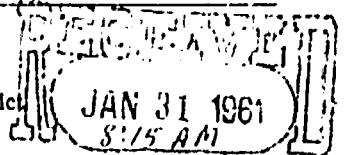


No. 527-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

VESTED RIGHT STATE WATER RESOURCES DEPT. SIOUX FALLS, 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 Edgar HarringtonPostoffice address Piedmont, County Meade, State So. Dak.I. If a corporation NO

(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)

Work Completed.

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Edgar Harrington Irrigation Project3. Amount of water claimed 808.35 acre feet cubic feet per second 3.85 cu. ft. / sec.4. Source of water supply Antelope Creek and dry draws.5. Location of point of diversion Section 21 on Antelope Creek and tributaries thereof_____ on _____ bank Meade County.6. Annual period or periods during which water is to be used March through Nov. 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 269.45 acres.(b) Legal subdivisions to be irrigated See remarks section.

(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.) None~~XXXXXX~~ ing, mining, milling, power, fish culture, fire protection and public recreation:(a) Nature of use None

Name any of the above uses claimed

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

Map No 445-1

8. Estimated cost of work: **Work completed.**

(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.)

Plugs and Spreader Dikes.

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	FEET	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 **Q (completed)** years.

11. Time required for complete application of water to the proposed beneficial use **Q** years. **completed**

12. Choice of newspaper for publication of notice of intention to appropriate **Sturgis Tribune**
Sturgis, South Dakota

STATE OF SOUTH DAKOTA

County of **Meade**

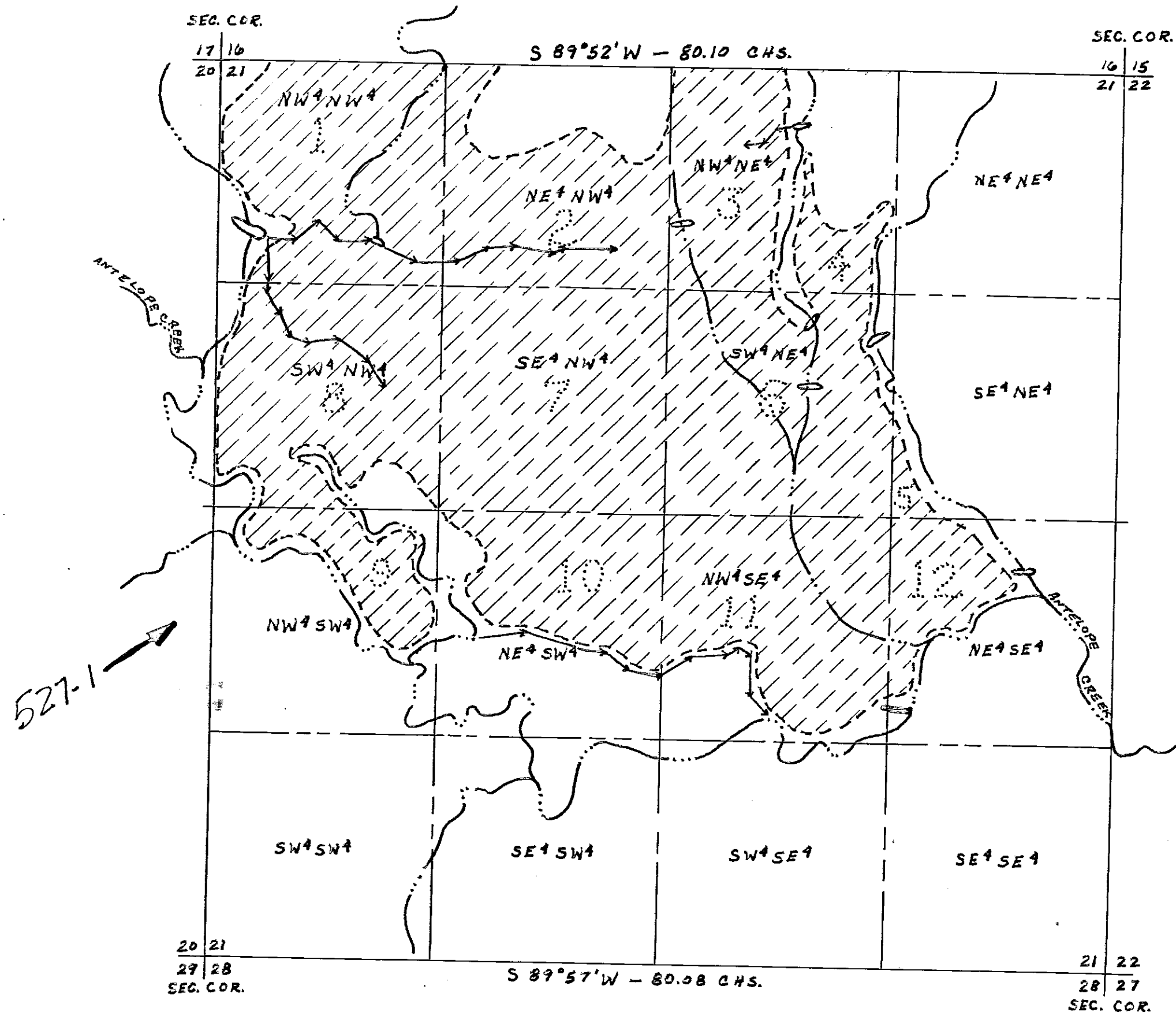
I, **Edgar Harrington**, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed **Edgar Harrington**

Subscribed and sworn to before me this **22** day of **Dec** 19**60**

James B. Henry
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Scale: 8.1" = 1 MILE
(TAKEN FROM AERIAL PHOTO.)

LEGEND

SEC. LINE
1/4 LINE
1/8 LINE
DIKES
IRRIGABLE AREA
PLUGS

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	AREA
1	NW 1/4 NW 1/4	21	4N	8E	34.77
2	NE 1/4 NW 1/4	21	4N	8E	27.16
3	NW 1/4 NE 1/4	21	4N	8E	19.36
4	NW 1/4 NE 1/4	21	4N	8E	5.14
5	SE 1/4 NE 1/4	21	4N	8E	1.48
6	SW 1/4 NE 1/4	21	4N	8E	37.83
7	SE 1/4 NE 1/4	21	4N	8E	40.00
8	SW 1/4 NW 1/4	21	4N	8E	33.98
9	NW 1/4 SW 1/4	21	4N	8E	8.89
10	NE 1/4 SW 1/4	21	4N	8E	19.56
11	NW 1/4 SE 1/4	21	4N	8E	31.11
12	NE 1/4 SE 1/4	21	4N	8E	10.77
TOTAL					269.45

EDGAR HARRINGTON IRRIGATION PROJECT

ALL LANDS DESCRIBED HEREIN ARE OWNED BY EDGAR HARRINGTON.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

I, Meric D. Giegar, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area and that to the best of my knowledge it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 20th day of December, 1960.

Meric D. Giegar
Registered Land Surveyor #1007

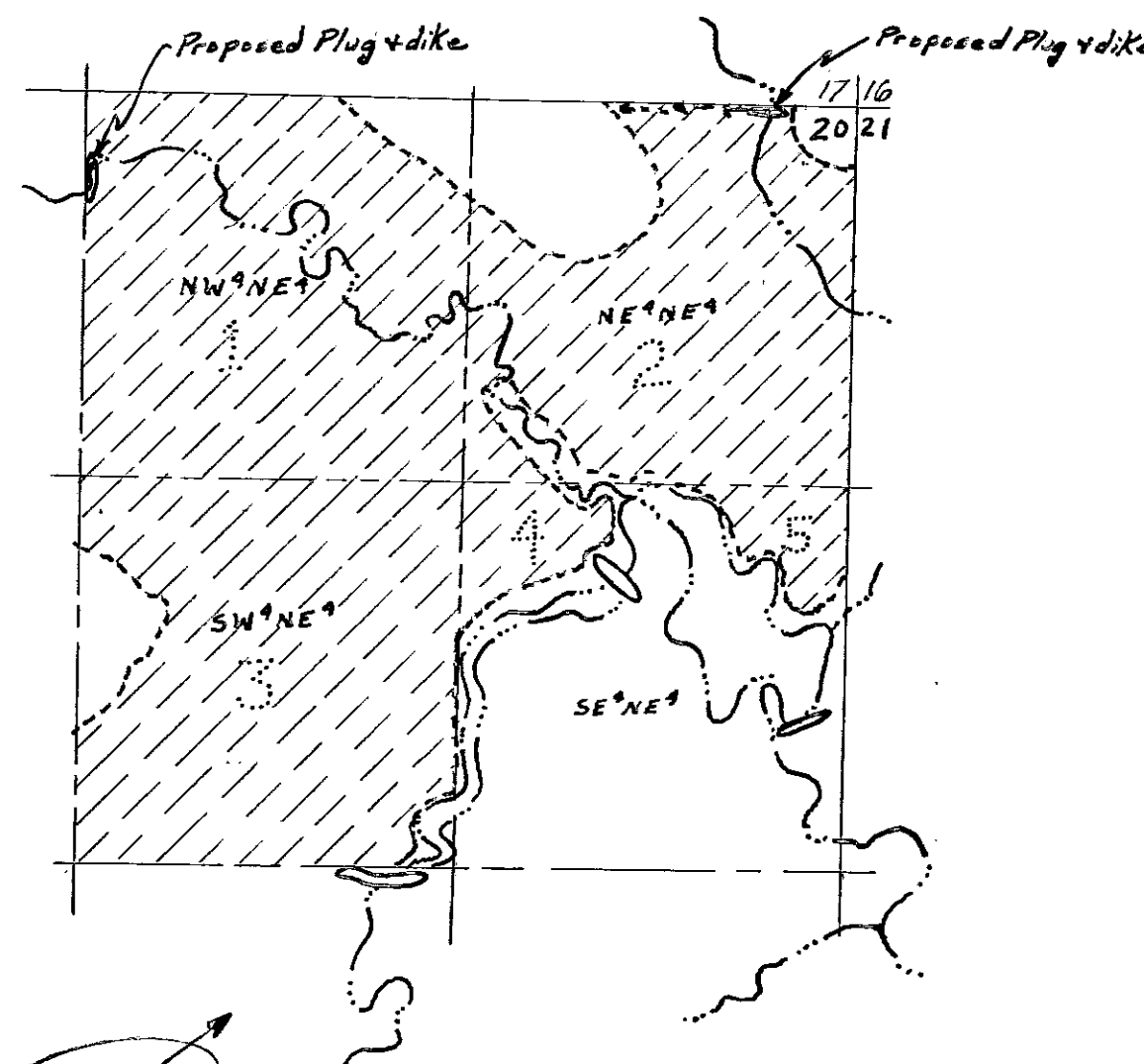
STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

On this 20th day of December, 1960, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giegar, known to me to be the person whose name is subscribed to the above written instrument and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

My commission expires 12/7/68.

James B. Kinney
Notary Public



LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	AREA
1	NW 1/4 NE 1/4	20	4N	8E	38.98
2	NE 1/4 NE 1/4	20	4N	8E	31.39
3	SW 1/4 NE 1/4	20	4N	8E	37.26
4	SE 1/4 NE 1/4	20	4N	8E	9.05
5	SE 1/4 NE 1/4	20	4N	8E	3.34
TOTAL					115.02

528-1
Cancelled

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

June 1, 1961

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

a.m. upon the 31st day of January, 1961.

State Water Resources Commission

By:

Barton J. Jones
for Chief Engineer, Executive Officer

Number of permit 527-1

Date of first receipt of application January 31, 1961

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right: 1940, 19—

Approved June 1, 1961, Recorded in Book 6 Page 265

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~~ —

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ —, 19—

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

Completed, 19—

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 3.85 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 ~~was~~

and beneficially applied for irrigation on or before June 30, 55; said water to be used during the following described annual period:

March 1 thru November 1

Witness my hand this 1st day of June, 1961.

State Water Resources Commission

By:

James H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued June 1, 1961

Water License Issued June 1, 1961

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NW 1/4 NW 1/4	21	T4N	R8E	34.77
2	NE 1/4 NW 1/4	21	T4N	R8E	27.16
3	NW 1/4 NE 1/4	21	T4N	R8E	19.36
4	NW 1/4 NE 1/4	21	T4N	R8E	5.14
5	SE 1/4 NE 1/4	21	T4N	R8E	1.48
6	SW 1/4 NE 1/4	21	T4N	R8E	37.83
7	SE 1/4 NW 1/4	21	T4N	R8E	40.00
8	SW 1/4 NW 1/4	21	T4N	R8E	33.98
9	NW 1/4 SW 1/4	21	T4N	R8E	8.89
10	NE 1/4 SW 1/4	21	T4N	R8E	19.56
11	NW 1/4 SE 1/4	21	T4N	R8E	31.11
12	NE 1/4 SE 1/4	21	T4N	R8E	10.17

TOTAL 269.45

*For Additional information send to: Giegar Surveying
1054 Park St.
Sturgis, S.Dak*

STATE OF SOUTH DAKOTA

WATER LICENSE No. ~~XXXX~~ 527-1WHEREAS, On the 31st day of January A. D. 1961EDGAR HARRINGTON

of Piedmont County of Meade and State of South Dakota duly made application (No. 527-1) to us for a Vested Right 3.85 cubic feet per second of the waters of Antelope Creek and dry draws County of Meade State of South Dakota, for irrigation purposes; and

WHEREAS, On the 1st day of June A. D. 1961 **Vested Right** /Permit No. 527-1 was issued to said applicant... for the diversion of said water. ~~and recognising~~ **recognising** the completion of the works of diversion therein described on or before ~~XXXXXX~~ XXXXXX and for the application to beneficial use of said water ~~XXXXXX~~ XXXXXX and,

WHEREAS, On the 31st day of January A. D. 1961 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 3.85 cubic feet per second of said waters, as evidenced by our Certificate No. 527-1 dated June 1, 1961 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.85 cubic feet per second of water, with date of priority of 1960 and,

WHEREAS, On the 31st day of January A. D. 1961 proof was duly made of the application to beneficial use of 3.85 cubic feet per second of said water; for irrigating 269.45 acres in Section 21, T 4N, R 8E

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 Edgar Harrington
of Piedmont Vested Right the holder and owner of said permit No. 527-1
a water right, dating from 1940 to the use of 3.85
cubic feet per second of the waters of Antelope Creek and dry draws
in the County of Meade and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at points in the N $\frac{1}{2}$ Sec 1, W $\frac{1}{2}$ NE $\frac{1}{4}$
and NW $\frac{1}{4}$, Section 21, T 4N, R 8E,
and conducted to and upon portion of Section 21, T 4N, R 8E, 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 25th day of June A. D. Nineteen
Hundred and Sixty-One

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 527-1BELLE FOURCHEWater Division No. 4 RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That EDGAR HARRINGTON

of Piedmont, County of Moade, and State of South Dakota, the holder of Vested Right of Permit No. 527-1, issued upon Application No. 527-1, bearing date of priority of 1940, authorizing the diversion of 3.85 cu. ft. per second of the waters of Antelope Creek and dry draws County of Moade, State of South Dakota, at points in the NE 1/4, NW 1/4 and NW 1/4, Section 21, T 4N, R 8E. 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 recognized as ~~satisfactory~~ satisfactory ~~conditions~~ for diverting and conveying to the place of intended use 3.85 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 21, T 4N, R 8E

<u>NW 1/4 NW 1/4</u>	<u>34.77 acres</u>
<u>NE 1/4 NW 1/4</u>	<u>27.16 acres</u>
<u>NW 1/4 NE 1/4</u>	<u>19.36 acres</u>
<u>NE 1/4 NE 1/4</u>	<u>5.14 acres</u>
<u>SE 1/4 NE 1/4</u>	<u>1.48 acres</u>
<u>SW 1/4 NE 1/4</u>	<u>37.83 acres</u>
<u>SE 1/4 NW 1/4</u>	<u>40.00 acres</u>
<u>SW 1/4 NW 1/4</u>	<u>33.98 acres</u>
<u>NW 1/4 SE 1/4</u>	<u>8.89 acres</u>
<u>NE 1/4 NW 1/4</u>	<u>19.56 acres</u>
<u>NW 1/4 SE 1/4</u>	<u>31.11 acres</u>
<u>NE 1/4 SE 1/4</u>	<u>10.17 acres</u>

TOTAL 269.45 acresWitness my hand this 5th day of June A. D. 19 61

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

527-1

NOT TO SCALE

4-8

87R

51.3

4-8

Location No. _____

Water Division No. _____ Water District _____

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Edgar Harrington Sec. 22, T4N, R8E, BHM, Meade Co.

Farming and Ranching Piedmont, 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. Not a corporation.

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

Ans. None.

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

Ans. Antelope Creek and tributaries in Sec. 21, T4N, R8E, BHM, Meade Co.,
So. Dak.

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. Small plugs and spreader dikes completed in 1940.

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

Ans. Irrigation of flat meadow bottoms for crop growth.

List included on separate sheet showing areas under irrigation.

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

Ans. Not used for other purposes.

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

Ans. All that is available.

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. None issued that I can find.

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

Ans. This water has been used whenever it was available and in the amount available, when necessary, since 1942 for the purpose of irrigating the lands indicated on the enclosed sheet.

(Sign) Edgar Haurington

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

State of South Dakota, on this 22 day of Dec A. D. 1960

Witnesses.

James B. Kinney, Notary Public
MY COMMISSION EXPIRES 12-7-68
James B. Kinney

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

John A. Shyne
John A. Shyne

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 _____

LOCATION OF LANDS UNDER IRRIGATION

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NW 1/4 NW 1/4	21	T4N	R8E	34.77
2	NE 1/4 NW 1/4	21	T4N	R8E	27.16
3	NW 1/4 NE 1/4	21	T4N	R8E	19.36
4	NW 1/4 NE 1/4	21	T4N	R8E	5.14
5	SE 1/4 NE 1/4	21	T4N	R8E	1.48
6	SW 1/4 NE 1/4	21	T4N	R8E	37.83
7	SE 1/4 NW 1/4	21	T4N	R8E	40.00
8	SW 1/4 NW 1/4	21	T4N	R8E	33.98
9	NE 1/4 SW 1/4	21	T4N	R8E	8.39
10	NE 1/4 SW 1/4	21	T4N	R8E	19.56
11	NW 1/4 SE 1/4	21	T4N	R8E	31.11
12	NE 1/4 SE 1/4	21	T4N	R8E	10.17

Total 269.45

527-1

LAW OFFICE OF
WILLIAM H. COACHER
1005 JUNCTION AVENUE
STURGIS, SOUTH DAKOTA

June 21, 1961

Mr. Jones

Mr. J. W. Grimes, Secretary
Water Resources Commission
State Capitol Office Building
Pierre, South Dakota

RECEIVED
JUN 23 1961
STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Joe:

Several days ago I talked by telephone to Burton Jones your water specialist, relative to a water problem that has come up in Meade County, South Dakota. The facts concerning this situation are these: Edgar Harrington of Piedmont, South Dakota, a resident of Meade County, approximately twenty years ago developed an extensive system of spreader ditches and plugs to irrigate with surface water a hay field which he has on his place. In order to protect this development, Mr. Harrington applied for a water right and in the due course of your procedure, a water license No. 527-1 was issued, which was vested right to water on Antelope Creek and the dry draws draining into the spreader system hereinabove described.

Mr. Harrington has now been informed that Otto Wolff intends to place a dam on one of the draws that provide water to the spreader system. It is our opinion that under the terms of SDC 61.0135, subparagraph 5, 1960 Supp, which states: "For the uses stated in this section, upper users shall have first priority for domestic use except that it shall be unlawful for an upper owner to build new works that would deprive the lower owner of water which has been regularly approved under this section", since Mr. Harrington has a vested water right to the water from these dry draws, it is not now possible for Mr. Wolff to begin new construction which would take away this water from Mr. Harrington.

Consequently, we would appreciate it greatly if you would contact Mr. Wolff and advise him that construction should not commence until such time as your office has a chance to investigate this project. Mr. Jones stated that one of your engineers will be in this area some time in July, and I would like very much at that time to make an investigation and determine whether or not this dam would infringe upon the rights which Mr. Harrington has by virtue of his vested water right.

Mr. Otto Wolff's address is: 912 St. Patrick, Rapid City, South Dakota.

Yours truly,

William H. Coacher

William H. Coacher

WHC:mc



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

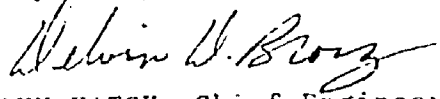
Edgar Harrington
2718 Eden Lane
Rapid City SD 57701

Dear Mr. Harrington:

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). 527-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

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

Very truly yours,

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



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

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

September 21, 1988

NOTICE

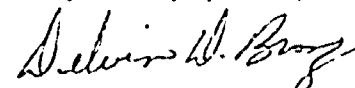
Jerry & Kathie Dillinger
PO Box 308
Newell SD 57760

Dear Mr. & Mrs. Dillinger:

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). 531-1 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



Conversation or File Documentation

NAME OF PERSON OR FILE: Edgar Harrington
ADDRESS: 2718 Eden Lane Rapid City, SD 57701 COUNTY Meade (Permitted Property)
DATE: 5-17-89 TELEPHONE _____
RE: Validation of Vested Right No. 527-1

COMMENTS:

On this date, I inspected this Right with Mr. Cleve Woods (Harrington's Son-In-Law). The diversion plugs and ditches have been developed and are used. The irrigated acreage ~~acres~~ and location of ditches appear to be the same. The Vested Right No. 527-1 can be validated as is with one exception. One of the described points of diversion is described as the N¹/₂ SE¹/₄. This should read: "N¹/₂ SW²/₂"

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: James L. Wendt

Water Rights Division - DWNR
Conversation or File Documentation

File No. 527-1

NAME OF PERSON OR FILE: Edgar Harrington

ADDRESS: 2718 Eden Lane Rapid City, SD 57701 COUNTY Meade (Permitted Property)

DATE: 5-17-89

TELEPHONE _____

RE: Validation of Vested Right No. 527-1

COMMENTS:

On this date, I inspected this Right with Mr. Cleve Woods (Harrington's Son-In-Law). The diversion plugs and ditches have been developed and are used. The irrigated acreage ~~acres~~ and location of ditches appear to be the same. ~~The~~ Vested Right No. 527-1 can be validated as is with one exception. One of the described points of diversion is described as the N¹/₂ SE¹/₄. This should read: "N¹/₂ SW¹/₂"

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

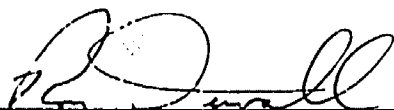
NAME: James L. Wendt

FILE DOCUMENTATION

NAME: Edgar Harrington Claim No. 527-1
ADDRESS: 2718 Eden Lane, Rapid City SD 57701
SUBJECT: Readvertisement of Notice of Intent to Validate
DATE: January 7, 1993

As noted during an inspection completed by Jim Wendt on May 17, 1989, water is diverted in the N1/2 SW1/4 section 21-T4N-R8E. Mr. Wendt suggested that the legal description included on the license (N1/2 SE1/4) should be replaced by the N1/2 SW1/4. I believe, based on an aerial photo in the file and the application for No. 527-1 (includes all of section 21 for diversions), that both legal descriptions should be included in the readvertisement. Therefore the legal description of the diversion points should be the NW1/4, W1/2 NE1/2, N1/2 S1/2, section 21 (covers entire irrigated area except 1.48 acres).

The Certificate of Completion of Works also contains an error concerning the legal description of the irrigated acreage. The 5.14 acres denoted as being in the NE1/4 NE1/4 is actually located in the NW1/4 NE1/4 section 21 as shown on the original map and on the vested right application. The water license mentions the irrigated acreage as being located in section 21 which is correct, but it also references the "Certificate" for a more complete description of the irrigated acreage.



Ron Duvall, Natural Resources Engineer



527-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1993

Edgar Harrington
2718 Eden Lane
Rapid City SD 57701

Dear Mr. Harrington:

The original Notice of Intent to Validate your Vested Water Right Claim No. 527-1 was published with an error. One of the diversion points was incorrectly published. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact Ron Duvall, if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Water right claims

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Meade County are eligible for

validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Meade County Times-Tribune, is necessary to correct errors in the previously published notice.

Vested Water Right No. 432-1, Kenneth Casteel, RR 1, Box 43, Vale, SD 57798, appropriates 1.67 cubic feet of water per second (cfs) from the Belle Fourche River, Casteel Draw and a dry draw storage dam (43 acre-foot storage capacity) to irrigate 116.7 acres. The point of diversion is located between the NE 1/4 SE 1/4 Section 20 and the NE 1/4 NW 1/4 Section 28 and the NW 1/4 NE 1/4 Section 29; all in T7N-R8E. The irrigated lands are located in the E 1/2 SE 1/4 Section 20 and the N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 29; all in T7N-R8E. The priority date is 4/12/51.

Vested Water Right No. 441-1, Sturgis Water Works, 1025 1st St., Sturgis SD 57785, appropriates 0.89 cubic feet of water per second from groundwater. The location of the point of diversion is the NE 1/4 SE 1/4 Section 16-T5N-R5E. The priority date is 1/1/1948.

Vested Water Right No. 527-1, Edgar Harrington, 2718 Eden Lane, Rapid City SD 57701, appropriates 3.85 cfs from Antelope Creek and dry draws located in the NW 1/4, W 1/2 NE 1/4, N 1/2 S 1/2 Section 21 to irrigate 269.45 acres located in the NW 1/4, NE 1/4, N 1/2 S 1/2 Section 21; all in T4N-R8E. The priority date is 1/1/1910.

Vested Water Right No. 772-1, Donald J and Pamela Cox, RR 1, Box 54, New Underwood SD 57761, appropriates 0.57 cfs of water from Ferris Creek to irrigate 40 acres. The point of diversion is located in the W 1/2 SE 1/4 Section 34-T3N-R11E. The irrigated lands are located in the SW 1/4 NE 1/4 and the SW 1/4 NE 1/4 and the W 1/2 SE 1/4 Section 34-T3N-R11E. The priority date is 1/1/1954.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by February 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, March 5, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The March 3, 1993 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by February 22, 1993, at the above Water Rights Division address to: 1) re-

quest copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information, 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Robert E. Roberts, Secretary,
Department of Environment and
Natural Resources

Publ. Feb. 3 & 10, 1993
Meade County Times-Tribune



527-1



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MEADE

Faye D. Pate, being duly sworn, says: That the Meade County Times-Tribune, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Allison Publishing, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

February 3	199 3	
February 10	199 3	
	199	
	199	
	199	

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 76.21, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Faye D. Pate

Subscribed and sworn to before me this

10 day of February, 199 3

[Signature]

Notary Public, South Dakota

18515d11

527-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 527-1 FOR IRRIGATION

Date of Receipt of Claim January 31, 1961.

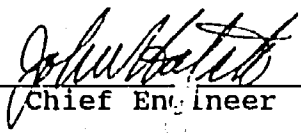
Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 527-1 for irrigation purposes for Edgar Harrington, 2718 Eden Lane, Rapid City SD 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 527-1 appropriates 3.85 cubic feet of water from Antelope Creek and dry draws to irrigate 269.45 acres. The points of diversion are located in the NW 1/4, W 1/2 NE 1/2, N 1/2 S 1/2 Section 21-T4N-R8E. The irrigated acres are located in the NW 1/4, NE 1/4, N 1/2 S 1/2 Section 21-T4N-R8E.
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: March 1 - November 1.
3. The priority date of the Vested Water Right is January 1, 1940.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

APR 1 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

527-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 1 1993

Edgar Harrington
2718 Eden Lane
Rapid City SD 57701

Dear Mr. Harrington:

The Water Management Board has validated the enclosed Vested Water Right No. 527-1. This validation gives legal status to the claim and is the final document for your vested right.

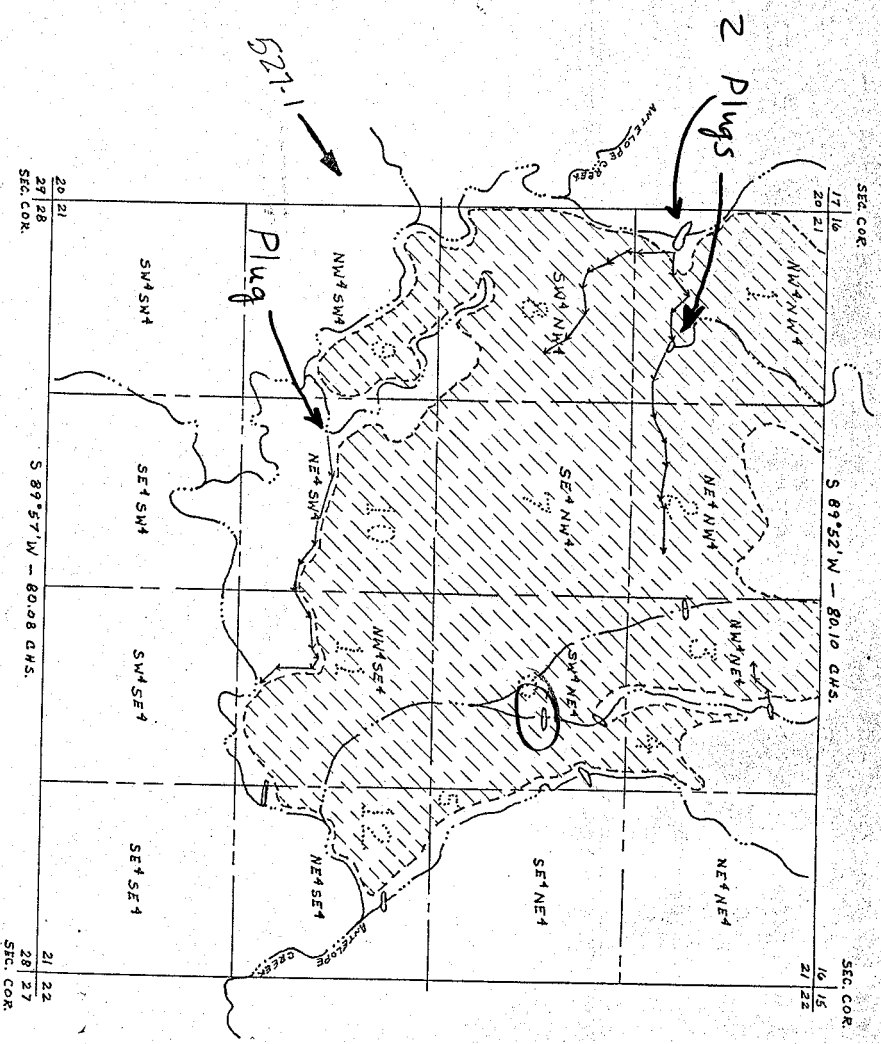
As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosure



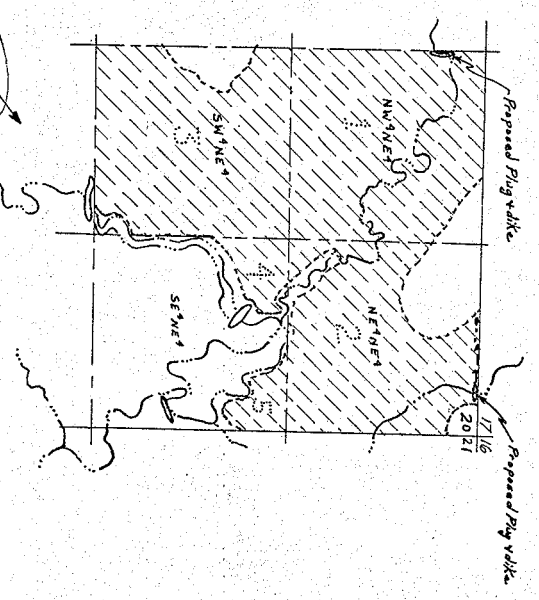
SEC. COR. 17 16 20 21 29 28
S 89°52' N - 80.10 CHS.
S 89°57' W - 80.08 CHS.
SEC. COR. 20 21 29 28

Scale: 8" = 1 MILE
(TAKEN FROM AERIAL PHOTO.)

LOCATION OF LANDS TO BE IRRIGATED				
AREA	LOCATION	SFC.	TSHR	RANGE AREA
1	NW 1/4	21	4N	8E
2	NE 1/4	21	4N	8E
3	NW 1/4	21	4N	8E
4	NW 1/4	21	4N	8E
5	SE 1/4	21	4N	8E
6	SW 1/4	21	4N	8E
7	SE 1/4	21	4N	8E
8	SW 1/4	21	4N	8E
9	NW 1/4	21	4N	8E
10	NE 1/4	21	4N	8E
11	NW 1/4	21	4N	8E
12	NE 1/4	21	4N	8E
TOTAL				26945

LEGEND
 SECTION LINE
 1/4 LINE
 DIKES
 IRRIGATED AREA
 PLUGS

528-1
Cancelled



LOCATION OF LANDS TO BE IRRIGATED				
AREA	LOCATION	SFC.	TSHR	RANGE AREA
1	NW 1/4	20	4N	8E
2	NE 1/4	20	4N	8E
3	SW 1/4	20	4N	8E
4	SE 1/4	20	4N	8E
5	SW 1/4	20	4N	8E
TOTAL				11502

STATE OF SOUTH DAKOTA } as
 COUNTY OF MEADE }
 I, Merio D. Giesey, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area involved and the locations indicated.
 IN WITNESS WHEREOF I have hereunto set my hand and official seal this 20th day of December, 1960.
 Merio D. Giesey
 Registered Land Surveyor #1007

James B. Kinney
 Notary Public