

Water Right No. 1745-2

1. Considered January 28 19 81 VESTED RIGHT
2. Name of Applicant A.W. Carey
3. Post Office Address Fairburn, 57738
4. Amount of Water Claimed 3.91
5. Source of Water Supply Dry draws
6. Water to be used for IRR
7. Acres to be irrigated 274 maximum
acre feet
8. Water to be diverted and used in Custer County
about T4S, 3 miles east of Fairburn
9. PROOF OF PUBLICATION Received

Not Received

APPLICATION Approved 1/28/81

Subject to Canal 233-2

Not Approved

Action deferred

Priority 1950 Date Received 1/5/81 Application Complete yes ☒ no FEE 13.00

Remarks will incorporate 15-20 & 233-2 after being
acknowledged as a V/R by WMB.

Date information and/or
fee or corrected Application received
Period of Annual use March thru September

WATER
QUALITY

Received yes no APPROVED/CONDITIONAL (Circle one)

na WI-1 Description same as application yes no Remarks

Disapproved

Returned

			<u>x</u>	<u>x</u>	
			<u>37</u>	<u>15</u>	

Diversion Point

Between points NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34
and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, T4S, R8E

(3 points)

Lands to be irrigated

NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 and
S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 35, both
in T4S, R8E

WELL
LOG

Remarks

Driller na Licensed yes no

Depth

MAP Map No. 1005-2 Map located in Water Right xx map file _____
Type of Map drawn Prepared by Le Roy Mernaugh PE

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1/28/81

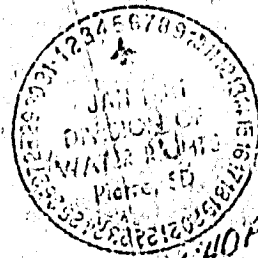
Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. _____

Remarks _____

No. 1745-2Map No. 100S-2 Water Division No. 2 UPPER CHEYENNE DistrictAbove for Office Use 10/28/09

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant A.W. Carey Phone No. _____
 Post Office Address Fairbourn State SD 57738
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work A.W. CAREY IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 3.915. Source of water supply dry draws

6. Location of point of diversion: Pt "A" 100'S and 300'E of NE corner Sec. 34; Pt "B" 1700'S
and 800'W of NE corner Section 34; Pt "C" 1500'S and 1050'W of NE corner Sec. 35,
all in T4S, R8E County Custer

7. Annual period or periods during which water is to be used March thru September8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, total number of acres to be irrigated 274

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.
<u>see attached sheet</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 county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

diversion dams

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

diversion ditches

C. Works proposed to apply water to beneficial use.

spreader dikes and ditches

NOTE: The applicable portions of
 Water Permits No. 15-2 and 233-2
 will be incorporated into this
 Water Permit

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 Custer

I, A.W. Carey, 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 A.W. CareySubscribed and sworn to before me this 28th day of Dec, 1980

Notary Public or other qualified officer

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1745-2
A.W. Carey Fairburn

(Applicant) (Post Office Address)
South Dakota 57738
 (State) With the following qualifications

"Vested Right" Claimed

Date of first receipt of application JANUARY 5, 1981
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JANUARY 28, 1981 Recorded in Book 21 Page 335

WATER RIGHT PERMIT NO. 1745-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1745-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1952, 1981
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 1981
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 1981
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 3.917 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 irrigation purposes said appropriation must be limited to not more than 2 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 THIS DATE, 1981; said water to be used during the following described annual period: MARCH THRU SEPTEMBER

Witness my hand this 13th day of FEBRUARY, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer, Water Rights

Certificate of Construction Issued February 18, 1981
 Water License Issued February 18, 1981

A.W. Carey

Par. 9, Acres to be Irrigated

NE $\frac{1}{4}$	NE $\frac{1}{4}$	34, T4S, R8E	16	acres
SW $\frac{1}{4}$	NE $\frac{1}{4}$	34 " "	3	"
SE $\frac{1}{4}$	NE $\frac{1}{4}$	34 " "	27	"
NE $\frac{1}{4}$	SE $\frac{1}{4}$	34 " "	33	"
SE $\frac{1}{4}$	SE $\frac{1}{4}$	34 " "	20	"

SW $\frac{1}{4}$	NW $\frac{1}{4}$	35, T4S, R3E	36	acres
SE $\frac{1}{4}$	NW $\frac{1}{4}$	" " "	32	"
NW $\frac{1}{4}$	SW $\frac{1}{4}$	" " "	40	"
NE $\frac{1}{4}$	SW $\frac{1}{4}$	" " "	16	"
SW $\frac{1}{4}$	SW $\frac{1}{4}$	" " "	38	"
SE $\frac{1}{4}$	SW $\frac{1}{4}$	" " "	13	"

TOTAL 274 acres

No. 1745-2

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) A. M. CareyPost Office Address Fairburn, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system Completed15. Date that water was first applied to beneficial use Before 195016. Name of owner of original water supply system A. M. Carey

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

18. Present Use of Water Irrigation DitchesAmount of water now being used Flow water c. f. s.

Date that this amount of water was first used _____

19. Chronological History of Water Use

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 BeusterI, A. M. Carey, the applicant, certify that I have read the foregoing and that the matters therein stated are true.Signed A. M. CareySubscribed and sworn to before me this 29th day of Dec., 1950

[Signature]
(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.

Ray Stobbs
William E. Smith

WATER LICENSE NO. 1745-2

(1) WHEREAS, On the 5th day of January A. D. 19 81A. W. Careymade Water Right Application No. 1745-2 vested right for a permit to use 3.91 cubic feet per second of the waters of Dry DrawsCounty of Custer, State of South Dakota, for irrigation

purpose, and

(2) WHEREAS, On the 28th day of January A. D. 19 81Permit No. 1745-2, with a date of priority of 1950was issued to said applicant recognizing for the diversion of said water, and ~~recognizing~~ the completion of construction of the water supply system therein described on ~~XXXXXX~~ XXXXXX and for the application to beneficial use of said water ~~XXXXXX~~ XXXXXX

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 3.91 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,

to irrigate the following lands all in T4S - R8E

Section 34	Acres	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3	* note - The applicable portions of Water Permits Nos. 233-2 and 15-2 have been incorporated into this Water License No. 1745-2.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	27	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	20	

Section 35	Acres	
SW $\frac{1}{2}$ NW $\frac{1}{4}$	36	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	32	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16	
SW $\frac{1}{2}$ SW $\frac{1}{4}$	38	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13	

Total 271 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 A. W. Carey

of Fairburn, SD
the holder vested right and owner of said permit No. 1745-2 a water right, dating from 1950
to use of 2.91 cubic feet per second of the waters
of dry draws

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the
purpose hereinbelow mentioned, to be diverted at point "A" - 100' S and 300' E of NW Corner, Section 34; point
point "B" - 1700' S and 800' W of NE Corner, Section 34; point "C" - 1500' S and 1050' W
of NW Corner, Section 35, all in T4S-R8E

and conducted to and upon portions of Section 34 and 35 - T4S - R8E, more fully described
on the face of this License.

for the purpose of irrigation

This Water License No. 1745-2 is based on a Vested Right claim recorded and filed by the
Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1745-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of February A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1745-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That A. W. Carey

the holder of

Permit No. 1745-2, issued upon Application No. 1745-2, bearing date of priority of 1950

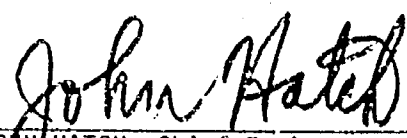
authorizing the diversion of 2.91 cu. ft. per second of the waters of

dry draws County of Custer, State of South Dakota at

point "A" - 100' S and 300' E of NE Corner, Section 34; point "B" - 1700' S and 300' W of NE Corner, Section 34; point "C" - 1500' S and 1050' W of NE Corner, Section 35, all in T4S-R6E 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 ~~for~~ ^{recognized as} satisfactory condition for diverting and conveying to the place of intended use 3.91 cu. ft. per second of water.

Date February 13, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7869

PIERRE, January 5, 1911

RECEIVED OF A W Carey, Fairburn, SD 57733

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

Fee for Application for Permit to appropriate Water No. 1745-2 (examination, processing, recording and filing)	8.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 1745-2	50
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1745-2	50
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filling	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	13.00

WATER RIGHTS COMMISSION

By *J. L. Lutz*
Chief Engineer, Executive Officer
JOHN LUTZ / *CL*

sent to Mr. Carey

*233-2
12-2
13-2*

W 3rd ... No 3rd

H. P. ...

7733

W 3rd ... A W Carey

Fairburn, SD

*Make up ...
Circuit ...
from ...
from ...
detached ...*

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

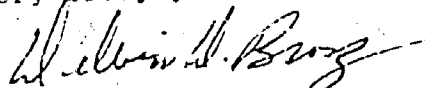
A. W. Carey
Fairburn SD 57738

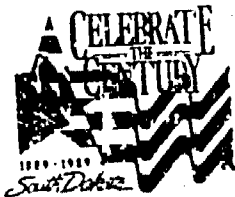
Dear Mr. Carey:

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) 1745-2 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
305 773-3352



NOTICE OF TRANSFER OF OWNERSHIP

No. 1745-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 9-26-95

I, We request that ^{Vested} Water Permit/Right ^{Claim} No. 1745-2

formerly owned by: Allen W. Carey

be transferred to: (name & address) Dean R. or Delia L. Johnson
P.O. Box 85 Fairburn SD 57738 (telephone No.) 255-4697

Title to the following described land(s)/property has been transferred as described above:
Township 4 Range 8 East of Bkmi Sec. 26 W 1/2 Sec. 27 NE 1/4 NW 1/4, E 1/2
Sec. 34 SW 1/4 E 1/2 Sec. 35 W 1/2 T 5 R 8 Sec. 2 Lot 4 Sec. 3 NE 1/4 SE 1/4
SE 1/4 NE 1/4 Lot 1, 2, 3

I, We understand that the validity of ^{Vested} Water Permit/Right ^{Claim} No. 1745-2 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Custer)

I/We ^{Dean of} Delia Johnson 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 that I know of my own personal knowledge that the information herein stated is true.



Dean Johnson
(Signed)

Subscribed and sworn to before me this 26th day of September, 1995.

[Signature]
(Notary Public)

My Commission Expires: 12-27-97

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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

414629

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, October 2, 19 95
~~September 29~~

RECEIVED OF Delia L. Johnson, PO Box 85, Fairburn, SD 57738-0085

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 _____		
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 _____ Vested Water Right Claim No. 1745-2	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

1745-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 1995

No. 1745-2

Dean R. or Delia L. Johnson
Box 85
Fairburn, SD 57738

Dear Mr. and Ms. Johnson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right Claim No. 1745-2.

Our records now show you as the owner of Vested Water Right Claim No. 1745-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

1745-2

REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1745-2 FOR IRRIGATION

(1) A. M. Carry, Fairburn SD made Application No. 1745-2, January 5, 1981 for validation of a vested right claim to appropriate 3.91 cubic feet of water per second from dry draws, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 1745-2 was validated December 6, 1995 with a priority date of January 1, 1950. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 1745-2 was transferred October 2, 1995 to Dean R. or Delia L. Johnson.

The original water license issued on February 18, 1981 described irrigation of 274 acres in portions of Section 34 and 35; T4S-R8E. A field inspection conducted of the water use system found a total of 233.5 acres still being irrigated. Based on the inspection and subsequent validation of the vested right claim, the license is being reissued to the extent of what is actually being irrigated.

(2) The vested right owner is entitled to divert 3.34 cubic feet of water per second for beneficial use. The location of the diversion points are: 1) NW 1/4 NE 1/4 Section 34, 2) SE 1/4 NE 1/4 Section 34 and 3) SE 1/4 NW 1/4 Section 35; all in T4S-R8E.

The location of the irrigated acreage is:

all in T4S-R8E

Section 34	NE 1/4 NE 1/4	12 acres	Section 35	SE 1/4 NW 1/4	18.5 acres
	SE 1/4 NE 1/4	19 acres		SW 1/4 NW 1/4	32 acres
	NW 1/4 NE 1/4	0.5 acres		NE 1/4 SW 1/4	15.5 acres
	SW 1/4 NE 1/4	2.5 acres		NW 1/4 SW 1/4	40 acres
	NE 1/4 SE 1/4	32 acres		SW 1/4 SW 1/4	38 acres
	SE 1/4 SE 1/4	20 acres		SE 1/4 SW 1/4	3.5 acres
Total					233.5 acres

(3) Pursuant to Section 46-5-30.1 Dean R. or Delia L. Johnson, PO Box 85, Fairburn SD 57738 the holder and/or owner of Vested Water Right No. 1745-2 is issued a license to appropriate 3.34 cubic feet of water per second from dry draws with a priority date of January 1, 1950 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1745-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date



SOUTH DAKOTA

VESTED WATER RIGHT NO. 1745-2 FOR IRRIGATION

Date of Receipt of Claim January 5, 1981.

Date of Validation December 6, 1995.

The Water Management Board validated Vested Water Right Claim No. 1745-2 for irrigation purposes for Dean R. or Delia L. Johnson, PO Box 85, Fairburn SD 57738 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1745-2 appropriates 3.34 cubic feet of water per second from dry draws located in the NW 1/4 NE 1/4 Section 34, SE 1/4 NE 1/4 Section 34, and the SE 1/4 NW 1/4 Section 35; all in T4S-R8E to irrigate 233.5 acres located in the NE 1/4, E 1/2 SE 1/4 Section 34 and the S 1/2 NW 1/4, SW 1/4 Section 35; all in T4S-R8E.
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. The water is to be used during the following annual period: March 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1950.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

DEC 18 1995

date



REPORT ON INSPECTION OF PERMIT NO. 1745-2

Other permit(s) associated with the project: none

DATE OF INSPECTION: July 20, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Dean Johnson - Owner

Mr. Johnson just bought the place and is going to file to transfer the water right.

NAME & ADDRESS OF PERMIT HOLDER: P.O. Box. 85, Fairburn S.D. 57738

DIVERSION POINT LEGAL LOCATION: Div. Pnt. A - NW 1/4 NE 1/4 Section 34 -T4S-R8E.
Div. Pnt. B - SE 1/4 NE 1/4 Section 34 -T4S-R8E.
Div. Pnt. C - SE 1/4 NW 1/4 Section 35 -T4S-R8E.

DISTRIBUTION LINES OR CANALS:

1) Type: earthen ditches. 2) Size: Approx. 24-36" wide 3) Length: approx. 1 mi. ditches

SYSTEM TYPE: Gravity Spreader Ditches originating from dry draws.

DAM INFORMATION: Diversion Pnt. C

- 1) Height to crest 15 feet
- 2) Height to primary spillway 13 feet
- 3) Crest width 5 feet
- 4) Crest length 50 feet
- 5) Spillway ditch
- 6) Approx. storage 1 ac-ft
- 7) Date constructed: Before 1950

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

Permit No. 1745-2
Upper Cheyenne - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 20, 1995, made a thorough examination of the water use system owned by Dean Johnson of P.O. Box 35, Fairburn holder of Permit No. 1745-2, bearing the priority of January 1, 1950 authorizing the diversion of 3.91 cu. ft. per second of the waters of dry draws for irrigation purposes, in Quater County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
Diversion points 'A' and 'C' are culverts under the county road and diversion 'C' is a dam across a draw - all in fair condition.
- B. Works used to transport water to place of use:
diversion ditches
- C. Works used to apply water to beneficial use:
Spreader dikes and ditches

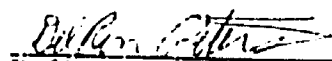
The system is in the following condition fair. The point of diversion is located as follows: Div. Pnt. A - NW 1/4 NE 1/4 Section 34 - T4S-R8E, Div. Pnt. B - SE 1/4 NE 1/4 Section 34 - T4S-R8E, Div. Pnt. C - SE 1/4 NW 1/4 Section 35 - T4S-R8E. The works are capable of diverting and conveying to the place of use 3.34 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: Irrigation of...

NENE Sec. 34	12.0 AC.	SENE SEC. 35	18.5 AC.
SENE SEC. 34	19.0 AC.	SWNW SEC. 35	32.0 AC.
NESE SEC. 34	32.0 AC.	NESW SEC. 35	15.5 AC.
SESE SEC. 34	20.0 AC.	NWSW SEC. 35	40.0 AC.
NWNE SEC. 34	0.5 AC.	SWSW SEC. 35	38.0 AC.
SWNE SEC. 34	2.5 AC.	SESW SEC. 35	3.5 AC.

all in T4S-R8E comprising a total of 233.5 acres of land and the license should be issued for 3.34 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: none Date Report Completed: August 21, 1995


Neil R. Peters
Natural Resources Engineer
DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Dean P. or Delia L. Johnson
PO Box 85
Fairburn SD 57738

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 1745-2

A Notice of Intent to validate Claim No. 1745-2 was published on June 22 and 28, 1988 in the Custer County Chronicle. The Water Rights Program opposed validation of No. 1745-2 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 1745-2 was completed on July 20, 1995, by DelRon Peters, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 274 acres to 233.5 acres. The diversion rate is to be reduced, accordingly, from 3.91 cubic feet of water per second (cfs) to 3.34 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($233.5 \text{ acres}/70 = 3.34 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 1745-2 at 10:00 am, December 6, 1995, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 1745-2 is recommended for a diversion rate of 3.34 cfs from dry draws to irrigate 233.5 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 233.5 acres and 3.34 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 1745-2 will still apply at this hearing. A copy of the June 22 and 28, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 24, 1995 at the above Water Rights Program address to request copies of information pertaining to this validation, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

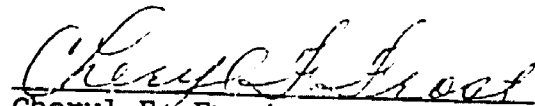
CERTIFICATION

I hereby certify that on October 31, 1995, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 31, 1995, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 1745-2, addressed as stated below:

Dean R. or Delia L. Johnson, P.O. Box 85, Fairburn, SD 57738.

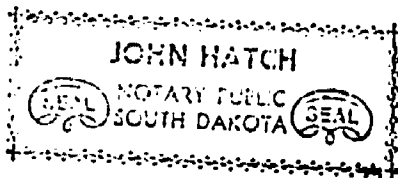
Copy was sent Inter-office to:

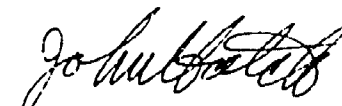
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of November, 1995




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



DEC 18 1995

1745-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dean R. or Delia L. Johnson
PO Box 85
Fairburn SD 57738

Dear Mr. & Mrs. Johnson:

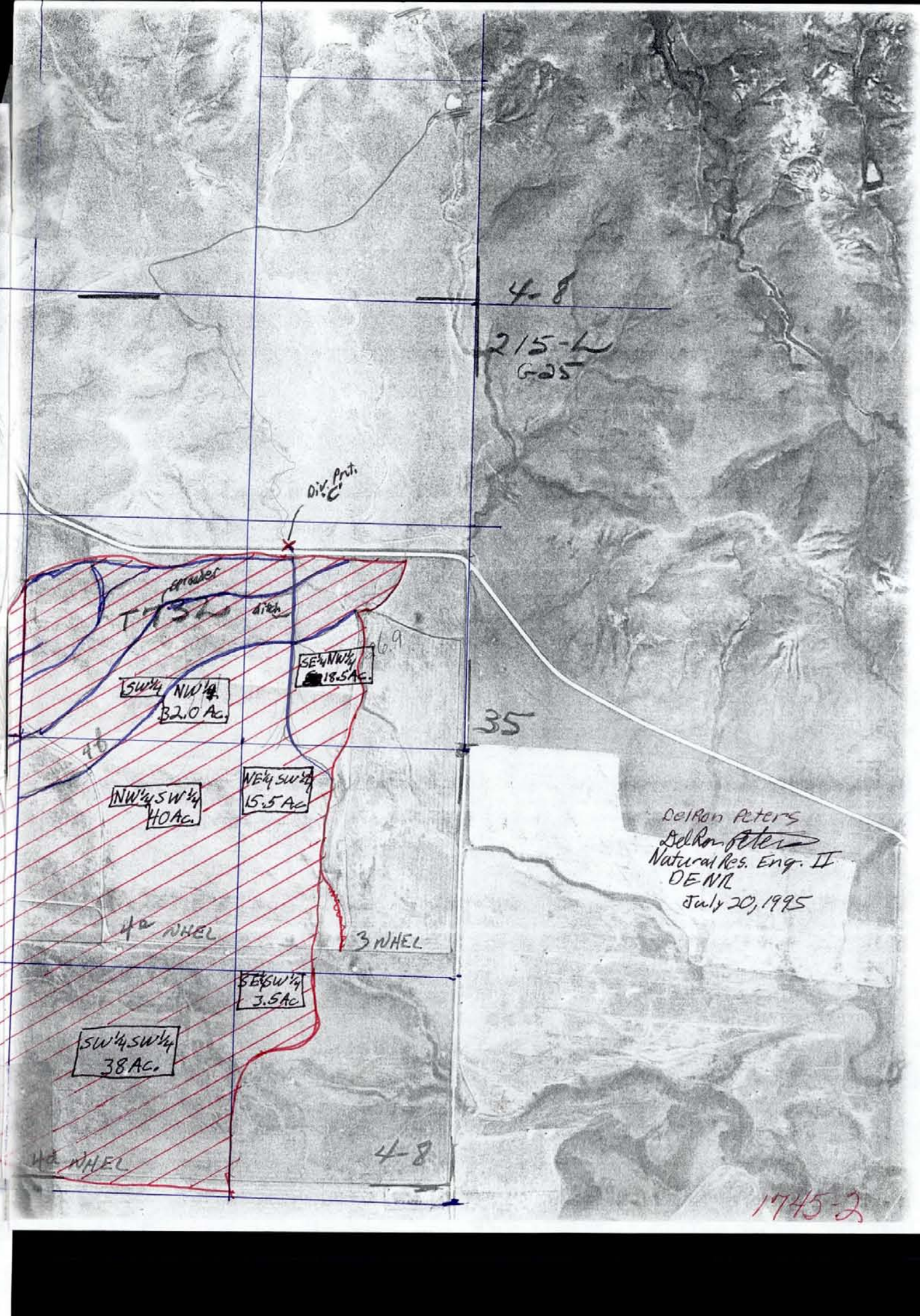
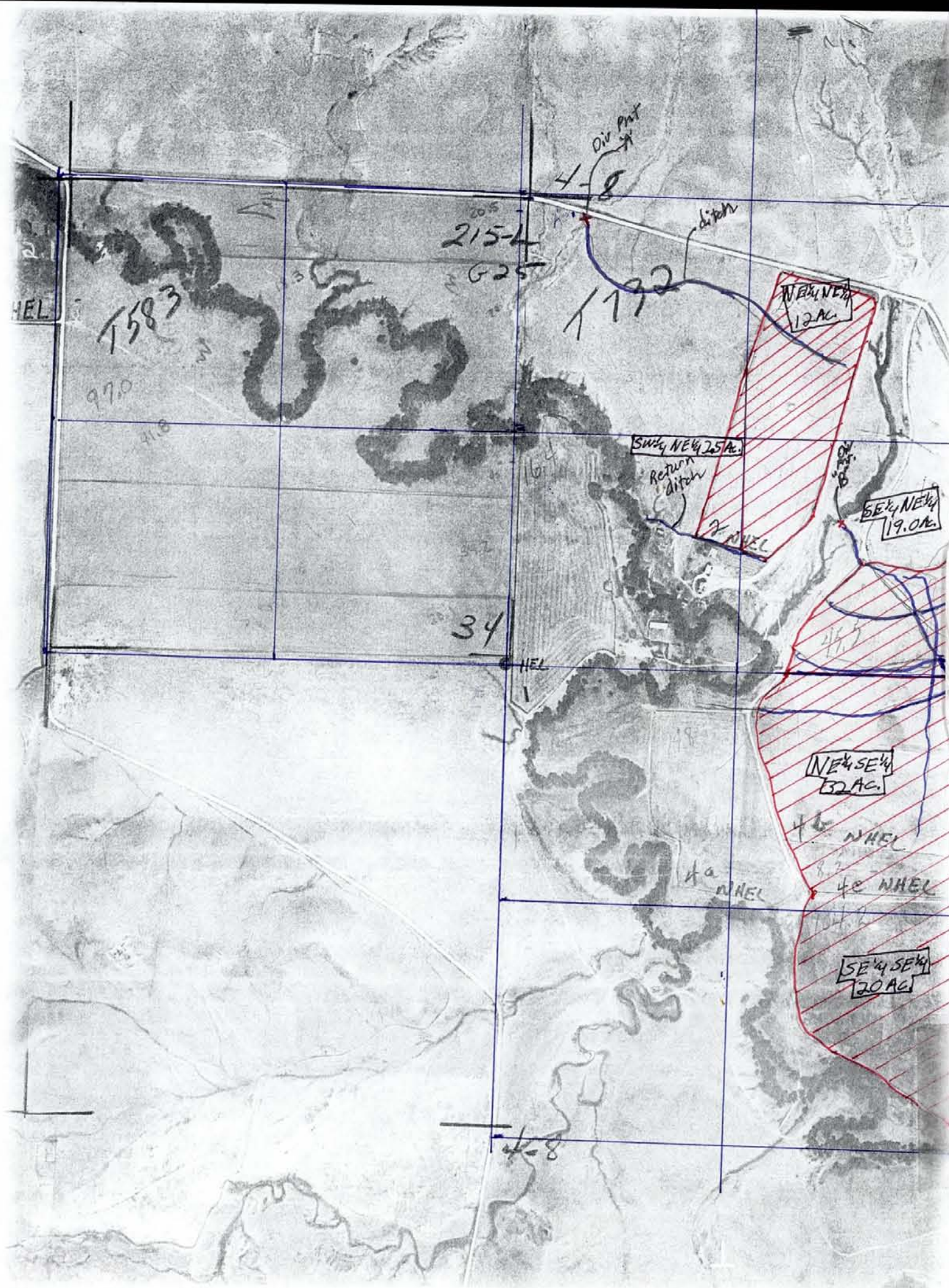
The Water Management Board has validated the enclosed Vested Water Right No. 1745-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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 Program
605 773-3352

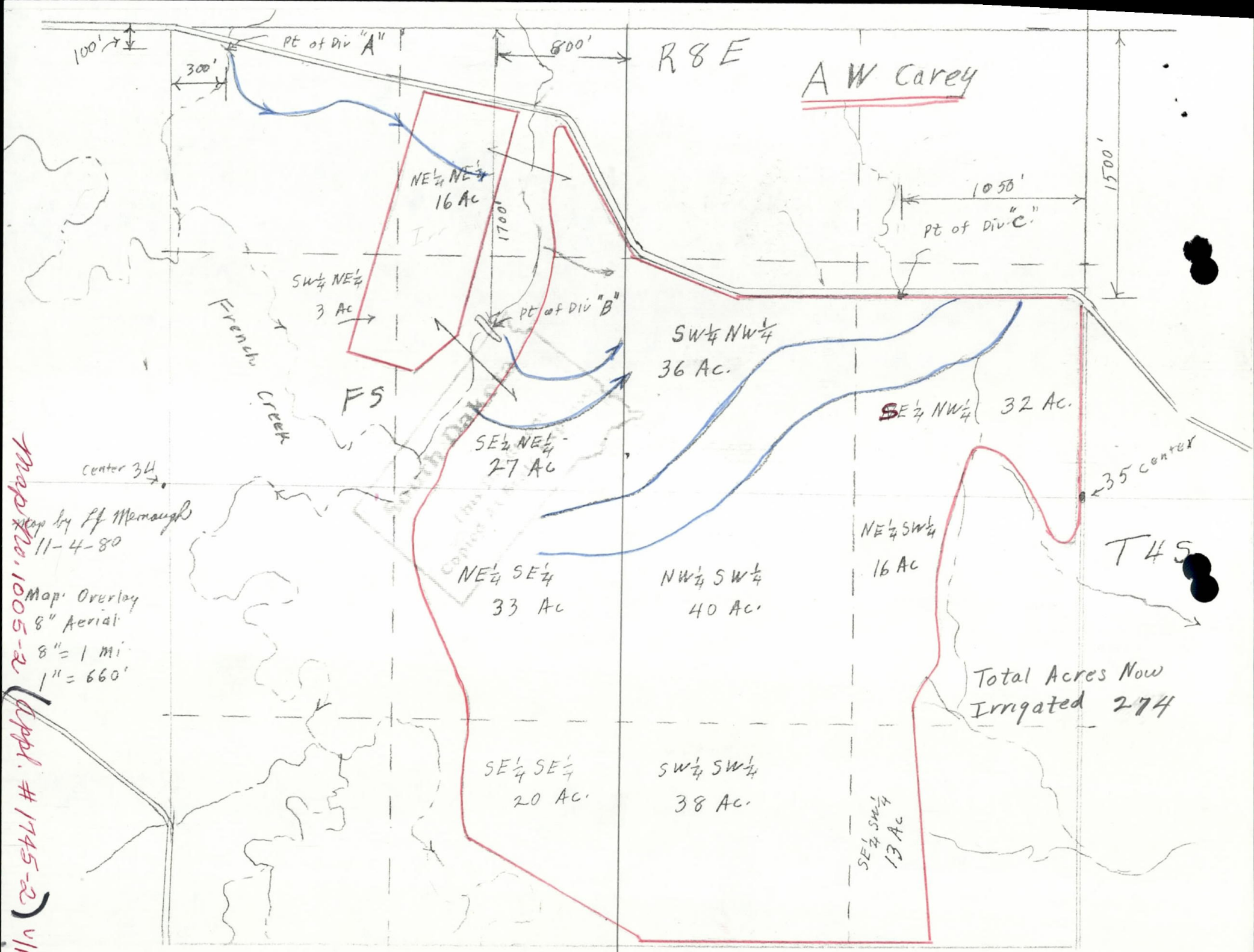
enclosure

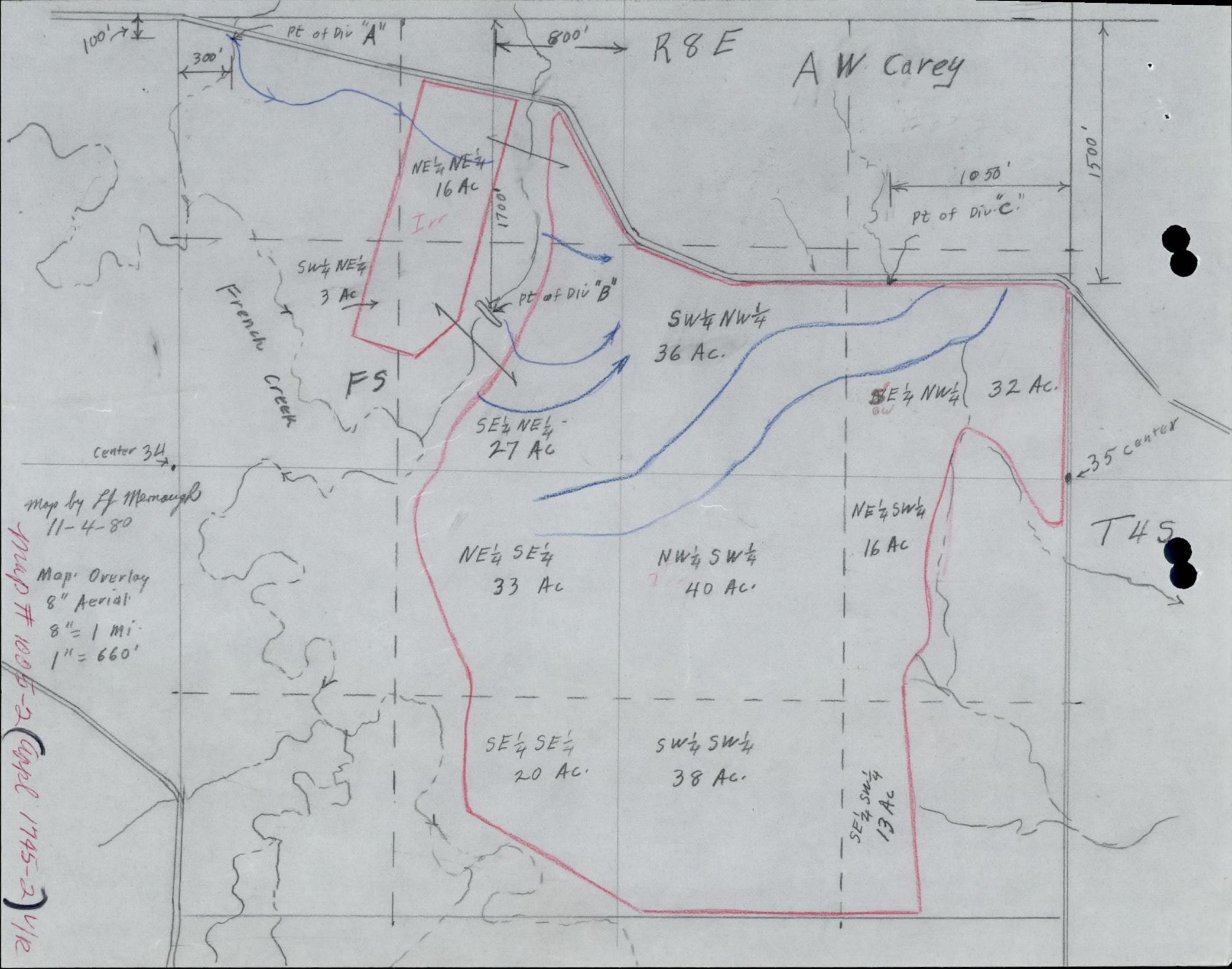


DelRon Peters
DelRon Peters
Natural Res. Eng. II
DENR
July 20, 1995

1745-2

Map No. 1005-2
Map Overlay
8" Aerial
8" = 1 mi
1" = 660'
Appd. #1745-2) vlr





Map by P. M. Mearns
11-4-80

Map Overlay
8" Aerial
8" = 1 Mi.
1" = 660'

Group # 1005-2 (April 1745-2) v12

