

709-2

1. Considered 7-19, 1961
2. Name of Applicant Richard Smith
3. Post Office Address Catlin, R.
4. Amount of water claimed 1.82
5. Source of water supply Long Creek
6. Water to be used for irrigation
Acres to be irrigated 127.3
7. Water to be diverted and used in Stark County about
3 1/2 miles SE of Catlin
8. Proof of Publication Received 1-4
Not Received
9. Application Approved ✓
Subject to P&P
Not Approved
Action deferred
10. Remarks:

No. 709-2Water Division No. 2BAD RIVER

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

APPLICATION FOR PERMIT

MAY 12 1961

To appropriate Water within the State of South Dakota

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

1. Name of applicant Richard SmithPostoffice address Notonwood, County Jackson, State S. D.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 & 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 # 23. Amount of water claimed 1.82 cubic feet per second4. Source of water supply Lone Tree Creek5. Location of point of diversion See Remarks SectionOn bank HAND County.6. Annual period or periods during which water is to be used Year Around

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 1273 acres.(b) Legal subdivisions to be irrigated See Remarks Section

(NOTE—A list of lands to be irrigated, giving each subdivision and location, with acreage thereof, should be written out, or they 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 619-2

8. Estimated cost of work. Still in Planning Stage

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

9. Description of diversion works:

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

Plug & spreader dikes

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 5 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 -----

Philip Pioneer Review

STATE OF SOUTH DAKOTA

County of Haakon } ss.

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, 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

Richard Smith

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

My commission expires 12/7/68

Notary Public (or other qualified officer.)

RICHARD SMITH IRRIGATION PROJECT #2

ALL LANDS DESCRIBED HEREIN ARE OWNED BY RICHARD SMITH

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

I, Meric D. Giegar, 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.

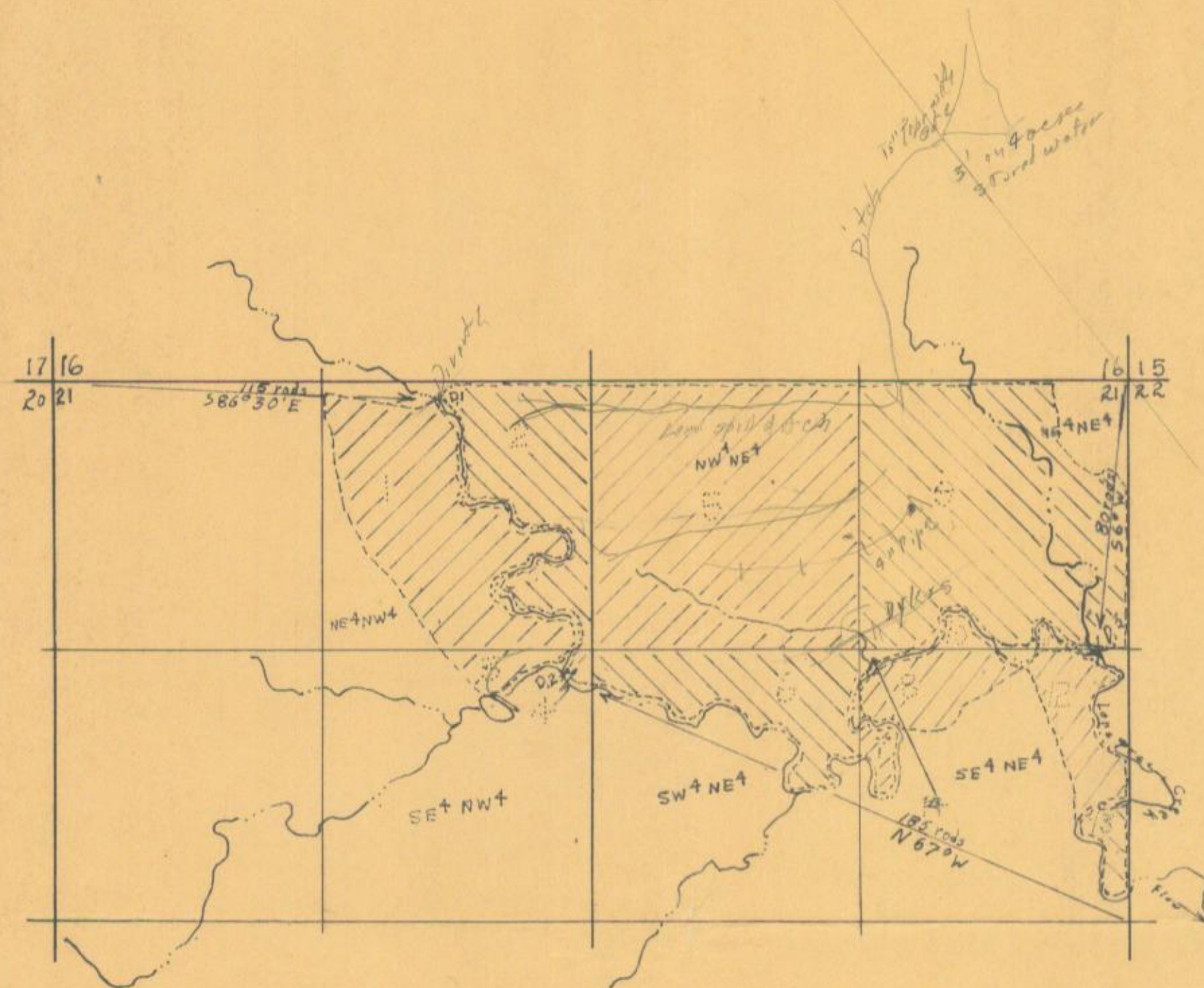
Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

On this 25th day of April, 1961, before me, James E. Kinney, the undersigned officer, personally appeared Meric D. Giegar, 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 official seal.

My commission expires 12/7/63. *James E. Kinney*
James E. Kinney Notary Public



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.	Tship	Range	Acres
1	NE 1/4 NW 1/4	21	1N	18E	17.6
2	NE 1/4 NW 1/4	21	1N	18E	11.6
3	SE 1/4 NW 1/4	21	1N	18E	1.5
4	SE 1/4 NW 1/4	21	1N	18E	0.3
5	NW 1/4 NE 1/4	21	1N	18E	39.0
6	SW 1/4 NE 1/4	21	1N	18E	10.8
7	SE 1/4 NE 1/4	21	1N	18E	1.0
8	SE 1/4 NE 1/4	21	1N	18E	4.7
9	NE 1/4 NE 1/4	21	1N	18E	34.2
10	NE 1/4 NE 1/4	21	1N	18E	0.8
11	NE 1/4 NE 1/4	21	1N	18E	0.2
12	SE 1/4 NE 1/4	21	1N	18E	4.2
13	SE 1/4 NE 1/4	21	1N	18E	1.3
14	SE 1/4 NE 1/4	21	1N	18E	0.2
TOTAL ACRES					127.3

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,

August 9, 1961

This is to certify that the foregoing application was received by the Commission at 3:35 o'clock

on the 12th day of MAY, 1961.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 709-2

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 10/19/61, Recorded in Book 6, Page 307

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 1.82 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 9th day of August, 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 27, 1971

Water License Issued OCTOBER 27, 1971

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NE 1 NW 1	21	1N	18E	17.6
2	NE 1 NW 1	21	1N	18E	11.5
3	SE 1 NW 1	21	1N	18E	1.5
4	SE 1 NW 1	21	1N	18E	0.3
5	NE 1 NE 1	21	1N	18E	39.0
6	SW 1 NE 1	21	1N	18E	10.8
7	SE 1 NE 1	21	1N	18E	1.0
8	SE 1 NE 1	21	1N	18E	4.7
9	NE 1 NE 1	21	1N	18E	34.2
10	NE 1 NE 1	21	1N	18E	0.8
11	NE 1 NE 1	21	1N	18E	0.2
12	SE 1 NE 1	21	1N	18E	4.2
13	SE 1 NE 1	21	1N	18E	1.3
14	SE 1 NE 1	21	1N	18E	0.2
TOTAL					127.3

Points of diversion are as follows:

- D-1, being a point 115 rods from the NW corner of section 21 on a bearing of S86° 30' E.
- D-2, being a point 185 rods from the East 1/4 corner of sec. 21 on a bearing of N67° W.
- D-3, being a point 80 rods from the NE corner of section 21 on a bearing of S86° W.

All points being in sec. 21, T'shp 1N, R18E, BHM, Haakon County, South Dakota.

Address any engineering corrections to: Giggear Surveying
1054 Park Street
Sturgis, So. Dak.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 709-2

(1) WHEREAS, On the 12th day of May A. D. 1961
Richard Smith

made Water Right Application No. 709-2 for a permit to use 1.82 cubic feet per second of the waters of Lone Tree Creek

County of Haukon, State of South Dakota, for irrigation

purpose; and
 (2) WHEREAS, On the 9th day of August A. D. 1961
 Permit No. 709-2, with a date of priority of May 12, 1961

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 19th day of July A. D. 1966 and for the application to beneficial use of said water on or before the 19th day of July A. D. 1966

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 1.82 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 21, T1N, R18E

	Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.2
NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11.4
NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.8
Total	127.3 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 Richard Smith

_____ of Cottonwood, S.D.

the holder _____ and owner _____ of said permit No. 709-2 a water right, dating from May 12, 1961

_____ to use of 1.82 cubic feet per second of the waters of Lone Tree Creek

in the County of Haukon and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at D-1, S 86° 30' E, 115 rds from NW Corner, Sec. 21;

X D-2, N 67° W, 185 rds from E½ Corner, Sec. 21; D-3, S 6° W, 80 rds from NE

Corner, Sec. 21; D-4, N 37° W, 1500 ft. from SE Corner, Sec. 16, all in T1N, R18E

and conduct to and upon portions of Section 21, T1N, R18E, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 709-2 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.

Permit No. 709-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Richard Smith

owner of

Permit No. 709-2, issued upon Application No. 709-2, bearing date of priority of May 12, 1961

authorizing the diversion of 1.82 cu. ft. per second of the waters of

Lone Tree Creek County of Haskell, State of South Dakota at

D-1, S 86° 30' E, 115 rds from NW Cor. Sec. 21; D-2, N 67° W, 185 rds from SE Corner, Sec. 21; D-3, S 6° W, 80 rds from NE Cor. Sec. 21; D-4, N 37° W, 2500 ft. from SE Corner, Sec. 16, all in T1N, R18E, 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 15 cu. ft. per second of water.

Date October 27, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

REPORT OF EXAMINATION OF WORKS

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. _____, hearing date of priority of _____, 19____
authorizing the diversion of _____ 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: The following works were constructed by the U.S. Army Corps of Engineers to divert the water from the main river channel to the south side of the river.

B. Works used to transport water to place of use, *none used*
See Division 10

C. Works used to apply water to beneficial use
 Level 4: 100% of water applied to beneficial use
 100%

The system is in the following condition: _____

The point of diversion is located 0.5 miles south of Highway 101, 1/2 mile south of
the intersection of Highway 101 and Highway 102, 1/2 mile south of
the intersection of Highway 101 and Highway 103, 1/2 mile south of

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: for domestic use, irrigation, stock raising, etc.

1946-1947 71 1948-1949 72 1949-1950 73
 1950-1951 74 1951-1952 75 1952-1953 76
 1953-1954 77 1954-1955 78 1955-1956 79

comprising a total of _____ acres of land.

Date 11-2-20

(Signature)

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

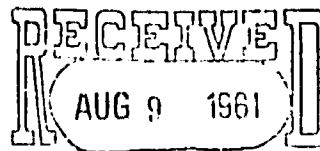
in each and every issue of the full number thereof, the first publication being made on the 22 day of June 1961 and the last publication on the 13 day of

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.

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

Notary Public Franklin County, S. D.

No. 769-2
 APPROPRIATION OF WATER
 Office Of State
 Water Resources Commission
 Pierre, S. Dak., June 19, 1961
 Notice is hereby given that Richard Smit, 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 1.82 cubic feet of water per second of time from the Lone Tree Creek through the Smith Irrigation Project No. 2, the point of diversion of which is to be located on both banks of said stream, between a point in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and a point in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Twp. 1 N., Range 18 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
 E $\frac{1}{2}$, NW $\frac{1}{4}$, and NE $\frac{1}{4}$, Section 21, T 1 N., R 18 E.
 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 Commissioner
 By: Butler F. Jones
 Water Right Specialist
 (Publish June 22, 29, July 6 & 13)



STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

On or before
(First Publication) June 22, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 19, 1961

Richard Smith

Notice is hereby given that _____ 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 1.82 cubic feet of water per second of time from the Lone Tree Creek _____ through the Smith Irrigation Project _____ the point of diversion of which is to be located on the both _____ between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and a point _____ of the NE $\frac{1}{4}$ of Section 21 _____ portions of _____ of said stream/in the SE _____ Twp. 1 N Range 16 E. Said water to be used for the purpose of providing irrigation on the following described land:
E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 21, T 1 N, R 16 E

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:

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones
Water Right Specialist