

1. Considered December 3, 1958 Appl. No. 502-2

2. Name of Applicant Otis Foland

3. Post Office Address Ottumwa, South Dakota

4. Amount of water claimed 2.98 cfs

5. Source of water supply dry draw

6. Water to be used for irrigation
Acres to be irrigated 209.2

7. Water to be diverted and used in Haskell County about
3 miles ~~SW~~ North of Ottumwa.

8. Proof of Publication

Received ✓
Not Received _____

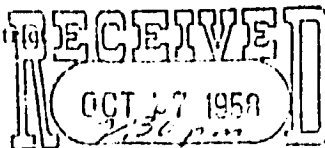
9. Application

Approved ✓
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

3 - years for completion of works
+ 2 - years for application of water
2.68 cfs. advertised and 2.98 cfs. applied
error in advertising what is the Commission's decision on this

No. 502-2

Water Division No. 2 Bad River Dist. 9
(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 Otis Foland Bros.
Postoffice address Ottumwa, County Haakon, 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 work (Whether by contract, employment of others, or by direct labor)
contract
(b) Cash on hand, \$ ----- (c) Treasury stock, \$ -----
(d) Bonds to be issued \$ Adequate (e) Other resources, \$ -----

2. Name of diversion work Otis Foland Waterspreading #1
3. Amount of water claimed 2.98 cubic feet per second
4. Source of water supply dry draw
5. Location of point of diversion 10 dikes in the W $\frac{1}{2}$ Sec. 34, T 4 N, R 23 E
attachment to this application for a better location
on both bank s Haakon County.
6. Annual period or periods during which water is to be used April to October inclusive
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 209.2 acres.(b) Legal subdivisions to be irrigated see attachment to this application

(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 -----

496-2
Map No.

8. Estimated cost of work:

(a) Head Gates, \$----- & dikes 1500 (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures drain tile or tubes \$ 300 Total, \$ 1800

9. Description of diversion works:

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

Dikes an estimated 2 feet high and ditching 1/2 to 1 foot deep.

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. 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-----feet; height-----feet;
 Material-----
 (d) Canal: Total length-----miles.

LOCATION BELGW 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 ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
 Pioneer Review, Philip, South Dakota

STATE OF SOUTH DAKOTA

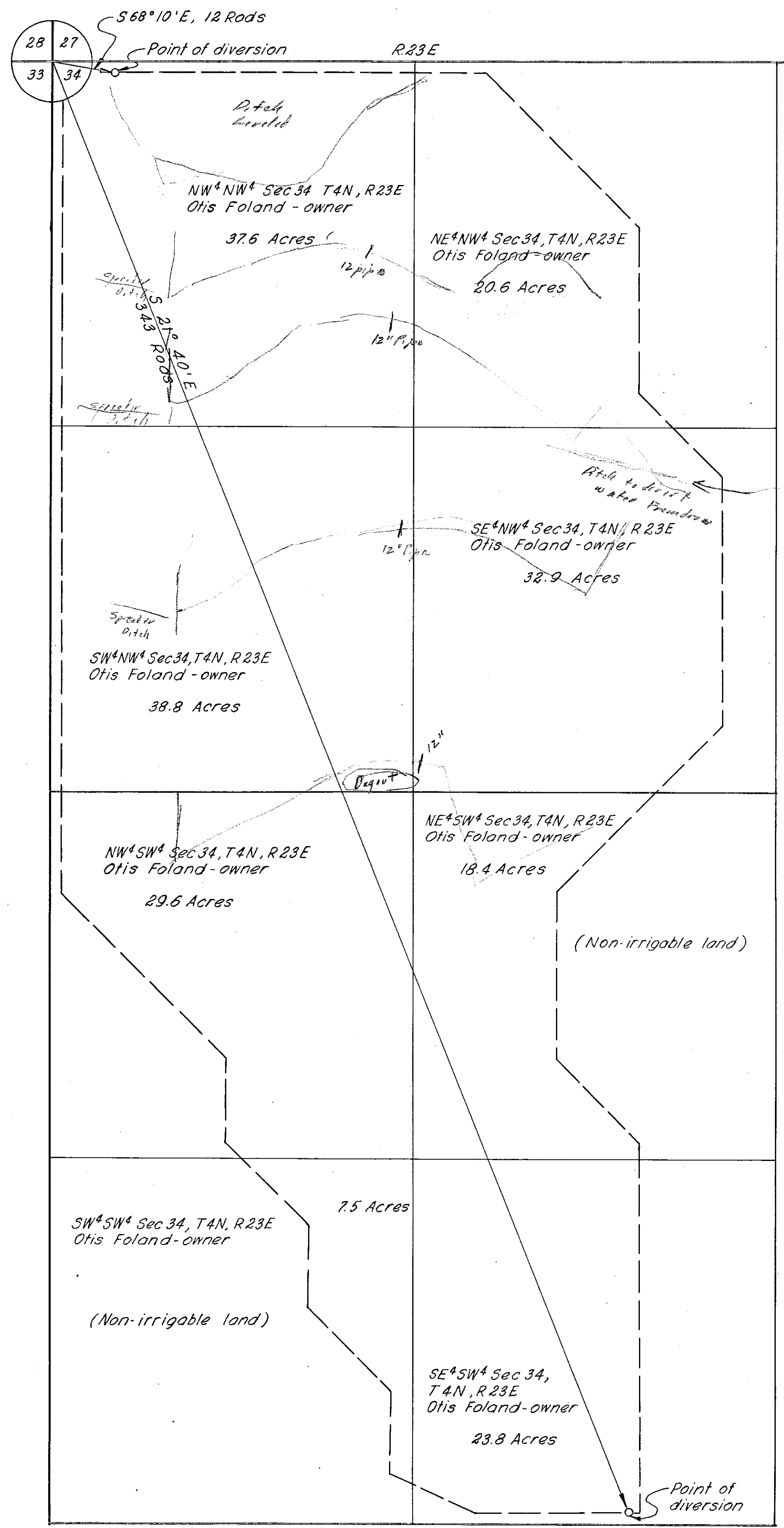
County of Hughes ss.

I, Vera Feland, Agent for Otis Foland, 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, examine the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed: Vera Feland

Subscribed and sworn to before me this 22nd day of October 1954

Notary Public (or other qualified officer.)



OTIS FOLAND WATERSPREADING PROJECT NUMBER 1

SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE _____

SIGNATURE: _____

TITLE : _____
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF
_____, 19____, A. D.

NOTARY PUBLIC _____

LOCATION OF LAND TO BE IRRIGATED OTIS FOLAND WATERSPREADING PROJECT NUMBER 1

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4, NW 1/4	34	4N	23E	37.6
NE 1/4, NW 1/4	34	4N	23E	20.6
SW 1/4, NW 1/4	34	4N	23E	38.8
SE 1/4, NW 1/4	34	4N	23E	32.9
NW 1/4, SW 1/4	34	4N	23E	29.6
NE 1/4, SW 1/4	34	4N	23E	18.4
SW 1/4, SW 1/4	34	4N	23E	7.5
SE 1/4, SW 1/4	34	4N	23E	23.8
TOTAL				209.2

Note: _____ = Irrigable boundary

OTIS FOLAND WATERSPREADING PROJECT NO.1 Haakon County, South Dakota			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed _____	Date _____	Approved by _____	
Drawn _____		Title _____	
Traced _____		Sheet _____	Drawing No. _____
Checked _____		No _____	of _____

Map No. 496-2 (Appl. No. 502-2)

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 Flagler ss.

Pierre, South Dakota, October 27, 1958

This is to certify that the foregoing application was received by the Commission at 2:30 o'clock

12 m. upon the 27 day of October, 1958

State Water Resources Commission

By: G. W. Brinner
Chief Engineer, Executive Officer

Number of permit 502-2

Date of first receipt of application October 27, 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 October 27, 1958

Approved December 3, 1958, Recorded in 5 ok 74 Page

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 _____

June 3, 1960

2nd. The whole of said work is to be completed on or before December 3, 1961

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

December 3, 1963

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 2.98 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 December 3, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 23 day of December, 1958

State Water Resources Commission

By: G. W. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 29, 1971

Water License Issued OCTOBER 29, 1971

Location of Diversion Points:

<u>Number</u>	<u>Bearing</u>	<u>Distance</u>
1	S 30° 0' E	23 rods
2	S 20° 15' E	44 rods
3	S 21° 45' E	66 rods
4	S 19° 30' E	89 rods
5	S 26° 55' E	129 rods
6	S 25° 25' E	160 rods
7	S 18° 55' E	195 rods
8	S 15° 20' E	234 rods
9	S 17° 55' E	270 rods
10	S 18° 0' E	307 rods

All bearings and distances from the NW Corner of Section 34,
T 4 N, R 23 E

WATER LICENSE NO. ... 502-2

(1) WHEREAS, On the 27th day of October A. D. 19 58

Otis Poland

made Water Right Application No. 502-2 for a permit to use 2.98 cubic feet per second of the water-
of a dry draw

County of Haakon State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 23rd day of December A. D. 19 58

Permit No. 502-2 with a date of priority of October 27, 1958

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 3rd day of December A. D. 19 61 and for the
application to beneficial use of said water on or before the 3rd day of December A. D. 19 63

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 diver 2.98 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 Section 34, T4N, R23E

	Acres
NW 1/4 NW 1/4	37.6
NE 1/4 NW 1/4	20.6
SW 1/4 NW 1/4	38.8
SE 1/4 NW 1/4	32.9
NW 1/4 SW 1/4	29.6
NE 1/4 SW 1/4	18.4
SW 1/4 SW 1/4	7.5
SE 1/4 SW 1/4	23.8
Total	209.2 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 Foland Brothers

_____ of Ottumwa, S.D.
the holder _____ and owner _____ of said permit No. 502-2 a water right, dating from October 27, 1958
_____ to use of 2.98 cubic feet per second of the waters
of a dry draw

in the County of Haskell and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted between points South 68° 10' East, 12 rods, and
South 21° 40' East, 343 rods both from the NW Corner, Section 34, T4N, R23E

and conduct to and upon a portion of the W½, Section 34, T4N, R23E, more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 502-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of October A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 502-2Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Foland Bros.

the holder s of
Permit No. 502-2, issued upon Application No. 502-2, bearing date of priority of October 27,
1958 authorizing the diversion of 2.98 cu. ft. per second of the waters of
a dry draw County of Haakon, State of South Dakota ak
between points South 68° 10' East, 12 rods, and South 21° 40' East, 343 rods
both from the NW Corner, Section 34, 14N, R23E
for irrigation

purposes, have 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.

Date. October 29, 1971

WATER RESOURCES COMMISSION

By

J.W. GRIMES, Executive Officer

(First Publication before November 7, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 27, 1958

Notice is hereby given that Otis Foland whose postoffice address is Ottumwa 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 2.28 cubic feet of water per second of time from ~~the~~ a dry draw through the Otis Foland Waterspreading ~~are~~ are the point of diversion of which ~~is~~ to be located a series of 10 dikes and ditches located ~~bank of said stream in the~~ W₁ of Section 34 Twp. 4 N Range 23 E Said water to be used for the purpose of providing irrigation on part of the following described land:

W₁, Sec. 34, T 4 N, R 23 E

~~XXXX~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958, at 2:00pm. 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:

~~CHIEF ENGINEER~~
Les Wyborny, Water Rights Engineer

cc Morris G. Hallock, Publisher
The Pioneer-Review
Philip, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Haakon } ss.

Mae Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Pioneer-Review 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 Phillip County of Haakon

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

November 6, 13, 20, 27

in each and every issue of the full number thereof, the first publication being made on the 6th day of November 1958 and the last publication on the 27th day of November 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was assistant editor the printer and publisher of the said newspaper.

Mae Hallock

Subscribed and sworn to before me this 27th day of November A. D. 19 58

Keith C. Mason

Notary Public Haakon County, S. D.

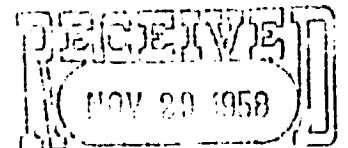
APPROPRIATION OF WATER
 Office of State Water
 Resources Commission,
 Pierre, S. Dak.,
 October 27, 1958

Notice is hereby given that Otis Foland whose postoffice address is Ottumwa, 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 (2.68 cubic feet of water per second of time from a dry draw through the Otis Foland Water-spreading No. 1, the points of diversion of which are to be a series of 10 dikes and ditches located in the W $\frac{1}{2}$ of Section 34 Twp. 4N. Range 23E. Said water to be used for the purpose of providing irrigation on part of the following described land: W $\frac{1}{2}$, Sec. 34, T. 4 N., R. 23 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the State Water Resources Commission at their office at Pierre on the 6th day of November, 1958, on the basis of the information presented at that time.

State Water Resources Commission
 By: Les Wyborny,
 Water Rights Engineer
 (Nov. 6-13-20-27)



STATE WATER RESOURCES COMM
 PIERRE, SOUTH DAKOTA

