

Considered: _____

VESTED RIGHT
WATER PERMIT NO.

1297-1

MAP No. _____

1297-1

Name of Applicant Frank Latham

Post Office Address Box #4, Camp Crook, S.D. 57724

Amount of Water Claimed 0.86 Total Acres 60.00

Source of Water Supply Antelope Creek and dry draws

Water to be used for IRR County Harding

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 1/30/84 Fee 10.50 Remarks _____

1/1/54

Corrected Application Received _____ Period of Annual Use 3/1 -10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

W-1 Description same as Application YES _____ NO _____ REMARKS _____

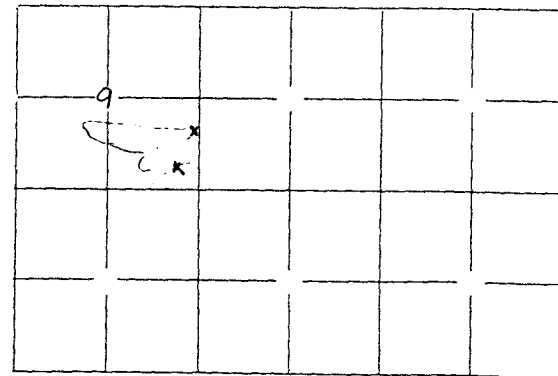
not applicable

Diversion Point _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9-19N-2E

Land to be Irrigated portions of SE $\frac{1}{4}$ and

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9-T19N-R2E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map drawn PREPARED BY LeRoy Mernaugh W/R Reviewed and the Number

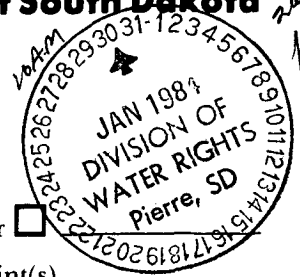
assigned on 2/6/84 By Betty Westlund

BETTY WESTLUND

No. <u>1297-1</u>	Hydrologic Unit <u>10110201</u>
Map No. <u>1297-1</u>	Basin <u>L. Missouri River</u>
Newspaper <u>N/A</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Frank Latham Phone No. 797-4448Post Office Address Box #4, Camp Crook, South Dakota State 57724
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) .86 Total acres irrigated 603. Source of Water supply Antelope Creek and dry draws4. Location of point of diversion Point #1 - 500 ft N and 590 ft W of SE Corner Section 9,
Point #2 - 1080 ft S and 50 ft W of E $\frac{1}{2}$ Corner Section 9, All in T19N, R2E NESE
County Harding5. Counties where water will be used Harding6. Annual period during which water is to be used March thru October

7. 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.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9 T19N R2E	4 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 T19N R2E	14 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 T19N R2E	11 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 T19N R2E	5 Acres

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 T19N R2E	26 Acres

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
County of Harding)^{ss}I, Frank Latham the applicant, certify that I have read the foregoing application, 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.

NOTARY PUBLIC

STATE OF SOUTH DAKOTA

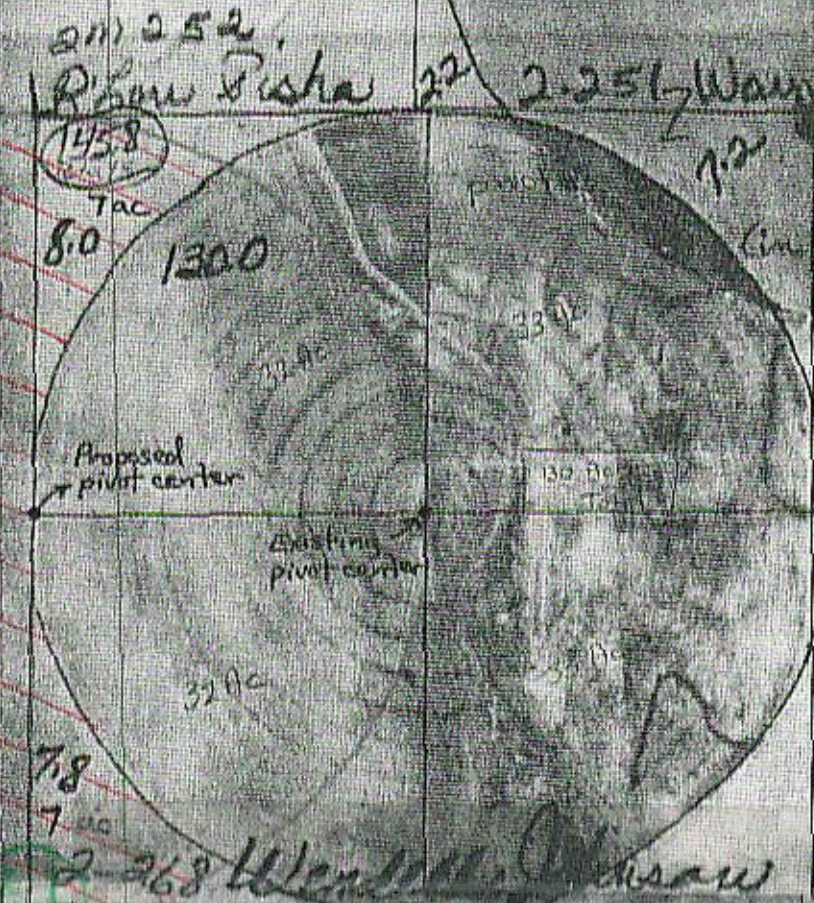
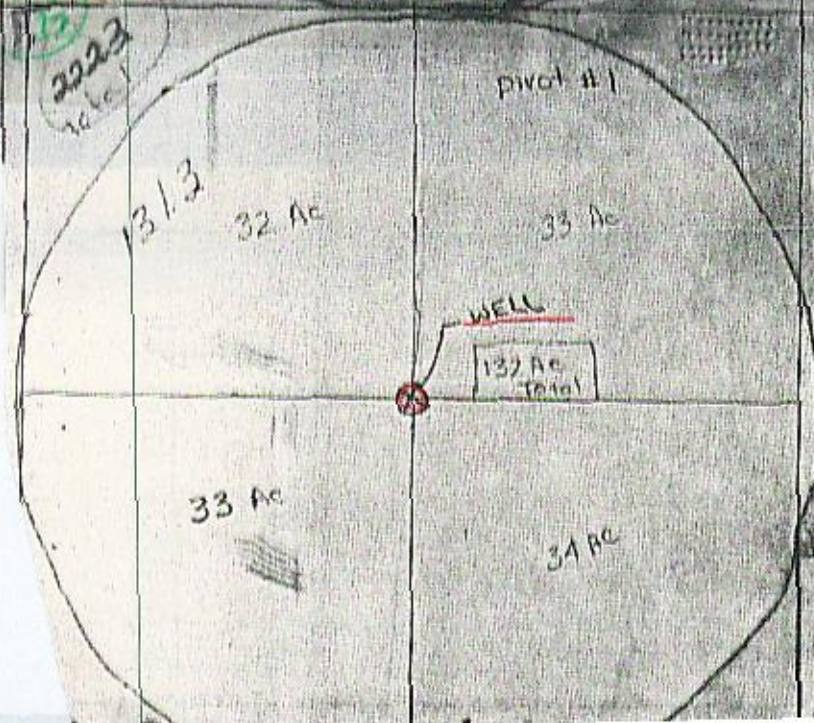
My Commission Expires
May 31, 1990Signed Frank LathamSubscribed and sworn to before me this 27th day of January 1984Frank Klauzer
Notary Public (or other qualified officer)

3-70R



Natural Resources Engineer
2/19/93

2.


$$j'' = 660 \text{ ft}$$


3-70K

66.6

244

Ampl. No. 97A-2

~~Vested WATER PERMIT~~
Right
Vested Water Right

The Water Management Board hereby ~~approves~~ ^{recognizes} Water Permit Application No. 1297-1
Frank Latham Box #4 Camp Crook
(Applicant) (Post Office Address)
South Dakota 57724
(State) (Zip Code) With the following qualifications.

" Vested Right "

Date of first receipt of application January 30, 1984.

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

Date of receipt of corrected application _____, 19____. ^{recognized} ~~Approved~~ February 15, 1984.

The Water Management Board hereby ^{recognizes} ~~approves~~ this ^{Vested Water Right} ~~Water Permit~~ No. 1297-1 ^{recognizing} ~~authorizing~~ the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the ~~Water Permit approval~~, subject, however, to the following limitations and conditions:

- Vested Water Right
1. The date from which applicant may claim right is January 1, 1954.
 2. ~~One-fifth of the work is to be completed on or before~~ _____, 19____.
 3. The whole of said work is ~~to be completed on or before~~ _____, 19____.
 4. The ~~time limit for proof of~~ beneficial use of water is completed, 19____.
 5. The water appropriated ^{is} ~~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 unlawfully impaired by this appropriation.
 7. The amount of the appropriation herein granted shall not exceed 0.86 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. 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 actually and beneficially applied for irrigation on or before~~ 19____, said water to be used during the following described annual period: March 1 Thru October 31

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JOHN HATCH

April 17, 1984

State of South Dakota
Water License No. 1297-1

(1) Frank Latham
of Box #4, Camp Crook, South Dakota 57724
made Application No. 1297-1, January 30, 1984 for recognition ^{/of a Vested Right} ~~for a water permit~~ to appropriate
0.86 cubic feet per second of water from Antelope Creek and dry draws,
Harding County, South Dakota for Irrigation purposes.
Vested Right
~~Permit~~ No. 1297-1, with a priority date of January 1, 1954
recognized
was approved February 15, 1984 and issued to applicant(s) for diversion of water ^{recognizing} ~~with~~ construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.86 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are pt#1 - 500'N and 590'W of the SE
Corner Section 9, pt#2 - 1080' S and 50'W of the E½ Corner of Section 9, all in T19N,
R2E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T19N, R2E

Section 9

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4 Acres (CA)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14 Acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11 Acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26 Acres (DD)

TOTAL 60 ACRES

(4) Pursuant to §46-5-30.1 Frank Latham
of Box #4, Camp Crook, South Dakota 57724
Vested Water Right
the holder(s) and/or owner(s) of Water Permit No. 1297-1 is issued a license to appropriate water, the right to use
0.86 cubic feet per second of water from Antelope Creek and dry draws with a priority date
of January 1, 1954 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

Vested Water Right
This license is subject to any limitations or qualifications listed in Water Permit No. 1297-1 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

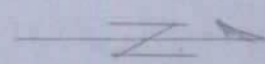
JOHN HATCH

April 18, 1984

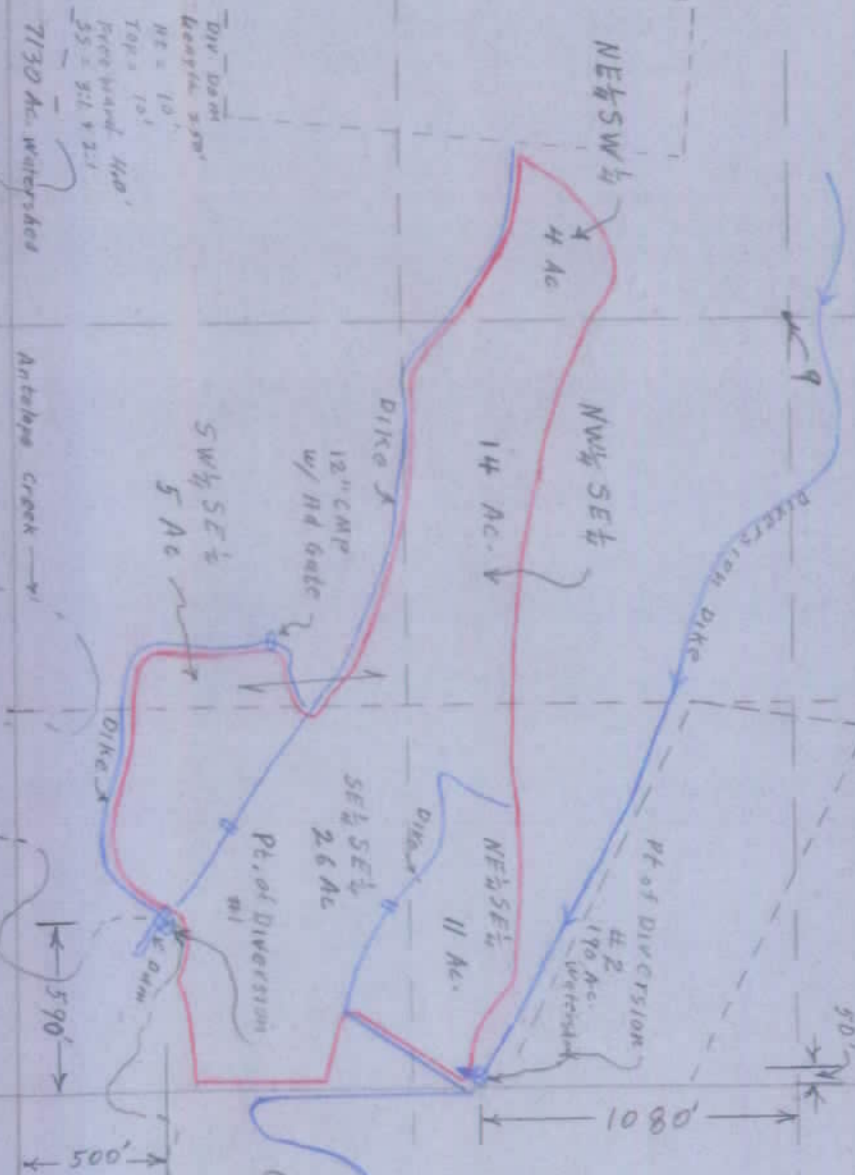
R 2 E

Frank Latham

T 19 N



Map 8" = 1 Mile
1" = 660'
by Sidney J. Munnings



A/M 1397-1

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Frank Latham
 Post Office Address Box #4, Camp Crook, South Dakota 57724
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page
B. Date of start of construction of water supply system 1954C. Date that water was first applied to beneficial use 1954D. Name of owner of original water supply system Carl & Sidney AlbertsonE. Amount of water originally applied to beneficial use 10 cfsF. Present Use of Water - Amount of water now being used 10 cfsDate that this water was first used 1954

G. Chronological History of Water Use

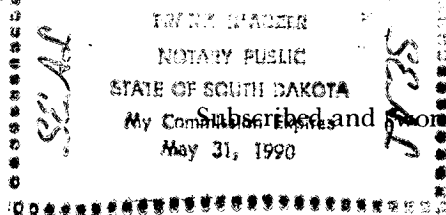
Constructed by Albertson's in 1954

Monte Holcomb owned and used system until 1974 when

Frank Latham obtained the property and continues to use the system

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Handling) ^{SS}I, Frank Latham the applicant, certify that I have read the foregoing(print or type)
and that the matters therein stated are true.
 Signed Frank Latham
January 27th, 1984

 to before me Frank Klauzer
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Erwin Latham 1984
(Print name)
Frank Klauzer 1984
(Print name)

Little Missouri River Water District 10110201

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Frank Latham
Box 4, Camp Crook, S. Dak. 57724 holder of
Permit No. 1297-1, bearing the priority of January 1 1954 authorizing
the diversion of .86 cu. ft. per second of the waters of Antelope Creek & Dry Draws.
for Irrigation purposes, in Harding County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
 Pt #1 = Diversion Dam Length = 250', Ht = 10', Top Width 10', Freeboard 4.0'
 Side Slopes 3:1 up - 2:1 Down.
 Pt #2 = Diversion outlet. Div. picks up water from side hill.
- B. Works used to transport water to place of use:
 Dikes and Diversions.
- C. Works used to apply water to beneficial use:
 Dikes for flood Irrigation

The system is in the following condition Good

The point of diversion is located Pt #1 = 500' N and 590' W of SE Cor. Sec. 9, Pt #2 = 1080' S and 50' W of E 1/4 Cor. of Sec. 9, All in T19N R2E

The works are capable of diverting and conveying to the place of use 10 +
cu. ft. per second of water which is to be used for Irrigation

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

All in T19N R2E			
NE $\frac{1}{4}$	^S NW $\frac{1}{4}$	Sec. 9,	= 4 Ac.
NW $\frac{1}{4}$	SE $\frac{1}{4}$	" 9	= 14 Ac.
NE $\frac{1}{4}$	SE $\frac{1}{4}$	" 9	= 11 Ac.
SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 9 =	5 Ac.
SE $\frac{1}{4}$	SE $\frac{1}{4}$	" 9 =	26 Ac

comprising a total of 60 acres of land and the license should be issued for .86 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date October 12, 1983

LeRoy J Mernaugh
(signature)



No. 1297-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

April 18, 1984

Erwin Latham
c/o Frank Latham
Box #4
Camp Crook, South Dakota 57724

Dear Mr. Latham:

Enclosed herewith is, Water License No. 1297-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

RECEIPT

Division of Water Rights

No 4 9516 *

South Dakota Department of Water and Natural Resources

Pierre, January 30, 19 84

RECEIVED OF Frank Latham, Box #4, c/o Erwin Latham, Camp Crook, SD 57724

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

Fee for Application for Permit No. 1297-1 to Appropriate Water, to construct works and to put water to beneficial use	8	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. 1297-1	2	50
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)		
Total	10	50

By John Hatch
Chief Engineer JOHN HATCH

WATER RIGHTS DIVISION
(605) 773-3352

January 19, 1984

Frank Latham
Box 84
Camp Crook, South Dakota 57724

Dear Mr. Latham:

On October 12, 1983 Erwin Latham and I made an inspection of a possible Vested Right Permit for an area that you are irrigating in Section 9, T19N, R2E. To assist you in applying for this Vested Right I have enclosed two copies of completed Form 2, "Application for Permit" and one copy of a completed Form 2B, "Affidavit of Water Use". Please check over these forms and make any corrections necessary to make them as accurate as possible. Then sign all forms and have them notarized and return to this office with a check for \$10.50 to cover the cost of the examining fee and the Water License.

Enclosed is a map of the area. Please check them over and make any changes necessary to make it as accurate as possible. If you do make changes on the map please return it to this office so that we may correct our office copy. If you do not make any changes you may keep the map for your use.

In regards to re-licensing Permits No. 246-1 and 279-1 in Section 36, T20N, R1E and Section 31, T20N, R2E we will work that out under separate correspondence.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:ms
Enc.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1297-1 FOR IRRIGATION

Date of Receipt of Claim January 30, 1984.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1297-1 for irrigation purposes for Frank Latham, Box 4, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1297-1 appropriates 0.86 cubic feet of water per second from Antelope Creek and dry draws to irrigate 60 acres. The two points of diversion are located in the E1/2 SE1/4 and the irrigated acreage is located in the NE1/4 SW1/4, SE1/4; all in section 9-T19N-R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1954.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:  MAR 11 1993
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1297-1
1303-1

Frank Latham
Box 4
Camp Crook SD 57724

Dear Mr. Latham:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1297-1 and 1303-1. This validation gives legal status to the claims and is the final document for your vested rights.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 27 2009

WATER RIGHTS
PROGRAM

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

No. 1297-1

Date: 10-26-09

I/We request that Vested Water Right No. 1297-1

formerly owned by: Frank Latham

be transferred to: (name & address) Darwin + Kay Latham
12676 North Camp Creek Road
Camp Creek, SD 57724 Telephone No. (605) 797-4451

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

60 acres – NE ¼ SW ¼ and SE ¼ Section 9, T19N, R2E

I/We understand that the validity of Vested Water Right No. 1297-1 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 Darwin + Kay Latham, the new owner, certify that the above information is true and correct.

Darwin Latham Kay Latham
(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 10/27, 20 09

RECEIVED OF Latham Ranch PO Box 98 Camp Crook SD 57724

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 <u>1297-1</u>		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04256

By

Garland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2009

1297-1
1303-1

Darwin & Kay Latham
12676 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. & Mrs. Latham:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Vested Water Right Nos. 1297-1 and 1303-1.

The ownership changes have been completed. Both vested water rights are now listed in your names. Enclosed are your Receipt Nos. 04236 and 04237 in the amount of \$50.00 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures