

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1885-2

MAP No. 1885-2

Name of Applicant Bergette E Finney

Post Office Address St Rt Box 16 Oelrichs 57763

Amount of Water Claimed 0.40 Total Acres 25.00

Source of Water Supply NELSON CREEK

Water to be used for IRR County FR

About 9S 6 miles W of Oelrichs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 9-26-84 Subject to _____

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

PRIORITY _____ Date Received 7/13/84 Fee 10.50 Remarks _____

1/1/1911

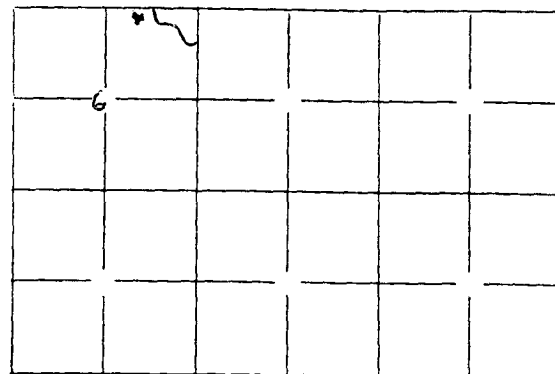
Corrected Application Received 8/6/84 Period of Annual Use 1/1 to 12/31

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

W1-1 Description same as Application YES _____ NO _____ REMARKS _____

n/a

Diversion Point Dam in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6-T12S-R7E



Land to be Irrigated
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6-T12S-R7E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial PREPARED BY Del Brosz DWNr Reviewed and the Number

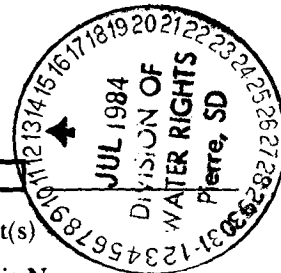
assigned on 8/6/84 By Betty Westlund

Betty Westlund NRA III

No. <u>1885-2</u>	Hydrologic Unit <u>UC-10120106</u>
Map No. <u>1885-2</u>	Basin <u>UC</u>
Newspaper <u>N/A</u>	

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 ☐☐ 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 Bergette E. Finney Phone No. 535-6143Post Office Address Star Route, Box 16 Oelrichs State SD 57763
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 0.4 Total acres irrigated 25.03. Source of Water supply Nelson Creek4. Location of point of diversion S 83° W 1450 feet from the NE Corner of Section 6, T12S, R7ECounty Fall River5. Counties where water will be used Fall River6. Annual period during which water is to be used All year

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

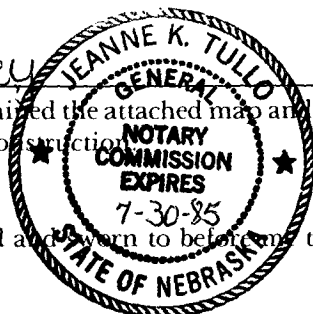
Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NE 1/4 Sec. 6, T12S, R7E	25.0		

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)

This is a water spreading system. As the reservoir fills with water the excess water flows around the north end of the dam and floods the land downstream.

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)^{ss}I, Bergette E. Finney, 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 Bergette E. FinneySubscribed and sworn to before me this 26 day of June 1984
Jeanne K. Tullo
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

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. 1885-2

Bergette E. Finney
(applicant)

ST. RT. Box 16 Oelwicks
(post office address)

South Dakota 57763
(state) (zip code)

Date of receipt of Application July 13, 1984.

Recognized September 26, 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 1, 1911.
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 _____

0.40 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 Jan. 1 to Dec. 31.

WATER MANAGEMENT BOARD

By: John H. Hatcher

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

OCTOBER 25, 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 _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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 5 ft.

c) Crest Width 10 ft.

Crest Length 470 ft.

d) Height 12 feet

e) Outlet Dimensions:
 Pipe diameter None

Spillway width 10 ft.

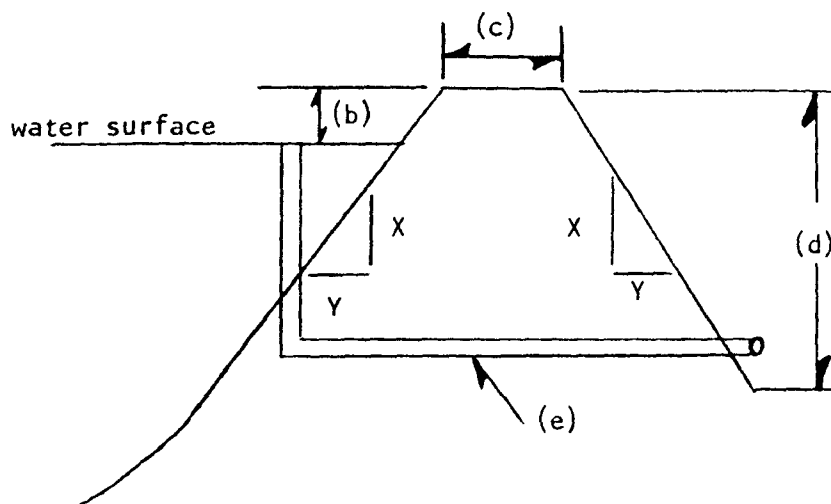
f) X & Y Slope
 Upstream 2:1

Downstream 2:1

Surface Area of Impoundment 2 Acres

Storage 5 acre feet

Drainage area above dam 3000 acres



Dequeto P. Llanes
 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 of a water use system 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) Bergette E. Finney

Post Office Address Star Route Box 16, Oelrichs, South Dakota 57763
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation NA Date of Posting NA

Date of recording NA Recording date NA
Where Book Page

B. Date of start of construction of water supply system 1911

C. Date that water was first applied to beneficial use 1911

D. Name of owner of original water supply system Ernest J. Pettegrew

E. Amount of water originally applied to beneficial use 0.4 cfs

F. Present Use of Water - Amount of water now being used 0.4 cfs

Date that this water was first used 1911

G. Chronological History of Water Use

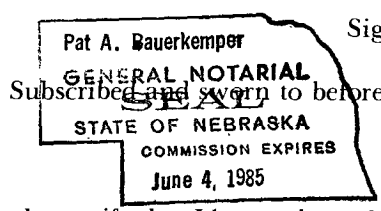
Ernest J. Pettegrew constructed the system in 1911
Lois Pettegrew became the owner in 1954
Loree Pettegrew became the owner in 1963
Bergette Finney became the owner in 1983

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



Signed Bergette E. Finney
July 31, 19 84
Pat A. Bauerkemper
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.

E E Pettegrew July 23 19 84
(Print name) E. E. PETTEGREW
Clifford Palmer July 24 19 84
(Print name)

State of South Dakota

VESTED RIGHT Water License No. 1885-2

(1) Bergette E Finney

of Star Route, Box 16, Delrichs, SD

a vested right
made Application No. 1885-2, July 13, 1984 for recognition of for a water permit to appropriate

0.4 cubic feet per second of water from Nelson Creek

Fall River County, South Dakota for Irrigation purposes.

Vested Right Permit No. 1885-2, with a priority date of January 1, 1911

recognized September 26, 1984 and issued to applicant(s) for diversion of water with 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

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 0.4 cubic feet per second of water for beneficial use. The location of the diversion point(s) is S 83°W 1450 feet from the NE corner of

Section 6, T12S, R7E

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, R7E

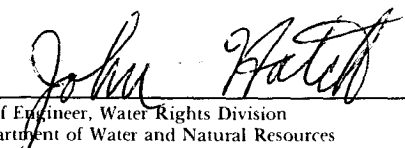
Section 6 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 acres (AA)

(4) Pursuant to §46-5-30.1 Bergette E Finney

of Star Route, Box 16, Oelrichs, South Dakota

the holder(s) and/or owner(s) of Vested Right ~~Water Permit~~ No. 1885-2 is issued a license to appropriate water, the right to use 0.4 cubic feet per second of water from Nelson Creek with a priority date of January 1, 1911 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. 1885-2 and subject to South Dakota State Law.



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

October 26, 1984

This Water License No. 1885-2 is based upon a Vested Right claim filed with the Water Management Board.

Permit No. 1885-2Upper 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 constructed by Bergette E. Finney
_____ of Oelrichs, S.D. holder of
Permit No. 1885-2, bearing the priority of _____ 19 11 authorizing
the diversion of 0.2 cu. ft. per second of the waters of Nelson Creek
for 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: Dam constructed on Nelson Creek which is a tributary to Horsehead creek
- B. Works used to transport water to place of use: small canal around the end of the dam.
- C. Works used to apply water to beneficial use: from the end of the dam the water floods the land downstream. No dikes or canals.

The system is in the following condition FairThe point of diversion is located S 83° W 1450 ft from the NE corner of Section 6, T12S, R7EThe works are capable of diverting and conveying to the place of use 10cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: NE 1/4 NE 1/4 section 6, T12S, R7E - 25.0 acrescomprising a total of 250 acres of land and the license should be issued for 0.2 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 16, 1982

Delwin D. Bourg, P.E.
(signature) Hydrologist

RECEIPT

Division of Water Rights

No 4 9711

South Dakota Department of Water and Natural Resources

Pierre, July 13, 1984

RECEIVED OF Bergette E. Finney, SR, Box 16, Delrichs, SD 57763
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1885-2 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. 1885-2	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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

October 26, 1984

Bergette E Finney
Star Rt, Box 16
Oelrichs SD 57763

Dear Mrs. Finney:

Enclosed herewith are your Vested Right Permit, Water License No. 1885-2.
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: ks

enclosures



Department of Water & Natural Resources

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

March 23, 1990

1890-2
1885-2
1886-2

NOTICE

TO: Bergette E Finney
ST RT BOX 16
OELRICHS, SD 57763

FROM: *John 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 Nos. 1885-2, 1886-2 and 1890-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are 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 rights. 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

VESTED WATER RIGHT NO. 1885-2 FOR IRRIGATION

Date of Receipt of Claim July 13, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1885-2 for irrigation purposes for Bergette E Finney, St Rt, Box 16, Oelrichs SD 57763 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1885-2 appropriates 0.4 cubic feet of water per second from Nelson Creek located in the NW 1/4 NE 1/4 Section 6 to irrigate 25 acres located in the NE 1/4 NE 1/4 Section 6; all in T12S-R7E.
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: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1911.
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 JUL 1 1992
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources



JUL 1 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Bergette E Finney
St Rt, Box 16
Oelrich SD 57763

Dear Ms. Finney:

The Water Management Board has validated the enclosed Vested Water Right No. 1885-2, 1886-2 and 1890-2. These validations give legal status to the claims and are the final document for your vested rights.

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

enclosures

11-7

241

99B

Section 6, T12S, R7E

Dam Diversion Pt.

1450'

NE NE

25.0 acres

15.4

12.2

10.2

14.9

Map Prepared By:
Delwin D. Bray, P.E.
Hydrologist
Division of Water
Rights

12-7

A/M # 1885-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 8, 2024

1885-2

1886-2

1890-2

Wesley Delbert Tlustos
13397 E Ardmore Rd
Oelrichs SD 57763

Dear Mr. Tlustos:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment for your records.

Water Right Nos. 1885-2, 1886-2, and 1890-2, previously owned by Bergette E Finney, are now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date April 8, 2024

RECEIVED OF Wesley Tlustos 13397 E Ardmore Rd, Oelrichs SD 57763

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>1885-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

APR 08 2024

Chk # 17345

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1885-2
1886-2
1890-2

Date: April 2, 2024

I/We request that Water Right/Permit No. 1885-2
1886-2
1890-2 formerly owned by:

Bergette E. Finney/Dona Essay (Trustee)

1806 E. 10th St.
Alliance, NE 69301
308-762-7031
be transferred to:

New Owner Name:

Wesley Delbert Thustas

Address:

13397 E. Ardmore Rd.

home: 605-535-2153

City, State, Zip

Delrichs, SD 57763

email:

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

See attachment.

*attached copies of Water Licenses for 1885-2,
1886-2, and 1890-2 (AD)



I understand that the validity of Water Right/Permit No. 1885-2
1886-2
1890-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Wesley Delbert Thustas, the new owner, certify that the above information is true and correct.

Wesley Delbert Thustas
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

APR 08

OFF
V