

No. 257-1

Division No. 1

Moreau River Water District

PERMIT

to appropriate water from

Deep Creek

Yegde County, South Dakota

Name of applicant

Eugene Welter, Faith, S. Dak.

Name of diversion works

Eugene Welter Irrigation Works

Date of first receipt at office of State

Engineer Sept. 30 1953

Returned to applicant for Correction

12

Corrected application received

19

Date of water right

September 30, 1953

Recorded in Book 3 Page 58

One-fifth of work to be completed

June 17 1954

Whole work to be completed

December 17 1954

Final proof of use of water

December 17 1954

Approved December 17 1953

DEAN W. LOUCKS, State Engineer.

NO. 257-1

SEP 30 1953

9:16 A.M.

Water Division No. 1 Moreau
(Blanks to be filled by the State Engineer.)District OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

I. Name of applicant Eugene Walter
Postoffice address Faith, County Meade, State S. Dak.

1. If a corporation ---
- (a) Name of same ---
 - (b) Date and place of incorporation ---
 - (c) Amount of capital stock ---
 - (d) Amount paid in ---
 - (e) Name 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, \$ 3,500 (c) Treasury stock, \$ ---
- (d) Bonds to be issued, \$ --- (e) Other resources, \$ ---

2. Name of diversion work Eugene Walter Irrigation Works
3. Quantity of water claimed 2.75 cubic feet per second.
4. Source of water supply Deep Creek
5. Location of point of diversion See Attached Sheet
on --- bank, --- County.
6. Annual periods during which water is to be used Spring, Summer & Fall
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated 192.5 acres.
- (b) Legal subdivisions to be irrigated See Attached Sheet
- (c) Statement as to domestic use (giving location, etc.) None

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

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use ---
Name any of the above uses claimed
- (b) Amount of power to be generated --- horse power.
Amount claimed for engine cooling ---
- (c) Location of plant ---
- (d) Method of developing power ---
- (e) Point where water will be returned to stream ---

RECEIVED

8. Estimated cost of work:

(a) Head gates, \$----- (b) Pumping plant, \$1,200.00
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures Aluminum Pipe \$1,920.00 Total, \$5,100.00

9. Description of diversion works:

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

Pumping Plant.

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 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 DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

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

Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----years.

11. Time required for complete application of water to the proposed beneficial use-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----
Bison Courier, Bison, South Dakota - Perkins County

STATE OF SOUTH DAKOTA

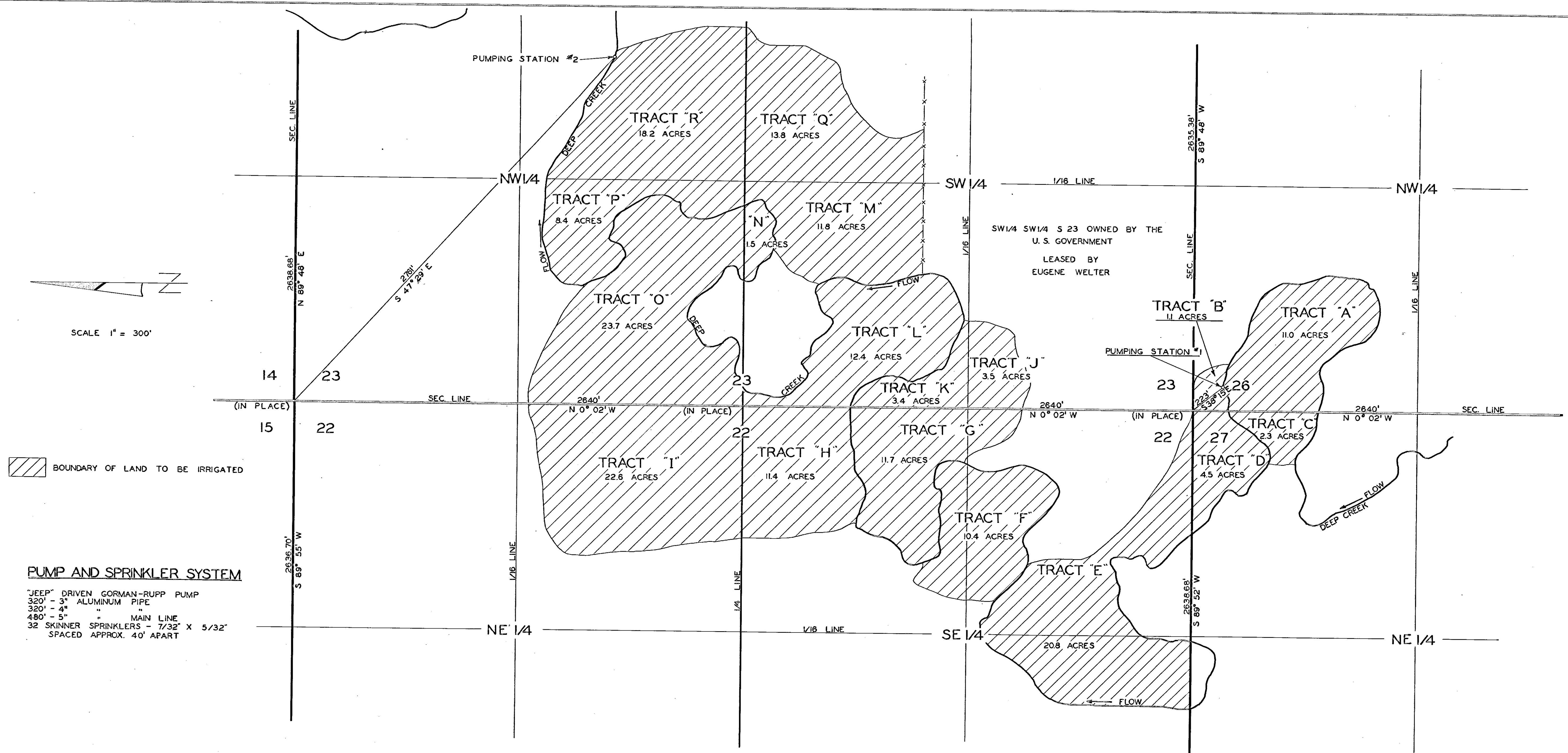
County of ----- } ss.

I, Engene W. L. H., 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, 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 Engene W. L. H.

Subscribed and sworn to before me this 22 day of April, 1913

E. A. Anderson
Notary Public (or other qualified officer.)



LAND TO BE IRRIGATED

NW 1/4	NW 1/4	SEC. 28	12.1	ACRES
NE 1/4	NE 1/4	" 27	6.8	"
SE 1/4	"	" 22	54.3	"
SE 1/4	NE 1/4	" 22	2.6	"
SW 1/4	SW 1/4	" 23	3.5	"
NW 1/4	SW 1/4	" 23	29.1	"
NE 1/4	SW 1/4	" 23	13.8	"
NW 1/4	NW 1/4	" 23	32.1	"
SE 1/4	NW 1/4	" 23	18.2	"
TOTAL			192.5	ACRES

AVERAGE LIFT FROM RIVER BED TO TOP OF BANK - 10'

SURVEYORS CERTIFICATE

I, FRED D. BRADY, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF EUGENE WELTER, I HAVE SURVEYED THE LAND AS SHOWN ON THE ABOVE PLAT.

Frederick D. Brady
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF Sept, 1953.

MY COMMISSION EXPIRES: Aug. 19, 1954

APPLICATION SURVEY — SPRINKLER IRRIGATION
FOR

EUGENE WELTER FAITH, SOUTH DAKOTA
SECTIONS 22, 23, 26 & 27, T 14 N, R 15 E, B.H.M.

Water Right # 257-1
Map # - 237-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

} ss.

Pierre, South Dakota, December 17, 1953

This is to certify that the foregoing application was received at this office at 2:15 o'clock
a. m. upon the 30th day of September, 1953 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.
No protests were received.


DEAN W. LOUCKS State Engineer.

Number of permit 257-1

Date of first receipt of application September 30, 1953

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 30, 1953

Approved December 17, 1953, Recorded in Book 3 Page 58

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 June 17, 1954

2nd. The whole of said work is to be completed on or before December 17, 1954

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 17, 1954

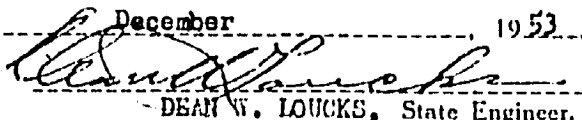
4th. The water appropriated shall be used for the purpose of irrigation

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 2.75
cubic feet per second; 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 December 17, 1954; said water to be used during the following described annual period:

March 21 to December 21

Witness my hand this 17th day of December, 1953


DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

APPLICATION FOR PERMIT - Eugene Walter

5. Any point on Deep Creek in Yavapai County between the following two described points:

S 35° 15' E, 223 feet from the section corner common to sections 22, 23, 26 & 27, T14N, R13E, B1E4.

S 47° 29' E, 2761 feet from the section corner common to sections 14, 15, 22, & 23, T14N, R13E, B1E4.

7.(b)	NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec. 26	12.1	Acres
	NE $\frac{1}{4}$	NE $\frac{1}{4}$	" 27	6.0	"
	SE $\frac{1}{4}$	"	" 22	54.3	"
	SE $\frac{1}{4}$	NE $\frac{1}{4}$	" 22	22.6	"
	SW $\frac{1}{4}$	SW $\frac{1}{4}$	" 23	3.5	"
	NW $\frac{1}{4}$	SW $\frac{1}{4}$	" 23	29.1	"
	NE $\frac{1}{4}$	SW $\frac{1}{4}$	" 23	13.0	"
	SW $\frac{1}{4}$	NW $\frac{1}{4}$	" 23	32.1	"
	SE $\frac{1}{4}$	NW $\frac{1}{4}$	" 23	18.2	"
	Total			192.5	Acres

STATE OF SOUTH DAKOTA

Water License No. 257-1

To EUGENE WALTER

FAIRBANKS, SOUTH DAKOTA

MEADE COUNTY

Source of Supply Deep Creek

Meade County

Am't 2.75 Sec. Feet

Point of Diversion

See Water License

Place of Use

See Water License

Purpose Irrigation

Date of Priority September 30, 1953

Recorded December 17, 1953

in Book 3 of W.R. Page 58

STATE OF SOUTH DAKOTA

WATER LICENSE No. 257-1

WHEREAS, On the 29th. day of September A. D. 19 53

EUGENE WELTER

of Faith County of Meade and State of South Dakota duly made application (No. 257-1) to me for a permit to use 2.75 cubic feet per second of the waters of Deep Creek County of Meado, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 17th. day of December A. D. 19 53 Permit No. 257-1 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 17th. day of December A. D. 19 54 and for the application to beneficial use of said water on or before the 17th. day of December A. D. 19 54 and,

WHEREAS, On the 28th. day of March A. D. 19 55 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.75 cubic feet per second of said waters, as evidenced by my Certificate No. 257-1 dated April 5, 1955 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.75 cubic feet per second of water, with date of priority of September 30, 1953 and, -----

WHEREAS, On the 31st. day of May A. D. 19 55 proof was duly made of the application to beneficial use of 2.75 cubic feet per second of said water;

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to LOUENE WELTER of Faith the holder and owner of said permit No. 257-1 a water right, dating from September 30, 1953 to the use of 2.75 cubic feet per second of the waters of Deep Creek in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at between a point S. 38° 15' E. 223' from the Sec. corner common to Secs. 22, 23, 26 & 27, T14N-R15E and a point S. 47° 29' E. 2761' from the Sec. corner common to Secs. 14, 15, 22 & 23, T14N-R15E. and conducted to and upon lands in Secs. 22, 23, 26 & 27 as described in the application and shown on the plat 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 my office at Pierre, South Dakota, this 2nd. of June A. D. Nineteen Hundred and Fifty-five

Dean W. Lacke
DEAN W. LACKE

State Engineer.

Permit No. 257-1

Water Division No. 1 Breau River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Eugene Walter

of Faith County of Meade and State of South Dakota the holder of Permit No. 257-1 issued upon Application No. 257-1 bearing date of priority of September 30, 1953 authorizing the diversion of 2.75 second-feet of the waters of Deep Creek

County of Meade State of South Dakota, at any point on Deep Creek in Perkins County between the following two described points: 838° 15' E, 233 feet from section corner common to secs. 22, 23, 26 & 27, T.14N, R.15E, M.1C. S 47° 29' E, 2701 feet from the section corner common to secs. 14, 15, 22 & 23, T.14N, R.15E, M.1C. for sprinkler 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 adequate for diverting and conveying to the place of intended use 2.75 cu. ft. per second

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

NW 1/4	SEC. 26	T. 14N,	R. 15E	12.1 A.
NE 1/4	" 27	" "	" "	6.8 "
SE 1/4	" 22	" "	" "	54.3 "
SE 1/4	" 22	" "	" "	22.6 "
SW 1/4	" 23	" "	" "	3.5 "
NW 1/4	" 23	" "	" "	29.1 "
NE 1/4	" 23	" "	" "	13.8 "
SW 1/4	" 23	" "	" "	32.1 "
SE 1/4	" 23	" "	" "	18.2 "

TOTAL 192.5 Acres

Witness my hand this 5th

day of April

A. D. 1955


 DEAN W. LOUCKS, State Engineer of South Dakota.

cc: Brady

Permit No.....257-1
Water Div. No.....1 Moreau River.....Water Dist.

**Certificate of Completion
of Works.**

Dated.....April 5,.....1955.....

Stream.....Deep Creek.....

County.....Moade.....

Amount.....2.75.....

Date of priority.....September 30, 1953.....

Recorded in Book.....3.....

of Water Rights.....page 58.....

Water Division No. 1 Moreau River Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

RECEIVED

JUN 2 1955

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

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

Ans. Eugene Walter

Faith, S. Dak.

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. NA

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 257-1 dated September 29, 1953

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

Ans. Deep Crack. Point of diversion between a point south $38^{\circ} 15'$ east 223' from the section corner common to Secs. 22, 23, 26 & 27, T 14N - R 15E and a point south $47^{\circ} 29'$ east 2761' from the section corner common to Secs 14, 15, 22 & 23-T14N-R15E.

Ques. 5. Describe your works of diversion, 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.

Ans. 2.75 cu. ft. per second.

Sprinkler Irrigation System

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.)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 T. 14N R. 15E	18.2 A.
Ans. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 T. 14N R. 15E	12.1 A.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ " 27	6.8 A.
SE $\frac{1}{4}$ " 22	54.3 A.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ " 22	22.6 A.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	3.5 A.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	27.1 A.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	3.8 A.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 23	32.1 A.

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

Ans. Not used for anything but irrigation purpose.

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

Ans. About 1 $\frac{1}{2}$ cu. ft. per second.

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. I am the original owner.

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

Ans. The irrigation system has been used for the past 2 years to irrigate about 150 acres of alfalfa.

(Sign.)

Eugene Welter

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, 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 Faith, South Dakota, County of Meade

State of South Dakota, on this 31st day of May A.D. 1955

Chas. Stewart

Notary Public

Permit No. _____

Proof of Application of Water to

Beneficial Use

DEPOSITOR OF HOLDER

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

RECEIVED

Permit No. 257-r.1.
Moreau River
Water Div. No. 1 1 Water Dist.

**Certificate of Examination
of Works**

Dated March 28, 1955

Stream Deen Creek

County Meade

Amount 2.75 cu. ft. per Second xx

Date of Priority September 30, 1953

Recorded in Book 3 Page 58

Filed in the office of the State Engineer

this 30th day of March, A. D., 1955

W. W. LOCKS, State Engineer.

By _____
Deputy.

RECEIVED

MAR 30 1955

Permit No. 257-1

Water Division No.

Water District No.

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated 19 November
1954, I have this day made a thorough examination of the diversion works constructed by Eugene
Welter of Faith

Maude County, South Dakota, holder of Permit No. 257-1, issued
upon Application No., bearing date of priority of, 10....., authorizing the
diversion of 2.75 second feet of the waters of Deep Creek for irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One 33 horsepower 4-inch Rain Chief pump;
480 feet of 5-inch main line; 880 feet of sprinkler line consisting
of 320 feet of 3-inch pipe, 320 feet of 4-inch pipe and 240 feet of
5-inch pipe; 22 7/32" x 5/32" sprinkler heads.

and the system is in the following condition: Good.

The point of diversion is located Any point on Deep Creek in Perkins Co. between
the following two described points: S38°15'E 223 feet from the Sec. Cor.
common to Sections 22, 23, 26 & 27, T14N, R15E, BHM; and S47°29'E 2,761
feet from the Sec. Cor. common to Sections 14, 15, 22 & 23, T14N, R15E, BHM.

The works are capable of diverting and conveying to the place of use 2.75 second-feet of water,
which is to be used for crop irrigation

The legal sub-divisions to be irrigated are: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 - 12.1 A; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.
27 - 6.8 A; SE $\frac{1}{4}$ Sec. 22 - 54.3 A; SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22 - 22.6 A; SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 23 - 3.5 A; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23 - 29.1 A; NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23 - 13.8 A;
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 - 32.1 A; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 - 18.2 A.

comprising a total of 192.5 acres of land.

The domestic use intended comprises None

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

Witness my hand, this 28th day of March

A. D. 1955

Frank B. Brady
Examining Engineer.

Permit No. 257-1

Water Division No. 1..... ~~Missouri River~~ Water District

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Sioux, S. Dak.(Date) Nov. 8, 1954

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

2.75 cubic feet per..... second foot of the waters of the state from Deep Creek
 through the Eugene Walter Irrigation works
 for irrigation..... purposes

..... in accordance with the terms and con-
 ditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Eugene Walter

2. The postoffice address of such person or the place of business of such corporation is Sioux,
 County of Parkinson State of S. Dak.

3. The number of such permit is 257-1 and the date set for the completion of such work is
Dec. 17, 1954

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 ac-
 companying the application for such permit, is 2.75..... cubic feet per second.

6. The amount of land for which said water is available is 192.5..... acres,
 particularly described as follows: NW 1/4 NW 1/4 Sec. 26 - 12.1A, NE 1/4 NE 1/4 Sec. 17 - 6.8A, SE 1/4 Sec. 22 - 54.3A, SE 1/4 NE 1/4 Sec. 22 - 22.6A, SW 1/4 SW 1/4 Sec. 23 - 13.5A, NW 1/4 SW 1/4 Sec. 23 - 29.1A, NE 1/4 SW 1/4 Sec. 23 - 13.8A, SW 1/4 NW 1/4 Sec. 23 - 32.1A, SE 1/4 NW 1/4 Sec. 23 - 18.2A.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following cer-
 tificate must be signed by a well known and competent engineer.)

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

.....
 (Signature.) Eugene Walter Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of For. Dina } ss.

I, Lloyd I. Sudlow being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....
THE BISON COURIER a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Town of Bison County of Porking and State of South Dakota; that the said notice was published in said newspaper on the following dates:

5 day of November, 1953
12th day of November, 1953
19th day of November, 1953
26th day of November, 1953

in each and every issue of the full number thereof, the first publication being made on the 5th day of November 1953 and the last publication on the 26th day of November 1953, 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 26th day of November A. D. 1953

Notary Public Perkins County, S. D.

APPROPRIATION OF WATER

Office of State Engineer
 Pierre, S. Dak., Oct. 17, 1953
 Notice is hereby given that Eugene Welter whose postoffice address is Faith, South Dakota, has made application in accordance with the laws of South Dakota for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of flow from Deep Creek through the Eugene Welter Irrigation Works, the point of diversion of which is to be located between the following two described points:

S. 34 15 E. 27 from the sec. 26 to sec. 27

Sections 27, 28, 29 and 30, T. 14N., R. 15E., N. 15th and S. 15th E. 27 151 feet from the section corner common to sections 14, 15, 27 and 28, T. 14N., R. 15E., N. 15th. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 Sec. 26	12.1 acres
SW 1/4 Sec. 27	54.2 acres
SE 1/4 Sec. 27	54.2 acres
SW 1/4 Sec. 27	22.8 acres
NW 1/4 Sec. 27	3.5 acres
NE 1/4 Sec. 27	22.1 acres
SW 1/4 Sec. 27	22.1 acres
SE 1/4 Sec. 27	15.2 acres

Total 192.5 acres

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 1st day of December, 1953, at 2:00 P. 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

APPROPRIATION OF WATER

OFFICE OF STATE ENGINEER

Pierre, S. Dak., October 17, 1953

Notice is hereby given that Eugene Welter whose postoffice address is Faith, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from the Deep Creek through the Eugene Welter Irrigation Works the point of diversion of which is to be located between the following two described points: S $38^{\circ} 15'$ E, 223 feet from the section corner common to sections 22, 23, 26 & 27, T. 14N., R. 15E, BHM, and S $47^{\circ} 29'$ E, 2761 feet from the section corner common to sections 14, 15, 22 & 23, T. 14N., R. 15E, BHM. Said water to be used for the purpose of providing irrigation on the following described land:

NW	NW	Sec. 26	12.1 acres
NE	NE	Sec. 27	6.8 acres
SE		Sec. 22	54.3 acres
SE	NE	Sec. 22	22.6 acres
SE	SE	Sec. 23	3.5 acres
NE	SW	Sec. 23	29.1 acres
NE	SW	Sec. 23	13.8 acres
SW	NW	Sec. 23	32.1 acres
SE	NW	Sec. 23	18.2 acres
Total			<u>192.5 acres</u>

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 4th day of December, 1953, at 2:00 P. 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

JOHNSON & KELLEY
ATTORNEYS
310 MAIN AVENUE
LEMMON, SOUTH DAKOTA 57638
PHONE 605-374-3411
November 14, 1988

RONALD R. JOHNSON
ROBERT P. KELLEY

IN REPLY REFER TO:
Walter Estate

Department of Natural Resources
Joe Foss Building
Pierre, SD 57501

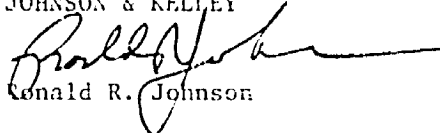
Gentlemen:

Eugene Welter, who held water license #257-1 issued the 29th of September, 1953, for permit to use waters of Deep Creek in Meade County, South Dakota died December 16th, 1987. We are about to distribute the estate.

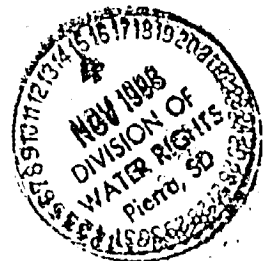
Please furnish instructions for the transfer of the water license by the executor.

Yours truly,

JOHNSON & KELLEY


Ronald R. Johnson

RRJ:cj





Department of Water & Natural Resources

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

November 16, 1988

257-1

Ronald R Johnson
Johnson & Kelley
310 Main Avenue
Lemmon, SD 57638

RE: Welter Estate

Dear Mr. Johnson:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 257-1. The form should be completed and signed in the presence of a notary public by the new owner(s). Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to the proper name(s).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

The 1988 irrigation questionnaires were mailed in October, 1988. We were unaware that Mr. Welter was deceased, therefore, the questionnaire for Water Right No. 257-1 was mailed to his address. Please let me know if someone else will be taking care of the questionnaire or if I should mail one to you. The questionnaire needs to be returned to our office by December 20, 1988.

If you have any questions, please contact us.

Sincerely,

GENNY McMATH
Natural Resources Analyst
605 773-3352

enclosure

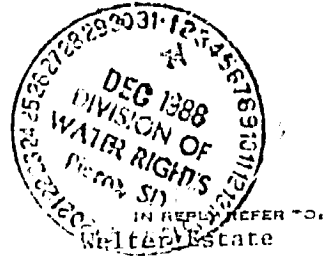


257-1

JOHNSON & KELLEY
ATTORNEYS
310 MAIN AVENUE
LEMMON, SOUTH DAKOTA 57638
PHONE 605-374-3411

RONALD R. JOHNSON
ROBERT P. KELLEY

December 1, 1988



Water Rights Division
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181

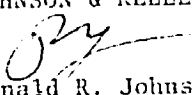
Gentlemen:

Enclosed find Notice of Transfer of Water Permit, certified copy of Letters Testamentary and Oath and a check in the amount of \$2.50 for the filing fee.

Also enclosed is the 1988 irrigation questionnaire completed by Dennis Welter.

Yours truly,

JOHNSON & KELLEY


Ronald R. Johnson

RRJ:cj
Encl.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 22 November 1988

This is to notify you that the title to the lands described as follows:

192.5 acres - NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22, W $\frac{1}{2}$ SW $\frac{1}{4}$,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 23, T14N, R15E

formerly owned by Eugene Walter

has been transferred to Dennis Walter Box 52
Fourth South Road, 57626
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

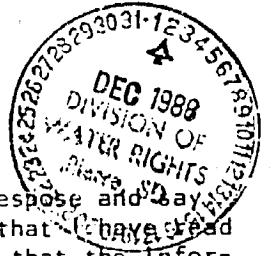
Water Right Permit No. 257-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Pierce) ss.

I, Dennis Walter 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 information herein stated is true.



Dennis Walter
(Signed)
Executor Estate of Eugene Walter, deceased

Subscribed and sworn to before me this 22nd Day of November, 1988.

Ronald R. Johnson
(Notary Public)
Ronald R. Johnson
Comm. expires 7/8/90

WNR-820-9/83

Notice of Transfer of Water Permit

STATE OF SOUTH DAKOTA } IN CIRCUIT COURT
 County of PERKINS } ss. EIGHTH JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF

EUGENE WELTER

Deceased.

LETTERS TESTAMENTARY
AND OATH

The last will and testament of Eugene Welter, deceased,
 a copy of which is hereunto annexed, having been proved and recorded in the Circuit Court of the County of
 Perkins State of South Dakota, Dennis Welter

who is named as Executor therein is hereby appointed Executor or

State of South Dakota }
 County of Perkins }

Eighth Judicial
 Circuit Court

INDEPENDENT ADMINISTRATION OF ESTATES ACT, Perkins County, South Dakota

I hereby certify that the foregoing instrument
 is a true and correct copy of the original as the
 same appears on record in my office this 5th

Filed at o'clock M

FEB 05 1988

Day of November 1988.

By Cheryl Loughlin Clerk of Court

By Deputy

Lemmon

Dated at the City of Lemmon, in said County and State,

this 5th day of February 1988

(SEAL)

Attest:

R. L. Tschetter

Judge of the Circuit Court.

Cheryl Loughlin

Clerk of Courts.

By

Deputy.

STATE OF SOUTH DAKOTA

County of PERKINS

ss.

I, Dennis Welter do solemnly swear that I will support the
 Constitution of the United States and the Constitution of the State of South Dakota, and that I will faithfully
 perform, according to law, the duties of Executor of the estate of Eugene Welter

deceased.

Dennis Welter

Subscribed and sworn to before me, this

5th

day of

February

1988

Dennis Welter

Ronald R. Johnson

Notary Public, South Dakota

Comm. Exp. 1/9/90

of the Circuit Court

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

441527

Pierre, December 2, 1938

RECEIVED OF Johnson & Kelley, Attys., 310 Main Ave., Lemmon SD 57628

the following amount in fees for services rendered as provided for by law: FOR: Dennis Welter, Box 52
Faith SD 57626

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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 257-1 _____	2	50
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	2 50

By J. L. Hatch
Chief Engineer JOHN HATCH ms



257-1

Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

December 5, 1988

Ronald R. Johnson
Johnson & Kelley, Attorneys
310 Main Avenue
Lemmon, South Dakota 57638

Dear Mr. Johnson:

Enclosed is receipt No. 411527 in the amount of \$2.50 which you paid for the transfer of Water Right No. 257-1.

Our records now show Dennis Welter as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.
cc: Dennis Welter





257-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: DENNIS WELTER, BOX 52, FAITH, SD 57626

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 257-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 257-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/efrms/secure/efrms/E0455V5-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

257-1

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0799 7061**
Status: **Delivered**

Your item was delivered at 8:07 AM on February 1, 2007 in FAITH, SD 57626. The item was signed for by N WELTER.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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United States Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7061

Pos/ **Air**

DENNIS WELTER
BOX 52
FAITH SD 57626

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002 (See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2007

257-1

Dennis Welter
Box 52
Faith SD 57626

Dear Mr. Welter:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 257-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

McMath, Genny

From: Gronlund, Eric
Sent: Friday, January 24, 2014 10:47 AM
To: McMath, Genny
Subject: IQ for WR 257-1, Welter

Received a call from Norma Welter. She tried to send by email back in October and just saw that is never transmitted. Was wondering if it was too late. I explained that we were just in the process of sending notification to those that who had not submitted the IQ.

She explained that no irrigation took place in 2013. The reason is when water was available in the creek, they had sufficient moisture in the soil. Later in the year when they would have liked to irrigate, the wasn't enough water in the creek.

I pulled the notice to Mr. Welter out of the mailing. I told Mrs. Welter we'd send her confirmation that she had complied with the condition to submit the IQ.

Let me know if you need something else from me.

Eric



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2014

257-1

Norma Welter
Box 52
Faith SD 57626

Dear Ms. Welter:

Thank you for calling concerning the 2013 irrigation questionnaire. I have completed a form for you based on your conversation with Eric Gronlund in our office. The form indicates no irrigation took place due to adequate moisture early in the season and lack of water in the creek later in the season.

Eric indicated you had tried to email us in October with the information and for some reason it did not go through. The information for 2013 is now on file and you have met the requirement for annual reporting. Everything is taken care of and you do not need to do anything further for 2013.

Thank you again for calling. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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