

No. 387-1Water Division No. 1

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

District Moreau River

APR 12 1958

STATE WATER RESOURCES COMMISSION
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 ~~BECKMAN~~ Donald & Nancy Turbiville
Postoffice address Harding, Buffalo, County Harding, 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) Name and address of director: _____

(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):
contract
(b) Cash on hand, & sufficient _____
(c) Treasury stock, \$ _____
(d) Bonds or notes issued, \$ _____
(e) Other resources, \$ Govt. cost-share

2. Name of diversion work Dewey Turbiville Irrigation Project No. 1
3. Amount of water claimed 0.87 cfs maximum allowable cubic feet per second
4. Source of water supply runoff
(1) 104 rods North and 156 rods East of SW corner
5. Location of point of diversion (2) 32 rods East and 8 rods South of NW corner
section 31 T 161 R _____ West _____
section 6 T 151 R 32 _____ on South _____ bank Harding County.
6. Annual period or periods during which water is to be used when available during annual period
7. To be used for:

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

- (a) Number of acres to be irrigated 58 acres.

- (b) Legal subdivisions to be irrigated see attachment

(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 (drinking, domestic, etc.) _____

II. ~~Stock watering, 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.

- (c) Amount claimed for engine cooling _____

- (d) Location of plants _____

- (e) Method of developing power _____

- (f) Point where water will be returned to stream _____

Map No. 335-1

8. Estimated cost of work:

(a) Head Canal \$ 60.00 Dike & (b) Pumping plant, \$
 (c) ~~Pumping~~ (d) Canal-earth, \$ 512.00 ~~rock~~ \$
 (e) Other structures 2 dams and 1 full \$ 512.00 Total \$

9. Description of diversion works:

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

2 dams, ditch and dike

II. Dimensions of works: (2) 8.2

(a) Dam: Height (1) 14.5 feet; length at bottom (1) 110 (2) 130 feet; length at top
 (1) 222 (2) 216 feet; thickness at bottom (1) 8.1 (2) 5.6 feet; thickness at top (1) 12 (2) 10
 feet; slope at front water face (1) 3:1 (2) 4:1; slope at back face 2:1
 material used in construction earth fill
 (b) Reservoir: Capacity when filled (1) 16 (2) 4 acre feet. Surface area at highwater
 mark (1) 4 (2) 2 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
(1) 0	2	4
5	4	16
(2) 0	2	4
	this dam has no tube, water flows through spillway	

(c)* Head gate: Width 1.5 feet; height 1.5 feet;Material cast iron(d) Canal: Total length 0.88 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>0.0</u> Mile	<u>1.5</u> feet	<u>4</u> feet	<u>10</u> feet	<u>5.28</u> feet
At <u>0.28</u> Mile	<u>1.0</u> feet	<u>10</u> feet	<u>16</u> feet	<u>5.28</u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions) where reductions in size are made.)

10. Time required for completion of work 5 years.11. Time required for complete application of water to the proposed beneficial use 4 years.12. Choice of newspaper for publication of notice of intention to appropriate Not Required— Vested Right

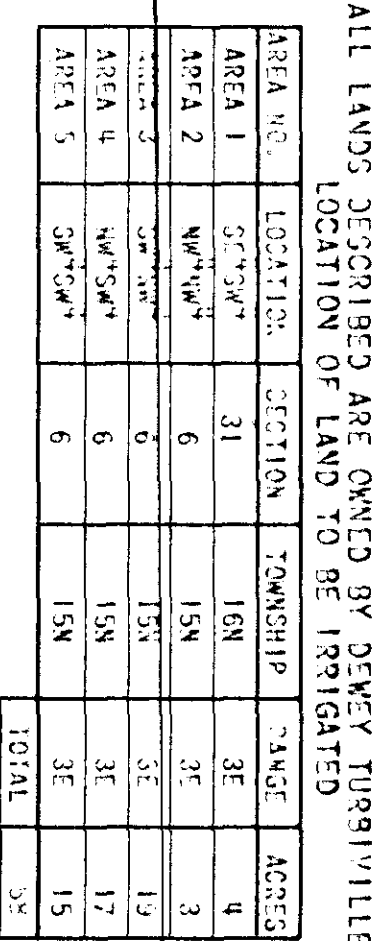
STATE OF SOUTH DAKOTA

County of Harding

ss.

I, Dennis Turbinville, 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 Dennis TurbinvilleSubscribed and sworn to before me this 17 day of April 1959Ralph Anderson
Notary Public (or other qualified officer.)



ALL LANDS DESCRIBED ARE OWNED BY DEWEY TURBIVILLE
LOCATION OF LAND TO BE IRRIGATED




Land to be irrigated Diversion ditch

SURVEYOR'S CERTIFICATE

1. Arthur K. Kern SO HEREBY CERTIFY THAT THIS
HAS IDENTIFIED A MATERIALLY ACCURATE RECORD OF THE LANDS
OF THE Dearys, Turberville Irrigation Project #1
AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE
FOR THE Shandin Co. SOIL CONSERVATION DISTRICT.

TITLE: Area Engineer

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

RECORDED AND INDEXED TO REPORT OF THIS 16th DAY OF January, 1959, A.D.

MY COMMISSION EXPIRES April, 1957.

Scale: 1" = 400'

DENEY TURBIVILLE
IRRIGATION PROJECT
NUMBER 1

Harding County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DATE		Approved by	Title
Designed			
Drawn			
Traced			
Checked			

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

Vested Right claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 11, 1959

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

a.m. upon the 18 day of April, 1959

State Water Resources Commission

By:

John Buines

Chief Engineer, Executive Officer

Vested Right Permit
Number of permit 387-1

Date of first receipt of application

April 18, 1959

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

Date of receipt of corrected application

0.05 c.f.s. from November 1953

Date from which applicant may claim right

0.7 c.f.s. from December 1954

Approved

May 11, 1959

Recorded in Book

5

Page

156

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

May 11, 1964

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

May 11, 1968

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 0.82 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 May 11, 1968; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

1

day of

July

, 1959

State Water Resources Commission

By:

John Buines

Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 5, 1965

Water License Issued

MAY 5, 1965

DEWEY TURBIVILLE

7(b)

Location	Section	Township	Range	Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31	16N	3E	4
Lot 4	6	15N	3E	3
Lot 5	6	15N	3E	19
Lot 6	6	15N	3E	17
Lot 7	6	15N	3E	<u>15</u>
			total	58

STATE OF SOUTH DAKOTA

WATER LICENSE No. 387-1

WHEREAS, On the 18th day of April A. D. 1959
Dawey Trbiville

of Harding County of Harding and State of
South Dakota duly made application (No. 387-1) to us for a permit to use .82
cubic feet per second of the waters of a dry draw

County of Harding, State of South Dakota, for irrigation
purposes, and

WHEREAS, On the 1st day of July A. D. 1959
Permit No. 387-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 11th day of
May A. D. 1964 and for the application to beneficial use of said
water on or before the 11th day of May A. D. 1968
and,

WHEREAS, On the 30th day of April A. D. 1965
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.3
cubic feet per second of said waters, as evidenced by our Certificate No. 387-1
dated May 5, 1965 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.3 cubic feet per second of water, with date of
priority of November 1953 and December 1954 and,

WHEREAS, On the 30th day of April A. D. 1965
proof was duly made of the application to beneficial use of .39 cubic feet per second of said water;
for irrigating 26 acres in the W $\frac{1}{2}$ W $\frac{1}{2}$, Section 6, T15N, R3E

DATE MICROFILMED

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 Dewey Turbiville

of Harding the holder and owner of said permit No. 387-1

a water right, dating from November 1953 and December 1954 to the use of .39

cubic feet per second of the waters of a dry draw

in the County of Harding and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point 104 rods N and 156 rods

E of the SW corner, Section 3, T16N, R3E, and a point 32 rods E and 8 rods S of

the NW corner, Section 6, T15N, R3E and conducted to and upon a portion of the NW 1/4 Section 6, T15N, R3E

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 5th day of May A. D. Nineteen
Hundred and Sixty-Five

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ C. I. S. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Area or Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 387-1Water Division No. 1 Moreau River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Dewey Turbivilleof Harding County of Harding, and State of South Dakotathe holder of Permit No. 387-1, Issued upon Application No. 387-1, bearing date of priority of November 1953 and December 1954, authorizing the diversion of1.82 cu. ft. per second of the waters of a dry drawCounty of Harding, State of South Dakota, at a point 164 rods E and 156 rods E of the SW corner, Section 31, T16N, R3E, and a point 32 rods E and 8 rods E of the NW corner, Section 6, T15N, R3E for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.3 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: All in Section 6, T15N, R3ENW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acresSW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 "NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 "SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 "Total - 26 "Witness my hand this 5th day of May A. D. 1965

State Water Resources Commission

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

Permit No. 387-1
MOREAUWater Division No. 1 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
19____, I have this day made a thorough examination of the diversion works constructed by _____DENEY TURBINVILLE of HARDING
HARDING County, South Dakota, holder of Permit No. 387-1, Issued
upon Application No. 387-1, bearing date of priority of APRIL 18, 1959, authorizing the
diversion of 82 cu. ft. per second of the waters of a DRY DEAN for IRRIGATION
purposes. I have to report on the condition of the same as follows:The diversion works comprise: AMERICAN PUMP - FIG A-NE 4571, WITH
6" OUTLET & 3" INLET. POWERED BY FORD 600 TRACTOR.
PUMPS FROM TWO DAMS W/ APPROX 20 AC. FT STORAGE
INT. DITCHES WHERE WATER IS CARRIED TO 26 ACRES
OF LEVELLED LANDand the system is in the following condition: EXCELLENTThe point of diversion is located 104 RODS N & 156 RODS E OF THE SW CORNER,
SECTION 31, T16N, R3E, & 32 RODS E & 8 RODS S OF THE NW CORNER,
SECTION 6, T15N, R3EThe works are capable of diverting and conveying to the place of use 113 cu. ft. per second of water,
which is to be used for _____The legal subdivisions to be irrigated are: AS 26 ACRES IN THE W²W²,
SECTION 16, T15N, R3Ecomprising a total of 26 acres of land.

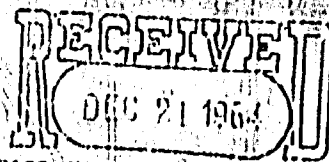
The domestic use intended comprises _____

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

Witness my hand, this 3TH day of APRIL, A.D. 1965

—SEAL—

Dustin J. Mico
Examining Engineer
OFFICER

Permit No. 387-1STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 30 days before the time set for completion of works

(P. C.)

Harding Co. Dak.

(Date)

Dec 15, 1964

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

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

through the 82 cu. ft. per second of the waters of the state from Dewey Turberville Irrigation Project #1
for irrigation purposes

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

1. The name of the person or corporation holding said permit is Dewey Turberville

2. The postoffice address of such person or the place of business of such corporation is Harding
County of Harding State of S. Dak.

3. The number of such permit is 387-1 and the date set for the completion of such work is June 1st - 1965

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 82 cubic feet per second.

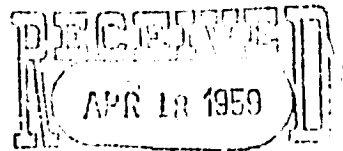
6. The amount of land for which said water is available is approx. 25 acres,
particularly described as follows: W 1/2 of NW 1/4 of Sec 6 T 15 R 3

S 1/2 of NW 1/4 of SW 1/4 of Sec 31 T 16 R 3

I hereby certify that the facts set forth in the above notice are true.

Dewey Turberville

(Signature of Owners)

Location No. 387-1Water Division No. 1Water District Moreau River

STATE WATER RESOURCES BOARD

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Dewey Turbiville, Harding County, Rancher, Harding, South 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. (1) 6/6/51 corrected in 1953 (2) 12/20/54

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

Ans. Dry Draws (1) 104 rods North and 156 rods East of SW cor. Sec. 31 T 16N R 3E
(2) 32 rods East and 8 rods South of NW cor. Sec. 6 T 15N R 3E

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(1) 14.5' high - 222' long - 18" tube 5' above bottom of dam Dam(2)
8.2' high - 216' long. 4670' of ditch and dike. Ditch, 4' to 10' bottom,
average depth 1.5' Dike, 6' top average fill 2.0'.

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. Irrigating --- Acres in

Location	Section	Township	Range	Acres
SE 1/4 SW 4	31	15N	3E	4
Lot 4	6	15N	3E	3
Lot 5	6	15N	3E	19
total				26

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. _____

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.

Dam(1) constructed 11/53 water use began 1954 Dam(2) constructed 12/54
water use began 1955. Water used for irrigating hay on 26 acres. Tube through
dam #1 will discharge maximum of 15.5 cfs.

(Sign) Dever T. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Buffalo, County of Harding
State of South Dakota, on this 17 day of April A. D. 1957.

X X } Witnesses. Ralph Anderson
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.

Kenneth Dunn
William T. Amick

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 _____

DATE RECORDED

OFFICE OF THE

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7525

PIERRE, August 4, 1986

RECEIVED OF Stephens, Quinn, Carr, Schetter & Buckmaster, 117 5th Avenue, Belle F., SD
the following amount in fees for services rendered as provided for by law:

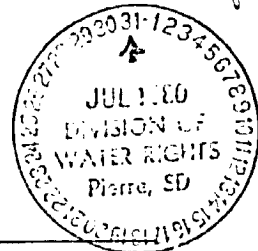
Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No _____		
Fee for filing _____ transfer of water right no. 137-1		2 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By *John Hatcher*
Chief Engineer, Executive Officer
JOHN HATCHER

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: June 25, 1980

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

Twp. 15 N, Rge. 3 E, B.H.M.,

Sec. 6: West Half of the West Half.

formerly owned by Dewey W. Turbiville

has been transferred to Donald H. Turbiville and Nancy Turbiville, as Joint Tenants
with right of survivorship. Beneficiary
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 387-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

ss.

County of Butte)

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

Dewey W. Turbiville
(Signed)
Dewey W. Turbiville

Subscribed and sworn to before me this 26 Day of June 19 80.

HARRY R. STEPHENS
Notary Public, BUTTE COUNTY, S. Dak.
My Commission Expires MARCH 4, 1981

Harry R. Stephens
(Notary Public)

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

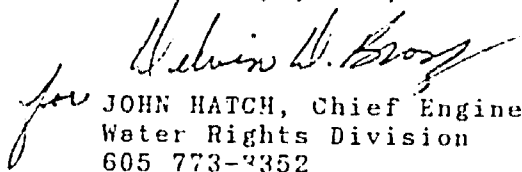
Donald & Nancy Turbiville
Buffalo SD 57720

Dear Mr. & Mrs. Turbiville:

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). 387-1 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.

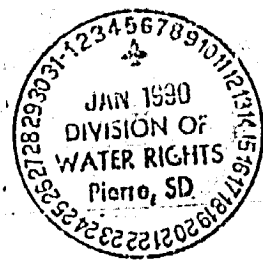
A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-9352



387-1



M. Gravel (handwritten)

Dear Sir,

We have never heard from your
office if we were granted our water
rights on vested Right No. 387-1. We
would like to know so that we can
have them.

Thank you.

Don McBride

4022 Box 132

Buffalo SD 57720

3-1-90

375-3681

Talked to Mrs. Turberville and told her that the vested right had
already been validated, I also told her that they will receive the

papers in near future.

MR McBride

387-1

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

I have this day made a thorough examination of the water use system constructed by Dewey Turbiville (X-owner)
Gerald and Nancy Turbiville-present owners of Buffalo SD 57720 holder of

Permit No. 387-1, bearing the priority of November 53
December 54 19 54 authorizing
the diversion of 0.39 cu. ft. per second of the waters of a dry draw
for irrigation purposes, in Harding County.

A dam, 18 acre-feet maximum capacity.

Irrigation Ditches, 3 feet wide, 2 feet deep.

Gravicy system of irrigation.

The system is in the following condition good

The point of diversion is located approximately 2558 feet east, 1700 feet north from the Southwest
corner of Section 31, T16N-R3E (NE 1/4 SW 1/4)

The works are capable of diverting and conveying to the place of use 0.4⁺
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

Section 6, T15N-R3E

S 1/4 NW 1/4 10.0 ac.

NW 1/4 SW 1/4 3.0 ac.

comprising a total of 21.0 acres of land and the license should be issued for 0.30 ts

Applicable permit qualifications have been complied with X Yes No

Exemptions to compliance are: _____ Date 6/7/89

(signature)

LICENSE FOR PERMIT NUMBER 387-1

1. Legal location of wells: NA

dams & structures: NE 1/4 Section 31, T16N-R3E

2. Well Information: Well Drilling Firm NA

Completion Report	Yes	No	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			
	e) turbine pump - no. of stages			
	f) operating PSI			

3. Distribution lines or canals

a) size 3 feet wide, 2 feet deep
b) type Earthen
c) length 1 mile

4. Dam Information:

a) height to crest <u>25 feet</u>	m) Outlet tubes:
b) height to primary spillway <u>20 feet</u>	1) diameter <u>24 inches</u>
c) height to secondary spillway <u>NA</u>	2) type <u>CHP</u>
d) crest width <u>15 feet</u>	3) valved (Y/N) <u>Yes</u>
e) crest length <u>120 feet</u>	4) valve type <u>Screw</u>
f) spillway length <u>50 feet</u>	5) location on structure
g) spillway width <u>6 feet</u>	<u>Middle-bottom</u>
h) approx. storage <u>14 acre-feet</u>	n) Category of Dam <u>3</u>
i) approx. storage to crest <u>18 acre-feet</u>	
j) date constructed <u>40's</u>	
k) inspection sheet completed (Y/N) <u>N</u>	
l) Name of Contractor <u>Private</u>	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___ NA ___		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u> ___		2. Special qualifications to permit being abide? by?
<u>X</u> ___		3. All structures, wells and lands on map?
___ NA ___		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___ <u>X</u> ___		5. Is chemigation used?
___ NA ___		6. If yes, does equipment comply with chemigation rules?

REMARKS:



387-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1992

Dr John Ismay
PO Box 396
Sturgis, SD 57785

Dear Dr Ismay:

Enclosed, as we discussed, are copies of Water Rights or Vested Right Claims for No. 387-1, Donald & Nancy Turbiville, No. 503-1, William T Leger; and No. 599-1 Philip & Joyce Burke. I don't believe the one for Burke's is in the area you were concerned with.

I was unable to find Vested Right No. 594-1 for Lloyd Fox. One of the Staff members may have it out for review. I will send a copy of it soon.

If you have any questions concerning the enclosed water rights, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

encl

3-27-92 - Sent copy of 594-1 to Dr. Ismay.



GREAT FACES. GREAT PLACES.

March 10, 1993

Donald & Nancy Turbiville
HC 66A, Box 122
Buffalo SD 57720

Dear Mr. and Mrs. Turbiville:

This letter is in response to our phone conversation on March 9, 1993, concerning the location of a diversion dam in the NW1/4 NW1/4 section 6 and the number of acres irrigated. You indicated that a dam is located in the NW1/4 corner of section 6 and that you wanted to review the irrigated area.

Enclosed is a copy of the original map filed with Vested Right Claim No. 387-1, two maps prepared by Rassool Ahadi, staff engineer. Water License No. 387-1, and a draft of the validation document. The total irrigated acreage, according to the on-site inspection, is 21 acres as outlined in red on the aerial photos. The irrigation ditch and storage dam are outlined in blue. The diversion rate on the draft validation document has been reduced from the licensed diversion rate of 0.39 cfs to 0.30 cfs based on the reduction in acreage from 26 acres to 21 acres. Statutes allow 1 cfs per each 70 acres irrigated; therefore, 21 acres divided by 70 equals 0.30 cfs. The qualification on the draft validation document does allow diversions in excess of 1 cfs per 70 acres during periods of flood flows.

Outlined in green are two areas which have been marked "NC" which I believe stands for "not cultivated." These green areas are labeled number "1" and "2" and are not counted as part of the 21 irrigated acres (red area). However, green area No. 1 is located within the irrigated area outlined on the original map. Green area No. 2 is not located within the irrigated area on the original map. If area No. 2 is being irrigated, then another claim will need to be filed to add those acres. Apparently Mr. Ahadi was informed that neither of the green areas are being irrigated.

Please review the enclosed maps and the draft validation document and let me know if you believe the information is accurate (605 773-3352). If modifications to the acreage are needed, we may need to make another inspection depending on the extent of your proposed changes.

Thank you for taking time to review this information.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enc.

Don called 3/24
He is working with
acreage correction. Sounds
like green area 1 extends
South is No. 2 (No. 2 is
not irrigated). Told me T.
that the total acreage is
21. We can issue the
validation.

ONMENT
IRCES

31-3181



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1993

Donald and Nancy Turbiville
HC 66A, Box 122
Buffalo SD 57720

Dear Mr. and Mrs. Turbiville:

This letter is in response to receipt of a returned aerial photo on April 22, 1993, outlining approximately 9 irrigated acres. Enclosed is a redrawn map showing in red the area currently covered by Vested Water License No. 387-1 and the 9 acre area (outlined in green) identified on the map you sent to us.

I have also enclosed a partially-completed vested water right application form. The application is to claim a vested right for the 9 acre area outlined in green. As noted in my earlier letter dated March 10, 1993, the area (3 acres) located in the NE1/4 NW1/4 section 6 was not included on the application for No. 387-1 and no reference is made on the water license for No. 387-1 for the area (6 acres) located in the SE1/4 SW1/4 section 31. Therefore, the 3 acre and 6 acre areas have been included on the enclosed vested right application. Vested Water Right Claim No. 387-1 will still cover the 21 acres outlined in red on the enclosed map.

The dam located in the NE1/4 NE1/4 section 6 is not included on this application because it appears the 9 acres can only receive water from the canal leading from the dam in section 31. Please carefully review the enclosed application forms and map. The application and affidavit of water use forms need to be signed in the presence of a notary public (complete any questions marked with a red check). In addition, the map will need to be reviewed and signed by either a South Dakota licensed land surveyor, a South Dakota registered professional engineer, or a government employee that works with maps (e.g. SCS staff, ASCS staff, or county extension agents are possibilities).

If you have any questions, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 387-1 FOR IRRIGATION

Date of Receipt of Claim April 18, 1959.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 387-1 for irrigation purposes for Donald and Nancy Turbiville, HC 66A, Box 122, Buffalo SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 387-1 appropriates 0.30 cubic feet of water per second from dry draws to irrigate 21 acres. The points of diversion are located in the NE1/4 SW1/4 section 31-T16N-R3E; NW1/4 NW1/4 section 6-T15N-R3E and the irrigated acreage is located in the SW1/4 NW1/4, NW1/4 SW1/4 section 6-T15N-R3E.
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. Water is to be used during the following annual period: January 1 - December 31.
3. The priority dates of the Vested Water Right are November 1, 1953 and December 1, 1954.
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.

QUALIFICATION

The diversion rate limitation of 1 cfs for each 70 acres irrigated shall not apply to this dry draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

NOV 14 1994
date

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CANYON OPERATOR SIGNATURE



387-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Donald and Nancy Turbiville
HC 66A, Box 122
Buffalo SD 57720

Dear Mr. & Mrs. Turbiville:

The Water Management Board has validated the enclosed Vested Water Right Nos. 387-1 and 1580-1. These validation gives legal status to the claims and are the final document for your vested right. Also, enclosed is Vested Right Water License No. 1580-1. The applicable portions of Vested Water Right No. 387-1 have been incorporated into Vested Water License No. 1580-1.

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

L

387-1 Turbville

T132



Dam-Diversion Point



Irrigation Ditch



Land Being Irrigated

NRD hand

Natural Resources Engineer

T132 6-13-89

T257

31

2558

Monton
B35

1700

16-3

15-3

NC

NC

6

3.0

Not Cultivated

43.6 H

T250

5-2

34

36



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 27, 2024

387-1

Ty & Siri Ollerich
11389 Dillon Rd
Buffalo SD 57720

Dear Mr. & Ms. Ollerich:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Vested Water Right No. 387-1 previously owned by Donald & Nancy Turbiville, is now listed under yourselves. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 387-1

Date: February 22, 2023

PAID

FEB 26 2024

Ck# 22673

Rec'd# 212625

I/We request that Water Right/Permit No. 387-1 formerly owned by:

Donald and Nancy Turbiville be transferred to:

New Owner: Ty Ollerich and Siri Ollerich

Address: 11389 Dillon Rd mobile: 605.595.7586

City, State, Zip Buffalo SD 57220 email: _____

Title to the following described land(s)/property has been transferred as described above:
See Attached Exhibit A

21 acres SW 1/4 NW 1/4 + NW 1/4 SW 1/4 Sec 6-15N-3E

☒ I understand that the validity of Water Right/Permit No. 387-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Ty Ollerich and Siri Ollerich, the new owner, certify that the above information is true and correct.

Ty Ollerich
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

FEB 26 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 26, 2024

RECEIVED OF Black Hills Title, Inc. for Ty/Siri Ollerich 11389 Dillon Rd., Buffalo SD 57720

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>387-1</u> _____	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
me