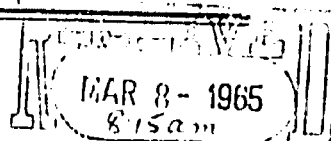


No. 746-1Water Division No. 1 ELK CREEK District

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



VESTED RIGHT STATE WATER RESOURCES COMM. APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Frank Soelzer
 Postoffice address Hereford Route, Sturgis, Meade County, State South Dakota

~~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, \$

2. Name of diversion work Soelzer Irrigation Project No. 2

3. Amount of water claimed 1.61 cubic feet per second

4. Source of water supply Morse Creek

5. Location of point of diversion N. 72° 25' W and 158 rods from the S.E. corner

of Sec. 26, TWP 4, N., R7E on bank County.

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

7. To be used for:

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

(a) Number of acres to be irrigated 12.4 acres.

(b) Legal subdivisions to be irrigated See Remarks

(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 627-1

8. Estimated cost of work. ~~Still in Planning Stage~~ *WHL*
- (a) Head Gates, \$..... (t) Pumping plant, \$.....
- (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
- (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

Dam and Series of Spreader ditches

II. Dimensions of works.

- (a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction
- (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

- (c)* Head gate: Width.....feet; height.....feet;
Material
- (d) Canal: Total lengthmiles.

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 five years *WHL*
11. Time required for complete application of water to the proposed beneficial use five years *WHL*
12. Choice of newspaper for publication of notice of intention to appropriate Sturgis Tribune *WHL*

STATE OF SOUTH DAKOTA

County of Meade } ss

I, FRANK T. Seelner, 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.

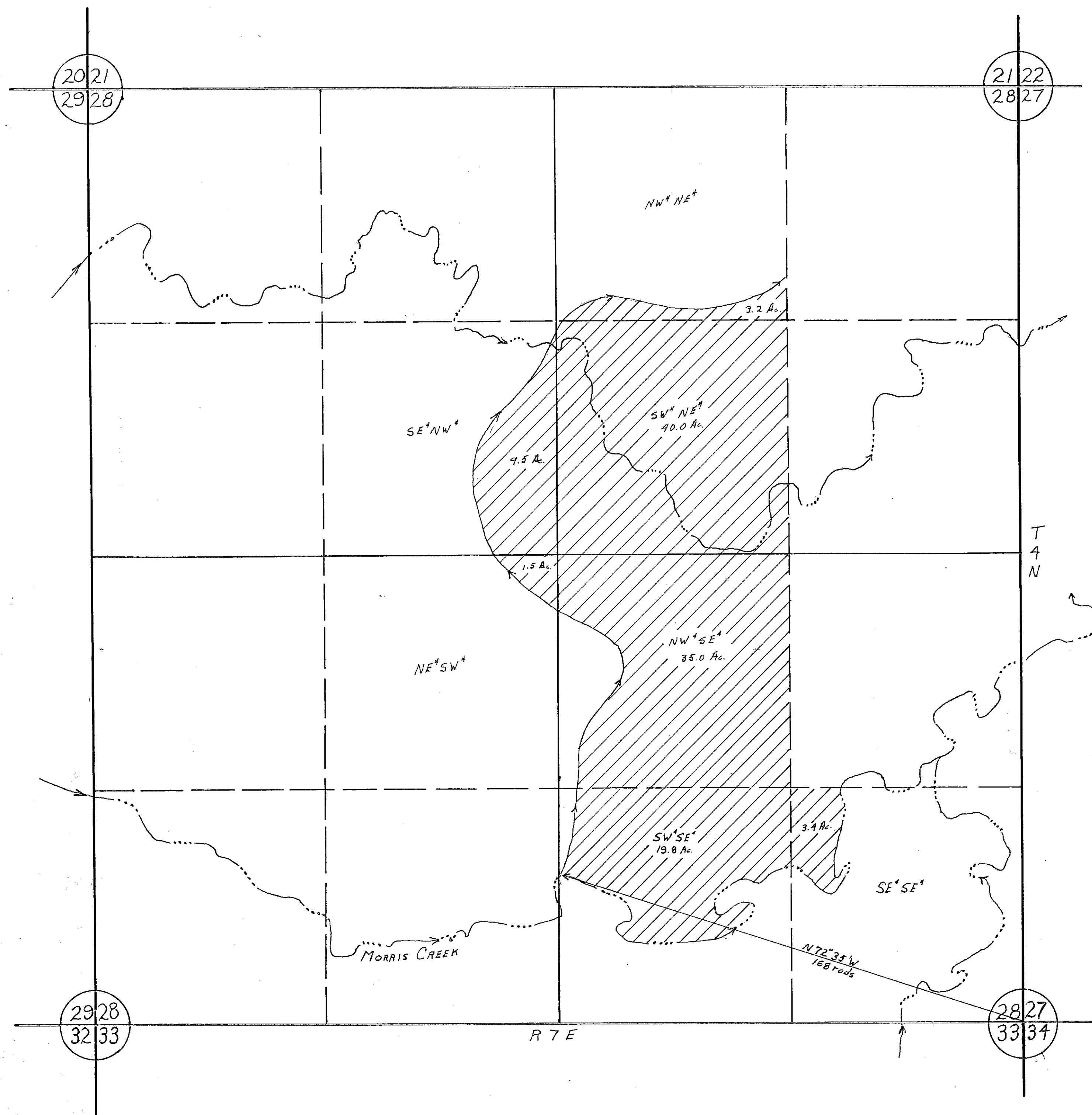
Signed Frank T. Seelner

Subscribed and sworn to before me this 15th day of November 1963

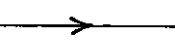
W. H. Seelner - Notary Public

Notary Public - Commission Expires March 25, 1965

William H. Seelner
Notary Public (or other qualified officer.)



LEGEND

 LAND TO BE IRRIGATED
 DIVERSION DITCH

All lands described are owned by Lois Soelzer

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 NE 1/4	28	4N	7E	3.2
SE 1/4 NW 1/4	28	4N	7E	9.5
SW 1/4 NE 1/4	28	4N	7E	40.0
NE 1/4 SW 1/4	28	4N	7E	1.5
NW 1/4 SE 1/4	28	4N	7E	35.0
SW 1/4 SE 1/4	28	4N	7E	19.8
SE 1/4 SE 1/4	28	4N	7E	3.4
TOTAL				112.4

Scale 1" = 400'

Frank Soelzer Irrigation project #2

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. of	Drawing No.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss

Pierre, South Dakota, MAY 3, 1965

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
2 m. upon the 8TH day of MARCH, 1965

State Water Resources Commission

By:

Durton Jones
for Chief Engineer, Executive Officer

Number of permit 746-1

Date of first receipt of application MARCH 8, 1965

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 1910, 19—

Approved MAY 3, 1965, Recorded in Book 8 Page 325

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 ~~not~~ completed ~~on or before~~

2nd. The whole of said work is ~~not~~ completed ~~on or before~~

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

COMPLETED, 19—
4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.61
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 crop. In the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually WAS

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

APRIL THRU SEPTEMBER
3RD day of MAY, 1965

Witness my hand this

State Water Resources Commission

By:

Donner
Chief Engineer, Executive Officer

Certificate of Construction issued MAY 3, 1965

Water License issued MAY 3, 1965

Remarks by the Applicant:

Location of Lands to be Irrigated

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
NW ¹ / ₄ NE ¹ / ₄	28	4N	7E	3.2
SE ¹ / ₄ NW ¹ / ₄	28	4N	7E	9.5
SW ¹ / ₄ NE ¹ / ₄	28	4N	7E	40.0
NE ¹ / ₄ SW ¹ / ₄	28	4N	7E	1.5
NW ¹ / ₄ SE ¹ / ₄	28	4N	7E	35.0
SW ¹ / ₄ SE ¹ / ₄	28	4N	7E	19.8
SE ¹ / ₄ SE ¹ / ₄	28	4N	7E	3.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 746-1

WHEREAS, On the 8th day of March A. D. 1965
 Frank Soelzer

of Sturgis County of Meade and State of
 South Dakota duly made application (No. 746-1) to us for a Vested Right permit to use 1.61
 cubic feet per second of the waters of Morse Creek
 County of Meade, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 3rd day of May A. D. 1965
 Vested Right / Permit No. 746-1 was issued to said applicant... for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the day of
 and for the application to beneficial use of said
 water on or before the day of
 and,

WHEREAS, On the 8th day of March A. D. 1965
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.61
 cubic feet per second of said waters, as evidenced by our Certificate No. 746-1
 dated May 3, 1965 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.61 cubic feet per second of water, with date of
 priority of 1910 and,

WHEREAS, On the 8th day of March A. D. 1965
 proof was duly made of the application to beneficial use of 1.61 cubic feet per second of said water;
 for irrigating 112.4 acres in Section 20, T4N, R7E

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 Frank Soelzer

of Sturgis the holder and owner of said Vested Right permit No. 746-1

a water right, dating from 1910 to the use of 1.61

cubic feet per second of the waters of Morse Creek

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 a point N72° 35'W, 168 rods

from the SE corner, Section 23, T4N, R7E

and conducted to and upon portions of section 28, T4N, R7E, more specifically described

in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 3rd day of May A. D. Nineteen
Hundred and Sixty-Five

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 746-1Water Division No. 1 Elk Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify That Frank Soelzer

of Sturgis, County of Meade, and State of
South Dakota, the holder of Vested Right of Permit No. 746-1, issued upon Application
 No. 746-1, bearing date of priority of 1910, authorizing the diversion of
1.61 cu. ft. per second of the waters of Morse Creek

County of Meade, State of South Dakota, at a point N72° 35'W, 168
rods from the SE corner, Section 28, T4N, R7E

for irrigation

purposes, has ⁸ fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are ~~found to be~~ ^{recognized as} satisfactory
~~for diverting and conveying to the place of intended use~~ ^{1.61} cu. ft.

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

to-wit: All in Section 28, T4N, R7E

NW¼ NE¼ 3.2 acres

SE¼ NW¼ 9.5 "

SW¼ NE¼ 40.0 "

NE¼ SW¼ 1.5 "

NW¼ SE¼ 35.0 "

SW¼ SE¼ 19.8 "

SE¼ SE¼ 3.4 "

Total.... 112.4 "

Witness my hand this 3rd day of May A. D. 1965

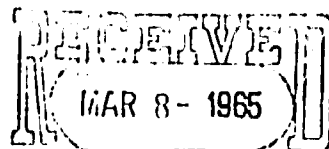
State Water Resources Commission

By:

J. W. ORTMEYER

Chief Engineer, Executive Officer

Location No. _____



Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
DEPT. OF AGRICULTURE

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Frank Sacler Rancher - Herford Bt
Sturcois So. Dak

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. Power to 1910

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

Ans. N 72° 35' W and 168 rods from the S.E. Corner
of Sec. 28 T4P 4N R 7E

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. _____

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. See Map

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. 166 Cu Ft/sec.

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. This system was in use by my Grandfather prior to 1910 - it was used primarily to divert flood water - There was a dam & series of spreader ditches -

(Sign) Frank J. Lufkin

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 Sturgis, County of MEADE

State of South Dakota, on this 15TH day of November, A. D. 1913

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.

Tommy Kammerer
Porter Moore

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 _____

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

Angenetta Schemmel
801 2nd Ave SE
Pipestone MN 56164

Dear Ms. Schemmel:

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). 746-1 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 H. Broz*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

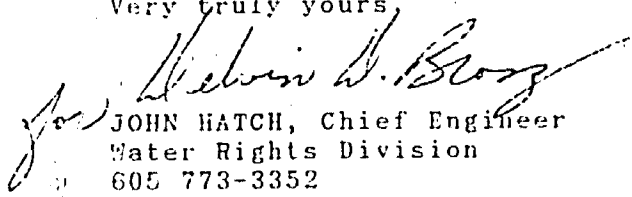
Sharon Solberg
Box 142
Alcester SD 57001

Dear Ms. Solberg:

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). 746-1 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,


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



Conversation or File Documentation

NAME OF PERSON OR FILE: Rick Soelzer
ADDRESS: P.O. Box 196 Piedmont, SD 57769 COUNTY Meade
DATE: 5-18-89 TELEPHONE 787-5690
RE: Validation of Vested Right No. 746-1

COMMENTS:

On this date I inspected this V.R. with Mr. Rick Soelzer. Mr. Soelzer owns part of the land covered by this V.R. The remaining portion of the land is owned by Angenetta Schemmel of Pipestone, MN. However, only 10 acres of Mr. Soelzer's portion is irrigated now. The diversion dam was partially washed out years ago making the system only partially effective. The ditch is still present but because of the wash-out, ~~only~~ water is only spread on a 10 acre area. The remaining portion of Mr. Soelzer's land and ~~some~~ ^{all} of Mrs. Schemmel's land should be removed from the license. Mr. Soelzer stated that he had no intentions of fixing the wash-out at this time. The irrigated acreage includes: 2 acres in the NW¹/₄ SE¹/₄ and 8 acres in the SW¹/₄ SE¹/₄, both in ^{Sec. 28} T 4 N, R 7 E. Transfer Forms should be sent to Mr. Soelzer.

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. Wernick

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

June 21, 1989

746-1

Rick Soelzer
PO Box 196
Piedmont, SD 57769

Dear Mr. Soelzer:

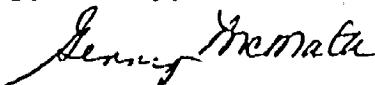
I am contacting you in regard to ownership of Vested Water Right Claim No. 746-1. The water use system described in the vested right claim was inspected on May 18, 1989. Following the inspection, we became aware that the claim should be transferred to your name. Vested Water Right Claim No. 746-1 is currently listed as being owned by Frank Soelzer.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 746-1. 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.

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 me.

Sincerely,



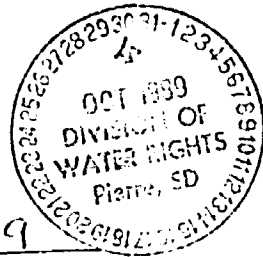
GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 746-1

NOTICE OF TRANSFER OF VESTED WATER RIGHT CLAIM



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-27-89

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

W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T4N, R7E

formerly owned by Frank Soelzer

has been transferred to Rick Soelzer PO Box 196 Piedmont SD
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by 57769

Vested Right Claim No. 746-1 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 Meade) ss.

I, Rick Soelzer 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.

Rick Soelzer
(Signed)

Subscribed and sworn to before me this 27th day of October, 1989.

Anna J Whitehead
(Notary Public)
comm. exp 11/9/95

Division of Water Rights

412014

Pierre, January 4, 1920

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

By Sahad Hossain
Chief Engineer

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

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

February 6, 1990

Rick Soelzer
Box 196
Piedmont, SD 57769-0196

Dear Mr. Soelzer:

Enclosed is Receipt No. 412014 in the amount of \$2.50 which you paid for transfer of Vested Right Claim No. 746-1.

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

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

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

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

February 6, 1990

Rick Soelzer
Box 196
Piedmont, SD 57769-0196

Dear Mr. Soelzer:

Enclosed is Receipt No. 412014 in the amount of \$2.50 which you paid for transfer of Vested Right Claim No. 746-1.

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

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

Water Rights Division - DWR
Conversation or File Documentation

File No. 746-1

NAME OF PERSON OR FILE: Rick Soelzer
ADDRESS: P.O. Box 196 Piedmont, SD ⁵⁷⁷⁶⁹ COUNTY Meade
DATE: 5-18-89 TELEPHONE: 787-5690
RE: Validation of Vested Right No. 746-1

COMMENTS:

On this date I inspected this V.R. with
Mr. Rick Soelzer. Mr. Soelzer owns part of
the land covered by this V.R. The remaining portion
of the land is owned by Angenetta Schemmel
of Pipestone, MN. However, only 10 acres
of Mr. Soelzer's portion is irrigated now.
The diversion dam was partially washed out
years ago making the system only partially
effective. The ditch is still present but
because of the wash-out, only water is only
spread on a 10 acre area. The remaining
portion of Mr. Soelzer's land and ~~part~~ of
Mrs. Schemmel's land should be removed from
the license. Mr. Soelzer stated that he had
no intentions of fixing the wash-out at this
time. The irrigated acreage includes:
2 acres in the NW¹/₄ SE¹/₄ and 8 acres in the
SW¹/₄ SE¹/₄, both in ^{sec. 28} T4N, R7E. Transfer
Forms should be sent to Mr. Soelzer.

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. Wendt

4/82

746-1



*Ernest
Schmidt*

746-1



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 8, 1992

Angenette Schemmel
801 2nd Ave SE
Pipestone MN 56164

Dear Ms. Schemmel:

In reference to your letter dated September 4, 1992, enclosed is a copy of Vested Water Right Claim No. 746-1.

If you have any further questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 746-1 FOR IRRIGATION

Date of Receipt of Claim March 8, 1965.

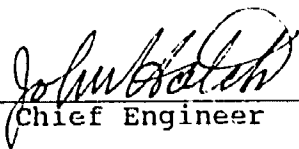
Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 746-1 for irrigation purposes for Rick Soelzer, P.O. Box 196, Piedmont, SD, 57760 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 746-1 appropriates 0.14 cubic feet per second of water from Morse Creek to irrigate 10 acres. The point of diversion is located in the SW1/4 SE1/4 SEC 28, T4N, R7E. The irrigated lands are located in the SW1/4 SE1/4 and NW1/4 SE1/4; all in SEC 28, T4N, R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for stock watering and irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 to September 30.
3. The priority date of the Vested Water Right is January 1, 1910.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

DEC 24 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 746-1 FOR IRRIGATION

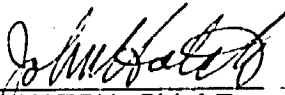
(1) Frank Soelzer of Sturgis, SD 57785, made Application No. 746-1, March 8, 1965 for validation of a vested right claim to appropriate 1.61 cubic feet of water per second from Morse Creek, Meade, County, South Dakota, for irrigation purposes. On October 30, 1989, No. 746-1 was transferred to Rick Soelzer of PO Box 196, Piedmont, SD 57769. Vested Water Right No. 746-1 was validated September 30, 1992, with a priority date of January 1, 1910. 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.

On May 18, 1989, a field inspection was conducted to determine the extent of development and actual water use being done under the vested right claim. The inspection found only 10 acres of the original 112.4 acres were still being irrigated. Based upon the inspection and subsequent validation of the claim, this license is being reissued to reflect the acreage actually irrigated.

(2) The vested right owner is entitled to divert 0.14 cubic feet of water per second for beneficial use. The location of the diversion point is: SW 1/4 SE 1/4 Section 28, T4N, R7E.

The location of the irrigated acreage is: T4N, R7E Section 23, NW 1/4 SE 1/4 2 acres
SW 1/4 SE 1/4 8 acres
TOTAL 10 acres

(3) Pursuant to Section 46-5-30.1 Rick Soelzer of PO Box 196, Piedmont, SD 57769-0196 the holder and/or owner of Vested Water Right No. 746-1 is issued a license to appropriate 0.14 cubic feet of water per second from Morse Creek with a priority date of January 1, 1910 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. 746-1 and subject to South Dakota State Law.

 DEC 24 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural
Resources

746-1



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

DEC 24 1992

Rick Soelzer
PO Box 196
Piedmont SD 57769

Dear Mr. Soelzer:

The Water Management Board has validated the enclosed Vested Water Right No. 746-1. 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.

Very truly yours,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 28, 1999

746-1

Rick Soelzer
PO Box 196
Piedmont, SD 57769-0196

Dear Mr. Soelzer:

Thank you for contacting us about the ownership change for Vested Water Right No. 746-1. You indicated the vested right is to be transferred to your brother. Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form.

Your brother will need to complete the form and sign it in the presence of a notary public. Upon completion, the form will need to be returned to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

enclosure

NOT TO SCALE

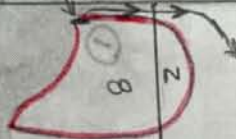
20
Rick Soelzer
787-5690

~ Approximate
Irrigated
Acreage

James L. Wendt
W.R. Engineer
5-18-89

4-7
(C5)

Division
Dam



7896

28

549

①

③

Pick
Soelzer
(Pickman X)

7713

(C5)

4-7

T296

8.8

13.2

32.1

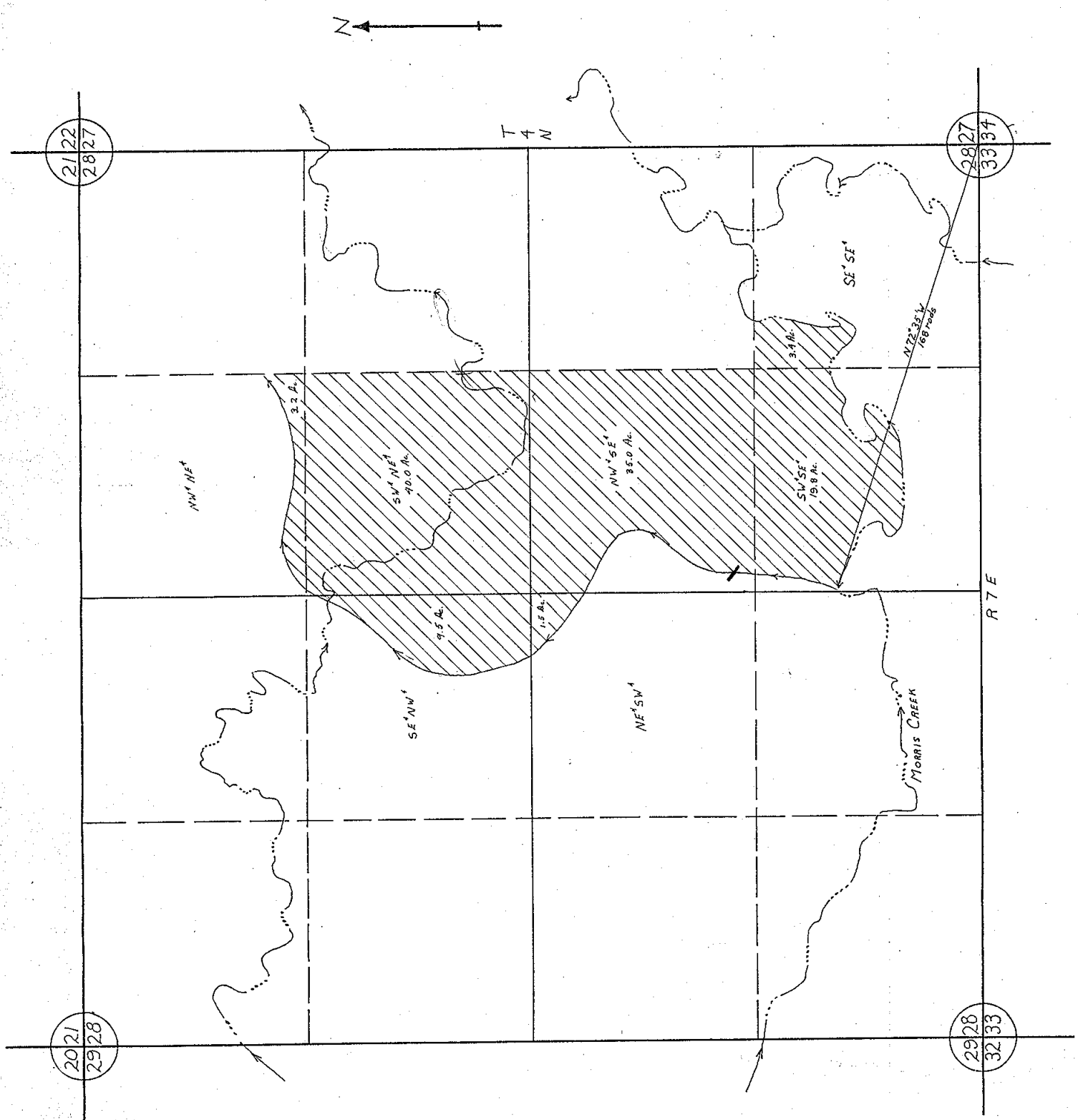
7769

(C5)

4-7

Schematic

135
③



LEGEND
 LAND TO BE IRRIGATED
 DIVERSION DITCH

All lands described are owned by Lois Soelzer

LOCATION OF LAND TO BE IRRIGATED	SECTION	TOWNSHIP	RANGE	REMARKS
NW 1/4 NE 1/4	28	4N	7E	3.2
SE 1/4 NW 1/4	28	4N	7E	9.5
SW 1/4 NE 1/4	28	4N	7E	10.0
NE 1/4 SW 1/4	28	4N	7E	1.5
NW 1/4 SE 1/4	28	4N	7E	35.0
SW 1/4 SE 1/4	28	4N	7E	19.8
SE 1/4 SE 1/4	28	4N	7E	3.4
TOTAL				72.4

Scale 1" = 400'

Frank Soelzer Irrigation project #2

U.S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn	Title	
Traced	Title	
Checked	Sheet	Drawing No.
	No.	of

MAP N-2827-1 (APP. N-2827-1) Form SCS-313 (November 1959)

U.S. GOVERNMENT PRINTING OFFICE: 1948 O-37044

107-10-1
 107-10-1
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