

1. Considered 7-19, 1961
2. Name of Applicant SLIM HALE CARNEY
3. Post Office Address Fairb
4. Amount of water claimed 3.22 .63 VR
5. Source of water supply Dry Draw
6. Water to be used for irrigation
Acres to be irrigated 255
7. Water to be diverted and used in Myers Co. by about
5 N 2 E miles of Ry L. Co. Co.
8. Proof of Publication Received 1st
 Not Received
9. Application Approved ✓
 Subject to
 Not Approved
 Action deferred

10. Remarks:

No. 564.1Water Division No. 1SULPHUR CREEK DistrictSTATE WATER RESOURCES COMMISSION
PIEDMONT DISTRICT

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

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

1. Name of applicant SLIM MALE CARNEY JENS NELSON
 Postoffice address 2407A, County LEADE, State S. DAK.

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)
CONTRACT AND DIRECT LABOR

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ Govt. cont-share

2. Name of diversion work SLIM MALE CARNEY IRRIGATION PROJECT No. 11
 3. Amount of water claimed 63 vested 130 ac. ft. max. (vested)
2.59 cubic feet per second 143 ac. ft. max. (new)
 4. Source of water supply SURFACE RUNOFF
 5. Location of point of diversion SEE ATTACHED SHEET
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used WHEN AVAILABLE
 7. To be used for:

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

- (a) Number of acres to be irrigated 44 ac. (vested)
181 ac. (new) acres.

- (b) Legal subdivisions to be irrigated SEE ATTACHED SHEET

(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, raising, 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 _____

MAP NO 477-1

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures SPREADER \$ 500

Total, \$.....

9. Description of diversion works:

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

Operator will pump out of Sulphur Creek on areas shown --- vested area is irrigated from diversion dam --- dike system as shown

II. Dimensions of works:

(a) Dam: Height.....14.0 feet; length at bottom.....100.0 feet; length at top.....250.0 feet; thickness at bottom.....82.0 feet; thickness at top.....12.0 feet; slope at front water face.....3:1; slope at back face.....2:1 material used in construction EARTH

(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.....5 years.

11. Time required for complete application of water to the proposed beneficial use.....5+4 years.

12. Choice of newspaper for publication of notice of intention to appropriate FAITH INDEPENDENT

STATE OF SOUTH DAKOTA

County of

ss.

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

Signed

Ken Hale Carey

Subscribed and sworn to before me this

21st

day of

April

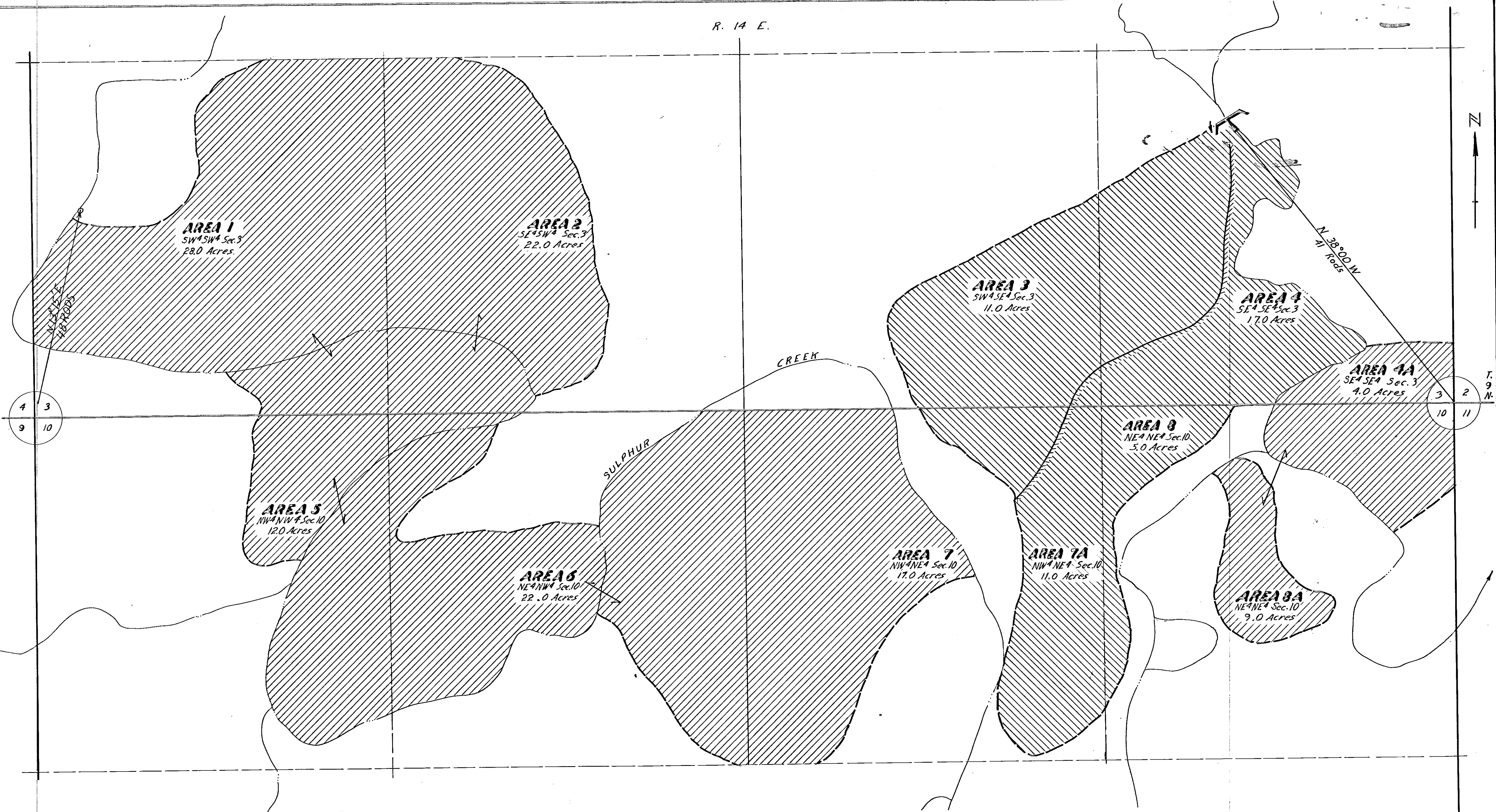
1961

Estelle Howell
Notary Public (or other qualified officer.)
Estelle Howell

My Commission Expires May 5, 1963

*Each diversion must have a headgate or measuring device.

R. 14 E.



LEGEND

- DIVERSION DAM (EXISTING)
- PROPOSED IRRIGABLE AREA
- VESTED AREA
- NATURAL DRAINAGEWAY
- EXISTING SPREADER DIKE
- PORTABLE PUMPING STATION

LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW 1/4 SW 1/4	3	9N	14E	28
2	SE 1/4 SW 1/4	3	9N	14E	22
4-A	SE 1/4 SE 1/4	3	9N	14E	4
5	NW 1/4 NW 1/4	10	9N	14E	12
6	NE 1/4 NW 1/4	10	9N	14E	22
7	NW 1/4 NE 1/4	10	9N	14E	17
8-A	NE 1/4 NE 1/4	10	9N	14E	9
9	NW 1/4 NW 1/4	11	9N	14E	22.27
10	NE 1/4 NW 1/4	11	9N	14E	30.2
11	SW 1/4 NW 1/4	11	9N	14E	7
12	SE 1/4 NW 1/4	11	9N	14E	3
TOTAL					148
VESTED AREA					
3	SW 1/4 SE 1/4	3	9N	14E	11
4	SE 1/4 SE 1/4	3	9N	14E	17
7-A	NW 1/4 NE 1/4	10	9N	14E	11
8	NE 1/4 NE 1/4	10	9N	14E	5
TOTAL					44

SURVEYOR'S CERTIFICATE

I, KENNETH L. HUBER, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE SLIM HALE CARNEY IRRIGATION PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE TRI-COUNTY SOIL CONSERVATION DISTRICT.

SIGNATURE: Kenneth L. Huber

TITLE: AGRICULTURAL ENGINEER

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF

April, 1964, A.D.

Estelle Howell
NOTARY PUBLIC

MY COMMISSION EXPIRES May 5, 1968

Scale: 1" = 200'

SLIM HALE CARNEY IRRIGATION PROJECT NUMBER 1

Meade County, South Dakota

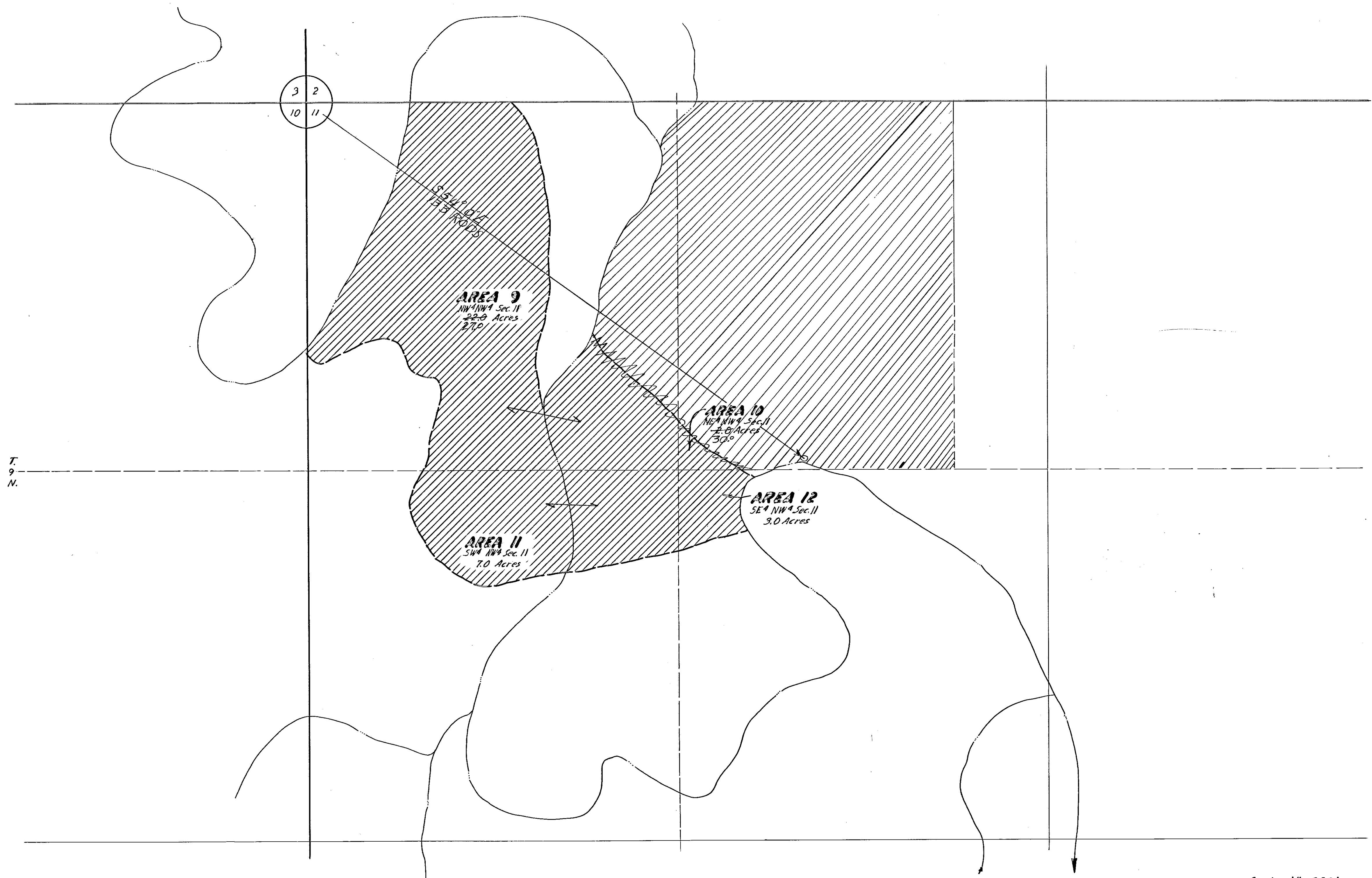
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
Checked _____	Sheet No. <u>12/60</u>	Drawing No. _____
	of 2	

MAP N° 564-1

(APPL N° 564-1)

R. 14 E.



Scale: 1" = 200'

**SLIM HALE CARNEY
IRRIGATION PROJECT
NUMBER 1**

Meade County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	12/60	Sheet No. 2 of 2
		Drawing No. _____

MAP N° ~~417-1~~ (SHT 2) (APPL N° 35A-1)

Remarks by State Water Resources Commission:

"PARTIAL Vested Right" Claimed
Use of water under this permit is contingent
upon supplies being available to prior water rights
and downstream domestic use.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

February 26, 1962

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock

A.M. upon the 24th day of April 1962

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit

564-1

Date of first receipt of application

April 24

1961

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

10

Date of receipt of corrected application

63 from 1915

10

Date from which applicant may claim right

2:59 from April 24

1961

Approved

July 19

1961, Recorded in Book

7

Page

40

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

January 19, 1964

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

July 19

1966

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

July 19

1970

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 3.22 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 July 19, 1970; said water to be used during the following described annual period:

when available

Witness my hand this

26th

day of

February

1962

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Certificate of Construction Issued

DECEMBER 30

1970

Water License Issued

DECEMBER 30

1974

ATTACHMENT

SLIM HALE CARNEY APPLICATION FOR PERMIT

5. Location of points of diversion:

- a. Upper pumping station: 48 rods N., 13°15' E. of the SW corner of Sec. 3, T 9N, R 14E.
- b. Lower pumping station: 123. rods S., 54°00' E. of the NW corner of Sec. 11, T 9N, R 14E.
- c. Diversion Dam (vested): 41 rods N., 38°00' W. of the SE corner of Sec. 3, T 9N, R 14E.

7. I. (b) Legal subdivisions to be irrigated:

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	3	9N	14E	28.0
2	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	3	9N	14E	22.0
4A	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	3	9N	14E	4.0
5	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	10	9N	14E	12.0
6	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	10	9N	14E	22.0
7	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	10	9N	14E	17.0
8A	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	9N	14E	9.0
9	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	11	9N	14E	27.0
10	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	9N	14E	30.0
11	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	11	9N	14E	7.0
12	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	9N	14E	3.0

TOTAL 181.0

VESTED					
3	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	3	9N	14E	11.0
4	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	3	9N	14E	17.0
7A	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	10	9N	14E	11.0
8	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	9N	14E	5.0

TOTAL 44.0

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 564-1

(1) WHEREAS, On the 24th day of April A. D. 19 61

Jim Hale Carney

made Water Right Application No. 564-1 for a permit to use 3.2 cubic feet per second of the waters of surface runoff

County of Meade, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 26th day of February A. D. 19 62

Permit No. 564-1, with a date of priority of 1915 and April 24, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of July A. D. 19 66 and for the

application to beneficial use of said water on or before the 19th day of July A. D. 19 70

and recognizing a "vested right" for a portion of the lands covered,

and, Whereas, on the 30th day of December, 1974, the Permit was transferred to

Jens Nelson,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.63 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in T9N, R14E

Section 3,	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	17 acres
Section 10,	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3 acres
Total		44 Acres

(5) 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 Jens Nelson

of Redig, South Dakota

the holder _____ and owner _____ of said permit No. 564-1 a water right, dating from 1915

to use of .63 cubic feet per second of the waters

of surface runoff, based on the "vested right" portion of the Water Laws,

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

purposes hereinbelow mentioned, to be diverted at _____

a point North 38^c West, 41 rods from the SE Corner, Section 3, T9N, R14E

and conduct to and upon portions of Sections 3 and 10, T9N, R14E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 564-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 30th day of December A. D.

Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

This Water License No. 564-1 is based on
a vested right claim recorded and filed
by the Water Rights Commission.

Form 15.

Permit No. 564-1

Water Diversion No 1 SULPHUR CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jens Nelson

_____ the holder _____ of
Permit No. 564-1, issued upon Application No. 564-1, bearing date of priority of 1915

_____ authorizing the diversion of .63 cu. ft. per second of the waters of _____
surface runoff County of Meade, State of South Dakota at _____
a point North 38° West, 41 rods from the SE Corner, Section 3, T9N, R14E

_____ for irrigation

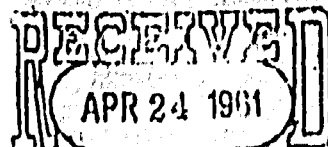
_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are ~~shown to~~ ^{recognized as} satisfactory
_____ for diverting and conveying to the place of intended use .63 cu. ft. per second of water.

Date December 30, 1974

By WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

Location No.



Water Division No.

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. SLIM HALE CARNEY, RANCHER

FAITH, 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.

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

Ans. SURFACE RUNOFF 41 Rods N 38° 0' W of the SE corner of Sec. 3, T 9N, R 14E

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. Diversion dam approximately 14 ft. high and 250 ft. long; diverts water into spreader dike as shown on map. Completed in 1915 (approximately).

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: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 3, 11 Acres, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 3, 17 Acres.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, 11 Acres, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 10, 5 Acres.

All in T 9N, R 14E.

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. .63 cubic feet per second or 132. Ac. Ft. Day

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.

Ans. _____

(Sign) Ellen Hale Plummer

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 _____, County of _____
State of South Dakota, on this _____ day of _____ A. D. 19____

_____ } Witnesses. _____

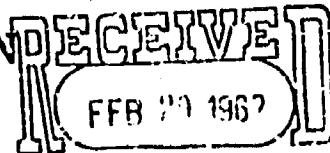
I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my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

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 _____	

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA }
County Beade } ss.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Kenneth Howell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Faith Independent a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Faith County of Beade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 7, 1961
June 14, 1961
June 21, 1961
June 28, 1961

in each and every issue of the full number thereof, the first publication being made on the 7 day of June 1961 and the last publication on the 28 day of June 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Publisher the printer and publisher of the said newspaper.

Kenneth Howell

Subscribed and sworn to before me this 17 day of Feb. A. D. 1962

Estelle Howell

Notary Public Beade County, S. D.

Estelle Howell
My Commission Expires May 6, 1968

APPROPRIATION OF WATER

Notice is hereby given that Slim Hale Carney, whose postoffice address is Faith, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 322 (63 vested right) cubic feet of water per second of time from the Sulphur Creek and dry draws through the Carney Irrigation Project No. 1, the point of diversion of which is to be located on one bank of said stream between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, and a point in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11 Twp. 9N Range 14E. Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 10; NW $\frac{1}{4}$, Section 11, all in T 9N, R 14E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of July, 1961, at 2 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: Burton F. Jones,
Chief Engineer, Executive Officer
Water Right Specialist
June 7, 14, 21, 28

on or before
(First Publication June 22, 1961.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 31, 1961

Notice is hereby given that Elin Hale Carney whose postoffice address is Faith S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.22 (.63) vested right cubic feet of water per second of time from the Sulphur Creek and dry draws through the Carney Irrigation Project #1, the point of diversion of which is to be located on the bank of said stream between a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, and a point in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11 Twp. 9N Range 11E Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 3; N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 10; NW $\frac{1}{4}$, Section 11, all 'b
11E T 9N, R 11E.

~~and for~~ EXEMPT

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961, at 2 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.

CC: Kenneth Howell - Publisher

Faith Independent
Faith, South Dakota

State Water Resources Commission

By:

Chief Engineer, Executive Officer
~~XXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

Form 20.

No 564-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~
State Office Building No. 2
Pierre, South Dakota 57501

Date DECEMBER 17, 1974

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

PORTIONS OF SECTIONS 3, 10 & 11, T9N, R14E,
DESCRIBED IN WATER PERMIT NO 564-1

formerly owned by SLIM HALE CARNEY, FAITH, S.D.

has been transferred to JENS NELSON, REDIG, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 564-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

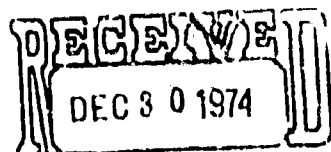
STATE OF SOUTH DAKOTA)
County of Harding) ss.

I, Jens Nelson 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.

Suscribed and sworn to before me this 27 day of Dec, 19 74

Jens Nelson
(Signed)

Eileen Lindholm
(Notary Public)



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

SOUTH DAKOTA
Department of
Water & Natural Resources

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

564-1

July 12, 1988

John Miller
Red Owl, SD 57777

Dear Mr. Miller:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Partial Vested Water Right Claim No. 564-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. No. 564-1 will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

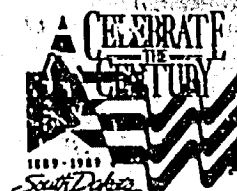
If you have any questions, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

Enclosure



South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

Jens Nelson
Box 16
Redig SD 57776

Dear Mr. Nelson:

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). 564-1 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 *Delvin D. Brown*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Division - DWIR
Conversation or File Documentation

File No. 564-1

NAME OF PERSON OR FILE: John Miller

ADDRESS: Star Rt. 1 Box 5A Red Owl, SD 57577 COUNTY Meade

DATE: 5-18-89 TELEPHONE 985-5244

RE: Validation of Vested Right No. 564-1

COMMENTS:

On this date I inspected this V.R. with Mr. Miller. The diversion dam and dike are developed and used when water is available. However, the description of irrigated acreage on the original license ~~is~~ not correct. The original map submitted with the application is offset in comparison to current aerial photos, therefore making the difference. The description of irrigated acreage should read as follows:

Sec. 3, T9N, R14E
SW¹/₄ SE¹/₄ - 4 acres
SE¹/₄ SE¹/₄ - 14 acres

Sec. 10, T9N, R14E
NW¹/₄ NE¹/₄ - 5 acres
NE¹/₄ NE¹/₄ - 13 acres

36 acres total $\Rightarrow$ 0.51 cfs.

There is a question as to whether ~~an~~ or not this Water Right has been transferred.

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

NAME:

James L. Wente

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

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

June 21, 1989

564-1

John Miller
St Rt 1 Box 5A
Red Owl, SD 57777

Dear Mr. Miller:

I am contacting you in regard to the status and ownership of Vested Water Right Claim No. 564-1. On May 18, 1989, Jim Wendte, Staff Engineer with our Division, accompanied you on an inspection of the irrigation system described in the vested right claim. Based upon the inspection, we will be presenting Vested Water Right Claim No. 564-1 to the Water Management Board for validation.

The vested right claim is still listed in the name of Jens Nelson. On July 12, 1988, I forwarded a "Notice of Transfer" form to you for filing an ownership change. To date, I have not heard from you on this matter.

Enclosed is an additional form. Please complete the transfer form and sign it in the presence of a notary. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Genny McMATH
GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



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

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

June 21, 1989

564-1

John Miller
St Rt 1 Box 6A
Red Owl, SD 57777

Dear Mr. Miller:

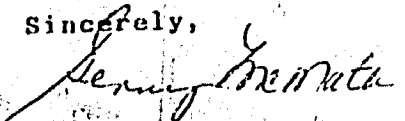
I am contacting you in regard to the status and ownership of Vested Water Right Claim No. 564-1. On May 18, 1989, Jim Wapito, Staff Engineer with our Division, accompanied you on an inspection of the irrigation system described in the vested right claim. Based upon the inspection, we will be presenting Vested Water Right Claim No. 564-1 to the Water Management Board for validation.

The vested right claim is still listed in the name of Jens Nelson. On July 12, 1988, I forwarded a "Notice of Transfer" form to you for filing an ownership change. To date, I have not heard from you on this matter.

Enclosed is an additional form. Please complete the transfer form and sign it in the presence of a notary. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure

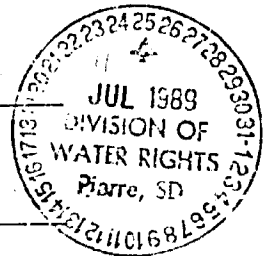


NO. 564-1

NOTICE OF TRANSFER OF VESTED WATER RIGHT CLAIM

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 89



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

S $\frac{1}{2}$ SE $\frac{1}{2}$ Section 3, and N $\frac{1}{2}$ NE $\frac{1}{2}$ Section 10, T9N, R14E

formerly owned by Jens Nelson

has been transferred to Millen Ranch (John Miller) Star Pt 1 Box 5 A
(please include complete mailing address) Red Owl SD
together with any rights to the beneficial use of water thereon as evidenced by 5777

Vested Water Right Claim 564-1 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 Minnehaha) ss.

I, John P Miller 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.

John P Miller
(Signed)

Subscribed and sworn to before me this 21st Day of July, 1989.

David A. Shaw
(Notary Public)

 **Department of
Water & Natural Resources**

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

July 25, 1989

564-1

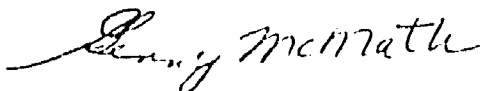
Miller Ranch
%John Miller
St Rt 1 Box 5A
Red Owl, SD 57777

Dear Mr. Miller:

The "Notice of Transfer" you submitted for use in filing an ownership change on Vested Water Right Claim No. 564-1 has been received. The form was completed properly, however, can not be filed for record without a \$2.50 filing fee.

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

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



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

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

September 5, 1989



564-1

John Miller
Miller Ranch
St. Rt 1 Box 5A
Red Owl, SD 57777

Dear Mr. Miller:

The "Notice of Transfer" you submitted on July 25, 1989 has not been processed. You were notified by letter dated July 25th that a \$2.50 filing fee would be required to file a transfer of ownership. To date, we have not received the fee from you.

Please remit the \$2.50 filing fee as soon as possible. The transfer will be processed upon receipt of the fee.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



RECEIPT

411907

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 12, 1932

RECEIVED OF Miller Ranch c/o John Miller St Rt 1 Box 51, Red Owl, NE 57777
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. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 664-1</u>		
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 W. H. Threlkeld
Chief Engineer

 **Department of
Water & Natural Resources**

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

September 25, 1989

564-1

Miller Ranch
* John Miller
Star Rt 1, Box 5A
Red Owl SD 57777

Dear Mr. Miller:

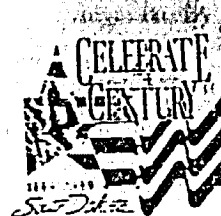
Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Right Claim No. 564-1.

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352



564-1

File No. 564-1

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: John P. Miller

ADDRESS: JR 1, Box 5A, Red Owl SD 57777 COUNTY: Meade

DATE: February 4, 1993 TELEPHONE: 985-5244

RE: Status of remaining acres (181 new) on application

COMMENTS:

I spoke with Mr. Miller who stated the only irrigation developed is the 36 acres as inspected and documented by Jim Wendt on May 18, 1989. The remaining 181 acres identified on the original application were never developed.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

564-1

File No. 564-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: John Miller

ADDRESS: SR 1 Box 5A, Red Owl, SD 57777 COUNTY: Meade

DATE: October 30, 1992 TELEPHONE: 985-5244

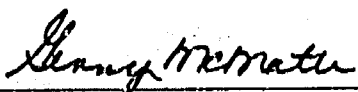
RE: status of remaining acres (181 new) on application

COMMENTS:

When the original application was submitted, the applicant applied for irrigation of 131 acres (new) and 44 acres (vested). A water license was issued for the vested portion of the claim, however an inspection was never done on the "new" acreage. No documentation exists as to whether or not the "new" acreage was ever developed.

The Water Management Board validated the 36 acres (based on a May 18, 1989 inspection of the "vested right claim portion") September 30, 1992. Based upon the validation, a water license will be issued to reflect the acreage actually irrigated.

An inspection should be done to determine the status of the 181 acres originally applied for. After the inspection, a license will need to be issued for the acreage developed (if any) and include the 36 acres validated by the Board.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division

South Dakota

564-1

GREAT FACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 28, 1992

NOTICE

TO: John Miller
Star Rt 1, Box 5A
Red Owl SD 57777

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 564-1

A Notice of Intent to validate Claim No. 564-1 was published on July 6 and 13, 1992 in the Black Hills Press, Sturgis SD. The Water Rights Division opposed validation of No. 564-1 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 564-1 was completed on May 18, 1989, by Jim Wendte, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 44 acres to 36 acres. The diversion rate is to be reduced, accordingly, from 0.63 cubic feet of water per second (cfs) to 0.51 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (36 acres/70 = 0.51 cfs).

The Water Management Board will consider validation of Claim No. 564-1 at 10:00 am, September 30, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 564-1 is recommended for a diversion rate of 0.51 cfs from a dry draw to irrigate 36 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 36 acres and 0.51 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 564-1 will still apply at this hearing. A copy of the July 6 and 13, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

564-1

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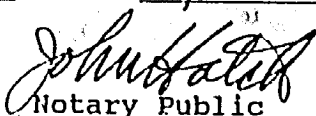
1, 1

66,

Chas. F. Frost

Cheryl F. Frost
Secretary

) SS

 $q + k$ 

Notary Public



564-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1993

John Miller
Star Rt, Box 5A
Red Owl SD 57777

Dear Mr. Miller:

Thank you for returning the paperwork which you received in error. The Water Management Board has validated the enclosed Vested Water Right No. 564-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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.

We are sorry for any inconvenience we may have caused.

Very truly yours,

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

enclosure

564-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 564-1 FOR IRRIGATION

Date of Receipt of Claim April 24, 1961.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 564-1 for irrigation purposes for John Miller, Star Rt. 1, Box 5A, Red Owl, SD, 57777 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 564-1 appropriates 0.51 cubic feet per second of water from dry draws to irrigate 36 acres. The point of diversion is located in the SE1/4 SE1/4 SEC 3, T9N, R14E. The irrigated lands are located in the S1/2 SE1/4 SEC 3 and in the N1/2 NE1/4 SEC 10; all in T9N, R14E.
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 to December 31.
3. The priority date of the Vested Water Right is January 1, 1915.
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: [Signature]
Chief Engineer

JUN 11 1993
date

Division of Water Rights
Dept. of Environment and Natural Resources

REDUCTION RATIO

ROLL NUMBER

DATE RECORDED

CAMERA OPERATOR SIGNATURE

564-1

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 564-1 FOR IRRIGATION

(1) Jens Nelson of Redlg, SD, made Application No. 564-1, April 24, 1961 for validation of a vested right claim to appropriate 0.63 cubic feet of water per second from dry draws, Meade, County, South Dakota, for irrigation purposes. Vested Water Right No. 564-1 was validated September 30, 1992 with a priority date of January 1, 1915. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Right No. 564-1 was transferred September 12, 1989 from Jens Nelson to John Miller, Red Owl, SD.

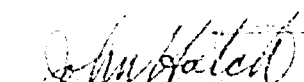
The description of the irrigated acres on the original license, issued December 30, 1974, was not correct. The original map submitted with the application is offset in comparison with current aerial photos, resulting in a difference in acreage. Based upon the field inspection and subsequent validation of Vested Right Claim No. 564-1, this license is being reissued to correct the error.

(2) The vested right owner is entitled to divert 0.51 cubic feet of water per second for beneficial use. The location of the diversion point is: SE 1/4 SE 1/4 Section 3, T9N, R14E.

The location of the irrigated acreage is:

T9N, R14E	Section 3	SW 1/4 SE 1/4	4 acres
		SE 1/4 SE 1/4	14 acres
	Section 10	NW 1/4 NE 1/4	5 acres
		NE 1/4 NE 1/4	13 acres
		Total	36 acres

(3) Pursuant to Section 46-5-30.1 John Miller of SR 1 Box 5A, Red Owl, SD 57777 the holder and/or owner of Vested Water Right No. 564-1 is issued a license to appropriate 0.51 cubic feet of water per second from dry draws with a priority date of January 1, 1915 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 564-1 and subject to South Dakota State Law.

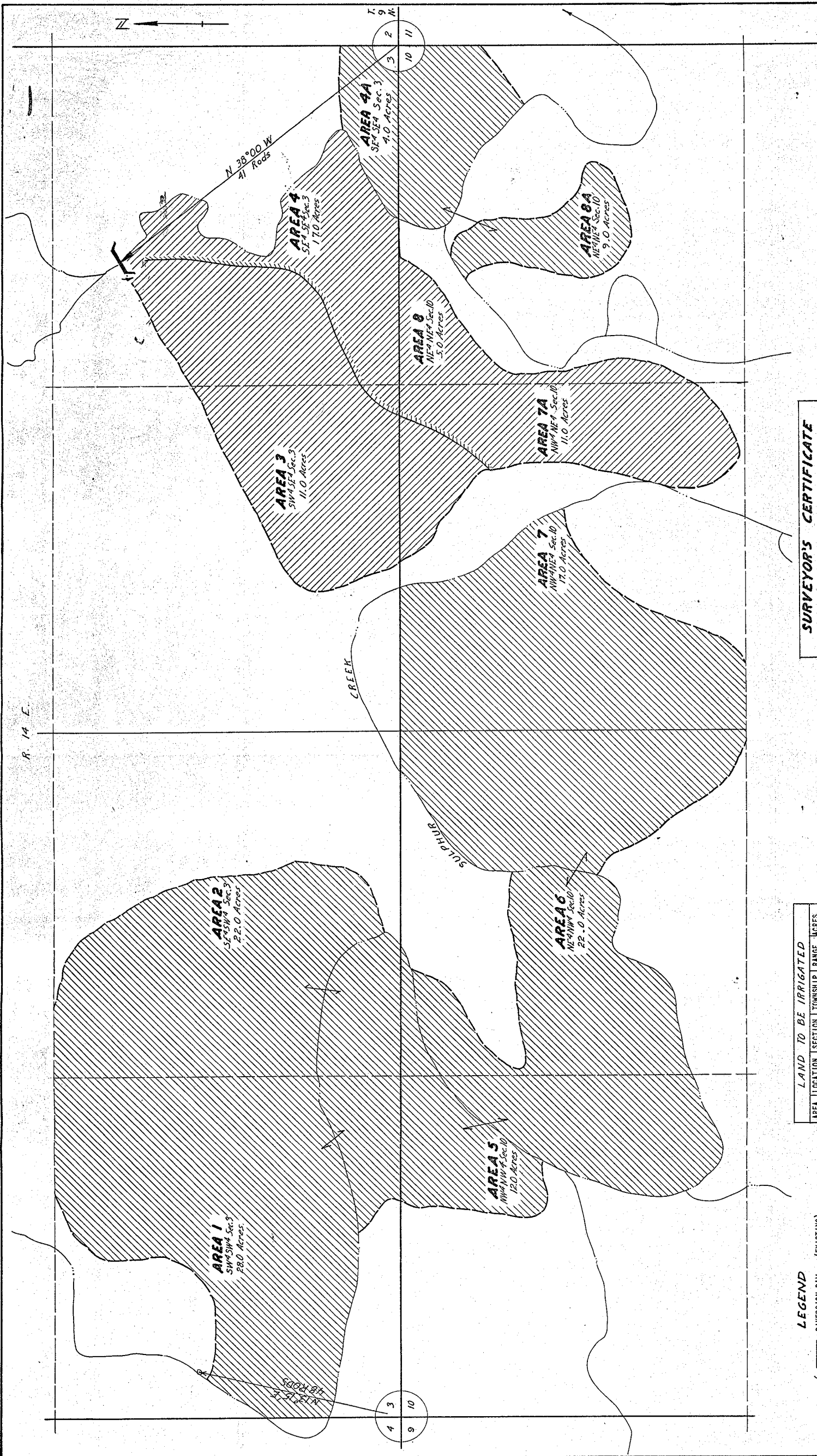


JUN 11 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources



LEGEND

- DIVERSION DAM (EXISTING)
- PROPOSED IRRIGABLE AREA
- VESTED AREA
- NATURAL DRAINAGEWAY
- EXISTING SPREADER DIKE
- PORTABLE PUMPING STATION

LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW 1/4	3	9N	14E	25
2	SE 1/4	3	9N	14E	22
4-A	SE 1/4	3	9N	14E	4
5	NE 1/4	10	9N	14E	12
6	NE 1/4	10	9N	14E	22
7	NE 1/4	10	9N	14E	17
8-A	NE 1/4	10	9N	14E	9
9	NE 1/4	11	9N	14E	22
10	NE 1/4	11	9N	14E	30
11	SW 1/4	11	9N	14E	7
12	SE 1/4	11	9N	14E	3
TOTAL					448
VESTED AREA					
3	SW 1/4	3	9N	14E	11
4	SE 1/4	3	9N	14E	17
7-A	NE 1/4	10	9N	14E	11
8	NE 1/4	10	9N	14E	5
TOTAL					44

SURVEYOR'S CERTIFICATE

I, KENNETH L. HUBER, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE SLIM HALE CARNEY IRRIGATION PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE IRI-COUNTY SOIL CONSERVATION DISTRICT.

SIGNATURE: Kenneth L. Huber
TITLE: AGRICULTURAL ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF April, 1964, A.D.
NOTARY PUBLIC
MY COMMISSION EXPIRES May 5, 1968

Scale: 1"=200'

**SLIM HALE CARNEY
IRRIGATION PROJECT
NUMBER 1**

Meade County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by: _____
Title: _____
Date: _____
Drawn by: _____
Title: _____
Date: _____
Traced by: _____
Title: _____
Date: _____
Checked by: EJA
Title: _____
Date: _____

MAP N° 564-1 APPL N° 564-1

3 2
10 11

S 54°
133.0-14
RODS

AREA 9
NW 1/4 Sec. 11
22.0 Acres
270

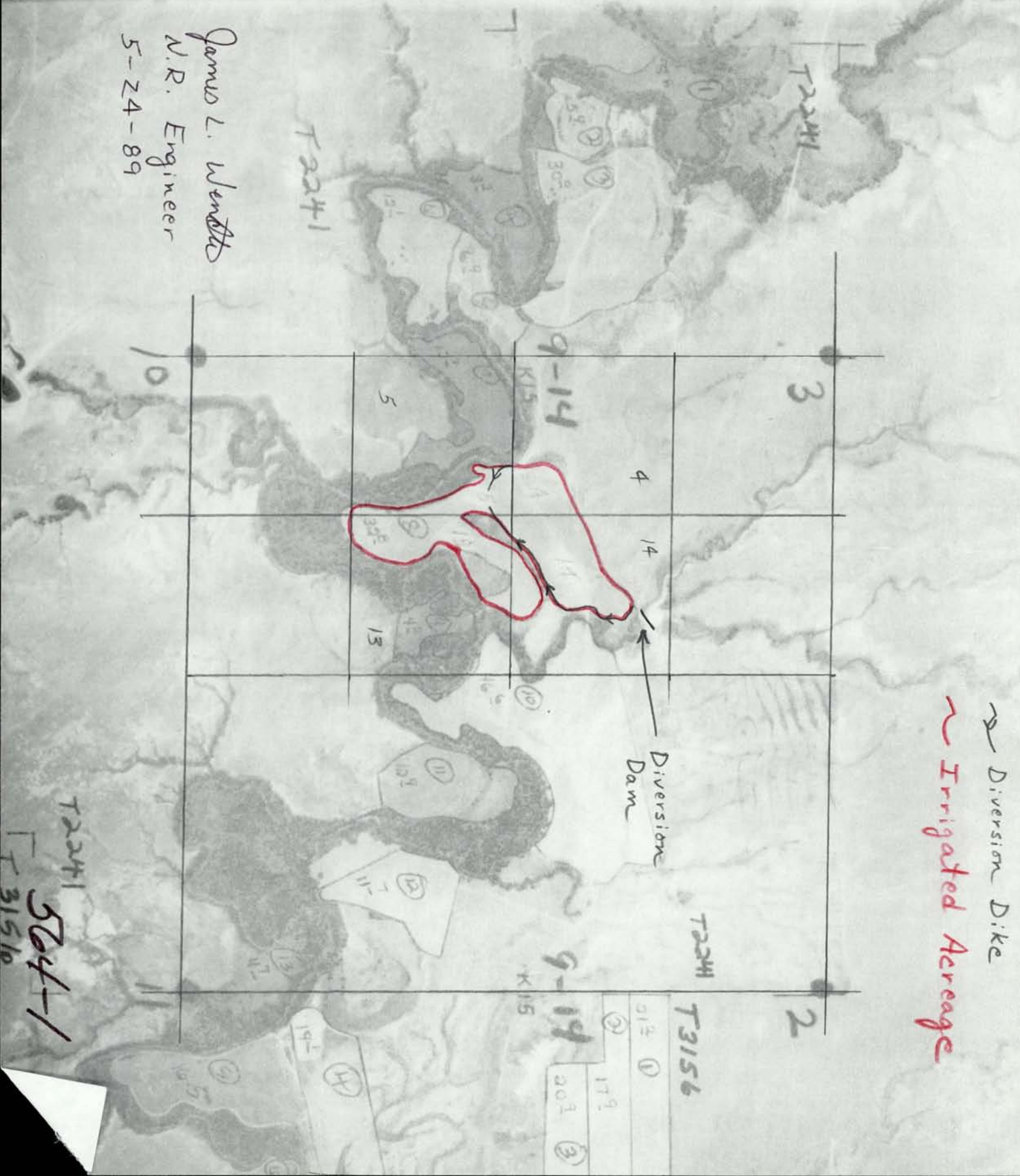
AREA 10
NE 1/4 Sec. 11
2.0 Acres
30°

AREA 12
SE 1/4 NW 1/4 Sec. 11
3.0 Acres

AREA 11
SW 1/4 NW 1/4 Sec. 11
7.0 Acres

NOT TO SCALE

James L. Wendt
N.R. Engineer
5-24-89



~ Diversion Dam
~ Irrigated Acreage

T2241
T3156
564-1