

No. 0536-2

Office of State Engineer
DOCUMENT FILE

Name: Behrens, Henry.

County: Pennington #9826

Date: Jan 2, 1886

Location: Spring

9826.

Location Notice

Water right and spring.

Henry Dehrens.

Filed January 2nd, 1886, P.M.

J. C. Sany, Register.

Location Notice.

Water Right and Spring.

Notice is hereby given, that the

undersigned claims a right of so-

lution and appropriation of the

water of the spring situate and

being in the South east corner of

the North west quarter of the South east quarter of sec. 4 Town-

ship Two (2) South range of E. B. & M. and being in Ramsey-

ton County, Dakota. Said water from said spring to be diverted

at said point at said spring and there to be continued and

conducted through ditches, flumes like or pipes in a South-

erly direction bearing to the West and running around a bluff

to a point in the center of the North west quarter of the North

east quarter of section 9 Town 2 S. R. 9 E. and being a distance

of one mile or as much further as desired.

The purpose for which said water of said spring are appro-

priated are for manufacturing, agricultural, domestic and

other useful purposes. Said water right to be known as

the "Dehrens Spring Water right."

Located January 2^d 1886.

Henry Dehrens.

Locator.

Artificial Copy. 8536-2
1826.

Water Right.
Located by
Henry Behrens.

Spring Trib. to Spring Cr.

STATE OF SOUTH DAKOTA,
COUNTY OF FERRINGTON, ss.

I, J. M. Mathie, 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
Location as the same
appears in in book 8 page 527
of Location Records in my office.

Witness my hand and official Seal the
4th day of June A.D. 1917

J. M. Mathie
REGISTER OF DEEDS.

#9826

Location Notice.

Location Notice

Water Right and spring.

Water right and spring

Notice is hereby given, that the under-

Henry Behrens

signed claims by right of location and

Filed January 2nd 1886, 1 P.M.

appropriation all the waters of the spring

J.S. Gantz, Register.

situate and being in the South east cor-

ner of the Northwest quarter of the

Southeast quarter of sec.4, Township two (2) South range 9 E. B.H.M. and

being in Pennington County, Dakota. Said waters from said spring to be

diverted at said point at said spring and there to be continued and con-

ducted through ditches, flumes, dikes and pipes in a Southerly direction

bearing to the West and running around a bluff to a point in the center

of the Northwest quarter of the Northeast quarter of section 9 E. . . .

and being a distance of one mile or as much further as desired.

The purpose for which said waters of said spring are appropriated

are for manufacturing, agricultural, domestic and other useful pur-

poses. Said water right to be known as the "Behrens Spring Water Right".

Located January 2d 1886.

Henry Behrens,
Locator.

Examination for
Certified Copy

#3326

Water Right

Located by

Henry Behrens

STATE OF SOUTH DAKOTA. } ss
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 8 day of May 1909.

Samuel H. Lee
State Engineer.

By B. B. Lee



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1998

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709

Dear Mr. Hollenbeck:

Enclosed, as we discussed, are copies of Water Right Filing Nos. 0486-2, 0536-2 and 0537-2. These filings describe irrigation of portions of land now owned by Brian Barber in Sections 4, 5, 8 and 9, T2S, R9E.

I have also included an application for filing a vested right claim. If the land Mr. Barber now owns has been continually irrigated, when water was available, he can file a vested right claim which will in affect, update the water rights. The old filings can be used as a basis for his claim for any portion that has not been abandoned or forfeited.

I included copies of affidavits for No. 0486-2 which reflect irrigation may not have been done from 1912 thru 1950. Under South Dakota Water Law, a water right holder must beneficially use all or any part of the water for the purpose it was appropriated, at least once every three years or the water reverts to the public and is regarded as unappropriated public water.

The Water Management Board rules provide that if legal excuse exists for nonuse of water, the permit is not subject to forfeiture. Legal excuses for nonuse of water include, but are not limited to the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water and 3) water use under existing climatic conditions would result in a waste of water.

If you or Mr. Barber have any questions when reviewing the enclosed water right filings or with completion of the vested right application forms, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
605 773-3352

Enclosures