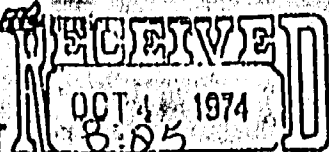


No. 1215-2Map No. U/RWater Division No. 2SOUTH CHEYENNE RIVER
(Blanks to be Filled by the Engineer for the W. H. C.)--- VESTED RIGHT
APPLICATION FOR PERMITSTATE WATER RIGHTS COMM
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Mrs Clara Grotz Swigert
Postoffice address Box 55, Oelrichs, State S. D. 57763

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor
dry draw dams

3. Name of diversion work _____

4. Amount of water claimed (cubic feet per second) .685. Source of water supply Beef Creek6. Location of point of diversion NE corner of NE 1/4 of SW 1/4 30 rods westSW corner of SW 1/4 of NW 1/4 20 rods East 25 rods west northNE corner SW 1/4 of NW 1/4 40 rods West 30 rods south County Fall River7. Annual period or periods during which water is to be used Spring and Summer8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation and livestock9. For irrigation use, _____ Total number of acres to be irrigated 47

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.
<u>SE 1/4 of NE 1/4 Sec. 10-11-7</u>	<u>5.0</u>
<u>NE 1/4 of SE 1/4 Sec. 10-11-7</u>	<u>10.5</u>
<u>SW 1/4 of NW 1/4 Sec. 11-11-7</u>	<u>16</u>

Land Description	No. Acres Irr.
<u>NW 1/4 of SW 1/4 Sec. 11-11-7</u>	<u>2</u>
<u>SE 1/4 of NW 1/4 Sec. 11-11-7</u>	<u>11.5</u>
<u>NE 1/4 of SW 1/4 Sec. 11-11-7</u>	<u>2</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hot Springs Star

12. Principal Features of the Proposed Water Supply System.

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

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

A little repair work, which will do ourselves

C. Works proposed to apply water to beneficial use.

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 Fall RiverI, Clara Swigert 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 Clara SwigertSubscribed and sworn to before me this 3rd day of October 1974Harold M. Hummster
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1215-2

MRS CWAEN GROTZ SWIGERT
(Applicant)

Box 55 DELRIKHS
(Post Office Address)

SOUTH DAKOTA 57768
(State)

With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application OCTOBER 4 19 74
Date of return to applicant for correction, amendments or changes required --- 19 ---
Date of receipt of corrected application --- 19 ---
Approved NOVEMBER 13 19 74 Recorded in Book 13 Page 124

WATER RIGHT PERMIT NO. 1215-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1215-2 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 1935
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed on or before
3. The whole of said work is ~~not~~ completed on or before
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 .68 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 is actually and beneficially applied for irrigation on or before JUNE 30 1955 said water to be used during the following described annual period: SPRING & SUMMER

Witness my hand this 27TH day of NOVEMBER 19 74

WATER RIGHTS COMMISSION

By:

Donald Duncall
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 27 19 74

Water License Issued NOVEMBER 27 19 74

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1215-2

(1) WHEREAS, On the 4th day of October A. D. 19 74
Mrs. Clara Grotz Swigert

made Water Right Application No. 1215-2 ^{Vested Right} for a permit to use .68 cubic feet per second of the waters
of Leaf Creek
County of Fall River State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 27th day of November A. D. 19 74
Vested Right Permit No. 1215-2 with a date of priority of 1935

was issued to said applicant recognizing for the diversion of said water, ~~and for the completion of construction~~ of the water
supply system therein described on or before the day of A. D. 19 and by the
application to beneficial use of said water ~~on or before the~~ 1935 ~~to the~~ 1974

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 .68 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, R7E

Section 10	SE $\frac{1}{4}$ NE $\frac{1}{4}$	Acres 5.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.5
Section 11	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
		<u>47.0 Acres</u>

(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 _____

Mrs. Clara Grotz Seigert

Oklahe, S.D.

_____ of _____
the holder _____ and owner _____ of said permit No. 1215-2 a water right, dating from 1935

_____ to use of .68 _____ cubic feet per second of the waters
of Beef 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 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and two points in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T11S, R7E

and conduct to and upon _____ portions of Sections 10 and 11, T11S, R7E more fully
described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1215-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of November _____ A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By: _____

Chief Engineer, Executive Officer Donald Driscoll

This Water License No. 1215-2 is based on a "vested right" claim recorded and filed
by the Water Rights Commission.

Form 15.

Permit No. 1215-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mrs. Clara Grotz Swigert

Vested Right the holder of
Permit No. 1215-2, issued upon Application No. 1215-2, bearing date of priority of 1935
authorizing the diversion of .68 cu. ft. per second of the waters of
Beef Creek County of Fall River, State of South Dakota at e
point in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and two points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$. Section 11, T11S, R7E

 , for irrigation

purpose, 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 as
condition for diverting and conveying to the place of intended use .68 cu. ft. per second of water.

Date November 27, 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) Mrs Clara Grotz Swigert

Post Office Address Box 55, Oelrichs, State S. D. 5763

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 1935

15. Date that water was first applied to beneficial use 1936

16. Name of owner of original water supply system John Grotz

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

18. Present Use of Water

Amount of water now being used full flow c. f. s.

Date that this amount of water was first used 1936

19. Chronological History of Water Use

These dams were built by my father for water for livestock and irrigating alfalfa. It has been used for this purpose ever since 1936 by either himself or my husband Chet Swigert. The operation needs a small repair which we intend to do in the near future. I am now the owner of this land as my father passed away in 1966.

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, Clara Swigert, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Clara Swigert

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

Harold M. Humiston
(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.

Charles E. Humphreys
David M. Humiston

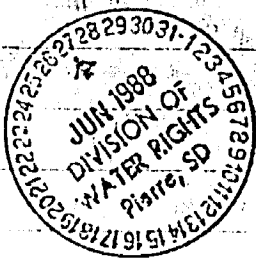
1215-2

June 23, 1988

Dept. of Water + Natural Resources
Pierre, S. D. 57501-3181

Dear Sir;

Yes we use the water
whenever it is available to use
which hasn't been much lately. The
ditch and tubes have been
maintained, however I have sold
all the property to Lerney Trent,
Celrich, S.D. last month and
he is now the owner. The water-
right should be transferred to his
name.



Truly,
Clara Gutz Sergeant
Box 55
Celrich, S.D.

57763.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

1215-2

June 28, 1988

Dewey Trent
Oelrichs, SD 57763

Dear Mr. Trent:

I am contacting you in regard to ownership of Vested Water Right Claim No. 1215-2, currently listed under the name of Clara Grötz Swigert. Ms. Swigert has notified our office that she has sold all the property to you. I have enclosed a copy of No. 1215-1 for your records.

Also, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 1215-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The vested right claim will then be transferred to your name.

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 us.

Sincerely,

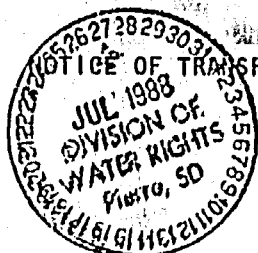
Genny McMATH
GENNY MCMATH,
Natural Resources Analyst
605 773-3352

encl



NO. 1215-2

TO: Water Rights
Foss Building
Pierre, SD 57501



Date: July 11, 1988

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

47 acres - SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11, T11S, R7E

formerly owned by Clara Grotz Swigert, Oelrichs SD

has been transferred to Dewey L. or Myrtle Trent
Box 98 Oelrichs, South Dakota 57763

(please include complete mailing address)

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

Water Right Permit No. 1215-2 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 Div. of Water Rights, Water Management Board 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 Fall River) ss.

I, Dewey L. & Myrtle Trent 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.

Myrtle Trent
Dewey L. Trent
(Signed)

Subscribed and sworn to before me this 25 Day of July, 1988.

Rachelle D. Dryden
(Notary Public)
exp. 8-19-93

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 27

1988

RECEIVED OF Dewey L. Trent, PO Box 98, Oelrichs, SD 57763

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

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 Permit No. 1215-2

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch
Chief Engineer JOHN HATCH MS

No. 1215-2

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

July 29, 1988

Dewey L. Trent
PO Box 98
Oelrichs, South Dakota 57763

Dear Mr. Trent:

Enclosed is receipt No. 411333 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1215-3.

Our records now show ^{Dewey L. or Myrtle Trent} ~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stilling
Secretary

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

Dewey or Myrtle Trent
Box 98
Oelrichs SD 57763

Dear Mr. & Mrs. Trent:

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). 1215-2 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,

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



 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 1215-2

Dewey or Myrtle Trent
Box 98
Oelrichs SD 57763

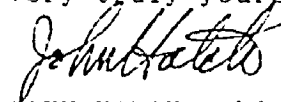
Dear Mr. & Mrs. Trent:

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 Fennington, 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

1215-2

NOTICE

TO: Dewey/Myrtle Trent
BOX 98
CELRICHS, SD 57763

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. 1215-2 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).

File No. 1215-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Dewey L. or Myrtle Trent

ADDRESS: Box 98, Delrichs, SD 57763

COUNTY: Fall River

DATE: 6/6/91

TELEPHONE:

RE: Vested Right Claim Inspection

COMMENTS: On June 4, 1991, I visited with Mr. Trent at his house in Delrichs and obtained his permission to go on his land. Later that day, I flew over his land with Mr. Bogner. The diversion dams and ditches seemed to be at the same location as plotted on the map submitted with the original application. The land was partially covered with water. The irrigation system seemed to be in working condition.

** Recommend validation of Vested Right Claim No. 1215-2.

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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1215-2 FOR IRRIGATION

Date of Receipt of Claim October 4, 1974.

Date of Validation May 26, 1992.

The Water Management Board validated Vested Water Right Claim No. 1215-2 for irrigation purposes for Dewey L. or Myrtle Trent, Box 98, Delrichs SD 57763 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1215-2 appropriates 0.68 cubic feet of water per second from Beef Creek at a point in the NE 1/4 SW 1/4 and two points in the SW 1/4 NW 1/4 Section 11 for livestock watering and to irrigate 47 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 10, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 11; all in T11S-R7E.
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: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1935.
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: _____

Robert H. Hatcher
Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



1215-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 1 1992

Dewey L. or Myrtle Trent
Box 98
Oelrichs SD 57763

Dear Mr. & Mrs. Trent:

The Water Management Board has validated the enclosed Vested Water Right No. 1215-2. 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
505 773-3352

enclosure

1215-2



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

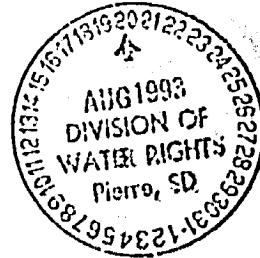
Newell, South Dakota 57760 0226



WTR 4.10
BF-430

WTR 4.10
BF-430

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
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

Mrs Clara Swigert
Fall River Co - Nebraska, S. D.

18.7 18.7 18.9 19.1 19.0 19.7 18.6 18.7

90C

13.2 12.9 13.0 12.9 13.0 12.8 12.8 12.8

11.4 16.8 11.8 19.7 14.3 13.6 11.0 8.1 8.2 21.4 23.1 11.2 11.5 90B 8.1

No. 142 DIVERSION DAMS BUILT 1949
24" culvert
Spill ways 173 ft wide

SE 1/4 of NE 1/4

SW 1/4 of NW 1/4

SE 1/4 of NW 1/4

9.0

7.4

11.5

2

DIVERSION DAM BUILT 1935

NE 1/4 of SE 1/4

NW 1/4 of SW 1/4

NE 1/4 of SW 1/4

70d

10

11-7

90C

12.6 12.6 12.5 12.6 12.8 12.9 12.9 10.3 14.1 11.9 14.3 12.3

14.7 14.8 14.9 14.6 14.8

11-7

90B

V.R.

APR 11

1215-2