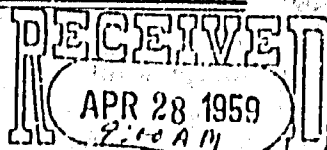


No. 600-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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

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

Name of applicant HARVEY CUNNINGHAM
Mrs. Earle M. (Addie A.) Butte

Postoffice address Rt. 42, Bruce, County Brookings, State South 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 11-15-81 BY

(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 and self-employment
- (b) Cash on hand, \$ Adequate to accomplish project.
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Butte Irrigation Project #1
3. Amount of water claimed 1.42 cubic feet per second
4. Source of water supply Big Sioux River
5. Location of point of diversion Between 2610' N10°E (upstream diversion) and 1440' N68°W (downstream diversion) from SE corner Sec. 14, T11N, R51W on both bank Brookings County.
6. Annual period or periods during which water is to be used April to October inclusive
7. To be used for:

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

- (a) Number of acres to be irrigated 100 acres.

(b) Legal subdivisions to be irrigated T11N, Sec. 13; E1SE4, Sec. 14, T11N, R51W

(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 stockwatering
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

462-3
Map No.

8. Estimated cost of work:

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

(c) Fluming, \$-----

(g) Other structures -----

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

Sprinkler equipment
and (b) Pumping plant, \$ 1700-----

Rock, \$-----

Total, \$-----

9. Description of diversion works:

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

pumping plant

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

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

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-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	GIVE PERCENT
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 ----- 3 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.

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

Brookings Register, Brookings, South Dakota

STATE OF SOUTH DAKOTA
County of Brookings } ss.I, Addie A. Buitts, 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

Addie A. Buitts

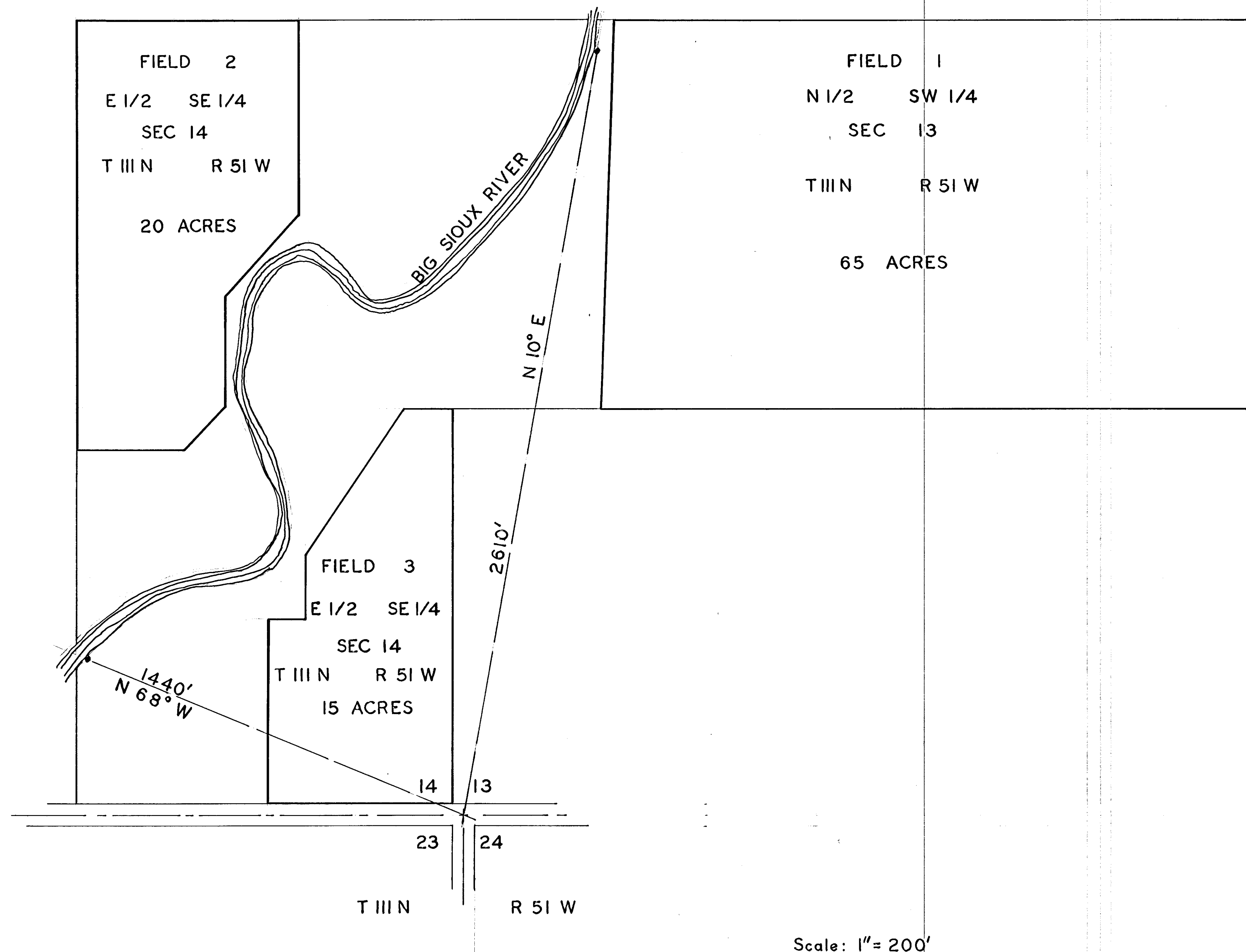
Subscribed and sworn to before me this 25th

day of April

1959

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED				
BUTTS IRRIGATION PROJECT NO. 1				
FIELD	SEC	TWN	RN	ACRES
1	13	III N	51 W	65.0
2	14	III N	51 W	20.0
3	14	III N	51 W	15.0
TOTAL				100.0

NOTE: ALL LAND TO BE IRRIGATED WITH PORTABLE SPRINKLER SYSTEM.

Certified correct: Martin M. Fogel
Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 25th day of April 1959

General Creel
Notary Public
Map No. 462-3 (App. No. 600-3)

Remarks by State Water Resources Commission:

Big Sioux River Water Supply Limitations

Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer season. It is likely that water diversion restrictions under this Permit to Appropriate Water will be necessary at times to assure domestic water supplies, including stockwater, and water supplies for prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 14, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 28 day of April, 1959

State Water Resources Commission

By:

Geo. R. Miner
Chief Engineer, Executive Officer

Number of permit 600-3

Date of first receipt of application April 28, 1959

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 April 28, 1959

Approved June 17, 1959, Recorded in Book 5 Page 191

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

December 17, 1960

2nd. The whole of said work is to be completed on or before June 17, 1962

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

June 17, 1964

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 1.42 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 June 17, 1964; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 17 day of August, 1959

State Water Resources Commission

By:

Geo. R. Miner
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 7, 1970

Water License Issued MAY 7, 1970

Form 15.

Permit No. 600-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Addie A. Butts, Estate

_____ the holder _____ of
Permit No. 600-3, issued upon Application No. 600-3, bearing date of priority of April 28, 1959,
authorizing the diversion of 1.42 cu. ft. per second of the waters of _____
the Big Sioux River County of Brookings, State of South Dakota at _____
between points North 68° West, 1440 ft. and North 10° East, 2610 ft. from
the SE Corner, Section 14, T11N, R51W
_____, 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 5.5 cu. ft. per second of water.

Date May 7, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(1) WHEREAS, On the 28th day of April, A. D. 1959
Addie A. Buets

(2) WHEREAS, On the 17th day of August A. D. 19 59
Permit No. 600-3, with a date of priority of April 28, 1959
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 June A. D. 19 62 and for the
application to beneficial use of said water on or before the 17th day of June A. D. 19 64

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 1.42 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 T11N, R51W

for irrigating the following land in T111N, R51W		
		Acres
Section 13	NE 1/4 SW 1/4	25
	NE 1/4 SW 1/4	40
Section 14	NE 1/4 SE 1/4	20
	SE 1/4 SE 1/4	15
Total		100 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 Addie A. Butts, Estate

of Bruce, South Dakota
the holder _____ and owner _____ of said permit No. 600-3 a water right, dating from April 28, 1959
to use of 1.42 cubic feet per second of the waters
of the Big Sioux River
in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at between points North 68° West, 1440 ft. and North
10° East, 2610 ft. from the SE Corner, Section 14, T11N, R51W

and conduct to and upon portions of the NW 1/4, Section 13 and E 1/2 SE 1/4, Section 14, T11N,
R51W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 600-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of May A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. CRILES

600-3

Priorities for
Harvey Cunningham Irrigation Water Right
October 31, 1978

Permit No. 600-3 was issued to Mrs. Addie Butts for 1.42 cfs to irrigate 100 acres from the Big Sioux River in portions of Sections 13 and 14, T111N, R51W, Brookings County, with a priority of April 28, 1959. The system was constructed and licensed. The Water Right was transferred to Harvey Cunningham on February 8, 1973.

Because of very low flows, on July 27, 1976, the Commission Staff issued a stop order on irrigation withdrawals from the Sioux River to protect downstream domestic supplies. Irrigation from groundwater in the area was not restricted. In this area there is an interchange between ground and surface water and it is hard to distinguish between sources. Mr. Cunningham raised the question as to why he should be shut off, and ground water irrigators with later priorities were not, and whether or not there would have been a shortage of water in the Sioux River if the groundwater diversions had been stopped.

Mr. Cunningham subsequently made Application No. 2906-3 for a permit to pump from groundwater to cover the same lands approved under Permit No. 600-3, and it was approved with a priority of August 10, 1976.

During the inspection of the system constructed under Permit No. 2906-3, Mr. Cunningham indicated that he was going to use the well for irrigation, and did not intend to pump from the river.

Question: Can Mr. Cunningham transfer the priority established under Permit No. 600-3 to Permit No. 2906-3?

We do not think there is a precedent for this particular circumstance; however, we have had applications where the proposal was to change source of water and/or lands to be irrigated, and the priority has been maintained.

Recommendation: We would recommend that Water License No. 2906-3 be issued reflecting the April 28, 1959 priority for 1.42 cfs as established under Permit No. 600-3, and cancel Permit No. 600-3. We are basing this recommendation on the premise that if the application had been submitted as a change in point of diversion originally, the permit would have been allowed and the priority would have transferred to the new permit.

Burton F. Jones
Water Rights Specialist III

600-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

July 27, 1976

Harvey Cunningham
Bruce, SD 57220

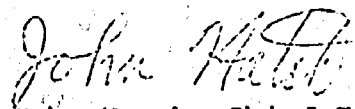
Dear Sirs:

Because of the existing deficient supply of water in the Sioux River to satisfy all authorized uses of the waters of this stream, the Water Rights Commission hereby orders that all withdrawals of water from the Sioux River for irrigation purposes between Watertown, South Dakota and Sioux Falls shall cease effective 12:00 Noon, July 30, 1976 until January 1, 1977 or until further notice.

This order is issued in accordance with South Dakota Water Laws which require the Commission to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right No. 600-3 in accordance with this order. You will be notified if water supplies in this section of the Sioux River become sufficient to permit irrigation water withdrawals again during 1976. Aerial inspections of this section of the Sioux River will be made by the Staff of the Water Rights Commission.

Very truly yours,



John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

JH:nlm

Form 20.

No. 600-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: January 12, 1973

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

Portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14 and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 13, T111N, R51W,
described in Water License No. 600-3

formerly owned by Addie A. Butts, Estate

has been transferred to Harvey Cunningham, Bruce, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 600-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Brookings) ss.

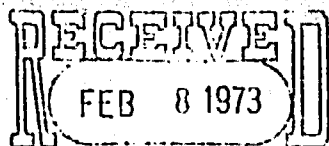
I, Harvey Cunningham being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Harvey Cunningham
(Signed)

Suscribed and sworn to before me this 25th day of January, 1973

J. L. Anderson
(Notary Public)

J. L. ANDERSON
Notary Public, State of South Dakota
My Commission Expires March 1, 1978



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 600-3Water Division 3 BIG SIOUX 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 Addie A. Butts,
estate of Brookings, South Dakota holder
of Permit No. 600-3, bearing date of priority of April 28, 1959
authorizing the diversion of 1.42 cu. ft. per second of the waters of Big Sioux River
for irrigation purposes, in Brookings 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:

Gould pump, 4 inch, Continental Gasoline Motor
Tractor driven Pacific pump 4", 4 CPLKD, Mod. 314?
Ingersol 4" pump, 10 H.P., G.E. electric motor

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

1200 feet 8" aluminum
800 feet 6" aluminum
3280 feet 4" including sprinkler pipe

C. Works used to apply water to beneficial use.

4 inch sprinkler pipe

The system is in the following condition: pumping equipment is quite old

The point of diversion is located between points located N. 68°W., 1440 feet and N. 10° E.,
2610 feet from the SE Corner of Sec. 14, T111N, R51W

The works are capable of diverting and conveying to the place of use from the three pumps
Mr. Blacketter, tenant reports up to 5½ c.f.s.

~~can be used for~~ irrigation
which is to be used for

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

<u>NE½ SE½, Section 14, T111N, R51W, 20 acres</u>	<u>(Mr. Blacketter reports he</u>
<u>SE½ SE½, Section 14, T111N, R51W, 15 acres</u>	<u>irrigates 104 acres)</u>
<u>NW½ SW½, Section 13, T111N, R51W, 25 acres</u>	
<u>NE½ SW½, Section 13, T111N, R51W, 40 acres</u>	

comprising a total of 100 acres of land.

Address correspondence to:

Mr. Duane Butts, Administrator
Addie A. Butts, Estate
R.R. #3
Mitchell, S.D. 57301

Date April 20, 1970

Donall Winick
(Signature)

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 600-3 Approval Date June 17, 1959

This Permit authorized the diversion of 1.42 cubic feet per second of water from Big Sioux River to irrigate

100 acres in Section 13 & 14, Township 11 N.

Range 5 W. County Brookings.

Name and Address shown on Permit Mrs. Addie Butts (Deceased)

Name and Address of present owner of land Doraine Butts
Blackletter Tenant Alexandria, S. Dak.

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed. The present landowner has been informed that cancellation of Water Permit No. _____ will be considered by the Water Resources Commission and he will be notified of the date, time and place of such consideration.
2. Some questions exists and further consideration is advisable.
3. The irrigation system was completed within the five year period and is being used. A final inspection should be scheduled.

REMARKS: Uses each year ready for inspection

Contact Date 7-17-69

Signature WM A. Scott

Permits Nos. 600-3, 2724-3 and 2906-3

Permit No. 600-3, Harvey Cunningham, was issued to irrigate 100 acres in Section 13-14-T111N-R51W with 1.42 cfs from the Big Sioux River. In 1976, the Water Rights Staff stopped irrigation from the Big Sioux River because of low flows.

Mr. Cunningham then made Application No. 2906-3 to cover the same lands as approved under No. 600-3. No. 2906-3 was approved August 10, 1976.

The Water Rights Commission authorized the April 28, 1959 priority for 1.42 cfs for No. 2906-3 from the No. 600-3 permit and No. 600-3 was cancelled at the November 15, 1978 meeting.

Permit No. 2724-3 for Chester Cook is utilized by Mr. Cunningham and No. 2724-3 and No. 2906-3 are operated as one permit. Since there were two owners, two separate water licenses were written for the permits.

Hopefully this explains the priority dates and how the permits are operated.

Gale N. Selken

March 26, 1984

NOTICE OF WELL CONSTRUCTION

(I) WELL CONSTRUCTION

Date well drilling completed 7-14-77 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-1'6"	Topsoil	10'
1'6"-10	Fine Brown Sand	10' _____ ft.
10-25	Good Coarse Gravel	Name of producing aquifer (if known) _____
25-		Total depth of drill hole _____ 25' _____ ft.
		Depth to bottom of casing _____ 25' _____ ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		15' x 14" x 1/4" steel casing
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		10' x 14" x .100 Johnson square wire
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Ed H. Haley + Sons "

(2) PUMP INSTALLATION

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor _____

