

869-2

1. Considered 9-15, 1961
2. Name of Applicant LINTON SCHNEE
3. Post Office Address KADOKA
4. Amount of water claimed 1.33
5. Source of water supply DRY DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 93.5
7. Water to be diverted and used in JACKSON County about
2.10 3.00 miles of KADOKA
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not Approved ☐
Action deferred ☐

10. Remarks:

Permit to Appropriate Water—Original

RECEIVED

JUL 1 - 1965
8:00 AM

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 869-2

Water Division No. 2 BAD RIVER District

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

RECEIVED

JUN 24 1965
8:15 AM

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 Linton Schnee L. P. SWISHER, M.D.
- Postoffice address Kadoka, County Jackson, State So. 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 and Direct Labor
- (b) Cash on hand, \$ Adequate
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Linton Schnee Waterspreading system #1 and all un-
appropriated flood water
3. Amount of water claimed 1.33 cubic feet per second
4. Source of water supply Dry Draw
5. Location of point of diversion From NW Corner Sec. 13 12 1/2 Rds S and 95.5
Sec 14 NW 1/4, Sec 12, T29, R21E on North bank Jackson County.
6. Annual period or periods during which water is to be used Whenever runoff 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 93.5 acres.

- (b) Legal subdivisions to be irrigated See attachment

(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.) Stockwater

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. 748-2

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.)

Detention Reservoir and Ditches and Dikes-----

II. Dimensions of works. (Existing Stockwater Facility)

(a) Dam: Height 16' feet; length at bottom 100' feet; length at top 121.0 feet; thickness at bottom 92 feet; thickness at top 12 feet; slope at front water face 3.1 slope at back face 2.1 material used in construction Earth Fill
 (b) Reservoir: Capacity when filled 20 acre feet. Surface area at highwater mark 0 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY
	/// No permanent Storage		

(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 3 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

STATE OF SOUTH DAKOTA

County of Jackson

ss.

I, Leslie Nelson, 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 Erington W. Karp

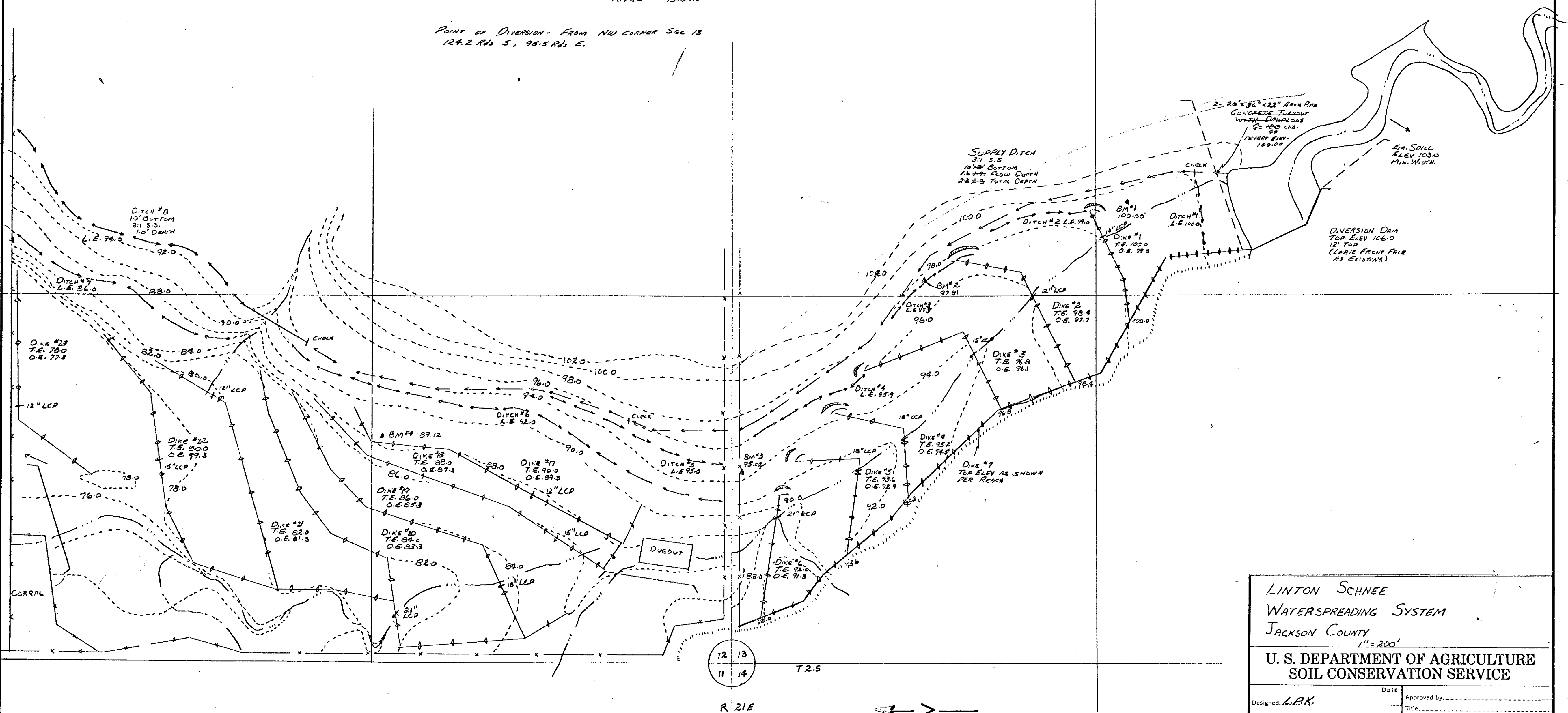
Subscribed and sworn to before me this 27 day of June 1965

My Commission
 Notary Public (or other qualified officer.)
County Judge

ALL LAND TO BE IRRIGATED
OWNED BY
LINTON SCHNEE

AREA	SECTION	TWP	RANGE	ACRES
NE ¹ SW ⁴	12	25	21E	5.0
NW ⁴ SW ⁴	12	25	21E	32.0
SW ⁴ SW ⁴	12	25	21E	26.0
NW ⁴ NW ⁴	13	25	21E	20.0
SW ⁴ NW ⁴	13	25	21E	0.7
NE ⁴ NW ⁴	13	25	21E	4.8
SE ⁴ NW ⁴	13	25	21E	5.0
TOTAL				93.5 AC

POINT OF DIVERSION - FROM NW CORNER SEC. 13
124.2 Rd 5, 95.5 Rd 6 E.



LINTON SCHNEE
WATERSPREADING SYSTEM
JACKSON COUNTY
1"=200'

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <i>L.P.K.</i>	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

MAP N^o 748-2 (APPL N^o 869-2) SCS-313 (APRIL 1963)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, SEPTEMBER 17, 1965

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
9 a.m. upon the 24TH day of JUNE, 1965

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 869-2

Date of first receipt of application JUNE 24, 1965

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 24, 1965

Approved SEPTEMBER 15, 1965, Recorded in Book 9 Page 46

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 15, 1967

2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1968

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

SEPTEMBER 15, 1971

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 1.33 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 15, 1971; said water to be used during the following described annual period:

WHenever RUN OFF OCCURS

Witness my hand this 17TH day of SEPTEMBER, 1965

State Water Resources Commission

By:

W. J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 24, 1971

Water License Issued JUNE 24, 1971

All Land to be Irrigated

Owned by

Linton Schmo

AREA	SECTION	TWP	RANGE	ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12	2S	21 E	5.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	12	2S	21 E	32.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	12	2 S	21 E	26.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$	13	2 S	21 E	20.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	2S	21 E	0.7
NE $\frac{1}{4}$ NW $\frac{1}{4}$	13	2S	21 E	4.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	13	2S	21 E	5.0
Total				93.5 Ac.

Point of Diversion from NW corner Sec. 13., 12 $\frac{1}{2}$.2 Rds. S. 95.5 Rds. E

on or before August 19 65
(First Publication: August 19 65)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak, July 28, 19 65

Notice is hereby given that Linton Schnee 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 1.33 cubic feet of water per second of time from XX a dry draw through the Linton Schnee Waterspreading System the point of diversion of which is to be located on the north bank of said stream in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 Twp. 2S Range 21E portions of Said water to be used for the purpose of providing irrigation on the following described land:
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 12; NW $\frac{1}{4}$, Section 13, T2S, R21E

~~XXXXXX~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 19 65, 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: Mr. L. O. Parkinson, Publisher
Kadoka Press
Kadoka, S.D.

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Jackson } ss.

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 5, 1965 -----

Thursday, August 12, 1965 -----

Thursday, August 19, 1965 -----

Thursday, August 26, 1965 -----

in each and every issue of the full number thereof, the first publication being made on the 5th day of August, --

1965 and the last publication on the 26th day of August, --

1965, 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 26th day of August, ----- A. D. 19 65

Alvina Parkinson -----

Notary Public Jackson ----- County, S. D.

**NOTICE OF INTENTION TO
 APPROPRIATE WATER**
 Office of State Water Resources
 Commission
 Pierre, South Dakota
 July 28, 1965

Notice is hereby given that Linton Schnee whose post office address is Kadoka, 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 1.33 cubic feet of water per second of time from a dry draw through the Linton Schnee Water-spreading System Number 1, the point of diversion of which is to be located on the north bank of said stream in the SE¼ of the NW¼ of Section 13 Township 2S, Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N¼ SW¼, SW¼ SW¼,
 Section 12; NW¼, Section 13,
 T2S, R21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1965, 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
 Pub. August 5-12-13-20

RECEIVED
 SEP 8 1965

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 869-2Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That L.P. Swisher, M.D.

_____ the holder _____ of
 Permit No. 869-2, issued upon Application No. 869-2, bearing date of priority of June 24,
1965 authorizing the diversion of 1.33 cu. ft. per second of the waters of _____
a dry draw County of Jackson, State of South Dakota at _____
a point 124.2 rods South and 95.5 rods East of the NW Corner,
Section 13, T25, 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 10 cu. ft. per second of water.

Date June 24, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 869-2

(1) WHEREAS, On the 24th day of June A. D. 19 65
Hinton Schuer

made Water Right Application No. 869-2 for a permit to use 1.33 cubic feet per second of the waters of a dry draw

County of Jackson State of South Dakota, for Irrigation

_____ purposes; and
 (2) WHEREAS, On the 17th day of September A. D. 19 65
 Permit No. 869-2 with a date of priority of June 24, 1965

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 15th day of September A. D. 19 68 and for the application to beneficial use of said water on or before the 15th day of September A. D. 19 71

and, whereas, on the 28th day of January, 1970, the Permit was transferred to L.P. Swisher, R.D.,

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 1.33 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

Acres		
Section 12	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
Section 13	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.7
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
Total		93.5 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 I.P. Swisher, H.D.

_____ of Endora, S.D.

the holder _____ and owner _____ of said permit No. 869-2 a water right, dating from June 24, 1965

_____ to use of 1.33 cubic feet per second of the waters of a dry draw

in the County of Jackson and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point 124.2 rods South and 95.5 rods East of the NW

Corner, Section 13, T2S, R21E

and conduct to and upon portions of Sections 29 and 32, T2S, R21E, described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 869-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of June A. D.
Nineteen Hundred and Seventy - one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 869-2Water Division 2 BAD RIVER 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 _____

L.P. SWISHER, MD. of KADDICA holder _____of Permit No. 869-2, bearing date of priority of JUNE 24, 1965authorizing the diversion of 1.33 cu. ft. per second of the waters of A DRY DRAINfor 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:

DIVERSION DAM WITH DROP INLET STRUCTURE
10' X 5' WITH 2-12" GATED OUTLET TUBES. (DROP STRUCTURE
ALLOWS FOR 2' OF STORAGE IN DAM @ 1' BELOW SPILLWAY
LEVEL SO APPROX 40 ACRE FEET OF STORAGE RESULTS.)

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

2 CONCRETE TURNOUTS W/ STOP LOGS - ONE TO UPPER AREA
AND ONE TO DITCH FOR LOWER AREA.

C. Works used to apply water to beneficial use.

UPPER AREA - SERIES OF 6 DIKES W/ 12" GATED TUBES
LOWER AREA - 3 DIKES EACH WITH 3-12" GATED TUBES.
LOWER DIKE HAS 16" GATED PIPE TO DRAIN PROJECT

The system is in the following condition: VERY GOODThe point of diversion is located 124.7 RODS S AND 95.5 RODS E OF THE
NW CORNER, SECTION 13, T2S, R21EThe 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 IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T2S, R21E

SECTION 12

NE ¹ SW ⁴	5.0 ACRES
N ¹ W ⁴ SW ⁴	32.0 "
SW ⁴ SW ⁴	26.0 "

SECTION 13

NW ¹ NW ⁴	20.0 ACRES
SW ⁴ NW ⁴	0.7 "
NE ¹ NW ⁴	4.8 "
SE ¹ NW ⁴	5.0 "

comprising a total of 93.5 acres of land.

Date

JUNE 23, 1971

(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date January 12, 1970

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

N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 and NW $\frac{1}{4}$, Section 13, T2S, R21E

formerly owned by Linton Schnee, Kadoka, S.D.

has been transferred to Dr. Lowell Swisher, Kadoka, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 869-2 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 Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0153 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of JACKSON) ss.

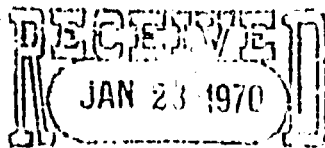
I, L. P. Swisher being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

(Signed)

Subscribed and sworn to before me this 16th day of January, 1970

Notary Public)

Donald L. Hark, Notary Public
Commission Expires: Nov. 10, 1974



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA