

No. 0528-2

Office of State Engineer
DOCUMENT FILE

Name: H. Germain, Minor
"H. Germain Water Right"

County: Pennington "5726"

State: Nov. 1, 1883

Filed: July 2, 1883

Date of Certificate: July 1, 1883

Location: Rapid Creek

See 0527-2 re Court
Proceedings

#5776

Know All Men by These Presents: That Oliver St. Germain of the county of Pennington and Territory of Dakota claim by right of discovery and location, a certain water right appropriating Four hundred miners inches of water in Rapid Creek in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 34, Township 1 North, Range 9 E.B.H.M which said water right is located for the purpose of irrigation and at a point on Rapid Creek in the above described forty acre lot marked and included by a surveyor's stake on the north bank of the said creek, and at the westerly end of the ditch survey made by Saml Scott about Nov. 1st 1882.

Said Irrigation Water Right was located on the 1st day of November A.D. 1882.

Date of Certificate July 1st A.D. 1883

Oliver St. Germain

Attest:

W.H. Mitchell

Name of Lode

Filed for Record this 2d day of

Irrigation Water Right

July A.D. 1883 at the hour of 1:25

Name of Locator

P.M. and duly recorded in Book D

Oliver St. Germain

Page No 455

J.S. Gantz

Recorder

By A.P. Sterling

Deputy Recorder

STATE OF SOUTH DAKOTA } ss.
COUNTY OF PENNINGTON }

I, W.H. Mitchell, Register of Deeds,
in and for said County and State, do hereby
certify that the within and foregoing is a full,
true, complete and correct copy of the original
Water Right as entered the same
appears, as entered in book D... page 455
of Section 34 Records in my office.
Witness my hand and official Seal the
24th day of April A.D. 1883

W.H. Mitchell
REGISTER OF DEEDS

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 2037-2

St. Germaine Ditch HCR 36, Box 34, Capota
(applicant) (post office address)

SD 57725
(state) (zip code)

Date of receipt of Application October 6, 1987.

Validated December 2, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is ^(8cfs) Nov. 1, 1883 ^(20cfs) Oct. 30, 1890.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed 28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Apr 15 - Nov 1.

The applicable portions of Water Right Filing Nos. 0527-2 and 0528-2 have been incorporated into No. 2037-2 and the abandoned portions of Water Right Filing Nos. 0527-2 and 0528-2 have been cancelled.

Vested Water Right No. 2037-2 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatch
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

MAY 2 1988, 1988.