

904-2

1. Considered May 17, 19 67
2. Name of Applicant Lyle E. Jarvis
3. Post Office Address Cottonwood
4. Amount of water claimed 1.8
5. Source of water supply Dry Draw
6. Water to be used for Irrigation
Acres to be irrigated 126.9
7. Water to diverted and used in Jackson County
about 4.5 miles 21 W of Kadoka
8. Proof of Publication Received April 25
Not Received _____
9. Application Approved July 19, 67
Subject to _____
Not Approved _____
Action deferred Investigation

10. Remarks:

Protest

Gene June 10 - 73

Phone 386-2235 GWM EXC.

No. 904-2Water Division No. 2 Bad River District
(Blanks to be filled by the Engineer for the W. R. C.)

MAR 22 1967

3:00 P.M.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant W.E. E. JARVIS
Postoffice address COTTONWOOD, County JACKSON, State S.D.

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, \$ _____
- (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____
- (e) Other resources, \$ _____

2. Name of diversion work Spillway of existing stockwater dam and all inappropriate3. Amount of water claimed 1.8 cubic feet per second, flood waters4. Source of water supply Dry draw DEUSE Creek5. Location of point of diversion N 70° 30' W 1842' from Bad RiverSection 23 T25 N R16 E or _____ bank _____ County6. 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?

(a) Number of acres to be irrigated 126.9 acres.(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.) Stockwater from existingdam

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwater from existing dam
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 # 788-2

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

\$3000

Total, \$-----

9. Description of diversion works:

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

Short ditch from spillway of existing steel water dam.

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 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

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

Kathlamet Press

STATE OF SOUTH DAKOTA

County of -----

HughesI, Lyle E. Jarvis, 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

Lyle E. Jarvis

Subscribed and sworn to before me this

27th

day of

March1906

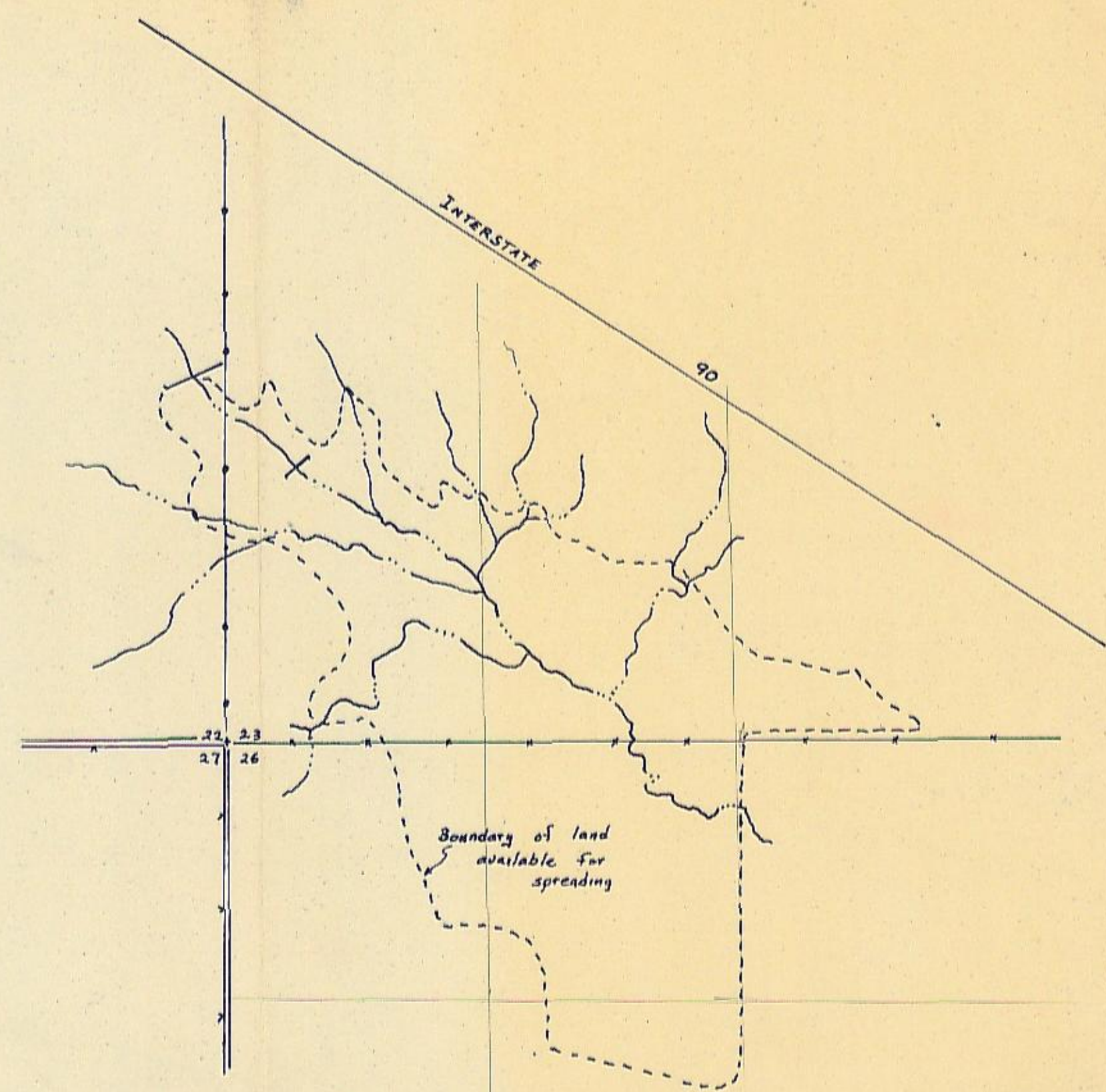
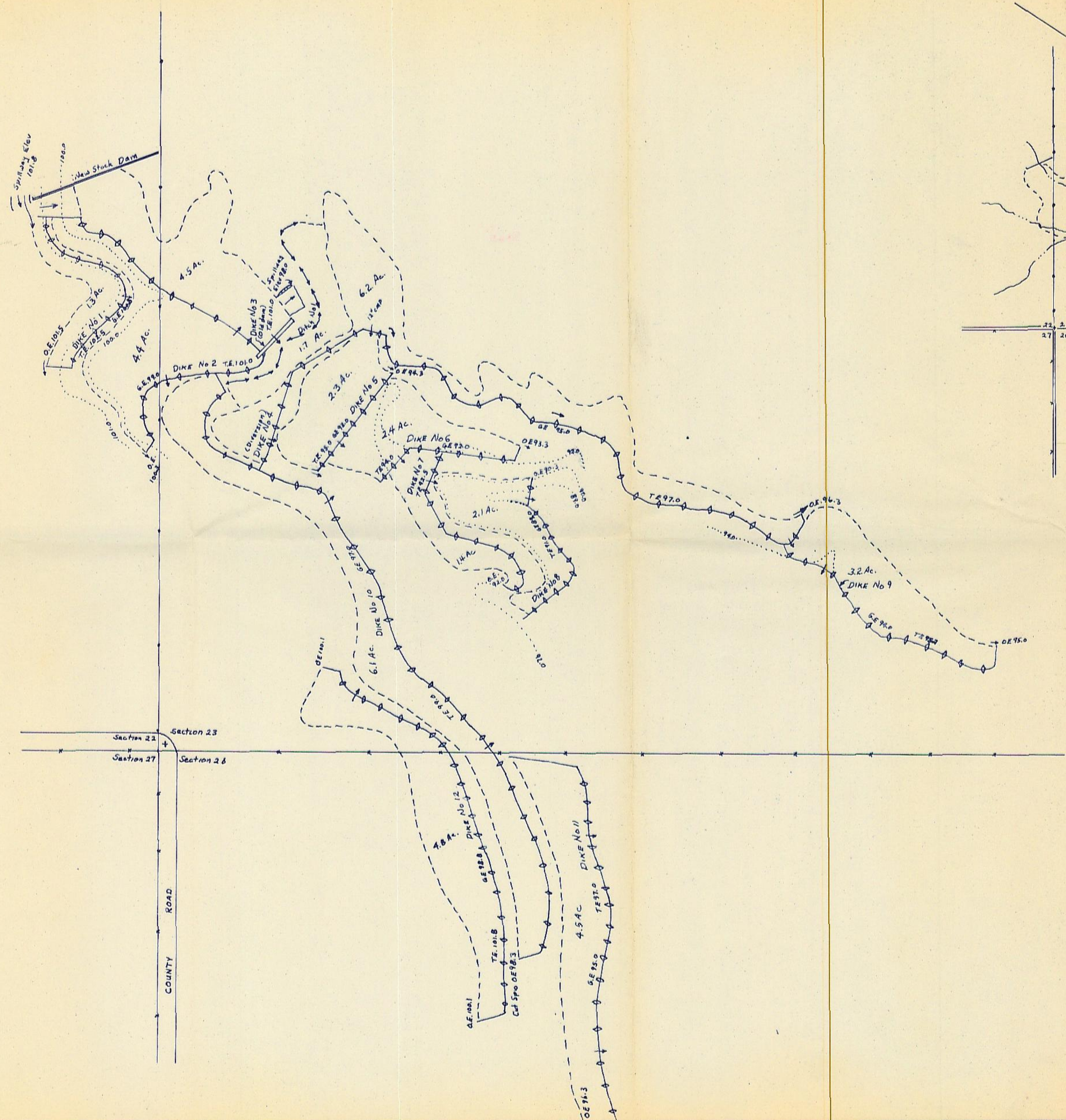
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public.

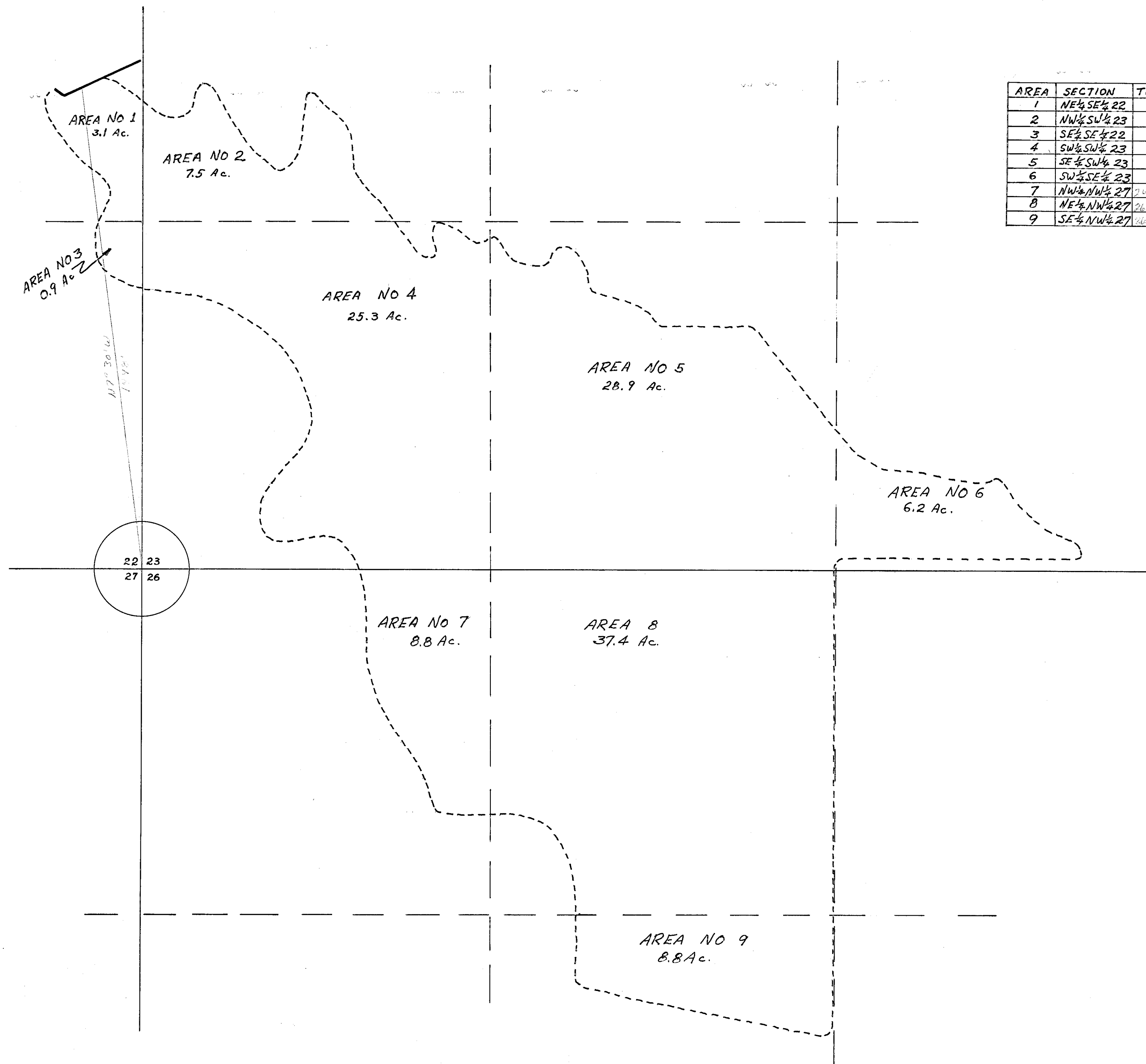
Jarvis Copy

3-12"



GENERAL AREA MAP
Scale 8" = 1 Mile

LYLE JARVIS			
Waterspreading System			
Sections 22, 23, 26, T25, R1E, Jackson Co.			
Scale 1" = 200'			
U. S. DEPARTMENT OF AGRICULTURE			
SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Keith L. Harner	7/22/66	Title	
Drawn			
Keith L. Harner	7/23/66	Title	
Traced			
Checked		Sheet	Drawing No.
		No.	of



AREA	SECTION	TOWNSHIP	RANGE	ACRES
1	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22	R-5	18-E	3.1
2	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23	"	"	7.5
3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 22	"	"	0.9
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23	"	"	25.3
5	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23	"	"	28.9
6	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23	"	"	6.2
7	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27	"	"	8.8
8	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27	"	"	37.4
9	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 27	"	"	8.8
TOTAL				126.9

LYLE E JARVIS
Waterspreading Project No 1
Scale 1" = 220'

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

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, July 21, 1967

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock P.m. upon the 22nd day of March, 1967.

State Water Resources Commission

By: Richard D Schuager
For: Chief Engineer, Executive Officer

Number of permit 904-2

Date of first receipt of application March 22, 1967

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 March 22, 1967

Approved July 19, 1967, Recorded in Book 9 Page 306

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, 1969

2nd. The whole of said work is to be completed on or before July 19, 1970

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

July 19, 1972

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 1.8 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, 1972; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 21st day of July, 1967.

State Water Resources Commission

By: Joseph L. Schuager
Chief Engineer, Executive Officer

Certificate of Construction Issued July 30, 1971

Water License Issued July 30, 1971

Item 7b Legal Subdivisions to be irrigated

AREA	SECTION	TOWNSHIP	RANGE	ACRES
1	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22	2-S	18-E	3.1
2	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23			7.5
3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 22			6.9
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23			25.3
5	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23			28.9
6	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23			6.2
7	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27			8.8
8	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27			37.4
9	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 27			8.8
			Total	126.9

On or before April 20, 1967
(First Publication _____, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 28, 1967

Notice is hereby given that **Lyle E. Jarvis** 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 **1.6** cubic feet of water per second of time from the **a dry draw** through the **Jarvis fl**, the point of diversion of which is to be located on **the both** bank of said stream in the **NE** $\frac{1}{4}$ of the **SE** $\frac{1}{4}$ of Section **22** **portions of** Twp. **28** Range **18E**. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 22; S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23; N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, all in T28, R18E

~~AND FOR~~ ~~EXAMPLES~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **17th** day of **May**, 19**67** 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:

~~Under Engineer, Executive Office~~
RICHARD D. SCHMOYER
Water Right Specialist

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Jackson } ss.

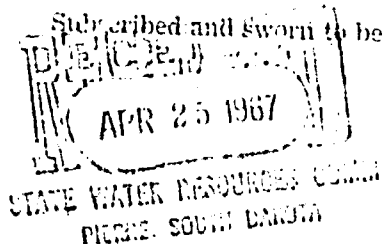
I, L. G. Parkinson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Kadoka Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Kadoka County of Jackson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 30, 1967April 6, 1967April 13, 1967April 20, 1967

In each and every issue of the full number thereof, the first publication being made on the 30th day of March, 1967 and the last publication on the 20th day of April, 1967, 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
L. G. Parkinson

Subscribed and sworn to before me this 20th day of April, A. D. 19 67
Alvina Parkinson
 Notary Public Jackson County, S. D.



APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, South Dakota, March 28, 1967.

Notice is hereby given that Lyle E. Jarvis 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 1.8 cubic feet of water per second of time from a dry draw through the Jarvis No. 1, the point of diversion of which is to be located on both banks of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22 Twp. 2S Range 18E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 22; S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23; N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, all in T2S, R18E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, 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: *Richard D. Schmoyer*

Water Right Specialist

Pub. March 30 - April 6-13-20

Permit No. 904-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyle E. Jarvis

_____ the holder _____ of
Permit No. 904-2, issued upon Application No. 904-2, bearing date of priority of March 22, 1967
_____ authorizing the diversion of 1.8 cu. ft. per second of the waters of _____
dry draws _____ County of Jackson, State of South Dakota at _____
a point North 7⁰ 30' West, 1848 feet from the SW Corner, Section 23, T28, 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 up to 10 cu. ft. per second of water.

Date July 30, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 904-2

(1) WHEREAS, On the 22nd day of March A. D. 19 67
Lyle E. Jarvin

made Water Right Application No. 904-2 for a permit to use 1.8 cubic feet per second of the waters of dry draws

County of Jackson, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 21st day of July A. D. 19 67

Permit No. 904-2 with a date of priority of March 22, 1967

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. 19 70 and for the application to beneficial use of said water on or before the 19th day of July A. D. 19 72

and:

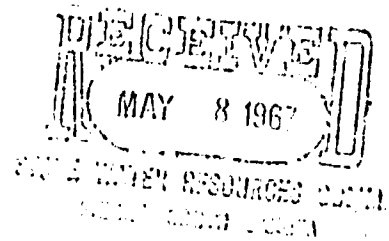
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.8 cubic feet per second of water for beneficial use and,

(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, R18E

		Acres
Section 22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9
Section 23	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.5
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.9
Section 26	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.2
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.8
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.4
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.8
Total		126.9 acres

Interior So Dak
Water Resources Commission May 5, 1967.
Pierre
S.D.



Dear sir:

This letter is written in protest to the attached application for the appropriation of water by Lyle E. Jarvis.

I have a dam on down this water shed located in the N.W. 1/4 of Sec 31 2S-19E Jackson Co., This dam is the only permanent source of water for the north 1/2 of section 31.

In addition to live stock water I established a Camp Ground close to the dam in June of 1965 and we have a water pump and pressure tank installed at the edge of the water and this water is used to flush the toilets, this camp will accomodate 60 family groups per night so the water is very important. There is also fish in this dam which affords many an hour of pleasure for fishing purposes.

Ignorance of the law is no excuse but here is my big sad story. I was under the impression that I had complied with the water appropriation laws of this state and that I had water rights on this dam.

Prior to the construction of the Campground the S. C. S. was contacted and they looked over the proposed camping area. It was decided no survey was necessary and no building funds would be borrowed and that no accurate plans would be necessary. Also the lay of the ground appeared to need no landscaping. After the above observation and discussion the S. C. S. services were discontinued.

I felt I had water rights on the dam and no further ones were necessary. The S. C. S. could and should have informed me that I needed commercial rights.

The pasture this dam serves is the one that I graze my cattle in from May 1st to Dec 1st. It is 90% improved pasture and it will accommodate my entire herd.

I will appreciate anything that you can do to insure me water for the purposes as

listed, and if Jarvis gets the amount of water
he is asking for we will not have enough
to take care of the user we have for it.

Sincerely Yours

Lislie O. Crew

Interior

S.D.

57750

Permit No 904.2
 Water Division 2 BAD 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 LYLE E. JARVIS of COTTONWOOD holder of Permit No. 904.2, bearing date of priority of MARCH 22, 1967 authorizing the diversion of 1.8 cu. ft. per second of the waters of DRY DRAW 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:

STOCKWATER DAM OVERFLOW IS DIVERTED INTO DIKED AREAS THRU SPILLWAY

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

SERIES OF HOLDING DIKES & LEVEL DITCHES

C. Works used to apply water to beneficial use.

SPREADER DIKES W/ 3-12" CMP GATED TUBES IN EACH DIKE

The system is in the following condition: GOOD

The point of diversion is located N 7°30' W, 1848' FROM THE SW CORNER, SECTION 23, T2S, R18E

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 T2S, R18E

SECTION 26	SECTION 22	SECTION 23
NW ¹ NW ⁴ 8.8 AC.	NE ¹ SE ¹ 3.1 AC.	NW ¹ SW ⁴ 7.5 AC.
NE ¹ NW ⁴ 37.4 "	SE ¹ SE ¹ 0.9 AC.	SW ¹ SW ⁴ 25.3 "
SE ¹ NW ⁴ 8.8 "		SE ¹ SW ⁴ 28.9 "
		SW ¹ SE ¹ 6.2 "

comprising a total of 126.9 acres of land.

Date JUNE 23, 1971

Frederick Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

At their May 1967 meeting the Commission considered the water right application of Lyle E. Jarvis to divert 1.8 c.f.s. of water from a dry draw to spreader irrigate 126.9 acres of land.

A letter had been received from Mr. Leslie C. Crew stating he owned a stock dam several miles downstream from Mr. Jarvis' proposed irrigation and that while he did not have appropriate water rights for such purposes, the stock dam was also used as a source of flush water for a commercial camp ground adjacent to the stock dam.

The Commission deferred action on water right application 904-2 pending investigation by the Commission Staff.

Mr. Jarvis' proposed spreader irrigation is located near Cactus Flat about 20 miles west of Kadoka. There is 453 acres of drainage area above his proposed spreader system. This drainage area includes a large stock dam having a drainage area 167 acres. The Soil Conservation Service, which has designed Mr. Jarvis' proposed system, estimates that the 453 acre drainage area has a 80% chance of producing a 10 acre-foot annual runoff and a 50% chance of producing a 15 acre-foot annual runoff.

There is an estimated drainage area above Mr. Crew's dam of 2780 acres. This includes the Jarvis drainage area of 453 acres. Mr. Crew's dam, reported, has a capacity of about 26 acre-feet.

The recommendation of the Commission Staff is that water right application 904-2 of Lyle E. Jarvis should be approved.