

Water Right Number 1882-3

1. Considered SEPT. 1, 1971
2. Name of Applicant EVERETT & LEO STEWART
3. Post Office Address R.F.D., BERESFORD, S.D.
4. Amount of Water claimed 27 AC. FT. ANNUALLY
5. Source of Water supply DRY DRAW DAM
6. Water to be used for FISH CULTURE & RECREATION

Acres to be irrigated -

7. Water to be diverted and used in CLAY County
about 1 1/2 W miles of BERESFORD

8. Proof of Publication

Received 9-1-71

Not Received _____

9. Application

Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 1882-3Water Division No. 3 VERMILION RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant Everett Stewart + Leo Stewart
Postoffice address Bevested, S. Dak. County Clay State South Dak.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Dry Draw Dam
3. Amount of water claimed 50 acre feet cubic feet per second initial full
4. Source of water supply Drainage
5. Location of point of diversion NE 1/4 of the SW 1/4 of Section 1, Township 95, Range 51. The dam is located 145 rods N and 95 rods E of SE corner of said Section
6. Annual period or periods during which water is to be used all year
7. To be used for:

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

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

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use Fish culture + recreation + wildlife

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 1335-3

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.)

Dam

II. Dimensions of works,

(a) Dam: Height 27 feet; length at bottom 230 feet; length at top 457 feet; thickness at bottom 155 feet; thickness at top 12 feet; slope at front water face 4:1; slope at back face 2:1 material used in construction earth

(b) Reservoir: Capacity when filled 50 acre feet. Surface area at highwater mark 9.10 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY
3	0	0
4	.60	1.20
12	3.40	16.00
20	9.10	50.00

(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 1 st 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 less than 1 years.11. Time required for complete application of water to the proposed beneficial use 3 years.

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

Berestford Republic

STATE OF SOUTH DAKOTA

County of Clay ss.

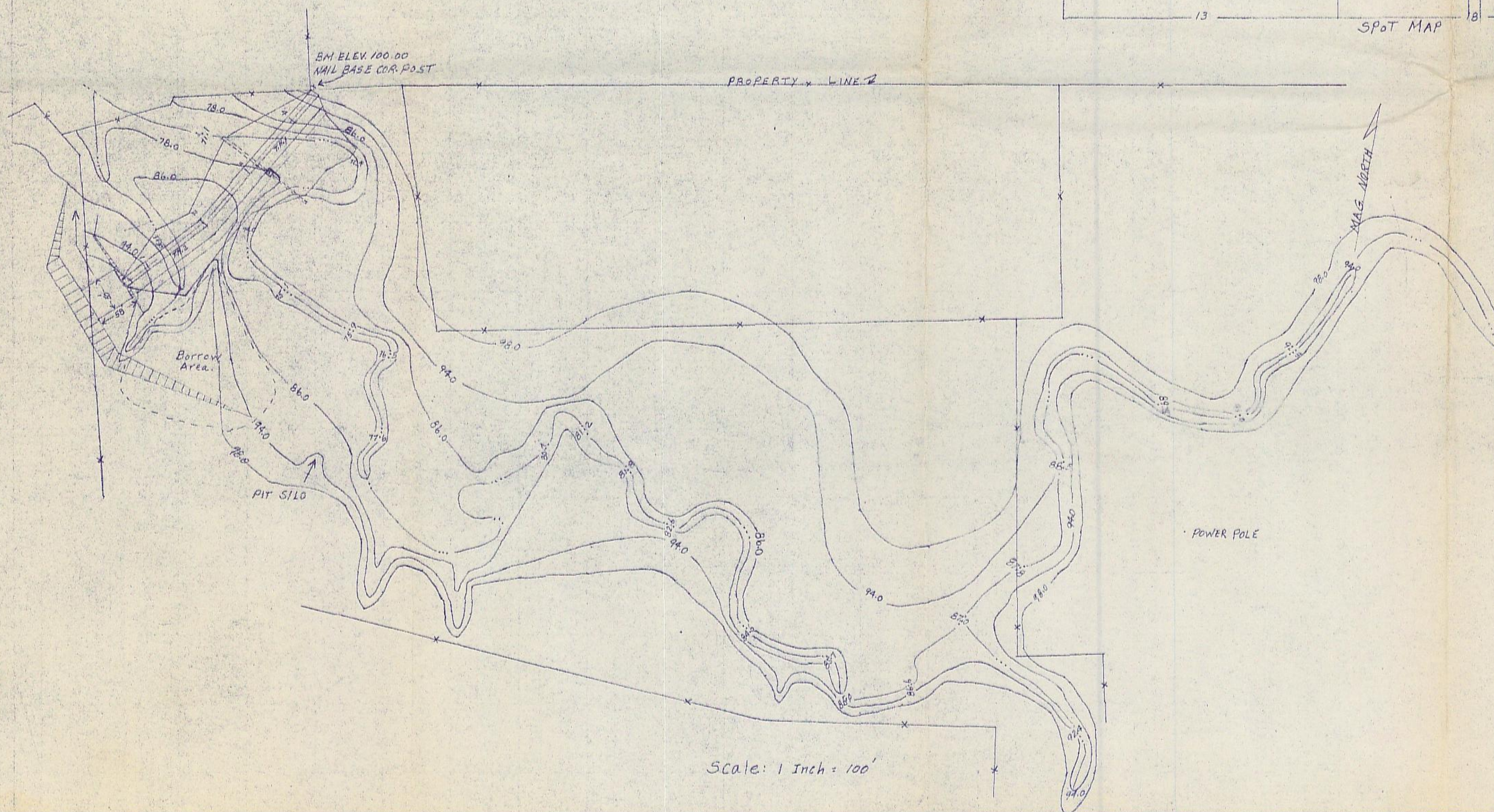
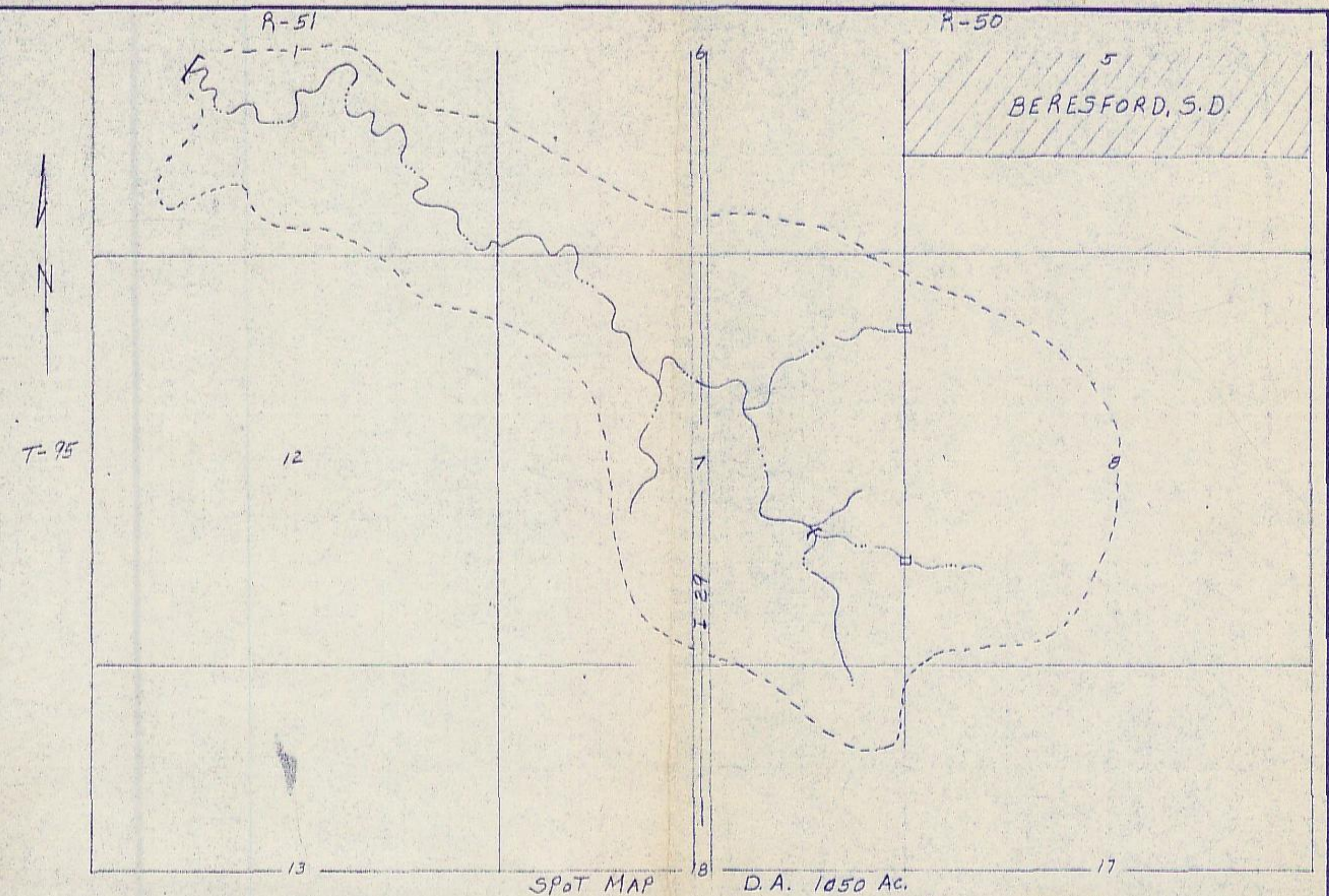
I, Everett Stewart + Leo Stewart, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters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

Signed Everett Stewart + Leo StewartSubscribed and sworn to before me this 22 day of August 1921

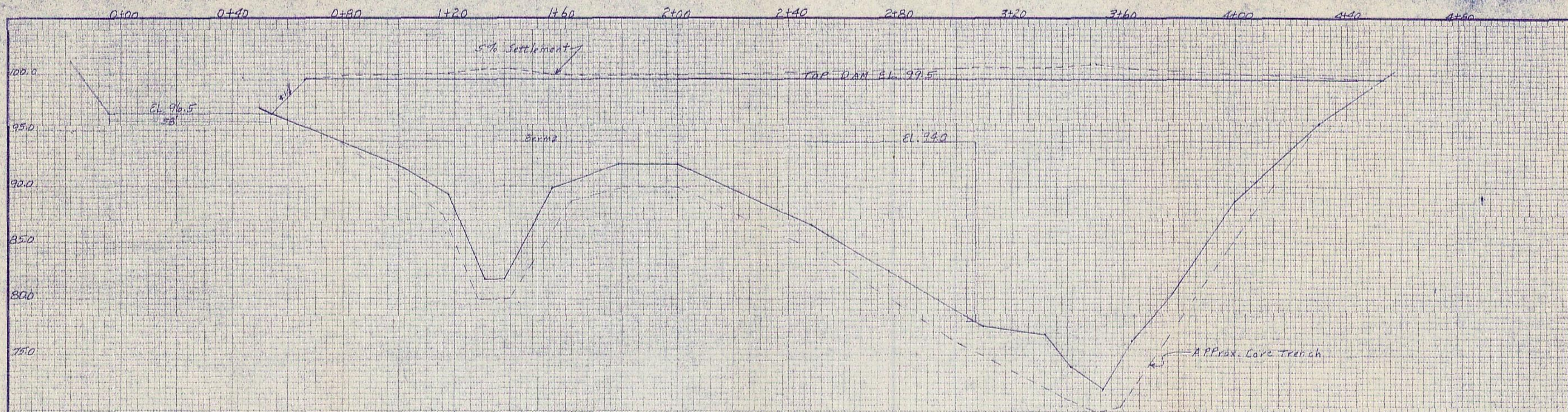
Notary Public (or other qualified officer.)

RESERVOIR STORAGE

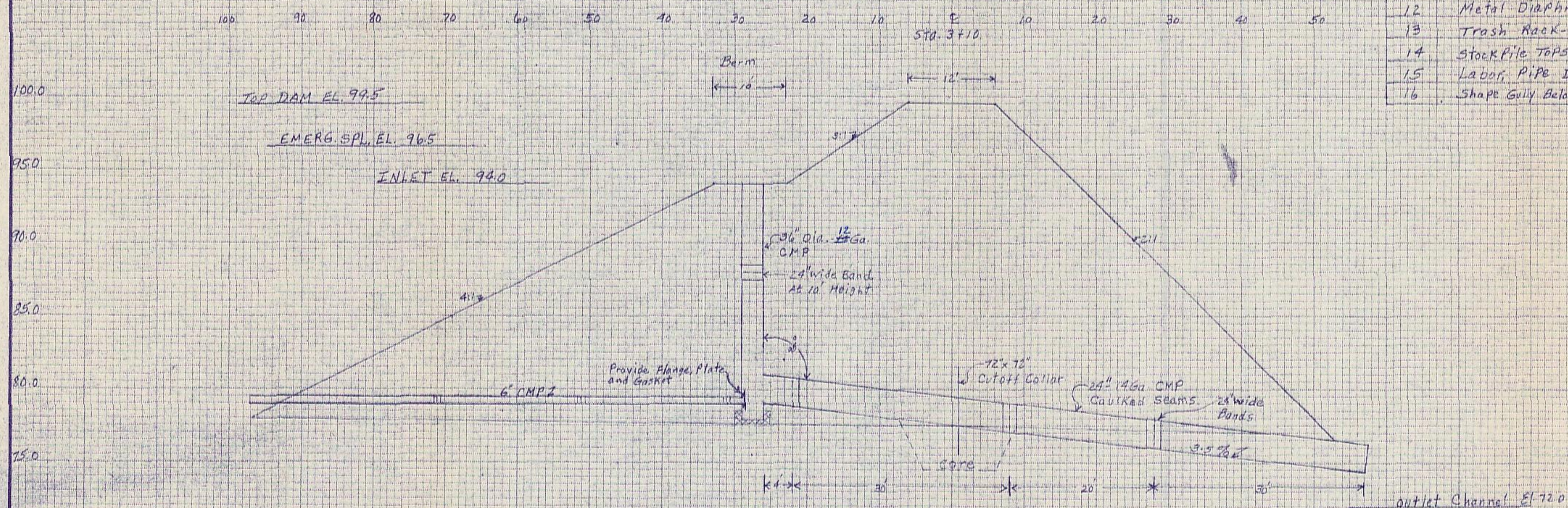
ELEV.	AREA AC.	STORAGE A.F.	ACCUM. STOR.
74.0	0	0.	0
78.0	.60	1.20	1.20
86.0	3.40	16.00	17.20
INLET 94.0	9.10	50.00	67.20
98.0	13.10	44.40	111.60



Everett Stewart	
Rec. Dam	
SW 1/4, 1-95-51	
Clay Co.	South Dakota
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed: <u>Charles C. Weiss</u> 6/21	Date: <u>6/21</u>
Traced: <u>Watershed Survey</u> 6/21	Checked: <u>Watershed Survey</u> 6/21
Sheet: <u>1</u>	Drawing No: <u>2</u>



TABLES OF QUANTITIES				
ITEM No	ITEM			UNIT QUANTITY
1	Earth Fill	Est.	Incl. 5%	C.Y. 13,549
2	Core Trench	Excavation		C.Y. 750
3	Conc. Riser Base			C.Y. 11.0
4	Rein/Steel	1/2"		L.F. 32
5	CMP	14 Ga. 36" Dia. Caulked Seams (1-10, 1-6)		L.F. 16
6	Band	14 Ga. 36" Dia., 24" wide, w/reds & Lugs		Ea. 1
7	CMP	14 Ga. 24" Dia. Caulked Seams		L.F. 84
8	Bands	14 Ga. 24" Dia., 24" wide, w/reds & Lugs		Ea. 3
9	Tea-Weld	4"x24" Stub to 36" riser @ 95°		Ea. 1
10	CMP	6" Dia. Spiral Pipe w/3-6" wide Bands, 16 Ga.		L.F. 68
11	Flange, Plate	For 6" drawdown pipe, assembled		Ea. 1
12	Metal Diaphragm	72"x72", 14 Ga.		Ea. 1
13	Trash Rack	Conical Type w/Baffle		Ea. 1
14	Stock Pile	Topsoil, Dress Emerg. SPL. 0.5 layer		Job 1
15	Labor	Pipe Installation		L.F. 168
16	Shape Gully	Below 1+30 From Toe of Backslope - 4:1 S:1		L.F. 150



EVERETT STEWART
REC. DAM. SW-1-95-51

Clay Co. South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date 5/71

Designed Carl E. Weisberg, Agr. Engr.

Approved by _____

Drawn _____

Traced _____

Checked _____

Title _____

Sheet No. 2 of 2

Drawing No. _____

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 7, 1971

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
01 m. upon the 30TH day of JUNE, 1971

State Water Resources Commission
E. J. Auston
for Chief Engineer, Executive Officer

Number of permit 1882-3

Date of first receipt of application JUNE 30, 1971

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 JUNE 30, 1971

Approved SEPTEMBER 1, 1971, Recorded in Book 12 Page 31

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 APRIL 1, 1972

2nd. The whole of said work is to be completed on or before SEPTEMBER 1, 1972

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

SEPTEMBER 1, 1975

4th. The water appropriated shall be used for the purpose of FISH CULTURE, RECREATION AND WILDLIFE

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.
50 ACRES FEET (INITIAL FILL)

6th. The amount of the appropriation herein granted shall not exceed 27 ACRE FEET ANNUALLY THEREAFTER ~~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 ~~hundredth (1/100) of one cubic foot of water per second of time for each acre of land to which water is actually~~

USED FOR PUBLIC RECREATION PURPOSES

and beneficially ~~applied for irrigation~~ applied on or before SEPTEMBER 1, 1976; said water to be used during the following described annual period:

CONTINUOUSLY
Witness my hand this 7TH day of SEPTEMBER, 1971

State Water Resources Commission
By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 28, 1972

Water License issued APRIL 28, 1972

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1882-3

(1) WHEREAS, On the 30th day of June A. D. 19 71
Everett and Leo Stewart

made Water Right Application No. 1882-3 for a permit to use 27 acre feet annually ~~XXXXXXXXXXXXXX~~ of the waters
of local runoff

County of Clay State of South Dakota, for fish culture, wildlife and recreation

purpose; and
(2) WHEREAS, On the 7th day of September A. D. 19 71

Permit No. 1882-3, with a date of priority of June 30, 1971

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 1st day of September A. D. 19 72 and for the
application to beneficial use of said water on or before the 1st day of September A. D. 19 75

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 27 acre feet annually ~~XXXXXX~~
~~XXXXXXXXXX~~ of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

water is stored in place for fish culture, recreation and wildlife purposes.

(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 Everett and Leo Stewart

_____ of Beresford, South Dakota
the holder s and owner s of said permit No. 1882-3 a water right, dating from June 30, 1971
_____ to use of 27 acre feet annually ~~xxxxxxxxxxxxxxxx~~ of the waters
of local runoff

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 145 rods North and 85 rods East of the
SW Corner, Section 1, T95N, R51W

and ~~xxxxxxxxxxxx~~ stored in place

for the purpose of fish culture, wildlife and recreation purposes

Subject to any limitations listed in Water Right Permit No. 1882-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of April A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1882-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Everett and Leo Stewart

_____ the holder s of
Permit No. 1882-3, issued upon Application No. 1862-3, bearing date of priority of June 30,
1971 authorizing the diversion of 27 acre feet annually ~~xxxxxx~~ of the waters of _____
local runoff County of Clay, State of South Dakota at _____
a point 145 rods North and 85 rods East of the SW Corner, Section 1, T95N, R51W.

_____, for fish culture, wildlife and
recreation

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 27 acre feet annually ~~xxxxxx~~ of water.

Date. April 28, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

No. _____

STATE OF SOUTH DAKOTA)
) ss.
County Union)

August 20, 1971
(Date Signed)

By: **Burton F. Jones**
Water Rights Specialist
Pub: July 29, Aug. 5, 12, and 19, 1971

RECEIVED
SEP 1 1971
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

1882-3

Publish first publication, on or before August 5, 19 71

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 22, 19 71

Notice is hereby given that Everett and Leo Stewart

whose post office address is Beresford, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 27 acre feet annually cubic feet of water per second of time from the a local watershed through the Stewart Dam, the point of diversion of which is to be located in the _____

NE 1/4 SW 1/4

of Section 1, Twp. 95N, Range 51W. Said water to be used for the purpose of ~~providing irrigation on the following described land:~~
fish culture and recreation

This application No. 1882-3 will be considered by the Water Resources Commission at their office at Pierre upon the 1st day of September, 19 71, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

cc: Everett Stewart, Beresford, South Dakota 57004

Form 10.

No. _____

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office Pinefort, S. Dak.
Date Nov 1 1971

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

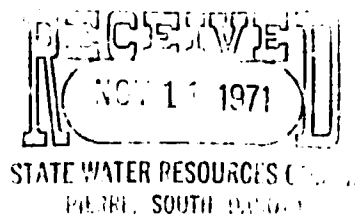
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1782-3.

Water Right Permit No. _____ states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on _____, 19____. Applying the water to beneficial use was completed on _____, 19____.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Ernest L. Stewart
(Signature)



Permit No. 1882-3Water Div. in 3 VERMILLION RIVER Water DistrictREPORT 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 EVERETT & LEO STEWART of BERESFORD holder of Permit No. 1882-3, bearing date of priority of JUNE 30, 1971 authorizing the diversion of 27 ACRE FEET ANNUALLY ~~cu. ft. per second~~ of the waters of LOCAL RUNOFF for FISH CULTURE, RECREATION & WILDLIFE purposes, in CLAY 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:

DAM APPROX 450' LONG ON TOP - 27' HIGH
36" CMP OUTLET W/ TRASH RACK - EMERGENCY
SPILLWAY APPROX 50' WIDE - 3' BELOW TOP OF
DAM

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

WATER IS STORED

C. Works used to apply water to beneficial use.

LAKE PROVIDES RECREATIONAL ACTIVITIES

The system is in the following condition: EXCELLENTThe point of diversion is located 145 ROD N & 85 RODS E OF THE SW CORNER SECTION 1, T95N, R51WThe works are capable of diverting and ~~conveying to the place of use~~ STORING 50 ACRE FEET OF WATER ~~cu. ft. per second of water which is to be used for~~ OR 27 ACRE FEET ANNUALLY.

Water has been put to beneficial use to the maximum extent as follows:

WATER IS STORED IN PLACE FOR FISH CULTURE,
WILDLIFE & RECREATION PURPOSES

comprising a total of _____ acres of land.

Date APRIL 19, 1972

[Signature]
(Signature)

WATER RIGHT SPECIALIST -
WATER RESOURCES COMMISSION