

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1888-2

MAP No. 1888-2

Name of Applicant Gary Fishko

Post Office Address St Rt Box 16 Provo 57774

Amount of Water Claimed 6.24 Total Acres 437.00

Source of Water Supply Horse Creek and Dry Draw

Water to be used for IRR County FR

About 3 miles E 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 _____

1/1/1904

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

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

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

not applicable

Diversion Point Two dams #1 in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27-

#2 in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28 Additional points of

diversion in NW $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$ both in Sec. 33,

All in T10S-R4E

Land to be Irrigated _____

S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$: S $\frac{1}{2}$ NE $\frac{1}{4}$: SE $\frac{1}{4}$, Section 33 and S $\frac{1}{2}$ NW $\frac{1}{4}$:

N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 34 both in T10S-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. 1888-2 Hydrologic Unit 10120108
 Map No. 1888-2 Basin UC
 Newspaper N/A

DWNR, Foss Bldg.
 Pierre, SD 57501
 (605) 773-3352

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 Filings 0638-2 & 0640-2
☐ 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 57774
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 6.24 Total acres irrigated 437

3. Source of Water supply Horse Creek

4. Location of point of diversion Dam #1-N69°E 1425' from SW Corner, Section 27, T10, R4.
Dam #2-N48°E, 3070' from SW Corner Section 28, T10, R4. Cmp#1-S25°E 1420', Cmp#2-S41°E
1730; Cmp#3-S57°E-2360' all from NW Corner, Section 33, T10, R4 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.
(See attached sheet)	

Land Description	No. Acres Irr.

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. The main points of diversion are two dams on Horse Creek. The water is transported from the dams to the fields by canals. Additional points of diversion are three small culverts through a road along the edge of the irrigated field. These culverts divert runoff from a small dry draw watershed.

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 Fishko

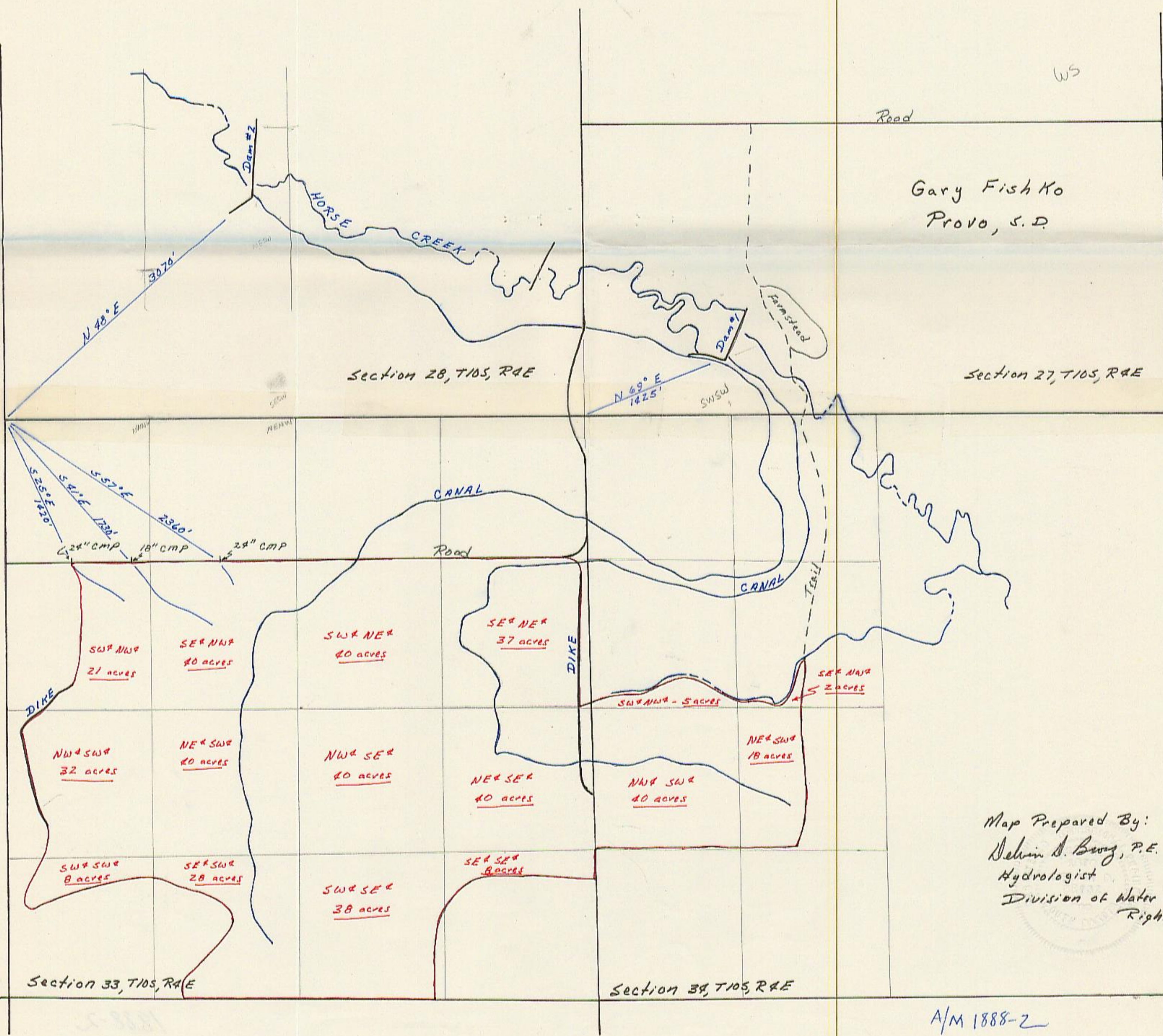
Subscribed and sworn to before me this 19 day of July

M.P. FARRELL, NOTARY PUBLIC
 MY COMMISSION EXPIRES
 April 1, 1990

WS

Road

Gary Fish Ho
Provo, S.D.



Map Prepared By:
Delvin A. Bragg, P.E.
Hydrologist
Division of Water
Rights

A/M 1888-2

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

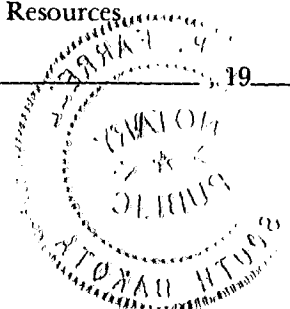
By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

19____



7. Acres to be Irrigated

Section 33, T10S, R4E

SW $\frac{1}{4}$ NW $\frac{1}{4}$	21 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	8 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	28 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	8 Acres

Section 34, T10S, R4E

SW $\frac{1}{4}$ NW $\frac{1}{4}$	5 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	18 Acres

TOTAL	437 ACRES
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VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1888-2

Gary Fishko
(applicant)

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

South Dakota 57774
(state) (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 April 22, 1904.
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 _____

6.24 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 26, 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

Dam #1

- b) Freeboard _____ 4 ft.
- c) Crest Width _____ 10 ft.
- Crest Length _____ 425 ft.
- d) Height _____ 15 ft.

e) Outlet Dimensions:

Canal ~~Rip~~ diameter _____ 4' bottom - 5' deep

1:1 SS

Spillway width _____ 30 ft.

f) X & Y Slope

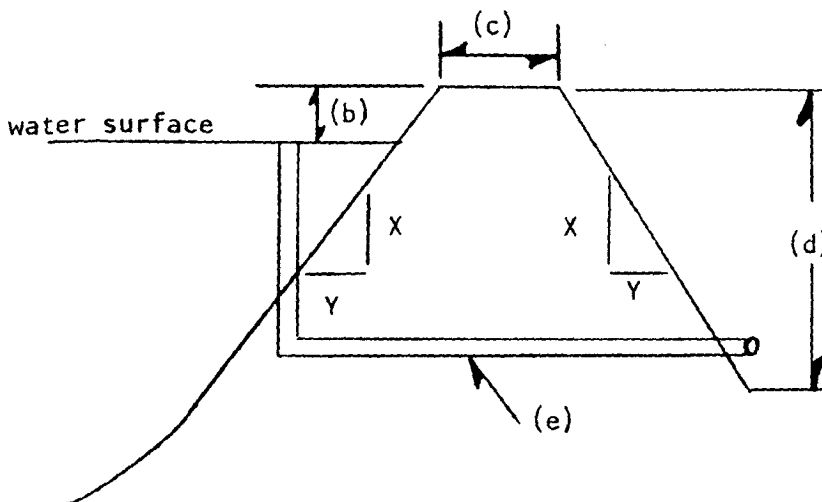
Upstream _____ 2:1 (eroded)

Downstream _____ 2:1

Surface Area of Impoundment _____ 12 Acres

Storage _____ 50 _____ acre feet

Drainage area above dam _____ 5000 Acres



Gary H. Fushko
Signature of Applicant

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

Dam #2

b) Freeboard _____ 3 ft _____

c) Crest Width _____ 8 ft _____

Crest Length _____ 950 ft _____

d) Height _____ 15 ft _____

e) Outlet Dimensions:
Pipe diameter _____ 18" (estimate) _____

Spillway width _____ 30 ft _____

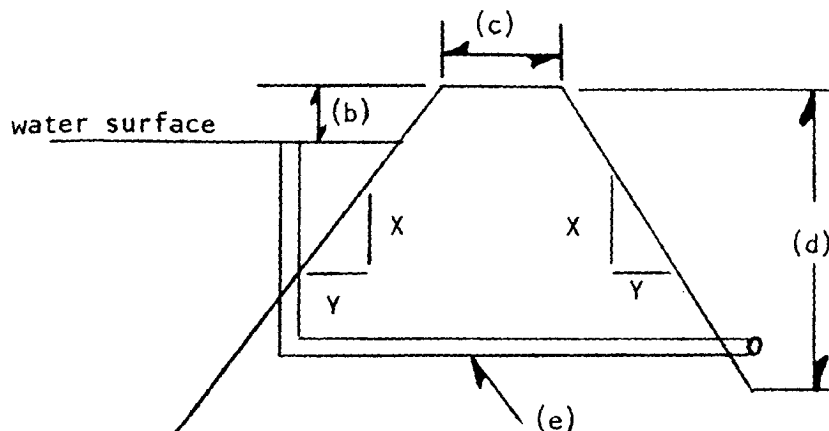
f) X & Y Slope
Upstream _____ 2:1 _____

Downstream _____ 3:1 _____

Surface Area of Impoundment _____ 4 Acres _____

Storage _____ 10 _____ acre feet

Drainage area above dam _____ 4200 acres _____



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) Gary Fishko
 Post Office Address Star Route, Box 16 Provo SD 57774
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation 1904 Date of Posting 1904
 Date of recording April, 1904 Recording date Fall River County 3 532-533
Where Book Page
B. Date of start of construction of water supply system 1904C. Date that water was first applied to beneficial use 1904D. Name of owner of original water supply system James H. BellE. Amount of water originally applied to beneficial use 10-14 cfsF. Present Use of Water - Amount of water now being used 6.24Date that this water was first used 1904

G. Chronological History of Water Use

James Bell constructed the system in 1904

Gary Fishko purchased the property from Freda Bell in 1970

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 of type)
 and that the matters therein stated are true.
Signed Gary FishkoSubscribed and sworn to before me on July 19, 1984M. 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____

State of South Dakota

VESTED RIGHT Water License No. 1888-2

(1) Gary Fishko
of Star Route, Box 16, Provo, South Dakota
made Application No. 1888-2, July 31, 1984 for recognition of / ~~for a water permit~~ ^{a vested right} to appropriate
6.24 cubic feet per second of water from Horse Creek,
Fall River County, South Dakota for Irrigation purposes.
Vested Right Permit No. 1888-2, with a priority date of April 22, 1904
~~was approved~~ ^{recognized} September 26, 1984 and issued to applicant(s) for diversion of water with ^{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~~.

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 6.24 cubic feet per second of water
for beneficial use. The location of the diversion point(s) ~~is~~ ^{are} Dam #1 - N69°E 1425' from SW corner
Section 27, T10S, R4E; Dam #2 - N48°E 3070' from the SW corner, Section 28,
T10S, R4E; CMP #1 - S25°E 1420', CMP #2 - S41°E 1730', CMP #3 - S 57°E 2360',
all from NW corner Section 33, T10S, 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 T10S, R4E

Section 33	SW $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres	Section 33	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 "			
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32 "	Section 34	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5 "
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 "		SE $\frac{1}{4}$ NW $\frac{1}{4}$	2 "
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	8 "		NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28 "		NE $\frac{1}{4}$ SW $\frac{1}{4}$	18 "
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 "		TOTAL	437 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37 "			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 "			
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40 "			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38 "			

(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. 1888-2 is issued a license to appropriate water, the right to use
6.24 cubic feet per second of water from Horse Creek with a priority date
of April 22, 1904 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. 1888-2 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. 1888-2 is based upon a Vested Right claim filed
with the Water Management Board.

Permit No. 1888-2Upper 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 Gary
Fishko of Provo, S.D. holder of
 Permit No. 1888-2, bearing the priority of April 22 1902 authorizing
 the diversion of 6.24 ~~20-70~~ cu. ft. per second of the waters of Horse 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 #1 - uncontrolled outlet canal. Dam #2 - 18 inch pipe outlet (uncontrolled - gate inoperable). Three CMP road culverts that divert water onto field from small dry draw watershed.
- B. Works used to transport water to place of use:
Dam #1 - canal. Dam #2 - canal
- C. Works used to apply water to beneficial use:
Small ~~outlet~~ overflow ditches and dikes

The system is in the following condition Fair

The point of diversion is located Dam #1 - N69°E 1425' SW corner SEC 22, T10, R2, Dam #2 - N48°E 3070' SW corner, SEC 28, T10, R2. CMP #1 - S25°E 1420', CMP #2 - S41°E 1730', CMP #3 - S57°E 2360' all from NW corner section 33, T10, R2
 The works are capable of diverting and conveying to the place of use 20 cfs

cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: (see attached sheet)comprising a total of 437 acres of land and the license should be issued for 6.24 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 16, 1982

Helvin W. Benz, P.E.
 (signature) Helvin W. Benz

RECEIPT

Division of Water Rights

No 4 9727

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. 1888-2 to Appropriate Water, to construct works and to put water to beneficial use	8	90
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. 1888-2	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

Chief Engineer

John Hatch
JOHN HATCH MS

WATER RIGHTS DIVISION

(605) 773-3352

June 5, 1984

Gary Fishko
Star Route, Box 16
Provo, South Dakota 57774

Dear Gary,

After inspecting your water spreading system I have completed all of the necessary forms. Enclosed for each system are two copies of form 2, "Application for Permit", two copies of form 2A for the water storage dam information and one copy of form 2B, "Affidavit of Water Use".

Would you please examine the forms and correct anything that is in error. Then, please sign the forms in the presence of a notary where indicated. The forms should then be returned to our office with a check for \$21.00 to cover the cost of the filing fee and license (\$10.50 for each system).

Upon approval by the Water Management Board, Location Notice 95-2 will be incorporated into the one Water Right. Water Right Filings 0638-2 and 0640-2 will be incorporated into the other water right.

I have also enclosed maps of your projects. If you have no changes to these maps you may keep them for your files. If you have some changes please indicate them on the map(s) and return with the forms so that we can correct our office copies. You may keep the copies of the Location Notice 95-2 and Water Right Filings 0638-2 and 0640-2.

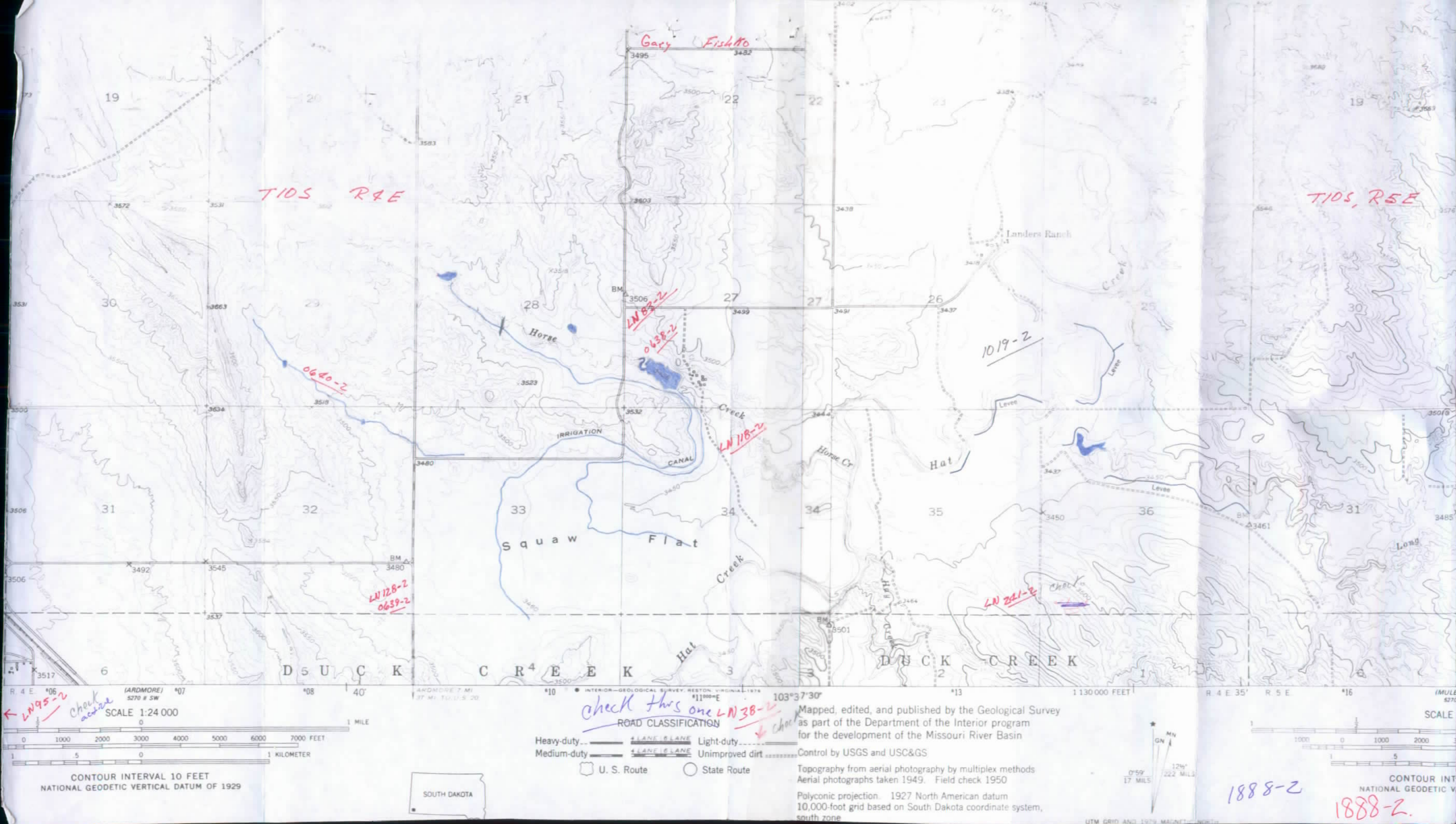
We will be cancelling the Location Notices and Water Right Filing that I discussed with you. The lone exception will be Location Notice 38-2 which is in Section 10, T11, R4. I may be able to tie this one to the small spreader system that you showed me in this Section.

If you have any questions, please feel free to contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.



T10S R4E

T10S, R5E

Gary Fish No

0640-2

LN 83-2

0638-2

LN 118-2

1019-2

LN 241-2

LN 128-2
0639-2

LN 95-2

check this one LN 38-2

check

1888-2

1888-2

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

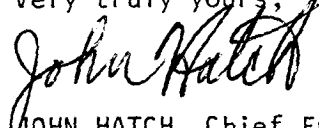
Gary Fishko
St Rt Box 16
Provo SD 57774

Dear Mr. Fishko:

Enclosed herewith are your Vested Right Permit, Water License No. 1888-2.
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 Water Right Filings No. 0638-2 and 0640-2 were
incorporated into Vested Right No. 1888-2 and the abandoned portions of Water
Right Filings No. 0638-2 and 0640-2 have been cancelled.

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 23, 1990

NOTICE

1887-2
1888-2

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).



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 1 1992

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,

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

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1888-2 FOR IRRIGATION

Date of Receipt of Claim July 31, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1888-2 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. 1888-2 appropriates 6.24 cubic feet of water per second from Horse Creek with the points of diversion located in the SW 1/4 SW 1/4 Section 27, NE 1/4 SW 1/4 Section 28, NW 1/4 NW 1/4 and the NE 1/4 NW 1/4 Section 33 to irrigate 437 acres located in the S 1/2 NW 1/4, SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 33, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 34; all in T10S-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 April 22, 1904.
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: 
Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2025

1888-2

Weinreis Brothers Land LLP
12434 Horse Creek Lp
Edgemont SD 57735

To whom it may concern:

I am writing today in regard to Validated Vested Water Right No. 1888-2, currently held in the name of Gary Fishko. Vested Right No. 1882-2 authorized a water spreading system diverting water from Horse Creek, through a series of dams and canals, for the irrigation of 437 acres located in portions of Sections 33 & 34; all in T10S-R4E (copy enclosed).

Based on recent information, it appears that the property authorized for irrigation is now owned by Weinreis Brothers Land LLP. If the water spreading system has been maintained and is operational, ownership of Vested Right No. 1888-2 should be transferred accordingly. If the system is no longer functional, the water right should be scheduled for review by the SD Water Management Board for cancellation.

For your convenience I have also enclosed a partially completed "Notice of Transfer of Ownership" form, the fees for which would be \$50. Fees may be paid either by calling our Fiscal Office (605) 773-5559, or by mailing a check (payable to SD Water Rights), to:

DANR-Water Rights, 523 E Capitol Ave, Pierre SD 57501

Please contact me to discuss the status of the above-mentioned water spreading system prior to submitting any paperwork or payment.

Sincerely,

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

cc: Weinreis Brothers Land LLP
230908 Highland Rd, Scottsbluff NE 68361

PAID

FEB 23 2026

Ck# 256479

Rec't# _____

RECEIVED

FEB 24 2026

OFFICE OF
WATER

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. 1888-2

Date: 2-13-2026

I/We request that Water Right/Permit No. 1888-2 formerly owned by:
Gary Fishko, Provo SD be transferred to:

New Owner Name: Weinreis Brothers Land, LLP
Address: 12284 Horse Creek Loop mobile: 605-745-3261
City, State, Zip Edgemont, SD 57735 email: marissae.coutourousa.net

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

Section 33-T10S-R4E	Section 34-T10S-R4E
S 1/2 NW 1/4	S 1/2 NW 1/4
SW 1/4	N 1/2 SW 1/4
S 1/2 NE 1/4	
SE 1/4	
TOTAL: 437 acres	

☒ I understand that the validity of Water Right/Permit No. 1888-2 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, Charles Weinreis of Weinreis Brothers Land, LLP, the new owner, certify that the above information is true and correct.

Charles Weinreis
(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.

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

RECEIVED OF Weinreis Brothers Land, LLP 12284 Horse Creek Loop Edgemont, SD 57735

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 #1888-2 _____	\$50.00
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
	\$50.00

Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 25, 2026

Weinreis Brothers Land, LLP
C/O Charles Weinreis
12284 Horse Creek Loop
Edgemont, SD 57735

1888-2

Dear Mr. Weinreis:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 1888-2. Enclosed is a receipt of payment for your records.

Water Right No. 1888-2 previously held by Gary Fishko, is now listed under Weinreis Brothers Land, LLP. 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 License (copy enclosed), 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 License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 1888-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure