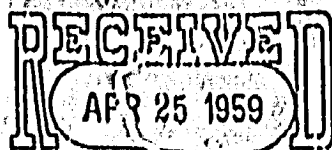


1. Considered June 17, 1959 Appl. No. 527-2
2. Name of Applicant Christ Huetner Jr.
3. Post Office Address Wall, North Dakota
4. Amount of water claimed 1.2
5. Source of water supply Dry Ditch
6. Water to be used for irrigation
Acres to be irrigated 186
7. Water to be diverted and used in Pennington County about
3-14 miles 5 of Wall.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 5772Water Division No. 2 White River District

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES
PIERRE, SOUTH DAKOTASTATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Christ Huether, Jr.
Postoffice address Null, County Pennington, 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 and direct labor.

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

2. Name of diversion work _____
3. Amount of water claimed (258 Ac. Ft.) 1.2 cubic feet per second and all unappropriated floodwaters.
4. Source of water supply Dry draw.
5. Location of point of diversion See attached sheet showing four points of diversion.
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used Throughout the year when runoff occurs.
7. To be used for:

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

- (a) Number of acres to be irrigated 86.0 acres.

- (b) Legal subdivisions to be irrigated See attached sheet.

(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.) None

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. 571-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures Earth dikes and ditches \$ 600

Total, \$.....

9. Description of diversion works:

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

Small diversion dikes (not to exceed 6 feet in height) and ditches.

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 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.....2.....years.

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

The Pennington County Courant, Wall, S. Dak.

STATE OF SOUTH DAKOTA

County of Pennington ss.

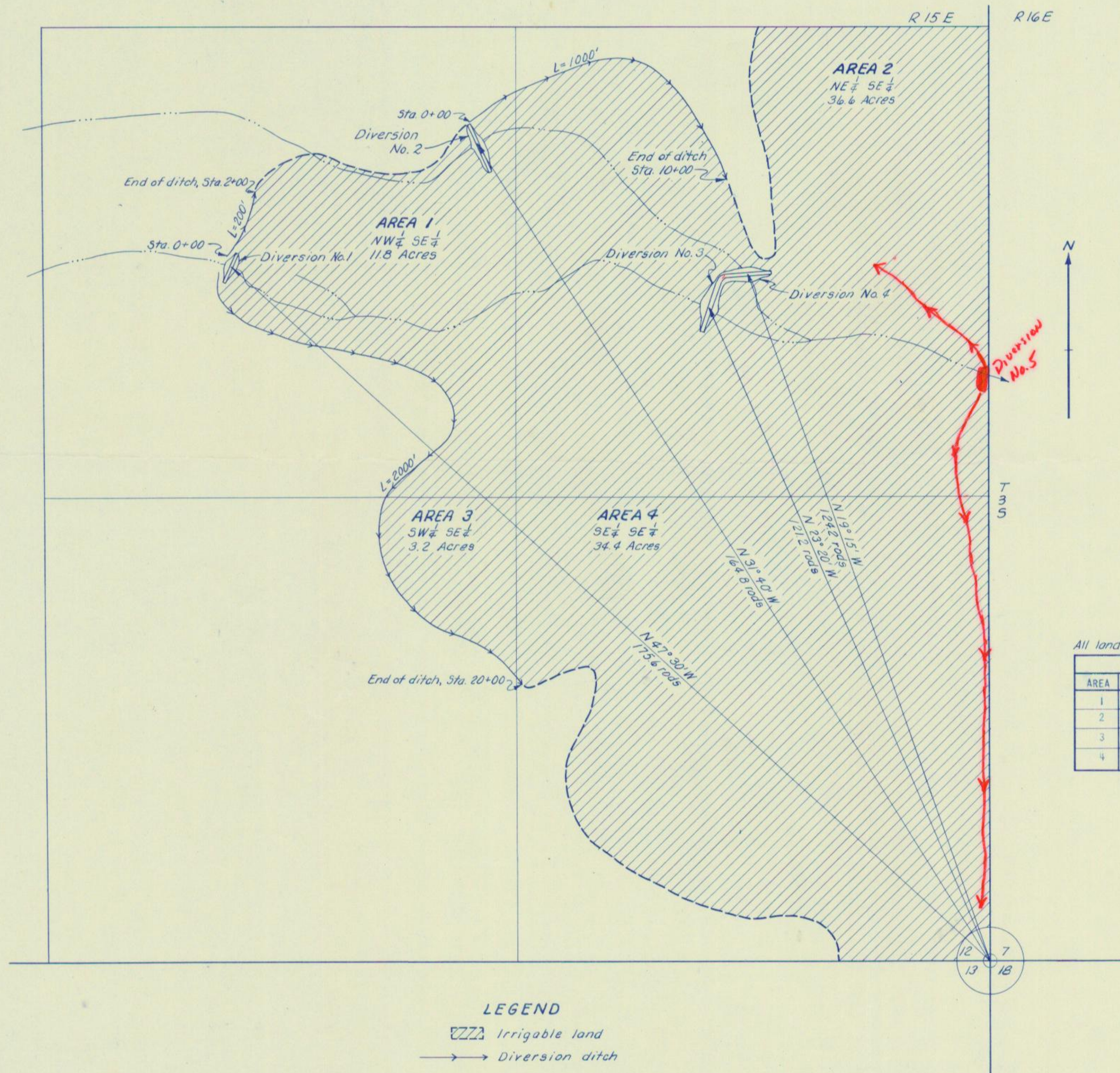
I, Christ H. Luther, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 24th day of April 1917

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Christ Huether, Jr.

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 SE 1/4	12	3S	15E	11.8
2	NE 1/4 SE 1/4	12	3S	15E	36.6
3	SW 1/4 SE 1/4	12	3S	15E	3.2
4	SE 1/4 SE 1/4	12	3S	15E	34.4
TOTAL					86.0

SURVEYOR'S CERTIFICATE

I, Walter H. Christman, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Christ Huether, Jr. Water Spreader Project AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE East Pennington SOIL CONSERVATION DISTRICT.

SIGNATURE: Walter H. Christman

TITLE: SR- Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF

March, 1959, A.D. [Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES July 6, 1965

Scale: 1" = 200'

CHRIST HUETHER, JR.
WATERSPREADING PROJECT
NUMBER 1

Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

Map No. 511-2 (Appl. No. 527-2)

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 Day 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, April 21, 1959

This is to certify that the foregoing application was received by the Commission at 9:45 o'clock
9 m. upon the 27 day of March, 1959

State Water Resources Commission

By: J. W. R. Miner

(Chief Engineer, Executive Officer)

Number of permit 527-2

Date of first receipt of application March 27, 1959

Date of return to applicant for correction, amendments or changes required as follows: April 29, 1959

Date of receipt of corrected application April 29, 1959

Date from which applicant claims right March 27, 1959

Approved June 17, 1959, Recorded in Book 5 Page 187

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 17, 1960

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

June 17, 1961

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

June 17, 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 1.2 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 each acre of land to which water is actually and beneficially applied for irrigation on or before June 17, 1963, said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 27 day of July, 1959

State Water Resources Commission

By: J. W. R. Miner

(Chief Engineer, Executive Officer)

Certificate of Construction issued

JULY 31, 1967

Water License issued

JULY 31, 1967

Item 5 Location of Points of Diversion

- (1) 129 rods West and 118 rods North of the SE corner of Section 12, T-3-S, R-15-E.
- (2) 87 rods West and 139 rods North of the SE corner of Section 12, T-3-S, R-15-E.
- (3) 48 rods West and 111 rods North of the SE corner of Section 12, T-3-S, R-15-E.
- (4) 41 rods West and 117 rods North of the SE corner of Section 12, T-3-S, R-15-E.

Item 7 (b) Legal Subdivisions to be irrigated:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T-3-S, R-15-E	11.8 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T-3-S, R-15-E	36.6 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T-3-S, R-15-E	3.2 "
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T-3-S, R-15-E	34.4

Total86.0Acres

Permit No. 527-2

Water Division No. 2 WHITE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Christ Huether, Jr.

of Wall, County of Pennington, and State of South Dakota, the holder of Permit No. 527-2, issued upon Application No. 527-2, bearing date of priority of March 27, 1959, authorizing the diversion of 1.2 cu. ft. per second of the waters of dry draws County of Pennington, State of South Dakota, at four points in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12, T3S, R15E

for purpose na 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 1.2 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 Section 12, T3S, R15E

NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.8 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.6 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.2 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.4 Acres

Total 850 Acres

Witness my hand this 31 day of July A. D. 1967

State Water Resources Commission

By:

J. W. GRIFFIN
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 527-2

WHEREAS, On the 27th day of March A. D. 1959

Christ Huether, Jr.

of Wall County of Pennington and State of South Dakota duly made application (No. 527-2) to us for a permit to use 1.2 cubic feet per second of the waters of dry draws County of Pennington, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 27th day of July A. D. 1959

Permit No. 527-2 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 17th day of July A. D. 1961 and for the application to beneficial use of said water on or before the 17th day of July A. D. 1961 and,

WHEREAS, On the 27th day of July A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.2 cubic feet per second of said waters, as evidenced by our Certificate No. 527-2 dated July 31, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.2 cubic feet per second of water, with date of priority of March 27, 1959 and,

WHEREAS, On the 27th day of July A. D. 1967

proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water, for irrigating 86.0 acres in the 31st Section 12, T3S, R15E

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 Christ Huether, Jr. of Wall the holder and owner of said permit No. 527-2 a water right, dating from March 27, 1959 to the use of 1 cubic feet per second of the waters of a dry draw in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at four points in the NE 1/4 Section 12, T3S, R15E and conducted to and upon 86 acres in the SE 1/4, Section 12, T3S, R15E, 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.

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 31st day of July A. D. Nineteen Hundred and Sixty-seven

State Water Resources Commission
By: **J.W. GRIMES**
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	

PROOF OF PUBLICATION

RECEIVED
JUN 1 1959

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County Pennings } ss.

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Pennings County Advertiser 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 of Wald County of Pennings and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 30, May 7, 14, 21, 1959

in each and every issue of the full number thereof, the first publication being made on the 30th day of April 1959 and the last publication on the 21st day of May 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was R. F. Lewis the printer and publisher of the said newspaper.

No. 527-2
APPROPRIATION OF WATER

Office of State
Water Resources Commission
Pierre, S. Dak.
April 20, 1959

Notice is hereby given that Christ Huether, Jr. whose post-office address is Wall, 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 1.2 cubic feet of water per second of time from 2 dry draws through the Water Spreading System, the four points of diversion of which are to be located on both banks of said streams in the N½ of the SE¼ of Section 12, Twp. 35., Range 15 E. Said water to be used for the purpose of providing irrigation on parts of the following described land:

SE¼, Sec. 12, T 3 S, R 15 E
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th of June, 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 Wybot
Water Rights Engineer
Pub. April 30, May 7, 14, 21

Subscribed and sworn to before me this 28th day of May A. D. 1959

Notary Public Pennings County, S. D.

(First Publication before May 15, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 20, 1959

Notice is hereby given that Christ Huether, Jr. whose postoffice address is Wall 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 1.2 cubic feet of water per second of time from two dry draws are through the Water spreading System, the point of diversion of which is to be located on both banks of said stream in the N $\frac{1}{2}$ SE 12 on parts of Twp. 3S Range 15 E. Said water to be used for the purpose of providing irrigation for the following described land:

SE $\frac{1}{4}$, Sec. 12, T 3 S, R 15 E

and for _____ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 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:

Charles E. Wyborny, Water Rights Engineer

cc R. F. Lewis, Publisher
The Pennington County Courant
Wall, South Dakota

Permit No. 527-2Water 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 _____ through examination of the diversion works constructed by _____
Christ H. Jr. of Wall, Pennington
 _____, County, South Dakota, holder of Permit No. 527-2, issued
 upon Application No. 527-2, bearing date of priority of March 27, 1959, authorizing the
 diversion of 1.2 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: Four small diversion dams and
approx 1/2 miles of spreader ditches. No leveling
or small central works are needed to spread
water.

and the system is in the following condition: Good

The point of diversion is located As shown on map.

The works are capable of diverting and conveying to the place of use 1.2 cu. ft. per second of water,
 which is to be used for irrigation

The legal sub-divisions to be irrigated are: portions of SE 1/4 Section 12,
T. 35, R. 15 E.

comprising a total of 86 acres of land.

The domestic use intended comprises None

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

Witness my hand, this 27th day of July, A. D. 1967

—SEAL—

Richard D. Schaefer
 Examining Engineer.
 Water Right Specialist