the NW corner, Section 19, T2S, R26E

for irrigation

purposes, have fully 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 1.06 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows:

to-wit: All in T2S, R26E

Section 19	Lot 9	12.0 Acres
	Lot 10	12.3 acres
	NE 1/4 NE 1/4	28.0 acres
Section 20	Lot 1	11.5 acres
	NW 1/4 NW 1/4	10.5 acres
Total		74.3 Acres

Witness my hand this 20th day of September A. D. 1967

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

No. 469-2(First Publication before February 21, 1958)**APPROPRIATION OF WATER**

Office of State Water Resources Commission

Pierre, S. Dak., January 21, 1958

Notice is hereby given that Bert E. and Clarine Perault whose postoffice address is Stamford 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 1.05 cubic feet of water per second of time from the a dry drain (un-named) through the Perault #1, the point of diversion of which is to be located on the both banks of said stream in the XXXXXXXXXXXXXXXXXXXX Lot 9 of Section 19 Twp. 2S Range 26E. Said water to be used for the purpose of providing irrigation on the following described land:

parts of lots 9 and 10 and NE 1/4 NE 1/4, Sec 19; Lot 1 and NW 1/4 NW 1/4, Sec 20,
all in T 2S, R 26E

XXXXXX and for XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 23 day of April, 1958, 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:

XXXXXXXXXXXXXXXXXXXX
Les Wyborny
Water Rights Engineer

CC Mr. K. H. Ingalls
 The Murdo Coyote
 Murdo, South Dakota

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF MELLETTTE)

M. H. Ingalls of said County and State being first duly sworn, on his oath says that Mellette County News is a legal weekly newspaper of general circulation, printed and published in White River in said County and State by M. H. INGALLS, and has been such weekly newspaper during the time hereinafter

mentioned, and I, *M. H. Ingalls*, 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 that the advertisement headed *Appropriation of Water* a printed copy of which is hereto attached was printed and published in said newspaper for 4 successive weeks, to-wit:

First Publication, Thursday, the *6th* day of *Feb.* 19*58*

Second Publication, Thursday, the *13th* day of *Feb.* 19*58*

Third Publication, Thursday, the *20th* day of *Feb.* 19*58*

Fourth Publication, Thursday, the *27th* day of *Feb.* 19*58*

Fifth Publication, Thursday, the _____ day of _____ 19____

Sixth Publication, Thursday, the _____ day of _____ 19____

Seventh Publication, Thursday, the _____ day of _____ 19____

That the full amount of the fee charged for publishing the same, to-wit: The sum of \$ *13.⁹⁰* inures solely to the publisher of The Mellette County News; that no agreement or understanding for any division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Publication Fees \$ *13.⁹⁰*

Total \$ *13.⁹⁰*

M. H. Ingalls

Subscribed and sworn to before me, this *3*

day of *March*, 19*58*

[Signature]
Nat. Hall

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak. January 21, 1958

Notice is hereby given that

Bert E. and Clarice Perault whose

postoffice address is Stamford,

S. Dak. has made an application

in accordance with the provisions

of the water laws of South Da-

kota for a permit to appropriate

for beneficial use 1.03 cubic feet

of water per second of time from

a dry draw (un-named) through

the Perault No. 1, the point of

diversion of which is to be located

on both banks of said stream in

Lot 9 of Section 19 Twp. 28

Range 26E. Said water to be used

for the purpose of providing ir-

rigation on the following de-

scribed land: NE 1/4 of Sec. 19,

parts of Lots 9 and 10 and NE 1/4

NE 1/4 Sec. 19, Lot 1 & NW 1/4

NW 1/4 Sec. 20 all in T 28 R 26 E.

This application will be taken

up by the State Water Resources

Commission at their office at

Pierre for consideration upon the

23 day of April, 1958, at 2:00 P.M.

All interested persons may ap-

pear 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 pre-

sented.

State Water Resources Com-

mission

By: Les Wyborny

Water Rights Engineer

Pub. Febr. 6, 13, 20, 27

STATE WATER RESOURCES COM

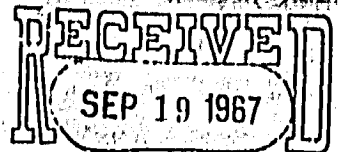
PIERRE, SOUTH DAKOTA

RECEIVED

MAR 26 1958

STATE WATER RESOURCES COM

PIERRE, SOUTH DAKOTA

Location No. 469-2Water Division No. 2 White River Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Bert E. Perault, Okatoma, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. N/A

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. January 20, 1958

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Dry Draw in Lot 9 Section 19, T2S, R26E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. A Retaining dike approximately 1800' long and 8' level grade spreader ditches of about one mile total length.

Ques. 6. State for what purpose water is used and describe place of use (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water spreading on portions of Lot 9, Lot 10, and NE 1/4 NE 1/4 Section 19; Lot 1 and NW 1/4 NW 1/4 Section 20; all in T2S, R26E

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. NONE

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.06 CFS

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder

Ans. N/A

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. November 1957- This water comes down the draw north of this spreader system
it begins on our land and spreads on our land- and what's left runs into the
White River- I don't see why its questioned-

(Sign) *R. V. E. Paul*

I hereby certify that the foregoing testimony was read to the above subscriber before his signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

} Witnessed,

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
--------------------	--	--------------------	--------------------------------	--------------	--------------	---------------	--------------------	-------------------------	--------------------------

Permit No. 469-2Water Division No. 2- White River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

10_____, I have this day made a thorough examination of the diversion works constructed by _____

Bert Perault, of Stamford, JonesCounty, South Dakota, holder of Permit No. 469-2, issuedupon Application No. 469-2, bearing date of priority of Jan 20, 1958, authorizing thediversion of 1.26 cu. ft. per second of the waters of a dry Draw for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A holding dike approx 1800' long and 8" level grade spreader ditches of approx a mile total length.

and the system is in the following condition: Good

The point of diversion is located Lat 9 Section 19, T2S, R26E as shown on map.

The works are capable of diverting and conveying to the place of use 1.26 cu. ft. per second of water, which is to be used for water spreading

The legal sub-divisions to be irrigated are: portions of Lat 9, Lot 10, and NE 1/4 NE 1/4 Section 19; Lot 1 and NW 1/4 NW 1/4 Section 20; all in T2S, R26E

_____ comprising a total of 74.3 acres of land.

The domestic use intended comprises none

The utilization for power, mining, or other beneficial uses comprises: none

Witness my hand, this 2th day ofSeptemberA. D. 1962

-SEA-

Richard D. Schreyer
Examining Engineer.

Water Right Specialist

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**