

Water Division No. 382-1
 (Blanks to be filled by the Engineer for the W. D. C.)



APPLICATION FOR PERMIT TO APPROPRIATE WATER RESOURCES COMM. To Appropriate Water within the State of South Dakota

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

1. Name of applicant Wm E Farland
 Postoffice address Elk Creek, S.D. County Minnehaha State S.D.

I. If a corporation

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

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

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

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

Contracted

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Dam - M^e Farland ditch

3. Amount of water claimed 22.08 cubic feet per second

4. Source of water supply Elk Creek

5. Location of point of diversion on the NE 1/4 NW 1/4 Sec. 12, T3N, R7E about 92

feet E of R.R. S. of the NW on bank County Minnehaha

6. Annual period or periods during which water is to be used April to November inclusive

7. To be used for:

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

(a) Number of acres to be irrigated 1545.9 acres

(b) Legal subdivisions to be irrigated See attachment & map

(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
 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 _____

330-1

No. 92

Map

8. Estimated cost of work:

(a) Head Gate, \$2,000.00
 (b) Pumping plant, \$-----
 (c) Flum, \$2,000.00
 (d) Canal earth, \$3,500.00
 (e) Other, \$25,000.00
 Rock, \$-----
 Total, \$34,500.00

9. Description of diversion works:

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

II. Dimensions of works:

Spilling in full reservoir is 5 ft. wide x 5 ft. high
 (a) Dam: Height, 4.5 feet; length at bottom, 25 feet; length at top, 12 feet; thickness at bottom, 1 foot; thickness at top, 1 foot; slope at front water face, ---; slope at back face, ---
 material used in construction, concrete
 (b) Reservoir: Capacity when filled, 10 acre feet. Surface area at highwater mark, 11.5 acre feet.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width, 5 feet; height, 4 feet;

Material, concrete

(d) Canal: Total length, 21.44 miles.

LOCATION BELOW HEADGATE	DEPTH	POTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At main ditch 1/4 mile	4 feet	4 feet	5 feet	4.5 feet
At main Branch 1/4 mile	3.5 feet	4 feet	5 feet	4.5 feet
At main Branch 1/2 mile	3.5 feet	4 feet	5 feet	4.5 feet
At main Branch 3/4 mile	2 feet	3 feet	3 feet	9.0 feet
At main Branch 1 mile	2 feet	3 feet	3 feet	9.0 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, 6 months.

11. Time required for complete application of water to the proposed beneficial use, 6 months.

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

STATE OF SOUTH DAKOTA

County of Pennington

I, ---, 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

18

day of

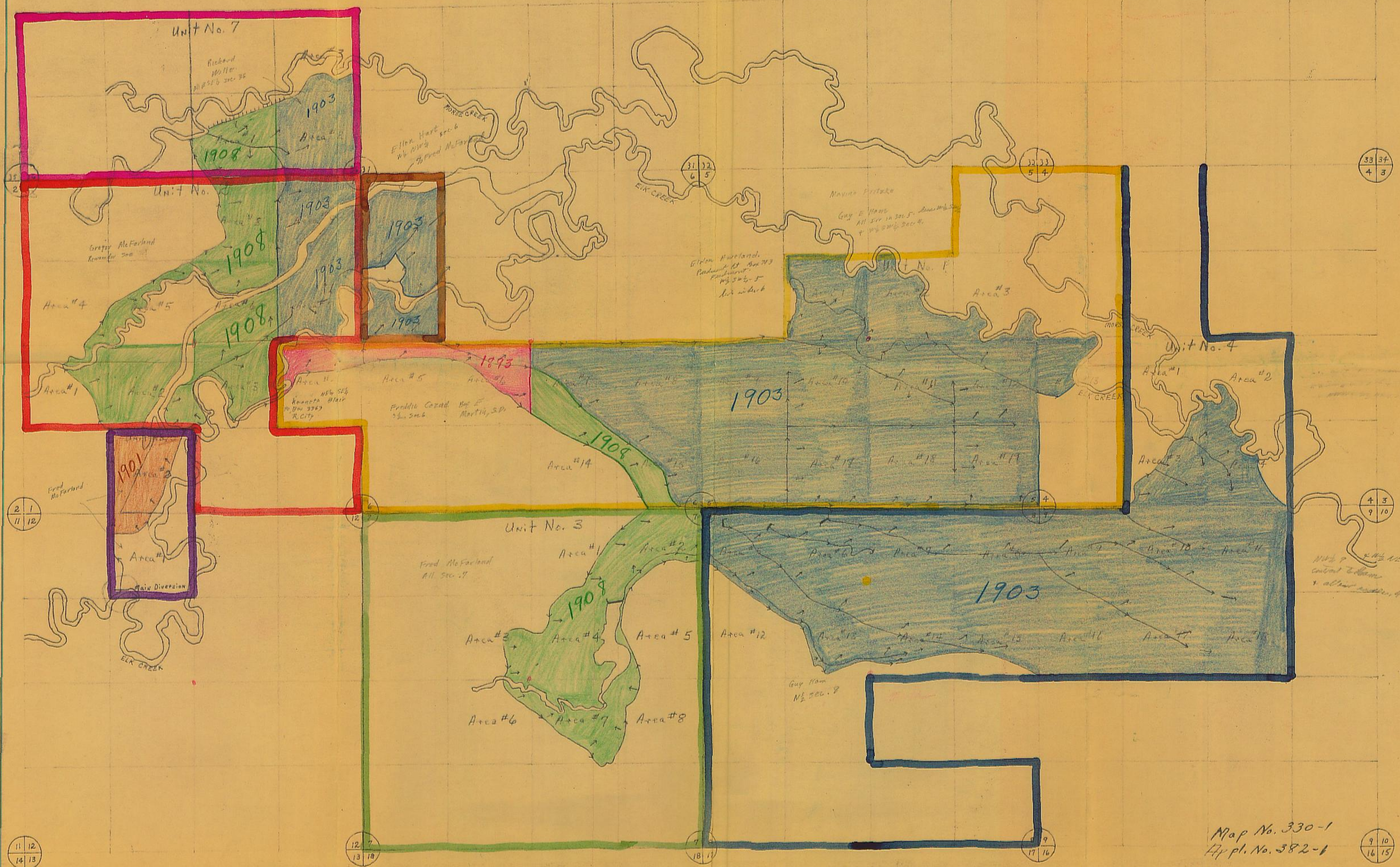
March

1959

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

HAM McFARLAND IRRIGATION SYSTEM



Point of Diversion
From NW Corner Sec. 12 70 rods S.
and 85 rods E.

Area No.	Location	Acres
One	SE 1/4 NW 1/4 Sec. 5 T. 3 N. R. 8 E.	37.0
Two	SW 1/4 NW 1/4 Sec. 5 T. 3 N. R. 8 E.	24.2
Three	SE 1/4 NW 1/4 Sec. 5 T. 3 N. R. 8 E.	3.7
Four	NE 1/4 SE 1/4 Sec. 1 T. 3 N. R. 7 E.	12.0
Five	NW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	8.0
Six	NE 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	17.1
Seven	NW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	39.3
Eight	NE 1/4 SE 1/4 Sec. 6 T. 3 N. R. 8 E.	40.0
Nine	NW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	40.0
Ten	NE 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	40.0
Eleven	NW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	40.0
Twelve	NE 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	40.0
Thirteen	NW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	13.4
Fourteen	SW 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	6.1
Fifteen	SE 1/4 SW 1/4 Sec. 6 T. 3 N. R. 8 E.	36.1
Sixteen	SW 1/4 SW 1/4 Sec. 5 T. 3 N. R. 8 E.	40.0
Seventeen	SE 1/4 SW 1/4 Sec. 5 T. 3 N. R. 8 E.	40.0
Eighteen	SW 1/4 SW 1/4 Sec. 5 T. 3 N. R. 8 E.	40.0
Nineteen	SE 1/4 SW 1/4 Sec. 5 T. 3 N. R. 8 E.	40.0
TOTAL		551.9

Area No.	Location	Acres
One	NE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	3.5
Two	SE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	20.8
Three	NW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	18.7
Four	NE 1/4 SW 1/4 Sec. 1 T. 3 N. R. 7 E.	35.7
Five	SW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	24.3
Six	NE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	2.1
Seven	SE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	15.7
Eight	SW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	33.6
Nine	SE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	16.1
Ten	SW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	29.9
Eleven	NW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	28.7
Twelve	NE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	35.5
Thirteen	NW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	30.3
Fourteen	SE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	24.2
Fifteen	SW 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	37.1
Sixteen	NE 1/4 NW 1/4 Sec. 1 T. 3 N. R. 7 E.	4.5
TOTAL		210.8

Area No.	Location	Acres
One	NW 1/4 SW 1/4 Sec. 4 T. 3 N. R. 8 E.	1.6
Two	NW 1/4 NW 1/4 Sec. 4 T. 3 N. R. 8 E.	3.6
Three	SE 1/4 SW 1/4 Sec. 4 T. 3 N. R. 8 E.	13.3
Four	SW 1/4 SW 1/4 Sec. 4 T. 3 N. R. 8 E.	22.0
Five	NW 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	35.5
Six	NE 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	40.0
Seven	NW 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	40.0
Eight	NE 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	40.0
Nine	NW 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	40.0
Ten	NE 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	40.0
Eleven	NW 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	39.7
Twelve	SW 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	1.0
Thirteen	SE 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	27.5
Fourteen	SW 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	21.2
Fifteen	SE 1/4 NW 1/4 Sec. 8 T. 3 N. R. 8 E.	30.0
Sixteen	SW 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	40.0
Seventeen	SE 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	40.0
Eighteen	SW 1/4 NW 1/4 Sec. 9 T. 3 N. R. 8 E.	40.0
TOTAL		576.3

Area No.	Location	Acres
One	NE 1/4 NW 1/4 Sec. 12 T. 3 N. R. 7 E.	3.5
Two	SE 1/4 SW 1/4 Sec. 1 T. 3 N. R. 7 E.	20.8
TOTAL		24.3

Area No.	Location	Acres
One	SW 1/4 NW 1/4 Sec. 6 T. 3 N. R. 8 E.	29.9
Two	NW 1/4 NW 1/4 Sec. 6 T. 3 N. R. 8 E.	30.5
TOTAL		60.2

Area No.	Location	Acres
One	SW 1/4 SE 1/4 Sec. 36 T. 4 N. R. 7 E.	24.2
Two	SE 1/4 SE 1/4 Sec. 36 T. 4 N. R. 7 E.	37.1
Three	NE 1/4 SE 1/4 Sec. 36 T. 4 N. R. 7 E.	4.5
TOTAL		65.8

Map No. 330-1
Hypl. No. 382-1

382-1

Remarks by State Water Resources Commission:

In granting this Permit a "Vested Right"; a consolidation of Water Rights No. 0512-1, No. 0523-1, No. 0486-1 and No. 34-1; a change in diversion point for No. 0512-1, No. 0486-1, and No. 34-1; and a transfer of No. 0512-1, No. 0523-1, and No. 0486-1 are recognized.

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

March 19, 1959

This is to certify that the foregoing application was received by the Commission at 3:15 o'clock

P.m. upon the 19 day of March, 1959

State Water Resources Commission

By:

J. C. Bruner

Chief Engineer, Executive Officer

Number of permit 382-1

Date of first receipt of application March 19, 1959

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

Date of receipt of corrected application January 4, 1959 for 0.50 c.f.s.; March 1, 1959 for 0.34 c.f.s.; March 30, 1959 for 16.57 c.f.s.

Date from which applicant may claim right April 27, 1958 for 4.61 c.f.s.

Approved April 7, 1959 Recorded in Book 5 Page 122

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, 1959

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

Completed, 1959

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

Completed, 1959

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 22.08 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, 1959; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

7 day of April, 1959

State Water Resources Commission

By:

J. C. Bruner

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 7, 1959

Water License Issued

April 7, 1959

Remarks by the Applicant:

12. Signatures:

Joseph A. McFarland chit 5
Eugene B. Hara
Joseph McFarland
Mary E. McFarland
John F. McFarland
John H. McFarland
Frank J. McFarland by
Joseph McFarland

Ernest Ham .. Unit #1

DESCRIPTION	ACREAGE	PRIORITY
NE 1/4 Sec. 1, T3N, R7E	12.0	1893
Lot 6 (NW 1/4 SW 1/4 Sec. 6, T3N, R8E	8.0	1893
NW 1/4 SW 1/4 Sec. 6, T3N, R8E	19.1	1893
NW 1/4 SE 1/4 Sec. 6, T3N, R8E	27.7	1903
NW 1/4 SW 1/4 Sec. 6, T3N, R8E	11.6	1908
NW 1/4 SE 1/4 Sec. 6, T3N, R8E	40.0	1903
SW 1/4 SE 1/4 Sec. 6, T3N, R8E	6.1	1908
SE 1/4 SE 1/4 Sec. 6, T3N, R8E	24.7	1903
SE 1/4 SE 1/4 Sec. 6, T3N, R8E	11.4	1908
NW 1/4 SW 1/4 Sec. 6, T3N, R8E	13.4	1903
SE 1/4 NW 1/4 Sec. 5, T3N, R8E	37.0	1903
SW 1/4 NE 1/4 Sec. 5, T3N, R8E	24.2	1903
SE 1/4 NW 1/4 Sec. 5, T3N, R8E	3.9	1903
NW 1/4 SW 1/4 Sec. 5, T3N, R8E	40.0	1903
NE 1/4 SW 1/4 Sec. 5, T3N, R8E	40.0	1903
NW 1/4 SE 1/4 Sec. 5, T3N, R8E	40.0	1903
NE 1/4 SE 1/4 Sec. 5, T3N, R8E	40.0	1903
SW 1/4 SW 1/4 Sec. 5, T3N, R8E	40.0	1903
SE 1/4 SW 1/4 Sec. 5, T3N, R8E	40.0	1903
SW 1/4 SE 1/4 Sec. 5, T3N, R8E	40.0	1903
SE 1/4 SE 1/4 Sec. 5, T3N, R8E	40.0	1903
NW 1/4 SW 1/4 Sec. 4, T3N, R8E	13.4	1903
	559.1 TOTAL	

PRIORITIES FOR SUBDIVISIONS

January 1, 1893

12.0 - 8.0 - 19.1 -

TOTAL 39.1 acres

March 30, 1903

37.0 - 24.2 - 3.9 - 40.0 - 40.0 - 40.0 - 40.0 - 40.0
40.0 - 40.0 - 40.0 - 27.7 - 40.0 - 24.7 - 13.4 -

TOTAL 490.6 acres

April 27, 1908

11.6 - 6.1 - 11.4 -

TOTAL 29.1 acres

STATE OF SOUTH DAKOTA

WATER LICENSE No. 382-1

WHEREAS, On the 19th day of March A. D. 1959
Ham and McFarland, % Guy Ham or % Clarence McFarland both

of Piedmont County of Meade and State of
South Dakota duly made application (No. 382-1) to us for a permit to use 22.08

cubic feet per second of the waters of Elk Creek

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

WHEREAS, On the 30th day of March A. D. 1959

Permit No. 382-1 was issued to said applicant B for the diversion of said water, and recognizing
January 4, 1893 for 0.56 c.f.s.
 completion of the works of diversion therein described on or before March 1, 1901 for 0.34 c.f.s.
March 30, 1903 for 16.57 c.f.s. and April 27, 1908 for 4.61 c.f.s.
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water on or before January 4, 1893 for 0.56 c.f.s., March 1, 1901 for 0.34 c.f.s.
March 30, 1903 for 16.57 c.f.s. and April 27, 1908 for 4.61 c.f.s.
 and,

WHEREAS, On the 19th day of March A. D. 1959

the holder B of said permit duly made proof of the completion of adequate works for the diversion of 22.08

cubic feet per second of said waters, as evidenced by our Certificate No. 382-1

dated March 30, 1959 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 22.08 cubic feet per second of water with date of
January 4, 1893 for 0.56 c.f.s., March 1, 1901 for 0.34 c.f.s., March 30, 1903 for
16.57 c.f.s. and April 27, 1908 for 4.61 c.f.s. and
 priority of XXXX

WHEREAS, On the 19th day of March A. D. 1959

proof was duly made of the application to beneficial use of 22.08 cubic feet per second of said water;

See attachment to this Water License No. 382-1

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 Hart and McFarland, 7. Guy Ham or 7. Clarence McFarland

both of Piedmont, South Dakota the holders and owner-s of said permit No. 382-1
a water right, dating from January 4, 1893 for 0.56 c.f.s.
March 1, 1901 for 0.34 c.f.s. to the use of 22.08
March 30, 1905 for 16.57 c.f.s. and April 27, 1908 for 4.61 cfs
cubic feet per second of the waters of Elk Creek

in the County of Meade and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 92 rods east and 72 rods
south of the NW Cor., of Sec. 12, T 3 N, R 7 E

and conducted to and upon

See attachment to this Water License No. 382-1

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 7th day of April A. D. Nineteer.
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Description and acreage of irrigated lands:

<u>Description</u>		<u>Acres</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	4.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	All in T 4 N R 7 E
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	
Lot 1 or (NE $\frac{1}{4}$ NF $\frac{1}{4}$)	Sec. 1)	35.5
Lot 2 or (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 1)	28.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1)	16.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1)	33.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1)	All in T 3 N R 7 E
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1)	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1)	18.9
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1)	35.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1)	20.8
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1)	12.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1)	24.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 12	T 3 N, R 7 E 3.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	13.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	All in T 3 N R 8 E
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4)	3.6
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4)	22.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5)	3.9
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5)	24.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 5)	37.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	All in T 3 N R 8 E
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	40.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	39.3
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	6.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	All in T 3 N R 8 E
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 6)	
Lot 6 or (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 6)	8.0
Lot 5 or (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 6)	29.9
Lot 4 or (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 6)	30.3

<u>Description</u>		<u>Acres</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7)	27.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7)	8.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7)	30.2
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 7)	2.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 7)	7.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 7)	2.7
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 7)	4.7
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 7)	28.0
All in T 3 N		
R 8 E		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 8)	35.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 8)	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 8)	27.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 8)	1.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 8)	40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 8)	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 8)	30.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 8)	21.2
All in T 3 N		
R 8 E		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 9)	40.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 9)	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 9)	40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 9)	40.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 9)	39.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 9)	40.0
Total		1545.9 acres

Permit No. **382-1**Water Division No. **1** **Elk Creek** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Ham and McFarland & Guy Ham or & Clarence McFarland**
bothof **Piedmont**, County of **Meade**, and State of**South Dakota**the holder of Permit No. **382-1**, issued upon Application
No. **382-1**, bearing date of priority of **January 14, 1901 for 0.36 cfs**
March 1, 1901 for 0.34 cfs
March 30, 1903 for 16.57 cfs
April 27, 1908 for 4.61 cfs authorizing the diversion of
cu. ft. per second of the waters of **Elk Creek**County of **Meade**, State of South Dakota, at **92 rods east and****72 rods south of the NW Cor., Sec. 12, T 3 N, R 7 E**for **irrigation**purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use **22.08** 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: **See attachment to this Certificate of Completion of****Works No. 382-1**Witness my hand this **7th** day of **April** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Description of acreage of irrigated land:

<u>Description</u>		<u>Acres</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	4.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	37.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 36)	24.2
Lot 1 or (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 1)	35.5
Lot 2 or (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 1)	28.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1)	16.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 1)	33.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1)	2.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 1)	15.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1)	18.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 1)	35.7
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1)	20.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 1)	12.0
		24.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 12 T 3 N, R 7 E	3.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	13.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	1.6
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 4)	13.3
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4)	3.6
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4)	22.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5)	3.9
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5)	24.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 5)	37.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 5)	40.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 5)	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	40.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	39.3
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	6.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 6)	36.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 6)	19.1
Lot 6 or (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	Sec. 6)	8.0
Lot 5 or (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 6)	29.9
Lot 4 or (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 6)	30.3

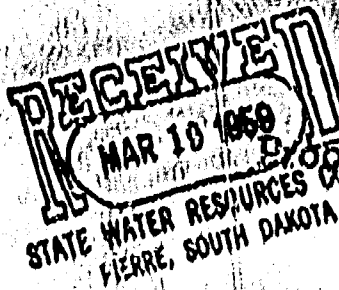
<u>Description</u>		<u>Acres</u>
NE 1 NE 1	Sec. 7)	27.1
NW 1 NE 1	Sec. 7)	3.3
SW 1 NE 1	Sec. 7)	30.2
SE 1 NE 1	Sec. 7) All in T 3 N	2.2
SE 1 NW 1	Sec. 7) R 8 E	7.1
NE 1 SW 1	Sec. 7)	2.7
NE 1 SE 1	Sec. 7)	4.7
NW 1 SE 1	Sec. 7)	28.0
NW 1 NW 1	Sec. 8)	35.5
NE 1 NW 1	Sec. 8)	40.0
SE 1 NW 1	Sec. 8)	27.5
SW 1 NW 1	Sec. 8) All in T 3 N	1.0
NW 1 NE 1	Sec. 8) R 8 E	40.0
NE 1 NE 1	Sec. 8)	40.0
SE 1 NE 1	Sec. 8)	30.0
SW 1 NE 1	Sec. 8)	21.2
NW 1 NW 1	Sec. 9)	40.0
NE 1 NW 1	Sec. 9)	40.0
SE 1 NW 1	Sec. 9) All in T 3 N	40.0
SW 1 NW 1	Sec. 9) R 8 E	40.0
NW 1 NE 1	Sec. 9)	39.7
SW 1 NE 1	Sec. 9)	40.0

Total

1543.9 acres

Location No. 387-1Water Division No. 1

Water District



Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Ernest B. Ham & Sons, Piedmont, S. Dak.,
Lumber Rancher.

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

Ans. _____

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

Ans. Jan. 11, 1893 - #9512-1, March 1, 1901 - #2583-1

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

Ans. Elk Creek, from the N.W. corner of Sec. 12-3N-2E, it is 72 rods East, 72 rods South to point of diversion.

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. Dam 45 ft. long, 5 ft. high, 2 ft. thick. Headgate is 5 ft. wide, 4 ft. high - capable of allowing all that ditchwill carry. Name of ditch is known as Ham & McFarland completed 1902
22,08 cubic feet per second.

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. Irrigation of agricultural land native grass, &c.
Subdivisions being irrigated: (1)-37A, (2)-24.2A, (3)-3.2A, (4)-12A(5)-8A, (6)-19.1A, (7)-39.3A, (8)-40A, (9)-40A, (10)-40A, (11)-40A, (12)-40A,
(13)-13.1A, (14)-6.1A, (15)-36.1A, (16)-40A, (17)-40A, (18)-40A, (19)-40A = 559.1 acres total

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

Ans. None

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

Ans. 8 cubic feet per second will supply sufficient irrigation

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. Ownership acquired through inheritance

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

Ans. water has been used under above mentioned permit whenever water was available by flood irrigation to irrigate the subdivisions in Unit #1 beginning with 37.1 acres in Jan. 4, 1923; March 30, 1923 - 490.9 acres and 42.1 acres April 7, 1928

(Sign) Ernest B. Hagan & Sons
by Guy E. Hagan

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 Surgis, S. Dak. County of Meade

State of South Dakota, on this 13 day of February A. D. 1929

Witnesses.

Walter C. Miller Jr.
Notary Public

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.

Leo Bakland
Alfred Karsner

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

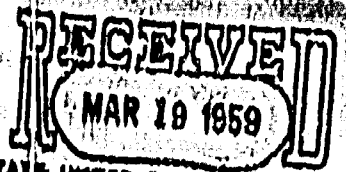
Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

STATE OF SOUTH DAKOTA
DIVISION OF WATER RESOURCES COMMISSION
JAN 10 1929
BUREAU

Location No. 382-1Water Division No. 1ETK Creek 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 W. McFarland - Rancher - Sturgis S.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. March 1, 1901

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

Ans. March 1, 1901 1903

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

Ans. Elk Creek - 92 rods east and 72 rods south of the northwest corner of Sec. 12, 3N 7E

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. The water is diverted through the project of Ham and McFarland. The dam and ditch which is shown on attached plot of Ham and McFarland covers 210 acres.

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. Irrigation of hay and farm ground marked with 102 43 1/2
usually used when surplus snow water runs off in the spring

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

Ans. None

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

Ans. 3.0 second feet

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

Ans. Inherited

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

Ans. when water was available has been used since
1907 for 516 acs. 1908 for 157.3 acs.

(Sign) Geo. W. McFarland

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 S. Dak. County of Meade
State of South Dakota, on this 16 day of February A. D. 1922.

Witnessed,

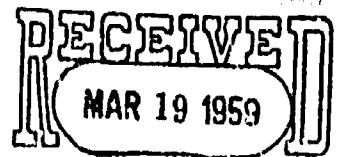
Walter E. Miller, Jr.
Notary Public

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.

L. C. Newman
John N. Kiehl

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 _____
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STATE OF SOUTH DAKOTA
CIVIL WATER RESOURCES COMMISSION
FIVE 10 1022
RECEIVED

Location No. 382-1EIK.Water Division No. 1CreekSTATE WATER RESOURCES COM. A.
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.

John G. McFarland Rancher
Postite 2, Rapid City S.D. Dakota

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

Ans.

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

Ans.

March 1st 1905 (filed 27/1905)

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

Ans.

Elk Creek From the N.W. corner of
Sec. 12, 3 N-7 E it is 90 Rods east & 72 Rods back
to point of diversion there

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.

Conveyed by ditch & flume to the
north side of Sec. 7, 3 N. 8 E. then
follows by ditch around corner I draw then
into Section 8 3 N 8 East. From point of diversion

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.

(See attached map unit no. 2) 110.7
acres irrigated and 22 acres for stock
dam filled

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

Ans.

Stock water dam filling

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

Ans.

22 acres for stock water dam filling 110.7 acres

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.

Inherited

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

Ans. *There has been water used from this diversion for irrigating and stock water when water was available for the last forty years or more. Water use began in 1908.* (Sign) *John H. McFarland*

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 S. Dak.* County of *Moade*

State of South Dakota, on this *13* day of *February* A. D. 19*27*

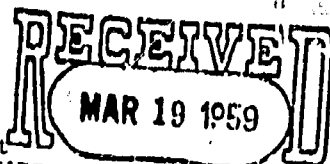
Witnesses. *Walter C. Miller, Jr.*
Notary Public

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.

L. C. McFarland
John H. McFarland

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 -----	

DEPT. OF AGRICULTURE
BUREAU OF RECLAMATION
FEB 10 1928
RECEIVED

Location No. 382-1Water Division No. 1EIK
Creek 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. Clarence McFarland Residence Piedmont S. 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. _____

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

Ans. March 1, 1901 - March 30, 1903

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

Ans. Elk Creek 82 ft. east and 32 ft. south of the Northwest
Corner of Sec 12, 3 N 7 E

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. The water is conducted through the works of the Horn
and McFarland dam and ditch which is shown on plat attached
of Horn & McFarland Irrigation System Hedgeth 40th St. S. D.
on 515.4 ac.

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. Irrigation of hay and pasture. Water for livestock
on one small tract 70 ft. x on plat of Horn & McFarland
Irrigation System 515.4 515.4 ac. ✓

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. 7.3 cubic feet per second

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. Unlimited

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

Ans. We have used water when available since 1903 to limit of supply and in regard to down stream users we have marked No. 1 on plot of Home Mr. Zealand's irrigation system.

(Sign) Clarence F. Zealand

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 S. Dak., County of Meade

State of South Dakota, on this 13 day of February A. D. 1927

Witnesses.

Walter C. Mifflin Jr.
Notary Public

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.

L. E. McNamee
John W. Kiehl

Location No. -----

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

PETITION OF HOLDER

Amount of Water ----- c. t. s.

Source -----

County -----

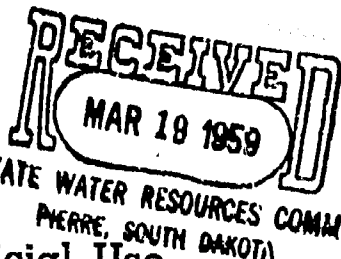
Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

THREE FOUR DUNDY
STATE WATER RESOURCES COM. I
MAY 10 1928
DECEASED

Location No. 382-1Water Division No. 1218
Creek Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. And A. McGaskland Home Route
Deadwood S. 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. _____

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

Ans. March 1st, 1901.

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

Ans. Elk Creek From the N.W. corner of
Sec. 12, 3 N., 7 East it is 90 rods east
and 72 rods south to point of diversion.

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. Gravel to ditch in northerly
direction from concrete dam at point
of diversion thence northerly.

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 used for irrigating 24.3 acres
agricultural land
See map 142 of Mont 55

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. 24 cu ft per acre

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. Individed

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

Ans. This parcel of land has been irrigated many years from this dam. First and second dam replaced in around 1911 or 12 with concrete dam and concrete head gate 4'x5'. (Sign) *Cliff A. McFarland*
Water now begun in 1901.

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 *Miner*, State of South Dakota, on this *18* day of *February*, A. D. 19*29*.

Witnesses,

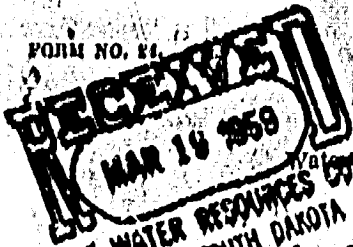
Walter C. Miller, Jr.
Notary Public

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.

J. E. Sherman
Notary

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 _____
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STATE OF SOUTH DAKOTA
STATE WATER RESOURCES COMMISSION
RECEIVED
MAY 18 1929



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Location No. 382-1Division No. 1EIR

Creek Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Mary E. McFarland, 1208 West
Boulevard, Rapid City, S.D.

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. March 30, 1903

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

Ans. Elk Creek, Meade County, Wyo.
near the NW corner of Sec. 12, 34th E. 9th N. 10th E.
east and 72 rods south to point of diversion

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. Concrete dam and concrete headgate
then the ditch on south side of
Elk Creek approximately 1 1/2 miles downstream

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. Used for irrigation on the
West half of NW. 1/4 of Sec. 6, Twp. 3
N. Range 18 east. 60.2 acres
and 60.6

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. .82 cu. ft. per second

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. Wife of original locator.

Elk
Creek

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

Ans. Irrigation by means of dam, ditches & laterals for many years whenever water was available (used) irrigation was essential starting about 1903.

(Sign) Mary E. McFarland

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person who represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Sturgis County of Mead

State of South Dakota, on this 20th day of February A. D. 1959

Witnesses, Ed A. Harrison
Notary Public

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.

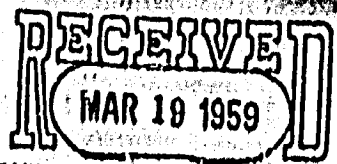
E. Harrison
Just Person

Location No.	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water	Source	County	Purpose	Place of Use	Date of recording	Received and filed

SECRET
MAY 19 1959
RECEIVED
OFFICE OF THE
SOUTH DAKOTA
COMMISSIONER OF
AGRICULTURE

Location No. 382-1EIR
CreekWater Division No. 1

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Frank J. McFarland by Clarence McFarland trustee
Box 100, Piedmont, S.D.

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. 1903 A.M.
7-10-11 March 1

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

Ans. Elk Creek 92 rods east and 73 rods south of the northwest
corner of Section 12 T3N R7E

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. Water is diverted from Elk Creek by a cement dam through
a headgate 4 ft high by 5 ft wide into a ditch known as Horn
McFarland ditch shown on attached plat

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. Irrigation of 65.8 acres in one marked unit marked
Unit No. 7 of plat of Horn McFarland irrigation system
wherever water available

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. 9 cubic feet per second

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. This parcel of ground was inherited by Frank J. McFarland by Deed

McFarland before his death (and stipulating that Clarence McFarland, George B
McFarland, John J. McFarland as trustees were to administer it, Meade County Judge
Leopold Milne and trustees empowered Clarence McFarland to sign for Frank
J. McFarland any papers necessary to keep up this land.

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

ANS. Since ¹⁹⁰³~~1904~~ whenever available we have used the meter
has been used for inspection of log exposures & pasture

(Sign) Frank J. McFarland
by Charles McFarland, Trustee

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 Meade

State of South Dakota, on this 20 day of February A. D. 1927

Witnesses.

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.

John Nichol
Tex. Ashland

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
MAY 16 1968
DECEASED

PRIORITY BREAKDOWN FOR FORM #24

GEORGE W. McFARLAND

UNIT #2

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
NW 1/4 SW 1/4 Sec. 1, T3N, R7E	18.9	April 27, 1908
NE 1/4 SW 1/4 Sec. 1	35.7	April 27, 1908
NW 1/4 SE 1/4 Sec. 1	24.3	April 27, 1908
SW 1/4 NW 1/4 Sec. 1	2.1	April 27, 1908
SE 1/4 NW 1/4 Sec. 1	15.7	April 27, 1908
SW 1/4 NE 1/4 Sec. 1	33.6	April 27, 1908
SE 1/4 NE 1/4 Sec. 1	16.1	March 30, 1903
NW 1/4 NE 1/4 Sec. 1	28.9	April 27, 1908
NE 1/4 NE 1/4 Sec. 1	35.5	March 30, 1903
	210.8	

April 27, 1908 - - - - - 194.7 - 35.5 = 159.2
March 30, 1903 - - - - - 16.1 + 35.5 = 51.6

JOHN McFARLAND

UNIT #3

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
NW 1/4 NE 1/4 Sec. 7, T3N, R8E	8.3	April 27, 1908
NE 1/4 NE 1/4 Sec. 7	27.1	April 27, 1908
SE 1/4 NW 1/4 Sec. 7	7.1	April 27, 1908
SW 1/4 NE 1/4 Sec. 7	30.2	April 27, 1903
SE 1/4 NE 1/4 Sec. 7	2.2	April 27, 1908
NE 1/4 SW 1/4 Sec. 7	2.7	April 27, 1908
NW 1/4 SE 1/4 Sec. 7	28.0	April 27, 1908
NE 1/4 SE 1/4 Sec. 7	4.7	April 27, 1908
	110.3	

April 27, 1908 - - - - - 110.3

CLARENCE McFARLAND

UNIT #4

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
NE 1/4 SW 1/4 Sec. 4, T3N, R8E	1.6	March 30, 1903
NE 1/4 SE 1/4 Sec. 4	3.6	March 30, 1903
SE 1/4 SW 1/4 Sec. 4	13.3	March 30, 1903
SW 1/4 SE 1/4 Sec. 4	22.0	March 30, 1903
NW 1/4 NW 1/4 Sec. 8	35.5	March 30, 1903
NE 1/4 NW 1/4 Sec. 8	40.0	March 30, 1903
NW 1/4 NE 1/4 Sec. 8	40.0	March 30, 1903
NE 1/4 NE 1/4 Sec. 8	40.0	March 30, 1903
SW 1/4 NW 1/4 Sec. 8	1.0	March 30, 1903
SE 1/4 NW 1/4 Sec. 8	27.5	March 30, 1903
SW 1/4 NE 1/4 Sec. 8	21.2	March 30, 1903
SE 1/4 NE 1/4 Sec. 8	30.0	March 30, 1903
NW 1/4 NW 1/4 Sec. 9	40.0	March 30, 1903
NE 1/4 NW 1/4 Sec. 9	40.0	March 30, 1903
NW 1/4 NE 1/4 Sec. 9	39.7	March 30, 1903
SW 1/4 NW 1/4 Sec. 9	40.0	March 30, 1903
SE 1/4 NW 1/4 Sec. 9	40.0	March 30, 1903
SW 1/4 NE 1/4 Sec. 9	40.0	March 30, 1903
	515.4	

March 30, 1903 - - - - - 515.4

FRED McFARLAND

UNIT #5

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
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PRIORITY BREAKDOWN FOR FORM #24

FRED McFARLAND

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, T3N, R7E	3.5	March 1, 1901
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T3N, R7E	<u>20.8</u>	March 1, 1901
	24.3	
March 1, 1901 - - - - - 24.3		

MARY E. McFARLAND

UNIT #6

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, T3N, R8E	29.9	March 30, 1903
Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6	<u>30.3</u>	March 30, 1903
	60.2	
March 30, 1903 - - - - - 60.2		

FRANK McFARLAND

UNIT #7

<u>Location</u>	<u>Acreage</u>	<u>Water Use Began</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T4N, R7E	24.2	April 27, 1903
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36	37.1	March 30, 1903
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36	<u>4.5</u>	March 30, 1903
	65.8	
April 27, 1903 - - - - - 24.2		
March 30, 1903 - - - - - 41.6		

PRIORITIES FOR SUBDIVISIONS

January 4, 1893 - #0512-1

12.0 - 8.0 - 19.1 -

TOTAL 39.1 acres ✓

March 1, 1901 - #0533-1

3.5 - 20.8 -

TOTAL 24.3 acres ✓

March 30, 1903 - #0486-1

16.1 - 30.3 - 29.9 - 27.7 - 40.0 - 24.7 - 3.9 - 24.2
37.0 - 40.0 - 40.0 - 40.0 - 40.0 - 40.0 - 40.0 - 40.0
40.0 - 13.4 - 1.6 - 13.3 - 3.6 - 22.0 - 16.8 - 21.4
35.8 - 2.7 - 20.8 - 40.0 - 39.7 - 40.0 -

TOTAL 824.9 acres

April 27, 1908 - #34-1

24.3 - 35.7 - 18.9 - 2.1 - 15.7 - 33.6 - (35.5) - 28.9
24.2 - (37.1) - (4.5) - 11.6 - 6.1 - 11.4 - 27.1 - 8.3
2.2 - 30.2 - 7.1 - 2.7 - 28.0 - 4.7 -

TOTAL 399.9 acres

1938

35.5 - 40.0 - 1.0 - 27.5 - 23.2 - 18.6 - 30.0 - 21.2
4.2 - 37.3 - 17.2 -

TOTAL 257.7 acres -

LEGAL SUBDIVISIONS TO BE IRRIGATED

DESCRIPTION	ACREAGE	PRIORITY
NE 1/4 Sec. 12, T3N, 7E	3.5	1901
SE 1/4 Sec. 1, T3N, 7E	20.8	1901
NE 1/4 Sec. 1, T3N, 7E	12.0	1893
NW 1/4 Sec. 1, T3N, 7E	24.3	1908
NE 1/4 Sec. 1, T3N, 7E	35.7	1908
NW 1/4 Sec. 1, T3N, 7E	18.9	1908
SW 1/4 Sec. 1, T3N, 7E	2.1	1908
SE 1/4 Sec. 1, T3N, 7E	15.7	1908
SW 1/4 Sec. 1, T3N, 7E	33.6	1908
SE 1/4 Sec. 1, T3N, 7E	16.1	1903
NE 1/4 Sec. 1, T3N, 7E	35.5	1908
NW 1/4 Sec. 1, T3N, 7E	28.9	1908
SW 1/4 Sec. 36, T4N, 7E	24.2	1908
SE 1/4 Sec. 36, T4N, 7E	37.1	1908
NE 1/4 Sec. 36, T4N, 7E	4.5	1908
Lot 4 (NW 1/4) Sec. 6, T3N, 8E	20.3	1903
Lot 5 (SW 1/4) Sec. 6, T3N, 8E	29.9	1903
Lot 6 (NW 1/4) Sec. 6, T3N, 8E	8.0	1893
NE 1/4 Sec. 6, T3N, 8E	19.1	1893
NW 1/4 Sec. 6, T3N, 8E	27.7	1903
NW 1/4 Sec. 6, T3N, 8E	11.6	1908
NE 1/4 Sec. 6, T3N, 8E	40.0	1903
SW 1/4 Sec. 6, T3N, 8E	6.1	1908
SE 1/4 Sec. 6, T3N, 8E	24.7	1903
SE 1/4 Sec. 6, T3N, 8E	11.4	1908
NE 1/4 Sec. 7, T3N, 8E	27.1	1908
NW 1/4 Sec. 7, T3N, 8E	8.3	1908
SE 1/4 Sec. 7, T3N, 8E	2.2	1908
SW 1/4 Sec. 7, T3N, 8E	30.2	1908
SE 1/4 Sec. 7, T3N, 8E	7.1	1908
NE 1/4 Sec. 7, T3N, 8E	2.7	1908
NW 1/4 Sec. 7, T3N, 8E	28.0	1908
NE 1/4 Sec. 7, T3N, 8E	4.7	1908
SE 1/4 Sec. 5, T3N, 8E	3.9	1903
SW 1/4 Sec. 5, T3N, 8E	24.2	1903
SE 1/4 Sec. 5, T3N, 8E	37.0	1903
NW 1/4 Sec. 5, T3N, 8E	40.0	1903
SW 1/4 Sec. 5, T3N, 8E	40.0	1903
SE 1/4 Sec. 5, T3N, 8E	40.0	1903
NE 1/4 Sec. 5, T3N, 8E	40.0	1903
NW 1/4 Sec. 5, T3N, 8E	40.0	1903
SW 1/4 Sec. 5, T3N, 8E	40.0	1903
SE 1/4 Sec. 5, T3N, 8E	40.0	1903
NE 1/4 Sec. 5, T3N, 8E	40.0	1903

Some of these data are in error. See detailed breakdown by correspondence Form # 24.

LEGAL SUBDIVISIONS TO BE IRRIGATED (cont.)

DESCRIPTION	ACREAGE	PRIORITY
NW 1/4 Sec. 4, T3N, 8E	13.4	1903
NE 1/4 Sec. 4, T3N, 8E	1.6	1903
SE 1/4 Sec. 4, T3N, 8E	13.3	1903
NW 1/4 Sec. 4, T3N, 8E	3.6	1903
SW 1/4 Sec. 4, T3N, 8E	22.0	1903
NW 1/4 Sec. 8, T3N, 8E	35.5	1938
NE 1/4 Sec. 8, T3N, 8E	40.0	1938
SW 1/4 Sec. 8, T3N, 8E	1.0	1938
SE 1/4 Sec. 8, T3N, 8E	27.5	1938
NW 1/4 Sec. 9, T3N, 8E)	16.8	1903
NW 1/4 Sec. 8, T3N, 8E)	23.2	1938
NE 1/4 Sec. 8, T3N, 8E)	21.4	1903
NE 1/4 Sec. 8, T3N, 8E)	18.6	1936
SE 1/4 Sec. 8, T3N, 8E	30.0	1938
SW 1/4 Sec. 8, T3N, 8E	21.2	1938
NW 1/4 Sec. 9, T3N, 8E)	35.8	1903
NW 1/4 Sec. 9, T3N, 8E)	4.2	1938
SW 1/4 Sec. 9, T3N, 8E)	37.3	1938
SW 1/4 Sec. 9, T3N, 8E)	2.7	1903
SE 1/4 Sec. 9, T3N, 8E)	20.8	1903
SE 1/4 Sec. 9, T3N, 8E)	19.2	1938
NE 1/4 Sec. 9, T3N, 8E	40.0	1903
NW 1/4 Sec. 9, T3N, 8E	39.7	1903
SW 1/4 Sec. 9, T3N, 8E	40.0	1903
1545.9 TOTAL		

Some of these dates are in error. See detailed breakdown by ownership in Form # 24.

382-1

March 30, 1973

Mr. George W. Mc Farland
Box 26, Route A
Piedmont, South Dakota 57769

Dear Mr. Mc Farland:

Your letter received March 28, 1973 states that you have purchased an irrigation sprinkler system and would like to obtain permission to use this system instead of replacing a dam and flume which washed out making ditch irrigation impractical.

It is alright to change your method of applying the water, as you propose, as long as you do not apply that water at a greater rate than formerly, and as long as you do not irrigate additional land.

Sincerely,

DONALD DRISCOLL
Deputy Chief Engineer

DD/bw

George W. McFarland
Box 26 Rt. A,
Piedmont, S. Dak. 57769

Water Resources Commission
Pierre, South Dakota

Dear Sir:

I am writing in regard to the water rights listed under Ham and McFarland which were severely damaged in the June flood. In breaking up of the McFarland Estate the dam and ditch originating on the land of Fred McFarland is to low to do them any good. The flood washed out both the flume and dam making it impractical to repair as a water spreading system. I have purchased a irrigation sprinkling system and would like to have permission on said irrigation system as a pumping and sprinkling where streams pass through my land namely Elk and Morris creeks.

Note: Mr Guy Ham farther down stream is already using this system.

Thankyou for your consideration,
George W. McFarland

RECEIVED
MAR 28 1973
STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

REPRODUCTION: REDUCED 25%
ROLL NO. 25
DATE MICROFILMED 2-8-82
ORIGINAL FILED IN
OPERATOR

8-24-76

343-5501

JOE HILT

3108 E ANACONDA

RAPID CITY

OWNS MOST OF
SECTION 1, T 3N, R 7E
WHICH IS A PART OF
THIS PERMIT

South Dakota
Department of
Water & Natural Resources

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

June 13, 1989

382-1

Gregor McFarland
HO 75 Box 324
Sturgis, SD 57785

Fred McFarland
RR 12, Box 450
Rapid City, SD 57701

Dear Sirs:

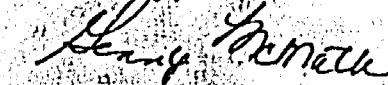
I am contacting you with reference to the status and ownership of Vested Water Right Claim No. 382-1. The claim, currently listed as Ham & McFarland, was inspected for licensing purposes May 6, 1988.

Upon licensing Vested Water Right Claim No. 382-1, it will be split into 382A-1, Fred McFarland and 382B-1, Gregor McFarland. Prior to this process, a "Notice of Transfer" will need to be filed by both of you to change ownership of the claim from Ham and McFarland to individual names.

Enclosed is a partially completed "Notice of Transfer" for use in filing the ownership change. Please complete the form and return it to our office with a required filing fee of \$2.50. Upon receipt of the forms from each of you, the vested water right claim will be split into two claims, transferred and licensed under the A & B numbers.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



0533-1
382-1

LOCATION CERTIFICATE.

Know all Men by these Presents, That I, Robert J. Herron of Rapid City, Pennington County, South Dakota, a Citizen of the United States, over the age of Twenty one years, do hereby locate and appropriate Five Hundred Miner's Inches (under a six inch pressure) of the Water of Elk Creek, for Mining, Milling, Domestic and Irrigation purposes. Said water to be taken out at the point where this Notice is posted, on the North East quarter of the North West quarter of Section Twelve in Township Three North of Range Seven East of the Black Hills Meridian and to be conducted down said Creek on the North Side of the said Creek for a distance of three Miles. Said water to be conducted by pipe, ditch and flume over and across Section Twelve and One, in said Township Three North of Range Seven East and Section Six in Township Four North of Range Seven of R. H. M.

Dated this First day of March A. D. 1901.

Robert J. Herron,

locator.

Recorded March 2, 1901 at 11 A. M., in Book 19 on Page 237
of the Records of Meade County, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF MEADE, S. D.
Office of Register of Deeds.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original record in this office.
Dated this First day of July, A. D., 1905.

Frank Smith
Register of Deeds.

0486-1

382-1

500-17

LOCATION CERTIFICATE.

Location Certificate.

Know all men by these presents; That I, George McFarland of
 Piedmont, South Dakota, a citizen of the United States ^{of America}, over the age of
 twenty one years, do hereby locate and appropriate five hundred inches
 of the waters of Elk Creek for domestic and irrigating purposes, said
 water to be taken out at a point where this notice is posted, on the
 Southeast quarter of the Northeast quarter of Section One in Township
 Three North of Range Seven East of the Black Hills Meridian and to be
 conducted down said creek by ditch and flume on both sides of the said
 creek, down three miles where the said water will then be returned to
 the said creek.

Dated at the location on the ground this 30th day of March,
 A. D. 1903.

George McFarland,

Locator.

Recorded March 30th, 1903 at 9 A. M., in Book 15 on Page 488
 of the Records of Meade County, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF MEADE, SS.

Office of Register of Deeds.

I hereby certify that the above and foregoing is a full, true, cor-
 rect and complete transcript of the original record in this office.

Dated this 21st day of July, A. D., 1906.

Frank Smith
 Register of Deeds.

about 10

0512-1

382-1

LOCATION NOTICE.

Know all men by these presents that I have this day located Five hundred (500) inches of the waters of Elk Creek for agricultural and domestic purposes. Said water to be taken out of said Creek on the $SE \frac{1}{4}$ of Sec 1, Twp 3 N., Range 7 E. B. N. H., at a point where a copy of this notice is posted and is to be conducted by ditches onto and across above described land, and other land in adjoining Township and range.

This water right was located this 4th day of January, A. D., 1893.

Witnesses

Z. C. Phillips.

F. S. Dunham.
Frank Shaw.

Recorded Jan. 4th, 1893 at 2-30 P. M., in Book 6 on Page 533 of the Records of Meade County, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF MEADE, SS.
Office of Register of Deeds.

I hereby certify that the above and foregoing is a full, true, correct and complete transcript of the original record in this office.
Dated this 31st day of July, A. D., 1906.

Frank Smith
Register of Deeds

LAW OFFICES

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

Sturgis, South Dakota 57785

DALE L. MORMAN
KEITH R. SMIT
JOHN H. SHEPARD
JOHN T. HUGHES
CHARLES A. WOLSKY

August 11, 1981

721
P.O. BOX 25
1134 MAIN STREET
TELEPHONE 347-3624
AREA CODE 605

Mr. Burton F. Jones
Water Right Specialist
Water Rights Commission
Pierre, South Dakota 57501



Re: File #9020 Fred A. McFarland - Water Right

Dear Mr. Jones:

We represent Fred A. McFarland of Rapid City, South Dakota, who is the owner of Water Right Filing #0521-1 of John M. Stevens, Jr., dated November 3, 1890, claiming 120 miners inches of water of Elk Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of 8-3-7, for irrigation purposes.

As you will recall, a hearing was held on or about the 24th day of May, 1979 at the Howard Johnson's Motor Lodge with reference to this water right, as well as other water rights, pursuant to a Notice published in the Sturgis Tribune on May 9, 1979. At that time, I appeared on behalf of Mr. McFarland and we strenuously objected to any cancellation or termination of his water right; and, we were then told that someone from your office would be contacting either myself or Mr. McFarland in this regard.

More than two (2) years have elapsed and it wasn't until last week that someone contacted Mr. McFarland from your office. At no time were we ever advised as to any decision of the Water Rights Commission as a result of the 1979 hearing. Mr. McFarland has attempted, at all times, to keep his physical facilities in an operating condition, and should Elk Creek ever run sufficient water, he would be in a position, at any time, to use this water right in irrigating about eighty (80) acres of his land.

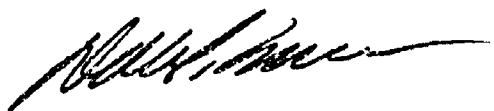
Mr. McFarland is definitely interested in maintaining this water right and its priority, and we would appreciate an update on what has transpired with reference to Mr. McFarland's water

Mr. Burton F. Jones
August 11, 1981
PAGE TWO (2)

right. We would also like to know what the position of the Water Rights Commission is in this regard.

Very truly yours,

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

By: 

DLM:ndp
cc: Mr. Fred McFarland

LAW OFFICES

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

Sturgis, South Dakota 57785

DALE L. MORMAN
KEITH R. SMIT
JOHN H. SHEPARD
JOHN T. HUGHES
CHARLES A. WOLSKY

January 27, 1982

PO BOX 29
1134 MAIN STREET
TELEPHONE 347-3624
AREA CODE 605

CERTIFIED MAILING
RETURN RECEIPT REQUESTED

Mr. Burton F. Jones
Water Right Specialist
Water Rights Commission
Pierre, South Dakota 57501

Re: File #9020 McFarland - Water Rights

Dear Mr. Jones:

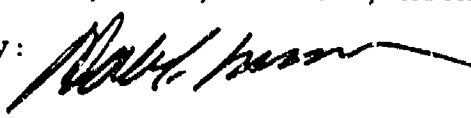
On the 18th day of August, 1982, we wrote you in regards to the water right of Fred McFarland, which is Water Right Filing #0521-1 of John M. Stevens, Jr., dated November 3, 1890.

In going over my file I note that you had not responded to my inquiry and we enclose a copy of this letter for your reference.

Would you please let us know what our status is in regard to this water right. Our client is quite concerned as there was an attempt by the Water Rights Commission at one time to cancel this water right, which Mr. McFarland intends to preserve.

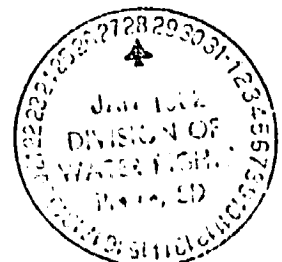
Very truly yours,

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

By: 

DLM/dm

Enclosure



380

February 2, 1982

Morman, Smit, Shepard, Hughes & Wolsky
Sturgis, South Dakota 57785

Dear Mr. Morman:

In reference to your File No. 9030 McFarland, this office was in contact with Mr. McFarland this summer, however we have not gotten together to discuss the results of this past summer's investigation. The last time we were in the Sturgis Area, Mr. McFarland's Office was called and he was not there. A message was left that the next time in the area we would contact him to discuss the water right.

The status of the water right is that an investigation was conducted of the lands which could potentially be irrigated by the diversion works of this water right. It was found that there is approx. 30 acres which could be irrigated from this diversion structure with gravity irrigation. I would like to discuss the water right with you and/or Mr. McFarland before bringing the matter before the Water Management Board. At the meeting on May 24, 1979, the cancellation consideration was deferred until an additional investigation of the Water Right could be conducted by the staff. The status therefore is the same as when action was not taken by the Water Management Board on May 24, 1979.

When I get to your area this spring, I will contact you on the matter or if you get by Pierre, please stop in to the Office of Water Rights. Please advise this office if you have any questions.

Very truly yours,

Jim Winterton
Water Resources Engineer
Telephone (605) 773-3352

A1300-JW.vr

Photos taken by Guy Ham – dated September, 1969











Conversation or File Documentation

NAME OF PERSON OR FILE: Ham + McFarland. - Fred McFarland. ownerADDRESS: _____ COUNTY Meads.DATE: April 23, 1986 TELEPHONE _____RE: Inspection of Water Permit # 382-1

COMMENTS:

Jim Winterton and I inspected the site of the permit. The point of diversion works in the same as it was in 1981. There are some areas that can be irrigated under this permit when water is available. We talked to Fred McFarland about this and he would be satisfied if the areas in the NE 1/4 NW 1/4 - 12, and the SE 1/4 SW 1/4 - 1 T 3N R 7E were allowed to be irrigated under the permit. The remainder can be cancelled. Little use has been made of this permit for a number of years as the system has deteriorated to a point that it is non-usable.

4/23/86 Comments from Jim Winterton: Mr. McFarland did question whether the Board had jurisdiction to cancel a permit acquired under the prior to 1907 water law. Leroy and I indicated that we felt the board has this jurisdiction and if Mr. McFarland cared to address this issue before the Board, he may do so. There are a number of different priority dates on ⁷⁻³⁸²⁻¹ 328-1 which should be related to the permit be compared to some of the old location notices and cancelled at the same time as this permit. A number of owners are involved, therefore they must be noticed of the ~~and~~ portions or acreages which will no longer be a part of this permit. A small acreage will remain under the permit which is owned by Fred McFarland. File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Leroy J. Merriugh



Permit # 382-1 Hom-MeJarland - Meade Co
August 19, 1981.

Downstream view. of Entrance control to
Mass ditch. Water from Elk Creek is diverted
thru this culvert from the Headgates on
Elk Creek.

Pictures by JF Menough



Dec. 4, 1979

Jim - McFarland
Water Division

At.



Permit # 382-1 Horn -McGarland. Meade Co
August 19, 1981.

View of Entrance control to Main ditch.
Water from Elk Creek is diverted thru this
culvert from the head gates on Elk Creek
upstream View

Pictures by J.J. Menough



Dec. 4. '79

Ham - McFarland
After Revision Pt



Permit # 352-1 Thom. McFarland - Meade Co.
August 19, 1981

View of Headgate on Elk Creek from down-
stream side.

Picture by L.J. McNaugh



Point # 382-1 Hem - McFarland - Mead Co
August 19, 1951

Flume on Main ditch across Elk Creek

Picture by FJ Mernaugh



Permit # 382-1 Horn - McFarland. - Meade Co
August 19, 1981

View of flume on Main Ditch as it crosses
Elk Creek.

Sections by J J Menough



Permit # 382-1 Ham-Me Jarland Mead Co

August 19, 1981

Flume on Main Litch-Crosses CRH Creek

Sections by Jf Merritt



Permit # 382-1 Ham - McFarland - Meade Co
August 19, 1981

View of Headgate on Elk Creek from the
upstream side.

Picture by Jf McNaugh

Conversation or File Documentation

NAME OF PERSON OR FILE: Ham-McFarlandADDRESS: Piedmont SO. COUNTY MesaDATE: 5/6/80 TELEPHONE 343-4612RE: Permit inspection /cancellation

COMMENTS:

Met with Mr. Fred McFarland, who is one of the
landowners involved in WL # 382-1. We drove to the diversion
point on Elk Creek. He showed me around and stated
that he irrigates lands in Sections 1 and 12, T3N-R7E.
I told him there are approximately 24.3 acres of land
in the NE 1/4 NW 1/4 Sect 12 and SE 1/4 SW 1/4 Sect 1, T3N-R7E
under WL # 382-1 which belongs to him, he said that is correct.
He also said that the flume to transport water from west side of
the Elk Creek to the east of it is gone and not in use anymore.
He said he wld like to have his land and water right under
his name.

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: Ham - McFarlandADDRESS: Shurgis COUNTY MeadeDATE: 5/13/88 TELEPHONE 347-3153RE: Permit Cancellation

COMMENTS:

Called Mr. Gregor McFarland to inform him of the situation of the permit. He said he still irrigates approx 10 acres of land whenever water in Elk Creek is available. He said last time they had water in the Creek was about 10 yrs ago. I told Mr. McFarland that Mr. Fred McFarland wanted to have his part of his permit under his name, so we have to issue rest of the water right to your name. He said that was OK.

* Mr. Fred McFarland irrigates 24.3 acres with a priority date of March 1, 1901 - amount of water 0.34 CFS

Mr. Gregor McFarland irrigates 10 acres with a priority date of April 27, 1908 - amount of water 0.14 CFS

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.

LICENSE FOR PERMIT NUMBER 382-1

1. Legal location of wells: MA

dams & structures: NE 1/4 NW 1/4 Section 12, T3N-R7E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines: Irrigation ditch

a) size of lines 6 feet wide, 8 feet deep

b) type Earthen

c) length 4000 feet

A small concrete dam across Elk Creek backs up water so that it flows into the ditch.

Dam: 4 feet high, 7 feet wide.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

**DIVISION OF NO. 382-1
INTO 382A-1 AND 382B-1**

Based on transfers of ownership, Vested Water Right No. 382-1 is being divided and reissued to reflect separate ownership as follows:

No. 382A-1, Fred McFarland – irrigation of 24.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; all in T3N-R7E -- Priority date of March 1, 1901.

No. 382B-1, Gregor McFarland – irrigation of 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1-T3N-R7E – Priority date of April 27, 1908.

On September 10, 1982, the Water Management Board validated Nos. 382A-1 and 382B-1. The water rights were validated for the actual amount applied to beneficial use, based on a May 6, 1988 investigation of the systems.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

SEP 23 1998

Fred McFarland
Box 2110
Rapid City SD 57709

Gregor McFarland
HC 75 Box 324
Sturgis SD 57785

Dear Sirs:

Enclosed are your water licenses, vested water right validations, and receipt for the Notice of Transfer payment. Based on transfers of ownership, Vested Water Right No. 382-1 was divided and reissued to reflect separate ownership as follows:

No. 382A-1, Fred McFarland -- irrigation of 24.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; all in T3N-R7E -- Priority date of March 1, 1901.

No. 382B-1, Gregor McFarland -- irrigation of 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1-T3N-R7E -- Priority date of April 27, 1908.

As long as the water is used beneficially as stated in Water License No. 382A-1 and 382B-1, South Dakota Water Laws provide that you have continuing right to the use of the water.

If you have any questions, please contact this office.

Very truly yours,

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

ks

enclosures