

No. 26172.....

Division No. 2.....

Keyopaha River District.

PERMIT

to appropriate water from.....

Keyopaha River.....

Tripp County, South Dakota.....

Name of applicant.....

Charles Richoy.....

Name of diversion works.....

Richoy Diversion No. 1.....

Date of first receipt at office of State

Engineer January 15, 1940

Returned to applicant for Correction

January 18, 1940

Corrected application received.....

February 5, 1940

Date of water right.....

January 15, 1940

Recorded in Book 2 Page.....

One-fifth of work to be completed

January 15, 1941

Whole work to be completed.....

19

Final proof of use of water.....

19

Approved March 27, 1940

State Engineer,

Extended to Oct. 1, 1947.

NO. 281-2

Water Division No. 2
(Blanks to be filled by the State Engineer.)

Keyapaha Water

RECEIVED

JAN 15 1940

11:57 A.M.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.APPLICATION FOR A PERMIT
To Appropriate Water Within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant..... Charles Richey.....
Postoffice address..... Hillborn....., County..... Tripp....., State..... South Dakota.....

I. If a corporation.....

- (a) Name of same.....
 (b) Date and place of incorporation.....
 (c) Amount of capital stock.....
 (d) Amount paid in.....
 (e) Names and addresses of directors:

RECEIVED

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(NOTE—A certified copy of articles of incorporation must accompany the application.)

1. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing the work. (Whether by contract, employment of others,

(b) Direct labor)..... DIRECT LABOR.....

(c) Bonds on hand, \$..... 500.00.....

(c) Treasury stock, \$.....

(d) Bonds to be issued, \$.....

(e) Other resources, \$.....

2. Name of diversion works..... Pump station No. 1..... (RICHIEY DIVERSION No. 1)

3. Quantity of water claimed..... 0.675 cubic feet per second..... 0.6

4. Source of water supply..... Keyapaha River.....

5. Location of point of diversion..... S.E. 1/4 of the S.E. quarter Section 15-95-73.....

740 N - 410 N SE COR SEC 15-95-76 on..... Left..... bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used..... March Dec.
March to September

7. To be used for:

I. Irrigation or domestic use:

(h) Number of acres to be irrigated..... 47.05..... acres.....

(b) Legal subdivisions to be irrigated..... SW 1/4 of SE 1/4 Sec 15 4.0567 NW 1/4 of SW 1/4 Sec 14 8.00A
NE 1/4 of NW 1/4 Sec 23 15.19A NW 1/4 of NW 1/4 Sec 23 13.69A
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

SE 1/4 of NW 1/4 Sec 23 4.11A TWP 95 R 76 W

(c) Statement as to domestic use (giving location, etc.) For irrigation of farm crops.

S.E. of Sec. 15 the SW 1/4 of Sec. 14 NW 1/4 of Sec. 23-95-76

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use.....

(b) Amount of power to be generated..... horse power.

(c) Location of plant.....

(d) Method of developing power.....

(e) Point where water will be returned to stream.....

State Engineer.

MAP 322-2

8. Estimated cost of work: (a) Head gates, \$ 50.00 (b) Pumping plant, \$ 152.20
(c) Fluming, \$ 100.00 (d) Canal-earth, \$ 50.00 Rock, \$ 0.00
(e) Other structures, \$ 100.00 Total, \$ 452.20

9. Description of diversion work:

I. Nature of work: (Reservoir, dam, ditch, flume, pumping plant, etc.)

PUMP STATION and CANAL 2.2 c.f.f. min.

II. Dimensions of work:

- (a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope of front (water) face.....; slope of back face.....; material used in construction.....
(b) Reservoir; Capacity when filled.....acre feet Surface area at highwater mark.....acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET OF	CAPACITY ACRE-Feet

- (c) Head gate: Width 2 feet; height 1 feet;

Material WOODEN PLANKS

- (d) Canal: Total length 3896 FEET miles.

LOCATION BY HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At <u>THROUGH</u> Mile <u>2</u> feet <u>4</u> feet <u>8</u> feet <u>1000</u> feet				
At Mile feet feet feet feet				
At Mile feet feet feet feet				
At Mile feet feet feet feet				
At Mile feet feet feet feet				

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.
11. Time required for complete application of water to the proposed beneficial use 4 years.
12. Choice of newspaper for publication of notice of intention to appropriate

CORONET TIMES - CORONET 20 DAK

STATE OF SOUTH DAKOTA,

County of Lincoln

I Charles H. Picking, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of

Owner, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Charles H. Picking

Subscribed and sworn to before me this 12 day of Jan, 1940

Geo C Muller
Notary Public (or other qualified officer)

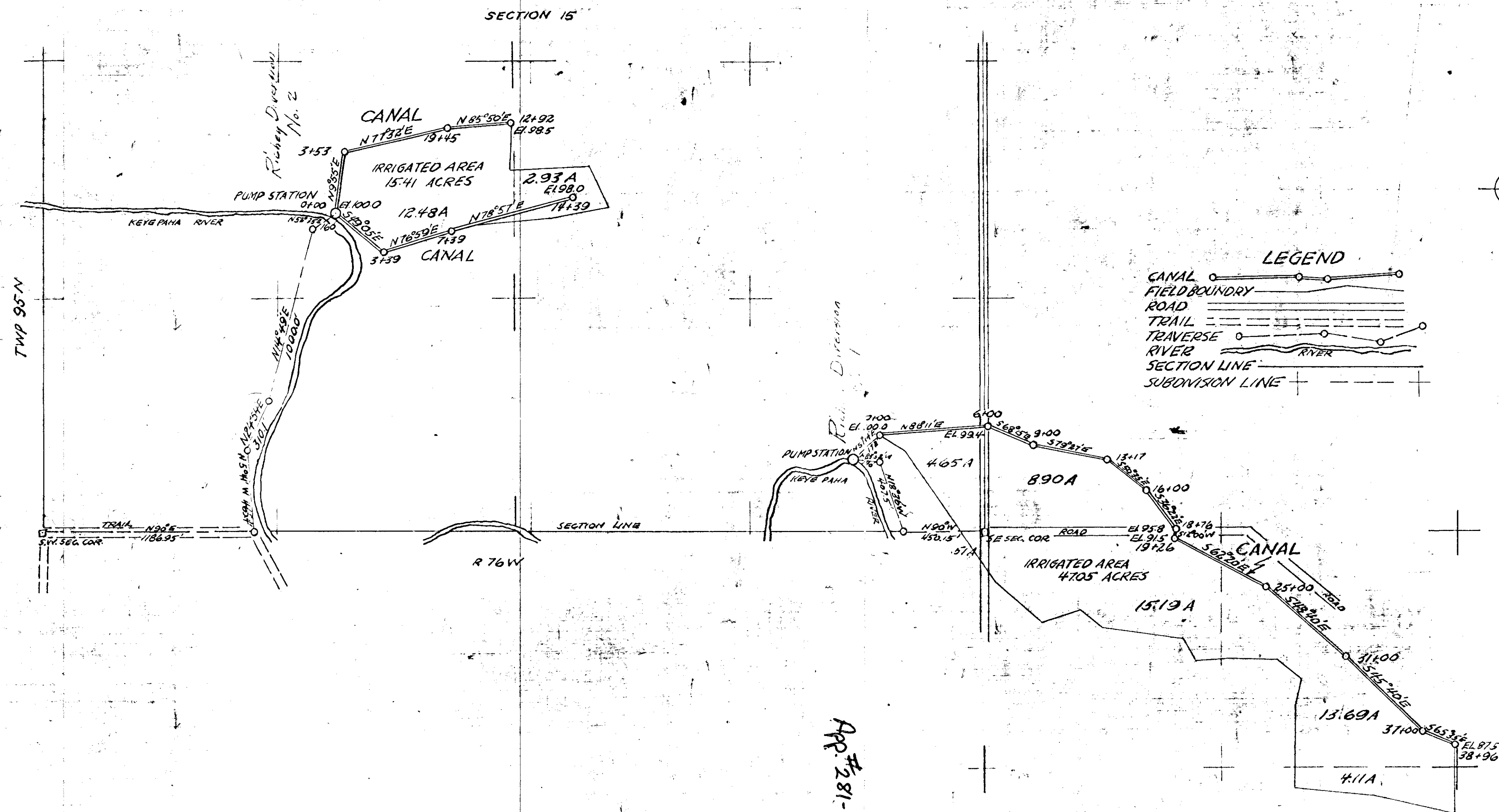
MAP OF KEYEPAHA RIVER IRRIGATION PROJECT

SECTION 15 - T95N-R76W

CHAS. RICHEY - OWNER

TOTAL ACRES UNDER IRRIGATION ~ 62.46

2 PUMPING STATIONS



SURVEYED 12-20-39
PLOTTED 12-21-39
TRACING 12-22-39

DESCRIPTION 5/8 SEC. 15-95-76
SW 1/4 SEC. 14-95-76
NW 1/4 SEC. 23-95-76

SCALE 1" = 400'

J. P. Richardson
Registered Professional Engineer & Land
Surveyor.

Remarks by State Engineer:

Protest was made by stockmen below the site to the use of water from the river for irrigation during low stage when stockwater supply might be affected. For this reason the annual period of use has been limited as stated below. For the purpose of this permit the limitation shall be as follows: During periods when the flow in the river at the Government Station at Wadena is 10 cu. ft. per sec. or less or when the gage reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation.

STATE OF SOUTH DAKOTA,

County of Hughes

ss.

Pierre, South Dakota, March 27, 1940

This is to certify that the foregoing application was received at this office at 1.45 o'clock P.M. upon the 15th day of January 1940 and that after examination it was found to conform to the irrigation laws of South Dakota and the permit is hereby granted subject to the provisions hereinafter stated.

DEAN W. LOUCKS

State Engineer.

Number of permit 291-2

Date of first receipt of application January 15, 1940

Date of return to applicant for correction January 16, 1940

Date of receipt of corrected application February 5, 1940

Date from which applicant may claim right January 15, 1940

Approved March 27, 1940, Recorded in Book 2 Page 466-467

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 27, 1941

2nd. The whole of said work is to be completed on or before March 27, 1942

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 27, 1944

4th. The water appropriated shall be used for the purpose of Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 0.6 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 March 27, 1944; said water to be used during the following described annual periods:

March to December except during periods of low river stage when use of water for irrigation would affect necessary stockwater supplies.

Witness my hand this 27th day of March 1940

DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 281-2

WHEREAS, On the 12th day of January A. D. 1940

CHAS. LEO R. RICHIEY

of Hillboro County of Tripp and State of South Dakota duly made application (No. 281-2) to me for a permit to use 0.6 cubic feet per second of the waters of Knapaha River County of Tripp State of South Dakota, for irrigation purposes; and

WHEREAS, On the 27th day of March A. D. 1940 Permit No. 281-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 27th day of March A. D. 1942 and for the application to beneficial use of said water on or before the 27th day of March A. D. 1944 and, said dates later extended to Oct. 1, 1947

WHEREAS, On the 11th day of November A. D. 1947 the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.6 cubic feet per second of said water, as evidenced by my Certificate No. 281-2 dated November 13, 1947 confirming the completion of works of sufficient capacity for diverting and conveying the place of intended use 0.6 cubic feet per second of water, with date of priority of January 15, 1940 and,

WHEREAS, On the 13th day of November A. D. 1947 proof was duly made of the application to beneficial use of 0.6 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Charles R. Richey of Millbore, So. Dak. the holder and owner of said permit No. 281-2 a water right, dating from January 15, 1910 to the use of cubic feet per second of the waters of Keyapaha River in the County of Tripp and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 740 feet west and 410 feet north of the SE corner of Section 15, Twp. 95 N., R. 76 W., 6th P. M. and conducted to and upon the SW¹/₄ of the SE¹/₄ of Section 15, Twp. 95 N., R. 76 W., the SW¹/₄ of the SW¹/₄ of Section 11, Twp. 95 N. R. 76 W.; the NW¹/₄ of the NW¹/₄ of Section 23, Twp. 95 N. R. 76 W.; the NE¹/₄ of NW¹/₄ Sec. 23, Twp. 95 N. R. 76 W.; and the SE¹/₄ of NW¹/₄ of Sec. 23, Twp. 95 N. R. 76 W. for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 13th day of November A. D. Nineteen Hundred and forty-seven.

Dean V. Loucks,

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 281-2

To Charles R. Richey

Millbore, S. Dak.

Source of Supply Keyapaha River

County Tripp

Am't 5.6 Sec. Feet

Point of Diversion 740 ft. west and 410 ft. north of SE corner of Sec. 15, T. 95 N. R. 76 W. 6th P. M.

Place of Use SW¹/₄ Sec. 15-4-65 a. SW¹/₄ Sec. 11-8-90 a. NW¹/₄ Sec. 23-15-19 a. NE¹/₄ Sec. 23-13-69 a. SE¹/₄ Sec. 23-4-11 a.

Purpose Irrigation

Date of Priority Jan. 15, 1910

Recorded March 27, 1910 in Book 2 of Rights Page 466-467

RECORDED

INDEXED

Permit No. 281-2

Water Division No. 2

Keyapaha

Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That CHARLES R. RICHEYof Millboro, County of Tripp, and State ofSouth Dakotathe holder... of Permit No. 281-2, Issued upon Application No. 281-2, bearing date of priority of January 15, 1940, authorizing the diversion of0.6second-feet of the waters of Keyapaha RiverCounty of Tripp, State of South Dakota, at a point 740 feet west and 440 feet north of the S. E. Cor. of Section 15, Twp. 95 N. R. 76 W. 6th P. 4.for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.6

second feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 - 4.65 acres.SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14 - 0.90 "NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 - 15.19 "NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 - 13.69 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23 - 4.11 "

Time for completion extended to Oct. 1, 1947.

Letter dated Sept. 20, 1947 notifies the State Engineer's office of completion of work.

Witness my hand this 13thday of NovemberA. D. 1947

Dean W. Loucks, State Engineer of South Dakota.

Permit No. 281-2

Water Division No. 2

Keyapaha

Water District

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Pierre, South Dakota

(Date) Sept. 26, 1947.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of .6
second feet of the waters of the state from Keyapaha River
through the Richey Diversion No. 1
for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

- The name of the person or corporation holding said permit is Charles Richey
- The postoffice address of such person or the place of business of such corporation is Milboro
County of Tripp State of South Dakota
- The number of such permit is 281-2 and the date set for the completion of such work is
extended to October 1st, 1947.
- Said water to be used for irrigation purposes
- Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is .6 cubic feet per second.
- The amount of land for which said water is available is 46.54 acres,
particularly described as follows: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, 4.65 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, 8.90 acres;
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, 13.69 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, 4.11 acres; T. 95, R. 76 W. 15.19 acres;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, 13.69 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, 4.11 acres, T. 95, R. 76 W.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following cer-
tificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

(Signature)

Charles R. Richey
Engineer

Permit No.

281-2

Water Division No.

2

Keyapaha Water District

NOV 13 1947

OFFICE OF STATE ENGINEER
SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.) Kadoka, S. Dak.

(Date) November 8, 1947

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 8th day of November 1947, at Millboro County of Tripp State of South Dakota, before J. R. Richardson (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of the Keyapaha River in accordance with the terms and conditions of Permit No. 281-2 heretofore issued by the State Engineer of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

Charles R. Richey, Millboro, S. Dak.

2. The use to which said water has been applied is

Irrigation for growing crops

3. The amount applied to beneficial use is

0.6 C.F.S.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

SE 1/4 Sec. 15, 4.65 Acres, SW 1/4 - SW 1/4 Sec. 14, 8.90 Acres, NW 1/4 - NW 1/4 Sec. 23, 15.13 Acres, SE NW 1/4 Sec. 23, 4.11 Acres, NE NW 1/4 Sec. 23, 13.69 Acres, all located in T. 95 N., R. 76 W.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

Richey Diversion No. 1

6. The right to take the water from such works is based upon permit No. 281-2

7. The source of supply from which such water is diverted is Keyapaha River

8. The date of priority which said user is prepared to establish is January 15, 1940.

(Sign)

J. R. Richardson
Reg. Prof. Engin. & Land Surveyor
No. 219, State of South Dakota.

RECEIVED

JAN 21 1950

OFFICE OF THE ENGINEER
PIERRE, S. DAK.

M. L. Chano, Esq.

Jan. 19, 1950

Mr. L. E. W. Laucke

State Engineer

Pierre, S. Dak.

Dear Mr. Laucke:-

In regard to the application of Mr. R. H. Oibough of Winner to appropriate water from the Keya-Pala River, No. 374-2; I have what I think is the first water right on the Keya-Pala River, Date Jan 15-1940. It was approved Mar 27 1940. It is recorded in Book 2, Page 466-467.

You will note that there is a restriction placed on me as to the amount of water to be used. I have found that

during the months of July, Aug., Sept. and Oct., there is a good chance of the time, the river does not carry enough water for me to take any out.

This application, No. 347-2 is not far upstream from mine.

I have been very careful not to violate my permit so request that restrictions be placed on his application too, to protect my right, and which would also protect the stockmen who filed a petition limiting my supply.

When Mr. Richardson checked my plant for the license he went to the man (Mr. O'Sullivan) who circulated the petition.

against my permit and was
told that I was not hurting the
supply.

I have put considerable ex-
pense and work on my project
and feel I should be protected.

The Nebraska Development
Assoc. engineers, at Penseworth,
Neb. are keeping a close check
on the river and I feel sure
the records will show the
stream will not stand pump-
ing during dry weather.

Hoping this receives your
consideration.

I remain yours truly
Chas. R. Pichay

January 24, 1910

Charles H. Pichoy
Millboro, S. Dak.

Re: Water Application No. 247-2
C. G. Albaugh

Dear Mr. Pichoy:

I have your letter of January 19 in which you call my attention to your Water Permits Nos. 281-2 and 282-2 which is located below the site of the above application, also to the limitation which we put on your permit resulting from the protest from stockmen below the site.

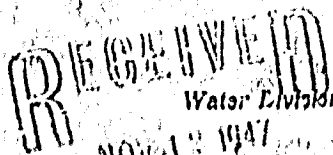
Your permit is limited as follows: "During periods when the flow in the river at the Government Station at Weyala is 10 cu. ft. per sec. or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation".

In considering the application of Mr. Albaugh, we will give the stock water interests the same consideration as we did in connection with your right. Also your right will be prior to any permits granted at this time.

Yours very truly,

cc: R. O. Albaugh

DEAN W. DICKER
State Engineer



Permit No. 281 * 2

Water Division No. 3 Keyapaha Water District

Certificate of Application of Water to Beneficial Use.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Charles R. Richey, Millboro, S. Dak., Farmer

Residing on premises

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and position of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Owner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 281-2 Dated Jan. 15, 1940

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. The Keyapaha river, Diversion point located 740.0 feet west and 410.0 feet north from the S. E. Corner of Section 15, T 95 N. R. 76 W.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Power operated pump capable of 0.6 C.F.S. capacity and canal

Name Richey diversion No. 1

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation from March to December each year

S.E. 1/4 of S.E. 1/4 Sec. 15 - 4.65 acres, S.W. 1/4 of S.W. 1/4 Sec. 14 - 8.90 acres, N.W. 1/4 of N.W. 1/4 Sec. 23 15.19 acres, N.E. 1/4 of N.W. 1/4 Sec. 23 13.69 acres, S.E. 1/4 of N.W. 1/4 Sec. 23 - 4.11 acres T. 95N, R. 76 W.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.6 C.F.S.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same person

Quas. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Beginning 1940 and year following, 1941, 1942, 1943, 1944 1945, 1946 and 1947 March to December pumped for irrigation as required for growing crops

(Sign.) *Charles P. Parker*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Colome*, County of *Steph*

State of South Dakota, on this *11* day of *Nov*, A. D. 19*47*

J. E. Gammewell
Notary Public

Permit No.
Proof of Application of Water to Beneficial Use.
DEPOSITION OF HOLDER.
Amount of water second feet
Source
County
Purpose
Place of Use
Date of priority
Received and filed

Permit No. 281-2

Water Division No. 2 Keyapaha Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Charles R. Richey, Millboro, S. Dak. Farmer
Residing on Premises

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Owner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 281-2 dated Jan 15, 1940

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. The Keyapaha River, Diversion Point Located
740.0 ft west and 413.0 feet north from the S.E.
corner of Section 15, T. 95N. R. 76W.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Power operated Pump capable of 0.6 C.F.S. capacity
and canal. Name Richey Diversion No. 1

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation from March to December each year.
SE 1/4 SE 1/4, Sec. 15, 4.65 Acres, SW 3/4 Sec. 15, 20.90 Acres,
NW 1/4 NW 1/4 Sec. 23, 15.19 Acres, NE NW 1/4 Sec. 23, 13.69
Acres, SE 1/4 NW 1/4 Sec. 23, 4.11 Acres, T. 95N, R. 76W.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

0.6 C.F.S.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same person

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Beginning 1940 and each year following, 1941, 1942, 1943, 1944, 1945, 1946, 1947, March to December.
Pumped for irrigation as required for growing crops.

(Sign.) Charles R. Rink

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Colome, County of Judith

State of South Dakota, on this 11 day of Feb, A. D., 1947

J. E. Symmes
Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

RECEIVED

Form 12—Proof of Publication—Appropriation of Water.

MAR. 12 1940

No.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Tripp } ss.

Ralph Mitchell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....

Colome Times a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Town of Colome County of Tripp and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Thursday, Febr. 15, 1940

Thursday, Febr. 22, 1940

Thursday, Febr. 29, 1940

Thursday March 7, 1940

In each and every issue of the full number thereof, the first publication being made on the 15th day of Febr.

1940 and the last publication on the 7th day of March 1940, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper

Ralph Mitchell

Subscribed and sworn to before me this 9th day of March 1940 A. D. 1940

E. B. Bradley
Notary Public Tripp County, S. D.

APPROPRIATION OF WATER

Office of the State Engineer,
Pierre, S. Dak., Feb. 5, 1940.
Notice is hereby given that Charles P. Richey, whose post office address is Millboro, Tripp County, South Dakota, has made application in accordance with the provisions of the Irrigation Law of South Dakota for permits to appropriate for beneficial use 0.6 and 0.2 cubic feet of water per second of flow from Koya Paha River through Richey Diversion No. 1 & 2 respectively, the point of diversions to be located on the left bank of said stream in the SE 1/4 of the SE 1/4 of Section 15 township 95N range 70W and 740' W, and 410' N from the SE corner of the said Section 15, and in the NE 1/4 of the SW 1/4 of Section 15 township 95N range 70W, and 1830' East and 1790' North from the SW corner of said Section 15, respectively. Said water to be used for the purpose of providing irrigation in Sections 14, 15 and 23 in township 95 north range 70 west. These applications will be taken up by the State Engineer at his office at Pierre for consideration upon the 9th day of March 1940 at 11:00 A.M. All persons who believe that their prior rights would be injuriously affected or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day, and at the place above mentioned, in person, for the purpose of discussing further the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any and all information presented.
Dean W. Loucks,
State Engineer.
-7-41.

Form No. 25.

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS.

To the State Engineer.

Pierre, South Dakota.

Dear Sir:-

I heroby request that an extension of time of three years
be granted me for the completion of works
to be done under permit No. 281 - 2.

Said works are located in Tripp County and
are described as follows:-

Location of headworks: In the S. E. of the S. E.
of Section 15 Township 95 Range 76
E., B. H. M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is re-
quested for the following reasons: Lack of labor to complete works due
to war conditions.

Chas R. Richey
Holder of Permit No. 281 - 2

APPROVED:-

Wm. H. Tucker
State Engineer.

RECEIVED

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Form No. 25

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS.

To the State Engineer,
Pierre, South Dakota.

Dear Sir:-

I hereby request that an extension of time ~~xxx~~ to Oct. 1, 1947

be granted me for the completion of works to be
done under permit No. 281-2
282-2.

Said works are located in Tripp County and
are described as follows:-

Location of headworks: In the SE
NE $\frac{1}{4}$ of the SE
SW $\frac{1}{4}$
of Section 15 Township 96 N. Range 76 W.
E., B. H. M.

The water is to be used for the purpose of Irrigation

The extension of time for the completion of these works is requested
for the following reasons:

Difficulty in getting material and equipment

APPROVED:-

Albert H. Sucker
State Engineer.

Charles R. Richey
Holder of Permit No. 281-2
282-2

Copy sent to Charles R. Richey
Millboro, So. Dak.

November 22, 1939

C. H. Richey
Millboro, South Dakota

Dear Sir:

Replying to your letter of the 19th just received.

I believe we can include both your pumping projects under one fee and advertise both at the same time if the points are not too far apart and are on the same creek. The applications, however, should be made out separately and the survey and maps should show each point of diversion and the land to be irrigated from each.

Very truly yours,

DEAN W. LOUCKS,
State Engineer.

DWL:dn

March 18, 1940

Chas. R. Richey
Willboro, South Dakota

Dear Sir:

I have your letter of March 10th relative to your application for a water right on the Kaya Paha River.

We have received a petition protesting the permit with twelve signatures including the names of the men which you mentioned in your letter. The petition maintains that the right will seriously injure the supply of water for livestock during the dry months of the year.

As you know the date set for taking this matter up was very stormy and none of these men were able to come to Pierre; for that reason they have been given the remainder of this week to take the matter up and we will hold the same open until the end of this week. However, since the objection is for stockwater only and since they still have the stock water right under their riparian status, it is my opinion that the permit would not affect their stockwater use since in any case you would be obliged to let such water through.

In talking with Mr. Didier over the telephone from Winner, he said that in talking with you you had decided only to irrigate in the fall and I told him that if this was the case you would have to change your application as it now reads as from March to December.

However, if any of the parties named on the petition or yourself wish to drop in to my office anytime during this week to discuss the matter further, I will gladly go over the matter with you.

Very truly yours,

Dean W. Loucks,
State Engineer.

DWL:dn

RICHEY WATER RIGHT

March 20, 1940

On March 20, 1940 the following interested parties appeared before the State Engineer in connection with water applications 281-2 and 282-2 by Charles Richey

Mr. Loucks: I have a petition protesting the use of water for irrigation when it might effect stockwater. Protest in this petition is for stockwater is what you fellows have in mind isn't it?

Mr. Richey: If when pumping water, a complaint is made against taking water from them I would stop. I have no intention of hurting anyone. Have lived on present location for 30 years.

Mr. Loucks to Mr. Vroman: Do you live on the river?

Mr. Vroman: Have been there 30 years.

Mr. Loucks: Do you run many stock?

Mr. Vroman: No, 50 head of stock, cattle and horses.

Mr. Loucks: Mr. Richey whats your observation of the amount of water in the river?

Mr. Richey: Last August pretty low, went dry twice in 30 years. In '94 Indians said it had been dry. Springs all along the river.

Mr. Loucks: Does your stock water from the river Mr. Vroman?

Mr. Vroman: Two wells on place and they just run about 10 to 15 gallons, pumping and runs slow. Takes water out in about an hour or two. Stock is watered from river, nothing from the well so far.

Mr. Turnquist: Just moved on place, live on the river, Have 100 head of stock, horses and cattle.

Mr. Loucks: Do you have wells?

Mr. Turnquist: No well on place - one well played out; tried to clean it out. One spring on place used for house use. Not used for stock.

Mr. Loucks: How long have you been on the place Mr. Jenks?

Mr. Jenks: Homesteaded - been on the river about 20 years.

Mr. Loucks: Have you quite a number of stock?

Mr. Jenks: Quite a few up to the last two years; haven't kept so many since.

Mr. Loucks: Hundred head or so?

Mr. Jenks: About 60 head.

Mr. Loucks: Whats your observation of the water in the river?

Mr. Jenks: Dried up 2 years, one year about 8 weeks with no water at all. Otherwise plenty of water. They had water about one mile up above and it would come down sometimes in the evening near to us and then it would quit. Seemed to sink into the gravel. We dug holes in the river, had quite a time watering cattle then.

Mr. Loucks: Have you wells?

Mr. Jenks: Two wells but neither one of them supply very much water, enough for house. Seems hard to get water from a deep well.

Mr. Loucks: How deep are the wells?

Mr. Jenks: To the shale, 25 to 27 ft, 2 wells at the house.

Mr. Axtell:

Mr. Loucks: How long have you lived on your place Mr. Axtell?

Mr. Axtell: 20 years.

Mr. Loucks: Is your experience about the same as to amount of flow in river?

Mr. Axtell: Dried twice in the 20 years there.

- Mr. Vroman: Dry in 1934 and 1935.
- Mr. Loucks: What is the normal flow of dry years in July and August?
- Mr. Turnquist: Can wade across in small overshoes.
- Mr. Vroman: Does not flow very much in August and September, it always gets low.
- Mr. Loucks: Do you have any cattle?
- Mr. Axtell: Just a few cattle, probably around 20 head altogether.
- Mr. Loucks: How many head do you have Mr. Grandsinger?
- Mr. G. About 20 to 30 head.
- Mr. Loucks: Any wells?
- Mr. G. Yes but just for house use.
- Mr. Loucks: No springs?
- Mr. G. Could be springs, flow could be dug out but they go dry last part of July and August, wells fail about that time too.
- Mr. Loucks: Could one sink a well in the creek bed?
- Mr. G. Could go into the shale, through the sand and gravel you get shale hard to get water in the well.
- Mr. Loucks: What do you think about irrigation, how important is your irrigation during July and August Mr. Richey?
- Mr. Richey: If the river is low, not important at all if robbing stock.
- Mr. Loucks: Riparian rights for domestic use would hold over a permit for irrigation.
- Mr. Turnquist: Irrigation early in the spring or in the fall, taking the water water would be most satisfactory.
- Mr. Vroman: Sometimes low four months at a time.
- Mr. Loucks: All streams now below normal flow.
- Mr. Loucks: I don't think you have a proposition but that can be handled.
- Mr. Richey: Talked it over last night and still figure that we could fix it up and pump just when the water was plenty - no intention of taking stock water.
- Mr. Axtell: What if someone else gets in and would take it all.
- Mr. Loucks: You would still have the riparian right for domestic use.
- Mr. Turnquist: Is there some way for a permit for water in the spring when there is highwater?
- Mr. Loucks: The applicant has to state the season of the year when he wants to take water. The two applications, is now from March to December.
- Mr. Axtell: That would take the water during the summer months.
- Mr. Richey: Protected by the state anyway.
- Mr. Turnquist: If irrigation was carried on in say March, April and May or in Spring and Fall it would be better.
- Mr. Loucks: Only thing against that would be during years when there is plenty of water applicant should be allowed to irrigate in summer.
- Mr. Richey: All are protected so they will get their water. Intention to water the land fall and early spring.
- Mr. Loucks: It can be stated on the application that when the water gets low as to effect stock supplies that it be passed.
- Mr. R. That's the way I think it should be.
- Mr. L. How much difference in the flow from Mr. Richey to Mr. Grandsinger?
- Mr. Jenks: Quite a bit of difference.
- Mr. L. Lower - Mr. Jenks, Yes.
- Mr. Vroman: About 10' 8" deep last measured.
- Mr. L. What time of the year was that?
- Mr. V. About the last.
- Mr. L. How wide a stream?
- Mr. V. About 30 feet.
- Mr. R. Flowing 85 cu.ft. per sec. week ago Friday. Low for this time of the year.

Mr. Jenks, Lived on the river for 30 years lowest ever seen it this time of the year.

Mr. L. Where is this gauge located.

Mr. V. On highway No. 83

Mr. L. Where is your right from gauge location?

Mr. R. Right just above where gauge is.

Mr. L. Stock won't actually drink very much water.

Mr. T. When it is low you think they are drinking alot.

Mr. L. A flow of .0018 cu. ft. per sec. would supply 1000 head.

Mr. R. If there is plenty of water don't see why I should't be allowed to take water when it is needed.

Mr. T. If he gets a right and a couple of others what would become of the river then?

Mr. L. Same thing; they could take water in relation of their priority and water for stock use would have to be let by.

Mr. T. It has been suggested that all water rights be stopped.

Mr. L. Couldn't be done as water is a public property.

Mr. V. The best way to do would be to set a depth of the water above which he could use it.

Mr. V. Last fall not enough water to irrigate.

Mr. R. Believe it flowed after September.

Mr. J. No, not very much.

Mr. V. Walter always raises during night and disappears along toward noon.

Mr. L. Will write to Missouri and get information on the gauge and arrive at a figure that will take care of you if that will be agreeable.

Mr. R. Alright with me don't want to hurt anyone in anyway or take stockwater

Mr. V. 1.6' last fall, reading of gauge, stated danger to irrigate at that point.

Mr. R. When it gets that low not very good lots of moss.

Mr. A. Is the Keya Paha a Government Stream?

Mr. L. Don't know what you mean by a Government Stream.

Mr. T. Think that the spring irrigation better than in the fall.

Mr. L. Make it a certain height and when it gets down not to irrigate is the flow very fast?

Mr. V. Very slow.

Mr. T. Looks like the river will be just as low as it has ever been unless we get rain. Lowest its been.

Mr. R. Government men said 85 cu. ft. to the sec. a week ago Friday.

Mr. L. How high will you have to lift the water?

Mr. R. About 12' over a bank and pump it back about 15' more.

Mr. L. About 27 ft. lift.

Mr. A. What kind of a pump do you intend to use?

Mr. R. A centrifugal pump.

RECORDED
MAR 5 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Wewela, S. Dak.
March 4, 1940

State Engineer
Pierre
S. Dak.

We, the under-signed, protest the granting of a water right for the purposes of irrigation to Charles Richey of Wewela, S. Dak., Tripp County. It is maintained that such right will seriously injure supply of water for livestock during the dry months of the year.

Reason Didier ✓
E. C. Elason ✓
Clifford Cook
Colman J. Cook

Richey Mc Intosh
Edna Mc Intosh
Ray A. Welch
Herbert Noell
George Aftell
J. H. Jenks
Oscar Jernigan ✓
George V. W. W. ✓

Wewela, S. Dak.
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Wewela S. D.
Millboro, S. D.
Wewela S. D.
Wewela S. D.
" " " "

March 27, 1940

O. R. Whitlock, Supt.
Rosebud Indian Agency
Rosebud, South Dakota

Dear Mr. Whitlock:

I have your inquiry of March 23rd relative to the application for a water right by Charles Richey to pump water from the Kaya Paha River for irrigation purposes. His application is for .8 of a cu. ft. of water per sec. taken from two different sources and to be used for the annual periods March to December. This water right has been advertised and was discussed with the stock owners of that locality on March 20th at this office.

The permit will be issued for the annual periods March to December but this period will be qualified by accepting periods of low water stage in the river when the use of the water for irrigation would affect the necessary supply for stock watering by riparian owners below the diversion. I am at this time attempting to get information to arrive at a gauge reading on the gauge located near the Richey site below which irrigation would endanger the stockwater supply. I would be glad to get any information you might have in this connection. This arrangement was agreeable to those who appeared at my office on the 20th to discuss the matter.

Very truly yours,

Dean W. Loucks,
State Engineer.

EWL:dn

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

RECEIVED
MAR 26 1940

Rosebud Indian Agency
Rosebud, South Dakota
March 23, 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

State Engineer
Pierre, South Dakota

Dear Sir:

Mr. Vernal Didier, a Rosebud allottee, who operates an allotment on the Keyapaha River about three miles east of Wewela, township 95, range 75, reports that a certain farmer by the name of Charlie Richey has obtained water rights for irrigation to pump water from the Keyapaha River to irrigate approximately 70 acres of land. Mr. Richey is reported to be located upstream from Mr. Didier's place. Mr. Didier states that he and other Indian allottees are very much disturbed relative to this water right in that the water supply of this river is very limited and if Mr. Richey operates an irrigation system from this river for 70 acres, it will rob them of water supply for their livestock.

I am not personally familiar with the situation and would be pleased to be advised concerning this water right and what obligation Mr. Richey has to permit the normal flow of this stream to pass by the project for the use of other families who are dependent upon this stream for water for their livestock.

Yours very truly,

C. R. Whitlock

C. R. Whitlock
Superintendent

CRW:LA.14

STATE OF SOUTH DAKOTA

Office of

STATE ENGINEER

Pierre

April 15, 1940

Charles R. Richey

Millboro,

South Dakota

Dear Sir:

Enclosed herewith please find your applications Nos. 281-2, 282-2 for a permit to appropriate 0.2 c.f.s. cubic feet of water per second through the Richey Diversion Nos. 1 and 2 to which I have given my approval, thus authorizing you to make the appropriation requested under the conditions therein stated.

I have received the records from the Geological Survey on the Wewela Station, and after a study of these records I have set the limitation of the period for irrigation as shown on the permit. This will mean that there will be periods during July, August, September and October during the drier years that water will not be available for irrigation.

This proposition can be further studied upon the tabulation of added records at the Wewela Station as the years go by.

Very truly yours,

Dean W. Loucks,
State Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

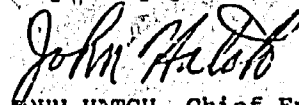
August 11, 1980

Because of the existing deficient supply of water in the Keyapaha River (2.3 cfs at Wewela gage August 6, 1980) to provide water for domestic use including livestock watering, it is ordered that all withdrawals of water from the Keyapaha River for irrigation purposes cease effective 12:00 noon August 14, 1980 until January 1, 1981 or until further notice.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right in accordance with this order. You will be notified if the water supplies of the Keyapaha River become sufficient to permit irrigation water withdrawals again during 1980. If there are any questions on this order, please let me know.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

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

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

March 23, 1987

CHARLES D RICHEY
SR 10 BOX 110
WRWELA, SD 57578

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

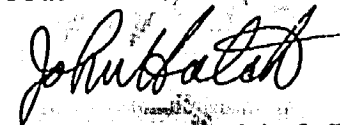
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 710-2, 282-2, ~~281-2~~. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 710-2, 282-2, 281-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

Wm. L. D. R.

May 20, 1907

Mr. John Hatch
Chief Engineer
Water Rights Division
Pierre, S. D.



Dear Mr. Hatch

I want to apologize for being so slow with the questionnaire. I let my mail pile up on the table hoping to have a few hours to answer it, then the first thing you know it's out of sight or I forgot it, then I was gone in May when your notice came. I'll try and do better in the future.

Sincerely Yours
Charles D Richey



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: CHARLES D RICHEY
SR 10 BOX 110
WEWELA, SD 57578

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 282-2, 710-2, 281-2

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 282-2, 710-2, 281-2 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in SUSPENSION of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 281-2

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 281-2 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.	
3. Article Addressed to: CHARLES D. RICHY SR 14 BOX 110 NEWELL, SD 57570	4. Article Number P 576 309 737 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Charles D. Richy</i> 6. Signature — Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 05-15-87	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

287/2

September 7, 1990

Charles D Richey
HC 88 Box 47
Wewela, SD 57578

Dear Mr. Richey:

We have received the "Notice of Transfer of Ownership" and the filing fee for transfer of Water Permit No. 282-2. The transfer will be processed and the receipt sent to you as soon as possible. In order to transfer Water Right No. 281-2, a separate form and filing fee must be submitted.

Enclosed is a partially completed "Notice of Transfer" for Water Right No. 281-2. Please complete the form by signing in the presence of a notary and returning the form to us with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 281-2

TO: Chief Engineer
Water Rights Division, DWR
623 East Capitol
Pierre, SD 57601-3181

Date: 10/1/1990



I/We request that Water Permit/Right No. 281-2

formerly owned by: Charles R Richey

be transferred to: (name & address) Charles D Richey

842-1539

HC 88 Box 47, Wewela, SD 57578

(telephone No.)

Title to the following described land(s)/property has been transferred as described above:
portions of S 1/2 of Section 15, T95N, R76W

I/We understand that the validity of Water Permit/Right No. 281-2 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Tepee)

I/We Charles D. Richey being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Charles D. Richey
(Signed)

Subscribed and sworn to before me this 1 day of October, 1990.

Notary Public
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

DATE MICROFILMED

CAMERA OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ Date _____, 1999

RECEIVED OF Charles G. Bishay, 5716 Oak Hill, Dakota SD 57827

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 211-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By Wm. H. H. H. H.
Chief Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

November 21, 1990

No. 281-2

Charles D. Richey
HC 88 Box 47
Wewela, SD 57578

Dear Mr. Richey:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 281-2.

Our records now show you as the owner of this Water Permit.

Sincerely,

Jaci Konop

JACI KONOP
Senior Secretary,
Water Rights Division
605 773-3352

enclosure

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

281-2

January 11, 1991

NOTICE

TO: Charles Richey
HC 88, Box 47
Wewela, SD 57578

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Amendment of Water Right Nos. 281-2, 282-2 and 710-2
Qualification Regarding Cut Off Periods

Notice is given that the Water Management Board will consider deleting and adding the following qualifications to Water Right Nos. 281-2, 282-2 and 710-2.

Qualification to be deleted from Water Right Nos. 281-2 and 282-2:

During periods when the flow in the river at the Government Station at Wewela is 10 cubic feet of water per second or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation.

Qualification to be added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

The hearing to consider amendment of Water Right Nos. 281-2, 282-2, and 710-2 to delete and add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The hearing is based on the review of Keya Paha River Water Permits/Rights and historic flow records of the Keya Paha River. The attached report summarizes the current water permits/rights on the Keya Paha River and contributing tributaries. Also enclosed is a notice of hearing that will be published in the Winner Advocate for two consecutive weeks. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Attachment

CERTIFICATION

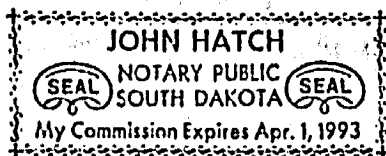
I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right Nos. 281-2, 282-2 and 710-2 addressed as stated below.

Charles Richey, HC 88 Box 47, Wewela SD 57578

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of January, 1991.



John Hatch
Notary Public

281-2

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION
TO AMEND WATER PERMITS AND WATER
RIGHTS WHOSE WATER SOURCE IS THE
KEYA PAHA RIVER, IN PARTICULAR,
WATER PERMITS AND RIGHTS NOS. 281-2
282-2 AND 710-2, CHARLES RICHEY;
NO. 369-2, VICTOR WEICKUM; NO. 414-2
H.W. CARLSON; NO. 465-2 LUCILE RICHEY;
NOS. 835-3 AND 959-2 ALVA WILEY;
NO. 1530-2, VERN KESZLER; NO. 879-2,
RICHARD KIRSCH; NO. 931-2, LLOYD
BLOMSTROM NO. 1107-2, STANLEY HANSON;
NO. 1108-2, GARNET SARGENT;
NO. 1128-2, CHARLES HELLMANN; AND
NO. 2122-2 RODNEY HOFELDT

) FINDINGS OF FACT
) CONCLUSION OF LAW
) AND FINAL DECISION



FINDINGS OF FACT

I

This is an application by the Chief Engineer to establish a more manageable "cutoff" system on the Keya Paha River.

II

The existing water permits and water rights on the Keya Paha River have various cutoff dates. The first three permits issued on the Keya Paha River have a 10 cfs bypass at the Wewela Gauging Station. Eight permits, issued in the 1950s and 1960s, do not have a specific low flow bypass or cutoff date, but do have a requirement to bypass water for downstream domestic use and prior water rights. Three permits, issued in the 1970's, have a June 15 cutoff date. The most recent permit granted in the Keya Paha system provides a May 20 cutoff date.

III

Keya Paha system includes not only diversions from the Keya Paha River itself, but from its tributaries.

IV

The Keya Paha River is a spring fed river.

V

The Wewela Gaging Station is located at a point downstream of most of the water permits at issue. Statistics developed at the Wewela Gaging Station demonstrate that for the past thirty-nine years there were at least 10 cfs water at Wewela 90% of the time during the driest months of July, August and September. The same gaging station statistics indicate that there was a 70% chance that there would be at least 20 cfs of water at Wewela during the driest months of August and September.

VI

That Wewela Gaging Station thus reflects the situation which has existed given actual diversions. The Wewela station statistics do not reflect, however, the withdrawals of the latest appropriator whose Water Permit Application No. 2122-2 was approved May 23, 1990. That permit was for 4.57 cfs of water from a dug out located on a spring fed draw and supplemental water from Lost Creek, a tributary of the Keya Paha River. That permit has a May 20 cutoff for the portion of the diversion from Lost Creek.

VII

At least one domestic user downstream of the Wewela Gaging Station has testified that even when there are 18 cfs of water in the stream, there is insufficient water for his livestock. His cattle are located several miles below Wewela.

VIII

The Board finds that a 10 cfs bypass at Wewela is insufficient to provide reasonable protection to downstream domestic use, including livestock watering and prior water rights. The Board finds, furthermore, that reasonable protection is provided, on the basis of data now available, by a 15 cfs bypass requirement.

IX

The Board of Water Management has jurisdiction to impose amendments on existing permits to protect downstream domestic use, including livestock watering and to protect prior water rights. Such amendments are justified by the Water Management Board's statutory authority and duty to protect such prior rights.

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 15 cfs bypass requirement, senior appropriators will be

allowed by the Chief Engineer to irrigate beyond the cutoff date before junior appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Board has general authority to amend existing water permits pursuant to SDCL 46-2A-12.
3. The amendment set out in the Final Decision does not unlawfully impair existing rights. This is so because the existing rights are all subject to downstream domestic use including livestock watering and, of course, prior water rights. Moreover, even when the flow is 15 cfs or less, any appropriator may receive written permission from the Chief Engineer to appropriate water and such permission shall be granted, insofar as reasonably possible under the circumstances, first to senior appropriators and then to later appropriators.
4. The cutoff requirement set out in the Final Decision provides reasonable direction to the Chief Engineer in his management of the Keya Paha system. The proposed amendment to the permits is for beneficial purposes and is in the public interest.
5. The Board has jurisdiction to provide for a 15 cfs bypass requirement despite the fact that the advertisement provided for a 10 cfs requirement. The Chief Engineer's recommendation, as advertised and served upon the present water right holders, authorized the Board to approve the recommendation with "additional qualifications. . . ."

This language vests the Board with the power to make reasonable modifications in the recommendation.

6. The Department of Game, Fish and Parks requested a 16 cfs bypass for fish and wildlife purposes. The Board, having determined to adopt a 15 cfs requirement, concludes that it is unnecessary to consider whether it is appropriate or lawful to impose new bypass requirements on existing permits for fish and wildlife purposes and therefore declines to act upon the GF&P suggestion.

FINAL DECISION

Each of the rights and permits identified in the caption of this proceeding is herewith amended to remove any previous cutoff dates and bypass requirements and the following qualification is hereby added to each of the above-identified water rights and water permits.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the chief engineer. Diversions under this permit shall be in accordance with any written orders issued by the chief engineer.

BY THE BOARD

Chairman
Water Management Board

m-pld51.jpg

CERTIFICATION

I hereby certify that on June 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board to amend Water Right Nos. 281-2, 282-2 and 710-2 addressed as stated below:

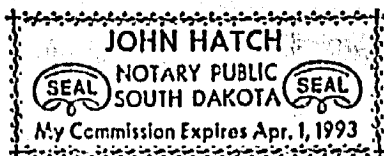
Charles Richey, HC 88, Box 47, Wewela, SD 57578.

Chas F Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of June, 1991.



John Hatch
Notary Public

South Dakota

281-2

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 13, 1991

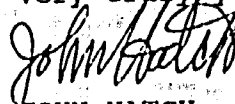
NOTICE

Charles Richey
HC 88, Box 47
Wewela SD 57578

Dear Mr. Richey

This letter is in response to action taken by the Water Management Board to amend Water Right Nos. 281-2, 282-2 and 710-2. The Board amended Water Right Nos. 281-2, 282-2 and 710-2 by deleting and adding the qualifications on the enclosed "Attachment" which should be placed with each water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,



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

enclosures

ATTACHMENT TO WATER RIGHT NO. 281-2

CHARLES RICHEY

The Water Management Board amended Water Right No. 281-2 at the February 27, 1991 Board meeting to delete and add the following qualifications:

Qualification deleted:

During periods when the flow in the river at the Government Station at Wewela is 10 cubic feet of water per second or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation.

Qualification added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.



281-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 29, 1991

NOTICE

PERMIT NO(S). 710-2, 282-2 and (281-2)

TO: Charles Richey
HC 88, Box 47
Wewela, SD* 57578

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin H. Brosz

SUBJECT: Shutoff Order for Water Diversions from the
Keyapaha River.

The flows in the Keyapaha River are below 15 cubic feet per second (cfs) at the Wewela gaging station. Therefore, to protect domestic use (livestock watering), effective immediately, no pumping of water is authorized from the Keyapaha River or contributing tributaries until January 1, 1992 or until further notice.

The following is the latest flow (cfs) information on the river:

GAGE	3/27/91	3/28/91	3/29/91
Wewela	15.9	13.5	12.6

If you have any questions, please contact Tim Schaal or Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

281-2

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Diversions from the Keyapaha River addressed as stated below:

Garnet Sargent, RR, Clearfield, SD 57581

Rodney Hofeldt, RR 5, Box 89, Millboro, SD 57554

Stanley Hanson, RR 5, Box 63, Millboro, SD 57554

Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.

Vorn Keszler, HC 88, Box 12, Clearfield, SD 57581.

~~Dale Heese, SR Box 36, Millboro, SD 57554.~~

Charles Hellman, RR 5, Box 84, Millboro, SD 57554.

Alva Wily, SR 10, Box 34, Millboro, SD 57554.

Richard Kirsch, HC 80, Box 49, Springview, NE 68778.

Charles Richey, HC 88, Box 47, Wewela, SD 57578.

Lucile Richey, RR 10, Box 46, Wewela, SD 57578.

Victor Weickum, Wewela, SD 57578.

H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

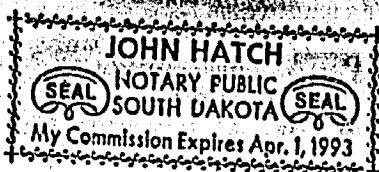
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 30th day of August, 1991.

John Hatch
Notary Public





0281-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOV 12 1997

710-2

Charles D Richey
HC 88 Box 48
Wewela, SD 57578-7003

Dear Mr. Richey:

Enclosed is your Reissued Water License No. 710-2. The applicable portions of Water Right Nos. 281-2 and 282-2 were incorporated into this water license. The priority dates that were established under each of the water rights were carried over to the new license.

On June 28, 1990, an investigation was conducted of the water use system described in Water Right Nos. 281-2, 282-2, and 710-2. The investigation found a total of 140.5 acres being irrigated from the Keya Paha River at a diversion rate of 1.96 cfs. A priority date of January 15, 1940 (as established under Nos. 281-2 and 282-2) is retained for 0.80 cfs with the remaining diversion rate of 1.16 cfs retaining a priority date of May 12, 1961 (established under No. 710-2).

As long as you beneficially use the water as described in Water License No. 710-2, SD Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning the reissued license, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

gm

enclosures