

No. 278-1Water Division No. 1

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

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant EDWIN AND MATHILDA EIDE
 Postoffice address SORUM, County HARDING, State SOUTH DAKOTA

I. If a corporation No

- (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)

8 CHANNEL PLUGS (DAMS) ARE EXISTING. SEE LETTER DATED 2-8-61
WATER PIPE AND PUMP TO EXTEND AREA TO BE IRRIGATED.

- (b) Cash on hand, \$ 3,000.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work
- EDWIN AND MATHILDA EIDE IRRIGATION PROJECT

3. Amount of water claimed
- 2.40 MAXIMUM ALLOWABLE
-
- 2.40
- cubic feet per second

4. Source of water supply
- DOG CREEK, TRIBUTARY TO RABBIT CREEK
-
- BETWEEN A POINT IN THE NE 1/4, Sec 6 and a point in the SE 1/4 SW 1/4, Sec 4, T17N, R9E

5. Location of point of diversion
- UPPER POINT OF DIVERSION 60' S OF NW COR. SEC. 5
-
- LOWER POINT OF DIVERSION 1320' E AND 980' N
-
- OF SW CORNER SEC. 4, T17N, R9E, BPM on BOTH banks HARDING County.

6. Annual period or periods during which water is to be used
- GROWING SEASON

7. To be used for:

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

- (a) Number of acres to be irrigated
- 168.5
- acres.
- SPRINKLING

- (b) Legal subdivisions to be irrigated
- SEE BACK PAGE

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, 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
- STOCKWATERING

Name any of the above uses claimed

- (b) Amount of power to be generated
- NONE
- horse power.

Amount claimed for engine cooling NONE

- (c) Location of plant
- NONE

- (d) Method of developing power
- NONE

- (e) Point where water will be returned to stream
- 1480' EAST OF SW CORNER SEC. 5, T17N, R9E

MAP # 654-1

SEE LETTER DATED
2-8-67

8. Estimated cost of work:

USE-EXISTING-TRACTOR

(a) Head Gate, \$-----

(b) Pumping plant, \$1200.00

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures ~~8" PIPE 1200 ft~~ \$1800.00

Total, \$5000.00

9. Description of divers' n works:

8 CHANNEL PLUGS, EXISTING

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

CHANNEL PLUGS, DIVERT WATER OVER FLOOD PLAIN

II. Dimensions of works. PUMP FROM CHANNEL -FLOW BACK OVER FLOOD PLAIN TO EXTEND

(a) Dam: Height ~~8' to 10'~~ feet; length at bottom ~~25 to 50~~ feet; length at top ~~40 to 350~~ feet; thickness at bottom ~~50 to 60~~ feet; thickness at top ~~10~~ feet; slope at front water face ~~3:1~~; slope at back face ~~2:1~~

material used in construction ~~EARTH~~

(b) Reservoir: Capacity when filled ~~3 1/2~~ acre feet. Surface area at highwater mark ~~1/2~~ acres. AVERAGE

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 length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ~~NOT APPLICABLE~~ years.

11. Time required for complete application of water to the proposed beneficial use ~~NOT APPLICABLE~~ years.

12. Choice of newspaper for publication of notice of intention to appropriate ~~NOT APPLICABLE~~
BUFFALO TIMES-HERALD, BUFFALO, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of ~~Harding~~ ss.

I, ~~Matilda Eide~~, 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.

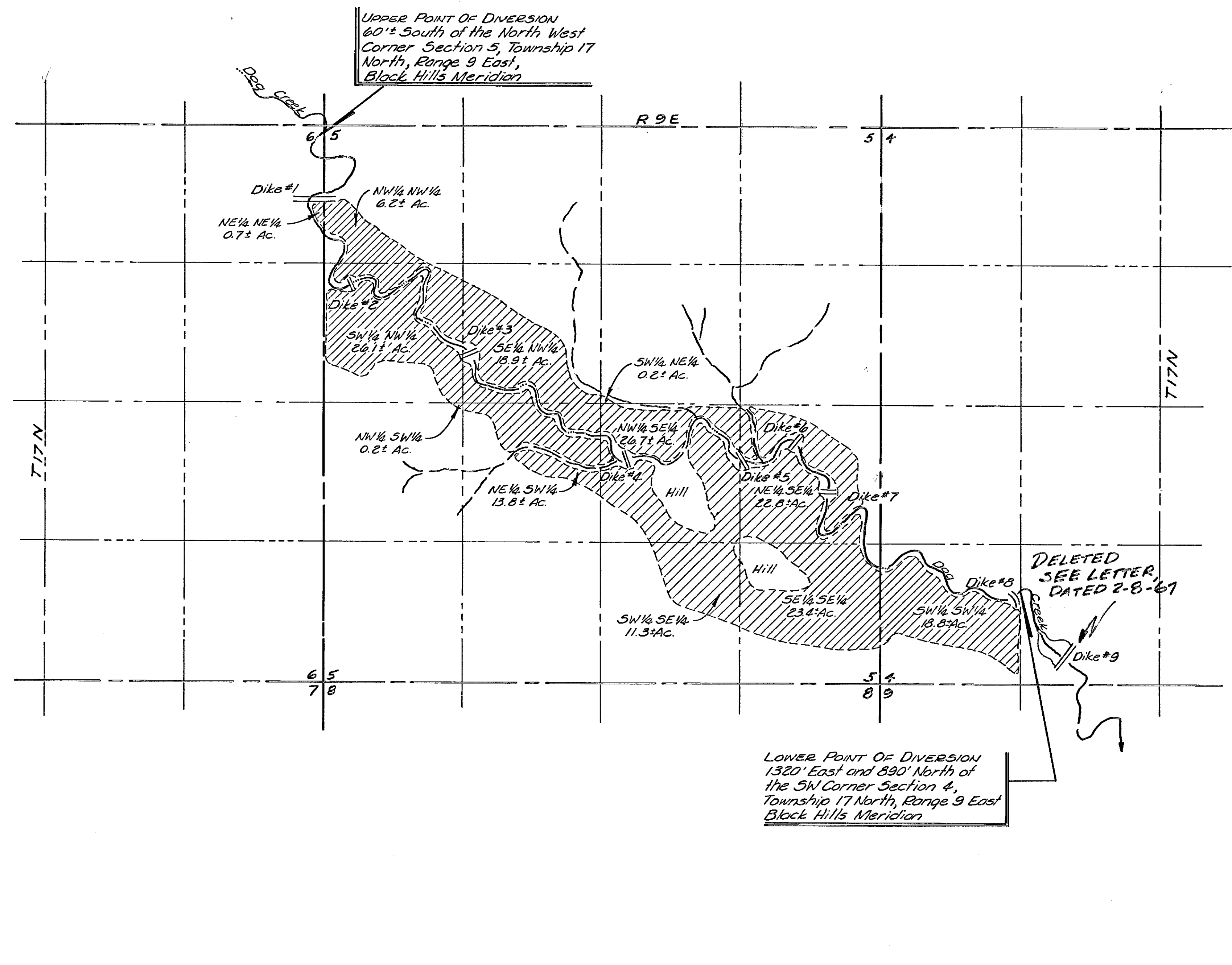
Signed ~~Matilda Eide~~

Subscribed and sworn to before me this ~~6~~ day of ~~April~~ 19~~67~~

~~Ernest L. Lofgren~~
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

~~can exp 1-28-73~~



LOCATION OF LAND TO BE IRRIGATED

Section 6 - Township 17 North - Range 9 East - B.H.M.	
NE 1/4 NE 1/4 - 0.7 Irrigable Acres	
Section 5 - Township 17 North - Range 9 East - B.H.M.	
NW 1/4 NW 1/4 - 6.8 Irrigable Acres	
SW 1/4 NW 1/4 - 26.1 " "	
SE 1/4 NW 1/4 - 18.9 " "	
NW 1/4 SW 1/4 - 0.2 " "	
NE 1/4 SW 1/4 - 13.2 " "	
SW 1/4 NE 1/4 - 0.2 " "	
NW 1/4 SE 1/4 - 26.7 " "	
NE 1/4 SE 1/4 - 22.8 " "	
SW 1/4 SE 1/4 - 11.3 " "	
SE 1/4 SE 1/4 - 23.4 " "	
Section 4 - Township 17 North - Range 9 East - B.H.M.	
SW 1/4 SW 1/4 - 18.8 Irrigable Acres	
Total	168.5 Irrigable Acres

SURVEYOR'S CERTIFICATE

I, George G. Ross, Registered land surveyor do hereby certify that at the direction of the owner, I have prepared from record the map to accompany the application for proposed irrigation project and that the location of diversion dikes, creek and dry draws are as shown hereon.

George G. Ross
Registered Land Surveyor

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA, LAWRENCE COUNTY

Be it remembered that on this 29th day of November, 1966 before me, the undersigned, a notary public, personally appeared George G. Ross known to me to be the person, described in, and who executed the surveyor's certificate. My commission expires April 28, 1969.

George G. Ross
Notary Public

**EDWIN & MATHILDA EIDE
IRRIGATION PROJECT**

LOCATED IN SECTIONS
4, 5 & 6 - T 17 N - R 9 E - B.H.M.
HARDING COUNTY, SOUTH DAKOTA

Brady Engineering Consulting Engineers Spearfish, South Dakota	Acct. No. WRS-42 Drawn By: RL Checked By: GSR	Scale: 1" = 660' Date: Nov, 1966 Sheet 1 of 1
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Map # 654-1 (App # 778-1)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } 53.

Pierre, South Dakota, FEBRUARY 17, 1967

This is to certify that the foregoing application was received by the Commission at 8:13 o'clock
4 a.m. upon the 8TH day of DECEMBER, 1966

State Water Resources Commission

By:

Austin Jones
for Chief Engineer, Executive Officer

Number of permit 778-1

Date of first receipt of application DECEMBER 8, 1966

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application 2.00 CFS 1940, 19____

Date from which applicant may claim right 40 CFS - 1951, 19____

Approved FEBRUARY 17, 1967, Recorded in Book 17 Page 220

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 ~~was~~ completed on or before _____

2nd. The whole of said work is ~~was~~ completed on or before _____, 19____

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

COMPLETED

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 2.40 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~~ was actually

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

WHEN AVAILABLE DURING GROWING SEASON

Witness my hand this 17TH day of FEBRUARY, 1967

State Water Resources Commission

By:

John Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 7 FEBRUARY, 1967

Water License Issued MARCH 7, 1967

Remarks by the Applicant:

LOCATION OF LAND TO BE IRRIGATED

Section 6 - Township 17 North - Range 9 East - B.H.M.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.7 Irrigable Acres

Section 5 - Township 17 North - Range 9 East - B.H.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 16.2 Irrigable Acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 26.1 " "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 18.9 " "

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 0.2 " "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 13.2 " "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.2 " "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 26.7 " "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 22.8 " "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 11.3 " "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 23.4 " "

Section 4 - Township 17 North - Range 9 East - B.H.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 18.8 Irrigable Acres

Total 168.5 Irrigable Acres

STATE OF SOUTH DAKOTA

WATER LICENSE No. 778-1

WHEREAS, On the 8th day of December A. D. 1966
Edwin and Matilda Eide

of Sorua County of Harding and State of
South Dakota duly made application (No. 778-1) to us for a Vested Right 2.40
cubic feet per second of the waters of Dog Creek
County of Harding, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of February A. D. 1967
Vested Right 778-1 recognizing
/Permit No. 778-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described ~~XXXXXX~~ ~~XXXXXX~~
~~XXXXXX~~ and ~~XXXXXX~~ the application to beneficial use of said
water ~~XXXXXX~~ ~~XXXXXX~~ and,

WHEREAS, On the 15th day of February A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.40
cubic feet per second of said waters, as evidenced by our Certificate No. 778-1
dated March 7, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.40 cubic feet per second of water, with date of
priority of 1960 and, 1951 and,

WHEREAS, On the 16th day of February A. D. 1967
proof was made of the application to beneficial use of 2.40 cubic feet per second of said water;
for irrigating 168.5 acres in portions of Sections 4, 5, and 6, T17N, 79E

17
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 Edwin and Mathilda Eide

of Serum the holder, and owner, Vested Right of said permit No. 778-1

a water right, dating from 1940 and 1951 to the use 2.40

cubic feet per second of the waters of Box Creek

in the County of Harding and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted between points in the NE 1/4 NE 1/4

Section 6, and in the SE 1/4 SW 1/4 Section 4, T17N, R9E

and conducted to and upon portions of Sections 4, 5, and 6, T17N, R9E, 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 7th day of March A. D. Nineteen
Hundred and Sixty-seven

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. 778-1Water Division No. 1 Moreau River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Edwin and Mathilda Eide

of Sorum, County of Harding, and State of South Dakota, the holder a of Vested Right Permit No. 778-1, issued upon Application No. 778-1, bearing date of priority of 1940 and 1951, authorizing the diversion of 2.40 cu. ft. per second of the waters of Dog Creek

County of Harding, State of South Dakota ~~xxx~~ between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T17N, R9E

for irrigation

purposes, have 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~~ recognized as satisfactory ~~therefor~~ for diverting and conveying to the place of intended use 2.40 cu. ft.

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

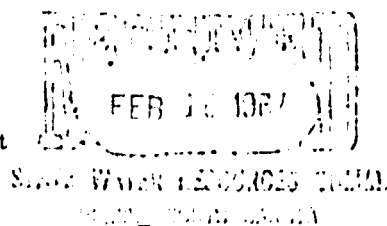
to-wit: All in T17N, R9ESection 4 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.8 acresSection 5 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.2 "SW $\frac{1}{4}$ NW $\frac{1}{4}$ 26.1 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.9 "NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.2 "NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.2 "SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 "NW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.7 "NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.8 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.3 "SE $\frac{1}{4}$ SE $\frac{1}{4}$ 23.4 "Section 6 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 "Total - 168.5 "Witness my hand this 7th day of March A. D. 1967

State Water Resources Commission

By:

J. W. GRINES

Chief Engineer, Executive Officer

Location No. 778-1Water Division No. 1 GRAND RIVER Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Edwin and Mathilda Eide, Ranchers, Sorum, 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

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

Ans. Dog Creek, between a point located 60' south of the NW corner of Section 5 and a point located 1520' East and 890' North of SW Corner Section 4, both in T17N, R9E.

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. Eight diversion dikes as described in water right application 778-1 capable of diverting over 2½ c.f.s. of the flows of Dog Creek.

Dike No. 2 was constructed in 1951 and all other dars were constructed before 1940.

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. The water is used for spreader irrigation and 168.5 acres are irrigated in Sections 4, 5 and 6, T17N, R9E, B.H.M. as listed on

Water Right map 654-1.

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

Ans. incidental livestock watering

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

Ans. 2.42 c.f.s. diversion rate

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permits originally issued, please state how ownership was acquired by present holder.

Ans. not applicable

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

Ans. Before 1940 and in 1951 as stated, to irrigate 168.5 acres with a minimum diversion rate of 2.42 c.f.s., 142.4 acres irrigated before 1940, 26.1 added in 1951.

(Sign) *Edwin Eide*
Martha Eide

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

State of South Dakota, on this *14* day of *February* A. D. 19*67*

Witnesses: *Kenneth Loftsgaard* *notary*
my comm exp. 1-28-73 *patk*

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

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

776-1
778-1✓
779-1

**SUMMARY OF WATER USE AND WATER YIELD
FROM RABBIT CREEK DRAINAGE ABOVE SORUM DAM**

Records of the Water Resources Commission show the following records of water rights by categories with annual water use estimated where necessary;

Stockwater reservoirs (Location Notices)	989 ac.ft.
Irrigation diversions from storage @ 1 ac.ft./ac.	283 " "
Spreader irrigation systems @ .5 ac.ft./ac.	975 " "
Storage at Sorum Dam	400 " "
(225 ac.ft. under water right; by pass (seepage) in satisfaction of downstream "domestic use")	2647 " "

Average annual runoff without diversions for use from this portion of the Rabbit Creek drainage area has been estimated by the U.S. Soil Conservation Service and the U.S. Geological Survey in amounts between 1/4 inch and 1/2 inch. This drainage area is about 120 square miles. At the 1/2 inch runoff rate, water yield above Sorum Dam is approximately 3200 acre feet annually. At the 1/4 inch runoff rate, the water yield is approximately 1650 acre feet.

It is evident, therefore, that present water use in this drainage area is about the limits of practical development within the total water supply.

Prior testimony before the Commission by interested people concerning frequency and amount of water spilling over Sorum Dam, while widely inconsistent as between individuals, confirms generally the same evaluation with respect to the total available water supply versus the amount of water presently used.

It is concluded, therefore, that unappropriated water is not available during an average water supply year to satisfy other than present water use and is not available to satisfy application 776-1 in amounts of water beyond the existing supplement to water rights 307-1 and 324-1

(SCS drainage charts and graphs are filed in Folder 776-1)

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

Mathilda Eide
1230 3rd St
Sturgis SD 57785

Dear Ms. Eide:

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). 778-1 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
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



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

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

September 21, 1988

NOTICE

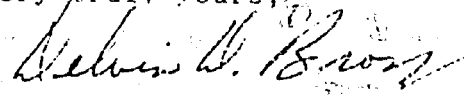
Darla Marlene Valloff
St Rt, Box 15
Reeder ND 58749

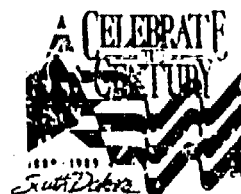
Dear Ms. Valloff:

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). 778-1 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



Water Rights Division - DWR
Conversation or File Documentation

File No. 778-1

NAME OF PERSON OR FILE: Edwin & Mathilda Gide - Dora Marlene Valloff

ADDRESS: Gide (1230 3rd St. Searles) Valloff (St. Rt. Box 15, Packer COUNTY) Harding

DATE: 6-27-89 TELEPHONE 58749 Gide (347-6493)

RE: Vested Right Inspection Valloff (855-2447)

COMMENTS:

On Wednesday June 7, 1989, Vested Right No. 778-1 was

inspected. The land is taken care of by Mrs. Mathilda Gide's

Son-in-Law Howard Milleff (866-4438). The inspection

showed that the land was still being irrigated and used

The diversion dykes were still in good shape and seemed

to be functioning. The land seemed to be the same acreage

plotted on the Map 654-1 for Application No. 778-1

* Recommend Validation

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: McAlister

SOUTH DAKOTA

VESTED WATER RIGHT NO. 778-1 FOR IRRIGATION

Date of Receipt of Claim December 8, 1966.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 778-1 for irrigation purposes for Mathilda Eide, 1230 3rd St, Sturgis SD 57785 and Darla Marlene Valloff, SR Box 15, Reeder ND 58749 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 778-1 appropriates 2.40 cfs (cubic feet of water per second) from Dog Creek to irrigate 168.5 acres. Water is diverted by dikes to the irrigated acreage via a water spreading system. The diversion points are located between the NE1/4 NE1/4 section 6 and the SE1/4 SW1/4 section 4 and the irrigated acreage is located in the SW1/4 SW1/4 section 4; W1/2 NW1/4, SE1/4 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, SE1/4 section 5; NE1/4 NE1/4 section 6; all in T17N-R9E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 - November 30.
3. The priority dates of the Vested Water Right are:
January 1, 1940 -- 2.00 cfs (142.4 acres)
January 1, 1951 -- 0.40 cfs (26.1 acres)
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: John Glatz
Chief Engineer

MAY 21 1992
date

Division of Water Rights
Dept. of Environment and Natural Resources



MAY 21 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Mathilda Eide
1230 3rd Street
Sturgis SD 57785

Darla Marlene Valloff
SR, Box 15
Reeder ND 58749

Dear Ms. Eide and Ms. Valloff:

The Water Management Board has validated the enclosed Vested Water Right No. 778-1. This validation gives legal status to the claim and is the final document for your vested right.

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