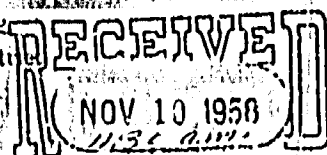


1. Considered Feb. 5, 1959 Appl. No. 507-2
2. Name of Applicant Morgan Smith
3. Post Office Address Midsville, S. Dak.
4. Amount of water claimed 2.29 cfs
5. Source of water supply dry draws
6. Water to be used for irrigation
Acres to be irrigated 1200
7. Water to be diverted and used in 2600 Acres in Rock County about
20 miles N.W. of Midsville.
8. Proof of Publication Received ✓
Not Received ✓
9. Application Approved ✓
Subject to Ref. P.
Not approved 0
Action deferred _____

10. Remarks:

No. 207-2
 Water Division No. 2 East Cheyenne River 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 George Morgan Smith
 Postoffice address Milesville, County Haakon, State South Dakota

I. Is 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)
self employed
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
Adequate to accomplish project
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Smith Spreader #1

3. Amount of water claimed 20-22 cfs cubic feet per second

Council Bear Creek (diversion) - (dry draws

4. Source of water supply Touch the Cloud Creek (storage)

5. Location of point of diversion Spreader dam at the corner of Sec's 31 & 32

280 feet, N 6 3/4 E of the SW 1/4, T 7 N, R 19 E and Sec's 5 & 6, T 6 N, R 19 E; Storage
2020 feet, S 7 1/2 E of the NE 1/4, T 6 N, R 19 E on both banks 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 210 160.8 acres.

(b) Legal subdivisions to be irrigated part of Sec. 31 and part of Sec. 32, T 7 N, R 19 E

(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 Stockwatering

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. 500-2

8. Estimated cost of work:

(a) Head Gates, \$ 50.00

(b) Pumping plant, \$

(c) Fluming, \$

(d) Canal earth, \$ 400

Rock, \$

(e) Other structures Spreader dam \$150
Storage 1500

Total, \$ 2600

9. Description of diversion works:

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

Pipe, draw down tube & Misc. \$500

II. Dimensions of works:

(a) Dam: Height 25 ft. plus feet; length at bottom 200 feet; length at top 50 feet; thickness at bottom 130 feet; thickness at top 20 feet; slope at front water face 4:1; slope at back face 2:1; material used in construction Dirt & Cement

(b) Reservoir: Capacity when filled 50 acre feet. Surface area at highwater mark 5 acres. Spreader dam: Btm length 250 ft. Slopes 2:1 and 4:1 Top Length 300 ft. Top width 10 ft. Height 6 ft. 45-50 ft wide at bottom

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

(c)* Head gate: Width 3 feet; height 4 feet;

Material steel and concrete

(d) Canal: Total length 1-1/2 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 2 years.

11. Time required for complete application of water to the proposed beneficial use 1 years.

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

Phillip, South Dakota

STATE OF SOUTH DAKOTA

County of Hughes

Margaret Smith

I, 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

10-5-11

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

N

SCALE: 1" = 300'



LOCATION	SECTION	TWP	RANGE	ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	7N	19E	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	31	7N	19E	35.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	31	7N	19E	24.2
SE $\frac{1}{4}$ SE $\frac{1}{4}$	31	7N	19E	31.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32	7N	19E	8.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32	7N	19E	22.0
TOTAL				160.9

I, HENRY V. DANLQVIST DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE SMITH
SPREADER NO. 1 - IRRIGATION SYSTEM.

SIGNATURE: Henry V. Dahlquist

TITLE: AREA ENGINEER
U.S. DEPT. OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY
OF November, 1955, A.D.

NOTARY PUBLIC J. Engedritsen

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

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, November 20, 1958

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock

9 a.m. upon the 10 day of November, 1958

State Water Resources Commission

By: Jeff Brinner

Chief Engineer, Executive Officer

Number of permit 527-2

Date of first receipt of application November 10, 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 November 10, 1958

Approved February 4, 1959, Recorded in Book 5 Page 127

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 _____

February 4, 1960

2nd. The whole of said work is to be completed on or before February 4, 1961

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

February 4, 1962

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 2.29 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 February 4, 1962; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 17 day of April, 1959

State Water Resources Commission

By: Jeff Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 15, 1971

Water License Issued NOVEMBER 15, 1971

WATER LICENSE NO. 507-2

(1) WHEREAS, On the 10th day of November A. D. 1958
Morgan Smith

made Water Right Application No. 507-2 for a permit to use 2.29 cubic feet per second of the waters
of Council' Bear and Touch the Cloud Creeks
County of Haskell State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 17th day of April A. D. 1959
Permit No. 507-2, with a date of priority of November 10, 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 4th day of February A. D. 1961 and for the
application to beneficial use of said water on or before the 4th day of February A. D. 1962

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 enabled to divert 2.29 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 T7N, R19E.

Section 31	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.4 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.2 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0 acres
Section 32	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.3 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22.0 acres
	Total	160.9 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 Quarter Circle Second Pot Ranch, Inc.

_____ of Milesville, South Dakota

the holder _____ and owner _____ of said permit No. 507 a water right, dating from November 10, 1958

to use of 2.29 cubic feet per second of the waters of Council Bear and Touch (th.) Cloud Creeks

in the County of Hanford and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 5 feet North 60° 50' East, 280 feet from the SW Corner, Section 32, 17N, R19E

and conduct to and upon portions of Sections 31 and 32, 17N, R19E more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 507-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of November A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer-J.W. GRILES

Form 15.

507-2

Permit No. _____

2 EAST CHEYENNE RIVER

Water Diversion No. _____ Water District _____

CERTIFICATE OF CONSTRUCTION

Morgan Smith

This is to Certify, That _____

_____ **507-2** _____ **507-2** _____ the holder of **November 10, 1958** Permit No. _____, issued upon Application No. **2-29**, bearing date of priority of _____ **Council**

_____ authorizing the diversion of _____ cu. ft. per second of the waters of **Bear & Touch the Cloud Creeks** _____ **Haukon** _____ County of _____, State of South Dakota at **a point North 6° 50' East, 280 feet from the SW Corner, Sec. 32, T7N, R19E**

_____ **Irrigation** _____, for _____

_____ **8** _____ purposes, has _____ 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. If said works are found in satisfactory condition for diverting and conveying to the place of intended use _____ **November 15, 1971** cu. ft. per second of water.

Date _____

WATER RESOURCES COMMISSION

Signed _____

J.W. GRIMPS, Executive Officer

(First Publication before December 19, 1958)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., November 21, 1958

Notice is hereby given that Morgan Smith whose postoffice address is Milesville 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 2.29 cubic feet of water per second of time from the ~~xxx~~ dry draws through the Smith Spreader #1 the point of diversion of which is to be located on both bank of said stream in the SW Storage $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 Twp. 7 N Range 19 E Storage is also proposed in the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 6, T6N, R19E Said water to be used for the purpose of providing irrigation on the following described land:

parts of the SE $\frac{1}{4}$, Sec. 31 and W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32 all in T 7 N, R 19 E

~~xxxx~~~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February, 1959, 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 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 City Philip of Haakon County of Haakon and State of South Dakota; that the said notice was published in said newspaper on the following dates:

November 27, December 4, 11 and 18, 1958

in each and every issue of the full number thereof, the first publication being made on the 27th day of November 1958 and the last publication on the 18th day of December 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 26th day of December A. D. 1958

Notary Public Haakon County, S. D.

APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak., Nov 21, 1958
Notice is hereby given that Morgan Smith whose postoffice address is Milesville, 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 2.25 cubic feet of water per second of time from dry draws through the Smith Spreader No. 1, the point of diversion of which is to be located on both banks of said streams in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 Twp. 7N Range 19E. Storage is also proposed in the NE $\frac{1}{4}$ Sec. 3, T6N, R19E. Said water to be used for the purpose of providing irrigation on the following described land:
Parts of the SE $\frac{1}{4}$, Sec. 31 and NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 32 all in T 7 N, R 19 E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 27th day of February, 1959, 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: Les Wyborny,
Water Rights Engineer
(Nov. 27, Dec. 4, 11 & 18)

RECEIVED
MAR 23 1959

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

September 10, 1960

(date)

Dear Sirs:

I hereby request that an extension of time from February 4, 1961
to February 4, 1963 be granted me for the completion of works to be done under Permit No.
_____ and that the time for proof of beneficial use of water be extended to February 4, 1964

Said works are located in _____ County and are described
as follows:

Location of headworks: In the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$
of Section _____ Township _____ Range _____
E., B.H.M.

The water is to be used for the purpose of _____

The extension of time for the completion of these works is requested for the following reasons: _____

Equipment is not available at this time and if inclement weather
occurs the time provided would not be sufficient.

APPROVED:

State Water Resources Commission

By:

Chief Engineer, Executive Officer

N. Morgan Smith
Holder of Permit No. _____

Permit No. 507-2Water Division 2 CHEYENNE RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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 Quarter Circle
Diamond Dot Ranch Inc. (Morgan Smith) George E. Smith, Pres.
of Milesville, S.D. holder

of Permit No. 507-2, bearing date of priority of November 10, 19 58
 (Dry Draws)
 authorizing the diversion of 2.29 cu. ft. per second of the waters of Council Bear Draw & Touch the
Cloud Creek
 for irrigation purposes, in Haakon 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:

Dirt Dykes, hole dozed in dyke to let water on desired part of irrigated land.

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

Shallow guide ditches

C. Works used to apply water to beneficial use.

has dirt retaining dykes and spreading dykes also some guide ditches.

The system is in the following condition: FairThe point of diversion is located N.6° 50' E.280' from common corner Sec. 31, 32, 6 and
5, T7N, R19EThe works are capable of diverting and conveying to the place of use all runoff (2.29 c.f.s. plus)
 cu. 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: NW¼ SW¼, Sec. 32, 8.3 ac.,
SW¼ SW¼, Sec. 32, 22 ac., NE¼ SE¼, Sec. 31, 35.4 ac., NW¼ SE¼, Sec. 31, 40 ac.,
SW¼ SE¼, Sec. 31, 24.2 ac., SE¼ SE¼, Sec. 31, 31.0 ac., all in T7N, R19E.

comprising a total of 160.9 acres of land.

Send to letter to George E. Smith

Date 8/30/71

Marvin Knecht
 (Signature)

MARVIN KNECHT, Engineer, W.R.C.