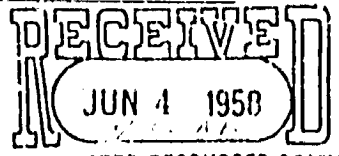


No. 489-2
 Water Division No. 2 White River District
 (Blanks to be Filled by the Engineer for the W. R. C.)
Neotoma River



STATE WATER RESOURCES COM. M.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant William F. Bohling Marie Scism
 Postoffice address Scenic, County Pennington, State South Dakota

~~Is it 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 _____

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

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract and employment

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Bohling Water Reader System
 3. Amount of water claimed 1.86 192 cubic feet per second
 4. Source of water supply Dry Draw
 5. Location of point of diversion 42 rods west and 13 rods south of the NE corner of Sec. 17,
T-4-S, R-15-E, 38M on East bank Pennington County.
 6. Annual period or periods during which water is to be used Throughout year when runoff occurs.
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity Irrigation

(a) Number of acres to be irrigated 129 acres.

In Sec 16, T-4-S, R-15-E: NW-1/4-21 Ac; NE-1/4-15 Ac; SW-1/4-21 Ac; SE-1/4-15 Ac; NW-1/4-2 Ac;
 (b) Legal subdivisions to be irrigated NE-1/4-26 Ac; SE-1/4-17 Ac; SW-1/4-17 Ac.

(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.)

(c) ~~Statement as to domestic use~~ (giving location, etc.) _____

~~For stock watering, mining, milling, power, fish culture, fire protection and public recreation:~~

(a) Nature of use _____
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream 153 rods East of the SW corner of Sec 16.

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures Earth dikes and ditches \$ 3100.....

Total, \$.....

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Earth dike approximately 1300 feet long and 7 feet high.

2. Dimensions of work:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at 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	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet; Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	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
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 2 years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

STATE OF SOUTH DAKOTA

County of DeWitt } ss.

I, William F. Bohling, 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, 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 William F. Bohling

Subscribed and sworn to before me this 31 day of May 1916.

My Comm. Expires 3-19-17

G. M. Henderson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"West 1 Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Blughe s

ss.

Pierre, South Dakota,

June 9

19

58

This is to certify that the foregoing application was received by the Commission at

9:00

o'clock

a.m. upon the

4

day of

June

19

58

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number permit

489-2

Date of first receipt of application

June 4

19

58

Date of return to applicant for correction, amendments or changes required as follows:

June 9

19

58

Date of receipt of corrected application

July 3

19

58

Date from which applicant may claim right

April 1957

19

57

Approved

August 8

19

58

Recorded in Book

5

Page

18

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

August 8, 1959

2nd. The whole of said work is to be completed on or before

August 15, 1960

19

60

3rd. The limit of time for proof of beneficial use of water appropriated in accordance with is

August 8, 1967

19

67

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 1.92 cubic feet per second; 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 August 8, 1967; said water to be used during the following described annual period:

March to October inclusive

Witness my hand this

20

day of

August

19

58

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction issued

March 6, 1964

Water License issued

March 6, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 489-2

WHEREAS, On the 4th day of June A. D. 1958
William F. Bohling

of scenic County of Pennington and State of
South Dakota duly made application (No. 489-2) to us for a permit to use 1.92
cubic feet per second of the waters of a dry draw
County of Pennington State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 20th day of August A. D. 1958
Permit No. 489-2 was issued to said applicant later transferred to Marie Scism
for the diversion of said water and providing for the
completion of the works of diversion therein described on or before the 8th day of
August A. D. 1960 and for the application to beneficial use of said
water on or before the 8th day of August A. D. 1962
and,

WHEREAS, On the 4th day of March A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.92
cubic feet per second of said waters, as evidenced by our Certificate No. 489-2
dated March 6, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.92 cubic feet per second of water, with date of
priority of April, 1957 and,

WHEREAS, On the 4th day of March A. D. 1964
proof was duly made of the application to beneficial use of 1.92 cubic feet per second of said water;
for irrigating 135 acres in portions of Section 16, T4S, R15E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Marie Scism
of Scenic the holder and owner of said permit No. 489-2
a water right, dating from April, 1957 to the use of 1.92
cubic feet per second of the waters of a dry draw
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point 42 rods W and 13 rods S
of the NE corner, Section 17, T4S, R15E
and conducted to and upon portions of Section 16, T4S, R15E, more specifically described
in the Certificate of Completion of Works

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 seal of our office at Pierre, South Dakota,
this 6th day of March A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J. W. GRINES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 489-2Water Division No. 2 White River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

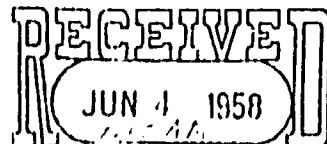
This is to Certify, That William F. Bohlingof Scenic, County of Pennington, and State of South Dakota, the holder of Permit No. 489-2, issued upon ApplicationNo. 439-2 bearing date of priority of April, 1957, authorizing the diversion of 1.92 cu. ft. per second of the waters of a dry drawCounty of Pennington, State of South Dakota, at a point 42 rods W and 13 rods S of the NE corner, Section 17, T4S, R15E

for irrigation purposes, has S 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 found in satisfactory condition for diverting and conveying to the place of intended use 1.92 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in Section 16, T4S, R15E

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 21 acresNE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 "SW $\frac{1}{4}$ NW $\frac{1}{4}$ 21 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 "NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 "NE $\frac{1}{4}$ SW $\frac{1}{4}$ 26 "SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 "Total - 135 "Witness my hand this 6th day of March A. D. 1964

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Location No. 484-2Water Division No. 2 White
Pike Water DistrictSTATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. William F. Bohling, Rancher, Sconic, South Dakota

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. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

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

Ans. Source of water supply is a dry draw. Location of point of diversion:42 rods west and 13 rods south of the NE corner of Sec. 17, T-4-S, R-15-E, BHM, Pennington Co.

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. Diversion is a dike approximately 1300 feet long and 7 feet high. Thedike will divert the entire flow of the draw, with unused water being returnedPlanning work was begun in the spring of 1957.to the draw. Construction of the first part was completed in September, 1957.

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. The water is used for irrigation in a water-spreader system. Lands thathave been irrigated: In Sec. 16, T-4-S, R-15-E, NW 1/4--21 Ac; NE 1/4--15 Ac.SW 1/4--21 Ac; SE 1/4--16 Ac; NW 1/4 SW 1/4--2 Ac; NE 1/4 SW 1/4--4 Ac. Plans call for thedevelopment of an additional 60 acres in 1958 or 1959.

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

Ans. _____

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

Ans. 193.5 Acre Feet of Water.

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. _____

(See also Bohling's letter of June 25, 1958 for operations)

Ans. Whenever runoff occurs, it is diverted to the spreader area. It is used to irrigate native grass for hay production.

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 Leavenworth, Kansas, County of Leavenworth.

Bartlett Bale
Virgil Post

Formal. 2. 1. 1.

Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water -----	C. & S. -----
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	

[illegible]

Permit No.

489-2

Water Division No. 2

White
River

Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

William F. Bohling, of Scenic
Pennington County, South Dakota, holder of Permit No. 489-2, Issued

upon Application No. 489-2, bearing date of priority of April 57, 19____, authorizing the

diversion of 1.92 cu. ft. per second of the waters of a dry draw for irrigation
purposes. I have to report on the condition of the same as follows:The diversion works comprise: Earth dike for diverting
water to flats. Spreader dikes totalling
about 1 1/4 miles in length. Wooden
headgate 4x4 allows passage of water
thru main dike.

and the system is in the following condition: excellent

The point of diversion is located 42 rods N & 13 rods S of the
NE corner, Section 17, T45 R15EThe works are capable of diverting and conveying to the place of use 1.92 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: Section 16, T45, R15E;
NW^{1/4} NW^{1/4}, 21 ac; NE^{1/4} NW^{1/4}, 15 ac; SW^{1/4} NW^{1/4}, 21 ac;
SE^{1/4} NW^{1/4}, 16 ac; NW^{1/4} SE^{1/4}, 2 ac; NE^{1/4} SE^{1/4}, 26 ac;
SE^{1/4} SE^{1/4}, 17 ac; SW^{1/4} SE^{1/4}, 17 ac.

comprising a total of 135 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 4th day of

March

A. D. 1964

—SEAL—

Dustin Jones
Examining Engineer
Officer



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501 3181

RECEIVED

SEP 26 1988

September 21, 1988

SOUTH DAKOTA DEPARTMENT OF
WATER AND NATURAL RESOURCES
OFFICE OF WATER QUALITY

NOTICE

Marie Gruwell
RR 2, Box 40B
Hermosa SD 57744

Dear Ms. Gruwell:

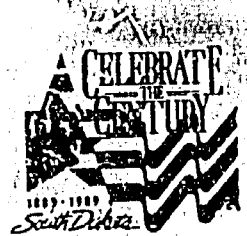
I am writing to notify you that, pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 489-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delon W. Brozy*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

over



Mr. Hatch -

I'm quite sure you people were told a year ago (at least) that this place no longer belongs to me. Nor do I have any interest in it whatsoever.

Please contact Mrs. Sam E. Slinger
R R 2 Box 48 B Hermosa, S.D. 57744

Then straighten up your records.

Marie Lowmell



 **Department of
Water & Natural Resources**

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

September 26, 1988

489-2

NOTICE

Mrs. Sam Eslinger
RR #2 Box 48B
Hermosa, SD 57744

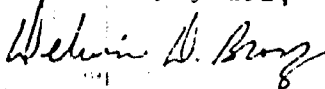
Dear Mrs. Eslinger:

Our office has received notification that you now own the lands described in Vested Water Right Claim No. 489-2, currently listed as Maria Gruwell. Enclosed is a copy for your review. I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims (copy enclosed) dated June 20, 1988, that I intend to oppose validation of Water Right Claim No. 489-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

Enclosed is a partially completed "Notice of Transfer" for use in filing a change of ownership on Vested Water Right Claim No. 489-2. Please complete the form and sign in the presence of a notary. Upon completion of the form, please return it to our office with a required filing fee of \$2.50.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



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

enclosures



Water Rights Division - DWNR
Conversation or File Documentation

File No. 489-2

NAME OF PERSON ~~OR FILE~~ Lorraine Eslinger

ADDRESS: Hermosa

COUNTY

DATE: October 18, 1988

TELEPHONE 255-4752

RE: ownership status of 489-2

COMMENTS:

After receiving a transfer notice from our office concerning ownership of Vested Water Right Claim No. 489-2, Mrs. Eslinger called and indicated she did not own land in Pennington County. She had bought land from the bank (formerly owned by Mrs. Gruwell) but it had nothing to do with land in Pennington County.

I called the Pennington County Assessor for land ownership of Section 16, T4S, R15E.

They have ownership listed under:

Walter Whitcher, Jr.

RR #1 Box 13

Buffalo Gap, SD 57722

I called Mrs. Eslinger back and told her to disregard Notices she had received concerning No. 489-2, we would be contacting Mr. Whitcher about it.

She inquired as to whether she had to do anything to keep her water rights intact. (She had received a letter concerning validation of her claim No. 525-2)

I indicated to her that we would be sending someone out to inspect her system, probably in the spring of 1989. I explained to her why we were inspecting the vested water right claim systems and that our wanting to inspect the systems does not mean she would be losing any water rights.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Lenny McMath



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

Department of Water & Natural Resources

October 18, 1988

489-2

Walter E Witcher, Jr
RR #1 Box 13
Buffalo Gap, SD 57722

Dear Mr. Witcher:

I am contacting you in regard to Vested Water Right Claim No. 489-2. The claim is currently listed in the name of Marie Gruwell. Ms. Gruwell contacted our office and indicated she no longer owned the land described in the vested water right claim. The Pennington County Assessor has you listed as owner of the land. Enclosed is a copy of No. 489-2 for your review.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 489-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact us.

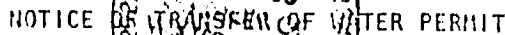
Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



NO. 489-2



Date: October 25, 1988

135 acres-W $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ Section 16, T4S, R15E

WNR-820-9/83
Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 28, 1968

RECEIVED OF Walter E. Hitcher, RR 1, Box 13, Buffalo Gap, SD 57722

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>Permit No. 489-2</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 John Hatcher
Chief Engineer JOHN HATCHER

No. _____

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

November 8, 1988

Walter E. Witcher
Route 1, Box 13
Buffalo Gap, South Dakota 57722

Dear Mr. Witcher:

Enclosed is receipt No. 411468 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 489-2.

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

Sincerely,

Maxine Stirling
Secretary

ms

Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

Water Rights Division - DWHR
Conversation or File Documentation

File No. 489-2

NAME OF PERSON OR FILE: _____

ADDRESS: _____

COUNTY Pennington

DATE: 7-24-90

TELEPHONE _____

RE: Vested Right Claim Inspections in

COMMENTS:

On July 16, 1990

The following vested right claims were inspected and are

Recommended for Validation:

461-2, ~~462-2~~, ~~463-2~~, 769-2, 509-2, 565-2, 948-2

495-2 and 926-2.

July 19, 90

The following vested right claims were inspected and are recommended
for validation:

5-2, 489-2, and 925-2

* This claim is for groundwater and surface water (Cheyenne River)
The groundwater part of it never developed.

File in Permit or other file as necessary. Use to document conversations and what the other party was told: why action or decision was made.

4/82

NAME: NPS Rad

489-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 489-2 FOR IRRIGATION

Date of Receipt of Claim June 4, 1958.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 489-2 for irrigation purposes for Walter E. Whitcher, RR 1, Box 13, Buffalo Gap, SD, 57722 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 489-2 appropriates 1.92 cubic feet per second of water from a dry draw to irrigate 135 acres. The point of diversion is located in the NE1/4 NE1/4 Section 17, T4S, R15E. The irrigated lands are located in the NW1/4, N1/2 SW1/4, SE1/4 SW1/4 and SW1/4 SE1/4 Section 16, T4S, R15E.
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: March 1 to October 31.
3. The priority date of the Vested Water Right is April 1, 1957.
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.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: _____

John H. Husted
Chief Engineer

MAR 12 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



489-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

Walter E. Whitcher
RR 1, Box 13
Buffalo Gap SD 57722

Dear Mr. Whitcher:

The Water Management Board has validated the enclosed Vested Water Right No. 489-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

489-2



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226

Newell, South Dakota 57760-0226

DATE
TIME

WTP 4.10

BF 430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

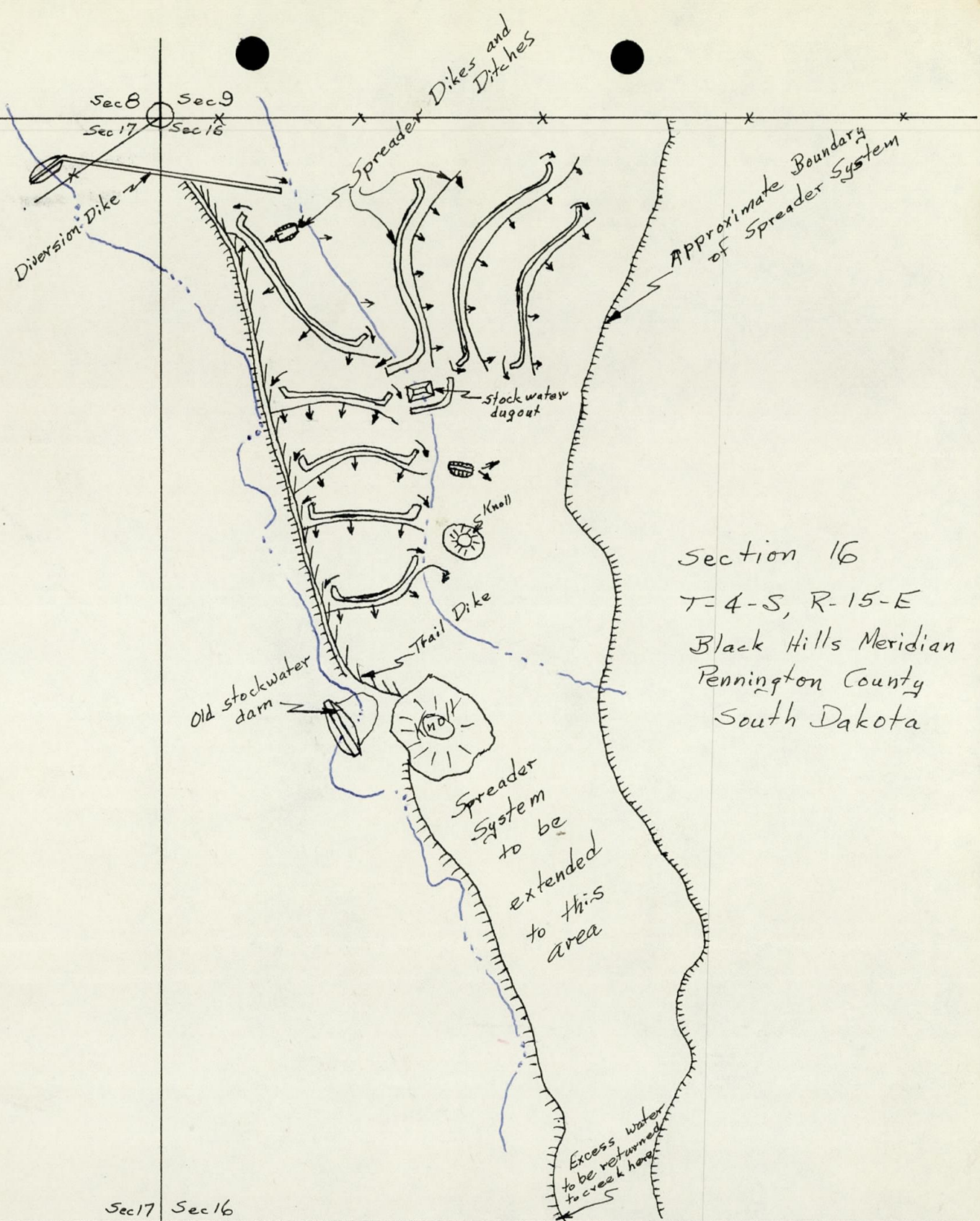
If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



Section 16

T-4-S, R-15-E

Black Hills Meridian

Pennington County

South Dakota

Spreader
System
to be
extended
to this
area

Excess water
to be returned
to creek here

SKETCH MAP
William F. Bohling
Waterspreading System
1957

Scale is not accurate
(Appl. # #489-2
Marie Susan

Map# None

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 489-2

Date: 2/16/18

I/We request that Vested Water Right No. 489-2

formerly owned by: Walter Whitcher

be transferred to: (name & address) Whitcher Land LLLP, 15031 Riverside Rd,
Buffalo Gap SD 57722

Telephone No. 605 833-2900

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

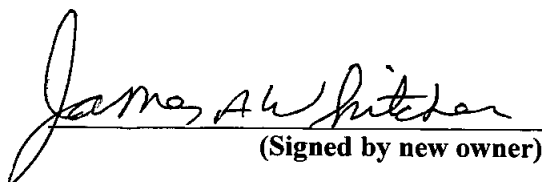
135 acres – W ½ and SW ¼ SE ¼ Section 16, T4S, R15E

I/We understand that the validity of Vested Water Right No. 489-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Whitcher Land LLLP, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, 20 18

RECEIVED OF Whitcher Land LLLP 15031 ~~15031~~ Riverside Rd Buffalo Gap, SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 489-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08662**

By

Jeanne Goodman
Chief Engineer

2971



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 26, 2018

489-2

James or Dillion Whitcher
Whitcher Land LLLP
15031 Riverside Rd
Buffalo Gap SD 57722

Dear Sirs:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Vested Water Right No. 489-2.

The ownership change has been completed. Vested Water Right No. 489-2 formerly held by Walter Whitcher is now listed in the name of Whitcher Land LLLP.

Enclosed for your records is Receipt No. 08602 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure