

VESTED RIGHT

water Right No. 1793-2

- 1. Considered: December 2, 19 81
- 2. Name of Applicant WALTER MAUDE
- 3. Post Office Address Star Route, Box 85, Caputa, SD 57725
- 4. Amount of water Claimed 1.60 maximum acre feet _____
- 5. Source of water Supply Indian Trail Draw
- 6. Water to be used for IRR acres to be irrigated 122.00
- 7. County Custer about 13 miles east of Hermosa
- 8. PROOF OF PUBLICATION: ^{N/A} Received _____ Not Received _____
- APPLICATION: Approved 12/2/81 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY
1898

Dated Received 9/21/81 Application complete-yes no _____ FEE 13.00

Remarks _____

Corrected Application received _____ Period of Annual Use Mar/October

WATER
QUALITY
n/a

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

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

Disapproved _____ Returned _____

		21		
		28		21

Diversion Point _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 21-2S-10E

Land to be irrigated
NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27
Section 21

SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21 all in
T2S-R10E

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

MAP Map No. 1547-2 Map located in water Right XX Map file _____
Type of Map Drawn Prepared by Mernaugh

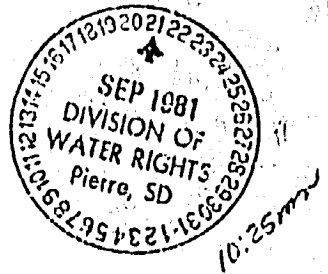
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
11/18/81

Betty Westland

(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. 1793-2

Map No. 1547-2 Water Division No. 2 Upper Cheyenne District 10120109
Above for Office Use

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 Walter Maude Phone No. 773-6502

Post Office Address STAR ROUTE BOX 85 Cabala State S. D. K. 57725
(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) Completed

3. Name of diversion work Walter Maude Irrigation Project

4. Amount of water claimed (cubic feet per second) 1.60

5. Source of water supply Indian Trail Draw

6. Location of point of diversion E 700' W. of NE cor. Sec. 28, T25N R18E
(SW SE) (DC)

County Custer

7. Annual period or periods during which water is to be used March 1st to October 31st

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 122

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.
N 1/2 NE 1/4 - 28 T25N R18E	11
NE 1/4 NE 1/4 - 28 " "	11
SE 1/4 NE 1/4 - 28 " "	13
E 1/2 NE 1/4 - 28 " "	16

Land Description	No. Acres Irr.
SW 1/4 SE 1/4 - 28 T25N R18E	17 AC.
SW 1/4 SE 1/4 - 28 " "	78 AC.
SW 1/4 SE 1/4 - 27 " "	14 AC.
SW 1/4 SE 1/4 - 21 " "	8 AC.

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 _____

12. Principal Features of the Proposed Water Supply System.

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

Diversion Dam

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

Underground Pipeline

C. Works proposed to apply water to beneficial use.

irrigation furrows

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 Pennington) ss.

I, Walter C. Maude 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 Walter C. Maude

Subscribed and sworn to before me this 16th day of September, 1981

Shelma Hoops
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1793-2

WALTER MAUDE
(Applicant)

STAR Rt, Box 85, CAPUTA
(Post Office Address)

SOUTH DAKOTA 57725
(State)

With the following qualifications.

"VESTED RIGHT" CLAIMED

Date of first receipt of application SEPTEMBER 21, 1981

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

Date of receipt of corrected application _____, 19____

Approved DECEMBER 2, 1981, Recorded in Book 22 Page 311

WATER RIGHT PERMIT NO. 1793-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1793-2 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 1898
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ 48
3. The whole of said work is ~~to be completed on or before~~ 49
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is 40
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 1.60 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, #; said water to be used during the following described annual period: MARCH THRU OCTOBER

Witness my hand this 7th day of DECEMBER, 1981

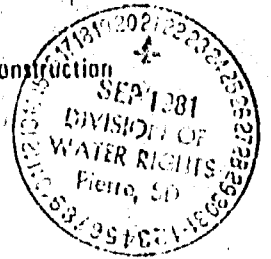
THE WATER MANAGEMENT BOARD

By John Katak
Chief Engineer, Water Rights

Certificate of Construction Issued DECEMBER 7, 1981

Water License Issued DECEMBER 7, 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) Walter C. Maude
Post Office Address Copuh, State S. Dak.
If a Corporation show date and place of incorporation _____

- 13. Notice of Appropriation (If available)
Date of Posting April 1 1898 Date of Recording Aug 29 1907
Recording Data _____
- 14. Date of start of construction of water supply system 1898
- 15. Date that water was first applied to beneficial use 1898
- 16. Name of owner of original water supply system August Peterson
- 17. Amount of water originally applied to beneficial use 30 c. f. s.
- 18. Present Use of Water
Amount of water now being used 10 c. f. s.
Date that this amount of water was first used 1898

19. Chronological History of Water Use
Water has been diverted from what is now known as Indian Trail River. The system has been in continuous use since it was constructed.

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 Pennington) ss.

I, Walter C. Maude, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Walter C. Maude

Subscribed and sworn to before me this 16th day of September, 1981.

Helen Wyse
(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.

Walter C. Maude

WATER LICENSE NO. 1793-2

(1) WHEREAS, On the 21st day of September A. D. 19 81 Walter Haude

made Water Right Application No. 1793-2 for a Vested Right permit to use 1.60 cubic feet per second of the waters of Indian Trail Ditch County of Custer, State of South Dakota, for irrigation purposes; and

Vested Right,

(2) WHEREAS, On the 2nd day of December A. D. 19 81 Permit No. 1793-2 with a date of priority of 1898 was issued to said applicant for the diversion of said water, and recognizing the completion of construction of the water supply system therein described on or before the day of and for the application to beneficial use of said water on or before the day of

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 1.60 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 T2S, R10E

Section 28	Acres
NE 1/4 NE 1/4 (AR)	11
NE 1/4 NE 1/4 (AA)	7
SW 1/4 NE 1/4 (AC)	13
SE 1/4 NE 1/4 (AD)	16
NE 1/4 SE 1/4 (DA)	17
SE 1/4 SE 1/4 (DD)	36
Section 27	
SW 1/4 SW 1/4 (CC)	14
Section 21	
SW 1/4 NE 1/4 (DC)	8
TOTAL	122

(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 Walter Haude

of Caputa, South Dakota

the holder and owner Vested Right 1793-2 a water right, dating from 1900

to use of 1.60 cubic feet per second of the waters

of Indian Trail Draw

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 a point 1700 feet west of the NE corner, Section

28, T2S, R10E

and conducted to and upon portions of lands in Sections 28, 27 and 21, T2S, R10E more
fully described on the face of this License

for the purpose of irrigation

This Water License No. 1793-2 is based on a vested right recorded and filed
by the Water Management Board.
Subject to any limitations listed in Water Right Permit No. 1793-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of December A. D.
Nineteen Hundred and Twenty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1793-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter Maude

Vested
Right

the holder of
Permit No. 1793-2, issued upon Application No. 1753-2, bearing date of priority of 1898

authorizing the diversion of 1.60 cu. ft. per second of the waters of
Indian Trail Draw County of Custer State of South Dakota at
a point 1700 feet west of the NE corner, Section 20, T2S, R10E (DC)

for irrigation

purpose, has ^B complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are ^{recognized as} ~~found~~ in satisfactory
condition for diverting and conveying to the place of intended use 1.60 cu. ft. per second of water.

Date December 7, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 8469

PIERRE, September 21, 19 31

RECEIVED OF Walter Maude, Caputa, SD 57725

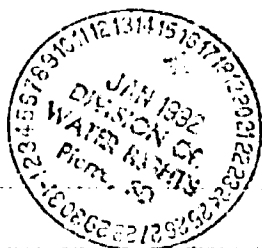
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>1793-2</u> (examination, processing, recording and filing) -----	8.00
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1793-2</u> -----	2.50
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1793-2</u> -----	2.50
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	13.00

WATER RIGHTS COMMISSION

By (W. Maude) (Caputa)
Chief Engineer, Executive Officer
JOHN WATCH / (W)

1793-2



Peoria, Ill.
Jan 14 - 92

Dept of Water & Natural Resources

As you desire this land to
Marion B. Maude, I'll like to
transfer the Water license 1793-2
to him.

Marion B. Maude

HCR 89 Box 289

Hermosa, So. Dak. 57744.

Send me the Bill for transfer.

Thanks You

Walter C. Maude

HCR 36 Box 85

Peoria, Ill. 57225



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

January 16, 1992

1793-2

Walter C Maude
RCR 36 Box 85
Caputa, SD 57725

Dear Mr. Maude:

In response to your letter of January 14, 1992, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right Claim No. 1793-2.

The transfer form should be checked over for accuracy and signed by the new owner (Marion D Maude) in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

I am returning your copy of the Vested Water Right License. This is yours to keep. If you have any questions, please contact me.

Sincerely,

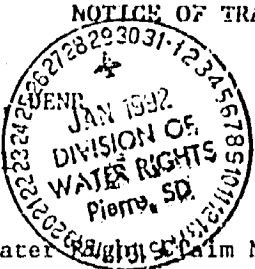
Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division
523 E. Capitol
Pierre, SD 57501-318

No. 1793-2



Date: _____

I/We request that Vested Water Right Claim No. 1793-2

formerly owned by: Walter Maude

be transferred to: (name & address) Marion D Maude, HCR 89 Box 281, Hermosa, SD 57744

(Telephone No.) _____

Title to the following described land(s)/property has been transferred as described above:

NE 1/4, E 1/2 SE 1/4 Section 28, SW 1/4 SW 1/4 Section 27 and SW 1/4 SE 1/4 Section 21,

T25, R10E

I/We understand that the validity of Vested Water Right Claim No. 1793-2 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 Pennington)

I/We Marion D Maude 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.

Marion D. Maude
(Signed)

Subscribed and sworn to before me this 27th day of January, 1992.

Roberta Imkeri, Notary Public
Pennington County, South Dakota
My Commission Expires December 8, 1997

Roberta Imkeri
(Notary Public)

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 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

41307

Pierre, _____ January 29, 19 92

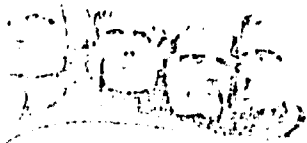
RECEIVED OF Harlon D. Maude, HCR 89, Box 259, Hermosa, SD 57744

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1793-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

January 29, 1992

No. 1793-2

Marion D. Maude
HCR 89, Box 289
Hermosa, SD 57744

Dear Ms. Maude:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1793-2.

Our records now show you as the owner of Vested Water Right No. 1793-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1793-2 FOR IRRIGATION

Date of Receipt of Claim September 21, 1981.

Date of Validation May 26, 1992.

The Water Management Board validated Vested Water Right Claim No. 1793-2 for irrigation purposes for Marion D Maude, HCR 89, Box 289, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1793-2 appropriates 1.6 cubic feet of water per second from a dry draw located in the SW 1/4 SE 1/4 Section 21 to irrigate 122 acres located in the SW 1/4 SE 1/4 Section 21, SW 1/4 SW 1/4 Section 27, NE 1/4, E 1/2 SE 1/4 Section 28; all in T2S-R10E.
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 April 1, 1893.
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

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

Marion D Maude
HCR 89, Box 289
Hermosa SD 57744

Dear Mr. Maude:

The Water Management Board has validated the enclosed Vested Water Right No. 1793-2. 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.

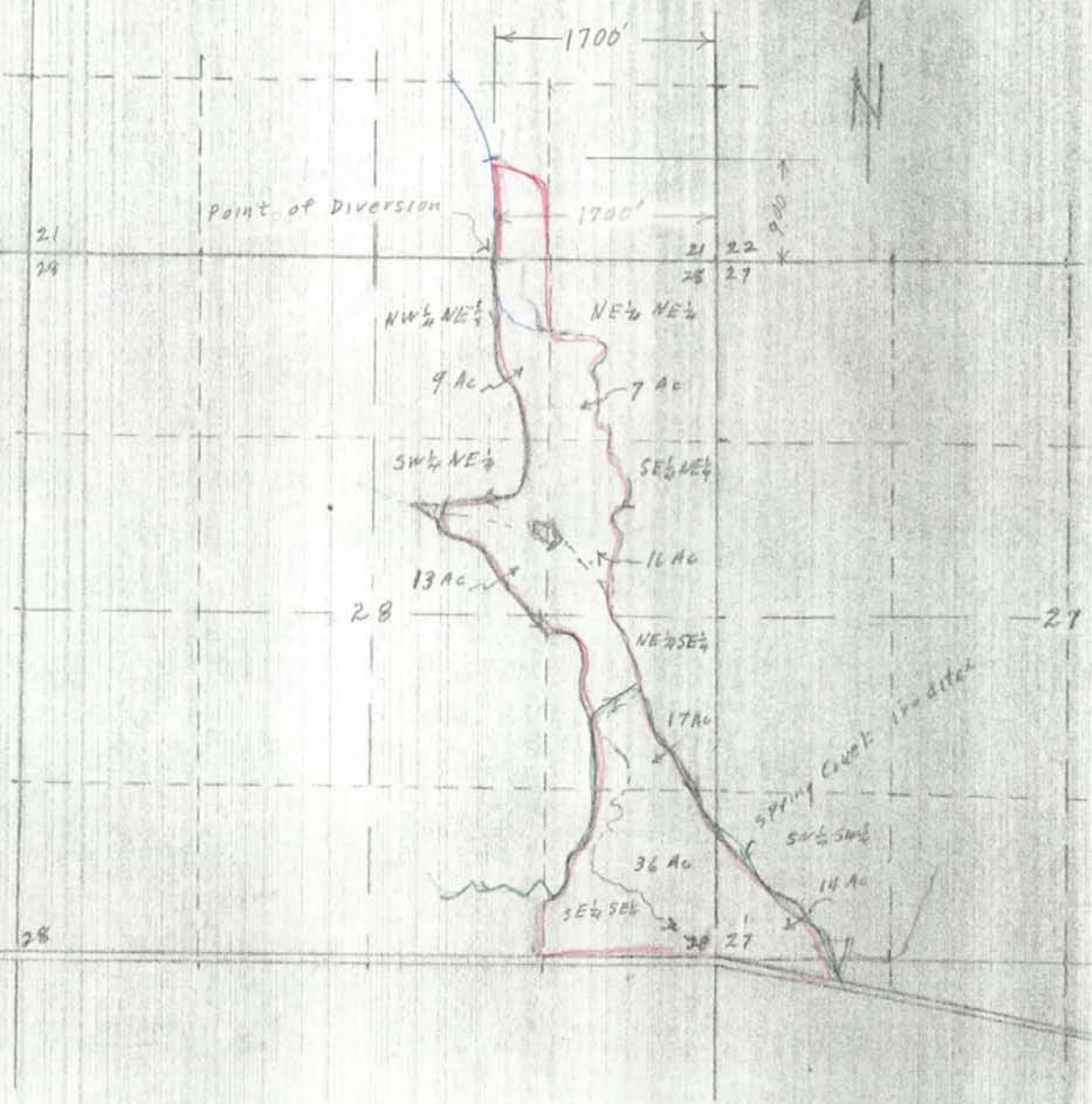
Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

enclosure

T 25 R 10 E

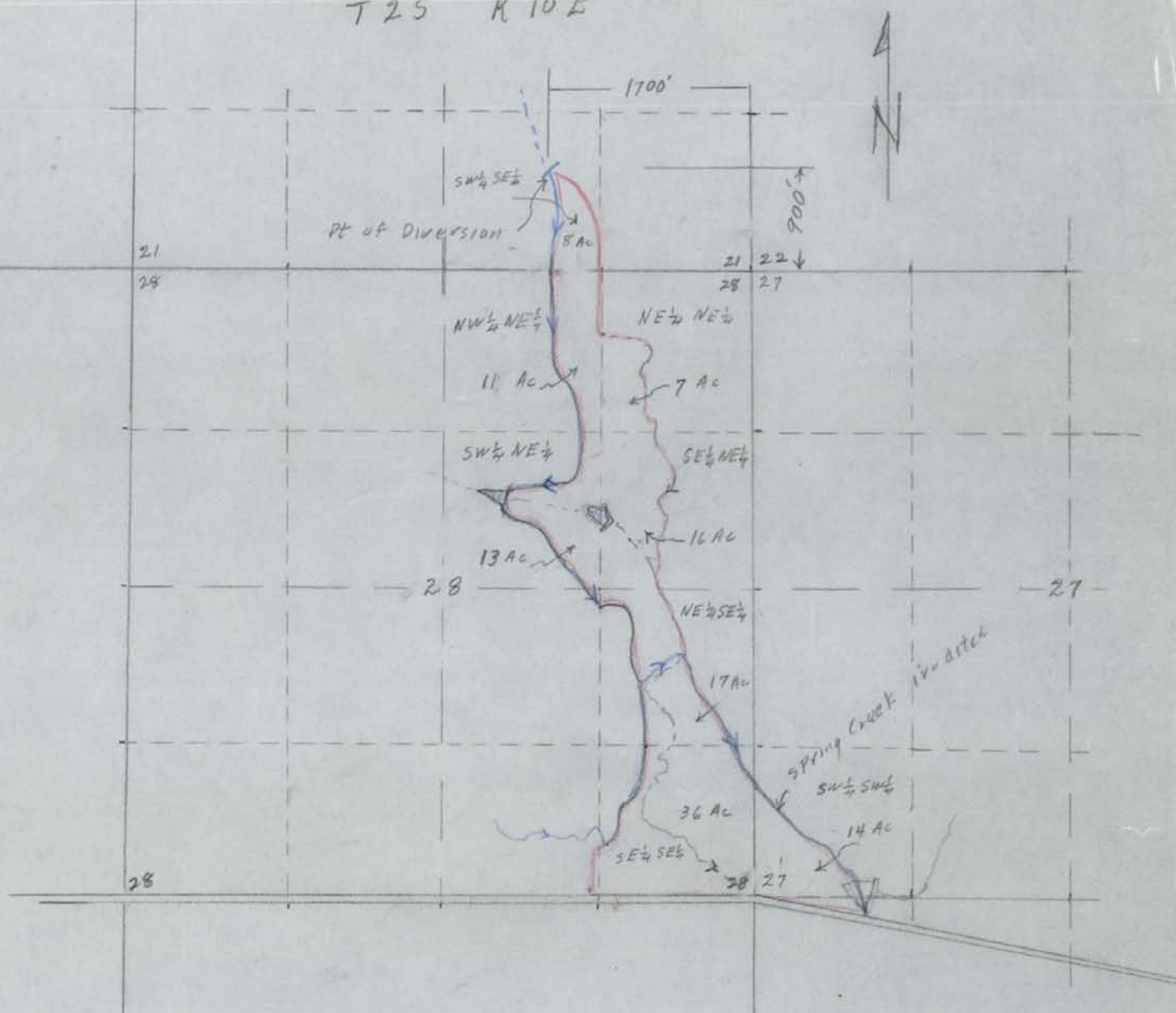


Scale 4" = 1 mi.

Walter Maude
Custer Co.

10 342-2

T 25 R 10 E



Scale 4" = 1 mi.

Walter Maude.

Custer Co.

MAP # ~~1544~~ 2 APPL 1793-2