

Water Right No. 1755-2

1. Considered 3/25 1981
2. Name of Applicant JOHN BEARD
3. Post Office Address BUFFALO GAP 57722
4. Amount of Water Claimed 1.74 No add'l
5. Source of Water Supply BEAVER CREEK
6. Water to be used for IRR.
7. Acres to be irrigated 80 maximum acre feet
8. Water to be diverted and used in FALL RIVER County about 4N, 2E miles WEST of ORAL
9. PROOF OF PUBLICATION Received (X) 3-17-81
Not Received _____
- APPLICATION Approved 3/25/81
Subject to Low flows
Not Approved _____
Action deferred _____

Priority _____ Date Received 2-6-81 Application Complete yes - no - FEE 225⁰⁰
Remarks should be for add'l acreage no add'l CFS

WATER QUALITY Date information and/or fee or corrected Application received _____
Period of Annual use MARCH - NOVEMBER
Received yes 3/6/81 APPROVED/CONDITIONAL (Circle one)
Well Description same as application (yes) (X) no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point NE⁴ SE⁴ - 32-6S-7E

Lands to be irrigated E¹/₂ SW⁴ 4-7S-7E

WELL LOG
Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

MAP Map No. 1511-2 Map located in Water Right ✓ Map file ✓
Type of Map DRAWN Prepared by DIV. OF WATER RIGHTS

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 3-25-81

Betty Westlund
(Signed)

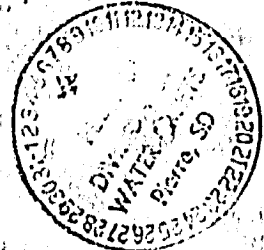
PROTESTS

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

REMARKS

F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
Remarks _____

No. 1755-2Map No. 1511-2 Water Division No. 2 UPPER CHEYENNE DistrictAbove for Office Use 10120109

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 JOHN BEARD Phone No. 833-6771
 Post Office Address BUFFALO GAP State SD 57722
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation N.A.2. Method of accomplishing work (contract, employment of others, or by direct labor) N.A.3. Name of diversion work JOHN BEARD IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 1.14 CFS5. Source of water supply BEAVER CREEK
 6. Location of point of diversion SAME AS USED BY SMITH DITCH
CONGER WATER RIGHT
NE¹ SE¹ SEC. 32-T¹S¹R¹E County FALL RIVER
7. Annual period or periods during which water is to be used MARCH - NOVEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 80

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>NE¹4 SW¹4 SEC¹4 T¹2S R¹2E</u>	<u>40</u>
<u>SE¹4 SW¹4 " " " "</u>	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water HOT SPRINGS STAR

12. Principal Features of the Proposed Water Supply System.

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

SMITH CONGER DAM

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

SMITH CONGER DITCH

C. Works proposed to apply water to beneficial use.

FLOOD IRRIGATIONEstimated Total Cost \$ —
 Attachments: Attach Form 24 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 BROOKINGS ss.I, JOHN BEARD

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 BeardSubscribed and sworn to before me this 5th day of FEBRUARY, 1981Walter W. DeBor

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1755-2

JOHN BEARD
(Applicant)

BUFFALO GAP
(Post Office Address)

SOUTH DAKOTA 57722
(State)

With the following qualifications.

THIS APPROVAL AUTHORIZES IRRIGATION OF AN ADDITIONAL 80 ACRES, USING NO ADDITIONAL WATER THAN ALLOCATED BY THE COURTS, AND IN ACCORDANCE WITH STIPULATIONS IN THE COURT DECISION.

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application FEBRUARY 6, 1981

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

Date of receipt of corrected application MARCH 6, 1981

Approved MARCH 25, 1981 Recorded in Book 22 Page 59

WATER RIGHT PERMIT NO. 1755-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1755-2 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 FEBRUARY 6, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 25, 1981
3. The whole of said work is to be completed on or before MARCH 25, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 25, 1983
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 NO ADDITIONAL 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 MARCH 25, 1983, said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 17TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction issued 19

Water License Issued 19

Conditional

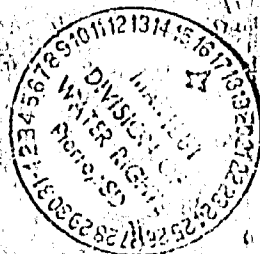
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT John Beard

1755 1/2

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is

GRAVITY.

7/14/68

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: JOHN BEARD OWNERS ADDRESS: BUFFALO GAP
SOUTH DAKOTA

COUNTY, LAND LOCATED IN: FALL RIVER PHONE: 833-6771

TENANT'S NAME AND ADDRESS: (If Other Than Owner) N/A.

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

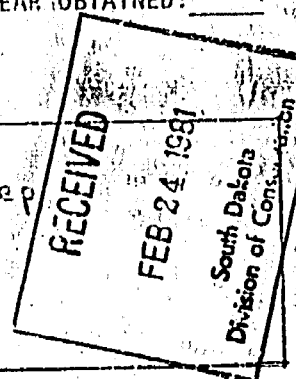
1. WELL LOCATION OR DIVERSION POINT: SAME AS USED BY SMITH - CINGER
2. SURFACE WATER SOURCE: DAM ON BEAVER CREEK WATER RIGHT
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
NE 1/4, SW 1/4, SEC 4, T7S, R7E	40		
SE 1/4, " " " " "	40		

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: GRASS AND ALFALFA
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 06402500-3 see Certificate of Sample Collection
8. SALINITY (EC x 10⁶): 835
9. SODIUM (SAR): 2.2
10. ADJUSTED (SAR): 4.34



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at N/A a.m./p.m., on _____, 19____, at the following location: _____

by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF FEBRUARY

(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture (the State Conservation Commission) is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

No. 1755-2

Publish first publication, on or before March 11, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
March 6, 1981

Notice is hereby given John Beard

whose post office

address is Buffalo Gap, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.14 cubic feet of

water per second of time from Reaver Creek through the John Beard Irr. Proj #1, the point XX of diversion of which is XXXX to be located

in the N2, S2

of Section 32, Twp. 6S, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E1/2 SW1/4, Section 4, T7S, R7E

This Application No. 1755-2 will be considered by the Water Management Board at

Holiday Inn, Sandy Shore Room, Watertown SD upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-2 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: John Beard
Buffalo Gap
South Dakota 57722

WNR-8066-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hot Springs Star

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City Hot Springs

County of Fall River and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

March 11, 1981

March 18, 1981

Charles Najacht
(Signature)

Publisher
(Title)

March 18, 1981
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE

WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given John

Beard whose post office address

is Buffalo Gap, South Dakota, has

made an application in accor-

dance with the provisions of

SDCL 46-1-1 thru 46-1-14;

46-2-9 thru 46-2-11; 46-2-13;

46-5-1 thru 46-5-8; 46-5-10 thru

46-5-22; 46-5-41; and Board Rules

ARSD 52:01:01:01 thru

52:01:01:13; for a permit to

appropriate for beneficial use

1.14 cubic feet of water per

second of time from Beaver

Creek through the John Beard

Irrigation Project; the point of

diversion of which is to be

located in the NE 1/4 of

Section 32, Twp. 6S, Range 7E.

Said water to be used for the

purpose of providing irrigation

on portions of the following de-

scribed land:

SW 1/4 Section 4, T7S,

R7E

This Application No. 1775-2 will

be considered by the Water

Management Board at Holiday

Inn, Sandy Shore Room, Water-

town, SD upon the 25th day of

March, 1981 at 11:00 P.M.

The Board is authorized to make a

determination on this application

at the hearing. All interested

persons may appear and be

heard. Any person who may be

affected by a Board decision who

desires to present evidence or

cross-examine witnesses accord-

ing to SDCL 1-26 may notify the

Board in writing prior to the

hearing or orally at the hearing.

This hearing is an adversary

proceeding. Any person has the

right to be present, to be

represented by a lawyer. These

and other due process rights will

be forfeited if they are not

exercised at the hearing. De-

cisions of the Board may be

appealed to the Courts as pro-

vided by law.

Any handicapped person wish-

ing to attend this hearing can

contact the Water Rights Di-

vision, DWR, Joe Foss Building,

Pierre, SD, prior to the hearing

date for assistance to assure

access to the hearing.

Water Management Board

Betty Westlund

Water Rights Specialist

Mar. 11, 1981



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7970

PIERRE,

February 6, 1981

John Beard, Buffalo Gap SD. 57722

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

Fee for Application for Permit to Appropriate Water No. 175572 (examination, processing, recording and filing)	22	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	22	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

1755-2
John Beard
Buffalo Gap, SD 57722

Dear Sir:

Water Permit No. 1755-2 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

1755-2

John Beard
Buffalo Gap, SD 57722

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

"This Permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

be notified of this requirement.

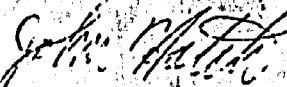
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 1755-2. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

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

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

Water Rights Division
605 773-3357

February 5, 1985

1755-2

John Beard
RR 1, Box 101
Buffalo Gap SD 57722

Dear Mr. Beard:

Enclosed is your Vested Right Water License No. 1854-2. The water license has been reissued to incorporate Water Permit No. 1755-2. The relicense is based on a April 10, 1984 inspection of your water use system.

Enclosed is your receipt which you paid for the inspection of Water Permit No. 1755-2 and the reissuance of Vested Right Water License No. 1854-2.

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

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

SECOND NOTICE

January 29, 1985

Permit No. 1755-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

John Beard
RR #1, Box 101
Buffalo Gap, SD 57722

Dear Mr. Beard:

October 19, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 1755-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

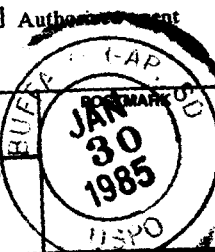
South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

SS08.WR

PS Form 3811, Dec. 1980

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered —¢	
☐ Show to whom, date, and address of delivery.. —¢	
2. ☐ RESTRICTED DELIVERY —¢ (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: <i>John Beard</i> <i>RR # 1, Box 101</i> <i>Buffalo, N.Y. 57722</i>	
4. TYPE OF SERVICE:	ARTICLE NUMBER
☐ REGISTERED ☐ INSURED	<i>PH04 786 545</i>
☐ CERTIFIED ☐ COD	
☐ EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
<i>John Beard</i>	
5. DATE OF DELIVERY	
<i>1-30-85</i>	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS
	<i>E.C.W.</i>

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

