

No. 747-1Water Division No. 1BELLE FOURCHE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

MAR 9 - 1965

8:00 am

STATE WATER RESOURCES COMM.

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

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

1. Name of applicant Oliver C. HerrettPostoffice address Nisland, County Butte, State So. Dak.I. If a corporation Not applicable

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Work already accomplished and paid for

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work HERRETT DIVERSION DAM3. Amount of water claimed 1.00 MAXIMUM ALLOWABLE cubic feet per second4. Source of water supply Herrett Dam5. Location of point of diversion Dam in Northeast Quarter of the Northwest Quarter of Sec. 26, T. 10 N., R. 3 E., BHM, Valve in face of dam, water carried to ditch by 80 ft. of pipe. Butte County.6. Annual period or periods during which water to be used March through September, for irrigation
12 months of year for stock water

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 70 acres.(b) Legal subdivisions to be irrigated N $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 26, & S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 23, T10 N., R3E.

(NOTE—A list of land to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwater use, water livestock running on adjacent Taylor Grazing property, & on adjacent deeded land. (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 Unused water, if any, returns to dry draw in Section north of point of diversion.

8. Estimated cost of work: Work completed over 20 years ago, at cost of about \$1,000.00
- (a) Head Gates, \$----- (b) Pumping plant, \$-----
- (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
- (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

Herrett Dam, about 4,000 cubic yards of dirt, dam stores 29.9 Acre feet of water

II. Dimensions of works.

- (a) Dam: Height 10 feet; length at bottom about 500 feet; length at top 745 feet; thickness at bottom about 80 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1
- material used in construction dirt fill
- (b) Reservoir: Capacity when filled 29.9 acre feet. Surface area at highwater mark 9.98 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH <u>10</u> FEET DEPTH AT OUTLET--ACRES	ACRE-FEET CAPACITY
10	When full, 10 Ft. deep, area 9.98 A.	29.9
Empty	None, can be completely drained	

- (c) Head gate with Valve, on 6 in. pipe ----- feet; height not applicable feet;
- Material cast iron, pipe - iron
- (d) Canal: Total length 1,293.5 Ft.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At all points xxx	<u>1 1/2</u> feet	<u>1</u> feet	<u>4</u> feet	<u>160 in. per</u>
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 completed over 20 years ago. Has been used over 20 yrs.
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 Not applicable

STATE OF SOUTH DAKOTA } ss.
County of Butte }

I, Mr. Oliver C. Herrett, 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

Oliver C. Herrett

Subscribed and sworn to before me this 8 day of March 1965

Harry R. Stephens
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

APPROVAL OF THIS PERMIT RECOGNIZES THE
STORAGE OF 29.9 ACRE FEET ANNUALLY

STATE OF SOUTH DAKOTA

County of

MUGHES

ss.

Pierre, South Dakota,

MARCH 11, 1965

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

A.m. upon the

9TH

day of

MARCH

1965

State Water Resources Commission

By:

Durston Jones
for Chief Engineer, Executive Officer

Number of permit

747-1

Date of first receipt of application

MARCH 9, 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

1945

Approved

MARCH 11, 1965

Recorded in Book

8

Page 308

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~

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

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 1.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually ~~was~~

and beneficially applied for irrigation on or before JULY 1, 1955; said water to be used during the following described annual period:

MARCH THRU SEPTEMBER

Witness my hand this

11TH

day of

MARCH

1965

State Water Resources Commission

By:

W. C. Guinn

Chief Engineer, Executive Officer

Certificate of Construction Issued

MARCH 11, 1965

Water License Issued

MARCH 11, 19

Remarks by the Applicant:

I completed this project over 20 years ago and have used the water from this dam for the purpose of irrigating approximately 70 acres of cropland for over 20 years. The number of inches of water applied to the land each year is governed by the amount of water available.

This water right is needed so that I can procure a permanent easement from the Federal Government for the dam and the canal.

Permit No. 747-1

Water Division No. 1 Belle Fourche River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Oliver C. Herrett

of Nisland, County of Butte, and State of South Dakota,
the holder of Vested Right of/Permit No. 747-1, issued upon Application
No. 747-1, bearing date of priority of 1945, authorizing the diversion of
1.00 cu. ft. per second of the waters of a dry draw
County of Butte, State of South Dakota, at a point in the NE¹, NW¹,
Section 26, T10N, R3E

for irrigation
purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are recognized as
~~comparable~~ satisfactory for diverting and conveying to the of intended use 1.00 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: 70 acres in the N¹ NE¹, Section 26, and in the S¹ SE¹, Section 23, T10N, R3E.

Witness my hand this 11th day of March A. D. 1965

State Water Resources Commission

By: J. W. ORMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 747-1

WHEREAS, On the 9th day of March A. D. 1965
 Oliver C. Herrett

of Meland County of Butte and State of
 South Dakota duly made application (No. 747-1) to us for a permit to use 1.00
 cubic feet per second of the waters of a dry draw
 County of Butte, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 11th day of March A. D. 1965
 Vested Right/Permit No. 747-1 was issued to said applicant for the diversion of said water, recognizing the
 completion of the works of diversion therein described ~~XXXXXXXXXX~~ and
~~XXXXXXXXXX~~ and ~~XXXX~~ the application to beneficial use of said
 water on or before the day of ~~XXXXXX~~
 and,

WHEREAS, On the 9th day of March A. D. 1965
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.00
 cubic feet per second of said waters, as evidenced by our Certificate No. 747-1
 dated March 11, 1965 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.00 cubic feet per second of water, with date of
 priority of 1945 and,

WHEREAS, On the 9th day of March A. D. 1965
 proof was duly made of the application to beneficial use of 1.00 cubic feet per second of said water;
 for irrigating 70 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 26, and in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 23,
 T10N, R3E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Oliver C. Herrett

of Nialand the holder and owner of Vested Right of said permit No. 742-1

a water right, dating from 1945 to the use of 1.0

cubic feet per second of the waters of a dry draw

In the County of Butte and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 NW 1/4, Section

26, T10N, R3E

and conducted to and upon 70 acres in the N 1/4 NE 1/4, Section 26 and 3 1/2 SE 1/4, Section 23, T10N, R3E

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 11th day of March 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 _____

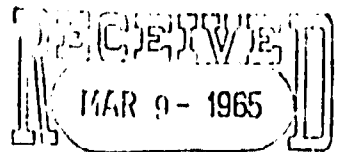
Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Location No.



Water Division No. Water District No. STATE WATER RESOURCES COMM.

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

 Ans. Oliver C. Herrett, ^{Near}Nisland, South Dakota, rancher, Nisland, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

 Ans. Not applicable

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

 Ans. None filed

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

 Ans. Surface water runoff, dam is on dry draw. Point of diversion, see attached plat.

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. Height of dam, 10 ft.; length, 745 ft.; approximately 29 Acre-feet.
Dam and ditch known as Herrett Dam and Canal, both completed over 20 yrs. ago.

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. Stockwater and irrigation, used to irrigate N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26; S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 23,
T 10N, R. 3 E., approximately 70 Acres actually irrigated.

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

 Ans. Livestock water from dam. No other use.

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

 Ans. For irrigation, at 35 Acre feet per season.

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. I am the owner and the person who constructed the above project and have used it continuously over 20 years.

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

Ans. All water which has been impounded in the dam over the past 20 years has been used for irrigation purposes, stock water, and if an excess remained in the fall it was released to fill a neighbor's dam.

(Sign) *Oliver C. Herriott*

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

State of South Dakota, on this 8th day of March A. D. 1965

Harry R. Stephens
Notary Public
Butte County, South Dakota
Commission Expires March 5, 1968
Witnesses. *Harry R. Stephens*
NOTARY PUBLIC

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.

Thurgood, J. Longue
Earl R. Lapp

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-----	

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

No. 747-1

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: December 21, 1977

70 acres in portions of Sections 23 and 26 in T10N, R3E as described
on Water Rights No. 747-1.

has been transferred to Earl D. Capp, Nisland, SD

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

STATE OF SOUTH DAKOTA)
County of Butte) SS.

ed is true.

Carl D. Clegg
(Signed)

Subscribed and sworn to before me this 29th day of December

19 27.

Walter C. Ross
(Notary Public)



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

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

September 21, 1988

NOTICE

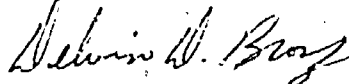
Earl D. Capp
HCR 76, Box 71
Nisland SE 57752

Dear Mr. Capp:

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). 747-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

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

Very truly yours,



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



 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 747-1

Earl D. Capp
HCR 76, Box 71
Nisland SD 57762

Dear Mr. Capp:

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

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

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Permit No. 747-1

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Oliver C. Herrert (X-owner)Earl Capp-present owner, of HCR 76, Box 71 Nisland, SD 57762 holder ofPermit No. 747-1, bearing the priority of _____ 19 45 authorizingthe diversion of 1.0 cu. ft. per second of the waters of dry drawfor irrigation purposes, in Butte County.

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

A. Works used to divert the water:

A dam in a dry draw

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

3 feet wide, 2.5 feet deep irrigation ditch, approximately 2400 feet long.

C. Works used to apply water to beneficial use:

Gravity system of irrigation.

The system is in the following condition goodThe point of diversion is located approximately 650 feet south, 1650 feet east from the Northwest corner of Section 26, T10N-R3E (NE 1/4 NW 1/4)The works are capable of diverting and conveying to the place of use 0.5⁺ cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: All in Section 26, T10N-R3E NE 1/4 NE 1/4 23.5 acres.comprising a total of 23.5 acres of land and the license should be issued for 0.28 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 4/18/89

(signature)

MAhadi

LICENSE FOR PERMIT NUMBER 747-1

1. Legal location of wells: NA

dams & structures: NW 1 NE 1 Section 26, T10N-R3E

2. Well Information: Well Drilling Firm NA

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

- a) size of lines 3 feet wide, 2.5 feet deep
- b) type earthen- irrigation ditch
- c) length 2400 feet

4. Dam information:

- a) height to crest 6 feet
- b) height to spillway 3 feet
- c) crest width 8 feet
- d) crest length 200 feet
- e) spillway length 350 feet
- f) spillway width 8 feet
- g) approx. storage 13 acre-feet
- h) Distribution lines or canals:

i) Outlet tubes:

- 1) diameter 8 inches
- 2) type Cast Iron
- 3) valued (Y/N) Y
- 4) valve type Screw
- 5) location on structure
Middle of the crest

- 1) size 8 inches
- 2) type Cast Iron
- 3) length 60 feet

5. System Type: a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers

- 4) spacing of sprinklers _____
- 5) nozzle size _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinkler

- 3) spacing of sprinklers _____
- 4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
-----	----	-------------

- | | | |
|----------|-------|---|
| _____ | NA | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>X</u> | _____ | 2. Special Qualifications to permit being abided by. |
| <u>X</u> | _____ | 3. All Structures, wells and lands on map. |

REMARKS: It seems that the location of the diversion point has been changed from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26 to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T10N-R3E. Application forms will be sent to Mr. Earl Capp to cover the change of location of the diversion point.

Water Rights Division - DWR

File No. 747-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Earl CAPPADDRESS: HER 76, Box 71 COUNTY ButteDATE: 8-7-89 TELEPHONE 352-2277RE: Correction on Change of Diversion pt application

COMMENTS:

On April 12, 1989, Vested Right Plain No
747-1 was inspected. Accompanied with Mr. Capp,
The land and the diversion dam was inspected. On the aerial
photo, however, the location of the diversion pt was wrongfully
marked down. On July 27 a followup inspection was
conducted. It seemed that the diversion point is located
at the same place as on original Application No. 747-1.
* No application "necessary" to change location of the
diversion point.

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: MDX had

South Dakota
Department of
Water & Natural Resources

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

March 28, 1991

Earl D Capp
HCR 76, Box 71
Nisland SD 57762

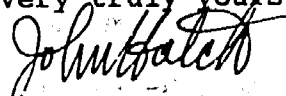
Dear Mr. Capp:

The Water Management Board has validated the enclosed Vested Water Right No. 747-1. This validation gives legal status to your claim.

The diversion rate and the number of acres validated are based on an inspection that was conducted by the Division of Water Rights. If you do not agree with these numbers, please contact us immediately.

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

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 747-1 FOR IRRIGATION

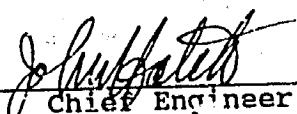
Date Claim Accepted For Filing March 9, 1965.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 747-1 for irrigation purposes for Earl D. Capp, HCR 76, Box 71, Nisland, South Dakota 57762 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 747-1 appropriates 0.28 cubic feet of water per second from a dry draw and stores 29.9 acre feet of water annually in a reservoir to irrigate 23.5 acres. The diversion point is located in the NE 1/4 NW 1/4 and the irrigated acres are located in the NE 1/4 NE 1/4; all in Section 26, T10N, R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: March 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1945.
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
Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date

South Dakota



GREAT FACES. GREAT PLACES.

AUG 28 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

747-1

Earl D Capp
HCR 76 Box 71
Nisland, SD 57762

Dear Mr. Capp:

Enclosed is your Vested Water Right License No. 747-1. You were forwarded the validation in March, 1991, however the license had not yet been written up.

As long as you use the water beneficially, as stated in Vested Water Right No. 747-1, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over a faint, larger signature.

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

enclosure

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 747-1 FOR IRRIGATION

(1) Oliver Harriet of Nisland, South Dakota originally filed Vested Water Right Claim No. 747-1, March 9, 1965, to appropriate 1.00 cubic feet of water per second (cfs) from a dry draw dam capable of storing 29.9 acre feet of water in Butte County, South Dakota for irrigation purposes.

On January 15, 1978, Vested Right Claim No. 747-1 was transferred to Earl D Capp, Nisland, South Dakota.

Vested Water Right Claim No. 747-1, was validated September 27, 1989, with a priority date of January 1, 1945. Construction of the described water supply system and application of water to beneficial use was completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.28 cfs of water for beneficial use. The location of the diversion point is approximately 650 feet south and 1650 feet east of the northwest corner of Section 26, T10N, R3E (NE 1/4 NW 1/4).**

** The dry draw dam was validated for 29.9 acre feet of storage, however, based upon an April 18, 1989 inspection of the water use system, the dam is now capable of storing 13 acre feet of water.

The location of the irrigated acreage is:

T10N, R3E Section 26, NE 1/4 NE 1/4 23.5 acres

(3) Pursuant to Section 46-5-30.1 Earl D Capp of HCR 76 Box 71, Nisland, SD 57762, the holder and owner of Vested Water Right No. 747-1, is issued a license to appropriate 0.28 cfs from a dry draw dam, with storage of 13 acre feet of water, with a priority date of January 1, 1945, 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. 747-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Dept of Environment & Natural Resources

AUG 28 1991

747-1



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

WTR 4.10

BF-430

AUG 18 1993



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

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

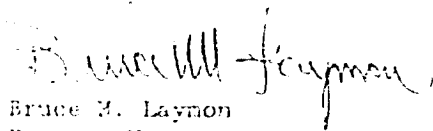
Dear Mr. Hatch,

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

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

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

Sincerely,


Bruce M. Laymon
Project Manager

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

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

(27)

(522) CRP

1988 - 1997

HEL

(24)

See section 24
for one-half
acre

99.7

HEL

(28)

10-3

650'

1650'

I-65

3-1-1
183.5
①

HEL

(3)

Div. Pl.

Canal

Land being irrigated

26

747-1

ADA hand

Natural Resources Engineer

8-7-89

10-3