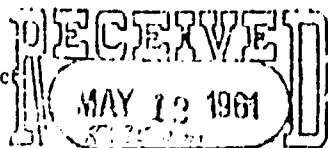


708-2

1. Considered 7-14-61
2. Name of Applicant Richard Smith
3. Post Office Address Cottonwood
4. Amount of water claimed .81
5. Source of water supply Big Creek
6. Water to be used for irrigation
- Acres to be irrigated 27.1
7. Water to be diverted and used in Apache County about 12.4 miles of Philip
8. Proof of Publication Received 1-1
Not Received
9. Application Approved ✓ Subject to O. J. Galt
Not Approved
Action deferred
10. Remarks:

No. 708-2
 Water Division No. 2 BAD 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 Richard Smith
 Postoffice address Cottonwood, County Jackson, State S. Dak.

I. If a corporation Not 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 Richard Smith Irrigation Project #1

3. Amount of water claimed 0.816 cubic feet per second

4. Source of water supply Dry Creek and tributaries

5. Location of point of diversion See remarks Section

_____ on _____ bank HAND County.

6. Annual period or periods during which water is to be used Year Around

7. To be used for:

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

(a) Number of acres to be irrigated 57.1 acres.

(b) Legal subdivisions to be irrigated See Remarks Section

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction, with acreage thereof, should be written here, or on, 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 618-2

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	SW 1/4 NW 1/4	18	1N	19E	0.1
2	SW 1/4 NE 1/4	18	1N	19E	0.5
3	NW 1/4 SW 1/4	18	1N	19E	1.6
4	NW 1/4 SW 1/4	18	1N	19E	5.9
5	NW 1/4 SW 1/4	18	1N	19E	6.6
6	NW 1/4 SW 1/4	18	1N	19E	0.6
7	NE 1/4 SW 1/4	18	1N	19E	0.4
8	NE 1/4 SW 1/4	18	1N	19E	5.3
9	NE 1/4 SW 1/4	18	1N	19E	1.7
10	NW 1/4 SW 1/4	18	1N	19E	8.7
11	NE 1/4 SW 1/4	18	1N	19E	0.4
12	SW 1/4 SW 1/4	18	1N	19E	0.5
13	SE 1/4 SW 1/4	18	1N	19E	2.2
14	SE 1/4 SW 1/4	18	1N	19E	2.3
15	SE 1/4 SW 1/4	18	1N	19E	17.9
16	SE 1/4 SW 1/4	18	1N	19E	1.9
TOTAL					57.1

All points of diversion are as follows:

D, 1 being a point 118 rods North of the SW corner of Sec. 18.

D, 2 being a point 117 rods East of the SW corner of Sec. 18.

D, 3 being a point 110 rods North of the SW corner of Sec. 18.

All points of diversion being in Sec. 18, 11N, 19E, BHM.

Haskell County, So. Dak.

Address all Engineering corrections to:

Gage Surveying
1054 Park Street
Sturgis, So. Dak.

8. Estimated cost of work: Still in planning

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

Plug and Spreader Dikes

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
material used in construction

(b) Reservoir: Capacity when filledacre 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; heightfeet;
Material

(d) Canal: Total lengthmiles.

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 work5.....years.
11. Time required for complete application of water to the proposed beneficial use5.....years.
12. Choice of newspaper for publication of notice of intention to appropriatePhilip Pioneer Review.....

STATE OF SOUTH DAKOTA

County of Haskell

I, Richard Smith

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

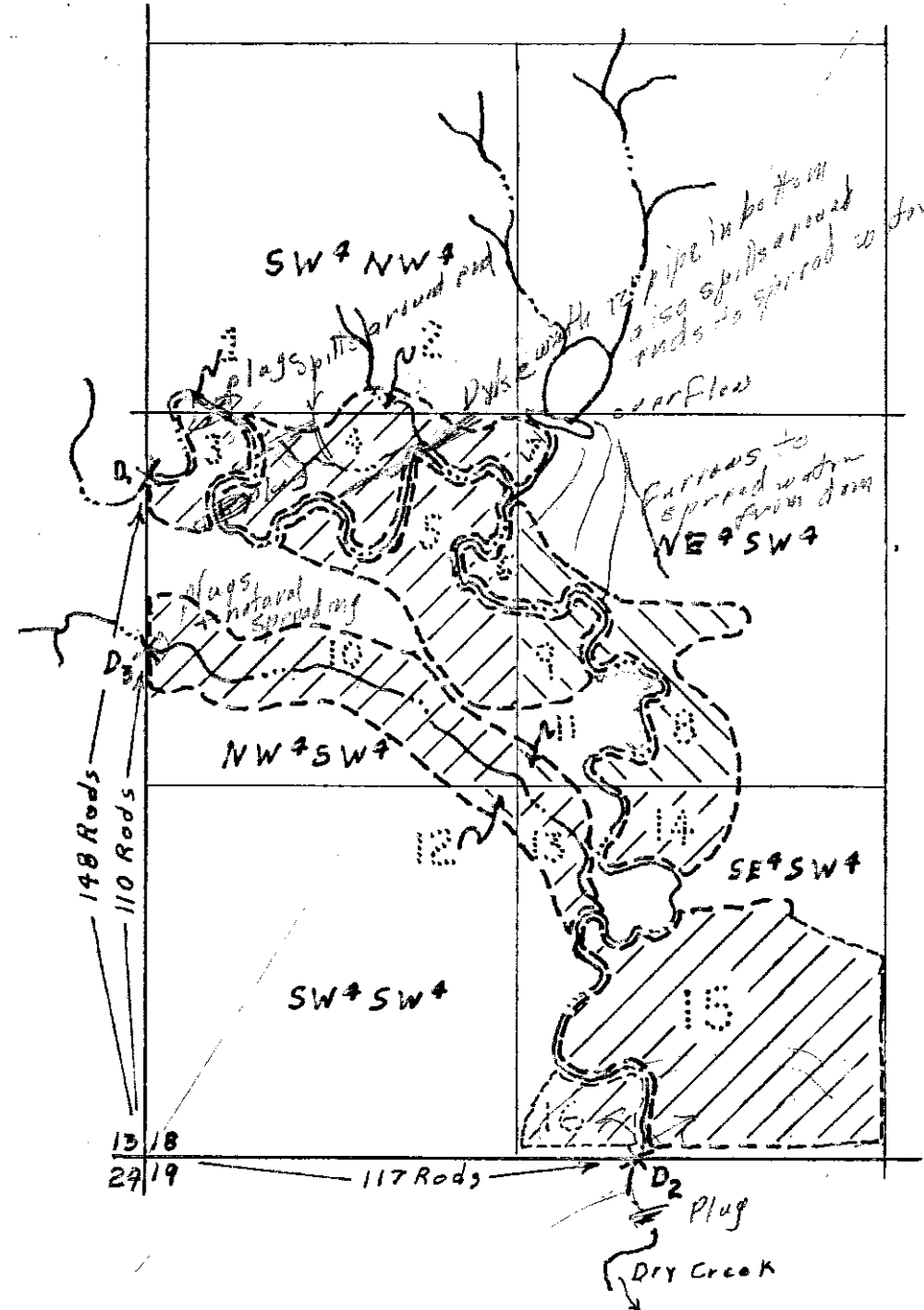
Signed Richard Smith

Subscribed and sworn to before me this 26th day of April 1961

My commission expires 12/7/63.

James B. Smith
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Scale: 8"=1 Mile
(from aerial photo)
Irrigable.....
D₁, D₂, and D₃ are points
of diversion

Location of Lands to be Irrigated					
Area	Location	Sec.	Tshp	Range	Acres
1	SW ⁴ NW ⁴	18	1N	19E	0.1
2	SW ⁴ NW ⁴	18	1N	19E	0.5
3	NW ⁴ SW ⁴	18	1N	19E	1.6
4	NW ⁴ SW ⁴	18	1N	19E	8.9
5	NW ⁴ SW ⁴	18	1N	19E	6.6
6	NW ⁴ SW ⁴	18	1N	19E	0.6
7	NE ⁴ SW ⁴	18	1N	19E	0.4
8	NE ⁴ SW ⁴	18	1N	19E	5.8
9	NE ⁴ SW ⁴	18	1N	19E	1.7
10	NW ⁴ SW ⁴	18	1N	19E	8.7
11	NE ⁴ SW ⁴	18	1N	19E	0.4
12	SW ⁴ SW ⁴	18	1N	19E	0.5
13	SE ⁴ SW ⁴	18	1N	19E	2.2
14	SE ⁴ SW ⁴	18	1N	19E	2.3
15	SE ⁴ SW ⁴	18	1N	19E	17.9
16	SE ⁴ SW ⁴	18	1N	19E	1.9
Total Acres					57.1

RICHARD SMITH IRRIGATION PROJECT #1

ALL LANDS DESCRIBED HEREIN ARE OPERATED BY RICHARD SMITH

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

I, Meric D. Gizear, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I hereunto set my hand and official seal on this 25th day of April, 1961.

Meric D. Gizear
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

On this 25th day of April, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Gizear, known to me to be the person whose name is subscribed to the above written instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and of icial seal.

My commission expires 12/17/62. *James B. Kinney*
James B. Kinney Notary Public

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,

September 27, 1961

This is to certify that the foregoing application was received by the Commission at 8:35 o'clock
a.m. upon the 12th day of May, 1961.

State Water Resources Commission

By:

Stanton J. Jones
for Chief Engineer Executive Officer

Number of permit 708-2

Date of first receipt of application May 12, 1961

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 May 12, 1961

Approved July 19, 1961, Recorded in Book 6 Page 348

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 January 19, 1964.

2nd. The whole of said work is to be completed on or before July 19, 1966.

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

July 19, 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 81 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 July 19, 1966; said water to be used during the following described annual period:

whenever available

Witness my hand this 27th day of September, 1961.

State Water Resources Commission

By:

Stanton J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 27, 1971

Water License Issued OCTOBER 27, 1971

(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 Richard Smith

_____ of Col. Inwood, S.D.

the holder _____ and owner _____ of said permit No. 708-2 a water right, dating from May 12, 1961

_____ to use of .74 cubic feet per second of the waters

of Dry Creek and tributaries

in the County of Haakon and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at D-1, N 0° E, 148 rds from SW Corner, Sec. 18; D-2,

N 0° E, 110 rds from SW Corner, Sec. 18; D-3, S 84° E, 118 rds from SW Cor. Sec. 18;

D-4, N 32° E, 2935' from SW Corner, Sec. 16, all in T1N, R19E

and conduct to and upon a portion of Section 18, T1N, 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. 708-2 and subject to the laws of the State of South Dakota

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

this 27th day of October A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

708-2

Permit No. _____

2

BAD RIVER

Water Diversion No. _____ Water District _____

CERTIFICATE OF CONSTRUCTION

Richard Smith

This is to Certify, That _____

_____ the holder _____ of
Permit No. 708-2 issued upon Application No. 708-2 bearing date of priority of May 12, 1961
_____ .81 cu. ft. per second of the waters of _____
authorizing the diversion of _____
Dry Creek & tributaries _____
_____ County of _____ State of South Dakota at _____
D-1, N 0° E, 148 fds from SW Corner, Sec. 18; D-2, N 0° E, 110 fds from SW Corner,
Sec. 18; D-3, S 84° E, 118 fds from SW Cor. Sec. 18; D-4, N 32° E, 2935' from SW
Corner, Sec. 18, all in T1E, R19E
_____ for irrigation

_____ 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; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use _____ cu. ft. per second of water.

Date. October 27, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

On or before June 22, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 19, 1961

Notice is hereby given that Richard Smith whose postoffice address is Cottonwood 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 .81 cubic feet of water per second of time from the Dry Creek & tributaries through the Smith Irrigation Project #1, the point of diversion of which is to be located on the both between two points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and a point 18 banks of said stream/in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18 portions of Twp. 1 N Range 19 E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 18, T 1 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 19th day of July, 1961, at 2 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.

CC: Publisher
Philip Pioneer Review
Philip, S. Dak.

State Water Resources Commission

By:

~~Chief Engineer~~
Burton F. Jones
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Haakon } ss.

Roy H. McKown 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 of Philip County of _____

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

June 22, 1961

June 29, 1961

July 6, 1961

July 13, 1961

in each and every issue of the full number thereof, the first publication being made on the 22 day of June 1961 and the last publication on the 13 day of

July 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.

Roy H. McKown

Subscribed and sworn to before me this 14 day of July A. D. 1961

Notary Public Haakon County, S. D.

No. 708-2
 APPROPRIATION OF WATER
 Office Of State
 Water Resources Commission
 Pierre, S. Dak., June 19, 1961

Notice is hereby given that Richard Smith whose post office address is Cottonwood, 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 31 cubic feet of water per second of time from the Dry Creek & tributaries through the Smith Irrigation Project No. 1, the point of diversion of which is to be located on both banks of said stream between two points in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and a point in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, Twp. 1 N, Range 19E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$, NW $\frac{1}{4}$, and SW $\frac{1}{4}$, Section 18, T 1N, R 19E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961, at 2 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: Burton F. Jones
 Water Right Specialist
 (Publish June 22, 29, July 6 & 13)

RECEIVED
 SEP 25 1961

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 1111Water Division 1111 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 _____
_____ of _____ holder _____
of Permit No. _____, bearing date of priority of _____, 19____
authorizing the diversion of 2.5 cu. ft. per second of the waters of _____
for _____ purposes, in _____ 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: These are works constructed in the
bed of the river at the site of the dam and the
spillway which is a concrete structure with a
water gate and a spillway.

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

C. Works used to apply water to beneficial use.

The system is in the following condition: _____

The point of diversion is located at the site of the dam and the spillway

on the right bank of the river at the site of the dam and the spillway
and is a concrete structure with a water gate and a spillway.

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for _____

Water has been put to beneficial use to the maximum extent as follows: _____

Water has been put to beneficial use to the maximum extent as follows:
the water is used for irrigation of the land and for domestic
and stock water.

comprising a total of 2.5 acres of land.

Date _____

(Signature)