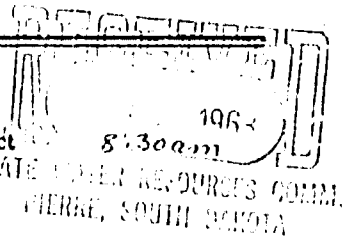


1058-3

1. Considered 11-6, 1968
2. Name of Applicant JAMES PETRAK
3. Post Office Address PURINANA
4. Amount of water claimed .35
5. Source of water supply JOY DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 24.9
7. Water to be diverted and used in BRULE County about
105 miles of PURINANA
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to P of P
Not Approved _____
Action deferred _____
10. Remarks:

No. 1058-3Water Division No. 3 MISSOURI RIVER District
(Blanks 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 James Petrak
 Postoffice address Pukwana, County Brule, 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, \$ Sufficient (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work James Petrak Irrigation project No. 1
3. Amount of water claimed Any runoff (up to 20,000 cfs for any one storm)
4. Source of water supply Runoff
5. Location of point of diversion 150 rods N 37° 00' W from SE corner of Section 10-T102N-R20W
 _____ on _____ bank Brule County.
6. Annual period or periods during which water is to be used Any time 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 21.0 acres.

(b) Legal subdivisions to be irrigated See "Remarks by applicant"

(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 108-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Spreader dikes and ditches with tubes \$ 300.00 Total, \$ 300.00

9. Description of diversion works:

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

Spreader dike

1. Dimensions of works.

(a) Dike: Height 3.3 feet; length at bottom ----- feet; length at top 600.0 feet; thickness at bottom 36.4 feet; thickness at top 10.0 feet; slope at front water face 1:1; slope at back face 4:1 material used in construction Earth
 (b) Reservoir: Capacity when filled 13.0 acre feet. Surface area at highwater mark 15.0 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 -----

Chamberlain Register

STATE OF SOUTH DAKOTA

County of Bead } ss.

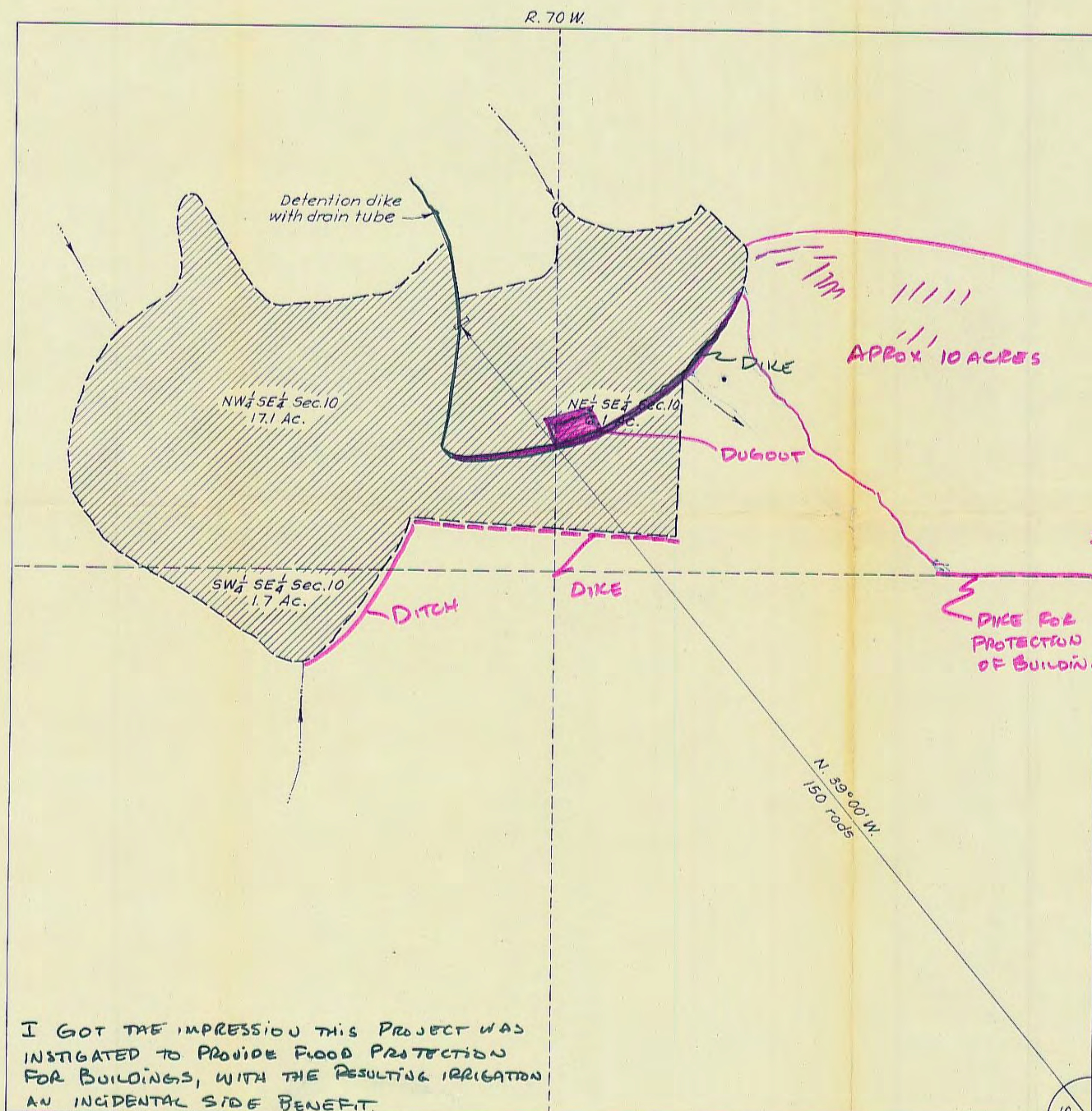
I, James Petrik, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed James Petrik

Subscribed and sworn to before me this 1 day of July 1963.

Robert J. Hanger
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Land to be irrigated

All lands described are owned by James Petrak

LOCATION OF LANDS TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SE 1/4	10	102N	70W	17.1
SW 1/4 SE 1/4	10	102N	70W	1.7
NE 1/4 SE 1/4	10	102N	70W	1.7
TOTAL				24.9

SURVEYOR'S CERTIFICATE

I, Walter E. Gassman, Jr. DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE JAMES PETRAK IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BRULE COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Walter E. Gassman, Jr.

TITLE: Agriculture Engineer
U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF April, 1963 A.D.

Lucy Thayer
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-6, 1966

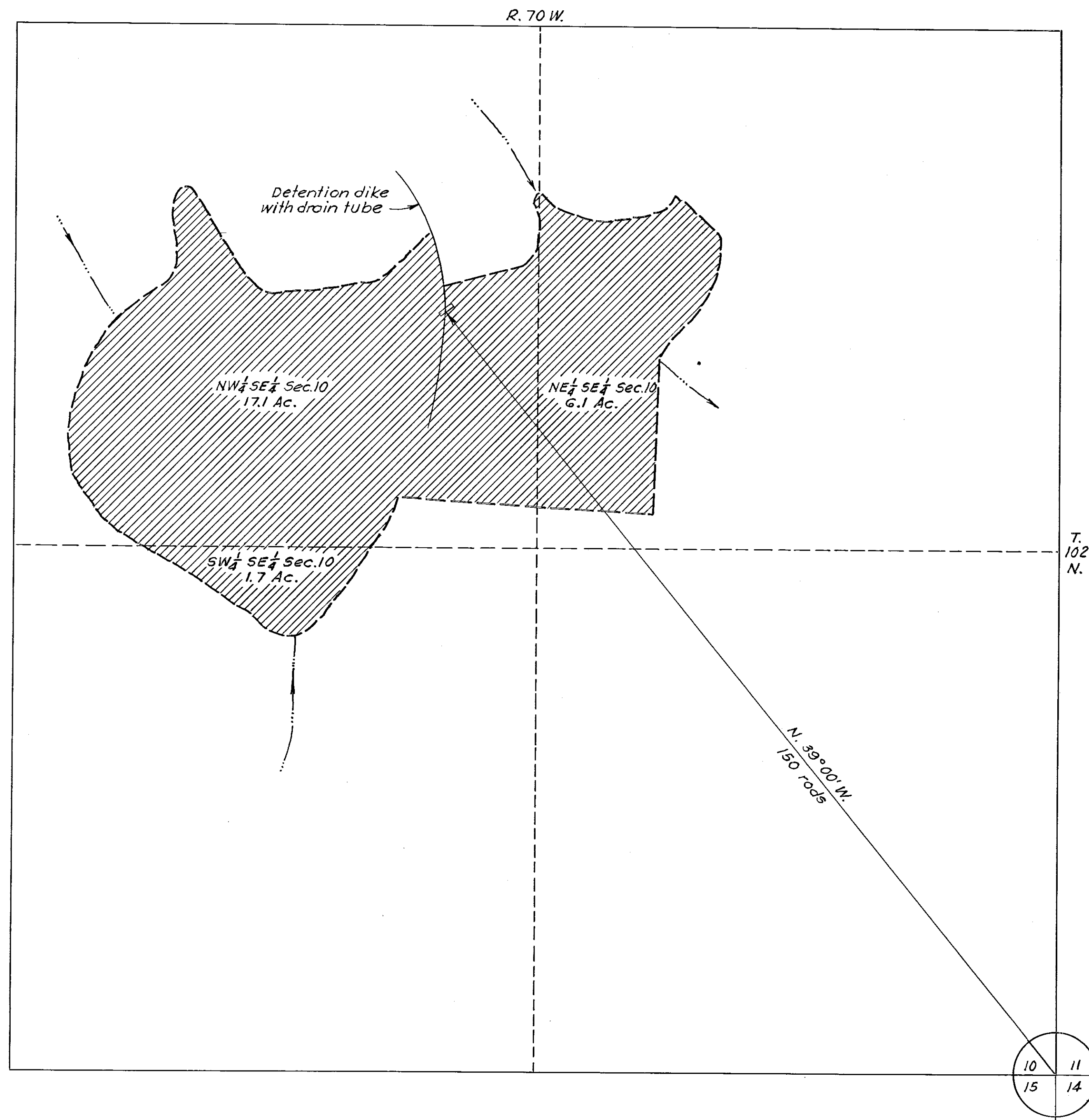
JAMES PETRAK IRRIGATION PROJECT No. 1

SE 1/4 Sec. 10 - T. 102 N., R. 70 W.
Brule County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed <u>Gassman</u>	Date <u>10/62</u>	Approved by _____
Drawn _____	Title _____	
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. <u>1</u>	of _____

MAP No 69B-3 (APPL No 1058-3)



Land to be irrigated

All lands described are owned by James Petrak

LOCATION OF LANDS TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SE 1/4	10	102N	70W	17.1
SW 1/4 SE 1/4	10	102N	70W	1.7
NE 1/4 SE 1/4	10	102N	70W	6.1
TOTAL				24.9

SURVEYOR'S CERTIFICATE

I, Walter E. Gossman, Jr. DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE JAMES PETRAK IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BRULE COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Walter E. Gossman, Jr.

TITLE: Agriculture Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF April, 1963, A.D.

Leroy Hagness
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-6, 1964

JAMES PETRAK IRRIGATION PROJECT No. 1

SE 1/4 Sec. 10 - T. 102 N., R. 70 W.
Brule County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed <u>Gossman</u>	Date <u>10/62</u>	Approved by _____
Drawn _____		Title _____
Traced _____		Sheet _____
Checked _____		Drawing No. _____
		No. <u>1</u> of <u>1</u>

MAP No 698-3 (Appl No 1058-3)

Remarks by State Water Resources Commission:

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, NOVEMBER 26, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 14TH day of AUGUST, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1058-3

Date of first receipt of application AUGUST 14, 1963

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 AUGUST 14, 1963

Approved NOVEMBER 6, 1963; Recorded in Book 8 Page 144

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 _____

MAY 6, 1966

2nd. The whole of said work is to be completed on or before NOVEMBER 6, 1968

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

NOVEMBER 6, 1968

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 .35 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 NOVEMBER 6, 1972; said water to be used during the following described annual period:

WHENEVER RUNOFF OCCURS

Witness my hand this 26TH day of NOVEMBER, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 24, 1970

Water License Issued MARCH 24, 1970

Remarks by the Applicant:

7.I(b) Legal subdivisions to be irrigated-----

NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 10	T102N	R70W	17.1 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 10	T102N	R70W	6.1 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 10	T102N	R70W	1.7 acres
				<u>24.9 acres</u>

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1058-3

(1) WHEREAS, On the 14th day of August A. D. 19 63
Jamen Petrak
 made Water Right Application No. 1058-3 for a permit to use .35 cubic feet per second of the waters
 of surface runoff
 County of Brule, State of South Dakota, for irrigation
 purposes, and
 (2) WHEREAS, On the 26th day of November A. D. 19 63
 Permit No. 1058-3, with a date of priority of August 14, 1963
 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 6th day of November A. D. 19 63 and for the
 application to beneficial use of said water on or before the 6th day of November A. D. 19 63

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 .35 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 Section 9, T102N, R70W

	<u>Acres</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$	17.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.7
NE $\frac{1}{4}$ SE $\frac{1}{4}$	16.1
Total	34.9 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 James Petrak

_____ of Pulwana, South Dakota

the holder _____ and owner _____ of said permit No. 1058-3 a water right, dating from August 14, 1963

_____ to use of .35 cubic feet per second of the waters of surface runoff

in the County of Brule and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point North 39° West, 150 rods from the SE Corner, Section 10, T102N, R70W

and conduct to and upon a portion of the SE $\frac{1}{4}$, Section 10, T102N, R70W, described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1058-3 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 March A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

Form 15.

Permit No. 1058-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Petrak

_____ the holder _____ of
Permit No. 1058-3, issued upon Application No. 1058-3, bearing date of priority of August 14,
1963 authorizing the diversion of .35 cu. ft. per second of the waters of _____
surface runoff County of Brule, State of South Dakota at _____
a point North 39° West 150 rods from the SE Corner, Section 10, T102N, R70W
_____, for irrigation

purposes, has a 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 flow of draw cu. ft. per second of water.

Date March 24, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication ^{on} or before October 10, 1963)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., September 17, 1963

Notice is hereby given that James Petrak whose postoffice address is Pukwana 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 .35 cubic feet of water per second of time from ~~xxx~~ dry draws through the Petrak Irrigation Project #1, the point of diversion of which is to be located on ~~xxx~~ both banks of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10 Twp. 102N Range 70W. Said water to be used for the purpose of providing irrigation on the following described land:
N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, T102N, R70W

~~xxxxxx~~ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of November, 1963, 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:

CC: Mr. E. J. Buckingham, Jr., Publisher **BURTON F. JONES**
Chamberlain Register **Water Right Specialist**
Chamberlain, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Brule } ss.

E. J. BUCKINGHAM, JR.

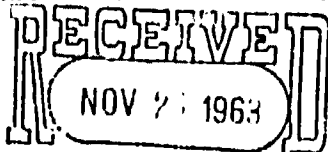
being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Chamberlain Register a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Chamberlain County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

Sept. 26, 1963
Oct. 3, 1963
Oct. 10, 1963
Oct. 17, 1963

in each and every issue of the full number thereof, the first publication being made on the 26th day of September 1963 and the last publication on the 17th day of October 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

E. J. Buckingham, Jr.

Subscribed and sworn to before me this 17th day of October A. D. 1963



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

E. J. Buckingham, Jr.

Notary Public Brule County, S. D.

Notary Public
 My Commission Expires
 Dec. 6, 1966

APPROPRIATION OF WATER

Office of State Water Resources
 Commission, Pierre, S. Dak.,
 September 17, 1963

Notice is hereby given that James Petrak whose postoffice address is Pukwana, 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 .35 cubic feet of water per second of time from dry draws through the Petrak Irrigation Project No. 1, the point of diversion of which is to be located on both banks of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Twp. 102N Range 70W. Said water to be used for the purpose of providing irrigation on the following described land:

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, T102N, R70W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of November, 1963, 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
 Sept. 26 - Oct. 3-10-17

Permit No. 1058-3
 Water Division 3 MISSOURI 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 JAMES
PETRAK of PUKINANA holder
 of Permit No. 1058-3, bearing date of priority of AUGUST 14, 1963
 authorizing the diversion of .35 cu. ft. per second of the waters of DRY DRAW
 for IRRIGATION purposes, in BEULE 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:

TWO MAIN DETENTION Dikes

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

SMALL DITCHES & DIKES

C. Works used to apply water to beneficial use.

WATER SPREADS NATURALLY OVER
LEVEL FLAT

The system is in the following condition: GOOD

The point of diversion is located N 39° W, 150 RODS FROM THE
SE CORNER, SECTION 10, T102N, R70W

The works are capable of diverting and conveying to the place of use FLOW OF DRAW
 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 SEC 10, T102N, R70W

<u>NW¹SE²</u>	<u>17.1</u>	<u>ACRES</u>
<u>SW⁴SE²</u>	<u>1.7</u>	<u>"</u>
<u>NE²SE²</u>	<u>16.1</u>	<u>"</u>

comprising a total of 34.9 acres of land.

Date NOVEMBER 4, 1969
Anton [Signature]
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION