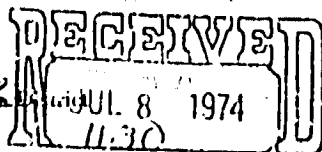


Map No. V/R Water Division No. 2 SOUTH CHEYENNE RIVER
(Blanks to be filled by the Engineer for the W. P. C.)



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT "VESTED RIGHT CLAIM"

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant E. Wayne Jackson B. J. Jackson
Postoffice address Provo, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work Jackson Spreader System
4. Amount of water claimed (cubic feet per second) 1.28
5. Source of water supply South Duck Creek (a Dry Draw)
6. Location of point of diversion Approx. 1700 feet South of Northwest Corner of Sec. 30;
T11S, R3E, B.H.M. Section 30

- County Fall River
7. Annual period or periods during which water is to be used when available
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 90

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	25	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	All in Section 30, T11S, R3E	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system n/a years. Additional time required to complete application of water to the proposed beneficial use n/a years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication n/a
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Three small dams - overflows into ditches - grassed in spillways

One Dike - 4 ft. deep - 4 ft. wide - 10 ft. in length, 26 in culvert

B. Works proposed to transport water to place of use.

Type "A" Ditch - 1 ft. wide - 1 ft. deep - 4000 feet in length

Type "B" Ditch - 10 ft. wide - 4 ft. deep - 1500 feet in length

Type "C" Ditch - 2 ft. wide - 1 ft. deep - 5000 feet in length

C. Works proposed to apply water to beneficial use.

overflow of ditch by cutting a portion on the downhill side out

flood irrigation

Estimated Total Cost \$ n/a

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Fall River

I, E. Wayne Jackson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this 3 day of July, 1974

David L. O'Neil
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

B.O. LAURENCE
 The Water Rights Commission hereby approves Water Right Application No. 1192-2
E. WAYNE JACKSON PREVO
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57774 With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application JULY 8, 19 74
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved JULY 17, 19 74, Recorded in Book 13 Page 42

WATER RIGHT PERMIT NO. 1192-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1192-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is —, 19 07
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~on or before~~ —, 19 —
3. The whole of said work is ~~to be~~ completed ~~on or before~~ —, 19 —
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.25 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, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 ^{was} actually and beneficially applied for irrigation on or before JUNE 30, 19 55; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 22ND day of JULY, 19 74

WATER RIGHTS COMMISSION

By:

Donald J. Pincall
 Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 22, 19 74

Water License Issued JULY 22, 19 74

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) E. Wayne Jackson
 Post Office Address Provo, State South Dakota
 If a Corporation show date and place of incorporation n/a

13. Notice of Appropriation (If available)

Date of Posting July 15, 1907 Date of Recording _____
 Recording Date _____

14. Date of start of construction of water supply system July 15, 1907

15. Date that water was first applied to beneficial use _____, 1907

16. Name of owner of original water supply system Tullus Lund

17. Amount of water originally applied to beneficial use up to 20 c. f. s.

18. Present Use of Water

Amount of water now being used up to 20 c. f. s.

Date that this amount of water was first used July 15, 1907

19. Chronological History of Water Use

The spreader system was constructed in 1907 and has been used, as indicated, since then when water is available.

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent

STATE OF SOUTH DAKOTA)

County of Fall River) ss.

I, E. Wayne Jackson, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

E. Wayne Jackson

Subscribed and sworn to before me this 3 day of July, 19 74

Quedie A. Weckhardt
 (Notary Public - or other-qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Form 15.

Permit No. 1192-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That E. Howard Jackson

the holder of
Vested Right
Permit No. 1192-2, issued upon Application No. 1192-2, bearing date of priority of 1907
authorizing the diversion of 1.28 cu. ft. per second of the waters of
South Duck Creek County of Fall River, State of South Dakota at
a point approximately 1700 ft. South of the NW Corner, Section 30, T118, R3E

for irrigation

purposes, has 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 recognized satisfactory
evidence for diverting and conveying to the place of intended use 1.28 cu. ft. per second of water.

Date 22nd day of July, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 1192-2

(1) WHEREAS, On the 8th day of July, A. D. 19 74
E. Wayne Jackson
 made Water Right Application No. 1192-2 Vested Right for a permit to use 1.28 cubic feet per second of the waters of South Duck Creek
 County of Fall River, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 22nd day of July, A. D. 19 74
Vested Right Permit No. 1192-2, with a date of priority of 1907
 was issued to said applicant recognizing for the diversion of said water, the completion of construction of the water supply system therein described and the application to beneficial use of said water

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 1.28 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 Section 30, T11S, R3E

SE $\frac{1}{4}$ S $\frac{1}{2}$	25 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
Total	90 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 RYXWMM E. Wayne Jackson

of Provo, South Dakota

the holder _____ and owner Vested Right of said permit No. 1192-2 a water right, dating from 1907

to use of 1.28 cubic feet per second of the waters of South Duck Creek

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point approximately 1700 ft. South of the NW Corner, Section 30, T11S, R3E

and conduct to and upon portions of Section 30, T11S, R3E more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1192-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of July A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer Donald Driscoll

This Water License No. 1192-2 is based on a Vested Right Claim recorded and filed by the Water Rights Commission.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 7459

PIERRE, April 15, 1980

RECEIVED OF Lawrence Transportation, for B.J. Lawrence, Box 755, Tloga, ND 58852
Laurel Ann Lawrence
the following amount in fees for services rendered as provided for by law.

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.....	
Fee for inspecting Beneficial Use, and issuing Water License No.....	
Fee for issuing Location Certificate-Dry Draw, No.....	
Fee for filing transfer of water right No. 1192-2	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(Any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH *(JH)*

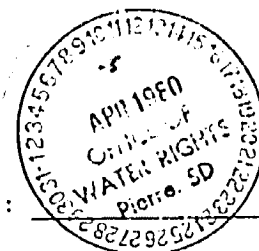
FORM 20

NO. 1192-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



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

90 acres - E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ all in Section 30, T11S, R3E

formerly owned by E Wayne Jackson

has been transferred to B.J. Lawrence, Provo, SD 57774

662-7452

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1192-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Williams) ss.

I, B.J. Lawrence 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.

B. J. Lawrence
(Signed)

Subscribed and sworn to before me this 3 Day of March, 1980

[Signature]
(Notary Public)

Water Rights Division
605 773-3352

June 7, 1982

B.L. Lawrence
PO Box 478
Provo SD 57774

Dear Mr. Lawrence:

This will acknowledge the receipt of your 1980 Irrigation Questionnaire and request for information concerning your surface water rights.

In checking the files the only water right listed in your name is a Vested Right No. 1192-2 authorizing diversion of 1.28 cfs of water from South Duck Creek to irrigate 90 acres. Upon recognition of the Vested Right Claim by the Water Rights Commission, the Water Right was then licensed. As long as the water is being used at least once every three years, the water right remains valid.

Enclosed per your request is a set of application forms and an instruction sheet for applying for a water right permit. The next Water Management Board Meeting at which an application could be heard is July 28 & 29, 1982. If all the needed information (see instruction sheet) is received in our office by July 1, the application could be advertised for the July 28th meeting.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

P.O. Box 478
Provo, SD 57774

June 4, 1982

Water Management Board
Water Rights Division
Pierre, SD 57501

Attention John Hatch

Gentlemen:

Enclosed is your data sheet for recording 1980 surface water source irrigation estimates. I apologize for sending this so late. But I misplaced the data sheet and just found it yesterday.

Would you please send me information regarding my current status on surface water rights? Some of my rights may have been transferred to me from Phillip Erschen on property I purchased from him. These rights may be recorded as B. L. Lawrence, although my correct name is B. L. Lawrence.

Could you also send me an application for a surface water source irrigation permit, along with instructions for completing it? In addition, I wish to know when my application could be reviewed, since I would like to start irrigation as soon as possible.

I would appreciate your cooperation in this matter and, again, apologize for the tardiness of the data sheet.

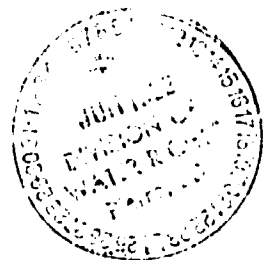
Sincerely,

B. L. Lawrence

B. L. Lawrence

BL:al

Enclosure



1192-2

Conversation or File Documentation

NAME OF PERSON ON FILE: B. L. LawrenceADDRESS: Box 752, Tioga, N.D. 58852 COUNTY Fall RiverDATE: August 29, 1986 TELEPHONE _____RE: Vested Right 1192-2

COMMENTS:

I discussed and field inspected the water spreading system for this vested right with Don Pavlovich on August 26, 1986. It was discovered that the legal description on the water license is in error. The legal description for the point of diversion and the land irrigated should be Section 29, T11S, R3E and not Section 30. The project still exists as otherwise described.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Helvin H. Bray, P.E.
Hydrologist

South Dakota
**Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

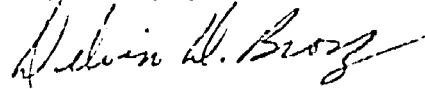
B.L. Lawrence
Box 759
Tioga ND 58852

Dear Mr. Lawrence:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1192-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

December 1, 1988

Vested Water Right
Claim No. 1192-2

B.L. Lawrence
Box 759
Tioga ND 58852

Dear Mr. Lawrence:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation





Department of Water & Natural Resources

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

March 23, 1990

1192-2

NOTICE

TO: B.L. Lawrence
PO BOX 759
TIOGA, ND 58852

FROM: *for Delvin D. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1192-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

Water Rights Division -DENR
Conversation or File Documentation

File No. 1192-2

NAME OF PERSON OR FILE: B.L. Lawrence

ADDRESS: Toiga, ND

COUNTY: Fall River

DATE: 6/10/91

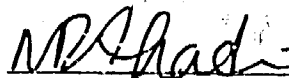
TELEPHONE:

RE: Vested Right Claim Inspection

COMMENTS: On June 4, 1991, after a long chase I finally caught up with Mr. Lawrence. He said he was still using water for irrigation on Section 30, T11S-R3E. On June 5, during inspection of the claimed land, I found out that the whole Section 30, is owned by Mr. Claude Plumb and not by Mr. Lawrence.

** Recommend validation of Vested Right Claim No. 1192-2 be postponed until the ownership of the claim is determined.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division



IN REPLY
REFER TO

WTR 4.10
BF-430

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760