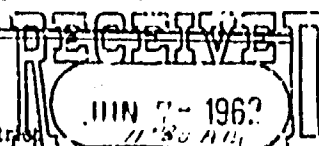


771-2

1. Considered 9-11, 1962
2. Name of Applicant M. E. B. [unclear]
3. Post Office Address [unclear]
4. Amount of water claimed 1.41
5. Source of water supply Hobbsman No. 2 in [unclear]
6. Water to be used for irrigation
Acres to be irrigated 102.6
7. Water to be diverted and used in Hobbsman County
30 15 miles of [unclear]
8. Proof of Publication Received [initials]
Not Received [initials]
9. Application Approved [initials]
Subject to [initials]
Not Approved [initials]
Action deferred [initials]

10. Remarks:

No. 771-2
Water Division No. 2 EAST CHEYENNE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

1. Name of applicant Daniel Bierwagen
1335 Seminole, Dr., Holland, Mich. 49423
Postoffice address MILESVILLE County HAAKON State S.D.

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

2. Name of diversion work M.E. BIERWAGEN IRRIGATION PROJECT #2
3. Amount of water claimed 1.46 cubic feet per second
4. Source of water supply ROBINSON CREEK & DRY DRAW
5. Location of point of diversion AT A POINT S 0° 2' E, 33 rods from the W 1/4 corner
And a point S 80° 20' E, 105 rods from
the S 1/4 corner, Section 11, T6N, R21E on HAAKON County.
6. Annual period or periods during which water is to be used APRIL THROUGH NOVEMBER
7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY
- (a) Number of acres to be irrigated 102.6 acres.
 - (b) Legal subdivisions to be irrigated SEE ATTACHMENT
 - (c) Statement as to domestic use (giving location, etc.)

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

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 development power
- (e) Point where water will be returned to stream

MAP NO 530-2

8. Estimated cost of work:

(a) Head Gates, \$ 15.00 (b) Pumping plant, \$ _____
 (c) Fluming, \$ _____ (d) Canal earth, \$ 8300.00 Rock, \$ _____
 (e) Other structures 2 Dams 2000.00 4 dms 650.00 Total, \$ _____

9. Description of diversion works:

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

II. Dimensions of work:

(a) Dam: Height 22 feet; length at bottom 22 feet; length at top 20 feet; thickness at bottom 87 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1
 material used in construction earth
 (b) Reservoir: Capacity when filled 2.40 acre feet. Surface area at highwater mark 2.9 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT GUTLET-ACRES	FEET	ACRE-FOOT CAPACITY

(c) Head gate: Width _____ feet; height _____ feet;

Material _____

(d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WT. 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 _____ years.

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

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

PHILLIP PIONEER REVIEW - PHILLIP

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 _____ day _____ 19____

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

THIS PERMIT CANCELS PERMIT 552-2. THE
PRIORITY FOR THE 55 cfs IS TRANSFERRED
FROM PERMIT 552-2 TO THIS PERMIT.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 18, 1962

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
a.m. upon the 7th day of JUNE, 1962

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 771-2

Date of first receipt of application JUNE 7, 1962

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 55 from SEPTEMBER 4, 1954
91 from JUNE 7, 1962, 19____

Approved JULY 11, 1962 Recorded in Book 7 Page 146

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 _____

JANUARY 11, 1963

2nd. The whole of said work is to be completed on or before JULY 11, 1963

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

JULY 11, 1964

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 1.46
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 JULY 11, 1964; said water to be used during the following described annual period:

APRIL THRU NOVEMBER

Witness my hand this 18 day of JULY, 1962

State Water Resources Commission

By:

John H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 9, 1971

Water License Issued NOVEMBER 9, 1971

LANDS TO BE IRRIGATED:

ALL IN T6N R21E

SEC 11	SW ⁴ NE ⁴	20.0	acres
	SE ⁴ NE ⁴	12.0	"
	NW ⁴ SW ⁴	22.0	"
	NE ⁴ SW ⁴	0.8	"
	SW ⁴ SW ⁴	20.4	"
	SE ⁴ SW ⁴	0.6	"
SEC 14	NE ⁴ NW ⁴	14.8	"
	NW ⁴ NE ⁴	11.1	"
	SW ⁴ NE ⁴	1.4	"
total		102.6 acres	

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 771-2

(1) WHEREAS, On the 7th day of June A. D. 19 62
M. E. Bierwager

made Water Right Application No. 771-2 for a permit to use 1.46 cubic feet per second of the waters of Robinson Creek and a dry draw

County of Haskell State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 18th day of July A. D. 19 62

Permit No. 771-2, with a date of priority of September 6, 1959 and June 7, 1962

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 11th day of July A. D. 19 63 and for the application to beneficial use of said water on or before the 11th day of July A. D. 19 64

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.46 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:
for irrigating the following land in T6N, R21E

<u>Acres</u>		
Section 11	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
Section 14	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.1
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.4
Total		102.6 Acres

(5) 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 M. E. Bierwagen

of Philip, S.D.

the holder _____ and owner _____ of said permit No. 771-2 a water right, dating from September 4, 1959 and June 7, 1962 to use of 1.46 cubic feet per second of the waters of Robinson Creek and a dry draw

in the County of Haakon and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at No. 1, S. 0° 2' E., 33 rods from the W½ Cor. Sec. 11; No. 2, S. 3° 20' E., 105 rods from the N½ Cor. Sec. 14 and No. 3, S. 50° E., 120 rods from the NW Corner, Sec. 11, all in T6N, R21E

and conduct to and upon portions of Sections 11 and 14, T6N, R21E, more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 771-2 and subject to the laws of the State of South Dakota.

WITNESS My hand and seal of our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRITS

Permit No. 771-2

Water Diversion No. 2 EAST CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That M. E. Pierwagen

Permit No. 771-2, issued upon Application No. 771-2, bearing date of priority of September 4, 1959
& June 7, 1962 authorizing the diversion of 1.46 cu. ft. per second of the waters of Robinson Creek & a dry draw County of Haakon, State of South Dakota at No. 1, S. 0° 2' E., 33 rods from the W $\frac{1}{2}$ Cor. Sec. 11,; No. 2, S. 3° 20' E., 105 rods from the N $\frac{1}{2}$ Cor. Sec. 14; and No. 3, S. 50° E., 120 rods from the NW Cor. Sec. 11, all in T6N, R21E, for irrigation

purposes, has ^s 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 3 cu. ft. per second of water.

Date November 9, 1971

WATER RESOURCES COMMISSION

By.

J.W. GRIMES, Executive Officer

on or before June 14, 1962
(First Publication _____, 1962)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 7, 1962

Notice is hereby given that H. E. Bierwagen whose postoffice address is Milesville 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 1.46 cubic feet of water per second of time from xx Robinson Creek and a dry draw through the Bierwagen Irrigation Project, 12 the point of diversion of which is to be located on the both at a point in the NE 1/4 SW 1/4 and a point in the SE 1/4 SW 1/4 of the 11 portions of banks of said stream in the SE 1/4 of the 11 of Section 11 Twp. 6N Range 21E Said water to be used for the purpose of providing irrigation on the following described land:

S 1/2 NE 1/4, N 1/2 SW 1/4 and S 1/2 SW 1/4, Section 11; W 1/2 NE 1/4 and NE 1/4 NW 1/4, Section 14,
T6N, R21E

~~XXXXXX~~

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of July, 1962, 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

By:

~~XXXXXXXXXXXXXXXXXXXX~~

BURTON F. JONES

Water Right Specialist

CC: Mr. Roy H. McKown
Publisher
Pioneer Review
Philip, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Haakon } ss.

_____ Roy H. McEown _____ being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

_____ Pioneer-Review _____ 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 _____ Philip _____ County of

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

_____ June 14, 1962 _____

_____ June 21, 1962 _____

_____ June 28, 1962 _____

_____ July 5, 1962 _____

in each and every issue of the full number thereof, the first publication being made on the _____ 11th _____ day of _____ June _____ 19 62 and the last publication on the _____ 5th _____ day of _____ July _____ 19 62, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ editor _____ the printer and publisher of the said newspaper.

_____ Roy H. McEown _____

Subscribed and sworn to before me this _____ 9 _____ day of _____ July _____ A.D. 19 62

Notary Public _____ Hooked _____ County, S. D.

No. 771-2
 APPROPRIATION OF WATER

Office of State Water Resources Commission
 Pierre, S. Dak.
 June 7, 1962

Notice is hereby given that M. E. Leiwagen whose post-office address is Milesville, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate 145 cubic feet of water per second of time from Robinson Creek and a dry draw through the Bierwagen Irrigation Project No. 2, the point of diversion of which is to be located on both banks of said stream at a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and a point in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12 Twp. 6N Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 11; W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 14, T8N, R21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of July, 1962, 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
 By: BURTON L. JONES
 Water Right Specialist
 (June 14, 21, 28 & July 5)

Permit No. 111-1Water Division 1 Water District 1

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by 111-1
_____ of _____ holder _____
of Permit No. 111-1, bearing date of priority of _____, 19____
authorizing the diversion of _____ cu. ft. per second of the waters of _____
for _____ purposes, in _____ County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

1. A canal was constructed from the river into the
2. A canal was constructed from the river into the
3. A canal was constructed from the river into the
4. A canal was constructed from the river into the
5. A canal was constructed from the river into the
6. A canal was constructed from the river into the
7. A canal was constructed from the river into the
8. A canal was constructed from the river into the
9. A canal was constructed from the river into the
10. A canal was constructed from the river into the

B. Works used to transport water to place of use,

1. A canal was constructed from the river into the
2. A canal was constructed from the river into the
3. A canal was constructed from the river into the
4. A canal was constructed from the river into the
5. A canal was constructed from the river into the
6. A canal was constructed from the river into the
7. A canal was constructed from the river into the
8. A canal was constructed from the river into the
9. A canal was constructed from the river into the
10. A canal was constructed from the river into the

C. Works used to apply water to beneficial use.

1. A canal was constructed from the river into the
2. A canal was constructed from the river into the
3. A canal was constructed from the river into the
4. A canal was constructed from the river into the
5. A canal was constructed from the river into the
6. A canal was constructed from the river into the
7. A canal was constructed from the river into the
8. A canal was constructed from the river into the
9. A canal was constructed from the river into the
10. A canal was constructed from the river into the

The system is in the following condition: _____

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for _____

Water has been put to beneficial use to the maximum extent as follows:

1. A canal was constructed from the river into the
2. A canal was constructed from the river into the
3. A canal was constructed from the river into the
4. A canal was constructed from the river into the
5. A canal was constructed from the river into the
6. A canal was constructed from the river into the
7. A canal was constructed from the river into the
8. A canal was constructed from the river into the
9. A canal was constructed from the river into the
10. A canal was constructed from the river into the

comprising a total of 112.6 acres of land.

111-1
111-1

Date _____

(Signature)

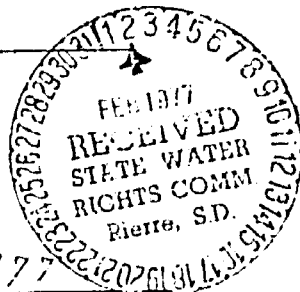
Form 20.

771-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date Jan 30 - 1977



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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ -20 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$. 12.8, NW $\frac{1}{4}$ SW $\frac{1}{4}$. 222, NE $\frac{1}{4}$ SW $\frac{1}{4}$. 080, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.4 ac-

SE $\frac{1}{4}$ SW $\frac{1}{4}$ -060. Sec 11-JL-R21.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ -143 NW $\frac{1}{4}$ NE $\frac{1}{4}$ -11-1. SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.4. Sec 14-JL-R21

formerly owned by M.E. BIERWAGN, Philip, Short Table 57567

has been transferred to DANIEL BIERWAGEN

335 SEMINOLE, DR. HOLLAND, MICH. 49423

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 771-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Huachuca) ss.

I, M.E. Bierwagen 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.

M.E. Bierwagen
(Signed)

Subscribed and sworn to before me this 1st day of February, 1977

Gary E. Peterson
(Notary Public)

GARY E. PETERSON
Notary Public in the State of South Dakota
My Commission Expires November 29, 1981

771-2

539-2

WATER RIGHTS DIVISION
(605) 773-3352

January 16, 1985

Daniel Bierwagon
1335 Seminole
Holland, Michigan 49423

Dear Mr. Bierwagon:

This letter is in reference to the 1984 Irrigation Questionnaire you returned for Water Right No. 771-2. You inquired as to why you had received two questionnaires and if that meant you had two water rights.

You do, in fact, have two water rights. Water Right No. 539-2 and No. 771-2 are both listed in your name. Enclosed is a copy of both.

You will not have to complete another questionnaire for the acres irrigated or water used under Water Right No. 539-2 for the 1984 irrigation season. I have included an additional form with the questionnaire you returned and have marked both as "returned". The enclosed copies will aide you in completing the forms in future years. However, if you are unable to break down the usage, completing one questionnaire and returning both questionnaires is acceptable.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.