

786-1

No. ~~786-1~~

Water Division No. 1

MOPEAU RIVER

District

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

VESTED RIGHT

STATE WATER RESOURCES BOARD

PIERRE SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

CHRIS WAMMEN & SONS (William and Vernon)

1. Name of applicant _____
 Postoffice address Sorum County Perkins State S. Dak.

- I. If a corporation _____
 (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE--A certified copy of articles of incorporation must accompany this 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)
Completed

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

2. Name of diversion work Wammen Irrigation Project No. 1
 3. Amount of water claimed 4.80 cubic feet per second
 4. Source of water supply Rabbitt Creek and dry draws
 5. Location of point of diversion See attachment
on either bank Harding County.
 6. Annual period or periods during which water is to be used when available
 7. To be used for:

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

- (a) Number of acres to be irrigated 336 acres.

- (b) Legal subdivisions to be irrigated See attachment

(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 (golfing 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 659-1

8. Estimated cost of work:

(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.) provide for
 Primarily, these structures act as spreader dams, and only/incidental
 storage.....

II. Dimensions of works.

(c) Dam: Height.....feet; length at bottom feet; length at top
feet; thickness at bottomfeet; thickness at top
 feet; 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; heightfeet;
 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.....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
 not applicable

STATE OF SOUTH DAKOTA }
 County of Harding } ss.

I, Vernon Wammen, of Chris Wammen & Sons, 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. Chris Wammen & Sons

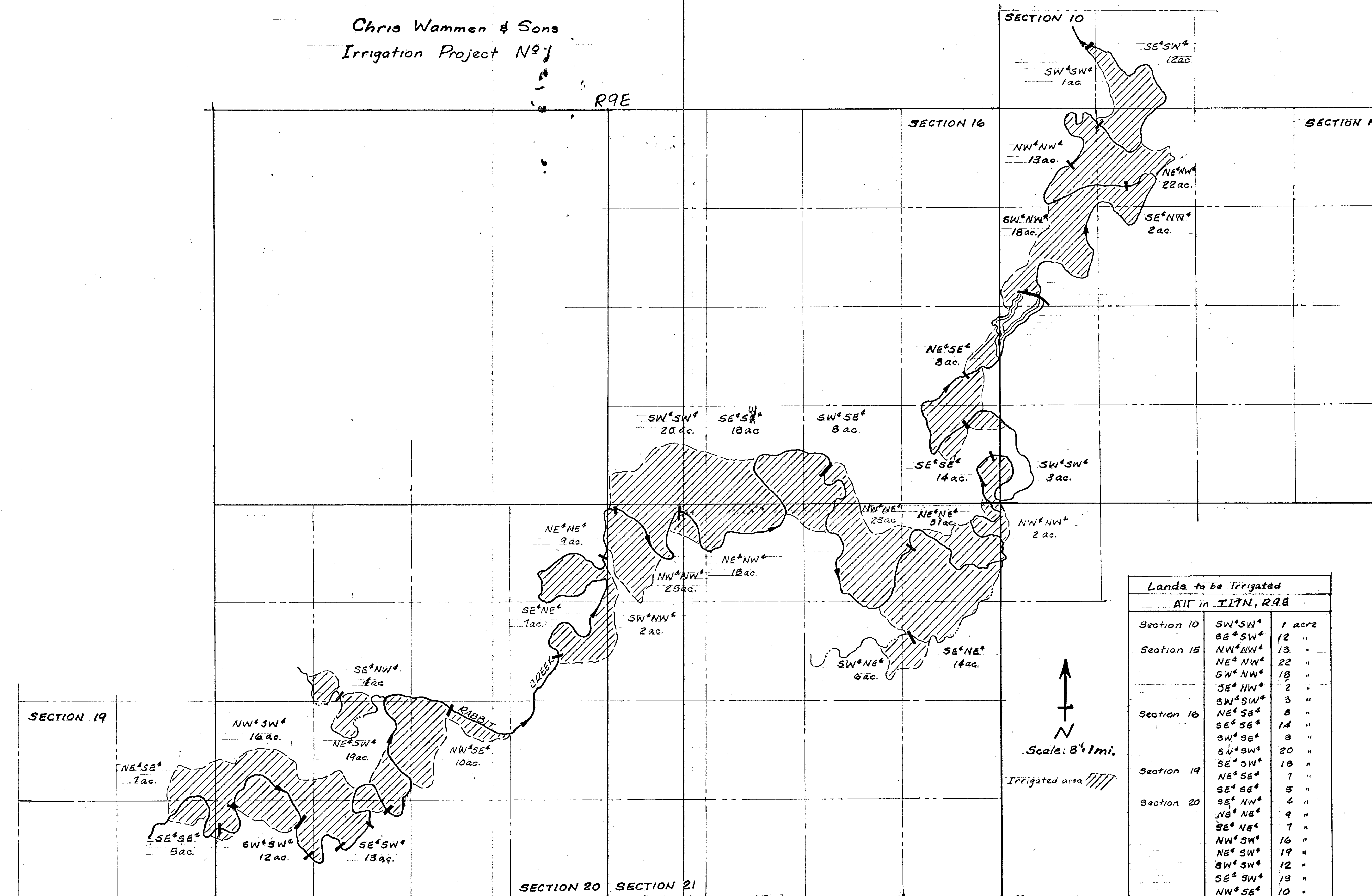
Signed By: Vernon Wammen

Subscribed and sworn to before me this 5th day of January 1967

[Signature]
 Notary Public (or other qualified officer.)

Chris Wammen & Sons
Irrigation Project No. 1

R9E



Lands to be Irrigated		
All in T17N, R9E		
Section 10	SW ⁴ SW ⁴	1 acre
	SE ⁴ SW ⁴	12 "
Section 16	NW ⁴ NW ⁴	13 "
	NE ⁴ NW ⁴	22 "
	SW ⁴ NW ⁴	18 "
	SE ⁴ NW ⁴	2 "
	SW ⁴ SW ⁴	3 "
	NE ⁴ SE ⁴	8 "
	SE ⁴ SE ⁴	14 "
	SW ⁴ SE ⁴	8 "
	SW ⁴ SW ⁴	20 "
	SE ⁴ SW ⁴	18 "
Section 19	NE ⁴ SE ⁴	7 "
	SE ⁴ SE ⁴	5 "
Section 20	SE ⁴ NW ⁴	4 "
	NE ⁴ NE ⁴	9 "
	SE ⁴ NE ⁴	7 "
	NW ⁴ SW ⁴	16 "
	NE ⁴ SW ⁴	19 "
	SW ⁴ SW ⁴	12 "
	SE ⁴ SW ⁴	13 "
	NW ⁴ SE ⁴	10 "
Section 21	NW ⁴ NW ⁴	25 "
	NE ⁴ NW ⁴	15 "
	SW ⁴ NW ⁴	2 "
	NW ⁴ NE ⁴	31 "
	SW ⁴ NE ⁴	6 "
	SE ⁴ NE ⁴	14 "
Section 22	NW ⁴ NW ⁴	2 "
	Total	336 acres

359 8/1/96

MAP N.
APPL. N.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED. THIS IS A MODERNIZATION
OF AN OLD SPREADER SYSTEM, AND INCORPORATES
LOCATION NOTICES 1187-1, 1188-1, 1190-1, 1191-1, 2272-1,
3421-1, 5044-1 & 5045-1.

STATE OF SOUTH DAKOTA.
County of HUGHES ss.

Pierre, South Dakota, JANUARY 20, 1967

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
9 a.m. upon the 11 day of JANUARY, 1967

State Water Resources Commission

By:

Austin Jones
Chief Engineer, Executive Officer

Number of permit 786-1

Date of first receipt of application JANUARY 11, 1967

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 DECEMBER 31, 1953

Approved JANUARY 19, 1967 Recorded in Book 9 Page 189

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

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 4.80
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 landrady; 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:

WHEN AVAILABLE

Witness my hand this 20TH day of JANUARY, 1967.

State Water Resources Commission

By:

S. Robinson
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 20, 1967

Water License Issued JANUARY 20, 1967

POINTS OF DIVERSION:

BETWEEN A POINT IN THE SW⁴SW⁴, SECTION 20, T17N, R9E, AND A POINT IN THE SW⁴SW⁴, SECTION 10, T17N, R9E, 26 DAMS OR DIKES FROM 3-5 FEET IN HEIGHT HAVE BEEN INSTALLED BY RABBIT CREEK & DRY DRAW TRIBUTARIES TO DIVERT THE WATER ONTO MEADOWS ADJACENT TO THE STREAMS.

THE FOLLOWING DRY DRAW-LOCATION NOTICES ARE INCORPORATED INTO THIS SYSTEM.

1187-1	FILED 11-30-49	2272-1	FILED 5-19-51
1188-1	" 11-30-49	3421-1	" 6-30-52
1190-1	" 11-30-49	5044-1	" 12-31-53
1191-1	" 11-30-49	5045-1	" 12-31-53

THE REMAINDER OF THE DAMS OR PLUGS IN THE CREEK ARE SMALL ROCK OR EARTH STRUCTURES INSTALLED DURING THE PERIOD 1912 TO 1946, WITH NO LOCATION NOTICES HAVING BEEN FILED.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 786-1

WHEREAS, On the 11th day of January A. D. 1967
Chris Walzen & Sons

of Sorum County of Harding and State of
South Dakota Vested Right 4.80
duly made application (No. 786-1) to us for a permit to use
cubic feet per second of the waters of Rabbit Creek and dry draws
County of Harding State of South Dakota for irrigation
purposes; and

WHEREAS, On the 20th day of January A. D. 1967
Vested Right recognizing
/Permit No. 786-1 was issued to said applicant for the diversion of said water, ~~XXXXXX~~ for the
completion of the works of diversion therein described ~~BY XXXXXXXX~~ ~~XXXXXX~~
~~XXXXXX~~ and ~~XXXX~~ the application to beneficial use of said
water on or before the 30th day of June A. D. 1955
and,

WHEREAS, On the 11th day of January A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.80
cubic feet per second of said waters, as evidenced by our Certificate No. 786-1
dated January 20, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.80 cubic feet per second of water, with date of
priority of December 31, 1953 ~~XXXX~~ and,

WHEREAS, On the 11th day of January A. D. 1967
proof was duly made of the application to beneficial use of 4.80 cubic feet per second of said water;
for irrigation of 336 acres in portions of Sections 10, 15, 16, 19, 20, 21 and 22,
T17N, R9E

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 **Chris Wammen & Sons**

of **Sorum** the holder and owner of said **Vested Right** permit No. **786-1**

a water right, dating from **December 31, 1953** to the use of **4.80**

cubic feet per second of the waters of **Rabbit Creek and dry draws**

In the County of **Harding** and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned to be diverted **between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$,**

Section 20, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T17N, R9E

and conducted to and upon **portions of Sections 10, 15, 16, 19, 20, 21, 22, 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 **20th** day of **January** 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. **786-1**Water Division No. **1** **Moreau River** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Chris Wamman & Sons**

of **Sorum**, County of **Perkins**, and State of **South Dakota**, **vested Right**, the holder of Permit No. **786-1**, issued upon Application No. **786-1**, bearing date of priority of **December 31, 1953**, authorizing the diversion of **4.80** cu. ft. per second of the waters of **Rabbit Creek & dry draws** County of **Harding**, State of South Dakota, **between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, 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** satisfactory for diverting and conveying to the place of intended use **4.80** cu. ft. per second of water; and that the lands ~~properly~~ irrigated by the use of said water are described as follows,

to-wit:	Section 10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre	Section 20	SE $\frac{1}{4}$ NW $\frac{1}{4}$	4 acres
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	12 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$	9 "
	Section 15	NW $\frac{1}{4}$ NW $\frac{1}{4}$	13 "		SE $\frac{1}{4}$ NE $\frac{1}{4}$	7 "
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	22 "		NW $\frac{1}{4}$ SW $\frac{1}{4}$	16 "
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	18 "		NE $\frac{1}{4}$ SW $\frac{1}{4}$	19 "
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	2 "		SW $\frac{1}{4}$ SW $\frac{1}{4}$	12 "
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	3 "		SE $\frac{1}{4}$ SW $\frac{1}{4}$	13 "
	Section 16	NE $\frac{1}{4}$ SE $\frac{1}{4}$	8 "		NW $\frac{1}{4}$ SE $\frac{1}{4}$	10 "
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	14 "	Section 21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25 "
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	6 "		NE $\frac{1}{4}$ NW $\frac{1}{4}$	15 "
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	20 "		SW $\frac{1}{4}$ NW $\frac{1}{4}$	2 "
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	18 "		NW $\frac{1}{4}$ NE $\frac{1}{4}$	31 "
	Section 19	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7 "		SW $\frac{1}{4}$ NE $\frac{1}{4}$	6 "
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	5 "		SE $\frac{1}{4}$ NE $\frac{1}{4}$	14 "
				Section 22	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2 "
				Total	-	336 "

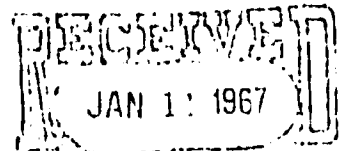
Witness my hand this **20th** day of **January** A. D. 19 **67**

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Location No. 786-1
MOREAU
RIVER Water District



STATE WATER RESOURCES COMMISSION
 SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Chris Wammen & Sons (William and Vernon), Ranchers, Sorum, S. 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. Dates of various location notices noted in the application

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

Ans. Rabbit Creek and dry draw tributaries, between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, 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. Series of 25 dams or plugs raise water to the meadows adjacent to the streams.

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 attachment

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

Ans. incidental stockwater

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

Ans. 336 acre feet

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. System was started in 1912, but not fully developed until the
present owners obtained the land. From 1939 to 1953, the system was develop
ed to its present form, and has been used each year that water has been
available.

Chris Wammen & Sons
(Sign) BY: Chris Wammen

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 Buffalo, County of Harding

State of South Dakota, on this 5th day of January A. D. 1967

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.

Robert Edling
Harding Co. Dak.

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 _____

786-1
54-1

January 25, 1967

Mr. Vernon Wammen
Chris Wammen & Sons
Sorum, S.D.

Dear Mr. Wammen:

Enclosed herewith are your Vested Right Permit to Appropriate Water, Certificate of Completion of Works, and Water License No. 786-1. These documents establish the vested right record for your use of water as described in the license.

Your check in the amount of \$10.00 in payment of recording and issuing fees was received January 11, 1967, and receipt number 4322 for the same is enclosed.

This will also notify you that Permit 54-1 was cancelled in action by the Water Resources Commission on January 19th, 1967 in accordance with our letter of January 3rd, 1967.

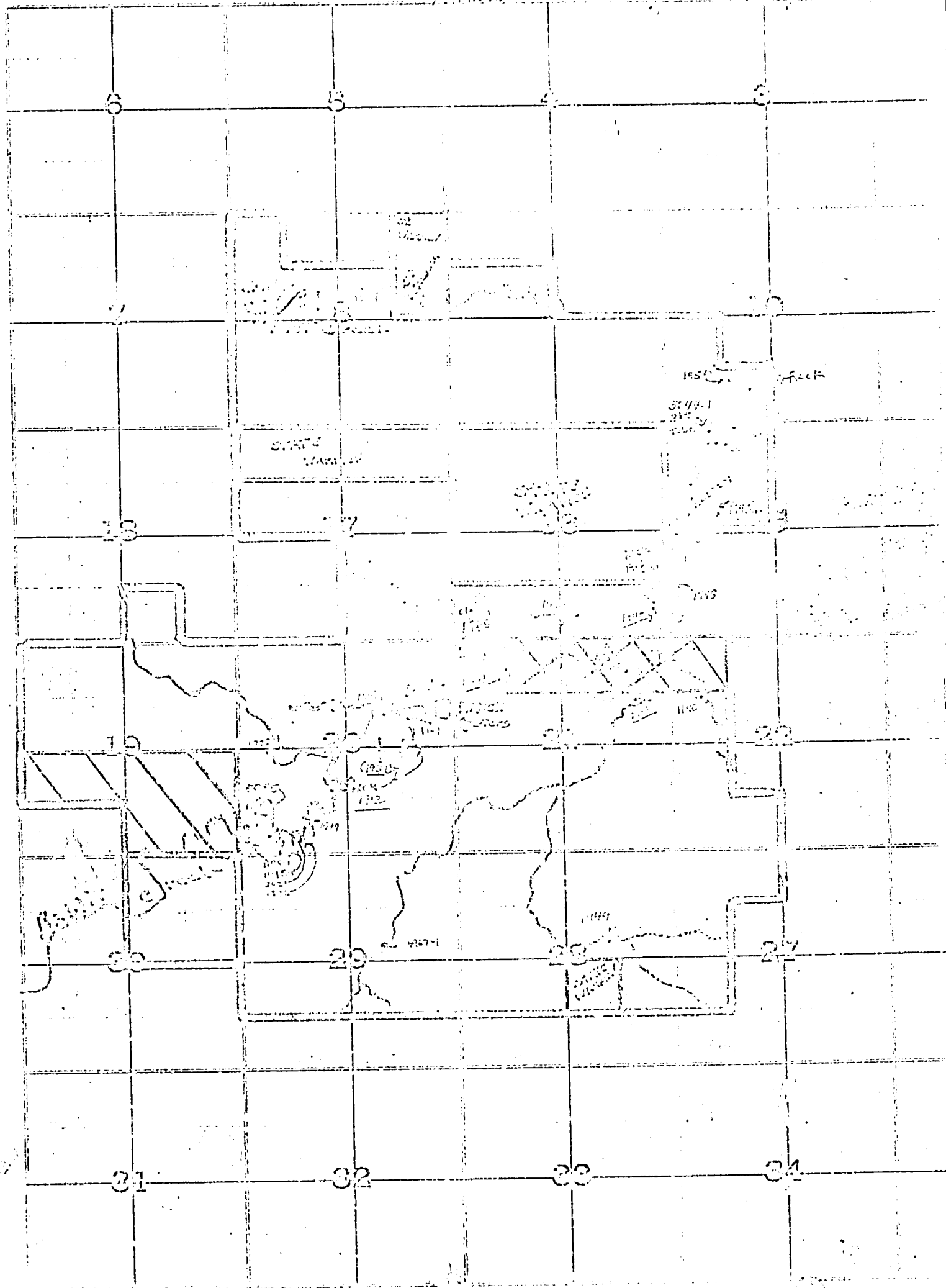
As was discussed with you by Mr. Jones, of our staff, provisions of this permit no longer apply. Rather, the actual diversions of water now in effect are covered in vested right permit 786-1.

Should you have further questions, feel free to contact this office.

Sincerely,

J. W. GRIMES
Chief Engineer-Executive Officer

JWG:mf
Encls: 4



OLD
AND
25

Township

17

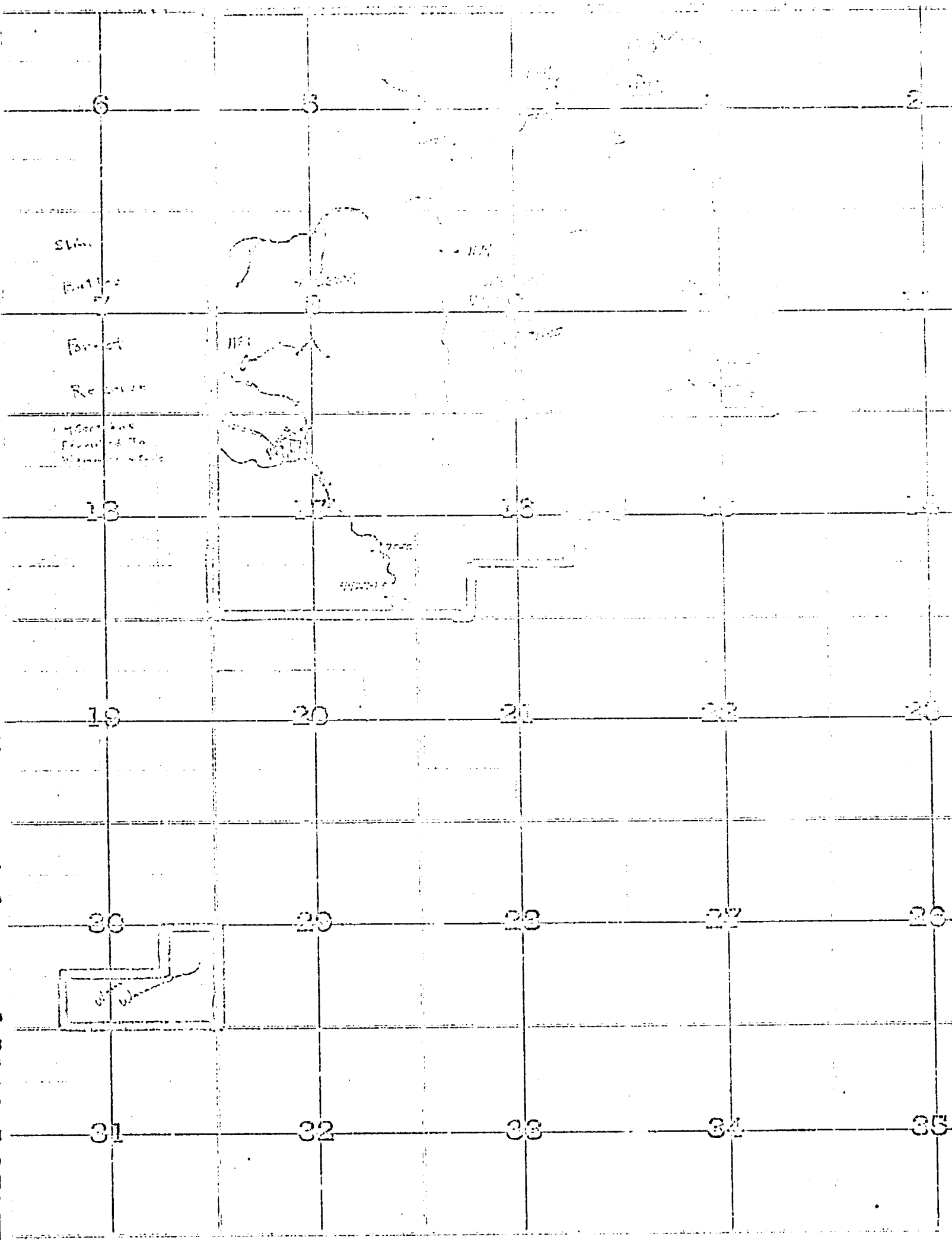
, Range

8

, H. S. L. S.

625-1M-552-1-1 - News Printing Co., Aberdeen, S. D.

Winnipeg, Man. 1911



OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 786-1
787-1
788-1

August 28, 1984

Wammen Ranch
Box 35
Sorum, South Dakota 57654

Dear Sir:

are copies
Please find enclosed ~~a copy~~ of a Notice of Transfer of Water Permit forms.
These ~~XXXX~~ forms must be signed by the owner before a notary and returned to this
office with a filing fee of \$2.50. for each transfer, total of \$7.50.
Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$7.50
be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

LANDS IRRIGATED:
ALL IN T17N R9E

SECTION 10	SW ⁴ SW ⁴	1 acre
	SE ⁴ SW ⁴	12 "
SECTION 15	NW ⁴ NW ⁴	13 "
	NE ⁴ NW ⁴	22 "
	SW ⁴ NW ⁴	18 "
	SE ⁴ NW ⁴	2 "
	SW ⁴ SW ⁴	3 "
SECTION 16	NE ⁴ SE ⁴	8 "
	SE ⁴ SE ⁴	14 "
	SW ⁴ SE ⁴	8 "
	SW ⁴ SW ⁴	20 "
	SE ⁴ SW ⁴	18 "
SECTION 19	NE ⁴ SE ⁴	7 "
	SE ⁴ SE ⁴	5 "
SECTION 20	SE ⁴ NW ⁴	4 "
	NE ⁴ NE ⁴	9 "
	SE ⁴ NE ⁴	7 "
	NW ⁴ SW ⁴	16 "
	NE ⁴ SW ⁴	19 "
	SW ⁴ SW ⁴	12 "
	SE ⁴ SW ⁴	13 "
	NW ⁴ SE ⁴	10 "
	NW ⁴ NW ⁴	25 "
SECTION 21	NE ⁴ NW ⁴	15 "
	SW ⁴ NW ⁴	2 "
	NW ⁴ NE ⁴	31 "
	SW ⁴ NE ⁴	6 "
	SE ⁴ NE ⁴	14 "
SECTION 22	NW ⁴ NW ⁴	2 "
<u>TOTAL</u>		<u>336 ACRES</u>

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10/15/84

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

Portions of Sections 10, 15, 16, 19, 20, 21, 22; T17N, R9E

formerly owned by Chris Wammen & Sons

has been transferred to Wammen Ranch, Box 35, Sorum, SD 57654

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 786-1 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 Wammen Ranch, SD) ss.

I, Vernon Wammen 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.

Vernon Wammen
(Signed) General Partner

Subscribed and sworn to before me this 17 Day of Oct, 1984

Orvin Tindel
(Notary Public)



Water Rights Division - DWR
Conversation or File Documentation

File No.

786-1
787-1
788-1

NAME OF PERSON OR FILE: Whimmen Ranch - Vernon R Whimmen

ADDRESS: SR Box 35, Sorum, SD 57654 COUNTY Harding

DATE: 6-27-89 TELEPHONE 642-7195

RE: Vested Right Inspection

COMMENTS:

On Wednesday, June 7, 1989. Vested Right NOS 786-1,
787-1, and 788-1 were inspected. Accompanied by Mr.
Whimmen. The land under all three vested rights was inspected.
The land seemed to be the same as plotted on maps #660-1 for Application
No. 787-1, map No. 659-1 for Application No. 786-1 and the
map on microfilm for Application No. 788-1. The spreader
dikes and irrigation ditches were all in good to partially
fair shape but still functioning.

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:

N. Shadi

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9801

Pierre, October 18, 1984

RECEIVED OF Wammen Ranch, SE, Box 35, Sorum, SD 57654

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 786-1 _____	2 50
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	2 50

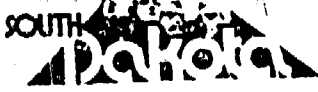
By John Hatch
Chief Engineer JOHN HATCH/ms

No.

786-1

787-1

788-1



Department of Water & Natural Resources

Jon Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

October 19, 1964

Wammen Ranch
SR Box 35
Sorum, South Dakota 57654

Dear Sir:

Enclosed is receipt Nos. 4 9800, 4 9801 & 4 9802 in the amount of \$2.50 each which you paid for transfer of Water Right Nos 786-1, 787-1, 788-1.

Our records now show you as the owner of ^{these} this Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc. 3

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

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

September 21, 1988

NOTICE

Vernon Wammen
Wammen Ranch
SR Box 35
Sorum SD 57654

Dear Mr. Wammen:

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). (786-1, 787-1, 788-1 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
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Program -- File Documentation

NAME: Wammen Ranch

ADDRESS: Star Route, Box 35, Sorum SD 57654

DATE: April 18, 1996 **COUNTY:** Harding

RE: Readvertisement of Notice to Validate Vested Water Right Claim No. 786-1

COMMENTS:

Vested Water Right Claim No. 786-1 was published for validation along with all other Harding County validations on June 1 and 8, 1988, in the Nation's Center News published in Buffalo SD. An error was found in the publication concerning a portion of the irrigated acreage. Acreage located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 16-T17N-R9E was not included in the publication.

Further review of the file also found that the total acreage and diversion rate on the original claim is incorrect and, as a result, was published for validation incorrectly. Acreage is irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 21-T17N-R9E as designated on the map submitted with the claim. However, the 23 acres located in this area are not accounted for in the acreage total on the vested right application. Therefore, the diversion rate which is based on 1 cfs per 70 acres is also incorrect.

In addition, the claim was contested by the Chief Engineer for purposes of completing an inspection prior to validating the claim. This claim is located in Harding County and was not contested by the Bureau of Reclamation.

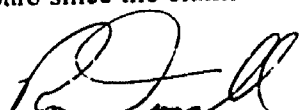
INVESTIGATION RESULTS:

An investigation was completed by Rassool Ahadi on June 7, 1989, to determine if the irrigation system was the same as identified on the water license. Based on the investigation, no change was noted in the irrigated area as compared with the acreage on the original map.

RECOMMENDED ACTION:

A readvertisement needs to be prepared in accordance with SDCL 46-2A-22 to include the omitted legal description (SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 16-T17N-R9E) and identify the correct total number of acres and diversion rate. The total acreage and diversion rate as published was 336 acres and 4.80 cfs. According to the original map, the total acreage should have been $336 + 23 = 359$ acres with a corresponding diversion rate of 5.12 cfs (1 cfs per 70 acres.) This acreage and diversion rate error could have been discovered and corrected when the claim was originally filed. The investigation by Rassool Ahadi also indicates that the irrigated acreage includes the 23 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 21-T17N-R9E.

Following the readvertisement, the claim will need to be scheduled for validation by the Water Management Board since the claim was contested by the chief engineer. Notice will need to be given to the claim holder.



Ron Duvall, Natural Resources Engineer
Water Rights Program



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF HARDING)

Linda Stephens of said County and State, being duly sworn, on his oath, says: That the NATION'S CENTER NEWS is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State by Linda Stephens, Owner and has been such newspaper during the time hereinafter mentioned and that I, Linda Stephens, the undersigned, am OWNER of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed Readvertisement-Water Right Claims
166 lines

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once a week for 2 successive weeks. The first publication being made on the 28 day of August, 19 96. The second publication being made on the 4 day of September, 19 96. The third publication being made on the _____ day of _____, 19 _____. The fourth publication being made on the _____ day of _____, 19 _____. The last publication being made on the _____ day of _____, 19 _____. That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 72.01 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Linda Stephens

Subscribed and sworn to before me this 5 day of September, 19 96

Walter Stephens

My commission expires June 15, 2003

DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

READVERTISEMENT OF
NOTICE OF INTENT TO
VALIDATE VESTED WATER
RIGHT CLAIMS

Notice is given that the following vested water right claims in Harding County are eligible for validation by the Water Management Board. Readvertisement of the notice of intent to validate these claims, as published on June 1 and 8, 1988 in the Nation's Center News is necessary to correct errors in the previously published notice.

Vested Water Right No. 329-1 Howard Jensen, Box 43, Sorum SD 57654 appropriates 4.60 cubic feet of water per second (cfs) from dry draws located in the SW1/4SE1/4 Section 15 NE1/4NE1/4 Section 22, SE1/4NW1/4 Section 23 to irrigate 2.99 acres located in the E1/2NE1/4 SE1/4 Section 22, SW1/4NW1/4, W1/2SW1/4 Section 21 W1/2NE1/4, SE1/4NW1/4 Section 17 all in T16N-R8E. The priority dates are January 1, 1948 (1.38 cfs) and November 1, 1958 (3.22 cfs).

Vested Water Right No. 779-1 Howard Millett, Sorum SD 57654 appropriates 5.38 cfs from Rabbit Creek and dry draws located in the N1/2 of Section 10, Section 11, and Section 12

all in T17N-R9E to irrigate 377.4 acres. The irrigation is located in the NW1/4NE1/4, Section 10, N1/2NW1/4, SE1/4NW1/4, NE1/4 Section 11 and NW1/4, N1/2SW1/4, N1/2SE1/4, SW1/4, SE1/4, SE1/4SW1/4 Section 12; all in T17N-R9E. The priority date is June 1, 1966.

Vested Water Right No. 786-1, Wammen Ranch, SE 1/4 Box 35, Sorum SD 57664 appropriates 5.12 cfs from Rabbit Creek and dry draws located in the SW1/4SW1/4, Section 20 to the SW1/4SW1/4, Section 10; all in T17N-R9E to irrigate 350 acres. The irrigated acres are located in line 2, SW1/4, Section 10, NW1/4, SW1/4SW1/4, Section 15, SE1/4SW1/4, SE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, Section 16, E1/2SE1/4 Section 19, SE1/4NW1/4, E1/2NE1/4, SW1/4, SW1/4, NW1/4SE1/4, Section 20, N1/2NW1/4, SW1/4, NW1/4, W1/2NE1/4, SE1/4, NE1/4, Section 21, and NW1/4NW1/4 Section 22; all in T17N-R9E. The priority date is December 31, 1963.

Any person who wishes to oppose validation of the readvertised vested right claim shall file a petition or intent to oppose the validation by September 20, 1986 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 623 East Capitol, Pierre, SD 57501-3181 (605-773-3332) and with the vested water right holder at the listed address. The petition may be informal but must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

The Water Management Board will consider these vested water right claims at 10:00 am, October 2, 1986, Floyd Matthew Training Center, Joe Foss Building, 623 E. Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) validate the claim as rec-

investigation, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. The October 2, 1986 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 20, 1986.

These validations are made pursuant to the provisions of SDCI 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18, 46-2A-22, 46-3-1 thru 46-3-6.1, 46-3-8.2, 46-3-12 thru 46-3-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-48, 46-6-1 thru 46-6-3, 46-6-4, 46-6-5, 46-6-10, 46-6-12, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05, 74:02:01:20 and 74:02:01:22.

Contact Eric Gronlund by September 20, 1986 at the above Water Rights Program address for: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the petitioner; 4) obtain an interpreter for the hearing. Secretary, Department of Environment and Natural Resources. 8-28, 9-4



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Wainmen Ranch
St Rt Box 35
Sorum SD 57654

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 786-1. 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 Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 21, 1996

Wammen Ranch
St Rt, Box 35
Sorum SD 57654

Dear Sir:

A Notice of Intent to validate Claim No. 786-1 was published on June 1 and 8, 1988 in the Nation's Center News. The Water Rights Program opposed validation of No. 786-1 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 786-1 was completed on June 7, 1989, by Rassool Ahadi, staff engineer. The investigation found no change in the number of acres being irrigated and amount of water claimed.

The 1988 notice did not include the acreage irrigated in the SE 1/4 SW 1/4 Section 16-T17N-R9E. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Nation's Center News printed at Buffalo SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 786-1 FOR IRRIGATION

Date of Receipt of Claim January 11, 1967.

Date of Validation October 2, 1996.

The Water Management Board validated Vested Water Right Claim No. 786-1 for irrigation purposes for Wammen Ranch, St Rt Box 35, Sorum SD 57654 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 786-1 appropriates 5.12 cubic feet of water per second from Rabbit Creek and dry draws located in the SW 1/4 SW 1/4 Section 20 to the SW 1/4 SW 1/4 Section 10; all in T17N-R9E to irrigate 359 acres. The irrigated acres are located in the S 1/2 SW 1/4 Section 10, NW 1/4, SW 1/4 SW 1/4, Section 15; E 1/2 SE 1/4, SW 1/4 SE 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4 Section 16; E 1/2 SE 1/4 Section 19; SE 1/4 NW 1/4, E 1/2 NE 1/4, SW 1/4, NW 1/4 SE 1/4 Section 20; N 1/2 NW 1/4, SW 1/4 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 21 and NW 1/4 NW 1/4 Section 22; 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. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is December 31, 1953.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 786-1 FOR IRRIGATION

(1) Wammen Ranch, St Rt Box 35, Sorum SD 57654 was issued Vested Right No. 786-1, January 20, 1967 for right to appropriate 4.80 cubic feet of water per second from Rabbit Creek and dry draws, Harding County, South Dakota, for irrigation purposes. Vested Water Right No. 786-1 was validated October 2, 1996 with a priority date of December 31, 1953. 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 Law.

The original water license issued January 20, 1967, contained errors in the legal description of the lands irrigated and the amount of water claimed. Based on a June 7, 1989 inspection of the water use system and subsequent validation of the vested right claim, this license is being reissued to correct the errors.

(2) The vested right owner is entitled to divert 5.12 cubic feet of water per second for beneficial use. The location of the diversion points are: between points in the SW 1/4 SW 1/4 Section 20 to the SW 1/4 SW 1/4 Section 10; all in T17N-R9E

The location of the irrigated acreage is: all in T17N-R9E

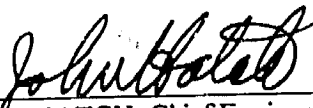
Section 10	SW 1/4 SW 1/4	1 acre	Section 20	SE 1/4 NW 1/4	4 acres
	SE 1/4 SW 1/4	12 acres		NE 1/4 NE 1/4	9 acres
Section 15	NW 1/4 NW 1/4	13 acres		SE 1/4 NE 1/4	7 acres
	NE 1/4 NW 1/4	22 acres		NW 1/4 SW 1/4	16 acres
	SW 1/4 NW 1/4	18 acres		NE 1/4 SW 1/4	19 acres
	SE 1/4 NW 1/4	2 acres		SW 1/4 SW 1/4	12 acres
	SW 1/4 SW 1/4	3 acres		SE 1/4 SW 1/4	13 acres
Section 16	NE 1/4 SE 1/4	8 acres		NW 1/4 SE 1/4	10 acres
	SE 1/4 SE 1/4	14 acres	Section 21	NW 1/4 NW 1/4	25 acres
	SW 1/4 SE 1/4	8 acres		NE 1/4 NW 1/4	15 acres
	SW 1/4 SW 1/4	20 acres		SW 1/4 NW 1/4	2 acres
	SE 1/4 SW 1/4	18 acres		NE 1/4 NE 1/4	31 acres
Section 19	NE 1/4 SE 1/4	7 acres		NW 1/4 NE 1/4	23 acres
	SE 1/4 SE 1/4	5 acres		SW 1/4 NE 1/4	6 acres
				SE 1/4 NE 1/4	14 acres
			Section 22	NW 1/4 NW 1/4	2 acres

TOTAL 359 acres

(continued)

Reissued Vested Water Right No. 786-1
Wammen Ranch
Page 2

(3) Pursuant to Section 46-5-30.1 Wammen Ranch, St Rt Box 35, Sorum SD 57654 the holder and/or owner of Reissued Vested Water Right No. 786-1 is issued a license to appropriate 5.12 cubic feet of water per second from Rabbit Creek and dry draw with a priority date of December 31, 1953 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. 786-1 and subject to South Dakota State Law.



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

DEC 26 1996

date

