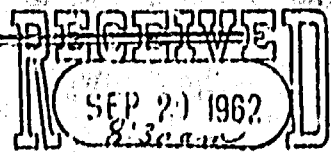


No. 783-2Water Division No. 2 EAST CHEYENNE RIVER District: VESTED RIGHT
(Thanks to be filled by the Engineer for the W. R. D.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant WILLIAM R. STONE
Postoffice address PE. D. RD., County PENNINGTON, 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 _____

INCORPORATED INTO
 WATER LICENSE NO. 935-2
 12/29/80
 SW

(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)

COMPLETED Started 1938 - Finished 1945

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

2. Name of diversion work STONE IRRIGATION PROJECT
 3. Amount of water claimed 2.9 cubic feet per second
 4. Source of water supply DEEP CREEK
 5. Location of point of diversion S 50°30' W 192 RDS FROM THE
NE CORNER SEC. 1 T5R R16E on RATH bank PENNINGTON County.
 6. Annual period or periods during which water is to be used WHENEVER AVAILABLE
 7. To be used for:

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

- (a) Number of acres to be irrigated
- 203.0
- acres.

- (b) Legal subdivisions to be irrigated
- SEE BACK OF APPLICATION

(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. Some must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

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

- (a) Nature of use _____
-
- Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine rooming _____

- (c) Location of plant _____

- (d) Method of developing power _____

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

v/r

8. Estimated cost of work:

(a) Head Gates, \$ 100(c) Fluming, \$ 200(e) Other structures dike(d) Canal earth, \$ 750\$ 2000

(b) Pumping plant, \$

Rock, \$

Total, \$ 3500

9. Description of diversion works:

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

Dam with ditch and dike

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

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

Not Applicable

STATE OF SOUTH DAKOTA

County of Miner

I, William R. Stone, 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

William R. Stone

Subscribed and sworn to before me this

12

day of

October1912Margaret H. Jones

Notary Public (or other qualified officer.)

*Each diversion must have a head-gate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota,

JUNE 13, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

4 m. upon the 20th day of SEPTEMBER, 1962

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 783-2

Date of first receipt of application SEPTEMBER 20, 1962

Date of return to applicant for correction, amendments or changes required as follows SEPTEMBER 22, 1962

Date of receipt of corrected application OCTOBER 5, 1962

Date from which applicant may claim right 1945

Approved JUNE 13, 1963, Recorded in Book 8 Page 85

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~~

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

COMPLETED

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 2.9 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:

WHENEVER AVAILABLE

Witness my hand this 18th day of JUNE, 1963

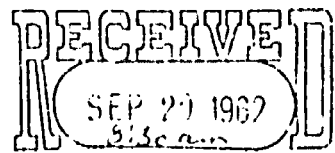
STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR
REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 14 4-22-82
DATE MICROFILMED

Remarks by the Applicant:

SEC. 1 T5N R16E	NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.2	ACRES
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8	"
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.6	"
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.2	"
SEC. 36 T6N R16E	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.4	"
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.4	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	42.8	"
SEC. 31 T6N R17E	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.6	"
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0	"
TOTAL		203.0	"

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. WILLIAM R. STONE, PEDRO, S. DAK.
RANCHING & FARMING

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. NOT APPLICABLE

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

Ans. DEEP CREEK S. 5° 30' W 192 RODS FROM
THE NE CORNER SEC. 1 T. 5 N. R. 16 E

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. SYSTEM STARTED IN 1938 - FINISHED 1945
SERIES OF DICES & 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. SEC. 1 T. 5 N. R. 16 E - N. E. 1/4 = 13.2 NW 1/4 = 24.8 NE 1/4 = 23.6
SW 1/4 = 5.0 SE 1/4 = 23.2
SEC. 36 T. 6 N. R. 16 E - NE 1/4 = 6.4 SW 1/4 = 28.4 SE 1/4 = 42.8
SEC. 31 T. 6 N. R. 17 E - S. W. 1/4 = 31.6 S. E. 1/4 = 4.0 = TOTAL = 203.0 ACRES

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

Ans. _____

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

Ans. 2.9 CU. FT. SEC.

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. ^{yes} I have recently purchased this ranch and have not ^{since 1905} used the system previous owner used it ~~to irrigate~~ ^{to irrigate} farm & hay lands. Irrigated hay lands very necessary to ranch operation.

(Sign) William R. Stone

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 Rapid City, County of Black, State of South Dakota, on this 1st day of October, A. D. 1912.

Witnesses, M. J. Fry
Notary Public. S. D.

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.

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 -----	

STATE OF SOUTH DAKOTA

WATER LICENSE No. 783-2

WHEREAS, On the 20th day of September A. D. 1962
 William R. Stone

of Pedro County of Pennington and State of
 South Dakota duly made application (No. 783-2) to us for a permit to use 2.9
 cubic feet per second of the waters of Deep Creek
 County of Pennington, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 18th day of June A. D. 1963
 Vested Right Permit No. 783-2 was issued to said applicant for the diversion of said water, recognizing the
 completion of the works of diversion therein described ~~XXXXXX~~ and ~~XXXXXX~~
 and ~~XXXXXX~~ application to beneficial use of said
 water ~~XXXXXX~~ and ~~XXXXXX~~
 and,

WHEREAS, On the 20th day of September A. D. 1962
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.9
 cubic feet per second of said waters, as evidenced by our Certificate No. 783.2
 dated June 18, 1963 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.9 cubic feet per second of water, with date of
 priority of 1945 and,

WHEREAS, On the 20th day of September A. D. 1962
 proof was duly made of the application to beneficial use of 2.9 cubic feet per second of said water;
 for irrigating 203.0 acres in portions of Section 1, T5N, R 16E; Section 36, T6N,
 R16E, and Section 31, T6N, R17E

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 **William R. Stone**

of **Pedro** **Vested Right**
the holder and owner of said permit No. **783-2**

a water right, dating from **1945** to the use of **2.9**

cubic feet per second of the waters of **Deep Creek**

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 5° 30' W, 192 rods**

from the NE corner, Section 1, T5N, R16E

and conducted to and upon **portions of Section 1, T5N, R16E; Section 36, T6N, R16E; And**

Section 31, T6N, R17E, 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 **18th** day of **June** A. D. Nineteen
Hundred and **Sixty-Three**

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. 783-2Water Division No. 2 East Cheyenne River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That William R. Stone

of Pedro, County of Pennington and State of South Dakota
the holder of Permit No. 783-2, issued upon Application
No. 783-2, bearing date of priority of 1945, authorizing the diversion of
2.9 cu. ft. per second of the waters of Deep Creek
County of Pennington, State of South Dakota, at a point S 5° 30' W
192 rods from the NE corner, Section 1, T5N, R16E

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 well satisfactory
for diverting and conveying to the place of intended use 2.9 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:

Section 1, T5N, R16E NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.2 acresNW $\frac{1}{4}$ NE $\frac{1}{4}$ 24.8 "NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.6 "SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 "SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.2 "Section 36, T6N, R16E NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.4 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.4 "SE $\frac{1}{4}$ SE $\frac{1}{4}$ 42.8 "Section 31, T6N, R17E SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.6 "SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 "

203.0 "

Witness my hand this 18thday of JuneA. D. 19 63

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

WATER LICENSE NO. 955-2.

(1) WHEREAS, On the 8th day of March A.D. 1968
William R. Stone

made Water Right Application No. 955-2 for a permit to use 8.5* cubic feet per second of the waters
of the Cheyenne River and Deep Creek
County of Pennington, State of South Dakota, for irrigation

_____ purposes; and
(2) WHEREAS, On the 22nd day of May A.D. 1968
Permit No. 955-2, with a date of priority of 1945 and March 8, 1968*
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 _____ day of _____ A.D. 19____ and for the
application to beneficial use of said water on or before the _____ day of _____ A.D. 19____

*Upon inspection of Water Permit No. 955-2 the applicable portions
of Vested Right Permit No. 783-2 have been incorporated into this
Water License No. 955-2. The priority dates are Vested Right 2.9
cfs from 1945 and 4.4 cfs from March 8, 1968,

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 7.3 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,
to irrigate the following lands:

Section 35-T6N-R16E		Section 1-T5N-R16E	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32	NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
Section 36-T6N-R16E		SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33	Section 31-T6N-R17E	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	38	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	TOTAL ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	508	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40		

(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 William R. Stone

of Creighton, SD
the holder _____ and owner _____ of said permit No. 955-2 a water right, dating from 1945 and March 8,
1963 to use of 7.5 cubic feet per second of the waters
of the Cheyenne River and Deep Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted from Deep Creek - S 50° 30' W, 192 rods
from NE corner Sec. 1-T5N-R16E and from the Cheyenne River - 3000' N
and 1700' W of the SE corner Sec. 26-T6N-R16E

and conducted to and upon portions of lands in Sections 35 & 36-T6N-R16E,
Section 1-T5N-R16E and Section 31-T6N-R17E, more fully described on
the face of this License

for the purpose of irrigation

Portions of this Water License is based on a Vested Right claim recorded
and filed by the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 955-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of December A. D.
Nineteen Hundred and eighty

WATER MANAGEMENT BOARD

By:

John P. Hatch
City Engineer, Executive Officer JOHN P. HATCH

783-2L

SOUTH DAKOTA

VESTED WATER RIGHT NO. 783-2 FOR IRRIGATION

Date of Receipt of Claim September 20, 1962.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 783-2 for irrigation purposes for Clayton and Charlene Kjerstad, HCR 84 Box 70, Quinn, South Dakota, 57775 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 783-2 appropriates 2.9 cubic feet per second of water from Deep Creek to irrigate 203 acres. The point of diversion is located in the NE1/4 SE1/4, Section 1, T5N, R16E. The irrigated lands are located in NE1/4, NE1/4 NW1/4 Section 1, T5N, R16E; S1/2 SW1/4 Section 31, T6N, R17E; S1/2 SE1/4, NE1/4 SE1/4 Section 36, T6N, R16E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is: January 1, 1945
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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 19 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

Note: Vested Water Right No. 783-2 is also included as part of Water License No. 955-2 for a total of 7.3 cfs to irrigate 508 acres.



MAR 19 1993

783-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

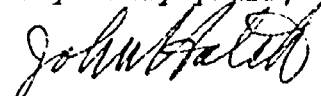
Clayton and Charlene Kjerstad
HCR 84, Box 70
Quinn SD 57775

Dear Mr. & Mrs. Kjerstad:

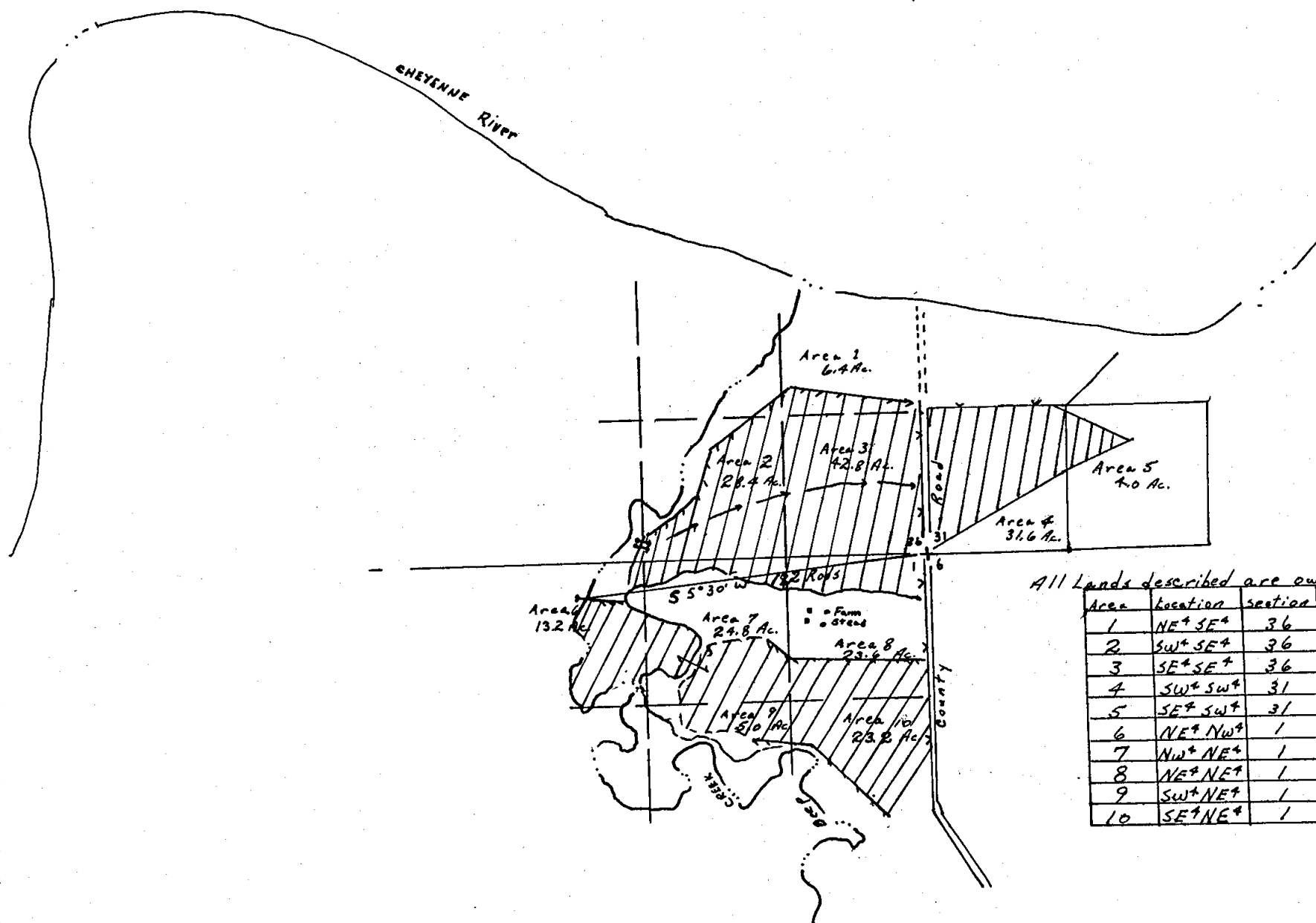
The Water Management Board has validated the enclosed Vested Water Right No. 783-2. This validation gives legal status to the claim and is the final document for your vested right.

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

enclosure



All Lands described are owned by William Stone

Area	Location	Section	Township	Range	Acres
1	NE ⁺ SE ⁺	36	6N	16E	6.4
2	SW ⁺ SE ⁺	36	6N	16E	28.4
3	SE ⁺ SE ⁺	36	6N	16E	42.8
4	SW ⁺ SW ⁺	31	6N	17E	31.6
5	SE ⁺ SW ⁺	31	6N	17E	4.0
6	NE ⁺ NW ⁺	1	5N	16E	13.2
7	NW ⁺ NE ⁺	1	5N	16E	24.8
8	NE ⁺ NE ⁺	1	5N	16E	23.6
9	SW ⁺ NE ⁺	1	5N	16E	5.0
10	SE ⁺ NE ⁺	1	5N	16E	23.2
Total					203.0

Bill Stone Irrigation Project
Pedro: Pennington Co.; S. Dak

Eastern Pennington

(V. F. 783-2)

31 Aug. 68