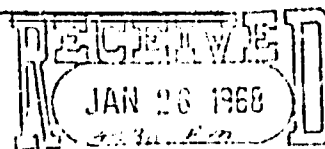


952-2

1. Considered 3-20, 1968
2. Name of Applicant ENGEL BROS
3. Post Office Address PRESHO
4. Amount of water claimed .82
5. Source of water supply DRY DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 57.5
7. Water to be diverted and used in LYMAN county
about 8W 3N miles _____ of PRESHO
1ST
8. Proof of Publication
Received _____
Not received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application

10. Remarks:

No. 952-2Water Division No. 2 WHITE 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 Engen Brothers
Postoffice address Presho, County Lyman, 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(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Engen Brothers Irrigation Project3. Amount of water claimed 0.82 cubic feet per second4. Source of water supply Dry Draw5. Location of point of diversion SW $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 29, T107N, R78W_____ on both bank Lyman County.6. Annual period or periods during which water is to be used April 1st thru November 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Spreader(a) Number of acres to be irrigated 57.5 acres.(b) Legal subdivisions to be irrigated SW $\frac{1}{2}$ Sec. 29 & NW $\frac{1}{2}$ Sec. 32, T107N, R78W

(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.) None

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 823-2

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.)

Spreader Dikes & Ditches

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 ----- 6 months ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----
Lyman County Herald, Presho

STATE OF SOUTH DAKOTA

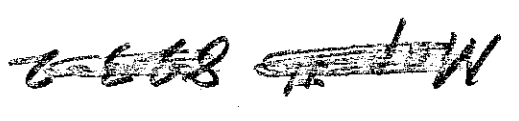
County of Hughes } ss.

I, Oscar Engen, 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 Oscar Engen

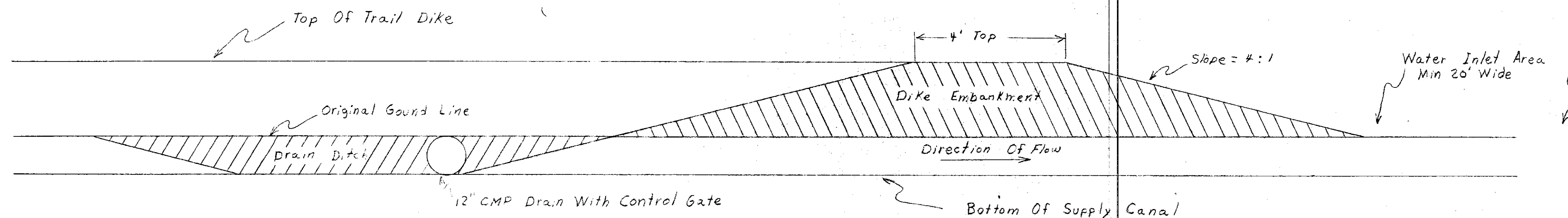
Subscribed and sworn to before me this 24th day of January 1918

James S. Jones
 Notary Public (or other qualified officer.)

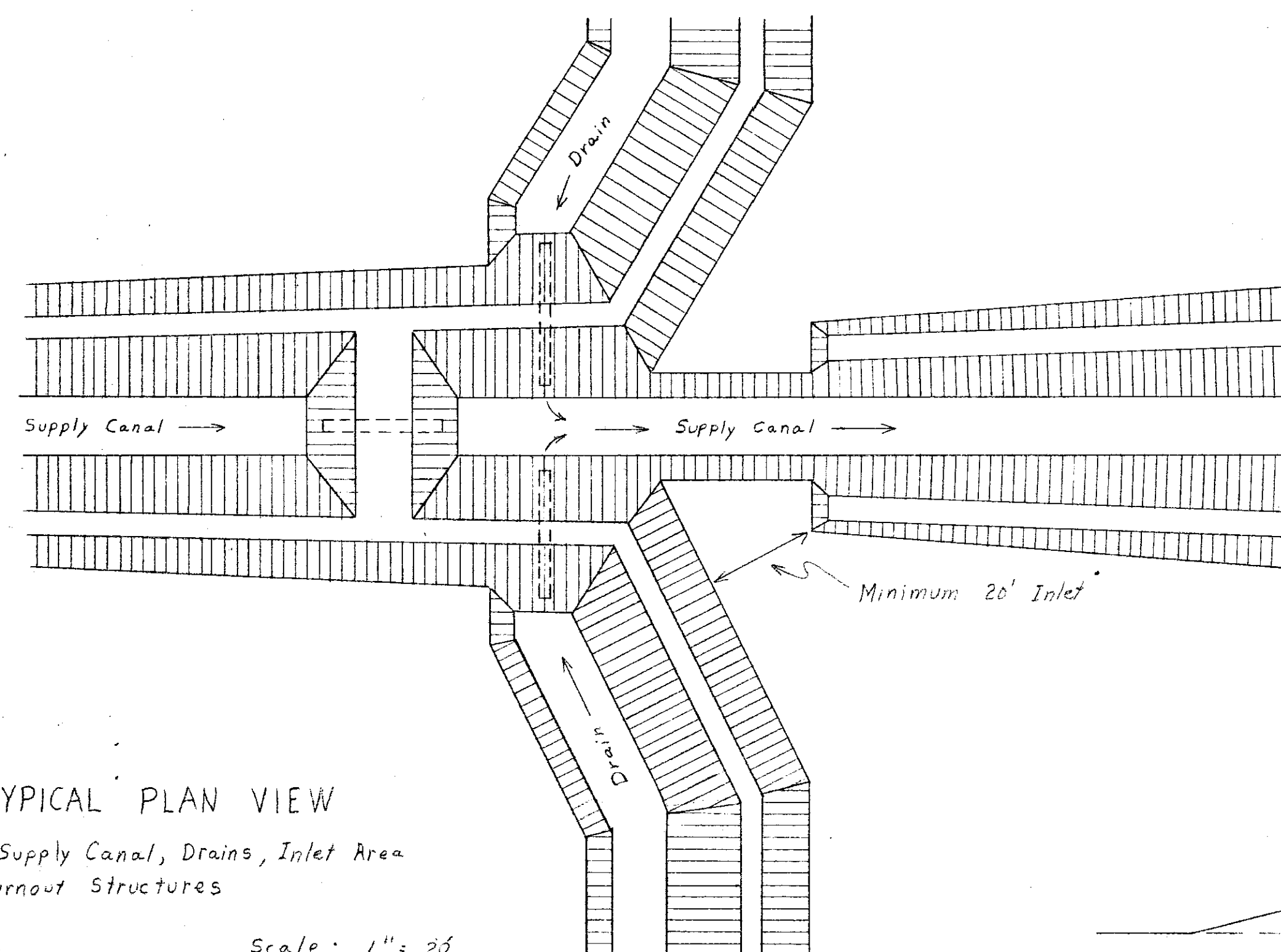


Canal
12' x 20' CMP drain
24" x 18" CMP Control
Dike
Interim, then stream
Original Control
Fence

Date	Approved by _____	Title _____
Designed <i>G.W. SKEELP</i>		
Drawn _____		
Traced _____		
Cheeked _____		
Sheet No. / of 2	Drawing No.	

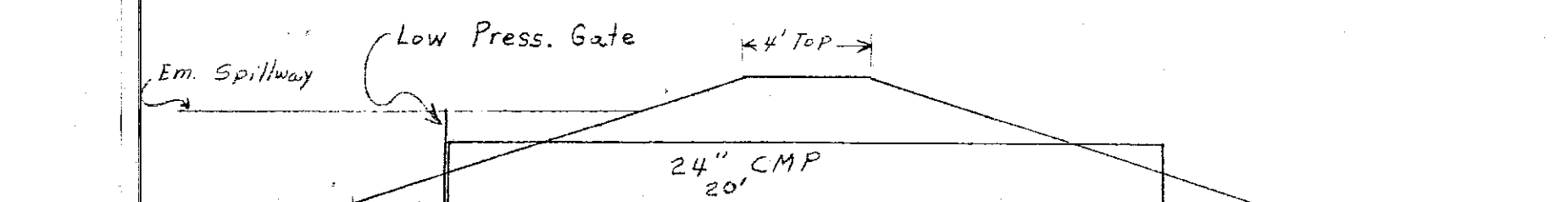


SECTION A-A — PROFILE & SUPPLY CANAL AND CROSS SECTION OF DIKE
Scale: 1" = 2'

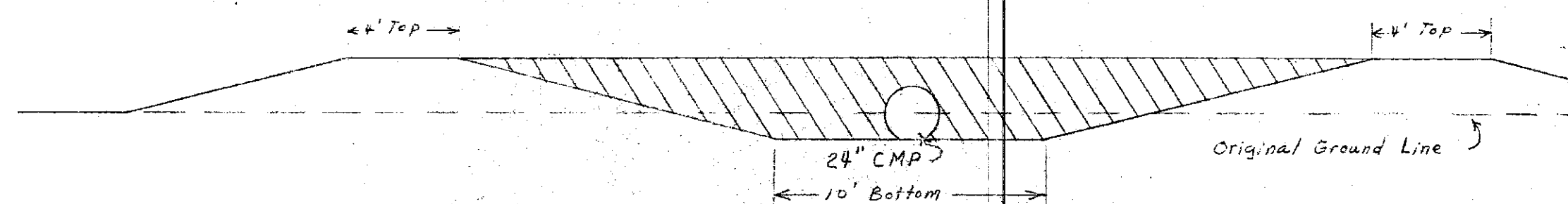


TYPICAL PLAN VIEW
Dikes, Supply Canal, Drains, Inlet Area
and Turnout Structures

Scale: 1" = 20'



SECTION B-B — PROFILE & CONTROL STRUCTURE
Scale: 1" = 5'



SECTION C-C — CROSS SECTION SUPPLY CANAL CONTROL

Scale: 1" = 5'

ENGEL BROTHERS WATERSPREADING W 1/2 29 and NW 1/4 32, T 107, R 78 Lyman Co, South Dakota			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed <u>G.W. STROUP</u>	Date <u>11-5-67</u>	Approved by _____ Title _____	
Drawn _____	Title _____		
Traced _____	Sheet <u>No 2</u> of <u>2</u>	Drawing No. _____	
Checked _____	_____		

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, MUST BE
BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 17, 1968

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock
p.m. upon the 26TH day of JANUARY, 1968.

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 952-2

Date of first receipt of application JANUARY 26, 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 26, 1968

Approved MARCH 20, 1968 Recorded in Book 10 Page 157

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 _____

JUNE 20, 1968

2nd. The whole of said work is to be completed on or before SEPTEMBER 20, 1968

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

MARCH 20, 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 .82 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 MARCH 20, 1969; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this 17TH day of MAY, 1968.

State Water Resources Commission

By:

J. O. Ginnery
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 10, 1969

Water License Issued OCTOBER 10, 1969

Permit No. 952-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Engen Brothers

_____ the holder _____ of
Permit No. 952-2, issued upon Application No. 952-2 bearing date of priority of January 26,
1968 authorizing the diversion of .82 cu. ft. per second of the waters of a
dry draw County of Lyman, State of South Dakota at a
point in the SW 1/4, NW 1/4, Section 29, T107N, R78W
_____, for irrigation

_____ purposes, have 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 10.2 cu. ft. per second of water.

Date October 10, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 952-2

(1) WHEREAS, On the 26th day of January A. D. 19 66
the Engen Brothers

made Water Right Application No. 952-2 for a permit to use .42 cubic feet per second of the waters of a dry draw of Lyman County of South Dakota, State of South Dakota, for irrigation.

(2) WHEREAS, On the 17th day of May A.D. 1968
Permit No. 952-2 with a date of priority of January 26, 1968

Permit No. 932-2 with a date of priority of _____
 was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 20th day of September A. D. 19 68 and for the
 application to beneficial use of said water on or before the 20th day of May A. D. 19 69

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 10.0 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:

to irrigate the following land in T107N, R78W

to irrigate the following land in T107N, R78W		
Section 29	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.1 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.2 acres
Section 32	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.6 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.9 acres
Total		57.5 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 the Fugen Brothers

of Pierre, South Dakota

the holder g and owner n of said permit No. 952-2 a water right, dating from JANUARY 26, 1966

to use of .02 cubic feet per second of the waters of z a dry draw

in the County of Lyman and State of South Dakota or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW 1/4, Section 29, T107N, R74W

and conduct to and upon 57.5 acres in the SE 1/4, Section 29, and NE 1/4, Section 32, T107N, R74W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 952-2 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 October A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. CRILES

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

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 1, 1968

Notice is hereby given that the Engen Brothers whose postoffice address is Presho 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 12 cubic feet of water per second of time from the a dry draw through the Engen Bros. Irrigation Project the point of diversion of which is to be located on the either bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29 Twp. 107N Range 78W Said water to be used for the purpose of providing irrigation on the portions of following described land:

SW $\frac{1}{4}$ Section 29, NW $\frac{1}{4}$ Section 32, T107N, R78W

~~XXXXX~~ ~~XXXXXX~~

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.

cc: Oscar Engen, Presho, S.D.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Rights Specialist

RECEIVED
MAY 11 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
February 1, 1968.

Notice is hereby given that the Engen Brothers whose postoffice address is Fresno, 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 .82 cubic feet of water per second of time from a dry draw through the Engen Bros. Irrigation Project, the point of diversion of which is to be located on either bank of said stream in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29 Twp. 107N Range 78 W. Said water to be used for the purpose of providing irrigation or portions of the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, NW $\frac{1}{4}$, Section 32, T107N, R78W.

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.

cc: Oscar Engen, Fresno, S. D.
State Water Resources Commission
By: Burton F. Jones
Water Rights Specialist.
Feb. 8, 15, 22, 23

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)

SS.

Robert C. Cameron, of said county and state being duly sworn, on his oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Fresno, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That the said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman for more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and has been printed during said period and at the present time in an office maintained at the place of publication; That I, the undersigned am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

APPROPRIATION OF WATER

a printed copy of which is hereto attached and published in the said newspaper for four consecutive weeks

The first publication of said notice in said newspaper aforesaid was on Thursday, the 8 day of February A. D., 1968

and that the preceding publications were severally

Thursday, the 15 day of February A. D., 1968

Thursday, the 22 day of February A. D., 1968

Thursday, the _____ day of _____ A. D., 196_____

Thursday, the _____ day of _____ A. D., 196_____

Thursday, the _____ day of _____ A. D., 196_____

Thursday, the _____ day of _____ A. D., 196_____

Thursday, the _____ day of _____ A. D., 196_____

and the last publication on Thursday, the 29 day of

February, 1968; that the full sum of fees charged for 11.24

publishing the same, to-wit: the sum of \$ _____, insures solely to the publisher of The Lyman County Herald. That no agreement or understanding for any division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Subscribed and sworn to before me, this 14

day of May 1968.

Notary Public.

Permit No. 952-2Water Division No. 2 White River 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 30 days before the time set for completion of works

(P. O.) Presho, S.D.

(Date) _____

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 _____
_____ cu. ft. per second of the waters of the state from _____
through the _____
for _____ 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 Engel Brothers
2. The postoffice address of such person or the place of business of such corporation is Presho, S.D.
County of Lyon State of South Dakota
3. The number of such permit is 952-2 and the date set for the completion of such work is June 1, 1948
4. Said water to be used for irrigated fields 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 182 cubic feet per second.
6. The amount of land for which said water is available is 57.5 acres,
particularly described as follows: Sec 22, T. 102 N., R. 78 W.

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

(Signature of Owners)

Engel Brothers
J. O. Engel

Permit No. 952-2Water Division 2 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 Engen Brothers
of Presho holder S
of Permit No. 952-2, bearing date of priority of January 26, 1968
authorizing the diversion of 0.82 cu. ft. per second of the waters of a dry draw
for spreader irrigation purposes, in Lyman 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.

Existing stock dam used as diversion structure

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

canal 10 foot bottom - 4 to 1 side slopes - 3600 feet long

C. Works used to apply water to beneficial use.

Approximately 8000 feet of dikes - 4 foot top - 4 to 1 side slopes

The system is in the following condition: MintThe point of diversion is located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T107N, R78W

The works are capable of diverting and conveying to the place of use (canal carries up to 10 c.f.s.)
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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, T107N, R78W	9.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, T107N, R78W	11.9 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, T107N, R78W	6.6 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, T107N, R78W	29.9 acres

comprising a total of 57.5 acres of land.

System was constructed almost exactly as shown by Water Right Map No. 823-2

Date: September 16, 1969

Donald Driscoll
(Signature)
Donald Driscoll, Deputy Chief Engineer
Water Resources Commission