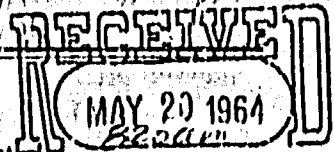


831-2

1. Considered 7-15, 1964
2. Name of Applicant Wayne Berry
3. Post Office Address Mission
4. Amount of Water Claimed .49
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 34
7. Water to be diverted and used in Todd County about
25.8 W Miles of Mission
8. Proof of Publication Received ~~_____~~ ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks: Domestic water supply

No. 831-2Water Division No. 2 Little White River District
(Blanks to be filled by the Engineer for the W. R. O.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant Wayne Barry
Postoffice address Minner, County Field, State S. Dak.

2. 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)

Direct labor

- (b) Cash on hand, \$ 5000
- (c) Treasury stock, \$ none
- (d) Bonds to be issued, \$ none
- (e) Other resources, \$ 20,000

2. Name of diversion work Field Irrigation Project #13. Amount of water claimed 49 cubic feet per second4. Source of water supply Quartz (granite) water5. Location of point of diversion S.E. of N.W. of 18 Township 38 Range 29

on _____ bank _____ County.

6. Annual period or periods during which water is to be used April to Oct.

7. To be used for:

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

(a) Number of acres to be irrigated 34 acres.(b) Legal subdivisions to be irrigated See back of application

(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.) No domestic use

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 715-2

8. Estimated cost of work:

(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.)

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	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;

Material.....

(d) 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.....

STATE OF SOUTH DAKOTA

County of.....

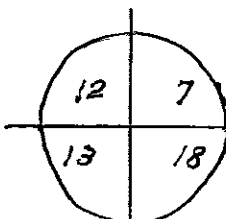
I, Wayne Barry, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Wayne Barry

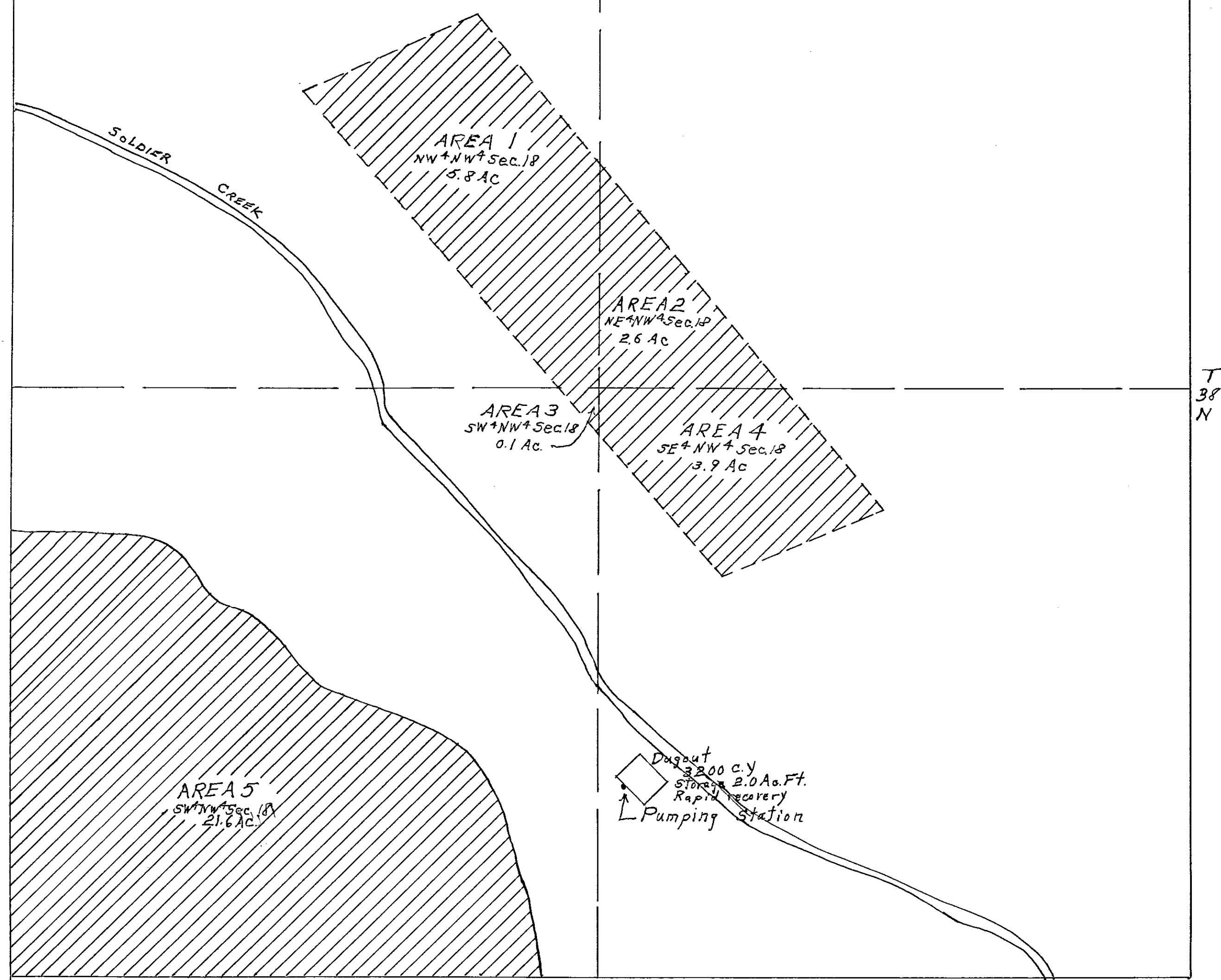
Subscribed and sworn to before me this 19 day of May 1964

Richard J. Clausen
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

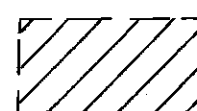


R 29 W



All lands described are owned by Wayne Barry
LOCATION OF LAND TO BE IRRIGATED

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 NW 1/4	18	38N	29W	5.8
2	NE 1/4 NW 1/4	18	38N	29W	2.6
3	SW 1/4 NW 1/4	18	38N	29W	0.1
4	SE 1/4 NW 1/4	18	38N	29W	3.9
5	SW 1/4 NW 1/4	18	38N	29W	21.6
Total					34.0



Land to be irrigated

Scale 1"=200'

WAYNE BARRY IRRIGATION PROJECT NUMBER 1 Todd County, South Dakota	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed _____	Date _____
Drawn _____	Approved by _____
Traced _____	Title _____
Checked _____	Title _____
Sheet _____	Drawing N _____
No _____	of _____

Remarks by State Water Resources Commission:

Diversions under this permit shall not reduce the flow of Soldier Creek downstream to less than the quantity needed for domestic use.

STATE OF SOUTH DAKOTA
County of Hughes

Pierre, South Dakota,

July 17, 1964

This is to certify that the foregoing application was received by the Commission at 8:20 o'clock

9 a.m. upon the 20th day of May, 1964

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 831-2

Date of first receipt of application May 20, 1964

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 20, 1964

Approved July 15, 1964, Recorded in Book 8 Page 212

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 15, 1967

2nd. The whole of said work is to be completed on or before July 15, 1969

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

July 15, 1969

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 1.49 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 15, 1969; said water to be during the following described annual period:

April to October

Witness my hand this 17th day of July, 1964

State Water Resources Commission

By:

W. J. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 28, 1968

Water License Issued AUGUST 28, 1968

Remarks by the Applicant:

Land to be irrigated

along irrigation to TOWN CANYON

NW 1/4 NW 1/4 5.8 acres

NE 1/4 NW 1/4 5.8 "

SW 1/4 NW 1/4 5.7 "

SE 1/4 NW 1/4 5.9 "

Total 23.2 acres

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications *Dugout*

(a) Hole and casing

Size of drill hole or excavation *32 in. dia.*, Depth *12'*

Type of casing *None* (wood, concrete, steel, etc.)

Size of casing *None*, Thickness of casing *None*

Length of casing *None* If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen *None*

Size of perforated screen (diameter) (length)

Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water *2'* Character of water bearing materials *Gravel*

Thickness of water bearing material *4'*

(d) Pump and Motor

Type of pump (centrifugal, propeller, mixed flow, etc.)

Name of pump, size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower, Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

(f) Owner of land upon which well is located *Wayne Bampf* Name

Missouri, S.D. Address

(g) Distance to nearest existing wells

On same owner's property *32 ft* rods. On property owned by others *320* rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 831-2

WHEREAS, On the 20th day of May A. D. 1964
Wayne Barry

of Mission County of Todd and State of
South Dakota duly made application (No. 831-2) to us for a permit to use .49
cubic feet per second of the waters of ground water
County of Todd, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of July A. D. 1964
Permit No. 831-2 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 15th day of
July A. D. 1969 and for the application to beneficial use of said
water on or before the 15th day of July A. D. 1969
and,

WHEREAS, On the 26th day of August A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.00
cubic feet per second of said waters, as evidenced by our Certificate No. 831-2
dated August 28, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.0 cubic feet per second of water, with date of
priority of May 20, 1964 and,

WHEREAS, On the 26th day of August A. D. 1968
proof was duly made of the application to beneficial use of .49 cubic feet per second of said water;
for irrigating 34 acres in a portion of the NW $\frac{1}{4}$, Section 18, T38N, R29W.

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 Wm. D. DIXY
of Blanton the holder and owner of said permit No. 831-2
a water right, dating from May 20, 1964 to the use of 49
cubic feet per second of the waters of ground water
in the County of Todd and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point in the SE 1/4 NW 1/4
Section 18, T38N, R29W
and conducted to and upon 34 acres in the NW 1/4, Section 18, T38N, R29W

for the purpose of irrigation, subject to any limitation listed in the
Permit to appropriate water and

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 28th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. JONES
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 _____

on or before
(First Publication June 18, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 8, 1964

Notice is hereby given that Wayne Berry whose postoffice address is Harrison 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 40 cubic feet of water per second of time from ~~the~~ ground water through the Berry Irrigation Project #1, the point of diversion of which is to be located on the ~~bank of said stream~~ in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 Twp. 38N Range 29W. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

NW $\frac{1}{4}$ Section 13, T38N, R29W

~~EXCERPT~~

~~PURPOSE~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1964 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

CC: C. W. Figert, Publisher
Todd County Tribune
Harrison, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Todd } ss.

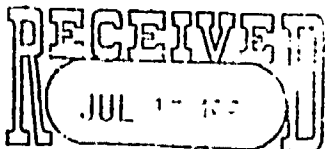
Leona P. Figert being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Todd County Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Mission County of Todd and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, June 18, & 25 and July 2 & 9.

in each and every issue of the full number thereof, the first publication being made on the 18th day of June 1964 and the last publication on the 9th day of July 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was A ss't. Bus. Mgr. the printer and published of the said newspaper.

Leona P. Figert

Subscribed and sworn to before me this 11th day of July A. D. 1964



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

C. W. Figert
Notary Public Todd County, S. D.

No. 831-2
(First Publication on or before
June 18, 1964)
APPROPRIATION OF
WATER

Office of State Water
Resources Commission
Pierre, S. D., June 8, 1964
Notice is hereby given that
Wayne Barry whose postoffice
address is Mission, S. Dak., has
made an application in accordance
with the provisions of the water
laws of South Dakota for a per-
mit to appropriate for beneficial
use .49 cubic feet of water per
second of time from ground
water through the Barry Irriga-
tion Project No. 1, the point of
diversion of which is to be locat-
ed in the SE 1/4 of the NW 1/4 of
Section 18, Twp. 38N. Range 29W.
Said water to be used for the pur-
pose of providing irrigation on a
portion of the following describ-
ed land:

NW 1/4 Section 18, T38N, R29W
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
15th day of July, 1964, at 2 P. M.
All interested persons may ap-
pear and be heard.

Appropriate action will be
taken by the Water Resources
Commission after suitable time
has elapsed for the consideration
of any of all information pre-
sented.

State Water Resources
Commission
D. H. Burton, F. Jones
Publ. June 18-25, July 2-9, 1964

Rec'd
7-15-64

Water Division No.

Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Mission, South Dakota

(Date) August 13, 1964

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of Ground Water
of about .42 cu. ft. per second of the waters of the state from Dugout
through the sprinkler System
for Irrigation purposes
in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Wayne Barry
Mission, South Dakota

2. The postoffice address of such person or the place of business of such corporation is Mission
County of Todd State of South Dakota

3. The number of such permit is 831-2 and the date set for the completion of such work is
July 15, 1969

4. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is .42 cubic feet per second.

6. The amount of land for which said water is available is 35 Acres acres,
particularly described as follows: About 35 acres in the Northwest 1/4 of section 18, Township 38N,
Range 24W.

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) Wayne Barry

Permit No. 831-2
LITTLE
 Water 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~~ _____

_____, I have this day made a thorough examination of the diversion works constructed by _____

WAYNE BARRY _____, a _____

MISSION _____

TOPP _____

County, South Dakota, holder of Permit No. 831-2, issued

upon Application No. 831-2, bearing date of priority of MAY 20, 1964, authorizing the

diversion of 1.49 cu. ft. per second of the waters of GROUND WATER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 150' X 100' X 12' DUGOUT, FAIRBANKS-MORSE
4" PUMP # 4-5532, POWERED BY 20 HP WEAVER ELECTRIC
MOTOR, 1000' OF 5" AND 2800' OF 4" PIPE TO A
VERMEER 180' BOOM

and the system is in the following condition: GOOD

The point of diversion is located A POINT IN THE SE¹ NW¹ SECTION 18,
T.38N, R.29W

The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: ALL IN SEC 18, T.38N, R.29W

NW¹ NW¹ 5.8 AC.

NE¹ NW¹ 2.6 "

SW¹ NW¹ 21.7 "

SE¹ NW¹ 3.9 "

comprising a total of 34.0 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 26TH day of _____

AUGUST

A. D. 1968

—SEAL—

Stanton Jones
 Examining Engineer,
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMM.

LeRoy,

Irrigation Questionnaires for Permit No. 831-2, Wayne Barry, Mission, SD, have been returned "address unknown" for the past three years.

In checking with the Register of Deeds office in Tripp County, they have on record that Wayne Barry no longer owns the land pertaining to this water right, and it is now in the name of "United States of America in Trust for Rosebud Sioux Tribe". Heat huh.

Getting to the point, I asked John if it should be transferred or not, he said to give it to you to check out and later schedule for cancellation.

GENNY