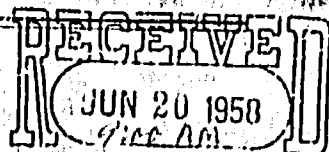


No. 330-1

Water Division No. Moreau River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAVESTED RIGHT
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 Sorum, County Berkshire, 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 Howard Jensen, water spreading, Project No. 23. Amount of water claimed 2.32 cfs maximum allowable
cubic feet per second or 488 acre feet4. Source of water supply runoff5. Location of point of diversion 1/40 rods N. & 156 rods W of SE corner Sec. 23-16-8
120 rods S. & 132 rods W of NE corner Sec. 23-16-86. Dam No. 1: N 72° 00' W, 155 rods from the SE Cor., Sec. 23, T 16N, R 3E. aty.7. Dam No. 2: E 49° 45' W, 172 rods from the NE Cor., Sec. 23, T 16N, R 3E. ---

- (a) Number of acres to be irrigated
- 156
- acres.

- (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.) _____

II. Stockwatering, milling, power, fish culture, 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. 297-1

2. Estimated cost of work:

(a) Head Gate, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal earth, \$-----

Rock, \$-----

(e) Other structures dams & levees, ditches & dikes \$641

Total, \$-----

9. Description of diversion works:

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

Dams 1 & 2

II. Dimensions of works: 1/ 15.1

1/ 98

(a) Dam: Height 2/ 8.1 feet; length at bottom 2/ 70 feet; length at top

1/ 230-2/ 194 feet; thickness at bottom 1/ 92.6-2/ 59.4 feet; thickness at top 1/ 12- 2/ 10

feet; slope at front water face 1/ 4:1 - 2/ 4:1; slope at back face 1/ 2:1- 2/ 2:1

material used in construction earth

(b) Reservoir: Capacity when filled 1/ 6.4 - 2/ 3.1 acre feet. Surface area at highwater mark 1/ 1.5-2/ 1.25 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
	Not applicable	
	Notes: in these locations dams rapidly fill with silt and storage capacity is only temporary.	

(c) Head gate width, feet

Material

(d) Canal: Total length miles

LOCATION BELOW HEADGATE	DEPTH Feet	BOTTOM WIDTH Feet	WIDTH AT WATER LINE Feet	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 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

Not necessary - system established prior to 1958.

STATE OF SOUTH DAKOTA

County of Harding ss.

I, Howard Jensen, 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.

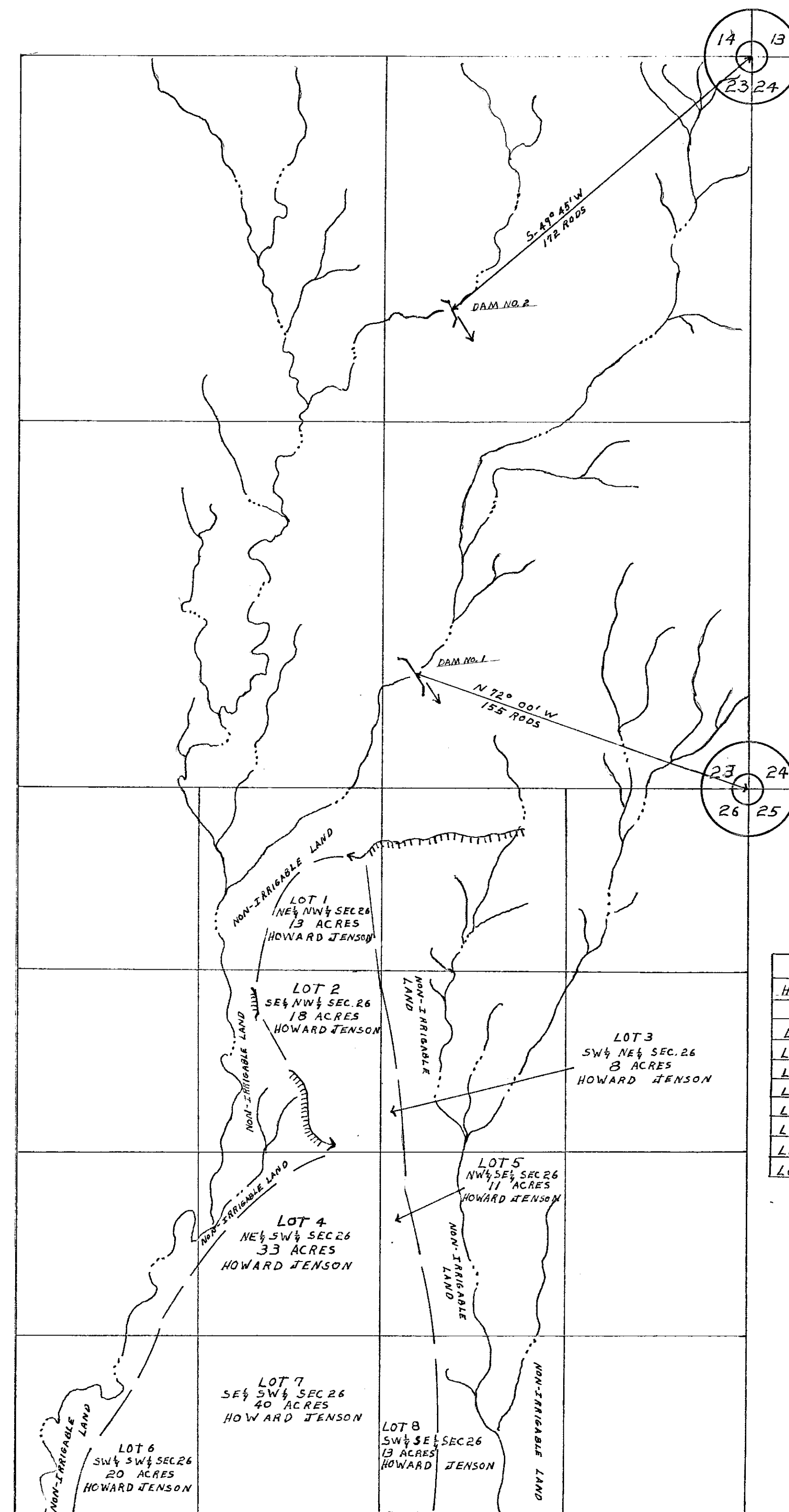
Signed Howard Jensen

Subscribed and sworn to before me this 18 day of June 1958

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

HOWARD JENSON
WATERSPREADING PROJECT NUMBER 2



I, Walter H. Christman DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE Howard Jenson Water Spreader Project # 2
SIGNATURE: Walter H. Christman
TITLE: As. Eng. - SCS
SOIL CONSERVATION SERVICE
U. S. DEPT. OF AGRICULTURE
SUBSCRIBED AND SWORN TO BEFORE ME THIS 18 DAY OF
June, 1958, A.D.
Ralph Anderson
NOTARY PUBLIC

LOCATION OF LAND TO BE IRRIGATED				
HOWARD JENSON WATER SPREADING PROJECT 2				
LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 1	26	16	8	13
LOT 2	26	16	8	18
LOT 3	26	16	8	8
LOT 4	26	16	8	33
LOT 5	26	16	8	11
LOT 6	26	16	8	20
LOT 7	26	16	8	40
LOT 8	26	16	8	13
TOTAL				156

Map No. 297-1
Appl. No. 330-1

HOWARD JENSON WATER SPREADING PROJECT NUMBER 2 HARDING COUNTY, SOUTH DAKOTA SCALE: 1" = 40 ACRES			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Drawn		Title	
Traced		Title	
Checked		Sheet	Drawing No.
		No. /	/
		of /	

Remarks by State Water Resources Commission:

"Vested right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw 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.

MAY 21

19**63**

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

a.m. upon the **20TH** day of **June**

19**58**

State Water Resources Commission

By:

Dustin Jones
Chief Engineer, Executive Officer

Number of permit **330-1**

Date of first receipt of application

JUNE 20

19**58**

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

OCTOBER 9

19**58**

Date of receipt of corrected application

APRIL 29

19**63**

Date from which applicant may claim right

7.11-1954

7.11-1956

Approved

MAY 21

19**63**

Recorded in Book

8

Page

81

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~~

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

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

COMPLETED

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 **2.22** 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 **JUNE 30**, 19**59**; said water to be used during the following described annual period:

whenever available

Witness my hand this

21ST

day of

MAY

19**63**

State Water Resources Commission

By:

Dustin Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 21

19**63**

Water License Issued

MAY 21

19**63**

Attachment 7 (L) System #2

Location	Sec.	Township	Range	Acres
NE NW 1	26	16	8	13
SE NW 1	26	16	8	13
SW NE 1	26	16	8	8
NE SW 1	26	16	8	33
NW SE 1	26	16	8	11
SW SW 1	26	16	8	20
SE SW 1	26	16	8	40
SW SE 1	26	16	8	13
			Total	<u>156</u>

STATE OF SOUTH DAKOTA

WATER LICENSE No. 330-1

WHEREAS, On the 20th day of June A. D. 1958
Howard Jensen

of Sorum County of Perkins and State of
South Dakota duly made application (No. 330-1) vested right to us for permit to use 2.22
cubic feet per second of the waters of a dry draw
County of Harding, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 20th day of May A. D. 1963
Vested Right / Permit No. 330-1 was issued to said applicant... recognizing
for the diversion of said water, ~~also provided for~~ the
completion of the works of diversion therein described ~~on or before the~~ ~~XXXXXX~~
and ~~XXXXXX~~ application to beneficial use of said
water ~~XXXXXX~~ and, ~~XXXXXX~~

WHEREAS, On the 29th day of August A. D. 1958
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.22
cubic feet per second of said waters, as evidenced by our Certificate No. 330-1
dated May 21, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.22 cubic feet per second of water, with date of
priority of 1954 and 1956 and,

WHEREAS, On the 29th day of August A. D. 1958
proof was duly made of the application to beneficial use of 2.22 cubic feet per second of said water;
for irrigation of 156 acres in Section 26, T16N, R8E

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 Jensen
of Sorum vested right
the holder and owner of said permit No. 330-1
a water right dating from 1954 and 1956 to the use of 2.22
cubic feet per second of the waters of a dry draw
in the County of Harding and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at points 40 rods N and 158 rods W
of the SE corner Section 23 and 120 rods S and 132 rods W of the NE corner, Section
23, all in T16N, R8E 156 acres in Section 26, T16N, R8E, more specifically
/and conducted to and upon described in the Certificate of Completion of Works

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 21st day of May A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acres _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 330-1Water Division No. 1 Beau River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Howard Jensen

of Sorum County of Perkins, and State of South Dakota
Vested Right
 the holder of Permit No. 330-1, issued upon Application
 No. 330-1, bearing date of priority of 1954 and 1956, authorizing the diversion of
2.22 cu. ft. per second of the waters of a dry draw
 County of Harding, State of South Dakota, at points 40 rods N & 158 rods W
of the SE corner, Section 23, and 120 rods S and 132 rods W of the NE corner, Section 23,
all in T16N, R8E, 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 recognized as
~~satisfactory~~ satisfactory for diverting and conveying to the place of intended use 2.22 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: all in Section 26, T 16N, R8E

<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>13</u>	<u>acres</u>
--	-----------	--------------

<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>18</u>	<u>"</u>
--	-----------	----------

<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>8</u>	<u>"</u>
--	----------	----------

<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>33</u>	<u>"</u>
--	-----------	----------

<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>11</u>	<u>"</u>
--	-----------	----------

<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>20</u>	<u>"</u>
--	-----------	----------

<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>40</u>	<u>"</u>
--	-----------	----------

<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>13</u>	<u>"</u>
--	-----------	----------

<u>Total....</u>	<u>156</u>	<u>"</u>
------------------	------------	----------

Witness my hand this 21st day of May A. D. 1963

State Water Resources Commission

By: J. W. GRIMES
 Chief Engineer, Executive Officer

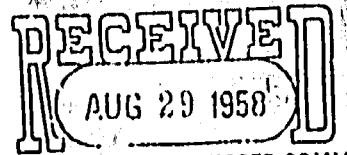
System #2

FORM NO. 21.

Location No.

Water Division No.

Water District



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Howard Jensen, Sorum, South Dakota, Rancher

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. 1, July 1, 1954; Dam No. 2, Nov. 17, 1956

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

Ans. Dam #1, 40 rods N. & 153 rods W. of SE. corner Sec. 23 T16 R8

Dam #2, 120 rods S. & 132 rods W. of NE. corner Sec. 23 T16 R8.

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, Ht. 15.1', length 230', spw. cap. 268 cfs. completed Dec. 1956,

Ans. Dam #2, Ht. 8.1', length 194', spw. cap. 181 cfs. completed July 1954,

Spreader ditches - length 2,000', 0.5' deep, 10' bottom, completed

July 1954 and 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. 2.32 cfs, or 488 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 No. 1, constructed Dec. 1956, Water use began Dec. 1956
snw. can. 268 cfs, Dam No. 2, constructed July 1954, Water use began
July 1954 snw. can. 181 cfs. Water used for Irrigation 156 acres
hayland

(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 *Sarsen*, County of *Perkins*

State of South Dakota, on this *27* day of *aug* A. D. 19*58*

Witnesses.

Reuther & Jensen

7. Public

Com. 10/15/1966

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 Seafeld

Howard Jensen

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	

6.
Attachment ~~7~~ System #2

	Sec.	T ownship	Range	Acres
NE 1 NW 1	26	16	8	13
SE 1 NW 1	26	16	8	16
SW 1 NE 1	26	16	8	8
NE 1 SW 1	26	16	8	33
NW 1 SE 1	26	16	8	11
SW 1 SW 1	26	16	8	20
SE 1 SW 1	26	16	8	40
SW 1 SE 1	26	16	8	13
			Total	156

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

**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(r). 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

File No. 329-1
330-1

NAME OF PERSON OR FILE: Howard Jensen

ADDRESS: Box 43, Sorum, 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: MDH

SOUTH DAKOTA

VESTED WATER RIGHT NO. 330-1 FOR IRRIGATION

Date of Receipt of Claim June 20, 1958.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 330-1 for irrigation purposes for Howard Jensen, Box 43, Sorum SD 57654 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 330-1 appropriates 2.22 cfs (cubic feet of water per second) from dry draws to irrigate 156 acres. Water is diverted by two dams and applied to the irrigated acreage via spreader ditches. The dams are located in the SW1/4 NE1/4, SW1/4 SE1/4 section 23; and the irrigated acreage is located in the E1/2 NW1/4, SW1/4 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, W1/2 SE1/4 section 26; 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. Water is to be used during the following annual period: January 1 - December 31.
3. The priority dates of the Vested Water Right are July 1, 1954 (1.11 cfs) and November 17, 1956 (1.11 cfs).
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw 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.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAY 21 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



MAY 21 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Howard Jensen
Box 43
Sorum SD 57654

Dear Mr. Jensen:

The Water Management Board has validated the enclosed Vested Water Right No. 330-1. 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.

Vested Right No. 329-1 needs to be readvertised to correct a publication error concerning the amount of water claimed. Legislation was enacted during the last legislative session which simplifies the readvertising procedure. This legislation becomes effective after July 1, 1992. You will be contacted after this date concerning readvertisement of No. 329-1.

Please contact Ron Duvall, staff engineer, if you have any questions.

Very truly yours,

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

enclosure