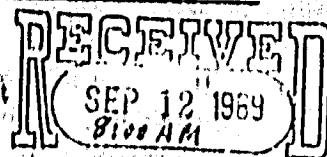


878-1

1. Consider NOVEMBER 12, 1969
2. Name of Applicant ROBERT WEEK
3. Post Office Address PRAIRIE CITY
4. Amount of water claimed 85
5. Source of water supply DRY DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 62.20
7. Water to be diverted and used in PERKINS county
about 8 miles EAST of REVA
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

GET STORAGE
DATA BEFORE
ISSUING

No. **878-1**Water Division No. **1** **GRAND RIVER** District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Robert Weak
Postoffice address Prairie City, 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)

Direct Labor(b) Cash on hand, \$1000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Robert Weak #13. Amount of water claimed .89 MAXIMUM ALLOWABLE
1.0- cubic feet per second4. Source of water supply Stockwater Dam (existing)

5. Location of point of diversion

on bank County.

6. Annual period or periods during which water is to be used April 1 to Nov. 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation-Sprinkling(a) Number of acres to be irrigated 622 acres.(b) Legal subdivisions to be irrigated See attached plot

(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 (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

MAP NO 733-1

Robert Weak
Prairie City,
South Dakota

Areas to be Irrigated

1.	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T-18-N, R-10-E	3.0 Ac.
2.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T-18-N, R-10-E	17.6 Ac.
3.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T-18-N, R-10-E	32.4 Ac.
4.	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T-18-N, R-10-E	9.2 Ac.
Total		62.2 Ac.

Points of Diversion

1. 5400' N. 140° 0' W of NW Corner of Sec. 8, T-18-N, R-10-E.
2. 5200' N. 126° 0' W of NW Corner of Sec. 8, T-18-N, R-10-E.

And all intermediate points.

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1000.00...
 (c) Fluming, \$..... (d) Canal-earth, \$.....
 (e) Other structures\$.....
 Total, \$.....

9. Description of diversion works:

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

.....Pumping Plant.....

II. Dimension, of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; 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 work5.....years.

11. Time required for complete application of water to the proposed beneficial use5.....years.

12. Choice of newspaper for publication of notice of intention to appropriateBison Courier.....
Bison, South Dakota.....

STATE OF SOUTH DAKOTA

County ofParkins.....

I,Robert Week....., being first duly sworn on my oath depose and say: That my relation to the above described undertakingthat 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

Subscribed and sworn to before me this11th..... day ofSeptember..... 19.....69.

.....Walden D. Ashurst.....
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill cut for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

if the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height of Dam 19.0 ft

Max. Water Depth 15.0 ft

Surface Area 8.0 Ac.

Storage Capacity 48.0 Ac. Ft.

Robert M. Cook
Signature of Applicant

Remarks by State Water Resources Commission:

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF
48 ACRES FEET OF WATER ANNUALLY

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, DECEMBER 3, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 12TH day of SEPTEMBER, 1969

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit B78-1

Date of first receipt of application SEPTEMBER 12, 1969

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 SEPTEMBER 12, 1969

Approved NOVEMBER 12, 1969 Recorded in Book 11 Page 63

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 _____

MAY 12, 1972

2nd. The whole of said work is to be completed on or before NOVEMBER 12, 1974

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

NOVEMBER 12, 1974

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 .89 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

and beneficially applied for irrigation on or before NOVEMBER 12, 1974; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 3RD day of DECEMBER, 1969.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 5, 1976

Water License Issued FEBRUARY 5, 1976

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 878-1

(1) WHEREAS, On the 12th day of September A. D. 19 69

Robert Week

made Water Right Application No. 878-1 for a permit to use .89 cubic feet per second of the waters of a dry draw

County of Perkins, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 3rd day of December A. D. 19 69

Permit No. 878-1, with a date of priority of September 12, 1969

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 12th day of November A. D. 19 74 and for the application to beneficial use of said water on or before the 12th day of November A. D. 19 74

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .057 cubic feet per second of water for beneficial use, and:

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating 4.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T19N, R10E

(5) 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 Robert Week

_____ of Brairie City, S.D.
the holder _____ and owner _____ of said permit No. 878-1 a water right, dating from September 12, 1860
_____ to use of .057 cubic feet per second of the waters
of a dry draw
in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T19N, R10E

and conduct to and upon 4.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T19N, R10E

_____ irrigation
for the purpose of _____

Subject to any limitations listed in Water Right Permit No. 878-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of February A. D.
Nineteen Hundred and Seventy-six

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 878-1

Water Diversion No. 1 GRAND RIVER Water District 50

10150702

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Robert Week

the holder of
Permit No. 878-1, issued upon Application No. 378-1, bearing date of priority of September 12,
1969 authorizing the diversion of .89 cu. ft. per second of the waters of
a dry draw County of Perkins, State of South Dakota at
a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T19N, R10E

1.0

for irrigation

purpose, has 6 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 found in satisfactory
condition for diverting and conveying to the place of intended use 1.0 cu. ft. per second of water.

Date February 5, 1976

By: WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Perkins) ss.

I, Adrian E. Sudlow hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Bison Courier

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Town _____ of Bison

County of Perkins and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

October 16, 1969

October 23, 1969

October 30, 1969

November 6, 1969

Adrian E. Sudlow
(Signature)

Editor
(Title)

Nov 13 - 1969
(Date Signed)

NOTICE

INTENT TO APPROPRIATE
WATER

No 878-1
Publish first publication
on or before October 16, 1969.

Pierre, South Dakota

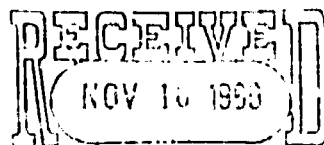
October 13, 1969

Notice is hereby given that Robert
Week whose post office address is
Prairie City, South Dakota, has
made an application in accordance
with the provisions of the water
laws of South Dakota for a permit
to appropriate for beneficial use
.88 cubic feet of water per second
of time from a dry draw through
the Robert Week #1, the point of
diversion of which is to be located
in the between points in the NE1/4
NW1/4 and in the SW1/4 NW1/4
of Section 6, Twp 18N, Range 10E.
Said water to be used for the pur-
pose of providing irrigation on a
portion of the following described
land: NW 1/4, Section 6, T18N,
R10E.

This application No 878-1 will
be considered by the Water
Resources Commission at their
office at Pierre upon the 12th day
of November, 1969, at 2:00 P.M.
All interested persons may appear
and be heard.

WATER RESOURCES
COMMISSION

/s/ Burton F Jones,
Burton F Jones,
Water Rights Specialist
Pub 4 wk



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

J. 878-1

Publish first publication, on or before October 16, 1969

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 13, 1969

Notice is hereby given that Robert Week

whose post office address is Prairie City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

.88 cubic feet of water per second, time from the a dry draw through the

Robert Week #1, the point of diversion of which is to be located in the

between points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 6, Twp. 18N, Range 10E. Said water to be used for the purpose of providing irrigation ^{a portion of} on the following described land:

NW $\frac{1}{4}$, Section 6, T18N, R10E

This application No. 878-1 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1969, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Robert Week, Prairie City, S.D. By:

BUFTON F. JONES, Water Rights Specialist

Permit No. 878-1Water Division 1 Grand River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

WATER RIGHTS COMMISSION

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Robert
Week of Prairie City, SD 57649 holder,
 of Permit No. 878-1, bearing date of priority of September 12, 1969
 authorizing the diversion of .89 cu. ft. per second of the waters of Dry Draw
 for Irrigation purposes, in Perkins County.

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

The Water Use System consists of,

A. Works used to divert the water:

25 H.P. International Harvester "Power Unit" Serial No. MB50 Model
 No. 7072
 3 inch Corman Rupp Serial No. 26836 Model No. 83ABKND

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

120' 3 inch aluminum pipe
 50' 1½ inch rubber hose
 100' inch rubber suction hose

C. Works used to apply water to beneficial use.

23 sprinkler heads connected directly to aluminum mainline

The system is in the following condition: Good

The point of diversion is located Between a point 5400' N. 140° 0' W. of NW
corner of Sec. 8, T.18N., R.10E. and a point 5200' N. 126° 0' W.
of NW corner of Sec. 8, T18N, R10E
 The works are capable of diverting and conveying to the place of use ≈ 1.0

cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

NE¼ NW¼, Sec. 6, T19N, R10E

comprising a total of 4 acres of land.

Robert Week
 Prairie City, SD 57649

Date November 6, 1975

Thomas A. Gardner
 (Signature)

THOMAS A GARDNER
 Water Resources Engineer



IRRIGATED
LANDS
4 ACRES

31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

7/15/55

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Date		Approved by	
Designed		Title	
Drawn		Title	
Traced		Sheet	Drawing No.
Checked		No.	
		of	



Department of Water & Natural Resources

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

878-1

December 4, 1987

Robert Week
Route 2, Box 30
Prairie City, South Dakota 57649

Dear Mr. Week:

I am returning your 1987 Irrigation Water Use Questionnaire. It is impossible to determine the amount of water use from your questionnaire as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaire needs to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaire will have to be completed and returned by December 23, 1987.

If you have any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDR:ms
Enc.

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 878-1

(1) Robert Week of RR 2, Box 30, Prairie City, SD 57649 was issued Water License No. 878-1, February 5, 1976 for a water right to appropriate 0.057 cubic feet of water per second from a dry draw, Perkins County, South Dakota for irrigation purposes. Water License No. 878-1 with a priority date of September 12, 1969 was issued to applicant(s) for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

A review of the original Water License found a typographical error in the legal description of the diversion point and the irrigated acres. The township was described as being 19 north, instead of 18 north.

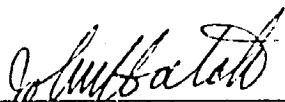
Water License No. 878-1 is being reissued to correct the error. Reissuance of this license does not alter the remaining portions of the original license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.057 cubic feet of water per second for beneficial use. The location of the diversion point is: between a point 5400'N 140° 0'W of the NW corner of Section 8 and a point 5200'N 126° 0'W of the NW corner of Section 8, T18N, R10E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T18N, R10E Section 6 NE 1/4 NW 1/4 4 Acres

(4) Pursuant to Section 46-5-30.1 Robert Week of RR 2, Box 30, Prairie City, SD 57649 the holder(s) and/or owner(s) of Water Right No. 878-1 is issued a license to appropriate water, the right to use 0.057 cubic feet of water per second from a dry draw with a priority date of September 12, 1969 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 878-1 and subject to South Dakota State Law.



NOV 23 1992

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

NOV 23 1992

878-1

Robert Week
RR 2, Box 30
Prairie City, SD 57649

Dear Mr. Week:

Enclosed is your reissued Water License No. 878-1. The license was reissued to correct an error in the legal description of the acreage and in the diversion point. Reissuance of this License, does not alter the remaining portions of the original license.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

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

enclosures



878-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: ROBERT WEEK, 12708 155TH AVE, PRAIRIE CITY, SD 57649

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 878-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 878-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

878-1

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

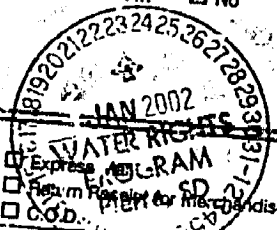
ROBERT WEEK
12798 155TH AVE
PRAIRIE CITY SD 57649

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Theodore F Week 1/22/02 B. Date of Delivery

C. Signature x Theodore F Week ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:



3. Service Type
☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Insured Mail ☐ Return Receipt for Merchandise ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. PS Form 3811, July 1999
7001 2510 0004 4797 4654

Domestic Return Receipt

16-595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 18, 2002

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Robert Week, 12708 155th Ave, Prairie City, SD 57649

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 878-1

Pursuant to the provisions of the notice dated January 16, 2002, and following the hearing March 13, 2002, the Water Management Board has amended Water Right No. 878-1 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2001 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Jenny McMath (605) 773-3352, if you have any questions.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ted Week, PO Box 354, Prairie City, SD 57649

DATE: May 7, 2002

TELEPHONE:

RE: Water Right No. 878-1

COMMENTS:

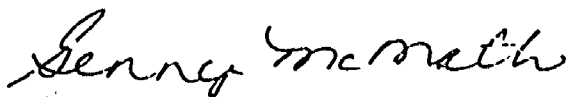
Mr. Week called in reference to a letter we sent to Robert Week about action taken by the Water Management Board to amend the water right. He said his father passed away about a month ago and prior to that had been sick so chances are the irrigation questionnaire was laid aside or thrown away.

Mr. Week said they had been irrigating an acre of garden on and off for a few years but will not be irrigating in the future. He indicated his mother now owns the land. She has moved to town to live with him and no one lives out on the farm.

We talked about the storage dam described in the water permit. He indicated the dam has been there since the 40's and always stored water. They will still use the dam for domestic livestock watering purposes.

I told Mr. Week that since the dam stores over 25 acre feet of water, a water permit is still needed, however we could reissue the water license for domestic use (livestock water) and eliminate the irrigation portion. This would mean that they no longer had to submit yearly irrigation questionnaires. He agreed and requested that we go ahead and do what was needed to change the water right to domestic use.

We also spoke about ownership of the water right. He said his mother now owns the land and he leases it. Send a Notice of Transfer of Ownership form to them for completion.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 8, 2002

878-1

Ted Week
PO Box 354
Prairie City, SD 57649

Dear Mr. Week:

Thank you for calling concerning Water Right No. 878-1, listed in the name of Robert Week.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change with the water right. Please review and complete the area titled "be transferred to: (name & address).....". Upon completion, please have the form signed in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the filing fee can be made payable to the Water Rights Program.

During our phone conversation, we discussed the storage dam and whether or not the land was still being irrigated. You indicated a small one acre garden had been irrigated, but will no longer be irrigated. The dam still exists and is used to water livestock. Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

Once we receive the completed transfer of ownership and fee from you, we will transfer the water right and reissue the license for stock water purposes.

If you have any questions, please contact me.

Sincerely, --

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Reissuance of Irrigation Water Right for Stock Watering

NAME: Ted Week

ADDRESS: PO Box 354, Prairie City SD 57649

DATE: May 9, 2002 COUNTY: Perkins

AUTHORITY

Pursuant to SDCL 46 5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

Ted Week (son of Robert Week, deceased) visited with Genny McMath about the status of Water Right No. 878-1. The water right was amended to require the irrigation questionnaire to be submitted. According to Mr. Week, irrigation is no longer occurring but the storage dam (diversion point for the irrigation project) remains in place and is used for stock watering. Mr. Week indicated that he would like to retain the water right for stock watering and delete irrigation use from the water right.

RECOMMENDED ACTION

Based on the above request, it is recommended that the water license be issued for stock watering.



Ron Duvali, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAY 16 2002

WATER RIGHTS
PROGRAM

No. 878-1

Date: 5/14/02

I/We request that Water Right No. 878-1

formerly owned by: Robert Week

be transferred to: (name & address) Faye Week

P.O. BOX 354 Prairie City S.D. 57649 Telephone No. 605-866-4681

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

location of storage dam: NE 1/4 NW 1/4 Section 6, T18N, R10E

I/We understand that the validity of Water Right No. 878-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Perkins)

I/We Faye Week 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.

Faye Week

(Signed by new owner)

Subscribed and sworn to before me this 15 day of May, 20 02

Carvin Tenold

(Notary Public)

Exp 3-31-2005

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a 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

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 417168

Pierre, May 16, 2002, 20

RECEIVED OF Faye Weck, PO Box 354, Prairie City SD 57649
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
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 _____ Water Right No. 878-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

GARLAND EKELEF

Garland Ekelef



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAY 31 2002

878-1

Faye Week
PO Box 354
Prairie City, SD 57649

Dear Mrs. Week:

Enclosed is Reissued Water License No. 878-1 and Receipt No. 417168 in the amount of 2.50. The water right, formerly held by Robert Week is now listed in your name.

The original water license was reissued to transfer ownership and to delete the irrigation portion of the water right and add domestic livestock watering. Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 878-1

(1) Robert Week was issued Water License No. 878-1, November 23, 1992 for a water right to divert 0.057 cubic feet of water per second from a dry draw (storage dam), Perkins County, South Dakota for irrigation purposes. Water License No. 878-1, with a priority date of September 12, 1969 was issued to the water right holder for diversion of water with construction of the water supply system and the application to beneficial use of water completed.

On May 16, 2002, Water Right No. 878-1 was transferred to Faye Week.

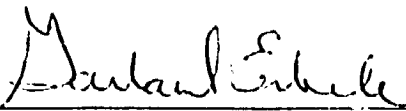
The original water permit and license authorized irrigation of land from a dry draw dam with approximate storage capacity of 48 acre feet of water. Irrigation has been discontinued and the storage dam is still in existence with water being used for domestic livestock watering purposes.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that the addition of stock watering does not impair existing water rights.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 48 acre feet of water for beneficial use. The storage dam is located in the NE ¼ NW ¼ Section 6, T18N, R10E.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Faye Week, PO Box 354, Prairie City, SD 57649-0354 the holder and/or owner of Water Right No. 878-1 is issued a license to appropriate water, the right to store 48 acre feet of water in a dry draw dam with a priority date of September 12, 1969 from the location specified in (2) of this license, for domestic livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 878-1 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

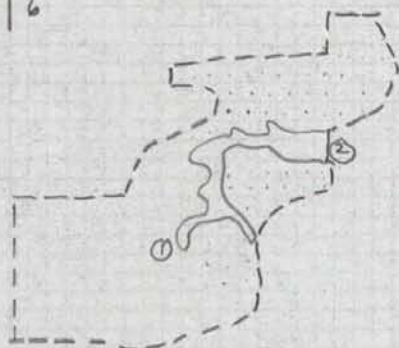
MAY 31 2002

date



6

31 32
6 5 Twp 19 N. Rge 10 E.



6

6 5
7 8

Twp 18 N Rge 10 E.

Robert Week

Pravie city, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by	
Designed		Title	
Drawn		Title	
Traced		Sheet	Drawing No.
Checked		No.	
		of	

MAP 733-1

(APRIL NO 878-1)

APRIL 1953