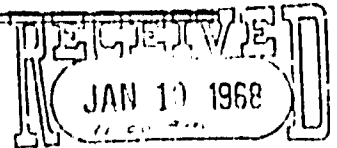


949-2

1. Considered 3-20, 1968
2. Name of Applicant CLARENCE MORTENSON
3. Post Office Address HAYES
4. Amount of water claimed 1.00
5. Source of water supply RUNOFF & G.R.W. RECHARGE
6. Water to be used for FISH CULTURE
- Acres to be irrigated _____
7. Water to be diverted and used in STANLEY county
about 27 N 3W miles _____ of HAYES
8. Proof of Publication
Received ✓
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 949-2Water Division No. 2 EAST CHEYENNE RIVER District
(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 CLARENCE MORTENSON
Postoffice address HAYES, County STANLEY, State S. 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)

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

2. Name of diversion work MORTENSON DRAW DEVELOPMENT
3. Amount of water claimed 1.00 cubic feet per second
4. Source of water supply SURFACE RUNOFF & GROUND WATER RECHARGE
5. Location of point of diversion SEE ATTACHMENT
_____ on _____ bank STANLEY County.
6. Annual period or periods during which water is to be used CONTINUOUS
7. To be used for:

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

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(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.) _____

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

- (a) Nature of use BALT CULTURE DEVELOPMENT
Name any of the above uses claimed _____

- (b) Amount of power to be generated _____ horse power.

8. 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 820-2

8. Estimated cost of work:

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

(c) Fluming, \$.....

(e) Other structures

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

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

Rock, \$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) 5 DIV. STRUCTURES
5 DUGOUTS FOR GROUND WATER RECHARGE

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
At.....Mile	feet	feet	feet	feet

(Give dimensions where reduction, 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 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate
FT. PIERRE TIMES, FT. PIERRE, S. DAK.

STATE OF SOUTH DAKOTA

County of HUGHES ss.

I, CLARENCE MORTENSON

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

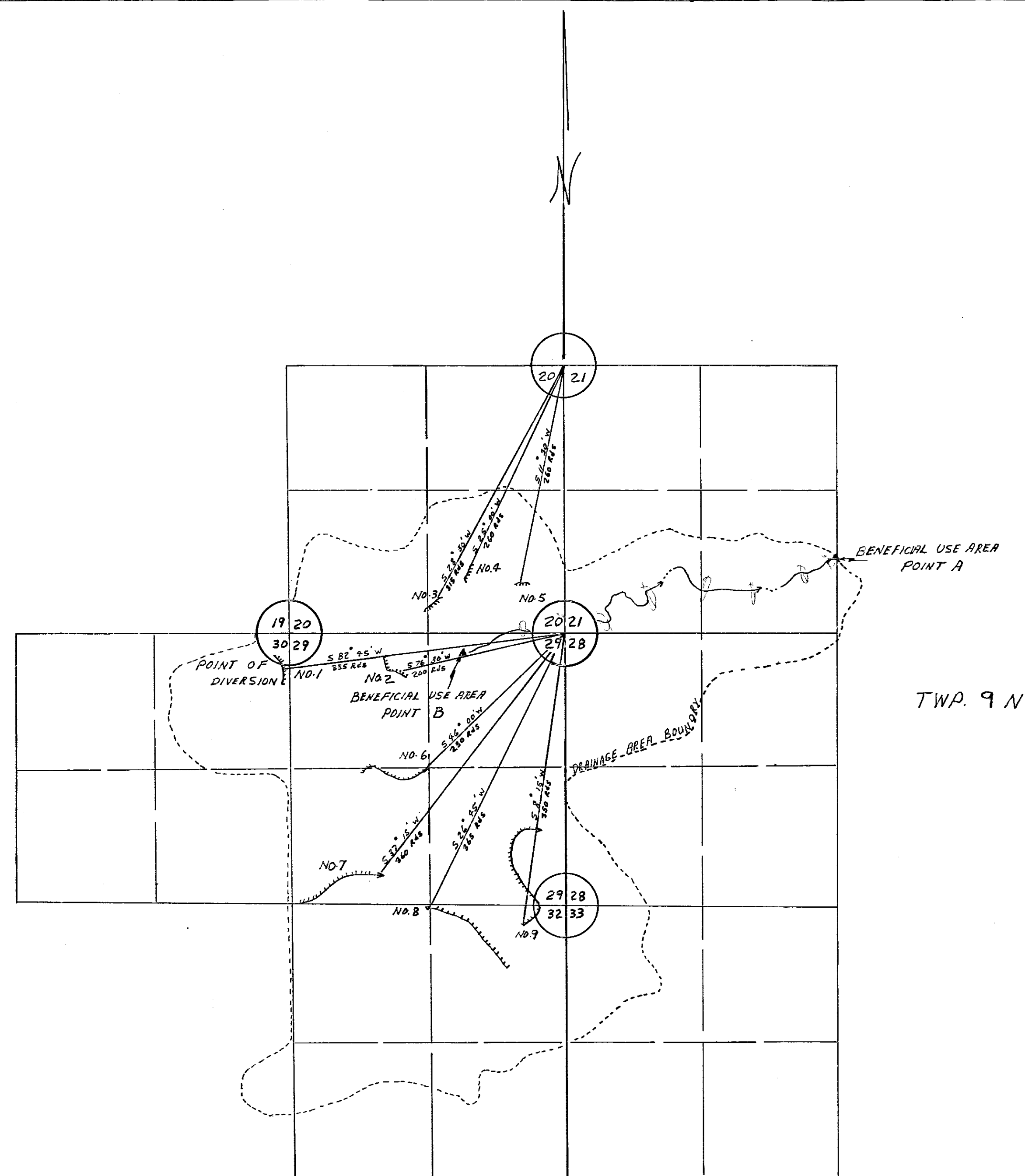
Subscribed and sworn to before me this 5TH day of JANUARY 1968

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

BENEFICIAL USE AREA IS
ON CREEK BETWEEN POINT A
AND POINT B AND IS FOR
BRIT CULTURE.

POINTS OF DIVERSION NO. 1
THRU NO. 9 ARE FOR COLLECTING
WATER FOR UNDERGROUND
STORAGE TO SERVE BENEFICIAL
USE AREA.



SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA SS
COUNTY OF STANLEY

I MAYNARD C. SOMMER, REGISTERED LAND SURVEYOR, IN AND
FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT
AT THE REQUEST OF CLARENCE MORTENSON, SOLE OWNER, I HAVE
SHOWN THE LANDS PROPOSED FOR BRIT CULTURE WITHIN HIS
OWNERSHIP BOUNDRIES ON DECEMBER 1967 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS
MAP IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 15TH DAY OF DECEMBER 1967.

Maynard C. Sommer
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF STANLEY

ON THIS DAY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN
AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
MAYNARD C. SOMMER, KNOWN TO ME TO BE THE PERSON WHO
EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
WITNESS MY HAND AND SEAL THIS DAY OF DECEMBER 1967.

MY COMMISSION EXPIRES: July 7, 1974

Myrtle J. Lafford
NOTARY PUBLIC

SCALE: 3.2 inches = 1 mile

SHOWING AREA & DIVERSION POINTS WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER.

CLARENCE MORTENSON
MAYNARD C. SOMMER

OWNER
SURVEYOR

MAP N2 111-2 (APP. N2 947-2)
320-2

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MARCH 22, 1968

It is to certify that the foregoing application was received by the Commission at 11:00 o'clock
a.m. upon the 10TH day of JANUARY, 1968

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 949-2

Date of first receipt of application JANUARY 10, 1968

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 JANUARY 10, 1968

Approved MARCH 20, 1968, Recorded in Book 10 Page 101

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 SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

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

MARCH 20, 1977
4th. The water appropriated shall be used for the purpose of FISH CULTURE

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 1.00 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 flow for each acre of land to which water is actually

USED FOR FISH CULTURE

and beneficially applied for irrigation on or before MARCH 20, 1977; said water to be used during the following described annual period:

CONTINUOUS

Witness my hand this 22ND day of MARCH, 1968

State Water Resources Commission

By:

George L. ...
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 10, 1974

Water License Issued DECEMBER 10, 1974

POINTS OF DIVERSION:

#1	^{NE 1/4 SEC 20} S 82° 45' W, 335 Rods FROM NW COR., SECTION 29, T9N, R25E						
#2	^{NE 1/4 SEC 29} S 76° 30' W, 200 Rods	"	"	"	"	"	"
#3	S 28° 30' W, 315 Rods	"	"	"	SECTION 20	"	"
#4	^{SW 1/4 SEC 21} S 25° 00' W, 260 Rods	"	"	"	"	"	"
#5	^{SE 1/4 SEC 21} S 11° 30' W, 260 Rods	"	"	"	"	"	"
#6	^{NE 1/4 SEC 29} S 46° 00' W, 230 Rods	"	"	"	SECTION 29	"	"
#7	^{SE 1/4 SEC 29} S 37° 15' W, 367 Rods	"	"	"	"	"	"
#8	^{NE 1/4 SEC 22} S 26° 45' W, 365 Rods	"	"	"	"	"	"
#9	^{NE 1/4 SEC 22} S 8° 15' W, 350 Rods	"	"	"	"	"	"

DIVERSION POINTS 1, 2, 3 & 4 DIVERT SURFACE FLOWS TO GROUND WATER RECHARGE. REMAINDER OF DIVERSION POINTS DIVERT WATER TO DIVERSION POINT #2 & POINT B FOR GROUND WATER RECHARGE.

USE AREA IS BETWEEN SW CORNER, SECTION 21, T9N, R25E & POINT A, WHERE A SERIES OF HATCHING & HOLDING PONDS WILL BE CONSTRUCTED.

Permit No. 949-2

Water Diversion No. 2 EAST CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Clarence Mottenson

the holder of
Permit No. 949-2, issued upon Application No. 949-2, bearing date of priority of January 10,
1968 authorizing the diversion of 1.0 cu. ft. per second of the waters of surface

runoff and ground water County of Stanley, State of South Dakota at #1, South
82°45' West, 335 rods, #2, 76° 30' West, 200 rods, #6, South 46° West 230 rods, #7, South
37°15' West, 360 rods, #8, South 26° 45' West, 355 rods, #9, South 8° 15' West, 350
rods, all from the NE Corner, Section 29, #3, South 28° 30' West, 315 rods, #4, South
25° West, 260 rods, #5, South 11° 30' West, 260 rods, all from the NE Corner
Section 20, all in T9N, R25E for fish culture and ground water recharge

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 5.0 cu. ft. per second of water.

Date December 10, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 949-2

(1) WHEREAS On the 10th day of January A. D. 1968
Clarence Mortenson

made Water Right Application No. 949-2 for a permit to use 1.0 cubic feet per second of the waters
of surface runoff and ground water

County of Stanley, State of South Dakota, for Fish Culture and ground water
recharge purposes; and

(2) WHEREAS, On the 22nd day of March A. D. 1968

Permit No. 949-2 with a date of priority of January 10, 1958

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system herein described on or before the 20th day of March A. D. 1973 and for the
application to beneficial use of said water on or before the 20th day of March A. D. 1977

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 1.0 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.

water is used in a series of small dams and dugouts for minnow production.

(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 _____

Clarence Mortenson

_____ of _____ Hayes, South Dakota

the holder _____ and owner _____ of said permit No. 949-2 a water right, dating from January 10, 1968

_____ to use of _____ 1.0 _____ cubic feet per second of the waters of surface runoff and ground water

in the County of Stanley and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at #1, South 82° 45' West, 33 rods, #2, 76° 30' West,

200 rods, #6, South 46° West 230 rods, #7, South 37° 15' West, 360 rods, #8, South 26° 45'

West, 365 rods, #9, South 8° 15' West, 350 rods, all from the NE Corner, Section 29,

#3, South 28° 30' West, 315 rods, #4, South 25° West, 260 rods, #5, South 11° 30' West,

260 rods, all from the NE Corner, Section 20, all in T9N, R25E.

and ~~conduct xxxxxxxxxx~~ conducted to and through a series of small dams and dugouts

for the purpose of fish culture and ground water recharge

Subject to any limitations listed in Water Right Permit No. 949-2 and subject to the laws of the State of South Dakota

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 10th day of December A. D.

Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

on or before
(First Publication February 15, 1968.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 2, 1968

Notice is hereby given that Clarence Mortenson whose postoffice address is Hayes 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 1.00 cubic feet of water per second of time from the surface & ground water through the Mortenson Draw Development the point of diversion of which is to be located at 9 points in section 20, 29, 30, and 32, T9N, R25E.
~~XX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Said water to be used for the purpose of providing ~~XXXXXXXXXXXX~~ supplies for a bait culture development on the S $\frac{1}{2}$ S $\frac{1}{2}$, Section 21, T9N, R25E
~~XX~~
~~XXXXXXXXXXXX~~ and for ~~XXXXXXXXXXXX~~
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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: Clarence Mortenson, Hayes, S.D. By

Chief Engineer, Executive Officer
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

BURTON F. JONES
 Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Stanley } ss.

M. R. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Fort Pierre Times 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 Fort Pierre of Stanley County of

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

Feb. 8, 1968

Feb. 15, 1968

Feb. 22, 1968

Feb. 29, 1968

in each and every issue of the full number thereof, the first publication being made on the 8th day of Feb.

1968 and the last publication on the 29th day of Feb.

1968, 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.

M. R. Hallock

Subscribed and sworn to before me this 29th day of Feb. A. D. 1968

Notary Public _____ County, S. D.

REC'D

3-15-68

NOTICE OF INTENTION TO
 APPROPRIATE WATER
 No. 949.2

Notice is hereby given that Clarence Mortenson whose post office address is Hayes 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 1.00 cubic feet of water per second of time from the surface and ground water through the Mortenson Draw Development, the points of diversion of which are to be located at nine points in Sections 20, 29, 30 and 32, Township 9 North, Range 15 East. Said water to be used for a bait culture development on the S½ S½ Section 21, Township 9 North, Range 25 East.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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: S/ Burton F. Jones

Water Rights Specialist

cc: Clarence Mortenson, Hayes, S. D.

Pub.: Feb. 8, 16, 22, 29, 1968

Permit No. _____

Water Division _____ 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 _____
 _____ of _____ holder _____
 of Permit No. _____, bearing 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:

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

C. Works used to apply water to beneficial use.

The system is in the following condition: _____

The point of diversion is located _____

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: _____

comprising a total of _____ acres of land.

Date _____

(Signature)