

#399/

James L. Harrington Locator.

John Kelly
Register of Deeds & Notary Public
Criminy.

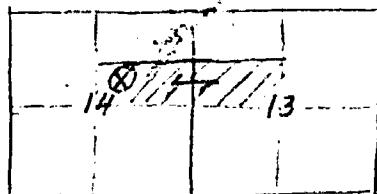
Samuel Hodge
State Engineer

399-1

R 8 E

LeRoy Harrington

T 3 N



Eugene H. Harrington

Ph - 923-1648 = Eugene

Ph - 923-4616 = LeRoy

HC-80, Box 735 Piedmont, S.D. 57769

6/17-86. Thru. June 17, contacted Harringtons

Reported 6-19-86.

Location Notice No. 399-1Upper Cheyenne River Water District 1C120111**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by LeRoy HarringtonBox 735, of Piedmont, SD 57769 holder ofLocation Notice No. 399-1, bearing the priority of August 16, 19 11 authorizingthe diversion of 1.0 cu. ft. per second of the waters of Dry drawfor Irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Diversion dam 10 ft high, 10' Top width, 400 ft long.
3:1 + 2:1 side slopes. Water diverts out of each end
into irrigation ditches

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

Ditches. Culverts thru road.

C. Works used to apply water to beneficial use:

Ditches with openings to spread waterThe system is in the following condition FairThe point of diversion is located 1500' South and 900' East of the North 1/4
corner of section 14, T3N R8EThe works are capable of diverting and conveying to the place of use 6.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T3N R8ESW 1/4 NE 1/4 sec. 14 = 4 AcSE 1/4 NE 1/4 sec 14 = 30 Ac.SW 1/4 NW 1/4 sec 13 = 30 Ac.SE 1/4 NW 1/4 sec 13 = 14 Ac.comprising a total of 78 acres of land and the license should be issued for 1.011 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date June 19, 1986LeRoy J. Mernau
Signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1998

LeRoy Harrington
HC 80 Box 735
Piedmont SD 57769

Dear Mr. Harrington:

A review of our files indicates that Location Notice 399-1 for irrigation of 78 acres in the S 1/2 NW 1/4 Section 13 and the S 1/2 NE 1/4 Section 14; all in T3N-R8E is still listed in the name of James J Harrington. Documents in the file indicate the location notice should be transferred to your name. It appears that the *Notice of Transfer* was not sent to you back at the time when a staff engineer did the inspection of the location notice.

Enclosed is a partially completed *Notice of Transfer* form for use in filing an ownership change on Location Notice No. 399-1. The transfer form should be completed, checked over for accuracy and signed by you, if you are still the owner, in the presence of a notary public. Upon completion, return the form to our office with the required filing fee of \$2.50.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

Location Notice No. 399-1

Date: _____



I/We request that Location Notice No. 399-1

formerly owned by: James J Harrington

be transferred to: (name & address) LeRoy J. Harrington

1180 Boy 73rd Piedmont 3D, 57769

Telephone No. 605-923-4616

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

78 acres located in the S 1/2 NW 1/4 Section 13 and S 1/2 NE 1/4 Section 14-T3N-R8E

I/We understand that the validity of Location Notice No. 399-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of PENNINGTON)

I/We Rachelle C. Jensen 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.

LeRoy J. Harrington

(Signed)

Subscribed and sworn to before me this 9 day of April, 1998.

Rachelle C. Jensen 10/02/03
(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 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

NO 415748

Pierre,

April 23, 1998

RECEIVED OF LeRoy J. Harrington, HC 80, Box 735, Piedmont, SD 57769
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 LN #399-01

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch (P)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3121
www.state.sd.us/uenr

JUN 29 1998

LeRoy J Harrington
HC 80 Box 735
Piedmont SD 57769

Dear Mr. Harrington:

Enclosed are Location Notice Water License No. 399-1 and the receipt for payment of the Notice of Transfer fee. 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,

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

ks

enclosures

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 399-1 FOR IRRIGATION

(1) James J Harrington located and filed Location Notice No. 399-1, October 11, 1911 for a right to appropriate 1.0 cubic feet of water per second from a dry draw dam, Meade County, South Dakota, for irrigation purposes. Location Notice No. 399-1 with a priority date of August 16, 1911 was located and filed by the applicant for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

James J Harrington originally located and filed Location Notice No. 399-1. On April 23, 1998, Location Notice No. 399-1 was transferred to LeRoy Harrington.

(2) It is certified that the owner 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 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is 1,500 feet south and 900 feet east of the north quarter corner of Section 14-T3N-R8E (SW 1/4 NE 1/4).

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

Section 14-T3N-R8E	SW 1/4 NE 1/4	4 acres
"	SE 1/4 NE 1/4	30 acres
Section 13-T3N-R8E	SW 1/4 NW 1/4	30 acres
"	SE 1/4 NW 1/4	14 acres
Total		78 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 LeRoy Harrington, HC 80, Box 735, Piedmont SD 57769 the holder and/or owner of Location Notice No. 399-1 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from a dry draw dam with a priority date of August 16, 1911 from the location specified in (2) of this license. The water 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 Location Notice No. 399-1 and subject to South Dakota State Law.

John Hatch

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

JUN 29 1998

date

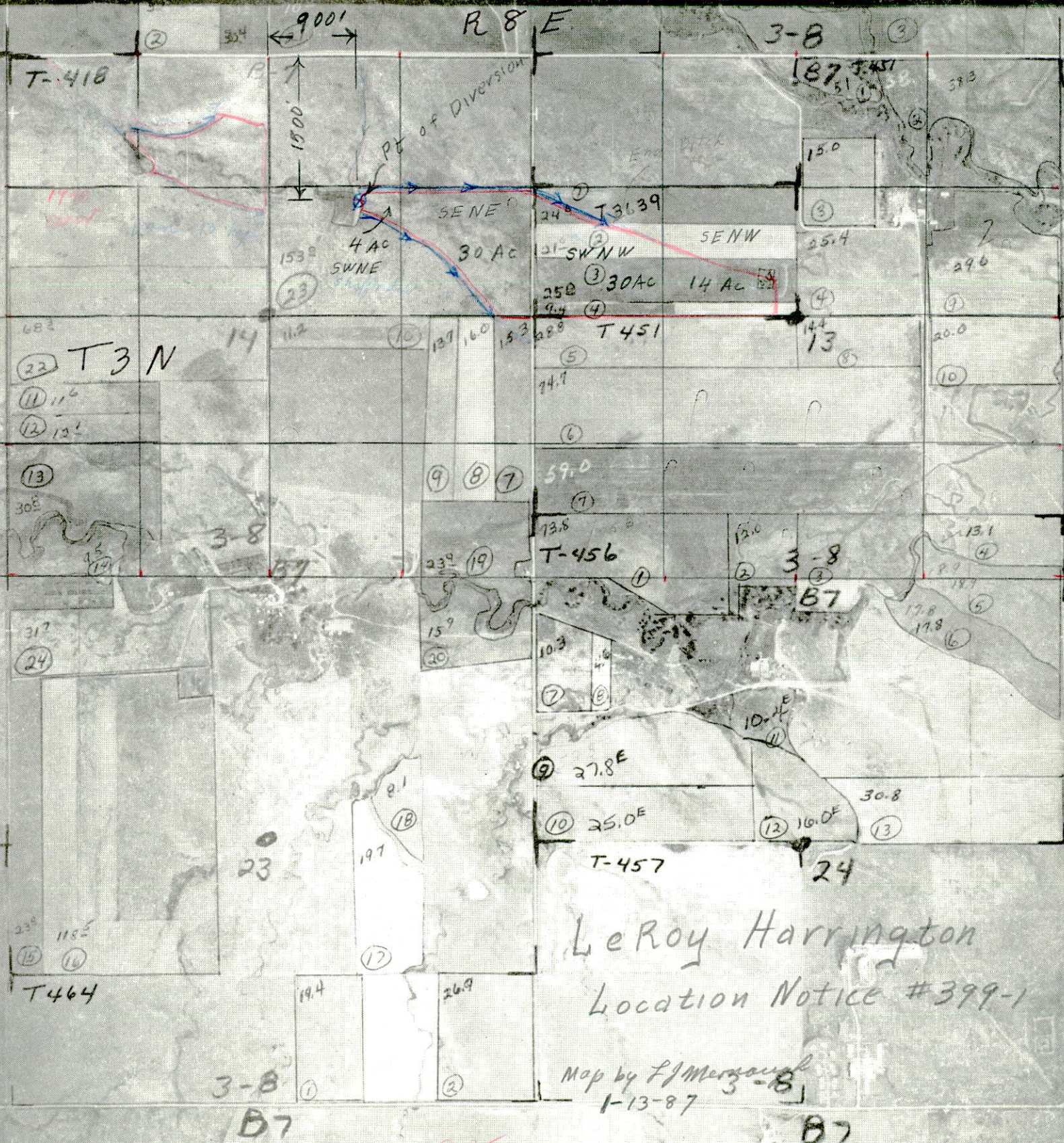


LN 399-1

Office Copy

L Harrington - 500

NOT TO SCALE



LN 399-1