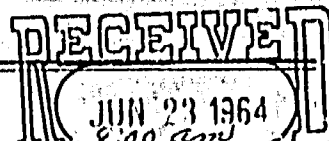


- 537/12
1. Considered Oct. 11, 1911
 2. Name of Applicant LEAH E. KADAR
 3. Post Office Address KADAR
 4. Amount of Water Claimed 1.5
 5. Source of water supply TOP OF MOUNTAIN
 6. Water to be used for AGRICULTURE
Acres to be irrigated 100
 7. Water to be diverted and used in ARIZONA County about
41 2/3 Miles of KADAR
 8. Proof of Publication Received ✓
Not Received _____
 9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
 10. Remarks:



Water Division No. 3 White River
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant DAVID E. PETERSON
Postoffice address KADOKA, County JACKSON, State SOUTH DAKOTA

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

CONTRACT - DIRECT LABOR

(b) Cash on hand, \$ADEQUATE

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work WATER SPREADING PROJECT No. 1
0.7 C.F.S. DIVERSION DAM No. 2 (49.0 Ac)
3. Amount of water claimed 1.5 CFS 0.8 cubic feet per second DIVERSION DAM No. 1 (56.0 Ac)
(AND ALL UNAPPROPRIATED FLOOD WATERS)
4. Source of water supply DRY DRAW
5. Location of point of diversion Between a point in the NW 1/4 SW 1/4 Sec 10 T21E
point in the NE 1/4 Sec 10 T21E on JACKSON County.
6. Annual period or periods during which water is to be used WHEN RUN-OFF OCCURS
7. To be used for:

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

(a) Number of acres to be irrigated 105 acres. TOTAL

(b) Legal subdivisions to be irrigated SEE ATTACHED SHEET

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) DIVERSION DAMS No. 1 AND 2

STORAGE TO BE USED FOR LIVESTOCK

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 721-2

8. Estimated cost of work:

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

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

(e) Fluming, \$.....

(d) Canal-enthr, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

DAM, SUPPLY DITCHES AND MEASUREMENTS

II. Dimensions of works. DIVERSION DAM No. 1 (SEE REMARKS)

(a) Dam: Height.....12'.....feet; length at bottom.....1540.....feet; length at top.....1532.....feet; thickness at bottom.....89.....feet; thickness at top.....14.2.....feet; slope at front water face.....3.1.....; slope at back face.....2.1.....; material used in construction.....CLAY.....

(b) Reservoir: Capacity when filled.....40.....acre feet. Surface area at highwater mark.....10.....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.....3.....years.

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

KADOKA PRESS - KADOKA, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of.....HAARON.....

SS.

I, DAVID E. PETERSON, be' first duly sworn on my oath, depose and say: That my relation to the above described undertaking is that I 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

David E. Peterson

Subscribed and sworn to before me this.....16th.....day of.....JUNE.....19.....64

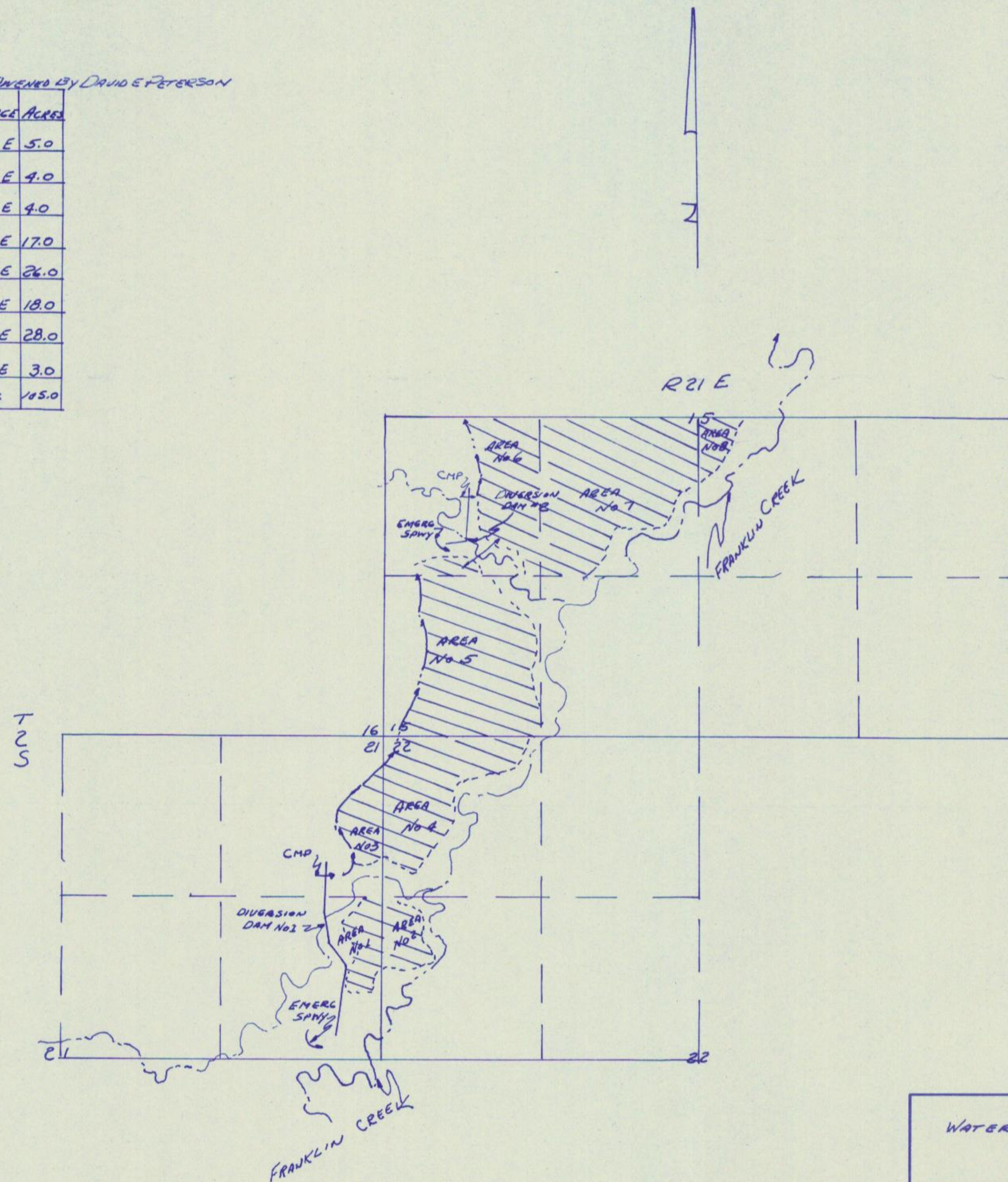
Notary Public (or other qualified officer.)

BASIL E. HENDERSON, NOTARY PUBLIC
HAARON COUNTY, SOUTH DAKOTA

*Each diversion must have a headgate or measuring device.

ALL LAND TO BE IRRIGATED ARE OWNED BY DAVID E PETERSON

AREA	SECTION	TWP	RANGE	ACRES
NO 1	SE*NE*	21	25	21 E 5.0
NO 2	SW*NW*	22	25	21 E 4.0
NO 3	NE*NE*	21	25	21 E 4.0
NO 4	NW*NW*	22	25	21 E 17.0
NO 5	SW*SW*	15	25	21 E 26.0
NO 6	NW*SW*	15	25	21 E 18.0
NO 7	NE*SW*	15	25	21 E 28.0
NO 8	NW*NE*	15	25	21 E 3.0
			TOTAL	105.0



DAVID E PETERSON WATER SPREADING PROJECT NO. 1 SCALE 8" = 1 MILE			
JACKSON COUNTY			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Drawn		Title	
Traced	4/1/44	Title	
Checked	4/1/44	Sheet	Drawing No.
		No.	of

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. This permit authorizes the

storage of up to 45 acre-feet of water annually.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 24, 1964

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 23 day of June, 1964.

State Water Resources Commission

By: Donald H. McCall
For: Chief Engineer, Executive Officer

Number of permit B37-2

Date of first receipt of application June 23, 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 June 23, 1964

Approved September 16, 1964. Recorded in Book 8 Page 245

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 _____

March 16, 1966

2nd. The whole of said work is to be completed on or before September 16, 1967

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

September 16, 1970

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 1.5 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 September 16, 1970; said water to be used during the following described annual period:

April through November (irregularly)

Witness my hand this 24th day of September, 1964.

State Water Resources Commission

By: McCall
Chief Engineer, Executive Officer

Certificate of Construction Issued July 30, 1971

Water License Issued July 30, 1971

Remarks by the Applicant:

DIVERSION DAM NO. 2 STORAGE 5 AC FT.
TOP DAM 14' TOP 3/1 SLOPE UP STREAM
2/1 SLOPE DOWN STREAM, BOTTOM LENGTH 808'
TOP LENGTH 800'
AND DEPTH 12' SURFACE AREA 1.3 AC.

NOTE: DIVERSION DAM NO. 1 IS A BUILD-UP DAM WILL BE RAISED 4.0'.
SPILLWAY WILL BE 3.0' BELOW TOP. SPREADER PIPE WILL BE 1.5' BELOW
EMERGENCY SPILLWAY.

DIVERSION DAM NO. 2 WILL BE A NEW DAM. EMERGENCY SPILLWAY WILL BE
3.0' BELOW TOP DAM, SPREADER PIPE 1.5' BELOW EMERGENCY SPILLWAY.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 837-2

(1) WHEREAS, On the 23rd day of June, A. D. 19 64
David E. Peterson

made Water Right Application No. 837-2 for a permit to use 1.5 45 acre feet storage
dry draws cubic feet per second of the waters

County of Jackson, State of South Dakota, for irrigation

purpose; and
 (2) WHEREAS, On the 24th day of September, A. D. 19 64
 Permit No. 837-2, with a date of priority of June 23, 1964

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 16th day of September, A. D. 19 67 and for the
 application to beneficial use of said water on or before the 16th day of September, A. D. 19 70

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 1.5 45 acre feet storage 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 T2S, R21E

		<u>Acres</u>
Section 15	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3
Section 21	NE $\frac{1}{4}$ NE $\frac{1}{4}$	4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	5
Section 22	NW $\frac{1}{4}$ NW $\frac{1}{4}$	17
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	4
Total		105 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 _____

Davis E. Peterson

_____ of **Fadoka, S.D.**

the holder _____ and owner _____ of said permit No. **837-2** a water right, dating from **June 23, 1964**
_____ to use of **45 acre feet storage**
1.5 cubic feet per second of the waters
of **dry drawn**

in the County of **Jackson** and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at **points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, and in the**
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T2S, R21E

and conduct to and upon **portions of Sections 15, 21 and 22, T2S, R21E more fully described**
on the face of this license

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **837-2** and subject to the laws of the State of South Dakota.

WITNESSE, My hand and seal of our office at Pierre, South Dakota
this **30th** day of **July** A. D.
Nineteen Hundred and **Seventy-one**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

David E. Peterson Waterspreading Project No. 1

Item 7.(b) Local subdivisions to be irrigated:

AREA	SECTION	TOWNSHIP	RANGE	ACRES
No.1	SE 1/4 21	2-S	21-E	5.0
No.2	SW 1/4 22	2-S	21-E	4.0
No. 3	NE 1/4 21	2-S	21-E	4.0
No. 4	NW 1/4 22	2-S	21-E	17.0
No. 5	SW 1/4 15	2-S	21-E	26.0
No. 6	NW 1/4 15	2-S	21-E	18.0
No. 7	NE 1/4 15	2-S	21-E	28.0
No.8	NW 1/4 15	2-S	21-E	3.0
TOTAL				105.0 Acres

Permit No. 837-2Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That David E. Peterson

_____ the holder _____ of
Permit No. 837-2, issued upon Application No. 837-2, bearing date of priority of June 23, 1964
_____ 45 acre feet storage
authorizing the diversion of 1.5 cu. ft. per second of the waters of _____

Dry Draw County of Jackson, State of South Dakota at _____
points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T28, R21E

_____, 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 up to 1.0 cu. ft. per second of water.

Date July 30, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before
(First Publication: August 20, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1964

Notice is hereby given that David E. Peterson whose postoffice address is Kadoka 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 1.5 acre feet of water per second of time from the XXX Franklin Creek, plus storage of 45 through the David Peterson Waterspreading Project #1, the point of diversion of which is to be located on the left between a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, and a point bank of said stream/in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21 portions of Twp. 2S Range 25E. Said water to be used for the purpose of providing irrigation on the following described land:

$\frac{1}{2}$ NE $\frac{1}{4}$, Section 21; $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22; $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, all in T2S, R21E

~~and for~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 19 64 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

CC: L. G. Parkinson, Publisher
Kadoka Press
Kadoka, S. Dak.

BY
BORTON F. JONES
Water Right Specialist

837-2

834-1

No

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Jackson } ss.APPROPRIATION OF WATER
Office of State Water
Resources Commission

Pierre, S. Dak., August 7, 1964
 Notice is hereby given that David E. Peterson whose postoffice address is Kadoka, 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 1.5 cubic feet of water per second of time from Franklin Creek plus storage of 45 acre feet through the David Peterson Waterspreading Project No. 1, the point of diversion of which is to be located on the left bank of said stream between a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, and a point in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Twp. 25, Range 25E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

EW $\frac{1}{2}$ NE $\frac{1}{4}$, Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22; W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, all in T2S, R21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 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. JENSEN
Water Right Specialist
13, 20, 27, Sept. 3.

RECEIVED

L. G. Parkinson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Kadoka Press

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 Kadoka County of

Jackson

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

Thursday, August 13, 1964

Thursday, August 20, 1964

Thursday, August 27, 1964

Thursday, September 3, 1964

in each and every issue of the full number thereof, the first publication being made on the 13th day of August

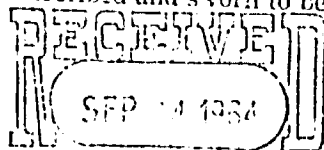
19 64 and the last publication on the 3rd day of September, 19 63, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Publisher the printer and publisher of the said newspaper.

L. G. Parkinson

Subscribed and sworn to before me this 3rd day of September, A. D. 19 64



Alvinn Parkinson

Notary Public Jackson County, S. D.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

837-2

INVESTIGATION OF WATER RIGHT 837-2

On July 26, 1967, Mr. Peterson's son was contacted concerning this permit. He stated that the diversion dam and main spreader ditch had been completed. However, there was still a lot of work to be done before the water could be used. Since there is plenty of time remaining to put the water to beneficial use, no action is proposed at this time.

August 3, 1967

RICHARD SCHMOTER
Water Right Specialist

Permit No. B37-2
 Water Division 2 ^{BAD} WHITE RIVER 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 DAVID E
PETERSON of KADOKA holder
 of Permit No. B37-2, bearing date of priority of JUNE 23, 1964
 authorizing the diversion of 1.5 cu. ft. per second of the waters of X DRY DRAWS
 for IRRIGATION purposes, in JACKSON 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:

TWO STORAGE AND/OR DIVERSION DAMS CAN STORE
UP TO 45 ACRE FEET OF WATER

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

GATED 12" CMP TUBES THRU DAM TO DITCHES
APPROX 1 MILE OF MAIN DITCH

C. Works used to apply water to beneficial use.

SERIES OF SPREADER DIKES - NATURAL SLOPE
OF LAND IS TOWARD CREEK. DIKES HOLD WATER
UNTIL RELEASED THRU 12" TUBES.

The system is in the following condition: GOOD

The point of diversion is located AT POINTS IN THE NW⁴SW⁴
SECTION 15 AND IN THE SE⁴NE⁴ SECTION 21, T 2S, R 21E

The works are capable of diverting and conveying to the place of use UP TO 10 CFS.
 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: ALL IN T 2S, R 21E

SECTION 22	SECTION 21	SECTION 15
NW ⁴ NW ⁴ 17.0 AC.	NE ⁴ NE ⁴ 4.0 AC.	NW ⁴ SW ⁴ 18.0 AC.
SW ⁴ NW ⁴ 4.0 AC.	SE ⁴ NE ⁴ 5.0 AC.	NE ⁴ SW ⁴ 28.0 AC.
		SW ⁴ SW ⁴ 26.0 AC.
		NW ⁴ SE ⁴ 3.0 AC.

comprising a total of 105.0 acres of land.

Date JUNE 23, 1971
[Signature]
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
 Foss Building
 Pierre, South Dakota 57501

Date: January 3, 1978

This is to notify you that title to the lands described as follows:

105 acres in Sections 15, 21, 22 T2S, R21E as described on permit

No. 837-2.

formerly owned by Frances A. Peterson, Kadoka

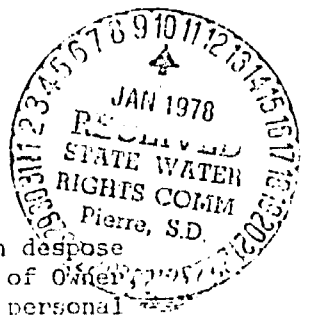
has been transferred to Boyd E. Peterson, Kadoka

together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. 837-2 as provided for in Section 61.0127 of the 1960
 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
 Permit" in its appropriate file at the Office of Water Rights Commission as
 evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
 filing fees as required under Section 61.0159 of the 1960 Supplement to the South
 Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
 County of Haakon)



I, Boyd B. Waara 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, and I know of my own personal
 knowledge that the information herein stated is true.

Frances A. Peterson
 (Signed)

Subscribed and sworn to before me this 5th day of January

19 78.

Boyd B. Waara
 (Notary Public)

BOYD B. WAARA, Notary Public
 My Commission Expires April 20, 1980