

No. 738-1Water Division No. 1

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

MOREAU RIVER

District

JAN 11 1967

VESTED RIGHT

APPLICATION FOR PERMIT

STATE WATER RESOURCES DIVISION
SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Chris Wammen and Sons (William & Vernon)
- Postoffice address Sorun, 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 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):
Completed
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Wammen Irrigation Project #3
3. Amount of water claimed .50 cubic feet per second
4. Source of water supply Point Creek (a dry draw)
5. Location of point of diversion between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$; and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T.17N, R9E on either bank Harding County.
6. Annual period or periods during which water is to be used When available
7. To be used for:

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

- (a) Number of acres to be irrigated 36 acres.

- (b) Legal subdivisions to be irrigated NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 6 ac., SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 ac., NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 1 ac.,

(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 the application. Same must also be shown on accompanying map.)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 19 ac., all in Sec. 8, T17N, R9E

- (c) Statement as to domestic use (giving location, etc.)

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

- (a) Nature of use
Name any of the above uses claimed
- (b) Amount of power to be generated horse power.
Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

v/r

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.) Series of 4 dams or plugs divert water to meadows adjacent to the stream.

II. Dimensions of works.

(a) Dam: Height feet; length at bottom feet length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction

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

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

(c)* Head gate: Width feet; height feet; Material

(d) Canal: Total 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 completed years

11. Time required for complete application of water to the proposed beneficial use completed 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 Warman of Chris Warman & 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 Warman & Sons

Signed By:

Vernon Warman

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

Notary Public (or other qualified officer.)

DOROTHY SCHWEIGERT

Notary Public, Harding County, S. Dak.

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

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

a.m.

upon the 11TH day of

JANUARY

1967

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit

788-1

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

1941

Approved

JANUARY 19, 1967

Recorded in Book

9

Page

191

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

was

and beneficially applied for irrigation on or before

JUNE 30, 1955

during the following described annual period:

WHEN AVAILABLE

Witness my hand this

20TH

day of

JANUARY

1967

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Chief Engineer, Executive Officer

Certificate of Construction Issued

JANUARY 20, 1967

Water License Issued

JANUARY 20, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 786-1

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

of Sorum County of Perkins and State of
South Dakota duly made application (No. 788-1) to us for a Vested Right .50
cubic feet per second of the waters of Point Creek - a dry draw
County of Harding, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 29th day of January A. D. 1967
Vested Right Permit No. 788-1 was issued to said applicant... for the diversion of said water, recognizing
completion of the works of diversion therein described 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 .50
cubic feet per second of said waters, as evidenced by our Certificate No. 788-1
dated January 20, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .50 cubic feet per second of water, with date of
priority of 1941 and,

WHEREAS, On the 11th day of January A. D. 1967
proof was duly made of the application to beneficial use of .50 cubic feet per second of said water;
for irrigating 36 acres in a portion of the NW $\frac{1}{4}$, Section 9, 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 Waxmen & Sons Vested Right
of Sorum the holder and owner of sale/permit No. 788-1
a water right, dating from 1941 to the use of .50
cubic feet per second of the waters of Point Creek - a dry draw
in the County of Harding and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at between points in the SW 1/4 NW 1/4
and in the SW 1/4 NW 1/4, Section 8, T17N, R9E
and conducted to and upon portions of the NW 1/4 Section 8, 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. GRADY
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. 708-1Water Division No. 1 Morou River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Chris Waumen & Sons

of Borum, County of Perkins, and State of South Dakota,
 the holder of Permit No. 708-1, issued upon Application
 No. 783-1, bearing date of priority of 1941, authorizing the diversion of
.50 cu. ft. per second of the waters of Point Creek - a dry draw
 County of Harding, State of South Dakota ~~xxx~~ between points in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T17N, R9E
for irrigation

purposes, has ve 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 ~~xxxxxx~~ recognized as satisfactory
~~xxxxxx~~ for diverting and conveying to the place of intended use .50 cu. ft.
 per second of water; and that the lands ~~xxxxxx~~ irrigated by the use of said water are described as follows,

to-wit: All in Section 8, T17N, R9ENW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 acresSW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 "NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 19 "Total - 36 "Witness my hand this 20th day of January A. D. 1967

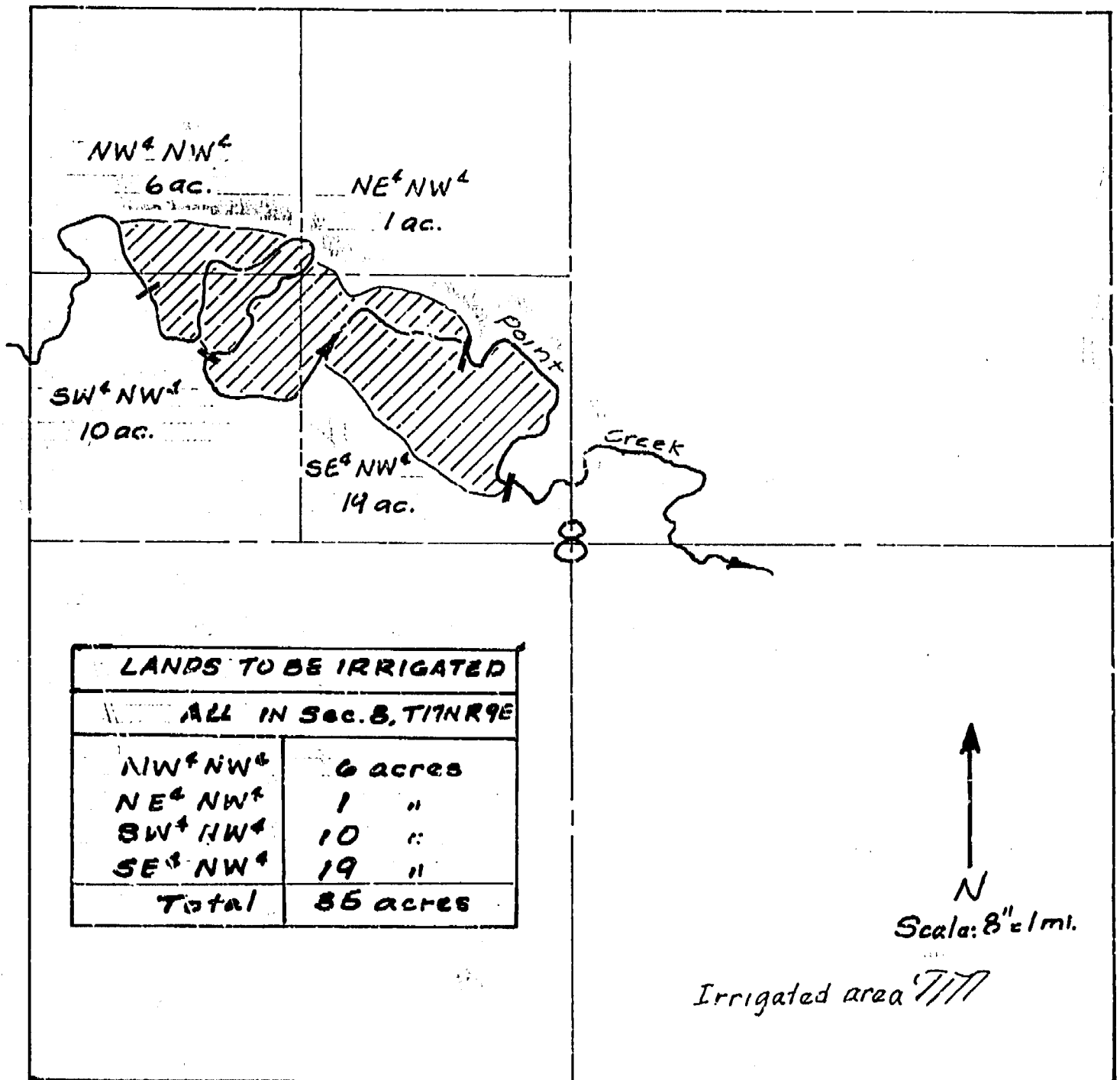
State Water Resources Commission

By:

J. W. GRIMES

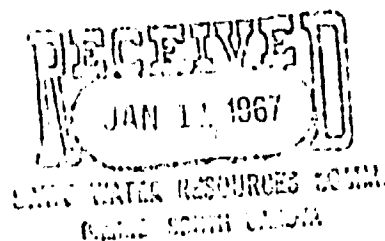
Chief Engineer, Executive Officer

Chris Wammen & Sons Irrigation Project #3



Location No. _____

Water Division No. _____ Water District _____



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Chris Wannen & Sons (William & 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. No prior posting

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

Ans. Between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, 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. Four small dams or plugs (3 to 5 feet high) divert water from the stream to meadows adjacent to the stream.

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. All in Sec. 8, T17N, R9E NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 19 acres

Total - 36 acres

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. 36 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. Dams were constructed in 1941 by Axel Johnson. Land was purchased by present owners in 1949 from Harding County.

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 constructed in 1941, and has been used when water is available since it was completed.

(Sign) Vernon T. Johnson

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 the 5th day of January A. D. 19 67

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 E. Kling
Miner, S. 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 _____



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

786-1

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 ~~xxx~~ forms must be signed by the owner before return 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 the permits will
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.

DWNR-820A-8/83

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 the NW 1/4 of Section 9, 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. 788-1 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 Harding

I, Wammen Ranch 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

Carvin Tenold
(Notary Public)



WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

NO 4 9802

South Dakota Department of Water and Natural Resources

Pierre, October 13, 1954

RECEIVED OF Wannen Ranch, SR, 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 No. 7482-1 _____	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 (ins)

No. 785-1
787-1
788-1

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

Jon Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

October 19, 1984

Wamren Ranch
SR Box 35
Sorum, South Dakota 57654

Dear Sir:

Enclosed is receipt No. 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

Received & Return of filing of Transfer of Water Rights

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

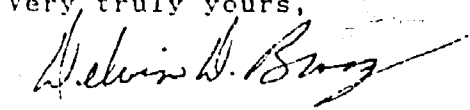
Vernon Wammen
Wammen Ranch
SR Box 35
Sorum SD 57654

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,


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



Water Rights Division - DWR
Conversation or File Documentation

786-1
787-1
File No. 788-1

NAME OF PERSON OR FILE: Whitten Ranch - Vernon R Whitten
ADDRESS: SR Box 35, Sorum, SD 57654 COUNTY Harding
DATE: 6-27-89 TELEPHONE 612-7195
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.
Whitten. The land under all three vested rights was inspected.
The land seemed to be the same as plotted on map # 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
ditches 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: NEA/adi

SOUTH DAKOTA

VESTED WATER RIGHT NO. 788-1 FOR IRRIGATION

Date of Receipt of Claim January 11, 1967.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 788-1 for irrigation purposes for Wammen Ranch, SR Box 35, Sorum SD 57654 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 788-1 appropriates 0.50 cubic feet of water per second from Point Creek to irrigate 36 acres. A series plugs is used to divert water from the creek to the irrigated acreage. The points of diversion are located in the S1/2 NW1/4 and the irrigated acreage is located in the NW1/4; all in section 8-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: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1941.
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.

QUALIFICATIONS

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAY 21 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



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

MAY 21 1992

Wammen Ranch
SR, Box 35
Sorum SD 57654

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right Nos. 787-1 and 788-1. These validations give legal status to the claims and are the final document for your vested rights. As long as you use the water beneficially, as stated in the validations, State Water Laws provide that you have a continuing right to use the water.

Vested Right No. 786-1 needs to be readvertised to correct a publication error concerning an omission of some irrigated acreage. Legislation was enacted during the last legislative session which simplifies the readvertising procedure. This legislation becomes effective after July 1, 1992. You will be contacted after this date concerning readvertisement of No. 786-1.

Please contact Ron Duvall, staff engineer, if you have any questions.

Very truly yours,

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

enclosure