No. 642-2Water Division 2 ELK CREEK
(Blanks to be Filled by the Engineer for the W. R. D.)DISTRICT WATER RESOURCES COMM.
SILVER, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriative Water within the State of South Dakota

(NOTE: A line through items not applicable.)

1. Name of applicant Walter F. Miller and/or Walter Miller
Postoffice address New Underwood, County PENNINGTON, State S. DAK.

- 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, \$ _____
- (e) Other resources, \$ _____

2. Name of diversion work: Walter Miller Irrigation Projects #1 and #2

3. Amount of water claimed 8.40 cubic feet per second

4. Source of water supply ELK CREEK AND DRY DRAW FLOOD WATERS

5. Location of point of diversion See Remarks Section

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used MAY 1 TO OCT 31

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION
PUMP AND GRAVITY

(a) Number of acres to be irrigated 587.82 acres.

(b) Legal subdivisions to be irrigated Attached

(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 _____

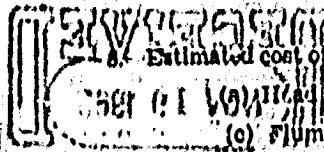
(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP No 576-2

LOCATION OF LAND TO BE IRRIGATED					
Area	Location	Sec.	Twp.	Range	Acres
1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	792
2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	40.00
3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31	3N	11E	40.00
4	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31	3N	11E	40.00
5	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31	3N	11E	35.15
6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31	3N	11E	12.18
7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31	2N	11E	6.60
8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	3N	11E	21.32
9	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31	3N	11E	40.00
10	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31	3N	11E	38.98
11	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	36.14
12	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	11.37
13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30	3N	11E	25.99
14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	3N	11E	38.07
15	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31	3N	11E	24.77
16	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31	3N	11E	37.29
17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31	3N	11E	9.85
18	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31	3N	11E	1.42
19	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31	3N	11E	37.77
20	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31	3N	11E	24.57
21	NNW $\frac{1}{4}$ NW $\frac{1}{4}$	31	3N	11E	8.43
22	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30	3N	11E	34.72
23	NNW $\frac{1}{4}$ SW $\frac{1}{4}$	30	3N	11E	11.98
24	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	0.61
25	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	3N	11E	0.71
TOTAL					587.82



Estimated cost of work:

(a) Gates, \$100

(c) Fluming, \$

(d) Canal earth, \$6300

(h) Pumping plant, \$4500

Rock, \$

Total, \$16300

(g) Other structures Inverted Siphon \$8100

101010; Description of diversion works:

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

DAM ON dry draw; Portable PUMP & Siphon tube ON Elk Creek

II. Dimensions of works.

(a) Dam: Height 21 feet; length at bottom 50 feet; length at top 700 feet; thickness at bottom 189 feet; thickness at top 14 feet; slope at front water face 5:1; slope at back face 3:1; material used in construction Earth

(b) Reservoir; Capacity when filled 155.46 acre feet. Surface area at highwater mark 6.2 acres.

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

(c)* Head gate: Width 1 1/2 feet; height 1 1/2 feet; Material Coated, close riveted, Pure Iron Tube

(d) Canal: Total length 2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 1 Mile	3 feet	9 feet	feet	-5 feet
At 2 Mile	1 feet	4 feet	feet	-5 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 5 1/2 years.
11. Time required for complete application of water to the proposed beneficial use 5 years.
12. Choice of newspaper for publication of notice of intention to appropriate FAITH INDEPENDENT, FAITH, S.DAK.

STATE OF SOUTH DAKOTA

County of Meade

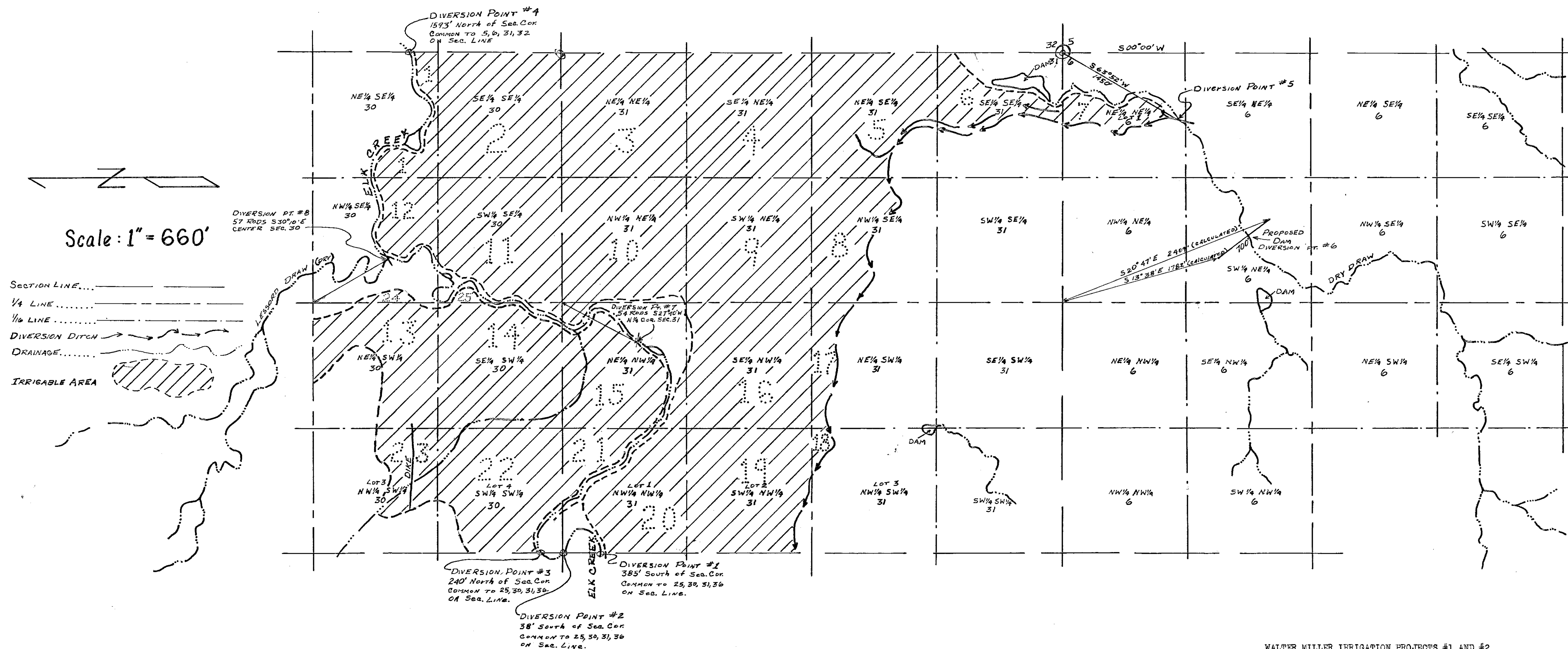
We, Walter D. Miller and Charles Miller, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the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

Signed Walter D. Miller

Subscribed and sworn to before me this 26 day of October 1916

Notary Public (or other qualified officer.)
Mende Co. Auditor

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED					
Area	Location	Sec.	Twp.	Range	Acres
1	NE 1/4 SE 1/4	30	3N	11E	7.92
2	SE 1/4 SE 1/4	30	3N	11E	40.00
3	NE 1/4 NE 1/4	31	3N	11E	40.00
4	SE 1/4 NE 1/4	31	3N	11E	40.00
5	NE 1/4 SE 1/4	31	3N	11E	35.15
6	SE 1/4 SE 1/4	31	3N	11E	12.18
7	NE 1/4 NE 1/4	6	2N	11E	6.60
8	NW 1/4 SE 1/4	31	3N	11E	21.32
9	SW 1/4 NE 1/4	31	3N	11E	40.00
10	NW 1/4 NE 1/4	31	3N	11E	38.78
11	SW 1/4 SE 1/4	30	3N	11E	36.14
12	NW 1/4 SE 1/4	30	3N	11E	11.37
13	NE 1/4 SW 1/4	30	3N	11E	25.99
14	SE 1/4 SW 1/4	30	3N	11E	38.07
15	NE 1/4 NW 1/4	31	3N	11E	24.77
16	SE 1/4 NW 1/4	31	3N	11E	39.29
17	NE 1/4 SW 1/4	31	3N	11E	9.85
18	NW 1/4 SW 1/4	31	3N	11E	1.92
19	SW 1/4 NW 1/4	31	3N	11E	37.77
20	NW 1/4 NW 1/4	31	3N	11E	24.57
21	NW 1/4 NW 1/4	31	3N	11E	8.43
22	SW 1/4 SW 1/4	30	3N	11E	34.72
23	NW 1/4 SW 1/4	30	3N	11E	11.98
24	NW 1/4 SE 1/4	30	3N	11E	0.61
25	SW 1/4 SE 1/4	30	3N	11E	0.71
TOTAL					587.82

WALTER MILLER IRRIGATION PROJECTS #1 AND #2

ALL LANDS DESCRIBED HEREIN ARE OWNED BY WALTER D. MILLER AND WALTER MILLER.

STATE OF SOUTH DAKOTA) ss.
COUNTY OF MEADE

I, MERIC D. GIGEAR, Registered Land Surveyor, do hereby certify that this map was made from notes taken in the field and aerial photographs of the area and to the best of my knowledge it correctly represents the lands involved and the locations indicated.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this 3rd day of November, 1960.

Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA) ss.
COUNTY OF MEADE

On this 3rd day of November, 1960, before me, HELEN GIGEAR, the undersigned officer, personally appeared MERIC D. GIGEAR, known to me to be the person whose name appears next above and acknowledged that he executed the same for the purpose therein contained.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Helen Giegar
Meade County Auditor

Remarks by State Water Resources Commission: "PARTIAL VESTED RIGHT"
Waters from Elk Creek under this permit are claimed
under Location Notice 0511-1 filed by Mary D. Owens on
October 13, 1894. Approval of this permit
recognizes annual storage of 155 acre
feet annually.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, MARCH 17, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 19TH day of NOVEMBER, 1960.

State Water Resources Commission
By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 642-2

Date of first receipt of application NOVEMBER 19, 1960

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application Dry Draw portion, 1953, 19—
ELK CREEK DIVERSION, OCTOBER 13, 1894

Date from which applicant may claim right STORAGE - NOVEMBER 19, 1960

Approved MARCH 15, 1961, Recorded in Book 6 Page 194

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 SEPTEMBER 15, 1963

2nd. The whole of said work is to be completed on or before MARCH 15, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is extended to March 15, 1970 Approved 1/17/67
MARCH 15, 1966

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 8.40 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 MARCH 15, 1966, said water to be used during the following described annual period:

MARCH 1 TO OCTOBER 31

Witness my hand this 17TH day of MARCH, 1961

State Water Resources Commission

By: Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction issued JULY 1, 1970

Water License issued JULY 1, 1970

Remarks by the Applicant:

- DIVERSION Pt. #1: 383' South of Sec. Cor. Common to Secs. 25, 30, 31 & 36 on Sec. Line.
DIVERSION Pt. #2: 38' South of Sec. Cor. Common to Secs. 25, 30, 31 & 36 on Sec. Line.
DIVERSION Pt. #3: 240' North of Sec. Cor. Common to Secs. 25, 30, 31 & 36 on Sec. Line.
DIVERSION Pt. #4: 1545' North of Sec. Cor. Common to Secs. 5, 6, 31 & 32 on Sec. Line.
DIVERSION Pt. #5: 1150' from Sec. Cor. Common to Secs. 5, 6, 31 & 32 on bearing of S 63° 32' N
DIVERSION Pt. #6: A DAM, The N.W. end being 1782' from the North 1/4 Cor. of Sec. 6 on a bearing of S 13° 38' E and the S.W. end being 2704' from the North 1/4 Cor. of Sec. 6 on a bearing of S 20° 47' E
DIVERSION Pt. #7: 54 Rods from N 1/4 Cor. Sec. 31 on a bearing of S 27° 40' E
DIVERSION Pt. #8: 57 Rods from Center Sec. 30 on a bearing of S 30° 10' E

Portable pumps will be used at any point between points 1 & 2 on Elk Creek and any point between points 3 & 4 on Elk Creek. Elk Creek between points 2 & 3 is not an applicants land.

DIVERSION Pt. #5 is a dike across a dry draw.

DIVERSION Pt. #6 is the proposed dam to control flood waters on a dry draw and provides controlled release of this water through the natural existing drainage to diversion Pt. #5.

DIVERSION Pt. #7 is a proposed dike and 10" culvert to carry flood water to the irrigable area.

DIVERSION Pt. #8 is a proposed inverted siphon to carry flood waters from the Lessard Draw drainage across Elk Creek to the irrigable area.

The irrigable area from each point is not clearly definable, but will vary with the amount of water available at the different points of diversion. The amount of water claimed from all the points will not exceed the authorized limits.

Refer All Engineering Correspondence to:

GIGLAR SURVEYING
1054 PARK ST.
STURGIS S. DAK.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 642-2

(1) WHEREAS, On the 19th day of November A. D. 1960
Walter D. and Walter Miller

made Water Right application No. 642-2 for a permit to use 8.40 cubic feet per second of the waters
of Elk Creek and dry draws

County of Beade State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 17th day of March A. D. 1961
Permit No. 642-2, with a date of priority of October 13, 1894 and November 19, 1960

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 15th day of March A. D. 1966 and for the
application to beneficial use of said water on or before the 15th day of March A. D. 1970

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 divert 8.40 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 described land;

Section 30, T3N, R11E	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Acres	Sec. 31, T3N, R11E	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25.99		NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.35
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.72		NW $\frac{1}{4}$ SE $\frac{1}{4}$	21.32
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.07		NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.15
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.37		SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.18
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.92	Sec. 6, T2N, R11E	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.60
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.14	Total		587.92 Ac.
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00			
Section 31, T3N, R11E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24.57			
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.77			
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.77			
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.29			
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.98			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00			
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00			
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00			

(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 Walter D. and Walter Miller

_____ of New Underwood, South Dakota

the holder B and owner B of said permit No. 642-2 a water right, dating from October 13, 1894 and November 19, 1960 to use of 8.40 cubic feet per second of the waters

of Elk Creek and dry draws

In the County of Deade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at between points in the 10 $\frac{1}{2}$ SE $\frac{1}{4}$, Section 30, T3N, R11E, and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T2N, R11E

and conduct to and upon portions of Sections 30 and 31, T3N, R11E and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T2N, R11E

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 642-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 1st day of July A. D. Seventy
Nineteen Hundred and

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. W. GRIBBS

Form 15.

Permit No. 642-2

Water Diversion No. 2 ELK CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter D. and Walter Miller

_____ the holder s of
Permit No. 642-2, issued upon Application No. 642-2, bearing date of priority of October 13, 1894 and
November 19, 1960 authorizing the diversion of 8.40 cu. ft. per second of the waters of _____
Elk Creek and dry draws County of Meade, State of South Dakota at _____
between points in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T3N, R11E, and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 6, T2N, R11E
_____ 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 up to 20 cu. ft. per second of water.

Date July 1, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Meade } ss.

Kenneth Howell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Faith Independent 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 Faith County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb 15, 1961Feb 22, 1961March 1, 1961March 8, 1961

in each and every issue of the full number thereof, the first publication being made on the 15 day of Feb 1961 and the last publication on the 8 day of March 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Kenneth HowellSubscribed and sworn to before me this 9 day of March A. D. 1961Estelle HowellNotary Public Meade County, S. D.

Estelle Howell
My Commission Expires May 5, 1968

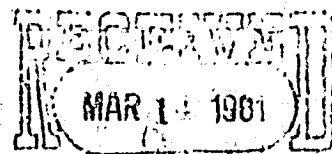
APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, South Dakota, February 11, 1961. Notice is hereby given that Walter D. Miller and Walter Miller, whose postoffice address is New Underwood, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 8.40 cubic feet of water per second to time from Elk Creek & Dry draws through the Miller Irrigation Projects No. 1 & No. 7, the points of diversion of which are to be located on both banks of said stream between a point in the NE 1/4 Sec. 30, Township 3N, Range 11E, and a point in the SW 1/4 of the NE 1/4 of Section 6, Township 2N, Range 11E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4 and SW 1/4 Sec. 30, NE 1/4, NW 1/4, SW 1/4, NE 1/4, SE 1/4, and SW 1/4 Sec. 31, T. 3N, R. 11E, and NE 1/4, NE 1/4, T. 2N, R. 11E.

This application will be taken up by the State Water Resources Commission at their Office at Pierre for consideration upon the 15th day of March, 1961, 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
Burton F. Jones
By: Burton F. Jones, Water Right Specialist
Feb. 15, 22-March 1, 8



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

On or before
First Publication February 16, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, South Dakota February 11, 1961

Notice is hereby given that Walter D. & Walter Miller whose postoffice address is Nok Underwood, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 8.40 cubic feet of water per second to time from Elk Creek & Dry draws through the Miller Irrigation Projects #1 & #2, the points of diversion of which are to be located on both banks of said stream between a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 3N, Range 11E, and a point in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 2N, Range 11E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec 30; NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T 3N; R 11E; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T 2N; R 11E.

This application will be taken up by the State Water Resources Commission at their Office at Pierre for consideration upon the 15th day of March, 1961, 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

CC: Kenneth Howell-Publisher
Faith Independent
Faith, South Dakota

By: BURTON F. BONES
Water Right Specialist

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Walter Miller and/or Walter D. Miller Dairy-Ranchers, New Underwood,
So. 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. _____

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

Ans. Oct. 13, 1899

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

Ans. Elk Creek - 20 Rods Southwesterly from the North East
Corner of Lot 1, Sec. 31, T3N, R11E BHM

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. DIKE ACROSS ELK CREEK WAS COMPLETED IN THE 1890'S,
EXACT DATE NOT KNOWN. THE EXISTING DITCH WAS PUT INTO
USE IN 1953.

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. IRRIGATION - List enclosed

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

Ans. _____

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

Ans. 8.40 Cubic Feet per Second

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. ORIGINAL PERMIT ISSUED TO MARY D. OSENS Acquired
by Purchase

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

Ans. These diversions have had continuous use since
constructed to the fullest extent of water available.

Walter Miller
(Sign) Walter Miller

I hereby certify that the foregoing testimony was read to the above subscriber before its 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 STURGIS, County of MEADE

State of South Dakota, on this 8th day of NOVEMBER A. D. 1960.

James G. Hickey
Walter Miller } Witnesses, Walter Miller
Meade County Auditor

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.

John C. Shyne
J. O. Buchanan

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 _____
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APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

11-25-66
(date)

Dear Sirs:

I hereby request that an extension of time from March 15 - 1966
to March 15 - 1970 be granted me for the completion of works to be done under Permit No.
642-2 and that the time for proof of beneficial use of water be extended to March 15 - 1970

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

As indicated in the application

Location of headworks: In the 1/4 of the 1/4
of Section Township Range
E., B.H.M.

The water is to be used for the purpose of Irrigation

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

*This project involved more work and
expense than anticipated therefore I have spent
the work over a greater number of years*

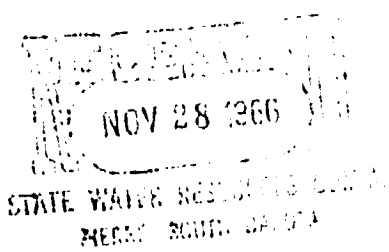
APPROVED: JANUARY 19, 1967

Hettie D. Miller

State Water Resources Commission

Holder of Permit No. 642-2

By: *Richard D. Schaefer*
for Chief Engineer, Executive Officer



Permit No. 642-2Water Division 2 ELK CREEK Water DistrictREPORT 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 WALTER D. & WALTER MILLER of NEW UNDERWOOD holder of Permit No. 642-2, bearing date of priority of April 13, 1894 & November 14, 1940 authorizing the diversion of 8.40 cu. ft. per second of the waters of Elk Creek and Dry Run for irrigation purposes, in Meade 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:

21' HIGH DAM W/ STORAGE CAPACITY OF 164 ACRES FEET.
WATER RELEASED THRU 24" HEADGATE.
BERKELEY 8" PUMP W/ CHRYSLER IND PROPANE MOTOR
FROM ELK CREEK.

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

TWO DITCHES TAKE OFF NEAR HEAD OF PROJECT
CONTROLLED BY 2-18" CULVERTS FOR IN DITCH &
1-24" CULVERT FOR EAST DITCH

C. Works used to apply water to beneficial use.

SERIES OF SMALL DITCHES & DIKES SPREAD
WATER TO LARGE FLAT AREA

The system is in the following condition: VERY GOOD

The point of diversion is located BETWEEN POINTS IN THE NE¹ SE¹ SECTION 30,
T3N, R11E, AND IN THE SW¹ NE¹ SECTION 6, T2N, R11E

The works are capable of diverting and conveying to the place of use UP TO 20
 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:

overcomprising a total of 587.82 acres of land.

JUNE 18 1970
Denton Jones
 (Signature)

Section 30, T3N, R11E	NW ⁴ SW ⁴	11.98 ACRES
	NE ⁴ SW ⁴	25.99 "
	SW ⁴ SW ⁴	34.72 "
	SE ⁴ SW ⁴	38.07 "
	NW ⁴ SE ⁴	11.37 "
	NE ⁴ SE ⁴	7.92 "
	SW ⁴ SE ⁴	36.14 "
	SE ⁴ SE ⁴	40.00 "

Section 31, T3N, R11E	NW ⁴ NW ⁴	24.57 "
	NE ⁴ NW ⁴	24.77 "
	SW ⁴ NW ⁴	37.77 "
	SE ⁴ NW ⁴	39.29 "
	NW ⁴ NE ⁴	38.98 "
	NE ⁴ NE ⁴	40.00 "
	SW ⁴ NE ⁴	40.00 "
	SE ⁴ NE ⁴	40.00 "
	NW ⁴ SW ⁴	1.42 "
	NE ⁴ SW ⁴	9.85 "
	NW ⁴ SE ⁴	21.32 "
	NE ⁴ SE ⁴	35.15 "
	SE ⁴ SE ⁴	12.18 "

Section 6, T2N, R11E	NE ⁴ NE ⁴	6.60 "
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TOTAL	587.82 ACRES
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SOUTH DAKOTA

(PARTIAL) VESTED WATER RIGHT NO. 642-2 FOR IRRIGATION

Date of Receipt of Claim November 19, 1960.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 642-2 for irrigation purposes for Walter D and Walter Miller of New Underwood SD 57761 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 642-2 appropriates 8.40 cubic feet of water per second from Elk Creek and dry draws to irrigate 587.82 acres. The points of diversion are located between the NE 1/4 SE 1/4 Section 30-T3N-R11E and the SW 1/4 NE 1/4 Section 6-T2N-R11E. The irrigated lands are located in the SW 1/4, SE 1/4 Section 30; NW 1/4, NE 1/4, SE 1/4, N 1/2 SW 1/4 Section 31; all in T3N-R11E; NE 1/4 NE 1/4 Section 6-T2N-R11E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 to October 31.
3. The priority date of the Vested Water Right is October 13, 1894.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

NOTE: Validation of Claim No. 642-2 does not affect nonvested portions of No. 642-2 for storage of 164 acre-feet annually with a November 19, 1960 priority date.

STATE OF SOUTH DAKOTA

PARTIAL VESTED RIGHT WATER LICENSE NO. 642-2 FOR IRRIGATION

(1) Walter D and Walter Miller of New Underwood, SD 57761, made Application No. 642-2, November 19, 1960 for validation of a vested right claim to appropriate 8.40 cubic feet of water per second from Elk Creek and dry draws, Meade, County, South Dakota, for irrigation purposes. The "vested portion" of Vested Water Right No. 642-2 was validated September 30, 1992 with a priority date of October 13, 1894. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The irrigation system includes a 164 acre feet storage dam. A priority date of November 19, 1960 is retained for storage of water in the dam.

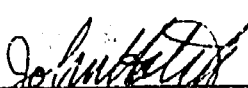
The original license, issued on July 1, 1970, contained an error in the number of acres being irrigated. The legal descriptions were correct, the error was made when tabulating the acres. The license is being reissued to correct the error. The remaining portions of the original license have not been altered.

(2) The partial vested right owner is entitled to divert 8.40 cubic feet of water per second and store 164 acre feet of water annually for beneficial use. The location of the diversion points are: between the NE¼ SE¼ Section 30, T3N, R11E and the SW¼ NE¼ Section 6, T2N, R11E.

The location of the 578.09 acres being irrigated are:

Section 30, T3N, R11E	Section 31, T3N, R11E	Section 31, T3N, R11E
NW¼ SW¼ 11.98 acres	NW¼ NW¼ 24.57 acres	NW¼ SW¼ 1.42 acres
NE¼ SW¼ 25.99 acres	NE¼ NW¼ 24.77 acres	NE¼ SW¼ 9.85 acres
SW¼ SW¼ 34.72 acres	SW¼ NW¼ 37.77 acres	NW¼ SE¼ 21.32 acres
SE¼ SW¼ 38.07 acres	SE¼ NW¼ 39.29 acres	NE¼ SE¼ 35.15 acres
NW¼ SE¼ 11.37 acres	NW¼ NE¼ 38.98 acres	SE¼ SE¼ 12.18 acres
NE¼ SE¼ 7.92 acres	NE¼ NE¼ 40.00 acres	Section 6, T2N, R11E
SW¼ SE¼ 36.14 acres	SW¼ NE¼ 40.00 acres	NE¼ NE¼ 6.60 acres
SE¼ SE¼ 40.00 acres	SE¼ NE¼ 40.00 acres	

(3) Pursuant to Section 46-5-30.1 Walter D and Walter Miller of New Underwood, SD 57761 the holders and/or owners of Partial Vested Water Right No. 642-2 are issued a license to appropriate 8.40 cubic feet of water per second with storage of 164 acre feet annually from Elk Creek and dry draws with priority dates of October 13, 1894 and November 19, 1960 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Partial Vested Water Right No. 642-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date



642-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

Walter D. and Walter Miller
New Underwood SD 57761

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 642-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct number of acres being irrigated.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over a horizontal line.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



642-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

NOTICE**TO: RANDY MILLER, OPERATOR, RR 1 BOX 57B, NEW UNDERWOOD, SD 5761****FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program****SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)**

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 642-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 642-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: WALTER D MILLER, 101 SHIMROSE DR, FT PIERRE, SD 57532

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

642-2

RANDY MILLER, OPERATOR
RR 1 BOX 57B
NEW UNDERWOOD SD 57761

4a. Article Number

2179157119

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-20-98

5. Received By: (Print Name)

RANDY MILLER

6. Signature: (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102585-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

642-2

WALTER D MILLER
101 SHIMROSE DR
FT PIERRE, SD 57532

4a. Article Number

2179157120

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

Walter D Miller

6. Signature: (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102585-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



642-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 14, 1998

642-2

Walter D Miller
Box 22
Ft Pierre, SD 57532

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Vested Water Right No. 642-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3252



642-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 12, 1998

642-2

Walter D Miller
PO Box 22
Ft Pierre, SD 57532-0022

Dear Mr. Miller:

Enclosed, as you requested, is the 1997 irrigation questionnaire pertaining to Water Right No. 642-2.

The original form was mailed to Randy Miller at RR 1 Box 578, New Underwood, SD. A couple years ago, a request was made to send the questionnaire directly to Randy rather than to you. As a normal course of business, whenever a "Notice" goes out concerning a particular water permit or right, both the owner and renter (or operator) receives a copy of the notice.

If you would like future irrigation questionnaires to be sent directly to you, please make a notation to that affect on the enclosed form and I will make the change. Thank you for calling about this matter and if I can answer any questions for you, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



642-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

www.state.sd.us/denr

January 14, 2000

NOTICE

TO: WALTER D MILLER, PO BOX 22, FT PIERRE, SD 57532 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 642-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 642-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

642-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WALTER D MILLER
PO BOX 22
FT PIERRE SD 57532 0022

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Walter D Miller
C. Signature [Signature]
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| ☒ Certified Mail | ☐ Express Mail |
| ☐ Registered | ☐ Return Receipt for Merchandise |
| ☐ Insured Mail | ☐ C.O.D. |
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number (Copy from service label)

2 227 670 380



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 28, 2000

642-2

Walter D Miller
PO Box 22
Ft Pierre, SD 57532-0022

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. A questionnaire was completed for you based on our January 26th telephone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 642-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

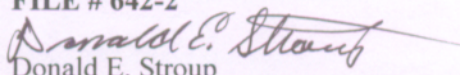


642-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 17, 2003

TO: FILE # 642-2
FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program
SUBJECT: Water Right Status

Mr. Walter D. Miller has been reporting no irrigation from 1986 to the present for this Water Right as the source is dry most of the time. Since 1994 he has reported that the system is not constructed. The Water Right is for diverting water from Elk Creek and from a large stock dam. On December 17, 2003 I spoke with Mr. Miller concerning the non use of the Water Right. Mr. Miller explained that the Elk Creek portion is not constructed as he doesn't keep a pump there unless he needs one. He also explained that he doesn't pump from the stock dam, the dam overflows into the ditches and spreader system when there is adequate water.

I examined the system on November 19, 2003 and the ditches and spreader dikes are in place.

The Irrigation Questionnaire qualification should be removed from this Water Right as it is a passive spreader system.

WOM

223-9927

642-2



NOV 19 2003

642-2



NOV 19 2003

642-2



NOV 19 2003