

1. Considered December 3, 1958 Appl. No. 579-1

2. Name of Applicant Howard Jensen

3. Post Office Address Secum, South Dakota

4. Amount of water claimed 5.45 cfs

5. Source of water supply dry draws

6. Water to be used for irrigation
Acres to be irrigated 382

7. Water to be diverted and used in Harding County about
10-15 miles south west of Secum.

8. Proof of Publication Received ✓
Not Received _____

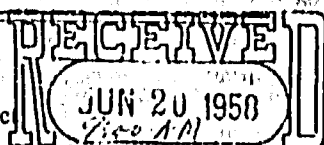
9. Application Approved ✓
Subject to _____
Not approved _____
Action deferred _____

10. Remarks: 4 years for completion of works
+ 1 year for Application of Water
about 74 of project under a "Vested Right"

Sheet #1

No. 329-1

Water Division No. 1 Merced River District
(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Howard Jensen
Postoffice address Sornlie County Perkins State So. Dak.

I. If a corporation

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract

- (b) Cash on hand, Sufficient
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, Gov't. cost share

2. Name of diversion work water spreading Project No. 1

3. Amount of water claimed 5.45 cubic feet per second or 1,146 acre feet

4. Source of water supply Runoff

5. Location of point of diversion (1) 8 rods N. & 93 rods W. of SE corner sec 15-16-8

12 rods S. & 53 rods W. of NE corner sec 23-16-8

6. Dam No. 1: N 84° 00' W, 93 rods from the SE Cor., Sec. 15, T 16N, R 8E.

7. Dam No. 2: S 72° 30' W, 56 rods from the NE Cor., Sec. 22, T 16N, R 8E.

8. Dam No. 3: S 16° 15' E, 145 rods from the NW Cor., Sec. 23, T 16N, R 8E.

9. Dam No. 4: S 37° 15' W, 149 rods from the NE Cor., Sec. 22, T 16N, R 8E.

(b) Legal subdivisions to be irrigated See attachment

(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.)

(c) Statement as to domestic use (giving location, etc.)

III. Stockwatering, mining, mill, power, agriculture, fire protection and public recreation:

(a) Nature of use Stockwater

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

Map No. 296-1

8. Estimated cost of work:

(a) Headgate, \$..... (b) Pumping plant, \$.....
 (c) Tunneling, \$..... (d) Canal earth, \$216.00
 (e) Other structures same as diversion ditch, \$1,267.00
 Total, \$.....

9. Description of diversion works:

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

Dams 1, 2, 3, 4, ditches 1, 2

II. Dimensions of works: 1/ 9.4 3/ 15.4 1/ 30 3/ 65
 2/ 10.5 4/ 15.4 2/ 50 4/ 80

(a) Dam: Height 1/ 8.5 3/ 22.8 feet; length at bottom 1/ 57.4 3/ 82.4 feet; length at top 2/ 120 4/ 218 feet; thickness at bottom 2/ 5.5 4/ 65.7 feet; thickness at top 1.2 3.4 10 feet; slope at front water face 1.2 4/ 3:1 3/ 4:1; slope at back face 2.3 4/ 2:1 material used in construction earth fill

(b) Reservoir: Capacity when filled 3/ 8.0 4/ 2.0 acre feet. Surface area at highwater mark 2/ 2.0 4/ 0.8 acres. Note: Dams # 1 & 2 built in 1943 are completely full of mud & do not store any water. Storage capacity of dams # 3 & 4 will be only temporary (2 to 3 yrs.)

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET - ACRES	ACRE FEET CAPACITY
Not applicable		

(c) * Headgate: Width 1/ 10.0 3/ 10.0 feet; height 1/ 10.0 3/ 10.0 feet

Material

(d) Canal: Total length 1/ 0.17 2/ 0.08 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 1/ 00 Mile	2.0 feet	20 feet	28.0 feet	15.9 feet
At 2/ 00 Mile	2.5 feet	9 feet	24.0 feet	15.3 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 site are made.)

10. Time required for completion of work 4 years.
 11. Time required for complete application of water to the proposed beneficial use 5 years.
 12. Choice of newspaper for publication of notice of location to appropriate Not required. System established prior to 1958

STATE OF SOUTH DAKOTA

County of Harding ss.

Howard Jensen, being first duly sworn on 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 Howard Jensen

Subscribed and sworn to before me this 23rd day of May 1958

Ralph Anderson
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

HOWARD JENSON
WATER SPREADING PROJECT
NUMBER 1

↑

LOCATION OF LAND TO BE IRRIGATED				
HOWARD JENSON WATER SPREADING PROJECT NO. 1				
LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
lot 1	22	16	8	6
lot 2	22	16	8	3.6
lot 3	23	16	8	2.7
lot 4	22	16	8	4.0
lot 5	22	16	8	7
lot 6	23	16	8	2.3
lot 7	22	16	8	4.0
lot 8	22	16	8	3
lot 9	23	16	8	3.7
lot 10	27	16	8	4.0
lot 11	27	16	8	4.0
lot 12	27	16	8	4.0
lot 13	27	16	8	4.0
lot 14	27	16	8	4.0
TOTAL				38.2

I, Walter H. Christman DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE Howard Jensen
Water Spreading Project number 1

SIGNATURE: *Walter H. Chinn*

TITLE : *Basic Engineering*

SOIL CONSERVATION SERVICE

U. S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14 DAY OF

_____ 19____, A. D.

NOTARY PUBLIC

Map No. 296-1
Appl. No. 329-1

HOWARD JENSON
WATER SPREADING PROJECT
NUMBER 1

HARDING COUNTY, SOUTH DAKOTA
SCALE 1" = 40 RODS

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by <u>Walter H. Shortman</u>	
Designed <u>W. H. Allen</u>		Title <u>Agria. Engineer</u>	
Drawn <u>Turney</u>		Title	
Traced		Sheet	Drawing No
Checked		No. <u>1</u>	<u>1</u>
		of <u>1</u>	

Remarks by State Water Resources Commission:

"Vested Right" claimed for 4.60 cubic feet of water per second

The diversion rate limitation of 1 cubic foot per second for 800, 70 acres irrigated shall not apply to this Dry Run irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

SS.

Pierre, South Dakota,

June 28, 1958

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

9 a.m. upon the 20 day of June, 1958

State Water Resources Commission

By:

J. B. Brinner

Chief Engineer, Executive Officer

Number of permit 329-1

Date of first receipt of application

June 20, 1958

Date of return to applicant for correction, amendments or changes required as follows

June 26, 1958

Date of receipt of corrected application

August 27, 1958

Date from which applicant may claim right

1. 8.0 a.m. from 1948; 3.26 a.m. from November 1956

Approved

December 3, 1958

Recorded in Book

5

Page

67

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

December 3, 1960

2nd. The whole of said work is to be completed on or before

December 3, 1962

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

December 3, 1962

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 5.45 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 3, 1962; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

18

day of

December, 1958

State Water Resources Commission

By:

J. B. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

10

Water License Issued

10

Attachment 7(b) System #1

	Sec.	Township	Range	Acres
NE NE	22	16 N	8 E	6
SE NE	22	16 N	8 E	36
SW NW	23	16 N	8 E	29
NE SE	22	16 N	8 E	40
NW SE	22	16 N	8 E	7
NW SW	23	16 N	8 E	25
SW SE	22	16 N	8 E	23
SE SE	22	16 N	8 E	40
SW SW	23	16 N	8 E	3
NW NE	27	16 N	8 E	37
NE NE	27	16 N	8 E	40
SE NW	27	16 N	8 E	16
SW NE	27	16 N	8 E	40
SE NE	27	16 N	8 E	40
				40
				<u>382</u>
			Total 1	

(First Publication before October 31, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Comm.

Pierre, South Dakota, October 9, 1958

Notice is hereby given that Howard Jensen whose postoffice address is Sorum, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate of water for beneficial use 5.45 cubic feet/per second of time from dry draws through the Walter Spreading Project No. 1. Three points of diversion, one located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; one in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 22; and one in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 23; all in T 16N, R 8E, are claimed under an existing Vested Right and an additional point of diversion which is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 22, T 16N, R 8E is claimed under a new application. Said water is to be used for the purpose of providing irrigation on parts of the following described land:

E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec 22; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 23; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec 27 all in T 16N, R 8E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Harding } 33.

Donald L. Cammack being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Buffalo Times-Herald a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the town of Buffalo County of Harding and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Oct. 16, 1958

Oct. 23, 1958

Oct. 30, 1958

Nov. 6, 1958

in each and every issue of the full number thereof, the first publication being made on the 16 day of Oct. 1958 and the last publication on the 6 day of Nov. 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 13th day of November A. D. 1958

Notary Public _____ County, S. D.

APPROPRIATION OF WATER

(No. 329-1)

Office of State Water Resources
Commission, Pierre, S. Dak.
October 9, 1958

Notice is hereby given that Howard Jensen whose postoffice address is Sordum, 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 5.45 cubic feet of water per second of time from dry draws through the Walter F. Spreading Project No. 1. Three points of diversion, one located in the SW1 SE1, Sec. 15; one in the NE1 NE1, Sec. 22; and one in the SE1 NW1, Sec. 22; all in T 16N, R 3E, are claimed under an existing Vested Right and an additional point of diversion which is to be located in the SW1 NE1, Sec. 22, T 16N, R 3E is claimed under a new application. Said water is to be used for the purpose of providing irrigation on parts of the following described land:

15 NE1 and SE1, Sec. 22; W1 SW1 and SW1 NW1, Sec. 22; SE1 NW1 and NE1, Sec. 22 all in T 16N, R 3E. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Les Wylborny,
Water Rights Engineer.

(Pub. Oct. 16-23-30-Nov. 6)

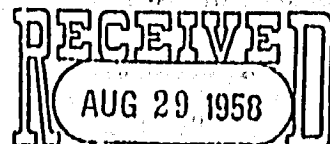
RECEIVED
NOV 17 1958

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

System #1

FORM NO. 21.

Location No. _____



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. _____ Water District _____

Proof of Application of Water to Beneficial Use

POSITION OF HOLDER

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

Ans. Howard Jensen, Rancher, Sorum, South Dakota

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. Dam No. 3 -- November 17, 1956

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

Day draws Dam No. 1 - 8 rods N. & 93 rods W. of SE. Cor. 15-16-8
Ans. Dam No. 2 - 17 rods S. & 53 rods W. of NE. Cor. 23-16-8
Dam No. 3 - 103 rods S. & 100 rods E of NW. Cor. 23-16-8
Dam No. 4 - 121 rods S & 68 rods W. of NE Cor. 22-16-8

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. Dam #1, 9.4' high, 85' long; Dam #2, 10.5' H, 120' L, completed 1948; Dam #3, 15.4' H, 224' L, completed Dec. 1956; Dam #4, 15.4' H, 218' L, completed, June, 1958.
Ditch #1, 20' bottom, 2.0' deep, .17 Mi. long, built 1948; Ditch #2, 9' bottom, 2.5' deep, .08 Mi. long, built June, 1958. Spreader ditches - 10' bottom, .5' deep, total length 7,000', built in June 1958

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 (see attachment)

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

Ans. Stockwater

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

Ans. 5.45 cfs. or 1,146 Acre feet

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. Dam #1 & 2 constructed in 1948, water use began 1948 - ditch cap. 202 cfs. Dam No. 3 constructed Dec., 1956, water use began Nov. 1956 - ditch cap. 471 cfs. Dam No. 4 constructed June 1958, water use began June 1958, ditch cap. 124 cfs. Water is used to

irrigate 382 acres of hay.

(Sign)

Howard Jensen

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 Sorum, County of Perkins

State of South Dakota, on this 27 day of Aug, A. D. 1958

Witnesses.

DeWitt E. Jensen
Sorum, South Dakota

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.

Howard DeWitt
Sorum

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 _____

Attachment ~~25~~ System #1

		Sec.	Township	Range	Acres
NE 1/4	NE 1/4	22	16	8	6
SE 1/4	NE 1/4	22	16	8	36
SW 1/4	NW 1/4	23	16	8	29
NE 1/4	SE 1/4	22	16	8	40
NW 1/4	SE 1/4	22	16	8	7
NW 1/4	SW 1/4	23	16	8	25
SW 1/4	SE 1/4	22	16	8	23
SE 1/4	SE 1/4	22	16	8	40
SW 1/4	SW 1/4	23	16	8	3
NW 1/4	NE 1/4	27	16	8	37
NE 1/4	NE 1/4	27	16	8	40
SE 1/4	NW 1/4	27	16	8	16
SW 1/4	NE 1/4	27	16	8	40
SE 1/4	NE 1/4	27	16	8	40
					382
				Total	

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

9/24/58

Les Wyborny, Water Rights Engineer
State Water Resources Commission
Pierre, South Dakota

Dear Les:

In reference to your letter of Sept. 16, 1958 regarding form 24 on Howard Jensen water right.

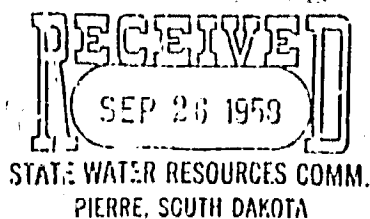
1. Major diversions are completed as shown on the maps and form 24. There will undoubtedly be additional spreader ditches constructed in the future after the present system has been observed in operation. We have been automatically using the maximum periods for completion of work and application of water on Application Form 2 and did the same on form 24. This was an oversight on our part.
3. Dam # 4, Project 1, was constructed to divert additional water onto areas already subject to flooding from dams 1, 2, and 3. Dam # 4 merely adds additional water and will assure better and more frequent flooding.

I hope that the above will answer your questions.

Sincerely

W. J. Akin
W. J. Akin, SAC
Soil Conservation Service
Pierre, S.D.

cc. Art Fenn, Area Engineer
SOS, Pierre



**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

November 29, 1982

329-1

Howard Jensen
Box 43
Sorum SD 57654

Dear Mr. Jensen:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Permit No. 329-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include number of water permit. This insures proper handling of the fee.

WNR-814-779

Equal Opportunity Employer
Notification of Water License Ready for Issuing (\$12.00)

Water Rights Division
605 773-3352

February 4, 1983

SECOND NOTICE
329-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Howard Jensen
Box 43
Sorum SD 57654

Dear Mr. Jensen:

November 29, 1982 you were notified the required final inspection fee of \$12.00 is due before Water License No. 329-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$12.00 fee, your Water License will be sent to you. You will also receive the Certification of Construction as required by Statute. These are the final papers for the perfection of your Water Rights.

A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed, and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Permit No. 329-1Water Division 1 Moreau River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Howard Jensen
 of Box 43, Sorum, S.Dak. 57654 holder
 of Permit No. 329-1, bearing date of priority of 1.38 cfs from 1945; 3.22 cfs from November 1856
0.85 cfs from June 20, 1958,
 authorizing the diversion of 5.45 cu. ft. per second of the waters of Run-off
 for Irrigation purposes, in Harding County.

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

The Water Use System consists of,

A. Works used to divert the water:

Four Diversion Dams That divert water from dry draws
into the Waterspreading System

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

Diversion Ditches

C. Works used to apply water to beneficial use.

Diversion Dikes with openings to spread water for
flood irrigation

The system is in the following condition: Good

The point of diversion is located Dam #1 = N 84°00'W 93 Rods from SE Cor Sec. 15, Dam #2 =
S 72° 30'W 36 Rods from NE Cor Sec. 22, Dam #3 = S 46°45'E 145 Rods from
the NW Cor Sec. 23, Dam #4 = S 37°15'W 148 Rods from NE Cor Sec. 22, All in T16N R8E

The works are capable of diverting and conveying to the place of use 20 cfs +
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: The following in Sec. 22, T16N R8E
NE 1/4 NE 1/4 - 6 Ac.; SE 1/4 NE 1/4 - 36 Ac.; NW 1/4 SE 1/4 - 7 Ac.; NE 1/4 SE 1/4 - 40 Ac.
SW 1/4 SE 1/4 - 23 Ac.; SE 1/4 SE 1/4 - 40 Ac.; The following in Sec. 23 T16N R8E
SW 1/4 NW 1/4 - 29 Ac.; NW 1/4 SW 1/4 - 25 Ac.; SW 1/4 SW 1/4 - 3 Ac.; The following
in Sec. 27 T16N R8E - NW 1/4 NE 1/4 - 31 Ac.; SW 1/4 NE 1/4 - 29 Ac.; SE 1/4 NW 1/4 - 16 Ac.
 comprising a total of 288 acres of land.

$$288 \div 70 = 4.1 \text{ cfs}$$

license for 41 cfs

Date August 5, 1982
Leroy J. Mennigh
 (Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 329-1.

(1) WHEREAS, On the 20th day of June A. D. 19 58
Howard Jensen

made Water Right Application No. 329-1 for a permit to use 5.45 cubic feet per second of the waters
of runoff
County of Harding, State of South Dakota, for Irrigation
_____ purposes; and

(2) WHEREAS, On the 3rd day of December A. D. 19 58
Permit No. 329-1, with a date of priority of 1.38 cfs from 1948; 3.22 cfs from November 1956 &
0.85 cfs from June 20, 1958
was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 3rd day of December A. D. 19 62 and for the
application to beneficial use of said water on or before the 3rd day of December A. D. 19 63

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 4.10 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
to irrigate the following land all in T16N, R8E

Section 22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres	(AA)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	36 "	(AD)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	7 "	(DB)
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40 "	(DA)
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	23 "	(DC)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 "	(DD)
Section 23	SW $\frac{1}{4}$ NW $\frac{1}{4}$	29 "	(BC)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25 "	(CB)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3 "	(CC)
Section 27	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 "	(AB)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29 "	(AC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	16 "	(BD)
	TOTAL	288 ACRES	

(5) 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 Howard Jansen

of Box 43, Sorum, South Dakota 57654

the holder June 20, 1958 and owner June 20, 1958 of said permit No. 329-1 a water right, dating from 1.38cfs from 1948; 3.22 cfs from November 1956 and 0.85cfs from June 20, 1958 to use of 4.10 cubic feet per second of the waters

of runoff

in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Dam #1-N84°00'W 93 rods from SE Corner Section 15 (DC)
Dam #2-S72°30'W 56 rods from NE Corner Section 22 (AA); Dam #3-S 46°45'E 145 rods from
the NW Corner Section 23 (BD); Dam #4-S37°15'W 149 rods from NE Corner Section 22 (AC)
all in T16N, R8E

and conducted to and upon portions of Sections 22, 23 and 27, T16N, R8E more fully
described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 329-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of March A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 329-1

Water Diversion No. 1 Morseau River Water District
10130305

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Howard Jensen

_____ the holder _____ of
Permit No. 329-1, issued upon Application No. 329-1, bearing date of priority of 1.38 cfs from 1948; 3.22
cfs from November 1956 &
0.85 cfs from June 20, 1958 authorizing the diversion of 5.45 cu. ft. per second of the waters of _____
runoff _____ County of Harding, State of South Dakota at _____
Dam #1 - N84°00'W 93 rods from SE Corner Section 15 (DC); Dam #2 - S 72°30'W 56 rods from
NE Corner Section 22 (AA); Dam #3 - S46°45'E 145 rods from the NW Corner Section 23 (BD)
Dam #4 S37°15'W 149 rods from NE Corner Section 22 (AC) all in T15N, R8E
_____ for Irrigation

_____ purposes, has _____ 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 20.0 + cu. ft. per second of water.

Date March 3, 1983


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

No 4 9159

State of South Dakota

PIERRE, February 14, 1983

RECEIVED OF Howard Jensen, Box 43, Sorum, SD 57654

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. 329-1	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 329-1		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 329-1



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

March 10, 1983

Howard Jensen
Sorum, South Dakota 57654

Dear Mr. Jensen:

Enclosed herewith are, Water License No. 329-1 and Certificate of Construction.

Water License No. 329-1 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures

WNR-817-7/79
Transmittal of Water License

**South Dakota Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

Howard Jensen
Box 43
Sorum SD 57654

Dear Mr. Jensen:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 329-1, 330-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



Water Rights Division - DWR
Conversation or File Documentation

329-1
File No. 330-1

NAME OF PERSON OR FILE: Howard Jensen

ADDRESS: Box 43, Scurry, SD 57654 COUNTY Harding

DATE: 6-12-89 TELEPHONE 866-4486

RE: Vested Rights inspection

COMMENTS:

On Wednesday, June 7, 1989, accompanied by Mr.
Howard Jensen, the area covered under VR #s 329-1 and 330-1
was inspected. The area seemed to match the acreage plotted
on the original maps submitted for the water right applications.
The dams and irrigation ditches were still in fairly good
shape and functioning.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: NP Shind

Water Rights Program -- File Documentation

NAME: Howard Jensen**ADDRESS:** Box 43, Sorum SD 57654**DATE:** April 18, 1996 **COUNTY:** Harding**RE:** Readvertisement of Notice to Validate Vested Water Right Claim No. 329-1**COMMENTS:**

Vested Water Right Claim No. 329-1 was published for validation along with all other Harding County validations on June 1 and 8, 1988, in the Nation's Center News published in Buffalo SD. An error was found in the publication concerning one of the listed diversion rates. The diversion rate associated with the November 1, 1956, priority date should have been 3.22 cfs rather than 2.22 cfs. In addition, the claim was contested by the Chief Engineer for purposes of completing an inspection prior to validating the claim. This claim is located in Harding County and was not contested by the Bureau of Reclamation.

INVESTIGATION RESULTS:

An investigation was completed by Rassool Ahadi on June 7, 1989, to determine if the irrigation system was the same as identified on the water license. Based on the investigation, no change was noted in the irrigated area.

The vested status given to dam No. 3 with a priority date of November 1, 1956, is apparently based on SDCL 46-4-5(1) which vests water use from a dry draw beginning on or before March 18, 1957. A location notice is on file for the dam (No. 5452).

RECOMMENDED ACTION:

Claim No. 329-1 is licensed for 4.10 cfs to irrigate 288 acres. The original claim identified irrigation of 382 acres with a diversion rate of 5.45 cfs (4.60 cfs of the 5.45 cfs claimed as vested.) Following an investigation by Leroy Mernaugh, the license was issued for the reduced acreage and cfs. The published notice of intent to validate was for irrigation 288 acres and the diversion rate would have totaled 4.60 cfs if the error concerning the diversion rate had not been made (2.22 cfs published rather than 3.22 cfs.) However, the total diversion rate authorized on the water license is 4.10 cfs based on 1 cfs per 70 acres ($288/70 = 4.10$ cfs.)

I believe the notice should be readvertised for the 288 acres and 3.22 cfs + 1.38 cfs even though these combined diversion rates exceed the licensed rate of 4.10 cfs. Much of the acreage can be irrigated by any of the diversion points with the associated priority date. As a result, it is not possible to link a diversion rate for each priority date with a specific number of irrigated acres. In addition, the system is a water spreading system which diverts whatever amount of runoff is available. Therefore, no changes concerning the diversion rates are needed in the license. If it becomes necessary to protect senior water rights or domestic uses, the license does limit the maximum diversion rate to the statutory rate of 1 cfs per 70 acres.

The diversion point located in SW¼ NE¼ sec 22-T16N-R8E can be omitted from the publication since it is not vested.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 21, 1996

Howard Jensen
Box 43
Sorum SD 57654

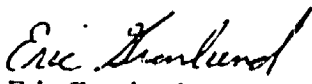
Dear Mr. Jensen:

A Notice of Intent to validate Claim No. 329-1 was published on June 1 and 8, 1988 in the Nation's Center News. The Water Rights Program opposed validation of No. 329-1 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 329-1 was completed on June 7, 1989, by Rassool Ahadi, staff engineer. The investigation found no change in the number of acres being irrigated and amount of water claimed.

The 1988 Notice did contain an error in the amount of water claimed. The notice stated the amount of water claimed was 3.60 cubic feet of water (cfs). The correct amount of water claimed is 4.60 cfs. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Nation's Center News printed at Buffalo SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF HARDING) SS.

Linda Stephens of said County and State, being duly sworn, on his oath, says. That the NATION'S CENTER NEWS is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State by Linda Stephens, Owner and has been such newspaper during the time hereinafter mentioned and that I, Linda Stephens, the undersigned, am owner of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed Readvertisement-Water Right Claims
166 lines

2 a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once a week for 2 successive weeks. The first publication being made on the 28 day of August, 19 96. The second publication being made on the 4 day of September, 19 96. The third publication being made on the day of , 19 . The fourth publication being made on the day of , 19 . The last publication being made on the day of , 19 . That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 72.01 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Linda Stephens
subscribed and sworn to before me this 5 day of September, 19 96

Walter Stephens
My commission expires June 15, 2003

DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

READVERTISEMENT OF
NOTICE OF INTENT TO
VALIDATE VESTED WATER
RIGHT CLAIMS

Notice is given that the following vested water right claims in Harding County are eligible for validation by the Water Management Board. Readvertisement of the notice of intent to validate these claims, as published on June 1 and 8, 1988 in the Nation's Center News is necessary to correct errors in the previously published notice

Vested Water Right No. 329-1
Howard Jensen, Box 43, Sorum
SD 57654 appropriates 4.0
cubic feet of water per second
(cfs) from dry draws located in
the SW1/4SE1/4 Section 15,
NE1/4NE1/4 Section 22, SE1/4
NW1/4 Section 23 to irrigate 284
acres located in the E1/2NE1/4
SE1/4 Section 22, SW1/4
NW1/4, W1/2SW1/4 Section 23,
W1/2NE1/4, SE1/4NW1/4 Sec-
tion 27; all in T16N-R8E. The
priority dates are January 1,
1948 (1.38 cfs) and November
1, 1988 (3.22 cfs).

Vested Water Right No. 779-1
Howard Mifflitt, Sorum SD 57654
appropriates 5.39 cfs from
Rabbit Creek and dry draw
located in the N1/2 of Section
10, Section 11, Sorum T16N-R8E.

all in T17N-R9E to Irrigate 377.4 acres. The irrigation is located in the NW1/4NE1/4, Section 10; N1/2NW1/4, SE1/4NW1/4, NE1/4 Section 11 and NW1/4, N1/2SW1/4, N1/2SE1/4, SW1/4, SE1/4, SE1/4SW1/4 Section 12; all in T17N-R9E. The priority date is June 1, 1955.

Vested Water Right No. 786-1, Wammen Ranch, St Rt Box 35, Sorum SD 57654 appropriates 5.12 cfs from Rabbit Creek and dry draws located in the SW1/4SW1/4, Section 20 to the SW1/4SW1/4, Section 10; all in T17N-R9E to Irrigate 359 acres. The irrigated acres are located in the S1/2SW1/4, Section 10; NW1/4, SW1/4SW1/4, Section 15; E1/2SE1/4, SW1/4SE1/4, SW1/4SW1/4, SE1/4SW1/4, Section 16; E1/2SE1/4, Section 19; SE1/4NW1/4, E1/2NE1/4, SW1/4, SW1/4, NW1/4SE1/4, Section 20; N1/2NW1/4, SW1/4, NW1/4, W1/2NE1/4, SE1/4, NE1/4, Section 21 and NW1/4NW1/4, Section 22; all in T17N-R9E. The priority date is December 31, 1953.

Any person who wishes to oppose validation of the readvertised vested right claim shall file a petition of intent to oppose the validation by September 29, 1996 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605-773-3352) and with the vested water right holder at the listed address. The petition may be informal but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

The Water Management Board will consider these vested water right claims at 10:00 am, October 2, 1996, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) validate the claim as recommended, 2) validate the claim

Investigation, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. The October 2, 1996 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 20, 1996.

These validations are made pursuant to the provisions of SDCI 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-9, 46-2-11, 46-2-17, 46-2A-10 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-48, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by September 20, 1996 at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing. Contact Patricia H. Myers, Secretary, Department of Environment and Natural Resources, 8-28, 9-4



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Howard Jensen
Box 43
Sorum SD 57654

Dear Mr. Jensen

The Water Management Board has validated the enclosed Vested Water Right No. 329-1. 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 Program
605 773-3352

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 329-1 FOR IRRIGATION

Date of Receipt of Claim June 20, 1958.

Date of Validation October 2, 1996.

The Water Management Board validated Vested Water Right Claim No. 329-1 for irrigation purposes for Howard Jensen, Box 43, Sorum SD 57654 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 329-1 appropriates 4.60 cubic feet of water per second (cfs) dry draws located in the SW 1/4 SE 1/4 Section 15, NE 1/4 NE 1/4 Section 22, SE 1/4 NW 1/4 Section 23; all in T16N-R8E to irrigate 288 acres. The irrigated land is located in the E 1/2 NE 1/4, SE 1/4 Section 22, SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 23, W 1/2 NE 1/4, SE 1/4 NW 1/4 Section 27; all in T16N-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. The water is to be used during the following annual period: April 1 - October 31.
3. The priority dates of the Vested Water Right No. 329-1 are:

1.38 cfs	-	January 1, 1948
3.22 cfs	-	November 1, 1956
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

DEC 26 1996

date

