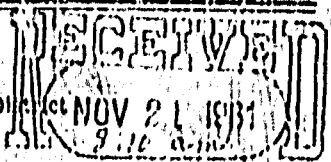


No. 745-2Water Division No. 2EAST CHEYENNE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
MONTGOMERY, ALA.

To appropriate Water within the State of South Dakota

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

1. Name of applicant Elmer TraskPostoffice address Wall, County Pennington, State So. Dak.

1. 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, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work LeRoy Trask Irrigation System No. 13. Amount of water claimed 210 cfs cubic feet per second4. Source of water supply Cheyenne River5. Location of point of diversion \$237° 30' W 88 rods from the NE corner
Section 14, T3N, R14E on Left bank Pennington County.6. Annual period or periods during which water is to be used March Thru, October

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead or combination system Gravity(a) Number of acres to be irrigated 300 A. acres.

(b) Legal subdivisions to be irrigated

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction (with acreage thereof, should be written here or list be appended as a part of this application. Same may also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) See Attached form

II. Stockwatering, milking, 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

A. Estimated cost of work:

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

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

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

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

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

B. Description of diversion works:

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

Ditches & dikes 3.0 miles.

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....: slope at back face.....material used in construction.....

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

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

Material.....

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE Feet, 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...3 yrs...years.

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

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

County Courier Weekly news paper Wall So. Dak.

STATE OF SOUTH DAKOTA

County of Pennington

I, Le Roy Trusk

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

Le Roy Trusk

Subscribed and sworn to before me this

20

day of

November

1961

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 1, 1962

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
a.m. upon the 21ST day of NOVEMBER, 1961.

State Water Resources Commission

By:

Burlon L. Jones
for Chief Engineer, Executive Officer

Number of permit 745-2

Date of first receipt of application November 21, 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 1934, 19____

Approved MARCH 1, 1962, Recorded in Book 7 Page 42

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 ~~not~~ completed ~~on or before~~ _____

2nd. The whole of said work is ~~not~~ 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 4.28 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 was

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

MARCH THRU October
Witness my hand this 1ST day of March, 1962.

State Water Resources Commission

By:

Burlon L. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 1, 1962

Water Licence Issued MARCH 1, 1962

Attached sheet for
ACReages irrigated
was not in W/R when
filmed.

G.Y.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 745-2

WHEREAS, On the 21st day of November A. D. 1961

LeRoy Trask

of Wall County of Pennington and State of South Dakota duly made application (No. 745-2) to us for a vested right permit to use 4.28

cubic feet per second of the waters of the Cheyenne River

County of Pennington, State of South Dakota, for irrigation purposes; and

Vested Right WHEREAS, On the 1st day of March A. D. 1962 recognizing the Permit No. 745-2 was issued to said applicant for the diversion of said water, ~~XXXXXX~~

completion of the works of diversion therein described ~~XXXXXXXXXX~~

~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said water ~~XXXXXXXXXX~~ and,

WHEREAS, On the 21st day of November A. D. 1961 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.28 cubic feet per second of said waters, as evidenced by our Certificate No. 745-2 dated March 1, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.28 cubic feet per second of water, with date of priority of 1934 and,

WHEREAS, On the 23rd day of February A. D. 1962 proof was duly made of the application to beneficial use of 4.28 cubic feet per second of said water; to irrigate 300 acres in portions of Sections 13 and 14, T3N, R14E and Section 18, T3N, R15E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to LeRoy Trask

of Wall the holder and owner of Vested Right of salt/permit No. 745-2

a water right, dating from 1934 to the use of 4.28

cubic feet per second of the waters of the Chayenne River

in the County of Pennington and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted at a point S 237° 30' W 88 rods
from the NE corner Sec. 14, T3N, R14E

and conducted to and upon portions of Sections 13 and 14, T3N, R14E, and Section 18

T3N, R15E, more specifically described in the Certificate of Completion

of Works

for the purpose of Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 1st day of March A. D. Nineten
Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ac't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 745-2Water Division No. 2 E. Cheyenne River District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That LoRoy Trask

of Wall County of Pennington, and State of
South Dakota Vested Right
 the holder of Permit No. 745-2, issued upon Application
 No. 745-2, bearing date of priority of 1914, authorizing the diversion of
4.28 cu. ft. per second of the waters of the Cheyenne River

County of Pennington, State of South Dakota, at a point S 237° 30' W
88 rods from the NE corner, Sec. 14, T3N, R14E
 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 for diverting and conveying to the place of intended use 4.28 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: T3N, R14E NE 1/4 NE 1/4, Sec. 14, 40 acres

NE 1/4 SW 1/4, Sec. 13, 20 acres

T3N R13E SW 1/4, Sec. 18, 160 acres

S 1/4 NW 1/4, Sec. 18, 80 acres

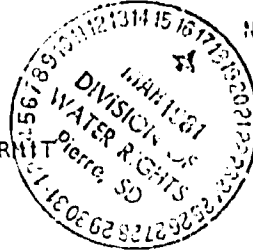
Total... 300 acres

Witness my hand this 1st day of March A. D. 19 62

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. V. GRIMES



NO. 745-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 23, 1981

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T3N, R14E; E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 13, T3N, R14E; SW $\frac{1}{4}$ Sec. 18, T3N, R15E;

S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, T3N, R15E

formerly owned by Jim Bloom & Lavon Shearer, Wall, SD 57790

has been transferred to Lavon Shearer, Wall, SD 57790

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

Water Right Permit No. 745-2 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 Water Rights, Water Management Board 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.

STATE OF SOUTH DAKOTA)
County of Penn) ss.

I, Lavon Shearer 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.

Lavon Shearer
(Signed)

Subscribed and sworn to before me this 16th Day of March, 1981.

Darryl D. Graham
(Notary Public)
Commission Expires 4-22-85

Handwritten: 1230-2

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 8083

PIERRE, March 17, 1981

RECEIVED OF Layon Shearer, Wall, SD 57790
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 Construcion, 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 filling transfer of WR# 745-2		2.00
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2.	50

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH (CBE)

Location No.....

Water Division No..... Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. LeRoy Trask

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

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

Ans. _____

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

Ans. _____

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. 3.0 miles of ditches & dikes to irrigate 300 acres.

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. N.E. 1/4 40A. N.E. 1/4 Sec. 14 T3N, R. 14E.

S.E. 1/4 20A. S.E. 1/4 Sec. 13 T3N, R. 14E.

S.W. 1/4 160A. Sec. 18 T3N, R. 15E.

S. 1/4 80A. N.W. 1/4 Sec. 18 T, 3N R 15E.

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. 2100 c.f.s.

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. Pumping from Cheyenne River from March through October.

210,000 c. f. s.

1934- Permits dated

February 19, 1967

(Sign) Le Roy Track

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 WHEEL, County of PERMITS

State of South Dakota, on this 20 day of November A. D. 1967

Gifford J. Jepsen
Le Roy Track Witnesses,

W. H. Jepsen
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.

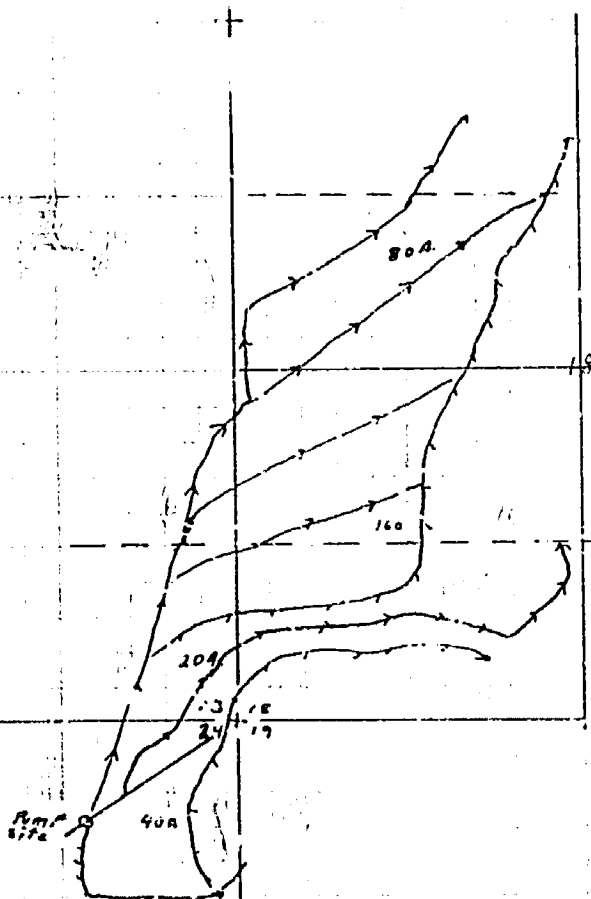
Gifford J. Jepsen
Le Roy Track

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	

DATE: 10/1/51
DRAWN BY: J. H. HARRIS

SCALE:

300 FEET



4" = 1 mile Photo 150I-10N-31

→ Main
→ Lateral

Leroy Fork Irrigation project No. 1

February 15, 1962

Mr. LeRoy Trask
Wall, S. Dak.

Dear Mr. Trask:

Your application dated November 20, 1961, for a permit to appropriate water from the Cheyenne River through the LeRoy Trask Irrigation Project #1, together with a fee of \$8.00 for the examination of same, the receipt of which is hereby acknowledged, was received November 21, 1961 and has been duly filed under the temporary number of 745-2.

The Form 24 submitted with the application indicates this is a "vested right". To qualify for a "vested right" the water has to have been used for irrigation prior to July 1, 1955, and continuously, when available, since that date. You do not give any date on the Form 24 as to when you started irrigating. Too, in the application you indicate that you require three years to complete the project, which would indicate that you possibly have not irrigated the entire acreage. To help clarify this matter, we request that you submit the following information:

1. (a) When was water first used from the Cheyenne River for irrigation of lands listed in your application?
(b) How much irrigated acreage was developed during the five year period immediately following the water used under 1. (a)?
(c) What is the legal description of such acreage?
(d) Has water been used by pumping from the Cheyenne River during the period since the initial diversion without a lapse of three years?
2. (a) How much land did you irrigate during the period July 1, 1952 to July 1, 1955?
(b) Has water been used continuously on this land since July 1, 1955?

State water laws recognize any "vested right", however, it is up to the permit holder to prove the validity of his claim.

If this application covers land that does not qualify for a "vested right", you will have to submit a map prepared by a registered land surveyor or government engineer. (This requirement does not apply to "vested rights".

Mr. LeRoy Trask

February 15, 1962

Upon receipt of the above data, processing of your application will continue.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf
Encl: Form 24
Instruction Sheet
Receipt #3-216

FEBRUARY, 19/1962.

LEROY TRASK IRRIGATION
PROJECT #1,

STATE WATER RESOURCES COMMISSIN.

PIERRE, SOUTH DAKOTA.

DEAR SIRs:

1. (A) 1934

(B) 300 ACERS.

(C) LEGAL DESCRIPTION OF ACREAGE.

N.E. $\frac{1}{4}$ 40A. SEC. 18 T3N, R14E.

160 ACERS S.W. $\frac{1}{4}$ SEC. 18 T.3N, R15 E.

100 ACERS OF SEC. 19 N.W. $\frac{1}{4}$ SEC. 19. T.3N. R. 15E.

(D) YES.

2. (A) 300 ACERS.

(B) YES.

THIS IS THE LEGAL DESCRIPTION OF THE LAND IRRIGATED
SINCE 1934.

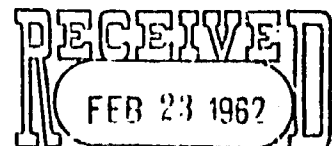
IF ANY MORE INFORMATION IS NEEDED PLEASE LET ME KNOW.

SINCERELY YOURS.

LEROY TRASK

RT. 1

WALL, SO. DAK.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

January 25, 1967

Mr. LeRoy Trask
Rt. 1
Wall, S.D.

Dear Mr. Trask:

Recently I have been preparing a map of irrigation in Pennington county and I have found what appears to be a mistake in the land description in your Water License No. 745-2. I note that all the documents in your folder, including the sketch map you submitted, indicate 40 acres of land to be irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T3N, R14E. If the description is true as to Section 14, this parcel of land would be about two miles away from the rest of your irrigation system and on the other side of the Cheyenne river. It would seem that this parcel of land should be described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T3N, R14E.

Would you please check this and let me know if it is indeed a mistake and if so, what the right description should be. If the above description is in error, I need your permission to change it in the records and this should be done to fully protect your water rights. I don't know how this error got through our office staff at the time, but it should not be let go longer than necessary.

Sincerely,

RICHARD D. SCHMOYER
Water Right Specialist

RDS:mf

745.2

10: Water Right No. 745-2, Permit Nos. 1130-2 and 1230-2

Upon approval of Permit No. 1806-2, on June 9, 1982, for Glendon Shearer, Cow Creek Ranch, the applicable portions of Water Right No. 745-2 and Permits No. 1130-2 and 1230-2 were incorporated into Permit No. 1806-2. Permit No. 1806-2 was then licensed on December 20, 1982.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 745-2 FOR IRRIGATION

Date of Receipt of Claim January 21, 1982.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 745-2 for irrigation purposes for Cow Creek Ranch, c/o Glendon E. Shearer, HCR 3, Box 12, Fall, South Dakota, 57790 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 745-2 appropriates 4.28 cubic feet per second of water from the Cheyenne River to irrigate 300 acres. The points of diversion are located in the NE1/4, Section 24, T3N, R14E. The irrigated lands are located in the NW1/4, SW1/4 Section 18, T3N, R15E; SE1/4, Section 13, NE1/4 Section 24 all in T3N, R14E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 to October 31.
3. The priority date of the Vested Water Right is: January 1, 1934
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

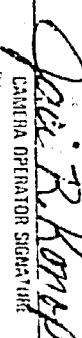
This vested right is subject to the irrigation water use questionnaire being submitted each year.

The applicable portions of Permit Nos. 745-2, 1130-2 and 1230-2 have been incorporated into Water Right No. 1806-2.

WATER MANAGEMENT BOARD

By:  MAR 19 1993
Chief Engineer date
Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 745-2 is also included as part of Water License No. 1806-2 for a total of 15.67 cfs to irrigate 1,097 acres.

IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATION OF RECORDS OF THE NATIONAL ARCHIVES
AND 10-04-02 FOR MICROGRAPHIC REPRODUCTIONS
REDUCTION RATIO 85:1
ROLL NUMBER 11-85
DATE MICROFILMED 4-16-93
CAMERA OPERATOR SIGMA TONE


745-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 19 1993

Cow Creek Ranch
c/o Glendon E. Shearer
HCR 3, Box 12
Wall SD 57790

Dear Mr. Shearer:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1805-2 and 745-2. These validations give legal status to the claim and are the final documents for your vested rights.

As long as you use the water beneficially, as stated in the validations, 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