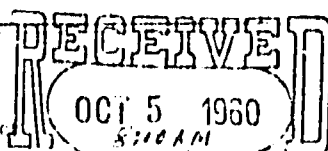


No. 6-38-2Water Division No. 2 WHITE RIVER District
(Blanks to be filled by the Engineer for the Work.)

VESTED RIGHT **APPLICATION FOR PERMIT**

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant F. H. IRELAND
Postoffice address BEWINGERS, County WASHAUGA, 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)

CONTRACT & DIRECT LABOR

- (b) Cash on hand \$ ADEQUATE (c) Treasury stock \$

- (d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work IRELAND IRRIGATION PROJECT #1

3. Amount of water claimed 3.3 cubic feet per second

4. Source of water supply DRY DRAW

5. Location of point of diversion FROM PT. DIVERSION (STERRAGE DAM) N 20° E 2740' TO NE COR SEC 26, FROM PT. DIVERSION (DIVERSION DAM) N 22° E 5350' TO 16 COR SEC 23, T44N, R. 24W on both banks WASHAUGA County.

6. Annual period or periods during which water is to be used APRIL TO OCTOBER - INCLUDING

7. To be used for:

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

(a) Number of acres to be irrigated 2314 acres.

(b) Legal subdivisions to be irrigated SEE ATTACHED SKETCH

(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.)

STOCK WATER

II. Stockwatering, 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

See Map 354-2 for 1948 priority

8. Estimated cost of work:

(a) Head Gates, \$ 287.75

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

(c) Plumbing, \$ 2744.00

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

CONC. PUMP, \$ 300.00(e) Other structures CONC. PIPE COLLARS \$ 125.00Total, \$ 2534.75

9. Description of diversion works:

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

DAM - IRRIGATION

II. Dimensions of works.

- (a) Dam: Height 48.7 feet; length at bottom 350 feet; length at top 800 feet; thickness at bottom 31.0 feet; thickness at top 16.0 feet; slope at front water face 4:1; slope at back face 2:1 material used in construction CLAY - LOESS
- (b) Reservoir: Capacity when filled 740.5 acre feet. Surface area at highwater mark 29.66 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-FEET CAPACITY
0	0	0
4	0.92	2.53
8	5.41	15.19
12	9.54	45.09
16	13.93	92.03
20	18.00	155.89
24	22.32	236.59
28.5	29.66	340.49

- (c)* Head gate: Width 2.0 feet; height 2.0 feet;
Material CONC.

- (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 ONE years. (1960)
11. Time required for complete application of water to the proposed beneficial use ONE years.
12. Choice of newspaper for publication of notice of intention to appropriate NOT APPLICABLE

STATE OF SOUTH DAKOTA

County of Jackson

SS.

I, F. H. Ireland

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.

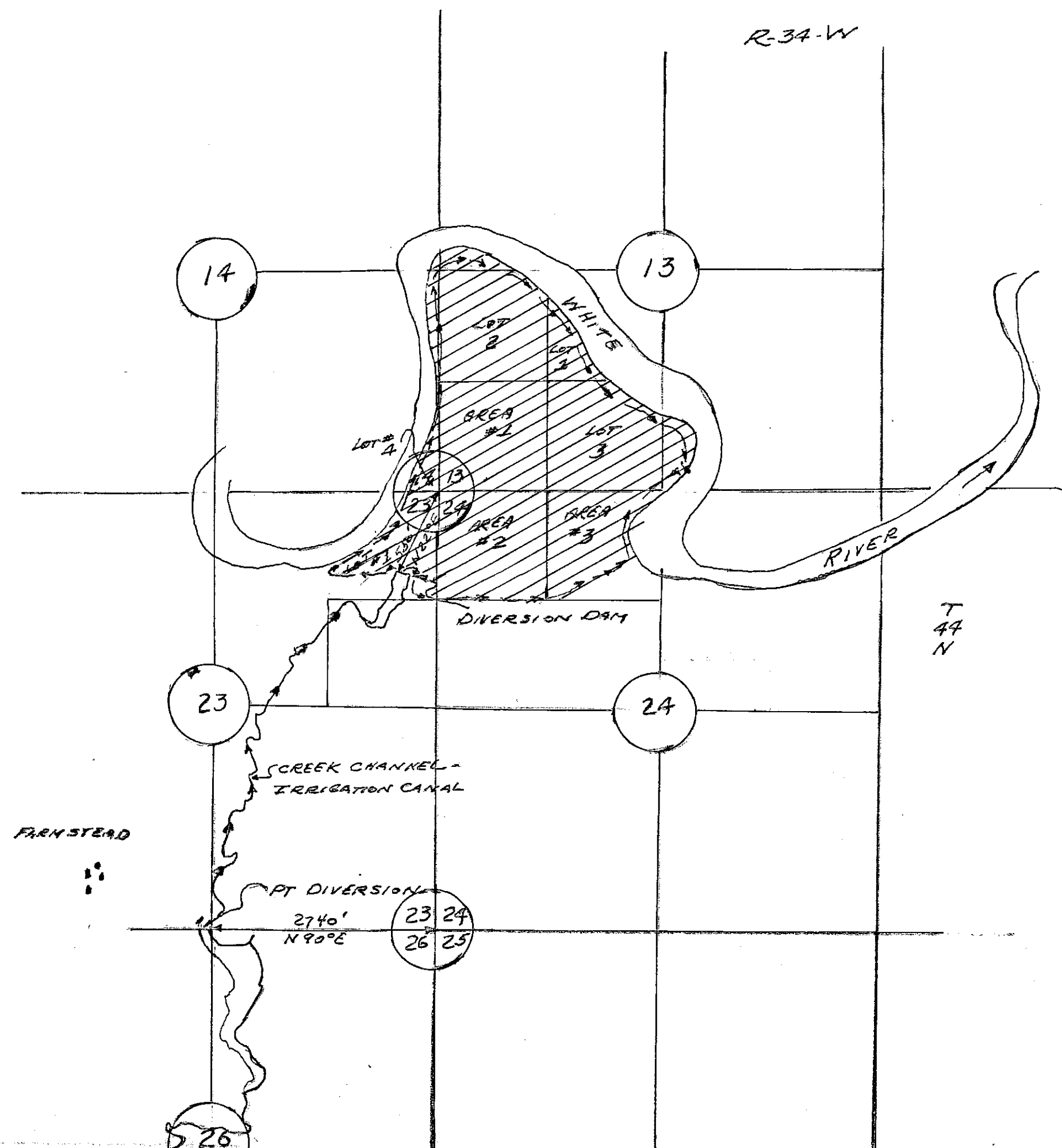
Signed F. H. IrelandSubscribed and sworn to before me this 28th day of June 19 60O. C. L. L. L.
Notary Public (or other qualified officer.)

F.H. IRELAND
IRRIGATION PROJECT No.1
WASHA BAUGH COUNTY

AREA	SECTION	TWP	RANGE	ACRES
#1	SW SW SEC 13	44N	34W	40.0
LOT 1	NE SW SEC 13	44N	34W	10.0
LOT 2	NW SW SEC 13	44N	34W	44.6
LOT 3	SE SW SEC 13	44N	34W	43.6
#2	NW NW SEC 24	44N	34W	40.0
#3	NE NW SEC 24	44N	34W	27.2
LOT 1	NE NE SEC 23	44N	34W	20.0
LOT 4	SE SE SEC 14	44N	34W	6.0
				231.4

SCALE 4" = 1 MILE

→→→ SUPPLY DITCH
→ IRRIGATION CANAL



V/R No Map #

(W.R. # 638-2)

Remarks by State Water Resources Commission:

Priority date for this permit was established under
Dry Draw filing 2761-2

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.

This permit covers some of the land under Permit 321-2,
Irrigation withdrawals under ~~permit~~ this permit are restricted
during time of pumping under 321-2

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 2, 1960

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 5th day of October, 1960.

State Water Resources Commission

By:

Quilley J. Jones
for Chief Engineer, Executive Officer

Number of permit

638-2

Date of first receipt of application

October 5, 1960

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

Date of receipt of corrected application

Date from which applicant may claim right

October 24, 1949

Approved

December 2, 1960

Recorded in Book

6

Page

143

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 limita-
tions and conditions:

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

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

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

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 3.3
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
applied.

and beneficially applied for irrigation on or before

June 30, 1965

19

65

said water to be used

during the following described annual period:

April to October, inclusive

Witness my hand this

2nd

day of

December, 1960

State Water Resources Commission

By:

Quilley J. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 2, 1960

Water License Issued

December 5, 1960

Remarks by the Applicant:

THIS DAM WAS CONSTRUCTED IN 1947-49 FOR THE PURPOSE OF IRRIGATING ALFALFA FIELD SHOWN ON ATTACHED SKETCH.

DURING THE SPRING OF 1952, DUE TO THE HEAVY RUN-OFF, AND IMPROPER INSTALLATION OF PIPE THRU DAM, THE SPILLWAY WAS CUT OUT TO BOTTOM OF DAM.

THIS DAM IS NOW BEING RAISED, NEW SPILLWAYS CONSTRUCTED, AND PROPER PIPES INSTALLED UNDER THE GREAT PLAINS PROGRAM.

THIS PROJECT IS PRIMARLY FOR THE PRODUCTION OF ALFALFA FOR LIVESTOCK FEED, AND A SEED CROP.

THIS APPLICATION COVERS THE LANDS UNDER PERMIT 321-2, PLUS ADDITIONAL ACREAGE. IF WATER IS AVAILABLE FROM THE STORAGE DAMS, WE INTEND TO DIVERGE FROM GRAVITY RATHER THAN PUMP FROM THE RIVER.

YOU WILL ALSO NOTE, (SEE ATTACHED SKETCH) THAT PT OF DIVERSION FOR DRY DRAIN SUBMITTED OCT 24, 1949 WAS IN ERROR, CORRECT DIVERSIONS SHOWN ON SKETCH.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 638-2

WHEREAS, On the 5th day of October A. D. 1960
F.H. Ireland

of Belvidere County of Washabaugh and State of
South Dakota duly made application (No. 638-2) to us for a vested right 3.3
cubic feet per second of the waters of dry draws
County of Washabaugh, State of South Dakota, for irrigation
purposes: and

WHEREAS, On the 2nd day of December A. D. 1960
vested right recognizing
Permit No. 638-2 was issued to said applicant, for the diversion of said water, and ~~XXXXXX~~ the
completion of the works of diversion therein described ~~XXXXXXXXXX~~ ~~day of~~
~~XXXXXX~~ and for the application to beneficial use of said
water ~~XXXXXXXXXX~~ ~~day of~~ ~~XXXXXX~~
and,

WHEREAS, On the 5th day of October A. D. 1960
vested right
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.3
cubic feet per second of said waters, as evidenced by our Certificate No. 638-2
dated December 2, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.3 cubic feet per second of water, with date of
priority of October 24, 1949 ~~xxxx~~ and,

WHEREAS, On the 5th day of October A. D. 1960
proof was duly made of the application to beneficial use of 3.3 cubic feet per second of said water;
for irrigating portions of Sections 13, 14, 23 and 24, T 44N
R 34W

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 F.H. Ireland

of Belvidere the holder and owner of said permit No. 638-2

a water right, dating from October 24, 1949 to the use of 3.3

cubic feet per second of the waters of dry draws

In the County of Washabaugh and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point N 20° E 2740' to the

NE Corner, Sec 26, T 44N R 34W

and conducted to and upon portions of Sec. 13, 14, 23 & 24, 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 5th day of December 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 -----

Permit No. 638-2

Water Division No. 2 White River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That F.H. Ireland

of Belvidere, County of Washabaugh, and State of South Dakota, the holder of vested right Permit No. 638-2, issued upon Application No. 638-2 bearing date of priority of October 24, 1949, authorizing the diversion of 3.3 cu. ft. per second of the waters of dry draws County of Washabaugh, State of South Dakota, at a point N. 90° E. 2740' to NE Corner Sec. 26, T 44N R 34W

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 **recognized as** ~~satisfactory~~ ~~XXXXXX~~ for diverting and conveying to the place of intended use 3.3 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 44N R 34W

Section	Description	Acreage
13	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
13	Lot 1	10.0 acres
13	Lot 2	44.6 acres
13	Lot 3	43.6 acres
24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.2 acres
23	Lot 1	20.0 acres
14	Lot 4	6.0 acres

Witness my hand this 2nd day of December A. D. 1960

State Water Resources Commission

By:

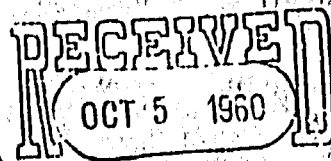
J.W. GRIMES pp

Chief Engineer, Executive Officer

Location No. _____

Water Division No. _____

Water District _____

STATE 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. F.H. FREEMAN, RANCHER, BELVIDERE
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. OWNER

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

Ans. DEED DRAIN, OCT 24 1949 (No 91112)

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

Ans. (DEED DRAIN) FROM PT DIVERSION (TERRACE DRAIN) N 20° E 2740' TO NE COR SEC 26.
FROM PT DIVERSION (TERRACE DRAIN) N 22° E, 550' TO NE COR SEC 23, THEN N-E 34W

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 - 800' LONG, 28.5' DEEP HOLDING 340.5 ACFT 1120, TO BE
DIVERTED BY A NATURAL CANAL TO DIVERSION DAM, THEN OVER
FIELD BY DIKES & DITCHES

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

Ans. IRRIGATION - SEE ATTACHED SKETCH

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

Ans. NONE

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

Ans. IRRIGATION

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. OWNER

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

Ans. SYSTEM COMPLETED IN 1950
AND WATER HAS BEEN USED WHEN AVAILABLE
SINCE COMPLETION.

(Sign) L. J. H. [Signature]

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 Bolvidere, County of Jackson

State of South Dakota, on this 28th day of June A. D. 1960

Witnesses.

J. C. Luttinger
Notary Public

Commission Expires 7-1-65

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.

[Signature]

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water 3.3 c. f. s.

Source DEY DEAN

County WAGNER

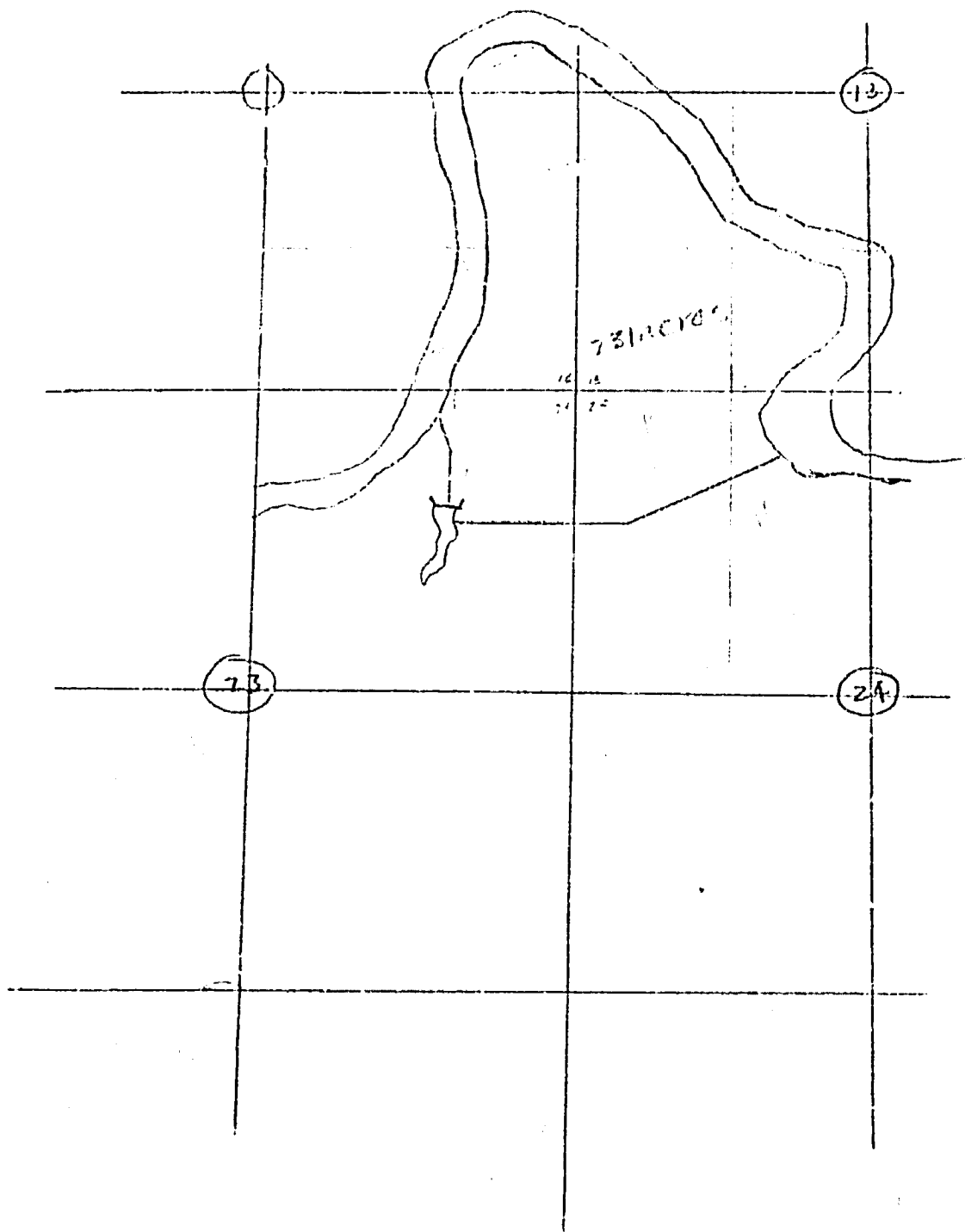
Purpose IRRIGATION

Place of Use _____

Date of recording _____

Received and filed _____

○ F.H. Ireland irrigation
T 44 N R 34 W.



C O P Y Letter received May 22, 1967

Belvidere, S.D.
May 13, 1967

Water Resources Comm.
Pierre, S.D.

Dear Sirs:

In reference to your letter of May 9, pertaining to water license No. 321-2 which is a permit to pump water from the white river which I have been doing on the complete 117.7 acres. I am also using water spreading from a dry draw under Water License No. 638-2 which covers some of the same land along with the other land.

Sincerely,

s/ F.H. Ireland
Belvidere, S.D.

122.2

Original letter in Water Right 321-2

I TALKED TO MR. F. H. IRELAND
ON FEBRUARY 20, 1976. THE SYSTEM IS
IN STILL IN USE.

THOMAS GARNER
2-23-76

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

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

September 21, 1988

NOTICE

F. H. Ireland
211 Elm St E
Kadoka SD 57543

Dear Mr. Ireland:

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). 638-2 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
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC
REPRODUCTIONS. REDUCTION 35% ROLL NO 447
DATE MICROFILMED 1-27-88
CAMERA OPERATOR [Signature]

Water Rights Division - DWR
Conversation or File Documentation

File No. 638-2

NAME OF PERSON OR FILE: F.H. Ireland
ADDRESS: Kadoka SD COUNTY Jackson
DATE: April 25, 1989 TELEPHONE _____
RE: Validation of Vested Right Claim # 638-2

COMMENTS:

On April 25, 1989, I made an investigation of Vested Right Claim No. 638-2. I talked to Kenny Fox, who is in the process of purchasing the property from F.H. Ireland. The system is still in use as described in the original application, except that the total amount of land irrigated is 217 Acres instead of 231.4 Acres as originally described. This is mainly due to changes in the river location. I told Mr. Fox we should also have a transfer form when the property ownership changes.

T44N-R34W Sec. 13 - Lot 1 - 19.5 Ac

Lot 2 - 43 Ac

Lot 3 - 44 Ac

Area 1 - 36 Ac

Sec. 14 - Lot 4 - 2 Ac

Sec. 23 - Lot 1 - 2.5 Ac

Sec. 24 - Area 2 - 40 Ac

Area 3 - 30 Ac

Total 217 Ac

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 School

4/82

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-24 DATE MICROFILMED 7-1-92 CAMERA OPERATOR Don E. Brown



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 15, 1992

NOTICE

TO: F. H. Ireland
Box 459
Belvidere SD 57521

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

John Hatch

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 638-2

A Notice of Intent to validate Claim No. 638-2 was published on June 2 and 9, 1988 in the Kadoka Press, Kadoka SD. The Water Rights Division opposed validation of No. 638-2 for purposes of completing on-site inspection of the claim. The inspection of Claim No. 638-2 was completed on April 25, 1989, by Tim Schaal staff engineer. The inspection found that the number of acres being irrigated has been reduced from 231.4 acres to 217 acres due to changes in the river location. The diversion rate is to be reduced, accordingly, from 3.3 cubic feet of water per second (cfs) to 3.1 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (217 acres/70 = 3.1 cfs).

The Water Management Board will consider validation of Claim No. 638-2 at 9:30 am, May 6, 1992, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 9:30 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 638-2 is recommended for a diversion rate of 3.1 cfs from a dry draw to irrigate 217 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 217 acres and 3.1 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 638-2 will still apply at this hearing. A copy of the June 2 and 9, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General
Kenny Fox, Box 37, Belvidere SD 57521

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO 11-24

DATE MICROFILMED 7-1-92

CAMERA OPERATOR Diane Best

638-2

CERTIFICATION

I hereby certify that on April 15, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 15, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 638-2 addressed as stated below:

F. H. Ireland, Box 459, Belvidere, SD 57521.

Kenny Fox, Box 37, Belvidere, SD 57521.

Copy Sent Inter-office To:

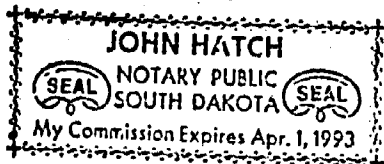
Diane Bect, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 16th day of April, 1992.



John Hatch
Notary Public

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
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LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE MICROPHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT
AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 25:1 ROLL NO 11-24
DATE MICROFILMED 7-1-92
CAMERA OPERATOR Don E. King

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: F. H. Ireland
ADDRESS: Box 459, Melvidere, SD 57521 COUNTY: _____
DATE: 6/11/92 TELEPHONE: _____
RE: Validation of Vested Right No. 638-2

COMMENTS:

The Board validated Claim No. 638-2 for 3.3 cfs to irrigate 231.4 acres at their May 6, 1992 meeting. The staff recommendation based on an inspection by Tim Schaal was for 3.1 cfs to irrigate 217 acres. Mr. Ireland presented testimony at the hearing that he felt there was 231.4 acres of irrigation taking place because nothing has changed from October 24, 1949. He thought the area we planimetered was wrong or that margin of error in planimetry is where the 14.4 acre discrepancy occurred. The Board agreed and validated for the original amount.

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: Eric Nordlund

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC FILM, APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE MICROPHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORD WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 25:1 ROLL NO 11-24
DATE MICROFILMED 7-1-92
CAMERA OPERATOR John B. Steward

SOUTH DAKOTA

VESTED WATER RIGHT NO. 638-2 FOR IRRIGATION

Date of Receipt of Claim October 5, 1969.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 638-2 for irrigation purposes for F. H. Ireland, Box 459, Belvidere, SD, 57521 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 638-2 appropriates 3.3 cubic feet per second of water from a dry draw to irrigate 231.4 acres. The points of diversion are located in the SE1/4 SW1/4 and the NE1/4 NE1/4, SEC 23, T44N, R34W. The irrigated lands are located in Lots 1, 2, 3, and in the SW1/4 SW1/4 SEC 13; Lot 4, SEC 14; N1/2 NW1/4 SEC 24 and Lot 1, SEC 23; all in T44N, R34W.
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: April 1 to October 31.
3. The priority date of the Vested Water Right is October 24, 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: _____

Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-24 DATE MICROFILMED 7-1-92 CAMERA OPERATOR John R. Brown



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 29 1992

F. H. Ireland
Box 459
Belvidere SD 57521

Dear Mr. Ireland:

The Water Management Board has validated the enclosed Vested Water Right No. 638-2. 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

enclosures

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE MICROPHOTODUPLICATION PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A NUMBER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION REPRODUCTIONS. REDUCTION 85:1 ROLL NO 11-24
DATE MICROFILMED 7-1-92
CINEMA OPERATOR Jan R. Kenna



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 28, 1998

638-2

Kenny Fox
Box 37
Belvidere, SD 57521

Dear Mr. Fox:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Vested Water Right No. 638-2. The vested right is currently listed in the name of F H Ireland.

Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

I am enclosing a copy of the vested right as it was validated by the Board in 1992. You may keep this copy for your records. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 638-2

Date: 9-1-98



I/We request that Vested Water Right No. 638-2

formerly owned by: F H Ireland

be transferred to: (name & address) Kenny Fox, Box 37, Belvidere, SD 57521 and Roxene Fox, Box 37, Belvidere, SD

Telephone No. (605) 344-2516

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

Lots 1, 2 & 3, SW 1/4 SW 1/4 Section 13; Lot 4, Section 14; Lot 1 Section 23 & N 1/4 NW 1/4 Section 24, T44N, R34W

I/We understand that the validity of Vested Water Right No. 638-2 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Jackson)

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

Kenny Fox & Roxene Fox
(Signed)

Subscribed and sworn to before me this 1st day of September, 19 98.

Dorothy A. Brown
(Notary Public)
My Commission Expires 4-08-2003

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 2, 1998

638-2

Kenny Fox
PO Box 37
Belvidere, SD 57521-0037

Dear Mr. Fox:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for filing an ownership change with Vested Water Right No. 638-2, formally owned by F H Ireland. Prior to completing the transfer, there are a couple things I need to go over with you.

First of all, I noticed that Mrs. Fox also signed the transfer form. I will go ahead and add her name to the transfer form to allow the records to be changed to both your names. I apologize for not asking about this during our phone conversation. Is the correct spelling "Roxene"?

Secondly, a \$2.50 fee is required in order to file an ownership change. My first letter to you may not have been clear with respect to the fee. I am including a postage paid envelope for your reply. As soon as the filing fee is received, all pertinent records will be transferred over to your names.

If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 2, 1998

638-2

Kenny Fox
PO Box 37
Belvidere, SD 57521-0037

Dear Mr. Fox:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for filing an ownership change with Vested Water Right No. 638-2, formally owned by F H Ireland. Prior to completing the transfer, there are a couple things I need to go over with you.

First of all, I noticed that Mrs. Fox also signed the transfer form. I will go ahead and add her name to the transfer form to allow the records to be changed to both your names. I apologize for not asking about this during our phone conversation. Is the correct spelling "Roxene"? ←

✓ sorry his wife did the mailing and forgot to read
Secondly, a \$2.50 fee is required in order to file an ownership change. My first letter to you may not have been clear with respect to the fee. I am including a postage paid envelope for your reply. As soon as the filing fee is received, all pertinent records will be transferred over to your names.

If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

Yes!
Thanks

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415855

RECEIVED OF Kenny or Roxene Fox, P.O. Box 37, Belvidere, SD 57521-0037 Pierre,
the following amount in fees for services rendered as provided for by law:

September 8, 19 98

Fee for Application for Permit No. to Appropriate Water, to construct
and to put water to beneficial use

Fee for Application for Permit No. to Appropriate Water, for Future
Use

Fee to retain Future Use Permit No. after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No.

Fee for Filing Transfer Form Vatted Water Right No. 638-2

Fee for Filing Extension Request

Fee for

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 9, 1998

638-2

Kerzy & Roxene Fox
PO Box 37
Belvidere, SD 57521-0037

Dear Mr. & Mrs. Fox:

Thank you for your note and payment of the transfer fee. Enclosed is Receipt No. 415855 in the amount of \$2.50. The transfer has been completed. The vested water right and all pertinent records are now listed under your names.

Our records show that the irrigation system utilized under Vested Water Right No. 638-2 is a water spreading type system. Water Management Board Rules do not require submission of an annual irrigation questionnaire for water spreading systems. You will not be mailed a questionnaire for No. 638-2. Questionnaires will continue to be mailed to you for reporting water use under Water Right Nos. 321-2 and 802-2.

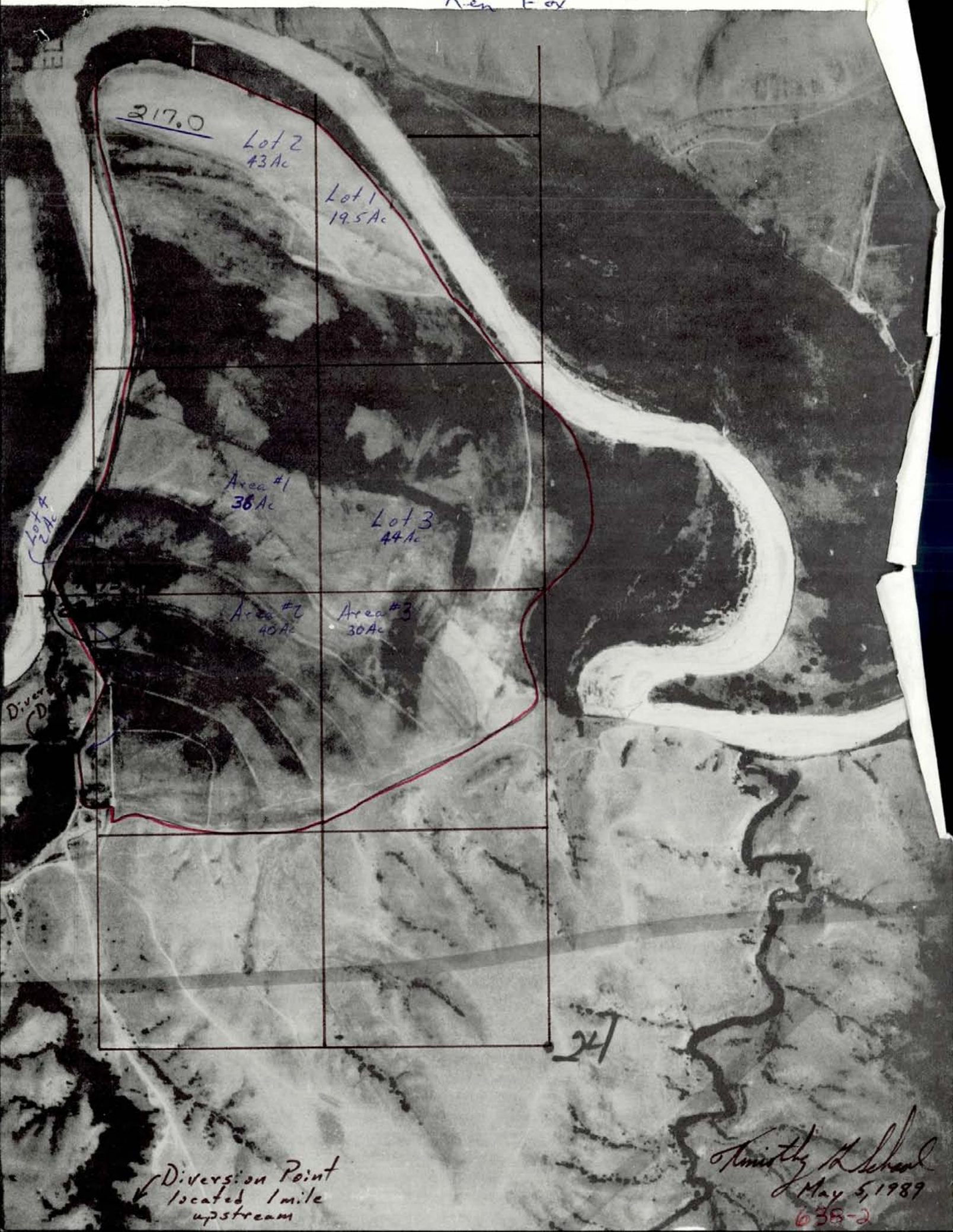
Thank you for assistance in getting the water right transferred. If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

Ken Fox

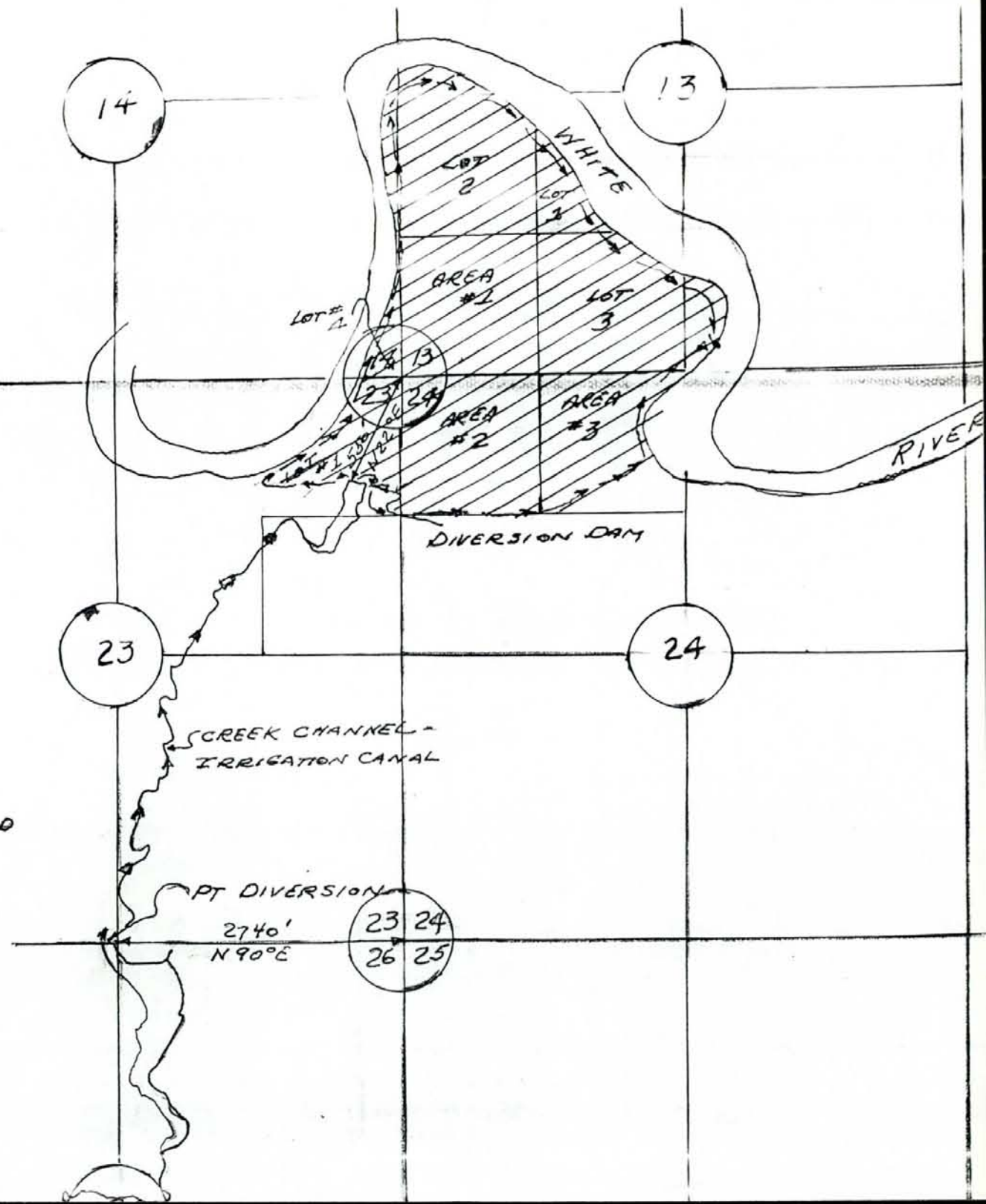


AREA	SECTION	TWP.	RANGE	ACRES
#1	SW SW SEC 13	44N	34W	40.0
LOT 1	NE SW SEC 13	44N	34W	10.0
LOT 2	NW SW SEC 13	44N	34W	44.6
LOT 3	SE SW SEC 13	44N	34W	43.6
#2	NW NW SEC 24	44N	34W	40.0
#3	NE NW SEC 24	44N	34W	27.2
LOT 1	NE NE SEC 23	44N	34W	20.0
LOT 4	SE SE SEC 14	44N	34W	6.0
				236.4

SCALE 4" = 1 MILE

→→→ SUPPLY DITCH
 ~~~~ IRRIGATION CANAL

FARMSTEAD





**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



638-2

September 2, 2014

Kenny Fox  
PO Box 37  
Belvidere SD 57521

Dear Mr. Fox:

Enclosed as you requested are copies of the transfer of ownership forms and the receipts for the filing fees for Water Right or Permit Nos. 321-2, 638-2, 802-2 and 1188-2.

I should have mentioned when we spoke that you can actually go on line and view the entire permit file for each of these. Our program website is found at:

<http://denr.sd.gov/des/wr/wr.aspx>

Once you get to the site, view along the left hand side of the page and scroll down till you see "databases". Click on the link to the water rights database and it will take you to a page where you can search by name, permit number, legal description and source of water. The website also includes other databases to view and of course includes all of our various forms (transfer forms, new application forms, irrigation questionnaires etc).

If you have any questions, please contact me.

Sincerely,

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

enclosures