

V/R
Water Right No. 1825-2

1. Considered: 10-7, 1982
2. Name of Applicant EARL F. WITTE
3. Post Office Address RR 2-Box 51 - HERMOSA 57744
4. Amount of Water Claimed 1.80 maximum acre feet
5. Source of Water Supply SURFACE RUNOFF
6. Water to be used for IRR acres to be irrigated 134.80
7. County CUSTER about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received _____ Not Received _____
- APPLICATION: Approved 10-7-82 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 8-27-82 Application complete-yes ☒ no _____ FEE 13.00

1942 (060) Remarks 54B-2 (BF Ireland) orig. applied for never completed - This appl is

1954 (1.20) the new owner - will withdraw 54B-2

Corrected Application received _____ Period of Annual Use 3/1 - 11/30

WATER QUALITY N/A

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

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

Disapproved _____ Returned _____

Diversion Points #1 in SW⁴ NE⁴;
#2 IN SW⁴ SE⁴ AND #3 IN
SW⁴ SW⁴ ALL IN SEC. 33-T2S-R11E

Land to be irrigated
NE⁴ NW⁴ & NE⁴ Sec 4-T2S-R11E

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

MAP Map No. _____ Map located in Water Right _____ Map file _____
 Type of Map V/R Prepared by _____

+++++

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:

8/27/82

Dorey Wislund
 (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/of parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1825-2 1825-2

Map No. V/R Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10120110



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

Check one of the following:

New _____ Vested Right X Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Earl F. Witte Phone No. 255-4201
 Post Office Address RR 2, Box 51 Hermosa State SD 57744
 (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) existing

3. Name of diversion work Witte Water Spreading Project

4. Amount of water claimed (cubic feet per second) 1.8

5. Source of water supply surface run-off from local watersheds

6. Location of point of diversion Div #1 160 rods south 41° 45' West of NE corner (SW NE) Sec 33,
T2S, R11E, Div #2 105 rods north 88° east of SW corner (SW SE) Section 33, T2S, R11E,
Div #3 112 rods north 77° west of SE corner (SW SW) Cluster

Sec 33, T2S, R11E
7. Annual period or periods during which water is to be used _____ March thru November

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 134.8

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 NW 1/4 Sec 4, T1S, R11E	30
NW 1/4 NE 1/4	33
NE 1/4 NE 1/4	15.6
SW 1/4 NE 1/4	37.6

Land Description	No. Acres Irr.
SE 1/4 NE 1/4	18.6

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water N/A

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
3 storage dams with gated outlets

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

C. Works proposed to apply water to beneficial use.
water spreading system

This Vested Right originally
filed under 548-2. Never
completed

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 _____) ss

I, Earl F. W. Jr. 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 [Signature]
 this 20th day of August 1982
[Signature]
 Notary Public (or other qualified officer)

By Commission Expires
Jan. 23, 1990

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1843-2

EARL F WITTE
(Applicant)

RR 2, Box 51, Hermosa
(Post Office Address)

South Dakota 57744
(State)

With the following qualifications

"VESTED RIGHT CLAIMED"

Date of first receipt of application AUGUST 27, 1982

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

Date of receipt of corrected application _____, 19____

Approved OCTOBER 7, 1982, ~~Recorded in Book~~ _____ Page _____

WATER RIGHT PERMIT NO. 1823-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1823-2 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 0.60 CFS FROM 1942 & 1.20 CFS, ~~19~~ FROM 1954
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 1.80 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 1 to NOVEMBER 30

Witness my hand this 13th day of OCTOBER, 1982

THE WATER MANAGEMENT BOARD

By: John H. Hahn

Chief Engineer, Water Rights

Certificate of Construction Issued OCTOBER 13, 1982

Water License Issued OCTOBER 13, 1982

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1825-2

(1) WHEREAS, On the 27th day of August A. D. 19 82

Earl F. Witte

made Water Right Application No. 1825-2 for a Vested Right permit to use 1.80 cubic feet per second of the waters of surface runoff

County of Custer, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 7th day of October A. D. 19 82

Vested Right Permit No. 1825-2, with a date of priority of 1942 & 1954

was issued to said applicant for the diversion of said water, and recognizing for the completion of construction of the water supply system therein described on or before the day of A. D. 19 and for the application to beneficial use of said water on or before the day of A. D. 19

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 1.80 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 land all in Section 4-3 T2S-R11E

NE 1/4 NW 1/4	30 Acres
NW 1/4 NE 1/4	33
NE 1/4 NE 1/4	15.60
SW 1/4 NE 1/4	37.60
SE 1/4 NE 1/4	18.60
TOTAL	134.80

(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 Earl F. Witte

_____ of Hermosa, South Dakota

the holder _____ and owner _____ of said Vested Right a water right, dating from 1942 & 1954
1825-2

_____ to use of 1.80 cubic feet per second of the waters
of surface runoff

in the County of _____ and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Diversion #1, 160 Rds. South, 41°45' West of NE Corner
(AC); Diversion #2, 105 Rds. North 88° East of SW Corner (DC); Diversion #3, 112 Rods North
77° West of SE Corner (CC) all in Section 33, T2S, R11E

and conducted to and upon portions of lands in Section 3, T3S, R11E

for the purpose of Irrigation

**This Water License No. 1825-2 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. 1825-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this _____ day of October A. D.
Nineteen Hundred and _____

WATER MANAGEMENT BOARD

By: John H. Bates
Chief Engineer, Executive Officer

No. _____

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

Earl F Witte

Name of Applicant (Same as Form 2) _____

Post Office Address RR #2, Box 51 Hermosa, State SD 57744

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 1942 & 1954

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

16. Name of owner of original water supply system Theodore R Ireland

17. Amount of water originally applied to beneficial use 1.8 c. f. s.

18. Present Use of Water

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

Date that this amount of water was first used _____

19. Chronological History of Water Use

Diversion point #2 was constructed in the summer of 1942, diversion points #1 and #3 were constructed in the summer of 1954. The system has been used as a water spreading irrigation system whenever water has been available.

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)

) ss.

County of _____)

I, Earl F Witte, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Earl F Witte

Subscribed and sworn to before me this 20th day of August 1982

Shirley M. Celine, O.S.B.
(Notary Public - or other qualified Officer)

My Commission Expires Jan 23, 1990

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.

Permit No. 1825-2

Water Diversion No. 1 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Earl F. Witte

Vested Right Permit No. 1825-2, issued upon Application No. 1825-2, bearing date of priority of 1942 and 1954 the holder _____ of _____ authorizing the diversion of 1.80 cu. ft. per second of the waters of _____
Surface runoff County of Custer, State of South Dakota at _____
Diversion #1, 160 Rds. South, 41°45' West of NE Corner (AC); Diversion #2, 105 Rds. North 88° East of SW Corner (DC); Diversion #3, 112 Rds. North 77° West of SE Corner (CC)
all in Section 33, T2S, R11E for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are ~~found~~ **recognized** in satisfactory condition for diverting and conveying to the place of intended use 1.80 cu. ft. per second of water.

Date October 13, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8950

PIERRE, August 27, 1982, 19

RECEIVED OF Earl F. Witte, Route #2, Box 51, Hermosa, SD 57744

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.	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 John Hatch

Chief Engineer, Executive Officer

JOHN HATCH/ms

Water Rights Division
605 773-3352

August 18, 1982

Earl Witte
RR #2, Box 51
Hermosa SD 57744

Dear Mr. Witte:

Enclosed are the application forms for your water spreading system. These need to be signed and notarized and sent back to this office along with the filing fee of \$13.00. If this is accomplished before the middle of September, your application will be handled at the next Water Management Board meeting in October.

If you have any questions on this matter, please contact this office.

Sincerely,

TIMOTHY G. SCHALL
Water Resources Engineer

TGS:ks

enclosures

**Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

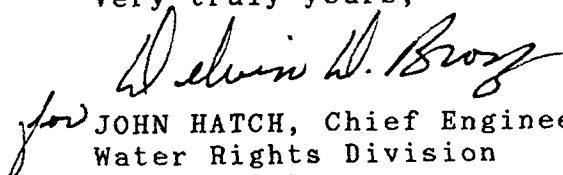
Earl F. Witte
RR 2, Box 51
Hermosa SD 57744

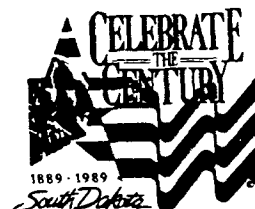
Dear Mr. Witte:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1825-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



NAME OF PERSON OR FILE: Earl F. Witte

ADDRESS: _____ COUNTY Custer

DATE: April 17, 1990 TELEPHONE _____

RE: Validation of Vested Right Claim No. 1825-2

COMMENTS:

On May 19, 19~~89~~⁸⁹, I made an investigation of Vested Right Claim No. 1825-2. Tim Sanders from Sanders Ranch accompanied me on the inspection. Sanders Ranch is now the owner of this property. Both Vested Right Claim No. 548-2 and 1825-2 incorrectly described the irrigated land as being in the NE¹/₄ NW¹/₄ and the NE¹/₄ of Section 4-T3S-R11E. The correct description should be the NW¹/₄ NW¹/₄, NE¹/₄ NW¹/₄, SE¹/₄ NW¹/₄, NW¹/₄ NE¹/₄ and the SW¹/₄ NE¹/₄ of Section 4-T3S-R11E. A new Vested Right Claim application form needs to be sent to Sanders Ranch.

The following lands are being irrigated by Vested Right Claim No. 1825-2

Section 4-T3S-R11E NE¹/₄ NW¹/₄ - 35 Acres

NW¹/₄ NW¹/₄ - 21

SE¹/₄ NW¹/₄ - 38

NW¹/₄ NE¹/₄ - 15

SW¹/₄ NE¹/₄ - 15

Total = 124 Acres

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: Tim Sanders



Department of Water & Natural Resources

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

November 6, 1990

Sanders Ranch
c/o Jim Sanders
HCR 89, Box 282
Hermosa, SD 57744

Dear Mr. Sanders:

Enclosed is an Application to Appropriate water for the water spreading project located in Section 4-T3S-R11E previously filed under Vested Right Claim No. 548-2 by Mr. Ireland and Vested Right Claim No. 1825-2 by Mr. Witte. Both of these filings incorrectly described the irrigated land as being in the NE 1/4 NW 1/4 and the NE 1/4 of Section 4-T3S-R11E.

The correct description should be the NW 1/4 NW 1/4, NE 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, and SW 1/4 NE 1/4 of Section 4-T3S-R11E. This application should be signed and returned to us with a \$15.00 filing fee. An additional map of this project will not be necessary.

Since this error should have been discovered and corrected by us when the original applications were filed, the advertising costs for this new application will be paid by us.

Also enclosed are copies of Form 2, Application to Appropriate Water; Form 2A, Supplemental Information; Form 2B, Affidavit of Water Use; and Instructions for filing a Vested Right Claim for the water spreading project located in Section 3-T3S-R11E. These forms should be completed and returned to us along with a map of the project as described in the Instructions and a \$15.00 filling fee.

If you have any questions on this matter, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Timothy G. Schaal". The signature is written in a cursive style with a large, stylized 'T' and 'S'.

Timothy G. Schaal, P.E.
Water Resources Engineer
(605) 773-3352

enclosures

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Sanders Ranch

ADDRESS: HCR 89, Box 282, Hermosa COUNTY: Custer

DATE: 6-23-93 TELEPHONE:

RE: Validation of Vested Right Claim No. 1825-2

COMMENTS:

Tim Schaal inspected this vested right claim on May 19, 1989. Sanders Ranch is now the owner of this property so the claim needs to be transferred. Transfer forms sent June 23, 1993.

The inspection indicated irrigation was taking place in the NW 1/4 NW 1/4, E 1/2 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E. The application and water license incorrectly listed the lands to be irrigated. The original map submitted with vested right claim correctly outlined the lands to irrigated which correspond with what Mr. Schaal found on his inspection. The Notice of Intent to Validate Vested Right Claims published in the Custer paper in June, 1988 was advertised with the incorrect legal description. After the inspection, Mr. Sanders was sent application forms to correct the claim. The forms were never returned.

Ron Duvall stated he felt that the claim should be readvertised to correct the legal description of the location of the irrigated acreage, since the original map was correct. The acreage will be reduce from the original 134.80 acres to what is now being irrigated which is 124 acres. The diversion rate will be decreased accordingly to 1.77 cfs.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 1993

No. 1825-2

Sanders Ranch
c/o Jim Sanders
HCR 89, Box 282
Hermosa SD 57744

Dear Mr. Sanders:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right Claim No. 1825-2. The vested right claim is currently listed in the name of Earl F. Witte. An inspection by Tim Schaal, engineer with this office, in May, 1989 indicated that the claim should be transferred to Sanders Ranch. After the claim is transferred, it will be necessary to readvertise the claim to correct errors found in the location of the land irrigated. You will be notified at a later date when the claim will be readvertised.

The transfer form should be checked over for accuracy and signed by the new owner 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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 1993

SECOND NOTICE
Permit No. 1825-2

Sanders Ranch
%Jim Sanders
HCR 89, Box 282
Hermosa, SD 57744

Dear Mr. Sanders:

On June 24, 1993, notice was sent to you concerning the transfer of Water Right No. 1825-2 in the name of Earl F. Witte. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Water Right can then be transferred to your name. If you are not the present owner of the land covered under this Water Right, please notify this office. It is very important that ownership records be kept current. 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.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1825-2

4a. Article Number

P 318 052 608

Sanders Ranch
%Jim Sanders
HCR 89, Box 282
Hermosa, SD 57744

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

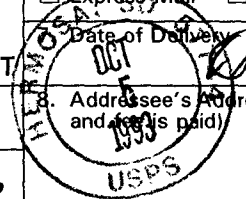
Date of Delivery

5. Signature (Addressee)

6. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Paul and Maria HC89



PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

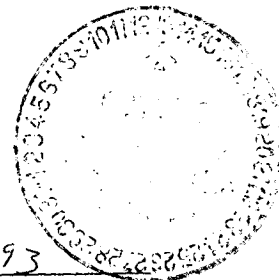
Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1825-2

Date: October 8, 1993



I/We request that Vested Water Right No. 1825-2

formerly owned by: Earl F. Witte

be transferred to: (name & address) Sanders Ranch, c/o Jim Sanders, HCR 89, Box 282, Hermosa SD 57744

(Telephone No) (605) 255-4347

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

N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E

I/We understand that the validity of Vested Water Right No. 1825-2 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 Berrington)

I/We Jim Sanders (SANDERS Ranch) 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.

James F. Sanders
(Signed)

Subscribed and sworn to before me this 8 day of October, 19 93.

DEBORAH J. MAGUIRE
MY COMMISSION EXPIRES
MAY 7, 1994

Deborah J. Maguire
(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

413914

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 14, 19 93

RECEIVED OF James Sanders, HCR 89 Box 282, 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 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>Vested Water Right No. 1825-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 1993

No. 1825-2

Sanders Ranch
%Jim Sanders
HCR 89, Box 282
Hermosa, SD 57744

Dear Mr. Sanders:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1825-2.

Our records now show you as the owner of Water Right No. 1825-2.

Sincerely,

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

enclosure



October 26, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sanders Ranch
c/o Jim Sanders
HCR 89, Box 282
Hermosa SD 57744

Dear Mr. Sanders:

The original Notice of Intent to Validate your Vested Water Right Claim No. 1825-2 was published with an error in the locations of the irrigated lands. Therefore, the notice needs to be readvertised to correct the errors. Also, an inspection of Claim No. 1825-2 was completed on May 19, 1989, by Tim Schaal, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 134.80 acres to 124 acres. The diversion rate is to be reduced, accordingly, from 1.80 cubic feet of water per second (cfs) to 1.77 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($124 \text{ acres} / 70 = 1.77 \text{ cfs}$).

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Custer County Chronicle printed at Custer SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 1993

Custer County Chronicle
Box 551
Custer SD 57730

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claims. Please publish the first notice on November 3, 1993 with the second publication 7 days later.

Please BILL the Water Rights Division for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the validations until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

No. _____

Date _____
We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Validate Vested Water Right Claims which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Custer County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Custer County Chronicle, is necessary to correct errors in the previously published notice.

Vested Water Right No. 564-2, Paul Schnose, Box 56, Buffalo Gap SD 57722 appropriates 1.70 cubic feet of water (cfs) from dry draws located in the SW 1/4 NE 1/4 Section 30; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 31; all in T5S-R7E to irrigate 119.2 acres. The irrigated land is located in the SE 1/4 Section 30; NE 1/4, NE 1/4 SE 1/4 Section 31; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T5S-R7E. The priority date is January 1, 1937.

Vested Water Right No. 1825-2, Sanders Ranch, c/o Jim Sanders, HCR 89, Box 282, Hermosa SD 57744 appropriates 1.77 cfs from dry draws located in the SW 1/4 NE 1/4, SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 33-T2S-R11E to irrigate 124 acres. The irrigated land is located in the N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E. The priority dates are January 1, 1942 and January 1, 1954.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by November 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 9:30 am, December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The December 1, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by November 22, 1993, at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF CUSTER

)
)SS.
)

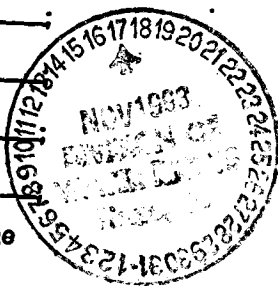
Terri Tuggle

of said county, being duly sworn, on oath says that she is publisher or _____ of the CUSTER COUNTY CHRONICLE, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of

publication: that the DENR-Water Rights Division
523 E. Capitol Pierre SD 57501-3181
Notice of intent to validate
water right claim

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

11/3, 1993; _____ 19____;
11/10, 1993; _____ 19____;
_____, 19____; _____ 19____;
_____, 19____; _____ 19____;
_____, 19____; _____ 19____;



the the full amount of the fees for the publication of the annexed notice is \$ 46.98

Terri Tuggle

Subscribed and sworn to me before this 16th
of November, 1993;

Conrad Zweber

Notary Public

My commission expires May 14, 2001

NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

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Vested Water Right No. 1825-2, Sanders Ranch, c/o Jim Sanders, HCR 89, Box 282, Hermosa SD 57744 appropriates 1.77 cfs from dry draws located in the SW 1/4 NE 1/4, SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 33-T2S-R11E to irrigate 124 acres. The irrigated land is located in the N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E. The priority dates are January 1, 1942 and January 1, 1954.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by November 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 9:30 am, December 1, 1993, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The December 1, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-15 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

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Robert E. Roberts, Secretary,
Department of Environment
and Natural Resources.

#3626, 11/3, 11/10

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1825-2 FOR IRRIGATION

Date of Receipt of Claim August 27, 1982.

Date of Validation December 1, 1993.

The Water Management Board validated Vested Water Right Claim No. 1825-2 for irrigation purposes for Sanders Ranch, c/o Jim Sanders, HCR 89, Box 282, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1825-2 appropriates 1.77 cubic feet of water per second from dry draws located in the SW 1/4 NE 1/4, SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 33-T2S-R11E to irrigate 124 acres located in the N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E.
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 - November 30.
3. The priority dates of the Vested Water Right are:

January 1, 1942 (SE 1/4 SW 1/4 Section 33 - diversion point)
January 1, 1954 (SW 1/4 NE 1/4, SW 1/4 SE 1/4 Section 33 - diversion point)
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: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

DEC 23 1993

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1825-2 FOR IRRIGATION

(1) Earl F. Witte of Hermosa SD 57744, made Application No. 1825-2, August 27, 1982 for validation of a vested right claim to appropriate 1.80 cubic feet of water per second from dry draws, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 1825-2 was validated December 1, 1993 with priority dates of January 1, 1942 and January 1, 1954. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 1825-2 was transferred October 13, 1993 to Sanders Ranch, c/o Jim Sanders.

The original water license issued October 13, 1982 incorrectly described the location of the lands being irrigated. The original map submitted with the application correctly outlined the lands irrigated. A field inspection conducted of the water use system found the number of acres being irrigated reduced from 134.80 acres to 124 acres. Based upon the inspection and subsequent validation of the vested right claim, the license is being reissued to the extent of what is actually being irrigated. The diversion rate is being adjusted accordingly.

(2) The vested right owner is entitled to divert 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are: #1 - 160 rods S 41 degress 45' W of NE corner (SW 1/4 NE 1/4), #2 - 105 rods N 88 degress E of SW corner (SE 1/4 SW 1/4), #3 - 112 rods N 77 degress W of the SE corner (SW 1/4 SE 1/4) of Section 33-T2S-R11E.

The location of the irrigated acreage is:

Section 4-T3S-R11E	NE 1/4 NW 1/4	35 acres
	NW 1/4 NW 1/4	21 acres
	SE 1/4 NW 1/4	38 acres
	NW 1/4 NE 1/4	15 acres
	SW 1/4 NE 1/4	15 acres
	Total	124 acres

(3) Pursuant to Section 46-5-30.1 Sanders Ranch, c/o Jim Sanders of HCR 89, Box 282, Hermosa SD 57744 the holder and owner of Vested Water Right No. 1825-2 is issued a license to appropriate 1.77 cubic feet of water per second from dry draws with priority dates of January 1, 1942 (SE 1/4 SW 1/4 Section 33 diversion point) and January 1, 1954 (SW 1/4 NE 1/4, SW 1/4 SE 1/4 Section 33 diversion point) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1825-2 and subject to South Dakota State Law.



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

DEC 23 1993

date

NOT TO SCALE



T345

95-L
m34

T211

Diversion
Pt. #1

33

Diversion Pt.
#2

Diversion Pt.
#3

T345

NW 1/4 NW 1/4
21 Ac.

NE 1/4 NW 1/4
35 Ac.

T346

NW 1/4 NE 1/4
15 Ac.

SW 1/4 NE 1/4
15 Ac.

SE 1/4 NW 1/4
38 Ac.

136-R
L33

115.4

T402

3-11

136-R
L33

Vested Right Claim No. 1825-2
Timothy L. School
April 17, 1990

T402



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 23 1993

Sanders Ranch
c/o Jim Sanders
HCR 89, Box 282
Hermosa SD 57744

Dear Mr. Sanders:

The Water Management Board has validated the enclosed Vested Water Right No. 1825-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure