

No. 27-1

Water Division No. 1 Morann River District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

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

1. Name of applicant Alice KelleyPostoffice address Ada, County Parkins, 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 the work. (Whether by contract, employment of others, or by direct labor) Direct labor

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

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

2. Name of diversion works Kelley Diversion Works3. Quantity of water claimed 1 cubic feet per second.4. Source of water supply Brushy Creek5. Location of point of diversion SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Sec. 25, Tp. 15 NorthRange 14 East of S.H.M. on Right bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used during the growing season

7. To be used for:

I. Irrigation or domestic use: Irrigating Desert Claim.(a) Number of acres to be irrigated 04 acres.(b) Legal subdivisions to be irrigated SW 1/4 NE 1/4, SE 1/4 NW 1/4 and NW 1/4 NW 1/4 of Sec. 25 Township 15 North Range 14 East of Black Hills Meridian
NOTE--A list of lands to be irrigated, giving the 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. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use:

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

(c) Location of plant:

(d) Method of developing power:

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

8. Estimated cost of works:

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

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

(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....

(e) Other structures..... \$..... Total, \$ 840.00

9. Description of diversion works:

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

Reservoirs, dams and ditches

II. Dimensions of works:

(a) Dam: Height 7 feet; length at bottom 300 feet; length at top..... feet; thickness at bottom..... feet; thickness at top..... feet; slope of front (water) face.....; slope of back face.....; material used in construction earth and logs.....

(b) Reservoir: Capacity when filled 140 acre feet. Surface area at highwater mark 33 acres.

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

(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 <u> </u> mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 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.....

Adm Advocate.....

STATE OF SOUTH DAKOTA

County of Perkins } ss

I, Alfred S. Tubbs, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of

Engineer

(Owner, manager or engineer)

that I have read the above and foregoing statement, and 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 Alfred S. TubbsSubscribed and sworn to before me this 17th day of March 1920.

(SEAL)

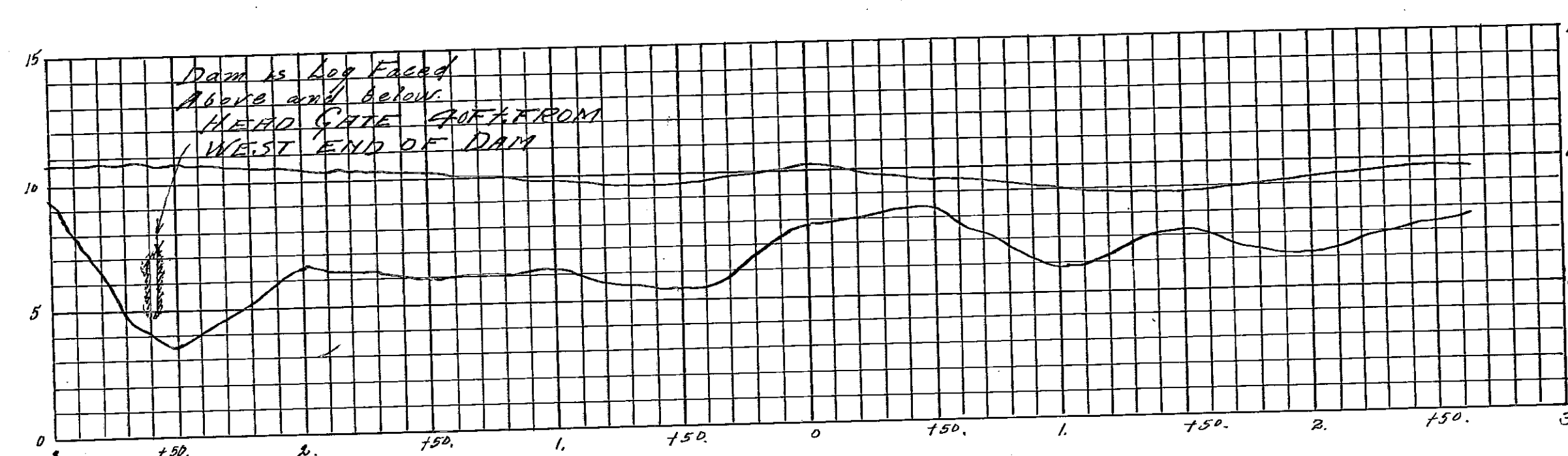
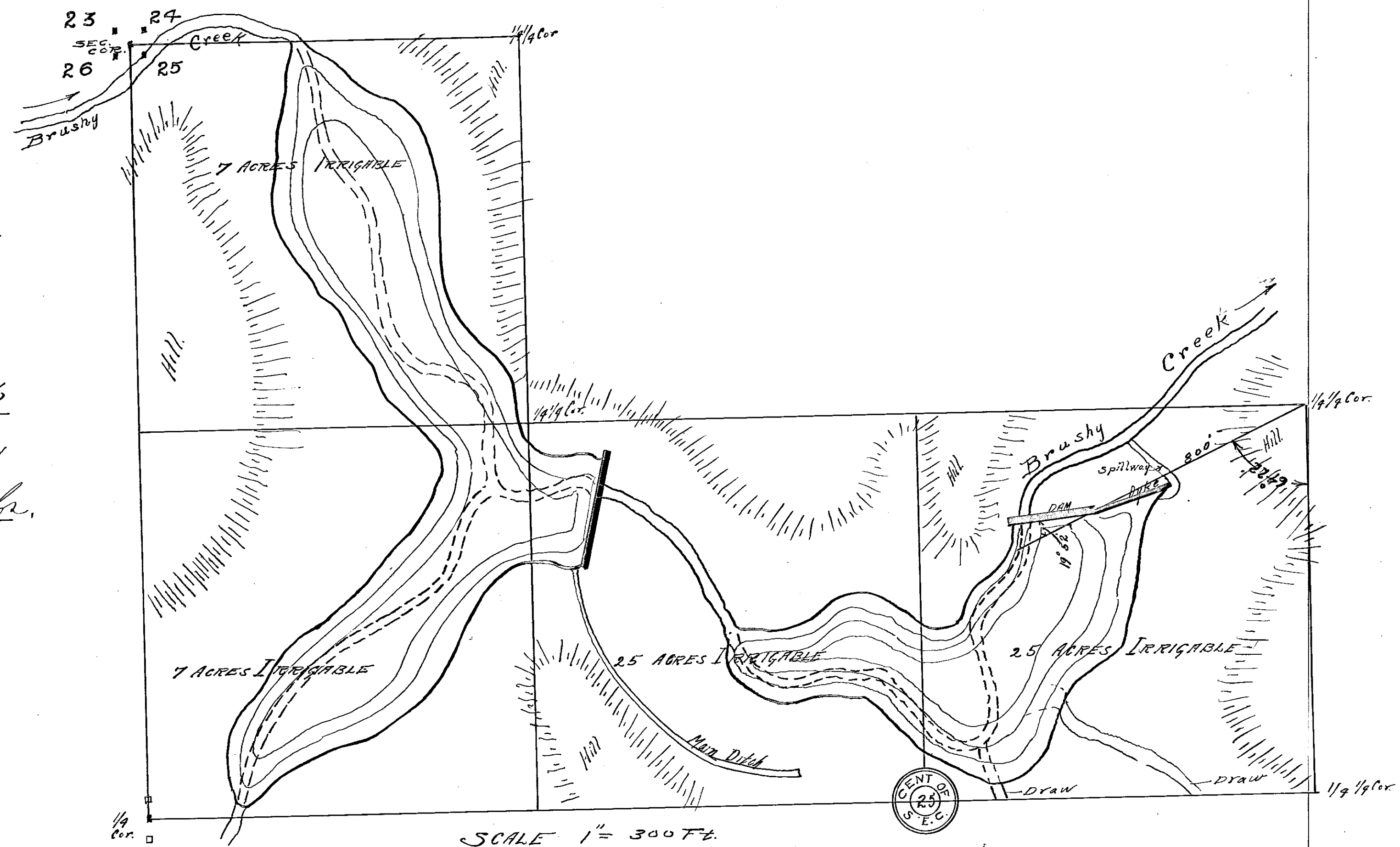
Peter J. Tschanner

Notary Public (or other qualified officer.)

OF ALICE KELLEY BIXBY, S.O. DAKOTA.
FILED ON MAY 10, 1907 FOR $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 25
TOWNSHIP 15 NORTH, RANGE 14 EAST, B.H.M., CONTAINING 160 ACRES.
SURVEYED NOVEMBER 23, 1909

COUNTY OF PERKINS. I ALFRED S. STUBBS BEING DULY SWORN UPON MY OATH SAY THAT I AM THE ENGINEER WHO WAS EMPLOYED BY ALICE KELLEY TO SURVEY HER DESERT CLAIM AS SHOWN ON THIS PLAT THAT THE SURVEY AND MAP WERE MADE BY ME AND UNDER MY DIRECTION, THAT I KNOW OF MY OWN KNOWLEDGE THAT THE PLANS AND STATEMENTS HEREIN MADE ARE TRUE

Alfred S. Tubbs
DEPUTY STATE SURVEYOR



PROFILE OF DAM
SCALE HOR. 1" = 50 FT.
SCALE VER. 1" = 5 FT.

APPROVED
J. H. H. H. H. H.
J. H. H. H. H. H.

Jas. H. H.

Remarks by State Engineer:

This application is for the right to appropriate water from Brushy Creek in Parkin County, at the point designated herein. The beneficial use for which the appropriation is requested is for irrigating a desert claim.

STATE OF SOUTH DAKOTA }
County of Hughes }

Pierre, South Dakota, June 10, 1920

This is to certify that the foregoing application was received at this office at nine o'clock a.m. upon the 24th day of March 1920 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on May 27, 1920.

Samuel H. Loea
State Engineer.

By B. B. Loea Deputy.

Number of permit 27-1

Date of first receipt of application March 24, 1920

Date of return to applicant for correction - - - - - 1920

Date of receipt of corrected application - - - - - 1920

Date from which applicant may claim right March 24, 1920

Approved May 31, 1920, Recorded in Book -1- Page 133

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 November 31, 1921

2d. The whole of said work is to be completed on or before May 31, 1923

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 31, 1923

4th. The water appropriated shall be used for the purpose of irrigating desert claim.

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 one cubic foot of water per second of time; 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 May 31, 1923; said water to be used during the following described annual periods.

During the growing season

Witness my hand this sixteenth day of June 1920

Samuel H. Loea
State Engineer.

By B. B. Loea Deputy.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES,

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 5 day of July, 1900.

Samuel H. Lee
State Engineer.

By C. B. Lee
Deputy

COPY

No. 77-1

Division No. 1

Verona River Water District

PERMIT

to appropriate water from

Brushy Creek

Parkins County, South Dakota

Name of applicant

Alice Kelloy

Name of diversion works

Kelloy Diversion Works

Date of first receipt at office of State

Engineer March 24, 1900

Returned to applicant for Correction

1900

Corrected application received

1900

Date of water right

March 24, 1900

Recorded in Book 1 Page 103

One-fifth of work to be completed

November 31, 1901

Whole work to be completed

May 31, 1903

Final proof of use of water

May 31, 1903

Approved May 31, 1900

Samuel H. Lee

State Engineer,

By C. B. Lee

Deputy

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 77-1

WHEREAS, On the twenty-fourth day of March A. D. 1910.

ALICE KELLEY

of Ada County of Parkina and State of South Dakota duly made application (No. 77-1) to me for a permit to use one cubic foot per second of the waters of Brishy Creek County of Parkina State of South Dakota, for irrigation purposes; and

WHEREAS, On the sixteenth day of June A. D. 1910.

Permit No. 77-1 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 thirty-first day of May A. D. 1913 and for the application to beneficial use of said water on or before the thirty-first day of May A. D. 1913 and.

WHEREAS, On the twenty-fourth day of July A. D. 1911.

the holder of said permit duly made proof of the completion of adequate works for the diversion of one cubic foot per second of said waters, as evidenced by my Certificate No. 77-1 dated May 12, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one cubic foot per second of water, with date of priority of March 24, 1910, and.

WHEREAS, On the twenty-fourth day of July A. D. 1911.

proof was duly made of the application to beneficial use of one cubic foot per second of said water;

For irrigation of the W $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 25, Township 15 N., Range 14 E. B.H.M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....ALICE KELLEY.....

of Ada,.....the holder... and owner... of said permit No. 77-1.....

a water right, dating from March 24, 1910,.....to the use of.....mms.....

of cubic feet per second of the waters of Brushy Creek.....

in the County of Perkins.....and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, be diverted at SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$,

Section 25, Township 15 N., Range 14 E. B.H.M.,.....

and conducted to and upon NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 25, Town-

ship 15 N., Range 14 E. B.H.M.

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 the seal of my office at Pierre, South Dakota,
this 24th day of July A. D. Nineteen
Hundred and Eleven....

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 77-1

To ALICE KELLEY

Source of Supply

Brushy Creek

Parkins

County

Am't One

Foot
Sec, Feet-

Point of Diversion SE 1/4 NW 1/4, SW 1/4 NW 1/4,

Sec. 25, T. 15 N., R. 14 E. BDM

Place of Use NW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4

NE 1/4, Sec. 25, T. 15 N., R. 14 E. BDM

Purpose Irrigation

Date of Priority March 24, 1910.

Recorded June 15, 1910.

In Book 1 of Record Page 167.

FILED
JUL 24 1911

SAMUEL H. LEA, State Engineer.

Permit No. 77-1

Water Division No. 1 of the Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 15, 1908, I have this day made a thorough examination of the diversion works constructed by Alice Volloy, of Ada, Perkins County, South Dakota, holder of permit No. , issued upon application No. , bearing date of priority of , 19 , authorizing the diversion of second feet of the waters of Brushy Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Two main diversion dams and one ditch.

and the system is in the following condition: that the works will divert the water as planned by claimant.

The point of diversion is located in SW 1/4 NE 1/4 and SE 1/4 of Sec. 35, 15 Township 15 North, Range 14 East of Black Hills Meridian.

The works are capable of diverting and conveying to the place of use 4 second-feet of water, which is to be used for irrigation.

The legal sub-divisions to be irrigated are: NW 1/4, SE 1/4, SW 1/4, NE 1/4 of Sec. 35, Tn. 15 North, Range 14 East of Black Hills Meridian, comprising a total of 160 acres of land.

The domestic use intended comprises None.

The utilization for power, mining, or other beneficial uses comprises: None.

Witness my hand, this 17th day of May, A. D. 1912.

E. S. Pugh
Examining Engineer.

Permit No. 77-1

Water Div. No. 1 Moreau River Water Dist.

Certificate of Examination
of Works

Dated May 17, 1911

Stream Brushy Creek

County Perkins

Amount One Second Foot

Date of Priority March 24, 1910.

Recorded in Book -1- Page 163

Filed in the office of the State Engineer this

24th day of July A. D. 1911.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

RECEIVED
JUL 20 1911
OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

FILED
JUL 24 1911
SAMUEL H. LEA, State Engineer.

Permit No. 77-1

Water Division No. 1 Moron. River Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. Alice Kelley, A. Rancher, P. O. Address - Adm., South Dakota

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

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans.

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

Ans. Brushy Creek SW 1/4 NE 1/4 and SE 1/4 NW 1/4 of Section 25 in Township 15 North, Range 14 East of Black Hills Meridian

Ques. 5. Describe your works of diversion, 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.

Ans. The works consist of two dams and one ditch which are built for the purpose of backing the water on to the land as indicated by the plat on file for original Permit. Kelley Diversion Works, Amount sufficient to irrigate, or 2 or more cubic feet per second.

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

Ans. Irrigation Amount irrigated - W 1/4 NW 1/4 - 14 acres

SE 1/4 NW 1/4 - 20 "

SW 1/4 NE 1/4 - 18 "

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.

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. In September 1908, in April and June 1909, in April and June 1910, the water was allowed to stand and soak in until the ground was wet down a foot or more. This water is used by holding by the Dams and backed over the land, until it soaks into the land.

(Sign.)

Alice Kelly

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 Faith, County of Monda

State of South Dakota, on this

6th

day of

July

A. D., 1911

Notary Public, Monda Co., S. Dak.

Permit No.77-1.....

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water One second foot

Source Brushy Creek

County Perkins

Purpose Irrigation

Place of Use W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 25, T. 15 N., Range 14

E. B. H. M.

Date of priority March 24, 1910.

RECEIVED

JUL 20 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

FILED
JUL 24 1911
FILED

SAMUEL H. LEA, State Engineer.

Received and filed July 20, 1911.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Perkins
 I, May D. Mansbridge being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from the Ada Advocate a newspaper which during the whole time of publication of said notice hereinafter stated, has been and is printed and published in the town of Ada County of Perkins and State of South Dakota, That the said notice was published in said newspaper on the following dates:
April 27, May 4, May 11,
and May 18.
 in each and every issue of the full number thereof, the first publication being made on the 27 day of April 1910 and the last publication on the 18 day of May 1910, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Regularly the printer and publisher of the said newspaper.

May D. Mansbridge

Subscribed and sworn to before me this 18 day of May A. D. 1910

Walter D. Mansbridge
 Notary Public, Perkins County, S. D.

RECEIVED

MAY 23 1910

OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.

APPROPRIATION OF WATER 77-1

Office of the State Engineer,
 Pierre, S. D., March 28, 1910.

Notice is hereby given that Allee Kelley whose postoffice address is Ada, Perkins Co., S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use one cubic foot of water per second of time from Brushy Creek through the Kelley diversion works the point of diversion of which is to be located upon the right bank of said stream in the so qr of the nw qr sy qr ne qr of sec 25 T 16 N R 14 E b 1 m said water to be used for the purpose of irrigating desert claim upon the sy qr of ne qr se qr nw qr w half nw qr of section 26 Twp 15 N, range 14 E b 1 m.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 27 day of May 1910, at 9 a. m. at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

Samuel H. Lea, State Engineer.

(First Publication 190.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., March 28, 1900

Notice is hereby given that Alice Kolloy
 whose postoffice address is Ada
Parkins County, S. D., has made an application in
 accordance with the provisions of the irrigation laws of South Da-
 kota for a permit to appropriate for beneficial use one cubic
foot of water per second of time from Brushy Creek
 through the Kolloy Diversion Work, the point of diversion of which
 is to be located upon the right bank of said stream in the SE
and SW 1/4 of NW 1/4
1/4 of the NW 1/4 of section 25 township 15 N. range 14 E. said water
 to be used for the purpose of irrigating desert claim
upon the SW 1/4 NW 1/4, SE 1/4 NW 1/4,
and W 1/4 NW 1/4 of Section 25, Township 15 N., Range 14 E. D.H.M.

This application will be taken up by the state engineer at his
 office at Pierre for consideration and appropriate action upon the
27th day of May 1900, at 9 a. m., at which time all
 persons who believe that the prior rights would be injuriously af-
 fected, or that the allowance of the permit would be detrimental
 to the public welfare, and also parties making the application, and
 to be benefited, are notified to be present either by sworn affi-
 davit or in person for the purpose of presenting any relative tes-
 timony.

State Engineer

South Dakota
Department of
Water & Natural Resources

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

June 1, 1990

77-1

H Gene Escott
Box 476
Faith, SD 57626

Dear Mr. Escott:

I am contacting you in regard to the status and ownership of Water Right No. 77-1. The water right is currently listed in the name of Alice Kelley. The Perkins County Assessor's Office has Patty, H Gene, Gneene, Gnelle, Gzelle & Kelly Escott listed as owners of the land described in Water Right No. 77-1. Enclosed is a copy for your review.

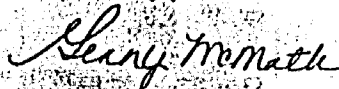
If the land is currently being irrigated and has been continually irrigated since the water right was issued, it should be transferred to you. Continuous irrigation, of course, would depend upon whether or not water was available to irrigate with.

SD Water Law 46-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

If you feel the water right is still valid, please complete the enclosed "Notice of Transfer of Ownership". The form will need to be signed by you in the presence of a notary public and returned to our office with a required filing fee of \$2.50.

Please notify us as to the status of Water Right No. 77-1 and whether or not you wish to file the change of ownership. If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

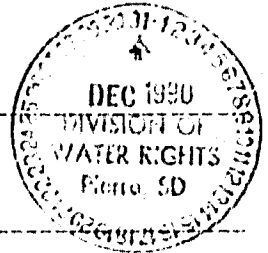
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 77-1

TO: Chief Engineer
Water Rights Division, DWRN
523 East Capitol
Pierre, SD 57501-3181

Date: _____



I/We request that Water Permit/Right No. 77-1

formerly owned by: Alice Kelley

be transferred to: (name & address) >C KELLY RANCH, INC.

Box 476 FARM, SOUTH DAKOTA 57626 (telephone No.) 605-768-2261 or 788-2975

Title to the following described land(s)/property has been transferred as described above:

W1/2 NW1/4, SE1/2 NW1/4, SW1/2 NE1/4 Section 25, T15N, R14E

I/We understand that the validity of Water Permit/Right No. 77-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Hughes)

I/We _____ 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 that I know of my own personal knowledge that the information herein stated is true.

Patty Kelley
(Signed)

Subscribed and sworn to before me this 31st day of December, 1990.

Karen Schlaack
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 2, 1991

RECEIVED OF Elmer Kelly, Box 476, Fairb, SD 57526

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 <u>Water Right No. 77-1</u>		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 H. H. (M)
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 8, 1991

No. 77-1

Patty Kelly
Kelly Ranch, Inc.
Box 476
Faith SD 57626

Dear Ms. Kelly:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 77-1.

Our records now show you as the owner of this Water Right No. 77-1.

Sincerely,

Jaci Konop

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



77-1

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

February 17, 1993

77-1
612-1

Patty Kelly
Kelly Ranch, Inc
Box 476
Faith, SD 57626

Dear Ms. Kelly:

Enclosed, as you requested, are copies of Water Right Nos. 77-1 and 612-1. No. 77-1 was formerly owned by Alice Kelly and No. 612-1 was formerly owned by Merle Kelly. I was not able to find other water rights in either your name or their names. If you would be able to provide legal descriptions for other areas, I will recheck our files. It could be that the water rights were filed in a name other than "Kelly".

I apologize for the quality of the copies: It is difficult to obtain a good copy from the older microfilm files. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 77-3352

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77-1

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

May 19, 1995

77-1
612-1

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

Dear Mr. Rasmussen:

Enclosed, as we discussed, is a copy of Water Right No. 612-1, listed in the name of Patty Ann Kelly. I have included a copy of Water Right No. 77-1, also listed in Ms Kelly's name. This water right is for land in a different legal location than you had inquired about. You may or may not be interested in No. 77-1.

As you will note when reviewing the water permit and the water license portion of each, that the legal description of the acres irrigated are not the same. The land described in the license is the actual amount authorized for irrigation. Under No. 612-1, the permit originally authorized irrigation of 7.9 cubic feet of water per second (cfs) from runoff and Rabbit Creek to irrigate 553 acres. Once the system was inspected, a water license was issued for the amount actually developed. The water license authorizes diversion of 3.25 cfs from runoff (only) to irrigate 238 acres.

I have made notations on the enclosed maps to show how many acres in each legal description were licensed. Some of the areas I have marked "out", meaning that specific acreage was not licensed.

Once last thing to be aware of, the validity of Water Right Nos. 77-1 and 612-1 depends on whether or not the land was irrigated once every three years. If legal excuse exists for the non-use of water, then the three year period does not count. Legal excuse as defined by Water Management Board Rule, includes, but is not limited to the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water and 3) water use under existing climatic conditions would result in a waste of water.

If you have any questions, after reviewing the enclosed material, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

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