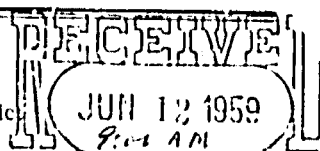


1. Considered _____, 19____
2. Name of Applicant _____
3. Post Office Address _____
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
Acres to be irrigated _____
7. Water to be diverted and used in _____ County about
_____ miles _____ of _____.
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks: _____

Water Division No. 1

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

District 1

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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

1. Name of applicant John J. Anderson
Postoffice address Rolla, Missouri, County Rolla, State Missouri

- 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)
By contract with the Missouri River Improvement Commission
- (b) Cash on hand, \$ _____
- (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____
- (e) Other resources, \$ _____

2. Name of diversion work Rolla River Diversion
3. Amount of water claimed 3.1 cubic feet per second
4. Source of water supply Rolla River
5. Location of point of diversion Rolla River on Rolla bank Rolla County.
6. Annual period or periods during which water is to be used Rolla River
7. To be used for.

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

- (a) Number of acres to be irrigated _____ acres

- (b) Legal subdivisions to be irrigated _____

(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 _____

342-1
Map No.

OTTO E. RICHSON
WATERSPREADING PROJECT, NO. 1
BUTTE COUNTY, SOUTH DAKOTA

POINTS OF DIVERSION

No.	BEARING	DISTANCE	SEC. CORNER
1	N 65° 30' W	212.0 Rods	4 (SE)
2	N 70° 00' W	143.0 Rods	4 (SE)
3	N 74° 30' W	131.2 Rods	4 (SE)
4	N 68° 15' W	74.0 Rods	4 (SE)
5	N 62° 00' W	64.0 Rods	1/4 (SE)
6	N 62° 00' W	34.0 Rods	4 (SE)
7	N 141° 00' E	35.2 Rods	10 (NW)
8	N 147° 30' E	30.0 Rods	10 (NW)
9	N 162° 00' E	38.0 Rods	10 (NW)
10	N 113° 30' W	216.0 Rods	10 (NE)
11	N 108° 45' W	166.0 Rods	10 (NE)
12	N 73° 30' W	58.0 Rods	3 (SE)
13	N 112° 00' E	164.0 Rods	11 (NW)
14	N 119° 00' E	232.0 Rods	11 (NW)
15	N 125° 00' E	232.0 Rods	11 (NW)
16	N 151° 30' E	163.2 Rods	11 (NE)

OTTO ERIKSON
WATERSPREADING PROJECT NO. 1
Butte County, South Dakota

LINE#	LOCATION	Section	Township	Area	Work Completed	Feet	
1	NE SW	4	12 N	3 E	July 1951	4.0	
2	SE SW	4	12 N	3 E	Aug 1956	3.2	
3	SW SE	4	12 N	3 E	Aug 1956	10.5	
4	SE SE	4	12 N	3 E	Aug 1956	12.2	
5	SW SW	3	12 N	3 E	Aug 1956	3.3	
6	SW SE	3	12 N	3 E	June 1959	0.4	
7	SE SE	3	12 N	3 E	June 1959	9.1	
8	SW SW	2	12 N	3 E	New	0.7	
9	NE NE	9	12 N	3 E	Aug 1956	0.1	
10	NW NW	10	12 N	3 E	Aug 1956	14.4	
11	NE NW	10	12 N	3 E	Aug 1956	18.9	
12	NW NE	10	12 N	3 E	June 1959	26.5	
13	NE NE	10	12 N	3 E	June 1959	17.5	
14	NW NW	11	12 N	3 E	New	12.3	
15	NE NW	11	12 N	3 E	New	1.2	
16	NW NE	11	12 N	3 E	Sept 1948	9.3	
17	NE NE	11	12 N	3 E	Sept 1948	4.9	
18	SW NW	10	12 N	3 E	Aug 1952	5.3	
19	SE NW	10	12 N	3 E	Aug 1956	5.7	
20	SW NE	10	12 N	3 E	June 1959	0.8	
21	SW NW	11	12 N	3 E	New	0.5	
22	SE NW	11	12 N	3 E	New	8.0	
23	SW NE	11	12 N	3 E	Sept 1948	19.9	
24	SE NE	11	12 N	3 E	Sept 1948	20.6	
25	NE SE	11	12 N	3 E	Sept 1951	2.2	TOTAL
							215.7 ft.

8. Estimated cost of work:

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

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----

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

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

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

(d) Canal: Total length ----- miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

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

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

STATE OF SOUTH DAKOTA
 County of ----- } ss.

_____, 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 _____ day of _____ 19____

 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Tested Right Claimed on 135.7 acres at 1.958 cfs

Your use of the water under this permit is contingent
upon supplies being available to senior water rights

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota,

October 12, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
A.m. upon the 12th day of June, 1959.

State Water Resources Commission

By:

Joe L. Minner
Chief Engineer, Executive Officer

Number of permit 395-1

Date of first receipt of application June 12, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application Sept 14 1959, 1.25 cfs; July 1951, .054 cfs; Aug 1952, .075 cfs;

Date from which applicant may claim right Sept 1954, 1.25 cfs; Aug 1956, 1.148 cfs; June 12, 1959, 1.142 cfs.

Approved October 7, 1959, Recorded in Book 5 Page 244

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 April 7, 1961

2nd. The whole of said work is to be completed on or before October 7, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 7, 1963

4th. The water appropriated shall be used for the purpose of irrigation & stock watering

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 3.08 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 October 7, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 27th day of October, 1959

State Water Resources Commission

By:

Joe L. Minner
Chief Engineer, Executive Officer

Certificate of Construction Issued

June 8, 1964

Water License Issued

June 8, 1964

U.S. 1-7-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PRESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILMING AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILMING. REPRODUCTION. REDUCTION 25X ROLL NO. 5 DATE MICROFILMED 3-9-82 BY Henry H. H. OPERATOR

STATE OF SOUTH DAKOTA

WATER LICENSE No. 395-1

WHEREAS, On the 12th day of June A. D. 1959
Otto Ericson

of Belle Fourche County of Butte and State of
South Dakota duly made application (No. 395-1) to us for a permit to use 3.08
cubic feet per second of the waters of Antelope Creek
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 22nd day of October A. D. 1959
Permit No. 395-1 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 7th day of
October A. D. 1962 and for the application to beneficial use of said
water on or before the 7th day of October A. D. 1963
and,

WHEREAS, On the 21st day of August A. D. 1963
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 3.08
cubic feet per second of said waters, as evidenced by our Certificate No. 395-1
dated June 8, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.08 cubic feet per second of water, with date of
priority of Sept. 1948, July 1951, Aug. 1952, Sept. 1954, Aug. 1956 and June 12, 1959
and,

WHEREAS, On the 21st day of August A. D. 1963
proof was duly made of the application to beneficial use of 3.08 cubic feet per second of said water;
for irrigating 215.7 acres in portions of Sections 2, 3, 4, 10, 11 and 12, T12N, R3E

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 Otto Ericson

of Belle Fourche the holder and owner of said permit No. 395-1
Aug. 1956 & June 12, 1955
a water right, dating from Sept. 1948, July 1951, Aug. 1952, Sept. 1954, to the use of 3.08

cubic feet per second of the waters of Antelope Creek

In the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted between a point in the NE 1/4 SW 1/4,
Section 4, and a point in the SE 1/4 NE 1/4, Section 11, all in T12N, R3E

and conducted to and upon portions of Sections 2, 3, 4, 10, 11, and 12, T12N, R3E, more
specifically described in the Certificate of Completion of Works

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 8th day of June A. D. Nineteen
Hundred and Sixty-Four

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't _____ C. I. S. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 395-1Water Division No. 1 Moroau River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Otto Ericson

of Belle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 395-1, issued upon Application No. 395-1, bearing date of priority of Sept. 1948, July 1951, Aug. 1952, Sept. 1954, Aug. 1956 & June 12, 1959, authorizing the diversion of 3.08 cu. ft. per second of the waters of Antelope Creek

County of Butte, State of South Dakota, ~~between a point in the~~
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, and a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, all in T12N, R3E
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 3.08 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: all in T12N, R3E

Section 2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ CC	0.7 acres	Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$ BB	17.3 acres
Section 3	SW $\frac{1}{4}$ SW $\frac{1}{4}$ CC	3.3 "		NE $\frac{1}{4}$ NW $\frac{1}{4}$ BB	1.2 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ DC	0.4 "		NW $\frac{1}{4}$ NE $\frac{1}{4}$ BB	9.3 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ DD	7.1 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$ AA	4.9 "
Section 4	NE $\frac{1}{4}$ SW $\frac{1}{4}$ CA	4.0 "		SW $\frac{1}{4}$ NW $\frac{1}{4}$ BB	0.5 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ CB	3.2 "		SE $\frac{1}{4}$ NW $\frac{1}{4}$ DD	8.0 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ DC	10.5 "		SW $\frac{1}{4}$ NE $\frac{1}{4}$ AC	19.9 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ DD	12.2 "		SE $\frac{1}{4}$ NE $\frac{1}{4}$ DD	20.6 "
Section 10	NW $\frac{1}{4}$ NW $\frac{1}{4}$ BB	14.4 "		NE $\frac{1}{4}$ SE $\frac{1}{4}$ DA	2.2 "
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ BA	18.9 "		Total	- 215.7 "
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ AB	26.5 "			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ AA	17.5 "			
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ BC	5.3 "			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ BD	6.9 "			
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ AC	0.8 "			
Section 9	NE $\frac{1}{4}$ NE $\frac{1}{4}$ AA	0.1 "			

Witness my hand this 8th day of June A. D. 1964

State Water Resources Commission

By:

J. W. ORIMES

Chief Engineer, Executive Officer

DATE MICROFILMED

OFFICE OF THE

Permit No. 395-1Water Division No. Nebraska Water District Lincoln

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sir: I hereby certify that in accordance with your letter of authorization dated _____

I have this day made a thorough examination of the diversion works constructed by _____

Otto Ericson

of _____

ButteCounty, South Dakota, holder of Permit No. 395-1

Issued

upon Application No. 395-1 bearing date of prior Sept. 1946, 531 C.F.S., July 1951, 524 C.F.S., Aug. 1952, 573 C.F.S.,diversion of 3.08 cu. ft. per second of the waters of Antelope Creek for Irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Reservoir dam 10' high, 500' long @ bet. 450' long @ top, 20' thick @ bet. 12' thick @ top. Capacity when filled 50 ac-ft. Surface area @ high water mark 19.4 acres. 16 small spreader diversion dams or plugs. Spreader ditches - 8, 116'. Spreader dikes - 5, 850'. See map # 342-1 for greater detail. Diversion dams (plugs) avg. 10' high 10' across top & 100-200' long.

and the system is in the following condition: Good

The point of diversion is located See attached sheets for list of diversion pointsThe works are capable of diverting and conveying to the place of use 3.08 cu. ft. per second of water, which is to be used for IrrigationThe legal sub-divisions to be irrigated are: See attached sheetscomprising a total of 215.7 acres of land.The domestic use intended comprises Stock Watering

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

Witness my hand, this 21 day of Aug, A. D. 1963

-SEAL-

William H. Miller

Examining Engineer

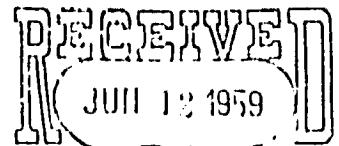
Otto Ericson
Waterspreading Project No. 1
Butte County, South Dakota

POINTS OF DIVERSION

<u>No.</u>	<u>Bearing</u>	<u>Distance</u>	<u>Sec. Corner</u>
1	N 66° 30' W	212.0 Rods	4 (SE)
2	N 70° 00' W	148.0 "	4 (SE)
3	N 74° 30' W	131.2 "	4 (SE)
4	N 68° 15' W	74.0 "	4 (SE)
5	N 62° 00' W	64.0 "	4 (SE)
6	N 62° 00' W	32.0 "	4 (SE)
7	N 141° 00' E	35.2 "	10 (NW)
8	N 149° 30' E	80.0 "	10 (NW)
9	N 160° 00' E	88.0 "	10 (NW)
10	N 113° 30' W	216.0 "	10 (NE)
11	N 108° 45' W	166.0 "	10 (NE)
12	N 73° 30' W	58.0 "	3 (SE)
13	N 112° 00' E	164.0 "	11 (NW)
14	N 119° 00' E	232.0 "	11 (NW)
15	N 125° 00' E	232.0 "	11 (NW)
16	N 154° 30' E	163.2 "	11 (NE)

Otto Ericson
Waterspreading Project No. 1
Butte County, South Dakota

<u>Area</u>	<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Work Completed</u>	<u>Acres</u>
1	NESW	4	12 N	3 E	July 1951	4.0
2	SE SW	4	12 N	3 E	Aug 1956	3.2
3	SW SE	4	12 N	3 E	Aug 1956	10.5
4	SE SE	4	12 N	3 E	Aug 1956	12.2
5	SW SW	3	12 N	3 E	Aug 1956	3.3
6	SW SE	3	12 N	3 E	June 1959	0.4
7	SE SE	3	12 N	3 E	June 1959	7.1
8	SW SW	2	12 N	3 E	New	0.7
9	NE NE	9	12 N	3 E	Aug 1956	0.1
10	NW NW	10	12 N	3 E	Aug 1956	14.4
11	NE NW	10	12 N	3 E	Aug 1956	18.9
12	NW NE	10	12 N	3 E	June 1959	26.5
13	NE NW	10	12 N	3 E	June 1959	17.5
14	NW NW	11	12 N	3 E	New	17.3
15	NE NW	11	12 N	3 E	New	1.2
16	NW NE	11	12 N	3 E	Sept 1948	9.3
17	NE NE	11	12 N	3 E	Sept. 1948	4.9
18	SW NW	10	12 N	3 E	Aug 1952	5.3
19	SE NW	10	12 N	3 E	Aug 1956	6.9
20	SW NE	10	12 N	3 E	June 1959	0.8
21	SW NW	11	12 N	3 E	New	0.5
22	SE NW	11	12 N	3 E	New	8.0
23	SW NE	11	12 N	3 E	Sept 1948	19.9
24	SE NE	11	12 N	3 E	Sept 1948	20.6
25	NE SE	11	12 N	3 E	Sept 1954	2.2
Total						215.7

Location No. 375-1Water Division No. 1Bureau
River 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. 375-1 375-1 375-1 375-1 375-1

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. NONE

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

Ans. 11-1-1948

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

Ans. Some locations as on Application Form R

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. Some locations as on Application Form R

Ques. 6. For what purpose water is used and describe place of use. (If for irrigation, name each subdivision, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Some locations as on Application Form R

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

Ans. Some locations as on Application Form R

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

Ans. Necessary for Proprietary of Use

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. Some locations as on Application Form R

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

Ans.

(Sign)

Otto Ericson

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 Belle Fourche, County of Lincoln

State of South Dakota, on this 10 day of June A. D. 1959

Witnesses.

Notary Public

My commission expires March 1, 1960

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.

Robert D. Beal
John H. Middleton

Location No.

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water c. f. s.

Source

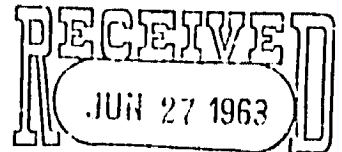
County

Purpose

Place of Use

Date of recording

Received and filed

Permit No. 395-1Water Division No. 1 Moreau River Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Belle Fourche, S. Dak.(Date) June 3, 1963

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 3.08 cu. ft. per second of the waters of the state from Antelope Creek through the Ericson Waterspreading Project No. 1 for irrigation and stockwater purposes

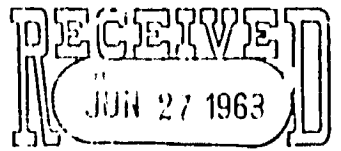
In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Otto Ericson
2. The postoffice address of such person or the place of business of such corporation is Belle Fourche County of Butte State of South Dakota
3. The number of such permit is 395-1 and the date set for the completion of such work is October 7, 1962
4. Said water to be used for irrigation and stockwater 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 3.08 cubic feet per second.
6. The amount of land for which said water is available is See Map acres, particularly described as follows: See Map

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

Otto Ericson

(Signature of Owners)

Permit No. 395-1Water Division No. 1Water District moreau RiverSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

Belle Fourche

(Date)

June-3-1963

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
1963, at Belle Fourche County of Butte State of South Dakota,
before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
of 3.08 cubic feet per second of the waters of Antelope Creek
In accordance with the terms and conditions of Permit No. 395-1
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Otto Ericson, Belle Fourche, S. Dak.2. The use to which said water has been applied is irrigation and stockwater3. The amount applied to beneficial use is 3.08 cfs4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) See map

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

Ericson Waterspreading Project No. 1,6. The right to take the water from such works is based upon permit No. 395-17. The source of supply from which such water is diverted is Antelope Creek8. The date of priority which said user is prepared to establish is As listed in Permit.

(Sign)

O. Ericson

Priority Dates W/R C³ 95-1

Sept 1948 .531 cfs 37.2 ac

July 1951 .059 cfs 4.0 ac

Aug 1952 .075 cfs 5.3 ac

Sept 1954 .125 cfs 8.8 ac

Aug 1956 1.141 cfs 80.4 ac

June 12, 1959 1.142 cfs 80.0 ac

3.08 cfs. 215.7 ac

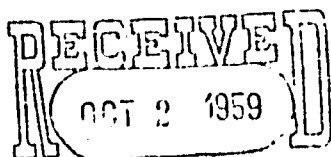
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Belle Fourche } ss.Lawrence Waples being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Belle Fourche Rev a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Belle

and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Sept. 10, 1959
Sept. 17, 1959
Sept. 24, 1959
Oct. 1, 1959in each and every issue of the full number thereof, the first publication being made on the 10th day of Sept1959 and the last publication on the 1st day ofOctober 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Lawrence Waples the printer and publisher of the said newspaper.Subscribed and sworn to before me this 1st day of October A. D. 1959STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

No. 395-1

Office of State Water
Resources Commission
Pierre, S. Dak.,
September 1, 1959

Notice is hereby given that Otto Ericson whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota or a combination Vested Right and New permit to appropriate for beneficial use 3.1 cubic feet of water per second of time from Antelope Creek through the Otto Ericson Waterspreading Project No. 1. the points of diversion of which are to be located on both banks of said stream, at one point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and five points in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; four points in the NW $\frac{1}{4}$, Sec. 10; one point in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and three points in the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11 all in T 12N, R 3E. Provision for storage is to be located in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2; the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11 all in T 12N, R 3E. Said water to be used for the purpose of providing irrigation on parts of the following described land:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; S $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$, Sec. 10; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 11 all in T 12N, R 3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission,

By Les Wyborny,
Water Rights Engr.
B41 9/10-17-24 10/1

Notary Public Belle County, S. D.

Notary Public, Belle County, So. Dak.
My Commission Expires Sept. 22, 1963

(First Publication before September 11, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak., September 1, 1959

Notice is hereby given that Otto Ericson whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a combination Wasted Right and New permit to appropriate for beneficial use 3.1 cubic feet of water per second of time from Antelope Creek through the Otto Ericson Waterspreading Project No. 1, the points of diversion of which are to be located on both banks of said stream, at one point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and five points in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; four points in the NW $\frac{1}{4}$ and two points in the NE $\frac{1}{4}$, Sec. 10; one point in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and three points in the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11 all in T 12 N, R 3 E. Provision for storage is to be located in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2; the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11 all in T 12 N, R 3 E. Said water to be used for the purpose of providing irrigation on parts of the following described land:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 2; S $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; S $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 9; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$, Sec. 10; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 11 all in T 12 N, R 3 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October 1959, at 2:00 PM. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: Las Wyborny, Water Rights Engr.

cc Lawrence Weyler, Publisher
The Belle Fourche Bee
Belle Fourche, South Dakota

September 3, 1959

Mr. Otto Ericson
Belle Fourche, South Dakota

Dear Mr. Ericson:

You are hereby notified that your Irrigation application No. 395-1 for a permit to appropriate water from Antelope Creek through the Ericson Waterspreading Project No. 1 has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. You are now instructed to publish a notice of your intentions in relation to this proposed appropriation once a week for four consecutive weeks in some paper of general circulation in the locality of the stream system in which the works are to be located, in accordance with Section 61.0112 of Chapter 430 of the Session Laws of 1955.

A notice is enclosed herewith, which you are directed to publish in the Belle Fourche Bee printed at Belle Fourche, South Dakota in compliance with law, you making the necessary arrangements with the publisher as indicated in the letter to him, also enclosed.

The proof of publication, also sent herewith, must be filed in the Water Commission office on or before October 3, 1959. In case of failure to file satisfactory proof within the time stated your application will thereafter be treated as an original application filed on the date of receipt of proof of publication in proper form. It is to your interest, therefore, to see that the proof is promptly returned.

Since a portion of your project was and/or is to be developed after July 1, 1957 (part in June 1959 and part yet to be developed) we must consider this as a combination "Vested Right" and New Application. It will definitely be to your advantage to handle the application in this manner since you have considerable storage, a number

Otto Ericson

2

September 3, 1959

of priority dates and an extensive project. The details have been discussed with Mr. Hamelstrom of your local SCS office and he said he would contact you in the near future.

Sincerely,

Les Wyborny
Water Rights Engineer

Enc: Form 8, 10 & 11

cc Form 9

DRILL RECORD FOR BUTTE COUNTY, CALIFORNIA

LINE	LOCATION	DEPTH IN FEET	DIAMETER IN INCHES	DATE	REMARKS
1	NE SW	4	12 N	JULY 1951	4.0
2	SE SW	4	12 N	Aug. 1956	3.2
3	SW SE	4	12 N	Aug. 1956	10.5
4	SE SE	4	12 N	Aug. 1956	12.2
5	SW SW	3	12 N	Aug. 1956	3.3
6	SW SE	3	12 N	Aug. 1956	0.4
7	SE SE	3	12 N	JUNE 1959	9.1
8	SW SW	2	12 N	JUNE 1959	0.7
9	NE NE	2	12 N	Aug. 1956	0.1
10	NW NW	10	12 N	Aug. 1956	14.4
11	NE NW	10	12 N	Aug. 1956	3.8
12	NW NE	10	12 N	JUNE 1959	3.5
13	NE NE	10	12 N	JUNE 1959	12.5
14	NW NW	11	12 N	Aug. 1956	12.3
15	NE NW	11	12 N	SEPT. 1948	1.2
16	SW NE	11	12 N	SEPT. 1948	9.3
17	NE NE	11	12 N	JUNE 1959	4.7
18	SW NW	10	12 N	Aug. 1952	3.3
19	SE NW	10	12 N	Aug. 1956	0.7
20	SW NE	10	12 N	Aug. 1956	0.3
21	SW NW	1	12 N	Aug. 1956	0.3
22	SE NW	1	12 N	Aug. 1956	0.0
23	SW NE	11	12 N	Aug. 1956	19.4
24	SE NE	11	12 N	Sept. 1954	2.6
25	NE SE	1	12 N	Aug. 1956	2.2
					TOTAL
					215.9

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

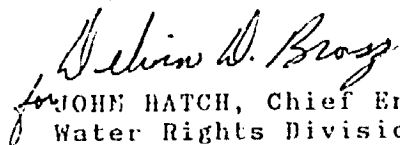
Otto Erickson
RR 1
Belle Fourche SD 57717

Dear Mr. Erickson:

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). 395-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

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

Very truly yours,


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



 **Department of
Water & Natural Resources**

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

September 23, 1988

395-1

NOTICE

Dan Connor
HC 64, Box 48
Belle Fourche, SD 57717

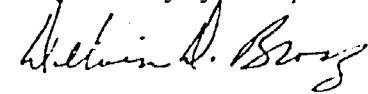
Dear Mr Connor

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 Water Right Claim No. 395-1, 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 the vested water right claim.

Enclosed is a partially completed "Notice of Transfer" for use in filing a change of ownership on Vested Water Right Claim No. 395-1, currently listed in the name of Otto Erickson. Please complete the form and sign in the presence of a notary. Upon completion of the form, please return it to our office with a required filing fee of \$2.50.

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,


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

enclosure





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2191

December 1, 1988

Vested Water Right
Claim No. 395-1

Otto Erickson
RR 1
Belle Fourche SD 57717

Dear Mr. Erickson:

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

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

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DVNR
Conversation or File Documentation

File No. 395-1

NAME OF PERSON OR FILE: Daniel Conner

ADDRESS: HC 64, Box 48, Belle Fourche, SD 57717 COUNTY Bulke

DATE: 5/5/89 TELEPHONE 892-4220

RE: Vested Right inspection

COMMENTS:

On Thursday, April 20, 1989, Vested Right # 395-1 was
inspected. Accompanied by Mr. Conner, I drove around inspected every
dyke and spreader in the area. It seemed that the land irrigated was
the same as plotted on the map # 342-1 for Application No. 395-1.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: MTA Mad

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:
215.7 acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2; SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3; E $\frac{1}{2}$ SW $\frac{1}{4}$,

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4; portions of N $\frac{1}{2}$ Section 10; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; N $\frac{1}{2}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, all in T12N, R3E

formerly owned by Otto Erickson

has been transferred to DANIEL CONNER HOGAN B.O. 49 BELL F.O.

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 395-1 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 Div. of Water Rights, Water Management Board 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)
County of Butte) ss.

I, Daniel Conner 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.

Daniel Conner
(Signed)

Subscribed and sworn to before me this 19th Day of January, 1989.

Nelvia Olson
(Notary Public)

My commission expires
April 8, 1990

WNR-820-9/83
Notice of Transfer of Water Permit



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

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

January 30, 1989

395-1

Daniel Conner
HC 64, Box 48
Belle Fourche SD 57717

Dear Mr. Conner:

I am contacting you in regard to the "Notice of Transfer" you submitted for filing an ownership change on Vested Water Right Claim No. 395-1. The form was completed properly; however, can not be recorded without the required \$2.50 filing fee.

Please remit \$2.50 as soon as possible. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411653

Pierre, March 2, 1980

RECEIVED OF Daniel Conner, KC 64, Box 25, Belle Fourche, SD 57717

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.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 395-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch/mra



Department of Water & Natural Resources

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

March 16, 1989

Daniel Conner
HC 64, Box 48
Belle Fourche, SD 57717

Dear Mr. Conner:

Enclosed is Receipt No. 411658 in the amount of \$2.50 which you paid for transfer of Water Right No.395-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

Marie R. Arthur
Secretary
Water Rights Division

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 395-1
FOR IRRIGATION

Date Claim Accepted For Filing June 12, 1959.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 395-1 for irrigation purposes for Daniel Conner, HC 64, Box 48, Belle Fourche, South Dakota 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 395-1 appropriates 0.79 cubic feet of water per second(cfs) from Antelope Creek to irrigate 55.3 acres. The point of diversion is located between and including the NE 1/4 SW 1/4, Section 4 and the SE 1/4 NE 1/4, Section 11; all in T12N, R3E. The irrigated acres are located in portions of Sections 2, 3, 4, 9, 10 and 11, T12N, 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 year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - October 31.
3. The priority dates of the Vested Water Right are September 1, 1948 - 0.531 cfs - 37.2 acres; July 1, 1951 - 0.059 cfs - 4.0 acres; August 1, 1951 - 0.075 cfs - 5.3 acres; September 1, 1954 - 0.125 cfs - 8.8 acres.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Hatched
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date



Department of Water & Natural Resources

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

March 28, 1991

Daniel Conner
HC 64, Box 48
Belle Fourche SD 57717

Dear Mr. Conner:

The Water Management Board has validated the enclosed Vested Water Right No. 395-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosure

395-1



United States Department of the Interior



BUREAU OF RECLAMATION

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



WTR 4-16
BF-439

AUG 18 1993

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

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

Dear Mr. Hatch,

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

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

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

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

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