

Transfer of lands

Water Right No. 1243-1

1. Considered: April 7, 19 82
2. Name of Applicant J. M. Chenoweth
3. Post Office Address Woodrow, Colorado 80757
4. Amount of Water Claimed No Additional (12.94) maximum acre feet
5. Source of Water Supply Sulphur Creek & Trib (dry draw)
6. Water to be used for IRR acres to be irrigated 906 (71 add'l)
7. County Butte about 21.24 miles 16E, 16N of ~~SARASOTA~~ NEWSU
8. PROOF OF PUBLICATION: Received ☒ 4-2-82 Not Received
 APPLICATION: Approved Subject to
 Not Approved Action Deferred

PRIORITY

Dated Received 1/12/82 Application complete-yes no FEE 150.00

Remarks To delete lands under previous permits and replace with portions of the
following lands: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 12-11N-9E

4/24/59

Corrected Application received Period of Annual Use March/October

WATER
QUALITY

Received ☒ yes no APPROVED ☒ CONDITIONAL (Circle one)

WI-1 Description same as application-yes ☒ no Remarks

New lands ok JH

Disapproved Returned

Diversion Point

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11-T11N-R8E
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17-11N-9E

Land to be irrigated

WELL LOG

Driller Licensed - yes no

Depth

Remarks

MAP Map No. 1050-1 Map located in Water Right ^x _____ Map file _____
Type of Map drawn Prepared by Mernaugh

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

3/3/82

Betty Westlund (Mernaugh)
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

No. 1243-1Map No. 1050N Water Division No. 1 Lower Cheyenne District
Above for Office Use River 10120113

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

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage XX Additional Acreage X 390-1

1. Name of Applicant J. M. Chenoweth Phone No. _____
 Post Office Address Woodrow State COLORADO 80575
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Chenoweth Irrigation Project4. Amount of water claimed (cubic feet per second) 12.94 (No ADD'L)5. Source of water supply Sulphur Creek and Tributaries (a dry draw)

6. Location of point of diversion Either side of Sulphur Creek between pt. #1 900'S and 180' E of the N $\frac{1}{2}$ Cor. Sec. 11, T11N, R8E and pt. #2, 1050'N and 230' E of the S $\frac{1}{2}$ Cor. Sec. 17 T11N R9E, pt. #3 on dry draw County Butte
2500'N of S $\frac{1}{2}$ Cor Sec. 1, T11N, R8E

7. Annual period or periods during which water is to be used March thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation (waterspread- ing)9. For irrigation use, Total number of acres to be irrigated 906 942 (71 NEW)

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
see attachment	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use --- years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Valley Irrigator
Newell, SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
 Diversion Dams

B. Works proposed to transport water to place of use.
 Dikes and Ditches

C. Works proposed to apply water to beneficial use.

Spreader Dikes and Ditches for Flood Irrigation

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Morgan ss.I, J. M. CHENOWETH

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed J. M. ChenowethSubscribed and sworn to before me this 5 day of Jan, 1982

MY COMMISSION EXPIRES APRIL 2, 1984

Notary Public (or other qualified officer)

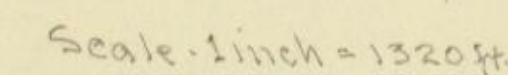
P.O. Box 525
 Brush, Co 80723

PLAT
OF

I, the undersigned Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of A. S. Sewall of Newell, South Dakota, I have made a survey and prepared this plat of the tracts indicated hereon, for the purpose of showing the several irascible area and the total acreage thereof as a part of his application for permit to appropriate water from Sulphur Creek and its tributaries for irrigation purposes.

Subscribed and sworn to at Buffalo, South Dakota this 16th day of April 1959

SIGNED: W. H. Wood



1243-1

~~Map No. 328-1~~ ~~App No. 390-1~~

1-5201 gully
V-5221 + 1000 gully
Chenoweth
390-1
H 413-1

R 8 E R 8 E

T 11 N
Point of Diversion # 1
NW 1/4 NE 1/4
8 Ac.
SW 1/4 NE 1/4
17 Ac.
SE 1/4 NE 1/4
11 Ac.
SW 1/4 NW 1/4
18 Ac.
SE 1/4 NW 1/4
19 Ac.
NE 1/4 SW 1/4
35 Ac.
NW 1/4 SW 1/4
36 Ac.
SE 1/4 SW 1/4
1 Ac.
SW 1/4 SE 1/4
27 Ac.
SE 1/4 SE 1/4
33 Ac.

NE 1/4 SW 1/4
1 Ac.
SE 1/4 SW 1/4
12 Ac.
SW 1/4 SE 1/4
15 Ac.
SW 1/4 SE 1/4
40 Ac.
NE 1/4 NE 1/4
38 Ac.
NE 1/4 NE 1/4
37 Ac.

R 9 E

Note: Sec. 7 is a small section
approx 100 Ac. off the W. Side

J M Chenoweth
390-1

office copy

Yellow Area: not under any point
Map by L. J. Mearns
Water Resources Engineer

R 9 E

US Hwy 212
Point of Diversion # 2
SW 1/4 Sec. 17

Map # 1050-1
app # 1243-1

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1243-1

J.M. CHENOWETH

(Applicant)

WOODROW

(Post Office Address)

COLORADO

80575

(State)

With the following qualifications.

³⁹⁰⁻¹
PRIORITY FOR THIS PERMIT IS ESTABLISHED UNDER PERMIT NO. ~~204-1~~ ³⁹⁰⁻¹.
THE APPLICABLE PORTIONS OF PERMIT NO. ~~204-1~~ ³⁹⁰⁻¹ HAVE BEEN
INCORPORATED INTO THIS PERMIT, AND PERMIT NO. ~~204-1~~ ³⁹⁰⁻¹ HAS
BEEN PLACED IN INCORPORATED STATUS.

Date of first receipt of application JANUARY 12, 1982

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application MARCH 5, 1982

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1243-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1243-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 11, 1959
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19_____
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 12.94 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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~~ ^{was} actually and beneficially applied

for irrigation on or before THIS DATE, ~~19~~_____; said water to be used during the following described

annual period: MARCH THRU OCTOBER

Witness my hand this 9TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John Hatten
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Permit #390-1

J. M. Chenoweth

Acres Irrigated

T11N-R8E

Section 1

NE $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre
SE $\frac{1}{4}$ SW $\frac{1}{4}$	12 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	16 acres

84 acres

Section 11

NW $\frac{1}{4}$ NE $\frac{1}{4}$	8 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11 acres

36 acres

Section 12

NE $\frac{1}{4}$ NW $\frac{1}{4}$	11 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	18 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	19 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	37 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	14 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre
NW $\frac{1}{4}$ SE $\frac{1}{4}$	36 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	27 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres

343 acres

T11N-R9E

Section 7

NW $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	14 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	26 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	14 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	31 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	12 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	11 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	8 acres

164 acres

Section 8

NW $\frac{1}{4}$ SW $\frac{1}{4}$	7 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	39 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14 acres

60 acres

Section 17

NW $\frac{1}{4}$ NW $\frac{1}{4}$	12 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	27 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2 acres

226 acres

Section 18

NW $\frac{1}{4}$ NE $\frac{1}{4}$	14 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	5 acres

29 acres

TOTAL ACRES - - - - 942

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1243-1

(1) WHEREAS, On the 12th day of January A. D. 19 82

J. M. Chenoweth

made Water Right Application No. 1243-1 for a permit to use 12.94 cubic feet per second of the waters of Sulpher Creek and Tributaries, a dry draw

County of Butte, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 7th day of April A. D. 19 82

Permit No. 1243-1, with a date of priority of April 11, 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 _____ day of _____ A. D. 19 _____ and for the application to beneficial use of said water on or before the _____ day of _____ A. D. 19 _____

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 12.94 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,

to irrigate the following landsin: (SEE ATTACHED SHEET)

(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 J. M. Chenoweth

_____ of Woodrow, Colorado
the holder _____ and owner _____ of said permit No. 1243-1 a water right, dating from April 11, 1959
_____ to use of 12.94 cubic feet per second of the waters
of Sulphur Creek and Tributaries, a dry draw

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at either side of Sulphur Creek between Point #1 - 900'S
and 180'E of the S $\frac{1}{4}$ Corner Section 11, T11N, R8E and Point #2 - 1050'N and 230'E of the
S $\frac{1}{4}$ Corner Section 17, T11N, R9E and Point #3 - on dry draw 2400'N of S $\frac{1}{4}$ Corner, Section 1
T11N, R8E for Irrigation.

and conducted to and upon portions of Sections 1, 11 & 12, T11N, R8E, Sections 7, 8, 17
& 18, T11N, R9E more fully described on Attachment #1

_____ the purpose of Irrigation

_____ subject to any limitations listed in Water Right Permit No. 1243-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of August A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1243-1

Water Division 1 Lower Cheyenne Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by J. M. Chenoweth
_____ of Woodrow, Colorado 80575 holder _____
of Permit No. 1243-1, bearing date of priority of April 11, 1959
authorizing the diversion of 12.94 cu. ft. per second of the waters of Sulphur Creek & Tributaries, (and dry draw)
for Irrigation purposes, in Butte 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:

Works used to divert the water:
diversion Dikes and Dams. Main dam has control gates.

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

Diversion Ditches and Dikes.

C. Works used to apply water to beneficial use.

C. Works used to apply water to beneficial use.
 Diversion Dikes with culverts to spread water for flood Irrigation.
 Diversion ditches and spreader ditches to spread water.
 Numerous small dams to spread water out of small draws

The system is in the following condition: Good.

The point of diversion is located See Reverse Side of this form

The works are capable of diverting and conveying to the place of use under Flood conditions up to 200 cfs
cu. ft. per second of water which is to be used for Irrigation. (water spreading) or more

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

See attached sheet.

comprising a total of 942 acres of land.

$$942 \div 70 = \frac{13.46 \text{ c.f.s.}}{12.94 \text{ g.g.}}$$

Date: September 28, 1981
LeRoy J. McNaught
(Signature)

6. Location of Point of Diversion: Either Side of Sulphur Creek between
Pt #1 = 900'S and 180'E of the ~~R~~^S $\frac{1}{4}$ Cor Sec. 11, T11N,
R 8 E and Pt #2. 1050'N and 230'E of the
S $\frac{1}{4}$ Cor Sec. 17, T11N R9E, Pt #3 = on dry draw
2500'N of S ~~$\frac{1}{4}$~~ Cor Sec. 1, T11N R 8E

Permit No. 1243-1

Water Diversion No. 1 Lower Cheyenne Water District

10120113

CERTIFICATE OF CONSTRUCTION

This is to Certify, That J. M. Chenoweth

_____ the holder _____ of
Permit No. 1243-1, issued upon Application No. 1243-1, bearing date of priority of _____
April 11, 1959 authorizing the diversion of 12.94 cu. ft. per second of the waters of Sulpher
Creek & tributaries (a dry draw)
County of Butte, State of South Dakota at _____
either side of Sulpher Creek between Point #1 - 900'W and 180'E of the S $\frac{1}{4}$
Corner, Section 11, T11N, R8E and Point #2 - 1050'N and 230'E of the S $\frac{1}{4}$
Corner Section 17, T11N, R9E and Point #3 - on dry draw 2500'N of S $\frac{1}{4}$ Corner
Section 1, T11N, R8E for Irrigation.

purposes, has s 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 200+ / under flood conditions up to cu. ft. per second of water.

Date August 23, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8943

PIERRE, August 20, 19⁸²

RECEIVED OF Lakeview Ranch, J. M. Chenoweth, Box 248, Woodrow, CO 80757

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1243-1</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1243-1</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatten
Chief Engineer, Executive Officer

JOHN HATTEN/ms

CONSERVATION COMMISSION
WI#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

M SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: JW Chenoweth

OWNERS ADDRESS: Woodrow, Colorado 80577

COUNTY LAND LOCATED IN: Butte

PHONE: 303-386-2229

TENANT'S NAME AND ADDRESS: Earl Chenoweth

Newell, S. Dakota

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: No well

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Sulphur Creek

Legal Description	Acres	Legal Description	Acres
SE 1/4 SW 1/4 1-11-8	12		
SW 1/4 8-11-9	50		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED SW 1/4 sec 8 W 1/2 NE 1/4 W 1/2 SE 1/4 sec 12 NE 1/4 sec 18 all in T 11 R 7 E

LEGAL DESCRIPTION: Portions of SW 1/4 sec 1, SE 1/4 sec 11, sec 12 in T 11 N R 8 E, S 1/4

IN WHAT NAME: J.M. Chenoweth - Purchased from A.C. Grawell 1971

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Wheat grass hay meadow

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: _____
8. SALINITY (EC X 10⁶): waterspreading
9. SODIUM (SAR): _____
10. ADJUSTED (SAR): _____
- Contacted Mr. Gertsonson by Telephone. He stated that no water sample was needed for spreader dam irrigation.*

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

5 DAY OF Jan, 19 82

(NOTARY PUBLIC)

MY COMMISSION EXPIRES _____

IMPORTANT

J.M. Chenoweth
APPLICANT'S SIGNATURE

Jack M. Gertsonson
Director, Division of Conservation

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

REC'D WATER RIGHTS DIV
3-5-82

CONDITIONAL APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT JM CHENOWETH
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-11-8 & SW $\frac{1}{4}$ 8-11-9 = 62 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

These soils should be maintained in grass.

RECOMMENDED MANAGEMENT

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8653

PIERRE, January 12, 1982

RECEIVED OF J. M. Chenoweth, Moorhead, MN 56501

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1243-1 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

This notice must be advertised for four weeks,Publish first publication, on or before March 9, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 5, 1982

Notice is hereby given J.M. Chenoweth whose post office

address is Woodrow, Colorado

XMSXMXMDXMXM, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~granted~~) XMSXMXMDXMXM 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~granted~~) XMSXMXMDXMXM 74:02:01:26 XMSXMXMDXMXM for a permit to appropriate for beneficial use

10 additional cubic feet of water per second of time from Sulphur Creek and dry draw

through the Chenoweth Irrigation Project, the points ~~(s)~~ of diversion which

~~XX~~ (are) to be located in the NW 1/4 SE 1/4, Section 1, NW 1/4 NE 1/4, Section 11,

T11N, R8E and SW 1/4 SE 1/4

of Section 17, Twp. 11N, Range 9E. Said water to be used for purpose of providing irrigation on portions of the following described land:

This application is to delete lands under previous permits and replace with

portions of the following lands; NW 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4,

Section 8 and the NE 1/4 NW 1/4, Section 12 all in T11N, R9E

This Application No. 1243-1 will be considered by the Water Management Board at

Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1243-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Rozella Bracewell hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Valley Irrigator

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 Newell of _____

County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
~~two~~ dates:
four

March 10, 1982

March 17, 1982

March 24, 1982

March 31, 1982

Rozella Johnson
(Signature)

Office Manager
(Title)

3/31/82
(Date Signed)

Cost of Printing: \$46.49

WNR-808-7/79
Proof of Publication



Notice of Hearing
On Application
To Appropriate Water

Pierre, South Dakota 57501
March 5, 1982

Notice is hereby given J.M. Chenoweth, whose post office address is Woodrow, Colorado, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41, 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from Sulphur Creek and dry draw through the Chenoweth Irrigation Project, the points of diversion which are to be located in the NW¹/₄SE¹/₄, Section 1, NW¹/₄NE¹/₄, Section 11, T11N, R8E and SW¹/₄SE¹/₄ of Section 17, Twp. 11N, Range 9E. Said water to be used for purpose of providing irrigation.

This application is to delete lands under previous permits and replace with portions of the following lands: NW¹/₄SW¹/₄, SW¹/₄SW¹/₄, SE¹/₄SW¹/₄, Section 8 and the NE¹/₄NW¹/₄, Section 12 all in T11N, R9E.

This application No. 1243-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre, SD upon the 7th day of April, 1982, at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

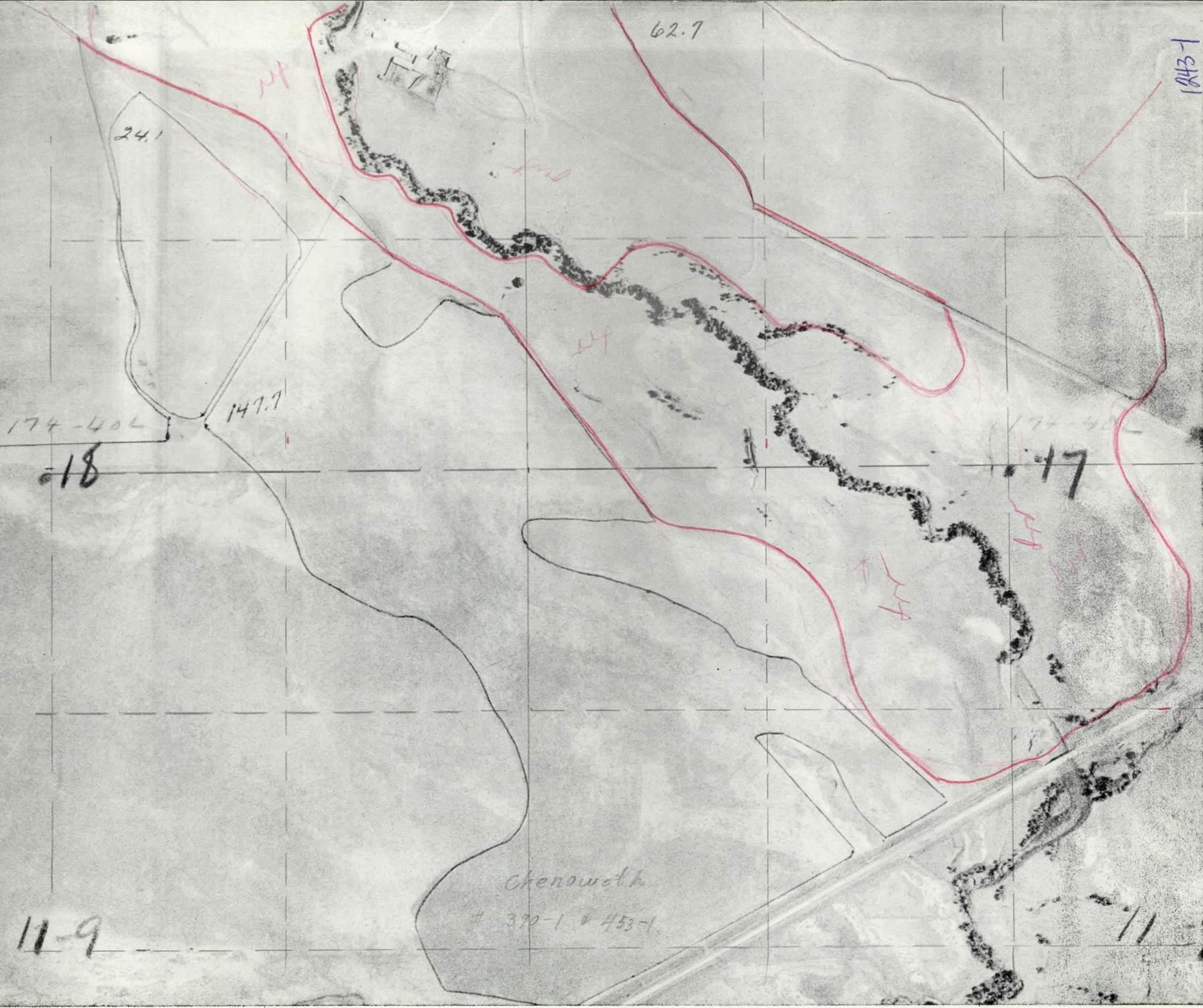
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Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNRR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
/s/ Betty Westlund
Water Rights Specialist

Publ March 10, 17, 24, 31
Valley Irrigator

NOT TO SCALE



NOT TO SCALE

413.2



11.8

115.2

11.8

13

Chenoweth

390-1

453-1