

1. Considered September 1908, 1908 Appl. No. 2451

2. Name of Applicant James H. Brown

3. Post Office Address Greenwood, La. 70643

4. Amount of water claimed 1500 cfs

5. Source of water supply Artesian ground water

6. Water to be used for irrigation
Acres to be irrigated 1000

7. Water to be diverted and used in Madison County about
10 miles west of Greenwood.

8. Proof of Publication Received ☒
Not Received ☐

9. Application Approved ☒
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks: Found in 1908 and 1909 that the company owning
4 wells have a vested right
1 is under a new application

No. 341-1

Water Division No. 1

(Blanks to be filled by the Engineer for the W. H. C.)

RECEIVED

AUG 18 1915

STATE WATER RESOURCES
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 GEORGE E. DAPENHAK MSMA Farmer Inc.
Postoffice address Clinton, County Lawrence, State South Dakota

2. If a corporation X
(a) Name of same X
(b) Date and place of incorporation X
(c) Amount of capital stock X
(d) Amount paid in X
(e) Names and addresses of directors X

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

III. Method of accomplishing the work and financial resources of applicant.

(a) Method of accomplishing work (Whether by contract, by purchase of other property, or by direct labor)
Direct labor and the aid of others.

(b) Cash on hand, \$ X
(c) Treasury stock, \$ X
(d) Bonds to be issued, \$ X
(e) Other resources, \$ X

2. Name of diversion work George Dapenhak Irrigation project

3. Amount of water claimed 5.1 from artesian wells cubic feet per second

4. Source of water supply Four artesian wells

Well No. 1- in SE-SW Sec. 9, N 28° W 320 ft. for the S $\frac{1}{4}$ corner of Sec. 9, T.7 N., R.1 E-EHM

Well No. 2 - in NE-NE Sec. 29 - S 33° 12' W 1560 ft. from the NE Cor. Sec. 29 T.7 N., R.1 E-EHM

Well No. 3- in NE-NE Sec. 29 - S 32° 15' W 1537 ft. from the NE Cor. Sec. 29, T.7 N., R.1 E-EHM

Lot 3-65 Ac., Lot 4-32 Ac., SE-SW-38 Ac., SW-SE-30 Ac., SE-SW-37 Ac., Sec. 19, T.7 N., R.1 E-EHM

SE-NW-33 Ac., SW-NE-36 Ac., NE-SW-33 Ac., SW-SW-39 Ac., SE-SW-30 Ac.

NE-SE-30 Ac., NE-SE-3 Ac., SW-SE-15 Ac., SE-SE-30 Ac., Sec. 20, T.7 N., R.1 E-EHM

NE-NE-33 Ac., NE-NE-33 Ac., SW-NE-30 Ac., NE-SW-33 Ac., SE-SE-30 Ac., Sec. 20, T.7 N., R.1 E-EHM

NE-NE-19 Ac.,

Sec. 30, T.7 N., R.1 E-EHM

Total

622

Map No. 308-1

8. Estimated cost of work:

(a) Head Gates, \$.....

(c) Fluming, \$.....

(e) Other structures

(d) Canalearth, \$.....

Pumping plant, \$.....

Rock, \$.....

Total, \$.....

9. Description of diversion works:

(Reservoir, dam, ditch, flume, pumping plant, etc.)

1-International (gas or propane) motor "4"
1-3" Pacific Pump (Cap. 500 GPM @ 140' hd. @ 1750 RPM.
1320 ft. 3" and 4" sprinkler line 1/33" sprinkler heads
650' 5" main line \$5000.00

1-177 Oliver Diesel 42 hp motor
1-3" Pacific pump - Cap. 450 GPM @ 130' hd. @ 1750 RPM
50' sprinkler heads on 5" Wye wheel-mounted sprinkler line
(8000') sprinkler line.
600' 6" main line \$7000.00

Artesian Well No. 1 (8" X 580') Capacity 500 GPM. \$3000.00

Artesian Well No. 2 (3" X 750') Capacity 750 GPM. \$2500.00

Artesian Well No. 3 (10" X 415') Capacity 300 GPM. \$2000.00

Artesian Well No. 4 (for which a permit is hereby requested)
proposed (8" X 750') Estimated capacity 750 GPM
Probable cost \$2500.00
\$20000.00

This applicant is entitled to water from Beaver Creek under one of the first permits issued to Lawrence County to Mulholland & Miller. The original papers were burned in the Deadwood fire and the court records of the results of a law suit or two are quite involved but it seems that he is entitled to about 3.2 sec. feet, under the court ruling, but the creek entire flow would not be much over half that amount, and so has been quite inadequate for any amount of irrigation and for this reason the applicant has gone to considerable expense for irrigation wells.

Applicant hereby applies for permission to drill well No. 4 as described herein.

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

12. Choice of newspaper for publication of notice of intention to appropriate

The Queen City Mail Spearfish, So. Dak.

STATE OF SOUTH DAKOTA

County of Lawrence

ss.

I, George Papounek

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

Subscribed and sworn to before me this 15th day of July 1958

Carl M. Cornell,

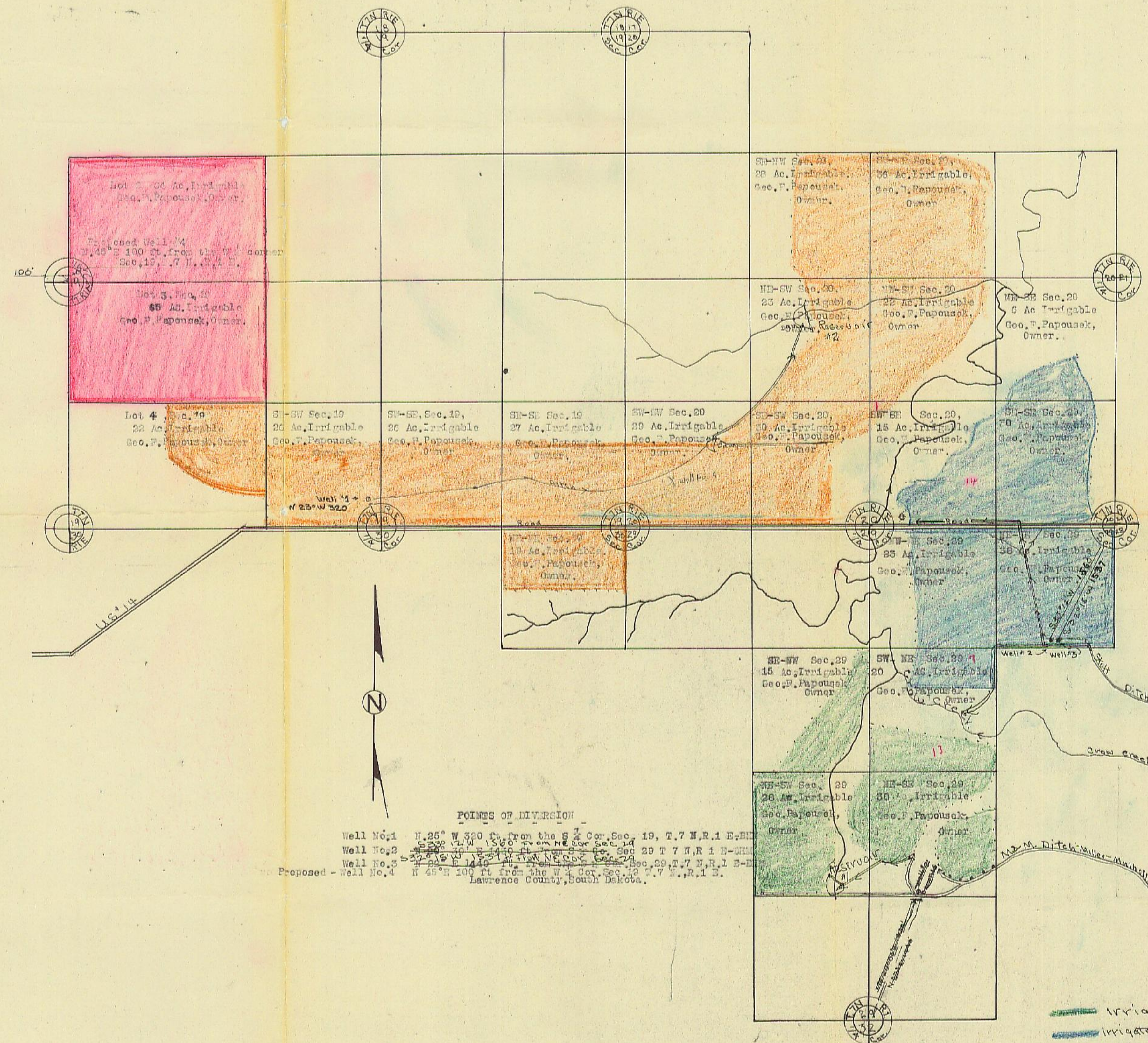
Notary Public

*Each diversion must have a headgate or measuring device.



PLAT
OF
THE GEORGE F. PAPOUSEK IRRIGATION PROJECT
Sections 19, 20, 29 & 30, T.7 N., R.1 E-21M
LAWRENCE COUNTY, SOUTH DAKOTA

SCALE 1 INCH = 660 FEET.
6 INCHES = 1 MILE.



CERTIFICATE.

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of George F. Papousek of Spearfish, South Dakota, I have made a survey and prepared this plat of the tracts shown hereon for the purpose of showing the irrigable areas and the total acreage thereof as required for submission with his application for a permit to appropriate 1500 GPM or 2.4 Sec. Ft. from the three artesian wells shown hereon, which the applicant has put down for the reason that Crow Creek does not supply sufficient water for irrigation purposes during the irrigation season and to which he is entitled under his existing water rights, and an additional 750 GPM from proposed Well #4 or 5.1 S. Ft.

I further certify that the bearings and lengths of all lines shown hereon are correct, to the best of my knowledge and belief and that their location with reference to Government land corner is correct.

Subscribed and sworn to at Buffalo, South Dakota this 14th day of June 1958.

Signed: *Carl M. Cornell*
Carl M. Cornell, Licensed Surveyor. (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 14th day of June 1958.

M. R. Linn
Notary Public, (SEAL)

POINTS OF DIVERSION
Well No. 1 N. 25° W 320 ft. from the S 1/4 Cor. Sec. 19, T.7 N., R.1 E-21M
Well No. 2 S. 25° E 180 ft. from the S 1/4 Cor. Sec. 20, T.7 N., R.1 E-21M
Well No. 3 S. 25° E 140 ft. from the S 1/4 Cor. Sec. 29, T.7 N., R.1 E-21M
Proposed - Well No. 4 N. 45° E 100 ft. from the W 1/4 Cor. Sec. 19, T.7 N., R.1 E-21M
Lawrence County, South Dakota.

Irrigated by Miller-Mulholland Dam only 86 Ac
Irrigated by Statt Ditch & Wells 2-3 119 Ac
Irrigated by Well #2, Statt Ditch & Wells 2-3 238 Ac
Proposed to be irrigated from Well #4 129 Ac
622 Ac

Remarks by State Water Resources Commission:

Errors in locations of Wells No. 2 and No. 3 were considered by the Commission when acting on this Permit.

Vested water rights as recognized in this Permit are made a matter of record in accordance with affidavit dated August 23, 1958 by George F. Papousek.

STATE OF SOUTH DAKOTA

County of

Blunders

SF.

Pierre, South Dakota

August 18, 1958

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

a.m. upon the 18 day of August, 1958

State Water Resources Commission

By:

J. P. Bremer

Chief Engineer, Executive Officer

Number of permit

341-1

Date of first receipt of application

August 18, 1958

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

19

Date of receipt of corrected application

19

Date from which applicant may claim right

Wells #1, 2, and 3, 3.13 cfs. from May, 1955
Well #4, 1.66 cfs. from August 18, 1958

Approved

September 17, 1958

Recorded in Book

5 Page 120

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

September 17, 1959

April 10, 1963

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

September 17, 1960

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

September 17, 1962

April 10, 1964

Approved. 5-6-64

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 4.99 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 September 17, 1962; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this

27

day of

March

1959

State Water Resources Commission

By:

J. P. Bremer

Chief Engineer, Executive Officer

Certificate of Construction Issued

May 18, 1964

Water License Issued

May 18, 1964

Form 2A — Wells (Supplement to Form 2)

Artesian well No. 1

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8" , Depth 530'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 7" O.D. , Thickness of casing 3/16

Length of casing 560' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen None

Size of perforated screen (diameter) , (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 560' Character of water bearing materials Limestone

Thickness of water bearing material 20 ft.

(d) Pump and Motor None. Well flows to 15 ft. head.

Type of pump (centrifugal, propeller, mixed flow, etc.)

Name of pump , size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower , Name of Motor

(e) Complete well

Capacity 500 GPM at drawdown of 0 Estimated cost 2500.00 \$3000.00

(f) Owner of land upon which well is located George Papousk

Spearfish, So. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 440 rods. On property owned by others 160 rods

Form 2A — Wells (Supplement to Form 3)

Artesian well No. 2

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 inches Depth 450 ft.

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 7 " O.D. Thickness of casing 3/16

Length of casing 200 ft. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 400 ft. Character of water bearing materials Minnabusa Sand

Thickness of water bearing material 50 ft.

(d) Pump and Motor

None - Well flows to 35 ft. head.

Type of pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity 750 GPM. at drawdown of None Estimated cost \$2500.00

(f) Owner of land upon which well is located George Papousek
Name

..... Spearfish, So. Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 3 rods. On property owned by others 200 rods

43 rods to well No. 1

Form 2A — Wells (Supplement to Form 2)

Artesian well No. 3

2. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10" Depth 415'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 8 1/2" O.D., Thickness of casing 1/4"
8" I.D.,

Length of casing 380' If collection gallery, length, size and depth of
gallery

(b) Screens None 35' open.

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 400' Character of water bearing materials Limestone.

Thickness of water bearing material 15 ft.

(d) Pump and Motor None: Well flows to 25 ft. head

Type of pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump , size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower , Name of Motor

(e) Complete well

Capacity 250 GPM. at drawdown at 25 ft. head Estimated cost \$2000.00.

(f) Owner of land upon which well is located George Papousek,
Name

Address Spearfish, So. Dak.

(g) Distance to nearest existing wells

On same owner's property 3 rods. On property owned by others 200 rods

0 rods to Well No. 1.

Form 2A — Wells (Supplement to Form 2)

Proposed Well No. 4

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8" Depth

Type of casing Steel
(wood, concrete, steel etc.)

Size of casing 7 in. O.D. Thickness of casing 3/16"

Length of casing If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water Estimated 560 ft Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

Type of pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost \$3000.00

(f) Owner of land upon which well is located George Papoušek
Name

Address Spearfish, So. Dak.

(g) Distance to nearest existing wells

On same owner's property 340 rods. On property owned by others 400 rods

Location of Diversion Points:

Well #1 N 25° W, 320 feet from the $S\frac{1}{2}$ Cor., Sec. 19, T 7N, R 1E. L 2

Well #2 S 33° 12' W, 1560 feet, from the NE Cor., Sec. 19, T 7N, R 1E.

Well #3 S 32° 15' W, 1537 feet, from the NE Cor., Sec. 29, T 7N, R 1E.

Well #4 E 15° E, 100 feet from the $W\frac{1}{4}$ Cor., Sec. 19, T 7N, R 1E.

DRILLER'S LOG OF WELL

Artesian well No. 1

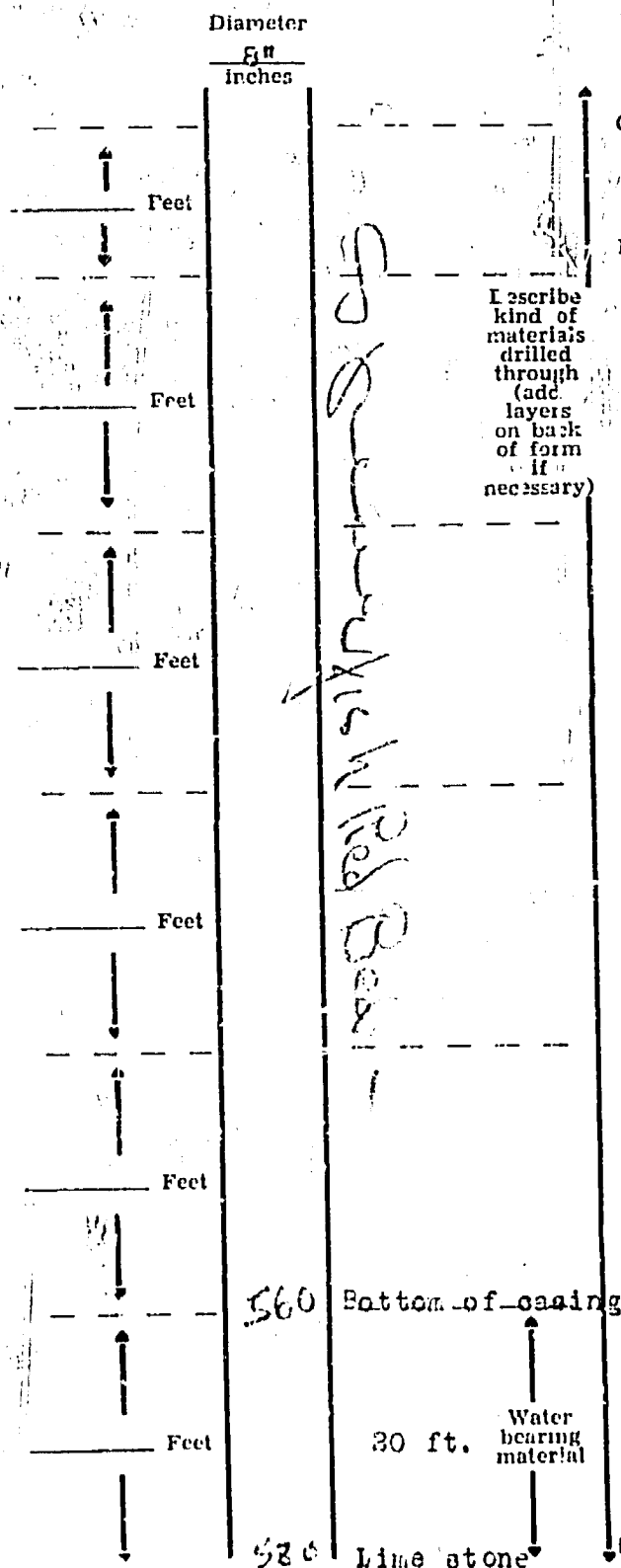
Location of Well: SE 1/4, SW 1/4, Section 19, Township 7 N., Range 1 E.

Well to be drilled for: George Papousek (Name) Spearfish, S.D. (Address)

Owner of land (if other than above) (Name) (Address)

Date well drilling started March 1955 finished March 1955

Purpose of well Irrigation (domestic, irrigation, municipal, industrial, other)



Ground Surface Elevation: Approx. 3350' (If Available)

Kind and thickness of casing to be installed:

Steel 6 5/8" I.D.
7" O.D. 560 ft. - 20 ft. open.

Size of casing to be installed:

feet of inches diameter
feet of inches diameter
feet of inches diameter

Type of seal between casing sizes:

Concrete

Kind of perforated screen to be installed:

Material (steel, wood, concrete, etc.)

Size of screen:

Diameter inches

Length feet

Size openings inches

Depth below ground surface to which water rises
Water flows at 15 ft. head.

in well feet.

Capacity 500 G.P.M.

DRILLER'S LOG OF WELL

Artesian well No. 2

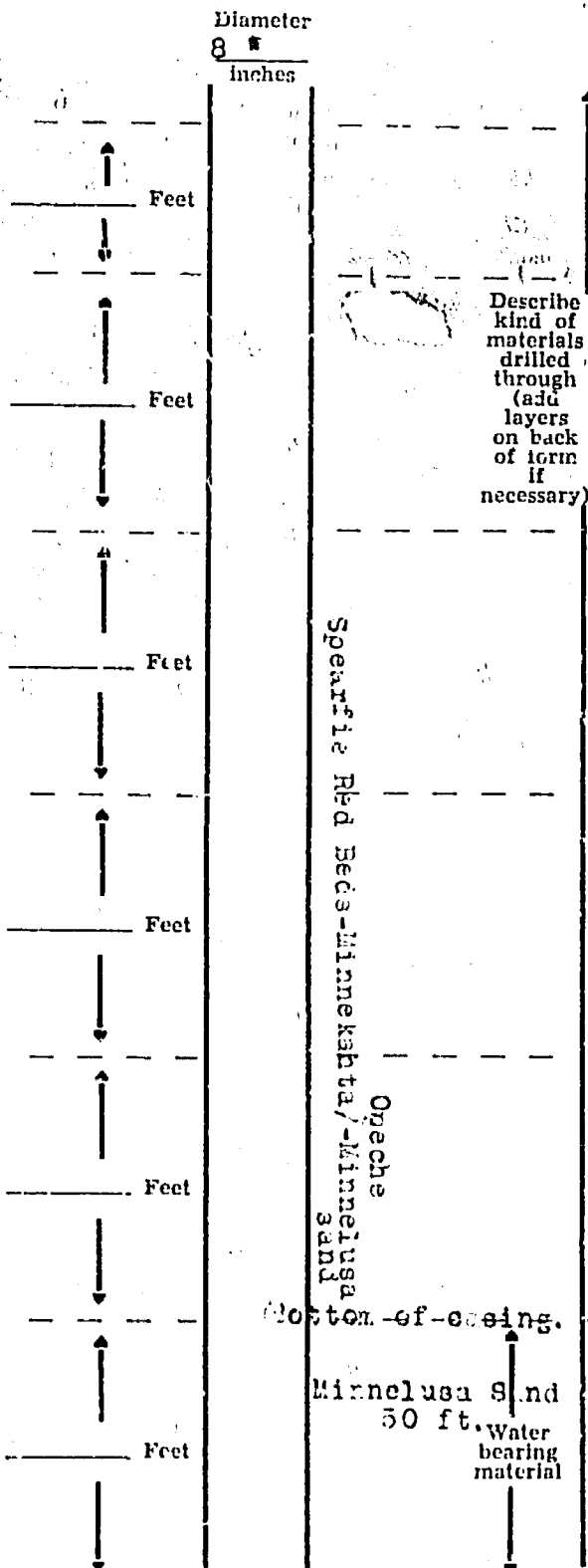
Location of Well: NW 1/4, SE 1/4, Section 29, Township 7, Range 1 E

Well to be drilled for: George Papousek Spearfish, So. Dak.
(Name) (Address)

Owner of land (if other than above) (Name) (Address)

Date well drilling started April 1955 finished April 1955

Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)



Ground Surface Elevation: 3330
(If Available)

Kind and thickness of casing to be installed:

Steel 6 5/8" I.D. 7" O.D.
50 ft. open.

Size of casing to be installed:

feet of inches diameter
feet of inches diameter
feet of inches diameter

Type of seal between casing sizes:

Concrete

Kind of perforated screen to be installed:

None- Bottom 50 ft. open.
Material (steel, wood, concrete, etc.)

Size of screen:

Diameter inches
Length feet
Size openings inches

Depth below ground surface to which water rises
Well flows to 35 ft. head.

In well 750 fpm.

DRILLER'S LOG OF WELL

Artesian well No. 3

Location of Well: NW 1/4, SE 1/4, Section 29, Township 7 N., Range 2 E.

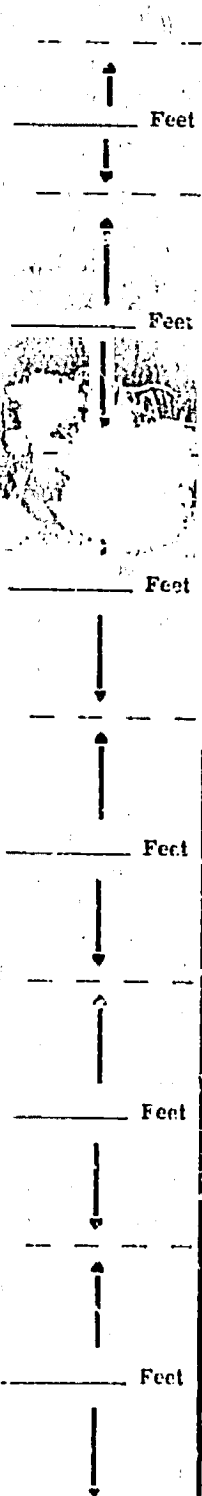
Well to be drilled for: George Papoušek, Spearfish, So. Dk.
(Name) (Address)

Owner of land (if other than above):
(Name) (Address)

Date well drilling started May 1955 finished May 1955

Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

Diameter
10" inches



Handwritten notes in the center column:
Casing 10" Red Pipe etc.

Describe kind of materials drilled through (add layers on back of form if necessary)

Ground Surface Elevation: 3330
(If Available)

Kind and thickness of casing to be installed:
Steel 8" I.D. 8 1/2" O.D.
8" for 320' 35' open.

Size of casing to be installed:
..... feet of inches diameter
..... feet of inches diameter
..... feet of inches diameter

Type of seal between casing sizes:
Concrete

Kind of perforated screen to be installed:
Material None
(steel, wood, concrete, etc.)

Size of screen:
Diameter inches
Length feet
Size openings inches

Casing to 320'

15 ft. at one.

Water bearing material

115'

Depth below ground surface to which water rises
Flows with 25 ft. head.
in well feet.

250 GPM.

SEE PERMIT 648-1 FOR
CHANGE IN DIVERSION
POINT -

STATE OF SOUTH DAKOTA

WATER LICENSE No. 341-1

WHEREAS, On the 18th day of August A. D. 1953

George Napousek

of Spearfish County of Lawrence and State of South Dakota duly made application (No. 341-1) to us for a permit to use 4.99 cubic feet per second of the waters of artesian ground water County of Lawrence, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 27th day of March A. D. 1959

Permit No. 341-1 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 September A. D. 1960 and for the application to beneficial use of said water on or before the 17th day of September A. D. 1962 and,

WHEREAS, On the 1st day of April A. D. 1964

the holder of said permit did, made proof of the completion of adequate works for the diversion of 4.99 cubic feet per second of said waters, as evidenced by our Certificate No. 341-1 dated May 18, 1964 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.99 cubic feet per second of water, with date of priority of May 1955 and August 18, 1953 and.

WHEREAS, On the 1st day of April A. D. 1964

proof was duly made of the application to beneficial use of 4.99 cubic feet per second of said water for irrigation of 564 acres in portions of Sections 19, 20, 29, and 30, T7N. R1E

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 George Papousek
of Spearfish the holder and owner of said permit No. 341-1
a water right, dating from May 1955 and August 18, 1958 to the use of 4.99
cubic feet per second of the waters of artesian ground water
in the County of Lawrence and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ from 4 wells between a point in
Lot 2, Section 19, and a point in the NW 1/4 SE 1/4, Section 29, all in T7N, R1E
and conducted to and upon portions of Sections 19, 20, 29, and 30, T7N, R1E, more specific-
ally 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 18th day of May A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

A.M.T. _____ C.F.S. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 341-1

River

Water Division No. 1 Belle Fourche Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George Papousekof Spearfish, County of Lawrence, and State of South Dakota, the holder of Permit No. 341-1, issued upon ApplicationNo. 341-1, bearing date of priority of May, 1955 & August 18, 1958, authorizing the diversion of 4.99 cu. ft. per second of the waters of artesian ground waterCounty of Lawrence, State of South Dakota ~~for~~ four wells, between a point in Lot 2, Sec. 19, and a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, all in T7N, R1Efor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.99 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 T7N, R1E

Section 19	Lot 2	11 acres
	Lot 3	65 "
	Lot 4	22 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22 "
Section 20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28 "
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	36 "
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 "
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30 "
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22 "
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6 "
	S $\frac{1}{4}$ SE $\frac{1}{4}$	15 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30 "
Section 29	NW $\frac{1}{4}$ NE $\frac{1}{4}$	23 "
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38 "
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 "
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28 "
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	30 "
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15 "
Section 30	NE $\frac{1}{4}$ NE $\frac{1}{4}$	19 "
Total		564 "

Witness my hand this 18th day of May A. D. 1964

State Water Resources Commission

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

NCT TO SCALE

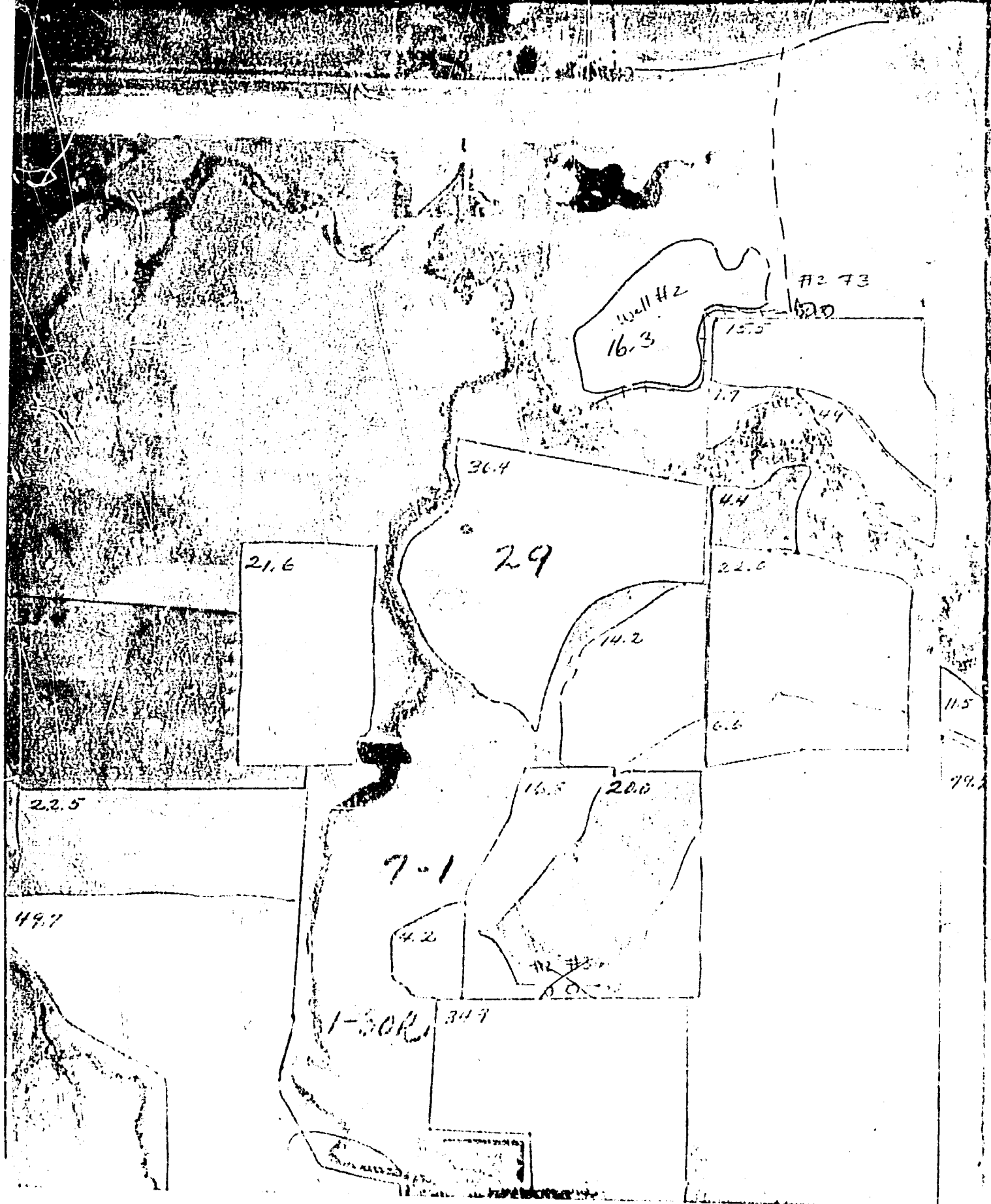


NCT TO SCALE

Well #4
Stratification
No. 1
25 ft
low flow

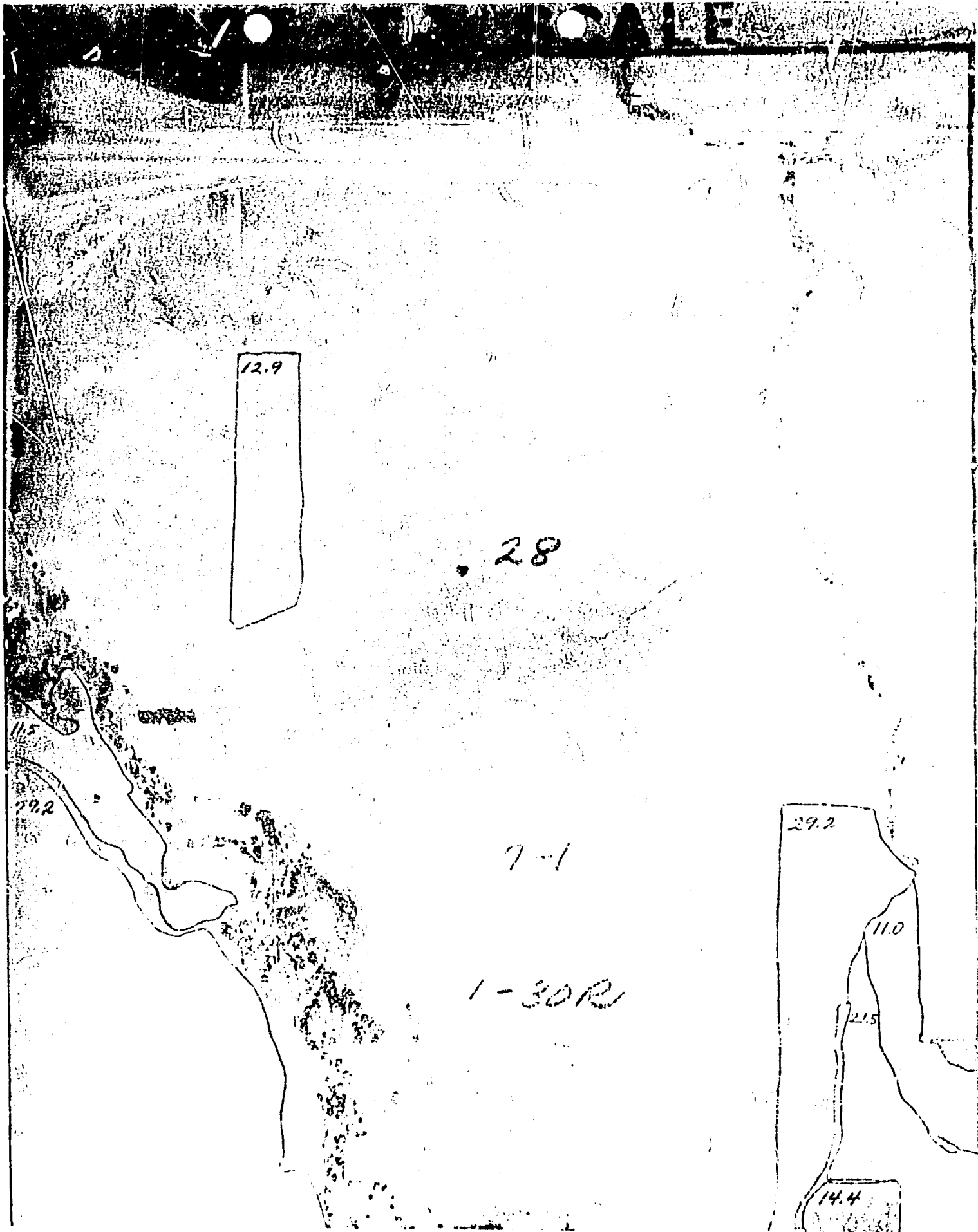
Well #1
From Well #1
25
53.7

NOT TO SCALE



NCT TO SCALE





Remarks - Error in location of wells No. 2 and No. 3 was considered by the Commission officers sitting on this Permit

Vested water rights as recognized in this Permit are made
 a matter of record in accordance with affidavit dated
 August 23, 1958 By George F. Papoušek.

Date from which applicant may claim water right

~~George Washington University, 1220 E. St., Apr. 20, 1921.~~

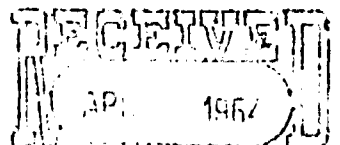
Ground water, wells 1, 2 and 3, 3.73 cfs., May 1955

Ground water, well 4, 1.66 cfs., August 18, 1958

Differences of surface water from Ohio Creek under
Water Right #~~2~~¹ shall not exceed the total rate
from Wells 1, 2,³ and ⁴ shall not exceed the total rate
of one cubic foot per second for each 70 acres irrigated.
~~This limitation to the total water rights hereby conveyed upon~~
both surface water and the ~~the~~^{flow} shall not
apply.

(341-1
Permit No. 648-1

Water Division No. _____ Water District _____



STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated 3/10/64

19____, I have this day made a thorough examination of the diversion works constructed by _____

George F. Papousek (deceased) by Ellen Papousek (heir to the estate)
Spearfish,
Lawrence County, South Dakota, holder of Permit No. (341-1 & 648-1) issued
(Aug. 18, 1958)

upon Application No. _____, bearing date of priority of (April 9th, 1963, 19____, authorizing the
diversion of 5.1 cu. ft. per second of the waters of 4 artesian wells or _____

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

International -U-4 gas motor - 1-3" Pacific Pump (Cap. 500 GPM @ 140'

The diversion works comprise: Ed. @ 1750 RPM.

1300' 3" & 4" sprinkler line W/33 7/32 X 5/32" Skinner sprinkler heads
650' 5" main line. Cap. 14 GPM @ 40' hd. \$3000.00

1. Oliver 127 Diesel 42 H.P. motor

1-3" Pacific pump - Cap. 450 GPM @ 180' hd, 1750 RPM.

50-13/64" X 5/32" Rainbird sprinkler heads mounted on 5" Wyss wheel
mounted line 2000' long. Cap. 12.6 GPM @ 45'
800' 6" rain line Total \$7000.00

and the system is in the following condition: Excellent condition

1. See Attachment

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 5.1 cu. ft. per second of water,
which is to be used for Irrigation and stockwater

The legal subdivisions to be irrigated are: _____

42

_____ comprising a total of 564 acres of land.

The domestic use intended comprises stockwater and irrigation only.

The utilization for power, mining, or other beneficial uses comprises: _____

None

Witness my hand, this 1st day of April, A. D. 19 64.

—SEAL—

Carl E. Cornell
Buffalo, S. Dak. Examining Engineer.

Attachment

Stott's ditch (under wells 2 and 3) Top width 6' - bot. width 1' - depth 12" - - Length $\frac{1}{2}$ mile.

Ditch - Well No. 1 - 2200' - grade 2 1/2% W/terraces by SCS.

Diversion dam - Stott's ditch - Sand bags placed in channel as needed.

Storage reservoir in NE-SW- Sec. 20, T.7 N., R.1 E-BHM - Length 300', Height 30', Capacity 11 ac. ft. supplied by well No. 3 (Due to missile site) (formerly fed by well No. 1) to furnish water for sprinklers. Constructed in 1955 and put in service at once.

Artesian well No. 1 in SE-SW- Sec. 19 - W. 28° N. 320' from S $\frac{1}{4}$ Cor., Sec. 19, T.7 N., R.1 E-BHM - Size 8" X 580' - Cap. 500 GPM. Cost \$3000.00

Artesian well No. 2 - in NE-NE Sec. 29, S. 33° 12' W. 1560' from NE Cor. 29, Size 8" X 750' - Cap. 750 GPM. Cost \$2500.00

Artesian well No. 3 - in NE-NE Sec. 29, S. 32° 15' W. 1537' from NE Cor. 29, T.7 N., R.1 E-BHM. Size 10" X 415' ft. - Capacity 300 GPM. Cost \$2000.00

Artesian well No. 4 - Barely flows and fit for stockwater only - Abandoned for irrigation.

Artesian well No. 5 - - SW-SW- Sec. 20, T.7 N., R.1 E-BHM - N. 45° E. 1188' from SE Cor. Sec. 20 - Size 6 5/8" X 950' - Capacity 700 GPM. \$3033.60
1520' ditch.

Lot 2-11 ac., L. 3-65 ac., L. 4-22 ac., SE-SW-26 ac., SW-SE-26 ac.,

SE-SE-22 ac., Sec. 19, T.7 N., R.1 E-BHM 172 ac

SW-NW-23 ac., SW-NE-26 ac., NE-SW-23 ac., SE-SW-33 ac., SW-SW-39 ac.,

NW-SE-22 ac., NE-SE-6 ac., SW-SW-15 ac., SE-SE-30 ac.

Sec. 20, T.7 N., R.1 E-BHM 219 ac.

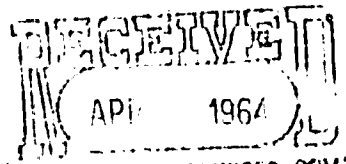
NW-NE-23 ac., NE-NE-32 ac., SW-NE-20 ac., NE-SW-23 ac., NW-SE-30 ac.,

SE-NW-18 ac., Sec. 30, T.7 N., R.1 E-BHM 151 ac

NE-NE-12 ac., Sec. 30, T.7 N., R.1 E-BHM 19 ac.

Grand total 564 ac.,

N.B. 11 ac in Lot 2, Lot 3 and Lot 4, SE-SW & S $\frac{1}{4}$ -SE irrigated by sprinkler from well No. 1 in Sec. 19 -

Permit No. 341-1 and 648-1

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

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

(P. O.) Spearfish, Lawrence Co., So. Dak.(Date) 4/1/64

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

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

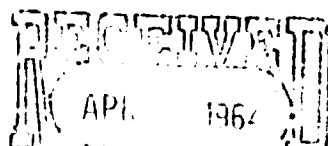
5.1 cu. ft. per second of the waters of the state from _____
4 artesian wells
through the several small ditches
for stockwater and irrigation purposes

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

1. The name of the person or corporation holding said permit is Ellen Papousek (heir to the estate of George F. Papousek, deceased)
Spearfish, So. Dak.
2. The postoffice address of such person or the place of business of such corporation is _____
County of Lawrence County State of South Dakota
(648-1)
3. The number of such permit is (341-1) and the date set for the completion of such work is April 1, 1964
4. Said water to be used for irrigation and stockwater purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 5.1 cubic feet per second.
6. The amount of land for which said water is available is 622 acres,
described as follows:

Lot 2-11 ac., L. 3-65 ac., L. 4-22 ac., SE-SW-26 ac., SW-SE-26 ac.,
SE-SE-28 ac., Sec. 19, T. 7 N., R. 1 E-FHM 172 ac.
SE-NW-28 ac., SW-NE-36 ac., NE-SW-23 ac., SE-SW-30 ac., SW-SW-29 ac.,
NW-SE-22 ac., NE-SE-6 ac., SW-SW-15 ac., SE-SE-30 ac.
Sec. 20, T. 7 N., R. 1 E-FHM 319 ac.
NW-NE-23 ac., NE-NE-38 ac., SW-NE-20 ac., NE-SW-28 ac., NW-SE-30 ac.,
SE-NW-18 ac., Sec. 30, T. 7 N., R. 1 E-FHM 154 ac.
NE-NE-19 ac., Sec. 30, T. 7 N., R. 1 E-FHM 19 ac.
Grand total 564 ac.,

N.B. 11 ac in Lot 3, Lot 3 and Lot 4, SE-SW & S 1/2-SW irrigated by sprinkler from well No. 1 in Sec. 19.

Permit No. 341-1 & 648-1Water Division No. _____ Water District SIXTE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**Notice of Application of Water to Beneficial Use**

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

(P. O.) Spearfish, So. Dak.(Date) 4/1/64

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

DEAR SIR: Notice is hereby given that on the 1st day of April
 19 64, at Spearfish County of Lawrence State of South Dakota,
 before Carl M. Cornell (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
 of 5.1 cubic feet per second of the waters of Artesian Wells
 in accordance with the terms and conditions of Permit No. 341-1
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
Ellen Papousek (heir to the estate of George F. Papousek deceased)
2. The use to which said water has been applied is stockwater and irrigation
3. The amount applied to beneficial use is 5.1 cu. ft.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
#1 See Attachment
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
water generally conveyed, by small ditches, to place of use.
Permits No. 341-1 and 648-1 and two old water rights - the Stotts
and the Mulholland water rights.
6. The right to take the water from such works is based upon permit No. _____
7. The source of supply from which such water is diverted is
Artesian wells 1, 2, 3, and 5
8. The date of priority which said user is prepared to establish is April 9, 1962.

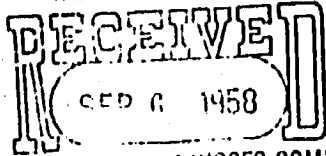
You are requested to authorize Carl M. Cornell to make the final
 inspection for me.

(Sign)

#1 Attachment

11 ac., L. 3-65 ac., L. 4-22 ac., SE-SW-26 ac., SW-SE-26 ac.,	
SE-SE-22 ac., Sec. 19, T. 7 N., R. 1 E-BHM	173 ac
SE-NW-28 ac., SW-NE-28 ac., NE-SW-23 ac., SE-SW-30 ac., SW-SW-29 ac.,	
NW-SE-22 ac., NE-SE-6 ac., SW-SW-15 ac., SE-SE-30 ac.	
Sec. 20, T. 7 N., R. 1 E-BHM	219 ac.
NW-NE-23 ac., NE-NE-38 ac., SW-NE-20 ac., NE-SW-26 ac., NW-SE-30 ac.,	
SE-NW-18 ac., Sec. 30, T. 7 N., R. 1 E-BHM	154 ac
NE-NE-19 ac., Sec. 30, T. 7 N., R. 1 E-BHM	19 ac.
Grand total	564 ac.,

N.B. 11 ac in Lot 2, Lot 3 and Lot 4, SE-SW & S $\frac{1}{2}$ -SE irrigated by sprinkler from well No. 1 in Sec. 19 -

Location No. 341-1

Belle Fourche

Water Division No. 1 River Water DistrictSTATE 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. George F. Papousek, Spearfish, So. Dak., Rancher, Spearfish, So. 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. Private property

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

Ans. _____

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

Ans. _____

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

Ans. _____

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

Ans. _____

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. 5.61 Sec. 14.

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. X X X X

113 Dam # 1 - H. 14 ft. L. 150 ft., Storage Capacity 3.4 ac. ft.
Used in connection with the Miller-Mulholland water right with a pump
and sprinkler system. Constructed in 1947 and put into use at that
time and used every irrigation period since that time.

Water conveyed by Miller-Mulholland Ditch from a diversion dam which
is reconstructed each spring, and as necessitated by floods, of sand-bags
thru a flume 2 ft. wide x 18 in. deep (plank) and a ditch 6 ft. at top X
1 ft. bottom, 18 in. deep. Distributed by flood and sprinkler system.

This project is covered by the Miller-Mulholland water right.
Application of Elial Miller and Thoa. Mulholland April 20, 1880
Filed Dec. 15, 1880, Bk. 14, P. 368. (320 miner's inches.

also by Miller & Mulholland

" All waters of Crow and Beaver Creeks at a point $\frac{1}{4}$ mile below the
confluence of Crow and Beaver Creeks, 8 miles NW of Spearfish also
the right to ditch and convey by ditch and flume.

Located July 24, 1880, Filed Sept. 3, 1880. Bk. 14, P. 368 201.

also Court Action on above

William D. Driskill & Jesse L. Driskill

vs.

Cyrus Hargraves, Elizabeth Hargraves & Dietrich Rebbe.

Court granted $\frac{1}{2}$ Miller-Mulholland water and all water after M. & H.
had received their quota.

See B. 12 of Judgements P. 136 - Circuit Court Records.

also NW Reporter 117-135. - ~~22-22 Reports P. 250.~~

" " " " " " " "

Stotts Water Right.

Geo. W. Stotts & Margaret Stotts "All water from Crow Creek"
Located 4/1/1878 - B. 27 P. 56. S $\frac{1}{2}$ -SE $\frac{1}{4}$, Sec. 20, N $\frac{1}{2}$ -NE $\frac{1}{4}$ Sec. 29 with water-
rights deeded to deeded to John P. Gammon and by Gammon to Wm. D. & Jesse
L. Driskill. Note; This tract was deeded to Johnson Bros. Land Co. by
~~XXXXXX~~ Driskill's with Stotts' ditch and water-right and $\frac{1}{2}$ interest in
Miller-Mulholland water-right together with all lands embraced in the
George L. Papousek application by Johnson Bros. Land Co. to Papousek.

Deed-Driskill to Johnson's Nov. 3, 1913. B. 217, P. 309.

Court action.

Dietrich Rebbe

vs.

Wm. D. Driskill & Jesse L. Driskill.

See; S. D. Reporter 22, Page. 250.

(Fire destroyed Lawrence County records at about this time and it
appears to me that this Stotts right became subsequent to the Miller-
Mulholland right after this court action. Was unable to get the court
reports this far back and hard to run this down from the abstract.)

It will be noted that Miller is given as "Meyer" in one place in
the records but this is an error for I was well acquainted with his
widow and her family on this ranch in 1900 and still visit the children
at their home in Belle Fourche quite often, and am sure no Meyer was
ever owner or connected with this project.

The above described waters have been in continuous use for irriga-
tion over all these years.

85 Irrigation equipment used with wells.

1- International (gas or propane) motor U-4
1-3" Pacific pump (Cap/500 GPM @ 140' Hd @ 1750 RPM
1300 ' 3" and 4" sprinkler line W/33 7/32 X 5/32 Skinner sprinkler heads.
650 ft. 5" main line. Cap.14 GPM @ 40# \$ 3000.00

1- 177 Oliver Diesel 42 HP motor
1-3" Pacific pump-Cap.450 GPM @ 180' Hd. @ 1750 RPM. GXY.
50 13/64 X 5/32 Rainbird sprinkler heads mounted on 5" Wyss wheel-
mounted sprinkler line 2000 ft. long. Cap. 12.6 GPM @ 45#.
800 ft. 6" main line \$7000.00

Stotts ditch (wells 2 and 3) $\frac{1}{2}$ mile @ top 6' x Bot. 1' x depth 18"
(Grade .1' to 100')

Ditch (well No.1) $1\frac{1}{2}$ mile ditch = terrace by S.C.S.-(grade .2' to 100'

Diversion dam - Stotts Ditch = Sand bags placed in channel as needed,
Head gate -18" CMP @ head-gate. Storage capacity - none.

Storage reservoir in NE-SW, Sec. 20- Length 300', Height 20', capacity 11 Ac.Ft.
supplied by well No.1 thru terrace-ditch to furnish water for sprinkler
system. Constructed in 1955 and put into service immediately.

Artesian well No.1 in SE-SW Sec. 9, N 33° W-320 ft. from S. $\frac{1}{4}$ Cor. Sec. 9
Size 8" X 520', Capacity 500 GPM flow. Cost \$ 3000.00

Artesian well No. 2 in NE-NE Sec. 29 - S 33° 12' W 1560 ft. from the NE Cor.
Sec. 29 Size 8" X 750', Capacity 750 GPM. flow. Cost \$ 2500.00

Artesian well No. 3 in NE-NE Sec. 29 - S 32° 15' W 1537 ft. from the NE Cor.
Sec. 29, T.7 N., R.1 E-PM. Size 10" X 415 ft. Capacity 300 GPM flow.
Cost \$ 2000.00

Total \$ 17500.00

Miller-Hubbolland tract. 1880.

4-6 Irrigate from Stotts ditch and water from wells No. 2 and No. 3

NE-SE-6 Ac., SW-SE-15 Ac., SE-SE-30 Ac., Sec. 20, T. 7 N., R. 1 E - 51 Ac.

NW-NE-23 Ac., NE-NE-38 Ac., SW-NE-7 Ac., S. c. 29 T. 7 N., R. 1 E. 63 Ac.
Total 119 Ac.

Well No. 2 completed April 1955 and immediately put into use for the irrigation of the tracts described and used during irrigation periods annually since that time.

Well No. 3 completed in May 1955 and put into service at once for the irrigation required on the above described tracts, and kept in continuous use during irrigation seasons, as required, since that time.

Irrigated from Well No. 1, Stotts ditch and Wells 2 and 3.
Lot 4-22 Ac., SE-SW-26 Ac., SW-SW-26 Ac., SE-SE-27 Ac. Sec. 19 101 Ac.

SE-NW-28 Ac., SW-NE-38 Ac., NE-SW-23 Ac., NW-SE-32 Ac., SW-SW-29 Ac.,

SE-SW-30 Ac., Sec. 29 168 Ac.

NE-NE-19 Ac. Sec. 30 T. 7 N., R. 1 E-BHM 19 Ac.
Total 238 Ac.

Wells 2 & 3 119 Ac.
Well " 1 238 Ac.
Total 407 Ac.

First Publication before August 22, 1958

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., August 18, 1958.

Notice is hereby given that George F. Papousek whose postoffice address is Spearfish, 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 5.1 cubic feet of water per second of time, 3.44 cubic feet per second being claimed under an existing Vested Right and 1.66 under a new application, from ground water through the George Papousek Irrigation Project, the four points of diversion are to be located between a point in Lot 2, Sec. 19 and a point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29 all in Twp. 7 N, Range 1 E. Said water to be used for the purpose of providing irrigation on parts of the following described land: Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 29 all in T 7 N, R 1 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September 1958 at 2:00 PM. 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.

cc Mike Hainbaugh, Publisher
The Queen City Mail, Spearfish, S.D.

State Water Resources Commission
by Las Wyborny, Water Rights Engr

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

Ans.

See bottom of page.

(Sign)

Henry Papovich

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 Buffalo, County of Harding

State of South Dakota, on this 23rd day of August A. D. 1958

Witnesses.

Carl M. Cornell
Carl M. Cornell, Notary Public
Buffalo, S.D.

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.

Location No. 341-1

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water 300 c.f.s.

Source Belle Fourche River

County Harding

Purpose Irrigation

Place of Use See 19-25-29

230-TH N. R. 1 E

Date of recording

Received and filed

#10 Well No.1 constructed in March 1955- flows 500 GPM at 15 ft. head.
put into service as soon as soil condition permitted irrigation.

Well No.2 Constructed in April 1955 - flows 750 GPM @ 35 ft.head and
used each year since that time for irrigation of areas indicated.

Well No.3 Constructed in May 1955 - flows 250 GPM @ 25 ft head and
was put into use for irrigation immediately after completion and has
been used for that purpose each season since that time.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Lawrence } ss.

Cora Mae Bridges

_____ being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

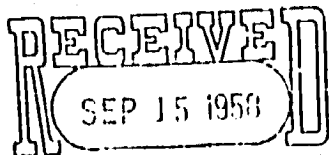
~~THE QUINN CITY MAIL~~ _____ a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____ CITY _____ of SPEARFISH _____ County of _____

LAWRENCE

_____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 21 and 28, 1958September 4 and 11, 1958

_____ in each and every issue of the full number thereof, the first publication being made on the 21 day of August 1958 and the last publication on the 11 day of September 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 bookkeeper the printer and publisher of the said newspaper.

Cora Mae BridgesSubscribed and sworn to before me this 11 day of September A. D. 1958STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAGertrude M. BaxterNotary Public Lawrence County, S. D.

APPROPRIATION OF WATER:
Office of State Water
Resources Commission
Pierre, S. Dak.,
August 18, 1958

Notice is hereby given that George F. Papousek whose post-office address is Spearfish, 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 5.1 cubic feet of water per second of time, 1.46 cubic feet per second being claimed under an existing Vested Right and 1.66 under a new application, from ground water through the George Papousek Irrigation Project, the four points of diversion are to be located between a point in Lot 2, Sec. 19 and a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29 all in Twp. 7 N, Range 1 E. Said water to be used for the purpose of providing irrigation on parts of the following described land: Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 18; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29 all in T 7 N, R 1 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September 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.

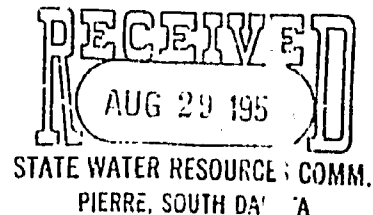
State Water Resources Commission

by Ler Wyborny,

Water Rights Engr.

(N. 195, 41, A. 21, 28, S. 4, 11)

Buffalo, So. Dak.
8/27/58.



RE: Geo. Papousek, 341-1
Spearfish, So. Dak.

State Water Resources Commission,
State Office Bldg.,
Pierre, South Dakota.

Attention: Les Wyborny, W/Asst/Eng.

Dear Les; In answer to your letter of the 30th will say that your deductions as to the errors in land description on the above application are correct and you are requested to make the corrections as indicated in your letter but I am unable to check with your figure of 663 acres for the total area but I come up with 230 Ac. in Sec. 19 219 Ac. in Sec. 20, 154 Ac. in Sec. 29 and 19 Ac. in Sec. 30 with a total of 623 acres. This area would figure at 8.33 Sec. Ft. and this would be the amount which he would request.

I made a 200 mile drive to go back over the old projects with him and, in order to make it understandable, am coloring a map to show just where the water from the projects of 1878 and 1880 has been and is being used and a more complete picture of the ditches which convey this water to where he is making use of it together with that from the wells. All water from the wells 1, 2 & 3 was put into immediate use as soon as the wells were brought in and so would come under the vested right which you mention with well No. 4 still to be drilled.

I had only his abstract to work from and was unable to find the old reports of these court actions which have been brought over the old permits and there is still quite a bit of bad blood among the water users over the old court actions.

I tried to get you on the phone today as I found an error in the land ties on wells 2 and 3 in that they are located in the NE-NE of Sec. 29 and not in the NW-SW as shown on the map. I had them flowing ~~striking~~ into the Miller-Mulholland ditch where they should be into the Stotts ditch. Their locations are as follows;

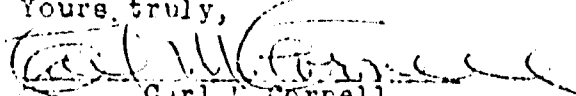
Well No. 2; S 33° 13' W - 1500 ft. from the NE Cor. Sec. 29) T. 7 N., R. 1 E
Well No. 3 S 32° 15' W - 1537 ft. " " " " " ") " 29)

Will have the map and Form 24 in the mail for you as soon as possible and will also send a rundown on the applications and court actions which I am working up. The court records will probably be more complete but the limited entries in the abstract are a tough proposition for my weak mind to figure out.

Do you have any figures on the loss of energy used in a siphon as, for instance, in running a 6" pipe over the top of a dam to raise 8 ft. to the top and down to where it would flow a good stream.

I picture an inverted siphon as having only the pipe friction but would like to know how much drop would be required to compensate for running over the top of a dam. I want to install some of these with a gate at the outlet to allow priming with a vacuum priming pump, such as are used to prime irrigation pumps, and furnish water for flooding below the reservoir without the use of a pump.

Yours truly,


Carl F. Cornell,
Buffalo, So. Dak.

August 20, 1958

Mr. Carl Cornell
Buffalo, South Dakota

Dear Mr. Cornell:

While checking the Application for a Permit (No. 341-1) submitted by George F. Papousek I found what seems to be some errors in land description and acreage.

There are 30 acres as shown on the map and application to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T 7 N, R 1 E. As plotted on the map I believe this description should be the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in both cases..

In Sec. 20, there are 15 acres as shown to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ on the application and on the map it is shown as SW $\frac{1}{4}$ SE $\frac{1}{4}$. I believe the map is correct and the description should read the SW $\frac{1}{4}$ SE $\frac{1}{4}$ in both cases.

There appears to also be an error in the totals of acreages. I am wondering if the total in Sec. 19 should be 230 acres instead of 154 and the total on the application should be 662 instead of 543 acres. In case that our assumption is correct and the acreage figure is increased the maximum amount of water could also be proportionately increased if you wish.

Please verify which descriptions and acreages are correct and if you wish we will be glad to make the necessary changes upon receipt of your request in writing.

It was stated on the application that Mr. Papousek constructed Wells No's. 1, 2 and 3 prior to July 1, 1955. If this should be the case, this part of the application would fall into the category of a "Vested Right" and he might be able to establish earlier priority dates for the water used from these 3 wells. Please

Carl Cornell

2

August 20, 1958

have him complete the enclosed Form 24 (Proof of Beneficial Use) and return it to us. It will then be reviewed and at that time we will be in a better position to determine the extent of his Vested Right. Enclosed is a copy of the Form 24 on which I have penciled suggestions which may prove helpful in filling out Mr. Papousek's copies.

Any information you can furnish us relative to the old Beaver Creek filing will be very helpful in making a complete record of this water right. Include in this history any dates of construction and beginning of water use, any posting or publishing of notices, maximum rates of diversion, descriptions and acres irrigated, a general description of the works such as dams, ditches or tubes, or gates; and the previous owners names.

Sincerely,

Les Wyborny
Water Rights Engineer

LW:ls
3 enc's.

September 12, 1958

Mrs. Eugene H. Kennedy
738 Fifth Street
Spearfish, South Dakota

Dear Mrs. Kennedy:

Reference is made to your letter of August 30, 1958 in which you requested information relative to a notice which was published in your local paper.

I am assuming that you are referring to the Notice of Appropriation of Water relative to Mr. George F. Papousek's Application #341-1.

Mr. Papousek is Applying for a Permit to cover the water from his artesian wells and not from a stream.

We consider a ground water application as any covering a structure or structures intercepting sub-surface waters such as artesian wells, shallow (surface) wells, springs, some dugouts and similar constructions. Ground water does not apply to those Applications for appropriation of water from streams or rivers.

Should you have future questions please feel free to contact this office.

Sincerely,

LES WYBORN
Water Rights Engineer

W:lt

738 Fifth Street
Spearfish, S. Dak.
August 30, 1958

Office of State Water Resources Commission
Pierre, S. Dak.
Attention: Mr. Les Wyborny, Water Rights Engineer

Dear Sir:

I am writing for an interpretation of one of your notices concerning Appropriation of Water. I desire clarification, please, as to the meaning of ground water in the following:

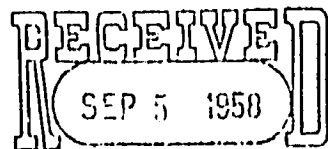
Quote: "----- for a permit to appropriate for beneficial use -----cubic feet per second under a new application from ground-water through the-----, the four points of diversion are to be located between a point in -----." End of quote.

Does this ground water refer to wells, artesian or surface; or does ground water refer to river or creek water?

Thank you kindly for clarifying this terminology for me.

Yours truly

Mrs. Eugene H. Kennedy
Mrs. Eugene H. Kennedy



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

September 13, 1958

Mr. J. K. Sohenik
Spearfish,
South Dakota

Dear Mr. Sohenik:

Reference is made to your letter of August 29, 1958 in which you requested information relative to Mr. George F. Papousek's Application #341-1.

Mr. Papousek submitted an Application for a Permit to cover the water from the artesian wells and not from Crow Creek. We consider a ground water application as any covering a structure or structures intercepting sub-surface waters such as artesian wells, shallow wells, springs, some dugouts and similar constructions.

In answer to your second question, the 5.1 cubic feet per second does not apply to Crow Creek but in the case of the existing rights on this stream, should a shortage of water occur, they would be adjudicated on the basis of priority dates and the degree of beneficial use of the water which is being made in compliance with the conditions as set forth in the Permit or Water License.

Should you have future questions, please feel free to contact this office.

Sincerely,

LFS WYBORN
Water Rights Engineer

W:lt

Spencer S. Dk.
8-29-1958

Mr. Les Wyborny

Dear Sir:-

I see in the paper that George Papousek has applied for 5.1 cubic feet of ground water on his place.

This man and I each own a half interest in a prior water right on Crow Creek taken out in 1880.

Henry Rebbe owns a second right on this creek and Papousek owns a third, these diversions are all on land owned by Rebbe who is now hospitalized in serious condition.

Papousek also has three artesian wells that he uses for irrigation.

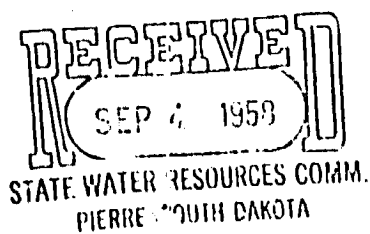
What I would like to know is just what is considered ground water, is it the water in Crow Creek or the artesian wells or both?

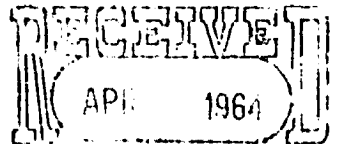
And if in the future it turns out that there is not 5.1 cubic feet of water in Crow Creek how would it affect these other water rights?

Hoping that you can give me this information I am

Sincerely yours,

J. D. Schenk





APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To the State Water Resources Commission
Pierre, South Dakota

4/1/64
(date)

Dear Sirs:

I hereby request that an extension of time from 8/17/62 to 4/1/64
to be granted me for the completion of works to be done under Permit No.

341-2 and that the time for proof of beneficial use of water be extended to 4/1/64
Sec. 19, 20, 29 & 30, T. 7 N., R. 1 E-BPM

Said works are located in Lawrence County and are described
as follows:

Wells - SE-SE Sec. 19, SW-SW Sec. 20, 2 wells in NE-NE Sec. 29, reservoir
in NE-SW Sec. 29 T. 7 N., R. 1 E-BPM

Location of headworks: In the 1/4 of the 1/4
also Miller-Mulholland ditch and dam - also Stott's diversion both
of Section Township Range
from Crow Creek

E., B.H.M.

The water is to be used for the purpose of irrigation and stockwater

The extension of time for the completion of these works is requested for the following reasons:
Due to the accidental death of her husband (George F. Papousek) the
management of the ranch devolved upon Mrs. Ellen Papousek and she
overlooked the fact that final proof was required to perfect her
water right.

APPROVED:

5-6-64

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Holder of Permit No.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6321

PIERRE, Jan 20, 1978

RECEIVED OF John Simonsson, Pres., MSM Farms Inc., Oberlin, Kansas
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.....		
Fee for Inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing <u>transfer of Water Right # 341-1</u>		50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN HATCH 9Y

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: January 9, 1978

See Attached Sheet

Formerly owned by George Papousek
has been transferred to ISM Farms, Inc. , Oberlin Kansas 67749
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 341-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

Kans-ss
STATE OF ~~KANSAS~~)
) SS.
County of Decatur)

I, John Simonsson 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.

(Signed) President,
MSM Forms, Inc.

Subscribed and sworn to before me this 13th day of January

19 78 .

(Notary Public)



Attachment to Notice of Transfer of Water Permit No. 341-1

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

All in T7N, R1E.

Section 19

Lot 2	11 Acres
Lot 3	65 "
Lot 4	22 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	26 "
SE $\frac{1}{4}$ SE $\frac{1}{4}$	22 "

Section 29

NW $\frac{1}{4}$ NE $\frac{1}{4}$	23	acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	38	"
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20	"
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28	"
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	"
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15	"

Section 20

SE $\frac{1}{4}$ NW $\frac{1}{4}$	28	acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36	"
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	29	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	"
NW $\frac{1}{4}$ SE $\frac{1}{4}$	22	"
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6	"
SW $\frac{1}{4}$ SE $\frac{1}{4}$	15	"
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	"

Section 30

NE $\frac{1}{4}$ NE $\frac{1}{4}$	19	acres
-----------------------------------	----	-------

TOTAL 564 acres

Flowing Well Inspection · Simoeson well

Jan. 16, 91

Pictures

- (1) Well # 3 - shut down to minimum flow
- (2) " # 2
- (3) Flow for Well # 2 - being used for irrigation
- (4) Picture Well # 1
- (5) Well # 1
- (6) Well # 4
- (7) Well # 4 stock tank
- (8) Well # 5 - canal from
- (9) Well # 5 flowing into reservoir to canal.

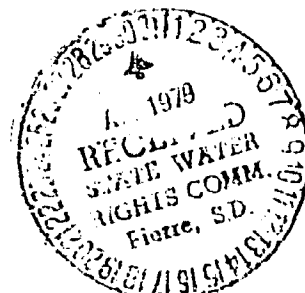
Review of Simenson Water Right - 391-1
648-1

	Acres Irrigated	CFS	GPM	Allowable Flow
Well #1	$\begin{array}{r} 24.96 \\ 41.7 \\ \hline \end{array}$ } 62 ac	.96	4.30	
Well #2	$\begin{array}{r} 43.6 \\ 16.3 \\ \hline 59.9 \end{array}$ 60 ac	.86	2.51	38.5
Well #3	0			
#4	0			
#5	39.2	.56	2.51	
Total	166.20	2.38	1066.08	



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151



April 16, 1979

John Simonson, Jr.
Oberlin, KS 67749

Dear Mr. Simonson:

It is our understanding that you own land located near Spearfish, South Dakota, the SE $\frac{1}{4}$ of Section 19, T7, R1 in which a flowing well is located. The purpose of this letter is to advise you that the flowing well must be controlled in accordance with State Statutes. In the event, the well can not be controlled, the well should be modified or plugged. Normally a flow of 2 - 3 gallons per minute (2,880 - 4,320 gallons per day) with a stock tank should supply most livestock needs. Flows in excess of 2 - 3 gallons per minute, which your well exceeds by a considerable extent, are usually a waste of water.

Please advise on this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

Sirs:

I have instructed the Engineer on our land to have a new valve installed on the above mentioned well. This will be installed in the near future.

Yours truly,
John A. Simonson, Jr.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

341-1

12-16-85

Dear John -

We are concerned about a
flowing well in our area that
is flowing uncontrolled & has been
for probably near a year.

It's directly south of Eft 2 &
can be seen from the interstate.
Burr Miller knows the place but
it's owned by someone out of state.

There are no many springs
in our area going dry & wells
that are low that we feel
this well should be controlled.

Is there any thing that
can be done about this?

Thank-you,

Sincerely,

John B Miller

Rt 1 Box 212

Spearsville, MD.

Phone in evening 442-2221

57783



Conversation or File Documentation

NAME OF PERSON OR FILE: MSM Farms, Inc. to Bruce Miller
ADDRESS: Box 187 COUNTY Lawrence
DATE: 12/20/85 TELEPHONE 642-2204
RE: Flowing well complaint
COMMENTS:

I made an investigation of the complaint on December 18, 1985. The well is located in the NE1/4-NE1/4 Sec. 29-T7N-R1E. I estimated the well was flowing approximately 200 gpm. The well was valved but the valve was broken and the water was coming from the valve. There was another well next to this and it was controlled to approximately 10 gpm. I talked to Mr. Miller on December 20, 1985 and he said that they were aware of the problem and had a new valve but were waiting for ~~per~~ better weather. I said they should try to get it done as soon as possible. He said he would put some pressure on the man in charge of farming that land to get it done soon and get back to us.

Dec. 23, 1985 - Bruce Miller called today and said they fixed the well over the weekend.

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.



341-1

Department of Water & Natural Resources

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

January 29, 1988

BRUCE MILLER- MSM FARMS
BOX 187
SPEARFISH, SD 57783

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 648-1, 341-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 648-1, 341-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 9, 1988

341-1
648-1

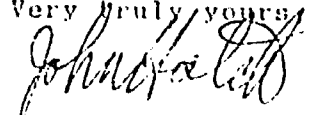
Bruce Miller
MSM Farms
Box 187
Spearfish SD 57783

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 341-1, 648-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

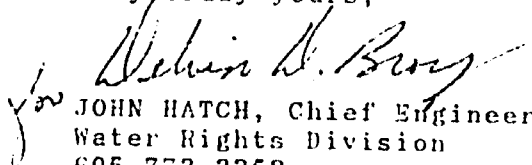
MSM Farms, Inc
John Simonson
Box 187
Oberlin KS 67749

Dear Mr. Simonson:

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). 341-1 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, Chief Engineer
Water Rights Division
605 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 12, 1991

341-1
648-1

Ray Rezek
Century 21 Spearfish Realty
PO Box 310
Spearfish, SD 57783

Dear Mr. Rezek:

Enclosed, as you requested, are copies of Water Right Nos. 341-1
and 648-1, MSM Farms.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413488

Pierre, October 26, 19 97

RECEIVED OF Fuller & Tellinghuisen, Attorneys at Law, 205 W Main St, PO Box 898, Lead, SD
the following amount in fees for services rendered as provided for by law: 5775

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 <u>Water Right No. 613-1 (34/-1)</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

341-1
413487

Pierre, _____ October 26 _____, 19 92

RECEIVED OF Fuller & Tellinghuisen, Attorneys at Law, 265 E Main St, PO Box 598,
the following amount in fees for services rendered as provided for by law: Leah, SD 57754

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 <u>Water Right No. 341-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. H. H.*
Chief Engineer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, { 33.
COUNTY OF LAWRENCE

Bill T. Masterson, Jr., of said county and state, being
duly sworn, on his oath says: That the Lead Daily Call Deadwood Pioneer Times

is a legal newspaper of general circulation, printed and published in Lead,
in said county and state, by the Seaton Publishing Company, and has been
such a newspaper during the times hereinafter mentioned; and that I,
Bill T. Masterson, Jr., the undersigned, am the
Business Manager of the said newspaper, in charge of the advertising
department thereof, and have personal knowledge of all the facts in this
affidavit, and that the advertisement headed _____

Amendment to Notice of Intent to Validate
Vested Water Right Claims

a printed copy of which is hereto attached, was printed in said newspaper
for Two successive and consecutive weeks, the respective publi-
cations thereof being made on August 16, 1988

and on _____, 19____

_____ 19____

_____ 19____

_____ 19____

_____ 19____

_____ 19____

and the last publication thereof on August 23, 1988

and that the full amount of fees charged for publishing the same, to-wit:
the sum of \$ 24.93, inures solely to the benefit of aforesaid
publisher and that no arrangement or understanding for a division thereof
has been made with any person other than the publisher, and that no part
thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 16th

August, 1988.

Kim Marie Kipper
Notary Public, Lawrence County, S. Dak.

My commission expires 3-24-96, 19____

AMENDMENT TO NOTICE OF INTENT TO VAL- IDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following
vested water right claim in
LAWRENCE County was omitted
from the notice of intent to validate
vested water right claims which was
published on June 15 and 22, 1988:

No. 341-1; MSM Farms, Inc., John
Simonson, Jr., Box 187, Oberlin,
Kansas 67749; the diversion points are
located in the SE 1/4 SW 1/4, Section
19, NW 1/4 SE 1/4, Section 29, all in
T7N, R1E; the irrigated land is located
in Lots 2, 3 & 4; SE 1/4 SW 1/4, S 1/2
SE 1/4, Section 19, SE 1/4 NW 1/4,
SW 1/4 NE 1/4, NE 1/4 SW 1/4, S 1/2
SW 1/4, SE 1/4, Section 20, N 1/2 NE
1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4,
NW 1/4 SE 1/4, SE 1/4 NW 1/4, Sec-
tion 29, NE 1/4 NE 1/4, Section 30, all
in T7N, R1E; the irrigated acreage is
564 acres; the water use is 3.33 cfs; the
priority date is May 1, 1955 and water
source is groundwater.

Pursuant to the Notice published
June 15 and 22, 1988, any person who
wishes to oppose validation of vested
right claim No. 341-1 shall, prior to
November 24, 1988, file a petition of
intent to oppose the validation with
the Chief Engineer and the vested
water right holder.

Water permits and water rights is-
sued by the State Engineer between 1907 and
1955 following publication and notice
do not need to be included in the val-
idation process. Validation is a legal
procedure where those recognized
vested water right claims established
prior to 1907 or between 1907 and
1955 without publication and notice,
will be quantified, validated and have
official legal status.

Any person wishing further infor-
mation can contact the Chief Engi-
neer, Water Right Division, Joe Foss
Building, 523 East Capitol, Pierre SD
57501-8181, (806-773-3352).

L-323

Aug 16 and 23

