

No.

564-2

Water Division No.

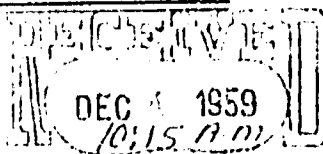
2

Fall River

District

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

Vested Right



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Paul H. Schumosa, Paul
 Postoffice address Box 56
Buffalo Gap, County Custer, 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)

Already accomplished

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Schumosa Waterspreader Project #1

3. Amount of water claimed .36 max allowable cubic feet per second 287.4 Acre feet

4. Source of water supply Surface runoff from local watersheds

5. Location of point of diversion See attached sheet #1

on both banks Custer County.

6. Annual period or periods during which water is to be used Whenever flood flow occurs during annual period.

7. To be used for:

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

(a) Number of acres to be irrigated 95.8 acres.

(b) Legal subdivisions to be irrigated See attached sheet #2

(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.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None 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

8. Estimated cost of work:

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

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

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

(d) Canal earth, \$ 200.00..

Rock, \$.....

(e) Other structures Dams, Spreader, Ditches.....\$ 800.00.

Total, \$.....

9. Description of diversion works:

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

Three dams which kick water out of channel onto Irrig. Area. Supply Canal conveys water from dam at Pt. #1 onto Irrig. Area.

II. Dimensions of works: Pt. #1 5.0' Pt. #2 10.0' Pt. #3 16.0'

(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.....earth.....

(b) Reservoir: Capacity when filled.....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 0.6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.3 Mile	1.5 feet	10 feet	16 feet	5.3 feet
At 0.6 Mile	1.5 feet	10 feet	16 feet	5.3 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 Completed years.

11. Time required for complete application of water to the proposed beneficial use being applied.

12. Choice of newspaper for publication of notice of intention to appropriate Not necessary.

STATE OF SOUTH DAKOTA } ss.
County of

I, E. H. Johnson, 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

Subscribed and sworn to before me this 10th day of November, 1950

Notary Public (or other qualified officer.)

NOT TO SCALE

43-R
D20

T599

Diversion
Point #1

730
500'

NW1/4SE1/4
2.5A.

NE1/4SE1/4
12A.

SE1/4SE1/4
28A.

HEL

SW1/4SE1/4
2A.

5-7

43-R
D20

NW1/4NE1/4
1.5A.

NE1/4NE1/4
26A.

T600

SE1/4NE1/4
22A.

SW1/4NW1/4
1.5A.

2340'

NE1/4SE1/4
16A.

215

2400'

HEL

P1/3

NW1/4SW1/4
7.5A.

T617

T606

Vested Right Claim 5-7

No. 564-2

Timothy L. Schaal

April 26, 1990

NOT TO SCALE

43-R
D20

T600

T838

37

T607

21.9

5-7

HEL

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

Hughes

ss.

Pierre, South Dakota,

March 7

1960

This is to certify that the foregoing application was received by the Commission at 10:15 o'clock

A

4th

day of

December

1959

State Water Resources Commission

By:

G. W. Brunner

Chief Engineer, Executive Officer

Number of permit

564-2

Date of first receipt of application

December 4

1959

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

1937

19

Approved

March 7

1960

Recorded in Book

5

Page

318

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

19

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

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 1.36 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 1937; said water to be used during the following described annual period:

Whenever flows occur during annual growing season

Witness my hand this

7th

day of

March

1960

State Water Resources Commission

By:

G. W. Brunner

Chief Engineer, Executive Officer

Certificate of Construction Issued

March 7

1960

Water License Issued

March 7

1960

Question 7 (I) b

Lands Irrigated:

NW $\frac{1}{4}$ SE $\frac{1}{4}$	of Section 30----	2.8 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	of Section 30----	12.0 "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	of Section 30----	2.8 "
SE $\frac{1}{4}$ SE $\frac{1}{4}$	of Section 30----	27.6 "
NW $\frac{1}{4}$ NE $\frac{1}{4}$	of Section 31----	1.6 "
NE $\frac{1}{4}$ NE $\frac{1}{4}$	of Section 31----	2.6 "
SW $\frac{1}{4}$ NE $\frac{1}{4}$	of Section 31----	21.6 "
SW $\frac{1}{4}$ NW $\frac{1}{4}$	of Section 32----	2.0 "
NE $\frac{1}{4}$ SE $\frac{1}{4}$	of Section 31----	15.2 "
NN $\frac{1}{4}$ SW $\frac{1}{4}$	of Section 32----	7.6 "

Total Acres 95.8

All above subdivisions are located in Township 5 South and Range 7 East, BHM

Question 5. Location of Pt. of Diversions.

Pt. #1--162.4 Rods South 51 degrees and 20 minutes
West of the NE Corner of Section 30-T5S-R7E, BHM

Pt. #2--103.8 Rods South 4 degrees and 20 minutes
West of the NE Corner of Section 31-T5S-R7E, BHM

Pt. #3--94.8 Rods North 5 degrees and 10 minutes West
of the SE Corner of Section 31-T5S-R7E, BHM

Permit No. 564-2Water Division No. 2 Fall River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Emil H. Schnoseof Buffalo Gap, County of Custer, and State ofSouth Dakota, the holder of vested right of Permit No. 564-2, issued upon ApplicationNo. 564-2, bearing date of priority of 1937, authorizing the diversion of1.36 cu. ft. per second of the waters of dry drawCounty of Custer, State of South Dakota, ~~at between points in the~~SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 30 and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 31 T 5S R 7Efor 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 vested right ~~Permit~~ recognized as that said works are satisfactory~~conditions~~ for diverting and conveying to the place of intended use 1.36 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 T 5S R 7E

<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>Section 30</u>	<u>2.8 Acres</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>Section 30</u>	<u>12.0 acres</u>
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>Section 30</u>	<u>2.8 acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>Section 30</u>	<u>27.6 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>Section 31</u>	<u>1.6 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>Section 31</u>	<u>2.6 acres</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>Section 31</u>	<u>21.6 acres</u>
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>Section 32</u>	<u>2.0 acres</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>Section 32</u>	<u>15.2 acres</u>
<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>Section 32</u>	<u>7.6 acres</u>

Witness my hand this 7th day of March A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 564-2

WHEREAS, On the 4th day of December A. D. 1959.

Emil H. Schnoaz

of Buffalo Gap County of Custer and State of South Dakota duly made application (No. 564-2) to us for a vested right permit to use 1.36 cubic feet per second of the waters of dry draws County of Custer, State of South Dakota, for irrigation purposes; and

WHEREAS On the 7th day of March A. D. 1960, vested right Permit No. 564-2 was issued to said applicant for the diversion of said water, and recognizing the completion of the works of diversion therein described on or before the 19th day of March 1960 and for the application to beneficial use of said water on or before the 19th day of March 1960 and,

WHEREAS, On the 4th day of December A. D. 1959, the holder of said vested right permit duly made proof of the completion of adequate works for the diversion of 1.36 cubic feet per second of said waters, as evidenced by our Certificate No. 564-2 dated March 7, 1960 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.36 cubic feet per second of water, with date of priority of 1937 and,

WHEREAS, On the 4th day of December A. D. 1959 proof was duly made of the application to beneficial use of 1.36 cubic feet per second of said water; on portions of Sec 30, 31 and 32, T 56-R 7E

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 Emil H. Schnoes
of Buffalo Gap the holder and owner of said vested right Permit No. 561-2
a water right, dating from 1937 to the use of 1.36
cubic feet per second of the waters of dry draws
in the County of Custer and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at points in Sec 30 and 31, T 5S, R 7E
and conducted to and upon lands in Sec 30, 31, and 32, more specifically described in
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 7th day of March A. D. Nineteen
Hundred and sixty

State Water Resources Commission

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 _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. 56-41-2Water Division No. 1Water District 11
River**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Emil H. Schnose, Rapid City, S. Dak. Rancher by occupation and also
maintain a Postoffice address at Buffalo Gap, S. Dak.

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. Applica. for Permit being submitted along with this form. Is a Vested Water Right.

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

Ans. Surface runoff from local watersheds. See Sheet #1 for location of Pts. of Div.

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 at Pt. #1 is 90 feet long and 8 feet high. Dam at Pt. #2 is 110 feet long and
10 feet high. Dam at Pt. #3 is 240 feet long and 15.5 feet high. The only Canal, call
Main Canal which is from Pt. #1, is capable of conveying the maximum allowable of 1.37 CFS.
Date of completion was the fall of 1937.

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. Water is used for Irrigation. See Sheet #2 for subdivisions irrigated.

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. 1.37 cfs or the equivalent of 287.4 Acre feet.

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.

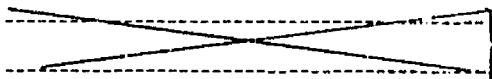
Ans. Water is used when ever available during annual period of use by means of diversion dams and spreader ditches in the amount that is available to the extent of the maximum allowable of 1.37 cfs or the equivalent of 287.4 Acre Feet.

(Sign)

Carl F. Schenck

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 _____, County of _____

State of South Dakota, on this 12th day of _____ A. D. 1950



Witnesses

(Notary Public)

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.

Witnesses

James B. Williams
John L. Thurst

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 _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7592

PIERRE, July 15, 1950

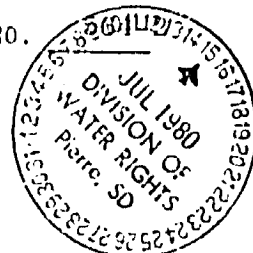
RECEIVED OF Paul Schnese, Box 56, Buffalo Gap, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for transfer of WR# 564-2 (any other work as provided by law)		2.50
TOTAL		2.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / (St)

NO.



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 7, 1980

This is to notify you that the title to the lands described as follows:

95.8 acres - SE1/4 Sec. 30; NE1/4, SE1/4 NE1/4 Sec. 31; and
SW1/4 NW1/4, NE1/4 SE1/4, NW1/4 SW1/4 Sec. 32, all in T5S, R7E

formerly owned by Emil Schnose, Buffalo Gap, SD 57722

has been transferred to Paul Schnose, Box 56, Buffalo Gap, SD 57722

together with any right to the beneficial use of water thereon as evidenced by

Water Right Permit No. 564-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

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

4 STATE OF SOUTH DAKOTA)
County of Deuel) ss.

I, Paul Schnose 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 I know of my own personal knowledge that the information herein stated is true.

Paul Schnose
(Signed)

Subscribed and sworn to before me this 10 Day of July, 19 80.

[Signature]
(Notary Public)

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

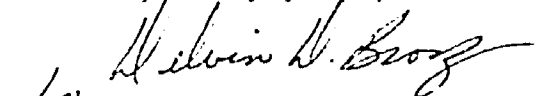
Paul Schnose
Box 56
Buffalo Gap SD 57722

Dear Mr. Schnose:

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). 564-2 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



Conversation or File Documentation

NAME OF PERSON OR FILE: Paul SchnoseADDRESS: Box 56 Buffalo Gap, SD COUNTY CusterDATE: April 16, 1990 TELEPHONE 833-2470RE: Validation of Vested Right Claim No. 564-2

COMMENTS:

On June 21, 1989, I made an investigation of Vested Right Claim No. 564-2. Mr. Paul Schnose accompanied me on the inspection. The project appears to be as originally described; however, there is an error on the original application. There are 26 acres being irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the description of the irrigated lands only indicates 2.6 acres. Mr. Schnose will need to make another Vested Right Claim for the additional acres.

The following lands are being irrigated by Vested Right Claim No. 564-2

Section 30-T5S-R7E NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 12 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 2.5

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 2.8

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 2.0

Section 31-T5S-R7E NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 2.6

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 1.5

SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 2.2

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - ~~1.7~~ 16.2 Acre

Section 32-T5S-R7E SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 1.5

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 7.5

Total 119.25 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: Tim Schaal

564-2

South Dakota Department of
Water & Natural Resources

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

November 6, 1990

Paul Schnose
Box 56
Buffalo Gap, SD 57722

Dear Mr. Schnose:

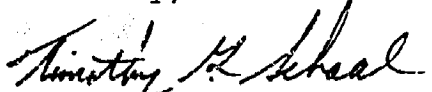
Enclosed is an application form to correct Vested Right Claim No. 564-2 which incorrectly described the lands being irrigated. The map accompanying the Vested Right Claim indicates 26 acres being irrigated in the NE 1/4 NE 1/4 of Section 31 and the written description on the original application and licence indicates 2.6 acres.

This form needs to be signed and notarized and returned to us with a \$ 15.00 filing fee.

Since this error should have been discovered and corrected by us when the original application was filed, the advertising costs for this new application will be paid by us.

If you have any questions, please let us know.

Sincerely,


Timothy G. Schaal, P.E.
Water Resources Engineer
(605) 773-3352

enclosures

L

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

564-2
Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☒ Add Acreage ☐ Increase diversion rate ☐ Other See No. 564-2

1. Name of Applicant Paul Schnoore Phone No. 833-2470
- Post Office Address Box 56 Buffalo Gap State SD 57722
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.35 Total acres irrigated 24.2
3. Source of Water supply Surface Runoff from Local Watersheds
4. Location of point of diversion Between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30-T5S-R7E and in the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31-T5S-R7E
- _____ County Custer
5. Counties where water will be used Custer
6. Annual period during which water is to be used January 1 thru December 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31-T5S-R7E	24.2

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is being filed to correct an error in Vested Right Claim No. 564-2, 26 acres are being irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31-T5S-R7E instead of 2.6 acres.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19____

564-2

File No. 564-2

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Paul Schnose

ADDRESS: Box 56, Buffalo Gap SD 57722 COUNTY: Custer

DATE: 6-22-93 TELEPHONE:

RE: Validation of Vested Right Claim No. 564-2

COMMENTS:

Tim Schaal inspected this vested right claim April 16, 1990 and found Mr. Schnose irrigating more acres than stated on the vested right claim and water license. When looking at the original map submitted with the application the error was found. The map shows that 26 acres were irrigated in the NE 1/4 NE 1/4 Section 31-T5S-R7E. The application and water license described irrigation of 2.6 acres in the NE 1/4 NE 1/4 Section 31-T5S-R7E. The Notice of Intent to Validate Vested Right Claims published in the Custer paper in June, 1988 was advertised for the incorrect number of acres. At that time, Mr. Schnose was sent application forms for the additional acreage. The forms were never returned.

Ron Duvall stated he felt that the claim should be readvertised since the original map was correct. The readvertisement should be for 119.2 acres which would include the 24.2 acres (total of 26 acres) located in the NE 1/4 NE 1/4 Section 31-T5S-R7E. The diversion rate would be increased accordingly to 1.70 cfs.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst



564-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 1993

Paul Schnose
Box 56
Buffalo Gap SD 57722

Dear Mr. Schnose:

The original Notice of Intent to Validate your Vested Water Right Claim No. 564-2 was published with an error in the amount of acres being irrigated. The application and water license stated 2.6 acres were irrigated in the NE 1/4 NE 1/4 Section 31-T5S-R7E. The original map submitted with the application indicated 26 acres being irrigated. Therefore, the notice needs to be readvertised to correct the error.

Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Custer County Chronicle printed at Custer SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Form B

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Custer) ss



I, Terri Tuggle
certify that the attached printed Notice was
taken from the Custer
County Chronicle
printed and published in Custer

County of Custer and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

11/3/93
11/10/93

Cost of Printing: 46.98

Terri Tuggle
(Signature)
Owner/Publisher
(Title)
11-16-93
(Date Signed)

NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Custer County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Custer County Chronicle, is necessary to correct error in the previously published notice.

Vested Water Right No. 564-2, Paul Schnose, Box 36, Buffalo Gap SD 57722 appropriates 1.70 cubic feet of water (cfs) from dry draws located in the SW 1/4 NE 1/4 Section 30, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 31; all in T35-R7E to irrigate 119.2 acres. The irrigated land is located in the SE 1/4 Section 30, NE 1/4, NE 1/4 SE 1/4 Section 31; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 32 all in T35-R7E. The priority date is January 1, 1937.

Vested Water Right No. 1825-2, Sanders Ranch, c/o Jan Sanders, HCR 83, Box 282, Hermosa SD 57744 appropriates 1.77 cfs from dry draws located in the SW 1/4 NE 1/4, SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 33-T2S-R11E to irrigate 124 acres. The irrigated land is located in the N 1/2 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 Section 4-T3S-R11E. The priority dates are January 1, 1942 and January 1, 1954.

Any person who wishes to oppose validation of any of the revalidated vested right claims shall file a petition of intent to oppose the validation by November 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 9:30 a.m. on December 17, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD. The December 1, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-17, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-9, 46-2-11, 46-2-17, 46-2A-15 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-6.1, 46-5-12, 46-5-13 thru 46-5-15, 46-5-30.2 and 46-5-37.1, 46-5-46, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.1, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03, and 74:02:01:20 thru 74:02:01:22.

Contact Eric Groeland by November 22, 1993, at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for all of Custer County; 2) obtain a summary of South Dakota Water Law and Water Rights information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Robert E. Roberts, Secretary,
Department of Environment
and Natural Resources.



564-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 4 1994

Paul Schnose
Box 56
Buffalo Gap SD 57722

Dear Mr. Schnose:

The Water Management Board has validated the enclosed Vested Water Right No. 564-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

564-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 564-2 FOR IRRIGATION

Date of Receipt of Claim December 4, 1959.

Date of Validation December 1, 1993.

The Water Management Board validated Vested Water Right Claim No. 564-2 for irrigation purposes for Paul Schnose, Box 56, Buffalo Gap SD 57722 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 564-2 appropriates 1.70 cubic feet of water per second from dry draws located in the SW 1/4 NE 1/4 Section 30; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 31; all in T5S-R7E to irrigate 119.2 acres. The lands irrigated are located in the SE 1/4 Section 30; NE 1/4, NE 1/4 SE 1/4 Section 31; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 32; all in T5S-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1937.
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 Hatch

John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

JAN 4 1994

date

STATE OF SOUTH DAKOTA

564-2

VESTED RIGHT WATER LICENSE NO. 564-2 FOR IRRIGATION

(1) Emil Schnose of Buffalo Gap SD 57722, made Application No. 564-2, December 4, 1959 for validation of a vested right claim to appropriate 1.36 cubic feet of water per second from dry draws, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 564-2 was validated December 1, 1993 with a priority date of January 1, 1937. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 564-2 was transferred July 15, 1980 to Paul Schnose.

The original water license issued March 7, 1960 described a portion of irrigation as 2.6 acres located in the NE 1/4 NE 1/4 Section 31-T5S-R7E. The original map submitted with the application outlined irrigation of 26 acres in the NE 1/4 NE 1/4 Section 31-T5S-R7E. A field inspection conducted of the water use system found 26 acres still being irrigated at the location described above. Based upon the inspection and subsequent validation of the vested right claim, the license is being reissued to correct the acreage in the NE 1/4 NE 1/4 and to reflect what is actually being irrigated. The diversion rate is being adjusted accordingly.

(2) The vested right owner is entitled to divert 1.70 cubic feet of water per second for beneficial use. The location of the diversion points are: SW 1/4 NE 1/4 Section 30; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 31; all in T5S-R7E.

The location of the irrigated acreage is:

T5S-R7E	Section 30	NW 1/4 SE 1/4	2.5 acres
		NE 1/4 SE 1/4	12.0 acres
		SW 1/4 SE 1/4	2.0 acres
		SE 1/4 SE 1/4	28.0 acres
	Section 31	NW 1/4 NE 1/4	1.5 acres
		NE 1/4 NE 1/4	25.0 acres
		SE 1/4 NE 1/4	22.0 acres
		NE 1/4 SE 1/4	16.2 acres
	Section 32	SW 1/4 NW 1/4	1.5 acres
		NW 1/4 SW 1/4	7.5 acres
	Total		119.2 acres

(3) Pursuant to Section 46-5-30.1 Paul Schnose of Box 56, Buffalo Gap SD 57722 the holder and owner of Vested Water Right No. 564-2 is issued a license to appropriate 1.70 cubic feet of water per second from dry draws with a priority date of January 1, 1937 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 564-2 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Division

JAN 4 1994

date

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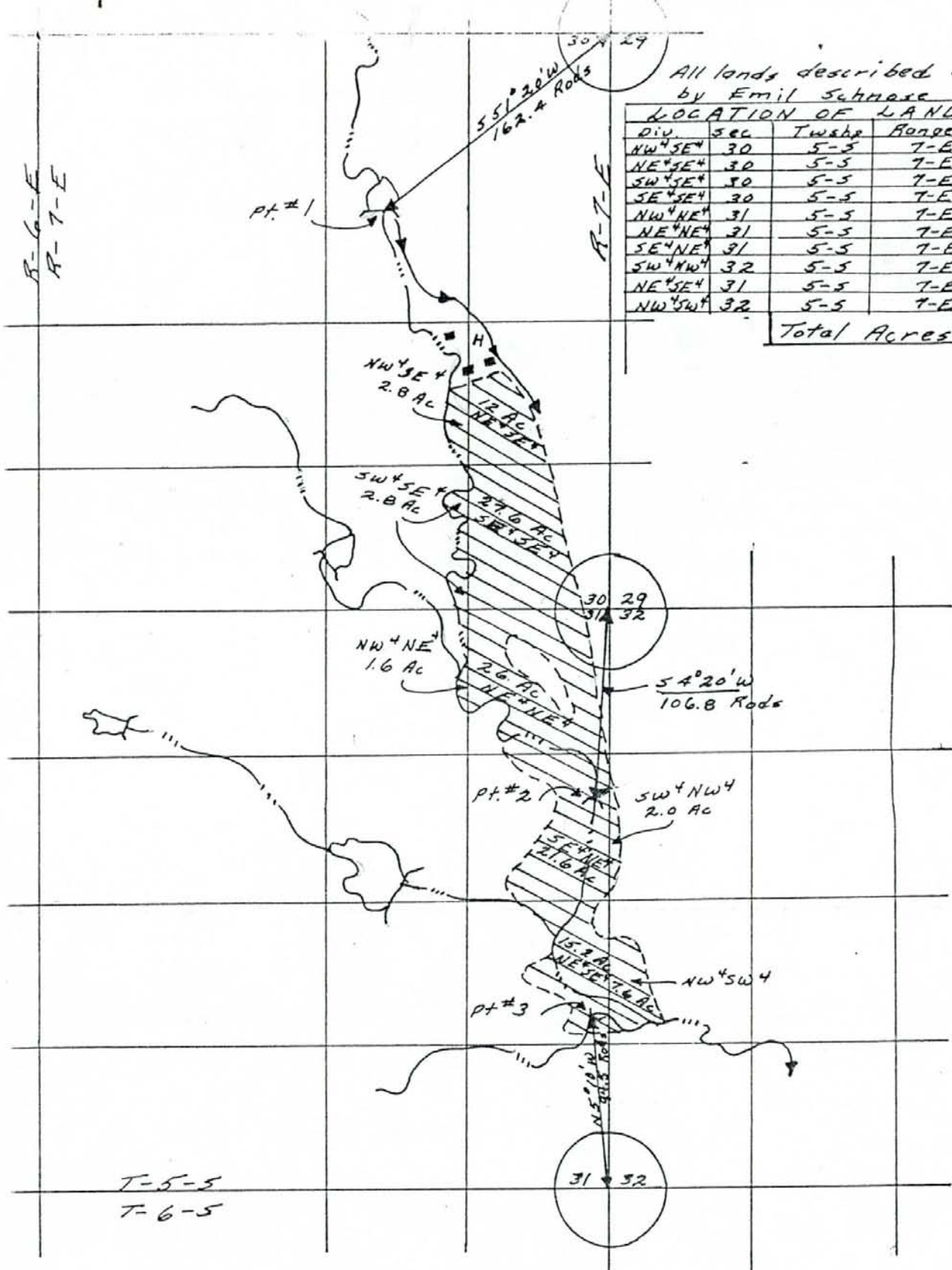
R-6-E
R-7-E

All lands described are owned by Emil Schmoose

LOCATION OF LANDS

Div.	Sec	Twp	Rnge	Acres
NW ¹ SE ⁴	30	5-5	7-E	2.8
NE ⁴ SE ⁴	30	5-5	7-E	12.0
SW ⁴ SE ⁴	30	5-5	7-E	2.8
SE ⁴ SE ⁴	30	5-5	7-E	27.6
NW ⁴ NE ⁴	31	5-5	7-E	1.6
NE ⁴ NE ⁴	31	5-5	7-E	2.6
SE ⁴ NE ⁴	31	5-5	7-E	21.6
SW ⁴ NW ⁴	32	5-5	7-E	2.0
NE ⁴ SE ⁴	31	5-5	7-E	15.2
NW ⁴ SW ⁴	32	5-5	7-E	7.6

Total Acres - 95.8



T-5-5
T-6-5

Legend -

- Inter. stream
- Irrig. Area

Scale - 4" = 1 mile

SCHMOOSE
WATER SPREADER
PROJECT # 1

V/R A. V. V. COPY 564-2

NOT TO SCALE

43-R
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5.7

43-R
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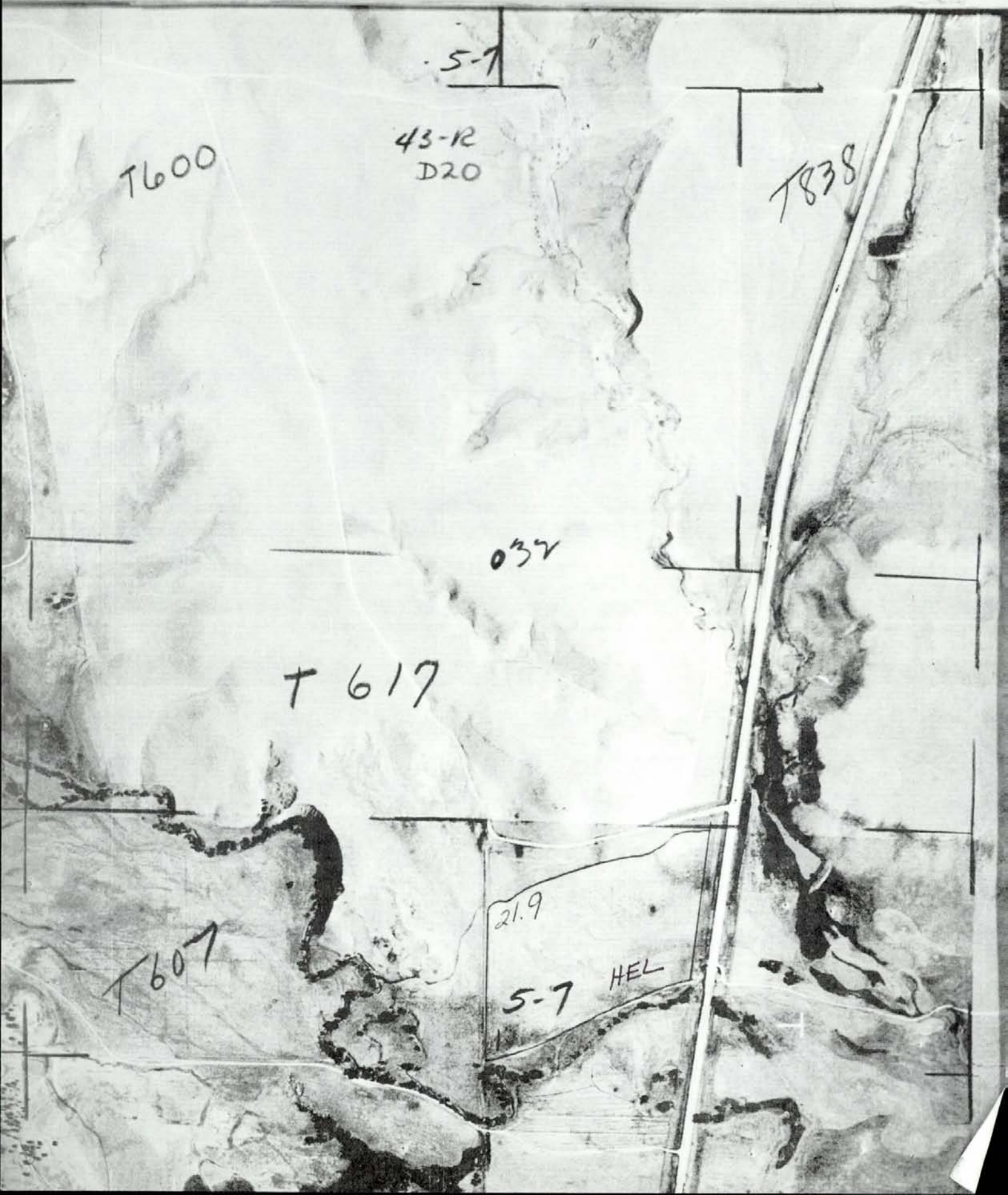
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NOT TO SCALE



NOT TO SCALE

