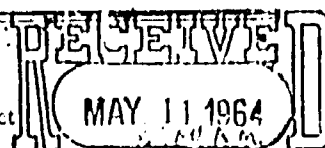


829-2

1. Considered 7-15, 1907
2. Name of Applicant Don G. Word
3. Post Office Address Belvidere
4. Amount of Water Claimed 3.4
5. Source of water supply Dry Dred
6. Water to be used for irrigation
Acres to be irrigated 239.6
7. Water to be diverted and used in Jackson County about
5 Miles E of Belvidere
8. Proof of Publication Received for
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 829-2
 Water Division No. 2 White River District _____
 (Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
 PISME, 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 Don G. Nord
 Post office address Belyshire County Jackson State South Dakota

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 and direct labor

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

2. Name of diversion work Don Nord Waterspreading System No. 1
 3. Amount of water claimed 3.4 cfs cubic feet per second and all unappropriated flood waters.
 4. Source of water supply Dry Run
 5. Location of point of diversion (Diversion No. 3 is to be built) 92 rods South 19° 30' W.
NE Sec. 1, T-3-S, R-24-E of the NE corner Sec. 1, T-3-S, R-24-E on North bank Jackson County
 6. Annual period or periods during which water is to be used 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 239.8 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.) Some water will be stored above

Diversion No. 3 for stockwater (approximately 5 acre-foot)

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. 714-2

8. Estimated cost of work: Total \$8000

(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.)

Ungated divers: on dam with detention storage and ditch

II. Dimensions of works:

(a) Dam: Height 24.6 feet; length at bottom 260 feet; length at top 615 feet; thickness at bottom 130 feet; thickness at top 14.0 feet; slope at front water face 3:1; slope at back face 2:1

material used in construction earth fill

(b) Reservoir: Capacity when filled 73.6 acre feet. Surface area at highwater mark 13.9 acres.

DEP. H. 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 site are made.)

10. Time required for completion of work 3 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

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

Kadoka Press, Kadoka, South Dakota

STATE OF SOUTH DAKOTA

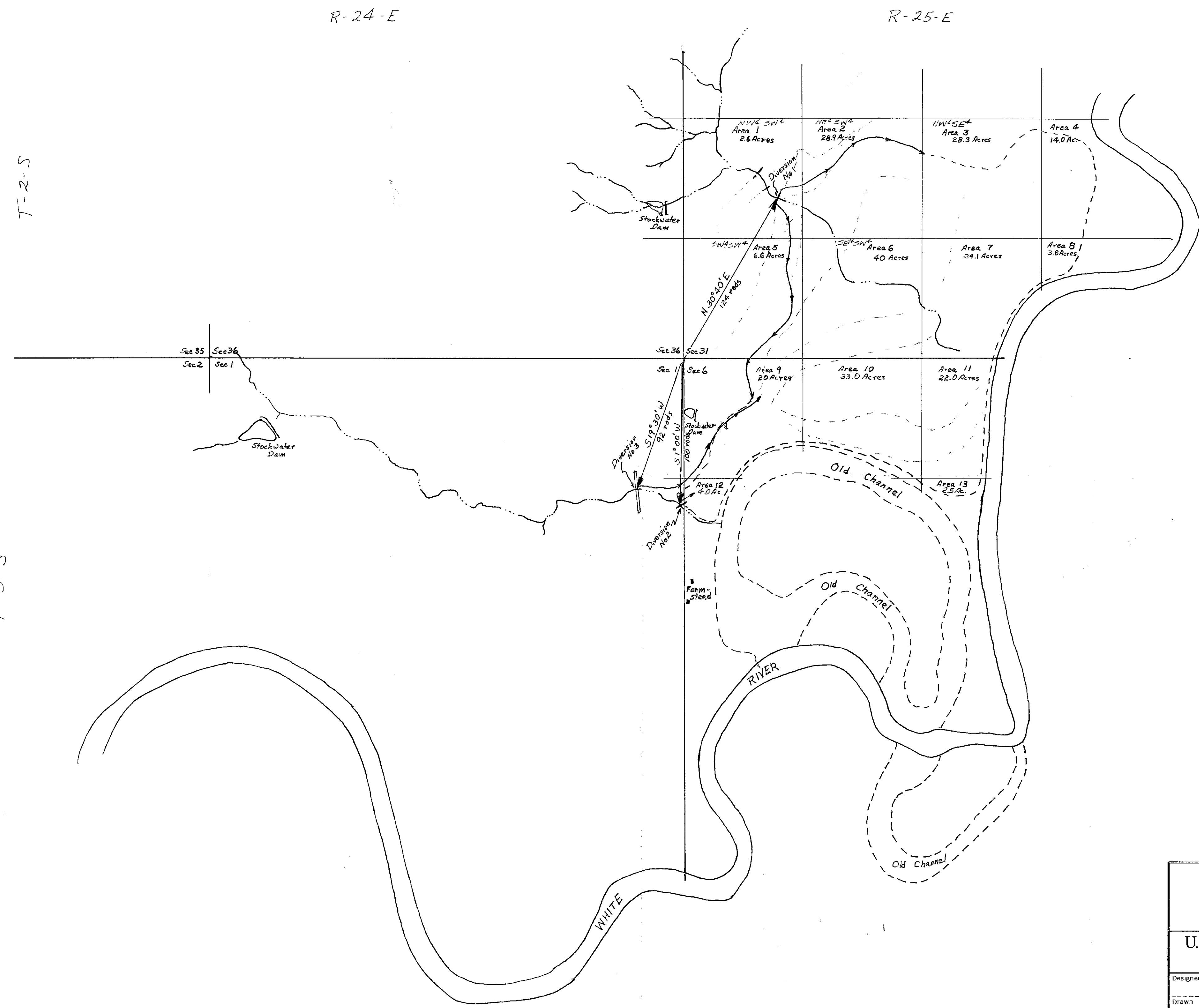
County of Jackson ss.

I, Don E. Word, 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: Don E. Word

Subscribed and sworn to before me this 9th day of May 1964

J. C. Lutenegger
Notary Public (or other qualified officer.)



DON WORD WATER SPREADING SYSTEM NO 1 Tracing From Aerial Photographs Scale - 8" = 1 Mile		
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE		
Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. of	Drawing No.

Remarks by State Water Resources Commission:

Approval of this Permit recognizes the 73.6 acre feet of storage.

This permit is approved as a change in diversion for lands that have been irrigated since 1940, and recognizes the 1940 priority.

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,

July 31

1964

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a.m. upon the

11th

day of

MAY

1964

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit

829-2

Date of first receipt of application

MAY 11

1964

Date of return to applicant for correction, amendments or changes required as follows:

Date of receipt of corrected application

Date from which applicant may claim right

1940

1964

Approved

July 15

1964

Recorded in Book

8

Page

225

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 15, 1966

2nd. The whole of said work is to be completed on or before

July 15

1967

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

July 15

1970

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 3.4 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 15, 1970; said water to be used during the following described annual period:

Whenever run-off occurs

Witness my hand this

day of

August

1964

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

DECEMBER 6, 1967

Water License Issued

DECEMBER 6, 1967

Attachment, Form 2, Don Word

7 (a) Section 31, T-2-S, R-25-E

Area 1	--	2.6 Acres
2	--	20.9
3	--	28.3
4	--	14.0
5	--	5.5
6	--	40.0
7	--	34.1
8	--	3.8

Section 6, T-3-S, R-25-E

Area 9	--	20.0
10	--	33.0
11	--	22.0
12	--	4.0
13	--	2.5

TOTAL

239.8 Ac.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 829-7

WHEREAS, On the 11th day of May A. D. 1964

Don G. Word

of Belvidere County of Jackson and State of

South Dakota duly made application (No. 829-2), to us for a permit to use 3.4

cubic feet per second of the waters of dry draws

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

WHEREAS, On the 5th day of August A. D. 1964

Permit No. 829-2 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 15th day of

July A. D. 1967 and for the application to beneficial use of said

water on or before the 15th day of July A. D. 1970 and,

WHEREAS, On the 18th day of August A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of

3.4 cubic feet per second of said waters, as evidenced by our Certificate No. 829-2

dated December 6, 1967 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 3.4 cubic feet per second of water, with date of

priority of 1967 and,

WHEREAS, On the 18th day of August A. D. 1967

proof was duly made of the application to beneficial use of 3.4 cubic feet per second of said water;

for irrigating 239.8 acres in portions of Section 31, T2S, R25E and
Section C, T3S, R25E

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 Don G. Word
 of Belvidere the holder and owner of said permit No. 029-2
 a water right, dating from 1940 to the use of 3.4
 cubic feet per second of the waters of dry draws
 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 point 519° 30' N, 92 rods from
the NE corner, Section 1, T3S, R24E
 and conducted to and upon portions of Section 21, T2N, R25E and Section 6, T3S, R25E,
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 6th day of December 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 _____

Permit No. R29-2Water Division No. 3 WHITE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Don C. Ward

of Belvidere, County of Jackson, and State of South Dakota, the holder of Permit No. R29-2, issued upon Application No. R29-2, bearing date of priority of 1940, authorizing the diversion of 3.4 cu. ft. per second of the waters of dry stream County of Jackson, State of South Dakota, at a point S19°30' W, 92 rods from the NE Corner, Section 1, T3S, R24E.

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 found in satisfactory condition for diverting and conveying to the place of intended use 3.4 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:

T2S, R25E, Section 31	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.6 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.9 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.3 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.6 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8 acres
T3S, R25E, Section 6	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5 acres
	Total	239.8 Acres

Witness my hand this 6th day of December A. D. 1967.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

on or before June 18, 1964
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 5, 1964

Notice is hereby given that Don Q. Word 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 change diversion points and appropriate for beneficial use 3.4 cubic feet of water per second of time from a dry draw through the Don Word Waterspreading System #1, the point of diversion of which is to be located on the north bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1 portions of Twp. 3S Range 24E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 31, T2S, R25E; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 6, T3S, R25E

~~XXXXXX~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1964, 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 F. JONES
Water Right Specialist

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Jackson } ss.

L. G. 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 _____ 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:

Thursday, June 11, 1964

Thursday, June 18, 1964

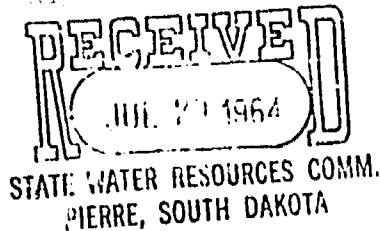
Thursday, June 25, 1964

Thursday, July 2, 1964

in each and every issue of the full number thereof, the first publication being made on the 11th day of June 1964 and the last publication on the 2nd day of July, 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.

L. G. Parkinson
L. G. Parkinson

Subscribed and sworn to before me this 2nd day of July, A. D. 1964



Alyvia Parkinson
Notary Public Jackson County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak., June 5, 1964
Notice is hereby given that Don G. Word whose postoffice address is Belvidere, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change diversion points and appropriate for beneficial use 3.4 cubic feet of water per second of time from a dry draw through the Don Word Water-spreading System Number 1, the point of diversion of which is to be located on the north bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 3S, Range 24E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 31, T2S, R25E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 6, T3S, R25E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1964, 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.

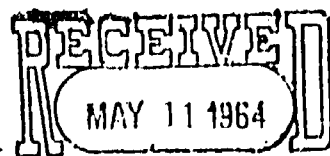
State Water Resources Commission
By:

BURTON F. JONES
Water Right Specialist
Pub. June 11, 18, 25, July 2

Location No.

Water Divsion 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. Don G. Word, rancher, Belvidere, South Dakota

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. Dry draws

Ans. Diversion No. 1 - 124 rods N30°40'E of the SW corner Sec. 31, T-2-S, R-25-E

Diversion No 2 - 100 rods S1°00'W of the NE corner Sec. 1, T-3-S, R-24-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. Div. No 1, 200 ft. long, 10 ft. high, conveys all runoff

Div. No. 2, 150 ft. long, 12 ft. high, conveys all runoff water

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. See attachment

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. 240 acre-feet

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. Water has been spread over native vegetation on the stated land to provide increased hay production. Diversions no. 1 and 2 were constructed about 1940.

(Sign) Alvin L. Anderson

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 Bellevue, County of Jackson

State of South Dakota, on this 9th day of May A. D. 1941

Witnesses.

J. C. Leutenegger
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.

J. C. Leutenegger

Location No.

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water c. f. s.

Source

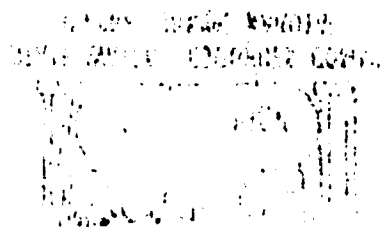
County

Purpose

Place of Use

Date of recording

Received and filed



Attachment, Form 24, Non Word

7 (a) Section 31, T-2-S, R-25-E

Area 1	--	2.6 Acres
2	--	28.9
3	--	28.2
4	--	14.0
5	--	6.6
6	--	40.0
7	--	34.1
8	--	3.8

Section 6, T-3-S, R-25-E

Area 9	--	20.0
10	--	33.0
11	--	22.0
12	--	4.0
13	--	2.5

TOTAL

239.8 Ac.

Permit No. 329-2Water Division No. 2 White River Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____ 19____, I have this day made a thorough examination of the diversion works constructed by _____ Dan G. Ward _____, of _____ Belvidere, Jackson _____ County, South Dakota, holder of Permit No. 329-2, issued upon Application No. 329-2, bearing date of priority of _____ 1940, authorizing the diversion of 3.4 cu. ft. per second of the waters of _____ Dry Ditch _____ for _____ irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Diversions #3 Consists of a diversion dam approx. 600' long and 25' high. Has 24" culvert near bottom with no head gate. Has main diversion ditch of approx. 1/4 mile length which delivers water to several spreader ditches. Diversion Ditch has 24" controlled bypass V.I.E. system has about 5 miles of spreader dikes, 2nd diversion dam, and 2 check dams. and the system is in the following condition: Excellent

The point of diversion is located As shown on map

The works are capable of diverting and conveying to the place of use 3.4 cu. ft. per second of water, which is to be used for Spreader irrigation

The legal sub-divisions to be irrigated are: As shown on map. Note: This permit is for a change in diversion point only.

comprising a total of 239.8 acres of land. The domestic use intended comprises Stock water

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

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

—SEAL—

Richard D. Schurman
Examining Engineer.

Water Right Specialist

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

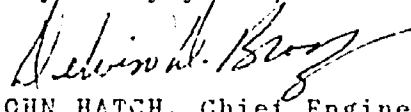
Don G. Word
Belvidere SD 57521

Dear Mr. Word:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 829-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Division - DWR
Conversation or File Documentation

File No. 829-2

NAME OF PERSON OR FILE: Don C. Word
ADDRESS: Belvidere, SD 57521 COUNTY Jackson
DATE: January 8, 1990 TELEPHONE 344-2557
RE: Validation of Vested Right Claim 829-2

COMMENTS:

On April 25, 1989 I made an investigation of Vested Right Claim No. 829-2. Don C. Word accompanied me on the inspection. The project appeared to be as described on the original application and license with the exception of a few less acres being irrigated. The license should mention the 73.6 acres feet of water stored in Diversion Dam No. 3 located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1-T3S-R24E. Also, a transfer form is needed to transfer the Vested Right Claim to Don C. Word.

Section 31-T2S-R25E NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2

Section 6-T3S-R25E NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15

Total 234 Acres

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/52

NAME:

Timi Schaal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3131

April 15, 1992

NOTICE

TO: Don G Word
Belvidere SD 57521

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 829-2

A Notice of Intent to validate Claim No. 829-2 was published on June 2 and 9, 1988 in the Kadoka Press, Kadoka SD. The Water Rights Division opposed validation of No. 829-2 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 829-2 was completed on April 25, 1989, by Tim Schaal staff engineer. The inspection found that the number of acres being irrigated has been reduced from 239.8 acres to 234 acres. The diversion rate is to be reduced, accordingly, from 3.4 cubic feet of water per second (cfs) to 3.34 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (234 acres/70 = 3.34 cfs).

The Water Management Board will consider validation of Claim No. 829-2 at 9:30 am, May 6, 1992, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 9:30 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 829-2 is recommended for a diversion rate of 3.34 cubic feet of water per second (cfs) from a dry draw to irrigate 234 acres with 73.6 acre-feet of storage in a diversion dam. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 234 acres and 3.34 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 829-2 will still apply at this hearing. A copy of the June 2 and 9, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General
Don C Word, Belvidere SD 57521

829-2

CERTIFICATION

I hereby certify that on April 15, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 15, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 829-2 addressed as stated below:

Don G. Word, Belvidere, SD 57521.

Don C. Word, Belvidere, SD 57521.

Copy Sent Inter-office To:

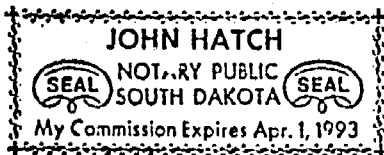
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 16th day of April, 1992.



John Hatch
Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 829-2 FOR IRRIGATION

Date of Receipt of Claim May 11, 1964.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 829-2 for irrigation purposes for Don G. Word, Belvidere, SD, 57521 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 829-2 appropriates 3.12 cubic feet per second of water from a dry draw to irrigate 234 acres and provide for stock watering. The point of diversion and a 73.6 acre foot storage dam are located in the SE1/4 NE1/4 Section 1, T3S, R24E. The irrigated lands are located in the SW1/4, SE1/4 Section 31, T2S, R25E and in the N1/2 NW1/4 and NW1/4 NE1/4 Section 6, T3S, R25E.
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 to December 31.
3. The priority date of the Vested Water Right is January 1, 1940.
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.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 829-2 FOR IRRIGATION

(1) Don G. Word of Belvidere, SD made Application No. 829-2, May 11, 1964 for validation of a vested right claim to appropriate 3.4 cubic feet of water per second from a dry draw, Jackson County, South Dakota for irrigation purposes. Vested Water Right No. 829-2 was validated May 6, 1992 with a priority date of January 1, 1940. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

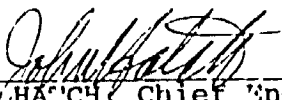
An April 25, 1989 inspection of the water use system found the acres being irrigated had been reduced from 239.8 to 234 acres. Based upon the inspection and subsequent validation of Vested Right Claim No. 829-2, the license is being reissued to reflect the acreage actually irrigated and the reduction in diversion rate.

(2) The applicant is entitled to divert 3.34 cubic feet of water per second for beneficial use. The location of the diversion point (73.6 acre feet storage dam) is in the SE 1/4 NE 1/4 Section 1, T3S, R24E.

The location of the irrigated acreage is:

<u>Section 31-T2S-R25E</u>	<u>NW 1/4 SW 1/4</u>	<u>4 Acres</u>
	<u>NE 1/4 SW 1/4</u>	<u>37 Acres</u>
	<u>NE 1/4 SE 1/4</u>	<u>9 Acres</u>
	<u>NW 1/4 SE 1/4</u>	<u>37 Acres</u>
	<u>SW 1/4 SW 1/4</u>	<u>18 Acres</u>
	<u>SE 1/4 SW 1/4</u>	<u>40 Acres</u>
	<u>SW 1/4 SE 1/4</u>	<u>33 Acres</u>
	<u>SE 1/4 SE 1/4</u>	<u>2 Acres</u>
<u>Section 6-T3S-R25E</u>	<u>NW 1/4 NW 1/4</u>	<u>14 Acres</u>
	<u>NE 1/4 NW 1/4</u>	<u>25 Acres</u>
	<u>NW 1/4 NE 1/4</u>	<u>15 Acres</u>
	<u>Total-----</u>	<u>234 Acres</u>

(3) Pursuant to Section 46-5-30.1 Don G. Word of Belvidere, SD 57521 the holder(s) and/or owner(s) of Vested Water Right No. 829-2 is issued a license to appropriate 3.34 cubic feet of water per second from a dry draw with a priority date of January 1, 1940 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 829-2 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Division
 Department of Environment and
 Natural Resources

JUN 29 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Don G Word
Belvidere SD 57521

Dear Mr. Word:

The Water Management Board has validated the enclosed Vested Water Right No. 829-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 16, 1992

SECOND NOTICE
PERMIT NO. 829-2

Don C. Word
Belvidere, SD 57521

Dear Mr. Word:

I am contacting you with regard to ownership of Vested Right No. 829-2. The vested right was recently validated under the Name of Don G. Word. It is our understanding that you own the land instead of Don G. Word. In order to change ownership of Vested Right No. 829-2, you will need to file a "Notice of Transfer".

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Vested Right can then be transferred to your name. If you are not the present owner of the land covered under this Vested Right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mail piece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mail piece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

829-2

4a. Article Number

P 906 559 921

Don C. Word
Belvidere, SD 57521

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

7-22-92

5. Signature (Addressee)

Don C. Word

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

No. 829-2

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

Date: 7/24/92

I/We request that Vested Water Right No. 829-2

formerly owned by: Don G Word

be transferred to: (name & address) Don C. Word Box 115

Bellevue S.D. 57521 (Telephone No.) 344-2597

Title to the following described land(s)/property has been transferred as described above:

234 acres - SW 1/4, SE 1/4 Section 31, T2S, R25E; N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 6

T3S, R25E

I/We understand that the validity of Vested Water Right No. 829-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

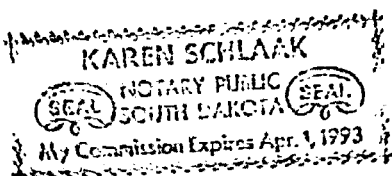
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Don C. Word 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 that I know of my own personal knowledge that the information herein stated is true.

Don C. Word
(Signed)

Subscribed and sworn to before me this 24th day of July, 19 92.



Karen Schlaak
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 24, 1982

RECEIVED OF Don C. Word, Box 165, Belvidere SD 57521

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 829-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ks)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1992

No. 829-2

Don C. Word
Box 165
Belvidere, SD 57521

Dear Mr. Word:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 829-2.

Our records now show you as the owner of Water Right No. 829-2.

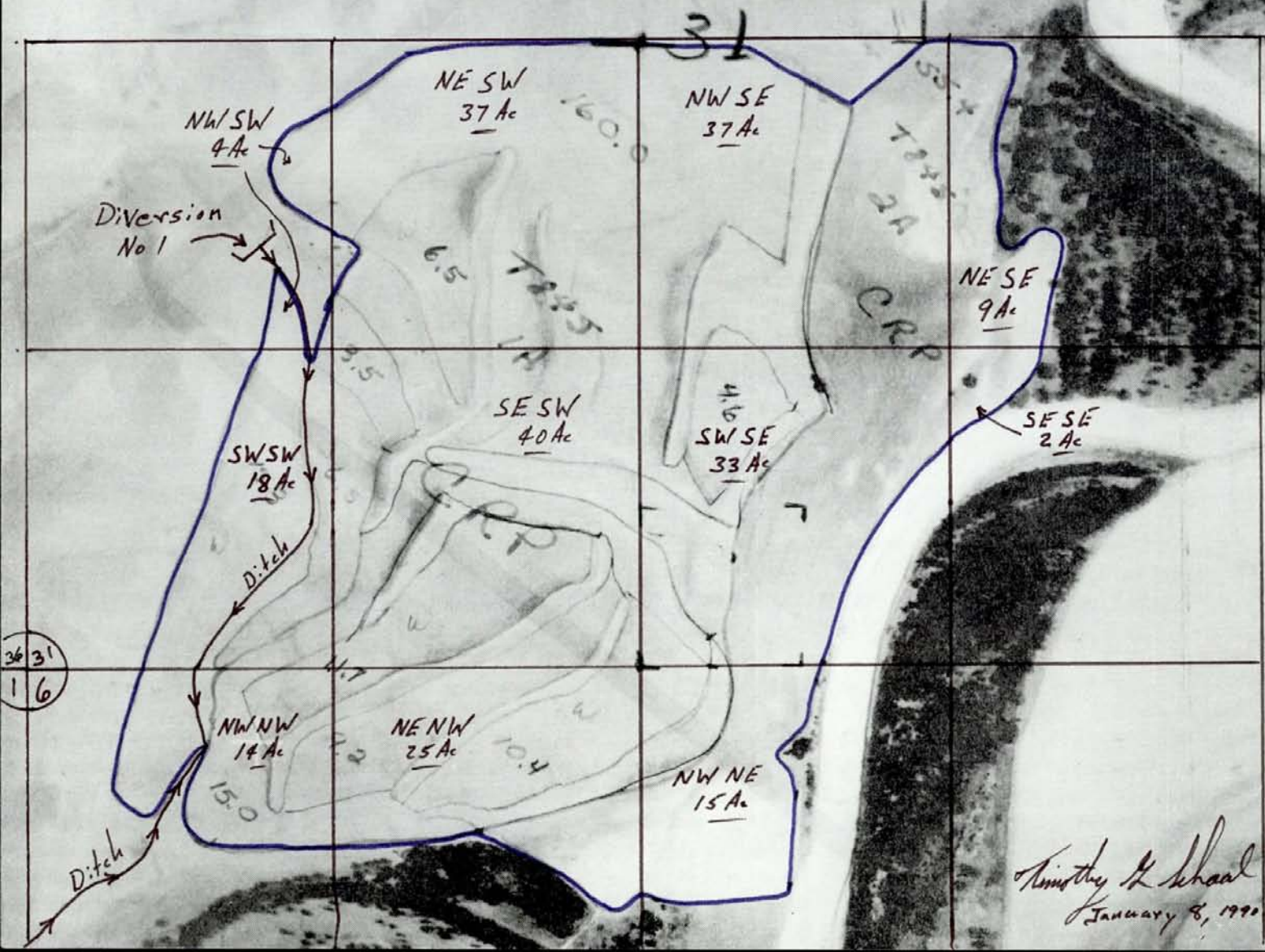
Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

NOT TO SCALE

92-R



Kimberly L. Schaal
January 8, 1990



NOT TO SCALE



12
Anthony H. Schaal
January 8, 1990

