

No. 109-1.....

Division No.1.....

Bella Fourcha..... District

PERMIT

to appropriate water from

Bella Fourcha River.....

Manda..... County, South Dakota.

Name of applicant

Irving Malthall.....

Name of diversion works

Malthall Diversion.....

Date of first receipt at office of State

Engineer March 22..... 1950..

Returned to applicant for Correction

..... 19.....

Corrected application received

..... 19.....

Date of water right

March 22..... 1950..

Recorded in Book 2..... Page 676-677

One-fifth of work to be completed

November 29..... 1950..

Whole work to be completed

May 29..... 1951..

Final proof of use of water May 29. 1951

Approved May 29..... 1950..

DEAN W. LOUCKS, State Engineer.

Map 194-1

RECEIVED

Form 2--Application for Permit to Appropriate Water--Original

NO. 192-1

MAR 22 1950

8:15 A.M.

Water Division No. 1

Belle Fourche River
(Blanks to be filled by the State Engineer.)

STATE ENGINEER
PIERRE, S. DAK.

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

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

1. Name of applicant Irving Walthall-- Glenn McPherson
Postoffice address RR 4, Box 40, Piedmont, SD 57769 Madison County Madison, State South Dakota

I. If a corporation Not applicable

- (a) Name of source
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and address 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 work (Whether by contract, employment of others, or by direct labor) Direct labor
(b) Cash on hand, \$ Sufficient (c) Treasury stock \$ X
(d) Bonds to be issued, \$ X (e) Other resources, \$ X
2. Name of diversion work Walthall Diversion
3. Quantity of water claimed 4.85 cubic feet per second
4. Source of water supply Belle Fourche River
5. Location of point of diversion 2608 ft. N. 40° W. from the SW corner
Sec. 34, T. 5N, R. 11E, BHM on Left bank
6. Annual periods during which water is to be used April to September
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 203 acres S. 1/2 Sec. 34, 171.03 A.
N. 1/2 Sec. 33, 19.37 A.
SW 1/4 Sec. 35, 12.66 A.
(b) Legal subdivisions to be irrigated

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be apprehended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) No domestic use

II. Mining, power, manufacturing, transportation, or other purposes: Not applicable

- (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

6. Estimated cost of works:

(a) Head gates, \$250.00 (b) Pumping plant, \$2,500.00
 (c) Fluming, \$.....X..... (d) Canal-earth, \$1,200.00 Rock, \$.....Z.....
 (e) Other structures None \$..... Total, \$3,850.00

9. Description of diversion works:

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

II. Dimensions of works: NO Reservoir

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front (water) face; slope 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.....FEET OF DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c) * Head gate: Width 5 feet; height 2.5 feet;
 Material Timber Construction
 (d) Canal: Total length 1.25 miles.

LOCATION: BELOW HEADGATE	DEPTH feet	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
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required or completion of work 1 years.
 11. Time required for complete application of water to the proposed beneficial use 1 years.
 12. Choice of newspaper for publication of notice of intention to appropriate
 "Black Hills Press" at Sturgis, South Dakota

STATE OF SOUTH DAKOTA,

County of Pennington

I, Irving Walthall

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of
 Owner.

(Owner)

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

Signed Irving Walthall

Subscribed and sworn to before me this 17 day of March, 1952

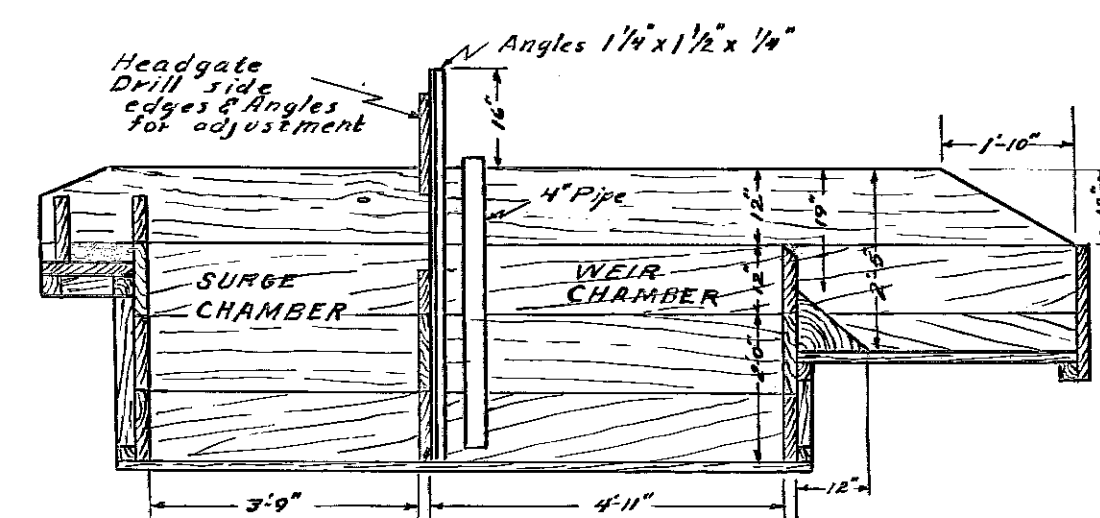
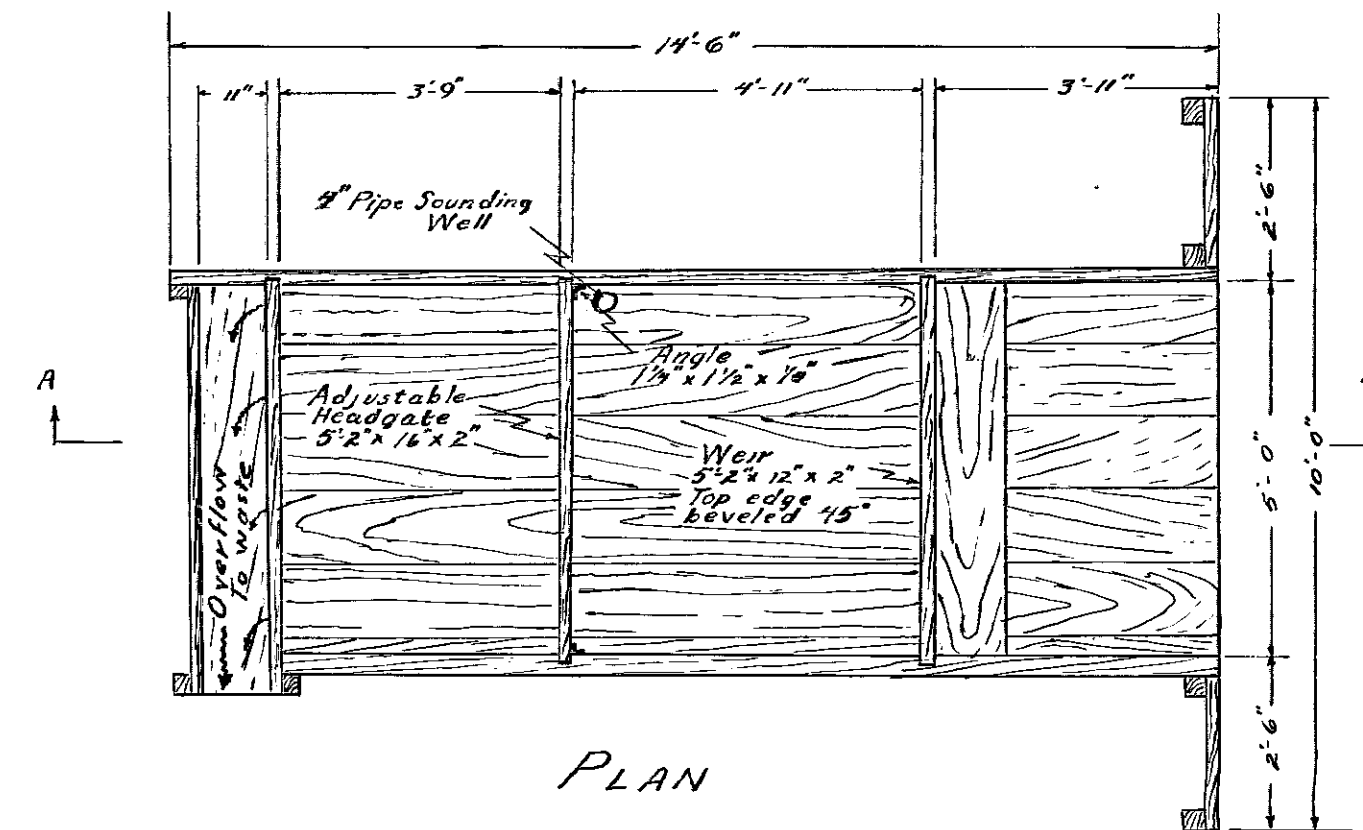
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My commission expires
 June 27, 1953

J. L. Rugg
 Notary Public

PROPOSED
LOCKING HEAD GATE & SURGE BOX
Scale 3/8" = 1'-0"



SECTION A-A

SURVEYOR'S CERTIFICATE

I, JULIAN STAVEN, a Registered Land Surveyor, do hereby certify that at the request of Irving Walthall, I surveyed the tract of land shown in the above Map. The location, with reference to U.S. Land Survey Corners of the proposed water diversion point, principal ditches and areas to be irrigated are as shown in the above Map. IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3RD day of March A.D. 1950.

Julian Staven
Registered Land Surveyor

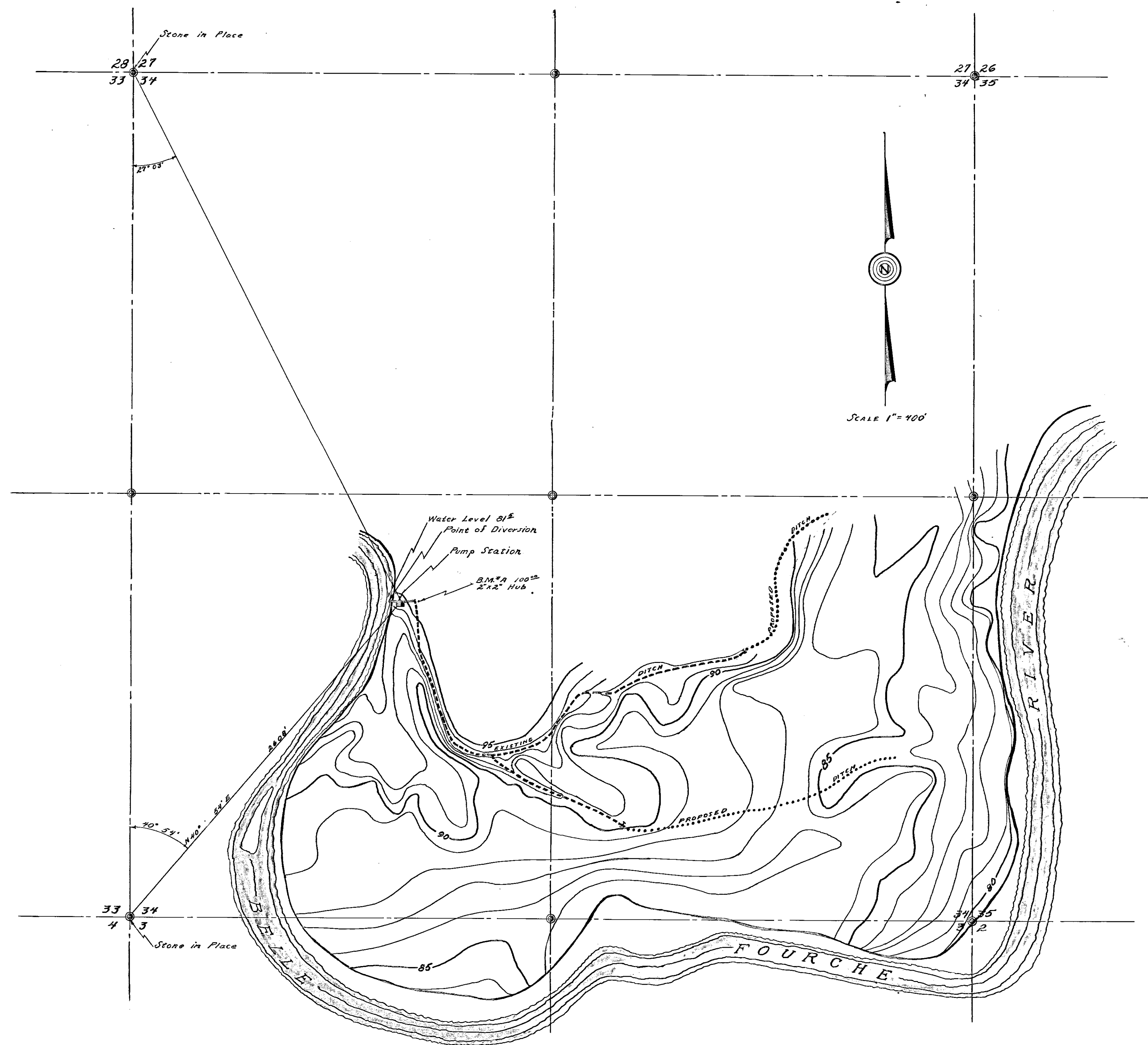
ACKNOWLEDGEMENT

County of Pennington ss
State of South Dakota

BE IT REMEMBERED that on this 3RD day of March 1950 before me, the undersigned, a Notary Public within and for the County and State aforesaid, personally appeared Julian Staven, known to me to be the person who executed the within and foregoing instrument and acknowledged to me that he executed same.

My Commission expires June 28, 1950

V. Rugg
Notary Public



ACERAGE

S 1/2 Sec. 34	171.03 Acres
N 1/2 Sec. 3	19.37 "
SW 1/4 Sec. 35	12.60 "
Total 203.00 "	

Map No. 134-1
Water Right No. 199-1

MAP OF PROPOSED
WALTHALL DIVERSION
IN SEC'S 34, 35, & 3
T. 5 N., R. 11 E., B.H.M.
PREPARED FOR IRVING WALTHALL
JULIAN STAVEN
Consulting Engineer
Rapid City, S. Dakota
Mar. 1950

Remarks by State Engineer:

STATE OF SOUTH DAKOTA, }
County of Hughes }

Pierre, South Dakota, May 29, 1950.

This is to certify that the foregoing application was received at this office at 8.15 o'clock A. on the 22 day of March, 1950 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Dean W. Loucks
DEAN W. LOUCKS State Engineer.

Number of permit 199-1

Date of first receipt of application March 22, 1950.

Date of return to applicant for correction ----- 19-----

Date of receipt of corrected application ----- 19-----

Date from which applicant may claim right March 22, 1950.

Approved May 29, 1950. Recorded in Book 2 Page 676-677.

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 November 29, 1950.

2nd. The whole of said work is to be completed on or before May 29, 1951.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 29, 1951.

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 2.9 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 May 29, 1951; said water to be used during the following described annual period:

April to September Inclusive

Witness my hand this 29 day of May, 1950.

Dean W. Loucks
DEAN W. LOUCKS State Engineer.

Certificate of Construction issued ----- 19-----

Water License issued ----- 19-----

STATE OF SOUTH DAKOTA

WATER LICENSE No. 199-1

WHEREAS, On the 22nd day of March A. D. 1950

Irving Walthall

of 803 Allen Ave., Rapid City County of Pennington and State of South Dakota duly made application (No. 199-1) to us for a permit to use 4.85 cubic feet per second of the waters of the Belle Fourche River County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 29th day of May A. D. 1950 Permit No. 199-1 was issued to said applicant for the diversion of 2.9 cubic feet of water per second and providing for the completion of the works of diversion therein described on or before the 29th day of May A. D. 1951 and for the application to beneficial use of said water on or before the 29th day of May A. D. 1951 and,

WHEREAS, On the 26th day of July A. D. 1958 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.65 cubic feet per second of said waters, as evidenced by our Certificate No. 199-1 dated August 20, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.65 cubic feet per second of water, with date of priority of March 22, 1950 and,

WHEREAS, On the 26th day of July A. D. 1958 proof was duly made of the application to beneficial use of 2.65 cubic feet per second of said water; on 203 acres located in the S $\frac{1}{2}$ Sec. 34; SW $\frac{1}{4}$ Sec. 35, both in T 5 N, R 11 E and the N $\frac{1}{2}$ Sec. 3, T 4 N, R 11 E BHM

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 Irving Walthall
803 Allen Ave., Rapid City, South Dakota the holder and owner of said permit No. 192-1
 a water right, dating from March 22, 1950 to the use of 2.65
 cubic feet per second of the waters of the Belle Fourche River
 in the County of Meade and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at 2600 feet, N 40° 54' E,
of the SW Cor., Sec. 34, T 5 N, R 11 E B1M
 and conducted to and upon S $\frac{1}{2}$, Sec. 34, SW $\frac{1}{4}$, Sec. 35 both in T 5 N, R 11 E
and the N $\frac{1}{2}$, Sec. 3, T 4 N, R 11 E B1M
 for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 20th day of August A. D. Nineteen
 Hundred and Fifty-eight.

State Water Resources Commission

By:

J. W. GRIME Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 199-1

Pelle Fourche

Water Division No. 1 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Irving W. Alt.

of 803 Allen Ave., Rapid City County of Pennington, and State of South Dakota, the holder of Permit No. 199-1, issued upon Application

No. 199-1, bearing date of priority of March 22, 1950, authorizing the diversion of

2.9 cu. ft. per second of the waters of the Pelle Fourche River

County of Meade, State of South Dakota, at 2608 feet, N 40°54'E,

of the SW Cor., Sec. 34, T 5 N, R 11 E

, for Irrigation

purposes, has fully 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 2.65 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: 203 acres located in the S $\frac{1}{2}$, Sec. 34; SW $\frac{1}{4}$, Sec. 35 both in

T 5 N, R 11 E and the N $\frac{1}{2}$, Sec. 3, T 4 N, R 11 E BLM

Witness my hand this 20th day of August A. D. 19 58

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
 County of Meade
S. H. Handlin being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the Black Hills Press 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 of Surgis County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:
April 20 - 1950
Apr 27 - 1950
May 4 - 1950
May 11, 1950
 in each and every issue of the full number thereof, the first publication being made on the 20 day of Apr 1950 and the last publication on the 11 day of May 1950, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 12 day of May A. D. 1950

Notary Public Meade County, S. D.

(No. 199-1)
 APPROPRIATION OF WATER

Office of State Engineer,
 Pierre, S. Dak., March 25, 1950.
 Notice is hereby given that trying Walthall whose postoffice address is Viewfield, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.9 cubic feet of water per second of time from the Belle Fourche River through the Walthall Diversion, the point of diversion of which is to be located on the left bank of said stream in the NE 1/4 of the SW 1/4 of Section 34, Twp. 5 N., Range 11 E. Said water to be used for the purpose of providing irrigation to lands in the S 1/4, Sec. 34, N 1/2 Sec 2 and the SW 1/4 of Sec. 35, all in the T. 5 N., R. 11 E., and T. 4 N., R. 11 E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 16th day of May, 1950, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS,
 State Engineer.

First Pub., Apr. 20, 1950—5-11

RECEIVED

MAY 13 1950

OFFICE OF STATE ENGINEER
 PIERRE, S. DAK.

A. D. 1950

NOV 1981
DIVISION OF
WATER RIGHTS
Pine, SD

1/22/50
DIVISION OF
WATER RIGHTS
Pierre, SD

Date: Oct. 30, 1981

portions of the S $\frac{1}{2}$, Section 34 and SW $\frac{1}{4}$ Section 35, T5N, R11E and N $\frac{1}{2}$ Section 2,
T4N, R11E, T4N, R11E (203 acres)

has been transferred to Glen McPherson, Rt A, Box 40, Piedmont SD

Water Right Permit No. 199-i as provided for in SDCI. 46-5-32 and 46-5-33.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

1. Gleason F. J. Harris being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

James H. Thomas
(Signed)

Subscribed and sworn to before me this 30th Day of October, 1981.

Karl Sulman
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8541

PIERRE, November 10, 1982

RECEIVED OF Wagonpin Ranch, Glenn McPherson, Route 4, Box 40, Piedmont SD 57769
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.		
Fee for inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing a transfer on Water Right No. 199-1	2	0
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION
By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

REPRODUCTION OF THIS RECEIPT IS PROHIBITED
ROLL NO. 100
DATE MICROFILMED
CAMERA OPERATOR

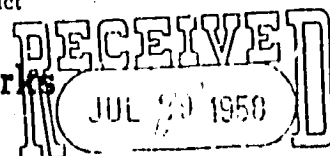
Permit No. 199-1

Water Division No. _____

Water District _____

Certificate of Examination of Works

Report of Examining Engineer

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated July 18
1958, I have this day made a thorough examination of the diversion works constructed by
Irving Walshall, of 803 Allen Ave., Rapid City, S. D.
Pennington County, South Dakota, holder of Permit No. 199-1, issued
upon Application No. 199-1, bearing date of priority of May 18, 1950, authorizing the
diversion of 2.9 cu. ft. per second of the waters of Belle Fourche River irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Pump: "Parma No. 2", a vertical-shaft, submerged
impeller, belt-driven centrifugal pump, having intake parts in impeller
casing and a 12" discharge; 12" steel pipe line to welded steel headgate
having a measuring weir and device for locking flow from headgate at
authorized maximum. Power unit: "Farmall Super-H", stationary engine
20-22 H.P.
and the system is in the following condition: Pump and engine, good. Pipe, fair.
Headgate, new. Distribution ditches, good.

The point of diversion is located on left bank of Belle Fourche River; 2608 ft.
N.40°54'E. from SW Cor. Sec. 34, T5N, R11E, BHM. according to survey made
in 1950.

The works are capable of diverting and conveying to the place of use 2.65 cu. ft. per second of water,
(As Measured - F.S.R.)
which is to be used for irrigation.

The legal sub-divisions to be irrigated are: in S $\frac{1}{2}$ Sec. 34, SW $\frac{1}{4}$ Sec. 35, T5N, R11E,
and in the N $\frac{1}{2}$ Sec. 3, T4N, R11E, B.H.M.

(Field inspection indicates area distribution approximates that shown
by 1950 survey and map) comprising a total of 203 acres of land.

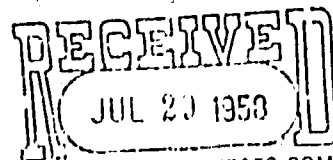
The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 26th day of July, A. D. 1958

—SEAL—

Examining Engineer.

Permit No. 199-1

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

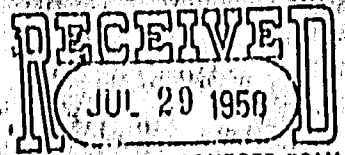
(P. O.) Rapid City, South Dakota(Date) July 26, 1958

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 15th day of August, 1958, at Water Division Point in the County of Meade State of South Dakota, before V.L. Rugg, Acting under authorization from State Water Resources Commission proof will be submitted of the application to beneficial use of 2.9 cubic feet per second of the waters of Belle Fourche River in accordance with the terms and conditions of Permit No. 199-1 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are Irving Walthall
803 Allen Ave. Rapid City, South Dakota
- The use to which said water has been applied is irrigation
- The amount applied to beneficial use is 2.9 cfs according to my belief
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 5 1/2 Sec. 34, SW 1/4 Sec. 35, T.5N., R.11E., and the NE 1/4 Sec. 3, T.4N., R.11E., B.H.N.
- The name of the canal or ditch or other works by which said water is conducted to such place of use is Walthall Diversion
- The right to take the water from such works is based upon permit No. 199-1
- The source of supply from which such water is diverted is Belle Fourche River
- The date of priority which said user is prepared to establish is May, 1950

(Sign) Irving Walthall

Permit No. 199-1STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) 803 Allen Ave.
Rapid City, South Dakota

(Date) July 26, 1958

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.7 cu. ft. per second of the waters of the state from Belle
Fourche River
through the authorized diversion works

for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Irving Walthall

2. The postoffice address of such person or the place of business of such corporation is 803 Allen Ave.
Rapid City
County of Pennington State of South Dakota

3. The number of such permit is 199-1 and the date set for the completion of such work is
before August 15, 1958

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.7 cubic feet per second.

6. The amount of land for which said water is available is 203 acres,
particularly described as follows: 3 1/2 Sec. 34, SW 1/4 Sec. 35, T. 5 N.
R. 11 E., and N 1/2 Sec. 3, T. 4 N., R. 11 E., B. H. N.

I hereby certify that the facts set forth in the above notice are true.

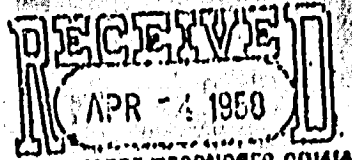
(Signature of Owners)

Irving Walthall

Location No. 199-1Water Division No. 1Belle Fourche
River Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER



Ques. 1. State your name, residence, occupation and postoffice address

Ans. Living Walthall (Rancher)803 Allen Ave., Rapid City, S.D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Apr 25 to May 15, 1950 Admitted May 29, 1950
in Black Hills Pecos Sturge, S.D.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Belle Fourche River, 2608 ft N 40° 54'E from the S.W. corner Sec 34, T.5N. R.11E. B.H.M.
on Left Bank.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. _____

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigating Alfalfa fields in S 1/4 of Sec 34 and
N 1/4 of Sec 33 T.5N. R.11E. and S.W. 1/4 of Sec 35 T.5N. R.11E. about 200 acres
5 ft width, 2.5 depth earthen canals & spreader
ditches

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As specified in permit

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Work was completed May 15 1951. Water was used in June 1950 was conveyed by 5 ft x 3.5 earthen canals and spacer ditches, my private pumps 200 gal. a minute, I irrigate about 20 acres and every year the water

(Sign) Ernest J. Gattall

I hereby certify that the foregoing testimony was read to the above subject before a signifying that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Ward City, County of Beaumont

State of South Dakota, on this 28th day of March A. D. 1958

Ernest J. Gattall
Audrey J. Graser

Witnesses.

Henry P. Riche

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

J. E. Morrison
R. L. Barker

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c.f.s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
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STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE
DIVISION OF WATER
RECEIVED
MARCH 28 1958



(507) 373 2345

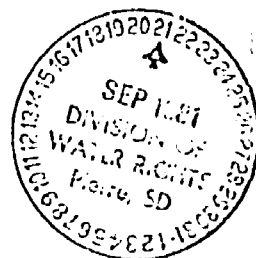
EDWARD T. CHRISTIAN
WOLF O. SLEN
HENRY J. SAVELKOU

DON A. JOHNSON
JAMES E. BROBERG
PHILLIP A. KOHL

VIVIAN M. UPRIN

Christian, Slen, Savelkoul, Johnson, Broberg & Kohl, Chartered
ATTORNEYS AT LAW
222 EAST MAIN, ALBERT LEA, MINNESOTA 56007

September 16, 1981



Mr. John Hatch
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

I am writing pursuant to our conference relative to water permits which may be in existence or may be obtained.

The property in question is in Meade County, Township 5, Range 11 and 12. The property specifically under question is in Range 11, Section 35, 34, 33, 27, and 28.

I would like to know whether any permits are in existence which can be used to provide water for that part of Section 35 South of the Belle Fourche River.

I also would like to know whether there is any permit in existence for that property in Section 33 North of the Belle Fourche River. This specific property is Northeast one fourth of the Northeast one fourth Section 33 and that part of the Southeast one fourth of the Northeast one fourth Section 33 which lies north of the Belle Fourche River.

If there are not permits in existence, I would like to have you forward to me all of the applications, etc., which are necessary to obtain permits for irrigating. If there is a separate department which I must contact for purposes of obtaining percolation tests, etc., I would either like to have the name of that department so that I may write them or if you have the forms, I would like to have those also enclosed.

The area that we were interested in possibly obtaining permits is that land in Section 35 South of the Belle Fourche River and that part of Section 35 which is in the South half of the Section and East of the Belle Fourche River.

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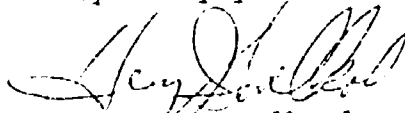
Mr. John Hatch
Page Two
September 16, 1981

There is also some very good land for irrigation which is in the South half of Section 27 and 28. It is approximately three fourths of a mile from the river, however.

If you have any questions, please do not hesitate to call collect at the above address.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Henry J. Savelkoul", written in a cursive style.

Henry J. Savelkoul
Attorney at Law

HJS/mnc

Meade Co.

Water Rights Division
605 773-3352

September 25, 1981

Henry J Savelkoul
Attorney at Law
222 East Main
Albert Lea, MN 56007

Dear Mr. Savelkoul:

In answer to your letter of September 16, 1981 regarding water rights on Sections 35, 34, 33, 27 & 28, T5N, Range 11 and 12, the following are the only permits on file for this particular area.

1. Water Permit No. 1153-1, Homestake Mining Co. to use 6.1 cfs to irrigate 428 acres from the Belle Fourche River and Dry Draws on the following lands: E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 36, T5N, R10E; SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31; S $\frac{1}{2}$ S $\frac{1}{2}$ Section 32 and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T5N, R11E. The applicant has until December 1, 1982 to complete his project.

2. Water Permit No. 199-1, Irving Walthal, land in Section 34, T5N, R11E. This project has never been constructed and will be cancelled.

Enclosed are our forms and instruction to make application for a water right.

Regarding the percolation tests you can contact the State Conservation Commission Service of Meade County, Sturgis SD 57785.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures