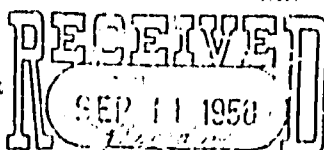


No. 352-1 LCWater Division No. 1 Sulphur Creek District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant William Weiss
 Postoffice address Sturgis County Meade State South Dakota

I. ~~Inc~~—Incorporation

- (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)

System already installed.

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

2. Name of diversion work William Weiss water spreader project numbers 1w, 1m, 1E3. Amount of water claimed 4.62 cubic feet per second 969.9 Ac. ft. max.4. Source of water supply Surface runoff from local watersheds.5. Location of point of diversion See attached sheet 1on both bank Meade County.6. Annual period or periods during which water is to be used Whenever available during annual period.

7. To be used for:

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

(a) Number of acres to be irrigated 323.3 acres.(b) Legal subdivisions to be irrigated See attached sheet 1

(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, mining, 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

sheet 1

Map No. 317-1

8. Estimated cost of work:

(a) Head-gates, \$ ~~500.00~~

(c) Eluvring, S. ~~500.00~~

(e) Other structures Dike and plug \$2000.00

(b) Pumping plant, \$ ~~500.00~~

Roofs, \$ ~~500.00~~

Total, \$ ~~500.00~~

9. Description of diversion works:

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

II. Dimensions of works: See attached sheet 2 & 3

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____

material used in construction _____

(b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY
<u>Plug 1st</u>		
<u>12.0</u>	<u>12.5</u>	<u>40.0</u>
<u>Plug 2nd</u>		
<u>11.0</u>	<u>21.0</u>	<u>84.0</u>
<u>Plug 3rd</u>		
<u>6.0</u>	<u>14.0</u>	<u>33.6</u>

(c)* Head gate: Width _____ feet; height _____ feet;

Material _____

(d) Canal: Total length 0.7 miles. (Temporary)

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

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

STATE OF SOUTH DAKOTA

County of Meade

I, William C. ...

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

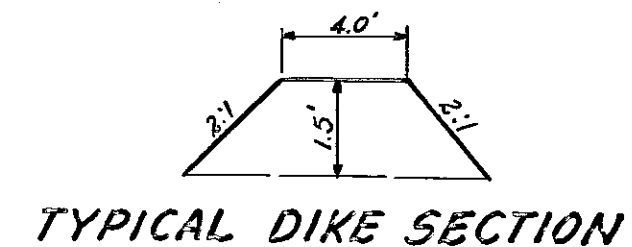
X Signed William C. ...

Subscribed and sworn to before me this 10 day of Sept 1928

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

**WILLIAM WEISS
WATER SPREADER PROJECT
NUMBERS 1W, 1M, 1E**



SURVEYOR'S CERTIFICATE

I, W. H. Christman DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE William Weiss
Water Spreader Project made by me.

SIGNATURE: W. H. Christman

TITLE: As Eng. S.C.S.

SOIL CONSERVATION SERVICE
U.S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF
August, 1954, A.D.

John J. McDill
NOTARY PUBLIC

**LOCATION OF LAND TO BE WATER SPREAD
WILLIAM WEISS WATER SPREADERS NO. 1W, 1M, 1E**

LOCATION	SEC.	TOWNSHIP-N	RANGE-E	ACRES
LOT 3W	2	11	12	5.1
LOT 4W	2	11	12	29.6
LOT 1M	1	11	12	33.8
LOT 2M	1	11	12	3.4
LOT 3M	1	11	12	20.2
LOT 4M	1	11	12	27.9
LOT 5M	1	11	12	4.2
LOT 6M	1	11	12	19.9
LOT 7M	1	11	12	24.9
LOT 8M	1	11	12	9.3
LOT 9M	1	11	12	40.0
LOT 10M	1	11	12	10.1
LOT 11M	12	11	12	22.6
LOT 12M	12	11	12	27.3
LOT 1E	1	11	13	7.6
LOT 2E	1	11	13	22.9
LOT 3E	6	11	13	4.8
LOT 4E	1	11	13	3.8
LOT 5E	6	11	13	5.9
TOTAL				323.3

**WILLIAM WEISS
WATER SPREADER PROJECT
NUMBERS 1W, 1M, 1E**
Meade County, South Dakota
Scale: 1" = 400'

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed	Date	Approved by <u>W. H. Christman</u>
Drawn <u>W. H. C.</u>	Title <u>As Eng. S.C.S.</u>	
Traced	Sheet <u>1</u>	Drawing No.
Checked	No. <u>1</u>	of <u>1</u>

Map No. 317-1 (Repl. No. 352-1)

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

October 3, 1928

This is to certify that the foregoing application was received by the Commission at *9:20* o'clock *a.m.* upon the *11* day of *September, 1928*

State Water Resources Commission

By:

J. H. Primmer
Chief Engineer, Executive Officer

Number of permit

352-1

Date of first receipt of application

September 11, 1928

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

October 2, 1928

Date of receipt of corrected application

October 13, 1928

Date from which applicant may claim right

1941

Approved

October 13, 1928

Recorded in Book

Vested Right Page *49*

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

Completed, 1928

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

Completed, 1928

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

Completed, 1928

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 *4.61* 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 *Completed, 1928*; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

18 day of *November, 1928*

State Water Resources Commission

By:

J. H. Primmer
Chief Engineer, Executive Officer

Certificate of Construction Issued

November 18, 1928

Water License Issued

November 18, 1928

WILLIAM WEISS

Application for Permit
Water Spreader Project No. 1W, 1M, 1E

5. Location of Points of diversions:

89.7 Rods N 75° 20' W from the SE corner of Sec. 2, T11N, R12E

60.6 Rods N 20° 00' E from SW corner of Sec. 36, ~~T12N~~ T12N, R12E

156.0 Rods S 10° 15' W from the NE corner of Sec. 1, T11N, R12E

7.

I.

(b) Legal subdivisions to be irrigated:

SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 2	5.1 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 2	29.6 "
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1	33.8 "
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1	3.4 "
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1	20.2 "
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1	27.9 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1	4.2 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1	7.6 "
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1	19.9 "
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1	24.9 "
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1	22.9 "
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1	3.8 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1	9.3 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1	40.0 "
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1	10.1 "
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 12	22.6 "
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 12	27.3 "

All of above in T11N, R12E

NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 6 T11N, R13E, 4.8 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 6 T11N, R13E, 5.9 Acres

WILLIAM WEISS

Application for Permit
Water Spreader Project No. 1W, 1M, 1E

9.

II

(a) Plug #1E:

Dam height - 13.2 feet
Length of bottom - 90 feet
Length at top - 210 feet
Thickness at top - 9 feet
Thickness at bottom - ~~4~~ feet - 7E
Front slope - 3:1
Back slope - ~~2:1~~ 2:1
Material used: Earth

Plug #1M:

Dam height - 10 feet
Length of bottom - 210 feet
Length of top - 375 feet
Thickness at bottom - ~~12~~ feet - 7E
Thickness at top - 12 feet
Front slope - 3:1
Back slope - ~~3:1~~ 3:1
Material used: Earth

Plug #1W:

Dam height - 14 feet
Length of bottom - 60 feet
Length of top - 310 feet
Thickness at bottom - ~~12~~ feet 115
Thickness at top - 10 feet
Front slope - ~~4:1~~ 4:1
Back slope - ~~3:1~~ 3:1
Material used: Earth

WILLIAM WEISS

Application for Permit
Water Spreader Project No. 1W, 1M, 1E

9.

II.

(b) Plug #1E:

Reservoir capacity - ~~10.0~~ ^{40.0} acre feet
Surface Area - ~~12.5~~ ^{12.5} acres

Plug #1M:

Reservoir capacity - ~~33.6~~ ^{33.6} acre feet
Surface Area - ~~14.0~~ ^{14.0} Acres

Plug ELW:

Reservoir capacity - ~~84.0~~ ^{84.0} Acre feet
Surface Area - ~~21.0~~ ^{21.0} Acres

STATE OF SOUTH DAKOTA

WATER LICENSE No. 352-1

WHEREAS, On the 11th day of September A. D. 1958

William Weiss

of Sturgis County of Meade and State of South Dakota duly made application (No. 352-1) to us for a Vested Right permit to use 4.62

cubic feet per second of the waters of dry draws

County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 18th day of November A. D. 1958
Vested Right 4.61 cubic feet per second of
 Permit No. 352-1 was issued to said applicant for the diversion of ~~the~~ water, and ~~recognizing~~
 completion of the works of diversion therein described ~~XXXXXX~~ recognizing

in 1941 ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water ~~XXXXXX~~ ~~XXXXXX~~ in 1941 ~~XXXXXX~~
 and,

WHEREAS, On the 11th day of September A. D. 1958
vested right
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.61
cubic feet per second of said waters, as evidenced by our Certificate No. 352-1
 dated November 18, 1958 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 4.61 cubic feet per second of water, with date of
 priority of 1941 and,

WHEREAS, On the 11th day of September A. D. 1958
 proof was duly made of the application to beneficial use of 4.61 cubic feet per second of said water;
 on 323.3 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 2; NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, & SE $\frac{1}{4}$,
 Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 12, all in T 11 N, R 12 E, also W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T 11 N,
 R 13 E, more particular described in Certificate of Completion of
 Works No. 352-1

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,

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

6

Source of Supply.

County:

2.

point of Diversion

Place of Use

Purpose

Date of Priority:

Recorded

in Book _____ of ----- Page -----

Permit No. 352-1Sulphur
Water Division No. 1 Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That William Weissof Sturgis, County of Meade, and State of South Dakota, the holder of Vested Right Permit No. 352-1, issued upon Application No. 352-1, bearing date of priority of 1941, authorizing the diversion of4.61 cu. ft. per second of the waters of dry drawsCounty of Meade, State of South Dakota, at 89.7 rods, N 75° 20' W from the SE Cor., Sec. 2, T 11 N, R 12 E; 60.6 rods, N 20° 00' E from the SW Cor., Sec. 36, T 12 N, R 12 E; 156 rods, S 10° 15' W from the NE Cor., Sec. 1, T 11 N, R 12 E, for irrigationpurposes, 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 4.61 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	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 DC)	5.1 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 DP)	29.6 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1 BB)	33.8 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1 BA)	3.4 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1 BC)	20.2 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1 BP)	27.9 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1 AC)	4.2 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1 AD)	all in 7.6 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1 CA)	T 11 N, R 12 E 19.9 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 DB)	24.9 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 DA)	22.9 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 DD)	13.9 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1 CD)	9.3 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 CC)	40.0 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 AB)	22.6 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12 AA)	27.3 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6 CF)	all in 4.8 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6 CE)	T 11 N, R 13 E 5.9 acres
	Total	323.3 acres

Witness my hand this 18th day of November A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 352-1
Sulphur
Creek Water District
 Water Division No. 1

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. William Weiss, Sturgis, S. Dak., rancher, 1033-Blyd

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. No

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

Ans. Appropriation yet to be received, along with vested right.

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

Ans. Surface runoff from local water beds. For location of points of diversion, see attached sheet 1.

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. See attached Sheet 2 and attached sheet 3

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. Water is used for irrigation. Place of use is indicated on attached sheet 1.

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

Ans. Other purpose of use, but not primarily, is stockwater.

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

Ans. 969.9 Acre foot.

~~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.~~

~~XXXXXXXXXX~~

RECEIVED
 SEP 11 1958
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

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

Ans. Whenever a flow is available during annual period by gravitational means in the amount of the volume intake of the well during which the flow occurs it occurs.

(Sign) William J. Miller

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 Sturgis, County of Mussouri

State of South Dakota, on this 10 day of September A. D. 1918

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.

Witnesses

Arnt R. Miller
Philip Miller

By Commission Expires Jan 1, 1920

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

RECEIVED
OCT 16 1958
STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. D.

October 13

10

Mr. William Weiss

Sturgis, South Dakota

Dear Mr. Weiss:

Your application No. 352-1 for a permit to appropriate 4.52 cubic feet of water per second from dry draws near Sturgis in Meade County, South Dakota, has been received and examined and is returned to you herewith for correction/amendment or changes as follows:

It was noted that you gave "ten years ago or longer" for date of completion of works. It will be necessary to have the date of completion of the dams and draws more accurately. Possibly you could at least give us the year that they were completed. Under time required for completion of works and time for application of water, you entered 5 and 9 years respectively. If your works are completed at this before the season on a road ditch you wish to add out you will not be adding additional new acreage over that which you have irrigated in the past, we can consider your project completed. Please clarify.

In accordance with Section 61.0111 of Chapter 430 of the Session Laws of 1955, you will now have sixty days from date of this letter to complete your application and to refile same in this office.

Very respectfully,

State Water Resources Commission

By:

Les Wyborny, Chief Engineer, Executive Officer

Les Wyborny, Chief Engineer

Dear Sir,
I went up to the S.W.R.C. office in Sturgis and found that the ditches were built in 1911. The work we did this summer was just to repair some of the spreader system and make better use of the water. I hope this will answer your questions. Truly,
William Weiss

WILLIAM WEISS

Proof of Application of Water to Beneficial Use
Water Spreader Project No. 1W, 1M, 1E

Question 4--Location of points of diversion:

1. Location of Points of diversion:

89.7 Rods N 75° 20'W from the SE corner of Sec. 2, T11N, R12E

60.6 Rods N 20° 00'E from SW corner of Sec. 35, ~~Sec. 35~~ T12N, R12E

155.0 Rods S 10 15'W from the NE corner of Sec. 1, T11N, R12E

Question 6--Description of place of use:

(a) Legal subdivisions that have been irrigated:

SW 1/4 SE 1/4	Sec. 2	5.1 Acres
SE 1/4 SE 1/4	Sec. 2	29.6 "
NW 1/4 NW 1/4	Sec. 1	33.8 "
NE 1/4 NW 1/4	Sec. 1	3.4 "
SW 1/4 NW 1/4	Sec. 1	20.2 "
SE 1/4 NW 1/4	Sec. 1	27.9 "
SW 1/4 NE 1/4	Sec. 1	4.2 "
SE 1/4 NE 1/4	Sec. 1	7.6 "
NE 1/4 SW 1/4	Sec. 1	19.9 "
NW 1/4 SE 1/4	Sec. 1	24.9 "
NE 1/4 SE 1/4	Sec. 1	22.9 "
SE 1/4 SE 1/4	Sec. 1	3.8 "
SE 1/4 SW 1/4	Sec. 1	9.3 "
SW 1/4 SE 1/4	Sec. 1	10.0 "
SE 1/4 SE 1/4	Sec. 1	10.1 "
NW 1/4 NE 1/4	Sec. 12	22.6 "
NE 1/4 NE 1/4	Sec. 12	27.3 "

All of above in T11N, R12E

NW 1/4 SW 1/4 Sec. 6 T11N, R13E, 4.8 Acres
SE 1/4 SW 1/4 Sec. 6 T11N, R13E, 5.9 Acres

WILLIAM WEBB

Proof of Application of Water to Beneficial Use
Water Spreader Project No. 1st, 1st, 1st

Question 5--Description of Works.

(a) Plug #1E:

Dam height - 13.2 feet
Length of bottom - 90 feet
Length at top - 210 feet
Thickness at top - 9 feet
Thickness at bottom - ~~22~~ feet 76
Front slope - 3:1
Back slope - 21:1
Material used: Earth

Plug #1H:

Dam height - 10 feet
Length of bottom - 210 feet
Length of top - 375 feet
Thickness at bottom - ~~22~~ feet 72
Thickness at top - 12 feet
Front slope - 3:1
Back slope - ~~21~~ 3:1
Material used: Earth

Plug #1W:

Dam height - 11 feet
Length of bottom - 60 feet
Length of top - 310 feet
Thickness at bottom - ~~22~~ feet 115
Thickness at top - 10 feet
Front slope - ~~21~~ 4:1
Back slope - ~~21~~ 3:1
Material used: Earth

Each Plug of the three above is designed to block a creek, thus elevating the water to an elevation so as to irrigate lands as described in sheet 2 attached and as indicated on the map attached to APPLICATION FOR PERMIT.

Date of completion of above works--ten years ago and longer. Plugs have been maintained and are presently in a workable condition.

WILLIAM WEISS

Proof of Application of Water to Beneficial Use
Water Sprinkler Project No. 1W, 1M, 1E

Question 5--Description of Works.

(b) Plug #1E:

Reservoir capacity - ~~200~~ ^{40.0} acre feet
Surface Area - ~~7.5~~ ^{12.5} acres

Plug #1M:

Reservoir capacity - ~~40~~ ^{33.6} acre feet
Surface Area - ~~10.0~~ ^{14.0} acres

Plug E1W:

Reservoir capacity - ~~200~~ ^{84.0} acre feet
Surface Area - ~~10.0~~ ^{21.0} acres

Pumping from these reservoir into the land could be done although it hasn't been done in the past. Water raised to the necessary elevation by the plug and then feed and distributed by dikes and canals on the ~~land~~ ^{land} has been practiced in the past.

South Dakota Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

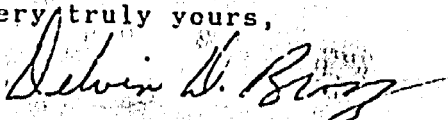
Donald Weiss
2909 Vahlocker Rd
Sturgis SD 57785

Dear Mr. Weiss:

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): 352-1 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,

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



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

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

September 21, 1988

NOTICE

Lyle Weiss
HCR 71, Box 38
Faith SD 57626

Dear Mr. Weiss:

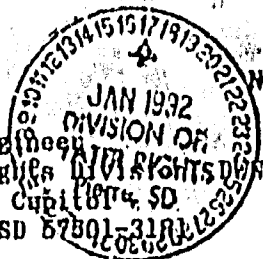
I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 352-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was 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,

for *Delvin H. Brown*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





NOTICE OF TRANSFER OF OWNERSHIP

No. 352-1

TO: Chief Engineer
Water Rights Division
523 East Capitol
Pierre, SD 57501-3181

Date: January 14, 1992

I/We request that Water Permit/Right No. 352-1

formerly owned by: William J. Weiss

be transferred to: (name & address) Lyle D. Weiss

HGR 71 Box 39 Faith, SD 57626

(telephone No.) (05-748-2217

Title to the following described land(s)/property has been transferred as described above:
89.7 rods N 26° 00' 00" from the
SE Cor. Sec. 2, T 11 N, R 12 E; 60.6 rods, N 26° 00' 00" E from the SW Cor., Sec.
35, T 12 N, R 12 E; 150 rods, S 1° 15' 00" from the NE Cor., Sec. 1, T 11 N, R 12 E.
343E, Sec. 2; NW 1/4 343E, E 1/4 343E, & SE 1/4, Sec. 1; NW 1/4, Sec. 12 all in T 11N,
R 12 E also W 1/4, Sec. 6, T 11 N, R 12 E as in Certificates Of Works #352-1
I/We understand that the validity of Water Permit/Right No. 352-1 has not been deter-
mined by this transfer action. If I/We have any questions on validity, I/We understand
that only the Water Management Board has the authority to determine if a water permit/
right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the
Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Deuel)

I/We, Lyle D. Weiss, 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 that I know of my own personal knowledge that the information
herein stated is true.

Lyle D. Weiss
(Signed)

Subscribed and sworn to before me this 11th day of January, 1992.

Kathleen J. Ingalls
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year
construction period. Once a water permit is developed and the water used, the
permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413014

Pierre, January 17, 1900

RECEIVED OF Albert or Mazy Weiss, HCR 71, Box 38, Faith, SD 57626

the following amount in fees for services rendered as provided for by law:

Fee for Application for Perm.it No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Water Right Claim 352-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer



January 21, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

No. 352-1

Albert or Mazy Weiss
HCR 71, Box 38
Faith, SD 57626

Dear Mr. and Ms. Weiss:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right Claim No. 352-1.

Our records now show Lyle D. Weiss as the owner of Vested Water Right Claim No. 352-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: Lyle D. Weiss

Permit No. 352-1

Sulphur Creek Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Donald Weiss and Lyle Weiss of Faith, SD holder of Permit No. 352-1, bearing the priority of 1/1/1941 authorizing the diversion of 4.61 cu. ft. per second and/or the storage of 157.6 acre-feet of the waters of surface water for irrigation purposes, in Meade County.

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

A. Works used to divert the water:

There are three dams in Section 36-T12N-R12E and in Sections 1 and 2 T11N-R12E from which water is diverted through a series of spreader dikes to irrigate 279.5 acres

The system is in the following condition fair. The points of diversion are located SW1/4 SW1/4 Section 36-T12N-R12E, NE1/4 SE1/4 Section 1 and SW1/4 SE1/4 Section 2 in T11N-R12E.

The works are capable of diverting and conveying to the place of use 4.61 cu. ft. per second of water and/or storing 157.6 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Land located in T11N-R12E:

SW1/4 SE1/4 Sec 2 - 5.1 ac SE1/4 SE1/4 Sec 2 - 29.6 ac NW1/4 NW1/4 Sec 1 - 17 ac
NE1/4 NW1/4 Sec 1 - 3.4 ac SW1/4 NW1/4 Sec 1 - 3 ac SE1/4 NW1/4 Sec 1 - 19 ac
SW1/4 NE1/4 Sec 1 - 4.2 ac NE1/4 SW1/4 Sec 1 - 19 ac NW1/4 SE1/4 Sec 1 - 24.9 ac
SE1/4 SW1/4 Sec 1 - 9.3 ac SW1/4 SE1/4 Sec 1 - 40 ac SE1/4 SE1/4 Sec 1 - 13.9 ac
SE1/4 NE1/4 Sec 1 - 7.6 ac NE1/4 SE1/4 Sec 1 - 22.9 ac NW1/4 NE1/4 Sec 12 - 22.6 ac
NE1/4 NE1/4 Sec 12 - 27.3 ac

Land located in T11N-R13E:

NW1/4 SW1/4 Sec 6 - 4.8 ac SW1/4 SW1/4 Sec 6 - 5.9 ac

comprising a total of 279.5 acres of land and the license should be issued for 3.99 cfs and/or 157.6 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 6/6/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division



352-1

GREAT FACES. GREAT PLACES.

August 28, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: Lyle D. Weiss
HCR 71, Box 39
Faith SD 57626

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 352-1

A Notice of Intent to validate Claim No. 352-1 was published on July 6 and 13, 1988 in the Black Hills Press, Sturgis SD. The Water Rights Division opposed validation of No. 352-1 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 352-1 was completed on June 4, 1991, by Mark Rath staff engineer. The inspection found that the number of acres being irrigated has been reduced from 323 acres to 279.5 acres. The diversion rate is to be reduced, accordingly, from 4.61 cubic feet of water per second (cfs) to 3.99 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($279.5 \text{ acres} / 70 = 3.99 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 352-1 at 10:00 am, September 30, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 352-1 is recommended for a diversion rate of 3.99 cfs from dry draws to irrigate 279.5 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 279.5 acres and 3.99 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 352-1 will still apply at this hearing. A copy of the July 6 and 13, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 28, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 28, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

V.R. Claim #334-1: Nancy L. Collins, Todd J. Collins and Randy Cammack, HC 75, Box 280, Sturgis, SD 57785.

✓ V.R. Claim #352-1: Lyle D. Weiss, HCR 71, Box 39, Faith, SD 57526.

v.R. Claim #380-1: Walter C. Miller, HC 75, Box 14, Sturgis, SD 57785.

V.R. Claim #391-3: Arthur Bieber, RR 1, Box 87, Java, SD 57452.

v.R. Claim #564-1: John Miller, Star Rt. 1, Box 5A, Red Owl, SD 57777.

V.R. Claim #572-1: Wilbur Bachand, Faith Rt., Sturgis, SD 57785.

v.R. Claim #572-1: Wilbur Lusk, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579

v.R. Claim #610-1: Lillie Holst, Box 347,
v.R. Claim #746-1: Rick Soelzer, P.O. Box 196, Piedmont, SD 57769.

V.R. Claim #746-1: Rick Soeizer, 1131 2nd Ave. SE, Pipestone, MN 56164.

V.R. Claim #460-2: Willard Bloom, Rt 2, Box 1, Wall, SD 57790.

V.R. Claim #523-2: William Beaudette, Horse Creek Campground, HC 33,
Box 2800, Rapid City, SD 57702.

v.R. Claim #4794-3: Thomas M. Tobin and Larry Lovett, Box 1766,
Aberdeen, SD 57401.

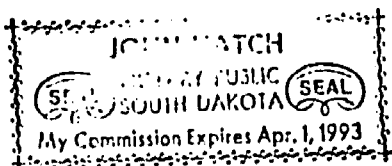
A copy of the above listed Notices was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of September, 1992.



John H. H. H.
Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 352-1 FOR IRRIGATION

Date of Receipt of Claim September 11, 1958.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 352-1 for stock watering and irrigation purposes for Lyle D. Weiss, HCR 71, Box 39, Faith, SD, 57626 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 352-1 appropriates 3.99 cubic feet per second of water from dry draws (3 dams - 157.6 acre-feet total storage capacity) for stock watering and to irrigate 279.5 acres. The points of diversion are located in the NE1/4 SE1/4 Section 1, SW1/4 SE1/4 Section 2 both in T11N, R12E and in the SW1/4 SW1/4 Section 36, T12N, R12E. The irrigated lands are located in the NW1/4, S1/2 NE1/4, E1/2 SW1/4 and SE1/4 Section 1, S1/2 SE1/4 Section 2 and N1/2 NE1/4 Section 12; all in T11N, R12E and the W1/2 SW1/4 Section 6, T11N, R13E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation and stock watering. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 to October 31.
3. The priority date of the Vested Water Right is January 1, 1941.
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

DEC 24 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 352-1 FOR IRRIGATION

(1) William Weiss of Sturgis, SD 57785, made Application No. 352-1, September 11, 1958 for validation of a vested right claim to appropriate 4.61 cubic feet of water per second from dry draws, Meade, County, South Dakota, for irrigation purposes. No. 352-1 was transferred on January 17, 1992 to Lyle D Weiss, HCR 71 Box 39, Faith, SD 57626. Vested Water Right No. 352-1 was validated September 30, 1992, with a priority date of January 1, 1941. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

On June 4, 1991, a field inspection was conducted on the land described in Vested Right Claim No. 352-1 to determine the extent of irrigation still being done. The field inspection found a total of 279.5 acres of the original 323.3 acres were still being irrigated. Based upon the inspection and subsequent validation of the claim, this license is being issued to reflect the acreage actually irrigated.

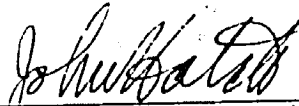
(2) The vested right owner is entitled to divert 3.99 cubic feet of water per second for beneficial use. The location of the diversion points (dams) are: SW 1/4 SW 1/4 Section 36, T12N, R12E, NE 1/4 SE 1/4 Section 1 and SW 1/4 SE 1/4 Section 2, T11N, R12E. The three dams are capable of storing 157.6 acre feet of water.

The location of the irrigated acreage is:

The location of the irrigated acreage is:			
T11N, R12E	Section 2	SW 1/4 SE 1/4	5.1 acres
		SE 1/4 SE 1/4	29.6 "
	Section 1	NW 1/4 NW 1/4	17.0 "
		NE 1/4 NW 1/4	3.4 "
		SW 1/4 NW 1/4	3.0 "
		SE 1/4 NW 1/4	19.0 "
		SW 1/4 NE 1/4	4.2 "
		SE 1/4 NE 1/4	7.6 "
		NE 1/4 SW 1/4	19.0 "
		SE 1/4 SW 1/4	9.3 "
		NW 1/4 SE 1/4	24.9 "
		SW 1/4 SE 1/4	40.0 "
		SE 1/4 SE 1/4	13.9 "
		NE 1/4 SE 1/4	22.9 "
Section 12	NW 1/4 NE 1/4	22.6 "	
	NE 1/4 NE 1/4	27.3 "	
T11N, R13E	Section 6	NW 1/4 SW 1/4	4.8 "
		SW 1/4 SW 1/4	5.9 "
	TOTAL		279.5 acres

Vested Right Water License No. 352-1
Page 2

(3) Pursuant to Section 46-5-30.1 Lyle D Weiss of HCR 71 Box 39, Faith, SD 57626 the holder and/or owner of Vested Water Right No. 352-1 is issued a license to appropriate 3.99 cubic feet of water per second from dry draws with a priority date of January 1, 1941 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 352-1 and subject to South Dakota State Law.



DEC 24 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

352-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 24 1992

Lyle D. Weiss
HCR 71, Box 39
Faith SD 57626

Dear Mr. Weiss:

The Water Management Board has validated the enclosed Vested Water Right No. 352-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

Very truly yours,

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

enclosure

NOT TO SCALE

12-12

T 2469

T2664

T 2400

T 2469

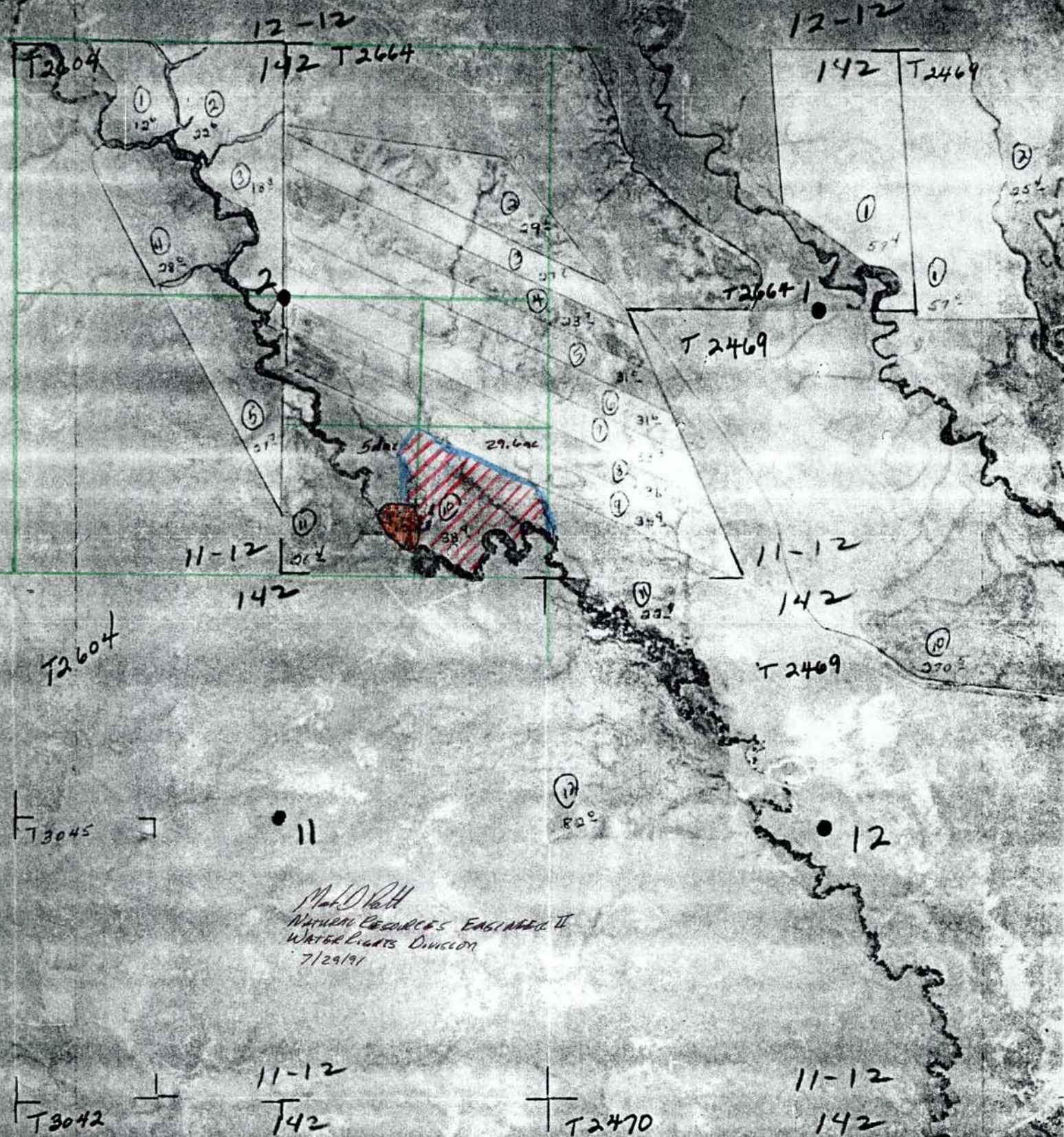
T 2470

M. D. Rath
NATIONAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
7/29/91

12

352-1

NOT TO SCALE



WILLIAM WEISS
WATER SPREADER PROJECT
NUMBERS 11, 12, 13



TYPICAL DITCH SECTIONS



TYPICAL DIKE SECTION

SURVEYOR'S CERTIFICATE

I, W. H. Christman, DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE William Weiss
Water Spreader Project numbers 11, 12, 13.

SIGNATURE: W. H. Christman

TITLE: Surveyor

SOIL CONSERVATION SERVICE

U.S. DEPT. OF AGRICULTURE

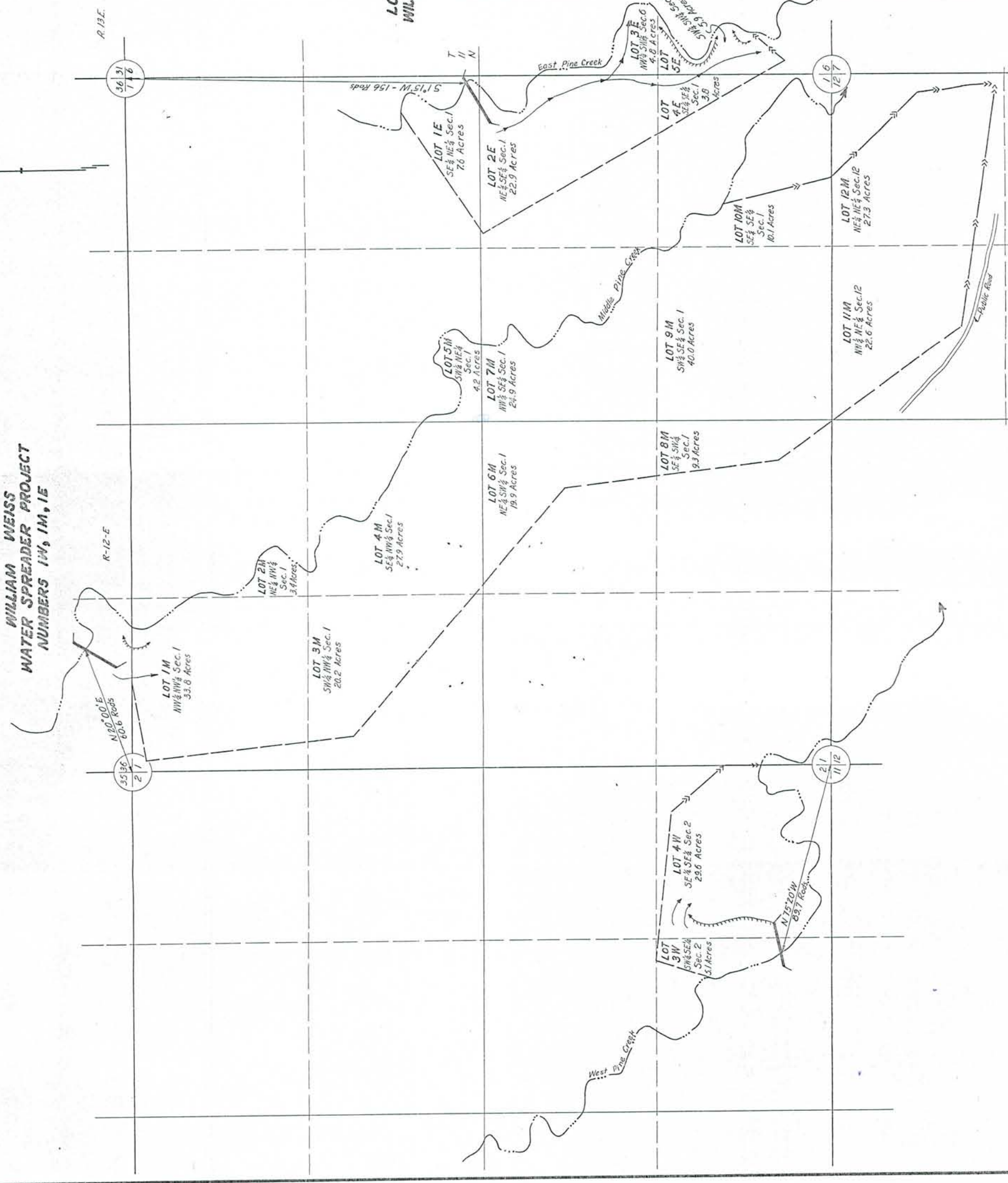
SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF

August, 1951, A.D.

NOTARY PUBLIC

LOCATION OF LAND TO BE WATER SPREAD
WILLIAM WEISS WATER SPREADERS NO. 11, 12, 13

LOCATION	SEC.	TOWNSHIP-N	RANGE-E	ACRES
LOT 3W	2	11	12	3.1
LOT 4W	2	11	12	29.6
LOT 1W	1	11	12	31.8
LOT 2W	1	11	12	3.4
LOT 3W	1	11	12	22.2
LOT 4W	1	11	12	27.9
LOT 5W	1	11	12	4.2
LOT 6W	1	11	12	19.9
LOT 7W	1	11	12	24.9
LOT 8W	1	11	12	9.3
LOT 9W	1	11	12	40.0
LOT 10W	1	11	12	10.1
LOT 11W	1	11	12	22.6
LOT 12W	1	11	12	27.3
LOT 1E	1	11	12	7.6
LOT 2E	1	11	12	22.9
LOT 3E	1	11	12	4.8
LOT 4E	1	11	12	3.6
LOT 5E	1	11	12	5.9
LOT 6E	1	11	12	323.3



WILLIAM WEISS
WATER SPREADER PROJECT
NUMBERS 11, 12, 13

Meade County, South Dakota

Scale: 1" = 400'

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DATE: _____
 DESIGNED BY: W. H. Christman
 DRAWN BY: W. H. Christman
 CHECKED BY: _____
 TITLE: Surveyor
 SHEET: _____
 OF: _____

Map No. 317-1 Appl. No. 352-1