

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1887-2
MAP No. 1887-2

Name of Applicant Gary Fishko

Post Office Address St Rt Box 16, Provo 57774

Amount of Water Claimed 0.24 Total Acres 17.00

Source of Water Supply Cow Creek

Water to be used for IRR County Fall River

About 1/2 miles S of RUMFORD.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 9-26-84 Subject to _____

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

PRIORITY _____ Date Received 7/31/84 Fee 10.50 Remarks _____
1/1/1909

Corrected Application Received _____ Period of Annual Use 1/1 to 12/31

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

not applicable
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6-T11S-R4E

Land to be Irrigated _____

W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 6-T11S-R4E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Drawn PREPARED BY Del Brosz DWR Reviewed and the Number

assigned on 8/10/84 By Betty Westlund
Betty Westlund NRA III

No. 1887-2 Hydrologic Unit 10120108
Map No. 1887-2 Basin UC
Newspaper N/A**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 ☐ Location Notice 95-2
- ☐ 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 Gary Fishko Phone No. _____
- Post Office Address Star Route Box 16, Provo State SD Zip Code 57774
(Street, RR or Box)
2. Amount of water claimed (c.f.s) 0.24 Total acres irrigated 17.0
3. Source of Water supply Cow Creek
4. Location of point of diversion N 14°E 2370 feet from the SW Corner of Section 6, T11S,
R 4E County Fall River
5. Counties where water will be used Fall River
6. 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.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 T11, R4	16.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 T11, R4	0.5
TOTAL	17.00

Attach sheet if more space is needed

Land Description	No. Acres Irr.

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 waterspreading system. The water overflows the dam onto the low lands.

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, Gary Fishko 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 Gary FishkoSubscribed and sworn to before me this 29 day of July 1984M.P. FARRELL, NOTARY PUBLIC
MY COMMISSION EXPIRES

Notary Public (or other qualified official)

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1887-2

Gary Fishko

(applicant)

ST. RT. Box 16 Provo

(post office address)

South Dakota

(state)

57774

(zip code)

Date of receipt of Application July 31, 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 March 30, 1909.
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 _____

0.24 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 Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

October 29, 1984.

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:

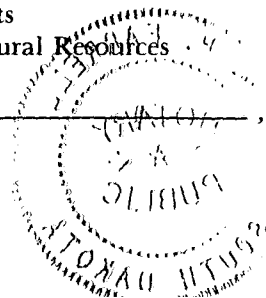
1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated 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____



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) Gary Fishko
 Post Office Address Star Route, Box 16 Provo, SD 57774
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation March 30, 1909 Date of Posting _____
 Date of recording April 1, 1909 Recording date State Engineer
Where Book Page
B. Date of start of construction of water supply system 1909C. Date that water was first applied to beneficial use 1909D. Name of owner of original water supply system Jep Christ ChristensenE. Amount of water originally applied to beneficial use 4 cfsF. Present Use of Water - Amount of water now being used 0.24 cfsDate that this water was first used 1909

G. Chronological History of Water Use

The system was constructed by J. C. Christensen in 1909

Gary Fishko became owner in 1970 - At this time portions of the system had been abandoned.

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, Gary Fishko the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Gary FishkoSubscribed and sworn to before me 04 July 19, 19 84M. P. Farrell
Notary Public or other qualified officer
 M.P. FARRELL, NOTARY PUBLIC
 MY COMMISSION EXPIRES
 April 1, 1990

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

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

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 4 ft

c) Crest Width 8 ft

Crest Length 300 ft

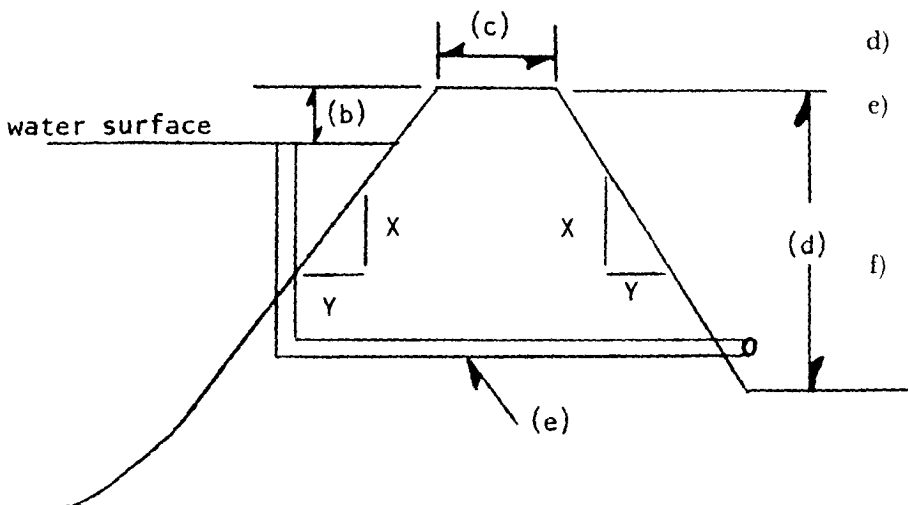
d) Height 8 ft

e) Outlet Dimensions:
 Pipe diameter None

Spillway width 200 ft

f) X & Y Slope
 Upstream 2:1

Downstream 2:1



Surface Area of Impoundment 1.2 acres

Storage 1.2 acre feet

Drainage area above dam 5000 acres

Gary H. Fushko
 Signature of Applicant

Permit No. 1887-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Gary
FishKO of Provo, S.D holder of
Permit No. 1887-2, bearing the priority of March 30, 1909 authorizing
the diversion of 4 cu. ft. per second of the waters of Cow 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 on Cow Creek diverts the water
onto the low lands.

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

C. Works used to apply water to beneficial use: none

The system is in the following condition Fair

The point of diversion is located N 14° E 2370 Feet from the SW corner
of Section 6, T11S, R4E

The works are capable of diverting and conveying to the place of use _____
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: NW 1/4 SW 1/4 - 16.5 acres
and SW 1/4 SW 1/4 - 0.5 acres all in Section 6, T11, R4

comprising a total of 17.0 acres of land and the license should be issued for 0.22 cfs

Applicable permit qualifications have been complied with — Yes — No

Exceptions to compliance are: _____ Date May 16, 1982

Helvin D. Berg, P.E.
(signature) Hydrologist

State of South Dakota

Water License No. 1887-2

VESTED RIGHT

(1) Gary Fishko

of Star Route, Box 16, Provo, South Dakota

made Application No. 1887-2, July 31, 1984 for recognition of a vested right for a water permit to appropriate

0.24 cubic feet per second of water from Cow Creek

Fall River County, South Dakota for Irrigation purposes.

Vested Right Permit No. 1887-2, with a priority date of March 30, 1909

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 0.24 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is N14°E 2370 feet from the SW corner

of Section 6, T11S, R4E

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 Section 6, T11S,

R4E NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16.5 acres (CB)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.5 acres (CC)

TOTAL 17.0 acres

(4) Pursuant to §46-5-30.1 Gary Fishko

of Star Route, Box 16, Provo, South Dakota

the holder(s) and/or owner(s) of Vested Right ~~Water Permit~~ No. 1887-2 is issued a license to appropriate water, the right to use

0.24 cubic feet per second of water from Cow Creek with a priority date

of March 30, 1909 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. 1887-2 and subject to South Dakota State Law.



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

October 28, 1984

This Water License No. 1887-2 is based upon a Vested Right Claim filed with the Water Management Board.

RECEIPT

Division of Water Rights

No 4 9726

South Dakota Department of Water and Natural Resources

Pierre, July 31, 1984

RECEIVED OF Gary Fishko, Star Route, Box 16, Provo, SD 57774
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1887-2 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. 1887-2	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 ms

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

October 29, 1984

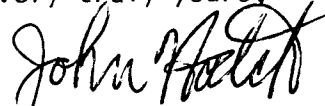
Gary Fishko
St Rt, Box 16
Provo SD 57774

Dear Mr. Fishko:

Enclosed herewith are your Vested Right Permit, Water License No. 1887-2.
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

NOTE: The applicable portions of Location Notice No. 95-2 were incorporated
into Vested Right No. 1887-2 and the abandoned portions of Location Notice
No. 95-2 have been cancelled.

SOUTH Dakota Department of
Water & Natural Resources

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

March 23, 1990

1887-2
1888-2

NOTICE

TO: Gary Fishko
ST RT BOX 16
PROVO, SD 57774

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 Nos. 1887-2 and 1888-2 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).



JUL 1 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Gary Fishko
St Rt, Box 16
Provo SD 57774

Dear Mr. Fishko:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1887-2 and 1888-2. These validations give legal status to the claim 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,

A handwritten signature in black ink, appearing to read 'John Hatch', is written over the typed name.

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

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1887-2 FOR IRRIGATION

Date of Receipt of Claim July 31, 1984.

Date of Validation May 26, 1992.

The Water Management Board validated Vested Water Right Claim No. 1887-2 for irrigation purposes for Gary Fishko, St Rt, Box 16, Provo SD 57774 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1887-2 appropriates 0.24 cubic feet of water per second from Cow Creek located in the NW 1/4 SW 1/4 Section 6 to irrigate 17 acres located in the W 1/2 SW 1/4 Section 6; all in T11S-R4E.
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 March 30, 1909.
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:  JUL 1 1992
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources

Gary Fishko
Provo, S. D.

Rumford

Section 6, T11S, R4E

County Road

Rail Road

NW 1/4 SW 1/4
16.5 acres

SW 1/4 SW 1/4
0.5 acres

N 1/4 E
2370'

County Road

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

A/M 1887-2