

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

July 18, 1990

382A-1

Ed McFarland
RR #12 Box 450
Rapid City, SD 57701

Dear Mr. McFarland:

Enclosed is the "Notice of Transfer of Ownership" you submitted for Water Right No. 382A-1. Since the time the form was originally sent to you for completion, we have changed the contents of the transfer form. I am enclosing a new form for your review.

Please complete the "Notice of Transfer" and return it to our office with a required filing fee of \$2.50. Upon receipt of the completed form and filing fee, Water Right No. 382A-1 will be transferred to your name.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

382A-1
No. _____

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

Date: Aug 27 1990

I/We request that Water Permit/Right No. 382A-1

formerly owned by: Ham & McFarland

be transferred to: (name & address) Fred McFarland, Rt. 44, Box 450, Rapid City SD 57701

(telephone No.) (605) 343-5535

Title to the following described land(s)/property has been transferred as described above:
NE 1/4 NW 1/4 Section 12; SE 1/4 SW 1/4 Section 1, T3N, R7E

I/We understand that the validity of Water Permit/Right No. 382A-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Meade)

I, Fred McFarland being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 27 day of August, 19 90.

JERRY CHAFFEE
NOTARY PUBLIC

My Commission Expires January 31, 1993

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



RECEIPT

412355

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, August 29

19 90

RECEIVED OF Fred McFarland, Box 2110, Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

for Inspecting Constructed Works confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____ Water Right No. 382A41

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

John Blitch / mia

Water Right No. 382A-1
Upper Cheyenne - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, May 6, 1988, made a thorough examination of the water use system constructed by Ham & McFarland, (original owner) Fred McFarland (present owner) of Water Right No. 382-1, bearing priority dates of 1893, 1901, 1903 and 1908 authorizing the diversion of 22.08 cubic feet of water per second (cfs) of waters of Elk Creek for irrigation purposes, in Meade County.

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

A. Works used to divert the water:

a dam - 4 feet high, 7 feet wide

B. Works used to transport water to place of use:

irrigation ditch - 6 feet wide, 8 feet deep

C. Works used to apply water to beneficial use:

gravity system

The system is in the following condition fair. The point of diversion is located approximately 1,500 feet east and 1,500 feet north of the west 1/4 corner of Section 12-T3N-R7E (NE 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 10+ cfs to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T3N-R7E	NE 1/4 NW 1/4 Section 12	3.5 acres
	SE 1/4 SW 1/4 Section 1	20.8 acres

comprising a total of 24.3 acres of land and the license should be issued for 0.34 cfs with a priority date of March 1, 1901.

Applicable permit qualifications have been complied with. Yes

Exceptions to compliance are: none

Investigated May 6, 1988 by Rassool Ahadi, Staff Engineer. Investigation report reviewed by:

Delvin D Brosz

Delvin D Brosz
 Natural Resources Engineer
 DENR, Water Rights Program

8-7-88
 date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 382A-1 FOR IRRIGATION

Date of Receipt of Claim March 19, 1959.

Date of Validation September 20, 1992.

The Water Management Board validated Vested Water Right Claim No. 382A-1 for irrigation purposes for Fred McFarland, Box 2110, Rapid City SD 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 382A-1 appropriates 0.34 cubic feet of water per second from Elk Creek to irrigate 24.3 acres. The point of diversion is located in the NE 1/4 NW 1/4 Section 12-T3N-R7E. The irrigated lands are located in the NE 1/4 NW 1/4 Section 12 and the SE 1/4 SW 1/4 Section 1; all in T3N-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 irrigated acre per year. The water is to be used during the following annual period: April 1 - November 30.
3. The priority date of the Vested Water Right is March 1, 1901.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 23 1998

date



STATE OF SOUTH DAKOTA
REISSUED VESTED WATER LICENSE NO. 382A-1
DIVISION OF NO. 382-1 INTO 382A-1 AND 382B-1

(1) Fran and McFarland, Piedmont SD were issued Vested Water License No. 382-1, April 7, 1959 for a water right to appropriate 22.08 cubic feet of water per second from Elk Creek, Meade County, South Dakota for irrigation purposes. Vested Water License No. 382-1, with priority dates of January 4, 1893, March 1, 1901, March 30, 1903 and April 27, 1908 was issued to Fran and McFarland with construction of the described water supply system completed and the application to beneficial use of said water completed.

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 20, 1992, 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.

(2) It is certified that the vested right holder is entitled to divert 0.34 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,500 feet east and 1,500 feet north from the west $\frac{1}{4}$ corner of Section 12-T3N-R7E (NE $\frac{1}{4}$ NW $\frac{1}{4}$).

The location of the irrigated acreage is:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12-T3N-R7E	3.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1-T3N-R7E	20.8 acres

Total 24.3 acres

(3) Pursuant to South Dakota Water Law 46-5-30.1 Fred McFarland, PO Box 2110, Rapid City SD 57709 the holder and/or owner of Vested Water Right No. 382A-1 is issued a license to appropriate water, the right to use 0.34 cubic feet of water per second from Elk Creek with a priority date of March 1, 1901 from the location specified in (2) of this license. The water to be used for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 382-1 and subject to South Dakota State Law.

John Hatch

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

SEP 23 1998

date



382
Horne McFarland

NOT TO SCALE

41 R 70.7

6.3
37.4

2.9

43.6

15.1

Gregor McFarland

36.0

5.3

20.8

Fred
McFarland

3-7

40 R

added

1500'

12

MZ Shad
Natural Resources
Engineer
5/6/88

3-7

Water Right Nos.