

COPY

No. 129

Division No. 1

Elk Creek Water District.

PERMIT

to appropriate water from

Cheyenne River

Pennington County, South Dakota.

Name of applicant

- W. E. Hamilton -

Name of diversion works

Hamilton Water Right.

Date of first receipt at office of State Engineer

July 16, 1915

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

July 16, 1915

Recorded in Book 2 Page 358-389

One-fifth of work to be completed

March 13, 1916.

Whole work to be completed

September 13, 1916.

Final proof of use of water

September 13, 1917.

Approved September 13, 1915.

Homer M. Darr

State Engineer.

the 13 day of September 1915
Homer M. Darr
State Engineer

COPY

No. 139

Water Division No. 1 Elk Creek Water District.
(Blanks to be filled by the State Engineer.)

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

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

Name of applicant W. E. Hamilton,
Postoffice address Wasta, County Pennington, State S. Dak.

I. If a corporation: -----

- (a) Name of firm -----
(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 the work. (Whether by contract, employment of others, or by direct labor) direct labor
(b) Cash on hand, \$ ----- (c) Treasury stock, \$ -----
(d) Bonds to be issued, \$ ----- (e) Other resources, \$ -----
2. Name of diversion works Hamilton Water Right
3. Quantity of water claimed 1.2 cubic feet per second.
4. Source of water supply Chayenne River
5. Location of point of diversion is N 41° 22' E, 1440 ft. from the SW Cor.
Sec. 31, T. 4 N., R. 15 E., E.H.M. on left bank.
(Right or left bank looking down stream.)
6. Annual periods during which water is to be used irrigation season
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 81.83 acres.
(b) Legal subdivisions to be irrigated Lots 1, 2, 3, & 4, Sec. 31, T. 4 N., R. 15 E. E.H.M.
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, may be appended as a part of this application. Same must also be written here, or
(c) Statement as to domestic use (giving location, etc.) -----

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use -----
(b) Amount of power to be generated ----- horse power.
(c) Location of plant -----
(d) Method of developing power -----
(e) Point where water will be returned to stream -----

8. Estimated cost of works:

(a) Head gates, \$ - - -

(b) Pumping plant, \$ 350.00

(c) Fluming, \$ - - -

(d) Canal-earth, \$ 200.00

Rock, \$ - - -

(e) Other structures \$ - - -

Total, \$ 550.00

9. Description of diversion works:

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

Pumping Plant (4" Centrifugal), main ditch and laterals.

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 of front (water) face - - - ; slope of 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	CAPACITY ACRE-Feet

(c) Head gate: Width - - - feet; height - - - feet;

Material - - -

(d) Canal: Total length 0.32 (main ditch) miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 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 Wapta Gazette.

STATE OF SOUTH DAKOTA,
County of Hughes ss.

I Elwin Quinnay, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of
Engineer
(Owner, manager, engineer.)

that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

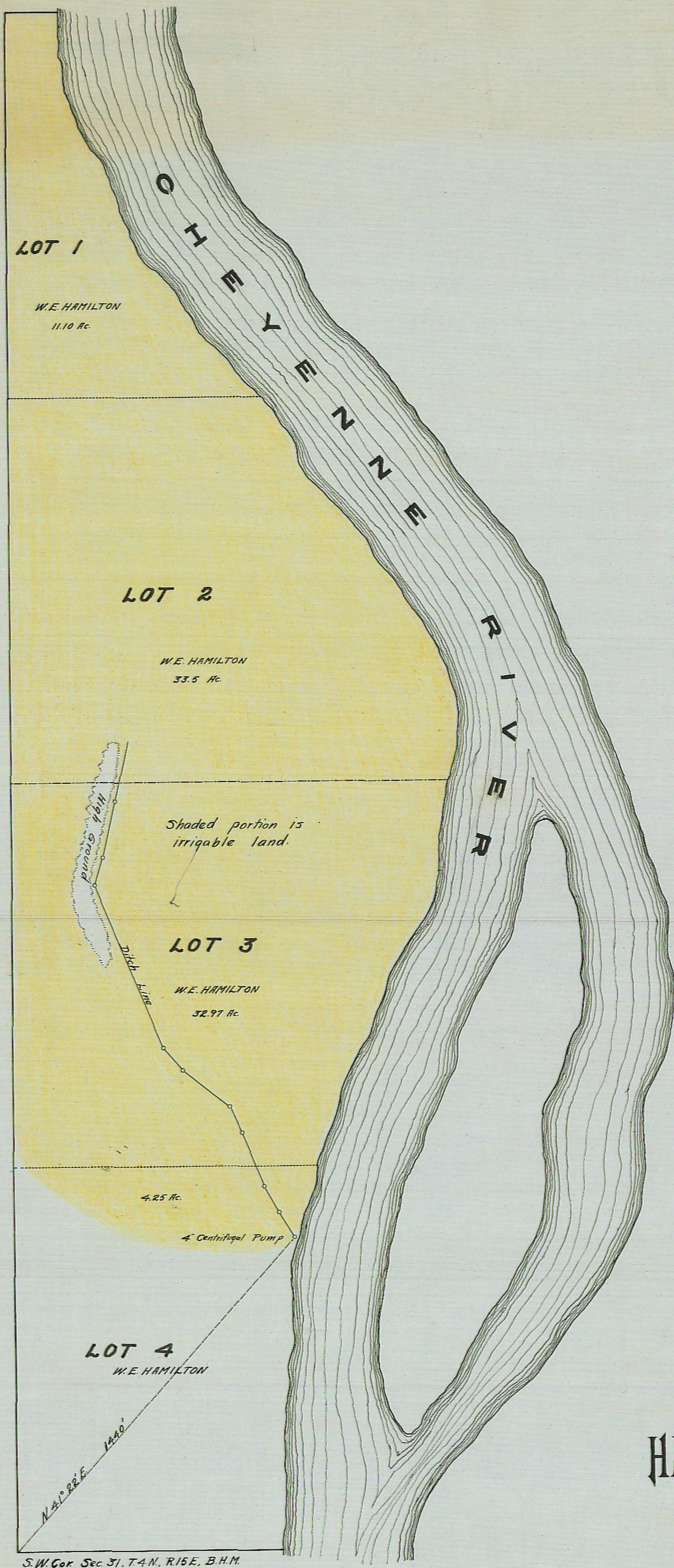
Signed Elwin Quinnay

Subscribed and sworn to before me this 16th day of June 1915.

(S E A L)

H. E. Chapman

Notary Public (or other qualified officer.)



HAMILTON WATER RIGHT

Sec. 31, T. 4 N., R. 15 E., B. H. M.

SCALE 1" = 200'

STATE OF SOUTH DAKOTA }
COUNTY OF HUGHES } SS.

I, Elwin Quinney, being duly sworn upon my oath say, that I am the engineer of the HAMILTON WATER RIGHT that the survey and map thereof were made by me and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true.

Elwin Quinney
ASSISTANT STATE ENGINEER.

Subscribed and sworn to before me this 10th day of July 1915.

H. F. Chapman
NOTARY PUBLIC.

OFFICE OF STATE ENGINEER
JUL 13 1915
RECEIVED
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Approved Sep. 13, 1915
Homer M. Davis
State Engineer.

263-2

1204-129-1
Map 263-2

Remarks by State Engineer:

This application is for the right to appropriate and divert a portion of the waters of Cheyenne River at a point herein designated for irrigation of the lands herein described. The point of diversion and the lands to be irrigated are situated in Deade County. The diversion is to be made from channel by means of a centrifugal pump.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 13, 1915.

This is to certify that the foregoing application was received at this office at 9 o'clock a. m. upon the 16th day of July, 1915 and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office September 13, 1915.

Homor M. Derr
State Engineer.

Number of permit 139-1

Date of first receipt of application July 16, 1915.

Date of return to applicant for correction 19

Date of receipt of corrected application 19

Date from which applicant may claim right July 16, 1915.

Approved September 13, 1915, Recorded in Book 3 Pages 288 & 289.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 March 13, 1916.

2nd. The whole of said work is to be completed on or before September 13, 1916.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 13, 1917.

4th. The water appropriated shall be used for the purpose of irrigation.

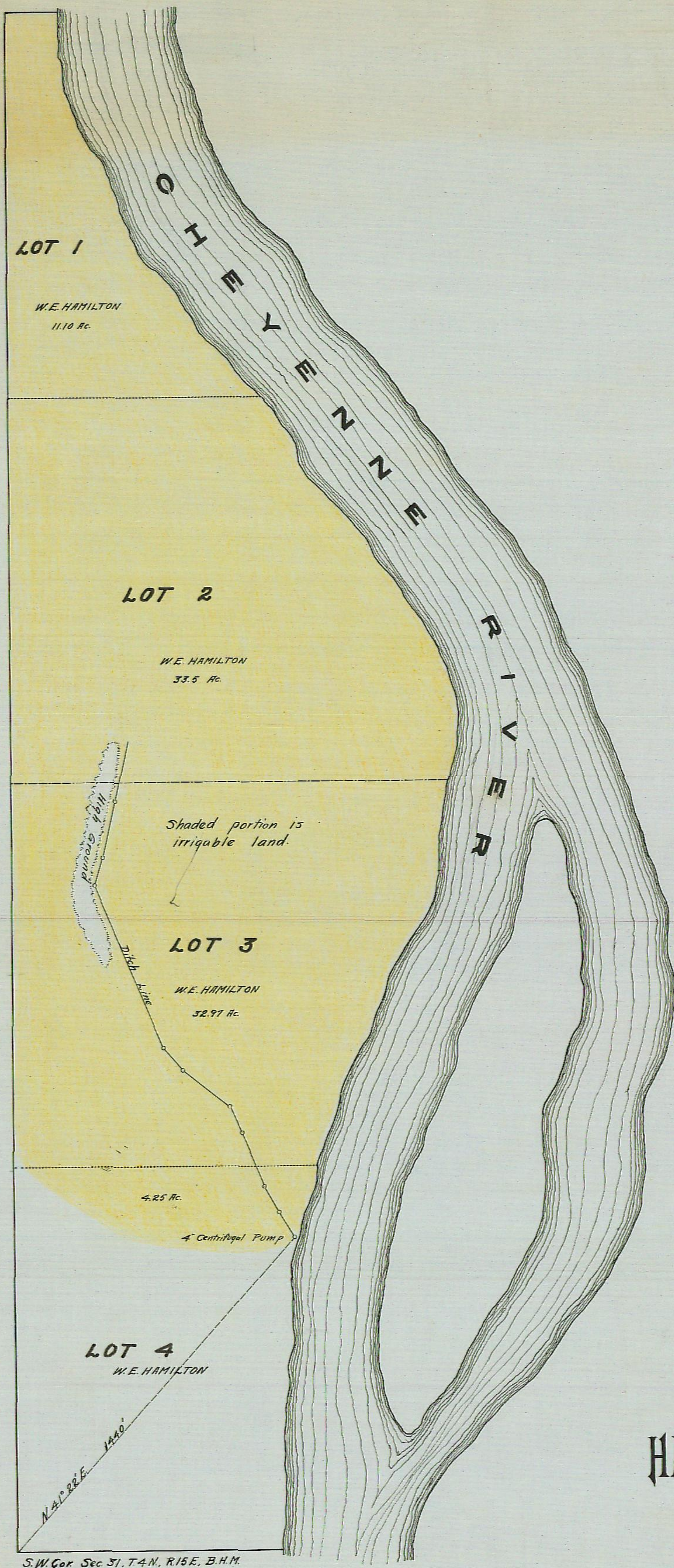
5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed -1.2- cubic feet of water per second of time; 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 September 13, 1917; said water to be used during the following described annual periods.

Irrigation season.

Witness my hand this 13th day of September 1915.

Homor M. Derr
State Engineer.



HAMILTON WATER RIGHT

Sec. 31, T. 4 N., R. 15 E., B. H. M.

SCALE 1" = 200'

STATE OF SOUTH DAKOTA }
COUNTY OF HUGHES } SS.

I, Elwin Quinney, being duly sworn upon my oath say, that I am the engineer of the HAMILTON WATER RIGHT that the survey and map thereof were made by me and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true.

Elwin Quinney
ASSISTANT STATE ENGINEER.

Subscribed and sworn to before me this 10th day of July 1915.

H. F. Chapman
NOTARY PUBLIC.

OFFICE OF STATE ENGINEER
JUL 13 1915
RECEIVED
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Approved Sep. 13, 1915
Homer M. Davis
State Engineer.

263-2

1204-1241
263-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA
 County of Pennington
Hal D. Wheaton being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the
Wasta Gazette a newspaper which
 during the whole time of publication of said notice heretofore
 after stated, has been and is printed and published in the
 town of Wasta County of
Pennington and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates:

July 30, Aug 6-13-20-27,
Sept 3 and 10th, 1915

in each and every issue of the full number thereof, the first
 publication being made on the 30th day of July
1915 and the last publication on the 10th day of
September 1915, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was foreman and manager the printer and publisher of
 the said newspaper.

Hal D. Wheaton

Subscribed and sworn to before me this 11th day of September A. D. 1915

Chas. H. Armstrong
 Notary Public Pennington County, S. D.

Notice of Intention to appropriate Water
 APPROPRIATION OF WATER
 Office of the State Engineer, Pierre,
 S. D., July 10, 1915.

Notice is hereby given that W. E. Hamilton, whose postoffice address is Wasta, Pennington County, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of flow from Cheyenne River through the Hamilton Ditch, the point of diversion of which is to be located upon the left bank of said stream in Lot 4 of section 31, Township 4 N., Range 15 E., said water to be used for the purpose of irrigation upon Lots 1, 2, 3 and 4, of Sec. 31, T. 4 N., R. 15 E., S. D.

This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 13th day of September, 1915, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, will be heard. A copy of this notice is being published in the Wasta Gazette, a newspaper published in the town of Wasta, Pennington County, S. D.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 3, 2017

129-1

Patrick X Trask
18166 Smithville Rd
Wasta SD 57791

Dear Mr. Trask:

I am contacting you in follow-up to the 2017 irrigation questionnaire you submitted for Water Right No. 1028-1. On the form you referenced the "Hamilton Permit" as land you were also irrigating and wished to have it transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Please be aware that filing of an ownership change on the water permit does not cure past years of nonuse and give the permit legal standing. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. There are exceptions to the three year period if legal excuse exists for the years of nonuse.

Steve Quissell has not yet completed the investigation or submitted a report concerning his findings. You can certainly file the ownership change now, or you can wait until Steve is finished with his investigation. If you have any questions, please give me a call.

Sincerely,

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

JAN 29 2018

WATER RIGHTS
PROGRAM

Dear H2O Board Members, Jan. 25 2018

Some time ago, as we were trying to continue improving the old C.K. Howard Ranch River Bottom, I was assisted by the technical support of Mr. Quissel & then later again by his helpful skills serving the DNR. When I realized that the W.E. Hamilton H2O Right had somehow been in limbo, I was, & still am, desiring more info re: Mr. Hamilton & his trials of applying the "Badlands Malt" of the Little Cheyenne on the South End of the River Bottom that we own, & my Grandad Mack Trask helped Mr. Howard develop & irrigate.

We have been watering portions of the "Hamilton area" with an electric pump since the 70's, & in recent decades (as we could piece meal), been progressively leveling to efficiently H2O most all of that tract area with the "malt H2O" that is not beneficial to apply to clayey or alluviate loam areas on the majority of these river bottoms. Hamilton areas are "Glenburg" blow sand & (w/o irrigating) least productive soils in Meade County.

My request to Mr. Quissel & you the S.D. Water Mgmt Board is to

validate the Hamilton Right to my name with the same original priority date. I would be most grateful for your willingness to schedule a field trip here to view the Classic "Silk Purse from a sow's ear" application of the Cheyenne River Melt to Blow Sand & the Trasks would host a Trask Burger picnic for the occasion of center piecing a collaborative approach of Public/Private cooperation to combine refuse soil & refuse H₂O to "gardenize" the Historic Resource community of Smithville, Ft. Pierre/Deadwood trail crossing, & the Ancient Ck. Howard Ut Ranch areas of Dakota.

Sincerely

Pat Trask
~~Samuel J. Trask~~



129-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2018

denr.sd.gov

Patrick Trask
18166 Smithville Road
Elm Springs SD 57791-3602

Dear Mr. Trask:

I am writing in response to your letter regarding Water Permit No. 129-1 obtained in 1915 by W E Hamilton. The water permit authorizes diversion of 1.2 cubic feet of water per second (539 gallons per minute) from the Cheyenne River for irrigation of 81.82 acres in Lots 1, 2, 3 and 4 of Section 31-T4N-R15E. A copy of the water permit is enclosed along with a map showing the location of the acres authorized for irrigation. Your letter requests that the Hamilton right be validated in your name with the original priority date.

A water right is appurtenant to the land authorized for irrigation. As owner of the land authorized for irrigation by the water permit you will need to file a notice of transfer of ownership. A partially completed notice of transfer of ownership form was sent to you on November 3, 2017. However, DENR has not received a completed transfer of ownership form. Enclosed is another partially completed transfer of ownership form. Please complete the name the permit should be in, sign and submit along with the required \$50 filing fee. A self-addressed stamped envelope is included for your convenience.

Water Permit No. 129-1 is an existing permit with a 1915 priority date. The water permit does not require validation. The process does include licensing which consists of a Water Rights staff person conducting an on-site visit to verify the works are developed and in use. Based on the on-site visit, a water license is issued to reflect the extent the system is developed and will retain the 1915 priority date. The water license can not be issued for a greater amount than what is authorized. If the diversion rate or acres irrigated are greater than the permitted amount, a new permit will be required for the amounts above the permitted levels and this will receive a new priority date.

Steve Quissell is a water rights inspector that conducts these on-site visits for the purpose of licensing existing permits. Steve currently is off work until this spring. Upon his return he will contact you to line up an on-site investigation for the purpose of licensing the permit.

I hope this addresses the issues outlined in your letter concerning the old Hamilton water right.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 15, 2018

129-1

Pat Trask
18166 Smithville Rd
Wasta SD 57791

Dear Mr. Trask:

I am writing to acknowledge receipt of the transfer of ownership form you submitted for Water Permit No. 129-1. The form was completed properly however in order to process the ownership change, a \$50 fee is required by Statute.

The check or money order for the \$50 fee can be made payable to the Water Rights Program. Once the fee is received, the ownership change for No. 129-1 can be processed.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

FEB 13 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 129-1

Date: _____

I/We request that Water Permit No. 129-1

formerly owned by: W E Hamilton

be transferred to: (name & address)

Pat Trask 18166 Smithville Rd
Wasta SD 57791

Telephone No. 605 798 5413

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

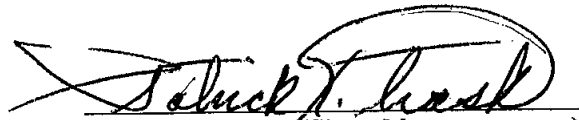
81.82 acres – Lots 1, 2, 3 & 4 of Section 31, T4N, R15E

I/We understand that the validity of Water Permit No. 129-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Pat Trask, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, 20 18

RECEIVED OF Patrick Trask 18166 Smithville Rd. Elm Springs, SD 57791 3602

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 129-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08666**

By

Jeanne Goodman
Chief Engineer *JM*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 15, 2018

129-1

Pat Trask
18166 Smithville Rd
Wasta SD 57791

Dear Mr. Trask:

The ownership change for Water Permit No. 129-1 has been processed. The water permit formerly held by W E Hamilton is now listed in your name.

Enclosed for your records is Receipt No. 08606 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosure: Receipt No. 08606

RECEIVED

NOV 05 2020

WATER RIGHTS
PROGRAM

p. 1 of 2

11-5-2020
Pat Trask
Wasta, SD

Dear DNR, (as to permits 1028-1 & 129-1)

Today, Nov 5, we are once again scheduled for the wiring completion of our new Cornell 10YB centrifugal flood irrigation pump on the Cheyenne River @ the mouth of Elk Creek for resuming our desperately needed watering.

There are brats in Bureau of Rec. in office who sat @ 93% of full ^{August} in the spring of 2019 & 2 wks after the ice normally goes out, they opened the gates & multiplied the devastation "ice out" by 2 or 3 X's & destroyed our pump & everything along the river!

We took the destroyed unit to Cincinnati where S.P.S. factory builds the written pole electric motors for duplication.

All summer we have anguished calling to expedite delivery!

Big fault lies w/ the Cornell dealership in California who punctuated repetitively relative to timely performance of their committed delivery of a completed pump! over.

Today Kilowatt Electric will complete
the wiring & energization which has
had 2 postponements due to storms
& huge busy schedules.

We did not previously irrigate
in 2020 tho we desired to.

Please have Mercy &
come for a scenic
& esthetic field tour on
your Cheyenne River hosts
The Trasks

Sincerely

Pat Trask

RECEIVED

NOV 05 2020

WATER RIGHTS
PROGRAM