

1. Considered May 17, 1967
2. Name of Applicant Mitchell Country Club
3. Post Office Address Mitchell
4. Amount of water claimed 1.18
5. Source of water supply Firesheet Cr. & Tan. River
6. Water to be used for Irrigation  
 Acres to be irrigated 83.12
7. Water to diverted and used in Davison County  
 about 1.5 miles of Mitchell.
8. Proof of Publication Received May 15  
 Not Received X
9. Application Approved \_\_\_\_\_  
 Subject to \_\_\_\_\_  
 Not Approved \_\_\_\_\_  
 Action deferred \_\_\_\_\_

Aug 10<sup>th</sup>  
 Firesheet statement

10. Remarks:

No. 1371-3Water Division No. 3 James 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 Mitchell Country Club  
Postoffice address Mitchell, County Davison, State South Dakota

I. If a corporation

(a) Name of same Mitchell Country Club(b) Date and place of incorporation April 22, 1915, Mitchell, South Dakota

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors Roger W. Baldwin, North Ridge Park; Harvard Noble, 113 1/2 W. 4th; Don Culhane, 512 E. 6th; H. A. Schnell, Lawler Hotel; J. L. Morgan, 916 Court Merrill; R. F. Weller, 918 Court Merrill; R. G. Briers, Firesteel Heights, all of Mitchell, South Dakota.

(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 Mitchell Country Club Sprinkling System3. Amount of water claimed 1.12 cubic feet per second 1 cu. ft. per 70 acres4. Source of water supply Firesteel Creek and/or James River5. Location of point of diversion See attached map.

on bank County.

6. Annual period or periods during which water is to be used April 1 through October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation(a) Number of acres to be irrigated 83.13 acres.(b) Legal subdivisions to be irrigated See attached plat

(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

MHP # 981-3

## LANDS TO BE IRRIGATED

|         |                                                                       |        |              |
|---------|-----------------------------------------------------------------------|--------|--------------|
| 1.      | SW $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ | Sec.24 | 43.37 ac.    |
| 2.      | NE $\frac{1}{4}$ SW $\frac{1}{4}$                                     | Sec.24 | 12.40 "      |
| 3.      | NE $\frac{1}{4}$ SW $\frac{1}{4}$                                     | Sec.24 | 1.56 "       |
| 4.      | Lot 3                                                                 | Sec.24 | 3.7 "        |
| 5.      | Lot 3                                                                 | Sec.24 | 10.0 "       |
| 6.      | NW $\frac{1}{4}$ SE $\frac{1}{4}$                                     | Sec.24 | 8.6 "        |
|         | Lot H-2                                                               | Sec.24 | <u>3.5</u> " |
| Total - |                                                                       |        | 83.13 "      |

103N-60W

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----  
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----  
(e) Other structures ----- Sprinkler System \$ 25,000 Total, \$ 25,000

9. Description of diversion works:

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

Pumping plant and lines

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<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(c)\* Head gate: Width-----feet; height -----feet;  
Material -----

(d) Canal: Total length -----miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 ----- Four ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----  
The Daily Republic, Mitchell, South Dakota, 57301

STATE OF SOUTH DAKOTA

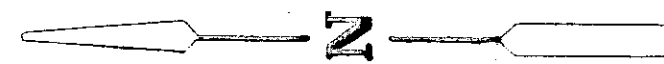
County of ----- Davison ----- } ss.

I, ----- D. E. Culhane, President of Mitchell Country Club -----, 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.

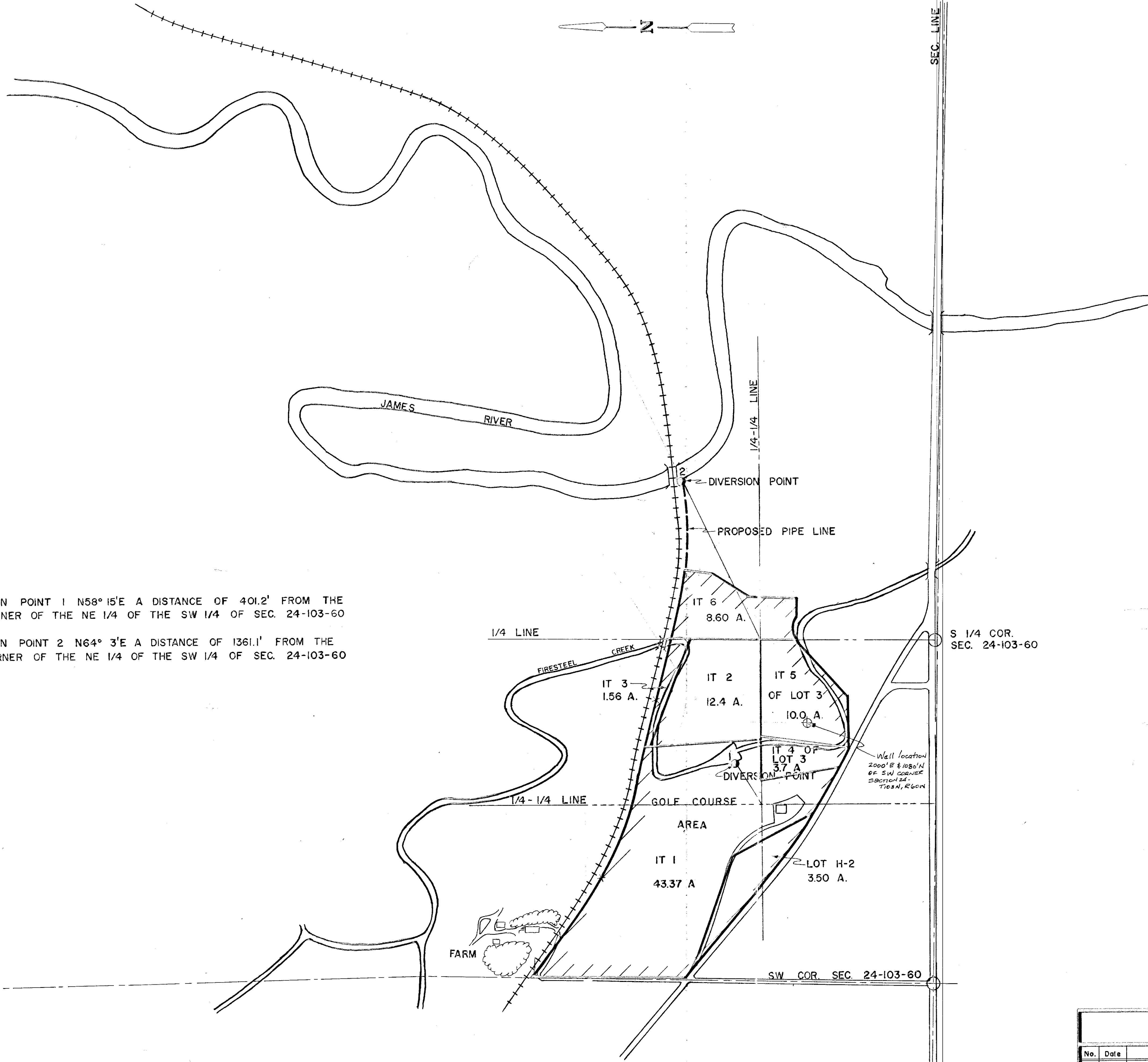
Signed -----

Subscribed and sworn to before me this ----- 3d ----- day of ----- February ----- 1967.

-----  
Notary Public (or other qualified officer.)



SEC. LINE



DIVERSION POINT 1 N58° 15'E A DISTANCE OF 401.2' FROM THE SW CORNER OF THE NE 1/4 OF THE SW 1/4 OF SEC. 24-103-60

DIVERSION POINT 2 N64° 3'E A DISTANCE OF 1361.1' FROM THE SE CORNER OF THE NE 1/4 OF THE SW 1/4 OF SEC. 24-103-60

SURVEYOR'S CERTIFICATE

I, Bernice E. Schmucker, a Registered Engineer and Land Surveyor of Mitchell, South Dakota, do hereby certify that at the request of the Board of Directors of the Mitchell Country Club and under their direction for the purposes indicated therein, I did on or prior to January 21, 1967, survey for the diversion points shown on this plat.

I FURTHER CERTIFY that the within and foregoing plat is in all respects true and correct.

Dated this 21st day of January, 1967.

*Bernice E. Schmucker*  
Registered Engineer and Land Surveyor

STATE OF SOUTH DAKOTA )  
COUNTY OF DAVISON )

On this, the 21st day of January, 1967, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Bernice E. Schmucker, well known to me to be the person who is described in and who executed the foregoing and within Testimony, and duly acknowledged to me that he executed the same in his official capacity as a Registered Engineer and Land Surveyor, and for the uses and purposes therein set forth.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

*[Signature]*  
Notary Public, South Dakota  
My commission expires: 3/1/71

WATER RIGHTS MAP  
MITCHELL COUNTRY CLUB  
MITCHELL, SOUTH DAKOTA

Appl. # 1371-3  
*[Signature]*

| REVISIONS |          |       |               |          |      | COUNTRY CLUB                                                                |  |  |  |
|-----------|----------|-------|---------------|----------|------|-----------------------------------------------------------------------------|--|--|--|
| No.       | Date     | Item  | Dwn.          | Ckd.     | App. | DRAWING OF ROADS, RAILROAD, CREEK, & RIVER Around GOLF COURSE               |  |  |  |
|           |          |       |               |          |      | SCHMUCKER, SHAFFER & PAUL<br>CONSULTING ENGINEERS<br>MITCHELL, SOUTH DAKOTA |  |  |  |
| Drawn     | R. W. K. | Date  | JAN. 19, 1967 | File No. | 1546 | Shd. No.                                                                    |  |  |  |
| Checked   | B. E. S. | Date  | JAN. 19, 1967 | Rev. No. |      |                                                                             |  |  |  |
| Approved  |          | Date  |               |          |      |                                                                             |  |  |  |
| Designer  |          | Scale | 1" = 400'     |          |      |                                                                             |  |  |  |

Map of - 2 Appl. # 1371-3

Remarks by State Water Resources Commission:

Diversions from Firesteel Creek are subject to  
prior water rights.

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

STATE OF SOUTH DAKOTA  
County of HUGHES ss.

Pierre, South Dakota, May 22, 1967

This is to certify that the foregoing application was received by the Commission at 8:25 o'clock  
A m. upon the 17th day of February, 1967

State Water Resources Commission

By: Richard D Schwaner  
for Chief Engineer, Executive Officer

Number of permit 1371-3

Date of first receipt of application February 17, 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 February 17, 1967

Approved May 17, 1967, Recorded in Book 9 Page 270

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 November 12, 1967

2nd. The whole of said work is to be completed on or before May 17, 1971

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

May 17, 1976

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 1.18 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 May 17, 1976; said water to be used during the following described annual period:

April 1st through November 1st  
Witness my hand this 22nd day of May, 1967

State Water Resources Commission

By: J. Schwaner  
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 22, 1973

Water License Issued AUGUST 22, 1973

Form 15.

Permit No. 1371-3

Water Diversion No. 3 JAMES RIVER Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mitchell Country Club

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1371-3, issued upon Application No. 1371-3, bearing date of priority of February 17,  
1967 authorizing the diversion of 1.18 cu. ft. per second of the waters of \_\_\_\_\_  
Firesteel Creek County of Devilson, State of South Dakota at \_\_\_\_\_  
a point North 64° 03' East, 1361.1 feet from the center of the SW¼,  
Section 34, T103N, R60W  
\_\_\_\_\_, 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 .50 cu. ft. per second of water.

Date August 22, 1967

WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 137103

(1) WHEREAS, On the 17th day of February A. D. 19 67  
Mitchell Country Club

made Water Right Application No. 1371-3 for a permit to use 1.18 cubic feet per second of the water of Firesteel Creek

County of Davison State of South Dakota for Irrigation

\_\_\_\_\_ purposes, and

(2) WHEREAS, On the 22nd day of May A. D. 19 67

Permit No. 1371-3 with a date of priority of February 17, 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 17th day of May A. D. 19 71 and for the application to beneficial use of said water on or before the 17th day of May A. D. 19 76.

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 .50 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 24, T103N, R60W

|                                                                                                                          | Acres        |
|--------------------------------------------------------------------------------------------------------------------------|--------------|
| <u>SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> &amp; NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></u> | <u>43.37</u> |
| <u>NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></u>                                                             | <u>13.96</u> |
| <u>Lot 3</u>                                                                                                             | <u>13.70</u> |
| <u>NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math></u>                                                             | <u>6.60</u>  |
| <u>Lot H-2</u>                                                                                                           | <u>3.50</u>  |
| <u>Total</u>                                                                                                             | <u>83.13</u> |

(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 Mitchell Country Club

\_\_\_\_\_ of Mitchell, South Dakota

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 1371-3 a water right, dating from February 17, 1967

\_\_\_\_\_ to use of .50 cubic feet per second of the waters

of Firesteel Creek

in the County of Davison 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 64° 03' East, 1361.1 feet from the

Center of the Strk, Section 24, T103N, R60W

and conduct to and upon portions of Section 24, T103N, R60W more fully described on the  
face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1371-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 22nd day of August A. D.  
Seventy-three  
Nineteen Hundred and

**WATER RIGHTS COMMISSION**  
~~WATER RIGHTS COMMISSION~~

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

# STATE OF SOUTH DAKOTA



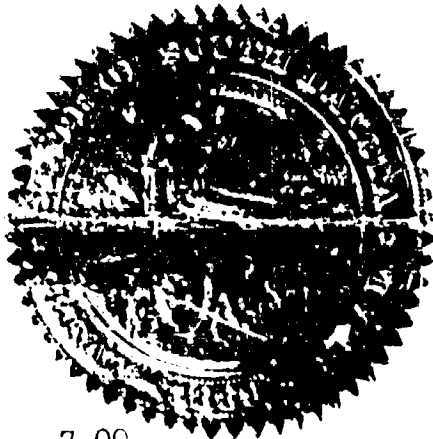
## OFFICE OF THE SECRETARY OF STATE

### Department of State

United States of America, }  
State of South Dakota, } SECRETARY'S OFFICE

This is to certify that the attached instrument of writing is a true, correct and examined copy of Articles of Incorporation of MITCHELL COUNTRY CLUB filed for record on the 22nd day of May, 1915, there being no other instruments on file for this corporation;

and the whole thereof, and has been carefully compared with the original now on file in this office and found correct.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota at the City of Pierre, the Capital, on this ....7th.... day of ...February....., 19...67....

*Robert L. Leonard*  
Secretary of State

By .....  
Assistant Secretary of State

FEES \$ 7.00

## ARTICLES OF INCORPORATION

OF THE

MITCHELL COUNTRY CLUB

KNOW ALL MEN BY THESE PRESENTS:

That at a meeting of the membership of the Mitchell Country Club which meeting was held at the office of said club on the 22nd day of April, 1915, said meeting being called for such purpose it was moved and carried that said Club be incorporated under the Laws of the State of South Dakota, with Articles of Incorporation as follows:

## ARTICLE I.

This corporation shall be known by and its corporate seal shall be the Mitchell Country Club.

## ARTICLE II.

This corporation is formed and organized for scientific, charitable and benevolent purposes, and for the mutual assistance and betterment of those who may become members thereof, and particularly to encourage social and physical improvements and entertainments especially outdoor exercise, such as golf, tennis, baseball and foot ball and other similar purposes, as may be from time to time determined by the members through their by-laws, or by the Board of Directors, and for such purpose may acquire, own, hold, pledge, mortgage or sell real estate or personal property in its corporate name and may adopt, change and alter its by-laws providing for

(a) The qualifications of members, mode of election and terms of admission to membership.

(b) Fees for admission and dues to be paid into their treasury by members.

(c) The expulsion and suspension of members for misconduct and non-payment of dues.

(d) The contracting, securing, paying and limiting of the amount of indebtedness.

(e) Other regulations not repugnant to the laws of the land,

and consist with the object of this corporation.

(f) Upon any person being admitted to membership and paying the required admission dues, a certificate of admission, signed by the President and attested by the Secretary, shall be issued to him, which shall entitle him to a continuous membership in this club, subject only to his expulsion or suspension as may be provided for under the by-laws. Such certificate of membership shall entitle him to one vote at any meeting or occasion where members shall be entitled to vote; such certificate shall be non-assignable, but may be returned by the holder thereof; or his legal representatives, or his heirs, executors or administrators to this corporation and thereupon the directors shall re-issue the same to any desirable party who is accepted as a member of this club, and upon such certificate being re-issued at the price for which such board shall then, or may, by the by-laws be determined, the proceeds of such sale shall be paid to the party surrendering the same, provided that no person shall be allowed to own more than one certificate of membership and such certificate of membership shall be in such form as may be provided for in the by-laws.

#### ARTICLE III.

This corporation shall be located, and its principal place of business shall be at the City of Mitchell, Davison County, South Dakota.

#### ARTICLE IV.

The term for which this corporation shall exist shall be perpetual.

#### ARTICLE V.

This corporation shall be governed by a Board of seven directors under restrictions as may be provided for by the by-laws of this corporation. The names and residences of the members who shall serve as directors until the election and qualification of their successors in office are as follows:

NAME

RESIDENCE

Frank W. Winsor,  
Herbert F. Hitchcock,  
Robert Burns,  
William E. Tipton,  
Stephen H. Scallin,  
Charles F. Tyn,  
William H. Fritz,

Mitchell, South Dakota  
Mitchell, South Dakota  
Mitchell, South Dakota  
Mitchell, South Dakota  
Mitchell, South Dakota  
Mitchell, South Dakota  
Mitchell, South Dakota

## ARTICLE VI.

This corporation shall not be subject to any grand, supreme or sovereign lodge, or other superior body or bodies.

## ARTICLE VII.

The amount of property which this corporation may hold shall not exceed Fifty Thousand (50,000) Dollars, and in case of dissolution, the same shall be divided among those holding membership certificates therein.

## ARTICLE VIII.

Private property of the members of this corporation shall not be liable for its corporate debts.

Dated at Mitchell, South Dakota this 22nd day of April, 1915.

Frank W. Winsor  
Herbert F. Hitchcock  
Robert Burns  
William E. Tipton  
Stephen H. Scallin  
Charles F. Tyn  
William H. Fritz

State of South Dakota, {  
County of Davison, { SS

Be It Remembered, That on this 22nd day of April, 1915 before the undersigned personally appeared the above named Frank W. Winsor, Herbert F. Hitchcock, Robert Burns, Stephen H. Scallin, William E. Tipton, Charles F. Tyn and William H. Fritz, well and personally known to me to be the same persons described in and who executed the foregoing instrument and severally duly acknowledged to me that they executed the same.

In witness whereof, I have <sup>0 0 1 to 6 0 1</sup> ~~to 6 0 1~~ <sup>1915</sup> ~~1915~~  
affixed my official seal at said County the day and year last  
above written.

*J. H. Bryan*  
Notary Public, South Dakota.

State of South Dakota, ( ) ss  
County of Davison, ( )

Frank M. Winsor, Herbert F. Hitchcock, Robert Burns,  
William E. Tipton, Stephen H. Scallin, Charles W. Tye and Wil-  
liam H. Fritz each being first duly sworn states that at a  
regularly called meeting of the members of the Mitchell  
Country Club which was proposed to be incorporated on the 22nd  
day of April, 1915 it was voted by all the members present at  
such meeting to incorporate said body or club under the name  
of the Mitchell Country Club and that at said meeting affiants  
were the duly elected directors of such body or club.

Said meeting was regularly called and all the members  
of said club or body had due and legal notice of said meeting.

*Frank M. Winsor*  
*Herbert F. Hitchcock*  
*Robert Burns*  
*William E. Tipton*  
*Stephen H. Scallin*  
*Charles W. Tye*  
*William H. Fritz*

Subscribed and sworn to before me this 22nd day of April, 1915.

*J. H. Bryan*  
Notary Public, South Dakota.



On or before April 20 67  
(First Publication 19 )

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 29 19 67

Notice is hereby given that the Mitchell Country Club whose postoffice address is Mitchell 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 1.18 cubic feet of water per second of time from the Firesteel Creek & the James River through the Mitchell Country Club #1 the point of diversion of which is to be located on the NW 1/4 of the NE 1/4 SW 1/4 Sec. 24 & on the right bank of the James River NW 1/4 of the SE 1/4 of Section 24, both in Twp. 103N Range 60W Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 and W 1/2 SE 1/4, Section 24, T103N, R60W.

and for purposes.

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:

~~XXXXXXXXXXXXXXXXXXXX~~  
RICHARD D. SCIBOYER  
Water Right Specialist

CC: Mr. E. M. Brady, Publisher  
Daily Republic  
Mitchell, S.D.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
 County Davison } ss.

E. M. Brady being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Republic 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 Mitchell County of Davison and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 18, 25, May 2 and May 9

in each and every issue of the full number thereof, the first publication being made on the 18th day of April 1967 and the last publication on the 9th day of May 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 General Manager the printer and publisher of the said newspaper.

## APPROPRIATION OF WATER

No. 1371-3

Office of State Water  
 Resources Commission,  
 Pierre, S. Dak.,  
 March 29, 1967

Notice is hereby given that the Mitchell Country Club whose postoffice address is Mitchell, 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 1.18 cubic feet of water per second of time from Firesteel Creek & the James River through the Mitchell Country Club No. 1, the points of diversion of which are to be located on both Firesteel Creek in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24 & on the right bank of the James River bank in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 24, both in portions of Twp. 103N, Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 24, T103N, R60W.

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.

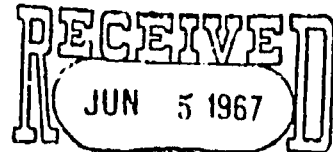
State Water  
 Resources Commission  
 By:  
 Richard D. Schmoyer  
 Water Right Specialist

Subscribed and sworn to before me this 10th day of May A. D. 1967

Notary Public Davison County, S. D.

COUNTRY CLUB  
EAST CITY LIMITS  
MITCHELL, SOUTH DAKOTA

May 31, 1967



STATE WATER RESOURCES COMM.  
PIERRE SOUTH DAKOTA

Water Resources Commission  
State Office Building  
Pierre, South Dakota

Attention: J. W. Grimes  
Chief Engineer, Executive Officer

Re: Mitchell Country Club  
Application No. 1371-3

Gentlemen:

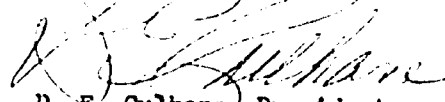
I acknowledge receipt of your letter of May 24 and enclosures. I wish to advise that we have constructed a dam which holds water at the same approximate level as we have done for a number of years before. We have not done anything to expand the watering system that we have had for a number of years. Plans to do so are in the preliminary stage.

If an inspection is warranted at this time, please advise and we shall complete the forms you sent us; otherwise, we will notify you when our irrigation system is expanded.

If you need any further information, we will be happy to furnish the same.

Yours very truly,

MITCHELL COUNTRY CLUB

  
D. E. Culhane, President

DEC:nak

1371-3

June 6, 1967

Mr. D. E. Culhane, President  
Mitchell Country Club  
Mitchell, S.D.

Dear Mr. Culhane:

This is in answer to your letter of May 31st in which you inquired about the completion forms for water permit 1371-3. The notice for completion of the works and for putting the water to beneficial use should be sent to us after your irrigation expansion work has been completed. The purpose for sending us these notices is so that we might schedule a final inspection and issue the final water license for your irrigation project.

In answer to your memo dated 6/2/67, the following is a description of the only water right we have on record for Firesteel Creek between Mitchell Dam and the James River.

Water Right 699-3. This water right was issued to Al. C. Bosworth of Mitchell and has a priority date of March 2, 1960. The permit authorizes the withdrawal of 2.32 cfs from Firesteel Creek or the James River for irrigation on 162.2 acres of land.

To answer your last question, this office has no knowledge of any springs between the Mitchell Dam and the James River along Firesteel Creek.

I hope this information can be of help to you. Please call on us if you have any further questions.

Sincerely,

RICHARD D. SCHMOVER  
Water Right Specialist

RDS:mf

COMMISSION

John M. Garhart, Spearfish  
Fester Brag, Parker  
Carl Croam, Gettysburg  
Lauren S. Davis, Belle Fourche  
Milton E. Fischer, Milbank  
Richard Lommen, Harrisburg  
Clarence D. Mortenson, Hayes  
Dick Fisher, Cresbard

1371-3  
South Dakota  
WATER RESOURCES COMMISSION

State Office Building #2  
PIERRE, SOUTH DAKOTA 57501

J. W. GRIMES

Chief Engineer  
and  
Executive Officer

PHONE  
224-3584  
Area Code 605

August 7, 1970

Mitchell Country Club  
Mitchell  
South Dakota

Dear Sirs:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

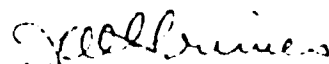
The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water in the James River.

Please govern your use of irrigation water under your Water Right No. 1371-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

  
J. W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

Permit No. 1371-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USETO: 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 MITCHELL COUNTRY CLUB of MITCHELL holder of Permit No. 1371-3, bearing date of priority of FEBRUARY 17, 1967 authorizing the diversion of 1.18 cu. ft. per second of the waters of FIRESTEEL CREEK & JAMES RIVER for IRRIGATION purposes, in DAVISON 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:

DEMING 2 1/2" INLET 2" OUTLET PUMP, POWERED BY  
OVER-WHEELER 20 H.P. ELECTRIC MOTOR

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

SEVERAL MILES OF 4", 3", 2 1/2", 2" & 1 1/2" BURIED  
P.V.C. PIPE

C. Works used to apply water to beneficial use. \*

RAINBIRD NO 80 C, SPRINKLER HEADS 1 1/2" x 7/8" 50 G.P.M.  
10 OPERATED @ ONE TIME ON UPPER LEVEL TO 80 G.P.M.  
12 " @ " " LOWER LEVEL FOR HEAD.

The system is in the following condition: EXCELLENT

The point of diversion is located N 64° 03' E, 1361.1 FEET FROM THE CENTER  
OF THE SW<sup>4</sup>, SECTION 24, T103N, R60W

The works are capable of diverting and conveying to the place of use .50cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 24, T103N, R60W

|                                                                   |             |         |           |
|-------------------------------------------------------------------|-------------|---------|-----------|
| SW <sup>4</sup> SW <sup>4</sup> & NW <sup>4</sup> SW <sup>4</sup> | 43.37 ACRES | LOT H-2 | 3.5 ACRES |
| NE <sup>4</sup> SW <sup>4</sup>                                   | 13.96 "     |         |           |
| LOT 3                                                             | 13.70 "     |         |           |
| NW <sup>4</sup> SE <sup>4</sup>                                   | 8.60 "      |         |           |

comprising a total of 83.13 acres of land.

\* BURIED SYSTEM & SPRINKLERS ALSO USED UNDER  
PERMIT NO 1747-3

Date JULY 11, 1973

Dustin Jones  
(Signature)

WATER RIGHT SPECIALIST  
WATER RIGHTS COMMISSION

 **Department of  
Water & Natural Resources**  
Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501 Phone (605) 773-3352

No 1747-1  
1371-3

E. Steeves Smith  
Titan, Padrnos, Smith & Saukerson  
305 North Kimball  
Mitchell, South Dakota 57301

Dear Sir:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

Genny Young  
Water Rights Specialist

GY:ms  
Enc.

WNR-220A-7/79  
Transmittal of Transfer of Water Permit

NO. 1371-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: July 6, 1982

This is to notify you that the title to the lands described as follows:

83.13 acres - W1/2SW1/4, NE1/2SW1/4, Lot 3, NW1/2SE1/4, Lot H-2, Section 24, T103N, R60W

formerly owned by Mitchell Country Club

has been transferred to Firesteel Golf & Country Club, Inc.

NOTE: (please include full name and mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1371-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
                                  ) ss.  
County of Davison )

I, John McFarland being first duly sworn on my oath, depose and say:  
That my relation to the above described undertaking is that of President of Mitchell Country Club  
the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

MITCHELL COUNTRY CLUB

By John McFarland  
John McFarland, President

Subscribed and sworn to before me this 6th Day of July, 1982.

[Signature]  
(Notary Public)

My Comm. Expires: 1-14-87

(SEAL)



No. 1371-3

**SOUTH Dakota** Department of  
**Water & Natural Resources**  
Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501 Phone (605) 773-3352

August 3, 1982

Firesteel Golf & Country Club  
E. Steeves Smith  
305N. Kimball  
Mitchell, South Dakota 57301

Dear Sir:

Enclosed is receipt No. 4 8931 in the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 1371-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Genny Young  
Water Rights Specialist

GY:ms  
Enc.

WNR-821-7/79  
Receipt & Notice of filing of Transfer of Water Right

Water Rights Division - DWNR

File No. 1371-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Firesteel Golf and Country Club

ADDRESS: Mitchell, SD 57301 COUNTY Davison

DATE: 1/24/86 TELEPHONE \_\_\_\_\_

RE: Spoke to Bud Heim - caretaker

COMMENTS:

The report of examination of works dated July 11, 1973,  
states that the James River is a diversion point for  
License No. 1371-3. An inspection was completed on May 8,  
1985, of License No. 1371-3 for the purpose of updating  
records regarding James River diversions. Mr. Heim stated  
that the James River is no longer a source for irriga-  
tion of the golf course. Therefore, the James River can  
be excluded as a water source for License No. 1371-3.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron. Darvall

1371-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

December 28, 1995

1371-3  
1747-3

Dave Backlund  
Wild Oak Golf Club  
117 South Lawler  
Mitchell, SD 57301

Dear Mr. Backlund:

Thank you for the prompt return of the 1995 irrigation questionnaires pertaining to Water Right Nos. 1371-3 and 1747-3. I am enclosing two partially completed transfer forms for use in filing an ownership change on each water right.

Please complete the forms as needed and sign them in the presence of a notary public. Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

The transfer forms look identical except for the water right numbers. Water Right Nos. 1371-3 and 1747-3 authorize irrigation of the same acreage. The difference between the two water rights is that No. 1371-3 authorizes diversion of water from Firesteel Creek and No. 1747-3 authorizes irrigation of the acreage from ground water.

If you have any questions concerning the water rights or completion of the transfer forms, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181



No. 1371-3

Date: 1-4-96

I We request that Water Right No. 1371-3

formerly owned by: Firesteel Golf & Country Club

be transferred to: (name & address) LINKS LTD. DBA WILD DAK GOLF CLUB MAILING ADDRESS  
117 SOUTH LAUREL MITCHELL, S.D. 57301 Telephone No. 605-996-8175 office  
605-996-2084 golf course

Title to the following described land(s) property has been transferred as described above:

SW 1/4 SW 1/4, N 1/2 SW 1/4, Lot 3, NW 1/4 SE 1/4, Lot H-2 all in Section 24, T103N, R60W (83.13 acres)

I We understand that the validity of Water Right No. 1371-3 has not been determined by this transfer action. If I/We have any questions on validity, I We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )

County of DeWitt )

(I/We David A. Buehler 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, and that I know of my own personal knowledge that the information herein stated is true.

David A. Buehler  
(Signed)

Subscribed and sworn to before me this 4 day of January, 19 96.

David A. Buehler 1-19-2012  
(Notary Public)

**NOTE:** Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

South Dakota Department of Environment and Natural Resources

414749

RECEIVED OF Links, Ltd., LLC, 117 S. Lawler St, Mitchell, SD 57301 Pierre, January 8, 19 96  
the following amount in fees for services rendered as provided for by law:

|                                                                                      |                                    |  |
|--------------------------------------------------------------------------------------|------------------------------------|--|
| Fee for Application for Permit No. _____<br>and to put water to beneficial use _____ | to Appropriate Water, to construct |  |
| Fee for Application for Permit No. _____<br>Use _____                                | to Appropriate Water, for Future   |  |
| Fee to retain Future Use Permit No. _____<br>License No. _____                       | after period of seven years.       |  |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water    |                                    |  |
| Fee for Filing Transfer Form <u>Water Right No. 1371-1</u>                           |                                    |  |
| Fee for Filing Extension Request _____                                               |                                    |  |
| Fee for _____                                                                        |                                    |  |
| _____                                                                                |                                    |  |
| _____                                                                                |                                    |  |
| _____                                                                                |                                    |  |
| (Any Other Work Provided by Law)                                                     |                                    |  |

2 50

Total

2 50

By John H. Hildebrand  
Chief Engineer

1371-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

January 10, 1996

No. 1371-3  
1747-3

Dave Backlund  
Links LTD DBA  
Wild Oak Golf Club  
117 South Lawler  
Mitchell, SD 57301

Dear Mr. Backlund,

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1371-3.

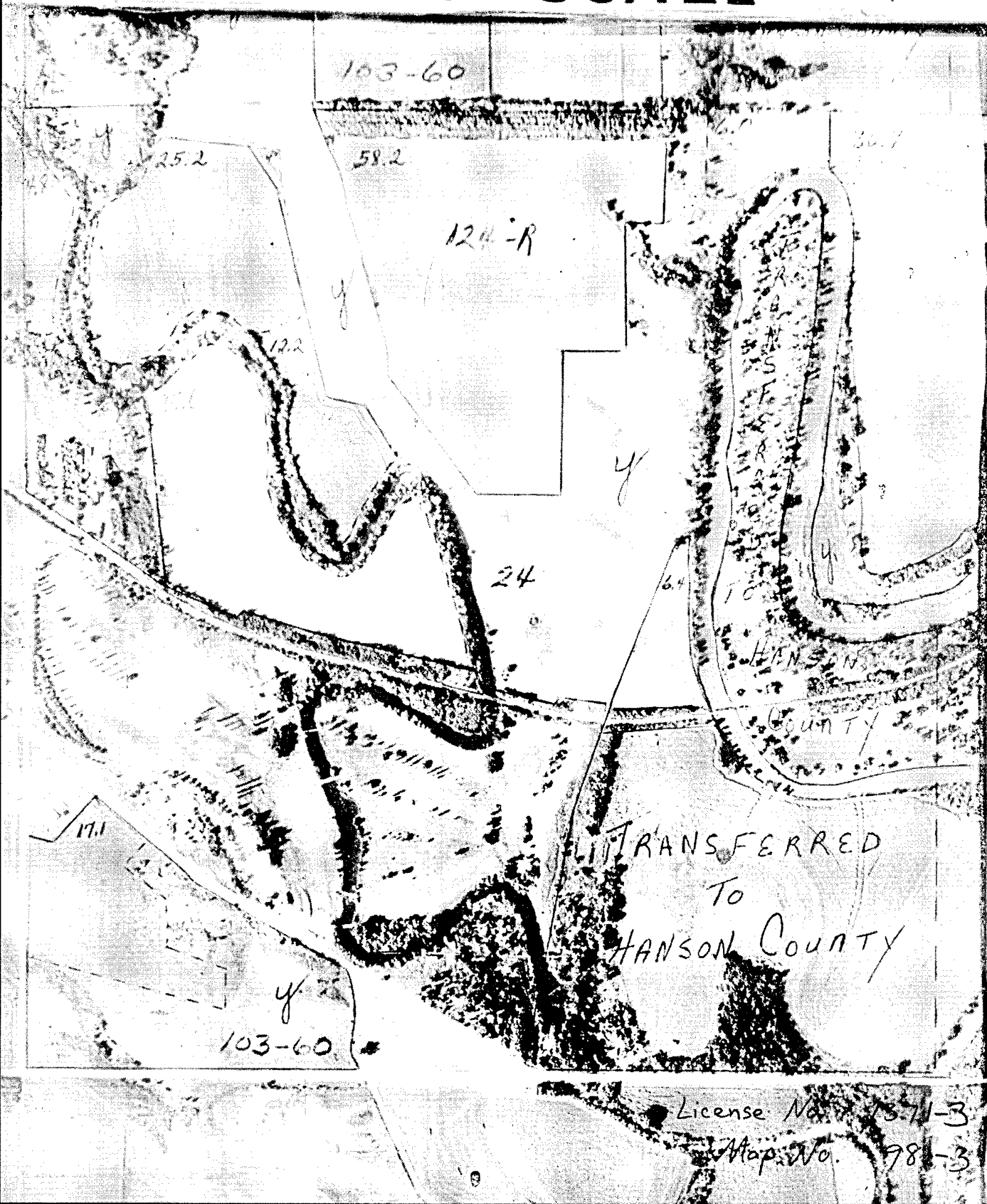
Our records now show Links LTD DBA Wild Oak Golf Club as the owner of Water Right No. 1371-3.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

enclosure

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 19, 2010

1371-3  
1747-3  
6314-3

David Backlund, President  
Wild Oak Golf Club  
2500 E 1<sup>st</sup> Ave  
Mitchell SD 57301-6456

Dear Mr. Backlund:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 117 S Lawler, Mitchell, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures



1371-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 20 2018

1371-3  
6314-3

David Backlund  
Wild Oak Golf Club  
2500 E 1<sup>st</sup> Ave  
Mitchell SD 57301

Dear Mr. Backlund:

Enclosed is Water License No. 6314-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For informational purposes, each October you will now receive only two questionnaires. One for use of water from Firesteel Creek as authorized under No. 6314-3 and one for use of water from ground water as authorized under Water Right No. 1747-3. Keep in mind that water use must be reported separately for the two sources.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

**Note:** Upon licensing, the applicable portions of Water Right No. 1371-3 were incorporated into Water License No. 6314-3.