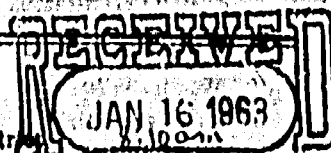


1. Considered 2-13, 1963 675-1
2. Name of Applicant FRED A WILKEN
3. Post Office Address Box ELDER
4. Amount of water claimed 8.18
5. Source of water supply DRY DRAINS
6. Water to be used for IRRIGATION
7. Acres to be irrigate 573.0
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not Approved ☐
Action deferred ☐
10. Remarks:

No. 675-1Water Division No. 1 ELK CREEK District 1001
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant FRED A. WOLISH
 Post office address BOX ELDER, County HAUTE, 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)

Employment of others and self

(b) Cash on hand, \$ Sufficient (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work WOLISH IRRIGATION PROJECT NO. 1

3. Amount of water claimed 2.18 cubic feet per second

4. Source of water supply Un-named dry draws

5. Location of point of diversion See under "Remarks by the Applicant"

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used April through October

7. To be used for:

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

(a) Number of acres to be irrigated 573.0 acres.

(b) Legal subdivisions to be irrigated See under "Remarks by the Applicant"

(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 _____

MAP No 564-1

Estimated cost of work:
Head Gates, \$ 2250 (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$ 1500 Rock, \$.....
(e) Other structures Diversion dams and dikes \$ 2800 Total, \$ 6650

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

Earth diversion dams (non-storage)

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.....FEET 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.....
STURGIS TRIBUNE, Sturgis, S. Dak.

STATE OF SOUTH DAKOTA
County of PENNINGTON ss.

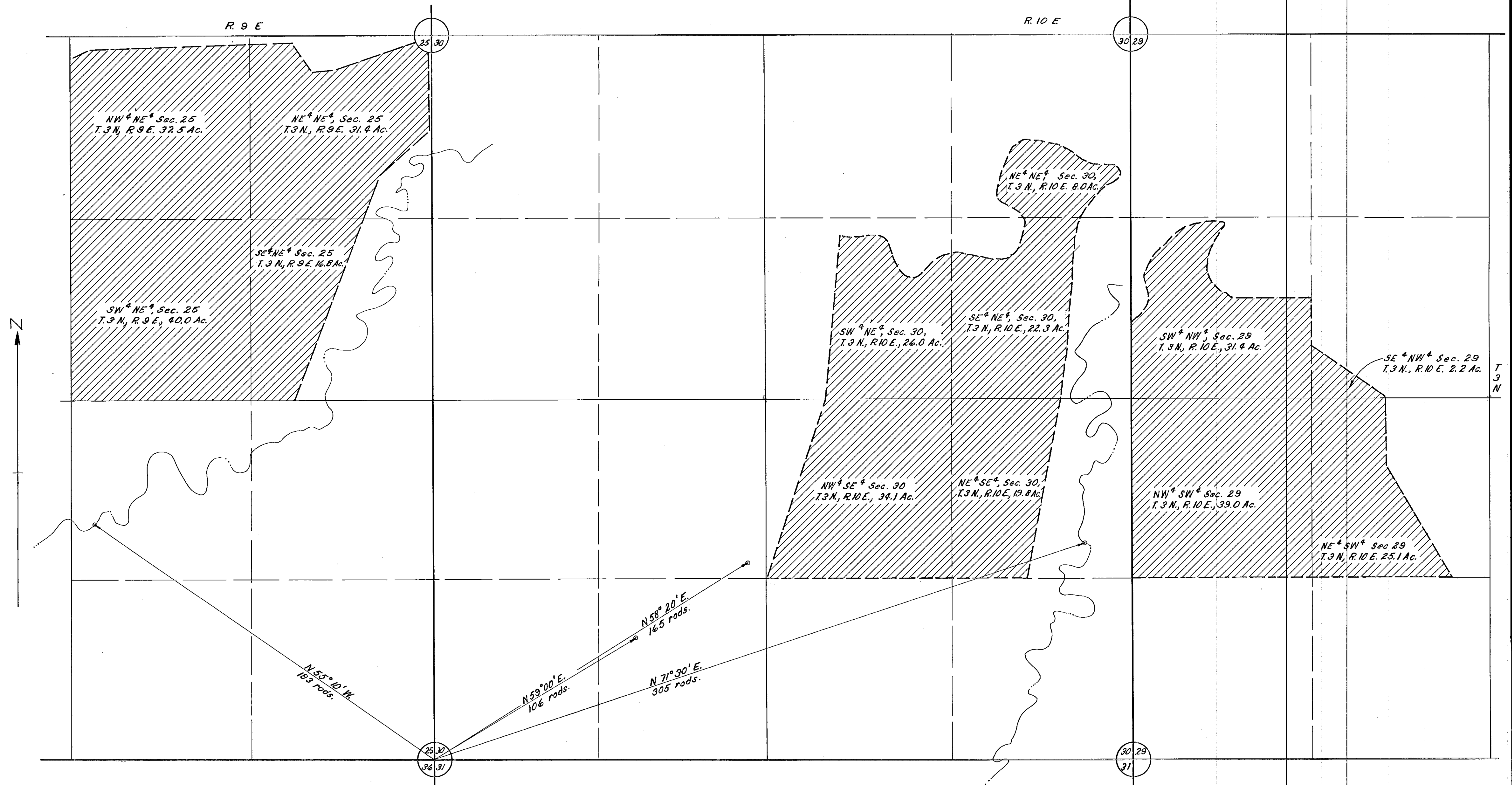
I, FRED A. WOLKEN, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed.....Fred A. Wolken

Subscribed and sworn to before me this 11/27/12th day of JANUARY 19 63

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW ⁴ NE ⁴	25	3N	9E	37.5
NE ⁴ NE ⁴	25	3N	9E	31.4
SW ⁴ NE ⁴	25	3N	9E	40.0
SE ⁴ NE ⁴	25	3N	9E	16.8
NE ⁴ NE ⁴	30	3N	10E	8.0
SW ⁴ NE ⁴	30	3N	10E	26.0
SE ⁴ NE ⁴	30	3N	10E	22.3
NW ⁴ SE ⁴	30	3N	10E	34.1
NE ⁴ SE ⁴	30	3N	10E	19.8
SW ⁴ NW ⁴	29	3N	10E	31.4
SE ⁴ NW ⁴	29	3N	10E	12.2
NW ⁴ SW ⁴	29	3N	10E	39.0
NE ⁴ SW ⁴	29	3N	10E	25.1
TOTAL =				333.6

- Land owned by Charles W. and Fred A. Walken.
 - Point of diversion

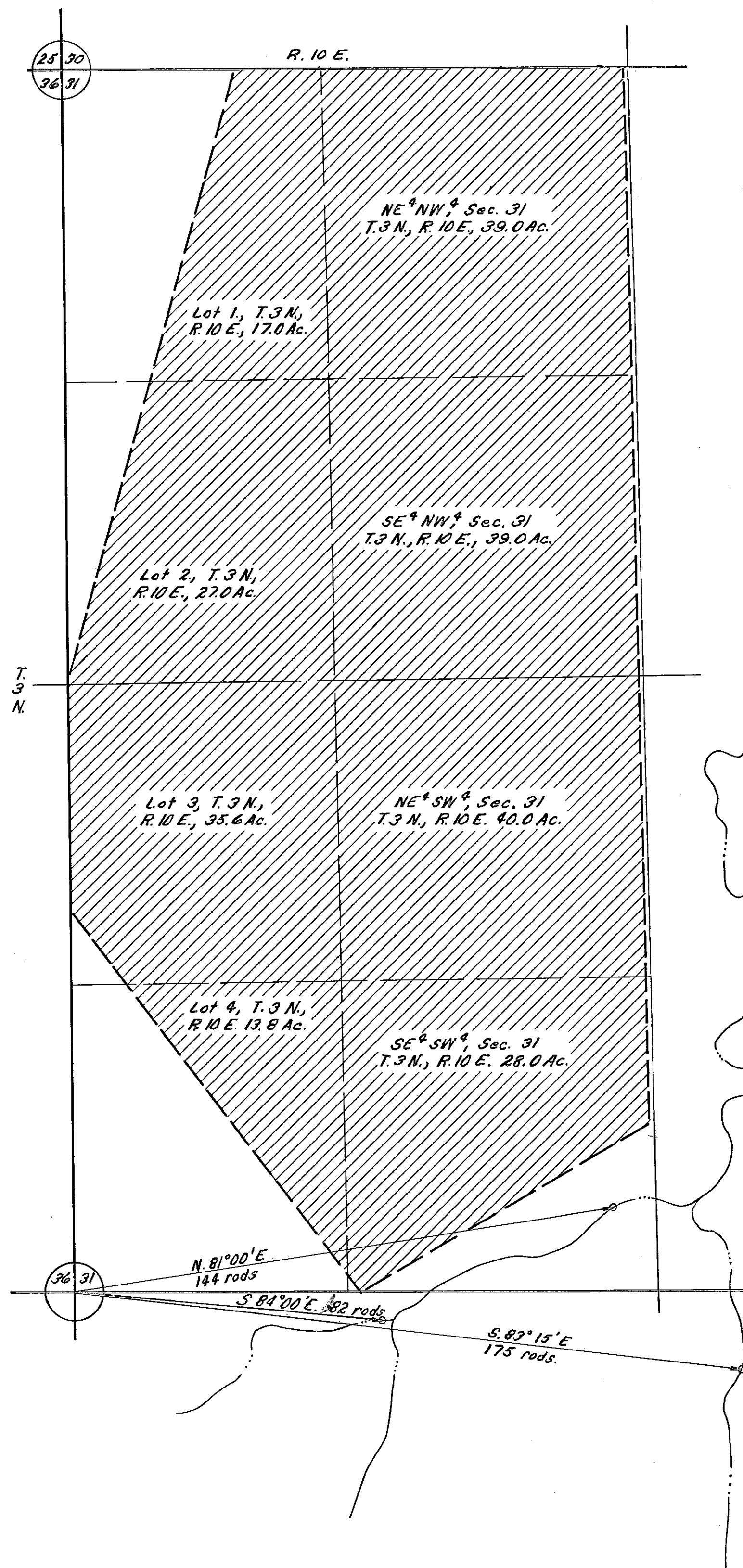
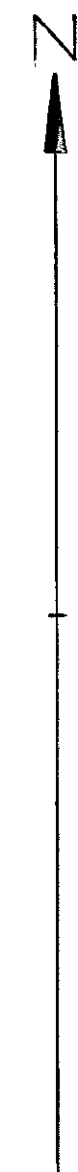
Scale: 1" = 400'

WOLKEN 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>2</u> of <u>2</u>
		Drawing No. _____



LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE ¹ / ₄ NW ¹ / ₄	31	3N	10E	39.0
SE ¹ / ₄ NW ¹ / ₄	31	3N	10E	39.0
NE ¹ / ₄ SW ¹ / ₄	31	3N	10E	40.0
SE ¹ / ₄ SW ¹ / ₄	31	3N	10E	28.0
LOT 1	31	3N	10E	17.0
LOT 2	31	3N	10E	27.0
LOT 3	31	3N	10E	35.6
LOT 4	31	3N	10E	13.8
TOTAL				239.4

▨ - Land owned by John H. Wolken.
○ - Point of diversion.

SURVEYOR'S CERTIFICATE

I, HENRY V. DAHLQUIST DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE WOLKEN IRRIGATION PROJECT NUMBER 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE ELK CREEK SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Henry V. Dahlquist
TITLE: AGGR. ENGR.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF January, 1964, A.D.

MY COMMISSION EXPIRES June 19, 1964
Notary Public
NOTARY PUBLIC

Scale: 1"=400'

WOLKEN 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. 1 of 2	Drawing No.

MAP NO 564-1 (APPL NO 675-1) SHT. 1

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MARCH 19, 1963

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
2 m. upon the 16th day of JANUARY, 1963

State Water Resources Commission

By:

John H. [Signature]
Chief Engineer, Executive Officer

Number of permit 675-1

Date of first receipt of application JANUARY 16, 1963

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 JANUARY 16, 1963

Approved MARCH 13, 1963, Recorded in Book 8 Page 48

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 _____

SEPTEMBER 13, 1965

2nd. The whole of said work is to be completed on or before MARCH 13, 1968

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

MARCH 13, 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 8.18 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 MARCH 13, 1970; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 19th day of MARCH, 1963.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 6, 1973

Water License Issued JUNE 6, 1973

Remarks by the Applicant;

5. Location of point of diversion.....

From the Southwest Corner of Sec. 31 - T 3 N - R 10 E,

1. A point South 84 deg 00 min E, 182 rods
2. A point South 83 deg 15 min E, 176 rods
3. A point North 81 deg 00 min E, 144 rods

From the Southwest Corner of Sec. 30 - T 3 N - R 10 E,

1. A point North 59 deg 10 min W, 183 rods
2. A point North 59 deg 00 min E, 108 rods
3. A point North 58 deg 20 min E, 165 rods
4. A point North 71 deg 30 min E, 205 rods

7. I (b) Legal subdivisions to be irrigated

Section 25 - T 3 N - R 9 E

NW $\frac{1}{4}$	NE $\frac{1}{4}$	37.5 Ac
NE $\frac{1}{4}$	NE $\frac{1}{4}$	31.4 Ac
SW $\frac{1}{4}$	NE $\frac{1}{4}$	40.0 Ac
SE $\frac{1}{4}$	NE $\frac{1}{4}$	16.3 Ac

Section 29 - T 3 N - R 10 E

NW $\frac{1}{4}$	SW $\frac{1}{4}$	39.0 Ac
NE $\frac{1}{4}$	SW $\frac{1}{4}$	25.1 Ac
SW $\frac{1}{4}$	NW $\frac{1}{4}$	31.4 Ac
SE $\frac{1}{4}$	NW $\frac{1}{4}$	2.2 Ac

Section 30 - T 3 N - R 10 E

SW $\frac{1}{4}$	NE $\frac{1}{4}$	26.0 Ac
SE $\frac{1}{4}$	NE $\frac{1}{4}$	22.3 Ac
NW $\frac{1}{4}$	SE $\frac{1}{4}$	34.1 Ac
NE $\frac{1}{4}$	SE $\frac{1}{4}$	19.8 Ac
NE $\frac{1}{4}$	NE $\frac{1}{4}$	8.0 Ac

(Above lands are owned by Fred A. and
Charles W. Wolken)

Section 31 - T 3 N - R 10 E

NE $\frac{1}{4}$	NW $\frac{1}{4}$	39.0 Ac
SE $\frac{1}{4}$	NW $\frac{1}{4}$	39.0 Ac
NE $\frac{1}{4}$	SW $\frac{1}{4}$	40.0 Ac
SE $\frac{1}{4}$	SW $\frac{1}{4}$	28.0 Ac
	Lot 1	17.0 Ac
	Lot 2	27.0 Ac
	Lot 3	35.6 Ac
	Lot 4	13.8 Ac

(Lands in Sec. 31-T3N-R10E are owned by
Jean H. Wolken)

TOTAL

573.0 Acres

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 675-1.

(1) WHEREAS, On the 16th day of January, A. D. 19 63
Fred A. Wolken

made Water Right Application No. 675-1 for a permit to use 8.18 cubic feet per second of the waters of dry draws

County of Meade, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 13th day of March, A. D. 19 63
 Permit No. 675-1, with a date of priority of January 16, 1963

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 13th day of March, A. D. 19 68 and for the application to beneficial use of said water on or before the 13th day of March, A. D. 19 70

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 8.18 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:

			<u>Acres</u>
T3N, R9E	Section 25		125.7
T3N, R10E	Section 29	NW $\frac{1}{4}$	33.6
		SW $\frac{1}{4}$	67.1
	Section 30	NE $\frac{1}{4}$	56.3
		SE $\frac{1}{4}$	53.9
	Section 31	NW $\frac{1}{4}$	122.0
		SW $\frac{1}{4}$	117.4
Total			573.0 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 Fred A. Wolken

_____ of Box Elder, S.D.
the holder _____ and owner _____ of said permit No. 675-1 a water right, dating from January 16, 1913
_____ to use of 8.18 cubic feet per second of the waters
of dry draws

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at N.55°10' W., 183 rods from the SE Cor., Sec. 25, T3N, R9E;
N.58°20' E., 165 rods from the SW Cor., Sec. 30, T3N, R10E; N.59° 00' E., 106 rods from the SW
Cor., Sec. 30, T3N, R10E; N.71°30' E., 305 rods from the SW Cor., Sec. 30, T3N, R10E; N.81°00' E.,
144 rods from the SW Cor., Sec. 31, T3N, R10E; S.84°00' E., 82 rods from the SW Cor., Sec. 31,
T3N, R10E; S.83°45' E., 175 rods from the SW Cor., Sec. 31, T3N, R10E.
and conduct to and upon _____

portions of Section 25, T3N, R9E and Sections 29, 30 and 31, T3N, R10E, more fully
described on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 675-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of June A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 675-1

Water Diversion No. 1 ELK CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Fred A. Wolken

_____ the holder _____ of
Permit No. 675-1, issued upon Application No. 675-1, bearing date of priority of January 16,

1963 authorizing the diversion of 8.18 cu. ft. per second of the waters of _____
dry draws County of Meade, State of South Dakota at _____

N. 53° 10' W., 183 rods from the SE Corner, Sec. 23, T3N, R9E; N. 58° 20' E., 165 rods from
the SW Corner, Sec. 30, T3N, R10E; N. 59° 00' E., 106 rods from the SW Corner, Sec. 30,
T3N, R10E; N. 71° 30' E., 305 rods from the SW Corner, Sec. 30, T3N, R10E; *
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 found in satisfactory
condition for diverting and conveying to the place of intended use over 30 cu. ft. per second of water.

Date June 6, 1973

WATER RESOURCES COMMISSION

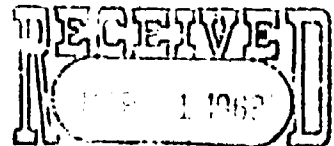
By:

J.W. GRIMES, Executive Officer

*
N. 81° 00' E., 144 rods from the SW Corner, Sec. 31, T3N, R10E;
S. 84° 00' E., 82 rods from the SW Corner, Sec. 31, T3N, R10E;
S. 83° 15' E., 175 rods from the SW Corner, Sec. 31, T3N, R10E.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Meade } ss.



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Morris G. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Black Hills Press 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 _____ Sturgis _____ County of _____

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

February 16, February 23, March 2

March 9

in each and every issue of the full number thereof, the first publication being made on the 16 day of Feb. 1963 and the last publication on the 9 day of _____

March 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

Morris G. Hallock

APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S. Dak.
February 11, 1963
Notice is hereby given that Fred A. Wolken whose postoffice address is Box Elder, 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 5.18 cubic feet of water per second of time from Dry Draws through the Wolken Irrigation Project No. 1, the point of diversion of which is to be located on both banks of said stream between a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T 3N, R 10E, and a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25 Twp. 3N Range 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NE $\frac{1}{4}$, Section 25, T 3N, R 9E;
NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29; and NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 11, all in T 3N, R 10E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13 day of March, 1963, 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 BURTON F. JONES
Water Right Specialist
Pat F-16-23 M-2-8

Subscribed and sworn to before me this _____ day of March A. D. 1963

Bob Lee
Bob Lee

Notary Public Meade County, S. D.
My Commission Expires
April 12, 1968

On or before
(First Publication February 16, 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 11, 1963

Notice is hereby given that Fred A. Wolken whose postoffice address is Box Elder 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 8.18 cubic feet of water per second of time from the Dry Draws through the Wolken Irrigation Project #1, the point of diversion of which is to be located on ~~the~~ both between a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T 3N, R 10E, and a point bank of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25 Twp. 3N Range 9E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

NE $\frac{1}{4}$, Section 25, T 3N, R 9E; N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 29; and NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 31, all in T 3N, R 10E.

and/or purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13 day of March, 1963, 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.

cc: **Norrie Hallock-Publisher**
Black Hills Press
Sturgis, South Dakota

State Water Resources Commission

By:

BUNTON F. JONES
Water Right Specialist

Permit No. 675-1
 Water Division 1 ELK CREEK Water District

**REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Fred A. Wolken, Sr.
Box Elder, South Dakota holder...
 of Permit No. 675-1, hearing date of priority of January 16, 19 53
 authorizing the diversion of 8.18 cu. ft. per second of the waters of dry draws
 for spreader irrigation purposes, in Meade County County.

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

The Water Use System consists of,

A. Works used to divert the water:

Seven dams on dry draws

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

Several miles of main ditches

C. Works used to apply water to beneficial use.

Flat ditches constructed on contours, between 300 and 500 feet apart.

The system is in the following condition: good
see attached list
 The point of diversion is located _____

The works are capable of diverting and conveying to the place of use over 30
cu. ft. per second of water which is to be used for spreader irrigation

Water has been put to beneficial use to the maximum extent as follows: 125.7 acres in Sec. 25, T3N, R9E
Remainder in T3N, R10E

NE $\frac{1}{4}$, Sec. 30	56.3 acres	NW $\frac{1}{4}$, Sec. 29	33.6 acres
SE $\frac{1}{4}$, Sec. 30	53.9 "	SW $\frac{1}{4}$, Sec. 29	64.1 "
NW $\frac{1}{4}$, Sec. 31	122.0 "		
SW $\frac{1}{4}$, Sec. 31	117.4 "		

comprising a total of 573.0 acres of land.

Just as shown on Water Right Map No. 564-1 issue to Fred A. Wolken, Sr.,
 but show Mrs. Iola Wolken, Rapid City as being the owner of the
 W $\frac{1}{2}$, Sec. 29, T3N, R10E

Date May 14, 1973

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

Location of Diversion Points in Inspection of Water Permit No. 675-1

- N. 55° 10' East, 181 rods from the SE Corner, Sec. 25, T3N, R9E
- N. 90° 20' East, 135 rods from the SW Corner, Sec. 30, T3N, R10E
- N. 50° 00' East, 106 rods from the SW Corner, Sec. 30, T3N, R10E
- N. 71° 10' East, 105 rods from the SW Corner, Sec. 30, T3N, R10E
- N. 81° 00' East, 144 rods from the SW Corner, Sec. 31, T3N, R10E
- N. 81° 00' East, 82 rods from the SW Corner, Sec. 31, T3N, R10E
- N. 81° 15' East, 125 rods from the SW Corner, Sec. 31, T3N, R10E

Just as shown on Water Right Map No. 184-1

Location of Diversion Points in inspection of Water Permit No. 675-1

N. $55^{\circ} 10'$ West, 183 rods from the SE Corner, Sec. 25, T3N, R9E
N. $58^{\circ} 20'$ East, 165 rods from the SW Corner, Sec. 30, T3N, R10E
N. $59^{\circ} 00'$ East, 106 rods from the SW Corner, Sec. 30, T3N, R10E
N. $71^{\circ} 30'$ East, 305 rods from the SW Corner, Sec. 30, T3N, R10E
N. $81^{\circ} 00'$ East, 144 rods from the SW Corner, Sec. 31, T3N, R10E
S. $84^{\circ} 00'$ East, 82 rods from the SW Corner, Sec. 31, T3N, R10E
S. $83^{\circ} 15'$ East, 175 rods from the SW Corner, Sec. 31, T3N, R10E

Just as shown on Water Right Map No. 564-1

675-1
988-1
1000-1

WATER RIGHTS DIVISION
(605) 773-3352

November 17, 1983

Ag Resources, Inc.
PO Drawer 8010
9th & St. Joe
Rapid City, South Dakota 57701

ATTENTION: Paul C. Bunn, President

Dear Mr. Bunn:

This letter is in reference to Water Right Nos. 675-1 and 988-1, and Water Permit No. 1000-1 all in the name of Fred A. Wolken, Sr., Box Elder, South Dakota. Mr. Wolken indicated on his 1983 Irrigation Questionnaire that he had sold his ranch to you on July 17, 1983.

In order to keep our records up-to-date it will be necessary to file a "Notice of Transfer" for each of the above mentioned water rights with this office. Enclosed is a partially completed transfer form for each one. Please check over, date sign before a notary and return the forms to this office with a \$2.50 filing fee for each (total of \$7.50). The water rights will then be transferred to your name.

South Dakota Water Law 46-5-30.5 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 this office.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: November 23, 1983

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

573 Acres- NE $\frac{1}{4}$ Section 25, T3N, R9E; W $\frac{1}{4}$ Section 29, E $\frac{1}{4}$ Section 30,

W $\frac{1}{4}$ Section 31, T3N, R10E

formerly owned by Fred A. Wolken, Sr., Box Elder, South Dakota

has been transferred to Paul C. Bunn, 9th & St. Joe
~~Any XXXXXXXXXX~~, P.O. Drawer 8010, Rapid City, SD 57701
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

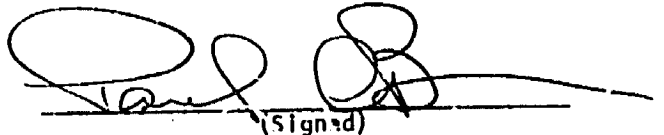
Water Right Permit No. 675-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in the appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

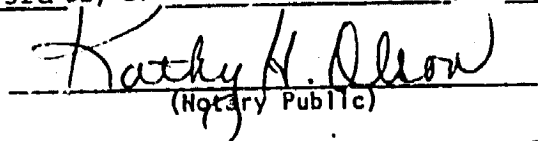
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Paul C. Bunn 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.


(Signed)

Subscribed and sworn to before me this 23rd Day of November, 19 83.


(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9413

Pierre, November 23, 1983

RECEIVED OF Paul C. Bunn, P.O. Box 3010, Rapid City, SD 57701

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 for WR#675-1	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 John Hatch
Chief Engineer JOHN HATCH/ms



675-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1993

Kent Rasmussen
PO Box 866
Rapid City, SD 57709-0866

Dear Mr. Rasmussen:

Enclosed, as you requested, are copies of Canceled Vested Water Right Claim No. 988-1 and Water Right No. 675-1.

Vested Water Right Claim No. 988-1 was canceled by the Water Management Board on September 1, 1993 for abandonment and/or forfeiture. Water Right No. 675-1 is still active and has not yet been canceled; however, validity would depend upon whether or not the land is still being irrigated.

Under SD State Law, the land has to be irrigated at least once every three years (unless legal excuse exists) in order to keep a water right valid. Issues of validity have to be brought before the Water Management Board for consideration.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: _____

ADDRESS: Clock Tower Plaza.
2525 W Main - Suite 203, Rapid City, SD. COUNTY MeadeDATE: May 4, 1987 TELEPHONE 341-5576RE: Cancellation of permits No's

COMMENTS:

I talked to Terry Petrick, the farm manager and he said they plowed up everything in 1983 and never used the irrigation. This included the areas in sections 25, 30 & 36 ~~to~~ T9 & T10 N south of the main system on Elk Creek.

He said that they haven't used the system and don't want the system anymore.

The land is still in Paul Bunn's name but it will be reverted to Aetna ^{Insurance} Life in about 6 months.

He thought Aetna ^{Insurance} Life is out of Denver, Colo.

Bunn has the land leased this year and may lease it other years according to Petrick.

Bunn was not available at the time I was at the office. He would not be back until May 7th.

Petrick was pleased that we plan to cancel these permits as it gave them a lot of paperwork they did not want.

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: _____

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: May 6, 1987 TELEPHONE _____

RE: Cancellation inspection for Permits # 675-1 & 988-1

COMMENTS:

I walked down to check on Permit # 675-1 and found the area in the W $\frac{1}{2}$ sec. 31, the ~~SE~~ E $\frac{1}{2}$ sec 30, T 3N R 10 E and the NE $\frac{1}{4}$ sec 25, T 3N R 9 E have not been irrigated for some time as the area has been cultivated. The irrigation ditches and spreader dikes etc have all been worked down and are in-operable. The area in the W $\frac{1}{2}$ sec. 29, T 3N R 10 E belongs to Charles Wolken and is still operable. This permit # 675-1 needs to be re-limited to include only the area in section 29.

I talked to Fred Wolken, who used to own the land and he said that Permit # 988-1 has been cultivated and is inoperable. Also the area under Permit # 675-1 has been cultivated so that none of it is operable except that in section 29.

I also looked at the concrete diversion dam located about 600 ft east of Roy Olsons farmstead. It is in good condition but was not operating as there were no planks in use to back water into the irrigation ditch. There were no planks in site at the time of my inspection.

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: Leroy J. Mernaugh

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY Meade.

DATE: May 7, 1987 TELEPHONE _____

RE: Cancellation of Water Permits # 675-1 and #988-1

COMMENTS:

I talked to Charles "Billy" Wolken about these two permits. The area under #675-1 in section 29 is still operable. I said we would probably re-licence #675-1 to only include this area.

He agreed that #988-1 should be cancelled as the three years of non-use is up. The main ditch has been blocked off so that he can't get any water. He said he was at the tail end of the project and did not get much in the first place.

There is a dam in the SE $\frac{1}{4}$ sec 19 that used to spread some water on his land in sections 20 and 29. However the ditch was rendered inoperable by cultivation by Paul Bunn who owned the land. He thought it may still do him some good if it did work but wouldn't spend money to get it in use. Thought he would need an attorney.

I said I would inspect this area and in # $\frac{1}{2}$ -29 to make sure what water rights could do. Wolken said he would forego any ev in sec. 20 + 29 just to get #988-1 cancelled as the water in Elk Creek meant more to him.

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: Leroy J. Mernaugh.

NAME OF PERSON OR FILE: Paul Bunn
ADDRESS: P.O. Box 8010, Rapid City, SD 57701 COUNTY Meade
Home 342-5005
DATE: July 2, 1987 TELEPHONE Office 341-5576
RE: Operation of Permits # 675-1 + 988-1

COMMENTS:

I talked to Mr Bunn about Permits # 675-1 + 988-1. He said they were irrigating some, I asked how much and he said he would not tell me. I said where and he said he would not tell me that either. He asked me if I can show him where the filled in the ditches. I said I had not been on all of the land. He said the ditches are all in tact. I said the dikes and spreader ditches and dikes on the south side of Elk Creek (Permit # 675-1) had been farmed over and there was not much left of them. He said those dikes south of Elk Creek had been farmed over but the water spreads naturally and the area can still be irrigated. I had inspected the area a few weeks before and the dikes were inoperative.

Bunn asked me if anyone else from our office had seen the area and I said yes they had. He asked who gave permission to be there. I said Terry Petrich from your office gave me permission. Bunn said he is only an accountant and not the owner. I said Fred Woken said the ditches had been plowed up and the system would not work. Bunn said that the ditches were all in tact.

Bunn said Charles Woken had land below him. He said to get Charles Woken to sign a letter about cancelling these permits and he Bunn would take it from there

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 OF PERSON OR FILE: Paul Bunn (Cont)

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

Bunn said he did not want any law suits. I said Terry Petrich said the irrigation system has not been used in four years and that is why I wanted to talk to you to confirm what he said. Again Bunn said he is just an accountant. Bunn would not tell me how much or where they were irrigating. When I asked if the water was diverted from Elk Creek he said he would not tell me. He said in high water, water would flow into the ditch into the system.

I gathered that if we were to cancel the permits now that there would be a law suit. However it is possible to re-licence them for what is still irrigable from the system as part of Permit #675-1 is being irrigated on Lona Walkers land.

During the ^{conversation} ~~conversations~~ Bunn indicated that the State was out to cancel all Water Rights. I said only those that were not kept up properly.

When I left I said we would let the permits ride for now. ~~then~~

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: LeRoy J Mernaugh

DATE: 7-14-87

NAME OF PERSON Walt Miller TELEPHONE _____

ADDRESS Contact his son Randy Miller COUNTY Pennington
RR. New Underwood

Location or Land Description: _____

Comment or Complaint: Walt Miller called to advise that person by
Name of ~~Olson~~ above Randy Miller on Elk Creek
has a concrete dam that he can put boards in.
Flow in Elk Creek has stopped. They believe has boards
in dam now. Need to locate dam and inspect.
NE 1/4 SE 1/4, Section 22, T3N, R9E

(When applicable, complete following)

Well location if different from above: _____

Date well drilled: _____ Well Driller _____

Purpose of well: _____
(domestic, irrigation, municipal, other)

Water Level: _____ Flow, if flowing _____

Depth of well: _____ Can well be controlled? _____

Pump setting: _____ Casing size: _____

Type of pump: _____ Screen type: _____

Can pump be lowered: _____ Casing material _____

When pump last pulled, pump replaced or anything done to well _____

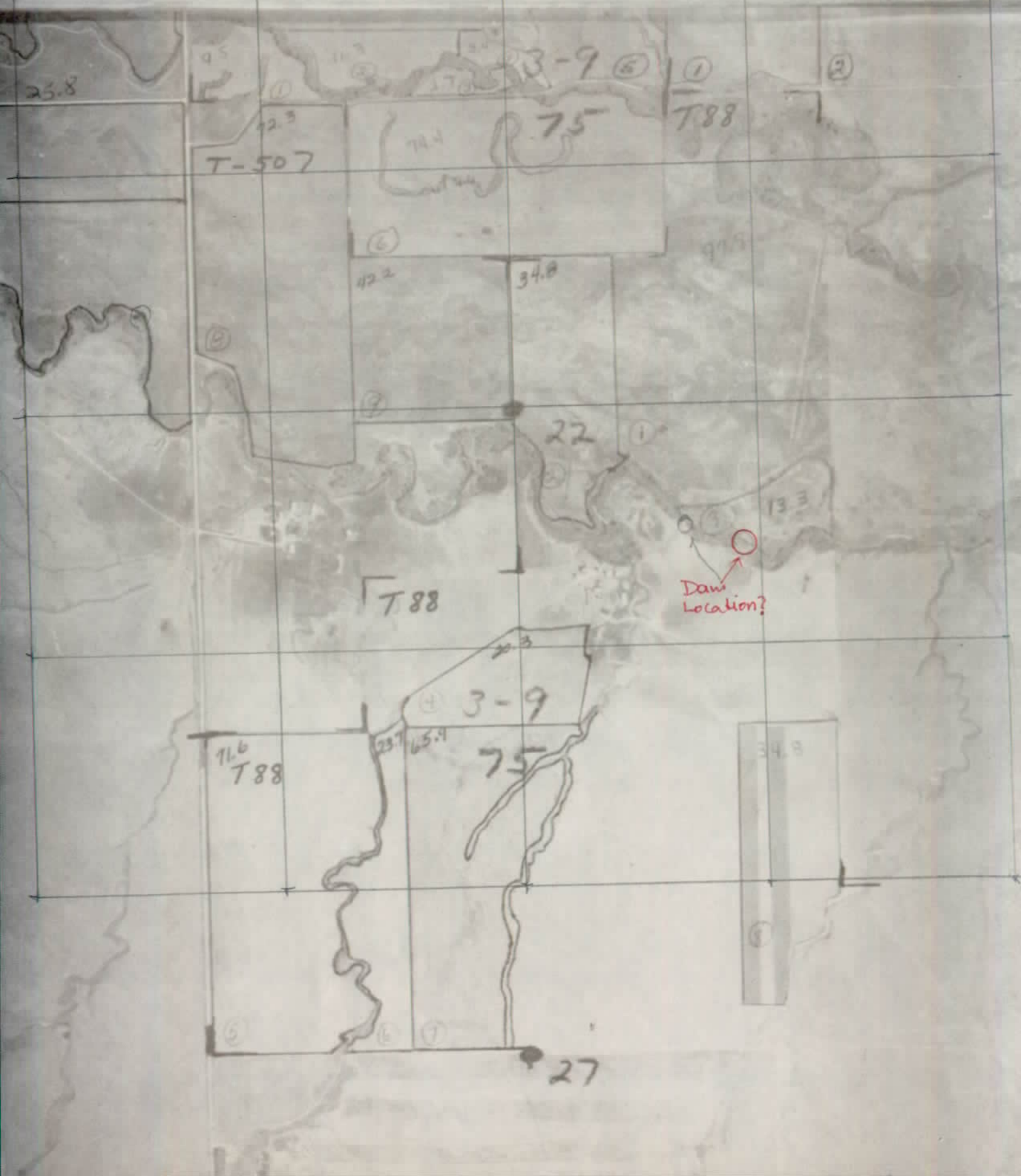
Pump Capacity _____

Pumping dirty or riley water now and has well ever pumped sand or dirty or riley water
in the past? _____

Other: _____

NAME: 

NOT TO SCALE



Investigation Report
WR #988-1, Paul Bunn
July 15, 1987

Upon arriving at the hotel in Belle Fourche, I received a message to call Mr. Delvin Brosz. Mr. Brosz stated a complaint was received from downstream irrigators that Mr. Bunn had dammed the creek and they could not get any water. Mr. Paul Bunn (Ag Resources Inc.) has a permit on Elk Creek to irrigate lands in Sections 23, 24, etc; T3N, R9E in Meade County. He also stated that apparently there was a concrete structure in the NE 1/4 SE 1/4 Section 22, T3N, R9E which could be used to dam up the creek by inserting a plank into it to stop the flow.

Mr. Randy Miller who lives approximately 10 miles downstream from the dam was contacted. He stated that Ray Olson is the operator for Mr. Bunn. Mr. Miller also stated that his neighbor Bill Wolken was the one who actually made the complaint. Mr. Miller who was busy combining also stated that after they made the complaint, they thought that might not have been the damming of the creek by Bunn or Olson which made the water level to decline, but probably the beavers or just simply lack of rain. He also said that Mr. Olson had moved or is in the process of moving from the area and was not doing any farming.

At the time of inspection, 10:30 AM local time, the creek was flowing approximately 2-3 gpm.

Ag Resources Inc., 2525 W. Main #203 in Rapid City was contacted. At the time, Mr. Bunn was not in the office. Mr. Terry Petrick, Controller for Ag Resources stated that they were not irrigating the land, and they did not have a dam to stop the water. He said there was a concrete structure on the creek and had been there for many years. Mr. Petrick also said they would like to cancel all the permits for Bunn or Ag Resources Inc. on Elk Creek.

The same day, Mr. Del Brosz was contacted from Rapid City to find out if it was necessary to go out on Mr. Bunn's land to inspect the land and the dam? He said I did not have to do that. Mr. Brosz stated that Mr. Mernaugh would inspect the land in a later date to find out if the permit should be cancelled.



Rassool Ahadi
Natural Resources Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Paul BunnADDRESS: _____ COUNTY MeadeDATE: July 29, 1987 TELEPHONE _____RE: Cancellation Inspection of Water Permit # 988-1

COMMENTS:

I talked for a few minutes to Terry Petrich. He said that they were not irrigating on Elk Creek but on property about 20 miles SE of Rapid City. I said I was getting conflicting reports and wanted to have someone show me what was being irrigated. Then Mr Bunn came in and I asked him to show me what is being irrigated. He said he was leaving town in two hours and maybe next week. He was called to the phone so we never made a date. ^{we resumed our talk.} after the phone call he then became upset and said Charles Wollen had made a complaint that he (Bunn) had closed the ditches and get a statement from him to that effect. I said I wanted to see what you were irrigating and he became more upset and would not tell nor would he show me anything. I said I was asked by ~~my~~ office to have you show me what you were irrigating. He wouldn't tell me anything or show me anything and to get out of the office. He was tired of having me push him around. I said I was only doing what I was told to do. He said get out so I left.

Terry Petrich was not in on the conversation but just as Bunn came in and ~~was~~ ^{were} talking about the irrigation he (Petrich) said I am just an accountant and Bunn should handle it.

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: Leroy J. Merriam

Conversation or File Documentation

NAME OF PERSON OR FILE: Donna BarrADDRESS: Katak, Rock & Huie, Denver, CO COUNTY MeadeDATE: July 31, 1987 TELEPHONE 303-297-2400RE: Field Investigation of Water Right 988-1

COMMENTS:

I called A. Eleanor Fanelli, Aetna Life Insurance,
Hartford Conn., ^{203-273-0123,} to determine if they had any involvement
with 988-1. She referred me to Donna Barr

Donna Barr told me that the land under 988-1 was
under receivership. They were in the process of obtaining
ownership and will then lease it back to Paul Bunn.
I asked her if they had the authority to grant us permission
to inspect 988-1. She stated that they do not have
that authority now but would have it in about two
weeks. She will be checking with their water law
expert and will be getting back to me.

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.

Devin D. Broz, P.E.
Hydrologist.

Conversation or File Documentation

NAME OF PERSON OR FILE: Dean OlsonADDRESS: 909-1st Ave NW, Mandan ND. 58554 COUNTY MeadDATE: October 9, 1987 TELEPHONE (701) 663-6433RE: Cancellation of Permit # 675-1

COMMENTS:

Mr Olson wanted to know the status of the cancellation of this permit. He is looking at the possibility of buying the LeRoy Olson land upon which the diversion point for the 675-1 (Walker) permit. There is a small area that could be irrigated if the permit is not cancelled. But the area next to the diversion ditch from the dam.

I said that the permit will ^{probably} be put up for cancellation in the near future if I have a chance to inspect it before winter sets in. I need to get Aetna Insurance company permission to go on the land. From reports I have heard the system has not been used for at least three years or more.

Dean Olson said that LeRoy Olson told him that it has not been used since about 1976. LeRoy Olson used to own the land upon which the diversion dam on Elk Creek is located.

I told Dean Olson that it appears now that all things point to presenting it to the Water Management Board for cancellation but I could not tell him when. Olson just wanted to know the status of the permit.

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: LeRoy J. McNaugh

#56-1

Paul Bunn

KNOW ALL MEN BY THESE PRESENTS:

THAT Mary Harrington whose post office is
Bend, South Dakota, a citizen of the United States, above the age of

21 years, being in possession of the following described land, to-wit: S 4 S 1/2 Sec 18 T 4 N R 9 E section

Thirteenth township Four North range Nine East B. H. M.

in Mead County, South Dakota. Said lands comprising Desert Entry No. 535

Land District, availing him self of the right granted him under the provisions
 of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to

construct a certain dam across a dry draw situated in the S 4 1-4 of the S 1/2 1-4 section Nineteen
 township Four North range Nine East and has located and claims the right to construct ditches and
 flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and
 claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 0.67 cubic feet of water per second during the following
 described annual periods inclusive, each year.

Said location was made on the 26th day of June 1911

Witness my hand and seal this 13th day of July 1911

Mary Harrington Locator.

STATE OF SOUTH DAKOTA } ss
 COUNTY OF _____

On the _____ day of _____ 1911, before me _____

_____, a Notary Public in and for the County and State aforesaid, personally
 appeared _____ to me personally known to be the person who executed
 the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

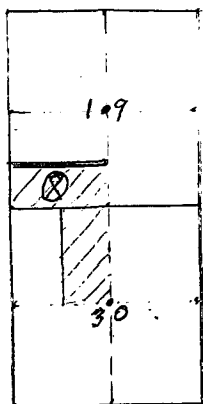
 Notary Public.

Pierre, South Dakota, November 12th 1911

This is to certify that the foregoing location notice was received at this office at 9 o'clock a M.,
 upon the 12th day of November 1911, and after examination it was filed for
record

Samuel H. Lee
 State Engineer.

R 9 E

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N

LOCATION NOTICE

P 380

383-1

Paul Bunn
owner.

383-1

KNOW ALL MEN BY THESE PRESENTS:

THAT Mary Harrington whose post office is
Piedmont, South Dakota, a citizen of the United States, above the age of
21 years, being in possession of the following described land, to-wit: Eighty Nine and Sixty Six section
Nineteen township Four North range Nine East B. H. M.
in Meade County, South Dakota. Said lands comprising Desert Entry No. 133
Rapid City Land District, availing her self of the right granted her under the provisions
of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to
construct a certain dam across a dry draw situated in the section one and a half of the 1-4 of the 1-4 section Nineteen and Thirty
township Four North range Nine East and has located and claims the right to construct ditches and
flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and
claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 0.67 cubic feet of water per second during the following
described annual periods 7 time inclusive, each year.

Said location was made on the 28th day of June 1908

Witness my hand and seal this 17th day of March 1911

Mary Harrington

Locator.

STATE OF SOUTH DAKOTA } ss
COUNTY OF Meade

On the 17th day of April 1911, before me John Kelly
Register of Deeds, a Notary Public in and for the County and State aforesaid, personally
appeared Mary Harrington to me personally known to be the person who executed
the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

John Kelly
Register of Deeds Notary Public.
Meade County, So. Dak.

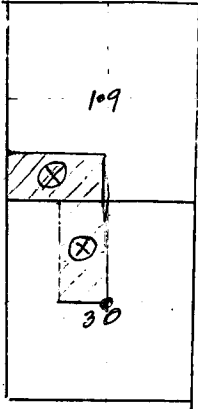
Pierre, South Dakota, August 2nd 1911

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M.,
upon the 2nd day of August 1911, and after examination it was filed for
record

Samuel H. Lora

State Engineer.

R 9 F

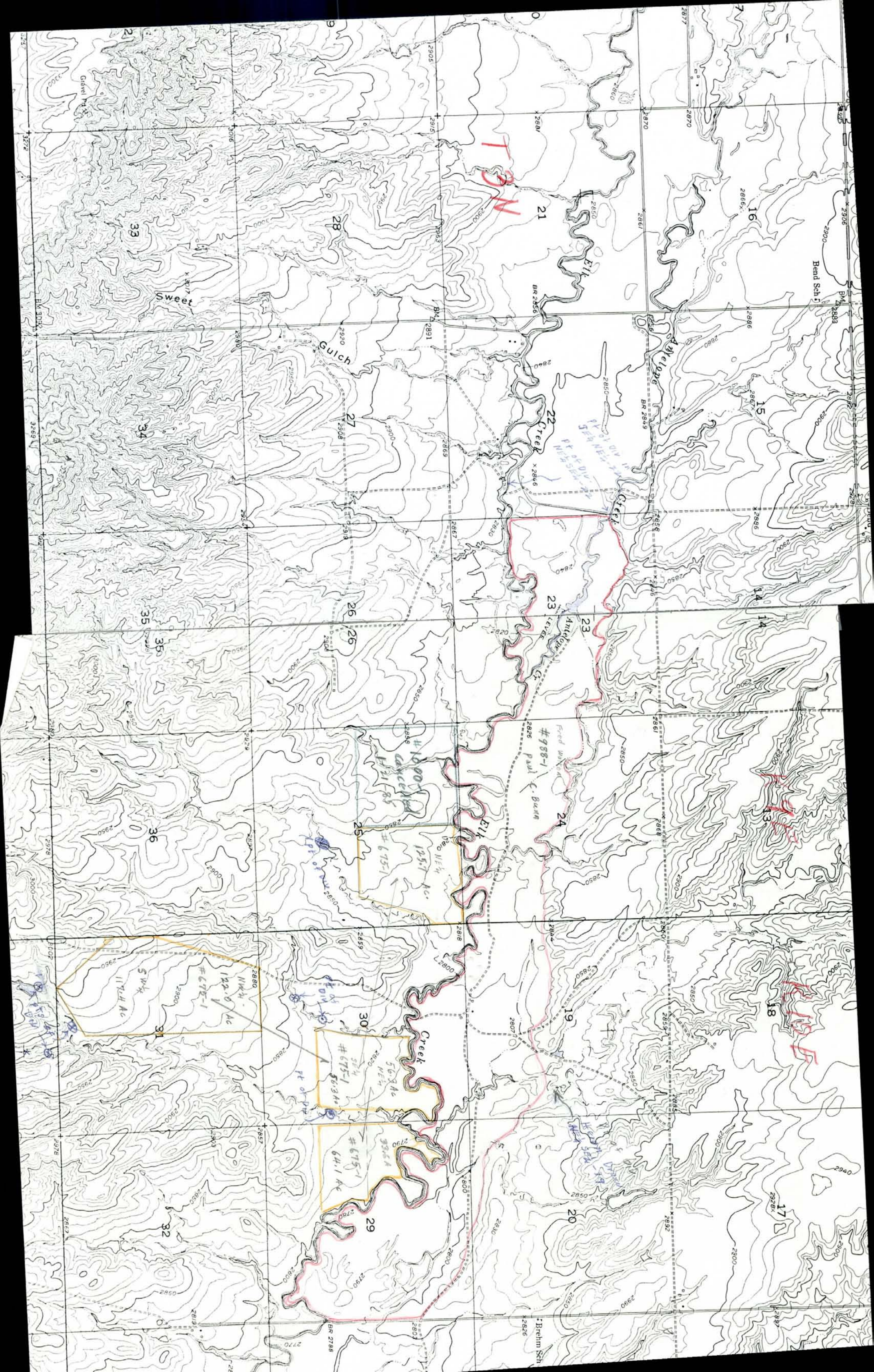


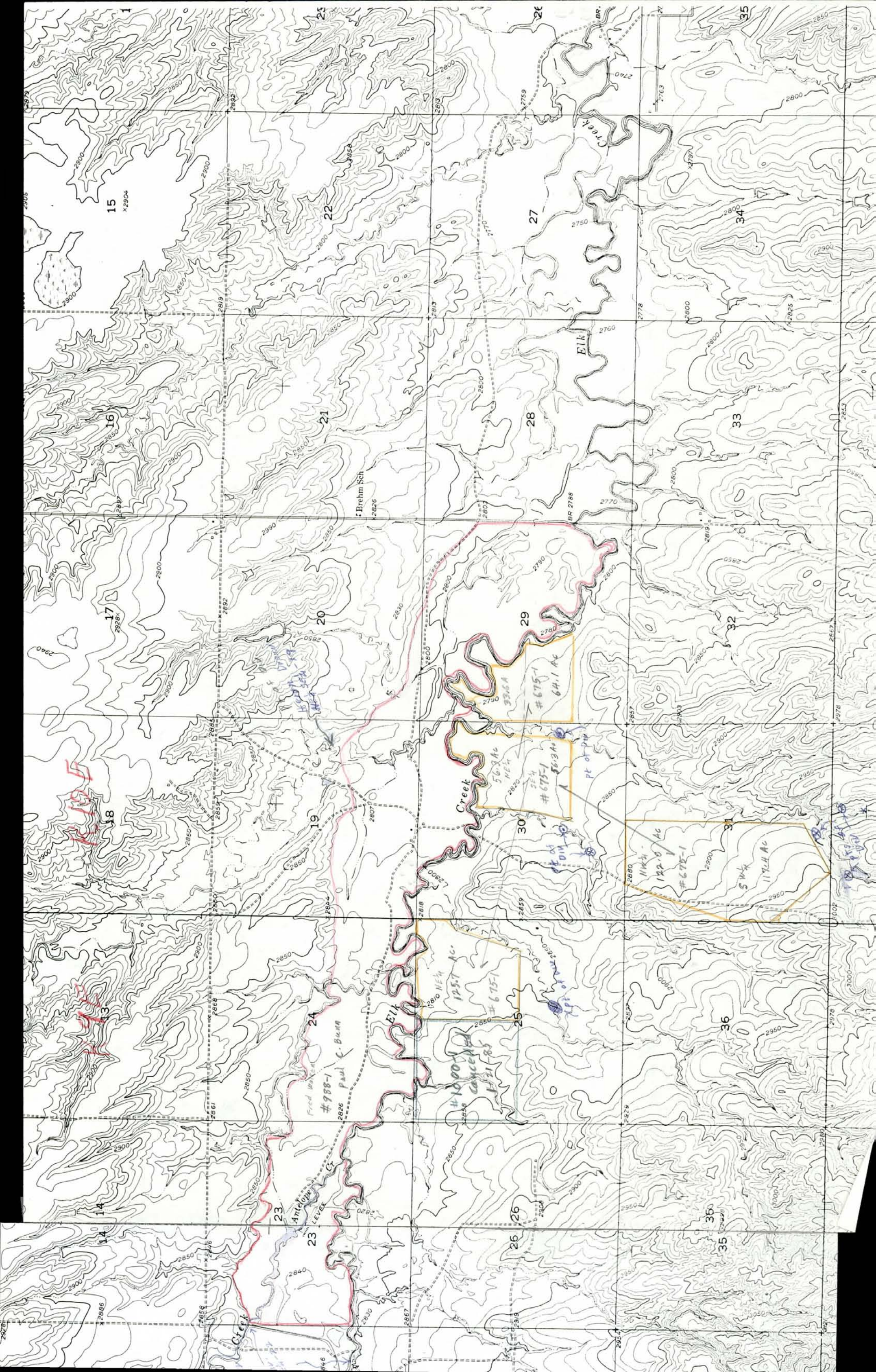
NOT TO SCALE

NOT

NOT TO SCALE







988-1 Paul C. Bunn
formerly Fred A. Wolken.

675-1 Paul C. Bunn
was Fred A. Wolken

Transferred to Bunn Nov. 23, 1983

1000-1.

Bunn at Ag Resources Inc,
PO Drawer # 8010

~~420 1st St~~
Rapid City, SD 57701.

Clark Tower Plaza
Rm 203