

Considered: _____

WATER PERMIT NO. 1329-1

MAP No. same

Name of Applicant W. A. Green

Post Office Address RT. B Box 42 Ludlow S.D.

Amount of Water Claimed 0.94 cfs Total Acres 66

Source of Water Supply Big Nasty Creek

Water to be used for IRR County Harding

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received N/A Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received _____ Fee _____ Remarks _____

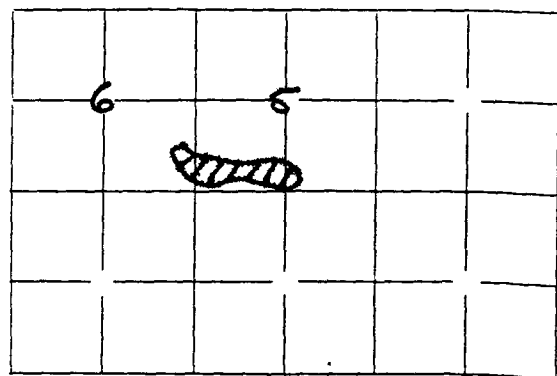
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point NE⁴ SE⁴ sec. 6 T21N R8E

Land to be Irrigated SE⁴ sec. 6, S²SW⁴ and
SW⁴ SE⁴ sec. 5 T21N R8E



Well Log: Driller _____ Licensed YES _____ NO _____

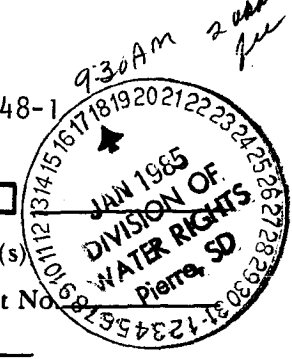
Depth of Well _____ REMARKS _____

Type of Map Drawn PREPARED BY Leroy Merriugh Reviewed and the Number
assigned on 2-22-85 By RCY

No. <u>1329-1</u>	Hydrologic Unit <u>10130302</u>
Map No. <u>Same</u>	Basin <u>Grand River</u>
Newspaper _____	

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 ☐ Incorporates Water Right Filing #0148-1☐ 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 W. A. Green Phone No. _____Post Office Address Route B, Box 42, Ludlow, South Dakota State 57755
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) .94 Total acres irrigated 663. Source of Water supply Big Nasty Creek4. Location of point of diversion 1500 ft N and 1100 ft W of the SE Corner of Section 6,
T21N, R8ECounty 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.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6 T21N R8E	12
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 T21N R8E	27
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 T21N R8E	21
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 T21N R8E	6

Land Description	No. Acres Irr.

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, W. A. Green 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.Signed W. A. GreenSubscribed and sworn to before me this 16 day of Jan. 1985Comm. Expires
12/3/92Walter Hansland
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1329-1
W. A. Green Route B, Box 42, Ludlow
(Applicant) (Post Office Address)
South Dakota 57755 With the following qualifications.
(State) (Zip Code)

See VR-1

The applicable portions of Water Right Filing No. 0148-1 were incorporated into Vested Right No. 1329-1 and the abandoned portions of Filing No. 0148-1 have been cancelled.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ 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:

1. The date from which applicant may claim right is _____, 19____.
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 _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 _____ 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: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____



VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1329-1

W. A. Green

(applicant)

Route B, Box 42, Ludlow

(post office address)

South Dakota

(state)

57755

(zip code)

Date of receipt of Application January 18, 1985.

Recognized March 6, 1985.

The Water Management Board hereby recognizes 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is May 16, 1903.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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.
5. The amount of the appropriation hereby recognized shall not exceed _____

0.94 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period March thru October.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

APR 23 1985

, 19 .

State of South Dakota

VESTED Water License No. 1329-1

(1) W. A. Green

of Route B, Box 42, Ludlow, South Dakota

made Application No. 1329-1, January 18, 1985 for recognition of a vested right for a water permit to appropriate

0.94 cubic feet per second of water from Big Nasty Creek

Harding County, South Dakota for Irrigation purposes.

Vested Right

Permit No. 1329-1, with a priority date of May 16, 1903

recognized March 6, 1985 and issued to applicant(s) for diversion of water recognizing

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 0.94 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is 1500'N and 1100' W of the SE Corner of

Section 6, T21N, R8E (DA)

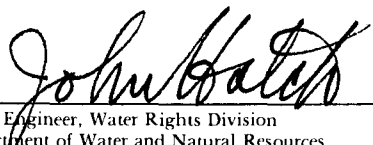
and

(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 lands all in T21N, R8E

Section 6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12 Acres	(DD)
Section 5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	27 Acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	21 Acres	(CD)
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6 Acres	(DC)
TOTAL		66 ACRES	

(4) Pursuant to §46-5-30.1 W. A. Green
of Route B, Box 42, Ludlow, South Dakota 57755
the holder(s) and/or owner(s) of Vested Right Water Permit No. 1329-1 is issued a license to appropriate water, the right to use 0.94 cubic feet per second of water from Big Nasty Creek with a priority date of May 16, 1903 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

This license is subject to any limitations or qualifications listed in Vested Right Water Permit No. 1329-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
APR 23 1985

JOHN HATCH

Q 148-1

W. A. Green

COPY.

PRE-EMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY CONCERN, Know ye, that I Eli Green of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Big Nasty Creek stream to the part of section 5 and 6 in township 21 N. of range 8 E. B.H. Mer were particularly described as follows: Commencing by a dam located near a point viz one chain south and 5 chains East of the NW corner of the SE1/4 SE1/4 of Section 6 in Township 21 N. Range 8 East B.H. Mer. and a ditch from said stream to and upon SE1/4 SE1/4 Sec. 6 and S1/2 SW1/4 and SE1/4 Sec. 5 in said Township 21 N. Range 8 E. B.H. Mer.

I also claim and have a valid right to the enjoyment and use of 1000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 16 day of May A.D. 1903.

Eli Green.

Notice posted on stream May 16, 1903.

Ditch commenced at stream May 16, 1903.

State of South Dakota { ss.
County of Butte

On this 16 day of May 1903, before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Eli Green to be personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.

John Thompson, U.S. Com for Dist of So.D.

Permit No. 1329-1Grand River Water District 10130302**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by W. A. Green

Rt. B. Box 42 & Ludlow, S. Dak. 57755 holder of
 Vested Right
 Permit No. 1329-1, bearing the priority of May 16 1983 authorizing

the diversion of 20 cu. ft. per second of the waters of Big Nasty Creek.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:

Dam Height	18'	Slopes	3:1 up	Surface Ac.	16 Ac.
Length	800'		2:1 down	Water depth	12'
Top Width	16'	Primary Spill	24" dia.	Storage	77.8 AF.
Freeboard	3.0'	Em - Spillway	100+	Dam has outlet Controls	on 30" cmp.

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

Diversion Dikes and Ditches with 8" cmp outlets to
Spread the water

C. Works used to apply water to beneficial use:

Dikes and Ditches to Spread water

The system is in the following condition Fair.

The point of diversion is located 1500 ft N and 1100 ft W of the SE Cor
of Sec. 6, T21N R8E

The works are capable of diverting and conveying to the place of use 20cu. 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 T21N R8E

<u>SE 1/4 SE 1/4 Sec. 6</u>	<u>= 12 Ac.</u>	<u>SW 1/4 SE 1/4 Sec. 5</u>	<u>= 6 Ac</u>
<u>SW 1/4 SW 1/4 " 5</u>	<u>= 27 Ac</u>		
<u>SE 1/4 SW 1/4 " 5</u>	<u>= 21 Ac.</u>		

comprising a total of 66 acres of land and the license should be issued for .94 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date July 31, 1984

LeRoy J. Mernagh
 (signature)

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Information from
Water Right Filing #0148-1

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) W. A. GreenPost Office Address Route B, Box 42, Ludlow, South Dakota 57755
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation _____ Date of Posting May 16, 1903Date of recording May 16, 1903 Recording date _____
Where Book PageB. Date of start of construction of water supply system 1902C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system Eli GreenE. Amount of water originally applied to beneficial use 20 cfs

F. Present Use of Water - Amount of water now being used _____

Date that this water was first used 1965

G. Chronological History of Water Use

1902 Eli Green started construction

1944 W. A. Green obtained the property

1965 Up dated the system.

The system has been in use since 1903

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, W. A. Green (print or type) the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed W. A. Green

Subscribed and sworn to before me

Comm. expires 12/3/82Jan. 16.1985Walter S. Saveland
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.

W. A. Green
(Print name)Jan. 16 1985

(Print name)

19____



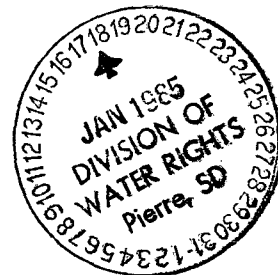
Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

VR# 0148-1

December 21, 1984



W. A. Green
Route B, Box 42
Ludlow, South Dakota 57755

Dear Mr. Green:

On July 31, 1984 I visited with you regarding Water Right Filing #0148-1. You were irrigating under this filing. I made an inspection of the system at that time. In order to up-date your filing with a modern permit to comply with the South Dakota Water Laws you need to file for a Vested Right. Under the Vested Right you will still retain the priority date of May 16, 1903. The Vested Right will also show the area you are actually irrigating.

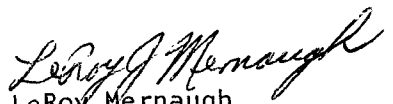
Enclosed are two completed copies of Form 2, "Application for Permit" and one copy of form 2 B "Affidavit of Water Use". Please check over the forms and make any changes necessary to make them as accurate as possible. Then sign all forms and have them notarized and return to this office with a check for \$10.50 to cover the examining fee and the water license.

Also enclosed is a map of the area. Please check this over and make any corrections necessary. If you have corrections to the map please return it to this office along with the forms so that we may correct our office copy. If you do not make any changes on the map you may keep it for your use.

Enclosed also is a copy of Water Right Filing No. 0148-1. You may keep this for your use..

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

Sincerely,


LeRoy Mernaugh
Water Resources Engineer

LM:ms
Enc.

RECEIPT

Division of Water Rights

No 4 9903

South Dakota Department of Water and Natural Resources

Pierre, January 18, 19 85

RECEIVED OF W. A. Green, Route B, Box 42, Ludlow, SD 57744

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

Fee for Application for Permit No. 1329-1 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. 1329-1	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 (NS)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

APR 23 1985

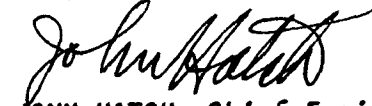
W. A. Green
Route B Box 42
Ludlow, South Dakota 57744

Dear Mr. Green:

Enclosed herewith are your Vested Right Permit, Water License No. 1329-1.
This Water License is the final water right document completing your
process of obtaining a vested 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

The applicable portions of Water Right Filing No. 0148-1 were incorporated
into Vested Right No. 1329-1 and the abandoned portions of Filing No. 0148-1
have been cancelled.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1329-1 FOR IRRIGATION

Date of Receipt of Claim January 18, 1985.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1329-1 for irrigation purposes for W. A. Green, Route B, Box 42, Ludlow SD 57755 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1329-1 appropriates 0.94 cubic feet of water per second from Big Nasty Creek to irrigate 66 acres. The point of diversion is located in the NE1/4 SE1/4 section 6 and the irrigated acreage is located in the SE1/4 SE1/4 section 6; S1/2 SW1/4, SW1/4 SE1/4 section 5; all in T21N-R8E.
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 May 16, 1903.
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.

QUALIFICATIONS

The applicable portions of Water Right Filing No. 0148-1 were incorporated into Vested Right No. 1329-1 and the abandoned portions of Filing No. 0148-1 have been cancelled.

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

1329-1

W. A. Green
Route B, Box 42
Ludlow SD 57755

Dear Mr. Green:

The Water Management Board has validated the enclosed Vested Water Right No. 1329-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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

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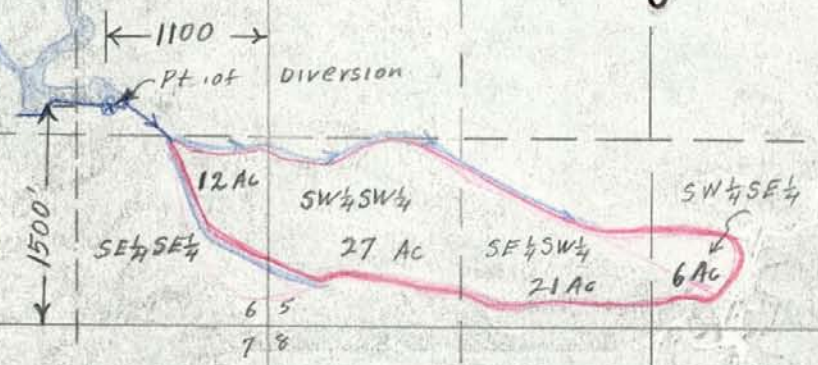
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W.A. Green

office copy

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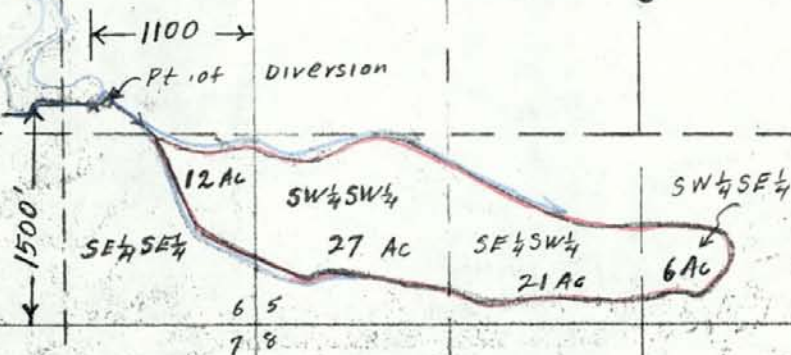
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W.A. Green

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W/R 329-1