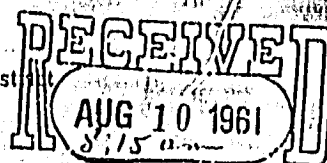


723-2

1. Considered 9-13, 1961
2. Name of Applicant L.A. Carr
3. Post Office Address Belvidere
4. Amount of water claimed 5.97
5. Source of water supply My draws & White River
6. Water to be used for irrigation
Acres to be irrigated 418.2
7. Water to be diverted and used in Jackson County about
3.2 miles Belvidere of 12
8. Proof of Publication Received
Not Received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

P 768

No. 723-2Water Division No. 2 WHITE RIVER Dist. 1
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant L. A. Pier
Postoffice address Relviders, County Jackson, State South Dakota

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

2. Name of diversion work L. A. Pier Irrigation Projects No. 4 & 5
3. Amount of water claimed 5.97 cubic feet per second and all unappropriated floodwaters
4. Source of water supply Dry draws and Whit River
5. Location of point of diversion See Map From Dry Draws Pt 1 S13 30' W 23 400' from NE corner Sec 16 T13 R24E
From Whit River See Map Pt 2 N 51 15' W 42 000' from NE corner Sec 8 T13 R24E
Between A Point 1/4 mile S of the NW corner Sec 17, and a Point 1/4 mile S of the NW corner Sec 18
_____ on _____ bank _____ County _____

6. Annual period or periods during which water is to be used April 1 to Oct 30 and whenever runoff occurs.

7. To be used for:

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

- (a) Number of acres to be irrigated 418.2 acres.

- (b) Legal subdivisions to be irrigated See Map ATTACHMENT

(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.) Livestock will be watered at Dam No. 1

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

- (a) Nature of use See Item 7 I (c) above

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 _____

MAP No 632-2

8. Estimated cost of work:

(a) Head Gates, \$ 300

(b) Pumping plant, \$ 3000

(c) Fluming, \$

(d) Canal earth, \$ 1700

Rock, \$

(e) Other structures \$ 5002

Total, \$ 10000

9. Description of diversion works:

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

Dams and spreader ditches and dikes; pump

II. Dimensions of works.

(a) Dam: Height 17' ; 34' feet; length at bottom 455' ; 250' feet; length at top 538' ; 350' feet; thickness at bottom 100' ; 200' feet; thickness at top 12' ; 13' feet; slope at front water face 3:1 3:1; slope at back face 2:1 2:1 material used in construction earth fill

(b) Reservoir: Capacity when filled 47 and 32 acre feet. Surface area at highwater mark 8.6 and 10 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	ACRE- FEET CAPACITY
13	Dam No. 1	47.6
8	Dam No. 2	32.0

(c)* Head gate: Width Dam #1-1' ; Dam #2-2' feet; height 1' and 2' feet; Material Steel

(d) Canal: Total length 1.5 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	2 feet	10 feet	26 feet	5.2 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 3 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of Intention to appropriate Kadoka Press

STATE OF SOUTH DAKOTA

County of

I,

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

9th

day of

19 61

Notary Public (or other qualified officer.)

All lands described are owned by L.A. Pier

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW ¹ SE ⁴	8	3S	24E	16.0
2	SE ⁴ SW ⁴	8	3S	24E	4.0
3	NW ⁴ NW ⁴	17	3S	24E	26.0
4	NE ⁴ NW ⁴	17	3S	24E	40.0
5	NW ⁴ NE ⁴	17	3S	24E	32.0
6	SE ⁴ NW ⁴	17	3S	24E	40.0
7	SW ⁴ NW ⁴	17	3S	24E	40.0
LOT 2	SW ⁴ NE ⁴	17	3S	24E	44.0

N

LEGEND

- Irrigable land
- Main supply ditch
- County road
- Dam site
- Trees

IRRIGATION PROJECT NO 4

L.A. PIER
IRRIGATION PROJECTS NO 4 & 5

Jackson County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. 1 of 2
		Drawing No.

MAP NO 632-2 SHT 1 (APPL NO 723-2)

SURVEYOR'S CERTIFICATE

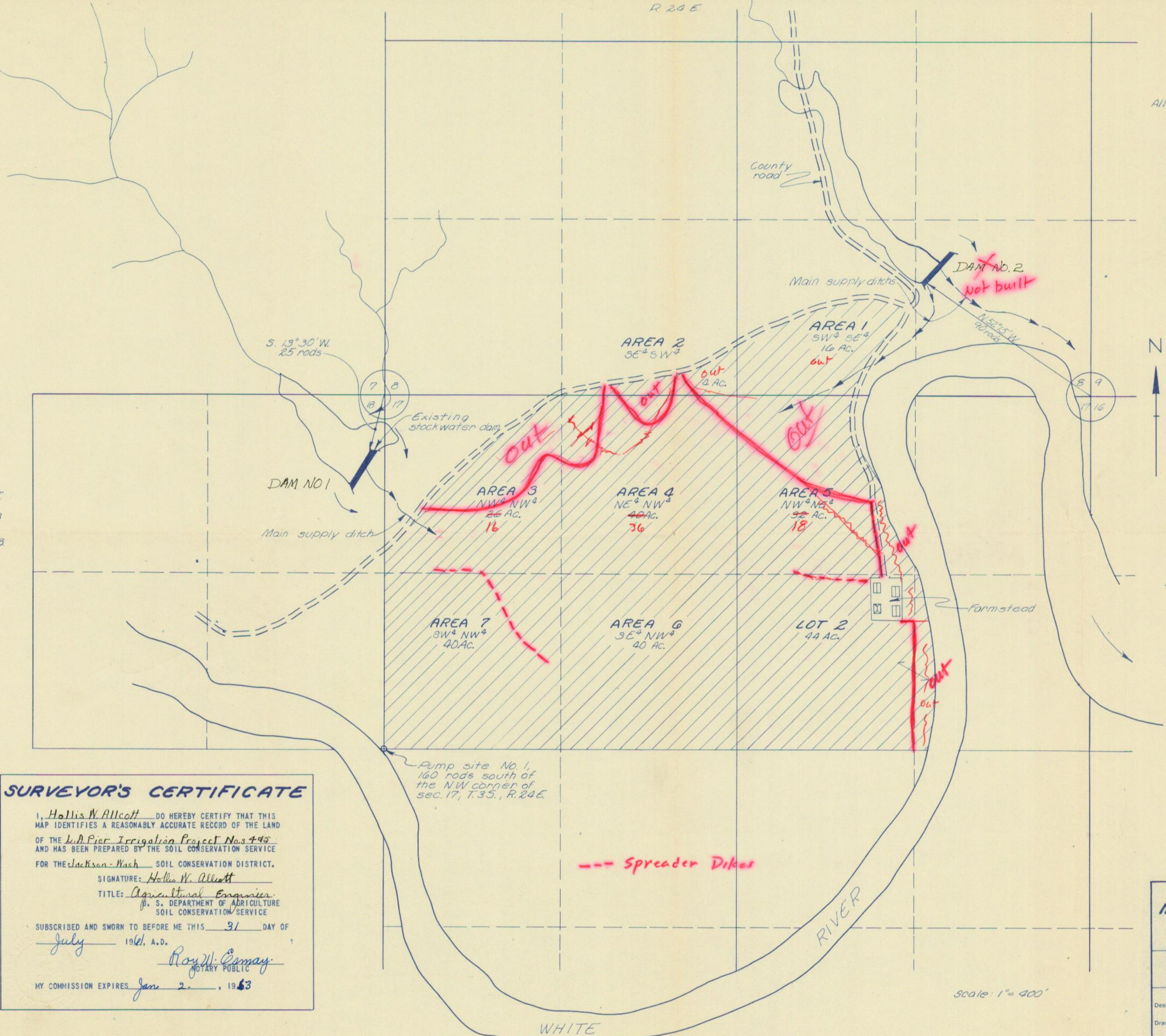
I, Hollis W. Allcott DO HEREBY CERTIFY THAT THIS
MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND
OF THE L.A. Pier Irrigation Project Nos 4 & 5
AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE
FOR THE Jackson-Wash SOIL CONSERVATION DISTRICT.

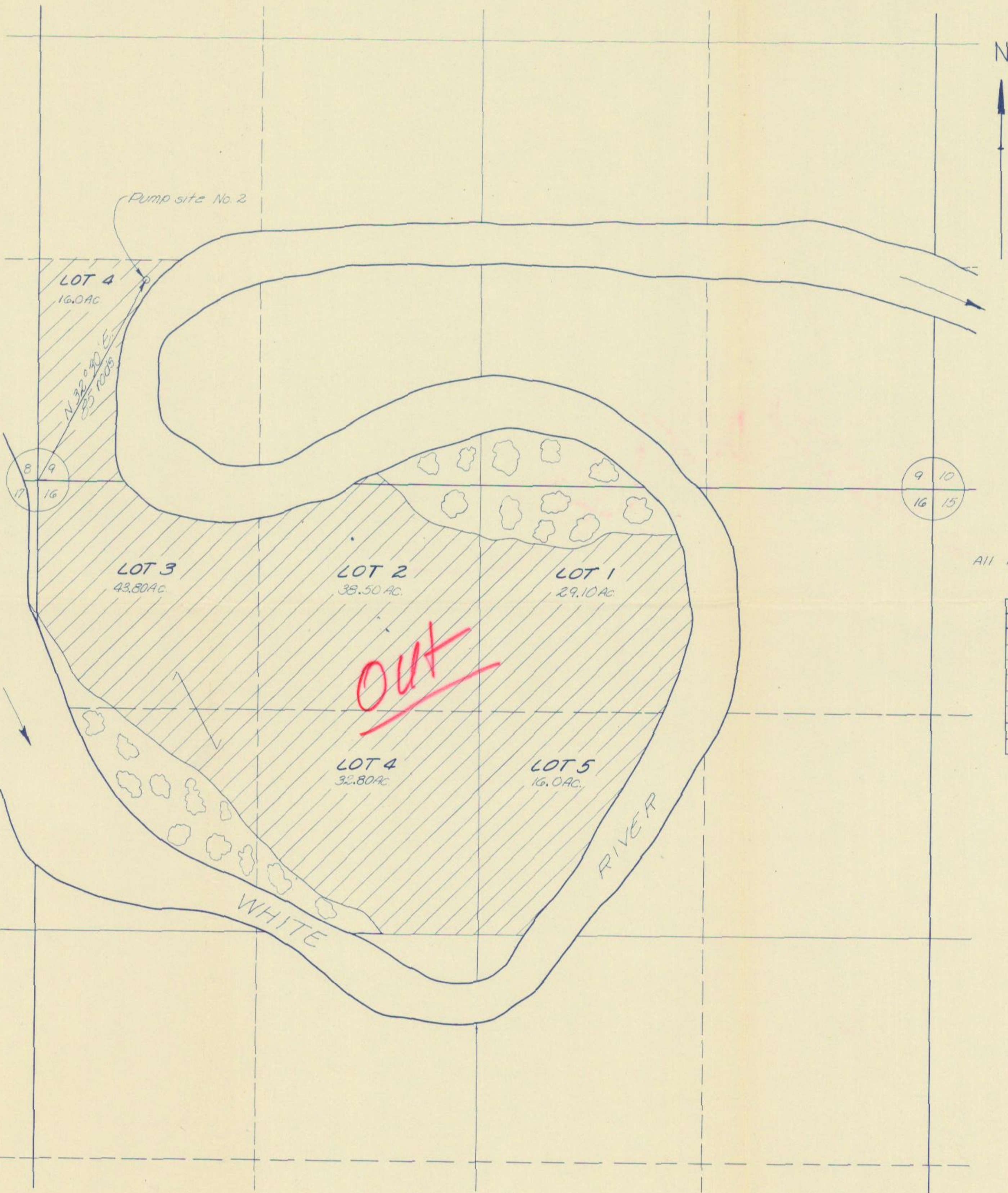
SIGNATURE: Hollis W. Allcott
TITLE: Agricultural Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31 DAY OF
July 1961, A.D.

Roy W. Emery
NOTARY PUBLIC

MY COMMISSION EXPIRES Jan 2, 1963





All lands described are owned by L.A. Pier

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
LOT 4	SW ¹ SW ⁴	9	3S	24E	16.0
LOT 1	NW ¹ NE ⁴	16	3S	24E	29.10
LOT 2	NE ¹ NW ⁴	16	3S	24E	38.50
LOT 3	NW ¹ NW ⁴	16	3S	24E	43.80
LOT 4	SE ¹ NW ⁴	16	3S	24E	32.80
LOT 5	SW ¹ NE ⁴	16	3S	24E	16.0
SUBTOTAL					176.2
TOTAL					418.2

Scale: 1" = 400'
IRRIGATION PROJECT NO. 5

L.A. PIER
IRRIGATION PROJECTS NO. 4 & 5

Jackson County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Sheet No. 2 of 2	Drawing No. _____

MAP NO. 632-2 SH. 2 (APPL. NO. 723-2)

Remarks by State Water Resources Commission:

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, October 16, 1961

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
12 m. upon the 10th day of August, 1961.

State Water Resources Commission

By:

For [Signature]
Chief Engineer, Executive Officer

Number of permit 723-2

Date of first receipt of application August 10, 1961

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 August 10, 1961

Approved September 13, 1961, Recorded in Book 6 Page 350

This is to certify that we have examined the foregoing application for a permit to appropriate water in 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

March 13, 1963

2nd. The whole of said work is to be completed on or before September 13, 1964

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

September 13, 1967

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 5.97 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 September 13, 1967; said water to be used during the following described annual period:

April 1 to October 30

Witness my hand this 16th day of October, 1961.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued August 25, 1967

Water License Issued August 25, 1967

Permit No. 723-2Water Division No. 3 White River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That L.A. Pierof Belvidere, County of Jackson, and State of South Dakota, the holder of Permit No. 723-2, issued upon ApplicationNo. 723-2, bearing date of priority of August 10, 1961, authorizing the diversion of5.97 cu. ft. per second of the waters of dry draws and the White RiverCounty of Jackson, State of South Dakota, at a point S13°30' W. 25rods from the NE Corner, Section 18, T3S, R24Efor 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 2.69 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in Section 17, T3S, R24E

NW 1/4 NW 1/4 16 AcresNE 1/4 NW 1/4 36 AcresS 1/2 NW 1/4 80 AcresNW 1/4 NE 1/4 18 AcresLot 2 38 AcresTotal 188 AcresWitness my hand this 25th day of August A. D. 1967.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 723-2....

WHEREAS, On the 10th day of August A. D. 1961.

L.A. Pier

of Belvidere County of Jackson and State of South Dakota duly made application (No. 723-2) to us for a permit to use 5.97 cubic feet per second of the waters of Dry Draws and the White River County of Jackson, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 16th day of October A. D. 1961 Permit No. 723-2 was issued to said applicant... for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 13th day of September A. D. 1964 and for the application to beneficial use of said water on or before the 13th day of September A. D. 1967 and,

WHEREAS, On the 11th day of August A. D. 1967 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2.68 cubic feet per second of said waters, as evidenced by our Certificate No. 723-2 dated August 25, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.68 cubic feet per second of water, with date of priority of August 10, 1961 ~~xxx~~ and,

WHEREAS, On the 18th day of August A. D. 1967 proof was duly made of the application to beneficial use of 2.68 cubic feet per second of said water; for irrigation of 186 acres in portions of Section 17, T3S, R24E.

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 L.A. Pier
of Belvidere the holder and owner of said permit No. 723-2
a water right, dating from August 10, 1961 to the use of 2.68
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
necessary for the purposes hereinbelow mentioned, to be diverted at a point S 13°30'W, 25 rods from
the NE Corner, Section 18, T3S, R24E
and conducted to and upon a portion of Section 17, T3S, R24E, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation, subject to any limitations listed in the
permit to appropriate water, and

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 25th day of August A. D. Nineteen
Hundred and Sixty-seven

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 _____

LANDS TO BE RECREATED

ALL IN T 35 R 24E

SEC 8

SW⁴ SE⁴

16.0 ACRES

SE⁴ SW⁴

4.0

SEC 17

NW⁴ NW⁴

26.0

NE⁴ NW⁴

40.0

NW⁴ NE⁴

32.0

SE⁴ NW⁴

40.0

SW⁴ NW⁴

40.0

LOT 2

44.0

SEC 9

LOT 4

16.0

SEC 16

N. 1/2 NE⁴

29.10

LOT 2

38.50

LOT 3

43.80

LOT 4

32.80

LOT 5

16.0

418.2

on or before
(First Publication) Aug. 17, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 10, 1961

Notice is hereby given that L. A. Pior whose postoffice address is Belvidere S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.27 cubic feet of water per second of time from the White River and dry draws through the Pier Irrigation Project #4 & #5, the point of diversion of which is to be located on the north bank of said stream in the SE 1/4 of the NW 1/4 of Section 17 Twp. 39 Range 24E. Said water to be used for the purpose of providing irrigation of the following described land:

Lot 4, Section 9; Lots 1, 2, 3, 4 & 5, Section 16; SW 1/4 SE 1/4 and SE 1/4 SW 1/4, Section 8; Lot 2, NE 1/4 NE 1/4, and NW 1/4, Section 17, T35, R24E

~~xxxxx~~ xxxxx purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13 day of September, 1961, at 2 p. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

CC: L.G. Parkinson, Publisher
Kadoka Press
Kadoka, S. Dak.

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 Jackson } ss.
 County _____

L. C. Parkinson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Kadoka Press, a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____ City _____ of Kadoka, _____ County of _____

Jackson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 17, 1961

August 24, 1961

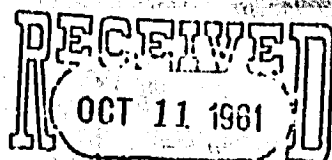
August 31, 1961

September 7, 1961

in each and every issue of the full number thereof, the first publication being made on the 17th day of August, 1961 and the last publication on the 7th day of September, 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher X of the said newspaper.

[Signature]

Subscribed and sworn to before me this 7th day of September, A. D. 1961



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notary Public Jackson County, S. D.

APPROPRIATION FOR WATER

Office of State Water Resources Commission
 Pierre, S. Dak. Aug. 10, 1961
 Notice is hereby given that L. A. Parkinson, whose postoffice address is Pierre, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.97 cubic feet of water per second of time from the White River and dry draws through the Pier Irrigation Project No. 4 & No. 5, the point of diversion of which is to be located on the north bank of said stream between a point in Lot 4, Section 10, and a point in the SW 1/4 of the NW 1/4 of Section 17, Twp. 35, Range 24E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
 Lot 4, Section 9; Lots 1, 2, 3, 4 and 5, Section 10; SW 1/4 SE 1/4 and SE 1/4 SW 1/4 of Section 8; Lot 2, NW 1/4 NE 1/4 and NW 1/4, Section 17, T35, R24E.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, at 2 p. m. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 STATE WATER RESOURCES COMMISSION
 Burton F. Jones
 Water Right Specialist
 Pub. Aug. 17, 24, 31, Sept. 7.

Certificate of Examination of Works

Report of Examining Engineer

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

I, L. A. Pier, hereby certify that in accordance with your letter of authorization dated 10-1-62, I have this day made a thorough examination of the diversion works constructed by L. A. Pier of Belvidere, Jackson County, South Dakota, holder of Permit No. 723-2, issued upon Application No. 723-2, bearing date of priority of August 10, 1961, authorizing the diversion of 5.97 cu. ft. per second of the waters of Dry Draw & White River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Diversions Dam approx 500' long, 20' high with 12" discharge tube and workable headgate. System includes 2 12" culverts under road and two short spreader ditches at about 1/4 mile total length. Only Dam #1 has been constructed. There is no irrigation from proposed dam #2 on White River. and the system is in the following condition. Fair

The point of diversion is located S 13° 30' 20" E, 25 rods from NE Corner Section 18 as shown on map.

The works are capable of diverting and conveying to the place of use 2.68 cu. ft. per second of water, which is to be used for Spreader irrigation.

The legal sub-divisions to be irrigated are: NW 1/4 NW 4 - 16 ac; NE 1/4 NW 4 - 36 ac; S 1/2 NW 4 - 80 ac; NW 1/4 NE 4 - 18 ac; Lot 2 - 38 ac; all in Section 17, T. 35, R. 24 E.

The domestic use intended comprises Stock water comprising a total of 188 acres of land.

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 18 day of August, A. D. 1962.

—SEAL—

Richard D. Schirmer
Examining Engineer.

Water Right Specialist.

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

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

723-2

August 15, 1988

Neil Simpson
1916 9th Street
Rapid City, SD 57701

Dear Mr. Simpson:

Recently, our office mailed out a list of vested right claims, in the process of being validated, to every water right holder in each county. A notice was mailed to L R Pier, listed as owner of Water Right No. 723-2, and was later returned by the Post Office marked "deceased". The Jackson County Assessor's Office has you listed as owner of the land described in Water Right No. 723-2.

The purpose of this letter is to gather information from you as to the status of Water Right No. 723-2. The water right authorizes irrigation of the NW 1/4, NW 1/4 NE 1/4 and Lot 2 of Section 17, T3S, R24E. If the land is still irrigated, the water right should be transferred to your name.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 723-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

South Dakota Water Law states that the land must be irrigated at least once every three years, if water is available, in order for the permit to remain valid. If you no longer irrigate the land, please notify our office.

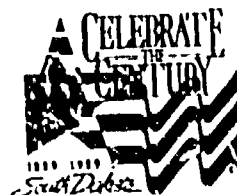
Also enclosed is a copy of Water Right No. 723-2 and the original notice mailed June 20, 1988, concerning vested right validations. Water Right No. 723-2 does not appear on the list because it is not a vested water right claim. No. 723-2 was submitted to our office, advertised, and approved by the Board. The water right has already, in affect, been validated. If you have any questions, please contact us.

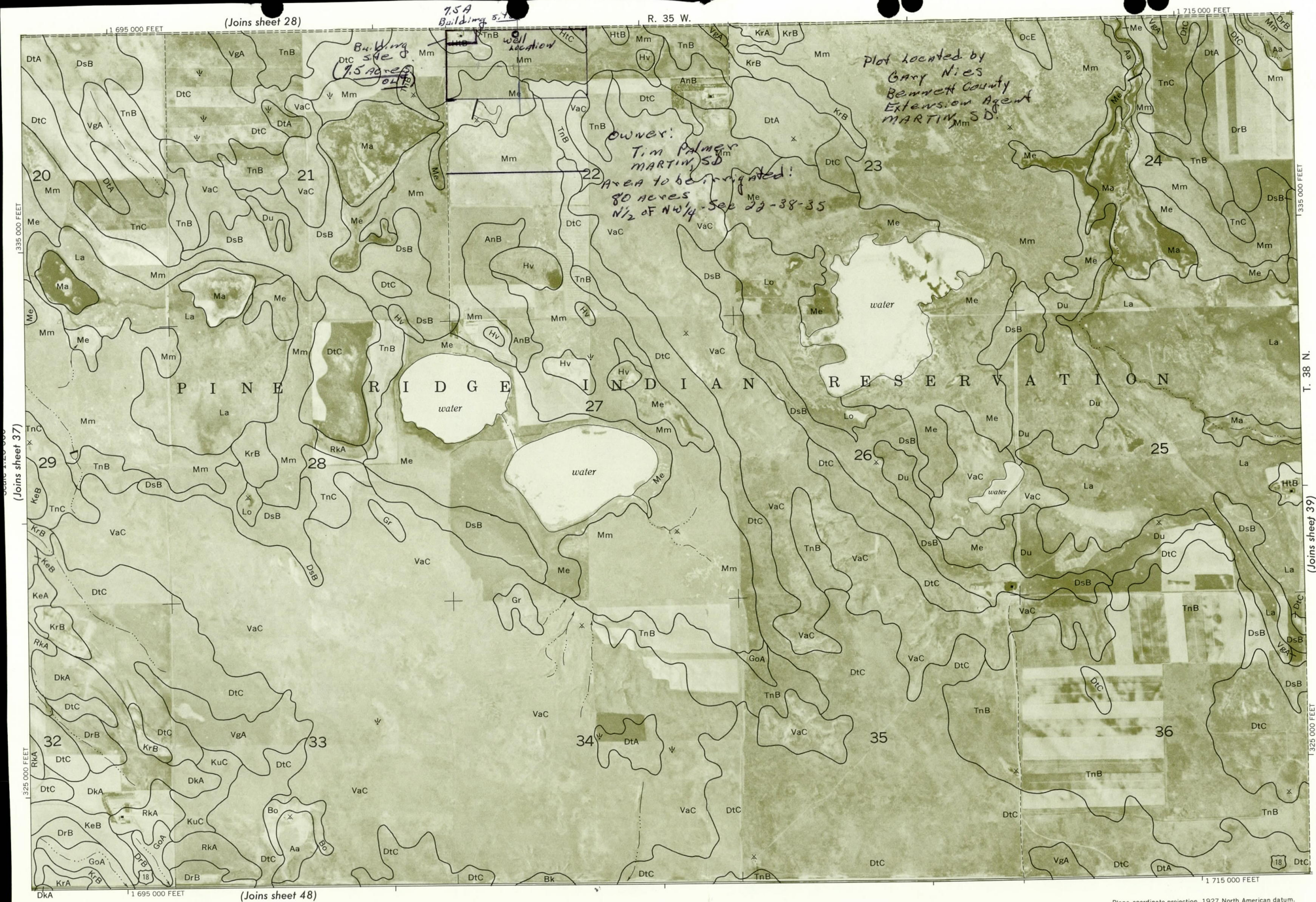
Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure





Plane coordinate projection. 1927 North American datum.
5,000-foot grid ticks based on South Dakota coordinate system,
south zone. Mosaic compiled from 1961 aerial photographs.

Map No. 1482-2 (Appl. 1723-2)