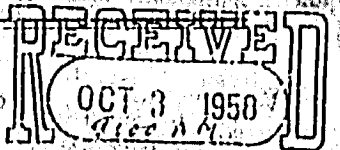


No. 499-2Water Division No. 2Bad River

District

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
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 Gene Williams
 Postoffice address Rt 1, Box 52, Philip County Jackson State S. Dak.

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 _____

(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)

- (b) Cash on hand, \$ 1000.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Williams No. 1
 3. Amount of water claimed 37.3 acre feet cubic feet per second 0.21 c.f.s. maximum allowable
 4. Source of water supply draw
 5. Location of point of diversion from SW 1/4 S-10 T-3 South 18 east
North 62° east 81 rods on _____ bank _____ County.
 6. Annual period or periods during which water is to be used flood water
 7. To be used for:

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

- (a) Number of acres to be irrigated 15.2 acres SE 1/4 S-10, S-11, S-12, S-13, S-14, S-15, S-16, S-17, S-18, S-19, S-20, S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, S-46, S-47, S-48, S-49, S-50, S-51, S-52, S-53, S-54, S-55, S-56, S-57, S-58, S-59, S-60, S-61, S-62, S-63, S-64, S-65, S-66, S-67, S-68, S-69, S-70, S-71, S-72, S-73, S-74, S-75, S-76, S-77, S-78, S-79, S-80, S-81, S-82, S-83, S-84, S-85, S-86, S-87, S-88, S-89, S-90, S-91, S-92, S-93, S-94, S-95, S-96, S-97, S-98, S-99, S-100, S-101, S-102, S-103, S-104, S-105, S-106, S-107, S-108, S-109, S-110, S-111, S-112, S-113, S-114, S-115, S-116, S-117, S-118, S-119, S-120, S-121, S-122, S-123, S-124, S-125, S-126, S-127, S-128, S-129, S-130, S-131, S-132, S-133, S-134, S-135, S-136, S-137, S-138, S-139, S-140, S-141, S-142, S-143, S-144, S-145, S-146, S-147, S-148, S-149, S-150, S-151, S-152, S-153, S-154, S-155, S-156, S-157, S-158, S-159, S-160, S-161, S-162, S-163, S-164, S-165, S-166, S-167, S-168, S-169, S-170, S-171, S-172, S-173, S-174, S-175, S-176, S-177, S-178, S-179, S-180, S-181, S-182, S-183, S-184, S-185, S-186, S-187, S-188, S-189, S-190, S-191, S-192, S-193, S-194, S-195, S-196, S-197, S-198, S-199, S-200, S-201, S-202, S-203, S-204, S-205, S-206, S-207, S-208, S-209, S-210, S-211, S-212, S-213, S-214, S-215, S-216, S-217, S-218, S-219, S-220, S-221, S-222, S-223, S-224, S-225, S-226, S-227, S-228, S-229, S-230, S-231, S-232, S-233, S-234, S-235, S-236, S-237, S-238, S-239, S-240, S-241, S-242, S-243, S-244, S-245, S-246, S-247, S-248, S-249, S-250, S-251, S-252, S-253, S-254, S-255, S-256, S-257, S-258, S-259, S-260, S-261, S-262, S-263, S-264, S-265, S-266, S-267, S-268, S-269, S-270, S-271, S-272, S-273, S-274, S-275, S-276, S-277, S-278, S-279, S-280, S-281, S-282, S-283, S-284, S-285, S-286, S-287, S-288, S-289, S-290, S-291, S-292, S-293, S-294, S-295, S-296, S-297, S-298, S-299, 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S-1638, S-1639, S-1640, S-1641, S-1642, S-1643, S-1644, S-1645, S-1646, S-1647, S-1648, S-1649, S-1650, S-1651, S-1652, S-1653, S-1654, S-1655, S-1656, S-1657, S-1658, S-1659, S-1660, S-1661, S-1662, S-1663, S-1664, S-1665, S-1666, S-1667, S-1668, S-1669, S-1670, S-1671, S-1672, S-1673, S-1674, S-1675, S-1676, S-1677, S-1678, S-1679, S-1680, S-1681, S-1682, S-1683, S-1684, S-1685, S-1686, S-1687, S-1688, S-1689, S-1690, S-1691, S-1692, S-1693, S-1694, S-1695, S-1696, S-1697, S-1698, S-1699, S-1700, S-1701, S-1702, S-1703, S-1704, S-1705, S-1706, S-1707, S-1708, S-1709, S-1710, S-1711, S-1712, S-1713, S-1714, S-1715, S-1716, S-1717, S-1718, S-1719, S-1720, S-1721, S-1722, S-1723, S-1724, S-1725, S-1726, S-1727, S-1728, S-1729, S-1730, S-1731, S-1732, S-1733, S-1734, S-1735, S-1736, S-1737, S-1738, S-1739, S-1740, S-1741, S-1742, S-1743, S-1744, S-1745, S-1746, S-1747, S-1748, S-1749, S-1750, S-1751, S-1752, S-1753, S-1754, S-1755, S-1756, S-1757, S-1758, S-1759, S-1760, S-1761

8. Estimated cost of work:

(a) Head Gates, \$150.00.

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

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures \$1000.00.

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 21 feet; length at bottom 478 feet; length at top 112 feet; thickness at bottom 112 feet; thickness at top 12 feet; slope at front water face 3.1 slope at back face 2.1 material used in construction earth

(b) Reservoir: Capacity when filled 21.6 acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
7		12.5

(c)* Head gate: Width 18" diameter feet; height feet;Material Cast Iron(d) Canal: Total length 0.1 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1 years.11. Time required for complete application of water to the proposed beneficial use 1 years.12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

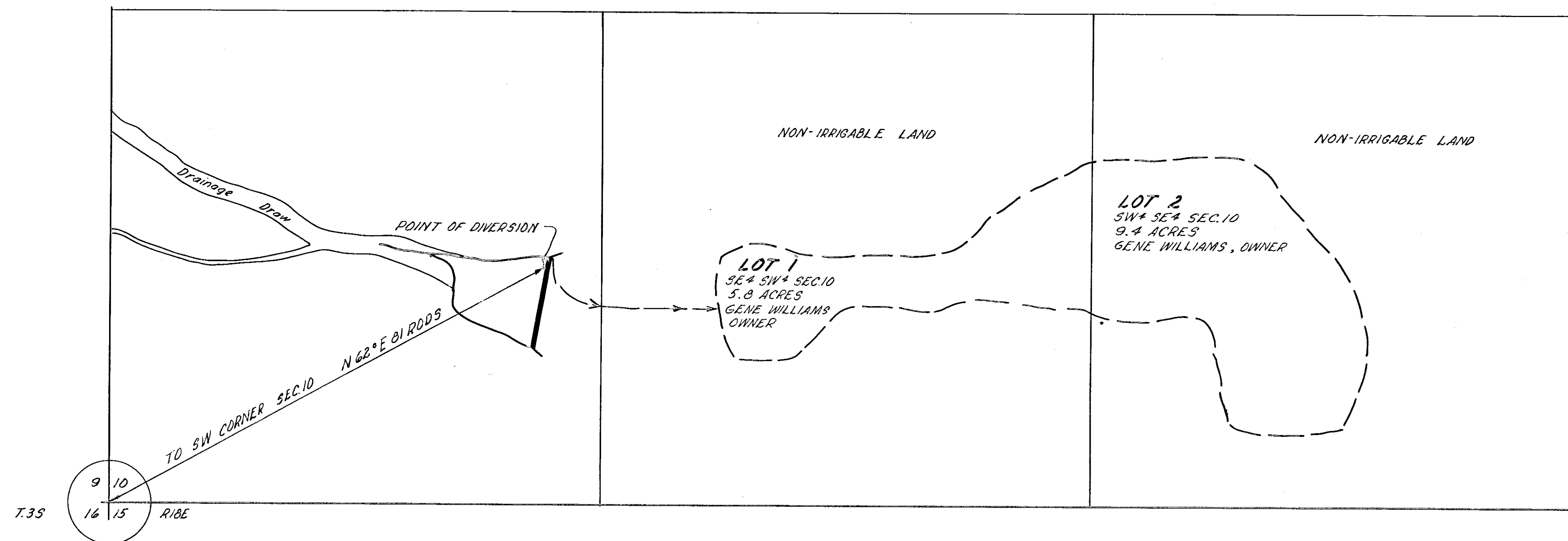
County of Jackson

ss.

I, Gene Williams, 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 Gene WilliamsSubscribed and sworn to before me this 26th day of September 1958Shirley Helms
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED				
GENE WILLIAMS WATER-SPREADING PROJECT NO. 1				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
LOT 1	10	35	18E	5.8
LOT 2	10	35	18E	9.4
TOTAL				15.2

SURVEYOR'S CERTIFICATE

I, Hollis W. Allcott DO HEREBY CERTIFY THAT
 THIS MAP IDENTIFIES THE LAND OF THE GENE WILLIAMS
 WATER-SPREADING PROJECT NUMBER 1

SIGNATURE: Hollis W. Allcott
 TITLE: Area Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF
May, 1938, A.D.
[Signature]
 NOTARY PUBLIC

Scale: 1"=200'

**GENE WILLIAMS
 WATER-SPREADING PROJECT
 NUMBER 1**

Jackson County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE**

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. <u>1</u> of <u>1</u>

Drawing No.

Map No. 493-2 (App. No. 499-2)

Remarks by State Water Resources Commission:

Vested 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 *Flughes* } LS.

Pierre, South Dakota, *October 16*, 19*58*

This is to certify that the foregoing application was received by the Commission at *9:00* o'clock
a.m. upon the *3* day of *October*, 19*58*

State Water Resources Commission

By:

John H. Hines
Chief Engineer, Executive Officer

Vested Right
Number of permit *499-2*

Date of first receipt of application *October 3*, 19*58*

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right *1949*, 19____

Approved *October 10*, 19*58*, Recorded in Book *57* Page *47*

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 *Completed*, 19____
- 2nd. The whole of said work is to be completed on or before *Completed*, 19____
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is *Completed*, 19____
- 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 *0.21* 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 *Completed*, 19____; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this *13* day of *November*, 19*58*

State Water Resources Commission

By:

John H. Hines
Chief Engineer, Executive Officer

Certificate of Construction issued

November 13, 19*58*

Water License issued

November 13, 19*58*

Permit No. 499-2Water Division No. 2 ^{Bad}
~~River~~ Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Gena Williams

of Cottonwood, County of Jackson, and State of South Dakota,
the holder of ^{Vested Right} Permit No. 499-2, issued upon Application
No. 499-2, bearing date of priority of 1949, authorizing the diversion of
0.21 cu. ft. per second of the waters of a dry draw

County of Jackson, State of South Dakota, at 81 rods
N 62° E of the SW Cor., Sec. 10, T 3 S, R 18 E

for irrigation
purposes, 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 found in satisfactory
condition for diverting and conveying to the place of intended use 0.21 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:	<u>SE 1/4 SW 1/4)</u>	<u>Sec. 10, T 3 S, R 18 E</u>	<u>5.8 acres</u>
	<u>SW 1/4 SE 1/4)</u>		<u>9.4 acres</u>
	Total		15.2

Witness my hand this 13th day of November A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 499-2

WHEREAS, On the 3rd day of October A. D. 1958
Gene Williams

of Cottonwood County of Jackson and State of
South Dakota duly made application (No. 499-2) to us for a Vested Right C.21
cubic feet per second of the waters of a dry draw
County of Jackson, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 13th day of November A. D. 1958
Vested Right / Permit No. 499-2 was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described in the application to beneficial use of said
in 1949 and the application to beneficial use of said
water in 1949
and,

WHEREAS, On the 3rd day of October A. D. 1958
the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.21
cubic feet per second of said waters, as evidenced by our Certificate No. 499-2
dated November 13, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 0.21 cubic feet per second of water, with date of
priority of 1949 and,

WHEREAS, On the 3rd day of October A. D. 1958
proof was duly made of the application to beneficial use of 0.21 cubic feet per second of said water;
on 5.8 acres in the SE 1/4 SW 1/4 and 9.4 acres in the SW 1/4 SE 1/4 all in Sec.
10, T 3 S, R 18 E.

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 Gene Williams
of Cottonwood, South Dakota the holder and owner of said Vented Right 499-2
a water right, dating from 1949 to the use of 0.21
cubic feet per second of the waters of a dry draw
In the County of Jackson and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 81 rods, N 62° E of
the SW Cor., Sec. 10, T 3 S, R 18 E
and conducted to and upon SE 1/4 SW 1/4 and SW 1/4 SE 1/4, Sec. 10, T 3 S, R 18 E

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 13th day of November A. D. Nineteen
Hundred and fifty-eight

State Water Resources Commisslor

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

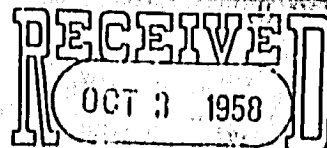
Place of Use _____

Pub. Use _____

Rate of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. 499-2Water Division No. 2Water District Bad RiverSTATE WATER RESOURCES COMM.
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. Gene Williams - Farming and Ranching - Cottonwood, 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. None

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

Ans. October 20, 1949

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

Ans. See Map

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. Dam 478' long 21" deep outlet tube 7.0 below emergency

spillway 18" tube can discharge maximum of 21 C.f.s completed

in 1949

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. domestic and water spreading see attached map

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. 37.3 A.F. annually

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. _____

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

Ans. All water has been used for water spreading on this project
since 1949 exclusive of storage for domestic use

(Sign) George Williams

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 City of Rapid, County of Jackson

State of South Dakota, on this 26th day of September A. D. 1958

Wm. E. Hill
Edward E. Stenschel Witnesses. Shirley Halcomb
Henry B. Miller

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Shirley Halcomb
Notary Public

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
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 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

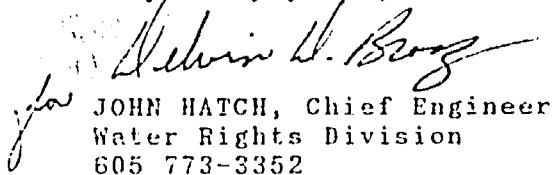
Gene Williams
Rt 1, Box 52
Philip SD 57567

Dear Mr. Williams:

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). 499-2 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,


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



Water Rights Division - DWNR
Conversation or File Documentation

File No. 499-2

NAME OF PERSON OR FILE: Gene Williams

ADDRESS: _____ COUNTY Ta-Kson

DATE: April 26, 1989 TELEPHONE 386-2191

RE: Validation of Vested Right Claim #499-2

COMMENTS:

On April 26, 1989, I made an investigation of Vested Right Claims No. 499-2. I talked to Mr. Williams' son about the system. He said it has only been used a few times because of lack of water. The system is still functional and appears to be the same as described in the original application and on the license.

Section 10-T35-R18E

SE¹/₄ SW¹/₄ - 5.8 Ac.

SW¹/₄ SE¹/₄ - 9.4 Ac.

Total 15.2 Acres

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.

NAME: Tom School

SOUTH DAKOTA

VESTED WATER RIGHT NO. 499-2 FOR IRRIGATION

Date of Receipt of Claim October 3, 1958.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 499-2 for irrigation purposes for Gene Williams, Rt 1, Box 52, Philip, SD 57567 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 499-2 appropriates 0.21 cubic feet per second of water from a dry draw to irrigate 15.2 acres. The point of diversion is located in the SW1/4 SW1/4 SEC 10 T3S, R18E. The irrigated lands are located in the SE1/4 SW1/4, SW1/4 SE1/4, SEC 10, T3S, R18E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is October 20, 1949.
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.

QUALIFICATION

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. Hatch
Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Gene Williams
Rt 1, Box 52
Philip SD 57567

Dear Mr. Williams:

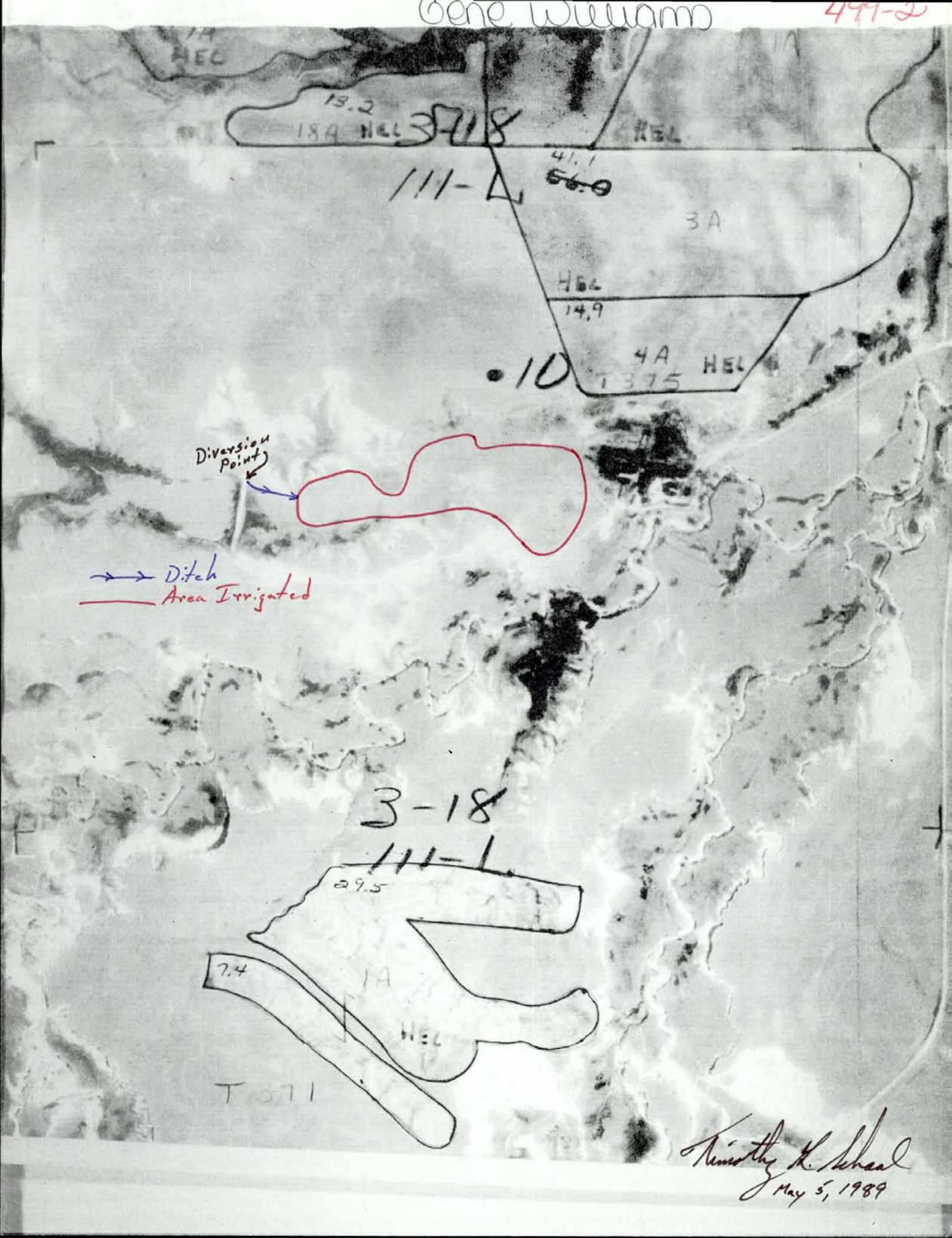
The Water Management Board has validated the enclosed Vested Water Right No. 499-2. This validation gives legal status to the claim and is the final document for your vested right.

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



Kimberly H. Schaal
May 5, 1989