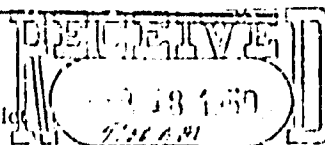


No. 376-1Water Division No. 1 Mareau River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

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 ERK
Postoffice address Newell, County BUTTE, State S. D.

- I. If a corporation NEGATIVE
- (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)

CONTRACTOR - JOHN LARSEN

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ Adequate PERSONAL RESOURCES
PLUS R.S.D. PAYMENTS2. Name of diversion work ERK MARSH REPAIRS3. Amount of water claimed 0.35 cubic feet per second4. Source of water supply Div. Drain5. Location of point of diversion SEE ATTACHED MAPSE CORNER SEC 2 T13 N R5 E on _____ bank _____ County.6. Annual period or periods during which water is to be used April - October

7. To be used for:

I. Irrigation or domestic use: Gravity overhead sprinkling or combination system? Gravity Overhead(a) Number of acres to be irrigated 25 acres(b) Legal subdivisions to be irrigated NE 1/4, SE 1/4, NW 1/4, SW 1/4 IN SEC 2
NE 1/4, SE 1/4 (SEE ATTACHED SHEET)

(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 Stockwatering
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 376-1

5. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Dikes \$ 700.00 Total, \$ 700.00

6. Description of diversion works:

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

4 Dikes across the North River

II. Dimensions of works:

(a) Dam: Height 4-5 feet; length at bottom 80-100 feet; length at top 50-80 feet; thickness at bottom 20-30 feet; thickness at top 14-17 feet; slope at front water face 3:1; slope at back face 3:1
 material used in construction Earth
 (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	FEET	ACRE-FOOT CAPACITY

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

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
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 Completed years. Some repair work needed

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate Valley Irrigator Hotell, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, George L. Erk, 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 George L. Erk

Subscribed and sworn to before me this 1st day of Feb 1917

Ray W. Corney
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

March 3

19 *59*

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

9 m. upon the *18* day of *February*, 19 *59*

State Water Resources Commission

By:

W. C. Rimmer

Chief Engineer, Executive Officer

Number of permit

376-1

Date of first receipt of application

February 18

19 *59*

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

March 3

19 *59*

Date of receipt of corrected application

March 9

19 *59*

Date from which applicant may claim right

1940

Approved

March 12

19 *59*

Recorded in Book

5

Page

119

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

19 *59*

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

Completed

19 *59*

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

Completed

19 *59*

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 *0.35* 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*, 19 *59*; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

18

day of

March

19 *59*

State Water Resources Commission

By:

W. C. Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

March 18

19 *59*

Water License Issued

March 18

19 *59*

FLYNN #29 (ATTACH)

GEO. ENG. WATER SAWPONDING

LOCATION of LAND and ACRES under
APPLICATION for "VESTED" RIGHT.

NE ¹ NW ¹	{ ALL IN SEC. 2 T12N, R2E	2.3 ACRES
NW ¹ NE ¹		3.0 "
SE ¹ NW ¹		0.3 "
SW ¹ NE ¹		2.1 "
NW ¹ SE ¹		5.4 "

TOTAL 25.1 ACRES

See Dry Draw
Location Notice
No. 618-1 also.

STATE OF SOUTH DAKOTA

WATER LICENSE No.... 376-1...

WHEREAS, On the 18th day of February A. D. 1959George Erk

of Newell County of Butte and State of
South Dakota duly made application (No. 376-1) to us for a permit to use 0.35
 cubic feet per second of the waters of a dry draw
 County of Butte, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 18th day of March A. D. 1959
Vested Right recognizing
 Permit No. 376-1 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~~ in 1940 and ~~for the~~ application to beneficial use of said
 water ~~on or before~~ in 1940
 and,

WHEREAS, On the 18th day of February A. D. 1959
Vested Right
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.35
 cubic feet per second of said waters, as evidenced by our Certificate No. 376-1
 dated March 18, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.35 cubic feet per second of water, with date of
 priority of 1940 and,

WHEREAS, On the 18th day of February A. D. 1959
 proof was duly made of the application to beneficial use of 0.35 cubic feet per second of said water;
 on 6 acres located in E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ all in sec. 2, T 12 N,
 R 7
 more particularly described in Certificate of Completion of Works
 No. 5-1.

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 Erk
of Newall, South Dakota the holder and owner of said Vested Right permit No. 376-1
a water right, dating from 1940 to the use of 0.35
cubic feet per second of the waters of a dry draw
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted between a point 163.6 rods
N 44° 30' W and a point 352.7 rods, N 30° 45' W from the SE Cor., Sec. 2,
T 12 N, R 7 E.
and conducted to and upon E 1/4 NW 1/4, W 1/4 NE 1/4 and NW 1/4 SE 1/4, Sec. 2 T 12 N, R 7 E more
particularly described in Certificate of Completion of Works #376-1

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 March A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

Source of Supply _____

County _____

C. T. S. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

Book _____ of _____ Page _____

Permit No. 376-1Water Division No. 1 Moreau
River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George Erk

of Newell, County of Butte, and State of South Dakota, the holder of Vested Right Permit No. 376-1, Issued upon Application No. 376-1, bearing date of priority of 1940, authorizing the diversion of 0.35 cu. ft. per second of the waters of a dry draw County of Butte, State of South Dakota, at between a point 163.6 rods, N 44° 30' W and a point 352.7, N 30° 45' W from the SE Cor., Sec. 2, T 12 N, R 7 E, for irrigation DB

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 0.35 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: <u>NE 1/4 NW 1/4 DP</u>)	<u>7.3 acres</u>
<u>NW 1/4 NE 1/4 DP</u>) <u>all in Sec. 2</u>	<u>3.0 acres</u>
<u>SE 1/4 NW 1/4 DP</u>) <u>T 12 N, R 7 E</u>	<u>0.3 acres</u>
<u>SW 1/4 NE 1/4 DP</u>)	<u>9.1 acres</u>
<u>NW 1/4 SE 1/4 DP</u>)	<u>5.4 acres</u>
Total	25.1 acres

Witness my hand this 18th day of March A. D. 19 59

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

27-1 618.
LOCATION CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:-

That Daisy Claussen, whose Postoffice is Hoover, Butte County, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to wit:- $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of section 2, and $SW\frac{1}{4}SW\frac{1}{4}$ of section 1, all in Township Twelve North of Range Seven East., T. 12N., R. 7E., S.D.M., in Butte County, South Dakota. Said land comprising Desert Entry for 160 acres, Serial No. 011438, Belle Fourche, S.D. Land Office, availing herself of the right granted her under the provisions of Section 21 of Chapter 130, Session Laws of South Dakota of 1907 as amended by Chapter 263 Laws of 1911, Session Laws of South Dakota, has located and claims the right to construct a certain dam across a dry draw situated in the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section Two, and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described and for stock purposes and claims right of way across any land for the purpose of conveying water for said purpose.

Said locator claims for the above purpose 2,000,000 cubic feet of water during the following described annual periods, from January 1st. to December 1st., inclusive each year.

The location of the point of diversion of the reservoir is as follows:- At or near the dividing line between the $NW\frac{1}{4}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$ of said Section Two, T. 12N. of R. 7E., S.D.M., and about 60 feet east of the of the west line of said land.

The ditch will run in a direction East and North to and on said land for a distance of 2700 feet.

Said location was made on the 2nd. day of July, 1915.

WITNESS my hand and seal this 2nd. day of July, 1915.

Daisy Claussen (Seal)

STATE OF SOUTH DAKOTA,
COUNTY OF BUTTE

On the 2nd day of July, 1915, before me, David Richard a Notary Public in and for said County and State, personally appeared Daisy Claussen, to me personally known to be the person who executed the within and foregoing instrument and acknowledged that she executed the same for the purposes and uses therein set forth.

David Richard
Notary Public

My commission expires Nov. 28, 1918

Pierre, S. D., July 19, 1915.

This is to certify that the foregoing location notice was received at this office upon the 19th day of July, 1915, and after examination it was filed for record.

Harner M. Smith
State Engineer.

Location No. 1

Water Division No.

Water District

RECEIVED
JUN 1960

1957

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and post office address.

Ans. Grasshopper

BUTTE Co., Nev. 11 S. 1st

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

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

Ans.

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

Ans. DRY LEAF - 1st DIVISION; 152 Lines. N 20° E N 1/2

Sf. Cuapac. sf. S.E.K. 2, 712 W. S. 26° 0' 14" N. - 0148° 0' 14" E. - 312 E. sf. N. 30° 25' W. R.F.

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. 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

2. LIES AS "LIES" IN CHAIRS WAS NOT A LIE. BUT
2. LIES AS "LIES" IN CHAIRS WAS NOT A LIE. BUT

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. 1831-37 A.D. (Rajwade Sanshodhan Mandal)

(SEE ATTACHED SHEET OF REFERENCES)

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

Ans.

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

Ans. Answer given by me on 18-06-2020

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

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

Ans. X

Water use from the above mentioned permit
25,1 Acres have been irrigated
approximately 136 cfs.

(Sign)

James J. Zelle

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 Bill Dornick, County of Battle

State of South Dakota, on this

5

day of

Feb.

A. D. 1959

Charles J. Dornick

Notary Public

Witnesses.

Ray W. Cosman

Battle Co. Iowa

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.

Signature
above

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 _____

FORM #24 (ATTACH)

SEC. 874 WATER RESOURCES

LOCATION OF LAND AND ACRES UNDER
APPLICATION FOR "VESTED" RIGHT

NE ¹ NW ¹	} ALL IN SEC 2 T12N, R1E	2.3 ACRES
NW ¹ NE ¹		2.0 "
SE ¹ NW ¹		0.3 "
SW ¹ NE ¹		9.1 "
NW ¹ SE ¹		5.4 "

TOTAL 20.1 ACRES

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

September 21, 1988

NOTICE

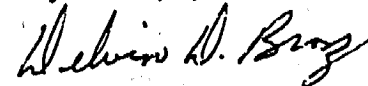
George Erk
St Rt. 3, Box 63
Newell SD 57760

Dear Mr. Erk:

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) 37C-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 Fras Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 1, 1988

Vested Water Right
Claim No. 376-1

George Erk
St Rt 3, Box 63
Newell SD 57760

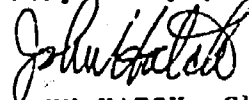
Dear Mr. Erk:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



L

Water Rights Division - DWR
Conversation or File Documentation

File No. 376-1

NAME OF PERSON OR FILE: George Erk

ADDRESS: St. Rt. 3, Box 63 Newell, SD 57760 COUNTY Butte

DATE: 5-23-89 TELEPHONE 866-4675

RE: ~~Water~~ Vested Right Inspection

COMMENTS:
On Thursday April 20, 1989, Vested Right No 376-1

was inspected. Accompanied by Mr. Erk the land was looked

at from one end to the other. The land being irrigated matches

the land plotted on the original map for Application No 376-1,

with the same number of acres originally applied for. in

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.

4/82

NAME: A. J. A. hadi

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

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

March 28, 1991

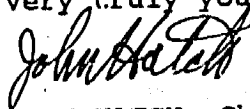
George Erk
Star Rt 3, Box 63
Newell SD 57760

Dear Mr. Erk:

The Water Management Board has validated the enclosed Vested Water Right No. 375-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,



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

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 376-1 FOR IRRIGATION

Date Claim Accepted For Filing February 18, 1959.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 376-1 for irrigation purposes for George Erk, Star Route 3, Box 63, Newell, South Dakota 57760 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 376-1 appropriates 0.35 cubic feet of water per second from a dry draw to irrigate 25.1 acres. The point of diversion is located at any point between and including the NE 1/4 NW 1/4 and the NW 1/4 SE 1/4, Section 2, T12N, R7E. The irrigated acres are located in the E 1/2 NW 1/4, W 1/2 NE 1/4 and NW 1/4 SE 1/4, all in Section 2, T12N, R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1940.
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.

WATER MANAGEMENT BOARD

By: _____

John H. [Signature]
Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

MAR 28 1991

date

376-1



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226



WTR 4.1C
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-7695.

Sincerely,

Bruce M. Layton
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760