

1. Considered: 10-7, 1982 ^{VR} Water Right No. 1826-2
2. Name of Applicant ERNEST E PETTEGREW
3. Post Office Address RR Box 13 OELRICHS 57763
4. Amount of Water Claimed 2.26 maximum acre feet
5. Source of Water Supply RUNOFF
6. Water to be used for IRR acres to be irrigated 158
7. County FALL RIVER about miles of
8. PROOF OF PUBLICATION: Received Not Received
- APPLICATION: Approved 10-7-82 Subject to
- Not Approved Action Deferred

PRIORITY 1935 Dated Received 8-27-82 Application complete yes no FEE 13.00

Remarks

Corrected Application received Period of Annual Use MAR. thru NOV.

WATER QUALITY Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application - yes no Remarks

Disapproved Returned

N/A

Diversion Point

NE⁴ NW⁴ 3-12 S-7

Land to be irrigated

N¹/₂ NE⁴; SW⁴ NE⁴; W¹/₂ SE⁴;
E¹/₂ SW⁴ & SE⁴ NW⁴ all in Sec. 27.
and E¹/₂ NW⁴, Sec 34 all
in 16.

WELL LOG Driller Licensed - yes no

Depth

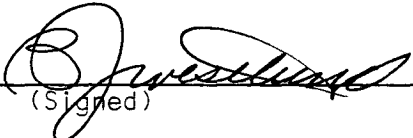
Remarks Dam 15' high

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


 (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. ~~1826-2~~

1826-2

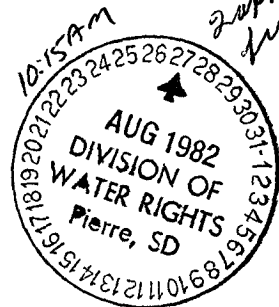
Map No. V/RWater Division No. 2

UPPER CHEYENNE

District

Above for Office Use

10120106



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 Ernest E. Pettegrew Phone No. 535-2865
 Post Office Address Rural Route, Box 13, Oelrichs State South Dakota 57763
(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) _____

3. Name of diversion work Pettegrew Water Spreading System4. Amount of water claimed (cubic feet per second) 2.265. Source of water supply Runoff from local watershed - DAM6. Location of point of diversion NE 1/4 NW 1/4, Section 3, T12S, R7ECounty Fall River7. Annual period or periods during which water is to be used March thru November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 158

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.
SEE ATTACHED SHEET	

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 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.

Storage dam with gated outlet

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

ditches and dykes

C. Works proposed to apply water to beneficial use.

water spreader system

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 Fall River) ss.

I, Ernest E. Pettegrew 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 Ernest E. Pettegrew
Reverend L. Thum
 Notary Public (or other qualified officer)

Subscribed and sworn to before me this 25 day of August, 1982

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1826-2

Ernest E Pettegrew

RR Box 13, Oelrichs

(Applicant)

(Post Office Address)

South Dakota 57763

(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. 1826-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1826-2 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 JANUARY 1, 1935
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 2.26 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 THRU NOVEMBER 30

Witness my hand this 13th day of OCTOBER, 1982

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

Certificate of Construction Issued OCTOBER 13, 1982

Water License Issued OCTOBER 13, 1982

D Well Information

(1) Drill Hole, Diameter _____, Depth _____

Section 27, T11S, R7E

NE $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	3 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	21 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17 "
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35 "
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8
	120 acres

Section 34, T11S, R7E

NE $\frac{1}{4}$ NW $\frac{1}{4}$	18 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20 acres
	38 acres
TOTAL ACRES	158

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) Ernest E. Pettegrew

Post Office Address Rural Route, Box 13, Oelrichs, State South Dakota 57763

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 1935

15. Date that water was first applied to beneficial use 1935

16. Name of owner of original water supply system _____

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

18. Present Use of Water

Amount of water now being used 2.26 c. f. s.

Date that this amount of water was first used _____

19. Chronological History of Water Use

The system was originally started in 1935 with several additions added throughout the years. The present system has been operated for over 20 years.

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, Ernest E. Pettegrew, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Ernest E. Pettegrew

Subscribed and sworn to before me this 25 day of August, 1982

Dewey E. Trent
(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.

James J. Finney
Edith M. Bonney

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1826-2

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

Ernest E. Pettegrew

made Water Right Application No. 1826-2 for a Vested Right permit to use 2.26 cubic feet per second of the waters of Runoff from a local watershed

County of Fall River, State of South Dakota, for Irrigation

purposes; and

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

Vested Right Permit No. 1826-2, with a date of priority of January 1, 1935

was issued to said applicant 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 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 2.26 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:

Section 27, T11S, R7E

NE 1/4 NE 1/4 10 acres

NW 1/4 NE 1/4 3 acres

SW 1/4 NE 1/4 12 acres

NW 1/4 SE 1/4 21 acres

SW 1/4 SE 1/4 17 acres

NE 1/4 SW 1/4 35 acres

SE 1/4 SW 1/4 14 acres

SE 1/4 NW 1/4 8 acres 120 acres

Section 34, T11S, R7E

NE 1/4 NW 1/4 18 acres

SE 1/4 NW 1/4 20 acres 38 acres

TOTAL ACRES 158

(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 Ernest E. Pettegrow

_____ of Delriebs, South Dakota

the holder _____ and owner _____ of said ^{Vested Right} permit No. 1826-2 water right, dating from January 1, 1935

_____ to use of 2.26 cubic feet per second of the waters

of runoff from a local water shed

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

purposes hereinbelow mentioned, to be diverted at in the NE1/4NW1, Section 3-T12S-R7E

and conducted to and upon portions of land in Sections 27 and 34-T11S, R7E, more

fully described on the face of this License

for the purpose of irrigation

This Water License No. 1826-2 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. 1826-2 and subject to the laws of the State of South Dakota.

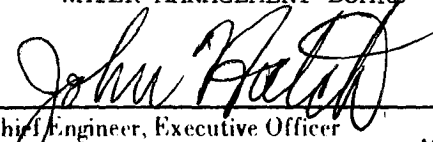
WITNESS, My hand and seal of our office at Pierre, South Dakota

this 13th day of October A. D.

Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:



Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 1826-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ernest Pettegrew

Vested
Right

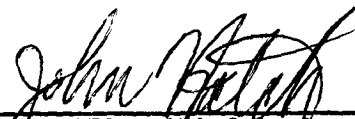
_____ the holder _____ of
Permit No. 1826-2, issued upon Application No. 1826-2, bearing date of priority of January 1,

1935 authorizing the diversion of 2.26 cu. ft. per second of the waters of _____
runoff from a local watershed, County of Fall River, State of South Dakota ~~at~~ _____
In the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3-T12S-R7E

_____, for Irrigation

purposes, ha S 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 2.26 cu. ft. per second of water.

Date October 13, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

NOT TO SCALE

11-7

70-L

79.4

27

11-7

71-L

34

11-7

71-L

RECEIPT

WATER RIGHTS COMMISSION

No 4 8949

State of South Dakota

PIERRE, August 27, 1982, 19

RECEIVED OF Ernest E. Pettigrew, Rural Route , Box 13, Delrichs, SD 57763

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

Fee for Application for Permit to Appropriate Water No. 1826-2 (examination, processing, recording and filing)	8	00
Fee for inspecting Construction, and issuing Cert. of Construction No. 1826-2	2	50
Fee for inspecting Beneficial Use, and issuing Water License No. 1826-2	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

WATER RIGHTS DIVISION

(605) 773-3352

August 23, 1982

Mr. Ernie E. Pettigrew
RR, Box 13
Oelrichs, South Dakota 57763

Dear Mr. Pettigrew:

Enclosed are the application forms for your water spreader system. These forms need to be signed and notarized and returned to this office along with the filing fee of \$13.00.

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

Sincerely,

Timothy G. Schaal
Water Resources Engineer

TGS:ms
Enc.

*Two App received
8-24-82*



Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

October 18, 1982

Ernest E. Pettegrew
RR, Box #13
Oelrichs, South Dakota 57763

Enclosed herewith are your Vested Right Permit, Water License No. 1826-2
and Certificate of Construction.

This Water License is the final water right document completing your process
of obtaining a vested water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:ms

enclosures



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 25, 1988

This is to notify you that the title to the lands described as follows:

N $\frac{1}{2}$ NE $\frac{1}{4}$, 27, 11S, 7E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 27, 11S, 7E; W $\frac{1}{2}$ SE $\frac{1}{4}$, 27, 11S, 7E; E $\frac{1}{2}$ SW $\frac{1}{4}$, 27, 11S, 7E;

E $\frac{1}{2}$ NW $\frac{1}{4}$, 34, 11S, 7E; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 27, 11S, 7E

formerly owned by Ernest E. Pettegrew

has been transferred to Dorothy Pettegrew

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1826-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Fall River)

I, Dorothy Pettegrew, being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Dorothy Pettegrew
(Signed)

Subscribed and sworn to before me this 25th Day of July, 1988.

Jane M. Farrell
JANE M. FARRELL, (Notary Public)
My Commission Expires
September 17, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 27, 1983, 19

RECEIVED OF Farrell, Farrell & Ginsbach, 441 N. River St., Hot Springs SD 57747
the following amount in fees for services rendered as provided for by law: FOR DOROTHY PETTEGREW

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>Permit No. 1826-2</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 John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

July 29, 1988

Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, South Dakota 57747

Dear Sir:

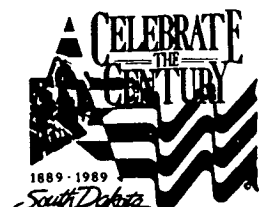
Enclosed is receipt No. 411334 in the amount of \$2.50 which you paid for the transfer of Water Right No. 1826-2.

Our records now show Dorothy Pettegrew as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



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

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

September 21, 1988

NOTICE

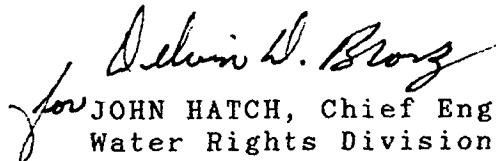
Dorothy Pettegrew
RR, Box 13
Oelrichs SD 57763

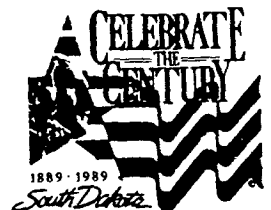
Dear Ms. Pettegrew:

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). 1826-2 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





Department of Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 1826-2

Dorothy Pettegrew
RR, Box 13
Oelrichs SD 57763

Dear Ms. Pettegrew:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation



Conversation or File Documentation

NAME OF PERSON OR FILE: Dorothy PettegrewADDRESS: RR, Box 13, Oelrichs, SD 57763 COUNTY Fall RiverDATE: July 6, 1989 TELEPHONE _____RE: Validation of Vested Right Claim No. 1826-2

COMMENTS:

I discussed and inspected this claim with Mrs
Pettegrew on June 29, 1989. The system is just as
filed on the claim. The storage dam has an 18 inch
gated CMP outlet. The lands irrigated are as described
on the claim.

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: Shirley D. Brong, P.E.
Hudonhoist



Department of Water & Natural Resources

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

March 23, 1990

1826-2

NOTICE

TO: Dorothy Pettegrew
RR BOX 13
OELRICHS, SD 57763

FROM: *for Delvin D. Brosz* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1826-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).



JUL 1 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dorothy Pettegrew
RR, Box 13
Oelrich SD 57763

Dear Ms. Pettegrew:

The Water Management Board has validated the enclosed Vested Water Right No. 1826-2. 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

1826-2



United States Department of the Interior



BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

IN REPLY
REFER TO:

WTR 4.10

BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760