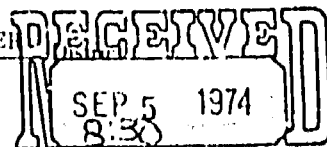


No. 1210-2Map No. U/RWater Division No. 2

SOUTH CHEYENNE RIVER

(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS COMM.

"VESTED RIGHT CLAIM"

PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

- Name of Applicant John V. Miller Box 24
Postoffice address Oelrichs, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) completed
- Name of diversion work Miller Irrigation Works
- Amount of water claimed (cubic feet per second) 5.00- 7.55 MAXIMUM ALLOWABLE
- Source of water supply Duck Creek and Hat Creek
- Location of point of diversion Duck Creek: 850 ft. East of SW $\frac{1}{4}$, Sec. 21, T11S, R4E. Hat Creek: between a point 2640 ft. South and 660 ft. East of NE $\frac{1}{4}$, Sec. 21, T11S, R4E, BHM and a point 2400 ft. East of NE $\frac{1}{4}$, Sec. 21, T11S, R4E County Fall River
- Annual period or periods during which water is to be used when available
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use, irrigation Total number of acres to be irrigated 180

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.
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T11S, R4E	20	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T11S, R4E	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T11S, R4E	40	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T11S, R4E	5
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T11S, R4E	20	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T11S, R4E	30
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T11S, R4E	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T11S, R4E	15

Attach sheet if more space is needed

- 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.
- Choice of newspaper for Notice of Intent to Appropriate Water publication n/a
- Principal Features of the Proposed Water Supply System.

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

- Portable Berkley 6" Model 6 YRE - 60 H.P. Deere Trac. #2030
- Western Turbine pump, Mo. # 12 WLH - 8" - 20 H.P. Fairbanks Morris #F266834
- Dam - Earth, 250 feet - 1 to 3 slope wide

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

1700 feet of ditches - "V" type

C. Works proposed to apply water to beneficial use.

Overflow of ditches - flood irrigation

Estimated Total Cost \$ _____

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 DeWey

I, John V. Miller, 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 John V. MillerSubscribed and sworn to before me this 3rd day of Sept 1974

Maureen J. Smith
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1210-2

JOHN V. MILLER
(Applicant)

C. ELRICHS, Box 24
(Post Office Address)

SOUTH DAKOTA 57763
(State)

With the following modifications:

"VESTED RIGHT" CLAIMED
PRIORITY FOR THIS PERMIT WAS ESTABLISHED
FROM PERMIT NO 34.2, WHICH HAS BEEN CANCELLED.

Date of first receipt of application SEPTEMBER 5 19 74

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved SEPTEMBER 11 19 74, Recorded in Book 13 Page 74

WATER RIGHT PERMIT NO. 1210-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1210-2 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 SEPTEMBER 27 19 07
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ 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 19 —
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 2.55 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

actually and beneficially applied for irrigation on or before JUNE 30 19 56 said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RIGHTS COMMISSION

By: Donald D. Dineen
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 13 19 74

Water License Issued SEPTEMBER 13 19 74

WATER LICENSE NO. 1210-2

(1) WHEREAS, On the 5th day of September A. D. 19 74
John V. Miller

made Water Right Application No. 1210-2 **Vested Right**
for a permit to use 2.55 cubic feet per second of the waters
of Duck Creek and Hut Creek

County of D Fall River, State of South Dakota, for irrigation

—purposes; and

(2) WHEREAS, On the 13th day of September, A. D. 1974
 Vested Right
 Permit No. 1210-2, with a date of priority of September 27, 1907

[illegible]

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 2.55 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 T11S, R14E

Section 16	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
Section 21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
	Total	180 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We her by grant and confirm to John V. Miller

_____ of Oelriches, S.D.

the holder _____ and owner _____ of said Vested Right permit No. 1210-2 a water right, dating from September 21, 1907

_____ to use of 2.55 cubic feet per second of the waters

of Duck Creek and Hat 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 on Duck Creek 850 feet East of the SW Corner, Section 21; from Hat Creek

between a point 2640 feet south and 660 feet East and a point 2400 feet East,

both from the NE Corner, Section 21, T11S, R4E

and conduct to and upon portions of Sections 16 and 21, T11S, R4E, more fully described
on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1210-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 12th day of September A. D.

Nineteen Hundred and Seventyfour

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

This Water License No. 1210-2 is based on "Vested Right Claim" recorded and filed by the Water Rights Commission.

Form 15.

Permit No. 1210-2

Water Diversion No 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

John V. Milier

This is to Certify, That _____

_____ the holder _____ of

Vented Right

Permit No. 1210-2, issued upon Application No. 1210-2, bearing date of priority of September 27,

1907

authorizing the diversion of 2.55 cu. ft. per second of the waters of _____

Duck Creek and Hat Creek County of Fall River, State of South Dakota at _____

a point on Duck Creek 850 feet East of the SW Corner, Section 21; from Hat Creek
between a point 2640 feet South and 660 feet East and a point 2400 feet East, both
from NE Corner, Section 21, T11S, R4E

for irrigation

purposes, has 8 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 as} ~~approved~~ satisfactory
for diverting and conveying to the place of intended use. 5.00 cu. ft. per second of water.

Date September 13, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

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) John J. Miller

Post Office Address Oelrichs, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting September 27, 1907 Date of Recording _____

Recording Date September 27, 1907

14. Date of start of construction of water supply system 1907

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

16. Name of owner of original water supply system Levi Madsen

17. Amount of water originally applied to beneficial use 5 c. f. s.

18. Present Use of Water

Amount of water now being used 2.57 c. f. s.

Date that this amount of water was first used 1907

19. Chronological History of Water Use

Levi Madsen made an application for a permit to appropriate water in September of 1907 and has made beneficial use of the appropriated water since 1907. About 1964, Mr. John J. Miller purchased the Madsen property and has used the water to date.

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) ss.

County of Dawson)

I, John J. Miller, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed John J. Miller

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

James J. Smith
(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.

Water Rights Division - DWR
Conversation or File Documentation

File No. VR 1210

NAME OF PERSON OR FILE: John V. Miller

ADDRESS: Star Rt, Box 24, Delrich, SD 57763 COUNTY Fall River

DATE: Sept 16, 1987

TELEPHONE --

RE: Legal description of diversion point for VR 1210-2

COMMENTS:

I discussed the location of the diversion point for
Vested Right No. 1210-2 with Mr. Miller on August 25, 1987.
He agreed that the description of the diversion point on
the license is wrong. The correct description is: a point
on Duck Creek 850 feet east of the SW corner, ~~the~~ section
21, T11S, R4E; from Hat Creek between the following two
points - Point "A" - 1370 ft north and 460 ft east of
the SW corner sec 16, T11S, R4E and Point "B" - 1320 ft south
and 660 ft east from the north 1/2 corner of section 21, T11S, R4E.

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:

Delwin W. Broeg, P.E.
Hydrologist

State of South Dakota

REISSUED VESTED RIGHT Water License No. 1210-2

(1) John V. Miller

of Star Route, Box 24, Oelrichs, South Dakota was issued Vested Right Water License

made Application No. 1210-2, September 13, 1974 for a water ~~right~~ ^{right} permit to appropriate

2.55 cubic feet per second of water from Duck Creek and Hat Creek

Fall River County, South Dakota for irrigation

Vested Right Water License

Permit No. 1210-2, with a priority date of September 27, 1907

was approved ~~and~~ ^{recognizing} issued to applicant(s) for diversion of water ~~with~~ ^{for} construction of the described

water supply system to be completed on or before and for the application to beneficial use of said

water on or before

A review of the vested water right license issued September 13, 1974 found an error in the location of the diversion point and in the description of the land irrigated. Vested Water Right License No. 1210-2 is being reissued to correct these errors.

and

(2) It is certified that the application 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 2.55 cubic feet per second of water for beneficial use. The location of the diversion point(s) ~~is~~ ^{are} - a point on Duck Creek 850 feet E of the SW Corner Section 21, T11S, R4E; from Hat Creek between the following two points - Point "A" - 1370 feet N and 460 feet E of the SW Corner Section 16, T11S, R4E and Point "B" - 1320 feet S and 660 feet E from the NW Corner of Section 21, T11S, R4E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land in T11S, R4E

Section 16	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 Acres
Section 21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20 Acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 Acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10 Acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15 Acres
	TOTAL	180 ACRES

(4) Pursuant to §46-5-30.1 John V. Miller

of Star Route, Box 24, Oelrichs, South Dakota 57763

Vested Water Right
the holder(s) and/or owner(s) of Water Permit No. 1210-2 is issued a license to appropriate water, the right to use
2.55 cubic feet per second of water from Duck Creek & Hat Creek with a priority date
of September 27, 1907 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 Vested Water Right No. 1210-2 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 3 1987

South Dakota Department of
Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

NOV 3 1987

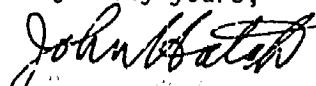
John V. Miller
Star Route, Box 24
Oelrichs, South Dakota 57763

Dear Mr. Miller:

Enclosed is your Water Right License No. 1210-2. A review of the vested water right license issued September 13, 1974 found an error in the location of the diversion point and in the description of the land irrigated. Vested Water Right License No. 1210-2 is being reissued to correct these errors.

If you have any questions concerning the enclosed Water License, please contact us.

very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms
Enc.

**Dakota Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

John V. Miller
St Rt, Box 24
Oelrichs SD 57763

Dear Mr. Miller:

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). 1210-2 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 Delvin H. Brock
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



South Dakota Department of
Water & Natural Resources

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

December 1, 1938

Vested Water Right
Claim No. 1210-2

John V. Miller
St Rt, Box 24
Oelrichs SD 57763

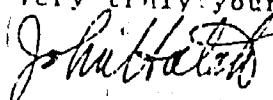
Dear Mr. Miller:

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 Laymen, Bureau of Reclamation



Conversation or File Documentation

NAME OF PERSON OR FILE: John V. MillerADDRESS: St. Rt. Box 78, Delrichs, SD COUNTY Fall RiverDATE: July 6, 1989 TELEPHONE _____RE: Validation of Vested Right Claim No. 1210-2

COMMENTS:

I discussed and inspected this claim with Mr. Miller
on June 29, 1989. The system is operated exactly as
outlined on the claim. The pumps described on the application
are still being used.

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.

NAME: William H. Brose, P.E.
Hydrologist

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1990

NOTICE

1210-2

TO: John V Miller
HC 46 BOX 24
OELRICHS, SD 57763
FROM: *John V. Miller*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

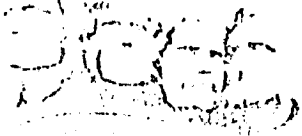
SUBJECT: Low Water Levels in Angostura Reservoir

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. 1210-2 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).

South Dakota



GREAT FACES. GREAT PLACES.

1210-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 20, 1992

John V Miller
St Rt, Box 24
Oelrichs SD 57763

Dear Mr. Miller:

The original Notice of Intent to Validate Vested Water Right Claims was published with an error. The location of one of the points of diversion was incorrectly listed as the SW 1/4 SE 1/4 Section 16-T11S-R4E. The correct location is the NW 1/4 SE 1/4 Section 16-T11S-R4E. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Hot Springs Star printed at Hot Springs SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Water Rights Division - DWR
Conversation or File Documentation

File No. 1210-2

NAME OF PERSON OR FILE: John Miller

ADDRESS: Delrish COUNTY FR

DATE: 8/24/92 TELEPHONE 535-2683

RE: Readvertisement of Recognized VR No. 1210-2

COMMENTS:

Mr. Miller called regarding letter we sent to him on the error in publishing the Notice of Intent to Validate Vested Water Right Claim No. 1210-2. Mr. Miller stated the originally advertised location of the diversion point from Hat Creek in the SW¹/₄ SE¹/₄ Section 16, T11S-R4E was correct. The Water License and our proposed correction to the notice of the NW¹/₄ SE¹/₄ Section 16, T11S-R4E is not correct. Mr. Miller stated he doesn't own this quarter-quarter.

I stated that if this was true, we would delete 1210-2 from the Fall River County readvertisement. This point of diversion is within 660 feet anyway so really it shouldn't have been necessary to readvertise.

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.

NAME: Chris Teanland



WTR 4.10
BF-430

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



1210-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 20 1993

John V. Miller
St Rt, Box 24
Oelrichs SD 57763

Dear Mr. Miller:

The Water Management Board has validated the enclosed Vested Water Right No. 1210-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1210-2 FOR IRRIGATION

Date of Receipt of Claim September 13, 1974.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1210-2 for irrigation purposes for John V. Miller, St Rt, Box 24, Oelrichs SD 57763 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1210-2 appropriates 2.55 cubic feet of water per second from Duck Creek located in the SW 1/4 SW 1/4 Section 21, and from Hat Creek between the SW 1/4 SE 1/4 Section 16 to SW 1/4 NE 1/4 Section 21; T11S-R4E. The 180 acres irrigated are located in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 16, N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4, Section 21; all in T11S-R4E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is September 27, 1907.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer

SEP 20 1993

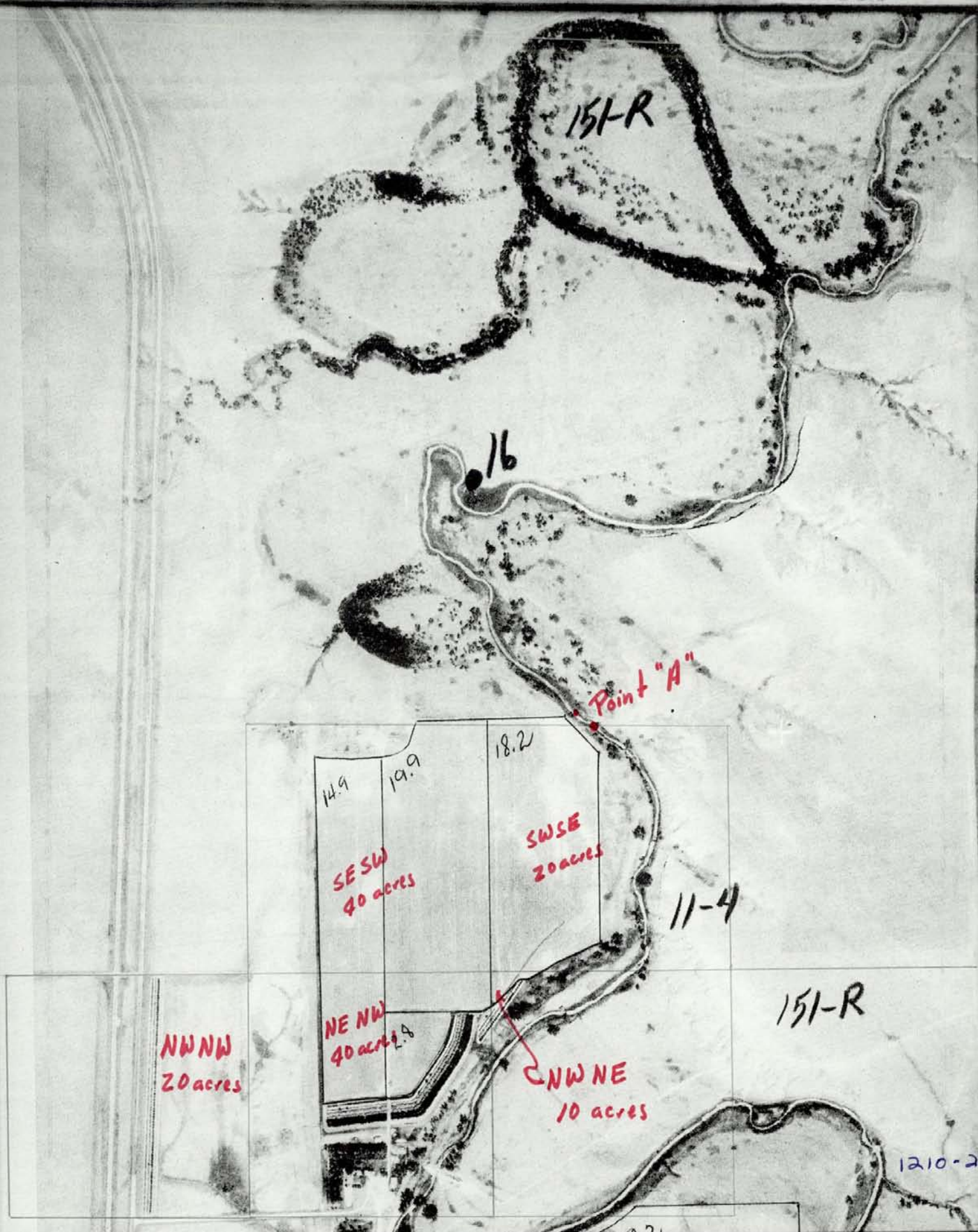
date

Division of Water Rights
Dept. of Environment and Natural Resources

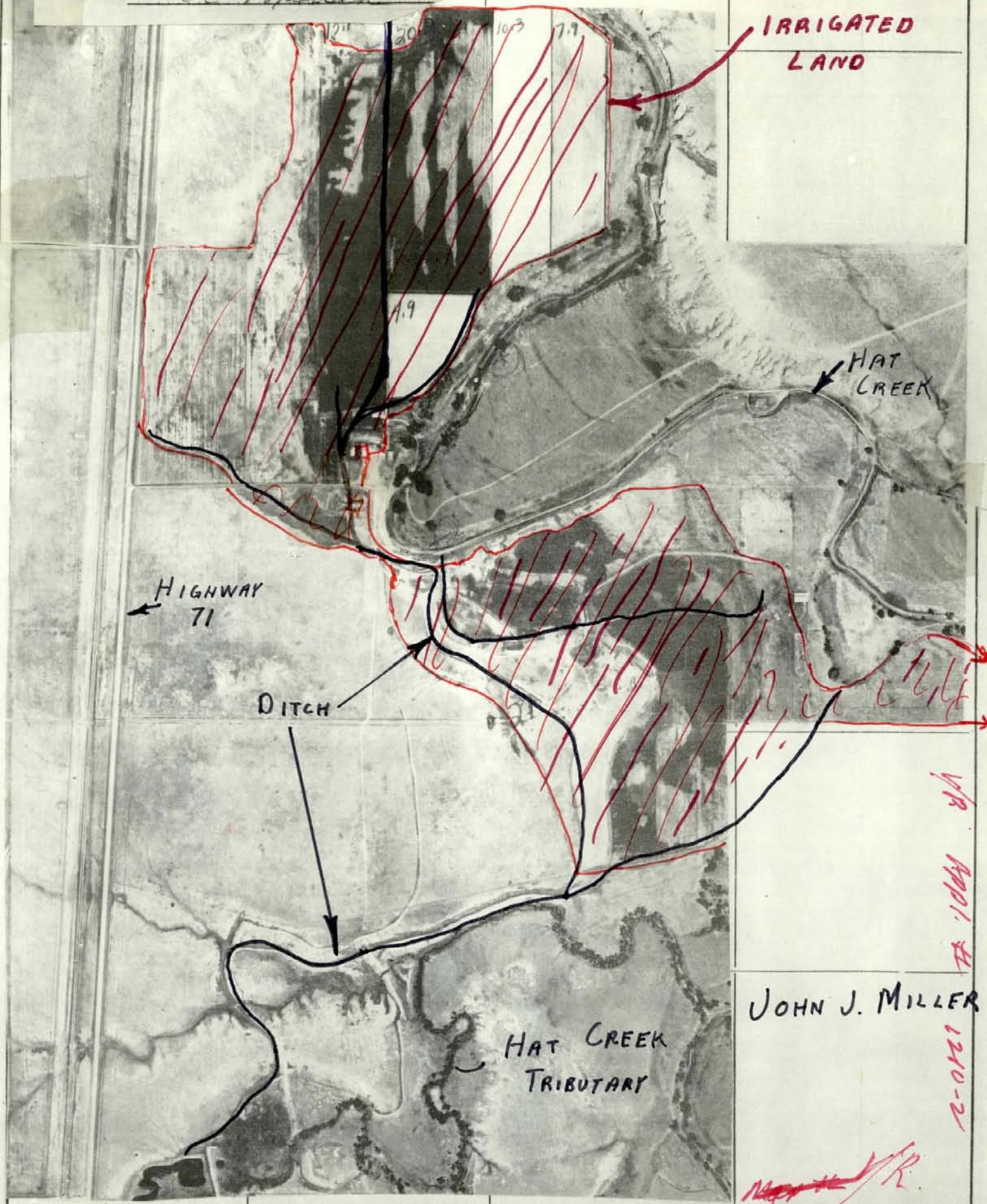
NOT TO SCALE



NOT TO SCALE



Tract No. 2160
Farm No. JOHN J. MILLER
(JACK)
Operator Levi Madson
Owner Levi Madson



Legal Description

Parts of Sec 21-11-4

Appl. # 1210-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 2, 2015

1210-2

John V Miller
402 N 25th St
Hot Springs SD 57747 1109

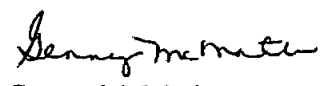
Dear Mr. Miller:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to 29826 Cascade Rd, Edgemont SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 5, 2018

No. 1210-2

Weinreis Brothers
230908 Highland Rd
Scottsbluff NE 69361

Dear Sirs:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1210-2. The water right is currently listed in the name of John V Miller.

The transfer form should be completed, checked over for accuracy, and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$50.00.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID
DEC 17 2018
Ck# 4112

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

RECEIVED
DEC 17 2018
WATER RIGHTS
PROGRAM

No. 1210-2
Date: _____

I/We request that Water Right/Permit No. 1210-2

formerly owned by: John V Miller

X be transferred to: (name & address) Weinreis Brothers
230900 Highland Rd
Scottsbluff NE 69361 Telephone No. 308-220-3700

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

180 acres - in portions of SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 16; N 1/2 NW 1/4, SE 1/4 NW 1/4,
W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 21; all in T11S- R4E

I/We understand that the validity of Water Right/Permit No. 1210-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We _____, the new owner, certify that the above information is true and correct.

X Weinreis Brothers
by Charles Weinreis
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date December 17, 2018

RECEIVED OF Weinreis Brothers 230808 Highland Rd Scotsbluff, NE 693621

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	50	00
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 _____ 1210-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08848**

By

Jeanne Goodman

Chief Engineer

277

1210-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 17, 2018

1210-2

Charles Weinreis
Weinreis Brothers
230908 Highland Rd
Scottsbluff NE 69361

Dear Mr. Weinreis:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 1210-2.

The ownership change has been completed. The vested right formerly held by John V Miller is now listed under Weinreis Brothers.

Enclosed for your records is Receipt No. 08848 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

1705-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 20 2018

1705-2
2424-2

Michael Riker
South Canyon Country Estates
8545 Kings Court
Rapid City SD 57702

Dear Mr. Riker:

Enclosed is Water License No. 2424-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTE: Upon licensing, the applicable portions of Water Right No. 1705-2 were incorporated into Water License No. 2424-2.



1210-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 27, 2022

350-2
1019-2
1210-2

Charles Weinreis
Weinreis Brothers
12284 Horse Creek Loop
Edgemont SD 57735-7354

Dear Mr. Weinreis:

Enclosed is a "Notice" dated October 21, 2022 concerning the 2022 irrigation questionnaires.

The notice was originally mailed to Scottsbluff, NE. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures