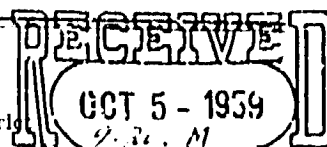


Change in Location of Point of Diversion for Water Right #88-1

Form 2—Application for Permit to Appropriate Water—Original

No. 88-1B

Water Division No. 1 Moreau River District
(Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
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 ~~Frank A. Beck~~ HERMAN KAUBISCH

Postoffice address Belle Fourche, County Lincoln, State S.D.

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)

contract and direct labor

(b) Cash on hand, \$ sample

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Gov. cost share

2. Name of diversion work Frank A. Beck Irrigation Project

3. Amount of water claimed 1.35 max allowable cubic feet per second or 385.5 Acre Feet Max.

4. Source of water supply Surface runoff from local watershed

5. Location of point of diversion 128 rods S24°31'E of NW corner of Sec 22,

TIAN, R12E on both banks Lincoln County.

6. Annual period or periods during which water is to be used When available during annual period

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity irrigation

(a) Number of acres to be irrigated 128.5 acres.

(b) Legal subdivisions to be irrigated See Attached Sheet

(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 user 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

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Flumling, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Dam and tube \$3400.00 Total, \$-----

9. Description of diversion works:

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

Dam will divert water to irrigable area

II. Dimensions of works:

(a) Dam: Height 19.0 feet; length at bottom 60.0 feet; length at top 140.0 feet; thickness at bottom 120.0 feet; thickness at top 12.0 feet; slope at front water face 4:1; slope at back face 2:1 material used in construction earth
 (b) Reservoir: Capacity when filled 141.2 acre feet. Surface area at highwater mark 18.0 acres.

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

(c) Head-gates Width-----feet; height-----feet;
 Material-----
 (d) Canal: Total length-----miles.

LOCATION BELOW HEAD GATE	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 in use years.
 12. Choice of newspaper for publication of notice of intention to appropriate Bison Courier

STATE OF SOUTH DAKOTA

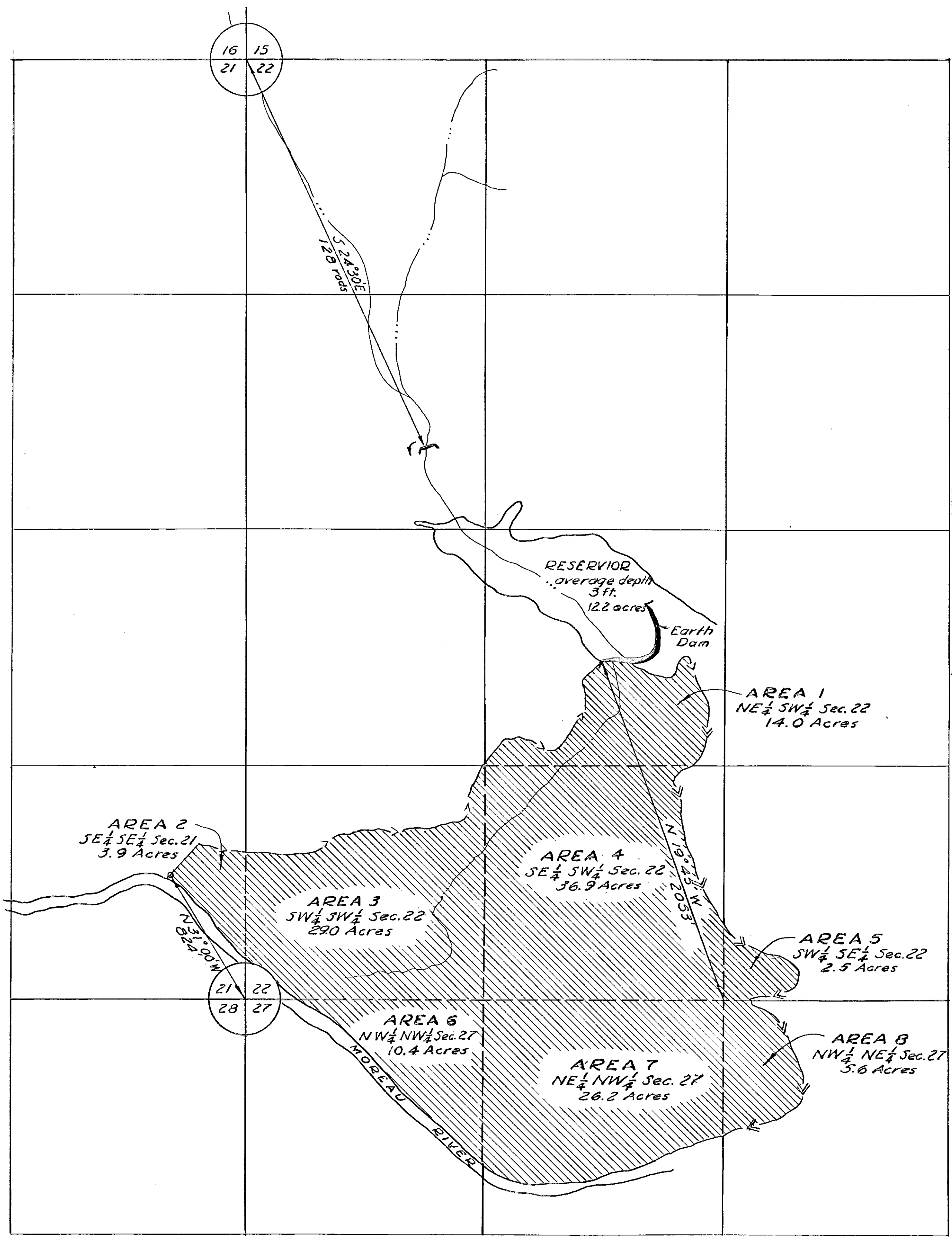
County of Perkins ss.

I, FRANK A. BECK, 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.

X Signed Frank Beck

Subscribed and sworn to before me this OCT 19 1959

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, Kenneth L. Huber, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Frank A. Beck Irrigation Project Map #108-1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Perkins County SOIL CONSERVATION DISTRICT.

SIGNATURE: Kenneth L. Huber
 TITLE: As Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

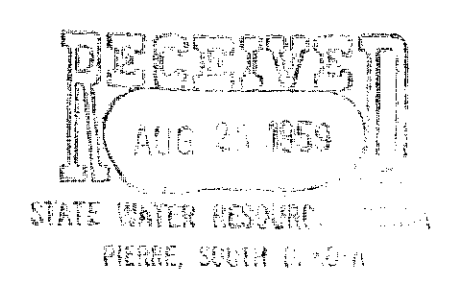
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 19____, A.D.

 NOTARY PUBLIC

MY COMMISSION EXPIRES _____, 19____.

All lands described are owned by Frank A. Beck

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE ¹ SW ⁴	22	14 N	12 E	14.0
2	SE ⁴ SE ⁴	21	14 N	12 E	3.9
3	SW ⁴ SW ⁴	22	14 N	12 E	29.0
4	SE ⁴ SW ⁴	22	14 N	12 E	36.9
5	SW ⁴ SE ⁴	22	14 N	12 E	2.5
6	NW ⁴ NW ⁴	27	14 N	12 E	10.4
7	NE ⁴ NW ⁴	27	14 N	12 E	26.2
8	NW ⁴ NE ⁴	27	14 N	12 E	5.6
TOTAL					128.5



Scale: 1" = 400'

FRANK A. BECK
IRRIGATION PROJECT
 Perkins County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

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

Remarks by State Water Resources Commission:

This permit supercedes #88-1

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Drain irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 22, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock A. m. upon the 5th day of October, 1959.

State Water Resources Commission

By:

Geo. R. Miller

Chief Engineer, Executive Officer

Number of permit

88-1B

Date of first receipt of application

September 6

1959

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

September 7

1959

Date of receipt of corrected application

September 14

1959

Date from which applicant may claim right

September 6

1959

Approved

December 22

1959

Recorded in Book

5

Page

290

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 ^{was} ~~and~~ completed on or before

June 5, 1959

2nd. The whole of said work ^{was} ~~and~~ completed on or before

December 5

1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith ^{was} ~~and~~

March 5, 1959

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 1.85 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 March 5, 1959; said water to be used during the following described annual period:

Yearly

Witness my hand this

22nd

day of

December, 1959

State Water Resources Commission

By:

Geo. R. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 25

1971

Water License Issued

JUNE 25

1971

WATER LICENSE NO. 88-1B

(1) WHEREAS, On the 5th day of October, A. D. 19 59Frank A. Beckmade Water Right Application No. 88-1B for a permit to use 1.83 cubic feet per second of the waters of local watershedCounty of Perkins, State of South Dakota, for irrigation

purpose(s) and

(2) WHEREAS, On the 22nd day of December, A. D. 19 59Permit No. 88-1B, with a date of priority of September 6, 1911was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described ~~XXXXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXXXXXX~~ and ~~XXX~~ the application to beneficial use of said water ~~XXXXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXXXXXXXX~~ was completed

and, Whereas on the 22nd day of June, 1971, the Permit was transferred to Herman Kaubisch,

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 1.8 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 the following land in T14N, R12E

		<u>Acres</u>
Section 22	NE$\frac{1}{4}$ SW$\frac{1}{4}$	14.0
	SE$\frac{1}{4}$ SW$\frac{1}{4}$	36.9
	SW$\frac{1}{4}$ SW$\frac{1}{4}$	29.0
	SW$\frac{1}{4}$ SE$\frac{1}{4}$	2.5
Section 27	NW$\frac{1}{4}$ NE$\frac{1}{4}$	5.6
	NE$\frac{1}{4}$ SW$\frac{1}{4}$	26.2
	NW$\frac{1}{4}$ NW$\frac{1}{4}$	10.4
Total		124.6 acres

(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 Herman Kaubisch

_____ of Faith, S.D.

the holder _____ and owner _____ of said permit No. 88-1B a water right, dating from September 6, 1911

_____ to use of 1.8 cubic feet per second of the waters

of local watershed

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 North 19°45' West, 2053 feet from the S½

Corner, Section 22, T14N, R12E

and conduct to and upon portions of Sections 22 and 27, T14N, R12E, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 88-1B and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 25th day of June A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 88-1B

Water Diversion No. 1 MOREAU RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Herman Kaubisch

_____ the holder _____ of
Permit No. 88-1B, issued upon Application No. 83-1B, bearing date of priority of September 6,
1911 authorizing the diversion of 1.83 cu. ft. per second of the waters of _____
local watershed County of Perkins, State of South Dakota at _____
a point North 15° 45' West, 2053 feet from the S $\frac{1}{4}$, Section 22, T14N, R12E

_____, for irrigation

purposes, has B 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 up to 10 cu. ft. per second of water.

Date June 25, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

NOTICE OF TRANSFER OF WATER PERMIT

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

Date June 21, 1971

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

SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, and N $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, both in
T14N, R12E

formerly owned by Frank A. Beck

has been transferred to Herman Kaubisch, Faith, South Dakota

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
88-1B as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0153 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of XX Perkins) ss.

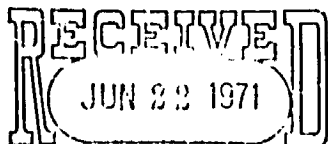
I, Herman Kaubisch, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Herman Kaubisch
(Signed)

Suscribed and sworn to before me this 21st day of June, 19 71.

FRANCYS M. NASLUND, Notary Public
My Commission Expires April 17, 1974

Francys M. Naslund
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 88-1B

Water: Division 1 MOREAU RIVER Water District

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

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 Frank H. Beck
_____ of Belle Fourche, S.D. _____ holder _____
of Permit No. 88-1B, bearing date of priority of September 6, 1911
authorizing the diversion of 1.83 cu. ft. per second of the waters of local watershed
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:

Earth Dam

12.2 surface area - 36 acre feet storage

48" C.M.P. primary spillway

small drawdown tube to release irrigation water

B. Works used to transport water to place of use,
Canal and ditches

C. Works used to apply water to beneficial use.

Materials - water spreading

The system is in the following condition: Fair

The point of diversion is located North 19° 45' West of S½ Corner of Sec. 22, T14N, R12E

The works are capable of diverting and conveying to the place of use up to 10
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: all in T14N, R12E.

Section 22		Section 27	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.6 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.9	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5		

comprising a total of 124.6 acres of land.

Date June 10, 1972

Donald Donald
(Signature)

(Signature)
DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

No. 88-113

PROOF OF PUBLICATION

OK

STATE OF SOUTH DAKOTA }
County Perkins } ss.

Lloyd I Sudlow being duly sworn, deposes and says the annexed printed copy of Notice of Intention 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 _____ County of _____
Perkins _____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:
Oct 22, Oct 29, Nov. 5, Nov 12

in each and every issue of the full number thereof, the first publication being made on the 22 day of October 1959 and the last publication on the 12 day of November 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

L. I. Sudlow

Subscribed and sworn to before me this 12 day of November A. D. 1959

Carroll B. Lusk

Notary Public *Perkins* County, S. D.
Comm. Exp. 2-12-67

No. 88-113
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, So. Dak.
October 12, 1959.
Notice is hereby given that Frank A. Beck whose post office address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 228 cubic feet of water per second of time from the Moreau River through the Frank A. Beck Irrigation Project, the point of diversion of which is to be changed from a point in the SE1/4 Sec. 21, T. 14 N., R. 11 E. to a point in the NW1/4 Sec. 21, T. 14 N., R. 12 E.
Said water to be used for the purpose of providing irrigation on portions of the following described land: SE1/4 Sec. 21; SW1/4 Sec. 22; NW1/4 Sec. 27; and the NW1/4 Sec. 27, T. 14 N., R. 12 E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 1959, at 2:00 P. M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: Barton F. Jones,
Water Rights Specialist. O24N11

RECEIVED
DEC 21 1959
STATE WATER RESOURCES COM. H. D.
PIERRE SOUTH DAKOTA

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 12, 1991

88-1B

Rich Blair
RR 3 Box 23
Vale, SD 57788

Dear Mr. Blair:

Enclosed, as you requested, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 88-1B. The water right is currently listed in the name of Herman Kaubisch.

The transfer form should be checked over for accuracy and signed by the owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

I have included a copy of Water Right No. 88-1B which you may keep for your records. You must talk to Herman Kaubisch prior to transferring the water right so that both parties are aware of who holds the water right.

I will send you a copy of my report on the rebuilding of Beck Dam as soon as it is available for public review. If I may be of further assistance to you, please give me a call at (605) 773-3352.

Sincerely,

David S. Brown

David S Brown
Natural Resources Engineer III
Water Rights Division

enclosures



April 11, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

No. 88-1B
560-1

Blair Brothers
RR 3, Box 23
Vale, SD 57788

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 88-1B and Water Right No. 560-1.

Our records now show you as the owner of Water Right No. 88-1B and Water Right No. 560-1.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412500

Pierre, _____ March 13, 19 91

RECEIVED OF Richard Blair (Blair Brothers) RR 3 Box 23, Vale, SD 57788
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 88-1B</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

No. 88-1B

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3121

Date: March 11, 1991

I/We request that Water Permit/Right No. 88-1B

formerly owned by: Herman Kaubisch,

be transferred to: (name & address) Blair Brothers RR 3 Box 23

Vale, South Dakota 57788

(telephone No.) 347-2190

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

124.6 acres - E1/4 SW1/4, SW1/4 SW1/4, SW1/4 SE1/4 Section 22 and NW1/4 NE1/4, N1/4 NW1/4 Section 27, T14N, R12E

I/We understand that the validity of Water Permit/Right No. 88-1B has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Meade)

I/We Blair Brothers 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.

Richard Blair ptr
(Signed)

Subscribed and sworn to before me this 11 day of March, 1991.

Dorothy Kinnear
(Notary Public)

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

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