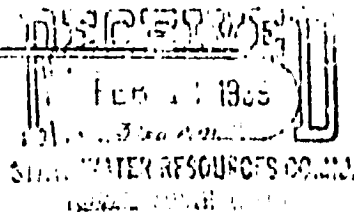


No. 984-2

Water Division No. 2 BAD RIVER District
(blank to be filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant: Harvey Madsen and Jim Bierle
Postoffice address Madland, County Haakon, State So. 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 _____

CANCELLED
BY ACTION OF W.R.C.
DATE 6-23-70
STATE AGT. J. J. J.
APPLICANT FOR PERMIT
ENCLOSURE 1011-2

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

2. Name of diversion work Madsen - Bierle
3. Amount of water claimed 2.0 cubic feet per second
4. Source of water supply Dry Draw and Bad River
5. Location of point of diversion From Pad River--a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, and
from a draw in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2.
Twp 1N, Rge 25E. on _____ bank Haakon County.

6. Annual period or periods during which water is to be used April thru October
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
(a) Number of acres to be irrigated 143.5 acres.
Portions of: SW $\frac{1}{4}$ Sec. 36, SE $\frac{1}{4}$ Sec. 25, T2N, R25E and SW $\frac{1}{4}$ Sec. 1;
(b) Legal subdivisions to be irrigated: Sec. 2, T1N, R25E.

(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 _____
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: 851-2

8. Estimated cost of work:

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

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

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

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

Rock, \$.....

(e) Other structures

\$.....

Total, \$.....

8. Description of diversion works:

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

II. Dimensions of works.

- (a) Dam: Height 30 feet; length at bottom 12 feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face 3:1; slope at back face 2:1; material used in construction earth
- (b) Reservoir: Capacity when filled 24 acre feet. Surface area at highwater mark 5 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-FOOT 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 4 years.

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

Pioneer Review, Philip, S.D.

STATE OF SOUTH DAKOTA

County of Hughes

ss.

I, Jim Bierle

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

Jim Bierle

Subscribed and sworn to before me this

13th

day of

February

19 69

Notary Public (or other qualified officer.)

Erica L. AndersonNotary Public Commission

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

LOW FLOWS OF THE BAD RIVER AS NEEDED FOR DOWNSTREAM
DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR
WATER RIGHTS MUST BE BY-PASSED
APPROVAL OF THIS PERMIT RECOGNIZES STORAGE OF
20 ACRE FEET OF WATER.

STATE OF SOUTH DAKOTA

County of HUGHES

ss.

Pierre, South Dakota, MARCH 27, 1969

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock
P.m. upon the 13th day of FEBRUARY, 1969

State Water Resources Commission

By:

Austin Jones
for Chief Engineer, Executive Officer

Number of permit 984-2

Date of first receipt of application FEBRUARY 13, 1969

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 FEBRUARY 13, 1969

Approved MARCH 26, 1969, Recorded in Book 10 Page 327

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 26, 1971.

2nd. The whole of said work is to be completed on or before MARCH 26, 1972.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1978.

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 2.0 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 26, 1978 said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 20th day of MARCH, 1969.

State Water Resources Commission

By:

Austin Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Form 14 - Notification of Water License
Ready for Issuing

No. _____

984-2

SOUTH DAKOTA
R I G H T S
Water ~~Permit~~ Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

August 21, 1974

Mr. Harvey Madsen & Jim Bierle
Midland, South Dakota 57552

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right Permit No. 1011-2 has been completed. Your final water right document, Water License No. 1011-2 can now be issued to you.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of this \$12.00 fee from you, Water License No. 1011-2 will be sent to you.

You will also receive the Certificate of Construction No. 1011-2 as required by statute.

Sincerely,

~~WATER RIGHTS COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON P. JONES
Water Rights Specialist

BEJ/bv

P.S. The pertinent portions of Permit No. 984-2 will be added to this license No. 1011-2, and Permit No. 984-2 will be placed in a cancelled status.

on or before **February 27**, 19**69**
(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., **February 14**, 19**69**

Notice is hereby given that **Harvey Madsen and Jim Bierle** whose postoffice address is **Midland** 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 **2.0** cubic feet of water per second of time from the **Bad River and a dry draw** through the **Madsen-Bierle #1** from the **Bad River in the NE 1/4 NE 1/4, Section 2,** the point of diversion of which is to be located on **the** ~~bank of the Bad River~~ in the **SE** 1/4 of the **SE** 1/4 of Section **2** Twp. **1N** Range **25E** Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 36; SE 1/4, Section 35, T2N, R25E, N 1/2 and SW 1/4, Section 1, E 1/2 E 1/2, Section 2, T1N, R25E.

and ~~XXXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **26th** day of **March**, 19**69**, 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: **James J. Bierle**
Midland, S.D.

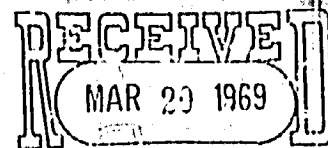
State Water Resources Commission

By:

~~Chief Engineer, Bureau of Reclamation~~
Burton F. Jones
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Haskell } ss.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Joe Ravellotte being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Pioneer Review a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the State of South Dakota County of Haskell and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 20, 26,; March 6 and 13

in each and every issue of the full number thereof, the first publication being made on the 20th day of February 1969 and the last publication on the 13th day of March 1969, 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.

Joe Ravellotte

Subscribed and sworn to before me this 17th day of March A. D. 1969

Charles Thompson
Notary Public Haskell County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dakota
February 14, 1969
Notice is hereby given that Harry Madsen and Jim Kierle, whose post office address is Madsen, 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 2.0 cubic feet of water per second of time from the Bad River and a dry draw through the Madsen-Bierle No. 1, the point of diversion from the Bad River in the NE 1/4 of Section 2, and from a dry draw to be located in the SE 1/4 of the NE 1/4 of Section 3 Twp. 1N, Range 25E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, Section 30, 6E 1/4, Section 33, T2N, R25E, N1/2 and SW 1/4, Section 1; E 1/2 E 1/4, Section 2, T1N, R25E. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of March, 1969 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 Burton F. Jones
Water Rights Specialist
(Feb. 20, 21, Mar. 6 & 13)

Permit No.

984-2

DEC 26 1973

Water Division No.

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 60 days before the time set for completion of works.

(P. O.)

Midland So Dak

(Date)

12-24-73

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

2.0

cu. ft. per second of the waters of the state from

S.D.

through the

Bad River

for

irrigation

purposes

In accordance with the terms and con-

ditions 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

James Buerle

Harvey Madsen

2. The postoffice address of such person or the place of business of such corporation is

Midland

County of

Haakon

State of

So Dak

3. The number of such permit is

984-2

and the date set for the completion of such work is

March 26, 1974

4. Said water to be used for

irrigation

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

2.0

cubic feet per second.

6. The amount of land for which said water is available is

143.5

acres,

particularly described as follows: Portions of SW $\frac{1}{4}$ Sec 36; SE Sec 35;

T1N 2N R25E and N $\frac{1}{2}$ SW $\frac{1}{4}$ Sect 1 E $\frac{1}{2}$ Sect 2,

T1N 1N R25E

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

(Signature of Owners)

James J. Buerle

Harvey J. Madsen