

VESTED RIGHT

1. Considered: July 29, 19 81 Water Right No. 1783-2
2. Name of Applicant Trimmer Water Users Assn.
3. Post Office Address 602 River St. Hot Springs 57747
4. Amount of Water Claimed 66.46 ^{May 200} maximum acre feet
5. Source of Water Supply Fall River
6. Water to be used for Irrigation acres to be irrigated 32.8
7. County Fall River about _____ miles _____ of Hot Springs City limits
8. PROOF OF PUBLICATION: Received 7-29 Not Received _____
 APPLICATION: Approved 7-29-81 Subject to _____
 Not Approved _____ Action Deferred _____

PRIORITY
1880

Dated Received May 22, 1981 Application complete-yes X no _____ FEE 13.00

Remarks _____

Corrected Application received _____ Period of Annual Use Mar.1-Oct 1s

WATER
QUALITY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes _____ no _____ Remarks _____

N/A

Disapproved _____ Returned _____

Diversion Point
NW 1/4 NW 1/4 24-7S-5E

Land to be irrigated
NW 1/4 24-7S-5E

WELL LOG

D.iller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

Page 2

Water Right No. _____

MAP Map No. 1537-2 Map located in Water Right XX Map file _____
Type of Map Drawn Prepared by Engineer
Was inspected etc by James Winterton

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
July 9, 1981

[Signature]
(signed)

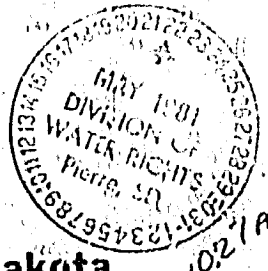
+++++

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 was
DECISIONS adopted _____
ETC. Remarks _____

No. # 1783-2Map No. 1537-2 Water Division No. 2 UPPER CHEYENNE District

Above 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 TRIMMER WATER USERS ASSN Phone No. 745-6225
 Post Office Address Co. 2 River St Hot Springs State SD 57747
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation Trimmer Water Users Assn
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor by Users
 3. Name of diversion work NONE
 4. Amount of water claimed (cubic feet per second) 4 cfs per sec. Ag
 5. Source of water supply FALL RIVER
 6. Location of point of diversion Stewart Second University Av Viaduct
Hot Springs So Dak NW 1/4 NW 1/4 SEC. 24 T7S R5E
 County FALL RIVER
 7. Annual period or periods during which water is to be used MARCH 1 - OCT 1
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
 9. For irrigation use, Ordinary LAWN Total number of acres to be irrigated 32.6

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>SEE MAP ATTACHMENT</u>	<u>32-8</u>
<u>INDIVIDUAL OWNERSHIP</u>	
<u>ALL IN SEC 24, R5E T7S</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

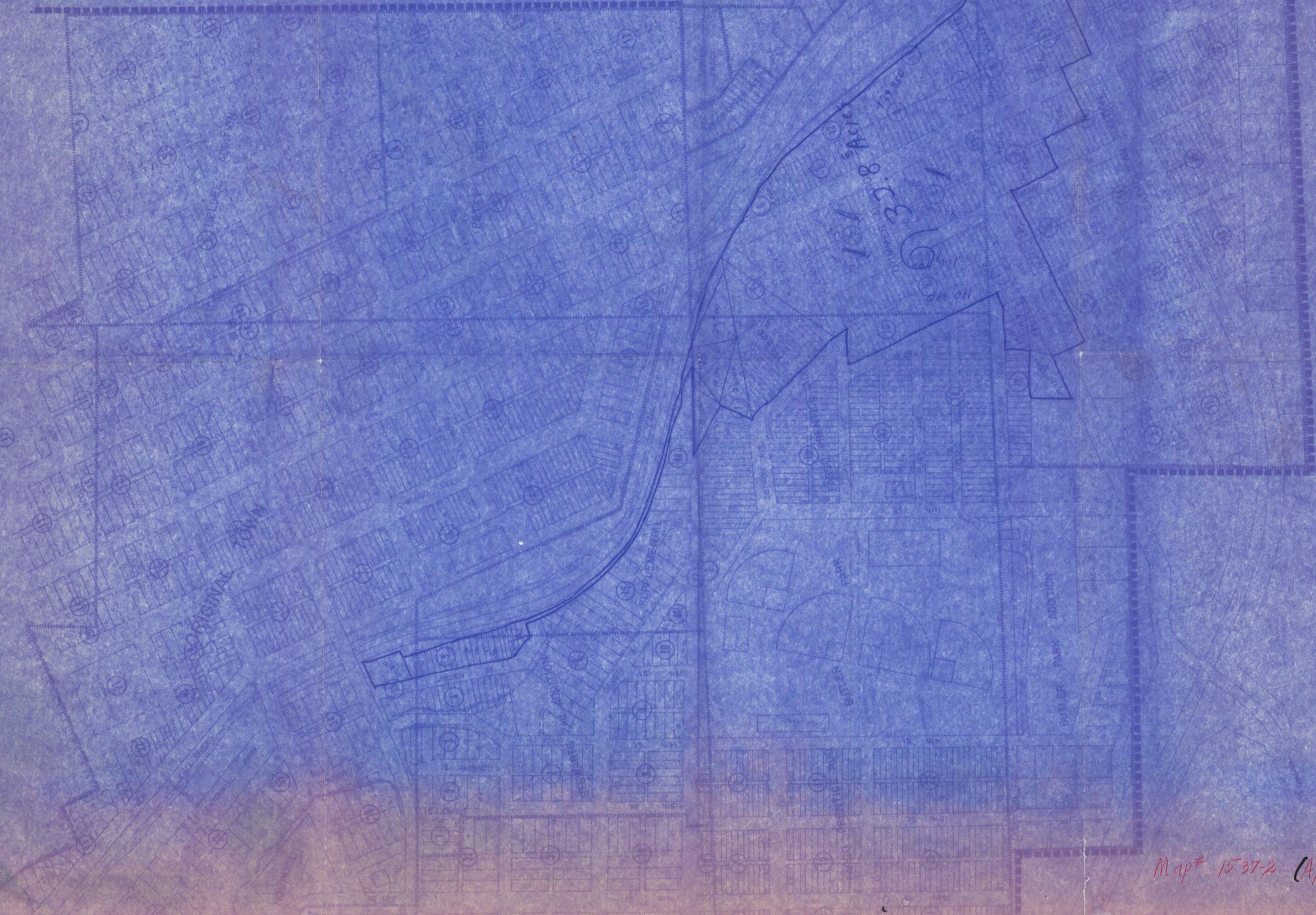
10. Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.
 11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water HOT SPRINGS STAR
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
DIVERSION DAMB. Works proposed to transport water to place of use.
MAINTENANCE DITCHC. Works proposed to apply water to beneficial use.
SPRINKLERS, ETC.

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)
) ss.
County of FALL RIVER)I, Trimmer Water Users Assn 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 Richard L. Brady day of May, 1981
Notary Public (or other qualified officer)
May 25, 1981



TRIMMER WATER USERS ASSN
FALL RIVER CO
HOT SPRINGS
SO DAK
MAY 1981
SEC 24 RANGE 5 EAST TOWNSHIP 7 SOUTH

Map# 1537-2 (Appl# 1783-2)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1783-2

TRIMMER WATER USERS ASSN.

602 RIVER ST. HOT SPRINGS

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57747

(State)

With the following qualifications.

"VESTED RIGHT" CLAIMED

Date of first receipt of application MAY 22 1981

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

Date of receipt of corrected application 19

Approved JULY 29 1981 Recorded in Book 22 Page 246

WATER RIGHT PERMIT NO. 1783-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1783-2 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 1880

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 .46 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 19; said water to be used during the following described

annual period MARCH 1ST To OCTOBER 1ST

Witness my hand this 4th day of AUGUST 1981

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

Certificate of Construction Issued AUGUST 4, 1981

Water License Issued AUGUST 4, 1981

Trimmer Water Users Association

1. Raymond Weisser Lots 1-2-3-4-5-6 and $\frac{1}{2}$ of River St. 3 130
2. William & Bertha Soper Blk 1 Lots A-B-C
3. Reinhold L. Krein Renter: Hammer Blk 2 Lots 51-53
4. Isaac & Laura One Feather Blk 2 Lot 47 S. 13' 18
5. Fern Merwin Blk 2 Lots 45 and 46
6. Ernest P. Dehaai Renter: Gary Blume Blk 2 Lots 42-44
7. Virgil S. Hill Blk 2 Lots 36 S. 121' 37
8. Calvin S. & Joliana R. Hill Blk 2 Lots 34-35
9. Francis Z. & Jeannette C. Bryan Blk 2 N. 9' Lots 37-38-39-40-41
10. Patricia A. Fiedler Renter: Sam Buxcel Blk 2 N. $\frac{1}{2}$ 31-32-33
11. Connie Jr. Watts Blk 2 Lots 29-30 S. $\frac{1}{2}$ 31
12. Ernest P. & Nellis G. Dehaai Blk 2 Lots 24-28
13. Audrey Shaffer Blk 6 Lots 1-4, 5-7
14. Ralph D. & Nevette Sieg Blk 6 Lots 17-24
15. Elnora Y. Buxcel Blk 7 Lots 22 and 23
16. Dale P. O'Bryan & Mariam M. O'Bryan Blk 3 Lots 2A-3A-5
17. Leona H. Willms & Cleo I. Adams Blk 9 Lots 1-12-4-5-6-7-8
18. Norman L. or Lena M. Pudwill Blk 5 Lots 14-19
19. Charles & Doris Catherr Blk 13 Lots 1-2 $\frac{1}{2}$ Houston Ave.
20. Edward G. Rauhauser Blk 7 Lots 10 and 11 $\frac{1}{2}$ Houston Ave.
21. Iona M. Perreault Blk 7 Lots 7-8-9
22. Elden Amen Blk 7 Lots 5 & 6
23. Pearl Wilson Blk 7 Lot 3A and 4
24. Alfred E. & Merle E. Barber Blk 4 Lots 13 and 14
25. Fredrick C. Englebert Blk 4, 1-12, 17-22
26. Don Miller Blk 8 Entire
27. William Hacker Lots 1-2-3 Blk 9 Trimmer Addition
28. El Rancho Motel Mike Kukowski Tract: B & C of Blk 1 of Trimmer Add.
29. Hugh L. & Nina E. Wynia Lot 1 part of Lot A, Tract. A Trimmer Add.
Blk 1, Lots 1-16 18-32 N. $\frac{1}{2}$ vac st.
Blk 5 Trimmer Add., Out Lot A less land 2,
Lots 25-38, Lot 2 of Ola. A. Fargo Printice
30. Halls Blaine Lots 1-10 Blk 8, Lots 9-20 Blk 11, Lots 1-24 Blk 12
31. Ernest & Mildred Hammer N. 12' Lot 48, Lots 49-53, Blk 2 Trimmer Add.
32. Everett Hill Blk 1 Lot 3-6 30 ft. vac st. on W. side
33. Carol Korthaus Blk. 4 Lots 23-24
34. Church of Christ Lot 15 and 16 Blk 4
35. Verna Merwin Blk 5 Lot 17

Legal Discription: All in Section 24 R. 5 twap 7. S
in Hot Springs, SD
in Fall River County

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) TYIMMER WATER USERS ASSN.
 Post Office Address 602 River St Hot Springs, State S.D.A.K.
 If a Corporation show date and place of incorporation ASSN WAS FORMED April 10, 1981
AT Hot Springs City Auditorium

13. Notice of Appropriation (If available)

Date of Posting None known Date of Recording Unknown

Recording Data _____

14. Date of start of construction of water supply system 1880

15. Date that water was first applied to beneficial use 1880

16. Name of owner of original water supply system John Dennis + George Tyimmer

17. Amount of water originally applied to beneficial use 200 inches of water, i. s.

18. Present Use of Water

Amount of water now being used 4 c. f. s.

Date that this amount of water was first used 1880

19. Chronological History of Water Use Used For irrigation of Orchards

Fields + Gardens

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, Hugh L Wynia, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Hugh L Wynia
Chairman of Tyimmer Water Users Assn.

Subscribed and sworn to before me this 2nd day of July 1981

Dorothy M. T. Tsch
 (Notary Public - or other authorized Officer) Pierre
 My Commission Expires November 18, 1988

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.

Hugh L Wynia

WATER LICENSE NO. 1783-2

(1) WHEREAS, On the 22nd day of May A. D. 19 81
the Trimmer Water Users Association
 made Water Right Application No. 1783-2 for a vested right 46 9/11 cubic feet per second of the waters
 of Fall River
 County of Fall River State of South Dakota, for irrigation
purposes; and
 (2) WHEREAS, On the 29th day of July A. D. 19 81
 Permit No. 1783-2 with a date of priority of 1880
 was issued to said applicant 5 for the diversion of said water, and recognizing provided for the completion of construction of the water
 supply system therein described on or before the day of xxxxxx and for the
 application to beneficial use of said water on or before the day of 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 46 9/11 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 32.8 acres in the NW 1/4, Section 24, T7S, R5E

(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 Trimmer Water Users Association

_____ of Hot Springs SD
the holder _____ and owner _____ of said ^{vested right} permit No. 1783-2 water right, dating from 1888
_____ to use of .46 cubic feet per second of the waters
of Fall River
in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the
purposes herebelow mentioned, to be diverted at NW 1/4, Section 24, T7S, R5E
(University Ave under the viaduct)

and conducted to and upon 32.8 acres in the NW 1/4, Section 24, T7S, R5E

for the purpose of irrigation

This Water License No. 1783-2 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. 1783-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of August A. D.
Nineteen Hundred and Eighty-One

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1783-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Tripper Water Users Association

the holder of

Permit No. 1783-2, issued upon Application No. 1783-2, bearing date of priority of 1980

authorizing the diversion of 46 cu. ft. per second of the waters of

Fall River County of Fall River, State of South Dakota at

in NE 1/4 NW 1/4, Section 24, T7S, R5E (University Ave under the viaduct)

for irrigation

purposes, has ye 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} ~~known~~ in satisfactory condition for diverting and conveying to the place of intended use 46 cu. ft. per second of water.

Date August 4, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

Minutes to Organize Water
Users of the Irrigation Ditch

A meeting was held on April 10, 1981 at the city auditorium in Hot Springs, South Dakota to form the irrigation association.

The following were elected as follows:

Hugh Wynia - chairman of the board

Mike Kukowski - secretary

Elden Anam - Treasurer

Elden Anam was appointed to get a list of people along the irrigation ditch. Also to collect member dues of \$20. per member.

The dues for the association was approved at \$20. per member. If more money is needed well levy more dues later.

The work planned on this project include to clean rushes out, to get a slip scraper and clear the ditch.

Ditch cleaning day is scheduled for April 18, 1981. Patwell has been appointed for this project.

Local complaints on the irrigation ditch include 'Not Enough Water'.

Catlett was appointed to find a culvert for in river to keep silt out of ditch for sewer drain.

The name given to this association will be the Trimor Water Users Association. (TWUA)

The National Bank of South Dakota was approved for checking account.

CHAIRMAN.

Hugh T. Wynia
600 River St
Hot Springs, S. Dak.

AGREEMENT
ALFRED H. LARNEY : STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER, SS: Filed for record the 15th
day of May, 1911 at 9:30 A. M. and recorded in Book 6 Page 159.
GEO. L. TRIMMER : *George L. Trimmer* Deputy. Register of Deeds.

WHEREAS an action has been brought in the Circuit Court of Fall River County, South Dakota, in which Alfred H. Larney is plaintiff and George L. Trimmer and Fannie Finnigan, her husband, are defendants, which involves the maintenance, construction, and use of certain water ditches and lateral ditches, and

IT IS HEREBY AGREED by and between the said Alfred H. Larney, plaintiff, and George L. Trimmer, Fannie Finnigan, and J. H. Finnigan, her husband, that the said George L. Trimmer, Fannie Finnigan, and J. H. Finnigan, her husband, do hereby agree to and with the said Alfred H. Larney that the said Alfred H. Larney shall have the unobstructed and continuous use of a one-eighth (1/8th) part of the water conveyed in the ditch known as the Trimmer ditch and water right heretofore in a certain Acreage Certificate of Location and Water Right as follows:-

"Know all men by these presents, that the undersigned, George L. Trimmer, O. Ferguson and Fannie Finnigan, heretofore and appropriate the water of Fall River County, South Dakota, to be taken and divided therefrom at a point on the river opposite the city of Hot Springs, in Hot Springs, South Dakota, and about 300 feet above the bridge across said river near said town and carried thence by ditch and flume on a line as near as may be along the westerly side of said stream to and through the farms known as the George Trimmer farm, the John H. H. farm, and such other places as may be desired.

This amended certificate being filed and recorded to more fully set out the rights of the parties hereto and to correct any errors, omissions, or inaccuracies in the original certificate, not existing, however, any rights acquired under the original certificate in person made in 1880 by John H. H. and George Trimmer, the respective interests of the parties as agreed herein being as follows:-

George L. Trimmer one-half (1/2) interest, O. Ferguson one-fourth (1/4) interest, and Fannie Finnigan one-fourth (1/4) interest. The number of inches of water appropriated are 100 inches. The purpose of the appropriation is for mining, filling, farming, etc. in the ditch. Date of appropriation June 1, 1880. Date of original certificate at head of ditch August 3, 1888. Date of Acreage Certificate Aug. 3, 1888. (Signed) Geo. L. Trimmer, (Signed) Fannie Finnigan, (Signed) O. Ferguson.

That in order to convey the water from the said main ditch heretofore described the said George L. Trimmer, Fannie Finnigan, J. H. Finnigan, her husband, and their heirs, executors, administrators and assigns do hereby agree to and with the said Alfred H. Larney, his heirs, executors, administrators, and assigns, that the said Alfred H. Larney shall have the unobstructed and continuous use of a certain ditch or lateral described as follows, to-wit:-

Beginning on Block One (1) Catholic Addition, thence easterly across said Block One (1) and Trimmer's Avenue to Block Four (4), Trimmer's Addition, thence easterly across said Block Four (4) and across Lincoln Avenue to Block Eight (8) of Trimmer's Addition, thence southerly across Canada Street and across Lots One (1), Two (2), Three (3), Four (4) and Five (5) of Block Nine (9) Trimmer's Addition to Block Eight (8) in Catholic Addition, the property of said Plaintiff, said Trimmer's and Catholic Additions being additions to the City of Hot Springs, Fall River County, South Dakota, and this said lateral is located under the water from the main ditch over adjacent to and upon the premises of Alfred H. Larney, being Lots One (1), Eleven (11) and Twelve (12) of Catholic Addition to the City of Hot Springs, Fall River County, South Dakota.

It being further understood and agreed that the said Alfred H. Larney shall maintain in the said lateral ditch in good condition where the same enters his premises in Block Eight (8), Catholic Addition to and across Block Nine (9) thence across Canada Street to the corner of Block Eight (8) thence across Lincoln Avenue to the center of the block Four (4) Trimmer's Addition and the said George L. Trimmer, Fannie Finnigan and J. H. Finnigan, her husband, do hereby agree with the said Alfred H. Larney that for and in consideration of the sum of \$100.00 paid for the purpose of irrigation the land owned by the said Fannie Finnigan, her husband, shall be kept in good repair the said lateral ditch beginning at a point at the corner of the North Line of Block Four (4) and between Lincoln Avenue and Trimmer's Avenue of Trimmer's Addition where the said Larney's maintenance ends, thence across Block Four (4) to the corner of Lincoln Avenue, across Trimmer Avenue to the point where the same enters the said ditch, it being understood, however, that the use of the water from the said lateral ditch shall not in any manner prevent or obstruct Fannie Finnigan, and J. H. Finnigan, her husband, shall not in any manner prevent or obstruct

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8229

PIERRE, May 22, 19 81

RECEIVED OF Trigger Water Users Assn., 602 River St., Hot Springs, SD 57747

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)	8.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	2.50
Fee for inspecting Beneficial Use, and issuing Water License No.	1.50
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	12.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / CHS

Water Rights Division
605 773-3352

January 26, 1982

1783-2
0552-2

Hugh Wynia
602 River St
Hot Springs SD 57747

Dear Mr. Wynia:

Reference is made to your phone call regarding your water right, and cancellation of Filing No. 0552-2.

The purpose of advertising the old filings for cancellation is to determine if there is any use now being made under the old filings. If they are being used we would anticipate contacting the present owner and modernizing the right to reflect what is actually being used.

In the filing of your vested right claim No. 1782-2, you have already done this. This water right reflects what is being used i.e. 0.46 cfs to irrigate 32.8 acres. Your question regarding the reduction of the amount of water under this permit, statutes provide that you can be allowed 1 cfs (50 miners inches) for each 70 acres irrigated, applied to the lands.

If you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ:ks

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

October 27, 1982

Chief Engineer
Executive Officer
Water Management Board
State of South Dakota
Capitol Ave.
Pierre, SD 57501



Re: Water License No. 1763-2

Dear Sir/Madam:

Our firm represents Mrs. Jennie Shaffer, a property owner in Hot Springs, South Dakota, whose property abutts an irrigation ditch. Recently she sold this property on a contract for deed and subsequent to the sale and closing, she provided our office with a copy of the enclosed document.

My question is whether Mrs. Shaffer will be required to fill out the necessary transfer forms to transfer this water license number to her buyers. Or will it be necessary for the buyers to contact the Trimmer Water Users Association. If it is necessary for the buyers to contact the Trimmer Water Users Association, I would appreciate it if you could provide me with any information regarding this association.

Thank you for your cooperation. If you have any questions, please contact me.

Yours trul,,

Patrick M. Ginsbach
PATRICK M. GINSBACH

PMG: jo

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

November 1, 1982

1783-2

Patrick M Ginsbach
Farrell, Farrell & Ginsbach
441 N River St
Hot Springs SD 57747

Dear Mr. Ginsbach:

In regard to your letter dated October 27, 1982 and our subsequent telephone conversation, enclosed are copies of the water rights and additional data on file in our office for Trimmer Water Users Association. Some of the copies are poor, but they are the best that can be printed from our microfiche.

The Association was formed in an effort to keep the ditch maintained and in use. Most of the water use from the ditch is classified as domestic use and has been used for this purpose for several years.

You inquired in our phone conversation as to the possibility of adding a couple of names to the list of users under the Association name. This is satisfactory to our office as long as the total water used by all of the water users does not exceed the amount stated on the water right of 0.46 cubic feet per second.

If you have any further questions, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

Water Rights Division - DWR

File No. 1783-2

Conversation or File Documentation
Patrick Ginsbach, attorney

NAME OF PERSON ~~OR FILE~~

ADDRESS: Hot Springs, SD

COUNTY

DATE: June 12, 1985

TELEPHONE 745-5161

RE: ownership change within the Association

COMMENTS:

Mr. Ginsbach indicated that Jenny & Audrey Shaffer of the

Trimmer Water Users Association sold their property in the

Association to Allen and Laura Hannah - he wanted to know if

a transfer had been filed or needed to be filed. I indicated

to Mr. Ginsbach that as long as the Association name remained

the same, no transfer was necessary, it had no bearing on

the water permit as to who the individual owners were.

However, he could submit an updated list of members to our

office for placing in the permit in order to make any changes

a matter of record.

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:

Jenny McMath

4/82

Water Rights Division - DWR
Conversation or File Documentation

File No. 0552-2

328-2
1783-2

NAME OF PERSON OR FILE: Trimmer Water Users Association - % Hugh Wynne

ADDRESS: 602 River St., Hot Springs, SD 57707 COUNTY Fall River

DATE: August 29, 1985 TELEPHONE -

RE: Incorporating 0552-2 & 328-2 with 1783-2

COMMENTS:

Water Right Filing 0552-2 has a date of
appropriation of June 1, 1880. It was filed by G.M.
Trimmer, E.J. Houghton and C. Ferguson.

Water Permit 328-2 was filed on April 19, 1929 by
Mueller, Washburn, Gregory and Corbin. This was for
lawn and garden watering in the town of Hot Springs.
The project was called the Trimmer Ditch. The application
was based on ~~assumed~~ the continued use of water
under 0552-2.

Vested Right 1783-2 was filed on May 22, 1981 by
the Trimmer Water Users Association. The filing was for the
Trimmer Ditch and was based on the continued use of
water under 0552-2. VR 1783-2 includes all of the
area described in application 328-2.

Water Permit 328-2 can be incorporated with VR 1783-2.
Water Right Filing 0552-2 can be incorporated with VR 1783-2
and the unused portions cancelled.

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.

4/87

NAME: Delwin A. Brong, P.E.
Hydrologist

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131
Water Rights Division
605 773-3352

November 8, 1985

0633-2
1783-2

Hugh Wynia, Chairman
Trimmer Water Users Association
602 River St
Hot Springs SD 57747

Dear Mr. Wynia:

This will acknowledge receipt of your letter dated November 5, 1985 in which you inquired about cancellation of Water Right Filing No. 0633-2. You further inquired as to the relationship between cancellation of the filing and any intent to cancel Vested Right No. 1783-2 held by the Association.

Although the location described in Water Right Filing No. 0633-2 is difficult to determine, an inspection conducted by Del Brosz, of this office, found this particular filing is no longer in use. The water use system under Water Right No. 1783-2 is being used. Cancellation of Water Right Filing No. 0633-2 has no bearing on, and will not interfere with the rights established under Vested Right No. 1783-2.

Water Right Filing No. 0633-2 is still scheduled for cancellation at the December meeting as outlined to you in the "Notice of Cancellation" dated October 22, 1985.

In your letter you also inquired as to the status of Water Right Filing No. 0552-2 and a letter dated January 26, 1982 concerning cancellation of the filing. The filing had been advertised for cancellation but was later withdrawn. At present, this filing is to be incorporated into Vested Right No. 1783-2. This is done by re-issuing the Vested Right to include all pertinent information from the filing (priority date, lands, etc.). No loss of rights will be incurred. You will receive a copy of the license as soon as it is re-issued.

I hope the above information has clarified some things for you and answered your questions. If you have any further questions, please advise.

Sincerely,

GENNY MCMAITH
Natural Resources Analyst

GMS

Equal Opportunity Employer

State of South Dakota

REISSUED VESTED Water License No. 1783-2

(1) Trimmer Water Users Association

of 602 River Street, Hot Springs, South Dakota 57447 was issued Vested Water Right right

made Application No. License No. 1783-2, August 4, 1981 for a ~~water permit~~ to appropriate

0.46 cubic feet per second of water from Fall River

Fall River County, South Dakota for irrigation purposes.

Vested Water Right License

Permit No. 1783-2, with a priority date of 1880

was approved recognizing and issued to applicant(s) for diversion of water ~~with~~ 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~~

Water Right Filing No. 0552-2 was the basis for the vested right claim filed by the Trimmer Water Users Association under Vested Right No. 1783-2. Vested Water Right No. 328-2 filed April 19, 1949 by John Mueller, A. W. Washburn, May Gregory and Mae Corbin for a project called Trimmer Ditch was based on continuous use of water under Water Right Filing No. 0552-2. The lands recognized under Vested Water Right No. 328-2 are included in Vested Water Right No. 1783-2.

Vested Water Right License No. 1783-2 is being reissued to incorporate the applicable portions of Water Right Filing No. 0552-2 and Vested Water Right No. 328-2. An 1880 priority date is retained.

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 0.46 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is T4N18E Section 24, T7S, R5E (University

Avenue under the viaduct)

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 32.8 acres in the NW Section 24, T7S, R5E

(4) Pursuant to §46-5-30.1 Trimmer Water Users Association

of 602 River Street, Hot Springs, South Dakota 57747

the holder(s) and/or owner(s) of Vested Right Water Permit No. 1783-2 is issued a license to appropriate water, the right to use 0.46 cubic feet per second of water from Fall River with a priority date of 1880 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 Right Water Permit No. 1783-2 and subject to South Dakota State Law.

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

JOHN HATCH

DEC 4 1986

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

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

WATER RIGHTS DIVISION
(605) 773-3352

1783

DEC 4 1986

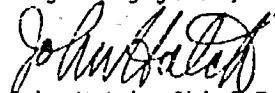
Hugh Wynia, Chairman
Trimmer Water Users Association
602 River Street
Hot Springs, South Dakota 57747

Dear Mr. Wynia:

Enclosed is Vested Water Right License No. 1783-2. The license was reissued to incorporate the applicable portions of Water Right Filing No. 6552-2 and Vested Water Right No. 328-2.

If you have any questions regarding the enclosed license, please contact us.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division

JH:ms
Enc.

Equal Opportunity Employer



Department of Water & Natural Resources

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

April 18, 1990

1783-2

Pat Ginsbach
441 N River Street
Hot Springs, SD 57747

Dear Mr. Ginsbach:

Enclosed, as you requested, is a copy of the map for Vested Water Right Claim No. 1783-2, Trimmer Water Users Association. We have the following as an address for the Association:

Trimmer Water Users Association
Hugh Wynia, Chairman
602 River Street
Hot Springs, SD 57747 (telephone: 745-6225)

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1783-2 FOR IRRIGATION

Date of Receipt of Claim May 22, 1981.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1783-2 for irrigation purposes for Trimmer Water Users Association, 602 River Street, Hot Springs SD 57747 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1783-2 appropriates 0.46 cubic feet of water per second from Fall River located in the NW 1/4 NW 1/4 Section 24 to irrigate 32.8 acres located in the NW 1/4 Section 24; all in T7S-R5E.
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: March 1 - October 1.
3. The priority date of the Vested Water Right is January 1, 1380.
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.

QUALIFICATION

The applicable portions of Water Right Filing No. 0552-2 and Vested Water Right No. 328-2 have been incorporated into Vested Water Right No. 1783-2 and the abandoned portions cancelled.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

JUL 2 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



1783-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUL 2 1992

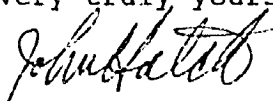
Trimmer Water Users Association
602 River Street
Hot Springs SD 57747

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 1783-2. 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



1783-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 1994

Clint Gregory
327 Dakota Street
Hot Springs, SD 57747

Dear Mr. Gregory:

Enclosed, as you discussed with Del Brosz, is a copy of Vested Water Right No. 1783-2. The vested right is currently listed in the name of Trimmer Water Users Association.

The only map I could find on file, was the original blue print that was submitted with the application. I attempted to make a copy of the map for you, but unfortunately, the copy was not legible.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosure