

Considered: _____

WATER PERMIT NO. 1872-2

MAP No. 1872-2

Name of Applicant Melvin Schumacher

Post Office Address Box 25, Oelrichs, SD 57763

Amount of Water Claimed 0.94 Total Acres 65.80

Source of Water Supply Duck Creek

Water to be used for IRR County Fall River

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 7-11-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 4/20/84 Fee 10.50 Remarks _____

Jan 2, 1906

Corrected Application Received _____ Period of Annual Use 4/1 to 10/1

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

n/a

Diversion Point _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2-T12S R6E

Land to be Irrigated _____

E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2 and

SW $\frac{1}{4}$ NW $\frac{1}{4}$, & NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1 all in T12S-R6E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial PREPARED BY Del Broz, PE-DWNR Reviewed and the Number

assigned on 4/23/84 By *[Signature]*

CC - Nelson & Hunter

No. 1872-2 Hydrologic Unit 10120106
 Map No. 1872-2 Basin UPPER CHEYENNE
 Newspaper N/A-V/R

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☐ Vested Right ☒ Future Use ☐ Water Right Filing 0604-2
☐ Application to amend Permit No. _____ with old priority date retained
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Melvin Schumacher Phone No. 535-2854
 Post Office Address Box 25, Oelrichs State SD 57763
 (Street, RR or Box) Zip Code
 2. Amount of water claimed (c.f.s.) 0.94 Total acres irrigated 65.8
 3. Source of Water supply Duck Creek
 4. Location of point of diversion S 61° E 1780' from the NW Corner of Section 2, T12S, R6E
 _____ County Fall River
 5. Counties where water will be used Fall River
 6. Annual period during which water is to be used April 1 to October 1
 7. 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 $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T12S, R6E	2.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T12S, R6E	5.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T12S, R6E	13.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T12S, R6E	13.5

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T12S, R6E	10.9
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T12S, R6E	2.9
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T12S, R6E	17.9
TOTAL	65.8

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The project is a water spreading system. Water is released from a storage reservoir through a 14" gated cmp or around an 80' wide emergency spillway. The water is released to a 20' deep dugout and dike with an overflow spillway, 5 to 10' high dikes are located along the stream forcing the water from the stream onto the lowland.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA

County of Fall River

I, Melvin Schumacher the applicant, certify that I have read the foregoing application, 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 Melvin SchumacherSubscribed and sworn to before me this 16 day of April 1984

Davey A. Drent
 Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

See Form VR-1

The applicable portions of Water Right Filing No. 0604-2 were incorporated into Vested Right No. 1872-2 and the abandoned portions of Filing No. 0604-2 have been cancelled.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. 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 _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1872-2

Melvin Schumacher
(applicant)

Box 25 Oelrichs
(post office address)

South Dakota 57763
(state) (zip code)

Date of receipt of Application April 20, 1984.

Recognized July 11, 1984.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is January 2, 1906.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of Irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby recognized shall not exceed _____

0.94 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period April 1st to October 1st.

WATER MANAGEMENT BOARD

By: John Hatch

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

July 19, 1984.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions 200' x 100' Depth 16 ft
- b) Depth to water (ground surface to water level) 1 ft

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 4 ft

c) Crest Width 12 ft

Crest Length 650 ft

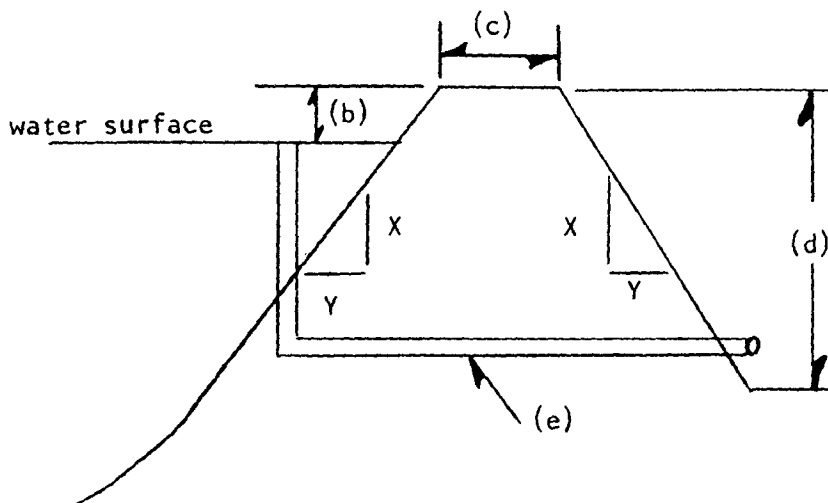
d) Height 9 ft

e) Outlet Dimensions:
Pipe diameter 14" cnp with headgate

Spillway width 80 ft

f) X & Y Slope
Upstream 3:1

Downstream 3:1



Surface Area of Impoundment 14.8 acres

Storage 30 acre feet

Drainage area above dam 3900 acres

Melvin Schumacher
Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Melvin Schumacher
 Post Office Address Box 25, Delrichs, South Dakota 57763
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation January 2, 1906 Date of Posting January 2, 1906
 Date of recording January 3, 1906 Recording date Fall River County 4 56
Where Book Page
B. Date of start of construction of water supply system 1906C. Date that water was first applied to beneficial use 1906D. Name of owner of original water supply system Peter E. ChristensenE. Amount of water originally applied to beneficial use Not statedF. Present Use of Water - Amount of water now being used 0.94 cfsDate that this water was first used January 2, 1906G. Chronological History of Water Use Water Right Filing - 0604-2

P. E. Christensen constructed the system. In the early 1950's the system was owned by Jack Kannolt. In 1954 Charles Kannolt obtained the property and in 1957 the property was obtained by Melvin Schumacher, the present owner.

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, MELVIN SCHUMACHER the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Melvin SchumacherSubscribed and sworn to before me Dewey L. Trent 4-16, 1984Dewey L. 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.

(Print name) 19_________
(Print name) 19____

Location Notice
Book # 1
Page 17
No Number

COPY

Fall River

Certificate of water location, located
by Peter E. Christensen, located January 3rd,
1906, 240.8 acre feet taken from a stream called
Duck Creek, at a point on the N.E. of the N.W. $\frac{1}{4}$
of Section 2, Township 12, South Range 6 East B.
H.M. to be used for irrigation & domestic pur-
poses.

Date of Copy, April 25th, 1908.

(signed) Peter E. Christensen
Locator.

This one is being
used

0604-2

Recorded - Jan. 3, 1906

Melvin Schumacher
535-2859

To all whom it may concern, know by this notice, that Peter E. Christensen, a resident of Fall River County, State of South Dakota, hereby claims the right and use of the Water flowing in Duck Creek for Irrigation and domestic purposes to the extent of acre feet for storing in a reservoir to use through Irrigating Ditches situated in Section 1 and 2 Town 13 South Range 6 east B.H.M.

The ditch beginning in the N. E. 4 N. W. 4 of Section 2 Town 13 South Range 6 east. and flowing in a south easterly direction through portion of section 1 and 2 as shown on the recorded Plat thereof.

Peter E. Christensen,

Claimant.

State of South Dakota }
Fall River Co. } ss.

Subscribed before the undersigned and a copy of this notice duly posted at the outlet of said reservoir this 2nd day of Jan, 1906.

Dora Anderson,

(Seal)

Notary Public,

My commission expires Nov. 14, 1908.

RECEIPT

Division of Water Rights

No 4 9644

South Dakota Department of Water and Natural Resources

Pierre, John Hatch April 20, 1984

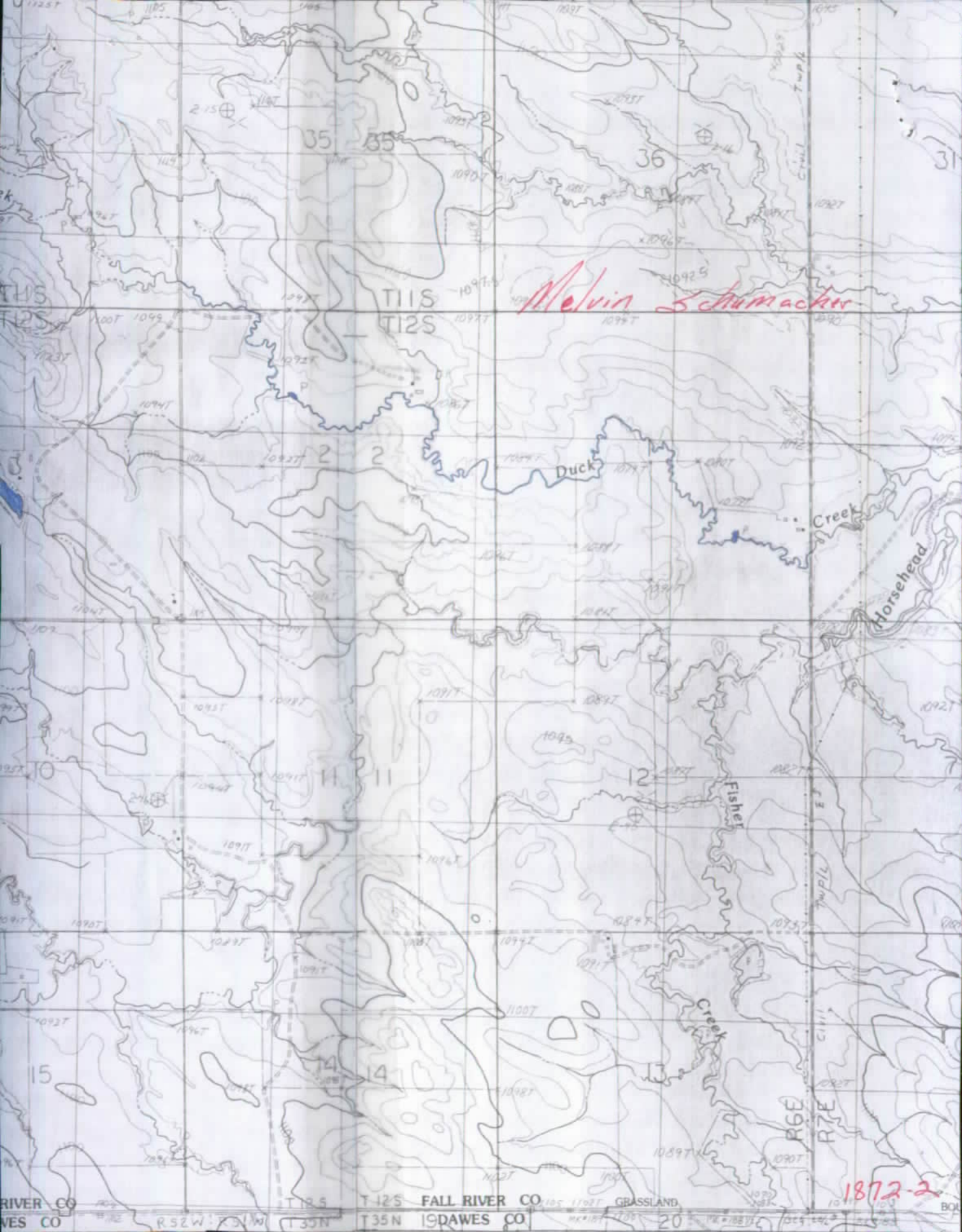
RECEIVED OF M.L. Schumacher, St Rt, Box 25, Oelrichs SD 57763

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

Fee for Application for Permit No. <u>1872-2</u> to Appropriate Water, to construct works and to put water to beneficial use	8	00
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. <u>1872-2</u>	2	50
Fee for Filing Transfer Form		
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	10	50

By John Hatch
Chief Engineer JOHN HATCH

ks



Melvin Schumacher

1872-2

Permit No. 1872-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system ^{owned} ~~constructed~~ by MelvinSchumacher of Oelrichs, S.D. holder ofPermit No. 1872-2, bearing the priority of January 2 1906 authorizingthe diversion of 0.94 cu. ft. per second of the waters of Duck Creekfor irrigation purposes, in Fall River County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

30 AF storage dam with 18" gate cmp outlet

B. Works used to transport water to place of use:

stream channel

C. Works used to apply water to beneficial use:

5-10' high dikes across stream channelThe system is in the following condition FairThe point of diversion is located 561°E 1780 ft from the NW corner
of Sec. 2, T12S, R6EThe works are capable of diverting and conveying to the place of use all the flow of Duck Crk
cu. ft. per second of water which is to be used for irrigation (water spreading)Water has been put to beneficial use to the maximum extent as follows: NE²NW² - 2.3 acres;
SE²NW² - 5.0 acres; SW²NE² - 13.3 acres; SE²NE² - 13.5 acres;
NE²SE² - 10.9 acres, all in section 2; SW²NW² - 2.9 acres;
NW²SW² - 17.9 acres, all in section 1, T12S, R6E.comprising a total of 65.8 acres of land and the license should be issued for 0.92 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 3/21/82Melvin D. Berg, P.E.
(signature) Melvin D. Berg

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 9 Ft

b) height to spillway 5 Ft

c) crest width 12 Ft

d) crest length 650 Ft

e) spillway length 300 Ft

f) spillway width 80 Ft

g) approx. storage 30 AF

h) Distribution lines or canals:

1) size 5-10' high onstream dikes

2) type 8-10' wide (crest)

3) length 200' - 400'

i) Outlet tubes:

1) diameter 1 1/2 inch

2) type CMP

3) valued (Y/N) yes

4) valve type gate

5) location on structure

100' from SE end

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

NOT TO SCALE



NOT TO SCALE



State of South Dakota

VESTED Water License No. 1872-2

(1) Melvin Schumacher

of Box 25, Oelrichs, South Dakota

made Application No. 1872-2, April 20, 1984 for recognition of a Vested Right ~~for a water permit~~ to appropriate

0.94 cubic feet per second of water from Duck Creek,

Fall River County, South Dakota for Irrigation purposes.

Vested Right ~~Permit~~ No. 1872-2, with a priority date of January 2, 1906

recognized was approved July 11, 1984 and issued to applicant(s) for diversion of water ~~with construction~~ recognizing construction of the described

water supply system ~~to be completed on or before~~ and for ~~the~~ application to beneficial use of said

water on or before _____.

An un-numbered location notice filed with this office by Peter E Christensen dated April 25th, 1908 includes part of the legal description contained in Water Right Filing 0604-2 and Vested Right claim 1872-2. The location notice is being incorporated into this Vested Right Water License. Since Water Right No. 0604-2 carries an earlier priority date than the location notice, the filing date of No. 0604-2 will be retained as the priority date.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.94 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is S 61°E 1780 feet from the NW Corner of

Section 2, T12S, R6E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T12S, R6E

Section 2 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 Acres (BA)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 Acres (BD)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.3 Acres (AC)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.5 Acres (AD)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.9 Acres (DA)

Section 1 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.9 Acres (BC)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 17.9 Acres (CB)

TOTAL 65.8 ACRES

(4) Pursuant to §46-5-30.1 Melvin Schumacher

of Box 25, Oelrichs, South Dakota

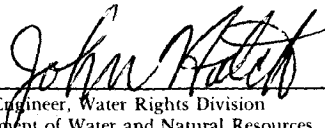
the holder(s) and/or owner(s) of Vested Right ~~Water Permit~~ No. 1872-2 is issued a license to appropriate water, the right to use

0.94 cubic feet per second of water from Duck Creek with a priority date

of January 2, 1906 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Vested Right ~~Water Permit~~ No. 1872-2 and subject to South Dakota State Law.


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

JOHN HATCH

July 19, 1984

This Water License No. 1872-2 is based upon a Vested Right Claim filed with the Water Management Board.



No. 1872-2

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

December 3, 1984

Melvin Schumacher
Box 25
Oelrichs, South Dakota 57763

Dear Mr. Schumacher:

Enclosed herewith are your Vested Right Permit, Water License No. 1872-2. 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 Division

JH:ms

enclosures

The applicable portions of Water Right Filing No. 0604-2 were incorporated into Vested Right No. 1872-2 and the abandoned portions of Filing No. 0604-2 have been cancelled.



Department of Water & Natural Resources

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

March 23, 1990

1872-2

NOTICE

TO: Melvin Schumacher
BOX 25
OELRICHS, SD 57763

FROM: *for Delvin H. 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. 1872-2 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).

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1992

Melvin Schumacher
Box 25
Oelrichs SD 57763

Dear Mr. Schumacher:

The original Notice of Intent to Validate Vested Water Right Claims was published with an error. The land irrigated in the NE 1/4 NW 1/4 Section 2-T12S-R6E was incorrectly listed as the NE 1/4 SW 1/4 Section 2-T12S-R6E. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Hot Springs Star printed at Hot Springs 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,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Form 8 - Proof of Publication

PROOF OF PUBLICATION

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

I, James R. Shanks

certify that the attached printed Notice was taken
 from the Hot Springs Star

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Hot Springs Star

City of Hot S
 County of Fall River and Sta
 that the said notice was published in sai
 following two dates:

September 1, 19

September 8, 19

(Signature)

Publisher

(Title)

September 8,

(Date Signed)

Cost of Printing: \$74.47



270
 READVERTISEMENT OF NOTICE
 OF INTENT TO VALIDATE VESTED
 WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Fall River 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 7 and 14, 1988 in the Hot Springs Star, is necessary to correct errors in the previously published notice.

Vested Water Right No. 481-2, L.O. and Joel Rickenbach, Box 97, Oelrichs SD 57763 appropriates 4.06 cubic feet of water per second (cfs) from dry draws located in the SE 1/4 SE 1/4 Section 35; S 1/2 SW 1/4 Section 36; all in T9S-R8E: NW 1/4 NW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4 Section 1; SW 1/4 NW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; all in T10S-R8E. The location of the 285 acres irrigated is the N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 35; S 1/2 SW 1/4 Section 36; all in T9S-R8E: Lots 1, 2, 3 & 4, S 1/2 NW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4 Section 1; SW 1/4 NE 1/4, NW 1/4 SW 1/4, SE 1/4, S 1/2 NW 1/4, NE 1/4 SW 1/4 Section 10; all in T10S-R8E. The priority dates are as follows: 0.01 cfs - 1/1/1937, 0.73 - 1/1/1942, 0.12 - 1/1/1943, 0.79 - 1/1/1946, 0.24 cfs - 1/1/1948, 0.23 cfs - 1/1/1949, 0.45 cfs - 1/1/1952, 0.43 cfs 1/1/1953, 1.06 cfs - 1/1/1954.

Vested Water Right No. 1872-2, Melvin Schumacher, Box 25, Oelrichs SD 57763, appropriates 0.94 cfs from Duck Creek into a 30 acre-foot storage dam located in the NE 1/4 NW 1/4 Section 2 to irrigate 65.8 acres located in the NE 1/4 NW 1/4, SE 1/4 NW 1/4, S 1/2 NE 1/4, NE 1/4 SE 1/4 Section 2 and the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 1; all in T12S-R6E. The priority date is 1/2/1906.

Vested Water Right No. 1873-2, William R. Fitzner, Rt 1, Box 78, Oral SD 57766, appropriates 0.8 cfs from Hay Canyon located in the NE 1/4 NW 1/4, SW 1/4 NW 1/4; SW 1/4 NE 1/4 Section 1 to irrigate 56 acres located in the NW 1/4, W 1/2 NE 1/4 Section 1; all in T8S-R8E. The priority date is 1/1/1909.

Vested Water Right No. 1879-2, Dora R. Henderson, Apt#265, 5141 Indian River

Drive, Las Vegas NV 89103, appropriates 25.3 cfs from Coal Creek located in the NE 1/4 NE 1/4 Section 23-T10S-R2E to irrigate 1,772 acres. The irrigated lands are located in the SW 1/4 Section 14; S 1/2 NW 1/4, SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 15; NW 1/4, SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 16; SW 1/4 NW 1/4, SE 1/4 SW 1/4, SE 1/4 Section 17; NW 1/4, S 1/2 NE 1/4, NE 1/4 SE 1/4 Section 18; NE 1/4 NE 1/4 Section 21; NW 1/4, NE 1/4 SW 1/4, NE 1/4, SE 1/4 Section 22; SW 1/4, NW 1/4 Section 23; NW 1/4 NW 1/4 Section 26; all in T10S-R3E. The priority date is 10/4/1945.

Vested Water Right No. 1716-2, Melvin Porter, Wyo. Rt., Box 17, Edgemont SD 57735 appropriates 0.14 cfs from Moss Agate Creek (storage dam) located in the SW 1/4 SE 1/4 Section 11 to irrigate 10 acres located in the W 1/2 SE 1/4 Section 11; all in T8S-R1E. The priority date is 1/1/1943.

Vested Water Right No. 1813-2, Robert & Mark Tubbs, Box 563, Edgemont SD 57735, appropriates 4.4 cfs from Moss Agate Creek and dry draw between in the NW 1/4 NW 1/4 Section 1-T8S-R1E to SE 1/4 SW 1/4 Section 6-T8S-R2E to irrigate 308 acres located in the NE 1/4 NW 1/4, NE 1/4, NE 1/4 SE 1/4 Section 1-T8S-R1E and the NW 1/4, SW 1/4 Section 6-T8S-R2E. The priority date is 1/1/1908.

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 September 18, 1992 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 10:00 am, September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The September 30, 1992, 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 September 18, 1992.

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 September 18, 1992, 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 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

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1872-2 FOR IRRIGATION

(1) Melvin Schumacher of HC 75 Box 35A, Chadron, NE 69337, made Application No. 1872-2, April 20, 1984 for validation of a vested right claim to appropriate 0.94 cubic feet of water per second from Duck Creek, Fall River, County, South Dakota, for irrigation purposes. Vested Water Right No. 1872-2 was validated September 30, 1992 with a priority date of January 2, 1906. 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.

The original claim described irrigation of land in Sections 1 and 2, T12S, R6E. the July, 19, 1984, water license contained an error in a portion of the legal description of the acreage. The license described 2.3 acres in the NE 1/4 SW 1/4 Section 2. The description should have read 2.3 acres in the NE 1/4 NW 1/4 Section 2. The remaining portions of the license were correct.

The vested right claim has been validated and the water license is being reissued to correct the error.

(2) The vested right owner is entitled to divert 0.94 cubic feet of water per second for beneficial use. The location of the diversion point is: S 61 degrees, 1780 feet from the NW corner of Section 2, T12S, R6E. Water from Duck Creek is diverted into a 30 acre feet storage dam for use on the land described below.

The location of the irrigated acreage is:

T12S, R6E	Section 2	NE 1/4 NW 1/4	2.3 acres
		SE 1/4 NW 1/4	5.0 acres
		SW 1/4 NE 1/4	13.3 acres
	Section 1	SE 1/4 NE 1/4	13.5 acres
		NE 1/4 SE 1/4	10.9 acres
		SW 1/4 NW 1/4	2.9 acres
		NW 1/4 SW 1/4	17.9 acres
		Total	65.8 acres

Vested Right Water License No. 1872-2
Page 2

(3) Pursuant to Section 46-5-30.1 Melvin Schumacher of HC 75 Box 135A, Chadron, NE 69337 the holder and/or owner of Vested Water Right No. 1872-2 is issued a license to appropriate 0.94 cubic feet of water per second from Duck Creek with a priority date of January 2, 1906 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. 1872-2 and subject to South Dakota State Law.



APR 2 1993

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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1872-2 FOR IRRIGATION

Date of Receipt of Claim April 20, 1984.

Date of Validation September 30, 1992.

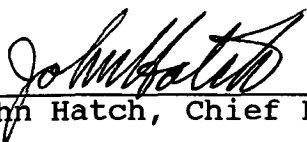
The Water Management Board validated Vested Water Right Claim No. 1872-2 for irrigation purposes for Melvin Schumacher, HC 75, Box 135A, Chadron NE 69337 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1872-2 appropriates 0.94 cubic feet of water per second from Duck Creek into a 30 acre-feet storage dam located in the NE 1/4 NW 1/4 Section 2 to irrigate 65.8 acres located in the NE 1/4 NW 1/4, SE 1/4 NW 1/4, S 1/2 NE 1/4, NE 1/4 SE 1/4 Section 2 and the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 1; all in T12S-R6E.
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: April 1 - October 1.
3. The priority date of the Vested Water Right is January 2, 1906.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The applicable portions of Water Right Filing No. 0604-2 were incorporated into Vested Right No. 1872-2 and the abandoned portions of Filing No. 0604-2 have been cancelled.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer

APR 2 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 2 1993

Melvin Schumacher
HC 75, Box 135A
Chadron NE 69337

Dear Mr. Schumacher:

The Water Management Board has validated the enclosed Vested Water Right No. 1872-2. 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



March 17, 2005

1872-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

763-2
801-2
1872-2

Dell & Janet Anderson
1401 Tompkins
Rapid City SD 57701

Dear Mr. & Mrs. Anderson:

Recently, when mailing out shutoff orders for junior water right holders, it came to our attention that ownership on Vested Water Right Nos. 763-2, 801-2 and 1872-2 had changed. The vested rights are currently listed in the names of Melvin & Maxine Schumacher.

Don Stroup with our program visited with the Fall River County Assessor's office to obtain current ownership. It is our understanding that you now own the land. Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

Enclosed are copies of each of the vested water rights. You may keep them for your records. I have included a copy of the shutoff order pertaining to this land. If you have any questions concerning the shutoff order or completion of the transfer forms, please contact me. If the records are in error and you do not own the land, let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 25, 20 05

RECEIVED OF Dale R Anderson, MD, 725 Irdiane St., Rapid City SD 57701

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	2.50	
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>1072-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law), TOTAL	2.50	

No.

1017

By

Darland Eide

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR 25 2005
WATER RIGHTS
PROGRAM

No. 1872-2

Date: 3-22-05

I/We request that Vested Water Right No. 1872-2

formerly owned by: Melvin & Maxine Schumacher

be transferred to: (name & address) Dale & Jeanette Anderson

725 Indiana St, Rapid City SD 57701

Telephone No.

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

65.8 acres - E 1/2 NW 1/4, S 1/2 NE 1/4 & NE 1/4 SE 1/4 Section 2; SW 1/4 NW 1/4 & NW 1/4 SW 1/4 Section 1,
all in T12S, R6E

I/We understand that the validity of Vested Water Right No. 1872-2 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dale & Jeanette Anderson, the new owner, certify that the above information is true and correct.

Dale Anderson

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.



1872-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 31, 2005

763-2
801-2
1872-2

Dale & Jeanette Anderson
725 Indiana St
Rapid City SD 57701

Dear Mr. & Mrs. Anderson:

Thank you for following up on the ownership changes for Vested Water Right Nos. 763-2, 801-2 and 1872-2. The transfers have been completed.

The vested water rights formerly held by Melvin and Maxine Schumacher are now listed in your names. Enclosed are your Receipt Nos. 001817, 001818 and 001819 in the amounts of \$2.50 each. You may keep them for your records.

A check of ownership shows portions of the lands described in at least one other vested right (listed in the name of Donald Putnam) may be owned by you. We will be contacting you in the near future regarding that specific water right.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures