

65
292
397

VESTED RIGHT

1. Considered: 10-7-81 Water Right No. 1787-2
2. Name of Applicant MYRON P. LEHR & DELORIS LEHR
3. Post Office Address ROSCOE 57471
4. Amount of Water Claimed 1.91 maximum acre feet
5. Source of Water Supply COTTONWOOD CREEK
6. Water to be used for IRR acres to be irrigated 134
7. County CUSTER about 8E 211 miles of BUFFALO GAD
8. PROOF OF PUBLICATION: Received _____ Not Received _____
- APPLICATION: Approved 10-7-81 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY 1922 ? Dated Received 9-4-81 Application complete yes no _____ FEE 13.00

Remarks 10-7-81 10-7-81

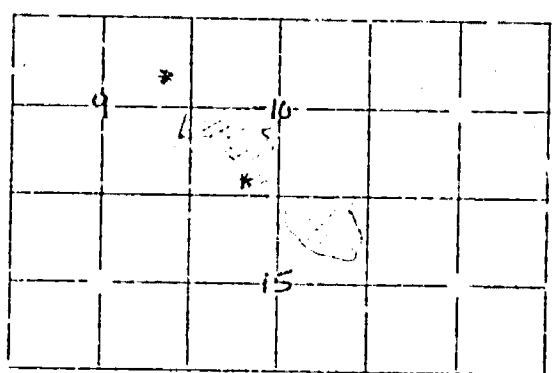
Corrected Application received _____ Period of Annual Use 3/1-10/31

WATER
QUALITY N/A

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application - yes _____ no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point S SE⁴ NE⁴ 9 E
SE⁴ SW⁴ 10 - 6 S - 2E

Land to be irrigated _____

NE⁴ SE⁴; SECTION 9; SW⁴ SEC 10
& NE⁴ SEC 15 - T6S - R8E

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

10-7-81
3-17-1982

MAP Map No. 1541-2 Map located in Water Right X Map file _____
 Type of Map Brown Prepared by Merranagh

+++++

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:

Sept 4, 1981

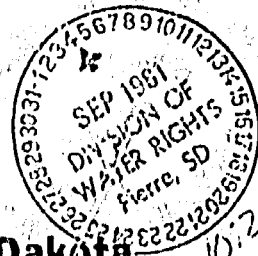
Representative
 (Signed)

+++++

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

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

Map No. 1540-2 Water Division No. 2 UPPER CHEYENNE District
 No. 1787-2
 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 Myron P. Lehr and Deloris Lehr Phone No. 287-4514
 Post Office Address Roscoe State South Dakota 57471
 (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 Lehr Ranch Diversion4. Amount of water claimed (cubic feet per second) 1.315. Source of water supply Cottonwood Creek6. Location of point of diversion pt "A" 1600'S and 850'W of the NE corner, Section 9pt "B" 370'W and 650'W of the SW corner of Section 10 all in T6S, R6ECounty Custer7. Annual period or periods during which water is to be used March thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 134

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.
NE 1/4 SW 1/4 9, T6S, R6E	2
NW 1/4 SW 1/4 10, T6S, R6E	20
NE 1/4 SW 1/4 12, T6S, R6E	34
SW 1/4 SW 1/4 10, T6S, R6E	2

Land Description	No. Acres irr.
SE 1/4 SW 1/4 10, T6S, R6E	15
NW 1/4 NE 1/4 10, T6S, R6E	29
NE 1/4 NE 1/4 15, T6S, R6E	16
SW 1/4 NE 1/4 15, T6S, R6E	2

Attach sheet if more space is needed

SW 1/4 NE 1/4 15, T6S, R6E 6

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 Custer County Chronicle

12. Principal Features of the Proposed Water Supply System.

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

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--already completed more than 30 years ago

Estimated Total Cost \$ completed, no additional 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.)

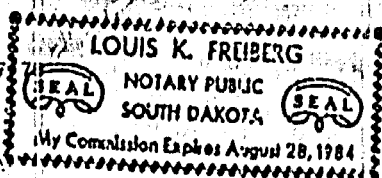
STATE OF SOUTH DAKOTA)
) ss.
 County of Pennington)

We, Myron P. Lehr and Deloris Lehr, 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 Myron P. LehrSubscribed and sworn to before me this 24th day of September, 1981

Notary Public (or other qualified officer)

WNH 802-7



Pt of Div.

18" CMP

Dikes with 12x1500 CMP

Dam

Myron Lehr
Permit # 65-2

overlay of 8" Aerial Map
1" = 660'
10" = 10 Ac.

Note N $\frac{1}{2}$ NE $\frac{1}{4}$ -8
licensed under Permit
No 537-2

Lehr

65-2

Dam

Div. Pt.
18" CMP

Lehr

#65-2

9 10

Div. Pt.

18" CMP
TAM Road

Myron Lehr
- Permit # 65-2

File Copy

T65RBE

Map # 1541-2 (appl 1787-2)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1787-2

MYRON P. LEHR

(Applicant)

ROSCOE

(Post Office Address)

SOUTH DAKOTA 57471

(State)

With the following qualifications

"VESTED RIGHT" CLAIMED

Date of first receipt of application SEPTEMBER 4, 1981

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

Date of receipt of corrected application _____, 19____

Approved OCTOBER 7, 1981, Recorded in Book 22, Page 287

WATER RIGHT PERMIT NO. 1787-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1787-2 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 MARCH 17, 1982

2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ 18

3. The whole of said work is ~~to be~~ completed ~~on or before~~ 18

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 18

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 1.91 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 1ST TO OCTOBER 31ST

Witness my hand this 14th day of OCTOBER, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued OCTOBER 14, 1981

Water License Issued OCTOBER 14, 1981

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) Myron P. Lehr and Deloris Lehr

Post Office Address Roscoe, State South Dakota 57471

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 1902 with all present use by 1921

15. Date that water was first applied to beneficial use 1902

16. Name of owner of original water supply system previous owners of record and by Frank R. G. prior to applicants

17. Amount of water originally applied to beneficial use 1.91 c. f. s.

18. Present Use of Water irrigation of land

Amount of water now being used 1.91 c. f. s.

Date that this amount of water was first used 1902 to 1921 and after 1921 full amount

19. Chronological History of Water Use

Water used starting in 1902 and added to in 1914 and 1921 with all of above water being used in above land from 1921 and after to date

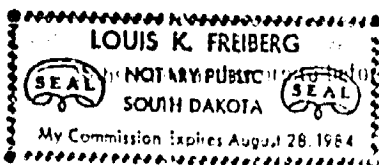
Attach to this Form 28, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

) ss.

County Pennington)

We x Myron P. Lehr and Deloris Lehr, the applicant, certify that I have read the foregoing and that the matters therein stated are true.



Signed x Myron Lehr

Signed x Deloris Lehr

Subscribed and sworn to before me this 2nd day of September, 1951

Louis K. Freiberg
(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.

Myron Lehr
Deloris Lehr

Permit No. 1787-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Myron P. and Deloris Lehr

vested right Permit No. 1787-2, issued upon Vested Right Application No. 1787-2, bearing date of priority of _____ the holder _____ of _____
authorizing the diversion of 1.91 cu. ft. per second of the waters of Cottonwood Creek County of Custer, State of South Dakota at Point "A" - 1600' S and 850' W of the NE Corner, Section 9 and Point "B" - 370' N and 650' W of the SE corner of Section 10 all in T6S - R6E for irrigation

purposes, has ve 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 found in satisfactory condition for diverting and conveying to the place of intended use 1.91 cu. ft. per second of water.

Date October 14, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

(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 Myron P and Deloris Lehr

of Roscoe, South Dakota

the holder S and owner S of said ^{Vested Right} permit No. 1787-2 water right, dating from March 17, 1902

to use of 1.91 cubic feet per second of the waters of Cottonwood Creek

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at Point "A" - 1600'S and 850'W of the NE

Corner, Section 9 and Point "B" 370'N and 650'W of the S3 corner of

Section 10 all in T6S - R8E

and conducted to and upon

portions of lands in Sections 9, 10 and 15 - T6S - R8E,

more fully described on the face of this License

for the purpose of irrigation

This Water License No. 1787-2 is based on a Vested Right claim recorded and filed by the Water Management Board.

Subject to any limitations listed in ^{vested} Water Right Permit No. 1787-2 and subject to the laws of the State of South Dakota.

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

this 14th day of October A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer - JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8450

PIERRE, September 4, 1921

RECEIVED OF Hyron P. Lehr and Deloris Lehr, Roscoe, SD 57471
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. 1787-2 (examination, processing, recording and filing)	.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	.50
Fee for inspecting Beneficial Use, and issuing Water License No.	.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	1.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN B. HATCH / C.E.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1787-2 FOR IRRIGATION

Date of Receipt of Claim September 4, 1981.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1787-2 for irrigation purposes for Myron & Deloris Lehr, RCR 1, Box 97, Roscoe SD 57471 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1787-2 appropriates 1.91 cubic feet of water per second from Cottonwood Creek located in the SE 1/4 NE 1/4 Section 9 and the SE 1/4 SW 1/4 Section 10; all in T6S-R3E to irrigate 134 acres located in the NE 1/4 SE 1/4 Section 9, SW 1/4, NW 1/4 NE 1/4 Section 10, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 15; all in T6S-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. Water is to be used during the following annual period: March 1 - October 31.
3. The priority date of the Vested Water Right is March 17, 1902.
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: _____

Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

1787-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Myron & Deloris Lehr
HCR 1, Box 97
Roscoe SD 57471

Dear Mr. & Mrs. Lehr:

The Water Management Board has validated the enclosed Vested Water Right No. 1787-2. 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