

No. 0537-2

Office of State Engineer
DOCUMENT FILE

Name: Behrens, Henry

County: Pennington #10540

Date: Aug. 1, 1891

Filed: Aug. 4, 1891

Location: Spring Creek

10,570.

Water Right

By

Henry Dehane

do hereby certify that the undersigned a citizen of the United States and a resident of the County of Pennington State of South Dakota, claims by virtue of location and compliance with the laws of Congress and of the State of South Dakota, a water right as follows to-wit: the undersigned claims the right to take, divert and use the waters of Spring Creek in said County for mining, milling, agricultural and domestic purposes to the extent of one thousand (1000) miners inches under a six inch pressure, such waters to be conveyed over and across the East half of section nine (9) and the West half of section ten (10) in Township two South of range nine East T. 2 S. 9 E. in said County and upon said land to be used for irrigating the said land and for irrigating other lands and for domestic purposes, said waters will be taken from the ditch of Overpeck Brothers about 750 feet North of the S.W. corner of Sec. 9 of said section nine and carried from thence South easterly direction in ditches and flumes to a point on the South line of the S.W. 1/4 of said section ten (10) about 80 rods East of S.W. corner of the same and there returned to the natural channel of said Spring Creek and intend to conform to the laws of the State of South Dakota and of the laws of Congress and local rules and customs, this water right shall be known as the "Dehane Water right" and was located on the 1st day of August 1891.

Witness my hand this first day of August 1891.

Signed & sealed in presence of

Wm. Glidden

D. H. Hodgman

Henry Dehane

Locater and claimant.

Filed for record this 4th day of August A.D. 1891. at 9 A.M. recorded in Book K Page 124. G. W. Lyman Public Register of Deeds

Certified Copy. 0537-2

N 10, 340.

Water Right
Claim of
Henry Behrens.

Spring Creek

STATE OF SOUTH DAKOTA.)
COUNTY OF PENNINGTON.) SS.

I, J. M. Marshall, 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 the same
appears in book OK page 124
of Section Records in my office.

Witness my hand and official Seal the
14th day of June A. D. 1917

J. M. Marshall
REGISTER OF DEEDS.

#10540

Water Right

By

Henry Behrens

Know all men by these presents That the undersigned a citizen of the United States and a resident of the County of Pennington state of South Dakota, claim by virtue of location and compliance with the laws of Congress and of the state of South Dakota, a water right as follows, to-wit: the undersigned claims the right to take, divert and use the waters of Spring Creek in said County for mining, milling, agricultural and domestic purposes to the extent of one thousand (1000) miners inches under a six inch pressure, such water to be conveyed over and across the East half of section nine (9) and the West half of section ten (10) in Township two South of range nine East B.H.M. in said County and upon said land to be used for irrigating the said land and for irrigating other lands and for domestic purposes, Said waters will be taken from the ditch of Overpeck Brothers about 750 feet North of the S.W. corner of NE¹/₄ of said section nine and carried from thence South easterly direction in ditches and flumes to a point on the South line of the SE¹/₄ of said section ten (10) about 80 rods East of S.W. corner of the same and there returned to the natural channel of said Spring Creek and I intend to conform to the laws of the State of South Dakota and of the laws of Congress and local rules and customs, this water right shall be known as the "Behrens Water right" and was located on the 1st day of August 1891.

Witness my hand this fifth day of August 1891.

Signed and posted in presence of:

Henry Behrens

Dell Glidden

Locator and Claimant

E.T. Hodgman

Filed for record this 4th day of August A.D. 1891 at 9 A.M.

Recorded in Book K page 124.

Lyman Lamb, Register of Deeds.

Certified Copy

\$10,540

Pennington

0537-2

Water Right

located by

Henry Behrens

4/1/1909

STATE OF SOUTH DAKOTA
COUNTY OF

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, and the same is 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 11 day of May 1909

Samuel H. Lea
State Engineer.

By B. C. Lea

South Dakota Department of
Water & Natural Resources

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

0537-2

August 11, 1988

Melvin Wedmore
PO Box 2183
Rapid City, SD 57709

Dear Mr. Wedmore:

With regard to our recent telephone conversation, enclosed is a copy of Water Right Filing No. 0537-2, listed in the name of Henry Behrens. The filing describes land to be irrigated along Spring Creek, in Pennington County. If I understood correctly, you or your family now own the land described in Filing No. 0537-2.

If there is irrigation being done on the land described in the filing, you should file a veated water right claim. If this is the case, we can schedule an inspection of the area and help you with completing the veated right claim forms.

After you have had a chance to check over the enclosed copies, contact our office as to the status of the water right filing.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 733-3362

enclosure



**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