

819.2

1. Considered 5-6, 19 29
2. Name of Applicant Bernard Ross
3. Post Office Address Philip
4. Amount of Water Claimed 289
5. Source of water supply dry draws
6. Water to be used for irrigation
Acres to be irrigated 200.5
7. Water to be diverted and used in Harlan County about
3N 10W Miles of Philip
8. Proof of Publication Received
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred

10. Remarks:

No. 819.2Water Division No. 2 Bad River District
(Planks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

Donald E. (NOTE—Draw a line through item, not applicable.)

1. Name of applicant Bernard RossPost-office address Philip, County Harrison, State S. Dak

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$ Inadequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Ross Irrigation Project3. Amount of water claimed 289 cubic feet per second4. Source of water supply dry draws

5. Location of point of diversion

Section 32, T2N, R19E #1-S 16° 23' W 404.3 ft from the NE corner,
#2-S 35° 58' E, 271.6 ft from the NE corner, Section 19,
T2N, R19E or south bank Harrison County.6. Annual period or periods during which water is to be used when available

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 200.8 acres.(b) Legal subdivisions to be irrigated See 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.)

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

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

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

Amount claimed for engine cooling _____

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No 705.2

8. Estimated cost of work:

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

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

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

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

Rock, \$.....

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

Total, \$.....

9. Description of diversion works:

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

Storage dam - diversion dams & ditches

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 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.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....4.....years.

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

Philip Pioneer Review - Philip S. Oak

STATE OF SOUTH DAKOTA

County of.....

Hughes

I,.....

Bernard Ross

....., 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.....

Bernard Ross

Subscribed and sworn to before me this.....

30th

day of.....

March

1967

Notary Public (or other qualified officer.)

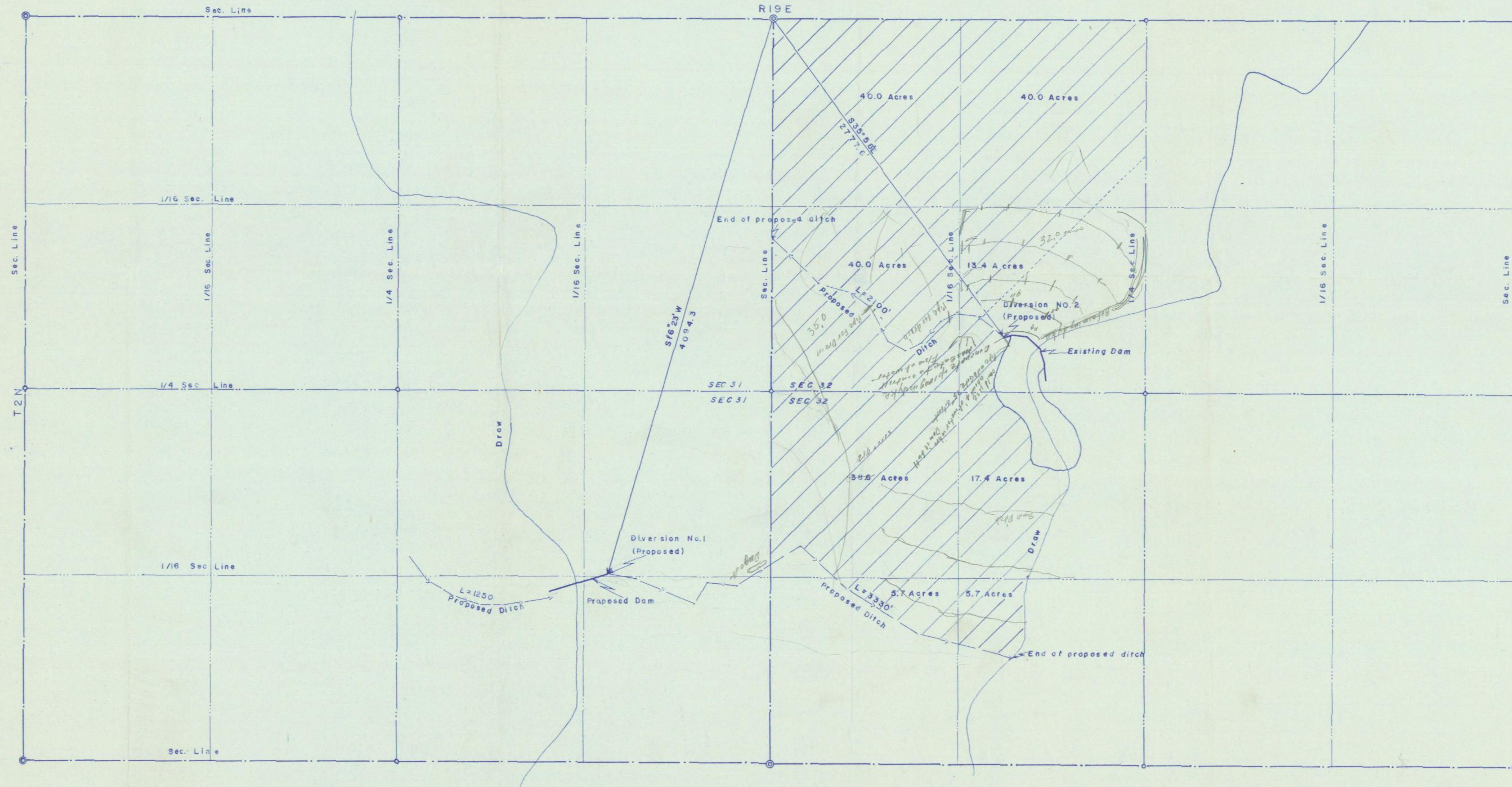
PLAT

SHOWING

Diversion points and lands to be irrigated in those portions of section 32 in T2N-R19E, B.H.M. as shown hereon.

HAAKON COUNTY, SO. DAK

Scale 1 inch = 400 ft.



All lands described are owned by Bernard POSS.

LOCATION	SEC.	TWSHP	RANGE	ACRES
NW4 NW4	32	2N	19E	40.0
NE4 NW4	32	2N	19E	40.0
SW4 NW4	32	2N	19E	40.0
SE4 NW4	32	2N	19E	13.4
NW4 SW4	32	2N	19E	38.6
NE4 SW4	32	2N	19E	17.4
SW4 SW4	32	2N	19E	5.7
SE4 SW4	32	2N	19E	5.7
Total irrigable acres				200.8

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

I, Robert M. Whyte, a Registered Land Surveyor, do hereby certify that at the request of Bernard Poss, the owner, that the survey and plat herewith were performed under my supervision and direction and is in all respects true and correct.

Robert M. Whyte
Registered Land Surveyor

On this the 2nd day of March 1964, before me *Charles L. Murray* the undersigned officer, personally appeared Robert M. Whyte, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

Charles L. Murray
NOTARY PUBLIC

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 } s2.

Pierre, South Dakota, May 8, 1964

This is to certify that the foregoing application was received by the Commission at 3:20 o'clock p.m. upon the 30th day of March, 1964.

State Water Resources Commission

By:

Paulton Jones
Chief Engineer, Executive Officer

Number of permit 819-2

Date of first receipt of application March 30, 1964

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 March 30, 1964

Approved May 6, 1964 Recorded in Book 8 Page 182

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

November 6, 1966

2nd. The whole of said work is to be completed on or before May 6, 1969

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

May 9, 1973

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.

5th. The amount of the appropriation herein granted shall not exceed 2.89 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 or time for each acre of land to which water is actually

and beneficially applied for irrigation on or before May 6, 1973; said water to be used during the following described annual period:

when available

Witness my hand this 8th day of May, 1964

State Water Resources Commission

By:

Paulton Jones
Chief Engineer, Executive Officer

Certificate of Construction issued OCTOBER 26, 1971

Water License issued OCTOBER 26, 1971

Lands to be irrigated:
all in Section 32, T2N, R19E

NW ⁴ NW ⁴	40.0	acres
NE ⁴ NW ⁴	40.0	"
SW ⁴ NW ⁴	40.0	"
SE ⁴ NW ⁴	13.4	"
NW ⁴ SW ⁴	38.6	"
NE ⁴ SW ⁴	17.4	"
SW ⁴ SW ⁴	5.7	"
SE ⁴ SW ⁴	5.7	"
Totals	200.8	acres

WATER LICENSE NO. ... 819-2

(1) WHEREAS, On the 30th day of March A. D. 19 64
Bernard Posa
 made Water Right Application No. 819-2 for a permit to use 2.89 cubic feet per second of the waters
 of dry draws
 County of Haukon, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 8th day of May A. D. 19 64
 Permit No. _____ with a date of priority of March 30, 1964
 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 6th day of May A. D. 19 69 and for the
 application to beneficial use of said water on or before the 6th day of May A. D. 19 73

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 2.89 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 Section 32, T2N, R19E

	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.4
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
Total	196.8 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 _____

Donald E. Posn

_____ of _____ Philip, S.D.

the holder _____ and owner _____ of said permit No. 819-2 a water right, dating from March 30, 1964

_____ to use of 2.81 cubic feet per second of the waters

of dry draws

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

purposes hereinbelow mentioned, to be diverted at #1, South 16° 23' West, 4094' from the NE Corner

Sec. 32, #2, South 35° 58' East, 2777.6' from NE Corner, Sec. 19, T2N, R19E

and conduct to and upon portions of the W½, Section 32, T2N, R19E, described on the

face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 819-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 26th day of October A. D.

Nineteen hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 819-2Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

Donald E. Pose

This is to Certify, That _____

_____ the holder _____ of
Permit No. 819-2, issued upon Application No. 819-2, bearing date of priority of March 30, 1964
_____ authorizing the diversion of 2.89 cu. ft. per second of the waters of _____
dry draws _____ County of Haakon, State of South Dakota at _____
#1, S16° 23' West, 4094' from the NE Corner, Sec. 32, T2, South 35° 58' East,
2777.6' from NE Corner, Sec. 19, T2N, R19E

_____ for irrigation

_____ purposes has _____ 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 _____ cu. ft. per second of water.

Date October 26, 1971

WATER RESOURCES COMMISSION

By:

J.F. CRIMES, Executive Officer

APPROPRIATION OF WATER

Pierre, S. Dak, ----- March 31 -----, 1964-----

NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 32, T 21N, R10E

as a driver

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

By:

~~Chief Engineer, Bureau of Reclamation~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Haakon } ss.

Les Revellotte 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 Phillip County of _____

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

April 9-16-23 and 30

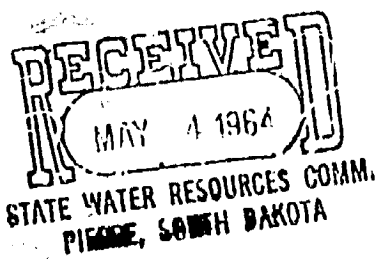
in each and every issue of the full number thereof, the first publication being made on the 9 day of April

1964 and the last publication on the 30 day of

April 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher the printer and publisher of the said newspaper.

Les Revellotte

Subscribed and sworn to before me this 30 day of April A. D. 1964



Paul C. Henderson

Notary Public Haakon County, S. D.

APPROPRIATION OF WATER

Office of State Water
 Resources Commission
 Pierre, S. Dak.
 March 31, 1964

Notice is hereby given that Bernard Poss whose postoffice address is Phillip, 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 2.89 cubic feet of water per second of time from dry draws through the Poss Irrigation Project, the point of diversion of which is to be located on both banks of said stream in the NE 1/4 SE 1/4 Section 31 and in the SE 1/4 of the NW 1/4 of Section 32 Twp. 2N Range 19E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4 and SW 1/4 Section 32, T 2N, R 19E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964 at 2:00 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 F. Jones
 Water Right Specialist
 (April 9, 16, 23 & 30)

Permit No. _____

Water Division _____ Water District _____

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 _____
_____ of _____ holder _____
of Permit No. _____, 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:

_____ from the _____
carries out water to the _____
R 195 Water _____
where water is _____
approximately _____

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

canal and Dyke _____
water _____

C. Works used to apply water to beneficial use.

and _____

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: _____

comprising a total of _____ acres of land.

Attest: _____

Date _____



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 28, 2025

No. 819-2

Colt & Travis Terkildsen
PO Box 451
Philip, SD 57567

Dear Mr. Terkildsen:

I am writing you in regard to Water Right No. 819-2, currently held by Donald E Poss. Water Right No. 819-2 authorizes the diversion of 2.89 cfs (1,300 gpm) from dry draws, for the irrigation of 196.80 acres located within the NW ¼ & SW ¼ of Section 32, T2N, R19E, Haakon County.

It is the understanding of the Water Rights Program that you now own this property, and that ownership of Water Right No. 819-2 should be transferred accordingly. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope, as well as a copy of the original water right.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue irrigation, we would ask that you let us know.

If you have any questions or concerns, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosures